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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

SENATE—*Wednesday, September 19, 1984*

(Legislative day of Monday, September 17, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be offered by the son of the Senate Chaplain, the Reverend Richard Christian Halverson, Jr., pastor, Chesterbrook Presbyterian Church, Falls Church, VA.

PRAYER

The Reverend Richard Christian Halverson, Jr., pastor, Chesterbrook Presbyterian Church, Falls Church, VA, offered the following prayer:

Let us pray.

God our Creator, we do not know all the personal concerns, hurts, insecurities, or problems which may be in those who work here today. But we know of Your love which heals wounds, casts out fears, and bears burdens.

We do not fully understand what keeps many of us apart from each other or causes division, distrust, or hatred. But we know of Your love which has the power to reconcile us even in our greatest differences.

This morning we pray that as the Sun has faithfully risen apart from any efforts or accomplishments of our own, so may Your merciful, everlasting love be freely shed abroad into every building, room, and corner of this Congress; and as it is made incarnate by vulnerable and humble vessels, may it be seen and felt by every person here, regardless of their position, status, color, creed, or religion.

We ask this of our Heavenly Father who did not spare His own Son, but delivered Him up for us all. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

RESERVATION OF LEADERSHIP TIME

Mr. BAKER. Mr. President, I ask unanimous consent that, to the extent leader time is not utilized by either leader this morning, it be reserved for our respective use at any time during the course of this calendar day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this morning, after the period for the transaction of routine morning business ends at 11:40, we will have 20 minutes of debate on the motion to proceed to the consideration of Senate Resolution 66, which is the TV in the Senate resolution. The vote is to occur on that motion, by previous order, at 12 noon.

I hope that the Senate will agree to proceed to the consideration of Senate Resolution 66, and I anticipate that if we do, a cloture motion may be filed to limit debate on the resolution itself. If that is done, I will consult with the minority leader on the matter of returning then to the consideration of the trade bill, which was pending at the time cloture was invoked on yesterday.

Mr. President, I hope that this week we can finish the trade bill and the highway bill, together with other matters that may be cleared for action, but those two major items.

I would like to finish the TV in the Senate resolution. But, in all fairness, and with an excess of candor, perhaps, I do not think we can finish it this week, and it may be next week before the Senate finally speaks on that matter.

So I hope we can do the trade bill to completion and the highway bill to completion this week.

Mr. President, next week, in addition to TV in the Senate, we will have from the House of Representatives the continuing resolution; and it will be time to start down the path that will lead us to adjournment sine die on October 4.

There may be other items we will take up, and I have enumerated them before. We need to get on with the matter at hand, so I urge Senators to consider that we pass these two bills in order to do that.

Mr. President, to conclude and to summarize, I hope the Senate will vote affirmatively to proceed to the consideration of Senate Resolution 66 today at 12 noon. If we do so, I anticipate that a cloture motion will be filed to limit debate on the resolution itself.

If that does occur, then perhaps it would be wise for the Senate to turn to something else. The trade bill was pending at the time cloture was invoked, and I intend to talk to the minority leader about returning to the trade bill. It is my hope that we can do the trade bill and the highway bill this week, because we have much to do next week.

Mr. President, if I have time remaining, I yield it to the control of the minority leader.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. WARNER). The minority leader is recognized.

SENATE SCHEDULE

Mr. BYRD. Mr. President, I have this to ask of the distinguished majority leader in connection with the laying out of the schedule for us, as he has been doing for the last several days.

What can the distinguished majority leader tell the Senate as to whether or not the Genocide Convention will be brought before the Senate before adjournment sine die?

Mr. BAKER. Mr. President, I thank the minority leader.

It is my understanding that the Foreign Relations Committee is meeting

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

today and perhaps will report that convention today to the Executive Calendar. If that is so, we will take a look at what the reporting requirements are, how much time will be required, and the minority views, if there are any, and we can make some judgment about when it can be available and can be brought up. Looking at it right now, and assuming that there will be a report, my guess is that it would be late next week before we could possibly reach it, since today is Wednesday.

Then we will be into the CR season, so to speak. But it is still a matter that is on my agenda, and I have a request from the President to act on the measure.

I might also say that I have one other request from the President, and that has to do with the balanced budget amendment, and there is that resolution on the calendar as well.

So it is possible that the leadership on this side will ask to consider either or both of those matters in the time remaining.

Mr. BYRD. Mr. President, I believe I understand what the distinguished majority leader has in mind with reference to the balanced budget amendment. He has indicated this to me previously.

For the record, would it be the intention of the majority leader to call up that resolution as a freestanding resolution and have the Senate work its will on that resolution, or would his intention be to offer that resolution as an amendment to another vehicle?

Mr. BAKER. Presently, it is the intention of the leadership on this side to deal with the item on the calendar with the joint resolution which has been reported by our committee and is on our calendar as a freestanding measure.

Mr. BYRD. I thank the distinguished majority leader. Does he have anything else?

Mr. BAKER. No. I thank the minority leader.

Mr. BYRD. Mr. President, I do not believe I have any further use of my time at this point.

I wish to reserve it, if I may. I do not know that I will need it during the discussion on the trade bill if and when that comes back before the Senate, and I take it from the distinguished majority leader's statement that that will be coming back before the Senate today.

So I ask unanimous consent that I may reserve my remaining time to that point if I need it in order to avoid violating the Pastore rule, and I doubt that it would so violate that rule in any event.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, since the minority leader has reserved his time and the next item of business is the special order, and the distinguished Senator from Wisconsin is not here, as we can all understand, since it is a little earlier than we expected it, I ask unanimous consent that I may suggest the absence of a quorum without charging the time against the time allocated to him on the special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Wisconsin.

ADELMAN VERSUS SMITH DEBATE ON NUCLEAR ARMS CONTROL

Mr. PROXMIRE. Mr. President, the Washington Post of Sunday, June 17 carried a written debate between Kenneth Adelman, the Reagan administration's Director of Arms Control and Disarmament, and Gerard Smith who held the same position under President Nixon. Mr. Smith also headed the U.S. delegation to the SALT I talks and served as special ambassador for nucelar nonproliferation in the Carter administration. The subject of the debate is the Reagan arms control policies. Is arms control healthy and moving ahead? Is it reducing the risk of nuclear war? Or has it been skillfully scuttled by the Reagan administration?

President Reagan's arms control administrator, Adelman, contends that the administration has made progress in reducing the prospect of nuclear war and will make much more progress in the future. He bases his argument first on the assertion that far fewer nations have nuclear arms capability now than experts generally predicted 20 years ago and 10 years ago. Adelman's conclusion: Past and current policies must be reducing the spread of nuclear weapons. Arms control is working? But he fails to offer a single policy the administration has pursued or even advocated that has lessened proliferation.

On the contrary, the administration's consideration of or approval of the export of nuclear technology or materials to Argentina, which was heavy water, South Africa, a metallurgical press and reactor service contracts, and India, fuel, in all cases substantial nuclear technlogy or materials, reveal the administration as one which has proliferated and proliferated substantially nuclear technology and nuclear knowledge and the potential at least for nuclear weapons construction.

Certainly the latest administration agreement to sell nuclear energy plants to China shows a cavalier disregard of the proliferation threat. China has been reliably reported to have provided sensitive nuclear materials or technology to other states. It is true that China already has its own nuclear military arsenal. But it is also true that a U.S. supplied nuclear powered utility industry in China would make China a potential and perhaps a very big exporter of nuclear technology. In fact, Westinghouse has proposed a contract that would make China a major nuclear exporter. So what? Has China not pledged not to sell nuclear technology without the necessary safeguards? No, it has not. The Premier of China did indeed assert in a White House toast that the Chinese do not proliferate. But note the tense of that toast. It says nothing about the future or the past. It simply asserts that at the moment, right now, the time the toast was uttered, China did not proliferate. But, Mr. President, if there is any signed document or agreement that would inhibit Chinese to sell to other countries without safeguards of the technology originally supplied by the United States, it has not been revealed.

Adelman also argues that there has been nothing like the Bay of Pigs, the Berlin Wall or Soviet armies or armies supplied by the Soviets seizing South Vietnam, Angola, Ethiopia, Cambodia or Afghanistan during the Reagan administration. These events, contends Adelman, accompanied the array of arms control agreements between the United States and the Soviet Union.

The obvious Adelman implication: The absence of arms control agreements in the Reagan administration has not meant any of the series foreign policy losses to the Soviet that occurred in the era of arms control negotiations. So if the Soviets are not willing to dicuss reasonable arms control agreements, reasons Adelman, we ought to recognize that no arms control agreements and a stronger U.S. led free world is better than arms control agreements that simply advance the cause of world communism.

Now how about all this? What does Gerard Smith reply? Smith contends that like it or not the best way to prevent nuclear war must be from arms control. He disagrees with Adelman's conclusion that arms control has hurt the free world and damaged our prospects for peace. He asserts that:

Fragile though it is, the existing framework of nuclear arms limitation—including the Limited Test Ban Treaty, the Nuclear

Nonproliferation Treaty, the ABM Treaty and the SALT I and SALT II agreements on offensive forces—provide a comprehensive containment of nuclear weapons.

Smith contends that this fragile framework is in dire jeopardy because of Reagan policies that are tearing it apart or will do so in the near future. On April 12, the State Department announced it is considering launching the Trident submarine next year without dismantling an existing submarine. Smith says this would be a violation of both SALT treaties, and that it would destroy the SALT limits on offensive weapons.

Smith also points out that the administration has made three major arms control proposals: First, relating to the intermediate nuclear forces in Europe; second, respecting intercontinental missiles and bombers; and, third, with respect to chemical weapons.

He charges—this is Smith, who, as I have pointed out, was an appointee of President Nixon as the arms control expert—he charges that each is one sided, each of the Reagan proposals is one sided, each is nonnegotiable and calls the proposals show boating.

But, more important, Smith charges that these proposals have served a purpose precisely opposite from arms control. They have in each case given the administration a rationale to urge Congress to build nuclear weapons to strengthen our arms control positions. The INF needed the Pershing II and ground launched cruise missiles deployed in Europe. START required the MX, the B-1 bomber, and the Trident II submarine. Negotiations on chemical weapons, according to Smith, gave President Reagan a useful argument to try to persuade Congress to produce new U.S. chemical weapons.

Also, charges Smith, the administration has repeatedly sent witnesses up to the Congress to testify that our arms control agreements no longer serve our interests, for example, Weinberger's testimony against the ABM Treaty, and Keyworth's pitch that Congress should not allow the treaties prohibiting extending nuclear weapons into space to stand in the way of the Reagan Star Wars proposals.

Smith concludes by pointing out that the President's own Scowcroft Commission concluded that "arms control in an indispensable element" of national security policy to reduce the risk of nuclear war. As for the Reagan record, Smith says:

The President and his arms control staff have had ample opportunity to prove their mettle. Three years of work have produced zero progress. All previous presidents since Eisenhower had some arms control agreement to their credit. While Soviet obduracy must be considered in judging the Reagan record, history will not be easily satisfied with the superficial excuse that "it takes two to tango."

Mr. President, I ask unanimous consent that both the article by Kenneth Adelman and the article by Gerard Smith to which I have referred be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WHO'S RIGHT ABOUT HOW TO HANDLE THE RUSSIANS, REAGAN OR HIS CRITICS?

REAGAN'S RIGHT: THIS IS THE MOST PEACE WE'VE HAD IN AGES

(By Kenneth L. Adelman)

It has become fashionable to depict U.S.-Soviet relations as tumbling to their lowest point ever in the postwar area. Indeed, the picture is often portrayed so as to suggest that we are on a road to nuclear war somewhere in the not-too-distant future.

Before this rhetorical roll gains yet more momentun, we should pause to ask: Is it all really true?

Many of the words from Moscow recently have been harsh. The Soviet leadership talks about Italy possibly suffering the fate of Pompeii, Scandinavia and Japan burning in nuclear fires and President Reagan pursuing a Hitler-like policy. Such statements are indeed aggravating. The refusal of the Soviets to participate in nuclear arms talks is lamentable. The increased patrol of Soviet submarines off U.S. coasts is worrisome even if they have prowled these waters for many years. And the Soviet Olympic boycott is regrettable.

But are we, really, in a situation where the chance of U.S.-Soviet conflict and nuclear war are higher than in the past? Are we really less secure today then we were four years ago?

I think not. Quite the countrary. The two most likely paths to nuclear conflict—use by a Third World leader who gets his hands on the bomb in some regional conflict or use in a Soviet-U.S. conflict—are less probable today than in the past.

The first of these possibilities could come about only as the result of nuclear proliferation. Herein, surprisingly, lies one of the success stories in the realm of arms control. One of Parkinson's wisest laws states that the success of a policy can be measured by the catastrophes which do not happen. By that measure, we have here a welcome success.

And it has been an unforeseen amount of success at that. In 1958, a special committee of the National Planning Association predicted in a monograph that "by 1970, most nations with appreciable military strength will have in their arsenals nuclear weapons—strategic, tactical or both." In the early 1960s, President Kennedy warned of a world in 1975 with 15 to 20 nuclear weapon states.

Such dire forecasts have not come to pass, largely because for over 30 years we have worked with many other countries to build and buttress the political, legal and moral barriers against the spread of nuclear weapons.

This has been accomplished in a relatively undramatic but ultimately effective way, helping to hold proliferation in check. Reinforcing and, as necessary, revising policies and programs for stopping the spread of nuclear weapons have received top priority under President Reagan.

Herein, not surprisingly, also lies a critical areas of U.S.-Soviet dialogue and cooperation. In the past few years, this dialogue has been extensive and intensive. It has not been halted by the Soviets, as were the nuclear arms talks. This dialogue endures because the Soviets, like we, share a deep concern about the spread of nuclear weapons. The prospect of a Khomeini, Qadaffi, Amin or other such leader acquiring nuclear weapons is unsettling to them, as it is to us.

Though we still have much to do on nonproliferation, this path to nuclear weapons use is considered today less likely in the future than was estimated in earlier years. As Barry Blechman, a former arms control official in the Carter administration, wrote just recently; "A realistic current assessment of the potential number of nuclear weapon states in 1990 would be roughly one-third . . . [that of] previous assessments." We strive to cut that even further, but it is still good progress.

The second most likely path towards nuclear war, that through Soviet-U.S. conflict escalation, is likewise less likely today than in years gone by. Undeniably, we have serious problems in Central America and the Middle East, particularly in the Persian Gulf. Nonetheless, the world flashpoints are less numerous and less heated than many that have come before.

Just go back two decades, for example, and compare President Kennedy's 1,000 days in office to President Reagan's first 1,200 days. The Kennedy era is popularly recalled as one of suave and skillful American stewardship over foreign affairs. Yet, during that brief time, we endured the Bay of Pigs fiasco, a disastrous U.S.-Soviet summit in Vienna, a buildup of U.S. involvement in Vietnam, the construction of the Berlin Wall and, certainly not least, the Cuban missile crisis. Those were dangerous days. Events during the past three plus years, no matter how nettlesome, certainly do not match that cascade of crises.

Likewise in the 1970s, when the U.S.-Soviet dialogue was so rich and hopes for detente so high, regional crises were nonetheless severe. From 1970 to 1976, while American and Soviet leaders held five summits and engaged in any array of arms control negotiations with each other, the Soviet Union fully backed and armed the continuing infiltration of North Vietnamese troops into South Vietnam—making a peaceful settlement of the conflict impossible. The Middle East then erupted and the Soviets threatened to intervene with their own troops in the conflict, prompting us to go on strategic nuclear alert. Those too were dangerous days.

In many ways, 1975 symbolized the whole decade. In that year, there was a full-blown U.S.-Soviet dialogue—a Ford-Brezhnev summit in Helsinki and four Kissinger-Gromyko meetings—and severe regional reverses or scares: the fall of three countries in Southeast Asia; a NATO ally, Portugal, being gravely threatened by communist subversion, and the Soviets arming and dispatching thousands of Cubans to Angola to enable the Marxists to win that civil war. During the first six months, Secretary Vance and Ambassador Dobrynin met some 25 times, followed by the Carter-Brezhnev summit in Vienna. Still, regional crises flared. There was the flap over a Soviet brigade in Cuba; the false Soviet statements adding fuel to the already-blazing fires in Iran after the American hostages were seized, and, most seriously, the massive Soviet invasion of Afghanistan—called by President Carter the greatest crisis since World War II.

It is remarkable to recall that in each year from 1975 to 1980, armies largely supplied

by Moscow or Soviet forces invaded or seized control of a different country: South Vietnam in 1975, Angola in 1975-76, Ethiopia in 1977, Cambodia in 1978 and Afghanistan in 1979.

Nothing on the scale of these crises has happened over the past three years. This is all to the good, not only for those around the globe spared the imposition of totalitarianism, but also because greater regional stability diminishes the chances of U.S.-Soviet conflict.

The Soviets have, since 1981, encountered resistance. This is the inevitable product of their own actions. At the same time, American strength and leadership have been restored.

Even so harsh a critic of the administration's handling of Soviet affairs as Strobe Talbott of Time Magazine writes in his new tract, "The Russians and Reagan": "Soviet expansionism has been slowed; embittered and impacted as the Soviet-American relationship was, it was also remarkably free of full-scale crisis" during the Reagan administration. He points out that of the three major wars during this period—Iran-Iraq, Lebanon and the Falklands—"none had become a superpower confrontation."

This is the key point. The world is not more dangerous today. The factors that make it more stable, that dampen chances of nuclear conflict, are active U.S. diplomacy and relationships, which calm down potential flashpoints and build up regional security; and increased U.S. deterrent strength, which demonstrates to a potential aggressor that any attack would be too costly, that the anticipated pain far outweighs any conceivable gain. Our arms control proposals, which are designed to reduce the number of nuclear weapons on both sides and to reduce the risk of war, could reinforce these factors, were the Soviets willing to agree.

These factors make the recent words of President Reagan, that "the world is a little bit safer than in the past," right on the mark.

To be sure, there is room to improve the current state of affairs. And it does need marked improvement. President Reagan has attempted to do just that by strengthening Allied and other relationships; by restoring a credible military posture, and by embarking on a wide-ranging arms control agenda. He has sought to reopen and deepen the U.S.-Soviet dialogue, as shown in his Jan. 16 speech and through a variety of private channels. A better dialogue and active nuclear arms talks would be preferable to continued Soviet absence from negotiations if the Soviets were willing to undertake serious talks.

But they haven't been willing for the past six months. They walked out of the Geneva talks on European nuclear forces and have not agreed to our proposal to resume START talks on long-range weapons not because of the Reagan administration's approach to the Soviets, not because of any previous or existing rhetoric, and not because of the ambitious "deep cuts" we seek in nuclear arms. They walked out, quite simply, because NATO stayed the course set in December 1979. That of course called for deployment of missiles to counter the ever-growing number of highly mobile and threatening SS-20 nuclear missiles, if arms control was not successful.

It is hard to imagine any U.S. administration proceeding differently on deployments in the face of Soviet insistence on its "half-zero" option—hundreds of warheads for the Soviet side versus zero for our side. And it is hard to imagine any administration accepting such a lopsided arms control "solution" (quite apart from whether any U.S. Senate would ratify such a skewed accord).

The administration still strongly hopes that the Soviets will recognize, and act on, their interest by returning to the nuclear arms talks. At the same time, we look forward to constructive responses from the Soviet Union to our new proposals for a global ban on chemical weapons, for conventional force reductions in Europe and for measures to reduce the risk of surprise attack in Europe.

But our beckoning is different from their returning. It brings to mind the question Hotspur asked, when his cousin bragged in "Henry IV, Part I," that he could "call spirits from the vast deep" to help them. "Why so can I, or so can any man, but will they come when you do call for them?"

He's Wrong: Belligerence Without Arms Talks Leads to the Brink

(By Gerard C. Smith)

Since 1963, the United States and the Soviet Union have been able to take a series of modest but significant steps toward controlling the nuclear arms race. The agreements they have reached have created an elaborate set of rules governing the size and nature of each side's forces and enabling each to keep track of the other's weaponry.

Though the arms race has continued apace, these agreements have at least established a starting point for the later achievement of more meaningful controls and reductions. It is now clear, however, that the actions of the Reagan administration are leading to the collapse of all that has been achieved, and can destroy what remains of the negotiating process.

This is an alarmist conclusion, granted. But a careful analysis of the words and deeds of this administration confirms it. Adroit public handling of its policies may allow the administration to appear dedicated to arms control, and to blame the Soviet Union for unraveling the process. But unless this government changes its course soon, history will record that the last hope of a contractual superpower relationship to control nuclear arms was forfeited by Ronald Reagan.

One does not have to be an arms expert to appreciate what is now going on. The administration's words and deeds may be as confusing as a puzzle but the pieces can be put together, even by laymen. Here are some of the important ones:

Administration officials have repeatedly testified before Congress that continued adherence to past arms control agreements may no longer serve American interests. Officials have also claimed that future limitations on a variety of nuclear and other weapons are problematical because of an alleged inability to effectively verify compliance with any proposed agreements.

Secretary of Defense Caspar W. Weinberger said on April 8 that he had "never been a proponent of the ABM Treaty." On April 25, President Reagan's science adviser, Dr. George A. Keyworth II, urged the Congress not to allow previous or future treaty obligations to interfere with the president's "Star Wars" plan for a space-based missile defense and other space weapon activities.

Kenworth warned that we should not allow our "options" to deploy weapons in space to be "blocked by a previous patchwork of treaty obligations." Assistant Secretary of Defense Richard Perle has said he opposes certain arms agreements even if they are verifiable.

On April 12, the State Department announced that the United States is considering launching the seventh Trident missile-carrying submarine next year without dismantling an existing submarine. This would be a violation of SALT I and II limits and would torpedo the fragile SALT limits on offensive nuclear weapons. (Neither SALT agreement on offensive weapons is legally in force, but Moscow and Washington have both agreed to continue respecting them as long as the other side does. The informality of this arrangement naturally makes it very easy to break.)

The administration is aggressively pursuing the president's Strategic Defense Initiative (SDI), better known as "Star Wars." In February it announced an accelerated, five-year, $26 billion program to develop and test components for tracking and shooting down Soviet ballistic missiles in various stages of flight. The Star Wars concept is also being sold to NATO allies with the dubious promise that the defensive shield envisioned could also protect Western Europe.

The ABM Treaty strictly limiting systems designed to attack incoming enemy missiles precludes developing and deploying many of the components that would go into a Star War defense. While the government talks about amending the treaty to accommodate these new systems, that is legally impossible without making a dead letter of the treaty.

The administration has also embarked on a multibillion dollar program to develop antisatellite (ASAT) weapons. In April, the president informed Congress that an arms agreement limiting ASATs is unlikely and that negotiations will not now be initiated. This demonstrates that the administration has little interest in preventing the further spread of weapons to outer space.

In January, the administration dramatically aired charges of possible Soviet violations of arms control agreements, though most of the charges it listed were based on ambiguous evidence; they may have been violations, but they may not have been, too. Arms control opponents in the administration, while admitting that the alleged violations do not have military significance, are using them to argue against adherence to existing agreements and negotiation of new ones.

The administration has made three major arms control proposals—on European-based, intermediate range forces (INF), on intercontinental-range missiles and bombers (the START proposal) and on chemical weapons. All three share the same essential character: at first blush, especially to the uninformed, they appear reasonable; in fact, as informed specialists realize, they are one-sided and nonnegotiable. In the arms control community, this kind of "negotiating" is called showboating.

The two proposals to limit missiles have been efforts to use arms control to force the Soviets to fundamentally restructure their nuclear forces without any equivalent constraints on the United States.

Revealingly, all three initiatives have been presented as supportive of particular American weapons programs. The administration maintained that progress on INF required the Pershing II and ground-launched cruise missile (GLCM) deployments in Europe; START required the MX missile, B-1 bomber and Trident II submarine, and to negotiate the chemical weapons proposal, President Reagan has said, requires producing a new generation of binary weapons.

The 1972 ABM Treaty banning nationwide defense against ballistic missiles is the most significant Soviet-American arms control agreement achieved to date. Successful conclusion of a treaty precluding large-scale defensive systems made it possible to then negotiate limits on offensive weapons.

The ABM treaty was based on a recognition by the superpowers that a nationwide missile defense system could only increase the risk of nuclear war. What's wrong with trying to develop defenses? After all, it is their aim to destroy missiles and not people, to protect rather than to threaten. True, but intent and effect are wholly different. Nuclear weapons have blurred the distinction between offense and defense.

For years, American and Soviet security has involved a condition of mutual insecurity—like two scorpions in a bottle each unwilling to sting the other lest it be stung to death. If one side came to believe that it was stingproof it could be tempted to attack. Therein lies the gravest danger in the nationwide defense systems envisioned by the president.

You may be sure that U.S. efforts to build defenses will be matched by the Soviet Union. When this happens, our concern about being attacked will mount; in future crises, the temptations to strike first will be greater.

The idea that new defensive systems could actually reduce our security is no abstract theory; it is based on lessons drawn from recent history. In the late 1960s, the Soviets deployed the "Galosh" ABM system to defend Moscow. The main justification for the large subsequent increase in U.S. strategic offensive warheads through the development of multiple warhead missiles (MIRVs) was to ensure a capability to penetrate the new Soviet defenses. American MIRVs were quickly followed by Soviet MIRVs and an enormous increase in the number of Soviet warheads. As a result, both nations now have to live with enemy forces that include numerous offensive warheads targeted against each of their land-based missiles. These ratios give a potentially large advantage to the country striking first in a war—a source of dangerous instability.

Deployment of a modern missile defense system would have similar consequences. Each superpower would strive not only to match the ABM system of its rival but to find ways to penetrate it.

The second element undercutting arms control is the development, testing and deployment of a new generation of weapons. Among them are advanced antisatellite (ASAT) weapons, mobile land-based intercontinental ballistic missiles (ICBMs), strategic sea-launched cruise missiles and "stealth" bombers not easily detectible by radar.

Arms control rests fundamentally on two premises: a political willingness to negotiate agreements and a technical ability to verify them. If their development is not aborted, verification of these new technology weapons will be difficult or impossible. Their advent could effectively remove the essential technical foundation for negotiated security, whatever might develop regarding political willingness.

For example, proponents of small, mobile Intercontinental Ballistic Missiles like them because an enemy could not see where they were at any one time, so could not target them. But missiles that can't be seen can't be counted precisely either. An arms control agreement based on numerical limits would be difficult to imagine in a world of mobile "midgetman" missiles.

What about the argument that there are now so many nuclear weapons on both sides that we can stop trying to count or control them? Even the Reagan administration rejects that view. Indeed, its spokesmen are now saying that agreements to reduce offensive armaments are essential if their proposed strategic defensive system is ever to be effective. Without limits on offensive rockets, even the Star Wars system—if it worked, which it won't—could be overwhelmed.

Unfortunately, the prospects for unraveling the existing arms control regime now seem excellent. The electoral process offers little hope for arresting this erosion. The foundation for future arms control may be removed before the November election.

Election campaigns are too consumed by domestic problems and political posturing to permit arms control to be more than a distant second-priority issue. The positions of the candidates will be tailored to address specific issues and serve specific constituencies, so that the broader question of the termination of arms control will be obscured. Candidates will attack policies but not their overall thrust, adding to the obfuscation of central issues.

The proliferation of proposals for rescuing arms control has not been helpful: deep cuts of various kinds, "build-down," the freeze, nuclear-weapons-free zones, etc. These initiatives have cluttered the public agenda with "quick fix" formulas while obscuring recognition of past arms control accomplishments and realistic future negotiating possibilities. The result has been petty bickering among the backers of various "instant gratification" proposals.

While a large segment of the public has been won over to arms limitation, it does not know what that means concretely. The confusion over the proper approach to constrain nuclear weapons has led to condemnation of "classical" negotiated arms control, especially by the freeze movement. This allows the administration to pursue its strategy unchallenged.

The Congress offers little hope for saving the existing nuclear arms limitation structure and the prospect for future accomplishment. It is divided, consumed with concern for formulaic approaches to arms control, intimidated by the popularity of the executive branch and prone to dilatory and personally self-serving measures.

What makes this a particularly critical time for the future of arms limitation is that both of the superpowers are on the threshold of a new era in strategic technology.

Far from being "asleep" in the development of strategic weapons during the past decade, the United States has been ahead in making the transition to the new technical era. It will probably continue to dominate, at least for some time, development of weapons which are intrinsically hard to detect and are made even more deceptive by the addition of "stealth" technology. History suggests, however, that this lead will be short-lived.

Gradually, both superpower arsenals will be dominated by these new weapons. Apart from arms control considerations, the advent of these systems will dramatically reduce the ability of U.S. intelligence to monitor Soviet weapon deployments. Ending the SALT regime will further prejudice U.S. intelligence capabilities, as the Soviets will again be free to conceal their strategic deployments and interfere with our intelligence operations (both are forbidden by the SALT agreements).

This transition will lead to higher vulnerability for targets of all kinds and high levels of uncertainty for strategic planning and budgeting. Such uncertainty will create pressures for military spending even beyond projected levels.

Ironically, though, this time of political and technological challenges to arms control is also the moment when serious arms control efforts could do more to counter the threats of vulnerability and uncertainty than any other component of our national security policy. Fragile though it is, the existing framework of nuclear arms limitation—including the Limited Test Ban Treaty, the Nuclear Non-Proliferation Treaty, the ABM Treaty and the SALT I and SALT II agreements on offensive forces—provides a foundation for a comprehensive containment of nuclear weapons.

The Reagan administration often argues that result of the last 15 years of arms control talks have been "disappointing." This author, having spent over three decades working in arms control, is well aware of the frustrations and disappointments that have often resulted from negotiating with an adversary. Progress has been modest, but the SALT process has produced significant achievements, and much more is possible.

Realizing this potential requires a serious commitment to the task. During the past several years, the administration has based its arms control proposals on the false premise that the United States is in a position of strategic inferiority to the Soviet Union. Arms control cannot and should not be used as a method for catching up with the Soviet Union. As long as the U.S. continues to hold such an assumption, we will never achieve an arms agreement.

The draft agreement that the United States offered at the START talks last fall, while revised from earlier proposals, would still require the Soviets to dramatically restructure their strategic nuclear forces while permitting the United States to proceed fully with its planned nuclear buildup. The Soviets cannot be expected to accept deep cuts in their ICBMs if the United States remains unwilling to put on the table weapons that the Soviets find threatening.

For example, banning MX makes good strategic sense if it can be traded (along with other inducements) for a ban on new Soviet ICBMs and reductions in their existing ICBM force. It is also unlikely that the Soviets will agree to significant cuts in ballistic missile warheads without some meaningful restrictions on American heavy bombers and cruise missiles. The administration has failed to make such an offer.

We must begin negotiations in other areas of arms control that have recently been neglected. A destabilizing arms race in space could be avoided through an agreement to ban antisatellite weapons. A comprehensive and verifiable ASAT agreement is possible but it will require sincere, concerted effort.

Another arms control priority should be the achievement of a complete ban on nuclear weapons testing. Although we have come close on several occasions to achieving a comprehensive test ban treaty, it has eluded us. Advances in our technical ability to monitor Soviet tests have eliminated the main obstacle to a treaty.

Arms limitation requires initiatives that are equitable, negotiable, verifiable, durable and stabilizing. If we fail to offer such proposals, the likelihood for both the superpowers is that economic considerations will produce uneven, unilateral arms restraint in the years ahead. Where there might have

been mutually negotiated security, there will be greater peril, doubt and insecurity for both sides.

The president and his arms control staff have had ample opportunity to prove their mettle. Three years of work have produced zero progress. All previous presidents since Eisenhower had some arms control agreement to their credit. While Soviet obduracy must be considered in judging the Reagan record, history will not be easily satisfied with the superficial excuse that "it takes two to tango."

The president's bipartisan commission on strategic forces, the Scowcroft commission, concluded that "arms control is an indispensible element" of national security policy to reduce the risk of nuclear war. No amount of new weaponry can make up for our lack of success in this essential area.

RELIGIOUS OPPRESSION IN CUBA

Mr. PROXMIRE. Mr. President, the history of Cuba over the last 25 years is one of the great tragedies of modern times. It is a history of a gifted and industrious, people, whose hopes for freedom and democracy have been cruelly and systematically denied. It is the history of a revolution which overthrew the Cuban dictator, Fulgencio Batista, only to be replaced by an even more ruthless dictator. It is the history of one of the greatest tyrants of our time, Fidel Castro, who promised the Cuban people that he would restore democracy and respect the law and human rights, but instead has brought ruin and misery to his people.

Cuba has been ruled for 25 years by one man, Fidel Castro, and a group which seized power in 1959. Cuba's Communist Party, like all Communist parties in power, dominates all aspects of daily life, controlling the means of production and distribution of all goods, services, and information, public communication, public welfare, and education, as well as national defense, foreign relations, and public security. Under these circumstances, the human rights of the Cubans are systematically and repeatedly denied, subordinated instead to the aims of the Cuban Communist Party, as defined by its maximum leader, Fidel Castro.

Human rights violations transfuse all parts of the Cuban society and affect most Cubans. But one segment of the Cuban society is particularly singled out for oppressive actions by the Communist rulers—that segment is religion.

The Cuban Government enforces an active antireligious policy. In the early years of the revolution, the extensive Catholic educational system was destroyed by the Government and hundreds of priests were expelled from the country.

Today, a network of formal and informal restrictions has the effect of limiting religious activity. The official state ideology of atheism is taught on all levels of the educational system. Specific constitutional and statutory provisions are designed to restrict religious observance and education. Cuban law prohibits the observance of religious events when they conflict with work obligations or patriotic celebrations.

Mr. President, it is not difficult to discern that these practices against religious expression in Cuba are reminiscent of similar conditions in Nazi Germany prior to World War II. These conditions, if left unnoticed, can lead to an environment in which genocide can occur. That is why it is imperative for the United States to realize exactly what is being practiced in Castro's Cuba. But that alone will not be sufficient. The Senate should also ratify the Genocide Convention that has been before it for 35 years now. This action would help accelerate the development of a firm principle of international law—that life is sacred.

Our ratification of the Genocide Convention will make it clear to everyone in the world that the United States cherishes and solemnly pledges to safeguard the right of every national, ethnic, racial or religious group to exist.

The Senate's delay has been too long. I urge the Senate to take action and ratify the Genocide Convention.

THE ECONOMIC ILLUSION—WHAT YOU SEE IS NOT WHAT YOU WILL GET

Mr. PROXMIRE. Mr. President, at this moment our country seems to be enjoying a full-fledged economic recocery—vigorous overall economic growth, solid increases in personal income. Productivity has improved. Profits are rising. Buiness investment is improving. We also enjoy this strong recovery with a surprising moderation of inflation. Industry is operating close to 85 percent of capacity. The recovery has entered its third year and yet inflation behaves beautifully. Meanwhile, the Congress and the administration have lightened the tax burden considerably. Superficially, we seem to have entered an economic nirvana. So why knock it?

Well, Mr. President, we should knock it. What I have just reported, what we see, is, indeed, superficial. Consider some other aspects of today's American economy. Here we are in the third year of an economic recovery and we are still burdening the country's future with a Federal deficit that this fiscal year will exceed $170 billion. Keep in mind, this is not wartime. This is not the depth of a depression or even a recession.

In this prosperous, peacetime America, the Congress has put together back-to-back Federal deficits that total in only 2 years more than a third of a trillion dollars. That massive sum far exceeds any 2-year deficits in American history under any circumstances. It will bedevil future generations with additional tens of billions of dollars American taxpayers will have to pay in interest every year on this new addition to the national debt.

Furthermore, the deficits will not disappear in the future. There is every indication they will get worse. Oh, sure, some up-beat optimists argue that after the 1984 Presidential election, the President and the Congress will get down to brass tacks—we will cut spending; we will increase taxes; we will bring this deficit monster under control.

But, will we? Well, maybe. But it will be far tougher than most of us realize. First, in spite of the immense stimulating effect of these colossal deficits, the economy has slowed down this summer far more than most Americans realize. Last May—4 months ago—the unemployment rate was 7.4 percent. And what was it last month in August? It was exactly the same—7.4 percent. How much improvement did we have during the summer in jobs? None. We still have 8.5 million Americans seeking jobs and unable to find them. Most economists expect unemployment to improve further in coming months. Maybe it will, but maybe it will not. And 7.4 percent unemployment is an historically high figure. In the past, that level of unemployment would generally have been regarded as a mark of recession.

Furthermore, the Bureau of Labor Statistics reports that we have high levels of workers employed part time for economic reasons, a very high level, higher than we have had in most recessions. These are people who want full-time jobs but can only find part-time work. The latest figures also show a high proportion of so-called discouraged workers. These are persons who want to work but are not considered unemployed because they have given up actively seeking work. Perhaps the saddest figure is the fact that more than two-thirds of the unemployed do not qualify for unemployment compensation. In many cases these people have been pushed onto welfare.

Now, keep in mind, Mr. President, that we still have this high level of unemployment with no improvement for 3 months at a time when we have other evidence that the recovery has slowed down and maybe stalled. The latest 2 months for which we have figures show consecutive drops in the leading economic indicators. The leading indicators are a compilation of 12 measures of future economic activity. They include such indications of the kind of future economic activity we can expect as building permits which always precede building activity and new orders which necessarily precede

increased production. They have been generally accurate in foretelling the economic future. After 21 consecutive months of favorable forecast, the economic indicators dropped in both of the last 2 months. Furthermore, retail sales fell last month. Housing starts dropped by a fat 13 percent below July and 18 percent below last year.

Mr. President, the reason that I have detailed this long tale of woe is that it will be hard for the Congress and the President to cut Federal spending and increase taxes next year, after the election, under any circumstances. But if the recovery has stalled out as it seems to be doing, if we seem to be slipping into a recession, either a cut in spending or an increase in taxes will be impossible. Even if the Congress should summon the courage to cut spending, the recession demands of increased unemployment compensation, increased welfare costs, and other mandated recession relief programs would require more Federal spending. The Congress would almost certainly not increase taxes in a recessionary economy. But even if we did, revenues might not increase, because of the dropoff in income and profits. A higher tax rate under those circumstances would not bring in greater revenues.

I do not mean to be a prophet of gloom and doom, as some might characterize the report I am making this morning. But I think what I have reported is realistic. We must recognize that we face a grim, tough challenge in economic policy in the future.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11:40 a.m. with statements therein limited to 1 minute each.

S. 3006—LICENSING PROCEDURE BY FEDERAL ENERGY REGULATORY COMMISSION

Mr. EVANS. Mr. President, yesterday I introduced S. 3006, a bill to amend the Federal Power Act of 1920 as it relates to licensing procedures by the Federal Energy Regulatory Commission. The bill requires that, before the Commission grant any new preliminary permits, licenses, relicenses, exemptions, or other approvals of hydroelectric facilities on the Columbia River or its tributaries, it develop procedures for prior consolidated reviews and prior assessment of the cumulative environmental impacts of individual projects in a given river basin. Furthermore, the legislation requires that FERC develop detailed procedures and a timetable for full implementation of the Columbia River Fish and Wildlife Program developed by the Pacific Northwest Electric Power and Conservation Planning Council.

Mr. President, fish and wildlife resources of the Columbia River Basin have been adversely affected by past hydroelectric development and could be harmed even more by future development. The records of the Federal Energy Regulatory Commission, which licenses non-Federal hydroelectric development, suggest that most new hydroelectric development will be accomplished by private or non-Federal public entities. The FERC has at least 400 applications pending for hydroelectric development in Idaho, Oregon, Montana, and Washington, and approximately 400 outstanding preliminary permits in those four States. Many of the applications and permits are for projects throughout the Columbia River Basin. Most of these recent proposals are for hydroelectric projects of less than 5 megawatts. Many of the hydroelectric projects are proposed for tributary drainage basins which contain important anadromous fish habitat.

Although individual projects may have no significant adverse effects on the fish and wildlife resources of the basin, the cumulative effects of such development throughout a river basin could be quite harmful to migratory fish. At present, Federal review procedures generally are limited to assessments of individual projects. Little or no consideration is given to cumulative effects of such dams.

Mr. President, the Pacific Northwest Power and Conservation Planning Council in its Fish and Wildlife Program recommended many procedural and substantive standards designed to ensure that no new hydroelectric development takes place without consideration of cumulative effects on fish and wildlife. I served as chairman of the Northwest Power Planning Council when these recommendations were made and I share the Council's enthusiasm for recommendations.

I believe that Federal agencies should assess and mitigate cumulative environmental effects of multiple hydroelectric projects on fish and wildlife. It appears that additional study is needed to design methods for assessing cumulative effects and incorporating such assessments into Federal review processes. I do not suggest that a permanent moratorium on hydroelectric development on the Columbia River and its tributaries is necessary or even appropriate. I do think, however, that no further projects should be approved until the Federal Energy Regulatory Commission develops criteria and methods for assessing potential cumulative effects on hydroelectric development on fish and wildlife.

Mr. President, the Northwest Power Planning Council's Fish and Wildlife Program includes measures to support future hydropower development at the least sensitive locations and with minimum environmental impact. With these safeguards, needed additional hydropower development can occur in an environmentally sound manner. Additional hydropower resources will not be needed in the Pacific Northwest until the early 1990's. The present surplus of electric power in the region allows sufficient time to study the impacts of hydropower development and to refine methods for alleviating them.

Mr. President, I ask my colleague and friend Senator GORTON be added as a cosponsor of S. 3006. I further ask unanimous consent that a copy of S. 3006 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Federal Power Act (Act of June 10, 1920, 41 Stat. 1063, 1065 and Acts amendatory thereof and supplementary thereto) is amended by adding the following new subsection at the end thereof:

"On and after the date of enactment of this subsection, no permit, license, lease, relicense, exemption, or other approval or authorization for dams, conduits, reservoirs, or other works for storage or carriage of water, or for the development of power, shall be granted or made on the Columbia River or its tributaries until the Commission has developed and adopted, in consultation with the Pacific Northwest Electric Power and Conservation Planning Council (hereafter, the Northwest Power Planning Council) (established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697)), detailed procedures for prior consolidated reviews of individual proposals in a given river basin, detailed procedures for prior assessment of the cumulative impacts of individual projects in a given river basin, and detailed procedures and a timetable for full implementation of the Northwest Power Planning Council's Columbia River Fish and Wildlife Program.".

IN MEMORY OF JERRY VOORHIS

Mr. CRANSTON. Mr. President, my old friend, former Congressman Jerry Voorhis, passed on unexpectedly a few days ago at the age of 83.

When he died, Jerry had been out of public office for almost 40 years. But he had never lost his zest for public issues or his compassion for humanity.

Few still remember that for 10 years Jerry Voorhis ably and energetically represented California's 12th District in Congress, from 1937 to 1947.

Sadly, many who do remember his name recall only that he was the first victim of Richard Nixon's campaign tactics.

That is not the way Jerry Voorhis deserves or would want to be remembered.

His life was a monument to caring about others.

On August 1 of this year, Jerry entered the small hospital unit of Claremont Manor, a retirement center where he and Louise, his lovely wife of almost 60 years, had lived since 1972.

Two weeks later, flat on his back, suffering from emphysema, his hand no longer firm, Jerry wrote me one last short note just 3 weeks before he died:

> Just to beg you to do all you can to prevent the deportation of refugees from dictatorship of Central America. They will probably return to great danger if forced to go home. Thank you so much. As ever. Jerry.

During my 16 years in the U.S. Senate, Jerry has written me often: as many as 40 times a year—almost once a week.

He never sought anything for himself—only to share with me compelling pieces he had read on public issues, or to express briefly his own views, so often in concert with mine.

He wrote succinctly, politely, and respectfully—almost apologetically, as though he hated to interrupt my Senate work—yet still managed to convey his deep feelings about human needs.

And he was a loyal friend, staunch in support of my efforts on issues of mutual concern.

He cared deeply about the issues of war and peace, about meeting the needs of the poor, and about insuring adequate health care for all, especially the elderly.

He worried about the mad armament race and President Reagan's efforts to promote it. He supported a moratorium on nuclear testing and a nuclear freeze, and opposed funding for first strike weapons—including the MX missile—and chemical weapons.

He wrote in support of the Legal Services Corp., hospital cost containment and low-income energy assistance, as vital assistance to the poor and those with marginal incomes, and he opposed President Reagan's attempt to cut programs that provide food for the hungry.

He supported energy conservation and development of clean renewable energy sources, and my own long-term energy plan.

Jerry Voorhis lived a full, diverse life.

Born Horace Jeremiah Voorhis in Ottawa, KS, to well-off but peripatetic parents, Jerry was educated in public schools in Kansas, Colorado, Oklahoma, Missouri, and Michigan.

He graduated Phi Beta Kappa from Yale University in 1923. Following graduation he held jobs in a factory and as a freight handler on a railroad.

Then he toured Germany as a representative of the YMCA, then returned to the United States and took work as a cowboy in Wyoming and on an auto assembly line in Charlotte, NC.

From 1925-27, he taught school at Allendale Farm School at Lake Villa, IL, and at the Dray Cottage Home for Boys at Laramie, WY.

He moved to California in 1928, opening the Voorhis School for Boys in San Dimas, where he was headmaster and trustee for a decade.

During this period, he obtained his masters degree in education from Claremont College and taught American history at Pomona College.

After failing in a try for the State legislature in 1934, he was elected to the 75th Congress in the election of 1936, as a progressive Democrat representing the predominantly Republican 12th district, by 8,500 votes.

He won reelection by increasing margins four times, despite a gerrymandering attempt by the Repubican-dominated State legislature in the early 1940's.

A staunch New Dealer, Congressman Voorhis championed the development of economic cooperatives and proposed an alteration of the monetary system that included the nationalization of the Federal Reserve System.

He was chosen by the Washington press corps as the Member of Congress with the greatest integrity and was voted the hardest working legislator by his congressional colleagues.

In 1946, Los Angeles lawyer Murray Chotiner and a group of conservative Republicans got together determinedly for the purpose of finding someone to run against Jerry Voorhis.

After some effort, they found Richard Nixon.

The key to how the unknown Nixon got elected by defeating the popular Voorhis has been told before, but bears repeating.

Thousands of voters in the district picked up their telephones and were given this messages:

> This is a friend of yours, but I can't tell you my name. I just want to tell you that Jerry Voorhis is a Communist.

Later, Life magazine, in a piece generally sympathetic to Nixon, nevertheless reported:

> Voorhis was a strong New Dealer but nothing that he had ever said or done could be even remotely mistaken for procommunism. Nevertheless, Nixon managed to equate him with Communism. . . .

Nixon won the House seat in the 80th Congress by 15,000 votes, ending the political career of Jerry Voorhis and launching Nixon's.

Ironically, Nixon's campaign tactics, which he continued to use throughout his career, led him not only to the pinnacle of political success—election and reelection to the Presidency—but also to his ultimate disgrace.

Jerry Voorhis always felt somewhat responsible for providing Richard Nixon the chance to do whatever damage he may have done along the way.

Voorhis said in a 1974 interview that he felt he had let the country down by not getting elected in 1946. "I'm sorry and repentant about it."

Although he never again tried for elective office, Jerry remained active in local Democratic party politics.

He became executive director of the Cooperative League of the United States, an organization involved in setting up food and other cooperatives, serving in that capacity until 1965 and then for 2 years as president.

He was executive secretary of the Group Health Association for more than 20 years, and also active in the National Association of Housing Cooperatives and various consumer action groups.

He wrote several books, including Confession of a Congressman in 1947, The Strange Career of Richard Milhous Nixon in 1972, and Christian in Politics.

In a 1941 speech, he described his sense of what the world needs most:

> If I were to say what I believed was the most important single need of the world today I would say it was this: for one people somewhere in the world to give to all mankind of living proof and demonstration that they can, without loss of liberty and without resort to governmental compulsion, solve the economic problems of this power age, end poverty in the midst of plenty, and make the machine the servant of man and not his master.

Jerry Voorhis is survived by Louise, by their daughter and two sons, and by grandchildren including his granddaughter, Victoria, who worked on my staff in 1977.

Norma joins me in sending our deepest sympathy to the Voorhis family. We will miss greatly hearing from this dedicated, intelligent, caring and gentle man.

THE CIVIL RIGHTS ACT OF 1984

Mr. KENNEDY. Mr. President, I take the Senate floor to urge the leadership to schedule the Civil Rights Act of 1984 for action before the Senate adjourns on October 5.

Twenty years ago this summer, the Senate debated and resolved a fundamental question that has divided our country not just since the civil war but since the first slaveship arrived from Africa. The basic issue we discussed—and thought we had settled—during that long hot summer of 1964 was whether or not the Federal Government has the power to act to correct racism, injustice and discrimination wherever it existed in this land.

Some Americans believed that racial segregation had ended in 1954, when the Supreme Court issued its decision in Brown against Board of Education. But the truth is, little real progress was made on civil rights until the Civil

Rights Act of 1964—specifically title VI, which prohibits discrimination because of race in any program receiving Federal aid.

For 20 years, title VI of that act has been on the statute books—and its effect has been one of the greatest peaceful revolutions in our history.

Almost immediately, the prospect of losing Federal aid caused schools, hospitals, and States and local governments to reconsider their policies on discrimination, almost overnight, title VI became one of the most powerful tools for reducing racial discrimination in America.

And it also became a precedent for dramatic progress in other areas where discrimination had been epidemic in our society—against women, against the elderly, against the disabled. Congress enacted new laws to assist those disadvantaged groups—and all of these laws were modeled on, indeed virtually identical to, title VI of the landmark Civil Rights Act of 1964.

In 1972, we enacted title IX, to prohibit discrimination in education on the basis of sex. In 1973, we adopted section 504 of the Rehabilitation Act to outlaw discrimination against the handicapped. And in 1975, the Age Discrimination Act was written into law to guarantee the same protection to the elderly. As a result of these actions by Congress:

The participation of women in sports in high schools and colleges has soared since the enactment of title IX; disabled youngsters in record numbers are at last receiving special education since the enactment of section 504.

Black enrollment in colleges increased by 92 percent in the decade of the 1970's.

But suddenly, on February 28, 1984—all of our progress against discrimination in each of these areas was placed at risk by the decision of the Supreme Court of the United States in the case known as Grove City College against Bell.

At the instigation of the Reagan Department of Justice, the Supreme Court ignominiously reached out—in a blatantly activist decision that violated the most basic conservative principles of judicial restraint and statutory construction—and crippled title IX by narrowing it beyond recognition.

The Grove City College case is the Dred Scott decision of the 20th century—it is a license for a wholesale return to the evils of discrimination in the critical areas of race, sex, age, and handicap, and it is a decision that Congress cannot and must not permit to stand.

The Grove City decision is a gaping hole in all our antidiscrimination laws—not just those against sex discrimination—because all the other key statutes forbidding bias based on race or age or handicap contain provisions essentially identical to those cut down by the Supreme Court in its decision on sex discrimination.

At a single stroke, the Supreme Court has unfairly jeopardized the hard-won rights of millions of women, minorities, elderly and disabled citizens in every region of our country.

If allowed to stand, there will no longer be any all-inclusive prohibitions against sex, race, handicap, or age discrimination in schools, colleges, hospitals, State, and local governments, or any other recipients of Federal aid.

The consequences of the Court's decision were felt almost immediately. Within a matter of weeks, the Department of Education's Office of Civil Rights dropped 18 pending cases in the area of higher education, and four additional cases in the area of elementary and secondary education, because of the Supreme Court's ruling in the Grove City College case.

No Congress that believes in the principle of equal justice under law could acquiesce in a misguided ruling like that. And so, on April 12, a broad bipartisan coalition in both the House and the Senate introduced legislation to reverse the decision and restore the four major civil rights statutes that had been placed in jeopardy. The response to that legislation was immediate and effective. Two House committees unanimously reported the legislation, and on June 26, 1984, the bill was overwhelmingly approved in the House of Representatives by a vote of 375 to 32. Meanwhile the original list of cosponsors in the Senate grew from 52 to 63.

In short, the support for this legislation is broad, bipartisan, and deep. During many days of hearings, top ranking civil rights officials in four past administrations, Republican and Democratic alike, unanimously endorsed the bill.

But from the beginning of this legislative battle, a small but determined band of implacable opponents of civil rights have waged a relentless campaign against Senate action on the bill.

They have argued that the bill will impose a new and massive yoke of Federal intrusion on the States and the private sector. And at every stage of the debate, these opponents of civil rights have had the tacit support of the Justice Department and the White House.

After passage by the House, our opponents resorted to the all too familiar delaying tactics in the Senate that have often given this Chamber its reputation as the graveyard of civil rights.

Their shameful arguments have no more merit in 1984 than they did in 1964. As in 1964, we are told that the bill will result in new intrusions into the prerogatives of State and local governments that will threaten our constitutional system. As in 1964, we are threatened with a filibuster by those who say they want only to clarify our intent.

The truth is that the opponents of this bill never had any intent of supporting this legislation or any other civil rights bill. They are determined to talk both on and off the Senate floor until the pressure of adjournment forces us to accept defeat.

But we are no less determined. We are prepared to debate this bill around the clock. We are prepared to answer the charges of our opponents. Above all, we are prepared to insist that the 98th Congress will not adjourn until the Senate has had a fair chance to vote upon this measure.

The issue at stake is as clear as it is fundamental—Federal tax dollars should not be used in any way, shape, or form to subsidize discrimination.

From the beginning, the sponsors of this legislation have stated and restated our intention to do nothing more than restore the status quo which existed before the Supreme Court's decision in the Grove City College case. But our opponents have repeatedly come forward with extremist legal analyses and bizarre examples to obscure the merits of the issue.

Let there be no mistake about this point. We intend the coverage of this bill to be no broader than it has been for the 20 years. But we also intend it to be no less broad. We intend recipients of Federal money to be covered in their entirety, as they have been for the past 20 years. We do not seek to expand coverage or enforcement beyond what was clearly understood to be the law prior to Grove City. But neither will we retreat a single inch from that prior law because some recipients of Federal money now say they want the right to their Federal subsidies free of any obligation to act against discrimination.

During the Senate hearings, administration representatives argued that so-called ambiguities in our bill created the prospect of new and expanded coverage under the four civil rights laws which our bill amends. Because of these concerns, Senator PACKWOOD and I, with the active participation of Senator DOLE and the majority leader, have met repeatedly with representatives of the Reagan administration, including Assistant Attorney General for Civil Rights Brad Reynolds, and with representatives of the civil rights community, in an effort to reach a common understanding on the language of our bill.

Beginning last June, all the parties conducted an exhaustive reexamination of the issues. We said that we would accept any clarifying language that was offered consistent with our intent—but that we would never accept substantive amendments or leg-

islative history retreating from the protections in prior law.

These meetings have continued for the past 3 months. Issues were explored in exhaustive detail—and substantial progress was made. But so far, each time we have approached a final agreement, the administration and its supporters have backed off.

We still have time to find a solution that will permit Senate consideration and rapid enactment of this bill before adjournment. But the time for talk is nearly over, and the time for voting is at hand. Let me repeat as clearly as I can—the Senate must not adjourn without the chance to vote on this legislation.

Our opponents continue to claim that enactment of this legislation will vastly expand the powers of the Federal Government, and extend coverage of these laws far beyond what Congress originally intended. All of these claims are false and unfounded.

But in order to answer these objections once and for all, the proponents of the bill have decided to clarify our measure with an amendment that deals plainly with all of the objections raised.

When we go to the Senate floor, we will offer a compromise package that precisely incorporates all areas of coverage as they were construed and applied before the Grove City decision. Only those who were classified as "recipients" of Federal aid under the criteria and standards developed over the past 20 years will continue to be recipients in the future. Those who were not recipients under those standards will not be recipients under the law we seek to pass.

With respect to the key issues of coverage of States and localities, our amendment excludes departments and agencies which neither receive Federal financial assistance nor are primarily involved in carrying out the purposes for which the assistance was granted.

With respect to most private businesses, the substitute makes clear that only those establishments of a corporation that receive Federal financial assistance are covered. For example, if one plant of an auto company receives a Federal grant, another plant of the same company would not be covered unless it also received a grant.

Finally, the substitute amendment ensures that the scope of the termination authority remains narrow and pinpointed to the discrimination which exists.

That is where we stand this afternoon, 2 weeks from final adjournment of the Senate.

This legislation can pass—and pass easily, with overwhelming bipartisan support—if the President of the United States is willing to take the simple step of telling Congress that he wants it.

For months, we have waited for the President's answer; but all we have received is obstruction, indecision, and delay. Now, time is running out. And so today we take the Senate floor to ask President Reagan as clearly as we can: "Where do you stand, Mr. President? Are you for civil rights or not? Are you for the Civil Rights Act of 1984—or against it?"

There is no doubt that this legislation is the most important bill remaining on the calendar. Long after the trade bill, and the highway bill, and the continuing resolution, and the Debt Ceiling Act are disposed of, this Congress and this Senate will be judged by a single test—"Did we stand up for civil rights—or take a walk?"

And let there be no doubt in any Senator's mind that, before the 98th Congress is history, the Civil Rights Act of 1984 will be brought before the Senate for a vote.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business has expired.

TELEVISION AND RADIO COVERAGE OF THE SENATE

Mr. BAKER. Mr. President, would the Chair lay before the Senate the pending business?

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, the motion to proceed to the consideration of Senate Resolution 66, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the consideration of Senate Resolution 66 to establish regulations to implement television and radio coverage of proceedings of the Senate.

The Senate resumed consideration of the motion to proceed.

Mr. BAKER. Mr. President, time is not controlled in this 20 minutes. However, I think in all fairness, if there are speakers we should try informally to allocate the time. But that does not seem to be the problem before me at this moment. I do not see anybody here. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I know it is 12 o'clock or close to it, depending on whose clock you look at, but I need to talk to the minority leader just for a moment. So that I may gain that time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

VOTE ON MOTION TO PROCEED

Mr. BAKER. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Massachusetts [Mr. TSONGAS], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—67

Abdnor	Garn	Moynihan
Andrews	Gorton	Nickles
Armstrong	Hart	Packwood
Baker	Hatch	Percy
Baucus	Hawkins	Pressler
Biden	Heflin	Pryor
Bingaman	Heinz	Quayle
Bradley	Hollings	Riegle
Bumpers	Humphrey	Roth
Byrd	Jepsen	Rudman
Chafee	Kassebaum	Sarbanes
Chiles	Kasten	Sasser
Cochran	Kennedy	Specter
Cohen	Lautenberg	Stevens
Cranston	Leahy	Symms
Danforth	Levin	Thurmond
DeConcini	Lugar	Trible
Denton	Mathias	Warner
Dixon	Matsunaga	Weicker
Dole	McClure	Wilson
Domenici	Melcher	Zorinsky
Evans	Metzenbaum	
Exon	Mitchell	

NAYS—32

Bentsen	Goldwater	Murkowski
Boren	Grassley	Nunn
Boschwitz	Hatfield	Pell
Burdick	Hecht	Proxmire
D'Amato	Helms	Randolph
Dodd	Huddleston	Simpson
Durenberger	Inouye	Stafford
Eagleton	Johnston	Stennis
East	Laxalt	Tower
Ford	Long	Wallop
Glenn	Mattingly	

NOT VOTING—1

Tsongas

So the motion to proceed was agreed to.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 66) to establish regulations to implement television and radio coverage of proceedings of the Senate.

The Senate proceeded to the consideration of the resolution.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, the resolution is now pending, and I have previously announced and advised the minority leader and other Senators who are particularly interested in this issue of what I am about to do.

CLOTURE MOTION

Mr. President, I now send a cloture motion to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Senate Resolution 66, a resolution to establish regulations to implement television and radio coverage of proceedings of the Senate.

Senators Howard Baker, Ted Stevens, Steve Symms, Jake Garn, Paul Trible, Strom Thurmond, Warren B. Rudman, Thad Cochran, Dan Quayle, Slade Gorton, Charles Mac Mathias, James Abdnor, Lowell Weicker, Mark Andrews, Pete Wilson, Gordon Humphrey, Don Nickles, and Charles Percy.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the provisions of rule XXII require that the vote on this motion will come on Friday of this week unless other arrangements are made or unless the Senate is not in session on Friday.

Given that circumstance, I suggest to the Senate since we are in our last days of this session of Congress, some thought should be given to whether or not other matters might be dealt with in the time between now and next Friday or perhaps next Monday. I think particularly if any conference report that is available, and I know the disability conference report is available.

As I announced yesterday, I wish to return to the consideration of the trade bill and also as I announced I wish to finish the trade bill and get on to the highway bill yet this week because it is imperative, in my judgment, that we do that highway bill so that the Interstate Highway Program and other matters will not be adversely affected.

So, Mr. President, I wish now to consult with the minority leader and with the managers of this resolution on how we might proceed.

If some Senator wishes to speak now on the resolution he is free to do so, but otherwise I am going to suggest the absence of a quorum so that we may have that conference.

Mr. SARBANES. Mr. President, will the majority leader yield for a question?

Mr. BAKER. I yield.

Mr. SARBANES. I understand it is the majority leader's intention, since he has filed the cloture motion, between now and Friday to deal with other matters; is that correct?

Mr. BAKER. Yes. Just in terms of trying to get as much done as we can, I have suggested that.

I have no desire to cut off anybody or to reduce the time desired for debate on this issue. But I thought maybe we could do both, have some debate on the TV resolution and also do the trade bill and the highway bill.

Mr. SARBANES. I take it from that that it is the majority leader's expectation that the vote on the TV issue will really be on the resolution as it is before the Senate.

Mr. BAKER. Not necessarily, Mr. President. I think amendments, of course, can be offered to the resolution and I expect will be offered to the resolution.

Once again, I have no desire to limit any Senator's opportunity to speak or to offer amendments and the Senate to dispose of them. But I guess I am suffering from the leadership anxiety about getting as much done as we can before we go out.

So I would like to also, in addition to our action on TV in the Senate, try to finish work on the trade bill and the highway bill yet this week.

Mr. LONG. Will the Senator yield at that point?

Mr. BAKER. Yes.

Mr. LONG. Mr. President, there are several of us who desire to speak in opposition to the Senator's cloture motion between now and the time it comes to a vote. Some of us are ready to start talking now, and there are some Senators who are ready to offer amendments.

At the same time, if I understand the rules—and I think I do; if I am in error, the Senator can straighten me out—conference reports are privileged matters. If the disability conference report is ready, it can be brought up, and I have a speech ready to make on the disability conference report. That is a matter of very serious concern, and I see Senators on the floor who are very much interested in it Senators who sponsored that legislation and who played a major legislative role in it. They are entitled to discuss the disability conference report.

If I recall, it requires no more than a simple majority vote to move the Senate onto the trade bill which, as far as this Senator is concerned, must be passed. So it is a judgment call on which matter we want to vote on and which one we want to talk about at the moment.

I will try to cooperate and consider all that is involved. I am very sympathetic to the efforts of the distinguished Senator from Missouri, Mr. DANFORTH, and the chairman of the committee, Mr. DOLE, in trying to see that the trade bill is considered. I will cooperate in trying to see that we do have an opportunity to consider other measures as well as this pending one.

Mr. BAKER. Mr. President, the distinguished Senator from Louisiana has been most cooperative, not only in terms of our moving to other matters, such as the trade bill or a conference report, but also on the matter of the orderly handling of the TV in the Senate debate. I think I know how strongly he feels on this issue and any number of times he could have obstructed the pattern and procedure that has been laid out to ask the Senate to address that, but he has not done that and I am grateful. I am also grateful to him for his remarks now.

Mr. President, it is my understanding of the rules that, as the Senator from Louisiana pointed out, if the Senate chooses to go to a privileged matter such as the conference report on the disability bill, as soon as that matter is disposed of, the Senate will resume consideration then of the TV in the Senate resolution which would not displace it, would not put it back on the calendar; indeed, going to any privileged matter would not do that, I believe.

Mr. President, I put that as a parliamentary inquiry. Is that not the case?

The PRESIDING OFFICER. A privileged matter would not displace TV in the Senate.

Mr. BAKER. I thank the Chair.

Mr. President, what I hope we could do now is to get a time agreement on the conference report on the disability bill, and then, in the meantime, maybe we could work out an arrangement on going to the trade bill and maybe even arrange a time to get to the highway bill and still have time for Members to offer amendments to the TV in the Senate resolution and to debate it.

If the minority leader is prepared for me to do so, and the managers of this resolution, I am prepared to ask the Senate now to turn to that conference report. But, before I do, could I inquire of the minority leader and the Senator from Louisiana if we might enter into a time agreement on the conference report at this time.

Before I do that, may I inquire, are there any items in disagreement to this conference report?

The PRESIDING OFFICER. The conference report is not yet at the desk.

Mr. BAKER. Then I guess I am a little premature.

Mr. BYRD. May I respond to the distinguished majority leader?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, as far as I am concerned, I have no problem with the majority leader proceeding to take up that conference report. As to a time agreement on it, I have no problem with that. I can only speak for myself at this point because we have not run the telephones.

Mr. BAKER. Could I inquire of the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I have prepared a statement, and I think my statement is essential to the legislative history of this measure. My statement will take about 20 minutes. If we had a 1-hour limitation, which is a figure that we had discussed, I would point out that that leaves on this side of the aisle only about 10 more minutes available for someone, if I take the amount of time that I assume I would probably take. But the other side might not be planning to use all their time.

I do not anticipate any serious opposition to this conference report, but I also anticipate that there are Senators, such as the Senator from Michigan, Mr. LEVIN, and the Senator from Maine, Mr. COHEN, who have played a significant part and a leading role in this measure, and who will undoubtedly want to be heard about the matter and to explain both what they like about the conference report and perhaps what they might not like about the conference report.

I would point out to the leader that this is a very significant measure. This program is presently costing about $18 billion a year. The long-range estimate on this program is $23 billion a year, measured in current dollars. The Senator from Louisiana is concerned that we must see that it does not some day become $85 billion a year.

We will have some statements to make in good faith about the matter which I think are essential for the record. I do not think it is going to take any inordinate period of time. I would think we might be able to dispose of the conference report in an hour, and if not, maybe in 1½ hours.

Mr. BYRD. Mr. President, the Democratic cloakroom is presently prepared to run the request. What would be the majority leader's proposal as far as a time agreement is concerned?

Mr. BAKER. I have conferred with the distinguished chairman of the Finance Committee and I had a conversation with the distinguished ranking minority member. They have both suggested, I believe, an hour, equally divided.

Mr. GOLDWATER. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. GOLDWATER. Mr. President, we have not heard yet from the majority leader about the probability of the conference report on the Department of Defense reaching this floor. I would remind my leader that we have 27 amendments proposed by the Senate that have not even been discussed. And I can envision that bill taking most of the week. Has the leader thought about that?

Mr. BAKER. Mr. President, may I say to my friend from Arizona that I think part of my waking hours for the last week have been devoted to that, principally in meetings with the Speaker, and with others trying to resolve it. I talked perhaps dozens of times to the White House and to the Secretary of Defense on the details of how this matter might be resolved so that both the authorization bill and the appropriation bill might go on an agreed basis that was satisfactory to the President. All I can say at this time is that those negotiations are still underway. I remain somewhat hopeful that they might resolve the issue. I think we are pretty close. But if we cannot resolve the issue pretty soon, we will have no alternative except to try to get the bill up and do the best we can with it in the Senate.

But I would ask the Senator from Arizona to let us try a little while longer to see if we cannot get a compromise that the White House will agree to and accept, and that the House of Representatives will agree to pass and send to us.

Mr. GOLDWATER. Will this take precedence over other legislation on the floor?

Mr. BAKER. Mr. President, it would in this sense: It is imperative that we pass, in my opinion, not only the defense authorization bill, but also a defense appropriations bill. I am trying very, very hard to keep defense from being in a continuing resolution on appropriations, and I am determined, if possible, that we should not fail to pass a defense authorization bill. So it is right up there among the absolute must items with debt limit and the continuing resolution that must be done before we get out.

Mr. GOLDWATER. I thank my friend.

Mr. BAKER. I thank my friend from Arizona.

Mr. PRYOR. Mr. President, I wonder if the leader would yield to me for a moment.

Mr. BAKER. Yes.

Mr. PRYOR. Out of a sense of courtesy and fairness, and I have heard the leader several times in the last few moments mention going to the trade bill, I first want to commend the managers of the trade bill. I would like to state to my colleagues at this time that it is not my desire to block the trade bill. I support the trade bill with one exception. That exception relates to an industry that is very vital to the State of Arkansas; that is, the bromine industry. I have discussed this matter with the Senator from Missouri, Senator DANFORTH, with the distinguished chairman of the Finance Committee, Senator DOLE, and with the distinguished Senator from Texas, Senator BENTSEN. But I am stating at this point to the very distinguished majority leader, for whom I have the greatest respect, that if a unanimous-consent request be propounded to go back to the trade bill at this point in the proceedings, I would have to object. I do that with greatest reluctance, and also with greatest respect.

Mr. BAKER. I thank the Senator from Arkansas. He is always most courteous, and always a good friend. Let me outline how I would propose to approach that. We are not now in a cloture situation. With the adoption of the motion to proceed to the consideration of Senate Resolution 66, that ended the post-cloture situation.

So it would not require a unanimous consent to get to the trade bill. It very well may be that is the way the leadership would attempt to do that. But it could be reached by motion, as could the highway bill, and as could a conference report. But I hope that the Senator from Arkansas will give me an opportunity to confer with the managers to see if we cannot address his questions and his problem. I recognize as a sister and adjoining State that there are problems unique to our region. For a moment there, I thought the Senator was going to talk about rice. But had I interjected that, I would have been wrong. I have not yet addressed the question of how bromine affects Arkansas, but I am prepared to do so.

Mr. PRYOR. The majority leader has just given the Senator from Arkansas an idea, and I might end up doing that if there is a motion.

Mr. BAKER. I will never forgive myself for having opened my mouth.

Mr. PRYOR. We have a lot of fine recipes, as I recall.

Mr. BAKER. I do remember the Senator reading at length, and, indeed, the CONGRESSIONAL RECORD become a veritable compendium of recipes for ways to fix rice that ran no doubt to a thousand pages.

Mr. PRYOR. The best seller on that list was the rice recipe, as I recall, belonging to the wife of the very distinguished Senator from Louisiana, Senator LONG—Mrs. Carolyn Long. that recipe was the best seller, as I recall.

Mr. DANFORTH. Mr. President, let me say I understand the problem of the Senator from Arkansas, and I appreciate his problem. I am confident that there are ways to take care of the problem which will be totally satisfactory to him. I look forward to working with him to try to accommodate his

situation. Ambassador Brock will be here, I think within the next hour or so. I hope that Ambassador Brock, I, and the Senator from Arkansas would have the opportunity to sit down. I think we can provide about as close to an ironclad guarantee as possible that this problem will be taken care of to his satisfaction without the necessity of resorting to too many rice recipes.

SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT—CONFERENCE REPORT

Mr. BAKER. Mr. President, while we see if we can work out a time agreement, I think it might be appropriate to go to the conference report. May I inquire, are the conference documents here now?

The PRESIDING OFFICER. The conference report is here.

Mr. BAKER. Mr. President, I submit a report of the committee of conference on H.R. 3755 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3755) to amend titles II and XVI of the Social Security Act to provide for reform in the disability having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I am pleased to bring to the Senate for consideration the conference report on H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. As my colleagues will recall, the Senate bill was approved on May 22 by an overwhelming vote of 96 to 0. The House bill, although different in several major respects, had been approved by a similarly impressive vote of 410 to 1. The legislation we have before us now makes significant changes in the Social Security disability review process, and includes a series of provisions designed to improve the accuracy of disability determinations, the uniformity of decisions between the different levels of appeal, and the consistency of such decisions with Federal law and standards. It has the support of every conferee on the House and Senate side.

In my view, the conference report is a major accomplishment, representing the culmination of more than 2 years of congressional deliberation on the very difficult and emotional issue of disability insurance reform. It responds to many of the problems we have seen in the disability program since periodic eligibility reviews commenced in 1981, and is intended to clear up the chaotic situation in the State disability agencies and the Federal courts.

As my colleagues are well aware, the legislation mandating periodic eligibility reviews of disability beneficiaries was passed by Congress and signed into law by President Carter in 1980. The task on conducting these reviews, however, fell upon the current administration, but with no special legislative provisions for assessing the continuing eligibility of people already on the rolls. More than 2 million people, many of whom had been on the rolls for many years, became subject to the 3-year eligibility review requirement.

The requirement was well-conceived. I think we have an obligation not to only those in this program but also to taxpayers generally to review programs to make certain those who are receiving benefits deserve to receive those benefits. But, while the requirement was well-conceived, its implementation resulted in some significant problems and dislocations which were not anticipated and which have contributed to an unprecedented degree of confusion in the operation of the program. Over 1 million people have been reviewed in the past 3 years, about half of whom were found ineligible by the State disability agencies administering the reviews. Among those who appealed their termination decisions to an administrative law judge, some 60 percent had benefits reinstated. Obviously, some people were removed from the rolls who should not have been. The disparity between the decisions of the States and the administrative law judges, though long standing, has also been a major concern.

Other concerns stemmed from the fact that under present law, individuals who have been on the rolls, possibly for many years, are reviewed as if they were new applicants. The only relevant issue in an eligibility determination is whether or not the individual can engage in substantial gainful activity. As a result, people can be—and have been—terminated from the rolls who have not medically improved since the time they were initially granted benefits. While there may be many proper reasons for this to happen, such as when an individual is erroneously allowed benefits in the first place, serious questions were nevertheless raised.

During this entire period, the administration endeavored to improve the quality of the review process. Among other important changes, face-to-face interviews were introduced in district offices for individuals preparing to undergo eligibility reviews; all medical evidence available over a 12-month period must now be examined; more detailed explanations of decisions are required; a larger proportion of the beneficiary population has been classified as permanently impaired as thus exempted from the 3-year review requirement; and a temporary moratorium was placed on the review of two-thirds of all mental impairment cases pending a revision of the criteria used for determining eligibility. This was initiated prior to the nationwide suspension of periodic reviews announced last spring.

Notwithstanding these efforts by the administration, problems remained that required legislative remedies. It is unfortunate for all concerned that these problems were not anticipated when the original legislation was enacted in 1980.

To ensure that disability determinations were made in a nationally uniform manner and consistent with congressional intent as embodied in the Social Security Act, it was first necessary to develop legislation to deal with the standards of review used for people on the rolls. In addition, it was necessary to take steps to improve the uniformity of decisions between the various levels of decisionmaking and appeal. And, it was necessary to clarify and make more explicit certain key aspects of the disability determination, for example, in the area of evaluating the disabilities of people with more than a single impairment and those suffering from pain. These and other issues have been addressed in the pending conference report.

This conference agreement makes major changes in the way disability reviews are conducted. For the first time, a clear standard of review for people on the rolls will be spelled out in the law. A finding of medical improvement or some other change in the beneficiary's condition will be required along with ability to work in order for benefits to be terminated. In addition, clear standards of rulemaking will be spelled out for the Social Security Administration with the goal of reducing some of the confusion surrounding the criteria being used by the State agencies, administrative law judges and the Federal courts. It is my hope that these and many other provisions of the conference agreement will restore the confidence of the disabled in the accuracy and fairness of the disability review process. And this is critical because, in my view, we must continue the eligibility reviews. We ought to make certain we are not turning back the clock as far as making sure, as we do in other programs, that only the deserving are on the benefit rolls. At the same time, great care must be exercised to protect those disabled

people who have every right to remain on the rolls.

Reaching this consensus has been a long and difficult process as we endeavored to find ways to protect the interests of the disabled without promoting runaway growth in the disability insurance program. All of us would like to have been able to reach a speedier resolution, but that was not possible. The problems were complex and without obvious solutions. Also views varied widely on the best course of action. Fortunately, these were not partisan differences and most of these differences have been resolved, or at least accommodated, in the pending conference report.

To achieve this consensus, concessions were required on the part of both the House and Senate; on net, I believe, the product is a good compromise. In the area of medical improvement, the conference report contains a middle position between the House and Senate bills, with the standard of review in the House bill being clarified and made more workable, the Senate effective date expanded to ensure that people in already certified class actions are covered by the new standard, and the burden of proof requirements in the Senate bill—which created some real confusion—are carefully laid out and explained in the statement of managers. The Senate receded on its position of sunsetting the medical improvement standards and including a financing fail-safe. On the other hand, the Senate position generally prevailed in the area of the evaluation of pain and multiple impairments. The House receded on its provision to require the Secretary to adopt as agency policy those U.S. Court of Appeals decisions which conflict with her interpretation of Federal law. Each of the agreements are summarized at the end of this statement.

This legislation is not perfect, of course. But in my view, this is a good compromise that balances the various interests. The basic eligibility criteria for disability benefits have been clarified and made more explicit. This should allow the reviews, which were suspended by the administration last spring, to be resumed in an orderly way and conducted on a uniform, nationwide basis.

There have been nearly an equal number of Senators on both sides of the aisle who have had a deep interest in this legislation, and many people who are to be commended for their role in the development of this legislation. The Senate conferees—Senators PACKWOOD, ROTH, DANFORTH, LONG, BENTSEN, and MOYNIHAN—and other of my colleagues—Senators COHEN, HEINZ, LEVIN, DURENBERGER, and METZENBAUM, RIEGLE, SASSER, and HELMS, to name a few—have worked diligently to help resolve this difficult issue. I might add that Senator HELMS, introduced one of the first pieces of legislation on this issue.

Of course, I would be remiss without extending my thanks to a distinguished Member of Congress from Texas, Congressman PICKLE, chairman of the Social Security Subcommittee, who has done an outstanding job and provided a great deal of leadership in this area.

Even before you thank other Members you ought to thank the staff. We have had staff working on these problems on both sides of the aisle for months. I do not know how many meetings Carolyn Weaver has conducted along with Mike Stern and Joe Humphreys of Senator LONG's staff, but there have been many. They had only one purpose in mind, that was to find an objective answer to some of the difficult problems we have seen in the disability insurance program in the past few years.

I want to thank the staff for all their efforts. Certainly, many people who may never know about how the changes were made will be indebted to the staff who gave a lot of their time and a lot of their talent to bring this matter to fruition.

Finally, I'd like to note the support we have received from the administration in helping to develop this compromise agreement. I commend Secretary Heckler, Secretary of HHS; the Justice Department; OMB; and the other Federal agencies that have been working with us over the past few years.

In my view, the Reagan administration has been very forthcoming. As I mentioned earlier, this law was passed in the Carter administration. The responsibility for conducting the reviews fell to the Reagan administration. I cannot seem to get that straight for Spencer Rich, the Washington Post, and the New York Times, but sooner or later they will get it right. If they do report the facts, they will report that the review bill was passed in 1980 and Ronald Reagan was not the President in 1980. Today, the Congress is acting to revise the 1980 law.

In closing, I urge my colleagues to support the conference report on H.R. 3755. It is a good, solid piece of legislation that ought to have unanimous support.

Mr. President, I have attached a summary of the conference agreement at the end of my statement. There are several points I would like to clarify about this agreement.

First, the conference report does not contain the express provision contained in the Senate bill that the burden of proof in the medical improvement standard rests with the recipient and not the Secretary. I want to make it clear that the recipient continues to bear the burden of proof in establishing the existence of his disability, just as is the case for people applying for benefits. The Senate language on burden of proof was eliminated because it was seen as unnecessary and potentially confusing. The conference report also changes the language of the "no presumption" in the Senate bill to make it clearer that we do not intend for the Secretary or the courts to draw any initial inference of the presence or absence of continuing disability from the fact that the recipient was found to be under a disability in a prior determination.

I would like to note that the Supreme Court held in Matthews versus Eldridge that the burden of proof lies with the recipient.

Second, the conference report eliminates portions of the language in the effective date of the Senate bill relating to the time limits, exhaustion requirements, and other provisions of section 205 of the Social Security Act and regulations of the Secretary. These provisions are critical to the orderly administration of the program, and nothing in this legislation should be interpreted as detracting from their broad applicability. The effective date provision does, however, permit all class members of certified class actions to seek review of their cases under the medical improvement standard establishment by this act, even where they may not have pursued their appeal rights in accordance with section 205 and the Secretary's regulations. This is intended to help resolve the existing controversy over the medical improvement issue in the courts and is justified on the grounds that many class members of certified class actions may have formed reasonable expectations from the fact of certification that they would receive further review of their cases. Accordingly, the bill gives them the opportunity to receive such further review. But this should in no way be interpreted as a judgment by the conferees that these individuals have claims properly pending in court or that these classes were properly certified. The conference bill's treatment of these cases should be given no broader reading, and certainly should not be used as a precedent.

Third, the Senate bill expressly provides that the medical improvement standard established by the bill does not apply to unnamed putative members of uncertified class actions, and that such individuals, to the extent they have not individually sought judicial or further administrative review of their cases, will not have any further administrative review of the determination of the Secretary. The House bill is silent on the matter. The conferees, after carefully considering this matter, have concluded that the best approach is to prohibit any further certifications of class actions that raise the issue of whether a medical improvement standard should have been applied to individuals terminated

from the rolls prior to the enactment of this legislation. This approach, which more directly addresses the nature of the problem this legislation seeks to correct, is designed to accomplish the same result as the related provision in the Senate bill. Accordingly, the rationale set forth in the Finance Committee report for why such determinations will not be reviewed under the medical improvement standard, directly applies to the provision agreed to by the conferees. The Senate report gives four reasons for this approach: First, because of the highly speculative nature of class certification, putative members of an uncertified class action—unlike members of a certified class action—have no reasonable expectation of obtaining judicial review of their determinations by way of the class action; second, these putative class members have already decided not to pursue their appeal remedies under the act, and therefore are left in the same position under this provision; third, the number of people which might be remanded to the Secretary were these individuals to be treated similarly to members of certified class actions is literally unknowable since these actions have not yet been certified, presenting serious adverse consequences for the orderly administration of the program as well as its ultimate cost; and fourth, there is a pressing need to end the acrimonious litigation that has engulfed this program. I might add that the Congress has the power to prohibit such certifications since it is by way of the Federal Rules of Civil Procedure, which Congress has the option to amend, that these class actions would be certified.

Fourth, the conference report has deleted both the House and Senate provisions regarding nonacquiescence by the Secretary with certain U.S. Court of Appeals interpretations of the Social Security Act. While some of the conferees have expressed strong reservations regarding this practice, it should be made clear for the record that it is not the position of the Senate that the practice is unconstitutional as exercised by the Department of Health and Human Services or as by any other Federal agency. In this regard, I would like to make a part of the RECORD a letter by the Solicitor General of the United States stating that nonacquiescence is constitutionally proper, and that a prohibition of nonacquiescence would have serious adverse implications for the Government's litigation in the Social Security area.

Mr. President, I ask unanimous consent that the Solicitor General's letter be printed in the RECORD along with the summary of the conference report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR GENERAL,
Washington, DC, May 7, 1984.

Hon. ROBERT DOLE,
Chairman, Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DOLE: I am writing to express the Department of Justice's strong opposition to the provision in Section 234 of H.R. 3755 requiring the Social Security Administration (SSA) to follow adverse court of appeals decisions in calculating payments to beneficiaries who were not parties to the adverse decisions but whose cases would arise within the jurisdiction of that court of appeals. The Department of Justice previously commented on this proposal in a letter to you dated September 30, 1983, and in testimony given by Deputy Assistant Attorney General Carolyn B. Kuhl on January 25, 1984. I will not repeat the arguments raised in those statements. However, I wish to reemphasize our serious objection to this provision.

This provision represents an unprecedented interference with the ability of the Justice Department to determine the cases it will appeal. In practical terms the bill would require the Department to consider seeking Supreme Court review of the first adverse decision on a point in any court of appeals. This will significantly restrict the prerogative of the executive to decide which cases should be appealed and, by forcing the government to take more cases to the Supreme Court, will increase the Supreme Court's already heavy workload. (Of course, the most likely result is that the Supreme Court will refuse to hear most of these cases, because it rarely grants review on issues of statutory construction absent a conflict among the circuit courts.) Moreover, the bill's consequences may spill over to unrelated areas of government litigation since its intent appears to be to require the government to urge the Supreme Court to hear more Social Security cases at the expense of other programs that have cases meriting Supreme Court review. There also would be significant practical problems in administering the provision, because it often is difficult to ascertain the precise scope of a particular appellate decision until subsequent cases arise on somewhat different facts and a court is asked to distinguish prior precedent. Finally, the provision would have the effect of rigidly freezing the law in a particular circuit and thereby foreclosing the Secretary from asking an appellate court to reconsider the particular holding in light of experience or changed circumstances, including contrary holdings by other courts of appeals.

The government must be accorded great discretion to choose the cases it will appeal. As the Supreme Court recently recognized in *United States* v. *Mendoza*, No. 82-849 (Jan. 10, 1984), the "Government is not in a position identical to that of a private litigant" (at p. 5). In that case a unanimous Supreme Court decided that the government could not be foreclosed from relitigating a legal issue it had previously litigated unsuccessfully in another action against a different party, even within the same judicial circuit. The Court's decision rested on many of the same considerations we have relied on in objecting to Section 234 of H.R. 3755. The Court observed (at p. 6; emphasis added):

"Government litigation frequently involves legal questions of substantial public importance; indeed, because the proscriptions of the United States Constitution are so generally directed at governmental action many constitutional questions can arise only in the context of litigation to which the government is a party. Because of those facts the government is more likely than any private party to be involved in lawsuits against different parties which nonetheless involve the same legal issues.

"A rule allowing nonmutual collateral estoppel against the government in such cases could substantially thwart the development of important questions of law by freezing the first final decision rendered on a particular legal issue. *Allowing only one final adjudication would deprive this Court of the benefit it receives from permitting several courts of appeals to explore a difficult question before this Court grants certiorari.* * * * Indeed, if nonmutual estoppel were routinely applied against the government, this Court would have to revise its practice of waiting for a conflict to develop before granting the government's petitions for certiorari."

Thus, strong policy reasons counsel against a departure by Congress from what the Supreme Court has recognized as the established principle that "the United States, like other parties, is entitled to adhere to what it believes to be the correct interpretation of a statute, and to reap the benefits of that adherence if it proves to be correct, except where bound to the contrary by a final judgment in a particular case." *United States* v. *Estate of Donnelly*, 397 U.S. 286, 294-295 (1970). That is especially so in the massive Social Security disability program, because Congress by statute has directed the Secretary "to assure effective and uniform administration of the disability insurance program throughout the United States." 42 U.S.C. (Supp. V) 421(a)(2). Indeed, although Section 234 of H.R. 3755 undoubtedly is motivated by considerations of fairness, the provision actually is quite unfair to the litigating interests of the United States. It would, in effect, make every case a circuit-wide class action, contrary to Rule 23 of the Federal Rules of Civil Procedure, whenever the government loses a Social Security case in a court of appeals—but not when it wins one.

In sum, Section 234 of H.R. 3755 has serious adverse implications for the conduct of the government's litigation in the Social Security context. At the same time, we recognize that SSA's decision not to acquiesce in a particular decision has on occasion led to results that might be perceived as inequitable. There are, however, far less drastic responses to this perceived problem, such as the provision in the Levin-Cohen bill that would require the Secretary to publish a notice in the Federal Register and to notify Congress whenever she does not intend to acquiesce in a particular appellate decision. In these circumstances, we urge that no legislation be adopted that would damage the conduct of the defense of government programs and policies and would provide an exceptionally troublesome precedent.

Very truly yours,

REX E. LEE,
Solicitor General.

SUMMARY OF CONFERENCE AGREEMENT ON H.R. 3755, THE SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT OF 1984

1. Medical Improvement Standard

Establishes a medical improvement standard under which the Secretary may terminate disability benefits on the basis that the person is no longer disabled only if

(1) there is substantial evidence demonstrating that (a) there has been any medical improvement in the individual's impairment or combination of impairments (other than medical improvement which is not related to the person's ability to work) and (b) the individual is now able to engage in substantial gainful activity (SGA); or

(2) there is substantial evidence consisting of new medical evidence and a new assessment of RFC which demonstrates that although there is no medical improvement, (a) the person has benefited from advances in medical or vocational therapy or technology related to ability to work, and (b) that he or she is now able to peform SGA; or

(3) there is substantial evidence that although there is no medical improvement (a) the person has benefited from vocational therapy and (b) the beneficiary can now perform SGA; or

(4) there is substantial evidence that, based on new or improved diagnostic techniques or evaluations, the person's impairment or combination of impairments is not as disabling as it was considered to be at the time of the prior determination, and that therefore the individual is able to peform SGA; or

(5) there is substantial evidence either in the file at the original determination or newly obtained showing that the prior determination was in error; or

(6) there is substantial evidence that the original decision was fraudently obtained; or

(7) if the individual is engaging in SGA (except where he or she is eligible under Section 1619), fails without good cause to cooperate in the review or follow prescribed treatment or cannot be located.

In making the determination, the Secretary shall consider the evidence in the file as well as any additional information concerning the claimant's current or prior condition secured by the Secretary or provided by the claimant.

Determinations under this provision must be made on the basis of the weight of the evidence, and on a neutral basis with regard to the individual's condition, without any inference as to the present or absence of disability based on the previous finding of disability.

Regulations must be issued within 6 months.

Effective date: Applies only with respect to the following categories:

(1) Determinations by the Secretary made after date of enactment;

(2) Cases pending at any level of the administrative process on the date of enactment;

(3) Cases of individual litigants pending in Federal court on the date the conference report is filed;

(4) Cases of named plaintiffs in class action suits pending on that date;

(5) Cases of unnamed plaintiffs in class action suits certified prior to that date; and

(6) Cases where a request for judicial review was made within 60 days prior to enactment;

Cases in categories (3), (4), (5) and (6) will be remanded to the Secretary for review under this standard. Individuals in (5) will be sent a notice via certified mail informing them that they have 120 days after the date of receipt of the notice to request a review under the medical improvement standard.

No class action may be certified after the date the conference report is filed which raises the issue of medical improvement with respect to an individual whose benefits were terminated prior to that date.

Persons whose cases are remanded to the Secretary will receive benefits pending the Secretary's decision and appeal of that decision if they so elect. If found eligible, any person whose case was remanded under this provision will receive benefits retroactive to the date they were last found ineligible.

2. Evaluation of Pain

Requires the Secretary of HHS, in conjunction with the National Academy of Sciences, to conduct a study concerning the questions of using subjective evidence of pain in determining whether a person is under a disability, and the state of the art of preventing, reducing or coping with pain. This study is due to the House Committee on Ways and Means and the Senate Committee on Finance by December 31, 1985.

Establishes the following statutory standard to be in effect until December 31, 1986:

"An individual's statement as to pain or other symptoms shall not alone be conclusive evidence of disability as defined in this section; there must be medical signs and findings, established by medically acceptable clinical or laboratory diagnostic techniques which show the existence of a medical impairment that results from anatomical, physiological or psychological abnormalities which could reasonably be expected to produce the pain or other symptoms alleged and which, when considered with all evidence required to be furnished under this paragraph (including statements of the individual or his physician as to the intensity and persistence of such pain or other symptoms which may reasonably be accepted as consistent with the medical signs and findings), would lead to a conclusion that the individual is under a disability. Objective medical evidence of pain or other symptoms established by medically acceptable clinical or laboratory techniques (for example, deteriorating nerve or muscle tissue), must be considered in reaching a conclusion as to whether the individual is under a disability.

3. Multiple Impairments

Provides that in determining whether a person's impairment or impairments are of a sufficient medical severity to be the basis of a finding of eligibility for benefits, the Secretary must consider the combined effect of all of the person's impairments, whether or not any one impairment would alone be severe enough to qualify the person for benefits. Provision applies to all determinations made on or after 30 days after enactment.

4. Moratorium on Mental Impairment Reviews

Provides for a moratorium on reviews of all cases of mental impairment disability until the mental impairment criteria in the Listing of Impairments are revised to realistically evaluate the person's ability to engage in SGA in a competitive workplace environment. The revised criteria are to be published within 120 days of the date of enactment. The moratorium applies to all cases on which an administrative or judicial appeal was pending on or after June 7, 1983. All persons claiming benefits based on mental impairment disability who received an unfavorable initial or continuing disability decision after March 1, 1981 could reapply for benefits within 12 months of enactment.

5. Pre-Termination Notice

Requires the Secretary to initiate demonstration projects on providing face-to-face interviews for (1) pre-termination continuing disability cases and (2) for all initial denial cases, in lieu of face-to-face evidentiary hearings at reconsideration, to be done in at least 5 States with a report due to the Committees on Ways and Means and Finance April 1, 1986. Also requires Secretary to notify individuals upon initiating a periodic eligibility review that termination of benefits could be the result of the review, and that medical evidence may be provided.

6. Continuation of Benefits During Appeal

Provides for continuation of benefits during appeal for all continuing disability review cases through the decision of the administrative law judge, at the election of the individual. Where the ALJ's decision is adverse to the individual, these benefits would have to be repaid. The provision is permanent for SSI disability recipients, and will apply to Title II disability beneficiaries through December 1987. The Secretary is required to report to Congress on the impact of this provision by July 1, 1986.

7. Qualifications of Medical Professionals

Requires the Secretary to make every reasonable effort in cases based on mental impairments to insure that a qualified psychiatrist or psychologist complete the medical portion of the case review and of the residual functional capacity assessment before any determination may be made that an individual is not disabled. The statement of managers will state that the Secretary has the authority to contract directly for such services if the State agency is unable to do so.

8. Standards for Consultative Examinations/Medical Evidence

Requires the Secretary to promulgate regulations regarding consultative examinations, including when they should be obtained, the type of referral to be made and the procedures for monitoring the referral process. The Secretary must make every effort to obtain necessary medical evidence from the treating physician before evaluating medical evidence from any other source. The Secretary must also consider all evidence in the case record and development of complete medical history over at least the preceding 12-month period.

9. Administrative Procedure and Uniform Standards

Requires publication of regulations setting forth uniform standards for DI and SSI disability determinations under section 553 of the Administrative Procedures Act, to be binding at all levels of adjudication.

10. Non-Acquiescence

No statutory provision is included in the conference agreement. The statement of managers of the conference agreement states that the agreement to drop both the House and Senate provisions is not to be interpreted as approval of the practice of "non-acquiescence", that the conferees note that questions have been raised about the constitutional basis of the practice, that many of the conferees have strong concerns about the current application of the practice, and that a policy of non-acquiescence should be followed only where steps have been taken or are intended to be taken to receive a review of the disputed issue in the Supreme Court. The conferees also urge the Secretary to seek a resolution of the non-acquiescence issue in the Supreme Court.

11. Payment of Costs of Rehabilitation Services

Allows reimbursement to State agencies for costs of VR services provided to individuals receiving DI benefits under section

225(b) of the Social Security Act who medically recover while in VR, whether or not the person worked at SGA for 9 months, and whether or not the person failed to cooperate in the program.

12. Direction for Quadrennial Social Security Advisory Council

Directs next quadrennial advisory council (as required in the Social Security Act) to study the medical and vocational aspects of disability using ad hoc panels of experts where appropriate. The study must include alternative approaches to work evaluation for SSI recipients, effectiveness of VR programs, and other disability program policies, standards and procedures. The Secretary must appoint the members by June 1, 1985.

13. Staff Attorneys

Directs the Secretary to report, within 120 days of enactment, to the Committees on Ways and Means and Finance, on the actions taken by the Secretary to establish positions which enable staff attorneys to gain the qualifying experience and quality of experience necessary to compete for ALJ positions. Statement of managers states that it is assumed, given recent OPM actions, that statutory requirements for establishing specific positions are not required, and that the Secretary is urged to take all reasonable steps to see that the OPM actions result in SSA staff attorneys becoming qualified for GS-15 ALJ positions.

14. SSI Benefits for Persons Working Despite Impairment (1619)

Extends Sections 1619 (a) and (b) through June 30, 1987, and requires the Secretaries of HHS and Education to establish training programs for staff personnel in SSA district offices and State VR agencies, and disseminate information to SSI applicants, recipients, and potentially interested public and private organizations. Effective retroactive to January 1, 1984.

15. Frequency of Continuing Eligibility Reviews

Requires the Secretary to promulgate regulations establishing standards for determining the frequency of continuing eligibility reviews. Final regulations must be issued within 6 months; until that time, no individual may be subject to more than one periodic review.

16. Representative Payees for Social Security and SSI Beneficiaries

Requires the Secretary to (1) evaluate qualifications of prospective payees prior to or within 45 days following certification, (2) establish a system of annual accountability monitoring where payments are made to someone other than a parent or spouse living in the same household with the beneficiary, and (3) report to Congress on implementation, and annually on the number of cases of misused funds and disposition of such cases.

17. Measures To Improve Compliance with Federal Law

Requires the Secretary to federalize disability determinations in a State within 6 months of finding that a State is not in substantial compliance with Federal law and standards. Such a finding must be made within 16 weeks of the time a State's failure to comply first comes to the attention of the Secretary, during which period a hearing could be afforded to the State. The Secretary is directed to comply with current law requirements protecting employment of current State employees to the extent feasible, and is directed in order to accomplish that end, to exceed any applicable personnel ceilings and to waive any applicable hiring restrictions. The statement of managers directs the Secretary to give preference in hiring to agency employees capable of performing the requisite duties.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I greet the conference report on the Social Security disability reform legislation with a sense of great relief. Relief for those beneficiaries who have been terminated and who are now challenging those terminations through the administrative process or the courts who will now have their matters remanded to the Social Security Administration [SSA] for a redetermination of eligibility based on a medical improvement standard; relief for the current beneficiaries who have not yet been terminated but who have lived under the threat that upon review they could be terminated even though their condition is the same as or worse than when they were initially found eligible; relief for those new applicants for Social Security disability benefits who will now face fairer treatment and consideration by SSA of all of their impairments and not just one that must be deemed to be severe; relief for the recipients of SSI benefits who will now have payment of those benefits through appeals fixed in law; relief for those disabled by pain who may soon enjoy a more humane and realistic response by the SSA to their plight.

I also feel relief, personally, Mr. President, because agreeing to the conference report on H.R. 3755 today represents the culmination of over 2 years of continuous effort on the part of myself, Senator COHEN, and the other Members of Congress who have worked so hard to bring the injustices and problems of the Social Security Disability Program to the attention of Congress and the President.

It started for Senator COHEN and me at the oversight hearing we held on disability terminations in May 1982 when we learned that almost one-half of the persons reviewed by SSA for their continuing eligibility were being terminated. Of those terminated, 50 percent appealed that decision and an amazing two-thirds of those who appealed were being reinstated. The appeals process usually cost the beneficiary a substantial sum of money for attorneys fees—approximately 25 percent of the benefit amount—and took at least 9 months to 1½ years to complete during which time the person was not receiving disability benefits and was no longer eligible for medicare coverage.

At that time we estimated that some quarter of a million disabled persons would eventually make up what we called the injustice index—those persons who were wrongfully terminated only to be later reinstated after great personal hardship and expense. We were not far from wrong. SSA reports now that approximately 200,000 persons have been through such an unjust process, terminated only to be reinstated, and the figure would have been far greater but for the moratorium on further continuing disability review imposed by SSA in April of this year.

Senator COHEN and I were able to win a reprieve for the disability beneficiaries in the fall of 1982 with passage of legislation requiring the payment of benefits through appeal for terminations made through December 7, 1983. We also held another hearing that year in which we uncovered evidence to show that SSA was attempting to reduce the number of allowance decision by administrative law judges through indirect pressures of review and harassment. Passage of this reform legislation was expected by the time the payment of benefits provision expired, but the legislative process was not so easy or so quick. Senator COHEN and I went to the floor on November 17, 1983, with an amendment similar to the conference report we are agreeing to today, during Senate consideration of the fiscal year 1984 supplemental appropriations bill. We came very close to victory at that time, losing on a motion to table by a vote of 49 to 46. On March 27, 1984, the House then passed its bill by the overwhelming vote of 410 to 1. The Senate followed suit, after much deliberation and negotiation, on May 22, 1984, with a unanimous vote of 96 to 0.

Mr. President, in my almost 6 years of service in this body, I have never witnessed a social program in such chaos and disarray as the Social Security Disability Insurance Program over the past 3 years. It has been so poorly and callously administered, with no thought to our basic rules of reason, fairness and compassion.

Because the fairness, order, and consistency which this bill will now bring to the disability program is so long in coming, it is the more welcome. I commend the chairman of the Finance Committee, BOB DOLE, the ranking minority member of the Finance Committee, RUSSELL LONG, and their excellent staff. I also congratulate and commend the chairman of the Social Security Subcommittee of the House Ways and Means Committee, JAKE PICKLE, and the ranking minority member of that subcommittee, WILLIAM ARCHER, for their hard work and willingness to reach consensus on this vitally important legislation. I also commend the work of the other conferees and congratulate them all on the quality of the final product. Implementation of the conference report will bring fairness and order not only to the continuing disability review process but to the

overall management of the disability program as well.

I particularly thank my good friend and colleague, BILL COHEN of Maine, for his outstanding work and dedication on this issue. The bipartisanship we brought to this issue was an important factor in our success in the Senate. His staff, particularly Susan Collins, always provided great support.

My own staff, particularly Linda Gustitus and Cassandra Woods, made my contribution possible. I know of no better staffer on the Hill than Linda Gustitus.

My staff person in Detroit, MI, Cassandra Woods, has pursued this issue with perception and determination on the front lines for the last several years. I thank them both for their good work on behalf of the disabled residents of Michigan and America.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. HUMPHREY). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, the pending disability conference agreement represents, like most conference agreements, a compromise between differing Senate and House positions on a number of issues.

As I have stated previously, I do have concerns about the disability bill, and in particular about its medical improvement standard. But on balance, I believe the bill should be enacted because of a number of important improvements it makes in the law. Let me discuss those first.

UNIFORM STANDARDS

Since the beginning of the disability insurance program, a major problem has been the question of how to apply such a program in a nationally uniform manner. There has not been a comparable problem with the general social security program in which the basic causes of benefit eligibility are the attainment of a statutory retirement age or the death of the insured individual. These are factors which can be determined, except in the rarest of cases, on the basis of objective and uniform evidentiary rules.

It is not so easy to find clear-cut, uniform standards of evidence for deciding whether or not an individual is so seriously impaired for medical reasons as to be unable to engage in any significant work activity. Each individual's particular medical circumstances are likely to differ in many respects from those of any other individual. And the importance of a given set of impairments in limiting employability may differ according to the age and vocational background of different individuals. Moreover, different medical experts may not agree as to the degree of restriction on activity that can be presumed from particular medical findings. Even if Congress could write into law a comprehensive set of criteria for sorting out evidence of disability, advances in medical science and rehabilitation therapy could make those criteria obsolete.

For all these reasons, it is difficult to apply the concept of disability on a consistent basis. Yet, it is not acceptable to the Congress that a national program of social security disability benefits should be run in such a way that each individual's eligibility will depend on which administrator happens to decide his case or on which medical theories, economic conditions, or judicial sentiments happen to be prevalent in his region of the country. Time and again, Congress has insisted, and attempted to insure, that the Social Security Disability Program would be operated on a consistent, nationally uniform basis.

In 1967, for example, Congress rewrote elements of the definition of disability to make clear that objective evidence of physical or mental abnormalities must be provided and to require that ability to work be considered in the context of the national economy. In 1980, Congress attempted to improve uniformity by requiring greatly increased Federal review of State agency determinations. The 1980 law also mandates review by the Secretary of findings by individual administrative law judges.

In the context of the current legislation, the problem of uniformity has again arisen. There have been allegations of conflicting guidelines used at different levels of adjudication. There have been questions of the extent to which administrative law judges must follow the policy guidance of the Secretary. And again, this legislation weighs in on the side of a more uniform and consistent program. The Secretary is directed to establish by regulation the standards for determining disability. Those standards are to be applied at all levels of determination and review. Thus, while adjudicators and administrative law judges and, in some cases, Federal district judges may decide whether an individual is disabled for Social Security purposes, Congress intends that they do so according to uniform standards promulgated by the Secretary and not according to their own personal preferences as to how best to decide the issue.

PAIN

The conference agreement adopted, with minor clarifications, the Senate provision relating to the evaluation of pain and other subjective symptoms. This incorporates into the statute the existing policy under which purely subjective allegations of pain or other symptoms cannot be the basis for a finding of disability. This is a good example of the problems faced by the program in maintaining uniformity of standards. The 1967 amendments plainly expressed congressional intent that disability findings be supported by objective medical evidence. The Secretary correctly adopted a policy which allows for consideration of subjective allegations of pain, but only if one of two specific conditions are also met. There must be some objective medical evidence pointing to a medical condition which could reasonably explain the pain and its alleged severity, or there must be actual objective medical evidence, such as muscle deterioration, which demonstrates the existence of severe pain.

Instead of granting deference to the Secretary's inherent regulatory authority to determine the criteria for establishing disability, a number of courts have chosen to substitute their policy judgment that subjective allegations must be considered even in the absence of objective evidence of the type required by regulation. Ultimately, this would mean that eligibility would depend upon the subjective credibility judgement made by each individual adjudicator of claims. This is not much different from turning over the trust funds to the judges and letting them hand out the funds on a case-by-case basis as they see fit.

There are some strong statistical indications that much of the lack of uniformity in the disability program can be attributed to issues like the evaluation of pain—that is, issues where courts and administrative law judges have tended to ignore the criteria established by the Secretary for evaluating evidence of disability. The conference agreement will provide a specific statutory confirmation of the existing regulatory requirement. The administration should undertake appropriate reviews of those categories of decisions which are likely to involve such issues so as to bring about, in practice, a more uniform application of these standards.

MULTIPLE IMPAIRMENTS

Both the Senate and House bills included requirements that the combined impact of multiple impairments must be considered in determining whether an applicant is sufficiently disabled to qualify for benefits. The House formulation of this rule, however, might have been misinterpreted so as to raise questions about the ability of the Department to deny benefits at the initial stage of evaluation on the basis that there is no severe medical impairment.

The Social Security Disability Program is intended to be limited to cases where the fundamental cause of inability to work is a significant medical impairment. It is not intended to remedy vocational handicaps for individuals who do not have seriously disabling medical conditions. In evaluating eligibility, the Department first

determines whether a seriously limiting medical condition exists. If it does not, the claim can be denied without further evaluation—including evaluation of vocational capacity. Some courts, however, have ruled that the Secretary cannot deny claims solely on the basis that the individual has no severe medical condition but must always make an evaluation of vocational capacities.

The Senate bill was carefully drawn to reaffirm the authority of the Secretary to limit benefits to only those individuals with conditions which can be shown to be severe from a strictly medical standpoint—that is, without vocational evaluation. It requires, however, that the combined impact of all medical impairments be considered in making this decision.

The conference agreement, with minor language changes of a technical nature, follows the Senate approach. This language clearly indicates that Congress envisions a sequential approach to evaluating disability. The individual must first demonstrate the existence of an impairment or combination of impairments which are sufficiently severe from a medical standpoint as to meet the Secretary's criteria as to what could potentially be a disabling condition. If, and only if, the individual meets this test, there would be a further evaluation as to whether that condition or combination of conditions does in fact preclude him from engaging in substantial work activity in the light of his age, education, and work experience.

CIRCUIT COURT INTERPRETATIONS

The House bill had proposed to require the Department to adopt the interpretations of statute underlying circuit court decisions whenever it was unable to immediately appeal such a decision to the Supreme Court. The Senate bill simply required the Department to notify Congress of such instances. The Conference agreement includes no statutory language on this issue, but the conferees did include a statement of opinion in the report.

For a variety of reasons, it may not always be possible to immediately initiate an appeal of an adverse circuit court decision. In such a situation, the administration should do what the court orders it to do in that case, unless it is able to obtain a stay of the court's order. If the case involves a court interpretation of the statute that might affect other cases, this situation becomes more complex. The Secretary should not be in a position of administering a program which applies one definition of disability in New York, a second in California, and a third somewhere else. Moreover, even within a given circuit, there may be circuit court decisions which are not entirely consistent with each other or which leave some doubt as to just what the court's interpretation was. Courts deal with individual cases. They are not regional legislatures charged with spelling out general policy of a statutory nature.

On the other hand, the Secretary should not simply disregard a circuit court decision which involves a significant statutory interpretation. It is undesirable to simply proliferate law suits and to litigate the same question over and over again. It is undesirable to have a difference in statutory interpretation among different branches of Government remain outstanding for a protracted period. The administration has a responsibility to obtain a resolution of such issues. Appropriate cases should be appealed, and the administration also should consider asking for clarifying legislation.

The statement of managers in the conference report provides a balanced approach to this problem. It recognizes that immediate appeals are not always possible. It also reaffirms the obligation of the Department to support what it believes to be the policy judgment of the Congress as reflected in the statutes. At the same time, it urges that the practice of nonacquiescense be used only in conjunction with a continuing good faith effort of the administration to obtain a resolution of the outstanding issue.

COMPLIANCE WITH FEDERAL STANDARDS

The disability program has proven difficult to administer with any degree of consistency. One structural problem in maintaining national uniformity is that the actual operations of the program are largely carried out by individuals who are employed by the States. Even though all the costs of benefits and administration are supplied from the Federal Social Security trust funds, the power to hire and fire those who hand out those funds rests with the Governors of the States.

Reports by the General Accounting Office during the 1970's showed that this administrative structure was a major barrier to nationally uniform application of the Federal disability program. As a result, the 1980 amendments included changes designed to permit closer control of the program by the Federal Government. Unfortunately, the 1980 amendments did not have the desired result. In the past couple of years, some States have begun to challenge outright the authority of the Secretary to exercise policy guidance over the program. For example, one Governor recently told a House committee that his State has "fashioned and tailored Social Security policy" to conform to the State's philosophy of how the program should be run. Unfortunately, the administration did not move vigorously to deal with those States which chose to defy Federal authority over this program.

I am pleased that the conference agreement includes a Senate provision designed to better deal with this problem. Under this provision, the discretion of the Secretary to allow protracted State defiance of Federal authority would be eliminated. A strict timetable is established for investigating and acting on any indication of State failure to comply with Federal rules. If that investigation confirms a continuing state of nonconformity, the operations of the program in that State must be placed under direct Federal administration.

Mr. President, I have discussed what I consider the positive features of the conference report. I also wish to talk about two features of the report which I find disappointing.

MEDICAL IMPROVEMENT

The major element in both bills was the establishment of a medical improvement standard in reviewing continuing eligibility. The conference agreement is, in many respects, closer to the House than the Senate version on this item, but this is a matter of degree. I continue to have serious reservations about any medical improvement standard, since the essence of such a standard is to continue benefit payments to people who are found not able to work. Where there are handicapped people who have the capacity for work, we should—for their sake as well as the taxpayers'—be restoring them to productive self-support. We should not write them off to a life of dependency on Government benefit payments.

FAIL-SAFE FINANCING

I am disappointed that the House, for the second time in this Congress, has refused to accept a Senate provision designed to improve the financial soundless of the Social Security Program—the fail-safe financing provision. The fundamental theory of Social Security trust fund programs is that they are to be self-financing. They enjoy the security of an earmarked source of revenues—the Social Security payroll tax—and they are also subject to the discipline of living within that revenue source. If the payroll taxes should fall short of meeting benefit obligations, there is no legal authority to continue benefit payments.

In the earlier years of the program, the trust funds always maintained an adequate reserve so that any financial imbalance could be dealt with in an orderly manner and in an atmosphere where Congress could thoughtfully assess the policy choices. This assured ample time to implement any revenue or benefit changes that might be found appropriate.

In recent years, however, the trust fund balances have declined sharply, sometimes coming perilously close to the point of exhaustion. Consequently, Congress has been faced with the need to act on a precipitous basis and to choose among very limited and un-

desirable options. In the 1983 amendments, for example, to keep the program afloat, Congress voted to infuse massive amounts of general fund subsidies—clearly an undesirable method, which is foreign to the basic nature of the program.

The purpose of the fail-safe proposal was to slow down the rate of decline in fund reserves once they have fallen to near-dangerous levels. This would be done by suspending those features which automatically increase benefit payments until the funds are restored to safer levels or until Congress has had the opportunity to implement measures to deal with the financial problems.

I think the Senate wisely incorporated a fail-safe mechanism in its version of the 1983 general Social Security amendments. I was disappointed that this element of prudence was deleted by the House-Senate conference on that legislation.

In the current disability bill, there were at least equally valid reasons for incorporating a fail-safe financing provision. Historically, the outgo of the disability program has fluctuated much more widely than that of the general Social Security system. The pending legislation makes a significant change in disability standards, particularly by establishing the new medical improvement standard of review. While it is to be hoped that this can be carefully administered within the cost now estimated by the actuaries, the accuracy of similar projections on previous occasions gives little reason for relying heavily on such a hope.

Given this situation and the continuing precarious state of the Social Security trust funds, the Senate again made the right and prudent decision by inorporating a fail-safe financing mechanism in the bill we sent to the House. Again, however, the House has refused to agree to such a provision. I certainly hope that, as a practical matter, the mechanism turns out not to be needed. But I am disappointed that it was dropped. If the current projections prove wrong again, the absence of this feature will force us to deal with the system's next financial difficulties in an atmosphere of crisis rather than in an orderly manner. Moreover, eliminating this provision also removes a necessary Congressional statement of concern over the prospect that this program could double in cost if it is not carefully administered.

SUMMARY

Mr. President, I continue to believe that a medical improvement standard is unwise. There should not be a double standard of eligibility depending on whether you are an initial applicant or a beneficiary being reviewed. In either case, the question of eligibility for this program ought to resolved on the basis of whether or not the individual has the ability to work.

However, it is clear that a medical improvement standard will become law. I hope it can be carefully administered, and that it will not lead to a new round of runaway growth in program costs.

The best hope for bringing this program under control is the kind of careful administration that was mandated by the 1980 amendments. Good administration, of course, depends upon good administrators more than it depends upon the language in the statute. There are, however, several elements in the pending legislation which should help the administrators of the program to do a better job. The authority of the Secretary to establish the criteria for applying the definition of disability is made very specific. Current issues before the courts in the area of pain and medical severity are clarified. The bill spells out the right and duty of the Secretary to federalize administration of the program in the face of State failure to follow Federal rules. On balance, therefore, despite my reservation about some features of this bill and my disappointment that it no longer contains a fail-safe financing mechanism, I signed the conference agreement, and I will vote for the approval by the Senate of that agreement. I recommend that the Senate agree to the conference report.

Mr. President, there are other Senators who desire to speak on this subject, or at least who have led me to believe that they would like to make a speech on this subject. In order that they may have the opportunity to know that this measure is being considered, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I commend the managers of this bill for their efforts in reaching agreement on what many consider to be one of the most pressing social matters to come before this Congress over the past 3 years.

I first became involved in the Social Security disability issue back in January 1982. Since that time, I have spent a great amount of time attempting to remedy the serious inequities and injustices inherent in the administration of this program.

I believe that the history of the problems affecting the program and consequently the hundreds of thousands of beneficiaries dependent upon it have been elaborated repeatedly over the past 2½ years. No further elaboration is needed here.

The conference report before us today significantly addresses many of the structural deficiencies that are existent in the current system. In particular, I refer to the provisions stipulating the use of a medical improvement standard, payments pending appeal to the administrative law judge, a study on the evaluation of pain, and last, special provisions on multiple impairments.

Unfortunately, there is one provision which is not included in this agreement which I must say I am disappointed not to see included, and that is the provision dealing with the so-called "nonacquiescence" policy followed by the Social Security Administration. Although the language contained in the statement of managers does sufficiently address this problem, it is unfortunate that it is not spelled out in statutory fashion, in this Senator's opinion.

Indeed, a recently released internal report by a Social Security Administration task force pinpointed the problems facing the Federal courts and their efforts to enforce or deal with this nonacquiescence policy. That report stated that there are now 50,000 Social Security cases pending in the Federal courts and that is expected that an additional 28,000 new court cases will arise in fiscal year 1984.

It is my sincere hope that the Social Security Administration will abide by the strong language contained in the conference report. If the Social Security Administration continues to follow the "nonacquiescence" policy which they have adhered to to date, then I shall be prepared to introduce at the earliest possible date legislation which will require the Social Security Administration to follow the legal process which prescribes that if they do not agree with Federal court decisions in a particular circuit then they should appeal the decision to the Supreme Court and get a ruling once and for all.

Mr. President, I applaud the efforts of those who have been involved in this issue over the past 2 years. Indeed, the conference report before us today represents the culmination of many, many hours of negotiation and deliberation.

I might say, parenthetically, that this conference report is indeed welcome news to the thousands of disabled beneficiaries who will face periodic reviews in the future.

It is also welcome news to the thousands of disabled beneficiaries who will no longer have to suffer the injustices created by the Reagan administration's hasty, unwise, and ill-advised acceleration of these periodic reviews in March 1981.

It was really administrative folly which precipitated these wholesale terminations and the cruel injustices that were worked on literally thousands of disabled Americans. It is hoped that this legislative remedy, albeit long overdue, will redress these injustices.

I will support the conference report before us today and I urge my colleagues to support it. I doubt that there will be a single dissenting vote cast against this conference report. When this legislation is sent to the President, I would urge him to sign it. After 2½ years, it appears we are finally close to putting the Social Security disability system back on the right track. The track of serving the disabled citizens of this country who comply with the prescription of the statute and should be eligible for Social Security disability benefits.

Mr. President, I suggest the absence of a quorum.

Mr. COHEN. Mr. President, will the Senator withhold the request.

Mr. SASSER. Mr. President, I am delighted to withhold the request and yield to the Senator from Maine.

Mr. COHEN. I thank the Senator for yielding.

Mr. President, this matter has been pending in one form or another before this body for well over 2 years and so I do not intend to make a long explanatory statement. I think most of the membership is aware of the genesis of the difficulties.

We passed in I think the year 1980 a measure to try to correct what we saw were some of the deficiencies in the Social Security disability program and I think the last 2½ years do in fact serve to remind not only this Senate and the House of Representatives, but also the country of the kind of conflict that is presented to Members of this body. On the one hand, the taxpayers demand and we have an obligation to be efficient, to spend hard-earned tax dollars efficiently, and that was the basis for the original reform calling for periodic reviews of those who are on the Social Security disability program. By the same token, we also have an obligation to be fair. And it seems to me it has been that essential conflict between the duty to be efficient and the duty to be fair that has presented us with the last 2½ years of debate on how best to pursue the reform of the Social Security disability program.

What took place immediately after the passage of the original legislation was an effort by the administration to implement congressional mandate. They did so with a fervor that was not matched with capability. And they called for the review of cases before there were adequate staffs. They called for reviews of cases when people were not well trained. They called for review of cases under circumstances in which there was an inadequate notice extended to the beneficiaries. A postcard was sent out, "Dear Beneficiary, this is to notify you that your case is coming up for review," with nothing further, no further indication that that individual would then have the burden of proof of coming forward and showing that he or she was still disabled, with no indication in that notice that prior medical evidence would not be considered, with no indication in that notice that those individuals would have to present new medical evidence and carry the burden of proof. That they were still disabled. So time after time thousands upon thousands of individuals were terminated without having been adequately notified as to the consequences of the review procedure itself. Moreover, it was done in a way that certainly does not speak well of our proclamation that we have a humane system of government. It was done basically by computers. There was virtually no human contact between the beneficiaries and the Social Security Administration itself.

So these determinations were made based upon medical charts and the record, determinations made by people removed from the process and out of the fear that if the individuals making the decisions to terminate or to perpetuate the disability relief, that those individuals might be overcome with compassion. Their objectivity and neutrality might somehow be compromised by having to look at the individuals who were being reviewed.

As a result of that sort of objective noninterrelationship with the beneficiaries, the recipients, we had a number of horror stories which have been printed in newspapers across the country, people who were in body casts being terminated from disability, people in iron lungs being terminated from disability. There is one case cited by Senator LEVIN, who has worked so hard to secure the passage of this legislation, from his own State of Michigan, and one of the major cases that we reviewed, in which we had an individual who was a diabetic from the age of 13, as I recall, who was blind in one eye and had tunnel vision in the other, could not walk without assistance from his wife because he had no sense of equilibrium, and yet he was terminated. He went to the hospital and was having some toes amputated because he had gangrene and in the process he suffered a massive heart attack, which doctors later stated was due to the anxiety caused by the termination of disability, only to find out that his wife, 6 months later, received a notice from the Social Security Administration saying, "Sorry, we made a mistake. Your husband's benefits were not properly terminated."

We had cases of people committing suicide and attempting to commit suicide, a desperation from among a large segment of our population who had no other place to turn.

So that is the reason why it had taken so long to reform this situation, because we had these conflicting obligations, the duty to be efficient and duty to be fair. In the process of trying to resolve those conflicting duties, I believe we have come out with a compromise which is acceptable—it does not go as far as Senator LEVIN and I would liked to have had it go, but it does embrace the essential ingredients of efficiency and equity. And I would like to put the stress upon the equitable side of it.

It is going to change the notification requirement. It is going to introduce human contact. It is going to include pain as a factor to be considered, which had been excluded by the Social Security Administration.

We are setting forth some fairly clear-cut standards where those standards were vague and perhaps even nonexistent before. We are going to insist upon the establishment of medical improvements and there will be a continuation, at least on an experimental basis, the continuation of loss of benefits during appeal.

One of the most difficult things about this entire procedure was that many individuals were being terminated and then had the burden of appealing. Then the appeals process would take anywhere from a year to 18 months, during which time individuals had no source of relief or compensation and they lost their homes, sold their cars, and had tremendous physical and psychological burdens placed upon them, only to wait 18 months and then have an administrative law judge make a finding that the administration was in error. That is the sort of thing that this legislation seeks to, and I believe will, eliminate.

So I think what we have today is a compromise thanks to the hard work of Senator LEVIN—and I do not know of anyone who has been more committed to seeing to it that we revise, reform our system than Senator LEVIN. I also want to extend my thanks to Senator DOLE, the chairman of the Finance Committee, for his work in trying to negotiate some very long hours of complex issues between us, Members of this body and the other body and the administration.

I also want to extend my thanks to the Senator from Louisiana who, during the course of these deliberations, raised a number of legitimate issues and who felt as strongly as we did about the need to have a system which was efficient and equitable. As a result of these efforts throughout these negotiations, we have something which is acceptable to the overwhelming majority of the people. I might say that this would not have been possible

without his aid and assistance and we would not be here today without his involvement. I want to extend my thanks and congratulations to him, as well.

Mr. President, I am delighted that the Senate today is taking final action on legislation which Senator LEVIN and I sponsored to reform the Social Security Disability Program.

Although the conference agreement on S. 476 does not reflect every reform that we have advocated, it is a worthwhile compromise deserving of support. The bill will protect disabled workers from arbitrary decisions to curtail their benefits, strengthen the administration of the disability program, and promote uniformity in decisionmaking.

At the heart of the bill are the criteria it establishes for assessing the continued eligibility of individuals receiving benefits. In 1980, when Congress mandated periodic reviews of disability beneficiaries, we neglected to set forth standards for determining whether or not benefits should be continued. This legislation remedies that fundamental omission. By establishing clear criteria for disability reviews, this bill will provide disabled workers, their attorneys, State claims examiners, and administrative law judges with an understanding of the grounds for terminating benefits. These standards, including the medical improvement rule, will correct the problems in the current process which have caused hundreds of thousands of severely disabled people to lose their benefits.

Since the disability reviews began in March 1981, State agencies, which apply Social Security Administration guidelines, have disqualified more than 491,000 beneficiaries. Yet, more than 200,000 individuals have been reinstated after appealing to administrative law judges who ruled that they, in fact, remained disabled and thus were entitled to benefits. Thousands of others have been restored to the program as a result of court orders.

The hardships imposed on the truly disabled have been chronicled in countless hearings, studies, court decisions, press reports, and personal experiences. The reviews have spawned an overwhelming number of court challenges, an unprecedented rebellion by State governments, and pleas for justice from the disabled, their families, and their advocates.

Under this legislation, individuals who have recovered will be eliminated from the disability rolls, but those who remain disabled will continue to receive their benefits. These reforms, in my judgment, will ensure an equitable disability program and end the chaos that has troubled the system for the past 3 years.

Other important provisions of the conference agreement will extend the law allowing benefits to be continued pending appeal; mandate more careful consideration of individuals with multiple impairments; and require the standards used to adjudicate disability claims to be issued as regulations subject to public notice and comment.

The Social Security Administration also will be required to conduct a five-State demonstration in which a claimant will have a personal interview with a State claims examiner at the first stage of review. This approach, I believe, holds great promise for improving the accuracy of initial determinations by giving the State adjudicator a more complete picture of the claimant's condition. I hope that a personal interview eventually will be incorporated into the system on a nationwide basis.

Mr. President, several months ago, a Maine woman whose husband lost his battle with cancer as he fought to get his disability benefits wrote to me:

> The emotional stress of living with cancer, knowing your husband may die, is in itself overwhelming, but to have one's own Government not care because first comes the paperwork and redtape, then come people, makes it even worse.

Her words are eloquent testimony on the need for this legislation. By adopting this conference report, Congress can reform the disability program so that its hallmarks are compassion and equity, rather than indifference and injustice.

Mr. President, this legislation is the product of more than 2 years of work. It would not have been possible without the dedication and persistence of Senator LEVIN and the leadership and patience of Senator DOLE, who had been unceasing in his efforts to hammer out responsible legislation. Senator HEINZ, as chairman of the Senate Aging Committee and a member of the Finance Committee, also contributed greatly to this effort. I also want to thank the distinguished Senator from Louisiana whose cooperation was essential to a fair resolution of this problem.

I urge the adoption of the conference report.

Mr. LONG. Mr. President, I want to thank the Senator from Maine for the gracious reference he made to me and others who were involved in this legislation along with him. The Senator from Maine, along with the Senator from Michigan, have been tireless, have been indefatigable, in seeking to provide sympathetic treatment for those who were disabled and who must seek assistance from the Government or wherever it may be available.

Mr. President, I also want to congratulate the Senator from Kansas [Mr. DOLE], the able chairman of the committee, for the very fine work that he has done to resolve this issue in ways that take into consideration the various and broad swath of problems that are involved in the program.

I do think, Mr. President, in discussing a major program of this sort, that from time to time we ought to give some consideration to the cost of it, and at least some consolation to the taxpayers who have to pay for all of the program. I think now and then we should make it clear to them that we are aware of the pain of paying all the taxes that Government levies on its citizens, and also we are aware of the fact the Government has a very large deficit and that there is a need to economize wherever we can and to contain the costs of all Government spending, be it defense, social welfare, law enforcement, or any other Federal program.

The Finance Committee did not merely by accident become the committee of jurisdiction for the Social Security Program—at least I would like to think it did not become the committee of jurisdiction by any accident.

Mr. President, the Social Security Program went into effect under a Finance Committee bill because it involved a major tax levied on the people of the United States to provide a benefit which was to be generally available to vast numbers of people. Today the program is approaching universality. The program ensures almost all working people, other than those who are Government employees, of a degree of protection against poverty in their declining years. The extension of the program to include disability benefits was a measure which the Senator from Louisiana was privileged to sponsor.

In 1956, Mr. President, the Senator from Louisiana was approached by a number of outstanding people, some of them associated with the labor movement, but all of whom had a long and compelling interest in the welfare of the working population of America. They urged this Senator to sponsor the proposed disability amendment.

The Senator from Louisiana agreed to be a cosponsor of that proposal, and five of us on the Committee on Finance sponsored it at that time. We had a rather extended and heated debate in the Senate. Under the leadership of the late Walter George, who was the chairman emeritus of the committee at that point—he was then chairman of the Committee on Foreign Relations—we adopted the amendment sponsored by five of us, members of the Finance Committee, who were privileged to join in starting the Government in the direction of caring for the disabled.

At that time, Mr. President, the Senator from Georgia, Mr. George, spelled out what he estimated to be the cost of the program. And I would urge students social welfare programs to read the speech Walter George gave at that time, because he spelled out the esti-

mate and explained why he thought this was a carefully drawn proposal and it would carefully control the costs.

There has been no Senator even in more complete sincerity in proposing an amendment, or in seeking to assure the Senate and the public in general that this would be a cost that the Government could well afford to bear. I regret to say, Mr. President, that those of us who supported the program and who are very concerned about the cost of Government are somewhat apologetic to the taxpayers to see that the cost does greatly exceed the estimates given at that time. Those estimate were given in complete good faith. It was estimated that this program by now would be costing us about $5 billion a year in 1984 dollars. Yet, Mr. President, by 1978 the program had grown so much that it was estimated to cost in its long-term projections about $40 billion per year, again, in 1984 dollars.

That, Mr. President, amounts to about eight times the cost that we estimated when we voted to start the program. We gave those estimates in complete good faith.

The cost grew until under the administration of President Carter, the President of the United States recommended that Congress enact legislation in 1980 whose implementation has brought down the projections to a current, long-range estimate of $23 billion per year, again measured in 1984 dollars. This, of course, is 4½ times what the cost was originally estimated to be.

When one seeks explanations as to how the cost of the program increased so much, there are a number of explanations. One of them is that the very existence of a program of this sort does provide a disincentive to some handicapped people who otherwise would have been more or less forced to undertake a very difficult program of rehabilitation to try to reach independence.

The existence of the program would also, Mr. President, tend to ease the pressure on those of us who are not handicapped or disabled to either aid in rehabilitation or to provide employment opportunities for those who clearly would have to undergo rehabilitation.

Mr. President, I emphasize that there is a great void in our disability program, and that void has to do with the fact that we have not given adequate attention to our need of having the most forward-looking program that we are capable of devising to help people to overcome their handicaps and their limitations, and to obtain employment once they have done so. We have to go no further than the Netherlands to see what is in store for us if we fail to contain the cost of the program, or to adequately avail ourselves of the potential of rehabilitation for persons who are handicapped, to be sure, but who are not totally disabled.

For example, in the Netherlands, the program has led to a situation in which one out of every six persons of the working age population is on the benefit rolls.

Mr. President, when one looks at the deficit that the Government faces today and ponders the cost of doing for our population what is done in the Netherlands, it provides a fiscal headache to think of the cost of it. Against a projected cost of $23 billion, one could look at a potential cost of well over $100 billion per year.

As a member of what I regard as the most responsible committee in the Senate from the fiscal point of view, the Senate Committee on Finance, I shudder to think of the burden we would have to put upon our taxpayers in order to provide the same expansive and extensive program that they have in the Netherlands. Far better, Mr. President, that we seize upon the advances of medical science to help those who are handicapped to restore their working capabilities, to make the adjustments that would make it possible for them to obtain certain types of employment, and that we call upon the business community to join with Government in giving the people who are handicapped a preference in doing the kind of work which they are capable of doing. Failure to do that means that the handicapped would have little choice but to seek the aid of a Government. Instead, the objective should be, if possible, to help those individuals to become self-sustaining, proud, self-reliant, and taxpaying American citizens. In my judgment, the prime example of what is capable or what is possible for a citizen is the example set by a former President of the United States, the late Franklin Delano Roosevelt.

Mr. President, if such a person were living today, handicapped as he was, it is easy to see how such a person might very well have qualified for our disability insurance program, and perhaps spend a life living on the Social Security rolls rather than performing as a great leader of the Nation—or even a self-sustaining person. Yet, that man, handicapped for a period of three terms and the beginning of a fourth term as President, had carried the burdens of one of the most demanding jobs in the entire world.

When one looks at the enormous accomplishments of Franklin Delano Roosevelt one could look at the kind of handicaps that would cause us as people to lean upon fellow human beings for support rather than providing leadership, hope, and opportunity for millions, not only in this country but around the world.

Mr. President, we cannot afford to relegate to dependency millions of Americans who have the potential of being enormously useful and productive.

While we move to care for those who need and those who through no fault of their own must call upon their Government for its assistance and its cooperation, I hope that we very much keep in mind that this is not the answer for those who have the potential of being useful leaders among our society or of carrying their share of the burden. We have too many examples of what can be done by Americans who are determined to overcome adversity to overcome their handicaps, and to carry their share of the burden—and even more—as self-reliant Americans.

● Mr. MOYNIHAN. Mr. President, at long last, the Senate is asked to give final approval to legislation to reform the review process for Americans receiving Social Security disability benefits. Our action today—an effort to establish fair, responsible, and equitable standards for the review of Social Security disability recipients, is one long overdue. No one is more acutely aware of the desparate need for this legislation than the hundreds of thousands of disabled Americans whose benefits—benefits they have earned—have been wrongfully terminated.

As ranking minority member of the Finance Committee's Subcommittee on Social Security and Income Maintenance, I have been involved in the development of this legislation for some considerable time. On October 26, 1983, I introduced S. 2002, the companion measure to H.R. 3755, Representative J.J. PICKLE's legislation that passed the House of Representatives on March 27, 1984, by an overwhelming margin, 410–1.

On May 22, 1984, the Senate unanimously approved a measure incorporating many provisions contained in my legislation. The conference committee, on which I served, labored for nearly 2 months to fashion an acceptable resolution of the differences between the House and the Senate versions of the bill. The product of these negotiations is before us today. It does not contain all the features for which we might have hoped, but it does represent an important achievement in reforming the disability redetermination program and protecting the benefits of hundreds of thousands of disabled Americans. I am pleased that the basis for the conference agreement is the legislation Representative PICKLE and I introduced in the Senate.

This measure represents a critical step in improving and refining the redetermination process. The single most important element is a new medical improvement standard, for termination of a recipient's eligibility.

Under this standard, we have required the Social Security Administration to first determine whether a disabled beneficiary's medical condition has actually improved since he or she was declared eligible for disability benefits, before the SSA can terminate those benefits.

The absence of a medical improvement standard during the continuing eligibility review has provided the Social Security Administration with grounds to terminate the disability benefits of nearly 500,000 Americans since 1981—the year SSA accelerated the mandated review of disability insurance recipients. In the past 3 years, SSA has reviewed the cases of nearly 1 million Americans receiving disability benefits; as a result, SSA terminated the benefits of nearly 500,000 people. A Federal judge in Minnesota described these procedures as "arbitrary, capricious, irrational, and an abuse of discretion." In human terms, what happened is that the Social Security Administration tried to reduce program costs by terminating support for hundreds of thousands of disabled Americans. Nearly 50 percent of all those terminated had their benefits reinstated after appeal.

In response to the thousands of tragic instances of wrongful terminations, Governors from 10 States, including New York, have refused to administer the reviews as directed by SSA. Citizens throughout the country have filed class action suits against SSA, challenging the standards by which their disability benefits were terminated. Circuit courts throughout the Nation have ruled against SSA, and ordered reevaluation of thousands of disabled individuals under a medical improvement standard.

Last April, in recognition of the disarray and injustice plaguing the redetermination process for the past 3 years, Secretary of Health and Human Services Margaret M. Heckler suspended all further reviews of disabled beneficiaries. Despite this action, the inequities did not cease.

Since July 26, the date the conference on H.R. 3755 convened, additional events have demonstrated the pressing, urgent need for this legislation. On August 28, in my own State of New York, a Federal appeals court ordered the Social Security Administration to restore terminated benefits to some 4,000 mentally disabled New York State residents and to reconsider its rejection of applications by 50,000 to 60,000 others. This decision upheld the ruling in January by the distinguished Federal judge for the southern district of New York, Jack B. Weinstein. In his ruling, Judge Weinstein cited a series of internal memoranda circulated within SSA, directing the denial of benefits to mentally ill applicants who could not meet a different, more stringent set of criteria than that mandated by Congress. He termed this a "fixed, clandestine policy against those with mental illness," and ordered the Government to reconsider the eligibility of more than 54,000 New Yorkers.

Indeed, SSA's policies have provoked a rash of court cases involving individuals suing the Government to overturn their termination decisions. This situation, in the words of SSA, is a "major crisis in litigation," and has led to a huge volume of adverse court decisions. At the present time, 48,000 Social Security cases are pending in Federal courts around the country—up from 19,600 cases at the end of 1981. Just last year, 26,798 new cases were filed in Federal court—an average of nearly 100 new cases each working day.

I offer the simple observation that in the half century history of the Social Security Act, there have never been a situation in which Governors and U.S. attorneys have refused to follow or defend the Government's administration of the act. It was the judgment of these public officials that the administrators in Washington were so distorting the intent of the law and the purposes of the act, as to make it a question of elemental justice and, indeed, a crisis in federalism.

It is our responsibility to insure that only the genuinely disabled receive Social Security disability insurance benefits. I supported adoption of the Disability Insurance Amendments of 1980, requiring SSA to reexamine everyone receiving DI benefits. But, it is also the responsibility of the Congress to ensure that these reexaminations are conducted in a manner that is both fair and judicious. The administration of the periodic reviews since March 1981 has been neither fair nor judicious.

It is this shameful situation that had produced this legislation to reform the disability reexamination process. In addition to the adoption of the new medical improvement standard, this legislation would mandate payment of benefits while a recipient is appealing a termination decision to an administrative law judge. It also would establish uniform standards for all disability decisions and maintain the current moratorium on review of mentally impaired recipients.

This legislation also contains an important proposal, establishing a 12 member Commission to conduct a study, in consultation with the National Academy of Science, of the evaluation of pain in determining eligibility for disability benefits. The need for this study is apparent: quite often, an individual may suffer from excruciating, debilitating pain that is impossible to measure through existing medical techniques.

Medical science by definition is the quest for knowledge, which is to say an effort to learn that which is not known. Typically this process begins by the identification of symptoms, followed by a slow process of tracing symptoms to causes. Even when causes are discovered, cures do not always follow. Correspondingly, over the long history of medicine any number of effective treatments have developed in the absence of complete or even partial knowledge of the etiology of the disease or condition involved. A commonplace example is aspirin, which has been in use for almost a century. It relieves certain types of pain, but medical research has only the dimmest clues as to how. More recently, the discovery of steroids has made possible the treatment of many thoroughly disabling diseases of which little if anything is known except that they respond to treatment by steroids. In most—but by no means all—such illnesses and afflictions the most significant symptom is pain. This is where the physician typically begins in the search for a diagnosis and treatment. It is not merely useful clinical evidence, it is often the only, or the predominant evidence.

Upon review of the Commission's report, due on December 31, 1985, it is my hope that we can develop new legislative language and regulations reflecting the Commission's findings on the procedures and methods to establish the existence of disabling pain in the absence of concrete laboratory tests confirming the existence of illnesses already known.

I do not suggest that the measure before us is ideal. In but a few years, the Congress once again will be required to act to ensure that individuals appealing a termination decision will continue to receive disability benefits during appeal. All told, however, the measure before us does represent a significant achievement. It will protect the benefits of hundreds of thousands of disabled Americans. Despite the reluctance of many to consider this legislation, and the efforts of many more to prevent its consideration, I believe we have crafted a measure that will produce more fair, equitable and judicious review of the continuing eligibility of Social Security disability insurance recipients. I urge, in the strongest terms I can, its prompt enactment.●

Mr. HEINZ. Mr. President, I strongly support the conference agreement on H.R. 3755, the Social Security Disability Reform Act. Passage of this legislation will end the nightmare of 3 long years of injustice, uncertainty, and abuse for the nearly 4 million people who rely on the disability program for basic support. The conference agreement before us represents a major legislative achievement, one that will restore fairness, integrity,

and human decency to the disability review process.

Ever since I conducted an investigation into the case of Kathleen McGovern, a mentally impaired woman in Philadelphia who committed suicide in 1982 after the Social Security Administration [SSA] notified her that her disability benefits were to be terminated, I have concluded that the entire disability review process was in need of comprehensive reform. The more deeply I looked into the manner in which SSA was administering the continuing disability investigations, the more clear it became to me that an enormous number of innocent Americans were being needlessly and wrongfully denied their disability benefits.

The national statistics on the magnitude of this tragedy are astounding. Since 1981, nearly half a million disability beneficiaries have been told by SSA that they no longer qualify for benefits. For those with the resources and fortitude to appeal to an administrative law judge, two-thirds have had their benefits restored. Almost 50,000 have taken their cases to the Federal courts, and well over 100,000 are members of class action suits already certified by Federal judges. Twenty-nine States have either refused to process claims under the inhumane standards set by SSA or are under court order to revise their review procedures. Overall, we have a program in a state of shambles.

The human dimension of this crisis—the unnecessary suffering, anxiety, and turmoil—has been graphically exposed by dozens of congressional hearings and in newspaper articles all across the country. People clearly unable to work found themselves stripped of the monthly income upon which they depended, and were forced to resort to State and local welfare programs. Many have ended up living on the streets.

A General Accounting Office [GAO] study I requested last year sheds a great deal of light on the quality of the review process, and its implications for human lives. GAO found that for every 28 cases SSA reviewed, SSA told 13 they were no longer eligible for benefits. Seven of this group were eventually reinstated on appeal; four ended up on welfare. Only 1 of every 28 was able to achieve self-support through employment. These statistics describe a program both deeply flawed and completely out of control.

The legislation before us will return order, equity, and national uniformity to the disability review process. It will provide relief for many of those who have been hurt by the continuing reviews, and it will build into the law structural safeguards to protect current and future disability beneficiaries.

Most importantly, this legislation establishes medical improvement as the primary criterion for the review of disability cases. This means that if SSA is going to terminate eligibility for disability benefits, the weight of evidence in the file must show both that the individual's medical condition has improved and that he or she is now capable of working.

The rationale for a medical improvement standard is simple—you should only be denied continuing eligibility for disability benefits if there is some reason why you are now more able to work than when you were admitted to the disability rolls. This should be the standard irrespective of whether the eligibility standards have subsequently been arbitrarily changed. This seems only fair, and should prevent the unreasonable terminations witnessed all too frequently since 1981.

The medical improvement standard in this bill is very tightly drawn, and is qualified by a number of exceptions that allow for flexibility in applying it. For instance, where improved medical or vocational technology allow a person to work despite an unchanged medical condition, or where new diagnostic techniques show an impairment less disabling than originally thought, the medical improvement standard is waived. These provisions assure consideration of advances in medical and rehabilitation technology in the disability review process.

One of my greatest concerns about the continuing disability reviews is that mentally disabled beneficiaries have been singled out for particularly unfair treatment by the Social Security Administration, and that this group has suffered most from the excesses of the past 3 years. In April 1983, the Special Committee on Aging, which I chair, held hearings on this issue, and the General Accounting Office reported that, although the mentally disabled account for only one-tenth of the total disability caseload, they represented almost a third of all those terminated. Many witnesses, including mentally impaired beneficiaries themselves, testified to the cruel human effects of this process, of which suicide is the most extreme expression.

Following these hearings, I introduced legislation to provide special safeguards for the mentally disabled, and I am happy similar provisions are incorporated into the conference agreement. Specifically, the legislation mandates that SSA revise the antiquated criteria it uses to evaluate the nature and severity of mental impairments. Further, the agency must now utilize qualified psychiatrists or psychologists in reviewing the mentally disabled. I am confident these reforms will serve to protect the most vulnerable of the disabled, those whose very disability leaves them defenseless to abuse by the Government.

The legislation before us includes a number of other noteworthy provisions. SSA will now be required to consider the combined effects of multiple impairments upon an individual's capacity to work. Due to regulatory and administrative changes in the past 5 years, a person with 10 "nonsevere" impairments could be denied benefits, despite the interactive effects these impairments may produce. This provision to require the combined evaluation of multiple impairments, like many others in this package, underscores the longstanding intent of Congress that every person should receive a comprehensive, realistic, and individualized assessment of his or her ability to work.

One problem that has plagued this program is the lack of consistency in standards among various levels of adjudication. Currently, State agencies receive their instructions from SSA through a detailed and elaborate program operations manual system [POMS]. Administrative law judges on the other hand are bound only to the law and published regulations. Instances in which SSA incorporates into the POMS administrative policy at variance with the law and regulations, as interpreted by administrative law judges, leads to widely different decisions on eligibility at different levels of the review process.

This legislation will establish uniform standards binding on all levels of decisionmaking process thus bringing SSA under the rulemaking requirements of the Administrative Procedures Act. This means that if SSA is going to revise basic review criteria, it has to publish the proposed rule changes and allow for public comment.

The legislation will extend the provision of continued benefits through the adminstrative law judge level for those who choose to appeal initial termination decisions through December 1987. "Aid-paid-pending" appeal will be made permanent for recipients of supplemental security income, to protect those with very limited income from losing their benefits until they have exhausted all administrative channels.

One provision in this legislation that I have reservations about is the section on pain. In this bill, we basically confirm in the statute the current regulatory policy of not considering pain unless a medically determinable condition can be identified that can be expected to cause the pain. It seems to me that this standard may be too narrow, and out of touch with the state of the art of scientific knowledge on pain. Pain is an extraordinary complex phenomenon, and real, disabling pain can exist without anyone understanding what impairment causes it to occur. I suspect we may want to revise this standard in the future.

Overall, this conference agreement reflects a finely crafted compromise, incorporating the diverse views of a

plethora of advocacy groups for the disabled, the administration, and many Members of Congress. After 3 years of struggle and controversy, we have finally constructed legislation everyone can support. Though there are areas where I do not think the legislation goes far enough, it is a fair compromise, worthy of enactment.

From my standpoint as chairman of the Aging Committee, I want to emphasize how important the disability program is to the elderly. Almost 75 percent of all disability beneficiaries are over age 50, and this program has to be understood in the context of a broader policy of guaranteeing income security for older Americans. It is important to note that the original disability insurance program established in 1956 was designed to provide income to workers who became disabled after age 50. The disability program was a way of insuring that older persons who became disabled maintained their economic security until reaching the age of eligibility for Social Security retirement benefits.

The legislation under consideration is designed to restore proper administration to the disability program and does not change the basic mission or structure of the program. However, as we increase the retirement age for Social Security, we may in the future want to rethink our basic policy on the disability program, and perhaps focus more attention on the adequacy of the program as a targeted means of supporting older people no longer capable of working, but too young to retire.

Mr. President, I conclude by stating that the Social Security Disability Insurance Program is just that, an insurance program. What Congress has finally accomplished in this legislation is to restore the protection of a fair and consistently administrated program to the millions of American workers who finance that protection with their every paycheck. They have earned nothing less, and I urge my colleagues to support the conference report.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement on H.R. 3755, the Social Security Disability Amendments of 1984.

By my count, this is the fifth time in the past 16 months that I have supported a measure to correct problems in the way the Social Security Administration reviews the eligibility for benefits of disabled Americans. We have, at last, found a bipartisan solution to these problems that is permanent, fair to beneficiaries, and financially responsible.

But before we congratulate each other for our work, we should pause for a moment to consider the plight of many of America's most vulnerable citizen's, the disabled. It is these people who should be congratulated. They are the ones who have shouldered the burden of an overzealous review process, who too often were removed from the rolls after no more than a "paper" examination, who were unnecessarily frightened, and who, in many cases, were unfairly deprived of benefits.

In my own State of New Mexico, I know of a man who had received benefits since 1977 because of a heart condition. He was removed from the program in 1982. He appealed this decision for 12 months and was still waiting for some action when stricken with a massive heart attack and died outside of my New Mexico office. Six months after he died, his widow received a notice that his benefits would be restored.

Mr. President, this bill improves the disability review process by: Ensuring that an individual has medically improved before he or she stops receiving benefits; providing more face-to-face contact between program officials and beneficiaries; and allowing the disabled to continue to receive benefits while they appeal a decision to remove them from the program.

These changes will make the Social Security disability review process a more fair and compassionate process. These changes are long overdue, and I hope that we can pass this conference report without delay.

Mr. MITCHELL. Mr. President, I rise today to express my support for the conference agreement on H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. This report is the culmination of over 2 years of debate and compromise on how best to resolve the tragic and needless confusion which has beset the Social Security Disability Insurance Program since 1981. Mr. President, since the beginning of the Reagan administration, nearly 500,000 recipients of Social Security disability insurance have had their benefits cut off while having their cases reviewed; more than 40 percent of these persons were reinstated upon appeal. We have listened to the stories of many disabled persons who suffered severe hardship because of this unfair review process. Under the conference agreement, the Government could remove a recipient from the rolls only if it is proven that his or her medical condition had improved. I believe this agreement will be a major step toward correcting the unfairness which existed in the earlier review process and administration of this vital program. The bill will protect the interests of those already on the rolls and of taxpayers in assuring that benefits are paid only to those in need of them.

In May of this year, when the Senate approved its version of the Social Security Disability Benefits Reform Act, I expressed my concern about the antideficiency provision contained in the bill which would have required the Secretary of Health and Human Services to scale back the cost-of-living increase in disability benefits if the disability insurance trust fund was projected to fall below 20 percent of expected annual benefit payments. If this action were not enough, the Secretary could further act to reduce the benefit schedules for new entrants into the system. I stated at that time that this provision was particularly unfair to those relying on disability benefits for their sole source of income who would not have been responsible for the conditions that might lead to a funding reserve shortfall. I am pleased that the conferees agreed to drop this provision in conference.

The conference agreement requires publication of regulations setting forth uniform standards for Social Security disability determinations under section 553 of the Administrative Procedures Act which will be binding at all levels of adjudication. In my view, this is the critical element in reforming the Social Security Disability Program. I hope that a set of uniform regulations will serve to end the painful and unnecessary chaos which has plagued the disability program since 1981. Uniform standards supply a solid base on which the administrative law judges can fairly and efficiently gauge the merits of cases before them. I worked hard to make sure that this provision of the bill remained strong and I am encouraged to note that the conference agreement is also firm on this point.

I will vote for the conference agreement because it is a long overdue correction of a situation which brought undue pain and hardship to thousands of disabled Americans. I hope the legislation will assure the fair and equitable treatment of those persons who are entitled to benefits under the Social Security Disability Program.

Thank you, Mr. President.

Mr. RIEGLE. Mr. President, after years of struggle, the Congress is finally acting to put an end to the needless hardships and suffering by hundreds of thousands of our Nation's disabled citizens. The enactment of this legislation should end the chaos that has resulted in the administration of the Social Security Disability Insurance Program ever since the administration implemented the continuing disability investigations [CDI's] several months prior to the time mandated by law.

The final action we are taking today is long overdue. I think it is instructive to look at how long it has taken the Congress to finally pass this critical legislation, that could have, and should have been enacted during the 97th Congress. Many of the individuals who were the victims of the careless and at times cruel treatment by the Social Security Administration

were unable to speak for themselves due to extreme physical and emotional hardships they have experienced as a result of a severe disability. It was our job here in Congress to recognize the problem and swiftly and effectively correct the problem. Today, over 2½ years after the Congress initially started examining this program, we are at last enacting this needed Social Security reform. The basic outline of the legislation we are giving final approval here today was contained in the legislation I introduced on July 26, 1982 (S. 2776) during the 97th Congress. It is truly sad that it has taken this institution so long to respond to this vital need.

Finally, Mr. President, I would like to commend those of my colleagues who presided with great vigilance over this matter and without whose continued persistence we might not have even gotten where we are today. In particular, I want to single out my friend and colleague from Michigan, Senator LEVIN, whose efforts in this area have been truly exceptional. I urge all of my colleagues to join with us in unanimously adopting this conference report.

Mr. BENTSEN. Mr. President, I am pleased to lend my support to the conference agreement on H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. For more than 2 years, many Members have worked diligently toward the resolution of some very thorny issues that developed with implementation of the disability amendments of 1980. Reaching agreement was a lengthy and sometimes ardous process, but I believe that with enactment of this compromise, the Congress will send a strong signal to beneficiaries and program administrators that we intend to protect the disabled from unjustified loss of benefits, but that we are equally committed to ensuring the integrity of the trust funds is not jeopardized by permitting ineligible individuals to receive benefits.

I am particularly gratified that this bill includes my provision designed to insure that benefits intended for those unable to care for themselves are not misused. This provision, directed at persons who act as agents for Social Security recipients, establishes a system for auditing expenditures by representative payees. While the caring individual who accepts responsibility to act on behalf of another deserves to be commended, it is a disgrace that some have abused this trust to their own advantage.

According to agency records, there are approximately 5.5 million representative payees nationwide. Some 1.5 million are not members of the families of individuals who they represent. General Accounting Office data and studies conducted internally by the Social Security Administration have documented over 1,400 cases of misuse of funds since 1974, yet only 122 were referred to the Department of Justice for prosecution—and only 29 convictions were actually obtained.

The provisions included in this bill instruct the Secretary of Health and Human Services to develop and present to the Congress, within 9 months, a plan to tighten procedures for auditing representative payees. Parents or spouses are specifically exempt from extensive scrutiny in order to protect families from excessive governmental intrusion. However, the Secretary retains the authority to review even familial accounts if she finds there is reason to believe funds have been diverted from the beneficiary and misused by the representative payee. In the event a representative payee is convicted of willfully cheating the Social Security recipient of his or her benefits, the judge will be able to assess a more appropriate and stiffer penalty—up to 1 year in prison and a $5,000 fine for first offenders, and up to 5 years imprisonment and $25,000 for second offenses. Should the representative payee be convicted for a second time, his or her ability to function in this capacity in the future will be permanently revoked.

Mr. President, I commend the chairman and ranking member of the Finance Committee for their extraordinary efforts in reaching agreement on this compromise, and I thank my colleagues Senators LEVIN and COHEN for their diligence in developing legislation that will accomplish the difficult task of balancing sensitivity toward the beneficiaries with legitimate restraints on unbridled growth in the disability program. In particular, I would like to congratulate my colleague from Texas, Congressman JAKE PICKLE, whose initiative coupled with grace in the face of sometimes trying negotiations, played a major role in crafting a more fair and workable review process.

I urge my colleagues to join with me in support of the pending conference report.

BETTER LATE THAN NEVER ON SOCIAL SECURITY DISABILITY INSURANCE REFORM

Mr. BYRD. Mr. President, we have before us something for which many of us have been working—and waiting—for many, many months. In 1980, the Congress ordered a review of the disabled individuals who are on the rolls of the Social Security disability insurance program. From the time it took office in 1981, the Reagan administration has used this review as an opportunity to purge beneficiaries from the rolls. As a result, caring people of every description have cried foul and sought to repair the damage that was being inflicted. Democrats, Republicans, conservatives, moderates, and liberals, Northerners, Southerners, Westerners—the cries have come from all quarters as the administration purged the rolls of this program, and, in the process, sacrificed the well-being of some of our least fortunate citizens—those who are physically or mentally disabled.

The facts of this matter have been stated and restated before this body. Since the administration began the disability purge in 1981, nearly half a million persons have received initial termination notices. Initially, payments to these beneficiaries were halted abruptly even when they felt confident that an appeal would reinstate their eligibility—and even in those cases where there was no real possibility that the individuals would be able in the meantime to derive enough income from other sources to meet their fundamental needs. Later, due to legislation the Congress found it necessary to pass, benefits were extended for terminated beneficiaries who appeal their terminations until administrative law judges return judgments on those appeals.

By last spring, more than 200,000 of the disabled who had been cut from the rolls in fact were reinstated upon appeal. But during the course of proving their eligibilty, they were confronted with untold anxiety over the possible loss of their benefits and with inconvenience and sometimes even physical pain during lengthy hearings and consultations with attorneys and agency personnel. There were press reports of suicides and other deaths of disabled persons who simply were incapable of contending with this kind of disruption of their lives. Simple respect for human life, dignity, and fairness required the correction of this situation.

But the beneficiaries were not the only ones to suffer. The eligibility review caseworkers, who had been given inadequate explanation and training concerning their case review responsibilities, were seriously overworked and demoralized. The administrative law judges were overwhelmed with unprecedented numbers of appeals. Allegations surfaced in lawsuits and elsewhere that the administration was connecting personnel performance reviews of those judges to their record of appeals rejections.

And the problem did not stop even there. Over 40,000 of these appeals reached the Federal courts, adding to their already troubling burden.

Many State governments—which under Federal law have the responsibility for determining eligibility for this program—rebelled at what they viewed as the inexcusable harshness of the administration's approach to this issue. Over half of the States, either of their own accord—as was the case with my own State of West Virginia—or upon orders from the courts, ceased

enforcing the Federal review and termination requirements.

Finally, even the administration concluded that the situation could not be allowed to persist. The Secretary of Health and Human Service, facing a political nightmare, was forced to suspend the reviews nationwide to await congressional passage of legislation to return order to the chaos.

Fortunately, through all this turmoil, several compassionate and determined Senators and Representatives never let up in their efforts to gain enactment of fair, effective remedial legislation. While any attempt to list all such Senators likely would inadvertently omit the name of one or more who invested themselves in this effort, any list must include the names of Senators SASSER, PRYOR, MOYNIHAN, COHEN, and HEINZ. But the real champion of the disabled has been the distinguished junior Senator from Michigan, Senator LEVIN. He, as ranking member of the Subcommittee on Oversight, along with subcommittee Chairman COHEN, held hearings on this matter, introduced remedial legislation which forms in large measure the basis for the final product that is before us today, and refused to let the issue be forgotten.

I commend these Senators, and their counterparts on the House side, Mr. President, for their long, difficult, tiring efforts. Even when the outlook appeared bleak for this legislation, they never let up. They knew, and felt acutely, the degree to which the disabled of this Nation were depending on them—and they took it as a personal affront that a Federal law designed to help the disabled should be used by the uncaring to harm the disabled.

Mr. President, the conference report—like most conference reports—is not perfect from anyone's perspective. But I believe it resolves the issues of difference acceptably—in a manner that is simultaneously fiscally responsible, humane, and programmatically sound. The enactment of this bill will return rationality to this program—for the benefit, first, of the disabled, but also for their family members; for Federal and State government caseworkers; for administrative law judges, for Federal courts; and for virtually all others who have had to deal with this mistreated system during the past 4 years. I only regret that this day could not have come sooner. I am sincerely hopeful that the Reagan administration will move as rapidly and with as much force and enthusiasm to implement the provisions of this legislation as it mover to purge the disability rolls in 1981.

Mrs. HAWKINS. Mr. President, I am pleased that the House-Senate conference committee has completed action on the Social Security disability review amendments. I have many constituents in Florida who are anxiously awaiting the enactment of this legislation.

The Social Security Disability Program was enacted to provide aid to disabled Americans and the SSI disability reviews undertaken by the Department since 1981 was undertaken with the same noble purpose, to maximize aid to those with genuine needs and to minimize the amount of inefficiencies and cheating within the program. Unfortunately, because of the flawed review process, severe hardships have been imposed on the disabled. The most dramatic indication of the flaws in the current disability review system is that more than 160,000 disabled individuals have had their SSI eligibility reinstated after appealing to administrative law judges.

Clearly, we must improve our SSI disability review procedure to ensure that it is equitable as well as efficient. We must correct the flaws of inadequate notice, lack of face-to-face interviews, conflicting standards regarding disability, confusion over the evaluation of pain, inadequate medical evidence and failure of SSA to apply circuit court decisions to its policies if the agencies happen to disagree with the decision.

The conference report we are considering today would rectify many of these flaws and restore fairness to the Social Security disability review process. As we strive to eliminate waste and inefficiency in the Social Security Disability Program, we must remember that these are not merely numbers, they are people. People who are dependent upon the disability program for survival. Since a worker does not have to be permanently disabled in order to receive SSI benefits, I support periodic review of individuals receiving disability to ensure that only those who remain disabled continue to collect disability checks. But the review process that determines eligibility must be fair and provide due process protections to the affected individuals.

Mr. President, I would like to compliment Senators HEINZ, LEVIN, COHEN, DOLE, and others who have taken such an active role in this issue. Their diligent efforts have resulted in the legislation that is before us today.

SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT OF 1984

Mr. CRANSTON. Mr. President, I am delighted to join in urging Senate passage of the conference report on H.R. 3755, the Social Security Disability Benefits Reform Act of 1984.

I was also pleased to be a cosponsor of the original Senate version of this legislation, S. 476, and amendments to it and to join in the overwhelming 96–0 vote by which the Senate passed its version on May 22, 1984. However, since the House version of this legislation contained a number of provisions that I favored over the corresponding provisions in the Senate-passed measure, I wrote to the distinguished chairman of the Finance Committee [Mr. DOLE] on June 25, 1984, urging resolution of certain issues generally along the lines of the results in the conference report.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, as many of my colleagues know, this legislation has had a painstakingly slow evolution. Over the past 3 years, in the absence of legislation providing for a comprehensive reform of the Social Security disability insurance [SSDI] review process, we have received one report after another documenting the chaos and inequities that have resulted from this administration's conduct of continuing disability investigations—CDI's.

Thus far, Congress has enacted legislation that treated only the symptoms of the problems created by the CDI's without addressing the underlying flaws in the disability review process. With final action today—3½ years after the Reagan administration made the decision to accelerate precipitously the congressionally mandated reviews of SSDI beneficiaries—some measure of consistency and equity will be restored to a chaotic review system that has caused needless suffering to many disabled beneficiaries.

Mr. President, it is especially noteworthy that the conference agreement establishes a medical-improvement standard setting forth specific guidelines under which the Secretary generally must consider an SSDI recipient's ability to return to work as well as any medical improvement which may have occurred since the initial finding of eligibility.

I am also pleased that the conference report includes a provision requiring the Secretary of HHS, along with the National Academy of Sciences, to conduct a study—due to Congress by December 31, 1985—relating to determining the presence of pain for SSDI eligibility purposes.

The legislation also requires that multiple impairments be considered in determining eligibility and that a moratorium on reviews of persons with mental impairments be instituted pending revision of the current, unrealistic criteria for determining the individuals' ability to perform substantial gainful activity in a competitive workplace, and provides for continued payment of benefits through the appeals process, subject to forfeiture if the appeal fails.

Mr. President, I also note with interest and approval a provision allowing

reimbursement to State agencies for the cost of vocational rehabilitation services provided to beneficiaries who recover medically while in a vocational rehabilitation program, regardless of whether the recipient performed substantial gainful activity for 9 months or cooperated in the program.

CONCLUSION

Mr. President, several of my colleagues have worked relentlessly toward the comprehensive reform which we are now considering. In particular, I would like to note the efforts of the Senator from Michigan [Mr. LEVIN], the Senator from Maine [Mr. COHEN], and the Senator from Pennsylvania [Mr. HEINZ], on behalf of these reforms and the disabled persons who will be assisted through them. I would also like to thank the Senator from Kansas [Mr. DOLE] for his efforts and cooperation in the development of the agreement on this legislation.

Mr. President, the chaos, the inequities, and the disruption in the lives of countless disabled beneficiaries has plagued the review process for far too long. I am delighted to join my colleagues in urging that the Senate adopt the conference report, and in so doing, help to restore equity, fairness, and compassion to the review process and, I sincerely hope, the peace of mind that SSDI recipients deserve.

EXHIBIT 1

U.S. SENATE,
Washington, DC, June 25, 1984.

Hon. ROBERT DOLE,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR BOB: I understand that you received a June 18, 1984, letter from the authors and a number of the cosponsors of S. 476, the proposed "Social Security Disability Reform Amendments of 1984", alerting you to their concerns about three provisions in the Senate version of H.R. 3755, the House-passed bill to make reforms in the social security disability insurance (SSDI) program.

As a cosponsor of S. 476, I share my colleagues' concerns expressed in that letter and wish to associate myself with the positions they expressed in that letter with respect to the Senate provisions to "sunset" the so-called "medical-improvement standard", to codify the regulatory standard for evaluating pain, and to reduce SSDI benefits in certain circumstances.

Regarding the provision to terminate the medical-improvement standard on December 31, 1987, the need for this standard arose in response to concerns about persons being terminated, through the retroactive application of new rules for determining disability, even though their physical conditions had not changed since they were put on the rolls. I am aware of no evidence to suggest that the need for this standard would cease to exist on December 31, 1987, and thus urge that the Senate accept the House position that it not be subject to a sunset provision.

As to the provision that would codify the Social Security Administration's pain standard, I totally agree with the discussion in the June 18 letter and urge that no statutory standard be established at this point and that the deadline for the proposed study be one year rather than three years.

In addition, I am concerned about the provision that could result in lower benefit levels for new beneficiaries when the disability trust fund is projected to decline to less than 20 percent of a year's benefits at the beginning of any given year.

Bob, I appreciate your attention to these matters of mutual concern.

With warm regards,

Cordially,

ALAN CRANSTON.

Mr. BINGAMAN. Mr. President, I am very happy to support the conference agreement on H.R. 3755, the Social Security Disability Reform Act. Few social problems have touched us more than the thousands of handicapped and disabled Americans whose benefits were unfairly taken away as a result of a flawed review process. This legislation will end the uncertainty and unfairness that disability beneficiaries have suffered as a result of the disability review process.

I am personally aware of the tragedies that have been caused as a result of this flawed "disability review process." The volume of Social Security disability casework by my field offices has been greater than any other issue. On October 8, 1983, I was pleased to hold a field hearing of the U.S. Senate Committee on Governmental Affairs in Santa Fe on the subject of Social Security disability reviews. Firsthand testimony was heard from a cross-section of New Mexicans who told of their painful experiences caused by an insensitive, inefficient, and dehumanizing process. Testimony was also received from doctors who treated claimants, attorneys who represented claimants, the State of New Mexico Disability Determination Unit Director, an administrative law judge who heard their appeals, and a representative from the Governor's office. They all told the same tragic story that the claimants were wrongfully denied their disability benefits.

The magnitude of this tragedy is enormous. Since 1981, nearly half a million disabled beneficiaries have been told by SSA that they no longer qualify for benefits. For those with resources and fortitude to appeal to an administrative law judge, two-thirds have had their benefits restored. Almost 50,000 have taken their cases to the Federal courts, and well over 100,000 are members of class action suits already certified by Federal judges. Twenty-nine States have either refused to process claims under the inhumane standards set by SSA or are under court order to revise their review procedures. Overall, the program was a disaster.

The flood of terminations stemmed largely from two factors. One was the act of Congress, the so-called Bellmon amendment, which mandated in 1980 that disability recipients be reviewed every 3 years to determine if they were still eligible for benefits. These reviews, called continuing disability investigations, or CDI's, were scheduled by Congress to begin in January 1982. The second factor behind the great number of terminations was an administration bent on reducing Government spending regardless of human costs. Wielding the Bellmon amendment, the Reagan administration decided to accelerate the implementation date to March 1981, and began ordering disability reviews at an alarming rate.

None of us condone allowing people who are not disabled to receive Social Security or supplemental security disability benefits. But just as we are repulsed by disability benefit fraud and seek its elimination, we should not permit any administration to terminate disability benefits for literally thousands who were truly disabled.

Because of the abrupt acceleration of the reviews, many individual cases received only the most cursory examination. State disability determination offices were forced to accept a threefold increase in their workloads without an increase in funding or support. Many reviews were accomplished simply on paper, without ever seeing another human being, or by a 5-minute examination by a physician who had never seen the recipient before. Often the statements of personal physicians were either never sought or simply disregarded. Most reviews centered on a profile of disabled persons who were thought most likely to be able to go back to work. Several days of hearings before the Senate Special Committee on Aging, the Senate Governmental Affairs Committee and other groups have documented irrefutable patterns of unfairness and improper denials of disability benefits to individuals, particularly those suffering from severe psychiatric problems.

Mr. President, my strong support for this legislation comes from the review of hundreds of cases in my State, where disabled constituents wait over 2 years for favorable reviews. This legislation will return fairness, order and uniformity to the disability review process. I am hoping it will provide relief for many who have been hurt by the continuing reviews, and it will build into the law structural safeguards to protect current and future disability beneficiaries.

Most importantly, this legislation establishes a medical improvement as the primary criterion for the review of disability cases. This means that if SSA is going to terminate eligibility for disability benefits, the weight of evidence in the file must show both that the individual's medical condition has improved and that he or she is now capable of working.

The rationale for a medical improvement standard is simple—the recipient could only be denied continuing eligibility for disability benefits if there is some reason why he/she is now more able to work than when he/she was admitted to the disability rolls, other than that the eligibility standards have been arbitrarily changed over time. This seems to be fair, and should prevent the unreasonable terminations witnessed all too frequently since 1981.

The medical improvement standard in this legislation is qualified by a number of exceptions that allow for flexibility in applying it. For example, where improved medical or vocational technology allow a person to work despite an unchanged medical condition, or where new diagnostic techniques show an impairment less disabling than originally thought, the medical improvement standard is waived. These provisions assure consideration of advances in medical and rehabilitation technology in the disability review process.

I am pleased to note that Senator HEINZ has incorporated legislation affecting the mentally disabled recipients. The guidelines provide special safeguards for the mentally disabled. Specifically, the legislation mandates that SSA revise the antiquated criteria it uses to evaluate the nature and severity of mental impairments. Further, the agency must now utilize qualified psychiatrists or psychologists in reviewing the mentally disabled. I am hopeful that these reforms will protect the most vulnerable of the disabled, those whose disability leaves them defenseless to abuse by the Government.

Other provisions include the following: SSA will now be required to consider the combined effects of multiple impairments upon an individual's capacity to work. Due to regulatory and administrative changes in the past 5 years, a person with 10 nonsevere impairments could be denied benefits, despite the interactive effects these impairments may produce. This provision to require the combined evaluation of multiple impairments, like many others in this package, underscores the longstanding intent of Congress that every person should receive a comprehensive, realistic, and individualized assessment of his or her ability to work. This legislation will also establish uniform standards binding on all levels of decisionmaking process bringing SSA under the rulemaking requirements of the Administrative Procedures Act. This means that if SSA is going to revise basic review criteria, it has to publish the proposed rule changes and allow for public comment.

The legislation will extend the provision of continued benefits through the administrative law judge level for those who choose to appeal initial termination decisions through December 1987. "Aid-Paid-Pending" appeal will be made permanent for recipients of SSI, to protect those with very limited income from losing their benefits until they have exhausted all administrative channels.

Overall, this conference agreement reflects a finely crafted compromise, incorporating the diverse views of many groups. I am unhappy, however, that the conference report language does not fully address the issue of compliance with court orders; the so-called nonacquiescence issues. This is one of the most crucial issues in the debate over disability reform. The primary point of contention involves the policy of nonacquiescence practiced by the SSA in disability reviews. Under this policy, SSA does not consider the decisions of circuit courts of appeal binding, except for the plaintiffs in the individual cases, when the ruling and interpretation conflict with the agency's regulations and policies.

What this effectively amounts to is the making of new law in each individual case. This practice disregards the basic notion of precedent and judicial interpretation.

Administrative law judges across the country have indicated time and again before congressional hearings that this policy significantly hampers their ability to utilize these court interpretations and subsequently works great hardships on individual claimants because they must go to the expense of reestablishing a new point of law in each case.

I am sorry that the language contained in the House version which requires that SSA either apply circuit court decisions to all cases within the circuit or appeal the decisions to the Supreme Court has not been made a part of the final bill. This is the normal legal procedure and should be followed.

Mr. President, in spite of this oversight, I am happy to go on record as a supporter of this legislation.

Mr. PELL. Mr. President, for the past 3 years Members of Congress and the American people have read almost daily news stories about the unwarranted termination of Social Security disability benefits for persons who were clearly disabled and dependent on benefit payments.

I have heard from numerous individuals in my own State who have found themselves suddenly, and I believe mistakenly deprived of disability benefits and forced into unnecessary hardship while they sought to reverse arbitrary, bureaucratic decisions.

Upon becoming aware of the unfair treatment given to disability recipients, I, along with my colleagues in the Senate proposed legislation to bring an end to this arbitrary treatment of disability recipients.

Mr. President, it was necessary for this body to take legislative action and eliminate this unjust situation because the executive branch in its blind persistence ignored court orders directing it to cease and desist from taking these illegal actions. The administration in ignoring court directives ordering it to comply with the law also ignored the human misery it was inflicting on disability recipients and their families. Instead of correcting its illegal and unfair actions, the administration accelerated the review process, conducting hasty and inadequate case reviews to meet arbitrary quotas. In 1982, some 497,000 recipients, or about 18 percent of all disability recipients, were subjected to review before termination decisions were rendered. Needless to say with this type of review process, many of the termination decisions were later found to be incorrect. From this brief description, it is clear that the disability review process was being conducted in a manner contrary to the intent of Congress, in defiance of court mandates and without any regard for the pain and hardship that was being placed upon the disability recipient. Confronted with this unfair and unjust situation, I, along with my colleagues, took action to bring the administration's practices to a standstill.

Mr. President, I support the efforts of my colleagues in the House and in the Senate to finally develop legislation that will restore a fair and just review procedure to the disability review process. It is sad, however, that it has taken Congress nearly 3 years to put an end to the administration's actions and to ensure that the disability review process will be carried out in a nonarbitrary and, ultimately, more humane manner.

Mr. HELMS. Mr. President, the nearly 3 million disabled Americans and their families can rest much easier today, knowing the Senate and House of Representatives have agreed on a plan that will prevent any arbitrary cuts in their Social Security disability benefits. I am confident that the Senate will overwhelmingly vote in favor of this agreement because it illustrates our commitment to citizens who are disabled.

This conference report agreement does not change the basic eligibility requirements for disability relief. Nor does it change the law passed by Congress in 1980 and signed by former President Carter, which mandated a 3-year review of every disability case. It simply clarifies the procedures for that review.

Early last year, Mr. President, I proposed S. 541, a comprehensive bill to reform and strengthen our Nation's retirement system. A cornerstone of that proposal was a section pertaining to disability reform. I suggested that Congress insure due process to every

individual receiving disability benefits before any benefits could be cut. S. 541 established that each beneficiary should be entitled to a full and fair hearing before an administrative law judge prior to any adjustment in benefits.

Although Congress approved 11 of the 20 sections of S. 541, it did not enact the disability portion. I reintroduced that section in September 1983 as S. 1888.

Mr. President, S. 1888, like the comprehensive proposal, placed the burden of proof on the Social Security Administration to show either an improvement in medical condition, or a mistake or fraud in the original determination.

Mr. President, this conference report agreement embodies those same principles. I commend the able Senator from Kansas, Senator DOLE, and others who spent much of this year working to resolve the serious problems facing disabled citizens.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee, the majority leader.

ORDER OF PROCEDURE

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, under the order previously entered, the Senate at 2 o'clock is to go to the consideration of a nomination. It is clear that a vote to occur now on the conference report would intrude on the hour provided for debate on that nomination.

Let me make this request for the consideration of the minority leader and all Senators:

Mr. President, I ask unanimous consent that at the hour of 3 o'clock the Senate proceed to vote on the Beaudin nomination, and that the Senate then immediately return to legislative session and vote without further debate on the disability conference report.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. I object. My problem, I say to the majority leader, is that we have rescheduled the Finance Committee at 2:30 on the Superfund, which is a matter of great importance to me. I want to be there for those hearings. Is it possible to complete the nomination by 2:30? We have postponed the Finance Committee because Senator LONG had to be on the floor for the debate. I also want to be there during the next panel. I am on the nub of a problem because we have the Beaudin nomination at 2 o'clock.

Mr. BAKER. Do I understand the Senator is suggesting, then, that we reduce the time for debate on Beaudin to 30 minutes and begin that vote at 2:30?

Mr. ROTH. Yes. Can we do that by 2:30?

Mr. LONG. Might I just suggest that we go ahead and vote now on this measure and delay the time to resume the Superfund hearing by 15 minutes or whatever it takes, or whatever it takes to accommodate the Beaudin nomination?

Mr. ROTH. I understand that Senator STEVENS, who is also on Governmental Affairs, is willing to take over at 2:30.

Mr. BAKER. Mr. President, if no agreement is reached when this little colloquy stops, we will be on the Beaudin nomination. Why not just do that at this time, Mr. President.

Mr. ROTH. Mr. President, with that understanding, I will withdraw my objection.

Mr. BYRD. Will the Senator yield?

Mr. BAKER. Yes.

Mr. BYRD. There are Senators who did not anticipate a rollcall vote coming at this time on this conference report. They do anticipate a rollcall commencing at 3 o'clock on the nomination. I would hope that we could avoid having a vote before 3 o'clock. We have one Senator on this side who has to go to the doctor about a serious back problem, but he will be back at 3 o'clock. Without any agreement at all, we could make it 3 o'clock, I say to the distinguished Senator from Delaware. As the majority leader has said, the Chair should be putting us in executive session right now. We have an agreement for 1 hour on the nomination. There are enough of us here who could talk to make it last that long.

Mr. BAKER. Mr. President, I do not think we are ready. Maybe this is the best thing to do.

I ask the Chair to execute the unanimous-consent order.

EXECUTIVE SESSION

NOMINATION OF BRUCE D. BEAUDIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER (Mr. EVANS). Under the previous order, the hour of 2 p.m. having arrived, the Senate will now go into executive session to consider the nomination of Bruce D. Beaudin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia.

Mr. BAKER. Now, Mr. President, I understand that the distinguished chairman of the Governmental Affairs Committee, the originating committee, will proceed to manage the nomination on this side and I will pursue the idea of setting a vote on the conference report.

Let me say for the benefit of the Senate we are a little backed up here, but it is still the intention of the leadership to finish this nomination, finish the conference report, and still get back to the trade bill. Mr. President, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, President Reagan submitted Mr. Bruce Beaudin's name to the Senate on June 29, 1983, to be an associate judge of the Superior Court of the District of Columbia. Under procedures established by my Committee on Governmental Affairs for the consideration of nominees, a detailed biographical and financial information questionnaire was submitted to be completed by Mr. Beaudin.

On July 6, 1983, the committee received Mr. Beaudin's responses to the questionnaire and shortly thereafter the nominee's FBI file was reviewed by both Senator MATHIAS and Senator EAGLETON on behalf of the committee. The FBI report contains a summary of the background investigation conducted on each nominee by the Bureau. The report required updating by the FBI, which was completed in mid-July and reviewed again by both Senators.

Our committee's rules also require each nominee to be personnally interviewed by committee staff investigators. In that interview, the nominee attested to the accuracy and completeness of all written responses to the committee's questions. The nominee also addressed in greater depth a number of matters raised by both the FBI report and his written responses to the committee.

The committee held a hearing on the nomination and it was considered at a committee business meeting on March 29, 1984. The committee voted 9 to 4 to recommend the nomination favorably to the Senate.

Mr. President, the committee spent a great deal of time reviewing Mr. Beaudin's nomination. Bruce D. Beaudin was graduated with a juris doctor degree from Georgetown University Law Center in 1964. He holds a bachelor of arts from Fairfield University. He is a member of the District of Columbia bar, and has been since 1965.

Mr. Beaudin has substantial legal experience and is well acquainted with the local criminal justice system in the District of Columbia. In law school he was employed as a staff interviewer with the DC Bail Project. From 1963 until 1968, Mr. Beaudin was associated with the DC Public Defender Service. His positions included investigator, staff attorney, deputy director, and agency director. In 1968, he moved to the DC Pretrial Services Agency, serving as its director.

Mr. President, during the committee's investigation on this nomination a number of questions were raised regarding Mr. Beaudin's fitness to assume the duties of a judge. The com-

mittee spent a great deal of time reviewing these questions and based on that review, and on the tremendous amount of support his nomination received from very distinguished members of the legal community, the committee decided to favorably report the nomination to the Senate.

The main focus of concern regarding Mr. Beaudin's fitness for the position of associate judge centers on his relationship with Donald Epstein, a known dealer of pornography and a client of Mr. Beaudin's friend and professional mentor, Kenneth Wood.

During his early years as an attorney, Mr. Beaudin maintained a close personal and professional relationship with Mr. Wood, who was Mr. Beaudin's supervisor while he was employed at the DC Public Defender's Service. When Mr. Wood went into private practice, he and Mr. Beaudin continued to maintain a very close relationship.

In private practice Mr. Wood was retained by Donald Epstein, and it was through Mr. Wood's attorney-client association with Mr. Epstein that Mr. Beaudin first became acquainted with Mr. Epstein.

Mr. President, the committee felt that based on the information it received, the relationship between Mr. Beaudin and Mr. Epstein was derivative in nature and based upon the attorney-client relationship between Mr. Epstein and this attorney, Mr. Wood. Mr. Beaudin's relationship with Mr. Epstein was coincidental to his association with Mr. Wood. When Mr. Wood's association with Mr. Epstein ended, so, too, did Mr. Beaudin's.

During Mr. Beaudin's acquaintance with Mr. Epstein, Mr. Beaudin was a party to three transactions with Mr. Epstein. However, the information available to the committee shows that these transactions were minor and not illegal. Specifically, an unsecured car loan of between $800 and $1,100 that Mr. Beaudin received from Mr. Epstein was promptly and completely repaid, and Mr. Beaudin testified under oath that he paid the going market price for a $20 gold piece and a small kitchen appliance he purchased from Mr. Epstein. Moreover, it appears that these transactions were also related to Mr. Beaudin's relationship with Mr. Wood, in that Mr. Epstein loaned Mr. Beaudin the money and sold him the gold coin and the appliance because Mr. Beaudin was a close friend and companion of Mr. Wood's.

The record also indicates that Mr. Beaudin ate lunch at Mr. Epstein's place of business on several occasions. However, these incidents occurred only when he accompanied Mr. Wood on his visits to this client, Mr. Epstein. During those visits Mr. Beaudin stated that he was not a party to the business that transpired between Mr. Wood and Mr. Epstein, but rather, ate alone while waiting for Mr. Wood.

In addition, in a posthearing conversation, Mr. Beaudin indicated to a committee staff member that although he received Christmas cards and token gifts from Mr. Epstein, these cards and gifts were not sent to him personally by Mr. Epstein, but rather, were sent out by one of Mr. Epstein's other business concerns which maintained a mailing list that included numerous other individuals.

The record also shows that Mr. Beaudin provided legal assistance to Mr. Epstein. Although he did provide Mr. Epstein and his alleged girlfriend with limited legal assistance on two occasions in 1976 and 1981, this limited assistance was rendered because Mr. Wood was unavailable and could not be reached, and, again, was a consequence of Mr. Beaudin's relationship with Mr. Wood. Furthermore, none of the evidence presented to the committee indicated that there was ever any wrongdoing of any kind by Mr. Beaudin with respect to his association with Mr. Epstein.

Mr. President, throughout his legal career Mr. Beaudin has demonstrated superior ability in his field, and it is the committee's opinion that he possesses the requisite judgment and temperament and is qualified to serve as a judge on the superior court of the District of Columbia.

I would like to stress that Mr. Beaudin is well regarded by his fellow members of the District of Columbia bar and comes to the committee highly recommended by his peers and associates in the legal community. In fact, Mr. Harold Green and Mr. John Pratt, both highly respected judges in the U.S. district court in Washington, DC testified in support of Mr. Beaudin's nomination. The committee has also received numerous letters in support of Mr. Beaudin's nomination and I ask unanimous consent to enter them into the RECORD at this time. I just point out that these letters were sent by highly regarded attorneys and government officials including the State's attorney for Montgomery County, MD, Judge Nicholas Nunzio of the DC superior court, and Charles Ruff of Covington and Burling. In addition, Washington, DC, Mayor Marion Barry contacted me personally to indicate his interest in seeing M. Beaudin's nomination approved.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE'S ATTORNEY FOR
MONTGOMERY COUNTY,
Rockville, MD, October 24, 1983.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, U.S. Senate Committee on Governmental Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ROTH: I understand that Bruce Beaudin is under consideration for appointment to the bench of the Superior Court for the District of Columbia. I am writing in support of his appointment.

I have known Mr. Beaudin for approximately fifteen years. I first came to know him professionally as a member of the Washington, DC area legal community and then subsequently more closely in a social context as I came to see him more often and enjoy his company.

I also over the years have known a number of people who have worked with him in his position at the bail agency or with professional associations in which he is active.

My observation of Bruce Beaudin leads me to believe that he would make an outstanding judge. He is sensible, exercises sound judgment after careful consideration, and has a keen understanding of human nature. In my position as a prosecutor I have seen many judges, some successful and some not. I have tried to discern what qualities in lawyers indicate future success in the judiciary. Those qualities are frequently hard to predict and sometimes we are fooled by candidates and later disappointed. I can say, however, that among the many I know who have discussed Bruce Beaudin's candidacy there is a unanimous consensus that he has what it takes to make an excellent judge. I want to recommend him most heartily and without any reservations at all.

Sincerely,

ANDREW L. SONNER,
State's Attorney.

BARRETT, HANNA, DALY & GASPAR,
Washington, DC, October 17, 1983.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR ROTH: Bruce Beaudin is a nominee for a vacancy on the Superior Court, as you know, I have known Bruce since I was a law clerk to Judge Bill Jones in the U.S. District Court which, I hate to say, is now 17 years ago. I have known Bruce well through all of those years, including those while I was an Assistant United States Attorney.

Bruce is possessed of the finest abilities that our profession requires, those of intelligence, dedication, integrity and, above all, judgment. In talking to a number of the Superior Court judges, I know how strongly they would welcome his joining that Court to assist them in their very difficult tasks.

If you feel that there is anything else that I can do to explain my total support for his candidacy, just let me know.

Very best regards,

Sincerely,

DAVID M. BARRETT.

SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA,
Washington, DC, October 17, 1983.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. ROTH: Mr. Bruce Beaudin's name has been submitted by President Reagan to the Senate for an appointment to the Superior Court and I am writing in support of his confirmation. I have known Mr. Beaudin for 20 years as a practicing member of our bar, Director of the Public Defender Service, and Director of the Pretrial Services Agency for this jurisdiction.

As a member of the United States Attorney's Office in the late sixties, I had many occasions to prosecute felony cases in which Mr. Beaudin was defense counsel and can personally attest to his excellent trial abili-

ties as well as his extensive knowledge of criminal law and procedure.

During the seventies and up to the present, I have had countless contacts with Mr. Beaudin as head of the Pretrial Services Agency and have come to know and respect him for the outstanding work he has performed with this agency. In my opinion, Mr. Beaudin would make an excellent jurist and I urge the Senate to confirm his nomination.

Mr. Beaudin is a pleasant, hardworking, diligent and dedicated attorney, who has demonstrated to many members of the bar and our bench, as well as the bench of the United States District Court, that in addition to the aforementioned qualifications, he possesses the judicial temperament that would favorably enhance the administration of justice in the District of Columbia.

Sincerely yours,

NICHOLAS S. NUNZIO, *Judge.*

MONTGOMERY COUNTY GOVERNMENT,
Rockville, MD, October 17, 1983.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: I have been advised that our President has announced his appointments for the existing vacancies to the bench of the Superior Court of the District of Columbia.

I have served in law enforcement for 27 years in the Washington Metropolitan Area and have a keen interest in these appointments. The future depends heavily on an effective judiciary.

I urge you to seriously consider the nomination of Mr. Bruce Beaudin. I have known Mr. Beaudin for almost eleven years, both professionally and socially, and have the highest regard for his honesty, intelligence, fairness, and sensitivity. I realize many nominees possess these attributes, but Mr. Beaudin possesses a high level of "common sense" that is often lacking in our judiciary.

Sincerely,

BERNARD D. CROOKE,
Chief of Police.

McDERMOTT, WILL & EMERY,
Washington, DC, October 17, 1983.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Government Affairs, Hart Building, Washington, DC.

DEAR MR. CHAIRMAN: I write in support of Bruce Beaudin, Esq. who has been nominated by the President as an Associate Judge of the Superior Court of the District of Columbia.

I have known Mr. Beaudin for more than fifteen years. I have had occasion to work with him when I was an Assistant U.S. Attorney, when I was Deputy Administrator of LEAA and when I was President of the D.C. Bar. I know many people who know Mr. Beaudin.

Mr. Beaudin is a dedicated and hard working public servant. He was instrumental in helping to reform and improve the Courts of the District of Columbia in the early seventies. He has been an important figure in the national effort to reform our bail practices. Mr. Beaudin is an able administrator and has done an excellent job heading D.C.'s pre trial services agency.

Mr. Beaudin is an excellent lawyer. I am familiar with a number of the cases he tried as an attorney with D.C.'s Public Defender Service. He is highly regarded by the judiciary in the District of Columbia.

Mr. Beaudin is a person of the highest integrity. He says what he means and does what he says. Mr. Beaudin can be trusted. Mr. Beaudin has an excellent temperament. He is mature, thoughtful and does not take himself too seriously; he will not let being a judge go to his head.

Mr. Beaudin will make an excellent judge. I commend him to you in the strongest possible terms.

Sincerely yours,

CHARLES R. WORK.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA,
Washington, DC, October 17, 1983.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senator, Chairman, Committee on Governmental Affairs, Washington, DC.

DEAR SENATOR ROTH: It is my understanding that the confirmation of the nomination of Bruce Beaudin, Esq., to be an associate judge of the Superior Court of the District of Columbia is presently before your Committee. I have known Mr. Beaudin quite well since both he and I were students at Georgetown University Law Center over 20 years ago, and have maintained contact with him, both professionally and socially, since that time.

In all my dealings with him, I have found Mr. Beaudin to be a kind and decent human being, with a balanced appreciation of both sides of a question and all sides of a controversy. His most notable characteristic, in my judgment, is his candor and honesty. I have always known him to make judgments on issues exactly as he sees them, without regard to extraneous considerations. I think he would bring these important qualities to the bench, and I am certain that he would dispense justice on this Court in a fair, balanced and even-handed manner.

For these reasons, and others which come to mind, I enthusiastically recommend Mr. Beaudin to your consideration. I am certain he will prove to be an excellent judge of this Court.

Sincerely,

GEOFFREY M. ALPRIN,
Associate Judge.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, METROPOLITAN POLICE DEPARTMENT,
Washington, DC.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, U.S. Senate, Committee on Governmental Affairs, Washington, DC.

DEAR SENATOR ROTH: It is my understanding that Mr. Bruce Beaudin, Director Pre-Trial Services for the District of Columbia is being considered for nomination as a judge for the District of Columbia Superior Court. I want to take this opportunity to express my opinion of Mr. Beaudin for this important position.

I have known Mr. Beaudin for about eight years both professionally and socially. I first met Mr. Beaudin in 1974 while I was assigned to the department's Planning and Development Division and serving as the Chief of Police's primary representative to the Criminal Justice Coordinating Board for the District of Columbia. During these assignments I worked with Mr. Beaudin frequently on many issues involving criminal justice, both from city-wide and departmental levels. His knowledge, dedication, sincerity, understanding and cooperativeness impressed me tremendously. He was always in the forefront of all discussions of the Board, well prepared when many were not, and by his poignant comments and questions was able to keep the Board focusing on the issue(s) at hand. His ability to do this and still maintain the respect and admiration of everyone was a clear illustration of his outstanding personal and professional characteristics.

A number of departmental policies and procedures concerning prisoner processing was modified and improved at his suggestion. While assigned to the Planning and Development Division (over four years), and the last year as its Director, I often sought the advice and support of Mr. Beaudin relative to matter of mutual concern and was always received in an enthusiastic and helpful manner.

In my later capacities as Director of the Training Division and Commanding Officer of the First District, I have had continued contact with Mr. Beaudin in a number of matters, and my opinion of his capabilities has not diminished. On the contrary, they have grown with each subsequent occasion.

The outstanding attributes which were evident in his professional role were just as visible in the social and recreational activities we shared. His conduct was and is, in my opinion, exemplary and beyond reproach.

In conclusion, let me say that in my twenty years of service on this department, I have had numerous opportunities to observe and evaluate the criminal justice system and the judiciary in particular. It is my sincere opinion that Mr. Bruce Beaudin is an exceptional individual, possessing all the qualities, i.e., knowledge, understanding, temperament, decisiveness, and fairness, that would make him an outstanding addition to the D.C. Superior Court judiciary.

Sincerely,

RONAL D. COX,
Deputy Chief of Police, Commanding Officer, First District.

COVINGTON & BURLING,
Washington, DC, October 17, 1983.

Hon. WILLIAM V. ROTH,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH: I am writing in support of the nomination of Bruce Beaudin to be an Associate Judge of the Superior Court of the District of Columbia.

I have known Mr. Beaudin for several years and had the opportunity to work closely with him from 1979 to 1982, when I served as United States Attorney for the District of Columbia. Mr. Beaudin is a person of integrity who has demonstrated his dedication to this city and to the improvement of its criminal justice system. Although he and I did not always agree on the details of various proposals for change, his suggestions were always thoughtful and reflected his wealth of experience in working with the disadvantaged citizens of the community.

In my judgment Mr. Beaudin would bring to the bench the same commitment to justice and sense of fairness that he brought to his service as director of the Pretrial Services Agency—an organization which has been a model for comparable agencies throughout the country. I commend him to the Committee without hesitation.

Sincerely,

CHARLES F.C. RUFF.

COVINGTON & BURLING,
Washington, DC, November 15, 1983.

Hon. CHARLES McC. MATHIAS,
U.S. Senate, Washington, DC.

DEAR MAC: I am advised that the nomination of Bruce Beaudin for a position as judge of the Superior Court of the District

of Columbia will come before your Committee within the next day or so, and I would like to urge that you approve his nomination.

I am acquainted with Bruce Beaudin through his membership on the Board of the Council for Court Excellence—a group formed a few years ago to improve the administration of justice in the District of Columbia, of which I serve as chairman—and I am confident that he would be one of our better Superior Court judges were his nomination to be approved. He has had a wealth of experience in the District and in the administration particularly of the criminal justice system, not only as the long-time director of the District of Columbia Pretrial Services Agency, but as the member or chairman of a number of committees and task forces dealing with various aspects of the judicial operations of the District.

In short, he is the kind of person whose experience as well as abilities and character—as testified to at the hearing by judges, U.S. attorneys and others—make him eminently qualified.

I hope he will have your vote.

Sincerely,

CHARLES A HORSKY.

OCTOBER 18, 1983.

Hon. WILLIAM V. ROTH, JR.,
Chairman, U.S. Senate, Committee on Governmental Affairs, Washington, DC.

DEAR MR. CHAIRMAN: It is my pleasure to recommend Mr. Bruce D. Beaudin for favorable action by your committee and appointment to the District of Columbia Superior Court.

It was my pleasure to first meet Mr. Beaudin in his capacity as President of the National Pre-Trial Services Association, and Director of the District of Columbia Pre-Trial Services Agency. He remains a friend today. Mr. Beaudin is and has been a serious student of the law, a man of good moral character, and an individual who brings interest and enthusiasm to his undertakings. He has the patience to cope with cut-and-dried matters, but he also has the imagination and creativity to deal with novel, complex, difficult issues. His most remarkable quality is sheer energy, resulting in uncommon productivity. He is a prodigious worker, capable of turning out remarkable quantities of first-rate material of every sort.

His judgment is intuitively good and has been refined by the acquisition of systematic planning techniques. He handles himself well in courtroom settings and knows the virtues of preparedness. He deals with people sensitively and tactfully. Because of his past employment he has had the opportunity to appreciate the problems that confront the Criminal Justice System, the courts and our Urban areas in seeking solutions to the honored phrase of "equal Justice under the Law".

Over the past decade his professional duties, and my own duties, have often caused us to work for, or against, one another. In each case I found him honorable, astute in his interpretation of fact and law, and always able to bring organization, clarity and persuasiveness to the goal at hand.

It is pleasure to recommend him.

Sincerely,

LESLIE H. ROWE.

GEORGETOWN UNIVERSITY LAW CENTER,
Washington, DC.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: I write to recommend respectfully that the nomination of Bruce D. Beaudin to the Bench of the Superior Court of the District of Columbia be confirmed. I have known Mr. Beaudin during his student days at Georgetown, in his capacities at the then Legal Aid Agency and, especially, as Director of the District of Columbia Pretrial Services Agency, whose Executive Committee I chair.

Mr. Beaudin possesses the attributes that predict a successful tenure on the bench. He is very personable, able and knowledgeable in the law, especially the administration of criminal justice. He has been active in the affairs of the District of Columbia and is known, respected and liked by judges, congressional, court, and municipal officials and by fellow members of the Bar. He has had a wealth of litigation and administrative experience.

It is no accident that the award-winning Pretrial Services Agency has functioned so well under his leadership. It has been through his efforts, creativity and direction that the agency has evolved from its origins as an entity assisting in verifying data at the setting of bail to a mature organization assisting the courts and the criminal justice system in establishing and implementing pretrial decisions relating to community danger, preventive detention, conditions of release, prompt attendance at court hearings, evaluation of third party custodians and the like, while integrating its data and work with the efforts of the courts, the United States Attorney, the Police Department, and the city.

To the Bench, Mr. Beaudin would bring an almost unique depth and breadth of knowledge and experience, and a judicial demeanor at once pleasant and effective. Secure in his knowledge and professionally personable, he would make an excellent judge. I commend him to your favorable attention.

Sincerely,

DAVID J. MCCARTHY, Jr.,
Professor of Law.

LAW OFFICES: SHERMAN FOX,
MEEHAN & CURTIN, P.C.,
Washington, DC, October 18, 1983.

Re Confirmation of Bruce D. Beaudin.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: I write to you in my capacity as an active member of the District of Columbia Bar and, in so doing, urge you, your Committee and the full Senate to consider favorably and promptly President Reagan's nomination of Bruce D. Beaudin as a Judge for the Superior Court of the District of Columbia.

I urge Mr. Beaudin's nomination because, in my judgment, he is uniquely qualified to deal with the challenges that face the Court in the next ten years. Earlier in his legal career, 1964 to 1968, he held the position as Staff Attorney, Deputy Director, and then Acting Director of what is now known as the Public Defender Service. In those capacities, he earned the esteem of his colleagues at the bar and the members of the bench before whom he appeared as an able litigator who, in a word, "knew how to try a case."

Since leaving the active trial bar, Mr. Beaudin has been intimately involved in the entire criminal justice system in this city. As Director of the Pre-Trial Services Agency, he undoubtedly has more knowledge of the criminal justice system than 99% of the lawyers who are involved in that system as litigators. His value to the community goes beyond its geographical bounds in that he has become recognized as a national expert in pre-trial services. He is not only hailed as a national expert but the agency which he administers is deemed an example that is emulated across the nation. Evidence of this fact was the Justice Department award given to the D.C. Pre-Trial Services Agency as an exemplary organization.

In my opinion, he would bring to the bench a keen mind, a sense of what is right, and a judicial temperament that could only enhance the Superior Court bench.

His commitment to the judicial system, this city and its citizens compels me to urge you, your Committee, and the Senate to confirm Mr. Beaudin's nomination to the Superior Court bench.

Very truly yours,

MICHAEL F. CURTIN.

ROSS & POWELL,
ATTORNEYS AT LAW,
Riverdale, MD, October 17, 1983.

Hon. WILLIAM V. ROTH, Jr.,
Chairman. Committee on Governmental Affairs, Washington, DC.

DEAR CHAIRMAN ROTH: Earlier this year, President Reagan nominated Bruce David Beaudin, Esquire, presently Director of the District of Columbia Pretrial Services Agency, for the position of Associate Judge of the Superior Court of the District of Columbia. I wish to voice my strong support for Mr. Beaudin's prompt confirmation by the Senate.

I have known Mr. Beaudin since 1973, when I began work at what was then known as the District of Columbia Bail Agency. While enrolled in law school, I continued full-time employment with the Bail Agency, eventually rising in position to Director, Post-Release Services, in which I was responsible for one-half of the Agency's operations. In 1978, I was selected as Law Clerk to Alfred Burka [then] Associate Judge, Superior Court of the District of Columbia. Following Judge Burka's sudden retirement [on disability] in December 1979, I was offered the position by Chief Judge H. Carl Moultrie, I, of Law Clerk to the Court's Senior Judges, where I served until September 1980. I then served as Law Clerk to Honorable Paul F. McArdle of the Superior Court for one year, after which I entered private practice in September 1981.

Based upon my experience in the Court, I believe that I am in a unique position to comment on Mr. Beaudin's qualification. I know most of the present judges and their work, and I believe that Mr. Beaudin would rank among the highest of the present judges in terms of intellect, insight, and judicial temperament. Additionally, Mr. Beaudin would bring to the bench the strong philosophies and independent beliefs that are necessary for judicial officers. While he has primarily been involved in the criminal justice system, his knowledge embraces all aspects of the law. I have often utilized his private documentation, by subject heading, of the slip opinions of the appellate courts in the District of Columbia.

I appreciate the opportunity to "second" Mr. Beaudin's nomination, and I believe the Senate's confirmation of Mr. Beaudin will

result in a stronger Superior Court judiciary.

Sincerely,

THOMAS G. ROSS.

WILKES, ARTIS, HEDRICK & LANE,
ATTORNEYS AT LAW,
Washington, DC, October 17, 1983.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to urge and recommend the confirmation of Bruce D. Beaudin as a judge of the Superior Court. I am a former Assistant District Attorney of New York County, New York and a former Assistant United States Attorney, Washington, D.C. I am now in private practice, specializing in litigation.

I have known Bruce Beaudin for over 20 years and have dealt with him professionally on numerous occasions. Mr. Beaudin is highly regarded by the attorneys of this city as a competent and knowledgeable attorney and a man of high integrity. He has had substantial trial experience, particularly in his earlier professional years and is regarded by all who have opposed him in the courtroom as a most capable trial lawyer.

Although not an extremist, Mr. Beaudin takes a conservative, law and order approach to the administration of criminal justice, and would be exactly the type of judge greatly needed by the courts of this city.

There are few lawyers who are as independent and principled as Mr. Beaudin. The high moral integrity which he has demonstrated over the years as an attorney will cause him to be the type of judge whom everyone will recognize as being not only honest but absolutely beyond reproach.

Very truly yours,

ROBERT X. PERRY, Jr.

Mr. ROTH. Mr. President, based on the judgments of these esteemed members of the legal profession, on the willingness of two sitting district court judges to testify personally on Mr. Beaudin's qualifications and on the committee's extensive review and investigation, I ask the Senate to confirm the nomination of Bruce D. Beaudin to be an associate judge of the Superior Court of the District of Columbia.

I yield back the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I rise today to speak in opposition to the appointment of Mr. Bruce Beaudin to the position of associate judge of the Superior Court of the District of Columbia. Many of my colleagues may not be aware that judges are Presidential appointments and that those appointments, because of jurisdiction, are referred to the Governmental Affairs Committee, rather than the Judiciary Committee.

During the 16 years I have worked on DC affairs, I personally have reviewed the nominations of nearly all of the 43 judges who now sit on DC Superior Court. Not all of these nominees have been of my political persuasion; not all of them have demonstrated the trial experience or equivalent legal expertise which I personally feel is helpful on the bench. Nonetheless, after thoroughly reviewing each candidate's credentials, I have affirmed the Presidential choice—be it Nixon, Ford, Carter, or Reagan. In the case of Mr. Bruce Beaudin, I am no longer able to do that.

My singular objection to Mr. Beaudin relates to his longstanding and continuing friendship with a Mr. Donald Epstein, a local, known dealer in pornography. At the outset, and in fairness to Mr. Beaudin, let me emphasize that Mr. Beaudin has done nothing illegal. Professionally, he has built a fine reputation during his 16 years as director of the DC Pretrial Services Agency. Nonetheless, I oppose his nomination.

Mr. Beaudin's nomination to DC Superior Court came before the Governmental Affairs Committee for consideration more than a year ago. Since that time, his qualifications have been reviewed by staff, been the subject of a lengthy hearing, been the object of a private meeting between myself and Mr. Beaudin, and been fully debated at a full committee markup. In addition, I and other interested Senators on the committee have reviewed the FBI report on Mr. Beaudin.

This thorough investigation has affirmed my conclusion that Mr. Beaudin simply lacks the maturity, independence, wisdom, and judgment which I deem necessary to sit on DC Superior Court—a court which, in design and importance, can be equated with the State trial courts in any of the States we all represent.

What has Mr. Beaudin's relationship with Mr. Donald Epstein been, and why do I conclude that it should disqualify Mr. Beaudin from the bench?

Mr. Beaudin testified at his hearing on October 19, 1983, that he first met Donald Epstein sometime between 1965 and 1967 while accompanying Mr. Epstein's criminal attorney, a Mr. Kenneth Wood. Mr. Wood, a respected criminal lawyer in Washington, served as a mentor to Mr. Beaudin, in addition to being a neighbor and close personal friend. "* * * at some point in my relationship with Mr. Wood I would have learned that Mr. Epstein in fact employed Mr. Wood and why he had to employ Mr. Wood," Mr. Beaudin testified at his hearing.

It is unclear from interviews with Mr. Beaudin or from the hearing record, however, what exactly Mr. Beaudin did know about Mr. Epstein's business and activities. Between May 1952, and calendar year end 1981, Mr. Epstein was arrested 11 times on pornography-related charges. These charges ranged from exhibiting lewd and immoral movies to a 1973, 66-count indictment which charged indecent publication, conspiracy, importation/transportation of obscene matter, and transportation of obscene matter for sale/publication. A jury found Mr. Epstein not guilty.

That Mr. Beaudin was fully aware of the pornographic nature of Mr. Epstein's affairs, however, was made clear during a staff interview on July 18, 1983, when Mr. Beaudin commented: "This really hasn't been fair to have to cut off my friendship. He has been cleared." That meant Mr. Epstein. "Just because I like him, it doesn't mean I like his business. I've told him many times I don't like his business, and I have asked him why he doesn't go into something else. His answer is the money is too good. It comes too easy and too fast."

I think that juicy little quote bears repetition. This is the man that we are about to put on the trial court in the District of Columbia describing his relationship with a known, and indeed in the eyes of some people one of the biggest pornographers in town. "This really hasn't been fair to have to cut off my friendship. He has been cleared." "He" meaning Mr. Epstein, the pornographer. "Just because I like him, it doesn't mean I like his business. I've told him many times I don't like his business, and I have asked him why he doesn't go into something else. His answer is the money is too good. It comes too easy and too fast."

Mr. Epstein's reputation and record, however, are not in question here. The question is whether Mr. Beaudin, knowing of Mr. Epstein's business, engaged in an association, which he admits lasted a decade, which would have been terminated by a more prudent man—by a man who exhibits the basic standards one would term "judicial temperament." Specifically, Mr. Beaudin's questionable dealings with Mr. Epstein appear to be a "sweetheart" car loan, purchases of "discounted" consumer goods, a continuing friendship involving lunches and the exchange of Christmas gifts, and serving as "point man" between Mr. Epstein and his criminal attorney.

1. THE CAR LOAN

In the late 1960's—Mr. Beaudin thinks it was 1967—Mr. Epstein lent Mr. Beaudin, then 28 years old, somewhere between $800 and $1,100 to help buy Mr. Beaudin's first car. Mr. Wood cosigned a Riggs Bank note for Mr. Beaudin for the remainder of the money needed. The Epstein loan was a "handshake" loan, accompanied by no promissory note, no interest, and no terms, other than that Mr. Beaudin would pay Mr. Epstein back $100 per paycheck for the period it took to repay the loan. That really is a sweetheart loan. Mr. Beaudin remembers paying back the note in cash installments. When I questioned Mr. Beaudin about the loan during an interview on September 16, 1983, Mr. Beaudin did not recall whether he received the original funds from Mr. Epstein by

cash or check. In fact, he thought that perhaps Mr. Epstein, "who did a lot of business with Curtis Chevrolet," gave the money to the dealer directly.

2. APPLIANCE PURCHASES

At some point during the early 1970's, Mr. Beaudin purchased directly from Mr. Epstein a $20 gold piece and a small kitchen appliance. Both transactions apparently occurred in the presence of Mr. Wood. The appliance was purchased from among a substantial number of similar items, obtained by Mr. Epstein in New York, and brought to his Washington office for Christmas gifts for his employees and friends. He is the lovable old Christmas pornographer. Mr. Epstein apparently offered to give Mr. Beaudin the appliance, but Mr. Beaudin rejected it as a gift and arranged to pay the price on the sticker, either a discount or wholesale price. Mr. Beaudin remembers the price as being close to what he would have paid for the same item at Bell's or Best.

The gold piece transaction was similar. At some point between Thanksgiving and Christmas, again in the 1970's, Mr. Beaudin mentioned to Mr. Epstein that he was having trouble finding a gold piece for his wife for Christmas. Mr. Beaudin was looking for a coin with a specific date. At his hearing, Mr. Beaudin testified that Mr. Epstein said: "I have a gold collection. I bought these coins long ago. I will get one for you." About 2 weeks later, Mr. Beaudin purchased the coin from Mr. Epstein for $225, cash he had removed from his Christmas Club account. Again, Mr. Beaudin said the price was equivalent to similar coins he had priced at Bell's or Best.

3. LUNCHES/CHRISTMAS GIFTS

When Mr. Beaudin was first interviewed by staff in July 1983, he commented that his friendship with Mr. Epstein consisted pretty much of monthly or bimonthly lunch dates among himself, Mr. Wood, and Mr. Epstein. While he mentioned that he and Mr. Epstein had exchanged Christmas presents—poinsettias or fruit baskets—he noted that since his interest in the bench, their communication was confined to chance meetings on the street and Christmas cards.

However, at his hearing and during my conversation with him, Mr. Beaudin characterized the lunches as "eating a sandwich" in Mr. Epstein's front office while Mr. Wood and Mr. Epstein conducted their business in Mr. Epstein's rear office. Mr. Beaudin acknowledged that the surroundings—peepshows, girlie magazines—made it evident that Mr. Epstein was in the pornography business.

Once again, here is a would-be judge sitting out in the anteroom of the pornography establishment, while the pornographer and his lawyer are consulting in the backroom, munching on a sandwich—time and time and time again, not just once, not just twice, not just occasionally.

At one point during our conversation, Mr. Beaudin told me that a District of Columbia policeman advised him that Mr. Epstein's office was under surveillance by police cameras. During his hearing, Mr. Beaudin testified that the surveillance information led him to discuss with Mr. Wood "* * * the propriety of my meeting Mr. Wood there for lunch * * *," but that Mr. Wood assured him that there would be no problem.

Now, that just defies common sense. You are informed by the police that a place you are frequenting is under surveillance by the police with a camera, and you are not sure whether that casts any doubt on the wisdom of your frequenting such a place, so you turn to the pornographer's criminal lawyer and say, "Mr. Lawyer, do you think there is something wrong with my meeting here all the time while all this surveillance is going on?" And the lawyer says, "Think nothing of it; I am just having some nice conversations with the lovable old pornographer." It defies common sense. A judge needs an abundance of common sense.

4. PATRICIA PEYTON

In 1976, an employee and alleged girlfriend of Mr. Epstein's, a woman named Patricia Peyton, was involved in an automobile accident in Maryland. Mr. Beaudin accompanied Ms. Peyton to Hyattsville, MD, spoke with the arresting officer, and explained the charges to Ms. Peyton. Mr. Beaudin, not a Maryland attorney, was not able to represent Ms. Peyton, but said that he waited until Ms. Peyton's case was called, and then returned to his job as head of the DC Pretrial Services Agency, once the case was dismissed. Mr. Beaudin stated that he accompanied Ms. Peyton at the request of, and in place of, Mr. Wood, who had a court appearance that morning. Mr. Beaudin also stated that he took annual leave for this purpose.

Ms. Peyton again called on Mr. Beaudin in 1981 when Mr. Epstein was arrested at Washington National Airport for possession of a gun. Mr. Beaudin testified at his hearing that such a call was necessary because Ms. Peyton could not reach Mr. Wood, who had an unlisted number. Mr. Beaudin said he advised Ms. Peyton that they needed a Virginia attorney. Mr. Wood's clients, according to Mr. Beaudin, "knew that if they needed to get in touch with Mr. Wood, if they called me, I would know where he was." Mr. Beaudin rejected at his hearing any notion that he served as an agent for Mr. Wood.

I do not know whether he was an agent for Mr. Wood. However, he was Mr. Wood's phone answering service. If people wanted to get hold of Mr. Wood, the criminal lawyer, they could get hold of Mr. Beaudin. Who did Ms. Peyton call when Mr. Epstein was arrested at Washington National Airport? She called Mr. Beaudin.

Finally, also apparently in 1981, Patricia Peyton was beaten up outside of the District of Columbia and afterwards identified two persons who were later arrested and processed through DC Superior Court. The individuals gave "Bruce Beaudin" as one of their references. At his hearing, Mr. Beaudin explained that in a pretrial release context, the term "reference" is used to verify information and is not a character reference.

Here are two guys arrested for thuggery, beating up a woman, and when they are booked, they give as their reference Bruce Beaudin, by name. Very curious.

Mr. President, Mr. Beaudin directly associated with Mr. Epstein for at least a decade. During some of that time—and I would surmise most of that time—he knew full well what business Mr. Epstein was in. Yet he entered into a "sweetheart" loan with Mr. Epstein, exchanged Christmas gifts with Mr. Epstein, purchased consumer items from Mr. Epstein at favorable prices, and went beyond any professional association to have lunch with Mr. Epstein and to help out Mr. Epstein's friends.

In my opinion, these are not the actions of a man who should be elevated to the bench. I urge my colleagues to join me in rejecting this nomination, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, I do not know if there are any other speakers on this matter. The time allotted was from 2 p.m. to 3 p.m. At this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that any subsequent quorum calls be charged to this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHICS COMMITTEE MEETING

Mr. STEVENS. Mr. President, as in legislative business, on a matter that is not before us but I wish to make a statement here that as chairman of the Ethics Committee, the Ethics Committee will meet following these two votes which are scheduled. There will be a vote at 3 p.m., as I understand it, on this nomination. That will be followed by a vote on the conference report. And after those two votes, I am hopeful that we can convene the Ethics Committee. We do have an agenda to consider this afternoon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I rise in support of this nomination. I do so because Mr. Beaudin has served with distinction as the Director of the D.C. Pre-Trial Services Agency since 1968. So, for the last 15 years or so we have someone who has served as the director of a very important public agency and apparently, it is conceded, with distinction.

Some time ago he met a man who was involved in the pornography business through Mr. Beaudin's mentor, a lawyer by the name of Wood, and as a result of that relationship between Mr. Wood and his client, Bruce Beaudin came to know that client somewhat and had some dealings with that client of a lawyer that even my friend from Missouri has called a distinguished lawyer in D.C., Kenneth Wood.

Mr. President, if Kenneth Wood were up here today for confirmation, this distinguished lawyer, in the words of my friend from Missouri, this distinguished lawyer, would we be debating his confirmation today? That is the distinguished lawyer who represented the man who was in the pornography business. Would he be disqualified from being appointed to a judge because he represented the man? I think most of us would say not.

Although I cannot speak for my friend from Missouri, I would think that he would agree that lawyers at times have represented people who were somewhat, or very much so, disreputable.

Now, if the distinguished lawyer—to again use my friend from Missouri's words—the distinguished lawyer Kenneth Wood would not be disqualified because he represented an unsavory character in the pornography business, the question then is, Why would we then say that Bruce Beaudin is qualified?

Kenneth Wood, the pornographer's lawyer, this distinguished lawyer, was Bruce Beaudin's mentor. And it was because of that lawyer-client relationship that Bruce Beaudin came to know the man who was in the pornography business. It was a derivative relationship through a distinguished lawyer. That is it. I should not quite say that is it, because there were some additional things which my good friend from Missouri has pointed out.

Mr. Beaudin received a loan in 1967 of about $1,100, if my memory is correct, from the man in the pornography business and it was repaid. That is 17 years ago. He purchased an appliance, a mixer, in the early 1970's from Epstein. That is 10 years ago or more and he paid cash for that. And he purchased a gold coin from Epstein or from Epstein's wife 10 years ago or more.

Now, in addition to those three purchases and loans, which all took place 10 years ago or more, we have the fact that a girlfriend of Epstein's received some assistance from Mr. Beaudin 8 years ago. How is that for derivation? And Mr. Epstein's name was given, he was listed as a reference by people without his consent, not at his initiative, in 1981 and received a phone call in 1981 looking for Mr. Wood again. He did not initiate the phone call, he received the phone call.

What has happened in the last 8 years are two events: His name was listed without his consent and he received a phone call not at his initiative. That is it in the last 8 years.

Now I do not like pornography any more than my friend from Missouri. I think we share our equal dislike and equal distaste and disgust for it. But I think we also sense and share that we want to judge people fairly. And I think that is his instinct as much as it is my instinct. And as disreputable as the business of Mr. Epstein, we owe it to Mr. Beaudin to judge him on his qualifications now for this particular judgeship.

Again, the relationship between Mr. Beaudin and Mr. Epstein was a derivative relationship. It occurred over 10 years ago. I think my friend from Missouri agrees that Mr. Beaudin has served with distinction for the last 16 years as director of the D.C. Pretrial Services Agency. So the question then becomes should he be disqualified for these other particular events, the purchase of a gold coin for which he paid cash 10 years ago or more; the purchase of an appliance, a mixer, for which he paid cash at least 10 years ago, if our facts are correct; and a loan of 6 years ago which he repaid?

My sense of fairness drives me to the conclusion that a man who has this kind of a record as the director of a legal services agency, whose relationship with the unsavory character is derivative, limited and over 10 years ago, and whose only connection with this man in the last 6 years is a phone call which came, which he did not solicit, from the man's girlfriend; and another connection being the fact that he was listed by two people as a reference without his support, without his concurrence, not at his initiative, without his consent; and the only other contact in the last 6 years, the fact that Epstein's girlfriend called him—not at his request, not at his initiative, not with his consent—looking for Kenneth Wood's phone number. I do not believe that that kind of association is direct enough to disqualify this man from being confirmed as a judge.

Now my sense of fairness leads me to that conclusion. My friend from Missouri has as keen a sense of fairness as I do and his sense of fairness has led him to a different conclusion. But it was the judgment of the committee that this relationship was long ago, relatively, more than 6 years ago in terms of any direct contact—Beaudin has not even seen Epstein except by chance for the last 8 years—that it was long enough ago and that it was derivative enough so that the majority of the committee voted to confirm this nomination.

I thank my friend from Missouri. I hope I did not use up the time he reserved for himself.

Mr. STEVENS. Mr. President, I yield the balance of our time to the Senator from Missouri.

Mr. EAGLETON. Mr. President, that was a very remarkable little speech. The next thing we know Bruce Beaudin is going to be nominated for Pope.

I do not disqualify Mr. Beaudin because of people he represents. Mr. Wood is a criminal lawyer and represents people accused of crime.

I disqualify Mr. Beaudin because of an indiscreet, grossly indiscreet, social and business relationship of a continuing nature that went on for over 10 years and as recently as 1981. We have from the FBI report marked confidential, et cetera, a reference to Beaudin and Epstein as late as 1981.

Now, what was this indiscreet relationship? Just in summary, frequent and continued lunches at Mr. Epstein's place of business; a sweetheart loan; appearance in court for Ms. Patricia Peyton, an employee of Mr. Epstein. The whole relationship stinks. It is a smelly, odoriferous relationship, and it is not worthy of the high praise which the Senator from Michigan ascribed to it.

Yes, we would confirm Louis Brandeis for the Supreme Court, even though Brandeis had represented some criminal defendants. But if Louis Brandeis had become a habitue of criminals and known pornographers, we would have disqualified him. I

think we would have had enough good sense to do so.

If you do not know better than to hang out in a pornographic establishment time and time again and to do frequent business deals with a known pornographer, how do you have enough common sense to sit on the bench in the District of Columbia?

The action of Mr. Beaudin was indiscrete in the extreme, and I think it forbids him being put on the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, Mr. Beaudin is being nominated for a judicial position. He should be judged based on his entire record, not on three events which took place 10 years ago or more where he received no benefit and no profit from a man who was being represented by his mentor. That is it.

The 1981 event which my friend talks about is Mr. Beaudin being listed—not at his request, not with his consent, not at his initiative—as a reference by two people.

He had nothing to do with that in all fairness. We have to be fair to Beaudin. That is the issue. We have to be fair to Beaudin. In the 1981 most recent event he is listed by others as a reference—two people who beat up somebody else, if my memory is correct. He did not initiate that listing as a reference. You cannot stop being listed by people as a reference. I do not even know who these people are. He did not ask these people to list him. He did not give his reference. He did not say these people were good. He was listed. I think that we owe him a fair judgment. We do not owe Mr. Epstein anything. I share a distaste for Epstein and his kind as deeply as my friend from Missouri.

I also have a sense of fairness which I know my friend from Missouri has, too, which has led us to different conclusions. But my sense of fairness leads me to the conclusion that as a man who has served with this distinction as head of the pretrial services of the DC Bar since 1967 he should not be disqualified for three events which took place in the early seventies or the late sixties. I do not know Bruce Beaudin from a bale of hay. I would not know him if he walked in this Chamber today, although I have met him. I met him only at the hearing. I saw him in the hearing. I thought he was going to make a good judge. That is the only thing that brings me to the floor today; is I think we owe him a judgment on him and not on Epstein—on him.

Mr. STEVENS. Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER (Mr. NICKLES). All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Bruce D. Beaudin, to be an associate judge of the Superior Court of the District of Columbia? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 242 Ex.]

YEAS—57

Abdnor	Gorton	Murkowski
Andrews	Grassley	Packwood
Armstrong	Hatfield	Percy
Baker	Hecht	Pressler
Baucus	Heflin	Proxmire
Biden	Heinz	Pryor
Boschwitz	Huddleston	Quayle
Chafee	Humphrey	Roth
Cochran	Jepsen	Rudman
Cohen	Kassebaum	Simpson
Danforth	Kasten	Specter
Dole	Laxalt	Stafford
Domenici	Leahy	Stevens
Durenberger	Levin	Symms
Evans	Lugar	Thurmond
Exon	Mathias	Tower
Garn	Matsunaga	Wallop
Glenn	McClure	Weicker
Goldwater	Metzenbaum	Wilson

NAYS—41

Bentsen	East	Mitchell
Bingaman	Ford	Moynihan
Boren	Hart	Nickles
Bradley	Hatch	Nunn
Bumpers	Hawkins	Pell
Burdick	Helms	Randolph
Byrd	Hollings	Riegle
Chiles	Inouye	Sarbanes
Cranston	Johnston	Sasser
D'Amato	Kennedy	Stennis
DeConcini	Lautenberg	Trible
Denton	Long	Warner
Dixon	Mattingly	Zorinsky
Eagleton	Melcher	

NOT VOTING—2

Dodd Tsongas

So the nomination was confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. I ask, Mr. President, that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT—CONFERENCE REPORT

Mr. BAKER. Now, Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

The conference report on H.R. 3755.

VOTE

Mr. BAKER. Mr. President, as far as I know, we are ready to vote on the conference report. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BAKER. I yield the floor, Mr. President.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the conference report. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Massachusetts [Mr. TSONGAS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—99

Abdnor	Garn	Metzenbaum
Andrews	Glenn	Mitchell
Armstrong	Goldwater	Moynihan
Baker	Gorton	Murkowski
Baucus	Grassley	Nickles
Bentsen	Hart	Nunn
Biden	Hatch	Packwood
Bingaman	Hatfield	Pell
Boren	Hawkins	Percy
Boschwitz	Hecht	Pressler
Bradley	Heflin	Proxmire
Bumpers	Heinz	Pryor
Burdick	Helms	Quayle
Byrd	Hollings	Randolph
Chafee	Huddleston	Riegle
Chiles	Humphrey	Roth
Cochran	Inouye	Rudman
Cohen	Jepsen	Sarbanes
Cranston	Johnston	Sasser
D'Amato	Kassebaum	Simpson
Danforth	Kasten	Specter
DeConcini	Kennedy	Stafford
Denton	Lautenberg	Stennis
Dixon	Laxalt	Stevens
Dodd	Leahy	Symms
Dole	Levin	Thurmond
Domenici	Long	Tower
Durenberger	Lugar	Trible
Eagleton	Mathias	Wallop
East	Matsunaga	Warner
Evans	Mattingly	Weicker
Exon	McClure	Wilson
Ford	Melcher	Zorinsky

NOT VOTING—1

Tsongas

So the conference report was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I am advised by the minority leader that on behalf of another Senator it would be necessary to interpose an objection to proceed to the consideration of the trade bill. I understand the reasons for that and I respect them.

In order to start the machinery running to get back to the trade bill in a moment I am going to make a motion that we proceed to the consideration of the trade bill with the full understanding that no effort will be made on this side to get a vote on that motion for the time being but at least then we will have a vehicle before the Senate to allow Senators to make statements on the trade bill, perhaps to discuss but not dispose of the amendments, so at least we can make some progress, I hope, toward final resolution of this matter.

On that basis, then, Mr. President, and having advised in advance the minority leader and the managers of this technique, I now move that the Senate move to the consideration of Calendar Order No. 559, H.R. 3398.

Mr. BYRD. Mr. President, I have to ask for a quorum call. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

MISCELLANEOUS TARIFF,TRADE, AND CUSTOMS MATTERS

Mr. DANFORTH. Mr. President, I ask unanimous consent that the pending motion to proceed be withdrawn and I ask unanimous consent that the Senate proceed to the consideration of H.R. 3398.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senate resumed consideration of the bill.

Mr. GORTON. Mr. President, I call up my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. GORTON. Mr. President, I will defer to the Senator from New Hampshire.

Mr. BYRD. Mr. President, what is the Senator doing?

The PRESIDING OFFICER. The Senator called up an amendment which the clerk was directed to report.

Mr. GORTON. Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, what is the parliamentary situation? Am I free to offer an amendment?

The PRESIDING OFFICER. The Senator from Washington is offering an amendment which the clerk was directed to report.

Mr. GORTON. Mr. President, I yielded the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

AMENDMENT NO. 4278

(Purpose: To provide a user fee for customs services at certain small airports)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 4278.

On page 41, between lines 18 and 19, insert the following:

SEC. . USER FEE FOR CUSTOMS SERVICES AT CERTAIN SMALL AIRPORTS.

(a) The Secretary of the Treasury shall make customs services available and charge a fee for the use of such customs services at—

(1) the airport located at Lebanon, New Hampshire, and

(2) any other airport designated by the Secretary of the Treasury under subsection (c).

(b) The fee which is charged under subsection (a) shall be paid by each person using the customs services at the airport and shall be in an amount equal to the expenses incurred by the Secretary of the Treasury in providing the customs services which are rendered to such person at such airport (including the salary and expenses of individuals employed by the Secretary of the Treasury to provide such customs services).

(c) The Secretary of the Treasury may designate 4 airports under this subsection. An airport may be designated under this subsection only if—

(1) the Secretary of the Treasury has made a determination that the volume or value of business cleared through such airport is insufficient to justify the availability of customs services at such airport, and

(2) the governor of the State in which such airport is located approves such designation.

(d) Any person who, after notice and demand for payment of any fee charged under subsection (a), fails to pay such fee shall be guilty of a misdemeanor and if convicted thereof shall pay a fine that does not exceed an amount equal to 200 percent of such fee.

(e) Fees collected by the Secretary of the Treasury under subsection (a) with respect to the provision of services at an airport shall be deposited in an account within the Treasury of the United States that is specially designated for such airport. The funds in such account shall only be available, as provided by appropriation Acts, for expenditures relating to the provision of customs services at such airport (including expenditures for the salaries and expenses of individuals employed to provide such services.)

Mr. HUMPHREY. I am offering this amendment to provide customs service at certain small airports on a user fee basis.

This amendment has been reported out of the Finance Committee as part of the customs reauthorization bill, and is based on a bill I introduced earlier this year, S. 2495.

The legislation arises out of the plight of several airports facing closure of Customs service, an important aspect of airport service. It authorizes the Secretary of the Treasury to establish user-financed service at five airports. This demonstration program would not affect or harm operation of existing service locations.

Lebanon Municipal Airport, located in my State, offers a fine example of the importance of airports to our communities. The airport in Lebanon, NH, services many growing communities in New Hampshire and Vermont. It provides access to many businesses located in the upper Connecticut River Valley, as well as Dartmouth College and its important medical center. Also, it accommodates a substantial amount of general and commercial aviation.

Although the number of international flights arriving at Lebanon Municipal Airport is insufficient to establish a port of entry [POE], the ability to land at Lebanon is crucial for those businesses traveling regularly from Canada or overseas. The ability for international flights to land at Lebanon Airport rests on the availability of Customs services to clear personnel for arrival in the United States.

Currently, Customs service is provided at Lebanon from the POE at Derby Line, VT. This is accomplished on an on-call basis through the out-of-port service concept. Parties requesting clearance at Lebanon are required to contact the Derby Line office at least 3 hours in advance of arrival so that an officer can be sent to clear the aircraft and its passengers at Lebanon. The parties requesting clearance are responsible for reimbursing Customs for travel and per diem expenses. The Federal Government assumes responsibility for the salary of the Customs official.

The present method has proven both costly and ineffective. A Customs review of service at Lebanon reported that during a 6-month period in 1983, the net cost incurred by Customs was

$5,271. On top of these costs, the system placed time-consuming burdens on businesses utilizing the airport.

Although an alternative service system was planned for the airport, none has been implemented. The airport authority has recently completed work on a new terminal. A second runway has been extended and the instrument system has been upgraded. The airport now has the capacity to better handle international flights, and the airport administration, along with the community, supports continued Customs service at the airport.

It is clear that its elimination would disrupt existing patterns of business activity, cause economic hardship for a thriving community, and negate local development in projects associated with the airport. It is safe to say that other communities where Customs service might be abandoned will experience similar hardship.

Bureau of Customs management circular 9-0:I:PA, written in June 1973, details an option which provides for a fair resolution to this problem. It allows for service if salary and expenses of a Customs officer are reimbursed in full. My amendment establishes a demonstration program utilizing this user fee option.

The amendment will allow the Secretary of the Treasury to designate up to five airports at which fees may be charged to users of Customs services, in an amount equal to the cost of these services including an official's salary and expenses. As a condition of designation, the Secretary must first determine that the airport has an insufficient volume or value of business requiring Customs clearance in order to justify the availability of Customs services. Further, the Governor of the State in which the airport is located must approve the designation. These conditions are intended to limit the authorization of user fees to airports where, without them, the services simply would be unavailable or discontinued.

I have been in contact with the current users of the Customs services at Lebanon Airport regarding this matter. They have indicated their willingness to pay the costs associated with provision of services, as I am sure would users of Customs services at other small airports. Based on my preliminary investigation, users of these services understand and accept their role of covering the costs incurred. In most cases, this presents a less costly alternative for them than flying to another location.

New Hampshire and South Dakota are the only two States without international landing rights—neither has an airport with international status designation within its boundaries. This is an obvious and unfair disincentive to business development, unjustly impeding further economic progress. My amendment offers a practical solution to this problem.

It would permit continued Customs service on a user fee basis, balancing the need to save Federal dollars while preserving valuable Customs service in affected areas. In addition, it would reduce congestion at busy hub airports and provide a stimulus for continued economic development in many areas.

I understand that Senator DANFORTH, the manager of this bill, is favorably inclined toward this amendment and I would welcome his acceptance of it. I appreciate his assistance and that of the Finance Committee staff in accepting this amendment.

Mr. President, the amendment has been cleared on both sides. I am prepared to discuss it to whatever degree is necessary. Basically, the amendment sets up a pilot program under which Customs services will be offered at five airports on a pilot program basis and paid for by user fees completely.

Mr. BENTSEN. Mr. President, if the Senator will yield.

Mr. HUMPHREY. I yield to the Senator from Texas.

Mr. BENTSEN. I heard the Senator say it has been cleared on both sides. As manager on the minority side, I have not seen the amendment.

Mr. DANFORTH. Mr. President, this amendment is agreeable and, as a matter of fact, has already passed the Finance Committee on a different bill.

Mr. BENTSEN. If that is correct, Mr. President, I would like to be apprised of what it is and to say it has not been cleared on this side. I suggest the absence of a quorum so I may look at it. It may be true that there is no objection.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I think the amendment has been agreed to by both sides now. It originally was reported out of the Finance Committee as a separate bill. However, the bill is languishing on the Calendar. I am offering it now as an amendment to the trade bill.

I yield to the Senator from Texas.

Mr. BENTSEN. Mr. President, I discussed the amendment with the Senator and I have no objection to it.

Mr. HUMPHREY. I believe the manager on the majority side has spoken.

Mr. DANFORTH. Yes, Mr. President; the amendment is acceptable.

Mr. HUMPHREY. Mr. President, if there is no further discussion on it and no objection, I move its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4278) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4276

(Purpose: Make amendment regarding tariff treatment of certain articles returned from space)

Mr. GORTON. Mr. President, I call up amendment No. 4276.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Washington (Mr. GORTON) for himself, Mr. EVANS, Mr. ROTH, Mr. HEINZ, Mr. ANDREWS, Mr. TRIBLE, Mr. BOSCHWITZ, and Mr. DENTON proposes an amendment numbered 4276.

At the appropriate place insert the following:

SEC. 208. ARTICLES RETURNED FROM SPACE.

(a) Headnote 5 of the general headnotes of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(A) by striking out "media; and" in subdivision (e) and inserting in lieu thereof "media,";

(B) by adding after subdivision (e) the following new subdivision:

"(f) articles returned from space within the purview of section 484a of this Act; and"; and

(C) by redesignating subdivision (f) as subdivision (g).

(b) Part III of title IV of the Tariff Act of 1930 (19 U.S.C. 1481 et seq.) is amended by adding the following new section:

"SEC. 484a. ARTICLES RETURNED FROM SPACE NOT TO BE CONSTRUED AS IMPORTATION.

"The return of articles from space shall not be considered an importation, and an entry of such articles shall not be required, if:

"(1) such articles were previously launched into space from the customs territory of the United States aboard a spacecraft operated by, or under the control of, United States persons and owned—

"(A) wholly by United States persons, or

"(B) in substantial part by United States persons, or

"(C) by the United States;

"(2) such articles were maintained or utilized while in space solely on board such spacecraft or aboard another spacecraft which meets the requirements of paragraph (1) (A) through (C) of this section; and

"(3) such articles were returned to the customs territory directly from space aboard such spacecraft or aboard another spacecraft which meets the requirements of paragraph (1) (A) through (C) of this section;

without regard to whether such articles have been advanced in value or improved in condition by any process or manufacture or other means while in space.".

(c) The amendments made by this section shall apply with respect to articles launched into space from the customs territory of the United States on or after December 31, 1984.

Mr. GORTON. Mr. President, I am introducing, along with my colleagues

Senators EVANS, ROTH, HEINZ, ANDREWS, TRIBLE, BOSCHWITZ, and DENTON, an amendment to H.R. 3398 which would change the customs treatment for U.S. commercial space activities.

Under present customs laws and regulations, articles manufactured in space aboard the space shuttle or other U.S. spacecraft could be treated as imports and thereby assessed import duties, even though the articles have never entered a foreign country. The purpose of this amendment is to provide for these U.S. commercial space activities equal, not preferential, customs treatment as enjoyed by U.S. commercial terrestrial activities.

Mr. President, interest in U.S. commercial activities, such as space-based research and development and space-based manufacturing is growing. However, many diverse companies have discovered that there are certain customs laws and regulations which could impede or delay their entry into the long-term high-risk arena of commercial space development. Years ago, when the customs laws and regulations were last re-written, commercial space activities were not even envisioned. Now these laws and regulations are being inappropriately and unintentionally extended to cover these commercial space activities.

The amendment I am offering is one of several initiatives included in the President's recently announced national policy on the commercial use of space, which is designed to encourage private-sector investment and involvement in the promising field of commercial space development. Furthermore, the language has been endorsed by the International Trade Commission.

I believe this has been cleared by both the majority and minority managers of the bill.

Mr. President, I urge my colleagues to support this amendment as a way to help create a more favorable investment and operational climate for U.S. commercial activities and to help maintain our position of preeminence in space.

Mr. DANFORTH. Mr. President, this bill has been cleared with the majority and with the administration. I commend Senator GORTON on his work with regard to this amendment. My State is very much interested in this subject, McDonnell-Douglas having been involved in the first effort to produce various articles in space. I commend the Senator for it.

Mr. BENTSEN. Mr. President, this amendment by the Senator from the State of Washington has been examined by the minority. I, too, join in commendation of the Senator. This is obviously going to be a growing field and it is important. We have no objections.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4276) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4279

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] proposes an amendment numbered 4279.

At the end of title III the amendment, add the following new section:

SECTION . (a) Section 203(a) of the Trade Act of 1974 (19 U.S.C. 2253) is amended to read as follows:

"(a)(1) If the President proclaims the import relief recommended by the Commission, or announces his intention to negotiate one or more orderly marketing agreements pursuant to the Commission's recommendation, the President shall on the date such proclamation is made transmit to Congress a document setting forth the action he is taking under this section.

"(2) If, on the basis of advice received under section 202(b), the President determines that the provision of the import relief recommended by the Commssion is not in the national economic interest of the United States or that there are alternative recommendations which offset the material injury or threat to the industry to the same extent to which the Commission's recommendations offset such injury or threat thereof, the President shall transmit to Congress a document which sets forth—

"(A) such determination,

"(B) the reasons why providing the import relief recommended by the Commission is not in the national economic interest,

"(C) information with respect to—

"(i) what actions (other then adjustment assistance programs immediately available), if any, the President proposes to take to help the industry overcome material injury or threat thereof and the workers to find productive employment, and

"(ii) how such actions will overcome such material injury or threat thereof to the same extent as the Commission's recommendations, and

"(D) any proposed legislation needed to implement the President's recommendations.

(b) Section 203(b) of the Trade Act of 1974 (19 U.S.C. 2253) is amended to read as follows:

"(b)(1) The President's recommendation under subsection (a)(2)(D) shall be treated as an implementing bill pursuant to the provisions of section 151, except that, for purposes of section 151(c)(1), no trade agreement shall be required and the day on which the implementing bill is submitted shall be treated as the day on which the trade agreement is submitted; and for purposes of section 151(e) (1), and (2) the 45-day period shall be reduced to 15 days.

"(2) The President shall no later than the 31st day after the submission of such proposal—

"(A) proclaim the actions recommended by the Commission under section 201(d) if Congress fails to adopt the implementing bill submitted pursuant to paragraph (1), or

"(B) take the action recommended by him if the Congress has adopted and the President has signed the implementing bill submitted pursuant to paragraph (1).

Mr. HEINZ. Mr. President, this amendment addresses the problem that was created by the Supreme Court's Chadha decision which renders the congressional override provision of the escape clause statute moot. The intent of this amendment is to correct that in a relatively neutral manner. I believe the chairman of the subcommittee [Mr. DANFORTH] has a proposal.

AMENDMENT NO. 4280

(Purpose: To provide special procedures for joint resolutions disapproving of Presidential actions under title II of the Trade Act of 1974)

Mr. DANFORTH. Mr. President, I send an amendment in the nature of a substitute to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment (No. 4280) in the nature of a substitute to amendment numbered 4279 proposed by the Senator from Pennsylvania [Mr. HEINZ].

Mr. DANFORTH. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of language proposed, insert:

SEC. . DISAPPROVAL OF PRESIDENTIAL DETERMINATIONS UNDER SECTION 203 OF THE TRADE ACT OF 1974.

(a)(1) Paragraph (1) of section 203(c) of the Trade Act of 1974 (19 U.S.C. 2253(c)(1)) is amended to read as follows:

"(1) If the President reports under subsection (b) that he is taking action which differs from the action recommended by the Commission under section 201(d)(1)(A), or that he will not provide import relief, the action recommended by the Commission shall take effect (as provided in paragraph (2)) upon enactment of a joint resolution described in section 152(a)(1)(A) within the 90-day period beginning on the date on which the document referred to in subsection (b) is transmitted to the Congress.".

(2) Paragraph (2) of section 203(c) of the Trade Act of 1974 (19 U.S.C. 2253(c)(2)) is amended—

(A) by striking out "adoption of such resolution" and inserting in lieu thereof "enactment of the joint resolution referred to in paragraph (1)", and

(B) by striking out "section 201(b)" and inserting in lieu thereof "section 201(d)".

(b) Subparagraph (A) of section 152(a)(1) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)(A)) is amended by striking out

"concurrent resolution" and inserting in lieu thereof "joint resolution".

(c) Paragraph (4) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(4)) is amended by striking out "the concurrent resolution described in such section 152" and inserting in lieu thereof "the joint resolution described in such section 152(a)(1)(A)".

Mr. DANFORTH. Mr. President, I think this substitute accomplishes exactly what Senator HEINZ wants it to accomplish without changing the procedures of the existing law. This amendment would conform the procedure with the Chadha decision.

Mr. HEINZ. Mr. President, I have examined—indeed, I am quite familiar with the amendment in the nature of a substitute proposed by Senator DANFORTH. I am pleased and prepared to accept his amendment in the nature of a substitute for my amendment.

Mr. BENTSEN. Mr. President, the manager on the minority side has examined the substitute amendment and finds no fault with it. I think it makes a contribution. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment (No. 4280) in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 4279), as amended, was agreed to.

Mr. HEINZ. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNITED STATES-ISRAEL FREE TRADE AGREEMENT

Mr. DOLE. Mr. President, I wish to comment again on the importance of completing action on this legislation so that the President will have authority to complete negotiations with the Government of Israel on the free trade arrangement and submit it for congressional approval early next year.

Although 90 percent of Israeli exports to this country already enter duty free, either because of zero-duty rates or because of the generalized system of preferences [GSP], the United States consistently enjoys a trade surplus with Israel, even excluding military shipments. The 1983 surplus was about $465 million, out of $3 billion in total trade; imports from Israel account for approximately one-half of 1 percent of all U.S. imports. Still, 40 percent of U.S. exports to Israel remain subject to tariffs, in the range of 10 to 15 percent. Thus, a mutual elimination of remaining tariff barriers by the two countries would clearly benefit U.S. exporters, while not significantly expanding the range of Israeli imports that enter this country duty free.

I note in particular that Israel is already a major importer of U.S. agricultural products, purchasing in 1983 $61 million of wheat, $51 million of corn, and $55 million in other cereals. Elimination of Israeli tariffs on other products would lead to greater exports of tobacco and tobacco products, processed cereals, dried garlic, raisins and grapes, various nuts, dried peas and beans, dried fruit, and kosher processed meats and wines. Of course, Israeli exports of agricultural products to this country are small and are unlikely to grow significantly.

Nevertheless, the proposed agreement is very important to Israel. The United States is Israel's single largest trading partner, a relationship reinforced by Israel's lack of access to its natural markets in the Middle East. A free-trade agreement would help to assure a market for Israeli exports. Further, a free-trade arrangement, although reciprocal in nature, would offer Israeli exporters a more comprehensive and stable trading regime than that offered by the unilateral benefits accorded under the GSP. Exports are critical to the viability of the Israeli economy, burdened as it is by enormous defense requirement; the proposed free-trade area would provide essential opportunities for the economic growth that will lessen Israel's need for aid.

For these reasons, the Committee on Finance approve the authority for the agreement without objection. I am pleased that 30 of my colleagues asked, in addition, to cosponsor this legislation. I list them below. Unfortunately, I am informed that Senate rules preclude acknowledging cosponsors in a formal way to an original bill; thus, these 30 Senators could not be listed as cosponsors to the bill reported by the Committee on Finance (S. 2746) that now comprises title IV of the committee amendment to H.R. 3398. But I wish their support for S. 2746 to be fully acknowledged for the public record, and I appreciate their interest.

Mr. President, time is of the essence. The Israeli free-trade area, renewal of the generalized system of preferences, and other matters contained in this bill are of utmost importance to many members. We must complete action quickly in order to engage in a conference with the House. I appreciate the cooperation of my colleagues thus far, and urge that that spirit continue for our mutual benefit.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of my colleagues who have asked to be cosponsors of this particular portion of the bill. I just indicate that in the event that there are others who wish to be added.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

S. 2746 COSPONSORS

Senators Andrews, Armstrong, Baucus, Boren, Boschwitz, Cochran, Cohen, D'Amato, Denton, Domenici, Glenn, Gorton, Hart, Hecht, Heinz, Inouye, Jepsen, Kasten, Leahy, Mattingly, Nickles, Packwood, Percy, Pressler, Proxmire, Roth, Specter, Stevens, Tower, and Wilson.

AMENDMENT NO. 4281

(Purpose: To provide a tariff-rate quota on imported catalytic naphtha)

Mr. BENTSEN. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment No. 4281.

Mr. BENTSEN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Substitute for section 121 of the Committee amendment the following:

"SEC. 121. NAPHTHAS.

Subpart B of part 1 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting the following in numerical order and at the same level of indentation as item 407.09:

	Naphthas derived from petroleum, shale oil, natural gas, or combinations thereof, containing by weight over 5 percent of any product described in this part:		
407.11	For not over 190,000,000 pounds entered during the 12-month period beginning January 1 in any year	0.25¢ per gal.	0.5¢ per gal.
407.13	Other	1.7¢ per lb. + 13.6% ad val., but not less than the highest rate applicable to any component material.	7¢ per lb. + 43.5% ad val., but not less than the highest rate applicable to any component material.

Mr. BENTSEN. Mr. President, on Monday last I introduced and the Senate passed amendment No. 4248. There was a technical error in the line item reference, and I would like to modify that particular amendment with the amendment that I have sent to the desk. I urge passage of the amendment.

The PRESIDING OFFICER. It will take unanimous consent to amend the earlier agreed upon amendment.

Mr. BENTSEN. Mr. President, I ask unanimous consent to amend the earlier agreed upon amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DANFORTH. Mr. President, this is a technical amendment; it cor-

rects an error in prior proceedings and is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4281) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4282

(Purpose; To amend the Unfair Competition Act of 1916 and the Clayton Act to provide for further relief in the event of unfair foreign competition)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. RANDOLPH, proposes an amendment numbered 4282.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41 of the matter proposed to be inserted, between lines 18 and 19, insert the following:

SEC. . RELIEF FROM UNFAIR COMPETITION.

(a) Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting after the words "nineteen hundred and thirteen;" the words "section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72);".

(b)(1) Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 72) is amended to read as follows:

"SEC. 801. (a)(1) If—

"(A) any article manufactured or produced in a foreign country is imported or sold within the United States at a United States price which is less than the foreign market value or constructed value of such article,

"(B) such importation or sale—

"(i) causes or threatens material injury to industry or labor in the United States, or

"(ii) prevents, in whole or in part, the establishment or modernization of any industry in the

United States, and

"(C) any person is injured in his business or property by reason of such importation or sale, such person may bring a civil action against any manufacturer or exporter of such article or any importer of such article into the United States who is related to such manufacturer or exporter in the district court of the District of Columbia.

"(2) In any action brought under paragraph (1), upon a finding of liability on the part of the defendant, the plaintiff shall—

"(A) recover damages for the injury sustained or be granted such equitable relief as may be appropriate, and

"(B) recover the costs of the action, including reasonable attorney's fees.

"(b) The standard of proof in any action filed under subsection (a) is a preponderance of the evidence. Upon a prima facie showing of the elements set forth in subsection (a), or upon a final determination by the Department of Commerce or the International Trade Commission under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d) relating to imports of the article in question for the country in which the defendant is located, which final determination shall be considered a prima facie case for purposes of this Act, the burden of rebutting such prima facie case thus made shall be upon the defendant.

"(c) Whenever it shall appear to the district court of the District of Columbia that justice requires that other parties be brought before the court, the court may cause them to be summoned, whether they reside in the district or not, and the subpenas to that end may be served and enforced in any district of the United States.

"(d) The acceptance by any foreign manufacturer, producer or exporter of any right or privilege conferred upon him to sell his products or have his products sold by another party in the United States shall be deemed equivalent to an appointment by the foreign manufacturer, producer, or exporter of the District Director of the United States Customs Service of the Department of the Treasury for the port through which the article is commonly imported to be the true and lawful agent upon whom may be served all lawful process in any action brought under this section.

"(e)(1) An action may be brought under this section only if such action is commenced within four years after the date on which the cause of action accrued.

"(2) The running of the statute of limitations provided in paragraph (1) shall be suspended while any administrative proceedings under section 731, 732, 733, 734, or 735 of the Tariff Act of 1930 (19 U.S.C. 1673–1673d) relating to the importation in question, or any appeal of a final determination in such proceeding, is pending and for one year thereafter.

"(f) If a defendant in any action brought under subsection (a) fails to comply with any discovery order or other order or decree of the court, the court may—

"(1) enjoin the further importation into, or the sale or distribution within, the United States by such defendant of articles which are the same as, or similar to, those articles which are alleged in such action to have been sold or imported under the conditions described in subsection (a) until such time as the defendant complies with such order or decree, or

"(2) take any other action authorized by law or by the Federal Rules of Civil Procedure, including entering judgment for the plaintiff.

"(g)(1) Except as provided in paragraph (2), the confidential or privileged status accorded by law to any documents, evidence, comments, or information shall be preserved in any action under this section.

"(2) The court in any action brought under this section may—

"(A) examine, in camera, any confidential or privileged material,

"(B) accept depositions, documents, affidavits, or other evidence under seal, and

"(C) disclose such material under such terms and conditions as the court may order.

"(h) Any action brought under this section shall be advanced on the docket and expedited in every way possible.

"(i) For purposes of this section—

"(1) The terms 'United States price,' 'foreign market value', 'constructed value', 'subsidy', and 'material injury', shall have the respective meaning given such terms by title VII of the Tariff Act of 1930.

"(2) If—

"(A) a subsidy is provided to the manufacturer, producer, or exporter of any article, and

"(B) such subsidy is not included in the foreign market value or constructed value of such article (but for this paragraph),

the foreign market value of such article or the constructed value of such article shall be increased by the amount of such subsidy.".

(2) It is the sense of the Congress that the provisions of this section are consistent with, and in accord with, the General Agreement on Tariffs and Trade (GATT).

Mr. SPECTER. Mr. President, I send that amendment to the desk on behalf of Senator RANDOLPH and myself. Many other Senators have stated they will vote for the amendment, but we are the listed cosponsors.

This amendment, Mr. President, provides for a judicial remedy where imports come into the United States which are subsidized or dumped. The impetus for this amendment at this time follows from the decision by the President yesterday declining to impose quotas on steel imports in the United States. It is my view that as a matter of urgent necessity the Congress should act to provide that imported steel should not come into this country where the evidence shows it is dumped or subsidized and there ought to be a remedy by having jurisdiction conferred on the United States District Court for the District of Columbia to consider such evidence and to order the injunctive relief. It has long been the law of the United States, Mr. President, that subsidized goods and dumping are illegal but there is no effective remedy presently on the books.

When individuals oppose the restriction of imports on the grounds of free trade, they overlook a very fundamental fact that a great deal of the imports, steel, cement, copper, and many other products are being brought into the United States as a result of subsidies or as a result of dumping. Free trade means fair trade and fair trade is the absence of subsidy and dumping. It is a misnomer to say that we are enforcing a policy of free trade when we permit this very heavy subsidization and dumping to take place in the United States.

Because the hour is late and there are good reasons to proceed with dispatch on this measure, Mr. President, I shall quickly review some of the arguments in favor of this bill. This original antidumping bill was introduced on March 4, 1982 as S. 2167. Hearings were held on this bill and a series of distinguished witnesses, in-

cluding representatives of the major steel companies, a representative of the United States Steel Workers, public officials, and others testified in favor of S. 418, which is its designation in the 90th Congress. I ask unanimous consent that a list of those witnesses be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF WITNESSES TESTIFYING IN FAVOR OF THE ANTIDUMPING BILL, S. 418

Laird Patterson, Attorney, Bethlehem Steel.
Dominic King, Assistant General Counsel, United States Steel.
Walter Ousterman, President, Kaiser Cement.
Bill Knoell, President, Cyclops Corp.
Edward Paluso, Commissioner, Washington County, PA.
Burt Fisher, Attorney, Patton, Boggs & Blow.
Richard Cunningham, Attorney, Steptoe & Johnson.
Chris Doss, Commissioner, Birmingham, AL.
Martin Schalter, Mayor, Midlan, PA.
Steven Means, Mayor, Gadson, AL.
Pete Love, Chairman and President, National Steel Corp.
Julius Uehleim, International Representative, U.S. Steelworkers of America.
Ben Erdreich, Congressman, AL.
William Dobbs, Vice President Marketing, Jim Walter Resources.
Tom Graham, President, Jones and Laughlin Steel Corp.
Metalworking Fair Trade Coalition.

Mr. SPECTER. Mr. President, I further ask unanimous consent that a summary argument be printed in the RECORD.

There being no objection, the summary was ordered to be prined in the RECORD, as follows:

SUMMARY

1. The bill has been newly amended, and now focuses strictly on subsidization and sales below the cost of production. References to "labor" and "modernization" of the domestic industry have been deleted, on the advice of William Baxter, former Assistant Attorney General, Antitrust Divison of D.O.J.

2. The bill has also been amended by limiting the district court jurisdiction to the District of Columbia. This will hopefully prevent (a) "shopping around" for a favorable court jurisdiction, and (b) regional pressures which may influence impartiality.

3. The bill has been altered from the original S. 2167 by eliminating treble damages. The injunctive powers of the court have been limited. Imports are enjoined if the accused does not comply with a discovery order, or if a request by the court has been refused or dumping or subsidies are found.

4. The bill does not replace present administrative channels, such as the International Trade Commission and the International Trade Administration. It simply offers a judicial remedy which will coexist with the administrative remedy presently offered.

5. The relief provided by S. 418 is both prospective and retroactive, so that an injured firm or industry may receive payment for damages from the time the dumping commenced, rather than when the bureaucracy makes its decision.

6. The current law requires both the ITA and the ITC to coordinate anti-dumping action. Multiple decisions must be made regarding (a) prices in the seller's home market (b) the prices in Third Country markets (c) allegations of injury to a U.S. industry. This process may take months, even years. In contrast, the U.S. Steel-Marathon Oil suit was resolved in several weeks, and did not require inter-agency coordination.

7. The bill imposes no trade barriers or protectionist measures, but only ensures speedy justice for victims of dumping and subsidization, which are illegal and anti-GATT.

Mr. SPECTER. Mr. President, the evidence is plain that enormous quantities of very heavily subsidized steel are coming into the United States. That fact has been disclosed in a series of proceedings before the International Trade Commission. State-owned firms including nationalized firms in Italy, France, the United Kingdom, and Belgium accounted for at least 52 percent of the European community steel production in 1982. Over half of the major steel firms in other Western developed countries are state-owned. These firms are located in South Africa, Spain, Austria, Finland, and Yugoslavia. They accounted for 25 million net tons or 42 percent of the 60 million net tons produced in those countries during 1982.

As a result of this influx in dumping and subsidized steel, Mr. President, over 200,000 American steelworkers have lost their jobs. The financial hemorrhaging of the American steelmakers has gotten much worse in recent months. Third quarter results are expected to show significant losses after two break-even quarters following 2 years of huge losses. Three major companies are possibilities for downgrading below investment grade which means they cannot borrow, and all major firms suffered lower credit ratings since 1981.

The worsening condition of domestic steel results directly from sharp increases in imports. At 15 percent of U.S. sales in 1979, imports rose to 20 percent in 1983, 24 percent for the first half of 1984, and 33 percent for the month of July.

Mr. President, these imports are threatening the American steel industry, which is very vital for our national welfare. Our steel industry is vital for national defense. In a time of national emergency, we will need a steel industry to protect and defend the United States. The steel industry is vital for domestic production because once we find the American steel industry going down the drain and our reliance is solely on imported steel, then we can be sure the importers will jack up the prices just like we were victimized by OPEC oil. For too long our trade policies have been dictated by what some may conceive to be in the interest of foreign policy, and American industries one after another, as I see it, have been sacrificed on the altar of foreign policy. The decision on steel yesterday was another such decision.

Where the laws of the United States prohibit dumping and prohibit subsidy, those laws ought to be enforced. The way to get enforcement is through the courts. Minority groups have achieved justice in the courts—blacks, women, Hispanics. If American industry is to receive justice, it is going to be in the courts as well. It is a realistic approach to have injunctive relief granted to stop such subsidies and such dumping. The case of Marathon against Mobil Oil is illustrative of the point. That complex litigation was decided in the course of 6 weeks in the U.S. District Court in Cleveland. I have had substantial experience in civil litigation and can personally attest that when one of these cases is brought and the facts can be ascertained, discovery is available, move can be made for a temporary restraining order or preliminary injunction and it can be achieved in a manner of a few weeks at most. Once an injunction is granted, that would stop the importation of subsidized or dumped steel. If someone wants to take an appeal, they can do so, but the injunction stays unless a supersedeas is granted, so it is an effective remedy.

Unlike the proceedings before the International Trade Commission, which take months and years and induce a surge of steel, this injunctive relief would be highly effective.

Mr. President, an issue has been raised in former discussions on this matter as to whether this legislation violates GATT. There is an opinion of counsel by Peter D. Ehrenhaft, submitted to me on August 24, 1982; and I ask unanimous consent that the full text of his opinion be printed in the RECORD, together with the full text of the prior letter which he had written to Senator Ribicoff, dated March 13, 1980, establishing the legality of such a remedy, injunctive relief, as being legal under the provisions of GATT.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Re S. 2167.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: Thank you for your letter inviting me to provide you with an opinion concerning the consistency of S. 2167 with the GATT and the Antidumping Code. I am sorry I have been unable to respond earlier, but I have been out of my office for a number of weeks since I spoke with Mr. Finkel.

My views on this subject remain consistent with those expressed in the enclosed copy of a letter submitted to Senator Ribicoff when the latter chaired the Trade Subcommittee of the Senate Finance Committee during the last Congress.[1] It is, in brief, my opinion that:

[1] The letter was made part of the Subcommittee's Hearing (at page 37) on "Possible Amendments to

1. The GATT and Code do not preempt a private remedy.

A "single damage" statute, such as the one you are now proposing, cannot be "preempted by," nor be regarded as violative of, either the GATT or the Antidumping Code. On the issue of dumping, the GATT refers solely to the actions of governments imposing "antidumping duties." The Code provides procedures and certain substantive rules for the invocation of this governmental action. But neither the GATT nor the Code deals with private remedies, pursued in ordinary law courts, seeking redress for past injuries caused by other private parties through behavior that may also be "dumping" at which duties may be aimed in the future. This judgment is, by the way, echoed in a recent article by Senator Danforth's former Trade Counsel, Kermit Almstedt. See, "International Price Discrimination and the 1916 Antidumping Act—Are Amendments in Order," 13 Law & Pol. Int. Bus. 747, 779 (1981). (I am also enclosing the last four pages of that article in which this issue is discussed.) [2]

2. Article 16 of the Code is irrelevant.

The Administration has recently pointed specifically to Article 16, § 1 of the Antidumping Code as precluding a measure such as S. 2167. That section provides:

"No specific action against dumping of exports from another party can be taken except in accordance with the provisions of the General Agreement, as interpreted by this Agreement."

However, this section does not bar private damage actions. Its purpose is to prevent other governmental action against dumped imports—such as cease and desist orders—and to assure that investigations and actions are taken with the requisite "transparency" and "due process." See, e.g., S. Rep. 96-249, 96th Cong., 1st Sess. 41 (1979).

The mere enactment of a law creating (or amending) a possible private damage remedy is surely not a "specific action against dumping of exports" within the meaning of Article 16 of the Code. Thus, the passage of a bill such as S. 2167 is not covered by this provision. And the implementation of a measure such as would be authorized by S. 2167 should also not be seen as a "specific action against the dumping of exports"; it is only the invocation of a traditional legal remedy by one "person" for economic harm knowingly done by another. As already noted, the addressees of the cited provision—as all other provisions in the GATT—are governments and not private parties.

3. Damages are not "duties."

The Administration has reiterated suggestions that the GATT and Code permit the imposition of antidumping duties only after governmental findings of dumping margins and material injury to a domestic industry caused thereby.[3] These observations are accurate—but beside the point. The compensation to be collected by a damaged domestic producer from a foreign seller (or its U.S. importer) under the proposed statute would not involve the imposition of an "antidumping duty" as that term has been historically understood or is commonly used today. The term has a precise meaning. It means a certain type of customs duty collected on the importation of merchandise from its importer and then deposited in a government treasury. It does not include the type of damages collectible by private parties that S. 2167 would authorize.

In that connection, I might add that it is undeniable that S. 2167 or a similar law may constitute an additional "non-tariff barrier" (NTB) to imports. And it is also true that it was one of the aims of the Multilateral Trade Negotiations (MTN) out of which the current Antidumping Code emerged, to reduce NTB's. But many existing or imaginable NTB's were unaffected by what occurred in the MTN, including most notably the rules concerning "safeguards" (in our parlance "escape clause" actions). The subject of private remedies to counter "unfair trade practices" was simply not discussed and no agreement concerning their use was even tabled for consideration.

4. The 1916 Act is "grandfathered" under the Protocol.

Even if the 1916 Act were in some way inconsistent with the GATT and Code, these international agreements apply only to the extent they are not "inconsistent with existing legislation" under the Protocol of Provisional Application by which the United States adhered to the General Agreement. The 1916 Act antedates both the GATT and Code by many years. The amendments now proposed—particularly to the extent they eliminate the risks of treble damages or criminal penalties—cannot be regarded as new law not embraced by the Protocol. They are a continuation of that statute.

In the Trade Act of 1974 Congress extended the countervailing duty law to products not otherwise subject to ordinary customs duties. In that context, Congress felt that the GATT obligated the United States to apply an "injury test" to such imports before applying CVD's. The Protocol did not shield that new, substantive—and more onerous—obligation on foreign exporters. See S. Rep. 93-1298, 93d Cong. 2d Sess. 185 (1974); S. Rep. 96-249, 96th Cong., 1st Sess. 39 (1979). However, that is not an apt analogy to the present situation. While the amendments proposed in S. 2167 are intended to revive what is universally regarded as a "dead letter" of our law through certain procedural reforms (e.g., allowing use of administrative determinations as prima facie evidence in court proceedings), the substantive aspects of the law should be less onerous to companies in the countries that are our trading partners. Such a relaxation of existing law (from the foreigners' vantage point) should, therefore, still be shielded from claims of GATT inconsistency by the Protocol.

I hope that the foregoing is useful. At the same time, permit me both to thank you for this additional opportunity to present my views and to express my satisfaction that your amended bill has taken account of many of the points I made when I testified on May 24. To that I might just add for your information that a new complaint under the existing 1916 Act has recently been filed in the U.S. District Court in Denver by CF&I Steel Corp. of Pueblo, claiming Mitsui & Co. sold a variety of imported steel products in violation of the Act. *CF&I Steel Corp.* v. *Mitsui & Co. (USA), Inc.*, Civ. Action No. 82-Z-1269 (D. Col. 1982). However, expeditious action seems unlikely. See, for example, the ongoing case of Outboard Marine Corp. v. Pezetel, in which the most recent opinion of the District Court permitting the plaintiff to amend its complaint was recently published. 3 ITRD 1917 (D. Del. 1982). The case was also initially brought, inter alia, under the 1916 Act but is now being prosecuted solely as a straight antitrust suit claiming predatory pricing. The original complaint was filed in February 1977; the recent amendment was allowed more than five years later, still well before trial and before the defendants have been permitted even to initiate discovery on their antitrust counterclaims. I think the case illustrates why I do not think your bill, although a useful addition to our trade laws, will provide the speedy action your statements at the hearing in May indicated you were seeking.

Sincerely,

PETER D. EHRENHAFT.

HUGHES HUBBARD & REED,
Washington, DC, March 13, 1980.

Hon. ABRAHAM A. RIBICOFF,
Chairman, Subcommittee on International Trade, Committee on Finance, U.S. Senate, Washington, DC.

Re: Amendments to the Antidumping Act of 1916

DEAR MR. CHAIRMAN: I appreciated the opportunity to appear before your Subcommittee on March 11 and share with you and your colleagues some of the impressions gained from my experience in the administration of the Antidumping Act of 1921 while serving as the Deputy Assistant Secretary and Special Counsel for Tariff Affairs at the Treasury through the end of 1979. One issue that was raised at the hearing, however, that I did not have time to address concerned your question about the compatibility of a statute authorizing a private cause of action to recover damages caused by dumping with the newly negotiated Code on Antidumping Measures to which the United States has now adhered. It is a very good question. I cannot provide you with a legal opinion as a reply. But I can indicate my views, based on more than 22 years of study and experience with antidumping laws and my particular recent responsibility both in connection with the negotiation of the Antidumping Code in the MTN and leading the U.S. delegation to the 1977 through 1979 meetings of the GATT Antidumping Committee.

In my judgment, a statute permitting the recovery of compensatory—particularly "single," as opposed to "treble"—damages for injury caused by tortious business behavior could not be regarded as a breach of the Antidumping Code.

First, the Antidumping Code is an agreement on the "Implementation of Article VI of the GATT." Article VI of the GATT does not prescribe the only method for dealing with the problem of dumping. Section 1 defines the concept of dumping—injurious price discrimination between national markets—and Section 2 states that "in order to offset or prevent dumping a contracting

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the '1916 Antidumping Act'" held on March 11, 1980, the printed version of which is undoubtedly available to you.

[2] It is also of interest that at the 1980 Hearings, a memorandum was submitted by three experienced trade lawyers, including Gary N. Horlick, now the Deputy Assistant Secretary for Import Administration at the Commerce Department, and, thus, the official now most directly responsible for the administration of the antidumping laws and representing the United States at the GATT with respect to such matters. It concluded that it "seems incontrovertible" that no amendments to the Antidumping Act of 1916 similar to those in S. 2167 would "in any way be circumscribed by the trade agreement obligations of the United States." Hearings, supra, at 23.

[3] See, e.g., letter of USTR General Counsel Robert Cassidy to Senator Ribicoff in the Hearings, supra, at 145, and the similar views of the present incumbent, Donald de Kieffer, submitted to your committee.

party may levy an antidumping duty not greater in amount than the margin of dumping . . . ."

The GATT, itself, thus does not suggest, much less state expressly, that antidumping duties are the exclusive method by which the problem of dumping may be addressed. It simply indicates that if the problem is attacked through the imposition of an "antidumping duty," that duty may not exceed the margin of dumping.

Second, the Code, itself, is concerned only with the implemention of the cited Article of the GATT. That is clear from Article I of the Code, taken almost verbatim from the 1967 Code. The Code speaks about the "imposition of an antidumping duty . . . to be taken only under the circumstances provided for . . . and pursuant to . . . this Code." (Emphasis added.) Thus, the Code also does not affect other actions that are not in the nature of "duties," that may affect goods that are "dumped."

Third, both when the 1967 Code was negotiated and throughout the MTN, our trading partners (not to speak of the U.S. negotiators) knew about the existence of the U.S. 1916 Antidumping Act providing criminal penalties and treble damages for acts that are comparable to those at which antidumping "duties" are aimed. Nevertheless, as far as I know, no claim was ever made by any foreign government or any U.S. agency that the existing 1916 law contravenes the Code. It may be argued that the existing law, with its requirement for "intentional injury" defines offensive behavior different in kind from that addressed by the GATT or the Code. However, that argument supports the view that the Code does not exhaust all possible remedies that a government may adopt to combat or remedy practices analogous to the "strict liability" dumping defined by the Code (i.e., "dumping" without any "intent to injure" element).

A statute that provides compensatory damages recoverable through a private action in a court of law for market behavior that has unjustifiably caused injury should not be read to be—and, in my view, is not—inconsistent with the Code. It supplements the Code-envisaged remedy. Even retention of treble damages and criminal penalties for intentional injurious behavior should not be regarded as Code inconsistent. However, as a number of witnesses at the hearing indicated, the existing antitrust laws would seem adequate to cope with intentionally harmful pricing and no further civil remedy is needed to deal with it.

A slightly more troublesome issue was raised by some witnesses concerning the possible incompatibility of a statute permitting a cause of action affecting only imported goods with the "national treatment" provisions of Article III of the GATT. However, we presently have domestic laws—primarily the Robinson-Patman Act—that contemplate remedies against sellers who discriminate between markets to the detriment of the seller's competitors. (Representatives of the American Importers Association discussed at the hearing the wholly separate—and admittedly inapplicable—remedy of the Robinson-Patman Act available to competitors of a favored customer.) The creation of a remedy addressed to imported goods causing injury to competition at the seller's level should not breach Article III to the extent that it parallels comparable domestic law. Mere extension of the Robinson-Patman Act to international trade would be one way to achieve that result. But it may not be the best method, in part because it may be desirable for some of the reasons indicated in my oral testimony to vest trial jurisdiction over the international remedy in the Customs Court that will otherwise be interpreting the language of the antidumping laws.

In any event, before any action is taken to create a new cause of action, I would urge the Subcommittee to commission some further, serious factual studies of the existence of "dumping" as a real phenomenon in U.S. trade and the extent to which our existing laws have affected both trade in particular and the economy of the Nation in general. I believe such a study would support my impression that a private remedy of the type being proposed might make good sense for many of the smaller cases that make up the bulk of the work of the "Administering Authority," while the law is not well suited to cope realistically with the big cases. For those problems—steel, textiles, automobiles—alternative, more macro-economic responses are required outside either the private suits contemplated by the bill you are considering or the procedures now authorized by the Trade Agreements Act.

Respectfully submitted,

PETER D. EHRENHAFT.

INTERNATIONAL ANTIDUMPING AGREEMENTS

One final question must be addressed. Would amending the 1916 Antidumping Act as proposed herein violate any of the international obligations of the United States assumed as a signatory to the General Agreement on Tariffs and Trade (GATT)[198] or the International Antidumping Code of 1979[199] formulated during the Tokyo Round of the Multilateral Trade Negotiations?[200]

Article VI of the GATT and the International Antidumping Code of 1979 do not by their own terms prohibit national legislation, such as the 1916 Antidumping Act, from providing remedial relief against dumping.[201] When the GATT and the antidumping code were negotiated, one may rightfully argue that the United States' trading partners knew of the existence of U.S. legislation that provided for judicial remedial relief in the form of treble damages upon a finding of international price discrimination. Nevertheless, no claim was or has ever been made that any of the provisions of the 1916 Antidumping Act contravened either the GATT or the antidumping code.[202] Even assuming arguendo that remedial relief statutes such as the 1916 Act would be inconsistent with article VI of the GATT, the United States is not necessarily bound by that article due to a provision exempting countries with conflicting preexisting legislation from compliance.[203]

The International Antidumping Code of 1979 sought to establish uniformity among signatories in implementing the GATT antidumping provisions.[204] The Code is thus merely an agreement among signatories for the implementation of article VI of the GATT. Neither the GATT nor the Code mandates or even suggests that imposition of dumping duties is the exclusive form of relief sanctioned against dumping.[205] Section 2 of article VI of the GATT merely provides that if a signatory wishes to attack an antidumping practice by levying an antidumping duty then the duty cannot exceed the margin of dumping.[206] Finally, since the amended 1916 Act would provide relief when there is injury to an industry as defined in the Antidumping Act of 1921, as amended, and the 1921 Act was amended to conform to the 1979 Code,[207] the terms of the amended 1916 Act would comply with the implementing Code.

One other argument which may be raised is the notion that amendments to the 1916 Act may contravene the "national treatment" article of the GATT.[208] Article III provides that "[t]he prodcuts of the territory of any contracting party imported into the territory of any other contracting party shall be accorded treatment no less favorable than that accorded to like products of national origin. . . ." Neither the 1916 Antidumping Act nor the amendments proposed herein favor domestically produced articles over imported articles, since the former are subject to a comparable price discrimination law, the Robinson-Patman Act.[210] In conclusion, neither the 1916 Antidumping Act nor the amendments proposed here are contrary to the obligations undertaken by the United States as a signatory to the GATT.

CONCLUSION

The 1916 Antidumping Act has not proved to be an effective means of redress for private parties injured by the pricing practices of U.S. importers or foreign manufacturers. Because the Antidumping Act of 1921 provides only prospective relief after a complex administrative determination, the ability of a U.S. industry to obtain treble damages for harm actually inflicted by dumping practices would further the policy of prohibiting international price discrimination much in the same manner as the ability of antitrust plaintiffs to obtain treble damages furthers the policies underlying the Sherman Act. The question that ultimately must be addressed is whether Congress is sufficiently committed to the policy of preventing harm to U.S. industries from the deleterious pricing practices of foreign manufacturers that it will coordinate the antidumping legislation to best achieve its underlying policies.

FOOTNOTES

[198] General Agreements on Tariffs and Trade, *opened for signature* Oct. 30, 1947, 61 Stat. A3, T.I.A.S. No. 1700, 55 U.N.T.S. 187 [hereinafter cited as GATT]. Article VI of GATT applies specifically to antidumping legislation.

[199] Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, *done* Apr. 9, 1979, MTN/NTW/W/232 [hereinafter cited as International Antidumping Code of 1979], *reprinted in* AGREEMENTS REACHED IN THE TOKYO ROUND OF THE MULTILATERAL TRADE NEGOTIATIONS, H.R. Doc. No. 153, 96th Cong., 1st Sess., pt. 1, at 311 (1979) [hereinafter cited as MTA].

[200] In the sixty-six years since the passage of the 1916 Antidumping Act, dumping has often been the subject of international discussion. As early as 1927, the World Economic Conference in Geneva passed a resolution recognizing the harmful influence dumping may have on a domestic economy. *See* Marks, *supra* note 19, at 586. By the 1930s, at least twenty-five countries had adopted some kind of antidumping law. *Id.* In 1947, GATT was adopted; GATT condemns dumping if it causes or threatens material injury to an established industry in the territory of a contracting party or materially retards the establishment of a domestic industry. GATT, *supra* note 198, art. VI, para. 1. During the Kennedy Round of the Multilateral Trade Negotiations, GATT members adopted a Dumping Code designed to encourage uniform dumping laws. Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, *done* June 30, 1967, 19 U.S.T. 4348, T.I.A.S. No. 6431. The 1967 Code provided guidance in the interpretation of the concepts of "causation," "injury," and "industry." *See Technical Analysis, supra* note 12, at 1411-14. The U.S. Congress specifically declined to implement the 1967 Code because of constitutional questions and the reluctance to amend the Antidumping Act of 1921. *See id.* at 1414-15. Pursuant to the Tokyo Round of Multilateral Trade Negotiations, the International Dumping Code of 1979, *supra*

Footnotes at end of article.

note 199, was adopted. In order to harmonize the world antidumping laws, the Code provides uniform definitions of "industry," "injury," and "causation," *id.* arts. 4, 3 *reprinted in* MTA at 314-16, as well as procedural changes to make the resolution of dumping disputes more equitable. *See Technical Analysis, supra* note 12, at 1416-19. The Trade Agreements Act of 1979, *supra* note 12, repealed the Antidumping Act, 1921, and replaced it with provisions designed to be consistent with the International Antidumping Code of 1979. *See* note 12 *supra.* While the expressed intention of Congress was to enact legislation consistent with obligations contained in the Code, this intention was qualified by the language: "as the United States understands those obligations." S. REP. No. 249, 96th Cong., 1st Sess. 15-16, 36 (1979). Congress' legislative response to the 1968 and 1979 Codes demonstrates that although Congress is aware of its international obligations, it does not view its own power as necessarily limited by those agreements.

[201] *See generally* GATT, *supra* note 198, art. VI; International Antidumping Code of 1979, note 199 *supra.*

[202] *S. 223 Hearings, supra* note 171, at 38 (letter from Peter D. Ehrenhaft to Sen. Ribicoff, Chairman, Subcomm. on Int'l Trade of the Comm. on Finance).

[203] Protocol of Provisional Application of the General Agreements on Tariffs and Trade, *signed* Oct. 30, 1947, 61 Stat. A2051, T.I.A.S. No. 1700, 55 U.N.T.S. 308. Paragraph (1)(b) of the protocol requires the adoption of part II of the GATT, which includes article VI, "to the fullest extent not inconsistent with existing legislation." *Id.*

[204] *See* note 200 *supra.*

[205] *See S. 223 Hearings, supra* note 171, at 22-23 (memorandum submitted by Messrs. Peter Buck Feller, Charles Verrill Jr., and Gary Horlick).

[206] GATT, *supra* note 198, art. VI(2).

[207] *See* S. REP. No. 249, 96th Cong. 1st Sess. 15-16 (1979).

[208] GATT, *supra* note 198, art. III(4).

[209] *Id.*

[210] Robinson-Patman Act, §§ 2-4, 15 U.S.C. §§ 13-13b (1976).

Mr. SPECTER. Mr. President, that is a very short summary of what is really very extended argument. But I abbreviated it at this point because of the interest in proceeding expeditiously, in an effort to try to finish this trade bill this afternoon. There is very little time on the Calendar. This states the essence of the contention.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, does my senior colleague seek recognition at this point?

Mr. RANDOLPH. Yes.

Mr. BYRD. Mr. President, I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the able Senator from Pennsylvania [Mr. SPECTER] has just concluded his very constructive comments on a matter of concern to many States—certainly Pennsylvania, West Virginia, and Ohio—and in which I am privileged to join as a cosponsor, for which I am grateful.

The amendment offered by the Senator from Pennsylvania which would provide American industries suffering from illegally dumped imports direct access to the Federal courts for injunctive relief and compensatory damages is a reasonable approach and I appreciate his leadership on this problem. The issues facing our Nation on unfair-trade practices are serious and dangerous. Our remedies are often limited, when they are utilized, and this amendment is an effective and practical proposal.

Mr. President, I want to again express the feeling I have, as one who has participated in an attempt to strengthen the steel industry in West Virginia—and Senator BYRD has been most active in that effort—that we do know there are thousands and thousands of steelworkers in the tri-State area whose well-being and jobs are at stake.

Yesterday, the President announced his decision on steel and his plan to restrict unfairly traded steel imports, and sadly for steel communities, workers, and the domestic industry, it is woefully inadequate.

This is not a new issue in the U.S. Senate, indeed Mr. President, many times I have stood with my colleagues to discuss the serious problems facing the domestic steel industry and its loyal, skilled workers. We recognize that there are many Members of this body who are committed to the preservation of this vital, basic industry, and I commend my colleagues for their dedication to this effort.

Mr. President, unfairly traded steel is a fact in this country. There is no dispute that the domestic steel industry and their workers have been and continue to be injured by illegally imported steel products. The U.S. International Trade Commission determined that import injury was a fact and recommended import relief be granted to the industry through a combination of quotas and tariffs. Many of my colleagues and I felt that the ITC recommendations were not comprehensive and would not have gone far enough to solve the problems, and we urged the President to design a relief plan that was more responsive to our domestic industry and its workers.

Unfortunately, instead of a comprehensive rescue plan for our devastated steel communities, and their workers, and families, we were given promises that voluntary restraints would be negotiated with the foreign governments who are responsible for the unfairly traded imports which caused the injury to our people in the first place. I believe this approach is inadequate and unacceptable.

I believe that American steelworkers have suffered enough, and that import relief is overdue. These highly skilled, dedicated workers and their families deserve better understanding and substantive help. Instead, yesterday they received more promises.

In my State of West Virginia there are thousands of workers who would be aided by a comprehensive import remedy for steel. Workers in steel, and coal mining, and footwear, and glass in West Virginia look to their Government to stop the tide of illegal imports. In West Virvinia, we continue to suffer the highest unemployment rate in the Nation, 14.5 percent for July 1984. This is unconscionable and a failure to address the unfair-trade problems in a comprehensive manner in steel only adds to the misery of unemployed West Virginians and unemployed workers in other industrial States.

Mr. President, the Fair Trade in Steel Act, S. 2380, is such a comprehensive plan for steel, and I urge my colleagues to give attention to this proposal. It is a reasonable approach, it would limit steel imports to 15 percent of the domestic market for a 5-year period, it is enforceable, it provides for industry modernization and it would be effective immediately.

Mr. President, our Nation, our industries, our workers, our communities must not continue to suffer under the onslaught of illegal imports. We cannot continue to allow illegal imports to destroy our industrial and economic base, and destroy American jobs. Yesterday, my hopes for a comprehensive solution were dashed by the administration's disregard of the workers in the steel industry and related industries. A promise to negotiate with foreign governments and a hope for an 18.5-percent target for import market share is simply not responsive to the desperate needs of people in this industry. We need positive import remedies, and it is disappointing that this administration fails to respond to this crying tragedy in the steel industry with an effective, enforceable plan.

It is hoped that the clarification of this matter, as presented by the Senator from Pennsylvania, Mr. SPECTER, and Senator BYRD, will help us with the administration so that they will realize that even though some persons—even in this body—are not for quotas, we are face to face with a situation that must be resolved. The reality of injury to Americans from imports of steel into this country, subsidized by the governments of foreign countries, will cause Congress, it is hoped, to come to grips with this matter. The steel industry and American jobs can remain viable and even be strengthened in these turbulent economic times, but a more responsive import relief program must be implemented.

I thank my colleague, our Democratic leader, Senator BYRD, who has yielded to me, and I yield back my time. I am very appreciative.

Mr. BYRD. Mr. President, I support the amendment offered by the distinguished Senator from Pennsylvania [Mr. SPECTER].

I am an original cosponsor of S. 418, the bill that is embodied in this amendment, and I was an original cosponsor of S. 2167, which was the ver-

sion of this legislation introduced in the 97th Congress.

I commend the Senator from Pennsylvania for offering this amendment. The purpose of the amendment is to provide an effective remedy for American industry injured by goods dumped into our market by foreign interests. The amendment is particularly appropriate in light of the President's decision to reject the International Trade Commission's recommendation on steel imports.

Late yesterday President Reagan rejected the recommendation of the International Trade Commission for protection of the American steel industry from foreign shipments of steel into this country.

Far be it from me to question the President's intentions, but I do wonder about the feasibility of "coaxing" foreign steel-producing countries into voluntarily limiting steel shipments to the United States. It is a little naive to hope that our trading partners will take a "good Samaritan" attitude toward us. It is illuminating to survey some of the early foreign reaction to the President's decision. A spokesman for the Japan Iron and Steel Exporter's Association denounced the decision as "* * * An act of protectionism." Comments from Brazilian and European sources indicated that they saw no quotas in the decision, so they were not worried about the effect of the decision on their steel industries.

Some American steel industry officials, however, have described the decision as containing a firm ceiling on the percentage of the American steel market that imports may capture.

I see nothing in the President's decision that provides for a firm ceiling on steel imports. The decision mentions negotiations that are to be undertaken with various foreign steel producers. One need only look at the track record of trade negotiations with Japan and other countries to realize that the President's decision leaves our steelworkers and coal miners in the lurch.

The health of West Virginia's coal industry depends in large measure on the health of the steel industry. I doubt that the family of a steelworker or a coal miner feels very good about this "kiss and promise" approach to the steel industry. I am afraid that this approach will leave steelworkers and coal miners in West Virginia holding the bag.

I have been active, along with my colleagues in the steel caucus, in several efforts to provide meaningful, comprehensive relief to the domestic steel industry. I am an original cosponsor of S. 2380, the Fair Trade in Steel Act, which provides for 15 percent steel import quotas for 5 years. I submitted testimony to the Senate Committee on Finance on June 8, 1984, in support of that legislation. In my testimony, I pointed out that West Virginia had experienced severe reductions in the number of people working in primary and fabricated metals industries and in coal mining. Workers in the metals industries have seen employment decline by 20 percent in West Virginia in those businesses since 1981, and metallurgical coal miners have had their ranks reduced by more than 25 percent since 1981 in West Virginia.

Foreign steel imports have captured a larger share of the American market as our own steelmakers have fallen off. The increase in demand for American automobiles gave subsidized foreign steel imports a chance to capture 32.9 percent of the American market in July 1984. Much of the increase is from countries that had previously sold little steel in the United States. They have no incentive to reduce their steel shipments to this country, and the President's decision will not force them to do so.

I wrote to Mr. Alfred Eckes on April 30, 1984, concerning the section 201 steel trade complaint that was filed with the International Trade Commission by the United Steelworkers of America and Bethlehem Steel Corp. Mr. Eckes was Chairman of the ITC at that time. My letter to him pointed out that the ITC had determined in numerous cases that various foreign governments were illegally and unfairly subsidizing foreign steel companies. The steel companies would then proceed to dump steel into the American market—the only large, open steel market in the world—at prices far below the cost of production. In light of the consistent practices of some foreign countries to dump steel in the United States, I asked that the ITC give favorable consideration to the trade complaint brought by the steelworkers and Bethlehem Steel Corp.

In June 1984, the ITC announced that it had found that the domestic steel industry had been substantially injured by unfairly traded imports. In July, the ITC announced that it proposed a set of remedies to relieve the domestic industry from unfair steel trading practices pursued by foreign steelmakers.

On August 10, I joined with members of the steel caucus in writing to the President with reference to the proposed ITC remedies. The letter pointed out several deficiencies in the ITC proposal, and urged the President to correct those problems when he decided on the United Steelworkers' and Bethlehem Steel Corp.'s trade complaint.

On September 7, I wrote another letter to the President to address additional issues with respect to the ITC proposal, specifically, the failure of the ITC to cover pipe and tube products.

On September 17, former Vice President Mondale announced the details of a comprehensive steel proposal. His proposal includes elements vital to a meaningful program of relief for steelworkers and their industry. He called for firm quotas of 17 percent over a 5-year period, coupled with a strong commitment by industry to invest in itself and to modernize. Without such a commitment, the liquidation of the steel industry in America is likely to continue. Mr. Mondale's approach is consistent with the Fair Trade in Steel Act, and possesses the advantages of being firm, predictable, and constructive in the interests of American workers and the domestic steel industry.

I certainly hope that those who are hailing the President's decision this week are not left singing the old song that goes,

"I cried, but my tears came too late."

The Trade Act of 1974, as amended, provides that injured American firms can have section 201 trade complaints. The Specter amendment complements the section 201 process and does not replace it.

In light of the President's decision not to provide meaningful relief for the steel industry, I believe that the Specter amendment is justified, and I hope that the Senate will adopt it.

Mr. President, I ask unanimous consent that a copy of my letter to Mr. Alfred Eckes, the steel caucus letter to the President, and my own letter to the President be inserted in the RECORD following my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 30, 1984.

Hon. ALFRED ECKES,
Chairman, U.S. International Trade Commission, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in support of the petition for relief filed jointly by the United Steelworkers of America and Bethlehem Steel Corporation under Section 201 of the Trade Act of 1974. The Section 201 filing seeks quantitative restrictions on imports of foreign steel products on a comprehensive basis for up to five years. That relief is being sought, according to the petition, on the grounds that escalating levels of steel imports have caused substantial economic injury to American steelworkers, the domestic steel industry, and the American economy.

Steel imports have generally increased their penetration of the American market since 1979. In 1983, imports had captured about 20 percent of the total market for steel in the United States. For the first two months of 1984, import penetration has averaged a staggering 26 percent. That level of penetration has occurred during a period in which domestic employment in the steel industry has fallen by 46 percent over the last five years. In West Virginia, employment in metals industries dropped roughly 20 percent in 1982, and there has been little recovery from that level.

Over the past two years, the International Trade Commission and the Department of Commerce have determined that a large number of countries are violating American trade laws by subsidizing and dumping steel

imports in the United States. Countries found to be in violation include European Community members as well as Asian and South American nations. In light of the substantial number of individual Trade Act violations that have been found, the Section 201 petition filed by the United Steelworkers of America and Bethlehem Steel Corporation is justified to counter a long-term threat to the existence of a viable domestic steel industry.

It is essential to our national interest that a strong and healthy steel industry be maintained in the United States. Our national security is founded on a highly-developed industrial base. Steel is the bedrock on which key economic sectors are built, including manufacturing, construction, energy, and transportation activities.

Munitions production is impossible without steel. Tanks, guns, and ships are made of large quantities of irreplaceable steel. In wartime, a large domestic steel production capacity is a strategic necessity. The involuntary liquidation of the steel industry, accelerated by increased penetration of imports, would drastically reduce the ability of the United States to maintain an adequate defense.

In light of those factors, I hope that the commission will consider adopting a finding with respect to the Section 201 petition that the domestic steel industry has been injured by increasing levels of steel imports.

Thank you for your consideration.

With best regards, I am,

Sincerely,

ROBERT C. BYRD.

U.S. SENATE,
Washington, DC, August 10, 1984.

President RONALD REAGAN,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you begin your review of the International Trade Commission's recommendations for import relief for the domestic steel industry, we would like to add our own thoughts for your consideration.

As Senators committed to restoring the vitality of our industrial base and the steel sector, we are concerned that the Commission recommendation will not alleviate the injury that has been found. The ITC recommended five-year quotas for sheets, plates, structurals and wire, subject to minimum tonnage floors calculated on the 1979-1981 base period. By using this base period, when injury was already occurring, the ITC formula sets minimum tonnages for plates and for structural shapes and units at a higher level than actual imports in 1982 or 1983. Clearly such a high level will provide no relief, and will encourage diversion from sheet and strip into plate and structural shapes. We would suggest the selection of a more representative base period for these latter products.

In addition, the ITC recommended that a tariff quota for semi-finished steel and a tariff on wire products be instituted. The history of dumping and subsidizing of steel imports suggests strongly that the tariffs will simply be absorbed through increased subsidies, thus neutralizing any beneficial effect. Only quotas will have an effect on imports of sufficient magnitude to offset the injury suffered.

Third, we are distressed by the exclusion of pipe and tube, wire rods, bars, and railway products from the Commission's affirmative serious injury determination. For oil country tubular goods, for example, imports captured 60 percent of the market in the last year alone. Equally important, small pipe and tube manufacturers, will find themselves squeezed at both ends—their raw material sources will be restricted by quotas on sheet and their foreign competition will take even greater advantage of a failure to provide protection for the finished products. The Commission's determination precludes the imposition of quotas or tariffs, but we urge you to consider an aggressive effort to seek voluntary restraints in these products categories, in order to prevent substantial diversion into them.

Without a comprehensive program of temporary import relief, the domestic steel industry will not be able to generate the appropriate capital to permit necessary modernization and restore a competitive edge. Steel companies have made a clear commitment to adjustment programs including major capital investment projects, but the ITC import relief recommendations, as presently formulated, will not give the industry the opportunity to carry out these objectives. The Commission's recommendation of an adjustment plan with the above mentioned modifications in import relief, however, provides an excellent means of insuring that industry's commitments are met and are sufficient to restore competitiveness. We urge you to consider that recommendation carefully.

These modifications in the Commission's recommendations will effectively alleviate the serious injury the industry has suffered and will restore health to this critical sector of the economy. We have seen too many ITC decisions undercut when an Administration proved unwilling to take the actions necessary to assist industries in adjusting to increased imports. This is the purpose of Article XIX of the GATT, on which our law is based, and we are confident, now that the industry has been found to be injured, that you will act consistent with that article as well.

This case is particularly critical because we cannot ignore the fact that steel is essential to the United States' continued preeminence among industrialized nations, to our own economic health, and to our national security. You have an opportunity in the next several weeks to fashion a remedy that will alleviate the industry's injury and give it a breathing space to adjust, modernize and return to a firm economic footing. We hope that you will favorably consider our suggestions for an effective relief program as you review the ITC's recommendations.

Sincerely,

Jake Garn, Carl Levin, Paul S. Sarbanes, Alfonse M. D'Amato, Donald W. Riegle, Jr., Alan J. Dixon, Thomas F. Eagleton, Thad Cochran, Walter D. Huddleston, Arlen Specter, Jim Sasser, John Heinz, Charles H. Percy, Howell Heflin, Joseph R. Biden, Jr., Rudy Boschwitz, John Glenn, Wendell H. Ford, John Melcher, Strom Thurmond, Jennings Randolph, Daniel Patrick Moynihan, Edward M. Kennedy, Dan Quayle, John W. Warner, Robert C. Byrd, Dave Durenberger, Ernest F. Hollings.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, September 7, 1984.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I write to express my concern about the United States government's response to the very serious problem of increasing foreign steel imports. In July, those imports rose to 2.6 million tons, giving foreign steelmakers nearly one third of the American market. I know you agree that this challenge cannot go unanswered.

The recent decision by the International Trade Commission provides an opportunity to articulate a realistic United States policy on steel products. But it does not go far enough in responding to the problem. The levels of relief proposed are not commensurate with the injury to American producers. Moreover, the Commission's recommendation omits approximately 30% of all steel products by failing to include pipe and tube products. At present, foreign producers have captured more than 50% of the American pipe and tube market. Even if the Commission's recommendations with respect to other products were improved, this omission would invite foreign steelmakers to divert production to pipes and tubes. That is why a solution modelled on the Fair Trade in Steel Act (S. 2380) is necessary to assure that American steel producers will have an opportunity to adjust and modernize. By imposing a 15% quota for a five-year period and requiring that steel profits be reinvested in the industry, you will signal your confidence in the ability of American companies to compete.

The United States may be the only truly open steel market in the world today. A lack of any coordinated policy has resulted in the loss of more than 200,000 jobs since the 1975-1979 period, with many plant closings and a drop in production capacity to 60% last year. I urge you to act decisively to assure that your response to the Commission's recommendation will answer the challenge to the economic and security needs of the United States and assure that the involuntary liquidation of the steel industry does not occur.

Sincerely,

ROBERT C. BYRD.

Mr. DANFORTH. Mr. President, this amendment is not a new issue on the floor of this Senate. This is the third time it has been on the floor. Each of the previous times, it has been tabled. The most recent time it was on the floor of the Senate was on April 21, 1983. At that time, the amendment of Senator SPECTER was tabled by a vote of 57 to 32.

The subject matter of the amendment, which would provide judicial remedies for dumping, has not yet been considered by the Finance Committee. It is currently within the jurisdiction of the Judiciary Committee, although we have asked to consider it sequentially. It is my understanding that the Judiciary Committee has not had any markup. We in the Finance Committee would be reluctant to get into a matter which involves the courts in this way and believe that the issue should be first marked up by the Judiciary Committee.

This amendment is strongly opposed by the administration, and at this point I ask unanimous consent to have printed in the RECORD a letter dated June 5, 1984, from Ambassador Brock.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. TRADE REPRESENTATIVE,
Washington, June 5, 1984.

Hon. JOHN DANFORTH,
Chairman, Trade Subcommittee, U.S. Senate, Washington, DC.

DEAR JACK: I'm writing to express my strong opposition to S. 418, a proposed amendment to the Antidumping Act of 1916. This amendment seeks to broaden private remedies under the Act by lowering the standards required to establish antitrust liability. I understand that S. 418 may be offered as an amendment to H.R. 3398.

In my judgment, the bill is unlikely to offer any practical benefits to our industries, and would put the United States in violation of its obligations under the General Agreement on Tariffs and Trade ("GATT") and the GATT Antidumping Code. Exporters in many of our most competitive industries depend on the protection of these obligations, and enactment of S. 418 or any similar proposal would expose them to retaliation from our trading partners.

S. 418 is premised on the belief that going to court for a judicial remedy under the antitrust laws would be a faster, more effective, and less expensive remedy for dumping than pursuing the existing administrative remedies under section 731 of the Tariff Act of 1930. This premise is dubious at best. Instead, the bill is likely to subject plaintiffs to the uncertainty, high cost, and procedural delays of the judicial process, typified by antitrust litigation. These costs and delays are often prohibitive, and as a result, the approach taken in this bill would not be of any help to small businesses who seek antidumping relief. In addition, the approach taken in the bill raises significant questions of fairness. Unlike our other antitrust laws, the bill would subject a company to liability for money damages, even though there has been no showing of knowledge or predatory intent. Accordingly, the bill would hold a company liable for damages for conduct which was wholly inadvertent and was not intended to be anticompetitive.

I must also oppose S. 418 because it is inconsistent with the international obligations of the United States under Article VI of the GATT and the GATT Antidumping Code. The obligations of the Code relate to the fair and open operation of antidumping measures and were approved by Congress in the Trade Agreements Act of 1979. Recovery of past damages for dumping is in conflict with the GATT and the Code, which both provide that the remedy for dumping is the imposition of antidumping duties, that such duties are prospective in nature, and that the amount of the duties cannot exceed the margin of dumping. Since the bill would permit the recovery of past damages for dumping and would not limit the damages to the margin of dumping, it would violate our GATT obligations. While the Antidumping Act of 1916 in its current, unamended form is equally inconsistent with the GATT, the 1916 Act is arguably protected by the so-called "Grandfather Clause," which exempts legislation enacted before 1948 from the requirements of the GATT. However, the extensive amendments to the 1916 Act contemplated by S. 418 would mean the loss of the "Grandfather Clause" exemption. Accordingly, if Congress enacts S. 418 into law, the United States would be in violation of the GATT and would probably forfeit its only defense.

If we violate our GATT obligations, our trading partners have a right to seek GATT authorization to retaliate by raising their tariffs on U.S. exports. Accordingly, S. 418 invites retaliation against our exports by our major trading partners such as Canada, Japan, and the European Communities. Such retaliatory measures could preclude some of our most competitive export industries from selling in their most important overseas markets.

In any case, S. 418 is unnecessary, since our industries already have adequate remedies for dumping under existing law. The Trade Agreements Act of 1979 mandated expeditious handling of antidumping and countervailing duty cases. This Administration has enforced the antidumping and countervailing duty laws in a vigorous, tough, and timely fashion, and has processed more antidumping and countervailing duty cases than at any time in the history of these laws. Moreover, if predatory dumping poses a serious threat to competition, industries can avail themselves of the remedies available under the Sherman Antitrust Act.

For the above reasons, I urge that S. 418 not be included in H.R. 3398.

Very truly yours,

WILLIAM E. BROCK.

Mr. DANFORTH. Mr. President, there are numerous reasons for the administration's strong opposition to this amendment. The administration believes that the amendment would violate our obligations under the General Agreement on Tariffs and Trade. But perhaps even more important than a violation of our obligations under GATT, this is a misguided effort to expedite U.S. antidumping procedures by getting the courts into the act. It has been pointed out that if you want to expedite anything, do not get the courts in the act.

I can recall from my days practicing law that the name of the game was not to expedite anything but to drag out litigation forever. As a matter of fact, lawsuits, which were in litigation 20 years ago, when I was practicing law, are still around, because defense attorneys do not want the matters to be litigated. When you have different countries involved in the litigation, you really have the possibility of complexity. I wonder how successful American litigants would be in trying to get discovery against manufacturers in other countries.

The possible trap, of course, is not only that this would delay proceedings and the enforcement of antidumping laws, but also, if litigation is involved and discovery is used, it might be used by the defendants as well as the plaintiffs.

I question whether American businesses want their books and records opened up to the searching analysis of manufacturers in other countries.

Mr. President, I do not know if anyone else wants to talk on this issue. My hope is we can get on with it. I intend to do exactly what we have done on two other occasions and move to table the amendment, but I will withhold that, seeing that the Senator from Colorado wants to speak and the Senator from Texas wants to speak.

Mr. BENTSEN. Mr. President, I certainly sympathize with the objectives of the Senator from Pennsylvania and my two colleagues from West Virginia.

I must say I share a lot of their frustrations because in my own State we are having some of the same problems with the steel industry and a great deal of unemployment resulting therefrom.

The problem you run into, though, in this kind of approach is that you already have an administrative remedy available to you, so in effect you would be subjecting someone who would be importing steel into this country to two remedies, and I do not think, in turn, that we would want our own exporters to be subjected to the same types of remedies abroad. Also the point has been made, of course, that you submit U.S. firms to court-discovery procedures by foreign firms, and I do not believe that our companies really want to open up their books to that kind of a procedure.

In the Toyko round we agreed to some specifics as to procedures for remedying dumping. What we agreed to at that time was to put temporary penalties into effect prospectively until we had made a final decision and then retroactively 90 days prior to the beginning of the investigation, and it seems to me that that is an appropriate procedure.

We are subject to dumping and countervailing actions abroad for our own exports, and this bill would certainly encourage our own companies to be thrown into their courts. I really do not think that is what we should do. For that reason, as I opposed this amendment before, I shall oppose it again and hope that the Senate defeats it.

Mr. HART. Mr. President, nothing is more tragic than to see the United States, the world's leading steel producer for three or four decades, suddenly finding itself in the last decade slipping in market share, productivity, and competitiveness, and having our own productive base challenged by increased imports from abroad by more modern and efficient plants.

As every nation does, under those circumstances we seek relief temporary in nature by protectionist, quasi-protectionist and temporary protectionist measures, but I firmly believe this Nation will not regain its own domestic steel production base, as we must, unless and until trade related measures are somehow linked to industrial modernization, worker training, modern plant and equipment and a national or industrial policy.

There is plenty of blame to go around for failure. Both political parties, this administration and previous Democratic and Republican administrations, not only failed to anticipate the assault on the marketplace by

more efficient producers, but they also failed, both political parties and several administrations, to put forward in conjunction with the realistic trade policy some industrial policy that makes some sense.

We are never going to be able to compete with the Japanese, West Germans, French, or anyone else until we have some sort of national scheme, not company by company, or not plant by plant, but the direct investment in the modern plants and equipment and worker training with a specific timetable and goal to make our own productive base competitive and put our own workers back to work.

We are not going to regain America's presence in the steel marketplace by trade measures alone until and unless those trade measures are linked to some short-term and long-term industrial modernization program.

This administration does not have one, and I am sorry to say previous administrations did not either.

Mr. SPECTER. Mr. President, by way of very brief reply, when the Senator from Missouri talks about 20-year delays, I would suggest that he is not taking a look at what is possible by aggressive, knowledgeable plaintiff lawyers seeking temporary restraining orders and seeking injunctions.

The fact is that they are obtained all the time in the matter of a few days or a few weeks.

When the Senator from Missouri talks about the difficulty of obtaining discovery from manufacturers in foreign countries, he overlooks the nature of the legal process which subjects to jurisdiction anyone who sells in the United States. If someone sells steel or cement in the United States, that company is subject to the jurisdiction of the Federal courts, and discovery can be obtained in a mandatory manner. It is not optional by the foreign company. They have to do it if they want to do business here. It is a fundamental rule of law.

When the Senator from Missouri talks about the disadvantages of American companies opening up their books to foreign companies, and the Senator from Texas raises that point, American companies do not have to do that if they do not want the remedy. If they seek the remedy, then they are susceptible to discovery as well, but that is a choice made, and if an American company chooses not to seek that remedy or if the steelworkers union seeks not to choose that remedy they do not have to open up their books to any extent at all.

When the Senator from Missouri talks about no hearing before the Finance Committee, that is not because this Senator did not press for it on many occasions.

And when Mr. Brock writes to Senator DANFORTH on June 5, 1984, because of a concern that S. 418 might be attached to H.R. 3398, I would have appreciated a copy of the letter since S. 418 is my bill, but in the absence of that I have perused it quickly here today and I think Mr. Brock miscomprehends the nature of the arguments here.

When he refers in this letter to the high litigation costs, no one is compelled as a plaintiff to undertake these litigation costs. This is an additional remedy which is available.

And when Mr. Brock says in this letter if predatory dumping poses a serious threat to competition, industries can avail themselves of the remedies available under the Sherman Antitrust Act, Mr. Brock misapprehends the scope of what the Sherman Antitrust Act can do under such circumstances.

The plain fact of life is that the American steel industry and many other industries have been decimated by unfair foreign predatory competition and it is contrary to the consumers' interests to take the short-term benefits from such cutthroat pricing as opposed to paying the cost of production and a reasonable profit which is the essence of the free enterprise system.

I have traveled throughout Pennsylvania, and I am sure this scene is replete in many other States in this country. Senator HEINZ and I were in Midland, PA, where an entire town was decimated when one plant closed and 5,000 workers were thrown out of work.

Aliquippa, the Monongahela Valley, Johnstown, Coatesville, and Bethlehem are ghost towns.

When I was in Johnstown recently and was asked by a group of wives to meet in the basement of St. Teresa's Church, I was told there would be a half-dozen wives of steelworkers there but there were 400 furious people. They were furious because they feel they are being dealt with in an unjust and unfair way.

I think they are right. They are right because our laws prohibit dumping and subsidies from imports, but dumping and subsidies from imports have become the way of life, and it is high time in the absence of any relief under existing law that Congress act and authorize the courts to grant injunctive relief without regard to any foreign policy considerations or without regard to anything but the underlying fact as to whether there are subsidies or dumping. The courts are where we go for justice in this country, and I urge this body to adopt this measure which would open up the courts to grant justice on this very vital and important field of our national life.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DANFORTH. Mr. President, I move to table the amendment offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is on the motion.

Mr. SPECTER. Mr. President, the yeas and nays have been requested.

The PRESIDING OFFICER. Not on the motion to table.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

Mr. SPECTER. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri [Mr. DANFORTH] to table the amendment of the Senator from Pennsylvania [Mr. SPECTER].

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Massachusetts [Mr. TSONGAS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—61

Abdnor	Grassley	Packwood
Baker	Hart	Percy
Bentsen	Hatfield	Pressler
Bingaman	Hawkins	Proxmire
Boren	Helms	Pryor
Bradley	Humphrey	Quayle
Bumpers	Jepsen	Roth
Burdick	Johnston	Stafford
Chafee	Kassebaum	Stennis
Chiles	Kasten	Stevens
Cochran	Lautenberg	Symms
Cranston	Leahy	Thurmond
Danforth	Long	Tower
Dole	Lugar	Trible
Durenberger	Matsunaga	Wallop
East	Mattingly	Warner
Evans	McClure	Weicker
Exon	Mitchell	Wilson
Glenn	Murkowski	Zorinsky
Goldwater	Nickles	
Gorton	Nunn	

NAYS—36

Andrews	Eagleton	Levin
Armstrong	Ford	Mathias
Baucus	Garn	Melcher
Biden	Hatch	Metzenbaum
Boschwitz	Hecht	Moynihan
Byrd	Heflin	Pell
Cohen	Heinz	Randolph
D'Amato	Hollings	Riegle
DeConcini	Huddleston	Rudman
Dixon	Inouye	Sarbanes
Dodd	Kennedy	Sasser
Domenici	Laxalt	Specter

NOT VOTING—3

Denton	Simpson	Tsongas

So the motion to lay on the table amendment No. 4282 was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4283

(Purpose: To establish a commission to study and make recommendations concerning the international trade and export policies and practices of the United States)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, Mr. HEINZ, Mrs. HAWKINS, Mr. BUMPERS, Mr. HART, and Mr. EAGLETON, proposes an amendment numbered 4283.

Mr. BINGAMAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendments add the following:

SEC. 1. This Act may be cited as the "International Trade and Export Policy Study Commission Act of 1984".

ESTABLISHMENT

SEC. 2. (a) There is established the International Trade and Export Policy Study Commission (hereafter in this Act referred to as the "Commission").

(b)(1) The Commission shall be composed of eighteen members as follows:

(A) Six members appointed by the President in accordance with paragraph (2)(A).

(B) Six members appointed by the President pro tempore of the Senate from members of the Senate in accordance with paragraph (2)(B), upon the recommendation of the majority leader or the minority leader of the Senate, as the case may be, with respect to members appointed from the political party of that leader.

(C) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives in accordance with paragraph (2)(B).

(2)(A) The President shall appoint individuals to serve as members of the Commission under paragraph (1)(A) who are especially qualified to serve on the Commission due to the education, training, or experience of such individuals. Of the members appointed by the President under such paragraph, at least five members shall be individuals who are not officers or employees of the United States, and at least two members shall be representatives of businesses or labor organizations. Not more than three members of the Commission appointed under such paragraph shall be members of the same political party.

(B)(i) In appointing members to the Commission, the President pro tempore of the Senate and the Speaker of the House of Representatives shall give special consideration to the appointment of members of the Senate or the House of Representatives, as the case may be, who are members of the committees of their respective Houses which have legislative jurisdiction over, or special concerns with respect to, matters relating to international trade.

(ii) Not more than three members of the Commission appointed under paragraph (1)(B) shall be members of the same political party, and not more than three members of the Commission appointed under paragraph (1)(C) shall be members of the same political party.

(3) The first eighteen appointments to the Commission shall be made within thirty days after the date of the enactment of this Act. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) Members of the Commission shall be appointed to serve for the life of the Commission.

(5) Each member of the Commission appointed under paragraph (1)(A) who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without additional compensation.

(B) While away from their homes or regular places of business in the performance of services for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(c)(1) Nine members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission for the life of the Commission.

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(d)(1) The Chairman of the Commission, in consultation with the Vice Chairman, and without regard to the civil service laws rules, and regulations, is authorized to appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions.

(2) Any Federal employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of such title.

(e)(1) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable the commission to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

DUTIES

SEC. 3. (a) The Commission shall study and make recommendations concerning international trade and export policies and practices of the United States, including recommendations for such changes in laws and regulations as may be required in order to—

(1) facilitate the administration of the trade and export functions of the Federal Government;

(2) enhance export growth;

(3) provide for removal of trade barriers;

(4) provide for common understanding of international trade by businesses;

(5) develop expertise on foreign business practices and trade issues; and

(6) accomplish such other purposes as the Commission considers appropriate.

(b) In conducting the study required by subsection (a), the Commission shall review and make recommendations concerning—

(1) existing impediments to exporting by American industries, including—

(A) regulations, paperwork requirements, and procedures imposed by the United States Government, especially export controls;

(B) the impact of the antitrust laws on exports;

(C) insufficient financing, Government credits, and incentives for export expansion, uncertainty as to the continuation of the special tax treatment for Domestic International Sales Corporations, and the lack of Export-Import Bank and the Foreign Credit Insurance Association support and responsiveness;

(D) the lack of a unified, coherent, and clearly enunciated United States Government policy which supports the export community and which is carried out by all Federal agencies; and

(E) the lack of research and development capabilities to help improve the ability of American industries to compete with foreign industries;

(2) the needs of American industry for information and opportunities to enhance exporting, particularly the needs of small and medium sized firms, including needs for—

(A) specific sales or representation leads;

(B) specific information on market conditions, practices, and potentials;

(C) information about and lists of individual foreign buyers and foreign representatives;

(D) opportunities to meet directly in the United States with individual foreign buyers and foreign representatives;

(E) opportunities for publicity of companies, products, and interests abroad;

(F) opportunities to display or otherwise expose products abroad;

(G) assistance in making successful bids for major overseas contracts;

(H) general information on methods of exporting and on countries to which products can be exported; and

(I) information on the benefits of exporting;

(3) methods for improving export incentives for United States businesses, including—

(A) export financing;

(B) export insurance;

(C) tax benefits; and

(D) the facilitation of the creation of trading companies;

(4) the need for a closer integration of trade and international monetary policy, including the need to relieve trade policy of major burdens created by the recurrence of currency exchange rate misalignments;

(5) the need to coordinate American trade policies and practices with the promotion of industrial revitalization in the United States;

(6) the need for high quality data in order to identify markets, new products, and industries, and the failure to effectively communicate such data to American industry;

(7) the need for directing Federal resources to provide sustained economic growth and employment;

(8) the need for cooperation and support among the principal sectors of the economy, including business labor, government, and the public;

(9) the impact of, and the proper role for, international trade activities by State and local governments, including export promotion activities, State export-import banks, and State export trade companies;

(10) the organizational structures under which other industrial nations, such as Japan, Great Britain, Canada, and West Germany, carry out the international trade activities of those nations;

(11) the organizational structure of Federal agencies which make and carry out trade policies, including the need for strengthened and integrated implementation of international trade functions and improvements in the Foreign Commercial Service; and

(12) the need to promote institutional and noninstitutional educational activities that will contribute to the ability of United States businesses to succeed in the marketing of United States goods and services abroad, such as—

(A) government-sponsored work-study programs which allow United States representatives of business, labor, and government to live overseas and analyze foreign market opportunities, study existing trade and cultural barriers, and develop expertise on foreign business practices and trade issues; and

(B) the promotion of foreign language capabilities to facilitate United States commerce by overcoming language and marketing barriers.

FINAL REPORT

SEC. 4. Not later than July 1, 1985, the Commission shall transmit to the President and to the Congress a report containing a detailed statement of the study conducted by the Commission under this Act and the recommendations of the Commission with respect to the matters specified in section 3, including any recommendations for legislation the Commission considers appropriate.

TERMINATION

SEC. 5. The Commission shall terminate on July 1, 1985.

AUTHORIZATION

SEC. 6. For fiscal years 1984 and 1985, there are authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. BINGAMAN. Mr. President, I send an amendment to the desk on behalf of myself and Senators DOMENICI, HEINZ, BUMPERS, HART, and EAGLETON. It is a noncontroversial amendment which addresses the need for a coherent trade policy and begins the process of dealing with our overall trade policy. This amendment would establish a bipartisan commission which would look into our trade policy situation with an eye toward identifying ways to increase our exports, to bring our growing trade deficit under control, and, hopefully, to provide fairness to our domestic industries in those cases where fairness is not being provided today.

This is not legislation that sets forth any policy in itself; it simply directs the President to establish a commission. The President would appoint six members, the Senate would appoint six members, and the House six other members. Their purpose would be to study the entire trade area and report back to the President and the Congress as to changes that are needed in our laws and regulations to deal with our increasingly severe international trade problem.

Mr. President, I believe the amendment is one which is sorely needed. It certainly, in and of itself, does not solve the problems that we are seeing arise in our trade relationships with the rest of the world, but perhaps it provides a vehicle by which we can begin to at least identify those problems and craft some solutions for them.

In recent months, much has been written and spoken about the international trade problems which this country now faces and which it is expected to face in the years ahead. There is serious concern about our Nation's continuing ability to successfully compete internationally, and the simple facts illustrate the problem well.

In 1973, trade accounted for 6 percent of the U.S. gross national product. Today, according to some estimates, trade accounts for 12 percent of our gross national product. According to a Commerce Department study in 1980, 6.2 million U.S. workers owed their jobs to U.S. exports. By 1982, the number dropped to 4.8 million, mainly because of the drop in export volume. We export over 20 percent of our industrial productions and 40 percent of our crops each year. However, despite the magnitude of our exports, they are dwarfed by foreign imports. In 1982, the United States imported $44 billion more than we exported. In sum, the future economic well-being of our Nation is inexorably linked to the ability of American business to compete successfully in the emerging international marketplace. In recent years, we have not done so well.

We have experienced steadily soaring trade deficits which have set new records virtually every month. These rising deficits have a direct effect on the U.S. economy. From 1891 through 1970, the United States had an unbroken string of trade surpluses. Since 1970, we have had deficits in every year except two. In 1983, our balance of trade has been in deficit for the eighth year in a row, reaching a record $60.6 billion. Unfortunately, in keeping with the trend, an even larger trade deficit is expected in 1984. C. Fred Bergsten, director of the Institute for International Economics, in his April 5, 1984, testimony before the House Ways and Means Committee predicted that in 1984, the merchandise trade deficit will hit $120 billion, and the current account deficit could approach $100 billion. The trade deficit during January and February has already soared to an annual rate of $105 billion and continues to rise at a dramatic pace. Mr. Bergsten further predicts that the trade deficit may well reach $150 billion in 1985.

These sustained record trade deficits have resulted in a serious threat to our economy. These trade deficits have resulted in the loss of millions of U.S. jobs and, if left unchecked, will contribute to continuing troubles for many U.S. industries and cities. More than 1.5 million jobs are estimated to have been lost due to rising trade deficits. From 1980 to 1982, 40 percent of the increase in U.S. unemployment can be traced to the decline in U.S. exports. If these trends are permitted to continue, as many as 3 million Americans will be unemployed by late 1985. Much congressional attention has been focused on these issues, but little has been accomplished. I look forward to meaningful action in the very important area of reducing our record trade deficit.

There are many perceived reasons for our trade failures and even the degree of our failure is widely debated. Some cite looming budget deficits and imported oil prices. Still others have called for trade reorganization as a logical first step. Whatever is ultimately done, I would suggest that action is long overdue.

One further problem which exists, in my opinion, is the lack of a coherent and effective international economic policy. There now exists a serious failure on the part of the Federal Government to work in cooperation with American private enterprise to formulate a coherent and effective international economic policy that promotes trading opportunities for U.S. businesses. The Senate Governmental Affairs Committee has held several days of hearings on these issues and has approved legislation to create a new Department of Trade to facilitate the formulation and implementation of cohesive and effective trade policies within the Federal Gov-

ernment. It is hoped by supporters of such proposals that the creation of a new Department of Trade will provide an organizational environment in which effective trade policy can be carried out. I support this legislation as a good first step, but much more needs to be done to address our trade problems and coordinate our trade policy.

I believe there has also been a failure on the part of large segments of American business to seize trade opportunities. This issue is not directly addressed by trade reorganization. Only 12 percent of the Nation's 252,000 manufacturers market their products overseas. Available information, however, indicates that many more small U.S. manufacturers could begin to export if they had the right assistance to overcome impediments to doing so. It was recently estimated that 11,000 small export-capable firms could be induced to try to export if properly approached and assisted, and that the value of exports by such firms could amount to more than $4 billion a year.

I believe we also need to increase our familiarity with foreign needs and cultures in order to compete successfully. As a people, we are not nearly as familiar with other nations of the world as they are with us. Our people trying to do business overseas are hampered by a lack of language facility, a lack of understanding of the economic systems and business practices in other countries, a lack of familiarity with local cultures and customs, ignorance about appropriate marketing techniques and local financing arrangements, lack of understanding about the local economic conditions and trading posture of other countries, and on and on. Because this expertise is not as well developed in our private sector, the Government may also be lacking a skilled cadre of individuals who can give advice or carry out trade policy. The need for such skills, experience, ties, and understanding in the Government and the private sector is paramount.

Mr. President, for these reasons, I am introducing this amendment which calls for the creation of a bipartisan national commission to study and make recommendations concerning the international trade and export policies and practices of the United States. The 1-year study is to result in recommendations for changes in laws and regulations which are intended to facilitate the administration of the trade and export functions of the Federal Government, enhance export growth, provide for removal of trade barriers, provide for common understanding of international trade by businesses, develop expertise on foreign business practices and trade issues, and for other purposes. The commission is to be composed of 6 Members of the Senate, 6 Members of the House, and 6 members appointed by the President.

The issues to be studied and reported on include: existing impediments to exporting in American industries—legal, financial and otherwise; the needs of American industry for information and opportunities to enhance exporting; methods for improving export incentives for U.S. businesses; the need for a closer integration of trade and international monetary policy; the need to coordinate American trade policies and practices with promotion of industrial revitalization; the need for high quality data to identify markets, new products, and industries; the need for directing Federal resources to provide sustained economic growth and employment; the need for cooperation among the principal sectors of the economy; the impact of State and local governments in exporting; the organizational structures of other industrial nations; the organizational structure of Federal agencies; and the need to promote institutional and noninstitutional educational activities that will contribute to the ability of U.S. businesses to succeed in marketing U.S. goods and services abroad. Each of these major issues represents a key area of our overall U.S. trade policy and deserves immediate consideration.

The purpose of the commission is to achieve a better national focus of the various trade problems that affect the United States at this time. A major national study would also provide the opportunity to develop an agenda of recommendations which would help the President and the Congress begin to solve our trade problems.

I urge my colleagues to join me in support of calling for adoption of this commission. Given the seriousness of our trade problems and current trends which show lost jobs, rising deficits, and lost opportunities, we must focus our collective national attention on making trade a national priority. America, once the premier industrial power of the world, is losing its competitive edge. We must stop blindly traveling an unchartered course. Instead, we must begin to fill the gaps in our knowledge and determine the best path for expanding our exports and recouping our position in the world marketplace.

Let us begin this process by addressing the single most important problem in the trade area—the lack of any coherent and coordinated trade policy. This commission would help to formulate such a policy by bringing all the individual trade and export issues into focus and advancing recommendations for solutions.

Mr. President, it is my understanding that this amendment has been agreed to by the managers on both the Republican and Democratic sides. I urge my colleagues to support the amendment. I believe it is good legislation. I believe it can lead to improvements in our ability to deal with this situation in the best interest of our national welfare.

Mr. DANFORTH. Mr. President, the amendment is acceptable.

Mr. BENTSEN. Mr. President, I congratulate the distinguished Senator from New Mexico. He has been a student of trade problems and has made major contributions in that field. I am delighted to support the amendment as manager for the minority. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4283) was agreed to.

Mr. DANFORTH. I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4284

(Purpose: To require that the President take into account in granting beneficiary developing country status assurances that such country will refrain from unreasonable export practices)

Mr. BAUCUS. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 4284.

Mr. BAUCUS. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65 of the matter proposed to be inserted, strike out line 9, and insert in lieu thereof "paragraph (4) and inserting in lieu thereof the following: 'and the extent to which such country has assured the United States that it will refrain from engaging in unreasonable export practices;' "

COPPER AND GSP

Mr. BAUCUS. Mr. President, a few weeks ago, the President ignored a unanimous finding of the International Trade Commission and denied import relief to the U.S. copper industry.

The President reached this decision, in part, because he thought that import relief would "adversely affect the export earnings of the foreign copper-producing countries."

As a result of this decision, thousands of hard-rock miners and other skilled copper workers will continue to lose their jobs to workers in Chile, Peru, Zambia, and Zaire.

Now, almost before the ink is dry on the President's decision, we are being asked to provide special trade benefits to these very same countries.

That is like feeding the mouth that bites you.

The amendment I am offering today would provide a small measure of relief. Simply put, it would require the President to consider, when deciding whether to grant GSP benefits, whether a country is engaging in unreasonable export practices such as the ones foreign copper producers are using to wipe us out.

THE CONDITION OF THE COPPER INDUSTRY

For the U.S. copper industry, these should be the best of times. Since last year, consumption has increased by 10 percent; since 1979, production costs have decreased by 7 percent.

In fact, these are the worst of times. World copper prices are at the lowest real levels since the French Revolution. And the U.S. industry is operating at only 55 percent of capacity.

The main cause of this seeming anomaly is increased competition from developing countries that are ignoring conventional market incentives and trying to maximize their market share.

Let me be more specific.

Since 1969, when Chile nationalized its mines, many other developing counties have followed suit, so that now almost half of the free world's copper comes from nationalized mines. These mines operate as government adjuncts, pursuing broad national economic policy goals.

What is more, these countries have become beholden to international development banks, like the International Monetary Fund and the Inter-American Development Bank, which frequently require borrowers to dramatically increase their export earnings. For major copper producers like Chile, Peru, Zambia, and Zaire, which derive more than half of their foreign exchange from copper sales, this means increasing copper exports.

Finally, these countries have formed a cartel—CIPEC—which emphasizes expanding its members' market share, even if the market already is glutted.

The result is a perverse cycle. When world prices decline, the developing countries increase their production to maintain their foreign exchange reserves. That turn, drives world prices even lower. And on it goes, until the price hits rock bottom.

The International Trade Commission recently explained it this way:

[A] number of developing countries, with copper as their main source of foreign exchange, are continuing to produce and market increasing quantities of copper despite a worldwide glut, with plans to expand capacity even further in the near future. At the same time, much of the world continues in a recession and worldwide demand for copper remains depressed.

For the American companies which respond to conventional market forces, this cycle has had a devastating effect.

Since 1979, domestic production has declined by 28 percent, at least 16 mines have closed, and at least 16,000 workers have lost their jobs.

In Montana, where copper mining has always been an important part of our economy, the past few years have been hard.

In 1977, Montana had 13 operating mines in six counties. Today, there's only one operating mine in Troy and one smelter in Helena, neither of which depend primarily on copper for their earnings.

In 1977, Montana produced 172 million pounds of copper. This year, we expect to produce no more than 45 million.

Because of all this, copper mining employment has declined sharply. In 4 years, we have lost about 3,400 primary jobs and about 8,500 secondary jobs.

In a State with a relatively small labor force, this has a devastating impact.

For example, in Butte, the unemployment rate is 49 percent higher than the national average and 30 percent higher than the State average. Since 1980, six schools have closed and school enrollment has declined by more than 10 percent. Since 1978, the tax base has shrunk by 11 percent.

THE SECTION 201 CASES

Mr. President, the copper industry has asked for help twice now, by petitioning for import relief under the so-called escape clause in section 201 of the Trade Act.

The first time, almost 6 years ago, the International Trade Commission found that the U.S. copper industry was suffering serious injury because of imports and recommended that President Carter impose an import quota. Unfortunately, he refused to do so, in part because he predicted that the U.S. industry was about to recover.

He was dead wrong.

After his decision, the tide of imports continued to rise. Domestic production declined further. More mines and smelters closed. And thousands more workers lost their jobs.

This year, we thought we had another chance. In January, the U.S. copper industry filed a second petition for section 201 relief.

Once again, the International Trade Commission found that the U.S. industry is suffering serious injury because of imports. As a remedy, two Commissioners recommended quotas and two recommended tariffs. (One recommended no remedy.)

President Reagan then had to decide whether to grant import relief.

I wrote encouraging him to do so. So did several other copper State Senators. And Senator DOMENICI, who has been leading this fight for a long time, met with the President to explain how badly the industry needed relief.

While the President was still considering the issue, some Congressmen representing States where copper is fabricated, objected. Their States, of course, have benefited from the plummeting world price, so they claimed that quotas or tariffs might push the U.S. price higher than the world price, making it harder for them to compete with foreign fabricators.

To deflect these objections, several Copper Caucus members immediately wrote to the President urging that, if he were concerned about such a "two-tiered price," he could undertake negotiations with Chile, Zambia, Zaire, and Peru for an agreement "to reduce production from their current excessive levels by an amount sufficient to correct the present artifical depression of world copper prices."

But the President was unmoved.

Shortly after an anonymous administration official was quoted as saying that the copper industry "is an industry that should not exist in this country," the President concluded that quotas or tariffs "would not be in the national interest," and granted no relief.

That, Mr. President, was a callous, shortsighted decision.

GSP

Now, a short 2 weeks later, the same administration that made the decision is asking us to reauthorize the generalized system of preferences, or [GSP].

This program provides trade benefits to developing countries, by letting them import many of their products duty free.

One supposed justification for GSP is that it helps integrate developing countries into the world trading system.

But the copper situation belies this justification.

Most of the major foreign copper producers receive GSP benefits. For example, last year, Chile sold us $85 million worth of goods under GSP, Peru $142 million worth, Zaire $46 million worth, and Zambia $38 million worth.

Under the current version of GSP, these countries can continue on their merry way, flooding the world copper market and driving down the world price until there is not a copper miner left from Anaconda to Albuquerque.

This will have no effect on their eligibility for GSP benefits. At the same time our copper miners are signing up for unemployment benefits, the Chileans will be receiving Federal subsidies in the form of GSP benefits.

As I said earlier, Mr. President, this is like feeding the mouth that bites you.

THE BAUCUS AMENDMENT

That is why I am offering my amendment. Originally, I planned to

offer an amendment denying GSP benefits to any country that does not reduce its copper exports to the United States whenever there is a substantial excess capacity here and the world price is declining.

But both the administration and the manager of the bill have objected to this amendment, and I can count votes well enough to know that it will not pass.

Therefore, I have ageed to a compromise amendment.

This compromise amendment builds on a colloquy Ambassador Brock and I had during the Finance Committee's consideration of GSP. It amends section 504(c)(4) of the bill to provide that, when deciding whether to designate or continue a country as a GSP beneficiary, the President must consider whether that country has assured the United States that it is not engaging in unreasonable export practices.

I expect the President to use this authority regarding countries like Chile, Zambia, Peru, and Zaire.

CONCLUSION

Mr. President, this amendment helps. It assures that countries cannot undermine our industries without jeopardizing their GSP benefits. And it gives us more leverage to force countries like Chile, Peru, Zambia, and Zaire to reduce their copper production.

In that way, this amendment complements the one Senator DOMENICI and I offered yesterday, which instructs the President to negotiate a production restraint agreement with the major foreign copper producers.

But we still must do more. Therefore, I plan to support other copper-related legislation, including legislation to impose a strict quota and to deny International Development Bank funds to copper exporting countries.

I shall keep working until we get this situation under control.

At this point, I would like to engage in a colloquy with the distinguished floor manager of the bill, to clarify the amendment's effect.

Mr. President, I am offering this amendment so that we do not routinely grant GSP benefits to countries whose unreasonable export practices are wiping important American industries out.

For example, I want to assure that, when the President considers whether to continue providing GSP benefits to Chile, Peru, Zambia, and Zaire, or whether to relax the competitive needs tests applicable to them, the President seeks their assurance that they will not engage in unreasonable export practices.

It is my specific understanding that the copper overproduction and copper export practices that the International Trade Commission recently concluded were seriously injuring the U.S. copper industry would constitute unreasonable export practices under this amendment. As a result, if the major copper exporting countries do not assure the United States that they will modify their practices enough to eliminate the serious injury to the U.S. industry, the President will be required, under this amendment, to give great weight to their failure to do so. Is that also the understanding of the distinguished manager of the bill?

Mr. DANFORTH. Yes. It is my understanding that the effect of this amendment will be to require the President to assess all of the export practices of current and potential GSP beneficiaries in making all GSP determinations. Accordingly, there can be no doubt that the President would be required to examine the copper export practices the Senator has described.

Mr. BAUCUS. I thank the distinguished manager of the bill.

Mr. President, I understand the amendment has been agreed to by both sides, and I urge its adoption.

Mr. DANFORTH. Mr. President, the amendment is agreeable.

Mr. BENTSEN. Mr. President, the manager for the minority has examined the amendment, and it is an amendment that is acceptable. I congratulate the distinguished Senator for the work he has done in this regard.

Mr. BAUCUS. I thank the Senator from Texas.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 4284) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4286

(Purpose: To amend provisions of the Tariff Act of 1930 affecting customs brokers, and for other purposes)

Mr. BAUCUS. Mr. President, I have another amendment. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 4286.

Mr BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34 of the matter proposed to be inserted, between lines 2 and 3, insert the following:

SEC. . CUSTOMS BROKERS.

(a) Section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) is amended to read as follows:

"SEC. 641. CUSTOMS BROKERS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) The term 'customs broker' means any person granted a customs broker's license by the Secretary under subsection (b).

"(2) The term 'customs business' means those activities involving transactions with the Customs Service concerning—

"(A) the entry and admissability of merchandise,

"(B) the classification and valuation of such merchandise,

"(C) the payment of duties, taxes, or other charges assessed or collected by the Customs Service upon merchandise by reason of its importation, or

"(D) the refund, rebate, or drawback of such duties, taxes, or other charges.

"(3) The term 'Secretary' means the Secretary of the Treasury.

"(b) CUSTOM BROKERS LICENSES.—

"(1) IN GENERAL.—No person may conduct customs business (other than solely on such person's own behalf) unless such person holds a valid customs brokers license issued by the Secretary under paragraph (2) or (3).

"(2) LICENSES FOR INDIVIDUALS.—The Secretary may grant an individual a customs brokers license only if that individual is a citizen of the United States. Before granting the license, the Secretary may require an applicant to provide any information that the Secretary determines to be necessary to establish that the applicant is of good moral character and qualified to render valuable service to others in the conduct of customs business. In assessing the qualifications of an applicant, the Secretary may conduct an examination to determine the applicant's knowledge of customs and related laws, regulations and procedures, bookkeeping, accounting, and any other appropriate matters.

"(3) LICENSES FOR CORPORATIONS.—The Secretary may grant a customs brokers license to any corporation, association, or partnership that is organized or existing under the laws of any of the several States of the United States if at least one officer of the corporation or association, or one member of the partnership, holds a valid customs brokers license granted under paragraph (2).

"(4) DUTIES.—A customs broker shall exercise responsible supervision and control over the customs business that the customs broker conducts.

"(5) LAPSE OF LICENSE.—If a corporation, association, or partnership that is licensed as a customs broker under paragraph (3) fails to have, for any continuous period of 120 days, at least one officer of the corporation or association, or at least one member of the partnership, validly licensed under paragraph (2), in addition to any other sanction under this section (including paragraph (6)), the customs broker's license of such corporation, association, or partnership shall expire at the close of such 120-day period.

"(6) PROHIBITED ACTS.—Any person who intentionally transacts customs business (other than solely on such person's own behalf) without holding a valid customs borkers license granted to such person under this subsection shall be liable to the United States for a monetary penalty not to exceed $10,000 for each such transaction as

well as for each violation of any other provision of this section. This penalty shall be assessed in the same manner and under the same procedures as the monetary penalties provided for in subsection (d)(2)(A).

"(c) CUSTOMS BROKERS PERMITS.—

"(1) IN GENERAL.—Each person granted a customs brokers license under subsection (b) shall—

"(A) be issued a permit, in accordance with regulations prescribed under this section, for each customs district in which that person conducts customs business; and

"(B) regularly employ in each customs district for which such a permit is issued at least one individual who is licensed under subsection (b)(2) to exercise responsible supervision and control over the customs business conducted by that person in that district.

"(2) LAPSE OF PERMIT.—If a customs broker granted a permit under paragraph (1) fails to employ, for any continous period of 120 days, at least one individual who is licensed under subsection (b)(2) within the district for which a permit was issued, in addition to any other sanction under this section (including any sanction imposed under subsection (d)), such permit shall expire at the end of such 120-day period.

"(d) DISCIPLINARY PROCEEDINGS.—

"(1) GENERAL RULE.—The Secretary may impose a monetary penalty in all cases (other than in the case of infractions described in subparagraph (B)(iii)) or revoke or suspend a license or permit of any customs broker, if the Secretary determines that the broker—

"(A) has made, or caused to be made, in any application for any license or permit under this section, or in any report filed with the Customs Service, any statement which was, at the time and in light of the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which was required to be stated therein;

"(B) has been convicted at any time after the filing of an application for license under subsection (b) of any felony or misdemeanor which the Secretary finds—

"(i) involved the importation or exportation of merchandise;

"(ii) arose out of the conduct of the customs business of the customs broker; or

"(iii) involved larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds;

"(C) has violated any provision of any law enforced by the Customs Service or violated the rules or regulations issued under any such provision;

"(D) has counseled, commanded, induced, procured, or knowingly aided or abetted the violations by any other person of any provision of any law enforced by the Customs Service or of the rules or regulations issued under any such provision;

"(E) has knowingly employed, or continues to employ, any person who has been convicted of a felony, without written approval of such employment from the Secretary; or

"(F) has, in the course of the customs business of such broker and with the intent to defraud, willfully and knowingly deceived, misled, or threatened any client or prospective client.

"(2) PROCEDURES.—

"(A) MONETARY PENALTY.—

"(i) NOTICE.—Unless action has been taken under subparagraph (B), the appropriate customs officer shall serve notice in writing upon any customs broker to show cause why the broker should not be subject to a monetary penalty not to exceed $30,000 in total for a violation or violations of this section. Such notice shall advise the customs broker of the allegations or complaints against him and shall explain that the broker has a right to respond to the allegations or complaints in writing within 30 days of the date of the notice.

"(ii) CONSIDERATION OF ALLEGATIONS AND RESPONSES.—Before imposing a monetary penalty, the customs officer shall consider the allegations or complaints and any timely response made by the customs broker and issue a written decision.

"(iii) REMISSION OR MITIGATION OF PENALTIES.—A customs broker against whom a monetary penalty has been issued under this section shall have a reasonable opportunity under section 618 to make representations seeking remission or mitigation of the monetary penalty.

"(iv) WRITTEN DECISION.—After the conclusion of any proceeding under section 618, the appropriate customs officer shall provide to the customs broker a written decision which sets forth the final determination and the findings of fact and conclusions of law on which such determination is based.

"(B) REVOCATION OR SUSPENSION.—

"(i) NOTICE OF COMPLAINT.—The appropriate customs officer may, for good and sufficient reason, serve notice in writing upon any customs broker to show cause why a license or permit issued under this section should not be revoked or suspended. Such notice shall be in the form of a statement specifically setting forth the grounds of the complaint, and shall allow the customs broker 30 days to respond.

"(ii) NOTICE OF HEARING.—If no response to the notice provided under clause (i) is filed, or the appropriate customs officer determines that the revocation or suspension is still warranted after receiving such a response, the appropriate customs officer shall notify the customs broker in writing or—

"(I) a hearing to be held within 15 days, or at a later date if the broker requests an extension and shows good cause therefor, before an administrative law judge appointed pursuant to section 3125 of title 5, United States Code, who shall serve as the hearing officer, and

"(II) the right of the customs broker to be represented by counsel at such hearing.

"(iii) TESTIMONY; CROSS EXAMINATION.—Testimony presented at the hearing described in clause (ii), including the proof of the charges and the response thereto, shall be taken under oath and the right of cross-examination accorded to both parties at such hearing.

"(iv) TRANSCRIPT.—A transcript of the hearing described in clause (ii) shall be made and a copy shall be provided to the appropriate customs officer and the customs broker.

"(v) POST-HEARING BRIEF.—The customs broker and the appropriate customs officer shall be provided a reasonable period of time after receipt of the transcript in which to file a post-hearing brief.

"(vi) WAIVER OR ABSENCE.—If the customs broker waives the hearing, or the broker or his designated representative fails to appear at the appointed time and place, the hearing officer shall make findings and recommendations based on the record submitted by the parties.

"(vii) TRANSFER OF RECORD.—The hearing officer shall promptly transmit the record of the case along with the findings of fact and recommendations of the hearing officer to the Secretary for decision.

"(viii) DECISION OF THE SECRETARY.—The Secretary will issue a written decision based solely on the record which sets forth findings of fact and the reasons for the decision of the Secretary. Such decision may provide for the sanction contained in the notice to show cause or any lesser sanction authorized by this subsection, including a monetary penalty not to exceed $30,000, than was contained in the notice to show cause.

"(3) SETTLEMENT AND COMPROMISE.—The Secretary may settle and compromise any disciplinary proceeding which has been instituted under this subsection according to the terms and conditions agreed to by the parties, including but not limited to the reduction of any proposed suspension or revocation to a monetary penalty.

"(4) LIMITATION OF ACTIONS.—Notwithstanding section 621, no proceeding under this subsection or subsection (b)(6) shall be commenced unless such proceeding is instituted by the appropriate service of written notice within 5 years from the date the alleged violation was committed; except that if the alleged violation consists of fraud, the 5-year period of limitation shall commence running from the time such alleged violation was discovered.

"(e) JUDICIAL APPEAL.—

"(1) IN GENERAL.—A customs broker, applicant, or other person directly affected may appeal any decision of the Secretary denying or revoking a license or permit under subsection (b) or (c), or revoking or suspending a license or permit or imposing a monetary penalty in lieu thereof under subsection (d)(2)(B), by filing in the Court of International Trade, within 60 days after the issuance of the decision or order, a written petition requesting that the decision or order be modified or set aside in whole or in part. A copy of the petition shall be transmitted promptly by the clerk of the court to the Secretary or his designee. In cases involving revocation or suspension of a license or permit or imposition of a monetary penalty in lieu thereof under subsection (d)(2)(B), after receipt of the petition, the Secretary shall file in court the record upon which the decision or order complained of was entered, as provided in section 2635(d) of title 28, United States Code.

"(2) CONSIDERATION OF OBJECTIONS.—The court shall not consider any objection to the admission of evidence or testimony or to the decision or order of the Secretary unless that objection was raised before the hearing officer in suspension or revocation proceedings or there were reasonable grounds for failure to do so.

"(3) CONCLUSIVENESS OF FINDINGS.—The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive.

"(4) ADDITIONAL EVIDENCES.—If any party applies to the court for leave to present additional evidence and the court is satisfied that the additional evidence is material and that reasonable grounds existed for the failure to present the evidence in the proceedings before the hearing officer, the court may order the additional evidence to be taken before the hearing officer and to be presented in a manner and upon the terms and conditions prescribed by the court. The Secretary may modify the findings of facts on the basis of the additional evidence presented. The Secretary shall then file with

the court any new or modified findings of fact which shall be conclusive if supported by substantial evidence, together with a recommendation, if any, for the modification or setting aside of the original decision or order.

"(5) EFFECT OF PROCEEDINGS.—The commencement of proceedings under this subsection shall, unless specifically ordered by the court, operate as a stay of the decision of the Secretary except in the case of a denial of a license or permit.

"(6) FAILURE TO APPEAL.—If an appeal is not filed within the time limits specified in this section, the decision by the Secretary shall be final and conclusive. In the case of a monetary penalty imposed under subsection (d)(2)(B) of this section, if the amount is not tendered within 60 days after the decision becomes final, the license shall automatically be suspended until payment is made to the Customs Service.

"(f) REGULATIONS BY THE SECRETARY.—The Secretary may prescribe such rules and regulations relating to the customs business of customs brokers as the Secretary considers necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section, including rules and regulations governing the licensing of or issuance of permits to customs brokers, the keeping of books, accounts, and records by customs brokers, and documents and correspondence, and the furnishing by customs brokers of any other information relating to their customs business to any duly accredited officer or employee of the United States Customs Service.

"(g) TRIENNIAL REPORTS BY CUSTOMS BROKERS.—

"(1) IN GENERAL.—On February 1, 1985, and on February 1 of each third year thereafter, each person who is licensed under subsection (b) shall file with the Secretary of the Treasury a report as to—

"(A) whether such person is actively engaged in business as a customs broker; and

"(B) the name under, and the address at which such business is being transacted.

"(2) SUSPENSION AND REVOCATION.—If a person licensed under subsection (b) fails to file the required report by March 1 of the reporting year, the license is suspended, and may be thereafter revoked subject to the following procedures:

"(A) The Secretary shall transmit written notice of suspension to the licensee no later than March 31 of the reporting year.

"(B) If the licensee files the required report within 60 days of receipt of the Secretary's notice, the license shall be reinstated.

"(C) In the event the required report is not filed within the 60-day period, the license shall be revoked without prejudice to the filing of an application for a new license.

"(h) FEES AND CHARGES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may prescribe reasonable fees and charges to defray the costs of the Customs Service in carrying out the provisions of this section, including, but not limited to, a fee for licenses issued under subsection (b) and fees for any test administered by him or under his direction.

"(2) EXCEPTIONS.—The Secretary shall not impose any fees or charges with respect to audits of individuals or disciplinary proceedings.".

(b) Section 1581(g) of title 28, United States Code, is amended to read as follows:

"(g) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review—

"(1) any decision of the Secretary of the Treasury to deny a customs brokers license under section 641(b)(2) or (3) or (c) of the Tariff Act of 1930, or to deny a customs brokers permit under section 641(c)(1) of such Act, or to revoke a license or permit under section 641(b)(5) or (c)(2) of such Act; and

"(2) any decision of the Secretary of the Treasury to revoke or suspend a customs brokers license or permit, or impose a monetary penalty in lieu thereof, under section 641(d)(2)(B) of the Tariff Act of 1930.".;

(c) Section 1582(1) of title 28, United States Code, is amended to read as follows:

"(1) to recover a civil penalty under section 592, 641(a)(1)(C), 641(d)(2)(A), 704(i)(2), or 734(i)(2) of the Tariff Act of 1930;".

(d) Section 2631(g) of title 28, United States Code, is amended to read as follows:

"(g)(1) A civil action to review any decision of the Secretary of the Treasury to deny a customs brokers license under section 641(b)(2) or (3) of the Tariff Act of 1930, or to deny a customs brokers permit under section 641(c)(1) of such Act, or to revoke such license or permit under section 641(b)(5) or (c)(2) of such Act, may be commenced in the Court of International Trade by the person whose license or permit was denied or revoked.

"(2) A civil action to review any decision of the Secretary of the Treasury to revoke or suspend a customs broker's license or permit or impose a monetary penalty in lieu thereof under section 641(d)(2)(B) of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person against whom the decision was issued.".

(e) Section 2636(h) of title 28, United States Code, is amended to read as follows:

"(h) A civil action contesting the denial or revocation by the Secretary of the Treasury of a customs broker's license or permit under subsection (b) or (c) of section 641 of the Tariff Act of 1930, or the revocation or suspension of such license or permit or the imposition of a monetary penalty in lieu thereof by such Secretary under section 641(d) of such Act, is barred unless commenced in accordance with the rules of the Court of International Trade within sixty days after the date of the entry of the decision or order of such Secretary.".

(f) Section 2640(a)(5) of title 28, United States Code, is amended to read as follows:

"(5) Civil actions commenced to review any decision of the Secretary of the Treasury under section 641 of the Tariff Act of 1930, with the exception of decisions under section 641(d)(2)(B), which shall be governed by subdivision (d) of this section.".

(g) Section 2643 of title 28, United States Code, is amended by adding the following new subsection:

"(e) In any proceeding involving assessment or collection of a monetary penalty under section 641(b)(6) or 641(d)(2)(A) of the Tariff Act of 1930, the court may not render judgment in an amount greater than that sought in the initial pleading of the United States, and may render judgment in such lesser amount as shall seem proper and just to the court.".

(h) Section 564 of the Tariff Act of 1930 (19 U.S.C. 1564) is amended by adding the following sentence at the end thereof: "The provisions of this section shall apply to licensed customs brokers who otherwise possess a lien for freight, charges, or contribution in general average upon the merchandise under the statutes or common law of any State or by reason of an order of any court of competent jurisdiction.".

(i) Section 520(a) of the Tariff Act of 1930 (19 U.S.C. 1520(a)) is amended by adding at the end thereof the following:

"(4) PRIOR TO LIQUIDATION.—Whenever it is ascertained prior to the liquidation of an entry that excess duties, fees, charges, or exactions have been deposited or paid by reason of a clerical error.".

(j)(1) The amendments made by this section shall take effect upon the close of the 180th day following the date of enactment of this Act with the following exceptions:

(A) Section 641(c)(1)(B) and Section 641(c)(2) of the Tariff Act of 1930, as added by this Act, shall take effect three years after the effective date of this Act.

(B) The amendments made to the Tariff Act of 1930 by subsections (h) and (i) shall take effect on the date of enactment of this Act.

(2) A license in effect on the date of enactment of this Act under section 641 of the Tariff Act of 1930 (as in effect before such date of enactment) shall continue in force as a license to transact customs business as a customs broker, subject to all the provisions of this subsection and such licenses shall be accepted as permits for the district or districts covered by that license.

(3) Any proceeding for revocation or suspension of a license instituted under section 641 of the Tariff Act of 1930 before the effective date of this Act shall continue and be governed by the law in effect at the time the proceeding was instituted.

(k) If any provision of, or amendment made by, this section or its application to any person or circumstances is held invalid, it shall not affect the validity of the remaining provisions or their application to any other person or circumstances.

Mr. BAUCUS. Mr. President, this amendment embodies the "Customs Brokers Reform Act of 1984." By eliminating unnecessary regulation of customs brokers, the amendment will make it easier for them to serve their customers; at the same time, it will make it easier for the Customs Service to perform its necessary regulatory functions.

The national brokers organization and the Customs Service have worked on this legislation for several years, and both now agree that this bill embodies a fair compromise. That being the case, I hope that the Senate will adopt this amendment.

Mr. President, customs brokers are specialists in the complicated process of importing goods. Other companies hire them for guidance through this process. For example, a customs broker might advise a company what duty classification its imports will fall into, fill out all of the necessary Customs forms, pay the duties, and resolve any disputes that arise with Customs agents or import specialists.

These functions are important in a State like Montana, which has 21 Customs stations that process all kinds of imports, including ore concentrates, roofing materials, fertilizer, farm machinery, and oil field equipment. Many of these products are critical to Montana's economy.

Since about 1930, customs brokers have been regulated by the Customs

Service, in order to protect brokers' customers and discourage Customs fraud. Among other things, the regulations require a broker to obtain a Customs Service license—by passing a test on the Customs laws and undergoing a background investigation—provide accurate advice to customers, and adequately supervise employees. If a broker fails to meet these obligations, his license may be suspended or revoked.

Over the years, this regulatory system has created problems. For one example, the requirement that every brokerage firm employ at least two licensed brokers has imposed an unnecessary burden in places like Montana, where brokerage companies frequently are very small businesses. For a second example, some companies that provide brokerage services also provide other trade-related services like freight forwarding and inland transportation; Customs has attempted to regulate certain aspects of these services as incidental to customs brokerage, even though nonbrokers could perform the same services without becoming subject to Customs regulation. For another example, since the only way Customs can punish brokers who violate their regulatory obligation is revoke or suspend their license, Customs is unable to punish brokers for minor violations without disrupting their entire business.

A few years ago, the National Customs Brokers and Forwarders Association and the Customs Service began discussing whether, given these problems, it was time to overhaul the regulatory system. As should be expected, there were many disagreements along the way. But, eventually, they agreed on a revised system.

Under this system, customs brokers still must obtain Customs Service licenses and follow whatever basic requirements the Service establishes. However, there are four significant changes from the current system. First, a brokerage company need employ only one license broker, not two. Second, a brokerage company that is licensed to operate in one district is permitted to operate in any other district, as long as he employs a licensed broker there. Third, the bill makes clear that Customs can only regulate the performance of specifically defined customs business, not the performance of other related services. Fourth, the bill authorizes Customs to impose monetary penalties of up to a total of $30,000 for violations that do not warrant a license suspension or revocation, and establishes an administrative procedure for the assessment of these penalties.

Mr. President, the Customs Service and the brokers' association agree about this revised system. After Congressman FRENZEL introduced a House bill embodying the system, the Customs Service testified that the bill represented "in large measure [an] agreed upon solution" and the brokers' association testified that the bill "represents a compromise to which both sides are in agreement."

CONCLUSION

Mr. President, the amendment I am offering is similar to Congressman FRENZEL's bill, H.R. 5418, which was reported by the Trade Subcommittee of the House Ways and Means Committee and was included in an omnibus tariff bill, H.R. 6064, which the House approved yesterday.

This is a modest, compromise bill. It overhauls an oudated regulatory system to reduce regulatory burdens and improve Government efficiency. By doing so, it makes it easier for customs brokers to serve their customers, and for the Customs Service to enforce the law.

I understand that the amendment is acceptable to the majority and minority floor managers, and I move its adoption.

Mr. DANFORTH. Mr. President, the amendment is agreeable.

Mr. BENTSEN. Mr. President, the Senator from Texas has no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4286) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILSON. Mr. President, I ask unanimous consent that a letter from the U.S. Trade Representative dated September 14, 1984, in response to my letter of June 30 concerning renewal of the U.S. Generalized System of Preferences with respect to the treatment of agricultural products, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE U.S. TRADE REPRESENTATVE,
Washington, DC, September 14, 1984.

Hon. PETE WILSON,
U.S. Senate,
Washington, DC.

DEAR PETE: This is in response to your letter of June 30 concerning the operation of the U.S. Generalized System of Preferences (GSP) and its renewal, particularly with respect to the treatment of agricultural products. As you will recall, I provided an interim response to this letter earlier this month expressing my desire to reach agreement on the various issues raised in your letter.

As I indicated, I am prepared to make compromises where necessary provided they are in the best interests of the overall program. I have identified several areas where changes responsive to your concerns appear to be possible. I understand that these changes will result in a GSP renewal proposal that you will support in Congress.

Our respective staffs have met frequently to discuss possible measures to accommodate the interests of the agricultural community. A great deal of time and effort has been put into these discussions. I am particularly grateful to the members of the agricultural community who volunteered to work with us on these important issues.

I would like to begin by reviewing our position regarding modifications in the petitioning process. As you know, there has been a broad disparity in the quantity and quality of information contained in the hundreds of petitions requesting modifications in the list of articles eligible for duty-free treatment under the GSP. This disparity has been a source of concern for domestic and foreign parties with an interest in the requested modification. It has also placed this office in an unenviable position in determining whether a petition satisfies the GSP's informational requirements.

To address this problem, my office will develop a standard petition form as you have suggested. The form, which would be required of all petitioners, would encompass all of the types of information set forth in the current regulations. It could also include other information which would assist the President in his assessment of the relvent policy considerations. Incomplete petitions would not be accepted unless it is demonstrated that missing information was not available to the petitioner. I welcome suggestions regarding areas to be covered by a standard form.

A standardized petition form could be useful in two respects. First, it would ensure that the petitioner has fully studied the anticipated benefits of its request before filing. Second, it would ensure that other interested parties have a clearer indication of the petitioner's situation, better enabling them to assess their own interest in the issue.

You raised the issue of providing interested parties an opportunity to comment on information collected during the interagency review prior to a final determination. As you know, the President must obtain the advice of the U.S. International Trade Commission on the probable economic effect on the relevant U.S. industry of granting GSP status to a particular product before taking such action. I will make arrangements with the Commission for the issuance of a public report of the Commission's factual findings at a point sufficiently early in the review to allow interested parties an opportunity to comment on such findings. Of course we will continue to release to interested parties any other information collected during the interagency review of any petition with the exception of: (1) information which, if revealed, would disclose the operations of an individual firm; and (2) internal governmental advice or memoranda.

The next point you raised concerns the granting of GSP treatment on a generalized basis, and not limiting GSP status to the petitioner. As you know, I must insist that GSP benefits continue to be conferred on a generalized basis. To do otherwise would violate the legal requirements of the General Agreement on Tariffs and Trade (GATT). The selective granting of benefits would also be an administrative nightmare and would impair the interests of many U.S. producers as well as U.S. importers.

As you noted, the GSP is a departure from the most-favored-nation principle embodied in Article I of the GATT. Recognizing that a program of tariff preferences for

the benefit of developing countries could make a useful contribution to the international trading system, the GATT's contracting parties agreed to a waiver of Article I which allows for such a derogation. The waiver, which was originally adopted in 1971, was made permanent during the Tokyo Round of Multilateral Trade Negotiations through its incorporation into the GATT Framework Agreement.

The GATT waiver for GSP programs provides specific parameters for GSP schemes. It requires that the scheme be "generalized, nonreciprocal and nondiscriminatory." For a GSP program to be "generalized," tariff preferences must be bestowed generally to beneficiary countries. A GSP scheme which conferred benefits only to selective beneficiaries (e.g., only those filing petitions) would not fall within the scope of the waiver and would violate Article I, thus rendering the donor country susceptible to claims for compensation. I should note that all of the 19 other industrialized countries maintaining GSP programs grant preferences on a generalized basis.

A selective awarding of GSP benefits would impair the interests of many U.S. industries as well as the importing community. For example, high-tech producers in your state claim that the duty-savings they realize on components imported from GSP suppliers are critical to their ability to compete with Japan in international end-product markets. Such producers are anxious to maintain a variety of GSP-eligible sources. The same is true with respect to many other U.S. producers.

You asked how we can obtain adequate information unless petitions are required from all potential beneficiaries and, in particular, how we can ensure that only those countries in need of (and deserving of) GSP treatment would be granted GSP treatment. We must bear in mind that petitions serve a useful role in the product review but are not the only source of economic data in this process.

I realize that your concern with respect to the granting of GSP treatment on a generalized basis also relates to the issue of whether U.S. producers of like or directly competitive articles are likely to be affected adversely. This issue will be fully addressed by the U.S. International Trade Commission, which will report to the President its findings with respect to the impact on U.S. producers of the possible designation of all potentially eligible beneficiary countries. As I indicated earlier, I will make arrangements with the Commission for the issuance of a public report of its factual findings at a point sufficiently early in the review to give interested parties an opportunity to comment on the findings. Also, my office will continue to release to interested parties the other types of information I noted earlier.

The main purpose of the petition, whether it be a petition to add or remove a product, is to demonstrate whether the requested action could produce a result consistent with the program's objectives. In the case of product addition requests filed by beneficiary country governments or exporters, the key point to be addressed in the petition is how the requested action would further the economic development of the beneficiary country.

Please note that my strong objection to the selective inclusion of beneficiaries (i.e., only those filing petitions) does not prohibit the selective exclusion of competitive suppliers. The Administration recognizes that there are products in which individual beneficiaries have achieved a sufficiently high level of competitiveness to warrant their exclusion from GSP treatment. In fact, the Administration implemented a policy of discretionary graduation based on this concept in 1981. Through this policy, over $1 billion in imports from beneficiary countries are currently excluded from GSP treatment even though the program's statutory limits have not been reached.

One of the three contexts in which this policy has been and would be applied concerns adding new products to the GSP list. If the interagency review concludes that one or more individual countries are already sufficiently competitive with respect to a product about to be added to the GSP, they will be barred from eligibility at the outset. The Administration's renewal proposal would codify this practice by including as a new statutory element for Presidential consideration the beneficiary country's competitiveness in the product of concern. I will work with you to make sure that report language addresses this practice.

In assessing a beneficiary's competitiveness with respect to a product, several factors must be examined. Among these are the various factors you enumerated in your letter (size of the industry, level of worldwide exports and productive capability). You mentioned the possibility of developing legislative history that would require those factors to be considered with respect to all countries that stand to materially benefit from the granting of preferential treatment to a product. I would support this. I would strongly object, however, to your suggestion that a "complete study" of these factors be supplied to the relevant industry. This would be unnecessarily burdensome, particularly in light of the fact that we will make available to any interested party the relevant material collected during the course of the review. This material will include the Commission report discussed earlier.

On another subject, you asked for an explanation of why the GSP cannot be used as a lever for resolving trade disputes with developing countries. It is clear that a renewed GSP program must promote the further integration of developing countries into the international trading system. In fact, the Administration's renewal bill was designed with this goal in mind. In all GSP determinations, the President will be required to examine the extent to which a beneficiary has assured the United States of equitable and reasonable access to its markets; the extent to which it is providing adequate protection for U.S. intellectual property; and the extent to which it is eliminating trade-distorting investment practices. I would support report language stating that the reasonableness of a beneficiary country's export practices should also be considered in all GSP determinations.

What I must oppose are any forms of automatic conditionality based on reciprocity-type considerations. Such provisions would violate the GATT requirement that GSP programs be administered on a "nonreciprocal" basis. Furthermore, automatic conditionality presents several other problems. One of these is that it leaves the President no flexibility to differentiate among beneficiaries at various levels of development and competitiveness—a factor that clearly relates to the speed with which a developing country should assume the full responsibilities of the international trading system.

I would also oppose any attempt to insert product-specific or sectoral reciprocity into the GSP program. In addition to the points noted above, market access evaluations cannot be conducted in such an isolated context.

Another point you raised concerns repeated requests to add a product to the GSP list. While there have been very few instances where such petitions were accepted for formal review, the simple fact that the petition has been filed can be alarming. To clarify this situation, we will amend the regulations to bar from consideration any product addition request that has been reviewed within the previous three years. This provision would be effective upon enactment of the legislation and would apply to product petitions reviewed during the three years prior to enactment.

In certain instances it may be appropriate to apply a longer waiting period. In gauging the appropriate period beyond three years for these special cases, I would consider factors such as production methods or processes and investment requirements as well as information indicating a change in circumstances since the previous review.

You expressed concern that graduation from GSP treatment has rarely occurred for agricultural items and correctly noted that not one of the 26 country/product combinations removed from eligibility in 1984 were for agricultural products. There is a very simple reason for this: no one filed a petition requesting graduation with respect to an agricultural product. The industrial products sector was considerably more active, filing numerous petitions. Of the 17 petitions filed on industrial products, 11 were accepted for formal review and 9 (covering the 26 country/product combinations you mentioned) were ultimately granted.

You asked for my comments on the concept of conducting an annual review of eligible articles for the purpose of graduating competitive beneficiary countries. The administration's bill requires the President to complete such a review, covering all GSP products, by January 1987 and periodically thereafter. The GSP's annual product review procedures would also be maintained, providing interested parties an opportunity to request modifications on specific products on a more regular basis. I support your proposal to hold public hearings as part of the 1987 and periodic reviews.

You suggested that examinations of countries' competitiveness should take into account the volume and value of the country's exports to the United States and worldwide, the U.S. and world market share of the country's exports, and the development level of the industry in the country. Such information (to the extent it is available) is already taken into consideration in such examinations and I would support legislative history clarifying our practices in this regard.

I hope that I have been able to answer your questions and concerns. You have represented your agricultural community admirably. Many of your suggestions demonstrate a keen interest in making the program more effective and equitable and could represent important improvements to the GSP program. For this I am grateful to you and your staff.

I know that you understand the importance of this legislation to President Reagan's commitment to the international trading system. We must all keep in mind that GSP imports account for only 4 percent of total U.S. imports and that GSP imports of agricultural products account for well under 1 percent of total U.S. imports. On the

other hand, the GSP program is of enormous importance to the lesser developed countries of the world which purchase $14 billion of U.S. farm goods each year.

Thank you again for your thoughtful letter. I look forward to working with you both toward Congressional approval of a renewed GSP program.

Very truly yours,

WILLIAM E. BROCK.

AMENDMENT NO. 4287

(Purpose: To modify the definition of industry under title VII of the Tariff Act of 1930)

Mr. WILSON. Next, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 4287.

Mr. WILSON. Next, Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34 of the matter proposed to be inserted, between lines 2 and 3, insert the following:

SEC. . PROCESSED AGRICULTURAL PRODUCTS.

(a) Section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677 (4)) is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULE FOR PROCESSED AGRICULTURAL PRODUCTS.—

"(i) IN GENERAL.—In the case of a processed agricultural product, the term 'industry' means—

"(I) the domestic producers of such product; and

"(II) the domestic producers of the principal raw agricultural commodity which is a part of such product (as determined on the basis of the volume or value of such commodity produced), but only if producers of such raw agricultural commodity allege that they are materially injured, or threatened with material injury, by reason of the imports concerned.

"(ii) PROCESSED AGRICULTURAL PRODUCT DEFINED.—For purposes of clause (i), the term 'processed agricultural product' means any product of farm, forest, or fishery which has undergone processing beyond that customarily required to prepare such product for marketing in such product's natural form.".

(b) Notwithstanding any other provision of law, any petition for relief under section 702 or section 732 of the Tariff Act of 1930 which was filed prior to the date of enactment of this Act may be refiled under such section.

Mr. WILSON. Mr. President, this amendment would make a small but important procedural change in the Tariff Act of 1930. This change would benefit farmers who wish to come forward and petition the International Trade Commission that they are being harmed by reason of imported products being dumped or subsidized into our domestic market. This amendment would give farmers standing to be heard which is the legitimate right of due process under our laws. The amendment would not dictate the outcome of the ITC decision. It would however, ensure that agricultural producers are able to present their allegations of injury to the Commission and have their data considered in a fair manner.

The International Trade Commission has taken a position that frequently denies producers of raw agricultural products access to the remedies provided by the Tariff Act, particularly the antidumping and countervailing duty provisions. The ITC has interpreted the term "domestic industry" so as to exclude producers of raw agricultural products when the imported product in dispute is a processed agricultural product.

Therefore, the ITC would not look at information as to injury provided by producers in determining whether to take a case for full investigation.

This amendment would merely ensure that the ITC would review producer information before making a determination. This is only fair since producers themselves are many times the party which is injured the most by unfair foreign trading practices involving processed agricultrual products. This amendment will protect the rights of all parties to an allegation of unfair trading practices and injury.

Mr. President, I should add that the amendment I have offered will in no way prevent the International Trade Commission [ITC] from examining the affect of imports of a processed product on a segregable portion of the raw product industry where that is possible. If a portion of the raw product industry has not been effected by imports of the processed product under investigation and can be separated from the investigation, it may be. Separate examination, where that is possible, will prevent the situation where a distinct group of producers clearly uneffected by imports would give a distorted view of the condition of the raw product industry. Where differentation among raw product producers is not possible, the ITC should proceed in its discretion to determine the real impact of imports on our raw material producers. I do not intend by this amendment to give any group gratuitous protection. On the other hand, I do intent that, where necessary, these producers be given the full protection of our trade laws.

Mr. HELMS. Mr. President, this amendment is of great interest to farmers across the country. Specifically, it would provide an opportunity for agricultural producers to have a full and fair hearing before the International Trade Commission when the ITC considers trade disputes.

Under current law, antidumping and countervailing duty measures may be used to counter unfair foreign trading practices if the ITC finds that imports have caused injury to a domestic industry. However, because the ITC has defined "industry" very narrowly, farmers have at times been excluded by the ITC from seeking a legal remedy to problems caused by damaging imports. This has occurred in several trade disputes involving processed agricultural products, where the ITC has considered the damage done by imports to the processor, but not the producer of the raw commodity.

A change in the definition of "industry" such as is proposed in this amendment, is needed so that agricultural producers will have standing to challenge unfair foreign trading practices involving processed agricultural products. Such a change would not dictate the outcome of an ITC investigation, but it would ensure that concerns of agricultural producers would be fully heard.

It should be emphasized that this amendment is of interest to a wide variety of farmers, not just to wine grape growers. Apple growers in North Carolina, for example, have been facing unfair competition from foreign apple juice imported in concentrated form for reconstitution in this country.

Since 1976, the quantity of apple juice imported into the United States has grown dramatically—from 34.38 million gallons—single strength equivalent—in 1976 to 103.7 million gallons in 1982. Our 1982 imports equaled 30.9 million bushels, or 10 times the total North Carolina apple crop of that year.

The dramatic increase in apple juice imports are of major concern to U.S. apple growers. These farmers are generally not opposed to competing with other growers in other countries on a fair basis.

However, there is evidence that the major exporter of apple juice to the United States, Argentina, is providing a substantial subsidy to the processors and exporters of that product. Imports from Argentina, I might add, make up over 40 percent of our total apple juice imports.

Over the past couple of years, apple growers across the Nation have been attempting to deal with the Argentine situation through normal trade procedures. However, among the problems they have faced in seeking relief is that they have been unable to bring a petition before the International Trade Commission because of the Commission's narrow interpretation of the word "industry".

Let me reiterate that this amendment would not dictate the outcome of any ITC investigation, rather it would simply require that the ITC consider the producer as part of the industry if the producer contends that imports have caused injury.

Mr. President, to me, it seems only fair that farmers should be allowed access to the trade remedies now available to industry. The Wilson amendment would accomplish this, and I urge its adoption.

Mr. HUDDLESTON. Mr. President, I am pleased to sponsor the pending amendment. The amendment allows producers of raw agricultural products to seek relief against unfair trade practices involving processed agricultural products by allowing them to pursue such cases before the U.S. International Trade Commission. At the present time, agricultural producers do not have to stand before the ITC to petition for relief from subsidized and dumped imports of processed agricultural products.

Under the amendment, "processed agricultural product" would be defined to mean any agricultural product that has undergone processing beyond that customarily required to prepare it for marketing in its natural form. Further, the definition of "affected industry" would be amended to include both producers of a processed agricultural product and the producers of the principal raw agricultural product—determined on either a volume or value basis—that is included in the processed agricultural product subject to investigation.

The amendment would make certain that the ITC reviews all relevant information—including the consequences for producers of agricultural products if import competition involving unfair trade practices continues.

The amendment provides farmers in this country access to an established procedure for resolving trade-related disputes.

It would not interfere with ITC determinations. It will be a constructive step toward the elimination of unfair trade practices by foreign suppliers of processed agricultural products.

I urge my colleagues to support the amendment.

Mr. CRANSTON. Mr. President, I am very pleased to join with my able colleague from California, Senator PETE WILSON, in support of the modified wine equity provisions.

I wish to emphasize to my colleagues that our amendment is exclusively export oriented. It is not a protectionist measure. It does not mandate the President to do anything that would violate our trade agreements, and, in fact, it is totally up to the President's own judgment as to what he will or will not do to seek access for American wines in foreign markets.

Our amendment is procompetition. If adopted, it will serve as a reminder to foreign nations that their wines enjoy liberal access to the world's largest free market for wines and that we do expect some consideration for our wines to gain access to other markets.

The amendment has been substantially modified since it was first introduced by Senator WILSON and myself with Senators D'AMATO and MOYNIHAN. That bill was in fact a reciprocity measure and did require the President to act upon findings of different treatment of American wines in foreign markets.

The bill has been rewritten by the House Subcommittee on Trade and reported last week as H.R. 3795. It is drafted to provide a legislative basis for the commendable efforts recently undertaken by the Office of Special Trade Representative to obtain a reduction in the Japanese tariff on wine imports and a similar success in reducing nontariff barriers imposed by the European Community.

In its present form our amendment is endorsed by a major agricultural commodity producing association, the Soybean Growers, as well as the AFL–CIO.

A key provision of our proposal would encourage the President to establish a U.S. Wine Export Promotion Program. This is the spirit and the intent of our amendment—a concerted effort to seek opportunities for American wines in the wine-consuming markets of nonwine producing nations, such as Japan, Great Britain, Sweden, Norway, including such wine producing countries as West Germany, which consumes more than it produces for domestic use, and even France, the home of the great noble wines, a market in which we believe the best American wines can compete evenly with the extremely costly French chateau-bottled vintages.

I urge my colleagues to support our amendment.

I repeat, ours will not injure other commodities through threats of retaliation because in no way will our amendment limit, restrict or harm the imports of wine into the United States.

Mr. WILSON. Mr. President, I ask unanimous consent to have printed in the RECORD a "Dear Colleague" letter dated September 19, 1984.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington DC, September 19, 1984.

DEAR COLLEAGUE: Today many American farmers are being hurt by subsidized imported processed agricultural products. Our farmers are efficient but cannot and should not be required to compete against the treasuries of foreign governments. Yet American farmers have been denied the right to petition their own government for relief from subsidized and dumped imports by a bureaucratic interpretation of our trade laws. To remedy this situation, we urge that you support an amendment which would allow farmers to petition the International Trade Commission (ITC) for relief from this kind of unfair competition. Farmers must have the right to be heard when they are threatened by unfair competition.

The amendment would modify U.S. countervailing duty and antidumping laws to help ensure that complaints filed by U.S. agricultural industries with the International Trade Commission are given fair and uniform consideration. It would provide standing to agricultural growers in investigations involving processed agricultural products, provided that the growers allege injury as a result of imports of such processed agricultural products. The amendment fully comports with GATT interpretation and the legislative history of U.S. import relief statutes, both of which establish that standing should not be so narrowly defined as to prevent consideration of an investigation. The ITC has itself ruled in several previous cases that growers should be considered part of the domestic industry. Because the Commission's treatment of growers has been inconsistent, however, this amendment is necessary to ensure uniformity and fairness to our agricultural producers.

The amendment also defines "processed agricultural products" using the definition as it appears in the GATT and permits the refiling of petitions to ensure that former petitioners benefit from these statutory changes.

We hope that you will cosponsor this amendment. Farmers should not be denied access to laws designed for their protection if they can make a case that they are being injured. American farmers are hurting. We must take positive steps to ensure that they do not have to contend with unfair competition.

Sincerely,

PETE WILSON,
THAD COCHRAN,
BILL COHEN,
ALAN CRANSTON,
JESSE HELMS,
WALTER D. HUDDLESTON,
DAVID L. BOREN.

Mr. WILSON. Mr. President, I ask unanimous consent that Senators DOLE, HELMS, HUDDLESTON, COCHRAN, and COHEN be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. I am pleased to announce support from the National Council of Farmer Cooperatives, the American Farm Bureau, and the American Soybean Association. I believe that this amendment has been cleared on both sides. I move its adoption.

Mr. DANFORTH. Mr. President, I have examined this amendment.

Mr. BENTSEN. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 4287) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4288

Mr. WILSON. Next, Mr. President, I should like to move to consideration of the Israel Free Trade Act. Specifically, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 4288.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

"SEC. Adverse Economic Impact Study.

"At the end of subsection (b) of section 102 of the Trade Act of 1974, add the following new paragraph:

"'( )(A) Prior to negotiating a trade agreement for the elimination or reduction of duties imposed by the United States, the President shall request of and receive from the International Trade Commission a determination as to each article about which the President intends to negotiate, which is or is likely to be imported into the U.S. upon implementation of any such agreement, and about which the International Trade Commission has received substantial allegations, whether or not the importation of such article is likely to cause a significant adverse impact on the industry in the United States producing such article. Each such determination, and the reasons therefore, shall be transmitted to the Congress.

"'(B) The President shall have no authority to negotiate a trade agreement for the elimination or reduction of any duty imposed by the United States on any article about which an affirmative determination is made pursuant to subparagraph (A).

"'(C) Notwithstanding the provisions of subparagraph (B), not prior to five years after entering into a trade agreement pursuant to the provisions of this subsection, the President may request of the International Trade Commission a reveiw of the affirmative determinations made pursuant to the provisions of subparagraph (A). If, at that time, the International Trade Commission makes a negative determination as to an article so reviewed, the prohibitions in subparagraph (B) shall not apply to such article. If, at that time, the International Trade Commission makes an affirmative determination as to an article so reveiwed, the prohibitions is subparagraph (B) shall remain in effect as to such article.'.".

Mr. WILSON. Mr. President, it may not be necessary to offer this amendment. What I really wish to do is to express my concern and the concern of many of my colleagues regarding the negotiations with the Government of Israel on the establishment of a free trade agreement.

I am a supporter of the agreement, and so testified before the Finance Committee. However, I do have some reservation over aspects of the agreement affecting commodities which the U.S. International Trade Commission has found to be import sensitive.

It is my understanding that the U.S. Trade Representative has expressed the U.S. position that articles which the ITC has found to be import sensitive will not be subject to duty-free import for 5 years. At the end of the 5 years, the ITC will review these articles to determine if they remain import sensitive. In the mind of this Senator, and others, it is not clear as to what will then happen regarding those articles which are found to still be import sensitive.

It does not make sense to eliminate tariffs on goods, when that elimination will, according to the ITC, have significant adverse economic impact on the U.S. industries producing those goods. According to ITC standards, "significant adverse impact" means that U.S. output will significantly decline, producers will go out of business, and a significant proportion of the workers producing the goods will be left unemployed.

Mr. President, as I have said, I support a free-trade agreement with Israel, but that bill should not be one that will almost immediately occasion the need for relief through filing under section 201 of the Trade Act by U.S. industries which have been found by the ITC to be import sensitive. The agreement will benefit both countries, but only if we can take care to assure that any burden occasioned by the bill shall not fall on any one group of people or industries.

It is my position that the ITC should have continuing review responsibility, at 5-year intervals, over articles which are likely to be affected by a free-trade agreement. Should the ITC make a finding that goods were no longer import sensitive, the President would have the authority to negotiate duty reductions on them. However, if the ITC found continued sensitivity, the President would have no such authority.

Mr. DANFORTH. Mr. President, if the Senator from California will yield, I should like to express my full support for the position he is taking. We must proceed carefully with regard to any tariff agreement. Certainly industries which are subject to significant adverse economic impact from increased imports of the goods they produce should not be subjected to the elimination of duties on those goods. I have in mind in this case, for example, certain agricultural products and bromine chemicals. It is my intention, and I will press this point in the Conference Committee for inclusion in the statement of managers, that as long as the ITC finds that certain goods are import sensitive, it would be inappropriate to reduce duties on them.

I would note that any agreement with Israel negotiated under the authority of this bill must be sent to the Congress for legislative action. I would further note that, as the Senator and I have discussed, the authority under which the Israel free-trade agreement will be negotiated will expire in a little more than 3 years. As a result, any reductions in tariffs on import sensitive articles, beyond those initially agreed to, could only be negotiated with new statutory authority. I make these points to make clear that there will be other opportunities for the Senator to press this point, as the need arises, and to assure the Senator that no further tariff reductions would be made without full congressional consideration.

Mr. WILSON. Mr. President, I thank the distinguished floor manager for his support on this matter and for his willingness to work with me on an issue that is of great importance to the State of California, as well as many other regions of the country.

Mr. CRANSTON. Mr. President, I wish to associate myself with the remarks of my colleague from California with respect to import sensitive crops.

Mr. QUAYLE. Mr. President, I would like to discuss an aspect of the trade bill that deals with import sensitive products. I want to assure the Senator from Missouri that I am an admirer of his accomplishment in compiling a complex piece of legislation and in bringing it to the Senate floor for consideration. I believe that the United States must take thoughtful action to improve its trade situation and that this legislative body must make corresponding adjustments to trade laws and custom rules. This is essential if we want the economy to continue to improve. I specifically endorse the initiatives to reduce barriers to exchange of services and goods between the United States and its already great trading partners, Israel and Canada.

However, I am concerned about the need to develop a clear understanding of what is entailed in the grant of negotiating authority to the office of U.S. Trade Representative [USTR] and what its implications are for certain product categories. It has been said that the United States, Israel, and Canada all will benefit from establishing these free trade agreements [FTA's]. Now while this is true in a general sense and it is true for the vast majority of products, it is not true across the board. The question is, what would be done about those few products that would be suddenly and severely impacted by the establishment of new FTA's.

Already, in the United States, there have been hearings before the International Trade Commission [ITC] and the Interagency Trade Policy Staff Committee [TPSC] relating to the impact of the proposed FTA with Israel. Several industries, including some from the agricultural and natu-

ral resource industries in my State, have argued they will suffer "significant adverse impact" if duties on Canadian or Israeli imports are reduced or eliminated precipitously.

It is my understanding, and this is what I would like to have clarified, that, if the ITC finds these claims to be true, that Ambassador Brock has given personal assurances, that products that fall into this narrowly drawn category would receive special and appropriate consideration during negotiations. Furthermore, if need be, that duties could be frozen for up to 5 years and that at the end of this period of time, renegotiations would occur under advice of the ITC about the future status of these products.

It seems to me, if the free-trade area is intended to benefit the economies of all three countries, there is no reason why those few sensitive industries that will be hurt by this arrangement should not have special adjustments made. It also seems to me that it would not be in our best national interest to reach an international agreement for the benefit of our export industries, only to harm other U.S. producers.

The concept that I am asking the Senator to affirm is a narrow one and would include only those industries that have been deemed by the ITC to be sensitive to duty-free Israeli imports. As the Senator from California has pointed out, it is not clear what will happen to products still deemed import sensitive after 5 years. It is my understanding that in this regard the President will seek the advice of the ITC after this period has passed and that we can expect the administration to show the same sensitivity at that future point in time to products that fall into the ITC-defined sensitive category. This is to say that there will continue to be negotiating room regarding import sensitive products. In other words, the U.S. position should neither imply that all products will be duty free at some point in the future nor imply that products identified as sensitive will remain dutiable indefinitely. It says what it means, that problem products, which are expected to be very few, will remain negotiable and that ITC findings will have significant impact on the U.S.'s negotiating positions.

An approach of this sort is consistent with the General Agreement on Tariffs and Trade [GATT] which permits free trade areas that cover "substantially all" of the goods traded between countries that have agreed to such an arrangement. This language indicates that the originators of GATT correctly recognized that, if FTA's were negotiated, there could be a need for special considerations related to sensitive products. In this case those products would be identified by the ITC.

My understanding of the proceeding colloquy is that USTR would have the type of authority, reiterated above, under provisions of the bill.

Mr. WILSON. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 4289

(Purpose: To require that bills implementing trade agreements with Israel contain certain provisions)

Mr. WILSON. Mr. President, I have one more amendment, and I send it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 4289.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62 of the matter proposed to be inserted, between lines 18 and 19, insert the following:

(d) Paragraph (1) of section 151(b) of the Trade Act of 1974 (19 U.S.C. 2191(b)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (B),

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new subparagraph:

"(D) If such agreement is with Israel—

"(i) provisions which requires articles imported from Israel to meet requirements similar to the requirements provided in section 213(a) of the Caribbean Basin Economic Recovery Act, and

"(ii) provisions which establish emergency relief similar to the emergency relief provided in section 213(f) of the Caribbean Basin Economic Recovery Act from articles imported from Israel which are like, or directly competitive with, perishable products produced in the United States, with the term "perishable products" meaning the following—

"(1) vegetables provided for in Schedule 1, Part 8 of the TSUS;

"(2) edible nuts and fruits provided for in Schedule 1, Part 9 of the TSUS;

"(3) fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of the TSUS; and

"(4) concentrated citrus fruit juice provided for in items 165.25 and 165.35 of the TSUS.".

Mr. WILSON. Mr. President, I ask unanimous consent that the name of the Senator from Florida [Mr. CHILES] be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, my amendment would require that any free trade agreement negotiated with Israel and Canada contain a provision against transshipment. In other words, it would require that any free trade agreement apply only to those articles that are truly the product of the country with which we have negotiated an agreement.

My amendment would also establish an expedited procedure for handling petitions filed under section 201 of the Trade Act of 1974 on certain agricultural products. It would allow for what amounts to an almost immediate remedy when it is determined that a 201 action is likely to be affirmatively decided, pending full investigation by the ITC.

I should note that provisions were added to the bill in the Ways and Means Committee.

Mr. President, the language in my amendment makes reference to provisions contained in the Caribbean Basin Initiative passed only last year. The provisions constitute the proverbial ounce of prevention, in that they would put in place safeguards and expedited remedies should the best laid plans of all those who support the Israel free trade agreement, including this Senator, go awry.

Due to the limited time we have to deal with the trade bill on the floor of the Senate, I will not take the time to expand on my comments. I will simply say that the reasons underlying my amendment are well known and were fully explored during consideration of the CBI.

It is my understanding that this amendment is agreeable to the manager on this side of the aisle, and I would hope that it can be quickly agreed to.

Mr. DANFORTH. Mr. President, I thank the Senator for his comments and state that the Senator has correctly set out the situation. I fully support his insistence that tight rules of origin ensure that only products of Israel receive the benefits of this agreement. I understand that Ambassador Brock is making a special point of transshipment in his discussions with the Israelis.

I also believe that due to the nature of certain agricultural production in the United States, it makes a good deal of sense to have a special procedure for handling 201 cases filed by farmers affected by a surge in imports under the Israel free trade agreement.

Mr. WILSON. Mr. President, I thank my colleague, the distinguished manager of the bill, for his favorable comments on my amendment, and I move its adoption.

This amendment has been cleared on both sides.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. WILSON. I yield to the Senator from Florida.

Mr. CHILES. Mr. President, the amendment I am offering with Senator WILSON simply seeks to add assurances that country of origin and emergency relief provisions similar to those

in the Caribbean Basin Initiative are included in this bill. I understand such provisions were added to the recently considered House companion measure.

These provisions are important because of the sensitivity and volatility of perishable product prices to import competition. Citrus provides a good example of this. The citrus industry was greatly concerned about the possibility of transshipment of Brazilian citrus products through the Caribbean countries when we considered CBI. Their concern remains in regard to this bill because the significant tariff reductions available to the beneficiary countries could make it attractive to try and transship third-party citrus products through Israel. Such transshipments would provide unintended benefits to third-party countries and could have an extremely destabilizing effect on the domestic market. I believe to safeguard against this possibility it is essential to make sure now that we include language that guarantees the imports we receive from Israel will be substantially theirs and not a transshipment of someone else's products.

I believe it is also important to have a fast track emergency relief provision in this bill. This will provide sensitive perishable products the quick, efficient relief they need if they find they are being materially hurt by new import competition from a beneficiary country. Under existing trade remedies it can take many months or even years to get relief. Perishable products need access to a faster track. Again, citrus may serve as an example since duty free treatment on frozen concentrated orange juice imports would result in a direct savings to the importer of almost $487 per metric ton. Such a pricing change could have a significant impact on this highly sensitive commodity. Therefore, I believe it is important to make sure fast track relief is available to deal with any situation causing real harm.

Mr. President, I believe the country of origin and fast track relief provisions make this a better bill and will help guarantee producers of perishable products they will not be adversely affected by it. I urge the adoption of this amendment.

Mr. WILSON. Mr. President, I ask unanimous consent that the distinguished Senator from Texas, the ranking minority member of the committee, Mr. BENTSEN, be added as a coauthor to this amendment.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, the amendment of the Senators from California and Florida is acceptable. I congratulate him on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 4289) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4290

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] for himself and Mr. CRANSTON proposes an amendment numbered 4290.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the matter proposed to be inserted, add the following:

TITLE VI—WINE TRADE

SEC. 601. SHORT TITLE.

This title may be cited as the "Wine Equity and Export Expansion Act of 1984".

SEC. 602. CONGRESSIONAL FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is a substantial imbalance in international wine trade resulting, in part, from the relative accessibility enjoyed by foreign wines to the United States market while the United States wine industry faces restrictive tariff and nontariff barriers in virtually every existing or potential foreign market;

(2) the restricted access to foreign markets and the continued low prices for United States wine and grape products adversely affect the economic position of our Nation's winemakers and grape growers, as well as all other domestic sectors that depend upon wine production;

(3) the competitive position of United States wine in international trade has been weakened by foreign trade practices, high domestic interest rates, and unfavorable foreign exchange rates;

(4) wine consumption per capita is very low in many major non-wine producing markets and the demand potential for United States wine is significant; and

(5) the United States winemaking industry has the capacity and the ability to export substantial volumes of wine and an increase in United States wine exports will create new jobs, improve this Nation's balance of trade, and otherwise strengthen the national economy.

(b) PURPOSES.—The purposes of this title are—

(1) to provide wine consumers with the greatest possible choice of wines from wine-producing countries;

(2) to encourage the initiation of an export promotion program to develop, maintain, and expand foreign markets for United States wine; and

(3) to achieve greater access to foreign markets for United States wine and grape products through the reduction or elimination of tariff barriers and nontariff barriers to (or other distortions of) trade in wine.

SEC. 603. DEFINITIONS.

For purposes of this title—

(1) The term "Committees" means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) the term "grape product" means grapes and any product (other than wine) made from grapes, including, but not limited to, raisins and grape juice, whether or not concentrated.

(3) The term "major wine trading country" means any foreign country, or group of foreign countries, designated as such under section 604.

(4) The phrase "nontariff barriers to (or other distortion of)", in the context of trade in United States wine, includes any measure implemented by the government of a major wine trading country that either gives a competitive advantage to the wine industry of that country or restricts the importation of United States wine into that country.

(5) The term "Trade Representative" means the United States Trade Representative.

(6) The term "United States wine" means wine produced within the customs territory of the United States.

(7) The term "wine" means any fermented alcoholic beverage that—

(A) is made from grapes or other fruit;

(B) contains not less than 0.5 percent alcohol by volume and not more than 24 percent alcohol by volume, including all dilutions and mixtures thereof by whatever process produced; and

(C) is for nonindustrial use.

SEC. 604. DESIGNATION OF MAJOR WINE TRADING COUNTRIES.

(a) DESIGNATION OF COUNTRIES.—The Trade Representative shall designate as a major wine trading country each foreign country, or group of foreign countries represented as an economic union, that, in the judgment of the Trade Representative—

(1) is a potential significant market for United States wine; and

(2) maintains tariff barriers or nontariff barriers to (or other distortions of) trade in United States wine.

(b) DESIGNATION FACTORS.—In deciding, for purposes of subsection (a)(2), whether a foreign country or group of countries maintains nontariff barriers to (or other distortions of) trade in United States wine, the Trade Representative shall take into account—

(1) the review and report required under section 854(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2135 note);

(2) such relevant actions that may have been taken by that country or group since that review was conducted; and

(3) such information as may be submitted under section 606 by representatives of the wine and grape products industries in the United States, as well as other sources.

SEC. 605. ACTIONS TO REDUCE OR ELIMINATE TARIFF AND NONTARIFF BARRIERS AFFECTING UNITED STATES WINE.

(a) TRADE REPRESENTATIVE CONSULTATIONS.—The President shall direct the Trade Representative to enter into consultations with each major wine trading country to seek a reduction or elimination of that country's tariff barriers and nontariff barriers to (or other distortions of) trade in United States wine.

(b) PRESIDENTIAL REPORTS.—(1) the President shall notify each of the Committees regarding the extent and effect of the efforts undertaken since the submission of the

report required under section 854(a) of the Trade Agreements Act of 1979, and during the 12-month period beginning on the date of the enactment of this Act, to expand opportunities in each major wine trading country for exports of United States wine. Such notification, which shall be in the form of a separate written report (that must be submitted within 30 days after the close of that 12-month period) for each major wine trading country, shall include—

(A) a description of each act, policy, and practice (and of its legal basis and operation) in that country that constitutes a tariff barrier or nontariff barrier to (or other distortion of) trade in United States wine (and that description shall be based upon an updating of the report that was submitted to the Congress under section 854(a) of the Trade Agreements Act of 1979);

(B) an assessment of the extent to which each such act, policy, or practice is subject to international agreements to which the United States is a party;

(C) information with respect to any action taken, or proposed to be taken, under existing authority to eliminate or reduce each such act, policy, or practice, including, but not limited to—

(i) any action under the Trade Act of 1974, and

(ii) any negotiation or consultation with any foreign government;

(D) if action referred to in subparagraph (C) was not taken, an explanation of the reasons therefor; and

(E) recommendations to the Congress of any additional legislative authority or other action which the President believes is necessary and appropriate to obtain the elimination or reduction of foreign tariff barriers or nontariff barriers to (or other distortions of) trade in United States wine.

(2) The reports required under paragraph (1) shall be developed and coordinated by the Trade Representative through the interagency trade organization established by section 242(a) of the Trade Expansion Act of 1962.

(c) PRESIDENTIAL ACTION.—If the President, after taking into account information and advice received under subsections (a) and (b), section 606; or from other sources, determines that action is appropriate to respond to any act, policy, or practice of a major wine trading country constitutes a tariff barrier or nontariff barrier to (or other distortion of) trade in United States wine and—

(1) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement; or

(2) is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce;

the President, shall take all appropriate and feasible action under the Trade Act of 1974 to enforce the rights of the United States under any such trade agreement or to obtain the elimination of such act, policy, or practice.

SEC. 606. REQUIRED CONSULTATIONS.

The Trade Representative shall consult with the Committees and with representatives of the wine and grape products industries in the United States—

(1) before identifying tariff barriers and nontariff barriers to (or other distortions of) trade in United States wine and designating major wine trading countries under section 604;

(2) in developing the reports required under section 605(b); and

(3) for purposes of determining whether action by the President is appropriate under any provision of the Trade Act of 1974 with respect to any act, policy, or practice referred to in section 605(b)(1).

SEC. 607. UNITED STATES WINE EXPORT PROMOTION.

In order to develop, maintain, and expand foreign markets for United States wine, the President is encouraged to—

(1) utilize, for the fiscal year ending September 30, 1985, the authority provided under section 135 of the Omnibus Budget Reconciliation Act of 1982 to make available sufficient funds to initiate, in cooperation with non-governmental trade associations representative of United States wineries, an export promotion program for United States; and

(2) request, for each subsequent fiscal year, an appropriation for such a wine export promotion program that will not be at the expense of any appropriations requested for export promotion programs involving other agriculture commodities.

Mr. WILSON. Mr. President, the amendment offered here today is the result of intense negotiations between the wine industry, other agriculture interests, and governmental officials. In its original version of the Wine Equity Act provided for reciprocal treatment in the wine industry with our trading partners, it had several GATT problems which we concede and it caused some agricultural community members to oppose the bill.

But the version offered here today was offered by Chairman SAM GIBBONS and reported out of his Trade Subcommittee in the House of Representatives and that bill overcomes those problems.

This amended bill has the complete support of the Soybean Association, the National Council on Farmer Cooperatives, as well as organized labor. It utilizes existing U.S. trade laws and directs the President to use them only when he finds unfair trade practices.

The bill is entirely GATT-compatible.

The U.S. Trade Representative and the administration earlier voiced objections and have withdrawn them. The authority given the President by this is purely discretionary. It is in fact existing authority. This really directs attention to the problem.

Mr. President, I move adoption of the amendment.

Mr. DANFORTH. Mr. President, I have discussed the question of wine equity with the Senator from California over a period of months. I am personally opposed to the concept. The administration is opposed to the concept. Most, if not all, farm groups are opposed to the concept. Many wine growers are opposed to the concept.

But over the period of months, the Senator from California has been very flexible in putting together his proposal and while I personally am not enthusiastic about the idea or even the name "wine equity," I think that the present form of this amendment is one which is not injurious particularly to the interest of the country and, therefore, for the sake of facilitating progress on the bill, I have no objection to adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate on the amendment, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 4290) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY and Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, the distinguished minority leader, is recognized.

AMENDMENT NO. 4291

(Purpose: To provide for the preservation of the ferroalloy, Industry in the United States)

Mr. BYRD. Mr. President, I have an amendment which I shall send to the desk shortly.

Mr. President, we are all familiar with the debilitating effects of increased foreign imports on key sectors in our economy. The steel, auto, footwear, and copper industries have been victims of increased foreign products, often sold here with the assistance of subsidies from foreign governments or other unfair trade practices. These are enormous industries. They account for hundreds of thousands of jobs and many billions of dollars in annual sales.

I want to call my colleagues' attention to an industry that is not an enormous industry. It is an American industry that has lost 60 percent of the U.S. market to unfairly priced foreign goods. This industry has sales of less than $1 billion annually; yet, its products are indispensable to the manufacture of everything from aluminum to computer chips. Every kind of specialty metals—including those employed in the aerospace and defense industries—is dependent upon these products. I am speaking of the American ferroalloys industry.

Ferroalloys are a group of metals with broad industrial applications. Chromium alloy products, including ferrochrome, are used in the production of stainless steel, making up about 10 percent of that steel. Chromium is necessary to the production of superalloys for jet aircraft, powerplants, and a host of materials which must resist corrosion and high temperatures. Manganese alloys—the largest group of ferroalloys—are absolutely essential to the production of steel. Without these products to neutralize the sulphur, steel cannot be forged.

Manganese in aluminum gives that metal the increased strength and toughness needed for many of its modern uses from airplane coverings to beverage cans. Silicon alloys are needed to impart steels with qualities needed in electrical products such as transformers and generators.

The American ferroalloy industry has led the world in developing new and marketable products that have changed the way we live, and has given other American industries a competitive edge by supplying the new metals technologies they need to produce advanced aircraft, drilling equipment, and a host of lighter, stronger machinery and parts. The American industry has been the most advanced in the world, pioneering computer-controlled production and cogeneration technologies that permit capture and reuse of heat produced by ferroalloy furnaces. Everyone agrees that the American industry is the most innovative, technologically advanced, and efficient in the world. So how can it be that foreign producers have garnered 60 percent of our own market?

The answer to that question is simple, and it is becoming all too familiar as this country struggles to maintain leadership in the international market. Many foreign ferroalloy producers are developing countries—or Communist countries—that need foreign exchange earnings. The sale of ferroalloy products brings in American dollars, and those countries are willing to take a loss on the cost of production if the result can be counted in currency they can use in the world money market. Moreover, many developing country producers keep obsolete or unproductive plants in operation as a matter of domestic social and economic policy. Even if the plants are not profitable, the people are working, and not on direct government assistance, or out of work and adding to the social unrest. Other foreign producers seek a stable, predictable market, even though they attain this at very low rates of return.

Sellers who engage in this kind of unfair and predatory pricing are not interested in profitability or innovation. They sell high-volume commodity grade ferroalloys and they do not bother investing in research and development into new or improved products. By skimming the most profitable and easiest portion of the market, they are foreclosing the American producers who are trying to develop new products to meet the needs of their customers. Because American producers lose the commodity grade market to foreign suppliers, they lose the profitability necessary to support research and innovation.

Ultimately, subsidized products will force the American producers to stop production altogether. In the past several years, four companies have closed permanently, another is shut down, yet another is in chapter XI, and the remaining 10 firms are operating at much reduced capacity. Of course, this has cost us jobs. The current ferroalloys work force is at less than half its 1979 level.

If unfair competition is the problem, why does not the American industry avail itself of our trade relief laws? It has. The industry continues to seek relief for dumped and subsidized products. But this is a very expensive process, and we are talking about a small market that is very price-sensitive. The countervailing duty remedies are clearly inadequate to the constant flow of foreign products.

To reach the larger issue of the threat that cheap imports present to our national security, the industry filed a petition under section 232 of the Trade Act of 1962. That statute affords relief, as permitted under article XXI of the General Agreement on Tariffs and Trade, when imports of a product undermine the national security of the United States. After more than 1 year's delay, the President rejected the industry's petition on May 10 of this year without a meaningful discussion of the reasons for that refusal.

That brings us to the present, with the near certainty that the industry will continue down the road of involuntary liquidation unless there is some comprehensive remedy. The United States has the lowest tariff structure for ferroalloys of any country in the world. And we are the only significant market that does not maintain a pricing structure to assure the survival of our domestic industry in the face of antifree market practices. In the European Community, the Davignon Plan for steel covers ferroalloys and establishes a minimum fair market price to avoid the destruction of European domestic producers by subsidized imports. The Japanese Government relies on an informal system of dual pricing to achieve the same result. Of the major world markets, only the United States permits unfairly priced competition to disrupt the market and artificially undercut the domestic industry.

My amendment would amend the U.S. Tariff Schedules to accomplish an objective similar to those of the European and Japanese systems. It will impose "breakpoint" duties on imports below a fair market price. This price would be determined by the Secretary of Commerce and would be based on reasonable costs of production in the United States, plus general expenses and profit margin. This remedy addresses the American industries problem by requiring that imports be priced at a fair, free-market level that neutralizes the effects of foreign government subsidies and other export incentives available to foreign producers.

This legislation will have a very minimal effect on the U.S. economy, because the resulting increase in ferroalloy prices will amount to only one sixth of 1 percent of the sales of user industries. Without such action, the involuntary liquidation of this very important industry, which is certainly vital to the national security, will continue with an untold cost to our defense preparedness. Some of the most modern and efficient producers of ferroalloys in the world are located in West Virginia and, may I say parenthetically, in Senator BAKER's State of Tennessee and Senator SASSER's State of Tennessee.

I understand this amendment has been cleared by the committee members of the both sides. Mr. BENTSEN has indicated that it is cleared on this side of the aisle. I believe it is cleared on the other side of the aisle.

I would ask Mr. DANFORTH to respond but at this point, before he does so, I will send the amendment to the desk and ask it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4291.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 11 of the matter proposed to be inserted, between lines 9 and 10, insert the following:

SEC. 126. FERROALLOYS.

(a) Congress hereby finds that—

(1) ferroalloys are products which impart distinctive qualities to steel, especially alloys, iron, and aluminum and are essential to the production of those products;

(2) the economic health and national defense of any modern industrial nation rest on its having a secure supply of ferroalloys, and the United States can assure that supply only if it maintains the capacity to produce a significant portion of its needs domestically;

(3) the domestic ferroalloy industry has suffered from the unremitting pressure of low-priced imports for many years, and consequently it has suffered massive losses and its capacity has dwindled in recent years;

(4) imports have caused this result not because of any superiority—since the American industry is as technologically modern and efficient as any in the world—but rather because of artificial advantages afforded by subsidies, by non-free-market pricing policies, and by other policies of their governments;

(5) the application of existing trade laws has not prevented imports from causing the industry's severe decline;

(6) unless effective import relief is promptly forthcoming, the industry will soon shrink to where it will be able to

supply only a small portion of the Nation's needs;

(7) such a result would gravely damage the national security and the economic and international interests of the United States; and

(8) the additional tariffs enacted by this section would preserve the Nation's essential capacity to produce the large volume products high carbon ferromanganese, high carbon ferrochrome, 50 percent ferrosilicon, 75 percent ferrosilicon, silicon metal, and silicomanganese and also chromium metal, a smaller volume product especially crucial to the national security.

(b)(1) Item 606.24 is amended—

(A) by striking out "1.9% ad val." and inserting in lieu thereof "Fair price differential + 1.9% ad val.", and

(B) by striking out "7.5% ad val." and inserting in lieu thereof "Fair price differential + 7.5% ad val.".

(2) Item 606.30 is amended—

(A) by striking out "1.6% ad val." and inserting in lieu thereof "Fair price differential + 1.6% ad val.",

(B) by striking out "1.5% ad val." and inserting in lieu thereof "Fair price differential + 1.5% ad val.", and

(C) by striking out "10.5% ad val." and inserting in lieu thereof "Fair price differential + 10.5% ad val.".

(3) Subpart B of part 2 of schedule 6 is amended—

(A) by redesignating items 606.36, 606.37, 606.39, and 606.40 as items 606.38, 606.39, 606.40, and 606.41, respectively, and

(B) by striking out item 606.35 and inserting in lieu thereof the following:

"606.35	Containing over 8 percent but not over 30 percent by weight of silicon.	Free	2¢ per lb. on silicon content
	Containing over 30 percent but not over 60 percent by weight of silicon:		
606.36	Containing over 2 percent by weight of magnesium.	Free	2¢ per lb. on silicon content
606.37	Other	Fair price differential.	Fair price differential + 2¢ per lb. on silicon content".

(4) Item 606.39 (as redesignated by paragraph (3)(A) of this subsection) is amended—

(A) by striking out "1.6% ad val." and inserting in lieu thereof "Fair price differential + 1.6% ad val.",

(B) by striking out "1.5% ad val." and inserting in lieu thereof "Fair price differential + 1.5% ad val.", and

(C) by striking out "11.5% ad val." and inserting in lieu thereof "Fair price differential + 11.5% ad val.".

(5) Item 606.44 is amended—

(A) by striking out "4.7% ad val." and inserting in lieu thereof "Fair price differential + 4.7% ad val.",

(B) by striking out "3.9% ad val." and inserting in lieu thereof "Fair price differential + 3.9% ad val.", and

(C) by striking out "23% ad val." and inserting in lieu thereof "Fair price differential +23% ad val.",

(6) Item 632.18 is amended—

(A) by striking out "4.2% ad val." and inserting in lieu thereof "Fair price differential +4.2% ad val.",

(B) by striking out "3.7% ad val." and inserting in lieu thereof "Fair price differential +3.7% ad val.", and

(C) by striking out "30% ad val." and inserting in lieu thereof "Fair price differential +30% ad val.",

(7) Item 632.42 is amended—

(A) by striking out "5.3% ad val." and inserting in lieu thereof "Fair price differential +5.3% ad val.", and

(B) by striking out "21% ad val." and inserting in lieu thereof "Fair price differential +21% ad val.",

(8) Item 632.86 is amended—

(A) by striking out "9% ad val." and inserting in lieu thereof "Fair price differential +9% ad val.", and

(B) by striking out "45% ad val." and inserting in lieu thereof "Fair price differential +45% ad val.".

(C) The headnotes to part 2 of schedule 6 are amended by adding at the end thereof the following new headnote:

"5. (a) For purposes of this part, the term 'fair price differential' means, with respect to any article, the amount equal to the excess, if any, of—

"(i) the fair price of such article, over

"(ii) the duty declared value of such article (including cost, insurance, and freight) at the United States port of entry.

"(b)(i) For purposes of this headnote, the term 'fair price' means, with respect to an article, the sum of—

"(A) the amount determined by the Secretary of Commerce to be the average cost incurred by producers in producing such article in the United States at technologically efficient facilities, plus

"(B) an amount prescribed by the Secretary of Commerce with respect to such article for general expenses and profit.

"(ii) The amount prescribed by the Secretary of Commerce under subdivision (i)(B) shall not be less than the amount determined with respect to such article under section 773(e)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1677b(e)(1)(B)) at the time such amount is prescribed under subdivision (i)(B).

"(iii) By no later than December 31 of 1984, and of each year thereafter, the Secretary of Commerce shall determine, and publish in the Federal Register, the fair price for each of the following items of this part: 606.24; 606.30; 606.37; 606.39, 606.44; 632.18; 632.42; and 632.86.

"(iv) The fair price determined under subdivision (iii) shall apply during the calendar year that succeeds the calendar year in which such determination is made.".

(d) The provisions of Presidential Proclamation 4707 of December 11, 1979, which would otherwise be applicable to articles entered, or withdrawn from warehouse, for consumption after December 31, 1984, shall not apply with respect to the following items of the Tariff Schedules of the United States: 606.30; 606.37 (as added by subsecton (b)(3)(B) of this section); 606.39 (as redesignated by subsection (b)(3)(A)); 606.44; 632.18; and 632.42.

On page 24 of such matter, between lines 32 and 33, insert the following:

(4) The amendments made by section 126 shall apply to articles entered after December 31, 1984.

Mr. DANFORTH. Mr. President, I have discussed this matter with Senator BYRD this afternoon. He has made a very persuasive case. I know of no Senator who is more diligent in representing the interests of his constituents than the distinguished minority leader. This amendment is acceptable.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his kind words and I thank him for his acceptance of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 4291) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TITLE IV AND THE CITRUS 301 CASE

Mr. GOLDWATER. Mr. President, I had planned to offer an amendment, No. 4207, relative to title IV and citrus. But I am pleased to note that the senior Senator from California [Mr. CRANSTON] succeeded yesterday in winning approval of an amendment on the same subject. As I understand it, his amendment requires the United States, in conducting negotiations to implement title IV, to take fully into account the trade case brought by the United States challenging illegal discriminatory tariff arrangements of the European Community. These preferential duties awarded to U.S. competitors, but denied to our growers, have been very harmful to U.S. citrus exports.

The problem has been with us for over 12 years and it took that long for the U.S. Government to finally bring an official case under the General Agreement on Tariffs and Trade challenging the present discriminatory preferences as illegal.

In my opinion, title IV of the trade bill, in its original form before the addition of the Cranston amendment, may have interfered with the U.S. presentation of our GATT case. It could have conveyed the impression that we are not serious about it. I say this because Israel has always been one of the major beneficiaries of the illegal European preferences.

In these circumstances, it would have seemed contradictory to confer duty free treatment upon Israeli citrus under title IV at the same time the citrus 301 citrus case is pending before GATT. In that case, the United States is seeking the elimination of tariff preferences which have benefited Israel at the expense of U.S. growers. This contradiction may have detracted from our country's arguments in the GATT case, and after 12 or 13 hard years of efforts to bring this case before GATT, I do not think the Congress should do anything now that may possibly undermine that case. That is why I am especially pleased that the Cranston amendment was adopted yesterday to reaffirm the

strong U.S. position against the European Community discriminatory tariffs.

Mr. President, I would point out that Israel is a major producer and exporter of citrus and citrus products. It is true that some citrus orchards are being chopped down in Israel because of declining profits, but even so its citrus production remains a mammoth industry.

Israel is the second largest fresh orange exporter in the world and the second largest exporter of grapefruit. While Israel has not shipped huge quantities of citrus to the United States and Canada in the past, it could do so in the future. In fact, if all Israeli production of sweet oranges were to be shipped to the United States, it would almost equal the entire amount consumed in Canada and the United States.

Until now Israel has targeted the European Community as its primary market. But Spain, another major citrus producer, is about to enter the Common Market. When that happens, most citrus exports from Israel may be redirected to the United States.

Now, I am not asking that we withhold citrus forever from the proposed free trade area with Israel. I am merely explaining why the subject is of interest to the American citrus industry and why I hope the U.S. negotiations will interpret the Cranston amendment to mean that citrus duties will not be reduced or eliminated until the GATT case is decided and satisfactorily resolved.

Mr. SPECTER. Mr. President, I support the United States-Israeli free trade area amendment contained in the bill, because I believe this measure will significantly benefit both the United States and Israel, our Nation's stable and reliable democratic ally in the Middle East.

The establishment of a United States-Israeli free trade area will eliminate duties and nontariff barriers on virtually all two-way trade now existing between our two nations. This will serve to expand U.S. trade with Israel, help improve the position of U.S. exporters to Israeli markets relative to their European counterparts, and provide a key ally now in financial straits with some assistance in stabilizing its economic affairs.

It is important to note that currently some 90 percent of Israeli exports to the United States are duty free, either through most-favored-nation status or through the generalized system of preferences. Conversely, only about 50 to 55 percent of American exports to Israel are duty free. Clearly, the establishment of a free trade area will allow American businessmen substantial new benefits in terms of increased access to the Israeli market—a market which, excluding defense imports, now takes in some 8 billion dollars' worth of goods, overall, from other nations.

A free trade area between the United States and Israel will also serve to protect U.S. traders against recent initiatives undertaken by European exporters as a result of a free trade area now being implemented by the European Community and Israel. If a United States-Israeli free trade area is not agreed to, European competitors will enjoy a significant advantage in the Israeli market.

The free trade area arrangement will provide the United States with national security benefits, in addition to these economic gains. By providing Israel with a stable market for Israeli exports by giving Israel an opportunity to expand its trade and improve its balance of payments, we will be strengthening our key regional ally, as we foster bilateral cooperation.

Some criticism of this bill has been heard from the U.S. agricultural producers, who fear that the agreement will open up the U.S. agricultural market to a massive wave of Israeli exports. I have studied this issue and believe these fears are unfounded. Israeli agricultural limits have been nearly attained, and increased production in these areas would seem difficult. Even if productivity were to increase substantially in Israeli agricultural sectors, the percentage of the U.S. market that they would take from domestic producers would be so small as to be of negligible impact, in my view.

The administration has strongly endorsed this measure as it now stands. I urge my colleagues' support for it as well.

UNITED STATES-ISRAEL FREE TRADE AREA

Mr. DENTON. Mr. President, during consideration of H.R. 3398, the Congress has a rare opportunity to act on a provision of the legislation that will help strengthen the economy of one of our strongest allies and at the same time help American exporters. I am referring to the provisions of title IV, which authorize the negotiation of a United States-Israel free trade area [FTA], eliminating the barriers on all goods traded between the two nations.

Israel is taking the courageous step of offering to remove all duties on goods imported from the United States, and in return we will provide that same duty-free access to Israeli exporters. Almost half of United States exports to Israel are now subject to duties, while only 10 percent of Israeli exports to the United States face tariffs. Moreover, Israel's tariff rate is about twice the level of the U.S. tariff rate.

The United States stands to benefit from such a trade arrangement with Israel. If we do not take advantage of this opportunity, however, it is likely that American companies will be edged out of the $8 billion Israeli import market by European firms. Because of a free trade agreement between the European Community [EC] and Israel, which is now being implemented, all EC manufactured goods will enter Israel duty free by 1989. Thus, without a United States-Israel FTA, European goods will become cheaper and more attractive than American products. This process is now occurring, I am told, as the European Community-Israeli tariff cuts are beginning to be implemented. Already, the EC's share of the Israeli import market has significantly increased, from 33.7 percent in 1980 to 40.9 percent in 1983.

American exports mean jobs, and Israel has traditionally been one of the biggest markets for U.S. products. In 1983, Israel bought $1.7 billion worth of civilian goods alone from the United States. This is over $400 million more than we imported from Israel. The goods purchased from our country run the gamut, from grains and soybeans to heavy machinery and transportation equipment. It is in our interest to maintain and even increase this market.

Despite the traditional trade surplus that the United States has had with Israel, the extremely small size of the Israeli economy in comparison with the United States, and the benefits that we stand to gain from the FTA arrangement, various industries and groups in the United States have sought special exemptions from the proposed free trade area. I believe these exemptions are counterproductive.

Some of these groups cite the precedent that they were excluded from the Caribbean Basin Initiative and that, therefore, they should be excluded from this agreement as well. This FTA proposal, however, has a far different purpose and addresses a completely different set of circumstances. Whereas the CBI was a form of foreign assistance—a one-way preference for the products of Caribbean nations—the FTA is a reciprocal program designed to benefit American exporters as much, if not more than, Israeli firms.

I believe, therefore, that the provisions of title IV should be approved without any exemptions for certain product sectors. The danger of allowing one sector to receive an exemption is that other groups might then call for a similar exemption. If there are too many exceptions, the entire concept of a free trade area is undermined and the mutual benefits eroded. Since Israel already receives duty-free treatment for many of its goods, there would be little benefit to Israel to make the considerable concessions she is currently prepared to make to obtain a free trade agreement. I fully support the legislation authorizing the President to negotiate a United States-Israel free trade area. I believe it is in

the economic interests of our Nation, and I believe it demonstrates our continuing commitment to and support for Israel.

ILLEGAL SUBSIDIES

Mr. WILSON. Mr. President, I had intended to offer an amendment requiring a study of subsidies by the International Trade Commission of any country with which the President intended to negotiate a free trade agreement. It certainly makes no sense for the United States to eliminate its duty on a particular article if that article is being illegally subsidized. It would only require that a U.S. producer petition the ITC, at his own expense, under our countervailing duty laws, and prove both subsidy and injury.

I will not offer my amendment, because I have been informed by Ambassador Brock, the U.S. Trade Representative, that the U.S. position is to seek elimination of Israeli subsidies with regard to their exports to the United States. Further, that any agreement by the Israelis to phase out subsidies which is not fully implemented would subject the agreement to suspension as would be the case with any violation of the accord.

I also understand from the manager from the bill that it is his understanding that it is improbable that the authority granted by this legislation will be used to negotiate any trade agreements other than Israel and Canada.

I would appreciate hearing the comments of the distinguished manager of the bill, the Senator from Missouri, regarding the subject of subsidies.

Mr. DANFORTH. I want to thank the Senator for his comments and State that the Senator has correctly set out the situation. It is the intention of Ambassador Brock, as I understand it, to oppose Israeli subsidies for goods which it exports to the United States. And, it is, indeed, improbable that any free trade agreement beyond those with Israel and Canada will be negotiated under the authority of this bill.

Mr. WILSON. I want to thank the Senator for his assurances on this matter.

Mr. GORTON. I have a concern about a tariff issue about which I want to ask the distinguished manager of the bill. As the Senator may know, a court case is now pending in which the current Customs Service practice of classifying for tariff schedule purposes tongue and groove or shiplap plywood not as plywood, but rather as building boards, is being challenged. The House of Representatives yesterday passed, in its new tariff bill, a provision which would clarify the intent of Congress that tongue and groove and shiplap are to be treated as plywood—in my view, an eminently reasonable provision.

The intent of the House language, which I support, is not to erect a new protectionist barrier, but merely to make a proper and clarifying revision to the U.S. schedules, which I understand is permissible under GATT. This is a desirable change; one which I think should be made regardless of the pending court case.

As I indicated, the measure is contained in the House bill, so the Senator will probably confront it in Conference. I would hope that he would consider this issue carefully, and not reject the proposal simply because litigation is pending.

Mr. DANFORTH. I am aware of the Senator's concern in this matter. This certainly appears to be a reasonable matter to investigate. I do not necessarily regard objections based on pending litigation as a decisive reason for opposing the provision. I can assure the Senator that I will consider the merits of the proposal sympathetically in conference.

Mr. GORTON. I thank the Senator.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I believe it can be announced that there will be no further votes this evening.

I now ask that there be a period for the transaction of routine morning business, during which the two leaders may speak therein as required, and other Senators may speak for not to exceed 2 minutes each, and the time for routine morning business expire no later than 7 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 5:46 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, each without amendment:

S. 277. An act for the relief of Marlon Dolon Opelt;

S. 301. An act for the relief of Kim Hae Ok Heimberger;

S. 435. An act for the relief of Joseph Antonio Francis;

S. 514. An act for the relief of Seela Jeremiah Piula;

S. 692. An act for the relief of Charles Guadencino Beeman, Paul Amado Beeman, Elizabeth Beeman, and Joshua Valente Beeman;

S. 798. An act for the relief of Grietje Rhea Pietens Beumer, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer;

S. 1060. An act for the relief of Samuel Joseph Edgar; and

S. 1140. An act for the relief of Patrick P. W. Tso, PhD.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2000. An act to allow variable interest rates for Indian funds held in trust by the United States.

The message further announced that the House agrees to the amendment of the Senate to the following bill, with amendment, in which it requests the concurrence of the Senate:

H.R. 5561. An act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5743) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. TRAXLER, Mr. MCHUGH, Mr. NATCHER, Mr. AKAKA, Mr. WATKINS, Mr. HIGHTOWER, Mr. SMITH of Iowa, Mr. ALEXANDER, Mrs. SMITH of Nebraska, Mr. ROBINSON, Mr. MYERS, Mr. ROGERS, and Mr. CONTE as managers of the conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5297) to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 437. An act for the relief of Patrick Starkie;

H.R. 718. An act for the relief of Samuel C. Willett;

H.R. 1150. An act for the relief of Teodoro N. Salanga, Junior;

H.R. 1236. An act for the relief of Andrew and Julia Lui;

H.R. 1362. An act for the relief of Joseph Karel Hasek;

H.R. 1713. An act for the relief of Elizaveta Fankukhina;

H.R. 2051. An act for the relief of Susan Waldo;

H.R. 2418. An act for the relief of Anis Ur Rahmaan;

H.R. 2859. An act for the relief of John Brima Charles;

H.R. 3623. An act for the relief of certain former flight engineers of Western Airlines;

H.R. 3726. An act to amend the Act of May 27, 1955, to increase the effectiveness of domestic firefighting forces and ensure prompt and effective control of wildfires on Federal lands by permitting the use of firefighting forces of foreign nations and the reimbursement of such forces for costs incurred in fighting wildfires throughout the United States, and for other purposes;

H.R. 4401. An act for the relief of Shu-Ahtsai Wei, her husband Yen Wei, and their sons, Teh-fu Wei and Teh-huei Wei;

H.R. 4994. An act to exempt from taxation by the District of Columbia certain property of the Jewish War Veterans, U.S.A. National Memorial, Incorporated;

H.R. 5146. An act to name the Federal Building at One Federal Plaza, New York, New York, the "Paul P. Rao Federal Building";

H.R. 5189. An act to amend section 3056 of title 18, United States Code, to update the authorities of the United States Secret Service, and for other purposes;

H.R. 5343. An act for the relief of Narciso Archila Navarrete;

H.R. 5402. An act to designate the United States Post Office and Courthouse in Utica, New York, as the "Alexander Pirnie Federal Building;

H.R. 5611. An act to authorize the Eleventh Airborne Division Association to establish a memorial in the District of Columbia or its environs;

H.R. 5691. An act for the relief of Sutu Bungani William Beck;

H.R. 5733. An act to provide for the use and distribution of the Lake Superior and Mississippi Bands of Chippewa Indians judgement funds in docket 18–S and the Lake Superior Band of Chippewa Indians judgement funds in docket 18–U before the Indian Claims Commission, and for other purposes;

H.R. 5831. An act to penalize unauthorized direct access to or alteration of individual medical records through a telecommunications device;

H.R. 6206. An act relating to the water rights of the Ak-Chin Indian Community;

H.R. 6223. An act to amend the Act providing for the incorporation of certain persons as Group Hospitalization, Inc.;

H.R. 6255. An act to designate the Federal Building and United States Courthouse in Ashland, Kentucky as the "Carl D. Perkins Federal Building and United States Courthouse";

H.J. Res. 551. Joint resolution providing for the reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution; and

H.J. Res. 551. Joint resolution providing for the reappointment of A. Leon Higginbotham, Junior, as a citizen regent of the Smithsonian Institution.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 122. Concurrent resolution expressing the sense of the Congress that the Republic of South Africa should cease its "blackspot" policy of removing black South Africans from their ancestral land and relocating them; and

H. Con. Res. 358. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 2155.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1538. An act to amend the Federal Food, Drug, and Cosmetic Act to revise the procedures for new drug applications, to amend title 35, United States Code, to authorize the extension of the patents for certain regulated products, and for other purposes;

S. 1735. An act entitled the "Shoalwater Bay Indian Tribe-Dexter-by-the-Sea Claim Settlement Act;

S. 2418. An act to authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal, civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes;

S.J. Res. 254. Joint resolution to designate the month of October 1984 as "National Down's Syndrome Month";

S.J. Res. 227. Joint resolution to designating the week beginning November 11, 1984, as "National Womens Veterans Recognition Week";

S.J. Res. 275. Joint resolution to designate the month of October 1984, as "National Spina Bifida Month";

S.J. Res. 334. Joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month";

S.J. Res. 335. Joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week";

S.J. Res. 336. Joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world;

H.R. 9. An act to designate components of the National Wilderness Preservation System in the State of Florida;

H.R. 1250. An act to improve access for handicapped and elderly individuals to registration facilities and polling placs for Federal elections;

H.R. 1437. An act entitled the "California Wilderness Act of 1984";

H.J. Res. 153. Joint Resolution to designate the week beginning October 7, 1984, as "National Children's Week"; and

H.J. Res. 505. Joint Resolution to designating the week beginning September 23, 1984, as "National Adult Care Center Week".

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 437. An act for the relief of Patrick Starkie; to the Committee on the Judiciary.

H.R. 1713. An act for the relief of Elizaveta Fankukhina; to the Committee on the Judiciary.

H.R. 2051. An act for the relief of Susan Waldo; to the Committee on the Judiciary.

H.R. 2418. An act for the relief of Anis Ur Rahmaan; to the Committee on the Judiciary.

H.R. 2859. An act for the relief of John Brima Charles; to the Committee on the Judiciary.

H.R. 3623. An act for the relief of certain former flight engineers of Western Airlines; to the Committee on the Judiciary.

H.R. 3726. An act to amend the act of May 27, 1955, to increase the effectiveness of domestic firefighting forces and ensure prompt and effective control of wildfires on Federal lands by permitting the use of firefighting forces of foreign nations and the reimbursement of such forces for costs incurred in fighting wildfires throughout the United States, and for other purposes; to the Committee on Governmental Affairs.

H.R. 4401. An act for the relief of Shu-Ahtsai Wei, her husband Yen Wei, and their sons, Teh-fu Wei and Teh-huei Wei; to the Committee on the Judiciary.

H.R. 4994. An act to exempt from taxation by the District of Columbia certain property of the Jewish War Veterans, U.S.A. National Memorial, Inc.; to the Committee on Governmental Affairs.

H.R. 5146. An act to name the Federal Building at One Federal Plaza, New York, NY, the "Paul P. Rao Federal Building"; to the Committee on Governmental Affairs.

H.R. 5189. An act to amend section 3056 of title 18, United States Code, to update the authorities of the U.S. Secret Service, and for other purposes; to the Committee on Finance.

H.R. 5402. An act to designate the U.S. Post Office and Courthouse in Utica, NY, as the "Alexander Pirnie Federal Building; to the Committee on Governmental Affairs.

H.R. 5611. An act to authorize the Eleventh Airborne Division Association to establish a memorial in the District of Columbia or its environs; to the Committee on Energy and Natural Resources.

H.R. 5691. An act to for the relief of Sutu Bungani William Beck; to the Committee on the Judiciary.

H.R. 5733. An act to provide for the use and distribution of the Lake Superior and Mississippi Bands of Chippewa Indians judgment funds in docket 18S and the Lake Superior Band of Chippewa Indians judgment funds in docket 18U before the Indian Claims Commission, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 5831. An act to penalize unauthorized direct access to or alteration of individual medical records through a telecommunications device; to the Committee on the Judiciary.

H.R. 6223. An act to amend the act providing for the incorporation of certain persons as Group Hospitalization, Inc.; to the Committee on Governmental Affairs.

H.J. Res. 551. Joint resolution providing for the reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution; to the Committee on Rules and Administration.

H.J. Res. 552. Joint resolution providing for reappointment of A. Leon Higginbotham, Jr., as a citizen regent of the Smithsonian Institution; to the Committee on Rules and Administration.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 122. Concurrent resolution expressing the sense of the Congress that the Republic of South Africa should cease its "blackspot" policy of removing black South Africans from their ancestral land and relocating them; to the Committee on Foreign Relations.

MEASURE HELD AT THE DESK

Pursuant to the order of the Senate of September 12, 1984, the following bill was held at the desk by unanimous consent:

H.R. 1362. An act for the relief of Joseph Karel Hasek.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 2623. A bill to implement the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes (Rept. No. 98-619).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. 1160. A bill to authorize Douglas County of the State of Nevada to transfer certain land to a private owner (Rept. No. 98-620).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 1647. A bill to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, California (Rept. No. 98-621).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S.J. Res. 277. A joint resolution to authorize the Armed Force Monument Committee, the United States Armor Association, the World Wars Tank Corps Association, the Veterans of the Battle of the Bulge, and the 1st, 4th, 8th, 9th, 11th, 14th, and 16th Armored Division Associations jointly to erect a memorial to the "American Armored Force" on U.S. Government property in Arlington, VA, and for other purposes (Rept. No. 98-622).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 2889: A bill to amend section 306 of the National Historic Preservation Act, and for other purpose (Rept. No. 98-623).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3130. A bill to authorize amendments to certain repayment and water service contracts for the Frenchman unit of the Pick-Sloan Missouri River Basin Program (Rept. No. 98-624).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 5946. A bill to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service (Rept. No. 98-625).

By Mr. DODD, from the Committee on Foreign Relations, without amendment:

S. Res. 447. An Executive resolution urging the Senate to act on the Genocide Convention prior to adjournment.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 448. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2889; to the Committee on the Budget.

By Mr. PERCY, from the Committee on Foreign Relations, with amendments:

S. 2456. A bill to establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine.

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and an amended preamble:

S. Con. Res. 65. A concurrent resolution expressing the sense of the Congress that the Republic of South Africa should cease its "blackspot" policy of forcibly removing black South Africans from their legally acquired residences and relocating them, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Melvyn Levitsky, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the People's Republic of Bulgaria:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Melvyn Levitsky.

Post: Ambassador to Bulgaria.

Contributions, amount, date, and donee.

1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

William L. Eagleton, Jr., of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Syrian Arab Republic:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: William L. Eagleton, Jr.

Post: Ambassador to Syria.

Contributions, amount, date, and donee.

1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

Harvey J. Feldman, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Alternate Representative of the United States for Special Political Affairs in the United Nations with the rank of Ambassador:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Harvey J. Feldman.

Post: Ambassador to U.N. for Special Political Affairs.

Contributions, amount, date, and donee.

1. Self, $50, 1980 Anderson for Pres.; $100, 1980, Friends of Cong.; Lester Wolff; $50, 1981 DCCC; $50, 1982 DCCC; $50, 1983 DCCC.
2. Spouse, $25, 1981 Metzenbaum Campaign Comm.; $25, 1982, DCCC; $25, 1983 DCCC.
3. Children and spouses: Ross and Pam Feldman, none; Peter and Merle Feldman, none.
4. Parents: Irving and Bertha Feldman, $20, 1983 DCCC.
5. Grandparents: Deceased.
6. Brothers and Spouses: None.
7. Sisters and spouses: Carl and Frances Harnick, $40, 1980 Friends of Deller and Lurie; $27.50, 1980, Baldwin Action Comm.; $200, 1980 Arthur Young PAC; $25, 1981, Comm. to Elect Pitinsky; $300, 1981 Arthur Young PAC; $170, 1982 Koch for Gov.; $17.50, 1982 Baldwin Action Comm.; $5, 1983 NY Public Interest Gr.; $17.50 1983, Baldwin Action Comm.

William Arthur Rugh, of Maryland, a Career Member of the Senior Foreign Service. Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Yemen Arab Republic:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: William Arthur Rugh.

Post: Yemen Arab Republic.

Contributions, amount, date, and donee.

1. Self, none, not applicable.
2. Spouse, none, not applicable.
3. Children and spouses names: David W. Rugh, none, not applicable; Dougles E. Rugh, none, not applicable; Nicholas A. Rugh, none, not applicable.
4. Parents names: Harriette S. Rugh, none, not applicable.
5. Grandparents names: Not applicable.
6. Brothers and spouses names: Not applicable.
7. Sisters and spouses names: Elizabeth Downs [sister], $50, 1981, Paul Sarbanes; Allison J. Downs [sister's husband], $20, 1984, Walter Mondale; $10, 1984, Barbara Mikulski.

Paul A. Volcker, of New Jersey, to be United States Alternate Governor of the International Monetary Fund for a term of five years.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. Packwood, from the Committee on Commerce, Science, and Transportation:

William Lee Hanley, Jr., of Connecticut, to be a Member of the Board of Directors of

the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1987;

Lloyd Kaiser, of Pennsylvania, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 1, 1989;

Howard D. Gutin, of Texas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 1, 1989.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PACKWOOD. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably a nomination list in the Coast Guard which appeared in its entirety in the CONGRESSIONAL RECORD of August 10, 1984, and ask, to save the expense of reprinting them on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ARMSTRONG:

S. 3008. A bill to recognize the organization known as the Retired Enlisted Association, Inc. to the Committee on the Judiciary.

By Mr. HEINZ (for himself and Mr. RANDOLPH):

S. 3009. A bill to authorize appropriations for a 5-year period for training in geriatrics; to the Committee on Labor and Human Resources.

By Mr. NUNN:

S.J. Res. 354. A joint resolution designating the week of January 7 through January 13, 1985, as "National Productivity Improvement Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD, from the Committee on Foreign Relations:

S. Res. 447. An original Executive resolution urging the Senate to act on the Genocide Convention prior to adjournment; placed on the Executive Calendar.

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

S. Res. 448. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2889; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG:

S. 3008. A bill to recognize the organization known as the Retired Enlisted Association, Inc.; to the Committee on the Judiciary.

RETIRED ENLISTED ASSOCIATION, INC.

● Mr. ARMSTRONG. Mr. President, today I am introducing a bill which would grant a national charter to the Retired Enlisted Association, Inc.

TREA is a not-for-profit retired military veteran's organization that seeks to promote and assist its members professionally and culturally, both locally and nationally, to uphold the Constitution of the United States, to defend the United States from all her enemies, to improve the relationship between the military and civilian populace, and to maintain liaison with the active personnel of the Armed Forces.

Started in my home State of Colorado, TREA has gained some 26,000 members from all 50 States, Guam, the Virgin Islands, Puerto Rico, and overseas. Its members are made up of retired enlisted personnel from the U.S. Armed Forces. In a practical sense, TREA serves its members by lobbying Congress to protect the rights and benefits of retired military personnel and to alert members to legislation that affects them. It also promotes national security objectives and support for our Armed Forces.

The members of TREA are those men and women who answered the call of their country when they were needed, and who served with honor, dedication and personal sacrifice. It is appropriate that we in Congress gratefully acknowledge the service they have given to this great country.

Therefore, I urge you to join me in cosponsoring this bill to charter TREA so that it may further its work on behalf of enlisted retirees, and that Congress will act on it expeditiously.

Mr. President, I ask unaimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The Retired Enlisted Association, Inc., organized and incorporated under the laws of the State of Colorado, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The Retired Enlisted Association, Inc. (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporation purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the constitution and bylaws of the corporation, and terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall insure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislaiton.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books

and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(66) The Retired Enlisted Association, Inc.

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.●

By Mr. HEINZ (for himself and Mr. RANDOLPH):

S. 3009. A bill to authorize appropriations for a 5-year period for training in geriatrics; to the Committee on Labor and Human Resources.

GERIATRIC MANPOWER ACT

● Mr. HEINZ. Mr. President, for many years now the Special Committee on Aging and other congressional committees have received testimony expressing grave concern about the ability of physicians and other health care professionals to care for and manage the health problems of older Americans. Earlier this year, we received firm evidence concerning this problem when the U.S. Department of Health and Human Services issued its report on education and training in geriatrics and gerontology. This report, the product of the combined efforts of many Federal agencies with an interest in these problems, confirms that there is an enormous shortage of health personnel who are trained in geriatrics and gerontology to meet the needs of a burgeoning elderly population.

Mr. President, the problems that we already experience in caring for older Americans will reach crisis proportions with the unprecedented growth of the elderly population. By 1990, the population aged 65 and older will be 25-percent greater than it was in 1980. This group will grow yet another 10 percent by the turn of the century. This sudden growth will place heavy demands on hospital, long-term care and community services. We are unable to meet the health needs of older Americans today and the situation will be much worse in the years to come.

As chairman of the Special Committee on Aging, I firmly believe that we cannot afford to wait any longer to set forth an agenda to ensure quality health care for all older Americans.

Today, I am introducing comprehensive legislation to improve the adequacy of Federal support for geriatric training and education programs. This increase in funds will supplement existing programs within the Administration on Aging, the Health Resources and Services Administration, the National Institute on Aging, and the National Institute of Mental Health. These agencies are already contributing in a number of ways to the education and training of geriatric specialists. But, as the HHS report acknowledges, the present level of effort satisfies only a small portion of the demand.

A few facts will illustrate what I believe to be the inadequacy of geriatric medical training. For one thing, we have 127 medical schools in this country, but only 15 of these schools require their students to take courses in geriatric care. And while these 127 schools are affiliated with 417 teaching hospitals, only 6—I repeat, only 6 of 127—are affiliated with teaching nursing homes. As another indicator, in a 1981 survey of physicians, fewer than 700 out of 480,000 physicians claimed to have any expertise in geriatric medicine.

What does this means for older patients? In my home State of Pennsylvania, according to a recent survey, three out of five physicians know very little about the specific effect of prescription drugs on their elderly patients. Tragically, we know that the lack of geriatric training can lead to drug misuse, misdiagnosis and even death.

All of these figures add up to one untenable conclusion: Physicians are simply ill-prepared to provide the kind of specialized care that the graying of America needs. Unfortunately, the same holds true for other nonphysician health professionals. The HHS report summarized recent studies that estimate the personnel needed to provide critical services to the aging in future years. Based on these studies, HHS projects the following personnel needs by the year 1990:

A more than tenfold increase in geriatric physicians, from 700 today to 8,000 in 1900.

A fivefold increase in geriatric medicine faculty, from 275 to 1,350.

A doubling of registered nurses with at least some training in geriatrics, from an estimated 77,000 to 150,000.

A substantial increase in geriatric nurse faculty; 750 nurse faculty are needed for general nursing courses and 450 are needed for psychiatric nursing in geriatrics.

A sixfold increase in geriatric dentistry faculty, from a mere 20 to 120.

A doubling of geriatric community health nurses, from 53,000 to 106,000.

A substantial increase in geriatric social workers; at present only about 6 percent of 50,000 practicing social workers have training in gerontology.

A doubling of biomedical, behavioral, and social scientists by 1990, from 1,700 to 2,600.

An enormous increase in social gerontologists and gerontological aides; by the year 2000, as many as 900,000 will be needed.

A tenfold increase in occupational therapist faculty, from 10 to 108.

As you can see Mr. President, there is a critically short supply of personnel needed to care for our aging population. Right now, we don't have sufficient faculty within health professional schools to teach professionals or even retrain people and to prepare researchers on aging and the aged. We don't even have enough established programs, courses and curriculum needed to extend knowledge and skills concerning the aging process and the delivery of services to the aged. Based on these severe deficiencies, I have developed a bill which will bring training and education allotments to a level which will take us a long way toward filling these gaps. My bill will authorize a substantial increase in appropriations over a 5-year period to get this major Federal initiative underway.

In sum, $227 million in additional funding authorized by this legislation will triple our present level of manpower and training effort.

This legislation will give enhanced support to programs under the Health Resources and Services Administration, which prepares doctors, dentists, and nurses to provide services, especially primary care services, to elderly Americans. Over a 5-year period, HRSA would receive an additional $35 million, divided among the variety of professional training programs on the basis of past allocation.

The Administration on Aging will receive a substantial increase to support the long-term care gerontology centers. These centers help to develop the continuum of care that emphasizes the provision of community based care for older persons. This bill will also make additional funds available to

AOA for other professional development and in-service training programs.

The training and recruitment of more teachers and professionals with special competence in the field of aging is a step in the right direction; but this alone is not enough. Only through intensive research initiatives can we begin to learn to prevent, cure, and treat the devastating diseases that affect the elderly. My bill will encourage interest in aging-related research and will increase funds to train professional researchers.

The current allocation of Federal dollars to aging research is shockingly limited. Estimates show that aging ranks at the very bottom in outlays for specific areas—accounting for only 1 percent of total Federal research expenditures. The elderly now constitute 11 percent of the population and 30 percent of health care dollars are expended on the elderly. According to the Institute of Medicine, there is almost a thousandfold difference between estimated expenditures for research in aging—$42 million—and the outlay for health services for the aged—$41 billion. I believe that an investment in aging-related research today will reap dividends and budget savings in the future. To accomplish the needed research, however, we will need a much larger pool of trained researchers.

The National Institute on Aging currently supports research training and career development in biomedical, behavioral and clinical fields. In 1984, however, an estimated appropriation of $6.8 million provided support for only 50 new research trainees and 20 new faculty positions. This is less than 10 percent of the projected need. This act would increase these funds tenfold by 1990 to foster research and careers in the field of aging. Likewise, my legislation would give greatly needed support to the National Institute of Mental Health for both research and clinically oriented training in geriatrics and gerontology.

As we expand our research efforts in aging, Mr. President, I would hope that we might also pay closer attention to the procedures for allocating research dollars. Historically, we have relied almost solely on a peer review system by which scientists review and evaluate each others proposals as the main determinant of funding decisions. This has proven to be successful in many areas and has produced some spectacular results. To complement this peer system, however, we need to enlarge our directed research efforts. Directed research projects can grow out of the community-based needs of people, from clinicians and practitioners who are in daily contact with patients and from those who recognize the fiscal and political implications of specific diseases and social problems. I would hope that the directors of each of the institutes addressed by this bill would develop plans for expanding their directed research efforts.

Mr. President, I am acutely aware of the very real pressure felt by this Congress to decrease Federal expenditures, but my better judgment in this case dictates that action is required now before it is too late. Everything we know tells us that there will be a greatly increased demand for persons trained and prepared to care for the growing elderly population. We want that care to be good. I urge my colleagues to join me in addressing the needs of present and future generations of older Americans.

Mr. President, I ask that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3009

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Geriatric Manpower Act of 1984".

FINDINGS AND PURPOSE

SEC. 2 (a) The Congress finds and declares that—

(1) the population age 65 and over is growing faster than any other age group. The elderly will increase by 10 million between 1980 and the year 2000, with the largest increase occurring among persons age 85 and older;

(2) this unprecedented growth will place heavy demands on hospital, long-term care and community services. Unless we act, the problems that we experience today in providing appropriate care for older Americans will reach crisis proportions in the future.

(3) according to the 1984 "Report on Education and Training in Geriatrics and Gerontology" prepared by the U.S. Department of Health and Human Services, there is an enormous shortage of personnel trained in geriatrics and gerontology to meet the needs of this burgeoning elderly population. Studies summarized in the report, project the following personnel needs:

A more than ten-fold increase in geriatric physicians, from 700 today to 8,000 in 1990; a five-fold increase in geriatric medicine faculty, from 275 to 1,350; a doubling of registered nurses with at least some training in geriatrics, from 77,000 to 150,000; a substantial increase in geriatric nurse faculty—750 nurse faculty are needed for general nursing courses and 450 are needed for psychiatric nursing in geriatrics; a six-fold increase in geriatric dentistry faculty, from 20 to 120; a doubling of geriatric community health nurses, from 53,000 to 106,000; a substantial increase in geriatric social work faculty members—1,000 general social work faculty and 450 faculty with expertise in mental health problems of the aged will be needed; a substantial increase in geriatric social workers; a survey among 50,000 trained social workers found that only 5 percent indicated services to the elderly as their primary field of interest; a doubling of biomedical, behavioral and social scientists—by 1990, between 1,700 and 2,600 will be needed; an enormous increase in social gerontologists and gerontological aids—by the year 2000, as many as 900,000 will be needed; a ten-fold increase in occupational therapist faculty will be needed to train therapists to work with the elderly, from 10 to 108.

(4) according to the 1978 Institute of Medicine Report, the potential areas of research in aging greatly exceed the pool of competent researchers and funds for training and researchers in aging are disproportionately low;

(5) by appropriating more resources for training, education and research in geriatrics and gerontology, we can better diagnose, treat and care for older Americans in the future.

SEC. 2(b) It is the purpose of this bill, therefore, to—

(1) authorize an increase in appropriations for a five-year period for training and education in geriatrics and gerontology. The increased appropriations will supplement existing programs within the Administration on Aging, the Health Resources and Services Administration, the National Institute on Aging, and the National Institute of Mental Health.

INTERNAL MEDICINE

SEC. 3. Section 784(b) of the Public Health Service Act is amended—

(1) by striking out "and" after "1983,";

(2) by inserting before the period a comma and "$19,500,000 for the fiscal year ending September 30, 1986, $21,500,000 for the fiscal year ending September 30, 1987, $22,000,000 for the fiscal year ending September 30, 1988, $22,500,000 for the fiscal year ending September 30, 1989, and $23,500,000 for the fiscal year ending September 30, 1990"; and

(3) by adding at the end thereof the following new sentence: "Of the amounts appropriated to carry out this section—

"(1) $1,000,000 for the fiscal year ending September 30, 1986,

"(2) $1,200,000 for the fiscal year ending September 30, 1987,

"(3) $1,400,000 for the fiscal year ending September 30, 1988,

"(4) $1,600,000 for the fiscal year ending September 30, 1989, and

"(5) $1,800,000 for the fiscal year ending September 30, 1990,

shall be available for grants and contracts for programs, traineeships, and fellowships which provide specialized training in geriatric medicine.".

FAMILY MEDICINE

SEC. 4. Section 786(c) of the Public Health Service Act is amended—

(1) by striking out "and" after "1983," in the first sentence;

(2) by inserting before the period in the first sentence a comma and "$37,500,000 for the fiscal year ending September 30, 1986, $39,000,000 for the fiscal year ending September 30, 1987, $41,000,000 for the fiscal year ending September 30, 1988, $43,000,000 for the fiscal year ending September 30, 1989, and $45,000,000 for the fiscal year ending September 30, 1990"; and

(3) by adding at the end thereof the following new sentence: "Of the amounts appropriated to carry out this section—

"(1) $2,000,000 for the fiscal year ending September 30, 1986,

"(2) $2,400,000 for the fiscal year ending September 30, 1987,

"(3) $2,800,000 for the fiscal year ending September 30, 1988,

"(4) $3,200,000 for the fiscal year ending September 30, 1989, and

"(5) $3,600,000 for the fiscal year ending September 30, 1990,

shall be available for grants and contracts under subsection (a) for programs, traineeships, and fellowships which provide specialized training in geriatric medicine.".

SPECIAL PROJECTS

SEC. 5. Section 788(f) of the Public Health Service Act is amended—

(1) by striking out "and" after "1983;";

(2) by inserting before the period a semicolon and "$6,500,000 for the fiscal year ending September 30, 1986; "$7,000,000 for the fiscal year ending September 30, 1987; "$7,500,000 for the fiscal year ending September 30, 1988; "$8,000,000 for the fiscal year ending September 30, 1989; and $8,500,000 for the fiscal year ending September 30, 1990"; and

(3) by adding at the end thereof the following new sentence: "Of the amounts appropriated to carry out this section—

"(1) $35,000 for the fiscal year ending September 30, 1986;

"(2) $42,000 for the fiscal year ending September 30, 1987;

"(3) $49,000 for the fiscal year ending September 30, 1988;

"(4) $56,000 for the fiscal year ending September 30, 1989; and

"(5) $63,000 for the fiscal year ending September 30, 1990,

shall be available for grants and contracts under subsection (d).".

ADVANCED NURSE TRAINING

SEC. 6. Section 821(b) of the Public Health Service Act is amended—

(1) by striking out "and" after "1983,";

(2) by inserting before the period a comma and "$18,500,000 for the fiscal year ending September 30, 1986, $19,500,000 for the fiscal year ending September 30, 1987, $20,500,000 for the fiscal year ending September 30, 1988, $21,500,000 for the fiscal year ending September 30, 1989, and $22,500,000 for the fiscal year ending September 30, 1990"; and

"(3) by adding at the end thereof the following new sentence: "Of the amounts appropriated to carry out this section—

"(1) $95,000 for the fiscal year ending September 30, 1986;

"(2) $1,100,000 for the fiscal year ending September 30, 1987;

"(3) $1,300,000 for the fiscal year ending September 30, 1988;

"(4) $1,500,000 for the fiscal year ending September 30, 1989, and

"(5) $1,700,000 for the fiscal year ending September 30, 1990,

shall be available for grants and contracts for programs which provide specialized advanced training in geriatrics for professional nurses.".

NURSE PRACTITIONER PROGRAMS

SEC. 7. Section 822(e) of the Public Health Service Act is amended—

(1) by striking out "and" after "1983,";

(2) by inserting before the period a comma and "$13,000,000 for the fiscal year ending September 30, 1986, $14,000,000 for the fiscal year ending September 30, 1987, $15,000,000 for the fiscal year ending September 30, 1988, $16,000,000 for the fiscal year ending September 30, 1989, and $17,000,000 for the fiscal year ending September 30, 1990"; and

(3) by adding at the end thereof the following new sentence: "Of the amounts appropriated to carry out this section—

"(1) $65,000 for the fiscal year ending September 30, 1986,

"(2) $78,000 for the fiscal year ending September 30, 1987,

"(3) $91,000 for the fiscal year ending September 30, 1988,

"(4) $1,000,000 for the fiscal year ending September 30, 1989, and

"(5) $1,100,000 for the fiscal year ending September 30, 1990,

shall be available for grants and contracts under subsection (a) for programs for the training of nurse practitioners in geriatrics and for traineeships under subsection (b) to train geriatric nurses.".

NATIONAL INSTITUTE ON AGING

SEC. 8. Part H of title IV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS FOR TRAINING

"SEC. 465. To carry out training and instruction activities and traineeships and fellowships under this part, there are authorized to be appropriated $10,000,000 for the fiscal year ending September 30, 1986, $13,000,000 for the fiscal year ending September 30, 1987, $14,000,000 for the fiscal year ending September 30, 1988, $15,000,000 for the fiscal year ending September 30, 1989, and $16,000,000 for the fiscal year ending September 30, 1990.".

MENTAL HEALTH

SEC. 9. Section 303 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(e) For training, instruction, and traineeships under subsection (a)(1) relating to the mental health problems and illnesses of the elderly and the care, treatment, and rehabilitation of mentally ill elderly individuals, there are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1986, $7,000,000 for the fiscal year ending September 30, 1987, $8,000,000 for the fiscal year ending September 30, 1988, $9,000,000 for the fiscal year ending September 30, 1989, and $11,000,000 for the fiscal year ending September 30, 1990.".

ADMINISTRATION ON AGING

SEC. 10. (a) Section 431(a) of the Older Americans Act of 1965 is amended—

(1) by striking out "and" after "1983,";

(2) by inserting before the period a comma and "$30,000,000 for the fiscal year ending September 30, 1986, $32,000,000 for the fiscal year ending September 30, 1987, $34,000,000 for the fiscal year ending September 30, 1988, $36,000,000 for the fiscal year ending September 30, 1989, and $38,000,000 for the fiscal year ending September 30, 1990"; and

(3) by adding at the end thereof the following new sentence: "Of the amounts appropriated under this section—

"(1) $9,000,000 for the fiscal year ending September 30, 1986,

"(2) $13,000,000 for the fiscal year ending September 30, 1987,

"(3) $17,000,000 for the fiscal year ending September 30, 1988,

"(4) $21,000,000 for the fiscal year ending September 30, 1989,

"(5) $24,000,000 for the fiscal year ending September 30, 1990,

shall be available for training and instruction activities under parts A and B of this title.".●

By Mr. NUNN:

S.J. Res. 354. Joint resolution designating the week of January 7 through January 13, 1985, as "National Productivity Improvement Week"; to the Committee on the Judiciary.

NATIONAL PRODUCTIVITY IMPROVEMENT WEEK

● Mr. NUNN. Mr. President, for several years it has been my pleasure to introduce a Senate resolution designating a week as "National Productivity Improvement Week." Because one of the most important issues facing our Nation is the urgent need to gain a better understanding of the crippling effect of declining or stagnating productivity on the economic health of the United States, I am pleased once again to offer this resolution on behalf of the American Institute of Industrial Engineers. This resolution calls on the President of the United States to proclaim January 7 through January 13, 1985, as "National Productivity Improvement Week" for 1985.

Lagging productivity during the past decade has finally shown an upturn. For the second quarter of 1984, America's nonfarm productivity grew at an annual rate of 4.7 percent. It is very important that American productivity continues to increase. When there is an increase in wages and salaries without an accompanying increase in productivity, the result is more dollars chasing fewer goods and services. This is one of the root causes of inflation. Therefore, it is extremely important that we recognize the need to continually increase productivity in order to help combat the reemergence of inflation.

Many have joined in the efforts to make citizens more aware of productivity's vital role and this may have helped the recent turnaround. So may have the fact that countries blessed with far fewer resources were showing consistently higher levels of productivity gains using methods originated in the United States and imported to good advantage. Over a period of years in this adverse direction, the overseas shift in genius has resulted in a serious unbalance in the international marketplace.

Productivity is something everyone needs to understand. Everyone has a stake in the level of productivity where they work. What's the individual's personal stake? For one thing, the higher the level of productivity, the more satisfying job one has. This satisfaction translates into monetary rewards as well as how a person generally feels about his or her work environment.

Let's look at what productivity really is. Simplified, productivity is a measured relationship between the output of goods and services, and the amount of investment it took to create those goods and services. That investment not only includes cost of labor but also the cost of energy, raw materials, and equipment. When an organization produces more from a given investment, then the rate of productivity goes up. When the output is less

from the same investment, productivity goes down.

As a result of higher levels of output for a given investment, an enterprise is better able to sell its goods or services because a more competitive price is allowed. This keeps jobs thriving and makes better pay possible. Just as importantly, by giving the consumer of the goods and services more value for a given price, improved productivity fights inflation.

Even within governmental units or nonprofit associations, productivity improvement contributes to the overall well-being of those inside such organizations, because those outside give their votes and financial support ultimately to those who utilize resources soundly.

Quantity hasn't been the only consideration in the movement by employers and employees to rejuvenate their cooperative spirit toward a better productivity record. Quality is a factor just as important. In fact, the modern consumer's demand for quality usually has a higher priority than simply a lower price tag.

Productivity and quality—the two work together. Most jobs today are interdependent. While each individual can contribute to productivity improvement, even greater results come when an entire work force conscientiously applies the concept.

Productivity awareness can make a tremendous difference to all types of organizations—in industry, business, and government. Throughout the month of January, the Institute of Industrial Engineers will conduct its sixth consecutive annual productivity improvement awareness campaign as a public information service, and the Nation's media will join in the public information crusade. In fact, the National Association of Broadcasters has established its own Broadcasting Industry Council to Improve American Productivity, and literally thousands of radio and television messages are pledged by the stations urging our citizens to emphasize productivity improvement in their workplaces.

"Productivity and Quality Work Together" is the theme for the 1985 campaign. Sharing a national enthusiasm on this subject can help spread the productivity fever. And when everybody participates, our work environment as well as our overall quality of life will improve.

I am pleased that National Productivity Improvement Week was first recognized by Congress and the President last year, and I once again ask that you join me in cosponsoring a resolution designating "National Productivity Improvement Week" during the week of January 7 to 13, 1985.●

ADDITIONAL COSPONSORS

S. 249

At the request of Mr. PACKWOOD, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 249, a bill entitled the "Employee Educational Assistance Extension Act".

S. 337

At the request of Mr. PACKWOOD, the names of the Senator from Tennessee [Mr. SASSER] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 1531

At the request of Mr. RIEGLE, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1531, a bill to encourage the use of public school facilities before and after school hours for the care of school-age children, and for other purposes.

S. 2324

At the request of Mr. PACKWOOD, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2324, a bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone.

S. 2353

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky [Mr. HUDDLESTON] was added as a cosponsor of S. 2353, a bill to amend the Internal Revenue Code of 1954 to provide that one-half of the amounts paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction.

S. 2563

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2563, a bill to amend section 1201 of the National Housing Act to extend the crime insurance program.

S. 2753

At the request of Mr. HATFIELD, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2753, a bill to provide for the buyout of certain contracts for Federal timber.

S. 2894

At the request of Mr. MELCHER, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 2894, a bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrual rules in the case of sales of residences, farms, and real property used in a trade or business,

S. 2927

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2927, a bill to amend title 5 of the United States Code regarding the authority of the Special Counsel.

S. 2930

At the request of Mr. SYMMS, the names of the Senator from Montana [Mr. MELCHER], the Senator from Oklahoma [Mr. BOREN], the Senator from Georgia [Mr. MATTINGLY], the Senator from Alabama [Mr. HEFLIN], the Senator from Nevada [Mr. HECHT], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Utah [Mr. GARN], the Senator from Florida [Mrs. HAWKINS], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of S. 2930, a bill to repeal the changes made by the Tax Reform Act of 1984 with respect to the tax treatment of debt instruments issued for property.

S. 3006

At the request of Mr. EVANS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 3006, a bill to amend the Federal Power Act.

SENATE JOINT RESOLUTION 262

At the request of Mr. PACKWOOD, the names of the Senator from Illinois [Mr. PERCY], the Senator from Georgia [Mr. NUNN], the Senator from Arizona [Mr. DECONCINI], the Senator from South Carolina [Mr. THURMOND], the Senator from Florida [Mr. CHILES], the Senator from Ohio [Mr. GLENN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Texas [Mr. TOWER] were added as cosponsors of Senate Joint Resolution 262, a joint resolution to designate March 16, 1985, as "Freedom of Information Day."

SENATE JOINT RESOLUTION 310

At the request of Mr. LEVIN, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 310, a joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week."

SENATE JOINT RESOLUTION 346

At the request of Mr. LEVIN, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 346, a joint resolution to designate the year of 1985 as the "Year of the Teacher."

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. PERCY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution expressing the sense of the Congress

that the Republic of South Africa should cease its "blackspot" policy of forcibly removing black South Africans from their legally acquired residences and relocating them, and for other purposes.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 431

At the request of Mr. DIXON, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Resolution 431, a resolution relating to Canadian pork imports.

SENATE RESOLUTION 447 (EXECUTIVE)—URGING THE SENATE TO ACT ON THE GENOCIDE CONVENTION PRIOR TO ADJOURNMENT

Mr. DODD from the Committee on Foreign Relations reported the following original executive resolution; which was placed on the Executive Calendar:

S. RES. 447 (EXECUTIVE)

Resolved, That the Senate Committee on Foreign Relations hereby urges the Senate Leadership to proceed immediately to the consideration of the Genocide Convention (Ex. O, 81-1) and seek to complete action on it prior to adjournment.

SENATE RESOLUTION 448—WAIVING THE CONGRESSIONAL BUDGET ACT WITH RESPECT TO THE CONSIDERATION OF H.R. 2889

By Mr. McCLURE, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 448

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 2889, to amend the National Historic Preservation Act, and for other purposes. H.R. 2889, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1985.

The waiver of section 402(a) of such Act is necessary to permit congressional consideration of H.R. 2889. Such bill was not reported on or before May 25, 1984, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

AMENDMENTS SUBMITTED

OMNIBUS TRADE ACT

GORTON (AND OTHERS) AMENDMENT NO. 4276

(Ordered to lie on the table.)

Mr. GORTON (for himself, Mr. EVANS, Mr. ROTH, Mr. HEINZ, Mr. ANDREWS, Mr. TRIBLE, Mr. BOSCHWITZ, and Mr. DENTON) submitted an amendment intended to be proposed by them to the bill (H.R. 3398) to change the tariff treatment with respect to certain articles, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. 208. ARTICLES RETURNED FROM SPACE.

(a) Headnote 5 of the general headnotes of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(A) by striking out "media; and" in subdivision (e) and inserting in lieu thereof "media,";

(B) by adding after subdivision (e) the following new subdivision:

"(f) articles returned from space within the purview of section 484a of this Act; and"; and

(C) by redesignating subdivision (f) as subdivision (g).

(b) Part III of title IV of the Tariff Act of 1930 (19 U.S.C. 1481 et seq.) is amended by adding the following new section:

"SEC. 484a. ARTICLES RETURNED FROM SPACE NOT TO BE CONSTRUED AS IMPORTATION.

"The return of articles from space shall not be considered an importation, and an entry of such articles shall not be required, if:

"(1) such articles were previously launched into space from the customs territory of the United States aboard a spacecraft operated by, or under the control of, United States persons and owned—

"(A) wholly by United States persons, or

"(B) in substantial part by United States persons, or

"(C) by the United States;

"(2) such articles were maintained or utilized while in space solely on board such spacecraft or aboard another spacecraft which meets the requirements of paragraph (1) (A) through (C) of this section; and

"(3) such articles were returned to the customs territory directly from space aboard such spacecraft or aboard another spacecraft which meets the requirements of paragraph (1) (A) through (C) of this section;

without regard to whether such articles have been advanced in value or improved in condition by any process or manufacture or other means while in space.".

(c) The amendments made by this section shall apply with respect to articles launched into space from the customs territory of the United States on or after December 31, 1984.

MERCHANT MARINE ACT AMENDMENTS

PACKWOOD (AND OTHERS) AMENDMENT NO. 4277

(Ordered to lie on the table.)

Mr. PACKWOOD (for himself, Mr. LONG, Mr. GORTON, Mr. STEVENS, Mr. JOHNSTON, Mr. COCHRAN, and Mr. CRANSTON) submitted an amendment intended to be proposed by them to the bill (H.R. 5505) to amend title XII of the Merchant Marine Act, 1936, as follows:

On page 1, line 3, strike "That section" and insert in lieu thereof "SECTION 1. Section".

On page 1, insert the following immediately after line 5:

SEC. 2. The Secretary of Transportation is authorized and directed to enter into a contract with a vessel operator receiving operating-differential subsidy for the operation of liner vessels between the United States and all coasts of South America which contract shall provide for the termination and settlement of all obligations of the government (except for the payment of subsidy accrued to, and to be accrued for voyages in progress on, the date of termination) and of the operator arising under or by reason of the operating-differential subsidy contracts or under the Merchant Marine Act, 1936, by reason of receipt of operating-differential subsidy and providing for six equal annual payments in the amount of $32,500,000. The contract shall provide that the operator agrees to the following contractual conditions: (i) the operator shall transfer title to four LASH vessels their respective complements of barges and five break-bulk vessels to the United States; (ii) $25,000,000 of the amount received by the operator under the contract shall be used for labor pension fund payments, health benefits, retraining and similar items for the benefit of the officers and crews of the operator's ships; (iii) the operator shall construct three vessels to be delivered to it after June 30, 1984, and contracted for prior to the date of the last payment; (iv) the operator shall provide regular U.S.-flag liner service between the United States and South America for a period of at least six years; and (v) the operator shall not use the proceeds of the settlement for operations in the domestic trades or to pay for vessels constructed in a foreign shipyard. The first annual payment of $32,500,000 shall be paid on the date of the execution of the contract and the remaining five payments shall be paid on the first through fifth anniversaries thereof.

● Mr. PACKWOOD. Mr. President, on behalf of myself and a bipartisan group of Senators, I am offering an amendment to H.R. 5505, a bill extending the life of the War Risk Insurance Program. The purpose of the amendment is to provide a legislative termination of the existing operating differential subsidy [ODS] contract between Delta Steamship Lines and the Federal Government.

The anticipated result will be a savings of hundreds of millions of dollars for the Federal Government, the acquisition of militarily useful vessels for the National Defense Reserve Fleet, and the termination of numerous constraints on the viable operation of an important U.S.-flag carrier.

Due to the importance of this legislation and desirability of these objectives, this proposal has bipartisan support within the Senate and the House,

and most importantly, is supported by both management and the labor organizations affected.

The terms of the contract termination are as follows:

First, the Federal Government's obligation to make payments to Delta Steamship Lines, as required by the 20-year ODS contracts, would be terminated. Under these contracts, the liability of the Federal Government is between $800 million and $1.2 billion.

Second, Delta Steamship would transfer a fleet of nine vessels, composed of four lash vessels (and their complement of nearly 400 barges) and five break-bulk vessels to the Federal Government for use in the National Defense Reserve Fleet. The military is presently operating lash vessels identical to these in the Indian Ocean in support of the pre-position forces. The Maritime Administration's Vessel Evaluation Committee has valued these vessels at a total of $83.5 million.

Three, Delta agrees to maintain regular service between the United States and Latin America for at least 6 years, and our expectation is that this amendment will allow it to do so permanently.

Four, the Federal Government would pay $195 million in six equal annual installments of $32.5 million to Delta Steamship.

Fifth, none of the funds Delta will receive will be used either for domestic operations or for acquisition of foreign vessels.

Sixth, of the amounts to be received by Delta, $25 million is intended to be distributed to the union labor currently employed by Delta. As employment opportunities for the U.S. merchant marine have shrunk in the past decades, fewer working seamen are supporting the pensions of large numbers of retired mariners. This has caused significant pressure on the pension funds of the unions, and the $25 million will address this growing concern.

Seventh, finally, and most importantly to a number of us, is that Delta Steamship Lines will be able to operate in a flexible, commercially viable manner, free from the constraints of Federal intervention in its operations.

It is important that the Senate realize that this bill and amendment are not, and should not, be used as a vehicle for other measures. The sponsors were persuaded to add this provision because the urgent needs of the steamship line, of Government for these vessels, as well as for the beneficial impact on maritime policy and the cost savings to the Federal Government. The sponsors believe that any attempt to expand the bill to address other maritime concerns would simply lead to its defeat. The reason for amending this important war risk insurance legislation is because of the extreme urgency of the situation. I and my colleagues have no intention of adding other amendments on other matters, and will adamantly resist any efforts to do so either in the Senate or the House.

In sum, the specific need for this legislation by the steamship line is apparent. The benefits to the Nation of reducing the Federal deficit and improving the competitiveness of our merchant marine are clear. This legislation enjoys bipartisan support in the committee, the Senate, and the House. Of critical importance, both management and the labor organizations affected by this proposal support it. I urge my colleagues to join me in voting in favor of it when it is brought to the floor in the near future.●

OMNIBUS TRADE ACT

HUMPHREY AMENDMENT NO. 4278

Mr. HUMPHREY proposed an amendment to the bill H.R. 3398, supra; as follows:

On page 41, between lines 18 and 19, insert the following:

SEC. . USER FEE FOR CUSTOMS SERVICES AT CERTAIN SMALL AIRPORTS.

(a) The Secretary of the Treasury shall make customs services available and charge a fee for the use of such customs services at—

(1) the airport located at Lebanon, New Hampshire, and

(2) any other airport designated by the Secretary of the Treasury under subsection (c).

(b) The fee which is charged under subsection (a) shall be paid by each person using the customs services at the airport and shall be in an amount equal to the expenses incurred by the Secretary of the Treasury in providing the customs services which are rendered to such person at such airport (including the salary and expenses of individuals employed by the Secretary of the Treasury to provide such customs services).

(c) The Secretary of the Treasury may designate 4 airports under this subsection. An airport may be designated under this subsection only if—

(1) the Secretary of the Treasury has made a determination that the volume or value of business cleared through such airport is insufficient to justify the availability of customs services at such airport, and

(2) the Governor of the State in which such airport is located approves such designation.

(d) Any person who, after notice and demand for payment of any fee charged under subsection (a), fails to pay such fee shall be guilty of a misdemeanor and if convicted thereof shall pay a fine that does not exceed an amount equal to 200 percent of such fee.

(e) Fees collected by the Secretary of the Treasury under subsection (a) with respect to the provision of services at an airport shall be deposited in an account within the Treasury of the United States that is specially designated for such airport. The funds in such account shall only be available, as provided by appropriation Acts, for expenditures relating to the provision of customs services at such airport (including expenditures for the salaries and expenses of individuals employed to provide such services).

HEINZ AMENDMENT NO. 4279

Mr. HEINZ proposed an amendment to the bill H.R. 3398, supra; as follows:

At the end of title III of the amendment, add the following new section:

SECTION (a) Section 203(a) of the Trade Act of 1974 (19 U.S.C. 2253) is amended to read as follows:

"(a)(1) If the President proclaims the import relief recommended by the Commission, or announces his intention to negotiate one or more orderly marketing agreements pursuant to the Commission's recommendation, the President shall on the date such proclamation is made transmit to Congress a document setting forth the action he is taking under this section.

"(2) If, on the basis of advice received under section 202(b), the President determines that the provision of the import relief recommended by the Commission is not in the national economic interest of the United States or that there are alternative recommendations which offset the material injury or threat thereof to the industry to the same extent to which the Commission's recommendations offset such injury or threat thereof, the President shall transmit to Congress a document which sets forth—

"(A) such determination,

"(B) the reasons why providing the import relief recommended by the Commission is not in the national economic interest,

"(C) information with respect to—

"(i) what actions (other then adjustment assistance programs immediately available), if any, the President proposes to take to help the industry overcome material injury or threat thereof and the workers to find productive employment, and

"(ii) how such actions will overcome such material injury or threat thereof to the same extent as the Commission's recommendations, and

"(D) any proposed legislation needed to implement the President's recommendations.

"(b) Section 203(b) of the Trade Act of 1974 (19 U.S.C. 2253) is amended to read as follows:

"(b)(1) The President's recommendation under subsection (a)(2)(D) shall be treated as an implementing bill pursuant to the provisions of section 151, except that, for purposes of section 151(c)(1), no trade agreement shall be required and the day on which the implementing bill is submitted shall be treated as the day on which the trade agreement is submitted; and for purposes of section 151(e)(1), and (2) the 45-day period shall be reduced to 15 days.

"(2) The President shall no later than the 31st day after the submission of such proposal—

"(A) proclaim the actions recommended by the Commission under section 201(d) if Congress fails to adopt the implementing bill submitted pursuant to paragraph (1), or

"(B) take the action recommended by him if the Congress has adopted and the President has signed the implementing bill submitted pursuant to paragraph (1).

DANFORTH AMENDMENT NO. 4280

Mr. DANFORTH proposed an amendment to amendment No. 4279

proposed by Mr. HEINZ to the bill H.R. 3398, supra; as follows:

In lieu of language proposed, insert:

SEC. . DISAPPROVAL OF PRESIDENTIAL DETERMINATIONS UNDER SECTION 203 OF THE TRADE ACT OF 1974.

(a)(1) Paragraph (1) of section 203(c) of the Trade Act of 1974 (19 U.S.C. 2253(c)(1)) is amended to read as follows:

"(1) If the President reports under subsection (b) that he is taking action which differs from the action recommended by the Commission under section 201(d)(1)(A), or that he will not provide import relief, the action recommended by the Commission shall take effect (as provided in paragraph (2)) upon enactment of a joint resolution described in section 152(a)(1)(A) within the 90-day period beginning on the date on which the document referred to in subsection (b) is transmitted to the Congress.".

(2) Paragraph (2) of section 203(c) of the Trade Act of 1974 (19 U.S.C. 2253(c)(2)) is amended—

(A) by striking out "adoption of such resolution" and inserting in lieu thereof "enactment of the joint resolution referred to in paragraph (1)", and

(B) by striking out "section 201(b)" and inserting in lieu thereof "section 201(d)".

(b) Subparagraph (A) of section 152(a)(1) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)(A)) is amended by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution".

(c) Paragraph (4) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(4)) is amended by striking out "the concurrent resolution described in such section 152" and inserting in lieu thereof "the joint resolution described in such section 152(a)(1)(A)".

BENTSEN AMENDMENT NO. 4281

Mr. BENTSEN proposed an amendment to the bill H.R. 3398, supra; as follows:

Substitute for section 121 of the Committee amendment the following:

"SEC. 121. NAPHTHAS.

Subpart B of part 1 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting the following in numerical order and at the same level of indentation as item 407.09:

	Naphthas derived from petroleum, shale oil, natural gas, or combinations thereof, containing by weight over 5 percent of any product described in this part:		
407.11	For not over 190,000,000 pounds entered during the 12-month period beginning January 1 in any year.	0.25¢ per gal.	0.5¢ per gal.
407.13	Other	1.7¢ per lb. + 13.6% ad val., but not less than the highest rate applicable to any component material.	7¢ per lb. + 43.5% ad val., but not less than the highest rate applicable to any component material.

SPECTER (AND OTHERS) AMENDMENT NO. 4282

Mr. SPECTER (for himself, Mr. RANDOLPH, Mr. BYRD, and Mr. HEINZ), proposed an amendment to the bill H.R. 3398, supra; as follows:

On page 41 of the matter proposed to be inserted, between lines 18 and 19, insert the following:

SEC. . RELIEF FROM UNFAIR COMPETITION.

(a) Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting after the words "nineteen hundred and thirteen;" the words "section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72);".

(b)(1) Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 72) is amended to read as follows:

"SEC. 801. (a)(1) If—

"(A) any article manufactured or produced in a foreign country is imported or sold within the United States at a United States price which is less than the foreign market value or constructed value of such article,

"(B) such importation or sale—

"(i) causes or threatens material injury to industry or labor in the United States, or

"(ii) prevents, in whole or in part, the establishment or modernization of any industry in the United States, and

"(C) any person is injured in his business or property by reason of such importation or sale, such person may bring a civil action against any manufacturer or exporter of such article or any importer of such article into the United States who is related to such manufacturer or exporter in the district court of the District of Columbia.

"(2) In any action brought under paragraph (1), upon a finding of liability on the part of the defendant, the plaintiff shall—

"(A) recover damages for the injury sustained or be granted such equitable relief as may be appropriate, and

"(B) recover the costs of the action, including reasonable attorney's fees.

"(b) The standard of proof in any action filed under subsection (a) is a preponderance of the evidence. upon a prima facie showing of the elements set forth in subsection (a), or upon a final determination by the Department of Commerce or the International Trade Commission under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d) relating to imports of the article in question for the country in which the defendant is located, which final determination shall be considered a prima facie case for purposes of this Act, the burden of rebutting such prima facie case thus made shall be upon the defendant.

"(c) Whenever it shall appear to the district court of the District of Columbia that justice requires that other parties be brought before the court, the court may cause them to be summoned, whether they reside in the district or not, and the subpenas to that end may be served and enforced in any district of the United States.

"(d) The acceptance by any foreign manufacturer, producer or exporter of any right or privilege conferred upon him to sell his products or have his products sold by another party in the United States shall be deemed equivalent to an appointment by the foreign manufacturer, producer, or exporter of the District Director of the United States Customs Service of the Department of the Treasury for the port through which the article is commonly imported to be the true and lawful agent upon whom may be served all lawful process in any action brought under this section.

"(e)(1) An action may be brought under this section only if such action is commenced within four years after the date on which the cause of action accrued.

"(2) The running of the statute of limitations provided in paragraph (1) shall be suspended while any administrative proceedings under sections 731, 732, 733, 734, or 735 of the Tariff Act of 1930 (19 U.S.C. 1673-1673d) relating to the importation in question, or any appeal of a final determination in such proceeding, is pending and for one year thereafter.

"(f) If a defendant in any action brought under subsection (a) fails to comply with any discovery order or other order or decree of the court, the court may—

"(1) enjoin the further importation into, or the sale or distribution within, the United States by such defendant of articles which are the same as, or similar to, those articles which are alleged in such action to have been sold or imported under the conditions described in subsection (a) until such time as the defendant complies with such order or decree, or

"(2) take may other action authorized by law or by the Federal Rules of Civil Procedure, including entering judgment for the plaintiff.

"(g)(1) Except as provided in paragraph (2), the confidential or privileged status accorded by law to any documents, evidence, comments, or information shall be preserved in any action under this section.

"(2) The court in any action brought under this section may—

"(A) examine, in camera, any confidential or privileged material,

"(B) accept depositions, documents, affidavits, or other evidence under seal, and

"(C) disclose such material under such terms and conditions as the court may order.

"(h) Any action brought under this section shall be advanced on the docket and expedited in every way possible.

"(i) For purposes of this section—

"(1) The terms 'United States price', 'foreign market value', 'constructed value', 'subsidy', and 'material injury', shall have the respective meaning given such terms by title VII of the Tariff Act of 1930.

"(2) If—

"(A) a subsidy is provided to the manufacturer, producer, or exporter of any article, and

"(B) such subsidy is not included in the foreign market value or constructed value of such article (but for this paragraph).

the foreign market value of such article or the constructed value of such article shall be increased by the amount of such subsidy.".

(2) It is the sense of the Congress that the provisions of this section are consistent with, and in accord with, the General Agreement on Tariffs and Trade (GATT).

BINGAMAN (AND OTHERS) AMENDMENT NO. 4283

Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. HEINZ, Mrs. HAWKINS, Mr. BUMPERS, Mr. HART, and Mr. EAGLETON) proposed an amendment to the bill H.R. 3398, supra; as follows:

At the end of the committee amendments add the following:

SECTION 1. This Act may be cited as the "International Trade and Export Policy Study Commission Act of 1984".

ESTABLISHMENT

SEC. 2. (a) There is established the International Trade and Export Policy Study Commission (hereafter in this Act referred to as the "Commission").

(b)(1) The Commission shall be composed of eighteen members as follows:

(A) Six members appointed by the President in accordance with paragraph (2)(A).

(B) Six members appointed by the President pro tempore of the Senate from members of the Senate in accordance with paragraph (2) (B), upon the recommendation of the majority leader or the minority leader of the Senate, as the case may be, with respect to members appointed from the political party of that leader.

(C) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives in accordance with paragraph (2) (B).

(2)(A) The President shall appoint individuals to serve as members of the Commission under paragraph (1) (A) who are especially qualified to serve on the Commission due to the education, training, or experience of such individuals. Of the members appointed by the President under such paragraph, at least five members shall be individuals who are not officers or employees of the United States, and at least two members shall be representatives of businesses or labor organizations. Not more than three members of the Commission appointed under such paragraph shall be members of the same political party.

(B)(i) In appointing members to the Commission, the President pro tempore of the Senate and the Speaker of the House of Representatives shall give special consideration to the appointment of members of the Senate or the House of Representatives, as the case may be, who are members of the committees of their respective Houses which have legislative jurisdiction over, or special concerns with respect to, matters relating to international trade.

(ii) Not more than three members of the Commission appointed under paragraph (1) (B) shall be members of the same political party, and not more than three members of the Commission appointed under paragraph (1)(C) shall be members of the same political party.

(3) The first eighteen appointments to the Commission shall be made within thirty days after the date of the enactment of this Act. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) Members of the Commission shall be appointed to serve for the life of the Commission.

(5) Each member of the Commission appointed under paragraph (1)(A) who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel-time) during which such members are engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without additional compensation.

(B) While away from their homes or regular places of business in the performance of services for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(c)(1) Nine members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission for the life of the Commission.

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(d)(1) The Chairman of the Commission, in consultation with the Vice Chairman, and without regard to the civil service laws, rules, and regulations, is authorized to appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions.

(2) Any Federal employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of such title.

(e)(1) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

DUTIES

SEC. 3. (a) The Commission shall study and make recommendations concerning international trade and export policies and practices of the United States, including recommendations for such changes in laws and regulations as may be required in order to—

(1) facilitate the administration of the trade and export functions of the Federal Government;

(2) enhance export growth;

(3) provide for removal of trade barriers;

(4) provide for common understanding of international trade by businesses;

(5) develop expertise on foreign business practices and trade issues; and

(6) accomplish such other purposes as the Commission considers appropriate.

(b) In conducting the study required by subsection (a), the Commission shall review and make recommendations concerning—

(1) existing impediments to exporting by American industries, including—

(A) regulations, paperwork requirements, and procedures imposed by the United States Government, especially export controls;

(B) the impact of the antitrust laws on exports;

(C) insufficient financing, Government credits, and incentives for export expansion, uncertainty as to the continuation of the special tax treatment for Domestic International Sales Corporations, and the lack of Export-Import Bank and the Foreign Credit Insurance Association support and responsiveness;

(D) the lack of a unified, coherent, and clearly enunciated United States Government policy which supports the export community and which is carried out by all Federal agencies; and

(E) the lack of research and development capabilities to help improve the ability of American industries to compete with foreign industries;

(2) the needs of American industry for information and opportunities to enhance exporting, particularly the needs of small and medium sized firms, including needs for—

(A) specific sales or representation leads;

(B) specific information on market conditions, practices, and potentials;

(C) information about and lists of individual foreign buyers and foreign representatives

(D) opportunities to meet directly in the United States with individual foreign buyers and foreign representatives;

(E) opportunities for publicity of companies, products, and interests abroad;

(F) opportunities to display or otherwise expose products abroad;

(G) assistance in making successful bids for major overseas contracts;

(H) general information on methods of exporting and on countries to which products can be exported; and

(I) information on the benefits of exporting;

(3) methods for improving export incentives for United States businesses, including—

(A) export financing;

(B) export insurance;

(C) tax benefits; and

(D) the facilitation of the creation of trading companies;

(4) the need for a closer integration of trade and international monetary policy, including the need to relieve trade policy of major burdens created by the recurrence of currency exchange rate misalignments;

(5) the need to coordinate American trade policies and practices with the promotion of industrial revitalization in the United States;

(6) the need for high quality data in order to identify markets, new products, and industries, and the failure to effectively communicate such data to American industry;

(7) the need for directing Federal resources to provide sustained economic growth and employment;

(8) the need for cooperation and support among the principal sectors of the economy, including business, labor, government, and the public;

(9) the impact of, and the proper role for, international trade activities by State and local governments, including export promotion activities, State export-import banks, and State export trade companies;

(10) the organizational structures under which other industrial nations, such as Japan, Great Britain, Canada, and West

Germany, carry out the international trade activities of those nations;

(11) the organizational structure of Federal agencies which make and carry out trade policies, including the need for strengthened and integrated implementation of international trade functions and improvements in the Foreign Commercial Service; and

(12) the need to promote institutional and noninstitutional educational activities that will contribute to the ability of United States businesses to succeed in the marketing of United States goods and services abroad, such as—

(A) government-sponsored work-study programs which allow United States representatives of business, labor, and government to live overseas and analyze foreign market opportunities, study existing trade and cultural barriers, and develop expertise on foreign business practices and trade issues; and

(B) the promotion of foreign language capabilities to facilitate United States commerce by overcoming language and marketing barriers.

FINAL REPORT

SEC. 4. Not later than July 1, 1985, the Commission shall transmit to the President and to the Congress a report containing a detailed statement of the study conducted by the Commission under this Act and the recommendations of the Commission with respect to the matters specified in section 3, including any recommendations for legislation the Commission considers appropriate.

TERMINATION

SEC. 5. The Commission shall terminate on July 1, 1985.

AUTHORIZATION

SEC. 6. For fiscal years 1984 and 1985, there are authorized to be appropriated such sums as may be necessary to carry out this Act.

BAUCUS AMENDMENT NO. 4284

Mr. BAUCUS proposed an amendment to the bill H.R. 3398, supra; as follows:

On page 65 of the matter proposed to be inserted, strike out line 9, and insert in lieu thereof "paragraph (4) and inserting in lieu thereof the following: 'and the extent to which such country has assured the United States that it will refrain from engaging in unreasonable export practices;' ".

CENTRAL INTELLIGENCE AGENCY INFORMATION ACT

GOLDWATER AMENDMENT NO. 4285

(Ordered to lie on the table.)

Mr. GOLDWATER submitted an amendment intended to be proposed by him to the bill (H.R. 5164) to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency, and for other purposes; as follows:

At the appropriate place insert the following:

(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE VII—PROTECTION OF OPERATIONAL FILES OF THE CENTRAL INTELLIGENCE AGENCY

"Sec. 701. Exemption of certain operational files from search, review, publication, or disclosure.

"Sec. 702. Decennial review of exempted operational files.".

(c) Subsection (q) of section 552a of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(q)"; and

(2) by adding at the end thereof the following:

"(2) No agency shall rely on any exemption in this section to withhold from an individual any record which is otherwise accessible to such individual under the provisions of section 552 of this title.".

SEC. 3. (a) The Director of Central Intelligence, in consultation with the Archivist of the United States, the Librarian of Congress, and appropriate representatives of the historical discipline selected by the Archivist, shall prepare and submit by June 1, 1985, a report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

(b)(1) The Director shall, once each six months, prepare and submit an unclassified report which includes—

(A) a description of the specific measures established by the Director to improve the processing of requests under section 552 of title 5, United States Code;

(B) the current budgetary and personnel allocations for such processing;

(C) the number of such requests (i) received and processed during the preceding six months, and (ii) pending at the time of submission of such report; and

(D) an estimate of the current average response time for completing the processing of such requests.

(2) The first report required by paragraph (1) shall be submitted by a date which is six months after the date of enactment of this Act. The requirements of such paragraph shall cease to apply after the submission of the fourth such report.

(c) Each of the reports required by subsections (a) and (b) shall be submitted to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

SEC. 4. The amendments made by subsections (a) and (b) of section 2 shall be effective upon enactment of this Act and shall apply with respect to any requests for records, whether or not such request was made prior to such enactment, and shall apply to all civil actions not commenced prior to February 7, 1984.

OMNIBUS TRADE ACT

BAUCUS AMENDMENT NO. 4286

Mr. BAUCUS proposed an amendment to the bill H.R. 3398, supra; as follows:

On page 34 of the matter proposed to be inserted, between lines 2 and 3, insert the following:

SEC. . CUSTOMS BROKERS.

(a) Section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) is amended to read as follows:

"SEC. 641. CUSTOMS BROKERS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) The term 'customs broker' means any person granted a customs broker's license by the Secretary under subsection (b).

"(2) The term 'customs business' means those activities involving transactions with the Customs Service concerning—

"(A) the entry and admissibility of merchandise,

"(B) the classification and valuation of such merchandise,

"(C) the payment of duties, taxes, or other charges assessed or collected by the Customs Service upon merchandise by reason of its importation, or

"(D) the refund, rebate, or drawback of such duties, taxes, or other charges.

"(3) The term 'Secretary' means the Secretary of the Treasury.

"(b) CUSTOM BROKERS LICENSES.—

"(1) IN GENERAL.—No person may conduct customs business (other than solely on such person's own behalf) unless such person holds a valid customs brokers license issued by the Secretary under paragraph (2) or (3).

"(2) LICENSES FOR INDIVIDUALS.—The Secretary may grant an individual a customs brokers license only if that individual is a citizen of the United States. Before granting the license, the Secretary may require an applicant to provide any information that the Secretary determines to be necessary to establish that the applicant is of good moral character and qualified to render valuable service to others in the conduct of customs business. In assessing the qualifications of an applicant, the Secretary may conduct an examination to determine the applicant's knowledge of customs and related laws, regulations and procedures, bookkeeping, accounting, and any other appropriate matters.

"(3) LICENSES FOR CORPORATION.—The Secretary may grant a customs brokers license to any corporation, association, or partnership that is organized or existing under the laws of any of the several States of the United States if at least one officer of the corporation or association, or one member of the partnership, holds a valid customs brokers license granted under paragraph (2).

"(4) DUTIES.—A customs broker shall exercise responsible supervision and control over the customs business that the customs broker conducts.

"(5) LAPSE OF LICENSE.—If a corporation, association, or partnership that is licensed as a customs broker under paragraph (3) fails to have, for any continuous period of 120 days, at least one officer of the corporation or association, or at least one member of the partnership, validly licensed under paragraph (2), in addition to any other sanction under this section (including paragraph (6)), the customs brokers license of such corporation, association, or partnership shall expire at the close of such 120-day period.

"(6) PROHIBITED ACTS.—Any person who intentionally transacts customs business (other than solely on such person's own behalf) without holding a valid customs brokers license granted to such person under this subsection shall be liable to the United States for a monetary penalty not to exceed $10,000 for each such transaction as well as for each violation of any other provision of this section. This penalty shall be assessed in the same manner and under the same procedures as the monetary penalties provided for in subsection (d)(2)(A).

"(c) CUSTOMS BROKERS PERMITS.—

"(1) IN GENERAL.—Each person granted a customs brokers license under subsection (b) shall—

"(A) be issued a permit, in accordance with regulations prescribed under this section, for each customs district in which that person conducts customs business; and

"(B) regularly employ in each customs district for which such a permit is issued at least one individual who is licensed under subsection (b)(2) to exercise responsible supervision and control over the customs business conducted by that person in that district.

"(2) LAPSE OF PERMIT.—If a customs broker granted a permit under paragraph (1) fails to employ, for any continuous period of 120 days, at least one individual who is licensed under subsection (b)(2) within the district for which a permit was issued, in addition to any other sanction under this section (including any sanction imposed under subsection (d)), such permit shall expire at the end of such 120-day period.

"(d) DISCIPLINARY PROCEEDINGS.—

"(1) GENERAL RULE.—The Secretary may impose a monetary penalty in all cases (other than in the case of infractions described in subparagraph (B)(iii)) or revoke or suspend a license or permit of any customs broker, if the Secretary determines that the broker—

"(A) has made, or caused to be made, in any application for any license or permit under this section, or in any report filed with the Customs Service, any statement which was, at the time and in light of the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which was required to be stated therein;

"(B) has been convicted at any time after the filing of an application for license under subsection (b) of any felony or misdemeanor which the Secretary finds—

"(i) involved the importation or exportation of merchandise;

"(ii) arose out of the conduct of the customs business of the customs broker; or

"(iii) involved larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds;

"(C) has violated any provision of any law enforced by the Customs Service or violated the rules or regulations issued under any such provision;

"(D) has counseled, commanded, induced, procured, or knowingly aided or abetted the violations by any other person of any provision of any law enforced by the Customs Service or of the rules or regulations issued under any such provision;

"(E) has knowingly employed, or continues to employ, any person who has been convicted of a felony, without written approval of such employment from the Secretary; or

"(F) has, in the course of the customs business of such broker and with the intent to defraud, willfully and knowingly deceived, misled, or threatened any client or prospective client.

"(2) PROCEDURES.—

"(A) MONETARY PENALTY.—

"(i) NOTICE.—Unless action has been taken under subparagraph (B), the appropriate customs officer shall serve notice in writing upon any customs broker to show cause why the broker should not be subject to a monetary penalty not to exceed $30,000 in total for a violation or violations of this section. Such notice shall advise the customs broker of the allegations or complaints against him and shall explain that the broker has a right to respond to the allegations or complaints in writing within 30 days of the date of the notice.

"(ii) CONSIDERATION OF ALLEGATIONS AND RESPONSES.—Before imposing a monetary penalty, the customs officer shall consider the allegations or complaints and any timely response made by the customs broker and issue a written decision.

"(iii) REMISSION OR MITIGATION OF PENALTIES.—A customs broker against whom a monetary penalty has been issued under this section shall have a reasonable opportunity under section 618 to make representations seeking remission or mitigation of the monetary penalty.

"(iv) WRITTEN DECISION.—After the conclusion of any proceeding under section 618, the appropriate customs officer shall provide to the customs broker a written decision which sets forth the final determination and the findings of fact and conclusions of law on which such determination is based.

"(B) REVOCATION OR SUSPENSION.—

"(i) NOTICE OF COMPLAINT.—The appropriate customs officer may, for good and sufficient reason, serve notice in writing upon any customs broker to show cause why a license or permit issued under this section should not be revoked or suspended. Such notice shall be in the form of a statement specifically setting forth the grounds of the complaint, and shall allow the customs broker 30 days to respond.

"(ii) NOTICE OF HEARING.—If no response to the notice provided under clause (i) is filed, or the appropriate customs officer determines that the revocation or suspension is still warranted after receiving such a response, the appropriate customs officer shall notify the customs broker in writing of—

"(I) a hearing to be held within 15 days, or at a later date if the broker requests an extension and shows good cause therefor, before an administrative law judge appointed pursuant to section 3105 of title 5, United States Code, who shall serve as the hearing officer, and

"(II) the right of the customs broker to be represented by counsel at such hearing.

"(iii) TESTIMONY; CROSS EXAMINATION.—Testimony presented at the hearing described in clause (ii), including the proof of the charges and the response thereto, shall be taken under oath and the right of cross-examination accorded to both parties at such hearing.

"(iv) TRANSCRIPT.—A transcript of the hearing described in clause (ii) shall be made and a copy shall be provided to the appropriate customs officer and the customs broker.

"(v) POST-HEARING BRIEF.—The customs broker and the appropriate customs officer shall be provided a reasonable period of time after receipt of the transcript in which to file a post-hearing brief.

"(vi) WAIVER OR ABSENCE.—If the customs broker waives the hearing, or the broker or his designated representative fails to appear at the appointed time and place, the hearing officer shall make findings and recommendations based on the record submitted by the parties.

"(vii) TRANSFER OF RECORD.—The hearing officer shall promptly transmit the record of the case along with the findings of fact and recommendations of the hearing officer to the Secretary for decision.

"(viii) DECISION OF THE SECRETARY.—The Secretary will issue a written decision based solely on the record which sets forth findings of fact and the reasons for the decision of the Secretary. Such decision may provide for the sanction contained in the notice to show cause or any lesser sanction authorized by this subsection, including a monetary penalty not to exceed $30,000, than was contained in the notice to show cause.

"(3) SETTLEMENT AND COMPROMISE.—The Secretary may settle and compromise any disciplinary proceeding which has been instituted under this subsection according to the terms and conditions agreed to by the parties, including but not limited to the reduction of any proposed suspension or revocation to a monetary penalty.

"(4) LIMITATION OF ACTIONS.—Notwithstanding section 621, no proceeding under this subsection or subsection (b)(6) shall be commenced unless such proceeding is instituted by the appropriate service of written notice within 5 years from the date the alleged violation was committed; except that if the alleged violation consists of fraud, the 5-year period of limitation shall commence running from the time such alleged violation was discovered.

"(e) JUDICIAL APPEAL.—

"(1) IN GENERAL.—A customs broker, applicant, or other person directly affected may appeal any decision of the Secretary denying or revoking a license or permit under subsection (b) or (c), or revoking or suspending a license or permit or imposing a monetary penalty in lieu thereof under subsection (d)(2)(B), by filing in the Court of International Trade, within 60 days after the issuance of the decision or order, a written petition requesting that the decision or order be modified or set aside in whole or in part. A copy of the petition shall be transmitted promptly by the clerk of the court to the Secretary or his designee. In cases involving revocation or suspension of a license or permit or imposition of a monetary penalty in lieu thereof under subsection (d)(2)(B), after receipt of the petition, the Secretary shall file in court the record upon which the decision or order complained of was entered, as provided in section 2635(d) of title 28, United States Code.

"(2) CONSIDERATION OF OBJECTIONS.—The court shall not consider any objection to the admission of evidence or testimony or to the decision or order of the Secretary unless that objection was raised before the hearing officer in suspension or revocation proceedings or there were reasonable grounds for failure to do so.

"(3) CONCLUSIVENESS OF FINDINGS.—The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive.

"(4) ADDITIONAL EVIDENCES.—If any party applies to the court for leave to present additional evidence and the court is satisfied that the additional evidence is material and that reasonable grounds existed for the failure to present the evidence in the proceedings before the hearing officer, the court may order the additional evidence to be taken before the hearing officer and to be presented in a manner and upon the terms and conditions prescribed by the court. The Secretary may modify the findings of facts on the basis of the additional evidence presented. The Secretary shall then file with the court any new or modified findings of fact which shall be conclusive if supported by substantial evidence, together with a recommendation, if any, for the modification or setting aside of the original decision or order.

"(5) EFFECT OF PROCEEDINGS.—The commencement of proceedings under this subsection shall, unless specifically ordered by the court, operate as a stay of the decision of the Secretary except in the case of a denial of a license or permit.

"(6) FAILURE TO APPEAL.—If an appeal is not filed within the time limits specified in this section, the decision by the Secretary shall be final and conclusive. In the case of a monetary penalty imposed under subsection (d)(2)(B) of this section, if the amount is not tendered within 60 days after the decision becomes final, the license shall automatically be suspended until payment is made to the Customs Service.

"(f) REGULATIONS BY THE SECRETARY.—The Secretary may prescribe such rules and regulations relating to the customs business of customs brokers as the Secretary considers necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section, including rules and regulations governing the licensing of or issuance of permits to customs brokers, the keeping of books, accounts, and records by customs brokers, and documents and correspondence, and the furnishing by customs brokers of any other information relating to their customs business to any duly accredited officer or employee of the United States Customs Service.

"(g) TRIENNIAL REPORTS BY CUSTOMS BROKERS.—

"(1) IN GENERAL.—On February 1, 1985, and on February 1 of each third year thereafter, each person who is licensed under subsection (b) shall file with the Secretary of the Treasury a report as to—

"(A) whether such person is actively engaged in business as a customs broker; and

"(B) the name under, and the address at, which such business is being transacted.

"(2) SUSPENSION AND REVOCATION.—If a person licensed under subsection (b) fails to file the required report by March 1 of the reporting year, the license is suspended, and may be thereafter revoked subject to the following procedures:

"(A) The Secretary shall transmit written notice of suspension to the licensee no later than March 31 of the reporting year.

"(B) If the licensee files the required report within 60 days of receipt of the Secretary's notice, the license shall be reinstated.

"(C) In the event the required report is not filed within the 60-day period, the license shall be revoked without prejudice to the filing of an application for a new license.

"(h) FEES AND CHARGES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may prescribe reasonable fees and charges to defray the costs of the Customs Service in carrying out the provisions of this section, including, but not limited to, a fee for licenses issued under subsection (b) and fees for any test administered by him or under his direction.

"(2) EXCEPTIONS.—The Secretary shall not impose any fees or charges with respect to audits of individuals or disciplinary proceedings.".

(b) Section 1581(g) of title 28, United States Code, is amended to read as follows:

"(g) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review—

"(1) any decision of the Secretary of the Treasury to deny a customs brokers license under section 641(b)(2) or (3) or (c) of the Tariff Act of 1930, or to deny a customs brokers permit under section 641(c)(1) of such Act, or to revoke a license or permit under section 641(b)(5) or (c)(2) of such Act; and

"(2) any decision of the Secretary of the Treasury to revoke or suspend a customs brokers license or permit, or impose a monetary penalty in lieu thereof, under section 641(d)(2)(B) of the Tariff Act of 1930.".

(c) Section 1582(1) of title 28, United States Code, is amended to read as follows:

"(1) to recover a civil penalty under section 592, 641(a)(1)(C), 641(d)(2)(A), 704(i)(2), or 734(i)(2) of the Tariff Act of 1930;".

(d) Section 2631(g) of title 28, United States Code, is amended to read as follows:

"(g)(1) A civil action to review any decision of the Secretary of the Treasury to deny a customs broker's license under section 641(b)(2) or (3) of the Tariff Act of 1930, or to deny a customs broker's permit under section 641(c)(1) of such Act, or to revoke such license or permit under section 641(b)(5) or (c)(2) of such Act, may be commenced in the Court of International Trade by the person whose license or permit was denied or revoked.

"(2) A civil action to review any decision of the Secretary of the Treasury to revoke or suspend a customs broker's license or permit or impose a monetary penalty in lieu thereof under section 641(d)(2)(B) of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person against whom the decision was issued.".

(e) Section 2636(h) of title 28, United States Code, is amended to read as follows:

"(h) A civil action contesting the denial or revocation by the Secretary of the Treasury of a customs broker's license or permit under subsection (b) or (c) of section 641 of the Tariff Act of 1930, or the revocation or suspension of such license or permit or the imposition of a monetary penalty in lieu thereof by such Secretary under section 641(d) of such Act, is barred unless commenced in accordance with the rules of the Court of International trade within sixty days after the date of the entry of the decision or order of such Secretary.".

(f) Section 2640(a)(5) of title 28, United States Code, is amended to read as follows:

"(5) Civil actions commenced to review any decision of the Secretary of the Treasury under section 641 of the Tariff Act of 1930, with the exception of decisions under section 641(d)(2)(B), which shall be governed by subdivision (d) of this section.".

(g) Section 2643 of title 28, United States Code, is amended by adding the following new subsection:

"(e) In any proceeding involving assessment or collection of a monetary penalty under section 641(b)(6) or 641(d)(2)(A) of the Tariff Act of 1930, the court may not render judgment in an amount greater than that sought in the initial pleading of the United States, and may render judgment in such lesser amount as shall seem proper and just to the court.".

(h) Section 564 of the Tariff Act of 1930 (19 U.S.C. 1564) is amended by adding the following sentence at the end thereof: "The provisions of this section shall apply to licensed customs brokers who otherwise possess a lien for freight, charges, or contribution in general average upon the merchandise under the statutes of common law of any State or by reason of an order of any court of competent jurisdiction.".

(i) Section 520(a) of the Tariff Act of 1930 (19 U.S.C. 1520(a)) is amended by adding at the end thereof the following:

"(4) PRIOR TO LIQUIDATION—Whenever it is ascertained prior to the liquidation of an entry that excess duties, fees, charges, or exactions have been deposited or paid by reason of a clerical error.".

(j)(1) The amendment made by this section shall take effect upon the close of the 180th day following the date of enactment of this Act with the following exceptions:

(A) Section 641(c)(1)(B) and Section 641(c)(2) of the Tariff Act of 1930, as added by this Act, shall take effect three years after the effective date of this Act.

(B) The amendments made to the Tariff Act of 1930 by subsections (h) and (i) shall take effect on the date of enactment of this Act.

(2) A license in effect on the date of enactment of this Act under section 641 of the Tariff Act of 1930 (as in effect before such date of enactment) shall continue in force as a license to transact customs business as a customs broker, subject to all the provisions of this subsection and such licenses shall be accepted as permits for the district or districts covered by that license.

(3) Any proceeding for revocation or suspension of a license instituted under section 641 of the Tariff Act of 1930 before the effective date of this Act shall continue and be governed by the law in effect at the time the proceeding was instituted.

(k) If any provision of, or amendment made by, this section or its application to any person or circumstances is held invalid, it shall not affect the validity of the remaining provisions of their application to any other person or circumstances.

WILSON AMENDMENT NO. 4287

Mr. WILSON (for himself, Mr. DOLE, Mr. HELMS, Mr. HUDDLESTON, Mr. COCHRAN, and Mr. COHEN) proposed an amendment to the bill H.R. 3398, supra; as follows:

On page 34 of the matter proposed to be inserted, between lines 2 and 3, insert the following:

SEC. . PROCESSED AGRICULTURAL PRODUCTS.

(a) Section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)) is amended by adding at the end thereof the following new subparagraph:

"(E) Special rule for processed agricultural products.—

"(i) In general.—In the case of a processed agricultural product, the term 'industry' means—

"(I) the domestic producers of such product; and

"(II) the domestic producers of the principal raw agricultural commodity which is a part of such product (as determined on the basis of the volume or value of such commodity produced), but only if producers of such raw agricultural commodity allege that they are materially injured, or threatened with material injury, by reason of the imports concerned.

"(ii) Processed agricultural product defined.—For purposes of clause (i), the term 'processed agricultural product' means any product of farm, forest, or fishery which has undergone processing beyond that customarily required to prepare such product for marketing in such product's natural form.".

(b) Notwithstanding any other provision of law, any petition for relief under section 702 or section 732 of the Tariff Act of 1930 which was filed prior to the date of enactment of this Act may be refiled under such section.

WILSON AMENDMENT NO. 4288

Mr. WILSON proposed an amendment to the bill H.R. 3398, supra; as follows:

At the appropriate place in the bill, add the following:

"SEC. . Adverse Economic Impact Study.

"At the end of subsection (b) of section 102 of the Trade Act of 1974, add the following new paragraph:

"'( )(A) Prior to negotiating a trade agreement for the elimination or reduction of duties imposed by the United States, the President shall request of and receive from the International Trade Commission a determination as to each article about which the President intends to negotiate, which is or is likely to be imported into the U.S. upon implementation of any such agreement, and about which the International Trade Commission has received substantial allegations, whether or not the importation of such article is likely to cause a significant adverse impact on the industry in the United States producing such article. Each such determination, and the reasons therefore, shall be transmitted to the Congress.

"'(B) The President shall have no authority to negotiate a trade agreement for the elimination or reduction of any duty imposed by the United States on any article about which an affirmative determination is made pursuant to subparagraph (A).

"'(C) Notwithstanding the provisions of subparagraph (B), not prior to five years after entering into a trade agreement pursuant to the provisions of this subsection, the President may request of the International Trade Commission a review of the affirmative determinations made pursuant to the provisions of subparagraph (A). If, at that time, the International Trade Commission makes a negative determination as to an article so reviewed, the prohibitions in subparagraph (B) shall not apply to such article. If, at that time, the International Trade Commission makes an affirmative determination as to an article so reviewed, the prohibitions in subparagraph (B) shall remain in effect as to such article.'.".

WILSON (AND OTHERS) AMENDMENT NO. 4289

Mr. WILSON (for himself, Mr. CHILES, and Mr. BENTSEN) proposed an amendment to the bill H.R. 3398, supra; as follows:

On page 62 of the matter proposed to be inserted, between lines 18 and 19, insert the following:

(d) Paragraph (1) of section 151(b) of the Trade Act of 1974 (19 U.S.C. 2191(b)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (B),

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new subparagraph:

"(D) if such agreement is with Israel—

"(i) provisions which require articles imported from Israel to meet requirements similar to the requirements provided in section 213(a) of the Caribbean Basin Economic Recovery Act, and

"(ii) provisions which establish emergency relief similar to the emergency relief provided in section 213(f) of the Caribbean Basin Economic Recovery Act from articles imported from Israel are like, or directly competitive with, perishable products produced in the United States, with the term "perishable products" meaning the following—

"(1) vegetables provided for in Schedule 1, Part 8 of the TSUS;

"(2) edible nuts and fruits provided for in Schedule 1, Part 9 of TSUS;

"(3) fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of the TSUS; and

"(4) concentrated citrus fruit juice provided for in items 165.25 and 165.35 of the TSUS.".

WILSON-CRANSTON AMENDMENT NO. 4290

Mr. WILSON (for himself and Mr. CRANSTON) proposed an amendment to the bill H.R. 3398, supra; as follows:

At the end of the matter proposed to be inserted, add the following:

TITLE VI—WINE TRADE

SEC. 601. SHORT TITLE.

This title may be cited as the "Wine Equity and Export Expansion Act of 1984".

SEC. 602. CONGRESSIONAL FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is a substantial imbalance in international wine trade resulting, in part, from the relative accessibility enjoyed by foreign wines to the United States market while the United States wine industry faces restrictive tariff and nontariff barriers in virtually every existing or potential foreign market;

(2) the restricted access to foreign markets and the continued low prices for United States wine and grape products adversely affect the economic position of our Nation's winemakers and grape growers, as well as all other domestic sectors that depend upon wine production;

(3) the competitive position of the United States wine in international trade has been weakened by foreign trade practices, high domestic interest rates, and unfavorable foreign exchange rates;

(4) wine consumption per capita is very low in many major non-wine-producing markets and the demand potential for United States wine is significant; and

(5) the United States winemaking industry has the capacity and the ability to export substantial volumes of wine and an increase in United States wine exports will create new jobs, improve this Nation's balance of trade, and otherwise strengthen the national economy.

(b) PURPOSES.—The purposes of this title are—

(1) to provide wine consumers with the greatest possible choice of wines from wine-producing countries;

(2) to encourage the initiation of an export promotion program to develop, maintain, and expand foreign markets for United States wine; and

(3) to achieve greater access to foreign markets for United States wine and grape products through the reduction or elimination of tariff barriers and nontariff barriers to (or other distortions of) trade in wine.

SEC. 603. DEFINITIONS.

For purposes of this title—

(1) The term "Committees" means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) The term "grape product" means grapes and any product (other than wine) made from grapes, including, but not limited to, raisins and grape juice, whether or not concentrated.

(3) The term "major wine trading country" means any foreign country, or group of foreign countries, designated as such under section 604.

(4) The phrase "nontariff barrier to (or other distortion of)", in the context of trade in United States wine, includes any measure implemented by the government of a major wine trading country that either gives a competitive advantage to the wine industry of that country or restricts the importation of United States wine into that country.

(5) The term "Trade Representative" means the United States Trade Representative.

(6) The term "United States wine" means wine produced within the customs territory of the United States.

(7) The term "wine" means any fermented alcoholic beverage that—

(A) is made from grapes or other fruit;

(B) contains not less than 0.5 percent alcohol by volume and not more than 24 percent alcohol by volume, including all dilutions and mixtures thereof by whatever process produced; and

(C) is for nonindustrial use.

SEC. 604. DESIGNATION OF MAJOR WINE TRADING COUNTRIES.

(a) DESIGNATION OF COUNTRIES.—The Trade Representative shall designate as a major wine trading country each foreign country, or group of foreign countries represented as an economic union, that, in the judgment of the Trade Representative—

(1) is a potential significant market for United States wine; and

(2) maintains tariff barriers or nontariff barriers to (or other distortions of) trade in United States wine.

(b) DESIGNATION FACTORS.—In deciding, for purposes of subsection (a)(2), whether a foreign country or group of countries maintains nontariff barriers to (or other distortions of) trade in United States wine, the Trade Representative shall take into account—

(1) the review and report required under section 854(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2135 note);

(2) such relevant actions that may have been taken by that country or group since that review was conducted; and

(3) such information as may be submitted under section 606 by representatives of the wine and grape products industries in the United States, as well as other sources.

SEC. 605. ACTIONS TO REDUCE OR ELIMINATE TARIFF AND NONTARIFF BARRIERS AFFECTING UNITED STATES WINE.

(a) TRADE REPRESENTATIVE CONSULTATIONS.—The President shall direct the Trade Representative to enter into consultations with each major wine trading country to seek a reduction or elimination of that country's tariff barriers and nontariff barriers to (or other distortions of) trade in United States wine.

(b) PRESIDENTIAL REPORTS.—(1) The President shall notify each of the Committees regarding the extent and effect of the efforts undertaken since the submission of the report required under section 854(a) of the Trade Agreements Act of 1979, and during the 12-month period beginning on the date of the enactment of this Act, to expand opportunities in each major wine trading country for exports of United States wine. Such notification, which shall be in the form of a separate written report (that must be submitted within 30 days after the close

of that 12-month period) for each major wine trading country, shall include—

(A) a description of each act, policy, and practice (and of its legal basis and operation) in that country that constitutes a tariff barrier or nontariff barrier to (or other distortion of) trade in United States wine (and that description shall be based upon an updating of the report that was submitted to the Congress under section 854(a) of the Trade Agreements Act of 1979);

(B) an assessment of the extent to which each such act, policy, or practice is subject to international agreements to which the United States is a party;

(C) information with respect to any action taken, or proposed to be taken, under existing authority to eliminate or reduce each such act, policy, or practice, including, but not limited to—

(i) any action under the Trade Act of 1974, and

(ii) any negotiation or consultation with any foreign government;

(D) if action referred to in subparagraph (C) was not taken, an explanation of the reasons therefor; and

(E) recommendations to the Congress of any additional legislative authority or other action which the President believes is necessary and appropriate to obtain the elimination or reduction of foreign tariff barriers or nontariff barriers to (or other distortions of) trade in United States wine.

(2) The reports required under paragraph (1) shall be developed and coordinated by the Trade Representative through the interagency trade organization established by section 242(a) of the Trade Expansion Act of 1962.

(c) PRESIDENTIAL ACTION.—If the President, after taking into account information and advice received under subsections (a) and (b), section 606 or from other sources, determines that action is appropriate to respond to any act, policy or practice of a major wine trading country constitutes a tariff barrier or nontariff barrier to (or other distortion of) trade in United States wine and—

(1) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement; or

(2) is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce;

the President, shall take all appropriate and feasible action under the Trade Act of 1974 to enforce the rights of the United States under any such trade agreement or to obtain the elimination of such act, policy, or practice.

SEC. 606. REQUIRED CONSULTATIONS.

The Trade Representative shall consult with the Committees and with representatives of the wine and grape products industries in the United States—

(1) before identifying tariff barriers and nontariff barriers to (or other distortions of) trade in United States wine and designating major wine trading countries under section 604;

(2) in developing the reports required under section 605(b); and

(3) for purposes of determining whether action by the President is appropriate under any provision the Trade Act of 1974 with respect to any act, policy, or practice referred to in section 605(b)(1).

SEC. 607. UNITED STATES WINE EXPORT PROMOTION.

In order to develop, maintain, and expand foreign markets for United States wine, the President is encouraged to—

(1) utilize, for the fiscal year ending September 30, 1985, the authority provided under section 135 of the Omnibus Budget Reconciliation Act of 1982 to make available sufficient funds to initiate, in cooperation with non-governmental trade associations representative of United States wineries, an export promotion program for United States; and

(2) request, for each subsequent fiscal year, an appropriation for such a wine export promotion program that will not be at the expense of any appropriations requested for export promotion programs involving other agriculture commodities.

BYRD AMENDMENT NO. 4291

Mr. BYRD proposed an amendment to the bill H.R. 3398, supra; as follows:

On page 11 of the matter proposed to be inserted, between lines 9 and 10, insert the following:

SEC. 126. FERROALLOYS.

(a) Congress hereby finds that—

(1) ferroalloys are products which impart distinctive qualities to steel, especially alloys, iron, and aluminum and are essential to the production of those products;

(2) the economic health and national defense of any modern industrial nation rest on its having a secure supply of ferroalloys, and the United States can assure that supply only if it maintains the capacity to produce a significant portion of its needs domestically;

(3) the domestic ferroalloy industry has suffered from the unremitting pressure of low-priced imports for many years, and consequently it has suffered massive losses and its capacity has dwindled in recent years;

(4) imports have caused this result not because of any superiority—since the American industry is as technologically modern and efficient as any in the world—but rather because of artificial advantages afforded by subsidies, by non-free-market pricing policies, and by other policies of their governments;

(5) the application of existing trade laws has not prevented imports from causing the industry's severe decline;

(6) unless effective import relief is promptly forthcoming, the industry will soon shrink to where it will be able to supply only a small portion of the Nation's needs;

(7) such a result would gravely damage the national security and the economic and international interests of the United States; and

(8) the additional tariffs enacted by this section would preserve the Nation's essential capacity to produce the large volume products high carbon ferromanganese, high carbon ferrochrome, 50 percent ferrosilicon, 75 percent ferrosilicon, silicon metal, and siliconmanganese and also chromium metal, a smaller volume product especially crucial to the national security.

(b)(1) Item 606.24 is amended—

(A) by striking out "1.9% ad val." and inserting in lieu thereof "Fair price differential + 1.9% ad val.", and

(B) by striking out "7.5% ad val." and inserting in lieu thereof "Fair price differential + 7.5% ad val.".

(2) Item 606.30 is amended—

(A) by striking out "1.6% ad val." and inserting in lieu thereof "Fair price differential + 1.6% ad val.",

(B) by striking out "1.5% ad val." and inserting in lieu thereof "Fair price differential + 1.5% ad val.", and

(C) by striking out "10.5% ad val." and inserting in lieu thereof "Fair price differential + 10.5% ad val.".

(3) Subpart B of part 2 of schedule 6 is amended—

(A) by redesignating items 606.36, 606.37, 606.39, and 606.40 as items 606.38, 606.39, 606.40, and 606.41, respectively, and

(B) by striking out item 606.35 and inserting in lieu thereof the following:

606.35	Containing over 8 percent but not over 30 percent by weight of silicon. Containing over 30 percent but not over 60 percent by weight of silicon:	Free	2¢ per lb. on silicon content.
606.36	Containing over 2 percent by weight of magnesium.	Free	2¢ per lb. on silicon content.
606.37	Other	Fair price differential.	Fair price differential +2¢ per lb. on silicon content".

(4) Item 606.39 (as redesignated by paragraph (3)(A) of this subsection) is amended—

(A) by striking out "1.6% ad val." and inserting in lieu thereof "Fair price differential +1.6% ad val.",

(B) by striking out "1.5% ad val." and inserting in lieu thereof "Fair price differential +1.5% ad val.", and

(C) by striking out "11.5% ad val." and inserting in lieu thereof "Fair price differential +11.5% ad val.".

(5) Item 606.44 is amended—

(A) by striking out "4.7% ad val." and inserting in lieu thereof "Fair price differential +4.7% ad val.".

(B) by striking out "3.9% ad val." and inserting in lieu thereof "Fair price differential +3.9% ad val.", and

(C) by striking out "23% ad val." and inserting in lieu thereof "Fair price differential +23% ad val.".

(6) Item 632.18 is amended—

(A) by striking out "4.2% ad val." and inserting in lieu thereof "Fair price differential +4.2% ad val.".

(B) by striking out "3.7% ad val." and inserting in lieu thereof "Fair price differential +3.7% ad val.", and

(c) by striking out "30% ad val." and inserting in lieu thereof "Fair price differential +30% ad val.".

(7) Item 632.42 is amended—

(A) by striking out "5.3% ad val." and inserting in lieu thereof "Fair price differential +5.3% ad val.", and

(B) by striking out "21% ad val." and inserting in lieu thereof "Fair price differential + 21% ad val.".

(8) Item 632.86 is amended—

(A) by striking out "9% ad val." and inserting in lieu thereof "Fair price differential + 9% ad val.", and

(B) by striking out "45% ad val." and inserting in lieu thereof "Fair price differential + 45% ad val.".

(c) The headnotes to part 2 of schedule 6 are amended by adding at the end thereof the following new headnote:

"5. (a) For purposes of this part, the term 'fair price differential' means, with respect

to any article, the amount equal to the excess, if any, of—

(i) the fair price of such article, over

(ii) the duty declared value of such article (including cost, insurance, and freight) at the United States port of entry.

"(b)(i) For purposes of this headnote, the term 'fair price' means, with respect to an article, the sum of—

"(A) the amount determined by the Secretary of Commerce to be the average cost incurred by producers in producing such article in the United States at technologically efficient facilities, plus

(B) an amount prescribed by the Secretary of Commerce with respect to such article for general expenses and profit.

"(ii) The amount prescribed by the Secretary of Commerce under subdivision (i)(B) shall not be less than the amount determined with respect to such article under section 773(e)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1677b(e)(1)(B)) at the time such amount is prescribed under subdivision (i)(B).

"(iii) By no later than December 31 of 1984, and of each year thereafter, the Secretary of Commerce shall determine, and publish in the Federal Register, the fair price for each of the following items of this part: 606.24; 606.30; 606.37; 606.39; 606.44; 632.18; 632.42; and 632.86.

"(iv) The fair price determined under subdivision (iii) shall apply during the calendar year that succeeds the calendar year in which such determination is made.".

(d) The provisions of Presidential Proclamation 4707 of December 11, 1979, which would otherwise be applicable to articles entered, or withdrawn from warehouse, for consumption after December 31, 1984, shall not apply with respect to the following items of the Tariff Schedules of the United States: 606.30; 606.37 (as added by subsection (b)(3)(B) of this section); 606.39 (as redesignated by subsection (b)(3)(A)); 606.44; 632.18; and 632.42.

On page 24 of such matter, between lines 32 and 33, insert the following:

(4) The amendments made by section 126 shall apply to articles entered after December 31, 1984.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that the following bills have been added to the agenda of the hearing scheduled before the Subcommittee on Water and Power for September 20 at 10 a.m. in room SD-366: S. 1884, to relieve the Elephant Butte irrigation district of certain repayment obligations, and for other purposes; and S. 2643, to extend the service area for the San Luis Unit of the Central Valley Project, CA, and for other purposes.

For further information regarding this hearing you may wish to contact Mr. Russ Brown of the subcommittee staff at 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Agricultural Policy, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, September 19, at 2 p.m., to hold a joint hearing with the Subcommittee on African Affairs of the Committee on Foreign Relations on African food aid.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 19, at 3:30 p.m., to hold a markup of H.R. 6007, DC Retired Judge Service Act; S. 2115, to amend provisions regarding the Executive Exchange Program;

S. 2721, to confirm conveyance of certain real property by the Southern Pacific Transportation Co., to Ernest and Diana Pritchett; and Senate Concurrent Resolution 120, expressing the sense of Congress that the legislatures of States should develop and enact legislation designed to provide child victims of sexual assault with protection and assistance during administrative and judicial proceedings; and to consider the nomination of the following to be District of Columbia Superior Court Judges:

Rufus King, Coleen Kotelly, Emmett Sullivan, Susan Holmes, A. Noel Kramer, Robert Richter and Robert Tignor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 19, at 10 a.m., to hold a business meeting to consider Senate Concurrent Resolution 65, regarding South Africa; Senate Joint Resolution 226, relating to the 1945 Yalta Agreement; S. 2456, to establish a Commission to study the 1932-33 Ukrainian famine; Treaty Doc. 98-5, protocols for the further extension of the 1971 International Wheat Agreement; Ex. O, 81-1, the Convention on the Prevention and Punishment of the Crime of Genocide, adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948, and signed on behalf of the United States in December 1948; and to consider the following nominations:

Harvey J. Feldman, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador;

Melvyn Levitsky, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bulgaria;

William L. Eagleton, Jr., of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic; and

William Arthur Rugh, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Yemen Arab Republic.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Pollution of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 19, to hold a hearing on fish and wildlife matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CIVIL SERVICE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Civil Service of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 19, to hold a hearing on private and public sector management theories, part I.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LET US ALL BE AMERICANS

● Mr. GOLDWATER. Mr. President, in a speech made by Henry Cabot Lodge way back in 1888, he touched on a subject that I think every American should understand, and I am going to put this into the RECORD because it will give more Americans a chance to see what that great man thought about this problem so many years ago.

It gets down to one plain, simple fact, that while every American has an ancestor, or maybe two, and in my case three, who came from a foreign country, I don't believe that we should forever be classifying ourselves as hyphenated Americans. I guess if I wanted to, I could call myself a Polish-English-Scotch-American but, in my heart, I feel I'm just plain American and that's all I ever want to be.

I submit this quotation from Henry Cabot Lodge for the RECORD:

Let every man honor and love the land of his birth and the race from which he springs and keep their memory green. It is a pious and honorable duty. But let us have done with British-Americans, Irish-Americans, German-Americans and so on, and all be Americans. If a man is going to be an American at all, let him be without any qualifying adjectives and if he is going to be something else, let him drop the word from his personal description.●

CIGARETTE LABELING REQUIREMENT

● Mr. KENNEDY. Mr. President, I rise is support of H.R. 3979, an act that will undoubtedly save the lives of many American citizens. This year in the United States, cigarette smoking will be responsible for the premature unnecessary deaths of hundreds of thousands of men and increasing numbers of women. Unfortunately, the effects of smoking are not limited to adults who can choose not to smoke. We now know that almost 50 percent of all women do not know that smoking during pregnancy increases the risk of stillbirth and miscarriage. Forty percent of high school seniors do not believe that there is a great health risk in smoking, and their perception of those risks has continued to decline.

The financial costs of smoking are staggering as well. Billions of dollars each year are spent on medical care, lost productivity, and medicare and medicaid costs. With H.R. 3979, we are given the rare opportunity to reduce health care costs and to save lives. To abandon this opportunity would be irresponsible.

I have led many efforts for this type of legislation for a number of years. Our Committee on Labor and Human Resources, of which I am ranking minority member worked very hard at this legislation. It is, therefore, an honor for me to join the enormous group of supporters who are choosing to endorse H.R. 3979. The American public deserves the additional information and education that this measure will provide. We can all take pride in what our dedication in passing this legislation will offer to our fellow citizens.●

POLITICAL DOWNGRADING OF OUR MILITARY

● Mr. GOLDWATER. Mr. President, the efforts to downgrade, belittle, and actually insult our military I guess will never end. Recently, in Aerospace Daily, I read a release by the House Democratic Study Group—whoever they are—stating that, following up a House Appropriations Committee staff report which has already been thoroughly and properly chastised as being, not only untrue, but dishonest, has come out with a "hard-hitting followup." The report does not break any new ground, they say, but puts together an extensive list of major quality problems and defective weapons. It further goes on to blame the Reagan administration. These reports never seem to end.

Now, the interesting thing about this report is that it was written by one man—a man who has never been in the military, has never worked in the Department of Defense, who has an undergraduate degree and a Ph.D. and worked at the Library of Congress on foreign policy issues. How this man could possibly pose as an expert in defense and foreign policy is beyond me and, frankly, I am getting a little bit fed up with people commenting on and criticizing the military who have never been in uniform.

I am not belittling the academic approach to an issue, but an academic approach on military issues is not sufficient. There has to be some practical experience to serve as a base for the critic.

I offer these remarks for the RECORD and I will continue to do so with every political effort I see made solely to make our military look bad.●

GRANTING U.S. CITIZENSHIP TO VLADIMIR YAKIMETZ

● Mr. MOYNIHAN. Mr. President, by concurring in the technical amendment added in the House to S. 1989, the Senate has now cleared for the President's signature a bill to confer U.S. citizenship on Mr. Vladimir V. Yakimetz.

Mr. Yakimetz, recently a citizen of the Soviet Union, worked until December 1983 as an international civil servant in the U.N. Secretariat in New York City. With U.S. citizenship, he may soon be reappointed to his post as budget officer in the Office of Program Planning and Coordination. And it will be clear to the world that a U.N. employee is able to abide by the charter and continue to work at the United Nations.

S. 1989 is a private bill with a public purpose. The purpose is to encourage employees of the United Nations to believe in—and to uphold—the charter of the United Nations.

Passage of S. 1989 will not make the United Nations perfect. But it would be a tangible demonstration of congressional support for the noble principles enshrined in the charter. It would represent a small step toward enabling the United Nations to live up to those principles.

The case for the bill before us may be put simply:

Mr. Yakimetz is a man who has lived up to the charter, and—due to the intervention of the Soviet Government—has lost his job at the United Nations in consequence. With American citizenship, he will be able to return to his post as a U.N. employee, beholden to no interest other than the United Nations.

I reveal no closely held secret of the intelligence community when I state that it is standard practice for Soviet bloc employees at the United Nations to accept instruction from their governments and to use their privileged diplomatic positions in New York to engage in espionage against the United States and other nations. This is in unambiguous violation of article 100 of the U.N. Charter which states that:

In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization.

It may fairly be said that this provision lies at the very heart of what is required of an international organization if it is to function as intended. If the organization is ever to enjoy the confidence of member states, the Secretariat must be truly international in character.

Vladimir Yakimetz merits our attention precisely because he has sought to live up to the principle expressed in article 100.

In 1982, while serving, as he had for several years, as a program officer responsible for budget planning in the Department of International Economic and Social Affairs, Mr. Yakimetz was instructed by officials of the Soviet mission at the United Nations to engage in activities he knew to be inconsistent with his oath as an international civil servant. He refused, and was consequently ordered back to Moscow.

Mr. Yakimetz thereupon requested, and received, on February 9, 1983, political asylum in the United States. The Soviets, not surprisingly, sought to have him dismissed from the United Nations.

To his great credit, Secretary General Javier Perez de Cuellar decided to permit Mr. Yakimetz to remain at the United Nations through the conclusion of his employment contract, despite the fact that the country which had seconded him to the United Nations—the U.S.S.R.—no longer wanted him to remain there.

While this represented a certain measure of victory for the principle of independence in the international civil service, it was only an interim solution. When Mr. Yakimetz's contract expired on December 26, 1983, the Secretary General was bound by the precedents of the United Nations not to employ him unless he were to be seconded by a member country of the United Nations.

In order to be seconded, Mr. Yakimetz must be a citizen of said member country. For a number of reasons, the logical choice is the United States—not least because it would be in the

American national interest to see that the often-abused principle of an independent U.N. civil service is strengthened in practice, as it would be by retention of Mr. Yakimetz in the U.N. Secretariat.

Thus S. 1989, and the proposal to expedite the citizenship process for Vladimir Yakimetz. With American citizenship, he will promptly be seconded and rehired. And the employees of the United Nations will see that it is possible to abide by the charter.

It is important to note that Vladimir Yakimetz does not seek early citizenship for personal gain or convenience. Having been granted political asylum, he could look forward to becoming an American citizen in the course of time through the normal procedures. With his background as a physicist, linguist, and administrator, he could also expect to fare well in the American job market.

Yet Mr. Yakimetz believes in abiding by the U.N. Charter, and would like to continue to do so, an employee of the Secretariat. If he did not, he could easily have cooperated with the Soviet mission at the United Nations in violating that charter.

The permanent representative of the United States to the United Nations, Ambassador Jeane J. Kirkpatrick, has written me in support of this effort, noting in her letter that "the immediate bestowal of U.S. citizenship on this worthy individual who has chosen freedom seems to me not only warranted but essential."

The principles of the U.N. Charter, the noble goal of an international civil service and the personal courage of Vladimir Yakimetz deserve the recognition this bill accords.

I ask that the full text of S. 1989, as passed, and the text of a recent article from the New York Times about Vladimir Yakimetz be printed in the RECORD.

The material follows:

S. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the naturalization of Vladimir Victorovich Yakimetz under chapter 2 of title III of the Immigration and Nationality Act, notwithstanding section 310(d) of that Act, section 313 of that Act shall not apply and for purposes of section 316 of that Act periods of residence in the United States before the date of the enactment of this Act shall be considered periods of residence after being lawfully admitted for permanent residence.

[From the New York Times, July 17, 1984]

RUSSIAN EX-U.N. EMPLOYEE SAYS SOVIET VIOLATES CHARTER

(By Richard Bernstein)

UNITED NATIONS, NY, July 16.—A former Soviet employee here who defected rather than return to Moscow says the Soviet Mission is violating the United Nations Charter by requiring Soviet citizens who work for the Secretariat to follow the mission's orders.

They also must provide a host of services for the Soviet Government, according to the former Secretariat employee, Vladimir V. Yakimetz.

Mr. Yakimetz, 47 years old, held a middle-level position in the Office of Program Planning and Coordination, which makes long-range plans for the administration of the United Nations.

According to United Nations rules, the Soviet Government should have had no control over Mr. Yakimetz. According to Article 100 of the Charter, a Secretariat employee is forbidden to "seek or receive instruction from any government."

Yet, in interviews here recently, Mr. Yakimetz detailed what is privately conceded by diplomats and officials: that Soviet citizens working in the Secretariat are expected to provide services to their Government.

"UNDER MISSION'S ORDERS"

I functioned directly under the mission's orders," he said. "I did not lift a finger without the Soviet Mission knowing about it. We might be asked to analyze a certain report or to prepare materials for a particular agenda item at the General Assembly. You can be asked to spy on your division at the U.N. Certainly, you are asked to report on transfers and promotions, to find out where there might be chances to get in more Soviet employees."

For two years, Mr. Yakimetz was on a six-member committee that advised the appointments and promotions board of the Secretariat. In that post, he said, he operated directly under instructions from the Soviet Mission.

"It was my direct responsibility to see that every Russian proposed by the Government was admitted," he said. Another obligation was to block action on people the mission deemed undesirable.

Mr. Yakimetz, a former physics instructor at the Moscow Physical-Technical Institute in a northern Moscow suburb, said Soviet employees were asked to collect scientific and technical data, and for that purpose he became a member of the American Physical Society.

"I sent a lot of stuff to Moscow," he said. "They were pretty interested in it. As a member of the American Physical Society, I received newsletters and magazines."

PRODUCTS ON STRATEGIC LIST

He added that, as a member of the Secretariat, he found himself in communication with American companies involved in high technology.

Not one of the papers that Mr. Yakimetz saw was secret. But, he said, "some of the products, I presume, are on the strategic list, because some of the manufacturers I correspond with were among the companies that were selling strategic equipment to Moscow through third countries."

A spokesman for the Soviet Mission, Anatoly N. Khudyakov, said he had no comment on Mr. Yakimetz's remarks.

Mr. Yakimetz said he defected because he feared that the Soviet Government was trying to cut short his career at the United Nations. He said that, in late 1982 and early 1983, the personnel director of the Soviet Mission pressed him to seek a leave of absence to return to Moscow and train a replacement. He was granted political asylum in February 1983.

CONTRACT EXTENSION DENIED

Last December, under pressure from the Soviet Mission, the office of Secretary General Javier Perez de Cuellar refused to extend Mr. Yakimetz's contract. A spokesman for Mr. Perez de Cuellar said that Mr. Yakimetz, having been temporarily assigned to the United Nations by his Government, could not stay against its will.

Most Western employees of the Secretariat are private citizens, although many have earlier served in their governments. But citizens of most Communist countries are employed by their governments and are detached to work for the Secretariat.

Some senior Secretariat officials concede that the Russians do not technically adhere to the rules on the independence of international civil servants, and staff members with knowledge of Soviet practices say that, in effect, even when Eastern bloc citizens serve in the Secretariat they are treated as if they are still members of their own government bureaucracies.

APPEAL IS UNSUCCESSFUL

Mr. Yakimetz appealed the decision of the Secretary General's office to a three-person administrative tribunal headed by a Hungarian. Last month, the tribunal, meeting in Geneva, denied the request.

In the interview, Mr. Yakimetz said that he had spent nearly 15 years pursuing his career. "I see my life as completely disrupted by this decision," he said. "Of course, the Soviet Government will be glad to hear that."

Mr. Yakimetz began his career at the United Nations in 1969 when he left his teaching post to become a technical translator in the Secretariat. After five years, he returned to Moscow to study at the Academy of Foreign Trade. He returned to New York in 1977, again as a United Nations translator. Three years ago he was transferred to the Office of Planning and Coordination.

Mr. Yakimetz left his job when his contract expired in December, its renewal having been rejected by Mr. Perez de Cuellar. Since then, he said, his only income has come from occasional translation jobs. Mr. Yakimetz said he and his wife, Alla, a dentist who worked in the Soviet Mission before his defection, have been denied contact with their daughter and their parents in Moscow.●

LORAIN COUNTY SENIOR VOLUNTEERS

● Mr. GLENN. Mr. President, I am pleased to recognize the valuable work of 400 senior volunteers in Lorain County, OH, who participate in the Retired Senior Volunteer Program [RSVP]. The Lorain County RSVP Program will hold their eighth annual volunteer recognition luncheon on October 11, 1984. At this luncheon, 400 senior volunteers will be honored for their 68,000 hours of service during 1984.

Under the leadership of Constance Garrett, director, and her capable staff, these senior volunteers are providing valuable services in 76 nonprofit organizations and governmental agencies in Lorain County. In addition to assignments in schools, hospitals, and senior centers, Lorain County's senior volunteers serve in a number of innovative areas. For example, RSVP volunteers have put together a retirement planning program to help employees of local industries and busi-

nesses. Volunteers also work at Genesis House, a home for battered women. Through assignments with the local courts system, senior volunteers supervise juveniles and adult offenders participating in the community service "payback" programs. All of the RSVP volunteers have given generously of their time, talents, patience and wisdom to benefit their community.

As the ranking Democratic member of the Senate Special Committee on Aging, I strongly support the Retired Senior Volunteer Program and the other Older American Volunteer programs. The RSVP Program was created in 1969, and has grown to support 345,200 volunteers in 730 projects throughout the country. The program is designed to provide volunteer opportunities for persons age 60 and over in a variety of community settings. Volunteers serve in such areas as youth counseling, literacy enhancement, long-term care, crime prevention, housing rehabilitation, and nutrition. RSVP sponsors include State and local governments, schools, hospitals, community organizations, and senior centers.

Congress recently passed legislation reauthorizing the Older American Volunteer programs for an additional 3 years. We recognize that volunteer participation in human services is necessary in meeting community and national needs. The contributions of older Americans are particularly vital during the current economic period when demand for services has grown but Government assistance has been frozen at current levels or cut back.

I know my colleagues in the Senate join me in congratulating the RSVP volunteers in Lorain County for their fine work.●

MART NIKLUS, PRISONER OF CONSCIENCE, TURNS FIFTY

● Mr. SARBANES. Mr. President, on September 22, Mart Niklus will mark his 50th birthday. Such an occasion is, for many men and women, a time for taking stock: For reviewing one's past life and contemplating one's future. In Mr. Niklus' case, this occasion has a special poignancy. He will spend his 50th birthday as a Prisoner of Conscience in the notorious Soviet Chistopol prison, where Anatoly Shcharansky is also incarcerated.

Mart Niklus was born in Tartu, Estonia, on September 22, 1934. Graduated from Tartu University with a degree in biology-zoology in 1957, he was imprisoned for the first time just 1 year later. In January 1959, he was sentenced to 10 years in a labor camp and 3 years of internal exile for sending photographs of Estonia to the West. Released in 1966, he was unable to pursue his career, working first as a laborer and subsequently as a teacher of foreign languages. In 1975 a new period of harassment and imprisonment began. Dismissed from his job in 1979, he sought unsuccessfully to emigrate to join relatives in Sweden in 1980. Formally tried in January 1981, Mart Niklus was found guilty of anti-Soviet agitation and propaganda and sentenced to 10 years in a special regime hard labor camp and 5 years' internal exile. His friend and colleague Juri Kukk, who was tried and sentenced with him, has since died.

Apart from the 1966–75 period, Mart Niklus has spent virtually all of his adult life in prison. A courageous spokesman for his Estonian heritage, he has been condemned repeatedly for anti-Soviet activities. Even while imprisoned, he has remained outspoken in his protests against Soviet violations of human and national rights.

More than 2 years ago, Congress approved House Concurrent Resolution 218, calling on the Soviet Government to release Mart Niklus from prison and permit him to emigrate. Today, on his 50th birthday, our thoughts are with him. We must renew our call for his freedom, and reaffirm the principles of liberty, human dignity, and the rule of law which he continues so valiantly to represent.●

PAWSOX TAKE GOVERNOR'S CUP

● Mr. CHAFEE. Mr. President, last week, the Pawtucket Red Sox, a triple-A a minor league baseball team from Pawtucket, RI, won the International League's highest prize, the Governor's Cup, in a stunning come-from-behind victory over the Maine Guides.

The PawSox ranked fourth in the league during the regular season. After defeating the Columbus Clippers of Ohio in the semifinals, the PawSox went on to take the championship from the Maine Guides in a dramatic five-game series. The PawSox lost the first two home games against the Guides, but came from behind to trounce the Guides in the final three games of the series, making the PawSox league champions for the first time since 1973.

In just 2 short years, manager Tony Torchia has taken the PawSox from "cellar dwellers" to league champions. Under Tony Torchia's guidance, the PawSox have become the kind of team that has made baseball America's favorite sport.

Mr. President, I would like to heartily commend PawSox owner Ben Mondor for the remarkable job he has done in developing a top-notch ball club. Every year, when PawSox fans flock to McCoy Stadium in Pawtucket to see their team play, they are greeted by new improvements initiated by Ben Mondor. Whether it's a new scoreboard or a better playing field, McCoy Stadium has taken on an air of professional sports seldom associated with a minor league baseball team. Ben Mondor has made McCoy Stadium and the Pawtucket Red Sox a source of great pride for all Rhode Islanders, sports fans or not.

Mr. President, I would also like to note that the two teams vying for the championship in the International League were the only two New England teams in that League. In fact, the Pawtucket Red Sox and the Maine Guides are the only two triple-A teams in New England. May I commend the players, coaches, and owners of both teams for an outstanding season of minor league baseball.●

SATIRE AND CIGARETTE SMOKING

● Mr. HUDDLESTON. Mr. President, humor and satire can often give us valuable perspective in dealing with controversial matters. Garrison Keillor does just that for the smoking controversy in his witty story "End of the Trail," which appears in the current issue of the New Yorker. I ask that Mr. Keillor's story be printed in the RECORD.

END OF THE TRAIL

The last cigarette smokers in America were located in a box canyon south of Donner Pass in the High Sierra by two federal tobacco agents in a helicopter who spotted the little smoke puffs just before noon. One of them, the district chief, called in the ground team by air-to-ground radio. Six men in camouflage outfits, members of a crack anti-smoking joggers unit, moved quickly across the rugged terrain, surrounded the bunch in their hideout, subdued them with tear gas, and made them lie face down on the gravel in the hot August sun. There were three females and two males, all in their mid-forties. They had been on the run since the adoption of the Twenty-eighth Amendment.

The chief, a trim, muscular man in neatly pressed khakis who carried a riding crop, paced back and forth along the line of motionless shoe soles. "What are you people using for brains? Can't you read?" he snapped, flicking the crop at their ankles. He bent down and snatched up an empty pack of Marlboros and thrust it in the face of a pale, sweaty man whose breath came in short, terrified gasps. "Look at this! This warning has been there for decades! Want me to read it to you? Want me to give you the statistics? What does it take to make you understand? Look at me! Speak up! I can't hear you!"

In fact, the smokers had been very subdued long before the acrid tear-gas fumes drifted into their hideout, a narrow cave near the canyon mouth. They knew the end was near. Days before, they had lost radio contact with the only other band of smokers they knew of: five writers holed up in an Oakland apartment. It had been three weeks since the Donner group's last supply drop from the air, forty pounds of barbecued ribs, ten Picnic Tubs of Jimbo deep-fried chicken, and six cartons of smokes, all mentholated. Agents who searched the cave found exactly two cigarettes. There was not a single shred of tobacco found in any of the thousands of discarded butts. The two

cigarettes were hidden in the lining of a sleeping bag, and the general disorder in the cave—clothing and personal effects strewn from hell to breakfast—indicated that some smokers had searched frantically for a smoke that very morning. Blackened remnants of what appeared to be cabbage leaves lay in the smoldering campfire.

"Move 'em out of here!" the chief said. "They disgust me."

Among the personal effects were four empty packs, carefully slit open, the blank insides covered with handwriting. An agent picked them up and put them in a plastic bag, for evidence. They read:

DEAR LINDSAY & MATT—This is to let y. know I'm OK & w. friends tho how this w. reach you I dont know. 5 of us are in the mts (dont know where). I never thot it wld come to this. All those yrs as ashtrays vanishd fr parties & old pals made sarc remarks & FAA crackd down & smoke sect. became closet, I thot if I just was discreet & smokd in prv & took mints I'd get by but then yr dad quit & I had to go undergrnd. Bsmnt, gar., wet twls, A/C, etc. Felt guilty but contd, couldnt stop. Or didnt. Too late for that now. Gotta go on midnt watch. More soon. Love, Mother.

MY DEAR CHILDREN—Down to 1 cart PlMls. Not my fav. Down to 1 cg/day. After supper. Hate to say it but it tastes fant. So rich, so mild. I know you never approvd, Sorry. In 50s it was diffrnt, we all smokd. Felt like movies. So gracefl, tak'g cg from pk, the mtch, the lite, one smooth move. Food, sex, then smoke. Lng drags. Lrnd Fr. exh. Then sudd. it was 82 and signs apprd (Thanx for Not S). In my home! Kids naggng like fishwives & yr dad sudd. went out for track. I felt *ambushed.* Bob Dylan smokd, Carson, Beatles. I mean WE'RE NOT CRIMINALS. Sorry. Too late now. More soon. Love, Mother.

DEAR KIDS—This may be last letter, theyre closing in. Planes o'head every day now. Dogs in dist. Men w. ldspkrs. Flares. Oakland chapt got busted last pm. Was w. then on radio when feds came. Reminded me of when yr dad turned me in. After supper. Knew he was nut but didnt know he was creep. Cops surr. our hse, I snk away thru bushes. No time to say g-b to y. Sorry. Wld you believe I quit twice yrs ago, once fr 8 mo. I'm not a terrible wom. y'know. Sorry. Know this is hard on y. Me too. We're down to 2 pks & everybody's tense. Got to go chk perimtr. Goodbye. Love, Mother.

DEAR L & M—This is it. They saw us. I have one left and am smoking it now. Gd it taste gd. My last cg. Then its all over. I'm OK. I'm ready. Its a better thng I do now than I hv ever done. I love you both. . . .

The five smokers were handcuffed and transported to a federal detention camp in Oregon, where they were held in pup tents for months. They were charged with conspiracy to obtain, and willful possession of, tobacco, and were convicted in minutes, and were sentenced to write 20,000 words apiece on the topic "Personal Integrity" by a judge who had quit cigarettes when the price went to 35 cents and he could not justify the expense.

The author of the letters was soon reunited with her children, and one night, while crossing a busy intersection near their home in Chicago, she saved them from sure death by pulling them back from the path of a speeding car. Her husband, who had just been telling her she could stand to lose some weight, was killed instantly, however.●

KIDNAPED CHILDREN INFORMATION ANNOUNCEMENTS

● Mr. D'AMATO. Mr. President, I rise today to join as a cosponsor of Senate Concurrent Resolution 133, which expresses the sense of the Senate that major television networks, their affiliates, and independent stations should broadcast information on kidnaped children as public service announcements.

Every year in America 150,000 children disappear forever. Statistics show that we have a better chance of finding a stolen car than we do of finding a stolen child. This outrageous situation must not be tolerated.

Our children are at risk: no family is immune to this vicious threat. Innocent children are being snatched from backyards, schoolyards, and neighborhood streets.

On July 16, Antonella Mattina disappeared from the streets of Flushing, NY. This very responsible 12-year-old was running an errand for her father. Shortly after she made a deposit at a local bank, she vanished into thin air. There are no witnesses and no clues to help in tracing her. Antonella's family has entered an unceasing nightmare. Their only hope is that publicity about Antonella's plight may produce a lead for the police to follow. We must do all we can to help Antonella and every other child caught in a similar trap.

Consider the fate of the 150,000 children who disappear each year. Many are taken by divorced or separated parents and live the life of fugitives under assumed names, never to see their other parent again. Another 20,000 to 50,000 are abducted by strangers and never seen alive again. Many of these children who are abducted by strangers are sexually abused, forced into prostitution and child pornography, or murdered. Each year, 5,000 of these stolen children are later found murdered and sexually abused.

Television broadcasts are one of the most effective methods of locating missing children. One measure of their effectiveness was seen in the first telecast of "Adam," a docu-drama about the kidnaping and murder of a 6-year-old boy. At the end of this TV program, pictures of 55 missing children were shown. As a result of the thousands of calls received after this broadcast, 13 missing children were reunited with their families—a 24 percent return.

Mr. President, let us remember Antonella Mattina and all the thousands of stolen children. Let us heed their voices crying out for help. Let us find these missing children and return them to their families. I urge my colleagues to join with me in supporting this important resolution.●

SENATE CONSIDERATION OF THE GENOCIDE CONVENTION

● Mr. DODD. Mr. President, today the Senate Foreign Relations Committee voted to report to the Senate the Convention on the Prevention and Punishment of the Crime of Genocide, known in short as the Genocide Convention, and recommended to the Senate that it give advice and consent to its ratification. The vote was unanimous with one Senator voting "present." This is the fifth time that the full committee decided to report this treaty favorably, and this action opens the way to remove a painful embarrassment from our country's otherwise outstanding record as a leader in international law and the protection of human rights.

We have a propitious historic moment when a President, who is a self-professed conservative, declares his full support for the long overdue ratification of this treaty, meeting thereby the consensus of the overwhelming majority of this body.

We cannot let this opportunity slip by and let this treaty go back into deep coma once again. After the vote on the Convention, I proposed a committee resolution urging the Senate leadership to take up the consideration of the Genocide Convention immediately and seek to bring it to a final vote prior to adjournment.

Mr. President, I am pleased to notify my colleagues that, with the support of the chairman and the ranking minority member of our committee, Senators PERCY and PELL, my resolution passed unanimously, with no dissenting vote. I am making this statement to let all Senators know of the urgency and importance the Foreign Relations Committee assigns to this matter, and that not one Senator disagrees with the notion that this treaty should be acted on promptly.

I ask that the text of the resolution be included here at the end of my remarks.

Resolved, That the Senate Committee on Foreign Relations hereby urges the Senate leadership to proceed immediately to the consideration of the Genocide Convention (Ex. O, 81-1) and seek to complete action on it prior to adjournment.●

PRESIDENT REAGAN'S REJECTION OF THE INTERNATIONAL TRADE COMMISSION'S RECOMMENDATIONS OF IMPORT RELIEF FOR THE STEEL INDUSTRY

● Mr. GLENN. Mr. President, I am deeply disappointed with President Reagan's rejection of the International Trade Commission's recommendations of import relief for the American steel industry. In 1980, candidate Reagan traveled to Youngstown, OH, and promised to get the steel industry

back on its feet. Four years later, under President Reagan, steel imports have surged to an incredible 33 percent of our domestic market; thousands of steelworkers are unemployed and countless other jobs are at risk. The American steel industry is flat on its back—beaten down by a relentless tide of unfairly traded foreign steel—and all the President offers is a shrug of his shoulders and a sleight of hand. In short, President Reagan's latest steel policy can be summarized as three "H's." It is hokum, ho-hum, and hoodwink.

It is hokum because the President's ill-defined call for the negotiation of restraints on steel imports fails to provide meaningful, comprehensive relief for the steel industry and its workers.

It is ho-hum because it leaves the steel industry, its workers, and their communities vulnerable to continued injury by imports for an indefinite period of time.

It is hoodwink because the President portrays this decision as an example of his "fair trade" policy when, in fact, he could have spared the steel industry, its workers, and the taxpayers needless suffering and expense if he had only kept the promise he made 4 years ago to enforce our trade laws against unfair imports.

News accounts of the President's decision have described it as a "major victory" for Budget Director David Stockman, who had been advocating this course of inaction. Well, the President may have handed a major victory to David Stockman—but he has dealt a crushing defeat to America's steelworkers, their families, and their communities.●

COMMEMORATING THE 50TH ANNIVERSARY OF SALVE REGINA—THE NEWPORT COLLEGE

● Mr. CHAFEE. Mr. President, today Salve Regina—the Newport College—is celebrating the 50th anniversary of the granting of its charter by the Rhode Island General Assembly. Although the charter was granted in 1934, the college didn't open its doors until 1947. Salve Regina was founded as a women's college devoted to promoting virtue and piety and learning by 11 Catholic nuns from the Sisters of Mercy.

These nuns worked diligently to obtain the finances and property needed to fulfill their dreams. Throughout the 13-year period between the granting of the charter and the school's opening, these dedicated religious women gathered books for the library and trained other members of their order as professors. Finally, through a gift to the Catholic diocese of Rhode Island of "Ochre Court," an oceanfront mansion in Newport by financier Robert Goelet, the dream of the first Catholic women's college in Rhode Island became a reality. Salve Regina opened the doors of its single building with 58 women students. Today there are 2,000 students, both men and women, and the campus includes 65 acres of land and several buildings.

Mr. President, at today's ceremonies, nine individuals are being awarded honorary degrees for their contributions as role models for young people. Among the recipients are four Sisters of Mercy: Sister Mary Noel Blute who currently serves as provincial administrator of the Sisters of Mercy in the Providence Province and is the grand niece of Sister M. Teresita Corrigan whose name appears on the Salve Regina charter; Sister Mary Philemon Banigan, who has taught at Salve Regina since 1950; Sister M. Rosalina Flaherty, the principal of St. Paul's School in Cranston, RI; and Sister Susanne Breckel who is director and counseling psychologist at the Consultation Center of the Albany Roman Catholic Dioceses. In addition to these outstanding women who have devoted their lives to education, five others will receive honorary degrees for their contribution as role models: Ray Meyer, retired basketball coach from DePaul University; Carl and Rachel Rossow, the founders of Alpha and Omega, Inc., which provides care to the severely disabled; actress Betty Hutton; and Joseph Gerard Brennan, educator, author, and scholar.

I would like to join with my colleague from Rhode Island, Senator PELL, who spoke so eloquently last Monday on behalf of Salve Regina, in congratulating this fine college on its 50th anniversary. The dedication and devotion of its administrators has never waned and the quality of its education has always been sustained.

Salve Regina and all of the students who pass through its halls should look forward to a bright future and at least another 50 years of growth.

I ask that this editorial from today's Providence Journal be included in the RECORD following my remarks.

The editorial follows:

[From the Providence Journal, Sept. 19, 1984]

AS SALVE REGINA OBSERVES ITS 50TH ANNIVERSARY

The title of that old wartime ditty, "Comin' In on a Wing and a Prayer," is an apt description of the infancy of Salve Regina—The Newport College. Now a mature, solidly-established coeducational institution, it celebrates today the 50th anniversary of the granting of its charter.

"Salve," as it is known to its friends and neighbors, is a tribute to faith, the solidarity of Catholic education and an extraordinary cooperative effort by nuns and lay people.

The financial and logistical odds against the college's birth and survival were heavy. The charter approved in 1934 by the General Assembly lay dormant for 13 years, but there was no quenching of the hope in the hearts of a determined group of the Sisters of Mercy of the Union. When Mr. and Mrs. Robert Goelet of Newport gave their French-style chateau, Ochre Court, to the diocese, the college found a home.

Opening the doors in 1947 was one thing; staying open was another. Salve could have become just an elitist shelter for well-to-do young women. Such a course of exclusivity would have been fatal; instead, the nuns had a much higher concept of mission. They saw Salve as part of a worldwide community of persons educated in Catholic values that would, in the words of Vatican Council II, help them in "constructing the temporal order rightly."

Salve Regina (the words, "Hail Queen!" open one of the Church's great popular prayers to Mary) has become a welcome part of the Newport scene. The administration has skillfully molded a flexible and responsive curriculum, while keeping expansion within a manageable scale. When its 100th anniversary rolls around, the Salve concept of a college will still 'work,' because it is based on the changing (and yet immutable) needs of new generations of men and women.●

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate stands in recess today, it convene at the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time of the two leaders under the standing order, there be a special order for the Senator from Wisconsin [Mr. PROXMIRE] to be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Following that special order, Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 11:30 a.m., with statements therein limited to not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, I might state for the information of the Senate that following the period for the transaction of routine morning business tomorrow, the Senate will resume consideration of the trade bill, H.R. 3398.

Following the conclusion of the trade bill, the Senate will resume consideration of TV in the Senate, Senate Resolution 66.

At some point tomorrow, it will be the intention of the leadership to proceed to the highway bill.

Mr. President, I announce at the request of the majority leader that tomorrow is expected to be a late, late night.

Does my good friend from West Virginia have any further business?

Mr. BYRD. No. I thank the distinguished acting majority leader.

RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess in accordance with the previous order.

The motion was agreed to; and, at 6:32 p.m., the Senate recessed until tomorrow, Thursday, September 20, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 1984:

DEPARTMENT OF JUSTICE

John C. Lawn, of Virginia, to be Deputy Administrator of Drug Enforcement, vice Frederick A. Rody, Jr.

FEDERAL LABOR RELATIONS AUTHORITY

William J. McGinnis, Jr., of New Jersey, to be a member of the Federal Labor Relations Authority for a term of 5 years expiring July 1, 1989, vice Ronald W. Haughton, term expired.

INTERSTATE COMMERCE COMMISSION

Reese H. Taylor, Jr., to be a member of the Interstate Commerce Commission for a term expiring December 31, 1985, reappointment.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

The following-named persons to be members of the National Museum Services Board for the terms indicated:

For the remainder of the term expiring December 6, 1986:

Faye Barrett Howell, of Georgia, vice Dorothy J. Tyson, resigned.

For a term expiring December 6, 1988:

Richard J. Herczog, of California, vice Emily Rauh Puitzer, term expired.

THE JUDICIARY

Lawrence A. Wright, of Vermont, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office, vice Darrell D. Wiles, retired.

CONFIRMATION

Executive nomination confirmed by the Senate September 19, 1984:

THE JUDICIARY

Bruce D. Beaudin of the District of Columbia to be an associate judge of the Superior Court of the District of Columbia for the term of 15 years.

HOUSE OF REPRESENTATIVES—*Wednesday, September 19, 1984*

The House met at 12 o'clock noon. The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We recognize, O God, that lives are filled with all the emotions of the human heart—moments of joy and saddness, of tears and laughter. Our days are touched by visions of hope and glimpses of despair, and we turn to You, O God, in the assurance that our lives have eternal significance. In this our prayer, we give thanks that Your loving and forgiving spirit is with us wherever we walk and Your abiding presence comforts and encourages us always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 201. Joint resolution to provide for the designation of the week of November 25 through December 1, 1984, as "National Epidermolysis Bullosa Awareness Week";

S.J. Res. 304. Joint resolution to designate the month of October 1984 as "National Quality Month"; and

S.J. Res. 321. Joint resolution to designate the week of October 14, 1984, through October 21, 1984, as "National Housing Week."

The message also announced that pursuant to sections 1928a–1928d of title 22 of the United States Code, as amended, the Vice President appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly fall meeting, to be held in Brussels, Belgium, November 11 through November 16, 1984: Mr. RANDOLPH, Mr. PELL, Mr. STEVENS, Mr. EAGLETON, Mr. ROTH, Mr. BENTSEN, Mr. ZORINSKY, Mr. CHAFEE, Mr. SARBANES, Mr. HATCH, Mr. HEFLIN, Mr. ANDREWS, and Mr. MURKOWSKI.

APPPOINTMENT OF CONFEREES ON H.R. 5743, AGRICULTURE RURAL DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1985

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5743) making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees: Messrs. WHITTEN, TRAXLER, MCHUGH, NATCHER, AKAKA, WATKINS, HIGHTOWER, SMITH of Iowa, and ALEXANDER, Mrs. SMITH of Nebraska, and Messrs. ROBINSON, MYERS, ROGERS, and CONTE.

CHANGING DATE FOR COUNTING OF ELECTORAL VOTES IN 1985

Mr. WRIGHT. Mr. Speaker, I send to the desk a joint resolution (H.J. Res. 649) changing the date for the counting of the electoral votes in 1985, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 649

Whereas section 15 of title 3, United States Code, provides that the procedure for counting electoral votes set forth in such section is to take place on the sixth day of January, and

Whereas January 6, 1985, is a Sunday: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in carrying out the procedure set forth in section 15 of title 3, United States Code, for 1985, "the seventh day of January" shall be substituted for "the sixth day of January" in the first sentence of such section.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GETTING OUT THE VOTE

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, Mr. Mondale and President Reagan have agreed to a proposal of mine that could help encourage millions of Americans to get out and vote.

Earlier this month I asked both major party Presidential candidates to pledge that they would refrain from making an official proclamation of victory or admission of defeat on election night until after the polls had closed on the west coast.

Democratic candidate Walter Mondale has consented to my request, and late yesterday, I received a letter from President Reagan's chief of staff, James A. Baker III, that the President has also agreed to my proposal.

Now that both candidates have pledged to hold their announcements until after 11 p.m. eastern standard time on the night of the election, we have taken a huge step toward ensuring that the voters on the west coast will not be unnecessarily discouraged from going to the polls because of an early conclusion of the Presidential race.

With a simple pledge to hold off on any election night announcements until the polls close in the West, both major candidates for President have made it clear that every single vote is important.

I think the candidates' pledges make a direct statement that even in the high tech era of computer projections and exit polls, elections aren't over til they're over.

I am sure many Members will remember that in the 1980 election, the race was conceded long before the polls had closed in the Pacific time zone, including my home State of Oregon. There's no doubt that many west coast voters simply stayed at home once they understood the Presidential race was over. The agreement of President Reagan and Walter Mondale to hold off on early election night statements is an important step toward getting out the vote in 1984.

Now that both candidates have pledged to refrain from putting any official seal of approval on network projections before the polls close, I hope the networks get the message that there is tremendous bipartisan concern that the importance of voting not be diminished.

POLITICAL INSULTS

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, last evening the Democrats trotted out

Jane Fonda, Hanoi's favorite pinup girl, at a fundraiser. This calculated insult to our colleagues such as JEREMIAH DENTON in the other body and JOHN MCCAIN who were being tortured in North Vietnam prison camps while Ms. Fonda was sitting and getting her picture taken in North Vietnamese gun turrets, this calculated insult will not be missed by the rest of America.

Second, Walter Mondale has made a charge that reaches a new low in political debate when he said President Reagan would rather win a nuclear war than prevent one. Considering the hundreds of millions of people that would be killed in a nuclear war, I would suggest his speech writers get some antirabies shots.

TULANE UNIVERSITY CELEBRATES ITS SESQUICENTENNIAL YEAR

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, a very important event for the future of Louisiana and the United States occurred 150 years ago this month. In 1834 seven young doctors started the Medical College of Louisiana to teach others how to combat the diseases that plagued the region.

From its roots as a pioneering medical college, that institution grew over the next 50 years, adding a liberal arts and sciences college and a law faculty. In 1884 it became Tulane University, named in honor of Paul Tulane, a noted merchant and philanthropist who was its benefactor.

From those simple beginnings has come a flourishing university that, through teaching and research in 11 schools and colleges and through the accomplishments of almost 75,000 alumni, has made significant contributions to life and culture—in the South, throughout the United States, and across the world.

As an alumna of Newcomb College, I am very proud of the education I received at Tulane. The wide variety of academic courses, complemented by multiple civic, cultural, and social opportunities, provided me with an understanding of human nature and a respect for the cultural attitudes and customs of all people. I am grateful that Newcomb and Tulane are keeping pace with the changing role of women and continuing to provide students with the skills necessary for successful competition.

In 1984 Tulane University has become one of the foremost private universities in the Nation. I am proud of Tulane's contributions and I salute it as it celebrates its sesquicentennial year.

IMMIGRATION REFORM ACT

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, this afternoon the conference committee for the Immigration Reform Act will be resuming their hearings and their debate. It is extremely important that we have a bill on immigration policy. The existing policy does not work and is creating serious problems for the farmers throughout this country as well as for guest workers.

Inherent within the bill are the provisions known as the Panetta-Morrison amendment that would protect the farmers of perishable crops. We trust that the leadership of the House will use their influence to help to bring a successful bill out of the conference committee.

ELIMINATING NEW HAMPSHIRE PRIMARY

(Mr. D'AMOURS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. D'AMOURS. Mr. Speaker, I would like to note that it is embarrassing and distressing to me that with all of the problems facing this country today: deficits, the threat of nuclear war, economic and social problems, the time of this institution shall be taken up by the House Administration Committee and the time of the Members of this institution shall be taken up in trying to prevent my State of New Hampshire from conducting its traditional first in the national Presidential primary.

I can understand the pique and the frustrations and perhaps even the anger of many Members of this body over the current political state of affairs. But why attack the State of New Hampshire simply because it has over the past 32 years through its primary shown that it is totally in tune with the United States by accurately selecting every President who has been elected in the past 32 years.

Mr. Speaker, we can only hope that this foolishness will pass quickly.

NEW HAMPSHIRE PRIMARY

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, I rise with my colleague to address the action of the committee today which wants to take up the elimination of the New Hampshire primary.

To eliminate the New Hampshire Presidential primary will have a clear chilling effect on the openness of the Presidential selection process in this country. Individuals without resources, individuals who have not been annointed by the Washington power base will not be able to seek public office and will not be able to seek the Presidency of the United States without the New Hampshire primary.

□ 1010

If you eliminate the New Hampshire primary you will eliminate one of the few opportunities the candidates of lesser national attention have to participate in national politics. If you eliminate the New Hampshire primary you significantly tarnish that fundamental American dream which is that everyone in this country has an opportunity to grow up to be President.

WE NEED TO REGULATE BANKS, NOT DEREGULATE THEM

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, why should we worry about the more than 10,000 relatively small banks scattered around our country? I mean the leading economic journals predict that if the administration wins its deregulation push for banks, we could end up with only 50 large money center banks controlling financial resources for 90 percent of the country by the turn of the century.

Won't that be great? You would not have to look your local banker in the eye; he will be in New York or on the computer.

You would not have to sort through competing financial relationships. I mean the big boys will specialize by type of loan and limit your confusing choices. You will not have to maintain a variety of business contacts to insure growth in your small business—no insurance company C, no real estate firm B, no securities dealer F. No problem, your big brother bank will handle your loan at a reasonable rate of interest, a couple of points above the prime with the requirement that you realize your real estate insurance and securities needs within their corporate umbrella.

We need to reregulate banks, not deregulate them.

Fifty large money center banks? This administration is wrong when it comes to bank deregulation.

DEMOCRATIC PARTY EMBRACES JANE FONDA

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I find it unusual that only a few days after we honored America's POW and MIA families the Democratic Party could not wait to embrace Jane Fonda, the person who is charged by many POW's

with making their stay in North Vietnam's prisons more miserable and more agonizing.

I quote from the Washington Post:

Bring Jane Fonda into a room of Democrats and an odd thing happens, suddenly they all look a little dazed, a little giddy and then they start spending money. Later on in auctioning off a pin it was stated "Anybody want to buy this pin now?" was called out by auctioneer and campaign committee representative Tony Coelho, "Jane touched it."

My advice to these Democratic candidates who would take money from the Democrat congressional campaign committee is "Don't take it, Jane touched it."

THE DEVASTATING IMPACT OF IMPUTED INTEREST PROVISIONS IN 1984 TAX BILL

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, more than 6,000 pieces of legislation have been introduced during the 98th Congress, each with finely tuned details to define its direction.

One especially complex bill—the Tax Reform Act of 1984—which was recently enacted, however, was somewhat misdirected and needs to be revised. Fortunately, we can still do something to correct the devastating and unintended impact of the imputed interest provisions contained in the law.

These rules go far beyond our intent to close loopholes and eliminate tax abuses. If left unresolved, however, these new provisions will seriously erode the ability of Americans to use lower rate seller financing to cope with unaffordably high conventional interest rates.

If we don't change this provision the new law will require an increase in the current 9-percent safe-harbor rate to 110 percent of applicable Federal security rates. At today's rates that means a seller could be forced to charge 15 or 16 percent to comply with the law.

There's still time to clarify existing law and, at the same time, strike a balance between the need for flexibility in seller financing and the need to end abuses in this area.

INSANITY DEFENSE LEGISLATION DEFEATED

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, and Members of the House, yesterday this Chamber rejected an insanity defense piece of legislation for two reasons: First, that it was brought up on suspension and thus choked off any possibility for debate and the possibility of amendments that would have made the legislation a little bit better; and second, because on the merits had the bill been passed in the form that it was finally printed, it would have made the situation much worse than already-existing law.

I now urge the Committee on Rules to act promptly to discharge that piece of legislation from its domain and to allow the process to come to the floor in an orderly manner so that we can fully debate it and finally present to the American people something for which they have been yearning for a long time, a piece of legislation that would prevent the unjust result of the Hinckley case from ever happening again.

Mr. Speaker, it is time, and we have plenty of time in the remaining few weeks of this session, it is time for the Committee on Rules to release that bill so that we can fully debate it.

I thank the Speaker.

THE COMPASSIONATE PAIN RELIEF ACT

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, the Compassionate Pain Relief Act, a bill to make heroin available for treatment of terminally ill cancer patients, is as its name implies, extremely well intentioned. But time and time again we in Congress have proved that the best intentions often beget the worst of legislation.

This proposal is no exception to that premise.

Most importantly, whatever benefits may be derived from this bill and from the use of heroin for cancer patients can be derived from such alternative sources—as, for example, dilaudid HP.

But the dangers far outweigh the potential benefits. Already there is a high incidence of crime associated with hospital and hospice pharmacies. Law enforcement authorities—and among those—ranking members of the New Orleans police force in my hometown, insist that the allocation of heroin to these pharmacies will vastly increase the potential for disastrous criminal consequences.

Furthermore, the American Medical Association, the American Society of Hospital Pharmacies and the American Society of Internal Medicine all strongly oppose this legislation.

Finally, proponents allege that the bill is only temporary, but our experience with such social innovations tells us that this program will be far easier to implement than it will be to curtail.

Mr. Speaker, this is bad legislation, and it ought to be rejected.

REPUBLICANS ARE TALKING ABOUT WINNING A NUCLEAR WAR

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, one of our previous speakers in the well today talked about the fact that our Democratic candidate for President had made some comments about Mr. Reagan trying to win a nuclear war and asked that maybe Mr. Mondale should go back to the files.

I think that the gentleman in the well should just go back to the Republican platform that was recently adopted in Dallas, TX.

In that platform it says that, "We Republicans pledge to do everything necessary so that in case of nuclear conflict the United States would clearly prevail."

Mr. Speaker, I do not think it takes much imagination to look at what Mr. Mondale said and look at what the Reagan Republicans are saying and understand that Mr. Reagan and the Republicans are talking about winning a nuclear war.

Mr. Speaker, need I say more?

WHAT WILL THE NEXT 4 YEARS BRING US IN FOREIGN POLICY

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. I thank the Speaker.

Mr. Speaker, one of the questions that I think all of us as Americans have to answer is: What will the next 4 years bring us in the way of foreign policy? It is clear that in South America we now find ourselves in a situation in which things have deteriorated considerably over the last 4 years. There seems to be no progress in the situation in El Salvador, or very little; there seems to be a worsening situation in our relationship with Nicaragua, and in Guatemala there is no visible progress toward democracy.

In looking further down the hemisphere we find ourselves with a situation in Chile that has steadily worsened despite the administration's efforts at "quiet diplomacy."

□ 1020

As the American people look forward to the election, I think it is important to focus on who has a real policy for Central America, a policy that will give Americans some hope for progress, and give the people of Central and South America some hope.

America has always been a symbol and a force for democracy. It has been a force behind countries moving

toward a policy of human rights. That has been missing, I feel, in the last 4 years.

What we need to do in this Chamber is to focus on Latin America and to provide the kind of leadership that the region needs. Many of those countries are our allies, and given threats to peace that exist, it is, I feel, necessary for America's to take a position of leadership in our foreign policy.

We can no longer continue the kind of misguided policy that has alienated many of our friends, policies that include the mining of the harbors in Nicaragua and the misguided support for the Contras against the Nicaraguan Government. It is a situation that has certainly not enhanced America's image in Central and South America.

We find ourselves in a position in which we have alienated many of our friends. America's position has deteriorated throughout Latin America and has, in effect, even strengthened the hands of the Soviets in the region. What we must do, as a nation, is see that we have a policy that is not simply reactive to the problems of endemic injustice, rampant hunger, and the crisis of overpopulation, but that is an activist policy that draws on the best of President Kennedy's ideas like the Peace Corps, and the Alliance for Progress.

CALL OF THE HOUSE

Mr. FOLEY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 397]

Ackerman	Brown (CO)	Dorgan
Akaka	Broyhill	Dowdy
Albosta	Bryant	Downey
Anderson	Burton (CA)	Dreier
Andrews (NC)	Burton (IN)	Duncan
Andrews (TX)	Byron	Durbin
Annunzio	Campbell	Dwyer
Anthony	Carney	Dymally
Aspin	Carr	Early
Badham	Chappie	Eckart
Barnard	Clarke	Edwards (AL)
Bartlett	Clay	Edwards (OK)
Bateman	Clinger	Emerson
Bates	Coats	English
Bellenson	Coelho	Erdreich
Bennett	Coleman (TX)	Erlenborn
Bereuter	Collins	Evans (IA)
Berman	Conable	Evans (IL)
Bethune	Conte	Fascell
Bevill	Cooper	Fazio
Biaggi	Coughlin	Feighan
Bilirakis	Coyne	Fiedler
Billey	Craig	Fields
Boehlert	Crane, Daniel	Flippo
Boggs	Crane, Philip	Foglietta
Bonior	Daniel	Foley
Bonker	Dannemeyer	Frank
Borski	Darden	Franklin
Bosco	Daschle	Frenzel
Boucher	Daub	Frost
Boxer	Davis	Fuqua
Breaux	Dellums	Garcia
Britt	Derrick	Gejdenson
Brooks	DeWine	Gekas
Broomfield	Dickinson	Gephardt
Brown (CA)	Dixon	Gibbons
Gilman	Lungren	Rowland
Gingrich	Mack	Roybal
Glickman	MacKay	Rudd
Gonzalez	Madigan	Russo
Goodling	Marlenee	Sabo
Gore	Marriott	Schaefer
Gradison	Martin (IL)	Schneider
Gray	Martin (NC)	Schroeder
Green	Martin (NY)	Schumer
Gregg	Martinez	Seiberling
Guarini	Matsui	Sensenbrenner
Gunderson	Mavroules	Sharp
Hall (IN)	McCain	Shaw
Hall (OH)	McCandless	Shumway
Hall, Ralph	McCloskey	Sikorski
Hall, Sam	McCollum	Siljander
Hamilton	McCurdy	Sisisky
Hammerschmidt	McDade	Skeen
Hance	McEwen	Skelton
Hansen (ID)	McHugh	Slattery
Hansen (UT)	McKernan	Smith (FL)
Harkin	McKinney	Smith (IA)
Hartnett	McNulty	Smith (NE)
Hatcher	Mica	Smith (NJ)
Hayes	Michel	Smith, Denny
Hefner	Miller (CA)	Smith, Robert
Heftel	Miller (OH)	Snowe
Hertel	Mineta	Snyder
Hightower	Minish	Solomon
Hiler	Moakley	Spence
Hillis	Molinari	Spratt
Holt	Mollohan	St Germain
Hopkins	Montgomery	Staggers
Horton	Moody	Stangeland
Howard	Moore	Stark
Hoyer	Morrison (WA)	Stenholm
Hubbard	Murphy	Stokes
Huckaby	Murtha	Stratton
Hughes	Myers	Stump
Hunter	Natcher	Sundquist
Hutto	Nelson	Swift
Hyde	Nichols	Synar
Ireland	Nielson	Tallon
Jacobs	Nowak	Tauzin
Jeffords	O'Brien	Taylor
Jenkins	Oakar	Thomas (CA)
Jones (OK)	Oberstar	Thomas (GA)
Jones (TN)	Olin	Torres
Kaptur	Ortiz	Torricelli
Kasich	Owens	Towns
Kastenmeier	Oxley	Traxler
Kazen	Packard	Udall
Kennelly	Panetta	Valentine
Kildee	Parris	Vander Jagt
Kindness	Pashayan	Vandergriff
Kleczka	Patman	Vento
Kogovsek	Patterson	Volkmer
Kolter	Paul	Vucanovich
Kostmayer	Pease	Walgren
Kramer	Penny	Walker
LaFalce	Pepper	Watkins
Lagomarsino	Petri	Weaver
Lantos	Pickle	Weber
Latta	Price	Weiss
Leach	Pursell	Wheat
Leath	Quillen	Whitehurst
Leland	Rahall	Whitley
Lent	Rangel	Whittaker
Levin	Ratchford	Whitten
Levine	Ray	Wirth
Levitas	Regula	Wise
Lewis (CA)	Reid	Wolf
Lewis (FL)	Richardson	Wolpe
Lipinski	Rinaldo	Wortley
Livingston	Ritter	Wright
Lloyd	Roberts	Wylie
Loeffler	Robinson	Yates
Long (LA)	Roe	Yatron
Lott	Roemer	Young (AK)
Lowery (CA)	Rogers	Young (FL)
Lowry (WA)	Rose	Young (MO)
Lujan	Rostenkowski	Zschau
Luken	Roth	
Lundine	Roukema	

□ 1040

The SPEAKER. On this rollcall, 358 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

"NO" VOTE ON H.R. 5164 IS NEEDED

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the American public first learned that the CIA spied on Martin Luther King, Jr., from documents obtained through the Freedom of Information Act. The same is true of the CIA's recruitment of American blacks in the late sixties and early seventies to spy on Black Panthers, and of the CIA's continued involvement with the National Student Association.

Enactment of the CIA Information Act (H.R. 5164), a bill we will be voting on later today, will make future discoveries of this nature and others that quickly come to mind more difficult—if not impossible.

H.R. 5164 would also dangerously intrude on the power of the courts to review CIA actions and both a plaintiff and the courts would be effectively prevented from forcing the CIA to disclose improperly withheld information.

Only a few months ago the CIA was caught withholding vital information from congressional Intelligence Committees regarding the mining of Nicaragua's harbors and at this very moment appear to have violated congressional prohibitions on transferring airplanes to the Contras for use over Nicaragua.

I believe the CIA requires not less, but even closer oversight by the Congress, the courts, and the American people. I urge my colleagues to join me in voting against an unjustified increase in secrecy.

ADMINISTRATION SAYS "NO" TO FAIR TRADE IN STEEL ACT

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, yesterday the administration announced its long-awaited response to the steel industry's pleas for help. The President responded to the recommendations of his International Trade Commission that tough import restrictions were justified and needed.

President Reagan had the chance to say "yes" to 150,000 steelworkers who have lost their jobs since 1980—"yes, we will help."

He said, "No."

President Reagan had the chance to say "yes" to fairness and equity for an industry devastated by heavily subsidized imports.

He said, "No."

President Reagan had the chance to say "yes" to a plan, backed by both management and labor, to reinvest

and revitalize a steel industry desperately in need of modernization.

He said, "No."

Mr. Speaker, the President got bad advice.

Over 200 Members of Congress, Republicans and Democrats, have cosponsored the Fair Trade in Steel Act. The bill lays out a moderate, fair, and responsible plan for 5 years of comprehensive import relief in return for a commitment by the industry to reinvest the capital generated back into plant modernization.

The President had the opportunity to implement this legislation himself. Since he has chosen not to, Mr. Speaker, I urge the Ways and Means to bring this legislation to the floor as soon as possible so that the Congress has the opportunity to address the needs and the future of this industry which is so vital to our country.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5377

Mr. YATRON. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 5377.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONFERENCE REPORT ON H.R. 5297, CIVIL AERONAUTICS BOARD SUNSET ACT OF 1984

Mr. MINETA. Mr. Speaker, I call up the conference report on the bill (H.R. 5297) to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 14, 1984, at page 25488.)

The SPEAKER. The gentleman from California [Mr. MINETA] will be recognized for 30 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge adoption of the conference report on the Civil Aeronautics Board Sunset Act of 1984. The conference has reported a good bill which includes all the essential provisions of the bill which passed the House by a voice vote on June 5. The conference bill will help ensure that there is a smooth transition when the Civil Aeronautics Board sunsets on December 31 and CAB's functions are taken over by the Department of Transportation.

The basic decision to sunset the CAB was made in the Airline Deregulation Act of 1978 and the bill now before us assures that this sunset can be carried out without any adverse effect on airline passengers. Of particular importance, the bill will preserve the CAB's authority to protect airline consumers. The areas in which CAB has adopted regulations to protect consumers include overbooking and denied boarding compensation, liability for lost and damaged baggage, protections on the sale of charters, smoking, and discrimination against the handicapped. Without legislation, some of these regulations would lapse and the authority of the Government to act in these areas would be ambiguous at best. The bill now before us gives the Department of Transportation authority to continue to protect consumers in all of these areas after CAB sunset.

The bill further provides that CAB's existing regulations will continue in effect, subject to future modification under rulemaking procedures.

The conference bill will also preserve the CAB's authority to deal with competitive abuses. Under this authority CAB has taken action to ensure that there are no competitive abuses by airlines which market computer reservations systems to travel agents. In recent months there have also been concerns that the larger carriers in the industry might use the right to interline with them as a device to restrict competition. This could be accomplished by selective refusals to interline or by selective refusals to interline on reasonable terms, based on competitive considerations. Under section 411 of the Federal Aviation Act CAB has authority to act against unfair competitive practices arising from agreements to interline. The conference bill transfers this authority to the Department of Transportation and we expect the Department to carefully monitor interlining practices to be sure that there are no abuses. This will help preserve the system of interlining and the major benefits it brings to consumers.

Mr. Speaker, the legislation now before us is widely supported in the aviation community, including representatives of airline passengers. The bill passed both the House and the Senate by voice votes. The bill will bring substantial benefits to consumers and to the airlines themselves, and will help minimize the problems associated with the transition to the Department of Transportation. I urge approval of the conference report.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I thank the gentleman for yielding to me.

Mr. Speaker, I do support this bill. I want to make sure that the surviving agency, the Department of Transportation, does have the same powers that the CAB currently has to protect passengers from being bumped from overbooking or a variety of other consumer rights which a lot of people fear have been lost as a result of deregulation.

Because of airline deregulation incredible things are happening. Flights today are no longer flights tomorrow; people are not sure where they are going to end up through the hub and spoke network of the airline system, which changes very frequently. So I would like the gentleman just to assure me that those powers will be held by the Department of Transportation.

Mr. MINETA. The gentleman from Kansas is correct. All of the authority in law is being transferred to the Department of Transportation including the rules and regulations that the CAB has in effect right now.

Mr. GLICKMAN. I thank my colleague.

Mr. MINETA. Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to associate myself with the remarks of our distinguished chairman and my good friend, the gentleman from California [Mr. MINETA].

Mr. Speaker, I rise in support of the conference report on H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984.

As my colleagues are aware, the Civil Aeronautics Board [CAB] will "sunset" at the end of this year. H.R. 5297 would ensure the orderly phaseout of that agency and, more importantly, would protect the traveling public from any adverse effects which might otherwise result from that change.

The sunset of the CAB is the final act in a process begun by the Airline Deregulation Act of 1978. This deregulation process was designed to try to improve airline efficiency, help to hold down average air fares, and improve air service in much of the Nation. The Deregulation Act also provided for the transfer of many of the CAB's current functions, primarily to the Department of Transportation [DOT]. These include administration of international aviation responsibilities and the small community essential air service program.

But there are many other important CAB functions, such as consumer protection, insuring the fairness of industry competitive practices, and evaluating airline fitness, on which the De-

regulation Act is silent. Without the passage of H.R. 5297, there may be no agency that could assume these responsibilities. This could mean that passengers who are bumped off flights or whose luggage is lost would not receive the compensation to which they are now entitled. It could also result in the termination of CAB rules that protect nonsmoking passengers and passengers who are handicapped.

To assure that this does not happen, the conference report on H.R. 5297 will preserve these important protections by transferring existing CAB consumer regulations, as well as the Board's underlying statutory authority, to DOT. In addition, the CAB has recently issued a final rule to prevent bias in the airline computer reservations systems used by travel agents. This bill would transfer those rules to the DOT as well.

This legislation also transfers to DOT the CAB's authority over antitrust matters. This involves approval of mergers, interlocks, and agreements, and the authority to grant immunity to these transactions where necessary. The exercise of this authority frequently requires a determination of whether the transportation benefits of a particular transaction outweigh its anticompetitive effects. Given DOT's expertise in transportation matters generally, I believe it is in the best position of all the Government agencies to exercise the antitrust authority with respect to air transportation. Furthermore, consolidating the antitrust function at DOT with the other CAB functions I mentioned before would avoid the confusion and inefficiencies that would occur if they were dispersed to different Federal agencies.

Finally, the bill would transfer CAB's authority to determine a carrier's fitness to the DOT. Although the domestic fitness function was not specifically transferred by the Airline Deregulation Act, I believe it is important that the thorough inquiry now conducted by the CAB be continued after sunset. With the entry of many new airlines into the system, it is extremely important to assure the traveling public that carriers have the requisite managerial and financial capabilities and the proper compliance disposition to undertake their responsibilities. Accordingly, the legislation would require DOT to perform this function and to continue issuing separate certificates under section 401 of the act.

Mr. Speaker, this legislation results from several hearings we conducted on the economic issues associated with airline deregulation and the sunset of the Civil Aeronautics Board. As a result of this thorough inquiry, I firmly believe that it is essential that the phaseout of the CAB and the transfer of its functions be done in an orderly way, and that the traveling public continue to be protected after that phaseout is complete.

Because I am confident that the conference report on H.R. 5297 accomplishes these objectives, I urge my colleagues to support it.

□ 1050

Mr. Speaker, I reserve the balance of my time.

Mr. MINETA. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia [Mr. LEVITAS] of the Aviation Subcommittee of the Committee on Public Works and Transportation.

Mr. LEVITAS. Mr. Speaker, first of all I want to thank the distinguished gentleman from California, chairman of the Aviation Subcommittee, for yielding this time to me, and I want to commend him and the ranking minority member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for the excellent work they have done in bringing this conference report to us today.

I rise in support of the conference report on the CAB sunset bill and urge my colleagues to vote in favor of it at the appropriate time.

This matter is being handled with dispatch and apparently with little fanfare or controversy. Nevertheless, it is an extremely important piece of legislation, not only for what it does in terms of the transfer of authorities to the Department of Transportation and to dealing with matters such as consumer protection and temporary continuation of the antitrust immunity procedures, but also by this legislation we are "staying the course." We are staying on the course of deregulation. We are staying on the course of sunsetting—that is, abolishing—the Civil Aeronautics Board.

In 1978 when I offered the sunset provision as an amendment to the Airline Deregulation Act, many people, both in the Congress, in the administration, and in the press said that it was not offered with any seriousness. They said that nobody was seriously going to abolish an agency of Government. They said that just was not done in Washington.

Everybody talks about sunset. Everybody makes reference to reducing the size of Government in terms of reducing its agencies, but, they said, nobody ever really did it and it was suggested that the proposal I made to sunset CAB was not offered with seriousness.

When I said time and again that the only way you deregulate is by getting rid of the regulatory agency I was serious. I was serious then, and I am serious today.

This action by going forward with CAB sunset means that at the end of this year an agency of Government. A large agency of Government will no longer exist and only those essential residual functions which are necessary to continue the functioning of the aviation industry and its commercial ecomomic aspects will be continued and even some of those will sunset themselves in just a few years.

So what do we say today to our colleagues and what do we say to the American people? We say, "It can be done." We can reduce agencies. We can sunset programs. We can sunset authority. We can get better Government through less Government. We can rely on the private sector. We can do a better job through competition and through the free-enterprise system. This legislation is a further commitment that to get the job done by having less Government, not more Government.

I personally feel this bill is, in a sense, a vindication of what I said and did. In 1978 when we were talking about airline deregulation, there were high officials in the administration and individuals in the other body who were only talking about reregulation, not deregulation. We, now, can say to the American people our promise has been fulfilled. We have kept the faith. The sunset will occur. CAB will be abolished. I want to congratulate the chairman of the subcommittee and his ranking member for making this possible, for going forward, for picking up the challenge and making it a reality.

Sunset of CAB, the abolition of an agency of Government, is not a certainty.

Mr. Speaker, I yield back the balance of my time.

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia [Mr. LEVITAS] for his leadership and help with his service on the Aviation Subcommittee.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I appreciate the gentleman yielding to me.

Mr. Speaker, perhaps the question I have has nothing specifically to do with this bill, but it does generally, and that is the operation of National Airport.

We have been discussing the air traffic congestion at National and other major airports, but what about the automobile traffic congestion at National Airport? Every time I go out there you get to the edge of the airport within minutes and then it takes you 20 to 30 minutes to get up to the place where you check in your bags.

I wonder if the gentleman, as the chairman of the subcommittee, has been working with the FAA with respect to coming up with a different auto traffic plan at National.

Mr. MINETA. Mr. Speaker, the gentleman from North Carolina raises a

great issue because as a user of that airport as well, it is really a frustrating experience to try and negotiate all of the traffic to get to National.

There are some improvements that are being looked at by the FAA for National, but there is nothing in this bill that addresses the question that the gentleman raises. This is something I have talked to our colleagues from Virginia about because there is also going to have to be some help from the State of Virginia in terms of some of the relief for the traffic issues there.

Mr. BROYHILL. Mr. Speaker, if the gentleman would continue to yield, and I appreciate his response to my question, I am sure that any long-range solution to this problem would take some major alteration of the roads. However, it would seem to me that on an interim basis that we could come up with some different traffic patterns that will help alleviate the problem because particularly going into that north terminal area, you have got traffic going in both directions. It seems to me that just a slight change of making it one way would alleviate the traffic congestion in that one area.

I would urge that the chairman and the ranking minority member sit down with the FAA officials who have control over National to see if they cannot get some engineers to start working on some interim plans to help relieve the auto congestion not only at the north terminal but at the main terminal as well.

Mr. MINETA. Mr. Speaker, the gentleman's comments are well taken and we will follow up with the FAA.

● Mr. SNYDER. Mr. Speaker, I rise in support of the conference report on H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984, and urge this body to adopt this important measure.

At the outset, I would like to inform my colleagues that this bill passed the House by voice vote earlier this year and substantially the same legislation was recently adopted by the Senate by unanimous consent. What few issues remained in dispute were resolved by the conferees in a brief meeting last week and I think it is fair to say that we have produced a bill which will serve the public and the industry quite well in the years ahead.

As my colleagues are aware, the Airline Deregulation Act of 1978 [ADA] set the timetable for the deregulation of the domestic airline industry. The Civil Aeronautics Board's authority to regulate domestic pricing and entry was gradually eliminated and today airlines have the freedom to charge what they want and fly essentially wherever they want within the United States.

The ADA also provided that at the end of 1984, the CAB would sunset and those functions which were going to be retained would be transferred to other agencies. Although the deregulation act specified where most of the Board's functions would be transferred, some issues were not specifically addressed, such as consumer protection, unfair trade practices regulation and domestic carrier fitness certification. Because we felt that it was particularly important to continue these functions after sunset, H.R. 5297 explicitly transfers these responsibilities to DOT, rather than leaving it up to the litigators and the courts to decide just what Congress really intended to do.

Mr. Speaker, the conference report we are considering today can best be characterized as a consumer protection bill, primarily because it would assure that those CAB regulations which have been adopted through the years to protect air travelers will continue after the Board sunsets.

Regulations issued under these provisions include overbooking and denied boarding compensation, liability for lost or damaged baggage, protections governing the advance sale of charters, notices to passengers and airline computer reservations systems. In addition, the Board also regulates smoking aboard aircraft and prohibits discrimination in the transportation of handicapped passengers.

Unless we act to preserve the authority contained in these sections, consumers would likely find themselves without any agency to regulate in these areas. Because we believe that the protections which exist today for airline passengers are essential and must be continued, H.R. 5297 would retain the existing CAB rules, as well as the Board's underlying statutory authority, and transfer them to DOT at sunset.

In addition, the bill would continue the air carrier fitness determinations as they are now performed by the CAB under section 401 of the Federal Aviation Act, and transfer this responsibility to DOT. These determinations, which are in addition to the safety certification function performed by the FAA, involve checking a carrier's managerial competence, financial resources and the likelihood that it will comply with the appropriate laws and regulations. These inquiries have provided the traveling public with added protection by assuring that an extensive investigation into a new carrier's background will be conducted before an airline can hold itself out to the public as a common carrier.

I believe this fitness function is extremely important—and probably even more so in today's deregulated environment than ever before. While there is nothing we can do to guarantee that existing carriers will not experience financial or other difficulties after they have been around a while, I think it is incumbent upon the Federal Government to do all it can to make sure that those seeking to start an airline possess at least a minimum level of financial fitness and managerial ability.

The bill accomplishes some other important objectives which should also be specifically mentioned. The CAB's authority over mergers, acquisitions, interlocking relationships, and agreements would also be transferred to DOT, as well as the authority to grant antitrust immunity to these transactions in appropriate cases. However, the authority to grant antitrust immunity would expire on January 1, 1989 (except for cases involving agreements affecting domestic air transportation), unless Congress believed, after evaluating a DOT report on the issue, that the public interest required DOT to retain this authority beyond that time.

Mr. Speaker, the legislation before us today makes few substantive changes to the provisions of the original Airline Deregulation Act of 1978. Rather, it continues those policies which resulted in the economic deregulation of the airline industry and at the same time preserves those provisions which are necessary to assure that the traveling public will continue to be protected as it is today. Moreover, the bill has widespread support throughout the aviation community and both industry and consumer groups have urged its adoption.

For the foregoing reasons, I urge my colleagues to support the conference report on H.R. 5297.●

● Mr. HOWARD. Mr. Speaker, I rise in support of the conference report. The House conferees have brought back to the House a bill that is nearly identical to the original House-passed legislation. The chairman of the Subcommittee on Aviation has described the terms of the bill and the agreement reached by the conference, so I will refrain from going into detail at this point.

I will point out though that this legislation is absolutely necessary to ensure that the traveling public will continue to be protected on a number of fronts after the Civil Aeronautics Board goes out of existence at the end of this year. In areas such as denied boarding compensation, baggage liability, charters, smoking, access for the handicapped, and regulation of anticompetitive behavior, we have concluded after extensive hearings that there is a need for a Federal role on behalf of the traveling public. Without this legislation, protections in these areas will lapse or be so ambiguous as to provide no protection. To put it another way, without legislation, the traveling public would be subjected to discrimination, economic harm, and unwarranted inconvenience with little or no recourse.

Mr. Speaker, this is very important legislation. I urge my colleagues to join me in supporting the conference report.●

Mr. MINETA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time.

Mr. MINETA. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 5297, just considered and agreed to.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1100

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, would the Chair tell us where we are at the present time?

The SPEAKER pro tempore. In a moment, the Chair intends to recognize an appropriate member of the Committee on Energy and Commerce for the purpose beginning debate in the Committee of the Whole House on the State of the Union on the compassionate pain bill.

Mr. WALKER. Do we need another quorum call, Mr. Speaker?

The SPEAKER pro tempore. No; the Chair does not feel we need another quorum call at this time.

Mr. WALKER. I thank the Speaker.

PRESIDENT MISLEADS FARMERS ON NEW FARM ANNOUNCEMENT

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I would like to just make a comment about the President's announcement yesterday of a variety of programs to help the family farmer, credit programs.

I would like to make the record clear that, for the most part, these were all programs that repeatedly Members of both parties here in the House and to some extent in the Senate have been pushing upon the President of the United States for the last 3 years all to no avail. The House has passed a farm loan moratorium and deferral, help for the family farmer so that he will not have his loans foreclosed.

We have held hearings on this issue. We have pleaded. We have cajoled. We have prayed for the President to offer relief for the farmer, and now, 6 weeks before the election, the President does a 180-degree turn, after promising to veto and not agree with these programs, and now decides that the American farmer needs this kind of relief.

Some of the programs may be pretty good. We will accept what we can, even if it is 6 weeks before a general election. Unfortunately, what we need for the family farmer is an election every 3 months in this country. Then perhaps we would have real help for the family farmer. But I do not think the American public is going to be misled by this patent election year gimmick to the family farmer when, in fact, the last 3 years we have seen nothing but no, no, no by this administration to the very same help for the farmer that is contained in his announcement.

LET US LOOK AT THE WHOLE FARM ISSUE

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, I was very interested in the speech we just heard, but I do not think it tells the whole story.

I just received from the American Farm Bureau, a listing of 19 votes that have been taken on farm issues. The only Member in the entire House who voted against the American Farm Bureau position on every vote was Representative GERALDINE FERRARO, the Democrat nominee for Vice President. Everyone else supported the Farm Bureau position at least three or four times.

So I think that if we are talking about aid to the farmer, and looking at agricultural policy in general, we ought to look at the whole spectrum of issues and not just the actions of the President yesterday.

COMPASSIONATE PAIN RELIEF ACT

The SPEAKER pro tempore. Pursuant to House Resolution 508, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5290.

□ 1105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5290) to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer, with Mr. WEISS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Pennsylvania [Mr. WALGREN] will be recognized for 30 minutes and the gentleman from North Carolina [Mr. BROYHILL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the House knows, H.R. 5290, entitled "the Compassionate Pain Relief Act," would set up a temporary program to explore the benefits of access to heroin for those who are terminally ill cancer patients and suffering terrible pain.

Under this program, heroin is to be provided by the Government to a limited number of hospitals and hospices that are involved in treating people suffering from terminal cancer. We have provided in the bill for the monitoring of the program, and the termination of the program automatically within 4 years when we get some experience with it.

There are many reasons to support H.R. 5290. The legislation will permit those few terminally ill cancer patients whose pain cannot be relieved by conventional medications to be treated with an analgesic that is regarded by medical experts as one of the most powerful known to science. The sad thing, of course, in these cases is that patients respond differently to various methods to relieve pain. There are some who find no relief in those methods that are presently available in this country whose pain could be eased by methods that have been traditionally available in other countries.

This bill would provide some relief to those few patients who face this dilemma. The legislation is temporary. It does not legalize heroin in any sense of the word. It permits pharmacologic dosages of the drug to be used by a limited number of cancer patients and cancer physicians in hospitals under strict controls to treat those terminally ill who suffer pain that is not relievable in any other way.

Heroin is used, as most know, extensively in England in the treatment of cancer. Physicians there find it indis-

pensable in relieving the pain of many of their seriously ill patients. Heroin used in this limited program will be carefully controlled to prevent illicit use and will be manufactured under this strict supervision of the Food and Drug Administration to assure its therapeutic quality. The General Accounting Office will closely monitor the program.

I have heard arguments that we do not want to engage in even the smallest program because it will somehow lead to unauthorized abuse of heroin in our society. The truth of the matter is that heroin is now available in such large quantities in so many avenues that to argue that some limited, controlled program in this area would add to the overall problem seems to me to be misdirected.

Every avenue of pain control should be explored in ending the agony that is often associated with cancer in its terminal stages. No medication as powerful and effective as heroin should be arbitrarily withheld from those who are suffering in this way and really, particularly, those who are terminally ill.

□ 1110

Public support for this legislation is broad. It has the endorsement of a wide range of newspapers, including the New York Times, the Richmond Times-Dispatch, the St. Paul Sunday Pioneer Press, the Los Angeles Times, the Sarasota Herald-Tribune, the Plain Dealer, the Arizona Daily Star, the San Jose Mercury-News, the Union Leader, and the Honolulu Star-Bulletin. I urge our colleagues to join with the American Nurses Association, the National Committee on the Treatment of Intractable Pain, and the hundreds of cancer patients and their physicians who ask only that they be able to consider this as an alternative if they face such circumstances that none of us would want to contemplate. We at least could give them this alternative.

Mr. Chairman, I would defer at this point to the chairman of the subcommittee or, in the alternative, the other side.

Mr. BROYHILL. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I reluctantly rise to oppose this legislation. I say, "reluctantly," because I know that those who support this legislation do so from the heart. They do it because they are concerned about those people who are having severe pain with terminal cancer, and they want to do what they can do to help relieve this situation.

Members of families who have had those who die with this type of disease know what the problem is. There are some things that we know and some things that we do not know if this legislation passes. We say that there may be more break-ins in pharmacies and there may be more robberies. We say that this drug may get on the street more. I do not know that; I do not think anyone knows that. We are just making a conjecture when we say that will happen. I think perhaps that will happen.

But there are some things we do know. We do know that we now have in our armamentarium drugs that can effectively be used to relieve pain, and we do not need to have another drug. We do not need to legitimize a drug that we know has been causing a great deal of problems in this country already. We are opening the door for the manufacture of diacetylmorphine or heroin in this country and all that may go along with that. So we need to be very careful in doing that.

I can tell the Members this now: that diacetylmorphine is broken down into monoacetyl morphine and into morphine, which is an active ingredient. They say we need this drug because it will act more quickly. Well, we do know that it passes the blood-brain barrier more quickly because it is fat-soluble. But all we need to do is put morphine in an IV drip, which will give an immediate effect. We have much better control of that, and we can control the pain better.

There are other drugs we can use to potentiate or make more effective the morphine, such as thorazine and drugs of this class.

I say that the problem is not having proper management of the pain. It is not the fact that we do not have the drugs we need. We already have those drugs. I have been in this situation many times with families who have had members who were dying with terminal cancer, and I have always been able to give relief of the pain. If they cannot take morphine, they can take pantopon, they can maybe take dilaudid, or they can take leratine or Demerol. There are several drugs that we have available to us.

So it is not that we do not have adequate drugs available now. We do have adequate drugs available at this time. So I think to legitimize a drug that has been causing so many problems in our country already would be an inappropriate thing for us to do.

Mr. Chairman, I urge this House not to pass this legislation based on emotion—and it certainly is an emotional issue. Again let me say that I understand that. I appreciate that, and I respect that position.

But I want to share with my colleagues a story of how one of my constituents dealt with this emotional issue. Danny Green is a pharmacist in the Coliseum Park Hospital in Macon, GA. His wife, Katherine, is a registered nurse. These are two people who are intimately acquainted with both human suffering and the drugs that are available to relieve it.

Just recently, Danny's father, Joseph D. Green of Gray, GA., died from terminal cancer. He suffered great pain. If ever there were two people who would be inclined to believe that there was some way that their loved one could have been spared some unnecessary pain, Danny and Katherine would be those people.

But Danny and I talked about this and about how the availability of heroin might have made it easier for this father. For Danny, an experienced pharmacist, and his wife, an experienced nurse, the answer was simple. Heroin would not have offered any relief not already available to Joseph Green. Heroin has no unique medical advantages over any other analgesic.

The tools to end human suffering in cancer are there. Adding one more tool to the heap will not ensure that the needed sensitivity and attention to pain is there.

I remain convinced that this legislation should be defeated, but I close by commending those who have spearheaded this legislative proposal for bringing the issue of better pain management to the forefront of our consciousness. Hopefully, those health care professionals who are involved in the treatment of terminal cancer patients will be more cognizant of the important responsibility they have to use all the medical knowledge available to ease the suffering of those in their care.

The CHAIRMAN. The gentleman from California [Mr. WAXMAN] is recognized for the purpose of controlling the debate.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I am pleased to present to the House H.R. 5290, the Compassionate Pain Relief Act. The legislation requires the Secretary of Health and Human Services to establish a temporary, 4-year research program through which the drug di-a-cetal-morphine (heroin) would be made available for the treatment of terminally ill cancer patients suffering intractable pain. The drug would be provided through a limited number of hospital pharmacies upon the written prescription of a licensed physician. The program is limited in scope and will require individual registration of participating hospitals and physicians.

Each year the Federal Government seizes hundreds of pounds of heroin illegally smuggled into this country. This legislation would permit the Secretary to use a small portion of this contraband for a compassionate and humane program.

Heroin has a negative connotation in this country—and it should. It has wreaked havoc upon our cities and has cost the lives of thousands of our young people. I know this to be true. Our subcommittee has created programs providing billions in Federal aid to assist in the treatment and rehabilitation of these drug abuse victims and the criminal prosecution of the drug pushers.

The legislation before the House today has nothing to do with heroin the street drug. It has everything to do with the treatment of intractable pain. It has everything to do with assuring that nothing is held back from physicians which might aid them in relieving the suffering of their dying patients.

The American Cancer Society estimates that over 800,000 Americans will die of cancer this year. Cancer is the second leading cause of death and the illness most feared by the public.

As many as 50 percent of cancer patients will experience moderate to severe pain during the course of their illness—often during the last days and weeks of life. For many the pain of cancer is so severe, and their physical condition so deteriorated, that powerful narcotic painkillers must be administered by injection.

Heroin is one of the most powerful painkillers known to medical science. In testimony before our subcommittee there was unanimous consensus that heroin was a safe and effective medication for the treatment of severe pain. In fact, Assistant Secretary for Health, Edward N. Brandt, wrote in the August 23 issue of the New England Journal of Medicine that "there is no dispute over heroin's ability to help control pain* * *."

While not legally available in the United States, heroin is widely used in England in the treatment of pain due to cancer. The British Home Office has informed the committee that the use of heroin in England for the treatment of pain has grown significantly in recent years.

U.S. policy toward heroin developed in the 1920's when Congress prohibited its use in medicine. It was thought the drug was more addicting than other painkillers and that its availability in medicine was the cause of street abuse. Today we know prohibiting heroin's therapeutic use has had little effect on the incidence of abuse. Yet it has impacted upon those who might benefit from its use in the treatment of intractable pain.

Research at the Georgetown Medical Center, funded by the National Cancer Institute, concluded that heroin is highly effective in the control of cancer pain and no more addicting than other painkillers like morphine or dilaudid. This research revealed that heroin is 2½ times more potent than morphine. But let me point out that all these drugs are addictive. Morphine is addictive; dilaudid is addictive, and heroin is addictive. We are talking about using something that is addictive in a person's last moments of life to avoid the agony of pain that accompanies this moment for some unfortunate people.

Several additional points should be made about this legislation.

First, H.R. 5290 would not legalize heroin. Distribution or possession of heroin outside the limited, carefully controlled scope of this program would continue to constitute a violation of the Federal Controlled Substances Act. Violators would be subject to maximum penalties of 15 years imprisonment and a $125,000 fine. We are not legalizing heroin.

Second, heroin provided through this program will be available in only a limited number of hospitals and only if the hospital requests to participate in the program. Individual hospitals, physicians, or patients are not required to participate. Participation is strictly voluntary.

The American Medical Association says that heroin isn't needed in medicine. Since they feel that way, then their members—representing less than half of all physicians—need not participate. The committee has received letters from physicians across the country—perhaps not AMA members—who believe a limited experiment of this kind would be appropriate. They feel this drug might potentially help in treating a few of their patients and they are all for it.

Third, stringent safeguards have been built into this program. The committee has included a series of provisions that will protect against illegal diversion. Oral dosages are prohibited. The drug is prohibited from being dispensed through retail or community pharmacies. The General Accounting Office is charged with monitoring administration of the program. The program sunsets at the end of 4 years.

Fourth, no one should assume that heroin is a wonder drug or that passage of H.R. 5290 will eliminate very real deficiencies that exist in clinical knowledge about pain management. We are not suggesting that heroin is the answer for every cancer patient with severe pain. Drugs like morphine or dilaudid may be the analgesic of choice for most cancer patients. Yet for a few—perhaps only 1 out of 1,000—heroin may offer benefits not available with conventional medications.

We are not suggesting that we don't need to do more research. Of course we need to do more research.

A basic but little understood fact of medicine is that patients respond differently to medications. We encourage the availability of a variety of medications to permit physicians to tailor a course of treatment which is most effective for a given patient.

We simply don't know how heroin would compare with dilaudid-HP. No clinical trials comparing their effectiveness have been conducted. But when this program expires we will know whether U.S. physicians find heroin as useful in the treatment of their terminally ill patients as do their colleagues in England.

Remember, physicians would prescribe heroin only after conventional painkillers like dilaudid-HP have been tried and found lacking.

Finally, there is nothing unprecedented about the program established by this bill. Provisions were included to assure the active involvement of the Food and Drug Administration in assuring the safety and effectiveness of the drug's formulation. There is nothing authorized by the legislation that could not be accomplished administratively if this administration were willing to act.

The program proposed by the Compassionate Pain Relief Act is virtually identical to an existing Federal program. This program provides therapeutic dosages of THC—the active ingredient of marijuana—to physicians for prescription to cancer patients suffering nausea due to chemotherapy. THC is carefully controlled and its distribution is limited to a small number of hospital pharmacies.

Mr. Chairman, nothing should be held back in relieving the intractable pain of cancer. Those who would oppose this limited, carefully controlled program argue that therapeutic heroin may be diverted to the street. I agree with William F. Buckley who writes in this week's National Review that such arguments "pale in the face of the dry agony of the dying cancer patient."

I urge support for the legislation.

Mr. BROYHILL. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. WHITEHURST].

Mr. WHITEHURST. Mr. Chairman, I believe it is critically important to put this legislation in perspective. I've read the legislation and the committee report but to hear the opponents arguments one would think an entirely different bill is on the floor.

I believe those who suggest that conventional drugs like morphine or dilaudid-HP are effective in the treatment of pain. I also believe that a major problem in effective pain management is inadequate physician education. Yet these conclusions seem entirely consistent with the purpose of the legislation.

The legislation requires the Department of Health and Human Services to conduct a research trial in which heroin could be prescribed to terminally ill cancer patients in whom conventional analgesics have been found in-

adequate. No one doubts that heroin is a safe and effective painkiller. In many respects it is the standard against which analgesics are measured. At issue seems to be whether heroin is superior to all other painkillers.

Two points should be made. Any of us who have had our physician change our prescription knows that often one drug works better than others. I don't know why this is—neither do the doctors.

Second, we can't ignore the fact that heroin has been used and is currently being used safely and with great success in England for the control of intractable pain. Since 1975 the amount of heroin used by English physicians for this purpose has increased threefold.[1]

We shouldn't blindly endorse the English experience but I do believe a carefully controlled temporary experiment to determine whether heroin has a place in American medicine is warranted.

There is nothing unprecedented about this legislation. It is consistent with the existing Federal drug law regarding research and will require the Food and Drug Administration to assure the safety, effectiveness, and purity of the drug distributed through this program. THC—the active ingredient in marijuana—is already distributed nationwide through a program almost identical to that proposed by the legislation.

Those who believe heroin is unnecessary in the treatment of pain may be right. But we won't know for sure until after the legislation has passed. If they are wrong and we fail to support this bill, thousands of Americans whose suffering may be relieved through the knowledge gained will have paid a terrible price.

I urge my colleagues to support the legislation.

Mr. BROYHILL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. FISH], who is the ranking member of the Committee on the Judiciary.

Mr. FISH. Mr. Chairman, H.R. 5290 is opposed by the Department of Health and Human Services, the Department of Justice and the Drug Enforcement Administration.

Cancer has touched many of us in this body, and I am certain that the lives of all Congresspersons have been indirectly affected by the heartbreak of this disease. I know that every Member approaches the victims of this disease with the highest form of human compassion.

But Mr. Chairman, calling the legalization of heroin for the treatment of pain in terminal cancer cases compassionate is a misnomer. Telling cancer patients that heroin will provide some new or greater relief not now available is a false promise. The medical evidence available clearly shows that heroin can do no more than currently available medicines.

The truly compassionate response to this problem is to correct the admitted failure of the medical profession to understand pain and to properly prescribe the potent drugs available today. Surely doctors who are now underprescribing the available drugs for fear of addicting patients, would continue this practice with heroin, and doom this effort to failure as well.

Is this Congress ready to accept the consequences of legalizing heroin? Should this body approve H.R. 5290, and send a signal to the youth of this Nation that "heroin is OK"?

This bill is inconsistent with the attempts of this Congress to reduce drug trafficking and drug abuse. Mr. Chairman, I do not need to remind this body of the serious drug problem we face in this Nation. The availability of controlled substances is rampant and its effect on our economy is staggering. This Nation has a serious and growing problem with the diversion of legitimately manufactured drugs into the drug abuse market. H.R. 5290 compounds the problem. It sets up a heroin distribution system which is exempted from all Federal drug trafficking laws. Someone participating in this program cannot be charged with Federal criminal penalties if he or she diverts heroin into the abuse system. The threat of diversion is so great that physicians and pharmacist groups do not want the responsibilities imposed by this program.

According to the Department of Justice, in a letter to me dated July 24, 1984:

> This bill is unnecessary from a medical standpoint and would seriously undermine our ability to control heroin by creating a major new loophole in Federal controlled substance laws. The American Medical Association, the National Association of Retail Druggists and the American Pharmacists Association oppose H.R. 5290.

Mr. Chairman, this Congress recently passed a pharmacy crime bill which is now public law. I sponsored the pharmacy robbery bill because the attack on pharmacies to obtain their stock of drugs for abuse purposes has become a serious problem. Surely stocking heroin in hospital and hospice pharmacies will further endanger pharmacists and their customers.

This bill offers no advantage to the cancer patient, but it legitimizes a serious drug of abuse. On balance, I must oppose H.R. 5290, and I urge the House to defeat this measure.

□ 1130

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Chairman, as we debate today this trial program to provide pain relief to hospitalized, terminally ill patients, I want to emphasize the lack of sensitivity to pain that often confronts cancer patients.

We have received a number of letters from representatives of the administration opposing this bill arguing that the bill is misguided by not addressing the root of the problem: Pain management by health professionals. Testimony before our Health Subcommittee did in fact verify that effective pain management is lacking in many hospital settings and that there is a substantial lack of understanding of proper pain management by those in the position to ease pain. We were told that there is an alarming lack of formal training of health professionals in pain management. And with increasing specialization in medical education, we were told we can anticipate less attention to pain management training than in the past.

This lack of training leads to overdosing, underdosing, and the underuse of effective nondrug methods of pain relief. I am afraid we face an unconscious avoidance of the subject since pain is so difficult to ease and so unpleasant to deal with.

While the administration opposes this bill because training and effective pain management are needed, what is the administration doing? My question to the NIH on their efforts produced the information that only one institute, the National Cancer Institute, could identify specific 1984 dollars ($98,000) spent on pain management training.

There is in this bill an amendment I offered directing the Department of Health and Human Services to report on how the Federal Government currently supports training in pain management with recommendations for improving the training of all health personnel to better control pain. If pain management is the root of the problem, we should be doing something about it.

In our hearing, the comments of Dr. John J. Bonica of the Department of Anesthesiology, University of Washington, struck me as particularly important.

> There has been a lack of sufficient scientifically trained persons working on * * * understanding pain. Related to this has been the meager amount or total lack of funds for research or research training in this field. Consequently, there has existed a vicious circle of inadequate scientific manpower, and thus an inadequate number of grant applications submitted to the research agen-

[1] The Chief Inspector of the Home Office wrote the subcommittee that "It is not correct that the use of heroin for the relief of pain has been declining in the United Kingdom in recent years; in fact the contrary is true and the domestic consumption of heroin has steadily increased. * * * Most of this will have been used for the relief of pain whereas the use of heroin in the treatment of addiction has declined. * * *

cies, and thus inadequate amount of funds budgeted for pain research and research training, and thus discouragement of scientists to pursue cancer pain research and causing them to investigate other areas, and thus inadequate scientific manpower.

If this bill were enacted, my amendment could be a start toward closing a very tragic job in our medical treatment. The administration should be pushed to improve medical training in pain management as a necessary part of this bill. If this bill goes down the tubes, so does this small effort to do something about pain management training.

Mr. BROYHILL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN] who also serves as the ranking minority member on the Select Committee on Narcotics Abuse and Control.

Mr. GILMAN. Mr. Chairman, I rise in opposition to H.R. 5290, the Compassionate Pain Relief Act, which would authorize the use of heroin to relieve pain for terminally ill cancer patients.

Mr. Chairman, I am very sympathetic to those who suffer from the agony of cancer. A member of my immediate family, succumbed to this dreaded disease. I know from firsthand experience the anguish that terminally ill cancer patients endure and the emotional appeal for some relief for those who suffer from this wretching disease. But the use of heroin, as proposed by this legislation, is not the answer for the terminally ill patient, and it is not the answer for society to utilize illicit heroin from the marketplace.

Under current law, heroin is a schedule I drug, which, among other things, means that it has not currently accepted medical use in treatment in the United States. For a drug to be used medically for treatment, it must be approved by the Food and Drug Administration [FDA].

H.R. 5290 would bypass this congressionally mandated procedure. Under the proposed legislation, heroin would still remain a schedule I drug, but it would be exempt from the regulations of the Food, Drug, and Cosmetic Act and the Comprehensive Drug Abuse Prevention and Control Act of 1970 regarding the importation of opium and the manufacture, distribution, and dispensing of heroin.

H.R. 5290 would, however, authorize the Secretary of Health and Human Services to provide for the manufacture of heroin that would be stored in hospital and hospice pharmacies through which physicians could prescribe heroin to terminally ill cancer patients.

The irony of H.R. 5290, is that the medical and the pharmaceutical communities and those responsible for administering this program—the Department of Health and Human Services—are opposed to this measure.

The American Medical Association, the American Society of Internal Medicine, the Association of American Medical Colleges, the American Society of Anesthesiologists, the American Academy of Otolaryngology—head and neck surgeons, the American Pharmaceutical Association, the American Society of Hospital Pharmacists, the Arizona State Council of Hospital Pharmacists, the National Hospice Association, and the Connecticut Hospice oppose H.R. 5290. The National Federation of Parents for Drug-Free Youth also oppose this measure.

Mr. Chairman, it would be different if the Food and Drug Administration recommended that heroin be reclassified to a nonschedule I category but it hasn't. It would be different if existing law permitted the importation, manufacture, distribution and dispensing of heroin, but it doesn't.

Rather, in January of 1984, the Food and Drug Administration approved dilaudid-HP, a new highly potent analgesic for medical treatment, thereby conforming to congressionally mandated procedures. On the other hand, H.R. 5290 would circumvent this medical acceptability requirement for treatment purposes, and heroin would still remain an "outlaw drug."

Heroin itself is not a panacea to treat terminally ill cancer patients. Research conducted on the comparative value of heroin and other drugs by the Vincent T. Lombardi Cancer Research Center at Georgetown University and by the Memorial Sloan-Kettering Cancer Center in New York concluded that heroin, which is a synthetic derivative of morphine and is converted by the body into morphine, has no unique advantages or disadvantages for the relief of pain for cancer patients. It has no analgesic superiority over morphine.

FDA approved drugs, such as morphine, dilaudid, and codeine, are already on the market and available to terminally ill cancer patients. Furthermore, the recently FDA approved dilaudid-HP is highly soluble, more potent than heroin, reaches its peak effect sooner, and last longer than heroin.

There are those who cite the English experience with heroin, where the manufacture and use of that drug is legal, as a rationale for our Nation to use this illicit drug to treat terminally ill cancer patients. But the English experience is not comparable to ours since dilaudid is not marketed in Great Britain and research by two physicians from St. Christopher's Hospice showed "no substantive difference" between heroin and morphine. According to their research, heroin and morphine are equally effective to treat terminally ill cancer patients. Rather the physicians concluded:

> The heroin controversy distracts attention from substantive issues in the care of patients with advanced cancer—namely, the need to improve the general standard of care and symptom control and to ensure that adequate doses of analgesics are correctly employed from among the many opiate and non-opiate drugs that are already available.

In this regard, Mr. Chairman, agencies of our Federal Government responsible for research on cancer, pain management and drug abuse are opposed to H.R. 5290, specifically, the National Institutes of Health, including the National Cancer Institute, and the National Institute on Drug Abuse. Dr. Edward N. Brandt, Jr., Assistant Secretary for Health, stated before the Energy and Commerce Subcommittee on Health and the Environment:

> We believe that the overwhelming majority of patients can be effectively treated now with improved pain management strategies and the analgesics that already have been approved under the existing statutory mechanisms. For the small numbers who cannot be effectively treated, it is extremely unlikely that heroin would offer any relief. For such individuals, other classes of drugs and new pain management techniques are needed.

Commenting upon the use of heroin to treat cancer patients in Great Britian, Dr. Brandt also stated:

> We do not dispute heroin's ability to help control pain; however, for us, the availability of Dilaudid and now Dilaudid-HP, heroin is superfluous.

Hospitals, physicians, pharmacies, and hospices are rightfully fearful that this legislative proposal would open up the door to diversion and theft, which is why the American Medical Association, the American Society of Internal Medicine, the American Pharmaceutical Association, the American Society of Hospital Pharmacists, the Association of American Medical Colleges, the National Hospice Association, and other similar groups are opposed to this measure.

At a time when heroin, cocaine, marijuana, and other illicit drugs are inundating our shores by the plane load and by the boat load, now is not the time to bypass congressionally mandated procedures to use heroin to treat terminally ill cancer patients when we already have on the market a variety of pain killers, including the newly FDA approved more potent, highly soluble dilaudid-HP.

In short, there does not appear to be any significant advantage in opening up the use of this illicit drug to treat terminally ill cancer patients when the medical community is against this proposal, when the pharmaceutical community is against this proposal, when the health and research communities of the Department of Health and Human Services are against this proposal, and when the law enforcement community, which, among other ac-

tivities, would be called upon to investigate hospital and pharmacy thefts, is against this proposal.

Although I am sympathetic to those who are reaching out for relief from the intractable pain caused by cancer, and to those who are trying to find a legislative "answer," including my colleagues on the distinguished Subcommittee on Health and the Environment, chaired by the gentleman from California [Mr. WAXMAN], I urge my colleagues to vote against this proposal and call upon the medical community to help find better ways to treat those who are undergoing the agony of this dreaded disease.

Mr. Chairman, in an effort to better inform those who misguidedly believe that heroin is a panacea to treat terminally ill cancer patients, I am inserting at this point in the RECORD a statement of Margaret M. Heckler, Secretary of Health and Human Services, entitled "Heroin Is Not the Solution," which appeared in the op-ed section of the Washington Post on July 28, 1984, and which cogently summarizes the Department's opposition to H.R. 5290.

HEROIN IS NOT THE SOLUTION

With too little public understanding, no national consensus, and only a soupcon of discussion in and out of the media ["Let Them Have Heroin," editorial, July 26], the House of Representatives is about to debate and decide the fate of a bill that would legalize the use of heroin for terminally ill cancer patients.

I wholeheartedly share the objective of compassionate pain relief. No patient, young or old, should have to suffer pain when we have the means available to provide relief. But the premise that only heroin can provide relief, especially for the small number of cancer patients who have lost a great deal of weight and muscle mass and are, therefore, unable to tolerate frequent, high-volume injections of drugs such as morphine, is simply not true.

The medical profession, the pharmaceutical profession and America's hospice movement all agree that heroin is not needed to relieve pain, and they oppose legislation to legalize heroin. Why?

First off, a better drug, Dilaudid-HP, is now available. Because it has been on the market only since February, many of the proponents of the bill may not be aware of Dilaudid-HP's effectiveness. It is highly soluble, more potent, achieves its peak effect sooner and has a longer duration of action than heroin.

Additionally, the legalization of heroin would surely pose serious public safety, enforcement and security problems. Manufacturers and pharmacists, as well as health care professionals, cancer patients and their families, would be placed in jeopardy by legalizing heroin that is directly linked with criminal activity and yet has no medical advantages over Dilaudid-HP.

Further, making heroin available in the manner set forth in HR 5290 would run contrary to the federal drug review and approval process that has long been in place to ensure the safety and effectiveness of drug products before they are marketed. The bill would explicitly bypass this process, setting a poor precedent for ensuring safety and effectiveness in future drug development efforts.

Heroin is not the solution to the problem of intractable pain. The root of the problem is the lack of appropriate pain management of patients suffering from all the diseases that induce suffering and agony. The correct answer is a national educational program that brings modern pain management techniques into the mainstream of medical practice. I will spearhead and pursue that kind of endeavor. We will, simultaneously, continue our research activities at our national institutes to better understand the basis of pain even as we explore the development of new and more potent analgesic drugs.

Defeat of HR 5290 will not leave terminally ill cancer patients adrift on a sea of agony. I am optimistic that the widespread use of Dilaudid-HP and other available powerful analgesics along with a growing awareness by physicians and other health care professionals of effective pain management strategies will resolve many of the problems that have led to the introduction of this well-intentioned but flawed legislation.—Margaret M. Heckler.

Mr. BROYHILL. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. BLILEY], a member of the committee.

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, there's no doubt that this legislation has merit. It is indeed a "compassionate" approach to the relief of intractable pain. I thought that last year when the bill was introduced, and that's why I cosponsored it.

However, time has eclipsed the need for this bill. When the bill was introduced, there simply were no other choices for the treatment of intractable pain. Today there are. High potency dilaudid was approved last February and can now meet the needs that spawned this legislation.

I would like to point the Members attention to the "dear colleague" that our colleague Chairman WAXMAN sent out yesterday that has all the newspaper articles and editorials in it. Members should take note that a majority of those articles predate the FDA's approval of dilaudid-HP. In fact, three of those articles are well over 2 years old.

I congratulate the chairman for pressing for this legislation, but the need for the bill has been overcome by events.

And I want my colleagues to understand that we are not against compassion and providing the treatments to patients with intractable pain. As an original cosponsor of the bill before us today, I only offer that there is now a better way to treat that pain than there was when the bill was introduced.

Mr. BROYHILL. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman from North Carolina for yielding.

For the almost 4 years that I have spent in the Congress of the United States, I have served on the Select Committee on Narcotics Abuse and Control. For approximately the last 3 years I have been privileged to serve on the Judiciary Committee, more particularly on one of the crime subcommittees.

I never thought in my wildest dreams that we would someday be approaching the subject of legalization of an insidious drug as we are today in looking at the possible merits of heroin. I would say to my colleagues that there is nothing compassionate about heroin. Heroin has left its destructive tracks across this country in the form of broken homes, broken lives, and people without futures, and yes, deaths.

For us to fucus only upon the needs of the dying while absolutely disregarding the needs of the living would be a travesty and a tragedy and something that would not be befitting to this House.

We must talk about what is going to happen to these drugs. Is there any Member here that can tell me that the legalization of heroin will not cause legally produced heroin to make its way into the streets? They cannot because it will.

The supply of heroin will increase. It will increase in the streets.

Our trading partners in other parts of the world that we are trying to convince to put an absolute stop on the deportation of heroin into this country will be confused. Illegal production would increase as well, as then they would be competing with legally produced heroin.

This is a bad bill. This is a terrible bill. This bill absolutely ignores the needs of the living.

I ask that this House resoundingly defeat this bill so it will never come to us again. There is no place in future of this country for this drug.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I supported this rule because I thought that I would have an opportunity to debate against this bill. I have been advised by the manager that the time is being allocated for those who support the bill and that I should go on the other side of the aisle for time.

I have this 1 minute for the purpose of opposing this bill because I think it violates every principle we have as we try to negotiate with countries that are involved in illicit drug production. I cannot for the life of me make where we are supposed to get the drugs, under this bill, the heroin for these terminally ill patients. Yesterday when the question was raised it appeared as though we had to go to the illicit market or perhaps purchase it from the Drug Enforcement Administration and we were advised by the

manager of the bill that no, that is not the case, that Mr. HUGHES is going to amend the bill to clarify this issue.

□ 1140

Mr. BROYHILL. Mr. Chairman, I yield 1 additional minute to the gentleman from New York [Mr. RANGEL] if he would like to complete his statement.

Mr. RANGEL. I thank the gentleman for yielding.

Mr. Chairman, everyone says that we are only dealing with a handful of small people and that we should allow them the opportunity to get this heroin because, after all, we have been unable to stop this heroin from flowing into the United States.

I have never heard a more ludicrous argument against legalizing a drug that we have opposed the growing of opium throughout the world and it just seems to me that if this Congress is going to do something for the sick that we ought to take our advice, at least from the doctors who organized and have sworn to take care of the ill. I cannot think of a medical association that is asking us to open the door to legalized heroin. But I tell you one thing, I think behind this there are a lot of people who believe that the entire drug situation is completely out of hand and they would openly advocate that we just take the profits out of heroin and just start legalizing the entire illicit drug manufacturing and transactions in the United States.

Mr. BROYHILL. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I would like to make several points in opposition to the Compassionate Pain Relief Act. First of all, heroin will not offer benefits that are not now available. Heroin is a morphine derivative and acts like morphine. Dilaudid-HP approved by the the FDA in January of 1984 is highly soluble and more potent than heroin. Dilaudid-HP gets into the bloodstream faster and lasts longer than heroin, allowing for fewer injections in smaller amounts. It is six times as potent as morphine and two times as potent as heroin. Three milligrams of heroin have a peak effect of 1.2 hours and lasts 4 hours; 1.5 milligrams of dilaudid in a smaller amount has a peak effect at 1 hour and lasts 5 hours, a longer time. Dilaudid-HP may last two times as long as heroin.

A second point: H.R. 5290 circumvents the present statutory scheme which requires the FDA to determine a drug's safety and effectiveness before being effectively marketed to the public. This sets an unwanted precedent.

Point No. 3: H.R. 5290 would enhance illegal trafficking, a point Chairman RANGEL was making just a moment ago, and endanger the public's safety. Heroin is the drug most preferred by narcotics addicts. Many pharmacists claim they will refuse to stock heroin for fear of killings or maimings associated with possible armed robberies for the drug. Patients with heroin supplies will be in danger of robbery or injury.

Since this legislation was reported from the Committee on Energy and Commerce numerous medical and antidrug organizations have come out in opposition to this bill. Among the groups in active opposition to the legislation of H.R. 5290 are the Department of Justice, Department of Health and Human Services, the American Medical Association, the Select Committee on Narcotics Abuse and Control, the American Society of Hospital Pharmacists, the American Society of Internal Medicine, the American Society of Anesthesiologists, the National Federation of Parents for Drug-Free Youth, the Association of American Medical Colleges, and the Texas Medical Association.

In summary, Mr. Chairman, I believe the benefits of this well-intentioned legislation are far outweighed by the potential negative consequences and we should reject H.R. 5290.

Mr. BROYHILL. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON], a member of the committee.

Mr. NIELSON of Utah. Mr. Chairman, I thank the chairman for yielding.

I shall not take much time.

Mr. Chairman, I am opposed to H.R. 5290, the Compassionate Pain Relief Act.

I make four points, Mr. Chairman:

First, in several "double blind" tests the Sloan-Kettering Cancer Center conducted with heroin versus morphine the results indicated that the relative effectiveness of the two drugs are similar.

Second, the FDA approved this year a new drug called dilaudid-HP which is highly soluble and more potent than heroin and thus more desirable. As physicians and health care professionals become more aware of effective pain management strategies then the problems currently experienced in treating cancer patients will be solved.

Third, this bill would set an undesirable precedent by eliminating the statutory requirements for the approval of new drugs by the FDA.

Fourth, by placing heroin in hospitals they become targets of organized crime and others who seek to acquire this drug and distribute it for illicit purposes and for financial gain.

When this bill was being marked up it was indicated that maybe it would add only 1 or 2 percent to the heroin which is already on the street. I do not want to add even one-tenth of 1 percent, let alone 1 or 2 percent that they admit.

I note that the American National Hospice Organization which is charged with treating people who are in latter stages of illness have come out strongly opposed to it.

Our own Select Committee on Narcotics Abuse and Control is also opposed to it.

I would like to suggest that if you check with your medical experts of any kind in any State you would find they are unanimously or almost unanimously opposed to this bill.

Mr. Chairman, I therefore ask for its defeat.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield to me?

Mr. NIELSON of Utah. I am glad to yield to the gentlewoman from California.

Ms. FIEDLER. I thank the gentleman for yielding.

Mr. Chairman, I was very concerned about this particular bill because I wanted to do what I thought was right for my constituents and for those people suffering pain. So I decided to talk with some physicians in the area.

Just yesterday I had a chance to talk with the head of the UCLA Oncology Department who is an individual who handles tens of thousands of cases of cancer victims every single year. He indicated to me that he felt that there were no advantages whatsoever to having heroin, that it created additional problems in terms of law enforcement problems and that it would be a major mistake on the part of Congress to pass this bill.

Based upon his expert testimony to me I feel strongly that I can confidently vote against this bill and not create additional problems for those people who are trying to help people with pain.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

I would like to point out that saying on the one hand that the problem is that doctors do not know what they should about pain management and therefore we ought to spend our time educating doctors on the use of drugs we now have; and then on the other hand say that these same doctors tell us they do not need to have a stronger drug, I find that just tremendously ironic.

The fact of the matter is that there are some patients that are not being relieved from their agony by the drugs that are now available. Doctors tell us that heroin is just another part of the armament in controlling pain for a limited population of dying cancer patients. And that is what we are trying to accomplish by this legislation.

Mr. Chairman, might I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from California [Mr. WAXMAN] has 9 minutes remaining; the gentleman

from North Carolina [Mr. BROYHILL] has 13 minutes remaining.

Mr. WAXMAN. Let me conclude with one other thought: If a doctor does not think it is appropriate to prescribe heroin, he need not prescribe heroin. If a pharmacy is worried about theft, that pharmacy may reject having heroin on its premises. And besides, we do not say that every pharmacy is even allowed under this bill to have heroin stocked at their pharmacy. It is only limited to hospitals that voluntarily want it, hospitals only, hospices only, only if they are willing to accept heroin on the premises to be used only for this narrow purpose.

Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. HUGHES], the distinguished chairman of the Subcommittee of the Committee on the Judiciary which deals with the problem of drug abuse.

Mr. HUGHES. Mr. Chairman, I find myself somewhat uncomfortable being on the other side of this issue from some of my colleagues with whom I have often joined to wage battle against the problem of illegal drug trafficking and production. I must say that no issue in the Congress, in this term in particular, has given me more pause to reflect than this particular issue. And, without an amendment that I am going to offer to this bill which would put in place the law enforcement protections that I think are essential, I would not support the legislation.

But I have heard so much misinformation and misdescription in today's debate that I was not sure we were talking about the same legislation. In the first place, if you really want to do away with diversion, we probably should dry up, that is prohibit, the prescription of a lot of controlled substances. If you look at the facts and figures, 60 percent of the drug overdoses in this country are caused by prescription drugs that are being diverted into the illicit market. An enormous number of those drugs are the things that are finding their way into the school yards. Nobody is suggesting that the way to deal with that problem is to make it impossible for people to get these prescription drugs that they need to treat their ailments and diseases. One of the reasons why we have advanced as a society is because we have provided the kind of medications that make life richer and the endurance of pain a little easier.

Now, when they talk about the legalization of heroin I am not sure what they are talking about; nobody is going to be legalizing heroin in this bill.

□ 1150

We are talking about making it possible, for maybe 1 in 500 people, to receive a drug that might help them through the last days of their life. Now, I was very careful to listen to what the medical societies throughout the country are saying about it, the people who have the expertise. I am not a doctor. I do not know. I have to rely upon what they say to me and they say that dilaudid, in many instances, really is not adequate to relieve pain for some people; they really do not respond to dilaudid or the other drugs. And that heroin, in those instances, may help people who are dying.

Now, I am not one to say that those scientists are incorrect. The medical community is divided on this issue and I have to come down on the side of trying to provide some relief to those in their last days who need some relief.

Now dilaudid is one of the commonly diverted drugs into the illicit market. It is certainly one of the most sought after drugs on the street. Is anybody suggesting here today that we should forbid the dispensing of dilaudid? On a dose-by-dose basis, the addict will pay more for dilaudid, I say to my colleagues, than they would pay for heroin.

Codeine, a major pain reliever, comes from opium. I say to my colleagues, are you suggesting that we do away with codeine? In fact, we buy much of the opium that we use in this country for medical purposes from India, Turkey, and other countries that grow it. Nobody is suggesting, by our import of medicinal opium, that we are sending any inappropriate or conflicting signals to the countries in which opium is grown for the illicit market—which we are trying to discourage. No one is suggesting that our use of opium derivatives such as codeine, morphine, or thebaine in some fashion works against our efforts to stem the flow of illicit drugs into the marketplace.

So in the final analysis this bill makes vitally necessary pain relief available to those who are suffering in their last hours of life. We do so in a very limited program. We put in place the same protections indeed, even greater protections than we have in place for things like morphine that we use all the time in hospitals. Why not, if in fact heroin does provide some relief, why not provide a test period to see if we can reasonably make it available? That is all this legislation does.

Mr. BROYHILL. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in strong opposition to this bill. I am proud to be joined in this opposition to this bill by a very broad-based group of very distinguished colleagues from both sides of the aisle and from various committees that have had the opportunity to carefully review the evidence with respect to this legislation. These colleagues, I hope those who are listening back in their offices, will listen carefully, have had the opportunity to listen to learned witnesses, as well as to their knowledgeable constituents about this program and they are now speaking out in opposition to this ill-conceived legislation.

Mr. Chairman, I am pleased that the very capable chairman of the Select Committee on Narcotics Abuse and Control, the gentleman from New York [Mr. RANGEL] and supported by the ranking minority member of that subcommittee, the gentleman from New York [Mr. GILMAN] are leading opponents to the passage of this legislation. They bring to this debate not only a great deal of knowledge, but a great deal of experience with respect to this subject matter.

No one is for pain. We all want to do something about controlling pain for those who are experiencing severe excruciating pain in their final days of their life. Certainly pain, regardless of its cause, should be aggressively attacked.

I listened to the gentleman from New Jersey and his arguments. It seemed to me that what he was saying was that we have problems with the diversion of pain relievers under the present law. He is somehow arguing, then, what difference does it make if we put another pain reliever out there and we should have problems with that.

It seems to me that that is not the way that we should be going.

There are potent pain relievers available for the relief of severe pain for terminally ill cancer patients. All of us have been referring to these in the debate. There is no need for me to list them. Dilaudid is one of them. All of our learned witnesses, particularly from the medical community, have testified that the availability of these pain relievers makes the use of heroin unnecessary.

Mr. Chairman, very quickly, let me list a few of the experts who have a working knowledge of how this program works, why they are opposing this legislation.

The American Society of Hospital Pharmacists say this:

> Heroin availability in both community and hospital pharmacies will produce an increased risk of diversion and pharmacy crime.

The National Federation of Parents for Drug-Free Youth say:

> To falsely legitimize heroin sends the wrong message about this devastating and illegal drug to our children.

Listen to what these people are saying.

From the American Society of Internal Medicine, physicians who have day-to-day experience with dealing with patients who are in pain. They say:

H.R. 5290 would circumvent established FDA procedures for the approval of new drugs.

And, my colleagues, that is exactly what this bill does.

From the Department of Justice. They say:

H.R. 5290's total lack of safeguards against abuse makes it an unacceptable vehicle for achieving the end sought.

Listen to what the researchers at Sloan-Kettering Cancer Center in New York say, one of the very few research centers, I might say, that have had hands-on experience with the use of heroin as a reliever of pain. They say:

Heroin has no unique advantages for the relief of pain in patients with cancer.

We have written communications from the American Medical Association and also testimony from that association before our subcommittee that states that there are equally effective medications available for pain control.

Now, the experience in England has been cited, but all of the scientists from England are saying—they were talking about the issue of whether heroin offers distinct advantages of pain control—they clearly state that current evidence provides no justification for the legalization of heroin.

Mr. Chairman, I am very concerned about the inevitable liabilities that would develop with wider availability of heroin. I know that this is the argument that has been put forward by the gentleman from New York [Mr. RANGEL]. I very much agree with the arguments that he makes, the risk of diversion of this popular street drug, the increased likelihood of pharmacy theft. It does not warrant the expanded use of this dangerous substance.

I would urge my colleagues to join me in voting against this unnecessary and undesirable bill.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman for yielding.

Mr. Chairman, I compliment the gentleman on his scholarly, responsible statement.

Mr. Chairman, I rise in opposition to H.R. 5290, which would legalize the medicinal use of heroin for terminally ill cancer patients in the United States.

First of all, whether or not a drug is safe and effective for medicinal use should be determined through the existing regulatory drug approval process. Congress has neither the scientific expertise nor medical experience to make such a determination. We cannot legislate a drug's safety.

The Food and Drug Administration [FDA], which we have charged with protecting the health of the Nation against unsafe drugs, recently approved an alternative new drug [dilaudid-HP] which has proven to be just as effective for pain relief as heroin. This drug has been subjected to all of the new drug approval procedures.

Well-controlled clinical studies have also clearly demonstrated that morphine is just as effective for pain relief as heroin.

While the intent of this legislation is no doubt good—to provide relief to terminally ill patients—we must also recognize that legalizing heroin would turn every hospital, every hospice and pharmacy, and patients themselves into targets for addicts and criminals involved in black market drug traffic.

This legislation is opposed by a wide range of health professionals including the American Medical Association, the American Society of Hospital Pharmacists, and the American Society for Clinical Oncologists whose members specialize in the treatment of cancer.

I urge the defeat of this measure. We ought to instead turn our attention to promoting greater efforts toward truly effective treatments for terminal and nonterminal disease.

□ 1200

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. MCKINNEY].

Mr. MCKINNEY. Mr. Chairman, yesterday I spoke during the rule about our colleague here, Ella Grasso and Bill Cotter, and the terrible painful deaths that they went through from cancer, and I am not going to pull out any of those towels because it seems to me that we have had them out today, and it seems to me, also, that what we have done is we have had a fog, sort of a miasma, like Ichabod Crane and "Sleepy Hollow," about all of these terrible things.

Let us look at a few facts. Heroin exists. Why does heroin exist? Because governments and the medical community designed it and discovered it and found it to take the place of morphine because morphine was so evil.

Dilaudid exists. Dilaudid exists because it was discovered because they needed new things, new analgesics, to solve the problem of pain. It also is a substance that can be terribly, terribly abused.

We have done this throughout the history of medicine. But the fact of the matter is that heroin is a tool. It is one more tool for people who are dying. Are we going to really turn around, in a nation where 4.3 metric tons-plus of illegal heroin is sold on the streets of the United States of America, turn around to an American citizen who is dying, in pain, and say we are going to take away this tool? What if the tool is never used? Fine. What if the doctor does not want to prescribe it? Fine. The fact of the matter is, we are turning around to these terminally ill patients and saying, "We are going to deny you this possible answer."

Every single human being reacts differently to an analgesic pain reliever, every single human being, whether you go down to the level of aspirin or up to the level of morphine. Let us give them the tool.

It really is strange, because I have heard "community pharmacies." This bill does not allow heroin to be in a community pharmacy. It allows it to be in hospitals. And I would suggest that if you want to look at why kids are overdosing and suburban housewives are committing suicide, go to the local pharmacy, walk in and see the plastic jars full of valium and full of all of those other little goodies, uppers, downers, rounders, and bouters. Go down to Kennedy Airport in New York and watch the stuff being stolen by the thousands of pounds on a monthly basis and put on the illicit market.

We are talking not about saying heroin is good. It is evil. But heroin is a drug which can give therapeutic relief to pain in someone's final days. It is a drug that can leave a person lucid and able to communicate with their children or their spouses or their friends during their last days, rather than turning them into a vegetable within the hospital syndrome, which is now the American medical way of doing it.

I support the bill.

Mr. BROYHILL. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. SAWYER].

Mr. SAWYER. I thank the gentleman from North Carolina for yielding.

Mr. Chairman, I have listened to the arguments both during the rule and most of them here today. Very frankly, I became concerned because I heard there was some kind of a dispute in the medical profession on the efficacy of heroin as opposed to dilaudid and other drugs. I telephoned the chief of the Oncology Department, University of Michigan Hospital, and he goes right down the line with the American Medical Association. He said if there is any shortcoming in the use of dilaudid or the other analgesics that are now available, it is because of the lack of experience of doctors using them or their unwillingness to take a chance of addiction and possible malpractice suits by giving too little too late and not enough near the end. And he feels it is just one more problem if we inject heroin into the picture.

One other thing that was mentioned during the discussion on the rule was that the supplies of heroin were going to be taken from the confiscated heroin held by enforcement authorities. Well, my heavens, if you ever saw how they make morphine base and the conditions under which they make it, which go into heroin, you would never

dream of giving even a test animal a shot of it. Just absolutely filthy conditions. And I am sure that those addicts who now use heroin would be turned off just by being given a tour of how it was made in pots and pans out in the jungle.

The other thing is, you are allowing not only the use of heroin, but we are circumventing all of the protective devices that we use for any other drug. There is no Food and Drug application involved here. No human testing, no prescription of the conditions under which it is made. So not only is it unnecessary in creating a tremendous addition to the law enforcement problems, but it is also being excused from all of the regulatory authorities that are there.

The point suggested by Mr. HUGHES that there is illegal heroin out in the market now or other drugs that are diverted, like dilaudid, it seems to me that is like saying, "What in the heck, why not make a dozen more of them available on the streets?" And I just cannot buy that kind of philosophy—and it is very seldom that I disagree philosophically with the gentleman from New Jersey.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding, and I commend him for his remarks in opposition to this measure.

Permit me to underscore that there is an effective pain relieving drug on the market dilaudid-HP, which is highly soluble and more potent than heroin.

We must also consider the secondary problems of making heroin medically available, and we must concern ourselves about diversion of the heroin made available. We should also be concerned about the fact that virtually the entire medical community has joined in opposition: the American Medical Association, the American Academy of Otolaryngology, the American Society of Anesthesiologists, the American Pharmaceutical Association and the American Society of Hospital Pharmacists.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SAWYER] has expired.

Mr. BROYHILL. I yield 1 additional minute to the gentleman from Michigan.

Mr. GILMAN. If the gentleman will yield further, I urge my colleagues to closely examine the impact of this measure. There is no need to prescribe heroin when there is an effective drug such as dilaudid available. We must be concerned about diversion of heroin at a time when heroin is flooding our shores and creating an epidemic of drug abuse throughout our Nation.

Accordingly, I urge my colleagues to oppose this measure. Let us try to find better ways of relieving pain through more extensive research and not by extending a cloak of legality to heroin.

Mr. SAWYER. When you go up and visit the hill tribes in Thailand, which I had the privilege of doing, and see them tearing up their fields of opium poppies, at great expense to us who provide substitute crops and the market for them, in order to hold down the production of morphine base, the expense we have gone through developing substitute crops which they can grow in those high arid hills, and then to think that we now are proposing to use it ourselves. The first thing we are going to hear and the first thing the dope peddlers are going to say or the big runners in southeast Asia and southwest Asia, is, "sure, the reason they want you to destroy your crop is because they want to sell their own to surgeons for use in their hospitals."

Mr. BROYHILL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the legislation, H.R. 5290, the Compassionate Pain Relief Act. As you know, this legislation would establish a 4-year program to make heroin available for terminally ill cancer patients. I have serious concerns about the bill and would urge my collegues to vote against it.

Scientific evidence shows that heroin is no more effective in managing pain from cancer than are other currently available drugs, such as morphine and dilaudid-HP. Patients can be effectively treated now with improved pain management strategies and the analgesics that already have been approved under the existing statutory mechanisms.

The bill would establish an inappropriate precedent by preempting, through legislation, consumer-protection features of the Food and Drug Administration's process which insure that only drugs that have been proved to be safe and effective through controlled scientific studies can be marketed. Heroin has not met this standard. Use of legislation to make a drug available circumvents the protective mechanisms of the FDA process and could subject the public to undue risk.

The security problems of hospitals and hospices would inevitably become more severe in the event that heroin is used in these institutions. Since equally effective medications are presently available, there is no reason to risk the adverse social and criminal implications of making heroin available.

This is a dangerous piece of legislation. Again, I would urge my colleagues to consider these concerns and vote "No" on H.R. 5290.

Mr. BROYHILL. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this bill and I do so with some mixed emotions. Several years ago, my own mother suffered through a long-term illness with cancer. She suffered terribly and the horrible disease subsequently took her life. Having suffered with her through that terrible time, I knew I would support any legislation that would help to relieve any human being from that kind of pain. This legislation does not relieve that pain and may indeed even cause pain and suffering.

I find this to be an unnecessary and potentially dangerous bill for a number of reasons:

First, this measure was introduced when there was no other drug available for the treatment of pain in terminal cancer patients who could no longer tolerate frequent injections. But there is such a drug now. Dilaudid-HP has been approved by the FDA and is currently in use. It is twice as potent as heroin, and its effects last much longer.

Second, congressional approval of heroin for medical use bypasses the traditional channels of testing and screening which are used by the FDA to protect the public.

Third, the presence of heroin in our hospital and hospice pharmacies poses a serious risk to their security, particularly since heroin is among the most desirable of today's street drugs.

Finally, this measure is widely opposed by several prominent groups of health professionals, including those who would be responsible for prescribing and distributing the drug. The American Medical Society, the American Society of Hospital Pharmacists, and the National Federation of Parents for Drug-Free Youth all publicly oppose this bill.

The Compassionate Pain Relief Act may appeal to our emotions through its attempt to help the terminally ill. But it does not appeal to our commonsense. H.R. 5290 is simply no longer necessary, with the availability of better pain killers.

We no longer need to consider the approval of a drug which will create more problems than it will solve. We must vote our commonsense in this matter, and vote against this unnecessary and unwise bill.

● Mr. OTTINGER. Mr. Chairman, as a member of the Subcommittee on Health and the Environment, I am pleased to speak in strong support of H.R. 5490, a bill to establish a temporary program under which heroin would be made available to terminally ill cancer patients for the treatment of intractable pain.

I have heard many of the arguments against this bill, including claims that the heroin might be diverted for illicit trade, or that it is not necessary because we have other legal drugs that are just as good or better than heroin for the treatment of intractable pain. These arguments lack scientific support, sound reasoning, and, most important, human compassion for terminal cancer patients and their families.

The quantities of heroin involved would be miniscule in comparison with the massive amounts already available in the illegal markets. In fact, under this legislation heroin would be available strictly to patients with physician prescriptions at hospital pharmacies, and its use would be permitted only in accordance with the strict provisions of this program, with peer review required for any doctor's decision to use it.

Heroin widely used in England for the treatment of pain due to cancer, and recently approved in Canada for experimental use, is one of the most effective analgesics known to medical science. Research has shown that there remain specific cases of extreme pain that respond only to heroin. I'm sure that each and every one of us has been touched in some way by the ravaging effects of cancer, and know only too well the anguish it can cause. The pain associated with advanced cancer is often excruciating and unbearable, and can greatly aggravate the physical and psychological deterioration of the patient caused by the disease itself. How would you feel if a member of your family or a friend was suffering, and you knew there was a way to alleviate the pain, but you could not use it? I think you would be as outraged and frustrated as are many others whose tragic stories we have heard in the process of researching this tragic situation.

Mr. Chairman, the number of patients who may actually benefit from the passage of this legislation is admittedly small. But if we can alleviate the unnecessary suffering of even one individual, it will be well worth the effort. I urge my colleagues to show their compassion by voting for the Compassionate Pain Relief Act.●

● Mr. MARKEY. Mr. Chairman, today the House considers H.R. 5290, the Compassionate Pain Relief Act. I am an original cosponsor of H.R. 5290, and I strongly support this important measure.

The Compassionate Pain Relief Act will once again allow doctors to prescribe heroin injections for patients suffering from intractable pain. This program will be temporary, and is intended to allow a comprehensive evaluation on the medical usefulness of this drug. At this time, I believe available studies support the individual use of heroin for debilitating pain which accompanies terminal cancer. The variations in individual reaction to drug intolerances enforces the need to have the option of utilizing a more potent drug treatment than now available in pain management therapy.

The bill establishes safeguards to prevent the diversion of heroin into illegal uses. The use of heroin would be permitted only for treatment of terminal cancer patients, and only upon a prescription written by a physician authorized to prescribe controlled substances. In addition, to minimize the risk of loss through pharmacy robberies, storage of the drug would be limited to duly authorized hospice and hospital pharmacies. Retail pharmacies would not be permitted to carry the drug.

As the title of H.R. 5290 states, this is a bill of human compassion. I cannot justify denying the most powerful and effective painkiller to patients suffering from severe pain.●

● Mr. WEISS. Mr. Chairman, a vote in favor of the Compassionate Pain Relief Act, H.R. 5290, is exactly what the name of the bill implies: an act of compassion. It is an act of mercy for thousands of terminally ill cancer patients, whose last moments on Earth might otherwise be spent in agony, except for the use of a drug now used legally in 48 other countries for the relief of pain. That drug is heroin.

It is clear that opposition to this bill would be minimal if that drug was called by any other name. But a fear bordering on paranoia of anything that could be distorted to suggest support for the legalization of heroin has prompted many to oppose a bill that would permit doctors to make small amounts of heroin available under very limited and controlled conditions for the relief of pain.

Opponents of the bill make three chief claims, none of which is legitimate. First, they claim that heroin is unnecessary due to the availability of other potent narcotics, such as dilaudid. But the claims made on behalf of dilaudid are irresponsible. There is no medical evidence that dilaudid is preferable to heroin. In fact, some studies show dilaudid to be considerably more toxic and less effective than heroin. Moreover, there is reason to believe that the euphoric state produced among heroin users may counteract the depression experienced by chronic users of other painkillers.

But what is at issue here is not really which drug is preferable as a painkiller. This has not been established. Indeed, different drugs have different effects on different people, and at varying times, the same drug may have a different effect on the same person. What is of consequence is the idea that doctors should have every resource available to them for the management of pain. And the regimen of drugs available for that purpose should include heroin, which is known to be one of the most effective painkillers ever developed by scientists.

Second, opponents of the bill claim that it unnecessarily circumvents FDA regulations designed to determine the safety and effectiveness of new drugs. However, this claim amounts to reaching for straws at a time when thousands are suffering needlessly. There is no need for the study of heroin as a new drug, because it is not new. It has been used for more than 100 years in England, where it is increasingly becoming the drug of choice for pain relief. The existing precautions contained in the bill are surely sufficient to deal with this substance, and further delay would be unnecessary and tragic.

Finally, opponents argue that there is a significant danger of diverting the heroin available for medical purposes to illegal uses. However, this charge, too, is baseless. The total amount of heroin made available under the temporary program amounts to only 2 to 3 percent of the 8 tons of illicit heroin which is available annually on the streets. Moreover, there is no reason to believe that the lawful availability of heroin in hospital pharmacies poses a greater security threat than any other similar drug. And it is worth noting that significant additional safeguards are mandated under the bill.

Clearly, our Nation faces a significant problem with a growing influx of drugs and a rising incidence of drug abuse. However, the legislation before us today does not impact on that problem. The availability of heroin for medical uses will not increase drug abuse or the criminal activity which is associated with drug abuse. It will merely represent a blessing and a reprieve for those in constant pain and their anguished friends and relatives.

Today, we must send a message that the control of pain is a priority in our Nation and that an unwarranted fear of diversion will not keep us from making small amounts of heroin available for medical use. The American Nurses Association, which represents those who experience on a day-to-day basis the trauma of dying cancer patients, has endorsed this legislation, and I am convinced that a short trip to a hospital bedside would convince us all of the importance of this bill. I urge my colleagues to join me in a vote of compassion for the dying and to vote in favor of H.R. 5290.●

Mr. BROYHILL. Mr. Chairman, to close debate, I would like to again say that we are strongly in opposition to H.R. 5290.

What this bill does is to require, it is a mandatory requirement on the part of the Secretary of Health and Human Services, to establish this program to provide heroin to hospital and hospice

pharmacies for use by a terminally ill cancer patient.

□ 1210

I want to point out again, as has been pointed out time and again in this debate, that heroin is not the answer for the relief of pain for terminally ill cancer patients. Not only are we bypassing all of the FDA procedures as was pointed out so ably by the gentleman from California, but the use of this dangerous, addictive drug for pain management is not necessary.

It has been pointed out time and again that there are other pain relievers that are as potent if not more potent than heroin; pain relievers more effective in treating severe and long-term pain. I would also point out that all of the people in the health care industry are opposed to this: The American Medical Association, The American College of Physicians, The American Society of Hospital Pharmacists, and The Pharmaceutical Manufacturers Association, and many, many more oppose this bill! Also, this program will be expensive for the Department of Health and Human Services to administer. It is not necessary to spend millions of dollars to control the manufacturing and distribution of heroin as a pain reliever when more potent drugs are currently available.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are two arguments that have been advanced against this legislation: First, that there are other drugs available, and many of our colleagues have come forward and said dilaudid is the answer. I do not know is that is true or not. All I do know, and I looked at the New England Journal of Medicine, an August issue, where there was an article by Dr. Monza that said that heroin has an earlier onset of action than dilaudid; it causes less nausea and vomiting; it induces more sedation; it is more rapidly and completely absorbed; and for some patients, heroin is the only drug that will be effective.

I do know whether it is true or not; let us let the medical people dispute this. But let us at least let them have another tool at their disposal to help with people who are suffering intractable pain.

The second argument against the bill is that there is a fear of diversion. I respect that fear of diversion; we tried to address it as carefully as possible. But even if every bit of heroin we make available for dying cancer patients is diverted into the streets, it will be less than 2 percent of what is already there. If we want to send signals around the world to other nations or signals to teenagers, let us stop the drug traffic in our cities and let us stop the importation of illegal drugs into this country. But let us not do that by saying we are going to start by denying it to dying cancer patients.

The CHAIRMAN. All time has expired.

Pursuant to the rule, each section of the bill is considered as having been read for amendment under the 5-minute rule.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Compassionate Pain Relief Act".

The CHAIRMAN. Are there any amendments to section 1?

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the bill, H.R. 5290, is as follows:

SEC. 2. The Congress finds the following:

(1) Cancer is a progressive, degenerative, and often painful disease which afflicts one out of every four Americans and is the second leading cause of death.

(2) In the progression of cancer, a significant number of patients will experience levels of severe, intense, and intractable pain which cannot be effectively treated by presently available medication.

(3) The therapeutic use of parenteral diacetylmorphine is not permitted in the United States but extensive clinical research has demonstrated that it is a potent, highly soluble painkilling drug when properly formulated and administered under a physician's supervision.

(4) Making parenteral diacetylmorphine available to patients through controlled channels as a drug for the relief of intractable pain due to cancer is in the public interest.

(5) The availability of parenteral diacetylmorphine for the limited purposes of controlling intractable pain due to cancer will not adversely effect the abuse of illict drugs or increase the incidence of pharmacy thefts.

(6) The availability of parenteral diacetylmorphine will enhance the ability of physicians to effectively treat and control intractable pain due to cancer and promote further research.

(7) It is appropriate for the Federal Government to establish a temporary program to provide pharmaceutical dosage forms of parenteral diacetylmorphine for the control of intractable pain due to cancer in those limited circumstances in which conventional analgesics are ineffective or contraindicated.

SEC. 3. (a) Not later than October 1, 1984, the Secretary of Health and Human Services (hereinafter in this Act referred to as the "Secretary") shall issue regulations establishing a program under which parenteral diacetylmorphine shall be made available to pharmacies for dispensing pursuant to written prescriptions of physicians to individuals for the relief of intractable pain due to cancer (hereinafter in this section referred to as "the program").

(b) The Secretary shall provide for the manufacture of parenteral diacetylmorphine for dispensing under the program using adequate methods in, and adequate facilities and controls for, the manufacturing, processing, and packing of such drug to preserve its identify, strength, quality, and purity.

(c) Under the program parenteral diacetylmorphine may only be made available, upon application, to pharmacies registered under section 302 of the Controlled Substances Act which meets such qualifications as the Secretary may by regulation prescribe. An application for parenteral diacetylmorphine shall—

(1) be in such form and submitted in such manner as the Secretary may prescribe; and

(2) contain assurances satisfactory to the Secretary that—

(A) the applicant meets such special requirements as the Secretary may prescribe respecting the storage and dispensing of parenteral diacetylmorphine; and

(B) parenteral diacetylmorphine provided under the application will be dispensed through the applicant upon the written prescription of a physician registered under section 302 of the Controlled Substances Act to dispense controlled substances in schedule II of such Act.

Requirements prescribed by the Secretary under paragraph (2)(A) shall be designed to protect against the diversion into illicit channels of parenteral diacetylmorphine distributed under the program.

(d) A physician registered under section 302 of the Controlled Substances Act may prescribe parenteral diacetylmorphine for individuals for the relief of intractable pain due to cancer. Any such prescription shall be in writing as prescribed by the Secretary by regulations.

(e) The Federal Food, Drug, and Cosmetic Act and titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall not apply with respect to—

(1) the importing of opium,

(2) the manufacture of parenteral diacetylmorphine; and

(3) the distribution and dispensing of parenteral diacetylmorphine,

in accordance with the program.

SEC. 4. (a) Not later than the third month beginning after the date of the enactment of this section and every third month thereafter until the program is established under section 3, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the activities undertaken to implement the program; and each year after the program is established and while it is in effect, the Secretary shall report to such committees on the activities under the program during the period for which the report is submitted.

(b) Upon the expiration of four years after the date the program is established, the Comptroller General of the United States shall report to the committees referred to in subsection (a) on the activities under the program during such four years.

SEC. 5. The program established under section 3 shall terminate upon the expiration of sixty months after date the program is established.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk proceeded to read the committee amendments, as follows:

Committee amendments: Page 2, in lines 10 and 22, strike out "cancer" and insert in lieu thereof "terminal cancer"; page 3, in lines 1, 6, 11, and 22, strike out "cancer" and insert in lieu thereof "terminal cancer"; and page 5, line 11, strike out "cancer" and insert in lieu thereof "terminal cancer".

Page 3, line 14, strike out "October 1, 1984" and insert in lieu thereof "six months after the date of enactment of this Act".

Page 3, line 19, and page 4, line 10, strike out "pharmacies" and insert in lieu thereof "hospital and hospice pharamacies".

Page 3, insert after the period in line 23 the following:

For purposes of the program, an individual shall be considered to have terminal cancer if there is histologic evidence of a malignancy in the individual and the individual's cancer is generally recognized as a cancer with a high and predictable mortality.

Page 6, line 9, strike out "four years" and insert in lieu thereof "three years" and in line 13 on page 6 strike out "four years" and insert in lieu thereof "three years".

Page 6, line 15, strike out "sixty months" and insert in lieu thereof "forty-eight" months".

Page 6, add after line 16 the following new section:

SEC. 6. The Secretary of Health and Human Services shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Services of the Senate not later than six months after the date of the enactment of this Act—

(1) on the extent of research activities in the management of pain which have received funds through the National Institutes of Health,

(2) on the ways in which the Federal Government supports the training of health personnel in pain management, and

(3) recommendations for expanding and improving the training of health personnel in pain management.

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc, considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the committee amendments considered en bloc.

The committee amendments were agreed to.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important that first we understand what it is that the committee is debating today. What we are debating today is a bill which will make available, under the strictest controls available under law, heroin for the treatment of hopeless cancer victims, to abate their pain.

A definition of those who are eligible under this bill is included. The charge has been made that good manufacturing practices of the Food and Drug Administration are abated. That is not true; they are in this bill at page 4, line 3, subsection b. The committee thought enough that those particular practices with regard to safeguards and with regard to care in manufacture should be there.

It is argued that the testing provisions of Food and Drug have been dispensed with. Heroin has been used in every nation in the world. It is probably, after aspirin, our best tested drug. My colleagues have said that this would cause enormous amounts of diversion. I listen to that with genuine amusement, because at the time that this administration is opposing making this drug available as a drug of last resort to hopeless cancer victims whose ease and relief may be dependent only upon this drug, it is reducing the number of customs offices who are at our shores to protect us against a flood of illegal drugs, and who are there to protect us against a flood of other illegal imports.

I say that if this administration is really opposed to this kind of legislation, if they are really opposed to the import of drugs, and if they are really opposed to illegal imports of commodities of any kind, let them see to it that the laws are properly enforced by the required and the necessary number of customs officers at our shore to protect us against heroin and other illegal imports.

Let us take a little bit of a look at the question of diversion; 4.3 tons of illegal heroin come into this country. That is the equivalent two elephants in weight. If you were to take the entire amount of heroin that is going to be coming into this country under carefully controlled conditions to meet the needs of hopelessly dying cancer patients, you would probably have the equivalent of a pimple on the posterior of one of those elephants.

My colleagues talk about diversion. There is not going to be any diversion; the streets are full of heroin, and available at far cheaper and more advantageous prices and at lower cost and with less inconvenience than diverting it out of the custody of hospitals. Remember, hospitals handle right this minute, under the same processes; and I have heard no complaint in this debate today, morphine, handle dilaudid, and handle all manner of addictive and other dangerous drugs.

There is not going to be any diversion, and the amount involved is so small as to be insignificant, 4.3 tons come in every year. This heroin use is going to be just a pimple on the posterior of the elephant.

Now, why do we have this huge conflict in the House about this bill? Because the administration has been lobbying illegally. The administration has been lobbying illegally, and I will be putting into the RECORD the letters that they were sending around telling how the different agencies of the Department should be communicating with mayors, chiefs of police, community leaders, and Members of Congress.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, July 13, 1984.

Memorandum to: Regional Directors (I–X).

The attached packet is self-explanatory. Please start by reading the "fact sheet" on the top.

The Secretary and the Assistant Secretary have asked our help in defeating HR 5290 when it comes to a vote on the House floor sometime in the last two weeks of July.

Please do the following, in order:

1. Contact (in person, if possible, by phone, if necessary, given the shortness of time) the state narcotics enforcement office and/or drug abuse offices in each of your states and ask them to contact their congressional delegation to ask for a "No" vote.

2. In the same fashion, contact the Office of the Governor in each of your states to ask them to do the same.

3. In the same fashion, contact each major city mayor in each of your states to ask them to contact their local congressman to ask for a "No" vote.

4. Telephone or visit as many district congressional offices in your region as possible in the time allowed to urge a "No" vote. Make direct contact with as high-ranking a person in the district office as possible.

Please feel free to duplicate any or all of the attached material to send directly to those whom you contact. Use express mail or Federal Express, as appropriate.

On Friday, July 20, I or a member of my staff will telephone you directly to ask for a report from you on the contacts you have been able to complete and the reactions from each contact. Please try to get a response, even if it means telephoning back after the initial contact. I want to be able to report results, if we have them, before the vote on the House floor is made.

Public Affairs Directors will be contacted directly for their separate instructions in this effort regarding media contacts, placing op-ed pieces, etc. by the Office of the Assistant Secretary for Public Affairs.

Please call me or Bill Triplett if you have any questions. Also, this item will be on the agenda of our regular weekly conference call on Wednesday, July 18.

Thank you, in advance, for your assistance.

DIXON ARNETT,
Deputy Under Secretary
for Intergovernmental Affairs.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. I called them to task. I said, "You are violating the law." In my formal remarks will be a citation to the law which the administration is violating. In their communication the administration says, "This bill, in essence, legalizes heroin." They lie. It does not legalize heroin. What this bill does is it makes available to hopeless patients suffering the last pains of cancer the possible relief provided

under the most careful controls and restrictions.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Denver CO, July 17, 1984.

MS. BETTY J. MILLER,
District Representative, Office of Representative Timothy E. Wirth, Westminster, CO.

DEAR MS. MILLER: As Regional Director of the United States Department of Health and Human Services for Region VIII, I feel it is important to keep the public advised as to pending legislation that impacts you as a citizen.

In this vein, there is in Congress today, a bill referred to as the "Compassionate Pain Relief" Bill, or specifically HR 5290. This bill, in essence, legalizes heroin!!

Enclosed you will find a fact sheet concerning this important legislation. I feel that it would be in your best interest to read the material and then to contact your Congresspeople as you see fit.

Again, please do not ignore this pending legislation. Educate yourself to the issue and respond accordingly. Congress will be acting on this issue within days. It is important to act now.

As noted on the second page of the fact sheet, the Administration and the U.S. Department of Health and Human Services is solidly against passage of HR 5290. Please act today.

Sincerely,

PATRICK C. ALLISON,
Regional Director.

□ 1220

They lie. They lie. It does not legalize heroin. What this bill does is, it makes available to hopeless patients suffering the last pains of cancer the possible relief provided under the most careful controls and restrictions.

Heroin could ease those last pains and suffering that they are going to know. That is what the bill does. It does not legalize heroin. They lie. And I will put in the provisions of law.

§ 1913. Lobbying with appropriated moneys

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

June 25, 1948, c. 645, 62 Stat. 792.

And when they were caught I said the matter must be referred to the Inspector General. The matter was referred to the Inspector General and the Inspector General has referred the matter to the U.S. attorney for prosecution in two cases.

And what else did the administration do? The administration sent around then a second letter that said disregard the first communication. But then they said go ahead and lobby anyway and I will put that communication in the RECORD.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, July 16, 1984.

Memorandum to: Regional Directors (I–X).
From: Dixon Arnett, Deputy Under Secretary for Intergovernmental Affairs.

The packet forwarded to you on July 13 express mail is self-explanatory. Please destroy the cover memo in that packet, as it is inoperative. Next, read the "fact sheet" on top of the packet.

The Secretary and the Assistant Secretary for Health have expressed serious concern regarding any move to legalize heroin, for any purpose, in this Country.

Please assure that you, and the regional professional staffs are thoroughly familiar with this information. The information should be disseminated as widely as possible immediately.

For that purpose, please feel free to duplicate the fact sheet and Dr. Brandt's testimony to send directly to those whom you contact. Use express mail or Federal Express, as appropriate.

Since this matter is currently under deliberation, timeliness is of the essence. On Friday, July 20, I or a member of my staff will telephone you directly for a report on the reactions from your dissemination of this information.

If we are talking about law abiding, if we are talking about health, if we are talking about good administration, I think one of the first requirements is that the administration should obey the law and the second requirement is it should tell the truth.

It does not appear to be a popular thing in this town anymore on the part of the administration to talk about compassion, but I think it is a good idea to talk about compassion.

I want to tell you a little bit about compassion and I want to tell you a little bit about those last moments. I hope to God that nobody in this room ever has to go through what the two people I am going to tell you about, that I knew very well and that I loved during their last minutes. I hope that no one in this room has to face the pain and the suffering and the anguish either in person or by watching somebody close to them expire under those conditions.

My mother and my father died. In their concluding days, weeks and hours, each of them was hopelessly under the care of a doctor. They were also hopelessly under treatment for their particular diseases by massive injections of morphine.

I should tell you that in no instance, in those last days, did the injections help abate the pain. They died in agony, each of them. They died under the care of the doctors and the doctors did everything they could to abate that pain and to abate that suffering.

You should know that at a given point in the care of cancer as in the death of my mother or in the care of tuberculosis and heart disease as in the case of my dad, morphine and other pain remedies no longer work for large numbers of people. They do not work and the pain goes on. It is hopeless and you say it is wrong to take life, and I agree with that. But it is also wrong to let somebody die in pain and suffering and anguish and agony and to see the families of those persons suffer during the time of the death and the agony of a loved one.

Now, I do not know whether there are better cures available and I do not think anybody in this Chamber knows. And I do not know whether there is a doctor smart enough to find or to prescribe the necessary treatment to assure pain will be abated and that a measure of comfort will be afforded the dying person. But I do know that when I leave this body and this Chamber today and when I have gone on from this place I want to be able to have on my conscience that I did everything I could to see that within proper, sensible controls—and there are proper, sensible controls in this bill—heroin will be available to dying patients who need it.

Mr. SAWYER. Will the gentleman yield?

Mr. DINGELL. I will yield to my friend in just a minute, but I want to finish my statement.

Mr. SAWYER. Well, you just made a misstatement.

Mr. DINGELL. Mr. Chairman, I did not yield. I will yield to the gentleman when I am ready. I am not ready.

I want my colleagues to understand what is at stake here. It is not that we are going to flood the country with heroin. It is not that there is going to be all manner of malpractice. It is not that there is going to be any doctor compelled to use it.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. Mr. Chairman, it is simply that under the most exquisitely controlled conditions, certain patients in the last throes of cancer are going to be able to know that at least this Congress has done its best to provide every option to their doctors for their protection.

Now, let us try to understand this thing. There is not going to be a flood of heroin coming into the country.

There is not going to be any increased distribution of an illegal substance. It is going to be carefully controlled. It is going to be manufactured under the best manufacturing process.

Doctors are going to dispense it. It is a 3-year program, only 3 years and the General Accounting Office is going to monitor it and it is going to report on how the matter was handled. If it turns out it did not work and it was bad, nothing is lost but maybe it is going to work and it is going to help. And maybe there are going to be some people who are going to get to their knees, either the children or the families of the dying, or the dying and say, somebody thought enough of me that they at least tried to give me some relief during my last minutes.

I now yield to the gentleman from Michigan [Mr. SAWYER].

Mr. SAWYER. I appreciate the gentleman yielding to me.

Mr. Chairman, first I want to correct one thing. It is not a 3-year program; it is a 4-year program. Does Mr. DINGELL acknowledge that?

Mr. DINGELL. I will take a look at the bill. My reading of it said 3.

Mr. SAWYER. It is 48 months.

Mr. DINGELL. The chairman of the subcommittee informs me it is 4. So it is a 4-year program. I will concede that point.

Will the gentleman concede the other points I make?

Mr. SAWYER. No; because the other point you made was that it is subject to all the same regulations that all other drugs are, and on page 5, section B(e) there on lines 13, 14, and 15, it expressly exempts it from the Federal Food, Drug and Cosmetic Act.

Mr. DINGELL. No; if the gentleman will read at page 4 it says in (b):

(b) The Secretary shall provide for the manufacture—

And so forth—

using adequate methods in, and adequate facilities and controls for, the manufacturing, processing, and packing of such drug to preserve its identity, strength, quality, and purity.

Mr. DINGELL. I will inform the gentleman that that is the same thing that is in the food and drug laws in a shorter form.

Mr. SAWYER. Mr. Chairman, no; it is not. It expressly provides on page 5 that it is not subject to the Food and Drug Act.

Mr. DINGELL. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. Chairman, let me clarify that so there will be no misunderstanding of what we do with the food and drug laws. What we do is provide for the same procedure that is now available for the National Cancer Institute to use a drug that is experimental, that has not yet been approved by FDA. In the case of THC for the relief of nausea during the taking of chemotherapy, its use is administered by the National Cancer Institute.

In many cases they are drugs that are experimental or drugs that are orphan drugs because it is not profitable to have all the investments in there to get final FDA approval, but it is the same procedure that is now available and is under the same criteria that is available.

The Secretary shall provide for the manufacture of this drug using "adequate methods in and adequate facilities and controls for the manufacturing, processing, packing of such drug to preserve its identity, strength, quality and purity." That is the legislation.

Mr. RANGEL. Would the gentleman yield further?

Mr. DINGELL. I will yield to my friend, the gentleman from New York.

Mr. RANGEL. I fail to understand that response.

Mr. Chairman, on page 5 of this bill it clearly says that the existing law shall not apply as it relates to the importing of opium and the manufacture and distribution.

Now, if you are trying to tell me that you are substituting this with something in the bill that is just as good, I do not see it.

Now, where in this bill does it say that you are treating this as any other drug that it is against the existing law to have imported into this country?

Mr. DINGELL. Well, I have told the gentleman that it will be subject to all of the controls of any of the controlled substances now.

Mr. RANGELL. I am saying that on page 5, Mr. DINGELL——

Mr. DINGELL. The gentleman may read the bill any way he so desires. I have told the gentleman how it is going to be done and that is the way the matter will be handled.

And let me just inform the gentleman and some of the others that are opposing this legislation, when you go home tonight think about what might happen to you or what might happen to you if you were to lose a mother or a loved one without the benefit of pain relief because good pain control agents are not available. I hope it does not happen to any of your loved ones and I hope it does not happen to you.

I urge that the bill be adopted. It was a carefully drawn piece of legislation which affords an abundance of protection and which affords a greater abundance of compassion.

□ 1230

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has again expired.

(On request of Mr. GILMAN and by unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman recited his concern for finding a proper drug relief for intractable pain, and that is something we are all concerned about, particularly for the terminally ill. But how does the gentleman respond to this opinion by the American Medical Association, which recites in their report to the Congress of June 4, 1984:

We do not believe that H.R. 5290 will improve pain management. We oppose this legislation for several reasons.

First, there is no need for this extraordinary legislation making heroin available. We believe scientific evidence shows that heroin has no more effect in managing pain from cancer than any other currently available drugs. Well controlled studies of cancer patients have shown that morphine is as effective as heroin for the management of pain from cancer and has no greater incidence of side effects associated with its use.

Dilaudid HP, which was recently approved by the Food and Drug Administration, is also an effective medication and is more potent than heroin.

Mr. DINGELL. I do not quarrel with the points because I am not an expert, and I will not produce experts who will quarrel with the gentleman's experts, but I will tell the gentleman that there is a widely held view that heroin is a device which will abate pain in cases where it will not be abated as well by other alternative substances.

That is the point that is important. I am not going to tell the gentleman that it will occur in a large number of cases. I am going to tell the gentleman that in the view of many responsible experts that it will abate pain in a significant number of cases where other agents will not provide the same blessed relief.

I am going to simply observe that the other substances which the gentleman cited are at least as destructive from a moral and a social view if they escape controls as heroin. And I am going to observe to the gentleman that if we err in this, we ought to err on the side of compassion. There is an abundance of heroin in the country now. There is no need for it to be diverted, and I am going to observe to the gentleman that abating the pain of those with terminal cancer, and that is the only case in which this drug is going to be available, is a very important social and national goal.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding, because I want to respond to that statement that was just read to us by citing the testimony of Dr. William Beaver, the professor of

pharmacology at Georgetown University School of Medicine.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has again expired.

(On request of Mr. WAXMAN and by unanimous consent, Mr. DINGELL was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. If the gentleman will yield further, Dr. Beaver talked about the fact that there is a limited patient group that would benefit from the availability of heroin, and he said:

> We are dealing with a small sub-group of patients, mainly two small sub-groups: One, those who are very tolerant to narcotics in general and need very large doses of parenteral medication; and two, those who for some reason, and we do not understand, turn out after a few trials to respond better to heroin than to alternative narcotics.

There is no answer that we could say with certainty that for every single patient morphine is the answer for them. It may well be for most, and we hope it is for most, but for those who are, for some reason or another, and we know this to be a fact, that different people react differently to different drugs, some of those people do not respond to morphine, and as Dr. Beaver, who is professor of pharmacology, indicated to us, there are some who will respond to heroin under those circumstances.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not doubt at all that the people who bring this bill before us bring it before us for what they regard as all the right reasons. I think they do believe it is the compassionate direction in which to go. I think that they have a very worthy goal in mind.

The problem is that I end up disturbed by the vehicle by which they propose to bring about what I regard as a legalization of heroin.

First of all, I serve on a subcommittee that has jurisdiction of oversight on FDA. The distinguished gentleman from New York [Mr. WEISS], who is in the chair, is the chairman of that subcommittee. We take a very close look at the way FDA performs. I think it can be said that in many instances we nitpick, and rightly so. We are concerned about the way that FDA makes decisions about the drugs that are being used in this country. We are concerned when patients across the country have adverse reactions to those drugs. We are concerned about many, many aspects of the way FDA performs.

Here we have a bill that says that for this particular drug, we are going to ignore that whole process. The process that we look at in detail and literally dot every "i" and cross every "t" in every instance we can, we are going to ignore that process with regard to this drug that most people regard as a dangerous drug. That raises some questions in my mind.

Is that what we should be doing? I heard the chairman of the subcommittee with jurisdiction make the statement a few minutes ago that this is nothing different from the way experimental drugs are handled by NIH and other places. That may be, but this is not an experimental programs we are talking about here. We are talking about mass distribution. We are not talking about limiting it to some institution; we are talking about a mass distribution program across the country. That does, it seems to me, bring it under the perusal of FDA, or at least it should, and yet that is not the direction in which we are going.

We have had a lot of discussion here about pain. This is a bill aimed at the reduction of pain, but I do not think that pain can be described in this instance in a one-dimensional sense. There is a pain that is the agony of addiction that we have got to look at as well.

It is said that there is just a limited amount of heroin that we are going to allow under this program; we are just going to have a little bit flowing out into the country. I do not know this with the kind of direct experience that the gentleman from Michigan mentioned a moment ago, but I would suggest that there is plenty of evidence on the record that pushers across this country are going to use this kind of legalization approach to their own advantage. I would suggest that we are going to have many pushers telling young kids, "Look, this cannot be all that bad for you. After all, doctors and hospitals are using it all over the country." We are going to have that line used all the time. As soon as there is any kind of an indication that marijuana has medicinal effects, it is being used by pushers in communities. We have evidence of that. And we are going to have the same thing. We are going to have people who are going to be led into use of this drug on the false promises and the false contentions of people who wish them ill.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Chairman, if I can understand the gentleman's argument, the gentleman believes that we are going to have dope pushers encouraging people to take heroin because they will be told that, after all, it is being used for dying cancer patients and why should they not try it, too? Is that what the gentleman is suggesting?

Mr. WALKER. The gentleman does not really believe that the pusher is going to tell the child what it is being used for, does he? The gentleman does not really believe that he is going to describe it in those terms. The pusher is going to indicate that this is something which doctors and hospitals use; that it certainly cannot cause one any harm if doctors and hospitals feel that this can be used for good in places. The gentleman does not think that the pushers are really going to describe the context in which the legalization of heroin has been permitted, does he?

Mr. WAXMAN. If the gentleman will yield further, does he believe that a drug pusher will cite congressional references during this debate where some people have urged that heroin may be appropriate for a dying cancer patient and distort the words of Members of Congress in order to convince a young person to try heroin? Is that what the gentleman is suggesting, or does the gentleman think that they are willing to say anything, even now, to try to get people to take drugs? If they are, they should be prosecuted. I believe that. I am not for the legalization of heroin.

But it is nonsense to suggest that we are going to have more successful drug pushers because someone dying from cancer is going to be allowed to take heroin to control the pain. I just think that is one of the most incredible arguments I have ever heard.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. Mr. Chairman, I would say to the gentleman that it seems to me it is nonsense to argue that drug pushers would not misuse the congressional deliberations here. To think that the drug pusher is going to adhere to what we have said in legislative history, I think is a nonsensical argument.

I think it is entirely possible that the drug pusher will use every kind of opportunity he can to try to convince the people that he wants to use his product to use it. I would say to the gentleman that I think it is entirely appropriate to suggest that drug pushers are, in fact, going to use a legalized product in a way in which they can entice people into further use of it illegally.

□ 1240

I do not doubt that the gentleman wants also to stop drug pushing. I would not contend otherwise. I simply contend to the gentleman that by legalizing it a little bit, we give the pusher of illegal products an opportunity to say that this may have worthwhile properties to it, and the gentleman, I think, is not representing a pusher very well if he thinks that they

are going to repeat what we say in the CONGRESSIONAL RECORD.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, cocaine is available for use by hospitals and doctors. Does the gentleman think that the reason we see so much cocaine used by our young people is that they are told it is legal in some hospitals and that doctors sometimes use it?

Mr. WALKER. Well, I say to the gentleman, as a matter of fact, that I have read articles where one of the things that is being told to young people is that "cocaine has no harmful effect on you, and, after all, we know that it has no harmful effect on you because it is used for legitimate pharmaceutical reasons," and so on.

So that argument is a false argument, but it makes sense in the context of somebody who is being pushed into the use of a drug illegally. So I say to the gentleman that that is precisely the kind of experience we can point to.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield further?

Mr. WALKER. I yield to the gentleman from California.

Mr. WAXMAN. In communities where the heroin supply is low, dilaudid, which has been claimed as the drug that solves this whole problem, has become the drug of abuse. Does the gentleman think that perhaps we ought to say that dilaudid should not be available for use for dying cancer patients either because it could be pushed by pushers on the argument that it is a drug that is used in the hospitals and administered by physicians?

Mr. WALKER. Mr. Chairman, I would ask the gentleman, was dilaudid something that went through the regular FDA processes?

Mr. WAXMAN. Indeed it has.

Mr. WALKER. Then that is the basis of my argument. What I have been saying is that we are talking about a harmful drug here that the gentleman wants to remove completely from the FDA processes. That is the basis of my argument.

I am saying that, given the nature of the drug and its wide availability as a drug, that is something we have got to be very mindful of as we proceed with the gentleman's bill.

Mr. PARRIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, all compassionate individuals share the objective and yearn for a legitimate search for compassionate pain relief expressed as a desireable principle in this legislation. No patient should have to suffer pain when we have the means available to provide relief. We all have had family and friends who have been terminally ill and for whom our heart is torn.

I would hope, Mr. Chairman, that those of us who do not support this particular approach to the solution of this problem would not be categorized as uncaring and failing in compassion. That simply is not true.

So while I am very supportive of efforts to provide the terminally ill with relief from extreme pain, I believe there are more desirable alternatives available to us, and I strongly oppose the passage of this legislation to legalize the use of heroin for pain management.

I have the privilege of serving as a member of the Select Committee on Narcotics Abuse and Control, and in that capacity, I have been particularly concerned about the escalation in drug trafficking and the alarming increasing in thefts and losses of controlled substance from hospitals, doctors' offices, pharmacies, and other facilities.

Earlier in this Congress, I introduced legislation, H.R. 2929, the so-called Drug Theft legislation. Many of this bill's provisions were incorporated into H.R. 5222, which has now been adopted by the Congress and is the law of the land. My bill contained the provisions for largely increased penalities relating to employee thefts, customers pilerages, robberies, and burglaries of controlled substances from hospitals and other facilities where those drugs are kept.

We have heard earlier in this debate, Mr. Chairman, that there is not going to be any diversion of this substance. I suggest to the Members that that is simply not correct. The problem of the unauthorized disappearance of drugs in this Nation is enormous. Let me give the Members an idea of the extent of the problem we are facing.

According to the Drug Enforcement Administration, in the year 1982 alone, there were 2,861 thefts by night breakins, 1,037 thefts by armed robbery, 876 employee thefts, 247 customer pilferages, and 833 incidents of loss in transit. These are known cases of controlled substances. Imagine the thousands of instances of this kind that we may not know about.

Each of these thefts or losses involves a very large number of drugs. The average night breakin resulted in a loss of over 4,000 dosage units.

This data, in my view, Mr. Chairman, clearly reinforces the need for enactment of legislation which provides a deterrent for unauthorized loss or use. That is the direction that this Congress should be heading instead of encouraging more breakins by legitimizing the use of heroin and making more of this same criminal substance more readily available in more places.

If we legalize the use of heroin for any purpose, no matter how legitimate, we run the risk of jeopardizing, and will have substantially diminished, the progress we have already made in controlling the access to dangerous drugs. The introduction of heroin into American medical practice would surely result in diversion and personal safety problems increasing for drug enforcement agencies. No matter how much control we think we have, we would be encouraging more breakins, more robberies, and more employee thefts.

As has already been said in this debate, we already have other lawful drugs available that are just as effective, that are not criminal substances, and do not pose the drug abuse and crime problem that authorizing the use of heroin will surely cause.

Mr. Chairman, I urge my colleagues to oppose this bill.

Mr. RANGEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this bill, and I certainly hope that those who oppose it are not pictured to be against patients who are dying in pain.

It just surprises me that those who have compassion for people who go through this terrible experience would not have any confidence in those people who have been trained to understand the problem of pain. I recognize that things are done differently in England, but it would seem to me that before we move forward in order to compassionately deal with the medical question of how to treat pain, we would listen to some of the organizations that have given more study to this than any Member or committee or subcommittee of this Congress.

Why should we be rushing into this because we are concerned about pain, especially that of our loved ones, when we have not the slightest idea of how to deal with it? Who here has more knowledge than the collective studies of the American Medical Association that opposes this bill, the American Society of Internal Medicine that opposes this bill, and the American Association of Medical Colleges that opposes this bill? And certainly I do not think that the Archdiocese of New York has been charged with not having compassion for those people who are dying of cancer and other diseases.

Let us not get uptight when we say we are legalizing this drug. It is in the language here. We are not dealing with the same thing as what we are talking about in aspirin.

It says in the committee report that the committee proposal does not legalize the use of heroin. It says in the bill, on page 5, line 13, that "The Federal Food, Drug, and Cosmetic Act and titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall not apply with respect to—

"(1) the importing of opium,"

"(2) the manufacture of" heroin, and

"(3) the distribution and dispensing of" it.

□ 1250

It says here in the Hughes amendment, which is supported by the Chair, on page 2, that it is not legalization, they say, but it provides that confiscated heroin, which I certainly would hate to tell a loved one that that is where we are getting our medicine, off the street, but confiscated heroin may be made available for the manufacture and purification into heroin for the use of the program, an exception to the current prohibition on the import of opium for the manufacture of heroin according to section 21, United States Code, section 952.

So I do not know—maybe we are saying that we are talking about a restricted legalization of heroin, and I am certainly not going to argue with anyone that is taking that position.

I doubt seriously whether the drug pushers in my district would be saying that they are working for the Federal Government in order to provide it for terminally ill patients, but obviously, it has to be confiscated from someone and I am assuming the confiscation will be by law enforcement officers who down the line have opposed this bill.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield to me?

Mr. RANGEL. In just 1 minute.

Yesterday, as chairman of the Select Committee on Narcotics Abuse and Control, I had the opportunity to talk with some 200 police chiefs and State law enforcement officials. I think they would know what makes their job more difficult and they asked me to report to this House that this is one of the items that they believe would make their jobs more difficult—and why?

We are told that we cannot obtain this at the local drug store. We are told, I believe, that the Secretary will determine which doctors can prescribe it. The Secretaries will determine which hospitals can store it or which hospices can store it.

Now, if I have not seen a selective method of health treatment in my life, it seems to me that my doctor—if I wanted to shoot up heroin if I were dying and needed it to subsidize pain, that I have to check with the Secretary.

In any event, it is clear to me that the American Society of Hospital Pharmacies do not want to be designated as a place to be storing heroin.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. RANGEL was allowed to proceed for 3 additional minutes.)

Mr. RANGEL. Those of you who recognize the security problems that hospitals have already will not want to be designated by the Secretary, and certainly the Association for Hospices is opposed to that, and I am assuming that they have compassion for those people who are dying in severe pain.

It seems to me that some people believe that we should be using heroin in order to take care of this problem. I received a letter, as most of you did, from Secretary Heckler. She advises me that the National Cancer Institute is supporting a series of investigations into the use of this and they are doing it—where? At Sloan-Kettering Memorial Cancer Center, and that they expect within 1 year the result of that investigation to be known not just to Members of the Congress, but certainly to the medical world. The Canadian Government, I understand, is supporting a national multi-institutional study of this.

I think it would be unwise to start moving ahead of those people who are still in the process of trying to determine whether or not this makes any sense at all.

I have worked very closely with this problem, as many of you have. It seems to me that we will be sending the wrong signal to countries that we feel so proud in telling them that, yes, we do have problems in marijuana production here. The gentleman from Michigan pointed it out yesterday that when we go to these countries and ask them about spraying their marijuana, they say, "We are protecting our own domestic use of it."

I do not know whether there is any prohibition in this bill as relates to the growing of opium. People have talked about that before and I suggest that any problems we find, immediately there will be an amendment to try to take care of it; but it is clear we do not know what we are doing, that the Department of Justice is asking us to give them a break until they can determine what type of protections are going to be had. The Department of Health and Human Services say we do not need this. We find every section of the medical industry that has an association that is studying this, saying that we are moving too fast.

I hope that as it relates to dealing with foreign countries that no Members of Congress would ever have to tell them that we have changed our minds about legalizing heroin for any particular use and that certainly they are not helping us in growing opium for the exportation into the United States so that eventually it could be used for some licit purpose.

Mr. Chairman, I yield to the gentleman from California and the chairman of the committee in case there is something that I said that is wrong and that the gentleman can correct it, as I read the bill.

Mr. WAXMAN. Well, I appreciate that. I want to correct some observations the gentleman made that I think are inaccurate, and of course I disagree with the gentleman's conclusions as well.

The CHAIRMAN. The time of the gentleman from New York has once again expired.

(At the request of Mr. WAXMAN, and by unanimous consent, Mr. RANGEL was allowed to proceed for 1 additional minute.)

Mr. RANGEL. I yield to the gentleman.

Mr. WAXMAN. The gentleman referred to the language on page 5, which says:

(e) The Federal Food, Drug, and Cosmetic Act and title II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall not apply with respect to—

(1) the importing of opium,

(2) the manufacture of parenteral diacetylmorphine, and

(3) the distribution and dispensing of parenteral diacetylmorphine,

And then the gentleman stopped. Then the next language which the gentleman should have put in, says: "in accordance with the program."

This program is going to be very, very limited in scope. I know the gentleman is chairman of the Select Committee on Narcotics Control. I know the gentleman is concerned about narcotics diversion. We tried every way to limit this program, to limit the possibility of diversion and I think we have succeeded. This will not make heroin available at any corner drugstore by prescription to anyone who may want it.

Mr. RANGEL. Why would the gentleman want it if the American doctors do not want it?

Mr. WAXMAN. Why does the gentleman want to say to an American doctor that he cannot if he wants to use it? We have letters from individual doctors who have said to us, "Why don't you have this available to us so that we can prescribe it?"

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SAWYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this debate and the main arguments in favor of this bill really strike me as rather strange. There are no medical associations, no research medical associations, no doctors that I know of that support this. As I said, I have talked with the chief oncologist at the University of Michigan Hospital, and there are none that say there is any advantage to be gained by using heroin, and yet people just get up and say, well, they do not really care what any doctors say. Sure, they do not know anything about it they say, but why not have it anyway so a doctor could have it if he changed his mind?

What do we have experts in this field for if we just say notwithstanding what they say, we are so overcome by

terminal pain in cancer cases that we will legalize anything, no matter what anyone thinks.

It would be the equivalent of saying you are going to legalize euthanasia. Euthanasia certainly would terminate terminal pain, but none of the law enforcement authorities, and I am sure none of the doctors and I am sure society in general would not think that the end justified the means. And yet the argument in favor of this bill is strictly that the end justifies the means, no matter how dangerous the law enforcement community to a man, is dead against putting legalized heroin into the streets or anyplace they can get it into the streets.

It just strikes me to say that regardless of the danger because we are so overcome with terminal pain that the end will justify the means and no matter how dangerous the means. It seems to me that is a perfect argument to legalize euthanasia, which is certainly more effective even than heroin.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. Yes; I yield.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding.

The gentleman certainly has correspondence from the organizations and the organizations have taken a position against it, but we have heard from physicians, some of whom have testified before our committee. Dr. Beaver, for example, who is professor of pharmacology at Georgetown University. We have had a stack of letters from doctors. Maybe they are not part of the AMA, but they have said to us that they think they ought to have heroin available to them. If there are doctors who think it is not necessary, they ought to be able to do whatever they want. It is all voluntary. They do not have to prescribe it. It is only when a doctor wants to and thinks that all the other medications have not been successful.

Mr. SAWYER. Is that doctor the gentleman cited, that is, the head of pharmacology? Is he a pharmacist or an M.D.?

Mr. WAXMAN. He is a medical doctor. He is at the School of Medicine at Georgetown right here in Washington, DC, one of the leading experts on pain relief.

In fact, the New England Journal of Medicine last month had a colloquy on the subject because they thought it was one where the debate is still open. Let us not close debate here just because we have heard from the AMA.

Mr. SAWYER. If I can recapture my time, it strikes me just by the legalization or the restricted legalization, as the gentleman from New York aptly said, of heroin, the gentleman is opening a Pandora's box.

□ 1300

Countries like Mexico that have done a tremendous job of eliminating the growth of the poppies for opium, the base of heroin, what are we going to tell them when we are providing a market for it here in the United States? What are we going to tell the people of the hill tribes of Thailand and other places when we are creating a market for it?

And do not tell me, because I know, that defendants who are seized with a large amount of opium or heroin are going to claim to a jury that they were doing it because they hoped to get into this market and sell this product to the hospitals. And you are not going to stop them from so claiming. There are going to be some acquittals based on this because juries are not that expert. If they point at this law and make a good pitch you are going to introduce an argument that cannot be introduced now because heroin is per se illegal. In this case the end does not justify the means any more than euthanasia is justified by the problem.

I think we are just letting another serpent out of the box, really, and I think we will find that it is one.

I want to make one comment now that Mr. DINGELL, the gentleman from Michigan, has stated concerning the illegal lobbying by the administration. I have been here now through the tail end of one and two other administrations and I have not known of one where the administration was not the principal lobbyist for or against any bill of importance that was up, no matter what the subject was, and I do not think that anyone would seriously deny that.

Mr. HUGHES. Will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from New Jersey.

Mr. HUGHES. The gentleman and I very seldom have differences of opinion, but we obviously do on this particular one. I wonder if the gentleman would agree that morphine, which is already in very common use and is like dilaudid, in very common use, and I believe probably morphine is used as a painkiller in hospitals even more than most of the other potent painkillers.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SAWYER] has again expired.

(On request of Mr. HUGHES and by unanimous consent Mr. SAWYER was allowed to proceed for 2 additional minutes.)

Mr. HUGHES. Will the gentleman continue to yield?

Mr. SAWYER. I yield to the gentleman.

Mr. HUGHES. But let me just ask the gentleman. Morphine is actually a derivative of opium gum; would not the gentleman agree that morphine enjoys a limited type of legalization for medicinal purposes in the same fashion as heroin would under the program?

Mr. SAWYER. No; if the gentleman will yield back, morphine is not a hypnotic. It is an analgesic and it has no street value at all. Dilaudid does, and we have a tremendous problem on the streets of Detroit. A 25-cent dilaudid pill is selling for between $40 and $60 per pill and it is somewhat pushing heroin out of the Detroit market.

Mr. HUGHES. The gentleman would agree, would he not, that dilaudid is a derivative of opium gum?

Mr. SAWYER. Yes; but it is also a hypnotic and morphine is not.

Mr. HUGHES. It is a derivative of opium gum just like heroin is a derivative of opium gum, and we have decided that it makes sense to provide not just morphine but also dilaudid.

There was a time when we did not provide dilaudid. But for some types of pain dilaudid is more suitable than morphine. There are physicians who feel that heroin is preferable over some forms of morphine and dilaudid.

The issue really boils down to whether or not we want to provide those variations under a controlled circumstance, and I intend to offer such an amendment, to provide relief to those who are in terminal pain.

Mr. SAWYER. If the gentleman will yield back my time, I would just like to point out that the medical profession, the people who are dealing with this, do not agree with you.

Now, you are a good lawyer, but I would not ask your opinion on what is the best painkiller any more than you would ask for my opinion. But I would go out and find out from the sources that are educated in that field. They, to a person, in fact their national association, disagrees with the gentleman.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SAWYER] has again expired.

(On request of Mr. HUGHES and by unanimous consent, Mr. SAWYER was allowed to proceed for 1 additional minute.)

Mr. HUGHES. Will the gentleman yield?

Mr. SAWYER. I yield to the gentleman.

Mr. HUGHES. I realize that the gentleman is acting in good faith and I do not want to attribute to anybody on either side of this issue anything but the best of motives. I think we have an honest difference of opinion.

But, for instance, Dr. Allen Mondzac, who is the director of the Warwick Cancer Clinic at George Washington University here in the District of Columbia, who is also chairman of the cancer committee of the DC Medical Society, feels very strongly that this particular medication should be available in those select instances where dilaudid or morphine is not appropriate. And the medical community

is divided. It is not a case where there is not a difference of opinion. There is a difference of opinion. If there were not a difference of opinion I would not feel as I do.

Mr. SAWYER. Except the gentleman is aware just by the statements of information provided here that they are undergoing tests now at the Sloan-Kettering Cancer Center and other places. So obviously they are not satisfied at this point and the same is true with the Canadians.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SAWYER] has again expired.

(On request of Mr. DINGELL and by unanimous consent Mr. SAWYER was allowed to proceed for 3 additional minutes.)

Mr. HUGHES. Will the gentleman yield for one additional point?

Mr. SAWYER. I continue to yield to the gentleman from New Jersey.

Mr. HUGHES. The fact of the matter is that what we are attempting to do is to provide relief for those who are dying today. I have heard the gentleman complain, as I often do, that it takes so long to process these experiments and tests and the test periods for these particular substances and then even longer to implement the results. Here is the situation where we know that we have another derivative of opium that will help in some situations. It is a variant of drugs that we are already using in the hospitals.

Mr. SAWYER. You say we know it. We do not know it and the medical profession apparently as a group does not know that because they are running tests for 1 year to find out.

Mr. WAXMAN. Will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from California.

Mr. WAXMAN. I want to cite the fact that there really is no dispute that heroin is effective for controlling pain. Even Dr. Brandt, who is the Assistant Secretary of Health, indicated that.

Mr. SAWYER. I do not have any dispute with that. It is a question of whether it is more effective than Dilaudid or other analgesics that are presently legalized.

Mr. WAXMAN. They are testing at the Cancer Institute to see whether Dilaudid is as effective as morphine and they hope it will be as effective. But about heroin there is no dispute and they do not need to test it any more because, and I quote Dr. Brandt: "There is no dispute over heroin's ability to help control pain."

The dispute is whether we are going to allow it under very limited circumstances as an option for a patient who is not having his or her pain relieved from the other medications.

Mr. SAWYER. Except that is really not addressing the point any more than you can show without dispute that euthanasia will control pain, too. But there are reasons that you do not legalize it and the same thing is true with heroin.

Mr. DINGELL. Will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman made the comment a little while back that one of these is not a hypnotic. Let me just inform the gentleman that morphine, that Dilaudid, that heroin are all opium derivatives. They are all alkaloids. They are all narcotic. They are all hypnotic. They are all addictive. And they are all on the street or shortly will be.

Mr. SAWYER. I just disagree with the hypnotic part with morphine. That is why morphine is not sold on the street. Has the gentleman ever heard of a drug peddler who is peddling morphine?

Mr. DINGELL. Yes.

Mr. SAWYER. You know, I was a prosecuting attorney in an urban area and I know that they do not peddle morphine on the street. And the reason that they do not is because it is not a hypnotic.

Mr. DINGELL. I was a former prosecutor, too, I will inform the gentleman.

Mr. WAXMAN. Will the gentleman yield?

Mr. SAWYER. I am happy to yield.

Mr. WAXMAN. Morphine has been on the street but the reason it is not as successful among drug pushers is because heroin is more effective and that is why there is a greater market. But all of these are opium derivatives and are known narcotics and are abused. And when heroin is not available the drug pushers are pushing these drugs as well.

What we ought to do is control the traffic.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SAWYER] has again expired.

(On request of Mr. RANGEL and by unanimous consent Mr. SAWYER was allowed to proceed for 2 additional minutes.)

Mr. RANGEL. Will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from New York.

Mr. RANGEL. I think the gentleman from Michigan has effectively closed the argument that we are not attempting to legalize heroin and I think this has been pointed out by the gentleman from New Jersey, because under existing law, is it not a fact that it is illegal to manufacture and distribute heroin in any form?

Mr. SAWYER. That is correct.

Mr. RANGEL. So if we are going to now, as the gentleman from New Jersey suggests, throw this into the category of cocaine and morphine and in addition to that, methadone, then certainly no one can dispute that we put heroin not only in a legal status but subject to the same lack of security as we have with other legal drugs?

Mr. SAWYER. That is right.

Mr. SHAW. Will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I ask unanimous consent that the gentleman have 1 more minute in addition to the time he has left.

The CHAIRMAN. The gentleman is premature. The gentleman still has time remaining.

Mr. SHAW. I would like to compliment the gentleman for the comments he has made and associate myself with them, as well as the gentleman from New York [Mr. RANGEL]. I think you have really put your hand on a most important point.

□ 1310

We in the Congress, we in the Federal Government at all levels have worked so hard to try to convince the foreign country, the source countries, the transshipment points and all of these, to please cooperate with us. All of that is going to be unraveled if this bill passes. It is going to send out the worst signals possible.

So we are not only talking about that small portion that may be given to somebody who is terminally ill, we are talking about the tons of that that are going to make their way to the streets. We are talking about the foreign countries who are no longer going to cooperate with us.

The gentleman in the well [Mr. SAWYER] is so right, this bill has to be turned down in any shape or form that it might end up coming out of this committee. I think this is a most important vote and I compliment the speakers who have so, I think, ably opposed this bill on the floor.

Mr. WAXMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

PARLIAMENTARY INQUIRIES

Mr. GEKAS. A point of order, Mr. Chairman.

The CHAIRMAN. There is a point of order pending at the moment.

Mr. GEKAS. A point of parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GEKAS. When the Chair has noted one time during the day that a quorum has not been present, is it proper under parliamentary procedure to restate that kind of inquiry?

The CHAIRMAN. The gentleman would be right if a quorum call had been conducted in the Committee of the Whole on this bill. There had been no such point made as to this bill, so

the gentleman's point of order is sustained. There is no quorum present.

Mr. BROYHILL. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROYHILL. Mr. Chairman, will the quorum call be dispensed with when 100 Members appear?

The CHAIRMAN. No. We are having a regular quorum call at this point.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names.

[Roll No. 398]

Addabbo	Daub	Hayes
Akaka	Davis	Hefner
Albosta	de la Garza	Heftel
Anderson	Dellums	Hertel
Andrews (NC)	Derrick	Hightower
Andrews (TX)	DeWine	Hiler
Annunzio	Dickinson	Hillis
Anthony	Dicks	Holt
Applegate	Dingell	Hopkins
AuCoin	Dixon	Horton
Badham	Dorgan	Howard
Barnard	Dowdy	Hoyer
Barnes	Dreier	Hubbard
Bartlett	Duncan	Huckaby
Bateman	Durbin	Hughes
Bates	Dwyer	Hutto
Bedell	Dymally	Hyde
Beilenson	Dyson	Ireland
Bennett	Early	Jacobs
Bereuter	Eckart	Jeffords
Berman	Edgar	Johnson
Bevill	Edwards (CA)	Jones (NC)
Biaggi	Edwards (OK)	Jones (OK)
Bilirakis	Emerson	Jones (TN)
Billey	English	Kaptur
Boehlert	Erlenborn	Kasich
Boggs	Evans (IA)	Kastenmeier
Boland	Evans (IL)	Kazen
Bonior	Fascell	Kemp
Bonker	Fazio	Kennelly
Borski	Feighan	Kildee
Bosco	Fiedler	Kindness
Boucher	Fields	Kleczka
Boxer	Fish	Kogovsek
Breaux	Florio	Kolter
Britt	Foglietta	Kostmayer
Brooks	Foley	Kramer
Broomfield	Ford (MI)	LaFalce
Brown (CA)	Ford (TN)	Lagomarsino
Brown (CO)	Fowler	Lantos
Broyhill	Frank	Latta
Bryant	Franklin	Leach
Burton (CA)	Frenzel	Leath
Burton (IN)	Fuqua	Leland
Byron	Garcia	Lent
Campbell	Gaydos	Levin
Carney	Gejdenson	Levine
Carper	Gekas	Levitas
Carr	Gephardt	Lewis (FL)
Chandler	Gilman	Lipinski
Chappell	Glickman	Livingston
Chappie	Gonzalez	Lloyd
Clarke	Goodling	Loeffler
Clay	Gore	Long (LA)
Clinger	Gradison	Lott
Coats	Gray	Lowery (CA)
Coelho	Green	Lowry (WA)
Coleman (MO)	Guarini	Lujan
Coleman (TX)	Gunderson	Luken
Collins	Hall (IN)	Lundine
Conable	Hall (OH)	Lungren
Conte	Hall, Ralph	Mack
Cooper	Hall, Sam	Madigan
Corcoran	Hamilton	Marlenee
Coyne	Hammerschmidt	Marriott
Craig	Hance	Martin (NY)
Crane, Daniel	Hansen (UT)	Martinez
Crane, Philip	Harkin	Matsui
Crockett	Harrison	Mavroules
Dannemeyer	Hartnett	Mazzoli
Darden	Hatcher	McCandless
Daschle	Hawkins	McCloskey
McCollum	Quillen	Solomon
McCurdy	Rahall	Spence
McDade	Rangel	Spratt
McEwen	Ratchford	Staggers
McHugh	Ray	Stangeland
McKernan	Regula	Stenholm
McNulty	Reid	Stokes
Mica	Richardson	Stratton
Michel	Rinaldo	Stump
Mikulski	Ritter	Sundquist
Miller (CA)	Roberts	Swift
Miller (OH)	Robinson	Synar
Mineta	Rodino	Tallon
Minish	Roe	Tauke
Moakley	Roemer	Tauzin
Molinari	Rogers	Taylor
Mollohan	Rose	Thomas (CA)
Moody	Rostenkowski	Thomas (GA)
Moore	Roth	Torres
Morrison (WA)	Roukema	Torricelli
Murphy	Rowland	Towns
Murtha	Roybal	Traxler
Myers	Rudd	Valentine
Natcher	Sabo	Vander Jagt
Neal	Savage	Vandergriff
Nelson	Sawyer	Vento
Nichols	Schaefer	Volkmer
Nielson	Schneider	Vucanovich
Nowak	Schroeder	Walgren
O'Brien	Schulze	Walker
Oberstar	Schumer	Watkins
Obey	Seiberling	Waxman
Olin	Sensenbrenner	Weaver
Ortiz	Sharp	Weiss
Owens	Shaw	Wheat
Oxley	Shumway	Whitley
Packard	Sikorski	Whittaker
Panetta	Siljander	Whitten
Parris	Sisisky	Williams (MT)
Pashayan	Skeen	Wise
Patman	Skelton	Wolf
Patterson	Slattery	Wolpe
Paul	Smith (FL)	Wortley
Pease	Smith (IA)	Wright
Penny	Smith (NE)	Wyden
Petri	Smith (NJ)	Wylie
Pickle	Smith, Denny	Yates
Porter	Smith, Robert	Yatron
Price	Snowe	Young (MO)
Pursell	Snyder	Zschau

□ 1330

The CHAIRMAN pro tempore (Mr. FUQUA). Three hundred and sixty-six Members have answered to their names, a quorum is present, and the Committee will resume its business.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in a few minutes we will have before us an amendment to be offered by the gentleman from New Jersey [Mr. HUGHES], as chairman of the Subcommittee of the Judiciary that deals with law enforcement and narcotics abuse.

The Hughes amendment—of course, he will explain it even more adequately than I will—so that there will be an understanding of what this amendment will do in the context of the bill. It will strengthen the law enforcement provisions of the legislation. I think the gentleman has made an enormous contribution in giving us some ideas on how to narrow down, even further, any possibility of diversion of heroin intended for cancer patients to an illicit street traffic. It would deal with the criminal penalties and strengthen those criminal penalties should there be any diversion. Thus it would set up even more protection against any possible abuse of this program.

The bill now provides that when a doctor determines that a terminal cancer patient is not satisfactorily responding to morphine or dilaudid or any of the other drugs that are now available to control pain, the doctor then may decide to prescribe what is known commonly as heroin which, under all scientific opinion, is clearly effective and often more effective than any other drug for the control of pain.

The gentleman from New Jersey [Mr. HUGHES] will propose that the doctor can make this decision only under those circumstances, and in addition the doctor would have to go to a review board of other doctors to put forward the information that he has as to how his patient is responding before permission would be given to go forward with the prescription of heroin.

This amendment, I think, is a worthwhile amendment. I think it will take care of some of the objections that I have heard from Members about the legislation. The two most common objections to the legislation are the concern about diversion of the heroin to illicit street traffic and, whether other drugs are satisfactory. As to whether other drugs are satisfactory, there is a dispute in the medical world. It is not a closed issue. The New England Journal of Medicine ran a debate just last month on that issue. Dr. Brandt, who is the Assistant Secretary of Health and who opposes this bill because of his fears of the diversion issue, acknowledges that heroin is an effective drug for the control of pain.

There is this debate as to whether heroin would fill in a gap that now exists for some patients. Thank goodness, not all dying patients go through this agony, but some who are going through the horrible misery of intractable pain in their last hours, find that the other drugs, which are successful for most patients, are not successful for them. This legislation would then permit a doctor, after a review board looks at his recommendations, to come forward and prescribe heroin for that patient.

As to the diversion, I respect the concerns about it. I think we ought to narrow that as carefully as possible. We have tried to do that. This will not be available in every pharmacy in the country. It will not be at your neighborhood pharmacy, on every street corner, although I hear that in some cities like New York, heroin on the streets is available on every street corner. The heroin will be available only in hospital pharmacies and hospice pharmacies, and only if they request it. If a hospital is concerned about an increase in crime, if may decide not to have heroin available. But most of the theft of controlled substances are at retail pharmacies, and that is why we have not permitted retail pharmacies to have heroin avail-

able. We have tried to narrow availability.

But let me point out again, if we are wrong, if every bit of heroin we make available for dying cancer patients is diverted onto the streets, it will be less than 2 percent of what is already there. But we will not allow that to take place.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. WAXMAN] has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 2 additional minutes.)

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New York.

Mr. RANGEL. Let me ask this: Assuming that the patient wanted heroin and the family wanted the patient to have it and the doctor tried other drugs and thought that heroin would be the best thing, he went to the review board and the review board agreed with him, where would he go to get the heroin?

Mr. WAXMAN. It would be provided by the Department of Health and Human Services.

Mr. RANGEL. And under the bill, it would be, as the gentleman pointed out, distributed in a very limited number of circumstances in a very few hospitals and hospices; is that correct?

Mr. WAXMAN. That is correct.

Mr. RANGEL. So notwithstanding all of this, it may not be available to the patient or the doctor? I am asking.

Mr. WAXMAN. If I could reclaim my time, it may not, under some circumstances, because you are trying to be very careful about the distribution. But it would be exactly as THC, which is the active ingredient in marijuana, is controlled now. Patients under chemotherapy have that available to them, but only under very limited circumstances. And we want to limit it, and I know the gentleman from New York wants us to limit it.

Mr. RANGEL. The question is that once you limit it to such an extent that the doctor, the patient and his family cannot get it, I see no reason why the street dealer would not be able to accommodate the family by giving an injection of heroin.

Mr. WAXMAN. That would be a violation of the law. It could be done now, and it would still be a violation of the law. It would be a violation of the law, under any circumstances. We expect that the law would be enforced. We do not want that to happen, and we would do everything we can to prevent it. But what we would learn from this very limited experiment is whether there is a need for heroin, whether in fact doctors decide that for some of their patients heroin would be more appropriate and therefore prescribe it for that patient. It would be under those very limited circumstances that this whole experimental program, which will be wiped out, sunsetted, after 4 years, would be conducted. And after that time we would know more than we know now.

We are hiding our heads in the sand and denying that there is a problem because of the fear that we all have about heroin. I respect that fear, but I think we ought to be dealing with this in a rational and compassionate and humane way.

Mr. LEWIS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this bill. And while I am deeply sympathetic to those who have seen close friends and family suffer through painful terminal illness, I oppose this legislation for many reasons.

First, the medical community is against this bill. The doctors and the pharmacists do not want this bill passed. These are the people to whom we must look to control the types of drugs that we have, and these are the people who would be directly involved with the distribution of this potent drug.

Second, the legislation clearly circumvents the critical consumer protection features of FDA's process for approving all drugs. I believe the proper avenue for approving any drug is through FDA procedures rather than through legislation of this kind.

And, third, there are already acceptable painkillers legally available for medical use. Dilaudid-HP, a drug recently approved by FDA, has proved to be more potent, has a faster onset and longer duration of action than does heroin.

Mr. Chairman, successful pain control requires a comprehensive and educated approach to the patient and his family. This includes a knowledgeable use of narcotics agents along with a variety of other medications. Clearly, should heroin become available without the proper education program, the dangers would be immeasurable.

□ 1340

As a member of the Select Committee on Narcotics Abuse and Control, and as a Representative from the State of Florida, a State well known for its fight against illegal drugs, I am concerned that if we legalize heroin, where does this country intend to get its supply? How do we plan to control this supply, by passing H.R. 5290? Are we not only increasing the possibility of purified heroin being diverted for illicit use?

Yes, yesterday this House overwhelmingly agreed to change existing law to prevent the diversion of prescription drugs to illicit markets. But here we are today discussing legislation to legalize heroin. One of, if not the most dangerous drugs available. As it is now, we have legal and controllable painkillers on the market. We must ask ourselves and look into our conscience, are we going to legalize something that currently is degradating our police, our politicians, our children, and disrupting family unity. We cannot continue, as long as we have current painkillers that are available, to allow this bill to be passed that could allow this drug to become uncontrollable on the market.

Therefore, I firmly believe that legalizing heroin is not the answer to the problem of unmanageable pain, and I urge my colleagues to vote against the bill.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Florida. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to associate myself with the gentleman's remarks in opposition to H.R. 5290. Mr. Chairman, there appears to be a need for greater research and training in the field of pain management, both as regards the drugs used in relieving the intractable pain of terminal cancer patients, and also as to how those drugs are used.

It seems to me that we ought to be addressing that need rather than following the course laid out for us in H.R. 5290, of course, which, to paraphrase H.L. Mencken is, "sensitive, compassionate, and wrong."

Mr. Chairman, I want to express vigorous opposition to H.R. 5290, the Compassionate Pain Relief Act.

No member of this body can be insensitive to the distress of some victims of terminal cancer who suffer intractable pain, as well as the anguish felt by their families and friends. But we would do well to remember that what we ought to be testing here is not our sensitivity or our compassion, but our judgment and our prudence.

Our judgment and prudence ought to suggest that a bill legalizing a drug as widely abused and potentially dangerous as heroin—to however limited a degree—should not be approved without adequate safeguards against diversion to illegal uses. Such safeguards are not provided in H.R. 5290; indeed, section 3(c) of the bill vests responsibility for preventing diversion in the Department of Health and Human Services, which has little expertise in this area.

Furthermore, under section 3(e) the provisions of the Federal Food, Drug, and Cosmetic Act and titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 with regard to the importation, manufacture, and distribution of heroin would not apply, as long as these activities were carried out in accordance with the program set up by H.R. 5290. How are we to regulate heroin manufacturers so as to prevent diversion

into illegal channels? What impact will this legislation have on our treaty obligations with respect to international trade in opium and narcotics? The proponents of H.R. 5290 have not answered these questions.

Nor have they explained why it is necessary to bypass the long-established procedures for approval of new drugs by the Food and Drug Administration. The Congress required FDA clearance of new drugs for a very good reason: To protect the public by demonstrating through controlled scientific studies that new drugs are safe and effective. I am not aware of any compelling justification for exempting heroin from FDA approval that could not apply as well to a wide variety of other drugs. Passing H.R. 5290, therefore, would not only subject the public to undue risk, it would set an unfortunate and possibly dangerous precedent.

Finally, Mr. Chairman, there is evidence that already available drugs such as dilaudid-HP—which recently was approved by the FDA—are both more effective than heroin in treating intractable pain and less likely to be diverted into illicit channels. Even if we accept the idea that heroin is a safe and effective treatment for intractable pain, and the idea that the risk of diversion into illegal use is minimal, the medical necessity for this legislation is unclear. In short, H.R. 5290 seems to have been overtaken by events.

AMENDMENTS OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. HUGHES: Page 3, insert before the period in line 23 the following: "which may not be effectively treated with currently available analgesic medications".

Page 4, insert after line 2 the following:

A diagnosis that an individual is ill with such a cancer shall be made as follows:

"(1) The diagnosis shall be initially made by the attending physician of such individual.

"(2) The diagnosis of the attending physician and the appropriateness of prescribing parenteral diacetylmorphine shall be reviewed and approved by a medical review board of the hospital or hospice which will dispense the parenteral diacetylmorphine under the program. The medical review board shall be composed of three physicians.

Page 5, strike out lines 13 through 22 and insert in lieu thereof the following:

(e)(1) The Federal Food, Drug, and Cosmetic Act shall not apply with respect to—

(A) the manufacture of parenteral diacetylmorphine, and

(B) the distribution and dispensing of parenteral diacetylmorphine,

carried out in accordance with the requirements respecting the manufacture, distribution, and dispensing of parenteral diacetylmorphine under the program established by the Secretary under subsection (a).

(2) The Attorney General shall for purposes of the program—

(A) register, under part C of the Controlled Substances Act, manufacturers of parenteral diacetylmorphine for the program who meet the requirements prescribed by the Secretary under subsections (a) and (b), and

(B) register, under such part, hospital and hospice pharmacies and physicians to distribute and dispense parenteral diacetylmorphine under the program if the pharmacies and physicians meet the requirements prescribed by the Secretary under subsection (a) and the requirements of subsections (c) and (d).

(3) Any person who knowingly violates any regulation of the Secretary respecting the manufacture, distribution, or dispensing of parenteral diacetylmorphine under the program shall be fined not more than $125,000, or shall be imprisoned for not more than 15 years, or shall be both fined and imprisoned.

Page 4, line 3, insert after "(b)" the following: "Heroin confiscated in the enforcement of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the customs laws shall be made available for the manufacture of parenteral diacetylmorphine for the program. If the Secretary determines that the amount of heroin available through confiscation is not sufficient to meet the applications of qualified hospitals and hospices under the program, the Secretary may, notwithstanding section 1002(a) of the Controlled Substances Import and Export Act, import opium for the purpose of manufacturing additional parenteral diacetylmorphine to be distributed under the program.".

Page 4, line 22, strike out "and", and in line 3 on page 5, strike out the period and insert in lieu thereof "; and", and insert after line 3 the following:

(C) the applicant will have a medical review board to make the review required by subsection (a).

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUGHES. Mr. Chairman, I want to say to my colleagues that I find myself in a very uncomfortable position, in that, as chairman of the Subcommittee on Crime, all the Members that have been speaking today against this legislation are the folks that I work with, day-in and day-out. I just happen to think they are wrong on this issue. I want to tell you that I will not take a back seat to anybody in this Congress when it comes to efforts to deal with drug trafficking. I think my record stands for itself. I spent 10 years in the pits as a prosecutor fighting drug trafficking and other forms of crime before I was elected to Congress. I just happen to think that they are wrong on this issue.

Now unless the amendment that I offer carries, I can tell you honestly I am not going to support the bill. I searched my own conscience long and hard before I came down as I did. The thing that persuaded me that this legislation makes sense at this time is that there is a split in the medical community. Frankly, I do not know who is right because I am not a doctor, I am not a scientist, I am not a pharmacologist. I do not know whether or not we really need heroin, but I know that a number of years ago we decided to legalize, in a limited form for medicinal purposes, things like dilaudid, which is a derivative of opium gum, just like heroin. Morphine, which is a derivative, again, of opium gum, has been available for over 100 years because we feel that we need it in addition to other pain killers.

Now, distinguished members of the medical community tell us that there are certain types of pain associated with terminal illness that they cannot relieve and make life a little easier for terminally ill cancer patients. You can talk about legalization, if that is what you want to call it. I call it making it medically available to the medical community under certain safeguards as we have done with other substances.

I am not persuaded by the argument that there are going to be tons of this stuff, because we are talking about a limited experiment under controlled circumstances, and with my amendment, with all of the protections of the Controlled Substances Act in place.

We could argue, if you want to talk about diversion, that we should be withdrawing a lot of prescription drugs. If we really want to talk about the market for diversion, it is those prescription drugs, for which doctors write prescriptions every day, that end up sending thousands of people to the overdose units in emergency rooms throughout this country. Sixty percent of the overdoses are caused, not by heroin, not by dilaudid—which is more sought after, really, than heroin on the street—but by the prescription drugs. It is very often the prescription drugs that the kids are using in the schoolyards today, and anybody who would suggest that we are going to have a major new problem as a result of making heroin available only in hospitals, really is, in my judgment, overstating their case.

The fact of the matter is that we have a diversion problem, and as the gentleman from Florida just indicated, we passed a major diversion control bill yesterday to deal with the diversion problem. Let me tell you, Mr. Chairman, I was a prime sponsor of that legislation. I am concerned about diversion of any drug. I am the one who calls the Drug Enforcement Administration in, along with HAL SAWYER, about once every 2 months, to ask them what happened to our diversion investigative units and if we are going to do a better job with diversion.

On this point, you know what OMB did 2 years ago? The diversion investigative units in some 20 States were so successful that they eliminated it. It was so successful that they did away, basically, with the Federal effort in the States in a program that would do something focused and specific about the tremendous amount of diversion.

Mr. Chairman, the amendment that I offer strengthens the criminal and regulatory provisions of the act to prevent diversion of heroin to the black market through the program established by this bill. In my judgment, the criticisms directed at the bill for lack of controls are valid ones. In essence, as reported it did not put in place the controls; it waived the controls of the Controlled Substances Act, and that is found in section 3(e) of the bill.

This exemption concerns me greatly, and I told the chairman and other members of this committee that I had great concern over that, and I would not support the legislation if in fact we do not provide the same controls for heroin that we provide for other controlled substances such as morphine and dilaudid.

This amendment establishes a framework to prevent such a diversion and it assures that violations can be investigated by the Drug Enforcement Administration as violations of the Controlled Substance Act.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 5 additional minutes.)

Mr. HUGHES. The amendment requires, first, that the pain of the terminal cancer patient is not treatable by the currently available pain medications such as dilaudid or morphine.

Second, the amendment requires that the diagnosis required under the program be made personally by the attending physician and reviewed and confirmed by a medical review board composed of an additional three doctors. This will prevent a physician from dispensing heroin to a person not qualified for heroin under this program who was referred by another physician.

I think in view of the experimental nature of the program, that this is something that we should require.

□ 1350

Third, the amendment brings everyone connected with the program within the system of regulation of the Controlled Substances Act. Currently, as well known body of regulations set forth how security for drugs is to be maintained by manufacturers, distributors, pharmacists, and doctors.

This amendment puts those controls in place. A person who violates these regulations is subject to the strict felony penalties of the Controlled Substances Act, which the House voted to further strengthen when it passed H.R. 4901 last week and H.R. 5656 just yesterday, the Dangerous Drug Diversion Control bill.

In addition, the amendment provides an additional criminal penalty for the knowing violation of a regulation that implements this program of up to 15 years in prison and up to $125,000 fine. The doctors, distributors, manufacturers, and pharmacies under the program will be subject to the supervision of the Drug Enforcement Administration for their conduct under their particular program. This will facilitate any possible criminal investigation of diversion of heroin under this program.

If this amendment is adopted, this program will have the same level of strict supervision as I have indicated as applies to other controlled substances under existing law.

Now, I want to say to my colleagues that I have seen more heat than light generated here today. I have heard misstatements and I am sure that they were done in good faith and in the heat of battle, but this is a modest measure to provide for the medical community one additional controlled substance that is very much akin to what they already have. Some drugs now available are not helpful for everybody or in every single case so members of the medical community tell us.

Mr. WAXMAN. Will the gentleman yield?

Mr. HUGHES. I will be happy to yield to my colleague from California.

Mr. WAXMAN. Mr. Chairman, I want to join the gentleman in supporting this amendment. We would not want any ambiguity to be outstanding as to the strict law enforcement standards that he would have us put into place with this legislation.

I think it is very constructive to ask that we have a review panel by other physicians to be sure that we are dealing with, a patient of last resort who otherwise is not responding to the other pharmaceuticals that are available. I think this is a constructive proposal and I join with him in supporting this.

Mr. HUGHES. I thank the chairman of the subcommittee for his support.

Mr. Chairman, I will be happy to yield to the distinguished gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I appreciate the gentleman's effort here but do I understand after your amendment is attached here, and I hope the House will do that, that first of all this substance that we would make available for the terminally ill will frankly be similarly treated as other substances except for the fact it would be tougher to use it than Dilaudid or morphine, is that correct?

Mr. HUGHES. That is correct, for the reason that, presently, physicians do not have to go to a three-board medical panel to certify that their particular patient needs this particular medication. That is not required for Dilaudid or morphine.

Mr. SHARP. If the gentleman would yield further, does that mean that if in fact the three drugs that we are talking about, the one that is not available to terminally ill and the two that are, are drugs used for recreational use in some parts of the country despite all our efforts to prevent that?

Mr. HUGHES. I hate to tell the gentleman, but we are up to our eyeballs with heroin. In fact, they had a bumper crop in Southeast Asia. We have very few controls in the Golden Crescent area.

Mr. SHARP. But the question is that morphine is out on the street, too, is it not?

Mr. HUGHES. Yes; and Dilaudid is very popular. You do not hear anybody talking about Dilaudid today but Dilaudid is a very popular drug on the street.

Mr. SHARP. So, if we take this action, this third drug we might make available to people in desperate need will be treated more strictly than stuff right now we treat cancer patients with that is out on the street and used recreationally?

Mr. HUGHES. Mr. Chairman, the gentleman is absolutely correct.

Mr. SHARP. That is absolutely incredible, absolutely incredible that if the name were different on this drug all the demagoguery in this House would end. All of it would end.

Mr. HUGHES. I think the gentleman is right. I think what we have gotten caught up in is an emotional debate and unfortunately a failure to look at the facts.

I might say that I just saw a "vote 'no' on Hughes amendment" letter being circulated. I have talked with some Members who have suggested that the name of the game is to defeat Hughes, because it makes the bill more attractive. I say, that is not responsible legislating, because frankly if this bill carries, I think we should have in place the law enforcement protections. A vote against the Hughes amendment is a vote not to put in place the protections to assure that we do not have diversions.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 3 additional minutes.)

Mr. HUGHES. Mr. Chairman, I want to point out to my colleagues that when they vote against this amendment what they are voting against are the controls that would protect us against diversion.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

I do not think the gentleman in the well needs anyone to support the strong fight that he has made over the years against abuse of narcotic drugs.

I ask the gentleman, however, in connection with your amendment, where would the doctor acquire these drugs? You said confiscated drugs. Where would they go?

Mr. HUGHES. Well, as the gentleman well knows, we get opium today from Turkey and India under controlled circumstances. The gentleman well knows because he has visited that part of the world.

Mr. RANGEL. You are saying confiscated drugs.

Mr. HUGHES. Much of the opium that forms the base for codeine and morphine, all of it, comes from places like Turkey.

Mr. RANGEL. Would it come from the Drug Enforcement Administration?

Mr. HUGHES. Well, it is conceivable that when we confiscate heroin, if it is refined or purified it might be usable.

Mr. RANGEL. I think what the gentleman is saying is that your amendment and the bill does not specifically indicate where these confiscated drugs come from but assuming that——

Mr. HUGHES. Let me ask the gentleman a question. Where do we get morphine from?

Mr. RANGEL. Assuming we get the confiscated drugs——

Mr. HUGHES. I do not yield any further.

The fact of the matter is we get morphine, we get Dilaudid, we get a lot of valuable drugs from opium poppies that are grown under controlled circumstances in places like Turkey. That is where we get it.

Mr. RANGEL. But they are not confiscated.

Mr. HUGHES. Mr. Chairman, we are talking about a drug that is a derivative of opium gum. It comes from the same source. Heroin is just a derivative of opium gum. The gentleman knows that.

The CHAIRMAN. The Chair will request that Members seeking the person who has the time to yield request that in fact the time be yielded.

Mr. HUGHES. I will be happy to yield to the distinguished gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to address a point that the chairman of the subcommittee [Mr. WAXMAN] made in connection with the amount that could be involved in this proposal.

The gentleman said there would be some 2 percent. I think that is an erroneous figure, really. When you consider you have tons of this contraband out in the field, 2 percent is substantial. It would be my experience that it would be an infinitesimal fraction of that 2 percent being utilized.

Mr. HUGHES. I would think so, too.

Mr. Chairman, there seems to be some confusion about what we are doing here. I would say to my colleagues we are talking about making this derivative of opium gum available to people who are terminally ill in hospitals. I have heard Members get up here and say some addict is going to rob the pharmacies. The community pharmacies are not going to have this heroin. The heroin is going to go to the hospitals and the cancer units that are going to dispense this after this regulatory scheme is complied with.

As the gentleman from Indiana correctly pointed out, we are going to put a greater burden on those dispensing heroin under these limited circumstances than we do dilaudid.

The CHAIRMAN. The time of the gentleman has once again expired.

Mr. BROYHILL. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Michigan [Mr. SAWYER].

Mr. SAWYER. I thank the gentleman for yielding to me.

Mr. Chairman, I just wanted to point out, to the gentleman from New Jersey [Mr. HUGHES] that you do not make morphine from opium. It is made from poppy straw and dilaudid is a synthetic manufactured in laboratories.

Mr. HUGHES. Would the gentleman yield to me?

It is made from poppy straw, but opium gum is also the major raw material for morphine manufactured in the United States.

Mr. SAWYER. We do not import any opium gum for that purpose.

Mr. HUGHES. If the gentleman will continue to yield, no; but the poppy straw and opium gum basically is the raw material from which we manufacture things like morphine, things like Dilaudid, and from which heroin comes.

□ 1400

Mr. SAWYER. Mr. Chairman, I would just make one more observation.

The gentleman's amendment, as I read it, makes usable street opium that is seized on the street. I cannot really believe the gentleman from New Jersey intends that, when we have seen how they make the morphine base and how they make the opium in what they call laboratories.

Mr. HUGHES. if the gentleman will yield further, I want to say to the gentleman that I visited some places where they make this stuff in crude form, and I certainly would not want to use it in that form, but as the gentleman well knows, we are talking about a process where they clean it up. The manufacturers can use chemicals, as the gentleman well knows, to take street heroin and create the same quality of laboratory pure heroin as they could make starting directly with opium.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman and Members, I believe that adoption of this amendment would go farther in the legalization of heroin than the provisions of the bill itself. By virtue of the creation of this bureaucracy and methodology that the gentleman from New Jersey proposes here, we are really confirming the legalization of heroin.

What I am concerned about, Mr. Chairman and Members of the House, and what I am fearful about, is that this debate is being reduced to an emotional one where those who would vote no would be daring to vote without compassion for those who are terminally ill. For the record and for the people back home who sent me here to represent them profoundly, when I, as I now intend to do, vote no on this measure, I in no way yield to anybody in compassion for those who are terminally ill.

I just happen to believe that we are creating a monster in the distribution of a dangerous drug that is in question here in such unlimited fashion that our society will experience more harm than good. Every one of us, as an example, in our own districts, has a pharmacy or a hospital or some holder of these drugs being the victim of countless burglaries and robberies and all kinds of security problems, not to mention the street use of these drugs.

I do not want to be part of anything that at this stage of the game would result in the proliferation of this dangerous drug.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I would be glad to yield to the gentleman from Indiana.

Mr. SHARP. I appreciate the gentleman yielding.

Mr. Chairman, it has been said here that this is an emotional debate. You better believe it is an emotional debate, Mr. Chairman. We are talking about one of the most profound experiences that some individuals in this country have to go through. It is of the highest emotional content and it is time we had emotion in its content because we are dealing with men and women and children who go through this experience.

The truth is, despite all of the millions of dollars that we invest in this country in law enforcement to keep drugs off the street, and I support every bit of that, the truth of it is that we cannot seem to keep it out of the hands of a lot of people who should

not be getting it, but the one place we are darn successful is keeping it out of the places where it might make a difference for a few minutes, a few hours, to a family, to an individual, with no harm whatever.

This amendment offered by the gentleman from New Jersey [Mr. HUGHES] will help strengthen the bill to make sure heroin does not get into somebody else's hands. Let us start looking at our consciences and at the people who are the patients.

Mr. BROYHILL. Mr. Chairman, I just want to assure the gentleman from Indiana [Mr. SHARP] that this gentleman has not engaged in an emotional debate. If the gentleman wants to, that is fine, but all we are trying to do is to cite from the record, and those who have spoken out with respect to this bill, that they do not believe that this bill is the answer to the issue of improving the management of pain.

In other words, this legislation is being opposed for several reasons and they are all on the record and the people who are opposing this are prestigious people who have had far more experience in dealing with this than the gentleman from Indiana or the gentleman from North Carolina, the gentleman from Pennsylvania, or anyone in this House. They are saying that there is no need for this legislation to make heroin available; that the scientific evidence on the record that has been made thus far does not support the use of heroin as an effective pain reliever and that there are other substances that are available that are as or more effective.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. BROYHILL] has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 3 additional minutes.)

Mr. BROYHILL. Mr. Chairman, I would like to respond to the gentleman from New Jersey with respect to the "Dear Colleague" letter that I did put out. Perhaps I did use the wrong words in asking that the Members reject his amendment.

On second thought, it seems to me that we ought to let the majority amend a bad bill, let them do whatever they want with it. It seems to me that the amendment makes the bill worse. The amendment that the gentleman puts in here will provide for a very cumbersome certification program; that if a physician does want to use this substance, he has to go through a very cumbersome certification program in order to administer the substance.

It seems to me that this is unnecessary and that we should not have it, but if the gentleman wants the amendment, then fine, let them offer this amendment to a program that I think just makes this far more administratively burdensome and far more difficult to administer. It is going to be difficult enough as it is.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, just to add to that, I just cannot conceive of allowing the fact that heroin is now on our streets as rationale for allowing it to further penetrate our society.

Mr. BROYHILL. Also, the gentleman from Pennsylvania knows this amendment would not in any way add back the requirements that the FDA presently requires under present law for the certification of new drugs; that is, that it is safe and that it is effective. These studies are not required under the legislation and the gentleman's amendment does nothing with respect to that as well.

The gentleman knows that animal studies, clinical studies, are required and his amendment does not restore that procedure and safeguard, and it would seem to me that he would want to go at least that far.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Chairman, if I understand the gentleman's argument, it is that by setting up this three-doctor medical review panel to review a doctor's decision to dispense, we have created a giant bureaucracy, and so forth. Well, the opposite of that is, of course, to make it freely available.

Is that what the gentleman is advising, that we should have it freely available, because that is precisely what will happen if my amendment does not carry?

Mr. BROYHILL. My argument is that we do not need it, and if the gentleman wants to make the substance freely available, it seems to me that is what his amendment does. It makes a bad bill worse, and as far as I am concerned, let the other side accept his amendment, but we are still opposed to the bill.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have followed this debate, as I am sure many of my colleagues have, with a very, very sincere interest. This is obviously not only an emotional issue and a medical issue and a criminal justice issue, but also an issue that affects how we are to balance the equity between those who are in need, in this case in painful, desperate need, and those in the rest of the country who have an interest in maintaining a strong, secure guard against what is a major drug problem in this country.

I have spent my whole political career, both in the State legislature in the State of Florida and in this House, trying to stem the tide of the illicit drug trade in the United States. It is something which infects our society and affects our children.

I am very, very grateful for having been able to serve with people like the chairman of the select committee, the gentleman from New York [Mr. RANGEL] and the chairman of the Subcommittee on Crime, the gentleman from New Jersey [Mr. HUGHES]. I am grateful for the leadership that they have shown in this particular area. Of obvious merit are the arguments which both pose on the issue.

But let us examine the issue for a moment without the heat; let us try a little bit of light.

First, from the point of view of people in Florida, Florida has the highest cancer rate of any State in the United States, 250 per 100,000, which means that today 25,000 in Florida can anticipate dying of cancer in the next year; 25,000 just in Florida, with a population of 10 million people.

Second, this is echoed in every State of the country, although not as high, but to a larger degree than any of us would ever care to see cancer occur, but it does.

□ 1410

In Florida alone, we are talking about 25,000 people. Let us put it in perspective just in one State. We are talking about heroin, a drug whose name conjures up the worst images that we can imagine. In response to the gentleman from North Carolina, let me say that the efficacy and the usability of heroin as a painkiller and suppressant has been known for almost a hundred years. It is not necessary to do any more clinical studies on it. I think almost everybody in the medical community agrees with that.

Second, let me state with some feeling of sincerity and knowledge that most doctors will tell us that heroin is in fact the best therapeutic drug for the treatment of pain, intractable pain, especially in cases of cancer, compared with any other remedy now existing on the market. And there are other remedies. We have heard that throughout the course of this debate.

Dilaudid is a remedy made from the same base as heroin. Remember, dilaudid is also available legally on the street by virtue of getting a prescription which can be filled in drugstores. Dilaudid is a legal prescriptive drug. That will not be the case with the heroin which will be used therapeutically under this bill.

Morphine is a drug which is prescribable and fillable by hospital pharmacies and private pharmacies in certain cases. It is prescribable by doctors if they have the Federal and

State licensing, and almost all of them do, from BNDD.

That is not the case with this heroin. It will not be fillable at a local pharmacy nor prescribable by a doctor except in very, very small and narrow circumstances.

Third, there is a painkiller which has never been mentioned on this floor today, Brompton's solution. Brompton's solution is today being used by many doctors to kill pain of those who are incurably ill with cancer who have intractable pain. It is a derivative and a mixture of codeine, cocaine, and alcohol, available by a prescription as well. These are all legal drugs, all existing at a local pharmacy. That will not be the case with the heroin which is sought to be allowed to be used under this bill.

So there are a lot of drugs that are available. The problem is that none of them is as therapeutically effective, and they have more side effects than does heroin. Dilaudid and morphine produce severe nausea and other side effects that heroin does not.

Shall we continue to visit more pain and more grief upon those we are trying to help because we refuse to allow another drug on the market for fear that it will be somehow abused?

Let us talk about the abuse. Today in the United States it is anticipated and expected that approximately 20 tons of heroin, illegal, illicit heroin, will be imported into the United States.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 5 additional minutes.)

Mr. SMITH of Florida. Mr. Chairman, it is anticipated under this bill that approximately 15 pounds of heroin will be manufactured under the strict conditions allowed in this bill. That is 15 pounds into the legal, constricted and restricted pain market for those intractable infected with pain who have cancer, as opposed to 20 tons of the illicit drug. That will not create any real additional problem, even if it were diverted into the illicit market, which it is not going to be, because at this point we need to be very sure and strong on the Hughes amendment.

What the Hughes amendment does is to disallow for all intent and purpose any ability to bring these 15 pounds of this compound into the illicit market. It is only available in a hospice of hospital pharmacy, both of which in every State in the country, if I am not mistaken, are licensed and supervised by the State in which they are located. None of them can be opened without a State license.

Second, it creates a position where the attending physician only can prescribe, and that prescribing is subject to a review by three additional physicians on a board or medical panel so that the attending physician cannot prescribe it for anybody on his own. The doctor has to be reviewed by three peers.

In addition, it brings into play all the other criminal justice provisions that now exist for all other schedule 1 and schedule 2 drugs. Those safeguards are there, and they work.

Diversion does take place, but it is always of the legal prescriptive drugs. The heroin discussed under this bill will not be a legal prescriptive drug in the same sense we are talking about with dilaudid, morphine, Valium, and, up until my bill passed, quaaludes, et cetera. It is not the same thing at all. Let us please make that distinction. It will not be readily available to anybody.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I will yield in a moment.

Mr. Chairman, finally, let us look at the record. Heroin is available in Great Britain as one of the drugs used to treat intractable pain for cancer victims. There is no evidence whatsoever that there has been any diversion of that heroin into the illicit market in Great Britain—none whatsoever.

I understand how people feel about this. I have fought illicit and illegal drugs with my breath and body since I was able to do anything about it, but in this case we are looking at literally a speck of a problem compared to the gigantic, compassionate good that can be done by allowing this to become available under such strict, limited, supervised circumstances.

Finally, on the brouhaha about where they are going to get the drug; anything that is confiscated that is impure can be made pure by a process without any problem whatsoever. There is no problem whatsoever with that. And if they choose to have it manufactured, it will be under very strict licensing conditions.

I do not believe that we are going to have the major problem that is being predicted here, and I would urge my colleagues to think about these arguments when they think about whether or not they are going to vote for the Hughes amendment, which I believe we must support if we support this bill.

I cannot support the bill without the Hughes amendment. I would urge those Members who have some compassion to vote for it. I would urge them to remember that the opposing arguments being offered here—and they are offered in good faith—are not based on sound medical fact, nor are they based on the reality of the drug market in the United States.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the select committee chairman.

Mr. RANGEL. Mr. Chairman, would the gentleman be able to tell us whether the Hughes amendment or the original bill could let us know just where the heroin would be available, that is, at what hospitals, what pharmacies, and what hospices?

Mr. SMITH of Florida. Mr. Chairman, my reading of the bill says that HHS would set up a 4-year pilot project, with the allowing of hospitals to opt into the program. So it would be up to the Department of Health and Human Services to set the rules and regulations.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield to me on that?

Mr. SMITH of Florida. I yield to the chairman of the subcommittee.

Mr. WAXMAN. Mr. Chairman, I will state to the gentleman that that is exactly right. This is not a program that would be available on a widespread basis. It is under the control of the Department of Health and Human Services. It is not available to any pharmacy, but only hospital or hospice pharmacies, and only if they choose to participate. They are not forced to participate.

No doctor has to prescribe heroin. It is only if he chooses to. Even if he chooses to under the Hughes amendment he has then got to go through three of his peers to convince them of the need for the drug.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SMITH] has again expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. Mr. Chairman, I will yield in just a minute again, but first let me reclaim my time and answer the gentleman this way as well:

The heroin or other drugs which would be made available would be available from pharmacies that are already supervised, but it remains to be seen as to which hospitals and which hospices would come into the program.

Mr. RANGEL. We do not know that.

Mr. SMITH of Florida. But we as the Congress still have the right under our rules to overview the rules and regulations which the Department of Health and Human Services will put into place.

I would certainly believe, Mr. Chairman, that that would be the place for our committee to look at this, as to what rules and regulations HHS comes up with, to determine whether or not in our estimation, as the Congress and as the Select Committee on Narcotics, they are making those regulations too broad and there are too many loopholes. But until they do that, I think it is premature of us to condemn this program, and I would hope that we would look at that.

Mr. Chairman, that would be my response to the gentleman.

□ 1420

Mr. MADIGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I may have the attention of the distinguished gentleman from North Carolina, I would like to very briefly ask him two questions, perhaps three.

The gentleman from New Jersey, who is the sponsor of this amendment, indicated that there was a point in our history when we legalized two drugs, one being morphine and the other I forget the name that the gentleman used; but I would ask the gentleman from North Carolina if it is not true that at about that same time we made heroin illegal.

Mr. BROYHILL. That is correct. It seems to me that was back in the twenties.

Mr. MADIGAN. So when the gentleman from New Jersey makes the argument that we should make heroin legal because we have made these other things legal, in fact we made heroin illegal when we made these other things legal; is that not correct?

Mr. BROYHILL. That is also correct.

Mr. MADIGAN. And is it also not correct, I would ask my colleague from North Carolina, if the illegality attached to heroin at that time was because it was thought to be and proven to be a more addictive drug than those which were caused to be legal; is that not correct?

Mr. BROYHILL. I think that is a matter of record.

Mr. MADIGAN. Well, I want to thank the gentleman for his participation.

I rise in opposition to the bill and say, Mr. Chairman, that it is not significantly material to me whether or not the Hughes amendment is adopted, because I regard that as being a political ploy here to make this very bad bill more acceptable or to cause the perception that it is more acceptable.

I come at this issue with some experience, because I was the first member of this committee to introduce in 1980 a bill to legalize heroin for the purpose that is contemplated in the bill offered by the chairman of my subcommittee, the gentleman from California [Mr. WAXMAN] but I would say that there is a considerable amount of difference between what exists today and what existed in 1980. In 1980 there was hardly anyone paying attention to the issue of intractable pain and today in these ensuing 4 years through this type of legislation and through other types of activity, we have caused a lot of attention to be focused in the medical community on the issue of intractable pain.

There are therapies now available and legal that were not legal and were not available in 1980.

I think it is important that we continue to focus attention on this issue of intractable pain, but I think it would be a very bad mistake to legalize heroin even for this limited purpose, because as Tallyrand said, "We in legislative politics deal in perception, not in reality." The perception here will be that we are legalizing heroin for some purpose and equating it with the other types of therapy that are available, when in fact it is a very dangerous and addictive drug.

Now, I understand that we are not concerned about addiction with people who are terminally ill with cancer, but we are concerned about addiction with everybody else in this country and if we create the perception that this drug is no different than any other drug, then we are making a very, very serious mistake.

For that reason, I would hope that the Members of this Chamber would reject this bill (H.R. 5290) and as I have said, the adoption or not adoption of the Hughes amendment is immaterial to me, because I see that purely as being a political thing, designed to try to make or create the perception within this Chamber that we can somehow take this very bad idea and make it a better idea.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Indiana [Mr. SHARP], a member of the committee.

Mr. SHARP. Mr. Chairman, I know the gentleman to be a compassionate individual. We have worked together many times.

Mr. MADIGAN. Mr. Chairman, I am sorry, I cannot hear the gentleman.

Mr. SHARP. I have known the gentleman to be a compassionate individual and I realize that he was the original cosponsor or sponsor of legislation along these lines because of his concerns, but what I have difficulty accepting is the notion that there is a real difference here between some of the drugs that we make legal now for pain killers, which I certainly would not want my children to be exposed to unless they were suffering intractable pain, nor would I want anybody else's children to be exposed to, which are controlled substances; namely, morphine, dilaudid, and others, that are available now.

The problem is that heroin is being treated differently under this debate and everywhere else only because of perceptions, only because it is known to be a political hot potato.

Mr. MADIGAN. Well, if the gentleman will allow me to reclaim my time for just a moment. There is a difference beyond perception and the difference is that heroin is a considerably more addictive drug and that is the reason why it was made illegal in this country to begin with. It once was legal and at the time other things were legalized, heroin was caused to be made illegal.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I would be happy to yield to the chairman of the subcommittee.

Mr. WAXMAN. Mr. Chairman, I want to correct the record here, because there is no evidence whatsoever that heroin is more addictive than morphine or any other form. What we are talking about, if we did not call it heroin, we could call it diacetylmorphine. We are talking about a form of morphine.

In 1924 the Congress thought, based on what they heard at that time, that there was a danger to this.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. WAXMAN, and by unanimous consent, Mr. MADIGAN was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, in 1924 the perception was that heroin was more addictive than morphine and that is why the Congress acted to outlaw the substance, but we have learned since 1924 that morphine and any of its derivatives are just as addictive, and heroin is a derivative of morphine.

Mr. MADIGAN. I would say to the gentleman that there is a great deal of debate about that, a great deal of debate, and as the gentleman knows, I sat through all the hearings with the gentleman and heard people argue just the opposite of what the gentleman has just said.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I would be happy to yield to the chairman of the full committee.

Mr. DINGELL. Mr. Chairman, I thank the gentleman. I have great respect for my good friend, the gentleman from Illinois. I do not want this debate to be clouded by any contrary impression.

First of all, Dr. Beaver at Georgetown Unversity says it is equally addictive as heroin, and this is one of the substances which is now available within the prescribed regimens for delivering controlled substances, with which the gentleman is well familiar; I do not know whether heroin is more addictive or less addictive than morphine. I would observe that they are both addictive and in that, they are both dangerous. Whether we quarrel about a minute difference in the addictive character of the two drugs is not really important, because what is really important here is that we resolve the question of intractable pain

for persons who are at death's door from cancer. That is the real question.

I think the question of perceived addictiveness is totally unimportant when we deal with that very fundamental and important question of how useful heroin would be, for purposes of treating that kind of pain.

I thank my good friend for yielding.

Mr. MADIGAN. Mr. Chairman, I thank the gentleman for his contribution.

In summary, I would just remind the gentleman that I sponsored the original heroin legislation in 1980. I did that on behalf of the National Committee on Intractable Pain. I am concerned about that issue. I continue to be concerned about that issue, but as I said in my opening remarks, there have been a lot of advances made since 1980, a lot of attention focused on the issue of intractable pain.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(By unanimous consent, Mr. MADIGAN was allowed to proceed for 1 additional minute.)

Mr. MADIGAN. There is considerably more attention being focused on that issue, not only by the medical community, but also by the FDA, by the Department of Health and Human Services and others. I think all of that attention being focused on that issue is very proper and I support it, but I also say to the gentleman from Michigan that I do not support legalizing heroin at this point in time.

Mr. RANGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly hope that people who oppose this bad legislation are not labeled as being against compassion, against the sick and those people dying with cancer.

I always thought that when they talked about the House physician, it was Dr. Cary. It is apparent that we have more physicians here in this legislative body than we have with the American Medical Association.

All I am saying is do not say that the National Hospice Organization lacks compassion. Do not say that the American Medical Association and the American Society of Internal Medicine lacks compassion. They are saying that they agree with you, that there are serious problems, but they disagree with you and the handful of British doctors that we should open up the door to legalized heroin for this restricted purpose at this time. They are asking this legislative body, not this medical body, to wait until the results are in and their association is prepared to tackle this problem, unless what you are trying to say to us is that the few doctors that have testified in front of the committee have more knowledge about this sensitive subject matter than all of the American associations we have.

They say, and I suspect there are experts that disagree with the National Hospice Organization, that there is no justification for the allocation of public funds at this time for the development and implementation of a heroin distribution program.

Now, this is a bad bill, but let me go on to say that this is a bad amendment, because the amendment agrees that we should now get into the business of the legalization for the first time in the history of the United States of heroin. It points out that heroin confiscated in the enforcement of the Comprehensive Drug Abuse Preventive and Control Act of 1970 and the Customs laws shall be made available for the manufacture of heroin for the program, and if the Secretary determines that the amount of heroin available through confiscation is not sufficient to meet the application of qualified hospitals and hospices under the program, the Secretary may—which we now substitute the Secretary for the Drug Enforcement Administration—notwithstanding the sections of the Controlled Substances Act to import and export opium for the purpose of manufacturing additional opium to be distributed under the program.

□ 1430

What we are saying, and I dare someone to dispute it, you are saying that the Secretary of Health and Human Services will be authorized, when he or she finds out there is not enough junk being confiscated, to start not only importing it for the first time illegally but they will be able to start getting involved in the manufacturing of the drug.

If you think you have lobbied on this bill now, you wait until the American pharmaceutical companies come in to tell you is it not better for our sick and our aged and our dying to have the pharmaceutical companies manufacturing this than to be using that dirty junk that is available on the street.

Let me tell you something, for all of the compassion that you have, if I really need you, because I am convinced that it is going to make it easier for someone to die with heroin, you are not telling me where I will be able to get the heroin because I am now subjected not to the American Medical Association where I know the doctors, but I have to go now to Health and Human Services because they will designate which hospital, which hospices, which communities, which would allow heroin to be made available.

Listen: I do not have close ties with this administration and certainly if there are doctors in my community that believe it is a good deal, suppose I do not get the hospice, suppose I do not get the hospital, suppose I do not get the pharmacist who is qualified according to whatever standards there are? And there are no standards. There are no standards in the bill. But the Secretary, who does not want the bill, will be empowered to decide the standards and the communities that will be allowed to use legal heroin.

I suggested to you one thing: No child is going to allow their mother or grandmother to die under the pain that has been described here on the floor, and to be able to say in the communities where heroin is immediately available in the tons, as the proponents of the bill would say, that you start opening the door for the Secretary to allow certain doctors and certain hospitals to legally use heroin for those who are dying, I am suggesting to you, and especially those of you that have the responsibility of prosecuting cases under the law, that you let me find a jury that is going to convict a young man that had just enough heroin to take for his dying grandmother because he understood that it was being used throughout the United States, but the Secretary had not designated his community.

The CHAIRMAN. The time of the gentleman from New York [Mr. RANGEL] has expired.

(By unanimous consent Mr. RANGEL was allowed to proceed for 2 additional minutes.)

Mr. RANGEL. You let this handful of doctors designated by the Secretary be able to pursuade the Nation that we can start getting involved in deciding which people at which hospitals this should be made available to, and I am suggesting that the guy on the street would make it available for the people that are dying in his community if that drug is not being made available by others

You are saying that you are narrowing this. You are saying that you are restricting this. But if I read the gentleman's amendment correctly, what he is doing in this bill is substituting the Health and Human Services Administration for the Drug Enforcement Administration. In addition to that, what the gentleman from New Jersey [Mr. HUGHES] is doing in this bill is allowing for the manufacture of heroin and the distribution of heroin under the auspices of HHS.

Mr. HUGHES. Will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from New Jersey.

Mr. HUGHES. Just a couple of points.

First of all, the gentleman argues that any drug pusher is going to be able to argue that all of a sudden this is available for him for pain for his dying grandmother. I do not know of any situations where we have had to meet that problem with Dilaudid. Di-

laudid is on the streets and it is one of the derivatives of opium gum.

Mr. RANGEL. Let me respond to that and then I will yield further.

We are talking about how many tons of heroin is available on the street. This is the first time—I have met none of your doctors that advocated use of heroin. Obviously they have not been able to persuade any of the national associations. You people are nodding your heads that you know the doctors. I am saying that when you get to my community they are not talking about the available drugs that you are talking about, but they understand what you are talking about when you are saying that for the first time in the history of the United States you want heroin distributed in the hospitals. That, Mr. HUGHES, is understood.

Mr. HUGHES. Will the gentleman yield further?

Mr. RANGEL. I yield to the gentleman.

Mr. HUGHES. I think the gentleman's argument is circular. But getting back to the question of whether we are going to be manufacturing heroin in this country, the gentleman knows that under existing law that we are processing all of the opiates that we use in this country today, all of them.

The CHAIRMAN. The time of the gentleman from New York [Mr. RANGEL] has again expired.

(By unanimous consent Mr. RANGEL was allowed to proceed for 30 additional seconds.)

Mr. RANGEL. The gentleman from New Jersey's bill says that the Secretary may, notwithstanding existing narcotics laws, import opium for the purpose of manufacturing additional heroin to be distributed, and nowhere in the United States of America has this been allowed to happen before.

Mr. HUGHES. Will the gentleman yield further? The gentleman misreads the amendment.

Mr. RANGEL. I hope the gentleman would read it correctly.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Mr. Chairman, I have heard it said that this is a bad bill and this is a bad amendment.

Clearly you must analyze whether or not either statement is correct. I have heard it said this is going to legalize heroin. It is not going to legalize heroin any more than the Controlled Substances Act legalizes marijuana or legalizes morphine or any of your other addictive or dangerous drugs which are cataloged as controlled substances under that act.

As a matter of fact, the amendment offered by the distinguished gentleman from New Jersey sees to it that stern penalties are imposed for the diversion of heroin from this temporary program which is authorized by the legislation before us.

The amendment does several other things. It requires that there be a three-doctor review before heroin is administered. As I mentioned, it imposes stern criminal sanctions, a $125,000 fine for violation, and 15 years in jail.

It does not waive the Controlled Substances Act. The Controlled Substances Act and all of the penalties and all of the strictures and all of the controls under that statute which is our basic criminal and regulatory statute in the field of narcotics and addictive substances would continue to apply. The Attorney General would simply be directed to deal with heroin use within the provisions of the Controlled Substances Act.

Last, it would allow the use of seized heroin in the conduct of the program.

I have heard great complaints from many of my colleagues saying this is going to encourage a tremendous proliferation in opium production in Southeast Asia and other places. We seize plenty of heroin, and remember that 4.3 metric tons of this stuff comes into this country every year and has not been controlled. So the diversion, as I have mentioned to my colleagues before, of the amount of heroin that constitutes this entire program will not amount to more than a pimple on the bottom of an elephant.

Mr. RANGEL. Will the gentleman yield?

Mr. DINGELL. Of course, I yield to the gentleman.

Mr. RANGEL. Because I am agreeing with what you are saying.

Mr. DINGELL. I am delighted. And I urge the gentleman to support the amendment and support the bill, and it will be one of the great revelations of our day.

Mr. RANGEL. I agree with the gentleman. The reasons you have given as to why we should support the bill are the very same reasons why I oppose the bill and the amendment.

You have indicated that what you would want to do is to treat heroin the way we do any other narcotic.

Mr. DINGELL. I have not indicated that at all, and if the gentleman is interpreting my statement that way he is misinterpreting it to himself and he is misinterpreting it to this body.

I want to see heroin—really, let me just tell the gentleman what I want because I think he needs to know what it is this bill is for and what it is I want—I want under the most carefully controlled circumstances to see to it that when somebody is in intractable pain, and when they are dying of cancer, and that is the only conditions under which this drug would be available, that it is available to control that pain.

Mr. RANGEL. Will the gentleman yield?

Mr. DINGELL. And I think if the gentleman really reflects on it he will join me in that desire.

Mr. RANGEL. Will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. RANGEL. Why don't we get to the amendment?

Mr. DINGELL. I have dealt with the amendment.

Mr. RANGEL. Does the gentleman have the amendment where it says that the heroin confiscated, and the enforcement of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and the Customs laws shall be made available for manufacture of heroin? Give the gentleman a copy there. It concludes by saying that if the Secretary decides that there is not enough junk available in the hospitals and in the pharmacies, that notwithstanding existing law that she would be able to have an exception under the Controlled Substances Import and Export Act and import opium for the purpose of manufacturing additional heroin to be distributed.

□ 1440

Mr. DINGELL. Now just a minute. The gentleman has made an important point. I have yielded to the gentleman. I just want the gentleman [Mr. RANGEL] to know first of all I think that is a good idea. I happen to think that if you are going to make this stuff available and I recognize that it can be evil and that it can be used for evil purposes, but understand that your friendly roadside merchant who deals in this stuff, your pusher, is not going to be making it available in hospitals for the purposes we are talking about.

Mr. RANGEL. Very good, would the gentleman yield further?

Mr. DINGELL. No; I do not yield further.

Mr. RANGEL. We are in accord.

Mr. DINGELL. I will yield in good time. We are talking about having doctors making a controlled substance available for a medical judgment, for purposes that are necessary to cure intractable pain of persons dying of cancer.

The CHAIRMAN. The time of the gentleman [Mr. DINGELL] has expired.

(On request of Mr. HUGHES, and by unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me?

Mr. DINGELL. I yield to the gentleman from New Jersey [Mr. HUGHES] and then to my dear friend from New York [Mr. RANGEL].

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Chairman, there is nothing secret about how we process opium gum into morphine.

Mr. DINGELL. If the gentleman will yield, the process of producing morphine and heroin and other substances from morphine—rather from opium gum, are almost identical. The products are about the same in terms of every single resulting consequence of their use and existence.

Mr. HUGHES. Mr. Chairman, will the gentleman yield further?

Mr. DINGELL. I yield to the gentleman from New Jersey, certainly.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Chairman, right now the law forbids us to import opium gum to be used as a substance to get the derivative that we call heroin. We in fact process in this country opium gum that we import so that we can process it into morphine, codeine, thebaine, and many other drugs, and also into Dilaudid, which has more side effects than heroin.

So that is what that provision is addressing.

Mr. DINGELL. That makes eminent good sense.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend from New York.

Mr. RANGEL. I thank the gentleman for yielding.

Mr. Chairman, my good friend from Michigan has adequately pointed out with the support of the gentleman from New Jersey [Mr. HUGHES] that this act would allow for exceptions under the legal narcotic laws to allow the importation of opium for the manufacture of heroin. OK.

Once that is accepted, I am asking the gentleman from Michigan [Mr. DINGELL], does this bill point out which pharmaceutical companies would be involved in the manufacture of heroin? And is there any company in the country that is manufacturing heroin illegally today?

Mr. DINGELL. The answer is, There is no one manufacturing it legally now in the country.

Mr. RANGEL. I see.

Mr. DINGELL. It is also a fact, however, that other opium derivatives are now being processed into usable drugs in this country legally under the Controlled Substance Act.

Now I think a couple of points are necessary in responding to the gentleman [Mr. RANGEL].

If the Controlled Substance Act is authorizing massive diversions of now-controlled substance, other opium derivatives, then it needs the immediate attention of Congress.

If it is not, and I say it is not authorizing that kind of activity.

The CHAIRMAN. The time of the gentleman [Mr. DINGELL] has again expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. Then I would observe that if it is not authorizing illegal diversions, and there is very little evidence that it is, in fact none of which I am aware, then we ought to allow heroin to move into carefully controlled channels for very carefully controlled use, dealing with intractable pain in hopelessly dying cancer patients.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Of course, I yield to the gentleman from New York.

Mr. RANGEL. I thank the gentleman for yielding.

Mr. Chairman, then it is the gentleman's understanding that the bill with this amendment, for the first time would allow the Secretary of Health and Human Services to designate pharmaceutical companies for the purpose of the manufacture of heroin.

Mr. DINGELL. That is correct, if there is not enough confiscated. And I do not see anything wrong.

Now I heard one of my colleagues just a little while ago talking about the means, that is the end justifying the means. I think a brief comment on the end of this bill, The purpose of this bill: The purpose of this bill is to deal with intractable pain in patients who are dying of cancer.

It is a hell of a miserable, ugly way to go and I pray that it never afflicts me because I have seen what it did to my mother.

Now I just want to observe one other thing: The means chosen is a carefully controlled system within the same system that we use for dealing with dilaudid, which has been discussed here today, or dealing with morphine, both of which are supposedly medications of choice in these kinds of circumstances.

Mr. Chairman, I am simply saying to my colleagues, for the sweet love of God, let us make available to those who are in this horrifying plight one more substance which will help some of those who are not able to be helped because of medical circumstances by the other two drugs of choice which can be used.

Mr. Chairman, the controls are there, the penalties for violation of the law of misuse and diversion are real. The amount of heroin on the streets, it has been said, is better than 4½ tons. I do not see how a little bit going for proper medical purposes is going to contribute anything to the hurt of the society or to persons who might be tempted to use heroin.

There are plenty of pushers on the streets now who are making it available.

Mr. Chairman, I yield back the balance of my time.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Well, Mr. Chairman, here we are again. There are a lot of important, large issues to be dealt with by this Congress and here we are dealing with a very narrow issue. But what are we doing in the process? Usually when a bill comes to this floor anyone who speaks against it might reasonably be in the position of being accused of nitpicking. But I really would have to characterize the bill, itself, more or less in those terms.

Why are we not dealing with some of the issues that really ought to be dealt with in the field of crime that remain to be dealt with?

We have had a lot of discussion of that in the House in recent weeks.

Instead we are peeking at the edge of something that could cause us some more problems in our society and none of us here are expert enough to know whether it will or not.

I do not maintain that I could be called an expert in any of the subject matter relating to the use of heroin in the treatment of intractable pain.

I do not really know that much about how it is made, how it is distributed.

I do know the harm that it has caused in our society as well as others around the world, and I do know that is it growing and has been growing tremendously in our country in its use; and it is very serious problem.

I do not want to add to that problem. But I have not heard anything today that convinces me that we are taking a step that is absolutely necessary, for one thing, since there are other ways to treat and manage intractable pain, as the gentleman from Illinois pointed out, that were not available in 1980 when this move first started.

Should we not be satisfied to make progress in the normal reasonable rational way in which people of scientific expertise and knowledge tend to lead the way? Or are we to appoint ourselves as the experts who know how to progress in this scientific area above and beyond the controversy that rages in the medical and scientific community? I do not think we ought to put ourselves in that position.

This bill, therefore, strikes me as being something that could well have been put aside until a later time when we had more exact and concrete scientific bases to work with.

□ 1450

But I am greatly concerned that we may go away from here today having amended this bill in a manner that is proposed by the gentleman from New Jersey which would, to all intents and purposes it seems, put heroin for this

limited area of use in basically the same category as many other dangerous drugs that are regulated and controlled under the laws of the United States. I am not ready to take that step. I have not heard the convincing evidence. There have been no hearings on the amendment that is proposed by the gentleman from New Jersey as such because it has been developed as a response to problems in the underlying bill.

But hearings really are needed, I think, in order to answer the questions such as those propounded by the gentleman from New York [Mr. RANGEL] when he says, well, practicaly speaking, where do you go to get the heroin? Where does your doctor go? Where do you go for the approval and how do you get the approval and what is the process by which this program is developed. And, as usual, we have a bill here which would turn over to the bureaucrats most of the law making. All the regulations would be propounded, promulgated by the bureaucrats and then we would be left with the question of whether we have a right to a legislative veto to override administrative regulations and the Supreme Court has already given us some kind of an answer on that. So we would have to enact other legislation, perhaps, to overcome those regulations.

What are we doing? Do we need to do this today? I think the answer is: Not today. We do have other answers that respond to the management of intractable pain, maybe not perfectly, but no one says heroin is a perfect tool for the management of intractable pain either.

I would not say we are wasting our time, I am just saying this is not the time. And, indeed, maybe we are using time needlessly on something that we could leave to a time when we have better knowledge.

Mr. SHARP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just briefly say that all of us in our speeches, I suspect, speak about individuality and individual liberty when we are at home with our constituents because it is such an important value in American society.

Let me suggest to my colleagues that one of the problems of cancer is it is highly individualistic. It strikes individuals in highly individualistic ways. Also, the medicines that are used to try to deal with pain or the disease itself, effects individuals quite differently and that is the difficulty.

So these broad sweeping statements about there are other pain killers available are simply inaccurate. For many, many citizens pain killers are effective.

The difficulty is that in the hearings it has been estimated that thousands of individuals in this country die each year in writhing pain. Some children, some mothers, grandmothers, grandparents. We do know from experience in England, we do know from medical testimony, that in many of those cases the use of heroin could relieve the pain and relieve the hearts of the families that are involved.

Now, Mr. Chairman, there is lots of experience, there is lots of testimony from doctors, from nurses, from individuals who are experienced in this field, who believe we ought to do this. Not everybody takes the AMA as the final authority on all medical questions. Most of the doctors in my area are too busy doing their compassionate work to mess with AMA resolutions or AMA treasury dues or any of the rest of that bureaucracy that goes on there, as elsewhere in the country.

Mr. Chairman, we have before us an amendment that I believe helps to answer some of the legitimate and real concerns. None of us wants any of this heroin to be diverted for illicit use in the country. There is too much of it now. But we are, under this amendment, going to treat heroin as a medicine much tougher than we treat lots of other dangerous medicines today.

I think under the Hughes amendment we will be doing as much as we can to prevent adding to the drug problem that is extensive in this country. But under the bill we will be doing some good for thousands of individuals who are waiting not for a sympathy note, they are waiting not for action from the Congress.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Jersey [Mr. HUGHES].

The question was taken; and the Chairman announced that he was in doubt.

Mr. WAXMAN. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 399]

Ackerman	Andrews (TX)	Badham
Addabbo	Annunzio	Barnard
Akaka	Anthony	Barnes
Albosta	Applegate	Bartlett
Anderson	Archer	Bateman
Andrews (NC)	AuCoin	Bates
Bedell	Foglietta	Lott
Beilenson	Ford (MI)	Lowery (CA)
Bennett	Ford (TN)	Lowry (WA)
Bereuter	Fowler	Lujan
Berman	Frank	Luken
Bevill	Franklin	Lundine
Biaggi	Frenzel	Lungren
Bilirakis	Frost	Mack
Bliley	Garcia	MacKay
Boehlert	Gaydos	Madigan
Boggs	Gejdenson	Marlenee
Boland	Gekas	Marriott
Bonior	Gephardt	Martin (IL)
Bonker	Gibbons	Martin (NC)
Borski	Gilman	Martin (NY)
Bosco	Gingrich	Martinez
Boucher	Glickman	Matsui
Boxer	Gonzalez	Mavroules
Britt	Goodling	Mazzoli
Brooks	Gore	McCain
Broomfield	Gradison	McCandless
Brown (CA)	Gray	McCloskey
Brown (CO)	Green	McCollum
Broyhill	Gregg	McCurdy
Bryant	Guarini	McDade
Burton (CA)	Gunderson	McEwen
Burton (IN)	Hall (IN)	McHugh
Byron	Hall (OH)	McKernan
Campbell	Hall, Ralph	McKinney
Carney	Hall, Sam	McNulty
Carper	Hamilton	Mica
Carr	Hammerschmidt	Michel
Chandler	Hance	Mikulski
Chappie	Hansen (UT)	Miller (CA)
Clarke	Harkin	Miller (OH)
Clay	Harrison	Mineta
Clinger	Hartnett	Minish
Coats	Hatcher	Mitchell
Coelho	Hawkins	Moakley
Coleman (MO)	Hayes	Molinari
Coleman (TX)	Hefner	Mollohan
Collins	Heftel	Montgomery
Conable	Hertel	Moody
Conte	Hightower	Moore
Conyers	Hiler	Morrison (WA)
Cooper	Hillis	Mrazek
Corcoran	Holt	Murphy
Coughlin	Hopkins	Murtha
Coyne	Horton	Myers
Craig	Howard	Natcher
Crane, Daniel	Hoyer	Neal
Crane, Philip	Hubbard	Nelson
Crockett	Huckaby	Nichols
D'Amours	Hughes	Nielson
Daniel	Hunter	Nowak
Dannemeyer	Hutto	O'Brien
Darden	Hyde	Oakar
Daschle	Ireland	Oberstar
Daub	Jacobs	Obey
Davis	Jeffords	Olin
de la Garza	Jenkins	Ortiz
Dellums	Johnson	Ottinger
Derrick	Jones (NC)	Owens
DeWine	Jones (OK)	Oxley
Dickinson	Jones (TN)	Packard
Dicks	Kaptur	Panetta
Dingell	Kasich	Parris
Dixon	Kastenmeier	Pashayan
Donnelly	Kazen	Patman
Dorgan	Kemp	Patterson
Dowdy	Kennelly	Paul
Downey	Kildee	Pease
Dreier	Kindness	Penny
Duncan	Kleczka	Petri
Durbin	Kogovsek	Pickle
Dwyer	Kolter	Porter
Dymally	Kostmayer	Price
Dyson	Kramer	Pursell
Early	LaFalce	Quillen
Eckart	Lagomarsino	Rahall
Edgar	Lantos	Rangel
Edwards (AL)	Latta	Ratchford
Edwards (CA)	Leach	Ray
Emerson	Leath	Regula
English	Lent	Reid
Erdreich	Levin	Richardson
Erlenborn	Levine	Ridge
Evans (IA)	Levitas	Rinaldo
Evans (IL)	Lewis (CA)	Ritter
Fascell	Lewis (FL)	Roberts
Fazio	Lipinski	Robinson
Fiedler	Livingston	Rodino
Fields	Lloyd	Roe
Fish	Loeffler	Roemer
Flippo	Long (LA)	Rogers
Florio	Long (MD)	Rose

Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1510

The CHAIRMAN. Four hundred Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. WAXMAN] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair would remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 232, not voting 22, as follows:

[Roll No. 400]

AYES—178

Ackerman
Addabbo
Akaka
Albosta
Andrews (NC)
Anthony
Applegate
Aspin
Barnes
Bates
Bedell
Beilenson
Berman
Biaggi
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Clarke
Clay
Coelho
Coleman (TX)
Conte
Conyers
Cooper
Coyne
Dellums
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dymally
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fazio
Feighan
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Gore
Green
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hawkins
Heftel
Hertel
Howard
Hoyer
Hughes
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (TN)
Kastenmeier
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leland
Levin
Levine
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
Martin (IL)
Martinez
Matsui
McCloskey
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Mrazek
Murphy
Murtha
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Owens
Patterson
Pease
Pepper
Pickle
Pritchard
Rahall
Ratchford
Reid
Richardson
Rinaldo
Ritter
Rodino
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Seiberling
Sharp
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
St Germain
Staggers
Stark
Stokes
Swift
Synar
Torres
Traxler
Udall
Vento
Walgren
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whittaker
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Yates

NOES—232

Anderson
Andrews (TX)
Annunzio
Archer
AuCoin
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bevill
Bilirakis
Billey
Boehlert
Brooks
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Clinger
Coats
Coleman (MO)
Collins
Conable
Corcoran
Coughlin
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Derrick
Dickinson
Dowdy
Dreier
Duncan
Dyson
Early
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Fascell
Fiedler
Fields
Fish
Flippo
Fowler
Franklin
Frenzel
Garcia
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gray
Gregg
Guarini
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hayes
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jenkins
Jones (OK)
Kaptur
Kasich
Kazen
Kemp
Kindness
Kleczka
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (NC)
Martin (NY)
Mavroules
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
Michel
Miller (OH)
Minish
Mitchell
Molinari
Montgomery
Moore
Morrison (WA)
Myers
Natcher
Nichols
Nielson
O'Brien
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Paul
Penny
Petri
Porter
Price
Pursell
Quillen
Rangel
Ray
Regula
Ridge
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Rudd
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sikorski
Siljander
Skeen
Skelton
Smith (NE)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spratt
Stangeland
Stenholm
Stump
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Weber
Whitley
Whitten
Winn
Wolf
Wortley
Wyden
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOT VOTING—22

Alexander
Bethune
Boner
Breaux
Cheney
Courter
Ferraro
Fuqua
Gramm
Lehman (CA)
Lehman (FL)
Markey
McGrath
Moorhead
Morrison (CT)
Shannon
Shelby
Simon
Stratton
Studds
Williams (OH)
Wylie

□ 1520

Mr. WYDEN changed his vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. HARRISON] having assumed the chair, Mr. WEISS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5290) to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer pursuant to House Resolution 508, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BROYHILL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 55, nays 355, not voting 22, as follows:

[Roll No. 401]

YEAS—55

Ackerman
Akaka
Applegate
Berman
Bonior
Brown (CA)
Burton (CA)
Cooper
Coyne
DeWine
Dingell
Donnelly
Edwards (CA)
Evans (IL)
Foley
Ford (MI)
Frank
Gejdenson
Green
Gunderson
Hamilton
Harrison
Heftel
Hoyer
Kleczka
Levine
Long (MD)
Luken
Martin (IL)
McKinney
Mikulski
Miller (CA)
Moakley
O'Brien
Oakar
Obey
Ottinger
Paul
Pepper

Pritchard	Stratton	Weiss
Sabo	Synar	Whitehurst
Schneider	Vento	Wise
Sharp	Walgren	Wolf
Solarz	Waxman	
Stokes	Weaver	

NAYS—355

Addabbo	Edgar	Lantos
Albosta	Edwards (AL)	Latta
Anderson	Edwards (OK)	Leach
Andrews (NC)	Emerson	Leath
Andrews (TX)	English	Leland
Annunzio	Erdreich	Lent
Archer	Erlenborn	Levin
Aspin	Evans (IA)	Levitas
AuCoin	Fascell	Lewis (CA)
Badham	Fazio	Lewis (FL)
Barnard	Feighan	Lipinski
Barnes	Fiedler	Livingston
Bartlett	Fields	Lloyd
Bateman	Fish	Loeffler
Bates	Flippo	Long (LA)
Bedell	Florio	Lott
Beilenson	Foglietta	Lowery (CA)
Bennett	Ford (TN)	Lowry (WA)
Bereuter	Fowler	Lujan
Bevill	Franklin	Lundine
Biaggi	Frenzel	Lungren
Bilirakis	Frost	Mack
Blliey	Garcia	MacKay
Boehlert	Gaydos	Madigan
Boggs	Gekas	Marlenee
Boland	Gephardt	Marriott
Bonker	Gibbons	Martin (NC)
Borski	Gilman	Martin (NY)
Bosco	Gingrich	Martinez
Boucher	Glickman	Matsui
Boxer	Gonzalez	Mavroules
Britt	Goodling	Mazzoli
Brooks	Gore	McCain
Broomfield	Gradison	McCandless
Brown (CO)	Gray	McCloskey
Broyhill	Gregg	McCollum
Bryant	Guarini	McCurdy
Burton (IN)	Hall (IN)	McDade
Byron	Hall (OH)	McEwen
Campbell	Hall, Ralph	McHugh
Carney	Hall, Sam	McKernan
Carper	Hammerschmidt	McNulty
Carr	Hance	Mica
Chandler	Hansen (ID)	Michel
Chappell	Hansen (UT)	Miller (OH)
Chappie	Harkin	Mineta
Clarke	Hartnett	Minish
Clay	Hatcher	Mitchell
Clinger	Hawkins	Molinari
Coats	Hayes	Mollohan
Coelho	Hefner	Montgomery
Coleman (MO)	Hertel	Moody
Coleman (TX)	Hightower	Moore
Collins	Hiler	Morrison (WA)
Conable	Hillis	Mrazek
Conte	Holt	Murphy
Conyers	Hopkins	Murtha
Corcoran	Horton	Myers
Coughlin	Howard	Natcher
Craig	Hubbard	Neal
Crane, Daniel	Huckaby	Nelson
Crane, Philip	Hughes	Nichols
Crockett	Hunter	Nielson
D'Amours	Hutto	Nowak
Daniel	Hyde	Oberstar
Dannemeyer	Ireland	Olin
Darden	Jacobs	Ortiz
Daschle	Jeffords	Owens
Daub	Jenkins	Oxley
Davis	Johnson	Packard
de la Garza	Jones (NC)	Panetta
Dellums	Jones (OK)	Parris
Derrick	Jones (TN)	Pashayan
Dickinson	Kaptur	Patman
Dicks	Kasich	Patterson
Dixon	Kastenmeier	Pease
Dorgan	Kazen	Penny
Dowdy	Kemp	Petri
Downey	Kennelly	Pickle
Dreier	Kildee	Porter
Duncan	Kindness	Price
Durbin	Kogovsek	Pursell
Dwyer	Kolter	Quillen
Dymally	Kostmayer	Rahall
Dyson	Kramer	Rangel
Early	LaFalce	Ratchford
Eckart	Lagomarsino	Ray
Regula	Sikorski	Torricelli
Reid	Siljander	Towns
Richardson	Sisisky	Traxler
Ridge	Skeen	Udall
Rinaldo	Skelton	Valentine
Ritter	Slattery	Vander Jagt
Roberts	Smith (FL)	Vandergriff
Robinson	Smith (IA)	Volkmer
Rodino	Smith (NE)	Vucanovich
Roe	Smith (NJ)	Walker
Roemer	Smith, Denny	Watkins
Rogers	Smith, Robert	Weber
Rose	Snowe	Wheat
Rostenkowski	Snyder	Whitley
Roth	Solomon	Whittaker
Roukema	Spence	Whitten
Rowland	Spratt	Williams (MT)
Roybal	St Germain	Wilson
Rudd	Staggers	Winn
Russo	Stangeland	Wirth
Savage	Stark	Wolpe
Sawyer	Stenholm	Wortley
Schaefer	Stump	Wright
Scheuer	Sundquist	Wyden
Schroeder	Swift	Yates
Schulze	Tallon	Yatron
Schumer	Tauke	Young (AK)
Seiberling	Tauzin	Young (FL)
Sensenbrenner	Taylor	Young (MO)
Shaw	Thomas (CA)	Zschau
Shumway	Thomas (GA)	
Shuster	Torres	

NOT VOTING—22

Alexander	Fuqua	Shannon
Anthony	Gramm	Shelby
Bethune	Lehman (CA)	Simon
Boner	Lehman (FL)	Studds
Breaux	Markey	Williams (OH)
Cheney	McGrath	Wylie
Courter	Moorhead	
Ferraro	Morrison (CT)	

□ 1540

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5290, just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5959, the Safe Drinking Water Act Amendments of 1984, which was adopted by the House yesterday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. ANTHONY. Mr. Speaker, I missed rollcall No. 401. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. FUQUA. Mr. Speaker, on rollcall No. 401 I was unavoidably absent. Had I been present, I would have voted "no."

PERMISSION TO LIST CERTAIN MEMBERS AS COSPONSORS OF H.R. 4103, CABLE FRANCHISE POLICY AND COMMUNICATIONS ACT OF 1984

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. PACKARD], the gentleman from Washington [Mr. BONKER], and the gentleman from Kansas [Mr. ROBERTS] be listed in the RECORD as consponsors of H.R. 4103, the Cable Franchise Policy and Communications Act of 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5899, DISTRICT OF COLUMBIA APPROPRIATION BILL, 1985

Mr. DIXON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5899), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and, without objection, appoints the following conferees: Messrs. DIXON, NATCHER, STOKES, WILSON, LEHMAN of Florida, SABO, WHITTEN, COUGHLIN, GREEN, ROGERS, and CONTE.

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5899, DISTRICT OF COLUMBIA APPROPRIATION BILL, 1985

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight Friday, September 21, 1984, to file a conference report on the bill (H.R. 5899) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes.

The SPEAKER pro temore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER ON TUESDAY, SEPTEMBER 25, 1984, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT ON H.R. 5899, DISTRICT OF COLUMBIA APPROPRIATION BILL, 1985

Mr. DIXON. Mr. Speaker, I ask unanimous consent that it shall be in order, the provisions of section 303(a) of Public Law 93-344 and clause 2 of rule 28 to the contrary notwithstanding, to consider the conference report and amendments in disagreement on H.R. 5899, on Tuesday, September 25, 1984, or any day thereafter, and that said conference report and amendments in disagreement be considered as having been read when called up for consideration.

The SPEAKER pro temore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON S. 2603, OLDER AMERICANS ACT AMENDMENTS OF 1984

Mr. HAWKINS submitted the following conference report and statement on the Senate bill (S. 2603) to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965:

CONFERENCE REPORT (H. REPT. No. 98-1037)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2603) to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Older Americans Act Amendments of 1984".

TITLE I—OBJECTIVES AND DEFINITIONS

AMENDMENT TO HEADING

SEC. 101. The heading for title I of the Older Americans Act of 1965 (hereafter in this Act referred to as "the Act") (42 U.S.C. 3001 et seq.) is amended by striking out the colon and inserting in lieu thereof a semicolon.

COMMUNITY-BASED, LONG-TERM CARE SERVICES

SEC. 102. (a) Section 101(4) of the Act (42 U.S.C. 3001(4)) is amended by inserting before the period the following: ", and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes".

(b) Section 101(8) of the Act (42 U.S.C. 3001(8)) is amended by inserting before the period a comma and "with emphasis on maintaining a continuum of care for the vulnerable elderly".

(c) Section 101(10) of the Act (42 U.S.C. 3001(10)) is amended by inserting before the period the following: "and full participation in the planning and operation of community-based services and programs provided for their benefit".

TITLE II—AMENDMENTS REGARDING THE ADMINISTRATION ON AGING

ADMINISTRATION ON AGING

SEC. 201. Section 201(a) of the Act (42 U.S.C. 3011(a)) is amended—

(1) by striking out "principal" in the second sentence,

(2) by striking out "his functions" in the second sentence and inserting in lieu thereof "the functions of the Administration",

(3) by inserting after the second sentence the following: "There shall be a direct reporting relationship between the Commissioner and the Office of the Secretary.", and

(4) by inserting "or require" after "approve" in the last sentence.

FUNCTIONS OF ADMINISTRATION ON AGING

SEC. 202. (a) Section 202(a) of the Act (42 U.S.C. 3012(a)) is amended—

(1) in clause (5) by striking out "of and carry out" and inserting in lieu thereof "and implementation of",

(2) in clause (9) by inserting after the word "aging" a comma and "including existing legislative protections with particular emphasis on the application of the Age Discrimination in Employment Act of 1967",

(3) in clause (16) by striking out "and" the last time it appears,

(4) in clause (17) by striking out the period and inserting in lieu thereof "; and", and

(5) by adding at the end thereof the following new clause:

"(18) consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies in providing services to older individuals with the greatest economic or social needs.".

(b) Section 202(b)(1) of the Act (42 U.S.C. 3012(b)(1)) is amended by inserting before the semicolon "and with utilization and quality control peer review organizations under title XI of the Social Security Act".

(c) Section 202(c) of the Act (42 U.SC. 3012(c)) is amended by striking out "his duties and functions" and inserting in lieu thereof "the duties and functions of the Administration".

FEDERAL AGENCY CONSULTATION

SEC. 203. (a) Section 203(b)(1) of the Act (42 U.S.C. 3013(b)(1)) is amended to read as follows:

"(1) the Job Training Partnership Act,".

(b) Section 203(b)(3) of the Act (42 U.S.C. 3013(b)(3)) is amended by striking out "XVIII, XIX, and XX" and inserting in lieu thereof "XVI, XVIII, XIX, and XX".

(c) Section 203(b)(8) of the Act (42 U.S.C. 3013(b)(8)) is amended—

(1) by striking out "the community schools program under the Elementary and Secondary Education Act of 1965,", and

(2) by striking out "1965, and" and inserting in lieu thereof "1965 and".

(d) Section 203(b)(9) of the Act (42 U.S.C. 3013(b)(9)) is amended by striking out "5,".

(e) Section 203(b) of the Act (42 U.S.C. 3013(b)) is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof a comma; and

(3) by adding at the end thereof the following:

"(10) the Public Health Service Act,

"(11) the Low-Income Home Energy Assistance Act of 1981,

"(12) part A of the Energy Conservation in Existing Buildings Act of 1976, relating to weatherization assistance for low income persons,

"(13) the Community Services Block Grant Act, and

"(14) demographic statistics and analysis programs conducted by the Bureau of the Census under title 13, United States Code.".

FEDERAL COUNCIL ON THE AGING

SEC. 204. (a) Section 204(a) of the Act (42 U.S.C. 3015(a)) is amended to read as follows:

"(a)(1) There is established a Federal Council on the Aging to be composed of 15 members. Members shall serve for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed by each appointing authority so as to be representative of rural and urban older individuals, national organizations with an interest in aging, business, labor, minorities, and the general public. At least two of the members appointed by each appointing authority shall be older individuals. No full-time officer or employee of the Federal Government may be appointed as a member of the Council.

"(2) Members appointed to the Federal Council on the Aging established by this section prior to the date of enactment of the Older Americans Act Amendments of 1984 who are serving on such date, shall continue to serve on the Federal Council established by paragraph (1) of this subsection until members are appointed in accordance with subsection (b)(1).".

(b) Section 204(b)(1) of the Act (42 U.S.C. 3015(b)(1)) is amended to read as follows:

"(1)(A) The members appointed in 1985 shall be referred to as class 1 members; the members appointed in 1986 shall be referred to as class 2 members; and the members appointed in 1987 shall be referred to as class 3 members.

"(B)(i) Members of each class shall be appointed in the manner prescribed by this subparagraph.

"(ii) Of the members of class 1, two shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and one by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

"(iii) Of the members of class 2, two shall be appointed by the President, one by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

"(iv) Of the members of class 3, one shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.".

(c)(1) Section 204(b)(2) of the Act (42 U.S.C. 3015(b)(2)) is amended by striking out "his" and inserting in lieu thereof "such member's".

(2) Section 204(c) of the Act (42 U.S.C. 3015(c)) is amended by striking out "Chair-

man" each place it appears and inserting in lieu thereof "Chairperson".

(3) Section 204(d) of the Act (42 U.S.C. 3015(d)) is amended by striking out clause (2) and by redesignating clauses (3), (4), (5), and (6) as clauses (2), (3), (4), and (5), respectively.

(4) Section 204(e) of the Act (42 U.S.C. 3015(e)) is amended by striking out "Chairman" and inserting in lieu thereof "Chairperson".

(d) Section 204(g) of the Act (42 U.S.C. 3015(g)) is amended—

(1) by striking out $200,000" and all that follows through "1983, and", and

(2) by inserting before the period at the end thereof the following: "and $200,000 for each of the fiscal years 1985, 1986, and 1987".

ISSUANCE OF REGULATIONS

SEC. 205. (a) Section 205(b) of the Act (42 U.S.C. 3016(b)) is amended by striking out "his funtions" and inserting in lieu thereof "the functions of the Administration".

(b) Section 205 of the Act (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (c) as subsection (d), and

(2) by inserting after subsection (b) the following new subsection:

"(c) Not later that 120 days after the date of the enactment of the Older Americans Act Amendments of 1984, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act. After allowing a reasonable period for public comment on such proposed rules and not later than 90 days after such publication, the Secretary shall issue, in final form, regulations for the administration of this Act.".

EVALUATION

SEC. 206. (a) The first sentence of section 206(b) of the Act (42 U.S.C. 3017(b)) is amended to read as follows: "The Secretary may not make grants or contracts under title IV of this Act until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title.".

(b) Section 206(c) of the Act (42 U.S.C. 3017(c)) is amended by adding at the end thereof the following: "In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals.'.

(c) Section 206(d) of the Act (42 U.S.C. 3017(d)) is amended—

(1) by inserting after "effectiveness" a comma and the following: "including, as appropriate, health and nutrition education demonstration projects conducted under section 307(f)", and

(2) by inserting after "Congress" a comma and the following: "be disseminated to Federal, State, and local agencies and private organizations with an interest in aging,".

(d) The first sentence of section 206(g) of the Act (42 U.S.C. 3017(g)) is amended—

(1) by striking "1 per centum" and inserting in lieu thereof "one-tenth of 1 percent",

(2) by inserting after "Act" the following: "for each fiscal year", and

(3) by striking out "$1,000,000 whichever is greater" and inserting in lieu thereof "$300,000 whichever is lower".

REPORTS

SEC. 207. (a) Section 207 of the Act (42 U.S.C. 3018) is amended by striking out "for transmittal" and inserting in lieu thereof "and".

(b) Section 207 of the Act is amended by inserting "(a)" after the section designation, and adding at the end thereof the following new subsection:

"(b) Not later than 2 years after enactment of the Older American Act Amendments of 1984, the Commissioner shall prepare and submit a report to the Congress on the extent to which the need for services for the prevention of the abuse of individuals is unmet, based on information gathered pursuant to section 306(a)(6)(J).".

REDUCTION OF PAPERWORK

SEC. 208. Section 311 of the Act (42 U.S.C. 3020b) is amended by inserting before the period at the end thereof the following: "and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available".

TITLE III—GRANTS FOR PROGRAMS ON AGING

GENERAL PROVISIONS

SEC. 301. The matter preceding clause (1) of section 301(a) of the Act (42 U.S.C. 3021(a)) is amended—

(1) by striking out "local agencies" and inserting in lieu thereof "area agencies" each time it appears,

(2) by inserting after "development" the following: "and implementation",

(3) by adding after "providers" a comma and "including voluntary organizations,", and

(4) by striking "for the provision of" after the word "planning".

DEFINITIONS

SEC. 302. Section 302 of the Act (42 U.S.C. 3022) is amended—

(1) in paragraph (2)(B)—

(A) by inserting after "employs" a comma and the following: "where feasible,", and

(B) by inserting after "staff" the following: "to assess the needs and capacities of older individuals,",

(2) in paragraph (4) by striking out "legal services" and inserting in lieu thereof "legal assistance",

(3) in paragraph (6) by striking out "and the Northern Mariana Islands" and inserting in lieu thereof ", and the Commonwealth of the Northern Mariana Islands", and

(4) by adding at the end thereof the following new paragraphs:

"(10) The term 'older individual' means any individual who is 60 years of age or older.

"(11) The term 'multipurposes senior center' means a community facility for the organization and provision of a broad spectrum of services, which shall include, but not be limited to, provision of health, social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

"(12) The term 'focal point' means a facility established to encourage the maximum collocation and coordination of services for older individuals.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. (a) Section 303(a) of the Act (42 U.S.C. 3023(a)) is amended—

(1) by striking out "$300,000,000" and all that follows through "1983, and", and

(2) by inserting after "1984," the following: "$325,700,000 for fiscal year 1985, $343,600,000 for fiscal year 1986, and $361,500,000 for fiscal year 1987,".

(b) Section 303(b) of the Act (42 U.S.C. 3023(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "$350,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$360,800,000 for fiscal year 1985, $376,500,000 for fiscal year 1986, and $395,000,000 for fiscal year 1987,", and

(2) in paragraph (2)—

(A) by striking out "$80,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$69,100,000 for fiscal year 1985, $72,000,000 for fiscal year 1986, and $75,600,000 for fiscal year 1987,".

(c) Section 303(c)(2) of the Act is amended by striking out "legal services" and inserting in lieu thereof "legal assistance".

TECHNICAL AMENDMENTS

SEC. 304. (a) Section 304(a) of the Act (42 U.S.C. 3024(a)) is amended—

(1) by striking out "From" in paragraph (1) and by inserting in lieu thereof "Subject to paragraph (2), from",

(2) by striking out "under parts B and C" in paragraph (1) and inserting in lieu thereof "under section 303",

(3) in paragraph (1) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Island",

(4) by striking out "(C)" and inserting in lieu thereof "and (C)",

(5) by striking out "; and (D) no State shall be allotted an amount less than the State received for fiscal year 1978" in paragraph (1),

(6) in paragraph (2) by striking out "him" and inserting in lieu thereof "the Commissioner",

(7) by redesignating paragraph (2) as paragraph (3), and

(8) by inserting after paragraph (1) the following:

"(2) No State shall be allotted less than the total amount allotted to the State under paragraph (1) of this subsection and section 308 for fiscal year 1984.".

(b) Section 304(b) of the Act (42 U.S.C. 3024(b)) is amended by striking out "he" each place it appears and inserting in lieu "the Commissioner".

(c) Section 304(c) of the Act (42 U.S.C. 3024(c)) is amended—

(1) by striking out "subsection (d)(1)(B)" and inserting in lieu thereof "subsection (d)(1)(D)", and

(2) by striking out "for in-kind resources" and inserting in lieu thereof "or in-kind resources".

(d) Section 304(d)(1) of the Act (42 U.S.C. 3024(d)(1)) is amended—

(1) by inserting in the matter preceding clause (A) after "allotment" a comma and the following: "after the application of section 308(b)",

(2) by striking out "and" at the end of clause (B),

(3) by redesignating clause (C) as clause (d), and

(4) by inserting after clause (B), the following new clause:

"(C) after September 30, 1986, such amount as the State agency determines to be adequate, out not more than 1 percent, for conducting effective demonstration projects in health and nutrition education under section 307(f) shall be available for conducting such projects; and".

ORGANIZATION

SEC. 305. (a)(1) Section 305(a)(1)(E) of the Act (42 U.S.C. 3025(a)(1)(E)) is amended by striking out "(b)(5)" and inserting in lieu thereof "(b)(5)(A)".

(2) Section 305(a)(2)(E) of the Act (42 U.S.C. 3025(a)(2)(E)) is amended by insert-

ing ", with particular attention to low-income minority individuals," after "social needs".

(b)(1) Section 305(b)(3) of the Act (42 U.S.C. 3025(b)(3)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

(2) Section 305(b)(5) of the Act (42 U.S.C. 3025(b)(5)) is amended by inserting "(A)" after the paragraph designation, and by adding at the end thereof the following new subparagraph:

"(B) Whenever a State agency designates a new area agency on aging after the date of enactment of the Older Americans Act Amendments of 1984, the State agency shall give the right of first refusal to a unit of general purpose local government if (i) such unit can meet the requirements of subsection (c), and (ii) the boundaries of such a unit and the boundaries of the area are reasonable contiguous.".

(c) Section 305 of the Act (42 U.S.C. 3025) is amended by adding at the end thereof the following new subsection:

"(d)(1) The publication for review and comment required by clause (2)(C) of subsection (a) shall include—

"(A) a descriptive statement of the formula's assumptions and goals, and the application of the definitions of greatest economic or social need,

"(B) a numerical statement of the actual funding formula to be used,

"(C) a listing of the population, economic, and social data to be used for each planning and service area in the State, and

"(D) a demonstration of the allocation of funds, pursuant to the funding formula, to each planning and service area in the State.

"(2) For purposes of clause (2)(E) of subsection (a) and paragraph (1) of this subsection, the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census, and the term 'greatest social need' means the need caused by noneconomic factors which included physical and mental disabilities, language barriers, and cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens his or her capacity to live independently.".

AREA PLANS

SEC. 306. (a) Section 306(a) of the Act (42 U.S.C. 3026(a)) is amended—

(1) in clause (1) by inserting after "area", the third time it appears, "and the efforts of voluntary organizations in the community",

(2) in clause (2)—

(A) by inserting "each of the following categories of services" after "the delivery of" in the matter preceding subclause (A),

(B) by striking out "and" the last time it appears in the parenthetical phrase in subclause (B), and by inserting after "maintenance" a comma and the following: "and supportive services for families of elderly victims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type",

(C) by amending subclause (C) to read as follows:

"(C) legal assistance;", and

(D) by striking out "and that some funds" and all that follows through "services", and inserting in lieu thereof "and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded",

(3) in clause (3) by striking out "to encourage the maximum collocation and coordination of services for older individuals, and give" and inserting in lieu thereof a comma and the following: "giving",

(4) in clause (5)(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(5) in clause (6)—

(A) by striking out subclause (F),

(B) in subclause (G) by inserting "(including minority individuals)" after "individuals" the first place it appears,

(C) in subclause (I) by striking out the period at the end thereof and inserting in lieu thereof a semicolon,

(D) by redesignating subclauses (G), (H), and (I) as subclauses (F), (G), and (H), respectively, and

(E) by adding at the end thereof the following:

"(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to emphasize the development of client-centered case management systems as a component of such services;

"(J) identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals, and based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet; and

"(K) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities.

For purposes of clause (5)(A), the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

(b) Section 306(b) of the Act (42 U.S.C. 3026(b)) is amended—

(1) by inserting "(1)" after the subsection designation, and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Before an area agency on aging requests a waiver under paragraph (1) of this subsection, the area agency on aging shall conduct a timely public hearing in accordance with the provisions of this paragraph. The area agency on aging requesting a waiver shall notify all interested parties in the area of the public hearing and furnish the interested parties with an opportunity to testify.

"(B) The area agency on aging shall prepare a record of the public hearing conducted pursuant to subparagraph (A) and shall furnish the record of the public hearing with the request for a waiver made to the State under paragraph (1).".

STATE PLANS

SEC. 307. (a) Section 307(a) of the Act (42 U.S.C. 3027(a)) is amended—

(1) in clause (3)(A) by striking out "legal services" and inserting in lieu thereof "legal assistance",

(2) in clause (10)—

(A) by striking out ", including nutrition services," and inserting in lieu thereof "or nutrition services,", and

(B) by inserting before the semicolon a comma and "or where such services are directly related to such State or area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging",

(3) in clause (12)—

(A) by striking out "which is not" the first place it appears in subclause (A) and inserting in lieu thereof ", other than an agency or organization which is",

(B) by striking out "not" the second place it appears in subclause (A),

(C) by striking out "will—" in subclause (A) and inserting in lieu thereof "provides an individual who will, on a full-time basis—",

(D) by inserting "staff and" after "training" in subclause (A)(iv),

(E) in subclause (C) by striking out "and" at the end thereof,

(F) in subclause (D)(ii) by inserting "and" after the semicolon at the end thereof, and

(G) by adding at the end thereof the following new subclause:

"(E) in planning and operating the ombudsman program, consider the views of area agencies on aging, older individuals, and provider agencies;",

(4) in clause (13)—

(A) by striking out "subparagraph (H)" in subclause (B) and inserting in lieu thereof "subclause (H)",

(B) by striking out charge participating individuals" in subclause (C)(i), and inserting in lieu thereof "solicit voluntary contributions", and

(C) by striking out "charges" in subclause (C)(ii) and inserting in lieu thereof "voluntary contributions",

(5) in clause (15) by striking out "legal services" each place it appears and inserting in lieu thereof "legal assistance",

(6) by amending clause (15)(B) to read as follows:

"(B) the plan contains assurance that no legal assistance will be furnished unless the grantee administers a program assigned to provide legal assistance to older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this title on individuals with the greatest such need; and the area agency makes a finding, after assessment, pursuant to standards for service promulgated by the Commissioner, that any grantee selected is the entity best able to provide the particular services;",

(7) in clause (17)(B)(ii) by striking out the period at the end of such section and inserting in lieu thereof a semicolon and "and",

(8) in clause (18) by striking out "Northern Mariana Islands" and inserting in lieu thereof "commonwealth of the Northern Mariana Islands",

(9) by redesignating clauses (16), (17), and (18) as clauses (19), (20), and (21), respectively, and

(10) by inserting after clause (15) the following new clauses:

"(16) provide that whenever the State desires to provide for services for the prevention of abuse of older individuals—

"(A) the plan contains assurances that any area agency on aging carrying out such services will conduct a program consistent

with relevant State law and coordinated with existing State adult protective service activities for—

"(i) public education to identify and prevent abuse of older individuals;

"(ii) receipt of reports of abuse of older individuals;

"(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and

"(iv) referral of complaints to law enforcement or public protective service agencies where appropriate;

"(B) the State will not permit involuntary or coerced participation in the program of services described in this clause by alleged victims, abusers, or their households; and

"(C) all information gathered in the course of receiving reports and making referrals shall remain confidential unless all parties to the complaint consent in writing to the release of such information, except that such information may be released to a law enforcement or public protective service agency;

"(17) provide assurances that each State will provide inservice training opportunities for personnel of agencies and programs funded under this Act;

"(18) provide asssurances that each State will assign personnel to provide State leadership in developing legal assistance programs for older individuals throughout the State;".

(b) Section 307 (b)(1) of the Act (42 U.S.C. 3077(b)(1)) is amended by striking out "be" and inserting in lieu thereof "the Commissioner".

(c) Section 307(d) of the Act (42 U.S.C. 3027(d)) is amended—

(1) by striking out "his" and inserting in lieu thereof "the Commissioner's",

(2) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner", and

(3) by striking out "section 307" and inserting in lieu thereof "this section".

(d) Section 307(e) of the Act (42 U.S.C. 3027(e)) is amended—

(1) in paragraph (1)—

(A) by striking out "him" and inserting in lieu thereof "the Commissioner", and

(B) by striking out "he based his action" and inserting in lieu thereof "the Commissioner's action is based", and

(2) in the first sentence of paragraph (2) by striking out "his" and inserting in lieu thereof "the Commissioner's".

(e) Section 307 of the Act (42 U.S.C. 3027) is amended by adding at the end thereof the following new subsection:

"(f)(1) From amounts made available under section 304(d)(1)(C) after September 30, 1986, each State shall provide for the establishment of at least one demonstration project for health and nutrition education to be conducted by one or more area agencies on aging within the State based on the information and materials disseminated under section 704(d)(2).

"(2) Each such project shall—

"(A) be administered by the ara agency for the purpose of improving the health and nutrition of older individuals served by the agency;

"(B) be established and administered in consultation with an appropriate gerontology center;

"(C) be designed to improve the health and nutrition of older individuals through increasing their physical fitness activities and improving the nutritional value of means in their own daily living habits;

"(D) if appropriate, be conducted in conjunction with schools of public health, schools of medicine, public health and social service agencies, private voluntary organizations, or other entities concerned with the health and well-being of older individuals; and

"(E) be evaluated and the evaluation shall be submitted prior to October 1, 1987, together with such interim reports as the Commissioner may reasonably require.".

ADMINISTRATION OF STATE PLANS

SEC. 301. (a) Section 308(a) of the Act (42 U.S.C. 3028(a)) is amended—

(1) in paragraph (1) by striking out "Amounts appropriated under section 303" and inserting in lieu thereof "Amounts available to States under subsection (b)(1)", and

(2) in paragraph (2) by striking out "received by a State under this section" and inserting in lieu thereof "available to a State under subsection (b)(1)".

(b) Section 308(b) of the Act (42 U.S.C. 3028(b)) is amended—

(1) in the first sentence of paragraph (2)(A) by striking out "Any" and inserting in lieu thereof "If the aggregate amount appropriated under section 303 for a fiscal year does not exceed $800,000,000, then any",

(2) in paragraph (5) by striking out "he" and inserting in lieu thereof "the Commissioner",

(3) in paragraph (6)—

(A) by inserting "(A)" after "(6)",

(B) by inserting "and except as provided in subparagraph (B)" after "provisions of this title", and

(C) by adding at the end thereof the following new subparagraph:

"(B) Of the funds received under section 303, a State may elect to transfer under subparagraph (A)—

"(i) not more than 27 percent of the funds appropriated for fiscal year 1985;

"(ii) not more than 29 percent of the funds appropriated for fiscal year 1986; and

"(iii) not more than 30 percent of the funds appropriated for fiscal year 1987.",

(4) by striking out paragraphs (3) and (4), (5) by redesignating paragraphs (2), (5), and (6) as paragraphs (3), (4), and (5), respectively, and

(6) by striking out paragraphs (1) and inserting in lieu thereof the following new paragraphs:

"(1)(A) If for any fiscal year the aggregate amount appropriated under section 303 does not exceed $800,000,000, then—

"(i) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 304 (a) (1) or $300,000; and

"(ii) in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or $75,000;

shall be available to such State to carry out the purposes of this section.

"(2)(A) If for any fiscal year the aggregate amount appropriated under section 303 exceeds $800,000,000, then—

"(i) except as provided in clause (ii), the greater, of 5 percent of the allotment to a State under section 304(a)(1) or $500,000; and

"(ii) in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or $100,000;

shall be available to such State to carry out the purposes of this section.".

TECHNICAL AMENDMENT

SEC. 309. (a) Section 309(a) of the Act (42 U.S.C. 3029(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

(b) Section 309(b)(2) of the Act (42 U.S.C. 3029(b)(2)) is amended by striking out "section 304(d)(1)(B)" and inserting in lieu thereof "section 304(d)(1)(D)".

SURPLUS COMMODITIES; AUTHORIZATION OF APPROPRIATIONS

SEC. 310. (a) Section 311(a)(4) of the Act (42 U.S.C. 3030a(a)(4)) is amended—

(1) by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)", and

(2) by inserting "for All Urban Consumers" after "Consumer Price Index".

(b)(1) Section 311 of the Act (42 U.S.C. 3030a) is amended by redesignating subsection (d)(1) as subsection (c)(1).

(2) Section 311(c)(1) of the Act (42 U.S.C. 3030a(c)(1)), as so redesignated, is amended—

(A) by striking out "$93,200,000" and all that follows through "1983, and",

(B) by inserting "$120,800,000 for fiscal year 1985, $125,900,000 for fiscal year 1986, and $132,000,000 for fiscal year 1987," after "1984,", and

(C) by striking out "1981" and inserting in lieu thereof "1983".

(3) Section 311(c)(1) of the Act (42 U.S.C. 3030a(c)(1)), as so redesignated, is amended by inserting "(A)" after "(1)" and by adding at the end thereof the following new subparagraph:

"(B) Effective on the first day of the first month beginning after the date of enactment of the Older Americans Act Amendments of 1984, no State may receive reimbursement under the provisions of this section unless the State submits final reimbursement claims for meals within 90 days after the last day of the quarter for which the reimbursement is claimed.".

(4) Section 311(c)(2) of the Act (42 U.S.C. 3030a(c)(2)), as so redesignated, is amended by striking out "appropriation" and inserting in lieu thereof "appropriations".

AUDIT

SEC. 311. (a) Section 313 of the Act (42 U.S.C. 3030c) is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) State agencies and area agencies on aging shall not request information or data from providers which is not pertinent to services furnished pursuant to this Act or a payment made for such services.".

SUPPORTIVE SERVICES

SEC. 312. (a) Section 321(a) of the Act (42 U.S.C. 3030d(a)) is amended—

(1) by striking out clause (5) and inserting in lieu thereof the following:

"(5) services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care institutions who are able to return to their communities, including client assessment through case management and integration and coordination of community services such as preinstitution evaluation and screening and home health services, home-

maker services, shopping services, escort services, reader services, and letter writing services, through resource development and management to assist such individuals to live independently in a home environment;",

(2) in clause (6)—

(A) by striking out "legal services" and inserting in lieu thereof "legal assistance", and

(B) by striking out "and financial counseling" and inserting in lieu thereof ", financial counseling, and counseling regarding appropriate health and life insurance coverage",

(3) in clause (8) by striking out "illness" and inserting in lieu thereof "illnesses",

(4) in clause (14) by striking out "or" at the end thereof,

(5) by redesignating clause (15) as clause (19), and

(6) by inserting after clause (14) the following new clauses:

"(15) services for the prevention of abuse of older individuals in accordance with clause (16) of section 307 (a);

"(16) inservice training and State leadership for legal assistance activities;

"(17) health and nutrition education services;

"(18) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services; or".

(b) Section 321(b) of the Act (42 U.S.C. 3030d(b)) is amended—

(1) in paragraph (1) by striking out all that follows "centers" and inserting in lieu thereof a period, and

(2) in paragraph (2)—

(A) by striking out "used," and inserting in lieu thereof "used", and

(B) by striking out "centers, to meet" and inserting in lieu thereof "centers and meeting".

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROGRAMS RELATED TO AGING

GENERAL PURPOSE AND ADMINISTRATION

SEC. 401. Title IV of the Act (42 U.S.C. 3031–3037a) is amended by inserting after the title designation the following new section:

"STATEMENT OF PURPOSE

"SEC. 401. It is the purpose of this title to expand the Nation's knowledge and understanding of aging and the aging process, to design and test innovative ideas in programs and services for older individuals, and to help meet the needs for trained personnel in the field of aging through—

"(1) placing priority on the education and training of personnel to work with and on behalf of older individuals;

"(2) research and development of effective practices in the field of aging;

"(3) demonstration projects directly related to the field of aging; and

"(4) dissemination of information on aging and the aging process acquired through such programs to public and private organizations or programs for older individuals.

"ADMINISTRATION

"SEC. 402. (a) In order to carry out the provisions of this title effectively, the Commissioner shall administer this title through the Administration on Aging.

"(b) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the Department of Education, the National Institutes of Health, and such other agencies and departments of the Federal Government as may be appropriate.".

EDUCATION AND TRAINING

SEC. 402. Title IV of the Act (42 U.S.C. 3031–3037a) is amended by inserting after the heading for part A the following new section:

"PURPOSE

"SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

"(1) identifying both short- and long-range manpower needs in the field of aging;

"(2) providing a broad range of educational and training opportunities to meet those needs;

"(3) attracting a greater number of qualified personnel into the field of aging;

"(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

"(5) establishing and supporting multidisciplinary centers of gerontology and providing special emphasis that will improve, enhance, and expand existing training programs.".

AUTHORITY FOR GRANTS AND CONTRACTS

SEC. 403. Section 411 of the Act (42 U.S.C. 3031) is amended to read as follows:

"GRANTS AND CONTRACTS

"SEC. 411. (a) The Commissioner shall make grants and enter into contracts to achieve the purpose of this part. The purposes for which such grants and contracts shall be made include the following:

"(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health care, supportive services, housing, and long-term care, including the expansion and enhancement of existing inservice education and training programs.

"(2) To provide inservice training opportunities to the personnel of State offices, area agencies, senior centers, and nutrition programs to strengthen their capacity to remain responsive to the needs of older individuals.

"(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other public and nonprofit private organizations and agencies.

"(b) To achieve the purpose of this title, the Administration on Aging shall conduct both—

"(1) long-term educational activities to prepare personnel for careers in the field of aging; and

"(2) short-term inservice training and continuing education activities for State and area agency personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

"(c) In making grants and contracts under this part, the Commissioner shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing custodial and skilled care for older individuals who suffer from Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type and providing family respite services with respect to such individuals.

"(d) In making grants or contracts under this part, the Commissioner shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such training activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.".

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 404. Section 412 of the Act (42 U.S.C. 3032) is amended—

(1) by inserting "(a)" after "SEC. 412.",

(2) in subsection (a), as so redesignated—

(A) by inserting "(including emphasis on nutrition, employment, health, income maintenance and supportive services)" before the period at the end thereof, and

(B) by adding at the end thereof the following:

"Such centers shall conduct research and policy analysis and function as a technical resource for the Commissioner, policymakers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

"(1) recruit and train personnel;

"(2) conduct basic and applied research directed toward the development of information related to aging;

"(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

"(4) help to develop training programs in the field of aging at schools of public health, education, and other appropriate schools within colleges and universities;

"(5) serve as a repository of information and knowledge on aging; and

"(6) provide consultation and information to public and voluntary organizations, including State and area agencies, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act.", and

"(3) by adding at the end thereof the following new subsection:

"(b) Centers supported under this section shall provide data to the Commissioner on the projects and activities for which funds are provided under this title. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the purposes of this Act.".

PURPOSE OF PART B

SEC. 405. Title IV of the Act (42 U.S.C. 3031–3037a) is amended by inserting after the heading for part B the following new section:

"PURPOSE

"SEC. 420. The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

"(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

"(2) establish an information base of data and practical experience;

"(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this Act;

"(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

"(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.".

RESEARCH AND DEVELOPMENT PROJECTS

SEC. 406. Section 421 of the Act (42 U.S.C. 3035) is amended—

(1) by inserting "(a)" after "SEC. 421.",

(2) by adding at the end of subsection (a), as so redesignated, the following: "Appropriate provisions for the dissemination of resulting information shall be a requirement for all grants made under this section.", and

(3) by adding at the end thereof the following new subsections:

"(b) Each research and development activity proposal for which funds are requested under subsection (a) shall include a concise policy or practical application statement.

"(c)(1) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) research activities which will, not later than three years after the date of the enactment of the Older Americans Act Amendments of 1984, collectively—

"(A) contribute to the establishment and maintenance of a demographic data base which contains information on the population of older individuals generally and older individuals categorized by age, sex, race, geographical location, and such other factors as the Commissioner deems useful for the purpose of formulating public policy;

"(B) identify the future needs of older individuals;

"(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

"(D) identify the kinds and number of personnel required to carry out such programs.

"(2) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) demonstration projects which test research results and implement innovative ways of satisfying the needs of, and delivering services to, older individuals.".

DEMONSTRATION PROJECTS

SEC. 407. (a) Section 422(a) of the Act (42 U.S.C. 3035a(a)) is amended by striking out "elderly Such" and inserting in lieu thereof "elderly. Such".

(b) Section 422(b) of the Act (42 U.S.C. 3035a(b)) is amended—

(1) by redesignating clauses (1), (2), (3), (4), (5), (6), and (7) as clauses (2), (3), (4), (5), (6), (7), and (8), respectively;

(2) by inserting before clause (2) (as redesignated by this subsection) the following new clause:

"(1) meet the supportive services needs of elderly victims of Alzheimers' disease and other neurological and organic brain disorders of the Alzheimers' type and their families, including—

"(A) home health care for such victims;

"(B) adult day health care for such victims; and

"(C) homemaker aides, transportation, and inhome respite care for the families, particularly spouses, of such victims;"; and

(3) in clauses (2)(D)(i) (as redsignated by this subsection) by striking out "clause (C)" and inserting in lieu thereof "subclause (C)".

(c) Section 422 of the Act (42 U.S.C. 3035a) is amended by adding at the end thereof the following new subsection:

"(d)(1) Whenever appropriate, grants made and contracts entered into under this section shall be developed in consultation with an appropriate gerontology center.

"(2) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of project results.".

LONG-TERM CARE SPECIAL PROJECTS

SEC. 408. Section 423(b)(3) of the Act (42 U.S.C. 3035b(b)(3)) is amended by inserting "(A)" after the paragraph designation and by adding at the end thereof the following subparagraph:

"(B) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of information regarding the development of such services.".

DEMONSTRATION PROJECTS ON LEGAL ASSISTANCE

SEC. 409. Section 424 of the Act (42 U.S.C. 3035c) is amended to read as follows:

"SPECIAL DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS

"SEC. 424. (a) The Commissioner shall make grants and enter into contracts, in order to—

"(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

"(A) case consultations;

"(B) training;

"(C) provision of substantive legal advice and assistance; and

"(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

"(2) support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs.

"(b) Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

"(c) To carry out subsection (a)(1), the Commissioner shall make grants to or enter into contracts with national nonprofit legal assistance organizations experienced in providing support, on a nationwide basis, to local legal assistance providers.".

TECHNICAL AMENDMENTS

SEC. 410. (a) Section 425 of the Act (42 U.S.C. 3035d) is amended by inserting "(a)" after "SEC. 425."

(b) Section 426 of the Act (42 U.S.C. 3035e) is amended by inserting "is" after "business concern".

AUTHORIZATION OF APPROPRIATIONS

SEC. 411. (a) Section 431(a) of the Act (42 U.S.C.3037 (a)) is amended—

(1) by striking out "$23,200,000" and all that follows through "1983, and", and

(2) inserting ", $28,200,000 for fiscal year 1985, $29,800,000 for fiscal year 1986, and $31,400,000 for fiscal year 1987" before the period at the end thereof.

(b) Section 431(b) of the Act (42 U.S.C. 3037(b)) is amended—

(1) in clause (1) by striking out "or" at the end thereof,

(2) in clause (2) by striking out the period and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new clause:

"(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this title are separately identified in such grant or payment and are used for the purposes of this title.".

TECHNICAL AMENDMENT

SEC. 412. Section 432(a) of the Act (42 U.S.C. 3037a(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

RESPONSIBILITIES OF COMMISSIONER

SEC. 413. The Act (42 U.S.C. 3001 et seq.) is amended by inserting after section 432 the following new section:

"RESPONSIBILITIES OF COMMISSIONER

"SEC. 433. (a) The Commissioner shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

"(b) The Commissioner shall prepare and publish annually as part of the report provided for in section 207 a detailed description of all grants, contracts, and activities for which funds are paid under this title. Such report shall include the name of the recipient of each such grant or contract, the amount of funds provided for such grant or contract, and a justification of how the funded activity or project will achieve the purpose of this title.".

TITLE V—COMMUNITY SERVICE EMPLOYMENT

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 501. (a) Section 502(b)(1) of the Act (42 U.S.C. 3056(b)(1)) is amended—

(1) in the third sentence by striking out "he" and inserting in lieu thereof "the Secretary",

(2) in subparagraph (J) by striking out "he" and inserting in lieu thereof "the participant",

(3) in subparagraph (M) by striking out "and" at the end thereof,

(4) in subparagraph (N) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(5) by inserting after paragraph (N) the following new subparagraph:

"(O) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed.".

(b) Section 502(c) of the Act (42 U.S.C. 3056(c)) is amended by adding at the end thereof the following new paragraph:

"(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than—

"(A) 13.5 percent for fiscal year 1986, and

"(B) 12 percent for fiscal year 1987, and thereafter,

shall be available for paying the costs of administration for such project, except that whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based upon information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project.".

ADMINISTRATION

SEC. 502. Section 503(b) of the Act (42 U.S.C. 3056a(b)) is amended to read as follows:

"(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Job Training Partnership Act, the Community Services Block Grant Act, and the Vocational Education Act of 1984. Appropriations under this Act may not be used to carry out any program under the Job Training Partnership Act, the Community Services Block Grant Act, or the Vocational Education Act of 1984.".

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 503. (a) Section 506(a)(3) of the Act (42 U.S.C. 3056d(a)(3)) is amended by inserting "the" after "shall allot to".

(b) Section 506 of the Act (42 U.S.C. 3056d) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall require the State agency for each State receiving funds under this title to report at the beginning of each fiscal year on such State's compliance with subsection (c). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allotted to each such project.".

(c) Section 507(2) of the Act (42 U.S.C. 30562e(2)) is amended by striking out "over" each place it appears and inserting in lieu thereof "older".

AUTHORIZATION OF APPROPRIATIONS

SEC. 504. Section 508(a) of the Act (42 U.S.C. 3056f(a)) is amended—

(1) in paragraph (1) by striking out "$277,100,000" and all that follows through "1984", and inserting in lieu thereof "$319,450,000 for fiscal year 1984, $335,000,000 for fiscal year 1985, $351,400,000 for fiscal year 1986, and $368,300,000 for fiscal year 1987",

(2) in paragraph (2) by striking out "54,202" and inserting in lieu thereof "62,500", and

(3) in the last sentence by striking out "paragraph (2)" and inserting in lieu thereof "clause (2)".

STUDY OF OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

SEC. 505. The Secretary of Labor shall conduct a study to identify additional mechanisms, supplementing the existing program under the Act, to increase community service employment opportunities for eligible individuals. Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Congress a report describing the results of such study and proposing draft legislation which, if enacted by the Congress, would increase such employment opportunities.

TITLE VI—GRANTS FOR INDIAN TRIBES

ELIGIBILITY

SEC. 601. Section 602(a)(1) of the Act (42 U.S.C. 3057a(a)(1)) is amended by striking out "75" and inserting in lieu thereof "60".

TECHNICAL AMENDMENTS

SEC. 602. (a) Section 604(a)(8) of the Act (42 U.S.C. 3057c(a)(8)) is amended by striking out "paragraph" and inserting in lieu thereof "clause".

(b) Section 604(d) of the Act (42 U.S.C. 3057c(d)) is amended—

(1) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner",

(2) in paragraph (1) by striking out "his", and

(3) in paragraph (2) by striking out "his" and inserting in lieu thereof "such".

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) Section 608(a) of the Act (42 U.S.C. 3057g(a)) is amended—

(1) by striking out "$6,500,000" and all that follows through "1983, and", and

(2) by inserting after "1984" the following: ", $7,900,000 for fiscal year 1985, $8,300,000 for fiscal year 1986, and $8,600,000 for fiscal year 1987".

(b) Section 608 of the Act (42 U.S.C. 3057g) is amended by striking out subsection (c).

TITLE VII—PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS FOR OLDER INDIVIDUALS

PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS

SEC. 701. The Act (42 U.S.C. 3001, et seq.) is amended by adding at the end a new title as follows:

"TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Older Americans Personal Health Education and Training Act'.

"FINDINGS

"SEC. 702. The Congress hereby finds that—

"(1) individuals 60 years of age or older constitute the fastest growing segment of the Nation's population;

"(2) the process of aging, as well as the changes in lifestyle which accompany it, such as retirement, the end of parenting roles, and relocation, seem to increase and exacerbate health problems faced by older individuals (such health problems include physical, mental, and emotional health problems);

"(3) many of the health problems faced by individuals 60 years of age or older, such as arteriosclerosis, arthritis, adult-onset diabetes, hypothermia, heat stress, Alzheimer's disease, circulatory problems, hypertension, diminished hearing and eyesight, reduced strength, social isolation, and bone fragility are particularly common to the older American population;

"(4) although older individuals make up only 11 percent of our population, they consume 29 percent of the total health care expenditures and 53.5 percent of Federal health care (non-military) expenditures, and as our population ages the percentage of Federal health care dollars absorbed by older individuals will inevitably increase;

"(5) older individuals consume more prescription and over-the-counter drugs than any other age group and are therefore more likely to be exposed to two or more active drugs which negatively interact;

"(6) many of the health problems faced by older individuals and the fear of those health problems can be ameliorated and in some cases prevented if proper health education and training is available;

"(7) health education and training focused specifically on the needs of older individuals can play an important role in health promotion and illness prevention and simultaneously help reduce medical costs for both individuals and the Government;

"(8) the educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology have much to offer in the design and implementation of health education and training services for older individuals; and

"(9) the existing 3,300 multipurpose senior centers established under this Act which already serve over 9,000,000 older individuals each year, are appropriate points of contact from which health education and training can be provided, but there is currently no uniform, standardized program consistently in place across the Nation.

"PURPOSES

"SEC. 703. The purposes of this title are to provide the necessary resources, leadership, and coordination (1) to design a uniform, standardized program of health education and training for older individuals; (2) to directly involve graduate educational institutions of public health in the design of such program; (3) to directly involve the graduate educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology in the implementation of such program; (4) to implement such program in multipurpose senior centers established under this Act; and (5) to evaluate such program.

"OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SEC. 704. (a) In order to foster and promote the design and implementation of a health education and training program for individuals who are 60 years of age or older, the Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') shall establish an older individuals personal health education and training program within the Administration on Aging.

"(b)(1) In order to carry out the provisions of this title, the Secretary, though the Administration on Aging, shall make grants and enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology in order to achieve the purposes of this title. No payment shall be made by the Secretary toward the cost of any such project established or administered by any such institution unless the Secretary determines that such project—

"(A) will provide for the design and implementation of a local or statewide demonstration health education and training program which is amenable to replication in multipurpose senior centers, as well as other sites convenient to older individuals;

"(B) will provide for consultation with and utilization of multipurpose senior centers established under section 321(b)(1) with regard to the provision of services to meet the specific needs of older individuals;

"(C) will be generally applicable to the health needs of all individuals 60 years of age or older;

"(D) will provide for the development of components appropriate for uniform, standardized use relating to specific problems encountered by older individuals, such as diet, mental health, physical fitness, hypertension, retirement, health insurance, hypothermia, and legal advice concerning rights to live and to receive medical treatment;

"(E) will provide health education in the safe and effective use of prescription and nonprescription medicines;

"(F) will address the motivation of older individuals including consideration of the elements of self-responsibility, physical fit-

ness, stress managment, nutrition, and environmental awareness; and the benefits older individuals can derive from behavioral and lifestyle modifications within their individual control;

"(G) will provide for peer contact and interaction among participating older individuals;

"(H) will provide for the training and utilization of graduate students (including the consideration of the granting of course credit to such students) and faculty in the fields of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology;

"(I) will provide for the training and utilization of older individuals participating in such projects a volunteers;

"(J) will ensure that participating older individuals are made aware of the health services available to them in their communities;

"(K) will be designed in consultation with persons specifically competent in the field of public health;

"(L) with regard to the provision of services, will be designed in consultation with each area agency on aging located in the geographic area to be served by such project with specific attention to State and area agency replication under section 307(f);

"(M) will demonstrate the ability of those who carry out such project to generate multidisciplinary working relationships with other groups in relevant fields, including the medical sciences, mental health, pharmacology, nursing, social work, health education, nutrition, and gerontology;

"(N) will provide for coordination with the State agency designated under section 305(a)(1) and State health officials in the State in which such project is carried out; and

"(O) will implement health education and training activity in at least 10 separate sites.

"(2) The Secretary shall establish, issue, and amend such regulations as may be necessary to effectively carry out this title.

"(c)(1) The Secretary shall pay not to exceed 90 percent of the cost of any project which is the subject of a contract entered into under subsection (b).

"(2) The remaining cost of such project shall be provided from non-Federal sources, in cash or in-kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair-market value to services and facilities contributed from non-Federal sources.

"(3) In considering grant or contract applications under this title, the Secretary shall—

"(A) give priority to grants and contracts smaller than $150,000; and

"(B) to the extent practicable, ensure an equitable geographic distribution in the awarding of such grants or contracts, including an appropriate consideration of both urban and rural needs.

"(d)(1) The Secretary shall prepare and submit to the Congress, not later than October 1, 1985, an interim report describing the projects approved under subsection (b) and a design for the evaluation of such projects.

"(2) Not later than October 1, 1986, the Secretary shall prepare and disseminate, through the Commissioner, to State agencies on aging information and materials relating to projects conducted under this title, including uniform, standardized components of a program of health and nutrition education.

"(3) The Secretary shall prepare and submit to the President and the Congress a final report on the projects approved under subsection (b) not later than February 1, 1987, along with such finding and recommendations as the Secretary deems appropriate.

"ADMINISTRATION

"Sec. 705. (a) In carrying out this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and to cooperate on a similar basis with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(b) Payments under this title may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"(c) Except as provided in section 704(d), the Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the United States.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 706. (a) There are authorized to be appropriated to carry out this title $8,550,000 for fiscal year 1985 and such sums as may be necessary for fiscal years 1986 and 1987.

"(b) Amounts appropriated under this section for any fiscal year shall remain available for obligation until expended.".

TITLE VIII—AMENDMENTS TO OTHER LAWS; EFFECTIVE DATES

RELATED AND CONFORMING AMENDMENTS

Sec. 801. (a) Section 14(c) of the National School Lunch Act (42 U.S.C. 1762a(c)) is amended by striking out "section 311(c)(1) of such Act (42 U.S.C. 3030(c)(1))" and inserting in lieu thereof "section 311(b)(1) of such Act (42 U.S.C. 3030(b)(1))".

(b) Section 501(b) of the Comprehensive Older Americans Act Amendments of 1978 (42 U.S.C. 3045 note) is amended by inserting after the first sentence the following: "Such process shall include evaluation of each bidder's experience in providing services to older individuals.".

AMENDMENTS TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

Sec. 802. (a) Section 11(f) of the Age Discrimination in Employment Act of 1967 is amended by adding at the end thereof the following new sentence: "the term 'employee' includes any individual who is a citizen of the United States employed by an employer in a workplace in a foreign country.".

(b)(1) Section 4(f)(1) of the Age Discrimination in Employment Act of 1967 is amended by inserting before the semicolon a comma and the following: "or where such practices involve an employee in a workplace in a foreign country, and compliance with such subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located".

(2) Section 4 of the Age Discrimination in Employment Act of 1967 is amended by adding at the end thereof the following new subsection:

"(g)(1) If an employer controls a corporation whose place of incorporation is in a foreign country, any practice by such corporation prohibited under this section shall be presumed to be such practice by such employer.

"(2) The prohibitions of this section shall not apply where the employer is a foreign person not controlled by an American employer.

"(3) For the purpose of this subsection the determination of whether an employer controls a corporation shall be based upon the—

"(A) interrelation of operations,

"(B) common management,

"(C) centralized control of labor relations, and

"(D) common ownership or financial control, of the employer and the corporation.".

(c)(1) Section 12(c)(1) of the Age Discrimination Employment Act of 1967 is amended by striking out "$27,000" and inserting in lieu thereof "$44,000".

(2) The amendment made by paragraph (1) of this subsection shall not apply with respect to any individual who retires, or is compelled to retire, before the date of the enactment of this Act.

EFFECTIVE DATES

Sec. 803. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b)(1) The amendment made by section 206(a) shall take effect 60 days after the date of the enactment of this Act.

(2) The amendment made by section 206(d) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(3) The amendment made by section 411(b) shall not apply with respect to any grant or payment made before the date of the enactment of this Act.

(4) The amendment made by section 701 shall take effect on October 1, 1984.

And the House agree to the same.

AUGUSTUS F. HAWKINS,
MARIO BIAGGI,
IKE ANDREWS,
GEO. MILLER,
BALTASAR CORRADA,
PAT WILLIAMS,
MAJOR R. OWENS,
D.E. ECKART,
TOM COLEMAN,
TOM PETRI,
MARGE ROUKEMA,
ROD CHANDLER,
Managers on the Part of the House.

ORRIN G. HATCH,
CHUCK GRASSLEY,
JEREMIAH DENTON,
STROM THURMOND,
EDWARD M. KENNEDY,
TOM EAGLETON,
CLAIBORNE PELL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

TITLE I—DECLARATION OF OBJECTIVES

The House amendment amends Section 101(4) of the Act to include specifically the provision of community-based long-term care as an objective of the Act.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill amends the objective in Section 101(8) of the Act of assisting older individuals secure efficient community services to include emphasis on maintaining a continuum of care for the vulnerable elderly.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The House amendment expands the objectives of the Act to include participation of older individuals in the planning and operation of community-based services.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

TITLE II—ADMINISTRATION ON AGING

ESTABLISHMENT OF ADMINISTRATION ON AGING

The House amendment creates an Office on Aging to be headed by a Commissioner on Aging directly responsible to the Secretary, and makes a series of conforming amendments.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes with an amendment retaining the Administration on Aging, specifying the direct reporting requirement as provided in the House amendment and prohibiting the Secretary from delegating any of the functions of the Commissioner. Since 1978, the Older Americans Act has required a direct reporting relationship between the Secretary and the Commissioner on Aging. This amendment seeks to establish conclusively such a direct relationship. By the term "direct," the Conferees intend that there be no intervening reporting relationship between that of the Commissioner and the Secretary. Further, under the amendment, the Secretary is strictly prohibited from delegating any of the Commissioner's responsibilities to any officer not directly responsible to the Commissioner. The Conferees wish to emphasize that the amendment would not require the establishment of separate personnel, financial management, and budget staff. Rather, the amendment assures that responsibility for federal aging policy is placed in the Administration on Aging and not in the Office of Human Development Services. Departmental support for the Administration on Aging with regard to office space, telephones, computer services, and similar support services would not be affected by the amendment. The Commissioner, however, would not be answerable or have a reporting relationship to any official other than the Secretary.

The amendment is effective as of the date of enactment. This amendment supercedes any other federal statute which may be interpreted as addressing the issue of the reporting relationship.

FUNCTIONS OF COMMISSIONER

The Senate bill amends Section 202(a)(9) of the Act by adding as a duty and function of the Administration on Aging stimulating more effective use of existing legislative protections, with emphasis on application of the ADEA.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The House amendment amends Section 202(a) of the Act to require as an additional function of the AoA consultation with organizations representing minority individuals in providing training and technical assistance to state and area agencies in connection with the greatest economic or social needs.

The Senate bill has no comparable provisions.

Conference agreement: Senate recedes.

The Senate bill amends Section 202(b)(1) of the Act to require the Commissioner to develop planning linkages with peer review organizations established under Title XI of the Social Security Act.

The House amendment has no comparable provision.

Conference agreement: House recedes.

FEDERAL AGENCY CONSULTATION

The Senate bill and the House amendment correct a reference in existing law to the predecessor program of the Job Training Partnership Act. The Senate bill also expands the existing requirement for federal consultation to include Title XVI of the Social Security Act (SSI).

The House amendment has no provision with respect to SSI.

Conference agreement: House recedes.

The House amendment deletes the reference in existing law to federal coordination with the community schools program and deletes a reference to Section V of the Urban Mass Transportation Act.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill expands existing law's requirement for federal aging consultation by including six additional federal programs with purposes related to this Act.

The House amendment has no comparable provision.

Conference agreement: House recedes with an amendment deleting the reference to veterans' programs.

With regard to the conferees agreement to delete coordination with veterans programs, it is done with the understanding that what the Senate provision sought to accomplish is already being undertaken. In the Senate subcommittee hearing on reauthorization of the Older Americans Act, it heard statements from the VA and other interested federal agencies, a variety of interested veterans organizations as well as the scientific community concerned with the problems of the aging. At that time it was the consensus of the subcommittee that all interested parties were agreed that ongoing coordination among and between all federal agencies responsible for implementing programs for the aging would be beneficial. Consequently Section 203(b)(14) was added to the measure to assure the generally desired goal of coordination.

Recognizing that the coordination intended is designed to prevent duplication of efforts by various agencies at considerable expense to the taxpayer and the fact that this coordination is already being undertaken by the VA, the Conferees believe that the need for Section 203(b)(14) has been obviated. In its testimony before the subcommittee on October 20, 1983, the VA outlined its ongoing participation with other agencies at the federal and local level to the extent that information sharing and coordination with these agencies is critically important to the nation's responsibility and desire to effectively address the burgeoning health problems of older Americans. A few of the initiatives currently undertaken by the VA which have generated information being shared with othr agencies concerned with older Americans include, but are not limited to, hospital care, outpatient care, geriatric research, extended care, nursing home care, domiciliary care, non-institutional extended care, education, and a variety of experimental treatment modes to effect health care consistent with the highest possible "quality of life" standards.

FEDERAL COUNCIL ON AGING

The Senate bill amends Section 204 of the Act by altering the requirements for the manner in which members of the Federal Council are to be appointed. The bill replaces the current requirement that all members be appointed by the President with the advice and consent of the Senate and instead requires that a portion of the members be appointed by the President, a portion by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and a portion by the Speaker of the House of Representatives. It specifies that members appointed by each appointing authority be representative of rural and urban older Americans, national organizations with an interest in aging, business, labor, minorities, and the general public, and that at least two of the members appointed by each appointing authority by older individuals. It prohibits a full-time officer or employee of the Federal Government from being appointed as a member of the Council.

The Senate bill also deletes the requirements for the length of appointment for certain members, and instead inserts the schedule for appointment of members by the President, the President pro tempore of the Senate, and the Speaker of the House. It specifies that members appointed in 1985 shall be referred to as class one members, two of whom shall be appointed by the President, two by the President pro tempore of the Senate, and one by the Speaker of the House. It further specifies that members appointed in 1986 shall be referred to as class two members, two of whom shall be appointed by the President, one by the President pro tempore of the Senate, and two by the Speaker of the House. It further specifies that members appointed in 1987 shall be referred to as class three members, one of whom shall be appointed by the President, two by the President pro tempore of the Senate, and two by the Speaker of the House.

The Senate bill also specifies that members appointed to the Federal Council prior to the date of enactment of the Older Americans Act Amendments of 1984 who are serving on the date, shall continue to serve on the Council established by this amendment until members are appointed in accordance with these amendments.

The House amendment has no comparable provision.

Conference agreement: House recedes with an amendment to provide that members of the Council appointed by the President pro tempore of the Senate and the Speaker of the House be made upon the recommendation of the Majority Leader and the Minority Leader.

Throughout the Act, the House amendment deletes the gender references to the Commissioner.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

ADMINISTRATION OF THE ACT

The House amendment adds a new subsection to Section 205 of the Act requiring that the Secretary shall issue regulations administering this Act in a timely fashion.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

EVALUATION

The Senate bill makes technical corrections to Section 206(b) of the Act.

The House amendment rewrites Section 206(b) to require that the Secretary develop and publish general standards for evaluation of projects funded under Title IV of the Act prior to making any awards under Title IV.

Conference agreement: Senate recedes.

The House amendment adds a new requirement with respect to evaluations of

programs under the Act that the Secretary consult with organizations concerned with older individuals, including organizations representing minority individuals.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill requires that the annual evaluation summaries be disseminated to federal, state, and local agencies and private organizations with an interest in aging, in addition to the Congress.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill amends Section 206(g) by reducing the amount of funds the Secretary is authorized to use for program and project evaluations from one percent of the funds appropriated under the Act or $1 million, whichever is greater, to one-tenth of one percent or $300,000, whichever is the lesser amount.

The House amendment reduces the amount of funds the Secretary may use for evaluation purposes to one-fourth of one percent of the funds appropriated under the Act.

Conference agreement: House recedes.

REPORTS

The House amendment amends Section 207 of the Act to require that the annual report of the Commissioner be sent to the Congress and the President simultaneously.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

REDUCTION OF PAPERWORK

The House amendment amends Section 211 of the Act to require the Commissioner to make use of available uniform service definitions in gathering information necessary to administer the Act.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

PURPOSE; ADMINISTRATION

The Senate bill amends Section 301(a) by deleting existing law's references to local agencies and substituting the term "area agencies".

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill amends Section 301(a) to add a reference to the implementation of comprehensive and coordinated service systems.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill adds a reference to voluntary organizations as providers of services.

The House amendment has no comparable provision.

Conference agreement: House recedes.

DEFINITIONS

The Senate bill amends Section 302(2)(B) to modify the requirement in the term "information and referral source" that the state or any public or private agency employ a specifically trained staff where such employment is feasible.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill further modifies Section 302(2)(B) to require that the staff of any state or public or private agency be trained to assess the needs and capacities of older individuals.

The House amendment has no comparable provision.

Conference agreement: House recedes.

Throughout the Act, the Senate bill changes existing law's reference to "legal services" to "legal assistance."

The House amendment has no comparable provision.

Conference agreement: House recedes. In making this change, the Conferees emphasize that there is no substantive modification to the Act, and that the amendment is intended only to eliminate any confusion that may have existed between use of the term "legal services" and Legal Services Corporation projects. Legal Service Corporation grantees would continue to remain eligible to receive funding under the Act.

Throughout the Act, the House amendment makes a technical change in the reference to the Commonwealth of the Northern Mariana Islands.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The House amendment adds a new definition for the term "older individual" as an individual who is 60 years of age or older.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill and the House amendment add a definition for the term "multipurpose senior center", with minor technical differences.

Conference agreement: House recedes.

The Senate bill defines the term "focal point".

The House amendment has no comparable provision.

Conference agreement: House recedes.

AUTHORIZATION OF APPROPRIATIONS

The Senate bill authorizes $265,000,000 for Fiscal Year 1985, $281,695,000 for Fiscal Year 1986, and $298,033,310 for Fiscal year 1987 for Part B supportive services.

The House amendment authorizes $386,300,000 for Fiscal Year 1985, $405,600,000 for Fiscal Year 1986, and $424,900,000 for Fiscal Year 1987 for Part B.

Conference agreement: authorizes $325,700,000 for Fiscal Year 1985, $343,700,000 for Fiscal Year 1986, and $361,500,000 for Fiscal Year 1987.

The Senate bill authorizes $338,000,000 for Fiscal Year 1985, $350,168,000 for Fiscal Year 1986, and $366,976,060 for Fiscal Year 1987 for subpart 1 of Part C, congregate nutrition.

The House amendment authorizes $383,600,000 for Fiscal Year 1985, $402,800,000 for Fiscal Year 1986, and $423,000,000 for Fiscal Year 1987 for congregate nutrition programs.

Conference agreement: authorizes $360,800,000 for Fiscal Year 1985, $376,500,000 for Fiscal Year 1986, $395,000,000 for Fiscal Year 1987.

The Senate bill authorizes $65,900,000 for Fiscal Year 1985, $68,272,400 for Fiscal Year 1986, and $71,549,475 for Fiscal Year 1987 for subpart 2 of Part C, home-delivered nutrition.

The House amendment authorizes $72,300,000 for Fiscal Year 1985, $75,800,000 for Fiscal Year 1986, and $79,600,000 for Fiscal Year 1987 for subpart 2 of Part C.

Conference agreement: authorizes $69,100,000 for Fiscal Year 1985, $72,000,000 for Fiscal Year 1986, and $75,600,000 for Fiscal Year 1987.

ALLOTMENT; FEDERAL SHARE

The Senate bill amends Section 304(d)(1) by specifying that from each state's allotment under Title III, such amount as the state determines adequate, but not more than one percent, is to be available for conducting demonstration projects in health and nutrition education under Section 307(f) as added by Section 11(g).

The House amendment contains a new Title VII to the Act, Older Americans Personal Health Education and Training Program.

Conference agreement: House recedes with an amendment making the effective date of the one percent set-aside September 1, 1986 and requiring that state projects in health and nutrition education be based on information gained under the new Title VII demonstration programs.

ORGANIZATION

The Senate bill adds specific reference to minority individuals in the requirement contained in the Act that state agencies provide assurances that preference will be given to providing services to older individuals with the greatest economic or social needs.

The House amendment contains similar language.

Conference agreement: Senate recedes.

The House amendment provides definitions for the terms "greatest economic need" and "greatest social need."

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes.

The Senate bill specifies components to be published for review and comment with respect to each state's formula for intrastate distribution of Title III funds as required by Section 305(a)(2)(C).

The House amendment contains no comparable provision.

Conference agreement: House recedes.

The Senate bill amends Section 305(b)(5) to require that whenever a state agency designates an area agency after the date of enactment of the 1984 amendments, the state agency shall give the right of first refusal for area agency designation to a unit of general purpose local government when the boundaries of the unit of government and the boundaries of the planning and service area are reasonably contiguous.

The House amendment has no comparable provision.

Conference agreement: House recedes with an amendment specifying that the right of first refusal is applicable only to *new* area agency designations and clarifying that such right of first refusal is given only if the unit of general purpose local government can meet the requirements of existing law with respect to area agency designation.

The Conferees intend in this section to provide a mechanism by which units of general purpose local government can be in a more equitable position to determine the designation of any new area agency on aging which may be created within their boundaries.

The Conferees wish to assert that this provision is not intended in any way to extend this right of first refusal to any mass redesignation of area agencies on aging ordered by a state agency. The term "new" area agency on aging would not include the product of a redesignation of an area agency on aging but rather the establishing of a totally new area agency only.

AREA PLANS

The Senate bill amends Section 306(a)(1) to include reference to the efforts of voluntary organizations under the area agency planning responsibilities.

The House amendment contains no comparable provision.

Conference agreement: House recedes.

The House amendment requires that area plans document their compliance with the mandate that some funds be spent on each of the categories of priority services.

The Senate bill contains no comparable amendment.

Conference agreement: Senate recedes.

The Senate bill includes within the priority category of in-home services reference to supportive services for families of elderly victims of Alzheimer's disease and other neurological diseases and organic brain disorders of the Alzheimer's type.

The House amendment contains no comparable provision.

Conference agreement: House recedes.

The Senate bill creates a new category of priority services for the prevention of elder abuse.

The House amendment contains no comparable provision.

Conference agreement: House recedes with an amendment to delete services for the prevention of abuse of older individuals as a priority service, but retain it as a permissive service under Title III. The House amendment also places a new requirement on the area agencies on aging to assess the need for such services and the extent to which such need is being met within the planning and service area as a part of its plan. The House amendment requires the Commissioner to report to Congress on the extent to which the need for services are unmet within two years after enactment.

The House amendment adds a requirement that minority individuals be included in the advisory council established by the area agency on aging.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The House amendment adds a new requirement that area agencies on aging make efforts to facilitate the coordination of community-based long-term care services. The House amendment makes a further requirement on area agencies to involve long-term care providers in the coordination of such long-term care services.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes with a technical amendment.

The House amendment defines for the purposes of Section 306(5)(A) the terms "greatest economic need" and "greatest social need". As used in this section, social and cultural isolation means isolation within a community resulting directly or indirectly from an individual's ethnic heritage, nationality or race.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill and the House amendment add a requirement that before an area agency request a waiver of the requirement that it spend an adequate proportion of its Part B funds on priority services, it must conduct a public hearing.

Conference agreement: House recedes with an amendment to assure that the public hearing is conducted in a timely manner.

STATE PLANS

The Senate bill clarifies that the exception to the prohibition on direct service provision by state and area agencies does apply where services are directly related to state or area agency administrative functions or where services of comparable quality can be provided more economically by the agency.

The House amendment clarifies that nutrition services are separate from supportive services.

Conference agreement: Adopts both the Senate and House provisions.

The House amendment clarifies that long-term care ombudsmen programs will not be operated by the same agencies responsible for licensing or certifying long-term care services, that training for staff as well as volunteers will be provided, and that the ombudsmen program will be administered by individuals working full time in that capacity.

The Senate bill has no comparable provision.

Conference agreements: Senate recedes with a technical amendment.

The House amendment adds a new subparagraph providing that the views of area agencies on aging, older individuals, and provider agencies be considered in planning and operating ombudsmen programs.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill substitutes for the term "charges" in existing law reference to "soliciting voluntary contributions" for meals.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Conferees in substituting the term "soliciting voluntary contributions" for the word "charges" do so to reaffirm the long standing policy that there shall be no direct or indirect coercion of contributions from program participants. The Conferees note with great concern reports from certain areas of the nation that efforts have been made to apply new procedures aimed at increasing contributions. Any such method which has as its motive transformation of the contribution from voluntary to involuntary is totally violative of the intent of Congress, as reflected in this legislation. The Conferees intend for the appropriate Committees in the House and Senate to conduct regular oversight in this area over the duration of the Older Americans Act Amendments of 1984.

The Senate bill amends the Act to delete current law's separate category for Legal Services Corporation grantees as eligible recipients of Title III funds, to clarify that funds for legal assistance will not be furnished unless the grantee administers a program to provide legal assistance to all older individuals with social or economic need, if the grantee is not a Corporation grantee.

The House amendment has no comparable provision.

Conference agreement: House recedes with an amendment to delete the requirement that the program provide legal assistance to all individuals with social or economic need.

The Senate bill includes a new state plan requirement relating to in-service training opportunities for personnel of agencies and programs under the Act.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill includes a new state plan requirement relating to state leadership in developing legal assistance programs.

The House amendment has no comparable provision.

Conference agreement: House recedes.

PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

The Senate bill deletes requirements contained in Section 308(b)(1) with respect to allotments to states for state planning, coordination, evaluation, and administration of state plans, providing that each state shall be allotted funds on the basis of its population aged 60 or older as compared to all states. It also deletes provisions specifying minimum amounts for each state of no less than one-half of one percent of appropriations or $300,000, whichever is greater, and for territories of no less than one-fourth of one percent of appropriations or $75,000, whichever is greater. Instead, Section 12(a) would provide that from sums appropriated under Section 303 and allotted to each state, an amount not to exceed five percent of the amount appropriated for each such year or $500,000, whichever is greater, shall be available for administration of the State plan. In the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, five percent of the amount appropriated for each such year or $200,000, whichever is greater, shall be available for administration.

The Senate bill also repeals paragraphs (2), (3), and (4) of Section 308(b) which, respectively, contain provisions on requests for additional funds by states for state administration, allotment of funds to states in an amount not less than the amount to which the state was entitled in the fiscal year ending June 30, 1975, and determination of data on the number of individuals 60 or older.

It specifies that the budget submitted under Section 1105 of Title 31, United States Code, for each fiscal year and the Appropriation Act containing appropriations made pursuant to Section 303 for each fiscal year shall separately set forth the amount available to carry out the provisions of paragraph (b)(1). Subsection (a)(3) specifies that the amendment made in section 12(a), paragraphs (1) and (2), relating to the increase in the amount available for state plan administration, shall be effective only for a fiscal year in which the amount available for state plan administration is equal to or exceeds $40 million.

The House amendment makes two technical corrections.

Conference agreement: House recedes with clarifying and technical amendments, and an amendment to reduce the minimum for the territories. The Conferees are concerned that States not be placed in the position of having to use Title III services funds for State Administration as a result of the alterations made in the mechanism for providing funding for State Administration. It is the intention of the Conferees that the Commissioner continue to make available Title IV funds for education, training and legal assistance activities to States whose allocation of Title III funds is not sufficient to hold the State harmless at the level which was available for State Administration from *all* funding sources in fiscal year 1984. The Conferees believe that States should not be required to use their Title III waiver authority in order to maintain support for State Administration.

The House amendment provides that data used in determining the formula be the most recent data of the Bureau of the Census.

The Senate bill has no comparable provisions.

Conference agreement: Senate recedes.

The Senate bill raises the eligible percentage of funds states may transfer between Part B and Part C from 20 percent to 35 percent.

The House amendment raises such eligible percentage of transferable funds from 20 to 25 percent.

Conference agreement: Senate recedes with an amendment establishing allowable transfer authority at 27 percent in Fiscal Year 1985, 29 percent in Fiscal Year 1986, and 30 percent in Fiscal Year 1987.

AVAILABILITY OF SURPLUS COMMODITIES

The Senate bill, for the surplus commodity program, authorizes $119,500,000 for Fiscal Year 1985, $123,802,000 for Fiscal Year 1986, and $129,744,500 for Fiscal Year 1987, and such additional sums as may be necessary for each of these fiscal years to maintain the level of reimbursement for the number of meals served at Fiscal Year 1983 levels.

The House amendment authorizes $121,800,000 for Fiscal Year 1985, $127,900,000 for Fiscal Year 1986, and $134,300,000 for Fiscal Year 1987.

Conference agreement: authorize $120,800,000 for Fiscal Year 1985, $125,900,000 for Fiscal Year 1986, and $132,000,000 for Fiscal Year 1987.

The Senate bill prohibits a state from receiving reimbursement for the surplus commodity program unless the state submits final claims for reimbursement within ninety days after the last day of the quarter for which the reimbursement is claimed.

The House amendment makes a technical correction in existing law.

Conference agreement: Adopts both the Senate and House provisions.

AUDIT

The Senate bill prohibits state and area agencies from requesting data from providers which is not pertinent to a payment made pursuant to the Act.

The House amendment has no comparable provision.

Conference agreement: The House recedes with a clarifying amendment that information or data from providers can be requested when it has a bearing on services provided under the Act.

PART B—SUPPORTIVE SERVICES AND SENIOR CENTERS

The Senate bill amends the existing language with respect to services designed to avoid institutionalization to make specific reference to client assessment through case management.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The House amendment includes counseling regarding health and life insurance coverage among appropriate areas of counseling available under the Act.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The House amendment includes among the eligible services under Title III services to mentally impaired older individuals.

The Senate bill has no comparable provisions.

Conference agreement: Senate recedes.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

The Senate bill amends Title IV of the Act to include a statement of purpose for the title.

The House amendment amends Title IV to provide a statement of purpose for Part A of the title.

Conference agreement: House recedes to the Senate on overall statement of purpose for the Title, and the Senate recedes to the House on the statement of purpose for Part A of the Title.

The Senate bill specifies that the Commissioner shall administer Title IV through the Administration on Aging, and that the Commissioner may request technical assistance and cooperation from other federal agencies and departments.

The House amendment has no comparable provision.

Conference agreement: House recedes.

TRAINING AND RECRUITING PERSONNEL FOR THE FIELD OF AGING

The Senate bill amends Section 411 of the Act to give priority to training activities related to supportive services for families of elderly victims of Alzheimer's disease and related disorders.

The House amendment provides for procedures for grants and contracts under the Title, with special consideration to those working with individuals suffering from Alzheimer's disease and providing family respite services for families caring for victims of Alzheimer's disease.

Conference agreement: The Senate recedes with clarifying amendments.

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

The House amendment identifies areas of emphasis for multi-disciplinary centers of gerontology, clarifies the functions of grantees and requires that relevant data be provided to the Commissioner on activities conducted with funds under the Act.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

PART B—RESEARCH, DEMONSTRATIONS, AND OTHER ACTIVITIES

The House amendment sets forth a statement of purpose for Part B of Title IV.

The Senate amendment contains no comparable provision.

Conference agreement: Senate recedes.

RESEARCH AND DEVELOPMENT PROJECTS

The Senate bill adds a new requirement relating to dissemination of information on research and development projects funded under the title.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The House amendment requires that research and development project proposals include, when appropriate, a concise policy or practice implication statement.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes with a clarifying amendment.

The House amendment requires that, in making funding decisions for research projects, the Commissioner approve projects which will contribute to a data base that will provide information for public policy formulation on future needs for the elderly.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The House amendment requires that, with respect to demonstration projects, the Commissioner funds projects which test research results and implement innovative service delivery to older individuals.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

DEMONSTRATION PROJECTS

The Senate bill requires the Commissioner to give special consideration to demonstration projects to meet the support service needs of elderly victims of Alzheimer's disease and their families including home health, adult day care, homemaker aides, transportation, and in-home respite care for families.

The House amendment has a similar requirement that consideration be given to projects that identify older individuals suffering from Alzheimer's disease and provide family respite services.

Conference agreement: House recedes with a clarifying amendment.

The Senate bill requires that the demonstration projects be developed in consultation with the appropriate long-term care gerontology center.

The House amendment has no comparable provision.

Conference agreement: House recedes with a technical amendment. The conferees intend this new provision to require consultation with the long-term care gerontology centers authorized under Section 412 of the Act.

The Senate bill requires the dissemination of information on research and development projects.

The House amendment has no comparable provision.

Conference agreement: House recedes.

SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE

The Senate bill adds a requirement that long-term care projects under Section 423 include appropriate dissemination provisions.

The House amendment has no comparable provision.

Conference agreement: House recedes.

SPECIAL DEMONSTRATION PROJECTS ON LEGAL ASSISTANCE FOR OLDER AMERICANS

The House amendment clarifies that the Commissioner is to provide legal assistance support activities to state and area agencies and to local legal assistance providers, and to provide demonstration projects on the delivery of legal assistance to older individuals with social or economic need.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes with a clarifying amendment that the Commissioner enter into grants or contracts to provide a legal assistance support system by one or more grantees or contractors.

NATIONAL IMPACT ACTIVITIES

The Senate bill adds a requirement that the Commissioner shall, upon request, provide technical assistance and training for state and area agency personnel regarding the prevention, identification, and treatment of elder abuse.

The House amendment has no comparable provision.

Conference agreement: Senate recedes.

AUTHORIZATION OF APPROPRIATIONS

The Senate bill authorizes $28,500,000 for Fiscal Year 1985, $32,955,000 for Fiscal Year 1986, and $32,052,639 for Fiscal Year 1987 for Title IV.

The House amendment authorizes $27,900,000 for Fiscal Year 1985, $29,300,000 for Fiscal Year 1986, and $30,800,000 for Fiscal Year 1987

Conference agreement: authorize $28,200,000 for Fiscal Year 1985, $29,800,000 for Fiscal Year 1986, and $31,400,000 for Fiscal Year 1987.

The House amendment provides that funds appropriated under Title IV may not be combined with funds appropriated under any other Act to make a single discretionary grant or payment.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes with an amendment which allows combining of such funds if the funds can be separately identified and are used for the purpose of Title IV of the Act.

PAYMENTS OF GRANTS

The House amendment adds a new section to Title IV clarifying the Commissioner's responsibility for grants and contracts under the Title and requiring that the Commissioner's annual report include a detailed account of grants, contracts, and activities funded under Title IV.

The Senate has no comparable provision.

Conference agreement: Senate recedes.

By "detailed" the Conferees intend that the report required shall include the items specified in the new statutory language, as well as a brief abstract of each project or activity funded.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The House amendment deletes the gender reference in Title V to the Secretary and program participants.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

The House amendment adds a new subparagraph (o) to Section 502 of the Act requiring a written notification to persons in Title V projects clarifying allowable political activities.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

ADMINISTRATION

The Senate bill adds a new statutory cap on the percentage of administrative funds which may be used by each project at 12 percent.

The House amendment has no comparable provision.

Conference agreement: House recedes with an amendment placing an administrative cap of 13.5 percent effective July 1, 1986, and 12 percent effective July 1, 1987, with a waiver for administrative allowances of up to 15 percent if approved by the Secretary of Labor.

The Senate bill updates the provision in existing law with respect to the Secretary's authority to coordinate the Title V program with other federal programs by changing the reference to CETA to the Job Training Partnership Act.

Conference agreement: House recedes.

EQUITABLE DISTRIBUTION OF ASSISTANCE

The Senate bill adds a provision that the Secretary of Labor shall require state agencies receiving Title V funds to report on compliance with provisions regarding equitable distribution of Title V funds within each state.

The House amendment has no comparable provision.

Conference agreement: House recedes. It is the intent of the Conferees that in carrying out the provisions addressing equitable distribution of assistance under Title V, that national contractors cooperate with the States in which their projects operate, providing the necessary information to the state units on aging to facilitate preparation of the annual report to the Secretary of Labor. The Conferees intend that, to the extent practicable, locations of Title V projects, funded both by states and national organizations, shall assure equitable access to job opportunities within states. Such access should be facilitated through a coordinated effort by all entities within a state operating Title V-funded programs.

AUTHORIZATION OF APPROPRIATIONS

The Senate bill authorizes $335 million for Fiscal Year 1985, $351 million for Fiscal Year 1986, and $368,282,920 for Fiscal Year 1987.

The House amendment authorizes $331,900,000 for Fiscal Year 1985, $345,500,000 for Fiscal Year 1986, and $359,300,000 for Fiscal Year 1987. The House amendment also provides for such sums as may be necessary to provide for at least 62,500 part-time employment positions.

Conference agreement: House recedes to the Senate on the dollar authorization levels, rounding the figures to the nearest $100 million, and the Senate recedes to the House with respect to the authority to assure at least 62,500 slots.

The House amendment requires that individuals participating in Title V programs who are placed in the programs funded under Title III, IV, or VI of the Act shall be considered as placed in unsubsidized employment.

The Senate bill has no comparable provision.

Conference agreement: House recedes. The managers note with considerable concern the Department of Labor's regulation requiring project sponsors to meet a strict percentage of placement into private sector employment under Title V, and emphasize that the Department has no statutory authority to require any fixed percentage. The managers expect the Secretary of Labor to modify the present regulation to reflect this concern, and further expect that if the Department believes there should be a specific percentage requirement for unsubsidized placement, it will submit legislation for statutory change. The Department, in implementing statutory provisions encouraging transition of Title V workers into unsubsidized employment shall make every effort to exempt (or do so as a last resort) the transfer of those workers employed in programs funded by Title III of the Older Americans Act. At the same time, the managers emphasize that this concern is not intended to lessen current efforts to place Title V workers into unsubsidized employment.

It has come to the attention of the conferees that there have been shifts in subgrantees which has resulted in the disruption of local programs of community service employment for senior citizens. The conferees urge all national contractors to promote smooth transitions when shifts in subgrantees are necessary. Moreover, every effort should be made to minimize such shifts, by providing those subgrantees to be terminated with a reasonable opportunity to make changes to accommodate new demands or remedy perceived deficiencies.

STUDY OF OLDER AMERICANS COMMUNITY SERVICE PROGRAMS

The House amendment provides for a study of alternative mechanisms to increase community service opportunities.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes with an amendment to clarify that the study is designed to identify additional mechanisms to increase community service employment opportunities.

TITLE VI—GRANTS FOR INDIAN TRIBES ELIGIBILITY

The House amendment amends Title VI of the Act, Grants for Indian Tribes, to provide that a tribal organization may be eligible to apply for assistance if it represents at least sixty older individuals.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

AUTHORIZATION OF APPROPRIATIONS

The Senate bill authorizes $7,500,000 for Fiscal Year 1985, $7,972,000 for Fiscal Year 1986, and $8,434,905 for Fiscal Year 1987 for grants to Indian tribes.

The House amendment authorizes $7,900,000 for Fiscal Year 1985, $8,300,000 for Fiscal Year 1986, and $8,600,000 for Fiscal Year 1987.

Conference agreement: Senate recedes. The mangers remain concerned that the Administration on Aging has failed to respond to the legitimate concerns of the Indian elderly in establishing a focal point position within the Administration on Aging to be coordinator of Indian programs, and thus direct the Commissioner to consult with Indian tribal representatives and seek their recommendations in filling such a position with an individual who is knowledgable about and sensitive to the unique aspects of the Indian elderly and who can effectively advocate their concerns.

TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS

The House amendment created a new Title VII of the Older Americans Act, Older Americans Personal Health Education and Training Act, establishing a demonstration program of grants to institutions of higher education with graduate programs in public health, medical sciences, psychology, nursing, social work, education, nutrition, or gerontology to design and implement demonstration health education and training programs. $8,550,000 is authorized for Fiscal Year 1985 and such sums as may be necessary for Fiscal Years 1986 and 1987.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes to the House on Title VII with amendments strengthening the role of the aging network in the design of the demonstration projects and requiring consultation with area agencies on aging and state units on aging with particular attention to implementation of health and nutrition education programs under Title III beginning Fiscal Year 1987. Where Title VII language refers to uniform and standardized components, the Conferees intend such reference apply to the form of demonstration projects developed by the Commission for dissemination to the states. Such uniform components would allow for ethnic, regional, climatic, dietary and cultural differences in their application. Conferees do not intend that uniform diets or

rigid health maintenance practices will result from these components.

TITLE VIII—AMENDMENTS TO OTHER LAWS; EFFECTIVE DATES

The House amendment amends Section 14(c) of the National School Lunch Act with a conforming amendment.

The amendment strikes a reference in the Rehabilitation Act of 1973 to the Administration on Aging, replacing it with a reference to the Office on Aging. Further, the House amendment provides that a bidder's experience in providing services to older individuals is to be included in the award of grants for nutrition services.

The Senate bill has no comparable provisions.

Conference agreement: Senate recedes with respect to the conforming amendment to the School Lunch Act and the evaluation of bidder experience. House recedes on reference to the Office on Aging.

The House amendment contains a generic provision relating to the upgrading of the Administration on Aging to an Office on Aging.

The Senate bill has no comparable provision.

Conference agreement: House recedes.

The House amendment provides that, except as provided in subsections (b) and (c), the amendments made by this Act will be effective upon enactment.

The Senate bill has no comparable effective date provision.

Conference agreement: Senate recedes.

The House bill provides that the amendment requiring the publishing of evaluation standards for grants and contracts under Title IV shall become effective sixty days after enactment.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes.

The House amendment provides that the amendment reducing the amount available for evaluation purposes shall become effective on the first day of the first fiscal year beginning after the date of enactment.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes.

The House amendment provides that the new Older Americans Personal Health Education and Training Act, Title VII, shall take effect on October 1, 1984.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes.

The House amendment provides that the amendment prohibiting the combining of funds under Title IV shall not apply to any grant or payment made before the date of enactment.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

AMENDMENTS TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

The Senate bill amends Section 11(f) of the ADEA by specifying that the term "employee" under the Act includes any individual who is a citizen of the United States employed by a United States employer in a workplace in a foreign country.

The Senate bill also specifies that it is not unlawful for an employer, employment agency, or labor organization to take any action prohibited by the Act when such practices involve an employee in a foreign workplace and where compliance with the ADEA would cause the employer, or a corporation controlled by the employer to violate the laws of the country in which the workplace is located.

The Senate bill further amends Section 4 by adding a new provision to specify that if an employer controls a corporation whose place of incorporation is in a foreign country, any prohibited practice by such corporation is presumed to be the practice of the employer. It would further specify that the age discrimination prohibitions do not apply in cases where the employer is a foreign person not controlled by an American employer. The determination of whether an employer controls a corporation shall be based on the interrelation of operations, common management, centralized control of labor relations, and common ownership of financial control of the employer and the corporation.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill amends Section 12(c)(1) of the ADEA by raising from $27,000 to $44,000 the annual private retirement benefit level for determination of exemption from provisions of the Act.

The Senate bill further provides that this provision does not apply to any individual who retires voluntarily or is compelled to retire before the date of enactment of this Act.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Conferees have taken the unusual step of considering these minor amendments within this reauthorization because of the lateness of the session. The Conferees do not intend this action to be viewed as a precedent for future amendments to the Age Discrimination in Employment Act as a part of the Older Americans Act reauthorization.

TITLE OF THE BILL

Titles of the separate bills passed by the Senate and the House.

Conference agreement: House recedes.

AUGUSTUS F. HAWKINS,
MARIO BIAGGI,
IKE ANDREWS,
GEO. MILLER,
BALTASAR CORRADA,
PAT WILLIAMS,
MAJOR R. OWENS,
D.E. ECKART,
TOM COLEMAN,
TOM PETRI,
MARGE ROUKEMA,
ROD CHANDLER,

Managers on the Part of the House.

ORRIN G. HATCH,
CHUCK GRASSLEY,
JEREMIAH DENTON,
STROM THURMOND,
EDWARD M. KENNEDY,
TOM EAGLETON,
CLAIBORNE PELL,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 1904, CHILD ABUSE AMENDMENTS OF 1984

Mr. HAWKINS submitted the following conference report and statement on the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform act of 1978:

CONFERENCE REPORT (H. REPT. No. 98-1038)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Child Abuse Amendments of 1984".

TITLE I—AMENDMENTS TO CHILD ABUSE PREVENTION AND TREATMENT ACT

PART A—PROGRAM IMPROVEMENTS

THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 101. (a) Section 2(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101(a)) (hereinafter in this title referred to as "the Act") is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) Clauses (6) and (7) of section 2 (b) of the Act are amended to read as follows:

"(6) study and investigate the national incidence of child abuse and neglect and make findings about any relationship between nonpayment of child support and between various other factors and child abuse and neglect, and the extent to which incidents of child abuse and neglect are increasing in number and severity, and, within two years after the date of the enactment of the Child Abuse Amendments of 1984, submit such findings to the appropriate Committees of the Congress together with such recommendations for administrative and legislative changes as are appropriate; and

"(7) in consultation with the Advisory Board on Child Abuse and Neglect, annually prepare reports on efforts during the preceding two-year period to bring about coordination of the goals, objectives, and activities of agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect, and, not later than March 1, 1985, and March 1 of each second year thereafter, submit such a report to the appropriate Committees of the Congress.".

(c) Section 2(c) of the Act is amended by striking out "The Secretary may carry out his functions under subsection (b) of this section" and inserting in lieu thereof "The functions of the Secretary under subsection (b) of this section may be carried out".

(d) Section 2 of the Act is further amended by inserting after subsection (d) the following new subsection:

"(e) No funds appropriated under this Act for any grant or contract may be used for any purpose other than that for which such funds were specifically authorized.".

DEFINITIONS

SEC. 102. Section 3 of the Act is amended—

(1) by inserting "including any employee of a residential facility or any staff person providing out-of-home care)" after "by a person";

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new clause:

"(2)(A) the term 'sexual abuse' includes—

"(i) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct (or any simulation of such conduct) for the purpose of producing any visual depiction of such conduct, or

"(ii) the rape, molestation, prostitution, or other such form of sexual exploitation of children, or incest with children,

under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary; and

"(B) for the purpose of this clause, the term 'child' or 'children' means any individual who has not or individuals who have not attained the age of eighteen.".

DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS

SEC. 103. (a) Section 4(b)(2)(E) of the Act is amended by striking out "his" and inserting in lieu thereof "and the child's".

(b) Section 4(b)(3) of the Act is amended to read as follows:

"(3)(A) Subject to subparagraph (B) of this paragraph, any State which on the date of enactment of the Child Abuse Amendments of 1984 does not qualify for assistance under this subsection may be granted a waiver of any requirement under paragraph (2) of this subsection—

"(i) for a period of not more than one year, if the Secretary makes a finding that such State is making a good-faith effort to comply with any such requirement, and for a second one-year period if the Secretary makes a finding that such State is making substantial progress to achieve such compliance; or

"(ii) for a nonrenewable period of not more than two years in the case of a State the legislature of which meets only biennially, if the Secretary makes a finding that such State is making a good-faith effort to comply with any such requirement.

"(B) No waiver under subparagraph (A) may apply to any requirement under paragraph (2)(K) of this subsection.".

(c) Section 4 of the Act is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) The Secretary, in consultation with the Advisory Board on Child Abuse and Neglect, shall ensure that a proportionate share of assistance under this Act is available for activities related to the prevention of child abuse and neglect.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 104. (a) Section 5(a) of the Act is amended—

(1) by striking out "(a)" after "Sec. 5.";

(2) by inserting after the first sentence the following new sentence: "There are hereby further authorized to be appropriated for the purposes of this Act $33,500,000 for fiscal year 1984, $40,000,000 for fiscal year 1985, $41,500,000 for fiscal year 1986, and $43,100,000 for fiscal year 1987."; and

(3) in the second sentence by striking out "this section" and all that follows through the end of such subsection, and inserting in lieu thereof "this section except as provided in the succeeding sentence, (A) not less than $9,000,000 shall be available in each fiscal year to carry out section 4(b) of this Act (relating to State grants), (B) not less than $11,000,000 shall be available in each fiscal year to carry out sections 4(a) (relating to demonstration or service projects), 2(b)(1) and 2(b)(3) (relating to information dissemination), 2(b)(5) (relating to research), and 4(c)(2) (relating to training, technical assistance, and information dissemination) of this Act, giving special consideration to continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstrated effectiveness, (C) $5,000,000 shall be available in each such year for grants and contracts under section 4(a) for identification, treatment, and prevention of sexual abuse, and (D) $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 4(c)(1) of this Act. With respect to any fiscal year in which the total amount appropriated under this section is less than $30,000,000, funds shall first be available as provided in clauses (A) and (B) in the preceding sentence and of the remainder one-half shall be available as provided for in clause (C) and one-half as provided for in clause (D) in the preceding sentence.".

(b) Section 5(b) of the Act is repealed.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

SEC. 105. (a) The first sentence of section 6(a) of the Act is amended by striking out "including" and all that follows thereafter through "Administration,".

(b) Section 6(a) of the Act is further amended by inserting at the end thereof the following sentence: "The Advisory Board may be available, at the Secretary's request, to assist the Secretary in coordinating adoption-related activities of the Federal Government.".

(c)(1) Section 6(b) of the Act is repealed.

(2) Subsection (c) of section 6 of the Act is redesignated as subsection (b).

COORDINATION

SEC. 106. Section 7 of the Act is amended by striking out "between" and inserting in lieu thereof "among".

PART B—SERVICES AND TREATMENT FOR DISABLED INFANTS

NEW DEFINITION

SEC. 121. Section 3 of the Act is further amended—

(1) by striking out "this Act the term 'child abuse and neglect' " and inserting in lieu therof the following: "This Act—

"(1) the term 'child abuse and neglect' ";

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding after clause (2) (as added by section 102 (3) of this Act) the following new clause:

"(3) the term 'withholding of medically indicated treatment' means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, exept that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment, (A) the infant is chronically and irreversibly comatose; (B) the provision of such treatment would (i) merely prolong dying, (ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or (iii) otherwise be futile in terms of the survival of the infant; or (C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.".

NEW BASIC STATE GRANT REQUIREMENT

SEC. 122. Section 4(b)(2) of the Act (42 U.S.C. 5103(b)(2)) is amended—

(1) by striking out "and" at the end of clause (I);

(2) by striking out the period at the end of clause (J) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by inserting after clause (J) the following new clause:

"(K) within one year after the date of the enactment of the Child Abuse Amendments of 1984, have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for (i) coordination and consultation with individuals designated by and within appropriate health-care facilities, (ii) prompt notification by individuals designated by and within apropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), and (iii) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.".

ADDITIONAL STATE GRANTS AND ASSISTANCE FOR TRAINING, TECHNICAL ASSISTANCE, AND CLEARINGHOUSE ACTIVITIES

SEC. 123. (a) Section 4 of the Act is further amended by—

(1) redesignating subsection (c) as subsection (d), subsection (d) as subsection (e), and subsection (e) as subsection (f); and

(2) inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary is authorized to make additional grants to the States for the purpose of developing, establishing, and operating or implementing—

"(A) the procedures or programs required under clause (K) of subsection (b)(2) of this section;

"(B) information and education programs or training programs for the purpose of improving the provision of services to disabled infants with life-threatening conditions for (i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities, and (ii) the parents of such infants; and

"(C) programs to help in obtaining or coordinating necessary services, including existing social and health services and financial assistance for families with disabled infants with life-threatening conditions, and those services necessary to facilitate adoptive placement of such infants who have been relinquished for adoption.

"(2)(A) The Secretary shall provide, directly or through grants or contracts with public or private nonprofit organizations, for (i) training and technical assistance programs to assist States in developing, establishing, and operating or implementing programs and procedures meeting the requirements of clause (K) of subsection (b)(2) of this section; and (ii) the establishment and operation of national and regional information and resource clearinghouses for the purpose of providing the most current and complete information regarding medical treatment procedures and resources and community resources for the provision of services and treatment for disabled infants with life-threatening conditions (including compiling, maintaining, updating, and disseminating regional directories of community services and resources (including the names and phone numbers of State and local medical organizations) to assist parents, families, and physicians and seeking to coordinate the availability of appropriate regional education resources for health-care personnel).

"(B) not more than $1,000,000 of the funds appropriated for any fiscal year under section 5 of this Act may be used to carry out this paragraph.

"(C) Not later than 210 days after the date of the enactment of the Child Abuse Amendments of 1984, the Secretary shall have the capability of providing and begin to provide the training and technical assistance described in subparagraph (A) of this paragraph.".

(b) Section 4 of the Act is further amended by adding after paragraph (3) the following new paragraph:

"(4) Programs or projects related to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the requirements set forth in clauses (B), (C), (E), (F), and (K) of paragraph (2).".

REGULATIONS AND GUIDELINES

SEC. 124. (a)(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services (hereinafter in this part referred to as the "Secretary") shall publish proposed regulations to implement the requirements of section 4(b)(2)(K) of the Act (as added by section 122(3) of this Act).

(2) Not later than 180 days after the date of the enactment of this Act and after completion of a process of not less than 60 days for notice and opportunity for public comment, the Secretary shall publish final regulations under this subsection.

(b)(1) Not later than 60 days after the date of the enactment of this Act, the Secretary shall publish interim model guidelines to encourage the establishment within health-care facilities of committees which would serve the purposes of educating hospital personnel and families of disabled infants with life-threatening conditions, recommending institutional policies and guidelines concerning the withholding of medically indicated treatment (as that term is defined in clause (3) of section 3 of the Act (as added by section 121 (3) of this Act)) from such infants, and offering counsel and review in cases involving disabled infants with life-threatening conditions.

(2) Not later than 180 days after the date of the enactment of this Act and after completion of a period of not less than 60 days for notice and opportunity for public comment, the Secretary shall publish the model guidelines.

REPORT ON FINANCIAL RESOURCES

SEC. 125. The Secretary shall conduct a study to determine the most effective means of providing Federal financial support, other than the use of funds provided through the Social Security Act, for the provision of medical treatment, general care, and appropriate social services for disabled infants with life-threatening conditions. Not later than 270 days after the date of the enactment of this Act, the Secretary shall report the results of the study to the appropriate Committees of the Congress and shall include in the report such recommendations for legislation to provide such financial support as the Secretary considers appropriate.

IMPLEMENTATION REPORT

SEC. 126. Not later than October 1, 1987, the Secretary shall submit to the appropriate Committees of the Congress a detailed report on the implementation and the effects of the provisions of this part and the amendments made by it.

STATUTORY CONSTRUCTION

SEC. 127. (a) No provision of this Act or any amendment made by this Act is intended to affect any right or protection under section 504 of the Rehabilitation Act of 1973.

(b) No provision of this Act or any amendment made by this Act may be so construed as to authorize the Secretary or any other governmental entity to establish standards prescribing specific medical treatments for specific conditions, except to the extent that such standards are authorized by other laws.

(c) If the provisions of any part of this Act or any amendment made by this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATES

SEC. 128. (a) Except as provided in subsection (b), the provisions of this part or any amendment made by this part shall be effective on the date of the enactment of this Act.

(b)(1) Except as provided in paragraph (2), the amendments made by sections 122 and 123(b) of this Act shall become effective one year after the date of such enactment.

(2) In the event that, prior to such effective date, funds have not been appropriated pursuant to section 5 of the Act (as amended by section 104 of this Act) for the purpose of grants under section 4(c)(1) of the Act (as added by section 123(a) of this Act), any State which has not met any requirement of section 4(b)(2)(K) of the Act (as added by section 122(3) of this Act) may be granted a waiver of such requirements for a period of not more than one year, if the Secretary finds that such State is making a good-faith effort to comply with such requirements.

TITLE II—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

FINDINGS AND DECLARATION OF PURPOSE

SEC. 201. (a) The first sentence of section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) (hereinafter in this title referred to as "the Act") is amended—

(1) by inserting "the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and that some such children are in need of placement in permanent, adoptive homes; that" after "finds that"; and

(2) by inserting "have medically indicated treatment withheld from them, nor" after "should not".

(b) The second sentence of section 201 of the Act is amended—

(1) by inserting a comma and "including disabled infants with life-threatening conditions," after "special needs"; and

(2) by amending clause (2) to read as follows:

"(2) providing a mechanism for the Department of Health and Human Services to—

"(A) promote quality standards for adoption services, preplacement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

"(B) coordinate with other Federal departments and agencies, including the Bureau of the Census, to provide for a national adoption and foster care information data-gathering and analysis system; and

"(C) maintain a national adoption exchange to bring together children who would benefit by adoption and qualified prospective adoptive parents who are seeking such children.".

MODEL ADOPTION LEGISLATION AND PROCEDURES

SEC. 202. (a) Section 202(a) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) Section 202(c) of the Act is amended by inserting at the end thereof the following new sentence: "The Secretary shall coordinate efforts to improve State legislation with national, State, and local child and family services organizations, including organizations representative of minorities and adoptive families.".

(c) Section 202 of the Act is further amended by inserting at the end thereof the following new subsection:

"(d) The Secretary shall review all model adoption legislation and procedures published under this section and propose such changes as are considered appropriate to facilitate adoption opportunities for disabled infants with life-threatening conditions.".

INFORMATION AND SERVICES

SEC. 203. (a) Section 203(a) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b)(1) Section 203(a) of the Act is further amended by inserting before the period at the end thereof a comma and "including services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples considering adoption of children with special needs".

(c)(1) Section 203(b) of the Act is amended by striking out in the matter preceding clause (1) "subsection (a) of this section" and inserting in lieu thereof "this title".

(2) Section 203(b)(1) of the Act is amended to read as follows:

"(1) provide (after consultation with other appropriate Federal departments and agencies, including the Bureau of the Census and appropriate State and local agencies) for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system;".

(3) Section 203(b) of the Act is further amended—

(A) by striking out "parent groups" in clause (4) and inserting in lieu thereof "adoptive family groups and minority groups";

(B) by striking out "and" at the end of clause (4);

(C) by redesignating clause (5) as clause (7) and by inserting immediately after clause (4) the following new clauses:

"(5) encourage involvement of corporations and small businesses in supporting adoption as a positive family-strengthening option, including the establishment of adoption benefit programs for employees who adopt children;

"(6) continue to study the nature, scope, and effects of the placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity; and"; and

(D) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services" in clause (7) (as redesignated by clause (C) of this paragraph).

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. Section 205 of the Act is amended by striking out "and" after "1978," and by inserting a comma and "and $5,000,000 for each of the fiscal years 1984, 1985, 1986, and 1987," after "fiscal years".

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

SHORT TITLE

SEC. 301. This title may be cited as the "Family Violence Prevention and Services Act".

DECLARATION OF PURPOSE

SEC. 302. It is the purpose of this title to—

(1) demonstrate the effectiveness of assisting States in efforts to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and

(2) provide for technical assistance and training relating to family violence programs to States, local public agencies (including law enforcement agencies), nonprofit private organizations, and other persons seeking such assistance.

STATE DEMONSTRATION GRANTS AUTHORIZED

SEC. 303. (a)(1) In order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents, the Secretary is authorized, in accordance with the provisions of this title, to make demonstration grants to States.

(2) No demonstration grant may be made under this subsection unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) provide that funds provided under this subsection will be distributed in demonstration grants to local public agencies and nonprofit private organizations (including religious and charitable organizations, and voluntary associations) for programs and projects within such State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future violent incidents;

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

(i) not more than 5 percent of such funds will be used for State administrative costs; and

(ii) in the distribution of funds by the State under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by nonprofit private organizations, particularly those projects the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, alcohol and drug abuse treatment, and self-help services to abusers and victims;

(C) set forth procedures designed to involve knowledgeable individuals and interested organizations and assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

(D) specify the State agency to be designated as responsible for the administration of programs and activities relating to family violence which are carried out by the State under this title and for coordination of related programs within the State;

(E) provide assurances that procedures will be developed to assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under this title and provide assurances that the address or location of any shelter-facility assisted under this title will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public;

(F) provide assurances that, within one year after receipt of funds under this subsection, the State will, provide assurances to the Secretary that the State has or has under consideration a procedure for the eviction of an abusing spouse from a shared residence; and

(G) meet such requirements as the Secretary reasonably determines are necessary to carry out the purposes and provisions of this title.

(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and after opportunity for correction of any deficiencies.

(b)(1) The Secretary is authorized to make demonstration grants to Indian tribes and tribal organizations for projects designed to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents.

(2) No demonstration grant may be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this title. Such application shall comply, as applicable, with the provisions of clauses (c), (with respect only to involving knowledgeable individuals and organizations), (D), and (E) of subsection (a)(2).

(c) No demonstration grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of $50,000, and the total amount of such grants to any such single entity may not exceed $150,000. A single entity may not be awarded demonstration grants under this section for a total period in excess of three fiscal years.

(d) No funds provided through demonstration grants made under this section may be used as direct payment to any victim of family violence or to any dependent of such victim.

(e) No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title.

(f) No demonstration grant may be made under this section to any entity other than a State unless the entity provides for the following local share as a proportion of the total amount of funds provided under this title to the project involved: 35 percent in the first year such project receives a grant under this title, 55 percent in the second such year, and 65 percent in the third such year. Except in the case of a public entity, not less than 50 percent of the local share of such agency or organization shall be raised from private sources. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this title.

(g) The Secretary shall assure that not less than 60 percent of the funds distributed under subsection (a) or (b) shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims of family violence and their dependents.

ALLOTMENT OF FUNDS

SEC. 304. (a) From the sums appropriated under section 310 for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under section 303(a) an amount which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

(1) each State shall be allotted not less than whichever is the greater of the following amounts: one-half of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made, or $50,000; and

(2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made.

For the purpose of the exception contained in clause (1) of the preceding sentence only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(b) For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

(c) If the sums appropriated under section 310 for any fiscal year for grants to States authorized under section 303(a) are not sufficient to pay in full the total amounts which all States are entitled to receive under such section for such fiscal year, then the maximum amounts which all States are entitled to receive under such section for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal

year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(d)(1) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 310, the amount allotted to a State has not been made available to such State in grants under section 303(a) because of the failure of such State to meet the requirements for a grant, then the Secretary shall reallot such amount to States which meet such requirements.

(2) Funds made available by the Secretary through reallotment under paragraph (1) shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallotment.

SECRETARIAL RESPONSIBILITIES

SEC. 305. (a) The Secretary shall appoint an employee of the Department of Health and Human Services to carry out the provisions of this title. The individual appointed under this subsection shall, prior to such appointment, have had expertise in the field of family violence prevention and services.

(b) The Secretary shall—

(1) coordinate all programs within the Department of Health and Human Services, and seek to coordinate all other Federal programs, which involve the prevention of incidents of family violence and the provision of assistance for victims and potential victims of family violence and their dependents, and ensure that such activities as they relate to elderly persons are coordinated with the Administration on Aging and the National Institute on Aging within the Department of Health and Human Services;

(2)(A) provide for research into the causes of family violence, and into the prevention, identification, and treatment thereof (such as research into (i) the effectiveness of reducing repeated incidents of family violence through a variety of sentencing alternatives, such as incarceration, fines, and counseling programs, individually or in combination, and through the use of civil protection orders removing the abuser from the family household, and (ii) the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly abuse of elderly persons), and (B) make a complete study and investigation (in consultation with the National Institute on Aging) of the national incidence of abuse, neglect, and exploitation of elderly persons, including a determination of the extent to which incidents of such abuse, neglect, and exploitation are increasing in number or severity; and

(3) provide for the training of personnel and provide technical assistance in the conduct of programs for the prevention and treatment of family violence.

EVALUATION

SEC. 306. Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, the Secretary shall review, evaluate, and report to the appropriate Committees of the Congress, as to the effectiveness of the programs administered and operated pursuant to this title, particularly in relation to repeated incidents of family violence. Such report shall also include a summary of the assurances provided to the Secretary under section 303(a)(2)(F).

DISCRIMINATION PROHIBITED

SEC. 307. (a)(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this part are considered to be programs and activities receiving Federal financial assistance.

(2) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal operation of that particular program or activity. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This paragraph shall not be construed as affecting any other legal remedy.

(b) Whenever the Secretary finds that a State or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request such officer to secure compliance. If, within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted,

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, sections 504 and 505 of the Rehabilitation Act of 1973, or title IX of the Education Amendments of 1972, as may be applicable, or

(3) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

NATIONAL CLEARINGHOUSE ON FAMILY VIOLENCE PREVENTION

SEC. 308. (a) The Secretary shall operate a national information and research clearinghouse on the prevention of family violence (including the abuse of elderly persons) in order to—

(1) collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance to victims of family violence and their dependents; and

(2) provide information about alternative sources of assistance available with respect to the prevention of incidents of family violence and the provision of immediate shelter and related assistance to victims of family violence and their dependents.

(b) The Secretary shall ensure that the activities of the national information and research clearinghouse operated under subsection (a) are coordinated with the information clearinghouse maintained by the National Center on Child Abuse and Neglect under section 2 of the Child Abuse Prevention and Treatment Act.

DEFINITIONS

SEC. 309. As used in this title:

(1) The term "family violence" means any act or threatened act of violence, including any forceful detention of an individual, which—

(a) results or threatens to result in physical injury; and

(b) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing.

(2) The terms "Indian tribe" and "tribal organization" have the same meanings given such terms in subsections (b) and (c), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

(3) The term "Secretary" means the Secretary of Health and Human Services.

(4) The term "shelter" means the provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

(5) The term "related assistance"—

(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 310. (a) There are authorized to be appropriated to carry out the provisions of this title $11,000,000 for fiscal year 1985 and $26,000,000 for each of the fiscal years 1986 and 1987.

(b) Of the sums appropriated under subsection (a) for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 303.

LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS AND CONTRACTS

SEC. 311. (a) From the amount appropriated pursuant to section 310 for any fiscal year, the Secretary shall make grants and

enter into contracts for the purpose of providing regionally-based training and technical assistance to provide the personnel of local and State law enforcement agencies with means for responding to incidents of family violence.

(b) Grants and contracts under this section shall be awarded competitively on the basis of an application containing such information and assurances as the Secretary may require by regulation. In selecting grant and contract recipients, the Secretary shall select recipients who have demonstrated their effectiveness in preparing the personnel of local and State law enforcement agencies for the handling of incidents of family violence and shall give priority to those applications which propose projects or programs which will develop, demonstrate, or disseminate information with respect to improved techniques for responding to incidents of family violence by law enforcement officers.

(c) The Secretary shall delegate to the Attorney General of the United States the Secretary's responsiblities for carrying out this section and shall transfer to the Attorney General from funds appropriated under section 310 not in excess of $2,000,000 for each fiscal year to be used for the purpose of making grants under this section.

ADMINISTRATION AND STATUTORY CONSTRUCTION

SEC. 312. (a) In order to carry out the provisions of this title, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as are necessary;

(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such termporary and intermittent services of experts and consultants as are necessary;

(3) make grants to public and nonprofit private entities or enter into contracts with public or private entities; and

(4) prescribe such regulations as are reasonably necessary in order to carry out the purposes and provisions of this title.

(b) Nothing in this title shall be construed to supersede the application of State or local requirements for the reporting of incidents of suspected child abuse to the appropriate State authorities.

And the Senate agree to the same.

AUGUSTUS F. HAWKINS,
JOE GAYDOS,
MARIO BIAGGI,
PAUL SIMON,
GEO. MILLER,
AUSTIN J. MURPHY,
BALTASAR CORRADA,
PAT WILLIAMS,
DENNIS E. ECKART,
JOHN N. ERLENBORN,
BILL GOODLING,
TOM COLEMAN
STEVE BARTLETT,
JOHN MCCAIN,

Managers on the Part of the House.

ORRIN HATCH,
JEREMIAH DENTON,
DON NICKLES,
EDWARD M. KENNEDY,
CHRIS DODD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1904) to revise and extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the text of the House bill and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The provisions of the House bill, the Senate amendment, and the conference agreement are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

House Bill.—The House bill specifies the following duties to be carried out by the Secretary through the National Center on Child Abuse and Neglect: to study the national incidence of child abuse and neglect including determining its relationship, if any, to unemployment, abortion, child pornography, and non-payment of child support; to report (using the Advisory Board on Child Abuse and Neglect) annually on the coordination of activities relating to child abuse programs and activities; to require the Center, within one year of enactment, to compile, publish, and disseminate information on the development of resources for preventing child abuse and neglect and provide technical assistance to States on developing resources; and to annually recommend (using the Advisory Board) to Congress ways to reduce the incidence of child prostitution.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with amendments deleting all specific items to be studied except for the national incidence of child abuse and neglect and any relationship between child abuse and neglect and non-payment of child support and various other factors. (Section 101(b) of the conference report.)

The conferees note that studying the relationship, if any, between child abuse and neglect and unemployment, abortion, child pornography, and child prostitution would be appropriate. The conferees also believe that it would be appropriate for the Secretary to study the relationship between the agency designated by each State to carry out the provisions of the Child Abuse Prevention and Treatment Act and appropriate law enforcement agencies, with particular emphasis on the provisions of the Act and appropriate State laws which affect such agencies with regard to the sharing of information concerning repeated or life-threatening cases of child abuse, and to develop recommendations to improve such information sharing where indicated. It is the conferees' hope that this will encourage greater coordination between protective service agencies and law enforcement agencies at the State and local levels. The conferees also note that the activities described in the clause (8) which the House bill proposed to add to the Center's duties (relating to information on child abuse and neglect prevention) are generally authorized under section 2(b) of the Act.

House Bill.—The House bill specifies that funds appropriated for grants or contracts be used for no purpose other than that for which specifically authorized.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes. (Section 101(d).)

House Bill.—The House bill amends the definition section to specify that a person responsible for the child's health includes "any employee of a residential facility or a staff person providing out-of-home care."

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes. (Section 102(l).)

Senate Amendment.—The Senate amendment defines "withholding of medically indicated treatment" to mean the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which in the treating physician's or physicians' reasonable medical judgment will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment (a) the infant is chronically and irreversibly comatose; (b) the provision of such treatment would (1) merely prolong dying, (2) not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or (3) otherwise be futile in terms of the survival of the infant; or (c) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The House recedes. (Section 121.)

The conferees endorse and adopt as their own the joint explanatory statement of the sponsors of the Senate amendment (No. 3421) regarding care and services for disabled infants with life-threatening conditions (*Congressional Record*, July 26, 1984, S9309-10, see Appendix), except to the extent that the underlying statutory language has been modified substantively in this conference report.

House Bill.—The House bill requires that, to qualify for Child Abuse Act assistance, States must have in place within one year of enactment procedures to be followed by allied health and health professionals, health facilities, social service providers, courts of competent jurisdiction, and other appropriate agencies or individuals to insure nutrition (including fluid maintenance), medically indicated treatment, general care, and appropriate social services are provided to infants at risk with life-threatening congenital impairments

Senate Amendment.—The Senate amendment requires that (effective one year after enactment), to qualify for assistance, States must have in place for the purpose of responding to the reporting of cases of medical neglect, including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions, procedures and/or programs within the State child protective services system to provide for coordination and consultation with individuals designated by and within health-care facilities, prompt notification of suspected medical neglect (including withholding of medically indicated treatment from disabled infants with life-threatening conditions) by individuals designated by and within health-care facilities, and authority under State law for the State child protective services system to pursue legal remedies

to prevent withholding of medically indicated treatment from disabled infants with life-threatening conditions.

Conference Agreement.—The House recedes with an amendment requiring States to have these procedures and/or programs in effect "within one year" after enactment. (Section 122.)

Senate Amendment.—The Senate amendment provides that the Secretary publish within 90 days of enactment proposed regulations, and within 180 days (after notice and opportunity for public comment) final regulations, to implement the requirements of this Act regarding such infants.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The House recedes with amendments shortening the maximum period for publication of proposed regulations to 60 days and specifying that the public comment period be not less than 60 days. (Section 124(a).)

House Bill.—The House bill requires that, to qualify for assistance, States provide for reporting of known and suspected instances of child abuse and neglect, including instances involving denial of nutrition (including fluid maintenance), medically indicated treatment, general care, or appropriate social services to infants at risk with life-threatening congenital impairments.

Senate Amendment.—The Senate amendment includes requirements relating to reporting of cases of medical neglect, including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions.

Conference Agreement.—The House recedes. (Section 122.)

House Bill.—The House bill provides for a 2-year waiver of any requirement, except for those pertaining to infants at risk with life-threatening congenital impairments, for States that do not qualify for assistance if the Secretary finds such State is making a good-faith effort to comply.

Senate Amendment.—The Senate amendment provides that, if additional funds have not been appropriated for the purpose of allowing the Secretary to make additional grants to States to carry out the requirements under the new clause (K), the Secretary is authorized to grant a one-year waiver of all requirements of new clause (K) if the Secretary finds that such State is making a good-faith effort to comply. The Senate amendment also provides a one-year delay in the enactment of the Senate provision addressing the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

Conference Agreement.—The conference agreement includes the Senate provisions relating to waivers for new clause (K). The conference agreement also includes a modification of the House provision to provide that a non-renewable two-year waiver would be limited to a non-complying State the legislature of which meets only biennially that the Secretary found was making good faith efforts to comply and that a one-year waiver could be granted to a non-complying State that the Secretary found was making good faith efforts to comply and that that waiver could be renewed for a second year if the Secretary found that the State was making substantial progress towards compliance. (Sections 128(b)(2) and 103(b).)

House Bill.—The House bill adds clause (K) as a requirement that must be complied with, to the extent feasible, by the child abuse and neglect programs or projects assisted under title XX of the Social Security Act.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The House recedes.

The House Bill and The Senate Amendment.—Both the House bill and the Senate amendment add "clause (K)" to the list in existing law of requirements under section 4(b)(2) of the Child Abuse Prevention and Treatment Act with which programs or projects relating to child abuse and neglect assisted under parts A or B of title IV of the Social Security Act must comply. The House bill also deletes the reference to part A of title IV.

Conference Agreement.—The Senate recedes. (Section 123(b).)

House Bill.—The House bill provides that the Secretary, in consultation with the Advisory Board, shall insure that a proportionate share of assistance under this Act is available for activities related to the prevention of child abuse and neglect.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes. (Section 103(c).)

Senate Amendment.—The Senate amendment establishes a grant program for States to develop, establish, operate, or implement the programs or procedures relating to preventing medical neglect under new clause (K); information and education or training programs to improve services to disabled infants with life-threatening conditions for professionals, para-professionals, and parents of such infants; and programs to help obtatin or coordinate necessary services, including existing social and health services and financial assistance, for families with such disabled infants, and services necessary to facilitate adoptive placement of such infants who have been relinquished for adoption.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The House recedes. (Section 123(a).)

House Bill.—The House bill authorizes appropriations for programs under the Child Abuse Prevention and Treatment Act at:

	Millions
Fiscal year 1984	$25
Fiscal year 1985	26.25
Fiscal year 1986	27.563
Fiscal year 1987	28.941

The Senate amendment authorizes appropriations for those programs at:

	Millions
Fiscal year 1984	$32.5
Fiscal year 1985	39
Fiscal year 1986	40.5
Fiscal year 1987	42.8

House Bill.—The bill provides that of the funds appropriated each fiscal year, not less than 50 percent be used for grants or contracts relating to research, demonstration, or service projects, and information dissemination, and that not less than 30 percent be used for State grants and contracts.

Senate amendment.—The Senate amendment provides that of the sums appropriated $9.5 million be available each fiscal year for State grants.

House Bill.—The House bill authorizes appropriations for sexual abuse programs at:

	Millions
Fiscal year 1984	$3
Fiscal year 1985	3.15
Fiscal year 1986	3.308
Fiscal year 1987	3.473

Senate Amendment.—The Senate amendment provides that $4 million of the Child Abuse Prevention and Treatment Act appropriations each year be available for identification, treatment, and prevention of sexual abuse.

Senate Amendment.—The Senate amendment provides that $5 million of the Child Abuse Prevention and Treatment Act appropriations each year be available for additional grants to States for programs relating to the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The conference agreement provides the following authorizations of appropriations for all programs under the Child Abuse Prevention and Treatment Act:

	Millions
Fiscal year 1984	$33.5
Fiscal year 1985	40.0
Fiscal year 1986	41.5
Fiscal year 1987	43.1

The conference agreement further provides that, of the sums appropriated, not less than $11 million be allocated to research, demonstration, service, training, technical assistance, and information dissemination grants or contracts, not less than $9 million to State grants, $5 million to the new clause (K) implementation grants, and $5 million to sexual abuse grants and contracts. If the funds appropriated for the program are below $30 million, then $11 million shall be available for the research and demonstration and other discretionary Secretarial grants, $9 million shall be available for State grants, and the remainder shall be divided equally between grants and contracts for the prevention and treatment of sexual abuse and the new clause (K) implementation grants for treatment for disabled infants with life-threatening conditions. Of the funds appropriated, not more than $1 million shall be available for training, technical assistance and information clearinghouse activities related to disabled infants with life-threatening conditions under section 4(c)(2) as added to this Act. (Section 104.)

The conferees stress that, among other programs, on-going programs that involve treatment of family units, treatment and related services to persons who have committed acts of sexual abuse against children, and training of personnel are fully eligible to compete for sexual abuse grants or contracts to expand services for these purposes. In addition, the conferees recognize the importance of research in this area.

House Bill.—The House bill contains a new definition of "sexual abuse" to include the use or intent to use a child in specific presentations before an audience, if knowing the character and content thereof, "any individual or entity employs, authorizes, or induces a child to engage in actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals."

Senate Amendment.—The Senate amendment deletes all of existing section 5(b) relating to sexual abuse grants and contracts and providing a definition of sexual abuse and adds a new definition for purposes of the Child Abuse Act that "sexual abuse" includes the obscene or pornographic photographing, filming, or depiction of children, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances that

indicate that the child's health or welfare is harmed or threatened thereby, as determined by regulations prescribed by the Secretary.

Conference Agreement.—The House recedes on section 5(b). The conference agreement contains a modification of the House bill and the Senate amendment language on the definition of sexual abuse. (Sections 104(b) and 102(3).)

The conferees note that the conference report earmarks $5 million for sexual abuse grants and contracts in the authorization of appropriations for programs under the Child Abuse Act. (See description of conference agreement in preceding item.)

House Bill.—The House bill provides that the Advisory Board on Child Abuse and Neglect submit to Congress within one year of enactment a report on the relationship between providers of child care services under this Act and State and local law enforcement agencies, with particular emphasis on their ability to share information about repeated or life-threatening cases of child abuse (other than instances of infants at risk with life-threatening congenital impairments).

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The House recedes.

The conferees note that the reference to such a study is included in the conference report provision regarding the duty of the Secretary to study and report on various child abuse matters.

Senate Amendment.—The Senate amendment provides that the Advisory Board be available to assist the Secretary on adoption-related activities, and repeals the requirement that a comprehensive plan be submitted to Congress and the President within 18 months of the effective date of the Act.

House Bill.—The House bill contains no similar provisions.

Conference Agreement.—The House recedes with an amendment which allows, at the Secretary's request, the Advisory Board to assist in the coordination of activities relating to adoption. (Section 105(b).)

The House Bill and the Senate Amendment.—Both the House bill and the Senate amendment provide, with technical differences, that the Secretary of HHS study, and report to Congress within 270 days of enactment on, the most effective means of providing Federal financial support (other than funds available through the Social Security Act) to provide medical treatment, general care, and appropriate social services for infants at risk, and to recommend legislation for such financial support.

Conference Agreement.—The House recedes. (Section 125.)

House Bill.—The House bill provides that the Secretary, in coordination with the Surgeon General and Assistant Secretary of Health, and the Assistant Secretary of Human Development Services, and in consultation with health care providers to infants at risk, publish within 90 days of enactment procedural guidelines to encourage and assist local health care providers desiring to establish local health care review mechanisms. The review would include instances in which such infants may be denied nutrition (including fluid maintenance), medically indicated treatment, and general care.

Senate Amendment.—The Senate amendment provides that the Secretary publish within 60 days of enactment interim model guidelines to establish, within health-care facilities, committees to educate hospital personnel and families of such infants, recommend institutional policies and guidelines concerning the withholding of medically indicated treatment from such infants, and offer counsel and review in cases involving disabled infants with life-threatening conditions. The Senate amendment further requires that not later than 150 days after the date of enactment the Secretary shall publish the model guidelines.

Conference Agreement.—The House recedes with amendments requiring that the final guidelines be published within 180 days of enactment preceded by a public comment period of at least 60 days. (Section 124(b).)

House Bill.—The House bill provides that up-to-date and complete information regarding medical treatment procedures and community resources be made available by HHS to physicians, parents, and child protective service agencies by requiring the Secretary to instruct each regional HHS office to:

(1) Compile, maintain, and update a directory of physicians (including pediatricians, neonatologists, and pediatric surgeons) within each region who have expertise in the care and treatment of infants at risk with life-threatening congenital impairments and who have agreed to be included in such directory;

(2) Provide and publicize to all hospitals and child protective service agencies within each region a toll-free number which physicians, hospitals, and child protective service agencies may use to seek relevant information from such directory;

(3) Develop and coordinate within each region other appropriate educational programs or resources for ensuring that all physicians in the region have access to the most up-to-date and complete information concerning the care and treatment of infants at risk with life-threatening congenital impairments; and

(4) Compile and maintain a directory of community services and resources within such region to assist parents and families in the care of infants at risk with life-threatening congenital impairments.

Senate Amendment.—The Senate amendment provides for the establishment and operation of national and regional information and resource clearinghouses for the purpose of providing the most current and complete information regarding medical treatment procedures and resources and community resources for the provision of services and treatment for disabled infants with life-threatening conditions.

Conference Agreement.—The House recedes with an amendment specifying that the clearinghouse function include compiling, maintaining, updating, and disseminating regional directories of community services and resources (including the names and phone numbers of State and local medical organizations) to assist parents, families, and physicians and seeking to coordinate the availability of appropriate regional education resources for health-care personnel. (Section 123(a).)

House Bill.—The House bill requires that, within 30 days of the promulgation of procedural guidelines, the Secretary (in consultation with the Advisory Board) provide technical assistance and training to help States develop, implement, or improve procedures to enable agencies and individuals to appropriately respond to cases concerning such infants.

Senate Amendment.—The Senate amendment requires that the Secretary provide training and technical assistance programs to assist States in developing, establishing, and operating or implementing programs and procedures meeting the requirements of new clause (k).

Conference Agreement.—The House recedes with an amendment requiring that the Secretary have the capacity and initiate action to provide such training and technical assistance within 210 days after enactment. (Section 123(a).)

House Bill.—The House bill provides that no provision of this legislation be construed to lessen or limit any right or protection under section 504 of the Rehabilitation Act of 1973.

Senate Amendment.—the Senate amendment provides that no provision of this amendment be construed to affect any right or protection under section 504 of the Rehabilitation Act of 1973.

Conference Agreement.—The House recedes. (Section 127(a).)

Senate Amendment.—The Senate amendment prohibits the Secretary or any other governmental entity from establishing standards prescribing specific medical treatments for specific conditions, except to the extent that such standards are authorized by other laws.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The House recedes. (Section 127(b).)

Senate Amendment.—The Senate amendment contains a severability clause.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The House recedes. (Section 127(c).)

House Bill.—The House bill contains a statement of congressional findings for title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 that includes expressions of concern that "the welfare of infants at risk with life-threatening congenital impairments may be in serious jeopardy."

Senate Amendment.—The Senate amendment includes a statement of congressional findings about "the welfare of thousands of children in institutions or foster homes, disabled infants with life-threatening conditions, and infants born to teenaged unmarried individuals, and that some such infants and children are in need of placement in permanent, adoptive homes." The Senate amendment further finds that such children should not "become victims of a denial of medically indicated treatment or nutrition."

Conference Agreement.—The House recedes with an amendment deleting references to infants born to teenage unmarried individuals and conforming the description of infants to the description used throughout the agreement. (Section 301(a).)

The House Bill and the Senate Amendment.—Both the House bill and the Senate amendment include, with technical differences, disabled infants at risk with life-threatening congenitial impairments in the service population of special needs children.

Conference Agreement.—The conference agreement conforms the description of infants. (Section 201(b)(1).)

Senate Amendment.—The Senate amendment includes a mechanism for HHS to offer pregnancy counseling which presents adoption as an alternative; mandates coordination with Federal departments and agencies, including the Census Bureau, to provide for a national information data-gather-

ing and analysis system on foster care and adoption; and mandates the maintenance of a national adoption exchange.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The House recedes with an amendment deleting mechanisms for HHS to offer pregnancy counseling which presents adoption as an alternative. (Section 201(b)(2).)

House Bill.—The House bill strikes "Education and Welfare" and inserts "and Human Services" in section 202(a) of title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes. (Section 202(a).)

The House Bill and The Senate Amendment.—Both the House bill and the Senate amendment instruct, with technical differences, the Secretary to review and recommend procedures to facilitate adoption opportunities for disabled infants with life threatening congenital impairments.

Conference Agreement.—The Senate recedes with a technical amendment conforming the description of infants. (Section 202(c).)

Senate Amendment.—The Senate amendment requires the Secretary to encourage and facilitate enactment in each State of comprehensive legislation for adoption of infants in need, and to coordinate efforts to improve State legislation with national, State, and local child and family services organizations.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The Senate recedes with an amendment incorporating the coordination requirement into existing section 202(c) of the 1978 Act. (Section 202(b).)

Senate Amendment.—The Senate amendment requires the appropriate administrative arrangement under the Secretary to provide services for special needs children, particularly disabled infants with life-threatening conditions, services to couples considering adoption of children with special needs, couples with infertility problems, and other individuals considering adoption, including pregnant teenagers; and pregnancy counseling, particularly of unmarried minors, to consider adoption as an alternative.

House Bill.—The House contains no similar provision.

Conference Agreement.—The House recedes with an amendment striking all after "couple considering adoption of children with special needs." (Section 203(b).)

Senate Amendment.—The Senate amendment eliminates required data collection by States for use in a Federal adoption and foster care data-gathering and analysis system, and requires that the system be established and operated after consultation with other appropriate Federal agencies, including the Bureau of the Census.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The House recedes with an amendment requiring consultation as well with appropriate State agencies in the collection of adoption and foster care data. (Section 203(c)(2).)

Senate Amendment.—The Senate amendment strikes "parent groups" and substitutes "adoptive family groups and minority groups" as the required groups receiving technical assistance in adoption programs.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The House recedes. (Section 203(c)(3)(A).)

The conferees stress that the terms used include parent groups, including those involving single parents.

Senate Amendment.—The Senate amendment provides that the Secretary encourage the involvement of corporations and small businesses in supporting adoption, including the establishment of adoption benefit programs for employees, and that the Secretary continue to study the placement of children in adoptive homes by persons or agencies that are not licensed by or subject to governmental regulation, including the legal status of surrogate parenting.

House Bill.—The House bill contains no similar provisions.

Conference Agreement.—The House recedes with an amendment deleting the specific reference to surrogate parenting. (Section 203(c)(3)(C).)

The conferees believe that the legal status of surrogate parenting would be an appropriate subject for study by the Secretary.

House Bill.—The House bill authorizes appropriations for programs authorized under Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 at $2.5 million for each fiscal year (84 to 87).

Senate Amendment.—The Senate amendment authorizes appropriations for those programs at $5 million for each fiscal year (84 to 87).

Conference Agreement.—The House recedes. (Section 204.)

The House Bill and the Senate Amendment.—Both the House bill and the Senate amendment, with technical differences, name title III relating to family violence.

Conference Agreement.—The Senate recedes. (Section 301.)

House Bill.—The House bill provides a declaration of purpose for the family violence title.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with conforming amendments. (Section 302.)

House Bill.—The House bill authorizes the Secretary to make grants to States to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims and dependents of victims of family violence.

Senate Amendment.—The Senate amendment authorizes the Secretary to make demonstration grants to organizations that are administering or that have the capacity to administer family violence prevention programs to do one or more of the following: (1) prevent incidents of family violence, including providing immediate shelter and related assistance to victims and their dependents; (2) conduct research into the causes, prevention, identification, and treatment of family violence, including research on the effectiveness of involving law enforcement personnel in responding to incidents of family violence, State procedures for removing the abusing spouse from the household, arrest of the abusing spouse, and referral to drug and alcohol treatment programs or other therapy programs for the abusing spouse; (3) train family violence prevention and treatment program personnel; and (4) prepare local and State law enforcement personnel to handle family violence incidents.

Conference Agreement.—The Senate recedes with an amendment to authorize demonstration grants to States. (Section 303(a)(1).)

House Bill.—The House bill requires that State grant applications:

(1) Provide that funds be distributed to local public agencies and nonprofit private organizations for programs and projects within the State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims and dependents of victims of family violence to prevent future incidents;

(2) Provide that not more than 5 percent of the funds are to be used for State administrative costs, that not less than 70 percent of the funds are to be distributed in grants to nonprofit private organizations within the State, and that in distributing the funds, States will give special emphasis to supporting community-based projects of demonstrated effectiveness, particularly those which have a primary purpose of operating shelters for victims and dependents of victims of family violence and those which provide counseling, alcohol and drug abuse treatment, and self-help services to abusers and victims;

(3) Set forth procedures to assure an equitable distribution of grants and grant funds in the State;

(4) Specify the State agency to be responsible for administering programs and activities relating to family violence and for coordination of related programs within the State;

(5) Provide for keeping records and making reasonable reports deemed essential by the Secretary;

(6) Develop procedures to assure confidentiality of records about anyone provided family violence prevention or treatment services by an entity conducted, regulated, or assisted by HHS and provide assurances that the address or location of any shelter receiving a grant under this subsection will not be made public except with written authorization of the person responsible for operating the shelter;

(7) Set forth procedures to assure active participation by knowledgeable individuals and organizations in the development and review of programs and projects within the State funded under this title;

(8) Provide assurances that any projects receiving a grant will seek to coordinate activities with other related programs in the area and be administered and operated by personnel with appropriate skills (including language skills), training, or experience;

(9) Assure that any project receiving a grant will not require a minimum length of stay for shelter residents or interfere or censor mail or telephone calls of shelter residents or in any way interfere with reconciliation efforts unless requested by the resident; and

(10) Certify to the Secretary within one year of receipt of funds that the State has a procedure for evicting an abusing spouse from a shared residence.

Senate Amendment.—The Senate amendment requires the Secretary to:

(1) assure an equitable distribution of assistance among States and between rural and urban areas;

(2) give priority to applications from communities without family violence programs or which can demonstrate that existing services are inadequate; and

(3) assure confidentiality of records of those provided services and, except with written authority of the person/persons responsible for the shelter, the address or location of shelter-facilities provided funding.

Conference Agreement.—The Senate recedes with amendments:

(1) eliminating the 70 percent earmarked for non-profit private organizations and, instead, specifying in the description of community-based organizations which are to receive special emphasis in funding that such organizations will be non-profit organizations;

(2) adding to the provision relating to the establishment of procedures to ensure equitable distribution of grants and funds within a State the inclusion of "between rural and urban areas" and the requirement that such procedures include provision for the involvement of knowledgeable individuals and interested organizations;

(3) eliminating the requirements regarding record-keeping and reports and inserting instead a requirement that the States meet such other requirements as the Secretary determines are reasonably necessary to carry out the purposes and provisions of this title;

(4) substituting, with technical changes, the Senate amendment provisions relating to confidentiality of records for the House bill provisions;

(5) eliminating provisions in the House amendment requiring individual projects receiving grants to seek to coordinate activities with other related public and private programs in the area and requiring such programs to be administered and operated by personnel with appropriate skills (including language skills), training, and experience.

(6) amending the provisions of the House bill relating to certification to the Secretary that the State has a procedure for the eviction of an abusing spouse from a shared residence to provide that the State must provide assurances that within one year after receiving funds it will provide assurances that it has such procedures in place or has them under consideration. (Section 303(a)(2).)

It is the intention of the conferees that emphasis also be given to applicants in communities currently without a family violence prevention program or which can demonstrate that current services or programs are inadequate to meet the needs of the community. With regard to item (5) above, it is the understanding of the conferees that the State agency administering the program could, if it wished to, require grantees to meet the requirements described in item (8) in the description of the House bill. The conferees encourage projects receiving grants to seek to coordinate activities with other related public and private programs in the area and encourage such programs to be administered and operated by personnel with appropriate skills (including language skills), training, and experience. Furthermore, the conferees believe strongly that recipients of funds under this title should take all reasonable steps to facilitate the reconciliation, where possible, of spouses and the family. Therefore, the conferees believe it would be inappropriate for demonstration grant recipients that provide temporary shelter for abused spouses to require a minimum length of stay for shelter residents, to censor mail or telephone calls of shelter residents, or to interfere with reconciliation efforts unless requested to do so by the resident.

House Bill.—The House bill provides that the Secretary approve any State application meeting these requirements and not disapprove any such application except after reasonable notice of the Secretary's intent to disapprove and opportunity for correction of deficiencies.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes. (Section 303(a)(3).)

House Bill.—The House bill authorizes the Secretary to make grants to Indian tribes and intertribal organizations for projects designed to prevent family violence and to provide immediate shelter and related assistance for victims and dependents of victims of family violence.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with amendments substituting "tribal" for "intertribal" organizations and specifying that the grants be "demonstration grants". (Section 303(b)(1).)

House Bill.—The House bill provides that no grant be made under this subsection (relating to grants to Indian tribes and intertribal organizations) unless an application is made to the Secretary in such a manner and containing or accompanied by information deemed essential by the Secretary, and that such applications shall comply, as applicable, with provisions requiring designation of the responsible State agency; procedures to assure confidentiality; and procedures to assure active participation in development and review of programs and projects by knowledgeable individuals and organizations.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with technical and conforming amendments. (Section 303(b)(2).)

House Bill.—The House bill provides that no grant for any fiscal year for any single entity (other than a State) is to exceed $50,000 and that total grants to a single entity may not exceed $150,000 or be awarded in excess of three fiscal years.

Senate Amendment.—The Senate amendment provides a limitation on grants to any single entity for any fiscal year of $50,000 unless the Secretary deems that exceptional circumstances justify a grant in a greater amount.

Conference Agreement.—The Senate recedes with technical amendments. (Section 303(c).)

House Bill.—The House bill prohibits the direct payment of family violence grant funds to victims or dependents of victims.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with technical amendments. (Section 303(d).)

House Bill.—The House bill prohibits the application of an income eligibility standard to an individual seeking assistance or services from any local public agency or nonprofit private organization which received a grant under this title.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with an amendment clarifying that this provision applies to grants to Indian tribes or tribal organizations and that the prohibition applies only to assistance or services provided by local grant recipients with funds appropriated under this title. (Section 303(e).)

House Bill.—The House bill requires that local public agencies or nonprofit private organizations provide for the following local share as a proportion of the total Federal/local funds provided them:

	Percent	
	Federal	Local
1st year of project grant	80	20
2d year of project grant	70	30
3d year of project grant	66⅔	33⅓

Except for public entities, at least 50 percent of the local share is to be raised from private sources. The local share may be cash or in-kind and may not include federal funds provided under any authority other than this title.

Senate Amendment.—The Senate amendment requires the following Federal/local share of the demonstration grants by fiscal year as follows:

	Percent	
	Federal	Local
Fiscal year 1985	65	35
Fiscal year 1986	45	55
Fiscal year 1987	35	65

The non-Federal share is to be cash, or in-kind, fairly evaluated, including but not limited to planning expenses, plant, equipment, and services. The Senate amendment also provides that the demonstration grants may be paid in installments, and in advance or as reimbursement, with necessary adjustments, as the Secretary determines.

Conference Agreement.—The Senate recedes with an amendment applying its percentages of Federal/local share to the project years in the House bill. (Section 303(f).)

House Bill.—The House bill provides that the Secretary assure that at least 75 percent of the funds distributed in the grant programs under this section be distributed to entities to provide immediate shelter and related assistance to victims and dependents of victims of family violence.

Senate Amendment.—The Senate amendment earmarks not less than 50 percent of the funds for demonstration grants for the purpose of preventing incidents of family violence including the provision of immediate shelter and related assistance.

Conference Agreement.—The Senate recedes with an amendment changing the percentage to 60 percent. (Section 303(g).)

House Bill.—The House bill requires that funds under this section be used to provide shelter and related assistance to victims of violence by individuals with whom they reside, provided victims of family violence are first served.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The House recedes.

House Bill.—The House bill provides that States (not including Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands but including the District of Columbia and the Commonwealth of Puerto Rico) be allotted grant amounts that bear the same ratio to the sums appropriated as the population of the State bears to the U.S. population, except that each State be allotted not less than whichever is the greater of either ½ of 1 percent of the amounts available for grants under sec. 303(a) for the fiscal years for which the allotment is made or $50,000. Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands would each be allotted at

least ⅛ of 1 percent of the amounts available for grants under sec. 303(a) for the fiscal year for which the allotment is made.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes. (Section 304(a).)

House Bill.—The House bill requires that, for the purposes of the allotment of funds the Secretary determine each State's population and the total U.S. population on the basis of the most recent satisfactory census data available.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with an amendment specifying that the Secretary use, if available, annual interim current census data provided annually pursuant to section 181 of title 13, United Stats Code. (Section 304(b).)

House Bill.—The House bill provides that if sums appropriated for State grants are insufficient to pay the total amounts for which States are entitled, the amounts are to be ratably reduced and that, if additional funds become available for such grants during such fiscal year, the reduced amounts are to be increased on the same basis as they were reduced.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes. (Section 304(c).)

House Bill.—The House bill requires the Secretary to reallot funds not made available to a State (because of the State's failure to meet grant requirements) at the end of the sixth month of any fiscal year for which sums are appropriated to other eligible States.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes. (Section 304(d)(1).)

House Bill.—The House bill provides that such realloted funds shall remain available for expenditure until the end of the fiscal year after the fiscal year in which the funds were available for reallotment.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes. (Section 304(d)(2).)

The House Bill and The Senate Amendment.—Both the House bill and the Senate amendment, with technical differences, require the Secretary to appoint an individual with expertise relating to family violence prevention and services to administer programs and activities under this title, but the House bill requires that experience to be with programs administered by the Department.

Conference Agreement.—The House recedes. (Section 305(a).)

House Bill.—The House bill requires the Secretary to be responsible for overseeing and maintaining records on program and activities under this title and to seek to coordinate all Federal programs and activities relating to family violence; and to encourage and support research activities associated with providing shelter and related assistance to victims and dependents of victims of family violence.

Senate Amendment.—The Senate amendment requires the Secretary to coordinate HHS programs and to seek to coordinate other Federal programs relating to preventing family violence and providing assistance for victims, potential victims, and their dependents.

Conference Agreement.—The House recedes with amendments (derived from other provisions of the House bill and the Senate amendment) providing for the Secretary also to provide for research into the causes of family violence and into the prevention, identification, and treatment thereof (with examples of appropriate research including: studying the necessity and impact of mandatory reporting of incidents of family violence), to conduct a study on the incidence of elder abuse, and to provide for the training of personnel and the provision of technical assistance in the conduct of family violence programs, and requiring the Secretary to coordinate aspects of elder abuse as provided for under this title with the Administration on Aging and the National Institute on Aging. (Section 305(b).)

House Bill.—The House bill provides for the establishment of a national information and resource clearinghouse on family violence to operate in coordination with the clearinghouse maintained by the National Center on Child Abuse and Neglect in order to collect, analyze, prepare, and disseminate information and statistics on, and to provide information on alternative sources of assistance available relating to, the incidence and prevention of family violence and provision of immediate shelter and related assistance.

Senate Amendment: The Senate amendment requires the Secretary to operate a national clearinghouse on family violence prevention (including abuse of the elderly) to collect, prepare, analyze, and disseminate information, statistics, and analyses relating to the incidence, repeated incidence, and prevention of family violence and the provision of shelter and assistance to family violence victims and their dependents; and to provide information about alternative sources of assistance available relating to the incidence and prevention of family violence and provision of immediate shelter and related assistance. The amendment further requires the Secretary to assure that the clearinghouse activities are coordinated with the National Center on Child Abuse and Neglect.

Conference Agreement: The House recedes. (Section 308.)

Senate Amendment: The Senate amendment requires the Secretary to appoint and fix the compensation of necessary personnel and prescribe necessary regulations.

House Bill: The House bill contains no similar provision.

Conference Agreement: The House recedes. (Section 312(a)(1).)

House Bill: The House bill authorizes the Secretary to make grants to public or nonprofit private entities or enter into contracts with public or private entities to provide technical assistance, training, and outreach services, to the extent such assistance is not otherwise available, to States, local public agencies, and nonprofit private organizations participating or interested in participating in the programs and projects under this title.

Senate Amendment: The Senate amendment authorizes the Secretary to enter into contracts, grants, or other necessary arrangements or modifications, to procure the services of temporary and intermittent experts and consultants as necessary and as authorized under sec. 3109, title 5, United States Code, to carry out this title's provisions, and to prescribe necessary regulations.

Conference Agreement: The conference agreement incorporates provisions from both versions into a separate section on administration. (Section 312(a)(2), (3), and (4).)

House Bill: The House bill requires the Secretary to report to Congress within two years after funds are first obligated on the effectiveness of the program conducted, particularly in relation to reducing repeated incidents of family violence.

Senate Amendment: The Senate amendment contains no similar provision.

Conference Agreement: The Senate recedes. (Section 306.)

Senate Amendment: The Senate amendment requires the Secretary to submit a report to Congress by October 1, 1987, on the implementation and effectiveness of the entire bill and the amendments made by it.

House Bill: The House bill contains no similar provision.

Conference Agreement: The House recedes with an amendment limiting the mandated report to implementation and effectiveness of the provisions in title I.B. of the conference report, relating to disabled infants with life-threatening conditions. (Section 126.)

It is the intent of the conferees that the report include a description of the results of an administrative review of the effect, if any, that the new regulations relating to disabled infants with life-threatenting conditions have had on the religious practice of a parent or guardian who has either withheld or desired to withhold medical treatment from his or her child in accordance with the parent's or guardian's religious beliefs as well as the effect that current regulations (45 CFR section 1340) concerning child neglect have had on religious practices, and including any recommendations that the Secretary may wish to make for administrative or legislative action as a result of that review.

House Bill.—The House bill prohibits funding for any program unless the grant, contract, or agreement specifically provides that no individual with responsibilities in the program discriminate unlawfully based on race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

The House bill further prohibits discrimination in participation, employment, or other forms of assistance on the basis of sex in connection with programs or activities under this title, and provides that an individual's sex may be taken into consideration in instances where sex is a bona fide occupational or programmatic factor, and provides for enforcement regarding that factor under sections 602-3 of the Civil Rights Act of 1964.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with an amendment incorporating (with technical changes) standard nondiscrimination provisions included in numerous Federal block grant programs. (Section 4307.)

House Bill.—The House bill defines "family violence" as an act of threatened act of violence, including forceful detention that results or threatens to result in physical injury and is committed by a person against another to whom the person is or was related by blood or marriage or otherwise legally related, including elderly family members.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with an amendment adding "or otherwise lawfully residing" and including reference to "elderly persons". (Section 309(1).)

House Bill.—The House bill defines "Indian tribe" as any tribe, band, nation, or

other organized group or community of Indians recognized as eligible for the services provided to Indians pursuant to the Alaska Native Claims Settlement Act or the Indian Health Care Improvement Act.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with an amendment providing that the terms "Indian tribe" and "tribal organization" have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act. (Section 309(2).)

The House Bill and the Senate Amendment.—Both the House bill and the Senate amendment define, with technical differences, the term "shelter."

Conference Agreement.—The House recedes. (Section 309(4).)

House Bill.—The House bill defines "relates assistance" as food, clothing, child care, transportation, and emergency medical care for victims of family violence and their dependents and counseling, alcohol and drug abuse treatment, and self-help services to abusers, and victims and their dependents.

Senate Amendment.—The Senate amendment defines "related assistance" as including counseling and self-help services to abusers, victims, and dependents in family violence situations (which also includes counseling of all family members to the extent feasible) and referrals for appropriate health-care services, including alcohol and drug abuse treatment. The definition further specifies that "related assistance" may include food, clothing, child care, transportation, and emergency services (but not reimbursement for health care services) for victims of family violence and their dependents.

Conference Agreement.—The House recedes. (Section 309(5).)

The House Bill and The Senate Amendment.—Both the House bill and the Senate amendment define, with technical differences, the term "State."

Conference Agreement.—The Senate recedes. (Section 309(6).)

House Bill.—The House bill authorizes appropriations for title III relating to family violence at:

	Millions
Fiscal year 1984	$15
Fiscal year 1985	20
Fiscal year 1986	30

The House bill also authorizes appropriations separately for law enforcement training and technical assistance grants of $2 million for each of fiscal years 1984–1987.

Senate Amendment.—The Senate amendment authorizes appropriations for these programs at:

	Millions
Fiscal year 1985	$5
Fiscal year 1986	15
Fiscal year 1987	15

Conference Agreement.—The House recedes with an amendment authorizing appropriations for title III at:

	Millions
Fiscal year 1985	$11
Fiscal year 1986	26
Fiscal year 1987	26

(Section 310(a).)

House Bill.—The House bill provides that 90 percent of the sums appropriated each fiscal year be used by the Secretary for grants to States, Indian tribes, and intertribal organizations, of which not less than one-half of 1 percent nor more than 1 percent be available for grants to Indian tribes and intertribal organizations.

Senate Amendment.—The Senate amendment provides that not less than 50 percent of the sums appropriated each fiscal year be available for demonstration grants under 303(a)(1) (to prevent incidents of family violence, including the provision of immediate shelter and related assistance to victims of family violence and their dependents).

Conference Agreement.—The Senate recedes with an amendment changing the earmark to not less than 85 percent for grants to States and eliminating the earmark for grants to Indian tribes and intertribal organizations. (Section 310(b).)

Senate Amendment.—The Senate amendment mandates that nothing in the demonstration grant section be construed to supersede the application of State or local requirements for reporting suspected child abuse to appropriate State authorities.

House Bill.—The House bill contains no similar provision.

Conference Agreement.—The House recedes. (Section 312(b).)

House Bill.—The House bill requires the Secretary, in consultation with the Administration on Aging and the National Institute on Aging, to establish the National Center on Elder Abuse.

Senate Amendment.—The Senate amendment has no comparable provision, but under section 304 of the Senate amendment provides for collection, preparation, analysis, and dissemination of information, statistics, and analyses relating to family violence, including elder abuse, under the national clearinghouse on family violence prevention.

Conference Agreement.—The House recedes. (Section 308(a).)

House Bill.—The House bill requires the Secretary, through the National Center on Elder Abuse to compile, publish, and disseminate an annual summary of recent research on elder abuse, neglect, and exploitation; develop and maintain an information clearinghouse on all programs showing promise of success in preventing, identifying, and treating elder abuse, neglect and exploitation; provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation; conduct research into the causes of elder abuse, neglect, exploitation and into the prevention, identification and treatment thereof; and study and investigate, in consultation with the National Institute on Aging, the national incidence of elder abuse, neglect, and exploitation, including determining the extent to which such incidents are increasing in number and severity.

Senate Amendment.—The Senate amendment contains no similar provision but includes elderly persons within the definition of possible victims of domestic violence.

Conference Agreement.—The House recedes. (Section 309(1)(B).)

House Bill.—The House bill requires the Secretary to report to the President and to Congress within 18 months of enactment on the results of the Center's research, with recommendations, if any, including recommended legislation.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The House recedes.

The conferees note that the incidence of elder abuse study is expressly required by another section of the conference report. (Section 305(b)(2)(B).)

House Bill.—The House bill authorizes an appropriation of such sums as necessary to carry out the provisions relating to a National Center on Elder Abuse.

Senate Amemdment.—The Senate amendment contains no similar provision.

Conference Agreement.—The House recedes.

House Bill.—The House bill provides that the Attorney General make grants for regionally-based training and technical assistance for personnel of local and State law enforcement agencies to respond to incidents of family violence.

Senate Amendment.—The Senate amendment provides for demonstration grants to prepare local and State law enforcement personnel for handling incidents of family violence.

Conference Agreements.—The Senate recedes with amendments substituting the Secretary for the Attorney General, but requiring that delegation of authority for such activities be made to the Attorney General and permitting contracts to be made with public or private entities as well as grants to public agencies and non-profit private entities. (Section 311(a).)

House Bill.—The House bill requires that these grants be awarded competitively on the basis of an application containing information and assurances as required by the Attorney General; that the Attorney General select grant recipients with demonstrated effectiveness in preparing personnel of local and State law enforcement agencies for handling incidents of family violence; and that priority be given to those applications which propose projects or programs that will develop, demonstrate, or disseminate information regarding improved techniques for responding to incidents of family violence by law enforcement officers.

Senate Amemdment.—The Senate amendment contains no similar provision.

Conference Agreement.—The Senate recedes with technical and conforming amendments. (Section 311(b).)

House Bill.—The House bill authorizes appropriations of $2 million for law enforcement training and technical assistance grants each fiscal year this title is in effect.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The House recedes with an amendment requiring that the Secretary transfer to the Attorney General for such grants each year not more than $2 million of the funds appropriated under this title. (Section 311(c).)

House Bill.—The House bill requires a study of the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly elder abuse, to include considering the effect of immunity of the mandatory reporting process.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The House recedes.

Such a study is provided for in the conference report under the provisions relating to research activities. (Section 305(b)(2)(A)(ii).)

House Bill.—The House bill requires the Secretary to report to Congress, within 18 months of enactment, on the results of the study with recommendations.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The House recedes.

House Bill.—The House bill authorizes the appropriation of such sums as necessary to conduct this study and make the report.

Senate Amendment.—The Senate amendment contains no similar provision.

Conference Agreement.—The House recedes.

Technical note.—The engrossed Senate amendment erroneously contained a provision (in section 107) entitled "Savings Provision" relating to certain States' rights regarding the health care a parent may provide to a child in the exercise of the parent's freedom of religion. Because this provision was struck during Senate floor consideration by virtue of the adoption of Senate Amendment No. 3422 (Congressional Record, page 21156, July 26, 1984), it was not considered by the conferees and is not included in the conference report.

APPENDIX

CONGRESSIONAL RECORD (JULY 26, 1984)

21141-21144

JOINT EXPLANATORY STATEMENT BY PRINCIPAL SPONSORS OF COMPROMISE AMENDMENT REGARDING SERVICES AND TREATMENT FOR DISABLED INFANTS

AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

The amendment would add a new clause (K) to section 4(b)(2) of the Child Abuse Prevention and Treatment Act (hereinafter referred to as "the Act"). Section 4(b)(2) authorizes grants to carry out child abuse prevention and treatment programs to be made to States which meet the requirements of the Act.

New clause (K) would require States which participate in the State grant program to have in place procedures and/or programs (within the State child protective service system) for the purpose of responding to the reporting of medical neglect, including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions. The new clause specifies that these procedures and/or programs will provide for (i) coordination and consultation with individuals within appropriate health care facilities who have been designated by such health-care facilities, (ii) prompt notification by such individuals to the child protective services system of cases of suspected medical neglect, including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions, and (iii) the authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

The term "withholding of medically-indicated treatment" is defined (in a new definition to be added to section 3 of the Act) as the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment, (A) the infant is chronically and irreversibly comatose; (B) the provision of such treatment would (i) merely prolong dying, (ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or (iii) otherwise be futile in terms of the survival of the infant; or (C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane. The use of the term "inhumane" in exception (C), above, is not intended to suggest that consideration of the humaneness of a particular treatment is not legitimate in any other context; rather, it is recognized that it is appropriate for a physician, in the exercise of reasonable medical judgment, to consider that factor in selecting among effective treatments.

Under the definition, if a disabled infant suffers from more than one life-threatening condition and, in the treating physician's or physicians' reasonable medical judgment, there is no effective treatment for one of those conditions, then that infant is not covered by the terms of the amendment (except with respect to appropriate nutrition, hydration, and medication) concerning the withholding of medically indicated treatment.

The term "infant" as used in this definition is intended to mean infants less than one year of age although it may include older infants who have been continuously hospitalized since birth, who were born extremely prematurely or who have long-term disabilities. The reference to less than one year of age is not intended to imply that treatment should be changed or discontinued when an infant reaches one year of age. Nor is it intended to affect or limit any existing protections available under State laws regarding medical neglect of children over one year of age.

The reference to "reasonable medical judgment" of the treating physician or physicians means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

With respect to the procedures and/or programs to be utilized to comply with the requirements in new clause (K), the Act now requires States which receive funds under section 4(b)(2) to provide certain mechanisms for the reporting of abuse or neglect cases. The same reporting mechanisms and standards set forth in the Act and existing regulations would be applicable to the reporting of cases of medical neglect covered under new clause (K).

Similarly, the Act now requires the appointment of a guardian ad litem for children involved in judicial proceedings relating to abuse or neglect. This provision would be applicable in judicial proceedings with respect to cases under new clause (K).

The Act and regulations also now already require States receiving funds under section 4(b)(1) to take appropriate steps to protect the health and welfare of abused or neglected children, including instituting legal proceedings. The new clause (K) includes specific statutory reference to the authority to institute legal proceedings only because questions have occasionally been raised about the authority of particular child protective services agencies to take such actions in cases involving withholding of medically-indicated treatment from disabled infants with life-threatening conditions. Under new clause (K), States have the flexibility to determine the specific agency or agencies within their child protective services systems, to exercise that authority. State authority to utilize other agencies, in addition to the child protective services system, for these purposes would be unaffected by the legislation.

ADDITIONAL GRANTS TO STATES

The amendment (in section 201(c)(2)) would add a new subsection 4(c) to the Act to authorize the Secretary to make additional grants to the States for the purposes of developing, establishing, and operating or implementing (1) the procedures or programs required under the new clause (K), (2) information and education programs or training programs (for the purposes of improving the provision of services to disabled infants with life-threatening conditions) for professional and paraprofessional personnel concerned with the welfare of such infants, including personnel employed in child protective services programs and health-care facilities, and for parents of such infants, and (3) programs to help obtain or coordinate necessary services, including existing social and health services and financial assistance for families with disabled infants with life-threatening conditions as well as those services necessary to facilitate adoptive placement of such infants who have been relinquished for adoption.

REGULATIONS AND GUIDELINES

The amendment (in section 202) would direct the Secretary, within 90 days of the date of enactment, to publish for public comment proposed regulations to implement the requirements of the new clause (K), and to publish final such regulations within 180 days after enactment.

It also would direct the Secretary to publish, within 60 days after enactment, interim model guidelines to encourage the establishment within health-care facilities of committees which would serve the purposes of educating hospital personnel and families of disabled infants with life-threatening conditions, recommending institutional policies and guidelines concerning the withholding of medically indicated treatment from such infants, and offering counsel and review in cases involving disabled infants with life-threatening conditions. Not later than 150 days after the date of enactment and after notice and opportunity for public comment, the Secretary would be required to publish the model guidelines.

REPORT ON FINANCIAL RESOURCES

The amendment (in section 203) would require the Secretary to conduct a study to determine the most effective means of providing Federal financial support other than the use of funds provided through the Social Security Act, for the provision of medical treatment, general care, and appropriate social services for disabled infants with life-threatening conditions and report the results of such study to the appropriate committees of the Congress not later than 270 days after the date of enactment. The report to the appropriate Committees would also be required to contain such recommendations for legislation to provide such financial support as the Secretary considers appropriate.

TRAINING, TECHNICAL ASSISTANCE AND CLEARINGHOUSE ACTIVITIES

The amendment (in section 204) would direct the Secretary to provide, directly or through grants or contracts with public or

private nonprofit organizations, for training and technical assistance programs to assist states in meeting the requirements of new clause (K) and for establishing and operating national and regional information and resource clearinghouses to provide the most current and complete information regarding medical treatment procedures and resources and community resources for services and treatment for disabled infants with life-threatening conditions. The funds to carry out these activities would be provided from the funds, other than those funds made available for basic States grants under section 4(b)(1), otherwise available to the Secretary to carry out activities under the Act (meaning the Child Abuse Prevention and Treatment Act).

STATUTORY CONSTRUCTION

The amendment (in section 205) would provide that no provision of or any amendment made by the Act is intended to affect any right or protection under section 504 of the Rehabilitation Act of 1973.

It would also provide that no provision of or any amendment made by the Act may be construed to authorize the Secretary or any other governmental entity to establish standards prescribing specific medical treatments for specific conditions, except to the extent that such standards are authorized by other laws.

It would also contain a standard severability provision in the event that a particular provision of or any amendment made by the Act is declared unconstitutional by a court.

AUTHORIZATION OF APPROPRIATIONS

The amendment (in section 206) would increase the authorization of appropriations—from the levels in the bill as reported ($27 million for FY 1984, $34 million for FY 1985, $35.5 million for FY 1986, and $37.08 million for FY 1987)—under the Act by $5,000,000 for each fiscal year for the purpose of making the additional grants to the states to implement the provisions of new clause (K) and to establish the information and education and training programs and the programs to help obtain or coordinate necessary services for disabled infants with life-threatening conditions authorized under the new section 4(c)

The amendment would retain the earmark contained in S. 1003 as reported of $9,500,000 in each fiscal year for the carrying out of the provisions of section 4(b)(1), relating to basic state grants, and $4,000,000 in each fiscal year for identification, treatment, and prevention of sexual abuse.

It is the firm intention of the sponsors that appropriations for the new section 4(c) program should be in addition to appropriations at the authorization levels contained in the amendment for the section 4(b)(1) basic state grant program and for the sexual abuse, identification, treatment, and prevention program and that neither of these existing programs should be reduced in funding in order to provide funds for the new section 4(c) program

EFFECTIVE DATES

The provisions of the Act and amendments made by the Act would be effective upon the date of enactment, except that the amendment establishing new clause (K) as a requirement for participation in the state grant program does not become effective until one year after the date of enactment.

The amendment further provides that in the event that, prior to the clause (K) effective date, funds have not been appropriated pursuant to section 5 of the Act (as amended by section 104 of this Act) for the purpose of grants under new section 4(c), the Secretary may grant to any State which has not met the requirements of new clause (K) a waiver of such requirements for a period of not more than one year, if the Secretary finds that such State is making a good faith effort to comply with such provisions.

AUGUSTUS F. HAWKINS,
JOE GAYDOS,
MARIO BIAGGI,
PAUL SIMON,
GEO. MILLER,
AUSTIN J. MURPHY,
BALTASAR CORRADA,
PAT WILLIAMS,
DENNIS E. ECKART,
JOHN N. ERLENBORN,
BILL GOODLING,
TOM COLEMAN,
STEVE BARTLETT,
JOHN MCCAIN,
Managers on the Part of the House.

ORRIN HATCH,
JEREMIAH DENTON,
DON NICKLES,
EDWARD M. KENNEDY,
CHRIS DODD,
Managers on the Part of the Senate.

APPOINTMENT OF ADDITIONAL CONFEREE ON H.R. 4164, VOCATIONAL-TECHNICAL EDUCATION ACT OF 1984

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint an additional conferee on the part of the House on H.R. 4164, the Vocational-Technical Education Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following additional conferee: Mr. TAUKE.

There was no objection.

CENTRAL INTELLIGENCE AGENCY INFORMATION ACT

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the order of the House of September 18, 1984, the unfinished business is the question de novo of suspending the rules and passing the bill, H.R. 5164, as amended, on which further proceedings were postponed on Monday, September 17, 1984.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND] that the House suspend the rules and pass the bill, H.R. 5164, as amended.

The question was taken.

RECORDED VOTE

Mr. WEISS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 369, noes 36, not voting 27, as follows:

[Roll No. 402]

AYES—369

Addabbo	Evans (IL)	Lipinski
Akaka	Fascell	Livingston
Albosta	Fazio	Lloyd
Anderson	Feighan	Loeffler
Andrews (NC)	Fiedler	Long (LA)
Andrews (TX)	Fields	Long (MD)
Annunzio	Fish	Lott
Anthony	Flippo	Lowery (CA)
Applegate	Florio	Lujan
Archer	Foglietta	Luken
Aspin	Foley	Lundine
Badham	Ford (MI)	Lungren
Barnard	Ford (TN)	Mack
Barnes	Fowler	MacKay
Bartlett	Frank	Madigan
Bateman	Franklin	Marlenee
Bates	Frenzel	Marriott
Beilenson	Frost	Martin (IL)
Bennett	Gaydos	Martin (NC)
Bereuter	Gejdenson	Martin (NY)
Berman	Gekas	Martinez
Bevill	Gephardt	Matsui
Biaggi	Gibbons	Mavroules
Bilirakis	Gilman	Mazzoli
Billey	Gingrich	McCain
Boehlert	Glickman	McCandless
Boggs	Gonzalez	McCloskey
Boland	Goodling	McCollum
Bonior	Gore	McCurdy
Bonker	Gradison	McDade
Borski	Green	McEwen
Bosco	Gregg	McHugh
Boucher	Guarini	McKernan
Britt	Gunderson	McKinney
Brooks	Hall (IN)	McNulty
Broomfield	Hall (OH)	Mica
Brown (CA)	Hall, Ralph	Michel
Brown (CO)	Hall, Sam	Mikulski
Broyhill	Hamilton	Miller (CA)
Bryant	Hammerschmidt	Miller (OH)
Burton (IN)	Hance	Mineta
Byron	Hansen (ID)	Minish
Campbell	Hansen (UT)	Moakley
Carney	Harkin	Molinari
Carper	Harrison	Mollohan
Carr	Hartnett	Montgomery
Chandler	Hatcher	Moody
Chappell	Hefner	Moore
Chappie	Heftel	Morrison (WA)
Clarke	Hertel	Mrazek
Clinger	Hightower	Murtha
Coats	Hiler	Myers
Coelho	Hillis	Natcher
Coleman (MO)	Holt	Neal
Coleman (TX)	Hopkins	Nelson
Collins	Horton	Nichols
Conte	Howard	Nielson
Cooper	Hoyer	Nowak
Corcoran	Hubbard	O'Brien
Coughlin	Huckaby	Oakar
Coyne	Hughes	Oberstar
Craig	Hunter	Obey
Crane, Daniel	Hutto	Olin
Crane, Philip	Hyde	Ortiz
D'Amours	Ireland	Oxley
Daniel	Jacobs	Packard
Dannemeyer	Jeffords	Panetta
Darden	Jenkins	Parris
Daschle	Johnson	Pashayan
Daub	Jones (NC)	Patman
Davis	Jones (OK)	Patterson
de la Garza	Jones (TN)	Pease
Derrick	Kaptur	Penny
DeWine	Kasich	Pepper
Dickinson	Kazen	Petri
Dicks	Kemp	Pickle
Dingell	Kennelly	Porter
Donnelly	Kildee	Price
Dowdy	Kindness	Pritchard
Downey	Kleczka	Pursell
Dreier	Kolter	Quillen
Duncan	Kramer	Rahall
Durbin	LaFalce	Rangel
Dwyer	Lagomarsino	Ratchford
Dyson	Lantos	Ray
Early	Latta	Regula
Eckart	Leach	Reid
Edwards (AL)	Lent	Richardson
Emerson	Levin	Ridge
English	Levine	Rinaldo
Erdreich	Levitas	Ritter
Erlenborn	Lewis (CA)	Roberts
Evans (IA)	Lewis (FL)	Robinson

Rodino	Smith (FL)	Udall
Roe	Smith (IA)	Valentine
Roemer	Smith (NE)	Vander Jagt
Rogers	Smith (NJ)	Vandergriff
Rose	Smith, Denny	Vento
Rostenkowski	Smith, Robert	Volkmer
Roth	Snowe	Vucanovich
Roukema	Snyder	Walgren
Rowland	Solarz	Walker
Rudd	Solomon	Watkins
Russo	Spence	Waxman
Sabo	Spratt	Wheat
Sawyer	St Germain	Whitehurst
Schaefer	Staggers	Whitley
Scheuer	Stangeland	Whittaker
Schneider	Stenholm	Williams (MT)
Schroeder	Stokes	Winn
Schulze	Stratton	Wirth
Schumer	Stump	Wise
Sensenbrenner	Sundquist	Wolf
Sharp	Swift	Wolpe
Shaw	Synar	Wortley
Shumway	Tallon	Wright
Shuster	Tauke	Wyden
Sikorski	Tauzin	Yates
Siljander	Taylor	Yatron
Sisisky	Thomas (CA)	Young (AK)
Skeen	Thomas (GA)	Young (FL)
Skelton	Torricelli	Young (MO)
Slattery	Traxler	Zschau

NOES—36

Ackerman	Edgar	Murphy
AuCoin	Edwards (CA)	Ottinger
Bedell	Fuqua	Owens
Boxer	Garcia	Paul
Burton (CA)	Gray	Roybal
Clay	Hawkins	Savage
Conyers	Hayes	Seiberling
Crockett	Kastenmeier	Stark
Dellums	Kostmayer	Torres
Dixon	Leland	Towns
Dorgan	Lowry (WA)	Weaver
Dymally	Mitchell	Weiss

NOT VOTING—27

Alexander	Gramm	Shannon
Bethune	Kogovsek	Shelby
Boner	Leath	Simon
Breaux	Lehman (CA)	Studds
Cheney	Lehman (FL)	Weber
Conable	Markey	Whitten
Courter	McGrath	Williams (OH)
Edwards (OK)	Moorhead	Wilson
Ferraro	Morrison (CT)	Wylie

□ 1600

Mr. TOWNS changed his vote from "aye" to "no."

Mr. GEJDENSON and Mr. MATSUI changed their votes from "no" to "aye."

So (two-thirds have voted in favor thereof) the rules were suspended, the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3755) "An act to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process."

PROVIDING FOR CONSIDERATION OF H.R. 3082, EMERGENCY WETLANDS RESOURCES ACT OF 1983

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 579 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 579

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and to the amendment made in order by this resolution and which shall continue not to exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on Merchant Marine and Fisheries, Interior and Insular Affairs, and Public Works and Transportation now printed in the bill, it shall be in order to consider the amendment in the nature of a substitute printed in the Congressional Record of September 11, 1984 by Representative Jones of North Carolina as an original bill for the purpose of amendment under the five-minute rule. Said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1947 (Public Law 93-344), clause 7 of rule XVI, and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1610

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 579 is an open rule that provides for the consideration of H.R. 3082, the Emergency Wetlands Resources Act. The resolution provides for 2 hours of general debate, with 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs.

Mr. Speaker, House Resolution 579 waives all points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act—which requires authorizations to be reported by May 15 before the beginning of the fiscal year for which they are effective. H.R. 3082, as introduced, authorized appropriations for fiscal year 1984 and since the bill was not reported by May 15, 1983 it violates section 402(a) of the budget act. However, an amendment in the nature of a substitute made in order by this rule makes the authorization of new budget authority first effective in fiscal year 1985, thereby curing the budget act violation, of course. A technical waiver is still necessary since the point of order goes against the bill as introduced.

Mr. Speaker, House Resolution 579 makes in order an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of September 11, 1984, by Representative JONES of North Carolina to be considered as original text in lieu of the committee amendments now printed in the bill. The substitute is to be considered by titles instead of sections with each title considered as read.

House Resolution 579 provides for three waivers against the substitute. The first waives section 303(a) of the Budget Act, which prohibits consideration of bills providing new budget authority for a fiscal year prior to the adoption of the conference report on the budget resolution for such year. H.R. 3082 forgives the repayment to the Treasury of an appropriation advanced to the migratory bird conservation fund. This results in new budget authority for fiscal year 1985 and,

since no conference report on the first budget resolution for fiscal year 1985 has been adopted, the bill violates section 303(a) of the Budget Act.

The second instance waives points of order under clause 5(a) of rule 21, which prohibits appropriations in a legislative bill. H.R. 3082 allows the Secretary of the Interior to take 10 percent of admission fees to wildlife refuges to be applied to administrative costs of the admission permit program and other purposes. Section 304 of the substitute also expands the purposes for which the trust fund can be used. These provisions constitute a new use of already appropriated funds allow expenditure of funds without further action on an appropriations bill, or might otherwise be construed as an appropriation in a legislative bill and thus the waiver is necessary.

Finally, Mr. Speaker, House Resolution 579 waives points of order against the substitute for failure to comply with the provisions of clause 7, rule 16—the germaneness rule. This waiver is necessary because title IV of the substitute was not in the bill as introduced. Because of this, the substitute might be subject to a point of order on germaneness grounds, thus the waiver of the rule is necessary. House Resolution 579 also provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 3082, the emergency Wetland Resources Act is a bill that is designed to increase Federal and State wetlands preservation through user fees an to authorize appropriations of $75 million in each of fiscal years 1985 through 1994. Wetlands, which include swamps, marshes, and bogs, are the natural breeding grounds for many types of waterfowl and wildlife. Because wetlands lie in areas that are prone to development about 50 percent of the 215 million acres that once existed in the United States are gone. In the last 20 years alone, over 9 million acres were lost, these significant losses reveal the need for improved management and a proper program of acquisition of these wetlands. Wetlands are credited with providing considerable environmental and economic benefits to the Nation. While it is difficult to determine the exact amount of dollars that wetlands contribute to the economy, estimates range annually from $20 to $40 billion dollars.

To offset the loss of habitat and to preserve wildlife areas in the wetlands, the Federal Government buys and helps States buy wetlands through two major sources of funding. The primary source of funding for wetland acquisition is the sale of migratory bird hunting and conservation stamps, more commonly known as "duck stamps," which are required for hunting ducks. The sale of these stamps to hunters raises approximately $16 million a year. The second source of funds for wetlands acquisition is the land and water conservation fund financed by taxes on motor boat fuels and Outer Continental Shelf leasing revenues.

Mr. Speaker, H.R. 3082 consists of four titles, briefly summarized, title I increases the revenues available for wetlands acquisition by authorizing the Interior Department to charge admission fees to wildlife refuges, and by gradually increasing the price of duck stamps from $7.50 per stamp currently, to $15 per stamp in 1989. Title II provides for the transfer of $75 million from the land and water conservation to a new wetlands conservation fund in each of fiscal years 1985 through 1994. Title III provides an appropriation of $101 million to be made available over the period between fiscal year 1985 and fiscal year 1996 for the continuation of the national wetland inventory project, and also authorizes $1 million for the Secretary of the Interior to carry out a study on the major causes of wetlands degradation and destruction. Title IV makes available land within the Cape Hateras National Seashore and Pea Island National Wildlife Refuge to the Army Corps of Engneers for the construction of stone and concrete jetties at the Oregon Inlet, which is located on the Outer Banks of North Carolina.

Mr. Speaker, this bill is not without controversy, but under this rule the issues of controversy can be thoroughly and fairly addressed. I urge adoption of House Resolution 579 so that the House may proceed on this legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule making in order the consideration of an important environment protection bill, and I urge its adoption.

The Emergency Wetlands Resources Act was introduced by our late colleague, Mr. Forsythe, and represents the bipartisan work of three committees. As our knowledge of our environment has progressed we have come to understand the importance of wetlands and this bill attempts to increase our Federal effort to protect and preserve these wetlands along our lakes, rivers, and coasts.

The bill makes a number of changes and improvements in our wetlands programs. It increases revenues going into the migratory bird conservation fund which is financed by the sale of migratory bird hunting and conservation stamps known as duck stamps.

□ 1620

A new program for State and Federal wetlands acquisition is contained in this bill and funded by a transfer of $75 million from the land and water conservation fund to a new wetlands conservation fund. The land and water conservation fund authorization is also increased $75 million through fiscal year 1994.

The bills also permits use of Federal land to carry out the Manteo Bay project at Oregon Inlet in North Carolina's Outer Banks. There has been considerable controversy about this project but Members should be aware that it enjoys broad support and that the bill provides that no funds may be expended without a favorable cost/benefit ratio report.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have one request for time. I yield 7 minutes to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. I thank the gentleman from Massachusetts for yielding.

At my request, the Rules Committee agreed to allow an extra half hour to the Interior Committee. But since that is going to be divided 15 minutes to the minority and 15 minutes to the majority, and as I understand it, the minority manager supports the bill, that really only gives the opponents of title IV 15 minutes. So I am going to take a little time here to outline that particular issue.

First of all, let me say that I am on the Interior Committee and chairman of the subcommittee that dealt with this legislation when it was referred to our committee, and I support titles I to III of this bill. I think it does the right kind of thing for protecting our wetlands.

However, as you have already heard from the gentleman from Massachusetts, title IV, is nongermane and, therefore, would not even be in order but for this rule. Moreover, it involves a highly controversial project for the construction of two approximately mile-long jetties seaward from Oregon Inlet on Cape Hatteras National Seashore.

Now, why oppose this? Well, first of all, let me say I did not make an effort to mount a strong opposition to this and eliminate it in subcommittee or in committee—although we could have done that—because I felt that the rest of the bill was important to get moved. But the moment of truth for everyone is about to arrive on this issue.

There are three basic problems with this proposal.

The first objection to creating these jetties is an esthetic one or an environmental one; namely, that these are going to be two huge structures plunked right down on both sides of one of the major inlets to the Cape Hatteras National Seashore, each extending a mile seaward. If that were all, that might not be so bad, but in addition to that, the project envisions a permanent operation for dredging

sand from one side of the northernmost jetty and pumping it several miles around to deposit it on the opposite side of the southernmost jetty.

The reason for that sand-pumping proposal gets us into the second objection to this proposal, which is the building of such jetties diverts but does not stop powerful ocean currents. There is no more powerful, dynamic ocean system on the eastern seaboard than the Cape Hatteras seashore itself.

As a result of the power of the tides and currents, Oregon Inlet itself was created by a so-called blowout in 1846. Since that time, the ocean, which moves the barrier islands around as though they were really not permanent features of land at all, has moved Oregon Inlet itself over 10,000 feet, 10,000 feet, Mr. Speaker, from the original location, and moved it shoreward about 750 feet. That is, the entire barrier island has moved 750 feet shoreward. And it is continuing to move.

Now, why has it not been destroyed by these forces? Because left alone, the ocean currents move the sand laterally along the beach and replenish the dunes so that when the ocean forces hit them and erode them, new currents in the summertime will replenish them.

But if we start to interfere with those forces by creating huge structures such as these jetties, we will cause sand to build up on the "upstream" side of the jetties, thereby starving the barrier island on the downstream side. Eventually there will be catastrophic erosion and a complete blowout at one or more points on the barrier island.

Furthermore, marine geologists—incidentally, they were from North Carolina—testifying before our subcommittee testified that the present formation of Oregon Inlet, with soft sand at its shoulders, is such that, in times of hurricanes or major storms, the water level inside the Bay inside the barrier islands builds up. When the tide goes out, that water rushes through Oregon Inlet and simple pushes the sand aside and widens the Inlet. One of the marine geologists told us that he has seen Oregon Inlet expand as much as half a mile in an hour's time as the outgoing tide shoved the soft shoulders of the inlet aside. This allows the level inside the barrier islands to be lowered rapidly and prevents blowouts elsewhere along the barrier island.

The third objection to this project is financial. Here we are, confronted with enormous deficits, and this bill would authorize and make possible the construction of a project that will cost $600 million over a period of 50 years, which is its projected life with an initial expenditure of $100 million. And for what? For very dubious benefits to a very small group that want to develop a fishing industrial park at Manteo inside the Bay.

And I submit to you that when you go back to your consitutents and face the fact, if you vote for this bill, that you voted for $600 million for a project this dubious and this destructive, you are going to have a hard time explaining it.

Let me just say one other thing about that. The Corps of Engineers has filed a cost-benefit analysis, which, among other things, assumes a 7½-percent interest rate. Of course, the Federal Government is currently paying almost twice that much in interest on money it is borrowing to finance the deficit.

So this is not just something to be laughed off. The National Taxpayers Union is opposing this title of the bill and supporting my amendment, as well as all of the leading environmental organizations in the country. I suggest that Members owe it to themselves to take a good hard look at this legislation and to consider supporting my amendment when we get to title IV to strike that title. If they do, they will have a little less explaining to do when they get back to their districts.

Mr. MOAKLEY. Mr. Speaker, the minority has indicated they have no further requests for time. I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RUSSO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 0, answered not voting 34, as follows:

[Roll No. 403]

YEAS—398

Ackerman	Bereuter	Byron
Addabbo	Berman	Campbell
Akaka	Bevill	Carney
Albosta	Bilirakis	Carper
Anderson	Billey	Carr
Andrews (NC)	Boehlert	Chandler
Andrews (TX)	Boggs	Chappell
Annunzio	Boland	Chappie
Anthony	Bonior	Clarke
Applegate	Bonker	Clay
Archer	Borski	Clinger
Aspin	Bosco	Coats
AuCoin	Boucher	Coelho
Badham	Boxer	Coleman (MO)
Barnard	Britt	Coleman (TX)
Barnes	Brooks	Collins
Bartlett	Brown (CA)	Conable
Bateman	Brown (CO)	Conte
Bates	Broyhill	Conyers
Bedell	Bryant	Cooper
Beilenson	Burton (CA)	Corcoran
Bennett	Burton (IN)	Coughlin
Coyne	Howard	Nelson
Craig	Hoyer	Nichols
Crane, Daniel	Hubbard	Nielson
D'Amours	Huckaby	Nowak
Daniel	Hughes	O'Brien
Dannemeyer	Hunter	Oakar
Darden	Hutto	Oberstar
Daschle	Hyde	Obey
Daub	Ireland	Olin
Davis	Jacobs	Ortiz
de la Garza	Jeffords	Ottinger
Dellums	Jenkins	Owens
Derrick	Johnson	Packard
Dickinson	Jones (NC)	Panetta
Dicks	Jones (OK)	Parris
Dingell	Jones (TN)	Pashayan
Dixon	Kaptur	Patman
Donnelly	Kasich	Patterson
Dorgan	Kastenmeier	Paul
Dowdy	Kazen	Pease
Downey	Kemp	Penny
Dreier	Kennelly	Pepper
Duncan	Kildee	Petri
Durbin	Kindness	Pickle
Dwyer	Kleczka	Porter
Dymally	Kogovsek	Price
Dyson	Kolter	Pritchard
Early	Kostmayer	Pursell
Eckart	Kramer	Quillen
Edgar	LaFalce	Rahall
Edwards (AL)	Lagomarsino	Rangel
Edwards (CA)	Lantos	Ratchford
Emerson	Leach	Ray
English	Lehman (FL)	Regula
Erdreich	Leland	Reid
Erlenborn	Lent	Richardson
Evans (IA)	Levin	Ridge
Evans (IL)	Levine	Rinaldo
Fascell	Levitas	Ritter
Fazio	Lewis (CA)	Roberts
Feighan	Lewis (FL)	Robinson
Fiedler	Lipinski	Rodino
Fields	Livingston	Roe
Fish	Lloyd	Roemer
Flippo	Loeffler	Rogers
Florio	Long (LA)	Rose
Foglietta	Long (MD)	Rostenkowski
Foley	Lott	Roth
Ford (MI)	Lowery (CA)	Roukema
Ford (TN)	Lowry (WA)	Rowland
Fowler	Lujan	Roybal
Frank	Luken	Rudd
Franklin	Lundine	Russo
Frenzel	Lungren	Sabo
Frost	Mack	Sawyer
Fuqua	MacKay	Schaefer
Garcia	Madigan	Scheuer
Gaydos	Marlenee	Schneider
Gejdenson	Marriott	Schroeder
Gekas	Martin (IL)	Schulze
Gephardt	Martin (NC)	Schumer
Gibbons	Martin (NY)	Seiberling
Gilman	Martinez	Sensenbrenner
Glickman	Matsui	Sharp
Gonzalez	Mavroules	Shaw
Goodling	Mazzoli	Shumway
Gore	McCain	Shuster
Gradison	McCandless	Sikorski
Gray	McCloskey	Siljander
Green	McCollum	Sisisky
Gregg	McCurdy	Skeen
Guarini	McDade	Skelton
Gunderson	McHugh	Slattery
Hall (IN)	McKernan	Smith (FL)
Hall (OH)	McKinney	Smith (IA)
Hall, Ralph	McNulty	Smith (NE)
Hall, Sam	Mica	Smith (NJ)
Hamilton	Michel	Smith, Denny
Hammerschmidt	Mikulski	Smith, Robert
Hance	Miller (CA)	Snowe
Hansen (ID)	Mineta	Snyder
Hansen (UT)	Minish	Solarz
Harrison	Mitchell	Solomon
Hartnett	Moakley	Spence
Hatcher	Molinari	St Germain
Hawkins	Mollohan	Staggers
Hayes	Montgomery	Stangeland
Hefner	Moody	Stark
Heftel	Moore	Stenholm
Hertel	Morrison (WA)	Stokes
Hightower	Mrazek	Stratton
Hiler	Murphy	Stump
Hillis	Murtha	Sundquist
Holt	Myers	Swift
Hopkins	Natcher	Synar
Horton	Neal	Tallon

Tauke	Vucanovich	Winn
Tauzin	Walgren	Wirth
Taylor	Walker	Wise
Thomas (CA)	Watkins	Wolf
Thomas (GA)	Waxman	Wolpe
Torres	Weaver	Wortley
Torricelli	Weber	Wright
Towns	Weiss	Wyden
Traxler	Wheat	Yates
Udall	Whitehurst	Yatron
Valentine	Whitley	Young (AK)
Vander Jagt	Whittaker	Young (FL)
Vandergriff	Whitten	Young (MO)
Vento	Williams (MT)	Zschau
Volkmer	Wilson	

NOT VOTING—34

Alexander	Ferraro	Morrison (CT)
Bethune	Gingrich	Oxley
Biaggi	Gramm	Savage
Boner	Harkin	Shannon
Breaux	Latta	Shelby
Broomfield	Leath	Simon
Cheney	Lehman (CA)	Spratt
Courter	Markey	Studds
Crane, Philip	McEwen	Williams (OH)
Crockett	McGrath	Wylie
DeWine	Miller (OH)	
Edwards (OK)	Moorhead	

□ 1640

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT OF H.R. 3755, SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT OF 1984

Mr. ROSTENKOWSKI submitted the following conference report and statement on the bill (H.R. 3755) to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process:

CONFERENCE REPORT (H. REPT. No. 98-1039)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3755) to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Social Security Disability Benefits Reform Act of 1984".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Standard of review for termination of disability benefits and periods of disability.
Sec. 3. Evaluation of pain.
Sec. 4. Multiple impairments.
Sec. 5. Moratorium on mental impairment reviews.
Sec. 6. Notice of reconsideration; prereview notice; demonstration projects.
Sec. 7. Continuation of benefits during appeal.
Sec. 8. Qualifications of medical professionals evaluating mental impairments.
Sec. 9. Consultative examinations; medical evidence.
Sec. 10. Uniform standards.
Sec. 11. Payment of costs of rehabilitation services.
Sec. 12. Advisory council study.
Sec. 13. Qualifying experience for appointment of certain staff attorneys to administrative law judge positions.
Sec. 14. Supplemental security income benefits for individuals who perform substantial gainful activity despite severe medical impairment.
Sec. 15. Frequency of continuing eligibility reviews.
Sec. 16. Determination and monitoring of need for representative payee.
Sec. 17. Measures to improve compliance with Federal law.
Sec. 18. Separability.

STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS AND PERIODS OF DISABILITY

SEC. 2. (a) Section 223(f) of the Social Security Act is amended to read as follows:

"STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS

"(f) A recipient of benefits under this title or title XVIII based on the disability of any individual may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(1) substantial evidence which demonstrates that—

"(A) there has been any medical improvement in the individual's impairment or combination of impairments (other than medical improvement which is not related to the individual's ability to work), and

"(B)(i) the individual is now able to engage in substantial gainful activity, or

"(ii) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed, under regulations prescribed by the Secretary, sufficient to preclude the individual from engaging in gainful activity; or

"(2) substantial evidence which—

"(A) consists of new medical evidence and (in a case to which clause (ii)(II) does not apply) a new assessment of the individual's residual functional capacity, and demonstrates that—

"(i) although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology (related to the individual's ability to work), and

"(ii)(I) the individual is now able to engage in substantial gainful activity, or

"(II) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity, or

"(B) demonstrates that—

"(i) although the individual has not improved medically, he or she has undergone vocational therapy (related to the individual's ability to work), and

"(ii) the requirements of subclause (I) or (II) of subparagraph (A)(ii) are met; or

"(3) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continued to be under a disability, and that therefore—

"(A) the individual is able to engage in substantial gainful activity, or

"(B) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is not deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity; or

"(4) substantial evidence (which may be evidence on the record at the time any prior determination of the entitlement to benefits based on disability was made, or newly obtained evidence which relates to that determination) which demonstrates that a prior determination was in error.

Nothing in this subsection shall be construed to require a determination that a recipient of benefits under this title or title XVIII based on an individual's disability is entitled to such benefits if the prior determination was fraudulently obtained or if the individual is engaged in substantial gainful activity (or gainful activity in the case of a widow, surviving divorced wife, widower, or surviving divorced husband), cannot be located, or fails, without good cause, to cooperate in a review of the entitlement to such benefits or to follow prescribed treatment which would be expected to restore his or her ability to engage in substantial gainful activity (or gainful activity in the case of a widow, surviving divorced wife, widower, or surviving divorced husband). Any determination under this section shall be made on the basis of all the evidence available in the individual's case file, including new evidence concerning the individual's prior or current condition which is presented by the individual or secured by the Secretary. Any determination made under this section shall be made on the basis of the weight of the evidence and on a neutral basis with regard to the individual's condition, without any initial inference as to the presence or absence of disability being drawn from the fact that the individual has previously been determined to be disabled. For purposes of this subsection, a benefit under this title is based on an individual's disability if it is a disability insurance benefit, a child's, widow's, or widower's insurance benefit based on disability, or a mother's or father's insurance benefit based on the disability of the mother's or father's child who has attained age 16.".

(b) Section 216(i)(2)(D) of such Act is amended by adding at the end thereof the following: "The provisions set forth in section 223(f) with respect to determinations of whether entitlement to benefits under this title or title XVIII based on the disability of any individual is terminated (on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling) shall apply in the same manner and to the same extent with respect to determinations of whether a period of disability has ended (on the basis of a finding that the physical or mental impairment on the basis of which the finding of disability

was made has ceased, does not exist, or is not disabling)."

(c) Section 1614(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) A recipient of benefits based on disability under this title may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(A) substantial evidence which demonstrates that—

"(i) there has been any medical improvement in the individual's impairment or combination of impairments (other than medical improvement which is not related to the individual's ability to work), and

"(ii) the individual is now able to engage in substantial gainful activity; or

"(B) substantial evidence (except in the case of an individual eligible to receive benefits under section 1619) which—

"(i) consists of new medical evidence and a new assessment of the individual's residual functional capacity, and demonstrates that—

"(I) although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology (related to the individual's ability to work), and

"(II) the individual is now able to engage in substantial gainful activity, or

"(ii) demonstrates that—

"(I) although the individual has not improved medically, he or she has undergone vocational therapy (related to the individual's ability to work), and

"(II) the individual is now able to engage in substantial gainful activity; or

"(C) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continued to be under a disability, and that therefore the individual is able to engage in substantial gainful activity; or

"(D) substantial evidence (which may be evidence on the record at the time any prior determination of the entitlement to benefits based on disability was made, or newly obtained evidence which relates to that determination) which demonstrates that a prior determination was in error.

Nothing in this paragraph shall be construed to require a determination that an individual receiving benefits based on disability under this title is entitled to such benefits if the prior determination was fraudulently obtained or if the individual is engaged in substantial gainful activity, cannot be located, or fails, without good cause, to cooperate in a review of his or her entitlement or to follow prescribed treatment which would be expected to restore his or her ability to engage in substantial gainful activity. Any determination under this paragraph shall be made on the basis of all the evidence available in the individual's case file, including new evidence concerning the individual's prior or current condition which is presented by the individual or secured by the Secretary. Any determination made under this paragraph shall be made on the basis of the weight of the evidence and on a neutral basis with regard to the individual's condition, without any initial inference as to the presence or absence of disability being drawn from the fact that the individual has previously been determined to be disabled.".

(d)(1) The amendments made by this section shall apply only as provided in this subsection.

(2) The amendments made by this section shall apply to—

(A) determinations made by the Secretary on or after the date of the enactment of this Act;

(B) determinations with respect to which a final decision of the Secretary has not yet been made as of the date of the enactment of this Act and with respect to which a request for administrative review is made in conformity with the time limits, exhaustion requirements, and other provisions of section 205 of the Social Security Act and regulations of the Secretary;

(C) determinations with respect to which a request for judicial review was pending on September 19, 1984, and which involve an individual litigant or a member of a class in a class action who is identified by name in such pending action on such date; and

(D) determinations with respect to which a timely request for judicial review is or has been made by an individual litigant of a final decision of the Secretary made within 60 days prior to the date of the enactment of this Act.

In the case of determinations described in subparagraphs (C) and (D) in actions relating to medical improvement, the court shall remand such cases to the Secretary for review in accordance with the provisions of the Social Security Act as amended by this section.

(3) In the case of a recipient of benefits under title II, XVI, or XVIII of the Social Security Act—

(A) who has been determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits were provided has ceased, does not exist, or is not disabling, and

(B) who was a member of a class certified on or before September 19, 1984, in a class action relating to medical improvement pending on September 19, 1984, but was not identified by name as a member of the class on such date,

the court shall remand such case to the Secretary. The Secretary shall notify such individual by certified mail that he may request a review of the determination described in subparagraph (A) based on the provisions of this section and the provisions of the Social Security Act as amended by this section. Such notification shall specify that the individual must request such review within 120 days after the date on which such notification is received. If such request is made in a timely manner, the Secretary shall make a review of the determination described in subparagraph (A) in accordance with the provisions of this section and the provisions of the Social Security Act as amended by this section. The amendments made by this section shall apply with respect to such review, and the determination described in subparagraph (A) (and any redetermination resulting from such review) shall be subject to further administrative and judicial review, only if such request is made in a timely manner.

(4) The decision by the Secretary on a case remanded by a court pursuant to this subsection shall be regarded as a new decision on the individual's claim for benefits, which supersedes the final decision of the Secretary. The new decision shall be subject to further administrative review and to judicial review only in conformity with the time limits, exhaustion requirements, and other provisions of section 205 of the Social Security Act and regulations issued by the Secretary in conformity with such section.

(5) No class in a class action relating to medical improvement may be certified after September 19, 1984, if the class action seeks judicial review of a decision terminating entitlement (or a period of disability) made by the Secretary of Health and Human Services prior to September 19, 1984.

(6) For purposes of this subsection, the term "action relating to medical improvement" means an action raising the issue of whether an individual who has had his entitlement to benefits under title II, XVI, or XVIII of the Social Security Act based on disability terminated (or period of disability ended) should not have had such entitlement terminated (or period of disability ended) without consideration of whether there has been medical improvement in the condition of such individual (or another individual on whose disability such entitlement is based) since the time of a prior determination that the individual was under a disability.

(e) Any individual whose case is remanded to the Secretary pursuant to subsection (d) or whose request for a review is made in a timely manner pursuant to subsection (d), may elect, in accordance with section 223(g) or 1631(a)(7) of the Social Security Act, to have payments made beginning with the month in which he makes such election, and ending as under such section 223(g) or 1631(a)(7). Notwithstanding such section 223(g) or 1631(a)(7), such payments (if elected)—

(1) shall be made at least until an initial redetermination is made by the Secretary; and

(2) shall begin with the payment for the month in which such individual makes such election.

(f) In the case of any individual who is found to be under a disability after a review required under this section, such individual shall be entitled to retroactive benefits beginning with benefits payable for the first month to which the most recent termination of benefits applied.

(g) The Secretary of Health and Human Services shall prescribe regulations necessary to implement the amendments made by this section not later than 180 days after the date of the enactment of this Act.

EVALUATION OF PAIN

SEC. 3. (a)(1) Section 223(d)(5) of the Social Security Act is amended by inserting after the first sentence the following new sentences: "An individual's statement as to pain or other symptoms shall not alone be conclusive evidence of disability as defined in this section; there must be medical signs and findings, established by medically acceptable clinical or laboratory diagnostic techniques, which show the existence of a medical impairment that results from anatomical, physiological, or psychological abnormalities which could reasonably be expected to produce the pain or other symptoms alleged and which, when considered with all evidence required to be furnished under this paragraph (including statements of the individual or his physician as to the intensity and persistence of such pain or other symptoms which may reasonably be accepted as consistent with the medical signs and findings), would lead to a conclu-

sion that the individual is under a disability. Objective medical evidence of pain or other symptoms established by medically acceptable clinical or laboratory techniques (for example, deteriorating nerve or muscle tissue) must be considered in reaching a conclusion as to whether the individual is under a disability.".

(2) Section 1614(a)(3)(H) of such Act (as added by section 8 of this Act) is amended by striking out "section 221(h)" and inserting in lieu thereof "sections 221(h) and 223(d)(5)".

(3) The amendments made by paragraphs (1) and (2) shall apply to determinations made prior to January 1, 1987.

(b)(1) The Secretary of Health and Human Services shall appoint a Commission on the Evaluation of Pain (hereafter in this section referred to as the "Commission") to conduct a study concerning the evaluation of pain in determining under titles II and XVI of the Social Security Act whether an individual is under a disability. Such study shall be conducted in consultation with the National Academy of Sciences.

(2) The Commission shall consist of at least twelve experts, including a significant representation from the field of medicine who are involved in the study of pain, and representation from the fields of law, administration of disability insurance programs, and other appropriate fields of expertise.

(3) The Commission shall be appointed by the Secretary of Health and Human Services (without regard to the requirements of the Federal Advisory Committee Act) within 60 days after the date of the enactment of this Act. The Secretary shall from time to time appoint one of the members to serve as Chairman. The Commission shall meet as often as the Secretary deems necessary.

(4) Members of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members who are not employees of the United States, while attending meetings of the Commission or otherwise serving on the business of the Commission, shall be paid at a rate equal to the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Commission. While engaged in the performance of such duties away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(5) The Commission may engage such technical assistance from individuals skilled in medical and other aspects of pain as may be necessary to carry out its functions. The Secretary shall make available to the Commission such secretarial, clerical, and other assistance and any pertinent data prepared by the Department of Health and Human Services as the Commission may require to carry out its functions.

(6) The Secretary shall submit the results of the study under paragraph (1), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than December 31, 1985. The Commission shall terminate at the time such results are submitted.

MULTIPLE IMPAIRMENTS

SEC. 4. (a)(1) Section 223(d)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(C) In determining whether an individual's physical or mental impairment or impairments are of a sufficient medical severity that such impairment or impairments could be the basis of eligibility under this section, the Secretary shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity. If the Secretary does find a medically severe combination of impairments, the combined impact of the impairments shall be considered throughout the disability determination process.".

(2) The third sentence of section 216(i)(1) of such Act is amended by inserting "(2)(C)," after "(2)(A),".

(b) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following new subparagraph:

"(G) In determining whether an individual's physical or mental impairment or impairments are of a sufficient medical severity that such impairment or impairments could be the basis of eligibility under this section, the Secretary shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity. If the Secretary does find a medically severe combination of impairments, the combined impact of the impairments shall be considered throughout the disability determination process.".

(c) The amendments made by this section shall apply with respect to determinations made on or after the first day of the first month beginning after 30 days after the date of the enactment of this Act.

MORATORIUM ON MENTAL IMPAIRMENT REVIEWS

SEC. 5. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The revised criteria and listings, alone and in combination with assessments of the residual functional capacity of the individuals involved, shall be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. Regulations establishing such revised criteria and listings shall be published no later than 120 days after the date of the enactment of this Act.

(b)(1) Until such time as revised criteria have been established by regulation in accordance with subsection (a), no continuing eligibility review shall be carried out under section 221(i) of the Social Security Act, or under the corresponding requirements established for disability determinations and reviews under title XVI of such Act, with respect to any individual previously determined to be under a disability by reason of a mental impairment, if—

(A) no initial decision on such review has been rendered with respect to such individual prior to the date of the enactment of this Act, or

(B) an initial decision on such review was rendered with respect to such individual prior to the date of the enactment of this Act but a timely appeal from such decision was filed or was pending on or after June 7, 1983.

For purposes of this paragraph and subsection (c)(1) the term "continuing eligibility review", when used to refer to a review of a previous determination of disability, includes any reconsideration of or hearing on the initial decision rendered in such review as well as such initial decision itself, and any review by the Appeals Council of the hearing decision.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that fraud was involved in the prior determination, or where an individual (other than an individual eligible to receive benefits under section 1619 of the Social Security Act) is determined by the Secretary to be engaged in substantial gainful activity (or gainful activity, in the case of a widow, surviving divorced wife, widower, or surviving divorced husband for purposes of section 202(e) and (f) of such Act).

(c)(1) Any initial determination that an individual is not under a disability by reason of a mental impairment and any determination that an individual is not under a disability by reason of a mental impairment in a reconsideration of or hearing on an initial disability determination, made or held under title II or XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by regulation in accordance with subsection (a), and any determination that an individual is not under a disability by reason of a mental impairment made under or in accordance with title II or XVI of such Act in a reconsideration of, hearing on, review by the Appeals Council of, or judicial review of a decision rendered in any continuing eligibility review to which subsection (b)(1) applies, shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

(3) Any individual with a mental impairment who was found to be not disabled pursuant to an initial disability determination or a continuing eligibility review between March 1, 1981, and the date of the enactment of this Act, and who reapplies for benefits under title II or XVI of the Social Security Act, may be determined to be under a disability during the period considered in the most recent prior determination. Any reapplication under this paragraph must be filed within one year after the date of the enactment of this Act, and benefits payable as a result of the preceding sentence shall be paid only on the basis of the reapplication.

NOTICE OF RECONSIDERATION; PREREVIEW NOTICE; DEMONSTRATION PROJECTS

SEC. 6. (a) Section 221(i) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(4) In any case in which the Secretary initiates a review under this subsection of the case of an individual who has been determined to be under a disability, the Secretary shall notify such individual of the nature of the review to be carried out, the possibility that such review could result in the termination of benefits, and the right of

the individual to provide medical evidence with respect to such review.".

(b) Section 1633 of such Act is amended by adding at the end thereof the following new subsection:

"(c) In any case in which the Secretary initiates a review under this title, similar to the continuing disability reviews authorized for purposes of title II under section 221(i), the Secretary shall notify the individual whose case is to be reviewed in the same manner as required under section 221(i)(4).".

(c) The Secretary shall institute a system of notification required by the amendments made by subsections (a) and (b) as soon as is practicable after the date of the enactment of this Act.

(d) The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, implement demonstration projects in which the opportunity for a personal appearance prior to a determination of ineligibility for persons reviewed under section 221(i) of the Social Security Act is substituted for the face to face evidentiary hearing required by section 205(b)(2) of such Act. Such demonstration projects shall be conducted in not fewer than five States, and shall also include disability determinations with respect to individuals reviewed under title XVI of such Act. The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than December 31, 1986.

(e) The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, implement demonstration projects in which the opportunity for a personal appearance is provided the applicant prior to initial disability determinations under subsections (a), (c), and (g) of section 221 of the Social Security Act, and prior to initial disability determinations on applications for benefits under title XVI of such Act. Such demonstration projects shall be conducted in not fewer than five States. The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than December 31, 1986.

CONTINUATION OF BENEFITS DURING APPEAL

SEC. 7. (a)(1) Section 223(g)(1) of the Social Security Act is amended—

(A) in the matter following subparagraph (C), by striking out "and the payment of any other benefits under this Act based on such individual's wages and self-employment income (including benefits under title XVIII)," and inserting in lieu thereof ", the payment of any other benefits under this title based on such individual's wages and self-employment income, the payment of mother's or father's insurance benefits to such individual's mother or father based on the disability of such individual as a child who has attained age 16, and the payment of benefits under title XVIII based on such individual's disability,"; and

(B) in clause (iii) by striking out "June 1984" and inserting in lieu thereof "June 1988".

(2) Section 223(g)(3)(B) of such Act is amended by striking out "December 7, 1983" and inserting in lieu thereof "January 1, 1988".

(b) Section 1631(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(7)(A) In any case where—

"(i) an individual is a recipient of benefits based on disability or blindness under this title,

"(ii) the physical or mental impairment on the basis of which such benefits are payable is found to have ceased, not to have existed, or to no longer be disabling, and as a consequence such individual is determined not to be entitled to such benefits, and

"(iii) a timely request for review or for a hearing is pending with respect to the determination that he is not so entitled,

such individual may elect (in such manner and form and within such time as the Secretary shall by regulations prescribe) to have the payment of such benefits continued for an additional period beginning with the first month beginning after the date of the enactment of this paragraph for which (under such determination) such benefits are no longer otherwise payable, and ending with the earlier of (I) the month preceding the month in which a decision is made after such a hearing, or (II) the month preceding the month in which no such request for review or a hearing is pending.

"(B)(i) If an individual elects to have the payment of his benefits continued for an additional period under subparagraph (A), and the final decision of the Secretary affirms the determination that he is not entitled to such benefits, any benefits paid under this title pursuant to such election (for months in such additional period) shall be considered overpayments for all purposes of this title, except as otherwise provided in clause (ii).

"(ii) If the Secretary determines that the individual's appeal of his termination of benefits was made in good faith, all of the benefits paid pursuant to such individual's election under subparagraph (A) shall be subject to waiver consideration under the provisions of subsection (b)(1).

"(C) The provisions of subparagraphs (A) and (B) shall apply with respect to determinations (that individuals are not entitled to benefits) which are made on or after the date of the enactment of this paragraph, or prior to such date but only on the basis of a timely request for review or for a hearing.".

(c)(1) The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, conduct a study concerning the effect which the enactment and continued operation of section 223(g) of the Social Security Act is having on expenditures from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund, and the rate of appeals to administrative law judges of unfavorable determinations relating to disability or periods of disability.

(2) The Secretary shall submit the results of the study under paragraph (1), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than July 1, 1986.

QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

SEC. 8. (a) Section 221 of the Social Security Act is amended by inserting after subsection (g) the following new subsection:

"(h) An initial determination under subsection (a), (c), (g), or (i) that an individual is not under a disability, in any case where there is evidence which indicates the existence of a mental impairment, shall be made only if the Secretary has made every reasonable effort to ensure that a qualified psychiatrist or psychologist has completed the medical portion of the case review and any applicable residual functional capacity assessment.".

(b) Section 1614(a)(3) of such Act (as amended by section 4 of this Act) is further amended by adding at the end thereof the following new subparagraph:

"(H) In making determinations with respect to disability under this title, the provisions of section 221(h) shall apply in the same manner as they apply to determinations of disability under title II.".

(c) The amendments made by this section shall apply to determinations made after 60 days after the date of the enactment of this Act.

CONSULTATIVE EXAMINATIONS; MEDICAL EVIDENCE

SEC. 9. (a)(1) Section 221 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j) The Secretary shall prescribe regulations which set forth, in detail—

"(1) the standards to be utilized by State disability determination services and Federal personnel in determining when a consultative examination should be obtained in connection with disability determinations;

"(2) standards for the type of referral to be made; and

"(3) procedures by which the Secretary will monitor both the referral processes used and the product of professionals to whom cases are referred.

Nothing in this subsection shall be construed to preclude the issuance, in accordance with section 553(b)(A) of title 5, United States Code, of interpretive rules, general statements of policy, and rules of agency organization relating to consultative examinations if such rules and statements are consistent with such regulations.".

(2) The Secretary of Health and Human Services shall prescribe regulations required under section 221(j) of the Social Security Act not later than 180 days after the date of the enactment of this Act.

(b)(1) Section 223(d)(5) of the Social Security Act is amended by inserting "(A)" after "(5)" and by adding at the end thereof the following new subparagraph:

"(B) In making any determination with respect to whether an individual is under a disability or continues to be under a disability, the Secretary shall consider all evidence available in such individual's case record, and shall develop a complete medical history of at least the preceding twelve months for any case in which a determination is made that the individual is not under a disability. In making any determination the Secretary shall make every reasonable effort to obtain from the individual's treating physician (or other treating health care provider) all medical evidence, including diagnostic tests, necessary in order to properly make such determination, prior to evaluating medical evidence obtained from any other source on a consultative basis.".

(2) The amendments made by this subsection shall apply to determinations made on or after the date of the enactment of this Act.

UNIFORM STANDARDS

SEC. 10. (a) Section 221 of the Social Security Act (as amended by section 9 of this Act) is further amended by adding at the end thereof the following new subsection:

"(k)(1) The Secretary shall establish by regulation uniform standards which shall be applied at all levels of determination, review, and adjudication in determining whether individuals are under disabilities as defined in section 216(i) or 223(d).

"(2) Regulations promulgated under paragraph (1) shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.".

(b) Section 1614(a)(3)(H) of such Act (as added by section 8 of this Act and amended by section 3 of this Act) is further amended by striking out "sections 221(h) and 223(d)(5)" and inserting in lieu thereof "sections 221(h), 221(k), and 223(d)(5)".

PAYMENT OF COSTS OF REHABILITATION SERVICES

SEC. 11. (a)(1) The first sentence of section 222(d)(1) of the Social Security Act is amended—

(A) by striking out "into substantial gainful activity"; and

(B) by striking out "which result in their performance of substantial gainful activity which lasts for a continuous period of nine months" and inserting in lieu thereof the following: "(i) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for a continuous period of nine months, (ii) in cases where such individuals receive benefits as a result of section 225(b) (except that no reimbursement under this paragraph shall be made for services furnished to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month in which his or her entitlement to such benefits ceases, whichever first occurs), and (iii) in cases where such individuals, without good cause, refuse to continue to accept vocational rehabilitation services or fail to cooperate in such a manner as to preclude their successful rehabilitation".

(2) The second sentence of section 222(d)(1) of such Act is amended by striking out "of such individuals to substantial gainful activity" and inserting in lieu thereof "of an individual to substantial gainful activity, the determination that an individual, without good cause, refused to continue to accept vocational rehabilitation services or failed to cooperate in such a manner as to preclude successful rehabilitation,".

(b)(1) The first sentence of section 1615(d) of such Act is amended by striking out "if such services result in their performance of substantial gainful activity which lasts for a continuous period of nine months" and inserting in lieu thereof the following: "(1) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for a continuous period of nine months, (2) in cases where such individuals receive benefits as a result of section 1631(a)(6) (except that no reimbursement under this subsection shall be made for services furnished to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month with which his or her entitlement to such benefits ceases, whichever first occurs), and (3) in cases where such individuals, without good cause, refuse to continue to accept vocational rehabilitation services or fail to cooperate in such a manner as to preclude their successful rehabilitation".

(2) The second sentence of section 1615(d) of such Act is amended by inserting after "The determination" the following: "that the vocational rehabilitation services contributed to the successful return of an individual to substantial gainful activity, the determination that an individual, without good cause, refused to continue to accept vocational rehabilitation services or failed to cooperate in such a manner as to preclude successful rehabilitation, and the determination".

(c) The amendments made by this section shall apply with respect to individuals who receive benefits as a result of section 225(b) or section 1631(a)(6) of the Social Security Act, or who refuse to continue to accept rehabilitation services or fail to cooperate in an approved vocational rehabilitation program, in or after the first month following the month in which this Act is enacted.

ADVISORY COUNCIL STUDY

SEC. 12. (a) The Secretary of Health and Human Services shall appoint the members of the next Advisory Council on Social Security pursuant to section 706 of the Social Security Act prior to June 1, 1985.

(b)(1) The Advisory Council shall include in its review and report, studies and recommendations with respect to the medical and vocational aspects of disability, including studies and recommendations relating to—

(A) the effectiveness of vocational rehabilitation programs for recipients of disability insurance benefits or supplemental security income benefits;

(B) the question of using specialists for completing medical and vocational evaluations at the State agency level in the disability determination process, including the question of requiring, in cases involving impairments other than mental impairments, that the medical portion of each case review (as well as any applicable assessment of residual functional capacity) be completed by an appropriate medical specialist employed by the State agency before any determination can be made with respect to the impairment involved;

(C) alternative approaches to work evaluation in the case of applicants for benefits based on disability under title XVI and recipients of such benefits undergoing reviews of their cases, including immediate referral of any such applicant or recipient to a vocational rehabilitation agency for services at the same time he or she is referred to the appropriate State agency for a disability determination;

(D) the feasibility and appropriateness of providing work evaluation stipends for applicants for and recipients of benefits based on disability under title XVI in cases where extended work evaluation is needed prior to the final determination of their eligibility for such benefits or for further rehabilitation and related services;

(E) the standards, policies, and procedures which are applied or used by the Secretary of Health and Human Services with respect to work evaluations in order to determine whether such standards, policies, and procedures will provide appropriate screening criteria for work evaluation referrals in the case of applicants for and recipients of benefits based on disability under title XVI; and

(F) possible criteria for assessing the probability that an applicant for or recipient of benefits based on disability under title XVI will benefit from rehabilitation services, taking into consideration not only whether the individual involved will be able after rehabilitation to engage in substantial gainful activity but also whether rehabilitation services can reasonably be expected to improve the individual's functioning so that he or she will be able to live independently or work in a sheltered environment.

(2) For purposes of this subsection, "work evaluation" includes (with respect to any individual) a determination of—

(A) such individual's skills,

(B) the work activities or types of work activity for which such individual's skills are insufficient or inadequate,

(C) the work activities or types of work activity for which such individual might potentially be trained or rehabilitated,

(D) the length of time for which such individual is capable of sustaining work (including, in the case of the mentally impaired, the ability to cope with the stress of competitive work), and

(E) any modifications which may be necessary, in work activities for which such individual might be trained or rehabilitated, in order to enable him or her to perform such activities.

(c) The Advisory Council may convene task forces of experts to consider and comment upon specialized issues.

QUALIFYING EXPERIENCE FOR APPOINTMENT OF CERTAIN STAFF ATTORNEYS TO ADMINISTRATIVE LAW JUDGE POSITIONS

SEC. 13. The Secretary of Health and Human Services shall, within 120 days after the date of enactment of this Act, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on actions taken by the Secretary to establish positions which enable staff attorneys to gain the qualifying experience and quality of experience necessary to compete for the position of administrative law judge under section 3105 of title 5, United States Code.

SUPPLEMENTAL SECURITY INCOME BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE SEVERE MEDICAL IMPAIRMENT

SEC. 14. (a) Section 201(d) of the Social Security Disability Amendments of 1980 is amended by striking out "shall remain in effect only for a period of three years after such effective date" and inserting in lieu thereof "shall remain in effect only through June 30, 1987".

(b) Section 1619 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Health and Human Services and the Secretary of Education shall jointly develop and disseminate information, and establish training programs for staff personnel, with respect to the potential availability of benefits and services for disabled individuals under the provisions of this section. The Secretary of Health and Human Services shall provide such information to individuals who are applicants for and recipients of benefits based on disability under this title and shall conduct such programs for the staffs of the district offices of the Social Security Administration. The Secretary of Education shall conduct such programs for the staffs of the State Vocational Rehabilitation agencies, and in cooperation with such agencies shall also provide such information to other appropriate individuals and to public and private organizations and agencies which are concerned with rehabilitation and social services or which represent the disabled.".

FREQUENCY OF CONTINUING ELIGIBILITY REVIEWS

SEC. 15. The Secretary of Health and Human Services shall promulgate final regulations, within 180 days after the date of the enactment of this Act, which establish the standards to be used by the Secretary in determining the frequency of reviews under

section 221(i) of the Social Security Act. Until such regulations have been issued as final regulations, no individual may be reviewed more than once under section 221(i) of the Social Security Act.

DETERMINATION AND MONITORING OF NEED FOR REPRESENTATIVE PAYEE

SEC. 16. (a) Section 205(j) of the Social Security Act is amended by inserting "(1)" after "(j)" and by adding at the end thereof the following new paragraphs:

"(2) Any certification made under paragraph (1) for payment to a person other than the individual entitled to such payment must be made on the basis of an investigation, carried out either prior to such certification or within forty-five days after such certification, and on the basis of adequate evidence that such certification is in the interest of the individual entitled to such payment (as determined by the Secretary in regulations). The Secretary shall ensure that such certifications are adequately reviewed.

"(3)(A) In any case where payment under this title is made to a person other than the individual entitled to such payment, the Secretary shall establish a system of accountability monitoring whereby such person shall report not less often than annually with respect to the use of such payments. The Secretary shall establish and implement statistically valid procedures for reviewing such reports in order to identify instances in which such persons are not properly using such payments.

"(B) Subparagraph (A) shall not apply in any case where the other person to whom such payment is made is a parent or spouse of the individual entitled to such payment who lives in the same household as such individual. The Secretary shall require such parent or spouse to verify on a periodic basis that such parent or spouse continues to live in the same household as such individual.

"(C) Subparagraph (A) shall not apply in any case where the other person to whom such payment is made is a State institution. In such cases, the Secretary shall establish a system of accountability monitoring for institutions in each State.

"(D) Subparagraph (A) shall not apply in any case where the individual entitled to such payment is a resident of a Federal institution and the other person to whom such payment is made is the institution.

"(E) Notwithstanding subparagraphs (A), (B), (C), and (D), the Secretary may require a report at any time from any person receiving payments on behalf of another, if the Secretary has reason to believe that the person receiving such payments is misusing such payments.

"(4)(A) The Secretary shall make an initial report to each House of the Congress on the implementation of paragraphs (2) and (3) within 270 days after the date of the enactment of this paragraph.

"(B) The Secretary shall include as a part of the annual report required under section 704, information with respect to the implementation of paragraphs (2) and (3), including the number of cases in which the payee was changed, the number of cases discovered where there has been a misuse of funds, how any such cases were dealt with by the Secretary, the final disposition of such cases, including any criminal penalties imposed, and such other information as the Secretary determines to be appropriate.".

(b) Section 1631(a)(2) of such Act is amended by inserting "(A)" after "(2)" and by adding at the end thereof the following new subparagraphs:

"(B) Any determination made under subparagraph (A) that payment should be made to a person other than the individual or spouse entitled to such payment must be made on the basis of an investigation, carried out either prior to such determination or within forty-five days after such determination, and on the basis of adequate evidence that such determination is in the interest of the individual or spouse entitled to such payment (as determined by the Secretary in regulations). The Secretary shall ensure that such determinations are adequately reviewed.

"(C)(i) In any case where payment is made under this title to a person other than the individual or spouse entitled to such payment, the Secretary shall establish a system of accountability monitoring whereby such person shall report not less often than annually with respect to the use of such payments. The Secretary shall establish and implement statistically valid procedures for reviewing such reports in order to identify instances in which such persons are not properly using such payments.

"(ii) Clause (i) shall not apply in any case where the other person to whom such payment is made is a parent or spouse of the individual entitled to such payment who lives in the same household as such individual. The Secretary shall require such parent or spouse to verify on a periodic basis that such parent or spouse continues to live in the same household as such individual.

"(iii) Clause (i) shall not apply in any case where the other person to whom such payment is made is a State institution. In such cases, the Secretary shall establish a system of accountability monitoring for institutions in each State.

"(iv) Clause (i) shall not apply in any case where the individual entitled to such payment is a resident of a Federal institution and the other person to whom such payment is made is the institution.

"(v) Notwithstanding clauses (i), (ii), (iii), and (iv), the Secretary may require a report at any time from any person receiving payments on behalf of another, if the Secretary has reason to believe that the person receiving such payments is misusing such payments.

"(D) The Secretary shall make an initial report to each House of the Congress on the implementation of subparagraphs (B) and (C) within 270 days after the date of the enactment of this subparagraph. The Secretary shall include in the annual report required under section 704, information with respect to the implementation of subparagraphs (B) and (C), including the same factors as are required to be included in the Secretary's report under section 205(j)(4)(B).".

(c)(1) Section 1632 of the Social Security Act is amended by inserting "(a)" after "Sec. 1632." and by adding at the end thereof the following new subsection:

"(b)(1) Any person or other entity who is convicted of a violation of any of the provisions of paragraphs (1) through (4) of subsection (a), if such violation is committed by such person or entity in his role as, or in applying to become, a payee under section 1631(a)(2) on behalf of another individual (other than such person's eligible spouse), in lieu of the penalty set forth in subsection (a)—

"(A) upon his first such conviction, shall be guilty of a misdemeanor and shall be fined not more than $5,000 or imprisoned for not more than one year, or both; and

"(B) upon his second or any subsequent such conviction, shall be guilty of a felony and shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

"(2) In any case in which the court determines that a violation described in paragraph (1) includes a willful misuse of funds by such person or entity, the court may also require that full or partial restitution of such funds be made to the individual for whom such person or entity was the certified payee.

"(3) Any person or entity convicted of a felony under this section or under section 208 may not be certified as a payee under section 1631(a)(2).".

(2) Section 208 of such Act is amended by adding at the end thereof the following unnumbered paragraphs:

"Any person or other entity who is convicted of a violation of any of the provisions of this section, if such violation is committed by such person or entity in his role as, or in applying to become, a certified payee under section 205(j) on behalf of another individual (other than such person's spouse), upon his second or any subsequent such conviction shall, in lieu of the penalty set forth in the preceding provisions of this section, be guilty of a felony and shall be fined not more than $25,000 or imprisoned for not more than five years, or both. In the case of any violation described in the preceding sentence, including a first such violation, if the court determines that such violation includes a willful misuse of funds by such person or entity, the court may also require that full or partial restitution of such funds be made to the individual for whom such person or entity was the certified payee.

"Any individual or entity convicted of a felony under this section or under section 1632(b) may not be certified as a payee under section 205(j).".

(d) The amendments made by this section shall become effective on the date of the enactment of this Act, and, in the case of the amendments made by subsection (c), shall apply with respect to violations occurring on or after such date.

MEASURES TO IMPROVE COMPLIANCE WITH FEDERAL LAW

SEC. 17. (a)(1) Section 221(b)(1) of the Social Security Act is amended to read as follows:

"(b)(1)(A) Upon receiving information indicating that a State agency may be substantially failing to make disability determinations in a manner consistent with regulations and other written guidelines issued by the Secretary, the Secretary shall immediately conduct an investigation and, within 21 days after the date on which such information is received, shall make a preliminary finding with respect to whether such agency is in substantial compliance with such regulations and guidelines. If the Secretary finds that an agency is not in substantial compliance with such regulations and guidelines, the Secretary shall, on the date such finding is made, notify such agency of such finding and request assurances that such agency will promptly comply with such regulations and guidelines.

"(B)(i) Any agency notified of a preliminary finding made pursuant to subparagraph (A) shall have 21 days from the date on which such finding was made to provide the assurances described in subparagraph (A).

"(ii) The Secretary shall monitor the compliance with such regulations and guidelines of any agency providing such assur-

ances in accordance with clause (i) for the 30-day period beginning on the day after the date on which such assurances have been provided.

"(C) If the Secretary determines that an agency monitored in accordance with clause (ii) of subparagraph (B) has not substantially complied with such regulations and guidelines during the period for which such agency was monitored, or if an agency notified pursuant to subparagraph (A) fails to provide assurances in accordance with clause (i) of subparagraph (B), the Secretary shall, within 60 days after the date on which a preliminary finding was made with respect to such agency under subparagraph (A), (or within 90 days after such date, if, at the discretion of the Secretary, such agency is granted a hearing by the Secretary on the issue of the noncompliance of such agency) make a final determination as to whether such agency is substantially complying with such regulations and guidelines. Such determination shall not be subject to judicial review.

"(D)(i) If the Secretary makes a final determination pursuant to subparagraph (C) with respect to any agency that the agency is not substantially complying with such regulations and guidelines, the Secretary shall, as soon as possible but not later than 180 days after the date of such final determination, make the disability determinations referred to in subsection (a)(1), complying with the requirements of paragraph (3) to the extent that such compliance is possible within such 180-day period. In order to carry out this subparagraph, the Secretary shall, as the Secretary finds necessary, exceed any applicable personnel ceilings and waive any applicable hiring restrictions. In addition, to the extent feasible within the 180-day period after the final determination, the Secretary, in conjunction with the Secretary of Labor, shall assure the statutory protections of State agency employees not hired by the Secretary.

"(ii) During the 180-day period specified in clause (i), the Secretary shall take such actions as may be necessary to assure that any case with respect to which a determination referred to in subsection (a)(1) was made by an agency, during the period for which such agency was not in substantial compliance with the applicable regulations and guidelines, was decided in accordance with such regulations and guidelines.".

(2) Section 221(a)(1) of such Act is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "subsection (b)(1)(C)".

(3)(A) Section 221(b)(3)(A) of such Act is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in subparagraph (D)(i) of paragraph (1), the Secretary".

(B) Section 221(b)(3)(B) of such act is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in subparagraph (D)(i) of paragraph (1), the Secretary".

(4) Section 221(d) of such Act is amended by striking out "Any individual" and inserting in lieu thereof "Except as provided in subsection (b)(1)(D), any individual".

(b) The amendments made by subsection (a) of this section shall become effective on the date of the enactment of this Act and shall expire on December 31, 1987. The provisions of the Social Security Act amended by subsection (a) of this section (as such provisions were in effect immediately before the date of the enactment of this Act) shall be effective after December 31, 1987.

SEPARABILITY

SEC. 18. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

DAN ROSTENKOWSKI,
J.J. PICKLE,
ANDREW JACOBS, Jr.,
RICHARD A. GEPHARDT,
JIM SHANNON,
WYCHE FOWLER, Jr.,
HAROLD FORD,
BARBER B. CONABLE, Jr.,
BILL ARCHER,
WILLIS D. GRADISON, Jr.,
CARROLL CAMPBELL,
Managers on the Part of the House.

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BOB PACKWOOD,
BILL ROTH,
JOHN C. DANFORTH,
RUSSELL B. LONG,
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D.P. MOYNIHAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3755) to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS

Present law

To be eligible for disability benefits, a person must be unable, by reason of a medically determinable impairment expected to last at least 12 months or to end in death, to perform any substantial gainful activity (SGA) that exists in the national economy, considering his or her age, education and work experience. The impairment must be "demonstrable by medically acceptable clinical and laboratory diagnostic techniques." This definition applies both to new applicants and to beneficiaries whose eligibility is being reviewed. No other statutory standards exist for the review of beneficiaries.

House bill

Establishes a standard for reviewing eligibility of disability beneficiaries that allows benefits to be terminated only if there is substantial evidence that the beneficiary can perform SGA as a result of (a) medical improvement in his disabling condition, or (b) medical or vocational therapy technological or advances, as shown by new medical evidence and new assessment of residual functional capacity, or (c) vocational therapy or (d) a less disabling impairment than originally thought, as shown by new or improved diagnostic techniques or evaluations.

Benefits could also be terminated if evidence on the record at the time of the earlier determination or new evidence shows that the prior determination was either clearly erroneous or fraudulently obtained, or that the beneficiary is performing SGA.

In cases where there is no evidence to support the prior decision (i.e. a lost file) the Secretary would not be precluded from securing additional medical reports in order to reconstruct that decision.

Title XVI is amended to provide that the same standard of review shall apply to SSI recipients (except that the exclusions which allow termination as the result of medical or vocational therapy (described in (b) and (c) above) do not apply to individuals receiving section 1619 special benefits).

No provisions for date of implementing regulations or expiration.

Effective date. Applies to all cases involving disability determinations pending in the Department or in Court on the date of enactment or initiated on or after that date.

Senate amendment

Benefits may be terminated if beneficiary can perform SGA unless the Secretary finds there has been no medical improvement. If the evidence establishes that there has been no medical improvement (other than improvement which is not related to his ability to work), benefits may be terminated only if Secretary can show (a) beneficiary has benefited from medical or vocational therapy or technology, (b) new or improved diagnostic or evaluative techniques indicate impairment(s) is not as disabling as believed at time of last decision, (c) a prior determination was fraudulently obtained, or (d) there is demonstrated substantial reason to believe a prior determination of eligibility was erroneous.

Benefits may be terminated for performance of SGA or if the individual fails, without good cause, to cooperate in the review or follow prescribed treatment, or cannot be located.

In making determination, Secretary shall consider the evidence in the file as well as any additional information concerning claimant's current or prior condition secured by Secretary or provided by claimant.

In the case of a finding relating to medical improvement, provides that burden of proof is on claimant. In other words, for benefits to be continued on this basis, individual must state and evidence in file must show that medical condition is same as or worse than at time of last decision (or, if there is medical improvement, it is not related to work ability).

Title XVI is amended to provide that the same procedures shall apply to SSI recipients (except that the provision requiring termination on the grounds that an individual is engaging in SGA does not apply to recipients of section 1619 special benefits).

Implementing regulations must be issued within 6 months of enactment. Provision expires December 31, 1987.

Effective date.—Applies to disability reviews initiated on or after date of enactment, to all individuals with claims properly pending in the administrative appeals process as of enactment, and to certain court

cases. All individual litigants and named members of a class action who have cases properly pending in court as of May 16, 1984, and all individuals who properly request court review of a decision of the Secretary made during the period from March 15, 1984 until 60 days after enactment, would be remanded to the Secretary for redetermination under the new standard. Also the case of any individual who exhausted the administrative appeals process, was an unnamed member of a properly pending class action certified prior to May 16, 1984, and had been notified of the Secretary's final decision on or after a date 60 days prior to the filing of the court action, would be remanded to the Secretary. The Secretary would notify the individual that he had 60 days to request review of his claim under the new standard. If the individual did not request review, the provision would not apply and the Secretary's determination would not be subject to further administrative or judicial review.

The provision would not apply to any case for which the Secretary made a final determination prior to May 16, 1984, and which was not included in the above categories. Such determination would not be subject to further administrative or judicial review.

Applies the provision authorizing payments pending appeal (See item 6) to any individual whose case is remanded by a court under this section and if applicable, who timely requested redetermination. These interim payments would begin with the payment for the month in which the individual elects continued payments. If the individual is ultimately found eligible, full retroactive benefits would be provided. If he is found ineligible, the interim payments would be subject to recovery as overpayments.

Conference agreement

(A) Standard of review

The conference agreement follows the House bill with amendments:

(a) remove causal links between change in medical condition and ability to perform SGA, as follows: the Secretary may terminate disability benefits on the basis that the person is no longer disabled only if there is substantial evidence which demonstrates that (i) there has been any medical improvement in the individual's impairment or combination of impairments (other than medical improvement which is not related to the individual's ability to work) and (ii) the individual is now able to engage in SGA. Make similar changes in wording of exception for advances in medical or vocational therapy or technology (add "related to ability to work") and exception for vocational therapy (add "related to ability to work");

(b) substitute for the House language concerning termination of benefits if evidence in the file or newly obtained shows that the prior determination was clearly erroneous, the requirement that the Secretary may terminate benefits in the absence of medical improvement if substantial evidence (which may be evidence on the record at the time any prior determination of such entitlement to disability benefits was made, or newly obtained evidence which relates to that determination) shows that a prior determination was in error;

(c) allow termination of benefits also where the individual is engaging in SGA (except where he is eligible under section 1619), cannot be located, or fails, without good cause to cooperate in the review or to follow prescribed treatment which could be expected to restore his ability to engage in SGA;

(d) substitute for House language on Secretary obtaining additional medical reports, the requirement that any determination under this section shall be made on the basis of all the evidence available in the individual's prior or current condition which is presented by the individual or secured by the Secretary;

(e) add the requirement that any determination made under this section shall be made on the basis of the weight of the evidence and on a neutral basis with regard to the individual's condition, without any initial inference as to the presence or absence of disability being drawn from the fact that the claimant has previously been determined to be disabled;

(f) add requirement that regulations must be promulgated within 6 months of enactment.

The conference agreement attempts to strike a balance between the concern that a medical improvement standard could be interpreted to grant claimants a presumption of eligibility, which might make it extremely difficult to remove ineligible individuals from the benefit rolls, and the concern that the absence of an explicit standard of review or some alternative standard could be interpreted to imply a presumption of ineligibility or to allow arbitrary termination decisions, which might lead to many individuals being improperly removed from the rolls.

The conferees intend that determinations of continuing eligibility should be made on a basis which is as nearly neutral as possible. The Secretary should reach conclusions on the basis of the weight of the evidence, as applied to the statutory standards specified in this amendment, and without any preconception or presumption as to whether the individual is or is not disabled.

Under the conference agreement, the Secretary would apply the rules specified in the amendment, reaching conclusions under them on the basis of the weight of the evidence. The conference agreement eliminates language in the Senate bill referring to the burden of proof being on the claimant in the case of medical improvement determinations. It also eliminates Senate language with respect to the burden of proof on the Secretary in making other determinations under this provision. This agreement eliminates any confusion that might result from shifting burdens of proof, and is intended to subject determinations under this provision to the same requirements currently established in Section 223(d) of the Social Security Act. That is, the claimant's obligations to establish the existence of his disability with regard to the CDI proceeding are the same as his obligations with regard to an initial determination. Similarly, elimination of this language should not be interpreted as placing a burden of proof on the Secretary. Rather, the language in question was dropped solely to clarify the intent that decisions are to be made on the basis of the weight of the evidence and to avoid any misinterpretation with respect to the role of the claimant and the Secretary in pursuing evidence or with respect to the non-adversarial nature of the proceeding.

(B) Effective date

The conference agreement follows the House bill with respect to the 3-year sunset.

The conference agreement follows the Senate on formulation of effective date with amendments:

(1) The medical improvement standard in these amendments will only apply to:

(i) determinations made by the Secretary on or after the date of enactment; (ii) determinations by the Secretary not yet final on enactment and with respect to which a request for administrative review is made in conformity with the time limits, exhaustion requirements and other provisions of section 205 of the Act and regulations of the Secretary; (iii) determinations with respect to which a request for judicial review was pending on September 9, 1984 involving an individual litigant or a member of a class action identified by name in such pending action on such date (This section refers to individuals identified by name as members of a class action. By this, the legislation means those individuals identified in the pleadings as class representatives); (iv) determinations in which a request for judicial review is made by an individual litigant of a final decision by the Secretary made during the period beginning 60 days prior to the date of enactment and ending on the date of enactment; (cases in iii and iv will be remanded to Secretary for determination); (v) unnamed plaintiffs in class suits certified as of September 19, 1984, as follows: the cases shall be remanded to the Secretary; the Secretary shall notify all plaintiffs via certified mail that they have 120 days from the date of receiving the notice to file a request with the Secretary for review under these amendments.

(2) Add requirement that no class action shall be certified after September 19, 1984, which raises the issue of whether an individual who has had his entitlement to benefits terminated prior to September 19, should not have had such entitlement terminated without consideration of whether there has been medical improvement in such individual's condition since that time of a prior determination that the individual was under a disability.

The conference agreement provides for an opportunity for redetermination under the new standard of all claimants who are members of class actions which have been certified as of September 29, 1984. However, this is in no way intended to express a view, one way or another, as to whether those classes would otherwise have been found to be properly certified in accordance with the exhaustion and finality requirements of section 205 of the Social Security Act. The conference agreement provides that the existing certified classes will be covered by the new standard in order to resolve the existing controversy over the medical improvement issue in the courts.

This provision prohibits the certification of any class action after September 9, 1984 which raises the issue of whether a medical improvement standard should have been applied in a determination of eligibility made prior to the enactment of these amendments.

The section provides that certain specified court cases involving medical improvement be remanded to the Secretary for review under the medical improvement standard established in this Act. Cases pending in court which do not involve medical improvement would not, of course, be remanded to the Secretary for such a review.

The conferees recognize that there will be considerable administrative difficulty in identifying and notifying individuals who are eligible to have their cases redetermined as a result of their being unnamed members of class actions certified prior to September 19, 1984. Notwithstanding the administra-

tive difficulty of this task, the conferees expect the Secretary of Health and Human Services to act expeditiously in notifying these individuals of the provisions of this act which are applicable to them.

(C) Benefit payments during remand

The conference agreement follows the Senate amendment.

(D) Retroactive benefits

The conference agreement follows the Senate amendment.

2. EVALUATION OF PAIN

Present law

There is no statutory provision concerning the evaluation of pain (or the use of subjective allegations of pain) in determining eligibility for disability benefits. The definition of disability requires that the person be unable to work by reason of a "medically determinable impairment"—one which results from "anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques."

By regulation, subjective allegations of symptoms of impairments, such as pain, cannot alone be evidence of disability. There must be medical signs or other findings which show there is a medical condition that could be reasonably expected to produce those symptoms and that is severe enough to be disabling.

House bill

Requires the Secretary to conduct a study in conjunction with the National Academy of Sciences on the use of subjective evidence of pain in making disability determinations, and on the state of the art of preventing, reducing or coping with pain. A report on the study is due to the Committees on Ways and Means and Finance no later than April 1, 1985.

Effective date.—On enactment.

Senate amendment

Requires Secretary to appoint 12-member commission consisting of a significant number of medical professionals involved in the study of pain, and representatives from the fields of law, administration of disability insurance programs, and other appropriate fields of expertise to study the use of pain in evaluation of disability. Report due to Committees on Ways and Means and Finance no later than December 31, 1986.

Includes in statute the present regulatory policy on the use of evidence of pain in evaluation of disability. Includes title XVI conforming amendment.

Effective date.—Statutory provision applies to determinations made prior to January 1, 1988.

Conference agreement

The conference agreement follows the Senate amendment with amendments:

(a) The study is to be done in consultation with the National Academy of Sciences, and the report is to be filed by December 31, 1985; and

(b) The statutory language providing for an interim standard for evaluation of pain is amended to more accurately reflect current policies.

Effective date.—The interim standard will be in effect only for determinations made prior to January 1, 1987.

3. MULTIPLE IMPAIRMENTS

Present law

There is no statutory provision concerning the consideration of the combined effects of a number of different impairments. The definition of diability requires a finding of a medically determinable impairment of sufficient severity to prevent the person from doing not only his previous work but also any other kind of work that exists in the national economy, considering his age, education and work experience. By regulation, the combined effects of unrelated impairments are considered only if all are severe (and expected to last 12 months). As elaborated in rulings, "inasmuch as a nonsevere impairment is one which does not significantly limit basic work-related functions, neither will a combination of two or more such impairments significantly restrict the basic work-related functions needed to do most jobs".

House bill

Requires the Secretary, in making a determination of whether a person's impairments are of such severity that he or she is unable to engage in substantial gainful activity, to consider the combined effects of all of a person's impairments, regardless of whether any impairment by itself is of such severity. Includes title XVI conforming amendment.

Effective date.—Applies to all determinations pending in the Department or in Court on the date of enactment, or initiated after that date.

Senate amendment

Same, except clarifies that the requirement applies to the determination of whether the individual has a combination of impairments which are *medically* severe without regard to age, education, or work experience. Includes title XVI conforming amendment.

Effective date.—Applies to all determinations made on or after January 1, 1985.

Conference agreement

The conference agreement substitutes alternative language for the provisions in both bills.

Under current policies, if a determination is made that a claimant's impairment is not severe, the consideration of the claim ends at that point. In cases where an individual has several impairments, none of which satisfy the standard for "severe," the individual is judged not disabled without any further evaluation of cumulative impact of his impairments. The conferees believe this policy may preclude realistic assessment of those cases involving individuals who have several impairments which in combination may be disabling. The conference agreement provides, therefore, that in determining whether an individual's impairment or impairments are so severe as to prevent him from engaging in substantial gainful activity, consideration must be given to the combined effect of all the individual's impairments without regard to whether any single impairment considered separately would limit the individual's ability.

The conferees also believe that in the interests of reasonable administrative flexibility and efficiency, a determination that an individual is not disabled may be based on a judgment that an individual has no impairment, or that the medical severity of his impairment or combination of impairments is slight enough to warrant a presumption, even without a full evaluation of vocational factors, that the individual's ability to perform SGA is not seriously affected. The current "sequential evaluation process" allows such a determination and the conferees do not intend to either eliminate or impair the use of that process. The conferees note that the Secretary has stated that it is her plan to reevaluate the current criteria for nonsevere impairments and expect that the Secretary will report to the Committees on the results of this evaluation.

Effective dates.—Effective for all determinations made on or after the first day of the month beginning 30 days after the date of enactment.

4. MORATORIUM ON MENTAL IMPAIRMENT REVIEWS

Present law

Under the Disability Amendments of 1980, all DI beneficiaries with nonpermanent impairments must be reviewed at least once every 3 years to assess their continuing eligibility for benefits. Individuals with permanent impairments may be reviewed less frequently. Presently, there is no distinction in the law between the rate of review for individuals with physical and mental impairments.

Under a Secretarial initiative (of June 7, 1983), periodic eligibility reviews have been suspended for certain mental impairment cases involving functional psychotic disorders, pending a revision, with the help of outside mental health experts, of the criteria used for determining disability. Under a subseqent Secretarial action (announced April 13, 1984), all periodic eligibility reviews have been suspended temporarily.

House bill

Requires publication within 9 months of enactment of revised mental impairment criteria in the Listing of Impairments that are designed to realistically evaluate the person's ability to engage in SGA in a competitive workplace environment, taking account of the recommendations of the disability advisory council (section 304). Delays periodic review of mentally impaired individuals until these revisions are made. The delay would apply to cases on which an initial decision had not been made by the date of enactment and to those cases where an initial decision was made prior to the date of enactment and a timely appeal was pending on or after June 7, 1983.

Periodic reviews where (1) fraud was involved or (2) the individual was engaging in SGA, would continue to be done. SSA could continue to review medical diary cases and make initial determinations but would subsequently redetermine the case under the revised criteria. If a new decision were favorable, it would take effect as of the time of the first determination. Mentally impaired persons who received an unfavorable initial or continuing eligibility determination between March 1, 1981 and enactment of the bill and who reapplied would be deemed to have reapplied for benefits within 12 months of enactment would be deemed to have reapplied at the time of the unfavorable determination for the purpose of establishing a period of disability during the period covered by the prior determination, but not for benefit purposes; benefits would be payable only for the twelve months prior to the date of the new application. The provisions also apply to title XVI.

Effective date.—On enactment.

Senate amendment

Similar, except requires publication of revisions within 90 days after enactment, and reapplication provision applies to people who received an unfavorable determination since June 7, 1983 rather than March 1, 1981.

Effective date.—On enactment.

Conference agreement

The conference agreement follows the House provision with amendments to require the Secretary to publish the revised Listing of Impairments within 120 days of enactment.

5. PRE-TERMINATION NOTICE AND RIGHT TO PERSONAL APPEARANCE

Present Law

A person whose initial claim for disability benefits is denied or who is determined after review not to be disabled may request a reconsideration of that decision within 60 days. In the past, reconsideration has been a paper review of the evidentiary record including any new evidence submitted by the claimant, conducted by the State agency. Under a provision of P.L. 97-455, enacted January 12, 1983, disability beneficiaries determined not to be medically eligible for benefits must be given opportunity for a face-to-face evidentiary hearing at reconsideration. Such hearings may be provided by the State agency or by the Secretary.

Individuals found ineligible for benefits at reconsideration may request a face-to-face evidentiary hearing before an administrative law judge. The next level of appeal is to SSA's Appeals Council, and finally, to a Federal court.

House bill

Revises determination process for beneficiaries undergoing periodic review in medical cessation cases, to provide for a face-to-face evidentiary review with State agency (upon request of the beneficiary within 30 days) after a preliminary unfavorable decision by the State. If, after the evidentiary interview (or paper review if the beneficiary requests review without the personal interview), the State agency denies benefits, the beneficiary could appeal to the ALJ and succeeding appeals levels. The reconsideration level would be abolished for these review cases.

Requires the Secretary to establish demonstration projects in at least 5 States using this same procedure for initial disability claims, with a report to the Committees on Ways and Means and Finance on the results due no later than April 1, 1985.

The provisions also apply to title XVI.

Effective date.—Revised determination process applies to periodic reviews on or after January 1, 1985; demonstration projects to be initiated as soon as practicable after enactment.

Senate amendment

Requires demonstration projects on providing pretermination face-to-face interviews in disability cessation cases in lieu of face-to-face evidentiary hearings at reconsideration. Report due to Committees on Ways and Means and Finance April 1, 1986.

Requires the Secretary to notify individuals upon initiating a periodic eligibility review that such review could result in termination of benefits and that medical evidence may be submitted.

The provisions also apply to title XVI.

Effective date.—On enactment. Demonstration projects to be established as soon as practicable after date of enactment.

Conference agreement

The conference agreement follows the Senate amendment with respect to the current reconsideration hearing process, the demonstration projects concerning face-to-face pre-termination interviews for continuing disability review issues at the initial rather than the reconsideration level, and the requirement for notification of the possibility of benefit termination as a result of review with an amendment to require the report to Congress on December 31, 1986. The conference agreement follows the House bill with respect to demonstrational projects concerning face-to-face pre-denial interviews for initial disability claims, with an amendment to require the report to Congress on December 31, 1986.

Effective date.—On enactment. Demonstration projects to be established as soon as practicable after date of enactment.

6. CONTINUATION OF BENEFITS DURING APPEAL

Present law

Disability benefits are payable for the month as of which the beneficiary is determined to be ineligible and for the 2 months succeeding. Benefits do not generally continue during appeal.

Under a temporary provision in P.L. 97-455 (as modified by P.L. 98-118), individuals notified of a medical termination decision could elect to have DI benefits and medicare coverage continued during appeal—through the month preceding the month of the ALJ hearing decision. These additional DI benefits are subject to recovery as overpayments if the initial termination decision is upheld (unless they qualify for waiver under the standard provisions for waiver of overpayments). This provison does not apply to terminations made after December 6, 1983. Benefits are last payable under this provision for June 1984 (i.e., the July 1984 benefit check).

House bill

Permanently extends provision (which technical changes) for continuation of DI and SSI benefits during appeal. Requires the Secretary to report to the Committees on Ways and Means and Finance by July 1, 1986, on the impact of the provision on the OASDI trust funds and on appeals to ALJs.

Effective dates.—On enactment.

Senate amendment

Extends the provision for continued payment of DI and SSI benefits during appeal to termination decisions made prior to June 1, 1986. (Last month of payments would be for January 1987, i.e., the February 1987 check.)

Effective date.—On enactment.

Conference agreement

The conference agreement follows the House bill with amendment to:

(i) Make permanent the payments through the ALJ hearing for SSI recipients;

(ii) Make the payments through ALJ hearing for DI beneficiaries for termination decisions through December 1987, and benefit payments through June, 1988.

7. QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

Present law

There is no statutory requirement concerning qualifications of persons making disability determinations. Under current policy, the State disability agency team making eligibility decisions must consist of a State agency medical consultant (physician) and a State agency disability examiner, both of whom must sign the disability determination.

House bill

Requires that a qualified psychiatrist or psychologist complete the medical portion of any applicable sequential evaluation and residual functional capacity assessment in cases involving mental impairments before a determination may be made that an individual is not disabled.

Effective dates.—On enactment.

Senate amendment

Same except modified to require only that every reasonable effort be made to use qualified psychiatrist or psychologist. Also, specifically amends title XVI to make the provision applicable to SSI determinations.

Effective date.—On enactment.

Conference agreement

The conference agreement follows the Senate bill with an amendment to change the effective date to 60 days after enactment. The conferees note that if the Secretary is unable to assure adequate compensation in order to obtain the services of qualified psychiatrists or psychologists because of impediments at the State level, it would be within the Secretary's authority to contract directly for such services.

8. STANDARDS FOR CONSULTATIVE EXAMINATIONS/MEDICAL EVIDENCE

Present law

Consultative exams (CE's) are medical exams purchased by the State agency from physicians and other qualified health professionals outside the agency. By regulation, CE's may be sought to secure additional information necessary to make a disability determination or to check conflicting information. Evidence obtained through a CE is considered in conjunction with all other medical and non-medical evidence submitted in connection with a disability claim.

There are currently no statutory or regulatory standards requiring CE's in particular cases, or requiring any standard procedures to be followed in the purchase of CE's.

The SSI statute includes a cross-reference to this provision. Any changes in title II will therefore also be made for SSI.

House bill

Requires the Secretary to prescribe regulations which set forth standards for when a CE should be obtained, the type of referral to be made and the procedures for monitoring CE's and the referral process. Permits non-regulatory rules and statements of policy relating to CE's to be issued if they are consistent with the regulations.

Effective date.—On enactment.

Senate amendment

Requires the Secretary to make every reasonable effort to obtain necessary medical evidence from an individual's treating-physician prior to seeking a consultative examination.

Also, requires consideration of all evidence in the case record and development of complete medical history over at least the preceding 12-month period for individuals applying for benefits or undergoing review.

Effective date.—On enactment.

Conference agreement

The conference agreement follows the House bill with respect to the provisions requiring the Secretary to set forth standards for consultative examinations. The conference agreement follows the Senate amendment with an amendment requiring the Secretary to make every reasonable effort to obtain necessary medical evidence from treating physicians prior to evaluating medical evidence obtained from any other source on a consultative basis.

9. ADMINISTRATIVE PROCEDURE AND UNIFORM STANDARDS

Present law

The guidelines for making social security disability determinations and all other social security eligibility determinations are contained in the Social Security Act, regulations, social security rulings and the POMS (the Program Operating Manual System):

Regulations, or substantive rules, have the force and effect of law and are therefore binding on all levels of adjudication—state agencies, administrative law judges, SSA's Appeals Council, and the Federal Courts.

The Administrative Procedure Act (APA) requirements do not apply to social security programs because of a general exception for benefit programs. On a voluntary basis, however, SSA issues its regulations in accordance with the public notice and comment rulemaking requirements of the APA.

Rulings consist of interpretative policy statements issued by the Commissioner and other interpretations of law and regulations, selected decisions of the Federal courts, ALJs, the Appeals Council and selected opinions of the General Counsel. Rulings often provide detailed elaboration of the regulations helpful for public understanding. By regulation, the rulings are binding on all levels of administrative adjudication.

The POMS is a compilation of detailed policy instructions and step-by-step procedures for the use of State agency and SSA personnel in developing and adjudicating claims. The POMS is not binding on the Administrative Law Judges, Appeals Council or Courts.

House bill

Requires publication under APA public notice and comment rulemaking procedures of all OASDI and SSI regulations on matters relating to benefits. Requires that only those rules issued under Sections b–e of Section 553 of the APA shall be binding at any level of review.

Effective date.—On enactment.

Senate amendment

Requires publication of regulations setting forth uniform standards for DI and SSI disability determinations under APA procedures. These rules would be binding at all levels of adjudication.

Effective date.—On enactment.

Conference agreement

The conference agreement follows the Senate amendment. While it is not required in the legislation, the conferees urge the Secretary to publish under APA public notice and comment rulemaking procedures all OASDI and SSI regulations which relate to benefits.

10. ACQUIESCENCE OR NON-ACQUIESCENCE IN COURT OF APPEALS DECISIONS

Present law

Claimants for benefits under the Social Security Act may appeal State agency denials through several levels of administrative appeal. A claimant who wishes to continue to pursue appeal may next turn to the Federal district court with jurisdiction over his or her claim. The district court reviews the record as complied by the agency to determine whether substantial evidence existed for the agency's decision. The district court's decision may be appealed, by the claimant or the Secretary, to the Circuit Court with jurisdiction, and ultimately to the Supreme Court (which may or may not agree to hear the appeal).

Under the Federal judicial system, decisions by a Circuit Court of Appeals constitute binding case law to be followed by all district courts in that circuit. (District courts are not bound by the case law of other circuits and often develop contrary case law on the same issue.)

In general, if two circuits rule differently on a particular issue, the Supreme Court will review the issue to settle the dispute, although frequently the Court will decline to review for an extended period of time if the issue is not ripe for disposition, or if it is not of sufficient importance to warrant immediate attention. If a particular policy is found by the Supreme Court to be unconstitutional, or contrary to the statute, that decision is binding on the agency.

Most social security cases decided in the Federal courts have little value as precedent for SSA decisions, since most reversals of agency determinations rest on the lack of substantial evidence for the agency's position. However, in some instances, the court's opinion is based on matter of a statutory interpretation.

The Social Security Administration abides by the final judgments of Federal courts with respect to the individuals in particular cases. It does not, however, consider itself bound with respect to nonlitigants as far as adopting as agency policy, either in the circuit or nationwide, the interpretation underlying a Circuit Court's decision. If the decision of a Circuit Court is contrary to the Secretary's interpretation of the Social Security Act and regulations, SSA, like some other Federal agencies, issues a ruling stating that it will not adopt the court's decision as agency policy. There are currently 7 such rulings of nonacquiescence by the Social Security Administration.

House bill

Requires that a decision of a Circuit Court of Appeals interpreting title II of the Social Security Act or its regulations in a manner different from prevailing policy be appealed to the Supreme Court or the Secretary must apply the interpretation underlying that decision as agency policy in the circuit. If the Supreme Court denies review, circuit-wide acquiescence with that interpretation would be required until the Supreme Court ruled on the issue. Includes title XVI conforming amendment.

Effective date.—On enactment, with respect to all circuit court decisions made on or after the date of enactment, and with respect to circuit court decisions for which the Secretary still has an opportunity to request review by the Supreme Court.

Senate amendment

Requires SSA to notify Congress and print in the *Federal Register* (within 90 days after decision date, or on the last date available for appeal, whichever is later) an explanation of the agency's decision to acquiesce or not acquiesce in decisions of the Circuit Courts relating to interpretation of the Social Security Act or of regulations issued under the Act. In cases where the Secretary is acquiescing, the reporting requirement would apply only to significant decisions.

States that nothing in the section shall be interpreted as sanctioning any decision of the Secretary not to acquiesce in the decision of a circuit court.

Effective date.—Applies to Court decisions rendered after the date of enactment.

Conference agreement

The conference agreement deletes both the House and Senate language. The conferees do not intend that the agreement to drop both provisions be interpreted as approval of "non-acquiescence" by a federal agency to an interpretation of a U.S. Circuit Court of Appeals as a general practice. On the contrary, the conferees note that questions have been raised about the constitutional basis of non-acquiescence and many of the conferees have strong concerns about some of the ways in which this policy has been applied, even if constitutional. Thus, the conferees urge that a policy of non-acquiescence be followed only in situations where the Administration has initiated or has the reasonable expectation and intention of initiating the steps necessary to receive a review of the issue in the Supreme Court.

The conferees reaffirm the congressional intent that the Secretary resolve policy conflicts promptly in order to achieve consistent uniform administration of the program. This objective may be achieved in at least two ways other than non-acquiescence when the agency is faced with conflicting interpretations of the meaning and intent of the Social Security Act: either to appeal the issue to the Supreme Court, or to seek a legislative remedy from the Congress.

When there are court rulings which the Secretary believes are inconsistent with the meaning and intent of the law, the Secretary should diligently pursue appropriate appeals channels on an expeditious basis. By refusing to apply circuit court interpretations and by not promptly seeking review by the Supreme Court, the Secretary forces beneficiaries to re-litigate the same issue over and over again in the circuit, at substantial expense to both beneficiaries and the federal government. This is clearly an undesirable consequence. The conferees also feel that in addition to the practical administrative problems which may be raised by non-acquiescence, the legal and Constitutional issues raised by non-acquiescence can only be settled by the Supreme Court. The conferees therefore urge the Administration to seek a resolution of this issue.

The conferees recognize that the realities of litigation do not make it appropriate or feasible to appeal every adverse decision with which the Secretary continues to disagree. In such instances, however, the conferees strongly insist that Congress' judgment as to the appropriate policy should prevail. The conferees expect the Secretary to propose what she believes to be appropriate remedial legislation for congressional consideration.

It is clearly undesirable to have major differences in statutory interpretation between the Secretary and the courts remain unresolved for a protracted period of time. The conferees believe this legislation takes a major step toward removing the obstacles to resolution by clarifying the statutory language and congressional intent.

11. PAYMENT OF COSTS OF REHABILITATION SERVICES

Present law

Presently, States are reimbursed for vocational rehabilitation (VR) services provided to DI and SSI recipients which result in their performance of substantial gainful activity (SGA) for at least 9 months. For such individuals, services are reimbursable for as long as they are in VR and receiving cash benefits. If the individual is reviewed and found to have medically recovered while in VR, cash benefits may continue (under Sections 225(b) and/or 1631(a)(6) of the Social Security Act, work-incentive provisions enacted in 1980). The State agency is reim-

bursed for these VR services on the same basis as applies to other beneficiaries—only if the beneficiary is returned to SGA for 9 months.

House bill

Allows reimbursement to State agencies for costs of VR services provided to individuals receiving DI benefits under Section 225(b) who medically recover while in VR, and to those receiving SSI disability who are found ineligible for benefits by reason of medical recovery (whether or not receiving SSI under Section 163(a)(6)). Reimbursable services would be those provided prior to his or her working at SGA for 9 months, or prior to the month benefit entitlement ends, whichever is earlier, and would not be contingent upon the individual working at SGA for at least 9 months. Also provides for reimbursement in cases where DI or SSI disability recipient does not meet the requirement of successful return to SGA because he refuses without good cause to continue in or cooperate with the VR program.

Effective date.—For individual receiving benefits as a result of section 225(b) (or who are no longer entitled to SSI benefits because of medical recovery) for months after the month of enactment.

Senate amendment

Same, except does not pay for services to those who fail to cooperate or refuse to continue participation in VR, and does not apply to SSI program.

Effective date.—For services rendered to individuals who receive benefits under Section 225(b) for months after the month of enactment.

Conference agreement

The conference agreement follows the House bill with technical amendments to correct the SSI provision, and an amendment to the effective date to apply the provision in the first month following the month after enactment.

The conferees expect that the Secretary will reimburse the State agencies for vocational rehabilitation services provided to a beneficiary who refuses without good cause to continue or to cooperate in a vocational rehabilitation program in such a way as to preclude his successful rehabilitation only in those cases in which the Secretary also suspends that person's disability benefits because of such refusal.

12. ADVISORY COUNCIL ON MEDICAL ASPECTS OF DISABILITY

Present law

Section 706 of the Social Security Act provides for the appointment of a 13-member quadrennial advisory council on social security. It is responsible for studying all aspects of the OASI, DI, HI, and SMI programs. The councils are comprised of members of the public.

The next advisory council is scheduled to be appointed in 1985 and to make its final report on December 31, 1986.

There are no requirements in the law pertaining to the creation of advisory councils to deal specifically with disability matters.

House bill

Requires the Secretary to appoint, within 60 days after enactment, a 10-member advisory council on the medical aspects of disability. This would be in addition to the regular quadrennial council. The council, to be composed of independent medical and vocational experts and the Commissioner of SSA *ex officio*, would provide advice and recommendations to the Secretary on disability policies, standards, and procedures. Any recommendations would be published in the Secretary's annual reports.

In addition, Section 307 of the bill requires this advisory council to study alternative approaches to work evaluation for SSI applicants and recipients and the effectiveness of VR services for SSI recipients.

Effective date.—On enactment. Authority for the council expires December 31, 1985.

Senate amendment

Directs next quadrennial advisory council on social security to study the medical and vocational aspects of disability using *ad hoc* panels of experts where appropriate. The study shall include: (1) alternative approaches to work evaluation for recipients of SSI; (2) the effectiveness of vocational rehabilitation programs for DI and SSI recipients; and (3) the question of using specialists for completing medical and vocational evaluations at the State agency level in the disability determination process.

Effective date: Requires Secretary to appoint members by June 1, 1985.

Conference agreement

The conference agreement follows the Senate amendment with amendments providing in detail the issues to be studied by the Advisory Council.

13. STAFF ATTORNEYS

Present law

Qualifications for administrative law judge (ALJ) positions are set by the Office of Personnel Management (OPM). To qualify for SSA's GS-15 ALJ position, an applicant must have at least 1 year of qualifying experience at or comparable to the GS-14 grade level in Federal service. Staff attorneys in SSA's Office of Hearings and Appeals (OHA) have the appropriate type of qualifying experience. However, there are no GS-14 positions as OHA staff attorneys; GS-13 is the highest staff attorney position. Prior to a recent decision by OPM, staff attorneys did not have qualifying experience at the necessary grade level. On May 9, 1984, OPM revised this criteria to permit applicants to qualify with 2 years of qualifying experience at the GS-13 level. No GS-14 experience is necessary.

House bill

Requires the Secretary to establish enough GS-13 and GS-14 attorney advisor positions to enable otherwise qualified staff attorneys to compete for ALJ positions. A 90-day interim progress report and a 180-day final report by the Secretary would be required.

Effective date.—On enactment.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill with an amendment substituting a requirement for a report to the House Committee on Ways and Means and the Senate Committee on Finance on the actions taken by the Secretary to establish positions to enable staff attorneys to gain qualifying experience of the quality necessary to compete for ALJ positions.

In view of the recent actions by OPM and SSA, the conferees do not believe it is necessary to statutorily require that GS13 and GS14 SSA staff attorney positions be established so as to permit those attorneys to qualify for GS15 ALJ positions. Congress recognizes that such changes are critical in order to ensure the continued availability of qualified attorneys and ALJ's and urges the Secretary to take all reasonable steps to see that the OPM actions result in SSA attorneys becoming qualified for GS15 ALJ positions.

The conferees are concerned, however, upon review of the new examination announcement, that there may not exist within OHA positions in which a staff attorney can now serve and obtain the experience needed to meet the "quality of experience" requirements (in particular, the requirement that cases be listed which demonstrate knowledge, skills and abilities in the rules of evidence and trial procedures, and in decision-making ability).

The conferees expect that, if necessary, the Secretary will establish positions which enable staff attorneys to gain the qualifying experience and quality of experience necessary to compete for ALJ positions.

14. SSI BENEFITS FOR PERSONS WORKING DESPITE SEVERE IMPAIRMENTS

Present law

Under the SSI program, an individual who is able to engage in substantial gainful activity (SGA) cannot become eligible for SSI disability payments. Prior to the enactment of a provision in 1980, a disabled SSI recipient generally ceased to be eligible for SSI when his or her earnings exceeded the level which demonstrates SGA—$300 monthly.

Under Section 1619(a) of the Social Security Act, enacted in the Disability Amendments of 1980, severely disabled SSI recipients who work and earn more than SGA may receive a special payment and thereby maintain medicaid coverage and social services. The amount of the special payment is equal to the SSI benefit they would have been entitled to receive under the regular SSI program were it not for the SGA eligibility cut-off. Special benefit status is thus terminated when the individual's earnings exceed the amount which would cause the Federal SSI payment to be reduced to zero (i.e., the "break-even" level which is currently $713 per month for an individual with earnings). Under Section 1619(b), medicaid and social services may continue beyond this level, until earnings reach a level where the Secretary finds: (1) that termination of eligibility for these benefits would not seriously inhibit the individual's ability to continue his employment, or (2) the individual's earnings are not sufficient to allow him to provide for himself a reasonable equivalent of the cash and other benefits that would be available in the absence of earnings.

Section 1619 expired on December 31, 1983. It is being continued administratively under demonstration project authority to those people who were eligible for SSI as of that date.

House Bill

Extends Sections 1619 (a) and (b) through June 30, 1986.

In addition, requires the Secretaries of HHS and Education to establish training programs for staff personnel in SSA district offices and State VR agencies, and disseminate information to SSI applicants, recipients, and potentially interested public and private organizations.

Effective date.—On enactment, retroactive to January 1, 1984.

Senate amendment

Same, except extended through June 30, 1987.

Conference agreement

The conference agreement follows the Senate amendment.

15. FREQUENCY OF CONTINUING ELIGIBILITY REVIEWS

Present Law

Under a provision enacted in 1980, all DI beneficiaries, except those with permanent impairments, must generally be reviewed at least once every 3 years to assess their continuing eligibility.

Under a provision enacted in 1983 (P.L. 97-455), the Secretary is provided the authority to modify this 3-year review requirement on a state-by-state basis. The appropriate number of cases for review is to be based on the backlog of pending cases, the number of applications for benefits, and staffing levels.

On April 13, 1984, Secretary Heckler announced a temporary, nationwide moratorium on periodic eligibility reviews.

House bill

No provision.

Senate amendment

Requires Secretary to promulgate regulations establishing standards for determining the frequency of continuing eligibility reviews. Final regulations must be issued within 6 months of enactment. Until these regulations are issued, no individual may have more than one periodic review.

Effective date.—On enactment.

Conference agreement

The conference agreement follows the Senate amendment.

16. MONITORING OF REPRESENTATIVE PAYEES FOR SOCIAL SECURITY AND SSI BENEFICIARIES

Present law

The Secretary may appoint a representative payee for an individual entitled to social security or SSI benefits when it appears to be in the individual's best interest. Payees must be appointed for individuals receiving SSI who are addicted to drugs or alcohol.

A payee convicted of misusing a social security beneficiary's funds is guilty of a felony, punishable by imprisonment for not more than 5 years and/or a fine of not more than $5,000. A payee convicted of misusing an SSI recipient's funds is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year and/or a fine of not more than $1,000.

There are no statutory requirements or restrictions on the selection and monitoring of payees.

House bill

No provision.

Senate amendment

Requires Secretary to: (1) evaluate qualifications of prospective payee either prior to or within 45 days following certification, (2) establish a system of annual accountability monitoring for cases in which payments are made to someone other than a parent or spouse living in the same household as the entitled individual, and (3) report to Congress within 6 months of enactment on implementation of the new system and report annually on number of cases of misused funds and disposition of such cases.

The fine for a first offense by a payee convicted of misusing SSI benefits would be increased to not more than $5,000 and, for both programs, a second offense by a payee would be made a felony punishable by imprisonment for not more than 5 years and/or a fine of not more than $25,000. Individuals convicted of a felony under this provision could not be selected as a payee.

Effective date.—On enactment.

Conference agreement

The conference agreement follows the Senate amendment with amendments to require a report to Congress within 270 days after the date of enactment.

While the conference agreement recognizes that it may be necessary to appoint a representative payee prior to completion of the investigation required by the provision, the managers' believe that the Secretary should do so cautiously. In particular, the managers direct the Secretary to establish procedures under which large lump-sum payments of retroactive benefits will not ordinarily be paid to new representative payees until the investigation of their suitability has been successfully completed. These procedures should, however, allow for reasonable exceptions where the funds are urgently needed, for example, to avoid eviction or to meet major medical needs.

Where State institutions serve as representative payees for their residents, the annual reporting requirements of the conference agreement do not apply. This exemption, however, is not designed to shield institutional payees from accountability but rather to allow the Secretary the flexibility to establish more appropriate and effective systems of auditing the use of social security funds by such institutions. The managers wish to make clear their intention that the Secretary implement a thorough and comprehensive audit methodology to assure that Social Security Act benefits for residents of State institutions are not misused. These onsite reviews would be expected to involve, at a minimum, discussions with institution staff, an audit of a sample of residents accounts in each institution and onward interviews and observations to ensure that benefits are being properly used. At a minimum, each such institution should be audited once every three years. This 3-year cycle will allow the Secretary to audit one-third of such institutions each year—thus permitting a more thorough audit than would be possible on an annual basis. The managers further expect that the initial report on the implementation of this section of the bill will include a full exposition of the audit procedures which the Secretary will utilize in monitoring State institutions which act as representative bayees.

17. FAIL-SAFE

Present law

The main source of funding for the DI program is that portion of the social security tax allocated by law for disability. At present, the disability portion of the tax is 1 percent (employee and employer combined). It is scheduled to rise to 1.2 percent in the 1990's and to 1.42 percent thereafter. If revenues from the tax exceed amounts needed for benefit payments, the excess is placed in the trust fund reserve. If revenues fall short of the amount needed, the reserve is drawn on to make up the difference. (To make timely benefit payments it is necessary to have at least one month's benefit payments in reserve at the beginning of each month—8 to 9 percent of annual expenditures. Reserves must be sufficient to meet this percentage requirement at the beginning of each month notwithstanding any decline in revenues or increase in expenditures during the year.)

To help assure continued benefit payments over the next few years in the event of adverse conditions, the social security legislation enacted in 1983 authorized interfund borrowing for calendar years 1983-1987. In addition, the 1983 legislation required the OASDI Board of Trustees, whenever it determines that trust fund reserves may become less than 20 percent, to immediately submit to Congress a report setting forth its recommendations for statutory adjustments necessary to restore the reserve ratio. This report to the Congress by the Trustees must provide specific information as to the extent to which benefits would have to be reduced, payroll taxes increased, or some combination thereof, in order to restore the trust fund reserve ratio.

House bill

No provision.

Senate amendment

Requires the Secretary to adjust disability insurance benefit increases as necessary to prevent the DI trust fund balance from falling below a defined threshold. The Secretary would be required to notify the Congress by July 1 in any year in which the amount of the DI trust fund at the start of the next year is projected to be less than 20 percent of the year's expenditures. If Congress took no action, the Secretary must scale back the next cost-of-living increase for disability insurance beneficiaries as necessary to keep the fund balance from falling below 20 percent. If further necessary to keep the fund from falling below 120 percent, the Secretary would also be required to scale back the increase in the benefit formula used to determine new benefit awards the following year.

Effective date.—On enactment.

Conference agreement

The conference agreement follows the House bill.

18. MEASURES TO IMPROVE COMPLIANCE WITH FEDERAL LAW

Present law

The States are responsible, on a voluntary basis, for determining whether individuals are disabled under the meaning of the Social Security Act. Under the law, States administering the program are required to make disability determinations in accord with Federal law and the standards and guidelines established by the Department of Health and Human Services. All benefit payments and administrative costs of the States making these determinations are financed or reimbursed by the Disability Insurance Trust Fund.

The law provides for the Secretary to commence actions to take over the disability determination process if a State fails to follow Federal rules. A series of procedural steps must be complied with before such Federal assumption can be accomplished. The Secretary may not commence making disability determinations earlier than 6 months after: (1) finding, after notice and opportunity for hearing, that a State agency is substantially out of compliance with Federal law; (2) developing all procedures to implement a plan for partial or complete assumption of the disability determinations which grants hiring preference to the State employees; and (3) the Secretary of Labor determines that the State has made fair and equitable arrangements to protect the interests of displaced employees.

Prior to the Secretary's announcement in April 1984 of a temporary nationwide moratorium on periodic reviews, several States on their own initiative were failing to conduct eligibility reviews in accordance with Federal law and standards. Eighteen States were

operating under court-ordered eligibility criteria or pending court order.

House bill

No provision.

Senate amendment

Requires the Secretary to federalize disability determinations in a State within 6 months of finding that the State is not in substantial compliance with Federal law and standards. (Such finding must be made within 16 weeks of the time a State's failure to comply first comes to the attention of the Secretary. During this 16-week period, at the discretion of the Secretary, a hearing could be afforded to the State.) The Secretary would be required, to the extent feasible, to meet the requirements of present law regarding the transfer of functions. Provision expires December 31,1987.

Effective date.—On enactment.

Conference agreement

The conference agreement follows the Senate bill with an amendment to require the Secretary to waive any applicable personnel ceilings and other restrictions in carrying out the provisions. Under the conference agreement, protections are being given to State agency employees. If the Secretary assumes the functions of the Disability Determinations Agency, then preference must be given in hiring to agency employees who are capable of performing the requisite duties. The conferees further intend that the Secretary should make every effort throughout the 180 day period to comply with the requirements in the law concerning the hiring of State employees and the protection of their interests in the event of the Secretary assuming the functions of the State agency.

19. SEPARABILITY CLAUSE

The Conference agreement includes a separability clause stating that the constitutional invalidity of any provision of the bill shall not affect the other provisions of the bill.

DAN ROSTENKOWSKI,
J.J. PICKLE,
ANDREW JACOBS, Jr.,
RICHARD A. GEPHARDT,
JIM SHANNON,
WYCHE FOWLER, Jr.,
HAROLD FORD,
BARBER B. CONABLE, Jr.,
BILL ARCHER,
WILLIS D. GRADISON, Jr.,
CARROLL CAMPBELL,
Managers on the Part of the House.

BOB DOLE,
BOB PACKWOOD,
BILL ROTH,
JOHN C. DANFORTH,
RUSSELL B. LONG,
LLOYD BENTSEN,
D.P. MOYNIHAN,
Managers on the Part of the Senate.

Mr. ROSTENKOWSKI. Mr. Speaker, on behalf of the committee on conference, I call up the conference report on the bill (H.R. 3755) to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 3755, the conference report under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1650

Mr. ROSTENKOWSKI. Mr. Speaker, I submit today a conference agreement on the Social Security Disability Benefits Reform Act of 1984, H.R. 3755. My remarks will be brief, because I think the situation that this bill corrects is only too well known to every Member in this Chamber: Hundreds of thousands of beneficiaries have lost their benefits, thousands of appeals are clogging our Federal court dockets, 29 States have refused to follow the administration's instructions for termination of benefits, and 200 Federal courts all over the country have threatened the Secretary of Health and Human Services with contempt of court citations for refusing to pay benefits when ordered. This chaos must end, and it will end today with the passage of H.R. 3755. Indeed, the Senate has already approved the conference report, by a vote of 99 to 0, and our action is the only step remaining before sending the bill to the President.

This conference agreement was hard fought, and took longer to reach than many here had expected, because the differences between the House and the Senate were important and sharply drawn. In the end, however, we have an agreement that preserves the basic House provision for the standard of medical improvement: The Secretary must now show that a disabled person's condition has improved before ending his eligibility for disability benefits. And we affirmed in the Statement of Managers that the Administration's policy of ignoring Federal circuit court rules of law is not condoned by the Congress, and that the Secretary should either follow such rulings or appeal the issue to the Supreme Court.

In short, in all vital respects, the conference agreement preserves the House versions of the bill that my committee labored so long to develop. The credit for achieving this victory must go to my colleague, the chairman of the Social Security Subcommittee, J.J. PICKLE. For over a year and a half, he has worked to put this bill together and get it enacted, so successfully that this body approved the bill 410 to 1 last spring. Without his tireless interest and efforts, no bill would ever have reached the House floor, no action would ever have been taken by the Senate, and no compromise would have been reached with the Senate conferees. I commend him for his leadership and determination: The disabled people of America owe JAKE PICKLE an enormous debt of gratitude.

I also commend the other House conferees, and especially JIM SHANNON, who was the other major force for action in support of the bill on my committee. He devoted many hours to ensuring that this bill protected the interests of disabled beneficiaries, and it is a tribute to his commitment and energy that we are today about to approve this agreement.

This bill has true bipartisan support, and enthusiasm, in both the Senate and the House. It is desperately needed, and I urge adoption of the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3755 with fewer misgivings than I expressed in March. I think the conference process has resulted in a better bill than the House passed earlier.

I say this even though the conference report is estimated by the Social Security Administration to cost more in the short-range than the House bill. Originally, OASDI costs for 1984–88 were projected as $2.4 billion; now SSA estimates that to be $3.5 billion. The difference is explained by the fact that the original bill was intended to be prospective, but the final measure is retroactively applied to 40,000 cases now pending in the Federal courts. While I am concerned about these added costs, I should note that I also was concerned about the reliability of

the earlier estimates. I believe the revised estimates are more reliable because the scope of retroactivity has been clearly delineated by the Congress, and not left to the whim of courts.

Philosophically, I remain opposed to a medical improvement standard, which creates a dual standard when compared to the level of severity which must be met by new applicants. However, given these reservations, I believe the standard we have developed in the conference report is a more reasonable one, because it places on the beneficiary the same obligation that an initial applicant faces in submitting medical evidence and cooperating with requests for consultative exams. Further, the final decision is to be made on the weight of that evidence. While I'm concerned that this is a fine line to adjudicate, it expresses the conferees' intent that the final decision be made on a neutral basis.

The final bill also contains more explicit language concerning pain, which we hope will resolve pending litigation until the Social Security Subcommittee reviews a mandated study and report.

Further, the bill should be somewhat easier to administer. For example, we left the fact-to-face interview for continuing disability reviews at the reconsideration level rather than requiring them at the initial review stage.

And finally, both House and Senate conferees threw in the towel and receded on nonacquiescence; that is, opinion was divided so sharply on the issue of requiring SSA to acquiesce to differing circuit court standards that we agreed to encourage SSA to litigate this issue before the Supreme Court.

On balance, I'm satisfied this is an improved bill, but still one which will be difficult to administer. With that in mind, I plan to introduce, in the next session, legislation to streamline the administration of the disability adjudication process. I'm concerned that the current appeals process not only has too many administrative layers of review, but invites conflicting court decisions. While variety may be the spice of life, I'm convinced that the OASDI program needs stability far more than spice.

For today, I support H.R. 3755, and thank my subcommittee chairman, Mr. PICKLE, and the chairman of the full committee, Mr. ROSTENKOWSKI, for listening so patiently to the views of the minority, and considering those views in negotiating the final package.

Mr. Speaker, I yield such time as he may consume to the ranking member of the Committee on Ways and Means, the gentleman from New York [Mr. CONABLE].

Mr. CONABLE. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. In March, when I spoke on behalf of the original bill, I expressed hope that the administration would support it, and work with the other body to perfect certain features, which in SSA's judgment, would be difficult to administer.

That was 6 months ago. Fortunately, because Secretary Heckler previously had imposed a moratorium on continuing disability reviews, the 6-month delay has not harmed current beneficiaries. Also, I am pleased to be able to report, the administration did cooperate with our colleagues on the Finance Committee to produce a companion bill. Our conference was fruitful, and I believe this final package of disability reforms merits our bipartisan support.

Most importantly, this bill reestablishes national standards for a national program. Among its administrative provisions, for example, is one introduced by the Senate which should deter States from running amuck in the future. Specifically, the Secretary would be required to federalize disability determinations in a State, within 6 months of finding that the State is not in substantial compliance with Federal law and standards. While the Department of Health and Human Services' experience with "substantial compliance" in the AFDC program, which is State administered, suggests that the Secretary may have difficulty enforcing this provision, I would hope the States view it as "handwriting on the wall".

Substantively, the bill's major provision, a clearly defined medical improvement standard, has been strengthened, and more explicit treatment of pending court cases has been provided. The latter was urged by the Justice Department as a way of resolving the 40,000-plus cases pending in our Federal courts.

On the other hand, the Senate's original 3 year sunset date for medical improvement was deleted, saving beneficiaries, the administration, and many of you, my friends, from revisiting the issue in the near future. That isn't to say I think we have drafted the definitive standard for medical improvement. But I do think that we should permit the new standard to be implemented and tested fully before we evaluate it in terms of: First, equity for beneficiaries; second, feasibility of administration; and third, program costs. After that, we should take a long-range approach to any modifications. Current beneficiaries and the Social Security Administration need breathing space and relief from the program turmoil which began when we enacted the Disability Insurance Amendments of 1980.

This is not to say that other disability issues won't require attention in the near future. The bill itself requires the Secretary to submit a report by December 31, 1985, concerning pain, and a second report by July 1, 1986, on the impact of the continuation of benefits during the appeal process. Both issues promise to be sensitive, complex, and expensive in terms of long-range remedies. Further, I suggest that Congress may need to address administrative issues, which simplify or expedite an adjudicative process which has in these past 4 years—with the assistance of the Federal courts—become chaotic and unmanageable.

In the meantime, H.R. 3755 incorporates features which are necessary to reestablish the credibility of the continuing disability review, and I urge bipartisan support.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the distinguished gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the conference agreement for H.R. 3755, the Social Security Disability Amendments of 1984. And, although I don't want to take a lot of time, I feel compelled to express my admiration and respect for the chairman of the Social Security Subcommittee, JAKE PICKLE, who I know worked diligently to form a compromise on this legislation with the other body.

We need to send a strong signal to the disabled in America and pass this conference report overwhelmingly.

The bill establishes a comprehensive medical improvement standard for disability recipients that is more humane than the standard used in present law. The errors in the continuing reviews in 1981 are largely derived from, I believe, a lack of consistent, uniform medical improvement standards.

Another problem with present law is the fact that many disability recipients allege pain that cannot be found using regular medical techniques. That does not mean, however, that these people are not suffering pain, and to that end, the bill requires an evlauation of the causes of pain.

The bill also imposes a moratorium on all reviews of the mentally impaired, allows establishment of demonstration projects to provide face-to-face interviews for pretermination disability cases, provides continued disability benefits through the administrative appeals level, and requires published standards on the frequency of continuing disability reviews.

Mr. Speaker, the conference agreement is similar to legislation I have cosponsored and have sponsored in the past several months. I was proud to be a cosponsor of H.R. 3755 myself, and am pleased with the result from conference.

This legislation will help end the crisis in the disability program. It is a good bill, a bipartisan bill, fashioned as a realistic response to a serious problem. It deserves our unquestioning support.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference agreement on H.R. 3755, the Social Security disability amendments, and I would like to encourage my colleagues to do the same.

Over the last 2½ years there have been many problems which have plagued the Social Security Disability Insurance [SSDI] Program and its recipients.

It has been a hard fought battle to have this legislation brought to the House floor for a first vote and to achieve a successful conference. However, we have finally put the political games aside and concentrated on the individuals who have been harmed by the 1980 legislation.

This conference report will not alleviate all of the concerns we have with the disability program. But it will give these individuals a more fair review process as well as fairer standards of disability such as the consideration of multiple impairments.

I am pleased of the part I had along with my colleagues on the Select Committee on Aging in gaining bipartisan cosponsorship of H.R. 3755. The legislation is desperately needed and again I urge my colleagues in the House to help our disabled citizens and vote in favor of H.R. 3755.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the distinguished gentleman from Arkansas [Mr. JOHN PAUL HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding.

Mr. Speaker, during the last 3 years we have debated various short-term and long-term solutions to the problems that arose from the 1980 amendments to the Social Security Act. I sincerely commend the chairman of the Social Security Subcommittee, Mr. PICKLE, and the banking minority member, Mr. ARCHER, for their tenacity and for their final achievement, H.R. 3755.

Medical improvement, one of the pivotal issues in the debate, is clearly improved by the language in this bill. I hope that when this provision becomes operational, the burden of proof will fall on the Social Security Administration and not on the claimant.

I also compliment the conferees on their provision for multiple impairments. There are many individuals, particularly the elderly, who suffer from a variety of medical conditions. Though each separate impairment might not be severe enough to prohibit someone from working, the combination of conditions can be totally disabling. H.R. 3755 takes an important step in recognizing the effects of multiple impairments in the determination of disability.

Since H.R. 6181 in 1982, through the emergency disability amendments which became incorporated in the Virgin Island tax bill, I have been one of the principal sponsors of the provision to continue benefits through the administrative law judge decision for those claimants who believe that they have been wrongly terminated. With some pride and gratitude, I commend the conferees for including this provision in the final bill.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the subcommittee chairman, the gentleman from Texas, Mr. JAKE PICKLE.

Mr. PICKLE. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to call on all Members to support the passage of H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. Passage of these amendments is of vital importance to the Social Security disability insurance system

The legislation before you today addresses the most critical issues facing the disability program.

First and foremost, we have provided for a medical improvement standard which spells out clearly the proper standard for continuing disability reviews. Under this conference agreement, benefits may be terminated for beneficiaries on the basis that they are no longer disabled only if there is substantial evidence that there has been any medical improvement in the individual's condition and that the individual is now able to engage in substantial gainful activity. If there has been no medical improvement, benefits may still be terminated if there is substantial evidence that the individual can perform substantial gainful activity and that he has benefited from technological advances in medical or vocational therapy. Benefits may also be terminated if there is substantial evidence that the impairment is not as disabling as originally thought, or that the original decision was reached erroneously or fraudulently.

I cover this provision in great detail because I want everyone to understand that this agreement is not intended to give a free ride to anyone. Neither does it put all the burden on anyone. It spells out the proper duties and responsibilities for both the Secretary and the disabled beneficiaries. The determination will be by weight of evidence, on a neutral basis.

This provision is close to the provision we passed in the House. We have not accepted the Senate proposal to put unfair burden of proof on the beneficiary.

Furthermore, we have responded to the concern of some that endless litigation will destroy this program. However, we have not, as the Senate proposed, denied relief in the courts for those beneficiaries who have suffered because of the faulty review process. We have, instead, stated in detail, the groups to which this standard will apply, and how they may obtain protection under it. The standard will apply to all future reviews, all cases in the administrative pipeline, and to everyone who has, in fact, turned to the Federal courts for judicial relief. Even in the case of unnamed plaintiffs in certified class actions, we are providing relief by requiring the Secretary to send notice via certified mail informing them that they have 120 days to file a request for a redetermination by the Secretary.

Second, we send a clear signal to the administration that the present policy of not acquiescing in decisions by the various U.S. circuit courts of appeals is not acceptable. Nowhere else does the Federal Government refuse in this manner to enforce the law as interpreted by the Federal circuit courts. The legal and constitutional issues raised by nonacquiescence can only be settled by the Supreme Court. However, regardless of the legal situation, the Secretary's current policies are clearly undesirable. The Secretary's refusal to broadly apply circuit court decisions forces beneficiaries to relitigate the same issue over and over, at great expense to both the beneficiaries and the Government. Such a circumstance should be avoided by the Secretary either through an appeal to the Supreme Court or through legislation from the Congress.

Third, in addition to these administrative reforms, this legislation resolves critical issues concerning disability benefits based on pain and multiple impairments.

With reference to pain, the conference agreement puts present regulatory policy into statute until January 1, 1987, and mandates that in the meantime, a study be conducted so that we might better deal with this very difficult issue. I know that many Members in both bodies are concerned about the fairness of our present policies and I would expect that as we continue to benefit from the progress of medical science, we will improve our laws in this regard.

In the area of multiple impairments, we have made real progress. Under the conference agreement, the effect of a combination of impairments, notone of which alone may be disabling, may now be considered when determining whether the person's impairment is

medically severe enough to qualify him for benefits.

These are some of the most important provisions of the bill. I included the full summary of the conference agreement in yesterday's RECORD but I wanted to take just a minute to emphasize what has been accomplished.

Let me also remind the Members that today the program is in a state of chaos and if we do not act immediately to restore order, it will utterly collapse.

Perhaps my cry of alarm sounds exaggerated. It is not.

Already in over half the States, the disability program is being run by Federal court order or by orders of the Governor in opposition to the Federal guidelines set forth by the Secretary of Health and Human Services. As a result, we have no uniform national disability program today.

Our Federal courts are being beseached and besieged. On the dockets, there are over 40,000 disability review cases affecting nearly 200,000 former beneficiaries. These appeals represent the largest part of the Federal court caseload and are costing us millions of dollars in legal fees and court costs.

All of this has come about because in the past 3 years, the cases of 1.2 million beneficiaries have been given reviews resulting in an initial termination rate of over 40 percent. Since March 1981, nearly half a million disability beneficiaries have been told they would lose all their benefits because they were no longer disabled. But when these cases are appealed, the beneficiaries have had their benefits restored over 60 percent of the time. These reviews have been hasty, harsh and, in too many cases, wrong. This wholesale removal of people from the disability rolls is unprecedented. It has caused a furor all across the country. All of my colleagues in the Congress, on both sides of the aisle, are only too sadly aware of the resulting tragedy. In every district, horror story after horror story has emerged.

Earlier this year, you joined our committee in an overwhelming vote of 410–1, passing our House bill and sending a message that this situation was intolerable.

Finally, even the administration recognized that congressional action was essential. Following our vote in the House, they imposed a moratorium on further continuing disability reviews until reform legislation could be enacted and implemented.

That legislation is before you today. Getting it here has not been easy.

It has required months of long hard work. And I want to take a moment to compliment the leadership of my chairman, DAN ROSTENKOWSKI, and of all the House conferees. They have stayed with this legislation through thick and thin. I also want to acknowledge the contributions of Senator DOLE and his colleagues in the other body. Their willingness to keep working to reach a compromise has made it possible for us all to be here today and to enact this crucial legislation.

I would be remiss if I did not give special recognition to Congressman JIM SHANNON of Massachusetts. His was the original bill which has served as the catalyst for the agreement you have before you today and he, along with Congressman BERYL ANTHONY, has been instrumental in shaping these amendments.

Finally, I cannot emphasize enough to the Members that this has been a bipartisan effort from the beginning. All my colleagues on the other side of the aisle, and especially, Mr. CONABLE, Mr. ARCHER, and Mr. GRADISON deserve tremendous credit for their contributions over the past 2 years.

So, in conclusion, because this bill is desperately needed, because it has received strong bipartisan support, and because it is the right thing to do, I strongly urge you to support its passage today.

□ 1700

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Speaker, this is legislation that is critically needed. I know that there is a rush of the hour to get on with it, but for hundreds of thousands of people throughout these United States, they have faced the cruelty and inhumanity of being disqualified, not by an examination, not by face-to-face contact, but by the computer printout saying, "You are qualified to go back to work."

We need to put humanity back into the process. We need to be concerned for the human side of disability. We need to have sensitivity to people. All of this is contained in this legislation. It is the essence of compromise. It deserves our support.

Mr. ROSTENKOWSKI. Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 5 minutes to a respected member of our committee, the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Speaker, I rise in support of the conference agreement on H.R. 3755, the Social Security Disability Benefits Reform Act of 1984, and I compliment my subcommittee chairman, the gentleman from Texas, on the skill and perseverance that led to this agreement.

We know only too well that the social security disability program is in disarray. Many States are imposing their own standards. Courts of appeal are producing differing opinions, creating wide disparity as to what it takes to continue to receive disability benefits. The program's central headquarters is unable to do much more than react to current decisions. The program must be turned around and pointed in a positive direction.

H.R. 3755 makes necessary reforms in the administration of the social security disability program. Many of these reforms were initiated administratively by the Secretary of Health and Human Services in June 1983, and molded into statutory form by the Social Security Subcommittee. I am hopeful that these initiatives will make significant strides toward reestablishing the integrity of the disability program and ending beneficiary trauma.

Perhaps most important, the bill attempts to recreate this as a national program by establishing uniform guidelines for determining when a person's disability status should be continued. In particular, a person could only be terminated from the rolls if medical improvement is found.

However, it is still not entirely clear how the medical improvement standard will be implemented. Despite extensive consideration by the subcommittee and by the conferees, the statutory language is vague. The ambiguity in the language could allow either continued disability or termination status for persons who can do their old jobs.

My main concern with the conference report is the possibility of creating dual standards, one set for new applicants, and a different, more lenient, set for those already on the benefit rolls. If persons capable of working are allowed to collect benefits, then Congress will have taken disability policy for a full pendulum swing: From the lax standards of the 1970's to the harsh administration that was begun with the 1980 disability amendments, and back again to standards that are too lax. The only fair place for the pendulum to rest is in the middle, where only those who deserve to receive benefits, and all those deserving, do receive benefits.

This may be our last chance to achieve uniform standards of disability determination throughout the State-Federal system of disability adjudication. If this fails to create fair and consistent guidelines, then our next step may very well have to be to federalize the administration of the program.

Mr. ARCHER. Mr. Speaker, I share the views of those who have spoken in that we do need to reform the disability review program. This bill moves in that direction. I do support the conference report.

Mr. SKELTON. Mr. Speaker, I rise today in support of H.R. 3755. I thank Mr. PICKLE and the other House conferees for their diligent effort on behalf of the many Americans who must depend on the Social Security Disability Insurance Program for their subsistence. Particularly, the House

conferees are to be commended for insisting on acceptance of the requirement that the Social Security Administration produce evidence of medical improvement before it terminates SSDI payments. I believe this requirement is the most important safeguard H.R. 3755 provides to recipients.

The final passage of H.R. 3755 will solve the problems of many Missourians who, in recent years, have brought to my attention the unfair and inequitable procedures previously applied by the administrators of the Social Security Disability Insurance Program. I testified early before the Social Security Subcommittee of the Ways and Means Committee on this program, and I am proud to be a cosponsor of this effort to establish fair procedures for those who are disabled and within the purview of the SSDI program.

But while I am pleased that we are about to pass H.R. 3755, I am disappointed that we have been forced to legislate fair procedures for terminating SSDI payments. After all, common decency alone dictates that SSDI payments should not be arbitrarily discontinued. The overwhelming support H.R. 3755 has received should be a clear message to the administrators of the SSDI program that Congress finds their attitude toward SSDI recipients totally unacceptable.

To paraphrase the late Hubert Humphrey, a man whose strong sense of compassion we all recognize and admire, one of the benchmarks by which a society is judged is the treatment it affords its less fortunate members. By that standard, the Nation can be proud that H.R. 3755 reaffirms our commitment to provide an adequate standard of living to those who cannot work because of physical or mental disabilities.

● Mr. ROYBAL. Mr. Speaker, I rise in support of the conference committee agreement on H.R. 3755, the Social Security Disability Reform Amendments of 1984, even though I am concerned that this bill will not permanently end the problems in the disability program. I commend the gentleman from Texas [Mr. PICKLE] for his strong leadership in shaping the House bill, and for his steadfast support of the House bill during conference committee negotiations.

Last spring the Aging Committee began a series of hearings to assess the reaction of State officials and Federal courts to the harsh interpretations of Federal law which SSA expected the States to carry out. The committee has documented the chaos in the program which has produced the constitutional conflict between the excecutive branch and the States and Federal courts.

Although I support the reforms encompassed in the compromise bill, I wish we were doing more for those already terminated from the program. The conference agreement provides for cases to be remanded to the reconsideration level, if they involve medical improvement, for all beneficiaries in the administrative pipeline; beneficiaries who have filed individual suits in the courts; and those beneficiaries in a certified class action suit. However, the bill does not redress the grievances of those who have accepted the government's decision due to lack of knowledge, ability, and/or funds to pursue their appeal. During the floor debate in March on the House disability bill, the late Congressman Perkins stated: "It excludes from remedial treatment that large group of persons who have suffered the most during the last three years." I am confident that if Congressman Perkins were here today, he would concur with my opinion that the compromise bill excludes a large group of disabled individuals.

The only way in which the hundreds of thousands of persons who have already suffered from the review process will be able to profit by these reforms is for the States, under their authority in current regulations and guidelines, to reopen and revise their determinations. I hope that Secretary Heckler will respond to the States valid requests to send case folders for a reevaluation.

In addition, I wish the compromise legislation included more of the House bill. SSA has a stated policy of not abiding by court decisions affecting its policies or procedures except in the specific case to which the ruling applies. The House bill would have resolved the constitutional conflict created by SSA's failure to fully implement or appeal court orders by requiring that SSA follow court rulings or appeal to the Supreme Court. Although the conference report language will criticize SSA for its policy of nonacquiesence, the bill will allow SSA to continue this unconstitutional policy. In regard to the issue of continuation of benefits through the administrative law judge [ALJ] level, all of the disability advocacy groups supported this provision on a permanent basis. The compromise bill continues benefits until December 1987 even though the financial and emotional hardships caused by the long processing time are permanent.

We have also missed an opportunity to give the Secretary of HHS more administrative flexibility to carry out the reviews than currently exists under the automatic 3-year review requirement. We should also delete the separate, more severe definition of disability established for disability widow(er)s. To encourage return to paid employment, we should provide better vocational rehabilitation and eliminate the work disincentives which keep some disabled persons on the disability rolls. In addition, there are stronger ways to assure the independence of administrative law judges than are contained in this legislation.

Despite my reservations, I do support the reform legislation. It has taken 3 years to bring us to this point and I urge all my colleagues to vote in favor of this legislation.●

● Mr. VANDERGRIFF. Mr. Speaker, I rise today in strong support of the conference agreement on H.R 3755, the Social Security Disability Reform Act of 1984, and call for its swift adoption. Each of us knows all too well the horror stories of those who have been forced off the disability rolls due to the current overzealous review process. Many of us have participated in hearings throughout the country in order to hear firsthand from former beneficiaries and State officials.

When Congress ordered a thorough review fo the disability rolls in 1980, it was anticipated that only those individuals who had adequately recuperated or who had fraudulently received benefits would be removed from the rolls. Congress most certainly did not anticipate that almost 500,000 people would be cut from the rolls in a period of 3 years. The fact that almost two-thirds of those who appealed were returned to the rolls after administrative review leads me to surmise that the cutoffs were made far too hastily or with disregard to congressional intent.

I was extremely pleased to see that we, in the House, voted so overwhelmingly to adopt disability reform legislation. I was pleased that the Senate followed our lead, although I do think our bill was superior. I was gratified that the administration finally took notice of the gravity of this situation and issued a moratorium on the review process this past April.

Mr. Speaker, it is high time we enact a legislative remedy. We have before us a good compromise which does not seek to expand the disability program. It will not jeopardize the solvency of the Social Security program. It simply seeks to ensure that those who are truly disabled do not unfairly lose their benefits. The disability program is almost 30 years old—and it is still a valid expression of this country's compassion for those who are unable to care for themselves.

Those of us who firmly believe in, and are committed to the continuance of Social Security, wish to commend all members of the conference committee. I personally wish to thank my colleague from Texas, The chairman of the Social Security Subcommittee, JAKE PICKLE, and the chairman of the Select Committee on Aging, ED ROYBAL, for their efforts in focusing in on the problem and finding a solution. I appreciate the fact that they were responsive to our concerns.

Again, I urge unanimous support for this legislation and am hopeful that it

will be swiftly signed into law. Thank you.●

● Mr. SHANNON. Mr. Speaker, this legislation—the Social Security Disability Benefits Reform Act of 1984—is urgently needed, and I hope that it can be sent to the White House and signed into law as soon as is possible.

Had the Social Security Disability Insurance Program been administered in a fair and effective manner over the past 3 years, much of this legislation would not be necessary.

It is necessary because there are those in Government who made the egregious mistake of putting spending cuts before fairness and compassion.

That so many disabled Americans have been so unfairly and harshly treated by their government over the past 3 years is a national tragedy. With this legislation, we have a chance to undo some of the harm and put some fairness and humanity back into the process.

The provisions in this agreement—particularly those dealing with medical improvement, multiple impairments, revised standards for the mentally impaired, extension of benefits pending appeal, frequency of reviews, uniform standards, and other areas—will go a long way toward assuring that disabled workers receive the protection they need and are entitled to.

Other provisions—those requiring demonstration projects of face-to-face hearings at the initial stage of the appeals process, and a study of pain as a disabling condition—will set the stage for further improvements in the years ahead.

Given the major differences which existed between the House- and Senate-passed bills, I believe this conference agreement represents a good compromise package. I want to commend my colleagues on the Ways and Means Committee and those who served in conference for their hard work and dedication over the past 18 months. In particular, I want to express my deep appreciation for the effective leadership on this legislation provided by J.J. PICKLE, Chairman of the House Ways and Means Committee's Subcommittee on Social Security.

This conference agreement represents a solid achievement for those in Congress, on both sides of the aisle, in both the House and the Senate, who have worked long and hard in the effort to improve the Social Security Disability Insurance Program.

But the real victory and achievement belong to the hundreds of thousands of disabled workers in Massachusetts and across the country who want only to be treated fairly under the law.

In particular, it belongs to Damien Ivanof and Judy Fittery, both from Massachusetts. Mr. Ivanof and Ms. Fittery, were two of the first disabled workers to be improperly thrown off the rolls under the accelerated review of the disabled. They found out first hand how flawed the standards and procedures used by the Social Security Administration in assessing ability to work were, and they committed themselves to fixing a good program gone awry.

It is a tribute to their determination and persistence that we have a chance to send this major reform bill to the President.

And it is their determination and persistence which will prevent this administration—or any administration—from abusing the disabled and denying them what is their right in the future.

I urge all my colleagues to strongly support this measure.●

Mr. ARCHER. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PICKLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 404]

YEAS—402

Ackerman	Bosco	Coyne	Edwards (OK)	Lantos	Ratchford
Addabbo	Boucher	Craig	Emerson	Leach	Ray
Akaka	Boxer	Crane, Daniel	English	Lehman (FL)	Regula
Albosta	Britt	Crockett	Erdreich	Leland	Reid
Anderson	Brooks	D'Amours	Erlenborn	Lent	Richardson
Andrews (NC)	Brown (CA)	Daniel	Evans (IA)	Levin	Ridge
Andrews (TX)	Brown (CO)	Dannemeyer	Evans (IL)	Levine	Rinaldo
Annunzio	Broyhill	Darden	Fascell	Levitas	Ritter
Anthony	Bryant	Daschle	Fazio	Lewis (CA)	Roberts
Applegate	Burton (CA)	Daub	Feighan	Lewis (FL)	Robinson
Archer	Burton (IN)	Davis	Fiedler	Lipinski	Rodino
Aspin	Byron	de la Garza	Fields	Livingston	Roe
AuCoin	Campbell	Dellums	Fish	Lloyd	Roemer
Badham	Carney	Derrick	Flippo	Loeffler	Rogers
Barnard	Carper	Dickinson	Florio	Long (LA)	Rose
Barnes	Carr	Dicks	Foglietta	Long (MD)	Rostenkowski
Bartlett	Chandler	Dingell	Foley	Lott	Roth
Bateman	Chappell	Dixon	Ford (MI)	Lowery (CA)	Roukema
Bates	Chappie	Donnelly	Ford (TN)	Lowry (WA)	Rowland
Bedell	Clarke	Dorgan	Fowler	Lujan	Roybal
Beilenson	Clay	Dowdy	Frank	Luken	Rudd
Bennett	Clinger	Downey	Franklin	Lundine	Russo
Bereuter	Coats	Dreier	Frenzel	Lungren	Sabo
Berman	Coelho	Duncan	Frost	Mack	Savage
Bevill	Coleman (MO)	Durbin	Fuqua	MacKay	Sawyer
Bilirakis	Coleman (TX)	Dwyer	Garcia	Madigan	Schaefer
Bliley	Collins	Dymally	Gaydos	Marlenee	Scheuer
Boehlert	Conable	Dyson	Gejdenson	Marriott	Schneider
Boggs	Conte	Early	Gekas	Martin (IL)	Schroeder
Boland	Conyers	Eckart	Gephardt	Martin (NC)	Schulze
Bonior	Cooper	Edgar	Gibbons	Martin (NY)	Schumer
Bonker	Corcoran	Edwards (AL)	Gilman	Martinez	Seiberling
Borski	Coughlin	Edwards (CA)	Glickman	Matsui	Sensenbrenner
			Gonzalez	Mavroules	Sharp
			Goodling	Mazzoli	Shaw
			Gore	McCain	Shumway
			Gradison	McCandless	Shuster
			Gray	McCloskey	Sikorski
			Green	McCollum	Siljander
			Gregg	McCurdy	Sisisky
			Guarini	McDade	Skeen
			Gunderson	McHugh	Skelton
			Hall (IN)	McKernan	Slattery
			Hall (OH)	McKinney	Smith (FL)
			Hall, Ralph	McNulty	Smith (IA)
			Hall, Sam	Mica	Smith (NE)
			Hamilton	Michel	Smith (NJ)
			Hammerschmidt	Mikulski	Smith, Denny
			Hance	Miller (CA)	Smith, Robert
			Hansen (ID)	Mineta	Snowe
			Hansen (UT)	Minish	Snyder
			Harrison	Mitchell	Solarz
			Hartnett	Moakley	Solomon
			Hatcher	Molinari	Spence
			Hawkins	Mollohan	Spratt
			Hayes	Montgomery	St Germain
			Hefner	Moody	Staggers
			Heftel	Moore	Stangeland
			Hertel	Morrison (WA)	Stark
			Hightower	Mrazek	Stenholm
			Hiler	Murphy	Stokes
			Hillis	Murtha	Stratton
			Holt	Myers	Stump
			Hopkins	Natcher	Sundquist
			Horton	Neal	Swift
			Howard	Nelson	Synar
			Hoyer	Nichols	Tallon
			Hubbard	Nielson	Tauke
			Huckaby	Nowak	Tauzin
			Hughes	O'Brien	Taylor
			Hunter	Oakar	Thomas (CA)
			Hutto	Oberstar	Thomas (GA)
			Hyde	Obey	Torres
			Ireland	Olin	Torricelli
			Jacobs	Ortiz	Towns
			Jeffords	Ottinger	Traxler
			Jenkins	Owens	Udall
			Johnson	Packard	Valentine
			Jones (NC)	Panetta	Vander Jagt
			Jones (OK)	Parris	Vandergriff
			Jones (TN)	Pashayan	Vento
			Kaptur	Patman	Volkmer
			Kasich	Patterson	Vucanovich
			Kastenmeier	Paul	Walgren
			Kazen	Pease	Walker
			Kemp	Penny	Watkins
			Kennelly	Pepper	Waxman
			Kildee	Petri	Weaver
			Kindness	Pickle	Weber
			Kleczka	Porter	Weiss
			Kogovsek	Price	Wheat
			Kolter	Pritchard	Whitehurst
			Kostmayer	Pursell	Whitley
			Kramer	Quillen	Whittaker
			LaFalce	Rahall	Whitten
			Lagomarsino	Rangel	Williams (MT)

Williams (OH)	Wolf	Yatron
Wilson	Wolpe	Young (AK)
Winn	Wortley	Young (FL)
Wirth	Wyden	Young (MO)
Wise	Yates	Zschau

NOT VOTING—30

Alexander	Ferraro	Miller (OH)
Bethune	Gingrich	Moorhead
Biaggi	Gramm	Morrison (CT)
Boner	Harkin	Oxley
Breaux	Latta	Shannon
Broomfield	Leath	Shelby
Cheney	Lehman (CA)	Simon
Courter	Markey	Studds
Crane, Philip	McEwen	Wright
DeWine	McGrath	Wylie

□ 1720

Mr. PENNY changed his vote from "no" to "aye."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EMERGENCY WETLANDS RESOURCES ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 579 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3082).

□ 1724

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes, with Mr. MCCURDY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from North Carolina [Mr. JONES] will be recognized for 30 minutes, the gentleman from Alaska [Mr. YOUNG] will be recognized for 30 minutes, the gentleman from Ohio [Mr. SEIBERLING] will be recognized for 15 minutes, the gentleman from Alaska [Mr. YOUNG] will be recognized for 15 minutes, the gentleman from New Jersey [Mr. ROE] will be recognized for 15 minutes, and the gentleman from Minnesota [Mr. STANGELAND] will be recognized for 15 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3082, the Emergency Wetlands Resources Act is designed to encourage active conservation of migratory waterfowl and to deter and stop further loss of wetlands by increasing the price of the duck stamp, and allowing the Fish and Wildlife Service to charge entrance fees in certain refuges.

Title II of the legislation establishes a "Wetlands Conservation Fund," transfers $75 million from the Land and Water Conservation Fund to this new fund annually for a 10-year period, and authorizes $75 million for appropriation from this fund each year through 1994.

Title III of the legislation accelerates the national wetlands inventory and authorizes an additional $14.5 million for each fiscal year through 1987 and $6.75 million annually from fiscal years 1988 through 1999 in order to complete the inventory.

The Wetlands Acquisition Act is amended to forgive the debt, and the land and water conservation fund is amended to allow moneys to be expended for wetlands acquisition.

Title IV of the legislation allows the Army Corps of Engineers to use the necessary land from the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge to carry out the Manteo (Shallowbag) Bay project, commonly called the Oregon Inlet project. Title IV also states that no moneys can be expended for construction of the project until a favorable cost/benefit ratio is published.

I would like to emphasize that title IV is not an authorization for the project. The project was authorized in 1970. Title IV does not appropriate any money. Even if this legislation is enacted into law, I would still have to go to the Appropriations Committee and make a case for the money. Title IV permits the corps to use the land necessary to anchor the jetties and that is all.

Mr. Chairman, this legislation—and Title IV in particular—has been extensively reviewed and favorably reported by three committees, including the Committee on Merchant Marine and Fisheries, which—I might add—reported the bill by unanimous voice vote, the Committee on Public Works and Transportation, and the Committee on Interior and Insular Affairs. The Merchant Marine and Fisheries Committee held hearings on title IV in early August 1983 and reported H.R. 3082 on October 25, 1983. The other two committees were given a sequential referral for a period ending no later than March 6, 1984. This whole process took approximately 8 months. My point is that each committee thoroughly considered the pros and cons of this legislation, and each committee favorably reported the bill. I would like to add that this legislation is the outgrowth of a strong bipartisan coalition including the entire North Carolina House delegation, Senator JESSE HELMS, Senator JOHN EAST, Governor Jim Hunt, and all the local government officials. The State and the citizens of North Carolina are very strongly behind the passage of title IV of H.R. 3082.

The U.S. Coast Guard advised the Merchant Marine and Fisheries Committee that it handled some 100 cases related to groundings and search and rescue operations in the immediate area of Oregon Inlet during fiscal year 1983. In connection with these cases, ten lives were saved, 394 other persons were assisted, about $4 million in property loss was prevented, property valued at about $22 million was assisted, and the Coast Guard managed to hold property damages to a minimum of $118,000.

Since 1971, nine people have been killed in that inlet. The fishermen of this area are being asked to risk their lives to make a living. They are forced to land their catches at other ports many miles distant and pay the costs in time and money when the inlet is too rough to cross. A modern commercial seafood complex to accommodate large scale seafood handling and processing operations for both domestic and foreign markets has been developed at Wanchese, NC, at a cost of nearly $8 million in Federal and State moneys, yet this facility stands virtually idle because businessmen cannot afford to locate where they cannot depend on a regular supply of fish. Stabilization of the inlet would provide the assurances necessary to make this a going concern and to open up more than 600 jobs in a chronically underemployed area. A reliable navigation channel at Oregon Inlet will produce economic benefits for a broad area in northeastern North Carolina.

The fishermen of this area are a very independent breed of people. Their families have lived on these outer banks for generations. They welcomed passage of the Fishery Conservation Management Act of 1976, which established a 200-mile zone and offered the American fisherman an opportunity to compete with the heavily subsidized foreign fishing fleets. Such competition required that they go farther out to sea, stay longer at sea, and catch more fish. It was also necessary that these fishermen upgrade their equipment and build larger boats to accommodate the increased demands. The fishermen of North Carolina met these challenges but now find that, despite their best efforts, the instability of Oregon Inlet makes it increasingly difficult for them to make a livelihood.

Mr. Chairman, the bill before us today will not resolve these problems but it is an important step toward stabilizing Oregon Inlet and the economy of northeastern North Carolina and I ask the assistance of my colleagues in making this possible.

Mr. Chairman, that concludes my statement, and I reserve the balance of my time.

□ 1730

The CHAIRMAN. The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3082, the Emergency Wetlands Resources Act of 1983, and urge my colleagues to also support this worthwhile bill.

H.R. 3082 was introduced on May 23, 1983, by our late colleague, Edwin B. Forsythe of New Jersey. The bill was subject to hearings in three committees of the House—the Committee on Merchant Marine and Fisheries, the Committee on Public Works and Transportation, and the Committee on Interior and Insular Affairs—and all three reported the bill favorably with amendments. The amendment which Chairman WALTER B. JONES of the Committee on Merchant Marine and Fisheries had inserted in the CONGRESSIONAL RECORD for September 11, 1984, and which the rule makes in order as original text, incorporates all of the suggested amendments passed by those committees together with some minor technical corrections.

The need to conserve our Nation's wetlands for their value as critical wintering, breeding, and resting habitat for migratory waterfowl has long been recognized. In addition to providing recreational hunting opportunities to more than 8 million waterfowl hunters, who each spend between $100 and $500 per year in pursuit of their sport, our Nation's magnificent migratory waterfowl provide aesthetic satisfaction to all.

Numerous other species also find homes in wetlands, including mink, beaver, muskrat, raccoon, and nutria, which support a multimillion-dollar per year fur trapping industry. An estimated 66 percent of the Nation's recreational and commercial fish and shellfish species, which contribute several billion dollars to the Nation's economy, depend on coastal marshes for at least part of their life cycle.

Wetlands have other, perhaps even more valuable, functions in decreasing flood flows, trapping and filtering pollutants, and recharging ground water supplies.

Approximately half of the 250 million acres of wetlands—which are estimated to have existed in the United States prior to our colonial period—have disappeared, and the continuing destruction of these areas poses a serious threat to the Nation's economy as well as its environmental well-being.

I believe that the demonstrated value and need for preservation of certain important wetlands, coupled with the alarming decreases still in evidence, requires us to take emergency actions at this time.

The legislation is broadly supported and the time is ripe for its passage.

Title I of H.R. 3082 includes measures which would increase revenues going into the Migratory Bird Conservation Fund. The fund was originally established in 1934 and funded with the receipts from the sale of migratory bird hunting and conservation stamps, known popularly as duck stamps. The Wetlands Loan Act, originally passed in 1961, authorized $200 million as a loan to the Migratory Bird Conservation Fund against future duck stamp receipts.

Title I would authorize the Secretary of the Interior to establish admission fees at certain national wildlife refuges to be used to augment the Migratory Bird Conservation Fund. Individuals who hold valid duck stamps for golden eagle passports would be admitted without paying further fees.

This title also would increase the price of the duck stamp from its current level of $7.50 to $15 over a 5-year period. Surprisingly, this increase is broadly supported by waterfowl hunters who recognize the need to protect the diminishing wetlands habitat.

Title II of H.R. 3082 establishes a new program for State and Federal wetlands acquisition. Funding for the program is provided by a transfer of $75 million from the Land and Water Conservation Fund to a new Wetlands Conservation Fund. Up to $50 million is made available to the States to provide up to 75 percent of the cost of eligible projects. Funds would be allocated based on the States' past commitment to wetland conservation projects and a priority system for wetlands protection to be developed by the Secretary. Funds not allocated to the States would be available to the Secretary of the Interior for Federal acquisitions, which would then become part of the National Wildlife Refuge System.

Title II also increases the authorization for the Land and Water Conservation Fund from $900 million to $975 million and extends that authorization through 1994.

Title III of H.R. 3082 provides for an accelerated continuation of the national Wetlands Inventory Program which has been the source of valuable information on the status and trends of wetlands losses in the United States. This title also would require the Secretary of the Interior to prepare a report and recommendations regarding those losses and management alternatives for wetlands conservation.

Title III also deletes the requirement that, following expiration of the Wetlands Loan Act, repayment must be made in the amount of three-quarters of the annual duck stamp receipts each year until the debt is paid off. This provision was included based on the unanimous recommendation of all witnesses who testified concerning this legislation.

The Land and Water Conservation Funds Act is amended by title III to allow for flexibility in the use of moneys from that fund to acquire migratory waterfowl areas.

Title IV of H.R. 3082 allows the Secretary of the Army to use such land from the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge as he deems necessary in order to start and to carry out the Manteo (shallow bag) Bay project which was authorized in the Rivers and Harbors Act of 1970.

The Secretary of the Army is directed to confer with the Secretary of the Interior before and during construction in order to avoid, if possible, or minimize adverse impacts and to maintain the essential integrity to the Department of the Interior units to the extent possible, recognizing the need to carry out the project.

Finally, title IV provides that no funds may be expended to carry out the Manteo Bay project unless a cost/benefit analysis of the project discloses a favorable cost/benefit ratio.

This title has been the source of considerable controversy. However, all three committees which were given jurisdiction over this legislation had hearings which discussed the Manteo Bay project in detail, and all three committees reported it favorably. Mr. Chairman, the evidence given before these three committees regarding the need for action at Oregon Inlet is overwhelming. The risk of loss of life and property is frightening—and will continue so, until the project has been carried out. This project has been studied for the past 14 years; the cost/benefit studies are favorable; and it is long past time to get on with it.

Mr. Chairman, in conclusion, I believe that this entire bill is extremely worthwhile and would urge my colleagues to support all four titles.

Mr. JONES of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Chairman, I rise in strong support of H.R. 3082, the Emergency Wetlands Resources Act.

This legislation makes an important step forward in the continuing effort to protect the Nation's wetlands. As my colleagues know, protecting this type of land is vital to coastal areas of the country because of their importance for supporting many types of fish and wildlife.

In my own district, much of the property bordering the Chesapeake Bay is a prime example of the productivity that these areas can have.

In addition, I intend to support title IV of the bill which would authorize the construction of jetties at the

Oregon Inlet on North Carolina's Outer Banks. The Army Corps of Engineers has recently determined that this project has a favorable cost-benefit ratio and would provide the only means of keeping the Oregon Inlet open for navigation for the entire year.

I want to commend the chairman of the House Merchant Marine and Fisheries Committee, Representative WALTER JONES, for his able leadership on this bill. As one of his colleagues on the committee, I believe he has crafted a responsible and balanced approach to wetlands protection and taken the steps necessary to guarantee that the Oregon Inlet project is worthwhile expenditure by the Corps of Engineers.

I urge my colleagues to support the bill as amended by the Jones substitute and oppose the amendment to delete title IV dealing with the Oregon Inlet to be offered by the gentleman from Ohio.

Mr. Chairman, I think it is important to emphasize again this project has been authorized for 14 years. It is not a new thing. I think to take it out now would not be cost productive.

Mr. JONES of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I have long been interested in the preservation of the beautiful marsh lands of the St. Johns and Nassau Rivers in northeast Florida. The Merchant Marine and Fisheries Committee Report on this bill (Rept. 98-440, part 1, page 19) recognizes the value of this area to our Nation's wetlands system by providing priority consideration to the St. Johns River habitat in the Secretary of Interior's establishment of a priority conservation plan.

I would like to make clear that the reference to "the wetlands along the St. Johns River in Florida" in the report refers as well to the marshes that extend along the northern border of the St. Johns River to the Nassau River.

Mr. JONES of North Carolina. I say to the gentleman from Florida [Mr. BENNETT] that the committee agrees that yours is an agreeable request and that certainly the marshes of the Nassau River as part of the St. Johns River system come within the intended meaning of the committee in its report to accompany the bill.

Mr. BENNETT. I thank the gentleman.

□ 1740

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from North Carolina [Mr. MARTIN], to speak in favor of this legislation.

Mr. MARTIN of North Carolina. Mr. Chairman, Oregon Inlet is the access to the fertile coastal fishing grounds of North Carolina between Cape Hatteras and as far north as Norfolk. A rich prize of some $10 million to $15 million a year in fishing income awaits within 20 miles of this inlet. The State of North Carolina has invested $8 million in a seafood industrial park at Wanchese on historic Roanoke Island.

Yet the trawler fleet that once swelled to 100 boats, with a potential for over 200, has dwindled to only 40 to 45, operating mainly when weather is settled. The North Carolina industrial park has few plants in operation, providing little winter seasonal employment to complement summer tourism jobs. Trawlers that go fishing on one day often find the inlet impassable when they return, forcing them to gamble equipment and lives on a tough choice whether to use limited fuel to head 80 miles north to Norfolk or attempt to round treacherous Cape Hatteras or ride out the storm and try to find the new channel of Oregon Inlet that surely will have been moved by the storm's currents.

Over the years, attempts have been made to dredge an inlet fairway, without success. The channel migrates and silts in during a storm, and a bar quickly builds.

Many of our colleagues represent fishing fleets all around our coasts and can attest to the courage and the determination of those who go out to sea to put seafood on our tables. Yet most of them have a dependable inlet channel. In northeastern North Carolina, we do not.

I have myself several times been through Oregon Inlet in good weather. It has a tremendous potential for sport and commercial fishing. I would not want to be in it during or just after a storm. I have gotten to know some of the men who work those waters and was taken on an inspection tour recently by Capt. Willie Etheridge, Jr., aboard his trawler, *Sonya Glen*, and I saw the remains of the wreck *Lois Joyce* which foundered in January 1983. I have discussed the inlet's conditions with officers of the local Coast Guard station who rely on Oregon Inlet for access to endangered vessels offshore, and they tell me that this project, unless it is completed, to stabilize the channel with jetties, we will surely lose what is left of our fleet, we will lose the shore on the south, we will lose the Coast Guard station, and lose the southern end of the bridge. You see erosion is a problem now.

This aerial photograph, with the upper end of it representing the East—it would be handled this way—this aerial photograph was taken in 1962. It shows the inlet from here to here. It also shows, in various lines, the way in which the inlet has shifted by half its width over the intervening couple of decades, to where the northern end has now moved down in this direction, right up to the passable span of the bridge, while the southern end has been steadily eroded, believed to be within 5 years of taking out the southern end of the bridge, as well as the Coast Guard station there.

It is important to have a concern for the environment, but we are not getting much cooperation from the environment itself. After 34 years of proof that dredging alone cannot provide a dependable channel, it is now clear that the dual jetties are the lowest cost structures capable of withstanding the North Atlantic's rough winter storm waves and preserving this inlet for our fishing fleets.

The stabilized inlet will improve the natural exchange of waters in the marshes of the Pamlico and Albemarle Sounds and their broad tributaries.

A stable inlet will improve the outflow after storm tides build up in the sounds, reducing the tendency to overrun the banks.

It will bring back the fleet and ensure year round employment for the hardy families of historic Dare County.

Mr. Chairman, I came back here today because of the importance of this project to northeastern North Carolina. I came back to ask for a vote against the amendment to be offered by the gentleman from Ohio [Mr. SEIBERLING] and for the stabilization of Oregon Inlet.

Mr. JONES of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. CLARKE].

Mr. CLARKE. Mr. Chairman, I thank my distinguished colleague from North Carolina, the chairman of the House Merchant Marine and Fisheries Committee, for providing me this time to speak in support of H.R. 3082, the Emergency Wetlands Resources Act.

I would like to direct my remarks to title IV of the bill which permits the use of Federal land for construction of that twin jetties project at Oregon Inlet, which was authorized by Congress in 1970.

The Corps of Engineers recently reanalyzed the cost and benefits of constructing these twin jetties, and I am pleased to say that they show a sizeable benefit for this project. During the consideration of this measure in the House Interior and Insular Affairs Committee, on which I serve, I offered an amendment to prohibit construction of the jetties unless a favorable benefit-to-cost ratio was established. The corps' recently released study shows that the economic and safety benefits will outstrip the cost of building these twin jetties.

In his testimony before the House Interior and Insular Affairs Committee in support of the bill earlier this year, Gov. James B. Hunt, Jr., of North Carolina provided some figures which I believe deserve mention as to the economic impact the construction of the jetties will have in this area.

Currently more than 200 commercial fishing vessels from coastal northeastern North Carolina use Oregon Inlet on a regular basis when channel conditions permit. Creating a stabilized channel will make possible regular year-round passage through the inlet, reduce vessel operating costs, and bolster a beleaguered seafood park situated about 6 miles from the inlet.

The State of North Carolina, in cooperation with the Federal Government, has committed substantial resources to developing a modern commercial seafood industrial park at Wanchese to accommodate large seafood handling and processing operators for both domestic and foreign markets. If regular passage for large fishing vessels through Oregon Inlet can be assured, the Wanchese Harbor can provide close to 500 primary jobs and an additional 125 jobs related to park operators. This will mean about $3 million annually in direct wage benefits. It is estimated that capital investment by commercial firms will exceed $15 million if private investment can be attracted to a safe and reliable inlet. This will have a significant ripple effect in the surrounding area, benefiting a region which has one of the highest unemployment rates in the Southeast.

Oregon Inlet is the only feasible access for a large part of North Carolina's fishing fleet. Despite the fact that the Corps of Engineers has done intensive dredging in recent years to maintain a safe channel for navigation in the past 2 years winter storms have wiped out the channel improvement in a very short time.

Mr. Chairman, unless there is sure, year-round passage through this channel North Carolina's fishermen cannot operate the deep draft, modern vessels needed to compete in Atlantic fishing. Without this access private investors won't fund fish processing facilities at Wanchese Seafood Industrial Park which was established with State and Federal funds received years ago.

Safety is another key consideration in the construction of the jetties at Oregon Inlet. Year-round access through the inlet is critical for the Coast Guard's Oregon Inlet Station which responds to hundreds of distress calls each year. When the inlet is closed to navigation Coast Guard patrol boats have to travel more than 125 miles to respond to distress calls that could be only 2 or 3 miles from the inlet. Three vessels have been lost in this area in the past several years, and eight lives have been lost. The safety of North Carolina's fisherman and that of other vessels is at stake.

The sand bypass system designed for the jetties should provide sufficient sand for the southern part of the inlet and prevent an increase in beach erosion. I believe that this will satisfy the environmental concerns which have been raised and insure the protection of the beaches.

I urge your support for H.R. 3082.

Mr. JONES of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

□ 1750

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of the amendment which will be offered to delete title IV of the Emergency Wetlands Resources Act, which would allow the construction of harmful jetties at Oregon Inlet, NC.

I believe there are two issues which must be seriously considered by this body with regard to the Oregon Inlet project: The environment and the cost. It appears from the numerous studies conducted for this project that construction of the jetties will result in severe erosion to Cape Hatteras National Seashore and Pea Island National Wildlife Refuge. Consequently, the project is strongly opposed by the National Park Service and the U.S. Fish and Wildlife Service.

It seems very questionable to me, Mr. Chairman, that we at one time set aside these areas to be protected and now we are considering action that could result in their destruction. If there were no other alternatives allowing the construction of this project, then its resulting damage might be OK. However, I am told dredging, which has been successfully tested at Oregon Inlet, is a far better alternative. It is relatively inexpensive and creates no adverse environmental effects.

Second, we must be concerned about the expense. The public is demanding that we reduce the budget deficits, as well as should, and unjustifiable projects such as Oregon Inlet are certainly a good place to begin.

As has been pointed out already in the debate on the rule, the National Taxpayers Union opposes this project for that reason. Construction of the jetties is estimated to cost $100 million plus $4 million a year to maintain. If we are going to get serious about reducing the deficits, let us begin here.

Mr. Chairman, it appears to me that the economic analysis of this project is riddled with errors, and the stated benefits have been perhaps grossly overestimated. To place our stamp of approval on this project would be to do a grave injustice to the taxpayers and the environment.

I urge all my colleagues to support the amendment. Mr. Chairman, I do support the rest of the bill. Preservation of wetlands is important and this bill will help a great deal.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to make the record clear, the administration supports the enactment of H.R. 3082. The official position is there is no opposition from the Park Service or Fish and Wildlife Agencies, I want to make that clear for the RECORD.

Mr. Chairman, I strongly support the passage of the bill in its entirety as passed out of the committees. I believe this is the appropriate process we should follow, and when the appropriate time comes up we will discuss the amendment of the gentleman from Ohio, but, hopefully my colleagues will understand the committees have reviewed the cost analysis. It has been, again, as the gentleman from North Carolina [Mr. CLARKE] mentioned, there has been a further review by the Corps of Engineers. He has changed his position after the study. It should become law.

Mr. Chairman, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. I thank the gentleman for yielding me this time.

Mr. Chairman, I just have a brief question of the gentleman from Alaska who just spoke. Did I hear the gentleman to say that the administration supports title IV?

I yield to the gentleman for his response.

Mr. YOUNG of Alaska. The gentleman did hear me say that, and I want to clarify that. I was misreading the statement. It says, "the administration would support the enactment of H.R. 3082 if title II is amended to reduce the amounts annually transferred from the land and water conservation fund to the wetlands conservation fund from $75 million to $27.5 million, and to delete the unnecessary $75 million annual increase in the authorized ceiling for the LWCF," land and water conservation fund. It does not mention the Oregon Inlet and the cost factor has been brought up on this discussion. That is what I was referring to. It was not related to, and the gentleman from California was specifically indentifying the Oregon Inlet amendment that will be offered because the Park Service is against it and the Fish and Wildlife Department was against it. In this statement, they are only against the total amount of moneys that would be transferred.

Mr. MOODY. The administration as such, either through the OMB or whatever, are they taking a position on title IV?

Mr. YOUNG of Alaska. No, they are not. By not taking a position, there is absolutely no opposition to it.

Mr. MOODY. I thank the gentleman.

Mr. JONES of North Carolina. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, what is the intention of the Chair? Are we going to continue debate, are we going to rise at 6 o'clock, or are we going to finish the bill? Really, where is the leadership of this House at this time?

The CHAIRMAN. Pursuant to the rule, the members from the Public Works Committee and the Interior Committee may be recognized. But the manager of the bill can make a motion that the committee rise pursuant to an agreement with the leadership.

Mr. YOUNG of Alaska. My question is, I have how much time left from the Merchant Marine and Fisheries Committee?

The CHAIRMAN. The gentleman has 16 minutes remaining.

Mr. YOUNG of Alaska. Sixteen minutes. If I cannot reserve the balance of that time for that committee, is it transferred to the Interior Committee?

The CHAIRMAN. The gentleman can reserve the balance of his time as the ranking minority member of the Merchant Marine and Fisheries Committee.

Mr. YOUNG of Alaska. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. SEIBERLING] is recognized for 15 minutes.

PARLIAMENTARY INQUIRY

Mr. SEIBERLING. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SEIBERLING. May I ask the Chairman what time it is the intention to complete the House's official business this evening, because I do not want to overrun that time.

The CHAIRMAN. The Chair does not dictate the schedule but will entertain a motion by the manager of the bill at any time that the Committee rise.

Mr. SEIBERLING. Mr. Chairman, can the gentleman from North Carolina tell me what his intention is?

I yield to the gentleman for his response.

Mr. JONES of North Carolina. Mr. Chairman, I would say to the gentleman from Ohio that the chairman would like to conclude as much debate tonight as possible. Please proceed.

The CHAIRMAN. The gentleman from Ohio [Mr. SEIBERLING] is recognized for 15 minutes.

Mr. SEIBERLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, although I support the first three titles of this bill, I strongly oppose title IV, and will offer an amendment to strike out title IV when we reach it under the 5-minute rule. Unless deleted, title IV would authorize the removal of about 150 key acres from a national seashore and a wildlife refuge for the purpose of creating a pair of mile-long jetties at Oregon Inlet, a channel that separates two of the long barrier islands that constitute Cape Hatteras National Seashore and Pea Island National Wildlife Refuge. Such authorization is necessary because the jetties will require use of part of Cape Hatteras National Seashore, and the Secretary of Interior has refused to approve such use. There are three fundamental objections to this project.

The first objection is essentially an aesthetic one; namely, the incompatibility with the scenic values of this magnificent national park—Cape Hatteras National Seashore—of two huge mile-long breakwaters extending out from each side of the inlet and requiring about 150 acres of the national seashore and the wildlife refuge for their base and for construction materials and equipment.

The second problem is even more serious, and that is the probable physical effect on the National Seashore and Pea Island National Wildlife Refuge. We had testimony in our subcommittee from noted marine geologists that such jetties will result in severe erosion to the north along the beaches of Cape Hatteras National Seashore and even affecting private beachfront property at South Nags Head.

□ 1800

Erosion is expected to be particularly severe for 12 miles or more to the south along the dunes that protect the Pea Island National Wildlife Refuge.

The third fundamental objection is financial. This project was originally authorized in 1970, and the estimated construction cost then was only $16.5 million. Today, the Corps of Engineers estimates the construction cost at approximately $100 million. Amortizing that cost and adding in the cost of maintaining the 20-foot channel and attempts to maintain the sand flow to the beaches through dredging comes to almost $12 million a year. So the total cost over the 50-year projected life of this project, would be about $600 million, in 1984 dollars. By contrast the corps estimated that, without the jetties, the corps could maintain a serviceable 14-foot channel at a cost of about $2.5 to $3.5 million a year, or $125 to $175 million over 50 years. After the jetties are built, sand bypassing alone is expected to cost $3½ million annually. Moreover, estimates do not include the cost of additional jetties for miles in either direction and other measures that will inevitably become necessary to prevent disastrous erosion of these narrow barrier islands resulting from the construction of the Oregon Inlet jetties.

Perhaps the aerial photograph to my right will help give you a proper perspective on those barrier islands and Oregon Inlet and I will now try to describe what you are seeing here in a little more detail.

Here we have on the right side of this photograph a portion of Cape Hatteras National Seashore. Cape Hatteras is down here at the bottom and Oregon Inlet is right at this point.

Observe how narrow this strip is and this is what protects this entire bay here from the full force of the ocean and I might say, Cape Hatteras is well-known as the graveyard of ships.

From Cape Henry in Virginia down to Cape Fear over 500 vessels have been sunk over the years at various points along this coast.

So we are talking about the most dynamic seashore and sea environment on the east coast.

Marine geologists told our subcommittee that Oregon Inlet is part of the most dynamic energy system on the Atlantic Seaboard. One and one-half million cubic yards of sand flow past the mouth of the inlet each year. Since Oregon Inlet was blown open by a hurricane in 1846, it has been moved by the force of the ocean southward at an average rate of 75 feet per year and toward the mainland at the rate of 5 to 6 feet per year. Think about it. Since 1846, the ocean has moved this inlet south by over 10,000 feet and shoreward by over 750 feet.

The barrier islands continue to exist despite these tremendous forces, because the currents themselves move the sand laterally along the beaches, replenishing the sand washed away by storms. However, once this flow of sand is blocked by structures such as the proposed jetties, sand accumulates in some places and not others. The beaches starved of sand get narrower and narrower and eventually the ocean breaks through, wiping out a chunk of barrier island. You can see from the picture how narrow and fragile these barrier islands are. I remind you that Oregon Inlet itself was the product of just such a breakthrough 140 years ago. The gentleman from North Carolina [Mr. MARTIN] erroneously implied that the jetties will stop the erosive power of the sea. On

the contrary it will merely divert them to other parts of the barrier islands.

These dynamic forces, unaltered by such structures, have created the present beautiful area that is rich in wildlife, and fisheries of great diversity. That's why the Congress created Cape Hatteras National Seashore on both sides of Oregon Inlet, including Pea Island National Wildlife Refuge on the south.

Mr. MARTIN of North Carolina. Would the gentleman yield?

Mr. SEIBERLING. The gentleman can get his own time from the committee.

Mr. MARTIN of North Carolina. Would the gentleman who mentioned my name——

Mr. SEIBERLING. You have plenty of time; I only have 15 minutes.

Mr. MARTIN of North Carolina. I do not have any more time. The gentleman mentioned my name and characterized my remarks.

Mr. SEIBERLING. I merely said they were in error.

Mr. MARTIN of North Carolina. Would the gentleman yield to me?

Mr. SEIBERLING. No; I do not yield at this time, I am sorry.

I will ask the staff to remove the first picture.

Mr. Speaker, here is a blowup or closeup of Oregon Inlet and here we have drawn in on each side as best we could since the Corps of Engineers has yet to adopt a specific plan, the proposed jetties projecting out approximately a mile from their base.

Here you have the proposed sand bypassing operation which will pump sand that accumulates on the north of this jetty along across the bridge through a pipe and over to this side of this jetty.

In addition to these intrusions, the construction of these jetties will significantly reduce the recreation use along Oregon Inlet. This is now the most heavily used area in the seashore.

A major campground will be disrupted and considering the fact that the proposed sand bypass system will operate just offshore during the peak recreation season with all the noise of machinery and huge diesel engines, I doubt that anyone will be able to enjoy the kind of outdoor camping experience that visitors to our national parks are entitled to expect. And what about the fishing and bathing use of the beaches? That dredging machinery on the northside of the inlet will be pumping hugh mounds of sand and muddy water onto the southside's beach all summer long. So even if visitors could climb over the spoil mounds, the silt and debris in the water will make fishing or swimming an unattractive prospect.

Let me read to you from a letter that Assistant Secretary of Interior G. Ray Arnett earlier this year wrote about a 1982 study by the U.S. Fish and Wildlife Service, which found that the jetties project "is not compatible with the purpose for which the (Pea Island National Wildlife) Refuge was established." The study showed the jetties project "would create conditions, including accelerated erosion, that would significantly alter the refuge environment, resulting in the deterioration or elimination of wildlife habitat and certain wildlife-related public uses." End of quote. That is from Assistant Secretary Arnett.

We should not permit this kind of degradation to one of our national seashores unless there are very compelling reasons. No such reasons have been demonstrated in this case.

We have no clear indication the jetties will even work—at least not without inordinate—and presently unplanned for—expenditure of Federal funds. The Corps of Engineers testimony pointed out that the project will require an efficient sand bypass system to move about 1 million cubic yards of sand around the jetties each year. Yet the design of this system has never been finalized and will rely upon an experimental floating breakwater to function. If for some reason the bypass system is not "efficient," Pea Island to the south of Oregon Inlet will erode away in a few years—unless, of course, we expend more Federal money for more jetties or dredging or both in a beach renourishment program. Even if the system does work, the scientists at our hearing said that erosion will still rapidly increase both north and south of the inlet for distances of 12 or more miles. They also testified that by putting up these rock walls and thereby limiting the ability of Oregon Inlet to expand and release water surges created by severe storms, there is increased potential for blowouts—water breaking through the barrier island at some other narrow, low elevation point, possibly even through populated Nags Head. Such a blowout, if it occurs in a heavily populated area, such as Nags Head, would almost certainly result in significant loss of life and property damage. We should have very compelling reasons before increasing the odds of this happening.

Much has been made of the need for these jetties to save the lives of fishermen who must risk the ocean waters during the winter fishing season. I am very sympathetic to that problem and certainly would not want anyone to be placed in a position of unreasonable risk going in and out of Oregon Inlet. The entire outer banks is a notorious graveyard of ships, with over 500 vessels sunk there over the years. But proponents of this project have consistently overstated the loss of life in Oregon Inlet because of unsafe conditions. Mr. Eric Olson of the Wilderness Society analyzed Coast Guard records and local newspaper accounts for the last 15 years. According to these records, of the eight people on commercial vessels who died in Oregon Inlet over the last 15 years, five were in accidents that were officially attributed to causes other than unsafe conditions in the inlet. The other three were lost in a single accident involving a vessel with a history of engine and communication equipment failure. No distress call was received and there were no definitive conclusions reached about this accident. I do not mean to imply that inlet conditions are not dangerous at times, but I think recent study clearly shows that conditions during the last 15 years have not been as hazardous as represented by proponents and they can be corrected at far lower cost.

When this boondoggle was authorized by the Congress in 1970 the estimated cost was $16.5 million and the project was given a favorable benefit/cost ratio. In 1975 the corps completed their post authorization economic analysis and reported a favorable economic basis for the project. But on September 30, 1982, Assistant Secretary of the Army William Gianelli said in a letter to Senator EAST and I quote: "* * * the 1975 economic analysis contained a fundamental error which resulted in a substantial overstatement of the project's benefits." We had testimony that the "overstatement of benefits" was by some 70 percent. The resulting adjustment produced a negative benefit/cost ratio of 0.34 to 1.0. The corps testified that a new economic study would be completed by June 30, 1984.

This study was actually released on August 6, 1984. The transmittal letter signed by the Acting Assistant Secretary of the Army, Robert K. Dawson, carefully avoids endorsing the Corps of Engineers study, referring to it as a "* * * review of the economics for the authorized project," and further says: "There are a number of previously discussed unresolved environmental concerns that continue to require analysis before further action is taken within the administration."

The report says the project has a favorable benefit/cost ratio at 7.125 percent interest of 1.4 to 1. The estimated initial cost is $99 million.

In view of the nonendorsement of the Secretary of the Army and the fact that the Department of the Interior had not been given an opportunity to review the report, I arranged for the report to be reviewed by several economists, Dr. David Campbell, Dr. Richard Rice, Dr. Ray Stanton, Dr. Michael Taussig, Mr. Ross Gorte, and Dr. Ivar Strand.

In the opinion of these experts there are a number of theoretical and practical errors in the estimation of benefits and costs that make it highly doubtful

the project is feasible. Let me summarize a few of the errors they found:

The use of 7.125 percent interest is authorized, but the Federal Government is currently borrowing money at 12.5 percent. This project should be computed at that rate. If it were, it would not be feasible.

The corps overstates the estimated increase in fish landings of currently harvested species as a result of the project. For instance: Bluefish catch is projected to increase by 8,400,000 pounds annually to a 10-million-pound annual level. This one species accounts for 41 percent of all increases expected for the traditional species. Yet bluefish, the east coast's most popular recreational fish already is being taken at nearly the maximum sustainable yield level.

The corps fails to account for the resulting fall in fish prices due to the increased supply, that is if the project does stimulate an increase in landings as claimed.

There is a question of equity. The Federal taxpayer will pay nearly all of the cost and the benefits will accrue only to a very small area of northeastern North Carolina. If migratory fish are caught by fishermen from Wanchese as is estimated then there will be reduced harvests elsewhere.

The report says the harvest of striped bass—rockfish—will increase by 130,000 pounds because of the project. The Merchant Marine and Fisheries Committee just completed consideration of a bill—H.R. 5492—to protect the striped bass along the whole Atlantic seaboard because of the population decline. Commercial catches have declined by 90 percent in 10 years and many coastal States are considering restricting all commercial and sport fishing. In fact, the State of Maryland has just imposed a moratorium on harvest of any striped bass for a minimum of 4 years.

Mr. Chairman, I could list a number of other problems with this report but there is no need. Upon analysis, the Corps of Engineers study does not defend the economic feasibility of the Oregon Inlet project. Indeed, it discredits that feasibility and the people who prepared it.

Even an economically infeasible project like this one might be supported in good conscience if it were the only solution to the problem of the fishermen at Wanchese. But it is not. The Congress required the corps to hire a hopper dredge to open the Oregon Inlet channel—even after the corps said that a hopper dredge would not be able to work in water that shallow. The dredge did in fact work last year from September to December, storms and all, and did in fact open a channel. Even by the corps' own figures it dredged a channel 16-plus feet deep at a cost of about $2.5 million. Over a 50-year life that's only $125 million, as compared to $600 million for the jetties project. Did this modern dredge do the job? Let me quote from a newspaper article in the Virginia Pilot dated December 14, 1983, by Mr. Gerre O'Bleness:

> The channel through the inlet is in its best shape in years, and improvements also have been made in the interior channel leading to Wanchese, Tillett said.
>
> Gus Saunders, a 72-year-old commercial fisherman from Wanchese, said fishing along the North Carolina coast is the best in years. "I don't remember it being any better," he added.
>
> Fishermen are bringing in big hauls of flounder, and squid catches have been outstanding.

The channel did not fill in as some predicted but was passable all winter. The corps, itself, has confirmed "No groundings requiring assistance" throughout the winter fishing season. The evidence so far is that a serviceable channel can be maintained at Oregon Inlet by using modern hopper dredges, at far less cost than building these jetties and I for one am convinced we should continue dredging and not commit ourselves to an irreversible jetty project.

Mr. Chairman, this is a bad project. It will be harmful to a great national seashore—our Nation's first national seashore—and national wildlife refuge that is heavily used recreationally. It is incredibly expensive. It probably won't work. It will create more damage to the barrier islands than any other action we can think of and will require spending additional hundreds of millions of dollars to try to offset that damage. And there is persuasive evidence that it is not needed.

I hope you, my colleagues, on both sides of the aisle, vote for the amendment to strike title IV.

□ 1810

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Ohio [Mr. SEIBERLING] has consumed 14 minutes.

● Mr. ROTH. Mr. Chairman, I rise today in support of H.R. 3082, the Emergency Wetlands Resources Act of 1984.

Wetlands are one of our Nation's most valuable and productive lands. However, wetlands are disappearing at an alarming rate. When the settlers first came to Wisconsin, Wisconsin had over 7 million wetlands acres. Today, Wisconsin has only 1.5 acres of wetland area. Nationwide, 50 percent of the 215 million wetland area that once existed in the United States has disappeared.

Wetland areas serve many purposes. In Wisconsin such lands provide ground water purification, buffer shores from erosion, serve as flood water retention, and serve as habitats for many species of fish and animals, some of which are endangered. An estimated 63 percent of fish caught by American fishermen are dependent on wetlands areas. Better management of these areas will provide for better harvesting of natural crops, which in Wisconsin includes cranberries, wild rice, moss, and marsh hay.

Such significant losses demonstrate the need for improved management of this valuable resource. H.R. 3082 establishes the management and funds for this purpose. This bill will increase revenues needed for acquisition, management and preservation on wetland areas.

We now have the opportunity to reaffirm our commitment to our environment. I urge my colleagues to support this measure.●

● Mr. BONIOR of Michigan. Mr. Chairman, I rise in support of H.R. 3082, the Emergency Wetlands Resources Act. I would also like to express support for the amendment offered by our colleague Mr. SEIBERLING, to delete authorization for jetty construction at Oregon Inlet, Manteo Bay, NC.

The Corps of Engineers project at Manteo Bay, proposed in title IV of this legislation, authorizes 2 mile-long jetties to be constructed at a taxpayer expense of $600 million over the 50-year "project life." While the original corps cost/benefit analysis was favorable, Secretary Gianelli disclosed a fundamental error in 1982.

The error, that 70 percent of the project benefits were derived from wildly exaggerated increased fish landings, plunges the cost/benefit ratio to a miserable 0.34 to 1.0. These economic realities alone warrant consideration of less expensive alternatives.

Yet people in this North Carolinian Atlantic Seaboard community earn their livelihood from two main sources: fishing and recreation tourism.

How will this project affect their lives? What could happen to this fragile spit of land if the jetties are built? Much smaller "break walls" in my own Great Lakes region have caused considerable erosion and economic loss, and have not stood the test of time against a much less formidable foe. The corps assures us the project now before us is different, it can withstand the tides and sea and storms.

The jetties might withstand the forces of nature, but how will their presence affect ocean currents and sandbars? How will the corps prevent blowouts elsewhere along the coast? How will shifting sands affect recreation, fisheries, and nearby communities?

Last September the corps started using a modern hopper dredge in Oregon Inlet and successfully kept the channel serviceable winterlong, throughout prime fishing season, for

$2.4 million. Yet the jetties would cost $12 million annually.

Let me emphasize the forces of nature and the likelihood these jetties could change the drift of sand and the location of sandbar formations. Even if the corps is confident their jetty design will not cause significant changes in terrain—that Nags Head and surrounding national parklands are safe from erosion and possible blowouts—who can assure us the channel will not have to be dredged anyway, once the jetties are built?

And what about the surrounding national parklands? There seems a certain irony that the first three titles of this bill will establish a Federal commitment to wetland acquisition, yet title IV will authorize the corps to literally remove 90 to 150 acres from Cape Hatteras National Seashore and Pea Island National Refuge.

Is it not also ironic these lands will be destroyed after even Secretary James Watt argued they be saved for wildlife habitat for whistling swans, snow geese, the threatened loggerhead turtle, seatrout, summer flounder, and blue crabs.

This is not just another Corps of Engineers project. This is a project that could cause serious environmental and economic damage while a satisfactory and less costly alternative exists.

We all recognize that we face an era of fiscal restraint. The Nation's vital navigation and water resource projects will be no exception. The Manteo Bay project requires hundreds of millions of dollars in capital costs alone. We must be certain that the project not only makes sense in its own terms, but is competitive with other potential uses of scarce funds.

I find it hard to believe that a project dependent on nonexistent fisheries to sustain an inflated cost/benefit analysis, harmful to the natural integrity of national parklands and potentially dangerous to the local economy is, in any sense, the best use of tax dollars.●

Mr. JONES of North Carolina. Mr. Chairman, with that, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES].

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MOODY] having assumed the chair, Mr. MCCURDY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6067, LAW ENFORCEMENT OFFICERS PROTECTION ACT OF 1984

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 98-1040) on the resolution (H. Res. 584) providing for the consideration of the bill (H.R. 6067) to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor-piercing ammunition, and for other purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. MOODY). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

POSTAL SERVICE ANNOUNCES STAMP TO COMMEMORATE SERVICE OF KOREAN WAR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, this morning I received notification from the Postal Service that they have decided to issue a commemorative stamp next July 26 in recognition of the service of Korean war veterans. Several weeks ago, I urged others here in the House to write, as I did, to the Citizens Stamp Advisory Committee in support of this request. I know that a number of you did follow through on that, and this shows that your interest paid off.

There are over 5 million Korean war veterans in this country. They served their country and the cause of peace and freedom well, and this announcement is indeed an appropriate reminder to all Americans of their sacrifice and service.●

CHICAGO'S 19TH ANNUAL GENERAL VON STEUBEN PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the anniversary of the birth of Gen. Friedrich Wilhelm von Steuben is on September 17, and on Saturday, September 22, I am looking forward to joining with my many friends in the United German-American Societies of Greater Chicago on the reviewing stand for Chicago's 19th Annual General von Steuben Parade, to celebrate the contributions of this great patriot in America's War of Independence.

The parade will step off at 12 noon at Wacker Drive and Dearborn Street, and proceed past the reviewing stand located at the Richard J. Daley Center. Many scores of floats will join in this commemorative tribute to the gallant patriot of our precious freedom, along with many marching units and musical contingents.

In his early career, General von Steuben served in the Prussian Army with distinction, and in high tribute to his professional standing, King Frederick the Great appointed him to general staff duty at the royal headquarters. At age 47, he arrived in America in late 1777, recruited by Benjamin Franklin as a volunteer for service in General Washington's Continental Army. He reported for duty February 1778 at Valley Forge, where he was given the responsibility for the professional training of the Army.

Von Steuben's personal popularity and dedication enabled him to make rapid progress in molding the Continental Army into an effective American fighting force, and as a result, on April 30, 1778, General Washington appointed him Inspector General of the Army with the rank of major general.

Throughout the long war, the practicality and skill of von Steuben's reforms proved invaluable, as the men of the Continental Army showed themselves equal in discipline and organization to the best British troops. During the winter of 1778-79, von Steuben wrote his "Regulations for the Order and Discipline of the Troops of the United States," an important manual on the basics of drill and field service regulations, outlining the essentials of military procedure adapted for the American citizen-soldier. This "blue book," as it became known, served as the official Army manual until 1812.

In appreciation for his services, the State of New York awarded General von Steuben a 16,000-acre estate, and Congress granted him a pension of $2,500 for the rest of his life. Just before he retired from his leadership in the Army, General George Washington wrote to von Steuben congratulating him as follows:

ANNAPOLIS,
December 23, 1783.

MY DEAR BARON: Although I have taken frequent opportunities, both in public and private, of acknowledging your great zeal, attention, and abilities, in performing the duties of your office; yet I wish to make use of this last moment of my public life to signify, in the strongest terms, my entire approbation of your conduct, and to express my sense of the obligations the public is under to you, for your faithful and meritorious services.

I beg you will be convinced, my dear Sir, that I should rejoice, if it could ever be in my power to serve you more essentially than by expressions of regard and affection; but, in the mean time. I am persuaded you will not be displeased with this farewell token of my sincere friendship and esteem for you.

This is the last letter I shall write, while I continue in the service of my country. The hour of my resignation is fixed at twelve

today; after which, I shall become a private citizen on the banks of the Potomac where, I shall be glad to embrace you, and testify the great esteem and consideration with which I am my dear Baron, & c.

Mr. Speaker, it will be a genuine pleasure for me to participate in the 19th Annual General von Steuben Parade to recognize German-American contributions to our Nation, and on the occasion of this commemoration of the inspiring courage and heroism of Gen. Friedrich von Steuben, I send my greetings and best wishes to all Americans of German heritage residing in the 11th Congressional District of Illinois which I am honored to represent, in the city of Chicago, and all over this country who are celebrating this grand event.

The officers and membership of all the United German-American Societies of Greater Chicago are working hard to make the 19th Annual General von Steuben Parade into another great success and all of Chicago is looking forward to this patriotic event. I extend my warmest congratulations to them on their achievement and on their many fine contributions to making Chicagoland a better place to live, and especially to Karl C. Laschet, the perennial energetic general chairman and grand marshal of the parade. The names of the parade's officials follows:

Officers: Karl C. Laschet, President; Norbert Holzinger, 1st Vice-President; Erich Himmel, 2nd Vice-President; Helmut Schmidt, Treasurer; Betty Center, Corresponding Secretary; Clara Winkler, Recording Secretary; Helen Meiszner, Steuben Parade Treasurer; Inge Himmel, Cornflower Chairlady.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

● Mr. MACKAY. Mr. Speaker, due to the need to attend a meeting in Florida with representatives of the U.S. Department of Agriculture concerning the outbreak of citrus canker, I was unable to be in Washington on Tuesday, September 18, 1984 to cast my vote on rollcall votes No. 393, No. 394, No. 395, and No. 396.

Had I been able to be present, I would have voted as follows:

On rollcall No. 393: To suspend the rules and pass H.R. 1511, I would have voted "no";

On rollcall No. 394: To suspend the rules and pass H.R. 3336, I would have voted "yes";

On rollcall No. 395: To suspend the rules and pass H.R. 5656, I would have voted "yes"; and

On rollcall No. 396: To suspend the rules and pass H.R. 5959, I would have voted "yes."

I appreciate having this opportunity to state my position on these votes for the RECORD.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. BOLAND] is recognized for 5 minutes.

● Mr. BOLAND. Mr. Speaker, due to the primary election in the Commonwealth of Massachusetts, I was necessarily absent on Tuesday, September 18, 1984. As a result, I missed several rollcall votes. Had I been present I would have voted as follows:

Rollcall No. 394, to modify the insanity defense in the Federal courts. I would have voted "yea."

Rollcall No. 395, an amendment to the Controlled Substances Act to strengthen the authority to prevent diversion of controlled substances. I would have voted "yea."

Rollcall No. 396, to amend the Safe Drinking Water Act. I would have voted "yea." ●

AMERICA'S POW/MIAS: WE WILL NOT FORGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PATTERSON] is recognized for 5 minutes.

Mr. PATTERSON. Mr. Speaker, on Monday of this week, I had the privilege of participating in the Congressional Commemorative Medal Ceremony to honor California families of servicemen still unaccounted for in Southeast Asia. California has 210 unaccounted for servicemen, the largest number of any State.

The ceremony, which was held at McClellan Air Force Base in Sacramento, was an inspiring event and represented our renewed commitment to insuring that our Government does not abandon those who did not come home. We must continue to work for the accounting of every one of our military personnel who are still missing.

Last year, Congress authorized ceremonies to be held in individual States to honor families of the missing. At each ceremony, these families were presented a special bronze medal designed by a Vietnam veteran.

The medals are "in recognition of the distinguished service, heroism and sacrifice of these military personnel, and the commitment of the American people to their return."

I had the honor of presenting awards to many of the California families. Several were my constituents. I would like to give special mention to three, a wife, a father, and a son, who have shown great courage in enduring the hardship of having a family member still unaccounted for in Southeast Asia:

Barbara Sprague of Santa Ana, wife of Air Force Maj. Stanley Sprague, who was lost in Laos on September 12, 1966; Warren Orr of Garden Grove, father of Army Capt. Warren R. Orr, Jr., who was officially reported as missing in action on May 12, 1968, after his base camp in Vietnam came under hostile attack; and Leslie Allen Klinke of Cypress, son of T. Sgt. Donald Klinke. Sergeant Klinke was listed as missing on June 18, 1972, after an AC130 aircraft carrying Sergeant Klinke and 14 others was struck by intense hostile fire and exploded. Three people were rescued and 12 were listed as missing in action, including Sergeant Klinke. No other parachutes were seen and no beepers were heard.

Others who were invited to this ceremony from my 38th Congressional District were Vivian Fellenz of La Palma, wife of C.M. Sgt. Charles Fellenz; Pearl Collins of Cypress, stepdaughter of M. Sgt. Charles Fenter; Ralph Stringham of Garden Grove, father of ADR 3 William Stirling Stringham; and Lynn Standerwick of Garden Grove, daughter of Col. Robert Standerwick.

These are the families of only a few of the 2,483 American servicemen and civilians who are still unaccounted for in Indochina. The ceremonies and the medals are meaningful to inspire us to continue our efforts to account for all of the missing.

EFFORTS TO ENSURE A FULL ACCOUNTING

I am pleased that the administration has made the issue of accounting for those still missing a matter of the highest national priority. Increased attention and resources devoted to this effort have received overwhelming bipartisan support for many years. I strongly support efforts to put politics aside and achieve results on this critical issue.

I am proud to be a cosponsor of H. Con. Res. 322, which puts Congress on record as supporting the high level priority given to this issue by the President, calls on the administration to carry out the President's pledge to resolve this issue, acknowledges the cooperation that has been pledged by the Governments of Vietnam and Laos, and calls on these Governments to accelerate cooperation with the United States in achieving a full accounting of POW/MIAs. This resolution is endorsed by the League of Families of American Prisoners and Missing in Southeast Asia and I urge my colleagues to join me in cosponsoring this important measure.

At the request of Treasury Secretary Donald Regan, I was a member of the U.S. delegation to the Asian Development Bank annual meeting in April, where I had an opportunity to raise the issue in the strongest terms with Vietnamese Vice Minister Le Huan.

I was proud to be a cosponsor of H.J. Res. 344, Public Law 98-262, which declared July 20, 1984 as National POW/MIA Recognition Day. I am pleased that a majority of my colleagues joined in supporting this measure so that we were able to call attention to the need for continued action on this issue.

Another measure of importance to families of POW/MIAs is H.R. 2996, which authorizes the Secretary of Defense to provide transportation to annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia. This bill is supported by the National League of Families and by the Defense Department. It would permit family members to fly on previously scheduled military flights. The league annual meetings are an important opportunity for family members to receive information from the administration on the status of efforts to achieve an accounting of the missing.

STATUS OF POW/MIA ISSUE

Efforts to obtain an accounting for the missing have met with increased success in the past several months.

In September 1982, the Vietnamese agreed to meet four times per year with technical level U.S. officials to discuss the POW/MIA issue.

In February 1984, Assistant Secretary of Defense Richard L. Armitage visited Hanoi for discussions with Vietnamese Foreign Minister Nguyen Co Thach and other officials. He was accompanied on this high-level mission by Ann Mills Griffith, executive director of the National League of Families of American Prisoners and Missing in Southeast Asia, White House National Security Council staff member Richard T. Childress and representatives of the State Department. The Vietnamese agreed to accelerate cooperation in resolving the issue and offered to continue quarterly technical meetings in Hanoi. The Vietnamese provided information on several missing Amercians.

The Vietnamese Government repatriated eight remains on July 17, 1984, and thus far, six have been identified as American servicemen and returned to their families for honorable burial.

Additional technical meetings between the United States and Vietnamese officials took place in August in Hanoi, and the two countries agreed to continue technical meetings in the future.

The Government of Laos has recently demonstrated willingness to cooperate with the United States, and high level officials of both countries have frequently met to discuss this issue. Current efforts are directed toward establishing joint United States-Lao crashsite searches.

CONCLUSION

Mr. Speaker, we should take hope from the recent progress that has been made toward resolving this difficult issue; but we must not rest until every last one of our servicemen has been accounted for. I remain committed to ensuring that our Government do everything necessary to achieve the fullest possible resolution to this situation.

□ 1820

SOME OBSERVATIONS ON FOUR TERMS IN CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, I shall be soon leaving the House and have asked for this special order to make a few comments regarding the problems our Nation faces and the actions needed to correct them. Having been honored by the 22d District of Texas to represent them for four terms, I have grown to appreciate the greatness of this institution. I only wish the actions performed by the Congress in recent years could match the historic importance of this body.

Thousands of men and women have come and gone here in our country's history, and except for the few, most go unnoticed and remain nameless in the pages of history, as I am sure I will be. The few who are remembered are those who were able to grab the reins of power and, for the most part, use that power to the detriment of the Nation. We must remember achieving power is never the goal sought by a truly free society. Dissipation of power is the objective of those who love liberty. Others, tragically, will be remembered in a negative way for personal scandals. Yet those individuals whose shortcomings prompted the taking of bribes or involvement in illicit sexual activities have caused no more harm to society than those who used "legitimate" power to infringe upon individual liberty and expand the size of Government. Morally the two are closely related. The acceptance of a bribe is a horrible act indeed for a public servant, but reducing liberty is an outrageous act that causes suffering for generations to come.

Since the time of our founding, few who have come to the Congress have been remembered for championing the cause of freedom. This is a sign of a declining Nation and indicates that respect for freedom is on the wane.

Serving here has been a wonderful experience and the many friendships will be cherished. I am, however, the first to admit the limited impact I've had on the legislative process. By conventional wisdom I am "ineffective," unable to trade votes, and champion anyone's special privilege—even my own district's—places me in a lonely category here in Washington. If the political career is not the goal sought, possibly the measuring of "effectiveness" should be done by using a different standard.

The most I can hope for is that someday a suggestion I've made is remembered: That the debate shift to a different plane. Instead of asking which form of intervention and planning Government should impose, perhaps someday Congress will debate intervention versus nonintervention, Government versus voluntary planning, U.S. sovereignty versus internationalism—the pros and cons of true liberty. Today the debate basically is only that of deciding upon who will be the victims and who the beneficiaries. I hope the hours of debate over the mechanisms of the political system orchestrated by the special interests will give way to this more important debate on freedom. The lack of this debate was my greatest disappointment. Only rarely did I see small fragments of this discussion and then merely as a tactic for short-term gain rather than because of a sincere belief in the principles of liberty and the Constitution.

Some have said my approach is not practical, but most concede, "at least he's consistent." Since I first came here in 1976 the number of lobbyists has doubled and the national debt has tripled—$550 billion to $1.59 trillion—to me a most impractical trend. Business cycles, unemployment, inflation, high interest rates, and trade wars are the real impracticalities brought about by unwise political and economic policies. I've been impressed over the years by those who concede to me the consistency of my views yet evidently reject them in favor of inconsistent views. Who, I might ask, is served by the politicians of inconsistency—the special interests or the general welfare?

The petty partisan squabbles that are today more numerous and more heated serve no useful function. The rhetoric now becoming personal is not designed to solve problems nor does it show a correct perception of our country's problems. All are motivated by good intentions but that cannot suffice. The narrow partisan squabbles are a natural consequence of an intellectual bankruptcy whereby correct solutions are not offered for our economic problems. The "good intentions" prompts those involved to "do something." It seems that narrow partisanism on the House floor contributes nothing to the solutions of today's problems.

Sadly, I have found that individual Members, even though we represent our one-half million constituents, tare much less important than most of us would like to believe. The elite few who control the strings of power are the only ones who really count in the legislative process. Votes, of course,

occur routinely after heated debate by all those who want to ventilate. But as C. Northcote Parkinson pointed out, the length of debate on an issue is inversely proportional to the importance of the issue. Many times debate is done either for therapy or as a ritual to force Members to make public commitments to those who wield the power, a mere litmus test of loyalty, thus qualifying some quietly to receive largess for their particular district.

More often than not, the floor debates are a charade without real issues being dealt with—a mere chance for grandstanding. Budgetary votes are meaningless in that continuing resolutions and supplemental appropriations are all that count. If covert aid to a nation is voted down, the CIA and the administration in power can find the means to finance whatever is desired. Emergencies are declared, finances are hidden, discretionary funds are found, foreign governments are used, and policy as desired is carried out regardless of the will of the people expressed by Congress.

On occasion, a program requested by the administration is "stopped" or voted down. But this doesn't really change the course of events—the "price" is merely raised. The vote can be reversed on the House floor or in the conference and the "enlightened" Member who, casting the crucial vote, will receive an ample reward for his or her district. These arrangements or deals are routine and accepted practice. The better one is at making them, the higher is one's "effectiveness" rating and the easier the next election.

Recently, the National Taxpayers' Union gave me their annual Taxpayers' Best Friend Award for voting for the least amount of taxes and spending of any Member of Congress. I realize this does not qualify as a news event, but I have over the years tried to emphasize how dangerous is the problem of overspending and have voted accordingly. This past year, I am recorded as having voted against 99 percent of all spending—to me that means voting for the taxpayer 99 percent of the time and against the tyranny of the state at the same percentage. I must confess, though, to the possible disappointment of the anarchists, that I endorse more than 1 percent of our expenditures—possibly even 20 percent. Due to the seriousness of the problem we face, I believe it's crucial to make the point that all programs are bloated and overspending, deficits, and monetary inflation are a mortal threat to a free society. Those not willing to vote for the cuts either must believe they are not a threat or do not care if they are. I suspect the former to be the case.

Deficits are in themselves very harmful, but it's what they represent that we must be concerned about. Deficits are a consequence of spending, and this tells us something about the amount of power gravitating into the hands of a centralized authority. As the deficits grow, so does the power of the state. Correspondingly, individual freedom is diminished.

It's difficult for one who loves true liberty and utterly detests the power of the state to come to Washington for a period of time and not leave a cynic. Yet I am not; for I believe in the goodness of my fellow man and am realistic enough to understand the shortcomings of all human beings. However, I do believe that if the Democrats and the Republicans played more baseball and legislated a lot less, the country would be much better off. I am convinced the annual baseball game played by the Republicans and the Democrats must be considered as one of the most productive events in which the Members of Congress participate.

Mr. Speaker, I would like to take some time to point out some of the contradictions that I have observed in my four terms in the Congress. These I have found frustrating and exasperating and, if others agree, possibly this recognition will someday lead to policies designed to correct them. I find these contradictions in three areas: foreign policy, economic policy, and social issues.

I have trouble believing that the foreign policy of the past 70 years has served the best interests of the United States. The policy of international intervention has been followed during this time, regardless of the party in power. The traditional American policy of strategic independence and neutrality based on strength has been replaced by an international policy of sacrifice—a policy that has given us nearly a century of war. The last two wars were fought without formal declaration and without the goal of victory in mind. There are many specific examples to show how irrational this interventionist policy is.

We pump $40 billion a year into the Japanese economy by providing for essentially all of Japan's defense. At the same time, Japan outcompetes us in the market, in effect subsidizing their exports which then undermine our domestic steel and auto industries. The result: greater deficits for us, higher taxes, more inflation, higher interest rates, and a cry by our producers for protectionism.

We insist that Western Europe take our Pershing missiles. We get the bill, and the hostility of the people of Western Europe, and then act surprised that the Soviets pull out of arms negotiations and send more modern nuclear submarines to our coastline. It's sure guarantee that any conflict in Europe—even one between two socialist nations—will be our conflict.

Loyally standing by our ally Israel is in conflict with satisfying the Arab interests that are always represented by big business in each administration. We arm Jordan, and Egypt, rescue the PLO (on two occasions), and guarantee that the American taxpayer will be funding both sides of any armed conflict in the Middle East. This policy prompts placing Marines armed with guns without bullets between two warring factions. Our F-15's shooting down our F-5's in the Persian Gulf war is our idea of neutrality and getting others to test our equipment. America's interests are forgotten under these circumstances.

We condemn the use of poison gas by Iraq and at the same time we aid Iraq along with the Soviets in preventing an Iranian victory, forgetting that Iraq started the war. Inconsistently the administration pressures Congress to manufacture new nerve gas so we have something with which to go to the Soviets and draw up some unworkable treaty regarding war gases. We allocate low-interest loans through the Export-Import Bank to build a pipeline for Iraq giving huge profits to Shultz' Bechtel Corp., while hurting our domestic oil producers.

On the day we "stood firm" against Communist aggression in this hemisphere by invading Grenada, our President apologized to those liberal House Members who were "soft on communism" and pleaded for their vote to ensure the passage of the IMF bill so the "Communist dictators" can continue to receive taxpayers' dollars—dollars used to support Castro's adventurism in the Carribean and in Central America.

As we pursue our Central American policy as outlined by Henry Kissinger which is aimed at achieving stability by supporting moderate factions, we pressure Costa Rica to take our weapons and become involved in the guerrilla activity against the Nicaraguan Government—prompting 30,000-plus Costa Ricans to demonstrate against us. Costa Rica traditionally has avoided a military buildup and doesn't even have an army. They have remained neutral in the wars that plague Central America and yet remain the strongest anti-Communist nation of the entire region. Maybe ideas are more powerful than armies.

Our official policy currently is to be tough on communism but promote at the same time low-interest loans allowing Red China to buy nuclear technology, F-16's and other military technology—and this by the strongest anti-Communist administration that we've had in decades. we participate in the bailout of bankrupt Argentina as she continues to loan money to Castro's Cuba, which then prompts us to send men, money, and weapons to counteract the spread of communism fomented by Castro. It's doubtful if any of these loans will be repaid and the mili-

tary equipment and technology will probably end up being used against us at a later date. We talk about a close alliance with Taiwan while subsidizing their hated enemy, Red China.

We subsidize Red China's nuclear technology; at the same time, we allow Jane Fonda to ruin ours.

We continuously sacrifice ourselves to the world by assuming the role of world policemen, which precipitates international crises on a regular basis, while neglecting our own defenses. New planes go overseas while our Air National Guard is forced to use planes 20 years old.

We neglect our defenses by signing treaties like Salt I and the ABM Treaty that prevent us from building a nonnuclear defense system and follow Salt II without even signing it. Result—a massive arms race based on a doctrine of mutual assured destruction.

Praising the greatness of the Vietnam veteran and honoring them can never remove the truth of our failed policy that took us there. Resurrecting heroes will never erase the pain and suffering of an interventionist foreign policy that prompted unnecessary military activities and a no-win strategy.

There are 42 wars now going on in the world and it's reported we're involved in many of them—on both sides. We have troops in a total of 121 countries. National security is used as justification for all this activity, but rarely is it directly involved.

Our Export-Import Bank financed the building of the Kama River truck plant in Russia—trucks then used in the Soviet invasion of Afghanistan over a road built by our own Corps of Engineers. Our response? Draft registration and an Olympic boycott.

In pleading for the MX funds, the administration explains we need it as a bargaining chip. I guess to bargain away to the Soviets whom we can't trust anyway. We even modify the MX to conform with the Salt II Treaty—a treaty we never even signed.

At the same time we are pressurred to spend more on MX missiles, we destroy Polaris submarines and their usable Poseidon missiles to abide by treaty agreements. It appears that the churning—the tearing down and the building up of new weapons—is a stronger motivation than defense.

If we look closely at the record we find the conservative hawk is frequently the one who appeases and subsidizes the Communists, and never starts the war; the liberal dove, the one more likely to involve us in a war to protect democracy and stop Communist expansion. Images play tricks on us and policy's achieved by deception. Is this a mere coincidence or is it contrived by those dedicated to internationalism?

The carnage of the 20th century as compared to the 19th must someday make us aware of the difference between the two policies pursued. Does the modern age mandate we reject a policy of self-interest and nonintervention, or is it just possible that worthwhile policies are of value regardless of the age in which we live? It's an important question because it will determine whether or not we will enjoy peace and prosperity in the generations to come.

Our economic policy is no less contradictory. It's fair to say that even with all the good intentions of the Members, the planned welfare state has been complete and miserable failure. For the most part, the programs achieve exactly opposite results from those sought. There is a limit to how long the economy can tolerate these insults before we all suffer from the severe consequences. What we say and do are in conflict with each other. We talk boldly of balanced budgets, full employment, prosperity, low interest rates, and no inflation. So we either do not believe as a body what we say or we are inept in our ability to pursue and achieve the goals which we seek. Either way the results remain the same.

The economic contradictions are numerous. Conservatives, for years, preached balanced budgets—until in charge. Then the deficits soared to $200 billion per year. Liberal big spenders who led the way to runaway spending quickly excoriate conservative deficits and nothing happens; the deficit financing continues and accelerates.

Campaigns are won on promising tax cuts; some are given, but are quickly canceled out by numerous tax increases associated with accelerated Federal spending.

Congress and the administration are quick to blame the Federal Reserve System for high interest rates and do nothing about the huge deficits. Congress totally ignores their responsibility in maintaining the integrity of the money and refuses to exert their rightful authority over the Federal Reserve. We routinely preach about helping the poor, then plunder the working class to subsidize foreign socialist dictators and the welfare rich through abusive taxation and inflation.

Our Government pursues a policy of currency debasement, causing steadily rising prices, and blindly treats only the symptoms while punishing, through regulations and taxation, those capable and willing to take care of themselves.

Vocal support for free trade is routinely heard, as protectionist measures march on. The steel, sugar, textile, shoe, copper, and automobile industries all come for help, and we do nothing to remove the burden of taxation, inflation, high interest rates and labor laws that put our companies at a competitive disadvantage. Our protectionist measures then hurt our trade partners, precipitating our need to send them more foreign aid to help out their weak economies and to relieve their debt burden.

Arch conservatives champion tobacco subsidies which are criticized by arch conservatives who champion milk subsidies. Government then spends millions of dollars to regulate the tobacco industry and to point out the hazards of smoking.

A liberal champion of the peace movement and disarmament pushes for the B-1 bomber as a resonable alternative and because it's good for the economy—the bomber, by coincidence, to be built in the Senator's home State.

The well-intentioned do-gooder legislates minimum wage laws to help the poor and minorities, causing higher unemployment in the precise groups who were intended to be the beneficiaries.

We learned nothing from the Depression years and continue to pay farmers to raise crops not needed, and then pay them to stop planting. Our policies drive prices of commodities down, so we prop up the prices and buy up the surpluses. The consumer suffers, the farmer suffers, the country suffers, but our policies never change; we just legislate more of the same programs that caused the problems in the first place.

Our steel plants are closing down, so we pursue protectionism and stupidly continue to subsidize the building of steel plants throughout the world through our foreign aid projects.

We pay for bridges and harbors throughout the world and neglect our own. If we feel compulsion to spend and waste money, it would make more sense at least to waste it at home. We build highways around the world, raise gasoline taxes here, and routinely dodge potholes on our own highways.

Why do we cut funding for day care centers and Head Start programs before cutting aid to the Communists, Socialists, and international bankers?

A substantial number of businessmen demand the rigors of the free market for their competitors, and socialism/fascism for themselves.

Economic interventionism, a philosophy in itself and not a compromise with anything, is the cause of all these contradictions in the economy. Rejection of Government planning controlled by the powerful special interests at the expense of the general welfare is necessary, and even inevitable, for that system will fall under its own weight. The question that remains is whether or not it will be replaced with a precise philosophy of the free market rejecting all special interests

and fiat money or with a philosophy of socialism. The choice when the time comes should not be difficult, but freedom lovers have no reason for complacency or optimism.

Social issues are handled in a contradictory manner as well. A basic misunderstanding of the nature of rights and little respect for the Constitution has given us a hodge-podge of social problems that worsen each day.

At one time we bussed our children long distances from their homes to force segregation; now we bus them, against their will, to force integration.

We subsidize flood insurance in the low lying areas of the country, prompting people to build where market oriented insurance companies would have prevented it. When flooding problems worsen, land control and condemnation procedures become the only solution.

The Supreme Court now rules that large landowners must, against their wishes, sell to others to break up their holdings. This is being done in the name of eminent domain. This is land reform "a la U.S.A."

Certain individual groups, against the intent of the Constitution and the sentiments of a free society, agitate to make illegal privately owned guns used for self-defense. At the same time they increase the power of the state whose enforcement occurs with massive increase in Government guns—unconstitutionally obtained at the expense of freedom. Taking away the individual's right to own weapons of self-defense and giving unwarranted power to a police state can hardly be considered progress.

We have strict drug laws written by those who generously use the drug alcohol. Our laws drive up the price of drugs a thousandfold, to the delight of the dealers, the pushers, and terrorist nations around the world who all reap huge illegal profits. Crimes are committed to finance the outrageous prices, and drug usage never goes down. Enforcement costs soar and its success remains "mysteriously" elusive. The whole system creates an underground crime world worth billions of dollars, and addicts must then entice others to join, getting new customers to finance their habits—forever compounding a social problem epidemic in proportion. Any new suggestions for changing our drug laws; that is, liberalizing them, is seen as political suicide by the hypocritical politicians and a society legally hooked on alcohol, nicotine, caffeine, aspirin, and valium.

Talk is cheap about freedom and civil liberties, while privacy and individual liberty is continuously undermined and Government force used to protect the privileges and illegal demands placed on Government, by the special interest groups. Computers are routinely used to enforce draft registration, involving Selective Service, IRS, Social Security, and HHS and ice cream parlor lists.

The shortcomings of South Africa's apartheid system are denounced continuously by the same politicians who ignore the fact that in Communist countries dissidents aren't segregated; they are shot or sent to concentration camps. In comparison, segregation is seen as more vicious than the exiling and the killing of the political dissidents in Russia. South Africa for their defective system of civil liberties are banned from the Olympics, while we beg the murdering Communists to come.

Government responsibility to protect life and liberty becomes muddled when the Government and courts chosen to protect them under the guise of privacy and civil liberties, totally ignore the real issue. The abortionist who makes a fortune dropping fetuses and infants into buckets, instead of being restrained by Government, is encouraged by the courts and the law. Some show greater concern for the lives of seals than for the life of a human baby.

The Government writes thousands of pages of regulations designed to protect workers in private industry—without proof of any beneficial results—and at the same time 50,000-plus are killed on Government engineered and operated highways.

Good conservatives explain why guns and teachers shouldn't be registered and beg and plead and coerce the Government into registering their own kids for the draft.

We have seen cases where harmless elderly women, having committed no act of violence, are arrested for: One, defending against an intruder with the use of a "Saturday night special," two, raising marijuana in the yard and using it for relief of severe arthritic pain, and three, selling chances in a numbers game—the fact that governments run the biggest crap games seems to have no moral significance.

Federal officials—IRS agents and drug enforcement agents—have been known to destroy the property and lives of totally innocent people as homes are entered mistakenly without search warrants. Confiscation of property without due process of law is becoming more commonplace every day with the tactics of the IRS.

The products produced by businessmen are regulated to the extreme by so-called liberals who would never accept similar regulations on the products of the mind and the media. Yet the ill effect of bad economic ideas and bad education is much more damaging to one's economic health than are the products manufactured in a totally free and unregulated market. The conservative's answer to regulating ideas in a similar way to regulating goods and services is the risk of pointing out this inconsistency.

THE PROBLEMS WE FACE

Contradictions are all about us, but we must realize they are merely the manifestations of more basic problems. Some of these problems are general, others specific but all are a consequence of the precise ideology to which the Nation's intellectuals ascribe. Understanding this is imperative if we never expect to reverse the trend toward statism in which we find ourselves.

Our Government officials continue to endorse, in general economic interventionism, control of interventionist individuals, a careless disregard for our property rights, and an international foreign policy. The ideas of liberty for the individual, freedom for the markets, both domestically and internationally, sound money, and a foreign policy of strategic independence based on strength are no longer popularly endorsed by our national leaders. Yet support by many Americans for these policies exists. The current conflict is over which view will prevail.

The concept of rights is rarely defined, since there is minimal concern for them as an issue in itself. Rights have become nothing more than the demands of special interests groups to use Government coercion to extract goods and services from one group for the benefit of another. The moral concept of one's natural right to life and liberty without being molested by State intervention in one's pursuit of happiness is all but absent in Washington. Carelessly the Congress has accepted the concept of the "public interest" as being superior to "individual liberty" in directing their actions. But the "public" is indefinite and its definition varies depending on who and which special interest is defining it. It's used merely as an excuse to victimize one individual for the benefit of another. The dictatorship of the majority, now a reality, is our greatest threat to the concept of equal rights.

Careless disregard for liberty allows the Government to violate the basic premise of a free society; there shall be no initiation of force by anyone, particularly Government. Use of force for personal and national self-defense against initiators of violence is its only proper use in a moral and free society. Unfortunately this premise is rejected—and not even understood—in its entirety in Washington. The result is that we have neither a moral nor a free society.

Rejecting the notion that Government should not coerce and force people to act against their wishes prompts Congress to assume the role of central economic and social planner. Government is used for everything from subsidized farming to protecting cab monopolies; from the distribution of food stamps to health

care; from fixing the price of labor to the fixing the price of gasoline. Always the results are the same, opposite to what was intended, chaos, confusion, inefficiency, additional costs, and lines.

The more that is spent on housing or unemployment problems, the worse the housing and unemployment problems become. Proof that centralized economic planning always fails, regardless of the good intentions behind it, is available to us. It is tragic that we continue to ignore it.

Our interventions and meddling to satisfy the powerful well-heeled special interests have created a hostile atmosphere, a vicious struggle for a shrinking economic pie distributed by our ever-growing inefficient Government bureaucracy. Regional, class, race, age, and sex disputes polarize the Nation. This probably will worsen until we reject the notion that central planning works.

As nations lose respect for liberty, so too do they lose respect for individual responsibility. Laws are passed proposing no-fault insurance for injuries for which someone in particular was responsible. Remote generations are required to pay a heavy price for violations of civil liberties that occurred to the blacks, to the Indians, and to Japanese-Americans. This is done only at the expense of someone else's civil liberties and in no way can be justified.

Collective rights, group rights, incontrast to individual rights prompts laws based on collective guilt for parties not responsible for causing any damage. The Superfund is a typical example of punishing innocent people for damages caused by Government/business. Under a system of individual rights where initiation of force is prohibited, this would not occur.

Short-run solutions enhance political careers, and motivate most legislation in Washington to the country's detriment. Apparent economic benefits deceive many Members into supporting legislation that in the long-run is devastating to the economy. Politics unfortunately is a short-run game—the next election. Economics is a long-run game and determines the prosperity and the freedoms of the next generation. Sacrificing future wealth for present indulgence is done at the expense of liberty for the individual.

Motivations of those who lead the march toward the totalitarian state can rarely be challenged. Politicians' good intentions, combined with the illusion of wisdom, falsely reassure the planners that good results will be forthcoming. Freedom endorses a humble approach toward the idea that one group of individuals by some quirk of nature knows what is best for another. Personal preferences are subjectively decided upon. Degrees of risk that free individuals choose to take vary from one individual to another. Liability and responsibility for one's own acts should never be diminished by Government edicts. Voluntary contracts should never be interfered with in a free society except for their enforcement. Trust in a free society—even with its imperfections—if we're to strive for one, must be superior to our blind faith in Government's ability to solve our problems for us.

Government in a free society is recognized to be nothing more than an embodiment of the people. The sovereignty is held by the people. A planned coercive society talks vaguely of how Government provides this and that, as if Government were equivalent to the Creator. Distribution is one thing—production is another. Centralized control of the distribution of wealth by an impersonal government that ignores the prescribed role of guaranteeing the equal protection of liberty assures that one day freedom will disappear and take with it the wealth that only free men can create.

Today the loss of the people's sovereignty is clearly evident. Lobbyists are important, if not the key figure in all legislation—their numbers are growing exponentially. It's not an accident that the lobbyists and chief bureaucrats salaries are higher than the Congressman's—they are literally more "important." The salary allocation under today's conditions are "correct." Special interests have replaced the concern that the Founders had for the general welfare. Conference committees' intrigues are key to critical legislation. The bigger the government, the higher the stakes, the more lucrative the favors granted. Vote trading is seen as good politics, not as an immoral act. The errand boy mentality is ordinary—the defender of liberty is seen as bizarre. The elite few who control our money, our foreign policy, and the international banking institutions, in a system designed to keep the welfare rich in diamonds and Mercedes, make the debates on the House and Senate floors nearly meaningless.

The monetary system is an especially important area where the people and Congress have refused to assume its responsibility. Maintaining honest money—a proper role for Government—has been replaced by putting the counterfeiters in charge of the Government printing press. This system of funny money provides a convenient method whereby Congress' excessive spending is paid for by the creation of new money. Unless this is addressed, which I suppose it will be in due time, monetary and banking crises will continue and get much worse during this decade.

Congress assumes that it can make certain groups economically better off by robbing others of their wealth. The business and banker welfare recipient justifies the existence of the system by claiming that it is good for jobs, profits and sound banking. The welfare poor plays on the sympathies of others, and transfer programs based on Government force and violence are justified as "necessary" to provide basic needs to all—all at the expense of the liberty needed to provide for the prosperity everyone desires.

Government cannot make people morally better by laws that interfere with nonviolent personal acts that produce no victims. Disapproving of another's behavior is not enough to justify a law prohibiting it. Any attempt to do so under the precepts of liberty is an unwarranted use of Government force.

Congress reflects prevailing attitudes as developed by an educational system and the conventional media, and in this sense Congress rarely leads, but is merely pushed and manipulated by public opinion. This is even done with scientific use of public opinion polls. "Show me the direction the crowd is going and I will lead them," is sadly the traditional cry of the politician. Statesmanship is not the road to reelection. Statesmanship is reserved for a rare few at particular times in history unknown to most of us. Leadership in great movements is infrequently found in official capacities. Lech Walesa, Alexander Solzhenitsyn, et al., are not legal officials, but are nevertheless great leaders.

Today the deficits, the skyrocketing real interest rates, total Government spending, and the expansionist foreign policy has delivered to us a crisis of confidence. The politician's worries and concerns on the short run reflect the lack of plans made for the future. The interest rates on 30 year bonds tell a lot about the trust in the economic system and especially the integrity of the money.

It's become traditional, especially during the last 70 years, for foreign policy to be pawned off as "bipartisan," meaning no dissent is permissible and all true debate is squelched. Congress, it is said, has no role in formulating foreign policy, for the Constitution gives this power to the President. Nowhere is this written. Many more powers and responsibilities are to be assumed by the Congress than by the President in the foreign policy area according to my reading of the Constitution. Monopoly power for a President to wage war without declaration as was done in Korea and Vietnam is a blatant attack on constitutionally guaranteed liberty. I hope the caution shown by the Congress in recent years will prevail—yet the Grenadan invasion was not reassuring.

Unfortuntely, economic egalitarianism has taken over as the goal of most congressional legislation. Any equality achieved will come about by a leveling—a lowering of everyone's standard of living—not by raising it. It is

achieved by ignoring the sanctity of the voluntary contract and the prohibitions that should exist against Government initiating force against the citizen. This concept must be rejected if we're to reverse the trend toward the Orwellian state.

Many Members of Congress defend liberty, but only in minute bits and pieces as it appears convenient. I find in Washington the total absence of a consistent defense of liberty, as this principle applies to the marketplace, our personal lives, and international relations. Bits and pieces of liberty will never suffice for the defense of an entire concept. Consistency in defense of freedom is necessary to counteract the consistent aggressive militancy of interventionism, whether it's of a liberal or conservative flavor.

Government today perpetuates violences in epidemic proportions. Most of the time the mere "threat" of violence by the agencies, the bureaucrats, the officials in charge of writing the final drafts of legislation is enough to intimidate the staunchest resister. Courts, legal cost, Government arrests, Government guns and long-term imprisonments have created a society of individuals who meekly submit to the perpetual abuse of our liberties. All this in the name of the "social good," "stability," "compromise," the "status quo," and the "public interest." The IRS, the EPA and other agencies now carry guns. The colonists would have cringed at the sight of such abuse of our rights to live free. They complained about a standing army that carried guns; we now have a standing bureaucracy that carries guns.

Government today has accumulated massive power that can be used to suppress the people. How is it that we grant to our Government power to do things that we as individuals would never dream of doing ourselves, declaring such acts as stealing wealth from one another as immoral, and unconscionable? If a free nation's sovereignty is held in the hands of the people how is it that the state now can do more than the people can do themselves? Planning our people's lives, the economy, and meddling throughout the world changes the role of Government from the guarantor of liberty to the destroyer of liberty.

Our problems have become international in scope due to the nature of the political system and our policies. This need not be, but it is. The financial problems of the Nation, although clearly linked to our deficits and domestic monetary policy cannot be separated from the international schemes of banking as promoted by the IMF, the World Bank and the Development Banks. It is much clearer to me now, having been in Washington for 7 years, how our banking and monetary policies are closely linked to our foreign policy and controlled by men not motivated to protect the sovereignty of America nor the liberties of our citizens. It's not that they are necessarily inclined to deliberately destroy our freedom, but they place a higher priority on internationalism and worldwide inflation—a system of government and finance that serves the powerful elite.

All the military might in the world will not protect us from deteriorating economies and protectionism, and will not assure peace. Policies are much more important than apparent military strength. The firepower used in Vietnam and the lives sacrificed did nothing to overcome the interventionist policies of both the Republicans and the Democratic administrations. When foreign policies are right, money sound, trade free, and respect for liberty prevalent, strong economies and peace are much more likely to evolve. The armaments race and the funding of enemies and wealthy allies only contribute to the fervor with which our tax dollars are churned through the military-industrial complex.

The crisis we face is clearly related to a loss of trust—trust in ourselves, in freedom, in our own Government and in our money. We are a litigious welfare society gone mad. Everyone feels compelled to grab whatever he can get from Government or by suit. The "something for nothing" obsession rules our every movement, and is in conflict with the other side of man's nature; that side that values self-esteem and pride of one's personal achievement. Today the pride of self-reliance and personal achievement is buried by the ego-destroying policies of the planned interventions of big government and replaced by the "satisfaction" of manipulating the political system to one's own special advantage. Score is kept by counting the Federal dollars allocated to the special group or the congressional district to which one belongs. This process cannot continue indefinitely. Something has to give—we must choose either freedom and prosperity or tyranny and poverty.

□ 1900

U.S. AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. McCURDY] is recognized for 60 minutes.

Mr. McCURDY. Mr. Speaker, I represent a predominantly rural district in Oklahoma where agricultural production is at the heart of our entire economy. Our farmers produce cotton, wheat, sorghum, hay, and watermelons, among other commodities. Dairy and beef cattle graze the wide open spaces. Like most farmers, the producers in my district have known good times and bad times. But again, like most farmers they press on, believing that things can only get better. But I am afraid that the light at the end grows dimmer; the pot of gold is turning rusty. Farming in the 1980's is vastly different than at any time before and U.S. ag policy remains entrenched in themes of the 1950's.

Today, U.S. agriculture is much more sensitive to changes in the world market than at any time before. Modern farming methods have produced yields that far surpass demand at home. And, for the family farmer, it is increasingly hard to make a dollar. Interest rates, production costs and other factors have eroded away the profit margin.

Foreclosures of farmland in Oklahoma have increased dramatically during 1984 and more are threatened this fall. In 1982, the Farmers Home Administration foreclosed on 17 Oklahoma farms while the Federal land bank foreclosed on 381. In 1984 to date, they have combined to record 642 farm foreclosures in Oklahoma alone.

Recently, I spoke with a banker who has administered farm loans over two decades in a small community of my district. He spoke to me earnestly; fearful that many of his customers are doomed. His assessment resembles that of bankers in many farm States:

He said:

Our farmers are hardworking, industrious people and the present drought situation coupled with high interest rates spells a potential disaster. These are extremely difficult times and I'm not sure but that total failure of this year's cotton and wheat crop and its effect on our livestock industry would put the finishing touches on most of our farm customers. Our community is 6,000 strong and agriculture is our backbone.

□ 1910

The wife of a farmer in my district is also worried. She writes:

We farm around 10,000 acres. We have big tractors and a fairly large home and we are up to our necks in debt. We are hitting 60 years of age with no other income and the prospects of losing all we have accumulated are very real. And Social Security is not looking too good either. It's like Vietnam—no way out! My husband, like most tillers of the soil, loves the work. We don't want a fortune, just enough to pay our own way.

These examples do not reflect the plight of every farmer. The farm depression of the 1980's has not hit everybody evenly. If farmers have minimum debt, were not affected by drought or other natural disasters, or participated heavily in the PIK Program of 1983, chances are good they are financially sound today. But all farmers, whether solvent or not, realize that overall, the production sector of agriculture is not sharing in the Nation's economic recovery. As one farmer said to me: "If there is a gravy

train running across the land, we are not on it." A large number of capable farmers and ranchers continue to face the prospect of bankruptcy this year unless farm prices and net farm income improve substantially.

The most recent USDA report showed that after adjustment for inflation, net farm income dropped to $5.4 billion in 1983—the lowest since the statistics were begun in the 1910–14 period. Even in the years of the Great Depression, 1930–34, real net farm income averaged $6.9 billion annually. It is extremely important to note that when net farm income drops substantially, as it did from 1979 to 1983, the business of related industries is drastically affected.

Sales of all types of farm machinery fell anywhere in a range of 40 percent to 77 percent from 1979 to mid-1983;

A total of 1,068 farm equipment dealerships closed their doors from 1981 through mid-1983, a closure rate 2½ times greater than the historical average;

More than 20,000 workers were laid off;

The real value of pesticide sales declined by one-third, and;

Fertilizer use dropped 18 percent.

While an economic disaster has swept over the agriculture sector of our economy, we as consumers have hardly noticed.

Farmers, ranchers and farm workers constitute only 3.1 percent of the civilian labor force but are so productive that the U.S. population is able to consume only 61 percent of all the commodities they harvest. Because of the productivity of our farms and ranches as a whole, the cost to Americans as consumers of the food from those raw commodities is extremely low. The average American household spends less of its disposable real after-tax income on food and works less time in order to earn the money to purchase vital food items than in any other nation in the world. Americans spend less than 13 percent of their disposable income on food consumed at home.

And, of that portion expended by consumers for food, less and less is actually reaching the pockets of producers. When we spend 99 cents for a head of lettuce, less than 30 cents goes to the farmer who produced it. When we pay 59 cents for a can of green beans, only 10 cents goes to the producer. A $1.09 loaf of bread returns 13 cents to the wheatgrower.

According to USDA, the estimated bill for marketing domestic farm foods, which does not include imported foods, was $214 billion in 1982. This covered all charges for transporting, processing, and distributing foods that originated on U.S. farms. It represented slightly more than two-thirds of the $298 billion consumers spent for these foods. The remaining $84 billion represented the gross return that farmers received.

The cost of marketing farm foods has increased over the years mostly because of rising costs of labor, transportation, food packaging materials and other factors. In the last decade, food marketing costs rose 160 percent.

Just how significant is agriculture to the health of our overall economy?

When all commodities and all aspects of supply, production, processing, and marketing are considered, agriculture employs more than 24 million persons, or one-fifth of the entire U.S. work force. For every $1 of output from the farmers there are $7 of related production in the domestic economy. In 1982, the food and agricultural system was responsible for slightly more than one-fifth of the U.S. gross national product in 1982.

The agricultural economy can no longer be viewed apart from the domestic or international economy. Monetary policy, trade balance, interest rates * * * all have a profound affect on farming. Today, the American farmer is much like the owner of a small manufacturing plant. He is an employer, manager, and producer. He must learn much more than when to sow, when to till, and when to harvest. The farm's sole distinction from its counterparts in other sectors of the economy is an ominous one. Agricultural production remains uniquely subject to weather, disease, and insects.

Today, domestic and international economic conditions are crippling American agriculture. At home, high interest rates make borrowing a sure ticket to disaster. Listen to a farmer/newspaper columnist who lives near my district:

I'm among the lucky farmers. I have two jobs providing a salary to pay the interest on notes that can't be paid from just farming. Every year I pay the interest and renew my notes and with a bit of urging from the bankers, pay a bit on the principal. It is impossible for borrowers to pay an interest rate on a production loan which is higher than the earning power of the borrowed money. This lesson applies whether we are talking about private lending to a farmer planting a crop or to a local business to carry an inventory. This is why many good farmers are in trouble—profit margins in farming are less than the interest rates on farm loans. Whole nations are about to default on their international debt because their trade balances will not pay the interest rate. Unless the price of what we raise gets higher or the interest rates are greatly lowered, more loans will be called in by the lenders. If something isn't done to reschedule these loans, insolvency could be the biggest domestic problem of the middle 1980s.

The USDA reports that outstanding farm debt had grown to $216.3 billion in 1963 compared to only $53 billion in 1970. An increasing number of farmers find themselves dangerously exposed to a fluctuating interest rate.

Yesterday, the President and the USDA announced a program to reschedule agricultural loans and provide basic financial guidance for the farmers. This body, a year ago, passed $600 million for this program, and urged at that time over the objection of this administration, the enactment of that program.

That program contains nothing new. It could have been enacted a day ago, a year ago, a month ago. But only 45 days from the election is the policy of the administration reversed and this program implemented. My farmers will take any help and whatever help they can receive.

Internationally, the overvalued dollar and world economic recession have reduced American agricultural exports. Agricultural exports have dropped from a high of $44 billion in 1981 to a low of $35 billion in 1983.

□ 1920

Just look at the USDA's latest report on farm exports.

In Western Europe, the value of U.S. exports is well below previous years due to larger stocks of domestic grain there and continued strength of the U.S. dollar. In Eastern Europe, U.S. exports have declined due to excellent 1983 wheat harvest and increased competition from Canada and Austria in the coarse grain market.

Excellent harvests in China continue to depress demand for U.S. products there. It took a disastrous harvest in the Soviet Union to virtually rescue the 1984 export volume.

On the evening news the other night there was a story about the Government of Saudi Arabia subsidizing the purchase of land and equipment to begin production of wheat in that country.

Not only is the land and equipment subsidized, the Government then purchases from the farmer at a value seven times the international price that wheat, and we wonder why the U.S. farmer has trouble exporting his goods.

High interest rates. Overvalued dollar. These are conditions that farmers did not create yet they continue to place an economic burden on the agricultural sector. A recent study by agricultural economists threw out all but one solution to the problem. "There can be only one realistic solution," their report stated. "That is, reduce the deficit of the U.S. Government."

This is an election year there can be no doubt. It is disappointing then that in a year when hope for the future is expressed so eloquently, that both parties choose to exploit problems in agriculture as examples of weaknesses in the other side rather than seriously examine U.S. ag policy.

The Republican Party platform states: "The Carter administration and

28 years of a Congress rigidly controlled and out of touch with the people brought farmers and ranchers to the hardest times since the Great Depression."

The platform of the Democratic Party states: "Interest rates are at ruinous levels and the Reagan administration is to blame. Agriculture—America's largest and most fundamental industry—has been plunged into its worst depression since Herbert Hoover presided over the farmer's collapse half a century ago."

The Democrats note that 200,000 farms and ranches have gone out of business since the Reagan administration came into office. The Republicans counter that 300,000 farms were lost under President Carter.

Both parties agree that agriculture is not very healthy. Both parties agree that it's the other party's fault. Both parties promise better times ahead economically but substantial policy proposals are absent. Only the Democratic Party has presented a specific plan to reduce the deficit.

Farmers expect and deserve much more.

We approach the most critical crossroads in the history of American agriculture. The 1985 farm bill represents a last hope for many farmers. The entire agricultural sector is working now to present a united front to Congress when the 1985 farm bill debate is underway. I applaud this effort. Our piece-meal approach to agricultural programs in the past is largely responsible for many of the problems facing the farm sector today. And, I would just like to take a moment here to single out my colleagues in the congressional agricultural forum, particularly the gentleman from Texas, CHARLIE STENHOLM, and the gentleman from Kansas, PAT ROBERTS. The Stenholm/Roberts group is participating within the much larger National Agricultural Forum to develop an overall agricultural strategy for 1985 and beyond. Some of the material presented in this special order today is a result of the intensive research and discussions that are going on. It is through this effort that we can remove the myth and political rhetoric that have plagued farm bill debates in the past.

I urge my other colleagues in the House to study the issues confronting agriculture with great care. We must determine whether the tools established in the 1981 farm bill are adequate to address the needs of agriculture in the 1980's. Obviously, the Payment-in-Kind Program saved many farmers but is it good ag policy to pay farmers not to farm? Nonrecourse loans can be effective but farmers can't borrow their way out of debt. We are hearing that price supports must be lowered if overall farm income is to increase. Do we need a national agricultural export policy written into the 1985 farm bill? These are questions and issues that must be addressed. I invite the American people to write your representatives in Congress. Offer your views now while the debate is in its formulative stage.

I appeal my colleagues in a House of Representatives dominated by urban and surburban districts to recognize the vital role agriculture plays in our daily lives. Domestic agriculture is the primary source of our food, clothing and shelter, three fundamental aspects of our very existence.

As late as 1950, there were enough farms dependent on farm income for family expenses located throughout the United States to assure that a majority of Members of the U.S. House of Representatives would be responsive to agricultural interests. Today, in only one-fifth of the Nation's 3,042 counties does farming still represent at least 20 percent of the economic activity.

Yes, we are Members of a Congress dominated by urban and suburban interests. But that is no excuse for ignorance on farm issues. If there is a supermarket in your district, and there is, you need be concerned. If there is a food distributor in your district, you need be concerned. If there is a chemical company in your district, or a transportation company, or a pharmaceutical manufacturer, or a restaurant, you need to concern yourself with the future of agricultural policy in this Nation. Agriculture touches all of us. We must address its survival with a full deck; with our eyes to the present and future, not riveted to the past.

Mr. WATKINS. Will the gentleman from Oklahoma yield?

Mr. McCURDY. I would gladly yield to my colleague, the chairman of the Rural Caucus [Mr. WATKINS].

Mr. WATKINS. I thank the gentleman for yielding to me.

Mr. Speaker, I want to commend my colleague DAVE MCCURDY from the Fourth District in Oklahoma for calling the special order concerning agriculture. I am pleased to have the opportunity to speak on agriculture this afternoon. In the 1930's during the great Dust Bowl, our Nation's farmers had the attitude of "I'm just a farmer." Over the years, our Nation's agriculturalists have picked themselves up and dusted off this attitude of inadequacy. We became individuals proud of our productivity and accomplishment. We have to be scientists and businessmen. Our farmers stood proud and declared, "I'm a farmer from a nation where agriculture is No. 1."

But, more recently our attitude has begun to change and revert to that not-so-proud image of the 1930's. Why? Because in 1984 the farmer cannot make a profit and 3 years of back-to-back slumping land values leaves most farmers for the first time without equity to refinance their farming operations. Land values and farm income are currently decreasing at a rate of between $5 and $6 billion per year. Increased cost of production and rising interest rates coupled with a low price our farmers receive for their products add up to hundreds of forced sales, foreclosures and bankruptcy. In 1950, 45 percent of each dollar of farm income went to the farmer and 55 percent to production costs. The picture was much different in 1983. The farmer today has no profit and the equity of his land has been reduced drastically. Today 70 percent of the farmers in my district has an off-the-farm job.

Since 1981, commodity prices paid to farmers have dropped by 21 percent. Real interest rates paid by farmers have more than doubled. Net farm income has fallen by half, and now is at the lowest level of this century. Many have said the farmer is a natural-born complainer. We have complained in the past because we did not have a profit—but we survived because of equity in land and machinery, but today we don't have profit or equity to refinance. Farm foreclosure rates have tripled. And since 1981, nearly 200,000 farmers and ranchers have gone out of business. How long can the President and Congress let these devastating figures continue? There is only one answer, the 1985 farm bill must return profitability to agriculture.

We have the most productive agriculturalists in the world, but yet our farmers and ranchers continue to be punished for being so efficient and supplying the cheapest food in the world. Today, a consumer will spend only 16 percent of his or her hard earned dollar for food; less than most modern nations. Yet, an American farmer sees a return of only 27 cents for every dollar spent toward food by a consumer. Indeed, American agriculture stands at the crossroads. No longer can we stand in the middle of the crossroads or our farmers will continue to be bombarded with foreclosure. We must choose a road that will return profitability to agriculture. What are the answers to our problems? Most assuredly, we must recognize that U.S. agriculture is dependent on a healthy world economy. This was recognized most recently as a long-term solution to our problems by the National Agriculture Forum. Interest rates must be reduced to aid our farmers. Interest expense on farms rose 3,700 percent between 1950 and 1982, while cash income for the same period rose only 400 percent. Our farm policy must be committed to saving the family farm system.

Our answer to farm problems shouldn't be for Farmers Home Administration to become a landowner.

We must have selective moratoriums on farm foreclosures; look at each case on an individual basis. For the most part, it is not poor management that has caused the flood of bankruptcies. But, it is due to factors beyond the control of the farmer such as low prices, world markets, high interest rates and unpredictable weather. We must restructure the debt of productive family farmers so they can pay out. Commodity supplies should be brought back into balance with actual demand. Benefits of farm programs should be targeted specifically to the farm operators, rather than letting the giant firms and farm speculators raid the Treasury at the expense of the real producers. With agriculture depression virtually on every rural doorstep, this affects the entire rural structure. When our farmers and ranchers suffer, so do agribusiness and other industry dependent on his dollar. Agriculture depression results in a severe deterioration of rural communities infrastructure, educational systems and quality of life. Rural development and growth virtually comes to a halt. Mr. Merchant can no longer build the addition he wanted on his grocery store. Less income means deteriorating streets and roads from the smaller revenue level.

Mr. Speaker, it is time we faced our agriculture problems head-on and arrive at a solution through a bipartisan effort. Do we really want our farmers to return to the attitude they held more than 50 years ago? Or is it time for our farmers were once again proud of their accomplishments and able to make a profit?

□ 1930

Mr. McCURDY. I thank the gentleman for his comments and again state what a marvelous job he has done in the Congress as chairman of the rural caucus to highlight the needs and concerns of all rural America. He has performed a great service, and I certainly appreciate his support.

Mr. Speaker, I would only like to conclude by stating that I fear that many of my colleagues sometimes overlook the farm debate if they represent an urban or suburban district. It is imperative that all of us who represent rural or agricultural areas, or portions of rural and agricultural areas, to highlight the importance of agriculture to our overall economy.

The farmers in my district do not want handouts; they do not want subsidies. They want an affordable price and an affordable loan rate. They want a decent market price for their commodity. The price of wheat this week is ranging around $3.47 a bushel. It was higher than that during the depression years. There is no way that American farmers can make a profit with 12- to 14-percent interest rates and $3.47 wheat.

I implore my colleagues to join in this debate on the 1985 farm bill to develop a unified, consistent, viable and realistic farm policy.

● Mr. JONES of Oklahoma. Mr. Speaker, I thank the gentleman for yielding. I appreciate this opportunity to speak about the economic plight of agriculture and the effect of Federal budget policy on the farm sector. Farmers have not shared in the current economic recovery. They are being buffeted by the twin hardships of high interest rates and weak export markets. Both of these hardships are exacerbated by record Federal budget deficits.

Agriculture relies heavily on borrowed money to finance crop production. As a result, interest rates are a key component in the economic health of farming, and the farm sector is reeling from the effects of the high real interest rates experienced in recent years. Interest as a percent of farm expenses is up; profit margins are squeezed; and farm foreclosures are at record levels. Undoubtedly, an important contributing factor to the current high real interest rates are the record Federal budget deficits we have experienced during fiscal years 1981 through 1983 and will continue to face as far out as we make budget projections. The effect of these Federal budget deficits on interest rates translates into more financial hardship for farmers, who borrow money for seed, equiment, and fuel.

Federal budget deficits also contribute to the strength of the dollar on international currency markets. The overvaluation of the dollar, in turn, has reduced foreign demand for Americanh exports, including agricultural exports, and resulted in record trade deficits. The productivity of American agriculture has outstripped the domestic demand for food and fiber. Access to world markets is now an essential part of the economic health of our agriculture. Despite the increased purchases of grain by the Soviet Union in recent weeks, farm exports are well below the peak years of 1980 and 1981. Recapture of our agricultural export markets must be an important part of any recovery for American agriculture. Those export markets will open up when interest rates decline and the value of the American dollar returns to a more familiar position relative to other major world currencies.

No sector of the American economy stands to benefit more from Federal budget-deficit reductions than agriculture. I believe a balanced program of reduced defense spending, containment of nonmeans-tested entitlement programs, and revenue enhancements is the best way to achieve deficit reductions. Such a program would help to reduce interest rates and to restore export opportunities for American farms and businesses. Such a balanced program of deficit reduction would help relieve the interest burden of farmers and expand the opportunities for the sale of their food and fiber products abroad.

As Congress prepares to take up a major reauthorization of farm price support programs next year, we should keep in mind how much agriculture has been hurt by high interest rates and the contraction of its export markets and how much it has to gain from deficit reductions and a more balanced fiscal policy.●

● Mr. DASCHLE. Mr. Speaker, I want to commend and thank the gentleman from Oklahoma [Mr. McCURDY] for requesting this special order on agriculture. Statistics on the condition of our farm and ranch economy are well known. This evening I don't intend to recite again the statistics on depressed farm income and agricultural exports, the number of family farmers and ranchers being forced from the land and into bankruptcy, the continuing decline in farm implements sales, and the widespread economic crisis in rural areas. Instead I want to talk about basic solutions to the fundamental problems of agriculture.

During the South Dakota State Fair earlier this month I talked to hundreds of our family farmers and ranchers about the widespread financial problems in our rural communities. Consistently these producers identified high interest rates and low market prices as the causes of the economic depression in agriculture. In order to be able to make a profit and to restore the hope of profitability to agriculture, our producers need two things—affordable credit and market prices which offer a decent return on the investment they've made.

Yesterday, USDA announced a three-point program to help farmers and ranchers who are being crushed under the burden of massive debt. This program consists of financial counseling from FmHA, using non-FmHA employees to process loan applications during periods of peak credit demand, and deferring loan repayments and guaranteeing a portion of farm loans made by private-sector lenders. Unfortunately this program contains nothing new. The entire three-point program could have been put into effect the day before yesterday, last week, or months ago by USDA and FmHA. But it wasn't. Not only didn't USDA and FmHA implement this program before, they consistently resisted and fought every call and request to use these current authorities to help family farmers and ranchers being forced from the land by increasing debt burdens.

The November general election is now only a few weeks away. Undoubtedly, the proximity of the upcoming election and the about-face announce-

ment by FmHA of a farm-debt plan will not escape notice. It's likely the administration will be charged with playing partisan politics with the farm-debt program it unveiled yesterday.

Farmers and ranchers frankly don't care if the next election and a hoped for partisan political advantage are responsible for finally forcing action to be taken on the problems of our agricultural community. They've heard enough empty rhetoric and they've heard enough speeches. So far empty rhetoric and speeches haven't solved the problems. If the possibility of a political gain for the administration means the problems of our agricultural economy will finally receive some attention from USDA, so be it. You've got to use the tools at hand.

The farm-debt program FmHA has announced won't help producers make a profit who are being whipsawed by low market prices and high interest rates. It may give our agricultural producers a little more time, but what they need is the opportunity to make a profit. If the upcoming election can be used to wrestle from USDA and the administration support for farm programs and agriculture policies which make lower interest rates, higher market prices, and a profit in agriculture possible, so be it. Profit, not more time, is the solution to our farm-debt problem: a profit in agriculture made possible by lower cost credit and higher market prices.●

GENERAL LEAVE

Mr. McCURDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRIBUTE TO HON. DAN MARRIOTT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. NIELSON] is recognized for 30 minutes.

Mr. NIELSON of Utah. Mr. Speaker, the purpose of this special order is to honor a colleague of ours from the State of Utah, Congressman DAN MARRIOTT.

Congressman MARRIOTT is a fairly young man. He has been here 8 years. He was elected first in 1976. Congressman MARRIOTT is in what we call a swing district in the State of Utah. That seat has been held at various times by, to mention a few, Hon. David King, Sherman P. Lloyd, Wayne Owens, and Allan Howe, and then DAN MARRIOTT has held that seat for the last 8 years. But it has swung back and forth between the parties. Of those I mentioned, Congressman Lloyd was a Republican, as is Congressman MARRIOTT, and the other three were Democrats.

Congressman MARRIOTT has lived a very fine life. He has been a very successful businessman. He has a good deal of experience in the insurance field, in the pension area particularly, and he is well respected in the State of Utah.

Congressman MARRIOTT elected not to run for reelection to Congress after serving four terms honorably, and decided to run for Governor of the State of Utah, a State where we have had a Democratic Governor for 20 years, two different Governors for a total of 20 years.

Congressman MARRIOTT survived the convention. There were five candidates and he survived the convention and made what I thought was an excellent choice for a running mate for Lieutenant Governor, Senator Karl Snow, who probably knows more about State government than anyone in the State of Utah. I felt that they would make a strong team. However, in the primary election, they were defeated by another strong team, Speaker of the House Norman Bangerter and his running mate, State Auditor Val Oveson.

I would like to commend Mr. MARRIOTT for his ability to mend fences quickly. He pledged his quick support to Speaker Bangerter and took the defeat gracefully and graciously, and he is to be commended for that.

Congressman MARRIOTT, while he has been here, has been active in the Committee on Interior and Insular Affairs and the Committee on Small Business. In the Interior Committee he is currently the ranking minority member of the Subcommittee on Mines and Mining, and he has also been active in the Power Subcommittee and, or course, has been active in Public Lands as well. In the Committee on Small Business, he was very active. He received an award in 1984 as the outstanding Congressman in the area of small business.

Congressman MARRIOTT the last time became the ranking minority member of the Select Committee on Children, Youth, and Families and he has served very well in that particular role.

Without being maudlin about it, I think we all owe a debt of gratitude to Congressman MARRIOTT, the senior Congressman from the State of Utah. Congressman HANSEN, to whom I am going to yield in a moment, and I have been very happy to work with him. We have had, for the most part, a united delegation. We have worked very diligently together on the wilderness bill and some other legislation affecting the State of Utah, and while we do not always vote together, in fact more often it is a 2-to-1 split on certain issues, nevertheless we have worked very well together. They, together with Senators GARN and HATCH, have had a unified front on many issues.

I might say also that Congressman MARRIOTT has been willing to work and anxious to work with Governor Matheson, who is a Democrat but who has been very cooperative in working with us in the wilderness bill and other areas in which we have a mutual interest. Congressman MARRIOTT has shown his ability to work with both sides of the aisle.

One of the gentleman's major accomplishments, of course, is to get rid of the tailings in Salt Lake City, the vitro tailings that have been there for 25 years. Congressman MARRIOTT was way ahead of the rest of Congress when he noted that they were an area that needed to be cleaned up. Even before Superfund was founded, Congressman MARRIOTT got on that issue and we are happy to announce that that will be taken care of this year. Congressman MARRIOTT played a key role in that regard, and we are happy that he was able to accomplish that.

I do not wish to take further time, but I would like to yield at this time to the gentleman from Utah, JIM HANSEN, who is the second ranking member of the State delegation and will soon become the senior member of the Utah delegation.

I have to tease Congressman HANSEN just a bit. I was Speaker of the Utah House when he was a freshman and he used to listen to me a little bit that time. Now that he outranks me in the House, he does not seem to listen to me quite as well as he once did. I am happy to learn what I have learned from him.

Mr. Speaker, I yield at this point to the gentleman from Utah, JIM HANSEN.

GENERAL LEAVE

Mr. HANSEN of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. HANSEN of Utah. Mr. Speaker, I am pleased to have this opportunity to speak in honor of my friend and colleague from the great State of Utah, the Honorable DAN MARRIOTT, as he has chosen to end his career as a Member of this great body, the Congress of the United States. DAN was born on November 2, 1939, in a small town in Bingham Canyon, UT. He attended public school in Sandy, UT, and later graduated from the University of Utah with a bachelor's degree in speech and communications.

As a young man, DAN gave 2 years of his life in serving as a missionary in Hawaii for the Church of Jesus Christ

of Latter-day Saints. Since then, he has continued to be actively involved in church service, accepting callings to work in various church positions and assignments.

On August 19, 1965, he married Marilynn Tingey who has been a dedicated wife and mother, supporting DAN through his education, his business adventures, his church service, and during his four terms as a Member of Congress. They have successfully raised four children: David, Michael, Katherine, and Lindsay. DAN has sacrificed much during his years of service as a Congressman, often unable to be at home with his wife and family when he would have liked to have been, but instead was needed to vote on key issues here.

Before coming to Congress in 1977, DAN was a successful businessman. He obtained a chartered life underwriter [CLU] degree, with advanced diplomas in estate, pension, and financial planning, and he is a noted lecturer and teacher in these areas. He was the president of Marriott Associates, a pension consulting company, and also worked as a general agent for the Guardian Life Insurance Co. of America. DAN is past president of the Utah Chapter of Charter Life Underwriters and past director of the Mountain States Pension Conference. He's a member of the Million Dollar Round Table, the Salt Lake City Chamber of Commerce, the Estate Planning Council, and the National Federation of Independent Business. His accomplishments both in and out of Congress have been many.

DAN was first elected to Congress on his 37th birthday on November 2, 1976. He has since won reelection to four consecutive terms—an accomplishment unprecedented in Utah's Second Congressional District in the last 40 years. DAN has worked hard for the State of Utah and has accomplished much through his work on the Interior Committee and as ranking Republican on the Mining, Forest Management, and Bonneville Power Administration Subcommittee, including enactment of the Combined Hydrocarbon Leasing Act of 1981. He has been an advocate of legislation to remove the barriers to oil shale leasing and development and to geothermal leasing and development. he has also been an advocate of coal slurry pipeline legislation with the protection of State water rights and an advocate of strategic minerals legislation designed to enhance U.S. security. He has also worked for going forward with the Federal Coal Leasing Program to meet the Nation's energy needs.

One of his most recent accomplishments includes his work on the Utah wilderness bill. He made many strides toward developing a delicate balance between wilderness designations and oil and gas industry interests. He stressed the need for foresight and intelligent action in preserving Utah's pristine wilderness assets while also maintaining foresight in coal, oil, and gas, geothermal energy, tar sands, oil shale, hydroelectric power, and just about every other form of energy development, all of which are critically important to the economy of Utah and to the Nation's search for energy independence.

DAN has also been recognized as a champion of children's causes. He has served as the ranking minority member of the House Select Committee on Children, Youth, and Families. Recognizing the importance of his own family to him, he has continually advocated that the family is the single most important unit of our society. He has consistently felt that the importance of the role of the family cannot be negated and that, on the contrary, we must take time from our daily lives to recognize its value to society and to realize what we must do to foster even stronger family units. Consequently, DAN has been the sponsor for the past 8 years of National Family Week as a time when families can reflect and strengthen their own family ties. He has also actively worked to increase penalties for child pornography and for the passage of a measure to ease the adoption of hard-to-place children. He also sponsored the missing children's bill, which now, as a law, aids States in their search for missing persons.

These are only a few of DAN's efforts in Congress, and the list of his accomplishments is long, including service as a member of the Small Business Committee where he worked to safeguard the interests of the small businessman.

DAN has run several successful campaigns in his bid for the Second Congressional seat in the State of Utah, including a strong race against a very popular University of Utah professor where DAN won by a wide margin, and also against a very liberal opponent with views diametrically opposite to his. Most recently, he has run an excellent campaign for the Governor's seat in Utah. This was a difficult campaign for him as he also had to maintain his commitment to the Second District of Utah by working diligently for them back here. Though he was defeated in his bid for the Governor's chair, I believe we should all take a lesson from his superb attitude and example. Upon his defeat, DAN went to the headquarters of his opponent and told him he had won the race fair and square and that he would fully support him.

DAN's work in Congress and his accomplishments for the State of Utah are many. I have thoroughly enjoyed working with DAN as a member of Utah delegation. He will be greatly missed by those of us who have had the opportunity to work closely with him.

□ 1940

Mr. NIELSON of Utah. Mr. Speaker, I yield a few minutes now to Congressman DAN MARRIOTT.

Mr. MARRIOTT. Mr. Speaker, I want to say I appreciate very much my two good colleagues from Utah. This is the entire delegation occupying this space tonight.

I want to first of all thank Congressman NIELSON and Congressman HANSEN for taking some time at this late hour in an empty Chamber, taking the time to make these remarks for the RECORD.

I appreciate very much serving with both these fine capable gentlemen.

I would like to just simply say without making a long speech that I have thoroughly enjoyed my 8 years here as a Member of the U.S. Congress. Not only have I thoroughly enjoyed working with the Members, who I think are some of the greatest, best qualified, finest individuals on the face of this Earth, but I have also enjoyed working with the staff, those in front of me here, those behind the scenes and those who make things happen for all of us as Members of this great body.

So I leave Congress with a great appreciation for the Constitution of this great land. I leave with an appreciation for the Members of Congress who dedicate their lives and service to this great country. Most Members of Congress deserve about a $300,000-a-year pay increase. If I were here, I think I would support that legislation, because they really give 18, 20, 24 hours a day to the service of their country.

I am honored to have served here with such outstanding people.

I see sitting over here my friend, the gentleman from Illinois, PAUL SIMON, who will also be leaving this body and I certainly want to wish him the very best as he pursues the U.S. Senate. He certainly has made a great contribution. It is people like PAUL, people like JIM and people like HOWARD and people like the majority of the Members of this body, Mr. Speaker, who really have made this a worthwhile institution.

This is the greatest deliberative body on Earth. I am grateful to have had the privilege of serving here for 8 years. I look forward to going back and applying what I have learned to the private sector, hopefully improving what I had before I came here and hopefully making this country an even better place for all of us to raise our families.

So again, HOWARD and JIM, thank you very much for having these few moments on my behalf. I appreciate it very much and I want to tell all of you and the entire body of the U.S. Congress, Godspeed.

Mr. NIELSON of Utah. Mr. Speaker, I yield to the Congressman from the State of Illinois [Mr. SIMON].

Mr. SIMON. Mr. Speaker, I simply want to join in this tribute to our colleague. He has been a very solid, constructive, substantial Member of this body. There may have been times when I voted differently from my friend from Utah, but he is respected by the people on both sides of the aisle and I think it is most appropriate that we take a few minutes this evening to pay tribute to someone who has really contributed a great deal.

Mr. NIELSON of Utah. Mr. Speaker, I would like to conclude this by simply saying again how much we have enjoyed working with DAN. When I ran for Congress 2 years ago, I was one of eight who ran on my particular party. DAN was one of the first ones to support me. He could not do it publicly, of course, but I appreciated that very much.

I felt very good toward DAN. When I was working in the State legislature, he was very active at that time in Congress. He has been very conscientious and I think he has done very well and deserves every bit of credit that could be given to him.

● Mr. WON PAT. Mr. Speaker, I am very pleased to join my colleagues here today to honor our good friend Representative DAN MARRIOTT of Utah.

His departure from the House saddens me greatly. DAN and I served together on the House Interior Committee for some time and I know that we will certainly miss his keen insight and concerns over environmental affairs.

DAN and I grew to be great friends over the past few years and I have enjoyed the privilege of working with this outstanding public servant.

One of the hallmarks of DAN MARRIOTT was his ability to stand for his own principles while also putting aside partisan differences when the good of the country was involved.

This was certainly true of his support for my own constituents on Guam. DAN visited Guam several years ago and I can honestly say that there has been no more ardent supporter of Guam or other U.S. territories than DAN MARRIOTT.

Even though he will soon leave the House and return home to Utah, I am looking forward to hearing from DAN MARRIOTT in the future. I am confident he will continue to make important contributions to this Nation and to Utah as he has done for the past 12 years here in the House of Representatives.

My best wishes to you DAN and on behalf of the people of Guam our appreciation for your support and friendship.

Thank you.●

● Mr. RUDD. Mr. Speaker, our friend and colleague, the Honorable DAN MARRIOTT, has served the people of the Second District of Utah and all the people of this Nation with integrity and ability, and his presence here will be greatly missed in the years to come.

DAN has distinguished himself as an outstanding member of the Interior Committee. As a member of that committee, he was instrumental in recently securing favorable action on the Arizona strip wilderness bill which represented an extraordinary amount of cooperation among environmentalists, economic and local concerns so that the difficult wilderness question in northern Arizona was resolved for the benefit of all Arizonans. That careful cooperation, in which DAN was so closely involved, should serve as a prime example in formulating other wilderness. proposals so that competing environmental and economic interests are appropriately balanced.

He has also been in the forefront in championing children's causes, and in advocating the rights of the unborn. He has worked to minimize intrusive Federal regulation, to minimize the tax burden imposed on the American people, and to protect our citizens' second amendment right to keep and bear arms. He has worked for responsible spending by the Federal Government.

It is an honor to have served with DAN over the past 8 years. I join with my colleagues today in thanking DAN for his outstanding service on behalf of the Nation, and wish him well in the days and months ahead.●

● Mr. FISH. Mr. Speaker, I am honored to have this opportunity to pay tribute to a valued colleague and dear friend, DAN MARRIOTT, who is leaving Congress after four consecutive terms. DAN is well recognized both on Capitol Hill and nationally for his consistent efforts to fight excessive budget deficits and Government spending. He is also a well-known champion of children's causes. Because of his original sponsorship of National Family Week, which continued for 6 years, he was selected in 1983 to be the ranking minority member of the House Select Committee on Children, Youth, and Families. This committee, on which I also serve, was established to study and review the diverse problems of our Nation's children and their families and to develop policies that would encourage the coordination of public and private programs designed to address these problems. As a leader on this committee, DAN has fought for what he feels constitutes the basic fabric of our Nation: the family. He has sought over the years to stress the importance of the traditional family unit and to reinforce this national foundation through various Federal initiatives.

DAN has also earned a reputation in Congress as a watchdog for small businesses. He was a member of the Small Business Committee, where he held a leadership status for several years, rising in seniority to become the ranking member of the Subcommittee on Tax, Access in Equity Capital, and Business Opportunities. During his tenure on the committee, he was instrumental in securing venture capital for small businesses, easing Government regulations, and raising the voice of small businesses in competing with major corporations.

Much of DAN's accomplishments resulted from his work on the House Interior Committee, where he is presently ranking minority member of the Mines and Mining Subcommittee and the second ranking member on the Energy and Environment Subcommittee. He is the fourth ranking Republican on the full committee. As a member of this committee for the last 8 years, DAN has been a key figure in safeguarding the destiny of Utah lands, 60 percent of which are owned by the Federal Government, but has never abandoned the interests of the people who explore those lands.

DAN has always remained a compassionate and far-sighted legislator, developing a delicate balance between wilderness and industrial designations. As a legislative body, as well as a collection of fellow human beings, we will sorely miss the presence of DAN MARRIOTT.●

● Mrs. HOLT. Mr. Speaker, I am sure that all of us regret that DAN MARRIOTT will be leaving the House after this term. His intelligent and diligent service has won our admiration, and he has won many friends because of his personal qualities.

I have learned to have great respect for his work in the House Interior Committee and have benefited from the wise counsel he has provided on legislation from that committee.

His compassion and concern for the youth of our Nation have been demonstrated by his work in the House Select Committee on Children, Youth, and Families.

Mr. Speaker, I am pleased to participate in this salute to DAN MARRIOTT, a good friend whose distinguished service will be remembered by all of us. We wish him well in all his endeavors after he leaves the House.●

● Mr. O'BRIEN. Mr. Speaker, after four consecutive terms as a champion of small businessmen, conservationists, and the American family, DAN MARRIOTT is leaving Congress to return to his insurance business in Salt Lake City.

In his 8 congressional years, most of which he has spent representing nearly half the State of Utah, DAN has earned tribute from many quarters. His latest achievement was signed into law this month—the Utah wilderness bill—which strikes a balance between wilderness designation and the inter-

ests of those who would like to extract minerals from Federal lands.

One of DAN MARRIOTT's most ardent pursuits in Congress has been one close to my heart—the preservation of opportunities for small business. During his tenure in the Small Business Committee, he was instrumental in securing venture capital for small businessmen and easing the Government redtape that has often worked against the small operator. He was also one of the original sponsors of the small business participating loan measure.

When last on the committee, he served as ranking minority member of the Subcommittee on Tax Access in Equity Capital and Business Opportunities.

Not only an active lawmaker, DAN MARRIOTT is a devout member of the Church of the Latter Day Saints, in which he serves as a high priest in his home State. And DAN is a compassionate man who has kept the interests of the American family unit close to his heart. One of his first actions in Congress was to sponsor National Family Week during Thanksgiving Week every year. He has continued to stress the importance of the family unit as the minority leader on the House Select Committee on Children, Youth, and Families.

I ask other Members of Congress to join with me in saluting DAN MARRIOTT, a valued colleague and an exemplary Member, who has been untiringly zealous and diligent in ministering to the needs of his home State of Utah.●

● Mr. WINN. Mr. Speaker, it is with a mixture of pleasure and sadness that I join my colleagues today in honoring my friend, DAN MARRIOTT. DAN has worked hard for the Second District of Utah and here in the House of Representatives and while he will be sorely missed, I am certain that DAN is going on to bigger and better things.

I know DAN MARRIOTT as a sincere, productive legislator. Instead of being a "podium-pounder," he has succeeded where others have failed through quiet, effective leadership. If one defines leadership as the courage to admit mistakes, as having the vision to welcome change, the enthusiasm to motivate others, and the confidence to stay out of step when everyone else is marching to the wrong tune, then this definition exemplifies the type of leadership role DAN has made for himself over the past 8 years, and is seen in any number of areas where he has made a difference. Recognized for his consistent efforts to achieve a balanced Federal budget by eliminating wasteful Government spending, he is also considered one of the leading champions of children's causes. Most recently, DAN was instrumental in achieving a respectable balance between environmental, wilderness, and oil and gas interests through the passage of the Utah Wilderness bill. He is to be commended for his thoughtful participation in the development of this legislation which is so important to the State of Utah.

With his many other important legislative contributions in the areas of small business, coal slurry pipeline, and nuclear waste policy, DAN has nevertheless found the time for important community affairs such as the Salt Lake City Chamber of Commerce, the Church of Jesus Christ of the Latter Day Saints and little league baseball. All the while he has been a strong proponent of the principles of the Republican Party both on and off the Hill.

It has been a pleasure to know DAN, and I wish he and his family the very best in the years to come.●

● Mr. SUNIA. Mr. Speaker, I rise in recognition of a colleague who has become a true and dear friend, DAN MARRIOTT.

As you know, sir, I am not a member of the Committee on Interior and Insular Affairs, the committee which is responsible for the territories. DAN has been most generous with his support of territorial issues in that committee. He has given me and my territory his help without reservation many times, even before I have asked.

I had the opportunity to travel to the territories with DAN 2 years ago. I remember complaining later that he was being too serious about the whole business. He was asking too many questions, taking too many notes and spending too much time talking with the people about their problems. But I came away from that trip convinced that DAN was a man dedicated to his job and very serious about his responsibilities.

The territories will miss DAN's help. Our loss, however, will be a gain for someone else, for I am certain that wherever DAN will go, he will take with him his dedication to tasks. Whatever job he will do, he will give it nothing less than his best.

On behalf of the people I represent, the Samoans, let me thank you, DAN, in the words most precious in the Samoan language, "Fa'afetai tele lava," and wish you and your lovely wife, Marilynn, Godspeed in their words, again, "Ia manuia le malaga."

Thank you.●

● Mr. SHUMWAY. Mr. Speaker, I am delighted to have this opportunity to pay tribute to our friend and colleague, DAN MARRIOTT, and to let him know how very much he will be missed here in this House.

Since my election to Congress 6 years ago, I have admired and respected DAN as a reasoned and able legislator. He has provided invaluable guidance, and I have often looked to him for leadership, particularly on issues affecting the Western States were addressed by the House Interior Committee.

DAN MARRIOTT has always had the courage of his convictions, and has stood strongly for that in which he believed. His deep commitment to the family and to the Nation's youth prompted him to be instrumental increating the House Select Committee on Children, Youth, and Families, and also to sponsor National Family Week for the past 6 years.

He has always proven to be an individual whose solid, well reasoned viewpoint could be trusted, and whose consistency could be relied upon. He has served his constituency well, and has certainly made a mark here in the Congress. In addition to being a man of strong personal integrity who defended his own principles, he has also succeeded as a team player, performing in an extremely effective manner as a Federal legislator.

I will miss DAN MARRIOTT, and I know that all my colleagues will also. I extend to him every best personal wish for continued success and achievement in his future endeavors.●

ONCE AGAIN, STYLE TRIUMPHS OVER SUBSTANCE: A RESPONSE TO THE REAGAN ADMINISTRATION'S STEEL DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 60 minutes.

● Mr. LAFALCE. Mr. Speaker, yesterday, the Reagan administration proudly announced that it had rejected a protectionist request from the steel industry to restrict steel imports from several developing countries. Strangely enough, steel industry executives who had forced the administration to make a decision 6 weeks before the general election, appear to support the President's rejection of their request. One does not have to be a cynic to question what is going on here. In my opinion, the answer is rather self evident—once again, style has triumphed over substance in the Reagan administration.

We are told that instead of the United States imposing import restrictions on such countries as Brazil and South Korea, we will now enter into voluntary negotiations with these countries in order to reach mutual agreements concerning acceptable levels of steel exports from those countries to the United States. In proposing such action, the administration can continue to invoke its magic-of-the-marketplace rhetoric in dealing with serious and growing international trade problems while, in reality, it will be resorting to a form of protectionism which President Reagan's own appointees on the International Trade

Commission rejected. By refusing to insist on a real program to improve the competitiveness of the American steel industry in return for providing import relief, the Reagan administration has demonstrated an unwillingness or inability to confront the competitiveness problems of a basic American industry, and the pain that it is inflicting on tens of thousands of American families, and countless communities across this country.

The domestic steel industry has been in a state of serious crisis for some time—a situation which the Reagan administation has virtually ignored for 4 years. In the 1970's, steel imports averaged 15 percent of the U.S. market. Imports have continued to rise dramatically since 1980, reaching a record high of 34 percent in July. Total U.S. steel employment has gone down 46 percent in the past 5 years; and the industry has closed over 300 plants since 1980. Many of our major integrated producers continue to operate with outmoded plants and equipment that make serious competition with foreign competitors using modern production methods effectively impossible. More than 100,000 steel industry employees remain on layoff with little prospect of being reemployed by the industry. These workers and their families are suffering the brunt of the serious economic dislocation within the industry and continue to experience severe reductions in their standards of living. What is being done to help?

To date, the administration's response to the industry's plight has been indifference. Nothing of consequence has been done—or even suggested—by this administration to facilitate the modernization of plant and equipment that could improve the industry's competitive position or to ease the adjustment of dislocated workers. Workers are told, in effect, to "vote with your feet," and move to where other jobs might be found. The Reagan administration's plan for voluntary agreements with foreign producers provides no assurances that the relief from imports will actually help to facilitate the modernization of the American steel industry.

We are told the negotiations will begin shortly, and are provided vague references to hopes or expectations that limits on imports can be voluntarily achieved through such negotiations with key exporting nations. But we are also told that, if our foreign competitors refuse to go along, then the administration will be prepared to restrict American market access to these countries. Under such circumstances, one can wonder how voluntary the negotiations will be, or how the results will differ from import quotas. In any case, we will not be able to find out what the administration is really doing until sometime after the November 6 elections.

But, more important, the unconditional trade relief of the type that is apparently being granted is not a strategy designed to improve industry competitiveness at all. It is, instead, a politically expedient give-away. While precipitated by the steel industry's underlying competitive difficulties, the President's plan includes no means of ensuring improvement of the industry's competitive position. The plan will not reduce costs; it will not guarantee investment in modernization; it will not assist dislocated workers; it will, in effect, require no specific action designed to facilitate the adjustment the industry desperately needs to make in order to become internationally competitive. The President's plan will serve simply to insulate the industry from competitive forces over an extended—at least 5 year—period of time. In this sense, the administration's program could eventually prove to be the ultimate in protectionism.

In adopting this approach, President Reagan has disregarded the views of many experts that conditionality in the granting of trade relief is an essential prerequisite to adequate industry restructuring. In fact, three of the Commissioners who joined in the International Trade Commission's recommendation for restrictions on steel imports urged that protection only be granted, if the steel industry adopted a plan to improve its competitiveness that would be subject to periodic review. If the review revealed no meaningful efforts to adjust by all involved, relief would be terminated. The President has chosen to ignore the recommendations of his own nominees to the ITC and is thereby missing an important opportunity to help address the long-term problems of the American steel industry. Imported steel is not the cause, but rather a symptom, of the American steel industry's problems. The Reagan administration's plan does not deal with these problems, but rather provides a temporary band-aid which simply won't get the job done.

I believe that the President should have adopted the principles, if not necessarily the numbers, that comprised the recommendations of his own ITC Commissioners. In short, if relief was to be granted—which the President has essentially done under the guise of voluntary agreements—it should have been provided only upon the condition that the steel industry would also submit a plan to improve its international competitiveness.

Under such circumstances, a time-limited agreement to reduce steel imports would make sense as part of a comprehensive package. Such a package could require labor and industry to commit themselves to modernization and cost-cutting in return for Government and private-sector assistance with financing, research and development, worker retraining, and adjustment assistance programs. The industry plan would include such elements as investment projections, dividend policy, research and development, pension plans, more rational production plans,marketing changes, cost-cutting measures, more flexibility in work rules, and possible wage and price concessions.

Unfortunately, the Reagan administration apparently has neither the will, nor the interest in seeing such a program through. It appears that the only issue that counts is putting out fires between now and November 6. However, it is equally unfortunate that our foreign competitors will not be impressed. One would think that with the United States currently purchasing $400 million more a day in foreign goods than we are exporting, and with unprecedented balance of payment deficits about to turn us into a debtor country, we would be moving toward a serious discussion of international trade problems confronting this country.

Instead, we are once again given the same response: Talk free trade, practice protectionism as a last-minute political response, and pretend that everything is just fine.●

A PERMANENT NATIONAL RESOURCE CENTER FOR MISSING CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. SIMON] is recognized for 15 minutes.

Mr. SIMON. Mr. Speaker, one of the significant achievements that I hope will be included in the legacy of the 98th Congress is legislation to create a permanent National Resource Center for Missing Children. If we are successful in the next few days in bridging some relatively minor differences between our earlier legislation and a counterpart measure that has recently won approval by the other body—and I believe we will be successful—then soon we can move into higher gear with our efforts to find the thousands of our lost or stolen children who desperately need this kind of help.

My purpose in taking this time with you tonight is to give four graphic examples why we need this step—four reasons in the persons of four children whose parents or grandparents have asked for my help in gaining any leads

we can that could help reunite these children with their families.

First are these three youngsters, who were taken from their mother's home in Quincy, IL, last year on August 5. From left to right in this snapshot photo taken just minutes before they disappeared are 9-year-old Del-a-von Vincent Wingerter; 10-year-old Shamba Lee Wingerter; and 7-year-old Dakota Chandavette Wingerter. All three are believed to be together and in the custody of their estranged father.

Mr. Speaker, I have been actively at work on the problems of our missing children for some time, but sometimes I get a letter that convinces me that you have to be parent of a missing child to fully understand the range of wrenching emotions that these parents endure. Let me read you an excerpt from one of the letters I have received from the children's mother, Patty, who now lives in Fort Polk, LA, and continues her daily vigil to find her youngsters:

> I set goals for when they will be returned, at first I thought that they would be home by Del's birthday, then by Thanksgiving, Christmas, Shamba's birthday, Easter, and Cody's birthday. Each goal comes and goes as does each lead. My life has become a constant emotional roller coaster. With each goal and each lead comes bitter disappointment. The pain of having my children stolen is fresh and excruciating.
>
> I am truly worried about the safety of my children. I want so much to talk to them and to know that they are well. I want to hold them and to tell them how very much I love them and want them home.

It has now been 1 year and 1 month since these children disappeared from their home and from their community in Quincy, in western Illinois. Law enforcement agencies are doing what they can, but there are few leads at this point. Mr. Speaker, they may have been taken to my town, to your town, or to the town of any one of our colleagues. I realize that the rules of the House require that I address my appeal on their behalf to my colleagues here in the Chamber and not to others who may be watching these proceedings, but I do urge that any leads that could help us locate these children be directed to my office in Washington, where the phone number is (202) 225-5201.

The next case I have been asked to discuss is the disappearance of 8-year-old Mark Force. Mark disappeared from his front yard in Virginia, IL, near Springfield, on July 14 last year. In this picture, which was taken a little over a year ago, you can readily see that Mark has blond hair, blue eyes and lots of freckles. His birthdate is December 16, 1975. He also goes by the name "Marky" and "Dee." He is in the custody of his estranged mother, April M. Coats, and he has been seen in the area of the Van Nuys, CA, and also in Salmon, ID. His grandparents Lorna Jean and Jonathan Force, who also live in the town of Virginia, have put in tireless months of effort in their quest to reunite Mark with them and the rest of his family. Pastor Robert Ohlmann of Faith Baptist Church, Sheriff Carl Wubker, State's attorney John Dahlem and many other good people have been a great help and great comfort to these loving grandparents, and we all thank them for what they are doing to help.

Any leads that could lead to Mark's recovery may also be directed to my office at (202) 225-5201.

Thank you.

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SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCURDY) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. MACKAY, for 5 minutes, today.
Mr. BOLAND, for 5 minutes, today.
Mr. PATTERSON, for 5 minutes, today.
Mr. LAFALCE, for 15 minutes, today.
Mr. SIMON, for 15 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. MOODY, for 30 minutes, September 25.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 5 minutes, today.
Mr. SILJANDER, for 60 minutes, September 21.
Mr. SILJANDER, for 60 minutes, September 25.
Mr. SILJANDER, for 60 minutes, September 26.
Mr. SILJANDER, for 60 minutes, September 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SKELTON, to revise and extend his remarks immediately prior to the vote on the conference report on H.R. 3755.

(The following Members (at the request of Mr. PAUL) and to include extraneous matter:)

Mr. KRAMER.
Mr. FISH.
Mr. LAGOMARSINO.
Mr. BEREUTER.
Mr. HUNTER.
Mr. LUJAN.
Mr. SUNDQUIST.
Mr. COURTER.
Mr. DANNEMEYER.
Mr. GILMAN in two instances.
Mr. SENSENBRENNER.
Mr. O'BRIEN.
Mr. ROTH.
Mr. REGULA.

(The following Members (at the request of Mr. MCCURDY) and to include extraneous matter:)

Mr. DYSON.
Mr. FLORIO.
Mr. SISISKY.
Mr. KOLTER.
Mr. KOSTMAYER.
Mr. ACKERMAN in two instances.
Mr. OTTINGER.
Mr. MILLER of California.
Mr. RATCHFORD.
Mr. KASTENMEIER.
Mr. GARCIA.
Mr. HAMILTON.
Mr. DIXON.
Mr. FORD of Michigan.
Mrs. BOGGS.
Mr. ST GERMAIN.
Mr. DWYER of New Jersey.
Ms. KAPTUR.
Mr. WON PAT.
Mr. ROYBAL.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 201. Joint resolution to provide for the designation of the week of November 25 through December 1, 1984, as "National Epidermolysis Bullosa Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 304. Joint resolution to designate the month of October 1984 as "National Quality Month"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9. An act to designate components of the National Wilderness Preservation System in the State of Florida;

H.R. 1250. An act to improve access for handicapped and elderly individuals to registration facilities and polling places for Federal elections;

H.R. 1437. An act entitled the "California Wilderness Act of 1984";

H.J. Res. 153. Joint resolution to designate the week beginning October 7, 1984, as "National Children's Week"; and

H.J. Res. 505. Joint resolution designating the week beginning September 23, 1984, as "National Adult Day Care Center Week."

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 1538. An act to amend the Federal Food, Drug, and Cosmetic Act to revise the procedures for new drug applications, to amend title 35, United States Code, to authorize the extension of the patents for certain regulated products, and for other purposes;

S. 1735. An act entitled the "Shoalwater Bay Indian Tribe—Dexter-by-the-Sea Claim Settlement Act";

S. 2418. An act to authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal, civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes;

S.J. Res. 227. Joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week";

S.J. Res. 254. Joint resolution to designate the month of October 1984 as "National Down's Syndrome Month";

S.J. Res. 275. Joint resolution to designate the month of October 1984 as "National Spina Bifida Month";

S.J. Res. 334. Joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month";

S.J. Res. 335. Joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week"; and

S.J. Res. 336. Joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world.

ADJOURNMENT

Mr. SIMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.) the House adjourned until tomorrow, Thursday, September 20, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4048. A letter from the Deputy Assistant Secretary of Defense, transmitting notification that the Department of the Navy intends to exclude the "Examination of Records by Comptroller General" clause from contracts with the Moser Processing Ltd., of Corseaux, Switzerland, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

4049. A letter from the Rehabilitation Act Interagency Coordinating Council, Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the 1984 annual report on the activities of the Council, pursuant to Public Law 93-112, section 507 (92 Stat. 2983); to the Committee on Education and Labor.

4050. A letter from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting an analysis of currently available data on U.S. portfolio investment abroad, pursuant to Public Law 94-472, section 4(c)(2) (95 Stat. 170); to the Committee on Foreign Affairs.

4051. A letter from the Chief Judge, U.S. Tax Court, transmitting the actuarial reports for the U.S. Tax Court judges, retirement and survivor annuity plans for the year ending December 31, 1983, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4052. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new record system by the Department of the Navy, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4053. A letter from the Secretary of the Interior, transmitting information on the leasing systems for the southern California sale 80 scheduled to be held in October 1984, pursuant to the act of August 7, 1953, chapter 345, section 8(a)(8) (92 Stat. 640); to the Committee on Interior and Insular Affairs.

4054. A letter from the Secretary of the Commerce, transmitting a draft of proposed legislation to amend section 201(a) of title 37, United States Code to establish certain flag ranks in the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration; to the Committee on Merchant Marine and Fisheries.

4055. A letter from the Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1986, pursuant to 45 U.S.C. 231f (Public Law 93-445, title I, section 7(f) (97 Stat. 436)); jointly, to the Committees on Energy and Commerce, Ways and Means, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee of conference. Conference report on S. 2603 (Rept. No. 98-1037). Ordered to be printed.

Mr. HAWKINS: Committee of conference. Conference report on H.R. 1904 (Rept. No. 98-1038). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee of conference. Conference report on H.R. 3755 (Rept. No. 98-1039). Ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 584. Resolution providing for the consideration of H.R. 6067. A bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition, and for other purposes (Rept. No. 98-1040). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOUCHER.

H.R. 6272. A bill to amend title 18 of the United States Code to extend the protections of certain assault and homicide provisions to probation officers and members of the intelligence community; to the Committee on the Judiciary.

By Mr. DANNEMEYER (by request):

H.R. 6273. A bill to amend title 5, United States Code, to provide more equitable benefits for spouses and former spouses under the civil service retirement system, and for other purposes; to the Committee on Post Office and Civil Service.

By Ms. KAPTUR:

H.R. 6274. A bill to amend title XVIII of the Social Security Act to provide for coverage of ambulette service for wheelchair bound individuals; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. KASICH:

H.R. 6275. A bill to amend the Internal Revenue Code of 1954 to require notification to taxpayers of the penalty for filing a frivolous income tax return and to require space on the income tax return for taxpayer comments; to the Committee on Ways and Means.

H.R. 6276. A bill for the relief of certain taxpayers penalized under section 6702 of the Internal Revenue Code of 1954 for filing frivolous income tax returns; to the Committee on Ways and Means.

By Mr. KRAMER:

H.R. 6277. A bill to recognize the organization known as The Retired Enlisted Association, Inc.; to the Committee on the Judiciary.

By Mr. MURPHY:

H.R. 6278. A bill to provide for the establishment and operation of a national lottery to reduce the Federal deficit and to assist in financing the Federal old-age, survivors, and hospital insurance programs; to the Committee on Ways and Means.

By Mr. REID (for himself and Mr. VUCANOVICH):

H.R. 6279. A bill to authorize construction of a comprehensive project for flood control in the Las Vegas Valley, NV; to the Committee on Public Works and Transportation.

By Mr. WRIGHT:

H.J. Res. 649. Joint resolution changing the date for the counting of the electoral votes in 1985; considered and passed.

By Mr. JEFFORDS:

H. Res. 585. Resolution expressing the sense of the House of Representatives that the Board of Governors of the Federal Reserve System should take prompt action to discourage the establishment of large lines of credit which may be used by large corporations for purposes of acquiring other corporations; to the Committee on Banking, Finance and Urban Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MAVROULES:

H.R. 6280. A bill for the relief of Marcelo Cabrera; to the Committee on the Judiciary.

H.R. 6281. A bill for the relief of Gloria Cabrera and Marcelo Cabrera; to the Committee on the Judiciary.

By Mr. RATCHFORD:

H.R. 6282. A bill for the relief of Mary Lou Golightly; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 6283. A bill for the relief of Gerhard Pippow and Barbara Pippow; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1315: Mr. FROST, Mr. MCCAIN, Mr. MCNULTY, Mr. PACKARD, and Mr. ORTIZ.

H.R. 1918: Mr. MCNULTY.

H.R. 2568: Mr. FIELDS, Mr. JACOBS, Mr. FLORIO, Mr. DOWDY of Mississippi, and Mr. KOSTMAYER.

H.R. 3405: Mr. HAWKINS.

H.R. 3821: Mr. FISH, Mr. MOAKLEY, Mr. WEBER, Mr. WORTLEY, Mr. CARNEY, Mr. CONTE, Mr. SUNDQUIST, Mr. GEKAS, Mr. WATKINS, and Mr. EVANS of Illinois.

H.R. 4076: Mr. WEAVER.

H.R. 4191: Mr. FAUNTROY.

H.R. 4589: Mr. MICA, Mr. SHANNON, Mr. CHAPPELL, and Mr. SOLARZ.

H.R. 4832: Mr. VOLKMER.

H.R. 5028: Mr. MOAKLEY.

H.R. 5032: Mr. SIKORSKI.

H.R. 5129: Mr. ST GERMAIN.

H.R. 5335: Mr. BEILENSON.

H.R. 5810: Mr. TORRICELLI, Mr. ROE, Mr. HUGHES, Mr. RATCHFORD, and Mr. WEAVER.

H.R. 5865: Mr. HUGHES.

H.R. 5930: Mr. ECKART.

H.R. 5943: Mr. MCCOLLUM.

H.R. 5977: Mr. SUNIA.

H.R. 6009: Mr. KOSTMAYER.

H.R. 6014: Mr. ADDABBO.

H.R. 6019: Mr. MCCAIN, Mr. THOMAS of California, and Mr. GREEN.

H.R. 6021: Mr. COUGHLIN, Mr. STAGGERS, Mr. SOLOMON, Mrs. JOHNSON, Mr. HANSEN of Utah, and Mr. WEAVER.

H.R. 6062: Mr. PATTERSON, Mr. KILDEE, Mr. MARKEY, Mr. GEJDENSON, Mr. EDGAR, Mr. WEAVER, Mrs. BURTON of California, and Mr. LOWRY of Washington.

H.R. 6162: Mr. NEAL, Mr. BERMAN, Mr. CORRADA, and Mr. IRELAND.

H.R. 6207: Mr. YATES and Mr. BEREUTER.

H.J. Res. 71: Mr. GREEN and Mr. RUSSO.

H.J. Res. 205: Mr. MORRISON of Washington, Mr. QUILLEN, and Mr. DAUB.

H.J. Res. 489: Mrs. BOGGS, Mr. CLINGER, Mr. WEBER, Mr. NIELSON of Utah, Mr. EARLY, Mr. BEVILL, Mr. SHUMWAY, Mr. RUSSO, Mr. WEISS, Mr. OWENS, Mr. SCHULZE, Mr. LONG of Maryland, Mrs. HOLT, Mr. PARRIS, and Mr. VANDERGRIFF.

H.J. Res. 507: Mr. ROSE, Mr. COATS, Mr. BERMAN, Mr. PICKLE, Mr. FLORIO, Mr. ENGLISH, Mr. DARDEN, Mr. DWYER of New Jersey, Mr. DAUB, Mr. DASCHLE, Mr. TAUZIN, Mr. BARTLETT, Mr. MAVROULES, Mrs. MARTIN of Illinois, Mr. SHAW, Mr. WYDEN, Mr. GUARINI, Mr. MARRIOTT, Mr. MARTINEZ, Mr. HANSEN of Utah, Mr. CRAIG, Mr. FASCELL, Mr. GEJDENSON, Mrs. JOHNSON, Mr. JONES of Tennessee, Mrs. KENNELLY, Mr. LEHMAN of California, Mr. LEWIS of Florida, Mr. OBERSTAR, Mrs. SCHNEIDER, Mr. TAYLOR, Mr. VANDERGRIFF, Mr. WIRTH, Mr. WORTLEY, Mr. LANTOS, Mr. WON PAT, Mr. PASHAYAN, Mr. RODINO, Mr. BARNARD, Mr. BOEHLERT, Mr. YOUNG of Florida, Mr. TORRICELLI, Mr. CARNEY, Mr. SUNIA, Mr. MICA, Mr. BIAGGI, Mr. ADDABBO, Mr. SKELTON, Mr. LIVINGSTON, Mr. HEFTEL of Hawaii, Mr. ST GERMAIN, Mr. RINALDO, Mr. BENNETT, Mr. PORTER, Mrs. BURTON of California, Mr. LEHMAN of Florida, Mr. SCHEUER, Mr. LOWERY of California, Mr. MARTIN of New York, Mr. EMERSON, Mr. ROWLAND, Mr. YATES, Mr. KAZEN, Mr. MITCHELL, Mr. BEDELL, Mr. DANIEL, Mr. ORTIZ, Mr. HAYES, Mr. RINALDO, Mr. SUNDQUIST, Ms. KAPTUR, Mr. DE LUGO, Mrs. BOGGS, Mr. STARK, Mr. ANDREWS of North Carolina, Mr. HOWARD, Mr. KOSTMAYER, and Mr. ANDERSON.

H.J. Res. 556: Mr. BERMAN, Mr. BILIRAKIS, Mr. CARNEY, Mr. CARPER, Mr. CHAPPIE, Mrs. COLLINS, Mr. CONYERS, Mr. CORCORAN, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DONNELLY, Mr. DURBIN, Mr. EDGAR, Mr. EMERSON, Mr. GEJDENSON, Mr. GORE, Mr. GREEN, Mr. HEFNER, Mr. JEFFORDS, Ms. KAPTUR, Mr. KEMP, Mr. KOLTER, Mr. LEACH of Iowa, Mr. LELAND, Mr. LENT, Mr. LIVINGSTON, Mr. LUKEN, Mr. GARCIA, Mr. WOLPE, Ms. SNOWE, Mr. PURSELL, Mr. TAUKE, Mr. BARTLETT, Mr. ROGERS, Mr. STOKES, Mr. HORTON, Mr. KOGOVSEK, Mr. BARNARD, Mr. HEFNER, Mr. ADDABBO, Mr. JONES of North Carolina, Mr. SWIFT, Mr. BEREUTER, Mr. BARNES, Mr. GONZALEZ, Mr. HALL of Ohio, Mr. SABO, Mr. BONKER, Mr. STARK, Mr. TORRICELLI, Ms. OAKAR, Mrs. HOLT, Mr. BOEHLERT, Mr. HUNTER, Mr. ORTIZ, Mr. BEDELL, Mr. BATES, Mr. RODINO, Ms. MIKULSKI, Mr. WHEAT, Mr. ALBOSTA, Mr. BLILEY, Mr. BONKER, Mrs. KENNELLY, Mr. LEWIS of California, Mr. MINETA, Mr. MOLINARI, Mr. MOLLOHAN, Mr. MORRISON of Washington, Mr. O'BRIEN, Mr. OXLEY, Mr. PARRIS, Mr. PEPPER, and Mr. PRITCHARD.

H.J. Res. 565: Mr. BEVILL, Mr. BATEMAN, Mr. BORSKI, Mr. BOEHLERT, Mr. COELHO, Mr. DYMALLY, Mr. EDWARDS of Alabama, Mr. GRAY, Mr. LAGOMARSINO, Mr. MRAZEK, Mr. ROSE, MR. SHELBY, Ms. SNOWE, Mr. SISISKY, Mr. WALKER, and Mr. WOLF.

H.J. Res. 580: Mr. RICHARDSON and Mr. LUKEN.

H.J. Res. 613: Mr. SOLARZ, Mr. MCGRATH, Mr. GREEN, and Mr. FISH.

H.J. Res. 630: Mr. JONES of North Carolina, Mr. SPRATT, Mr. LANTOS, Mr. WISE, and Mr. SISISKY.

H.J. Res. 631: Mr. LUNDINE, Mr. TOWNS, Mrs. KENNELLY, Mr. FRANKLIN, Mr. ACKERMAN, Mr. TRAXLER, Mr. JONES of Tennessee, Mr. PEPPER, Mr. SAWYER, Mr. MCKINNEY, Mr. GILMAN, Mr. ARCHER, Mr. FAUNTROY, Mr. SKELTON, Mr. ROBINSON, Mr. DANNEMEYER, Mr. BATEMAN, Mr. UDALL, Mr. NOWAK, Mr. ANTHONY, Mr. BROYHILL, Mr. HILER, and Mr. ALBOSTA.

H.J. Res. 638: Mr. HEFTEL of Hawaii, Mr. CONYERS, Mr. EARLY, Mr. SHAW, Mr. VOLKMER, Mr. YOUNG of Missouri, Mr. SKELTON, Mr. HOYER, Mr. WYLIE, Mr. FUQUA, Mr. ROSE, Mr. MAVROULES, Mr. JONES of North Carolina, Mr. HAMMERSCHMIDT, Mr. MCNULTY, Mr. HEFNER, Mrs. BOXER, Mrs. KENNELLY, Mr. CHAPPIE, Mr. DIXON, Mr. GUNDERSON, Mr. NEAL, Mr. BROYHILL, Mr. PACKARD, Mr. SABO, Mr. BATEMAN, Mr. DREIER of California, Mr. LAGOMARSINO, Mr. CARPER, Mr. PEPPER, Mr. HUTTO, Mr. LUNDINE, Mr. PANETTA, Mr. LIVINGSTON, Mr. BEVILL, Mrs. SCHNEIDER, Mr. BONER of Tennessee, Mr. HAYES, Mr. CORCORAN, and Mr. GINGRICH.

H. Con. Res. 21: Mr. FAUNTROY.

H. Con. Res. 344: Mr. FAUNTROY.

H. Con. Res. 345: Mr. SPRATT, Mr. CONABLE, Mr. BATES, Mr. TOWNS, and Mrs. JOHNSON.

H. Con. Res. 355: Mr. TOWNS, Mr. WHEAT, Mr. STANGELAND, Mr. PRITCHARD, Mr. ACKERMAN, Mr. OWENS, Mr. DAUB, Mr. FAZIO, and Mr. CONTE.

H. Res. 50: Mrs. JOHNSON.

H. Res. 518: Mr. BURTON of Indiana, Mr. WINN, Mr. CHANDLER, Mr. GRADISON, Mr. ARCHER, Mr. KRAMER, Mr. LOWERY of California, Mr. WHITTAKER, Mr. BARTLETT, Mr. CAMPBELL, Mr. GUNDERSON, Mr. HUNTER, Mr. OXLEY, Mr. PETRI, Mr. PORTER, Mr. RIDGE, Mr. SMITH of New Jersey, and Mr. TAUKE.

H. Res. 537: Mr. LELAND, Mr. FUQUA, Mr. DERRICK, Mr. HUTTO, Mr. DANIEL, Mr. MONTGOMERY, and Mr. WILLIAMS of Ohio.

H. Res. 547: Mr. VANDERGRIFF, Mr. HUGHES, Mr. EVANS of Illinois, Mr. KOLTER, Mr. VENTO, Mr. FRENZEL, Mr. LUKEN, Mr. MORRISON of Connecticut, Mr. MARTINEZ, and Mr. WHITTAKER.

H. Res. 581: Mr. SAM B. HALL, JR., Mrs. JOHNSON, and Mr. ZSCHAU.

[Listed only in the Record pursuant to a unanimous-consent request]

H.R. 4103: Mr. PACKARD, Mr. BONKER, and Mr. ROBERTS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5377: Mr. YATRON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

413. The Speaker presented a petition of the city council, Brockton, MA, relative to posthumous citizenship to Wladyslaw Staniszewski, which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.J. RES. 648

By Mr. BROWN of Colorado:

—Page 2, line 24, strike out the period at the end of section 101(b) and insert in lieu thereof the following: ": *Provided*, That 2 percent of the aggregate amount of new budget authority provided for in each of the first three titles of H.R. 6237 shall be withheld from obligation, and all earmarkings of funds in H.R. 6237 (except earmarkings for Israel and Egypt) shall be deemed to be reduced by 2 percent.

By Mr. FASCELL:

—At the end of the resolution, add the following:

SEC. . (a) The provisions of the bill H.R. 5119 (98th Congress), as passed the House of Representatives on May 10, 1984, are hereby enacted.

(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.

By Mr. FRENZEL:

—Page 2, line 14, strike out the semicolon and insert ": *Provided*, That each amount of budget authority provided in the Act, for payments not required by law, is hereby reduced to two percentum;"

By Mr. MILLER of California:

—At the end of the joint resolution, add the following new section:

SEC. . Notwithstanding any provision to the contrary in title XX of the Social Security Act—

(1) the dollar figure set forth in section 2003(c)(3) of such Act is hereby increased to $2,750,000,000 for the fiscal year 1985;

(2)(A) the additional $50,000,000 made available to the States for such fiscal year pursuant to paragraph (1)—

(i) shall be used only for the purpose of providing training and retraining, including training in the prevention of child abuse care settings, to providers of licensed or registered child care services, operators and staffs (including those receiving in-service training) of facilities where licensed or registered child care services are provided, State licensing and enforcement officials, and parents, and

(ii) shall be expended only to supplement the level of any funds that would (in the absence of the additional assistance resulting from this section) be available from other sources (including any amounts available under title XX of such Act without regard to this section) for the purpose specified in clause (i), shall in no case supplant such funds from other sources or reduce the level thereof, and shall be separately accounted for in the reports and audits provided for in section 2006 of such Act; but

(B) no more than one-half of the amount by which any State's allotment under section 2003 of such Act is increased as a result of paragraph (1) shall actually be paid to such State unless it has in effect procedures (established by or under State law and funded from other sources) for appropriately screening and conducting background checks and criminal investigations of all providers of licensed or registered child care services and all operators and staffs of facilities where licensed or registered child care services are provided, in accordance with standards specified in or established under State law, with the objective of protecting the children involved and assuring their safety and welfare while they are receiving child care services; and

(3) the determination and promulgation required by section 2003(b) of such Act with respect to the fiscal year 1985 (to take into account the preceding provisions of this section) shall be made as soon as possible after the enactment of this Act.

By Mr. PANETTA:

—H.J. Res. 648 is amended by adding at the end thereof the following new section:

"SEC. . (a) Funds appropriated by this joint resolution or any other appropriation act to carry out the Food Stamp Act of 1977 (7 U.S.C. 2011-2029) shall, notwithstanding any other provision of law or this Act, be used in a manner to ensure that, under the food stamp program, households certified as eligible to participate in the program are issued an allotment that reflects the full cost of the thrifty food plan, adjusted to reflect changes in the cost of such plan for the twelve months ending June 30, 1984, rounded to the nearest lower dollar increment for each household size.

"(b) The provisions of subsection (a) shall be effective during the period beginning November 1, 1984, and ending September 30, 1985.".

By Mr. PRICE:

—Page 3, line 9, strike out "reported to or subsequently".

Page 3, beginning on line 14, strike out "reported to or subsequently".

Page 3, beginning on line 15, strike out ", the latest action prevailing".

Page 4, line 6, strike out "reported to or subsequently".

Page 4, line 13, strike out "reported to or subsequently".

Page 4, line 23, strike out "reported to or subsequently".

Page 5, beginning on line 6, strike out "reported to or subsequently".

Page 5, line 16, strike out "reported to or subsequently".

Page 6, line 2, strike out "reported to or subsequently".

Page 6, beginning on line 6, strike out "reported to or subsequently".

—At the end of the resolution, add the following:

SEC. . (a) The provisions of the bill H.R. 5167 (98th Congress), as passed the House of Representatives on June 1, 1984, are hereby enacted.

(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.

By Mr. WILLIAMS of Montana:

—At the proper point in the bill insert this section and renumber subsequent sections accordingly.

SEC. . Notwithstanding section 102, no funds appropriated by this or any other Act may be used for any contract to administer a civilian conservation center of the Job Corps if the administration of such center was not under contract as of September 1, 1984.

EXTENSIONS OF REMARKS

BLOODY SUNDAY II REVISITED AT AD HOC COMMITTEE MEETING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. BIAGGI. Mr. Speaker, as I reported yesterday, on September 6 I conducted a meeting of the 104 member bipartisan Ad Hoc Congressional Committee for Irish Affairs. The purpose of the meeting was to get further information on the circumstances which led to a riot in Belfast which left one civilian dead and scores injured including some visiting Americans.

I was joined at this meeting by my colleagues Mr. GILMAN, Mr. MCGRATH, Mr. LENT, Mr. EDGAR, Mr. BORSKI, and Ms. KAPTUR, as well as by scores of staff members from other House and Senate Members. At this point in the RECORD I would like to insert a statement by Dr. Martin Abend—a television commentator from WNEW-TV in New York City. Dr. Abend was one of the Americans on the trip and witnessed the police action first hand.

STATEMENT OF MARTIN ABEND, TELEVISION COMMENTATOR, NEW YORK CITY

Dr. ABEND. Thank you, congressman.

I was there, I must say, not as a commentator for Channel 5. I went under my own auspices. I paid my own expenses. I went to Ireland for the first time in 13 years to see the tour, this is true, although I was not officially part of the tour, and to acquaint myself with facts for the purpose of future commentary. I frequently comment on Ireland. I am in sympathy with NORAID. I always have been and I think I always will be, and I am absolutely opposed to what I consider to be the most modern form and the latest form of Western oppression in northwestern Europe, which is the British occupation of Northern Ireland.

It is not so much the riot that occurred on Sunday that is significant to the American people and particularly to interested Members of Congress. What happened on that Sunday is the point of a very large boil. When you live in Belfast, particularly in the Catholic areas, in the areas of the so-called "Republican sympathizers," it is then and only then that you really comprehend the apprehensiveness, the fear and, above all, the hopelessness that prevails that there can be any kind of a peaceful solution, where you will have an oppressor using violence, not only in law and in theory but before your eyes.

The British Saracens patrolling up and down the streets, the presence of the Royal Ulster Constabulary, above all their expressions—which I have seen no one mention, and I personally saw it and heard it—of hatred, of despising, of contempt, they are very much lordly oppressors, visible and audible to anyone who want to take the trouble to go to these affected areas in Belfast. I lived with a Republican family, I heard what Noel Gill and Belle Gill, a 21-year-old and a 20-year-old man and woman and their two children, had to say about daily incidents, never mind the Sunday incident. This was highly dramatic. It could have been something produced by overzealous RUCs. What we do not hear about is what happens on a daily basis and a nightly basis in Belfast, in the areas of Republican sympathizers.

I think that the American people, and particularly the American media, have been done a great disservice and are doing a great disservice by not acquainting the Members of Congress and the people in general with these daily troops. They are, gentlemen and ma'am, I can assure you, of extreme urgency if we are interested in doing justice to the Irish question.

I went for those reasons, and I satisfied myself in very short order. You only have to be there two or three hours to feel it. It was like when I visited Leningrad and Moscow. No matter what you hear about it, it isn't the same thing as being there. When you go there, the air is thick with tension, with fear. This is what I found in Belfast, and I could scarcely believe it. I always associated the British with culture. You know Shakespeare and Isaac Newton and all the rest. That disappears immediately and utterly when you enter the streets of Belfast and see this policy of the latest form of Western oppression there in northwestern Europe.

I can only add to what Mr. Galvin said, and I think you are going to hear it much more eloquently from Father Burke what actually occurred at the Belfast riot. I was standing more to observe the Royal Ulster Constabulary and British army tactics. I do teach guerrilla warfare at the college level, and I have a certain interest, and objective interest, in just what the British intended to do about suppressing any riot if it occurred and what their tactics in general were. It was purely academic.

So I stood to the rear of all this, not in the crowd. I wasn't seated, ever. I stood among the Royal Ulster Constabulary, trying to overhear the commands that were given. The command to attack was given, it should be known, from a helicopter that was hovering overhead about 60 feet, which descended just about 60 seconds before the attack occurred. That command was relayed, I ascertained—I cannot prove this, but I know it is true—to a gentleman standing there. I have his photograph in one of the photographs I have, and I will be glad to present it to the committee when I have finished speaking.

This command was issued by him to the Rovers. These are vehicles used by the Royal Ulster Constabulary. Behind the Rovers were British Saracens. These are armored personnel carriers, occupied solely by British troops armed with automatic weapons, who were backing up the Royal Ulster Constabulary, which were armed solely, I could ascertain, with clubs and/or with plastic bullets.

When that command was given, I was standing to the far left. So I could observe as you might observe something from a parade ground. The attack came from the rear to the front, which is a very bad military tactic. They easily could have surrounded the area, waited for Mr. Galvin to finish his speech and then quietly arrested him. There would be no way for him to have escaped, absolutely none. That area was flat, there was no means of egress or ingress other than what the Royal Ulster Constabulary and the British army could ascertain and could police. So I say again, they could easily have surrounded that area.

The area, by the way, had almost as many women and children in it as there were men. The British at no single time paid any heed to in my presence and within my hearing to the fact that they were trampling over small children. I have photographs there of children shrieking at the feet of Royal Ulster Constabulary men and British troops, and I will be glad to show them to you, as I said, when I have finished talking.

Instead of surrounding this area, as they could have done with good old military tactics, and arrested this gentleman when he finished speaking, they deliberately made a frontal assault. This was to dramatize their intent to prevent him from speaking and thereby flaunting their concept of law. In doing this kind of assault, they knew very well—they had to know well, as any sane person would know—that they were jeopardizing the lives and safety not only of seated people but of seated women and children.

It should be noted by this committee and by all the world, because I did not see it on the media but I did see it with my eyes, that at least a dozen children were carried away by their parents from the scene so that they would not be taken away by ambulances. Anyone taken by an ambulance to the Victoria Hospital down the road was automatically noted and listed by the Royal Ulster Constabulary, and that person was in trouble. Therefore, the parent of an injured child, rather than have himself registered as a malcontent or a troublemaker, took his child away from there according to his own concept of what should be safety and health, and I saw at least a dozen such instances, I should tell this committee. In one of the photographs I have, you will see slippers of small children that fell or were kicked away while those children were dragged away by their parents, screaming and bleeding.

When Sean Downes was shot, he was shot at about four feet. The contention was that he had a club on him. Let me remind the committee of this, and all the world, for that matter, that Sean Downes may have been advancing with what in effect was a small broomstick, attacking seven armed men who had on heavy bulletproof vests, who were helmeted, who could easily overcome him. This man, almost stripped to the waist, in dungarees, left his wife and child and advanced toward their backs.

Why? No one has asked the question why he did this. It was because they were perpetrating outrages in front of him. Let me tell you, if I was not an American, I, too, would have been attacking them because they

were doing what they were doing in cold blood. I say again, as has been said here, everyone was seated. No one was making trouble. That attack was deliberate and cold blooded, and all that occurred was gratuitous. The shooting that I saw horrified me.

The shooting that I saw horrified me. I could not believe it. Let me give you one instance. There was a man on a roof, half berserk with rage at the violence he saw perpetrated by these RUCs upon these people. This man was throwing a Coca-Cola bottle at these RUCs. I was standing three feet away. I was not wearing a helmet; they were. For this Coca-Cola bottle, I saw a volley of at least 25 plastic bullets fired at this man on a roof. I was standing not four feet away.

When Sean Downes was shot down, and he was obviously dead, Father Burke administered last rites. Yet another American ran up to me, complaining bitterly that his camera had just been destroyed. He pointed to the body and became somewhat hysterical. When he confronted the RUC, not one foot from me, with this bloody violence that these RUCs had done, the RUCs said—and I repeat verbatim—"That's a job well done. Get away, you bloody bastard." This kind of action, this kind of speech, this mood cannot be comprehended unless you are there, gentlemen.

I saw much else, but everything that I have to say cannot be summed up in this cool proceeding. It has to be summed up by Americans who will take the trouble to speak to people living there and, for that matter, good committee, to speak to the people on the opposite side, the Loyalists and the British. Anyone at all who wants to speak to this question, let them come forward, take an oath, swear that they are telling the truth, and speak about just what kind of an atmosphere prevails in this part of the world and what should be done to bring an end once and for all to that horror.

Thank you for giving me this opportunity. If you want to examine these photographs, I will be glad to let you do so.

Mr. BIAGGI. Thank you. We would like to see those, doctor.

Dr. ABEND. That is evidence of the force of a plastic bullet, fired at close range. It ruptured the heart.

There are two children in this photograph. You note the RUCs are all about them. If you examine these photographs, there is no evidence that the RUCs ever showed the slightest concern for these children, for their safety, not to mention their terror.

Here you see RUCs firing plastic bullets at waist-level height. They are supposed to fire them down. You can see them firing at waist level.

Here is a RUC pointing his gun at me and the cameraman. That is by way of intimidation, just as you see this man being threatened with a baton by that RUC.

Mr. GILMAN. Did you take some of these, doctor?

Dr. ABEND. No, but I stood next to a photographer who did.

These are photographs of Sean Downes. There is nothing to be said or added to that.

This is a photograph of a man shot in the neck by a plastic bullet. It has not been widely seen. The jaw is fractured. Again, you can see that they were not firing below the waist. Here you can see evidence of the numbers of RUCs that were present.

Mr. GILMAN. You were standing within a few feet of him?

Dr. ABEND. I was standing over Sean Downes when he died. He was dead when they dragged him. I stood over him. That's the only time I confess I became somewhat emotional. It was not believable. He was shot, as I said, by a person who must have known that Sean Downes was reacting to the violence that they were perpetrating. The contention that he was carrying a club, which in fact seemed to be a stick, is laughable when you consider the way those men were armed and heavily vested.●

A LOOK AT THE NICARAGUAN ELECTIONS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. OTTINGER. Mr. Speaker, this year has witnessed elections throughout Latin America. In El Salvador, Panama, and Guatemala, Central Americans voted in contests that President Reagan lauded as true examples of representative democracy. Nicaragua, honoring its 1979 pledge to the Organization of American States, has scheduled elections for November 4. But the Reagan administration has dismissed these recent attempts by the Sandinista government to democratize, denouncing the upcoming elections as a "sham."

To be sure, the Nicaraguan elections will not be as pluralistic as the Sandinistas have advertised. But part of the fault for this should be attributed to the capricious decision of the Democratic Coordinator, the main opposition alliance, to withdraw from the elections. The opposition boycott seems designed to embarrass and discredit the legitimacy of the Sandinistas in the eyes of the international community. This concerns me because one does not know how the current administration might choose to react, were it to be relected in November.

The boycott increases the possibility of U.S. military intervention in Nicaragua during a Reagan second term, with the White House expected to tout the opposition alliance's dropout from the forthcoming vote as evidence that there is no democratic option in Nicaragua under the Sandinistas.

I wish to submit for the RECORD the following summary of key components affecting this issue, by Research Associate Marc Klyman of the Council of Hemispheric Affairs, that appeared in that organization's biweekly publication, the Washington Report on the Hemisphere.

ELECTIONS YES, OPPOSITION NO

(By Marc Klyman)

Six parties still plan to compete with the ruling Sandinista National Liberation Front (FSLN) in the twelve-week general elections campaign beginning Aug. 8, despite the July 25 decision of the leading opposition alliance, the Democratic Coordinator (CD), to boycott the Nov. 4 elections. But the CD's move dealt a fatal blow to prospects that a fair vote could institutionalize democracy in that country, largely due to the role played by its presidential candidate, Arturo Cruz.

Nicaraguans are scheduled to elect a president, vice president and 90 members of a national assembly in the first election since the 1979 overthrow of dictator Anastasio Somoza. The CD's decison to pull out was ostensibly based on the junta's failure to comply with their series of nine preconditions—including and end to press censorship, a delay in the election date, the granting of amnesty for U.S.-backed contra forces, and a call for a national dialogue "among all the political parties and movements, including those in arms." The Sandinistas have argued—as Washington has towards the Salvadoran rebels—that they should not be obligated to negotiate with contra armies which have devastated the country—costing its economy hundreds of millions of dollars in damages, and the lives of almost 2,000 civilians and hundreds of members of the armed forces.

The main question of the campaign is not the outcome—the Sandinistas are widely expected to receive a clean win—but whether foreign observers would accept the FSLN victory as a popular sanctioning of their political mandate. Although the CD was to be the FSLN's principal opponent, foreign observers predicted that, at most, the coalition only would have garnered 25 percent of the vote. As a former member of the Sandinista junta, Cruz served as president of the Central Bank and ambassador to the U.S. before resigning from the government and going into self-imposed exile in 1981. In recent months a vocal supporter of rebel leader Eden Pastora, Cruz's presence among the Sandinistas' military opponents made questionable the sincerity of his short-lived candidacy for the CD.

With the CD removed, the Independent Liberal Party (PLI)—which split with the FSLN last February after citing ideological differences—has been catapulted to frontrunner among the alternatives to the Sandinistas. Led by Virgilio Godoy Reyes, former labor minister in the ruling junta, the PLI claims to espouse a more moderate alternative to either radical or conservative sectors in Nicaragua. Observers believe the PLI could garner a significant number of votes that might have gone to the CD.

Several smaller parties still plan to vie for office in the coming campaign, including those within the Revolutionary Patriotic Front (FPR), an alliance of the pro-government Marxist-Leninist Nicaraguan Socialist Party (PSN), the Popular Social Christain Party (PPSC) and the ruling FSLN.

On the left are two tiny Marxist-Leninist parties, the Moscow-line Nicaraguan Communist Party—whose differences with the Sandinistas have been ignored by the White House—and the Popular Action Movement (MAP-ML), of Maoist orientation.

EXTERNAL CONSEQUENCES

The boycott increases the possibility of a Grenada-style strike against Nicaragua during a Reagan second term, with the White House expected to tout the CD's dropout from the forthcoming vote as evidence that there is no democratic option in Nicaragua under the Sandinistas. Yet last December, when the Jamaican opposition People's National Party, led by Michael Manley, refused to participate in snap elections called by the U.S.-favored prime minister, Edward Seaga, not a word of protest was heard from Washington—although what occurred there was little more than a plebiscite in itself.

For his part, Secretary of State George Shultz has left little doubt as to the administration's real intentions. In recent months he has repeatedly said that U.S. pressure on Nicaragua will not abate "even if they hold elections"—ample cause for suspicion that Washington may have played a not-inconsiderable role in influencing Cruz and the CD's boycott decision.

In Europe, Nicaragua's allies will also be discomfited. The Socialist International, in efforts to prevent the collapse of support from across the Atlantic, is believed to have convinced the FSLN to pick coordinator Daniel Ortega to head its ticket. But many Europeans will be hard-pressed to regard the outcome of the elections as a resounding endorsement of the FSLN. This leaves the Sandinistas, who depend on heavy infusions of aid from Europe, in a potential extremely tenuous position, both economically and politically.●

ABE PLOUGH

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. SUNDQUIST. Mr. Speaker, last week, Memphis, TN's No. 1 citizen, Mr. Abe Plough, passed away at the age of 92. I was privileged to attend a memorial service for him at Temple Israel. The eulogy delivered by Rabbi Harry Danziger was so moving and inspirational I would like to share it with my colleagues:

Abe Plough—As I look out at this outpouring of people—people from every cross section of Memphis and the Mid-South—there is a temptation simply to speak those two words—those nine letters—Abe Plough—and then to be silent. If I were to do so, this sanctuary would be filled silently, not only with people, but with recollections and remembrances, with tributes and memorials, far more eloquent than any words that I can speak. Such was the man—such was his life—such is this moment. To say the name, Abe Plough in this community is to evoke moving memories of a man of whom I can say with utter certainty, no major city in America ever owed so much of itself to a single human being. People in this community who might agree with one another on little else about what is good and right for Memphis and Shelby County are agreed on one thing—Abe Plough was good for all of us. And people agree on that in superlatives, and they base their agreement on the most solid of facts.

Because Mr. Plough left so vivid, so well-known, so legendary a memory among us, I would like to offer a few thoughts which he would, I hope, have wanted. I say that because, in fact, this service was still another of his gifts. In the instructions he left, he said that, while he wanted only a private funeral service for family, he asked that this service take place because of his involvement with this temple and for, as he put it, so many whom he loved and with whom he shared and who were in his heart and mind and thoughts. This occasion is then yet another gift in the monumental lifetime of giving which characterized Abe Plough.

In the Jewish tradition, there is a legendary figure whose name was Choni. Among the legends of Choni, one tells that he devoted himself, when he was already well past seventy years old, to going through the length and breadth of the land, planting carob trees. The carob tree produces pods filled with sweet and tasty seeds which people love to eat, and Choni sought to fill the land with that sweetness. One day, says the legend, a man saw him, bending down at his work and said to him, "Why are you doing this? Don't you know that the carob tree takes seventy years before it begins to bear fruit? You are already old. Surely you will never taste the fruit of the trees you plant." And Choni answered him saying, "Others planted for me. Now I plant for my children and their children and children's children."

Abe Plough may never have known the legend of Choni, but he knew its moral—and he lived it. I need not tell you who are here out of love and admiration, out of respect and gratitude to him, of all the seeds which Mr. Plough planted in this community—indeed, in this nation. I need not tell you that, at an age when others might have been totally self-absorbed, concerned only with their own health and well-being, satisfied that they had put in a good life's work, Abe Plough never stopped planting seeds, seeds that he intended to bear fruit for children yet unborn, for decades he knew he would never enter. And I need not tell you who are here that Mr. Plough's reason for continuing to plant those seeds—the seeds of a better life and a better community for all—was that he understood and appreciated the fact that others had planted for the future. Starting with his parents to whom his gratitude never diminished, extending to friends and family and countless associates in business and in charities, always with thanks to God, all that Abe Plough ever did to plant the seeds of a better life was because of what Choni said long ago—"Others have planted for me. Now I plant for those who are yet to come"

And, like Choni of ancient legend, this man—a living legend—would not permit age to be either an excuse or a reason for ending his good work. Out of hundreds, let me cite only two instances. It is now well known that, in the strife and turmoil of 1968 in this city, the negotiations between labor and government were stymied by city government's lack of funds to pay the wage increase agreed upon. Mr. Plough was, then, 78 years old. Were any single individual of any age in a major American city to have stepped forward—quite literally—to subsidize a great metropolitan government, it would have been unprecedented. That a man of nearly four score years personally planted the seeds of peace and harmony, not simply with his money but most of all with his vision must surely boggle the mind. Others had planted for him; now he planted for the future.

In the early 1970's, when this congregation—Temple Israel—determined the need for a new facility, who could have blamed a man, now in his 80's—reared and educated in our previous building—had he said, simply, "It was good enough for me for all these years; it is good enough now and for the future?"

Yet, like Choni of old, Mr. Plough responded, "Others built for me; now I will build—and spur you on to build—for those who are yet to come."

He recalled the past with reverence and gratitude—but he built for the future with generosity and vision.

Not only did Mr. Plough never permit age to be an excuse or reason for detaching himself from worthwhile causes, neither did he come to his spirit of generosity and community concern late in life. It would be understandable if he had determined that, having accomplished all he wanted for himself in the world of business, then and only then would he turn to the wider world. Not Abe Plough. I suspect that the single act of loving kindness which he did which most moved me personally was one he performed some sixty years ago when he was a young man. You may have read or heard of it. A savings institution in Memphis collapsed, and the depositors, unprotected in those days by insurance, stood to lose their savings, large and small. Abe Plough reached deeply into his wealth but deeper by far into his heart to make certain that not a single person of modest means lost a penny of his or her life savings.

He was constant in generosity of spirit, in his commitment to plant seeds of a better life, in his determination to touch the lives and hearts of people—in youth as in age, he was constant because he did what he did out of the convictions and the faith of a lifetime. He did what a man ought to do, and Mr. Plough never closed his eyes to duty. Rather he did that duty with a twinkle of satisfaction lighting them all the while.

That is one part of Abe Plough—that is the living legend of philanthropy and vision that made him indisputably the number one citizen of this city.

But too often, in our fascination with the legend, we lose sight of the person. This moment would be inadequate to his memory were we to permit that on this day of all days.

The legend of the ancient Choni continued. It is said that, one day, as he planted those carob trees which would not bear fruit for seventy years, he fell asleep. And, like the later Rip Van Winkle, he slept not hours but years—seventy years. And Choni awoke amidst a grove of trees, their branches laden with pods bearing the sweet seeds like those he planted. And there were children laughing and playing and eating the seeds. Choni asked, "Whose trees are these?" And the children answered, "these were planted by our grandfather Choni long ago." And then, legend has it, Choni was transported to heaven, his rewards on earth greater still than ever he could have dreamed.

Abe Plough received and earned countless titles—some official, some conferred on him as naturally as the law of gravity. He was honored by colleges and universities, by this congregation as honorary president, by the press, by business and the cultural world and so many others. He was called "Mr. Memphis" and "Master of Free Enterprise". But there were other and better titles that he wore with that wonderful twinkle in his eyes. Those titles were "Daddy" and "Papu" and "Uncle Abe". The news media might inform us all on a Friday morning of some grand gesture or some great gift made by Mr. Plough for one of a hundred causes. But the news media would not know of or report that, on the following Sunday, he was headed toward a store, to buy toys for his young great-grandchildren. The news would provide us with pictures and transcripts of Mr. Plough at the rostrum at a formal banquet, speaking on behalf of some great purpose. But how could they know that, on the previous evening, he had enjoyed a very different dinner, taking his great-grandchildren to a restaurant or picking up food to share with them at home, or sharing a family evening with children or grandchil-

dren or nephews or nieces or other family—not as "Mr. Memphis"—but as Daddy or Papu or Uncle Abe. The news media might be aware of the fact that, at the tender age of 92, Mr. Plough became convinced that professional football was good for this city he loved and that because of that conviction, he offered support to that new program in many ways. They were unlikely to tell us that, at the closing game of the season, he shared the view from the press box with a youngster three generations his junior.

How could we pay tribute to the legend—the First Citizen of Memphis—without paying tribute to the man—Daddy, Papu, Uncle Abe? And how could we pay tribute indeed without recalling that, as in the world of business, Mr. Plough said that he never made it alone, so it was in life itself? The love and devotion of his children and their children and their children's children and a broad extended family were sources of enormous joy and pleasure to the man behind the legend. Whether it was sharing with him in the fun of life in which he delighted or sharing with him in these last weeks when he was robbed of the activities that marked his life, his loved ones were just that—loved ones—and they loved him as he loved them. Like Choni of legend, he was blessed to share the sweetness of life with his children, his children's children and their children as well.

When Moses—for whom Mr. Plough's beloved father was named—died in the mountains of Moab, the Torah—the five books of Moses—recalls that "his vision was undimmed and his vigor was undiminished." Surely that was true for Abe, the son of Moses, whom we took to his grave earlier today. When Moses died, his last moments were spent atop a mountain, looking across to the promised land on the other side of the Jordan. And the people whom he had led by word and by example mourned for him and for their loss. But when the time of mourning ended, they took up their journey—they took up the path he had charted—and they moved forward to the promised land. Moses had been the source for them of countless gifts in their years in the wilderness. Now Moses left to them the challenge to become what they were to become—to become what they were destined to become—to be what God gave them the ability to be. Moses left them gifts, but with those gifts he left a challenge.

To us as a community—to us as races and religions and neighborhoods—to those who loved him best and knew him best—Mr. Plough has done in death as he did so often in life. He has given us innumerable gifts—and he has challenged us—challenged us to move forward—with vision and spirit—to enter—perhaps to create—The promised land.

Zecher Tzadik Livracha—May the memory of his righteousness live on as a blessing to all who cherish that memory.●

THE HISPANIC VETERAN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. GARCIA. Mr. Speaker, this is National Hispanic Heritage Week, and the theme this year is the Hispanic veteran. Hispanics have distinguished themselves as members of the Armed Forces throughout our Nation's history.

We have never shirked the responsibility of serving our country. As Americans, we have not only been willing to participate, we have been glad that we could do our part to serve this great Nation.

Our service as a community is no more apparent than with the Vietnam war. I am submitting for the RECORD an article by a young Hispanic journalist, Steve Padilla of the Hispanic Link News Service, on Vietnam and Hispanic veterans. I think it gives a good account of our participation in that conflict.

The article follows:

VIETNAM AND HISPANICS: REMEMBERED AT LAST

(By Steve Padilla)

When the last helicopter evacuating troops and personnel from the United States Embassy in Saigon took flight on April 30, 1975, on board was Master Sgt. Juan J. Valdez, the non-commissioned officer in charge of the embassy's Marine Security Guard. His presence there seems fitting now. Hispanics, among the first to serve in Vietnam, also were the last to leave.

Some, of course, never made it back. Nowhere is that sacrifice more apparent than at the Vietnam Veteran Memorial in Washington, D.C. A 479-foot, V-shaped wall of black granite, the memorial bears the names of more than 57,000 men and women killed or missing in action in the war between 1959 and 1975. Designed by Maya Ying Lin, the memorial was dedicated Nov. 13, 1982.

Any visitor to the wall—particularly a Hispanic—will notice a pattern as she or he reads the rows and rows of names: Jesus Gutierrez Escobar, Julio A. Hernandez, Edward Quinones, Catarino Morelos, Jr., Joaquin Robles, David Sanchez . . .

The names bring to mind notable facts about Hispanics and their involvement in the war:

Army Sgt. First Class Isaac Camacho became the first U.S. prisoner of war in 1963. His escape from the Viet Cong on July 9, 1965, won him the Silver Star and Bronze Star.

Navy Lt. Everett Alvarez Jr. became the first pilot shot down over Vietnam on Aug. 6, 1964. Imprisoned by North Vietnamese 8½ years, he became the longest-held prisoner of war in the nation's history. He is now deputy director of the Veterans Administration.

Of 239 Medal of Honor winners in Southeast Asia, 14 were Hispanic. Eleven received the award posthumously.

Figures on casualties vary, but many experts agree Hispanics accounted for an unusually high percentage considering their overall population at the time. One study found that between 1961 and 1967 alone, 22.3% of all Marine casualties and 19.4% of all Army casualties had Spanish surnames.

Given this history, it's not surprising that Hispanic veterans expressed displeasure and disappointment when the Vietnam Veterans Memorial Fund unveiled plans in 1982 for a realistic statue to be added to the "wall" memorial site.

A sculpture of three young infantrymen dressed in fatigues and carrying guns and supplies, it featured a white soldier, a black soldier and a third character considered "everyone else."

Soon the phone calls and letters from Hispanic veterans began. Typical was a letter from Lupe Gusman, a Vietnam veteran from Riverside, Calif., that said the exclusion of a Latino from the statue would be "a shame and dishonor for those who fought and died."

Sculptor Frederick Hart and the Vietnam Veterans Memorial Fund agreed. Hart changed his design, using as a model Guillermo José Smith-Pérez de León, a 24-year-old engineering student born in Washington, D.C. His mother, Hortensia Pérez de León de Smith, was from Mexico City; his father, William J. Smith, from Ventnor City, N.J.

The clay model of the 7-foot statue, unveiled this month in time for Memorial Day, will be bronzed this summer. Formal dedication ceremonies in the parklike memorial site will be held Veterans Day, Nov. 11.

As Hart told Hispanic Link reporter Ancel Martínez: "The wall is for those who didn't make it back, the statue is for the veterans who made it back."

The design change should not be viewed as a victory by a special interest group. It is deserved recognition. The change shows not that Hispanics were singled out, but merely that they were included.●

PRAYER IN PUBLIC SCHOOLS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. LEVINE of California. Mr. Speaker, I am deeply disturbed by recent actions by the Reagan administration and its allies in Congress to impose their religious views on many of our most basic governmental institutions.

One of the most disturbing examples of this is the President's campaign to require prayer in our public schools.

The current issue of the ADL Bulletin, which is published by the Anti-Defamation League of B'nai B'rith, contains an article titled "The Christianization of Our Public Schools" which makes a compelling case that this administration's policies threaten to create deep divisions in our society and run counter to the very principles upon which our public schools were founded.

The author, James Woods, Jr., argues convincingly and compellingly against the administration's policies.

I commend this important article to all of my colleagues and urge them to take the time to read it:

THE CHRISTIANIZATION OF THE PUBLIC SCHOOLS

(By James E. Wood, Jr.)

The public school has long been a battleground in American church-state relations. These conflicts have been primarily the result of persistent and zealous efforts aimed at Christianizing the public schools and eliminating the secular character guaranteed by the First Amendment.

Religion and education form a continuing dilemma in American church-state relations. On the one hand, the role of religion in the

public schools has been adjudicated on the basis that the tax-supported public schools are subject to public policy and therefore governed by the Establishment Clause of the First Amendment.

On the other hand, the use of public funds for religious schools has been repeatedly ruled as violative of the Establishment Clause since such use constitutes aid to religion and the entanglement of church and state in a program of education. That the U.S. Supreme Court's most far-reaching decisions on church and state should have to do with the public schools is both historically appropriate and judicially significant, since the public schools' role is crucial to a free and secular state and pluralistic society.

The American public school and our tradition of church and state represent two distinct contributions to the world. Founded as a secular state, the United States was the first nation in history constitutionally to prohibit the establishment of religion and to guarantee the free exercise of religion.

Thomas Jefferson first conceived of public schools, free and tax-supported. In 1817, Jefferson specifically advocated and free common schools be nonsectarian. By the 1830s his concept began to take root in the states. Massachusetts educator Horace Mann influenced the state legislatures to pass laws prohibiting sectarian practices, including the use of sectarian textbooks, in tax-supported schools.

Gradually, their vision for free public schools, tax-supported without sectarian control, spread. Meanwhile, during the latter decades of the 19th century, waves of immigrants, particularly from Ireland and southern, eastern and southeastern Europe, greatly increased the multifaith character of American society.

By the late 1870s, almost all state constitutions expressly divorced religion from the public education system and state courts widely espoused church-state separation for the public schools.

Despite this, phenomental gains in church membership in the first half of this century, accompanied by renewed demands for devotional Bible reading and school prayers, saw the waning of church-state separation in the schools. The first "released time" program of religious education in the public schools began in 1913 in Gary, IN. By 1948, all but two states had such released time programs. When the U.S. Supreme Court ruled in 1962 against devotional Bible reading and prescribed prayers in the public school, church membership in the United States has climbed to more than 63 percent of the total population.

The view of America as a Christian state transplanted to the New World by the Colonists, has persisted even without establishment and in spite of constitutional provisions and Supreme Court decisions expressly against it. The notion lives on in the American ethos aided and abetted by both the political and religious right.

Amendments to the Constitution have been proposed since 1962 ranging from abridging of the First Amendment to insure state sanction and support of religion to statements declaring the United States to be a Christian nation. Congress has enacted laws to change the Pledge of Allegiance to include "under God," to require that "In God We Trust" appear on all currency and to declare the phrase, "In God We Trust," as the nation's motto.

Since 1962, the extreme vilification and abuse of the Supreme Court by right wing political and religious leaders has made evident the fact that the concept of America as a Christian state is fervently and widely held by millions of Americans in the 20th century. The notion of the Christian state—reinforced with a fusion of Americanism with Christianity from the New Religious Right—threatens the secular status of America and of the public schools.

American public education is under frequent and serious attack by those who charge that the public schools are dominated by "secular humanism." The charge is increasingly being made the basis of a wholesale indictment of American public education. While "secular humanism" is condemned as incompatible with the guarantees of the First Amendment, at the same time the case is argued for the viability of parochial schools, justifying their right to public funds.

The charge of "secular humanism" is deeply rooted in the notion that neutrality on religious questions is identified with secularism and therefore destructive of all traditional religious and moral values.

This pejorative use of the term is offered by many as the explanation for deterioration in academic achievement and moral values in the public schools. The alleged teaching of "secular humanism" is widely used as a rationale for parochial and Christian day schools.

"Secular humanism" remains largely undefined by those most prone to employ it. A non-religious or secular humanism does not mean, let alone require, the rejection of Judeo-Christian religious and moral values.

Unfortunately, the attack on secular humanism is all too often a thinly veiled attack on academic freedom and integrity. Much of the myth has been predicated by those who seek to make the public schools more responsive to their own particular religious values, rather than remain schools in which a secular or non-religious approach to the study of history, science, government, and literature prevails. Quite properly, man and human values should be the focus of public education, just as God and religious values are the natural focus of religious education in the homes, churches, and synagogues.

America's public schools are necessarily committed to human values, human achievements, and human capabilities, in which the activities, interests and historical development of man are central. That is why public schools enjoy the support of public funds while parochial schools, committed to a particular religious world view, are denied those funds.

In several major decisions, the Supreme Court has denied the permissibility of state sponsorship of religion in the public schools. In McCollum v. Board of Education (1948), the Court declared that "released time," i.e., setting aside a portion of each day for religious education is unconstitutional even though attendance in these classes might be on a purely voluntary basis.

Four years later, the Court in Zorach v. Clausen declared constitutional the practice of "dismissed time," essentially the same program except that it was maintained off the public school's grounds.

In 1962, the Court ruled in Engel v. Vitale that the state-sponsored prayer program of the New York State schools was unconstitutional. The Court declared that government may not require prayer in the public schools, even when on a "voluntary" basis. "It is neither sacrilegious nor anti-religious," the Court said, "to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers . . ."

The following year, faced with widespread Bible-reading exercises in the public schools, the Court ruled in Abington School District v. Schempp that such practices and the recitation of the Lord's Prayer are unconstitutional.

Since then, more than 200 proposals have been introduced in Congress to overturn the Supreme Court's decisions. Recent efforts, led by Senator Jesse Helms of North Carolina, have been directed toward limiting by congressional statute the Supreme Court and all federal district courts from hearing cases involving "voluntary prayers in the public schools and public buildings." Thusly, the place of prayer in the public schools would be determined by the states and local communities.

Proposals passed in the present Congress provided for the right of student-led religious groups to meet in the public schools before or after regular school hours on the basis of "equal access."

During recent months, district courts in Alabama, New Jersey, and Tennessee have ruled against legislation providing either for sanctioned prayer or a moment of silence.

Those decisions have been strongly denounced by both the political right and the religious right, more recently identified as the New Religious Right, a group primarily linked with religious fundamentalism found largely outside of America's mainline denominations. Significantly, the strongest support for the Supreme Court's decisions has come from the major religious denominations of America, both Christian and Jewish.

The controversy over "scientific creationism" is still another example of attempts to Christianize the public schools. The crux of the controversy is not over the teaching of the Genesis account of creation, which is clearly permissible and has never been seriously questioned in the courts, but rather over the demands of religious fundamentalists that creationism be taught as science and given equal time with evolution.

In a key case, *McLean* v. *Arkansas Board of Education*, the Arkansas "creation-science" law was struck down in January, 1982, by a U.S. district judge, who ruled that it violated the constitutional provision for the separation of church and state. The judge found the Arkansas law failed all three tests of the Establishment Clause: secular purpose, primary effect, and excessive entanglement. The law, he ruled, was "a religious crusade coupled with a desire to conceal this act" . . . and that it was an "unprecedented intrusion in the school curriculum. . . ."

Having to face the Supreme Court's ruling of unconstitutionality, religious fundamentalists adopted a new tactic in the 1970s: the teaching of creationism along with evolution. Such legislation has been introduced in at least 21 states. Encouraged by the national swing to the right in the 1980 elections and strongly supported by the New Religious Right, local school districts and state legislatures have been under considerable pressure to enforce the teaching of "scientific creationism."

These efforts have met with resistance from some education agencies and particularly in the courts. Following the 1975 action of the Indiana Commission on Textbook Adoption approving a creationist biology textbook, a state court ruled that the commission's action "both advanced particular religious preferences and entangled the

state with religion and therefore violated both state and federal constitutions."

The Christianization of the public schools has become a major force in American politics. With an agenda largely orchestrated by the New Religious Right, these efforts are supported by millions of Americans, both within and without our communities of faith. As a result, the public schools have become a battleground for key political issues, the resolution of which is crucial not only to the public schools and to public policy, but also to the nation's future as a free and pluralistic society. Meanwhile, scapegoating the public schools has virtually become a national pastime—as a way of explaining many of the causes of the nation's social ills, particularly by those most resistant to demands of a secular state and to the dynamics of a pluralistic society.●

REPORT ON VISIT TO NICARAGUA

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. KASTENMEIER. Mr. Speaker, in August, members of the Illinois-Wisconsin delegation of Witness for Peace in Nicaragua visited Nicaragua.

Throughout their visit, this delegation, which included constituents from Wisconsin's Second District, was warmly received by the people of Nicaragua. This friendly reception, I believe, demonstrates the good will held by the Nicaraguans toward the American people. This feeling is all the more remarkable considering the official policy of the U.S. Government which is to give military support and encouragement to those forces attempting to overthrow the Nicaraguan Government.

Mr. Speaker, the Illinois-Wisconsin delegation of Witness for Peace in Nicaragua has issued a call for peace and the restoration of normal relations between the Governments of the United States and Nicaragua. They have written a report on their visit to Nicaragua, and I would urge my colleagues to take the time to read a condensed version of their findings. I hope this report will help provide a better understanding of the situation in Nicaragua and give us, in the Congress, more reason to end the administration's shameful policy toward Nicaragua.

The report follows:

CONDENSED REPORT OF THE ILLINOIS-WISCONSIN AUGUST 1-12 DELEGATION, WITNESS FOR PEACE TO NICARAGUA

Our delegation was diverse in social and religious backgrounds, ages, and occupations. We were able to share worship, prayer, work and travel on an intimate basis, and we formed close ties among the members of the group. We were very much united in our religious commitment, especially as it relates to our concern for and solidarity with the Nicaraguan people.

During our initial two days in Managua, we interviewed representatives of the various political and religious sectors, government officials, and others. Much of what we gleaned reinforced what we had read of the situation, but even that gained a new reality when related by the people who are living out the forming of their society. We also spent some time visiting with people in the poorest barrios of Managua, hearing their stories and feeling their welcome.

On the third day we headed north with two long-term WFP volunteers. We stopped at a Salvadoran refugee camp near Leon and visited for some time. We lunched at a Comidor operated by a collective made up of former prostitutes. By late afternoon we arrived in Somotillo, where we would spend most of our time. We became very attached to the people there, who spent quite a lot of time with us.

Many of us made a side trip to Cayanlipe, a town of 2,000 which boasts 8 collectives. We talked with them about their operation and their community, which is half populated by people relocated several years ago from nearer the border. We went to Villa Nueva to spend the night and held a vigil there in the evening.

Our whole group took a two hour truck ride north to San Francisco del Norte on Wednesday, where we met with several groups and stayed with families overnight. In the morning we took testimony from several people about the July, 1982 massacre in which 15 were killed and 8 kidnapped. On our way back to Somotillo the next day, we stopped at Santo Thomas, on the Honduran border. We walked out to the guard post and held a vigil, including in our circle the two guards and a few other Nicaraguans.

The following day was a parting with our good friends in Somotillo, as we went back to Managua to debrief and sum up our experience. We did visit the U.S. embassy, and the embassy spokesperson came to meet with us. We shared our concerns with him for about an hour, and he shared some of his points of view with us.

We came to several general and specific understandings as a result of our experiences and interactions in Nicaragua. We were overwhelmed by the friendliness of the Nicaraguan people, and by how greatly they appreciated our being there. We were impressed by their commitment to the continuation of their revolution, their idealism (after five hard years) and their determination to defend the revolution from aggression. We were struck by the senselessness of the economic destruction and the mutilation of people that is being carried out by the contras. We found that the Nicaraguan people understand very well that the U.S. government is supporting and supplying the contras, that they don't hold that against all U.S. citizens, and that they are gratefully receiving aid from many nations around the world, in the form of supplies as well as workers. We also found the understanding that much of their resource base is necessarily being diverted to support the defense effort, and that this slows economic development. Some contra activity occurred during and around the time when we were in the country, but we did not witness any actual violence in progress. We did feel that many of the people of the northern areas are constantly aware of the danger in which they live. On the other hand, we found it interesting that the opposition paper, La Prensa, was delighted to report that the opposition candidate for president, Arturo Cruz, was able to walk the streets of Managua without a bodyguard, and without any apparent fear for his safety. It was noted that this is perhaps the only country in Central America where this would be true, and that foreign ambassadors feel the same safety there.

We saw evidence of great progress in the areas of education, health care, housing, labor laws and wages, women's rights, and a more general feeling that people had some control over their lives and communities that they had never had before. We heard several sides on some areas of disagreement, i.e., confiscation of property, freedom of religion, freedom of the press, human rights violations, control of the army, and the laws controlling the upcoming elections. We certainly saw room for improvement in some of these cases. In some instances, opposition groups seemed to be grasping at straws, and in others, the Sandinista government had not or has not handled things very well.

All in all, however, the Nicaraguan people appeared to be in control of the forming of their society and economy and happy with the progress that they have made so far. The thing that they continually asked us was to please get our government to leave them alone so they can work on their own problems.

The members of this delegation came back to their communities in the United States deeply committed to working against the apathy, misinformation, sloganeering, and redbaiting that characterizes so much of the debate of Central American issues that take place in this country, and to begin to move the discussion into the questions of self-determination, justice, and peace for the people of Central America.●

NEW JERSEY BUSINESSMAN HONORED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. FLORIO. Mr. Speaker, I would like to place into the RECORD today a brief newspaper article which honors my friend Chris Koch. Chris is one, who through hard work and great determination has been able to be the very best at what he does. In this case you will notice that he has received the Ford Motor Company's Distinguished Achievement Award for 1983, which places him among the top Ford dealers in the Nation.

I am proud to have Chris Koch of Turnersville, NJ as my constituent. Mr. Speaker, the article follows:

CHRIS KOCH IS HONORED

Chris Koch Ford, Inc. in Turnersville has earned a place among the nation's outstanding Ford dealerships and has received Ford Motor Company's Distinguished Achievement Award for 1983, according to Ronald E. Tillier, Philadelphia district sales manager.

The Distinguished Achievement Award is presented "in recognition of a dealership's progressive management, modern sales and service facilities, sound merchandising practices, high quality standards and continuing interest in rendering superior service to Ford owners," Mr. Tillier said. "To receive this award, a dealership must be rated outstanding in every aspect of the business."●

A GREAT AMERICAN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. HUNTER. Mr. Speaker, on February 13, 1984, at Arlington National Cemetery, one of our Nation's truly great men was buried. His name was Lawrence Joel. He had been a recipient of our country's highest honor, the Congressional Medal of Honor. Joel was a retired sergeant first class, a medic in the U.S. Army. At the memorial service, chaplain [LTC] James M. Hutchens, presently serving as staff chaplain of the District of Columbia National Guard, pointed to Sergeant Joel's remarkable courage and dedication as the embodiment of Jesus' admonition that "whoever wishes to be great among you shall be your servant." There was no greater servant than Sgt. Lawrence Joel. I feel that the citation awarding him the Congressional Medal of Honor for his heroic deeds on November 8, 1965 recognizes Sergeant Joel's greatness:

HEADQUARTERS,
DEPARTMENT OF THE ARMY,
Washington, DC, 5 April 1967.

AWARD OF THE MEDAL OF HONOR

By direction of the President, under the Joint Resolution of Congress approved 12 July 1962 (amended by act of 3 March 1863, act of 9 July 1918 and set of 25 July 1963), the Medal of Honor for conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty is awarded by the Department of the Army in the name of Congress to:

Specialist Six Lawrence Joel (then Specialist Five), RA12253593, Medical Corps, who distinguished himself by gallantry and intrepidity at the risk of his life above and beyond the call of duty on November 8, 1965, while serving as a Medical Aidman, Headquarters and Headquarters Company, 1st Battalion (Airborne), 503d Infantry on a battlefield in the Republic of Vietnam. Specialist Joel demonstrated indomitable courage, determination, and professional skill when a numerically superior and well-concealed Viet Cong element launched a vicious attack which wounded or killed nearly every man in the lead squad of the Company. After treating the men wounded by the initial burst of gun fire, he bravely moved forward to assist others who were wounded while proceeding to their objective. While moving from man to man, he was struck in the right leg by machine gun fire. Although painfully wounded his desire to aid his fellow soldiers transcended all personal feeling. He bandaged his own wound and self administered morphine to deaden the pain enabling him to continue his dangerous undertaking.

Throughout this period of time, he constantly shouted words of encouragement to all around him. Then, completely ignoring the warnings of others, and his own pain, he continued his search for wounded, exposing himself to hostile fire; and, as bullets dug up the dirt around him, he held plasma bottles high while kneeling completely engrossed in his life saving mission. Then, after being struck a second time and with a bullet lodged in his thigh, he dragged himself over the battlefield and succeeded in treating thirteen more men before his medical supplies ran out. Displaying resourcefulness, he saved the life of one man by placing a plastic bag over a severe chest wound to congeal the blood. As one of the platoons pursued the Viet Cong, an insurgent force in concealed positions opened fire on the platoon and wounded many more soldiers. With a new stock of medical supplies, Specialist Joel again shouted words of encouragement as he crawled through an intense hail of gun fire to the wounded men.

After the twenty-four hour battle subsided and the Viet Cong dead numbered four hundred and ten, snipers continued to harass the Company. Throughout the long battle, Specialist Joel never lost sight of his mission as a Medical Aidman and continued to comfort and treat the wounded until his own evacuation was ordered. His meticulous attention to duty saved a large number of lives and his unselfish, daring example under most adverse conditions was an inspiration to all. Specialist Joel's profound concern for his fellow soldiers, his conspicuous gallantry, and his intrepidity at the risk of his life above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country. (This award supersedes the Silver Star awarded to Specialist Six Lawrence Joel (then Specialist Five), for gallantry in action on November 8, 1965, as announced in General Orders Number 1109, Headquarters United States Army Vietnam, APO San Francisco 86307, dated 17 February 1966.)

By Order of the Secretary of the Army:

HAROLD K. JOHNSON,
General, United States Army,
Chief of Staff.

Official:

KENNETH C. WICKHAM,
Major General, United States Army,
The Adjutant General.

It was my privilege to serve as a platoon leader in 1970 in the same unit as Sergeant Joel. He was a legend then and I trust he will continue to be a model for all those who aspire to greatness, reminding all of us that the greatest among us is the one who serves.●

BUDGET TRENDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 19, 1984, into the CONGRESSIONAL RECORD:

BUDGET TRENDS

In this week's newsletter, I provide an overview of major developments in the federal budget over the past few years. I try to do this as accurately as I can so that you will have the pertinent facts. You have a right to these facts during the political season, and in any case many of you have asked me about them.

The sentences that follow contain too many statistics, and I apologize for that. However, a detailed examination of the budget, dry as it is, really is the best way to understand national policy. Better than any other document, the budget says what our values are, where we are headed, and how we intend to reach our goals. The trends in the budget over several years, and the principal effects of the budget during extended periods of time, tell us better than anything else what our policy has been, is, and will be. We have to look closely at the numbers if we want the big picture to emerge.

These are some common questions about the federal budget, and my answers to them:

Q: What has happened to federal spending?

A: Federal spending has not been reduced. It has gone up. Federal outlays have increased 28.6% between 1981 and 1984, from $657.2 billion to $845.0 billion. Expressed in terms of the gross national product (GNP), the federal government now consumes 23.5% of the country's wealth, up from 22.8% three years ago. For the immediate future, outlays will continue to rise rapidly, but the federal government's share of the economy will not grow to much unless the economy falters and the nation is hit by another recession.

Q: What has happened to spending priorities?

A: The composition of federal spending has changed. The focus of the federal budget is shifting toward the military and away from other programs. Computed as a portion of the budget, outlays for defense have risen from 24.3% in 1981 to 27.8% this year. Interest payments on the national debt have risen as well during the same period, from 10.4% to 13.1% of the federal budget. Spending for all other programs is taking a declining share—59.1% today, down from 65.3% in 1981. Under current law, this trend will become more pronounced in the years ahead.

Q: What has happened to federal revenues?

A: When federal taxes were cut in 1981, it was hoped that there would be a surge of investment and, eventually, a new era of tax-generating economic growth. The economy, however, fell into a recession that depressed revenues even further. Four bills were enacted between 1982 and 1984 to recoup revenues, yet the situation remains unsatisfactory. The federal government took in $599.3 billion in taxes in 1981, 20.8% of GNP. The current figure is $663.0 billion, 18.7% of GNP. When this trend is combined with the trend in spending, the result is a deficit that has risen from $57.9 billion three years ago to $170.0 billion today. The deficit will grow much larger unless we take positive steps to control it as soon as possible.

Q: What has happened to the tax burden?

A: The tax burden has shifted in a number of ways. Individual taxes have become less progressive, and much of the tax load has been lifted from corporations and placed on individuals in the form of higher payroll, income, and exercise taxes. Those making less than $15,000 per year, for example, have seen their real after-tax income decline, while those earning $20,000 to $40,000 annually are only marginally better off. Those with yearly incomes in excess of $75,000, on the other hand, have realized big after-tax gains. Also, levies such as the estate and gift taxes yield a smaller proportion of total revenues each year.

Q: What has happened to income distribution?

A: The changes in the tax burden, combined with spending cuts that have hit means-tested programs for the poor much

harder than other programs, have shifted after-tax family resources from low- and middle-income families to high-income families. The latest data, from 1981 and 1982, show that the after-tax income of the richest twentieth of the population rose 4.2% between those years, while that of the richest fifth rose 0.7%. However, the after-tax income of each of the lower four-fifths of the population declined without exception, sinking the most, 4.1%, among the poorest people.

Q: What has happened to the economy?

A: The overall picture is decidedly mixed. Between 1977 and 1980, real GNP increased at an average rate of 3.3% per year, consumer prices rose at an average rate of 9.8% per year, business productivity posted average yearly increases of 0.3%, and the average rate of unemployment was 6.4%. From 1981 to 1983, the comparable figures were 1.3% for real growth of GNP, 6.6% for consumer price increases, 1.6% for yearly business productivity increases, and 8.8% for unemployment, clearly reflecting the effect of a deep recession. Other indicators are similar in thrust. Mortgage interest rates averaged 10.5% between 1977 and 1980, but 14.1% from 1981 to 1983. The trade deficit, $36.2 billion in 1980, may reach $120 billion or more this year. About 11.8% of the population on average lived in poverty during the 1970's, but the average figure was 14% for the first three years of the 1980's.

Q: What has happened to living standards?

A: The average standard of living has not shown much improvement. The gains that have been made are not as significant as those made during other periods in the postwar era. Basically, the figures show that the average standard of living is higher than it was four years ago, although it is not as high as it was in 1979.

NOTE.—Some data for the newsletter were drawn from "A Review Of President Reagan's Budget Recommendations, 1981–1985," a recent publication of the Committee on the Budget, U.S. House of Representatives. Other data were drawn from the 1984 Economic Report of the President.●

THE CONTINUING SEARCH FOR RAOUL WALLENBERG

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. FISH. Mr. Speaker, for many years, I and many of my colleagues in the Congress have been concerned with discovering the fate of Raoul Gustav Wallenberg, the Swedish diplomat who saved the lives of more than 100,000 people during World War II. Arrested by the Soviet Government in 1945, and subsequently reported deceased in 1947, reliable reports indicate he may be alive.

Following my Subcommittee on Immigration, Refugees, and International Laws and congressional approval of honorary U.S. citizenship for Raoul Wallenberg in 1981, we have continued our efforts, in conjunction with the Foreign Affairs Committee, to examine any further evidence of his whereabouts. In August 1983, the Foreign Affairs Subcommittee on Human Rights and International Organizations held a hearing to update the Congress on Raoul Wallenberg.

Former member Joshua Eilberg testified at that hearing, along with myself and several other Members. At the request of the Wallenberg Committee of Greater Philadelphia, I am reprinting former Congressman Eilberg's statement, the Philadelphia Bar Association's resolution on Raoul Wallenberg, and a list of international Wallenberg committees. I have also included my own statement from the August hearing.

Since the hearing was held, a lawsuit was filed last February in Federal district court in the District of Columbia by Wallenberg's family, seeking to free him or his body from the Soviet Union. The suit asks the court to declare Wallenberg's arrest illegal, seeks all pertinent information concerning his detention, and damages of $39 million, $1 million for each year of captivity. Although suits against foreign governments in U.S. courts are always difficult to prosecute, the case brings further international attention to the task of determining Wallenberg's fate.

Next year, on the occasion of the 40th anniversary of Wallenberg's capture, there will be commemorations in both Congress and throughout the world along with renewed efforts for answers from the Soviet Union.

STATEMENT OF HON. HAMILTON FISH, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. FISH. Thank you, Mr. Chairman.

In the 97th Congress your committee and my Judiciary Committee overwhelmingly supported legislation that proclaimed Raoul Wallenberg to be an honorary citizen of the United States and requested the President to ascertain from the Soviet Union the whereabouts of this courageous man and secure his return to freedom.

Raoul Wallenberg's extraordinary record of saving the lives of countless thousands of Jews during the Holocaust, at great personal risk and sacrifice, amply justified our conferring upon him this Nation's highest honor by proclaiming him an honorary citizen.

The passage of Public Law 97-54 represented a ringing affirmation of America's commitment to the survival of the Jewish people and our tremendous esteem for someone who risked his own life to try to save as many Jewish lives as possible from the barbarity of Nazi extermination.

Conferral of honorary citizenship on Wallenberg symbolized our commitment as a Nation to remember the Holocaust and vigilantly guard against the possibility of any recurrence. Honorary citizenship was singularly appropriate in the Wallenberg case, not only because of the place the Holocaust occupies in the history of human depravity, but also because Wallenberg acted at the behest of the United States and suffered untold misery as a result of it.

A few of the statements in the legislative underscored the critical significance of the step we took. Secretary of State Alexander M. Haig, Jr. said that Mr. Wallenberg's "* * * contribution during the dark days of World War II in Hungary stands out as a beacon to all those who respect human rights and dignity."

Former Secretary of State Edmund Muskie informed this subcommittee and the Subcommittee on Europe and the Middle East that "* * * the chronological record * * * of State Department and War Refugee cables and communications * * * document the U.S. Government position of responsibility for the selection of Wallenberg, the directive and funding for his activities, the appreciation for his work, and the deep distress over his disappearance."

Assistant Secretary of State Richard Fairbanks wrote that "* * * the conferral of honorary U.S. citizenship on Wallenberg would serve to underscore the seriousness with which the American Government and people view Soviet behavior in the Wallenberg case. Conferral of honorary U.S. citizenship on Wallenberg would also serve to reaffirm to the Government of Sweden that the United States firmly supports the quest to resolve Wallenberg's fate."

The Soviet Union never has accounted satisfactorily for what happened to Mr. Wallenberg. Those of us who worked on this legislation fervently hoped that its passage would assist in the effort to locate Raoul Wallenberg and, if he is still alive, to free him.

These hearings will give the Congress an opportunity to assess the attempts that have been made during the last 2 years to fulfill the mandate of this legislation in our contacts with the Soviet Union.

In the course of this hearing I am sure this subcommittee will receive details of sightings and information indicating Raoul Wallenberg is alive. It is important that public attention be focused on these facts.

I wish to join all of you in commending our colleague from California, Tom Lantos, and Mrs. Lantos, the Free Wallenberg Committee, the Wallenberg Committee of the United States, and this subcommittee for continuing to focus national and world attention on one of the great heroes of this century.

Thank you, Mr. Chairman.

Mr. YATRON. Thank you very much, Mr. Fish, I really appreciate the fact that you and Senator Pell both came before our subcommittee today.

Do any members want to be recognized?

Mr. Gilman.

Mr. GILMAN. Mr. Chairman, I want to join you in thanking our good representative from the State of Rhode Island for his continuing concern, and our good colleague, the gentleman from New York, Mr. Fish, the ranking Republican on the Judiciary Committee, for keeping this measure focused in both Houses. I think that these efforts are extremely important to our continuing effort to find a final resolution of this issue, and we thank the gentlemen for their time this morning.

Mr. YATRON. Thank you.

Mr. Lantos.

Mr. LANTOS. Just one word, Mr. Chairman. I first want to thank my friend, Ham Fish, for the invaluable work he gave us on the Judiciary Committee and since.

I would like to say a word about Senator Pell because in the case of Senator Pell we have a classic case of what I can only describe as noblesse oblige. It was his distinguished father who was one of the prime champions in American history for human rights before that phrase was known. I think it is only appropriate that Claiborne Pell carried the fight in the tradition of his

distinguished father, one of our finest public servants in this instance. We are deeply grateful to you.

STATEMENT OF HON. JOSHUA EILBERG, MEMBER OF THE BOARD OF ADVISERS, WALLENBERG COMMITTEE OF GREATER PHILADELPHIA, AND FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. EILBERG. Thank you, Mr. Chairman.

Thank you for inviting our testimony today. We represent the Wallenberg Committee of Greater Philadelphia, an independent, nonprofit, and ecumenical group from Delaware, New Jersey, and Pennsylvania, organized to support all U.S. foreign and official and private efforts to free Raoul Wallenberg from the Soviet Union.

I would like to thank first Congressman Lantos for his very important role in organizing this hearing today. At the same time, Mr. Chairman, we did visit with both of you in April, and in visiting you, without any reservation you agreed to hold an oversight hearing. We are very indebted to you for following through with your commitment, but that is typical of the long association that I have had personally with you here in the Congress, as well as in the State legislature before that. Thank you very much, Mr. Chairman.

Our emphasis today will not be so much on the good deeds of Raoul Wallenberg, which are well known to all of us or many of us in this room, although there is indeed the need to educate the public and the people of the Nation, but rather on what we can do to free him.

It was our desire and is our desire that the emphasis be laid on the oversight function and what might be done or can be done by the legislative branch and also by the executive branch.

It is our view, Mr. Chairman, that notwithstanding occasional statements by the executive branch, by the State Department, that indeed those statements have been too few, too few since the legislation was adopted.

Really, I think the purpose of today's hearing is to expedite the flow of statements and actions by the executive branch, including the White House, including the State Department.

So, we ask the following U.S. official actions, first mentioning legislative branch actions.

We ask you and all members of the subcommittee and the Congress to join us in writing to President Andropov and asking that the Soviet Union free Raoul Wallenberg. I am not speaking necessarily of a petition because we know that that doesn't mean as much as individual expressions. We never know what particular letter is going to reach a responsive cord.

Also, join us in publicizing Raoul Wallenberg by regularly and repeatedly referring to Wallenberg in all speeches.

We ask for continuing oversight. We sincerely hope that this will not be the end of the oversight of this issue, but that it will continue, including the exercise of oversight by the other relevant committees—there are five in all that have dealt with this subject, the legislation as we know—in joint or independent hearings. We ask that you and all Members of Congress notify the chairman of each committee having jurisdiction of support for all U.S. and foreign official and private efforts to free Wallenberg.

We ask that for such continuing oversight, Mr. Chairman, you use the Congressional Research Service and other information resources to provide information as needed in the various issues raised by the Wallenberg situation. In that connection, frequently as Members of Congress we overlook the tremendous resources that are at our fingertips.

With the courtesy of Congressman Hamilton Fish, my very good friend on the Judiciary Committee, with whom I served so many years, his office provided the answers to questions from the Congressional Research Service. I am going to ask that it be made part of the records of the subcommittee.

Mr. YATRON. Without objection.

Mr. EILBERG. I will just briefly indicate that in the material submitted by Congressman Fish from the Congressional Research Service we have selected reports on the status of Raoul Wallenberg, quite complete documentation.

We have organizations throughout the country that are Wallenberg organizations. We have an identification of possible violations of international law and Soviet law in connection with conduct committed by the Soviet Government. We have references to treaties that the Soviets have entered into providing diplomatic recognition and so forth.

This material is at your fingertips, Mr. Chairman. We know how busy you are, but we hope the staff will effectively use the kind of material that we are just reminding you of today.

We ask that you request continuous review with regular reports from all relevant State Department officials, the International Communication Agency officials, intelligence agency officials and other executive officials on the latest status of United States and foreign official and private efforts to free Wallenberg and other information relating to Wallenberg; that the members request from the intelligence agencies and other relevent United States and foreign agencies all unclassified information relating to Wallenberg.

We ask that you direct your staff to cooperate with all United States and foreign official and private efforts to free Wallenberg and that each member of the subcommittee designate a staff member to facilitate private contacts with U.S. and foreign government officials, including intelligence officials, and to facilitate replies to private requests for information, including intelligence information.

We ask that you request of the President that he designate one or more staff members to facilitate private contacts and to facilitate replies to private requests for information; that you ask the President to regularly and repeatedly—not once or twice and not merely to Jewish groups, Mr. Chairman—refer to Wallenberg in speeches to the public; and that you send a formal request to the President that he direct—and I emphasize direct—all Federal officials to cooperate with all United States and foreign officials in private efforts to free him, with this directive to appear in the Federal Register.

We attach, Mr. Chairman, a proposed Presidential directive which spells out in some detail what we think might be in such a directive, which of course refers, among other things, to the possibility of a spy swap. As Congressman Lantos mentioned so very well, there was an excellent example that was muffed by Sweden.

We refer in our directive to multilateral spy swaps, national spy swaps, any kind of deal that is necessary because Wallenberg is typical of the highest commodity that we are interested in, Mr. Chairman.

I emphasize that the directive that we are proposing, once placed in the Federal Register, has the force of law. We are presently without that. It seems to us that a Presidential directive is absolutely essential if this movement is to effectively proceed.

We thank you again, Mr. Chairman, for previously meeting with us in your office in April, inviting us to testify, and holding this hearing, notwithstanding the many other pressures that there are upon you. We welcome any questions or comments from the subcommittee now or in the future.

Thank you.

[Mr. Eilberg's attachments follow:]

PHILADELPHIA BAR ASSOCIATION,
Philadelphia, PA, January 3, 1984.

RESOLUTION

Be it known that on October 27, 1983, the Philadelphia Bar Association voted for and unanimously passed the following resolution:

During World War II, Raoul Gustav Wallenberg, a Swedish diplomat, working with the United States War Refugee Board, almost singlehandedly saved the lives of an estimated 100,000 people. Despite and, perhaps, because of his heroic efforts, he was arrested by the Soviet Government in 1945. The United States Congress has determined that contrary to Soviet claims that he died in 1947, there is much evidence to support the fact that he was alive at least as recently as 1981. On October 1981, Wallenberg was made an honorary citizen of the United States—only the third time in history that such an honor was bestowed upon an individual.

The Philadelphia Bar Association implores the President of the United States and the Department of State to make every effort to convince the Government of the Soviet Union that they must immediately release Mr. Wallenberg in the name of honor, decency and morality.

(I certify that this is a true and accurate copy of the resolution as passed by the Philadelphia Bar Association's Board of Governors.)

STEVEN R. WAXMAN, *Secretary.*

INTERNATIONAL RAOUL WALLENBERG COMMITTEES

Sweden: The Raoul Wallenberg Association, President, Dr. Guy von Dardel; Executive Secretary, Sonja Sonnenfeld, Box 16076, 10322 Stockholm.

Canada: Raoul Wallenberg Committee, Chairman, Mrs. Ruth Mason, 479 Russell Hill Road, Toronto, Ontario.

Canadian Committee for the Release of Raoul Wallenberg, Chairman, Ed Nunes-Vaz, 384 Lake Bonavista Drive SE, Calgary, Alberta.

West Germany: Raoul Wallenberg Committee, C/- Ges. fur Christl.-Jüdische, Zusammenarbeit, 4 Dusseldorf 30.

Denmark: Raoul Wallenberg Committee, Chairman, Mr. Richard Raskin, Albert Naursvej 39, 8270 Hojbjerg.

France: Raoul Wallenberg Committee, Chairman, M. André Lwoff, 69 Avenue Suffren, 75007 Paris.

M. Fred Kupferman, 6 rue Rameau, 75002 Paris.

Great Britain—England: The Working Committee for Raoul Wallenberg, Chairman, Mr. Greville Janner, M.P.; Secretary, Mr. Maurice Samuelson, 21 Greenfield Gardens, London. NW 2.

Scotland: The Scottish Raoul Wallenberg Group, Chairman, Mrs. Dorothy Dawsen, 95 Nether Currie Crescent, Edinburgh 14.

Iceland: The Raoul Wallenberg Society, Chairman, Helgi Jakobsson, Hagi Building, P.O. Box 7100, Reykjavik.

Israel: Raoul Wallenberg Committee, Chairman, Mr. Gideon Hausner, 3 Metudela Street, Jerusalem.

Netherlands: Raoul Wallenberg Committee of Holland, Co-Chair, Mrs. Jennifer Cowan and Mr. Eric M. Heertje, Postbus 14724, 1001LE Amsterdam.

Norway: Raoul Wallenberg Committee, Chairman, Eigil Nansen, Martin Lingesvei 5, P.O.B. 140, 1330 Oslo Lufthavn.

Australia: Free Wallenberg Committee, Chairman, Dr. Frank Vajda, 815 Rathdowne Street, Carlton, Victoria 3054.

Raoul Wallenberg Committee, Mr. Ervin Forrester, Box C149, Clarence Street Post Office, Sydney. N.S.W. 2000.

The Free Raoul Wallenberg Committee, Chairman, Mrs. Karen Schiff, 584 Kilda Road, Melbourne, Victoria 3004.

United States of America: Free Wallenberg Committee, Chairman, Mrs. Annette Lantos, P.O.B. 6003, Arlington, Va. 22206.

The Raoul Wallenberg Committee of the United States, Chairman, Mrs. Rachel Haspel, Rabbi Bruce K. Cole, Suite 415, 823 United Nations Plaza, New York, N.Y. 10017.

Queens Wallenberg Committee, Chairman, Agnes Adachi, 69-02 Dartmouth Street, Forest Hills, N.Y. 11375.

Raoul Wallenberg Commemorative Committee, Chairman, Mr. Carl B.S. Pedersen, 59 Grandview Avenue, Edison, N.J. 08837.

Wallenberg Committee of Greater Philadelphia, Chairman, Leona T. Feldman, c/o Philadelphia Art Alliance, 251 South 18th Street, Philadelphia, Pa. 19103.

Simon Wiesenthal Center, Rabbi Abe Cooper, Rabbi Marvin Hier, 9760 West Pico Boulevard, Los Angeles, Calif. 90035.

Wallenberg Institute, Chairman, Jack Maples, 2040 Beverly Plaza, Suite 202, Long Beach, Calif. 90815.

Wallenberg Committee for Colorado, Co-Chair, Mrs. Ann Love and Rabbi Manuel Loderman, 4300 West 17th Avenue, Denver, Colo. 80204.●

ON THE UNTIMELY, SENSELESS DEATH OF LEAMON "RAY" HUNT, AN OKLAHOMAN

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. WATKINS. Mr. Speaker, Leamon "Ray" Hunt, born in Oklahoma at Mill Creek, October 7, 1927, now in the Third Congressional District, was a man who devoted his life to peace yet one who died by violence at the hands of terrorists.

He was raised in the quiet, restful atmosphere of rural America, growing up in Murray and Johnston Counties. He attended high school at Sulphur, and college at Murray State College at Tishomingo. He and his wife, Joyce, planned to attend a high school reunion in Sulphur last May. It would have been his first return visit to his old home town in a number of years according to the Sulphur Times Democrat, the local newspaper. Several relatives still reside in that area.

After serving in the U.S. Navy during World War II, he started his diplomatic career as a guard at the Department of State. From that time forward, he literally circled the globe in his quest for peace for all mankind. He transferred to the new State of Israel and continued his endeavors on behalf of peace around the world until he was named Deputy Assistant Secretary of State for Middle East and South Asian Affairs in 1974.

He served prior to that time in Jerusalem, Turkey, Ceylon, Ethiopia, Costa Rica, Syria and Lebanon where he was Chargé d'Affaires as the Lebanese civil war escalated.

During his 32-year career, Ray Hunt was a recipient of four outstanding service awards. In 1973, he received the State Department Honor Award. In 1977, he received a meritorious honor award. In 1980, he was recipient of a superior honor award and the United States-Saudi Arabian Joint Commission Outstanding Award for his foreign service work.

While Deputy Assistant Secretary, he became a close personal friend of the late Anwar Sadat of Egypt, who was himself to die by assassination, and Prime Minister Begin of Israel. He was the logical choice when President Carter, President Sadat and Prime Minister Begin were seeking a man to direct the Sinai cease-fire.

After his retirement in 1981 from the Foreign Service, Hunt became the director-general of the 10-nation, 3,400 man peacekeeping force in the Sinai.

He was a seasoned diplomat with a soft-spoken style and a quiet manner, like many people of the Southwest. They speak softly, but mean what they say; it is a part of the world when a man's word, or his handshake, is just as binding a contract as a 40-page legal document.

On February 15, 1984, in Rome, he was being driven to his home where he lived with his wife and a son, Richard. Two or three men who had been following Hunt and his driver attacked the car with machine guns and then killed Hunt with a shot to the head. The chauffeur escaped injury and drove Hunt to a hospital where he was pronounced dead on arrival. The assailants escaped and a part of the Red Brigade claimed credit for this senseless slaying.

Mr. Speaker, Leamon Hunt was buried February 21 in Arlington Cemetery, which is fitting, for he was a hero just as surely as any of those honored dead who rest there on the banks of the Potomac, for Leamon Hunt was killed in the line of duty, on the battlefield, by enemies of free men everywhere. The tragedy is that terrorists in their insanity do not differentiate between men of peace with their bullets and bombs.

By this one senseless act they have gained nothing. A man has lost his life. A wife has become a widow. A son has become fatherless. Oklahoma, the United States, and the world has lost a man of peace of whom the Christ said, "Blessed are the peacemakers: for they shall be called the children of God."●

AMERICAN POLICY IN SOUTH AFRICA: A DISMAL RECORD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. ACKERMAN. Mr. Speaker, today the House of Representatives has adopted four resolutions sharply critical of the despicable actions of the South African Government. I am proud to stand in strong support of all these measures, which reflect the anger of the Congress at both the situation in that beleaguered part of the world, and also at the administration's appalling policy there. Each of these bills represents yet another aspect of the failed Reagan policy of "constructive engagement," a farcical name for a policy more appropriately called "destructive appeasement."

The passage of these resolutions enunciates the belief of this House that it is absolutely imperative for the U.S. Congress to put an end to America's overt support of racism in South Africa. As the Reagan administration spews forth rhetoric about progress there, its appeasement of the racist regime has meant the continued imprisonment of courageous apartheid foe Nelson Mandela; the "banning" of his wife, Winnie Mandela, a political leader in her own right; the stepped-up enforcement of the blackspot policy; and the unyielding occupation of Namibia. Furthermore, to enhance this dismal policy, the Reagan administration has sanctioned a program to grant "honorary" status to additional consulates that are established for the purpose of promoting tourism and trade with the South African regime. These policies are a disgrace to our country and the democratic values America is supposed to represent.

Ending Pretoria's cruel and illegal treatment of its black population in South Africa and Namibia must become a higher priority for the United States. The brutality with which the South African military massacred the Cassinga settlement, killing 600 Namibian refugees, symbolizes its absolute disain for international law, and its lack of interest in providing fair treatment to the black people of the region.

The poverty and dispair which results from apartheid demand a critical reexamination of American policy. A Washington Post article earlier this year reported the devastating effects of the income gap between the black majority and the white minority in South Africa. It is clearly unacceptable that there is one doctor for 174,000 people in black rural areas, that 25 percent of the work force in some homelands is unemployed, and that one-third of the men in some villages can spend only 1 month a year with their families because they can find work only at great distances from their homes. Our Government should not be supporting a government which treats its people in this manner as a matter of policy. It is a shameful disgrace.

As the leading democracy in the world, the United States can ill afford to stand by in silence or, worse, complicity, as the morally bankrupt South African Government continues its destructive policies. Over the past 3 years, the United States has done little to advance the change which must occur in South Africa if there is to be equitable treatment of the majority black population. Instead, the administration has sought to advance the extensive economic and political involvement between the United States and South Africa. Let us not delude ourselves. This relationship serves as yet another means for the oppression of 16 million black people by a powerful minority.

We, in the Congress, must accept a degree of culpability for allowing this policy to continue. By adopting the resolutions before the House, we have put ourselves on record in opposition to the racist policies in South Africa. But we must not let our work end here, our consciences soothed by what we have done today. We must adopt a conference report on the Export Administration Act, retaining important provisions passed by the House that limit U.S. investments in South Africa. We must insist on the end of the impotent Reagan "constructive engagement" policy. We must not stop until the words "human rights" have true meaning for all the people of that land.●

PAST TIME FOR EPA ASBESTOS ACTION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. FLORIO. Mr. Speaker, I know my colleagues are aware of the crisis in our Nation's schools over recent weeks concerning the hazards posed to our children's health by asbestos. In my own State, many schools were shut down as local officials scrambled desperately to assess this horrifying threat. Many other States had similar experiences.

I would, therefore, draw my colleagues' attention to a recent article in the New York Times describing a lawsuit brought by the Service Employees International Union in an effort to force the Federal Environmental Protection Agency to issue standards for evaluating asbestos hazards in schools and to propose a plan for removing asbestos from school buildings.

After several years of pointless bureaucratic hand wringing, EPA has only managed to come up with a so-called guidance document on these vital issues. The document is ambiguous at best on how to objectively evaluate asbestos hazards and has only served to confuse and frustrate local school officials who must deal with these difficult problems on a day-to-day basis.

The article quotes Alvin Alm, deputy administrator of EPA, as stating that the service employees union, which represents 100,000 schoolworkers, and others concerned about EPA's role in compounding the problem, are really posturing when they suggest that they care more about children than EPA. "That's nonsense," Mr. Alm declared. "We have children, too."

Mr. Alm's effort to deflect legitimate criticism of the Agency's performance by assuring us that its employees are also parents is both shocking and ridiculous. One need only ask a local principal or PTA head desperately trying to cope with the asbestos problem whether Mr. Alm's effort to excuse EPA's behavior makes its guidance document any easier to understand.

I urge my colleagues to read the New York Times article which follows.

[From the New York Times, Sept. 12, 1984]

UNION SAYS EPA IS STALLING ON ASBESTOS CLEANUP

(By Philip Shabecoff)

WASHINGTON, September 11.—Calling asbestos in the schools the worst potential health threat to children since polio, the Service Employees International Union sued today to require the Environmental Protection Agency to address the danger.

The union asked the Federal District Court here to order the environmental agency to set standards for asbestos hazards in schools and to propose a plan within 30 days for removing asbestos in school buildings.

John J. Sweeney, president of the union, charged that the Reagan Administration was deliberately delaying announcing plans for asbestos until after the election because it planned to do nothing.

But Alvin L. Alm, deputy administrator of the environmental agency, said its current program to protect children from asbestos in schools was working and that the steps advocated by the union would increase rather than reduce the dangers to children.

15 MILLION CHILDREN INVOLVED

Fibers from crumbling asbestos, once widely used as a building and insulating material because of its heat-resistant properties, can cause cancer and other serious disease when inhaled or ingested.

A survey by the environmental agency, not yet made public, has found that about 15 million children and 1.4 million employees are in school buildings containing asbestos. Agency officials say that only a small percentage of those buildings contain asbestos in dangerous form.

The Service Employees International Union has about 100,000 school workers among its 850,000 members.

The environmental agency requires school systems to inspect for asbestos in their buildings and to inform parents and teachers of their finding. But it does not require the removal of asbestos, and it has not defined what constitutes a dangerous exposure.

ADDITIONAL STEPS CONSIDERED

The agency is considering additional steps, such as setting more precise guidelines to identify the dangers of asbestos, and is requiring that contractors who remove or otherwise handle asbestos be certified for competence.

Mr. Sweeney said thousands of schools had not made inspections for asbestos and thousands more had inspected but "don't have either the money or the inclination to clean it up."

"Incompetent removal contractors are having a field day," he said. "Workers have been observed flushing indestructible, cancer-causing asbestos materials down toilets, releasing enough fibers to contaminate an entire city's water supply."

'WE ARE BEING STALLED'

Mr. Sweeney said the environmental agency's argument that it did not have the technical basis for setting standards for asbestos in schools "is a line we are tired of hearing," and added: "They can make all kinds of excuses on a medical and legal basis. But we are being stalled through the election."

Mr. Alm said he had not seen the union's lawsuit, but he said: "There is a certain amount of posturing that others care more about children than the E.P.A. That's nonsense. We have children, too."

He said the agency's current program was the quickest way to remove asbestos hazards threatening school children. If the agency were to draft standards, he warned, it would take at least two years until those standards were put into effect; meanwhile, school systems would be waiting to see what would be required instead of acting.

John Welch, president of the Safe Buildings Alliance, a group of companies that formerly made products containing asbestos, disputed the union's contention that asbestos in the schools constituted a serious national health problem.

He said a number of outside experts had reported that the problem of exposure to asbestos was far less serious outside the workplace than inside, and that there were relatively few schools where children were endangered.●

SOVIET SATELLITES DO NOT FREEZE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. BEREUTER. Mr. Speaker, a few years ago, nobody would have dared believe that with a deepening freeze between our country and the U.S.S.R., the nations of Eastern Europe would have reached for their own understanding and cooperation across the iron curtain. Over the past year and a half, we have been witnessing a dramatic display of heretofore unseen independence on the part of the Soviet Union's European satellites.

I would like to bring my colleagues' attention to a very thoughtful editorial recently printed in the Lincoln Star. The Star correctly points out, "never mind that Honecker finally canceled the trip." The fact that Honecker discussed taking the trip at all, at this time, is almost as significant as the final cancellation. Signs are cropping up all over Eastern Europe that these countries desire a stable, secure relation with the West. None of this means the Soviet empire is about to break down, but the Star well points out that these events are a lesson for America and a lesson for history.

I strongly commend this thoughtful editorial to my colleagues.

[From the Lincoln Star, Sept. 10, 1984]

EASTERN BLOC NATIONS BOLDLY LOOK TO WEST

Never mind that East German leader Erich Honecker has indefinitely postponed his planned visit to West Germany. A Washington Post columnist, William Drozdiak, writes from Budapest that, "Hungary is spearheading a cautious quest by East European countries to revive detente with the West and gain greater autonomy from Moscow at a time of prolonged tensions between the superpowers and uncertain leadership in the Kremlin."

Drozdiak is not the only one to notice that the Soviet Union has had little success in winning the loyalty of those nations that have fallen under its political and military control. The major reason for this is that the Soviet economic system has failed in just about all instances to produce an improved standard of living and expanded personal opportunities.

The Post's columnist writes that East German and Bulgarian initiatives to enhance their Western relations have provided support for Hungary's diplomatic and economic contacts with the West.

"At the same time," he writes, "Romania has continued its maverick ways, spurning the Soviet call to boycott the Olympics and calling for removal of Soviet as well as American rockets from Europe. Poland and Czechoslovakia, while more absorbed with internal problems, also have expressed a yearning for the economic blessings of detente.

"The Soviet Union retains powerful domination over its satellites through the presence of military divisions, control over energy and raw materials and a pervasive network of party and political contacts throughout East European governments.

"But under the apparently weak leadership of Konstantin Chernenko, the Soviet Politburo has disseminated, at times, conflicting signals over the course of policies. As a result, more unified leadership in some Soviet bloc countries have seized the opportunity to assert more autonomy, if not open independence, in their diplomatic and economic initiative. * * *"

None of this speaks of pending doom for the Soviet empire, as the Russian bear can go on a rampage when provoked too far, but it is a situation of considerable significance. What it does say is that while the Soviet Union has been able to impose itself by force of arms upon other nations, its system of government has failed miserably to meet the needs of people.

Beyond that, the people of the Eastern bloc nations simply continue to yearn for political freedom and the right of self-determination. The cause of freedom has not been smothered by the oppressive dogma and communism.

Also, it can be noted how unforeseen the events of the world can be. If anything, one might have expected that the freeze in relations between the United States and Russia would make the Kremlin even more guarded of its territorial possessions but it has apparently lacked the internal drive to move in that direction. More and more, the Chernenko regime appears to be splintering and dividing Soviet politicians.

It is a situation from which the United States might learn a lesson as well as take some comfort. The lesson is that any country that fails to properly consider the desires and needs of its allies runs the risk of losing those allies.●

THE 50TH BIRTHDAY OF ESTONIAN HUMAN RIGHTS ACTIVIST MART NIKLUS

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. RATCHFORD. Mr. Speaker, I rise today to pay tribute to Mart Niklus, symbol of the Estonian resistance to Soviet occupation, who will be 50 years old on September 22, 1984. Mr. Niklus has been an outspoken critic of the Soviet regime for years and is currently being held in solitary confinement at the infamous Christpol Prison where his physical condition is steadily worsening.

Mr. Niklus has long been a symbol of patriotism and resistance to his fellow Estonians. He was initially imprisoned in 1958 and then sentenced 1 year later to 10 years of hard labor to be followed by 3 years of internal exile. His sole crime was sending a few photographs to a Western journalist on the conditions in Soviet-dominated Estonia. Unfortunately, matters for Mr. Niklus did not improve after this release in 1966. At first forbidden to work in his profession in the field of biology-zoology, he was compelled to accept other jobs such as construction laborer. Even after obtaining a post with the Tartu Foreign Language Institute to teach English and French, he was subjected to KGB harassment and pressure.

Between 1975 and 1979, articles appeared in the press denouncing Mr. Niklus and he was repeatedly sent to jail. In 1979, he lost his job at Tartu, and on April 29, 1980, he was arrested and placed in Tallinn's central prison just prior to leaving Maarjamoisa Hospital where he was being treated for radiculitis which he had contracted in the Soviet forced labor camps.

On January 8, 1981, he was sentenced to 10 years special regime hard labor and 5 years internal exile for "anti-Soviet agitation and propaganda" in a "trial" conducted by the Estonian Supreme Court. He was then sent to labor camp 389/36 at the foot of the Ural Mountains. In 1983, he was transferred to Christpol Prison. His steadily deteriorating condition makes it possible that he will not survive until his next birthday.

Mr. Speaker, Mark Niklus has exhibited exceptional strength and bravery in the face of extraordinary harassment and mistreatment. He has repeatedly protested Soviets violations of human and national rights and has played a central role in the coordination of human rights activists in Estonia, Latvia, and Lithuania. Without such men on the frontline of liberty, the world would be poorer, indeed. His work deserves the appreciation of all free men and stands as a monument to be remembered. I congratulate him on his vitally important work and on his 50th birthday.●

FOR RYAN MICKINAK, GIVE A GIFT OF LIFE

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. KOLTER. Mr. Speaker, I stand before you today in an attempt to focus national attention on the life of one 5-year-old child, perilously close to losing that life because the unusual has become mundane, and what was once considered shockingly uncommon is now commonplace. I am speaking of transplant technology and the struggle of survival for Ryan Mickinak. His parents, Richard and Betty, have been waiting anxiously for a kidney transplant which they hope will save Ryan's life.

Ryan, who is diagnosed as suffering from nephrotic syndrome, or degenerating kidney disease, at 2½. In March 1983, Ryan Mickinak underwent a kidney transplant operation. Five months later, the transplant kidney failed to function and had to be re-

moved. Two weeks later, Ryan's natural kidneys degenerated to such an extent that they, too, had to be removed.

To complicate things, as if they weren't complicated enough, Ryan's sensitivity level was 10 percent before his transplant operation last year; 50 percent after the transplant, and it has been increasing about 3 percent a month since with dialysis and transfusions. His sensitivity level reached 85 percent in July. If it reaches 100 percent, Ryan will be critically ill and there is a good chance that a transplanted organ would be rejected. Such a high sensitivity also makes finding a proper match more difficult even though Ryan's blood type—AB positive—makes him a better candidate. Even more frustrating is the fact that both of Ryan's parents have been tested to see if they could themselves donate a kidney and neither was a proper match for Ryan.

As the days go by, so do Ryan's chances of a successful transplant operation. Normal 24-hour flue bugs and colds turn into an emergency ambulance run to Pittsburgh.

Friends have launched a letter-writing campaign as the search for a kidney for 5-year-old Ryan becomes more desperate. More recently, Arnold Palmer, the world renowned golf-pro, came to the aid of the Mickinaks in an effort to spare the life of this fine child.

As with all transplant surgery, costs are astronomical and have currently exceeded a quarter of a million dollars which is well beyond the means of any ordinary family. But the Mickinaks will make every effort to pay their debts because, as Richard put it, "We consider our debts to be a matter of honor."

But money is not the major concern; the Mickinaks are after something far more precious, and that is the gift of life.

Mr. Speaker, I implore my colleagues to come to the aid of this desperate and loving family. Their devotion to Ryan to relentless and venerable.

We must all join in the struggle to save Ryan's life for we all have someone special who is so close to us that they are a part of us. No one can ignore the love of a mother for her child. We cannot deny her plea for salvation.

If anyone would like to send a kind word of support or is aware of a possible donor organ, you may contact Betty and Richard Mickinak at: P.O. Box 25, Rector, PA, 15677.

I thank the Speaker and my esteemed colleagues for their efforts and attention to this most urgent matter. Your actions could very well have saved the life of one child and cleared the path for others to follow. Thank you.●

THE VIRGINIA JAYCEES

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. BATEMAN. Mr. Speaker, I rise today to pay tribute to the Virginia Jaycees, an organization I am proud to have served as a local president, national director, and as State president. I was also honored to have served as general legal counsel of the U.S. Jaycees. I take even greater pride in sharing with my colleagues news of the great distinction the Virginia Jaycees have earned this year.

The Virginia Jaycees were recently named the No. 1 State organization in the U.S. Jaycees. This is the first time this has happened in the 46 years that the Virginia Jaycees have been providing leadership training through community service to communities throughout Virginia. It is an honor that is justly deserved.

Each year, the nearly 8,000 members of the Virginia Jaycees give of their time and effort to serve their 169 communities in ways which make a meaningful contribution to their areas and leave a lasting, and positive impact on those people that are served, and in the process provides leadership training to its members. Those of us who are former Jaycees recognize this as the overriding mission on the Jaycee organization.

I want to offer my sincere congratulations to Virginia Jaycee President Wally Owings and all of the Virginia Jaycees for this great achievement. Keep your enthusiasm and your momentum on the rise for the remainder of the Jaycee year, and surely you will proudly lead the parade of States at the next annual convention of the U.S. Jaycees in Indianapolis.

I wish the Jaycees from all over the country great success as they meet in Washington this week for their governmental affairs leadership seminar.

Well done Jaycees. Keep up your good work. America needs the good works performed by its Jaycees and the enrichment of our national leadership produced by the Jaycees.●

TRIBUTE TO PATRICK C. MUDD

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. DYSON. Mr. Speaker, one of my constituents, Patrick C. Mudd, is retiring after 38 years as clerk of the court in Charles County in southern Maryland. I'd like to take this opportunity to recall Pat's long and distinguished service to the county and to congratulate him on a job well done.

Patrick became a deputy clerk on October 23, 1946, to Thomas B.R. Mudd, his cousin. On November 6, 1946, Patrick was elected to the clerk's job after Thomas decided not to seek another term. The job paid $3,600 and Pat recalled that $300 a month looked pretty good back then.

Pat's office was small and furnished, he remembers, with a "pull-chain light bulb out of the ceiling, some mangled typewriters and an old adding machine." A vault separated his office from the register of wills office.

Today, the clerks office functions much as it did when Pat was still new at the job. The clerk is still responsible for issuing licenses, recording deeds, taking charge of the jury and issuing summons. In Pat's day, the clerk's office also performed naturalization ceremonies for people who came to the country after World War I.

Pat remembers that one cement mason seeking citizenship was asked to name the No. 1 baseball slugger. Instead of naming Babe Ruth, the man said, "ole Mouse Langley can hit as many as anybody," referring to a local baseball star.

"It has always been a challenge. It has been a pleasant, enjoyable job and I have just enjoyed every bit of it. This has been my life," Pat said recently. Mr. Speaker, I am pleased to share the outstanding service of this public servant with my colleagues and warmly congratulate Patrick C. "Pat" Mudd on his retirement.●

NANSEN MEDAL AWARD WINNERS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I wish to extend my congratulations to the three U.S. Seamen, Capt. Lewis H. Miller, Jeff Kass, and Greg Turay, who have been awarded the Nansen Medal by the United Nations High Commissioner for Refugees for their heroic rescue of 85 Vietnamese boat people.

I ask that my colleagues join with me in applauding the outstanding service these men have performed. We can all be proud of this heroic accomplishment.●

JOE AND SALLY WOLF'S 50TH WEDDING ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. ACKERMAN. Mr. Speaker, I would like to ask my colleagues in the U.S. House of Representatives to join with me in commemorating the 50th wedding anniversary of Joseph and Sally Wolf of New York.

The Wolfs will celebrate their anniversary on October 13, 1984. Their story is one of success and of the American dream realized.

Joe emigrated to the United States from Poland as a youngster more than 60 years ago. He didn't come to America expecting a handout or to be taken care of. He and Sally set to the task of building a life for themselves with the tools of hard work, faith, and love. Their perseverance has yielded rich rewards. Joe and Sally now have a beautiful family. Their daughter, Evelyn, and her husband, Michael Rokito, have three lovely children—Alyssa, Steven, and Andrew. The Wolfs' daughter, Gilda, and her husband Richard Schwartz, have two wonderful children, Marni and Penny. Joe and Sally also add to the American economy as the owners of several businesses, including the International Newspapers Printing Co., Inc.

The Wolfs are active in their community and their synagogue, concerning themselves with the needs and problems of those around them. They are hard working, generous, and deeply respected members of society. Mr. Speaker, a 50th wedding anniversary is a joyous occasion and a testimony to the union of the lives of two people, bound together by a single purpose—50 years that have weathered hard times and bounty, sorrows and triumps, and many, many years of growth and change.

Joe and Sally Wolf have reason to be proud on this momentous day. Their hard work and determination has given them precious gifts: a beautiful family, countless friends, and the esteem of their fellows.

They have given to others freely all of their lives, and now their family and friends are surprising them with an anniversary celebration.

Mr. Speaker, the spirit of charity and generosity the Wolfs have shown for these many years is an inspiration to all of us—to those who have come to the United Sates seeking a better life, and to those born in our great Nation who hold dear the values of family, community service, and extending a hand to others in need.

As two people face the rigors of life together, their commitment and ideals are severely tested. Joe and Sally's 50th wedding anniversary is a shining example of hope and a clear message that the test can be faced and that obstacles can be hurdled.

Mr. Speaker, I ask my colleagues in the U.S. Congress to take this moment with me to wish Joe and Sally Wolf joy and prosperity on this eventful day.●

STOP WASTEFUL SPENDING

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. KOSTMAYER. Mr. Speaker, today the House has the chance to save the taxpayers millions of dollars by voting to prevent the construction of a $100 million jetty to be built at Oregon Inlet, NC. I support the Seiberling amendment to delete the authorization for this project and urge the House to trim wasteful Government spending by approving this legislation.

I had the opportunity to thoroughly review into the request for Federal funds for this project during consideration of the legislation in the Public Lands Subcommittee, on which I serve. It was clear then, as it is now, that there is little justification to warrant such an expense.

The U.S. Army Corps of Engineers admitted that their first economic justification study overestimated benefits by 70 percent. The resulting benefit/cost ratio was 0.34/1.0. In other words, for every tax dollar spent, the country would receive 34 cents in benefits. Not one of my constituents would invest their savings this way and I do not intend to see their tax money spent in this way either. It is not surprising that this project is opposed by numerous groups including the National Taxpayers Union.

The new economic justification report by the Corps of Engineers double counts benefits, overstates estimated increase in fish landings of currently harvested species, and incorrectly attributes loss of life and ships to inlet conditions rather than human error.

While the tragedy of losing eight sailors over the past 15 years cannot be overlooked, a Coast Guard analysis of the shipwrecks determined that factors other than inlet conditions contributed to these accidents such as "A captain's unfamiliarity with the channel, the absence of a searchlight, and a boat with a history of engine and radio problems."

No one can argue in favor of risking life and limb if there's a way to prevent doing so. There are a variety of dredging options that would create safer conditions at a fraction of the cost of the jetties while preserving the environmental integrity of the area.

I urge my colleagues to reject funding for this unnecessary project and save the already-overburdened taxpayers $100 million.●

HOUSE JOINT RESOLUTION 392, NATIONAL PEARL HARBOR REMEMBRANCE DAY

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. SISISKY. Mr. Speaker, on October 20, 1983, I introduced legislation designating December 7, 1984 "National Pearl Harbor Remembrance Day." I am very pleased to note that this resolution passed the House of Representatives on Wednesday, September 12, 1984 with the support of 234 cosponsors. Nationwide, this legislation has the support of the Pearl Harbor Survivors Association, a group of more than 9,000 who survived the attack on Pearl Harbor.

One member of the Survivors Association, Mr. Chester John Millman, deserves special praise for his efforts in promoting this legislation in Congress. Sadly, however, Mr. Millman died this past Monday—2 days before this resolution passed in the House—while attending a reunion of Pearl Harbor survivors. Mr. Millman was a remarkable individual who was very active in political life. As evidence of this, he personally called every Member of Congress to promote this legislation. He believed in and practiced the principles of democracy, knowing that his voice was important and that it made a difference. I am sorry that Mr. Millman was unable to witness the passing of this resolution by the House, but he will be fondly remembered by me and the rest of this Nation on December 7, 1984.

The designation of "National Pearl Harbor Rememberance Day" will cause the public to commemorate with proper solemnity and activities this important date in American history. It is fitting that we as a Nation honor the memory of the 2,400 citizens of the United States that were killed in the unprovoked attack on Pearl Harbor, an attack which marked the entry of this Nation into World War II.

We owe a tremendous debt of gratitude to all members of our Armed Forces who served both at Pearl Harbor and in all theaters of action during World War II. The designation of December 7, 1984, as "National Pearl Harbor Remembrance Day," will be one small way for the American people to express our thanks to those who did not survive the attack and to all members of the Armed Forces, who protect and defend this Nation.

Most importantly, "National Pearl Harbor Remembrance Day" will commemorate a day that has important historical lessons—lessons about defense preparedness and about strong resolve to defend this Nation from future aggression. It is, as President Franklin Delano Roosevelt once stated, "a day that will live in infamy," and it is important that we honor such a day.●

NATIONAL CHARTER FOR THE RETIRED ENLISTED ASSOCIATION

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. KRAMER. Mr. Speaker, today I am introducing a bill to grant a national charter to the Retired Enlisted Association. A companion bill is being introduced in the other body today by my Colorado delegation colleague, Senator BILL ARMSTRONG.

It gives me great pleasure to offer legislation to give national recognition to this fine organization, which is headquartered in my district. Founded over 21 years ago, the Retired Enlisted Association is a nonprofit military veterans' organization that is dedicated to a strong national defense, the professional and cultural well-being of its members, and promotion of understanding and cooperation between the military and civilian communities.

A national charter for this outstanding group will give much-deserved recognition to the contributions to the defense of our Nation by enlisted retirees during their long years of military service and their continuing devotion to our country. I hope all my colleagues on both sides of the isle will join me in support of this legislation.

Thank you.●

POLISH GOVERNMENT-IN-EXILE CONTINUES TO PROVIDE HOPE TO POLES

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. DWYER of New Jersey. Mr. Speaker, it is with a great deal of pride and respect that I rise today to bring before my colleagues a resolution, submitted to me by the Polish National Council. From October 12, through October 23, His Excellency, Prime Minister Kazimierz Sabbat, the leader of the Polish Government-in-exile, based in London, will be making a good will visit to the United States.

In the Sixth District of New Jersey, we are proud to have a substantial population of Polish descent. They are dedicated and hard-working people, good Americans who are proud of their heritage.

It is a pleasure for me to be able to share this resolution with my colleagues today. I urge all of you to reflect carefully on the words here, because they represent years of struggle—a struggle which will not be ended until it is won.

The resolution follows:

RESOLUTION HONORING THE GOOD WILL VISIT OF HIS EXCELLENCY, THE HONORABLE KAZIMIERZ SABBAT, PRIME MINISTER OF THE POLISH GOVERNMENT IN EXILE, LONDON, TO THE UNITED STATES, DURING OCT. 12 TO OCT. 23, 1984

Whereas the present Polish Government-in-Exile in London is the direct and lawfully constitutional successor to the pre-World War II Polish Government; and

Whereas this legal and legitimate Polish Government-in-Exile still functions in London as a beacon of hope for the politically subjugated people of Poland; and

Whereas Poland had been ruthlessly invaded and attacked in 1939 by both Nazi Germany and Soviet Russia; and

Whereas the Poles, during the ensuing war, had continued their resistance both at home with their Underground Resistance Army and abroad with their Polish Armed Forces in Exile, fighting valiantly on far-extended battlefields with the Allied Forces, meanwhile incurring inordinate losses of manpower in combat assignments in Norway, the Battle of France, Belgium, Holland, North Africa, in their heroic and successful assault and capture of Nazi-held Monte Cassino in Italy and elsewhere; and

Whereas the Polish Underground Army, in conjunction with its indomitable leadership, has responded to the "deluge of bestiality" inflicted upon Poland during five-years of German occupation by supplying political and military intelligence to the Polish Government-in-Exile and conducting sabotage, guerrilla and open warfare; and

Whereas the Polish Armed Forces in Exile, at the end of the war in May, 1945, totalled more than 220,000 personnel in active service; and

Whereas these Polish Armed Forces in Exile who were then under the jurisdiction and control of the Polish Free Government in England and whose disproportionate share of heavy casualties on the field of battle was a factor in lessening the number of American military casualties in that war; and

Whereas agents of the Polish Underground Army with great ingenuity and daring had successfully smuggled out of Nazi-controlled Poland the Ultra Secret Enigma Decoding Machine, used by the Germans, and delivered it intact to the Allied Forces in England, thus providing the Allies with the only means to decode the secretly-coded German messages and military communications, thus contributing substantially to Germany's ultimate defeat and surrender, and

Whereas a Polish agent under instructions of the Free Polish Government had successfully conveyed the misleading notion to the Nazi military command in France, just before the June 4, 1944 landings at the Normandy beaches, that those initial landings were only diversionary feints and that the major, full-sized Allied landings would take place two weeks later in the area Pas de Calais, resulting in the retention of many German Armed Forces in the reserve area, thus weakening the force of the German counterattack on the Normandy beaches and contributing meaningfully to the success of the Allied invasion; and

Whereas the Polish Government-in-Exile had authorized the Warsaw Uprising in 1944 in the expectation that the approaching Soviet troops would act in concert with the determined but poorly armed Warsaw Resistance Army and had experienced another betrayal by the Kremlin inasmuch as the Soviet Army stopped its advance upon Warsaw and stood by while the Nazi Armed Forces mercilessly stamped out the Warsaw Uprising with unparalleled ferocity; and

Whereas the anguished pleas of the Polish Government-in-Exile for military materiel and medical supplies to be immediately flown and dropped by parachute for the relief of the beleaguered Warsaw Resistance fighters by American bombers were callously and treacherously rejected by the Russian Government; and

Whereas the Polish Government-in-Exile had always honorably discharged its responsibilities to the American, British and French Allies, it, however, was abandoned by these same Allies when the Kremlin ordered the installation of a puppet Polish Government in contravention of the Yalta Pact of February, 1945; and

Whereas for more than two centuries there has been a bond of sentiment and the leaven of friendship between the peoples of the United States and Poland;

Let it therefore be resolved that:

Proper recognition, cordial greetings and a sincere welcome be given to His Excellency, the Honorable Kazimierz Sabbat, Prime Minister of the Polish Government-in-Exile in London, who will be visiting Polish-American communities during mid-October, 1984 as the honored guest of the Polish National Council, U.S.A. Division (Rada Narodowa R. P. na Emigracji, Oddzial w Ameryce) whose President is Dr. Jerzy J. Lerski, Professor Emeritus.

Let it further be resolved that:

The Third Plenary session of the Polish National Council in America be held at Z.P.A. Crystal Ballroom of the United Poles of America, 281 Grace St., Perth Amboy, N.J., on October 20 and 21, 1984 to honor Prime Minister Sabbat. Arrangements for that session have been made by Gen. Jan K. Krepa, Vice President of the Polish National Council, and the Hon. Adam J. Zamoyski, Secretary of the Council. Dr. Charles Allan Baretski, another Council member and historian and educator of Newark, N.J., was authorized to research and draft the text of the Resolution to honor Prime Minister Sabbat's visit to America in October, 1984. Council President Dr. Jerzy J. Lerski will preside as Chairman at the Second Plenary Session of the Council. Visiting New Jersey the Prime Minister will aslo be a guest of Polish American Congress, New Jersey Division whose President is Hon. Reinhold W. Smyczek, N.J. Commissioner of Civil Rights; and Polish National Fund of New Jersey with its President Hon. Wladyslaw Sosulski, Member of the Polish National Council●

REPRESENTATIVE MILLER SALUTES BOCCE BALL REVIVAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. MILLER of California. Mr. Speaker, the World Cup Bocce Ball championship is being held this year in Split, Yugoslavia, and I am delighted that a number of my constituents from Contra Costa Couny, CA, are going to represent the United States at that event.

I know that all Members of the House of Representatives will join me in saluting Leo Moro, Gaetano Balestrieri, Joe Avina, Ken Dothee, and Donna Endom and wish them the very best of luck in the World Cup. I also would like to congratulate the other members of the U.S. delegation, including Leno Freschet, Bruno Freschet, Natale Bortolin, and Adriano Undorte.

As an avid bocce ball player myself, and the sponsor of George's team of the Matinez, CA, Bocce Federation, I am delighted by the current revival in this venerable game which has long been an important part of Italian heritage for centuries. Today, bocce is being played throughout the world in record numbers. Players include men, women, and children who are participating in tournaments and as family events.

Bocce transcends national boundaries, as shown by the upcoming international tournament in Split. On behalf of the Congress, I want to wish the very best of luck to our American representatives to the World Cup championships—particularly our Contra Costa participants—and to express our gratitude to the people of Split and the Yugoslavian Bocce Federation for sponsoring these games. We wish them all a very successful tournament.●

SECRETARY SHULTZ' STATEMENT ON THE INTERNATIONAL ASPECTS OF NARCOTICS TRAFFICKING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. GILMAN. Mr. Speaker, under the leadership of the distinguished chairman of the Select Committee on Narcotics Abuse and Control [Mr. RANGEL], of which I serve as the ranking minority member, our chairman and I, along with the gentleman from Hawaii [Mr. AKAKA], the gentleman from New Jersey [Mr. GUARINI], both of whom are also members of the select committee, and the gentleman from Ohio [Mr. FEIGHAN], who is the chairman of the Foreign Affairs Task Force on International Narcotics Control, of which I am also the ranking member, recently met with our Secretary of State, George P. Shultz, to discuss, among other issues, the Narcotics Select Committee's report of its 1984 international study missions and our concerns that the Secretary of State should elevate international drug-related issues to a top priority on his agenda and on the agendas of our Ambassadors throughout the world.

The Secretary informed us that he planned to deliver a major address on the international dimensions of narcotics trafficking and on September 14 he delivered an address on narcotics before the Miami Chamber of Commerce in Florida entitled "The Campaign Against Drugs: the International Convention."

This is the first time that our Secretary of State has devoted an entire speech to the problems of international narcotics trafficking. I applaud him for his statement and urge him to make international drug-related issues a center piece for our Nation's foreign policy.

Given the magnitude of the drug problem—it is a $100 billion activity just in our country alone—and the ruthlessness of narcotics traffickers who undermine the political, economic, and social institutions of nations throughout the world, international narcotics trafficking and drug abuse can no longer be relegated to a back burner of our foreign policy; rather, it must become a major ingredient in our Nation's efforts to combat the highly sophisticated, well-financed, international narcotic syndicates who have now linked their illicit enterprises to international terrorists to subvert law and order in nations throughout the world.

Mr. Speaker, in an effort to inform my colleagues of Secretary Shultz's statement on international narcotics trafficking, I am inserting at this point in the RECORD the complete text of Secretary Shultz's statement, and I encourage him to continue to speak out against this evil menace that is creating so much havoc for the entire family of nations.

THE CAMPAIGN AGAINST DRUGS: THE INTERNATIONAL DIMENSION

I speak today about a problem that directly or indirectly affects the well-being of all Americans. That problem is narcotics. And I would like to discuss, in particular, the large international dimension of the problem and what we are doing to confront it.

All of you know well what narcotics are doing to our cities and our society. In Miami, in New York, in Chicago, Detroit, Los Angeles, in Washington—indeed in almost every American city—we see the drug problem in our streets and learn about it daily in our media. We see it preying on our nation's youth. We see it eroding families and communities. We see the crime it brings—the murders, the robberies, and the organized crime rings who have made it such a lucrative business. We see it destroying lives indiscriminately—rich and poor, black and white, young and old. We can measure the costs of drug abuse in many ways—in lost productivity, in escalating health and social costs, and most profoundly, in the senseless waste of life.

We see the drug problem in its enormity and sometimes we wonder how it can possibly be addressed. I will not stand before you and say that there are simple solutions. Nor, clearly, can solutions be found solely through governmental actions. Drug abuse is one of the lingering symptoms of a deeper social and cultural phenomenon: the weakening of the traditional values of family and community and religious faith that we have suffered for some time in Western society.

Our Founding Fathers created a system of government that could protect the rights and freedoms of the individual. But they deeply believed that something more was needed to protect the spiritual health of the nation. The carefully constructed edifice of a free society had to be buttressed by an enduring public and private morality. And the Founders also believed that upholding this morality was not primarily the role of government, but of our educational, religious and social institutions, our families and communities.

So when we look at the nation's drug problems, we must bear in mind that government does not have all the answers. Technical solutions devised by public officials cannot alone repair this loose strand in our society's moral fabric. In our public life we must restore the faith in family, church, and community that has kept democracy strong for over two centuries.

I believe such a restoration is occurring. Faith in these institutions is returning. And we can see this even in the nation's changing attitudes toward the drug problem. Today, there is a spreading consensus across America that drug abuse is not fashionable; it is immoral. We have rejected the fatalistic view that drug abuse as a national phenomenon is here to stay. Parents, community organizations, educational and religious institutions are heeding President Reagan's call "to join the battle against drug abuse."

THE FEDERAL STRATEGY

Government, of course, must do its part, with energy and determination. As you know, this Administration has made the reduction of national drug abuse one of its highest priorities. We have worked hard to devise new ways to attack the problem on all fronts. President Reagan has called drug abuse "one of the gravest problems facing us," and at his direction this Administration has set forth a comprehensive Federal Strategy for the Prevention of Drug Abuse and Drug Trafficking. This Federal Strategy has five central components that attack the problem at every link of the chain that extends from the grower to the user of narcotics. We have devised extensive programs for:

First, prevention, which includes educating our youth about the dangers of drugs,

Second, detoxification and treatment for drug abusers,

Third, research aimed at understanding the causes and consequences of drug abuse,

Fourth, drug law enforcement to destroy drug networks and interdict drug supplies before they reach the consumers, and

Fifth, international cooperation to control the production and shipment of narcotics.

This five-point strategy adds up to an aggressive approach to this multifaceted problem. And we are pursuing each path with great vigor.

You are all aware of what this Administration has been doing to address the domestic aspects of our drug problem. The First Lady has made it her personal crusade to educate our youth on the dangers of drugs, and Nancy Reagan's valiant efforts have given great impetus to this dimension of national prevention. Vice President Bush has played the leading role in improving our domestic drug interdiction efforts.

As you know, he is the head of the South Florida Task Force, and he is also the head of the National Narcotics Border Interdiction System. These and other efforts have shown encouraging results on the domestic side of the problem. It should be clear that demand helps create supply, and we cannot expect to meet the challenge of drug abuse without doing all we can to reduce the demand for drugs here at home.

THE INTERNATIONAL DIMENSION

It is equally clear, however, that we cannot meet the challenge of drug abuse here at home without also attacking the worldwide network of narcotics production and trafficking. I want you to know that drug abuse is not only a top priority for this Administration's domestic policy. It is a top priority in our foreign policy as well.

Every year, drug traffickers smuggle into this country four metric tons of heroin; as much as 70 metric tons of cocaine; and as much as 15,000 metric tons of marijuana. These drugs come from all over the world: from Colombia, Peru, Bolivia, Mexico, Belize, Jamaica, Pakistan, Afghanistan, Iran, Thailand, and Burma. Once the crops are produced in these countries they are often shipped elsewhere for processing, and then in their refined narcotic form are shipped again to local suppliers in Western Europe, the United States, and throughout the industrialized world.

Drug money is laundered in international financial markets. Middle-men are hired to smuggle the drugs past customs officials and the Coast Guard. It is a smooth and ever-more efficient operation that is truly an international effort.

Our concern about this growing narcotics network is twofold. I have already noted its severe impact on our own people. But it also represents a threat to American interests of a different sort. The fact is, it is an example of a larger, and relatively new kind of foreign policy problem that confronts the civilized world today. It is part of a trend toward international lawlessness that has been increasing ominously over the past two decades.

This trend harkens back to the days when piracy on the seas was rampant, when the civilized nations of the world were unable or unwilling to combat it systematically. The modern versions of piracy are narcotics trafficking, terrorism, and similar kinds of outlaw behavior. Not surprisingly, there is ample evidence that shows that all these different types of lawlessness are linked. Money from drug smuggling supports terrorists. Terrorists provide assistance to drug traffickers. Organized crime works hand in hand with these other outlaws for their own profit. And what may be most disturbing is the mounting evidence that some governments are involved, too, for their own diverse reasons. There are demonstrable links between drug trafficking, terrorism, and some Communist governments, which I will come back to in a moment.

The civilized world faces, therefore, not just separate and isolated incidents of violence and banditry, but a systemic, global problem of growing proportions. And this global problem poses a unique—and deliberate—challenge to the world order that Americans and all civilized peoples seek: a world order based on justice and the rule of law.

Novel problems require fresh thinking, new tools, and new approaches. You have my personal pledge that the Department of State is committed to this effort. We have been working closely with federal drug enforcement agencies on new ways of dealing with the growing narcotics problem on an international level. And we do so not only to fight the calamity of domestic drug abuse, but to fight the growing threat of international lawlessness as well.

MEETING THE CHALLENGE

To meet the challenge of international nacotics trafficking requires, above all, international cooperation between those nations that share our concern about this growing threat to our society.

During this Administration we have gone beyond all previous efforts to promote international cooperation on narcotics control. In September 1981, President Reagan laid out our objectives. He called for "a foreign policy that vigorously seeks to interdict and eradicate illicit drugs, wherever cultivated, processed or transported." American officials at the highest levels, including President Reagan, Vice President Bush and myself, our Ambassadors and senior State Department officials, have continually emphasized to foreign leaders the importance we attach to their cooperation on the narcotics issue. We have placed our greatest emphasis on reaching bilateral agreements on crop control, eradication, and interdiction with nations where narcotics are produced, shipped, and consumed. We have also worked hard in the United Nations to support international efforts to stem the flow of drugs and reduce production.

Many nations, concerned as we are with the drug problem, have taken significant steps. In Colombia, an aerial herbicide eradication program that began July 5 has destroyed more than 4200 acres of marijuana, a truly major breakthrough in the global control effort. This initial effort alone could keep nearly $3 billion worth of marijuana off our streets—and the Colombian program has just started.

In Peru, despite the threat of terrorism, authorities have eradicated nearly 5,000 acres of coca bushes, used to produce cocaine; in fact, the government has recently sent its military forces into the coca-growing region. We are working with other South American governments to prevent the spread of drug production into new source areas.

In Asia, the government of Pakistan continues to extend its ban on cultivation of opium poppy into additional areas of the Northwest Frontier Province, and it has reported sharply increased seizures of heroin in the first quarter of 1984. And this month, Pakistani officials seized 163 kilograms of opium and 20 kilograms of heroin in one raid on a heroin laboratory. The Thai government has increased its commitment to controlling opium cultivation in villages that receive development assistance. The Burmese government is exploring with us more systematic methods of eradication.

All told, we will be spending over $100 million on worldwide narcotics control programs in 1985.

We know the difficulties involved in reducing crop production. In many producer countries, narcotics production is or has become an important fact of everyday life.

There are parts of the world where opium and coca are used as part of centuries-old traditions, and of course, many nations have growing addiction problems of their own, which encourage narcotics production. Finally, many producer countries are just too poor to mount effective crop control and eradication programs.

Our international narcotics policies are aimed at overcoming these obstacles. We are providing bilateral assistance in 1984 to 18 governments whose expertise or resources are insufficient to meet the challenge of crop reduction. We have encouraged multilateral assistance through the United Nations Fund for Drug Abuse Control and other international organizations. The Department of State has worked with the U.S. Drug Enforcement Administration, the Customs Service, and the Coast Guard to provide training to foreign governments in narcotics control, enforcement, and interdiction. Since 1971, we have provided funds to train more than 25,000 foreign enforcement officers, and in 1985 we will provide more funds to train an additional 2,000 officers in 30 different countries. We have also tried to help foreign governments alert their publics to the threat that drug abuse poses to their societies.

But the toughest challenge we faced until recently was simply convincing other nations that narcotics trafficking is an international problem that requires international efforts. For a long time, foreign governments considered narcotics an exclusively American problem. Today, that is changing.

In Colombia, to take one example, the Minister of Health has declared that drug addiction is the greatest health threat to Colombian youth, and Colombia law enforcement agencies have responded with commendable vigor. In March the Colombian police discovered vast, complex cocaine processing facilities hidden in the Amazon jungle. In one case, ten tons of cocaine and cocaine base, with a street value of over $1 billion, were destroyed. Colombian public opinion was shocked at the discovery of these drug camps, some of which were operating side by side with guerrilla camps. They were outraged by the subsequent assassination of Colombia's Minister of Justice, apparently ordered by the drug traffickers. Colombia's President Betancur has ordered an all-out war on the narcotics traffic.

Other nations have come painfully to realize that narcotics is their problem, too, and that only through international cooperation can the world community hope to combat the international narcotics network. The leaders of the Andean nations and Argentina, meeting in Quito last month, expressed to Vice President Bush their deep concern over the problems caused by narcotics production and trafficking in their region.

Encouraged by the sense of urgency in their appeal and their willingness to work together, we are responding with specific proposals to strengthen regional cooperation on drug law enforcement, communications, and information-sharing.

Several important and distressing developments have contributed to this growing international awareness.

In Western Europe, and in the countries where narcotics are produced, drug addiction has begun to assume alarming proportions. The crime that inevitably accompa-

nies increased drug abuse has begun to arouse popular anger even in countries traditionally tolerant of drug use. And, in some countries, the increased corruption that results from influence-peddling by organized crime and major drug smugglers has become a national calamity threatening the stability and continued survival of the governments themselves.

Narcotics trafficking poses a special threat to democratic nations in the developing world. Where democratic institutions and legal systems are in their infancy, the corruption and crime brought on by narcotics trafficking can be too much for the government to handle. Their stark choice may be between resorting to undemocratic measures on the one hand, or capitulating to criminals on the other. In either case, the result may be loss of public faith in democratic institutions. Elected leaders, such as those in Bolivia, Colombia, and Peru, recognize the dangers that narcotics trafficking poses to democracy itself.

Add to all this the fact that narcotics trafficking is undermining the integrity of international financial centers. According to some estimates, the drug trade may involve up to $80 billion each year; and drug money is often laundered through otherwise respectable financial institutions, including the offshore banking centers of the Caribbean basin, and in Europe, Hong Kong, and Singapore.

And finally, as I mentioned, international concern has been reinforced by the realization that narcotics traffickers, terrorists, and Communist revolutionaries increasingly make common cause in their separately destructive activities. I would like to take a few moments to elaborate on what we have learned about this disturbing interrelationship in recent years.

THE LINKS WITH TERRORISM AND COMMUNIST INSURGENCIES

For years, the world had good reason to suspect that narcotics smugglers were being aided by some governments: that they were getting money and protection, that they were being provided safe havens and support in shipping drugs to the United States and elsewhere. One of the most prominent suspects was Communist Cuba.

Over the years, the case against Cuba mounted until, finally, in November 1982, four high-level Cuban officials were indicted by a Miami grand jury for helping a major Colombian narcotics trafficker. That case provided startling evidence of Cuban complicity in Latin American narcotics trafficking.

According to evidence revealed in the course of that investigation, a Colombian drug smuggler, Jaime Guillot Laura, was recruited by Cuba's Ambassador to Colombia. The Ambassador offered Cuban government help in smuggling drugs to the United States. Cuban waters were provided as a safe haven for the transfer of narcotics to boats bound for Miami. Certain Cuban authorities were instructed to leave Guillot and his men alone while they went about their business. In return, the Cuban government received payments, in hard cash, of hundreds of thousands of dollars.

But there was another element in this elaborate deal. In return for help with his drug-smuggling racket, Guillot participated in a plan to provide weapons to the M-19, a terrorist group that operates in Colombia.

The pattern, long suspected, was finally and clearly established. Cuba was using drug smugglers to funnel arms to terrorists and Communist insurgents. And Cuba's involvement is not unique.

Later evidence has shown that the Sandinista regime in Nicaragua has also been involved in drug-smuggling activities. To facilitate his safe travel through Central America, Guillot was granted a Nicaraguan visa by Nicaragua's Ambassador to Mexico, apparently on the request of an M-19 leader.

Recent investigations by the Drug Enforcement Administration have revealed the extent of continuing Sandinista involvement. On July 17, the U.S. Government filed a complaint in the U.S. District Court in Miami charging two Colombians and a Nicaraguan official—Frederico Vaughan, an assistant to Interior Minister Tomas Borge—with possession, conspiracy to distribute, and importation of cocaine. Between March and July 1984, these men conspired to smuggle a shipment of about 1,500 kilograms of cocaine from Colombia to the United States through Nicaragua. Interior Minister Borge's assistant helped load this cocaine shipment onto a U.S.-bound plane on June 4. The drug traffickers were allowed to park their aircraft in the military side of Managua airport, and we have photographs that show Sandinista troops helping the traffickers load the cocaine onto the plane. All these facts suggest that other Nicaraguan officials in addition to Vaughan participated in the drug-smuggling plot.

The complicity of Communist governments in the drug trade is cause for grave concern among the nations of the free world.

It is part of a larger pattern of international lawlessness by Communist nations that, as we have seen, also includes support for international terrorism and other forms of organized violence against legitimate governments. Nor is the link between narcotics, terrorism, and Communism confined to Latin America. We have seen such networks in Italy and Turkey, though both governments have cracked down hard with remarkable success. Similar networks currently operate in Burma and Thailand. And we have evidence of Bulgarian complicity in the illicit arms and drug smuggling business.

We can only speculate as to the motives for Communist involvement in the drug trade. We know that with their failing economies, Cuba and Nicaragua need hard cash to buy essential goods. We have seen how Cuba uses drug smugglers to funnel arms to Communist insurgencies and terrorists. And it is not hard to imagine that smuggling massive amounts of drugs into Western nations may serve their broader goal of attempting to weaken the fabric of Western democratic society.

I am not suggesting that if we were able to end Communist support for the international narcotics network, our drug problems would be over, or even that they would be substantially reduced. Clearly the problem is much bigger than that. But as we look toward solutions to the problem of drug abuse, the free world cannot ignore the role of Communist governments.

And I would suggest that the implications of their involvement in this form of international lawlessness go beyond the drug problem. Government support for outlaws cannot be tolerated by the civilized nations if we are to build a world order based on law and justice.

WHAT THE REAGAN ADMINISTRATION HAS ACCOMPLISHED

The hurdles we face in confronting this problem are many, but we have made significant strides in recent years. Our international narcotics policy has rested on four basic principles:

First, countries where narcotics are produced or through which drugs are shipped must accept their responsibilities under international treaties to reduce crops and interdict drug smuggling.

Second, the international community must assist those nations that lack the resources to take the necessary steps.

Third, world-wide emphasis must be on crop control and eradication—we have seen that interdiction alone is not the answer.

And fourth, in producer nations that need our help, our narcotics-related economic assistance must be linked to agreements on reducing crop levels.

Our goal must be to control narcotics production in all geographic areas simultaneously. We have learned the hard way that markets shift to meet demand; we cannot focus on only a few areas at a time. When we helped reduce heroin production in Turkey, for example, increased production in Mexico filled the gap. A truly international effort aimed at all producer nations is essential. And we are moving down that path.

In 1981, when this Administration took office, we had commitments to work on reducing narcotics crops from Burma, Turkey, and Mexico. Today, thanks to this Administration's efforts and to the growing concern of leaders in producer countries, we also have commitments from Pakistan, Colombia, Belize, Peru, and Bolivia. In Pakistan, the world's leading supplier of heroin, we have seen tremendous results. Thanks in part to the extraordinary efforts of the Pakistani government and to U.S. assistance, raw opium production has been reduced from a massive 800 metric tons per year in 1979 to under 60 metric tons per year in 1983. Mexico's production of processed heroin, once as high as 7.5 metric tons per year, was reduced to 1.4 metric tons in 1983.

WHAT REMAINS TO BE DONE

Much has been done, and we are only beginning the fight. Obviously, we still have a long way to go. Some countries have not done enough to reduce their crop levels. We must seek greater cooperation and increased effectiveness in reducing cultivation in all of the producer nations. Overall crop production still provides a surplus of narcotics that greatly exceeds not only American but worldwide demand.

And we know that the international narcotics network is larger, more efficient, and more sophisticated than ever before. The narcotics market is an ever-shifting phenomenon that adapts to each new method we devise to confront it. Drug smugglers have managed to find new ways of smuggling to elude our stepped-up efforts. Finally, we have seen that some Communist nations continue to use the drug trade for their own purposes and, therefore, have an interest in its perpetuation. The international drug problem, therefore, presents an increasing challenge to our intelligence community to provide good estimates of narcotics production and trace the links between drugs, terrorism, and Communist insurgencies.

But we are making progress. We have a policy in place that addresses all aspects of the international problem—the cultivation, production, and distribution of drugs, the flow of profits, the impacts upon other countries as well as our own. And we have

developed broad-based international support for controlling the narcotics trade.

I believe that our diplomatic and program efforts, together with the increasing awareness in producer countries of the disastrous effects of the drug trade, are improving the prospects of narcotics control.

But these substantial successes can be severely damaged by perceptions overseas about what is happening in the United States. To a greater degree than many people realize, our success in international narcotics control is dependent on the success of our assault on drug abuse at home. It will be hard to convince other nations to put an end to drug cultivation if they believe we are not living up to our own responsibility to get a grip on the drug problem here. We cannot preach what we do not practice.

This is why what we do here and throughout our own country is so important to our overall efforts. The officials in every community across this nation must understand that effective foreign policies of narcotics control are clearly linked to an effective domestic program against drug abuse.

And we must recognize that our national campaign against drug abuse rests ultimately on our ability to reduce the demand for drugs here in the United States.

By redoubling our efforts throughout this country, we send a message to people in other countries, and to their governments, that we in the United States intend to control our own drug abuse problem.

President Reagan has designated the last week of September as National Drug Abuse Education and Prevention Week. The President is determined to lead this effort, for the narcotics problem poses a direct threat to this nation's values and goals, both domestic and international.

We are confronting that threat, and we are making significant progress. Success will take time, and hard work. But we are building a foundation for the future, a future not only of reduced drug abuse in our country, but of a world where there is no room, and no tolerance, for outlaws.

It is an effort that calls for broad national support from all Americans.●

THE END OF THE "RIPLEY ERA"

HON. LINDY (MRS. HALE) BOGGS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mrs. BOGGS. Mr. Speaker, on Monday, the Ripley era on the Mall came to an end with the retirement of S. Dillon Ripley as Secretary of the Smithsonian Institution. He has been succeeded by Dr. Robert M. Adams.

During his tenure as Secretary, Dr. Ripley devoted himself to pursuing the purpose for which the Smithsonian was established: "The increase and diffusion of knowledge among men" and women. The citizens of the United States, present and future, owe him a tremendous debt of gratitude for his service.

Last February, I had the pleasure of attending a dinner held to celebrate Dillon Ripley's 20 years of leadership at the Smithsonian. I would like to take this opportunity to share some of the observations made that evening about Dr. Ripley's accomplishments and about the support he received from his lovely wife, Mary, over those many years. The remarks are by Charles Blitzer, formerly of the Smithsonian and now Director of the National Humanities Center and Jeannie S. Clark, Regent of the Smithsonian.

REMARKS BY CHARLES BLITZER

In February of 1882, during Oscar Wilde's celebrated tour of the United States (which began, you will recall, by his informing the customs inspector in New York that he had nothing to declare except his genius), Wilde was taken to visit Niagara Falls, a spectacle that was deemed certain to impress even that jaded sophisticate. According to one account, Oscar gazed gravely at the Falls for several moments and then turned to his proud and expectant hosts and murmured quietly, "How magnificent it would be if only it flowed in the other direction."

I don't for a moment suppose that Dillon Ripley was thinking of this (perhaps apocryphal) anecdote when he arrived to take up his duties as the eighth Secretary of the Smithsonian twenty years ago; but I suspect that something of the same thought, and perhaps even of the same insouciant spirit, moved him then and has continued to move him for these twenty years. We do know that one of his first official acts—perhaps the first manifestation of his almost magical sense for the perfect symbolic gesture—was to cause the statue of Joseph Henry to be turned around on its pedestal so that the first Secretary no longer stared point-blank at the Castle, but rather looked out over the Mall and the world beyond. By this simple, inspired act Dillon declared his intention to make the Smithsonian flow in another direction, or perhaps more accurately, in a number of other directions: to turn its attention outwards, to broaden its horizons, to bring it into closer touch with the world of learning, with the community of museums, and with the lives of people throughout this country and abroad.

To say that Dillon succeeded is rather like saying that Mozart wrote music: the statement is true, but it scarcely begins to convey the full measure of the achievement. The fact is that the past two decades have been the most creative, the most exciting, and the most fruitful period in the one hundred and thirty-eight year history of the Smithsonian. Indeed, for sustained growth and dramatic change, I can think of few (if any) parallels in the history of any institution.

Surely this, of all audiences, does not need to be reminded of Dillon's accomplishments. We have a tendency on occasions of this sort to focus, perhaps excessively, on the new; and the list of Smithsonian organizations and activities that have come into being since 1964 is, to say the least, impressive. It ranges alphabetically from the Anacostia Neighborhood Museum to the Woodrow Wilson International Center for Scholars; geographically from Fifth Avenue and Ninety-first Street to the Chesapeake Bay and the two seacoasts of Panama; in subject matter from the scientific sophistication of the multi-mirror telescope to the aesthetic elegance of the Renwick Gallery; and in clientele from the rather rarefied scholarly recesses of the Archives of American Art to the most popular museum in the world. Rather than going through the entire list, I would simply remind you that this dazzling burst of creativity was accompanied by the steady strengthening and improvement of what already existed. I can honestly say that I know of no part of the Smithsonian that is not today stronger, more vigorous, clearer in its sense of purpose, and more generously supported than it was twenty years ago. Although the guardians of the Institution's older bureaus and programs tended, quite naturally I suppose, to react with some uneasiness to the creation of the new—and I might add that I never ceased to be amazed at how rapidly the beneficiaries of each innovation joined their colleagues in viewing the next innovation rather warily—the striking fact is that the entire institution, old and new alike, has prospered under Dillon's leadership.

One of the curious facts about the accomplishments of great leaders is that, when viewed in retrospect, they tend to seem both inevitable and considerably easier to effect than they really were. Of course (we now say) the Smithsonian should publish a popular magazine of history and art and science; of course (we now say) the National Zoo should have a Conservation and Research Center in the country, outside Washington; of course (we now say) the Institution should share its collections and the talents of its staff by organizing regional events throughout the country in cooperation with local museums—what could be more natural, what could be a more logical fulfillment of the mandate to increase and diffuse knowledge among men? But the fact is that each of these innovations was greeted with considerable skepticism—and, as some of you may have detected, I have purposely chosen three instances in which I myself was among the skeptics. I can only confess that in each case I was wrong, as so many were wrong about so many of Dillon's other initiatives.

To say this is not to suggest that Dillon is infallible, that he has made no mistakes during these twenty years. It is inconceivable that anyone could have accomplished so much without occasionally taking a wrong turn or pursuing a false start. But what I find impressive, particularly in view of the public and congressional scrutiny to which he has been subjected, is that Dillon had the courage to persevere despite the risks of failure and criticism. Happily for the Smithsonian and for the nation, he never learned, or at least never took to heart, the lesson that Kermit Gordon stated so succinctly fifteen years ago. "The public servant soon learns," Gordon said, "that successes rarely rate a headline, but governmental blunders are front-page news. This recognition encourages the development of procedures designed less to achieve successes than to avoid blunders." To no one are these words less applicable than to Dillon Ripley, whose view of such cautious, risk-limiting procedures is, to understate the matter, unenthusiastic.

I mentioned a few moments ago that successes, viewed in retrospect, also seem to have been easier to achieve than in fact they were. I am not inclined this evening to dwell at length on the difficulties that Dillon confronted and generally managed to overcome, but I will briefly mention two—one internal to the Smithsonian, and one external.

The first is simply the problem, or congeries of problems, attendant upon any attempt to change the direction of any large, venerable, and complex organization. When that organization is composed of strong-minded, strong-willed scientists and scholars, the task is still more difficult, as any academic administrator will attest. And

when the organization has settled comfortably into fixed, hierarchical and—dare I say it?—bureaucratic patterns of administration, the difficulty of effecting change is still further compounded.

All of this was nicely illustrated in the early incident of the elephant in the Rotunda. As I have been told, Dillon happened one day to look down from one of the galleries around the Rotunda of the Museum of Natural History and noticed that the top of the great elephant was covered with dust. He wrote a note to the head of the Buildings Management Department asking that something be done about this. In due course, a memo arrived in the Secretary's office pointing out that the elephant was part of the museum's collection, that the custodial staff was not permitted to touch specimens in the collections, and suggesting respectfully that the Secretary address himself to the curatorial staff. Dillon, who was perhaps a trifle more patient in those days, wrote a note to the curator of elephants, making the same request. And, once again in due course, a memo arrived from the curator begging to inform the Secretary that the elephant in question was an African elephant, that it is well known that African elephants frequently roll in the dust, and that therefore it was perfectly appropriate for this one to have a dusty back.

In order not to leave us all in suspense about the outcome of this story, I managed to talk my way through the extraordinary security arrangements attendant upon the vice-president's visit to the Museum of Natural History this afternoon and was permitted to visit one of the galleries overlooking the Rotunda on condition that a sergeant of the guard force accompany me. While I was leaning over the railing to look at the elephant's back, the guard was unable to contain his curiosity and asked what on earth I was doing. When I told him, he said: "Oh, I can tell you about that: the elephant is dusted once a year, whether it needs it or not." I do not know whether this constitutes a triumph for the Secretary or a victory for the curator; most likely, it is the sort of compromise that helps the Smithsonian to function.

As I hardly need to remind you, internal resistance was by no means all that Dillon had to confront in his efforts to move the Smithsonian in new directions. Both the Congress and the press—and also, I am sorry to say, in some instances leaders of the museum fraternity—had what might best be described as mixed feelings about what Dillon was up to. From the beginning, the Congress was, as I believe it continues to be, marvelously supportive. But often this support was accompanied by expressions of nervousness or of misgivings. I recall, for example, one subcommittee report that expressed concern over what it described as "Secretary Ripley's plan to make a Midway of the Mall"—a "plan," if that is the right word, that culminated in the Festival of American Folklife, now one of the great favorites of members of Congress.

Similarly, the press—and particularly the Washington press—reported often and with real enthusiasm the achievements of the Smithsonian under Dillon's leadership. But here, too, the praise was mixed, first with vague suggestions that somehow something must be wrong, and later with occasional outright attacks. In a pattern that might shed light on the problems of our government as well as of the Smithsonian, the more Dillon succeeded in making the Institution lively the more he made it interesting, the more "newsworthy" it became, the more he attracted to it and to himself the investigative, adversarial attention of the media. As Andrew Mellon observed, "No good deed goes unpunished."

As the "Midway on the Mall" phrase suggests, perhaps the most common theme of all this criticism was the suggestion that somehow Dillon's achievements were superficial, triumphs of showmanship rather than of substance, of pomp and ceremony rather than of solid value. I trust that no one will misunderstand if I quote in this connection Gibbon's unforgettable words about the Roman emperor, the younger Gordian: "Twenty-two acknowledged concubines," Gibbon wrote, "and a library of sixty-two thousand volumes, attested the variety of his inclinations, and from the productions which he left behind him, it appears that the former as well as the latter were designed for use rather than ostentation."

As the years have amply demonstrated, even Dillon's flamboyant gestures, even some acts that were scornfully dismissed as mere ostentation, were clearly intended for use. I can personally attest, for example, that the academic procession on the Mall in 1965, complete with regalia and a specially commissioned march, was critically important in, of all things, the genesis of the Woodrow Wilson International Center of Scholars. Other instances come to mind, but the general point is simply that for Dillon and Mary style and substance have always gone hand-in-hand, and the former has always served the latter, to the great benefit of the Institution.

So far, I have sketched some of Dillon's accomplishments and suggested some of the qualities that may help to account for them. But I am very much aware that I have not penetrated to the heart of the real enigma, which is the enigma of leadership. How does any leader, even one of Dillon's extraordinary vision and remarkable gifts, impress his mark upon an institution for so long a time and with such dramatic results? Although I was fortunate enough to observe Dillon (with some awe) for many years, and although I was privileged to work with him (with great pleasure) on many of his projects, I cannot finally solve the riddle. I am sure that each great leader has his own style and his own methods, but I should like to conclude by reading some passages about another leader that seem to me to come closer than anything I know to capturing the essential qualities, the actual flavor, of Dillon Ripley's secretaryship. Perhaps surprisingly, or perhaps not, they are taken from Isaiah Berlin's word-portrait of Franklin Roosevelt:

"Over this vast, seething chaos presided a handsome, charming, very intelligent, very delightful, very audacious man. . . . What attracted his followers were. . .qualities of a rare and inspiring order: he was large-hearted and possessed wide . . . horizons, imaginative sweep, understanding of the time in which he lived and of the direction of the great new forces at work in the twentieth century . . .; he was in favour of life and movement, the promotion of the most generous possible fulfilment of the largest possible number of human wishes, and not in favour of caution and retrenchment and sitting still. Above all, he was absolutely fearless.

"He was one of the few statesmen in the twentieth or any other century who seemed to have no fear at all of the future. He believed in his own strength and ability to manage, and succeed, whatever happened. He believed in the capacity and loyalty of his lieutenants, so that he looked upon the future with a calm eye, as if to say "Let it come, whatever it may be, it will all be grist to our great mill. We shall turn it all to benefit." It was this, perhaps, more than any other quality, which drew men of very different outlooks to him.* * *

"[He was the type of leader who] possesses antennae of the greatest possible delicacy, which convey to him, in ways difficult or impossible to analyse, the perpetually changing contours of events and feelings and human activities round them—they are gifted with a peculiar, political sense fed on a capacity to take in minute impressions, to integrate a vast multitude of small evanescent unseizable detail, such as artists possess in relation to their material. Statesmen of this type know what to do and when to do it, if they are to achieve their ends, which themselves are usually not born within some private world of inner thought, or introverted feeling, but are the crystallisation, the raising to great intensity and clarity, of what a large number of their fellow citizens are thinking and feeling in some dim, inarticulate, but nevertheless persistent fashion. In virtue of this capacity to judge their material, very much as a sculptor knows what can be moulded out of wood and what out of marble, and how and when, they resemble doctors who have a natural gift of curing, which does not directly depend upon that knowledge of scientific anatomy which can only be learned by observation or experiment, or from the experiences of others, though it could not exist without it. This instinctive, or at any rate incommunicable, knowledge of where to look for what one needs, the power of divining where the treasure lies, is something common to many types of genius, to scientists and mathematicians no less than to businessmen and administrators and politicians."

This genius Dillon surely possesses. The Smithsonian, the nation, the world—and, in a very special way, those of us who have had the honor to be his friends and collaborators—owe to him an immeasurable debt. It is a debt that we cannot really repay, but we can at least, as we have attempted to do this evening, acknowledge its existence.

REMARKS BY MRS. JEANNINE S. CLARK

Good evening, Smithsonian family members. I cannot tell you what a joy and an honor it is for me to address you at this time on this very happy twentieth anniversary of Mary and Dillon Ripley's tenure here. What a privilege. I want to say simply that Mary Ripley's name appears among the hundreds of volunteers of 1983 in the January issue of the Torch. However, from her alphabetical listing there you do not learn that she alone is responsible for the founding of the Women's Committee of the Smithsonian which now numbers sixty-five members and fifty-two resource members. This committee was started purely by dint of her devotion and commitment to volunteerism, a tradition started by the first Secretary of the Smithsonian who, with his corps of weather volunteers, was responsible for starting the United States Weather Bureau. The present Secretary and his wife have elegantly contributed to that wonderful Smithsonian tradition.

In particular I want to stress that in the beginning Mary Ripley invited a few of her friends to her home to discuss ways in which they could assist in the increase and

diffusion of knowledge. Horticulture and education were among their primary interests and with the support of a men's committee (now extinct), the committee raised funds to create a garden in the courtyard of the National Portrait Gallery and the National Museum of American Art; and to create two hundred fifty scholarships for Junior Associates, one of which my own son won when he was in elementary school. Other benefits, including an annual Christmas Dance and most recently a Washington Craft Show (an idea which evolved, by the way, during an exploratory session with bureau directors which Mary Ripley chaired almost three years ago), have made possible numerous innovative and meaningful projects. They include contributions to the Hirshhorn Holiday, the Air and Space Museum's Amelia Earhart Symposium, Natural History's Insect Zoo, the Anacostia Museum's Oral History Picture Series, the Beaver Valley at the Zoo, the Family Learning Project of the Chesapeake Bay Center for Environmental Studies, the Visitor Information and Associates' Reception Center's book "Volunteer! O Volunteer!," and perhaps the most widely used and certainly the oldest project of the Women's Committee, the Resident Associate Free Film Series which was started in 1971 as a "labor of love" in this museum [the National Museum of American History] and now is a noontime feature in most of the Mall museums.

In summary, since its beginning the Women's Committee has contributed over three hundred thousand earned dollars and thousands of hours of volunteer service to the Smithsonian Institution. To the lady who gave it life the Women's Committee presented the following tribute during a coffee held in her honor in the home of one of its members, Mrs. George Bush. The tribute reads:

"With deepest appreciation and great admiration The Women's Committee of the Smithsonian Associates celebrates on this occasion the role of Mary Livingston Ripley in organizing a ladies' volunteer committee in 1965, which resulted in the permanent Women's Committee. Her wise counsel, her level-headed judgment, and her profound understanding of the need for women of the community to be a part of the Smithsonian experience during these exciting years have been of invaluable benefit to the Institution and the community. In Recognition of Her Active Interest and Gracious Support The Women's Committee Confers on Mary Livingston Ripley the title of Honorary Life Member; December 16, 1983."

In closing, I would like to remind you that it was Winston Churchill who once said: "We make a living by what we get, but we make a life by what we give."

Having had the distinct honor and privilege of working with Dr. Ripley as a Regent and Regent Emeritus of the Smithsonian, I wish to thank him for his leadership and dedication in building the Smithsonian to the position of preeminence it holds today in the world's artistic, cultural, and scientific endeavors. Also, I want to pay a special tribute to the multitalented Mary Ripley, whose charm, intelligence, and enduring love of the Smithsonian have enlivened Dr. Ripley's service and enriched the quality of life for all Americans.

Thank you.●

INTRODUCTION OF A BILL TO CONTROL SOARING MEDICARE COSTS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Ms. KAPTUR. Mr. Speaker, today I am introducing a bill designed to assist in the effort to control Medicare's increasing costs. Under medicare's current arrangements, ambulances transport wheelchair-bound patients to hospitals and clinics for nonemergency, medically necessary treatments. The cost of these ambulance services are then covered by Medicare. A frequent use of ambulances for such purposes is transport for dialysis treatment. Consider for a moment the cost to Medicare for just one wheelchair-bound patient taking an ambulance to a hospital for dialysis treatment, three times a week for 1 year: ambulances in my district can charge up to $180 roundtrip; $180 times three trips per week equals $540; $540 times 52 weeks a year is $28,080.

There is a better, more cost effective alternative. Ambulette services can transport persons confined to a wheelchair at a vastly lower cost. These ambulettes, nonemergency vehicles designed to transport people in wheelchairs, are covered under State Mmedicaid regulations for providing the same type of services that ambulances give for medicare patients. These ambulettes are required by State law to meet specific safety, crew, and other requirements in order to be licensed to carry wheelchair patients covered by Medicaid. An ambulette's services in my district cost $30 roundtrip. The same patient mentioned above, taking an ambulette to a hospital instead of an ambulance, would be charged $90 a week and $4,680 a year. Yet, Medicare does not cover ambulette services. When wheelchair-bound patients discover that the cost of their transportation to a hospital or clinic will only be covered by Medicare if they take an ambulance, they choose the more expensive, less convenient, ambulance service.

My bill would expand title XVIII of the Social Security Act to specifically allow medicare coverage for ambulettes to transport wheelchair-bound persons to hospitals or clinics for medically necessary, nonemergency purposes. I would like to stress that this is not an effort to expand service coverage under Medicare. It is an attempt to give wheelchair-confined Medicare patients, who have no access to other means of transport, a far less costly alternative for getting to hospitals and clinics for health care. With the option of ambulette coverage, these individuals would choose this method of transport, thereby reducing Medicare's outlays. I hope this legislation will be discussed in the months to come as we consider proposals to restrain health care costs.●

TRIBUTE TO THE LATE MSGR. GENO BARONI

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. ST GERMAIN. Mr. Speaker, on August 26, we lost Msgr. Geno Baroni. As a priest, and as an extraordinary public servant, Geno Baroni left an indelible record of achievement in the field of civil rights and social justice activism. Many of us in the Congress, and especially those of us involved in the area of housing policy were fortunate to have his counsel, and his impact upon us is, and will be, lasting.

Gerry McMurray, a close friend and admirer of Geno, has written of what Geno was like and of his struggles to give justice more meaning.

I commend to my fellow Members this tribute:

REMEMBERING GENO BARONI

'LORD, HELP ME TO KNOW THAT IT IS NOT ENOUGH FOR THE CHURCH TO BE THE AMBULANCE SERVICE THAT GOES ABOUT PICKING UP THE BROKEN PIECES OF HUMANITY FOR AMERICAN SOCIETY'

(By Gerald R. McMurray)

How like Geno Baroni to hold off impending death until after the Democratic National Convention nominated an Italian-American Catholic woman as its candidate for the Vice President of the United States. It was as if the goals of his priestly-political life were accomplished in a symbolic manner in the candidacy of a socially aware Catholic for the second highest office of our country.

While driving up North Capitol Street through the ghetto of black Washington, D.C., rarely seen by visitors, to Providence Hospital to bid my final farewell to this social activist priest, politician, bureaucrat, counselor to Presidents and a legion of politicians and policy makers; I struggled with what my words of parting to this unique man would be. One always struggles with what to say to longtime friends on their deathbed, but with Geno Baroni it was more difficult to summon up the words that reflect the feelings of those of us who serve in public life about what Geno Baroni has meant to our own striving to witness the Gospel in our efforts at molding public policy. His four-year battle with cancer, the last two years of which were a struggle to avoid imminent death, was a scenario of his whole life, a struggle against overwhelming odds. Pain and depression took turns dominating his last years, but always present was the unshakable hope that a sinful people could live up to the divine command "to love one another as I have loved you" and "to bring glad tidings to the poor, to proclaim liberty to captives, recovery of sight to the blind and release of prisoners."

My last visit was much easier than I expected. He was excited and full of strategies as to how the Democratic ticket of Walter

Mondale and Geraldine Ferraro could address the glaring domestic social needs of our nation and a foreign policy that lacked moral content. Always ideas and strategies and coalitions to accomplish aims; even at the very end of his life, he was still at it. No emotional parting, as I embraced him. All that he said was: "Keep it up, Gerry." A month later, on Aug. 27, 1984, Msgr. Geno C. Baroni died.

Driving back down North Capitol Street, I passed the Sursum Corda Housing Project, begun by Geno Baroni as the first housing project offering homeownership for low- and moderate-income people sponsored by a Catholic diocese with Federal Government assistance. His presence will remain in Washington as long as Sursum Corda stands, but more important than the projects, programs and plans spawned by his activist endeavors were the spirit and encouragement that this priest left to those of us Catholics in public life who hungered after guidance from our church, which was too often occupied by traditions of piety, rules and rubrics.

In a secular setting the story of Geno Baroni would be Horatio Alger written broadly. Born in a tarpaper strike-barracks shack in an Acosta, Pa., coal camp in 1930 to Italian immigrant parents, Geno Baroni was raised in coal country. He was educated in local public schools, graduated in 1952 from Mount St. Mary's College in Emmitsburg, Md., attended its seminary and was ordained a priest in 1956 for the Diocese of Altoona, Pa. His father was a coal miner for 40 years, a member and an organizer for the United Mine Workers of America. His mother provided food, clothing, and many times shelter for the town drunks and others hard pressed by the brutalities of life in coal fields, much to the chagrin of young Geno.

The struggle to Americanize this Italian-American family traumatized Geno Baroni, so that years later he would recall the embarrassment of being publicly ridiculed by his public school teachers for carrying lunches to school pungent with the spicy smells of his mother's home cooking. He would say of this difficult experience: "They tried to homogenize me, by churning me from a Gorgonzola to a Velveeta spread." The seeds of his social-justice activism were sown by his parents. "My mother and father could not read or write any language, but they were the first voices of justice in my life."

His journey from these humble origins to adviser to Presidents, members of Congress and political figures across the political spectrum carved out a new role in American Catholic social activism. Young Father Baroni served as an assistant pastor in three Altoona and Johnstown parishes and as an instructor at a local Catholic high school from 1956 to 1960. He was in trouble with his bishop soon after his ordination for actively siding with workers striking against the Pennsylvania Railroad in 1957. Attending strike meetings and celebrating Mass in union halls and railroad yards were too threatening to many church officials at the time. Finally, frustrated at attempting to deal with this activist priest, the bishop "exiled" him to Catholic University for further studies. Arriving in Washington, he quickly dismissed his studies at Catholic and began serving as an assistant pastor at Sts. Paul and Augustine, a black parish in the heart of the Washington ghetto. In 1965, the then Archbishop of Washington, Cardinal Patrick O'Boyle, appointed him as the first Archdiocesan Director of the Office of Urban Affairs and incardinated him as a priest of the Washington Archdiocese. Serving in that capacity through the riots that tore through Washington following the assassination of Martin Luther King Jr., Father Baroni became one of the handful of whites listened to and respected by the angry black community of the nation's capital.

In late 1969 he moved to the U.S. Catholic Conference where he became Director of Program Development of the Urban Affairs Task Force, which produced the Campaign for Human Development, the church's response to the anti-poverty programs of the Federal Government. In 1970 he was made a Prelate of Honor by Pope Paul VI, entitling him to be called Monsignor, a designation he avoided but, as he later said, pleased his mother the most.

From 1971 to 1977, Monsignor Baroni headed an organization, largely of his own making, the National Center for Urban Ethnic Affairs. In February 1977, he accepted President Jimmy Carter's offer to join his Administration as an assistant secretary of the development of Housing and Urban Development. He was the first Catholic priest to be appointed by a President and confirmed by the Senate for a sub-Cabinet policy-making position. At the conclusion of the Carter Administration in 1980, he returned to the Washington Archdiocese as special assistant for social concerns to the newly appointed Archbishop, James H. Hickey, and he served in that capacity until his death.

Since no residence was available to Father Baroni at Catholic University when he arrived in Washington in 1960, a priest at the chancery office of the Archdiocese directed him to the rectory of Sts. Paul and Augustine Church, "a colored church" he was told, and he was to find out later, the dumping ground for the "problem" priests of the diocese. What he saw then in 1960—an old white ethnic parish dying amid drug addicts, pimps, prostitutes and hopelessly poor non-Catholic blacks—shocked his sense of reality. "The place was a hell hole then, and it still is now," he told me, "but at least now this parish stands with the poor, berates the mayor and local politicians and demands government services, housing, health, education, safety. . . . When I arrived in Washington, there were no elected officials, blacks counted for nothing, the church was more interested in building schools in Bethesda. How was I to preach the Gospel when all people here wanted was protection from drug addicts, hookers and pimps? The only way to get any action was to go to Congress, which ran the city in those days, and the Kennedy clan, which had just arrived at the White House."

Audacious and without guidance, Father Baroni approached both Congress and the White House, and at least found a place where people listened to this fast-talking priest. The few contacts that most of official Washington ever had with priests then, and until very recently, were at "Catholic functions"—weddings, funerals and invocations at some public events. This priest was talking housing, police protection, health care and better public schools for black Washington. Not the normal chit-chat from a Catholic priest.

The civil rights movement caught up with Father Baroni as the turbulent 1960's culminated in the aftermath of Martin Luther King Jr.'s assassination. Father Baroni joined Dr. King on his many marches in Washington. At one point he was called by Cardinal Patrick O'Boyle about a complaint the Cardinal had just received from another senior member of the American hierarchy protesting Baroni's presence in a march with King: "The Cardinal told me that I had been in all the papers with King, marching arm in arm and without a hat on; that this kind of activity was not priestly, and that O'Boyle should not tolerate this any longer. I asked the Cardinal what was he going to do, and he said 'Geno, next time wear a hat.' "

What troubled Geno Baroni about the civil rights revolution in this country was the absence of the American Catholic church in this struggle, its avoidance of social conflict with the prevailing social mores of the day. American cities were becoming black and brown, with isolated pockets of ethnic Catholics. "Oppressed and distressed people sharing the same bleak turf," he said so often. Father Baroni began attempting to join their concerns by his work as the first Director of Urban Affairs of the Washington Archdiocese, his careful persuasion and plain old politicking at the United States Catholic Conference putting together a coalition of conservative bishops and more socially conscious bishops to support the creation of the Campaign for Human Development, envisoned then as the church's response to the War on Poverty.

From the U.S.C.C., Father Baroni moved to an operation of his own creation, the National Committee on Urban-Ethnic Affairs. With the effort he attempted to create a bond between white ethnic Catholics of European descent, living in the large Eastern and Middle Western cities, and black Americans—a shared identity that would cause them to demand attention and services from their government.

Geno Baroni joined the ethnic pride renaissance of the late 1960's and early 1970's by shepherding the energies of neighborhood organizations from city hall sit-ins to city hall sit-down, where city officials negotiated resolutions with neighborhood groups. From ethnic pride to ethnic action was his goal.

As the first priest to receive a Presidental appointment to a policy-making a position in a Federal Cabinet department, as an assistant secretary of the Department of Housing and Urban Development, Geno Baroni sought to use the power of the vast array of Federal programs and funds to empower community and neighborhood groups to make demand on their governments to make their neighborhoods livable.

The presence of a Catholic priest in a policy-making role in the Federal establishment was a novelty that many found unsettling. His scrambling after rainbows was combined with a winning humanity that caught up all who crossed his path. Sophisticated Washington operatives laughed at him at first, but witnessed successful accomplishments in garnering support for neighborhood development and housing programs from Congress that observers said would never be approved. There was considerable talk toward the latter part of the Carter Administration that Monsignor Baroni was to be moved over to the White House to attempt to repair Carter's frayed relationships with Congress, since he had been effective in lobbying the Panama Canal Treaty through the Senate. Monsignor Baroni resisted the pressure to move, believing that his programmatic responsibilities were more a part of ministry than being a political operative of the President.

Those of us who watched our friend, our priest-mentor, constantly employing strategies, innovative in most cases, traditional in some, experienced an awakening as to how the social teachings of our church could be employed in a way that dealt with the realities of our changing society. Many of us in public office had felt isolated, with no sense of direction from the church as to how to employ the rich traditions of *Rerum Novarum* and the writings of Msgr. John A. Ryan (1869-1945). Geno Baroni began to give us that direction, never the complete direction; that was our task to develop and pursue. We had the teachings, the tradition, but sadly no direction. He was there with us always, strategizing, analyzing, pursuing new coalitions, but always with the clear guidance that our faith makes no greater demand than to pursue social justice against the resistance of smug affluence, pervading racism and economic exploitation.

Geno Baroni refused to die within the time frame that his cancer was said to have set, because he had set his sights on upsetting social developments occurring in the American Catholic middle class. He was most troubled in these past few years of the Reagan era by what the fruits of affluence and economic prosperity had brought to a large number of the grandchildren of ethnic Catholic Americans. He was greatly troubled by the absence of concern for the disadvantaged of our society by middle-class American Catholics. There was no empathy for the less fortunate nor minority black and Hispanic aspirations. Any effort to move American Catholics by the power of the church's social teaching was being thwarted by, in Baroni's words: "I got mine: a house in the suburbs, two cars, job, kids in good schools. Don't force anything on me that threatens my American dream."

Monsignor Baroni felt that the ambitious and prophetic call in the bishops' peace pastoral and the beginnings of solidarity with the church in Latin America went directly against the grain of white Catholic middle-class America. Generations of patriotism and anti-Communism were being threatened by church leadership. With no following, he believed these efforts would have a hollow ring, but he had full confidence that a carefully laid out strategy of disturbing the comfortable would result in positive reactions.

When a priest friend told him that a group of parishioners had demanded that he stop preaching about the poor, Central America and economic injustice, as well as overemphasizing Scripture readings about the poor in liturgical settings, Monsignor Baroni's spirits plunged. Yet hearing from others about parishes and groups of individuals providing shelter for the homeless, sanctuary for Central American refugees, his spirits soared. He demanded of God the right to remain alive to push Catholic Americans still further by the challenge of our social justice teachings.

Geno Baroni's mark upon those of us in the public sector is the faith he strengthened to challenge our society, our nation, to serve the needs of "the least of these my brothers and sisters." His presence remains in the housing projects he helped build in Washington, the urban neighborhood organizations he empowered with faith and Federal money and in the numerous organizations that he encouraged, set up and gave direction to. Most importantly, his spirit will remain with those of us whose lives he touched, whose faith in the Gospel he strengthened, and whose commitment to the social justice teachings and traditions of our faith he reaffirmed.

On Labor Day, Sept. 5, 1983, in his last public homily at the Annual Labor Day Mass at the Shrine of the Sacred Heart in Washington, he shared with those of us privileged to have heard him a prayer that embodied his life and faith: "From my own life review, could I share with you a prayer, my own prayer, that comes from some disappointments. I have been a priest for 27 years, with many joys, but this prayer reflects a sorrow for my own life, my own struggle. On this Labor Day, Lord, I pray: 'Help me to know that our limited charity is not enough. Lord, help me to know that our soup kitchens and secondhand clothes are not enough. Lord, help me to know that it is not enough for the church to be the ambulance service that goes about picking up broken pieces of humanity for American society. Lord, help us all to know that God's judgment demands justice from us as a rich and powerful nation.

"Yes, who will hear the words of the Lord? Who will hear the words of the Lord in today's Gospel? On this Labor Day, let us pray that the Holy Spirit will provide new gifts to meet new needs. Let us pray that there will be new voices of justice, new prophets who will hear the words of the Lord and stand up, as Christians, to say: 'Yes, the Spirit of the Lord is upon me. He has sent me to bring glad tidings to the poor.' "●

PERSONAL EXPLANATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, because of a longstanding commitment to constituents from my congressional district, I was unable to cast several rollcall votes on September 19, 1984. I would like to list those rollcall votes by number and state how I would have voted had I been present.

Rollcall No. 400, "yea."
Rollcall No. 401, "no."
Rollcall No. 402, "yea."
Rollcall No. 403, "yea."
Rollcall No. 404, "yea."●

LULAC HONORS HISPANIC EDUCATORS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. PATTERSON. Mr. Speaker, it is with great pleasure that I acknowledge the distinguished members of LULAC, our Nation's largest Hispanic advocacy organization, as they honor 10 Hispanic educators for their contributions to education and their communities. LULAC represents the interests of over 14 million Hispanics in the United States and more than 4.5 million in my home State of California.

On September 29, 1984, the Office of the National Vice President/Far West Region under the leadership of Dr. Anita Chapa Del Rio, will hold the first annual Hispanic Educators Awards Banquet in Santa Ana, CA. It will be dedicated to the late Tomas Rivera, chancellor of the University of California, Riverside. He was the first minority and the youngest person to serve as chancellor in the University of California system.

Listed among the recipients are Santa Ana elementary school teacher of the year, Nydia Hernandez; Santa Ana High School teacher Rose Prado; Saddleback High School counselor, Maria L. Vargas; intermediate school teacher Albert A. Encinias from Carr Intermediate School; Santa Ana Community College instructor/coach, Justos Frutos; and university professor of biological science from the University of California, Dr. Eloy Rodriguez. The first Hispanic school teacher in Orange County, Alex Jimenez will be a special recipient.

The Far West Region will honor Dr. Thomas Arciniega, president of California State University, Bakersfield, as the California Educator of the Year. Theresa August will be the recipient of the Arizona Educator of the Year Award. Alfred Baca will also be honored; he was a tenured professor with the University of Nevada system before his death July 10, 1984.

Recipients of this special honor were nominated and selected on the basis of personal achievements, political awareness, community awareness, civil involvement in service clubs and organizations, and special contributions to education and the Hispanic community.

As the Congressman who represents West-Central Orange County, I have had the privilege of working with some of these individuals, and I can personally attest to their dedication to students, parents, and the community. Each of them has pursued the goal of achieving excellence and personal development in their students and has thereby set an example of excellence of their own as educators. When we recall our formative years, we very often reflect on the individuals who gave us the immeasurable gifts of love, understanding, and knowledge. Next to our families, those who were among the closest and most important people in our lives were often our teachers. This still holds true for others who have continued their education in later life, and who still can find an able mentor and friend in a professor.

Education is one of the institutions we most cherish in this great Nation of ours. We owe a debt of gratitude to LULAC and to these fine individuals being honored tonight for their daily commitment to its preservation. Mr. Speaker, I ask my colleagues to join

me in saluting these educators for their exemplary service.●

PRESIDENT'S PLAN TO CURB STEEL IMPORTS A STEP IN THE RIGHT DIRECTION

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. REGULA. Mr. Speaker, yesterday the President announced a plan to curb steel imports through negotiated voluntary restraint agreements with several steel-exporting countries.

While this decision is not everything those of us from steel-producing regions would have wished for, it is a significant step in the right direction. Most importantly, the administration recognized that the domestic steel industry is being injured by unfair trade practices and is committed to remedying this situation.

The true test of the success or failure of the administration's proposal will be in the implementation. I think the industry can be encouraged by the recent example in the automobile industry where voluntary restraint agreements have helped lead to a resurgence in that industry.

Today the Congressional Steel Caucus, on which I serve as vice chairman, unanimously agreed to continue to push for House passage of the Fair Trade in Steel Act which would impose quantitative restrictions on steel imports. Passage of this legislation would give U.S. negotiators the leverage they need to achieve the administration's objective of limiting steel imports to 18½ percent of the domestic market.

Under the administration's proposal, U.S. Trade Representative William Brock has 90 days to conclude negotiations. I look forward to Ambassador Brock's successful fulfillment of his stated commitment "not to sit back and be the world's steel dump."

Following is the statement of the American Iron & Steel Institute concerning the President's announced steel program:

STATEMENT OF THE AMERICAN IRON AND STEEL INSTITUTE CONCERNING PRESIDENT REAGAN'S STEEL PROGRAM

WASHINGTON.—The American Iron and Steel Institute said today that President Reagan's action in establishing a new Comprehensive Fair Trade Program for the domestic steel industry is recognition of the effects of unfair trade in steel on the domestic steel industry. The total import share of the U.S. steel market under this program will be 18.5% of apparent domestic consumption plus 1.7 million tons of semi-finished steel.

The import levels, which apply across all product lines, should reduce unfair trade in steel and the extensive abuses which have caused such great economic harm to the domestic steel industry.

The President's announcement today is important to the industry, its workers and communities since the industry is operating at about 57% of capability, tens of thousands of workers are on layoff, and many of the steel plant town communities are on the brink of financial disaster.

The program will be implemented with the nation's steel trading partners within the next ninety days—assuring a move toward fair trade. If the program is successfully achieved and enforced, the investment climate in steel will become attractive once more, facilitating the increased modernization of the industry, to the benefit of the entire nation.

While the import level of the program is higher than the limitations in the Fair Trade in Steel Act, the ceiling provided is far less than the 33% level registered in July or the 25% so far this year.

There are a number of favorable features to the program. It covers all steel mill products. It is for five years. It will be enforceable under Administration-sponsored legislation. The resolve of the President to deal effectively with unfair trade is shown in his willingness to use his broad authority contained in trade statutes and trade cases. There is great promise for the industry, its employees and the steel communities in the program. There remains the fulfillment of our expectations for the program.

The program calls for a quantitative limitation on semi-finished steel. The steel companies will have the right to file unfair trade cases against semi-finished imports.

The industry has been assured that the program will be implemented during the next ninety days. Steel imports arriving after October 1 will be included under the program. Unfair trade practice cases can be expected to be filed in the event successful government arrangements or agreements with specific countries are not reached.

The domestic steel companies and their employees are deeply appreciative of the efforts of those Members of Congress, governors, mayors and state and local officials who, together with the United Steelworkers of America, have so strongly supported the industry in its efforts to achieve a comprehensive steel trade solution. The industry is indeed greatful for this assistance.

We are aware of the opportunity a successful program affords the industry and its workers. We are confident the opportunity and the challenge will not be lost.●

TRIBUTE TO CARL PERKINS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. OBERSTAR. On September 11, the House paid tribute to one of its most decent and beloved Members, the gentleman from Kentucky, Mr. Perkins. Because September 11 was election day in Minnesota, I was necessarily away from Washington on that date and regrettably missed the opportunity to participate with so many of our colleagues in the tribute to Carl.

For over 35 years, he served honorably and with distinction his district, the Commonwealth of Kentucky, and the people of this Nation.

As chairman of the House Education and Labor Committee, he led the fight for so many of the humane, progressive programs which Congress has authorized since the New Deal. He was the champion of the poor, the oppressed, the school child, the older American—those who most need the protection of Government. Carl understood the importance of establishing priorities in Federal spending, of directing limited Federal resources to where they would be most effective for the broadest public good.

Carl and I worked particularly closely on behalf of the Appalachian Regional Commission—one of the most enduring, successful and needed components of the war on poverty begun nearly two decades ago. As chairman of the House Subcommittee on Economic Development, I benefited tremendously from Carl's experience, advice and assistance as I led the fight to save the Appalacian Commission.

Carl was a tremendous public servant. Elected in the days before advertising and the 32d television spot, he relied on the power of his mind, and the record of his personal closeness to the people and of his service and dedication to them and their needs. We needed the perspective which he brought to this body. And with his passing, each of us should endeavor to keep alive the legacy of his service and of his spirit. We shall be the richer for it.●

LAND POLLUTION TAX MAKES SENSE TO ECONOMISTS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mrs. SCHNEIDER. Mr. Speaker, over the past year, an increasing number of experts have come to agree that a tax on land disposal of toxic waste must be enacted if we are to reduce the long-term threat to our constituents posed by inadequate disposal of toxic waste.

I would like to enter in the CONGRESSIONAL RECORD at this time an article by Prof. Murray L. Weidenbaum that appeared in the August 24 edition of the Christian Science Monitor. Mr. Weidenbaum, the director of the study of American business at Washington University, and the original Chairman of President Reagan's Council of Economic Advisers, presents a cogent argument for a tax on land disposal of toxic waste. Professor Weidenbaum concludes that our current policy of taxing waste producers instead of polluters is shortsighted, and that environmental pollution is an activity that is susceptible to economic incentives.

[From the Christian Science Monitor, Aug. 24, 1984]

TOXIC WASTE: LET'S DUMP TESTINESS AND MAKE SOME BASIC CHANGES

(By Murray L. Weidenbaum)

A mid-course correction is needed in that major piece of environmental legislation called the Comprehensive Environmental Responses. Compensation, and Liability Act for "Superfund"), which Congress enacted in 1980.

As it stands, the law provides for a $1.6 billion fund raised largely through taxes on producers of chemical and petroleum products. The Environmental Protection Agency uses this money to identify and clean up hazardous wastes and waste sites. The Super-fund is not due for reauthorization until 1985, but the U.S. House recently approved a massive expansion of the law by increasing taxes and raising the fund's level to $10.2 billion.

Instances of toxic-waste contamination at Love Canal in New York State and at Times Beach, Mo., have brought a greater sense of urgency to the problem the Superfund is designed to correct or alleviate. The public mood on the subject of hazardous waste leaves little room for patience—but much opportunity for emotional responses. The same holds true, to a large extent, for the mood of Congress.

Moreover, public sentiment is helped little by the fact that the human health effects of many toxic substances, such as the various forms of dioxin, are not fully known and are subject to debate. Safe levels of some substances can now be measured by the EPA in terms of parts per billion, if not quadrillion—making our sense of the health hazards akin to searching for the proverbial needle in a cosmic haystack.

What is needed is less emotion on the subject of hazardous waste, especially a more clear-headed view of waste-disposal problems in the United States. Because definitions vary among levels of government, estimates of the amount of hazardous waste disposed of each year in the U.S. range from 30 million to 255 million metric tons. Most of this waste is buried in landfills because incineration, the safest and most effective means of disposal, is roughly 10 times as costly. Even so, government and industry spend an estimated $4.5 billion each year to manage toxic wastes. The annual price tag by 1990 is projected to reach $12 billion in 1981 dollars.

Experts agree that using landfills is enherently unsafe, if for no other reason than that they are only storage sites. They also concur that there are not enough of them. The EPA estimates that 22,000 waste sites now exist in the U.S., and fully 10 percent of them are believed to be dangerous and leaking.

The results: not enough reliable, environmentally safe places to dump toxic substances. Although EPA wants to clean up as many landfills as possible, it has very little choice of where to put the material it removes under the Superfund mandate. Taxpayers may wind up paying for the costly removal of waste from one site across the country, only to find later on that they have to pay again for removing it from yet another dangerous site. Merely throwing money at the problem will not help. EPA reports that it can reasonably and efficiently spend only $5 billion on cleanup over the next five years. Increasing the Superfund to more than $10 billion is not the answer.

One reason for the scarcity of hazardous-waste sites is the "Not in My Backyard" phenomenon. Sites for toxic substance disposal have joined prisons and mental hospitals as items that we all in general want, but not too close by. What is the answer? One method, strange as it may seem, is to provide financial incentives to get the acquiescence of the population of an area near a disposal site, while ensuring all possible safety. Another alternative is to use Superfund money more effectively to establish additional disposal facilities, whether landfills or incinerators.

The fact remains that continued public opposition to virtually every means of disposing of toxic substances will inevitably lead to disrupting the manufacture of needed products. Unfortunately, this could also lead to more illegal and dangerous "midnight dumping" of chemicals.

The Superfund mandates that a tax be levied on producers of "feedstocks" in the chemical and oil industries, and 88 percent of all funds are collected this way (the rest comes from the federal government). Consequently, thousands of other disposers wind up paying nothing.

Taxing producers rather then polluters does little to curb the actual dumping of wastes. A waste-end fee on hazardous-waste disposal, would be more economically sound. It would (1) provide an incentive to reduce the actual output of waste, (2) promote development of recycling and reuse systems, (3) encourage alternative disposal technologies, and (4) cover the disposal of products produced overseas. In short, rewriting the Superfund law so that it is more fair would also help protect the environment—and would probably save money at the same time.

The hazardous-waste-disposal problem is not going to disappear unless Americans radically change their life styles. Until then, greater understanding is needed on the part of the public and a willingness to come to grips with important features of the problems arising from the production and use of hazardous substances.

In legislating in this area, Congress must come to realize that the fundamental shortcoming is not the availability of money to clean up hazardous wastes. Rather, it is our unwillingness as a nation to accept the location of new disposal locations adequate to our production demands—or to look upon environmental pollution not as a sinful act, but as an activity costly to society but susceptible to economic incentives.●

PERSONAL EXPLANATION

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. LEHMAN of California. Mr. Speaker, due to unavoidable business in my district on September 19, 1984, I was unable to vote on H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. Had I been present for this vote, I would have enthusiastically offered my support for this meritorious bill which clarifies policy and procedure in the Social Security Disability Program.●

A SALUTE TO THE PAWSOX: INTERNATIONAL LEAGUE CHAMPS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mrs. SCHNEIDER. Mr. Speaker, move over Cubs. Look out Tigers. Your moment in the Sun may come soon, but this week's baseball heroes are the newly crowned champions of the International League: the Pawtucket Red Sox.

When the "PawSox," as they are affectionately called in New England, won the Governor's Cup last Thursday night, they did it in characteristic fashion. Behind 2-0 in the International League championship series against the Maine Guides, the PawSox took three straight games from the Guides on Maine's home field.

This was not the first time the team had come from behind in the face of great odds. After a suprising start, when the team burst to the lead of the International League, the PawSox slumped badly at midyear, and appeared to be heading out of playoff contention with only 2 weeks to go in the season. Then the PawSox turned on the tenacity and courage which are essential ingredients in all championship teams, won 8 of their last 11 games, and rolled into the playoffs with a head of steam.

Special thanks for this championship season go to owner Ben Mondor, general manager Mike Tamburro, and manager of the year Tony Torchia, and the entire PawSox family. Their skill at producing a winner on the field is matched only by their commitment to the well being of the local community. Even bigger congratulations go to the people of Rhode Island, who provide strong support for the PawSox year after year, regardless of whether the team is winning or losing.

Steve Lyons, Charlie Mitchell, Jim Dorsey, and the other PawSox stars will soon be making names for themselves in the big leagues. But I know that each of them will keep a special place in their hearts for the pennant flag which will now fly proudly over McCoy Stadium for years to come.

Congratulations PawSox, for a job well done.●

A TRIBUTE TO MAYOR MIKE NERVINE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. COURTER. Mr. Speaker, I would like to take a moment to recog-

nize a gentleman from New Jersey who has volunteered his services to the town of Bernardsville for half a century. Michael Nervine has served as councilman, a member of the board of education, and for the past 20 years as mayor. His contributions to the community are many. As well as being a civic leader, he is director of the First National Bank in Bernardsville, vice president of the Millington Savings & Loan Bank, a Rotarian, and most importantly a friend to all townspeople. Mike instills a sense of loyalty and commitment in his colleagues and commands respect from opponents.

Never too busy to help a worthwhile cause, Mike attacks each new project with the same exuberance and determination; his sheer enthusiasm generates successful results.

Bernardsville has proposed and grown over the past 50 years while still maintaining its local charm. This, in part, is due to the devotion and commitment this beloved mayor has made to his community.

I, on behalf of many, would like to express my gratitude and admiration for Mike Nervine; he is an asset to his community and his State.●

ASHWAUBENON, WI, FIGHTS ALCOHOL AND DRUG ABUSE

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. ROTH. Mr. Speaker, in the last couple of years in particular, the American public has become increasingly aware of the dangers of alcohol and drug abuse. There is a community in my district which has been involved in antialcohol and drug efforts for several years now, and its efforts deserve commendation.

From September 23 to 29, the village of Ashwaubenon, WI, will be observing "Alcohol and Drug Awareness Week." The community has observed this week for at least the past 3 years, and it is truly a community effort.

The week will begin in the churches of Ashwaubenon on Sunday, with homilies and sermons on adult role models in this area. The week will be filled with awareness and education programs, guest speakers, special presentations, local public safety demonstrations, an essay and poster contest, and a community breakfast.

Alcohol and Drug Abuse Awareness Week in Ashwaubenon is a real community effort, involving churches, schools, local governments, and service organizations. I want to pay tribute to all of those who have been involved in organizing this special week. Their program is something special, and I am certain the community will benefit from it for many years to come.●

DETROIT TIGERS CLINCH AMERICAN LEAGUE EAST

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. FORD of Michigan. Mr. Speaker, I want to take this opportunity to congratulate the Detroit Tigers for clinching the American League East pennant last night. The Tigers combined the pitching of rookie Ryan O'Neal in his first major league start with the relief pitching of Cy Young Award hopeful Willie Hernandez into a 3 to 0 shutout of the Milwaukee Brewers. For the first time since 1927 an American League team has lead its division from opening day to the playoffs. This was not the only feat that this group of young men has accomplished in clinching the Tigers' first division title since 1972. The Tigers took off on a torrid start and shattered all previous major league records with their 35 and 5 record over the first 40 games of the season.

I am confident that there will be other records for Manager Sparky Anderson and his ballplayers before this season is over. With a record of 97 and 54 and 11 games remaining, the Tigers need only 3 wins to make Sparky the first manager in baseball history to win 100 games in both leagues. The Tigers have captured the hearts and hopes of Michiganders throughout the State with their hustle and dedication. I would like to salute the fine group of players that Sparky and owner Tom Monaghan have assembled. I wish the Tigers luck in the American League championship series as they move closer to their ultimate goal of winning the World Series.

Bless you boys.●

TRIBUTE TO KEN NORTON, FORMER HEAVYWEIGHT CHAMPION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. DIXON. Mr. Speaker, on October 26, 1984, the Youth Services Unlimited organization of Los Angeles, which provides counseling employment readiness training, and sports activities to young men between the ages of 14 and 26, will pay special tribute to Mr. Ken Norton, former heavyweight champion of the world, actor, businessman, and humanitarian. I take this opportunity to join those who are honoring an exemplary family man and community leader.

Ken Norton has already distinguished himself with a boxing career that climaxed with his winning the world heavyweight boxing title in 1973. He now utilizes the spartan dedication and positive determination to succeed that earned him the heavyweight title to reach out and help young people in need.

Ken is actively involved in helping the victims of child abuse, giving financial support to a home for battered children in Beaumont, CA. He has also started a scholarship foundation to enable and encourage needy youths to obtain an education.

It is this compassion for the young people of his community that the Youth Services Unlimited organization honors on October 26, and that I commend today. To the young men of south central Los Angeles, and the young beneficiaries of his charitable contributions, Ken Norton is a strong and positive role model. His humanitarianism reflects the dedication to family and love of children that has so enriched his life, and serves as a significant reminder to us all that we can channel the positive influences of our lives to improve our society.

I am proud to pay tribute to Ken Norton and wish him continued success.●

CALL TO CONSCIENCE VIGIL

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. SENSENBRENNER. Mr. Speaker, the yoke of Soviet totalitarianism is a heavy load for the Russian people to bear. The entire population is subjected to constant harassment and surveillance. This harassment is particularly severe for those men and women who choose to act in accord with their fundamental beliefs. These prisoners of conscience are often physically abused or jailed.

One innocent victim of this type of Soviet repression is Vladimir Tsukerman. While Tsukerman's wife Ina and son Aleksandr have already been allowed to emigrate, the Soviet authorities have rejected Tsukerman's repeated attempts to join his loved ones in Israel. In part due to the unceasing efforts of the Union of Councils for Soviet Jewry and the Congressional Call to Conscience Vigil, Tsukerman was recently released from prison. Now is the time when continued public pressure can be most effective in forcing the Soviets to allow Tsukerman to emigrate.

I join my colleagues in the fight to win liberty for all Soviet prisoners of conscience.●

ADMINISTRATION SPOUSE EQUITY BILL

HON. WILLIAM E. DANNEMEYER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. DANNEMEYER. Mr. Speaker, today, I am introducing by request of the administration a Federal spouse equity bill. The purpose of the bill is to remove any bias against the spouses of Federal employees in the Federal retirement system. This bill and H.R. 2300, by the gentlelady from Colorado [Mrs. Schroeder], are the framework for legislation approved by the House Post Office and Civil Service Committee.

In September 1983, the President proposed the Pension Equity Act (H.R. 4032), which would amend the Employee Retirement Income Security Act and the Internal Revenue Code to require private-sector pension plans to provide survivor benefits for a former spouse of a retired employee to the extent ordered by a State court in dissolving the marriage. The President's proposal would also require private pension plans to prohibit a covered employee from waiving a reduction in his annuity in order to provide survivor benefits for his current spouse, unless the spouse consents in writing to the waiver. Since the Pension Equity Act would affect only the private sector, it is necessary to amend the Civil Service Retirement law in order to bring its provisions into conformance, where appropriate, with the changes the Pension Equity Act would impose on private pension plans. The Civil Service Retirement law already requires the Office of Personnel Management to comply with State court orders stipulating that a portion of a Federal employee's retirement benefits must be paid to his or her former spouse throughout the retired employee's lifetime, and the proposal would extend this provision to permit payment of survivor benefits when a State court so orders. The retirement law now requires a retiring employee's current spouse to be informed of the employee's election to waive survivor benefits. The proposal would change this provision to require the spouse's consent to such a waiver.

The proposal also includes a technical amendment standardizing the length-of-marriage requirement for entitlement to survivor benefits at 9 months for all widows and widowers, regardless of whether they were married to the employee at the time of retirement. Currently, the Civil Service Retirement law imposes a 1-year requirement for marriages which occur after retirement and on cases involving death-in-service, while imposing no requirement at all where a marriage exists at the time of retirement.

The legislation makes a further change to protect the spouses of Federal employees in the matter of an employee requesting a refund of retirement contributions. Because such a refund would void any later opportunity for the spouse to receive a survivor benefit, the bill requires spousal consent in the request for a refund of retirement contributions.

This legislation makes clear the commitment of this administration to equitable treatment of spouses and former spouses of employees under the Civil Service Retirement System.

Mr. Speaker, I insert a statement of purpose and section-by-section analysis of this bill at this point in the RECORD:

STATEMENT OF PURPOSE AND JUSTIFICATION

To accompany a draft bill "To amend title 5, United States Code, to provide more equitable benefits for spouses and former spouses under the Civil Service Retirement System, and for other purposes."

Last September, the President proposed the Pension Equity Act (H.R. 4032), which would amend the Employee Retirement Income Security Act and the Internal Revenue Code to require private-sector pension plans to provide survivor benefits for a former spouse of a retired employee to the extent ordered by a State court pursuant to the dissolution of the marriage. The President's proposal would also require private pension plans to prohibit a covered employee from waiving a reduction in his annuity in order to provide survivor benefits for his current spouse, unless the spouse consents in writing to the waiver. Since this proposal would affect only the private sector, it is appropriate for the Office of Personnel Management to propose amendments conforming the Civil Service Retirement law, where appropriate, to these provisions of H.R. 4032.

The Office is already required, under 5 U.S.C. 8345(j), to comply with State court orders apportioning a retired employee's benefits between the employee and his former spouse at the time of divorce. However, these payments to the former spouse continue only during the retiree's lifetime, since there is no authority for the Office to pay survivor benefits to the former spouse after the retiree's death.

An amendment establishing such authority, in compliance with State court orders, would be a logical extension of the present authority under 5 U.S.C. 8345(j) to apportion retirement benefits. Under the proposed bill, the total of survivor annuities payable to the current spouse and all former spouses of a retiree could not exceed 55 percent of that retiree's annuity. In order to make it difficult for a former employee with future title to an annuity to evade the obligation to provide a survivor annuity for a qualified former spouse, the bill would prohibit payment of a refund of an employee's retirement contributions in lieu of annuity if the employee has a former spouse who would qualify for a survivor annuity under the bill.

The proposal would also require a current spouse's written consent to a retiring employee's decision to waive a reduction in his annuity for the purpose of providing survivor benefits. Moreover, the current spouse of a former employee with future title to an annuity would have to consent to the employee's application for a refund of his retirement contributions before the refund could be paid. These changes would be a reasonable extension of the present requirement under 5 U.S.C. 8339(j)(2) that the current spouse of a retiring employee must be informed of the employee's decision not to provide a survivor annuity, and they would be consistent with the protections the proposal extends to the annuity rights of former spouses.

In addition to these amendments, the proposal would effect a technical change in the length-of-marriage requirement for entitlement to survivor benefits. Present law imposes a 1-year requirement for marriages which occur after retirement and in cases involving death in service, while imposing no requirement at all where a marriage exists at the time of retirement. The proposal would standardize the length-of-marriage requirement for entitlement to survivor benefits at 9 months for all widows and widowers, regardless of whether they were married to the employee at the time of retirement. Also, the proposal would deem the marriage requirement for receipt of survivor benefits satisfied in case of accidental death or in cases involving remarriage in which the aggregate time married is at least 9 months. This provision is similar to that contained in the Social Security law.

SECTION-BY-SECTION ANALYSIS

To accompany a draft bill "To amend title 5, United States Code, to provide more equitable benefits for spouses and former spouses under the Civil Service Retirement System, and for other purposes."

The first section provides the bill's title: the "Civil Service Retirement Spouse Equity Act of 1984."

Section 2 contains various amendments to provisions of chapter 83 of title 5, United States Code, concerning Civil Service Retirement.

Paragraph (1) of section 2 amends section 8339(j) to prevent a married retiring employee from electing to provide a reduced survivor annuity or no survivor annuity at all without his spouse's written consent. Under regulations to be prescribed by the Office of Personnel Management, the employee could waive the survivor annuity without his spouse's consent only if he could establish to the Office's satisfaction that the spouse's whereabouts cannot be determined. Section 8339(j) will also be amended to require a reduction in the annuity of an employee who has a former spouse entitled to an annuity under section 8341(h), as added by section 2 of the draft bill. This reduction will be eliminated if the former spouse dies or remarries before age 60, unless the retired employee elects within 1 year thereafter to continue the reduction in order to provide a greater survivor annuity for his current spouse, or unless, if the employee remarries, he elects to provide a survivor annuity for his new spouse.

Paragraph (2) of section 2 effects several amendments to section 8341, relating to survivor annuities. It amends subsections (a) and (b) of section 8341 to standardize the marriage requirement for entitlement to survivor benefits at 9 months for all widows and widowers, regardless of whether they were married to the employee annuitant at the time of retirement. Paragraph (2) adds a new definition of "former spouse" to section 8341(a) to prevent a former spouse who was married to an employee for less than 9 months, or who was married to an employee who performed less than 18 months of civil-

ian service, from becoming entitled to a survivor annuity under section 8341(h). Section 8341(b) is also amended to conform to the requirement in section 8339(j) that a survivor annuity cannot be waived or reduced without the spouse's written consent. Paragraph (2) of section 2 of the draft bill adds a new paragraph (4) to section 8341(b) to provide that the survivor annuity payable to the widow or widower of a retired employee shall be reduced by the amount of any annuity payable to a former spouse of the deceased retiree under section 8341(h). Section 8341(d), which provides a guaranteed minimum survivor annuity to the widow or widower of an employee who dies in service, is amended to require such an annuity to be reduced by the amount of any survivor annuity that is payable to any former spouse of the employee under the new subsection (h).

Paragraph (2) of section 2 of the bill also amends subsections (e) and (f) of section 8341. Subsection (e) provides different amounts of children's annuities depending on whether or not the employee or retiree is survived by a spouse. Under the amendment to subsection (e), the same distinction would apply according to whether or not there is a surviving former spouse. Subsection (f) provides an annuity to the surviving spouse of a former Member of Congress who has title to a deferred annuity but who dies before reaching age 62 or before filing an application for annuity. Subsection (f) will be amended to require such a survivor annuity to be reduced by the amount of any annuity payable to any former spouse of the former Member under section 8341(h). Finally, two new subsections are added to section 8341. Subsection (h) requires the Office of Personnel Management to pay a survivor annuity to the former spouse of an employee or annuitant to the extent ordered by a State court in the event of divorce or annulment, provided that the former spouse had not waived the survivor annuity before the divorce. In no case could such an annuity exceed 55 percent of the employee's benefit. This annuity would be reduced by the amount of any annuity payable to any previous former spouse of the employee or retiree. Subsection (i) deems the marriage requirement for widows and widowers satisfied in cases of accidental death or in cases involving remarriage in which the aggregate time married is at least 9 months.

Paragraph (3) of section 2 amends section 8342(a) to prohibit payment of a refund to a separated employee who has a former spouse as defined in section 8341(a)(5) and to require the current spouse of an employee to consent in writing to the employee's application for a refund.

Paragraph (4) of section 2 amends section 8345(f) to provide that the floor on annuities shall not apply to any survivor annuity payable to a former spouse under section 8341(h). It also amends section 8345(j), concerning apportionment of retirement benefits in the event of divorce, to clarify that the Office of Personnel Management will comply with orders of courts in U.S. territories and possessions, as well as in the 50 States and the District of Columbia.

Section 3 provides that the amendments made by section 2 will take effect 180 days after enactment and will apply to an individual who, on or after the effective date, is married to an employee or Member who, on or after the effective date, retires or applies for a refund under the Civil Service Retirement System. This means that no survivor annuity may be paid to any former spouse who becomes divorced before the effective date. Moreover, no survivor annuity may be paid to a former spouse of an employee who *retires* before the effective date, regardless of when their divorce occurs.●

THE EPA SCANDAL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. FLORIO. Mr. Speaker, several weeks ago, the House Energy and Commerce Subcommittee on Oversight and Investigations, of which I am a member, released the first subcommittee report emanating from the congressional investigations of the EPA Superfund Program during the Reagan administration.

The report, released by the distinguished chairman of the Energy and Commerce Committee, JOHN DINGELL, details the destruction of the Superfund Hazardous Waste Cleanup Program by the administration's top level political appointees and gives what one reporter, Robin Goldstein of the Asbury Park (NJ) Press, describes as a "pretty convincing account of how Rita Lavelle, in her days as Assistant Administrator of the Environmental Protection Agency, used her position as czarina of the Superfund to help the political careers of certain favored elected officials."

In her article, Ms. Goldstein cites several examples from the oversight report which clearly illustrates the political manipulation of the Superfund Program and the complete disregard by the EPA of the public health and environment.

Ms. Goldstein concludes her article by writing: "Rita Lavelle, happily, is no longer at the EPA. But reading of her exploits now, one can only wonder how that sort of attitude could have prevailed for any time at all so high in the government."

Unfortunately, the one fact which emerges clearly from the subcommittee report is that the incidents at the EPA are not history about a bygone era; rather they reflect a consistent pattern of policymaking which continues at the highest levels of the administration.

Mr. Speaker, the ultimate irony of the report is that the administration continues to resist our subcommittee's effort to explore the White House's involvement in the Burford/Lavelle debacle by withholding documents detailing communications between EPA and high White House officials. The administration's clear fear that the EPA scandal will be traced to the White House reveals how little has really changed since its war on the environment went underground.

I commend the article to the attention of our colleagues.

[From the Asbury Park Press, Sept. 7, 1984]

RITA LAVELLE'S "STARS AND CHITS" LIST

(By Robin Goldstein)

A recent congressional report gives a pretty convincing account of how Rita Lavelle, in her days as assistant administrator of the Environmental Protection Agency, used her position as czarina of the Superfund to help the political careers of certain favored elected officials.

But what really grates against the senses is that Ms. Lavelle didn't even have the decency to be low-key about her political machinations.

Quite the opposite, in fact. Ms. Lavelle apparently kept a careful ledger of all her political accomplishments, of all the politicians whose careers she had boosted by misusing her position.

She even had a whimsical little name for her ledger. She called it "Stars and Chits."

Sen. Richard Lugar, R-Ind., was on the list. Ms. Lavelle set everyone scurrying double-time so that Sen. Lugar could announce a clean-up plan for a hazardous waste site in his home state during his 1982 re-election campaign. "We have to deliver this one to Sen. Lugar before the election," Ms. Lavelle told a meeting of her EPA staff, according to the House subcommittee report.

Ms. Lavelle, according to the report, did a similar favor for Sen. John Danforth, Republican of Missouri. "He's in a tough race and we should help him," she reportedly told an aide.

Another name on the "Stars and Chits" list was that of John Dramesi, a South Jersey Republican who was, in the fall of 1982, running against Democratic Rep. James J. Florio for the 1st District congressional seat. According to the report, Ms. Lavelle instructed her staff to call Dramesi and invite him to help announce a Superfund grant to clean up a toxic waste site in Bridgeport, N.J., even though Dramesi had never before contacted EPA to express interest in the site. Florio, who had written the original Superfund law, was not invited to the pre-election press conference. Ms. Lavelle, the report says, told an aide she had invited Dramesi to the announcement "just to get Florio's goat."

"Rita M. Lavelle was obsessed with orchestrating activities in the Superfund program for partisan political purposes rather than focusing her energies on political purposes rather than focusing her energies on policy-making to protect the public health and environment," the report, prepared by the investigations and oversight subcommittee of the House Energy and Commerce Committee, concluded.

The above examples are a sampling of what the EPA was like under Ms. Lavelle and her boss, Anne M. Burford (nee Gorsuch), the former EPA administrator. When the scandal over how EPA was functioning—or not functioning—finally boiled over last year, both Mrs. Burford and Ms. Lavelle were ousted, to be replaced by "Mr. Clean," William Ruckelshaus.

Mrs. Burford was not charged with any criminal wrongdoing, but Ms. Lavelle was convicted of perjury, among other things. Interestingly, she was acquitted of using her position to promote partisan politics, despite allegations such as those detailed above of EPA projects being placed on the "election track" to help some Republican candidates and elected officials.

Is it naive to expect that the political appointees who run government agencies will

be totally blind to the political prerogatives of the people who named them to their positions? Probably. But with Ms. Lavelle, and, to a lesser extent, Mrs. Burford, politics appears to have always come first.

Two incidents detailed in the House subcommittee report are particularly sobering, a step beyond merely hastening a grant announcement so a candidate can reap some pre-election glory from it.

The report alleges that Mrs. Burford held up the money to clean up a toxic waste site in California, the Stringfellow Acid Pits, for months, so that Jerry Brown, then the Democratic governor of California, could not take credit for the action. Brown, then running for the U.S. Senate, had made cleanup of the site one of his campaign issues, and there are indications that Mrs. Burford delayed the grant, scheduled to be announced in July, to put a crimp in Brown's campaign. Mrs. Burford says the delay had to do with last-minute questions on how much the state should pay for the cleanup. In the meantime, the Stringfellow site continued to threaten the land and water around it.

A second incident described in the report had to do with Ms. Lavelle's desire to bolster the campaign of Sen. Danforth.

In 1982, the state of Missouri was reeling from revelations of extensive dioxin contamination in towns such as Times Beach, where the entire populace had to be evacuated.

To help our Danforth in a closely contested race, Ms. Lavelle arranged for him to announce on Nov. 1—the day before the election—that EPA has approved the use of a revolutionary new technique for cleaning up dioxin contamination in Missouri.

This could only be greeted with euphoria by some residents of Missouri, put out of their homes and towns by the threat of dioxin, a potential carcinogen.

If Ms. Lavelle had gone through the regular procedures for approving a new technique, the announcement could not have been made in time for the election. So she circumvented the usual channels.

Danforth won his election, and Ms. Lavelle reportedly boasted to aides that she had "helped put him over the top."

But in her rush to announce the new dioxin strategy, Ms. Lavelle apparently gave false hope to many dioxin-traumatized Missouri residents.

Apparently, many technical officials at EPA knew that the "new" dioxin-removing technique was untested and of questionable effectiveness.

". . . the general thinking was that the action was a relatively futile attempt to essentially show that the agency had taken some action with respect to dioxin contamination in Missouri." Francis Biros, the acting director of the technical division of the EPA toxic waste program, told the House subcommittee.

To this date, no dioxin site in Missouri has been decontaminated using this technique.

For Ms. Lavelle, it was just another entry for her "Stars and Chits" log.

Rita Lavelle, happily, is no longer at the EPA. But reading of her exploits now, one can only wonder how that sort of attitude could have prevailed for any time at all so high in the government.●

COUNCILMAN ARTHUR KATZMAN'S 80TH BIRTHDAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. ACKERMAN. Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me now in extending best wishes to New York City Councilman Arthur Katzman on his 80th birthday, on September 21, 1984.

The distinguished councilman was first elected in January 1962, and has devoted 22 years of selfless service to improving the quality of life for citizens in the New York area. He has championed the causes of the good people of the 22d City Council District in Central Queens. He has fought tenaciously for the interests and issues of his constituents. He is truly a representative of the people—listening to their concerns, caring, and translating that compassion into action. He has kept his door and his heart open to his people for all these many years.

Mr. Katzman is the chairman of the Council Committee on Environmental Protection, and is former chairman of the Committee on Standards and Ethics. He has been a source of strength and wisdom to the council, and his guidance and influence are well known and held in high esteem.

Mr. Speaker, Arthur Katzman is truly a legend in his own time. He has made an immeasurable contribution to the people of Queens, and to the city of New York as a whole. He was born in 1904 in Russia during the reign of King David Horodok, and it was a momentous day for the citizens of New York when Arthur touched down on American soil as a young immigrant, eager for a new life in the United States. He was educated in New York and received his law degree from Brooklyn Law School.

Arthur Katzman is a leading citizen in the community of Forest Hills. He practices law part time, and is a member in good standing of many notable organizations, including the New York State Americans for Democratic Action, the New York State and Queens County Bar Association, the New York Civil Liberties Union and the American Civil Liberties Union.

Mr. Speaker, Arthur Katzman's 80th birthday marks a long and remarkable career of public service. He has dedicated himself to the betterment of others and his tireless efforts have ensured a safer, brighter future for every resident of New York City.

Mr. Speaker, let us take this moment to congratulate Arthur Katzman on his memorable career in public office and to wish him a joyous 80th birthday.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 20, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 21

9:00 a.m.
Special on Aging
To hold hearings to examine the cost of caring for the chronically ill.
SD-628

9:30 a.m.
Finance
To hear and consider the nominations of Mary F. Fuller, of California, and Suzanne D. Jaffe, of New York City, each to be a member of the Board of Trustees of the Federal Hospital Insurance Trust Fund, the Old-Age and Survivors and Disability Insurance Trust Funds, and the Federal Supplementary Medical Insurance Trust Fund.
SD-215

10:00 a.m.
Finance
To resume hearings on the taxing provisions of H.R. 5640, to reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
SD-215

Judiciary
Security and Terrorism Subcommittee
To resume hearings on S. 2771, to protect the internal security of the United States against international terrorism by making it a Federal felony for a foreign diplomat in the United States to use a firearm to commit a felony.
SD-226

SEPTEMBER 24

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on issues relating to Antarctica, focusing on the proposed Convention on the Conserva-

tion of Antarctica Living Marine Resources, United States and international research activities therein, and on the proposed Antarctica Minerals Treaty.
SR-253

2:00 p.m.
Appropriations
Business meeting, to mark up House Joint Resolution 648, making continuing appropriations for fiscal year 1985.
SD-192

Judiciary
To hold hearings on S. 2835, to allow certain sellers of agricultural products to bring antitrust actions.
SD-226

SEPTEMBER 25

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Household Goods Transportation Act (Public Law 96-454), and the Bus Regulatory Reform Act (Public Law 97-261).
SR-253

Foreign Relations
To hold hearings on the nominations of Carl E. Dillery, of Washington, to be Ambassador to Fiji, and to serve concurrently and without additional compensation as Ambassador to the Kingdom of Tonga, Ambassador to Tuvalu, and Ambassador to the Republic of Kiribati; and J. Stapleton Roy, of Pennsylvania, to be Ambassador to the Republic of Singapore.
SD-419

Judiciary
Juvenile Justice Subcommittee
To resume hearings to review the effects of pornography on women and children.
SD-226

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to examine the use of recreational drugs in professional and amateur sports.
SD-430

10:00 a.m.
Armed Services
Ad Hoc Task Force on Selected Defense Procurement Matters, to resume hearings on the Department of Defense procurement process.
SR-222

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on the release into the environment of genetically engineered organisms.
SD-406

2:45 p.m.
Conferees
On H.R. 2867, to authorize funds and revise certain provisions for hazardous waste control and enforcement under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (RCRA).
S-207, Capitol

3:00 p.m.
Temporary Select Committee to Study the Senate Committee System
To meet to consider recommendations to reform the Senate committee system.
SR-301

SEPTEMBER 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2190, to provide protection for agricultural purchasers of farm products.
SR-328A

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 337, to make permanent the deduction for charitable contributions by nonitemizers, and S. 2017, to revise certain IRS regulations relating to deductions for the payment of certain expenses by ministers and members of the uniformed services who receive subsistence and housing allowances.
SD-215

10:00 a.m.
Environment and Public Works
Business meeting, on pending calendar business.
SD-406

Governmental Affairs
To resume hearings to review the relationship between Congress and the Executive in the formulation and implementation of foreign policy.
SD-342

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings to explore management techniques used in the private sector that may be usefully applied to government.
SD-124

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

Select on Intelligence
Budget Subcommittee
Closed briefing on intelligence matters.
S-407, Capitol

2:00 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings on U.S. policy in South Africa.
SD-419

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

Temporary Select Committee to Study the Senate Committee System
To meet to consider recommendations to reform the Senate committee system.
SR-301

SEPTEMBER 27

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on the release into the environment of genetically engineered organisms.
SD-406

Finance
International Trade Subcommittee
To hold hearings on the State of the U.S. copper industry.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings on longevity and the lifestyle of older individuals.
SD-430

3:00 p.m.
Temporary Select Committee to Study the Senate Committee System
To meet to consider recommendations to reform the Senate committee system.
SR-301

SEPTEMBER 28

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2932, authorizing funds for fiscal years 1985 and 1986 for programs of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.
SR-253

Finance
Health Subcommittee
To resume hearings to examine how to ensure quality health care for low-income persons.
SD-215

OCTOBER 1

9:30 a.m.
Special on Aging
To hold oversight hearings on alleged discrimination against the poor and disabled in nursing homes.
SD-628

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to investigate certain activities of the video gambling industry, focusing on the alleged involvement of organized crime and the potential for public corruption.
SD-342

2:00 p.m.
*Finance
Health Subcommittee
To hold hearings to review the current method of financing medical education costs under the Medicare Program.
SD-215

OCTOBER 2

10:00 a.m.
Governmental Affairs
To resume hearings on S. 1746, to allow the Federal Government to freely procure certain goods and services from the private sector.
SD-342

OCTOBER 3

9:30 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on State lotteries.
SD-342

SENATE—*Thursday, September 20, 1984*

(Legislative day of Monday, September 17, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Almighty God, no one will be more greatly missed when the Senate convenes for the 99th Congress in January than the Secretary of the Senate. We offer to You our praise and gratitude for this public servant who behind the scenes has rendered such an incalculable contribution. We thank You for William F. Hildenbrand, who served his country in two wars, spent 2 years as a staff member in the House of Representatives and devoted 24 years to the Senate.

We acknowledge with gratitude his extensive and unsurpassed knowledge of Senate procedures and his profound concern for its efficient and productive operation. May he know, gracious God, that he has earned the respect, affection and trust of peers, associates and all who labor in the Senate. As he enters private life he does so with the love and best wishes of all of us who enjoy the privilege of working with him. May God's richest providence and blessing go with him and remain with him throughout his future years. In Your powerful name, O Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, Members know the high regard and respect I have for the distinguished Secretary of the Senate so they will not take seriously what I am about to describe.

I thank the Chaplain for his prayer, for his good wishes and future success for the Secretary.

I thought at first we would ask unanimous consent to extend our best wishes, but I am sure we would have objection. Then I thought the Senate may be equally divided on the question. So I thank the Chaplain.

Mr. FORD. If the majority leader will yield, did the majority leader indicate that the Chaplain broke the tie?

Mr. BAKER. I am certainly not indicating that the Chaplain's prayer is the best we can do, but I am expressing my gratitude nonetheless.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. Yes, I yield to the distinguished minority leader.

EXPRESSION OF APPRECIATION FOR WILLIAM HILDENBRAND'S DEDICATED SERVICE TO THE SENATE

Mr. BYRD. Mr. President, I too wish to commend the Secretary of the Senate, William Hildenbrand, for his 24 years of Senate service. His knowledge of Senate procedure and his dedication to its efficient operation are qualities that are appreciated by Senators on both sides of the aisle. His wit and his counsel will be missed by Senators and staff alike.

I wish to thank the Chaplain for reminding us in these busy closing days of the retirement of our distinguished Secretary of the Senate. I wish Mr. Hildenbrand the very best in his endeavors outside the Senate.

ORDER FOR RECESS FROM 11:30 A.M. UNTIL 12:30 P.M.

Mr. BAKER. Mr. President, our Cloakroom has announced, and perhaps the Democratic Cloakroom has announced as well, that there will be a briefing on the Lebanon situation in the secure briefing room at 11:30 a.m. today for Members only and no staff.

May I say to the minority leader that I would propose to recess from 11:30 until 12 noon so Members may attend, if he has no objection.

Mr. BYRD. Will the Senator yield?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, I think it is an excellent idea. It would assure better attendance at the briefing. The minority Cloakroom has sent out the message, as the Cloakroom of the majority leader has done. I thank the majority leader for arranging this.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that at the hour of 11:30 a.m. the Senate stand in recess until 12:30 p.m. so that Members may attend the briefing by the Department of State on the situation in Lebanon.

The PRESIDING OFFICER [Mr. MATTINGLY]. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, my daily appraisal of the agenda of the Senate changes a little every day, but, on the other hand, circumstances change a little every day. Let me go over it now, as I see it.

To begin with, I hope we can finish the trade bill fairly soon, early in the day, and I am advised that there is a good possibility of that.

It would be the intention of the leadership on this side then to ask the Senate to go next to the highway bill. It is hoped that we can finish the highway bill today; if not today, then tomorrow.

I would remind Senators that it is imperative that we pass the highway bill in order to release money for the Interstate Highway System.

Mr. President, there will be a vote on cloture tomorrow to limit debate on Senate Resolution 66. I will consult with the minority leader on the appropriate time for that. May I say I would like to have it as soon as possible, Fridays being what they are, and I was thinking of 12 noon. I will consult further with the minority leader on that point.

On Monday, Mr. President, we will either be in debate on Senate Resolution 66 or perhaps some other measure if there is another cloture motion filed, and there will be, I expect, if we do not get cloture on this one. The product liability bill comes to mind.

I had earlier thought that we could also do the clean water bill and the water resources bill, and I would still hope that we can. But I am going to move those down now to the I-hope-we-can list because I am advised that for a variety of reasons both of those bills now have serious problems. This announcement may produce an early conference with the sponsors of those measures, but they should know that those bills, both of them, the water resources bill and the clean water bill, appear to be in some trouble. Before I announce the intention of the leadership on this side in respect to those two measures, I would like to confer further with the two managers.

Product liability, however, is on the calendar, and that is the prime prospect for Monday, along with Senate Resolution 66, if the matter is not yet disposed of.

Two matters that are coming to the Senate Calendar next week, I am advised, are the balanced budget amendment for the Judiciary Committee and

the Genocide Convention. Senators should be on notice that next week we may take up either or both of those measures.

By next week, Mr. President, we will be in the CR season. The House will send us that measure, I believe, tomorrow, so it will be here and go to the committee as soon as it is received. By the end of next week we ought to be in the position to take up the continuing resolution. We also have to do something about the debt limit by September 28.

So, Mr. President, in summary, between now and the end of next week these are the things I hope we can do in addition to other matters that may be cleared for action routinely: the trade bill, the highway bill, product liability, balanced budget, genocide, the continuing resolution, and debt limit.

An item that was not mentioned in this list, Mr. President, is Grove City, the civil rights bill. The reason it was not is that I am advised and expect that that measure is going to be offered as an amendment to something else. I will keep the Senate advised as I gain information on that prospect.

It is a big list, Mr. President, but it is not as big as it might be. It omits some things that I know many Members would like to have up, but we are running out of time. I will continue to keep the Senate apprised as I see the schedule and the probable arrangement of the remaining time.

Mr. President, I believe that concludes my report today.

I urge Senators to attend the briefing at 11:30 a.m. on the situation in Lebanon in room S-407, which I repeat is for Members only without staff, since it will be a classified briefing.

Does the Senator from Arkansas wish me to yield to him?

Mr. BUMPERS. Mr. President, I was wondering if the distinguished majority leader was really serious about trying to finish the highway bill this evening.

Mr. BAKER. Yes, I was serious. I wonder if the inquiry means we might not.

Mr. BUMPERS. Mr. President, I just had a briefing by my staff. Based on that briefing, I was led to believe that that is a very controversial matter because of some amendments that are going to be offered. There are 10 projects in the Senate bill, 29 in the House bill. Our bill provides for a 50-50 matching share, the House bill does not. I know how that goes.

I have a few projects in my own State that I want to get on that bill. I suspect there are 99 other Senators who are like-minded.

I was curious: Certainly, the majority leader would know more about our chances of getting that bill passed than I would. I understood there was some considerable debate about getting the bill up.

Mr. BAKER. Mr. President, really, we have to get up the bill, I am told. I do not know if we have a practical choice. If we let the year go by without the interstate highway bill, I think that would be a bad situation. So it is the intent of the leadership to try to pass the highway bill. If we cannot pass it, I shall confer with the minority leader to see what else we need to do. If we do not take it up, it is certain we are not going to pass it; if we do take it up, we may. We shall see how that goes.

It is the intention of the leadership to take it up as soon as we pass the trade bill if the Senate will agree to that. I thank the Senator for his inquiry.

If I have any time left, Mr. President, I yield to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

SENATE SCHEDULE

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I was interested in listening to his laying out of the schedule. I suggest there is the problem of nominations also, which could take a little time.

Mr. BAKER. Would the distinguished minority leader yield?

Mr. BYRD. Yes, Mr. President, I yield.

Mr. BAKER. Mr. President, I should have included that, and I do now include any nominations that are available. I would like to make room for them.

Mr. BYRD. Mr. President, may I ask the distinguished majority leader when he contemplates taking up the continuing resolution if, as is expected, the House sends it over to the Senate tomorrow?

Mr. BAKER. Mr. President, I am advised by staff that the Appropriations Committee has indicated to staff that they intend to have a markup on Monday of the continuing resolution and to report it out Monday. If they do that, then it really would depend on whether we have a 3-day rule problem or not. The leadership on this side would intend to take it up as soon as we can.

Mr. BYRD. I thank the majority leader. I hope the Senate could proceed to debate and act on the continuing resolution at the very earliest possible date because the continuing resolution and the debt limit are the two major vehicles to which various and sundry germane and nongermane amendments are likely to be offered. I am sure the majority leader would agree with me that if the Senate and House have any chance of getting out sine die by October 4 or 5, we do need a little time on the continuing resolution and the debt limit; else we will not be able to adjourn sine die.

Mr. BAKER. Mr. President, I agree with that.

WHERE IS THE ADMINISTRATION'S MIDDLE EAST POLICY?

Mr. BYRD. Mr. President, I had intended to speak on the Senate floor on American policy in the Middle East today. As a result of the tragic events of this morning in Beirut, I debated whether it would be appropriate to go forward with this statement. But on balance, Mr. President, and at the risk of being misunderstood over my intentions—which were, and are, to highlight my deep concern over the direction of American policy in that region—I have decided to make my views known now. I believe that what I am about to say does relate in many ways to the tragedy this morning, but the issues I am about to raise need to be examined above and beyond the events of this morning. I hope that my remarks will be taken at face value and on their merits, and in that light, seriously considered by all who are concerned about the future of the Middle East and America's role there.

Terrorism has become a habitual practice in the Middle East and is of grave concern to all of us. But, at bottom, terrorism is basically a symptom of the deeper currents of conflict that course through the Middle East.

Once again Americans are awakened to the news of another tragedy in the Middle East. Terrorists have attacked the U.S. Embassy in Beirut, setting off a truck bomb which injured our Ambassador. The final casualty count is perhaps unknown at this moment. I join with all my colleagues and the American people in deploring this hateful terrorists act and in offering condolences to the families of those killed or injured.

In the midst of this latest horror and agony, it is only appropriate to raise questions regarding our present role and policy in the Middle East. At the very least, we owe it to those who have died in the past and for the safety of those who remain to undertake a probing examination of where we are in the Middle East and where we are going.

Terrorism has been a habitual practice in the Middle East and is of grave concern to all of us, but at the bottom terrorism is basically a symptom of deeper currents of conflict that course through the Middle East.

This latest tragedy in Lebanon is not an isolated incident. It is but the latest in a series of events which have served to remind the American people that little, if anything, is going right for

the United States in that region of the world. It is time to ask why.

There is a growing frustration and concern on the part of myself and my colleagues with what appears to be a drift in American policy toward that region. I think it is time for the U.S. Government to get back to basics. We need to begin focusing once again on what is required to build upon the accomplishments of the Nixon-Ford and Carter administrations in moving age-old adversaries toward a peaceful resolution of their differences. To do this requires that we reflect honestly upon what has transpired in the region over the past 3½ years. This exercise, of necessity, requires that U.S. policy, or a lack thereof, be given close scrutiny. I think the facts that I speak of today are obvious for themselves.

Last week, one of America's closest allies in the Arab world, Morocco, signed a treaty of political union with Libya, catching U.S. Government officials completely off guard.

Some 45 commercial vessels have been attacked over a 7-month period in the Persian Gulf as the Iran-Iraq war takes on a new dimension which threatens directly a major oil lifeline of the world.

Last October, 241 Americans lost their lives in one terrorist act, and a total of 264 Americans lost their lives in Lebanon before today, including those 241.

Warring intercommunal factions in that country, along with Syria, forced the withdrawal of U.S. Armed Forces in order to prevent further national involvement and national embarrassment.

Progress on the continued normalization of relations between Israel and Egypt, in which a major breakthrough was scored with the Camp David agreement and the subsequent Israeli-Egyptian Treaty of Peace, has come to a virtual standstill.

King Hussein of Jordan, once considered by U.S. policymakers as pivotal to broadening the Middle East peace process, is turning to the Soviet Union for arms.

Past U.S. diplomatic activity was instrumental in achieving cease-fires in the 1967 and 1973 Middle East wars and assisting in crafting the Sinai I disengagement agreement in 1974 and the Sinai II agreement in 1975. If results are any measure, U.S. diplomatic activity today appears to be either fruitless or nonexistent in the region.

The Soviet occupation of Afghanistan is more brutal today than ever, while the Soviet presence and role in Ethiopia, South Yeman, and Libya continue unabated.

What I have just outlined is the present state of affairs in the Middle East—a region of the world that the President characterized in a recent speech as being closer to peace than when he took office nearly 4 years ago.

The problems in the Middle East today cannot be laid at the feet of any one administration. I say this only because of the present administration's penchant for blaming all of the ills of the world, domestic and foreign, on past Presidents.

Yet, in the real world, the Middle East is a much more volatile and unstable region than it was when this administration came to office. Some of the problems in that region would have been uncontrollable for any administration. However, many of the problems may have been avoided or at least ameliorated had the administration been stronger on substance and more cautious in its rhetoric.

The last time Congress and the American people heard anything remotely resembling a policy for the Middle East was in September 1982, when the President announced his comprehensive peace plan for the region. What happened to that plan? Where have been the special envoys or Secretaries of State actively pursuing the substance of public pronouncements? Or, did the President's plan and diplomacy go down with the administration's debacle in Lebanon? Ignoring the flames that burn in the region is no substitute for Camp David or other major peace initiatives.

From the very beginning, the administration lacked a policy which has responsive to the realities of the Middle East. The Camp David process, a rare breakthrough in bringing any of the parties in the Middle East together, was jettisoned in favor of the ill-conceived strategic consensus that was to unite Israel and moderate Arab States against the common enemy of Soviet aggression. It should not have surprised anyone that this strategic consensus failed to materialize. Anyone who knows anything about the Middle East understands that the Soviet threat is of secondary concern to the players in that region who viewed the Arab-Israel dispute as the primary threat to peace and stability in the region.

Thus, when the administration's original, misperceived policy framework did not produce consensus in the region, it was back to the drawing boards. After nearly 2 years in office, a new Middle East initiative was developed which, in fact, was an attempt to build upon President Carter's Camp David agreements. This approach had at its core a central role for Jordan. The administration touted Jordan as being the key to its plans for a comprehensive peace, implying that King Hussein could be delivered as a peace process participant.

In addition to the serious complications resulting from the nature of the U.S. military role in Lebanon, there was a basic flaw in the administration's September 1982 initiative. Jordan was not in any position to play the role envisaged by the President. The administration was proceeding on the assumption that Jordan would come around if it received certain arms and weapons systems. The administration was repeating the same mistaken assumption it had made regarding the sale of AWACS to Saudi Arabia a year earlier. It was argued that the sale of AWACS to Saudi Arabia was vital to enlisting the Royal Kingdom's active participation in the Middle East process. In turn, weapons sales to Jordan were thought to be the determining factor in bringing King Hussein into the peace process with Israel. Reality proved both assumptions wrong.

By symbolically placing the mantle of a U.S. client state on Saudi Arabia, the Saudis were forced to demonstrate they were not a U.S. client. Far from demonstrating the ability to play an active and decisive role among moderate Arab States to come to terms with Israel in order to focus on the threat of Soviet expansionism, the Saudis moved quickly to distance themselves from U.S. policy. In the case of Jordan, the King was never in a position, whether weapons were forthcoming or not from the United States, to renounce unilaterally the Arab League's October 1974 Rabat Conference decision to grant only to the Palestinian Liberation Organization the authority to negotiate the status of the West Bank and Gaza Strip.

Thus, the administration lost nearly 2 years of valuable time trying to reinvent the wheel in the Middle East. And despite the fact that the September 1982 initiative was a grudging acceptance that the Camp David process had at least some merit, diplomatic miscalculation and the quagmire of Lebanon snuffed out quickly any promise that set of proposals might have had.

In the end, the administration has had to settle for the Egyptians allowing the United States to participate in clearing the approaches to the Suez Canal of mines, as evidence of American influence in the region. And while the Saudis' antiaircraft capability has been enhanced by U.S. arms sales which serve as a deterrent to Iranian air strikes against critical oil installations, commercial vessels operating in the Persian Gulf have taken an astounding toll over the past 7 months.

And how could any U.S. policymaker believe that the United States, by landing the Marines in Lebanon and firing the *New Jersey's* 16-inch guns, could stitch that country back together again? Neither Israel nor Syria, two countries which certainly understand Lebanon and the intercommunal rivalries in that country better than any

American, have had much success in influencing the internal situation.

With the formation of a new government of unity in Israel, it appears to be only a matter of time before a total withdrawal of Israeli defense forces from southern Lebanon will begin.

Even the Syrians are being forced to relearn that while it is easy to cause problems and wage war in Lebanon, it is difficult to make peace. Syrian pressure has succeeded in the reopening of the Beirut Airport and the race track. However, reality has not changed. The country continues to drift toward disintegration as sectarian divisions increase. What has been for some years a de facto intercommunal partition of Lebanon, may in fact become a politically-accepted reality on the part of most Lebanese.

The situation in Lebanon is indeed a tragedy. Outside influences, particularly since the 1944 national pact, have preyed upon age-old enmities and divisions, exacerbating hostilities that may be now irreconcilable. However, within the overall context of U.S. interests in the region, the preoccupation with Lebanon resulted in lost opportunities.

What did drawing the line in Lebanon against the Soviet-Syrian axis produce? Some 264 Americans were killed, U.S. prestige was squandered, valuable time was lost, and perhaps, most important of all, momentum toward a more comprehensive peace settlement built up by the Nixon-Ford and Carter administrations was stalled for the indefinite future.

As if U.S. prestige had not suffered enough as a result of misperception, patchwork policies, and ad hoc responses to crises in the region, we have had to endure another recent policy embarrassment in the region. I am referring to the recent announcement that Morocco and Libya had agreed to form a political union.

According to published reports, the agreement took the administration by surprise despite the fact that 15 months ago a rapproachment was underway between Morocco and Libya. On Morocco's side, King Hassan was interested in drying up support for the Polisario guerrillas fighting his forces in the Western Sahara. On Libya's side, Qadhafi was concerned that Morocco might send troops to Chad to prevent Libyan-backed rebels from overrunning that country. When Qadhafi agreed to stop funding and arming the Polisario, King Hassan agreed not to send Moroccan troops to Chad. This set the stage for Moroccan-Libyan cooperation, which was a warning signal that was missed completely by the administration.

During the critical period this summer when the treaty between Morocco and Libya was being negotiated in secrecy, our Ambassador, a political appointee, was out of the country on vacation. Therefore, when the agreement was announced, the administration was taken by complete surprise.

It is my understanding that the United States had not expressed any concern to King Hassan over the obvious warming of relations between Morocco and Libya. In other words, there might have been an opportunity to head off this agreement, had the administration been on its toes and minding the store.

In sum, Mr. President, nothing of substance has been achieved in the Middle East over the past 3½ years. In fact, there has been a marked deterioration in what stability had been built up in the region prior to 1981.

Does this mean we should give up because things look so bleak in that part of the world? Quite the contrary. We have demonstrated in the past that we have the capability, if we have the understanding of the complexities of the region, to make positive contributions in bringing a measure of peace to the area.

It would behoove us to reflect upon the 1973 Middle East war when, were it not for the Nixon administration's emergency airlift of U.S. weapons, Israel's very survival could have been threatened. And with Israeli Armed Forces moving unimpeded toward Cairo, it was American diplomacy which was instrumental in arranging a cease-fire.

The intense efforts of the Nixon administration led to the Sinai I and Sinai II agreements, both of which contributed to a lessening of tensions between Israel and its major adversary in the Arab world—Egypt. The Carter administration took advantage of the groundwork laid by the previous Nixon-Ford administration by following up with the Camp David accords and the subsequent Egypt-Israel Treaty of Peace.

In the aftermath of the 1973 Middle East war, the problems seemed more intractable than ever. But patience, persistence, and understanding moved Egypt and Israel away from their traditional adversarial relationship.

Nobody ever said this process of bringing peace to the Middle East is without its difficulties. But, Mr. President, as Edward R. Murrow so poignantly observed: "Difficulty is one excuse history has never accepted."

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Lou Cannon, Washington Post staff writer, entitled "President Addresses B'nai B'rith—Reagan says United States, Israel 'Forever United'," which appeared in the Washington Post on September 7, 1984; an article by Jonathan C. Randal, Washington Post foreign service, entitled "United States, Moroccan Misperceptions Led to Shock Over Libyan Union"; and an article in the New York Times of September 17, 1984, entitled "Two Tankers Struck by Missiles in Gulf."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 7, 1984]

PRESIDENT ADDRESSES B'NAI B'RITH—REAGAN SAYS UNITED STATES, ISRAEL 'FOREVER UNITED'

(By Lou Cannon)

President Reagan told a Jewish service organization yesterday that "the United States and Israel stand forever united" in the task of providing "permanent security" for Israel, and he claimed that the U.S. Military buildup during his administration has made Israel more secure.

"Today the United States has stopped wringing its hands apologetically and once again begun to play its rightful role in the world—with faith, confidence and courage," Reagan said, "And that means Israel can depend on us."

In a campaign speech to the B'nai B'rith international convention here, the president said that peace in the Middle East is closer than when he took office.

"When I spoke to you four years ago, peace was eluding the Middle East," Reagan said. "It still does. But now we and the state of Israel have far greater cause for hope."

Reagan did not mention Israel's rejection of his Middle East peace plan, which remains stalled after two years. Nor did he discuss other U.S. difficulties in the Middle East, which has proved both a military and diplomatic troublespot for his administration.

In his 1980 speech to the organization, Reagan charged that the "weak and confused leadership of Jimmy Carter" had placed Israel in "grave danger" and had encouraged terrorism.

Reagan echoed that assertion yesterday when he referred to the "weak and muddled" leadership of the Carter administration, which he said reached a low point on March 1, 1980, when the United States voted in the United Nations for a resolution condemning Israel.

"Some 48 hours later, President Carter disavowed the vote, announcing to the press that it had all been a mistake, a bad mistake," Reagan said, "And it certainly had."

Reagan said that the United Nations "has too often allowed itself to become a forum for the defamation of Israel" and repeated a pledge that the United States would walk out of the international organization if it ever expelled Israel.

Appearing on the same podium that Democratic challenger Walter F. Mondale had occupied three hours earlier, Reagan suggested that Israel would be safer, and the U.S.-Israel alliance more secure, if he is reelected.

Reagan never mentioned Mondale by name, and the President's managers did not alter the thrust of the speech to answer Mondale's charges that recent comments by Reagan linking politics and religion have breached the wall of separation between church and state. Reagan strategists believe that the President's high card with the Jewish community is long support of Israel, which he has backed since the formation of the Jewish state in 1948.

In the 1980 election, Reagan made a strong showing in the traditionally Democratic Jewish community following a similar strategy. A CBS-New York Times Poll gave Carter 45 percent of the Jewish vote,

Reagan 39 percent and independent candidate John B. Anderson 15 percent. In 1976, Carter won nearly two-thirds of the vote among Jews.

Reagan was applauded warmly several times yesterday, particularly when he reaffirmed his support for an international treaty against genocide. The treaty, which the United States has never ratified and which Reagan declined to support until Wednesday, has been bottled up in the Senate for 35 years.

The president acknowledged that he had taken "a cautious view" toward the issue, "in part due to the human-rights abuses performed by some nations that have already ratified the documents. . . ." But Reagan said he now will "vigorously support" ratification.

"And I want you to know that we intend to use the convention [against genocide] in our efforts to expand human freedom and fight human-rights abuses around the world," Reagan said. "Like you, I say in a forthright voice, 'Never again.' "

The phrase is a reference to the Holocaust, the Nazi extermination of much of the Jewish population of Europe during World War II.

Reagan yesterday linked his support for "the free nations" in Central America with his opposition to anti-Semitism. He quoted from a Jewish refugee from Nicaragua, Isaac Stavisky, who said that the country's leftist Sandinista regime had discriminated against Jews, confiscated their property and forced them into exile.

Reagan said that U.S. politicians who "take a position of weakness" in Central America "would give free rein to Marxist-Leninists who would persecute Central American Catholics and Jews, leaving them defenseless against Sandinista intolerance."

The president said his administration had strengthened the U.S.-Israeli alliance by adopting a "formal strategic relationship" with Israel, cooperating in military research and procurement, increasing economic assistance and undertaking negotiations for a trade agreement to open the markets of the two nations to each other's goods.

"These measures have made our relations with Israel closer, and our friendship stronger, than at any time in the history of our two nations," Reagan said.

UNITED STATES, MOROCCAN MISPERCEPTIONS LED TO SHOCK OVER LIBYAN UNION

BOTH SEEN DISTRACTED BY NARROW GOALS

(By Jonathan C. Randal)

RABAT, MOROCCO.—U.S. diplomats missed key signals of Morocco's intention to join Libya in a political union that now has caused the United States considerable embarrassment and raised official concern in Washington that Libyan leader Muammar Qaddafi may be breaking out of his diplomatic isolation, according to sources here.

Moroccan King Hassan II, for years one of America's closest allies in the Arab world, is reported, in turn, to be genuinely taken aback by the Reagan administration's sharp reaction in opposition to the union with Libya. According to observers, especially worrisome to Hassan is the realization that Congress could cut back or even stop not just direct military and economic aid, but the hundreds of millions of dollars worth of electronic and other U.S. materiel that Saudi Arabia has purchased for Mococco's armed forces.

The still-vague unification—announced by Hassan and Qaddafi on Aug. 14 and since ratified overwhemingly by referendums in the two countries—was promptly criticized by the Reagan administration, which expressed concern that Qaddafi's Libya, which the United States has been trying to quarantine as a supporter of world terrorism, was trying to seek international legitimacy through alliance with the more respected Morocco.

In retrospect, many diplomats and analysts are convinced that at the heart of the misunderstanding between the United States and longtime ally Morocco lay American failure to denounce a key Moroccan decision 15 months ago to move closer to Libya and the ensuing Moroccan conviction that U.S. silence signaled at least passive acceptance of Hassan's strategy.

Contributing to the problem, they said, were cultural misperceptions on both sides that led to the Reagan administration's concentration on its own narrow objectives in Morocco and Hassan's singleminded pursuit of national goals even at the potential expense of the special relationship between Washington and Rabat.

Spurred by Ambassador Joseph V. Reed Jr., a former Chase Manhattan Bank official, the administration concentrated here on securing landing rights for its rapid deployment force and construction of the noncommunist world's largest radio transmitter for the Voice of America.

"The Americans didn't see—or didn't want to see—anything that failed to fit into their onwards-and-upwards approach to Morocco," an Arab analyst said.

During the crucial month between mid-July and mid-August when the treaty with Libya was being negotiated in secrecy, Reed, who enjoys unparalleled access to Hassan, was out of the country, on vacation in the United States much of the time.

Reed met in Washington with Secretary of State George P. Shultz on Aug. 15, the day after the Libyan-Moroccan treaty was announced, in what officials said was a meeting arranged before the announcement, and returned here this week.

In the personalized world of Arab politics, Reed's absence apparently deprived Washington of its best chance of smoking out what Hassan says was his personal initiative.

The spokesman at the U.S. Embassy here has refused to discuss the matter publicly, saying, "This subject has been treated in Washington and we will have nothing to add."

Had the administration known of Hassan's intention, it may not have succeeded in dissuading him, but diplomats here reason foreknowledge could have left relations between the United States and Morocco less bruised.

Instead high-ranking Moroccan officials were reported to have assured American diplomats that nothing was afoot when queried about rumors of an impending treaty with Libya.

A month after the signing of the treaty, Hassan appears to have overplayed his hand, or at least underestimated some of the risks involved.

For although Americans were not the only ones taken by surprise by the treaty, serious signs of rapprochement between long-estranged Hassan and Libyan leader Muammar Qaddafi became visible in June 1983.

"The Americans should have started yelling when the king and the colonel got into bed," a veteran observer remarked, "not when they decided to get married last month."

The rapprochement was dictated by converging Moroccan and Libyan interests on two key long-running North African problems—the wars in Chad and the western Sahara—and their shared sense of diplomatic isolation and pique at mutual neighbor Algeria.

President Hissene Habre of Chad apparently set the rapprochement in motion in June 1983. He asked Morocco to send troops to prevent Libyan-backed rebels from overrunning his country—much as Hassan had saved the Zaire government by sending soldiers to thwart invasions from Angola in 1977 and 1978.

But instead Hassan dispatched his key adviser, Ahmad Reda Guedira, to Tripoli. He returned with a plan for switched alliances and Moroccan-Libyan cooperation.

Qaddafi agreed to stop funding and arming the Polisario rebels, who since 1975, with Algerian backing, have contested Moroccan sovereignty over the former Spanish Sahara.

In return Hassan turned down Habre's request.

The reconciliation was out in the open and Qaddafi spent four days in Morocco in July 1983 discussing a number of joint ventures that since have come to fruition.

In the past 15 months the arrangement has provided a boon for Morocco. Archrival Algeria has been left alone to shoulder the waning Polisario cause with negligible battlefield success.

More important, according to analysts, was Hassan's conviction that a formal union with Libya would guarantee Quaddafi's crucial continued diplomatic support in black Africa.

For if Moroccan troops have the upper hand in the Sahara—to the extent that military analysts believe Algeria is powerless to challenge them—Libyan money and diplomatic influence are still needed to counter the pro-Polisario majority in the Organization of African Unity.

Such Moroccan pragmatism, however, ran afoul of the Reagan administration's efforts to isolate Qaddafi as a leading international terrorist paymaster and troublemaker.

Diplomats here are convinced that the Reagan administration is especially upset that moderate Morocco should have lent its respectability to Qaddafi just when he was isolated in the Arab and African worlds and worried by a coup attempt in his capital last May.

Nor does Hassan's argument that he can tame Qaddafi impress Washington. The Reagan administration has worked long and hard to prevent its European allies from doing business with Libya and now fears that effort may be compromised.

French President Francois Mitterrand's recent three-day visit here was interpreted by Moroccan officials as an effort to help Hassan prove his usefulness. Their secret talks are believed to have dealt with eventual mutual disengagement in Chad of Libyan troops and French forces sent to support the Habre government.

Qaddafi's poor image in the United States could cause Morocco problems in Congress.

Yet faced with ever-growing population pressures and unemployment, a growing oil bill outpacing its phosphate export earnings and foreign debt repayment problems, Morocco desperately needs Libyan largesse, markets for its products and job opportunities.

Hassan apparently realized that the United States—which sent $58 million in military aid, $20 million in economic aid and $37.6 million in Food for Peace this year and plans a total of $153.5 million in aid

next fiscal year—could not provide the kind of cash handouts needed to stave off a recurrence of the riots that have shaken the kingdom in recent years.

While the United States recognizes that several previous Libyan alliances with other countries have collapsed, one diplomat said, "the danger is that the Moroccan treaty with Libya will last longer than the United States would like, and even if it ended soon it may still take a toll on relations between Rabat and Washington."

Diplomats and analysts questioned Hassan's wisdom in sending Reda Guedira to Washington a week ago to feel the pulse of the Reagan administration in the wake of American expressions of "profound concern" over the treaty. Guedira's trip followed a trip to Rabat by U.S. special envoy Vernon Walters, a frequent visitor to Morocco. Walters met with Hassan in late August and then stayed here until Sept. 4 for private visits.

Guedira, Hassan's closest collaborator, is virtual co-architect of the Libyan treaty and as such his presence in Washington drew unwelcome attention to the controversial union.

Analysts worry about potential Libyan leverage. They say that Qaddafi could denounce Hassan's decision to allow transit facilities for the U.S. rapid deployment force, or he could pressure the 16,000 Moroccans now working in Libya or the hundreds of thousands Hassan would like to send there.

Hassan's government has denied rumors that Morocco handed over Libyan dissidents to Quaddafi as part of the treaty deal. Most of the Libyan dissidents left Morocco six months ago, according to analysts who noted that they apparently were quicker to see the potential dangers of the 1983 cooperation pact than were most diplomats.

[From the New York Times, Sept. 17, 1984]

TWO TANKERS STRUCK BY MISSILES IN GULF

MANAMA, BAHRAIN, Sept. 16 (AP).—Two oil tankers were struck by missiles in the Persian Gulf today. Six seamen were reported wounded.

The planes that fired the missiles were not positively identified, but an officer on one ship was said to have seen Iranian markings on the aircraft.

Shipping sources said the attacks may have been an Iranian response to recent strikes by Iraq against ships going to and from Iranian oil terminals.

Extensive damage was reported to both ships, one a Greek-owned vessel chartered by Texaco and the other a South Korean ship carrying oil for Sri Lanka.

The attacks brought to 45 the number of commercial vessels attacked in the gulf over the last seven months, according to the Lloyd's Shipping Intelligence Unit in London. Most of the attacks were by Iraq within 50-miles of Kharg Island.

IRAN SAYS OIL PLATFORMS HIT

Shortly after the two tankers were hit, Iran said it had attacked an Iraqi oil installation at the northern end of the gulf, setting oil platforms ablaze and causing considerable casualties.

Iran and Iraq also reported new fighting today in the 733-mile war zone along their border.

The official Iranian press agency quoted a military communique from the Iranian high command as saying 110 Iraqi troops had been killed or wounded in 24 hours of border fighting. It was the heaviest casualty toll reported by Iran in more than five weeks.

[In Baghdad, the capital of Iraq, a military communique said that Iraqi helicopter gunships attacked Iranian positions along the border and that all returned safely "after destroying 10 Iranian infantry bunkers."]

Meanwhile, Arab radio stations in the gulf region said the defense and foreign ministers of the Gulf Cooperation Council would hold an emergency conference in Saudi Arabia on Tuesday to discuss protection for commercial shipping. The nations in the Council are Saudi Arabia, Kuwait, the United Arab Emirates, Bahrain, Qatar and Oman.

NO COMMENT FROM IRAN OR IRAQ

The tankers hit today were the Greek-owned, Liberian-registered *Medheron* and the South Korean-owned *Royal Colombo*, which was chartered by the Ceylonese Shipping Corporation, a line owned by the Government of Sri Lanka.

The attacks drew no immediate comment from either Iraq or Iran. Ordinarily, Iraq issues statements claiming responsibility almost immediately after it has attacked a ship.

In addition, Iraq usually attacks ships near Iran's Kharg Island oil terminal, while Iran's retaliatory attacks are usually against ships in neutral Arab waters. Both attacks today were in neutral, central gulf waters more than 200 miles south of Kharg Island.

The 122,000-ton *Medheron* was on its way to Ras Tanura, Saudi Arabia, to pick up crude oil for Texaco.

"My chief officer sighted the plane which carried the Iranian colors and markings visibly," the captain, Charalamsos Koliatis, said in an interview on ship-to-shore radio.

He said his chief officer and two other seamen suffered minor injuries.

SERIOUS DAMAGE REPORTED

"The damage to my ship is serious," Mr. Koliatis said. "There has been no fire, but the missile destroyed the bridge of my ship and about 30 percent of the accommodation quarters."

He said the *Medheron* was sailing toward Bahrain for repairs.

The 126,998-ton *Royal Colombo* was hit by a missile at about the same time but 70 miles to the west. Several marine salvage companies sent tugboats to rescue it.

Sources in radio contact with the *Royal Colombo* said the missile ripped through the engine room and injured three seamen, one critically.

DAMAGE NOT YET ASSESSED

COLOMBO, SRI LANKA, Sept. 16 (AP).—The chairman of the government oil corporation said the full extent of damage to the *Royal Colombo* had not been assessed. The official, Daham Wimalasena, said the ship had just picked up $25 million worth of oil.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have been notified that the distinguished junior Senator from Pennsylvania wants me to yield to him briefly. Could I ask the minority leader, since I have given him my time, after he completes his statement, he might yield to the Senator from Pennsylvania?

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, does Mr. FORD or Mr. BUMPERS wish me to yield to either of them?

Mr. FORD. Mr. President, I have a statement to make and some amendments to file. It will take approximately 1 minute.

Mr. SPECTER. I would be delighted to yield to the Senator from Kentucky.

Mr. FORD. Mr. President, I ask the distinguished minority leader and the majority leader if there is a problem with my taking that minute?

Mr. BAKER. None whatever, Mr. President.

AUTHORIZATION TO FILE AMENDMENTS TO SENATE RESOLUTION 66

Mr. BYRD. Mr. President, before I yield to the distinguished Senator from Kentucky, may I ask the distinguished majority leader if he will make a recommendation as to the final resolution of the TV in the Senate measure?

Mr. BAKER. Mr. President, I ask unanimous consent that notwithstanding that the Senate will be in recess between 11:30 and 12:30, it be in order to file amendments to Senate Resolution 66.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSFER OF SPECIAL ORDER FOR SENATOR PROXMIRE TO SENATOR BUMPERS

Mr. BYRD. Mr. President, will the majority leader make a request for the transfer of the time of Senator PROXMIRE to Senator BUMPERS?

Mr. BAKER. Yes, Mr. President; I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS AT 11:30 A.M. TODAY

Mr. BAKER. Mr. President, I must leave the floor in order to make preparations for the briefing at 11:30 a.m. I ask unanimous consent that, after the Senator from Pennsylvania has concluded, the Chair recognize the Senator from Kentucky and that, at the hour of 11:30, the Chair automatically place the Senate in recess.

Mr. FORD. Mr. President, did the distinguished majority leader say after the Senator from Pennsylvania is finished he is going to yield to me?

Mr. BAKER. Yes, Mr. President; to be followed then by the Chair recognizing the Senator from Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. May I inquire of the Senator from Pennsylvania how much time he desires?

Mr. SPECTER. I thank the majority leader for yielding. I would appreciate 10 minutes. I may do it in less. Would the majority leader permit us to remain in session slightly past 11:30 a.m.?

Mr. BAKER. Mr. President, let me urge that we not do that. We are going to have the Under Secretary of State and staff present in a closed room under secure circumstances. I would very much like to urge Senators to be

there and present on time. At 12:30, I shall be happy to provide an additional brief period for routine morning business if that will help. I had not known the Senator from Pennsylvania wanted 10 minutes. That is all the time I have under the standing order. Maybe we ought to make some other arrangement.

Let me suggest that I recommend to my friends and colleagues that they each take, equally divided, the time between now and 11:30 and that we recess at 11:30 and, if we need more time after that, I shall provide it after we return.

Mr. SPECTER. I agree to that.

Mr. BAKER. On that basis, could the Senator from Pennsylvania settle for 5 minutes?

Mr. SPECTER. I do.

Mr. BAKER. Within that 5 minutes, could he yield to the Senator from Kentucky?

Mr. SPECTER. I will.

Mr. BAKER. And the balance of that time will go to the distinguished Senator from Arkansas.

Mr. BYRD. I thank the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I yield to the distinguished Senator from Kentucky.

(The remarks of Mr. FORD relating to the submission of amendments are printed later in today's RECORD under routine morning business.)

PROSECUTION OF TERRORISTS

Mr. SPECTER. Mr. President, I have sought this time this morning to express some concrete ideas as to how the Congress of the United States might appropriately respond to the terrorist attack on the U.S. Embassy in Beirut this morning where 23 people were killed and some 60 were wounded, including the U.S. Ambassador.

We have seen repeated occurrences of terrorism. For instance, last year the U.S. Embassy in Beirut was attacked and 63 people were killed, then the twin bombing attacks on U.S. Marine and French peacekeeper troops in which 299 servicemen were killed, occurred. We have been able to identify some of these terrorists.

Mr. President, it is my belief that action is long overdue. Earlier this year, Senator DENTON and I introduced a resolution calling for a revision of the Vienna Convention which provides for diplomatic immunity, and that revision was thought to be necessary in light of the murder of the English policewoman by the Libyans. Further legislative proposals were introduced to make it a crime under U.S. criminal law for a diplomat to commit murder or assault with intent to kill with a firearm. Hearings have been held on the former resolution and another hearing is scheduled tomorrow at 10 a.m.

In studying the matter—and I make these comments this morning, although I shall embody them more formally in an appropriate resolution—it seems there is an effective way to deal with terrorism by treating it as an international crime. There is precedent for doing so under international law relating to the acts of piracy.

Piracy has long been regarded as an international crime, and pirates may be tried wherever they are found. It is the customary law that a criminal prosecution may be lodged against an individual only in the jurisdiction where the crime was committed, but piracy is an exception to that rule. That is ample precedent for dealing with terrorism in the same manner—as international crime, with the provision to try a terrorist wherever he may found. If a pirate or a terrorist may be tried wherever found, it is my suggestion that there would be adequate precedent to arrest a pirate or a terrorist wherever that pirate or terrorist might be. There is precedent in the Supreme Court of the United States; nearly 100 years ago the State of Illinois prosecuted an individual who had been kidnaped in Peru. Surprising as it may seem, the Supreme Court of the United States said it was appropriate to take the individual charged with the crime into custody even by kidnaping for trial in the State of Illinois.

The decision of the Supreme Court of Israel in the Eichmann case contains an elaborate explanation of the precedents in international law for trial regardless of the means of apprehension, and it is my suggestion that we ought to hold the terrorists responsible for their acts even when they are committed vicariously; that if the leader of the Libyan Government, Mu'ammar Qadhafi, is responsible for the murder of the British policewoman, then he ought to be subject to trial either in an international tribunal like Nuremberg or in a court in the jurisdiction where he may be found after having been arrested.

S. 3010—BRUCELLOSIS-FREE STATES

Mr. BUMPERS. Mr. President, when I was Governor of my State, we made a very massive effort to make it what we called brucellosis free. To cattle farmers, brucellosis is customarily and popularly known as bang's disease. It not only infects cattle, it can affect people. It causes them to have a low-grade fever for long periods of time. Sometimes people have recurrences of it. It can go on for years. We were within an eyelash of becoming a brucellosis-free State when I left the Governor's office, but while Mr. Nixon was President, he and the Agriculture Department decided to quit vaccinating calves.

Calves must be vaccinated between the age of 4 months and 1 year to really get this under control. And for reasons which certainly are not clear to me, they chose to discontinue this vaccination program. As a result, my State is now downgraded to a class C State. There are four classifications: brucellosis free, A, B, and C. Arkansas is now a class C State, and unless we make substantial improvement in our State within the next 12 months, it will be quarantined. That means it will be virtually impossible to transport cattle in or out of my State, which would be a tremendous economic loss to the cattle farmers of Arkansas. I think there are other States similarly situated. We have a task force which will start to work on October 1 in my State, going into the counties where we have the worst cases of brucellosis and trying to do this on a massive basis, not only to demonstrate our good faith in trying to bring about control but, more importantly, to eradicate it.

Brucellosis is like trying to get rid of measles in this country. Many people know that my wife has been deeply involved in immunizing children in this country since 1973, and it is always easy to get rid of 99 percent, but the last 1 percent is the toughest. The laws of the States need to be amended so as to give them more flexibility in this brucellosis program.

The bill I am introducing this morning—and incidentally, this bill is largely the idea of Jim Baker, head of the Arkansas Cattleman's Association. I want to pay tribute and give credit to him for what allows the States a lot of flexibility in how they use this brucellosis money.

No. 1, if they do not need their indemnification money—incidentally, right now, if a cow has brucellosis, the State will normally pay $50 to $100 to have that cow slaughtered—under this bill the money that would normally go for indemnification may be transferred to the vaccination and testing program.

No. 2, if the State wants not to indemnify for the cow to be slaughtered, they can put it on the calf. A calf of a brucellosis mother is almost certainly going to have brucellosis, but oftentimes they slaughter the cow and do nothing with the calf. That calf, by the time she is 3 years old, will almost certainly have brucellosis. So we are trying to give the States more flexibility and more options in how they spend their money. Therefore, Mr. President, I am introducing this bill this morning. Hopefully, some appropriate vehicle will come through this Chamber before we adjourn on which

I can put this program because I feel it will be universally approved.

I encourage all Senators, especially those Senators from cattle-growing States to join me in this effort to get this bill passed.

Mr. President, I am pleased to introduce today a bill that will give the States more flexibility in battling brucellosis, a disease of animals—most importantly cattle—that causes abortions, infertility, weight loss, and reduced milk production.

Their bill is mostly the idea of Jim Baker, president of the Arkansas Cattlemen's Association, and I want to publicly thank him and the cattlemen's association for their cooperation and help on this bill.

Since 1934, both Federal and State animal health authorities have cooperated in a concerted effort to eliminate brucellosis in the United States. Throughout the 1950's and 1960's the eradication program was aggressively pursued and animal health experts predicted complete eradication by 1972. During my tenure as Governor of Arkansas, from 1970 through 1974, the State of Arkansas came within an eyelash of reaching total eradication, otherwise known within the industry as free status. Unfortunately, with eradication of brucellosis from the Nation within our grasp, President Nixon, in concert with Federal APHIS officials, recommended the abandonment of the calfhood vaccination program. For many States, such as Arkansas, this was a fateful decision.

Infection rates nationwide began to skyrocket, forcing the USDA to adopt a new brucellosis eradication program, including the adoption of a free, A, B, and C classification system. Yet for Arkansas the increase in infection rates had already begun to jump and the new program was not effective. From less than 100 infected herds in the late 1960's, the infection rate jumped to 476 such herds in June 1983, forcing the Animal and Plant Health Inspection Service to announce on June 29, 1983, that Arkansas had been demoted from class B to class C status, a status Arkansas shares with Mississippi, Louisiana, and parts of Texas and Florida. A "C" rating is applied to States with infection rates in excess of 15 herds per 1,000 or with an adjusted market cattle identification [MCI] program reactor prevalence rate in excess of three reactors per 1,000 head of cattle tested.

After its demotion to class C in late June 1983, Arkansas was given 2 years to show substantial progress in reducing the prevalence of brucellosis or face a Federal quarantine. A quarantine, which would severely limit the exportation of cattle, would be devastating to Arkansas because Arkansas is largely a cattle exporting State. Recognizing the crisis the Arkansas State Veterinarian and the Livestock and Poultry Commission, the Arkansas Cattlemen's Association, the Arkansas Farm Bureau, AMPI and other dairy co-ops or organizations, practicing veterinarians, and other farm organizations and industry groups have joined with the Federal APHIS officials in an effort to seek the most effective solution to the brucellosis disaster in my State.

The Animal Plant Health Inspection Service, through its veterinary service agency, has recently dispatched a brucellosis task force to Arkansas to aid in the control and eradication program in our most brucellosis-infested counties, and Arkansas Veterinary Service personnel are being relocated in high incidence areas in order to be more effective in the continuing control and eradication efforts.

The State, through the State Veterinarian and the Livestock and Poultry Commission, is also seeking greater authority in designing an effective program. Arkansas wants expanded authority in the use of designated indemnity funds provided to the State by APHIS. In this effort I have gladly agreed to help.

My bill is a State's option bill giving the States, or their political subdivision responsible for carrying out the brucellosis program, the authority to transfer indemnity funds into other brucellosis control programs in cooperation with the USDA. My bill would allow the States, upon notification of the Secretary, greater flexibility in designating how funds originally allocated for the indemnity program are utilized. States could use such funds for an indemnity program that would pay dairies for the destruction of nursing female calves of reactors instead of for the reactor cow itself. States will be allowed to choose whatever combination of options they believe to be the most effective.

Currently, the Animal Plant Health and Inspection Service is allowing States to transfer indemnification money into the testing and vaccination program. In fiscal year 1984, Arkansas took advantage of this by supplementing the calfhood vaccination program with $191,000 out of indemnity funds when the original allotment of $120,000 was exhausted. For fiscal year 1984, Arkansas has requested no indemnity funds be transferred to the vaccination program. My bill will simply codify the option presently allowed by APHIS and would allow a State to exercise this option at any time.

My bill also recognizes that an indemnity paid on reactor beef cows sent to slaughter is in most cases a premium for having brucellosis. Since the presence of brucellosis in a beef cow does not often affect its quality as a slaughter cow, the indemnity paid may constitute a monetary advantage to the cattle farmer whose cow has brucellosis. This indemnity program, except in the cases of pure bred or dairy cows, does little to encourage cattle farmers to eliminate brucellosis from their herds. However, the nursing female calves of the reactor cows, which themselves have a very high likelihood or becoming reactors, usually will not bring their worth as slaughter animals. Cattle farmers are reluctant to bring in such animals for slaughter and will continue to raise these potential reactors on the farm until they can be sold for slaughter at a more favorable price. Of course, this practice assures that the brucellosis infection will remain on the farm. My bill would simply give the States the option to pay indemnity claims on the nursing female calves in lieu of claims on the reactor cows, for the purpose of encouraging farmers to bring in for slaughter more nursing calves exposed to brucellosis.

Again, my bill allows maximum flexibility. The State could adopt a program that would pay claims on the offspring of some kinds of cattle but not others. Or, paying claims for offspring could be substituted for the current indemnity program being conducted in the State. And, of course, a State could choose to reject this option altogether.

Finally, my bill will allow the States to continue or begin a program of whole herd depopulation, if justified, even if a State opts to divert all of its funds out of an indemnity program. Often whole herd depopulation is the best tool for eradicating brucellosis outbreaks, especially in States with free or "A" ratings.

I want to emphasize that my bill is a State's option bill. No State will be required to implement any particular program. Passage of my bill will simply allow the States, in cooperation with the USDA, more flexibility in combating brucellosis, a disease that annually costs cattlemen and dairymen millions of dollars.

The State could implement any or all of the four options my bill authorizes, in whatever combination it chose, testing and vaccination, whole herd depopulation, indemnity for reactor cows, and indemnity for offspring.

Even though the United States is 99 percent free of brucellosis, the last 1 percent will be the most difficult to eradicate. It poses a serious continued threat to the cattle and dairy industry nationwide, and I hope my colleagues will join with me in giving the States added flexibility, especially the "C" States like Arkansas, to help assure the complete eradication of brucellosis.

I hope all Senators from States where brucellosis may be a threat will join me in cosponsoring and pressing for passage of this bill. The situation

in Arkansas is critical. I urge Congress to act on this measure quickly.

I ask that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Act of May 29, 1884 (23 Stat. 31, Chapter 60; 21 U.S.C. 114a) is amended—

(1) by designating the first and second sentences as subsections (a) and (c) respectively; and

(2) by inserting after subsection (a) (as designated by clause (1)) the following new subsections:

"(b) If the Secretary, in cooperation with a State or political subdivision thereof, conducts a program to control and eradicate brucellosis of domestic animals and provides money to such State or political subdivision under such program for the payment of claims growing out of the destruction of animals, and of materials, affected by or exposed to brucellosis, upon notification of the Secretary, such State or political subdivision may use such money for any of the following purposes or combination of purposes:

"(1) to test and vaccinate animals for brucellosis; and

"(2) to pay claims growing out of the destruction of female animals affected by or exposed to brucellosis; and

"(3) to pay claims growing out of the destruction of nursing female animal offspring of female animals affected by or exposed to brucellosis, in lieu of claims growing out of the destruction of female animals; and

"(4) to pay claims growing out of the destruction of entire herds of animals.

Mr. PRYOR. Mr. President, I'm pleased to support the bill being introduced today by my colleague from Arkansas, Mr. BUMPERS, to give the States more flexibility in attacking the problem of brucellosis. This bill will put the emphasis on eradication of the disease at the State and local level, and will give our State officials much-needed flexibility in designing a program that will effectively carry out this objective.

Mr. President, brucellosis is a serious problem in certain parts of the country. This disease, which affects animals, causes abortions, infertility and other problems. As my colleague from Arkansas has pointed out, even though the Nation is 99 percent free of the disease, the last 1 percent will be very difficult to eradicate. If this effort is to be successful, it seems to me that we should give our State officials a lot of leeway in designing these programs. The bill being introduced will allow them to use Federal money for any one of four purposes:

Testing and vaccination of animals;

Paying claims for destruction of female animals affected by the disease;

Paying claims for the destruction of nursing female animals; and

Paying claims associated with depopulation of an entire herd.

Mr. President, brucellosis is a serious problem in some States in this country, including the State of Arkansas. For many years, we almost had the disease completely eradicated. However, the situation got progressively worse, until last summer Arkansas was classified as a class C State, and joined Louisiana, Mississippi, and parts of Texas and Florida. Our State needs to show substantial progress in reducing brucellosis, or in another year or so we could have a Federal quarantine. Since Arkansas is a cattle supporting State, such a quarantine could pose serious problems for our producers. This bill will help us in that effort, and will not diminish the Federal effort at all. It is a good proposal, and one which I hope my colleagues will support.

RECESS UNTIL 12:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 12:30 p.m.

Thereupon, at 11:29 a.m., the Senate recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORTON].

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent there be a period for the transaction of routine morning business until 12:45 p.m. in which Senators may speak.

The PRESIDING OFFICER [Mr. KASTEN]. Without objection, it is so ordered.

PROFESSIONALISM OF THE SECRET SERVICE

Mr. HART. Mr. President, earlier this year, during about 6 months of Presidential campaigning in which I received Secret Service protection, I came to know and develop tremendous respect for the U.S. Secret Service and the talented and skilled agents who serve in it. I was fortunate to be surrounded—literally, much of the time—by men and women whose job performance was, despite long hours, chaotic conditions, and great pressure, consistently marked by courage, exemplary leadership qualities, good humor, and the highest degree of professionalism.

Four individuals in partiuclar, the detail leaders and assistant detail leaders, respectively, were extraordinarily competent, cooperative, and helpful. They are Mr. Steve Ramsey, Mr. Tom Farrell, Mr. Art Dalton, and Mr. Pete Donald. I am personally grateful for their selfless efforts on my behalf, their constant cooperation, and their friendship. I commend them, Inspector Todd Dillard, and Secret Service Director, John R. Simpson, for building an organization marked by such first-rate talent and so dedicated to serving its country.

THE DEPORTATION OF VALERIAN TRIFA

Mr. PROXMIRE. Mr. President, a recent article in the Washington Post recounted the deportation of Nazi war criminal, Valerian Trifa. The Justice Department became interested in Romanian-born Trifa when it was learned that he had obtained his U.S. citizenship illegally.

When he became a U.S. citizen in 1957, Trifa swore that he had never been a member of any Nazi or Fascist organizations, including the Iron Guard. By 1980, according to the Washington Post, the Justice Department had proven that:

Trifa was a leader from 1936 until 1942 of the notorious Romanian Iron Guard, an anti-Semitic organization whose members dressed in uniforms almost identical to the Nazi Gestapo's. Trifa was also editor of the Romanian newspaper *Libertatea*, whose editorials openly called for the persecution of Jews.

The article went on to say:

On Jan. 20, 1941, according to historical records and eyewitness court testimony, Trifa issued a manifesto and made a speech to the Iron Guard calling for the replacement of "Judah-like-Masons" in the government. Three days and nights of rioting followed in Bucharest, and as many as 4,000 Jews were killed.

The deportation of former Nazi war criminals like Trifa, who are residing illegally in the United States, shows this Nation's strong commitment to justice and human rights. The Justice Department has demonstrated its desire to prosecute Nazi war criminals by establishing a special office to deal with these criminals. The Department is determined that there be justice for the helpless victims of the Holocaust who cannot speak for themselves about the injustices they have suffered.

The U.S. Senate must also demonstrate its commitment to preventing genocide and punishing its perpetrators. We have had the opportunity to ratify the Genocide Convention since 1950, yet the U.S. Senate still has not taken action to declare this heinous crime a violation of international law. More than 90 countries including every major nation in the world except the United States have ratified the treaty. Two short weeks from today the Congress will adjourn sine die. That means after today the Senate will be in session only 10 more days. These 10 days represent a golden opportunity for ratifying the Genocide Convention. Yesterday, the Foreign Relations Committee reported the treaty to the floor without one dissenting vote. The committee also took the unprecedented step of unanimously recommending that the full Senate

act on the threat this year. President Reagan has expressed his full support for the treaty. That means that every one of the last six Presidents—three Democrats and three Republicans—have called on this body to ratify the treaty. The time has come to act, Mr. President, and to act now.

6 WEEKS BEFORE THE ELECTION IS ANY ECONOMIC NEWS GOOD NEWS?

Mr. PROXMIRE. Mr. President, the Presidential and congressional elections will take place 6 short weeks from next Tuesday. Will that do something to the quality and especially to the fairness of the crucial economic news we will read in our papers and hear on radio and television? It sure will. Here is why: the news reports will not be intentionally biased. Most of them will be as objective and fair as conscientious reporters can make them. Do I charge that they will be subjective and unfair? I do. Why? Consider: as the election has come closer, hard economic data has become perverse. The data has been reported. Its significance has not. For instance, unemployment in the latest reporting month—August—was at the same level as last May. Unemployment improvement seems to have stalled out at a 7.4-percent level, leaving more than 8.5 million Americans out of work.

The economic indicators have been adverse, that is negative, for the past 2 months, suggesting that the growth the country had enjoyed since November of 1982 may not only be slowing down but very possibly moving into recession. Retail sales actually fell in August. Housing starts dropped very sharply, more than 12 percent below the preceding month and a big 18 percent below the level of a year ago. Personal income in nominal terms, that is before adjustment for inflation, rose but at a much slower rate. It might not have risen at all if allowance were made for inflation, but the inflation adjustment was not available. Finally, the flash figure out today on the growth of the economy in the current quarter, that is the 3 months that will end a week from Sunday, shows a very sharp drop in the growth of the economy down to 3.6 percent.

So why do I say we should watch out for bias from these conscientious, fair-minded and competent reporters? The answer is that reporters do not generally provide their own interpretations of economic data. They deliberately avoid such subjectivity by seeking out the economic experts. The first place they go is to the administration. Mr. President, 6 weeks before the election we all know what every administration is going to say about the significance of the economic data whatever the data shows. They will call it good news, "just what we want," "the economy is in great shape," and so forth. Of course, this will almost always be the reaction of any administration to economic news even if an election is not pending. But without an election coming up, the economic reporters have other sources that will give a more objective view. They can find economists in the big investment and commercial banks, in the brokerage houses, and elsewhere throughout our varied economy who will provide a more objective, a fairer answer. So the reporters balance the administration's views with the view of the economists in American commerce and industry.

Now, Mr. President, that is not a bad balance most of the time. But this year—6 weeks before this election—that kind of inquiry will provide no balance at all. Here is why: From the standpoint of compensation, economists in industry are the spoiled darlings. A $100,000 a year industry economist these days is considered a kind of poor little waif. These are big buck boys. And to find a big buck boy who does not favor Ronald Reagan's reelection, and with enthusiasm, is like trying to find a defensive tackle in the NFL who weighs less than 150 pounds. There just are not any. And 6 weeks before the election of the Presidential incumbent the big buck industry economists enthusiastically favor, to them any news is great news or at least good news.

So what is the result? The result is that when housing starts were reported down this past week, the reports that came through loud and clear in the newspapers and on television were: This is good news. The economy is cooling. When retail sales fell in August, Jim Lehrer, a fine and fair reporter on the public broadcasting system, reported that it was generally regarded as good news, so did most other radio, TV, and newspaper reporters. Senator JIM EXON put all this in the right perspective when he asked, "How can it be great news or even good news when retail sales rise and equally good or great news when retail sales fall?" Mr. EXON is right. How can it be good news when unemployment improvement stalls out at a level that leaves 8.5 million Americans out of work? How can it be good news if the leading economic indicators point up and good news when they point down?

Many political experts contend that the big issue in this election is the economy. They may be right. If it is, it is hard to see how President Reagan can lose, no matter what happens in the next 6 weeks. The media is striving to be fair, but they are caught in a trap. No matter what happens to the economy the administration will call it great news. American industry's top economists will agree. And that is the way the American public will hear it. After the election we may find out that the economic news was not so good after all. That will be interesting. But after the election it will not be of much value to the American voter.

ARMS CONTROL: THE VERY FLAWED ROAD TO NUCLEAR PEACE

Mr. PROXMIRE. Mr. President, on June 27, the Defense Department threw the arms control advocates into understandable consternation. How? By announcing that it had started to deploy cruise missiles on Navy ships, allegedly including submarines. Two Senators, MATHIAS and DURENBERGER, protested. They charged that this action by the Navy could prove to be a setback for nuclear arms control. Mr. President, this incident dramatically illustrates what a painfully difficult and treacherous path this Nation must follow as both a nuclear superpower—threatened by the immense and growing nuclear power of the Soviet Union—and a country dedicated to advancing verifiable arms control that will end the arms race.

Those of us who vigorously promote arms control as the principle road to survival have to face the fact that nuclear missiles, even those with great power, have already become small. They are, skillfully equipped with evasive and deceptive delivery capability. Most serious of all, they are easily transferable with conventional weaponry. So what does this mean? It means verification has become extraordinarily difficult. Cheating has become easier than ever. This is especially true of the cruise missile. It is quite a weapon. It is small, but it delivers a devastating knockout punch, an explosive power equal to 200,000 tons of TNT—10 times the size of the explosion that devastated Hiroshima and Nagasaki. That explosive power smashes home with even more force because of its pinpoint accuracy: It strikes within 300 feet of a target 1,500 miles away. And it zooms in, hugging the ground, sliding under radar or any defensive net.

But so what? What makes the cruise missile any more of a problem for arms control than any other nuclear weapon system? The crucial fact: Nuclear and conventional versions look almost exactly the same. The only way the Soviet Union or the United States could verify any limit on stockpiling or deployment of cruise missiles would be by meticulous, detailed, on-the-spot inspection. What a dilemma for arms control. Some Members of Congress have vigorously criticized the Defense Department for deploying the cruise missile on submarines. They have argued that such deployment frustrates any real prospect of arms control. Why? Because the Soviets would have no way to verify whether these

missiles carried the devastating nuclear warheads on the one hand or conventional weapons on the other.

Does this mean this country cannot deploy this extraordinarily effective nuclear weapon until we negotiate an arms control treaty with the Soviet Union establishing limits? If so, how would we provide effective verification provisions for such a treaty at any time ever? If we cannot develop such verification procedures, we are left with two cruel alternatives. Both would be impossible, in the judgment of this Senator. Alternative one: Forget about arms control for the cruise missile. Proceed ahead, deploying it in submarines, bombers, wherever our military exports can find the most effective mode. Alternative two: Forget about the cruise missile, until and unless we can find a deployment that will permit reliable verification. Why is that alternative so bad? Because it would constitute a unilateral determination by our country to forgo the use of a weapon system which the Soviets could and would develop soon. This would hand the other side a nuclear advantage that would make future arms control negotiations far less effective, because the Soviets would be able to maintain and deploy a limitless number of cruise missiles outside of any agreement. We would be consistent losers in whatever balance our negotiations achieved between the two superpowers. They would have a powerful nuclear weapon system of indeterminate size, range, and power completely outside any limits we might design for nuclear arms.

But this gets worse. Once we accept the principle that we will not produce or deploy a nuclear weapons system that both sides can not verify, we hand the Soviets the assurance that if they develop weapons similar to the cruise missile that we cannot verify, they are home free. They have our warrant to become the overwhelmingly dominant nuclear power.

So what do we do? Do we throw in the sponge on effective arms control? Or do we accept the other alternative—embrace an all-out arms race and drift along in the hope that somehow this rush to ever more awesome power will continue to buy nuclear peace because of the every increasing assurance of universal destruction flowing from nuclear war?

Mr. President, this Senator is really shaken by the remarkable properties of the cruise missile and the promise that even more devastating and more difficult to verify weapons will be on their way as the nuclear arms race continues. This terrible quandary should lead us to push our resources toward exploring and developing verification procedures that can keep pace with on-rushing nuclear weapons development. If we will put a small fraction of the amount we will be pouring into SDI of "Star Wars" research into developing methods of arms control verification—starting with the cruise missile—we might still give arms control a chance. Arms control will always be risky; it will always be dangerous; it will always be fraught with the dangerous possibility of failure. It may not catch cheating by the other side. Churchill said that democracy is the worst form of government except for all the others. Well, arms control is the most dangerous, risky, and least promising path to peace, except for all the others.

I ask unanimous consent to have printed in the RECORD the article to which I have referred, headlined "Amid Congress Debate, Navy Gets Cruise Missiles," by Wayne Biddle, in the June 28 New York Times, as well as two additional articles from the New York Times on the cruise missile, one by William Broad and the other a special report.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 28, 1984]

AMID CONGRESS DEBATE, NAVY GETS CRUISE MISSILES

(By Wayne Biddle)

WASHINGTON, June 27.—The Defense Department announced today that the first long-range nuclear cruise missiles had been deployed on Navy ships in recent days.

The deployment comes at a time when the missiles, known as the Tomahawks, are a subject of debate in Congress. A Senate-House conference is trying to reconcile differences on deployment as part of the 1985 military budget authorization bill.

Two Republican Senators who led the campaign against deployment, Charles McC. Mathias Jr. of Maryland and David Durenberger of Minnesota, said the Administration had shown "bad judgment, if not a breach of faith," in deploying while Congress was still deliberating the issue.

ARMS CONTROL IS AN ISSUE

The Congressional debate centered on arms control problems posed by the missiles, which can reportedly carry a nuclear warhead with explosive power of 200,000 tons of TNT to within 300 feet of a target 1,500 miles away.

Since nuclear and conventional versions are externally indistinguishable, critics say that it would be difficult to verify any treaty restrictions on the nuclear version.

A Pentagon spokesman, Michael Burch, in announcing that the missile "became operational a few days ago on a number of combatants," declined to specify whether it had been placed on submarines or surface ships. Sources in Congress familiar with the program said initial deployment had been planned for submarines.

Representative Berkley Bedell, Democrat of Iowa, said:

"At least, if we were going to deploy them, we should have put them on surface ships where there was some opportunity for verification. This seriously threatens arms control efforts."

COULD BE WITHDRAWN

Mr. Burch said that if Congress decided to restrict the weapons now being deployed, they could be removed from Navy vessels.

Representative Les Aspin, a Wisconsin Democrat, said:

"We knew they were going to deploy, but the assumption was that a few would not change things much. The number is important."

He added that if the deployment were limited, it would be easy to withdraw the weapons if Congress approved a restriction this year.

In the recent consideration of the 1985 military budget authorization bill, the House of Representatives called for a ban on deployment unless the President certified that the Soviet Union has fielded a similar weapon.

The Senate did not support a ban, but urged the President to include such missiles in arms reduction talks. The House-Senate conference this week was seeking to reconcile the differences.

The Reagan Administration, calling the naval cruise missiles the "cornerstone of our effort to increase and diversify the striking power of the fleet," requested $593 million in fiscal year 1985 for 180 Tomahawks, about $240 million of which was believed intended for 75 nuclear versions.

FINANCED FOR 1983 AND 1984

In his statement today, Mr. Burch noted that President Reagan told the Navy in October 1981 to proceed with deployment of nuclear Tomahawks. Congress then approved financing in the 1983 and 1984 fiscal years, with no strings attached.

Secretary of Defense Caspar W. Weinberger said in April in an annual report on Soviet military power that the Russians would probably deploy a sea-launched cruise missile this year. The Soviet missile, similar to the Tomahawk, has been designated SS-NX-21 by the North Atlantic Treaty Organization. Earlier nuclear cruise missiles in the Soviet arsenal were said to be of shorter range, inferior accuracy and mostly intended for use against targets at sea.

In a study of the Tomahawk program released last month, Congress's Arms Control and Foreign Policy Caucus estimated that out of a total budget of $13 billion measured in dollars from 1977, the year the project began, $1.8 billion was reserved for 800 nuclear land-attack versions of the missile.

PLANS FOR CONVENTIONAL VERSION

About 600 conventionally armed anti-ship Tomahawks, which have a range of only 300 miles, will eventually be built, according to the study. Some 2,600 conventional Tomahawks having a range of about 700 miles and designed for attacking targets on land will also be acquired, a few of which are already aboard the battleship New Jersey.

While air-launched cruise missiles were part of the weapon ceilings established in 1979 by the second treaty on nuclear arms limitations, the treaty merely placed a three-year moratorium on deployment of new ground- and sea-launched cruise missiles. The Reagan Administration has abided by the unratified treaty, but considers the moratorium to have lapsed.

[From the New York Times, Aug. 28, 1984]

THE U.S. RESPONSE ON CRUISE MISSILES

WASHINGTON SAYS THE KREMLIN PROGRAM PRECEDED NATO DEPLOYMENT IN EUROPE

WASHINGTON, Aug. 27.—The Reagan Administration said today that the Soviet

Union had been developing cruise missiles "long before" the deployment of new American-made medium-range missiles in Europe last December.

On Saturday, the Soviet Union announced that it had conducted successful tests of ground-launched cruise missiles in response to the deployment of the American cruise missiles and Pershing 2 ballistic missiles.

Today John Hughes, the State Department spokesman, said the Soviet announcement came "as no surprise."

"The Soviets have long had an active cruise missile program and have already deployed a substantial force of shorter-range cruise missiles," he said. The cruise is a pilotless, ground-hugging craft designed to evade radar. It evolved from the German Buzz Bomb of World War II.

"This program was under development long before United States Pershing 2 and ground-launched cruise missile deployments began," he said.

When asked why the Soviet Union made such an announcement, he said, "I guess you'll have to ask them."

"I guess it's the same old scare tactic," Mr. Hughes said.

The North Atlantic Treaty Organization is proceeding with plans over the next few years to deploy 572 new American missiles in Europe—464 cruise missiles and 108 Pershing 2's—to counter what it asserts is a Soviet advantage in medium-range missiles in Europe.

Negotiations on seeking mutual curbs on medium-range missiles collapsed last November when Moscow quit the talks and said it would not resume them until NATO halted the deployment program, which began in December, and dismantled those already erected. The Soviet Union said that there was already a balance in Europe and that the new missiles were giving the West an advantage.

To counter this, the Russians said they would take appropriate steps, such as deploying Soviet missile-launching submarines closer to American shores and putting missiles in East Germany and Czechoslovakia.

On June 29 the Soviet Union proposed that the two sides send delegations to Vienna on Sept. 18 to discuss banning the militarization of outer space. Moscow called for a moritorium on the testing of antisatellite weapons. The United States agreed to hold discussions on space weapons but said it would also discuss medium-range and strategic weapons.

The Soviet side said the United States was trying to evade the issue by introducing the other weapons. There seems to be little likelihood that any talks will be held in Vienna, State Department officials said. But Larry Speakes, the White House spokesman, said the United States was proceeding with planning for the Vienna meeting "as if it is going to take place."

At one point, Mr. Speakes said, "The United States will be represented in Vienna," but officials later said he did not mean to suggest that there would be a delegation there regardless of whether the Russians attended.

[From the New York Times, Aug. 28, 1984]

CRUISE MISSILES: WHAT THEY ARE AND DO

(By William J. Broad)

The cruise missile is an advanced type of military technology that is playing an increasingly important role in the arsenals of both superpowers, according to weapons experts.

The recent Soviet announcement of successful tests of long-range ground-launched cruise missile should come as no great surprise, they said. The Soviet military has been improving the technology of cruise missile for more than a quarter century.

Rather than a startling development, these experts suggest, the episode illustrates how the arms race and the acquisition of new weapons is often governed for both sides by the quiet evolution of technology.

A cruise missile is low-flying torpedo with stubby wings that is powered by a turbojet or turbofan engine. It is able to hug the ground or treetops while it seeks out a target with the aid of a built-in guidance system. It can be launched from the ground, from planes and from ships. Its low flight path minimizes detection by radar.

OFFSHOOT OF GERMAN BUZZ BOMB

Stored inside an American cruise missile is a set of computerized maps displaying the contour of the earth's surface over which the missile is meant to fly. The missile's radar, pointed downward, sends out a constant beam during flight and compares the echoes it receives to its computerized maps. If the missile goes astray—as it usually will over a long flight—an on-board computer steers it back on course.

Cruise missiles, cousins of the German V-1 Buzz Bombs of World War II, have taken on an increasingly prominent role in the arms race during the last quarter century. According to William M. Arkin, a weapons expert at the Washington-based Institute for Policy Studies, the Russians deployed their first ones—which had a far shorter range than those now being tested—in 1958 and are now thought to have cruise missiles on more than 600 ships, aircraft and submarines.

During the last decade the United States has developed a series of high-technology models that are widely thought to be superior to those of the Soviet Union.

"Ours are much better," said Kosta Tsipis, a weapons expert at the Massachusetts Institute of Technology. "There's no doubt about it. We're ahead in terms of electronics, guidance and small efficient engines."

DWARFS HIROSHIMA BOMB

Last year the North Atlantic Treaty Organization began deploying the first of 464 American ground-launched cruise missiles in Western Europe. Each carries a nuclear warhead equivalent to 200,000 tons of TNT, or about 15 times bigger than the atom bomb dropped on Hiroshima. In late June Washington announced that the first long-range cruise missiles for ships, known as Tomahawks, were being deployed by the United States Navy. Both these types of American cruise missiles have a range of about 1,500 miles.

In general, American cruise missiles have longer ranges and are more accurate, smaller and more versatile than their Soviet counterparts, according to weapons experts. Nevertheless, Soviet cruise missiles are said to be formidable because they are able to fly faster than American ones, making them more difficult to shoot down. According to some reports from Washington, the Soviet Union began developing longer-range cruise missiles in 1981 that are meant to fly up to 2,000 miles.

By some standards of arms control, cruise missiles are thought to be good because—in contrast to ballistic missiles that can speed between continents in a few minutes—they fly at subsonic speeds and therefore cannot easily threaten a first strike. Small, mobile and able to ride out an attack and retaliate, they are sometimes seen as a good weapon for a defender rather than an aggressor.

PROBLEMS FOR ARMS CONTROL

But arms-control advocates also worry about being able to keep track of them. "Cruise missiles can be carried by boats, tankers, cargo ships, even a fishing trawler," said Dr. Tsipis in a telephone interview. "They rule out any kind of verification." Opponents of cruise missiles also say nuclear and conventional versions cannot be readily distinguished so that treaty curbs on the nuclear version cannot be verified.

New developments in cruise missiles will make them even more formidable, according to weapons experts. The advanced cruise missiles on the drawing boards at the Pentagon will have better engines for longer flights, better ability to penetrate Soviet radar because of the use of "stealth" and deceptive electronic technology, and better accuracy and maneuverability.

The Air Force in 1983 ordered a stop to the production of its current air-launched cruise missiles so that a higher-technology version could be developed.

But some critics have said the high technology of cruise missiles is too complex and will never allow them to achieve the kind of accuracy and reliability advertised by the Pentagon. Dust, soot and smoke from a large nuclear conflict, for instance, might clog their engines and prematurely end their flights.

THE BOMBING IN LEBANON

Mr. CHAFEE. Mr. President, today's bombing in Beirut is only the latest reminber that Lebanon remains a tinder box of civil and sectarian strife in which Americans remain a prime target for terrorists.

Today's bombing, which killed two Americans and injured a score or more others, including Ambassador Bartholomew, is an outrage perpetrated by a group loyal to the most radical regime in the Mideast—that of Iran. All Americans are united in shock and anger at this cowardly attack upon the men and women who serve our Nation in such dangerous outposts as Beirut.

But we must not allow international terrorism to deter us from our efforts to help the Lebanese and others in the Mideast find peaceful solutions to the many problems which beset that region of the world.

THE LOCAL GOVERNMENT ANTITRUST ACT

Mr. HOLLINGS. Mr. President, S. 1578 is pending on the Senate Calendar, the Local Government Antitrust Act. This bill was reported by my distinguished senior colleague for the Committee on the Judicary on June 15, 1984. This Senator is one of the 22 cosponsors of S. 1578, yet there are disturbing reports that the junior Senator from South Carolina is holding up the bill.

Mr. President, nothing is further from the truth. Immediately after the Senate debated the role of the Federal

Trade Commission on June 28, I indicated that I supported without reservation, S. 1578, as reported. I am ready, willing, and able to assist my senior colleague in getting his bill approved by the Senate.

Apparently, there are others who have other plans and are blocking consideration of S. 1578 until they get their way. It is my understanding that the Senators holding up this vitally needed relief for our city officials are demanding a unanimous-consent request that provides for an amendment to the bill that negates the rider in the Commerce, Justice, State Appropriations Act (H.R. 5712). That act was approved by the President on August 30 (Public Law 98-411) and restricts the FTC from bringing antitrust actions against cities.

As I indicated earlier, we debated this issue when the appropriations bill was before the Senate on June 28. Without repeating the debate, let me emphasize a few major points:

First, in reporting out H.R. 5712, the House Appropriations Committee included section 510 offered by Representative SABO of Minnesota. Section 510 prohibited any of the funds in the bill from being used to bring antitrust actions against cities.

Second, in passing H.R. 5712 on May 31, the House of Representatives decisively rejected an attempt to delete section 510 from the bill. The final vote is not available since the House voting system broke down, but those observing the vote said it was 360 to 60 against deletion when the computer went down.

Third, when the Subcommittee on Commerce, Justice, and State met on June 7, I offered an amendment to section 510 to limit its application to only the FTC and the Department of Justice. That amendment prevailed by a vote of 6 to 5 and no attempt was made to alter section 510 when the full Committee on Appropriations met to report out the bill on June 12.

Fourth, when H.R. 5712 was before the Senate on June 28, an amendment was offered by my senior colleague and the acting manager of the bill that inserted the provisions of S. 1578 and negated section 510. Admittedly the proponents of the amendment prevailed, largely, in my opinion, because the amendment was described as being supported by the committee. As I have just recounted, that was certainly not the case.

Fifth, we had the conference on H.R. 5712 on August 2 and extensively discussed section 510. Finally, the chairman of the House conferees proposed deleting all of the legislation taken from S. 1578 and amending section 510 to limit the FTC from taking antitrust action unless specifically authorized by law hereafter. This was brought back in disagreement so that each House had the opportunity for a separate vote on that provision.

Mr. President, even though the opportunity was present to challenge the action of the conferees, without endangering the conference report, no Member in either body rose to make that challenge. Instead, those that favor the FTC "National Nannie" injecting itself into local matters, are holding up the relief in S. 1578 that our city fathers so desperately need.

Now let's talk about Government in the Sunshine. We worked the appropriation bill through Congress out in the open with full debate and votes. Now we are faced by opponents who want to rig it up in the back room and shove it down our throats by unanimous consent.

No way, Mr. President, no way. They can call up the mayors and tell them that "Senator HOLLINGS has to give way or they won't get their relief." That's not true and they know it.

This Senator is strongly committed to the relief to the cities in S. 1578. I want to help my senior colleague get his bill approved and I am ready to agree to any time agreement that any one wants on S. 1578. However, I am not ready to commit hari-kari and sell out Federalism to appease those who seemingly can't rest without the unelected Federal Trade Commission usurping the authority of our elected local officials.

Mr. President, during the debate on June 28 there was confusion in some minds regarding the position of the National League of Cities on section 510. On August 24, Mr. Alan Beals, the executive director of the league wrote me of their appreciation that the appropriation bill "included a provision precluding the FTC from bringing antitrust action against cities, such as the recent lawsuits involving the regulation of taxicabs in Minneapolis and New Orleans." He closed his letter as follows:

> We look forward to working with you to ensure that Congress completes action this year on legislation exempting cities from damages under antitrust laws and that the legislation is not weakened by the addition of an amendment authorizing injunctive action by parties such as the FTC.

Mr. President, I ask unanimous consent that the full text of the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES,
Washington, DC, August 22, 1984.

Hon. ERNEST HOLLINGS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HOLLINGS: I would like to express the gratitude of the National League of Cities for your leadership in the Senate on the issue of municipal liability under the antitrust laws. Your leadership in bringing the issue of whether the Federal Trade Commission (FTC) should be permitted to bring antitrust actions against cities before Congress has focused attention on the broader issue of municipal liability for damages under the antitrust laws as well as the problems associated with FTC intervention in local matters.

We are grateful that your effort resulted in final congressional approval of appropriations legislation (H.R. 5712) which included a provision precluding the FTC from bringing antitrust actions against cities, such as the recent lawsuits involving the regulation of taxicabs in Minneapolis and New Orleans. We hope that Congress will complete action on legislation to address the broader question of liability for damages under the antitrust laws now facing cities as a result of the Supreme Court's unexpected ruling in the Boulder case.

We believe that the compromise (H.R. 6027) approved by the House, while limited to the question of damages, goes a long way towards meeting the essential concerns of cities. It is our hope that the Senate will complete action in early September on similar legislation (S. 1578) which has been reported by the Judiciary Committee. We look forward to working with you to ensure that Congress completes action this year on legislation exempting cities from damages under the antitrust laws and that the legislation is not weakened by the addition of an amendment authorizing injunctive actions by parties such as the FTC.

Sincerely,

ALAN BEALS,
Executive Director.

THE DANGERS OF COCAINE

Mrs. HAWKINS. Mr. President, people are waking up to the dangers of the recreational drug, cocaine.

In 1 week, in Washington, DC, three local television stations, all network affiliates, have had feature stories on drug abuse, focusing on cocaine, and area treatment centers. Newsweek's cover story was a lengthy article on drug abuse, again dealing mainly with cocaine, and the various programs across the country which presently exist to treat its victims.

The Washington Post featured a series of articles, excerpted from a recently published book, on the tragic life and death of the comedic genius, John Belushi. While the details of his drug-filled life are horrifying to read, one revealing statement in the second of these eight articles stuck with me. Judy Belushi, the comedian's wife, was comforted by his continually turning back to cocaine after using other "more dangerous drugs." She felt this way because cocaine was "not addictive" and "safe." We have only to read the rest of the articles detailing John Belushi's destruction because of cocaine, to see how safe this drug is.

Mr. President, cocaine is in our Nation in such plentiful supply, and at such a low price, that it is becoming a street drug, and no longer a drug of the affluent. The cocaine that is in the United States now is of such purity that emergency room admissions, and recorded deaths, from severe physical

reactions to the drug, have nearly doubled in the last year.

While it is heartening to see signs that the public is waking up to the real dangers of this safe drug, cocaine is still entering our Nation at record rates. We must continue to encourage efforts to cut off the supply of this drug at its source, while we continue to educate our citizens to the true perils of cocaine.

SENATE SELECT COMMITTEE ON INTELLIGENCE

THE 8-YEAR LIMITATION ON COMMITTEE MEMBERSHIP AND RELATED MATTERS

Mr. GOLDWATER. Mr. President, when the Senate Select Committee on Intelligence was established in the spring of 1976, it was decided then that Members would not serve on the committee for more than 8 consecutive years. This decision was contained in section 2(b) of Senate Resolution 400, and has been referred to as the 8-year rule.

In accordance with this provision, more than half of our Members will be required to rotate off the committee at the end of the second session of the 98th Congress on January 3, 1985. I believe that the abrupt departure of these nine Members, and their designated staff, from the committee would have far-reaching negative consequences for Senate oversight of the intelligence community.

On February 9, 1984, Vice Chairman MOYNIHAN and I appeared before the Senate Committee on Rules and Administration to present the fiscal year 1984 committee budget request. At that meeting, I mentioned the 8-year rule, and told Senator MATHIAS that I would be consulting with the membership of the Intelligence Committee on this situation. On July 25, the full committee met in closed session on this matter. As well as the 8-year provision, we discussed recommendations related to the organization and function of the committee and the committee staff.

OPPOSITION TO 8-YEAR "RULE"

For the record, I opposed the 8-year limitation of membership on the Senate Intelligence Committee. No other committee of the Senate has such a limitation on membership, the only other precedent being the 6-year rule of the Ethics Committee which was done away with in 1979. While I believe that some rotation of the membership may be healthy, most Members will agree that the committee has experienced a natural rotation where 15 Senators from both sides of the aisle have left the committee for one reason or another over the past 8 years. This is an average of two per year. Furthermore, the business of overseeing the intelligence community is a complicated one where experience makes a difference. I do not think we can afford to lose over half of our committee at one swoop. Finally, what happens 8 years from now? Do we continue to rotate Members, or is this just a one-time operation?

In my judgment, section 2(b) should be amended so that the first sentence of this provision is removed. In this way, we eliminate the requirement for rotation without removing language which suggests that some rotation might be healthy. However, it is my understanding that some Senators are prepared to fight such an amendment throughout the remainder of the year. Since time is running out, this option may not work.

An alternative to amending section 2(b) would be to allow the provision to stand, and for Members of each party to appeal to the Senate leadership for continued service on this committee after January 3, 1985. Section 2(b) is part of the standing orders of the Senate. These orders have less status than the Standing Rules of the Senate, or the general and permanent laws relating to the Senate. Granting a waiver to the standing orders of the Senate is not uncommon, in my judgment.

ROTATION OF MEMBERSHIP

Mr. President, many members of our committee spoke at the closed session which we held on July 25, and a number of good ideas were proposed at that time. Other Members can speak for themselves on these issues, but I would like to mention a few more thoughts about committee membership and staffing.

First, it is my recollection that at the time of the committee's formation, the leadership intended to have the 8-year limitation on service supported by a definite rotation of membership, which is also provided for in the rule. Specifically, there were to be three classes of members, whose terms would run out at different times. This was meant to provide for regular rotation. If for some reason the terms of the committee membership became unbalanced, then there would be appointments made for a shorter period in order to reestablish regular rotation.

On a number of occasions in the past, we also tried to establish, not only by word but by action, the principle of rotation chairmanship. For example, the frist chairman of our committee, Senator INOUYE, stepped down after serving 2 years as chairman. It is my understanding that he did this because he felt that it would help to ensure that the intelligence community, as in the case of other Federal agencies, did not deal exclusively with the committee chairman and vice chairman. I must admit that over time this practice has fallen into disuse. But I can assure my colleagues that I, for one, have not yet fallen under the spell of the intelligence community. Nor have my colleagues, in my judgment.

COMMITTEE BUDGET REVIEW

Mr. President, at our meeting on July 25, it was also proposed that the committee's review of the annual budget submission be restructured. Originally, the subcommittee structure of the committee was created in response to important committee functions that evolved over time. The Budget Subcommittee has, over the years, taken on more and more of the committee's general oversight functions.

Accordingly, it was proposed that the functions of the current Budget Subcommittee be divided up among the other subcommittees. There were a number of ideas on how this could be done, and the recommendation received some favorable response from the members of the committee.

SUMMARY

In summary, Mr. President, I believe that the so-called 8-year rule should be eliminated. In this regard, I am pleased to see that this is one of the recommendations of Senator QUAYLE who is currently serving as chairman of the Temporary Select Committee to Study the Senate Committee System.

As well, I believe that there are some other recommendations which were made to us in our closed session on July 25 which merit favorable attention. It is my expectation that most of these matters can be taken care of internally by the committee when it goes through its reorganization following the general election in November of this year.

CONCLUDING REMARKS

Because the end of this Congress is merely days away, I want, by this insertion in the RECORD, to indicate the honor that has been mine in having been chairman of this committee and to elaborate on that also.

I don't believe in all of my experience in this body that I have ever served with Senators so dedicated to their charge of duty and so honest to their responsibilities. There have been charges made of classified leaks from this committee. With one exception, these charges are not true. Secrets have been better kept by this committee, not only by its elected members, but by its appointed members, better than by the Senate itself.

If I were to cite one particular member of the committee who has been or particular value to the chairman it would be Senator MOYNIHAN of New York. In the few times it has been necessary for me to be absent, he was carried on in perfect fashion. I would also like to thank the Senator from Hawaii, Senator INOUYE, for his unswerving help in getting the chairman through some difficult decisions and times. Also, I would particularly like to point out Senator MALCOLM

WALLOP of Wyoming, whose diligent work on the budget has probably never been equaled in the history of any committee in this body.

I would not like to leave without mentioning the staff. There are 42 members of this staff and they have done a particularly fine job in ferreting out the information that we need, putting it into language that we can understand, and in advising the committee on all matters of importance to the country.

I close my tenure as chairman of the Senate Intelligence Committee with a great deal of personal pride because, throughout most of my adult life, spent in the military and in politics, intelligence has been one of my main interests. In fact, if you don't have good intelligence, from the cradle to the grave, you're not going to get along very well in whatever your pursuits might be.

So I am prepared to say goodbye to this committee but, in spirit, I will always be with you.

I ask unanimous consent that a more detailed report be printed at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT OF A MEETING OF THE SENATE SELECT COMMITTEE ON INTELLIGENCE TO DISCUSS THE 8-YEAR LIMITATION ON COMMITTEE MEMBERSHIP AND RELATED MATTERS

On June 22, 1984, Senator Barry Goldwater, Chairman of the Senate Select Committee on Intelligence, sent a letter to all Members of the Committee inviting them to attend a closed session of the Full Committee at 10:00 a.m. on July 25, 1984, in Room 385 of the Russell Office Building. The purpose of this meeting was to discuss Section 2(b) of Senate Resolution 400, the so-called eight-year "Rule," and other matters related to Committee organization, activity and staffing.

Chairman Goldwater indicated at the meeting that he would ask the staff to draft a summary that would assist the Members to further define their views on these subjects. This report of the meeting contains summaries and excerpts of the Members' comments prepared in most cases by their staff designees. The Chairman's letter of invitation and the letters sent in response by the Members are attached.

REMARKS OF THE CHAIRMAN, SENATOR GOLDWATER (SUMMARY)

The Committee Chairman, Senator Goldwater, began by providing some background on the eight-year "rule." He noted that when the Senate Select Committee on Intelligence was established in the Spring of 1976, it was decided that Members would not serve on the Committee for more than eight consecutive years. This decision was contained in Section 2(b) of the founding Resolution, S. Res. 400 (1976). In accordance with this provision, more than half of the Members of the Committee would be required to rotate off the Committee at the end of the Second Session of the 98th Congress on January 3, 1985. Senator Goldwater stated that, in his judgment, "The abrupt departure of these nine Members and their designated staff from the Committee would have far-reaching, negative consequences for Senate oversight of the Intelligence Community."

Chairman Goldwater went on to say that he opposed the eight-year limitation of Membership on the Intelligence Committee for the following reasons:

No other Committee of the Senate had such a limitation on Membership, the only other precedent being the six-year limitation of the Ethics Committee which was abolished in 1979.

Over the past eight years, the Committee has experienced a natural rotation where 15 Members from both sides of the aisle have left the Committee for one reason or another. From 1976 to 1983, the following Senators left: Case, Hatfield, Mathias, Pearson, Schmitt, Scott, Stafford, Thurmond, Bayh, Hart, Hathaway, Jackson, Mansfield, Morgan, and Stevenson. Also, Senator Baker became an Ex Officio Member.

The business of overseeing the Intelligence Community is a complicated one where experience makes a critical difference.

The rule is poorly framed in that it suggests a one-time rotation without any provision for future rotation eight years hence.

Senator Goldwater went on to say that in his judgment Section 2(b) should be amended so that the first sentence of the provision is removed. In this fashion, the Committee would eliminate the requirement for rotation without removing the language which suggests that some rotation might be healthy. The drawback to this approach, according to Chairman Goldwater, was that some of the Members of the Committee might fight such an amendment throughout the remainder of the year.

An alternative to this amendment process, according to Senator Goldwater, would be to allow Section 2(b) to stand, and for Members of each Party to appeal to the Senate Leadership for continued service on the Committee following January 3, 1985. He noted that Section 2(b) is part of the Standing Orders of the Senate and, as such, has less status than the Standing Rules of the Senate, or the general or permanent laws relating to the Senate. Granting a waiver to the Standing Orders of the Senate is not uncommon.

REMARKS OF THE VICE CHAIRMAN, SENATOR MOYNIHAN

I am disposed to continue with the eight year rule. If we do so, however, I would hope that the Senate leaders in the 99th Congress might consult with us on how the Committee is to be reconstituted.

I am especially concerned that the new Members be thoroughly briefed on our agreement of June 6 with the Director of Central Intelligence in which we stipulated matters that will automatically be considered "significant anticipated intelligence activit[ies]" and, hence, must be disclosed to the Committee in advance. The one great breakdown in our relationship with the Intelligence Community during my eight years service was the failure by Mr. Casey to notify us in advance of the mining of the Nicaraguan harbors. He subsequently apologized and the new reporting procedure—actually the first formal understanding—was agreed to by the President personally. (I am informed of this by Mr. McFarlane.) I regard the agreement of June 6 as quasi-legislative in nature and to be adhered to as such. I believe the Intelligence Committee agrees.

The plain fact is that, while the Intelligence Oversight Act requires that the committee be informed of any "significant anticipated intelligence activity," What is it? We never got around to defining in the statute what is intended by the term "significant." No one need feel culpable. The term seemed to speak for itself. However, the time came when the Central Intelligence Agency embarked on an activity which it did not deem "significant" at the time, but which the Committee, when it learned of it afterwards, thought very significant indeed.

Our new, written procedure does as much to resolve this difficulty as procedures can do. Within the Executive Branch there is a simple test of this matter. If an officer of the government has in mind an initiative which he or she considers genuinely "significant," he or she will see to it that the President has approved before going forward. The Committee's written and signed agreement with the Director of Central Intelligence provides, among other things, that any such activity receiving presidential approval will be reported in advance to the Committee.

There is also, I believe, a problem with the present "designee" system. We got into the business of—the practice of—stating that a designee worked for the individual Members. That is not in the rules of the Committee. Our rules of practice state that the Committee staff works for the Committee as a whole, under the general supervision of the Chairman and the Vice Chairman of the Committee. If there is going to be a big change in personnel and Membership, I hope that before the new Members take their places it would be possible for us to state designees work for the Chairman and Vice Chairman as the rules provide, so that new Members don't come aboard, acquire a staff person, as it were, and then find they were being asked to give him up.

REMARKS OF SENATOR INOUYE (SUMMARY)

Senator Inouye began by saying that in all likelihood this would be his last statement before the Committee, since he intends to leave the Committee at the end of the year. Senator Inouye indicated that although he had not participated in any major way in the Floor debate on S. Res. 400, he worked closely with Senator Mansfield during the formation of the Committee. Senator Inouye said that it was Senator Mansfield's intention in supporting rotation of Membership first, to prevent an overly close relationship between the Intelligence Community and its overseers; and second, to have a regular infusion of fresh perspective—new outlooks and views on the role and conduct of intelligence activities. It would be beneficial, furthermore, to have as many Members of the Senate as possible exposed to the workings of the Intelligence Community.

Senator Inouye commented that he was unwilling at the beginning to take over as Chairman of the new Committee. After accepting, he reached several conclusions about the functioning of the Committee—which of course had no precedent.

First, the Committee should not have a partisan organization. To that end, Senator Inouye had agreed with Senator Baker that both the Chairman and Ranking Minority Member should have full authority to hire and supervise the staff. All the Members could propose staff, but once their nominees were accepted by the Committee, they would function under the staff directors.

Senator Inouye commented that his original intention concerning staff organization has been lost somewhat. The Committee staff was not supposed to be composed of

personal staff members, but rather should be a corps of professionals functioning under the direct authority of the Chairman and the Vice Chairman through the staff directors. Members were to have little to do with the privileges and responsibilities of their designees on the staff, and the staff were to remain answerable directly to the Committee as a whole.

Second, the Leadership at the time of the Committee's formation intended to have the eight-year limitation on service supported by a definite rotation of Membership, which is also provided for in the rule. Specifically, there were to be three classes of Members, whose terms would run out at different times. That was meant to provide for regular rotation. If for some reason the terms of the Committee Membership became unbalanced, then there would be appointments made for a shorter period in order to re-establish regular rotation.

Senator Inouye also mentioned that he had tried to establish, not only by word but by action, the principle of rotating Chairmanship. He felt that this would help ensure that the Intelligence Community, as in the case of other federal agencies, did not come to deal exclusively with the Committee Chairman and Vice Chairman.

Senator Inouye indicated that he believes, therefore, that at the end of the year the eight-year rule should be applied and that the Leadership should make the next series of appointments in the necessary classes to re-establish regular rotation in line with the original intention of S. Res. 400. He stated that, in order to provide for the creation of a more professional staff, he assumed that demonstrably competent and experienced staff would remain under the new Membership—since the staff should not be viewed as personal to their principals. Such continuity on the staff would be especially important in core areas of the Committee's responsibilities.

Finally, Senator Inouye proposed that the Committee's review of the annual budget submission be restructured. He said that the Subcommittee structure of the Committee had been created in response to important Committee functions that evolved over time. The Budget Subcommittee has, however, taken on more and more the Committee's general oversight functions. Senator Inouye heartily commended Senator Wallop for his dedication and expertise in the review of the budget, but he also stated that he felt more Members should be brought into this important process.

Accordingly, Senator Inouye proposed that the functions of the current Budget Subcommittee be divided up among the other Subcommittees. He indicated he had some ideas on how this could be done, and hoped that this would be taken up next year when the new team comes on the Committee.

Senator Inouye concluded by saying that he had enjoyed his service on the Committee, and that it had been a great challenge. He stated that he had learned a great deal about intelligence matters as a result.

REMARKS OF SENATOR CHAFEE (SUMMARY)

Senator Chaffee began by saying that Senate Resolution 400 is not a Senate Rule; rather it is a Standing Order of the Senate. Further, the eight year "rule" has not been strictly followed. For example, Senator Chafee stated that two Members on the Democratic side represented the Judiciary Committee on the Intelligence Committee as opposed to one representative per Party. Chafee also noted the rules had not been followed with respect to the one-third rotation off the Intelligence Committee in each Congress.

Senator Chafee said the eight year rule doesn't make "a great deal of sense" and disagreed with the sentiment when the Committee was originally set up with respect to the fear of Members being suborned by the Intelligence Community. Senator Chafee said that at present there is a natural rotation which has occurred and will continue to occur through retirement or for other reasons.

Senator Chafee disavowed the theory that the Members are becoming "handmaidens of the Intelligence Community;" rather the problem is really Members' failure to devote enough time to the problems at hand. He said that there could have been more Committee hearings, and also that Committee Members should meet on a more regular basis with the Director or other members of the Central Intelligence Agency. This problem is one of being spread too thin; Members are bogged down by serving on too many Committees. We then reiterated a suggestion made in an earlier letter to the Chairman that anyone who is on the Intelligence Committee should only be allowed to serve on two major Committees.

With respect to the criticisms of the Budget Subcommittee, Senator Chafee pointed out that all of the Members can attend the hearings. Given the press of time and business, many do not. Hence, the Chairman and the Minority Ranking Member of the Subcommittee "carry the ball."

Senator Chafee was critical with respect to the designee system, saying that with designees reporting to their individual Members the staff director's authority was diluted. He noted that no other Committee has such a system and he felt it was time to put an end to the designee system on the Intelligence Committee as well.

REMARKS OF SENATOR LUGAR (EXCERPTS IN SUMMARY FORM)

It is my judgment that the eight year "rule" provision needs to be approached again as I believe Members of this Committee and the Senate as a whole are likely to suggest that the Intelligence Committee no longer warrants special protection given the historical independence it has exercised since its formation.

Although the idea of a fresh perspective and new views which might be caused by more frequent turnover of Membership that Dan Inouye has mentioned today is an important one, I would suppose that the same could be said for any Committee. In fact, perhaps if such a massive turnover would occur on the Foreign Relations Committee, then we might take a look at foreign policy issues from a different, fresher, perspective. I believe, however, that this is a philosophical issue for the Body as a whole to debate; yet I don't see a uniqueness of this quality for our particular Committee.

Leaving aside these two problems, I believe that a turnover of nine people out of 15 is not really in the best interest of the Senate or the country. Whatever failures to enforce the class system have led us to this year's difficulties, I believe it would be irresponsible of us to jeopardize the Committee's ability to analyze intelligence issues from a historical perspective by such a rapid turnover.

These thoughts lead me to believe that we ought to repeal the eight year "rule" at the earliest possible time and in the interim, if repeal cannot occur instantly, that the appointments to the Committee or the filling of vacancies ought to be left to the disposition of the individual Members themselves. If for various reasons Members wish to leave, they are free to do so and then it should be up to the Majority and Minority leaders to determine who ought to be appointed or reappointed to fill those vacancies.

REMARKS OF SENATOR WALLOP (SUMMARY)

Senator Wallop stated that the eight-year rule had never been observed but, rather, that the leadership over the years had determined both new and continuing appointments to the Committee. Senator Wallop commented that concerns about the Membership growing too close to the Intelligence Community were overblown, and that the Members had actually begun to shape intelligence programs in positive ways, that the Intelligence Community opposed. He said that losing expertise on the Committee, including that of the staff, could result in Committee Members becoming captives of ignorance. Time was necessary before things in the intelligence world really began to come together in Members' minds.

There would be a special danger, in Senator Wallop's view, if development of a permanent, professional staff were coupled with rotation of the Membership. This could really produce an intelligence clique, and new Members would essentially be receiving little more than basic courses in intelligence matters year after year.

Senator Wallop thanked Senator Inouye for his compliments and said that if they contained any truth, it was due to his willingness to take the time necessary to direct the activities of the Budget Subcommittee. Many of the defects in Senate oversight of intelligence programs result from the inability of Members to find time to participate more fully in the oversight process.

Rotation of Committee Membership or other changes that would cause major changeover in the Committee's review of the annual budget submission would be of special concern, according to Senator Wallop. He commented that Senator Leahy, as another regular participant in the budget sessions, also realized the great complexity of the yearly budget review, and the need for continuity in this especially important area of the Committee's functions.

Senator Wallop also addressed the designee system governing the Committee's professional staff. He said the benefits of this arrangement outweigh its drawbacks. Normal staff changes and Membership changes have resulted in considerable turnover in the staff over the years. Perhaps the influence of staff is actually even less in the Intelligence Committee than elsewhere, because of the possibility of direct Senatorial communication when intelligence or other highly classified matters are involved.

Senator Wallop stated that, in sum, the Committee had done a good job despite any perceived setbacks. The country has been strengthened by the work of the Committee, ensuring that another Church Committee exercise will never occur. Service on the Committee has created a regular corps of people in the Senate who understand intelligence activities, despite their occasional disagreements over them. This has enriched public and private debate on these matters.

REMARKS OF SENATOR LEAHY (SUMMARY)

Senator Leahy began by urging that the informal policy of having Members from the Armed Services, Foreign Relations, Judiciary and Appropriations Committees con-

tinue. He referred to the fact that in addition to himself, Senators Inouye and Durenberger had written the Chairman of their support for maintaining the eight year rule of S. Res. 400, and that Senator Moynihan had also written of his disposition to continue abiding by the eight year rule.

Senator Leahy noted that while those who support extending the eight year term or abolishing it altogether argue that we need to preserve expertise, there are many in the Senate who do not believe the present Committee Members are irreplaceable. Some of these Senators may defend the eight year rule in the Rules Committee and on the Floor if there is an attempt to change it. He hoped the Committee would avoid a situation where the motives of those wishing to change the rule might be questioned.

Senator Leahy believes there are many excellent candidates in the Senate for Membership on the Committee. As a Member of the Steering Committee, Senator Leahy is aware of many fine Democrats who want to serve on the Committee.

Senator Leahy referred to the strong support of Senator Mansfield and others for a limited tenure on the Committee during the debates on S. Res. 400 in 1976. He believes Senator Mansfield and Senator Hugh Scott as well should be invited to testify should there be any effort to change the eight year rule.

Senator Leahy emphasized the importance of a regular rotation on a Committee of the unique sensitivity of the SSCI. He said that because of the bipartisanship and special nature of the Committee, public trust and confidence in the intelligence agencies are greater today than before the Committee was formed. He believes tampering with the rules could shake that public confidence. He is concerned that the extraordinary support and assistance the Committee has been able to give the Intelligence Community could be threatened by a divisive debate in the Rules Committee and on the Floor.

Senator Leahy observed that with the exception of the covert action program in Central America, he is one of the strongest supporters of the Intelligence Community on the Committee. He is concerned that the consensus across the political spectrum could be jeopardized by an attempt to change the eight year rule and prolong the terms of Members due to leave.

On the idea of restructuring the Committee's budget oversight process, Senator Leahy supported the suggestion that Senators Inouye, Wallop and a couple other Members prepare a general proposal for the Full Committee to examine. He noted that he would be willing to give up some other responsibilities to devote more time to budget oversight.

REMARKS OF SENATOR COHEN (EXCERPTS)

"It seems to me that the problem is not so much with the eight-year rule as with the fact that we have so many leaving in the coming year. And, had there been a better distribution, a better rotation arrived at, we wouldn't be, I don't think, here discussing the issue.

"I've listened to the arguments about drawing a parallel between the Committee and the Armed Services Committee. It sounds like there is some sort of parallel, but the fact of the matter is, our Armed Services Committee generally conducts its business in the open. So there is not the same kind of parallel situation.

"If you make this sort of permanent Committee . . ., what you are doing is you are creating an appointed, or almost anointed 15, who will sit in secret deliberations on our secret missions, and so forth, and, then, go to the other 85 Members of our colleagues and say: Please accept the judgment without question. . . . But I think we would have less credibility, ultimately, by having a closed society of 15 Members that only rotates upon the defeat or retirement of individual Members.

"It is also, it seems to me, an inherent tension, a necessary tension, between oversight and maintaining an arms length relationship. . . . I'm not sure it's even desirable to reduce that tension. Familiarity may breed knowledge; it may also breed familarity. And, I have the feeling from time to time, when you start to get close, too close, to these agencies, be it the CIA, be it DOD, it's almost like a Venus Fly Trap. You start to reach in and touch it, and suddenly it closes on you. . . . The only point I'm making is that in order to effectively exercise oversight, we have to have some distance. [This] is one of the benefits[,] I believe, by having new Members on [this Committee].

"But, secondly, . . . the more Members who are exposed to the Intelligence Community, the better off the Intelligence Community is going to be. It's much better to have more informed . . . Members of the Senate on the Floor passing judgment on votes dealing with budgetary matters and other matters who have some access to this closed circle here. So, I think it's a mutually beneficial thing to have more Members having access, hopefully on a basis that would preserve continuity, while infusing newer Members on the Committee itself. And, so, it strikes me that there is nothing inherently wrong with the eight years, but there is something, perhaps, wrong that so many Members are going to be lost in the coming year. . . .

"What I . . . suggest, as one possible option, would be to have the six Members (not affected by the eight-year rule remain), and then four of the nine (affected by the rule) could remain, or should remain, at the direction of the Leadership for an additional year or two, whatever the Leadership decides, which would leave way for five new Members. That . . . would provide a more orderly rotation.

"And if those Members who, in fact, were extended would have to give up their Chairmanship, or their Ranking position, to still stay on the Committee, that would, at least, preserve the kind of continuity [we need] and have a few more Members who do have the expertise without locking that Membership in. . . .

"Secondly, . . . it seems to me you could have a . . . division or jurisdictional authority on the Budget Subcommittee, along the lines we have in Armed Services . . . That might involve more Members, and I think it [would] give everybody a broader perspective on the Agency activities."

REMARKS OF SENATOR BENTSEN (EXCERPTS)

". . . [I]f I don't have a designee of my own, then I have to put someone [on as liaison to the Committee] to keep me informed. . . . [The current designee system] has served us as individual Members very well, but has not worked for the collective advancement of the Committee. So we have to balance that out. . . .

"I think [Senator Inouye] is probably right that we ought to divide up [the budget] responsibility [on the Committee].

"[On the eight-year rule], I finally come down on the side of trying to keep the experience there. . . . [H]aving all of that experience by those Members is terribly important to me. And when you've been had a few times by Intelligence, then you become more cautious, and more concerned. When you have a mining incident happen, that's a part of your collective judgment in arriving at the next decision, when they are talking to you. It may give you a little bit of cynicism in the process, and that isn't all bad. . . .

CHAIRMAN'S SUMMARY

At the conclusion of the meeting, Chairman Goldwater attempted to summarize future actions the Committee might take on the basis of what was discussed.

First, he commended Senator Inouye for his suggestion to have three classes of Membership and stated he felt that the Senate Leadership would welcome this suggestion.

Second, he endorsed Senator Inouye's recommendation regarding dividing the responsibilities of the Budget Subcommittee among various Subcommittees of the Full Committee, and asked if any Members had objections to that recommendation. Senator Wallop posed an objection asking that the matter not be resolved by the Committee at that time. On the basis of Senator Wallop's objection, the question was left "in abeyance," and the Chairman added that "we have four months to make decisions" on these matters.

Third, regarding the suggestion of Senator Chafee that Members of the Committee meet more regularly with the Director of Central Intelligence, the Chairman stated that he felt this would not be a problem. In fact, he indicated that most Directors of Central Intelligence "would welcome that opportunity."

Fourth, regarding the designee system, the Chairman said that "the designees should work together," He indicated that in his judgment, the designees do work together more than many Members may realize and that as Chairman he was "very pleased with the designees," noting that he had watched them work on assignments and do "a good collective job."

Fifth, with regard to the eight year "rule," which was the principal motive for having the session in the first place, Senator Goldwater stated that this issue like that of the Budget Subcommittee should probably be left "in abeyance." He indicated that in his view, Senators Scott and Mansfield were "very reluctant about the eight year rule," and that he did not vote for it when Senate Resolution 400 came to the Floor in 1976.

In concluding the meeting, Senator Goldwater thanked all of the Members for the time and effort they had expended in preparing either letters or statements for the record on these important organizational issues.

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, June 22, 1984.

Hon. DANIEL PATRICK MOYNIHAN,
Vice Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR PAT: When the Senate Select Committee on Intelligence was established in the Spring of 1976, it was determined that Members would not serve for more than eight consecutive years on the Committee. This provision of Senate Resolution 400 is contained at Section 2(b) and states as follows:

"No Senator may serve on the Select Committee for more than eight years of continuous service, exclusive of service by any Senator on such Committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the Select Committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such Committee during the preceding Congress."

In accordance with this rule, more than half of our Members will be required to rotate off the Committee at the end of the Second Session of the Ninety-eighth Congress. By my calculation, the Members of the Committee who are affected by this eight year service rule are as follows: Senators GOLDWATER, GARN, CHAFEE, LUGAR, WALLOP, MOYNIHAN, HUDDLESTON, BIDEN, and INOUYE.

In my judgment, the abrupt departure of these Members and their designated staff from the Committee would have far-reaching negative consequences for Senate oversight of the Intelligence Community. On this basis, I am calling for a meeting of the Full Committee to discuss this matter at 10 o'clock a.m. on July 25, 1984, in Room S-407 of the Capitol.

If you cannot attend that session, I ask that you convey to me in writing your thoughts on the eight year rule so that I can have the benefit of your views. This issue is very, very important to our Committee and I urge you to give it all due consideration.

Thank you for your attention to this matter.

Sincerely,

BARRY GOLDWATER,
Chairman.

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, July 24, 1984.

In response please refer to 84-2527.

Hon. BARRY GOLDWATER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR BARRY: I shall look forward to our meeting Wednesday to discuss the organization questions concerning the Intelligence Committee which you raise in your letter of June 22.

I am disposed to continue with the eight year rule. If we do this, however, I would hope that the Senate leaders in the 99th Congress might consult with us on how the Committee is to be reconstituted.

I am especially concerned that the new Members be thoroughly briefed on our agreement of June 6 with the DCI in which we stipulated matters which will automatically be considered "significant anticipated intelligence activit[ies"] and, hence, must be disclosed to the Committee in advance. The one great breakdown in our relationship with the Intelligence Committee during my eight years service was the failure by Mr. Casey to notify us in advance of the mining of the Nicaraguan harbors. He subsequently apologized and the new procedure—actually the first formal understanding—was agreed to by the President personally. (I am informed of this by Mr. McFarlane.) In the immediate aftermath of the revelation of the mining in the press on April 6, 1984, a number of painful events occurred from which I do not feel we have yet recovered. All we have to show for that pain is the new oversight procedure. It would be a setback, indeed, if it were somehow lost sight of in the changeover. I regard the agreement of June 6 quasi-legislative in nature and to be adhered to as such.

There is also, I believe, a problem with the present "designee" system. It would seem to me that designees should be primarily responsible to the staff director, or if you like, the majority and minority staff directors. If such a change is to be made, I would urge that it be done now, which is to say in this Congress, in order that the new Members in the next Congress arrive with such arrangements already in place.

Lastly, in his letter to you on May 2, Senator Chafee proposes that "we meet with the Director in S-407 on a regular basis . . ." I think this is a sensible idea but if adopted the prospects are that we will do just that: meet in S-407. The Architect's Office now states our new hearing room will be completed in September. I'll believe it when it happens!

Best,

DANIEL PATRICK MOYNIHAN,
Vice Chairman.

U.S. SENATE,
May 2, 1984.

Hon. BARRY GOLDWATER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR BARRY: In connection with the meeting of the Intelligence Committee on Thursday, you asked that we come forward with suggestions on how our Committee could do its oversight work in a better fashion, especially in connection with covert actions.

Here are some proposals for consideration by the Committee:

1. We meet with the Director in S407 on a regular basis at which time he will discuss activities of the Agency and we will have an opportunity to question him about those or other matters.

I propose that these meetings be every three weeks on a schedule laid out several months in advance. Where a recess prevents a meeting from occurring on schedule, then the meeting should occur in the week we return from recess.

Obviously, the DCI will be unable to attend some meetings, due to being out of the country or conflicts, and in such instances, which we hope will be few, his deputy should fill in.

It may be that every 3 weeks is not the correct interval, but I suggest that as a starter.

2. Members of the Intelligence Committee shall serve on only 2 major Senate Committees.

One suggestion might be to make the Intelligence Committee a major committee, but I did not think that a good idea. However, in order to make sure Members time isn't too consumed by meetings of committees, the limitation of service on 2 major committees seems sensible.

3. Staff of the Committee must have closer communications with Members. Activities in the intelligence area must be more rapidly brought to Members' attention.

4. The rotation rules in S. Res. 400 should be abolished so that there can be built and retained an expertise of Members and staff. If there are objections to changing the rules at this time, a possible compromise might be to have one-half of next year's retirees leave and one-half stay, with that determination made by drawing straws.

In addition there are undoubtedly suggestions for improving staff organization as it applies to covert activities. The staff director could be helpful here.

I hope these suggestions are useful.

Sincerely yours,

JOHN H. CHAFEE,
U.S. Senator.

U.S. SENATE,
Washington, DC, June 25, 1984.

Hon. BARRY GOLDWATER, *Chairman,*
Hon. DANIEL PATRICK MOYNIHAN,
Vice Chairman, Senate Select Committee on Intelligence, Washington, DC.

DEAR BARRY AND PAT: I have been informed that a meeting of the Intelligence Committee has been scheduled immediately after the Recess to consider the eight-year limitation on membership under Sen. Res. 400 (1976), which established the Committee. It seems to me that, as several of the members come to the end of their maximum terms under the rule, it is indeed a good time to consider not only the implications of the upcoming membership rotation, but also related matters affecting the organization and functioning of the Committee:

(1) Rotation of Committee Membership under the Eight Year Rule:

I remain firmly committed to application of the eight-year rule and the principle of rotation of Intelligence Committee membership. I believe that the value of fresh perspective and representativeness outweighs, in this case, any advantages that might come from following the ordinary principles of seniority. This is because, in the area of secrecy that surrounds intelligence activities, it is especially important that the public not perceive that there is a special relationship between a certain group of legislative overseers and the Executive Branch agencies.

It could be argued that the public, since the days the Church Committee investigations uncovered substantial abuses in the conduct of intelligence activities both at home and abroad, has become more cognizant of the need for effective intelligence and more assured—to a considerable degree through the existence of legislative oversight procedures—that intelligence activities are being conducted wisely and properly. While I feel this is true, I also believe that this perception can quickly change. Recent developments in Congressional oversight, especially the public disagreement about notification of certain activities in Central America, make this moment singularly inappropriate to effect any changes in organization that would lead the public to believe that Congressional vigilance in this area is declining.

It can also be argued that rotation of membership, especially the large turnover that we will be faced with at the beginning of the Ninety-ninth Congress, will detract from the continuity of the Committee's work and the expertise that has been attained by the current members. I well remember, however, how after the formation of the Committee in the Ninety-fourth Congress, all the members were new at the business of regular oversight of intelligence activities. I as chairman, Senator Goldwater as vice chairman, and the rest of the members were quickly challenged by this situation to achieve a level of expertise sufficient to exercise effective oversight. Our newness to the field also gave us fresh perspective into the problems that needed to be pursued by the new oversight committee.

(2) Structure of the Committee:

Since the time of my chairmanship, the Intelligence Committee has had a separate

subcommittee to review the budget for intelligence programs. This separate unit was created in large part to allow compartmentation of the details of the complex and sensitive technical systems that dominate the intelligence budget. As the Committee's organization has evolved over time, however, details concerning such systems has become widely available to the staff, while access to informaton on other, more politically sensitive matters has been more strictly compartmented.

Over the years, in addition, the Budget Subcommittee has come to exercise an increasing influence over all aspects of the Committee's oversight functions. A wide range of legislative issues have become linked with the annual budget authorization, and the classified report accompanying the authorization bill usually contains many recommendations of a general nature which arise in connection with consideration of the budget. As a result, the Budget Subcommittee has come to dominate proceedings at the subcommittee level, while the other current subcommittees exercise few concrete functions. This result has been strengthened in recent years by the tendency toward greater disparities between the budget initially submitted by the Administration and the version finally approved by the Congress. More and more, general issues are considered in the context of authorization review, and resource decisions are deferred for later, political resolution.

The increasing importance of the budgeting process in general oversight has placed an undue burden, and overly great responsibilities, on the chairmen and members of the Budget Subcommittee. I would propose, therefore, that consideration of the entire budget be returned to the full Committee, with its component parts to be reviewed by all the subcommittees. I believe that the following subcommittee structure would achieve the various aims referred to above: Technical Intelligence; Foreign Operations; Security and Rights of Americans; and Analysis and Production. I am prepared to explain at greater length precisely what programs would fall under the supervision of each of these subcommittees—which largely parallel those in place today—and how more effective review of the budget could also be accomplished within this proposed organization.

(3) Responsibilities of Committee Staff:

Committee professional staff have been chosen, from the beginning, largely by the individual members and have been referred to as their members' "designees." I originally decided upon this method of selection because, in our then novel enterprise, there was a shortage of established, competent Congressional personnel in this field. My feeling was that the best staff could be retained at that time through the collective choice of the membership.

Committee designees, it would appear, have more and more become almost solely accountable to their principals. This has detracted from the ability of the staff directors to organize projects at the professional staff level. It has always been my view that the designees are primarily accountable to the Committee, and only secondarily serve as a channel of communication with the members.

I recommend, therefore, that the role of the professional staff be redefined to emphasize their primary responsibility to carry out the instructions of the Committee as a whole.

Thought should be given to assigning the professional staff duties related to the activities of the subcommittees, in connection with the reorganization proposed above.

The idea of core staff should also be seriously explored, especially with an eye toward building up advanced staff competence in a few of the areas of special concern to the Committee in its oversight function—e.g., in the areas of safeguarding the rights of Americans, conducting investigations of foreign operations, reviewing the adequacy of technical systems, and analyzing the conclusions of the Intelligence Community in such complex areas as verification of arms control agreements. The Committee should continue to have a bipartisan budget staff responsive to all the members under the direction of the Chairman and Vice Chairman.

I am happy that we shall have a chance to discuss the eight-year rule and related issues prior to the beginning of the next Congress. I would be cautious, however, about attempting to change the rule during the current Congress, before the views of the members of the Ninety-ninth Congress can be heard through their respective Leadership and Party Caucuses. On the structure and staffing issues also discussed in this letter, however, some immediate attention could be appropriate. It would be unfortunate if a basis were not created now for the ranking members to address these issues speedily at the beginning of the next Congress—before necessary changes might be prevented by inertia.

I hope these comments will be useful to you and the other members of the Committee in deciding what action, if any, to take on these matters during the current Congress.

Aloha,

DANIEL K. INOUYE,
U.S. Senator.

U.S. SENATE,
Washington, DC, August 8, 1984.

Hon. BARRY GOLDWATER,
Chairman, Senate Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR BARRY: I am sorry that I was unable to attend the Committee meeting to discuss the issue of the eight year rule and other matters relative to the operation of the Senate Select Committee on Intelligence. I have, however, reviewed the transcript of the meeting, and would like to share with you some thoughts I have concerning the future membership and structure of the Intelligence Committee.

I do not support a mandatory eight year rule. I have no quarrel with those who argue that the rotation of new members on the Committee is generally a good thing. Yet, as you indicated in your opening remarks, the Intelligence Committee has enjoyed the benefit of new members as a result of the natural committee membership selection process, without having to resort to imposing the eight year rule. In addition, I agree with Senator Lugar who pointed out that the Intelligence Committee should not be viewed as unique with respect to the benefit of new members. If we would benefit, is there any reason not to require other committees to operate under a similar system of rotating membership?

Personally, I have enjoyed my membership on this Committee, and would like to remain a member after my eight year term expires. While my other committee responsibilities often conflict with scheduled meetings of the Intelligence Committee, I continue to find that my membership is extremely valuable to me on many policy issues ranging from Central America to arms control. In addition, my position on the Appropriations Committee provides me an opportunity to support key programs of vital interest to the intelligence community.

With respect to the designee system, let me say that this system is absolutely essential if all the members of the Intelligence Committee are to remain informed concerning pertinent intelligence issues. For security reasons, individual Senators cannot rely on personal staff to monitor developments of the Intelligence Committee; designees are the only ones who can fulfill this responsibility. Nonetheless, I would expect the designees to serve the Chairman, Vice Chairman and staff director, as well, to ensure that the work of the Committee—as distinct from the work of its individual members—is carried out professionally.

While I read with interest the suggestion by several of our colleagues in support of dividing up the budget review responsibilities among the existing subcommittees, I would recommend a degree of caution in moving to implement such proposals. The cohesive, integrated budget review process forged by Senator Wallop constitutes a major strength of this Committee's budget oversight. Any effort to divide this responsibility in order to involve more Senators should take care not to do damage to the integrated framework Malcom has promoted.

I appreciate this opportunity to convey my thoughts on these issues, and would be happy to discuss them further with you personally.

Sincerely,

JAKE GARN.

U.S. SENATE,
Washington, DC, July 13, 1984.

Hon. BARRY GOLDWATER,
Chairman, Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR BARRY: I appreciate your June 22nd letter on the 8-year rule. The July 25 meeting conflicts with a previous commitment to cochair a hearing, but I hope to take part in some of the discussion on this subject and on Dan Inouye's suggestions.

I support the 8-year rule, as you know, and intend to defend it. The difficulties and dislocations that it may cause are outweighed, in my view, by the benefits that will accrue from firmly establishing the principle of rotation in the responsibilities of Committee membership and leadership. Such rotation will help the Committee maintain its vitality in a difficult and demanding job.

Senator Inouye's proposals merit very serious consideration. I look forward to hearing people's reactions to them. They would adjust the distribution of reponsibilities among our members, but need not, I would argue, require changes in the designee system for our staff.

I would hope that the Committee might also discuss the work of the Quayle Committee, which has begun to meet and will shortly hold hearings. I hear that they will consider toughening the rules on the number of committee assignments for each member. Such actions could seriously affect the Intelligence Committee, which depends upon its members' ties to other committees in performing some of its most vital functions.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, June 27, 1984.

Hon. BARRY GOLDWATER, *Chairman,*
Hon. DANIEL PATRICK MOYNIHAN,
Vice Chairman, Senate Select Committee on Intelligence, Washington, DC.

DEAR BARRY AND PAT: Thanks for your letter about the Committee meeting on July 25 to discuss S. Res. 400 and the eight year rule. I will be there to give my views in person, but I also want to state them briefly in writing ahead of time.

I have carefully read the testimony and floor debate in 1976 about the Committee's rules and structure. Frank Church, Abe Ribicoff, Mike Mansfield and other leaders of the Senate clearly explained why limiting the terms of members on the Intelligence Committee is essential. They wisely insisted on the eight year rule for important purposes. They wanted to inhibit co-option of Committee Members by the Intelligence Community. Recognizing the special sensitivity of intelligence, both for national security and for civil liberties, they intended to bring fresh viewpoints to bear from time to time on the oversight of the CIA, NSA, FBI and other intelligence agencies, and to involve a wider cross section of Senators in this unique responsibility. Had Members rotated off the Committee in the past at the times and in the proportions intended by the rule, we would not have this big turnover ahead of us. Failing to do what we should have done in the past does not justify continuing bad habits now.

The main argument for extending the present eight year term seems to be the negative impact on oversight when nine of the current fifteen Members leave, presumably accompanied by their staff. With all due respect to those due to leave, I think we would all agree no one is irreplaceable, and there are many qualified Senators interested in serving on the Committee who would come up to speed quickly. The example of Sam Nunn stepping in for Scoop Jackson is a guide to what can be done in selecting replacement.

Of course, six current Members, three Republicans and three Democrats, all with substantial experience on the Committee, would remain to ensure continuity of oversight in the short period while new Members learn the ropes. In addition, while I think the idea of unique staff "expertise," with the exception of the budget and certain technical subjects, can be overdrawn, it is not impossible that some of these staff would be retained by new Members as their designees. There are examples of this from the past. Moreover, I am impressed by Danny Inouye's ideas for strengthening the core staff as a professional resource. Staff of departing Members with special experience and capabilities in aspects of oversight might be considered for retention as core staff rather than as designees.

The case for retaining a limited term on the Intelligence Committee is so compelling that I would have to oppose any attempt to change S. Res. 400. In any event, an action of this significance involving rules, privileges and prerogatives would required a major debate on the floor and would be hotly contested. There is not sufficient legislative time left to hold the necessary hearings in our Committee and in Rules, and have a full floor debate. So, while there is no reason not to have a preliminary airing of opinions on July 25, as a practical matter S. Res. 400 and the eight year rule are clearly issues for the next Congress and Leadership, as Danny Inouye pointed out in his letter of June 25.

Best regards,
Sincerely,

PATRICK LEAHY,
U.S. Senator.

THE CYPRUS QUESTION AND U.S. AID TO TURKEY

Mr. PRESSLER. Mr. President, the fiscal year 1985 foreign aid authorization, as reported by the Foreign Relations Committee, included an important provision restoring the traditional 7:10 ratio for Greece/Turkey military assistance and linking U.S. grant military aid for Turkey to cooperation in resolving the Cyprus conflict.

I am introducing this same amendment to House Joint Resolution 648, the continuing resolution. I ask that this amendment, incorporating technical changes as are required for the continuing resulution, be printed in the RECORD at the end of my remarks. Given the continuing tragedy that plagues the island nation of Cyprus, the Senate must take effective action that could help resolve that conflict. We cannot afford to wait until next year for the enactment of an authorization bill. When the Senate considers the continuing resolution, I intend to call up this amendment for myself and a number of cosponsors.

This provision reflects the bipartisan view of the Foreign Relations Committee. In all, 11 members of the committee voted in favor of this approach to military assistance for NATO's southeastern flank.

I urge all Senators to join us in including this important language in the continuing resolution. There are many good reasons for doing so. First, restoring the traditional 7:10 Greece/Turkey aid ratio is an important signal of the U.S. commitment to evenhandedness in dealing with these allies. Evenhandedness is especially important at the current time, when leftist elements in Greece hope to push Athens away from the United States and closer to the Soviet Union. We must take this reasonable action to avoid this risk.

Second, the United States has worked vigorously through diplomacy to bring an end to the Cyprus conflict in which Ankara is a key player. Our previous approach of words rather than deed has failed. We must now look toward concrete U.S. actions to demonstrate our commitment to the peace process. The United States possesses few sources of leverage in Turkey beyond foreign aid. We must therefore use our aid program constructively to bring about movement toward a settlement on Cyprus.

Third, both the Turkish Government and the Turkish-Cypriot leadership have previously stated that a return of Varosha to Greek Cypriot control would improve prospects for a resolution of the Cyprus conflict. Unfortunately, both Turkey and the Turkish Cypriots have backed away from taking steps to implement such a policy. Indeed, the Turkish Cypriot leadership has inflamed the situation in recent months.

Finally, this provision on aid to Turkey is not punitive. Rather, it rewards Turkey for taking actions that will assist in a settlement on Cyprus. Turkey would continue to receive adequate assistance should the provision dealing with Varosha not be complied with.

Mr. President, I urge Senators to support this Foreign Relations Committee-adopted amendment. It deserves to be included in the continuing resolution, and I hope many Senators will agree to cosponsor and vote for it.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the appropriate place in the bill, insert the following:

SEC. (a) Notwithstanding any other provision of this Act or any other Act, not to exceed $215,000,000 of the amounts appropriated or otherwise made available by this Act or any other laws to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 for the fiscal year 1985, may be obligated or expended on assistance for Turkey unless the President has certified to the Congress that the formerly Greek-Cypriot occupied area of Famagusta/Varosha has been returned to the Government of Cyprus under the auspices of the United Nations for the immediate resettlement of refugees.

(b) No credits may be extended and no guarantees may be issued under the Arms Export Control Act for Turkey for the fiscal year 1985 if the extension of such credits or the issuance of such guarantees would cause the sum of such credits and guarantees provided for Turkey for such fiscal year to exceed $500,000,000.

ASSISTANCE TO POLISH FARMERS

Mr. PERCY. Mr. President, I held a hearing of the Senate Foreign Relatins Committee this afternoon on a bill to assist the Polish farmers. My bill (S. 3000) is endorsed by President Reagan and is fully supported by Pope John Paul II. The bill would provide $10 million in U.S. contribution to a fund to be administered by the Polish church, which is beginning this pilot project in an effort to improve the private agricultural sector in Poland. I expect that the Foreign Relations Committee will act on the bill on Wednesday, September 26.

At today's hearing, the committee heard from Edward Derwinski, counselor of the Department of State. The committee also called to testify witnesses from three organizations. The committee heard Alfred L. Abramowicz, auxiliary bishop to His Eminence, Joseph Cardinal Bernardin, the esteemed Archbishop of Chicago; Rev. Joseph F. Mytych, of Sts. Peter

and Paul Church, South Paulina Street, Chicago; and Ms. Myra Lenard, executive director of the Polish American Congress, the umbrella organization of 3,000 Polish organizations in the United States.

Ms. Lenard stated that the Polish American Congress strongly supports the foundation and urges U.S. contribution. Reverend Mytych, who has been actively involved in the good works of the Catholic League for Religious Assistance to Poland, eloquently stated at the hearing:

I ask that favorable consideration be given to the passage of this legislation which will allow the Polish people to move forward to a day when, thankful for the help we have given them in their hour of need, they may find themselves in a position of such sufficiency that they in turn can help another people in need.

And Bishop Abramowicz stated that President Reagan's decision to support this bill was received most joyfully by the Polish nation.

The testimony presented today on S. 3000 is very thoughtful. Therefore, I ask unanimous consent that the full texts of the statements by the distinguished witnesses who appeared before the Senate Foreign Relations Committee be inserted in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT TO THE FOREIGN RELATIONS COMMITTEE BY THE MOST REVEREND ALFRED L. ABRAMOWICZ

Gentlemen, I am Alfred L. Abramowicz, auxiliary bishop to His Eminence, Joseph Cardinal Bernardin, archbishop of Chicago. His Eminence Cardinal Bernardin is most grateful for the invitation to testify before the Senate Foreign Relations Committee in behalf of the support of the Polish Agricultural Foundation. Regretably, the short notice did not permit him time to reschedule previously made commitments so as to be able to appear in person. He asks that I rely to you this message of complete support for the Polish Agricultural Foundation, to express his plea that the United States support this foundation with a most substantial grant, and to state that he as Archbishop of Chicago has assured the Foundation that he is confident that Chicago Catholics and the Archdiocese of Chicago will contribute generously to the Foundation. He has requested that I and the Rev. Joseph F. Mytych of Chicago appear at this hearing and speak in favor of the Foundation.

I speak as a private citizen of the United States and am of Polish ancestry. My mother and father immigrated to the United States as teen-agers. I do not speak in behalf of the hierarchy of the United States, the National Conference of Catholic Bishops or the United States Catholic Conference. I speak as an American bishop who is knowledgeable of Polish affairs and the condition of the Church and State in Poland. As national executive director of the Catholic League for Religious Assistance to Poland for the past 24 years.

I am in close contact with the present Primate of Poland, Joseph Cardinal Glemp, as I had been with his predecessor, the late Stefan Cardinal Wyszynski. In these past 24 years I have visited Poland perhaps 15 times, always to be in contact with the Catholic hierarchy of Poland. A month ago during the visit of Cardinal Bernardin in Poland (August 10-20, 1984), the Cardinal together with the Revs. Joseph F. Mytych and Matt Bednarz we spent several hours with the Rev. Alojzy Orszulik, plenipotentiary of the Polish episcopate and head of the Agricultural Foundation going over details of the pilot project and the global aspects of the Foundation.

The concept of an Agricultural Foundation to help private farmers was conceived as the Primate of Poland, the hierarchy and its people marvelled at the tremendous good will and the sacrifice of the United States and governments of Western European nations—marvelled at the sacrificial generosity of Americans and peoples all over the world as these came to relieve the critical shortages of foods clothing and medical supplies which afflicted the Polish nation a couple of years ago. They judiciously observed took note of the splendid cooperation of the Polish government as the Polish hierarchy efficiently, justly and charitably distributed these benefactions. As the received these gifts gratefully, they became fully aware of their own human dignity. They considered how they would rather be in a position to give rather than to receive, prefer to work than be on a dole. A conviction rose to supercede all emotions that there was a way that they could feed and clothe themselves. They had the land, the ability and will to work. What they needed was aid of another kind: modern machinery, tractors and repair parts. Their land needed chemicals: fertilizers, pesticides, preservants and disinfectants. They needed barns, repair shops, processing plants for fruits and vegetables—field services, water systems developed for life-support and irrigation, sewage treatment, improved milk production, and sanitary and safe processing equipment. With such materials and equipment they could become self-sustaining, stand proudly on their own feet and be enabled eventually to extend a helping hand to others less fortunate than they.

Thus, the Polish Agicultural Foundation became established by the Polish episcopate as sanctioned under legislation passed by the Polish parliament on April 6, 1984. The Foundation will be operating independently of the authorities of the Polish State, and as a separate entity but under the patronage of the Catholic Church in Poland.

The Foundation seeks to pursue three principal activities: provide selected services (field operations, mechanical maintenance, water and sanitation equipment and repairs, provided by the farmers themselves with provided equipment and supplies), increase agricultural production (milk, fruits, vegetables) and sale or production implements (tractors, machinery, tools, spare parts, component and pesticides).

The Polish episcopate established the Foundation only after receiving commitments from ecclesiastical bodies in Western Europe, even Australia, as well as from certain Western governments, private organizations and individuals, and on a solid hope of a ten million dollar grant from the United States government.

The Catholic church in the United States is ready to make a substantial commitment toward the 28 million-dollar fund which is needed to support the pilot program through 1985.

The Catholic Relief Services—CRS—a branch of the United States Catholic Conference has already appointed the Rev. Terremce J. Mulkerin, to work with the foundation and has pledged to cover the costs of his labors for an initial period of six months. John Cardinal Krol of Philadelphia has made public statements asserting his support of the Foundation. He has further solicited a solid commitment from many members of the American Catholic hierarchy. I repeat that Cardinal Bernardin of Chicago expresses full support of the Foundation.

It is imperative now that the declaration of intention which was recently given by President Reagan and which was received most joyfully by the Polish nation and the universal world, become a reality.

I therefore request that favorable consideration be given to enact appropriate legislation making possible this grant of ten million dollars to the Polish Agricultural Foundation.

STATEMENT TO THE FOREIGN RELATIONS COMMITTEE BY THE REVEREND JOSEPH F. MYTYCH

I express heartfelt gratitude to the Chairman and Honorable members of this committee for allowing me to present a statement in support of the legislation aiming to provide a grant in support of the Polish Agricultural Foundation.

I am a priest of 45 years of service in the Archdiocese of Chicago, largely in ministry to the Polish and Polish-American community. I too have been involved in the works of the Catholic League for Religious Assistance to Poland, and have had the opportunity of visiting Poland five times in the last seven years.

I come not as an expert witness on matters of agricultural, technical or political content. These I leave to persons with prominent qualifications, many of whom have already made their views known to members of this committee or other pertinent governmental agencies. I would rather direct my remarks to the question—why does the Catholic church in Poland involve itself so deeply in a temporal matter, especially of such ramifications in the social and political order, why does the church feel that it must be involved in this as an indepensable agent, even the one, the only agent with promise that the project will succeed only with its involvement, what essential single element can it offer which would encourage interested and concerned church authorities, civil governments and private humanitarian bodies to offer aid and be assured that such largesse would not be misapplied or be made to work against the very principles of social justice and human rights to which they are committed. The mission of the church is religious and spiritual. But the church nor the people exist in a vacuum. By its nature the church must be concerned with the whole man, his social, economic being as he lives in human society with its abundances and wants, prosperity and need, its successes and frustrations, its comforts and distresses.

Chief among today's needs of the Polish people is food. For countless generations the Polish people have been a people of the soil. They provided for their daily vitals out of their personal labors and of their own bit of land. Even in the darkest days of World War II despite the repressive actions of occupying forces they managed to survive, even overt efforts to starve the nation to death.

Mindful of this need, an idea was conceived in the minds of the Polish Catholic hierarchy to seek aid not just for the tem-

porary relief of a crisis, but for long ranged development of the sources of food so as to be able to tend to the future needs of the steadily increasing population. In a word, the basic concept of Polish agriculture would have to undergo a major restructuring out of which both the human effort and the productiveness of the soil could reach a level of efficiency needed to tend to the needs of a nation which population has increased by a third, at least, since the end of the war.

The church in Poland is very conscious of its singular role in the national life of its people. It senses deeply the people's reliance upon it for the preservation of its basic rights. It is especially mindful of the singular trust the people place in its works, leadership and protection.

In developing the concept of the Agricultural Foundation the church sees itself as the single national entity for the improvement of the people's temporal well-being.

Without entering more deeply into the question, I note the concerns of many agencies in and outside Poland as to the credibility of the effort. There concerns are real. To these agencies they are most justified.

I wish to offer an answer to this. The church in Poland is standing up to offer all of its institution to the extent that its religious mission allows to help lift the Polish people in the hour of need and give them assurance of a better tomorrow.

The credibility of the need is obvious. Agricultural experts tell us that there is great need of basic reconstruction in the whole agricultural community, 75% of which is privately owned and yet is able to produce 87% of the nation's food supply, the whole of which is becoming increasingly short of the total need. Modern methodology is a major part of the answer. The availability of modern agricultural equipment equipment with resources for its proper maintenance will help improve efficiency. The development of food processing will help insure its temporal distribution so as to avoid periods of unnecessary abundance and shortage. A distressed people makes an unfortunate church.

In a totalitarian society there is little or no opportunity for a private effort to insure human need, right and dignity. In Poland's totalitarian society the church enjoys a unique role both of opportunity and responsibility. Thus, in and for the development of this agricultural foundation the church alone offers a measure of credibility. And the church is offering to assume this before all those who are concerned with the sorry plight of the Polish people. It is ready and willing to place all its resources of person and institution to assure the success of this venture and thus fulfill its mission of social justice.

Unique is such societies is the fact that the Polish government is expressing willingness to offer its position to help achieve the goal of a reconstructed agricultural community. In addition to those agricultural experts already active under church auspices in the development of the reconstruction program, the state is ready to offer its own in collaboration. What remains is to reach and conclude an adequate agreement and those steps which will be needed to assure the total and final fullfillment of the conditions of that agreement.

Supporting evidence can already be drawn from the recent experience of handling emergency aid in food and medicines—the church was given a sufficient liberty in administering the gifts from abroad so that the suffering of a crisis was overcome at the earliest possible time.

The concerns of the church are not limited to the church in Poland. Other ecclesiastical bodies outside Poland, including those of other theological conviction, are expressing favorable reaction to appeal for help. While the American bishops have not yet had a full opportunity to study and respond to the appeal, they are expected to do so in the very near future.

Perhaps the most important single element assuring credibility to all concerned is the humanitarian dimension of all participating agents and institutions. It is my belief that the pilot program, as the beginning of a great effort for the betterment of a nation's life and the preservation of its tradition of human rights and dignity, deserves our support.

Therefore, I ask that favorable consideration be given to the passage of this current legislation which will allow the Polish people to move forward to a day when, thankful for the help we have given them in their hour of need, may find theselves in a position of such sufficiency that they in turn can help another people in need.

Thank you very much.

TESTIMONY OF MYRA LENARD, EXECUTIVE DIRECTOR OF THE POLISH AMERICAN CONGRESS

Mr. Chairman, distinguished members of the Committee:

My name is Myra Lenard, I am the Executive Director of the Polish American Congress. I am testifying on behalf of our President, Mr. Aloysius A. Mazewski, who is unable to be present today. The Polish American Congress is an umbrella organization of approximately 3000 organizations, numbering millions of Americans of Polish descent. Thank you for giving us this oportunity.

The Polish Episcopate proposed Foundation to assist private farmers to expand and modernize their agricultural production, deserves full consideration and support. Despite official decollectivization, private agriculture has been consistently discriminated against in the supply of fertilizers, pesticides, machines, spare parts, tools, fuels and other imputs.

Favoring the socialized sector the government's policy in effect devastated rural area and is directly responsible for its backwardness; never-the-less, Poland's private farming sector accounts for over 70% of the country's agricultural output. Modernized and fully developed it will be able in a comparatively short period of time, to at minimum, significantly increase Poland's self-sufficiency in agricultural production, eliminating or greatly reducing the costly hard currency imports of food, grain, and other agricultural commodities essential to assure sustenance level of food supplies for the polish people. The Church project entails procurement in the western countries of critically needed agricultural machinery, spare parts, fertilizer and other supplies which would be sold to individual farmers, paid for in polish currency. Proceeds will be used to finance development of intrastructures such as: milk processing plants and distribution facilities, water drainage and sewerage systems, repair shops, vegetable and fruit processing plants and many others.

The project's objective is to create a comprehensive modern market oriented agricultural industry to replace the grossly outdated and inefficient system, the legacy of four decades of bureaucratic controls, neglect and discrimination.

It must be noted that it represents a "first" in effort to establish effective cooperation in the specific economic area between the independent sector of the Polish society led by Poland's church and the government. Its successful implementation would set a precedent and stimulate further efforts to expand market economy of other fields.

It is indeed unprecedented that this project is sponsored by Poland's Episcopate. Over the past several years, the Polish Episcopate's charitable foundation was the main recipient and distributor of the multi-million dollar western assistance programs, designed to alleviate critical shortage of food and deficiencies in the Polish diet. Since January 1, 1981, the Polish American Congress Charitable Foundation, has played a significant role in this respect, contributing food, medicine, medical supplies, and clothing for a value of $50 million . . . This effort continues today.

The proposed project aims to replace charitable assistance with a production oriented effort. Further, consistent with the Church's teachings, it aims to restore and enhance people's sense of value, dignity of work and self-reliance by providing the means to engage in a productive and cooperative effort, beneficial, not only to the individual, but to the society at large. The exceptional nature of the Episcopate's initiative dictates its cautious approach. Poland's primate Joseph Cardinal Glemp has appointed several outstanding experts to serve on the Foundation's organizing committee. Their task is to develop the organizational framework of the Foundation.

The pilot project will cost $28 million, is designed to prove the concept's effectiveness. The response of the farmers and other interested parties must be carefully gauged. The practical application of the foundation's structure and mechanism within Poland's current political and economic realities must be tested and the donors must be assured that their money is used properly and efficiently.

Mr. Chairman—The Polish American Congress strongly supports the foundation and urges United States contribution to its initial limited pilot project.

Thank you.

STATEMENT OF EDWARD J. DERWINSKI, COUNSELOR OF THE DEPARTMENT OF STATE, BEFORE THE COMMITTEE ON FOREIGN RELATIONS

Mr. Chairman and Members of the Committee:

I am very pleased to be here today to provide the Administration's views on this bill to authorize a U.S. Government contribution to the Polish Catholic Church plan to aid private farmers in Poland. As you know, the President has announced his support for a U.S. contribution to the pilot phase of this very creative and worthwhile endeavor. The Administration would welcome the authority embodied in this bill. We believe that the Church's program offers an unusual opportunity to help Polish family farmers help themselves, and thereby to strengthen the private agricultural sector in Poland.

Mr. Chairman, I know that you understand very well the conditions in Poland and that you have been following the development of this project with great interest. It might be useful for the record, however, if I could begin by providing some information

on Polish agriculture in general and on the background to this program.

BACKGROUND

More than 75% of Polish agricultural land is in private hands. This situation is unique in Eastern Europe. It stands as vivid testimony to the resilience and persistence of Poland's private family farmers, supported by the Church. A Polish Government drive to collectivize agriculture in the early 1950's failed. Since then, the family farms in Poland have shown irrefutably that they are more efficient and productive than those in the state sector. Nonetheless, government pressures toward collectivization continue, and private farmers tend to be last in line to obtain important agricultural inputs, machinery and implements, and other assistance.

The idea of a Church-sponsored program to assist and strengthen Poland's private farmers can be traced back to the late Stefan Cardinal Wyszynski, Primate of Poland for thirty years. Two years ago the Polish Episcopate began to put this idea into more concrete form. Since then, the Church, assisted by Polish and West German agricultural specialists, has been hard to work on the details of the program.

HOW THE PROGRAM WILL FUNCTION

The program is intended to help private farmers become more efficient and more independent by giving them access to agricultural services and supplies not now available in Poland in sufficient quantities, and which Poles lack the hard currency to import from abroad. The program is designed so that it will not—and I emphasize this point—will not substitute for any current Polish Government domestic or foreign spending on agriculture.

The program will be administered within Poland by a private foundation established and controlled by the Polish Church. This foundation will be directed by a board of independent lay persons. The Polish Government will not be represented on any of the foundation's governing bodies.

One or more counterpart private organizations will be set up in the West to accept financial contributions from Western donors. The money collected will be used to purchase equipment and supplies in the West for the projects that the Church has devised. No hard currency will enter Poland through this program—only equipment and supplies.

The equipment and supplies shipped to Poland will be sold by the Church foundation to private farmers for Polish currency, zlotys. The foundation will use the zlotys obtained from these sales to cover its administrative expenses and for social projects in rural areas.

The Church foundation will control the entry of goods into Poland, and all imported goods will remain the property of the foundation until sold. The foundation alone will choose its customers. Foundation representatives, in cooperation with parish priests, will make sure that the equipment and supplies go to the persons intended. Moreover, if at any time the autonomy of the foundation were threatened by governmental interference, the Church could suspend or terminate the program.

State enterprises may obtain some advantages from the program because certain of the projects will unavoidably require state sector participation to a limited extent. There will be adequate safeguards. However, to ensure that the benefits of this program accrue overwhelmingly to the private farmer.

STATUS OF CHURCH/GOVERNMENT NEGOTIATIONS

After extended negotiations between the Polish Government and the church. The Polish Parliament passed a law in April of this year which permits the establishment of autonomous, private foundations for the first time in postwar Poland. This legislation is unique among Warsaw Pact countries. In principle the Government retains certain authority to oversee such foundations, but the Church believes that its foundation will be able to operate satisfactorily under this "umbrella" statute. Negotiations between the Church and Government on implementing regulations specifically to govern the Church-affiliated foundation are nearing conclusion.

TIMING AND COSTS

The Church hopes to establish its foundation and get the program underway this fall. There is to be an initial, pilot project phase lasting until 1986. Pilot projects are planned in the areas of milk handling, tractor tire procurement and repair, rural workshops, food processing, and water supply. The Church estimates the cost of the pilot projects at $28 million. If the pilot projects prove successful, the Church hopes to introduce a larger-scale, five year plan. The size of this expanded program will depend on an evaluation of the pilot projects, as well as, obviously, the willingness of potential donors to support an expansion.

SUPPORT ELSEWHERE FOR THE PROGRAM

The Polish Church has sent several missions to Europe, Canada, and the United States over the past year to explain the program and to encourage contributions from churches, governments, and private foundations. The Episcopate of the Catholic Church in the Federal Republic of Germany, and the West German Government, have been key supporters of the program in Western Europe. In the United States, the National Conference of Catholic Bishops has been active in generating support.

We understand that Catholic churches in the United States, Canada, and West Germany have pledged or will soon pledge specific sums to the pilot phase of the program. Several European governments are expected to make contributions to the pilot program, but no specific amounts have been pledged yet. The European Community is also considering a contribution.

POSSIBLE U.S. GOVERNMENT CONTRIBUTION

In meetings with Polish Church officials, we in the Administration have made clear that the possibility of a U.S. Government contribution to the pilot phase of their project would depend on a number of factors. These factors include passage of the necessary laws and regulations to ensure sufficient autonomy for the foundation, the development of sound agricultural projects, and the willingness of others to contribute. Based on our examination of the Polish legislation covering the Church-affiliated foundation and our anlaysis of the pilot projects, President Regan announced on August 17 his intention to seek support for a U.S. Government contribution of $10 million to the pilot phase of the program.

The Administration sees the pilot phase as a test, not only of the Polish Government's willingness to let the Church foundation function as it should, but of the foundation's competence and of the efficacy of the projects themselves. A U.S. Government contribution would not be a lump-sum, upfront donation, but rather would be made available in increments. If at any time it appeared that the foundation's autonomy were threatened, our contributions to the program would be stopped.

U.S. GOVERNMENT INTEREST

The U.S. Government has channeled more than $130 million in surplus food to Poland in cooperation with private agencies in the United States and the Catholic Church since martial law was imposed in December 1981. This aid helped the Polish people through an extraordinarily difficult time. The Polish people are still among the best friends America has abroad. The Church plan offers an opportunity to help an important segment of Polish society, the Polish private farmer, directly. It offers a rare opportunity to encourage the traditional, demonstrably more productive, private family farmer in an economy suffering from the excesses of central planning. Strengthening the private agricultural sector in Poland will promote the social diversity that distinguished Poland from the Soviet Union.

Again, Mr. Chairman, we appreciate your long-term personal interest in this issue and the opportunity to present our views here today. Thank you very much.

THE CENTENNIAL OF WEST BLOCTON

Mr. HEFLIN. Mr. President, as a Senator from the State of Alabama, I am pleased and proud to congratulate the citizens of the town of West Blocton, AL, on their upcoming centennial celebration.

West Blocton is situated in the middle of Alabama, deep in coal country. In fact, it was coal that was responsible for the town's beginning. The year 1884 saw the opening of Cahaba Coal Mining Co. in the area, and it was not long until industrialist Truman Aldrich named the town "Blocton" after a 1-ton block of coal was removed during mining operations. The post office soon would rename the town Blocton.

Blocton grew rapidly, with the growth of coal operations, and in 1900, the community was officially incorporated as West Blocton. Despite the change in name, the town and its citizens have continuously weathered the ups and downs of the mining industry and of working America.

In 1927, 40 Main Street businesses and 20 homes were destroyed by fire. The town was rebuilt. The next year, the town's leading mining company closed its operations. It would not be long before West Blocton, and all of the country, suffered through the Great Depression. Still, the citizens worked to improve their town.

In the mid-1930's, the town's economy began to recover. The mines were reopened, and the town began to grow, again.

During the last 20 years, the town has moved forward under the leadership of Mayor Frank Ferrire, who is leaving office this year. That time period has seen many streets paved, a

modern city hall acquired, and a greatly improved water system, among other community improvements.

The West Blocton centennial celebration will begin September 23. I will be privileged to be there that day to participate in the celebration.

The citizens of West Blocton can take a great deal of pride in the significant and proud history of their town, and, with their continued civic dedication, can look forward to a brighter and more prosperous future.

Thank you, Mr. President.

HEAD START REAUTHORIZATION

Mr. CRANSTON. Mr. President, as the final days of this session draw near, there is one very important piece of unfinished business that we must attend to—passage of the legislation which includes reauthorization of appropriations for the Head Start Program.

The Head Start Program has been of special concern to me throughout my Senate career. As a member of the Labor and Human Resources Committee from 1969 through 1980, I was actively involved in the committee's oversight and legislative activities affecting this program. I was the principal Senate author of the 1978 legislation which extended the authorizations of appropriations for the Head Start Program. In 1981, when the funding of Head Start was jeopardized, I authored the motion adopted by the Senate to instruct the Senate conferees on the Omnibus Budget Reconciliation Act to include the necessary Head Start authorization levels in that act. As a result of my motion, higher Head Start authorization levels were included in that legislation.

Once again, it appears that Head Start is in jeopardy. I realize that there are efforts ongoing to attempt to resolve the problems that are hindering Senate consideration of a Head Start reauthorization bill. However, the clock is running out. I want to make it very clear that I do not intend to stand by silently and see the Head Start Program authorizations expire.

Reauthorization of appropriations for Head Start is, in my view, a must item for Senate consideration before adjournment. If the majority leader has not committed to bringing up in the next week or so S. 2565, the committee-reported reauthorization bill which is on the Senate Calendar, then another vehicle will have to be used to get this urgent measure before the Senate.

Mr. President, an editorial appeared in the Los Angeles Times on September 18 discussing the failure of this body to act on the Head Start reauthorization. The article discusses some of the new data attesting to the tremendous success and impact of the Head Start Program. Head Start is without question one of the best investments the Federal Government has ever made. The editorial concludes, "Head Start has delivered on its promises. So must the Senate." I couldn't agree more.

Mr. President, I ask unanimous consent that the editorial from the Los Angeles Times be printed in the RECORD at this point.

[From the Los Angeles Times, Sept. 18, 1984]

BOGGED DOWN IN THE SENATE

The federal Headstart program is nearly 20 years old now, tested and proven effective, almost universally approved. But legislation providing reauthorization of the program for a three-year period is in trouble. There is a risk that it will get lost in the election-year rush to adjournment. The bill is too important for too many children to allow that to happen.

Without reauthorization Headstart will expire Oct. 1. With reauthorization, continuation of the program will be assured and with it a strengthened training program, assuring funds to prepare and provide credentials for workers in the program. That task of training is more than the agencies running the program can afford.

The reauthorization bill passed the House overwhelmingly but is bogged down in the Senate as lawmakers study other issues. The time has come for the Senate to approve the legislation without further delay.

Headstart helps those children who need help the most. More than 90% of Headstart families live below the poverty line of $9,862 annual income for a family of four. About two-thirds of the children in these programs are minorities; about 12% are handicapped.

If there ever were doubts about the importance of this sort of preschool education, they were eliminated by the release last week of a 20-year study by the High/Scope Educational Research Foundation in Ypsilanti, Mich. Few programs in all of education are as cost-effective, as socially and economically productive, as preschool education, the Ypsilanti study confirmed.

The researchers compared disadvantaged children who attended preschool with those who did not. They found that those with the additional early schooling had substantially higher high school graduation rates, lower incidence of teen-age pregnancy, markedly less incidence of criminal arrest, and only 18% were on welfare at age 19 compared with 32% of those who did not attend preschool.

Translated into dollars, what today is an investment of $4,000 a child produces net benefits of $28,933 in reduced crime, welfare, special education and other costs, according to this research.

The Ypsilanti study began before Headstart but looked at the same kind of things that Headstart has been doing it. It gives further validity to the importance of the program, recognized by the Reagan Administration in 1981 when it included Headstart among the "safety net" programs not subject to budget cuts. Since then the expenditure has risen from $776 million a year to a projected $1.1 billion next year, an investment with an extraordinary return.

Headstart has delivered on its promises. So must the Senate.

EXCHANGE OF FOREIGN SERVICE OFFICERS

Mr. MATHIAS. Mr. President, it is a pleasure to be able to report to the Senate on the establishment by the Secretary of State of an innovative and useful program designed to enhance the understanding among friendly nations of each others political process. I thank Secretary Shultz for deciding to go forward with this experiment in the face of administrative problems and bureaucratic questions. The program involves the exchange of foreign service officers between the United States and the foreign ministries of friendly nations.

The obstacles to such a program were serious. They included language barriers and anxiety about security. There is, of course, always a question of money to pay the modest but necessary expenses.

Fortunately there were also inducements to going forward. One was the precedent created by the Department of Defense. In spite of similar language and security problems, there has been a frequent and continuing exchange of officers between NATO navies, armies, and air forces. If such exchanges are possible within the Military Establishment, it is hard to believe that they are impossible within the diplomatic establishment.

More importantly, one of our oldest and closest allies was interested in the potential of such an exchange. The Netherlands was willing to try the program as a practical means of extending the commemoration of two centuries of diplomatic relations with the United States.

The problem of money was overcome with the assistance of Charles Z. Wick, Director of the U.S. Information Agency. Mr. Wick properly recognized that there is no way to increase understanding that is better than sharing the experiences of daily life.

Consequently, we now have an historic opportunity to lower a notch in the barriers that separate people with common aspirations and principles from each other. The experiment is now underway.

The Foreign Minister of the Netherlands has designated Peter Le Poole as the first exchange diplomat in American history. He is now in Washington and serving in the Department of State, and at the moment temporarily assigned to the Senate for orientation. I take this opportunity to welcome Peter Le Poole to the United States both personally and as a Member of the Senate. But I am sure that he will understand if I welcome even more enthusiastically the actions of the Secretary of State and the Foreign Minister in advancing the cause of deeper and more comprehensive international understanding.

I look forward to the day when the exchange program, which Peter Le Poole is pioneering, will welcome scores of diplomats to our shores.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MISCELLANEOUS TARIFF TRADE, AND CUSTOMS MATTERS

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 3398) to change the tariff treatment with respect to certain articles, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 4336

(Purpose: To provide the U.S. Trade Representative with greater authority to negotiate the elimination of export performance requirements, and to provide the authority to impose duties or other import restrictions if such negotiations are not sufficient)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposed an amendment numbered 4336.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

Page 58, strike lines 28 through 34 and on page 59, strike lines 1 and 2, and add the following:

"SEC. 307. NEGOTIATING AUTHORITY WITH RESPECT TO FOREIGN DIRECT INVESTMENT.—

"(a) Paragraph (3) of section 102(g) (19 U.S.C. 2112(g)(3)) is amended to read as follows:

"(3) the term 'international trade' includes—

"(A) trade in both goods and services, and

"(B) foreign direct investment by United States persons, especially if such investment has implications for trade in goods and services.

"(b)(1) If the United States Trade Representative, with the advice of the Committee established by section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872), determines that action by the United States is appropriate to respond to any export performance requirements of any foreign country or instrumentality that adversely affect the economic interests of the United States, then the United States Trade Representative shall seek to obtain the reduction and elimination of such export performance requirements through consultations and negotiations with the foreign country or instrumentality concerned.

"(2) In addition to the action referred to in section (1), the United States Trade Representative may impose duties or other import restrictions on the products or services of such foreign country or instrumentality for such time as he determines appropriate, including the exclusion from entry into the United States of products subject to such requirements.

"(3) Whenever the international obligations of the United States and actions taken under section 2 make compensation necessary or appropriate, compensation may be provided by the United States Trade Representative subject to the limitations and conditions contained in section 123 of the Trade Act of 1974 (19 U.S.C. 2133) for providing compensation for actions taken under section 203 of that Act."

Mr. DANFORTH. Mr. President, this amendment is quite simple. It relates to the growing foreign use of export performance requirements, under which a foreign government can mandate that American companies investing in those countries export back to the United States a certain percentage of goods produced in that country as a result of that investment. For example, Mexico has export performance requirements on automobiles produced by U.S. companies with plants in Mexico. As a result, foreign countries can mandate that cars made abroad must be shipped back to the United States to compete with cars made by American workers.

At the same time that countries such as Mexico, Brazil, and Taiwan have developed large trade surpluses with the United States, they have proceeded to tighten further their export performance requirements. In order to pursue a balanced trade and investment policy with these countries, we need to take further decisive actions against such policies now. Failure to act in order to discourage these export performance requirements will only serve to increase our trade deficit problems and threaten even more American jobs.

Specifically, this amendment states that if the U.S. Trade Representative, with the advice of the trade advisory committees established as part of the Trade Act of 1982, determines that action by the United States is appropriate to respond to export performance requirements that adversely affect the economic interests of the United States, the USTR shall seek to obtain the reduction and elimination of such export performance requirements through negotiations. Most importantly, the USTR would be authorized to impose duties or other import restrictions on these products, including the exclusion from entry into the United States of the products subject to these export performance requirements. Mr. President, this is the type of toughminded trade legislation which we will need if we are to rectify our trade imbalance.

I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. DANFORTH].

The amendment (No. 4336) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4337

(Purpose: To require an economic impact report on any import restrictions imposed under title II of the Trade Act of 1974)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 4337.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 41 of the matter proposed to be inserted, between lines 18 and 19, insert the following:

SEC. . ANALYSIS OF ECONOMIC IMPACT OF IMPORT RESTRICTIONS.

(a) Section 202 of the Trade Act of 1974 (19 U.S.C. 2252) is amended by adding at the end thereof the following new subsection:

"(1) (A) The Council of Economic Advisers shall prepare an analysis of the economic impact of any increase in, or imposition of, any duty or other import restriction which the Commission recommended in the report submitted under section 201(d).

"(B) The analysis prepared under subparagraph (A) shall include, but is not limited to—

"(i) the effect of the import restrictions on—

"(I) prices,

"(II) pretax revenues, and

"(III) employment,

in the industries which are to be protected by the import restrictions,

"(ii) the cost to domestic consumers of the import restrictions,

"(iii) the effect of the import restrictions on output, employment, and profits in all industries other than the industries being protected by the import restrictions, taking into account—

"(I) the effect of the import restrictions on production costs and the international competitive position of such industries, and

"(II) the effect of possible retaliatory trade actions by foreign countries,

"(iv) an estimate of the transfer of income to foreign producers which will occur by reason of the import restrictions,

"(v) the effect of the import restrictions on the current balance-of-payments account of the United States, and

"(vi) the net impact on the economy as a whole of the import restrictions, including the impact on its international competitiveness.

"(C) The chairman of the Council of Economic Advisers shall submit to the President and to the Congress a report within 30 days of the date on which the President receives the report of the International Trade Commission, on the analysis prepared under subparagraph (A).".

(b) Subsection (d) of section 201 of the Trade Act of 1974 (19 U.S.C. 2251(d)) is amended by adding at the end thereof the following new paragraph:

"(2) The Commission shall submit to the Council of Economic Advisers a copy of the report submitted by the Commission to the President under paragraph (1) at the same time such report is submitted to the President.".

Mr. CHAFEE. Mr. President, the amendment that I have sent to the desk would require thorough economic analyses of the impact of the International Trade Commission's recommendations to restrain imports, before the President makes a decision on such recommendations.

Under the amendment, the International Trade Commission is required to submit to the Council of Economic Advisers any reports under section 201 of the 1974 Trade Act relating to import relief. The Council is then required to make an extensive analysis of these recommendations on the industry to be protected, and on the economy at large, and this report is to be submitted to the President and Congress. The analysis is to focus on the net effect of such import restrictions on American jobs, on consumers, and on businesses which use the products of the industry for which protection is recommended. In short, the CEA will analyze the effect of the recommendations on the competitiveness and vitality of the entire American economy.

Currently, there is no such requirement. It is surprising, in fact, that over the years and through a number of major revisions of U.S. trade law, such a requirement has not been imposed because it makes such eminent good sense. It would seem transparently self-evident that the President should have before him the best advice of his expert economic staff before making a judgment on the broad effects of an import restraint decision on the total economy. The ITC currently makes its findings on the basis of studies of the industry claiming relief. The President's obligation, of course, is to bring to bear a higher vision, a broader concern about the national well-being before making his decision. Therefore this amendment requires a thorough analysis of the overall effects of import restraints by the President's Council of Economic Advisers.

In brief, Mr. President, what happens now is when import relief is sought, all that comes to the attention of the public and the President are the terrible things happening to those involved in the petitioning industry; that a certain number of people in that industry are losing their jobs because of imports. But nobody considers—at least not normally—the effect on the American consumer, or the effect on the industries that use the imported product to make other goods which also compete in the world at large.

Mr. President, this amendment has been cleared with both managers of the bill, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, this amendment has been cleared with the majority. I think that the analysis probably is already furnished by the CEA. But I think this amendment is well-taken, and it is acceptable.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. The amendment has been examined by the managers for the minority, and we see no objection. We are pleased to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Rhode Island [Mr. CHAFEE].

The amendment (No. 4337) was agreed to.

Mr. CHAFEE. I thank both managers of the bill.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4338

(Purpose: To revise the tariff nomenclature for telecommunications products)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 4338.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 70 of the matter proposed to be inserted, after line 10, add the following:

TITLE .—TELECOMMUNICATIONS PRODUCT CLASSIFICATION

SEC. . SHORT TITLE.

This title may be cited as the "Telecommunications Product Classification Act".

SEC. . TARIFF SCHEDULE NOMENCLATURE.

(a) IN GENERAL.—The Tariff Schedules of the United States (19 U.S.C. 1202) are amended as follows:

(1) Part 5 of schedule 6 is amended—

(A) by inserting after headnote 5 the following new headnote:

"6. For purposes of the tariff schedules, the term 'entertainment broadcast band receivers' means those radio receivers designed principally to receive signals in the AM (550–1650 kHz) and FM (38–108 mHz) entertainment broadcast bands, whether or not capable of receiving signals on other bads (e.g., aviation, television, marine, public safety, industrial, and citizens band).",

(B) by striking out items 684.62 through 684.64 and inserting, in numerical sequence and subordinate to the superior heading to item 684.62, the following new items:

"	Telephonic apparatus and instruments and parts thereof:		
684.57	Telephone switching apparatus (including private branch exchange and key system switching apparatus), and parts and components thereof.	8.5% ad val.	35% ad val
684.58	Telephone sets and other terminal equipment and parts thereof.	8.5% ad val.	35% ad val
684.59	Other	8.5% ad val.	35% ad val
684.63	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, Schedule 6).	Free	
684.65	Switching apparatus and parts thereof.	5.6% ad val. 4.7% ad val.	35% ad val
684.66	Terminal apparatus (including teleprinting and teletypewriting machines) and parts thereof.	5.6% ad val. 4.7 ad val.	35% ad val
684.67	Other	5.6% ad val. 4.7% ad val.	35% ad val

(C) by inserting, in numerical sequence, the following new item:

"684.80	Communications satellites (however provided for in this part) and parts thereof.	Free	"

(D) by redesignating 685.10, 685.11, 685.13, 685.14, 685.15, 685.16, 685.17, 685.18, 685.20, and 685.22 as 684.90, 684.92, 684.94, 684.96, 684.98, 685.00, 685.02, 685.04, 685.06, and 685, respectively.

(E) by striking out items 685.23 through 685.31 and inserting in numerical sequence and subordinate to the superior heading to item 685.21, the following new items:

"685.10	Radio receivers, other than solid-state (tubeless).	6% ad val.		35% ad val.
	Solid state (tubeless) radio receivers:			
685.12	Designed for motor-vehicle installation.	8.9% ad val.	8% ad val.	35% ad val.
	Other:			
685.14	Entertainment broadcast band receivers.	7.7% ad val.	6% ad val.	35% ad val.
685.16	Other	7.7% ad val.	6% ad val.	35% ad val.
	Transceivers:			
	Citizens band:			
685.18	Hand held	6% ad val.		35% ad val.
685.20	Other	6% ad val.		35% ad val.
685.22	Low-power radiotelephonic transceivers operating on frequencies from 49.82 to 49.90 mHz.	3.8% ad val.	2.4% ad val.	35% ad val.
685.24	Other transceivers.	6% ad val.		35% ad val.
	Other transmission apparatus incorporating reception apparatus:			
685.26	Cordless handset telephones.	6% ad val.		35% ad val.
685.28	Other	6% ad val.		35% ad val.
	Other:			
685.30	Transmitters	6% ad val.		35% ad val.
685.32	Other, including parts.	6% ad val.		35% ad val.
685.34	Radiotelegraphic and radiotelephonic transmission and reception apparatus, and radiobroadcasting transmission and reception apparatus, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6).	Free		".

(F) by redesignating 685.33, 685.34, and 685.36 as 685.36, 685.37 and 685.38, respectively.

(G) by inserting, in numerical sequence and at the same hierarchical level as the article description for item 685.40, the following new item:

"685.39	Telephone answering machines, and parts thereof	4.5% ad val.	3.9% ad val.	35% ad val.".

(H) by striking out the article description for item 685.40 and inserting in lieu thereof the following: "Tape recorders and dictation recording and transcribing machines (other than telephone answering machines), and parts thereof",

(I) by striking out item 685.50 and inserting in lieu thereof the following:

"	Other:			
685.48	Articles designed for connection to telegraphic or telephonic apparatus or instruments or to telegraphic or telephonic networks.	5.9% ad val.	4.9% ad val.	35% ad val.
685.49	Other	5.9% ad val.	4.9% ad val.	35% ad val.".

(J) by striking out item 688.15 and inserting, in numerical sequence and subordinate to the superior heading to item 688.10, the following new items:

"	Other:			
688.17	With modular telephone connectors.	5.8% ad val.	5.3% ad val.	35% ad val.
688.18	Other	5.8% ad val.	5.9% ad val.	35% ad val.".

(K) by redesignating item 688.16 as item 688.19, with the article description therefor subordinate to the article description for items 688.17 and 688.18 (as added by subparagraph (G)), and

(L) by striking out item 688.43 and inserting, in numerical sequence and subordinate to the superior heading to item 688.34, the following new items:

"	Other:			
688.41	Articles designed for connection to telegraphic or telephonic apparatus or instruments or to telegraphic or telephonic networks.	4.5% ad val.	3.9% ad val.	35% ad val.
688.42	Other	4.5% ad val.	3.9% ad val.	35% ad val.".

(3) Subpart A of part 2 of schedule 7 is amended—

(A) by inserting in numerical sequence the following new items:

"707.90	Optical fibers, whether or not in bundles, cables or otherwise put up, with or without connectors and whether mounted or not mounted.	13.1% ad val.	8.4% ad val.	65% ad val.".

and

(B) by redesignating items 708.09 and 708.29 as 708.10 and 708.30, respectively.

(4) Subpart A of part 3 of schedule 8 is amended by striking out the superior heading to item 837.00 and inserting in lieu thereof the following: "Articles for the National Aeronautics and Space Administration and articles (other than communications satellites and parts thereof) imported to be launched into space under launch services agreements with the National Aeronautics and Space Administration:".

(5) Subpart B of part 3 of schedule 8 is amended by striking out the superior heading to item 842.10 and inserting in lieu thereof the following: "Upon the request of the Department of State, articles (other than communications satellites and parts thereof) which are the property of a foreign government or of a public international organization:".

(b) CONFORMING AMENDMENTS.—

(1) RATE REDUCTIONS.—

(A) The rate of duty in column numbered 1 of the Tariff Schedules of the United States (as added by subsection (a)) for each item set forth below in the column headed "A" in the table under subparagraph (C) shall be subject to all staged rate reductions for the corresponding item set forth below in the column headed "B" in such table which were proclaimed by the President before the date of the enactment of this Act.

(B) Whenever the rate of duty specified in column numbered 1 of the Tariff Schedules of the United States for each item set forth below in the column headed "A" in the table under subparagraph (C) is reduced to the same level, or to a lower level, as the corresponding rate of duty specified in the column entitled "LDDC" of the Tariff Schedules of the United States for such item, the rate of duty in such "LDDC" column shall be deleted.

(C) The table referred to in this subparagraph is as follows:

A	B
676.13	676.15
676.14	676.15
676.28	676.30
676.29	676.30
676.53	676.52
676.54	676.52
678.49	678.50
678.53	678.50
684.65	684.64
684.66	684.64
684.67	684.64
685.21	685.21
685.22	685.24
685.23	685.24
685.26	685.26
685.39	685.40
685.48	685.50
685.49	685.50
688.17	688.15
688.18	688.15
688.41	688.43
688.42	688.43
703.90	708.29
707.92	708.09

(2) AUTHORITY UNDER THE TARIFF ACT OF 1930.—Subsection (a) of section 322 of the Tariff Act of 1930 (19 U.S.C. 1322(a)) is amended by adding at the end thereof the following new sentence: "The authority delegated to the Secretary by this subsection shall not extend to communications satellites and components and parts thereof.".

(c) MODIFICATION OF SCHEDULE B.—The President shall modify schedule B of the Tariff Schedules of the United States to reflect the changes made by this section.

(d) EFFECTIVE DATE.—The amendments made by this title shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this title.

Mr. DANFORTH. Mr. President, this amendment modifies the tariff schedule of the United States for telecommunications products. It does not change tariff rates. The tariff nomenclature contained in this amendment was originally drafted by the ITC. It was introduced on May 1 as title II of S. 2618, the Telecommunications Trade Act. The nomenclature in the original bill has been modified slightly

in response to comments presented to the Trade Subcommittee in written and oral testimony.

While further changes in the tariff schedules for the telecommunications products may well be necessary, this amendment represents a major improvement over the outdated nomenclature in use today. The reason for changing the tariff nomenclature for telecommunications products is to facilitate the collection of more accurate data on U.S. trade in this sector.

Mr. President, I move adoption of the amendment.

Mr. BENTSEN. Mr. President, the manager for the minority has examined the amendment, and has no objection to it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Missouri [Mr. DANFORTH].

The amendment (No. 4338) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4339

(Purpose: To deny benefits under the generalized system of preferences to Mexico until Mexico compensates citizens of the United States for losses from the destruction of a civil aircraft)

Mr. DANFORTH. Mr. President, on behalf of Senator GRASSLEY I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. DANFORTH), for Mr. GRASSLEY, proposes an amendment numbered 4339.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 70, strike out line 8 and insert in lieu thereof the following:

SEC. 507. SUSPENSION OF MEXICO AS A BENEFICIARY DEVELOPING COUNTRY.

Section 502 of the Trade Act of 1974 (19 U.S.C. 2462) is amended by adding at the end thereof the following new subsection:

"(e) (1) Mexico shall not be treated as a beneficiary developing country under this title during the period that—

"(A) begins on the day after the date of enactment of the Generalized System of Preferences Renewal Act of 1984, and

"(B) ends on the date on which the President determines that all citizens of the United States who sustained injury or losses by reason of the detention by Mexico from January 17, 1980, to March 11, 1983, or the destruction on May 11, 1983, of a Convair 880 4-engine cargo jet aircraft that—

"(i) was owned by Grothair Service, Inc. of Castalia, Iowa, and

"(ii) was assigned United States registration number N880SR, Serial Number 7, have been fully compensated for such injury or losses.

"(2) The President shall publish in the Federal Register, notice of any determination made under paragraph (1)(B).".

SEC. 508. EFFECTIVE DATE.

Mr. DANFORTH. Mr. President, the amendment as drafted is intended to deny beneficiary status to Mexico based on the current statutes provision relating to expropriation under GSP.

Mr. President, I ask unanimous consent that a chronology of events which lead up to this amendment be printed in the RECORD at this point.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF EVENTS PREPARED BY ERNEST GROTH

Aircraft owned by Grothair Service, Inc., Castalia, Iowa 52133 Convair 880, 4 Engine Cargo Jet, U.S. Registration No. N880SR, Serial No. 7.

1. Leased to Gulf Overseas Airways, Houston, Texas June 18, 1979.

2. Subleased to Aero Transportes Interncionales S.C.L.—27, Dec. 1979 through 31, May 1980. Present Address, Pitagoras 1143—1°-2°y3° pisos, Mexico 12, D.F. Telephone—905-575-7422.

3. We were informed by the coop that the Gov. of Mexico authorized them to begin operations via permit No. TAN-SE-004 issued by Direccion General De Aeronautical Civil, 28, May 1979 and authorization to begin operations issued 28, Nov. 1979 with U.S. Reg. No. N880SR on this permit with Telex extention to supply any regulations requested as this was a new airline. Nov. 15, 1979 hourly rate approval for Convair 880-22 70,000 pesos or $3,000.00 per hour less fuel burn or $1,000.00 per hour.

4. January 7, 1980. Secretary of Commerce issued temporary import permit, No. 6518.

5. January 15, 1980. The Coop notified Civil Aeronautica of Mexico that N880SR would arrive on January 16, 1980 to begin operations, with no denial.

6. January 15, 1980. Groth air service Telexed Mexico Aeronautical Civil and notified them of our flight giving date, hour of arrival, etc. with no denial.

7. Arrived January 16, 1980 via flight plan monitored and vector given by Mexican Civil Air authorities.

8. January 16, 1980, civil aeronautic official filled out Form No. 9225 Internacion De Aeronaves. Signed by Sec. Treas. Sec. Gobernacion, Sec. Communications authorizing this aircraft to a legal stay of 30 days in Mexico City.

9. January 16, 1980, Commanding Officer of airport, Alberto Arvsco Santiago verbally announced we entered improperly, no irregularities mentioned.

10. January 17, 1980, Solano Sanchez Gavito, Chief of National Air Transport denied verbally our departure. He said we should report to Civil Aeronautics office to subdirector.

11. January 18, 1980, on document No. 2401-15-201 Mr. Arusco officially notified us that we had entered improperly again unable to define the problem to us.

12. January 18, 1980, Fernando Silva, Subdirector Civil Aeronautica also denied our departure verbally.

13. January 19, 1980, Jorge Cendejas Quesada, Director of Aeronautica Civil said we had the wrong internacion form. After the airport officials said sign here.

14. January 21, 1980, we received written notice of suspension of operations.

15. Also on January 21, 1980 we filed for departure as a Coop aircraft & as a U.S. Registered aircraft—both canceled & denied.

16. January 29, 1980, stamped received, copy of contract for operation.

17. February 1, 1980, on communication from Jorge Cendejas Quesada, No. 2410661 rejecting lease contract saying it had some errors.

18. February 15, 1980, 30 day airport entrance extended by force with public notary.

19. February 29, 1980, we received notice that his office had found the contract again at the translators office.

20. On February 29, 1980 we received notice dated February 21, 1980 that the aircraft was officially confiscated.

21. On March 12, 1980 we delivered again to another government body known to all as Vehicle Registry (all documents).

22. March 25, 1980, Jorge Cendejas Quesada confirmed in writing, temporary import permit not available that he previously requested. (Very intelligent government official).

23. May 28, 1980, Jorge Cendejas Quesada now removed from office, his successor Roberto Zapata Leal. Notified Vehicle Registry that every law had been complied with.

24. May 26, 1980, the Coop received written notice we had complied with all aviation laws this letter also from Roberto Zapata Leal.

25. May 26, 1980, we went to Vehicle Registry to ask for a release from the confiscation notice based on this notice. At this time we received notice that the plane was the property of Mexico and had a penalty of 15,000,000 pesos or $700,000.00 was due.

26. At a later date the Coop filed in 5th Sala Court for consideration.

27. December 4, 1980, a decision in our favor was received. 100% no violations.

28. March 5, 1981, Sub Sec. Treas. Dept. (Government body in charge of Vehicle Registry), Lic. Salvador Trueba Rodrigoez appealed decision to Superior Sala Court.

29. March 31, 1982 a public audience was held in our favor.

30. March 31, 1982, a decision against us was issued. Not received until 45 days later. Why?

31. The Coop appealed to Supreme Court.

32. New Administration came into power and recognized the unfair treatment received and revoked previous action by all government bodies and issues 100% no violation dated January 18, 1983 from Vehicle Registry.

33. Received physical possession from Mexican customs depository officials about March 11, 1983.

34. Received many mysterious notices of being unable to repair aircraft on ramp, so designated by Port authorities along with a note to my hotel. (death threat)

35. Aircraft destroyed May 11, 1983.

36. Filed request for losses sustained, on September 21, 1983 at Sec. De Communicaciones y Transportes, Mexico City DF.

Mr. GRASSLEY. Mr. President, H.R. 3398 maintains the current statute's provisions relating to expropria-

tion. Specifically, section 502(b)(4) requires the President to remove from GSP any country which has failed to act in good faith in resolving a dispute involving the expropriation, and so forth, of property owned by a U.S. citizen.

I believe this is a good provision and I am pleased to see it included in this bill just as it was included in the Caribbean Basin Initiative. As some of my colleagues will remember I planned to offer an amendment to CBI at that time on striking Panama from beneficiary status for the expropriation of American properties. I am pleased to tell my colleagues that through a process of negotiations with our Government and that of the Panamanians this problem was resolved to the satisfaction of all parties involved. Panama acted in good faith in this situation and I want to thank those involved in bringing a problem which existed for 12 years to a successful conclusion.

Today I was made aware of a similar situation where, as a result of the expropriation provision in the GSP statute, Ethiopia was removed from beneficiary country status on March 28, 1980, for its failure to satisfy an expropriation problem. The provision has contributed, I am told, to successful resolution of expropriation problems with other countries.

Mr. President, having said all that, I rise today to offer an amendment which would deny Mexico beneficiary status for its failure to act in good faith in the resolution of a dispute between their Government and Grothair Service, Inc., of Castalia, IA. I submit a copy of the amendment along with a chronology of events which has led up to the Government of Mexico detaining an aircraft owned by Grothair illegally and finally seeing the aircraft destroyed on May 11, 1983. On September 21, 1983, a request was filed for losses sustained.

Mr. DANFORTH. The administration supports the retention of section 502(b)(4) as Senator GRASSLEY described earlier in his statement. This provision has given the President significant leverage in satisfying legitimate expropriation problems. Expropriation problems frequently involve complex factual and legal situations. Thus, it is important that any threats to revoke a country's GSP status pursuant to this provision be made only after the specifics of a given problem have been fully addressed. Since the Senator from Iowa has brought the problem fully to the attention of this body in his statement I would like to ask the Senator to withdraw his amendment on the following basis: assuming Grothair has a legitimate expropriation problem a good faith effort must be made by the Government of Mexico to resolve the conflict. If the conflict is not resolved, the administration must deny beneficiary status or provide the committee a logical reason why agreement cannot be reached and beneficiary status is not denied.

Mr. GRASSLEY. Let me understand what the Senator from Missouri is saying. Is he stating that the provision in this legislation on the matter of expropriation, and so forth, of property owned by a U.S. citizen is rather explicit, and that a review of Mexico's beneficiary status will automatically be carried out in the case of Grothair Service, Inc., or any other similar matters?

Mr. DANFORTH. That is correct.

Mr. GRASSLEY. Then on the basis of the floor manager's assurance that the legislation as enacted already provides language mandating the conditions under which the administration must remove Mexico or any other country which has failed to act in good faith in resolving a dispute involving a dispute over expropriation, and so forth, of property owned by a U.S. citizen, I withdraw my amendment. However, since in the case of Grothair Services, Inc., the aircraft was not returned to its country of origin, expropriation is squarely the issue and contracts and hourly rate approvals approved by the Government of Mexico are in order for satisfaction. I look forward to an early resolution to this problem and thank the floor manager for his assurances.

Mr. DANFORTH. Mr. President, based upon the colloquy and the assurances given therein, Senator GRASSLEY has requested that the amendment be withdrawn. Therefore, I request that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 4340

(Purpose: To implement the Customs Convention on Containers, 1972)

Mr. DANFORTH. Mr. President, I now intend to offer two amendments that are of particular interest to the U.S. Customs Service. Both of these amendments are to the Tariff Act of 1930, have been the subject of hearings, and have been reported favorably by the House Ways and Means Committee. Both passed the full House Tuesday, as part of H.R. 6064.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 4340.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amendment (No. 4244) proposed by Mr. DANFORTH.

On page 70 of the matter proposed to be inserted, after line 10, add the following:

SEC. . IMPLEMENTATION OF CUSTOMS CONVENTION ON CONTAINERS, 1972.

(a) Subpart C of part 1 of schedule 8 is amended—

(1) by amending headnote 1 to such subpart by inserting ", accessories and equipment" immediately before the period at the end thereof; and

(2) by amending the article description for item 808.00 by striking out ", and repair components" and all that follows thereafter and inserting in lieu thereof ", repair components for containers of foreign production which are instruments of international traffic, and accessories and equipment for such containers, whether or not the accessories and equipment are imported with a container to be reexported separately or with another container, or imported separately to be reexported with a container.".

(b) Subsection (a) of section 322 of the Tariff Act of 1930 (19 U.S.C. 1322(a)) is amended by striking out "granted the customary exceptions" and inserting in lieu thereof "excepted".

Mr. DANFORTH. Mr. President, the first amendment would implement the Customs Convention on Containers, 1972, by providing permanent duty-free treatment for repair parts, accessories, and equipment of temporarily admitted containers. The Senate gave its advice and consent to this convention on September 15, 1976.

However, the United States is prevented from being a full participant in the convention until such time as the terms of the Convention are implemented by this amendment to the Tariff Schedules. The amendment is fully supported by the administration.

Mr. BENTSEN. Mr. President, if the manager for the bill will defer for just a moment while I have an opportunity to look at it—Mr. President, the manager for the minority has had an opportunity to examine the amendment, and has no objection to it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Missouri [Mr. DANFORTH].

The amendment (No. 4340) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4341

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 4341.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(No. 4244) proposed by Mr. Danforth.

On page 70 of the matter proposed to be inserted, after line 10, add the following:

SEC. . DATE OF LIQUIDATION OR RELIQUIDATION.

(a)(1) Section 505 of the Tariff Act of 1930 (19 U.S.C. 1505) is amended by adding at the end thereof the following new subsection:

"(c) Duties determined to be due on liquidation or reliquidation shall be due 15 days after the date of that liquidation or reliquidation, and unless payment of the duties is received by the appropriate customs officer within 30 days after that date, shall be considered delinquent and bear interest from the date of liquidation or reliquidation at a rate determined by the Secretary of the Treasury.".

(2) The amendment made by paragraph (1) shall take effect on the 30th day after the date of the enactment of this Act.

(b)(1) Section 520 of the Tariff Act of 1930 (19 U.S.C. 1520) is amended by adding at the end thereof the following new subsection.

"(d) If a determination is made to reliquidate an entry as a result of a protest filed under section 514 of this Act or an application for relief made under subsection (c)(1) of this section, or if reliquidation is ordered by an appropriate court, interest shall be allowed on any amount paid as increased or additional duties under section 505(c) of this Act at the annual rate established pursuant to that section and determined as of the 15th day after the date of liquidation or reliquidation. The interest shall be calculated from the date of payment to the date of (1) the refund, or (2) the filing a summons under section 2632 of title 28, United States Code, whichever occurs first.".

(2) The amendment made by paragraph (1) shall apply with respect to reliquidation determinations made or ordered on or after the date of the enactment of this Act.

Mr. DANFORTH. Mr. President, the second amendment would set a date certain that Customs duties determined to be due upon a liquidation or reliquidation are in fact due and payable. It also provides for the assessment of interest on such duties which are not paid within 30 days after the due date.

The amendment would overturn the Heraeus-Amersil case decided by the Court of Customs and Patent Appeals on February 18, 1982. That decision, which overturned a longstanding Customs regulation regarding the due date for increased duties assessed, determined that such duties are not due and payable by the importer for a minimum of 90 days, or if an administrative proceeding was brought, up to 3 months after the administrative determination that such duties are due.

The effect of the proposed amendment would be to allow Customs to resume taking immediate steps to collect moneys determined to be due and payable to the United States. The House determined that the order of magnitude of savings to the Federal Government by passage of this amendment would be in the range of $25 to $50 million.

Mr. BENTSEN. Mr. President, I understand the objective of the amendment. I must state, though, at this time that I have some concern about Customs, what they have done, the fact that the budgets they send down to us seem to have very little relationship to some of the concerns and problems that we have along the Mexican border, the servicing of those stations, the promotion of trade across that border, and making it more accessible.

I am also concerned about the fact that we have not had any hearings—I do not believe—on this in the Senate. I state that principally for the benefit of the Customs Service. I am going to accept the manager's amendment because of my great respect for him, and the work that he has done in this regard. But my reason for accepting it is not because I am very comforted by what the Customs Agency has done in trying to respond to the inquiries of the Finance Committee. Having so stated that, and having it off my chest, the manager for the minority accepts the amendment.

Mr. DANFORTH. Mr. President, I want to state my understanding of the comments of the Senator from Texas. He has made similar comments in the Finance Committee. I am in accord with his observations, but I do think that this amendment is significant and clears up a procedural problem which exists for the Customs Service. Therefore, I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4341) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 4342

(Purpose: To provide congressional notice of certain reductions in force and reorganizations in the Customs Service during fiscal year 1985)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 4342.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41 of the matter proposed to be inserted, between lines 18 and 19, insert the following:

SEC. . NOTIFICATION OF CERTAIN ACTIONS BY THE UNITED STATES CUSTOMS SERVICE.

(a) The Commissioner of Customs shall notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives at least 180 days prior to taking any action which would—

(1) result in a significant reduction in force of employees other than by means of attrition,

(2) eliminate or relocate any office of the United States Customs Service,

(3) eliminate any port of entry, or

(4) significantly reduce the number of employees assigned to any office of the United States Customs Service or any port of entry.

(b) The provisions of this section shall not apply after September 30, 1985.

Mr. BAUCUS. Mr. President, the amendment I am offering would tighten our rein on the Customs Service, by requiring that Customs notify the appropriate congressional committees before it closes Customs stations, reassigns Customs officers, or otherwise reorganizes Customs operations. After the haphazard reorganization schemes Customs has hatched over the past few years, we need such notice so that we can keep Customs under control.

The Customs Service performs many important trade-related functions.

These functions are especially important in Montana, which has a 300-mile border with Canada, our major trading partner.

Customs operates 21 border stations in Montana, which process all kinds of imports, including ore concentrates, roofing materials, fertilizer, farm machinery, and oil field equipment. Many of these imports are critical to Montana's economy.

As a result, we are very concerned about the organization and operation of the Customs Service.

Over the past few years, Customs has shifted resources from import processing to drug interdiction. To accomplish this, it has tried to reorganize some of its import-processing operations.

For example, last year Customs undertook a so-called centralized appraisement plan that supposedly would have increased efficiency.

But it backfired. For Montana, centralized appraisement meant that two import specialists were moved from a city of 80,000 served by five commercial airlines and a bus system, to a city of 600 served by no commercial transportation whatsoever. What is more, the import specialists were moved to an entirely different customs district located hundreds of miles away from the District Director who ostensibly supervises them.

This confusing shift was not isolated. A GAO report found that:

"Customs officials * * * have not prepared an official cost/benefit study for the proposed centralization," that "Customs has not prepared an official estimate of savings," that "the total cost of Government will be unknown until a cost/benefit study is prepared," that "[T]he impact of centralized appraisement activities is unknown," and that Customs "did not conduct an analysis regarding the impact of removing import specialists from a given location."

Given these problems, we must keep a tight rein on Customs, to prevent more haphazard reorganizations.

That is why I am offering this amendment. It is similar to an amendment the Finance Committee adopted last year, and it is virtually identical to an amendment that the Finance Committe included in the Customs Service authorization bill, H.R. 5188, which is pending on the calendar.

Simply put, my amendment would require the Customs Service to notify the Finance and Ways and Means Committees 180 days before it undertakes any significant reorganization.

That way, it will not prevent reorganizations; it simply will give us a chance to review them. I should add that, as was stated in the Finance Committee's report on H.R. 5188, the designation of an airport customs station as a user fee station, as under the amendment Senator HUMPHREY offered yesterday (No. 4278) should be considered a reorganization that triggers the notice provisions of the present amendment.

I believe that this amendment makes good sense and is noncontroversial. It will help Congress discharge its oversight responsibilities, and will help Senators from border States assure that reorganization do not disrupt Customs operation in their States.

Mr. President, I understand this amendment has been cleared on both sides. I move its adoption.

Mr. DANFORTH. Mr. President, this amendment is agreeable to the majority.

Mr. BENTSEN. Mr. President, the Senator has put into legislative form a cure for some of the frustrations we have experienced in the past with regard to the Customs Service. I am delighted to agree to the amendment and I ask to be made a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I appreciate that. The Senator is now a cosponsor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4342) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 4343

Mr. TSONGAS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. TSONGAS], for himself and Mr. KENNEDY, proposes an amendment numbered 4343.

Mr. TSONGAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. . PHOTOGRAPH ALBUMS.

" Photograph albums (provided for in item 256.60, part 4C, schedule 2).	31% ad val.	5% ad val.	On or before 12/31/85"

Mr. TSONGAS. Mr. President, my amendment is intended to provide temporary relief for the photo album industry from imports from Korea and Hong Kong that are apparently being sold at less than cost in the United States. A dumping petition is being prepared by the industry and will soon be filed with the ITC and the Department of Commerce. In the interim it is my hope that raising the tariff from 4 to 35 percent will alleviate the problem of unfair competition.

Mr. President, Canada has already taken action against such dumping. In the late 1960's, Canada imposed a 35 percent antidumping duty on photo albums. Despite this high tariff, Canada has found sufficient evidence of current dumping to warrant opening another dumping investigation.

In response to this investigation, the Korean Government has informed its photo album manufacturers that the Korean Government will impose production controls on albums being exported to Canada.

In the absence of equivalent protection for U.S. manufacturers, this will further aggrevate a situation which is already a very severe threat to the health of the U.S. photo album industry.

Mr. President, in sum, this is an attempt to provide interim relief in terms of the onslaught of the photograph album business from Korea and Hong Kong, which parallels what has been done in Canada, until such time as an antidumping suit can be filed. I understand that both sides have accepted the amendment.

Mr. DANFORTH. Mr. President, the amendment is agreeable to this side.

Mr. BENTSEN. Mr. President, the manager of the minority has examined the amendment and has no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4343) was agreed to.

Mr. PERCY. I have some questions I would like to ask Senator DANFORTH regarding section 211(a) of H.R. 3398 which would exempt bicycle parts which are not reexported from the exemption from the customs laws otherwise available to merchandise in foreign-trade zones. That provision would sunset on June 30, 1986. As you know, I introduced S. 1977 which is identical to section 211(a). Unfortunately my bill was not included in the Senate version of the miscellaneous tariff bill which we will be voting upon shortly.

This issue has arisen as a result of the Huffy Corp. applying for a foreign-trade subzone for its Celina, OH, plant. If the application is granted, Huffy will be able unilaterally to reduce, by at least 50 percent, the tariff it pays on imported bicycle parts without the approval of Congress and in derogation of the tariffs established by Congress and our multilateral trade negotiators. This type of tariff avoidance is particularly inappropriate where Congress has already exempted from any import duty all bicycle component parts which are not manufactured domestically—fully 42 percent of the dollar volume of imported parts. A Huffy subzone would undermine the hard fought efforts and conclusions of the U.S. multilateral trade negotiations on bicycle parts and upset the delicate balance between tariffs on bicycle parts and bicycles which Congress has enforced through five duty suspension bills over the last 13 years.

The relative import sensitivity of the two industries is clear: 67 percent of the bicycle parts sold in the United States are imports; 25 percent of the bicycles sold in the United States are imports. If the Huffy subzone application is approved without passage of S. 1977 or section 211(a) of H.R. 3398, Huffy will be allowed to upset the tariff schedule balance, resulting in more bicycle parts for American assembled bicycles being manufactured in Taiwan, Korea, Japan, India, and China. The carefully formulated tariff schedules would be avoided, and so would the intent of Congress regarding those schedules as manifested in the duty suspension bills. It is important to note that Huffy is the only bicycle company opposing this legislation, while eight bicycle manufacturers and 12 U.S. parts manufacturers have gone on record in opposition to

Huffy's application. The other bicycle manufacturers do not want to see the domestic parts industry undermined by this back door approach to tariff avoidance.

Subzones have never been authorized by Congress, which contemplated that a foreign-trade zone would include a large enough area to meet the purpose of the act. Instead, they have come about by regulations which allow an individual industrial plant to receive the benefits of a foreign-trade zone by virtue of making one plant a subzone. If allowed to continue, ultimately we may see every plant in the United States seeking subzone status in order to reduce tariffs. The legislative intent behind the Foreign-Trade Zones Act was to expedite and encourage foreign trade, thereby stimulating the U.S. economy and domestic employment. However, as applied to the bicycle parts industry, the Huffy subzone would be counterproductive. It would result in the destruction of the bicycle parts industry, the loss of jobs, loss of tariff revenue, and increase our foreign trade deficit.

The abusive use of foreign trade subzones for tariff avoidance had recently become a great concern to Congress. Currently, the General Accounting Office and the International Trade Commission are conducting studies of foreign-trade subzones and will report to the Congress next year prior to oversight hearings which the Ways and Means Committee intends to conduct in order to review possible abuses of the zone's privilege and loss of tariff revenues. This legislation will preserve the highly import-sensitive bicycle parts industry by maintaining the status quo on tariffs, by preventing the subversion of the intent of Congress with regard to the purpose of the Foreign-Trade Zones Act, and by preventing an upset of the delicate balance which Congress has enforced regarding tariffs on bicycle parts and bicycles. It will prevent an abuse of the foreign-trade zones process by stopping an openly calculated attempt to avoid the tariff on bicycle parts while Congress determines whether foreign-trade subzones should be allowed, and if so, what guidelines should be established for import-sensitive industries and congressional mandated tariffs.

I would like to know whether Senator DANFORTH shares my concerns and, if so, whether the Finance Committee and the International Trade Subcommittee have any plans to study these issues.

Mr. DANFORTH. I would like to assure Senator PERCY that I share his concern about the import sensitivity of the bicycle parts industry and the tariff evasion which could result from granting of a subzone to the Huffy Corp. As you know, this issue has highlighted the overall subzone problem, and the Ways and Means Committee has requested that the International Trade Commission and the General Accounting Office investigate foreign trade zones and subzones. We look forward to receiving the results of those investigations and plan to hold hearings in the International Trade Subcommittee on the overall issue. This may lead to generic legislation in this area. At a minimum, there is a need to determine whether subzones should be allowed at all, and, if so, what criteria should be enacted into law with respect to the impact on import-sensitive industries and inverted tariffs. Likewise, it is my belief that the Foreign-Trade Zones Board should not act on a highly disputed subzone application such as the Huffy Corp. application involving bicycle parts until the Congress has completed its work on generic legislation in this area.

Mr. PERCY. I am concerned about the possibility of a foreign-trade subzone being granted to Huffy prior to generic legislation being enacted, which is the reason for my introduction of S. 1977. What does the Senator anticipate happening in conference with respect to section 211(a) of H.R. 3398?

Mr. DANFORTH. While the Senate miscellaneous tariff bill does not contain a provision involving the importation of bicycle parts, the House bill does. Therefore, the provision will be an issue in the conference. While I cannot speak for all Senate conferees, I fully expect that the conference will agree upon some provision similar to S. 1977 and section 211(a) of H.R. 3398 which will allow sufficient time for us to review the findings of the ITC and GAO investigations and conduct hearings, as well as a reasonable period of time to enact generic legislation, before any further action by the Foreign Trade Zones Board on a highly disputed application such as that of the Huffy Corp.

Mr. PERCY. Then the failure of the Finance Committee to include this provision in the Senate bill does not imply any consent to or approval of action on the Huffy application for a foreign trade subzone?

Mr. DANFORTH. The Finance Committee action does not imply any such consent or approval of Board action. We found that it was not necessary to include that provision in the Senate bill since it was already included in the House bill and would be a subject for conference.

Mr. THURMOND. Mr. President, I have a question for my distinguished colleague from Missouri. As you know, I am very concerned about the impact of any United States-Israel free trade arrangement on import-sensitive industries in the United States, especially textile, apparel, leather goods and footwear. When the bill to establish a free trade zone with the country of Israel was first considered by the Finance Committee, I contacted the committee chairman, Senator DOLE, to express my concerns in this area. He responded in a letter to me, and I would like to quote a paragraph from his response. Senator DOLE said:

> As the bill approved by the committee simply approves negotiating authority, and not any specific agreement, the Congress will have opportunity to review the product of the negotiations before any agreement is put into effect. At that time, Members will have an opportunity to ensure that concerns such as yours have been taken into account in the agreement.

I would like to ask my colleague if he could give the Senate further assurance that there will be such an opportunity for the Senate to approve any actual agreement establishing a free trade zone with Israel.

Mr. DANFORTH. Mr. President, Congress will have to vote on any agreement establishing a United States-Israel free trade arrangement. At that time, Members will have the opportunity to review the agreement to ensure that the measure does not cause any serious problems for whatever areas of concern they might have.

Mr. THURMOND. Mr. President, I would also like to ask my friend from Missouri if it would be possible to ask the General Accounting Office to assess the job impact of any such free trade arrangement with Israel. I understand the Government has not made any analysis of how U.S. jobs will be affected. I believe various domestic industries have testified at committee hearings and have indicated that they anticipate some 75,000 jobs will be lost because of this arrangement. They also estimate that most of those jobs, two-thirds of them, in fact, will be in the import-sensitive industries such as textiles, apparel, leather goods, and footwear. Would it be possible to have such a study done?

Mr. DANFORTH. Mr. President, I do not see any reason why we could not move forward with a request to the GAO that such a study be undertaken. I, too, am concerned about the impact on domestic jobs.

Mr. President, my hope is that we are winding down right now. There is one other amendment that I know of.

Mr. President, while we have a moment before we conclude work on this bill, I would like to say that passage of this bill has been the culmination of a couple years of very hard and dedicated work by a number of people. I would like to pay special tribute to my friend and colleague from Texas, Senator BENTSEN, who has really been magnificent in working on this bill, both in committee and on the floor; also, to the staff of the Trade Subcommittee, particularly Len Santos, Ted Kassinger, Jeff Lang, of the minority staff, and, of course, Susan Schwab, of

my staff, who has been invaluable in this effort.

Mr. BENTSEN. Mr. President, I appreciate very much the kind of comments of my colleague from Missouri. I must say that with the dedication he has shown in this effort we have been able to resolve an incredible number of differences amongst the Members and I think have made a very positive and constructive piece of legislation that is going to be of great assistance in establishing a better and a more even trading ground for our companies. I have enjoyed very much working with him and I appreciate it.

I want to particularly compliment Jeff Lang, of the committee staff, on his great depth of knowledge in this area and his unceasing efforts to try to bring about a good and effective piece of legislation.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4344

(Purpose: To express the sense of the Senate that the President should initiate a new round of multinational trade negotiations)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. SYMMS and Mr. CHAFEE proposes an amendment numbered 4344.

Mr. ROTH. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41 of the matter proposed to be inserted between lines 18 and 19, insert the following:

SEC. . MULTINATIONAL TRADE NEGOTIATIONS.

It is the sense of the Senate that the President should take action to initiate a new round of multinational trade negotiations in order to strengthen the trading system under the General Agreement on Tariffs and Trade. Such negotiations should include discussion of—

(1) trade in services,

(2) high technology trade,

(3) agricultural trade,

(4) protection of intellectual property rights,

(5) trade-related investment problems,

(6) targeting and other issues arising from widespread government ownership of industry in foreign countries, and

(7) institutional reforms—

(A) to strengthen the operation of the General Agreement on Tariffs and Trade, and

(B) to bring the less developed countries more fully into the trading system.

Mr. ROTH. Mr. President, I am introducing an amendment that would call upon the executive branch to begin preparations for a new round of multilatral trade negotiations. I am proposing this as a sense of the Senate resolution, as I believe it is important we give this signal to the executive branch. Today ostensibly U.S. trade interests are fostered by the GATT, the General Agreement on Tariff and Trade, which is the foundation of today's trading system. GATT membership has grown from 25 countries in 1947 to 88 countries, accounting for four-fifths of world trade today. The trouble is that, as we all know only too well, these impressive gains in membership hardly reflect the growing importance of international discipline to the real trade situation.

The erosion of the trading system has a number of facets. Today many trading countries receive special treatment under the GATT. Growing areas of trade such as services are not covered by the agreement, and new barriers to trade are proliferating in traditionally important trade sectors. The relevance of GATT rules, which are based on a presumption that free markets operate in trading countries, is once more open to question. As Bob Hormats pointed out in an article in today's Wall Street Journal:

Therefore, rather than debating or competing for favor on specific trade issues, the candidates ought to focus on improving the world trading system.

That system today—embodied in the General Agreement on Tariffs and Trade (GATT)—inspires little confidence and less respect. It is overly legalistic. Its rules do not adequately address key trade problems such as agriculture, investment-related distortions and government support for key sectors and services. It is frequently bypassed or ignored as countries unilaterally, bilaterally or in small groups take actions that violate its spirit and substance.

And dispute-resolution procedures are often slow and cumbersome; grievances take a long time to be resolved if they can be resolved at all. Producers of wheat flour, poultry, citrus, shoes and various other items, here and abroad, have suffered the frustration of long delays in the resolution of differences.

Mr. President, I ask unanimous consent that the Hormats article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 19, 1984]

TRADE ADJUSTMENTS THAT ALL COULD SUPPORT

(By Robert D. Hormats)

Yesterday's action on steel quotas suggests that trade is likely to become a major campaign issue. It will be a negative issue if it tests which candidate can outbid the other for votes in electorally significant economic sectors. It will be a positive one if the candidates commit themselves to support an international negotiation to improve the effectiveness and credibility of the world trading system.

President Reagan and former Vice President Mondale will both face strong pressures from important constituencies to support imposition of import restrictions. This type of pressure, to be sure, has occurred in past elections. But this year, two factors make it more probable; the super-high dollar and the poor condition of the world trading system.

The high exchange rate of the dollar has put American producers at a more than 25% disadvantage vis a vis their competitors abroad.

But, as much has been said about the dollar already by many of us, it is my purpose here to underscore the second and broader of these two factors. In recent years there has been a major deterioration in the world trading system. Its current weakness has eliminated an important constraint on nationalistic trade actions in virtually every country.

Administration trade officials have tried to generate international support for a new multilateral negotiation. But some U.S. trading partners have been less enthusiastic. And no consensus exists between the U.S. and others as to precisely what would be negotiated if there were a negotiation. The resulting impasse in improving the trading system has enabled domestic interests here and abroad to claim, in some cases understandably, that the only answer to their problems is protection.

In this environment, both candidates will be pressed hard to support sectors that are harmed by imports or perceive themselves to be. And while protection for some may well be appropriate and called for under U.S. law, legislation requires that such decisions be made on the merits—not because candidates for office find actions or commitments to protect certain sectors advantageous for electoral purposes.

Therefore, rather then debating or competing for favor on specific trade issues the candidates ought to focus on improving the world trading system.

That system today—embodied in the General Agreement on Tariffs and Trade (GATT)—inspires little confidence and less respect. It is overly legalistic. Its rules do not adequately address key trade problems such as agriculture, investment-related distortions and government support for key sectors and services. It is frequently bypassed or ignored as countries unilaterally, bilaterally or in small groups take actions that violate its spirit and substance.

And dispute-resolution procedures are often slow and cumbersome; grievances take a long time to be resolved if they can be resolved at all. Producers of wheat flour, poultry, citrus, shoes and various other items, here and abroad, have suffered the frustration of long delays in the resolution of differences.]

Over time, free trade has become more of a myth than a reality. Governments in many countries cannot easily claim that GATT rules prohibit them from taking steps to protect or subsidize domestic interests when their constituents see violations of those rules by other nations and cannot obtain an expeditious hearing when they have grievances.

But the GATT itself should not bear all, or even the largest part, of the blame. It is merely a mirror that reflects the policies and objectives of member governments. In

recent years, most nations, including our own, have sought to stretch, avoid or unilaterally interpret GATT rules in order to maximize their flexibility to respond to domestic constituencies. And they have failed collectively to come to grips with the need to modernize its rules and procedures. Some have convinced themselves that bilateral solutions are an adequate substitute for multilateral ones.

In their efforts to maintain latitude enough to impose subsidies or other protective measures, however, they have weakened the system's ability, and their own, to encourage restraint and its capacity to restore fair and open trade. They have thus done considerable harm to their own long-term interests.

There is little doubt that a balanced reduction in international trade barriers and subsidies—in which the U.S. and all other major trading countries participate—is needed. Today, however, in the absence of a consensus in this country or internationally on precisely what to negotiate or what sort of reductions can successfully be achieved, it is hard to imagine that a trade-liberalizing negotiation begun in the near future would have much chance of success.

Thus the immediate need—before there can be negotiations leading to a reduction in trade barriers—is to make the system work better.

The last major trade negotiation—the Tokyo Round—was engineered in part by George Shultz and completed by U.S. trade representative Bob Strauss together with Mr. Strauss' counterparts abroad. Its success was based on, and underlined, the bipartisanship that has traditionally characterized U.S. trade policy. That same bipartisan approach is needed during this preelection period both to prevent the trade issue from becoming a political football in a game that no one can win and to ensure that whoever is elected has a mandate to constuctively address the subject.

The candidates, early in the campaign, should endorse an international trade negotiation to incorporate into the GATT simple arrangements to limit trade distortions while avoiding the complex legalities and delays that characterize the current system. New procedures are in order:

Before imposing new trade subsidies or restrictions, or taking other actions that would materially affect trade, governments would be required to notify a GATT, or GATT-affiliated, consultative and monitoring committee that would be continuously in session. The country would be required to justify the proposed measure; work out with other affected countries ways of avoiding or offsetting any injury to them; indicate the planned duration of the measure; provide a schedule for phasing it down and out, and submit a credible (and internationally monitorable) program to improve the competitiveness of the relevant domestic industry while the measure is in place.

In the seven weeks between now and the elections, U.S. interests would be well served were the candidates to campaign on such a platform. Whoever is inaugurated on Jan. 20 would then have a strong and positive mandate to begin the difficult but necessary task of restoring credibility to the world trading system.

Mr. ROTH. I might say, Mr. President, that that is just a few of the areas that need investigation. I think many of us are concerned, for example, by the unfair and inequitable treatment on taxes. But in any event, I believe it is time for this country to make a strong commitment to turning the trade system, the GATT, into a viable and relevant institution for reasons as they exist today. It seems obvious to this Senator that the world economies are interdependent and that none of us will thrive except within the context of an effective and cooperative trade system.

I believe we must assert the political will and leadership that is needed to ensure the survival and strength of our multilateral trading system. The United States must insist on no less of a commitment by our trading nations.

I have taken a good hard look at these issues in hearings I have chaired in the Joint Economic Committee on "how to save an international trading system." I have heard the advice of a broad spectrum of trade experts from both sides of the political aisle—Ambassador Brock, Bob Strauss, Clayton Yeutter, and Fred Bergsten, to mention a few. There was universal agreement that we should move ahead with trade negotiations to make the GATT an institution that can truly support both equitable and expanding trade.

Fifty years ago this year, the United States committed itself to the trading system, with the passage of the Reciprocal Trade Agreements of 1934. I believe that today Congress should recommit this country to the development of effective multilateral trading relations.

This amendment specifically expresses support for a new round of multilateral trade negotiations to stengthen the trading system under the GATT and suggests that the following issues be proposed for inclusion in such negotiations, namely, trade in services, high technology trade, agriculture trade, counterfeiting and protection of intellectual property rights, trade-related investment problems. Targeting and other issues arising from widespread Government ownership of industry in other countries, better rules for safeguard action, institutional reforms to strengthen the operation of the GATT, and ways to bring the less developed countries more fully into the trading system.

We cannot afford to ignore the erosion of the International Trading System. These changes in the conditions of trade create real problems for American traders. They also give rise to protectionist policies. Protectionist responses to the frustration of today's trading conditions are understandable, but they are misdirected.

Let us respond instead in a constructive way, in a way in which we can support both our trade interests—to make trade equitable and to help it expand and create jobs.

Mr. SYMMS. Mr. President, I would like to make a few comments about the resolution that I am cosponsoring with Senator ROTH, calling for a new round of multilateral trade negotiations.

Last spring, Senator ROTH and I, as well as number of our colleagues in the Senate, joined in an effort to encourage the President to obtain an agreement from our trading partners at the London Economic Summit to begin a new round of negotiations to address the most pressing trade issues confronting all of our nations.

The resolution being introduced here today will further enhance the President's message that was given at the summit, and it sends a signal to our trading partners that we are willing to confront our trade problems by utilizing the GATT framework to solve our trade problems.

We should recognize that international trade is, and will continue to be, a vital component of our economy. A prosperous, well-functioning trading system has made and will continue to make an important contribution to the success of our economy, and it is a cornerstone of America's national security program.

Trade is an increasingly powerful source of innovation and growth for all economies. Everyone gains from the access to the world's markets and the spur of international competition. Trade clearly reinforces everyone's efforts to reduce inflation, to increase production and to expand employment.

In addition, and very importantly, trade can contribute to mutually beneficial cooperation among nations. Healthy trade relations can strengthen friendships and alliances, and can help integrate countries into the market-oriented trading system which has served us all so well.

The current trade policy of the United States has its roots in historical experience. Following World War II, the major industrial nations recognized that the bilateral agreements and protectionist policies pursued by many nations during the interwar period had done severe harm to their economies, played havoc with the international economy, and contributed to the frictions and tensions which ultimately led to the outbreak of the war. The United States and its partners therefore set out to create a new trading system based on fair trading rules, on nondiscrimination among trading partners, and on the commitment to reduce trade barriers.

That system is embodied in the General Agreement on Tariffs and Trade [GATT]. Despite its imperfections and departures from certain of its principles, this system has brought enormous benefits to virtually every nation in the world and has served American interests as well. The dramatic growth in trade since the war has strengthened our own economy and that of our trading partners. U.S. exports grew

from $10.8 billion in 1950 to $221 billion in 1980. This has meant millions of jobs for everyone concerned. And, while we are currently facing some problems with the system, we would be considerably worse off if we had chosen a trading system based on more restrictive principles and rules. Such a system might well have brought prolonged economic weakness to our trading partners, and poorer markets for everybody's exports.

Today, there are strains in the system. Competition among developed countries and with developing nations is more intense than it was years ago. And slower growth in many developed nations increases the difficulty of adjusting to rapid increases in imports.

In the face of keener competition, many countries face enormous pressures to protect individual special interests by restricting imports or supporting noncompetitive exports. They are tempted to work out bilateral trade arrangements which protect certain patterns of trade or limit trade. Investment practices are increasingly used as a means of forcing increased procurement or increased exports. Barriers exist in services, where the United States is very competitive. Certain countries that benefit greatly from the trading system seem to have failed to open their markets adequately, even while taking advantage of open markets in other countries.

We must continue to attempt to solve these problems and distortions with our trading partners. However, simply putting a fence around our own economy will not further the cause of greater international cooperation among our trading partners, nor will it be economically advantageous to us.

I am committed to the support of an open trading system on the basis of agreed upon rules. At the same time, I would expect similar undertakings from other countries. Open trade on the basis of mutually agreed upon rules is in our best economic interests, and is consistent with both of our commitments to strengthen our economies.

Consequently, I believe the most important challenge the United States faces today is making sure that trade is a two-way street. Increased equity and reciprocal market access and opportunities for U.S. exporters and investors is my goal. The United States cannot make a contribution to the goal of free trade by ignoring attacks upon it by others or by not pursuing increased market access for our goods, services, and investment. Clearly, no nation can long sustain public support of any policy unless its people sense that there are equity and tangible benefits for them in the application of that policy.

U.S. adherence to a free trade policy requires that it strictly enforce existing trade agreements and seek expanded coverage of trade issues under the mutually accepted international framework of the General Agreement on Tariffs and Trade [GATT].

The United States cannot afford to lapse into a "fortress" mentality by pursuing a "protectionist" course because such a policy directive connotes economic isolationism which is short-term in scope and short-sighted in application. Protectionism does not create a net economic gain for our country; rather it simply shifts economic burdens by protecting one sector of the economy while endangering another. Within a global perspective, it is a net economic loss because over the long term a protectionist policy exacerbates global and domestic economic problems.

Frustration with the GATT's seeming inability to deal with new forms of barriers and trade distortions is no justification for U.S. abandonment of our commitment to free trade, and certainly no justification for us to take similar negative unilateral actions. On the contrary, it is clearly our best reason for renewed efforts to strengthen the international code of conduct and make it work.

We must work within the framework of our international obligations. The whole reason for the existence of the GATT lies in the desire to eliminate the trade destructive retaliatory practices of the two decades preceding World War II. It has worked, if the expansion of world trade over the past 35 years is any indication.

I would encourage my colleagues to join Senator ROTH and me in supporting this resolution, particularly since this body has not established a record over this past week which would lead any objective observer to believe that we might realize the benefits of a competitive international trading system. The Senate has continually "caved in" to the special interests of various groups that are represented here in Washington during the consideration of the miscellaneous tariff bill. What this body has not recognized is that by acquiescing to the special interests of the minority, we are sacrificing the interests of the majority.

We are working against our own self-interests by passing legislation which essentially erects trade barriers, and which does not try to solve our trade problems within the multilateral framework. We penalize our own consumers; we limit our ability to export; we insulate our own producers from the benefits of international competition; and we will eventually create an economic environment in this country which will produce fewer jobs and opportunities for our own citizens.

Adoption of this resolution will send a strong signal to our trading partners indicating our continued interest and willingness to work through our trade differences within the framework of multilateral negotiations, rather than by enacting piecemeal protectionist measures which, in my opinion, will not further any of our interests.

Mr. ROTH. Mr. President, I am not going to call for a vote on this amendment. I just want to indicate on the Senate floor the importance that I attach to a new round of negotiations, to the importance of the executive branch beginning preparations so that, within a reasonable time, we can begin negotiations on a multilateral basis that will update and modernize the GATT rules.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. LONG. Mr. President, I appreciate the statement of the Senator from Delaware. I am sure that we will want to consider his suggestion next year.

In the opinion of the Senator from Louisiana, before we have any more trade negotiations, we should do some things to arm this country for trade negotiations.

For example, with regard to manufactured commodities, when this Nation has its manufacturers ship them abroad, those commodities bear the full cost of Federal excise and State and local taxes. Practically none of those taxes are rebated, although there is a proposal for an FSC—which would replace the DISC—which would help somewhat on the income tax side, to try to give some small adjustment to help offset the advantages other nations have when they rebate their value-added tax and other taxes impacting on consumption when their product is shipped in this direction.

Mr. President, most of our trading partners raise most of their revenue with a value added tax or other taxes that impact on consumption. When their product is exported, they rebate the tax, and it enters this market unburdened by those taxes. Compared to our system, that is a very substantial advantage.

In America, we have a Social Security tax. It is passed through in the cost of the product to the consumer, just as any cost of doing business is passed through to the consumer in the cost of the product. But this Social Security tax is not rebated on our exports, even though it has about the same impact on the consumer that a value-added tax would, since it must be passed through in the cost of the product.

We have State sales taxes, local taxes, and income taxes, most of which are passed through to the consumer in prices, with practically no adjustments, while foreign countries have a value-added tax of as much as 20 percent that is rebated when they export to us, but is charged as a border tax on our exports when those products enter the foreign market.

That situation results in an unlevel playing field.

The difference in the way they handle their taxes compared with the way we handle ours is as though the playing field were tilted 30 degrees in favor of the other side.

There is nothing in the General Agreement on Tariffs and Trade that would keep us from changing our tax system and giving a rebate as the others do, by conforming to the practice the other countries use. If we had already done that, we would be in a much better position to negotiate, because we would not be starting out from the bottom of a slanted playing field.

The second problem has to do with disparities in the valuation of currencies. There was a time when the United States would peg the value of the dollar at $35 to 1 ounce of gold. Over a period of time, we found that other nations were devaluing their currency below ours and obtaining substantial advantage over us in world commerce, and we found it necessary to permit the dollar to float.

Other nations have pegged their currency below ours, and I am not saying that this situation is all manufactured. We are told that this results from a difference in our interest rates, and undoubtedly it may have something to do with the fact that foreign money feels more secure in the United States. There are many foreigners who feel that the Communists might take over the country in which they live or that the Soviet Union might invade, and therefore they would like to have their money invested here, in a safe haven.

One thing we know for sure is that the American manufacturer and the American laborer are powerless to do anything about that. If the foreign currency is valued at 20 percent below ours, or even more in the case of the yen, such as 25 percent, it would be just as though they were in a position to sell in the market at a 25-percent discount. Even after you allow for the cost of their shipping their product into the United States, by the time you add in the advantage they enjoy because of their tax system and the other factors I have been talking about, that would give them about a 30 percent tilt in that playing field.

We do not necessarily have the best football team in Louisiana. We have a reasonably good one, I think, as college football teams go. We are not depending on beating all the other teams in America this year. But if we could play the game where the tilt was 30 degrees in our favor, we should be able to beat any football team in the United States. Any football team with a 30-degree advantage, where they were marching down a 30-degree slope and the other team is trying to move the ball up a 30-degree slope, would win any day in the week.

You cannot compete against those kinds of disadvantages. It is a shame that nothing has been done to offset this disparity.

We should act in this case effectively. Precisely how to act, others can say better than I. But one suggestion would be simply to say that we would have a council which would study the exchange rates of currencies and undertake to set up a fee where the other currency is priced below ours. It actually could be a fee on imports and a subsidy on exports in order to equalize the situation. If we had such a provision in our law, our people would be in a position to compete evenly. No doubt about it—if we try to negotiate away the kinds of differences from which we suffer, which account for a $140 billion unfavorable balance of trade this year, the other countries will not cooperate. Our deficit is their profit.

If we acted unilaterally, as I think we should, and simply said that we could not stand these enormous deficits on and on into the future—it is costing us 3½ million jobs a year, at a minimum, and is wrecking our balance of payments, making us an international borrower, when the United States should be an international lender—in my judgment, this Nation could get its affairs in order; and we could tell the world that we want to trade evenly, that we want to sell about the same amount we buy.

We are not trying to get rich at the expense of the other nations, but we do not want them to get rich at our expense. We do not want them to bankrupt the United States by using advantages that our manufacturers are powerless to defend themselves against.

If we acted unilaterally and said, "we are ready to negotiate with anybody, but we are not going to do business on the basis that we have done it in the past, where our tax system puts our manufacturers at a disastrous disadvantage, and the exchange rate in currencies fixes it so that Americans cannot compete in the world market," then all these plants on their way overseas would stop moving overseas.

We would be able to hold our position in the world, and then I think, Mr. President, we would be in a good position to start negotiating, but I am reluctant to favor a new round of trade negotiations until we move to get our house in order.

I discussed some of these aspects in a conference in Germany last year, and I said that the reciprocal trade program was sold to the American people on the basis that it was going to be reciprocal and that it was going to be fair. Today, the American people do not feel it is either reciprocal or fair. It is not reciprocal and it is not fair.

A very brilliant lady speaking for the West Germans took issue with me. She said she strenuously objected to my argument that it should be fair. She asked the question, who is going to decide what is fair?

My answer to that would be that until we can work out some better arrangement, we would decide what is fair in our market and let them decide what is fair in their market, and then negotiate from there.

But it is a cinch that the way it is now, they are deciding what is fair in both markets and we do not have any say about what is fair in either market. It is something we should undertake to correct.

I hope, Mr. President, that we would recognize that we cannot continue to run these enormous deficits in our trade accounts just as we cannot continue to run these enormous deficits in our Federal budget. I hope Congress will face up to both problems.

I want to work with the Senator from Delaware in trying to meet these problems. I regret to say that we have not been able to persuade the administration to recognize that something has to be done about this. Until we do, I suspect the situation will continue to get worse.

Mr. ROTH. Mr. President, I say to the distinguished Senator from Louisiana that I believe we share the same goals and objectives. Like him I am concerned about the many inequities that exist in the current GATT rules, such as the taxes.

I recall back in 1974 when we were considering an authorization then in our committee and the distinguished Senator was chairman. One of the areas in which we wanted something to be done was in treating in a fair manner the question of taxes.

I think the distinguished Senator from Louisiana would also agree with me that we feel that agriculture must be treated fairly.

In proposing my resolution what I am concerned about is that we do need to revise, change, and add to the rules in order to make them fair and equitable to the circumstances that exist today. This is not the situation and it has handicapped both our industry and our farmers.

It is my feeling that we have to move forward and to correct these inequities.

I am also concerned that there are many areas not covered, such as services, an area of activity which is increasingly benefiting our balance of trade, but if which we do not cover in the near future, we are going to see increasing obstacles being raised in other countries.

So it was my hope that we could just have a simple sense-of-the-Senate res-

olution directing the executive branch to proceed with laying the groundwork.

But because I have such great respect for the distinguished Senators from Louisiana and Texas, I am withdrawing it at this time because I do want to see this a bipartisan approach as the last negotiations were, and as Senators LONG has indicated I do, of course, intend to raise it again earlier next year.

Mr. President, I yield back the floor.

Mr. DANFORTH. Mr. President, I just wish to make one comment with respect to the remarks of Senator LONG. Senator LONG has expressed an interest in the question of natural resource subsidies, natural resource pricing, the differential of prices of natural gas, for example, between what is available in Mexico and what is available in the United States, and I wish to say I think that that is a point that is deserving of great consideration on the part of Congress and to state that next year it is the intention of the Trade Subcommittee of the Finance Committee to look at this question very seriously.

I know that has been of particular concern to Senator LONG, and I think that he has pointed out a very serious problem.

The PRESIDING OFFICER (Mr. ANDREWS). The Senator from Maine is recognized.

ISRAEL FREE TRADE AREA

Mr. MITCHELL. Mr. President, I am pleased to announce that an agreement has been reached on one of the most important provisions in this bill, the authority for the administration to negotiate a free trade area with Israel.

As is generally known, I prepared and intended to offer an amendment to this section of the bill to codify the verbal commitments made by our administration and by the Government of Israel with respect to these negotiations.

My amendment had several elements. None created new conditions for either party. But because of concerns, which I share, that the negotiating authority be enacted before sine die adjournment, I undertook to reach agreement with the administration in such a way as to eliminate the need for a lengthy debate and delay.

My amendment would not have exempted any product from a free trade area agreement. Instead, it sought to assure that specific, highly import-sensitive products—textiles, footwear, apparel and leather-related products—would be treated with care and concern in the negotiations with Israel.

My amendment specified that tariff elimination for these items would be phased in over a 5-year period; that Israel would fulfill commitments made by its Government to eliminate export subsidies to its competing industries, and to sign the GATT subsidies code; and it contained a snap-back provision modeled on the 1979 trade bill to assure continued protection for these industries in the event that those commitments were not fulfilled within that 5-year period.

My amendment would not have imposed on either the United States or Israel any commitments not previously stated to be acceptable. It was a moderate middle ground, which found substantial support in the Senate, to assure that highly import-sensitive sectors in our economy have the necessary time to adjust to the changes in our trading relationship that will inevitably follow in the wake of a free trade area agreement.

Given the lateness of the session and the widely shared interest in achieving passage of this important trade bill, I have reached an agreement with the administration that I believe will facilitate passage of this bill—which I support—and that will also make certain that the concerns I and many of my colleagues had will be taken into account in the negotiations.

I express my gratitude for the support and help that I have received in this effort from my colleagues. Senators THURMOND, WARNER, HOLLINGS, and COHEN were involved in the discussions which led to this agreement. The advice and support of Senators MOYNIHAN, SASSER, HELMS, BUMPERS, and PRYOR were most helpful.

The patience and good faith of Senator DANFORTH, the chairman of the Trade Subcommittee and the manager of this bill, helped bring all those mutual efforts to a successful conclusion and I especially express my sincere thanks to him. The same credit is also due the minority manager of the bill, Senator BENTSEN.

I also thank Ambassador Brock and his staff for their courtesy and cooperation.

At the conclusion of my remarks I will request that the text of a letter from the U.S. Trade Representative, Ambassador Brock, be placed in the RECORD so that the position of the administration is made clear.

To explain that letter, and for the benefit of the large number of Senators whose concerns in this area were as strong as mine, I will briefly outline my understanding of the agreement reached.

First and foremost: My concern was for a clear recognition of textile, footwear, apparel and leather-related products as import-sensitive items. The International Trade Commission report on the economic effects of an Israel free trade area did not reflect the very real import sensitivity of these sectors.

That ITC report failed to take account of a number of factors. First, imports in the textile area have risen 44 percent in the first 7 months of this year alone. Evidence of transshipments to evade quota limits established under the Multi Fiber agreement has already led to a substantial revision of country-of-origin regulations. The very real concern that Israel, under nondutiable entry conditions, would have become a new haven for transshipments required a response.

Both the Senate and House versions of the Israel free trade language now contain prohibitions against transshipment identical to those provided in the Caribbean Basin Initiative. I will urge conferees on this bill to retain that language in the final form of the legislation, and will work with other Senators to ensure that the administration vigorously enforces the law in this regard.

Second. Footwear imports this year have risen to over 70 percent of the total domestic market; 51 factories in 19 States have closed so far this year, resulting in the loss of thousands of American jobs, and more closings are in prospect.

Every Senator who has a footwear plant closing knows what the special problem is: The industry's geographic dispersion in largely rural areas means that its workers cannot easily relocate into new jobs when new jobs exist.

While the long-term prospect of prosperity that comes with expanded and freer trade is undeniable, these displaced workers do not live in the long term. They and their families must survive now in the short run.

But in the first 7 months of this year, more factories have closed nationwide than in the entire 12 months of 1983. Six factories have closed in Maine. Five factories have closed in Tennessee. Five more have closed in Pennsylvania. Massachusetts and California have each lost four factories. North Carolina, Arkansas, Missouri have each lost three factories just since January. And we are not even through the first three-quarters of this year.

Domestic production has fallen by more than half in the last 16 years. Imports which in 1968 took 21 percent of the American market today take over 70 percent. The number of jobs in the shoe industry has been reduced by half, and the unemployment rate in the shoe industry was 19 percent last year and this year will go much higher.

Just yesterday, the Senate Finance Committee unanimously agreed that conditions in the footwear industry warrant a review by the ITC of its incomprehensible June decision that the industry has sustained no serious injury because of imports.

Yet the ITC report reviewing the economic effect of a free trade area with Israel concluded that textiles,

footwear and the related sectors are not import sensitive.

That is why a major purpose of my amendment was to reassert that textiles, apparel, footwear and leather-related products are recognized by the administration as import-sensitive items.

The letter signed by Ambassador Brock makes that clear acknowledgment. Mr. Brock's letter confirms in writing the commitment of the administration, given by Assistant Trade Representative Doral Cooper at the ISAG plenary session last Wednesday, that tariff cuts on import-sensitive sectors would be phased in gradually; and Mr. Brock further specifies in writing that this gradual phase-in will apply to textiles, apparel, footwear, and leather-related goods, as well as to those mentioned in the ITC report.

To be specific, he has agreed that these tariff reductions will be phased in over a multiyear period and more gradually than in regard to other products. Ambassador Brock's letter incorporates the intent of my amendment, which was to give our domestic industries time in which to absorb and adapt to the changed trade conditions inevitable between ourselves and Israel.

Israel does not now account for a substantial portion of the U.S. textile market. But in trade, past history is not a reliable predictor of the future. That is self-evident. Every change in trade conditions evokes a change in trade patterns. Indeed the explicit purpose of negotiating trade agreements is precisely to evoke such changed trade patterns.

Israel today has a textile export sector amounting to $330 million annually. Most of that export trade now goes to Western Europe. But nondutiable entry to U.S. markets would be an attractive inducement to expand that production to take advantage of the new opportunity. And that has been recognized by the Israelis themselves.

The publicly reported remarks of Israeli officials that tariff elimination on textile products could result in an immediate fivefold increase in exports to the United States reflect the reality that short-term expansion of existing production in this field is readily achievable. Such a short-term increase is in fact a very likely outcome of a free trade area, in the absence of any negotiated safeguards.

My amendment also addressed itself to the question of existing subsidies that Israel's Government provides its domestic manufacturers. Israel is not a signatory to the GATT subsidies code, which prohibits direct export subsidies. And domestic subsidies remain an important component of Israel's internal economic policy.

Israel has clearly indicated its desire to break loose of reliance on subsidies and its willingness to become a signatory to the GATT subsidies code. Ambassador Brock's letter makes it clear that with respect to export subsidies, Israel's commitment to eliminate them within a relatively short time period is a precondition to the conclusion of a United States-Israel free trade area agreement.

One aim of my amendment was to assure that a gradual phase down of our tariffs in these import-sensitive areas would not occur without some kind of guarantee to eliminate subsidies. Ambassador Brock's written assurance that elimination of these subsidies is a precondition of any agreement incorporates and emphasizes that goal.

This makes it clear that any agreement which fails to include elimination of export subsidies will face serious opposition if presented to the Senate for ratification.

Ambassador Brock's letter, in addition, reaches to the far more complex area of domestic subsidies. He reiterates that such subsidies remain subject to U.S. countervailing duty law, with or without a free trade area agreement.

Given these assurances, given the lateness of the session and the importance of moving forward with negotiations for closer economic ties with Israel—a goal I strongly support—I need not offer my amendment. I will instead rely on the commitment made by Ambassador Brock in behalf of the administration. In addition, I and other concerned Senators will follow closely the substance of those negotiations and their outcome.

Congress has long recognized the import sensitivity of textiles, apparel, footwear, and other leather related products in the exemptions that those products have received from the favorable trade conditions this country has granted under the generalized system of preferences, and in the Caribbean Basin Initiative Program. The substitution of a less formal commitment in this instance does not represent a precedent with respect to any future free trade negotiations the administration may undertake. The current agreement reached reflects the unique relationship we have with Israel and our determination to preserve and strengthen it without at the same time harming our own people. Accordingly, Mr. President, I now ask unanimous consent that the text of Ambassador Brock's letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE U.S. TRADE REPRESENTATIVE,
Washington, September 20, 1984.

HON. GEORGE J. MITCHELL,
U.S. Senate, Washington, DC.

DEAR GEORGE: You have expressed concern about the effect of a United States-Israel Free-Trade Area upon the domestic industries producing textiles, apparel, footwear, and other leather related products. The Administration asked the International Trade Commission for economic advice on the effect of entering into such an agreement. Textiles, apparel, footwear, and other leather related products are among the most import sensitive American industries.

This sensitivity will be taken into account in the negotiations with the Government of Israel. It is the intention of the Administration to phase in U.S. duty reductions on such sensitive products over a multi-year period and more gradually than in regard to other products.

You have also expressed concern regarding the existence of export and domestic subsidy programs in Israel, both as to their generally trade distortive effect and as they relate to the proposed United States-Israel Free-Trade Area. I want to assure you that the Administration shares this concern.

As a result, commitment by Israel to phase out and eliminate the maintenance of export subsidy programs in a relatively short period of time is viewed by the Administration as a precondition to the conclusion of a Free-Trade Area agreement between the United States and Israel. In addition, it is our expectation that such a commitment from Israel will serve as a basis for their signing the subsidies code, in accordance with the previously stated intention of the Government of Israel to sign the code.

We also continue to be seriously concerned about the impact of domestic subsidy programs on U.S. industries and workers. I want to assure you that these programs are subject to U.S. countervailing duty law and the Administration will vigorously enforce this law with respect to any product of Israel benefitting from such domestic subsidy programs.

Very truly yours,

WILLIAM E. BROCK.

Mr. THURMOND. Mr. President, I was pleased to be a cosponsor to the amendment which Senator MITCHELL had intended to offer to H.R. 3398.

However, after receiving assurances from the U.S. Trade Ambassador, William Brock, that the basic concepts of this amendment will be incorporated in our negotiating position with the country of Israel on this issue, Senator MITCHELL has decided not to go forward with his amendment. In individual letters to me, Senator MITCHELL, Senator WARNER, and others, Ambassador Brock has given us the following commitments:

1. The import sensitivity of textiles, apparel, leather goods, and footwear will be taken into account in negotiating with Israel.

2. The elimination of Israeli export subsidies in these areas will serve as a pre-condition for U.S. agreement to this free trade zone.

3. Tariffs on these import sensitive products will be phased out over a multi-year period.

Mr. President, I feel that, under the circumstances, this is a workable compromise. We have a full commitment from the U.S. Trade Representative to address the concerns of import sensitive industries in these negotiations, and I feel this will substantially reduce any adverse impact which may

result from the conclusion of any free trade zone agreement with Israel.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield to my distinguished colleague from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. I thank the Senator for yielding.

I want to add a few additional comments to what my colleague from Maine has just said because I was in fact a cosponsor of his amendment that has just been withdrawn.

I would like to make a few comments concerning the reason for the sense of exasperation and the sense of frustration that this amendment reflected. Senator MITCHELL and I have been working for some time now to try to bring to the attention of a governmental agency a serious economic problem that we face, not only in our State but in the 12 or 13 other States that are involved in the manufacture of textiles, and most particularly, shoes.

A few months ago, as former prosecutors, former attorneys—in Senator MITCHELL's case, a former judge—we believe we had presented an incontrovertible case demonstrating injury. The case we felt was so overwhelming that there could be only one decision, and yet we were shocked, disappointed, and outraged to find out that a so-called independent agency had made a determination in the face of these overwhelming, incontrovertible facts that showed we had lost an additional 20 percent of the market share in just a few short years, and that we had thousands upon thousands more people out of work. We found an attitude that was one of indifference to economic reality, and one of indifference to human suffering predicated upon a commitment to so-called free trade. Factories have closed, some factories have moved offshore in the sense that they have fired American workers and hired foreign nationals to produce shoes to be imported into this country.

This was seen as a positive benefit to the industry. Oddly enough in the eyes of all of the commissioners, they saw the factory closings as being simply good business judgment. They saw the moving off shore as being prudent business management. They pointed to some major companies making a profit, and ignored the 40-odd factories that had closed. So we found this decision both lacking in logic, in fact, and ultimately in fairness. That, in my judgment, in addition to the action that we took earlier this week to correct the situation, is the basis for Senator MITCHELL offering the amendment on behalf of both of us to stop the continuation of this policy of indifference; this indifference toward reality and indifference toward suffering.

On the one hand, we have a neighbor to the north, a neighbor to our soil, Canada—and another neighbor to our soul, Israel. Both are neighbors to our soil, I might add, and both are our good allies. But we are under an economic assault from our neighbor to the north—in potatoes, in timber, lumber, fisheries, and other products. Just 2 weeks ago, both Senator MITCHELL and I testified before the ITC dealing with the question of fisheries. Our fishermen are being put out of business on account of subsidized activities in Canada.

One of the concerns I wanted to add in addition to the very critical issue of shoes and textiles, is that we would not like to have our support for this particular measure in any way be construed as an endorsement of Canadian practices in terms of how they subsidize their industries. And I ask unanimous consent that my remarks offered to the ITC a few weeks ago in Maine be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. WILLIAM S. COHEN

Senator COHEN. Madam Chairwoman and members of the Commission, I am pleased to welcome you once again to the City of Portland, and I am pleased to appear before you in support of the Maine fishing industry.

Before I begin my brief statement, I want to welcome each of you to Portland, as I mentioned. You came in connection with another matter before, potatoes as I recall, and we are delighted to have you here with respect to fisheries.

I also want to extend my appreciation to Governor Brennan's Maine Fisheries Trade Task Force, along with the fishermen and the fish processors in the state who have put so much effort into making this investigation fruitful. Without the assistance of that Task Force, the investigation would not be at the point that it is today.

As each of you know, this issue, the extent of the groundfish industry's injury from Canadian trade practice, is not a new one, yet the controversy over this question has never really been resolved.

More than 20 years ago, the Associated Fisheries of Maine petitioned the U.S. Tariff Commission for relief from the large volume of low-priced Canadian redfish imports that had been flooding the Maine markets at that point. And even though the case was a sound one, relief was denied.

During the '70's the New England groundfish industry filed three more petitions, and again in each case, they were denied.

The last petition generated a finding by the Treasury Department that although the circumstances justified the imposition of countervailing duties, those duties were not levied, under the Department's discretionary, because the Canadian government had promised to end its assistance programs in return for the continued privilege of exporting fishery products into New England, with virtually no restrictions.

Many questions remain as to whether or not these programs, or similar programs, product the same unfair advantages, whether they've been abandoned or in existence today.

I believe the situation, frankly, is worse today than it was at that time, and I am confident that once this investigation is completed, the facts are going to support relief from the deluge of Canadian fish imports that are flooding our markets at unfair prices.

Although these prior petitions were of principal interest to fish harvesters, it's apparent today that many domestic processors also find Canada's subsidized products, particularly fresh and frozen fillets, displacing their own domestic markets.

As the entire New England fishing industry attempts to diversify and become more competitive in markets other than the traditional fresh fish market, Canada's low-priced imports are frustrating those very efforts.

The panels that are going to be addressing you this morning are comprised of Maine fishermen and processors, and their representatives, and they are going to supply you facts to support these claims. You will hear a description of the Maine industry and its importance to our economy, and so I will leave those matters to the following panels.

What I would like to talk about is the compelling case that I believe they will present. Statistics, for example, compiled by the New England Fisheries Development Foundation indicate that fresh groundfish imports from Canada amounted to 75 million pounds in 1983, up from 25 million pounds just five years ago. The value of the fish product imports into New England has increased from $549 million in 1980 to $1.7 billion in 1983, while the value of New England landings, which was 67% of the value of imports in 1980, was only 34% of imports in '83. So during this period, the value of domestic landings rose slightly while the amount of imports nearly doubled.

Last year, Canada exported more than $800 million worth of edible fisheries products into this country, with most of this amount coming into New England. Although Canada contends that it exported only 43% of its catch into this country in 1983, it is commonly recognized that more than 65% of that catch actually is coming into New England, while 95% of Canada's production of fresh and frozen fillets is exported into the country.

Now it's true that some of these imports go to states other than those in New England or the mid-Atlantic states, but it's no secret that these markets, New England, are the principal target of Canada's export policies.

Each one of us knows that if the problems facing the Maine fishing industry were simply one of import penetration, we wouldn't be here today, under traditional notions of fair trade. But in this case, and Canada in particular, the government's fisheries policies provide extremely unfair market advantages to the Canadian fishing industry. Over the years, the government of Canada has employed an array of subsidies as a conscious social welfare policy that is designed to allow the Canadian fishing industry to stay in business at any cost.

As a result of these policies, Canada can afford to sell low in any area of its production, be it scallops or fresh round, fresh filleted, frozen filleted or salted fish, because any losses that may be realized will be absorbed by the Canadian government.

By comparison, Maine fishermen and processors are forced to pay market rates for capital equipment, fuel, ice, insurance

and other expenses, while paying their own debts. Maine fishermen also have to contend with domestic tariffs which increase the expense of importing necessary fishing gear, while their counterparts in Canada, of course, do not have that expense.

Last year, the Canadian federal government committed at least $200 million to be spent over a five-year period, for the latest revitalization of the Canadian Atlantic fisheries. Of this amount, it has been reported that $138 million has been appropriated to, and I use the word in quotes, "restructure"—to restructure the Nova Scotia, Newfoundland and Quebec fisheries. I should add that when you tally up all of the money that is to be committed to each of the provinces in the restructuring plan, the total seems to be much greater than the stated amount.

Although Canada has submitted to this Commission a report characterizing these payments as a benign effort to provide equity to debt-ridden companies, I see these payments in quite another light.

This continuing commitment to absorb the Canadian fishing industry's losses is nothing less than a countervailable subsidy. It also represents the underpinning of Canada's predatory pricing practice, which is employed to insure the market share for Canadian producers at any price.

And those who have to compete in this market where this kind of activity flourishes simply can't be expected to survive over the long-term. That's precisely the situation that is facing the Maine fishing industry today, as it fights to compete with Canada in the New England groundfish market.

Before I conclude, I'd like to comment on another aspect of Canada's fisheries policies which was also treated very lightly in Canada's submission to the Commission.

In addition to absorbing the losses of its groundfish industry, the Canadian government continues to commit large sums of money in the form of grants to subsidize the cost of operating the fishing businesses.

Plans are now in place in Canada to contribute $10 million to a capital recovery program that will provide icemaking equipment, upgrade industrial water and power supplies, and pay for vessel, plant, and product inspection as part of a quality-improvement program. In addition, $25 million is to be spent on a fisheries advertising program in the United States markets in the near future.

In 1982, more than $30 million of price supports were paid to Canadian groundfishermen to protect them from low prices during certain times of the year. Also, the Canadian fishermen may receive grants worth 25% of the cost of construction of a fishing vessel. Over a thousands fishing vessels have been constructed with that subsidy since 1980.

I anticipate the Commission will be able to determine that these programs are only a part of the panoply of subsidies that are provided to the Canadian fishing industry by its government.

And I am equally certain that the Commission's analysis of our domestic industry's conditions of competition will not show comparable levels of government support in our country. Our fishermen and processors have to make it on their own in a very competitive market.

Finally, I would expect that the factual analysis in the Commission's report will show that the unfair advantages that are provided to the Canadian industry by its government constitute an illegal trade practice in this country.

Madam Chairwoman, in addition to that, if I might, I would like to call the Commission's attention to a set of hearings that were held by the Government Affairs—Senate Government Affairs Committee back in 1981. It was interesting during this particular set of hearings, which I characterized I believe as trying to identify these subsidies was like watching mercury on a mirror. At one time the Canadians will talk about the fact that they do not provide subsidies, they would call them grants. Another day, they would not be grants but they would be part of a general economic program. At still another time, they would be characterized as simply as we have today, the restructuring of a debt-equity ratio of the fishing community. All of which, in my judgment, is calculatd to achieve or to drive U.S. competitors into a legalistic frenzy in an effort to determine whether they should seek relief from anti-dumping practices or ask for the imposition of countervailing duties, or maybe they should seek a Section 301 petition alleging that the actions of a government are unreasonable, unjustifiable and discriminatory.

But during the course of those hearings, I introduced a booklet specifically listing the subsidies that were provided by the Canadian government to their fishing community. The booklet unfortunately was not prepared by the U.S. Commerce Department, it was prepared by the Canadian government. And that is part of this record which I would like to have you look at.

The second major item that came out during the course of those hearings was an unclassified document prepared by our State Department, referring to a 1981 official Provincial Commission Report on the PEI Fishery. I'd like to quote it for you:

"It appears on the basis of the 1978 figures, total government assistance, including administration and unemployment insurance payments, amounted to at least half the value of the landings of all types of fish. If fishermen and processors were to bear the full cost of those services, they would not be able to catch or to process fish."

This is a Canadian document itself indicating that without the government subsidies, without all of the programs helping the fishing industry, they could not even begin to compete. And I believe that sort of statement coming as it did from our State Department, is very relevant and I think quite compelling.

So I again thank you for coming, and I look forward to working with you in the future as we examine the factual matters that I believe support without question relief in this matter.

Mr. COHEN. I simply hope, because I believe that our fishing industry has such a good case to present to the ITC, that this action today in allowing a free trade zone for both Canada and Israel not be misconstrued. We indeed want to have better relationships with all countries as trading partners. By the same token, we do not in any way wish to condone their activities to date because I believe they have engaged in the unfair subsidization of their fishermen, their potato producers, their lumber industry, and almost every major product coming into New England.

I would not want to see any incentive added for Canada to now move into shoes and textiles, or for that matter, for Israel to do so to the detriment of the people that we represent.

Mr. President, I support the efforts made by Senator MITCHELL to arrive at a negotiated understanding with Ambassador Brock in conjunction with Senator DANFORTH who sat in on those negotiations.

I want to commend him for achieving what I believe is an acceptable result. Obviously, we would both prefer to have our amendment pass. Obviously, there is difficulty in securing that. I believe the statement made by Senator MITCHELL outlining the items of agreement acknowledging that footwear and textiles are import sensitive; that places the tariff reductions from the United States more gradually on the textiles and footwear than other products; that makes the United States-Israel free trade zone contingent upon Israel signing the GATT subsidies code, agreeing to eliminate its export subsidies; and assures the administration will vigorously enforce countervailing duty laws with respect to textile and footwear imports. I think those safeguards that he helped negotiate are positive ones, and I too want to join with him in saying that we are going to be very, very watchful guardians to make sure that these conditions are, in fact, implemented.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to associate myself with the statement of the distinguished Senator from Maine, and to commend him for his efforts on behalf of the textiles, footwear, apparel, and leather-related products industries and their employees.

Last evening I was privileged to work with Senators MITCHELL and THURMOND and, along with U.S. Trade Representative Brock, we were able to reach an important agreement. I am pleased that we were able to do so because I believe that these issues should be addressed as a part of the negotiation process and that the Senate should let our negotiators negotiate.

As one who believes in the concept of free trade policies and who understands obvious benefits that will accrue to both Israel and the United States under such a policy, I strongly support the establishment of a United States-Israel free trade agreement.

However, free trade must be fair trade.

The agreement we have worked out with Ambassador Brock insures that our negotiators will recognize the textiles, footwear apparel, and leather-related products industries as extremely

import-sensitive, and will accordingly negotiate agreements that will contain safeguards against the several possibilities that unfair trade practices could be used to the detriment of our domestic industries.

I am hopeful that the Senate will pass this legislation so we can begin our discussions and hopefully reach an agreement quickly with the Government of Israel so that we can begin to enjoy the benefits of free trade.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I rise this afternoon to protest the administration's failure to commit against transshipments in negotiations to establish a free trade area with Israel and Canada.

I commend my colleague, Senator MITCHELL, from Maine and others who have worked on this. I think Senator MITCHELL has done a very good job in bringing about a letter of understanding so it would not require us to pursue the amendment of which I was a cosponsor. On the other hand, I am rather bemused by all of us as Senators when we appear on the floor about how we are going to see that the law is "vigorously enforced." That is the greatest bunch of poppycock that I have ever heard. We have learned the hard way that these administrations come and go without any idea of enforcing countervailing duties, trigger price mechanisms, escape clause provisions, bilateral agreements, and their own commitments. We have found that the hard way. And thank heavens for national elections wherein we can get letters of commitment, letters which seem to have a greater effect on administrations than the law itself.

Back in the campaign of 1980, my distinguished senior colleague, Senator THURMOND, elicited a commitment from Candidate Ronald Reagan dated September 3, 1980.

I ask unanimous consent that the letter be printed in its entirety at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 3, 1980.

HON. STROM THURMOND,
Russell Senate Office Building,
Washington, DC.

DEAR STROM: The fiber/textile/apparel manufacturing complex provides 2.3 million vitally needed American jobs, including a high percentage of female and minority employees. As President, I shall make sure that these jobs remain in this country.

The Multifiber Arrangement (MFA), which is supposed to provide orderly international trade in fibers, textiles and apparels, was first negotiated under a Republican Administration. The MFA expires at the end of 1981 and needs to be strengthened by relating import growth from all sources to domestic market growth. I shall work to achieve that goal.

Sincerely,

RONALD REAGAN.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

In that letter, we had commitments made with respect to the level of textile imports and how it would be maintained. The President said:

> The fiber-textile-apparel manufacturing complex provides 2.3 million vitally needed American jobs, including a high percentage of female and minority employees.

They got right to the politics of it. We understand that. That is good. We are interested in those things.

> As President, I shall make sure that these jobs remain in this country.
>
> The multifiber arrangement, which is supposed to provide orderly international trade in fibers, textiles, and apparels, was first negotiated under a Republican administration.

They get to the politics there, too, saying:

> We will lead the way to vigorously enforce the law.
>
> The MFA expires at the end of 1981 and needs to be strengthened by relating import growth from all sources to domestic market growth. I shall work to achieve that goal.

So in elaborating upon this letter, the leadership of our industry, along with Senator THURMOND, had it understood that the new administration would hold growth in imports to the level of growth in the domestic market, which had been running at 1 to 2 percent a year.

What has been the experience with all this? Have they vigorously enforced?

As President Ronald Reagan said, "I will make sure that these jobs remain in this country."

Let us see what has happened.

In 1980, the textile-apparel deficit was $4 billion. In 1981, it had increased to $5.7 billion; in 1982, $7.2 billion; in 1983, $10.6 billion; and at the present rate, 1984 will be over $14 billion in deficit.

The American Textile Manufacturers Institute put out a report when that deficit jumped to $10.6 billion that we lost in America 150,000 textile jobs in 1 year. Now ATMI is not by any stretch of the imagination anti-Reagan; in fact, it is known for its Republican leanings. It gave strong support to the President's election. They are careful to put out accurate reports—and they reported 159,000 jobs lost in 12 months.

"Vigorously enforced," my colleague says.

That $10.6 billion deficit last year would have been approximately $5.8 billion under the Reagan commitment, had it been carried out. But we do not see it "vigorously enforced."

Textile imports in March 1984 jumped 55 percent over March 1983. So my colleague, Senator THURMOND, Congressman CAMPBELL, and others panicked and went racing down to the White House to remind the President of his commitment because this was an election year. They were both running for reelection.

So the administration put out a very strong statement in the spring on textiles: We are going to get them vigorously enforced. We are going to hire new customs agents. We are going to have more inspectors. We are going to have Secretary Regan of Treasury issue rules and regulations. They went right down the line. They had a great time with pictures and all kinds of headlines.

They said they would do all that by June. But nothing happened. "Vigorously enforced?" Nothing happened by June.

So they held another conference and they said they would "vigorously enforce" by September 7. I have never understood the selection of that particular date, September 7.

In Dallas, at the National Convention, they met again: That is where they really discuss these matters; it is given political attention there. I am not decrying the convention in Dallas. I campaigned for 2 years to impress one convention of all my qualifications. After 30 years of public service I was glad at the convention this year they finally recognized my qualities, I say to Senator GOLDWATER. Only it was at the Republican Convention and not the Democratic one. I rather enjoyed the Republican speakers as they mentioned my name.

Anyhow, they got together. They had a high-level conference with the President, the Trade Representative, and others, and they pushed the September 7 date all the way to October 31.

That was to let in all the Christmas orders for imported goods. When I was in the Piedmont area of my State the other day, J.P. Stevens had to let go some more workers. Burlington let others go, Du Pont had to let some go, and Allied in Lexington County had to let others go.

Under this commitment, since 1980, we have closed down 72 mills and lost 22,000 jobs in South Carolina alone. All I can do is go back to President Reagan's letter. I cannot be running around on the political stump with a bunch of laws in my pocket. Nobody can follow that. But they can see the commitment and they can see the signature. I commend Senator MITCHELL on getting a letter from the Trade Representative so there will be no misunderstanding.

I only asked to have in that letter a commitment against transshipment. We have that provision in the law. We learned long ago that legal provisions mean little to this particular group so we have had sad luck. We do not want our friend Israel, for example, to be used as a funnel to take all the cheap

textiles manufactured in the Middle East, Africa, India, and other places and funnel them through. A free-trade agreement between Israel and the United States would be salutary, if it is a tight agreement between two countries. We ship out about $1.7 billion and import about $1.3 billion. It is not a large amount in relation to the entire picture. But being the best of friends it gives a good starting point for free trade. But as the Senator from Maine pointed out, Israel has not agreed to the GATT Code on Subsidies, so we had to get that put into the letter.

We know they had a free-trade zone agreement with the European Economic Community on citrus. Somehow more oranges arrived in the European Economic Community than you could possibly produce in Israel. The reason is transshipments.

So understanding what the situation is, I asked respectfully for a commitment to negotiate a prohibition on transshipments. They stonewalled, they said they did not want to put that into a letter. A letter was written without a prohibition and that was that. They would not add to it.

That is why I take the floor this afternoon, because we find this reluctance to enforce the law. I am convinced that a President who really understood the problem would come with a Trade Council to formulate trade policy and to enforce the law. We have a National Security Council in order to correlate the State and Defense Departments, and that's what we need for trade. We need to correlate State, Treasury, Agriculture, Commerce, and Labor.

You see the concern that we have in the Congress. There are all these many trade amendments. We travel up the hill and then we withdraw the amendment. We do this with all administrations. And we are going out of business. America is turning into a colony.

I look out of my front window in Charleston and see us exporting our raw materials, our natural resources, our coal, our corn, our wheat, our tobacco, our foodstuffs, our timber. And we are importing the finished goods.

At issue is not just jobs. It is the standard of living on the one hand and the capacity to continue as a world power on the other.

You cannot be a world power unless you can produce steel, glass, rubber, aluminum, right on down the list. On textiles—we had a hearing under John F. Kennedy and found that second in importance to steel to our national security was textiles. We can get you the record. We have been on this petard now for 25 years.

I wonder why they will not just put that prohibition in a letter. We use those letters. President Reagan used his as Candidate Reagan. He took South Carolina—he knew how to write it. He said "female" and "minority" jobs and said the Republican administration negotiated all this. He wants credit. So let us give him credit. These commitments are what the people see and they can understand. So I go back to these commitments when people start talking about "vigorous enforcement."

I hope by this appearance here we can elicit from this administration some commitment against transshipment. Transshipment is the real danger. The real danger in a free trade area is transshipment. Why? Because that is how they are wrecking us now. All of these bilaterals, all these quota agreements and everything else are not being administered. We have had labeling laws on the books for years and years, yet the violations are notorius. And the same applies to dozens of other trade laws and practices. We aren't enforcing the law.

The British are able, the European Economic Community is able, and the Japanese are able to administer their trade laws. We are disabled because we do not understand trade in the executive branch of our Government.

So, we need in that White House a trade council to correlate Treasury, State, Agriculture, Commerce, and Labor. We need advisory groups to work with that particular council. We need a food and fiber board. Let me talk about farmers. I went to Decatur, IL, and stood on the stump where Lincoln made his first talk. I had some good times in my campaign. I have been to Springfield and elsewhere in the Middle West. The farmers do not know what our trade policy is.

Just this week, we got a new agriculture policy. Why? On account of the election. We recommended those extensions of Farmers Home Administration loans last year. But it is only under the pressure of November 6 that they act. Now we have an agricultural policy and will allow those loans to be rolled over and increased for America's agriculture. Unfortunately, a lot of farmers went under while we waited.

The solution in trade is not a bunch of new laws. It is too complex. What we need is to enforce the laws on the books. We stand here and use this language, "I am going to see to it that they vigorously enforce"—that is nonsense. The experience is totally in the other direction.

If we had our trade laws enforced, you would not have us as Congressmen and Senators dancing around here trying to maintain the standard of living.

Let me emphasize that. As a country, we decided we are going to have to have a minimum wage, we are going to have unemployment compensation, we are going to have to have Social Security, we are going to have to have product liability, and OSHA. We have to have a safe place to work—we are going to have to have clean air and clean water. Republican and Democrat all agree on that standard of living. We put those things into law. Do you think those things exist in Shanghai where they can make this shirt for 18 cents an hour? Are we going to cut back on the standard of living in America to 18 cents an hour and do away with clean air and clean water, a safe working place, the minimum wage? Absolutely not.

Trade war—huh. We had a saying in the days of Vietnam: some day they are going to hold a war and no one is going to attend. I say to my colleagues that they are holding a trade war and we are the only ones not attending. We are up in the grandstands hollering "Free trade, free trade, protectionism, protectionism." And down on the field the game is in the fourth quarter, and they are cleaning our clock.

There is nothing wrong with it, it is competition. But it is not free enterprise, it is government-to-government enterprise. I'm not mad at the Japanese. I do not blame them. I have 13 Japanese companies in my State—and we are proud of it. I'm angry at us for not competing back. We built up Japan, with American aid, to compete. They are competing, their people and their government. Our people want to compete too. But our Government refuses; 30 years ago, I appeared at a hearing before the U.S. Tariff Commission when Tom Dewey represented the Japanese Government. He chased me all around the hearing room. Well, here, 30 years later, I go home at the August break and you know who is in my office? Concrete people. Gifford Hill, all the rest of them. Because in Mexico, the cost of energy is 28 times less than the cost of energy in the United States. So they are shipping concrete up to Oregon, Washington, Illinois; they have 10 percent of the market. This time next year, they will have 20 percent of the market.

Where are we heading, Mr. President? If they can ship in concrete and make a profit, we had better stop, look, and listen.

We want to move toward a world of free trade. But like Franklin Roosevelt back in the depression days, in the 1930's, in order to keep the banks open, he closed the doors. In order to save the farms, he plowed under the crops. Today in America, in order to remove the trade barriers, we might have to raise one or two and then remove them all.

But we have to bring them to the table so they understand. Japan cuts off at 4-percent imports into that country. Imports do not exceed 10 percent in the European Economic Community. In apparel we were at 44 percent last year and over 50 percent this year. Steel is over 25 percent, automo-

biles up to 30 percent. Just go on down the list. You are losing your capacity as a world power and you are diminishing our standard of living, and the candidates are out there on the stump talking about religion and who is going to meet with Gromyko. They are not even in the ballpark, those Presidential candidates.

The people of America wonder why we cannot make this country competitive again. That is what is finally going to evolve in the next few years if we are going to give the next generations a chance.

I do not know why so-called protection has taken on a pejorative sense. We have the FBI to protect us from enemies within, the Army to protect us from enemies without. We have unemployment compensation to protect us from loss of a job, social security to protect us from the ravages of old age, protection for the air we breathe, the water we drink.

I have taken an oath, I guess about seven times now, at least, to preserve, protect, and defend. That is what your Government is for. But the tail is wagging the dog. The big banks, the multinationals, have taken on the nationalities of the host countries and the only way they can dump their products is in the free market of the United States of America. When we awaken, we realize that it is not just textiles, it is not just shoes, it has gone all the way to concrete, steel, rubber, glass, everything else.

If the Senator from Illinois and I had a gadget and we wanted to produce that gadget, needed a $20 million loan, and we went to Banker Mitchell, he would look at that thing and say: "That is a pretty good gadget. I am willing to lend you $20 million over 10 years. But looking closer, I see you developing your market in 3 years."

We say: "Sure, we will have it developed and going great then."

But then he says: "Well, once you get a market developed of that kind, you can have a competitor move over to Juarez, Mexico, and he can bring that product in at half the price. So we will make this a 5-year loan instead of a 10-year loan."

The Senator and I look at each other and say: "Five years? We cannot pay that loan back in 5 years."

The Senator would say: "Why haggle? Let's go to Juarez; 187 of the big companies have gone there."

GE has five plants, General Motors has five plants—at 83 cents an hour. We are forcing business to go overseas. We live in an international economic order. You can produce anything anywhere. Smug Americans think that somehow we can make computers, and airplanes, and things of that kind. Ask Pan Am whether we can make airplanes. They are not buying them from Boeing now. They are buying them from Airbus, subsidized in Europe.

The farmers got me on a program out there on Dutch Reagan's old WHO in Des Moines, IA, and the first question out of the box was:

Senator, you are from a textile State and you want protection for your textiles. They are going to retaliate against our farmers. We farmers are for free trade.

I said:

Wait a minute now. Let us get the record straight. In 1935, we started a support price program for the farmers of America. I like it. I support it. And then we instituted protective quotas, quotas to protect those support prices. Then we put in the Export-Import Bank in 1935 so we could sell our wheat now to the Russians at a normal cost. We subsidize the sale. Textiles are not asking to subsidize the sale. We are not asking for protection. We are just asking for a fair chance to compete.

We believe in free trade and do not want to retaliate. Everybody is retaliating. It is a business deal. It is common sensical. It is give and take. It is an international economic order. We must sober up and get some leadership which understands that this Trilateral Commission and big-bank crowd in New York is taking us for a ride. We are exporting our jobs faster than we can possibly create them.

Service economy? Service ecomony? In my section of the United States, we tried that from 1865 to 1965. We tried that for 100 years. We did not produce anything. We took in each other's washing.

Do not give me a service economy talk. There is no education in the second kick of a mule. Do not believe a service economy or high tech is some sophisticated skill. Why do you think Digital is in Mexico? Why do you think Atari went to China? Why do you think Tandy went overseas to Singapore? All of these are so-called high-technology companies. You can manufacture anything anywhere, electric subassemblies in Singapore, automobiles in Africa, semiconductors in Brazil, high tech in Mexico, and we are sitting around here like we know something about trade.

We are just not in the game. I want to protect reasonably, to the best interests of the United States, free trade. You cannot have peace by doing away with your Army. George Washington said; "The best way to preserve the peace is to prepare for war." Because we have had a strong defense we have had, generally speaking, peace. It has worked. The best way to preserve the free market is to be able to compete on the same level with the rest of these countries.

In agriculture, 10 years ago the European Economic Community was a net importer of wheat. Last year they were a net exporter of 20 percent of the world's wheat, with a 25-percent subsidy for wheat in France, a 25-percent subsidy for rice in Japan, a 25-percent subsidy for soybeans down in Israel. This IMF crowd, the International Bank, the World Bank, they are all running around here getting money, but we cannot get anything for women, infants, and children's feeding. We cannot get student loans. We cannot do anything for education. This administration wants to abolish it. The World Bank is running around telling them in Nigeria, Brazil, and every other undeveloped country, "You need a steel plant," so they put it there for 2-percent money, subsidize it. Then they bring steel in from Brazil and dump it on the dock at less than cost and we are supposed to go along with that.

They are absolutely wrong. America needs a fair chance to compete.

United States Steel is not pro bono publico. They are in it for a profit. If others are going to dump at less than cost in the United States and we are not going to administer the trigger-price mechanism, then what are they going to do? They are going to go to Marathon Oil. Do you blame them? They are not unpatriotic. The fault lies in the Congress and the executive branch.

I hope the President, the administration, and the Trade Representative, when we talk about "vigorously enforcing," just put in the letter that there will not be any transshipment. That is what we are suffering from in America today. Why will they not put that in the letter? I would like to see it there, because we do not want to adulterate a free-trade treaty with our friends from Israel or Canada. I would support such a treaty if we can move in that direction.

It is not the worker of America who is unproductive and noncompetitive. It is the workers' Government in Washington that is not competing and not producing. That is what is wrong in this country. There is nothing wrong with the American worker. The chamber of commerce and the Bureau of Labor agree on one thing—the most productive worker in the world is still the U.S. industrial worker, and the most productive farmer is certainly the American farmer.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I rise on other business, but before I offer the amendment that has been agreed to, may I say to my distinguished colleague from South Carolina that I only regret every Member of the U.S. Senate could not have been on the floor just now to hear those very eloquent remarks by my warm friend, who speaks the truth and addresses significant problems before the country that I think need the attention of the Congress and the Chief Executive of this great Nation. I congratulate

the Senator on his eloquent remarks and hope that a great many people in this Nation have an opportunity to read in the CONGRESSIONAL RECORD what he has said this day, which was to the point and an excellent explanation of the problem that we have in connection with our foreign affairs today.

Mr. HOLLINGS. I thank my colleague.

Mr. MITCHELL. Mr. President, will the Senator permit me a brief comment to conclude the subject the Senator from South Carolina has addressed?

Mr. DIXON. Mr. President, I yield.

Mr. MITCHELL. Mr. President, I thank the Senator for his comments. He has set forth his position with his usual forceful eloquence. I share many of the sentiments expressed by the Senator.

As Senator COHEN indicated earlier, we have a very strong sense of frustration, coming from a border State which is subject to import assault from subsidized industries in other countries in a wide range of products. I hope that some of the message the Senator has set forth can be translated into action.

I will make two points. With respect to cement, I have introduced legislation which I hope will deal with it in at least a modest way, because we confront the same problem in the Northeast. I hope we can get the Senator's help on that.

Mr. HOLLINGS. Can we add potatoes and fish from Machias?

Mr. MITCHELL. We are going to do a little at a time. The journey of 1,000 miles begins with the first step.

Mr. HOLLINGS. Yes.

Mr. MITCHELL. I should like to say finally, with respect to textile imports, the Senator made a compelling case but, in fact, did not refer to what I think are the most compelling figures. In the 18 years of the existence of the multifiber arrangement on textiles, prior to 1981 there was an increase in the quantity imported, expressed in square yard equivalents, which is a common term in history, as the Senator knows, of about 3.5 billion square yard equivalents.

In the 3½ years in which this administration has been in office, there has been an increase of 5.5 billion square yards equivalent. That is, the total quantity of texitle imports in the last 3½ years is nearly double the quantity of increase over the previous 18 years. So we are facing a very serious situation.

I wish it were possible for a single stroke, a single bill, a single policy to address the problem in the comprehensive manner which the Senator has eloquently described. But the fact is, as the Senator knows, that that cannot be done, because there is no single bill, no single statement, no single national policy which will accomplish that. It requires an aggregation of several policies, of many political entities, and we have to begin somewhere.

While I wish the letter was stronger and while I wish it included the statement that the Senator desired, it represented the best we could do under the circumstances at this time.

So we will go forward with it, and I hope the Senator will join all of us in this continuing struggle which he has outlined so eloquently here today. I thank the Senator for his remarks.

Mr. MATTINGLY. Mr. President, I rise in opposition to the possibility of amendments to exclude certain sectors or products from any free trade arrangement that may be negotiated between the United States and Israel. I would like to point out the following to my colleagues:

First, Israel currently receives duty-free treatment on over 90 percent of its exports to the United States. Therefore, if exemptions are included in the bill, not only will other sectors insist on being excluded, but Israel would have little incentive to sign an agreement offering less than or equal to what it currently receives and the free trade negotiations could be jeopradized.

Second, unlike GSP and CBI, this is a reciprocal arrangement affording opportunities for U.S. exports. For example, the United States had about a 6 to 1 surplus in its textile trade with Israel in 1982; there is the potential to increase that surplus through a free trade arrangement.

Third, the problem of import sensitive sectors will and should be dealt with through our existing trade laws and mechanisms designed for just such purposes and through the negotiating process.

Fourth, to comply with the general agreement on tariffs and trade, a free trade arrangement between two countries must cover, and I quote, "substantially all the trade," end quote, between those countries.

The European Community has already negotiated a free trade arrangement with Israel and the United States will be at a disadvantage if we do not put in place the mechanisms to negotiate a free trade arrangement with Israel ourselves. In fact, I believe there is the potential for loss to U.S. exporters of trade with Israel if the United States does not soon establish an agreement similar to that between the European Community and Israel. Therefore, a United States-Israel free trade arrangement offers a golden opportunity to expand U.S. exports of goods and services. I strongly urge my colleagues to reject this exclusion and others that may likely follow.

AMENDMENT NO. 4345

Mr. DIXON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. GOLDWATER). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 4345, for himself and Mr. BOSCHWITZ, Mr. HUDDLESTON, Mr. ZORINSKY, Mr. PRYOR, Mr. BOREN, Mr. HEFLIN, Mr. PERCY, Mr. JEPSEN, Mr. DANFORTH, Mr. EXON, Mr. PROXMIRE, Mr. LEVIN, Mr. RIEGLE, Mr. FORD, Mr. BUMPERS, Mr. EAGLETON, Mr. BAUCUS, Mr. DECONCINI, Mr. PRESSLER, Mr. QUAYLE, Mr. GRASSLEY, Mr. NUNN, Mr. COCHRAN, Mr. KASTEN, Mr. ABDNOR, Mr. DURENBERGER, Mr. BURDICK, Mr. THURMOND, Mr. HELMS, Mr. DOLE, Mr. ARMSTRONG, Mr. EVANS, Mr. NICKLES, Mr. WARNER, Mr. MATTINGLY, Mr. GORTON, Mrs. KASSEBAUM, Mr. MURKOWSKI, and Mr. ANDREWS.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following new section:

SEC. . The pork industry contributes $9,000,000,000 annually to the United States economy;

Over four hundred fifty thousand United States farmers produce pork for domestic and foreign market;

United States imports of live hogs from Canada averaged one hundred thousand animals each year between 1970 and 1974, yet since 1981, such imports have increased yearly from one hundred forty-six thousand head to an estimated more than one million head in 1984;

The adverse economic effect of the recent surge in imports of Canadian hogs and pork products on United States pork producers has been estimated to be in excess of $500,000,000 in 1982 and 1983, and approximately $300,000,000 during the first five months of 1984;

The Canadian government provides price support for hogs at a level equal to 90 per centum of the previous five-year average market price, indexed for changes in cash costs of production of hogs, which represented a payment of $6.54 per head to Canadian pork producers last year, and all but one provincial government of Canada also provide direct production assistance to support Canadian pork producers; and

It is essential that the administration act immediately to address the threat to the United States pork production industry caused by the dramatic increase in imports of hogs and pork products from Canada: Now, therefore,

It is the sense of the Senate that the President should direct appropriate members of the administration, including the United States Trade Representative, the Secretary of Agriculture, and the Secretary of Commerce, to aggressively pursue discussions with the Canadian Government directed toward resolving this situation and use all available authorities in an effort to protect the economic viability of the United States pork industry and to promote free and fair trade.

Mr. DIXON. Mr. President, the amendment that I am offering today is a sense-of-the-Senate resolution urging the President to direct appropriate members of the administration,

including the U.S. Trade Representative, the Secretary of Agriculture, and the Secretary of Commerce, to aggressively pursue discussions with the Canadian Government regarding Canadian pork imports. This amendment is the same as Senate Resolution 431, which 42 of my colleagues have joined in cosponsoring.

Historically the United States and Canadian pork trade balances have shifted between the two nations. The balance of trade has shifted six times since 1960. However, the dramatic increase in the volume of Canadian hogs and pork products imported into the United States in the past 7 years has caused a great deal of concern among U.S. pork producers. It appears that this latest shift in trade will not be to the benefit of the United States in the future.

This latest shift in trade with Canada can be attributed to both the Canadian support program for pork and the value of the dollar.

U.S. imports of live hogs from Canada averaged 100,000 animals each year between 1970 and 1974 with only 30,000 head being imported in 1975. However, since 1981, there has been an increase yearly from 146,000 head on an estimated 1,000,000 to 1,500,000 head in 1984.

U.S. imports of pork from Canada have historically been in the form of frozen products. Frozen pork imports averaged approximately 25,000 tons in the early 1970's with a low of 9,000 tons in 1976. However, U.S. imports of frozen pork reached 27,000 tons in 1983.

The most dramatic increase in pork products has been in imports of fresh/chilled pork. These products increased to 93,000 tons last year compared to an average of 2,500 tons per year between 1970 and 1977.

Total pork product imports from Canada have increased 30 percent in the first 7 months of this year, compared to the same time in 1983.

The University of Missouri has estimated the economic impact of these imports on U.S. pork producers to be in excess of one-half billion dollars in 1982 and 1983, and nearly $400 million in the first 6 months of 1984.

A major reason for the increased growth in Canadian pork imports is the support programs for Canadian hog producers provided for by the Federal and Provincial governments.

At the Federal level, the Agricultural Stabilization Act of 1958 provides a mandatory support level for hogs at 90 percent of the previous 5-year average market price, indexed for changes in cash costs of production.

In addition, each Canadian Provincial government, except Newfoundland, provides hog producers with a stabilization program. The programs differ in scope and coverage, but they share a common goal of stabilizing returns for hog producers.

It has been estimated that both Federal and Provincial programs have provided total support payments from 1975 to 1982 of $266 million.

The strength of the dollar also has made our markets more attractive to Canadian producers. U.S. agricultural exports to Canada last year were little changed—up by nearly $25 million—while Canadian imports to the United States increased by more than $100 million.

Mr. President, our greatest concern is that this may not be a short-term problem, but may represent a long-term shift in trade that will continue to impact our pork producers. If that is the case, the matter deserves our attention.

I urge the adoption of the amendment.

Mr. President, this amendment has been cleared on both sides—by the distinguished manager of the bill, Senator DANFORTH, and the ranking minority member, Senator BENTSEN. It embodies the major features of Senate Resolution 431, previously introduced on August 9, with 42 cosponsors.

Mr. HUDDLESTON. Mr. President, I am pleased to sponsor the pending amendment.

The large and growing volume of hogs and pork products entering the United States from Canada is creating additional hardship for financially troubled pork producers in this country.

Kentucky producers have pointed out to me that there is a 30-day quarantine period on live hogs entering into Canada. This quarantine effectively eliminates U.S. export sales opportunities in Canada. Hogs and feeder pigs entering the United States from Canada have no such restrictions.

In addition, the Canadian Government operates an income stabilization program that results in a payment to pork producers above market returns. U.S. pork producers, who do not benefit from any similar assistance program, view the Canadian program as a subsidy that promotes pork production and results in shipments of excess production to the United States.

A further problem is the strong U.S. dollar. The Canadian dollar is currently valued, in U.S. currency, at only 75 cents. This imbalance in currency value provides a powerful economic magnet for foreign-produced goods, including Canadian pork.

This amendment addresses the situation by urging the President, first, to negotiate with the Canadian Government on easing the adverse effects on U.S. pork producers caused by the recent surge in Canadian imports, and second, to use all available authorities to protect the economic viability of the U.S. pork production industry.

I urge my colleagues to support this amendment.

Mr. BOSCHWITZ. Mr. President, I am pleased to join with Senator DIXON as a leading cosponsor of Senate Resolution 431 which has been submitted as amendment to this bill and addresses the problem of hog imports from Canada. The Subcommittee on Foreign Agricultural Policy, which I chair, held a hearing August 9 on this issue. It was clear from the testimony that the dramatic increase in hog imports poses a serious problem for U.S. producers.

The numbers speak for themselves. In 1981, we imported 145,652 head of Canadian hogs. That rose to 294,933 in 1982, then to 447,391 in 1983. This year it is possible that hog imports could go as high as 1.5 million head. Daniel G. Amstutz, Under Secretary of Agriculture for International Affairs, indicated that pork imports could amount to 2.2 percent of domestic pork production.

Those of us who have been involved with various commodity markets know that increasing the supply by 2 percent can cause the price to fall substantially. That appears to be happening now. Hog producers in Minnesota are justifiably concerned.

Several factors have contributed to the increase. There have been strikes at Canadian hog slaughtering plants. The national and provincial governments of Canada may be providing subsidies to pork producers. This issue is being investigated by the Department of Commerce and the International Trade Commission. If such subsidies are found, a countervailing duty can be applied to the imports to offset the subsidy.

Perhaps the single most important factor has been the rising value of the U.S. dollar. Currently, a Canadian dollar costs only about 75 cents (U.S.). With that sort of advantage, it isn't hard to see why the Canadian producers find our market to be attractive.

This amendment calls on the administration to aggressively pursue this issue with the Canadian Government to protect the economic viability of the U.S. pork industry. We must make every effort to deal with the causes of the increase in imports. My subcommittee will be monitoring the situation closely. I urge all Senators to join us in demonstrating our desire to resolve this problem.

Mr. DANFORTH. Mr. President, this is a good amendment, I believe I am a cosponsor of the original resolution. It points to a growing problem with respect to the importation of pork. I think it deserves to be included in the bill.

Mr. DIXON. I thank my distinguished colleague from Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4345) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. BENTSEN. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Are there further amendments?

AMENDMENT NO. 4346

(Purpose To Underscore Executive Branch Authority To Permit Certain Importations In Emergency Situations)

Mr. BOREN. Mr. President, on behalf of myself, Mr. NICKLES, Mr. MOYNIHAN, Mr. BUMPERS, and Mr. WALLOP, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for himself, Mr. NICKLES, Mr. MOYNIHAN, Mr. BUMPERS, and Mr. WALLOP, proposes an amendment numbered 4346.

Before section 244 of the matter proposed to be inserted, add the following new subsection: "nothing in this amendment shall deny the executive branch the authority to authorize the importation of tonnages in appropriate categories in excess of the tonnage specified in those categories, as may be required in emergency economic situations related to domestic market demand, including domestic processing and production, for pipe and tube products."

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. BOREN. I am happy to yield.

Mr. MOYNIHAN. Am I correct in stating that I am one of the cosponsors of the amendment?

Mr. BOREN. The Senator is correct. I am certainly pleased to say that he is listed as a cosponsor and has been an original cosponsor and has been very helpful in the preparation of this amendment.

Mr. MOYNIHAN. I thank the Senator.

Mr. BOREN. Mr. President, I am concerned about Senator BENTSEN's amendment on the enforcement of the arrangement with the European Communities on pipe and tube and that this amendment may result in artificially high prices for pipe and tube products which would adversely affect U.S. processors of high value steel products for our important oil exploration industry. Some of these processors use American materials and labor to produce high quality oil country tubular goods. For example, a domestic company has announced plans to build a $350 million backward integrated steel plant in my home State using the most modern technology available to produce and process seamless green tubes into finished high quality oil country tubular goods. I am concerned that U.S. integrated producers of pipe and tube which compete with processors which add value to imported green tubes might not sell this unfinished product to processors in order to avoid competing with them in the market. We need the maximum amount of competition, employment, and American value added to ensure a dependable supply of high quality product while fostering U.S. economic growth. I want to make sure that the term "economic emergency" situation is used in this amendment would ensure that such a contemplated plant would have access to an adequate interim supply of green tubes.

Mr. DANFORTH. Mr. President, my understanding is that the term "economic emergency" would include situations like those described by the Senator from Oklahoma. I have also discussed this issue with Ambassador Brock and representatives from the Commerce Department and they have assured me that they also feel that such a fact situation as described by the Senator would be included in the definition term "economic emergency."

It is further my understanding that this amendment is not intended to adversely affect U.S. manufacturing and employment or to promote monopolistic and anticompetitive practices, nor is this to imply that such practices are occurring. Indeed, within the limits provided in the arrangement, European Community producers are likely to continue to compete intensely for U.S. sales and contracts to major American purchasers of pipe at prices attractive to those consumers. This amendment will only ensure that injury to all U.S. pipe and tube producers and processors will not occur from foreign competition causing Americans to lose sales and jobs unfairly. If the Executive determines that the importation of green tubes is required to deal with these kinds of situations the administration will take this into account in the enforcement of this arrangement.

Mr. NICKLES. Mr. President, I congratulate my senior colleague, Senator BOREN, and also the Senator from Missouri, for their cooperation and assistance in addressing a very real problem. I certainly share the sentiments of my colleague, and I will not take much floor time to discuss this issue. But it is critically important. I have personally visited this plant. It is a plant that we want. We want to do everything possible to make sure they have an opportunity to stay in business, as well.

Mr. President, Tubular Corp. of America is a licensed processor in the business of converting semifinished, seamless green tubes into very high quality oil country tubular goods. These oil country tubular goods consist of oil well castings, tubing, and drill pipe which are essential to oil and gas exploration and production.

For their operations, Tubular Corp. of America has constructed a $50 million facility in Muskogee, OK, and began production in mid-1982. They currently employ approximately 500 people.

By using a variety of sophisticated heat treating, tempering, and other finishing processes, Tubular Corp. of America utilizes seamless green tubes in manufacturing oil country tubular goods which meet or exceed American Petroleum Institute standards for high-strength oil well casing, tubing, and pipe. These processes add approximately 75 percent of additional value to the original green tubes.

Tubular Corp. of America has recently announced that they plan to build a new self-sufficient minimill at a cost of $300 million, which would produce high quality seamless green tubes for their manufacturing operations at Muskogee. This new production facility would employ an additional 1,000 people. However, until the time this new minimill is in operation—which is an estimated 3 to 4 years—TCA must continue to purchase seamless green tubes as raw material from other suppliers.

Mr. President, this is where the difficulty enters in. Other domestic integrated producers, who also make oil country tubular goods, have either been unwilling or unable to sell high quality seamless green tubes to TCA. Consequently, TCA is completely dependent upon imports of green tubes for their basic raw material.

Unfortunately, import restrictions have already impeded access to major sources of seamless green tubes. The European Community producers have reduced green tube exports to the United States due to the United States-European Community pipe and tube arrangement. Because of the overall informal limitations on tube exports, these countries have given preference to shipping the processed and finished oil country tubular goods which attract a high value added price. Steel imports from Japan are also restricted, which is a result of an informal understanding between our two governments. Sources of supply from Mexico and Spain currently face antidumping and countervailing duty actions initiated by domestic integrated producers who compete with TCA in the sale of finished oil country tubular goods. While they claim that the integrated producers are suffering injury from imports of oil country tu-

bular goods, these producers insist that the antidumping and countervailing duty investigations should also apply to seamless green tubes—which are not finished goods, but the raw material necessary for production of finished goods. Consequently, TCA's supply of basic raw materials during this transition period has become very precarious.

Mr. BENTSEN. Mr. President, I understand that my good friend the distinguished Senator from Oklahoma has a particular concern with section 243 of this bill relating to enforcement of the U.S./E.C. pipe and tube arrangement. The Senator is particularly concerned with the provision insofar as it affects the importation from the European Community of a form of oil country tubular goods [OCTG] which some people call green tubes. Green tubes, are semifinished OCTG which can be finished by threading and coupling, heat treating, and other processes. I recognize the importance of this matter to the Senator and I am committed to working with him to find an acceptable solution.

The integrated producers of OCTG in the United States are justifiably concerned that excessive levels of dumped and subsidized imported green tubes give processors who use those tubes an unfair competitive advantage. For this reason the provision we have worked out allows the maximum level of green tubes to be imported—within the limits established in the arrangement. Only in the circumstances in which there is not an adequate domestic supply of pipe and tube for consumers, including processors, could the Secretary allow imports in excess of the arrangement's limits, and then only to an extent necessary to satisfy domestic demand for the particular product.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I rise to express my appreciation—and I believe it is felt throughout the Chamber—to the managers of the legislation, and to the senior Senator from Oklahoma for what seems to me to be a workmanlike accommodation to a specific subject. It is a problem that could arise, and if it does arise, it can be resolved under the terms of the amendment.

I thank the Senator from Oklahoma for allowing me to be a cosponsor.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oklahoma [Mr. BOREN].

The amendment (No. 4346) was agreed to.

Mr. BOREN. Mr. President, I again want to add my words of appreciation to all of those who have been involved. The distinguished Senator from Texas, Senator BENTSEN, has been involved throughout all of these negotiations. I appreciate very much his consideration, his patience, and certainly I appreciate also very much the assistance of the Senator from Missouri in enabling us to work out this agreement. I am very glad to come to some understanding, and I appreciate the goodwill of all of those who have been involved.

Mr. DANFORTH. Mr. President, am I correct in believing that the amendment has been agreed to?

The PRESIDING OFFICER. The amendment has been agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOREN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4347

(Purpose: To make technical amendments)

Mr. DANFORTH. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], proposes an amendment numbered 4347.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2 of the matter proposed to be inserted, in the table of contents, strike out the item relating to section 182 (relating to Acetylsulfaguanidine) and redesignate the items relating to sections 183, 184, and 185 as sections 182, 183, and 184, respectively.

On page 23 of such matter, line 10, strike out "for consumption," and insert in lieu thereof ", for consumption".

On page 66 of such matter, lines 25 and 26, strike out "clause (1)" and insert in lieu thereof "subparagraph (A)".

Paragraph (2) of section 243(a) of the matter proposed to be inserted, as amended, is further amended by inserting "the Secretary of Commerce" after "categories developed by".

Paragraph (1) of section 203(c) of the Trade Act of 1974, as amended by section 309 of the matter proposed to be inserted (relating to disapproval of Presidential determinations), is further amended by striking out "transmitted" and inserting in lieu thereof "transmitted".

Subparagraph (C) of section 771 (18) of the Tariff Act of 1930, as added by section 710 of the matter proposed to be inserted, is amended—

(1) by striking out "or B", and

(2) by striking out "or antidumping duty".

Subdivision (f) of headnote 5 of the General Headnotes of the Tariff Schedules of the United States, as added by section 211(a)(B) of the matter proposed to be inserted, is amended by striking out "of this Act" and inserting in lieu thereof "of the Tariff Act of 1930".

On page 38 of the matter proposed to be inserted, strike out lines 13 through 26, and insert in lieu thereof the following:

SEC. 248. RELIQUIDATION OF CERTAIN MASS SPECTROMETER SYSTEMS.

Notwithstanding sections 514 and 520 of the Tariff Act of 1930 and any other provision of law, the Secretary of the Treasury is authorized to reliquidate within six months of the date of enactment of this Act the entry of 2 mass spectrometer systems—

(1) which were imported into the United States for the use of Montana State University, Bozeman, Montana, and

(2) with respect to which applications were filed with the International Trade Administration of the Department of Commerce for duty-free entry of scientific instruments that were assigned the docket numbers 82-00323 and 83-108 (described in 47 Federal Register 41409 and 48 Federal Register 13214, respectively),

if the Secretary of Commerce finds that these systems are eligible to enter free of duty pursuant to headnote 6 of part 4 of schedule 8 of the Tariff Schedules of the United States.

Mr. DANFORTH. Mr. President, this amendment would make certain technical amendments to matters which were approved by the Senate in the last 3 days as part of the committee amendment to H.R. 3398. These technical changes were prepared by the legislative counsel's office after examining our work this week, and simply would correct inadvertent drafting errors.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Missouri [Mr. DANFORTH].

The amendment (No. 4347) was agreed to.

AMENDMENT NO. 4348

(Purpose: Provide a "Short Title" for H.R. 3398)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 4348.

On page 3, immediately prior to line 1, insert the following: "Omnibus Tariff and Trade Act of 1984."

Mr. DANFORTH. Mr. President, this is simply a title for the bill.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Missouri [Mr. DANFORTH].

The amendment (No. 4348) was agreed to.

MACHINE TOOLS

Mr. PERCY. Mr. President, I rise out of deep concern about a significant trade problem that is not dealth with in this bill, but merits our immediate

attention. While many of us have registered either praise or complaints about the various trade actions taken recently by the administration, many of us on both sides of the aisle and in both Houses have a serious concern about inaction on one particular trade issue. I am referring specifically to the process under section 232 of the trade laws dealing with national security and imports.

There is a quiet, but extraordinarily serious crisis concerning imports of machine tools into this country. For some reason that I simply cannot understand, the administration has apparently decided not to face up to this crisis and make the difficult decisions to provide an answer to the question of whether we are committed to maintaining a machine tool industry in this country.

Over 1½ years ago, a petition was filed under section 232 of the trade laws suggesting that the national security was jeopardized by imports of machine tools and asking for some sort of import relief. That petition was evaluated for 1 solid year and a report was made to the President some 7 months ago. That report is now gathering cobwebs in the National Security Council. It is time that something be done.

The highest concentration of machine tool builders happens to be located in Illinois. If you want to see a graphic example of what happens to communities as a result of markets being eroded by imports, then you should come with me to Rockford.

More than that, however, here is an industry that has been found to be absolutely crucial to the national security. This finding follows a year-long intensive study by the Commerce Department. Moreover, it was also found that because of imports, domestic production of certain machine tools would not be sufficient to meet our mobilization needs.

Think about that for a minute. This is serious business. A Cabinet Secretary has warned the President that we may not be able to sustain a war effort if we don't do something to maintain a domestic production capacity for machine tools.

How can such a finding just sit for month after month in the very White House office that is supposed to bring these things to the attention of the President—the National Security Council? Something is wrong here.

And let me tell the Senate about some of these machine tool builders. Are they incompetent businessmen just looking for a Government handout? No sir, they are not. In fact, if one were to measure patriotism by the degree of sacrifice one makes for his or her country, these are among the most patriotic citizens I have come across. Most of the machine tool builders that I know are losing money hand over fist. They are virtually all facing major investment decisions. In the absence of import relief, they must either get out of the business, move their facilities abroad, or switch their operations to become importers.

Yet, despite their mounting losses, these people are hanging on as long as possible before making these drastic decisions. They genuinely believe in and understand the importance of a domestic machine tool industry. Many remember World War II and Korea when machine tools became a major bottleneck in the mobilization effort. They hang on, despite the losses, in the hope that they will be able to maintain a domestic industry.

It is now 18 months since the machine tool 232 petition was filed. During that time, the percentage of imports has increased dramatically. It is now approaching 50 percent of the market. Whatever recovery has occurred in the machine tool market has been absorbed, almost entirely, by imports.

My machine tool constituents are now at the point where no decision is worse than a decision which says no. If the administration is willing to risk the loss of most of the domestic machine tool manufacturers, then so be it. But let us get a decision.

Mr. President, over the years in this body, I have become a firm believer in deadlines. The only way we seem to be able to motivate action these days is to impose one sort of deadline or another that positively, absolutely must be met. As our own self-imposed adjournment date approaches, our level of productivity will skyrocket. That doesn't mean we will always make the best reasoned decisions, but at least we will make an honest attempt to resolve issues that have no simple solution.

The same is true, and perhaps more so, for decisions by the executive branch. Delay is bad enough, but without congressionally imposed deadlines on a number of decisions, it would be even worse. Indeed, of all the provisions of the trade laws, the section that is most in need of a deadline for final decision is the one that does not have one—section 232. Now most people in Washington, even those dealing with trade issues, do not know very much about section 232. That is because it is rarely used, and for good reason.

Section 232 is really a national defense provision more than a trade statute. It provides a mechanism for Presidential action in the event that imports of a key product are so damaging to a domestic industry that the national security is in danger. The only product to have been found to be endangered in this way is petroleum.

Because this provision is directly tied to the national security, it should not be taken lightly. And it certainly should not be the type of administrative action that gets bogged down in endless bureaucratic redtape. Yet, that is precisely what is happening today and has happened before.

In 1981, the ferroally industry filed a petition under section 232 asking for import relief. That decision took a year to process in the Commerce Department and then sat in the White House for the best part of 2 more years. Regardless of one's views on the merits of the issue, a petition arguing that the national security is in serious jeopardy certainly deserves a more timely response.

Perhaps even more ominous is the section 232 petition of the machine tool industry which apparently is languishing in the bureaucratic maze of the National Security Council. I say even more ominous because according to all the press reports on the matter, this is a case in which the Secretary of Commerce, after consultations with all the other relevant Cabinet departments, has found that the national security is indeed in danger and has recommended strong import relief to the President. Everything I have read indicates that the Department of Defense has concurred in this finding and recommendation.

So here we have two key Cabinet officers who have made a finding that the national security is in danger and nothing is being done about it. In fact, I would guess that the White House bureaucrats have this matter so throughly obscured that the President probably doesn't even know that the matter is awaiting his decision. It has been sitting in the White House for 7 months, gathering cobwebs.

I see the distinguished chairman of the Trade Subcommittee on the floor. I wonder if he has any thoughts on this matter. Perhaps we should consider imposing a deadline in the law on 232 decisions by the President.

Mr. DANFORTH. Mr. President, I would be happy to respond to the question of the Senator from Illinois. The delay on the machine tool 232 petition and on ferroalloys before that are excessive. As we consider trade legislation during the next Congress, I intend to look again at section 232 to see whether a final decision deadline should be built into the statute.

It is particularly disturbing to learn that a Cabinet-level warning to the President about a serious question of national security cannot somehow get to the President, who, by statute, is required to make the final decision. I have a great deal of faith in the President to balance concerns about free trade against genuine issues of national security.

It is especially troublesome that a President who is as dedicated to streamlining Government and as committed to improving the national security, would be denied an opportunity

to make a prompt national defense decision.

I must say to the Senator from Illinois that his leadership on this issue and his concern for his constituents is one more reason why I believe it is crucial for him to continue his service for another 6 years. I am well aware of the efforts he has made to get the White House bureaucracy moving on this 232 petition of the machine tool industry. Others have joined in the effort as well—including many Members of this body without any machine tool constituents, such as Senator GARN, Senator DOLE, Senator TOWER. These Senators and a multitude of others have nothing to gain politically from the 232 petition. They simply believe that this industry deserves a decision.

So I hope whoever is on the President's staff is responsible for this delay takes note that a number of U.S. Senators are annoyed. Whoever you are, the next time might not be so easy since further delay is likely to trigger substantial sentiment for building a deadline into the statute so that national security issues cannot be left on the back burner.

Mr. PERCY. There are an unusually large number of Republicans in support of import relief for machine tools, and I will state why. This is a genuine national defense issue. The entire House Republican leadership is on record in favor of 232 relief for machine tools. The Senator from Missouri already mentioned Senators GARN and DOLE. But there are many others such as Senator D'AMATO, Senator HEINZ, Senator JEPSEN, and Senator THURMOND, who are tireless advocates of a stronger national defense.

To be truthful, that is one of the most frustrating aspects of the White House inaction. These Members of Congress have expressed a genuine concern about a serious national security issue and the response from the bureaucrats who have been able to bottle up the petition is one of complete insensitivity.

I agree with the Senator from Missouri completely. I am not afraid of letting the President decide this issue. I do not see why others in the White house are so determined to keep it off his desk. I genuinely hope that this discussion does not get lost in the maze of dialog taking place on the floor in these past few days. If the Senator from Missouri has no objection, I am going to ask my staff to clip his part of the RECORD as soon as it is available tomorrow to send over to the White House, in order to demonstrate that the level of dissatisfaction in the Senate on this issue is found on both sides of the aisle and is running high.

Mr. DANFORTH. That sounds like a fine idea.

Mr. ROTH. Mr. President, I rise to strongly support the International Trade and Investment Act, which is included in this omnibus trade package. This act is a constructive approach to our trade problems and fully merits the continued support of the Senate.

S. 144 includes the proposals for legislation on trade in services which I have put before the Congress for several years in separate legislation, this year in bill S. 1704.

Services trade supports a large employment base in this country and provides the potential for many more jobs. Our services industries are competitive. We are now the world's largest services trader and services exports contribute a substantial surplus—roughly $29 billion in 1983—to the balance of payments.

Our recent strong performance in services trade is no cause for complacency, however. While exports of services continue to grow absolutely, the U.S. share of world invisibles trade has fallen from 25 percent in 1969 to 21 percent in 1979. Moreover, this general trend is repeated in specific sectors such as banking, construction, engineering, insurance, and transportation. Other countries, attempting to build or protect fledging services industries, have begun to devise methods to stem foreign services supplies.

It is clear we must begin to work now if we are to guarantee a continuing predominant role for U.S. service industries in the world economy. We must lay the groundwork now for international discipline in the treatment of services trade.

This legislation represents an important step in the direction of insuring open markets for services trade. It sets negotiating objectives for multilateral negotiations on services trade and provides congressional support for negotiations; brings services imports clearly under the U.S. trade laws on unfair trade practices; establishes procedures for effective coordination of services trade policy within the Federal Government; sets up a Services Industry Development Program within the Department of Commerce; provides for close coordination with States in developing services trade policy and assistance to States on services trade issues.

I believe this legislation is crucial in our efforts to expand our export performance in the services sector. It is time we stop treating services as an afterthought and begin to consider what international rules would best promote free and fair trade in the ever-growing service sector.

● Mr. PRYOR. Mr. President, I should like to engage briefly in some discussion with the bill manager regarding the authority provided in this bill for negotiations with the Government of Israel on the establishment of a free trade agreement.

I support this authority and participated actively in discussions of this and other aspects of the trade bill in the Finance Committee; however, I do have some concern about the effect of these negotiations on the domestic bromine industry.

It is my understanding that the U.S. Trade Representative has expressed the U.S. position that articles which the ITC has found to be import sensitive will not be subject to duty-free importation during the period of the proposed authority, which expires January 3, 1988. If in the future there is a proposal to expand the coverage of the agreement, the ITC will review these articles to determine if they remain import sensitive. Further, the Congress would have to approve any new authority to expand the scope of the agreement. Could the manager indicate his understanding about this matter?●

Mr. DANFORTH. Mr. President, if the Senator from Arkansas will yield, I should like to acknowledge the accuracy of the position he is taking. We must proceed carefully with regard to any tariff agreement; certainly industries that are subject to significant adverse economic impact from increased imports of the goods they produce should not normally be subjected to the elimination of duties on those goods; in this case, for example, bromine chemicals and certain agricultural products. It is my intention, and I will press this point in the conference committee for inclusion in the statement of managers, that as long as the ITC finds that certain goods are import sensitive, it would be inappropriate to reduce duties on them.

I would note that any agreement with Israel negotiated under the authority of this bill must be sent to the Congress for legislative action. I would further note that, as the Senator and I have discussed, the authority under which the Israel free trade agreement will be negotiated will expire in a little more than 3 years. As a result, any reductions in tariffs on import-sensitive articles, beyond those initially agreed to, could only be negotiated with new statutory authority. I make these points to make clear that there will be other opportunities for the Senator to press his concerns, as the need arises, and to assure the Senator that no further tariff reductions would be made without full congressional consideration.●

● Mr. PRYOR. I appreciate the comments of the distinguished floor manager.

The domestic bromine industry plays a major role in the economy of South Arkansas, particularly Union and Columbia Counties where about 85 percent of domestic bromine production takes place. Bromine production means jobs in south Arkansas and unrestricted importation of import

sensitive products would significantly and adversely affect the economy.●

● Mr. PELL. Mr. President, I am supporting H.R. 3398, the miscellaneous tariff, trade and customs bill because I believe, on balance, that the bill is in the national interest and because I am persuaded that adequate provision is being made for local interests which might otherwise be adversely affected.

Most of our attention has quite properly been focused on that portion of the legislation which authorizes the negotiation of free trade agreements with Israel and Canada. Inevitably, the prospect of across-the-board duty reductions with any country raises the possibility of adverse impact for some domestic industries. In this case, I understand that the International Trade Commission has studied the possible adverse impacts of free trade with Israel and has identified several products and commodities which might suffer undue market disruption should existing trade restraints be abruptly removed.

Because of the GATT requirements that the free trade agreements contemplated by this bill must cover substantially all trade between the two parties, the U.S. Trade Representative and the managers of the bill have understandably sought to avoid amendments to exempt certain items from negotiation. Instead, they have sought to assure that other special consideration would be given, such as a temporary moratorium on removal of restraints or a more slowly paced reduction in barriers.

A clear example of potential adverse impact is provided by Rhode Island's jewelry industry, and in particular that portion of it which produces gold chain. Israel exports 85 percent of its jewelry production and gold chain is the largest component of those shipments, holding a 60-percent share of the U.S. market. It was with those considerations in mind that I sponsored, together with my distinguished colleague, Senator CHAFEE, an appearance before the Senate Finance Committee last February by Matthew Runci, assistant executive director of the Manufacturing Jewelers & Silversmiths of America, based in Providence. We have been given assurances that the special problems of the Rhode Island jewelry industry will be given special consideration in the course of negotiating an agreement, and I have every reason to believe that these assurances will be honored.

Similarly, with respect to textiles, there is a mutual desire to avoid specific exemptions to this bill and to protect the interests of the industry by a moderate phasing-in of free trade circumstances. An Israeli agreement to subscribe to the GATT prohibition against subsidizing its domestic industry will add further assurance that future free trade with that country would indeed be fair trade.

Rhode Island also has a special interest in the bilateral negotiations with Canada which would be authorized by the bill. Free trade with Canada in fisheries products could be devastating to New England because of Canada's subsidization of its fishing industry. I am relieved to note that fishery products do not appear to be on the agenda of bilateral negotiations at this time, and I hope that they will stay off the agenda for the future.

Conversely, I am pleased to have Ambassador Brock's assurances that the negotiations with Canada will take into account the problems of our Rhode Island woodworking and cabinetmakers, whose domestic markets are already flooded by Canadian products but who encounter high tariffs when they try to export to Canada.

In summary, Mr. President, I must note that the Senate is being asked to take many assurances on good faith in the interests of approving this bill in acceptable form, that is without exclusionary amendments. I have every confidence in Ambassador Brock and therefore have no reason to believe that our good faith is misplaced. But I would note that any agreement negotiated under the authority granted by this bill must be submitted to this body for approval. When that time comes, we will each have an opportunity to confirm whether the various assurances which have been given will have been kept to our satisfaction. In the meantime, we should grant authority to proceed with the negotiations.

Negotiation of free trade, especially with Israel, is a logical extension of our mutual ties of friendship and comity. The United States already is Israel's single largest trading partner, and approximately 90 percent of Israel's exports already enter this country duty free because of existing but variable systems of preferences. Israel seeks to stabilize that arrangement and to assure her U.S. export markets, and we could hardly wish for less for such a staunch ally and friend.

At the same time, the United States has something to gain by the agreement, since over 40 percent of U.S. exports to Israel are presently dutiable. If duties are eliminated, we could expect a substantial increase in the volume of U.S. exports from the 1983 level of $1.7 billion. So on all accounts, the administration's eagerness to secure passage of this bill is understandable.

But I would be frank to say that the bill as initially presented posed a special problem for the State of Rhode Island. Although imports from Israel constitute only 0.5 percent of total U.S. imports, that small segment has been narrowly focused on Rhode Island's jewelry and textile industries, which already have had to bear far too great a burden of foreign competition. These two industries—Rhode Island's largest employers—deserve every reasonable shield from undue foreign incursion of their markets, and I would not have been able to lend support to the bill were it not for the considerable assurances which have been given on their behalf. I am reasonably assured that they will not be adversely impacted by the negotiations authorized by this bill, but, as I have indicated, reserve my right to oppose any resulting agreements that fail to take their needs into account.●

● Mr. RUDMAN. Mr. President, I would like to offer my sincere appreciation to the distinguished floor managers and the Senate leadership as we approach final passage of H.R. 3398. This bill represents a positive and constructive response to the fundamental problems being faced by high technology industries in the international marketplace.

I am particularly pleased that the high technology tariff negotiating authority mandated in section 308 has won the approval of the Senate. This provision will enable our Government to eliminate its tariffs on semiconductors and parts of computers—a goal supported by U.S. high technology manufacturers of these products.

This section is especially important to my constituents in the State of New Hampshire. I would, therefore, urge the Senate conferees to ensure these provisions are included in the conference report on H.R. 3398—and look forward to a conference which will address the important concerns of U.S. high technology.

It is clear that the strength and vitality of the U.S. economy will depend significantly on the health of our high technology industries. We must move toward an international trading system that provides U.S. industries with the maximum opportunity to meet the critical challenges of the international marketplace and to provide for continued innovation and growth.

Negotiations between our Government and the Government of Japan in the High Technology Working Group [HTWG] have already resulted in a bilateral agreement to eliminate tariffs on semiconductors. The Japanese Diet has already voted to implement elimination of its semiconductor tariff upon comparable U.S. action. Yet until today, our Congress has not granted the President this authority.

As soon as reduction of tariffs has been negotiated, Japanese and American high technology goods can compete in an environment closer to the ideal of a level playing field without protectionist intervention. Manufacturers of computer parts and semiconductors in all nations must constantly

innovate in order to remain on the cutting edge. In order to maintain a high level of innovation, large investments must constantly be made, yet interest rates in the United States are often twice as high as in Japan. Removal of the 4- to 5-percent duties on these high technology products would eliminate an unnecessary cost to the industry. Removal of foreign tariff barriers, moreover, would permit the industry to invest millions of dollars previously allocated for payment of import duties in R&D and new manufacturing facilities.

For the various reasons I have described here today, I would urge the Senate to seek the final enactment of H.R. 3398, including the high technology tariff negotiating authority present in section 308.●

● Mr. ARMSTRONG. Mr. President, with all the talk in Washington about import quotas, domestic content legislation, countervailing duties, and other barriers to international trade, it is refreshing to see there is at least one piece of legislation moving through Congress to reduce, not increase, trade barriers. This is the bill now pending before the Senate to authorize negotiations for a free trade area between the United States and Israel.

From time to time we have flirted with protectionist trade policies and the almost inevitable result has been bad for our country and the world economy. The most notable example in our history is, of course, the Hawley-Smoot Tariff of 1930, under which duty rates were rasied to an all-time high of over 52 percent on imports—setting off a firestorm reaction with our trading partners around the world and certainly further depressing the already depressed world economy.

So while there is good reason to be alarmed at the recent drift in national debate toward restrictive trade policies, there is also a bright note in the growing support for the free trade area bill.

A free trade area agreement means an agreement to substantially eliminate all tariffs or duties and other restrictive regulations on trade between the two countries. In past years, such agreements were called customs unions.

The idea of establishing a United States-Israel free trade area was first proposed by the Government of Israel in 1981 and last November President Reagan and Prime Minister Shamir agreed to begin negotiations on this project. Because legal authority for the United States to negotiate such agreements expired in 1980, the first step is to adopt new legislation to authorize the negotiation of trade agreements. Senate bill S. 2746 was introduced for that purpose and I am supporting the bill as a cosponsor. S. 2746 has been included in omnibus trade reform legislation. With the eventual enactment of this legislation and successful negotiation of the agreement, this would be the first free trade area entered into by the United States.

U.S. exports to Israel are valued at $1.5 billion to $1.8 billion a year—exclusive of military trade. But, 40 to 45 percent of our exports are subject to Israeli tariffs averaging 10.5 percent. Clearly an elimination of these import duties will make our products more attractive and give us the opportunity to increase our export sales.

At the same time, we are facing increased competition for the Israeli markets from European countries. The European Economic Community [EEC] and Israel are phasing in a trade agreement which has led to increased sales from the EEC and a drop in U.S. exports. This EEC/Israel agreement will be in full force by next year. Clearly we need to act quickly to meet the competition, both to preserve our existing markets and to encourage expanded sales. U.S. industries expected to benefit from a free trade area agreement with Israel include grain farmers, computer firms, manufacturers of electrical equipment, office machinery, telecommunications equipment, and paper products.

The immediate benefits to Israel from an FTA would also be the elimination of the remaining duties on products they export to the United States. At the present time, close to 90 percent of the products we import from Israel come into this country duty free; the FTA agreement would permit duty free access for the remaining 10 percent. But for Israel, the greater benefits are in the future.

Under other trade agreements, the U.S. import share of duty free goods from any one country can't exceed 50 percent. Thus for certain goods, Israel is limited in what it can produce and sell to the United States to stay within the 50-percent limit. There are also dollar limits placed on the volume of duty-free imports. An FTA agreement would remove these restrictions and thus open additional markets in this country for Israeli exports. A few have argued that even though U.S. exporters will gain unrestricted access to the $8 billion Israeli import market, Israel will gain unrestricted access to our much larger markets. In his testimony, U.S. Trade Representative, Ambassador William Brock, offered the answer to that criticism:

> Some people may claim that this bill does not look like a fair deal when one considers Israeli access to our market. However, the fact of the matter is that the size of the Israeli market and economy effectively limit their ability to take undue advantage of the U.S. market.

Mr. President, I urge immediate passage of this important legislation.●

Mr. HELMS. Mr. President, this bill is quite complex, and I commend the able Senator from Kansas [Mr. DOLE] and the able Senator from Missouri [Mr. DANFORTH] in particular for so effectively dealing with its many aspects.

I support this bill, Mr. President. Many of the provisions are commendable. In fact, I proposed one of the bill's provisions to help a small company in North Carolina. I cosponsored a number of other amendments that were adopted. However, while I shall vote in favor of this package, there are a number of aspects of the legislation about which I do have reservations.

As chairman of the Senate Agriculture Committee, I have been watching this legislation very closely from the agricultural trade perspective. I was pleased by the approval of an amendment providing for producer standing before the International Trade Commission. I was pleased to be a cosponsor of this amendment, which was offered by the able Senator from California [Mr. WILSON].

Specifically, it would provide an opportunity for agricultural producers to have a full and fair hearing before the ITC when the Commission considers trade disputes. The provision does this by changing the definition of "industry" so that producers will have standing to challenge unfair foreign trading practices involving processed agricultural commodities.

Mr. President, I can understand how proponents of the free trade arrangement feel it will strengthen Israel economically, and further enable the Israelis to stand as a front-line defense against Soviet aggression in the Middle East. However, I am sensitive to some concerns which the agricultural community has raised about the proposed "Free Trade Zone."

In particular, I have heard from producers of commodities such as cut flowers, tomatoes, citrus, avocados, and olives. The current trade balance for horticultural products between Israel and the United States tilts overwhelmingly in favor of Israel. In 1982, for such products, U.S. exports to Israel were $6.3 million compared to imports from Israel worth $36.1 million. Unfortunately, some of this imbalance can be attributed to export subsidies on the part of Israel.

I am pleased, however, to see that a number of the concerns of producers of these commodities have been addressed. An amendment added by the Senator from California [Mr. WILSON], would require that any free trade arrangement contain a provision against transshipment. Further, the amendment would establish fast track relief procedures similar to those in the Caribbean Basin Initiative. These procedures will provide producers of sensitive horticultural products almost an immediate remedy when it is determined that a section 201 action is

likely to be affirmatively decided, pending a full investigation by the ITC.

Mr. President, any agreement with Israel negotiated under the authority of this bill must be sent back up to Congress for legislative authorization. Congress will have final say over approval of the agreement, and I know that there will be a number of us who will strenuously raise objections if the arrangement leaves farmers prey to unfair trade practices, or sets precedents which may be used in the future to threaten other domestic agricultural industries or, for that matter, our textile workers.

Included in this legislation is a committee amendment providing for a 10-year reauthorization of the "Generalized System of Preferences." The GSP affords duty-free tariff treatment to products from developing countries, subject to certain conditions and limitations. This program was authorized as title V of the Trade Act of 1974.

Agriculture does have some concerns about this provision. Many of these concerns were addressed in a letter Ambassador Brock sent to the Senator from California [Mr. WILSON]. This letter was reprinted in yesterday's RECORD.

I do find it particularly disturbing, though, that some of the nations which receive favored treatment under GSP use export subsidies and other unfair trade practices to displace sales of American farm products. Two nations which come to mind are Brazil and Argentina.

Over the past few years, Brazil has dramatically increased its share of the world poultry and soy product markets with the help of a complex system of tax incentives, subsidized financing, price controls, quotas, export rebates, and income tax controls. In order to stimulate its exports, the Government of Argentina has instituted a system of direct and indirect taxes which are rebated to exporters of such products as apple juice.

However, GSP does have a track record of building markets for our farm exports. The program has helped promote economic growth in developing countries, enabling them to build the wealth necessary to purchase our farm products. Two of the major GSP beneficiary countries are Taiwan and Korea. Both of these countries are among the top 10 purchasers of our agricultural commodities and products. Korea, I might add, purchases more than $1.5 billion from our agricultural industry annually.

Then, Mr. President, there is the serious problems currently faced by a leading industry of my State of North Carolina and nearly every other State in the Union: the U.S. furniture manufacturing industry.

In my State alone, the furniture industry employs 92,851 people. Total U.S. furniture industry employment is 275,000. In recent years this industry has undergone significant changes due to increasing imports. The growth in imports and its resulting effect on the industry were most documented in a recent study by the International Trade Commission. In 1983, furniture imports totaled $1.8 billion. Between 1982 and 1983, imports grew at nearly twice the rate, 26.9 percent—of U.S. production, 14.8 percent. Current statistics show a growth rate in the range of 45 percent between 1983 and 1984.

This industry is not dominated by a few large companies reluctant to make changes in order to compete with their offshore counterparts. It is an extraordinarily competitive industry comprised of 4,500 plants, the vast majority of which employ fewer than 100 workers. These plants, often situated in remote areas of the country, frequently offer the only nonfarm means of employment. No one company holds more than 4 percent of total sales, and profit margins are slim, since 1978 profits have averaged below 3 percent.

Mr. President, furniture manufacturing is not a high technology industry. Each piece of furniture demands a high degree of individual attention. Many of the furniture workers employed in our States learned their skills from parents or grandparents; their work really is an art. The finished product is considered superior throughout the world.

American furniture manufacturers are willing to compete domestically and internationally given a fair basis for this competition. Unfortunately, that fairness does not exist.

Furniture coming into this country is levied duties as low as 3.4 percent. Contrast this with furniture duties in our few major overseas markets: Canada, 16.9 percent; Mexico, 50 percent; Australia, 30 percent; Egypt, 100 percent. If this is not enough of an advance for the importers, all residential furniture items are eligible for Generalized System of Preferences—duty-free—benefits. For some furniture production categories as much as 75 percent of total imports come into the United States duty-free.

I am not here today to ask for special protection for the U.S. furniture industry. At the same time I must be reassured that this industry, so important to the State of North Carolina, is going to see an end to a trend in which furniture imports have increased by 154 percent over the past 5 years and U.S. furniture employment has dropped 15 percent.

I will be watching what our U.S. negotiators do to put furniture trade on a fair basis, particularly with our major trading partners such as Canada. I propose no legislation at this time, but I reserve the right to do so in the future if steps are not taken to relieve our domestic furniture from the flood of imports.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The committee amendment, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama [Mr. DENTON], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Iowa [Mr. JEPSEN] are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] and the Senator from Iowa [Mr. GRASSLEY] would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] is on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—96

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baker	Gorton	Nunn
Baucus	Hart	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Bingaman	Hawkins	Pressler
Boren	Hecht	Proxmire
Boschwitz	Heflin	Pryor
Bradley	Heinz	Quayle
Bumpers	Helms	Randolph
Burdick	Hollings	Riegle
Byrd	Huddleston	Roth
Chafee	Humphrey	Rudman
Chiles	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Simpson
Cranston	Kennedy	Specter
D'Amato	Lautenberg	Stafford
Danforth	Laxalt	Stennis
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Long	Thurmond
Dole	Lugar	Tower
Domenici	Mathias	Trible
Durenberger	Matsunaga	Tsongas
Eagleton	Mattingly	Wallop
East	McClure	Warner
Evans	Melcher	Weicker
Exon	Metzenbaum	Wilson
Ford	Mitchell	Zorinsky

NAYS—0

NOT VOTING—4

Denton	Inouye
Grassley	Jepsen

So the bill (H.R. 3398), as amended, was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BENTSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DANFORTH. Mr. President, I move that the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. ABDNOR] appointed Mr. DOLE, Mr. PACKWOOD, Mr. ROTH, Mr. DANFORTH, Mr. LONG, Mr. BENTSEN, and Mr. MATSUNAGA conferees on the part of the Senate.

Mr. BAKER. Mr. President, I take this opportunity to congratulate the distinguished managers of the bill, the Senator from Missouri in particular, who has been so insistent for so long that this matter be presented. To make an honest confession, I thought that even if we brought this bill up, we would probably never pass it, but we have. I think it was well worthwhile. I wish to congratulate the Senator from Missouri for a job well done.

The Senator from Texas as well has managed his side of this debate in an exemplary way, as testified to by the fact that not a single Senator on either side of the aisle voted against final passage of this measure. We were on the bill for 4 days. We considered 50 amendments and final passage. It is a major piece of legislation. I thank all Senators for their cooperation.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, I also want to commend the distinguished managers of this trade bill on both sides of the aisle, Senators BENTSEN and DANFORTH, as well as the chairman and ranking minority member of the Finance Committee, Senators DOLE and LONG. This bill contains several important changes to existing law including a provision to assure the survival of the ferroalloy industry, which is important to the defense of the Nation and the economy of several States, including West Virginia. Without their determined persistence and very effective management of this legislation, there would not have been a bill. I congratulate them on having worked with a large number of Senators to reach an amicable resolution of numerous contentious issues. Revising tariff schedules tests the mettle of a legislator—it is tedious, extremely specialized, and potentially divisive in every direction. They have my compliments.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BAKER. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I want to associate myself with the remarks of the distinguished majority leader and compliment both the Senator from Missouri and the Senator from Texas.

We have not passed a trade bill since 1982, and this has been gathering amendments for a couple of years. It is going to be a pretty heavy load to carry to conference, but I think Senator DANFORTH and Senator BENTSEN have demonstrated that they can handle it.

It is very important legislation, and we want to thank the majority leader and the minority leader for letting us bring up this bill and complete it.

At the last count, I think there were 70-some Senators who have an interest in this legislation, and there probably are more than that since amendments have been added in the last couple of years.

So I thank the majority leader and the minority leader, and above all, I thank the chairman of the subcommittee and Senator BENTSEN.

FEDERAL-AID HIGHWAY ACT OF 1984

Mr. BAKER. Mr. President, I indicated previously that the next order of business of the Senate would be the highway bill.

I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 995, S. 2527.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. HECHT. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. BAKER. Mr. President, to clarify the situation, a unanimous-consent request was put to proceed to the consideration of the highway bill, and an objection was heard.

Mr. President, I move that the Senate proceed to the consideration of S. 2527.

Mr. DIXON and Mr. HECHT addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. DIXON. Mr. President, I would have to speak, reluctantly, against the motion to proceed to the consideration of the highway bill at this time.

I am advised that my distinguished senior colleague from Illinois, Senator PERCY, will be on the floor shortly to join me. We are prepared to discuss at great length our objections to this bill, which are substantial in number.

May I suggest to my distinguished friend, the majority leader, that I do have some amendments here—only perhaps 75 or 100 at this time—but we are assiduously working on others. I think that, in due course, we will have enough to get across the point that my State is treated in a very grievous manner in this bill, one that is totally unacceptable to our Governor, who is of the opposite political faith to myself, and my distinguished senior colleague.

My friends in this place should understand that for over three decades my State has been suffering an extremely disturbing dollar drain. Last year, we sent a dollar down here for every 75 cents we got back. We recognize that that is bad economic business, and we came here to object to it.

I want to thank the distinguished chairman of the committee, my friend, Senator STAFFORD, who I see on the floor, and my warm friend and great idol, the ranking minority member and former chairman of the committee, Senator JENNINGS RANDOLPH. Both were kind enough to give a hearing to our distinguished Governor, Governor Thompson, and Senator PERCY and me. We discussed with them at great length our concerns.

I am prepared to lay before this body, for whatever amount of time is necessary, the concerns that are shared by Senator PERCY, Governor Thompson, me, and all the good people of Illinois about this bill.

I want to be very candid. I have no objection to the bill ultimately, if Illinois is protected in its rights, as it has been in the past, prior to the adoption of the offensive amendment in committee; nor do I have any objection, incidentally, to supporting the President of the United States and this administration, which has asked for a clean bill. If we have a clean bill, clean ICE, this Senator could vote for that. Or I could vote for the bill if the point of view of our State was accommodated—which is not that we want more but that we do not want to lose any further funds.

I have the warmest personal affection for the majority leader, who has a responsibility to go about his business here, and I am prepared to do that. I want both the majority leader and my warm friend the distinguished minority leader to understand that we in Illinois are accommodating people, and we would be delighted to accommodate our colleagues if we are accommodated.

So I am prepared, I say to the majority leader, to speak at some length about this motion to proceed, whenever he is ready; and I am told that my warm friend and colleague, the senior Senator from my State, is prepared to come here and be heard as well.

I wonder whether the majority leader wants to engage in any dialog about that question, or would he just like to hear my melodious voice at great length for the balance of the afternoon? I am prepared, of course, to talk about some things of concern to us.

I see my warm friend from North Carolina listening with great interest. He would understand my alarm. There

are 23 States in the Union which, every year, send down more to this place than they get back; and as a fiscal conservative, I am concerned about that. My State has been sending down more than it gets back since I was a little boy in knickers, and it is still getting back less than it sends down here. We got back 75 cents on a dollar last year, so I think that when folks come here to cut back on States, they should not pick on States like mine.

I think my friend from Wisconsin, who is a cosponsor of my 90 cents on a dollar bill, would understand my alarm.

In the newspapers in my State, this is all they talk about. They rightfully raise a lot of Cain about it, and they do write a lot of articles about it.

Every time a Member from my State is up for reelection, whether a Republican or a Democrat, a Member of the House, or a Member of the Senate, he or she spends most of the time in the campaign trying to justify why we get whipsawed so badly. I just got sick and tired of justifying that and decided to do something serious about it, and I introduced a bill last week that would guarantee to the 23 losing States that they get back a reasonable sum of money with respect to what they send down here.

Why, I ask, should Illinois, which has 8.7 percent unemployment, 500,000 unemployed people, farmers going broke morning, noon, and night, soup lines in the city of Chicago, and people sleeping in the streets—why should Illinois support the country? How about us?

This bill, to which my friend the majority leader wants to proceed, contains an amendment that actually cuts back my poor State. It is like taxing the poor to support the rich.

We are eating awfully low on the hog now, I say to my friend from North Carolina—mighty low on the hog. We do not want a full meal. We would just like to have a light lunch once in a while. But, apparently, there is presently no inclination to discuss our concerns. I regret that very much.

Those here who have done business with me, I think, know me to be a reasonable man, and I would be delighted to accommodate the point of view of everybody here. But let me assure my colleagues that I am ready to go to the bill once we get finished with the discussions. There are several amendments I thought I would start with today.

This is not a very ambitious beginning, I realize that, but it will do until we get down to serious work.

The history of my State has been that we have been shorted for a long time. Now you probably will not believe this, but the second biggest city in our State, Rockford, at the northern part of our State, has a two-lane highway—I did not say a three or four or six—I said a two-lane highway to go south through Illinois. If you have never been in Illinois, I want to tell you it is a long State. From Rockford to Cairo is a good day's trip. You have to do it by two-lane highway out of Rockford. And this money being taken away from us is to make that two-lane road a four-lane road so it does not drive out into a cornfield like it does now.

Now, when you go east and west in Illinois, if you want to go through Decatur and Springfield on over through Jacksonville to Quincy, you can hardly get there. You know what they call the area around Quincy, IL? My friends, they call it "Forgottonia." They call that area Forgottonia. That is because they have been forgotten because no one can get there by car. When you take this money, if I let you do it, they are going to make me mayor of Forgottonia and I do not want that job.

So, I know that my good friend from Texas, for whom I have the greatest personal affection, will understand that my senior colleague and I do not want to be considered the people who gave a final name of Forgottonia that will last in the history of the world forever to western Illinois around Quincy.

Senator PERCY and I would like to see them get their road and we would like to see people go up Route 51 on four lanes to Rockford, the second biggest city in Illinois.

Now, I am glad to see my senior colleague here, and I know he will want to talk in a little while against proceeding to this bill, but let me say this: Illinois is a great State. Illinois, as you might know by the fact that my colleague and I are of different political persuasions, is a true two-party State with people of both political persuasions in it. In Congress we are divided almost equally, 12 Democrats and 10 Republicans in the House of Representatives in our delegation and in the Senate a Republican and a Democrat. Our State officials are almost evenly divided between Democrats and Republicans at the State level. And we are all in agreement that this bill is unacceptable to us.

I want to read you something: The provision in the committee bill will cost Illinois $30 million in fiscal year 1985 and $27 million in fiscal year 1986.

Now listen to this:

> Illinois interstate transfer funding fell by $136 million from fiscal year 1983 to fiscal year 1984.

Now, my friends, just think of that. Here is a State which lags behind the Union in employment. Incidentally, of the 50 States, with the exception of Pennsylvania, we owe more money to the unemployment compensation fund at the Federal level. We have been broke so long and poor so long that we cannot pay the Government what we owe them.

We are in dire circumstances, and you want to take what little we have remaining, and we cannot stand for it.

Now, you know I want to say this: Do you think ALAN DIXON is an unreasonable man? I want to tell you something. I offered an accommodation here on this bill along with my distinguished friend and colleague, Senator PERCY. We offered a compromise under which Texas and every other State would do better. It would not undermine my colleague's amendment. It simply ensures that we will not lose any money, not that we get more, not that we get one single solitary farthing more, but that we will not lose. It holds my State harmless.

Now someone would say, "Oh, I do not think we have ever done that before." Well, we did it in 1982 for just this kind of a situation. Just in 1982 we did it. The compromise on the formula for the primary program also lets States get either the new formula or the old one, whichever works better for them. That is what I am going to call the Dixon-Percy amendment. Is that all right with you, Senator, if I call it the Dixon-Percy amendment for now? Well, I think it is all right with my colleague. So I will call it the Dixon-Percy amendment. Now when you talk, Senator, you can call it the Percy-Dixon amendment.

This amendment would hold us harmless.

Now, we are willing at any moment to accept this bill if we are held harmless, and I think I speak for my distinguished colleague and friend when I say that we are willing to accept a clean ICE. We are willing to have a clean bill. That is what the President wants anyway.

Let me say that I understand that my colleague is a very busy man, chairman of an important committee here, and has other obligations and is a candidate this year himself, has some other obligations right now. I wonder whether my colleague would care to comment upon my views concerning this motion to proceed on this question.

May I ask unanimous consent of my colleagues that the interruption of my remarks by my distinguished senior colleague from Illinois not constitute a second speech under the two-speech rule?

The PRESIDING OFFICER. Is there objection?

Mr. DIXON. Then I will be delighted to yield to my warm friend, the distinguished senior Senator from Illinois who has equal concerns to mine on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. I thank my distinguished colleague very much indeed. We have spent a great many hours together on this legislation.

We met recently here in Washington just a few days ago with the Governor of Illinois, Jim Thompson, and John Kramer, our State secretary of transportation, and we have had discussions with members of this committee, and I emphasize that in my view there should be considerable conversation that must be carried on in this bill on S. 2527, the Federal Aid Highway Act of 1984, not only because of its importance, but also because of its tremendous impact on many States.

I say to my distinguished colleague, who has been very active on highway matters, and is now the floor manager of this bill, the distinguished colleague from Texas, Senator BENTSEN, here is a matter where, though we have had differences of opinion, I believe we can work amicably together. If I could have Senator BENTSEN's attention for just a moment. Though I have had a difference of opinion with Representative PAUL SIMON on a number of issues in the contest that we have underway, the entire Illinois delegation is absolutely unanimous in its agreement on this issue when ALAN DIXON and myself speak on this issue, we are joined in spirit by every single member of the delegation and we are most specifically joined by the distinguished Congressman from the 22d District of Illinois because certainly he has in his district more roads, more miles than any other Congressman because of the size of that district.

We all have a stake as members of that delegation in seeing that the highway system of Illinois is continued. We have a program underway to which we are totally committed. We have the most devoted Governor. As everyone on the Public Works Committee knows, our secretary of transportation is an extraordinarily gifted man. He, working together with the Governor, has given us a transportation program and we have based our future economic development on that program.

I feel very strongly that there are certain things that must be said today and tomorrow and the next day at considerable length if necessary.

Mr. BENTSEN. Will the Senator yield to me? May I reply? I am not trying to take the floor.

Mr. PERCY. I am happy to yield if I do not lose my right to the floor.

Mr. BENTSEN. I have no objection to that.

The PRESIDING OFFICER. Does the Senator yield for a question?

Mr. BENTSEN. For a statement and reply and if there is no objection, I will yield back to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Let me tell you what we are faced with here. We have my two colleagues, friends from Illinois, who have an amendment they want us to accept. In effect, what they are saying is, "If you don't accept it, we are going to filibuster." And if we do that, we have a long line of them out there that want to do the same thing.

In effect, they are saying, "We are holding a gun to your head and you are not going to proceed unless you take this. What we are saying to you is we are not willing to submit our amendment to debate on this floor and a vote up or down. We want you to take it or you cannot go ahead with this bill."

That is one of the things that is happening to this institution and that is one of the deteriorations of this institution, that you have to have unanimous consent to get things done; and I am tired of it. If this body is going to be effective, then we ought to stay within what would be considered the rules of procedure that will allow us to proceed and a majority prevail.

Let me say to my friend, I know what it means to be a donor State. My State has been a donor State for as long as I can remember. I am the author of the amendment that finally got it up to 85 percent for everyone. Your State has been a donee State, except for 2 years, and for a long period of time you have fared very, very well.

We have now tried to bring some equity in this program. I am quite willing to debate your amendment with you. I would be delighted to see the Chair recognize you and let you speak to the merits of your amendment and we will give our side of it.

We considered your situation in the committee, the committee with your party in the majority. What you have seen is a bill that we think is a fair and equitable bill.

We see a situation in the House where they are loading it up with projects for individual districts—pork-barreling it up to here. We are trying to bring an end to that. We are trying to see that we have a bill that stays within the highway trust fund and that will try to insure the Interstate System which is rapidly deteriorating. It is now some 25 years of age, a great deal of it, where costs of repair have increased very substantially. All of that has been taken into consideration.

But I can name you 50 projects—big ones—where a Senator wants to go back to his State and say, "I have got this one above and beyond what the formulas provide for."

I understand the motives, but I do not think we can settle for that approach any longer. I think it is time that we tried to put an end to it.

My friend, I am ready to let this bill go down. You chose the wrong fellow to take on. I would like to pull the bill down if that is what it comes to, because if we give in to this one, we will face a whole list of others.

And I understand your concerns. I understand both of you in that regard. But you have individual problems in any one of these States and I do not think we should give in to that kind of coercion.

I thank my friend for yielding.

Mr. PERCY. I thank my colleague for his comment and his righteous indignation.

I would just like to ask my colleague what he would do if, on the floor of the Senate, we had a bill that would do to his State of Texas what you are doing to the State of Illinois? I cannot imagine——

Mr. BENTSEN. I will tell you what I would like to do—you are asking me—I would like to——

Mr. PERCY. Let me put on the record first what is being done. I have the floor.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. PERCY. Let me put on the record what is being done. Just picture this happening to Texas. And if you are angry and upset now, let me tell you you would be more so if you stood on the floor of the Senate at a time when we were about to put a bill on the floor that would do what is being done to the State of Illinois.

The interstate transfer funding to Illinois dropped 50 percent—50 percent—from $274 million in fiscal year 1983 to only $138 million in fiscal year 1984. The Senate bill compounds these losses by changes to the 85-percent minimum provision which would cost Illinois over $30 million in fiscal year 1985. In these two programs, Illinois' annual loss amounts to nearly $170 million.

That figure, I say to the Senator, exceeds 25 percent of Illinois' Federal funding. That is absolutely devastating to our State.

Now, in the meeting that was held last week, we offered a hold-harmless provision—let each State choose either the new formula, the Bentsen formula, or the old one, whichever suits it best.

No one is more aware than myself of the great need to extend the interstate cost estimate and the interstate substitute cost estimate. When Congress passed the ICE and ISCE in March, I was strongly supportive of the legislation. I mentioned during my remarks on the floor of the Senate my utter frustration with the delay in the ICE authorization. Let me just read what I said on March 2, 1984, on the floor of the Senate:

> The consequences of this delay go beyond the inconvenience caused to travelers on Illinois highways. It means that Illinois contractors who work on our Interstate System are losing millions of dollars, slowing the

economic recovery and contributing to unemployment. It means that the Illinois companies which produce limestone and crushed stone—the resources which go into our roads—have been left with depressed sales, Illinois construction machinery firms, which make many of the machines used to build the Interstate Highway System nationwide, have also seen their income drop with the ICE holdup. In this sector as well, millions of dollars in sales have been lost and, again, the brightening job picture in this industry has been somewhat dimmed.

Mr. President, those were my remarks over 6 months ago. Today we are again considering the reauthorization of the interstate cost estimate, the mechanism by which Congress releases highway funds to the States.

Ironically, I find myself not in the fullest support of this bill because of some provisions within it which will prove very damaging indeed to our State of Illinois.

This is why Senator DIXON and I are joined together in a bipartisan effort, joined by the entire congressional delegation from Illinois, and are absolutely determined that this catastrophe cannot happen to us. In fact, while earlier in the year an ICE extension helped the Illinois economy, the passage of this piece of legislation may well hurt my State rather than help it. In fact, it will. I feel compelled, therefore, to further explain my position to my colleagues, and to my distinguished colleague with whom I have had the most amicable and friendly relationship through the years. We differ very, very infrequently. But on this one, certainly we have a very, very strong difference of opinion. I hope and I trust that when the distinguished Senator takes a look at what is happening to Illinois he will picture what would happen if Texas were in our boots. What would be the Senator's reaction? On this side of the aisle, what would be the reaction of Senator TOWER if Texas were in the same position that Illinois is in today?

Mr. President, section 122 of this bill changes the minimum allocation formula to include the prior year's discretionary allocations and formula funding in the calculations for 85-percent minimum allocations. The minimum allocation program guarantees each State a minimum return of 85 cents in formula funding for each $1 contributed to the highway trust fund. Under current law, 10 States including Illinois will receive funds in fiscal year 1985 under this program. Section 122 of S. 2527 will increase allocations to 11 States by a total of $212 million. However, two States will lose $31 million in fiscal year 1985, with my State of Illinois accounting for $30 million of that loss.

In other words, we have 30 out of the $31 million; the other States have $1 million, and we have $30 million. In fiscal year 1986, Illinois will lose another $27 million. In fact, section 122 would make Illinois ineligible for any 85-percent minimum funds for any year that the State used discretionary funding for highway projects. This is not fair.

I will remind my distinguished colleague that the point has been made time and time again throughout the State by Representative PAUL SIMON that Illinois is 50th out of 50 States in Federal funds. That is not true. His statement is wrong on a per capita basis. It is wrong, and the Director of the Census has certified to that. It is 34th. But it is still certainly not first, second, third, fourth, fifth, on through 33d. It is 34th.

Going back to section 122, it would make Illinois ineligible for any 85-percent minimum funds for any year that the state used discretionary funding for highway projects. If section 122 is passed, the cost will be $181 million in fiscal year 1985 alone. This makes it the most expensive single item in the Senate bill.

Mr. President, Illinois has made tremendous progress on our highways. We have worked closely with this committee. We have publicly commended this committee many, many times for its insight, for the incentive system that it provides; and we have been complimented by this committee and its distinguished members for the way that Illinois has developed its programs, facilitated and expedited, construction and always been ready to move ahead in connection with the letter and the spirit of this, the direction, of the U.S. Congress.

I think our leadership in the Governor's office and the State DOT has been absolutely outstanding. It has been bipartisan in the way we have responded to and adapted ourselves to the work of this great committee.

I would like to this time, to review for my colleagues the Illinois highway program planned over the next fiscal year. Regarding the fiscal year 1985–89 program—that is a period of 5 years now—major goals of the fiscal year 1985–1989 program consistent with 1983 objectives is to reduce the backlog of rough roads and bad bridges, and to ease construction unemployment. Program emphasis has shifted in recent years toward the rehabilitation and repair of the existing system, and away from new construction.

The fiscal year 1985 to 1989 program identifies those projects that the Department intends to construct in fiscal year 1985 and the 4 years thereafter. The new program funding and program emphasis will drastically reduce the backlog of critically deteriorated State highways to the lowest point it has been in many years, and will place the Illinois Department of Transportation in the position to continue this level of progress The more than 3,850 miles identified for rehabilitation in combination with the fiscal year 1984 program accomplishments will allow the department to keep pace with the crew deficiencies and reduce the 1,250-mile backlog of severely deteriorated highways to about 600 miles. This State transportation report lists projects in the State highway system totaling over $3.6 billion and another $700 million in local system projects which are yet to be selected by county and municipal State highways—reconstruct and replace 875 deficient bridges and construct 160 miles of new high-priority interstate and principal arterial freeway sections. This work is expected to generate an average of 26,000 construction jobs per year in the still hard-hit construction industry.

Fiscal year 1985 highway construction repair programs: a $900 million annual program for fiscal year 1985 is specifically identified within this report. This program will provide for the following: completion of 4 miles of interstate highway, construction of 38 miles of principal arterials, rehabilitation of 1,025 miles of existing highways, improvement or replacement of 240 bridges, and completion of safety and traffic improvements at 200 locations. About $150 million of this program is for projects on local systems. The fiscal year 1985 program is fully planned, and the Illinois Department of Transportation intends to accomplish the objectives listed. However, full implementation of the fiscal year 1985 construction program in six Illinois counties could be jeopardized by proposed U.S. Environmental Protection Agency funding sanctions. The Clean Air Act of 1977 requires all areas in the country that cannot achieve clean air standards by 1982 to implement a motor vehicle emission inspection and maintenance I&M program. Failure to do so results in sanctions being imposed by USEPA to limited Federal aid highway funds going to areas not in compliance. At this time Illinois has not implemented an I&M program. The USEPA is preparing to increase the proposed sanction noticed sometime in the spring to take effect after July 1 if a program is not enacted into law during the spring session of the Illinois General Assembly.

This sanction, if imposed, would delay or indefinitely defer about $100 million of Illinois highway projects during fiscal year 1985 in six counties which the USEPA presently finds do not meet Federal clean air standards. The counties are Cook, Du Page, Lake, Madison, and St. Clair, the largest counties in the State. While the USEPA has not finalized its criteria for determining which projects will be sanctioned, a general rule would be that a highway project on new location, or one which adds through traffic lanes, if located in the sanctioned area, will not likely be fundable until

the sanctions are lifted. Those fiscal year 1985 projects that the department believes might be delayed or deferred are identified with the project listing.

Program funding: The list of projects I am outlining corresponds with the new highway financing package, and continued levels of Federal aid outlined in the 1982 Surface Transportation Assistance Act. The program will average from $850 million to $900 million per year over the 5-year period with about $725 million to $750 million per year for the State system. The projects selected for this program are designed to meet some basic goals for the Illinois State highway system: reduce the backlog of rough, narrow pavement; replace and rehabilitate critically deficient bridges; eliminate high-accident situations; increase capacity where traffic volumes and driving conditions necessitate; improve urban intersections and traffic bottlenecks; reconstruct major facilities where there is a demonstrated need. the highway program also helps stimulate and serve economic development, and promote jobs in the private sector.

The accomplishments are summarized as follows: first, interstate completion and rehabilitation. Illinois has the third largest Interstate Highway System in the Nation, and three out of the five transcontinental interstate highways pass through the State.

Many sections of the Illinois interstate highway, among the earliest constructed, are 20 years old and have reached the end of their service life. To repair the interstate highway is key to the States economy and maintaining Illionis' position as the Nations' transportation crossroads.

I want to point out to my colleagues that I have never been overly parochial in trying to look at national or international problems. We all have our view; we all have our ideas. But there is no one of my colleagues better qualified to judge the importance of Illinois in the transportation system of this country and in the highway transportation system than the authors of the bills that made this the greatest Interstate Highway System in the world. We have made dramatic progress and created whole industries as a result of it.

We have given people the freedom to move. My own daughter is moving back from California, having completed her school there, moving back to Washington, with a full truck coming from California with their furniture. That truck moved out there safely. They knew their goods and services would be brought there.

Highways are just an integral part of the economic fiber of this country. We built the economic system of this country based on our highway system.

Certainly, this committee is to be commended for its outstanding job. What if we do get a 50-percent cut in Illinois highway funding? What if we cut back? What if we lay off all of those people who are out there constructing these highways right now? What would happen to the rest of the transportation system of the country?

We are the crossroads of the Nation in Illinois, just as we have been the railroad center. We are certainly the crossroads.

And certainly O'Hare, the busiest airport in the world, what would happen if we suddenly shut down O'Hare? How would half of our Senators get to their Western States? Illinois is a State that is vital.

I do not ordinarily give speeches just on Illinois. I am talking now about the effect it has upon every State in the Union.

Certainly, the distinguished majority leader knows better than anyone that you cannot get anyplace many times without going through Illinois. It is the crossroads. Is it proper for us to backdown and cutoff because Illinois happens to have a highway and transportation system that has been deserving year, after year, after year of the money of this system, to make it efficient and to make it effective?

If I could take some of my colleagues across some of those highways today, some of those bridges, you would risk your life, even if you are on a two-lane highway.

You sometimes cannot get to Quincy in western Illinois. You are bumping along two-lane highways that are unsafe. You are going across bridges that are absolutely unsafe.

We are in the midst of a restoration now and bringing the Illinois transportation system up to where it will fulfill its role as the crossroads of America, so far as highways go. This is the wrong year to start to cutback.

Mr. RANDOLPH. Will my colleague yield?

Mr. PERCY. I am happy to yield to my distinguished colleague, beloved colleague, the floor manager of the bill, the distinguished Senator from West Virginia who has personally done more than any other Member of this body in history to insure the highway systems of this country, providing I do not lose my right to the floor, which I wish to yield back at the appropriate time, whenever he would like to have it, to my distinguished colleague Senator DIXON. I interrupted Senator DIXON's remarks so that I would be able to begin my statement. I will come back at an appropriate time to complete mine. I certainly yield for an inquiry or a comment from my distinguished colleague on the minority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, a comment, perhaps with a question. It will be off the subject matter for just a moment. The Senator mentioned Quincy, IL.

I will say that there are people who get to Quincy even from St. Louis. My grandson, 15 years of age, a few days ago participated in a golf tournament for youngsters not yet 16.

I will cut this out of the record because it would perhaps be inappropriate, but I am delighted he got over the bridge.

About 100 entrants played in that tournament. He finished third with a 71. So that is not a bad bridge that allowed him to go and hit such a score.

We can cut all of that out. I will decide that later.

Mr. DIXON. Mr. President, I wonder if my distinguished friend would yield for a question at that point.

Mr. RANDOLPH. I would be delighted to.

Mr. DIXON. I am so delighted to hear about your grandson coming in third. I wonder if this Nation knows that your son, my warm and dear friend, Jay Randolph, who I have so much pleasure playing golf with from time to time, was at one time the undisputed golf champion of Egypt. Tell them about that. It is appropriate that a man from time to time talk about a fine son like Jay, who is one of the better strikers of the ball, I might say. I am delighted to see that he has passed it along to his son, your grandson, just delighted.

Mr. RANDOLPH. I turn from the Republican side to the Democratic side, Mr. President. Both of these men are friends of mine. I hesitate to go beyond my grandson's prowess and come up to my son, who plays very often with the Senator from Illinois. He says you are very fair in your conduct on the golf course.

I do want to refer to that tournament that he did win in Egypt. There is no golf course on land, but the golf course is in the middle of the Nile River.

Mr. DIXON. Yes, of course.

Mr. RANDOLPH. By the way, we have a river in West Virginia which is called New River, which is the second oldest river in the world.

Mr. DIXON. Older than the Nile?

Mr. RANDOLPH. I said second.

Mr. DIXON. I only ask this for information. It does not have much to do with this bill.

Mr. RANDOLPH. That is why I am talking as I am. I know you want to keep us in this state of flux, so I will just add to it for a moment.

I do want to say, and this is the truth about that tournament——

Mr. DIXON. What year was that?

Mr. RANDOLPH. The Egyptian International Amateur Golf Tournament. It was true that through good

fortune my son did win it. But I know how sad he was because he said that this will not change international relations. But they would not allow him to bring out the challenge cup.

He indicated in correspondence to me, and I am supposing he is wrong, he said that he understood General Nasser had said that they would not allow the cup to go out with his winning it. He indicated to me that that action, whether it is true or not, caused him to be on the side of the Israelis at that time.

So golf does have implications sometimes. What is your handicap now?

Mr. DIXON. Back home or out here, Senator?

Mr. RANDOLPH. Here.

Mr. DIXON. Fourteen at home and sixteen here. So on the road, naturally, I play at 16. Your son is a much finer player. I came to know about his championship in the Egyptian Classic on a trip over some of our highways in Illinois from my hometown in Belleville to Carbondale-Murphysboro to play at the Jacksonville Country Club. Your son remarked to me that day that the roads needed some repairing. I suggested to him that at the first opportunity I would visit with you about it. Now that you bring up that subject, this would be the appropriate bill to do that repair work, if we can get our point across.

I know you have been more than fair about it. I just want to say that I look forward to riding on even better roads to future tournaments with you son in southern Illinois and other parts of the State.

There is nothing more heartwarming than traveling with the Egyptian amateur champion. Let me say that.

Mr. RANDOLPH. Why does the Senator then not allow us to proceed with his amendments and other amendments after a bill is actually on the floor for debate? There are some 50 States, is that not right, which are involved in receiving funds under the interstate formula which are having vital projects delayed. I can say to you now that I do not want to be unfair to any State of the Union. I do not. I am only speaking now just for a moment of my intense interest in transportation matters in this country.

When I was a Member of the House of Representatives, I offered the first transcontinental highway bill, which later, 19 years later, became the Interstate System. I got nowhere in those days. States wanted to do it one at a time, hodgepodge, all over. Tom McDonald, Chief of the Bureau of Public Roads in 1937, opposed what was to be this major national system of highways. So I understand these matters.

I have never permitted myself, although intensely interested in the road system of West Virginia—where our miners drive not just 10 miles from their home to the operation in the mine, but they go 60 miles one way and 60 miles back home to work in the coal mines in West Virginia. So I know the value of roads. I fought for roads. And I have been a part of the Public Works Committee, now the Environment and Public Works Committee, for 16 years in this body. I have never permitted myself to ask for West Virginia or for any State that which was not a matter of equity between the States of the Union.

It seems to me that for the Senator from Illinois—and I say this very sadly but factually—for you to keep us from proceeding with a discussion of the bill when you have the opportunity during the discussion of the bill to bring your amendments for Illinois and then have a vote of our colleagues—not our peers but our colleagues——

Mr. DIXON. May I answer that to my distinguished friend?

Mr. RANDOLPH. Oh, yes; surely.

Mr. DIXON. Let me say this in the deepest sincerity. I want my dear friend from West Virginia to know that long before I knew your son Jay, who is my warm friend, and long before the people of my State were kind enough to send me to the Senate of the United States, I knew about JENNINGS RANDOLPH, as a kid, in the State legislature.

The contractors I knew, like Al Hoeffken, Gene Lamb, P.J. Keeley, who just loved you, told me all about you, how richly they admired you.

I say there is no one in the history of America who has done more to build the fine roads and highways and byways that have made this a great nation than the Senator from West Virginia, JENNINGS RANDOLPH.

But, now let me say this to my dear and warm friend: In this whole bill as it is now encompassed after the work done in the Public Works Committee, only 2 out of the 50 States are losers: California, $1.2 million—they can drop it on the floor and they do not look for it, they are so rich; and Illinois, $30 million.

I am going to say one thing, Mr. President. I did not graduate first in my class in arithmetic. I was not even in the upper 50 percent when it came to mathematics. But I know when there are 100 Senators in this place and only 2 are getting hurt that my mathematical chances on an amendment stink.

I did not come here to do dumb things. I may do some dumb things by accident, but I am never ever, on purpose, going to do a dumb thing. So I am never going to go, if I can help it, to this bill without having the assurance of my colleagues that they will take a suitable amendment, because I can count; 98 to 2 is real embarrassing when you get back home—real embarrassing.

Given all that, I want to say this to my very dear friend: I think in your heart, though you love this bill and want it to pass, you can understand my dilemma, because you come from a poor State.

I have been in West Virginia. I spoke in West Virginia at the invitation of my warm friend, who now has the floor with me. I saw the problems of West Virginia and I know what my colleague and my distinguished leader, who is here in the Hall, have done for West Virginia, what they did with all of the programs they have passed here for West Virginia. I am here to tell you that if we treated everything with the same fairness, I would be for a percentage return. But we are taking one single thing, highway funds, where we are getting treated decently, and hurting us and forgetting about all the other programs that are utterly destroyed.

My dear friend has to understand that where I come from, people say, "Why is it that year after year after interminable year, going back beyond which the memory of no man features it, we have been sending $1 down and getting back from the Government change—change? We are supporting the country."

There is one program that we have done fair in, the highway program. The first crack out of the barrel when anything can be done, they have gutted Illinois.

We are poor. We are losers. We are destitute. We are gettting back 75 cents on the dollar and in a bill that affects 50 States, you hurt one. You pick the poor relation.

You went through town and you went through the house on the hill where the rich folks live and you went by the cottages where the ordinary folks are paying on their mortgages and you went by the hut where the guy is eating soup, and you found the guy lying in the alley hungry and you took the money from him. That ain't fair.

Now, that is why we are raising Cain here. You know, Mr. President, let me say this: I have not been here long, but I have had a lot of practice. I go back to the Illinois House, the year that Everett McKinley Dirksen beat Scott Lucas. There are not many things I do, but one thing I can do is talk. I cannot pass my amendment, but I can say for a long, long time, in a lot of different ways here—particularly when I have my respected senior colleague of the majority party here, who is going to hold my hand when I get lonely at night—I want to tell the story.

I have a swell thing here I want to read in a little while that the Senate will enjoy. May I say this, I hope Galen Reser will tell my friend CHUCK PERCY how much I enjoyed his speech,

particularly the part where he was reading right from the Highway Trust Fund. I thought that was very moving. I hope he will tell him how much I enjoyed it.

I have something here I want to read in a little while and in it you will see that there are all kinds of indexes and things and statistics. We will show you how States do and you will be really surprised to hear how badly we do. It will bring, I know, tears to the eyes of many.

Mr. RANDOLPH. Will the Senator allow me to interrupt?

Mr. DIXON. Oh, yes, of course, Mr. President, always I shall yield to my warm friend, because I love you and everything you say here is a moving thing to me. You are, to me, a living legend.

Mr. RANDOLPH. I am glad I am living.

Mr. DIXON. I am, too. I hope you live another 100 years.

Mr. RANDOLPH. They say never refer to the galleries, and I will not refer to them, but I will be honest by saying to them that I am 82 years young. I was not at the convention, you know, in San Francisco a few weeks ago and later in Dallas, but I was in the 1912 convention at Baltimore when Woodrow Wilson was nominated for President.

I love the way the Senator held his hands just now, in this appealing position. It reminded me of William Jennings Bryan. He was born in Illinois.

Mr. DIXON. A great American.

Mr. RANDOLPH. Born in Salem.

Mr. DIXON. They have out here on the statue Nebraska, but I say, and you would share my resentment, because he is from Salem, IL, William Jennings Bryan, to his great and eternal credit, was a great Illinoisan, not a Nebraskan.

Mr. RANDOLPH. They asked him if it would be all right, and he said, yes, if my mother and father called me Jennings.

We are very close on the subject matter of what the Senator is saying on the matter of doing damage to any State of the Union.

Mr. DIXON. Even here, may I say, we are only $30 million apart. When you consider the billions we spend, I appreciate the fact that $30 million is not small change, but that is all we are apart. So you and I will always be great friends. We are momentarily divided by a little money that we can address at length here tonight.

Mr. RANDOLPH. Mr. President, I see that the Senator from Illinois of another party has departed the floor. He did not find this very interesting. I thought it was a very lovely colloquy that we have been carrying on.

Mr. DIXON. He had to go out in the hall for a moment to attend to some business, but he will be back. In the meantime I am delighted to listen to what you say because everything you have ever told me in life here, in our private conversation, in the places we go together has been enjoyable to me. And I would be delighted to listen further this evening, and I wish you would explain your view about this.

Mr. RANDOLPH. I thank the Senator. A year and a half ago I announced I was not a candidate for reelection. I did not wait until the last few months before the campaign in 1984. But thinking of the present problems across America, I am saddened by the fact, since I have been the author of the 26th amendment to the Constitution providing for 18-, 19-, and 20-year-old youth to vote, that they are not voting. We can agree on that, is that not true?

Mr. DIXON. I certainly do agree with you on that.

Mr. RANDOLPH. Yes; only 24 out of every 100 eligible voters cast their ballots for President in 1980. You know, it is a national tragedy, the failure of the American people to vote, either 18, 19, or 20. We have now the possibility of not 63, as in the Kennedy campaign in 1960. That was the number out of every 100 who cast their ballots.

Mr. DIXON. Yes.

Mr. RANDOLPH. But 20 years later, it was barely 53.4. And we can understand why Kennedy said 6 months after he had been elected: "It is appalling, the failure of the American people to use their ballot on election day."

Mr. DIXON. I agree with that.

Mr. RANDOLPH. I am fearful now that we are approaching the time when we will not elect a President of this Republic by the majority of the minority; we will elect the President by the majority of the minority over the rest of the minority. We do not speak here to the galleries, but I hope the world will understand, the people within this country, that we in the United States of America at the present time, of all the nations that give to citizens the right and responsibility to vote, there is only one country in the world which has a worse record than we do, and that is Colombia, South America. So whether we discuss roads or what is taking place on many subjects during these years, let us remember—and I know that my colleague will always remember—that we may disagree over apportionments, over amounts of money, over the distribution of funds, but we are mighty thankful, I hope, that we are citizens of the United States of America. We have some problems other than just highway problems to which we must address ourselves, if not in the next few weeks, in the next few months. Would the Senator agree?

Mr. DIXON. My dear friend, may I say to you that aside from our temporary difference on this one piece of legislation, there is almost nothing you have ever said in all the years I have known you with which I would have occasion to disagree. I agree with all that you are saying now separate from your remarks about this bill, and I would want to say what I have said so many times in private conversations with others, and I say this as a tribute to you shortly before you voluntarily leave this place, having served here ever since the 100 days of Franklin Delano Roosevelt in 1932, I have never known anyone who was so kind, and considerate, and decent, and fair with other people. I have been in your company when you walked along the streets of West Virginia, here in the District of Columbia, and other places, and seen how friendly you are with every person regardless of their high or their low station in life. Of all the people I have ever known in my lifetime, I consider you as fine and decent a human being as I have ever met. I love you beyond words, and we differ on a piece of legislation which is not important against the whole scheme of things, but I want to say that the people of West Virginia, when they no longer have the great service you have offered them for over a half a century, will have lost a great, great public man.

Mr. RANDOLPH. The only way that I could be more generous than to say I shall be cherishing your words always is to tell you that I have tried to have the philosophy of my father, who was a candidate for Congress in 1916 and 1918. I would have rather seen him come to this historic Hill than for me to come. I say that from my heart. But I do know that he had one characteristic which I think anyone serving in either the Senate or House should try to have. He could write me letters, and letters, and letters, but always in the last sentence there would be something that had nothing to do with the subject matter of the letter. And so I clipped what he said in one letter and placed it below his picture: "Always remember the man and woman by the wayside of the road."

The only reason I mention that is because he used the word "road," and it is of course—we are all in good humor. I have been waiting for your colleague to return, but I think I best allow you to continue in the discussion.

Mr. DIXON. May I say to my distinguished friend from West Virginia, he is here sharing this time with us.

My good friend from West Virginia was just remarking about the fact that he was prepared to yield back time to us. May I say how nice it is to see you on this side of the aisle. You are welcome here of course.

Mr. RANDOLPH. I will interrupt to say we would like to have Sharon in West Virginia.

Mr. DIXON. Well, did you not think that it was nice that Sharon came to our fundraiser last night at the Mayflower Hotel? It is always good to see the children turn out smarter than their parents.

Mr. RANDOLPH. Perhaps lighter moments do not destroy this institution.

Mr. PERCY. Mr. President, I thank my distinguished colleague once again. I should like to start by simply indicating that it should not be a surprise to anyone as to what our position on this matter has been. Senator DIXON and I sent a letter to Senators SYMMS, STAFFORD, RANDOLPH, and BENTSEN back in June. Let me just read the letter dated June 7, 1984:

U.S. SENATE,
Washington, DC, June 7, 1984.

HON. STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR STEVE: We are very concerned about the impact S. 2527 will have on Illinois if it becomes law in its current form. As you know, the provision extending the reach of the 85% minimum concept has very large adverse impacts on our state.

We want to emphasize that it is not the concept of the 85% minimum that troubles us. However, Illinois currently only receives 66 cents for every tax dollar it sends to Washington, and the language in S. 2527 will make that return worse, not better. We would like a chance to meet with you personally, therefore, at your earliest opportunity, to discuss our concerns and to suggest possible alternatives that would mitigate the harm to our state.

We cannot overemphasize the importance of this issue; we view it with the utmost seriousness.

We look forward to hearing from you soon and to working with you to find a mutually acceptable resolution.

Kindest personal regards.

Sincerely,

ALAN J. DIXON.
CHARLES H. PERCY.

Let me read how the explanation of section 122 of S. 2527 in the committee report. It is page 25 of the committee report:

SECTION 122. MINIMUM ALLOCATION

Amends section 157 of title 23 to make permanent the 85 percent minimum allocation program. The action contained in this provision provides authorizations of such sums as may be necessary to meet the 85 percent requirement in perpetuity. The intent of the provision in the 1982 Act which created this minimum allocation category was to make it permanent, and this language establishes that certainty.

The provision also adds additional programs to the calculation of the 85 percent minimum. This will provide to donor States a return closer to 85 percent of the amount contributed to the Highway Trust Fund by such States. Currently, in calculating the return of 85 percent minimum to the States which so-called donors, only apportioned programs are considered. This provision includes all programs, whether apportioned or allocated, in determining the 85 percent minimum return. Three major categories are added which are Interstate discretionary, bridge discretionary, and emergency relief, Several smaller Highway Trust Fund categories shall also be included.

Mr. President, earlier, when I yielded to Senator RANDOLPH, I was summarizing the accomplishments of the program.

I can assure my colleagues that Senator DIXON and I, who have traveled probably more miles of highway than any other two people, except the road safety inspectors, would testify to the fact that these programs are vitally needed because our Illinois roads are deteriorating. They are heavily congested, and sometimes on a Monday morning or a Friday night, you just cannot get where you are going. There is just no way to get there. The only solution, probably, is helicopters, until we finish this repair work.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I come back to the subject matter that has been discussed in the absence of my friend from Illinois, and I understand how important it is to take care of many items of business on the Hill.

I see sitting in this Chamber ROBERT STAFFORD. I do not think of him as being of your party or of you being of his party. But I think ROBERT STAFFORD as a knowledgeable individual, as the constructive chairman of our Committee on Environment and Public Works. I want the RECORD to show that he would not bring inequity to any State if he felt it was there, and I would say the same of my colleague from Texas [Mr. BENTSEN].

We felt as a committee, and he as the chairman, that what we had to do was to bring a bill to this floor, insofar as possible, that met the demands and needs—and certainly the needs are there. We have been providing extra money, as the Senator will find, for replacement of bridges. We have not been derelict with respect to giving more money for bridges. We in recent years have increased the dollars for this program fivefold.

I just came back to the fact that the 18 members of this committee are fair. So far as we know, we do that which brings equality, not inequality, to any State.

BOB, you will forgive me for standing here and speaking of you in this way. I just feel that once in a while it does not hurt someone who works with another person, as I have with you through the years, when you were the ranking minority member, and now I am in that position, to just say that we do not bring a bill here that we think contains inequities. We think it is an overall bill, doing the best we can under the circumstances of the present hour.

Mr. PERCY. I thank my distinguished colleague for his comments.

I only repeat that I have taken the floor to commend this bill in the past, until we realized that the impact of certain parts of it would be a disaster for Illinois. That is why, in the spirit of reasoning, we have presented to our colleagues the very different problems we face and ask them to picture the situation and to put themselves in our shoes.

The old American Indian adage is if you want to understand the soul of the man, walk in his moccasins for 1 day.

I just simply say to my colleagues: For a few minutes walk in our shoes and picture what would happen back home to the people who would be thrown out of work, the tremendous costs that we would undergo if we were to reverse programs that we have set in being with confidence in those distinguished 18 members on the Senate Committee on Public Works.

I do not imagine it is very well understood outside the Senate the close working relationship that is necessary between a chairman and a ranking minority member. Sitting in Senator JENNINGS RANDOLPH's office in the Dirksen Building the other day, I looked up at the wall to look at the pictures of the chairmen of that great Committee on Environment and Public Works through the years, and the thought went through my mind, as I know it must have gone through my distinguished colleague, Senator DIXON's mind here, was the remarkable phenomenon, the number of years that the committee has existed—I do not know how many years covered—embraced only four chairmen of the committee.

But I know that for almost two decades the distinguished senior Senator from West Virginia was the chairman of the committee and it must be a shifting of gears and a tug of war inside a person when you have been a chairman of a committee for a couple decades almost, to then suddenly realize you are not the chairman through no fault of your own. It is just the phenomena that occurred, and it only occurred once every 26 years in that committee.

Mr. RANDOLPH. Mr. President, will my colleague yield for just a quick comment?

Mr. PERCY. Yes.

Mr. RANDOLPH. I remember that Illinois Senator who used to sit there, Everett Dirksen.

Mr. PERCY. Everett McKinley Dirksen.

Mr. RANDOLPH. Everett McKinley Dirksen.

Mr. PERCY. The distinguished Senator from Rhode Island, JOHN CHAFEE, and I were in Pekin, IL, the hometown of Everett McKinley Dirksen, and I

said: "John, before you leave there"—this was just last week—"you must go to the Everett McKinley Dirksen Museum on Congressional Leadership and see that living museum that has been erected there in memory of a truly great man."

Mr. RANDOLPH. I have been there many times, and he deserves what has been done there.

We came and were taking the oath of office on the same day, Senator Dirksen then a Representative, and myself. That was on March 9, 1933. You know then we did not all come in in January. The President of the United States was sworn in on March 4 and the Congress came in on March 9.

Since we are talking about many subjects, on that first day when the House of Representatives met, we selected Henry T. Rainy, of Illinois, as the Speaker of the House of Representatives. And I remember then when we came to the first vote, the Emergency Banking Act, it was passed in the House of Representatives without a single dissenting vote. We do not have that any more, apparently, do we?

But in that day the country was not on its knees; it, of course, was literally on its back. And we remember those days when there was unity, and I wish we could have a semblance of that with us this evening and allow us to go to the debate on the amendments that might or might not be offered, the Senator's amendment to be voted on, but to withhold the opportunity, I think, really is a strategy that I think could be better served by the course I have suggested.

Mr. PERCY. I appreciate that very much indeed, and let me just finish the thought that I had.

In looking at these relatively few chairmen covering many, many years, the remarkable thing was that the Senator from West Virginia has just taken the floor to laud and praise the chairman who succeeded him and I wish the country and the world would see how wonderfully well a committee works when the ranking minority member and the chairman have such utter respect for each other, never get into any partisan issues whatsoever that would in any way adversely affect the national good. And there is no committee that deals with more important matters vitally affecting the lifeblood, the economy, the future of our respective States than the Committee on Environment and Public Works, and the way committee members have worked together through the years is a joy to behold.

I am very proud of the relationship I have had with Senator PELL, the ranking minority member of the Foreign Relations Committee. We have a wonderful bipartisan working relationship. But I also know that the Senator from West Virginia has the highest regard for the relationship that this Senator has established with the committee, and I would hope that with this spirit of cooperation and amity we can work toward and find a reasonable basis for accepting a compromise on this matter that is fair to everyone and that will allow us to move right ahead with this very important piece of legislation.

I am happy to yield without losing my right to the floor to my distinguished colleague from Vermont.

Mr. STAFFORD. Mr. President, I appreciate the chairman of the Foreign Relations Committee yielding. First, I express my appreciation to my dear colleague on our committee, Senator RANDOLPH, for the very kind things he said about me as its present chairman.

I have been on the committee since I came to the Senate, and that now covers some 14 years. Senator RANDOLPH was chairman when I came to the committee. Everything that has been said about him of an honorable nature I certainly join in. He really taught me how to handle a committee. It has been a very pleasant relationship for me and we have been able to work through the years very closely together, whichever one of us was the ranking minority member and whichever one of us happened to be chairman.

I, as all of us do, regret that he will be leaving the Senate, but I hasten to point out what he does, and that is that he is not retiring. He is going on to other things, and I shall look forward to the fact that I believe he will be where his advice and counsel to this committee and this Senate will be available to us when we seek it.

I have not taken part in the debate thus far and really I am not going to at the present time except to say that, as Senator RANDOLPH has said, this is an important bill for the Nation.

There are about $2.1 billion which should have gone out already to the States in the second half of the current fiscal year and that fiscal year runs out on September 30 of this year. That money should have been distributed last fall, but somehow the ISCE, the interstate cost estimates, have become sort of a flypaper that attracts so many propositions, so many proposals, that we get bogged down and have very difficult times in getting them done.

They should be done cleanly and we should find some other mechanism for handling the various demonstration projects and other items that Members may wish to propose for their States.

I am distressed that we find ourselves in the position we are in. I hope that it may be possible, I say to the two Senators from Illinois, both my friends and both very able Senators, to find some way we can compromise this situation before we get through. and I will work toward that end because I do think that we not only must pass this bill for the $2 billion that should be out there already but all $5.1 billion for the next fiscal year which begins on October 1 for interstate construction should be on its way out to the States by October 1 and it cannot be unless we can get this bill passed.

So the 50 States of the Nation have their interstate construction money to the tune of $7 billion at stake here in our getting this work done, this legislation passed, taken to conference with the House of Representatives, agreed to there, and taken to the President so that money can be distributed where it should go and can be useful.

I beg the Members of this body to restrain themselves as far as they can from offering amendments which will either bog us down or cause this legislation to be vetoed by the administration even if we do pass it.

I appreciate the distinguished Senator yielding to me to make those observations, and I yield the floor back to him.

Mr. PERCY. I thank my colleague very much indeed. Again, I wish to reiterate that I wish it were possible for the good citizens of Vermont to know just how much good he has done in so many, many instances.

I have sat on appropriations subcommittees in the past. I have served as ranking member of the Interior Subcommittee with only 15 square acres of national parkland in the whole State of Illinois. I sat afternoon after afternoon—I mean afternoons late into the evening—hearing about the needs of all these other States—Colorado, Alaska, Hawaii, and all that. I had to do that as a Senator. That was my duty, and I sat there.

But I know how hard it is when you are thinking about your own State and your own interests. And we are deeply grateful for the amount of time put in for all of the States for the good of the Nation and our economy and our transportation system by the members of the Environment and Public Works Committee.

But, again, I come back to the fact that Illinois is the crossroad of America. If we do not keep Illinois in top shape, if we do not build, and construct, and repair all those bridges, those highways—two-lane, four-lane, whatever they may be—if we do not link up Quincy with the rest of the State and with the rest of the country, we are hurting our industries, we are hurting our economy, we are hurting what might be called the Frost Belt States, and they are the ones that have to help pull this engine of recovery back so that we as a nation have an economic engine going at a rate which will help all the impoverished

areas of the world. We know highways are essential to job creation and essential to the economic lifeblood of a State or of a community.

So for that reason, I would certainly consider a straight ICE without the new Bentsen language, section 122. I don't want to respond in a general way on this matter but in a specific way. We could certainly start out considering a straight ICE without the new Bentsen language, section 122, or any other section for that matter. Certainly that would enable Senator DIXON and myself to move right straight forward.

Is there some way we can simply make certain that we move ahead with a simple ICE authorization that is going to take care of the needs of the centerpiece, the State of Illinois, which is right in the center of our system and is the crossroads of America? If we can work something out along that line, Senator DIXON and I will be the first ones to say, "Let's move ahead with this bill." Because I have said many, many times, it is an essential piece of legislation. But it must be right. It cannot be fatally flawed on one section.

I can assure my colleagues, I say without a shadow of doubt, having spent as many days as I have talking with the President of the United States about the problems of agriculture in Illinois—the problems of steel in Illinois—we have just recently discussed some of the unemployment problems. He has had a vivid picture of some of the distress some of our people have. They are unemployed. I think the compassion and the feeling with which the President spoke when he talked about what we are going to do to reach out for farmers to save them from bankruptcy, from foreclosures, all of that involves jobs and human beings. I know that the modest amount that would be necessary to restore Illinois to its previous level of construction would never be cause for any kind of veto whatsoever by this President, who looks to Illinois as his native State where he has his roots. Certainly, anyone who has their roots as deep as he has in that State knows that the concrete that covers those roots has to be right, has to be kept in place, and we have to keep that State moving ahead.

So I would like to just continue on, while my colleagues give thought to what we might do now on a compromise that will enable us to move ahead, with the fascinating, breathtaking description that I have been giving of what we intend to do in Illinois to resolve the economic problem of our State. We must keep the crossroads of America vital and keep its highway construction moving forward. And I know that my colleagues that are here in the Senate, and those that are glued to their audio systems in their offices so that they will not miss a sihgle word, will be fascinated when I continue on with new construction and reconstruction in a dynamic, vital, imaginative, creative program that we have designed in the State of Illinois to continue to be not only the hog butchers of the world, and the citizens with the broad shoulders, but also the crossroads of America that links up the rest of the country and glues it together.

So I continue by simply saying that, in addition, under new construction and reconstruction, the program identifies projects to construct about 20 miles on new locations where reconstruction on existing alignment is not feasible.

Now let me turn, before I get into further accomplishments, to engineering and other considerations.

The Department has reserved specific sums to meet anticipated expenditures that are not explicitly listed in this program document. For instance, engineering services. A considerable amount of engineering-related activity is required to bring projects to the construction stage. To accomplish this without appreciably increasing headcount, the Department must secure outside engineering services. Construction plans ready for future work by the Department will have been depleted by the increased size of the fiscal year 1984 and fiscal year 1985 programs. Therefore, outside engineering service——

Mr. DIXON addressed the Chair.

Mr. PERCY. Mr. President, did I hear the voice of my distinguished colleague?

Mr. DIXON. Mr. President, I hesitate to interrupt my colleague because what he is saying is so immensely interesting. I have enjoyed it so much that I am almost embarrassed to interrupt. But would he mind if I asked him a question?

Mr. PERCY. Not at all, provided either one of us does not lose his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, you know my friend, Senator RANDOLPH, was talking about bridges, and I wondered whether my dear friend and colleague, within recent experience, has had the pleasure of going over to Calhoun County on the west side of the State—one of the smaller of our 102 counties. It lies between the Mississippi and the Illinois Rivers, as my colleague knows. It is sort of a little peninsula over there in central-southwestern Illinois.

Has my colleague had the pleasure, in recent times, of being over there?

Mr. PERCY. Well, I certainly have. As a matter of fact, was very recently that I was there.

Mr. DIXON. May I say that when my colleague and dear friend was talking about bridges, it caused me to remember the absence of one over there. As you know, the only way to get into Calhoun County is to go way north and then come down through Hardin into Calhoun County. And I always love to go to Wittmond's Hotel there in Brussels.

I wonder, has my colleague had the pleasure of going there on an autumn Sunday, when the leaves are turning color, and enjoy the delicious meals they have at the Wittmond Hotel in Brussels? They have excellent fried chicken, wonderful plump homemade pork sausages, all the excellent vegetables and other things there—homemade apple pie, the kind that President Reagan refers to so often in his speeches. You would know that sort of thing.

It occurred to me that we still do not have that bridge there at Grafton so that one has to take the ferry across near Pere Marquette State Park there at Grafton.

It is not too bad going over, may I say to my colleague. Late at night, after that wonderful meal, you come back and everyone, of course, has gone there and then you have to wait in line in your car for many, many hours to cross the ferry because there are only so many automobiles permitted.

I thought that while we are on this, perhaps if they, in their wisdom, ultimately give us the money we so sorely need, perhaps they would throw in a bridge there at Grafton. I know that my colleague will want to go back soon for one of those marvelous dinners on a Sunday. Maybe we can go together sometime.

Mr. PERCY. After November 6, I accept the invitation of my distinguished colleague for one of the most delicious meals that you could have. Considering that I got the message back in 1978 and immediately began, a day after the election, to tour 102 of the 102 Illinois counties, touring the byways and the highways, holding town meetings all over the State and have continued to do so for the last 6 years, most of my meals have not been in a quaint, beautiful restaurant by candlelight where I can look out and see the setting Sun. They have been in an automobile, bumping over deteriorating roads, probably at night, eating a Big Mac and a milkshake in the car while I am reading mail with a little spotlight coming down trying to keep up with my Senate work.

But after November 6, I accept the invitation of my distinguished colleague to have one of those relaxing, enjoyable evenings where we can sit and tell tales together. I appreciate the offer very much indeed. I will take you, and in return, your lovely wife to Mike Royko's Favorite Rib Restaurant. We just had Mike Royko's rib roast in Grant Park just last Sunday.

Mr. DIXON. Who won that rib contest? I meant to ask you that. I know they had the cookoff last Sunday. Mike Royko is of course famous for ribs. May I say that I personally am very proud of the way I do barbequed ribs. I had meant to mention that to you. I just take plain old, Open Pit barbeque sauce, put brown sugar in there, and a half bottle of Budweiser. I shake it a lot. You will find if you do the ribs just right and let them smoke well, then if you kind of candy the ribs—this is my formula—with the sauce, they are excellent. I am one of those who is very much opposed to taking the ribs, putting them in a big sloppy panful of barbeque sauce, and immersing them, or drowning them, so to speak. That makes them drip a lot, and they are not at all delicate, moist, and chewy.

One of the things I found, incidentally, that is very excellent with ribs, if you can do them that way, is the Symm's winery Chardonnay. That is very good indeed with those ribs. But other places that have good ribs, may I say, if you are ever in Chicago shortly during the campaign, my senior colleague might want to try the baby baked ribs at Miller's Pub, which are excellent. I would recommend them most highly. Carson's ribs are quite good, too. You will enjoy them immensely.

But getting back down at Bruce's——

Mr. PERCY. If I can interrupt my colleague, most of the Republican pages have crude and unusual punishment. Most of them work so hard they do not have time for lunch, and all but one have run downstairs after hearing this delectable, delicious epicurian discussion, interrupting the fascinating, stimulating discussion I was having on highways. My distinguished colleague has so driven them downstairs to the restaurant that they are not any longer devoting themselves to their Senate duties.

I think everyone listening to us—really what they are waiting for is not to hear about the delicacies of Illinois. But also to hear about the pavement, the concrete, the bridges, and the highways that we are going to continue building. So unless my distinguished colleague has any more to say on this particular aspect of the subject, I will return now to the subject matter at hand. But I would be happy to yield the floor anytime my colleague would like to have it because he yielded it to me in the first instance.

Mr. DIXON. I'm enjoying what you are saying very much. I hope you will accept my apology for the interruption. As the evening goes on and I think of other good restaurants or spots where the Senator, during his trips through Illinois, might want to drop in for a bite, I will call them to your attention.

Mr. PERCY. I thank my distinguished colleague. I wonder if I could ask my colleague for a judgment. He is seasoned. I said when he was up for election that the State of Illinois is fortunate to have a man who is as experienced as he is, and has for so long been in the legislative process. He has been a statewide officeholder, was Illinois Secretary of State, and served as a distinguished legislator. With that background, is it any surprise to my distinguished colleague that the Bentsen amendment finds Texas the biggest recipient? There is nothing wrong with that. I have many times cosponsored Dixon amendments, and Senator DIXON has cosponsored Percy amendments. It was no surprise to anyone that Illinois was the general benefactor of those amendments. That is the way the system works. But in this particular case, it would be all right if other States weren't hurt. I respect the right of the distinguished Senator from Texas to have his amendment in the bill. And I understand his reasons for so doing. Texas is a big State. It has a lot of highways. But we cannot have approval of his amendment at the expense and detriment of our State.

Is the distinguished Senator just as determined as I am to see that we find equity, we find a spirit of comity, and we find the fairness which the distinguished ranking member, Senator JENNINGS RANDOLPH, has described to the 18 members of the Environment and Public Works Committee? They are fairminded people. They certainly would not want to see the great State of Illinois hurt or harmed irreparably in our forward program of progress and prosperity by having a tremendous setback in this particular bill which otherwise is a wonderful bill, a fine working out of a transportation and highway program that will benefit 49 States. The problem is it has to benefit 50 States, have fairness to all 50, and equity for all 50. That is all we are appealing to—the better sense of our distinguished colleagues, and I would ask them to give consideration to how we can compromise on this so that we can move ahead with dispatch on this matter. Does my distinguished colleague feel that the position enunciated by the senior Senator is that of the junior, but most distinguished Senator, and also echoed by all 22 Members of the House of Representatives who are solidly behind the position as I understand it being taken by the 2 Senators?

Mr. DIXON. I want to thank my colleague for that inquiry. I am glad he mentioned the entire Illinois congressional delegation because I am sure that everyone here knows—the majority leader would well remember—the unity of the delegation when we had the major highway legislation up for this administration a couple of years ago. We had a serious filibuster as my colleague knows. Ultimately, we passed that bill, and a nickel gas tax. The RECORD is profoundly clear. Of the major States, the big States in the Union, the best support for that bill in the nickel gas tax was the Illinois congressional delegation divided with the Republican and Democratic U.S. Senators and the 22 House Members divided 12 to 10 Democratic, almost straight down the line. And we all supported that legislation, and passed it into law. The first State to be receiving punitive treatment, the first State to be penalized, the first State to lose money under the new bill of this administration and the nickel gas tax is the State that did the most, gave the most, and worked the hardest in the two Houses for the passage of the bill.

So I think that is a point that should be understood here.

The second point I would make is this: That when my——

Mr. PERCY. Mr. President, would my distinguished colleague allow me an interruption?

Mr. DIXON. Yes.

Mr. PERCY. Senator CRANSTON, before you leave the floor, could I address one question to you? It is very pertinent to what is being said.

Under the Bentsen amendment, Texas would receive almost $65 million more during fiscal year 1985 under section 122 of S. 2567, the so-called Bentsen amendment. That amount is $25 million more than the next largest beneficiary. Only 2 States in the Union—out of the 50 States—actually lose: California loses $1.2 million in fiscal 1985; Illinois loses $30 million in the next fiscal year, and $27 million more lost during fiscal year 1986. So here we are. Those are the only two States that lose. I hope my distinguished colleague would like to spend the rest of the evening with us on into the morning discussing why $1.2 million for California is important—that does not sound like very much. That would pay the Senator's salary for quite a few years. It is worth working for. Also it is the principle.

I love California. I served in the Navy out there at the Naval Air Station in Alameda. While I was at Bell & Howell as CEO, I had an office in Hollywood. We did a lot of our business there. My wife comes from California. Four of my children were educated out there. I love the State of California. I would not want to see them lose $1.2 million in this bill by this amendment any more than I want to see Illinois lose it.

I would not want to see Illinois lose these funds.

If there is some way to work this out, I hope the distinguished Senator from California would lend his considerable prestige and weight to the arguments of the two Senators from Illi-

nois that really no State should be set back at this particular time of economic recovery from the recession, where we have projects which are important to California and Illinois. We ought to be able to work this out. As long as 48 States are benefiting by this bill, then 50 States, with Illinois and California, should benefit by the bill.

Would my distinguished colleague feel that it would only be equity that we may be held harmless on this and that we not have a setback because of our pressure and desire to just push this bill through?

[At this point, Mrs. KASSEBAUM assumed the chair.]

Mr. CRANSTON. I have not studied in depth the impact of this legislation on Illinois, but it is my impression that California in the long run will do well under the Bentsen approach.

Mr. PERCY. In the long run?

Mr. CRANSTON. The long run. California is concerned about the long run. This is a good bill for us in the long run.

Mr. PERCY. That would mean even more tenaciously——

Mr. BENTSEN. Will the Senator let me answer the question?

Mr. PERCY. Illinois will lose in the short run and lose in the long run. We just cannot allow that. No Senator would have any regard for us if we did not say that we wanted to find some way to resolve this problem.

Mr. BENTSEN. Will the Senator yield?

Mr. PERCY. I yield.

Mr. BENTSEN. California will lose $2 million in the current year. They would have made over $50 million last year and would have made $100 and some million the year before. So it comes off very well.

What we are trying to do is to see that each State gets up to 85 percent and take care of all the discretionary funds and all the demonstration projects to bring it all into the calculation. Your own State has done extremely well. Now that you are having to put all of those things into the formula, that is where you have your concern.

What I am suggesting to you is all we have to do is take it to the floor, debate it before 100 Members, and let us decide. What you are saying is: "No, we are going to hold a gun to your head and will not let you proceed unless you do it the way we want it."

I just object to that kind of procedure. I have seen enough of that in the Senate. I am tired of it. I do not think that is the way we ought to work on these things.

Let me give an example. The Senator was talking earlier asking: "What would you do on the situation if Texas had the same problem?"

Let me look at the discretionary amount of money. On the discretionary funds it is about $22 million for Texas, and that is a far larger State than the State of Illinois, a more populous State than the State of Illinois. But your State gets $160 million. You do extremely well.

Mr. DIXON. May I say, in connection with the observation of my friend from Texas, that the plain fact is that the overall examination of the treatment accorded States indicates that we are being treated very shabbily.

What my friend has done here, and I have the greatest personal affection and respect for him, is to deal with one subject, the Interstate Highway Trust Fund. In dealing with that one subject, he reaps benefit for his State. He has somehow persuaded his colleagues in the committee to join him. I have no quarrel with that, if he is able to do it. I understand the system, and I have to live with that.

But he has separated out from the whole Federal revenue experience one thing, interstate highway trust funds, and he has impacted upon that one separate category a formula that applies only to interstate highway trust funds and not to the rest of the great revenue pie that finances our Government, its institutions, and treated it differently from everything else.

What does that do? Well, it does immeasurable damage and absolutely critical harm to a poor State. It takes Illinois, which has received little in everything, and done a little bit better in highway funds, and hurt it. It separates out that one thing to hurt only Illinois.

Now I know that it does not even hurt California. I thought it hurt California, not enough to argue about but it hurt a little bit.

It hurts only Illinois. Think of it; 50 States with 1 hurt. The one hurt is the single, solitary State in the Union least able to afford being hurt. It is a matter of absolute statistical truth that Illinois is treated the worst, the shabbiest, the poorest of the 50 States on a division of revenue, on a return of revenue from the Federal revenues back to the State.

There are those who seek out that poor, injured party and stab it with the fatal plunge that kills it. That is what is happening here.

Mr. BENTSEN. Would the Senator yield? He made a point about what the Senator from Texas has done. Let me respond to that for a moment without his losing his position on the floor.

Mr. DIXON. All right.

Mr. BENTSEN. With regard to the Highway Program, your State has been a donee State for years. But for about 2 years of the last many years you have been a donor State receiving more than you have given. My State has been a donor State for years, sending to Washington far more than it received.

What this bill does is assure that an 85-percent minimum return should be guaranteed to each State. It is not just the part that is discretionary funds and demonstration projects. It is all the money a State gets in highway funds, not just part of it.

Mr. DIXON. But it is not just the interstate highway fund. What about the District of Columbia and the amount of money they get back from Federal funds?

Mr. BENTSEN. There are all the other revenue funds that are in this Nation. My State is a major donor State over and over again. We can quarrel about who is at the bottom end of the ladder, but my State will be right down there with you if you want to make that case.

Our jurisdiction is the highway trust fund and the highway bill and that is what we are addressing here.

You cannot try to make all the losses up in this one bill from what you might be getting from some military project, what you might get under Medicare, or some other program.

Mr. DIXON. May I say to my distinguished colleague, and again I assure him of my warm affection for him and warm personal regard for him, that the folks of my State cannot tell one Federal dollar from another. They just know their own dollars.

Mr. BENTSEN. I feel I am losing some of that warmth and affection.

Mr. DIXON. You will find me a loving person. On the floor when you are goring my ox, I tend to get mean. But I want you to understand there is nothing personal about it. It is this simple: We cannot afford this kind of a loss when we have unemployment as we do.

For my dear friend, coming from a State awash with oil, to tell me how badly treated you are is something that would be considered somewhat indelicate where I come from.

The plain fact is that we are hurting and out of all the people in the Union, you struck the fatal blow at us.

Why do you not at least hold us harmless? Why do you give 49 States more money and not even have the compassionate understanding to hold our poor State harmless? That is all. That is not an unreasonable thing.

May I say if the positions were reversed, it is the one I would most graciously undertake to adopt in the thought of accommodation.

My State receives back the least. My State supports the country's energy-rich States, the eight of them, by paying severance taxes to them all.

Mr. BAKER addressed the Chair.

Mr. DIXON. I see my favorite majority leader. If I do not lose my turn, I am delighted to yield to him because it has always been my pleasure to be displaced by him. I know that he understands that just as I love my good

friend from Texas but hate his bill, I love the majority leader as well.

Mr. BAKER. Madam President, I thank the Senator. I am most grateful for his warmth, and his words, and he should know it does not make a bit of difference.

Madam President, may I ask this: I ask unanimous consent that I may be recognized for the purpose of transacting certain routine business and that after that business is transacted, which will not take but a minute, that the Senator from Illinois be next recognized and the interruption not be counted as a second speech during this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair. I thank the distinguished Senator from Illinois.

THE EXECUTIVE CALENDAR

Mr. BAKER. Madam President, I have had an opportunity to confer now with the distinguished minority leader about two matters that require our urgent attention. The first is a series of nominations that appear to be cleared for action by unanimous consent, and the second is a bill to provide authorization for appropriations for the Corporation for Public Broadcasting. I inquire of the minority leader if these items that I am about to name might be considered at this time by unanimous consent and en bloc in the interest of time? I refer to Calendar Orders Nos. 951, 960, 964, 966, 967, 968, 969, 970, 971, and, on page 8, those nominations placed on the Secretary's desk in the Coast Guard.

Mr. BYRD. Mr. President, there is no objection on this side to proceeding in the manner described by the distinguished majority leader.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar as follows: Calendar Orders Nos. 951, 960, 964, 966, 967, 968, 969, 970, 971, and nominations placed on the Secretary's desk in the Coast Guard.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. BAKER. Madam President, I ask unanimous consent that these nominations be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

James B. Burnham, of Pennsylvania, to be United States Executive Director of the International Bank for Reconstruction and Development.

DEPARTMENT OF JUSTICE

Helen M. Eversberg, of Texas, to be U.S. Attorney for the western district of Texas.

DEPARTMENT OF STATE

Melvyn Levitsky, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bulgaria.

Harvey J. Feldman, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

William Arthur Rugh, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Yemen Arab Republic.

INTERNATIONAL MONETARY FUND

Paul A. Volcker, of New Jersey, to be United States Alternate Governor of the International Monetary Fund.

CORPORATION FOR PUBLIC BROADCASTING

William Lee Hanley, Jr., of Connecticut, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

Lloyd Kaiser, of Pennsylvania, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

Howard D. Gutin, of Texas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE COAST GUARD

Coast Guard nominations beginning Stanley A. Gold, and ending Danny Ellis, which nominations were received by the Senate and appeared in the Congressional Record of August 10, 1984.

Mr. BAKER. Madam President, I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC BROADCASTING AMENDMENTS OF 1984

Mr. BAKER. Madam President, there is one other matter, the Corporation for Public Broadcasting bill. Is the minority leader prepared to proceed on that unanimous consent request?

Mr. BYRD. Madam President, there is no objection on this side.

Mr. BAKER. Madam President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 90, S. 607.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (S. 607) to amend the Communications Act of 1934.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment:

On page 2, line 2, strike "$86,400,000", and insert "$88,900,000";

So as to make the bill read:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Communications Act of 1934 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATION

"SEC. 6. There are authorized to be appropriated for the administration of this Act by the Commission $76,900,000 for each of the fiscal years 1982 and 1983, and $88,900,000 for each of the fiscal years 1984 and 1985. Sums authorized by the preceding sentence shall be in addition to such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs.".

Mr. BAKER. Madam President, on behalf of the distinguished Senator from Arizona [Mr. GOLDWATER] I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

Mr. BAKER. Madam President, is there a committee amendment?

The PRESIDING OFFICER. The majority leader is correct. There is a committee amendment.

Mr. BAKER. Madam President, I ask unanimous consent that the Chair submit the committee amendment for consideration.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

AMENDMENT NO. 4349

(Purpose: Make amendment in the nature of a substitute)

Mr. BAKER. Madam President, I ask unanimous consent that an

amendment in the nature of a substitute by Mr. GOLDWATER be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. GOLDWATER, proposes an amendment in the nature of a substitute numbered 4349.

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Public Broadcasting Amendments Act of 1984".

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC TELECOMMUNICATIONS FACILITIES

SEC. 2. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

(1) by striking "and" after "1983,"; and

(2) by inserting immediately after "1984," the following: "$25,000,000 for fiscal year 1985, $35,000,000 for fiscal year 1986, and $40,000,000 for fiscasl year 1987,".

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC BROADCASTING

SEC. 3. (a) Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

(1) by striking "and 1986" and inserting in lieu thereof "1986, 1987, 1988, and 1989";

(2) by striking "and" after 1985,"; and

(3) by inserting immediately before the period at the end thereof the following: ", $200,000,000 for fiscal year 1987, $225,000,000 for fiscal year 1988, and $250,000,000 for fiscal year 1989".

(b) Section 396(k)(3)(A)(i)(II) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(i)(II)) is amended by striking "research, training, technical assistance, engineering, instructional support, payment of interest on indebtedness,".

CRITERIA FOR APPROVAL AND EXPENDITURES BY SECRETARY OF COMMERCE

SEC. 4. Section 393 of the Communications Act of 1934 (47 U.S.C. 393) is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

REPEAL OF THE UNRELATED BUSINESS INCOME TAX PENALTY

SEC. 5. Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by striking paragraph (8) and by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

Mr. GOLDWATER. Madam President, I have offered an amendment which represents our response to the President's veto of the public broadcasting authorization bill.

Ever since the veto, we have been working with the administration to see if we could arrive at a reasonable compromise on funding. Although we have been willing to trim our original figures a bit, the White House has been unwilling to move upward from the figures the President indicated he would support, the so-called Oxley figures.

Because it is important to pass legislation ensuring adequate forward funding for public broadcasting before the end of this session, we are moving ahead with what we believe are reasonable funding levels, in spite of our lack of agreement with the White House. Our compromise figures are the minimum levels that we believe will allow the public broadcasters to provide the kind of quality programming we all expect.

[In millions of dollars]

	Original bill	Compromise amendment	Oxley figures
CPB funding:			
Fiscal year 1978	238	200	186
Fiscal year 1988	253	225	214
Fiscal year 1989	270	250	246
Public broadcasting facilities funding:			
Fiscal year 1985	50	25	14
Fiscal year 1986	53	35	16
Fiscal year 1987	56	40	18

The handful of substantive amendments from the original bill, not a part of the President's veto, and not the subject of any dispute, are retained in this amendment.

Madam President, I ask all of my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute (No. 4349) was agreed to.

● Mr. HOLLINGS. Madam President, in August, both the Senate and the House recognized the importance of our public broadcasting system and passed with overwhelming support S. 2436, legislation reauthorizing the Corporation for Public Broadcasting for fiscal years 1987, 1988, and 1989 at levels of $238 million, $253 million, and $270 million respectively and the Public Telecommunications Facilities Program for fiscal years 1985, 1986, and 1987 at levels of $50 million, $53 million, and $56 million respectively. The sponsors of the legislation, led by the distinguished chairman of the Senate Communications Subcommittee, Senator GOLDWATER, arrived at these funding levels after careful consideration of the needs and role of public broadcasting in light of the dynamic telecommunications marketplace and in light of the budgetary problems we are now facing. The funds authorized by this legislation provided the American public with a sound and productive public broadcasting system while at the same time not wasting a dime of the taxpayer's money. We strongly believed that this view was shared by almost all of those involved with overseeing public broadcasting. It seems we were wrong.

To my extreme disappointment, the President vetoed this bill. He could have chosen to veto some other program where it would have made a significant difference in solving our budget dilemma. Where was he when the Senate considered the budget freeze a few months ago? Instead, he has chosen to make his stand here where only a few million dollars are involved. In fact, the amount in dispute is less than one day's interest cost on the public debt. What makes this veto even more incredible is that the need for these dollars is clearly demonstrated and there is overwhelming public support for spending them in this fashion.

Since the President's veto, Senator GOLDWATER, myself, and others have tried to reach a compromise agreement with the White House. But despite our best efforts, no compromise has been reached. All we are able to get from the White House are offers of funding levels that are far below those suggested by the President in his veto message. It is because the White House has been so unreasonable on this issue that we are now moving ahead with new authorization legislation.

This new legislation reauthorizes the Corporation for Public Broadcasting at $200 million for fiscal year 1987, $225 million for fiscal year 1988, and $250 million for fiscal year 1989 and the Public Telecommunications Facilities Program at $25 million for fiscal year 1985, $35 million for fiscal year 1986, and $40 million for fiscal year 1987. The total amount of funding over the 3 years is over $125 million below the levels contained in the bill we passed in August and only $81 million above the levels suggested by the President in his veto message. We have come more than half way, yet the White House's only move has been backward.

I believe these new levels of funding should allow us to have a sound public broadcasting system, although one without the potential that we originally intended. I strongly urge my colleagues to support them.●

The PRESIDING OFFICER. Are there further amendments? If there are no further amendments to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 607), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Broadcasting Amendments Act of 1984".

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC TELECOMMUNICATIONS FACILITIES

SEC. 2. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

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REPEAL OF THE UNRELATED BUSINESS INCOME TAX PENALTY

SEC. 5. Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by striking paragraph (8) and by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL-AID HIGHWAY ACT OF 1984

Mr. BAKER. Madam President, I suggest that we continue with this scintillating debate a little while longer.

The PRESIDING OFFICER. Without objection, the Senator from Illinois is recognized.

Mr. DIXON. I thank the Chair. It is always a pleasure to be on this floor when the Senator from Kansas is presiding. I am delighted to have the opportunity to educate my friends in Kansas about the problem that the Senator from Illinois thinks the people of Illinois face at this point in time.

Again, I say it is important for all to understand that those of us in Illinois hold no grievance against anybody else's position here. I have no trouble with the good attempt of the good Senator from Texas to obtain more for the highway system of Texas. That is the function of a Senator. That is in the finest sense of performance of duty as a U.S. Senator, to serve the interests of one's State. I congratulate the Senator on doing that. I am happy for the other 48 States that are doing well, too.

But surely those who are here would understand the concerns that my colleague, Senator PERCY, and I have for Illinois, the lone loser. It is sort of like the Lone Ranger. We have been losing so long, we are used to losing. But we have a ball club in Chicago, the Cubs, and they have been losing for years, and years, and years. People cannot remember when the Cubs last won. We have had some pretty bad ballplayers over the years for the Cubs. But I just want to say to you tonight in this Chamber that the Cubs may end up being a winner after all because the magic number for the Cubs is three and, should they prosper over the weekend, it is entirely conceivable people will think differently of the Chicago Cubs than they have in the past. It will be difficult for those of us in the amenable urban society to adjust to that because part of the fun of that society has been to talk about the Cubs and their past difficulties, but it looks very good for the Cubs. All that my colleague, the senior Senator, and I want is for it to look at least as good for Illinois in this bill as it does for the rest of the Nation.

I recently introduced a bill, and if my colleague from Texas would support that concept, I think we could get together. The bill I introduced is known as the State Minimum Return Act of 1984. This bill would correct imbalances in the amount of Federal spending that certain States receive in return for the tax dollars they sent to Washington, but that is across the board. It is not just picking out interstate highway trust funds and saying we will just do it here. No, it is a bill of equity. It is a bill of fairness. It is a bill that applies to all revenue programs of the Government across the board.

I want to assure my colleagues and the taxpayers of the country that that bill does not require any increased spending. All that the State Minimum Return Act of 1984 does is to reallocate funds among States within existing spending limits so as not to increase the deficit. I have quite a few amendments, 175 I think, that will accomplish that purpose if they are all adopted. We will do those in chronological order at the appropriate time.

That bill, as I say, in my view, Madam President, addresses a very important issue which has caused real hardship in my State and in many other States, principally in the Midwest and Northeast. We in the Midwest and Northeast are kind of the unlucky folks.

I can recall in the depths of the Great Depression other regions of the country had problems, particularly the South, and President Franklin Delano Roosevelt came to the Congress with programs to help those parts of the country. Without regard to regionalism, men like my distinguished friend from West Virginia, Senator JENNINGS RANDOLPH and others, helped that region of the country. But the Northeast and Midwest have been losers for generations now. Nobody cares at all, it would appear, genuinely do not care, I do not think. Perhaps if enough is said about it now people will care more.

We have had much worse years than last year, a whole lot of them. However, last year, in 1983, Illinois received only 75 cents in Federal spending for each dollar it sent to the Federal Government. Believe it or not, my friends, for the past 30 years, this ratio has been similarly low.

Now, I am going to argue that losing a quarter on every dollar is not a good deal to begin with, but when you think in terms of the Federal budget, my friends, Illinois and other States are sending billions of dollars to Washington every year that they just plain never see again. It is a dead loss.

Many of these disadvantaged States were among those that suffered most during the recent recession. They cannot afford to lose billions of dollars right now. I would argue that Government policy should not make a bad situation worse. I think that is a simple truth. If we pass this bill in the form it has come to the floor, what we are doing is permitting Government policy to make a bad situation worse. It is just that simple. With full knowledge of what is happening, we are saying "So what?"

I say Government policy should not make a bad situation worse. I would argue that, rather, the Government ought to lend a hand to States whose economies have needed the most help in the recent past. For the past 3½ years I have worked with my colleagues on both sides of the aisle to help correct this loss of funds by adjusting spending for specific Federal programs. As cochairman of the Northeast-Midwest Coalition, I have pursued many efforts to get a better deal for needy States. While these efforts have helped create some jobs, and have helped a little bit in Illinois, they have not been sufficient to stop the continual flow of funds from these disadvantaged States to other States with healthier economies.

In fiscal year 1982, States that received less than 90 cents in spending for each tax dollar—now, listen to this—those States that received less than 90 cents in spending for each tax dollar were shortchanged a total of $54 billion by the Federal Government. Those loser States, including mine, were shortchanged $54 billion in 1982, and we have a bill here that short changes one State, mine, $30 million. Illinois alone in 1982 paid out $12.5 billion more than it received in spending. Just think, in the last recorded year we paid to the Government $12.5 billion more than we got back.

Now, that is a lot of money, even if you are a big State, even if you spread it around. Why would you visit upon a State that does that an additional penalty in a bill of this kind? That is why I say, Madam President, we need a comprehensive approach to solve this problem, a fair approach, an equitable approach. We cannot allow as a State these vast sums of money to be

drained out every year after every interminable year.

Madam President, I have attached to this statement, incidentally, a research report, which I will be glad to share with you this evening, that I have had prepared on the problem of these Federal dollar outflows. It is an analysis by respected economists and others that I think will enlighten my colleagues about the unfairness of this situation.

This report analyzes the source of these outflows, highlighting the low level of defense contracts. There is another example where my colleague in his rich State does well, in the area of defense contracts. But we are terribly disadvantaged. And it is true to a lesser extent in grant programs for our State.

This report examines the consequences of these outflows for our State. The economies, Madam President, of States sending more money to Washington in taxes than they receive in spending have low-growth rates. Why would the economies of those States not have low-growth rates? They send all their money down here and they get none of it back. These rates result in part from low levels of the types of Federal funds which generate growth, and that again is grants and contracts.

The bill I introduced last week would adjust Federal spending in the categories of Government contracts and grant programs. You might be surprised to know that contracts and grants account for $250 billion of the Federal budget—they did in fiscal year 1983 at least—and are the chief sources of imbalances among the States.

These spending categories help stimulate economic growth, creating jobs and spurring private investment. They have a ripple effect in the economy of a community. The award of a Government contract not only creates jobs in the company in which the work is performed, it also increases business, creates jobs in local companies, and creates jobs supplying goods to the contractor. In the area of Federal grants to State and local governments, the State Minimum Return Act I am talking about will increase by 10 percent the share of moneys going to disadvantaged States.

Now, that would be fair if we took the whole ball game instead of just interstate highway trust funds. That would be fair. It would be equitable. It would treat all parts of the country in an evenhanded way. For example, if Illinois received an average of $100 million of a $1 billion highway program or 10 percent, it would receive $110 million or 11 percent in the first year after the bill was enacted. But that would be as part of a whole scheme for all of the program, not just for highway funds. That would mean an additional $10 million to my State to repair unsafe bridges, to repave highways, and to give jobs to Illinoisans to work on those projects. That would be fair.

Instead of that, this bill takes from a State that is in desperate economic circumstances. This bill takes from a State that suffers grave hardships. This bill takes from a State which supports Federal institutions to a greater percentage than any large major State of the country, $30 million.

It might not seem like a lot of money, particularly when you have a $1.5 trillion national debt. But $30 million will build some highways; $30 million will put some people to work; $30 million will help some folks get up in the morning, let mom fill the lunch bucket with a sandwich, an apple, and a piece of cake, and send them off down the road to work somewhere.

Since there usually are more projects that meet eligibility requirements for granting programs than there is funding available, this provision will allow disadvantaged States to receive a greater portion of these eligible projects.

I talked earlier about Rockford. Rockford is the second biggest city in my State, up in northern Illinois, about as far north as you can go in Illinois.

I said earlier that it is a long State. It is a good drive from Rockford, in the northern part of Illinois, to Cairo, in the southern part of my State. Both towns are having a tough time.

Believe it or not, you talk about tough times: Down in Cairo, half the people do not have jobs. It is tougher than the depths of the depression in Cairo. That used to be a great river town, generations ago. You go down the main street of Cairo now and you do not see the folks there. There are not jobs in Cairo.

I want to make sure I am correct about this, but I think Rockford still has double-digit unemployment. The President is going around the country talking about good times. Rockford has over 16-percent unemployment right now—the second largest city in my State, a beautiful city.

Going south of it, Route 51, most of the way is two lanes, with no way to get those transportation facilities until there are adequate funds to service the people of Rockford. So why would you penalize us?

In my home county, East St. Louis has 50-percent unemployment.

I had the pleasure today to appear before the Armed Services Committee with my friend and senior colleague, to assist in the confirmation of the nomination of the mayor of Peoria, Dick Carver, as the Assistant Secretary of the Air Force for Financial Affairs. I might have the title messed up a little.

What a fine man Dick Carver is. He has been the mayor of Peoria for many years. Before that, he was on the city council. He is not of my political persuasion. He happens to be a Republican. He did a good job in that town. That town has suffered for the last several years in unemployment. I think I am fair in stating that it is still double-digit.

They say, "How does it play in Peoria?" Well, the economy does not play too well in Peoria right now. Why? Why would you take one State out of 50, with all these problems, and penalize it alone? Why would you do that? In my State, as you go around it now, almost anywhere you go you will find that to be the case.

I did a radio talk show this morning with two reporters, a live interview, answered any questions they might have. One was from Carmi, in White County, in southeastern Illinois. Unemployment there was up in the high double digits, I think around 20 percent for the whole county of White, in southeastern Illinois. I am sorry I do not have the specific figure, because I know that the Presiding Officer [Mrs. KASSEBAUM], as a compassionate person, would be concerned about that.

It is serious all over in my State. The policy adopted here would further aggravate that circumstance.

I share every kind thought expressed here about the chairman of the committee. He is a fine man and has been most fair in listening to our concerns. He said something about this bill being held up. I think he said the sum was $2.1 billion.

One of the first things this Senator said, at the outset, was that I would not hold up a clean ice bill—a clean ice bill, unfettered by the committee amendment—which would send that $2.1 billion to the country. I would conclude my remarks at this moment and vote for it. If we had a hold-harmless against the losing State out of 50, I would not have any trouble. I do not see why folks would consider that to be an unreasonable position.

I have not had the great pleasure and privilege of serving in this body as long as those who are arrayed against me tonight, for all of whom I have affection and high regard. But I have been in the process a long time, involved in accommodations of honor over many years. As I looked back on those accommodations of honor, I had no trouble in my later life in looking back upon them.

I do not feel uncomfortable in saying that if I were on the other side of this and one State came to me—I am not going to pick on a State, but let us say Rhode Island, because it is really small—and said, "Hey, we're the only one hurt," I would say, "Why hurt

you? We'll fix that up." I think that would be reasonable.

I remember years ago, as a young man, I was chairman of the judiciary committee in the Illinois House. In those days, about half the legislation that went to the floor had to go through my committee. I was the principal sponsor of a constitutional amendment called judicial reform that ultimately was adopted by the people in my State. It is in the constitution of my State now.

We used to have justices of the peace elected in every township, five of them; a police magistrate elected in every town; constables elected in every township and village. Then we had the city court judges. We had probate court judges. We had county court judges. We had city court judges. We had circuit court judges. In Cook County, they had municipal judges, superior court judges, criminal court judges, and so forth.

If you got in the wrong court with your leg off case, too bad. Your leg was off, and you had no case. You just got in the wrong court. When the cases went up on appeal in the appellate court, the circuit court judges sat as appellate court judges to hear their own cases, as circuit court judges.

In the supreme court, which had seven judges, they gave Cook County one judge and the rest of the State, which had less population, six.

That was the old system that we changed as a consequence of my amendment. But when we did that, which was a big thing and it took years, it was a terrific fight. It went to the people of Illinois, and there was a big election on it. We had to make some accommodations of honor, and we did. We did things like saying this, for instance: We said, "OK, there are 102 counties. Some of them are real little." I do not know how it is in Texas or some of the other States, but in my State of Illinois, we have some little counties. I will give you an example. Pope County in southern Illinois has a lot more deer than people. You know Pope is a great big county geographically. It has the Shawnee National Forest, a lot of deer, and only a few people, but those folks like home rule, Madam President, and for years those folks, those little bitty counties always had a judge.

So they came to Springfield and they said: "Wait. Why are you going to take our judge? We like having our local judge. We want to talk to our local judge. We don't want you bringing in a judge from Chicago we do not know, or from East St. Louis, or from Springfield, or Peoria. We want a judge from right here in Pope County."

We made that accommodation.

Let me tell you those little counties in the legislature did not have the power. We had the power, and we could have said, "You don't get your judge." We did not do that, Madam President, oh, no. We gave those nice little counties that did not have any power at all a judge because that is what they wanted. We did all kinds of things like that in that bill.

You know, like the J.P. said: "Wait a minute. Why are you throwing us out?" We said, "Well, we want judges who have legal education." He said, "What about us? People elected us." We let some of them sit until such time as they stepped down, and worked the system in slowly.

We did a lot of things like that.

And I can think of hundreds of times when things came up and we took into account—the problems of isolated cases, isolated people, and isolated circumstances, where the weak and the hurt would have been affected adversely.

I do not see anything the matter with that.

The problem with what we have here is this: If you took this and you just set it apart, alone, see, and looked at it, you would say, "Look, that looks all right," because you are treating everyone the same with the formula, and my colleague in time when he is heard at length will make that point, and he will make it well, because he is a fine man and an excellent speaker, and he is persuasive to me in most cases.

But that is not what we are doing here. What we are talking about here is the whole thing, Madam President. We are talking about a State that has historically been hurt so long that they have almost given up on it.

You know something? In my State they have newspapers of every political persuasion and philosophy. I do not mean they are Democratic or Republican papers, but they cover the whole spectrum of political thought, very liberal newspapers, on the one hand, very conservative newspapers, on the other.

Every single one of those newspapers says, "How come we are always hurt so bad?" You know what the first question is when you go into the editorial boards of those newspapers and you sit down with the array of real talent in places like the Tribune, or the Sun Times, or the Post Dispatch, or the Globe Democrat, or the big newspapers in our State, wherever they may be in our State, the first thing that comes up they say, "How come is it? Why is this? How can this be?" They say, "Where is the fairness of it? How can Congress do this to us? Where is their compassion? Where is their sense of decency? What is the motive? Why do they hurt us? How can it help to cripple us this way?"

Well, it is hard to answer that. You say they are all fair people, every one of them. Whether they are Republicans or Democrats every one of them I ever met is fair. Every one of them I ever met would like to do what is right and just.

They say, "If that is so, why don't they do it?" Well, you know like we do not build airplanes, that is a consideration, we do not build airplanes. They say, "We will concede we do not build airplanes. Why can we not have some of the parts of it so folks can work?"

I have had them say to me: "You are on the Armed Services Committee, and you vote for those appropriations for the military and stuff, don't you?" I say, "Yes, I do."

"Why do you do it?"

I say, "I believe in a strong national defense."

They said, "We do not get any of that money here."

I say there is more than that involved. There is more involved than not getting the money. There is the defense of our Nation involved.

But you have to understand how it is. If for all of your adult life and developmental career you have seen a State going down the sewer, as far as Federal programs are concerned, just decimated, absolutely decimated, I do not care how well off you are, how rich you are, you cannot always send more down here than you get back, year after year after year for decade after decade after decade, pay all the severance taxes for all the States that are energy rich while you are poor, to support their institutions. We do that, Madam President. The folks in my State pay severance taxes to the eight energy rich States to support their institutions while paying their own sales tax and their own income tax and their own real estate tax, and we have every form of tax there is.

Mr. BENTSEN. Madam President, will the Senator yield?

Mr. DIXON. Sure, if I can yield without losing my rights to proceed on the issue.

Mr. BENTSEN. I would not want to cut the Senator off for anything.

Mr. DIXON. I thank the Senator.

Mr. BENTSEN. You know when the Senator makes that point about an energy State, one of the things that is interesting when we develop the energy in our State and we sell it, we sell it to Illinois at a lower price than we pay for it ourselves. We sell to Illinois our gas under price controls and actually Illinois utility rates run lower than ours.

When the Senator talks about trying to get some equity between our States, what I have tried to do is see that we would have a minimum of 85 percent coming back to the State. We cannot take care of all the other programs because that is not within the jurisdiction of this committee.

I would like to do what the Senator is talking about on each of them as we go along, but that is not realistic, and

I do not think that is practical. So we can only deal with what we have before us.

When you get into discretionary funds, see what Illinois gets is 85 percent of what it sends down here and then Illinois gets into discretionary funds $160 million. Does the Senator know what my State gets? We get 85 percent of what we send down here and then $22 million in discretionary funds. That is the difference.

So what we have tried to do here is take all those demonstration projects, we have tried to take all those discretionary funds, take everything that Illinois gets, and that Texas gets, and that any other State gets, and say we get the minimum of 85 percent.

Now, when the Senator likes to say, and he keeps talking about how Illinois has been cut 50 percent on something, let us take a look at what he is really talking about. Let us tell the whole story on that one: The only year that Illinois got that big apportion was in 1983 when Illinois got $360 million. The year before that, Illinois had $155 million, and the year before that, $150 million, and before that, $151 million, and the year after in 1984, Illinois gets $160 million, So the Senator picks out 1 year that was twice the other years and so he wants that now to be his standards. If he does not get that, he is being cut 50 percent. That is just not realistic.

Illinois in 1984 is going to receive about $385 million in apportioned funds, and those funds are distributed under the formula set by this Congress.

When Illinois pleads for more money, it ought to be noted that they will also receive more than $160 million in 1984 in those discretionary funds.

The Senator tells me how tough it is for Illinois. Does he know that is twice as much as the nearest State? That is what Illinois receives. He wants to put this in stone and get it from now on. This is just not fair. As far as I am concerned, we are not going to do that.

When Illinois says it made an offer, it should be pointed out that the intent of the 85-percent-minimum allocation is to guarantee to a State a fair return on the amount of money that it sends, that it pays. When a State receives more than 85 percent, the 85-percent-minimum formula just does not any longer apply. Illinois is getting more than that.

The reason Illinois in that appears to lose $30 million is because they have done so well in the other highway categories, that they exceed the 85 percent and that means that they get a higher return than Texas, or any other minimum allocation State.

Illinois poses its offer in the form of an option. It is in fact no more than a hold harmless which would give Illinois more money and would try to preserve and make permanent that year of aberration when you got twice as much as you did the year before or that you get in the succeeding year. That is just not right and that is not fair and the committee has rejected that kind of an approach and I will continue to oppose it.

Mr. DIXON. I want to say to my distinguished friend, and he is my friend, we are differing about a piece of legislation, not about our affection or regard for one another.

I have to come back to the difference in the truth as I see it and the truth as you see it. You see it in the narrow perspective, may I say, with all the warmth and kindness in my heart for you as a friend, you see it in the narrow perspective of a piece of legislation dealing only with the Interstate Highway Trust Fund and you think you can separate that out and make it make sense to me.

But the problem is, I come from a State that is whipsawed up and down the line on money and you are taking some from us. It is just as simple as that.

To show you what I mean, during the recession when we suffered so terribly, some other States hardly suffered at all.

For example, in the 8 energy-rich States in 1981, Alaska's tax revenues rose by 51.3 percent; New Mexico's by 30.3 percent; Oklahoma's by 24.2 percent; North Dakota's by 21.9 percent; Wyoming's by 19.2 percent; Texas' by 17.9 percent.

During the recession, the Governor of my State, who does not happen to be of my political persuasion, called the legislature in and increased taxes, general revenue taxes of all sorts and gasoline taxes and other things to meet the obligations of government.

Now, I understand the honest difference of opinion that exists between my friends who advocate the passage of this bill and my senior colleague from Illinois and myself. But you cannot compartmentalize government this way. People do not see government in its separate pieces.

If I went back home to Illinois and tried to explain to the average citizen all the different funds that support our institutions, do you think they really care whether it is an Interstate Highway Trust Fund dollar or some other dollar of another kind? All they know is what they know; and that is for generations we have been shortchanged. For generations we have sent to Washington more than we got back. For generations we have had the lousy end of the stick. For generations we have not been treated fairly and equitably.

Now, let me just say this in conclusion. I can see how to some here the position that my distinguished friend and colleague, Senator PERCY, and I take might seem somewhat unreasonable. I think it is fair to state that he and I love the committee system as much as any other two Members. We love the process as much as any other Member.

Mr. BENTSEN. I would say to the Senator from Illinois, I will vote for that.

Mr. DIXON. I thank my colleague for his judicious observation.

But, the point is that we are not similarly situated to some of you. We are hurting and we have been hurting a long time. We are trying to build roads the whole length of our State, Route 51, from Rockford all the way down and all the way across the center of our State, the Central Illinois Expressway, to that little, lovely town of Quincy, about the size of my hometown of Belleville, incidentally, about 45,000 people. And they call it "Forgottonia" because you just cannot get there on the roads that we have now.

Now why would you want to target us? I understand the argument of my friend from Texas that this is equitable to all. It is not equitable to us taken as part of the whole fabric of what we do here. In that connection, it is a disaster to us.

My senior colleague and I need to go home and explain these things. This is not explainable to the folks we represent because it is just another significant piece of evidence of the fact that we are not treated equitably with the rest of the Nation.

As we go through these amendments, I would hope that some of my colleagues would seriously consider them. May I say I realize I have 175 amendments and sometimes that may confuse the issue. But the sincerity of these amendments, I assure you, is fundamental to what we care about in our State. Because all these amendments say is, "Don't just do it to the interstate highway trust fund, do it to everything; say to everything that we get back a percentage on the dollar." In this case, I am saying 90 cents on the dollar. "Don't hurt anybody worse than that on any programs or any distribution of the revenue."

Now that is the spirit of fairness, I say to my colleagues. That is the essence of an understanding of the Federal system, the system that suggested that every State, because we are separate States, would be represented equally in this body; that just as California has two Senators, so Rhode Island has two. The essence of the Federal system, the separateness of the States, we all love that separately in our own way here, every one of us.

I am saying support that concept with an honest division among the revenues among the States in a reasonable way so that there is reasonable sharing. But to compartmentalize it as is done here, I would suggest it not a reasonable solution to the problem.

My friend from Illinois and I have talked about this over the years at length. A while ago, a friend of mine, Congressman DURBIN, from Springfield, came on the floor here and said: "Good, I'm glad that you're bringing this discussion before the body."

It is all we talk about in our congressional delegation meetings. We just met at lunch today, my colleague and I and our friends from the House. All we talk about at every one of these meetings is the difficulty our State has as a consequence of the deprivations it suffers due to the unreasonable distribution of funds among the States.

I wonder. My colleague looks like he may want to say something. May I say that I am pleased to hear from my colleague and if he wants to make some contribution here as he has done so superbly this day right through the day, I would be delighted to yield to him. I know the Senator would not take away my time ultimately, if the Senator will suggest his thoughts about this subject matter.

Mr. PERCY. Madam President, I thank my distinguished colleague. I deeply appreciate all that he has said and done. I have said many times that I have seen in my colleague the love of legislation. The Senator loves politics, and has always been fighting for the interests of the State of Illinois. My colleague is a determined fighter. Whenever the State of Illinois is jeopardized, you can always count on the Senator. I have said many, many times whether it is 3 in the morning or 4 in the morning, we have always been here together in a bipartisan spirit. We are quite willing to go on, and on, and on, particularly when we can talk about Illinois.

I have had the opportunity to touch base with a number of people today in Illinois about what they consider to be the importance of the pending bill, and particularly the question of equity that we are addressing here.

When we talk about the people of Illinois, we have to take into account all the people. We are talking about the people of Chicago, a tremendous metropolitan community; we are talking about the people in the great neighborhoods of Chicago, the northwest side, the southwest side, and the south side. I have lived on both the north and the south sides of Chicago for much of my life. We are talking also about Chicago along Lake Michigan with the variety of life we have in that whole city. It is a great variety. But the city is really bound together by our highways. We have been encouraged to move ahead with the major program to put our highways in shape. We have been encouraged by this committee. We want to continue that work.

Certainly, this issue is important to the entire city of Chicago. But we are also ringed by suburbs where we have some of the greatest managerial talent in the United States. Unlike New York, which has in the downtown area and in the city itself not much of a manufacturing complex, we have in Chicago huge manufacturing complexes. I just think in terms of the factories that we had, and which I had as an industrialist. We had our research laboratories in Chicago. We had our major manufacturing facilities spread over about 100 and some acres with thousands of employees all using CTA, the rapid transit systems. The people worked and lived in Chicago, but to a great extent moved out just across the line to villages like Lincolnwood, which is right on the Chicago border. Highways were essential and necessary. We have surburban areas in Illinois. We have rural areas.

Let me just say that I understand that the leadership is anxious to at this point consider recessing for the evening. We have a great deal more to be said on this subject. I would like to go down each of the congressional districts such as, let us say, Rockford. Congresswoman MARTIN's district, one of the ablest Members of the House; Mayor John McNamara, an able mayor of Rockford. Here we have Rockford. Because of this committee, we are now going to link up north-central Illinois and southern Illinois. We have the highway system that will link Rockford with Decatur. We have Highway 20, a two-lane road out to Galena, whereas we are thinking in terms of highways that are built for a modern age. And not two-lane highways that we call "killer highways". It is dangerous to drive on that road. You take your life in your hands. We want to correct these conditions. I could go through every single congressional district. Skipping down to Peoria, the district of the minority leader of the House, BOB MICHEL, a very distinguished Member of the House; Mayor Dick Carver, who today appeared before my distinguished colleague in the Armed Services Committee; Senator ALAN DIXON was presiding today when Mayor Carver of Peoria came before the Armed Services Committee as the nominee of the President of the United States to be Assistant Secretary for Financial Affairs of the U.S. Air Force.

We have a great city there in Peoria, which is the home of our largest manufacturing enterprise in Illinois—Caterpillar Tractor. We have a highway system, Highway 74, that goes right through and around Peoria. We have an export center in Peoria that is important to the balance of payments of this country. It is important to the soundness of the dollar. And it is important for thousands, tens of thousands of employees, suppliers, and distributors all over the world. Peoria is part of the heartland of America. It is an important city. Certainly, it is important that we keep the highway system going that will improve, modernize, and update our highway system throughout the State of Illinois.

Illinois is blessed with being a transportation hub of the Nation. But as most of my colleagues would understand, with that distinction goes a tremendous responsibility and a tremendous burden to keep that system strong, keep it well, in good repair and working order, safe and clean. That is a big job. We are up to the job if we are given the tools, the means, and let us be frank about it—the funds. We need the money to do the job. Certainly, it is important that we get that job underway. The only purpose we have in this discussion tonight is to see whether or not it is not possible for us to work out a system in our highway program that will be equitable, not just to 49 States but also equitable to the State of Illinois as the hub of America.

Does the distinguished acting majority leader wish to have recognition for purposes of discussing procedure?

Mr. STEVENS. We would like to have a discussion, I say to my learned friend from Illinois, if we could put in a quorum call for a short while.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. WILSON]. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the motion to proceed on the highway bill.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion to the desk limiting further debate on the motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 2527, a bill to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes.

Senators Howard Baker, Steve Symms, Jesse Helms, Robert T. Stafford, Jennings Randolph, Lloyd Bentsen, James

Abdnor, Bob Dole, James A. McClure, Pete Wilson, Bob Kasten, Ted Stevens, Dan Quayle, Charles Mac Mathias, Thad Cochran, Lowell Weicker, Nancy Landon Kassebaum, Barry Goldwater, Pete Domenici, and Bob Packwood.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I anticipate that debate may continue on this measure tomorrow, but now that cloture has been filed and now that a vote will occur on Monday next, the leadership on this side may ask the Senate on tomorrow to proceed to some other measure to conserve time, such as a conference report or an appropriations bill, or maybe some other matter. But a vote on cloture will occur on Monday next in response to this petition attempting to bring to a close debate on the motion to proceed.

Mr. President, I assume there is nothing further that must be said on this issue tonight. I heard a thorough dissertation so far on the merits of an Illinois barbecue. If there is nothing else to be added to this record, I am prepared to put us in morning business.

May I yield to the Senator from Illinois?

Mr. DIXON. I only make this inquiry. I have no problem with anything the majority leader suggested, but is he going to be on other business tomorrow, which is to say I do not have any time on this bill and can count on that, with the cloture vote on Monday? I am concerned about the absence of my colleague and myself. Can we feel comfortable that nothing untoward will concern us here tomorrow?

Mr. BAKER. Mr. President, the Senator knows what high regard I have for him and what great respect I have for both Senators, as I do, being very close to that State.

Mr. President, I do not know what to tell the Senator. There is no telling what I might do.

Mr. DIXON. I believe that.

Mr. BAKER. I can give the Senator some reasonable assurance that, if the Senate will permit me to do so, I will try to go to some other measure tomorrow. But there is the pending question.

Mr. DIXON. I thought perhaps the majority leader might want to ask for unanimous consent to go to some other business, which I would be delighted to acquiesce in, and then we would feel comfortable that other business would take place tomorrow, and I would not have to talk about barbecue because I left my recipes at home.

Mr. BAKER. Mr. President, I do not want the Senator to feel that comfortable.

Mr. President, if I were the Senator from Illinois, I would probably go on to Illinois, but I am not prepared to ask unanimous consent that we not go to this measure tomorrow. There may be others who might want to talk about barbecue from some other States.

Mr. DIXON. I would like to ask that nobody else talk about barbecue.

Mr. BAKER. Mr. President, I really think we are wasting the Senate's time a little, all in good fun. Let me say that this will be pending on Monday. There will be some debate tomorrow. I do not think it will be disposed of tomorrow. I do intend to ask the Senate to turn to other matters tomorrow.

Mr. President, if I were the Senator from Illinois, I would not try to press that too far. I think he is in pretty good shape. I think both Senators from Illinois are in pretty good shape. They are both my friends. I think it is time to go on to other things.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now have a period for the transaction of routine morning business until not past the hour of 7:45 p.m. in which Senators may speak for not more than 2 minutes each, with the exception of the two leaders or their designees against whom no such limitation will apply.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5645. An act to permit courts of the United States to establish the order of hearing for certain civil matters, and for other purposes; to the Committee on the Judiciary.

H.R. 6255. An act to designate the Federal Building and United States Courthouse in Ashland, Kentucky, as the "Carl D. Perkins Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The Committee on Foreign Relations was discharged from the further consideration of the following concurrent resolution, which was placed on the calendar:

H. Con. Res. 122. Concurrent resolution expressing the sense of the Congress that the Republic of South Africa should cease its blackspot policy of removing black South Africans from their ancestral land and relocating them.

MEASURES HELD AT THE DESK

The following bills were held at the desk by unanimous consent:

H.R. 718. An act for the relief of Samuel C. Willett.

H.R. 1150. An act for the relief of Teodoro N. Salanga, Junior.

H.R. 1236. An act for the relief of Andrew and Julia Lui.

H.R. 5343. An act for the relief of Narciso Archila Navarrete.

H.R. 6206. An act relating to the water rights of the Ak-Chin Indian Community.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, September 20, 1984, he had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1538. An act to amend the Federal Food, Drug, and Cosmetic Act to revise the procedures for new drug applications, to amend title 35, United States Code, to authorize the extension of the patents for certain regulated products, and for other purposes;

S. 1735. An act entitled the "Shoalwater Bay Indian Tribe-Dexter-by-the-Sea Claim Settlement Act;

S. 2418. An act to authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal, civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes;

S.J. Res. 227. Joint resolution designating the week beginning November 11, 1984, as "National Women's Veterans' Recognition Week";

S.J. Res. 254. Joint resolution to designate the month of October 1984 as "National Down's Syndrome Month";

S.J. Res. 275. Joint resolution to designate the month of October 1984 as "National Spina Bifida Month";

S.J. Res. 334. Joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month";

S.J. Res. 335. Joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week";

S.J. Res. 336. Joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world;

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments and with a preamble:

S.J. Res. 286. Joint resolution to approve the "Compact of Free Association," and for other purposes (Rept. No. 98–626).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1990. A bill to clarify the circumstances under which a trademark may be cancelled or abandoned (Rept. No. 98–627).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments and an amendment to the title:

S.J. Res. 5. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures (Rept. No. 98–628).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute and an amendment to the title:

S. 1754. A bill to direct the Secretary of Agriculture to convey, without consideration, to the Sabine River Authority of Texas approximately 34,000 acres of land within the Sabine National Forest, TX, to be used for the purposes of the Toledo Bend Project, Louisiana and Texas (Rept. No. 98-629).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

H.R. 5183. A bill to direct the Secretary of Agriculture to convey certain National Forest System lands to Craig County, Virginia (Rept. No. 98-630).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 554. Joint resolution to designate the week of November 11, 1984, through November 17, 1984, as "Women in Agriculture Week."

S. Res. 436. Resolution to commemorate the 100th anniversary of the Naval War College in Newport, RI.

S.J. Res. 310. Joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. THURMOND, from the Committee on the Judiciary:

Juan R. Torruella del Valle, of Puerto Rico, to be U.S. circuit judge for the first circuit;

Emory M. Sneeden, of South Carolina, to be U.S. circuit judge for the fourth circuit;

Cynthia Holcomb Hall, of California, to be U.S. circuit judge for the ninth circuit;

Charles E. Wiggins, of Virginia, to be U.S. circuit judge for the ninth circuit;

Marion F. Aguero, of New York, to be a Commissioner of the Copyright Royalty Tribunal for the term of 7 years from September 27, 1984.

By Mr. TOWER, from the Committee on Armed Services:

Richard E. Carver, of Illinois, to be an Assistant Secretary of the Air Force.

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Maj. Gen. James E. Moore, Jr., U.S. Army, to be lieutenant general; Lt. Gen. Edward A. Partain, U.S. Army (age 54) to be placed on the retired list; Lt. Gen. Louis C. Menetrey, U.S. Army, to be reassigned in the grade of lieutenant general; Maj. Gen. Robert H. Reed, U.S. Air Force, to be lieutenant general; Lt. Gen. Howard W. Leaf, U.S. Air Force (age 60) to be placed on the retired list; Lt. Gen. Robert W. Bazley, U.S. Air Force, to be reassigned in the grade of lieutenant general; Lt. Gen. William E. Brown, U.S. Air Force (age 56) to be placed on the retired list; Maj. Gen. James R. Brown, U.S. Air Force, to be lieutenant general; and Maj. Gen. Monroe W. Hatch, Jr., U.S. Air Force, to be lieutenant general. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Army Reserve there are 21 appointments to the grade of major general and below (list begins with James E. Beal); in the Air National Guard there are 22 promotions into the Air Force Reserve to the grade of lieutenant colonel (list begins with Billy C. Bearden); in the Air Force there is one appointment to a grade no higher than captain (James L. Sterrett); in the Army there are 12 promotions to the grade of colonel and below (list begins with Frank A. Cammarata); in the Army Reserve there are 142 promotions to the grade of colonel and below (list begins with Joseph J. Battle); in the Marine Corps Reserve there are 196 appointments to the grade of lieutenant colonel (list begins with Thomas D. Affourtit); in the Navy Reserve there are 200 promotions to the grade of captain (list begins with Honorato M. Aguila); in the Navy Reserve there are 281 promotions to the grade of commander (list begins with Robert G. Allen, Jr.); in the Navy there are 34 appointments to the grade of permanent ensign (list begins with Roger W. Bache); in the Air Force Reserve there is one appointment to the grade of colonel (John M. Levinson); in the Navy and Navy Reserve there are 22 promotions to the grade of lieutenant commander and below (list begins with Lynn Lewis); in the Navy and Navy Reserve there are 38 appointments to the grade of commander and below (list begins with Michael G. Fraunces); and in the Marine Corps there are 371 transfers from the Marine Corps Reserves into the Marine Corps to the grade of lieutenant colonel and below (list begins with William H. Harris). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of August 10 and September 5, 1984, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BUMPERS:

S. 3010. A bill to amend the Act of May 29, 1984, to grant States and political subdivisions greater flexibility in conducting indemnity programs for the control and eradication of brucellosis of domestic animals, and for other purposes; to the Committee on Agriculture.

By Mr. STAFFORD (by request):

S. 3011. A bill to amend section 110(f) of the River and Harbor Act of 1958 (72 Stat. 303), as amended, to increase the monetary authorization for the rehabilitation of the Illinois-Mississippi Canal; to the Committee on Environment and Public Works.

S. 3012. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake further engineering and design of water resources development projects following the submission of a report to Congress recommending implementation; to the Committee on Environment and Public.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HAWKINS (for herself, Mr. GARN, Mr. HATCH and Mr. COCHRAN):

S. Res. 449. Resolution condemning the Government of Nicaragua for engaging in the international trafficking of narcotics; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. GARN, Mr. LAXALT, Mr. TOWER, Mr. BAUCUS, Mr. HATCH and Mr. DECONCINI):

S. Res. 450. Resolution calling for the abolution of the Compensatory Financing Facility; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. BUMPERS:

S. 3010. A bill to amend the act of May 29, 1984, to grant States and political subdivisions greater flexibility in conducting indemnity programs for the control and eradication of brucellosis of domestic animals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

(The remarks of Mr. BUMPERS and the text of the legislation appear earlier in today's RECORD.)

By Mr. STAFFORD (by request):

S. 3011. A bill to amend section 11(f) of the River and Harbor Act of 1958 (72 State. 303), as amended, to increase the monetary authorization for the rehabilitation of the Illinois-Mississippi Canal; to the Committee on Environment and Public Works.

S. 3012. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake further engineering and design of water resources development projects following the submission of a report to Congress recommending implementation of the projects; to the Committee on Environment and Public Works.

WATER RESOURCES LEGISLATION

● Mr. STAFFORD. Mr. President, late last month, the administration submitted two water resources bills that it seeks to have the Congress consider before the close of the 98th Congress.

I am pleased to introduce these two bills, by request, and I hope they will be considered in the context of S. 1739, if we have the opportunity to deal with that bill later next week.

Mr. President, these appear to be sound bills. I ask unanimous consent that copies of the two bills, together with the transmittal letters, be printed at this point in the RECORD.

There being no objection, the materal was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That section 110(f) of the River and Harbor Act of 1958 (72 Stat. 303), as amended, is amended by striking the figure "$6,528,000" and substituting the figure "$13,064,000".

DEPARTMENT OF THE ARMY,
Washington, DC, August 28, 1984.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To amend section 110(f) of the River and Harbor Act of 1958 (72 Stat. 303), as amended, to increase the monetary authorization for the rehabilitation of the Illinois-Mississippi Canal.

The proposal is part of the Department of Army's Civil Works Legislative Program for the 98th Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Army recommends that Congress enact the proposal.

PURPOSE OF THE LEGISLATION

Enactment of this legislation would increase the monetary authorization for rehabilitation of the Illinois-Mississippi Canal by $6,536,000. The increase in cost is due to a delay of several years when construction stopped pending the outcome of a lawsuit. The increase will allow the Corps of Engineers to complete rehabilitation work it previously agreed to do under existing authorities.

The 75-mile long Illinois and Mississippi Canal was constructed by the Corps of Engineers under authority of the River and Harbor Act of 1890. It was completed in 1918 and connects the Illinois River near Bureau, Illinois, to the Mississippi River at the mouth of the Rock River. The main canal is 6.5 feet deep and includes 32 locks. The project also includes a 29-mile feeder canal that carries water from the Rock River to the main canal. The canal is obsolete for present-day navigation, and was closed to traffic in 1951.

The State of Illinois was interested in taking over the canal for development as a park. Transfer of the canal was authorized in the River and Harbor Act of 1958, which also authorized $2 million for repair and modification to place the canal in proper condition for public recreational use. The canal was transferred on August 1, 1970. The River and Harbor Act of 1970 authorized an additional $6,528,000 for further repair and modification of the canal, subsequent to the transfer, bringing the total amount authorized to be appropriated to $8,528,000.

The repair and modification work was underway and continued until a suit was filed against the Federal Government and the State in 1974 over maintenance of highway bridges. Further work was suspended to avoid the possibility of subjecting the government to double liability. Because of the lawsuit and the delay involved, the total monetary authorization of $8,528,000, which includes the $2,000,000 authorized to be appropriated prior to transfer of the property to the State and the additional $6,528,000 authorized to be appropriated subsequent to the transfer, is no longer adequate to complete Federal rehabilitation responsibilities.

The State of Illinois has recently completed a master plan for development on the canal. Portions of the plan are structural rehabilitation consistent with the work originally scheduled to be accomplished by the Federal Government in accordance with agreements between the Federal Government and the State of Illinois as authorized by the River and Harbor Act of 1958. That work is currently estimated at $7,677,000.

Since only $1,141,428 of the Corps' existing monetary authorization has not yet been spent, an increase of $6,536,000 in monetary authorization is required to complete the items of work the Corps has agreed to accomplish under existing authorities.

COST AND BUDGET DATA

The enactment of this legislation will result in an increase in budgetary requirements of $6,536,000 over a four-year period. It is proposed that the funds would be budgeted under the Major Rehabilitation category of the Construction, General, Appropriation.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACTS

The enactment of this proposal would have no civil rights impacts. The work to be completed is rehabilitation of existing features, and thus will probably not have extensive environmental impacts. The work would be done consistent with current regulations, including preparation of an environmental impact statement, if needed.

Sincerely,

ROBERT K. DAWSON,
Acting Assistant Secretary of the Army (Civil Works).

S. 3012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, whenever the Secretary of the Army transmits a report to Congress recommending implementation of a water resources development project and the Secretary determines that the project has substantial merit the Secretary, acting through the Chief of Engineers, may initiate advance engineering and design of the project.

SEC. 2. There is authorized to carry out this Act an amount not to exceed $10,000,000 per fiscal year.

DEPARTMENT OF THE ARMY,
Washington, DC, August 28, 1984.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake further engineering and design of water resources development projects following the submission of a report to Congress recommending implementation of the projects."

This proposal is part of the Department of the Army Civil Works legislative program for the 98th Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of the proposal for the consideration of Congress. The Department of the Army recommends that Congress enact the proposed legislation.

PURPOSE OF THE LEGISLATION

The proposed legislation would authorize the U.S. Army Corps of Engineers to continue certain advance engineering and design of water resources development projects prior to their authorization for construction, where the Secretary of the Army has already submitted a favorable report on the projects to Congress.

The planning and design of water resources development projects by the Army Corps of Engineers has traditionally involved work undertaken in a number of stages prior to actual physical construction of the project. Typically, Congress first authorizes the Corps to conduct a study of a particular water resource problem or proposal. The Corps then prepares the study, sometimes in more than one phase, and, if it determines that a plan of improvement is economically feasible and environmentally sound, the Corps recommends the plan in a report submitted to Congress. The report is ordinarily in sufficient detail to provide Congress with the information needed to make a determination on whether to authorize construction, but it does not involve any detailed engineering and design of the plan of improvement. Such advance engineering and design (AE&D) in the past was undertaken only after Congress actually authorized the project for construction.

Recently, the Corps of Engineers examined ways to expedite the construction of water resources development projects. It found that significant delays often occur between the time that the Corps submits a report to Congress and the time that a project is authorized for construction. In essence, this time is wasted. The Corps therefore concluded that one way to shorten the process and, in addition, make it more efficient would be to continue AE&D after reporting favorably to the Congress.

In response, since 1981 Congress has allowed funding of "detailed studies and plans and specifications" of water resources development projects of the Department of the Army out of the General Investigations account of the Department's annual Civil Works appropriations measure. This has permitted the Corps of Engineers to continue AE&D on projects for which a final report has not yet been submitted to the Congress. In such cases, the Corps can prepare an interim report, recommending authorization of construction, but continue AE&D while awaiting action on that recommendation. It is the Corps' belief that this is not possible where a final report has been submitted to the Congress since transmittal of a final report terminates the Corps' authority to undertake any further study of a project.

"Preconstruction" AE&D enables the Corps of Engineers to proceed smoothly from preauthorization studies and reports to preliminary engineering and planning investigations of worthy water resources development projects. It helps to maintain project continuity by keeping together technical expertise that would be lost otherwise and by ensuring continued contact with State and local governments and other non-Federal participants in the project. It also helps ensure that the cost estimates used as a basis for construction authorization are

more accurate and reflect the most current plan of work.

The proposed legislation would extend these benefits to projects on which the Corps of Engineers has already submitted final feasibility reports. If a report recommends implementation of the project, and if the Secretary of the Army determines that the project has substantial merit, the Corps of Engineers may initiate advance engineering and design of the project. The legislation would authorize the Corps to allocate up to $10,000,000 per fiscal year for such "preconstruction" AE&D. The Corps will ensure that projects nominated for funding under the proposed authority meet the Department of the Army eligibility and preliminary selection criteria for new AE&D starts. In addition, the Corps will not use the proposed authority unless significant cost and time savings are likely.

Congress granted the Corps of Engineers similar authority for fiscal years 1978 and 1979 in section 101(c) of the Water Resources Development Act of 1976 (Public Law 94-587).

COST AND BUDGET DATA

If this proposal is enacted, the Department of the Army will be authorized to allocate up to $10,000,000 annually for "preconstruction" advance engineering and design of water resources development projects.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACT CONSIDERATIONS

Enactment of this proposal will have no environmental or civil rights impacts.

Sincerely,

ROBERT K. DAWSON,
Acting Assistant Secretary of the Army (Civil Works).●

ADDITIONAL COSPONSORS

S. 133

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 133, a bill to establish a Federal annuity program to compensate participants in private pension plans which terminate before June 1, 1974, for nonforfeitable pension benefits which were lost by reason of the termination, and for other purposes.

S. 521

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 521, a bill to promote the public welfare by protecting institutionalized children from abuse.

S. 1910

At the request of Mr. PRESSLER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1910, a bill to adapt principles of the Administative Procedures Act to assure public participation in the development of certain positions to be taken by the United States in international organizations, and for other purposes.

S. 1935

At the request of Mr. HEINZ, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 1935, a bill to establish an interagency task force on cigarette safety.

S. 2692

At the request of Mr. ARMSTRONG, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2692, a bill to exempt water conveyance systems from fees and conditions under the Federal Land Policy and Management Act of 1976, and for other purposes.

S. 2720

At the request of Mrs. HAWKINS, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Alabama [Mr. DENTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Mr. MATHIAS], and the Senator from Texas [Mr. TOWER] were added as cosponsors of S. 2720, a bill to recognize the organization known as the Women's Army Corps Veterans' Association.

S. 2774

At the request of Mrs. KASSEBAUM, the names of the Senator from Montana [Mr. MELCHER], and the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Indiana [Mr. QUAYLE], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of S. 2774, a bill to grant a Federal charter to the National Society, Daughters of the American Colonists.

S. 2847

At the request of Mr. BOSCHWITZ, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 2847, a bill to eliminate the asset criteria for the needs test under the Guaranteed Student Loan Program.

S. 2894

At the request of Mr. MELCHER, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 2894, a bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrual rules in the case of sales of residences, farms, and real property used in a trade or business.

S. 2930

At the request of Mr. SYMMS, the names of the Senator from Utah [Mr. HATCH], and the Senator from Texas [Mr. TOWER] were added as cosponsors of S. 2930, a bill to repeal the changes made by the Tax Reform Act of 1984 with respect to the treatment of debt instruments issued for property.

S. 3001

At the request of Mr. DOMENICI, the name of the Senator from Kentucky [Mr. FORD] was added as cosponsor of S. 3001, a bill permitting American prisoners of war held by the Japanese after the Bataan death march to sue in the U.S. Court of Claims.

SENATE JOINT RESOLUTION 262

At the request of Mr. PACKWOOD, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 262, a joint resolution to designate March 16, 1985, as "Freedom of Information Day."

SENATE JOINT RESOLUTION 264

At the request of Mr. TSONGAS, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 264, a joint resolution to designate the month of March 1985 as "National Hemophilia Awareness Month."

SENATE JOINT RESOLUTION 352

At the request of Mr. DANFORTH, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 352, a joint resolution designating October 1984 as "National Head Injury Awareness Month."

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 436

At the request of Mr. PELL, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Delaware [Mr. BIDEN], the Senator from Illinois [Mr. PERCY], the Senator from Massachusetts [Mr. TSONGAS], the Senator from California [Mr. WILSON], the Senator from Virginia [Mr. WARNER], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Oregon [Mr. HATFIELD], and the Senator from Colorado [Mr. HART] were added as cosponsors of Senate Resolution 436, a resolution to commemorate the 100th anniversary of the Naval War College in Newport, RI.

SENATE RESOLUTION 449—CONDEMNING THE GOVERNMENT OF NICARAGUA FOR ENGAGING IN THE INTERNATIONAL TRAFFICKING OF NARCOTICS

Mrs. HAWKINS (for herself, Mr. GARN, Mr. HATCH, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 449

Whereas hearings held within the United States Senate have revealed that a senior member of the Government of Nicaragua is involved in the trafficking of drugs;

Whereas the United States Government has obtained photographic evidence of drug trafficking on the part of a senior official of the Government of Nicaragua and the use of Nicaraguan military personnel and governmental facilities, such as military airstrips and refueling and radar facilities;

Whereas a former member of the Nicaraguan diplomatic corps testified of narcotics use and trafficking by senior members of the Government of Nicaragua;

Whereas Senate hearings revealed that a plan to corrupt American youth through drugs was conceived of and implemented by senior officials of the Government of Nicaragua with the aid of senior officials of the Government of Cuba;

Whereas narcotic profits are used to finance terrorism, and narcotics are used as a weapon for terrorist activity; and

Whereas illegal narcotics has led to impaired national defense, lowered productivity, increased violent crime, failed education, and addiction and death: Now, therefore, be it

Resolved, That the Senate hereby condemns the Government of Nicaragua for engaging in the international trafficking of narcotics.

SENATE RESOLUTION 450—RELATING TO ABOLITION OF THE COMPENSATORY FINANCING FACILITY

Mr. HEINZ (for himself, Mr. DOMENICI, Mr. GARN, Mr. LAXALT, Mr. TOWER, Mr. BAUCUS, Mr. HATCH, Mr. DECONCINI) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 450

Whereas the Compensatory Financing Facility of the International Monetary Fund distorts the free market by providing low interest, subsidized loans to countries experiencing balance of payments shortfalls;

Whereas the Compensatory Financing Facility loans are made without conditionality and are inconsistent with IMF adjustment goals;

Whereas such low interest, subsidized loans tend to encourage the mining and production of commodities in oversupply by shielding producers from the immediate consequences of their production decisions;

Whereas commodities such as copper and nickel are at all time post-war lows as a result of world overproduction;

Whereas tens of thousands of American workers have lost their jobs as a result of world overproduction of commodities such as copper and nickel;

Be it resolved, That the Secretary of the Treasury should instruct the Executive Director to the International Monetary Fund to work vigorously for the abolition of the Compensatory Financing Facility at the next meeting of the Fund.

● Mr. HEINZ. Mr. President, on behalf of Mr. DOMENICI, Mr. GARN, myself and others, today I am submitting a resolution calling upon the Secretary of the Treasury to instruct the U.S. Executive Director to the International Monetary Fund to work vigorously for the abolition of the Fund's Compensatory Financing Facility. Let me take a moment to explain why I, as a strong supporter of the IMF, am suggesting such radical surgery for this international organization.

Mr. President, when it was created in 1963, the original concept of the Compensatory Financing Facility seemed to be a necessary and proper function for the Fund. The CFF was created to help Fund members through temporary balance-of-payments shortfalls resulting from circumstances beyond their control. This seems reasonable enough. World commodity prices frequently fluctuate, and it seems sensible to minimize balance-of-payments shortfalls. The idea is to borrow from the Fund when export earnings suddenly drop, with the expectation that such funds can be repaid when commodities return to their normal price levels.

I emphasize that this facility seems reasonable in the abstract, Mr. President. But as chairman of the International Finance Subcommittee, I have given this Fund's use careful study, and I believe that it has, in practice, exacerbated the very problems it was created to alleviate. Let me explain.

The recent debt crisis has demonstrated that countries heavily dependent on hard commodities for export earnings are frequently willing to continue peak production of those commodities long past the time when it is uneconomic to do so. The situation with regard to world copper production is an ideal example of this problem. Major copper producers such as Zambia, Zaire, and Peru have gone all out to expand the production of their copper mines. Such production has continued in the face of precipitous drops in the price of world copper, which have brought the income from such production to a level below the actual cost of production. Such uneconomic production strategies can only be explained when one also understands the fact that copper production in these countries is an important source of Government employment and almost the only source of foreign exchange earnings.

Mr. President, the irony in this absurd situation results from the fact that the more these countries mine their way to overproduction and economic ruin the more they are eligible for relief under the Compensatory Financing Facility of the IMF. Since the CFF is available to them as members as a matter of right up to 83 percent of their quota subscription, it has the effect of shielding them from the consequences of their poor economic planning. I understand that in recent years the Fund has attempted to introduce a degree of conditionality into drawings from the CFF, but, by and large, the CFF remains the equivalent of an entitlement program for countries which practice short-sighted economic planning.

This is absurd economics, Mr. President.

The pitfalls of the continued operation of this facility should be obvious. In practice, the CFF works against the normal workings of the free market by allowing—even encouraging—Fund members to continue with policies of internal subsidy and overproduction at a time when such countries should be induced to adopt rigorous programs of adjustment.

This makes no sense to me, particularly at a time when thousands of American copper and nickel mine workers are being thrown out of jobs as a result of the irrational production and pricing policies of U.S. competitors in the less developed world. The copper and nickel situation today could very well be repeated in steel producing nations, since the less developed world also has an abundance of steel-making capacity.

Mr. President, over the past 8 years the major copper producers of the world have made ample use of the IMF, and, not surprisingly, of the $4.4 billion borrowed by these countries, almost 50 percent was drawn from the CFF, where conditionality is, for all intents and purposes, nonexistent. Their trend of borrowings, of course, had its greatest upswing in 1982 and 1983, when copper prices were at their lowest in more than three decades.

The point is, Mr. President, that at the very time when the Fund should have had its greatest impact on the short-sighted economic planning of its members—to guide them toward more sensible production policies—the entitlement nature of the CFF and its ready availability to the hard-pressed LDC's vitiated fund leverage.

Mr. President, the Compensatory Financing Facility was established to help Fund members weather temporary falls in world commodity prices that were beyond their control. Today, the CFF is being used to shore up a fundamentally unsound policy of overproduction being pursued by debtor nations when it is fully within their control. Worse still, the American people are paying doubly for this counterproductive facility at the IMF. Not only are they losing their jobs as a result of commodity gluts on world markets, they are, at the same time, financing the CFF indirectly with their taxes. This is absurd economics. The CFF should be terminated at once.

That is why, Mr. President, Senators GARN, DOMENICI, and I are submitting this resolution today. I urge my colleagues to take a moment to reflect on the problem this resolution addresses and then to join us in support of the resolution.●

AMENDMENTS SUBMITTED

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

FORD AMENDMENTS NOS. 4292 THROUGH 4305

(Ordered to lie on the table.)

Mr. FORD submitted 14 amendments intended to be proposed by him to the resolution (S. Res. 66) to establish regulations to implement television and radio coverage of proceedings of the Senate; as follows:

AMENDMENT No. 4292

On page 6, after line 15, insert the following:

SEC. 9. Paragraph 1(a) of rule XIX of the Standing Rules of the Senate is amended by inserting at the end thereof the following: "When proceedings in the Senate are being televised, the Presiding Officer shall recognize Senators in such alternate fashion as will insure equality of access to the right to speak by members of the majority and minority, and when recognizing Senators, the Presiding Officer shall identify each member by name and State.".

AMENDMENT No. 4293

On page 6, after line 15, insert the following:

SEC. 9. Paragraph 1(a) of rule XIX of the standing Rules of the Senate is amended by inserting at the end thereof the following: "When proceedings in the Senate are being televised, each Senator shall be limited to one hour of debate on the pending question unless by leave of the Senate, determined without debate, such debate time is extended. A Senator may seek recognition for an additional hour of debate after all other Senators seeking recognition have been recognized.".

AMENDMENT No. 4294

On page 6, after line 15, insert the following:

SEC. 9. Rule XV of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"(6) Whenever debate in the Senate is being televised only germane and relevant amendments and debate shall be in order and, in the absence of a point of order, it shall be the responsibility of the Presiding Officer, on his own initiative, to enforce this rule.".

AMENDMENT No. 4295

On page 6, after line 15, insert the following:

SEC. 9. The first sentence of paragraph 1 of rule XII of the Standing Rules of the Senate is amended by inserting after "without debate," the following: "from his own desk,".

AMENDMENT No. 4296

On page 6, after line 15, insert the following:

SEC. 9. Paragraph 6 of rule XIX of the Standing Rules of the Senate is amended by inserting at the end thereof the following: "Whenever the proceedings of the Senate are being televised, interruptions and disturbances in the galleries shall not be broadcast.".

AMENDMENT No. 4297

On page 6, after line 15, insert the following:

SEC. 9. Rule XXXIII of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"(3) Notwithstanding any other rule or order of the Senate, the Senate Chamber shall be modified to accommodate television cameras, and the proceedings of the Senate shall be televised, on a selective basis, determined in each instance by the majority and minority leaders, in accordance with such rules and regulations as are promulgated by the Committee on Rules and Administration and approved by the Senate.".

AMENDMENT No. 4298

On page 6, after line 15, insert the following:

SEC. 9. Rule XXXIII of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"(3) Notwithstanding any other rule or order of the Senate, television coverage of the proceedings of the Senate shall not be provided when there are fewer than one-fourth of the Senators present on the floor, and it shall be the responsibility of the Presiding Officer, on his own initiative, or on a point of order, to enforce this sentence.".

AMENDMENT No. 4299

Strike out all after the resolving clause and insert in lieu thereof the following:

That (a) the Senate hereby authorizes and directs that there be radio broadcast coverage (together with audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with the provisions of this resolution,

(2) provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered, and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7, rule XXV, paragraph 1(n), and rule XXXIII, paragraph 2.

SEC. 2. The radio broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate,

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, education, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcast.

SEC. 3. (a) The broadcast coverage by radio of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for radio (including a control room and the modification of Senate sound fixtures),

(2) employ necessary expert consultants, and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio signal of such proceedings, and (B) provide an archive-quality audio tape recording of such proceedings;

Provided. That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio equipment installed pursuant to this resolution, (2) make audio recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b) (1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided,* That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 4. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol, and

(2) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 6. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution and S. Res. 20, Ninety-seventh Congress.

SEC. 7. Such funds as may be necessary (but not in excess of $200,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

AMENDMENT No. 4300

Strike out all after the resolving clause and insert in lieu thereof the following:

That (a) the Senate hereby authorizes and directs that there be radio broadcast

coverage (together with audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution.

(2) provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered, and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7, rule XXV, paragraph 1(n), and rule XXXIII, paragraph 2.

SEC. 2. The radio broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate,

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, education, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcast.

SEC. 3. (a) The broadcast coverage by radio of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for radio (including a control room and the modification of Senate sound fixtures),

(2) employ necessary expert consultants, and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio signal of such proceedings, and (B) provide an archive-quality audio tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clause (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio equipment installed pursuant to this resolution, (2) make audio recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b) (1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided,* That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 4. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 5. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution and S. Res. 20, Ninety-seventh Congress.

SEC. 6. Such funds as may be necessary (but not in excess of $200,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

AMENDMENT No. 4301

On page 6, line 5, after the period insert the following: "Any Senator who uses any taped duplication of broadcast coverage of the proceedings of the Senate for political or commercial purposes, whether before his election as a Senator or after, shall be subject to expulsion, censure, reprimand, or such other punishment deemed appropriate by the Senate.".

AMENDMENT No. 4302

On page 3, line 4, strike out "The" and insert in lieu thereof "Subject to the provisions of the following sentence, the".

On page 3, line 8, after the period insert the following: "If necessary for a more complete understanding of Senate proceedings and upon agreement of the Majority Leader and Minority Leader, the television broadcast of Senate proceedings may include Senators not specified in the preceding sentence.".

AMENDMENT No. 4303

On page 5, line 10, beginning with "Such" strike out through the period on line 14 and insert in lieu thereof: "Such test period shall end on January 3, 1989.".

AMENDMENT No. 4304

On page 2, strike out lines 5 through 16 and insert in lieu thereof the following:

"(b) Such broadcast coverage shall be provided in accordance with the provisions of this resolution and the Standing Rules of the Senate.".

AMENDMENT No. 4305

On page 2, strike out lines 8 through 11 and insert in lieu thereof the following:

"(2) provided, upon agreement of the majority leader and the minority leader, any time when the Senate is in session (or is meeting in the Committee of the Whole), except for any time when a meeting with closed doors is ordered, and".

Mr. FORD. Mr. President, this morning I am submitting a series of amendments to Senate Resolution 66 which are, in turn, proposed amendments to the Standing Rules of the Senate. I serve this notice in compliance with the provisions of rule V [5] of the Senate's standing rules.

These amendments will not be in compliance with the germaneness provisions of rule XXII [22], if cloture is invoked on the petition presented on Wednesday by the majority leader. They will be ruled out of order on objection under the rule. Yet each of these amendments proposes serious, substantial, and in my opinion needed changes to the rules of the Senate if Senate Resolution 66 should in fact be agreed to.

There should be ample time for these amendments to be debated, and for Senators to consider them carefully before final action is taken on Senate Resolution 66. But if we vote to cloture Senate Resolution 66 those seven or eight amendments cannot even be called up for consideration.

The importance of considering these rule changes is but another compelling reason to vote no on the cloture petition when it is laid before the Senate. I urge my colleagues to vote no on cloture with me, so that these needed rules changes can be given the attention they deserve on the floor of the Senate.

Mr. President, with the amendments just referred to, I also send to the desk at this time several other amendments which are not proposed amendments to the Standing Rules of the Senate.

BAKER AMENDMENT NO. 4306

(Ordered to lie on the table.)

Mr. BAKER submitted the following amendment intended to be proposed by him to the resolution Senate Resolution 66, supra; as follows:

In Rule VII, between paragraphs 2 and 3, add the following:

"3. The Presiding Officer may at any time lay, and it shall be in order at any time for the Majority Leader to move to lay, before the Senate any item on the Calendar of General Orders which is otherwise in order. Any motion so made shall be determined without debate."

Renumber subsequent paragraphs of Rule VII as "4.", "5.", "6.", and "7.".

Mr. BAKER. I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend Rule VII of the Standing Rules for the purpose of providing a non-debatable motion available to the Majority Leader of the Senate to proceed to any matter which is otherwise in order.

BYRD AMENDMENTS NOS. 4307 THROUGH 4317

(Ordered to lie on the table.)

Mr. BYRD submitted 11 amendments intended to be proposed by him to the resolution Senate Resolution 66, supra; as follows:

AMENDMENT No. 4307

On page 2, line 8 strike the words "continuously at all times" and insert in lieu thereof "from the hours of 12 noon until 3

o'clock p.m. for television and continuously at all times for radio."

AMENDMENT NO. 4308

On page 2, line 8, strike the words "continuously at all times" and insert in lieu thereof "from the hours of 12 noon until 4 o'clock p.m. for television and continuously at all times for radio."

AMENDMENT NO. 4309

Strike out all after the resolving clause and insert in lieu thereof the following:

That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with the provisions of this resolution,

(2) provided from the hours of 12 noon until 3 o'clock p.m. for television and continuously at all times for radio when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered, and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7, rule XXV, paragraph 1(n), and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate,

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, education, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcast.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures),

(2) employ necessary expert consultants, and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b) (1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established,

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol, and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution and S. Res. 20, Ninety-seventh Congress.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expanded from the contingent fund of the Senate.

AMENDMENT NO. 4310

Strike out all after the resolving clause and insert in lieu thereof the following:

That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with the provisions of this resolution,

(2) provided from the hours of 12 noon until 3 o'clock p.m. for television and continuously at all times for radio when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered, and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7, rule XXV, paragraph 1(n), and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate,

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, education, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcast.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures),

(2) employ necessary expert consultants, and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of

the Senate and to each person described in subsection (b) (1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided,* That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established,

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol, and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution and S. Res. 20, Ninety-seventh Congress.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

This resolution shall only take effect when a procedure has been adopted to allow the Senate to waive the 3-day rule on written reports, and when a procedure has been adopted by which the time during televised sessions of the Senate is divided equally and is under the control of the Majority and Minority Leaders or their designees, and when a procedure has been adopted by which amendments can be required to be germane to the measure or matter to which they are offered, and when a procedure has been adopted by which Senate committees are precluded from meeting during televised sessions, and when the Senate has restricted the unlimited debate allowed on a motion to proceed to any measure or matter not a measure or matter to amend the Standing Rules of the Senate, and when the Senate has provided after cloture for a Senator to be able to yield back 1 hour of time, thereby reducing the 100 hour cap by 1 hour.

AMENDMENT NO. 4311

At the end of the resolution add the following: "This resolution shall only take effect when the Senate has provided after cloture for a Senator to be able to yield back one hour of time, thereby reducing the 100 hour cap by one hour."

AMENDMENT NO. 4312

At the end of the resolution add the following: "This resolution shall only take effect when a procedure has been adopted to allow the Senate to waive the 3-day rule on written reports."

AMENDMENT NO. 4313

At the end of the resolution add the following: "This resolution shall only take effect when a procedure has been adopted to allow the Senate to waive the 3-day rule on written reports."

AMENDMENT NO. 4314

At the end of the resolution add the following: "This resolution shall only take effect when the Senate has adopted a procedure by which amendments can be required to be germane to the measure or matter to which they are offered."

AMENDMENT NO. 4315

At the end of the resolution add the following: "This resolution shall only take effect when the Senate has adopted a procedure by whch the time during televised sessions of the Senate is divided equally and is under the control of the Majority and Minority Leaders or their designees."

AMENDMENT NO. 4316

At the end of the resolution add the following: "This resolution shall only take effect when the Senate has adopted a procedure by which Senate committees are precluded from meeting during televised sessions."

AMENDMENT NO. 4317

At the end of the resolution add the following: "This resolution shall only take effect when the Senate has restricted the unlimited debate allowed on a motion to proceed to any measure or matter not a measure or matter to amend the Standing Rules of the Senate."

JOHNSTON AMENDMENTS NOS. 4318 THROUGH 4331

(Ordered to lie on the table.)

Mr. JOHNSTON submitted 14 amendments intended to be proposed by him to the resolution (S. Res. 66), supra; as follows:

AMENDMENT NO. 4318

On page 2 strike lines 8 through 11, and insert in lieu thereof:

"(2) provided for a maximum of one hour per day, at a time to be determined jointly by the majority leader and the minority leader, and".

AMENDMENT NO. 4319

On page 2 strike lines 8 through 11, and insert in lieu thereof:

"(2) limited to coverage of debate of major issues, as determined jointly by the majority leader and the minority leader, and".

AMENDMENT NO. 4320

On page 2, between lines 7 through 8, insert the following new subsection and redesignate succeeding subsections:

"(2) divided equally between the majority leader and the minority leader, or their designees; if the time is not divided equally, the broadcast coverage shall be automatically suspended,"

AMENDMENT NO. 4321

On page 5, between lines 4 and 5, insert:

"(e) Such tape shall not be made available to the public for viewing or rebroadcasting until (1) fifty years from the date of the original broadcast, or (2) the date of death of any Senator involved in the debate, whichever is later."

AMENDMENT NO. 4322

On page 3, strike lines 4 through 8, and insert in lieu thereof:

"SEC. 3. The television broadcast of Senate proceedings shall pan the entire Senate Chamber."

AMENDMENT NO. 4323

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided only when the Majority Leader and the Minority Leader jointly agree to do so, and".

AMENDMENT NO. 4324

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided only after passage of a motion providing for coverage of a particular item on the legislative or executive calendar by three-quarters of the Senators present and voting, and".

AMENDMENT NO. 4325

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided only after passage of a motion providing for coverage of a particular item on the legislative or executive calendar by two-thirds of the Senators present and voting, and".

AMENDMENT NO. 4326

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided only by unanimous consent of the Senate, and".

AMENDMENT NO. 4327

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided only when the Senate is considering measures or matters on the legislative or executive calendars, and a meeting with closed doors has not been ordered, and".

AMENDMENT NO. 4328

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided for a maximum of four hours per day, at a time to be determined

jointly by the Majority Leader and the Minority Leader, and".

AMENDMENT No. 4329

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided for a maximum of three hours per day, at a time to be determined jointly by the Majority Leader and the Minority Leader, and".

AMENDMENT No. 4330

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided for a maximum of two hours per day, at a time to be determined jointly by the Majority Leader and the Minority Leader, and".

AMENDMENT No. 4331

On page 2, between lines 7 and 8, insert the following new subsection and redesignate succeeding subsections:

"(2) provided only when a majority of the Members duly elected and sworn are present,".

DODD AMENDMENTS NOS. 4332 AND 4333

(Ordered to lie on the table.)

Mr. DODD submitted two amendments intended to be proposed by him to the resolution, Senate Resolution 66, supra; as follows:

AMENDMENT No. 4332

On page 2, strike out lines 8 through 11, and insert in lieu thereof the following:

"(2) provided only during the consideration of a bill, resolution, treaty, or nomination and subject to the Senate subsequently adopting a procedure to provide for agreement by majority vote of the Senators, a quorum being present, prior to the consideration of such bill, resolution, treaty, or nomination to permit broadcast coverage, and".

AMENDMENT No. 4333

On page 6, line 12, after the period insert the following: "The authority to broadcast coverge of the proceedings of the Senate provided by this resolution shall expire at the end of the Congress during which live transmission to the public of such proceedings commences.".

DANFORTH AMENDMENTS NOS. 4334 AND 4335

(Ordered to lie on the table.)

Mr. DANFORTH submitted two amendments intended to be proposed by him to the resolution, Senate Resolution 66, supra; as follows:

AMENDMENT No. 4334

On page 2, strike all on lines 8 through 11, and insert in lieu thereof the following:

"(2) provided only during the consideration of a matter which is subject to a unanimous consent agreement limiting time for consideration of such matter and containing a requirement that all amendments be germane,".

AMENDMENT No. 4335

On page 2, line 5, strike out "Such" and insert in lieu thereof "(1) Radio".

On page 2, line 6, strike out "(1)" and insert in lieu thereof "(A)".

On page 2, line 8, strike out "(2)" and insert in lieu thereof "(B)".

On page 2, line 12, strike out "(3)" and insert in lieu thereof "(C)".

On page 2, between lines 16 and 17, insert the following:

"(2) Television broadcast coverage shall be provided only during the consideration of a matter which is subject to a unanimous consent agreement limiting the time for consideration of such matter and containing a requirement that amendments be germane.".

OMNIBUS TRADE ACT

DANFORTH AMENDMENT NO. 4336

Mr. DANFORTH proposed an amendment to amendment No. 4244 proposed by him to the bill (H.R. 3398) to change the tariff treatment with respect to certain articles, and for other purposes; as follows:

Page 58, strike lines 28 through 34 and page 59 strike line 1 and 2 and add the following:

SEC. 307. NEGOTIATING AUTHORITY WITH RESPECT TO FOREIGN DIRECT INVESTMENT.

(a) Paragraph (3) of section 102(g) (19 U.S.C. 2112(g)(3) is amended to read as follows:

"(3) the term 'international trade' includes—

"(A) trade in both goods and services, and

"(B) foreign direct investment by United States persons, especially if such investment has implications for trade in goods and services."

(b)(1) If the United States Trade Representative, with the advice of the Committee established by section 242 of the Trade Expansion of 1962 (19 U.S.C. 1872), determines that action by the United States is appropriate to respond to any export performance requirements of any foreign country or instrumentality that adversely affect the economic interests of the United States, then the United States Trade Representative shall seek to obtain the reduction and elimination of such export performance requirements through consultations and negotiations with the foreign country or instrumentality concerned.

(2) In addition to the action referred to in section (1), the United States Trade Representative may impose duties or other import restrictions on the products or services of such foreign country or instrumentality for such time as he determines appropriate, including the exclusion from entry into the United States of products subject to such requirements.

(3) Whenever the international obligations of the United States and actions taken under section 2 make compensation necessary or appropriate, compensation may be provided by the United States Trade Representative subject to the limitations and conditions contained in section 123 of the Trade Act of 1974 (19 U.S.C. 2133) for providing compensation for actions taken under section 203 of that Act.

CHAFEE AMENDMENT NO. 4337

Mr. CHAFEE proposed an amendment to amendment No. 4244 proposed by Mr. DANFORTH to the bill H.R. 3398, supra; as follows:

On page 41 of the matter proposed to be inserted, between lines 18 and 19, insert the following:

SEC. . ANALYSIS OF ECONOMIC IMPACT OF IMPORT RESTRICTIONS.

(a) Section 202 of the Trade Act of 1974 (19 U.S.C. 2252) is amended by adding at the end thereof the following new subsection:

"(e)(1)(A) The Council of Economic Advisers shall prepare an analysis of the economic impact of any increase in, or imposition of, any duty or other import restriction which the Commission recommended in the report submitted under section 201(d).

"(B) The analysis prepared under subparagraph (A) shall include, but is not limited to—

"(i) the effect of the import restrictions on—

"(I) prices,

"(II) pretax revenues, and

"(III) employment, in the industries which are to be protected by the import restrictions,

"(ii) the cost to domestic consumers of the import restrictions,

"(iii) the effect of the import restrictions on output, employment, and profits in all industries other than the industries being protected by the import restrictions, taking into account—

"(I) the effect of the import restrictions on production costs and the international competitive position of such industries, and

"(II) the effect of possible retaliatory trade actions by foreign countries,

"(iv) an estimate of the transfer of income to foreign producers which will occur by reason of the import restrictions,

"(v) the effect of the import restrictions on the current balance-of-payments account of the United States, and

"(vi) the net impact on the economy as a whole of the import restrictions, including the impact on its international competitiveness.

"(C) The chairman of the Council of Economic Advisers shall submit to the President and to the Congress a report within 30 days of the date on which the President receives the report of the International Trade Commission, the analysis prepared under subparagraph (A).".

(b) Subsection (d) of section 201 of the Trade Act of 1974 (19 U.S.C. 2251 (d)) is amended by adding at the end thereof the following new paragraph:

"(2) The Commission shall submit to the Council of Economic Advisers a copy of the report submitted by the Commission to the President under paragraph (1) at the same time such report is submitted to the President.".

DANFORTH AMENDMENT NO. 4338

Mr. DANFORTH proposed an amendment to amendment No. 4244 proposed by him to the bill H.R. 3398, supra; as follows:

On page 70 of the matter proposed to be inserted, after line 10, add the following:

TITLE .—TELECOMMUNICATIONS PRODUCT CLASSIFICATION

SEC. . SHORT TITLE.

This title may be cited as the "Telecommunications Product Classification Act".

SEC. TARIFF SCHEDULE NOMENCLATURE.

(a) IN GENERAL.—The Tariff Schedules of the United States (19 U.S.C. 1202) are amended as follows:

(1) Part 5 of schedule 6 is amended—

(A) by inserting after headnote 5 the following new headnote:

"6. For purposes of the tariff schedules, the term 'entertainment broadcast band receivers' means those radio receivers designed principally to receive signals in the AM (550-1650 kHz) and FM (88-108 mHz) entertainment broadcast bands, whether or not capable of receiving signals on other bands (e.g., aviation, television, marine, public safety, industrial, and citizens band).",

(B) by striking out items 684.62 through 684.64 and inserting, in numerical sequence and subordinate to the superior heading to item 684.62, the following new items:

	Telephone apparatus and instruments and parts thereof:			
684.57	Telephone switching apparatus (including private branch exchange and key system switching apparatus), and parts and components thereof.	8.5% ad val.		35% ad val.
684.58	Telephone sets and other terminal equipment and parts thereof.	8.5% ad val.		35% ad val.
684.59	Other	8.5% ad val.		35% ad val.
684.63	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, Schedule 6).	Free		
	Other:			
684.65	Switching apparatus and parts thereof.	5.6 ad val.	4.7% ad val.	35% ad val.
684.66	Terminal apparatus (including teleprinting and teletypewriting machines) and parts thereof.	5.6 ad val.	4.7 ad val.	35% ad val.
684.67	Other	5.6 ad val.	4.7 ad val.	35% ad val.".

(C) by inserting, in numerical sequence, the following new item:

"684.80	Communications satellites (however provided for in this part) and parts thereof.	Free		".

(D) by redesignating 685.10, 685.11, 685.13, 685.14, 685.15, 685.16, 685.17, 685.18, 685.20, and 685.22 as 684.90, 684.92, 684.94, 684.96, 684.98, 685.00, 685.02, 685.04, 685.06, and 685 respectively,

(E) by striking out items 685.13 through 685.31 and inserting, in numerical sequence and subordinate to the superior heading to item 685.21, the following new items:

"685.10	Radio receivers, other than solid-state (tubeless).	6% ad val.		35% ad val.
	Solid state (tubeless) radio receivers:			
685.12	Designed for motor-vehicle installation.	8.9% ad val.	8% ad val.	35% ad val.
	Other:			
685.14	Entertainment broadcast band receivers.	7.7% ad val.	6% ad val.	35% ad val.
685.16	Other	7.7% ad val.	6% ad val.	35% ad val.
	Transceivers:			
	Citizens band:			
685.18	Hand held	6% ad val.		35% ad val.
685.20	Other	6% ad val.		35% ad val.
685.22	Low-power radio-telephone transceivers operating on frequencies from 49.82 to 49.90 mHz.	3.8% ad val.	2.4% ad val.	35% ad val.
685.24	Other transceivers.	6% ad val.		35% ad val.
	Other transmission apparatus incorporating reception apparatus:			
685.26	Cordless handset telephones.	6% ad val.		35% ad val.
685.28	Other	6% ad val.		35% ad val.
	Other:			
685.30	Transmitters	6% ad val.		35% ad val.
685.32	Other, including parts.	6% ad val.		35% ad val.
685.34	Radiotelegraphic and radiotelephonic transmission and reception apparatus, and radiobroadcasting transmission and reception apparatus, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6).	Free		".

(F) by redesignating 685.33, 685.34, and 685.36 as 685.36, 685.37 and 685.38, respectively.

(G) by inserting, in numerical sequence and at the same hierarchical level as the article description for item 685.40, the following new item:

"685.39	Telephone answering machines, and parts thereof.	4.5% ad val.	3.9% ad val.	35% ad val.".

(H) by striking out the article description for item 685.40 and inserting in lieu thereof the following: "Tape recorders and dictation recording and tanscribing machines (other than telephone answering machines), and parts thereof",

(I) by striking out item 685.50 and inserting in lieu thereof the following:

	Other:			
685.48	Articles designed for connection to telegraphic or telephonic apparatus or instruments or to telegraphic or telephonic networks.	5.9% ad val.	4.9% ad val.	35% ad val.
685.49	Other	5.9% ad val.	4.9% ad val.	35% ad val.".

(J) by striking out item 688.15 and inserting, in numerical sequence and subordinate to the superior heading to item 688.10, the following new items:

	Other:			
688.17	With modular telephone connectors.	5.8% ad val.	5.3% ad val.	35% ad val.
688.18	Other	5.8% ad val.	5.3% ad val.	35% ad val.".

(K) by redesignating item 688.16 as item 688.19, with the article description therefor subordinate to the article description for items 688.17 and 688.18 (as added by subparagraph (G)), and

(L) by striking out item 688.43 and inserting, in numerical sequence and subordinate to the superior heading to item 688.34, the following new items:

"	Other:			
688.41	Articles designed for connection to telegraphic or telephonic apparatus or instruments or to telegraphic or telephonic networks.	4.5% ad val.	3.9% ad val.	35% ad val.
688.42	Other	4.5% ad val.	3.9% ad val.	35% ad val.".

(3) Subpart A of part 2 of schedule 7 is amended—

(A) by inserting in numerical sequence the following new items:

"707.90	Optical fibers, whether or not in bundles, cables or otherwise put up, with or without connectors and whether mounted or not mounted.	13.1% ad val.	8.4% ad val.	65% ad val.".

and

(b) by redesignating items 708.09 and 708.29 as 708.10 and 708.30, respectively.

(4) Subpart A of part 3 of schedule 8 is amended by striking out the superior heading to item 837.00 and inserting in lieu thereof the following: "Articles for the National Aeronautics and Space Administration and articles (other than communications satellites and parts thereof) imported to be launched into space under launch services agreements with the National Aeronautics and Space Administration:".

(5) Subpart B of part 3 of schedule 8 is amended by striking out the superior heading to item 842.10 and inserting in lieu thereof the following: "Upon the request of the Department of State, articles (other than communications satellites and parts thereof) which are the property of a foreign government or of a public international organization:".

(b) CONFORMING AMENDMENTS.—

(1) RATE REDUCTIONS.—

(A) The rate of duty in column numbered 1 of the Tariff Schedules of the United States (as added by subsection (a)) for each item set forth below in the column headed "A" in the table under subparagraph (C) shall be subject to all staged rate reductions for the corresponding item set forth below in the column headed "B" in such table which were proclaimed by the President before the date of the enactment of this Act.

(B) Whenever the rate of duty specified in column numbered 1 of the Tariff Schedules of the United States for each item set forth below in the column headed "A" in the table under subparagraph (C) is reduced to the same level, or to a lower level, as the corresponding rate of duty specified in the column entitled "LDDC" of the Tariff Schedules of the United States for such item, the rate of duty in such "LDDC" column shall be deleted.

(C) The table referred to in this subparagraph is as follows:

A	B
676.13	676.15
676.14	676.15
676.28	676.30
676.29	676.30
676.53	676.52
676.54	676.52
678.49	678.50
678.53	678.50
684.65	684.64
684.66	684.64
684.67	684.64
685.21	685.21
685.22	685.24
685.23	685.24
685.26	685.26
685.39	685.40
685.48	685.50
685.49	685.50
688.17	688.15
688.18	688.15
688.41	688.43
688.42	688.43
707.90	708.29
707.92	708.09

(2) AUTHORITY UNDER THE TARIFF ACT OF 1930.—Subsection (a) of section 322 of the Tariff Act of 1930 (19 U.S.C. 1322 (a)) is amended by adding at the end thereof the following new sentence: "The authority delegated to the Secretary by this subsection shall not extend to communications satellites and components and parts thereof.".

(c) MODIFICATION OF SCHEDULE B.—The President shall modify schedule B of the Tariff Schedules of the United States to reflect the changes made by this section.

(d) EFFECTIVE DATE.—The amendments made by this title shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this title.

GRASSLEY AMENDMENT NO. 4339

Mr. GRASSLEY proposed an amendment to amendment No. 3704 proposed by Mr. DOLE to the bill H.R. 3398, supra; as follows:

On page 70, strike out line 8 and insert in lieu thereof the following:

SEC. 507. SUSPENSION OF MEXICO AS A BENEFICIARY DEVELOPING COUNTRY.

Section 502 of the Trade Act of 1974 (19 U.S.C. 2462) is amended by adding at the end thereof the following new subsection:

"(e)(1) Mexico shall not be treated as a beneficiary developing country under this title during the period that—

"(A) begins on the day after the date of enactment of the Generalized System of Preferences Renewal Act of 1984, and

"(B) ends on the date on which the President determines that all citizens of the United States who sustained injury or losses by reason of the detention by Mexico from January 17, 1980 to March 11, 1983, or the destruction on May 11, 1983, of a Convair 880 4-engine cargo jet aircraft that—

"(i) was owned by Grothair Service, Inc. of Castalia, Iowa, and

"(ii) was assigned United States registration number N880SR, Serial Number 7,

have been fully compensated for such injury or losses.

"(2) The President shall publish in the Federal Register notice of any determination made under paragraph (1)(B).".

SEC. 508. EFFECTIVE DATE.

DANFORTH AMENDMENTS NOS. 4340 AND 4341

Mr. DANFORTH proposed two amendments to amendment No. 4244 to proposed by him to the bill H.R. 3398, supra; as follows:

AMENDMENT No. 4340

On page 70 of the matter proposed to be inserted, after line 10, add the following:

SEC. . IMPLEMENTATION OF CUSTOMS CONVENTION ON CONTAINERS, 1972.

(a) Subpart C of part 1 of schedule 8 is amended—

(1) by amending headnote 1 to such subpart by inserting ", accessories and equipment" immediately before the period at the end thereof; and

(2) by amending the article description for item 808.00 by striking out ", and repair components" and all that follows thereafter and inserting in lieu thereof ", repair components for containers of foreign production which are instruments of international traffic, and accessories and equipment for such containers, whether a not the accessories and equipment are imported with a container to be reexported separately or with another container, or imported separately to be reexported with a container.".

(b) Subsection (a) of section 322 of the Tariff Act of 1930 (19 U.S.C. 1322(a)) is amended by striking out "granted the customary exceptions" and inserting in lieu thereof "excepted".

AMENDMENT No. 4341

On page 70 of the matter proposed to be inserted, after line 10, add the following:

SEC. . DATE OF LIQUIDATION OR RELIQUIDATION.

(a)(1) Section 505 of the Tariff Act of 1930 (19 U.S.C. 1505) is amended by adding at the end thereof the following new subsection:

"(c) Duties determined to be due on liquidation or reliquidation shall be due 15 days after the date of that liquidation or reliquidation, and unless payment of the duties is received by the appropriate customs officer within 30 days after that date, shall be considered delinquent and bear interest from the date of liquidation or reliquidation at a rate determined by the Secretary of the Treasury.".

(2) The amendment made by paragraph (1) shall take effect on the 30th day after the date of the enactment of this Act.

(b)(1) Section 520 of the Tariff Act of 1930 (19 U.S.C. 1520) is amended by adding at the end thereof the following new subsection.

"(d) If a determination is made to reliquidate an entry as a result of a protest filed under section 514 of this Act or an application for relief made under subsection (c)(1) of this section, or if reliquidation is ordered by an appropriate court, interest shall be allowed on any amount paid as increased or additional duties under section 505(c) of this Act at the annual rate established pursuant to that section and determined as of the 15th day after the date of liquidation or reliquidation. The interest shall be calculated from the date of payment to the date of (1) the refund, or (2) the filing a summons under section 2632 of title 28, United States Code, whichever occurs first.".

(2) The amendment made by paragraph (1) shall apply with respect to reliquidation determinations made or ordered on or after the date of the enactment of this Act.

BAUCUS (AND BENTSEN) AMENDMENT NO. 4342

Mr. BAUCUS (for himself and Mr. BENTSEN) proposed an amendment to amendment No. 4244 proposed by Mr. DANFORTH to the bill H.R. 3398, supra; as follows:

On page 41 of the matter proposed to be inserted, between lines 18 and 19, insert the following:

SEC. . NOTIFICATION OF CERTAIN ACTIONS BY THE UNITED STATES CUSTOMS SERVICE.

(a) The Commissioner of Customs shall notify the Committee on Finance of the Senate and the Committee on Ways and means of the House of Representatives at least 180 days prior to taking any action which would—

(1) result in a significant reduction in force of employees other than by means of attrition,

(2) eliminate or relocate any office of the United States Customs Service,

(3) eliminate any port of entry, or

(4) significantly reduce the number of employees assigned to any office of the United States Customs Service or any port of entry.

(b) The provisions of this section shall not apply after September 30, 1985.

TSONGAS (AND KENNEDY) AMENDMENT NO. 4343

Mr. TSONGAS (for himself and Mr. KENNEDY) proposed an amendment to amendment No. 4244 proposed by Mr. DANFORTH to the bill H.R. 3398, supra; as follows:

At the appropriate place insert the following new section:

SEC. . PHOTOGRAPH ALBUMS.

" Photograph albums (provided for in item 256.60, part 4C, schedule 2).	31% ad val..	5% ad val...	On or before 12/31/85"

ROTH (AND OTHERS) AMENDMENT NO. 4344

Mr. ROTH (for himself, Mr. SYMMS, Mr. CHAFEE) proposed an amendment No. 4244 proposed by Mr. DANFORTH to the bill H.R. 3398, supra; as follows:

On page 41 of the matter proposed to be inserted between lines 18 and 19, insert the following:

SEC. . MULTINATIONAL TRADE NEGOTIATIONS.

It is the sense of the Senate that the President should take action to initiate a new round of multinational trade negotiations in order to strengthen the trading system under the General Agreement on Tariffs and Trade. Such negotiations should include discussion of—

(1) trade in services,

(2) high technology trade,

(3) agricultural trade,

(4) protection of intellectual property rights,

(5) trade-related investment problems,

(6) targeting and other issues arising from widespread government ownership of industry in foreign countries, and

(7) institutional reforms—

(A) to strengthen the operation of the General Agreement on Tariffs and Trade, and

(B) to bring the less developed countries more fully into the trading system.

DIXON (AND OTHERS) AMENDMENT NO. 4345

Mr. DIXON (for himself, Mr. BOSCHWITZ, Mr. HUDDLESTON, Mr. ZORINSKY, Mr. PRYOR, Mr. BOREN, Mr. HEFLIN, Mr. PERCY, Mr. JEPSEN, Mr. DANFORTH, Mr. EXON, Mr. PROXMIRE, Mr. LEVIN, Mr. RIEGLE, Mr. FORD, Mr. BUMPERS, Mr. EAGLETON, Mr. BAUCUS, Mr. DECONCINI, Mr. PRESSLER, Mr. QUAYLE, Mr. GRASSLEY, Mr. NUNN, Mr. COCHRAN, Mr. KASTEN, Mr. ABDNOR, Mr. DURENBERGER, Mr. BURDICK, Mr. THURMOND, Mr. HELMS, Mr. DOLE, Mr. ARMSTRONG, Mr. EVANS, Mr. NICKLES, Mr. WARNER, Mr. MATTINGLY, Mr. GORTON, Mrs. KASSEBAUM, Mr. MURKOWSKI, and Mr. ANDREWS) proposed an amendment to amendment No. 4244 proposed by Mr. DANFORTH to the bill H.R. 3398, supra; as follows:

At the appropriate place, add the following new section:

SEC. . The pork industry contributes $9,000,000,000 annually to the United States economy;

Over four hundred fifty thousand United States farmers produce pork for domestic and foreign markets;

United States imports of live hogs from Canada averaged one hundred thousand animals each year between 1970 and 1974, yet since 1981, such imports have increased yearly from one hundred forty-six thousand head to an estimated more than one million head in 1984;

The adverse economic effect of the recent surge in imports of Canadian hogs and pork products on United States pork producers has been estimated to be in excess of $500,000,000 in 1982 and 1983, and approximately $300,000,000 during the first five months of 1984;

The Canadian government provides price support for hogs at a level equal to 90 per centum of the previous five-year average market price, indexed for changes in cash costs of production of hogs, which represented a payment of $6.54 per head to Canadian pork producers last year, and all but one provincial government of Canada also provide direct production assistance to support Canadian pork producers; and

It is essential that the administration act immediately to address the threat to the United States pork production industry caused by the dramatic increase in imports of hogs and pork products from Canada: Now, therefore,

It is the sense of the Senate that the President should direct appropriate members of the administration, including the United States Trade Representative, the Secretary of Agriculture, and the Secretary of Commerce, to aggressively pursue discussions with the Canadian Government directed toward resolving this situation and use all available authorities in an effort to protect the economic viability of the United States pork industry and to promote free and fair trade.

BOREN (AND OTHERS) AMENDMENT NO. 4346

Mr. BOREN (for himself, Mr. NICKLES, Mr. MOYNIHAN, Mr. BUMPERS, and Mr. WALLOP) proposed an amendment to amendment No. 4244 proposed by Mr. DANFORTH to the bill H.R. 3398, supra; as follows:

Before section 244 of the matter proposed to be inserted, add the following new subsection: "Nothing in this amendment shall deny the executive branch the authority to authorize the importation of tonnages in appropriate categories in excess of the tonnage specified in those categories, as may be required in emergency economic situations related to domestic market demand, including domestic processing and production, for pipe and tube products."

DANFORTH AMENDMENTS NOS. 4347 AND 4348

Mr. DANFORTH proposed two amendments to amendment No. 4244 proposed by him to the bill H.R. 3398, supra; as follows:

AMENDMENT NO. 4347

On page 2 of the matter proposed to be inserted, in the table of contents, strike out the item relating to section 182 (relating to Acetylsulfaguanidine) and redesignate the items relating to sections 183, 184, and 185 as sections 182, 183, and 184 respectively.

On page 23 of such matter, line 10, strike out "for consumption," and insert in lieu thereof ", for consumption".

On page 66 of such matter, lines 25 and 26, strike out "clause (i)" and insert in lieu thereof "subparagraph (A)".

Paragraph (2) of section 243(a) of the matter proposed to be inserted, as amended, is further amended by inserting "the Secretary of Commerce" after "categories developed by".

Paragraph (1) of section 203(c) of the Trade Act of 1974, as amended by section 309 of the matter proposed to be inserted (relating to disapproval of Presidential determinations), is further amended by striking out "transmittd" and inserting in lieu thereof "transmitted".

Subparagraph (C) of section 771(18) of the Tariff Act of 1930, as added by section 710 of the matter proposed to be inserted, is amended—

(1) by striking out "or B", and

(2) by striking out "or antidumping duty".

Subdivision (f) of headnote 5 of the General Headnotes of the Tariff Schedules of the United States, as added by section 211(a)(B) of the matter proposed to be inserted, is amended by striking out "of this Act" and inserting in lieu thereof "of the Tariff Act of 1930".

On page 38 of the matter proposed to be inserted, strike out lines 13 through 26, and insert in lieu thereof the following:

SEC. 248. RELIQUIDATION OF CERTAIN MASS SPECTROMETER SYSTEMS.

Notwithstanding sections 514 and 520 of the Tariff Act of 1930 and any other provision of law, the Secretary of the Treasury is authorized to reliquidate within six months of the date of enactment of this Act the entry of 2 mass spectrometer systems—

(1) which were imported into the United States for the use of Montana State University, Bozeman, Montana, and

(2) with respect to which applications were filed with the International Trade Administration of the Department of Commerce for duty-free entry of scientific instruments that were assigned the docket numbers 82-00323 and 83-108 (described in 47 Federal Register 41409 and 48 Federal Register 13214, respectively).

if the Secretary of Commerce finds that these systems are eligible to enter free of duty pursuant to headnote 6 of part 4 of schedule 8 of the Tariff Schedules of the United States.

AMENDMENT NO. 4348

On page 3, immediately prior to line one, insert the following: "Omnibus Tariff and Trade Act of 1984."

COMMUNICATIONS ACT AMENDMENTS

GOLDWATER AMENDMENT NO. 4349

Mr. BAKER (for Mr. GOLDWATER) proposed an amendment to the bill (S. 607) to amend the Communications Act of 1934; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Public Broadcasting Amendments Act of 1984".

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC TELECOMMUNICATIONS FACILITIES

SEC. 2. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

(1) by striking "and" after "1983,"; and

(2) by inserting immediately after "1984," the following: "$25,000,000 for fiscal year 1985, $35,000,000 for fiscal year 1986, and $40,000,000 for fiscal year 1987,".

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC BROADCASTING

SEC. 3. (a) Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

(1) by striking "and 1986" and inserting in lieu thereof "1986, 1987, 1988, and 1989";

(2) by striking "and" after 1985,"; and

(3) by inserting immediately before the period at the end thereof the following; ", $200,000,000 for fiscal year 1987, $225,000,000 for fiscal year 1988, and $250,000,000 for fiscal year 1989".

(b) Section 396(k)(3)(A)(i)(II) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(i)(II)) is amended by striking "research, training, technical assistance, engineering, insructional support, payment of interest on indebtedness,".

CRITERIA FOR APPROVAL AND EXPENDITURES BY SECRETARY OF COMMERCE

SEC. 4. Section 393 of the Communications Act of 1934 (47 U.S.C. 393) is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

REPEAL OF THE UNRELATED BUSINESS INCOME TAX PENALTY

SEC. 5. Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by striking paragraph (8) and by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

NOTICES OF HEARINGS

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. DURENBERGER. Mr. President, the Senate Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs will hold a hearing on "Oversight of State Lotteries" on Wednesday, October 3, 1984, at 9:30 a.m. in room SD-342 Dirksen Senate Office Building. For further information, please contact Mr. Mike Quaranta at 224-4718.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 26, 1984, at 2:30 p.m., in S-224, the Capitol, to consider pending legislative and administrative business.

The following items on the committee's legislative agenda are scheduled for markup: H.R. 4025, to authorize the transfer of the General Post Office Building to the Smithsonian Institution; House Joint Resolution 551 and 552, to provide for the reappointments on Anne Legendre Armstrong and A. Leon Higginbotham, Jr., as citizen regents of the Smithsonian Institution; Senate Concurrent Resolution 144, authorizing use of the Capitol Rotunda in connection with the ceremonies of the inauguration; Senate Joint Resolution 301, to authorize the Kahlil Gibran Centennial Foundation of Washington, DC, to erect a memorial in the District of Columbia; an original resolution to provide for the closing of the office of a Senator who dies or resigns, and for other purposes; three printing resolutions (S. Con. Res. 140, authorizing the printing of revised edition of the "Handbook for Small Business" as a Senate document; S. Res. 429, authorizing the printing of the report entitled "Highway Bridge Replacement and Rehabilitation Program, Fifth Annual Report to Congress" as a Senate document; and an original resolution authorizing the printing of a revised edition of Senate Document 96-23, 96th Congress, 1st session, entitled "Majority and Minority Whips of the Senate" as a Senate document); and two original resolutions to pay gratuities to survivors of deceased Senate employees.

The committee will consider the following administrative business: Parking for Senate employees in home State offices; a revision to the regulations allocating copy equipment to Senate offices; recommendation to increase the ceiling for noncompetitive procurements from $10,000 to $25,000; proposal for a Senate office pilot program using Lexis/Nexis; staff recommendation on computers for committees and leadership offices; and cleaning services for the Senate Employees' Child Care Center.

For further information regarding this business meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 20, at 2 p.m., to consider the nomination of Richard E. Carver, to be Assistant Secretary of the Air Force, Financial Management, and routine military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

TASK FORCE ON SELECTED DEFENSE PROCUREMENT MATTERS

Mr. BAKER. Mr. President, I ask unanimous consent that the task force on selected defense procurement matters of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 20, in order to receive testimony on the defense procurement process.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TACTICAL WARFARE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Tactical Warfare of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 20, to hold a closed executive hearing on Presentation of Air/Land Battle 2,000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 20, at 2 p.m., to hold a hearing on foreign assistance for agricultural activities in Poland.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY

Mr. BAKER, Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy of the Committee on Foreign Relations meet during the session of the Senate on Thursday, September 20, at 10 a.m., to hold a hearing entitled "Unitary Tax."

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION MARKETING, AND STABILIZATION OF PRICES

Mr. BAKER, Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production Marketing, and Stabilization of Prices, of the Committee on Agricultural, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, September 20, at 10 a.m., to hold a hearing to consider S. 2718, a bill to amend the Packers and Stockyards Act of 1921 to remove processed poultry marketing from the coverage of such act.

The PRESIDING OFFICER. Without objection, it so ordered.

ADDITIONAL STATEMENTS

CONFERENCE REPORT ON SOCIAL SECURITY DISABILITY AMENDMENTS

● Mr. DURENBERGER. Mr. President, yesterday the first step was taken toward remedying the anxiety and suffering caused many disabled persons by the 1980 Social Security Disability Amendments. I feel the conference report on H.R. 3755, the Social Security disability amendments, is an equitable and desirable agreement that has been long awaited by this Congress.

The process leading up to this conference report began over 2 years ago when Congress decided to take a good hard look at the disability review process. That examination revealed a chaotic system in which disabled individuals were hastily removed from the rolls, only to have their benefits reinstated on appeal to an administrative law judge. Disability recipients were subject to massive stress during the review process and the ever-present fear that their benefits would be terminated. Often a gap of 6 months elapsed between the initial termination of benefits and the finding that the review was faulty and the benefits were reinstated. Thousands of disabled persons lived without necessary benefits for an average of 6 months, also losing vital Medicare eligibility for that period.

The problem of truly disabled individuals being removed from the roll grew to epidemic proportions. Over half of the 421,000 cases which were terminated by the State agencies were reinstated by administrative law judges. In my home State of Minnesota, for example, a moratorium on the review process was imposed. The State agency simply refused to review cases sent to them by the Social Security Administration. U.S. Federal District Court Judge Miles Lord reinstated thousands of disability beneficiaries who were terminated in the CDI process.

Mr. President, I am deeply gratified to see an end to a process that has caused so many disabled persons anxiety and suffering. Although I see nothing intrinsically wrong with reviews every 3 years, those reviews must be conducted in a humane and

coherent fashion. The rulemaking standards for the Social Security Administration included in the conference report will reduce the confusion surrounding proper criteria for disability review as well as the high turnover rate of review decisions.

A key provision in the conference agreement concerns medical improvement. The agreement places the presumptions of eligibility and ineligibility in balance, thus providing a neutral base from which the Secretary may weigh all evidence. Thus, the burden of proof for medical improvement or lack thereof is no longer assigned to the disabled individual.

Another result of this conference agreement is the reauthorization of section 1619, providing SSI special benefits for the working severely impaired. The reauthorization of section 1619 allows severely impaired individuals to continue to receive SSI and Medicaid payments while working part time. This action sends a strong signal to the working disabled community and reinforces the Congress' commitment to providing work incentives. The opportunity to work part time without fear of losing SSI special benefits allows the disabled individual the opportunity to experience the fulfillment of participation in the working world.

Finally Mr. President, I would like to commend the conferees for their work with this difficult piece of legislation and in particular, recognize the tireless efforts of Senator DOLE and Representative J.J. PICKLE to work out the final compromise. Passage of this conference report will indicate our commitment to reforming the disability review process and relieve the thousands of disability beneficiaries who have suffered as a result of the 1980 disability amendments.●

MARCH OF DIMES READING CHAMPIONS

● Mr. LEVIN. Mr. President, imaginations are boundless. And, there is no better place to spark an imagination than in the minds of our children. But how do you open a student's mind to the joys of learning, the joys of reading?

One excellent way is through the March of Dimes Reading Champions Program. The reading champions is an educational motivation reading program, kindergarten through ninth grade. It motivates students to read books and/or newspapers at their own reading levels for sheer enjoyment. As students improve their reading skills, they help raise funds for the March of Dimes fight against birth defects.

The Reading Champions motto says it well: "It's fun to read and do a good deed." The March of Dimes Birth Defects Foundation is dedicated to preventing America's No. 1 child health problem. Birth defects strike more than a quarter of a million babies each year. Through research and education, the March of Dimes works for the day when birth defects no longer are a threat.

Through the unique Reading Champions Program, students not only enjoy reading for fun, but are gratified to know that they are helping the March of Dimes. The improvement in reading skills is yet another bonus. Once students discover the joys of books, or reading a newspaper, they continue to look upon reading—and learning—as enjoyable, valuable activities. In the Reading Champions, everyone is a winner—the students, the parents, the educators. Every participant receives a certificate of achievement, an iron on for T-shirts, and the opportunity to earn a bronze, silver, or gold medal. All awards are based on the number of books read—obtainable goals. Participants only compete against themselves.

As the March of Dimes starts its seventh year of this motivational reading program, nationally it undergoes a name change. For the past 6 years this reading program has been known as the Reading Olympics. It is now called Reading Champions. The change is in name only. The established program basically remains the same. It has been an extremely successful nationally reognized program in all 50 States and endorsed by major educational organizations.

Michigan is particularly proud of its part in the Reading Champions. The program was developed 8 years ago by Maxwell Gurman, while executive director of the Metropolitan Detroit Chapter, March of Dimes. When Reading (Olympics) Champions went national, he became national coordinator for the program.

During the past 6 years, Michigan has led all States, per capita, in total student participation, total number of books read, and money raised. In the past year, Metropolitan Detroit had more than 20,000 students, reading nearly 360,000 books and raising $170,000. The State of Michigan had some 37,000 students registered for the Reading Champions, reading 485,000 books and raising nearly $380,000 for the March of Dimes' fight against birth defects.

The statistics speak for themselves. Since the program started nationally, Reading Champions has had more than 1,400,000 participants reading more than 19 million books and raising about $14 million.

Another interesting and important aspect of the Reading Champions is the fact that 72 daily newspapers sponsor the Reading Champions Program in their respective circulation areas. Students receive credit for reading newspapers, where a local newspaper sponsors the program, in addition to the books they read.

I am pleased to honor the Reading Champions Program for sparking the imaginations of our youngsters while at the same time fighting against birth defects. I further commend Maxwell Gurman, his staff, and the volunteers and educators who make this program such a success.

The former Reading Olympics—now the Reading Champions—is a winner.●

ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the same may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD 423.

I ask that the letter of notification be printed in the RECORD.

The letter follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 14, 1984.

Dr. HANS BINNENDIJK,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a European country tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.●

ANTINUKE CROWD HAS BOOSTED COSTS

● Mr. McCLURE. Mr. President, in recent months, the news media of this country has given considerable play to

the problems in the nuclear electric power industry. These reports always contain a long list of reasons why the industry is so troubled, with the blame spread generously among utilities, regulators, contractors, and the financial institutions.

But an article in the September 12 issue of the Washington Times identifies as another major reason, the anti-nuclear activists, who, the author, Rael Jean Isaacs, says apply every possible delaying tactic to a plant under construction, and then charge as uneconomical those very plants they have brought to a financial crisis through these delays.

There are a number of well-organized opponents who are taking advantage of every opportunity in regulatory proceedings and in the court to protest and delay the construction of energy facilities of every type—coal-burning plants, offshore oil fields, hydroelectric plants, geothermal plants, and transmission lines.

Isaacs specifically identifies one group, the Government Accountability Project [GAP] as having been a key factor in stopping construction of the Cincinnati Gas & Electric's Zimmer plant when it was 98 percent completed.

The GAP now represents intervenors at a number of other nuclear plants under construction in Pennsylvania, Illinois, Michigan, North Carolina, Arizona, Texas, and California. This group is able to take advantage of the public's lack of knowledge to magnify simple engineering problems into horrendous probabilities. The delays GAP causes can cost electric power consumers up to $1 million a day in additional interest charges alone.

According to Isaacs, the goal of this group is to get rid of all centralized energy, the energy needed by an industrial economy. As our economy continues to grow, so does our demand for energy, especially electric power. Therefore, if we allow these delaying tactics to stall energy facilities, we are putting a weighty burden on our economic growth which our country might not be able to bear.

There are a great number of serious energy issues today. We must focus on them and not allow our attention to be diverted by groups such as these.

Mr. President, I ask that this article be printed in its entirety in the RECORD.

The article follows:

[From the Washington Times, Sept. 12, 1984]

ANTI-NUKE CROWD HAS BOOSTED COSTS

(By Rael Jean Isaacs)

Seabrook, Shoreham, Diablo Canyon, Zimmer. These names have become famous as financially disastrous "nuclear lemons," symbols of the decline of the nuclear electric power industry in America. And the blame has been widely apportioned among utilities, regulators, constructors, and the financial community.

But one major group of culprits has rarely been identified, let alone blamed. They are the anti-nuclear activists whom the government and the media have allowed to work both sides of the street: first, by applying every delaying tactic in the book; and second, by indicting nuclear power as uneconomical because the plants they delay wind up costing vastly more than originally estimated.

Significantly, the most effective of these intervenor groups is not an organization that was formed because of concerns over nuclear safety or energy economics. It is one that was created by a far-left activist group that has the stated goal of dismantling the major instutions in the U.S. economy—read "electric utilities" for one—and using the rules of "the system" to overthrow the system. Nuclear power has become merely a pawn in its broader game of guerrilla politics.

The Government Accountability Project became involved in antinuclear activism in 1980 when it opposed construction of Cincinnati Gas & Electric's Zimmer plant. Today it takes credit for stopping the plant when it had been 98 percent completed. As a result of its success, it has been approached by anti-nuclear groups around the country to work with them, and it currently represents intervenors against Three Mile Island (Pennsylvania). LaSalle (Illinois), Midland (Michigan), Catawba (North Carolina), Palo Verde (Arizona). Comanche Peak (Texas) and Diablo Canyon (California).

GAP typically works by coming up with "allegations" about inadequate workmanship or construction shortcuts that it obtains from former—and often disgruntled—employees. The charges are generally presented to the press in an 11th-hour bid to delay the licensing of plants that are virtually complete. The utilities then have to answer questions about charges they have never heard before, which originated with unidentified sources, with a multibillion-dollar investment weighing in the balance. Because the charges are new, the utility cannot simply respond that they are groundless—no matter how ludicrous they may sound—without detailed internal investigations.

An official of the Bechtel Corp., which has been a target of GAP because of its work on some nuclear plants, points out that GAP capitalizes on the public's (and media's) lack of detailed knowledge about engineering and construction, and has "refined to a near state-of-the-art the ability to transform issues of routine engineering consequence to grim scenarios." The delays caused by GAP toward the end of the construction of a large nuclear plant cost electric power consumers up to $1 million *a day* in additional interest charges alone.

The effrontery of these groups is well illustrated by the testimony of a leader of Mothers for Peace, the anti-nuclear group that invited GAP to Diablo Canyon. She testified before the Nuclear Regulatory Commission: "That plant is 14 years old. The whole plant is old. It's an obsolete plant." So the strategy is clear; after causing the delay, oppose the plant on the basis of the delay.

What is GAP? It is an official project of the far-left Washington think tank, the Institute for Policy Studies. GAP grew out of IPS's Project on Official Illegality, which was established in the early 1970s to help "whistle-blowers" in the national security agencies who were leaking government secrets.

The two founders and long-time directors of IPS, Marcus Raskin and Richard Barnet, summed up the working philosophy of IPS in their 1970 book, *An American Manifesto:* "Americans believe that the world must be made safe for America, but for the sake of survival itself, America must be made safe for the world."

To do this, Mr. Raskin wrote in his book *Being and Doing,* would take the "dismantling" of what he and other IPS members call "the national-security state." He specifically called for the dismantling of America's "colonies," including "the violence colony" (our military and police forces), "the channeling colony" (our educational system) and "the plantation colony" (our economic system).

IPS's attitude toward energy are particularly important for understanding the goals of GAP. In the institute's proposal for its Encyclopedia for Social Reconstruction, IPS sketches its ideal energy system: "The energy will be produced and disseminated through small-scale technology . . . We simply would have got rid of most of the extra high voltage wires strung around the country; closed up the coal mines, oil and gas fields; taken down oil refineries and much of the petrochemical establishment." Nuclear power, then, is only the initial target in a campaign against all centralized energy, the energy most needed by an industrialized economy.

America's future electric power supply is clouded, thanks to GAP and other intervenors. While the general media have paid little attention to their role in halting the development of nuclear electric power, publications in "the movement" are not hesitant to give them credit. "The radical outsiders have a lot to claim credit for these days," said a recent editorial in The Nation. "There's no way of knowing just what part of the total picture may be ascribed to the anti-nuclear organizations, but it is fair to say that the energy situation in the United States would be vastly different today without them."

Indeed it would—including the billion dollars a week we send overseas in exchange for imported oil and the 15-year construction periods that have driven the cost of new nuclear plants into the stratosphere. When we run short of electric power in the next decade—or when its price climbs so high that it becomes a drag on our economy because we have abandoned nuclear energy—of one thing we can be sure: there will be no way to hold the Government Accountability Project accountable.●

S. 1739—CABIN SITES ISSUE RESOLVED

● Mr. STAFFORD. Mr. President, an issue that has concerned many of my colleagues involves leases of cabin sites on property managed by the U.S. Army Corps of Engineers.

In its version of the water resources bill (H.R. 3678), the House of Representatives adopted language that provides, essentially, for a permanent extension of those leases. Personally, I oppose that language. Public lands should not be leased permanently for private, exclusive use.

Yet it is reasonable to seek a compromise solution.

As a result, I wrote the Acting Assistant Secretary of the Army some time ago seeking information on this issue.

As a result of that letter, the corps has reviewed its policy and is adopting a new approach. I applaud them. I ask that a copy of Mr. Dawson's letter be printed in the RECORD.

The letter follows:

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, September 7, 1984.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your July 27, 1984, letter concerning cottage lease sites managed by the Corps of Engineers on the Upper Mississippi and Illinois Rivers. I am pleased to provide you with my views on the various options set forth in your letter.

In general, I believe it is in the best interest of the Nation to phase out cottage sites that present a clear danger or deprive the general public of the enjoyment opportunities inherent in Corps projects. There are valid arguments both for and against termination or reduction of the cottage site program. Obviously, these must be weighed against each other in order to arrive at a responsible position in this matter. Please allow me to summarize these arguments before I address individually each of the options mentioned in your letter.

Immediate termination of the cottage site leases would be the action most compatible with the philosophy contained in Executive Order 11988 "Floodplain Management," although EO 11988 does not preclude continued leasing or sale of the sites. Additionally, removal of the cottages would make project operations and erosion control somewhat easier, and would reduce management costs, although such savings have not been quantified.

Other arguments advanced in favor of termination are that continued occupation of the cottages is a threat to life and property, and that some cottage sites are in or close to unique wildlife habitats or parks. However, these do not seem to be strong arguments in light of the fact that many of the cottages have been in existence for almost thirty years. Also, some evidence suggests that the presence of the cottages may actually prevent loss of life on the rivers because of the availability of assistance to people in distress.

Finally, it has been argued that some cottages have government subsidized flood insurance, so that a cost savings could be realized if the cottage sites were removed, and that transfer and termination of the leases could slightly increase full public access to the river. The flood insurance argument does appear to have some merit, although the subsidies possibly could be removed without termination of the leases. Considerations of increased public access to the rivers do not seem important in light of the very small percentages of the river banks that the cottages occupy.

On the other side of the coin, termination of the cottage site leases at the end of 1989 apparently could cause some hardships involving elderly people who have taken up permanent residences in the cottages. It should be noted, however, that no guarantees have ever been provided to the leaseholders that the leases would be extended, and that most leases prohibit use of the cottages as fulltime residences. Also, termination of the leases would result in a minor loss of revenue (75% of the revenue is returned to local governments, which is used primarily by school districts). The cottage site lease holders have also pointed out a number of civic benefits that accrue locally from their presence, such as maintenance of the shoreline, deterrence of illegal dumping, and assistance to law enforcement officials.

With the above summary as a background, I would like to address each of the options mentioned in your letter. For ease of discussion, I have placed these in order of increasing desirability to the cottage site lease holders. The option to conduct a study, as you suggested, is addressed separately.

1. Allow leases to expire as now scheduled in 1989. Although this option is the best option in terms of project operational efficiency and floodplain management, it is not responsive to the concerns expressed by the cottage site lease holders and local government officials. Other options can satisfy many of the operational and management concerns while meeting most of the concerns of the present cottage site lease holders.

2. "Life estate" option. This option has some merit in that it would result in a phased termination of the cottage site program, thus taking care of most of the concerns of the Corps, while possibly reducing some of the opposition to the terminations. Unfortunately, we do not have enough information to determine the extent to which it would reduce the opposition. Some of the lease holders apparently feel that piecemeal terminations resulting from the life estate approach would cause hardships on remaining lease holders who maintain roads in common with others. Our information indicates that roads maintained by cottage owners cost between zero and $2,000 per mile per year to maintain. In the most severe case indentified by the Corps, four lease holders maintain four miles of road together.

We do not believe that a life estate provision similar to the language provided to your Committee earlier by the Corps would establish an undesirable precedent with respect to the leasing programs of the Corps or other Federal agencies.

3. Extend the leases for an additional set period of time. I believe this option represents the most reasonable course of action if it contains provisions for the leases to be made at fair market rentals, provides for liability waivers, contains a prohibition against reconstruction in the event of substantial damage due to flooding, restricts cottages to recreational uses only, and contains flexibility for leases to be terminated for park or other public purposes. Our information indicates that this option could simultaneously phase down the cottage site leasing program, increase revenue, and meet the concerns of the lease holders. A key feature of this option is the provision to increase rental rates to full fair market value. If lease rates are raised to fair market values, it probably would result in an increase in the rate at which leases are vacated by the lessees. Although we do not have data for the entire Mississippi and Illinois Rivers, the St. Louis District has eliminated about 20 leases per year under the old fixed rates. In addition to the gradual reduction in the number of cottage sites that could occur under this option, the increased rental rates probably would result in removal of the most unsightly cottages, leaving the more responsible cottage owners, and decreasing management and lease enforcement problems for the Corps. Furthermore, it could result in a significantly increased level of revenue from the program, most of which is returned to local governments.

4. Allow lessees to purchase their sites. Although this option is the most responsive to our desire to dispose of underutilized and unneeded Federal property, there are several disadvantages associated with it. The Corps feels that private ownership of inholdings along the river banks would exacerbate present management problems, since owners of such sites may be more likely to take unauthorized methods to stop erosion damage or to violate convenants or other conditions of sale than they are to violate lease provisions. Furthermore, all of the advantages of terminating the leases, cited earlier in this letter, are disadvantages of this option.

You may note that the option of performing a study to develop recommendations for a general Corps policy on all of its leased property has not been addressed above. I do not believe a study constitutes a meaningful solution to this problem. The Mississippi and Illinois River cottage site issue is separate and distinct from the remainder of the Corps real property leasing program, which already has a well developed set of policies and procedures. I believe that a study of this matter would not be a wise investment of taxpayers' money.

In summary, I believe the option of extending the leases of current leaseholders with provisions for periodic adjustments of lease rates to be the best course of action. It is responsive to the concerns of most of the lease holders and may also result in a situation acceptable to the Corps: a smaller number of cottage sites, removal of the unsightly cottages, reduced management problems, and increased revenue. This approach will avoid putting the government in the position of closing the leases and will let the market determine which are terminated and which are not. Gradual reduction in the number of cottage sites in this manner will not only be fair to present cottage site leaseholders, but will also be compatible with EO 11988, and will gain all of the advantages of immediate terminations of the leases, but at a gradual rate.

The "life estate" option is also a reasonable approach. It could provide the same advantages as the lease extension option along with an expectation that all cottage site leases eventually would be phased out. However, since the life estate approach is less responsive to the concerns of the leaseholders, it may not be the best solution to the cottage site problem although I believe it does warrant serious consideration.

It is important to note that the positions expressed in this letter refer only to the 1,345 cottage site leases along the Upper Mississippi and Illinois Rivers. These positions should not be construed to apply to houseboats, floating cabins, marinas or similar structures.

I am taking the liberty of providing copies of this letter to other interested parties. Please let me know if you would like to discuss this issue further with me or my staff.

Sincerely,

ROBERT K. DAWSON,
Acting Assistant Secretary of the Army (Civil Works).●

WHAT MEDICARE CUTS MEAN

● Mr. PELL. Mr. President, as we in the Senate debate and act on broad national policy questions, it is altogether too easy to forget the ultimate test of policies and programs is in their impact on the lives of individual Americans.

That, I think, is what happened earlier this year when the Senate approved provisions of the Deficit Reduction Act increasing the costs of health care to senior citizens under the medicare program—provisions which I opposed.

The importance of affordable quality health care to senior citizens and the vital role played by the Medicare system was illustrated vividly recently by a moving article in the Providence Evening Bulletin. The article was about a retired couple, John and Marian Fontaine, of Providence, RI, and set out in detail the desperate circumstances that confront far too many of our senior citizens, for whom health care has become an unaffordable luxury.

John Fontaine is a graduate of the Rhode Island School of Design. He was a pioneer in the use of art as a therapy for mentally handicapped individuals. Marian Fontaine is a graduate of Rhode Island College and taught in elementary schools throughout Rhode Island. After working for many years and serving both their State and community, John and Marian in retirement and ill health can no longer bridge the growing gap between their income and the bills they must pay. Cuts in the Medicare program have increased the gap and forced them to sacrifice needed health care to be able to pay for other, more immediate, necessities such as food and heat. After serving this country and their community for many productive years, Mr. and Mrs. Fontaine now spend hours talking with public agencies in an attempt to obtain some assistance for their heating and utility bills.

Mr. President, after a lifetime of work and service our seniors should not have to live the remaining years of their life, years that should be relaxing and rewarding, frantic about where the money will come from to pay the next grocery or utility bill. Nor, Mr. President, should our seniors be forced to sacrifice needed health and medical care because they cannot afford to pay the increased cost of their deductibles, physician's bills, and hospital costs.

John Fontaine, in a statement prepared for a rally held by the Senior Health Affordability Coalition, provides an eloquent evaluation of this situation. Mr. Fontaine said:

What are we to do? The prospect of becoming ill to anyone who is both aged and indigent is absolutely horrifying. It is impossible for me to find language strong enough to match my sense of the gross injustice, the unconscionable lack of basic humanity which permits this situation to exist even for an instant.

How much longer will we allow the cost of decent health care to stand between us and physical survival? For the grim fact is that the matter of proper health care in this country is, for the poor, a matter of life and death.

Mr. President, I ask that the article from the Providence Evening Bulletin of September 13, 1984, by Journal-Bulletin health writer Irene Wielawski, be printed in the RECORD at this point.

The article follows:

JOHN AND MARIAN KNOW WELL WHAT THE MEDICARE CUTS MEAN

(By Irene Wielawski)

PROVIDENCE.—John and Marian Fontaine were school teachers all their working lives. He graduated from the Rhode Island School of Design and was a pioneer in using art as a form of therapy for the mentally handicapped. She graduated from the Rhode Island College of Education, and taught elementary school around the state. They raised four sons.

Now they huddle in the classics-filled study of their Providence home, trying to figure out how to pay the utilities and buy food. They spend hours on the phone wrangling with public agencies that might be able to help them with heating bills this winter. Once again, they put off an operation Marian has needed for the last five years.

On the worst days, they think about asking their sons for a bit to tide them over, then angrily reject the idea, ashamed for having even considered it.

"How long can you keep asking your sons, who are struggling to make it themselves, 'Gee, could you get this fixed? Could you help with this repair?" asks Marian.

John and Marian Fontaine are victims of the inevitables of life: old age and failing health.

The material gains of a lifetime of work are being whittled away by bills for medicines and health needs that Medicare—the federal health insurance for those over 65—won't cover.

Recent cuts in the $64 billion program—which annually serves 26 million elderly and 3 million disabled Americans—have increased the gap between what the Fontaines need and what they can afford. The program has deductibles built in for such things as hospitalization and physician services.

If they are well enough, John and Marian will be marching today to the State House with members of the Senior Health Affordability Coalition (SHAC), a group protesting cuts in Medicare and Medicaid funding and rate increases in private insurance programs for the elderly.

The group plans to present their case to Democractic State Chairman Julius C. Michaelson, Mark Zabierek, director of the Mondale-Ferraro presidential campaign in Rhode Island, and Lincoln Town Administrator Burton Stallwood, chairman of the Reagan-Bush campaign in Rhode Island. The SHAC invited Republican State Chairman John A. Holmes, Jr., but he declined, saying he would be out of state, according to SHAC spokeswoman Jann Campbell.

The Fontaines are living on $619 a month. The sources of this income are Social Security, John's Veterans Administration pension (he served in World War II) and Marian's teacher's pension. They also take in $295 in rents from tenants on the second and third floors of their Pleasant Street home, which covers the mortgage and minimal upkeep on the house.

The 100-year-old house, bought 12 years ago when the Fontaines could consider themselves comfortably middle class, is their last, albeit tattered, asset. Drafts from the hardwood floors are kept at bay by odd bits of warehouse carpet samples. The study's plaster ceiling came down some time ago, and in its place is an unpainted patchwork of sheetrock and joint compound rigged by one of their sons.

The last time they owned a car was in 1979. "Oh, it was a beautiful car—an Oldsmobile," Marian 66, says, sighing at the remembrance.

John, 68, frowns and shakes his head, dismissing the very idea of owning a car as something belonging to another life and best not dwelt upon.

"If we ever could afford to buy a car * * * My God! They are so expensive!, he says. "How could we keep it on the road: the price of gas, insurance. It's impossible * * *"

John, 68, an ebullient, witty man, takes pains to hide his own poor health, focusing instead on Marian's needs, on his frustration that Medicare will pay for a hearing aid for only one ear, despite tests that show she has lost just as much hearing in the other ear.

More urgent is the operation Marian needs for an abdominal problem. But the Fontaines have put it off for five years, trying medicines and measures less expensive than surgery because they could not come up with the Medicare deductible for hospitalization.

Last Jan. 1, that deductible went up $50, putting the operation even further from their reach. They are hard-pressed to come up with money for a daily newspaper and an occasional item of clothing, never mind $356 now required before Medicare will cover the rest of the hospital costs associated with the surgery.

"It's ridiculous! I watch 'Dialing for Dollars' faithfully in the hopes that I can get some money," says John, laughing too loudly at what he knows is a measure of his desperation.

John Fontaine got out of RISD in 1938, served in the Army Corps of Engineers during World War II, and held a number of art teaching jobs in colleges around the country before returning to his home state of Rhode Island.

From 1957 to 1964, he was an art therapist for retarded children at the state-run Ladd School in Exeter. He talks with pride about an exhibit of his students' work that he arranged at the RISD Museum in 1962.

He suffered his first heart attack in 1960, a second one in 1963. Continuing poor health forced him to retire from full-time teaching in 1964.

Marian helped support the family by teaching elementary school first in North Kingstown, then in Coventry, while John took in private art students to tutor them in the basics of drawing, painting and composition.

The walls of the Fontaines' apartment are covered with John's work—charcoal sketches of their sons as babies and small boys, a couple of large oil canvasses done in the cubist style of Picasso, self-portraits with and without his now snow-white beard.

He has crafted relief sculptures on the surfaces of the doors connecting the apartment's seven rooms, but deteriorating

health over the last five years (two strokes, diabetes) has limited his creative efforts.

He is trying to write a book on education, penning it in clear, elegant script on a legal pad to be typed up later by Marian. He works in the study—a dark room so crowded with scholarly volumes of philosophy, art and literature that a bookshelf is wedged into the fireplace.

One day, he took a break from the book to write a letter representing his and Marian's experience with growing old and ill in America. If the Fontaines don't feel well enough to attend today's meeting, these are the words that they will send:

"What are we to do?" John writes in the letter. "The prospect of becoming ill to anyone who is both aged and indigent is absolutely horrifying. It is impossible for me to find language strong enough to match my sense of the gross injustice, the unconscionable lack of basic humanity which permits this situation to exist even for an instant.

"How much longer will we allow the cost of decent health care to stand between us and physical survival? For the grim fact is that the matter of proper health care in this country is, for the poor, a matter of life and death."●

VA ACHIEVEMENTS IN AGING AND GERIATRICS

● Mr. TSONGAS. Mr. President, today I wish to recognize the vast achievements made by the Veterans' Administration in the fields of aging and geriatrics.

Michael Dukakis, Governor of the Commonwealth of Massachusetts, proclaimed May 31, 1984, as "V.A. Research in Aging and Geriatrics Day" in conjunction with the observance of Senior Citizens Month.

The outstanding contributions of four regional VA research units in the areas of geriatric medicine and the aging process were recognized in ceremonies scheduled at the State house on May 31, 1984. The units include the normative aging and dental longitudinal studies of the VA outpatient clinic, Boston, and the geriatric research education clinical centers [GRECC] at West Roxbury/Brockton and Bedford, MA.

The normative aging study, one of the largest interdisciplinary studies on aging in the United States, has been cited for its contributions to our knowledge and understanding of the normal patterns of aging, the precursors of the diseases of aging—such as heart disease, hypertension, diabetes, and osteoporosis—softening of the bones—and the influence of these diseases on the aging process itself.

The dental longitudinal study, one of the largest interdisciplinary studies for dental aging in the Nation, and been cited for its contributions concerning the normal patterns on dental aging, the effect of tooth loss and artificial dentition on the dietary habits and nutritional status of the aged as well as the influence of these and other factors on oral diseases.

The West Roxbury/Brockton GRECC has been cited for important contributions to our understanding of age-related changes in endocrine and metabolic functions, the causes of impaired memory with age, and the health policy implications of an increasingly older population of veterans.

The Bedford GRECC has been cited for its comprehensive program for the study and treatment of patients with Alzheimer's disease and related disorders and for important contributions in arthritis research and other aspects of geriatric medicine.

The Governor commended the Veterans' Administration for its commitment and continuing support of these efforts "which ultimately hold promise of benefit to all older Americans."

Representatives of each unit were present at the ceremonies. These included Dr. Pantel S. Vokonas, director, and Drs. Jeremiah E. Silbert and Charles L. Rose, former directors of the normative aging study, Dr. Howard H. Chauncey, director of the dental longitudinal study, Dr. John W. Rowe, director of the GRECC at West Roxbury/Brockton and Edgar S. Cathcart, director of the GRECC at Bedford, MA.●

THE TRAGEDY OF BEIRUT

● Mr. DOLE. Mr. President, once again the world is confronted with an act of senseless and brutal terrorism in Lebanon. While we do not yet know the full magnitude of this latest tragedy, we do know that American blood has once again been shed and that people—innocent people—are suffering grievously.

It is premature to begin assessing the causes or impact of this terrible event, but it is not premature to reassert our determination—indeed our duty—to continue our struggle to create a world where events such as this cannot reoccur.

Terrorism, we are so painfully reminded again, is not a problem of Lebanon or of any other single country or region. It is a problem for us all. It is not a political question but a simple question of humanity. Let all of us, on this matter if on no other, put aside whatever other differences may divide us, and work—work together and work relentlessly—until the stain of terrorism is erased from this Earth.

My prayers, and those of all civilized people, are with the victims of this heinous act.●

SOCIAL SECURITY DISABILITY REFORM

● Mr. PRYOR. Mr. President, I would like to take this opportunity to commend the members of the conference committee for their successful resolution of the differences between the House and Senate versions of the Social Security Disability Reform Amendments of 1984. This issue is one which many Members of the House and Senate have been concerned about since 1981, and I believe that the agreement which has been reached will go a long way toward ending the crisis which has developed concerning the continuing disability reviews.

One of the key features of the legislation concerns the use of a medical improvement standard in determining ongoing eligibility for benefits. In the past, the Social Security Administration used a standard which required that Social Security benefits continue in cases where an individual's impairment—the one for which he was originally granted benefits—has not improved. This policy was changed in the late 1970's and, as a result of the institution of triannual reviews, combined with no medical improvement standard, we have seen hundreds of thousands of beneficiaries terminated from the rolls, despite the fact that they still had disabling conditions. Many of these individuals appealed and were reinstated at the administrative law judge level. Others were reinstated by the Federal courts, and we began to see rulings which required proof from SSA that medical improvement had occurred before benefits could be terminated. The legislation requires that SSA use a medical improvement standard during its case review, and continue the same obligation for proof of continuing disability as a beneficiary is responsible for during the initial determination for disability benefits.

The legislation also includes provisions which require the Social Security Administration to consider the combined effect of multiple impairments in determining eligibility for benefits, require publication of revised listings of mental impairments within 120 days after enactment, make permanent benefits on appeal through the administrative law judge level for SSI disability recipients, and allow for the continuation of benefits on appeal through the administrative law judge level for disability insurance beneficiaries through December 1987. This disability bill also encourages the Secretary to comply with the Administrative Procedures Act requirements for public notice and comment on rulemaking procedures in all areas which relate to benefit determinations.

With respect to consideration of pain, the legislation codifies the current regulations with respect to pain. In addition, it requires that a study be done in consultation with the National Academy of Sciences on the issues of pain, and that the study be filed by December 31, 1985. The conferees have agreed that pain, in and of itself, shall not be considered a disabling condition.

The conferees did not include any provisions with respect to SSA's policy of nonacquiescence to court orders; however, the conference document contains a strong statement against the policy used by the Secretary, and suggests that she should use other means available to resolve conflicts in interpretation of the disability law—such as legislation remedies or appeal to the Supreme Court.

In brief, Mr. President, the conferees have approved legislation which will resolve a number of the most pressing problems that have plagued the disability review process over the last several years.

I am hopeful that the issues which have not been fully dealt with—such as pain—will be resolved when we receive the study required by the legislation. There is one area, however, which has not been addressed in the legislation which is of great concern to me. I remain deeply troubled by the efforts of the Social Security Administration to place pressures on administrative law judges to meet certain allowance rates in cases on appeal. It is my understanding that recently SSA has made some changes in its dealings with the administrative law judges, but I intend to continue watching their work closely to see that beneficiaries are insured a fair benefit hearing.

Once again, I would like to congratulate the conferees for a job well done. I would in particular like to commend Congressman PICKLE and Senator DOLE for their efforts to achieve agreement on this important issue before the fall recess.●

WHAT ARE THE SOVIETS DOING?

● Mr. QUAYLE. Mr. President, recently a most disturbing article appeared in the Wall Street Journal, "Spotting Soviet Strategic Advances," by William Kucewicz. The article detailed three new Soviet strategic initiatives to undermine our ability to deter Soviet nuclear intimidation: Making SS-20's intercontinental in range, enhancing existing cruise missiles, and developing a submarine-seeing radar.

The accuracy of Mr. Kucewicz's report has neither been publicly confirmed or denied. Unfortunately, only one of his three claims needs to be true to change dramatically our current understanding of how best to balance and reduce our strategic arms.

Mr. President, in the hope that wider circulation of this article might prompt further questioning by the Senate, I ask that the full text of Mr. Kucewicz's article be entered into the RECORD.

The article follows:

[From the Wall Street Journal, Sept. 5, 1984]

SPOTTING SOVIET STRATEGIC ADVANCES

(By William Kucewicz)

During the 1980 presidential campaign, candidate Ronald Reagan promised to close the "window of vulnerability" created by the Soviet Union's massive arms buildup of the 1970s and our own lax response. Today, despite President Reagan's substantial increase in defense spending, that "window of vulnerability" hasn't closed. In fact, it is opening even wider.

Several recent Soviet breakthroughs in high-technology military armaments, currently worrying U.S. intelligence and military officials, go beyond anything the U.S. now has in its arsenal or plans to produce anytime soon. Indeed, such new Soviet weaponry soon could endanger all three legs of our strategic triad for the first time. These new Soviet threats loom so large that any talk of defense cuts during this year's election campaign is not only ill-informed but dangerous to Western security.

The perilous Soviet developments range from a quantum increase in the size of the U.S.S.R. intercontinental ballistic missile (ICBM) force, to supersonic cruise missiles, to space-based radar capable of detecting our nuclear-armed submarines at sea—the one leg of our triad previously thought to be invulnerable.

The SS-20 missile. The Soviets are preparing to target some of these supposed "intermediate range" missiles on the continental U.S., making them a new ICBM.

On April 2, 1984, six SS-20 missiles were test fired from the Yurga missile complex near Kirov in the western Soviet Union on a trajectory over the North Pole toward the U.S. The missiles, carrying dummy warheads, were destroyed in flight over the polar regions of the Barents Sea.

IMPENDING FUNDAMENTAL SHIFT

The launches marked the first time the Soviets have tested the SS-20—until now viewed as solely a threat to Western Europe and the Far East—on an azimuth directed at the continental U.S.

The SS-20 tests, first reported in the Heritage Foundation's "National Security Record" and independently confirmed by The Wall Street Journal, signal an impending fundamental shift in the balance of strategic forces between the U.S. and the U.S.S.R. Intelligence data about the telemetry of the SS-20 tests indicate that by lightening the warhead load, the Soviets have increased the missile's range beyond the 5,500-kilometer threshold defined by SALT as an ICBM. Previously, the Soviets had maintained that the missile's range was a convenient 500 kilometers shy of that limit. In light of the April test firings, the SS-20 no longer can be viewed as just an intermediate-range missile threatening Europe and Asia—an interpretation the Russians have encouraged—but as a potential ICBM capable of hitting the U.S. mainland.

Not only have the majority of U.S. intelligence analysts heretofore underestimated the range of the SS-20, but they also have played down the number of these missiles being produced and deployed by the Soviet Union. The latest official U.S. statements cite 378 deployed SS-20s. In fact, the number of completed SS-20 launchers currently stands at 400, with another 20 under construction—nearly double the number deployed when President Reagan took office.

The number of launchers, however, tells only part of the story. The SS-20 missile is a two-stage, solid-fuel rocket, capable of carrying up to three warheads. It is launched from a relatively small, mobile platform that can be moved along most roads and, because of its size and mobility, is easy to conceal from U.S. reconnaissance satellites. Moreover, each launcher can handle more than one missile; it can be reloaded with additional missiles like bullets in a rifle.

Indeed, current U.S. intelligence data about the Soviet Union's SS-20 missile-production facilities indicate that the Soviets plan to deploy at least five reloads per launcher, in addition to the launcher's initial missile. In total, the Soviets are now preparing to deploy about 2,520 SS-20 missiles, carrying as many as 7,560 warheads targeted at Western Europe, the Far East and the U.S. That's a far cry from the planned U.S. deployment in Europe of 464 cruise missiles and 108 Pershing IIs, each carrying only one warhead, intended to counterbalance the SS-20 threat.

Soviet cruise missiles. The U.S. thus far has enjoyed a monopoly on these high-technology, drone aircraft, which can evade standard radar detection and hit a target with a high degree of accuracy due to computerized, terrain-mapping guidance systems. The U.S. advantage is not only coming to an end, the Soviets also are developing and deploying cruise missiles that may eclipse our own.

The Soviets are developing five different types of cruise missile. The sea-launched SS-X-21, now operational, is small enough to be fired from standard Soviet torpedo tubes; the SS-N-21 is now being deployed on the Victor III-class nuclear submarine. The ground-launched SSC-4 cruise missile is now being stationed in Warsaw Pact countries, in apparent response to NATO's intermediate-range missile buildup. The air-launched AS-X-15 is being tested on the Tu-95 Bear bomber and the new, long-range Blackjack bomber.

In addition to these three types of cruise missiles, which are similar to ones now being produced and deployed by the U.S. the Soviets are working on two other sea- and land-based versions for which the U.S. has no match. These new missiles would be supersonic, unlike the slow-moving U.S. models, and much larger, giving them the capability to travel longer distances and carry heavier payloads. Since late July, the Soviet press has bragged about the successful testing of the ground-launched versions of this new cruise missile.

But it's the sea-launched version of this supersonic cruise missile that has the U.S. Air Force extremely worried. This Soviet missile, apparently intended for deployment on the Soviet's stretched Yankee-class submarines stationed off the U.S. coast, potentially could destroy our Strategic Air Command bomber bases in the U.S. interior before many of our planes could get off the ground. Because of the cruise missile's low flight path, it can fly under standard radar and reach undetected into the heart of the U.S. in 30 to 45 minutes. By contrast, submarine-launched ballistic missiles, which can reach U.S. inland bases in six to eight minutes, would almost immediately be detected by U.S. radar because of the SLBM's high trajectory.

Space-based radar. The Soviets are working on a new type of radar to be based in space or in high-altitude aircraft that could detect many of our nuclear-armed submarines at sea. It is called synthetic-aperture radar. One military expert called the Soviet

program "the most significant strategic development in 10 years."

The radar apparently can detect a submerged submarine by discerning subtle effects on the water's surface, on water moving around the submarine and even in the color and radioactivity of plankton. The Soviets have been testing the radar from high-flying aircraft and from the Salyut 7 space station against their own submarines with considerable success. The Soviet radar is far more sophisticated than the U.S. acoustic detection techniques.

The Soviet space-based radar program may provide a clue as to why the Kremlin was so keen recently about beginning talks with the U.S. on an anti-satellite (ASAT) treaty, even though it had walked out of other arms-control talks. A U.S. ASAT program would be able to blind such new Soviet radar satellites and thus could help preserve U.S. submarines at sea. An ASAT treaty would effectively protect these Soviet "eyes" and thus endanger our own submarine deterrent.

A Defense Intelligence Agency report, quoted in the Pasha Publication's "Military Space" newsletter, says that the Soviet space-based radar effort "is a matter of concern because it demonstrates that the Soviets are determined to destroy all three legs of the U.S. deterrent Triad if they possibly can find the means to do so."

SITTING DUCKS

In sum, the U.S. strategic triad could become more vulnerable to a Soviet knockout strike than ever before. Our Minuteman ICBMs are already undefended against the Soviet Union's large, accurate ICBMs, and the Soviet effort to build a nationwide antiballistic-missile (ABM) system could reduce the retaliatory impact of any surviving Minuteman. Our bombers, which face the challenge of penetrating the best air-defense system in the world, could become vulnerable to attack while still on the ground from low-flying, supersonic cruise missiles. Our nuclear-armed submarines, half of which are in port at any given time and are therefore sitting ducks, could become victims of Soviet space-based radar detection within a decade.

Given this growing Soviet threat, the U.S. must begin a diversified program to make our triad more survivable and capable of inflicting heavy retaliatory blows against the U.S.S.R. Strategic defense is one solution; an ABM system, or a "star wars" space-based defense, would significantly enhance the survivability of our forces on the ground. The production of a mobile, highly accurate ICBM like the Midgetman also would increase the credibility of our retaliatory response. Improved cruise missiles and Pershing IIs also would help counter the mounting Soviet cruise-missile threat.

Without such steps, the "window of vulnerability" will open even wider and the U.S. will be more at risk of a Soviet first-strike than ever before. When U.S. politicians during this year's election campaign argue over $100 hammers and defense cuts, the leaders in the Kremlin must be smiling.●

BOB BUICE

● Mr. PRYOR. Mr. President, this September 25 will be known as Bob Buice Day in Arkansas, and a more fitting tribute to this distinguished man cannot be imagined.

For 47 years, Bob Buice has been a chief voice for agriculture in the State of Arkansas. His name is synonymous with agriculture and the farmer since going to work in 1936 as a youngster interested in radio and determined to find a place in the business. Even today, he travels nearly 2,000 miles a month—calling on farmers, attending county fairs and livestock sales, and staying in touch with the people of our State.

Bob Buice has represented Arkansas throughout the Nation and even in Soviet Russia, where he traveled back in 1959 with leading Arkansas farmers as part of President Eisenhower's "People to People" program. He has won a 35-year certificate from the National Association of Farm Broadcasters and other recognitions from the Association of Television and Radio Directors.

What thrills Bob more than anything is the special thanks he receives from young 4-H members in Arkansas and the region. He won the 1982 4-H Special Recognition Award for many years of service and dedication. Our young people have always looked to him as a leader in the field of agriculture, and we continue to listen to him when he talks about farms and the farmer.

These have not been good or easy times for the farmer, Mr. President, especially in Arkansas. But we all know that in Bob Buice we have a special friend. There is now a swimming pool being constructed at the Arkansas 4-H Center bearing his name in recognition of his dedication to this organization and its worthy aims. The center is in Ferndale, AR, about 10 miles west of Little Rock, where young people for years to come will recall the work of Bob Buice and his contribution to Arkansas.

I join the many friends of Bob's in recognizing him today, and in wishing him many more years of productive work ahead.●

PROBLEMS OF FEDERAL PRISON INDUSTRIES

● Mr. D'AMATO. Mr. President, on March 6, 1981, Jack Weinstein, chief U.S. district judge for the Eastern District of New York and Gerald Farkas, Chief of Operation for Federal Prison Industries, invited eight individuals from the private sector to meet and discuss the problems of Federal Prison Industries.

After this educational meeting, representatives from the private sector met on May 27, 1981, and agreed to form a business advisory council for Federal Prison Industries at the Federal correctional institution located in Danbury, CT. George Kennelly, assistant vice president, community and educational relations for New York Telephone, was selected by his peers to act as chairperson.

Under Mr. Kennelly's leadership, council members have volunteered some 3,000 hours of their time and business expertise in one of three standing committees:

First, prerelease/education; second, training and third, operations and planning.

Some 3 years later, the original mission statement still remains intact: To act as business people to assist Federal Prison Industries Incorporated, by providing the needed expertise to enable FPI to better prepare Federal inmates for the world of work and meaningful employment upon their release from prison.

The council established two broad goals: To develop a prototypal relationship between Federal Prison Industries and the private sector to be replicated throughout the Federal prison system; and to match the expertise available in the private sector with Federal Prison Industries needs to maximize the training and development of the inmate population.

The council was pleased that John Marshall Briley, president of Federal Prison Industries, noted in FPI's 1981 annual report, "A Message From the President," that, "The concept of a business advisory council and its recommendations has been enthusiastically accepted." To this end, in June, 1984, the council had contributed 54 recommendations of which 90 percent have been accepted and implemented in various forms.

On October 6, 1983, Mr. Kennelly addressed Judge Weinstein and the council, noting some of the council's recommendations that have had a direct or indirect effect on Federal Prison Industries.

Inmates have to take part in adult basic education in order to be employed by FPI. Failure to complete the sixth-grade level of education results in the individual never advancing beyond FPI's lowest pay grade—a nationwide policy change for FPI.

FPI has established part-time positions within the factory to accommodate the educational needs of inmates.

An educational and occupational handbook to advise inmates on how the training they receive at FPI can command high pay in the private sector.

Prerelease classes are no longer run on a nonsequenced admission basis.

Visual vial products and displays are in place to educate FPI's inmate work force as to just what they are producing and how it is used.

10 percent of FPI's work force are in cross-training programs.

Inmates now have to fill out applications and go through an interview in order to be employed by FPI.

Tracking of FPI's inmate work force once released back to society on a nationwide basis.

A standardized test for inmate advancement in grade.

A Pilot Outplacement Program for 20 inmates conducted by 11 council members, Federal probation and parole, and Federal Prison Industries allowed these inmates to partake in this program on a paid release time basis, also providing space and personnel.

FPI's staff members and foreman have taken part in various council member's development/training courses.

FPI now utilizes grade one inmates to conduct factory training programs.

Mr. Kennelly also stated to Judge Weinstein that, although the council had witnessed numerous cases of their recommendations pertaining to factory and warehouse operations being implemented, their greatest collective achievements were the acceptance of recommendations by FPI regarding the individual inmate's development.

With the publication of Mr. Kennelly's speech, "Private Sector Involvement" in the June 1983, issue of "Corrections Today" the council's goal of replication, starting other councils on a nationwide base has witnessed steadfast progress.

Mr. President, I believe the work of these dedicated individuals should be commended. We are in their debt for the effort they have devoted to this worthy project.●

S. 521, A BILL TO PROTECT INSTITUTIONALIZED CHILDREN FROM ABUSE

● Mr. D'AMATO. Mr. President, today I am cosponsoring S. 521, a tough and effective bill to combat child abuse in day care centers and other institutions where children are placed. I commend Senator SPECTER for his foresight in introducing this legislation.

At Tuesday's Juvenile Justice Subcommittee hearing on child abuse, I heard very persuasive testimony that, if S. 521 had been law 2 years ago, many of the worst child abuse cases in our history could have been prevented.

The Bronx County district attorney, Mario Merola, is bringing major prosecutions against day care center employees who are charged with sexually abusing 60 children more than 200 times. The oldest of these children was 8, the youngest only 2, when these crimes were committed. Mr. Merola testified that many of these crimes could have been prevented if S. 521 were law.

This bill provides that no person shall be employed at a juvenile detention, correction, care, or treatment center unless a nationwide criminal record check has been conducted. This could enable us to learn whether that individual has committed any crimes and whether he or she poses any danger to children.

One child care employee in the Bronx has been convicted of felony drug-dealing charges. He has admitted to using heroin regularly when he was working at the day care center. If S. 521 had been law and had been enforced, such a person would not have had the opportunity to molest children in any day care center because he would never have had a job there.

Mr. President, we need this legislation. Our children need it. How many more cases of abuse are occurring today? How many more convicted felons, dope addicts, and drug dealers are at work today in juvenile facilities?

S. 521 directs the Federal Government to help the States find out. It directs the Attorney General to assist State governments in their efforts to conduct criminal record checks on persons seeking work at juvenile institutions and day care centers. It also directs the Attorney General to furnish State governments identification and criminal history information and to facilitate the exchange of that information between States through a national index of State records.

We have waited to act on S. 521 for much too long. I urge my colleagues to give this bill their full support now, before too many more young lives are devastated.●

MARLIN JACKSON, ARKANSAS BANKING COMMISSIONER

● Mr. PRYOR. Mr. President, last week the Senate considered and approved important new banking legislation. In the weeks and months before that vote, the Senate and the public had listened to many people speak on banking issues.

Among those individuals, I wish to commend my friend and Arkansas Banking Commissioner, Marlin D. Jackson. The commissioner has been a tireless supporter of the regional banking movement, and to address this issue he formed the Coalition for Regional Banking and Economic Development, a group supported by banks in every region of the country. The coalition and Marlin's powers of persuasion must be given some credit for the inclusion of title X in that legislation.

Commissioner Jackson, a self-proclaimed "redneck country banker," has been a force in banking in Arkansas and the Nation for more than a quarter century. In addition to owning his own bank in Paragould, AR, a bank being held in blind trust during his tenure as bank commissioner, Marlin is a frequent lecturer on banking, particularly agricultural lending, across the country.

He is a past chairman of the American Bankers Association's Agricultural Bankers Division, and has served the State of Arkansas in various posts with great distinction. Commissioner Jackson is a credit to the State of Arkansas, and all Arkansans should be proud of his well-deserved national reputation as a spokesman on regional banking and other matters.●

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate finishes its business this evening, it stand in recess until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. STEVENS. Following the time for the two leaders under the standing order, Mr. President, I ask unanimous consent there be special orders not to exceed 15 minutes each for Senators PROXMIRE and LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow there be a period for the transaction of routine morning business, during which Senators may speak for not to exceed 5 minutes each, to extend from the period of the completion of the special orders until 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. STEVENS. Mr. President, following routine morning business tomorrow, the Senate will resume consideration of Senate Resolution 66, which is TV in the Senate. Under the provisions of rule XXII, at 11:30 a.m. a live quorum will begin and once a quorum is ascertained the Senate will vote on cloture on Senate Resolution 66, TV in the Senate.

MEASURES HELD AT DESK

H.R. 718

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House, H.R. 718, for the relief of Samuel C. Willett, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 5343

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House, H.R. 5343, a bill for the relief of Narciso Archila Navarrete and Juan Archila Navarrete, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 1236

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House, H.R. 1236, a bill for the relief of Andrew and Julia Lui, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 1150

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House, H.R. 1150, a bill for the relief of Teodoro N. Salanga, Jr., it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 6206

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House, H.R. 6206, a bill relating to the water rights of the Ak-Chin Indian Community, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTIONS IN ENROLLMENT OF S. 2155

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of House Concurrent Resolution 358.

There being no objection, the concurrent resolution (H. Con. Res. 358) was considered and agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMERGENCY MEDICINE WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of House Joint Resolution 545.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 545) was considered, ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AMENDMENT—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on S. 38 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WILSON). The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 38) entitled the "Longshoremen's and Harbor Workers' Compensation Act" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 14, 1984.)

Mr. NICKLES. Mr. President, on May 14, 1981, S. 1182, a bill to amend the Longshoremen's and Harbor Workers' Compensation Act was first introduced by myself with Senator NUNN cosponsoring. Since that time, the Senate Labor Subcommittee, which I chair, has held 4 days of hearings and the bill has undergone any number of rewritings. We thought that one compromise would become public law at the end of the 97th Congress. That did not happen.

At the beginning of the 98th Congress, I reintroduced amendments to the Longshore Act as S. 38. I am pleased that a compromise version is finally out of conference, has passed the House, and is before the Senate for a vote today. In my opinion, this compromise, taken as a whole, is worthy of final passage and provides many needed reforms to the Longshore Act. There are some provisions which, taken alone, cause me some philosophical problems. These concerns, however, are greatly outweighed by the benefits in the entire package.

The section which concerns me philosophically are the ones on occupational disease. My problem is providing benefits to retirees through a wage replacement system. I have consented to doing this in the longshore bill because of the benefits of the other provisions. This is not an endorsement of future efforts to federalize workers' compensation for occupational disease.

The conferees were also concerned over the effect of the Supreme Court's decision in *Lockheed Aircraft Corp.* v. *United States* et al, —— U.S. ——, which decided that the Federal Employees' Compensation Act did not bar third party claims for indemnification. Because section 5(a) of the Longshore Act contains nearly identical language to FECA, we considered an amendment to section 5(a). However, the plain meaning of the existing language indicates that there should be no third party liability. In addition, the clear congressional intent of the 1972 amendments to the act was to eliminate the problem of "circular suits" whereby employers paid workers' compensation and then through suits by third parties became liable for additional amounts.

In amending the act today, we are strengthening further the language in section 905(b) to provide statutory immunity to shipyards against such negligence action. We believe this achieves the goal of the conferees of making workers' compensation under the Longshore Act the exclusive remedy against an employer and insulating the latter from multiple liability.

Many months were spent in an attempt to draw a bright line differentiating Longshore and State workers' compensation coverage. Such an effort was necessitated by the 1972 amendments which extended coverage shoreward without providing definite guidelines. Attempts to draw a more definite legislative line failed.

As a result, the bill carves out certain categories of workers and specifically excludes them from the definition of "employees" covered under Longshore. To assure there are no cracks, that is, that a worker is subject to either Federal or State coverage, the amendment conditions the Longshore exemption on these claimants being subject to State workers' compensation coverage. These exemptions and this approach is not intended in any way to extend coverage to any employees not currently under Longshore.

The need to amend the section dealing with medical services and supplies was made clear in hearings conducted by the Permanent Subcommittee on Investigations. I am pleased that this bill contains a method to debar certain physicians from providing medical care under the Longshore Act. The intention is to put a stop to certain fraudulent activities identified by the permanent subcommittee which developed under Longshore.

In addition, other sections dealing with fraudulent activities identified by the permanent subcommittee were addressed. Penalties for misrepresentation to obtain benefits and for false statements to deny or terminate benefits were increased from a misdemeanor to a felony. Provisions to restrict claimants' representatives and grounds to disqualify these representatives were inserted into Longshore. Also employers are given the authority to obtain wage statements from claimants receiving benefits to monitor these cases.

I want to thank Senator NUNN and his staff for their cooperation, support and assistance in bringing this matter to the Labor Subcommittee's attention

and in making these much needed changes in the law.

Under section 44 of the Longshoremen's and Harbor Workers' Compensation Act, self-insured employers and insurance carriers pay into the special fund on an assessment basis moneys necessary for the fund to meet its obligations. The present formula is prorata based on company/carrier losses during the year and all employer/carrier payments. The more cases an employer can put into the fund each year, the lower its assessment becomes.

The House and Senate committees attempted to rectify the problems as described in the two committee reports. (H. Rept. 98-570, pgs. 20-21 and S. Rept. 98-81, pgs. 34-35.) While considering the differences, an alternative approach in the form of a new assessment formula was devised and agreed to by most concerned employers/carriers. The new formula takes into account the amount of fund cases each employer/carrier has and strikes an average between the actual payouts of the old formula and use of the fund. Under this formula, abuse of the Fund will be discouraged and assessments to all concerned will be equitable. There will be changes up or down in every industry, but all will be treated equally. The new formula is section 24(a) of the conference reported S. 38.

Under these amendments, settlements will be much easier to obtain than under current law. If the parties agree and are represented by counsel, a settlement shall be deemed approved unless specifically disapproved by the Deputy Commissioner within 30 days after submission. Such settlement may also include future medical benefits if the parties agree.

The Benefits Review Board is increased from 3 to 5 permanent members. Four temporary members are allowed if requested by the chairman. There is concern over the growing backlog at the BRB and it is intended that the new members will be appointed quickly and the temporary members will be utilized in decreasing this growing backlog.

Death benefits are capped at 200 percent of the national average weekly wage, unrelated death benefits are repealed, and annual escalation of benefits is capped at 5 percent. These provisions are intended to make the Longshore Act insurable by providing some degree of certainty of future benefits. Further, any benefits received by a claimant are offset by any other workers' compensation or Jones Act benefits received for the same injury, disability, or death.

Overall, this package of amendments addresses the major problems identified under Longshore. The benefits greatly outweigh any perceived disadvantages.

I want to encourage the Senate to adopt these amendments today so that we can send them to the President for his signature.

In closing, I want especially to thank not only Senator NUNN but also Senators HATCH and KENNEDY for their assistance in bringing this compromise to the floor today. Also, I want to thank representatives MILLER and ERLENBORN for their work in the House.

Thank you.

Mr. HATCH. Mr. President, it is with a great sense of accomplishment and satisfaction that I join Senator NICKLES in urging the adopting of this conference report to S. 38—a bill which I had the privilege of cosponsoring. This measure is the product of literally a decade of intense debate, close scrutiny, and hard negotiation.

It is not the handiwork of a select few, fashioned duping some midnight hour. Many people contributed to the development of this bill, some of whom deserve special recognition. Senator NICKLES is to be commended for his diligent pursuit of these amendments. As a freshman Senator 3½ years ago, he tackled the Longshore Act as one of his first issues. And despite the disappointment of the 97th Congress, he pressed ahead in the 98th Congress for reform. As students of geography will attest, Senator NICKLES' home State of Oklahoma does not have many deep water ports and thus his State was more of an indirect, rather than direct, concern over the Longshore Act. Some might therefore have wondered whether after the discouragements of the 97th Congress, he should have turned his attention to interests closer to home. Yet, in mark of true leadership, as chairman of the Labor Subcommittee, he pressed ahead in this Congress.

I would also like to commend Senator KENNEDY, whose support of a consensus bill in the Senate provided a great boast to the legislation. Senator NUNN and Senator ROTH are deserving of recognition for their early work on the Permanent Subcommittee on Investigations. Their aggressive and thorough investigation of waterfront corruption brought to light the manner in which the current law was being abused by corrupt individuals. Their recommendations for enacting more stringent sanctions were invaluable contributions, and the conference report contains many of their recommendations.

I acknowledge also the tremendous contributions of Representative MILLER and Representative ERLENBORN, who led the House conferees. It is undisputed that without their dedication, and the tireless and highly professional work of their staffs, there would be no Longshore Amendments of 1984.

Because the legislation was so technical and complicated, the conferees had to rely heavily upon the assistance of the Department of Labor as well as the Office of Legislative Counsel. Among those who deserve commendation are Ms. Susan Meisinger, Mr. Cornelius Donoghue, Mr. Peter D. Galvin, Mr. Larry Rogers, Mr. Neil Montone, Mr. Irwin M. Wolkow, Mr. James Demarce, Ms. June Robinson, Mr. Carvin Cook, Judge Robert L. Ramsey, and Ms. Sydnee Schwartz. Also I express my thanks to Mr. Steven Cope in the Office of Legislative Counsel, who oversaw the final crafting of the statutory language. Finally, I would like to pay tribute to Mr. Robert Collyer, former Deputy Under Secretary of Labor for Employment Standards Administration, whose early leadership and contribution were instrumental in developing this measure.

The Longshore Act is like other workers' compensation laws in that it is not static. It is a dynamic one, continually evolving. The Congress, of course, has established the statutory framework, enunciating the major policy objectives toward compensating work-related injuries and deaths. However, the courts and the Department of Labor interpret and administer this law, and they must continually apply this law to unique situations which Congress did not envision. In many instances, the results are in keeping with congressional intent and purpose. But in other instances this interstitial lawmaking is clearly out of bounds and is disruptive of the consensus reached by employer and employee interest groups. In addition, it must be candidly acknowledged that Congress itself often sows the seeds for future legislative reform. The 1972 amendments are a case in point. Although to its credit it solved many problems, its craftsmanship has prompted Chief Justice Burger to observe that the act was "about as unclear as any statute could conceivably be * * *". The stage is thus set for congressional action when the collective product of judicial and administrative action finally activates a broad spectrum of interest groups to seek legislative change.

The Longshore Act does not lend itself to amendment easily or often. Like other labor laws, the act has been forged in the heat of political controversy, between the inherently adversarial forces of business and labor. It embodies compromises not easily reached, which are often then euphemistically described as "delicate balances." That internal balance could be easily destroyed if the act were subject to continual amendment.

S. 38 reflects a fragile consensus, carefully crafted over the last several years. It is a bill which provides benefits for all the affected interest groups. It benefits workers by facilitating the processing of occupational

disease claims. It also benefits retired workers who become impaired as a result of a late manifesting occupational disease by affording an opportunity to obtain compensation. It enhances the insurability of the program, thus benefiting both insurers and self-insurers, by making the costs more predictable. It benefits certain employers in the shipbuilding industry by restoring an original purpose of workers' compensation, namely to immunize employers from tort suits as the quid quo pro for paying compensation. It benefits the Department of Labor, which administers this program, by providing greater manpower resources by which to adjudicate longshore cases. Finally, it benefits all participants in the compensation system by establishing new sanctions to deter those who have defrauded and abused it.

I would like now to discuss some of the important aspects of the conference report.

JURISDICTION

One of the most hotly contested areas of this act has been jurisdiction. Professor Larson has observed that prior to the 1972 amendments the act had "achieved a unitary and almost litigation-free rule of coverage." Injuries and death occuring over navigable waters were compensated under the act. But coverage stopped at water's edge. And, for those workers whose duties took them both on land and over navigable water, they found themselves literally walking in and out of coverage.

The 92d Congress, however, sacrificed the administrative ease of "water's edge" rule. The 1972 amendments enacted a generous boast in compensation, and Congress did not want to deprive amphibious workers and their land-based fellow workers of these benefits simply because their injuries occurred on land. But in extending coverage onto shore, the 1972 amendments adopted appallingly ill-defined rules of jurisdiction. In Professor Lawson's view, the rules have been a "double prolific generator of litigation," as the courts have endeavored to flesh out what Congress meant by "maritime employment" and adjoining" areas. Employers for almost a decade have called for a retreat of coverage to water's edge. But as the Senate Labor Committee finally concluded, it was neither desirable nor possible to stage a complete retreat to the sea. Instead, the Senate committee fell back on what was politically feasible, namely singling out several specific categories of occupations and activities for exemption. If there is a common thread running through the changes, it is probably the belief that these activities and occupations either lack a substantial nexus to maritime navigation and commerce or do not expose employees to the type of hazards normally associated with longshoring, shipbuilding, and harbor work.

Most but not all of these exemptions survived intact through conference.

Also surviving through conference are the understanding articulated in the Senate report to S. 38 (S. Rept. 98-81, 98th Cong., 1st Sess. at 26 (1983)):

It is the committee's intention that these amendments not be interpreted to enlarge the present scope of the act's coverage. Nor is it the committee's intention to include classes of employers not already subject to the act. Finally, with the committee making only limited changes to section 2(3), [ ] and section 3 of the act, it is obvious that a large body of decisional law relative to traditional maritime employers and harbor workers remains undisturbed. The decision not to evaluate, endorse, or reject, explicitly or implicitly, the lower court and agency decisions in these other areas was made deliberately by the committee in conjunction with the limited changes that are being made.

These views are pertinent to the conferees' decision not to include in the Conference Report the exemption for grain elevators, found in the Senate bill, and the exemption for fabrication of offshore oil production platforms, included in the House amendment. This latter proposal was prompted by a recent decision from one circuit. *Thornton* v. *Brown & Root, Inc.*, 707 F.2d 149 (5th Cir. 1983). Though some might be tempted to argue otherwise, the absence of these exemptions in no way constitutes congressional endorsement of any judicial pronouncements of coverage. Neither the Senate nor the House attempted to revisit the concept of maritime employment which governs the definition of employee. Accordingly, the conferees did not attempt an articulation of criteria for determining what is maritime employment. In short, there emerged no political consensus either to affirm or to disaffirm the jurisprudence developing with respect to employees not covered by the exemptions in the conference report.

Without firm direction from Congress, courts must continue to grapple with defining the parameters of maritime employment. Conflicts among the circuit courts of appeals no doubt will continue to arise, and the Supreme Court will have to resolve these conflicts. This therefore admits to the possibility, for example, that another circuit may disagree with the fifth circuit's decision in Thornton as to coverage of offshore oil drilling fabrication yards. The stage would then be set for final review by the Supreme Court.

It should be noted that the exemptions in the conference report are predicated upon the availability of coverage under a State workers' compensation law. Where a State does not extend coverage to an employee otherwise deemed exempt under the Longshore Act, the latter exemption would not apply.

I would observe that there may be cases where an employee, in an effort to nullify the application of a Longshore exemption, will challenge whether State workers' compensation is available. There may be very rare cases where an employee unsuccessfully challenges an employer's assertion of a Longshore coverage exemption only to find that, upon application for State workers' compensation, procedural, as opposed to jurisdictional, bars threaten to deny benefits. The conferees do not contemplate that the employee will be able to reapply for Longshore benefits under the guise that State coverage is not available. Rather, the employee when confronted with the assertion of his exempt status is best advised to file a simultaneous claim under State law. In this way he can protect his State rights in the event that the Longshore claim is dismissed for jurisdictional grounds. This is no more burdensome than the current practice of some employees in some jurisdictions to file concurrently claims under State law and Longshore.

A variation on the above example should be noted. There may be equally rare instances where, following dismissal of a Longshore claim under an exemption, the State tribunal authoritatively interprets its law to deny coverage. In such cases, it is anticipated that the claimant will be able to renew his claim before the Department of Labor, showing that the employer is not entitled to the Longshore exemption after all. This will avoid the catch-22 situation of an employee being deprived of an opportunity to claim compensation under any system.

I would now like to comment briefly on one specific exemption.

SMALL VESSEL EXEMPTION

The conference report provides generally that an employee employed at a facility engaged in the business of building, repairing, or dismantling small vessels—as small vessels are defined in the provision—is not covered under the Federal Longshore Act unless his injury occurs while upon the navigable waters of the United States or while upon any adjoining pier, wharf, dock, facility over land for launching vessels, or facility over land for hauling, lifting, or drydocking vessels. This provision parallels that provided under the Senate-passed bill. A significant variation between the two, however, is that the conference report defines additional workplace areas adjoining the navigable waters where the exemption from Federal coverage is not available; injuries occurring on a pier or wharf, for instance, were exempt areas under the Senate-passed bill but not under the conference report. With respect to explaining the exemption, and in tracing its development, discussions upon introduction of S. 38, those contained in the Senate

committee report (S. Rept. No. 98-81), and those held during its passage in the Senate, are a part of the legislative history of the provision and are relevent to its present meaning unless, of course, expressly superseded by language in this conference report, some of which I earlier referenced.

Eligibility for the small vessel exclusion depends upon whether the employer's facility is engaged in the business of building, repairing, or dismantling:

First, commercial barges under 900 lightship displacement tons (long); or

Second, commercial tugboats, towboats, crew boats, supply boats, fishing vessels, or other work vessels under 1,600 tons gross.

For purposes of the second small vessel category, the conference report specifies some types of workboats; for example, tugboats but also includes other work vessels within the small vessel definition so long as they are under 1,600 tons gross. This generic reference was preferred over attempting to identify and list every conceivable workboat description; for example, utility vessels, ferries, Corps of Engineers dredges, patrol boats, pressure barges. A shipyard operation may qualify for exclusion from Longshore Act coverage under one or both of the small vessel categories discussed above depending upon the types and sizes of vessels involved. A shipyard facility may, for instance, be in the business of building and repairing commercial barges under 900 lightship displacement tons (long) and towboats under 1,600 tons gross and qualify for exemption from Longshore Act coverage.

The commercial barge exception is expressed in terms of vessel weight measurement; for example, lightship displacement tons (long); one long ton equals 2,240 pounds, and the general commercial workboat exception is expressed in terms of vessel volume measurement; for example, gross tons; one gross ton equals 100 cubic feet. It is our intent that this gross tonnage measurement remain at 1,600 gross tons as determined by the current formula contained in the act of May 6, 1864, as amended through 1974 (46 U.S.C. 77), and that the measurement for purposes of the Federal Longshore Act should not be altered because of any future amendment to the act of May 6, 1864, or any recommendation of the International Conference on Tonnage Measurement.

There are additional limitations to the availability to a facility of the exemption. A shipyard operation, for instance, must be in the business of building, repairing, or dismantling exclusively small vessels in order to qualify for the exemption. If a shipyard operation is engaged in work on a vessel larger than the sizes specified in the provision, the exemption from Longshore Act coverage is inapplicable and the otherwise excluded small vessel activity would be subject to Longshore Act coverage during the period the shipyard facility is engaged in work on the large vessel; that is, a motorized utility boat more than 1,600 tons gross. In the case of repair activity, this period would run from the time the large or otherwise ineligible vessel arrives at the shipyard for repair until the repair work is completed. In the case of new construction, it would run from the time the construction first takes on the characteristics of a vessel; that is, the keel is laid until the construction is completed.

Thus, a facility, in order to avail itself of the exemption, must in its shipyard operations be engaged in working on only small vessels. If such a facility engages in the construction or repair of a vessel larger or of a type other than those defined in the provision, those employees who would be subject to the exemption would be covered under the Federal Longshore Act during the period of activity on the nonqualifying vessel. Once the facility is again engaged in exclusively small vessel operations, the exemption would apply. We expect the Secretary to develop appropriate regulations consistent with this legislative intent to help effectuate the exemption in this respect. We also expect the Secretary to certify that these facilities are, insofar as Longshore Act coverage is concerned, engaged in the business of building, repairing, or dismantling only small vessels and therefore are eligible for the exemption to the extent it applies.

Additionally, the exemption applies only to facilities that are in the business of building, repairing, or dismantling commercial barges, tugboats, towboats, crew boats, supply boats, fishing vessels, or other work vessels. The emphasis is on the use in commerce of these vessels being built or repaired. Shipyard operations that are in the business of noncommercial vessel work; for example, military patrol boat construction on these vessels are not entitled to the exemption during the period of that activity regardless that the noncommercial vessel may be small under the terms of the provision.

Two additional limitations on the availability of the small vessel builder and repairer exemption involve facilities receiving Federal maritime subsidies and the requirement that the exemption is applicable only to employees subject to coverage under a State workers' compensation law. With respect to the first limitation, the particular shipyard facility may not receive Federal maritime subsidies and be entitled to the coverage exclusion. This restriction is intended to continue within Federal coverage operations of employers that receive the direct maritime subsidies contained in the Merchant Marine Act, 1936, as amended; specifically, the construction differential subsidy program [CDS] and the operating differential subsidy program.

For example, if an employer's facility enters into a CDS contract with the Government and receives a subsidy for the construction of a vessel, the operation would not be eligible for exclusion from Longshore Act coverage regardless of the nature of vessel work undertaken at the operation. Facilities that may benefit indirectly or nonvolitionally from the operation of various Government policies and programs, for example, special tax treatments, cabotage laws, financing guarantees—are not affected by this maritime subsidy limitation. With respect to the second limitation referenced, if an employee within the scope of this exemption from Federal coverage is not subject to coverage under a State workers' compensation law, the employee remains under Federal coverage. The objective here simply is to ensure that an employee does not fall between Federal and State coverage. Clearly, the exemption defers to State coverage but if such coverage cannot reach the subject employee, then that employee must remain subject to the Federal law.

OCCUPATIONAL DISEASE CLAIMS

Probably no issue has received more attention, or generated more controversy in recent years in the area of workers' compensation than the adequacy of the current systems to compensate victims of occupational disease.

The problems of making a correct assessment of this controversy are manifold. The first is our limited understanding of the dimensions of the problem in this country. Although the media gives the distinct impression that occupational diseases pervade the entire population, the scientific data does not tend to support that impression. Second, while there is evidence that the workers' compensation systems are not being deluged by a great number of occupational disease cases, it is not possible to draw an unambiguous inference from these statistics. It is arguable that the low percentage reflects a true prevalence of the problem and that the current system is dealing adequately with the relatively few cases. In contrast, critics charge that the paucity of cases demonstrate how the current system has erected procedural and substantive bars to the many victims of work-related diseases, thus discouraging the filing of claims.

The 1984 Amendments to the Longshore Act do not pretend to resolve this debate. Rather, in a straight forward manner, they address several specific issues which have been drawn to the committees attention concern-

ing the capacity of the Longshore Act to compensate occupational disease cases in a fair, adequate and expeditious manner. At the outset, it should be stressed that the Longshore Act has unqualifiedly compensated for occupational disease for decades. We are not confronted with a statute which by its terms is hostile to certain occupational diseases, or limited by unrealistic exposure limitation rules, or discriminatory in establishing benefit levels.

Yet, the statute has been interpreted in certain circumstances to frustrate the purposes of the act. Current law adopts a manifestation rule that tolls the prescriptive periods under sections 12 and 13. These sections even include provisions allowing either waiver or further tolling in particular situations. Yet, there was evidence presented to the committee that certain employers were able to utilize these rules, without showing material prejudice to themselves, to bar otherwise legitimate occupational disease claims. The Conference substitute lays down special time limitations for occupational disease cases: claimants have up to two years from date of manifestation to file a claim. This comports with the rule adopted in many States, including the recent amendment to the New York law, which has often served as a model to the Longshore Act. Second, the notice requirement has been extended from 30 days to 1 year.

It is noted that both the notice and time limitation rules incorporate a medical advice trigger, which is activated when a claimant receives medical advice as to the manifestation of the disease and its link to employment. This is essentially a presumptive evidence standard which operates for the benefit of the claimant. But the statute still retains the reasonable diligence standard, which is essentially an objective, "reasonable man" guideline.

The medical advice standard is designed to temper the operation of the reasonable diligence standard. Physicians still today commonly fail to recognize many occupational disease symptoms or their relationship to employment. Thus, it may not be reasonable to expect that a worker at a certain point in time will recognize symptoms or their relationship to employment. In such cases, the medical advice rule will prevent the defeat of the claim. Yet, there still may be certain specific cases where the subjective factors convincingly establish that a claimant knew, or should have known, he had an occupational disease and that it was employment-related. Such factors would include the workers' education, his age, the length of time he is exposed to a particular industrial process, an understanding of the manufacturing process, his awareness of workers compensation, and past medical history.

Obviously, the limitations periods embody a balancing of competing interests. A claimant deserves every reasonable opportunity to prosecute a legitimate claim, even one that takes years to ripen. But there are other worthwhile policy objectives. Prescriptive rules are designed to discourage claimants from "sleeping on their rights." Further, people are entitled to settle their affairs, without fear that at some ill-defined point in the future—when documentary evidence is unavailable and memories are dim—they will have to account for past injurious conduct. The Longshore Act as amended reaffirms this balancing of interests. But the conferees clearly expect the act to take account of the unique nature of occupational diseases. Medical knowledge, and common understanding, of the etiology, the symptoms, and the nature of occupational diseases are still maturing. Victims of occupational diseases should not be unfairly penalized because of contemporary limitations of medical science and the latency of some such diseases.

RETIREES

The second issue addressed with respect to occupational disease is whether retirees, or their survivors, should be entitled to compensation where the disease does not manifest itself until after retirement. Assuming that they should be, a further question arises as to the level of benefits.

The Longshore Act does not contain express rules governing compensation for retirees. Yet, since the beginning, it has been beyond cavil that benefits paid to a worker disabled during employment could continue throughout his retirement years. The Senate bill took this for granted as it added an offset provision authorizing an employer to reduce its compensation liability by a percentage of the amounts an employee became eligible to receive Social Security benefits. The theory behind this proposal was that workers' compensation and Social Security are both an income-replacement merchanism and that there should be some coordination of benefits. It will be recalled that workers' compensation developed and matured during a time that antedated Social Security. And generally workers' compensation laws have not been amended to take account of Social Security.

The House Labor Committee flatly rejected any Social Security offset. While the issue was joined in conference, a series of controversial rulings at the agency level came to the attention of the conferees. In *Abuddell* v. *Owens-Corning Fiberglas,* 16 BRBS 131 (Feb. 28, 1984), the Benefits Review Board denied compensation benefits to a worker who had manifested an occupational disease—asbestosis—after permanently retiring from the work force. The Board viewed the retiree as, by definition, being without a wage-earning capacity. Therefore, the disease could not diminish that capacity for purposes of computing compensation. An identical result was reached in *Redick* v. *Bethlehem Steel Corporation,* 16 BRBS 155 (Mar. 20, 1984). Similarly, in *Worrell* v. *Newport News Shipbuilding and Dry Dock Company,* 16 BRBS(ALJ) 216 (Mar. 15, 1983), an administrative law judge ruled that a widow was not entitled to death benefits where her retired husband died from mesothelioma. The judge reasoned that the retiree's average weekly wage at the time of death was zero, which must be regarded as the ceiling placed on such benefits by virtue of section 9(e).

The conferees concluded that these interpretations of the Longshore Act did not represent equitable policy. A person's eligibility for compensation should not necessarily be dependent upon the fortuity of when he becomes disabled. Moreover, it is arguable that the Abuddell decision ironically sows the seeds for mischief against employers in the future. It will be remembered that workers' compensation embodies a social contract between employers and employees. One commentator summarized it as follows:

> Workmen's compensation acts are in the nature of a compromise or quid pro quo between employer and employee. Employers relinquish certain legal rights which the law affords to them and so, in turn, do the employees. Employers give up the common-law defenses of the fellow servant rule and assumption of risk. Employees are assured hospital and medical care and subsistence during the convalescence period. In return for a fixed schedule of payments and a fixed amount in the event of the worker's death, employers are made certain that irrespective of their fault, liability to an injured workman is limited under workmen's compensation. Employees, on the other hand, ordinarily give up the right of suit for damages for personal injuries against employers in return for the certainty of compensation payments as recompense for those injuries. 1 M. Norris, The Law of Maritime Personal Injuries § 55, p. 102 (3d ed. 1975).

The effect of Abuddell and Worrell, it seems to me, is to deny to employees and their survivors part of the benefit of the bargain. It would not take a great leap in logic for a court to conclude that the deprivation of the right to compensation should vitiate the employer's immunity for tort liability. The conference substitute forecloses this possibility by reaffirming that a retiree retains his employee status for purposes of compensation.

The conference substitute therefore makes express provision for the payment of benefits to retirees who become disabled during retirement as a result of an occupational disease. It should be noted, however, that the type of benefit paid to a retiree whose

disease manifests itself during retirement will be an impairment benefit and will be considered a species of permanent partial disability, if it indeed is permanent. This impairment will be evaluated under guidelines of the American Medical Association. It should also be noted that by being considered a form of permanent partial disability, no matter its extent, a retiree's impairment cannot legally ripen into a permanent, total disability, for purposes of the act.

Where a retiree manifests an occupational disease impairment over a year after retirement, and otherwise establishes eligibility under the act, his benefit will be calculated by a formula which is keyed to the national average weekly wage at the time of manifestation.

I would also point out where a retiree receiving an impairment benefit dies, any survivor claims for death benefits under section 9 of the act must still satisfy the existing rules of evidence and burdens of proof. A claimant will have to establish to a reasoned medical certainty that the decedent's "injury" caused his death.

EXCLUSIVE LIABILITY OF SHIPBUILDERS

The conference report adopts the Senate proposal, left unchanged by the House, to bar certain tort suits against shipyards which are otherwise liable for workers' compensation. As explained in the Senate report, section 5(b) of the act, added in 1972, has been judicially interpreted to allow a shipyard employee to bring a maritime negligence action against its employer in the latter's capacity as owner of a vessel being built or repaired. The Shipbuilder's Council of America testified during hearings in 1981 that these actions for maritime negligence, when combined with the Longshore Act's generous compensation benefits, placed an impossible burden on shipyard employers. It urged that employers should be responsible for workers' compensation exclusive of any theory of tort recovery.

The legislation addresses this dual capacity problem in two respects. First, it bars the direct maritime tort action against the employer in its capacity as a "vessel" as the term as defined in the Longshore Act; that is, vessel owner, owner pro haec vice, et cetera. Second, the amendment addressed the situation where the injured employee may bring an action against a third party which is deemed a "vessel" as defined by the act. An example is an oil company which owns a tanker and brings it in for repairs at the shipyard-employer. In response to the suit, the oil company as "vessel" may attempt to implead the shipyard-employer under contractual or tort theoriers of indemnity or contribution. The amendment bars any such liability against the employer. This is in keeping with the policy, contained in the first sentence of section 5(b), against exposing an employer to liability to a vessel for the latter's tortious injury to an employee. Thus, shipyards are afforded the same immunity from suits by vessels which stevedores enjoy under the 1972 amendments.

It should be noted that the amendment to section 5(b) does not reach the sensitive issue of whether the exclusive remedy rule of section 5(a) generally bars an unrelated third party from obtaining contribution or indemnity from the employer where the employer's negligence has caused or contributed to the employee's injury. As Professor Larson has concluded, as a general matter, third-party actions over against an employer present "perhaps the most evenly balanced controversy in all of workers' compensation * * *." (A. Larson, *Third Party Over Against Workers' Compensation Employer*, 1982 Duke L.J. 483, 484 (1984)). And, last year, the Supreme Court spoke to the issue in the context not of the Longshore Act, but rather of the Federal Employees' Compensation Act. In *Lockheed Aircraft Corporation* v. *United States* (460 U.S. 190 (1983)), The Court held that section 8116(c) of title 5, United States Code—the counterpart to section 5(b)—did not bar an unrelated third party's indemnity action against the United States for injuries to a Federal employee. Since, then, questions have been raised as to the decision's impact on the Longshore Act. In fact, one district court has recently ruled that, under the rationale of Lockheed, section 5(a) does not bar an unrelated third party's action against a longshore employer. In re *All Maine Asbestos Litigation* (BIW cases), (D. Me. March 9, 1984).

Neither the Senate bill nor the House amendment specifically addresses this issue. And, thus to the extent it is a problem, the conference report leaves it unresolved. I personally doubt, however, whether Lockheed poses a serious threat to longshore employers. The courts have long recognized that a longshore employer whose concurring negligence contributed to an employee's injury cannot be sued as a joint tort feasor by the third party seeking contribution. See, for example, *Halcyon Lines* v. *Haenn Ship Ceiling & Refitting Corp.* (342 U.S. 282 (1952)). Moreover, on the question of indemnification, the courts generally have not sustained a third party defendants's claim over against a longshore employer for noncontractual indemnity, See, for example, *White* v. *Johns-Manville Corp.* (662 F.2d 243 (4th Cir. 1981)). And, even in Lockheed, the Court did not resolve the underlying substantive claim for indemnity; it considered only whether the exclusive liability provision was a statutory bar. See *Lockheed*, (460 U.S. at 197 n. 8).

No doubt, convincing arguments can be made that the principle of exclusive liability under workers' compensation should shield employers from further liability, whether directly or indirectly under any theory of contract or tort law. But S. 38 did not set out to resolve the issue in a comprehensive manner. To do so properly, the committee would have had to examine all sides of the triparte relationship between the employer, the employee, and third parties. For example, it is arguably unfair to proscribe third party indemnity actions against an employer without considering the abrogation of, or at least limitation on, employer's subrogation rights and its compensation lien. Moreover, in certain circumstances, an employer has recognized rights against third parties, growing out of workplace injuries to an employer. See, for example, *Federal Marine Terminals* v. *Burnside Shipping Co.* (394 U.S. 404 (1969)). These rights perhaps should undergo modification. Similarly, any limitation on the employer's rights would have to be accompanied by rule changes designed to prevent an employee from enjoying double recovery against his employer and a third party. Any overall review of these questions must wait for another day. In the meantime, we can perhaps benefit from the experience be gained from enactment of a uniform product liability proposal S. 44, which the Commerce Committee reported earlier this year. That measure does propose some major modifications of the triparte rights and liabilities of employers, emloyees, and third parties.

THIRD-PARTY ACTIONS BY EMPLOYEES

The Senate bill amended section 33(f) to establish that compensation paid by an employer shall be a first lien on any proceeds obtained by an employee in a tort suit against a third party. Implicit in this proposal was that the legal expenses of the employee, including attorney fees, would be totally subordinated to the compensation lien. The House amendment essentially reversed the order of priority. It would have permitted the employee to pay his attorney fees and litigation expenses first, before satisfaction of the compensation lien. This would be important where an employer's lien equalled or exceeded the amount recovered in the third-party action. The House committee was concerned that an employee might conceivably be worse financially after incurring the expense of a suit than if he never had brought an action at all. In addition, the House committee believed that the employee was entitled to shelter a portion of recovery [15 percent] from any compensation lien. That committee viewed the 15 percent set-aside as comparable to the employer's right under section 33(e)(2) to

retain 20 percent of any recovery in excess of litigation expense and compensation liability.

The conference agreement adopts a middle ground. First, it rejects the 15-percent set-aside in the House amendment and modifies current law by eliminating the employer's 20-percent set-aside in section 33(e)(2). Second, it requires that the employee's litigation expenses including reasonable attorney fees, be paid out of any recovery prior to the satisfaction of the compensation lien. It should be stressed though how this rule has special application in the cases where the aggregate of the litigation expenses, the employee's legal fees, and the compensation lien leave the employee with little, if any, recovery. In such circumstances, the conferees found merit in the approach articulated by the court in *Ochoa* v. *Employers National Insurance Company*, 724 F.2d 1171 (5th Cir. 1984). That case held that where an employee's third party recovery was insufficient to cover both his attorney fee and the compensation lien, the lien was payable out of the net recovery, after costs of litigation, including reasonable attorney fees, were subtracted. The court of appeals emphasized that only reasonable attorney fees were allowed. Thus, where the recovery is insufficient to cover both the attorney fees and the compensation lien, leaving the employee with nothing, the court must evaluate the reasonableness of the fees and make an equitable adjustment as between the employee and his attorney. As noted in Ochoa, this approach attempts to do justice to the employee while upholding *Bloomer* v. *Liberty Mutual Life Insurance Company*, 445 U.S. 74 (1980), which forecloses an adjustment of an employer's lien in order to underwrite the attorney fees of the employee.

BENEFITS REVIEW BOARD

The Senate bill and House amendment both responded to the overwhelming backlog of cases burgeoning at the Benefits Review Board. It is estimated that the current 3-member Board will see its docket expand from over 6,700 cases in fiscal year 1984 to an excess of 9,100 cases by fiscal year 1986. Roughly 20 percent of the cases are appeals under the Longshore Act, while the remainder are black lung cases. This backlog translates in an average disposition time of 3.7 years as of fiscal year 1984, and it will protract to 5.1 years by fiscal year 1986.

Clearly and unfortunately, the situation gives contemporary meaning to the maxim that "justice delayed is justice denied." Equally clear additional manpower must be made available. The Senate bill gave discretionary authority to the Secretary of Labor to appoint up to four administrative law judges temporarily to the Board. The House amendment expanded the Board's permanent membership from three to five members, and it mandated the appointment to three administrative law judges for 18-month terms when the case backlog exceeds 1,000 cases.

The conference substitute expands the Board's permanent membership to five members. It also gives the Secretary authority to appoint up to four temporary members from the ranks of the ALJ's. The conferees believe that the prerogative of the Secretary should be preserved; hence appointment authority was made discretionary rather than being automatically mandated as a function of case backlog. At the same time, the conferees fully expect the Secretary to act with dispatch and to take full advantage of his authority to allocate sufficient manpower and resources toward reducing the backlog. This is a priority which should not be subordinate to other considerations.

I anticipate that the Labor Committees of both Houses will follow this problem closely. And they will be prepared to work in concert with the Appropriations Committees to assure that the Department of Labor allocates sufficient resources to reduce this unconscionable backlog.

In conclusion, I would like to emphasize that this is a compromise bill. It does not contain everything which the employer community wanted. It does not contain all the changes which employee representatives sought. Yet, the conference substitute has been reviewed by various members of both the business community and organized labor. They support the bill. In addition, we have received letters of support from the National Association of Stevedores, Bethlehem Steel Corp., the Alliance of America Insurers, the U.S. Chamber of Commerce, Bath Iron Works Corp., Ogden Corp., and the AFL-CIO.

Mr. QUAYLE. Mr. President, I would like to commend Senator NICKLES, my very distinguished colleague from Oklahoma for his tireless efforts to reform the Longshoremen's and Harbor Workers' Compensation Act. We have before us the conference report to S. 38, the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1983. The conference report makes many needed changes to this act. Senator NICKLES, Senator HATCH, and many others on the Labor Committee have been working for some years to forge this compromise. I am extremely pleased to be able to support Senator NICKLES and I urge my colleagues to do so as well.

In 1917, the Supreme Court held that the worker's compensation law of the State of New York could not be constitutionally applied to an injury suffered by a longshoreman while unloading a cargo ship. The Court invalidated application of the State law to an injury occurring over the navigable waters on the ground that the State worker's compensation act conflicted with the general maritime law and would to the application of dissimilar laws in a field which required national uniformity.

In 1927, Congress filled the void which was left in the wake of the early Longshore decisions; it enacted the Longshoreman's and Harbor Workers' Compensation Act, providing coverage to employees injured—including injury by occupational disease—while engaged in maritime employment over the navigable waters of the United States.

By 1961, the Longshore Act was deemed a leader in the field of worker's compensation with only four State compensation laws affording greater protection to injured workers and their families. By 1971, however, 20 States afforded injured workers greater protection, at least in terms of wage loss benefits. During this time that the act was falling behind in providing adequate income replacement benefits, the courts were seriously undermining one of the cornerstones of worker's compensation law—that it should be an exclusive remedy against employers for work related injuries and death. Many of the significant cases had the effect of exposing employers, typically stevedores, to multiple liability, commonly through first a workers' compensation claim and then in a lawsuit predicated on rules of strict liability under the doctrine of unseaworthiness.

Thus, the 92d Congress in 1972 faced a very unsatisfactory state of affairs. Injured employees covered under the act were not receiving adequate benefits. Employers would not agree to substantial increases and revisions in the benefit structure as long as they faced significant liability in lawsuits brought outside the compensation system. The 92d Congress eventually was able to forge a comprehensive set of revisions.

The 1972 amendments were designed to eliminate the weaknesses of the act. Benefits were greatly improved. Changes were made in the administration and adjudication of claims. Limitations were placed on third party liability. Finally, the act was extended to shoreside areas. This constituted a change of a fairly serious nature from the original act's coverage, which was recognized as ending at the water's edge.

The 1972 amendments to the law have pushed the Longshore Program beyond reasonable limits. Coverage is now extended to nearly 1 million workers who, during a workday may come near the water's edge. Even workers in the pleasure boating industry and in summer camps, marinas, and maritime museums have been

deemed to be covered by the Longshore Act.

Just 5 years after the passage of the 1972 amendments, reported injuries jumped 185 percent and the number of claims increased along with them, from 72,000 in 1972 to 205,000 by 1977. Similarly the cost of benefits has increased more than 551 percent since 1972. This rise in the cost of benefits has meant a rise in the cost of premiums to covered employers. At great cost to themselves, those covered employers have been forced to self-insure, because coverage under the Longshore Act is simply unaffordable.

The benefits provided under this act are among the highest paid by any federally mandated workmen's compensation program and are much higher than under State worker's compensation programs. In fact, the high benefit structure of the Longshore Act has made this not only a worker's compensation program, it has grown into a life insurance and pension program as well.

The Longshore Act has not proved to be the model and unifrom compensation program it was represented to be when the 1972 amendments were passed, but when the Senate passes the conference report to S. 38, I strongly believe that we will be closer to the goal of providing fair and equitable compensation to longshoremen and harbor workers who are injured while working over the navigable waters of the United States.

In closing, I would like to commend my colleagues who labored so long to bring this conference report to the Senate. Senator NICKLES first and foremost has shown his good will and commitment in getting this act reformed. Also I commend Senator SAM NUNN for his leadership in reforming this act. I know that he has spent countless hours in support of this compromise. I give Senator NICKLES, Senator HATCH, Senator NUNN, and all the cosponsors of this legislation my personal thanks and I urge my colleagues to support this conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Is there an amendment that must be agreed to, Mr. President?

The PRESIDING OFFICER. There are no amendments in this report.

Mr. STEVENS. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CIVIL AERONAUTICS BOARD SUNSET ACT—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on H.R. 5297 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WILSON). The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5297) to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their repective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 14, 1984.)

Mrs. KASSEBAUM. Mr. President, I rise today to urge my colleagues to give their speedy approval to the conference report on H.R. 5297. We seldom achieve eveything we would like in a piece of legislation and I am sure that this bill is an example of that. It is time to approve it, however, because the good that it does far outweighs any problems that might exist with the legislation.

As my colleagues know, H.R. 5297 provides for an orderly sunset of the Civil Aeronautics Board. When Congress deregulated the airlines in 1978, it also set December 31, 1984, as the last day of existence of the CAB. Unfortunately, that 1978 legislation left some loose ends in the sunset process. For some 3 years now we have been exploring the need for additional legislation to accomplish sunset. There have been numerous and extensive hearings both in the Senate and the House. No one can claim that they have not had an opportunity to be heard on this issue.

I am aware of only one real objection to this conference report. Senator RUDMAN and a few others believe that the authority to grant antitrust immunity should be lodged in the Department of Justice rather than at the Department of Transportation, as H.R. 5297 does. The Senate version of H.R. 5297 did send antitrust immunity to DOJ. The House prevailed on this issue in conference, however.

I am sure we will get into the merits of the DOT-DOJ argument soon enough. First, however, I would like to remind my colleagues of what it means if we vote to recommit this report or actually defeat it. Given the very short number of legislative days left, it is almost certain that either action will mean that no sunset legislation will be passed before the year end demise of the CAB. What will this mean? It will mean a potential disaster for the airline consumers of this country.

The primary impetus behind this sunset bill is the uncertainty that the 1978 Deregulation Act left surrounding the CAB's consumer protection rules. Without H.R. 5297, the CAB's authority over unfair and deceptive practices simply disappears on December 31, 1984. Let me repeat that, on January 1, 1985, there will no longer be any statutory basis for consumer protection of airline passengers. This does not just mean that no new rules can be issued—the enforceability of the entire set of existing consumer protection rules would be very questionable. Thus, there would be no legal basis for the existing rules on baggage liability, denied boarding compensation, computer reservation system bias, and smoking aboard aircraft. Years of effective and fair CAB work in these areas will be thrown out the window.

There are those who would say that there is no need to worry—the Federal Trade Commission can regulate airline consumer affairs just as it does any other industry. The problem with that, other than what happens to existing rules, is that the FTC is bared, by law, from doing so. The relevant section of the FTC's powers is section 5(a) of the FTC Act. It establishes the FTC's consumer authority over all persons and corporations, and I quote now, "except air carriers and foreign air carriers * * *" The deputy general counsel at DOT, after a very strained analysis, concluded the Congress really did not mean what they said in section 5(a) of the FTC Act. Now I am not a lawyer, but it defies my imagination to believe that a court could ignore such a clear and unequivocal prohibition. At the very best, a carrier which did not like a particular rule could tie up its enforcement in protracted and costly litigation.

This bill does several other useful things besides preserving consumer protection. It preserves the so-called fitness determination of section 401(d) of the Federal Aviation Act. If H.R. 5297 is defeated, no one will be empowered to examine prospective airlines to see if they are even remotely trustworthy enough to handle the public's money. Sure, the FAA will continue to make sure prospective carriers have enough manuals and nuts and bolts to operate, but the first line of defense against con artists and slipshod operators will be gone. Also, H.R. 5297 makes needed allowances for personnel transfers and other administrative items to ensure an orderly transfer of functions.

The bottom line in all this is that I would hate to see the airline consumers of this country lose their protection while we argue about a somewhat esoteric antitrust provision. There comes a time, after 3 years of discussion, when we have to call it quits and approve what we have. I hope that my colleagues will join me in supporting this conference report.

Mr. STEVENS. Mr. President, I commend my colleagues, Senators KASSEBAUM and PACKWOOD for their efforts to bring the CAB sunset conference report to the floor of the Senate. They have worked long and hard to insure that the sunset of the Civil Aeronautics Board will not create undue confusion in the aviation industry and will minimize the impact on our Nation's air travelers. Although I still have my doubts about the total deregulation of the aviation industry, this legislation provides necessary guidance which will enable the continued orderly deregulation of our Nation's transportation industries.

I also thank Senators GOLDWATER, HOLLINGS, and EXON, as well as Senators PACKWOOD and KASSEBAUM, for their sensitivity to Alaska's unique reliance on air transportation. Their recognition of rural Alaska's dependency on a comprehensive air transportation network for carriage of medical supplies and basic foodstuffs is greatly appreciated by this Senator and by all Alaskans.

This legislation includes a couple of provisions relating to mail carriage in Alaska and a provision that continues the present large aircraft essential air service to Cordova, Yakutat, Petersburg, Gustavus, and Wrangell. Mail carriage and passenger service in Alaska are extremely interrelated—mail revenues which comprise from 25 to 60 percent of a bush carrier's total revenues, directly enhance the level of passenger service to bush communities. Preservation of the present mail transportation system and stability of mail rates are essential if the integrity of Alaska's air transportation network is to be maintained. I am happy to note that we have done that in this legislation. Also, the conferees on this bill agreed to continue, for air service to the five southeastern Alaska communities I just mentioned, the aircraft size standard of the CAB's 1980 essential air service order for Alaska. This will insure that these communities continue to receive the large aircraft service that allows the necessary flexibility to handle their passenger and cargo requirements. In addition, this level of service allows southeastern residents same day access to the rest of Alaska and to Seattle, WA.

Again, I thank my colleagues for their fine work on this legislation and for their concern for the importance of air transportation to Alaskans. Thank you.

Mr. RUDMAN. Mr. President, I rise in support of the conference report on H.R. 5297, the Civil Aeronautics Board sunset bill, although I do so with considerable misgivings. The conference report, as presented to the Senate, contains a provision of the House-passed bill which sets a bad precedent in antitrust law, is likely to have anticonsumer consequences, received no serious consideration in the House of Representatives, and was not agreed to by the Senate. The provision amends the Airline Deregulation Act of 1978 by sending the CAB's antitrust immunity authority to the Department of Transportation, rather than the Department of Justice as provided for in the 1978 act.

There are two basic problems with placing this authority in the Department of Transportation. First, I believe that the authority for granting antitrust immunities, essentially the authority to waive provisions of laws previously enacted by Congress, should only reside in independent agencies such as the CAB or, alternatively, in the Department of Justice. It is critical that questions of this type be handled in an apolitical atmosphere, or at least, as much an apolitical atmosphere as is possible in this city. This is the first time in my memory that antitrust authority is being established both outside the confines of an independent agency and without a strong, statutorily established policy voice for the Department of Justice.

The second concern is equally serious. The Department of Transportation is a highly political agency and is involved in the day-to-day regulation of the airline industry. A web of interrelationships has built up between the Department and the industry, one which will grow as the Department assumes the CAB's consumer protection functions. Under those circumstances, I find it difficult to believe that the Department, over the long run, will be able to fairly evaluate airline requests for immunity from the antitrust laws, taking into full account the public's interest, including the public's interest in effective antitrust enforcement. These remarks are not in any way intended to be critical of either the airlines, who themselves are not united on the question of where the immunity authority should reside, or the Department. Yet, by this action, I have the uneasy feeling that Congress is, in reality, putting the proverbial foxes in charge of the chicken coop. Worse yet, Congress may be establishing a precedent it will regret when dealing with some other industry in a different context down the road.

Mr. President, since the conferees decided with virtually no discussion last week to accept the "House" position on this matter—I place House in quotes since this issue was never voted on or even the subject of serious discussion during the entire time the bill was being considered by the House of Representatives and its Transportation Committee—I have been wrestling with the best way to deal with the problem. It is worth noting, at this point, that the question has never been considered by other committees with jurisdictional claims, specifically the Judiciary and Governmental Affairs Committees of both bodies. I have decided to not challenge the conference report at this time to avoid any risk of losing the valuable consumer protection provisions of this bill. However, I can assure my colleagues this issue will be revisited at the earliest opportunity in the next Congress and it will be thoroughly debated and considered in the proper forums.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Are there any amendments in disagreement?

The PRESIDING OFFICER. There are none.

Mr. STEVENS. I ask unanimous consent that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF THE BILL S. 2761 TO THE COURT OF CLAIMS

Mr. STEVENS. Mr. President, I have cleared these matters with the distinguished Democratic leader. I ask unanimous consent that the Chair lay before the Senate, Senate Resolution 405.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution will be stated by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 405) to refer the bill (S. 2761) entitled "A bill for the relief of the White Sands ranchers of New Mexico" to the Chief Commissioner of the United States Court of Claims for a report thereon.

The resolution was considered and agreed to as follows:

S. RES. 405

Resolved, That the bill (S. 2761) entitled "A bill for the relief of White Sands ranchers of New Mexico" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims. The Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

Mr. STEVENS. I move to reconsider the vote.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE DISCHARGED FROM CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 122

Mr. STEVENS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of House Concurrent Resolution 122, a concurrent resolution relating to South Africa's policy on "blackspot," and that it be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF CERTAIN PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1097.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the amendments of the House to the bill (S. 1097) entitled "An Act to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Fuqua, Mr. Scheuer, Mr. Valentine, Mr. Harkin, Mr. Andrews of Texas, Mr. Jones of North Carolina, Mr. D'Amours, Mr. Winn, Mr. McGrath, Mrs. Schneider, and Mr. Carney be the managers of the conference on the part of the House.

Mr. STEVENS. Mr. President, I move that the Senate insist on its amendments to the House amendments and agree to the conference requested by the House; and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. PACKWOOD, Mr. GORTON, Mr. KASTEN, Mr. HOLLINGS, and Mr. LAUTENBERG conferees on the part of the Senate.

RELIEF OF VLADIMIR VICTOROVICH YAKIMETZ

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1989.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives;

Resolved, That the bill from the Senate (S. 1989) entitled "An Act for the relief of Vladimir Victorovich Yakimetz", do pass with the following amendment:

Strike out all after the enacting clause and insert: "That in the naturalization of Vladimir Victorovich Yakimetz under chapter 2 of title III of the Immigration and Nationality Act, notwithstanding sections 310(d) of that Act, section 313 of that Act shall not apply and for purposes of section 316 of that Act periods of residence in the United States before the date of the enactment of this Act shall be considered periods of residence after being lawfully admitted for permanent residence.".

Mr. MOYNIHAN. Mr. President, by concurring in the technical amendment added in the House to S. 1989, the Senate will clear for the President's signature a bill to confer U.S. citizenship on Mr. Valdimir V. Yakimetz.

Mr. Yakimetz, recently a citizen of the Soviet Union, worked until December 1983 as an international civil servant in the U.N. Secretariat in New York City. With U.S. citizenship, he may soon be reappointed to his post as budget officer in the office of program planning and coordination. And it will be clear to the world that a U.N. employee is able to abide by the charter and continue to work at the U.N.

S. 1989 is a private bill with a public purpose. The purpose is to encourage employees of the United Nations to believe in—and to uphold—the Charter of the United Nations.

Passage of S. 1989 will not make the U.N. perfect. But it would be a tangible demonstration of congressional support for the noble principles enshrined in the charter. It would represent a small step toward enabling the U.N. to live up to those principles.

The case for the bill before us may be put simply: Mr. Yakimetz is a man who has lived up to the charter, and—due to the intervention of the Soviet Government—has lost his job at the U.N. in consequence. With American citizenship, he will be able to return to his post as a U.N. employee, beholden to no interest other than the U.N.

I reveal no closely held secret of the intelligence community when I state that it standard practice for Soviet bloc employees at the U.N. to accept instruction from their governments and to use their privileged diplomatic positions in New York to engage in espionage against the United States and other nations. This is in unambiguous violation of Article 100 of the U.N. Charter which states that:

(i)n the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization.

It may fairly be said that this provision lies at the very heart of what it is required of an international organization if it is to function as intended. If the organization is ever to enjoy the confidence of member states, the Secretariat must be truly international in character.

Valdimir Yakimetz merits our attention precisely because he has sought to live up to the principle expressed in article 100.

In 1982, while serving, as he had for several years, as a program officer responsible for budget planning in the department of international economic and social affairs, Mr. Yakimetz was instructed by officials of the Soviet mission at the U.N. to engage in activities he knew to be inconsistent with his oath as an international civil servant. He refused, and was consequently ordered back to Moscow.

Mr. Yakimetz thereupon requested, and received, on February 9, 1983, political asylum in the United States. The Soviets, not surprisingly, sought to have him dismissed from the U.N.

To his great credit, Secretary-General Javier Perez de Cuellar decided to permit Mr. Yakimetz to remain at the U.N. through the conclusion of his employment contract, despite the fact that the country which had seconded him to the U.N.—the U.S.S.R.—no longer wanted him to remain there.

While this represented a certain measure of victory for the principle of independence in the international civil service, it was only an interim solution. When Mr. Yakimetz' contract expired on December 26, 1983, the Secretary-General was bound by the precedents of the U.N. not to employ him unless he were to be seconded by a member country of the U.N.

In order to be seconded, Mr. Yakimetz must be a citizen of said member country. For a number of reasons, the logical choice is the United States—not least because it would be in the American national interest to see that the often-abused principle of an independent U.N. civil service is strengthened in practice, as it would be by retention of Mr. Yakimetz in the U.N. Secretariat.

Thus, S. 1989 and the proposal to expedite the citizenship process for Vladimir Yakimetz. With American citizenship, he will promptly be seconded and rehired. And the employees of the U.N. will see that it is possible to abide by the Charter.

It is important to note that Vladimir Yakimetz does not seek early citizenship for personal gain or convenience. Having been granted political asylum, he could look forward to becoming an American citizen in the course of time through the normal procedures. With his background as a physicist, linguist, and administrator, he could also expect to fare well in the American job market.

Yet Mr. Yakimetz believes in abiding by the U.N. Charter, and would like to continue to do so as an employee of the Secretariat. If he did not, he could easily have cooperated with the Soviet mission at the U.N. in violating that Charter.

The Permanent Representative of the United States to the United Nations, Ambassador Jeane J. Kirkpatrick, has written me in support of this effort, noting in her letter that "the immediate bestowal of U.S. citizenship on this worthy individual who has chosen freedom seems to me not only warranted but essential."

The principles of the U.N. Charter, the noble goal of an international civil service and the personal courage of Vladimir Yakimetz deserve the recognition this bill accords.

I ask unanimous consent that the full text of S. 1989, as passed, and the text of a recent article from the New York Times about Vladimir Yakimetz be printed in the RECORD.

S. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the naturalization of Vladimir Victorovich Yakimetz under chapter 2 of title III of the Immigration and Nationality Act, notwithstanding sections 310(d) of that Act, section 313 of that Act shall not apply and for purposes of section 316 of that Act periods of residence in the United States before the date of the enactment of this Act shall be considered periods of residence after being lawfully admitted for permanent residence.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 17, 1984]

RUSSIAN EX-U.N. EMPLOYEE SAYS SOVIET VIOLATES CHARTER

(By Richard Bernstein)

UNITED NATIONS, N.Y., July 16.—A former Soviet employee here who defected rather than return to Moscow says the Soviet Mission is violating the United Nations Charter by requiring Soviet citizens who work for the Secretariat to follow the mission's orders.

They also must provide a host of services for the Soviet Government, according to the former Secretariat employee, Vladimir V. Yakimetz.

Mr. Yakimetz, 47 years old, held a middle-level position in the Office of Program Planning under Coordination, which makes long-range plans for the administration of the United Nations.

According to United Nations rules, the Soviet Government should have had no control over Mr. Yakimetz. According to Article 100 of the Charter, a Secretariat employee is forbidden to "seek or receive instruction from any government."

Yet, in interviews here recently, Mr. Yakimetz detailed what is privately conceded by diplomats and officials: that Soviet citizens working in the Secretariat are expected to provide services to their Government.

UNDER MISSION'S ORDERS

"I functioned directly under the mission's orders," he said. "I did not lift a finger without the Soviet Mission knowing about it. We might be asked to analyze a certain report or to prepare materials for a particular agenda item at the General Assembly. You can be asked to spy on your division at the U.N. Certainly, you are asked to report on transfers and promotions, to find out where there might be chances to get in more Soviet employees."

For two years, Mr. Yakimetz was on a six-member committee that advised the appointments and promotions board of the Secretariat. In that post, he said, he operated directly under instructions from the Soviet Mission.

"It was my direct responsibility to see that every Russian proposed by the Government was admitted," he said. Another obligation was to block action on people the mission deemed undesirable.

Mr. Yakimetz, a former physics instructor at the Moscow Physical-Technical Institute in a northern Moscow suburb, said Soviet employees were asked to collect scientific and technical data, and for that purpose he became a member of the American Physical Society.

"I sent a lot of stuff to Moscow," he said. "They were pretty interested in it. As a member of the American Physical Society, I received newsletters and magazines."

PRODUCTS ON STRATEGIC LIST

He added that, as a member of the Secretariat, he found himself in communication with American companies involved in high technology.

Not one of the papers that Mr. Yakimetz saw was secret. But, he said, "some of the products, I presume, are on the strategic list, because some of the manufacturers I corresponded with were among the companies that were selling strategic equipment to Moscow through third countries."

A spokesman for the Soviet Mission, Anatoly N. Khudyakov, said he had no comment on Mr. Yakimetz's remarks.

Mr Yakimetz said he defected because he feared that the Soviet Government was trying to cut short his career at the United Nations. He said that, in late 1982 and early 1983, the personnel director of the Soviet Mission pressed him to seek a leave of absence to return to Moscow and train a replacement. He was granted political asylum in February 1983.

CONTRACT EXTENSION DENIED

Last December, under pressure from the Soviet Mission, the office of Secretary General Javier Pérez de Cuéllar refused to extend Mr. Yakimetz's contract. A spokesman for Mr. Pérez de Cuéllar said that Mr. Yakimetz, having been temporarily assigned to the United Nations by his Government, could not stay against its will.

Most Western employees of the Secretariat are private citizens, although many have earlier served in their governments. But citizens of most Communist countries are employed by their government and are detached to work for the Secretariat.

Some major Secretariat officals concede that the Russians do not technically adhere to the rules on the independence of international civil servants, and staff members with knowledge of Soviet practices say that, in effect, even when Eastern bloc citizens serve in the Secretariat they are treated as if they are still members of their own government bureaucracies.

APPEAL IS UNSUCCESSFUL

Mr. Yakimetz appealed the decision of the Secretary General's office to a three-person administrative tribunal headed by a Hungarian. Last month, the tribunal, meeting in Geneva, denied the request.

In the interview, Mr. Yakimetz said that he had spent nearly 15 years pursuing his career. "I see my life as completely disrupted by this decision," he said. "Of course, the Soviet Government will be glad to hear that."

Mr. Yakimetz began his career at the United Nations in 1969 when he left his teaching post to become a technical translator in the Secretariat. After five years, he returned to Moscow to study at the Academy of Foreign Trade. He returned to New York in 1977, again as a United Nations translator. Three years ago he was transferred to the Office of Planning and Coordination.

Mr. Yakimetz left his job when his contract expired in December, its renewal having been rejected by Mr. Pérez de Cuéllar. Since then, he said, his only income has come from occasional translation jobs. Mr. Yakimetz said he and his wife, Alla, a dentist who worked in the Soviet Mission before his defection, have been denied contact with their daughter and their parents in Moscow.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, the Senate will convene tomorrow at 10:30 a.m.

After the time for the two leaders under the standing order, there will be two special orders, following which there will be a period for the transaction of routine morning business until 11:30 a.m.

Following that, at 11:30 a.m., the quorum call will begin, as required by rule XXII, on Senate Resolution 66. The vote will occur upon the establishment of a quorum, pursuant to the rule.

Does my good friend, the Senator from West Virginia, have any matter he wishes to pursue?

Mr. BYRD. I thank my good friend, the assistant majority leader. I have nothing to add or to suggest.

Mr. STEVENS. Mr. President, it is possible that we would like to proceed to Labor-HHS or one of the appropriation bills that has been held up.

We do anticipate the probability of rollcall votes tomorrow, and there certainly will be one, as the distinguished Democratic leader has pointed out. So Senators should be on notice that the

Senate will be conducting business tomorrow.

RECESS UNITL 10:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 7:33 p.m., recessed until tomorrow, Friday, September 21, 1984, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, September 20, 1984:

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

James B. Burnham, of Pennsylvania, to be U.S. Executive Director of the International Bank for Reconstruction and Development for a term of 2 years.

DEPARTMENT OF STATE

Melvyn Levitsky, of Maryland, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bulgaria.

Harvey J. Feldman, of Florida, a career member of the Senior Foreign Service, class of Minister-Counselor, to be the Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

William Arthur Rugh, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Yemen Arab Republic.

INTERNATIONAL MONETARY FUND

Paul A. Volcker, of New Jersey, to be U.S. Alternate Governor of the International Monetary Fund for a term of 5 years.

CORPORATION FOR PUBLIC BROADCASTING

William Lee Hanley, Jr., of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1987.

Lloyd Kaiser, of Pennsylvania, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 1, 1989.

Howard D. Gutin, of Texas, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 1, 1989.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Helen M. Eversberg, of Texas, to be U.S. attorney for the western district of Texas for the term of 4 years.

IN THE COAST GUARD

Coast Guard nominations beginning Stanley A. Gold, and ending Danny Ellis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

HOUSE OF REPRESENTATIVES—*Thursday, September 20, 1984*

The House met at 10 a.m.

Rev. Dr. Ronald Christian, the American Lutheran Church, Minneapolis, MN, offered the following prayer:

O God:
Father of everything that has life;
Giver of all that is good;
Ruler of every nation;
Judge over our actions; and
Merciful to all.
Hear us as we pray.
For we speak this day:
As children, asking for that which is needful;
As beggars, desiring that which is good;
As parents, recognizing Your might and power;
As defendants, accused of misdeeds and inaction; and
As sinners, recognizing our errors.
Help us, O God:
Not so much to pray for ourselves as to pray for our neighbors;
Not so much to desire to be served as to be of service;
Not so much to make demands for me as to defer to someone else;
So that, in all our deliberations and decisions:
Your name may be honored;
Your rule observed; and
Your people remembered.
Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

COURT'S DECISION SHOULD LOWER COAL TRANSPORTATION RATES

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, the U.S. court of appeals has sent a strong message to the Interstate Commerce Commission. The court unanimously held that the ICC erred when it permitted railroads to charge as much as they desire for the transportation of coal bound for foreign markets; 95 percent of American coal-exporting mines are served by only one rail line. There is clearly an absence of effective competition. Past ICC practices have served to make American coal less competitive in the world market, with disastrous consequences for the coal economy of my district in southwest Virginia and indeed for the entire Appalachian region.

When Congress adopted the Staggers Rail Act in 1980, there was a clear intent to protect coal operators who have no alternatives to a single rail line for the transportation of their product. In that event, Congress clearly intended that the ICC review rates to ensure that they are equitable. In permitting railroads to charge whatever they desire for the transportation of coal bound for foreign markets and in permitting increases of up to 15 percent annually for the transportation of coal to domestic users, the ICC has totally ignored its responsibility.

The court was clearly correct in holding that the Staggers Act requires the ICC to set rates where a single railroad monopolizes the market. The ICC is presently deciding to what extent rates for coal bound for domestic markets should be regulated. It is apparent that these rates are also within the reach of the court's decision and that Congress fully intends that the ICC should review the fairness with which they are set as well.

I sincerely hope that the court's decision will persuade the ICC that equitable coal transportation rates serve the long-term interests of both the coal and the rail industries.

DECISIVE ACTIONS OF THE PRESIDENT IN A CRISIS

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, after 11 months of dillydallying on the issue, Walter Mondale learned that the rescue of American students on Grenada was a good idea.

What if he had been President last October when the Marxists attempted to establish a nest on Grenada and placed the lives of American students in danger? What if he had waited 11 months to act?

We might have found ourselves in the middle of another hostage crisis or something even worse.

In this dangerous world, Americans cannot afford a President who is indecisive and takes almost 1 full year to figure out what to do in a crisis. We had enough of that when Jimmy Carter was President.

CONSTITUTION WEEK

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of California. Mr. Speaker, this is Constitution Week. We should all take a few moments to reflect on the good fortune this country had in the coming together of the brilliant men who wrote the Constitution in 1787. The fact that after nearly 200 years, our Constitution and our Nation are stronger than ever is a tribute to their vision and to the system of government they created that summer in Philadelphia.

In times of crisis and upheaval, our greatest ally has been the Constitution: The Civil War and its aftermath, the impeachment of two Presidents, the Vietnam war, and other turbulent events of the sixties and seventies. In each case, the Constitution has guided us and seen us through.

The history of this country—and of our Constitution—has been one of continued expansion of individual rights and extension of those rights to groups which had formerly been excluded from full participation in our society. Starting with the Bill of Rights itself, continuing through the 13th, 14th, and 15th amendments, women's suffrage, and the 18-year-old vote, we have seen this to be the case. I believe this will continue to be our history in the years to come and soon we will see equal rights for women being added to the important guarantees of our Constitution.

CONGRESS' RESPONSIBILITY WITH THE PURSESTRINGS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Like the proverbial bad penny, more disclosures and horror stories from the Pentagon on wasting taxpayers' money keep turning up. Now we find out about a $7,822 coffeemaker. Add to this the $435 light bulb that you can buy at the local store for 79 cents, plus many, many more outrageous examples.

All this adds up to a national disgrace.

Three American servicemen and others had the courage to come forward and to put their careers in jeopardy so that the American people get the "real story." With even more disclosures of cost overruns, can we, in

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Congress, ignore the utter disregard for the taxpayer? I would hope not.

We, in this House, who control the pursestrings, owe a responsibility to those who place their trust and confidence in us, the American taxpayer. Let us show the American people that their trust and confidence in this House is not misplaced.

BANK REGULATION

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, 1 week ago, I made the following statement on the House floor:

The bailout of Continental Illinois proves what the big banks know and don't want you to know: They are too big to fail. We won't let them.

Guess what? Page 2 of today's Wall Street Journal:

Comptroller of the Currency Todd Conover told Congress that the Federal Government won't currently allow any of the Nation's 11 largest banks to fail.

Mr. Conover made the statement reluctantly during hearings before the House Banking Committee.

Now we know. My, my. This is the same Mr. Conover, a Reagan appointee, who is pushing for the complete deregulation of banks.

You cannot have it both ways, Mr. Conover. Deregulation and guaranteed protection from failure do not mix. If some banks are protected, and some must be, then all banks must be regulated, or else only the Government-chosen few will survive.

Listen to me closely: If you are a small business man or woman or farmer, or a homebuilder, or a buyer in real estate, securities, or the insurance business, this administration is shockingly wrong on bank deregulation. And comparing the statements versus the actions of Mr. Conover, they are hypocrites as well.

DEMOCRACY IN CENTRAL AMERICA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, to suggest that democracy is not advancing in Central America as the gentleman from Connecticut did yesterday, is to look at the region with a blind eye.

Joining the established democratic Governments of Costa Rica, Honduras, and Belize, the inauguration of the government of Jose Napoleon Duarte in El Salvador on June 1 represented a dramatic and historic achievement in that war torn nation. More than 80 percent of the eligible voters, on three different occasions since 1982, have expressed their belief that a freely elected government offers the best hope for a solution to their long-running political and social crisis.

Add to those nations Panama and Guatemala. Panama will inaugurate its newly elected President next month after its first direct Presidential election in 16 years. Guatemala is following the example of El Salvador with the popular election of a Constituent Assembly July 1, with 73 percent of those eligible voting. The Constituent Assembly will write a new constitution and electoral law in preparation for direct Presidential elections next year. That's six out of seven countries in the region either with democratic governments or making serious progress toward democratic government.

Those who complain that democracy is not advancing in Central America would do well to direct their attention toward Nicaragua in an effort to get that single exception in the region also on the path toward truly free and fair elections.

□ 1010

FOR GOSH SAKES, MR. PRESIDENT, LET'S HELP THE FAMILY FARMER

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, this week the President announced he was going to do something about farm credit. Well, it is a move in the right direction, but it comes too late and it is not enough. A year ago we passed on the floor of this House the farm credit bill. For a year it has been stalled in the Senate because the President said, "I don't want it and I will veto it if I get it."

Now this Government lends money to foreign governments at about a 3½-percent interest rate. The average lending from the Farmers Home Administration for the American farmer is at about a 11½-percent interest rate. And our family farmers, the most fragile, the younger ones, are going broke. It seems to me that what we do for foreign governments we ought to consider doing for some family farmers.

I would like to read you a short note from a fellow that is going broke, he is having his farm auctioned today. It is a long letter but I will just read a couple of sentences:

On the 20th of September, my wife Joanne and I are having a farm auction on all of our cattle and farm machinery. I am 32 years old, have a wife and five children. We have cried a thousand tears over losing our farm. We have built what we have with the strength of our backs, our sweat and love.

We had a dream for a future that is now lost.

Please work hard to keep that dream alive for others.

Mr. President, what we do for foreign governments, for gosh sakes, we can do for some of these family farmers. Let us stop threats of veto of good legislation, let us stop political posturing, let us do something real in the right way, to help the family farmers, for a change.

MR. PRESIDENT, LET US HELP OUT THE HARD-PRESSED MILL OPERATORS OF THE NORTHWEST

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, 48 hours ago in a policy switch, the President announced a new aid program for farmers in serious financial trouble. I rise today on behalf of the hard-pressed lumber and plywood mill operators who I work for in Oregon. I appeal to the President to help them just as he says he is going to help the farmers in the Midwest and for the same reason.

To use the President's words: because they need his help and they need it desperately.

Mr. Speaker, many of these timber operators and their workers believe in Ronald Reagan. Now they want him to believe in them and let them survive.

So far, however, all the administration has done on this problem is to give these mills a little extra time to make good on high-cost timber contracts signed in the late 1970's before the market collapsed for housing and for finished lumber products.

Time is nice. But time is running out for these operators.

Up to 75 percent of the mills in my region face bankruptcy unless they get relief from unworkable contracts, from the legislation that is being proposed by the Northwest delegation.

Unlike the farmers in the Midwest, Northwest timber operators have agreed to pay millions of dollars of penalties for turning back these contracts. So this is no bailout, Mr. Speaker. It is simply a way to let our troubled mills buy their way out of a hole and continue to provide jobs and payrolls for the people of my region.

LEGISLATION TO PROVIDE FOR TOP QUALITY TEACHERS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, whenever such an important subject as educational reform comes before a legislative body, it is important to remember that there are innumerable issues that

need consideration. After all, at stake is the knowledge of a nation.

Efforts to implement these important reforms in our public schools would be futile, however, without top quality teachers. That's why I cosponsored H.R. 1310, the National Mathematics and Science Education Act, to provide for teacher training and other programs to upgrade instruction in math, science, and foreign languages.

Another bill, H.R. 4477, which passed the House in August, would establish the Carl D. Perkins Scholarship Program to provide annual college scholarships to students who graduate in the top 10 percent of their high school class and agree to go into teaching after college. For each year of financial assistance a student would pledge to teach for 2 years.

I am pleased that the House has passed these two bills because it is through legislation like this that we show our commitment to give our children the best possible educational foundation upon which to build their lives.

UNIFORMED SERVICES FORMER SPOUSES' PROTECTION ACT OF 1982 AMENDMENTS

(Mr. HANCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCE. Mr. Speaker, H.R. 6246, which I have coauthored with my colleagues, Mrs. SCHROEDER from Colorado and Mrs. BOXER from California, is an amendment to the Uniformed Services Former Spouses' Protection Act of 1982. H.R. 6246 would allow many former military spouses to receive the full portion of the former member's pension that is entitled to them under the Uniformed Services Former Spouses' Protection Act.

Prior to 1982, when the act was signed into law, if a retired military member divorced his wife, the wife lost all her claims to a portion of his retirement pay and/or survivor's benefits. This occurred despite the fact that, for many of these women, their husband's career had been their career. It was, in fact, their life. Since the bill was enacted, a significant number of these women now fall under the protection of the act and are entitled to a pro rata share of the former member's pension. There are many of these women, however, who have yet to receive their share of that pension.

Because of a technical flaw in the Former Spouses' Protection Act, some retirees, who now earn salaries in the private sector and receive military pensions, can legally allow their total withholding for income tax to be deducted from their pension. This hurts the former spouse by significantly decreasing the amount that she is rightfully entitled to receive or it cuts her amount out entirely. In effect, by taking his income tax owed out of his pension, the retiree can eliminate what for many women is the largest portion of her total income. While this is done within the limits of the original law, it is far from the intent of the original law.

H.R. 6246 will close this technical loophole in the Uniformed Services Former Spouses' Protection Act and allow many deserving women, presently receiving little or nothing of the pension that they are entitled to receive, to get their full amount of the pension. I urge you to vote for its passage.

THE DEFICITS ARE PILED UP IN THIS HOUSE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, well now, we hear a little more criticism today about supply-side economics and the so-called Reagan deficits. Well, isn't that interesting? Supply-side economics is criticized and we therefore have to assume that the proponents of that point of view liked Carter-Mondale economics. They liked 21½-percent interest, they liked 12-percent inflation, they liked all the things that Carter and Mondale gave us before supply-side economics brought about a little correction. And now they moan and groan about the Ronald Reagan deficits. Where are the Reagan deficits being piled up? Right in this body. We are the ones who spend the money, right here. What does Ronald Reagan say? Well, let us effect a little discipline up there on Capitol Hill with a balanced budget amendment to the Constitution.

And what have we heard from the Democrats? Well, on more than 50 consecutive days Republicans came to the floor asking that that measure be brought out here and considered and on 50-consecutive days the Democrats refused to allow it to happen.

Now, it seems to me that that makes it rather clear who does not want the kind of discipline necessary to get those deficits under order. The Democrats are refusing to do anything to discipline themselves with regard to spending.

Those deficits are a House problem. The Constitution says very clearly that Congress is the one that raises the money and spends the money. If Congress wants to do something to discipline itself, let us pass the balanced budget amendment to the Constitution.

THIS ADMINISTRATION HAS NOT USED ITS CONSTITUTIONAL POWERS EFFECTIVELY

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, I find the comments of the gentleman from Pennsylvania [Mr. WALKER] rather interesting, particularly from the point of view of talking about deficits. I am well aware and I think he and the American public are also, that this administration keeps talking about balanced budgets but doesn't have the will to use its veto power. That does not mean that the Republicans have refused to use it in the past. Jerry Ford, who I do not hear mentioned much in this Chamber by the Republicans, used it very successfully many times.

As a matter of fact the Republican Governor of California has used his veto power much more often than the President of the United States.

□ 1020

If the Republican Party is so interested in balanced budgets and deficits, then why do they not use the constitutional powers that have been given to them now. They have not.

I find it also interesting that the previous gentleman in the well talks about Carter-Mondale. Maybe what we should do is talk about Nixon-Agnew. Let us talk about the morality of past governments and let us talk about why Mr. Nixon was not at the Republican Convention. Let us start talking about past Presidents if we want to and I will be glad to join the gentleman in that discussion.

MONDALE'S CALCULATING CAMOUFLAGE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, many people seem surprised today by Walter Mondale's assertions that he would use American military force to quarantine Nicaragua. But if they would look at the September 12 issue of the New York Times, they would know the real story.

Reporter Leslie Gelb has done a masterful job of informing the American people of the true nature of the Mondale "shift to the right." Mondale knows his wimpy liberalism on foreign policy won't wash with the American voters, so he's made an about-face, and about time, so he thinks.

Mondale is just another desperate politican who will do anything for votes. Gelb was told that Mondale "is against unilateral concessions to the Soviet Union," and yet his party's

platform and such Mondale proposals as a unilateral freeze and halting of the B-1 and Trident programs tell just the opposite story.

And now Mondale even supports our rescue mission in Grenada, but 11 months after he compared it to the Soviet invasion of Afghanistan. Mondale's move is just more dishonest wimpy politics—and we don't need another wimp in the White House—we need a leader like Ronald Reagan.

PRESIDENT NEEDS THE LINE-ITEM VETO

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, I find it interesting that the gentleman from California [Mr. COELHO], the head of the Democratic Campaign Committee, attacks President Reagan for the deficits and asks why he does not do something by vetoing some of the legislative proposals that come out of this Chamber.

The fact of the matter is that garbage is added to very important pieces of legislation and the President has to either take it or leave it. If we gave him the line-item veto that he has asked for so many times, we could cut that deficit, and the President could get these things changed without vetoing the whole bill.

The line-item veto is what he needs, Mr. COELHO. We also need a constitutional amendment to balance the budget, but you will not support that either.

But what has Walter Mondale advocated over the last few months? He has advocated $400 billion in additional spending, over the next 4 years. He has promised a tax increase for everybody in this country ranging from $1,890 to $3,500 per family per year.

I sense in the Democratic majority of this House a real concern because many of you realize that if you tie yourselves to Walter Mondale's coattails you are not going to have a job next January.

THE BALANCED BUDGET AMENDMENT

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, I would like to correct the record about something. Any casual reading of the Constitution will tell you that the Congress does not spend the money. The administration spends the money.

If you want a grant from the U.S. Government, you do not write to the Congress, you write to HEW or you write for a contract over to the Pentagon.

It is not the Congress. Find me one statute that says the American people should be forced to pay $2,000 for a military screw.

Let me just add one other thing. The Congress spends one-half of 1 percent of the Federal budget, about $1½ billion, and that is too much, on the Congress itself. All the rest of the Federal spending is asked for by the President and is done by the President. He and his factotums sign the contract.

As far as a balanced budget is concerned, I am the one who began the movement in the House in 1976 for a balanced budget amendment. I wrote to President Reagan for support of it in 1980, right after he was elected. I got two letters back from his aides saying that I would hear from him later as to whether he would support a real balanced budget amendment. And I am still waiting for that letter.

The balanced budget amendment before this House is a phony. It is pale imitation of mine. It takes a three-fifths majority, no more than is required to end a filibuster in the Senate, to abrogate the balanced budget amendment and go into debt. Mine requires a three-fourths majority. It does not require the national debt to be paid off. Mine does. It does not require what is borrowed, when the three-fifths majority votes, to be paid back. Mine does within 36 months. It is a phony.

Why do you suppose the President asked the Michigan Legislature not to pass a balanced budget amendment a few days ago? He knows the State legislative route is the only one which will get a real amendment. The difference between my stand and the President's stand on the balanced budget amendment is that I'm not kidding. A balanced budget would mean the President could not be able to spend more than he is willing to tax, or tax less than he wants to spend. Of course no amendment would go into effect during the next 4 years, regardless of who is President, anyway. Somehow I am reminded of the church board which adopted a resolution to prevent other people from drinking.

Mr. Speaker, I did not raise my balanced budget amendment to serve as a figleaf for this administration which has turned out to be the great granddaddy of all deficits.

FREE WORLD SHOULD NEVER BOW TO TERRORIST TYRANNY

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, once again our Nation arises to the grim reality of terrorism. At 5:30 this morning a driver using forged diplomatic license plates approached the Embassy of the freest nation on Earth, the United States, slammed into the compound wall detonating an unknown amount of high explosives.

When the smoke had cleared, two Americans were dead, numerous others were injured and the American Ambassador lay under a pile of rubble.

Once again, there is no timidity on the part of the fanatical terrorist groups ready to claim responsibility for the killing. Already Islamic Jidah, a radical, fundamental alliance with strong Iranian ties, has proudly assumed responsibility. They promised just such action unless America abandoned its support in the United Nations for a free Israel.

The price of freedom is constant. The responsibility of the leadership of the free world is to never bow to terrorist tyranny.

THE BASIS OF OUR CONSTITUTION

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, 197 years ago this week our Nation's Founding Fathers met in Philadelphia and signed what was to become the supreme law of the land—the U.S. Constitution. The document they signed is the very framework of our Government today. More importantly, though, we would not be guaranteed the freedoms we enjoy on a daily basis were it not for the Constitution.

On September 17, 1787, one by one, beginning with the northernmost State of Rhode Island and ending with the southernmost State of Georgia, the 39 signers placed their mark on history. But they did not stop there. For example, Abraham Baldwin and William Few, the signers from Georgia, the last names to be signed, went on to serve as U.S. Senators, working within the framework of the Constitution to see that the Document they signed became a reality. That is the secret of the Constitution, the American people's dedication to the principles set forth in it.

In 1821, John Quincy Adams said, "Our Constitution professedly rests upon the good sense and attachment of the people." This basis, weak as it may appear, has not yet been found to fail. How much more truth is there to that statement in 1984, 163 years later?

THE DEFICIT

(Mr. MURTHA asked and was given permission to address the House for 1 minute.)

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN. I thank the gentleman for yielding.

Mr. Speaker, the point I wanted to make amidst this discussion about the

deficit and the discussion about this President is that I think it was this President who sent a budget to the House this year. This President who says he wants a balanced budget sent a budget to the House of Representatives this year that said, "I would like to spend $925 billion and I would like revenues of $745 billion."

This President who wants a balanced budget said, "I want to spend $1 and I only want to take in 78 cents for every dollar I spend."

Question: Is this the same President these folks are talking about who wants a balanced budget?

□ 1030

Is that a balanced budget, $925 billion in spending and $745 billion in revenue? You do not have to change the Constitution to change the deficit. All the President has to do is send a budget to the floor of the House that is balanced.

TIGERS: AMERICAN LEAGUE EAST CHAMPIONS

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I rise to offer my congratulations to the Detroit Tigers who Tuesday night defeated the Milwaukee Brewers and by doing so won the American League eastern division title. The teams performance this season has been nothing short of outstanding as it is the first ball club to lead a pennant race from start to finish since the New York Yankees did so in 1927.

The Tigers' success this season has done much to unite the people of the city of Detroit who have waited 12 years for a baseball championship. I regret that I could not be at Tiger Stadium that evening to join in the fans celebration. The spirit that was demonstrated there in response to this achievement signaled to all of America that Detroit is truly a very special place; it is a proud city that is standing squarely behind its first place team. With that strong support, I have no doubt that our Tigers will bring home a 1984 World Series victory.

CALL OF THE HOUSE

Mr. WALKER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 405]

Ackerman	AuCoin	Beilenson
Alexander	Badham	Bennett
Anderson	Barnard	Bereuter
Andrews (NC)	Bartlett	Berman
Andrews (TX)	Bateman	Bevill
Annunzio	Bates	Biaggi
Anthony	Bedell	Bilirakis
Bliley	Gingrich	McCloskey
Boehlert	Glickman	McCollum
Boland	Gonzalez	McCurdy
Bonior	Gore	McDade
Bonker	Gradison	McEwen
Borski	Green	McHugh
Bosco	Gregg	McKernan
Boucher	Guarini	McKinney
Boxer	Gunderson	Mica
Breaux	Hall (IN)	Michel
Britt	Hall (OH)	Mikulski
Brooks	Hall, Ralph	Miller (CA)
Broomfield	Hall, Sam	Miller (OH)
Brown (CA)	Hamilton	Mineta
Brown (CO)	Hammerschmidt	Minish
Broyhill	Hance	Mitchell
Burton (CA)	Hansen (ID)	Moakley
Burton (IN)	Hansen (UT)	Molinari
Byron	Harkin	Mollohan
Campbell	Hartnett	Montgomery
Carney	Hatcher	Moore
Carper	Hayes	Moorhead
Carr	Hefner	Morrison (CT)
Chandler	Hightower	Morrison (WA)
Chappell	Hiler	Mrazek
Chappie	Hillis	Murphy
Clarke	Holt	Murtha
Clinger	Hopkins	Myers
Coats	Horton	Natcher
Coelho	Howard	Neal
Coleman (MO)	Hoyer	Nelson
Coleman (TX)	Hubbard	Nichols
Collins	Huckaby	Nielson
Conable	Hughes	Nowak
Conte	Hunter	O'Brien
Conyers	Hutto	Oakar
Cooper	Hyde	Oberstar
Courter	Ireland	Obey
Coyne	Jacobs	Olin
Craig	Jeffords	Ortiz
Crane, Daniel	Jenkins	Owens
Crane, Philip	Johnson	Oxley
Daniel	Jones (NC)	Packard
Dannemeyer	Jones (OK)	Panetta
Darden	Jones (TN)	Pashayan
Daschle	Kaptur	Patman
Daub	Kasich	Paul
Davis	Kastenmeier	Pease
de la Garza	Kazen	Penny
Dellums	Kennelly	Pepper
Derrick	Kildee	Petri
DeWine	Kindness	Pickle
Dickinson	Kleczka	Price
Dicks	Kogovsek	Pursell
Dingell	Kolter	Quillen
Dixon	Kostmayer	Rahall
Dorgan	Kramer	Rangel
Dowdy	LaFalce	Ratchford
Downey	Lagomarsino	Ray
Dreier	Lantos	Regula
Duncan	Latta	Reid
Durbin	Lehman (CA)	Richardson
Dwyer	Lehman (FL)	Ridge
Dymally	Leland	Rinaldo
Dyson	Lent	Ritter
Early	Levin	Roberts
Eckart	Levine	Robinson
Edgar	Levitas	Rodino
Edwards (AL)	Lewis (CA)	Roe
Edwards (OK)	Lewis (FL)	Roemer
Emerson	Lipinski	Rogers
Erdreich	Livingston	Rose
Erlenborn	Lloyd	Rostenkowski
Evans (IL)	Long (LA)	Roth
Fascell	Lott	Roukema
Fazio	Lowery (CA)	Rowland
Feighan	Lowry (WA)	Roybal
Fiedler	Lujan	Rudd
Fields	Luken	Russo
Fish	Lundine	Sabo
Flippo	Lungren	Schaefer
Florio	Mack	Schneider
Foglietta	MacKay	Schroeder
Foley	Madigan	Schulze
Ford (TN)	Markey	Schumer
Fowler	Marlenee	Seiberling
Frank	Marriott	Sensenbrenner
Frenzel	Martin (IL)	Sharp
Fuqua	Martin (NC)	Shaw
Garcia	Martin (NY)	Shelby
Gaydos	Martinez	Shumway
Gejdenson	Matsui	Sikorski
Gekas	Mavroules	Simon
Gephardt	Mazzoli	Sisisky
Gibbons	McCain	Skeen
Gilman	McCandless	Skelton
Slattery	Sundquist	Weaver
Smith (FL)	Swift	Weiss
Smith (IA)	Synar	Wheat
Smith (NE)	Tallon	Whitehurst
Smith (NJ)	Tauzin	Whitley
Smith, Denny	Taylor	Whittaker
Smith, Robert	Thomas (CA)	Williams (OH)
Snowe	Thomas (GA)	Wirth
Snyder	Torres	Wise
Solarz	Torricelli	Wolf
Solomon	Towns	Wolpe
Spence	Traxler	Wortley
Spratt	Valentine	Wyden
St Germain	Vander Jagt	Wylie
Staggers	Vandergriff	Yates
Stangeland	Vento	Yatron
Stenholm	Volkmer	Young (AK)
Stokes	Vucanovich	Young (MO)
Stratton	Walgren	Zschau
Studds	Walker	
Stump	Watkins	

□ 1040

The SPEAKER pro tempore (Mr. MURTHA). On this rollcall, 370 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING 5-MINUTE RULE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology be permitted to sit this afternoon while the House is sitting under the 5-minute rule to consider two bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman from Florida has discussed this with me and as I understand it, the two bills we are talking about are the two bills where there is no controversy with the minority, and that the permission to sit is being gotten with regard to those two bills only.

Mr. FUQUA. The gentleman is absolutely correct, and that was the agreement.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMERGENCY WETLANDS RESOURCES ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 579 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3082.

□ 1055

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the

Union for the further consideration of the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes, with Mr. MCCURDY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, September 19, 1984, the following Members had general debate remaining. The gentleman from North Carolina [Mr. JONES] had 15 minutes; the gentleman from Alaska [Mr. YOUNG] had 16 minutes; the gentleman from Ohio [Mr. SEIBERLING] had 1 minute; the gentleman from Alaska [Mr. YOUNG] had 15 minutes; the gentleman from New Jersey [Mr. ROE] had 15 minutes; and the gentleman from Minnesota [Mr. STANGELAND] had 15 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I would like to speak in favor of H.R. 3082, the Emergency Wetlands Resources Act.

H.R. 3082 will authorize a $75 million increase in the wetlands conservation fund for the next 10 years; it also increases funds to the migratory bird conservation fund by allowing new admission fees to certain wildlife refuges and by gradually raising the price of the duck stamp from $7.50 to $15 over a 5-year period.

Mr. Chairman, the funds generated by this legislation will be used to purchase on a willing seller/willing buyer basis productive waterfowl habitat. I am particularly excited about this proposal because my district contains some of the best migratory bird habitat in the world. Last year the Prairie Potholes, which cover 15,000 square miles in eastern Montana, produced 4,300 ducks and 2,100 geese just on Bureau of Land Management land. And 1983 was a bad year for waterfowl production because of the severe drought that has plagued my district.

Mr. Chairman, H.R. 3082 is a timely bill. The Department of Interior and Ducks Unlimited recently signed a memorandum of understanding which help to protect and restore waterfowl nesting areas. Under the agreement, Ducks Unlimited will fund projects like water control structures and nesting islands to improve wetlands that the Department of Interior acquires. In fact, one of the first of such projects will occur in my district at the Big Lake complex just north of Billings, MT.

Mr. Chairman, we must applaud not only this new effort by Ducks Unlimited to improve wildlife habitat, but also its previous contributions to conservation. Since 1937, Ducks Unlimited has raised $237 million to protect and enhance 3.2 million acres in Canada and 50,000 acres in Mexico. And, Ducks Unlimited did it using no lawsuits and no political pressure.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I thank my good friend from Alaska [Mr. YOUNG] for yielding me 5 minutes.

Mr. Chairman, H.R. 3082, the Emergency Wetlands Resources Act, is intended to promote the conservation of migratory waterfowl through the acquisition of wetlands and other essential habitat. I strongly support this objective, and for that reason regret that I cannot support this measure unless title IV, the Oregon Inlet provision, is stricken.

As the title of this act suggests, an "emergency" in wetlands conservation does indeed exist. Almost half of the 215 million acres of wetlands estimated to have existed before the discovery of this continent have disappeared. The continued need for agricultural land and increased urban expansion have contributed heavily to this loss of wetlands. Between the 1950's and 1970's, the net average loss of wetlands was 458,000 acres. An estimated 450,000 acres of wetland habitat continue to disappear each year under the pressure of residential and economic development.

To address this problem, the Federal Government has taken an active and direct role in the preservation and conservation of our Nation's wetlands. I strongly believe that this Federal commitment should continue.

As a member of the Migratory Bird Conservation Commission, I have personally participated in the acquisition and preservation of thousands and thousands of acres of wetlands. Through duck stamp revenues—now estimated at $14.5 million annually—more than $270 million has been raised for wetlands conservation over the past 50 years, and some 3.5 million acres of waterfowl habitat have been purchased.

Even though these accomplishments are significant, much remains to be done. The current goal of the U.S. Fish and Wildlife Service is to preserve another 1.6 million acres of key wetland habitat by 1986. To meet this challenge, there must be a significant and continuing Federal commitment. The legislation under consideration today—at least the first three titles—represents a step in the right direction.

It is both unfortunate and ironic that title IV, which would permit construction to go forward on an environmentally destructive Corps of Engineers project at Oregon Inlet, NC, should be attached to a measure intended to preserve our natural resources. An amendment to strike title IV will be offered by Mr. SEIBERLING, the chairman of the Interior Subcommittee on Public Lands and National Parks, and I urge my colleagues to support that amendment.

Mr. Chairman, the project proposed by the Corps of Engineers would involve the construction of two rock jetties, 18 feet wide and 1 mile long, on either side of Oregon Inlet. One jetty would be anchored on the Cape Hatteras National Seashore, and one on the Pea Island National Wildlife Refuge.

In 1983, Interior Secretary James Watt stated that he could not permit—I imagine Jim Watt said this. Listen to this: Jim Watt said that he could not permit these public lands to be used for the jetty project because such use would be incompatible with public lands policy. This decision has been adopted by Secretary Clark as well.

Frankly, I find it curious that this House would even consider overturning one of the Reagan administration's most outstanding proenvironmental actions.

The Interior Department's determination that the proposed jetties would be detrimental to the adjacent national seashore and wildlife refuge was soundly based upon substantive law. None of the supporters of the project has challenged the legal validity of the decision, or provided any substantive justification for legislating a special exception to the Department's permit process for the benefit of this particular project.

Substantively, the Oregon Inlet project would be an environmental and economic disaster. The Outer Banks of North Carolina are part of America's fragile and dynamic barrier island chain. In fact, it was the untamed grandeur of the Outer Banks that led to the establishment of the Cape Hatteras National Seashore.

Scientific evidence is overwhelming that the proposed jetties would cause havoc by inducing serious to drastic erosion of the sandy beaches extending for miles beyond the project site. Recreational use of Oregon Inlet would be degraded not only for summer beachcombers, but also for fishermen who know this to be one of the most important surf fishing areas in the Nation—particularly in the spring and fall. In addition, construction and maintenance of the jetty extending from the Pea Island Wildlife Refuge would have a detrimental effect on wildlife management efforts at that facility.

Mr. Chairman, there are also serious economic problems with this project. In 1982, the Corps of Engineers was forced to admit that a "fundamental error" had been made in the economic analysis of this project, resulting in an

overstatement of the project benefits by some 70 percent. After correcting that error, the project had a benefit/cost ratio of only 0.34 to 1.0.

□ 1100

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. SEIBERLING. Mr. Chairman, I also yield the gentleman 1 additional minute.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] is recognized for 2 additional minutes.

Mr. CONTE. I thank the gentlemen for yielding me this additional time.

Mr. Chairman, for 16 months, the Corps of Engineers labored to recook the books in an effort to justify the nearly $100 million cost of this project. Last month the new study was released, and it looks like it will turn out to be as fundamentally flawed as the original study.

First of all, the study double counts by crediting to the jetties both a cost saving from reduced dredging and benefit gains from increased fish catches that are supposed to result from an improved channel. Intensive dredging or dual jetties would each alone provide an adequate channel for increased fish catches; counting both provides an understatement of project costs of over $2.5 million per year.

In addition, the study vastly overestimates the likely increase in fish catches. I was particularly disturbed by the claim that an increase of 130,000 pounds of striped bass would be brought in annually after the completion of this project.

There is a bill coming out here to stop the catching of striped bass because it is becoming an endangered species. So how in the world are 130,000 pounds of a fish that is going to be illegal to catch be caught? Ridiculous.

Striped bass—once a prime game fish up and down tne east coast—is a very distressed species today. In fact, striped bass population have declined 90 percent in the last 10 years. Many observers are arguing that it is foolhardy to allow any further commercial exploitation of the striped bass, and I am inclined to agree.

As I said, legislation is pending before the House that would impose Federal restrictions on catching striped bass. The State of Maryland has recently banned the taking of striped bass, and in fact North Carolina itself has proposed an offshore waters limit of 500 stripers for 1984.

Under these conditions, projecting any kind of increase in commercial catches of striped bass seem speculative, if not irrational: Once the value of the phantom striped bass, scallops, and bluefish have been reduced to a more realistic level, the benefits to be obtained from this project drop way below the costs.

At a time when we are facing $200 billion deficits, we can hardly afford to proceed with projects that cannot survive the most basic kind of economic analysis. It is especially inappropriate when a perfectly feasible alternative—intensive dredging—can maintain a perfectly adequate channel at about one-fourth the cost of this environmental outrage.

Mr. Chairman, I urge that my colleagues support the Seiberling amendment to strike title IV from the bill, so that we can proceed with the conservation of our valuable wetland resources.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would suggest respectfully that after the muddying of those waters by that great presentation, we will be lucky if there are any striped bass left.

We have to know this bill has nothing to do with the striped bass. We have to also recognize right now the area is losing 8.8 acres a year through natural erosion. The 150 acres everybody talks about saving will be gone by nature's hand anyway.

We are talking about, very frankly and very honestly, an attempt to save the Oregon Inlet and to make it safe for human life. We hear a great deal about the cost. Right today we are spending $4 million—$4 million—a year to dredge it. If we look at the total cost over a period of time and the saving of lives, the elimination of title IV would be wrong for the Oregon Inlet, and we have to keep that provision in this bill.

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. SEIBERLING. Mr. Chairman, will the gentleman from New Jersey yield to me, because I think the record needs to be corrected.

Mr. ROE. Yes, of course. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Alaska [Mr. YOUNG] has just made the statement that this bill has nothing to do with striped bass. I would like to call the gentleman's attention to the fact that the so-called cost-benefit review that the Corps of Engineers used, among other things, attempts to justify the cost of this boondoggle by saying that the harvest of striped bass will increase by 130,000 pounds because of the project; whereas, as the gentleman from Massachusetts [Mr. CONTE] has just pointed out, the Committee on Merchant Marine and Fisheries just completed consideration of a bill, H.R. 5492, to protect the striped bass along the whole Atlantic seaboard because of a population decline.

I just thought the record ought to be corrected.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentlemen yield?

Mr. ROE. May I remind the gentleman that I have the time. I think that we all have our time in our respective committees and ours is limited, so I would like to yield no further at this moment.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE] has the time.

Mr. ROE. Mr. Chairman, I rise in support of H.R. 3082, the Emergency Wetlands Resources Act of 1983.

This bill was reported by the Committee on Merchant Marine and Fisheries on October 25, 1983. It was sequentially referred to the Committees on Interior and Insular Affairs and Public Works and Transportation because of the addition of the addition of title IV which concerns a Corps of Engineers navigation project and a national seashore and wildlife refuge area.

The navigation project involved is the project for Manteo (Shallowbag) Bay, NC, authorized by the Rivers and Harbors Act of 1970. The project includes maintenance of a channel through Oregon Inlet which is used for access by commercial fishermen in the area. It also includes construction of jetties on either side of the inlet on lands of the Cape Hatteras National Seashore and Pea Island National Wildlife Refuge in order to control sedimentation which blocks the inlet.

The National Wildlife Refuge System Administration Act permits this type of activity on a refuge if it is found to be compatible with the purposes for which the unit was established. In a compatibility statement regarding issuance of a Department of the Interior permit for jetty construction and dredged material placement on the refuge, the Fish and Wildlife Service concluded that the project, as currently proposed, is not compatible with the purpose for which the refuge was established. Consequently, no right-of-way permit can be issued under existing authority to the corps. In addition, under existing law, the National Park Service does not have the authority to allow jetty construction on the seashore. H.R. 3082 would authorize the Army Corps of Engineers to use this land to carry out the project at Manteo Bay.

The bill, as reported by the Committees on Public Works and Transportation and Interior and Insular Affairs, also provides that no funds may be expended to carry out the project unless a benefit-cost analysis is first prepared by the Corps of Engineers and the analysis discloses a favorable cost-benefit ratio for the project.

In order to protect the national wildlife refuge and the national seashore, the bill also requires that the Secretary of the Army, in consultation with the Secretary of the Interior, shall, to the extent practicable and consistent with the construction and continued operation of the Manteo Bay project, carry out the project in such manner as to: First, maintain the essential integrity of the Pea Island National Wildlife Refuge and the Cape Hatteras National Seashore; and second, ensure that adverse impacts to the uses and purposes of the Pea Island National Wildlife Refuge and the Cape Hatteras National Seashore are avoided, if possible, or minimized, and that, if the Secretary of the Army finds appropriate, unavoidable adverse impacts are mitigated.

Mr. Chairman, the bill being considered incorporates the amendments adopted by our committee and the Interior and Insular Affairs Committee, and I therefore urge its passage.

Mr. Chairman, I now yield 5 minutes to the distinguished gentleman from Louisiana [Mr. BREAUX].

Mr. BREAUX. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would only say that this is a fairly simple, basic bill that does something that I think everyone can agree with. We have a provision that has been added to the bill which I think is one that is the subject of controversy concerning the legislation.

Basically, the bill is one that we can all stand up and vote for and be very proud of what we are doing. It increases the funds that are available for the acquisition of wetlands. All of the testimony in our committee indicated that is a tremendously serious problem that all States are facing, and that is the loss of their wetlands.

My own State of Louisiana has about 25 percent of all of the wetlands in the whole United States. What is happening in Louisiana is typical of what is happening in other States, and that is that we are estimated to lose about 40 square miles per year to erosion. Can my colleagues imagine if every State, every district, was losing 40 square miles per year, it would not take too long before our States would be rapidly shrinking. I am concerned that my district, which is not on the coastline, unless something is done, I will end up representing Shreveport in the northern part of the State.

This bill is aimed at trying to rectify that. It does that by putting more money into the wetlands acquisition fund to allow for the Federal Government and the State governments to acquire these lands and to do something to protect them; not to develop them, not to continue to do things that would allow the erosion which we are trying to stop. It does it by two simple ways.

No. 1, everybody should realize that we are increasing the price of the duck stamp from $7.50 to $15. Everybody who wants to buy a duck stamp who wants to hunt, or who wants to buy it for purposes of putting money into the program, is going to have to pay more for the duck stamp. I did a poll in my congressional district and I got back an 80-percent favorable response to, "Are you willing to pay more for the duck stamp?"

We are doing it over a 5-year period. We are phasing it in. I do not think any hunter, if he knows the money is going to be used for the acquisition of land, has any problems with ultimately paying $15.

We also levy a fee for those who want to visit a refuge, because we feel that they should also, keeping in mind the user concept, be willing to pay a little bit for the right to use that refuge whether it is for bird watching or whether it is for hiking or camping, or for whatever purpose they would like to enjoy the refuge.

So we are going to create a large pot of money to be used to buy wetlands to help prevent them from being eroded and prevent their rapid loss which we are seeing at the present time.

□ 1110

The only controversial piece that has been attached to this legislation, I would say, is one that is controversial but has been approved by three committees in the Congress. We can never be put in the position of saying, "I can't vote for that because it is somewhat controversial." Most things we do in the Congress are somewhat controversial.

The Oregon Inlet is a controversial add-on to this bill, but I would say to the Members of the House that the three committees which have had hearings and have listened to the testimony have heard the biologists and wildlife experts and the corps testify on this project and have said that they support it. That is three committees. It was not unanimous, but three committees in the Congress have approved this Oregon Inlet project.

What is it? It basically authorizes the construction and allows for the construction of some jetties—rocks, stones, if you will—to be constructed off the coast of North Carolina to allow fishing vessels and recreational vessels to be able to come into the coastline without being sunk, without being wrecked, without sinking, as the testimony has indicated has happened.

Is that going to cause some wildlife problems? Probably so. Is it going to destroy all the wildlife and the striped bass? Of course not.

Can we do it and carefully balance the good with the bad? I think we can. Three committees in the Congress have said so.

Some argue, "Well, it is near a wildlife refuge." Of course. My congressional district, which is on the coast of Louisiana, has three wildlife refuges. They are in my congressional district. Two are Federal, and one is State. I have several jetties along the coast of Louisiana that are constructed out into the Gulf of Mexico to allow for safe shipping and safe transportation. Do they affect the refuges? Probably. Have they destroyed the refuges? Of course not. The refuges in my area are probably some of the finest of any in the country. They certainly support more of the wildlife and waterfowl than any that I think any other Member can proudly point to in any other district.

So I think what we have here is a good bill that we can all support. It has a provision which is controversial, but three committees in the Congress have looked at it carefully and those three committees have approved it. I think it can be constructed in a manner that will protect the wildlife and yet allow for human safety. We are talking about balancing human concerns with waterfowl concerns, and we cannot have everything all the way we want it. This is a balanced bill, and I think it is one that we can clearly support.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I am glad to yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I think the gentleman makes a very compelling argument. It seems to me that this is an ongoing project and one that ought to be continued.

Inasmuch as this bill has been approved by three committees, is it not also true that at some point later it must go before the Committee on Appropriations? So it is not an automatic granting of funds: it just allows the continuation of the project. We are not committing ourselves to something new or over our heads, but basically are reiterating an earlier decision.

Mr. BREAUX. The gentleman is correct. This is not any appropriation of funds obviously.

Mr. PICKLE. Mr. Chairman, I cannot understand why we would want to make this kind of a change on an ongoing program. I think the gentleman makes a very strong case, and I think his position should be supported.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BREAUX] has expired.

The Chair recognizes the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in strong support of H.R. 3082, the Emergency Wetlands Act of 1983.

We spent approximately 5 hours in the Water Resources Subcommittee of the Committee on Public Works and Transportation hearing testimony on Oregon Inlet, the controversial section of this bill. Let me say that that testimony was excellent, both by the opponents and the proponents. I do not think there were any questions left unanswered.

We are very much in support of this legislation. We are very much in support of the Oregon Inlet feature, and I think this bill deserves passage. As has been said, this bill, with the Oregon Inlet feature, has passed three different committees.

I would also like to add a comment about something that came out in debate yesterday. It was said that one of the members, Mr. MARTIN of North Carolina yesterday was erroneous in some of his statements. Let me say that in the testimony we had in those 5 hours, I question if there was anything erroneous in the comments of our colleague, Mr. MARTIN. There may have been a difference in perception between two different viewpoints of the two gentlemen discussing the Oregon Inlet. But I do not know of anyone who has worked harder or knows more about the Oregon Inlet question than the gentleman from North Carolina, Mr. JIM MARTIN, unless it might be the other gentleman from North Carolina [Mr. JONES], the chairman of the Committee on Merchant Marine and Fisheries. Both gentlemen are certainly concerned, aware, and knowledgeable on Oregon Inlet, and I would like to have the record show that both have been very stalwart in support of the project and have really studied the issue.

Mr. Chairman, I am pleased to rise in support of H.R. 3082, the Emergency Wetlands Act of 1983.

The bill deals primarily with wetland matters under the jurisdiction of the Committee on Merchant Marine and Fisheries. The version reported from that committee on September 22 of last year also contained authority relating to the Manteo Bay project of the Corps of Engineers. Therefore, the Committee on Public Works and Transportation and the Subcommittee on Water Resources, of which I am the ranking member, obtained jurisdiction.

The project, commonly known as Oregon Inlet, was authorized in 1970. It consists of, among other things, deepening the inlet channel to 20 feet and stabilizing the inlet with two jetties and sand-bypassing facilities. The project's purpose is to protect an important inlet through the Outer Banks of North Carolina. Pumping sand around the jetties is intended to improve project functioning and to assure the natural movement of sand southward to protect the national seashore and the national wildlife refuge which lie on each side of the inlet. The project has been delayed primarily because the Department of the Interior has declined to grant required permits on the grounds that it lacks adequate authority to allow the corps to build the project on park and refuge lands.

Title IV, which was added to H.R. 3082 in the Committee on Merchant Marine and Fisheries, authorizes use of the approximately 150 acres of lands needed for the project.

The Water Resources Subcommittee held a hearing on February 7, 1984, on title IV of H.R. 3082. Witnesses included the Corps of Engineers, the Department of the Interior, and various individuals and organizations interested in the legislation. During this hearing, some testimony was presented by opponents of the project questioning the project's cost-benefit ratio. Other witnesses asserted that, not only does the project have a favorable cost-benefit ratio, but it is also needed for reasons related to safety and engineering feasibility.

During markup of H.R. 3082 in March of this year, the committee added a provision that prohibits funding for the Oregon Inlet project until a cost-benefit analysis for the project has been prepared and that analysis reveals a favorable cost-benefit ratio. This amendment was offered to provide assurance that the project will be economically viable before funds are spent on its construction. I understand that since our committee reported this bill such an analysis has been performed and a favorable cost-benefit ratio obtained.

The recent devastating impacts of Hurricane Diana provide clear and convincing evidence of the need for the kind of project that can proceed under H.R. 3082.

Mr. Chairman, I believe this bill deserves passage and I urge my colleagues to join me in voting for it.

Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. MARTIN].

Mr. MARTIN of North Carolina. Mr. Chairman, I thank the gentleman from Minnesota [Mr. STANGELAND] very much for yielding to me.

Mr. Chairman, I want to say that a few moments ago we were entertained by remarks from the gentleman from Massachuestts, who talked about his views of what will or will not happen, and I will simply say that in my view his remarks poured a lot of silt into the debate at hand. Our fishing boats only catch what is there. We are not going to catch fish that are not there.

The Oregon Inlet project poses no environmental threat to the wetland marshes of North Carolina. If it did, the people, and the government, and the Representatives of North Carolina would not be in favor of it. We are in favor of it because we believe that it will be beneficial not only to the wetland marshes but to the adjoining beaches and to the lifestyle and livelihood of many of our good people who live there.

It will only have a modest increase in the tidal range of the estuarine Pamlico Sound, which has only about a 1-foot tidal range now.

Let us think about that. Tides are beneficial to marshes. That is why marshes are so fertile. If anything, this project will help by washing and helping to exchange the waters of those marshes.

Some say and continue to say that jetties will not work. Well, it may be that they do not work in Ohio. Jetties do work in North Carolina. For example, just 120 miles or so south of Oregon Inlet is Beaufort Inlet at Morehead City. It does now have dual jetties, and has had for some 40 years. They work. It is navigable to ships. It is dependable, it is reliable. It is a safe inlet, even after a storm. There is no adverse effect to any adjacent beaches north or south of that inlet; 50 miles further to the south is Masonboro Inlet near Wilmington. That is an excellent case in point because for years there was only one jetty on the north side of the inlet and it did not work. The inlet would move back and forth. It meandered, and it was not dependable. It would shoal to within 30 or 40 feet of that jetty unbeknownst to mariners trying to find a safe harbor. It now has dual jetties, and this has beneficially contained and straightened out the natural flows, so that it has naturally cleaned out a safe, dependable channel there at Masonboro Inlet.

Has it affected beaches north and south of Wilmington? No, it has not harmed them at all.

Just recently Hurricane Diana pounded away at the beaches to the north of Masonboro Inlet, and while there was some minimal erosion and there was extensive wind damage, the beaches were not breached. There was not the kind of damage that might have been expected. And there we are talking about 125-mile-an-hour winds, a class 4 hurricane. Diana gave up on the north side of Masonboro Inlet, turned about, came down and pounded away to the south and came in on the beaches south of Masonboro Inlet.

I personally inspected both areas. There was extensive wind damage there, as you would expect from a class 4 hurricane, but the beaches were subject to minimal erosion. The beaches and dunes held.

There has been a beneficial effect there, and there was good foresight shown in building up the natural dunes with grass planting which has helped to strengthen those beaches with substantial dunes which work. The jetties have not been adverse in

their effect. If anything, they have been beneficial.

I have personally navigated all three of those channels, the one with no jetties, the one with one jetty and later with two, and the other with two jetties, and I can say from personal experience, if there is a storm blowing, even if there is a falling tide against incoming waves, you are much more secure in an inlet where you know where the bottom is, when you know where your channel is, than you are trying to find a channel which is dangerous and not stabilized.

So, Mr. Chairman, I urge the Members to consider and reject those arguments that have been put forth which have no merit. Dual jetties may not work in Ohio; they do work in North Carolina. I want to see them work in the district represented by my good friend, the chairman of the committee, the gentleman from North Carolina, Mr. WALTER JONES.

□ 1120

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, this is a good bill and everyone debating it I think agrees on that.

The issue before us is strictly title IV, the Oregon Inlet.

First, it should be said at the outset that the Army Secretary has not put his official approval on the cost-benefit calculation, and there are some very good reasons why he has not.

No. 1, the corps' calculation grossly overestimates the catch of fish. One of the increased catches is the striped bass, known as rockfish along the Maryland shore nearby. The corps estimates that the jetties would produce a 130,000-pound increase in striped bass and yet the population of this fish is in crisis state. Maryland has absolutely banned further catching of this fish after December 31 of this year. North Carolina prohibits all catches of striped bass from June 1 to September 30 as the result of the crisis state of its population.

The bluefish, another fish that is supposed to increase so much in its catch, according to the Corps of Engineers, this is an oily fish with a rather short shelf life, and a strictly second choice for most fish eaters. And yet this analysis by the corps projects a 500 percent—a fivefold—increase in the catch of this fish, from 1.6 million to 8 million pounds. The whole east coast catches only 16 million pounds and yet one-half of that total amount is supposed to be caught from the Oregon Inlet, this one spot in North Carolina if we simply build these two jetties. That is a totally unrealistic amount to expect. The market for that kind of increase is not there. The jetties are not the problem.

Croaker, flounder, king mackerel, and greased grey sea trout are also calculated by the corps for great increase. The North Carolina Department of Fisheries told me personally these types of fish are all in a very difficult situation as well and cannot sustain significant additional fishing. These so-called major benefits cited in the corps report are illusory. These fish should not be caught, and could not be sold substantially beyond current levels.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ROE. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. MOODY. The commercial catches on these fish have been declining from their peak period of 1979 through 1980 with existing boat fleets because the populations of these fish are declining. Nonexistence of the jetties is not the reason, and spending $600 million to build them won't help. New jetties will not create more fish.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MOODY. With the little time I have, yes.

Mr. SEIBERLING. The bottom line, as I understand it, is that the corps' estimate of a favorable cost-benefit ratio just falls apart upon analysis and actually there is a negative cost-benefit ratio to this process.

Mr. MOODY. Absolutely. If we look closely at the benefits, claimed by the corps, we see that they fall apart.

The actual costs also are far higher than the corps' estimates, making the benefit-cost ratio even worse. For one thing, the corps uses 7⅛ interest rates, when the official interest rate for fiscal year 1985, which we are about to enter in a few days, is 8⅜. If you use an 8⅜ interest figure, this jetty project immediately falls into the negative category for benefit-cost calculations.

The Federal Government is borrowing money at 13 or so percent and yet the corps calculates the capital cost of the project at only 7⅛ percent. If we use only 8⅜ percent, which is what we must official do for water projects as of October 1, 1985, the project also has a negative benefit-cost result.

Mr. ROE. Mr. Chairman, I reserve the balance of my time.

Mr. STANGELAND. Mr. Chairman, I reserve the balance of my time.

Mr. ROE. Mr. Chairman, would the Chair please advise the managers as to what the time allocation is at this point?

The CHAIRMAN. The gentleman from North Carolina [Mr. JONES] has 15 minutes remaining.

The gentleman from Alaska [Mr. YOUNG] has 16 minutes, plus 7 minutes.

The gentleman from New Jersey [Mr. ROE] has 5 minutes.

The gentleman from Minnesota [Mr. STANGELAND] has 8 minutes remaining.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

One brief statement, if I may. Much has been said about the fishing situation in this particular instance. I did not realize that it was going to be a fishing bill, but the record as we have it is that the total of the striped bass, that the projected cost-benefit ratio contains, the striped bass is only sixtenths of 1 percent of the total estimated cost-benefit ratio.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Are there any further requests for time?

Mr. STANGELAND. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I rise in support of H.R. 3082, the Emergency Wetlands Resources Act. I am from a State where public concern over the erosion of wetlands is at an all-time high.

Since 1850, the State of Florida has lost nearly half its original wetlands. Of 20.3 million acres, only 8 million remain—a 60-percent loss. And this figure continues to dwindle: as of 1973 40 percent of the wetlands in south Florida had been lost.

H.R. 3082 will enable Florida to expand its already active wetlands acquisition programs through the establishment of the wetlands conservation fund. In the last 20 years, Florida has spent over $350 million acquiring approximately 325,000 acres, much of this wetlands.

Despite new awareness of the importance of wetlands and the dire consequences which result when wetlands erode, the loss continues. This bill will afford States like mine the opportunity to preserve their wetlands for the benefit and enjoyment of all.

Mr. YOUNG of Alaska. Mr. Chairman, I have no other requests for time, and I yield back the balance of my time.

The CHAIRMAN. Would the gentleman from Alaska advise the Chair whether that is on behalf of both committees that the gentleman yields back the time?

Mr. YOUNG of Alaska. As far as I am concerned, Mr. Chairman, let us get on with the amendments. I yield it all back.

Mr. ROE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as has been amply expressed here by different speakers, there have been three major committees of the House of Representatives that have been assigned H.R. 3082, the Emergency Wetlands Resources Act of 1983, and all three of those committees have approved and recommended

approval to the House of that legislation.

I think it is important to point out that the bill as reported was sequentially referred, as I mentioned before. We have analyzed this legislation in depth.

The Public Works Committee strongly supports the legislation, particularly as far as the wildlife refuge area is concerned; the work that we are doing in wetlands is critical to our country. We know that. We have been a champion in our committee protecting those areas.

We have looked into the Oregon Inlet situation quite carefully and I think the one gentleman from North Carolina made a comment earlier and the other distinguished chairman has commented, that there is a lot of blue smoke and glass floating around in this body today in reference to the facts involved.

Now, people speak of the idea of jetties. Let me tell you something, if we did not have jetties along the coast of New Jersey on all of our major inlets and our major shores, we would not have any beaches left in New Jersey, literally and figuratively, based upon the technical facts that seem to be so lacking in this House of littoral drift of the sand and the beach buildup that take place along these coasts.

Now, ironically, in our technical evaluation of the jetties to be constructed, they would be protecting the wildlife areas that are involved in this area. We have investigated. We have looked into the issue. All we are simply talking about here is anchoring two major jetties to protect the Oregon Inlet. The Oregon Inlet, if that hurricane had hit that Oregon Inlet, God knows what would have happened to that entire area.

The irony of it is that everybody makes this like it is some great big situation that is a marvel of nature. Both those natural wildlife areas were created by the accretion originally that took place in building up these particular outer islands. That is a matter of fact. So the idea this is going to blow away because we build a jetty is so much nonsense and bunk. It is not true technically. It is not true accurately and has been attested to in testimony we have received before our committee.

The issue before the House of Representatives is whether or not we are going to protect that inlet, which is a key inlet going into that particular sound. It will not deleteriously affect the environment or we would not be supporting it as strongly as we have.

It seems to me it is fundamentally wrong to have people go out 2 days on a boat and in 2 days they come back after fishing and they do not know what the situation is going to be in that channel and there is no way they can tell it.

The testimony is replete with testimony after testimony of the danger of this particular Oregon Inlet unless it is properly protected and properly maintained.

This is an issue that belongs to North Carolina. Around here we have people who come from other States who have all the answers for things that take place in other States and they have never even seen the site or know it.

I begin to resent after 15 years in this House people telling me in my State of New Jersey what we should be doing with our jetties and our needs and our resources, when we have been the leader. We know what we believe to be true in our State, and I say we ought to listen to the people from North Carolina who have a little something to say about running their State. It is other people from inland States who mean well, who present their views, but they do not know the facts that exist in our coastal States.

I think when the House makes its decision, it ought to be a decision made on the facts before the House. It ought to be made on the technical facts that exist and we ought not to be running down every other State simply because we have a figment of imagination that is not true and has not been supported on the floor of this House in any of this testimony before or today.

Therefore, I want to rise again in strong support of the Emergency Wetlands Resources Act of 1983 and intend to speak if I am allocated the time when these amendments come before us.

I yield back the balance of my time, Mr. Chairman.

Mr. STANGELAND. Mr. Chairman, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to House Resolution 579, the text of the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of September 11, 1984, by Representative JONES of North Carolina, shall be considered by titles as an original bill for the purpose of amendment under the 5-minute rule in lieu of the amendments recommended by the Committees on Merchant Marine and Fisheries, Interior and Insular Affairs, and Public Works and Transportation. Each title shall be considered as having been read.

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The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Wetlands Resources Act of 1984".

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent that the balance of the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. SEIBERLING. Reserving the right to object, Mr. Chairman, is it the intention of the committee chairman to go through this bill by title, or to open it up now so that an amendment could be made to strike any title?

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Chairman, the unanimous consent was that the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

Mr. SEIBERLING. So an amendment could be offered now with respect to any title?

Mr. JONES of North Carolina. That is correct.

Mr. SEIBERLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the amendment in the nature of a substitute, beginning with section 2, is as follows:

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water supply and quality, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all our citizens;

(2) wetlands provide habitat essential for the breeding, spawning, nesting, migration, wintering, and ultimate survival of a major portion of the Nation's migratory and resident fish and wildlife, including migratory birds, endangered species, commercially and recreationally important finfish, shellfish, and other aquatic organisms, and contain many unique species and communities of wild plants;

(3) our Nation's migratory bird treaty obligations with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, require Federal protection of wetlands used by migratory birds for breeding, wintering or migration, and are needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(4) wetlands, and the fish, wildlife, and plants dependent thereon, provide significant recreational and commercial benefits, including—

(A) contributions to a commercial marine harvest valued at over $10,000,000,000 annually,

(B) support for a major portion of the Nation's multi-million-dollar annual fur and hide harvest, and

(C) fishing, hunting, birdwatching, nature observation, and other wetland-related rec-

reational activities that generate billions of dollars annually;

(5) wetlands enhance the Nation's water quality and supply by serving as groundwater recharge areas, sediment and nutrient traps and chemical sinks;

(6) wetlands provide a natural means of flood and erosion control by retaining water during periods of high runoff, thereby protecting against loss of life and property;

(7) wetlands constitute only a small percentage of the land area of the United States, are estimated to have been reduced by half in the contiguous States since the founding of our Nation, and continue to disappear by hundreds of thousands of acres each year;

(8) certain activities of the Federal Government have inappropriately altered or assisted in the alteration of wetlands, thereby unnecessarily stimulating and accelerating the loss of these valuable resources and the environmental and economic benefits that they provide; and

(9) the existing Federal, State, and private cooperation in wetlands conservation should be strengthened in order to minimize further losses of these valuable areas and to assure their management in the public interest for this and future generations.

(b) PURPOSE.—It is the purpose of this Act to promote, in concert with other Federal and State statutes and programs, the conservation of our Nation's wetlands in order to maintain the public benefits they provide and to fulfill international obligations contained in various migratory bird treaties and conventions with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere by—

(1) intensifying cooperative effort among private interests and local, State, and Federal governments for the management and conservation of wetlands; and

(2) intensifying efforts to protect the Nation's wetlands through acquisition in fee, easements, or other interests and methods by local, State, and Federal governments and the private sector.

TITLE I—REVENUES FOR MIGRATORY BIRD CONSERVATION FUND

SEC. 101. ADMISSION FEES AT CERTAIN NATIONAL WILDLIFE REFUGE UNITS.

(a) DEFINITIONS.—As used in this section—

(1) The term "admission permit" means a single visit permit provided for in subsection (c)(1)(A) or a group visit permit provided for in subsection (c)(1)(B).

(2) The term "designated unit" means any unit of the National Wildlife Refuge System that the Secretary designates, for purposes of this section, as a unit for which admission permits are required of the public for entry thereto.

(3) The term "duck stamp" means a migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (commonly known as the "Duck Stamp Act", 16 U.S.C. 718b).

(4) The term "related individuals" means, with respect to an individual holding a valid single visit admission permit issued under subsection (c)(1) or an unexpired duck stamp—

(A) all other individuals accompanying such individual in a single, private, noncommercial vehicle at the time of entry into a designated unit; or

(B) if entry into a designated unit is made other than by such a vehicle, the spouse, any child, and any parent accompanying such individual at the time of entry.

(5) The term "Secretary" means the Secretary of the Interior.

(b) IN GENERAL.—(1) Nothwithstanding the provisions of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-1 et seq.), the Secretary shall charge reasonable fees for admission permits to designated units and shall pay the revenues accruing from the collection of such fees, less 10 per centum thereof which shall be used by the Secretary—

(A) to defray the administrative costs incurred in issuing such permits, and

(B) to carry out the purposes for which the respective designated units were established.

into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (16 U.S.C. 718d). The Secretary may also sell, at designated units, Golden Eagle Passports and shall treat the revenues accruing from the sale in the same manner as are fees collected for admission permits under the preceding sentence.

(2) Notices that admission permits issued under this section are required for entry shall be prominently posted at each designated unit and, to the extent practicable, included in appropriate publications of the Department of the Interior.

(c) ADMISSION PERMITS.—(1) The Secretary shall have available for sale, and issue upon payment of the required fee, at each designated unit, and at such other locations he deems appropriate, the following permits:

(A) INDIVIDUAL VISIT PERMITS.—An individual visit permit for a designated unit authorizes the purchaser thereof and the related individuals unlimited entries into, and exits from, such unit during such period of consecutive days (but not exceeding fifteen consecutive days) as the Secretary considers appropriate taking into account the nature and size of, and other relevant factors pertaining to, the unit.

(B) GROUP VISIT PERMITS.—A group visit permit authorizes a group of individuals to make such number of entries into, and exits from, a designated unit within such period of time, and subject to such other terms and conditions, as may be established by the Secretary after taking into account the nature and size of, and other relevant factors pertaining to, the unit and the purposes for which the group visit is made.

(2) The fees charged by the Secretary for admission permits to each designated unit shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable fees charged by non-Federal public agencies, and the economic and administrative feasibility of fee collections and other pertinent factors.

(d) EXCEPTIONS.—(1) The Secretary may not require an admission permit, nor charge any fee, under this section with respect to the entry into—

(A) any designated unit by—

(i) any individual who has in his possession at time of entry a valid Golden Eagle Passport, Golden Age Passport, or any other lifetime admission permit issued in accordance with section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 1-6a),

(ii) any individual who has in his possession at the time of entry a valid duck stamp issued to him,

(iii) any individual who is a related individual to any individual described in clause (i) and (ii), or

(iv) any individual who has been issued a special permit under subsection (e); or

(B) the Back Bay National Wildlife Refuge, during such time as it may be a designated unit, by any individual who has been issued a special permit under section 3 of Public Law 96-315 for that refuge.

(2) The Secretary may not require an admission permit, nor charge any fee, under this section with respect to travel over any national parkway or any road or highway established as a part of the Federal-aid highway system described in section 103 of title 23, United States Code, which is commonly used by the public as a means of travel between two places which are outside a designated unit.

(e) SPECIAL PERMITS.—(1) Upon application therefor, the Secretary shall issue to any individual who is a citizen of the United States, or is domiciled in the United States, and who—

(A) has been medically determined to be blind or permanently disabled for purposes of receiving benefits under any other Federal law; or

(B) at the time of such application is age 62 or older;

a special permit which entitles the individual, during his or her lifetime, to free entry into all designated units.

(2) Upon application therefor, the Secretary shall issue to any individual a special permit which entitles the individual, during such period as may be appropriate, to free entry to a designated unit for purposes to travel to an inholding within the unit.

(3) Upon application therefor, the Secretary may issue to any individual a special permit which entitles the individual, during such period as may be appropriate, to free entry to a designated unit for any nonrecreational purpose considered appropriate by the Secretary.

(4) The Secretary shall issue special permits under this subsection without charge.

(f) PERMIT CONDITIONS.—An admission permit or special permit issued under this section—

(1) is valid only with respect to the individual or group to whom it is issued; and

(2) does not authorize such individual or group to engage in any use for which a fee is charged under the Land and Water Conservation Fund Act of 1965.

(g) REGULATIONS.—The Secretary shall issue such regulations as are necessary or appropriate to carry out this section.

(h) REPORTS.—The Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate no later than March 31 of each year a report on the administration of this section during the period covered by the report including, but not limited to, a list of current designated units, a list of units, if any, being considered for designated status, designated unit capacity and visitation data, the amount and disposition of the fees collected under this section, such other information as the Secretary deems appropriate, and any recommendations the Secretary may have for improving the operation of the admission permit program.

SEC. 102. PRICE OF MIGRATORY BIRD HUNTING AND CONSERVATION STAMPS.

Section 2(b) of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718b) is amended by striking out "$7.50" and inserting in lieu thereof "$10", and by striking out "any hunting year" and inserting in lieu thereof

"hunting years 1984 and 1985, $12.50 for hunting years 1986 and 1987, and $15 for each hunting year thereafter.".

TITLE II—FEDERAL AND STATE WETLANDS CONSERVATION

SEC. 201. DEFINITIONS.

For purposes of this title—

(1) The term "effective period" means the period beginning on October 1, 1984, and ending on the close of September 30, 1994.

(2) The term "eligible State" means, with respect to any fiscal year, a State that is eligible under section 204 for payment of moneys unde an apportionment made under section 203(b) for that year.

(3) The term "enhancement project" means a project (which may include, but is not limited to, construction, fresh-water flow control, or the introduction of appropriate flora) that will establish (other than by acquisition) a wetland, increase the size (other than by acquisition) of an existing wetland, or restore the natural quality of an existing wetland.

(4) The term "fund" means the Wetlands Conservation Fund established under section 208.

(5) The term "preservation project" means a project (which may include, but is not limited to, construction, fresh-water flow control, or the introduction of appropriate flora) that will minimize or prevent the loss of an identified area of a wetland.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "State" means any of the several States, the District of Columbia, and the Commonwealth of Puerto Rico and, to the extent practicable may include the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(8) The term "wetland" means land that is—

(A) transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water; and

(B) generally inundated or saturated by surface or ground water frequently enough, and for long enough duration, to support plant populations or animal populations, or both, which are adapted to the limiting stresses of the environment characterized by saturated soil conditions or conditions of occasional flooding;

and includes, but is not limited to, a tidal or inland marsh, swamp, small pond, pothole, bog, ox bow, pocosin, slough, mudflat, or bottom land hardwood forest.

(9) The term "wetlands acquisition" means the obtaining of a property interest in a wetland or associated area by purchase or lease if the obtaining of such interest contributes appreciably to the long-term preservation of the wetland and the associated populations of fish, wildlife, and plants.

(10) The term "wetland conservation project" means a wetlands acquisition, a preservation project, or an enhancement project.

SEC. 202. NATIONAL WETLANDS PRIORITY CONSERVATION PLAN.

The Secretary, after consultation with the States, shall establish, and periodically review and revise, a national wetlands priority conservation plan which shall specify, on a region-by-region or other basis deemed appropriate by the Secretary, the types of wetlands to which priority should be given with respect to wetlands acquisition and the implementation of preservation projects and enhancement projects. In establishing such priorities, the Secretary shall take into account—

(1) the significance of the loss or threat of loss of the respective types of wetlands; and

(2) the contributions which the respective types of wetlands make to—

(A) wildlife, including endangered and threatened species, migratory birds, and resident species,

(B) commercial and sport fisheries, and

(C) surface and groundwater quality and quantity, and flood control.

SEC. 203. ALLOCATION AND APPORTIONMENT OF AMOUNTS AVAILABLE TO CARRY OUT THIS TITLE.

(a) Of the sum appropriated for any fiscal year under section 209—

(1) such percentage of that sum (but not more than 66⅔ per centum thereof) as is considered appropriate by the Secretary, less such amount (but not more than 4 per centum of such percentage) considered necessary by the Secretary to defray the costs of administering sections 202 through 207 during such fiscal year, shall be apportioned by him among eligible States in accordance with subsection (b); and

(2) the remainder of such sum after paragraph (1) is applied shall be retained by the Secretary for expenditure by him to carry out Federal wetlands acquisitions that are consistent with the wetlands priority conservation plan established under section 202.

Each wetland acquired by the Secretary under paragraph (2) shall be included within the National Wildlife Refuge System.

(b) The moneys allocated under subsection (a)(1) for any fiscal year during the effective period shall be apportioned by the Secretary among the eligible States a follows:

(1) 50 per centum thereof shall be apportioned on the basis of the ratio, as determined by the Secretary, which each eligible State's expenditure of funds (other than Federal funds) for wetlands conservation projects in that State bears to the total amount of funds (other than Federal funds) expended by all eligible States for wetlands conservation projects in such States in that year. As used in this paragraph, the term "year" means the most recent year for which the calculation of such funds, for purposes of this paragraph, is practicable.

(2) 50 per centum thereof shall be apportioned to eligible States consistent with the national wetlands priority conservation plan established under section 202.

Apportionments made under this subsection shall be adjusted so that no eligible State is apportioned less than one-half of 1 per centum of the total amount available for apportionment under this subsection in any fiscal year.

SEC. 204. ELIGIBILITY OF STATES FOR PAYMENT UNDER APPORTIONMENTS.

(a) A State is eligible for payment of moneys under an apportionment made under section 203(b)if—

(1) the Secretary determines that a wetlands conservation plan submitted to him by the State—

(A) is comprehensive and will ensure the perpetuation of wetland resources,

(B) was prepared with opportunity for public comment,

(C) is substantial in character and design, and

(D) is in a format required by the Secretary which shall be compatible with standards and formats required of States for grants administered by the Secretary, particularly the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669 et seq.), Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777 et seq.), and Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); or

(2) the Secretary determines, after opportunity for public comment, that a wetland conservation project submitted to him by the State is substantial in character and design and meets such standards as the Secretary deems appropriate, and the State submits to the Secretary such surveys, plans, estimates, and other specifications for the project as the Secretary may require.

A comprehensive wetlands conservation plan or an individual wetland conservation project with respect to which such a determination is made under paragraph (1) or (2) is an approved plan or approved project for purposes of section 205.

SEC. 205. CONDITIONS RELATING TO APPORTIONMENTS.

(a) The moneys apportioned to an eligible State under section 203(b) may be used for the payment of not to exceed 75 per centum of the costs of (1) any segment of an approved plan, or (2) an approved project, as the case may be.

(b) No payment of any money apportioned under section 203(b) may be made by the Secretary with respect to any approved plan or any approved project unless—

(1) an agreement on the part of the eligible State setting forth its undertakings to implement the plan or project is submitted to, and approved by, the Secretary; and

(2) the Secretary finds that the approved plan segment or approved project has been completed, or is being undertaken, in compliance with such plan or project.

If the conditions in paragraphs (1) and (2) are met, the Secretary shall cause payment to be made to the proper authority of such State.

(c) The Secretary may from time to time make payments on an approved plan segment or approved project as it progresses, but such payments, including previous payments, if any, shall not be more than the United States pro rata share of the segment or project in conformity with the plan or project specifications.

(d) The Secretary may enter into agreements to fund an initial portion of an approved plan segment or approved project and to agree to fund the remaining costs from subsequent apportionments if and when they become available. The liability of the United States under such an agreement is contingent upon the continued availability of funds for the purposes of this section.

(e) Moneys paid to an eligible State under this section shall be applied only to approved plans or approved projects and, if otherwise applied, shall be repaid by the State before it may participate in any further apportionment under this title.

(f) No property acquired or developed with assistance under this title shall, without the approval of the Secretary be converted to other than wetland conservation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive wetlands conservation plan and only upon such conditions as he deems necessary to assure the substitution of other properties of at least equal fair market value or a reasonably equivalent usefulness and location.

(g) No enhancement project of preservation project shall be approved unless the State holds an interest in perpetuity on the wetlands being conserved.

SEC. 206. TREATMENT OF UNOBLIGATED AMOUNTS.

(a) The amount of any apportionment made to an eligible State under section 203(b) for any fiscal year that remains unobligated at the close thereof shall continue to be available to that State for obligation until the close of the succeeding fiscal year.

(b) If any amount to which subsection (a) applies remains unobligated at the close of the two-fiscal year period referred to in that subsection, such amount shall be used by the Secretary in accordance with subsection (c).

(c) During the fiscal year after any two-fiscal year period referred to in subsection (b), the Secretary shall make available—

(1) any, all, or none (as he deems appropriate) of the aggregate of all of the amounts unobligated by eligible States at the close of such period to those eligible States not having unobligated amounts at the close of such period for expenditure to implement wetland conservative projects that are consistent with the national wetlands priority conservative plan established under section 202; and

(2) if all such aggregate is not made available to eligible States under paragraph (1), the balance of such aggregate for expenditure under section 203(a)(2), which balance shall remain available until expended.

Any part of any amount made available under paragraph (1) for any fiscal year that remains unobligated at the close of such year shall be available, until expended, for expenditure under section 203(a)(2).

SEC. 207. REGULATIONS.

The Secretary shall issue such regulations as are necessary or appropriate to carry out this title.

SEC. 208. WETLANDS CONSERVATION FUND.

(a) There is established in the Treasury of the United States a fund to be known as the Wetlands Conservative Fund consisting of the amounts that are transferred to it under subsection (c).

(b) Amounts in the fund shall be available, as provided by appropriations Acts, only for making expenditures to carry out this title.

(c) For each fiscal year within the effective period, there are transferred $75,000,000 to the fund from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5).

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

For each fiscal year within the effective period, there are authorized to be appropriated from the fund to the Department of the Interior $75,000,000 to carry out this title.

SEC. 210. CONFORMING AMENDMENT.

Section 2(c)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5(c)(1)) is amended by inserting immediately before "September 30, 1989." the following: "September 30, 1984, and $975,000,000 for fiscal year 1985 and each fiscal year thereafter through", striking all after the word "thereafter" and inserting the following: "through September 30, 1984, and $975,000,000 for fiscal year 1985 and each fiscal year thereafter through September 30, 1994."

TITLE III—WETLANDS INVENTORY AND TREND ANALYSIS AND MISCELLANEOUS PROVISIONS

SEC. 301. CONTINUATION OF NATIONAL WETLANDS INVENTORY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall continue the National Wetlands Inventory project and shall—

(1) produce, by September 30, 1987, National Wetlands Inventory maps for the areas that have been identified by the Service as top priorities for mapping, including the entire coastal zone of the United States, floodplains of major rivers, and the Prairie Pothole, region:

(2) produce, by September 30, 1989, National Wetlands Inventory maps for those portions of the contiguous United States for which maps have not been produced earlier;

(3) produce as soon as practicable, National Wetlands Inventory maps for Alaska and other noncontiguous portions of the United States; and

(4) produce, by September 30, 1985, and at ten-year intervals thereafter, reports to update and improve the information continued in the report dated September 1982 and entitled "Status and Trends of Wetlands and Deepwater Habitat in the Coterminous United States, 1950's to 1970's".

(b) NOTICE.—The Secretary shall notify the appropriate State and Local units of government at such time as he proposes to begin map preparation under subsection (a) in an area. Such notice shall include, but is not limited to, an identification of the area to be mapped, the proposed schedule for completion, and the identification of a source for further information.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Interior the following sums, to remain available until expended:

(1) $14,500,000 for each of the fiscal years occurring in the period beginning on October 1, 1984, and ending at the close of September 30, 1987, to carry out subsection (a)(1).

(2) $6,750,000 for each of the fiscal years occurring in the period beginning on October 1, 1987, and ending at the close of September 30, 1994, to carry out subsection (a)(2) and (3).

(3) $900,000 for each of the fiscal years occurring in the period beginning on October 1, 1984, and ending at the close of September 30, 1996, to carry out subsection (a)(4).

SEC. 302. WETLANDS LOSS REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary shall, by September 30, 1985, prepare and submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environmental and Public Works of the Senate a report regarding wetlands losses in the United States.

(b) REPORT CONTENTS.—The report required under

(1) an analysis of the causes of wetlands destruction and degradation;

(2) a compilation and analysis of Federal statutory and regulatory mechanisms, including expenditures and financial assistance, which induce wetlands destruction or degraduation;

(3) a compilation and analysis of Federal expenditures resulting from wetlands destruction and degradation;

(4) an analysis of the environmental and economic impacts (including, but not limited to, the impact on property values and local economic impacts) of eliminating or restricting future Federal expenditures and financial assistance, whether direct or indirect, which have the effect of encouraging the destruction or degradation of wetlands, including but not limited to: public works expenditures; assistance programs such as price-support programs, commodity loans and purchase programs, and disaster assistance programs; soil conservation programs; and certain income tax provisions;

(5) an analysis of the environmental and fiscal impact of failure to restrict future Federal expenditures and financial assistance which have the effect of encouraging the destruction or degradation of wetlands, including but not limited to: assistance for normal Silviculture activity (such as plowing, seeding, planting, cultivating, minor drainage, or harvesting for the production of fiber or forest products); Federal expenditures required incident to studies, evaluations, design, construction, operation, maintenance, or rehabilitation of Federal water resource development activities, including channel improvements; the commodity loans and purchases program, and cotton, feed grain, wheat, and rice production stabilization programs administered by the Department of Agriculture; Federal expenditures for the construction of publicly owned or publicly operated highways, roads, structures, or facilities that are essential links in a larger network or system; and general revenue-sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221); and

(6) recommendations for the conservation of wetlands resources based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions, Federal actions, and initiatives by private organizations and individuals.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out the provisions of this section, which sum shall be available until expended.

SEC. 303. WETLANDS LOAN ACT.

Section 3 of the Wetlands Loan Act (16 U.S.C. 715k-5) is amended by striking out the first three sentences thereof.

SEC. 304. MIGRATORY WATERFOWL AREA ACQUISITION.

Section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(1)) is amended by striking out "except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended".

TITLE IV—PROVISIONS AFFECTING FEDERAL LANDS AT MANTEO BAY, NORTH CAROLINA

SEC. 401. MANTEO BAY PROJECT.

(a) COST-BENEFIT RATIO REQUIRED.—Notwithstanding any other provision of law, no funds may be expended to carry out the project at Manteo (Shallowbag) Bay, North Carolina (authorized by section 101 of the River and Harbor Act of 1970 and hereinafter referred to as the "Manteo Bay project") unless a cost-benefit analysis of the Manteo Bay project is first prepared by the Secretary of the Army, acting through the Chief of Engineers, and that analysis discloses a favorable cost-benefit ratio regarding that project.

(b) USE OF CERTAIN FEDERAL LANDS.—Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to use land within the boundaries of the Cape Hatteras

National Seashore and land within the boundaries of the Pea Island National Wildlife Refuge which he determines to be necessary to carry out the Manteo Bay project.

(c) EFFECTS OF USE.—In implementing the authority under subsection (b), the Secretary of the Army, in consultation with the Secretary of the Interior, shall, to the extent practicable and consistent with the construction and continued operation of the Manteo Bay project, carry out the project in such manner as to (1) maintain the essential integrity of the Pea Island National Wildlife Refuge and the Cape Hatteras National Seashore; and (2) ensure that adverse impacts to the uses and purposes of the Pea Island National Wildlife Refuge and the Cape Hatteras National Seashore are avoided, if possible, or minimized, and that, if the Secretary of the Army finds appropriate, unavoidable adverse impacts are mitigated.

AMENDMENTS OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer a series of technical amendments.

The Clerk read as follows:

Amendments offered by Mr. JONES of North Carolina: Proposed section 2(a)(4)(A) is amended by striking out "over $10,000,000,000" and inserting "several billion dollars".

Proposed section 101(a)(4) is amended by striking out "(c)(1) or an unexpired duck stamp—" and inserting "(c)(1)(A) or a valid passport, permit, or duck stamp referred to in subsection (d)(1)(A) (i) or (ii)—".

Proposed section 101(d)(1)(A) is amended—

(1) by striking out "4601-6a" in clause (i) and inserting "4601-6a", and

(2) by amending clause (iii) to read as follows:

"(iii) any related individual, or".

Proposed section 101(e)(2) is amended by striking out "purposes to" and inserting "purposes of".

Proposed section 101(f)(2) is amended by inserting "is" after "fee".

Proposed section 102 is amended by striking out "1984 and 1985," and inserting "1985 and 1986,"; and by striking out "1986 and 1987," and inserting "1987 and 1988,".

Proposed section 201(9) is amended by striking out "or lease".

Proposed section 202 is amended by striking out "converstion plan" and inserting "conservation plan".

Proposed section 203(b)(2) is amended by striking out "opportioned" and inserting in lieu thereof "apportioned".

Proposed section 204 is amended—

(1) by inserting "such" before "standards" in subsection (a)(2); and

(2) by designating the last sentence as subsection (b) and by striking out "paragraph" in that sentence and inserting "subsection (a)".

Proposed section 206(c) is amended—

(1) by striking out "conservative" each place it appears in paragraph (1) and inserting in lieu thereof "conservation"; and

(2) by striking out "all such" in paragraph (2) and inserting in lieu thereof "all of such".

Proposed section 208 is amended—

(1) by striking out "Conservative" in subsection (a) and inserting "Conservation";

(2) by striking out "appropriations" in subsection (b) and inserting in lieu thereof "appropriation"; and

(3) by striking out "4601-5" in subsection (c) and inserting "4601-5".

Proposed section 210 is amended—

(1) by striking out "4601-5" and inserting "4601-5"; and

(2) by striking out "inserting immediately before 'September 30, 1989.' the following: "September 30, 1984, and $975,000,000 for fiscal year 1985 and each fiscal year thereafter through",'.

Proposed section 301(a)(4) is amended by striking out "September 30, 1985," and inserting "March 31, 1986".

Proposed section 302 is amended—

(1) by striking out "September 30, 1985," in subsection (a) and inserting "March 31, 1986, after consultation with other appropriate federal agencies,";

(2) by inserting "subsection (a) shall contain—" after "The report required under" in the matter preceding subsection (b)(1); and

(3) by striking out "Silviculture" in subsection (b)(5) and inserting "silviculture".

Proposed section 304 is amended by striking out "4601-9" and inserting "4601-9".

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, printed in the RECORD, and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, these amendments are all technical and conforming in nature. A number of them are to correct printing errors in the bill. We have also had to change some of the dates referred to in the bill because of the passage of time since the bill was reported from committee. For example, the bill requires an increase in the price of the duck stamp for the 1984/1985 hunting season. Since those stamps have already been printed, and, indeed, many hunters have already purchased their stamps, the increase must be put off for a year. For the same reason, we have deferred the dates for completion of studies on wetland loss contained in the bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, are these the amendments that have been previously discussed between the staff of the Merchant Marine and Fisheries Committee and the staff of the Interior and Insular Affairs Committee?

Mr. JONES of North Carolina. Yes, sir, the exact same things. These are strictly technical.

Mr. SEIBERLING. I thank the gentleman, and I have no objection to the amendments.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, the minority side has no objections to the amendments. They have been cleared with all staff members and we have all looked at them, so we are all in agreement with the technical amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina [Mr. JONES].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of North Carolina: Proposed section 302 is amended—

By amending subsection (b)(4) to read as follows:

(4) an analysis of the environmental, fiscal and economic impacts (including, but not limited to, the impact on property values and local economic impacts) of future Federal expenditures and financial assistance, or the elimination of Federal expenditures and financial assistance, whether direct or indirect, which affect wetlands, including but not limited to: public works expenditures; assistance programs such as price-support programs, commodity loans and purchase programs, and disaster assistance program; soil conservation programs; and certain income tax provisions;

By striking subsection (b)(5); and

By renumbering subsection (b)(6) as (b)(5).

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, has this amendment been cleared with the staff of the Interior and Insular Affairs Committee, between the staffs of the two committees?

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. I am informed that it has been.

Mr. SEIBERLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, this amendment is essentially technical, designed to accommodate certain jurisdictional concerns raised by the Agriculture Committee. The bill requires the Secretary of the Interior to prepare a study on Federal programs that affect wetlands. This amendment simply adds that the Interior Secretary must consult with other agencies whose programs affect wetlands before issuing the final report. The amendment is intended to make sure that any potential for departmen-

tal bias is eliminated or minimized. The amendment in no way changes the substance of the bill. I want to emphasize that although we have deleted the naming of certain Federal programs that may affect wetlands, this does not mean that these programs should be excluded from the Interior Department study.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word and rise to state that we have no objections to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. JONES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SNYDER

Mr. SNYDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: At the end of title III add the following:

SEC. 305. FALLS OF THE OHIO NATIONAL WILDLIFE CONSERVATION AREA.

Section 207 of the Act entitled "An Act to provide for the establishment of the Bandon Marsh National Wildlife Refuge, Coos County, State of Oregon, and for other purposes" (Public Law 97-137) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 207. The Secretary of the Army is authorized to carry out this responsibilities under this title, at an estimated cost of $1,040,000. Any sums appropriated under this title shall remain available until expanded.".

Mr. SNYDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SNYDER. Mr. Chairman, this amendment seeks to correct problems which have arisen since the enactment of Public Law 97-137 created the Falls of the Ohio National Wildlife Conservation Area. When that legislation passed the last Congress, we estimated that land acquisition cost for the conservation area would be approximately $300,000. In last year's Energy and Water Appropriations Act the funds were provided to implement the authorization.

However, recently the Corps of Engineers issued a report which revises the estimate for land acquisition costs. The corps estimates that it will now cost $1,040,000 to fully protect this valuable wetland area.

In order to expedite congressional action on this new estimate I am asking my colleagues to support this amendment so that we may realize the complete protection of this extremely valuable conservation area.

I am joined in offering this amendment by the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Kentucky [Mr. MAZZOLI] who share my concern for the protection of the Falls of the Ohio National Wildlife Conservation Area.

Mr. Chairman, we urge the adoption of the amendment.

Mr. JONES of North Carolina. Mr. Chairman will the gentleman yield?

Mr. SNYDER. I yield to the chairman of the committee.

Mr. JONES of North Carolina. Mr. Chairman I thank the gentleman for yielding. We have examined the amendment on this side and we have no objection to it whatsoever.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman.

Mr. Chairman, we have examined the amendment. I want to compliment the gentleman for bringing it to the floor at this time. We have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. SNYDER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Strike all of title IV.

Mr. SEIBERLING. Mr. Chairman, I wonder if the staff could bring the photographs before us.

My colleagues, it is not with any great sense of pride or any other sense of well-being that I oppose our good friend from North Carolina [Mr. JONES]. We all love him and in fact that is the reason why three committees have approved title IV of this bill. He made a personal appeal to us and on that basis we agreed we were not going to mount major opposition in the committee. We were going to let the House work its will.

So here we are today.

However, let me point out that dissenting views were filed in the Interior and Insular Affairs Committee and signed by MO UDALL, DICK CHENEY, TONY COELHO, JOHN MCCAIN, ROBERT LAGOMARSINO, PETER KOSTMAYER, JIM MOODY, BRUCE VENTO, and myself. I do not think that these gentlemen lightly take on the distinguished chairman of the Merchant Marine and Fisheries Committee.

So the fact that our committee did not see fit to try to knock this out in committee does not indicate that there was any great enthusiasm for this particular phase of the project, although we do support the other three titles of this bill very strongly.

Mr. JONES of North Carolina. Will the gentleman yield?

Mr. SEIBERLING. I will be happy to yield.

Mr. JONES of North Carolina. I am under the impression, as a matter of record, a motion similar to what the gentleman has just offered was offered in his committee and was defeated by a vote of about 22 to 12.

Mr. SEIBERLING. That is correct. But we did not make a concerted effort to try to defeat it. I personally did not try to block it in subcommittee even though I was chairman of the subcommittee, because of out of consideration for the pleas that the gentleman himself made to the members, including this member.

Now the fact is that we are not dealing with a matter that requires authorization at this time by the Public Works and Transportation Committee. The Public Works and Transportation Committee authorized this project in 1970. At that time the estimated cost of these jetties was $16.5 million. Today the estimated cost just of the capital costs is about $100 million.

Furthermore, we have learned a great deal about what is happening to our coasts in the intervening 14 years.

□ 1140

The gentleman from New Jersey [Mr. ROE] said that people from Ohio should not be trying to tell other States how to handle their problems, and I do not think that is what we are trying to do. What we are dealing with here is the expenditure of the taxpayers' money which comes from the people of Ohio and all the other States.

Furthermore, the two marine geologists who testified at our hearings as to the disastrous effects on the national seashore of the construction of these jetties were both from North Carolina and practically every newspaper in North Carolina has repeatedly editorialized against this project.

So it is not fair to say that this is something outsiders are trying to tell the State what to do.

Interestingly enough, the latest issue of Newsweek magazine indicated on September 24 in an article entitled "The Vanishing Coast, Seawalls and Jetties Aggravate the Erosion Process." That is the headline, goes on to say this:

The main problem is that the sea level is rising. Since the 1930's oceans have risen at a rate of one and a half feet per century. To grasp what happens as sea levels rise coastal geologists are focusing on the barrier islands.

That is what we are dealing with here.

This picture shows this long, fragile barrier island with the Oregon Inlet in the center of it.

The article goes on to say:

These slender ribbons of sand wend their way along the Atlantic and Gulf coasts and some of America's most beautiful beaches, such as Cape Cod, Atlantic City, Cape Hatteras, Miami Beach and Padre Island. The islands act as shock absorbers for the mainland, bearing the brunt of storms and tides.

They are so good at this because geologists have discovered they can literally roll with the sea's punches. Currents and winds make the islands travel toward the mainland much like the rollover of a tank tread. The result is that the islands merely relocate but with no net loss of beach.

As a matter of fact, this whole barrier island system since 1846 when Oregon Inlet was first blown open by a hurricane, has moved 750 feet shoreward from the ocean. Furthermore, Oregon Inlet has moved also.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. SEIBERLING] has expired.

(By unanimous consent Mr. SEIBERLING was allowed to proceed for 5 additional minutes.)

Mr. SEIBERLING. Furthermore, Oregon Inlet has moved 10,000 feet south, in a southerly direction, as Mr. MARTIN himself yesterday pointed out.

Now, continuing with this article, it goes on to say:

A system that has worked for milleniums geologists are learning does not tolerate human interference too well. Building seawalls along the beaches of the barrier island or even of the mainland has led to what geologists call New Jerseyization—

New Jerseyization—

Like the coasts of that State more and more shorelines are being fronted by long seawalls. Often there is no sand except at very low tide. What happens over the years is that waves bounce off the wall and into the surf, carrying the sand away. The shoreface gets steeper, the force of the waves increases because they break right on the wall instead of offshore, and while houses may be saved the beach disappears.

Jetties and groins, jutting out from the shore, are equally disruptive, but in a different way. These structures trap sand carried laterally along the coastline by "littoral drift."

Now, Mr. Pilkey, a marine geologist from North Carolina, calls them spite groins, and the article continues:

Since beaches upcurrent of the groin grow at the expense of beaches downcurrent, deprived of new sand, they erode much more quickly.

Now, we will remove the first photograph here and get to an enlargement of the proposed project.

Here we have drawn on to an aerial photograph the approximate location of the two jetties extending out 1 mile from Oregon Inlet and, furthermore, the project calls for the stabilization through riprapping of a big portion of this part of the Bodie Island on the side of the inlet. You will notice also that there is a little box here which represents the proposed sand bypass system. A dredge working on this side would pick up the sand that is trapped by this jetty and pipe it over this way to the other side of the inlet so that it will try to make up for the fact that this side will be starved of sand by the working of the jetty.

Now, nobody knows whether that will work. It has never been tried on this scale. But the reason for that is because of this very phenomenon that I just read you about that Mr. Pilkey described, that jetties block the flow of sand.

Now, I happen to know something about what has happened in New Jersey.

Back in the 1940's I used to go to Wildwood Beach and they have a huge jetty that extends out from the beach. It is one of the finest beaches on the whole eastern seaboard, very long, gradual beach. But what that jetty did was to take the sand that normally flowed to Cape May and stop it. At that time Cape May practically had no beach at all and the only way they recovered was to build additional jetties down near Cape May.

If you build this system and the so-called bypass does not work, and no one really knows whether it will, you are going to end up not just spending $600 million which is the 50-year cost of this system, but spending billions building jetties the entire length of this coastal barrier in order to keep it from being washed away.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. If I can get 5 more minutes.

(On request of Mr. HOWARD and by unanimous consent Mr. SEIBERLING was allowed to proceed for 5 additional minutes.)

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from New Jersey or the two gentlemen from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

In the discussion I believe some people might get the idea that all kinds of jetties or all kinds of things that might be built out from a beach area which has a littoral drift are somehow bad.

Mr. SIEBERLING. No, I did not say all of them are.

Mr. HOWARD. No. Certainly there are areas where what we call notch jetties, jetties that are not very high, which will build up a beach to a certain point and then permit the drift of sand to go over that to the other side so that it does not just block off the one on the leeside, you might call it, of the drift. So I just want to make it very clear that we have had some great successes in New Jersey. In my area where the littoral drift is north, the gentleman spoke about Wildwood and Cape May below, which I agree with him, putting up just a blockage right there, can erode it either way; that is, the beach to the south, if the drift is to the south. But we have had some very great successes in building up.

You cannot stop that sand, block it, without trouble. You can only try to maneuver it a little bit and get the best that you can out of it.

So I just want to make it clear for those of us who are concerned about good technology in preserving and building up our beaches that jetties are not just a minus in every case.

I thank the gentleman.

Mr. SEIBERLING. I thank the gentleman, I think the gentleman is absolutely right, and I agree with him. That is the purpose of the sand bypass system that is proposed here.

Mr. HOWARD. Well, depending on how far out into the ocean it goes, also, because that sand is moving not just what we see above, but it is moving down below, on both sides.

Mr. SEIBERLING. If you go 1 mile out into the ocean you have a considerable problem.

Mr. HOWARD. There are special problems for special places.

Mr. SEIBERLING. Now let me just read Professor Pilkey's discussion of the sand bypass system. Here is what he said:

Downstream to the south, erosion of beaches will be prevented by the sand bypass system.

Now that is the claim. Here is his reponse:

The sand bypass system will be working on a periodic basis and cannot respond, as nature requires, during the big sand moving event; the storm. As a consequence, major beach erosion must occur either to the north or to the south, depending on approach direction of the storm. Furthermore, the sand bypass system depends on a floating breakwater—design of which is not yet complete—which is basically an untested concept. It is also reasonable to ask how a solid price tag has been put on the jetty project when a major component is not yet fully understood.

Now, Mr. MARTIN said jetties worked. Of course they work. They will work to do what they are supposed to do. If you build this immense structure here it will stabilize the inlet and permit the digging and maintenance of a 20-foot channel instead of a 14-foot channel, as has been successfully maintained without a jetty.

But what it does not do, what he did not tell you is what it will do to the rest of this barrier island.

If this sand bypass system does not work as Professor Pilkey indicated it probably would not, you are going to have the starving of this barrier island in both directions of sand to keep it from being washed out. You are going to have washouts and in the end you are going to have to build a whole series of jetties in either direction and spend hundreds of millions of dollars additionally.

□ 1150

I also happen to be familiar with West Hampton Beach, NY, where my sister has a home. They started to build jetties on that beach and all the way up to East Hampton. They ran out of money and did not complete it

on the downstream side. The movement of waters being from east to west. The result is that they stabilized the beaches where all the jetties are, but the beaches to the south, to the west of that, where there are no jetties, have been wiped out and practically half the homes have been just plain destroyed. There is no beach. There are no houses. No nothing.

So, that is the fact of life as to the forces we are dealing with.

Now, I do not lightly undertake the task of opposing the gentleman's project. I know it is very dear to his heart, but a lot has happened since 1970 when this was approved. I submit to my colleagues when the Interior Assistant Secretary Arnett writes a letter to us and says this would be very damaging to the national seashore and the wildlife refuge, we had better take it seriously. We are dealing with the taxpayers' money.

Safety was made an issue. Let me just say on the safety issue that last winter they maintained a 14-foot channel, without jetties, and that that has worked successfully, despite the winter storms. There is no reason to suppose that such dredging will not succeed in the future. That cost is only one-fourth the cost of this project over a 50-year period and has very little capital outlay.

So I submit to my colleagues that there are alternatives from a safety standpoint and when we are running huge deficits this thing is going to be labeled a boondoggle, as it already has been by the National Taxpayers Union. Not only that, but every single national environmental organization opposes it.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Yesterday in general debate I made the comment that we had received information that the National Park Service and the Wildlife Service opposed this project. I was informed later that that was not accurate.

Would the gentleman tell me and the committee what the facts are with regard to this?

Mr. SEIBERLING. Well, they wrote very serious criticisms of the project and they refused to give a permit to build these jetties and that is why we have to have legislation, but they have not officially taken any position on it one way or the other. Nor has the Corps of Engineers.

Mr. LAGOMARSINO. I want to commend the gentleman for his statement.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. SEIBERLING] has again expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding.

Will the gentleman answer this question. If the corps had not taken the position on this and the Wildlife Service had not taken a position on this, what is the problem here? The letter from the Secretary?

Mr. SEIBERLING. The problem is that the overall weight of the evidence has indicated that this would be a disaster, that is what.

Mr. ROSE. If the Corps of Engineers has not given a final opinion, what in the world could be wrong with letting them hold title to this land until such time as they made a final determination whether it would be harmful?

Mr. SEIBERLING. Well, the corps is never going to fight a project that maintains their job security. They have simply submitted a review and indicated what they think the cost benefits are.

Mr. ROSE. The gentleman thinks the corps would be looking for more jobs to do?

Mr. SEIBERLING. I have never known them to turn one down.

Mr. ROSE. I thank the gentleman.

Mr. SEIBERLING. Let me just say that 2 years ago we passed a very wise piece of legislation, the Coastal Barrier Resources Act. It passed this House 399 to 4. The gentleman from Louisiana [Mr. BREAUX] was the manager of the bill. He pointed out that it is aimed at preserving undeveloped coastal barrier beaches and islands by prohibiting Federal financial assistance for new developement.

Now, I submit that although there was a caveat which said unless of course there is a need for certain navigation purposes.

But this defies the spirit of that legislation because it was based on the recognition that the coastal barriers are being ruined by the construction of artificial manmade devices on the coastal barriers.

We had testimony by marine geologists that at the present time when storms build up the water level inside the bay here that this inlet acts as a safety valve. When the water rushes out it pushes aside the shoulders of the inlets, since they are made of soft sand, and he said he has seen it move aside at the rate of one-half mile in an hour.

If you stabilize this that safety value is gone.

Let us be very cautious.

Mr. BAIGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I listened to the gentleman from Ohio as he offered his amendment and I was kind of confused. I understand there is a sense of collegiality here in the Congress, but that goes just so far. If his theory is correct, then every chairman of every committee who offers legislation would have that legislation be enacted. He suggests that the only reason that three committees have approved this project in the past is out of their respect for the gentleman from North Carolina [Mr. JONES]. That respect is well deserved, but I do not think the gentleman from North Carolina [Mr. JONES], nor any other Member in this body, believes for a moment that simply because of respect for a Member who offers a proposal that it would be adopted simply because he is the author.

The fact of the matter is this subject has been a matter of deliberate consideration over an extended period of time. It has been approved by three committees. This very same motion was defeated in committee. This is another attempt by the gentleman from Ohio to work his will. It was defeated in committee. He voted against it in committee. He is one of the dissenters. So, clearly, he is pursuing his prerogatives to express his view and hopefully to have it manifested.

The fact is he has been rejected. His dissent is recorded. The gentleman from Ohio is quite adroit and makes a lot of sense, or at least he has fascinated many of us by his presentation of these posters. But, again, we have had hearings. All sides were considered. This is not a new presentation. The presentation was made in the hearings. There were several sides presented. There was a distillation of the testimony with the conclusion that the project should be approved.

The gentleman also suggests that every editorial and the people of North Carolina oppose the project.

Well, if the action we take is to be dependent upon the editorials, I would say shame on the process.

But we have learned a lot in this business. You make your decision. You take your position and you welcome editorials, but you are not controlled by them.

It would seem to me the more logical and rational approach to take is to listen to the delegation from that State. And clearly the State of North Carolina and its delegation support this proposal. If they support the proposal, obviously they want to reject this amendment.

□ 1200

Now, the gentleman from Ohio, as I said before, was most impressive. But I would be more impressed with the statement made by the gentleman

from New Jersey [Mr. HOWARD], of the Public Works Committee, and by the gentleman from New Jersey [Mr. ROE], of the same committee, both of whom have an expertise that is most uncommon. They take the very strong position that this project should be approved.

In summation, all of the concerns addressed by the gentleman from Ohio in the advocacy of his amendment have been expressed before in the various committees. There is nothing really new in this discussion. The gentleman is just taking it further, as is his right, to bring it to the floor.

I would urge the Members of this House to understand that the process still works. Many of us are not experts in all of the areas, and we depend upon the committee process and we know that all sides are presented. In the end, the committees approve the project. Let us not reverse the action of the committee. Let us not reject the full and wholehearted support of the North Carolina delegation.

Of course, we can disagree with the gentleman from Ohio, who said that we have great respect for the chairman of the Merchant Marine Committee, the gentleman from North Carolina [Mr. JONES]. But no one for a moment believes that this legislation has been approved by the committee simply out of that respect. It would be a shameful indictment of the committee process. This legislation, this project, was approved during the usual process, after being given serious consideration. It was advocated, it was discussed, it was deliberated upon, it was debated; and, in the end, it was approved.

I sincerely hope that this amendment is rejected.

Mr. CARNEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment.

As member of the Merchant Marine and Fisheries Committee, I have had the opportunity to go through several hearings here in Washington, but I also took the opportunity to visit North Carolina and to try to go through that inlet on what I would call a day that was not perhaps calm but it certainly was not a stormy day. I come from a district that is completely surrounded by water and we have inlets up in the First Congressional District of New York, and I know when you are going through a treacherous inlet. I can tell my colleagues today that the Oregon Inlet when weather is bad is a treacherous inlet. I can also tell my colleagues that, as a Member of Congress representing a fishing community, perhaps the hardest thing that I have had to do in 6 years was to explain to a family why a loved one lost his life. Why the Government had not acted fast enough to present to the fishing community in my district or perhaps the fishing community in the chairman's district a safe harbor for people who earn their living in perhaps the oldest occupation in America. They earn their living on the sea, and we should provide for those people the types of safety we would provide for people here on land, whether it be safe railroads, whether it be safe airlines. We should have for the fishing community a method that they can come to safe harbor.

After personally reviewing the Oregon Inlet I can state emphatically this is not a safe inlet, and we should act as a Congress to ensure that it becomes a safe inlet. We are talking, ladies and gentlemen, about people. Not only are we talking about commercial fishermen, but we are talking about people who are involved in recreation. You might be talking about someone who is not familiar with the inlet, who is coming up from Florida to perhaps Maine, going through and having to find a safe harbor in a storm. Well, if this inlet were to be closed, you would have to travel at least 50 miles in a northernly direction or 50 miles in a southernly direction to find a safe harbor. If this inlet were closed, the Coast Guard station at Oregon Inlet would have to be closed. Again we are talking about the safety of people, whether they be commercial fishermen, or recreational boaters who are out on the ocean, and we have the responsibility to provide for those people safe access to harbors in times of foul weather. We also have a responsibility to recognize the fact that the Federal Government has made a substantial financial contribution to that area to create a fishing industry. We have spent $8 million in Federal dollars to build a fishing processing industry that is virtually left vacant today because the ships necessary to bring the fish in to be processed cannot get in and out. So we have, in other words, written off this $8 million contribution of Federal moneys to enhance an industry at the inlet.

Now, some might ask why would I be concerned since my area competes with that area. Well, we do, in a way, and we do not in another way. Ofttimes the boats from North Carolina, the boats that come out of Oregon Inlet, find safe harbor up on Long Island, ofttimes they bring their catch to Long Island if that is where the market is. So there is the benefit. But we have to recognize the most important thing here, Mr. Chairman, and that is people, the lives of people are at stake if we do not take remedial action.

We must also keep in mind that this bill will not trigger the project. It will only allow the project to take place on federally protected lands, and I think it would be in our best judgment to reject the amendment of the gentleman from Ohio, support the chairman of the Merchant Marine and Fisheries Committee's efforts to go forward and provide for the people of the Outer Banks of North Carolina a safe harbor.

The CHAIRMAN. The time of the gentleman from New York [Mr. CARNEY] has expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. CARNEY was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I yield to my friend, the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I do not quarrel at all with the importance of making this inlet safe, but we already have had evidence that this can be done without building any jetties by merely putting a dredge there, a hopper dredge, as was used last winter, which maintained the 14-foot channel all through the season. So it is not a question of whether we want to make it safe but what is the best way and least expensive way to do it, and dredging is much, much less expensive.

Mr. CARNEY. I would agree with the gentleman except for one thing. We have demonstrated that the hopper dredge cannot maintain that channel's open situation year round. We dredge it continually. It is a very expensive proposition. I also think, too, that when you use the hopper dredge, the condition of the inlet changes so rapidly. We recognize the dynamics of the water, the tidal action, changing the condition from day to day, making it very difficult for even the best of sailors to navigate.

The CHAIRMAN. The time of the gentleman from New York [Mr. CARNEY] has again expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. CARNEY was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. If I may, I would just like to say that by stabilizing it, you would present a much safer inlet and over the years of the project a cheaper inlet.

I would be glad to yield to my colleague, the gentleman from Ohio.

Mr. SEIBERLING. I would like to point out that an article in the Virginian Pilot, dated December 14, 1983, says:

> The channel through the inlet is in its best shape in years and improvements also have been made in the interior channel leading to Wanchese.

And this was done with the hopper dredge, and that is that only test we have had. We have no proof that the hopper dredge will not work. The only proof we have is that it did work.

Mr. CARNEY. We have proof that it fills in continually.

Mr. SEIBERLING. It did not. It was maintained all winter long.

The CHAIRMAN. The time of the gentleman from New York [Mr. CARNEY] has again expired.

(On request of Mr. JONES of North Carolina and by unanimous consent, Mr. CARNEY was allowed to proceed for 1 additional minute.)

Mr. CARNEY. I would be glad to yield to the chairman.

Mr. JONES of North Carolina. Mr. Chairman, on the question of the dredges, I think, to put it back in perspective, recently we have had as many as three dredges at work in the inlet. Last year we had two side-cast dredges plus the hopper dredge. They cleared the channel, but as soon as they departed the channel started filling in. So that is the story of the dredges.

Mr. CARNEY. Having to compete for a dredge for inlets in my district, I realize we do not have that type of equipment available on a continuing basis. We could never afford to keep a dredge in that channel year round to keep it open, that would not be cost effective.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words, I rise in opposition to the gentleman's amendent, and in so doing I would like to make just a few points.

First, we must remember that, when we are talking about the Oregon Inlet project, we are talking about an effort to improve the operation of a Federal navigation project that has been authorized for more than 30 years and has been in operation for more than 20 years. The proposed jetties and the necessary lands that are potentially affected by the gentleman's amendment are designed to maintain access to and from an already operational Federal project.

Second, Mr. Chairman, we must remember that nothing about this amendment or title IV of H.R. 3082 is intended to change the Department of Interior's charge to manage the nearby national seashore and refuge to accomplish important congressionally mandated conservation objectives.

Third, one of the most important purposes of the Oregon Inlet project is to provide for the safety of commercial and recreational boating interests in the area. Oregon Inlet is the only access from ocean waters to protected water over a stretch of approximately 160 miles. The location of the inlet, in the vicinity of Diamond Shoals and Cape Hatteras, an area that is often referred to by mariners as the "graveyard of the Atlantic," makes it that much more important to keep the inlet open and accessible. The U.S. Coast Guard maintains a search and rescue station in close proximity to the inlet. When the inlet is closed to navigation, the Coast Guard patrol boats have to travel over 100 miles to respond to a distress call that could be only 2 or 3 miles off the inlet. It makes absolutely no sense and, in fact, is unreasonably wasteful and dangerous to allow such a situation to go uncorrected.

Finally, the recently completed Corps of Engineers economic analysis helps put to rest the uncertainty about whether the Oregon Inlet jetty project is economic from the perspective of benefit-cost analysis. I would point out, however, that we should not lose sight of the fact that many unquantifiable benefits—such as preventing loss of life and providing free access to the Coast Guard vessels which are stationed near the inlet—are not reflected in the benefit-cost ratio. When these unquantifiable benefits are also appreciated and included in an analysis of the project, it becomes even more obvious that approval of title IV of H.R. 3082 is not only warranted but essential.

Mr. Chairman, for these reasons and others which have been discussed here by our colleagues, I strongly urge that the gentlemen's amendment be rejected.

□ 1210

Mr. MOODY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I serve on both the Public Works and the Interior Committees, and have looked at this project intensively in both those committees. I share with the rest of my colleagues a deep respect and affection for our friend, the gentleman from North Carolina [Mr. JONES]. I also want to reiterate that this is a fine bill that we all support; it is only title IV that we are talking about now.

In both the committees I serve on, Interior and Public Works, title IV of this bill was approved not as described by earlier speakers, but strictly subject to receipt of an adequate and positive benefit-cost analysis from the Corps of Engineers. Title IV was not approved without conditions, but was approved subject strictly to that caveat.

That caveat has not yet been fulfilled. We have not received either an officially approved nor an adequate benefit-cost analysis from the Corps of Engineers. First, it is not official because the Secretary of the Army has not yet provided his approval. And I doubt quite frankly that he ever will, knowing what we know now about the corps report, that he ever will because of the inadequacies that I will outline in a moment. Before I do that, I want to comment briefly on the safety issue that was mentioned earlier, and the fiscal implications.

Of course there is nothing more important than saving lives, but there are many ways to do that. Building jetties is not the only way to save lives. In this case, it is not nearly the most cost-effective way of saving lives. A dredge hopper, for example, to keep the channel clear, is a far less costly way of saving lives. So the lifesaving argument for the building jetties is not persuasive.

Now a previous speaker said we could not have the dredge hopper at Oregon Inlet all the time because it simply is not available. If you actually bought a dredge hopper and dedicated it strictly to this project so that it was there all the time, and intensive dredging was carried out, you would solve the problem of safety, and in fact achieve most of the benefits which this project claims. But you would do it in a far more effective and cost-efficient way.

As for the fiscal situation, here we are with a deficit of $170 to $200 billion per year, and a national debt heading toward $2 trillion, and we are talking about authorizing and spending on a project like this which is extremely controversial. There is almost unanimous opposition to this project in the environmental community and among the economists that have looked at the cost-benefit calculation, outside of the corps itself. We have enough projects of noncontroversial nature that we are not going to be able to fund, because of the scarcity of money, why do we want to approve a project which is extremely controversial and which is not cost beneficial? It will lose more money to the Nation than it will earn.

Now I want to talk about the specific errors in the cost-benefit calculation submitted by the Corps of Engineers. No. 1, and most serious, there is gross overestimation in the corps' estimation of benefits from building the jetties. The corps calculates benefits from additional fish catch, from both traditional and nontraditional fishing sources. For traditional fishing, such as bluefish, striped bass, croaker, flounder, king mackerel, and sea trout, the corps estimates a 9,200-metric-ton increase—a 73-percent increase—which is a gigantic increase indeed. Let's look at them individually, starting with striped bass. While striped bass is not a particularly large portion of the benefit claimed, and the chairman from North Carolina has pointed that out, it serves as an example of how the corps' cost-benefit calculation is so biased and so clearly overstated. It assumes a very big increase in the striped bass, 130,000 pounds per year. There is one key problem here: The striped bass is totally banned from fishing between June and September in North Carolina because of the extremely perilous state of the population of that fish. Maryland has just decided to totally ban that fish—called rockfish in Maryland—for any fishing

whatsoever. As you know, and the fish migrate up and down the coast with the season, so we're talking about the same set of fish.

So, projection of a gigantic increase in the commerical fishing of striped bass, which ignores the ban States have placed on fishing, it is an indication of how flawed this report is. I talked to the North Carolina fisheries people and they were amazed that anybody would want to fish more striped bass. Yet, this is just an indication of the validity of the corps' cost-benefit analysis.

Let's take bluefish. It is also an important element of the increased benefits. The corps projects a 500-percent increase in bluefish. They cannot sell all the bluefish we are catching now, but we are going to catch five times as many and sell them all? Again, a highly unrealistic assumption by the corps.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. MOODY] has expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. MOODY was allowed to proceed for 5 additional minutes.)

Mr. MOODY. I thank my colleague and chairman.

In the whole east coast they are only catching 16 million pounds of bluefish from New England to Florida, and yet this cost-benefit calculation says they are going to catch 8 million simply out of the Oregon Inlet, one little spot along the way. Again, totally unrealistic.

I asked the North Carolina fisheries people how this could possibly be accomplished? They said the only way it could be would be to use the pair trawl system where you have nets being dragged by two boats. For really large catches, that technique is necessary. It so happens that the pair trawl is illegal in North Carolina for food fish. You cannot even use that technique that you would have to use to meet the Corps of Engineers estimates.

I asked the North Carolina Fisheries Department if there was any other way you could catch this quantity of fish. They said, well, the only other way would be to use a purse seine. This is also illegal in North Carolina. In short, North Carolina does not permit the kind of fishing techniques that are implicitly built right into the corps' analysis.

Now, the croaker, the flounder, the king mackerel, and the gray sea trout also figure importantly in the benefits attributed to this project by the corps. But it turns out that those species have been generally declining since their peak catch years of 1979 through 1980. Why? Not because of the lack of any jetties. It is the limited population of those fish that is limiting the catch. In fact several of them are already being overfished with existing facilities and boat fleets. So we couldn't realize the huge catch increases the corps estimates. Even if we could, intensive dredging would be a far cheaper way to do it. But even if we dredged the Oregon Inlet, we could not have those kind of increases. The corps estimated benefits are totally out of line, totally overestimated.

The second major flaw in the study is that the Corps of Engineers assumed that there would be no price drop for the fish sold in the market no matter how much the catch goes up. If we had a fivefold increase in the catch of some fish, say bluefish, the corps analysis assumes they sell in the market for exactly the same price as they do at the smaller catch. We are going to double the amount of fish sold in some cases, without a fall in price? Obviously not. That is a laughably inadequate and inappropriate assumption, and not only by my judgment. The Congressional Research Service has also done an analysis of the corps' report and they disclose this and some of the other errors I am pointing out.

□ 1220

Mr. SEIBERLING. Will the gentleman yield?

Mr. MOODY. Certainly I yield to the gentleman from Ohio.

Mr. SEIBERLING. There was also an analysis by David Campbell, a resources economist at the National Wildlife Federation which was reviewed by a team of independent economists and was placed in the RECORD by Mr. CONTE yesterday at page 25959.

And the bottom line, I think, might be worth reading. The conclusion of that analysis says:

> Even if the assumption is made that intensive dredging does not allow for the same level of fishing effort that a jetty system would, the corrected estimated benefits are less than the costs of the project. The revised average annualized costs at 7⅛% are $8,974,000 and the revised annualized benefits are $7,106,000, an estimated annualized loss of $1,868,000.

Mr. MOODY. Mr. Chairman, I have reviewed Mr. Campbell's work and I agree with the results.

The third cardinal sin made by the corps analysis is that it takes the costs of intensive dredging, that is a substitute for building the jetties, and it subtracts those costs and calls them a benefit. Let me take a moment to make it clear what the problem is with this technique. In the case of Oregon Inlet you have two alternative ways of achieving your benefit: you can either dredge or build. Those are alternative ways to achieve roughly similar benefits. If you decide to build jetties instead of dredge you do not call the cost of not dredging a benefit. It is simply the alternative project not pursued.

Mr. SEIBERLING. If the gentleman will yield further, furthermore even with the jetties, they will still have to dredge. The only thing is with the jetties, they can have a 20-foot channel instead of a 14-foot channel.

Mr. MOODY. The gentleman is right. That mistake alone throws the project totally into the negative channel and the CRS analysis of the corps study agrees that that is a fundamental error that the corps has made in the cost-benefit analysis.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOODY. Mr. Chairman, I ask unanimous consent for 5 additional minutes to complete my statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. YOUNG of Alaska. Mr. Chairman, reserving the right to object. We have discussed this over and over and over again.

I will not object to the 3 minutes, but I do object to the 5 minutes.

And there should be no further time allowed as far as I am concerned.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. MOODY was allowed to proceed for 3 additional minutes.)

Mr. SEIBERLING. If the gentleman would yield to me, I simply point out that the opponents of this project had 15 minutes allocated to them on general debate and the proponents had all the rest of the time; 1 hour and 45 minutes. I do not think this is an unusual request.

Mr. MOODY. I thank the gentleman.

I am trying to cover material which has not been brought out before, therefore I think my colleagues may be interested in this material.

Mr. Chairman, the fourth very serious mistake of the Corps of Engineers in their benefit cost analysis was to use an interest rate of 7⅛ percent in calculating costs of capital and discounting future benefits. In fiscal year 1985, which we would certainly be in by the time this project would commence, the official rate to be used in water projects is 8⅜, not 7⅛. As with the other three corps errors I point out, correcting for this mistake throws the project into the negative column. If you apply 8⅜ interest rate the project's benefits minus cost becomes negative, so that we would spend more than we would get out of the project.

If we were to use a 10-percent interest rate, which is what the OMB is asking all agencies to do, the result becomes far more negative. If we use the actual borrowing cost paid by the Government of 12 or 13 percent to build this project, the benefit-cost calculation becomes horrendously negative.

If we approve this project, we are asking the Federal Government to

borrow money at least 12 percent while we tell the public that the money is only costing us 7⅛ percent. But 8⅜ would be a minimum number to use when considering this project because that is the official water discount rate for fiscal year 1985 and this project will not be started until well into 1985 at best.

So, Mr. Chairman, the overestimation of benefits is tremendous and by itself invalidates the corps' analysis. The underestimation of cost is tremendous and, again, by itself invalidates the corps' analysis. The corps' selection of interest rate is entirely understated.

Any one of those three things by themselves would make this project ineligible to spend public money. It will be wasted spending if we do. There are so many valuable, important water and coastal projects and other public works that we are not going to even be able to fund, that to go ahead with this one makes no sense.

Why would we want to take a project which is a big money loser, and one my State and your State will pay for, to achieve very dubious benefits in the State of North Carolina when this project has been shown to be not only economically unsound but also environmentally unsound. And the caveat that was attached to passage in the Interior and Public Works Committees, that it receive an adequate and a positive cost-benefit calculation, has not yet been fulfilled for the reasons I have outlined.

Therefore this title IV of this otherwise fine bill should not be adopted by this body.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. PORTER asked and was given permission to revise and extend his remarks.)

Mr. PORTER. Mr. Chairman, I rise in support of the Seiberling amendment and I commend the gentleman from Ohio for offering it. I respect the gentleman from North Carolina and the local and commercial interests concerned in this matter, but this is, it seems to me, a national matter, national funds are being requested for it for two 1-mile-long jetties and it seems to me that the gentleman from Wisconsin [Mr. MOODY] made some very good comments in regard to its cost.

Congress often fails to invoke, Mr. Chairman, the most cost effective solutions to the problems that we face. Those of us who support the balanced-budget amendment relish the thought that opponents of the amendment would give us another fresh example of why we need it.

Without a constitutional limit on spending, there will simply never be an adequate framework for forcing Congress to set priorities and seek the most cost effective solutions to problems.

Today we are about to vote to authorize spending $600 million for the 50-year life of two jetties to keep this inlet open when existing records demonstrate, I think beyond a doubt, that they could be kept open by proper dredging at a cost of only $3.5 million per year. In other words, four times as much for the jetties, almost, as for dredging.

Unfortunately an issue like this often becomes so emotional that the discussion of the merits becomes irrelevant. Proponents of the project want us to forget that the original justification for building such expensive jetties was discredited and had to be revised by the Army corps. Forget the notion that perhaps Congress ought to look at the most recent Army corps analysis before committing to build the jetties. Forget the policy Congress has embarked on that recognized the continuing lavish Federal subsidies for development of the barrier islands was counterproductive as a way to spend our tax dollars.

Ignore the warnings against building these jetties from coastal scientists at every major university in North America. Ignore the failure of expensive jetties elsewhere to work as they were intended. Forget the merits and ignore the costs because it will come out of someone else's pockets.

Not building these jetties obviously will not balance the Federal budget but deleting the funds for them is one small decision that can and ultimately must be made to bring our Federal budget into balance.

Here is the perfect place to pare Government waste. I urge the Members to support the Seiberling amendment to delete the funds for this project.

Mr. Chairman, I yield back the balance of my time.

Mr. VENTO. Will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I rise in support of the Seiberling amendment to H.R. 3082. Title IV as it now stands would commit the Federal Government on a course that in the long run is bound to fail. My overriding concern on this project has been that we are dealing with a coastal area that has the most dynamic ocean movements along the entire east coast. If there are any questions as to whether the jetty project as proposed will solve the Oregon Inlet passage problem, one would do well to look at the past record on the attempts at stabilizing these coastal ocean movements. The fiasco of the jetty project at Ocean City, MD, and the unsuccessful stabilization of the Cape Hatteras Lighthouse are very visible examples of the failures that occur when man attempts to best the natural dynamics of these areas.

Just look at the nature of the inlet itself. It was only reopened by a hurricane in the 1840's and since that time has been steadily moving along with the entire Outer Banks. We can attempt to put jetties up here and try to stop the littoral sand movement but our outer coastal areas are vibrant proof of the scientific principle that for every action there is a reaction. Block the movement at the inlet and you set in motion a reaction at points along the outer coast. We had scientists before the Interior Committee testify that in this case the attempt to alter the littoral sand movement within the inlet will prove disastrous to the sensitive lands of the Cape Hatteras National Seashore and Pea Island Wildlife Refuge.

Other Members will rise and make the case for the Seiberling amendment based on the shortfall in economic benefits. On this alone, Members should be very wary of proceeding with the Oregon Inlet project. I just want the House to know the sheer folly in thinking that you can proceed with this project without adversely affecting other important lands along the Outer Banks.

I urge support for the Seiberling amendment.

The CHAIRMAN. The time of the gentleman has expired.

□ 1230

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio to strike title IV from this bill.

There has already been a lot of debate on this issue, and I don't want to unnecessarily prolong it. But there has been an awful lot of rhetoric used in support of this project over the past 2 days, and I would like to respond to some of the claims that have been made.

First of all, we have heard that this project is necessary for the economic development of this part of North Carolina. Has anyone looked at the unemployment figures of North Carolina? At a time when the national unemployment rate was 7.3 percent, and North Carolina's was 6.2 percent, Dare County—listen to this—had an unemployment rate of 3.3 percent. That's right, in June, the most recent period for which the Bureau of Labor Statistics has data, Dare County had 3.3 percent unemployment. How many of my colleagues wish their districts had so little unemployment?

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I would be glad to yield to my good friend, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, as a matter of fact, Dare County, which is where this project is located, according to the Coastland Times of September 6, says, "Dare Jobless Rate in July State's Lowest." Dare County had the lowest unemployment rate in the State during July, 2.8 percent.

Mr. MARTIN of North Carolina. Mr. Chairman, will my friend yield for a moment?

Mr. CONTE. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] still has 3 minutes remaining.

Mr. CONTE. I know it, but the gentleman from Ohio [Mr. SEIBERLING] has taken 1 minute and the gentleman from North Carolina [Mr. MARTIN] will take 1. I ask for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Chairman, I would be glad to yield to my good friend, the next Governor of North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman from Massachusetts for yielding.

Mr. Chairman, I wanted to point out to the gentleman that the statistic that he is citing for summer months reflects the fact that this is a very prized and important tourism area and, therefore, there are jobs during the summer for employment in the tourism industry. The fishing industry is a prime industry in the winter, when we find fishing fleets that want to come to that area to be able to harvest the fish catch along the Gulf Stream in the winter months.

That is what we are concerned about, because we do not have that kind of year-round employment. I think the gentleman would understand that it is quite a burden on an area to have unemployment very high at one time of the year and to jobs only in summertime.

Mr. CONTE. I thank the gentleman for his contribution.

Mr. Chairman, we have heard that we need to stabilize the channel in order to protect the investment in the local seafood industrial park. But the State of North Carolina, when it applied for the Federal grants to build that industrial park, certified that the seafood park would be built whether the Corps of Engineers project was built or not. Furthermore, the State certified that the industrial park was economically viable and cost justified whether the Oregon Inlet jetties were built or not. It is in the environmental impact statement.

We have heard about the safety hazards associated with the inlet, about the losses of lives and boats. There is no question that this is a dangerous passage. There is a reason that the area off of the Outer Banks is called the graveyard of the Atlantic. The combination of winds, tides, and currents in this area—the same factors that make this a prime fishing ground—also make it risky.

But look at the Coast Guard accident reports for Oregon Inlet. They do not blame the channel. They blame the inexperience of the skipper, the lack of adequate equipment on board the boat, or, in one case, the inebriation of the captain and passengers. Would the jetties have made a difference? They might have—the accident reports do not say and no one knows for sure.

But one thing is sure—jetties themselves are often a navigational and safety hazard. Many boats are lost against jetties every year, largely because of the unexpected eddies and currents that they cause. We may be creating a new hazard in trying to deal with an old one.

We have heard that the Coast Guard needs this project for its search and rescue mission. Now, let's not blame this project on the poor Coast Guard. Of course they often bring assisted vessels in through the southern part of the bay. When a northeaster creates the kind of weather in which rescues are likely to be needed, you want to tow a boat into the wind, not before it. I have been told that the southern entrance to the bay would be used by the Coast Guard no matter what is done at Oregon Inlet.

We have heard that the Coast Guard must get its patrol boats through the channel. Those patrol boats draw 7 feet. An adequately maintained 14-foot channel is more than sufficient to handle Coast Guard patrol boats. If weather conditions are so bad that a 14-foot channel is impassable, those boats are not going to be sent out anyway.

Finally, we have heard that the new cost-benefit analysis shows greater benefits than costs. Well, what did you expect? So did the last one, the one that turned out to be defective and had to be withdrawn. It took the Corps of Engineers 16 months to recook the books, and it still contains wildly optimistic projects of increased fish catches of striped bass, which is already fished to the limit and is under restriction in North Carolina, and Maryland and bluefish, for which there is little or no commercial market. No matter how deep and safe a channel you build, if the fish are not there you cannot catch them. The corps also included in its analysis a basic accounting error, double counting cost savings so that the cost of the project is badly understated.

Mr. Chairman, it is not often that we get to stop a project before it is underway. Scientific opinion is unanimous on the erosion effects of this project. Environmental opinion is unanimous on the damage to the federally protected seashore and wildlife refuge in the area. And taxpayer opinion should be unanimous that this is a useless way to waste nearly $100 million. Let's kill it now.

Mr. Chairman, my good friend from New Jersey, Mr. ROE, chastised us because we do not live in the district where this project is located. He seemed to suggest, therefore, that we should pass everything that any Congressman brings in here, whether it is good or bad, because it is in his own district.

Let me tell you something. I was elected by a half million people in my congressional district, and it is those taxpayers' money we are going to spend on this project. It is the taxpayers' money. I have a perfect right to stand up here and fight on behalf of my constituents against a $100 million boondoggle in North Carolina, New Jersey, California, or any other place. I paid an awful lot of Federal taxes last year. It is my money too, and I do not want my money going down there for this boondoggle. I urge the adoption of the amendment.

I yield to the gentleman from New Jersey.

Mr. ROE. I appreciate the gentleman's kindness and his generosity in referring to my name, but I am going to ask for my own 5 minutes on the issue.

Mr. JONES of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES].

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCCURDY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of welands and other essential habitat, and for other purposes, had come to no resolution thereon.

WAIVER OF REQUIREMENT FOR TWO-THIRDS VOTE ON CONSIDERATION OF RULE ON SAME DAY REPORTED

Mr. BONIOR of Michigan. Mr. Speaker, I ask unanimous consent that the requirement for a two-thirds vote on consideration of a rule on the same day that the rule is reported from the Committee on Rules be waived.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EMERGENCY WETLANDS RESOURCES ACT OF 1983

The SPEAKER. Pursuant to House Resolution 579 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3082.

□ 1238

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of welands by the acquisition of welands and other essential habitat, and for other purposes, with Mr. MCCURDY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today pending was an amendment offered by the gentleman from Ohio [Mr. SEIBERLING].

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. SEIBERLING].

Mr. Chairman, I would like to respond, in view of the fact that my name was used directly, to the distinguished gentleman from Massachusetts [Mr. CONTE].

In the first place, let me suggest this: I think that the gentleman from Massachusetts is one of the finest Members of this House and one of the most responsible people we have in the House. I realize that we are involved emotionally in different matters of state around here and we do get carried away, but let me set the record enormously straight in this House.

I have been here for 15 years, and I agree that every Member has a responsibility to speak pro or con for a point which they believe in. It is nothing personal. But nobody has the right to challenge the motives of any Member of this House whatsoever, and I feel that my motives have been challenged.

We have fought in this House day in and day out, project after project after project. We have analyzed them, not just come to the floor with a speech. We have gone behind hundreds of projects going back to 1916.

□ 1240

We have looked at every one in-depth as to what was important to this House and what was important to this Nation, and what may appear to be important in one State may be something that is politically wise to be against because it may appear to have an umbrella of environmental concern or it may appear along the line that "I can capture a vote because I am opposed to that issue."

But I maintain one thing, that this country is made up of 50 States, and I maintain the point of view that there are 7½ million people in my State. I represent the State of New Jersey, and I also represent the people of this country, 230 million strong, and if I believe something is good for my State, it is my people that will decide whether they return me to office or not, not anybody in this House. And I take umbrage from no one nor do I draw water from anybody on that point.

It happens to be that there is a set of facts before this House, the facts on this issue. It has been distorted, it has been manipulated, and it is other people's opinion, and we cannot quarrel with another person's opinion. But the fact remains that for the safety of the boating people in the State of North Carolina, they genuinely believe it is important to them.

We had an argument on a number of similar items when we were talking about the water resources development bill 4 or 5 weeks ago, and brothers and sisters disagreed in two of those States, and we attempted to bring those brothers and sisters together to determine what was right for them, whether it was New Jersey, Alaska, Massachusetts, or whatever.

As I see this picture, it seems to me that the distinguished gentleman from North Carolina and the representation in toto from North Carolina have spoken favorably for this project, and I do not think there should be blue smoke and glass and all kinds of extraneous material put out, anything to bury the project. They bring in the national debt. If there is going to be a $200 billion national debt, then we should not approve one single project at all now. That is the argument. That does not even make any common sense.

The gentleman has not asked for $300 million or $400 million. He said, "Give me a chance to let this project be reviewed. Let it follow its procedure."

It was approved in 1970. This is not something new around here. He has not asked for $700 million or $800 million. He has asked for one thing. He says, "Give me the right to have this project further reviewed by the Congress of the United States. All I need is the authorization that is needed by law to consider and to anchor this project in those two areas."

That is all that is involved here. It is all cloaked now in the idea that somebody who is opposed to this amendment is somebody who is against wetlands. Balderdash. That is not what the issue is at all. Hours are spent on obscuring what the facts are. All the people in the environmental community are in favor of this? Nonsense. Who can make that statement in this House at all, including myself?

The fact remains that North Carolina needs help. North Carolina has a matter the State is concerned with. North Carolina has not voted on this issue. The House yet has to speak to appropriations. The House has to speak to this item. I suggest in this House that each State ought to have a right of some reliance and some self-respect.

I have worked with 295 Members of this House bipartisanly and individually. Many of them had projects that people disagreed with them, but they were important to their States; therefore, this was important to their country.

I want no one to be in a position to come to the floor of this House and indicate that BOB ROE is a big spender. BOB ROE is here to do what is the right thing as chairman of the committee that I was elected to chair, and my job is to bring the facts, as I see them, as God gave me the right to see them, before this committee. But I would be abrogating my responsibility as a Member of this House to stand back and allow nothing but blue smoke and glass and clouds to go over what the facts are, and I think when you are dealing with something in the House, you should deal with the facts, and the House will vote its will.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has expired.

Mr. MOODY. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. ROE] be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. STANGELAND. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STANGELAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment to H.R. 3082 being offered by the gentleman from Ohio which deletes title IV of the act, the jetties project at Oregon Inlet.

Oregon Inlet is the only navigable inlet through the Outer Banks from Norfolk, VA, to the north to Ocracoke Inlet to the south, a distance of 160 miles. It is the only safe harbor for shipping and recreational boating in-

terests along that portion of the North Carolina coastline.

Oregon Inlet continuously experiences shoaling that renders it impassable—a major problem considering the inlet's status as a safe harbor. In the past, the Corps of Engineers has conducted intensive dredging activities to maintain the navigability of the inlet. Without the project continued maintenance dredging is estimated to cost $4.5 million a year—year after year. However, these efforts are only stopgap and solve none of the long-term needs of the area.

Title IV of the Oregon Inlet project was originally authorized in the Rivers and Harbors Act of 1970. The Corps of Engineers has just completed an updated economic analysis of the project. That study indicates a 1.4 positive benefit-to-cost ratio and does so without considering the unquantifiable benefits arising from savings in human life as a result of the construction of this project. Were the corps able to quantify those benefits and include them in the economic analysis, the already clear mandate for construction would become even more apparent.

Construction of the Oregon Inlet project is the most practical and economic way to ensure safe year-round navigation through the area, especially during the stormy winter months at the height of the fishing season. Construction will prevent groundings in the inlet and thereby save lives. The existing unsafe conditions in the inlet were in part responsible for the deaths of eight people since 1970—the year in which this project was first authorized by Congress. While differences may exist as to whether existing conditions were a primary cause or a secondary cause of the accidents—none dispute that those conditions were a contributing factor. It is time to recognize these facts and move ahead with the project.

We know that the Oregon Inlet project has a significant positive benefit-to-cost ratio. We know that construction will save lives and allow the Coast Guard free access through the inlet. We know that continued maintenance dredging is an expensive, nonproductive waste of the taxpayers' dollars—somewhat akin to dropping money into a bottomless pit. I urge my colleagues to reject that bottomless pit.

This project has been examined in detail before. A second study has recently been completed which demonstrates the correctness of our 1970 project authorization. I urge you to accept those findings. Efforts were mounted during committee consideration to delete title IV from H.R. 3082. Those efforts were soundly rejected. I urge my colleagues to take that same action today and reject the Seiberling amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio [Mr. SEIBERLING], and I would like to bring in or interject some things that I think the committee and the Members of this body ought to think about.

One of the concerns about this project is the damage that can be done to Pea Island National Wildlife Refuge and Cape Hatteras National Seashore. The project requires about 150 acres of those two federally protected areas. I would just like to point out to the members of the committee that along the Atlantic coast there are 447,000 acres in 40 national wildlife refuges and 325,000 acres in 13 national parks. That is along the Atlantic coast. This is a total of 772,000 acres of federally dedicated land.

Oregon Inlet involves only 150 acres, which represents only two-hundredths of 1 percent of this acreage. I guess I would feel that if this was the only habitat and the only scenic area, we ought to preserve it. But we have got 772,000 acres, and I think we can spare the 150 acres.

Beyond this, the Atlantic States have numerous State refuges and parks along the coast, none of which are reflected in the above figures.

I would also like to point out for those environmentalists who are concerned about the project that as a part of this jetty project, there will be 125 acres of oyster beds created and maintained, and, in addition, the dredged material disposal areas will be managed to enhance them for waterfowl habitat.

This is a good project. It is a project that ought to go forward. As the subcommittee chairman, the gentleman from New Jersey [Mr. ROE], said, this is not a request here for money; it is a request for the opportunity to seek money to complete the project.

Mr. Chairman, I urge my colleagues to defeat the amendment, and I yield back the balance of my time.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am not going to cover all these facts we have been hearing now for 2 days. I just want to point out that I am familiar with this project. I have been there. I have seen it. I have been there several times. I think the project is needed.

The Corps of Engineers has come up with a benefit-cost ratio of 1.4 to 1. The Corps of Engineers points out that it is costing over $5 million a year to maintain this project and the maintenance is not satisfactory. There is a rich seafood industry in the area that is imperiled as a result of the dangerous conditions that exist in the inlet.

So I feel that it would be a mistake to accept this amendment. This project really should be built. These two jetties are needed. Actually it is costing over $5 million a year to maintain it, and once the two jetties are put in, it will cost about $4.5 million a year. So it is going to save money, and it is going to preserve the fishing industry in this area which is so vital and so critical to this part of the State of North Carolina.

The Corps of Engineers has supported this project from the beginning. The North Carolina delegation has given it 100-percent support. I just do not believe those people are trying to build a boondoggle down there in their State. I believe the Corps of Engineers, which has been doing this type of work and determining these cost-benefit ratios for many years, has a pretty good record.

Mr. Chairman, I think the amendment ought to be defeated, and I urge the Members to defeat the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, in conclusion, let me say that what we are voting on here, to delete title IV, contains no authorization or no appropriation. It is merely another step in the study of the need for the dredges.

● Mr. EDGAR. Mr. Chairman, I rise in support of the amendment of the gentleman from Ohio. He has ably enumerated the concerns many of us share over the proposed construction of 2-mile-long jetties at Oregon Inlet in North Carolina, including:

The environmental consequences of building the jetties;

The cost of building the jetties and running the sand-bypassing operation when compared to the simple alternative of dredging; and

Questions surrounding the accuracy of the new Army Corps of Engineers Economic Analysis Report.

I would like to respond to an argument frequently offered by those in favor of jetty construction, an argument concerning the unsafe conditions of the inlet and the tragic loss of life which has occurred there since the project was authorized in 1969. Clearly the most emotional and perhaps the most compelling argument is the fact that the lives of eight fishermen have been lost in the Oregon Inlet area over this 15-year span; lives, the proponents claim, that would have been saved had the jetties already been in place.

I will be the first to admit that eight lives lost are eight lives too many and if jetties will prevent such future losses, then by all means we should give them serious consideration.

But let us get beyond the thin veneer of statistics—let us get to the heart of the matter. What, in fact, were the causes of the accidents that claimed the lives so frequently alluded to?

A recent investigation into the Coast Guard records turned up some revealing facts.

Of the four accidents which, in total, covered the eight lives in question, three were caused primarily, or exclusively, by human error and/or miscalculation. The Coast Guard concluded that, for the fourth accident, there was insufficient data to determine a cause.

I repeat, three out of the four accidents resulted from human error. To be specific:

The 1971 wreck of the *Lane* which claimed three lives was determined by the Coast Guard to have been caused by (and I quote) "error in judgment on the part of the *Lane*'s unlicensed master in attempting to navigate a dark unfamiliar channel with an inoperative spotlight."

The 1978 grounding of the *Barbara Joan* which claimed one life was determined by the Coast Guard to have caused by (and I quote) "the operator being intoxicated * * * unfamiliar with the waters * * * and not adequately experienced in operating the vessel."

The 1981 accident involving the *Oregon Inlet Queen* which claimed one life was deemed by the Coast Guard to have been caused by (and I quote) "the decision of the master * * * to continue into the inlet in the face of rough seas * * * Contributing causes were his failure to anticipate possible adverse sea conditions * * * and his inattention to the position and action of his passengers and crew."

After reading these accounts, I asked myself an important question, which I hope all of you will too: Would the jetties have prevented these accidents from occurring?

Perhaps, but I think not. Human error is that bugaboo, that wild card if you will, that we find responsible for so many accidents—not just at sea, but on our highways, in the sky overhead, and even in our homes.

It is therefore presumptuous at best, and deliberately misleading at worst, for the corps to predict that 27 lives and 27 vessels will be lost over the next 50 years should the project not be built. This manipulation of the facts in order to evoke an emotional outcry obscures the real issues facing the Congress. Furthermore, the corps does not address the likelihood that additional accidents will occur as a result of increased boat traffic through Oregon Inlet if the jetties are built. An accurate and informed view of the safety situation at the inlet is necessary for all of us as we consider title IV of the wetlands bill today. I believe that the information I have just presented suggests that there is no evidence to indicate that jetty construction will save many lives at Oregon Inlet. I urge my colleagues to support the Seiberling amendment and delete the jetty project from H.R. 3082.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SEIBERLING].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. SEIBERLING. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 406]

Ackerman	Conte	Fuqua
Addabbo	Conyers	Garcia
Albosta	Cooper	Gaydos
Alexander	Corcoran	Gejdenson
Anderson	Coughlin	Gekas
Andrews (NC)	Courter	Gephardt
Andrews (TX)	Coyne	Gibbons
Annunzio	Craig	Gilman
Anthony	Crane, Daniel	Gingrich
Applegate	Crane, Philip	Glickman
Aspin	Crockett	Gonzalez
Badham	Daniel	Goodling
Barnard	Dannemeyer	Gore
Barnes	Darden	Gradison
Bartlett	Daschle	Gray
Bateman	Daub	Green
Bates	Davis	Gregg
Bedell	de la Garza	Guarini
Beilenson	Dellums	Gunderson
Bennett	Derrick	Hall (IN)
Bereuter	DeWine	Hall (OH)
Berman	Dickinson	Hall, Ralph
Bevill	Dicks	Hall, Sam
Biaggi	Dixon	Hamilton
Bilirakis	Donnelly	Hammerschmidt
Bliley	Dorgan	Hansen (ID)
Boehlert	Dowdy	Hansen (UT)
Boland	Downey	Harkin
Bonior	Dreier	Hartnett
Bonker	Duncan	Hatcher
Borski	Durbin	Hayes
Bosco	Dwyer	Hefner
Boucher	Dymally	Heftel
Boxer	Dyson	Hightower
Breaux	Early	Hiler
Britt	Eckart	Hillis
Brooks	Edgar	Holt
Broomfield	Edwards (AL)	Hopkins
Brown (CA)	Edwards (CA)	Horton
Brown (CO)	Edwards (OK)	Howard
Broyhill	Emerson	Hoyer
Burton (CA)	English	Hubbard
Burton (IN)	Erdreich	Huckaby
Byron	Erlenborn	Hughes
Campbell	Evans (IL)	Hunter
Carney	Fascell	Hutto
Carper	Fazio	Hyde
Carr	Feighan	Ireland
Chandler	Fiedler	Jacobs
Chappell	Fields	Jeffords
Chappie	Flippo	Jenkins
Clarke	Florio	Johnson
Clay	Foglietta	Jones (NC)
Clinger	Ford (MI)	Jones (OK)
Coats	Ford (TN)	Jones (TN)
Coelho	Fowler	Kaptur
Coleman (MO)	Frank	Kasich
Collins	Franklin	Kazen
Conable	Frenzel	Kemp
Kennelly	Murphy	Sisisky
Kildee	Murtha	Skeen
Kindness	Myers	Skelton
Kleczka	Natcher	Slattery
Kolter	Nelson	Smith (FL)
Kostmayer	Nichols	Smith (IA)
Kramer	Nielson	Smith (NE)
Lagomarsino	Nowak	Smith (NJ)
Latta	O'Brien	Smith, Denny
Lehman (CA)	Oakar	Smith, Robert
Lehman (FL)	Oberstar	Snowe
Leland	Obey	Snyder
Lent	Olin	Solarz
Levin	Ortiz	Solomon
Levine	Ottinger	Spence
Levitas	Owens	Spratt
Lewis (CA)	Oxley	St Germain
Lewis (FL)	Packard	Staggers
Lipinski	Panetta	Stangeland
Livingston	Parris	Stark
Lloyd	Pashayan	Stenholm
Loeffler	Patman	Stokes
Long (LA)	Paul	Stratton
Long (MD)	Pease	Studds
Lott	Penny	Stump
Lowery (CA)	Pepper	Sundquist
Lowry (WA)	Petri	Swift
Lujan	Pickle	Tallon
Luken	Porter	Tauzin
Lundine	Price	Taylor
Lungren	Pursell	Thomas (CA)
Mack	Quillen	Thomas (GA)
MacKay	Rahall	Torres
Madigan	Rangel	Torricelli
Markey	Ratchford	Towns
Marlenee	Ray	Traxler
Marriott	Regula	Valentine
Martin (NC)	Reid	Vandergriff
Martin (NY)	Richardson	Vento
Matsui	Ridge	Volkmer
Mavroules	Rinaldo	Vucanovich
Mazzoli	Ritter	Walgren
McCain	Roberts	Walker
McCandless	Robinson	Watkins
McCloskey	Rodino	Waxman
McCollum	Roe	Weaver
McCurdy	Roemer	Weber
McDade	Rogers	Weiss
McEwen	Rose	Whitehurst
McHugh	Rostenkowski	Whitley
McKernan	Roth	Whittaker
McKinney	Roukema	Whitten
Mica	Rowland	Williams (MT)
Michel	Roybal	Williams (OH)
Mikulski	Rudd	Wilson
Miller (CA)	Russo	Winn
Miller (OH)	Sabo	Wise
Mineta	Schaefer	Wolf
Minish	Schneider	Wolpe
Mitchell	Schroeder	Wortley
Moakley	Schulze	Wyden
Molinari	Schumer	Wylie
Mollohan	Seiberling	Yates
Montgomery	Sensenbrenner	Yatron
Moody	Sharp	Young (AK)
Moore	Shaw	Young (FL)
Moorhead	Shelby	Young (MO)
Morrison (CT)	Shumway	Zschau
Morrison (WA)	Shuster	
Mrazek	Simon	

□ 1300

The CHAIRMAN. 385 Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. SEIBERLING] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 203, not voting 35, as follows:

[Roll No. 407]

AYES—194

Ackerman	Glickman	Owens
Addabbo	Goodling	Packard
Annunzio	Gore	Panetta
Applegate	Gradison	Paul
Archer	Green	Pease
Aspin	Gregg	Penny
AuCoin	Guarini	Petri
Barnard	Gunderson	Porter
Barnes	Hansen (UT)	Pursell
Bartlett	Harkin	Ratchford
Bates	Hayes	Regula
Bedell	Hiler	Reid
Beilenson	Hopkins	Richardson
Bereuter	Huckaby	Ridge
Berman	Hunter	Rinaldo
Bilirakis	Hyde	Ritter
Boehlert	Jacobs	Rodino
Bonior	Jeffords	Roemer
Boxer	Johnson	Roth
Burton (CA)	Jones (OK)	Rudd
Burton (IN)	Kaptur	Sabo
Byron	Kasich	Savage
Chandler	Kastenmeier	Scheuer
Clay	Kennelly	Schneider
Clinger	Kildee	Schroeder
Coats	Kleczka	Schumer
Collins	Kogovsek	Seiberling
Conable	Kostmayer	Sensenbrenner
Conte	LaFalce	Sharp
Conyers	Lagomarsino	Sikorski
Cooper	Lantos	Simon
Corcoran	Latta	Slattery
Coughlin	Lehman (FL)	Smith (NJ)
Courter	Levin	Snowe
Crane, Daniel	Levine	Solarz
Crane, Philip	Levitas	Solomon
Crockett	Lewis (FL)	Spratt
D'Amours	Long (MD)	St Germain
Dannemeyer	Lowery (CA)	Staggers
Daschle	Lowry (WA)	Stark
Dellums	Lujan	Stokes
DeWine	Lungren	Studds
Dicks	Mack	Torres
Dorgan	MacKay	Torricelli
Downey	Markey	Vento
Dreier	McCain	Volkmer
Dwyer	McCollum	Walgren
Early	McDade	Walker
Eckart	McHugh	Waxman
Edgar	Mica	Weaver
Edwards (CA)	Miller (CA)	Weber
Edwards (OK)	Miller (OH)	Weiss
English	Mineta	Wheat
Evans (IL)	Minish	Whitehurst
Feighan	Mitchell	Whittaker
Fiedler	Molinari	Williams (MT)
Fish	Moody	Williams (OH)
Foglietta	Moorhead	Wise
Ford (TN)	Morrison (CT)	Wolpe
Frenzel	Morrison (WA)	Wyden
Garcia	Murphy	Wylie
Gejdenson	Nelson	Yates
Gekas	Obey	Yatron
Gilman	Olin	Zschau
Gingrich	Ottinger	

NOES—203

Albosta	Carney	Edwards (AL)
Alexander	Carper	Emerson
Anderson	Carr	Erdreich
Andrews (NC)	Chappell	Erlenborn
Andrews (TX)	Chappie	Fascell
Anthony	Clarke	Fazio
Badham	Coelho	Fields
Bateman	Coleman (MO)	Flippo
Bennett	Coyne	Florio
Bevill	Craig	Ford (MI)
Biaggi	Daniel	Fowler
Bliley	Darden	Frank
Boland	Daub	Franklin
Bonker	Davis	Fuqua
Borski	de la Garza	Gaydos
Bosco	Derrick	Gephardt
Boucher	Dickinson	Gonzalez
Breaux	Dingell	Gray
Britt	Dixon	Hall (IN)
Brooks	Donnelly	Hall, Ralph
Broomfield	Dowdy	Hall, Sam
Brown (CA)	Duncan	Hamilton
Brown (CO)	Durbin	Hammerschmidt
Broyhill	Dymally	Hance
Campbell	Dyson	Hansen (ID)
Hartnett	McCurdy	Schaefer
Hatcher	McEwen	Schulze
Hefner	McKernan	Shaw
Heftel	McKinney	Shelby
Hightower	Michel	Shumway
Hillis	Mikulski	Shuster
Holt	Moakley	Sisisky
Horton	Mollohan	Skeen
Howard	Montgomery	Skelton
Hoyer	Moore	Smith (FL)
Hubbard	Mrazek	Smith (IA)
Hughes	Murtha	Smith (NE)
Hutto	Myers	Smith, Denny
Ireland	Natcher	Smith, Robert
Jenkins	Neal	Snyder
Jones (NC)	Nichols	Spence
Jones (TN)	Nielson	Stangeland
Kazen	Nowak	Stenholm
Kemp	O'Brien	Stratton
Kindness	Oakar	Stump
Kolter	Oberstar	Sundquist
Kramer	Ortiz	Swift
Lehman (CA)	Oxley	Tallon
Leland	Parris	Tauzin
Lent	Pashayan	Taylor
Lewis (CA)	Patman	Thomas (CA)
Lipinski	Pepper	Thomas (GA)
Livingston	Pickle	Towns
Lloyd	Price	Traxler
Loeffler	Quillen	Valentine
Lott	Rahall	Vandergriff
Luken	Rangel	Vucanovich
Lundine	Ray	Watkins
Madigan	Roberts	Whitley
Marlenee	Robinson	Whitten
Marriott	Roe	Wilson
Martin (NC)	Rogers	Winn
Martin (NY)	Rose	Wolf
Matsui	Rostenkowski	Wortley
Mavroules	Roukema	Young (AK)
Mazzoli	Rowland	Young (FL)
McCandless	Roybal	Young (MO)
McCloskey	Russo	

NOT VOTING—35

Akaka	Gramm	Patterson
Bethune	Hall (OH)	Pritchard
Boggs	Harrison	Sawyer
Boner	Hawkins	Shannon
Bryant	Hertel	Siljander
Cheney	Leach	Synar
Coleman (TX)	Leath	Tauke
Evans (IA)	Long (LA)	Udall
Ferraro	Martin (IL)	Vander Jagt
Foley	Martinez	Wirth
Frost	McGrath	Wright
Gibbons	McNulty	

□ 1310

Mr. LUKEN and Mr. DERRICK changed their votes from "aye" to "no."

Messrs. WILLIAMS of Ohio, SLATTERY, and LEWIS of Florida changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to the bill?

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. MCCURDY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes, pursuant to House Resolution 579, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SEIBERLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 351, nays 45, not voting 36, as follows:

[Roll No. 408]

YEAS—351

Ackerman	Coats	Ford (MI)
Addabbo	Coelho	Ford (TN)
Albosta	Coleman (MO)	Fowler
Alexander	Collins	Franklin
Anderson	Conyers	Frenzel
Andrews (NC)	Corcoran	Fuqua
Andrews (TX)	Coughlin	Garcia
Annunzio	Courter	Gaydos
Anthony	Coyne	Gejdenson
Applegate	Crockett	Gekas
Archer	D'Amours	Gephardt
Aspin	Daniel	Gibbons
Badham	Darden	Gilman
Barnard	Daschle	Gingrich
Barnes	Daub	Glickman
Bateman	Davis	Gonzalez
Bates	de la Garza	Goodling
Beilenson	Dellums	Gore
Bennett	Derrick	Gradison
Bereuter	DeWine	Gray
Berman	Dickinson	Gregg
Bevill	Dicks	Guarini
Biaggi	Dingell	Gunderson
Bilirakis	Dixon	Hall (IN)
Bliley	Donnelly	Hall (OH)
Boland	Dowdy	Hall, Sam
Bonior	Downey	Hamilton
Bonker	Duncan	Hammerschmidt
Borski	Durbin	Hansen (UT)
Bosco	Dwyer	Harkin
Boucher	Dymally	Hartnett
Boxer	Dyson	Hatcher
Breaux	Early	Hayes
Britt	Eckart	Hefner
Brooks	Edwards (AL)	Heftel
Broomfield	Edwards (CA)	Hertel
Brown (CA)	Edwards (OK)	Hightower
Brown (CO)	Emerson	Hiler
Broyhill	English	Hillis
Burton (CA)	Erdreich	Holt
Byron	Erlenborn	Hopkins
Carney	Evans (IL)	Horton
Carper	Fascell	Howard
Carr	Fazio	Hoyer
Chandler	Feighan	Hubbard
Chappell	Fiedler	Huckaby
Chappie	Fields	Hughes
Clarke	Flippo	Hunter
Clay	Florio	Hutto
Clinger	Foley	Hyde

Ireland	Minish	Shelby
Jacobs	Mitchell	Shumway
Jeffords	Moakley	Shuster
Jenkins	Mollohan	Sikorski
Johnson	Montgomery	Sisisky
Jones (NC)	Moore	Skeen
Jones (OK)	Moorhead	Skelton
Kaptur	Morrison (CT)	Smith (FL)
Kasich	Morrison (WA)	Smith (IA)
Kazen	Mrazek	Smith (NE)
Kemp	Murphy	Smith (NJ)
Kennelly	Murtha	Smith, Robert
Kildee	Myers	Snowe
Kindness	Natcher	Snyder
Kleczka	Neal	Solarz
Kogovsek	Nichols	Solomon
Kolter	Nowak	Spence
Kramer	O'Brien	Spratt
LaFalce	Oakar	St Germain
Lagomarsino	Oberstar	Staggers
Lantos	Olin	Stangeland
Lehman (CA)	Ortiz	Stark
Lehman (FL)	Owens	Stokes
Leland	Oxley	Stratton
Lent	Packard	Studds
Levin	Panetta	Sundquist
Levine	Parris	Swift
Levitas	Pashayan	Tallon
Lewis (CA)	Penny	Tauzin
Lewis (FL)	Pepper	Taylor
Lipinski	Petri	Thomas (CA)
Livingston	Pickle	Thomas (GA)
Lloyd	Porter	Torres
Loeffler	Price	Torricelli
Long (LA)	Pursell	Towns
Long (MD)	Quillen	Traxler
Lott	Rahall	Valentine
Lowery (CA)	Rangel	Vandergriff
Lowry (WA)	Ratchford	Vento
Lujan	Ray	Volkmer
Luken	Richardson	Vucanovich
Lundine	Ridge	Walgren
Lungren	Rinaldo	Watkins
MacKay	Ritter	Waxman
Madigan	Robinson	Weaver
Marlenee	Rodino	Weber
Marriott	Roe	Weiss
Martin (NC)	Rogers	Wheat
Martin (NY)	Rose	Whitehurst
Matsui	Rostenkowski	Whitley
Mavroules	Roth	Whittaker
Mazzoli	Roukema	Whitten
McCain	Rowland	Williams (MT)
McCandless	Roybal	Williams (OH)
McCloskey	Rudd	Wilson
McCollum	Russo	Winn
McCurdy	Sabo	Wise
McDade	Savage	Wolf
McEwen	Schaefer	Wolpe
McHugh	Scheuer	Wortley
McKernan	Schneider	Wyden
McKinney	Schroeder	Wylie
Mica	Schulze	Yatron
Michel	Schumer	Young (AK)
Mikulski	Sensenbrenner	Young (FL)
Miller (CA)	Sharp	Young (MO)
Mineta	Shaw	Zschau

NAYS—45

AuCoin	Foglietta	Ottinger
Bartlett	Frank	Patman
Bedell	Green	Paul
Boehlert	Hall, Ralph	Pease
Burton (IN)	Hance	Regula
Conable	Hansen (ID)	Reid
Conte	Jones (TN)	Roberts
Craig	Kastenmeier	Roemer
Crane, Daniel	Kostmayer	Seiberling
Crane, Philip	Latta	Slattery
Dannemeyer	Markey	Smith, Denny
Dorgan	Miller (OH)	Stenholm
Dreier	Moody	Stump
Edgar	Nielson	Synar
Fish	Obey	Yates

NOT VOTING—36

Akaka	Evans (IA)	Martin (IL)
Bethune	Ferraro	Martinez
Boggs	Frost	McGrath
Boner	Gramm	McNulty
Bryant	Harrison	Molinari
Campbell	Hawkins	Nelson
Cheney	Leach	Patterson
Coleman (TX)	Leath	Pritchard
Cooper	Mack	Sawyer
Shannon	Tauke	Walker
Siljander	Udall	Wirth
Simon	Vander Jagt	Wright

□ 1330

The Clerk announced the following pairs:

On this vote:

Mr. Hawkins for, with Mr. Nelson of Florida against.

Mr. FOGLIETTA changed his vote from "yea" to "nay".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3082, the bill just passed.

The SPEAKER pro tempore [Mr. MURTHA]. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5585, RAILROAD SAFETY IMPROVEMENT ACT OF 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 562

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5585) to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 562 is the rule providing for the consideration of H.R. 5585, the Railroad Safety Improvement Act of 1984. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee of Energy and Commerce.

The rule also waives points of order under section 402(a) of the Congressional Budget Act against consideration of the bill. Section 402(a) requires authorizations to be reported by May 15 prior to the beginning of the fiscal year. The Committee on Energy and Commerce voted to report this bill on May 15, 1984, but delayed filing the report until May 21 in order to provide 3 days for submitting of minority views on this legislation. Since the bill authorizes the enactment of new budget authority for fiscal year 1985 a section 402(a) waiver is necessary.

In addition, Mr. Speaker, House Resolution 562 makes in order the Energy and Commerce Committee amendment in the nature of a substitute to be considered as original text, with each section to be considered as read. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the purpose of H.R. 5585, the Railroad Safety Improvement Act of 1984, is to reauthorize and improve the safety programs of the Federal Railroad Administration [FRA]. The bill authorizes funds for the Federal Railroad Administration safety programs, reimburses funds to States that participate in rail safety programs, and also provides funds for research and development of rail safety. The total amount of the authorization for fiscal year 1985 is $55.3 million and $57.7 million for fiscal year 1986.

H.R. 5585 directs the Transportation Department to encourage the formation of a private nonprofit corporation, supported by railroad employees and companies, which would help employees with alcohol and drug problems. The measure authorizes the Transportation Department to provide up to $100,000 in financial and inkind

assistance if such an organization is established within 90 days of enactment.

Mr. Speaker, H.R. 5585 also provides additional protections for employees who experience discrimination as a result of reporting safety violations or refusing to work under conditions presenting imminent danger of death or serious injury. The bill would allow for an arbitration board to award such an employee an appropriate compensation of up to 1 year's pay. This would ensure safe railroad operations and also protect employees who seek to further safety.

Mr. Speaker, H.R. 5585 would guarantee the continuation of these programs that promote safe rail operations and protection for railroad employees. I urge support of House Resolution 562 so that we may proceed to the consideration of this important legislation.

□ 1340

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule that should be adopted.

The bill's importance has been underscored because of the serious rail accidents within the past few months. H.R. 5585 reauthorizes the safety programs of the Federal Railroad Administration for fiscal year 1985 and fiscal year 1986 and contains changes to existing law to help to eliminate drug and alcohol abuse which afflicts rail traffic. The bill also seeks to encourage railroad workers to report safety problems by increasing protections and rights, although Members should be aware there is controversy regarding this section.

The bill's authorization level for general railroad safety programs, research and development and reimbursements to the States is $55.3 million for fiscal year 1985 and $57.7 million for fiscal year 1986. This is considerably more than the administration's budget request of $42.4 million for fiscal year 1985.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 2, not voting 41, as follows:

[Roll No. 409]

YEAS—389

Ackerman	Edgar	Lagomarsino
Addabbo	Edwards (AL)	Lantos
Albosta	Edwards (CA)	Latta
Alexander	Edwards (OK)	Lehman (CA)
Anderson	Emerson	Lehman (FL)
Andrews (NC)	English	Leland
Andrews (TX)	Erdreich	Lent
Annunzio	Erlenborn	Levin
Anthony	Evans (IL)	Levine
Applegate	Fazio	Levitas
Archer	Feighan	Lewis (CA)
Aspin	Fiedler	Lewis (FL)
AuCoin	Fields	Lipinski
Badham	Fish	Livingston
Barnes	Flippo	Lloyd
Bartlett	Florio	Loeffler
Bateman	Foglietta	Long (LA)
Bates	Foley	Long (MD)
Bedell	Ford (MI)	Lott
Beilenson	Ford (TN)	Lowery (CA)
Bennett	Fowler	Lowry (WA)
Bevill	Frank	Lujan
Biaggi	Franklin	Luken
Bilirakis	Frenzel	Lundine
Bliley	Fuqua	Lungren
Boehlert	Garcia	Mack
Boland	Gaydos	MacKay
Bonior	Gejdenson	Madigan
Bonker	Gekas	Markey
Borski	Gephardt	Marlenee
Bosco	Gibbons	Marriott
Boucher	Gilman	Martin (IL)
Boxer	Gingrich	Martin (NC)
Breaux	Glickman	Martin (NY)
Britt	Gonzalez	Matsui
Brooks	Goodling	Mavroules
Broomfield	Gore	Mazzoli
Brown (CA)	Gradison	McCain
Brown (CO)	Gray	McCandless
Broyhill	Green	McCloskey
Burton (CA)	Gregg	McCollum
Burton (IN)	Guarini	McCurdy
Byron	Gunderson	McDade
Campbell	Hall (IN)	McEwen
Carney	Hall (OH)	McHugh
Carper	Hall, Ralph	McKernan
Carr	Hall, Sam	Mica
Chandler	Hamilton	Michel
Chappie	Hammerschmidt	Mikulski
Clarke	Hance	Miller (CA)
Clay	Hansen (ID)	Miller (OH)
Clinger	Hansen (UT)	Mineta
Coats	Harkin	Minish
Coelho	Hartnett	Mitchell
Coleman (MO)	Hatcher	Moakley
Collins	Hayes	Molinari
Conable	Hefner	Mollohan
Conte	Heftel	Montgomery
Conyers	Hertel	Moody
Cooper	Hightower	Moore
Corcoran	Hiler	Moorhead
Coughlin	Hillis	Morrison (CT)
Courter	Holt	Morrison (WA)
Coyne	Hopkins	Mrazek
Craig	Howard	Murphy
Crane, Daniel	Hoyer	Murtha
Crockett	Hubbard	Myers
Daniel	Huckaby	Natcher
Dannemeyer	Hughes	Neal
Darden	Hunter	Nelson
Daschle	Hutto	Nichols
Daub	Hyde	Nowak
Davis	Ireland	O'Brien
de la Garza	Jacobs	Oakar
Dellums	Jenkins	Oberstar
Derrick	Johnson	Obey
DeWine	Jones (NC)	Olin
Dickinson	Jones (OK)	Ortiz
Dicks	Jones (TN)	Ottinger
Dingell	Kaptur	Owens
Dixon	Kasich	Oxley
Donnelly	Kastenmeier	Packard
Dorgan	Kazen	Panetta
Dowdy	Kemp	Parris
Downey	Kennelly	Pashayan
Dreier	Kildee	Patman
Duncan	Kindness	Paul
Durbin	Kleczka	Pease
Dwyer	Kogovsek	Penny
Dymally	Kolter	Pepper
Dyson	Kostmayer	Petri
Early	Kramer	Pickle
Eckart	LaFalce	Porter
Price	Sensenbrenner	Thomas (CA)
Pritchard	Sharp	Thomas (GA)
Pursell	Shaw	Torres
Quillen	Shelby	Towns
Rahall	Shumway	Traxler
Rangel	Shuster	Valentine
Ratchford	Sikorski	Vandergriff
Ray	Simon	Vento
Regula	Sisisky	Volkmer
Reid	Skeen	Vucanovich
Richardson	Skelton	Walgren
Ridge	Slattery	Watkins
Rinaldo	Smith (FL)	Weaver
Ritter	Smith (IA)	Weber
Roberts	Smith (NE)	Weiss
Robinson	Smith (NJ)	Wheat
Rodino	Smith, Denny	Whitehurst
Roe	Smith, Robert	Whitley
Roemer	Snowe	Whittaker
Rogers	Snyder	Whitten
Rose	Solarz	Williams (MT)
Rostenkowski	Solomon	Williams (OH)
Roth	Spence	Wilson
Roukema	Spratt	Winn
Rowland	Staggers	Wise
Roybal	Stangeland	Wolf
Rudd	Stenholm	Wolpe
Russo	Stokes	Wortley
Sabo	Stratton	Wyden
Savage	Studds	Wylie
Schaefer	Stump	Yates
Scheuer	Sundquist	Yatron
Schneider	Swift	Young (AK)
Schroeder	Synar	Young (FL)
Schulze	Tallon	Young (MO)
Schumer	Tauzin	Zschau
Seiberling	Taylor	

NAYS—2

Crane, Philip	Nielson

NOT VOTING—41

Akaka	Ferraro	Sawyer
Barnard	Frost	Shannon
Bereuter	Gramm	Siljander
Berman	Harrison	St Germain
Bethune	Hawkins	Stark
Boggs	Horton	Tauke
Boner	Jeffords	Torricelli
Bryant	Leach	Udall
Chappell	Leath	Vander Jagt
Cheney	Martinez	Walker
Coleman (TX)	McGrath	Waxman
D'Amours	McKinney	Wirth
Evans (IA)	McNulty	Wright
Fascell	Patterson	

□ 1400

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-1041) on the resolution (H. Res. 586) providing for the consideration of the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 586 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 586

Resolved, That upon the adoption of this resolution it shall be in order to consider, section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, in the House. The following amendment shall be considered as pending, and shall not be subject to a demand for a division of the question:

"On page 2, line 14, after the semicolon insert the word "and";

"On page 2, line 15, strike out the semicolon and insert in lieu thereof a period;

"On page 2, strike out lines 16 through 18;

"On page 6, line 22, strike out the colon and insert in lieu thereof a period;

"On page 6, strike out line 23 and all that follows through line 3 on page 7; and

"On page 11, strike out line 1 and all that follows through line 3 on page 26."

Debate on the joint resolution and on the amendment shall continue not to exceed one and one-half hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and the previous question shall be considered as ordered on the joint resolution and on the amendment to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 586 is a rule providing for the consideration in the House of House Joint Resolution 648, the continuing resolution for fiscal year 1985. The rule provides 1½ hours of debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives section 303(a) of the Budget Act against consideration of the joint resolution. Section 303(a) prohibits the consideration of legislation providing new budget authority, changes in revenue, increases in the debt limit or new entitlement authority prior to the adoption of the first budget resolution for a fiscal year. The continuing resolution, of course, contains new budget authority for fiscal year 1985; and, as we all know, no budget resolution has yet been adopted for fiscal year 1985. We are on the verge of the start of the new fiscal year. We must adopt a continuing resolution and we must waive section 303(a) in order to consider the continuing resolution.

The rule further provides that an amendment printed in the rule shall be considered as pending. That amendment is not subject to a demand for a division of the question. The previous motion is considered as ordered on the amendment and on the joint resolution. Finally the rule provides for one motion to recommit.

Mr. Speaker, let me explain what the amendment which is printed in the rule does. On September 14, 1984, last Friday, Chairman WHITTEN presented the Committee on Appropriations with a continuing resolution which simply provided for continued appropriations for programs which are currently funded, but for which appropriations have not yet been enacted because 9 of the 14 regular appropriation bills are stalled in various stages of the legislative process. The Committee on Appropriations ordered that joint resolution reported with a number of amendments, most of which contained legislative provisions or appropriations for activities not currently funded.

Yesterday, on September 19, the Rules Committee heard lengthy testimony from members who wished to add additional amendments. Several Members requested that the rule make in order amendments which would have added entire major authorization bills to the continuing resolution.

Mr. Speaker, the Rules Committee feels very strongly that it is inappropriate to load up a continuing resolution with all sorts of new appropriations and legislative provisions. We certainly sympathize with those Members who have meritorious projects in their districts that have not received funding. We certainly sympathize with authorizing committees which have worked for years on a major authorizing bill. Have managed to push a good bill through the House and then watch as the other body refuses to act on their legislation. However, we cannot continue to operate around here in a manner which ignores the normal legislative process—in which all of our real work is done on appropriation bills and, in particular, on the continuing resolution. It is not fair to the authorizing committees which see their work go down the drain as all attention is focused on the appropriation bills. It is not fair to the Appropriations Committee which is forced to pick up all of the loose ends. And it is not fair to the majority of Members who are not in a position to have their interests protected in the continuing resolution. But most of all, it is damaging to the integrity of the legislative process.

The Rules Committee believes it is time to put a stop to this drift toward Government by continuing resolution. We should simply refuse to include everything in a continuing resolution. If we take a stand here, we may be able to begin to return to an orderly legislative process.

As a result of these beliefs, the Rules Committee has fashioned a rule which does not make in order any of the additional amendments which were requested at yesterday's hearing. In addition we have provided for consideration of an amendment which should simply strike all of the extraneous matters which were added in the Appropriations Committee markup. Adoption of the amendment would essentially return the continuing resolution to the form originally drafted by Chairman WHITTEN. In which it simply provides for continuing appropriations for currently funded programs.

Mr. Speaker, let me take just a moment more to make sure that every Member understands that the parliamentary situation will be if the House adopts this rule. Upon adoption of this rule the speaker may recognize the Chairman of the Appropriations Committee to call up the continuing resolution for consideration in the House. The amendment I have described above will be considered as pending. No other amendments will be in order. At the conclusion of 1½ hours of debate on the amendment and the joint resolution there will be a vote first on the pending amendment and then a vote on the joint resolution itself.

Mr. Speaker, I want to emphasize that the rule itself does not at all alter the continuing resolution. It provides for consideration of the continuing resolution as reported by the Appropriations Committee. It simply gives the House an opportunity to vote on the amendment which would strip the continuing resolution of all extraneous provisions. It presents the House with a decision: Does this body want to continue the trend toward Government by continuing resolution or do we, as Members of this body, want to be responsible to those constituents who sent us here.

I urge adoption of this rule.

□ 1410

Mr. QUILLEN. Mr. Speaker, I yield myself as muct time as I may use.

Mr. Speaker, the rule has been explained, and I know that all the Members listening understand, as I do, that a turkey is a turkey is a turkey. This rule should never have come up on the floor of this House.

The Rules Committee, of which I have been a member since 1965, has never tried before to tell the Appropriations Committee what to do and how to appropriate on the floor of the House. The Rules Committee has the power to do anything that it would like to do if a majority of the House

concurs, but I think in this instance the Rules Committee is wrong in trying to impose its will. Rules Committee members are not on the Appropriations Committee and are not as familiar with the appropriations process as the members of the Appropriations Committee.

The chairman of the Appropriations Committee came before the Rules Committee yesterday, and requested a rule on the continuing resolution. Some 17 other members came before the Rules Committee on that day, and requested particular provisions in a rule. The Rules Committee decided to bring a rule before this House, imposing its will against the will of the Appropriations Committee, and it is wrong. A turkey is a turkey is a turkey and this rule is a turkey.

I am opposed to this rule, and I urge that this role be defeated. It contains an amendment, if the rule is adopted, to knock out every project added by the Appropriations Committee, more than 50 water projects and other projects listed in the bill. I feel that such a rule, such a cutthroat operation should never be allowed to happen to such a fine chairman and ranking member of that committee.

Mr. Speaker, I urge this membership to defeat the rule so that the chairman of the Appropriations Committee can come back to the Rules Committee and the Rules Committee can offer a fair rule, not imposing the will of the Rules Committee against this great committee of this House. Let us just remember that the other committees of the House could be victims of the same cutthroat operation that the Appropriations Committee is suffering. So I would urge the defeat of the rule.

Mr. Speaker, I have other requests for time, and I would hope that the gentleman from South Carolina [Mr. DERRICK] would yield other time at this point.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I wish the entire membership were all here on the House floor. I have listened to our friend, the gentleman from South Carolina. The rule that we have here would not correct the situation the gentlemen wishes to correct.

The Rules Committee seeks to correct a situation which is caused by the inaction on the part of the other body. If you adopt this rule, you could send us to conference with the Senate with no protection for the House. On the last 3 bills, the Senate has added 254 amendments to House bills in 1983, 132 amendments in 1982, and 432 amendments in 1981. You send us over there in a position where we cannot protect the hundreds of Members that we would like to protect against Senate action in this bill. You would strike out matters of importance to House Members, but you keep the $1.8 billion that we increased foreign aid.

I do not know how you can vote to strike $138 million for Members of the House and keep an increase of $1.8 billion for foreign aid. We would have to go to conference and not be able to protect the House Members at all.

May I say again that we have tried our best. We have not sought this job, but in the process, knowing that the other body does not seem to abide by any germaneness rule, they are waiting now for you to send this bill over to them again. If you adopt this rule, you are fixing it where we will be going over there and passing on how much of their stuff they can keep. Nothing of yours will be there.

I cannot understand it. I can understand the Rules Committee being upset and I can understand the legislative committees being upset, but you should not be upset at us for trying to protect the interests of the House.

I hope you will vote this rule down, and I hope that the chairman of the Rules Committee, and the Rules Committee, will realize that we are trying to do the best we can to protect the membership of the Congress of the United States.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. When you strike out $138 million only for the protection of our own country but insist that we cannot touch the $1.8 billion in foreign aid, I do not see how you can live with that.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, is the gentleman suggesting to me that we have cut literally millions and millions of dollars out of critical public works projects and put a lot of money in for foreign aid? That is hard for me to believe, I say to the committee chairman.

Mr. WHITTEN. The gentleman is correct. The amount that the Appropriations Committee voted for includes the higher foreign aid amount. I am not complaining that the committee adopted that, but that the Rules Committee has carefully protected that and would allow the $138 million for vital public works to be stricken.

Mr. LEWIS of California. Mr. Speaker, may I say this?

Mr. WHITTEN. Let me proceed.

Mr. LEWIS of California. They cut critical public works projects but left the foreign aid in? Is that what the gentleman said?

Mr. WHITTEN. The gentleman is correct. That could be the effect if the rule is adopted.

May I say again— and I hope I may have the attention of the gentleman from South Carolina and the chairman of the Rules Committee—that we have worked together for a long time. May I repeat that what you complain about is us turning everything over to the Senate, and what you do, if you adopt this rule, is turn it over to our colleagues in the Senate. I'm sure they are ready to add many, many amendments again. In conference, we will be permitted only to decide whether to give them 50 percent or some other percent of what they want, but we will not be able to help House Members.

Now, for those with the 100 projects in here which look after our own country, despite the fact that the Senate will not pass authorizations bills, you will have to explain why you wanted to carry on foreign aid and were unwilling to look after our country.

May I say that we do not have the gold and silver to back our money. We have our own country. We have not had an authorization bill for water projects in about a dozen years to look at. I am saying to my friend, the gentleman from South Carolina, that this with only aggravate a bad situation, and it is fully as bad as I think it is.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, I point out to the gentleman, as the gentleman well knows, that the first concurrent resolution that went over to the Senate last year was clean and there was no extraneous matter put in it. So how does the gentleman explain that?

Mr. WHITTEN. Well, that is a little different because when it went over there it was for only a 46-day duration.

Mr. DERRICK. That is what we are trying to do again.

Mr. WHITTEN. No. When it came back, it had several Senate amendments in it.

□ 1420

Mr. DERRICK. There was no extraneous material.

There were 26 amendments in it, but it applied only to the matters within this. There was no extraneous matter in it.

Mr. WHITTEN. Let me say this. The only way we could protect ourselves from the Senate taking over was to have a second bill, and I could have a second bill here that if they amend it, we would be forced to do it again.

The gentleman is taking it out on the Appropriations Committee, where we feel just as strongly as the gentleman does, but in the meantime, we want to get a rule that lets us carry this through.

Mr. DERRICK. Well, with all respect to the gentleman's back pocket,

and I know it is a large one and it has helped many people, the fact of the matter is that we did have a clean resolution on the first resolution last year and the fact that the Senate is going to do all this and that, there is a precedent that they will not do it.

Mr. WHITTEN. All I can tell the gentleman is that the other body has done it year after year. I repeat again they added 254 amendments in 1983, 132 in 1982, and 432 in 1981. If we are sent over there and if we adopt this rule where we cannot protect our colleagues, I think it is a mistake to vote for it and I hope you will vote against the rule.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I want to thank the gentleman for yielding me this time.

I rise in support of this rule. This is one time when the Rules Committee members labored really for 2 days to try to figure out what was the best thing to do and the most responsible thing to do on this rule and the continuing resolution. We had 20 witnesses that came before the Rules Committee yesterday asking for their amendment to be made in order to add something or to put the authorization committee level in instead of the appropriations level and to be able to reduce the amount of the continuing appropriation in such areas as foreign aid or in health and human services.

We had at least 10 requests, and we are talking about the continuing resolution.

Now, Mr. Speaker, are we going to go ahead and abolish the Budget Committee, abolish the authorization committees, and even abolish the Subcommittees on Appropriations?

We are beginning to write the whole process into the continuing resolution. I do not blame the Appropriations Committee. I mean, we contribute to their problem by not being able to complete this whole process. But do we want to do it all in the continuing resolution?

There is an orderly process to do these things. Everybody's turf is being stepped on.

We need a straight traditional clean continuing resolution and that is what we have in this rule. The Rules Committee voted 11 to 1 after 2 days of negotiations and good-faith effort to bring a process to the House that was responsible and would get the job done.

Now, think this process through. We are saying, look, if we do not put our goodies in there, it is going to go to the other body and they are going to do it over there. Well, now if the other body wants to do that and be irresponsible, then that is their problem over there, but we should not do that. If we go through the normal process, if we add our goodies on and they put theirs on, we go to a conference and at 2 o'clock in the morning somewhere over here in the Capitol when 400 of us are somewhere else in this country, a decision is made. We have a lot of extraneous things in here, appropriations that were not even authorized. It could very well go to the President and be vetoed.

Where are we going to be 1 week or 10 days from now? Right back were we are now.

We have the opportunity to pass a clean continuing resolution.

I remind you that a couple years ago, the House acted responsibly. We passed a clean straight continuing resolution. It went to the Senate. They came up with one. We got it through and we went merrily on our way.

Now, we had a number of projects in here. Some Members say, "Well, look, I've got a project in this bill that came out of the Appropriations Committee. I worked on it 2 or 3 years."

Yes, there were 43 or 53 projects in an appropiations bill, but what about the 360 Members whose projects or their interests are not in there?

But regardless of our special parochial interests, what I am arguing is, let us do the right thing here.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I will be glad to yield to the chairman in just 1 minute.

We have an opportunity to vote on it. This is the rule. We are not voting on a motion to strike these extraneous matters now. We are just voting on a rule which sets up a process to have an automatic vote then on striking out the extraneous material.

I would urge my colleagues to vote for this rule.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the chairman, surely.

Mr. WHITTEN. Mr. Speaker, I am familiar with the circumstances concerning the project in which the gentleman is very interested. May I say to the gentleman, I wrote a letter, as chairman of the Appropriations Committee, to the Rules Committee regarding the continuing resolution suggesting that in those places where there was an oversight, or where something was deemed essential, that the Rules Committee might wish to make provision for it.

We have the same problem with the other body as the gentleman does, but allowing this continuing resolution to be stripped down will just aggravate the situation instead of correcting it.

Mr. LOTT. My point is that it is not a matter of a project in Mississippi or a project in Texas or a project in California. What is at stake here is the continuing resolution. We have an opportunity to pass a traditional clean CR. If we defeat this rule, the alternative is going to be that we will go back up to the Rules Committee and the Rules Committee is going to make everything but the kitchen sink in order and this whole process is going to sink slowly off into the sunset.

I understand we have an agreement on the defense authorization bill which will move the defense authorization and the defense appropriations and the budget; if we do that and pass the debt ceiling bill and a clean CR, we can complete our work early week after next and get out of here.

If we go through this traditional process of upping the ante on the continuing resolution, we are going to be in a mess and we are going to wind up without all these extra projects that we are trying to get and in the process losing a lot of other good projects.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond to the gentleman from Mississippi. It is true that there was one member on the Rules Committee who voted against that rule and that one member was JIM QUILLEN, and I am proud of it.

I am surprised that the Rules Committee took 2 days to hatch this turkey we have here today, when a turkey like this is not worth 2 minutes. This is a deliberate action to absolutely muzzle the House Appropriations Committee.

Mr. Speaker, I urge defeat of the rule, because it provides an amendment with an automatic vote to strike these projects.

Mr. DERRICK. Mr. Speaker, before I yield, may I respond to what the gentleman said.

The gentleman is correct. The gentleman from Tennessee was the only member of the Rules Committee that voted against this. The gentleman made a very eloquent plea for his project and I understand his needs. He certainly had my sympathy, but there were other members in the Rules Committee that also had projects and most of us felt that the integrity of the system, the integrity of the Government and the running of this House took a far higher priority than one individual project back home.

Mr. Speaker, for purposes of debate only, I yield 6 minutes to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Speaker, we are in a rather unusual situation here. The appropriations for water resource projects are included in the continuing resolution in the same form they passed the House in October 1983.

Now, we have water resource projects all over this Nation that have been waiting up to 14 years to be authorized so that they can be built and this includes our inland waterways and our locks and dams that are crumbling. I have seen most of the major water resource projects in the Nation

and just a few days ago, visited locks 7 and 8 in West Virginia and Pennsylvania in addition, the Gallipolis lock and dam has to be replaced. Those locks are crumbling and some of the cities in those areas are depending on those projects for water supply.

We are courting disaster here in talking about rules. Now, we have been talking about those projects for 14 years. We have not had a new start authorized in 14 years. What we are doing is using an extraordinary procedure, yes, to reestablish and get into conference the bill that this House had passed on October 6 last year. The bill has been in the other body waiting for authorization at our request because Chairman HOWARD, and Chairman ROE, and the Public Works Authorization Committee worked like trojans for many months putting that bill together and the other body has not passed it.

So this is the only way these projects can be built. It is an urgent situation. If you vote for this rule, you are voting for $1.8 billion in foreign aid to build projects in other countries.

We want a "no" vote, a "no" vote on this rule, so that we can get a rule that we can live with and take care of these emergencies that exist throughout our country.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. BEVILL. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I want to associate myself with the gentleman's remarks.

I cannot even remember a time when I voted against a rule and it is a little provincial, but the gentleman from Ohio, LOU STOKES, and I, the gentleman from Cleveland along with myself and other Members from Ohio, for 8 straight years have testified about something that is vital to the economy of our State, in general the area of northeast Ohio.

□ 1430

I cannot tell you how many times we have gone through this committee, that committee, and so on and finally we thought that there was hope at the end of that rainbow. Now we are seeing that unless we do something that is somewhat unique, all that work will go for naught and we will have to start all over again.

So I reluctantly oppose the rule because I have the greatest respect for the Rules Committee and the process, but there is no avenue to go by and so I want to thank the gentleman for his hard work and support and associate myself with his remarks.

Mr. BEVILL. The gentlewoman is absolutely correct. You have an emergency situation there in Cleveland. We have appropriated money but it is subject to authorization.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The Rules Committee would not permit the Committee on Public Works and Transportation to add a bill that already passed the House by a 10-to-1 majority, a 10-to-1 majority. What I am afraid of is that we are setting ourselves up here so that about a week after next, at the last minute, we will be faced with voting yes or no on $299 billion for the military and $18 billion in foreign aid. We will have the choice between that or taking everything the other body wants to add. We will be in an untenable position under this rule.

Mr. BEVILL. The gentleman is correct.

Mrs. BURTON of California. Will the gentleman yield for a question?

Mr. BEVILL. I yield to the gentlewoman from California.

Mrs. BURTON of California. What about the breakwater in San Francisco?

Mr. BEVILL. This is one of the many projects which we consider to be urgent.

Mrs. BURTON of California. I thank the gentleman.

Mr. WATKINS. Will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Oklahoma.

Mr. WATKINS. Mr. Speaker, I urge a no vote. I appreciate what you are doing. In my hometown of Ada, OK, and the five counties around it, we have ground water that has been contaminated and people have to carry water in fire trucks.

Also, my hometown does not even have water rights. We do not even have the water, and if we do not get this, this is the last train for us to have any hope.

Mr. BEVILL. So if you vote aye for this rule you are voting to delay the construction of the Gallipolis lock and dam on the Ohio River, one of the busiest rivers in this country, one that is deteriorating and getting into a dangerous stage. You are voting to stop the second lock on lock and dam 26 in Chicago, and that is very critical.

Mr. DERRICK. Will the gentleman yield?

Mr. BEVILL. Yes, I yield to the gentleman.

Mr. DERRICK. If I might point out to the gentleman, he says if you vote on the rule you are voting to take these projects out. That is not the case. All you are doing is voting for the resolution that will come forward that will give the House that opportunity and time to vote on whether they want the projects or not.

Mr. BEVILL. I understand, and my position is to vote against the rule.

So we need a no vote on this, and let us get these urgent projects built that have to be built.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS. Mr. Speaker, I reluctantly rise in opposition to this rule. As the gentleman from Ohio said, I do not often vote against the rule if it is a sound rule, and would not vote against this one if it were a sound rule.

We in the Appropriations Committee on the last several years have had some differences with the Rules Committee, but on this one it is major differences. On previous occasions we have not always agreed with the rule, but we have been able to support the rule. However, in this case this is one we just simply cannot support.

It is true, if I were charged with the sole responsibility of writing a continuing resolution, it would not be exactly like this. But no one of us would write exactly the same bill.

But this is a bill that I support, did support, and will support if given the opportunity.

As the chairman of our Energy and Water Development Subcommittee has said, there are some projects in there that were placed in from that committee that are very high in priority and have passed this House overwhelmingly, but have been waiting for years for something to be done. We have been unable to do it. The chairman identified several, Gallipolis in West Virginia and Ohio which was just one example where the backup of barges going through, carrying commodities you and I expect, the products that we build in this country for export, where it is costing more money, and taking away the competitive position that we could be in because it cost so much to go through that long delay in going through there.

Also lock and dam 26 at Alton, IL, between Missouri and Illinois. There are many others. We are deepening several of the harbors to 55 feet where we can be more competitive in exporting our grain, more competitive in exporting our coal. This cannot be accomplished because of a stalmate here.

The items that we have put in this continuing resolution are very high priority items. Yes, I would say to the gentleman from South Carolina, we have not always gone with the continuing resolution add items, but I do not think in recent years we have had a continuing resolution that did not have some items that were not authorized. And as the chairman of the committee has said, they always come back from the other body.

Mr. DERRICK. Will the gentleman yield?

Mr. MYERS. I yield to the gentleman from South Carolina.

Mr. DERRICK. The first continuing resolution from last year falls into that category.

Mr. WHITTEN. Will the gentleman yield?

Mr. MYERS. I yield to the chairman.

Mr. WHITTEN. I checked into that a while ago and, as a matter of fact, that first continuing resolution covered a period of only 46 days, that is what the gentleman refers to. It was not for the rest of the year.

Mr. MYERS. That was for a short time, and there have been commitments made both by our committee and the other body as to when we are bringing other bills up. They are not authorized through our body, yet we do not feel comfortable in putting them in the regular bill. We will consider them in the continuing resolution.

These are very high priority items.

One last thing.

Mr. DERRICK. Will the gentleman yield?

Mr. MYERS. I am sorry. I do not have the time. If the gentleman will yield me 1 more minute I will be glad to yield.

As far as the President's balanced budget, I am for that, too. I think all of us are, most every one of us. But the President has the last say about which one of these projects will actually go into construction and how soon.

Several of these are high on his priority list. We are merely providing the vehicle so that the President can do it. He will have the last say-so with this CR. He is the one and only one who will decide whether this one will be constructed this year or wait until next year, or wait until some subsequent year to be built. These are very high priority items.

But I urge you to vote no on this rule so that we can move ahead with progress for our country.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR] a member of the Committee on Rules.

Mr. BONIOR of Michigan. Mr. Speaker, I rise in support of this rule. This has been a most interesting debate.

As you can imagine, we agonized over this rule in the committee. As the gentleman from South Carolina has pointed out, each and every one of us on the Rules Committee, the 11 of us who voted for this rule, have projects in this bill that if the rule is passed, and the bill passed the way we prefer it, will not become law, but which we thought that it was in the best interests of the process of this House to do what we have done.

If I could, I would just like to address my colleagues to my right, on the Democratic side of the aisle. The short-term politics tells you to vote against this rule. Ms. OAKAR has a project; the gentleman from Tennessee [Mr. QUILLEN] talked about his project. Everybody has a little something in there. But let me, if I could, try to put some perspective on the long-term politics.

The people in the White House are sitting there hoping and praying with all of their might that we just load this thing down. They could not be more pleased than if we report a Christmas tree out of here, a turkey with all of the dressings, if I might, because what is going to happen is that the President is going to get this bill and he is going to begin his campaign against Congress with this piece of legislation.

If you think the short-term politics of a project is more important than dealing with that larger issue this fall, I suspect you might want to vote against the rule. But if you think that dealing with the question of a balanced budget is important, and I talk now to my colleagues on the left side of the aisle here, you might consider holding the line. You might back your rhetoric up by voting on this rule and on the CR, clean, as the gentleman from Mississippi [Mr. LOTT] has advocated.

I can envision us playing the game of chicken, going past the beginning of the fiscal year, finding ourselves in a situation in which we have no continuing resolution. I can see politics being played all over the papers of this country and all over the networks, and the Congress will be blamed again for its inability to act.

So I beg you to consider the long-term interests of our party. Consider the long-term interests of a balanced budget.

□ 1440

And I beg my colleagues on this side of the aisle to back up your rhetoric on a balanced budget by voting a clean bill.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I think this is an extraordinarily good continuing resolution. It comes as close to being a clean document as we have ever had at least in my career, from the Appropriations Committee.

I further think it is a surprisingly good rule because the Rules Committee tampered with it hardly at all, except to provide us the opportunity to remove some sections that normally should not be in appropriations bills.

The Rules Committee resisted some very tempting amendments.

As I listened to the Rules Committee hearing, the committee was given the option of putting a whole foreign aid bill on to this resolution, also a whole public works bill, and also the whole armed services authorization. It eschewed those opportunities, as it should have.

But what is wrong with this rule is that all we have talked about today are people's public works projects. Nobody has talked about spending at all. What we really ought to be talking about is the total amount of money that we are about to appropriate for the whole of fiscal year 1985.

We are talking about 9 of our 13 appropriations bills, more than half of all the money we appropriate, all rolled up into one lump. This rule does not give us the opportunity to reduce it by 10 cents.

The people of America are talking to us, saying, "Why don't you reduce your spending?" Here we are being given a bill that has all the spending we do, and we are not to be given an opportunity to cut a single dime out.

So, while I think it is a good rule and a good continuing resolution from the Committee on Appropriations, I am keenly disappointed that no one, other than myself, has raised a question or an eyebrow about the spending increases.

I give no one any advice on how to vote on the rule, but I can say for my part I am immensely disappointed that we have no opportunities for spending reductions, and, for that reason, I shall vote "no" on the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I support the rule. The Committee on Rules is to be complimented for the responsible manner in which they handled this very difficult situation.

Mr. Speaker, we have 11 days left until the start of the new fiscal year. We have nine of the regular appropriations bills not yet enacted. We must start now toward a continuing resolution that will be signed into law.

When our committee met last Friday we had before us a clean resolution, one that could have been brought promptly to the House floor.

When we left that full committee we had adopted 10 amendments and we had a big mess on our hands. We brought that mess to the Committee on Rules and said, "Bail us out."

The Rules Committee spent all day yesterday listening to Members who opposed the committee-reported resolution.

The Committee on Rules decided to recommend to the House that we go back with a clean resolution. I agree with that recommendation. The resolution reported by the Committee on Appropriations was clearly veto-bait, believe me. It was strongly opposed by

this administration. It would not have been signed into law.

The administration supports this rule.

Mr. Stockman called today and said he supports this rule.

If the amendment carries, then the administration will support passage of the continuing resolution as amended.

If the rule is defeated or if the amendment is defeated, then those of you who have made plans for the week of October 1, forget about it. Look forward to another week or two right here in this Chamber.

My good friend from Tennessee [Mr. QUILLEN] keeps calling this a turkey. Well, let me tell you something: If you do not pass this turkey, you are going to have the biggest pigpen that you have ever seen in your life.

You have seen it here today; they are all down here, saying, "Don't pass this rule; I got to have my project."

And then it gets over to the statesmanlike body over there, can you imagine what they are going to do?

The SPEAKER pro tempore. The gentleman [Mr. CONTE] should not refer to the other body in a derogatory sense in any manner.

Mr. CONTE. That other House where the gentlemen of stature live.

Now the resolution as reported contains two separate public works bills. The so-called new-starts bill which passed the House last year and another package of public works projects that were added by that committee, by our committee.

Altogether, and listen to this, altogether we added 57 new starts, of which 25 are not authorized. We offended the Committee on Public Works, and I do not blame them; we offended that President, and he is exactly right; but most of all, we offended the millions of Americans who have clearly stated that their No. 1 concern is the deficit that faces us in this fiscal year and in the future.

Is this our response by voting down this rule? Is this the best that we can do? If so, then we should stay here, because we certainly will not want to explain this vote back home to our people.

I urge my colleagues, let us get back on the track toward a continuing resolution that will be signed by the President and guarantee us all an early adjournment.

Remember, there are no rollcalls Monday, we have Rosh Hashanah on Thursday, that means we will not have anything on Friday. So when are we going to meet with the other body?

Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I would like to make just a couple of points in opposition to this rule. First, you would think from some of the debate that the Committee on Appropriations was asking for some extraordinary privilege from the Committee on Rules in bringing forth a continuing resolution with a modest amount of authorizing language. That is not true.

Our rules contemplate the kind of situation we are facing and they specifically authorize the continuing resolution to have authorizing language without a waiver from the Committee on Rules.

So what the Appropriations Committee has done is not something extraordinary but something that our rules specifically contemplate.

While there may have been occasions in the past where very short-run continuing resolutions have not had such authorizations, we should understand this is a continuing resolution which contemplates what I hope will be the case, that we will not have a lameduck session after the election, and that, therefore, this is going to be our last chance until a new Congress comes and organizes itself next January.

So this is really our last opportunity to deal with these issues for many months.

Finally, I simply would like to make a point that it is not just public works that are at stake here.

The Federal crime insurance program expires September 30 of this year. This program is vitally important to a lot of small businessmen in marginal neighborhoods. It is literally a little-businessman's program and small-householders' program.

The limits are $15,000 for businesses, $10,000 for households.

This program is one thing that has done a great deal to stabilize neighborhoods.

If you have a little businessman unable to get crime insurance in marginal neighborhoods, you are going to see abandonments, rapidly, because they cannot afford to stay there once they cannot get crime insurance.

So this is very important not just for people in this House who have public works projects, but if you have small businessmen and householders who are dependent on this crime insurance program, if you have some marginal neighborhoods in your district that could go belly-up and go on to abandonment, if your businessmen and households cannot get crime insurance, this is your last chance to preserve that program which otherwise is going to be dead as can be on September 30.

□ 1450

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New Jersey [Mr. HOWARD], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. HOWARD. Mr. Speaker, I would like to say to my colleagues we have heard a lot of debate and a lot of reasons why this rule should be sent back to the Rules Committee.

I would like to speak about something that has not been discussed yet. We heard that the Rules Committee, which has a difficult time being pulled and tugged in all directions, worked for 2 full days in developing this rule. Your Committee on Public Works and Transportation has worked for 3 full years to bring before this body the omnibus water resources bill, a bill that looks forward, not backward. In trying to eliminate the old pork-barrel projects that we have had down through the years, that committee evaluated and deauthorized over 300 projects that are no longer needed, saving over $11 billion.

We brought that bill, involving every State in the Union that have justifiable needs, we brought that bill here on June 29. The House of Representatives, bipartisan, overwhelmingly passed it. Only 33 votes against it.

We have been waiting since June 29 to be able to go to conference with the other body. The other body has not moved at all in our direction.

So, we are here today with one vehicle, this continuing appropriations. We asked the Rules Committee to permit us to offer before the House an amendment that would include this authorizing bill, adding no money to the appropriations, just the same authorizing bill word for word that the House overwhelmingly passed in June. In that way this bill can go to conference. By passing that bill in June the House went on record favoring the bill and wanting to go to conference. The only way we can go to conference is by including it here.

So, I hope that when this rule is defeated that the Rules Committee will merely permit us to offer an amendment, the choice, as the gentleman from South Carolina was talking about in the rule now, just the choice to have the House vote again to see if they still mean what they said on June 29. We want to go to conference. We want to authorize these projects so vital to over 300 Members of this body.

I hope we can vote down the rule and pass a rule that will permit us to have the House say, yes, we want to go to conference. It has to be done this afternoon. It is now or never.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. TAYLOR].

Mr. TAYLOR. Mr. Speaker, there are only a few times the House is given an opportunity by the Committee on Rules to preserve the integrity of the legislative process. This rule is one of those opportunities, and it should not be cast aside in a heated rush to load

up the continuing appropriations resolution.

This rule endeavors to restore proper legislative procedure in this House, because it gets us to the point of considering a clean—and I mean clean from all perspectives—appropriations measure that the leadership of both Houses has determined to be necessary to continue the operation of Government agencies beyond October 1.

Mr. Speaker, during our hearing yesterday, the Committee on Rules was presented with 11 requests from legislative committees or members wanting to attach special provisions to this Appropriations bill.

In addition, we received several complaints that some of the specifics contained in the resolution as reported from the Committee on Appropriations were not authorized, and therefore visited an injustice upon the legislative committees.

The committee could have chosen the easy way, the path of least resistance. Oh yes, we could have given in to all of the requests and reported out a rule that made everybody's amendment in order.

Mr. Speaker, we did not do that. The Committee on Rules chose the hard course, the tough course. We turned down all requests to add extraneous items and we offer the House a rule that provides the opportunity to also strip out the controversial portions of the Appropriations Committee's bill relating to unauthorized projects.

Mr. Speaker, we were fair to everybody. We said "No" to all of them.

Mr. Speaker, our colleagues know that I spent many years as a member of one of the most important legislative committees of this House, the Committee on Public Works and Transportation. I like to think that I know a little something about the legislative process, I like to think that I respect the concerns and desires of all the Members of the House when it comes to public works projects.

At the same time, Mr. Speaker, I do not believe it is the duty of the Committee on Rules to "take care" of everybody's legislative problems.

I do not believe it is the duty of the Committee on Rules to guarantee to a legislative committee that the eventual outcome of the legislative process will be the passage of their particular bill.

This is simply no way for us to do things, I think it is high time we put a stop to it.

Mr. Speaker, this rule says: Enough is enough, this time we will not allow a few individuals to load up a continuing appropriations resolution.

I urge my colleagues to listen to the Committee on Rules, realize that this is indeed the best way to proceed, and to vote for this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Ohio [Mr. LUKEN].

Mr. LUKEN. Mr. Speaker, following up the last speaker I would say that one man's controversy is another man's bacon. Or maybe that follows up the last two speakers.

But as one Member who applied to the Appropriations Committee with projects from the district and was turned down, I feel very assured in supporting the Appropriations Committee and their recommendations. I think this House should support the committee. The House should not necessarily support Mr. Stockman who supports the rule. After all, the OMB also supports the Senate and he supports the $1.8 billion for foreign aid, which is preserved inviolate, untouchable, in this particular bill.

There are many urgent emergency measures in the Appropriations Committee bill such as Gallipolis. Gallipolis is not in my district or near my district, but it is one that I think is extremely important. It is important to the welfare of the entire country.

I urge that we vote down this bill.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a turkey is a turkey is a turkey. There is no question about it. I do not think a vote for this rule proves any integrity on the part of the Rules Committee at all.

Rather, I think it is a slap in the face to the Appropriations Committee and to the Public Works Committee, on which I served my first 2 years in this body. I think it is a slap at all of us when the Rules Committee tries this kind of a rule.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

The suggestion has been made here several times that this rule, or the Appropriations Committee, is trying to ride over the authorizing committees.

Did any authorizing committees testify before the Rules Committee an objection to the Appropriations Committee's continuing resolution as we reported it?

Mr. QUILLEN. To my knowledge, no. And I think I was there all the time.

Mr. MYERS. It has been suggested several times it is overriding, we were riding over all the authorizing committees. Certainly that is not the suggestion of the Appropriations Committee, nor is it happening in this continuing resolution

I thank the gentleman for his comments.

Mr. QUILLEN. I agree and I thank the gentlemen for his contribution.

□ 1500

Mr. Speaker, I feel strongly that this rule should be defeated. Let the Appropriations Committee come back, let the Rules Committee reconsider and correct its error. I know that we all sometimes are prone to try to defend our actions, but I am sure the Members on this floor listening to the debate will agree that this is a bad rule. And a turkey is a turkey is a turkey.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. I thank the gentleman for yielding.

Mr. Speaker, I rise today with perhaps some sadness in my heart because I have served with the gentleman here in this House for 15 years. On no occasion have I voted against a rule since I have been in the House of Representatives, on no occasion. This will be the first time that I will vote against the rule.

Let me suggest this: I think the Rules Committee took a monumental courageous step when they came back and they attempted to protect the authorizing committees. I think they have tried that. But there is a very extremely unique situation that exists here that I only pray and hope the Members understand.

In effect, what this rule does is it cancels all water resources projects, and we are relying upon the other body to do their wisdom and their judgment and add what they think is right. That is not wrong. That is part of it. But we have the people's House, 435 Members of this House, who are speaking to the needs of the country.

We spent hours on this floor and we debated the water resources development bill. It was not another porkbarrel, whatever. It was meticulously gone through. Every point that had to be made that was good that should have been made we made.

Comments were made here today, "load down the bill." We are not asking anybody to put one single penny into the rules at all, not 1 added cent are we asking for, no more money are we asking for. Let that be the process of the Appropriations Committee and the will of the House, as it should be.

Another point was made that it is a Christmas tree. We are not speaking of a Christmas tree. We are speaking of an authorization process where no project can move in this Nation unless the Congress acts on the project. You have absolutely no vehicle that exists other than this vehicle to work the will of the House. The House has voted already, with only 30 negative votes on that issue.

We speak about increasing the deficit. We do not ask you to increase the deficit. Not a penny do we ask you to

increase. Not a sou, mark, cent, as they would say. That would be the will of the House, and that would be the will of the Appropriations Committee in due course along the line.

Let us talk about two things. "To thine own self be true." My people are drowning in my State. I need help. We have hurricanes in North Carolina, and they need help. We have no water supply left, practically, to speak of, any sustainable water supply in Florida. Our hydropower programs, our flood control programs, is that pork-barrel? Is that something that is evil in America?

Somebody made the comment "the long-term interest of our country," when they spoke about the deficit. Yes; let us speak to the long-term interest of our country, the things our people need to be able to keep the economy going. The vitality, the dynamics, the resurgence of the economics of this country depend upon what we do in rebuilding the Nation. The capital base of the Nation, the economy of the Nation, depends upon that.

There has been no bill passed here since 1970. It has all been bonbons, pick, choose, get the vote, do what you can do. "To thine own self be true," is part of the issue that we are talking about here.

Let me just close on one point, because you have heard me three times here, and I know it is dangerous territory to be on the floor when you speak so firmly, you believe in something. You cannot blame somebody for believing in something in this House. We fight for every one of you. It is not a project that is the issue. It is the building of our own country. Do we have the right in this resolution, do we have the fundamental right to ask us to vote for $17.9 billion of foreign aid and I cannot get anything fixed in my State for my people, their water supply, the things that Americans need? Is there some evil by somebody coming before this body and suggesting that the Rules Committee take another look?

All we are simply trying to say is to give us a chance to negotiate with the other body, and the only way we can do it is to vote down this rule and give us the chance to make this fight.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 6 minutes.

The time of the gentleman from Tennessee [Mr. QUILLEN] has expired.

Mr. DERRICK. Mr. Speaker, I do not come before this body to say that there are any projects that are not needed. There are a lot of things that are needed. But I will tell you something else: There is something else that is needed in this country and in this House and in this legislative process more than all of those projects, and that is some sort of continuity, some sort of rationale that we can tell the American people that we are in fact serious about getting some handle on finances in this country.

Now, for all of you who have been up here talking about turkeys and all of this, I suggest to you that if you went home and you explained this situation to your constituents, the legislative situation, and they were able to look further than just a dam or further than this little bit of water or that little bit of water, to the entire legislative process, and to see that this trend that has started, that if it is not stopped now could very well break down the entire legislative process, and we could very well, in just a very few years, probably have one concurrent resolution. And that would be the only thing that we would vote on in the period of a year.

I do not need to tell the distinguished chairmen of these committees what a concurrent resolution is. A concurrent resolution is something that we use because our bodies have not done the job that they were supposed to have done, and that is to pass appropriation bills.

Now, I am not going to argue with you whether it is the House or the Senate; but the fact of the matter is that they have not carried out their obligation to the people of this country.

A continuing resolution is something that is an emergency matter, an emergency measure, to continue on so that the Government can run when this body or the other body has not done their work.

But, no. What we intend to do and what we want to do is, we want to add it with everything, we want to add 25 water projects, 25 water projects that have not even been authorized by this body. We want to hang everything that we possibly can on a continuing resolution that is supposed to be simply a matter to cure what we have not done, and that is to go directly through appropriation process and correctly through the authorization process.

Let me say that we on the Rules Committee do not delight in having to sit down here and take all of this abuse. But we really sincerely believe that what we are doing is something that you want us to do and something that you will give us your support on. We have been sitting up there all year listening to chairmen of appropriation committees come up there and complain to us about the Appropriations Committee and complain to us about the process, about what is being done. And what was being done that they were complaining about is what they want us to do now on the continuing resolution. So, you know, somebody better make up their minds whether they really want to run this legislative process in an orderly manner. And if we really mean what we say when we go back home and we are going to be telling these constituents every day for the next 45 days that what we want is rational Federal budgets and rational spending, and if we really believe that, we are going to vote for this rule for the continuing resolution and we are going to say to the American people that we can rise above this project and this project and that project because we believe in the financial integrity of this Federal Government.

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from Alabama.

Mr. BEVILL. The gentleman is obviously very concerned about the integrity of the Government, and I wonder if the billions of dollars of foreign aid provided here, where they are going to build water projects all over the world, is authorized. Is that authorized?

Mr. DERRICK. I will reclaim my time. I am glad the gentleman brought this up, because there has been a strong rumor going around the floor that there was more foreign aid put in there.

Now, let me tell you, the six resolutions were put in there as they were passed by the House, the foreign assistance bill was put in there as it was reported out by the House committee, and the only reason we did not put it in as passed is because it had not been passed. Now, it is either more or less, depending on whether you use the IMF or you do not use the IMF. But that is just in my opinion no argument whatsoever.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say that I understand the frustrations the gentleman has and the Rules Committee has, and we have the same frustrations. What we are doing here various legislative committees have asked us to do. We have the last legislative vehicle, the last bill. We can live with the frustrations that we all have, the problem is on the other side of the Capitol, but to tear down the one vehicle that helps us live with it would be a serious mistake.

I hope you vote against the rule.

□ 1510

Mr. DERRICK. Mr. Speaker, I thank you for your remarks. You know, you have been up before the Rules Committee, and you pulled out your hair with us all year long. As a matter of fact, I even felt we kind of made you an honorary member, but I guess you will not claim that any more.

Mr. WHITTEN. I say again, this is the only vehicle we have to be able to work with the other body.

Mr. DERRICK. I just say vote for the integrity of this Federal Government and the legislative process.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 168, nays 225, not voting 39, as follows:

[Roll No. 410]

YEAS—168

Archer	Hansen (UT)	O'Brien
Aspin	Harkin	Obey
Badham	Hartnett	Olin
Barnard	Heftel	Oxley
Bartlett	Hertel	Panetta
Bedell	Hiler	Parris
Beilenson	Hillis	Pease
Bilirakis	Holt	Penny
Boehlert	Hopkins	Pepper
Boland	Hubbard	Petri
Bonior	Hunter	Pritchard
Broyhill	Hyde	Pursell
Burton (IN)	Ireland	Ray
Campbell	Jacobs	Regula
Chandler	Jenkins	Reid
Clinger	Kemp	Ridge
Coats	Kildee	Ritter
Coleman (MO)	Kindness	Roberts
Conable	Kleczka	Roemer
Conte	Kostmayer	Roukema
Cooper	LaFalce	Rowland
Corcoran	Lantos	Russo
Coughlin	Latta	Schaefer
Courter	Leland	Schulze
Craig	Lent	Sensenbrenner
Crane, Daniel	Levin	Sharp
Crane, Philip	Levitas	Shumway
Dannemeyer	Lewis (FL)	Sikorski
Darden	Loeffler	Skeen
Davis	Long (LA)	Slattery
Derrick	Lott	Smith (NJ)
Dreier	Lowery (CA)	Smith, Denny
Dymally	Lujan	Smith, Robert
Early	Lundine	Snowe
Edgar	Lungren	Solomon
Edwards (CA)	Mack	Spence
Edwards (OK)	MacKay	Spratt
Emerson	Madigan	Stark
Erlenborn	Marlenee	Stenholm
Fascell	Marriott	Studds
Fields	Martin (IL)	Stump
Fowler	Martin (NY)	Tallon
Frank	Mavroules	Taylor
Fuqua	Mazzoli	Vento
Gekas	McCain	Walker
Gibbons	McCandless	Waxman
Gingrich	McCollum	Weber
Glickman	McDade	Wheat
Gonzalez	McHugh	Whittaker
Goodling	McKernan	Winn
Gradison	Mica	Wolf
Gregg	Michel	Wolpe
Gunderson	Moakley	Wortley
Hall (OH)	Moody	Wylie
Hamilton	Nelson	Yates
Hance	Nielson	Zschau

NAYS—225

Addabbo	Frenzel	Ortiz
Albosta	Garcia	Ottinger
Alexander	Gaydos	Owens
Anderson	Gejdenson	Packard
Andrews (NC)	Gephardt	Pashayan
Andrews (TX)	Gilman	Patman
Annunzio	Gore	Paul
Anthony	Gray	Pickle
Applegate	Green	Porter
AuCoin	Guarini	Price
Barnes	Hall (IN)	Quillen
Bateman	Hall, Ralph	Rahall
Bates	Hall, Sam	Rangel
Bennett	Hammerschmidt	Ratchford
Bereuter	Hatcher	Richardson
Berman	Hayes	Robinson
Bevill	Hefner	Rodino
Biaggi	Hightower	Roe
Bliley	Horton	Rogers
Bonker	Howard	Rose
Borski	Hoyer	Rostenkowski
Boucher	Hughes	Roth
Boxer	Hutto	Roybal
Breaux	Johnson	Rudd
Britt	Jones (NC)	Sabo
Brooks	Jones (TN)	Savage
Broomfield	Kaptur	Scheuer
Brown (CA)	Kasich	Schneider
Brown (CO)	Kastenmeier	Schroeder
Burton (CA)	Kazen	Schumer
Byron	Kennelly	Seiberling
Carney	Kogovsek	Shaw
Carper	Kolter	Shelby
Carr	Kramer	Shuster
Chappell	Lagomarsino	Sisisky
Chappie	Lehman (CA)	Skelton
Clarke	Lehman (FL)	Smith (FL)
Clay	Levine	Smith (IA)
Coelho	Lewis (CA)	Smith (NE)
Collins	Lipinski	Snyder
Conyers	Livingston	Solarz
Coyne	Lloyd	Staggers
Crockett	Long (MD)	Stangeland
Daniel	Lowry (WA)	Stokes
Daschle	Luken	Stratton
Daub	Markey	Sundquist
de la Garza	Martinez	Swift
Dellums	Matsui	Synar
Dickinson	McCloskey	Tauzin
Dicks	McCurdy	Thomas (CA)
Dixon	McEwen	Thomas (GA)
Donnelly	McKinney	Torres
Dorgan	Mikulski	Torricelli
Dowdy	Miller (CA)	Towns
Downey	Miller (OH)	Traxler
Duncan	Mineta	Valentine
Durbin	Minish	Vandergriff
Dwyer	Mitchell	Volkmer
Dyson	Molinari	Vucanovich
Eckart	Mollohan	Walgren
Edwards (AL)	Montgomery	Watkins
English	Moore	Weaver
Erdreich	Moorhead	Weiss
Evans (IL)	Morrison (CT)	Whitehurst
Fazio	Morrison (WA)	Whitley
Feighan	Mrazek	Whitten
Fiedler	Murphy	Williams (MT)
Fish	Murtha	Wilson
Flippo	Myers	Wirth
Florio	Natcher	Wise
Foglietta	Neal	Wyden
Foley	Nichols	Yatron
Ford (MI)	Nowak	Young (AK)
Ford (TN)	Oakar	Young (FL)
Franklin	Oberstar	Young (MO)

NOT VOTING—39

Ackerman	Ferraro	McNulty
Akaka	Frost	Patterson
Bethune	Gramm	Rinaldo
Boggs	Hansen (ID)	Sawyer
Boner	Harrison	Shannon
Bosco	Hawkins	Siljander
Bryant	Huckaby	Simon
Cheney	Jeffords	St Germain
Coleman (TX)	Jones (OK)	Tauke
D'Amours	Leach	Udall
DeWine	Leath	Vander Jagt
Dingell	Martin (NC)	Williams (OH)
Evans (IA)	McGrath	Wright

□ 1520

Mr. BROWN of California, Mrs. HALL of Indiana, Mr. MOORE, Mrs. BOXER, Mr. OTTINGER, Mrs. SCHNEIDER, and Mr. WEISS changed their votes from "yea" to "nay."

Messrs. DANIEL B. CRANE, DANNEMEYER, PRITCHARD, LEWIS of Florida, and HUNTER changed their votes from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

● Mr. JONES of Oklahoma. Mr. Speaker, due to a malfunction of the electronic voting system, my vote on the rule to accompany the continuing resolution was not recorded. I would like the record to show that I was present and voted "nay." High technology, while wonderful, is clearly not infallible!●

□ 1530

REQUEST FOR PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TO FILE RULE ON HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file any rule reported on the continuing resolution.

The SPEAKER pro tempore [Mr. LEVIN of Michigan]. Is there objection to the request of the gentleman from Washington?

Mr. LOTT. Mr. Speaker, reserving the right to object, we are being asked to give unanimous consent for a late filing on a rule where we do not have the foggiest idea of what that rule might be or might not be, or amendments that may or may not be made in order.

Can the gentleman enlighten us a little bit more about exactly what he is asking for and what we are talking about?

Mr. FOLEY. If the gentleman will yield, I would say to the gentleman that the Committee on Rules obviously is faced with the problem of reconsidering the terms under which a continuing resolution is brought to the floor. As the gentleman knows, the House was divided on this question just immediately acted on, and divided on both sides of the aisle.

It is, therefore, our hope that some conclusion can be made this afternoon or this evening by the Committee on Rules. I do not have a map to offer the gentleman from Mississippi to describe what that rule would be, but in the

event that the Committee on Rules were able to come to a conclusion, we would hope that it could be filed tonight in order to be taken up tomorrow and that, what this accomplishes, consideration could also be given to the continuing resolution tomorrow.

Mr. LOTT. Further reserving the right to object, Mr. Speaker, I understand the gentleman cannot really answer that question at this point, because I do not think anybody knows what we will be able to do in the Committee on Rules. I know that we would want to work with the leadership on the gentleman's side of the aisle to expedite this procedure, as we did earlier today. We worked with the gentleman's side to get unanimous consent to bring the rule and we would like to be able to find a way to do that now.

But I would be constrained at this point to object until we have an opportunity for the gentleman from Massachusetts [Mr. CONTE], and the chairman of the committee to maybe talk and get the minority leader, the gentleman from Illinois, to perhaps visit with the chairman of the Committee on Rules and get some idea of where we are headed because now we are being asked to give unanimous consent on something where we do not have the foggiest idea of what we are talking about.

Mr. FOLEY. If the gentleman will withhold his reservation further, perhaps he would yield to the chairman of the Committee on Rules.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the gentleman from Florida, further reserving the right to object.

Mr. PEPPER. I thank the gentleman for yielding.

Mr. Speaker, I have asked the Democratic members of the Committee on Rules to meet at 3:45 and we well call a meeting of the full committee sometime shortly thereafter to consider what the next rule might be.

Mr. LOTT. The chairman is saying we are going to have a meeting at 3:45 and he would expect to ask unanimous consent sometime after that?

Further reserving the right to object, Mr. Speaker, I did not quite understand all that the distinguished chairman said. Was he saying that there would be a meeting of the Democratic members of the Committee on Rules to make that decision, and if he is, I am going to object, because we feel that we ought to be involved in this discussion so we would at least be aware. I would yield to our ranking member on that point.

Mr. PEPPER. Mr. Speaker, I did not get the question of the gentleman.

Mr. LOTT. My question was, Mr. Speaker, is there going to be a meeting of the Committee on Rules at 3:45 to discuss this issue?

Mr. PEPPER. If the gentleman will yield further, I thought it appropriate that the Committee on Rules meet this afternoon and consider what kind of a rule, if any, it might offer back to the House. That is the reason I said I called a meeting of the Democratic caucus for 3:45, after which, in due course, the full committee would be called into session this afternoon.

Mr. LOTT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Tennessee, the ranking member of the Committee on Rules.

Mr. QUILLEN. I thank the gentleman for yielding.

Mr. Speaker, it would seem to me that a bipartisan effect should be made on this rule. I think if the Democrats are going to meet and caucus and decide what is going to be done, why do you invite the Republicans to come to a general meeting?

Mr. PEPPER. If the gentleman will yield further, I think the able gentleman is appearing more naive than he really is. The gentleman knows that it is customary for us to have a caucus and then a full committee meeting. I suspect we will do that this afternoon.

Mr. QUILLEN. If the gentleman will yield further, I certainly do not want to question the gentleman's ability, Mr. Speaker, and I do not plead to be the smartest man in the House, but I think the gentleman is using bad judgment when he calls a Democrat caucus on what is going to be done in the Committee on Rules on this measure. However, I do not mind your caucusing; go ahead.

Mr. LOTT. Further reserving the right to object, until we have an opportunity to discuss this issue on both sides of the aisle and try to find a reasonable solution, and because this vote we just had was a bipartisan vote, I am sorry to say——

Mr. PEPPER. I would think that the full committee should be meeting not later than around 4 o'clock.

Mr. LOTT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I thank the gentleman for yielding.

Mr. Speaker, I am concerned. We did have an opportunity here to pass out a clean bill and do it in an orderly fashion, which we did last year. We went over to the Senate and said, "Hey, look; we have a clean bill here. We do not have this bill all loaded down," and the Senate backed down on about 250 amendments or so.

Not knowing in what direction we are going on this rule, Mr. Speaker, I am constrained to object.

The SPEAKER pro tempore. Objection is heard.

□ 1540

NATIONAL QUALITY MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 304) to designate the month of October 1984 as "National Quality Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the resolution being considered.

Mr. LUNDINE. Mr. Speaker, Senate Joint Resolution 304 designating October 1984 as National Quality Month is a simple idea to get Americans to recommit themselves to "Quality First" and to restore the pride and confidence of "Made in America." It is true both in terms of improving our trade competitiveness and in terms of improving our productivity that real attention to quality pays off.

I agree with W. Edwards Demming, the renowned statistician who helped launch Japan's economic miracle in the 1950's, that the fundamental reason for the loss of America's competitive position in the marketplace is neither unfair market practices nor government subsidies, neither automation nor cultural nuance. Rather our decline is due to poor quality practices in manufacturing and services.

Attention to quality is what turned Japan around from a country known for low wages and shoddy products to a nation which now manufactures some of the best quality products in the world. Most of Japan's success today can be attributed to that nation's simple dedication to quality.

I firmly believe that quality is an American idea. For many years "Made in America" was a pledge of high quality to customers around the world. Armed with a reputation for high quality, American goods dominated world markets. The entire country benefited from our commitment to making the best products in the world. Management and labor worked together toward that common objective and as a result, American industries flourished and supported a thriving economy that provided more and more jobs every year.

But in the last decade all of this has changed. As foreign manufacturers have dedicated themselves to quality, they have begun to erode America's position in the marketplace. Part of our problem in international competi-

tion is that we became sloppy as a major supplier of manufactured goods. No other country is up to our technological capability. The competition is not smarter than we are. We simply did not advance quality to the extent we could have. We lost the commitment to high quality that we taught others was essential for productivity and profits.

And whether the measure of trade leadership is productivity or profits, high quality pays tremendous dividends. Doing things right the first time means they don't have to be done over again and that reduces costs and boosts paychecks and profits. Doing things right the first time means there is time to do more things and that means more productivity for the same amount of effort. Quality is the key to saving time and money; quality is the key to productivity.

The principle of high quality was developed in this Nation. From colonial days when our forefathers practiced their trades in small, backyard shops, American goods enjoyed a reputation for high quality and precision crafting. Perhaps we were spoiled by our success. As consumer demands for products rose, we too often fell into the error of seeing high quality as a cause of delay in meeting those demands rather than as a means of improving performance. We misplaced our emphasis.

All of this has begun to change. There is a revival of concern for high quality all over the country. It is evident in the strategies of our major corporations. It is evident in the small businesses on Main Street. There is a spirit where everyone understands the importance of quality. Executives have realized that high quality means customer satisfaction and customer satisfaction means sales. Workers have realized that high quality means jobs. There is a heightened consciousness among workers about quality and the satisfactions associated with taking pride in their work and the products and services they produce.

This commemorative legislation is an important opportunity to increase corporate and public awareness about the need for "Quality First." It is an important opportunity for everyone to acknowledge the vital role quality pays in producing goods and services for the international marketplace. It is an important opportunity to rededicate ourselves to the idea that "Made in America" means "Quality First."

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 304

Whereas the United States has been preeminent in quality technology development since the Industrial Revolution;

Whereas the performance and spirit that typified early American craftsmen was based on individual interest in quality of goods and service;

Whereas the pride of workmanship that once prevailed must be reinforced through a renewed commitment to quality and knowledge of quality technology in more complex contemporary industrial, commercial, and governmental organizations;

Whereas American goods and services represent the highest standards of excellence in quality;

Whereas the strength of the Nation relies on the ability of industry to produce quality goods and services;

Whereas the United States must produce high quality goods and services to maintain a position of leadership in the world marketplace;

Whereas the commitment to quality involves recognition and implementation of a consistent quality policy, the use of quality technology, and utilizaton of talents throughout an organization toward quality improvement;

Whereas the emphasis on quality in manufacturing and service will increase productivity through emphasis on defect prevention, waste reduction, and improved reliability of products and services;

Whereas the White House Conference on Productivity Report of the Preparatory Conference on Private Sector Initiatives recommended that a quality awareness campaign be implemented at the National level and within the private sector to demonstrate that rapid improvement in quality and productivity is essential to the survival of the national economy;

Whereas the American Society for Quality Control has been a leader in the development, promotion and application of quality and quality related technology since 1946;

Whereas the American Society for Quality Control is engaged in a campaign to convince officials in government and industry that increased productivity, reduced costs, and consumer satisfaction will result from commitment to improved quality standards;

Whereas the American Society for Quality Control will sponsor activities to observe National Quality Week; and

Whereas the theme of National Quality Week will be "Quality First" to emphasize that quality is an integral part of the processes that produce goods and services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1984, is designated as "National Quality Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WORLD WAR I ACES AND AVIATORS DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 333) to designate September 21, 1984, as "World War I Aces and Aviators Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation being considered.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from North Carolina.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BROYHILL. Mr. Speaker, I rise in support of Senate Joint Resolution 333. Introduced by the distinguished Senator from North Carolina, Mr. HELMS, the resolution designates September 21, 1984, as "World War I Aces and Aviators Day."

There are only 60 known surviving Aces of World War I. These heroic men defended the skies of Europe with valor and distinction in a war which began 70 years ago.

It is appropriate that this day be set aside to express our gratitude and respect for these air warriors for their extraordinary feats in the defense of this country's liberty.

Thank you.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 333

Whereas World War I, the "war to end all wars," began seventy years ago;

Whereas that war spawned a new breed of warrior, the aviator, who engaged in single combat high above the conflict on the ground;

Whereas these truly remarkable men defended the skies of Europe with valor and distinction;

Whereas some of these aviators achieved the title "Ace" by gaining at least five confirmed victories over opponents in the air;

Whereas there are only about sixty known surviving Aces of World War I, who meet periodically to share memories of a conflict familiar to many Americans only through recorded history; and

Whereas all Americans should express their gratitude and respect for these gallant air warriors for their extraordinary feats in defense of liberty: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 21,

1984, is designated as "World War I Aces and Aviators Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 340) to designate the week of September 23, 1984, as "National Historically Black Colleges Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. pro tempore. Is there objection to the request of the gentlewomen from Indiana?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation being considered.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. Mr. Speaker, it is with great pleasure that I rise in support of Senate Joint Resolution 340, which designates the week of September 23 as "National Historically Black Colleges Week" to recognize the contributions that have been made by black colleges and universities of this Nation. This legislation is the companion bill to House Joint Resolution 637, which I introduced, and I urge the adoption of the resolution.

I would like to thank the numerous cosponsors of this bill, along with the distinguished member on the Post Office and Civil Service Committee. The chairman of the committee, Mr. FORD, and the chairwoman of the Subcommittee on Census and Population, Mrs. HALL, deserve special recognition for their interest and assistance on this bill.

The 103 historically black colleges and universities in the United States have made significant contributions to the progress of education among blacks over the last century and a half. I am especially pleased to have seven of these outstanding institutions in my State of South Carolina: Allen University, Benedict College, Claflin College, Clinton College, Morris College, South Carolina State College, and Voorhees College. These schools, along with their counterparts around the country, graduate more than 30,000 young black Americans each year in every field of education. In fact, over 85 percent of the black doctors and lawyers in this Nation are graduates of one of these postsecondary institutions.

History attests to the many achievements of those who have excelled in the area of black education. Mr. Speaker, I am pleased to have sponsored this resolution, and I urge the adoption of this bill.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There ws no objection.

The Clerk read the Senate joint resolution, as follows:

H.J. RES. 340

Whereas there are one hundred and three historically black colleges and universities in the United States;

Whereas they are providing the quality education so essential to full participation in our complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas these institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of these historically black colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 23, 1984, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe that week by engaging in appropriate ceremonies, activities, and programs, thereby showing their support of historically black colleges and universities in the United States.

● Mr. LUKEN. Mr. Speaker, it is with great pleasure that I rise in support of Senate Joint Resolution 340 designating the week of September 23, 1984, as "National Historically Black Colleges Week."

I have cosponsored this legislation in order to recognize the many achievements of America's historically black colleges and universities.

Today there are 103 historically black colleges and universities in the United States. Many are more than 100 years old and have played a prominent role in our country's history.

The historically black colleges and universities have produced more than 70 percent of all black college graduates since the founding of our Nation. More than half of black business executives and elected officials are graduates of these institutions, as are 75 percent of black military officers and more than 85 percent of black doctors and lawyers.

The 103 historically black colleges and universities have championed the cause of equal opportunity and given a chance to many who had been denied it. These institutions represent a source of pride to many and, therefore, merit recognition by the Congress of the United States as a small tribute for their longstanding contributions to America.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.●

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

RAILROAD SAFETY IMPROVEMENT ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5585.

□ 1545

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5585) to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, with Mr. WEAVER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey [Mr. FLORIO] will be recognized for 30 minutes and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the House is now considering H.R. 5585, the Railroad Safety Improvement Act of 1984. This important piece of legislation, which will help improve both the safety of rail operations and the safety protections provided to railroad employees. The recent tragic Amtrak accidents have highlighted the importance of rail safety. The bill also reauthorizes

the safety functions of the Federal Railroad Administration [FRA].

Before I highlight the key provisions of the bill, let me assure you that our committee is very concerned with the recent accidents on Amtrak. Recently, I requested the General Accounting Office to investigate Amtrak's safety procedures. I have also developed an amendment to this bill, which I will offer shortly, to further strengthen the rail safety program. This amendment will focus on improving the inspection procedures to ensure safe track, among other areas.

Let me highlight some of the key provisions of the bill. First, the bill would require the Secretary of Transportation to issue a final rule within 60 days of enactment, to ensure the prevention of alcohol and drug use in railroad operations. Alcohol and drug use are a major problem adversely affecting the safety of rail operations. A number of recent accidents have been attributed to alcohol or drug use. Indeed, published reports indicate that drug use may have been a factor in the recent head-on collision of two Amtrak trains in New York. It is clear that regulatory action is needed. I am pleased that, shortly after this bill was reported, the Secretary issued a notice of proposed rulemaking in this area. The Secretary has indicated she hopes to have a final rule in place by fall. In the meantime, this provision will keep the pressure on.

In the same area, the bill also requires the Secretary to encourage the formation of a private, nonprofit corporation to support and promote greater employee awareness of the drug and alcohol problem and to encourage peer intervention. This innovative provision was the result of the initiative of the ranking minority member of the subcommittee, the distinguished gentleman from New York, Mr. LENT.

The bill will also improve the safety protections available to railroad employees. The current law protects from retaliation those employees who report safety violations or who refuse to work under certain limited conditions presenting an imminent danger of death or serious injury. However, the usual remedy is backpay and/or reinstatement, if an employee is suspended or discharged in retaliation. Unfortunately, there is no remedy where an employee is harassed, but not suspended or discharged. This bill would allow such an employee to be awarded appropriate compensation of up to 1 year's pay. This remedy is justified because of the need to ensure safe railroad operations and to protect employees who seek to promote safety.

The bill would also provide standing to employees to sue the Department of Transportation where the Secretary has failed to perform a nondiscretionary, enforcement related act or duty and such failure results in a danger of serious injury or death to employees. Concern has been expressed that the FRA has failed to properly enforce the rail safety laws and regulations. This provision would provide a remedy, as the court would be able to compel performance of the nondiscretionary act or duty. I want to emphasize that this remedy would only be available where the Secretary has failed to perform a nondiscretionary act—an act the Secretary is required by law to perform.

The bill also requires the FRA to examine two areas of safety concern—the maintenance, inspection, and testing of grade crossing warning devices and the need for qualification standards for employees who inspect and test brakes and inspect freight cars. Several of the recent Amtrak accidents occurred at grade crossings. It is crucial that grade crossing warning devices be adequately inspected and maintained.

Finally, the bill reauthorizes the safety functions of the FRA for 2 years. The bill would specifically reauthorize the State safety participation program. Under this program, half the cost of State safety inspectors are paid for by the Federal Government. There are currently about 102 such State inspectors. The administration has recommended eliminating the funding for this program. If this proposal were implemented, most of these inspectors would be eliminated and rail safety would suffer.

This is an important bill to improve the safety of rail operations, and I urge the support of the House.

□ 1550

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5585, the Railroad Safety Improvement Act of 1984.

H.R. 5585 reauthorizes the Federal Railroad Administration's Rail Safety Program for 2 years and authorizes funds for conducting safety research and development. The bill also authorizes funds for the State Rail Safety Participation Program. This program reimburses States for expenses associated with the employment of State safety inspectors. Currently, there are over 100 safety inspectors employed by participating States.

In recent years, the safety of railroad operations has greatly improved. During 1983, the total number of accidents was the lowest ever. Railroad worker fatalities dropped 24 percent over the 1982 level and injuries declined 15 percent over the same period.

Despite this positive trend, serious safety hazards still exist. We have all become increasingly troubled by the recent rash of accidents which has occurred on our Nation's rail passenger lines. Some of these incidents have occurred at highway grade crossings. Appropriately, section 3 of the bill requires the Secretary to issue regulations as may be necessary to ensure the safe maintenance and testing of signal systems and devices at highway grade crossings.

One of the most serious of the recent rail accidents took place in New York. A head-on collision between two passenger trains occurred on a trestle in Queens, NY; 1 person was killed and 106 were injured.

It recently has been brought to our attention that one of the signalmen involved in this tragic accident may have been under the influence of drugs. This incident, as well as others, has raised serious concerns about drug and alcohol use in rail operations and grade crossing safety.

In this light, the consideration of the bill by the House is particularly timely. Section 10 of H.R. 5585, Which I offered as an amendment at the subcommittee level, would require the Secretary of Transportation to encourage the establishment of a nonprofit corporation within the rail industry to foster prevention of alcohol and drug abuse. This program would be a private initiative, funded by voluntary contributions from rail employees, with matching grants from rail carriers. The Federal Railroad Administration will be authorized to provide startup support in an amount not to exceed $100,000 for this initiative.

The Federal Railroad Administration has recently issued a proposed rule on the use of alcohol and drugs in railroad operation. The rule seeks to address the problem of drug and alcohol use at many different levels—ranging from preemployment screenings to post accident testing. The Administration plans to have this rule finalized and in effect by this fall. I hope that a consensus can be reached on the details of the rule so that the industry can quickly set about to resolve this serious safety problem.

Questions have been raised as a result of the recent rash of Amtrak accidents on the crashworthiness standards for rail passenger cars, the inspection of track and the notification of train crews as to threatening weather conditions. My colleague, Chairman FLORIO, will be offering an amendment, which I will support, to require the Secretary of Transportation to conduct a rulemaking proceeding in these areas. This amendment will also require the Secretary to conduct an inquiry into whether training standards are necessary for train dispatchers. If the inquiry shows that a rulemaking proceeding is necessary, she is given the flexibility to conduct a rulemaking proceeding on this issue. This portion of the amendment responds to the Amtrak accident which occurred in

Queens, NY, which may have been caused by a dispatching error.

While I am supportive of the provisions of the bill which improve rail safety, I am, however, troubled by the concerns raised by the Administration with respect to section 6. This section would grant employees, or their union representative, "standing" to sue the Secretary of Transportation. Current law permits standing in emergency situations where a danger of "imminent injury" to a rail worker exists.

Section 6 would broaden standing to such a degree that the administration fears its prosecutorial discretion would be virtually nonexistent. The effectiveness of the Safety enforcement Program would be severely undermined by costly and time-consuming litigation. Indeed, the Department of Justice recognizes the increase in litigation in this area is potentially overwhelming in terms of volume and opposes the provision as it would subject any decision by the Secretary concerning enforcement of railroad safety laws to review.

In conclusion, Mr. Chairman, while I support H.R. 5585, I do have some serious reservations over the wisdom of section 6.

Thank you.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. LENT. I yield to the gentleman from Arizona.

Mr. RUDD. I simply would like to get a clarification on this bill, if I may. The railroads have had 100 years of impeccable record in the preservation of safety regulations, of devising their own safety regulations which were strictly enforced, and when disobeyed, just punishment, up to dismissal, was immediately carried out, where other members of the railroad community or fraternity, if you want to put it that way, were willing to indicate when a brother had taken too much alcohol, or any alcohol at all, in order to break those strict rules, to assure that this carrier of our fellow citizens, of human beings, would result in no injury or damage or accidents that could have taken place.

Now, this piece of legislation is imposing Government regulations on this to carry out what the railroads have always been able to do for themselves. I know there is an answer to this and I am just wondering why we need this piece of legislation in view of the record that the railroads have had for over 100 years.

Mr. LENT. The gentleman is correct. Our hearings indicated, and the statistics indicate that over the years the number of accidents and fatalities on our Nation's railroads have been reduced to the point where, in 1983, we had fewer than ever.

But, by the same token, during 1984, we have had a rash of accidents. Our hearings indicated that there has been a great deal of evidence that the use of alcohol and drugs by railroaders has been on the increase. Evidence shows that the old system of turning in your buddy or stopping your buddy from taking the helm of a railroad locomotive has been breaking down.

So we have been working, and we have encouraged work between the Federal Railroad Administration and the Brotherhoods, to try to develop some sort of a rule that will not be too onerous, but yet will set up a system whereby individual railroaders who are involved with drugs, or feels they have been overcome with alcohol, addiction can seek out guidance and help.

So I am pleased to be able to say to the gentleman from Arizona that the Federal Railroad Administration's rulemaking is presently in the works. It is unfortunate that we have to put this directive in this legislation. But, we feel we have to respond to the circumstances that exist in the railroads involving drugs and alcohol.

Mr. RUDD. I understand there will be some Federal funds involved, perhaps $100,000. What will they be used for?

Mr. LENT. As I said in my opening remarks, that $100,000 would be start-up money for the establishment of a program. That program will then be voluntary and it would be thereafter completely financed by contributions and matching funds from individuals and the rail corporations themselves.

Mr. RUDD. I thank the gentleman from New York for his responsible statement.

Mr. FLORIO. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

□ 1600

Mr. GLICKMAN. Mr. Chairman, I support this bill. I think it is very important.

Mr. Chairman, the subcommittee I chair on the Committee on Science and Technology has been concerned about railroad safety for a number of years. We have held a series of hearings on this issue. We are particularly concerned about the skyrocketing rate of derailments in the late 1970's. That number of derailments annually peaked in 1978 to 8,763 derailments, but that has dropped down to about 3,000 in 1983. The Staggers Rail Act may have contributed to this reduction either by increasing revenues to the railroads or by making abandonments easier. But still there remain many problems with the Federal Railroad Administration's rail safety program. I would like to list four of them. No. 1, track inspectors: They have only 88 track inspectors for the entire country. In 1982, the GAO found that the FRA's primary means of monitoring industry compliance with Federal safety standards were time consuming and ineffective. No. 2 has to do with Amtrak contracts. Most people do not realize that Amtrak has an agreement with the railroads over which Amtrak operates to protect the railroads from accident liability risks.

The taxpayer must assume those risks.

That whole process causes me great concern in terms of who actually is responsible for maintaining the roadbeds, Amtrak or the railroads or perhaps the Federal Government.

No. 3, reduction in track standards: The National Transportation Safety Board has expressed its concern about the FRA's reduction in track safety standards in 1982. In fact, NTSB has indicated a number of concerns on safety issues that are routinely ignored by the FRA. No. 4, little use of modern technology: Our subcommittee found that there are several areas where the FRA really has not modernized. The automated track geometry cars, now these are cars that Amtrak has recently started systemwide track inspection, using modern track geometry cars, something which many folks advocated several years ago. Use of those track geometry cars could have saved lives and injuries in recent derailments.

No. 2 is weather and communications. There is no current regulation requiring that railroad locomotives have access to severe-weather warnings, nor that they even have a working radio. Imagine that, no regulation requiring railroads even have communication equipment.

Three is lack of modern signaling systems. Only recently through the efforts of Mr. FLORIO has modern signaling equipment systems been implemented in the Northeast corridor.

Finally, unprotected grade crossings are still a major problem and cause most of the fatalities.

In short, Amtrak and the FRA rely almost totally on private railroads to assure public safety. That is in sharp contrast to the way things are done in aviation.

Now, notwithstanding all of the above, this is a fine bill that will help promote rail safety. We have had a whole slurry of rail accidents in this country the last couple of years, accidents which have been caused by many, many factors. Some have to do with poor performance of operators of the railroads, some have to do with bad track. The fact of the matter is that people who ride on Amtrak or people who live near Amtrak or freight lines need to be assured that the railroads are safe in the same way that they believe our air system is safe in this country.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FLORIO. I yield 1 additional minute to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Chairman, one of the amendments the gentleman from New Jersey is going to offer will deal with the issue of weather and communications. I intend to support it. I also intend to offer an amendment which will require basically a statement of disclosure of how much the railroads have spent before and after the Staggers Act to improve track and roadbed and capital equipment. The railroads are one of the reasons why this country is strong. They are still probably the strongest form of transportation in America. We have to make sure they are safe, safe to ride on for passengers, safe to transport freight.

Mr. Chairman, this bill will help on that process.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I rise in support of the railroad safety improvements of H.R. 5585 to stop alcohol and drug abuse by persons who operate our railroad trains. This bill also upgrades Federal inspection of railroad tank cars to make sure new safety standards for flammable gases and other hazardous commodities are met.

We cannot permit repetition of train derailments where an engineer or brakeman is functionally incapacitated because of alcohol consumption or drug use before or during work. Nearly 2 years ago, on September 28, 1982, more than 3,000 residents of my congressional district, Livingston, LA, had to flee their homes literally for their lives under emergency conditions for as long as 2 weeks, when an Illinois Central Gulf railroad freight train derailed causing tank car explosions and toxic chemical release. Hundreds of thousands of dollars in immediate physical property damage resulted. The National Transportation Safety Board after investigation held this derailment was caused by the train's engineer who did not operate it safely due to alcohol consumption. This horrible accident did not have to happen. Had this bill been law, perhaps it would not have.

Fast civic coordination and public response insured no loss of life occurred, but the magnitude of potential human danger remains fresh in the minds of the residents of Livingston and other communities nearby where the same rail line passes

On August 2, I submitted testimony to a Department of Transportation panel on rail safety calling for fast and effective action to prevent the events of the Livingston derailment from being repeated. This bill serves that purpose, and I support it.

Mr. FLORIO. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. I thank the gentleman for yielding.

Mr. Chairman, I would like to engage the chairman [Mr. FLORIO] in a colloquy.

I wonder if I might have a moment of the chairman's time to discuss with him what I consider to be a serious rail safety issue. I am referring to the problem of accidents which often occur at rural, low traffic volume highway/rail grade crossings.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I yield to the gentleman.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I would be glad to discuss this important matter with the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, thank you. Without question, we have made headway in improving safety conditions at the most dangerous highway/rail grade crossings, and the chairman and the members of the Public Works Committee should be saluted for their efforts. But, there are problems remaining that are unique to rural areas. There are over 200,000 highway/rail crossings in this country and many, perhaps more than half, are located in rural and small town America with relatively low volumes of highway and rail traffic. In my State of Oklahoma, 95 percent of the grade crossings are located in rural areas. I know many of my colleagues represent rural districts with similar grade crossings. These crossings continue to experience accidents, injuries, and fatalities. Such tragedies cannot be ignored, and they cannot be accepted. I believe there are many things that can be done to improve these crossings at a reasonably low cost. I feel that reflectors on railroad cars may be a solution, but I am willing to try an alternative. The Federal Highway Administration, in conjunction with the State of Illinois, Southern Railway Co., and several local communities, recently completed a low-cost rail/highway crossing corridor improvement project utilizing several techniques particularly appropriate to these low traffic volume crossings. The Federal Highway Administration, in fact, has found that utilizing low-cost rail corridor techniques similar to those in this Illinois project could be of significant benefit. I am convinced that the Congress and Federal Government must develop, refine, and increasingly utilize this type of low-cost grade crossing safety improvement alternative. Mr. Chairman, I know that you share my interest and concern about this matter. In that regard, I intend to pursue with you and with our colleagues the creation of a special national program to examine and demonstrate innovative, low cost approaches to safety improvement at low-traffic-volume highway/rail grade crossings. At this time, I envision the implementation of three or four such corridor demonstration projects at various locations around the country. These projects would be carried out by the Federal Highway Administration with funds from the Federal highway trust fund with the advice and assistance of the Federal Railroad Administration, State and local agencies, and the railroads. Such information will be invaluable especially to State an local officials in their efforts to eliminate deaths and injuries at these locations. Mr. Chairman, thank you for the opportunity to bring this matter to the attention of our colleagues. I hope I can have your support and assistance in pursuing this low-cost rail/highway crossing corridor improvement program which I have discussed.

Mr. FLORIO. The gentleman from Oklahoma has eloquently described what is truly an important problem. But, as the gentleman indicates, it is a problem for which effective solutions can and must be developed. I would additionally point out that while low-traffic-volume grade crossings frequently exist in rural areas, they are also found in our cities and towns. I would hope and anticipate that the demonstration effort described by the gentleman and the knowledge gained therefrom would be applicable to appropriate urban locations. You certainly have my supprort, and I look forward to working with you.

Mr. WATKINS. The chairman is absolutely correct about urban low-traffic-volume crossings. The problems and solutions of such locations would certainly be fully examined in the demonstration program I propose.

● Mr. JEFFORDS. Mr. Chairman, I rise in strong support for the amendment which will be offered by the gentleman from New Jersey, Mr. FLORIO, on track inspections and weather monitoring.

This past summer the people of Vermont and the Nation were made brutally aware of the need for adequate weather monitoring and track inspections when on July 7, Amtrak's Montrealer train, making its daily morning run north through Vermont to Montreal, derailed at a collapsed culvert weakened by heavy summer rains. This accident, one of the worst in Amtrak's 13-year history, claimed 5 lives, and resulted in numerous injuries and extensive damage to equipment and railbed. Suffice it to say this accident could have been averted if there had been in place a system of alerting the train of severe weather conditions and conducting a spot inspection of hazardous track sections.

Throughout this country our so-called structural infastructure is showing signs of age and is sorely in need of

repair. Nowhere is this more apparent than in the Northeast where structures are old and harsh weather conditions have paid their toll. Short of replacing all aging track, bridges and grade crossing, a system of weather monitoring and track inspections will increase the safety and reliability of our railroads.

As a result of the Vermont incident, Central Vermont Railroad, one of three rail lines over which the Montrealer runs, now requires that weather conditions be monitored continuously and that all Amtrak engines using their lines be furnished with radio equipment to receive this information. It is unfortunate that actions such as this are many times only taken after tragedy strikes. But, nonetheless, I am encouraged by this action and hope that it will be effective in avoiding future mishaps.

The amendment presented by the gentleman from New Jersey, today, as I understand it will direct the Federal Railroad Administration to issue rules to establish a similar system coupled with track inspections nationwide. To avoid a repeat of the unfortunate incident that occurred in Vermont this summer, I urge all my colleagues to support this provision.●

□ 1610

Mr. LENT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FLORIO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. FLORIO. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Railroad Safety Improvement Act of 1984".

PREVENTION OF ALCOHOL AND DRUG USE IN RAILROAD OPERATIONS

SEC. 2. The Secretary of Transportation shall, within 60 days after the date of enactment of this Act, issue a final rule or regulation to ensure the prevention of alcohol and drug use in railroad operations.

GRADE CROSSING SIGNAL SYSTEM SAFETY

SEC. 3. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end a new subsection as follows:

"(l) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1984, issue such rules, regulations, orders, and standards as may be necessary to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings.".

POWER BRAKE AND FREIGHT CAR INSPECTIONS

SEC. 4. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by section 3 of this Act, is further amended by adding at the end a new subsection as follows:

"(m) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1984, issue such rules, regulations, orders, and standards as may be necessary to define qualification standards for employees who conduct railroad power brake inspections and tests and railroad freight car inspections required under the Federal railroad safety laws, as such term is defined under section 212(e), or under any regulation issued under such laws.".

PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION

SEC. 5. (a) Section 212(c)(1) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(1)) is amended by inserting ", and any proceeding with respect to such dispute, grievance, or claim shall be expedited by the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act so that such dispute, grievance, or claim is resolved within 180 days after its filing with such Adjustment Board or other board of adjustment" before the period.

(b) Section 212(c)(2) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(2)) is amended by adding at the end the following new sentence: "If the violation of subsection (a) or (b) is a form of discrimination other than discharge, suspension, or any other discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act may award the aggrieved employee appropriate compensation up to the equivalent of 1 year's pay for such employee.".

STANDING TO REQUIRE THE PERFORMANCE OF NONDISCRETIONARY ACTS

SEC. 6. The Federal Railroad Safety Act of 1970 is amended by inserting after section 212 the following new section:

"SEC. 212A. CIVIL ACTION BY EMPLOYEES.

"(a) Except as provided in subsection (b), any employee of a rail carrier or any authorized representative for collective bargaining of a craft or class of such employees may commence a civil action against the Secretary of Transportation to compel the Secretary to perform any act or duty related to enforcement under the Federal railroad safety laws, as such term is defined in section 212(e), which is not discretionary, if the failure to perform such act or duty creates a danger of serious injury or death to such employee or employees.

"(b) No civil action may be commenced under subsection (a) before the expiration of 60 days after the plaintiff has given notice to the Secretary of the alleged failure of the Secretary to perform an act or duty which is the basis for such action, including specific reference to the alleged violation or violations of the Federal railroad safety laws involved. Notice under this subsection shall be given in such manner as the Secretary shall prescribe by rule.

"(c) Any civil action under subsection (a) shall be brought in the United States district court for the District of Columbia, or the United States district court for the judicial district where the alleged violation or violations of the Federal railroad safety laws has occurred or is occurring.

"(d) When two or more civil actions brought under subsection (a) involving the same issues or violations are pending in two or more judicial districts, such pending actions may, upon application of the Secretary to a court in which any such action is brought, be consolidated for trial by order (issued after giving all parties reasonable notice and opportunity to be heard) of such court and tried in—

"(1) any district which is selected by the Secretary and in which one of such actions is pending,

"(2) a district which is agreed upon by stipulation between all of the parties to such actions and in which one of such actions is pending, or

"(3) a district which is selected by the court and in which one of such actions is pending.

The court issuing such an order shall give prompt notification of the order to the other courts in which the civil actions consolidated under the order are pending.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. Section 214(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444(c)) is amended—

(1) in paragraph (1) by striking out "and" after "September 30, 1983,", and by inserting ", not to exceed $31,400,000 for the fiscal year ending September 30, 1985, and not to exceed $32,500,000 for the fiscal year ending September 30, 1986" before the period;

(2) in paragraph (2) by striking out "and" after "September 30, 1983,", and by inserting ", not to exceed $2,900,000 for the fiscal year ending September 30, 1985, and not to exceed $43,200,000 for the fiscal year ending September 30, 1986" before the period;

(3) in paragraph (3) by striking out "and" after "September 30, 1983,", and by inserting "not to exceed $21,000,000 for the fiscal year ending September 30, 1985, and not to exceed $22,000,000 for the fiscal year ending September 30, 1986," after "September 30, 1984,"; and

(4) by adding at the end the following new paragraph:

"(4) For the purpose of rail planning for Toledo, Ohio, including planning for improving the safety of rail operations and reducing conflicts between rail and highway traffic, there are authorized to be appropriated not to exceed $100,000 for the fiscal years ending September 30, 1985, and September 30, 1986. The total amount appropriated under this paragraph for both such fiscal years combined shall not exceed $100,000.".

EMPLOYEE ASSISTANCE PROGRAM EVALUATION

SEC. 8. (a) The Secretary of Transportation shall conduct an evaluation of any employee assistance program with respect to drug and alcohol abuse run by the Consolidated Rail Corporation and shall, after consultation with representatives of the crafts

or classes of employees covered by such program and with the Consolidated Rail Corporation, report to the Congress within 180 days after the date of enactment of this Act. Such report shall contain an evaluation of the effectiveness of such program in helping employees with drug and alcohol abuse problems, and shall include any recommendations of the Secretary for the improvement of such program.

(b) The report submitted to the Congress under subsection (a) shall be transmitted simultaneously to the Consolidated Rail Corporation.

ENFORCEMENT OF THE SECRETARY'S ACTIONS

SEC. 9. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking out "enforce such orders" and inserting in lieu thereof "enforce any orders, directives, and subpoenas of the Secretary under this Act".

ALCOHOL AND DRUG ABUSE ASSISTANCE

SEC. 10. (a) To foster the prevention of alcohol and drug abuse within the railroad industry, the Secretary of Transportation shall encourage the establishment of a private, nonprofit corporation, financially supported by individual railroad employees and railroad companies, to support and promote—

(1) vigilant peer intervention to avoid violations among railroad employees of rule G of the Association of American Railroads' Standard Code of Operating Rules;

(2) early identification and treatment of railroad employees addicted to alcohol or drugs;

(3) programs to foster awareness and prevention of alcohol or drug abuse within the railroad industry; and

(4) improved utilization of effective Employee Assistance Programs with respect to alcohol and drug abuse.

If such a corporation is established within 90 days after the date of enactment of this Act, the Secretary of Transportation may provide support, including office space, equipment, postage, printing, and the development of educational materials, of a value of not to exceed $100,000.

(b) The requirement set forth in subsection (a) of this section shall not relieve the Secretary of any requirement set forth in section 2 of Act.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: At the end of the bill, insert the following new section:

RAIL SAFETY

SEC. 11. (a) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsections:

"(n) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1984, issue such rules, regulations, orders, and standards as may be necessary to insure safe rail passenger and other rail operations, giving special consideration to the need for—

"(1) improved inspection of track used for rail passenger and other rail service, and improved weather information in conjunction with such inspections; and

"(2) crashworthiness standards for rail passenger cars.

"(o)(1) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1984, conduct and complete an inquiry into whether training standards are necessary for those involved in dispatching passenger and other trains.

"(2) Upon the completion of such inquiry, the Secretary shall report the results of such inquiry to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate along with the Secretary's recommendations, and if the Secretary recommends that rules, regulations, orders, or standards are necessary, the Secretary shall promptly initiate appropriate rulemaking proceedings.".

(b)(1) The Secretary of Transportation shall require that all sections of the mainline of the Northeast Corridor between Boston, Massachusetts, and Washington, D.C. are equipped with automatic block signals with cab signaling before December 31, 1985, consistent with the document entitled Corridor Master Plan II, NECIP Restructured Program, dated January, 1982, prepared for the United States Department of Transportation, Federal Railroad Administration, Northeast Corridor Improvement Project, in cooperation with the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak), by DeLeuw, Cather/Parsons, NECIP architect/engineer.

(2) The deadline established under paragraph (1) shall not apply to the extent that the owner or operator of such mainline tracks, or, where appropriate, the Secretary, is unable to meet such deadline solely for reasons beyond their control. If such owner or operator, or, where appropriate, the Secretary, fails or expects to fail to meet the deadline for such reasons, the owner or operator or Secretary shall notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of—

(A) the portions of the mainline that will not be properly equipped by the deadline;

(B) the reasons for such failure; and

(C) the anticipated completion date of the work.

(c) The Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"SEC. 215. UNSAFE FACILITIES.

"(a) The National Railroad Passenger Corporation (hereafter in this section referred to as 'Amtrak'), or the owner of any facility which presents a danger to the employees, passengers, or property of Amtrak, may petition the Secretary for assistance to the owner of such facility for relocation or other remedial measures to minimize or eliminate such danger under this section.

"(b) If the Secretary determines that—

"(1) a facility which is the subject of a petition under subsection (a) presents a danger of death or serious injury to any employee or passenger of Amtrak or serious damage to any property of Amtrak; and

"(2) the owner of such facility should not be expected to bear the cost of relocating or other remedial measures necessary to minimize or eliminate such danger,

the Secretary shall recommend to the Congress that the Congress, as a part of its periodic reauthorizations of this Act, authorize funding, by reimbursement or otherwise, for such relocation or other remedial measures.

"(c) Petitions may be submitted under subsection (a) of this section with respect to any relocation or remedial measures undertaken on or after January 1, 1978.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, the recent tragic Amtrak accidents have raised understandable concern about the safety of rail operations. The recent Amtrak accidents have varying causes. But we have learned some lessons already and it is imperative that we take advantage of what we have learned to prevent future accidents.

The amendment I am now offering would build on what we know about the recent accidents to ensure a safer rail system. To begin with, the amendment would require the Federal Railroad Administration [FRA] to conduct a rulemaking proceeding to examine the safety of rail operations. As part of this rulemaking, FRA would have to look at several specific areas.

First, FRA would have to consider the need for better track inspection procedures especially the need for better weather information. The recent derailment in Philadelphia resulted from the effect of heat on the track while the recent derailment in Vermont resulted from a washout due to rain. Better inspection procedures and particularly better weather data may have prevented these accidents. In addition, as part of this effort to improve track safety, the FRA may want to consider the need for bridge standards.

Second, the amendment requires FRA to examine the need for crashworthiness standards for rail passenger cars. Despite our best efforts, some accidents will occur. It is important to ensure that rail equipment can withstand accidents, so that passengers can survive the crash.

The amendment also requires FRA to conduct an inquiry to consider the need for training standards for those involved in dispatching trains. Concern has been raised that dispatchers and tower operators may have inadequate training.

The recent head-on collision in New York also revealed another problem. The accident occurred on a stretch of Amtrak track that had a less sophisticated signal system called manual block signals. Most of the rest of Amtrak's Northeast corridor mainline between Washington and Boston has a more sophisticated signal system, automatic block signals with cab signals. Such a system works automatically and has fail-safe features that would have prevented the recent head-on collision. The amendment would require the Secretary of Transportation to ensure that the entire Northeast

corridor mainline spine between Boston and Washington was equipped with this more sophisticated signal system by December 31, 1985. This schedule is consistent with and based on Amtrak's plans as part of the Northeast corridor improvement project. Thus the amendment would ensure that this necessary work is done.

This is an important amendment which will help prevent future rail accidents. I urge its adoption.

Finally, the amendment establishes a procedure to encourage the relocation of facilities which may create a hazard to Amtrak passengers, employees, or property. The procedure merely provides for the Secretary of Transportation to make recommendations to Congress on this issue.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I have gone over this amendment and I have been happy to work with the gentleman on it. It is essential that we learn from these various Amtrak accidents, so that similar situations do not reoccur.

The gentleman's amendment requires, as I understand it, the Secretary of Transportation to look at some of the causes of the most recent accidents and, if it is necessary, to then establish regulations in those areas. In this manner we can hopefully improve further the safety of our Nation's railroads.

It is a good amendment and I am pleased to support it.

Mr. FLORIO. I thank the gentleman.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to inquire about the amendment offered by the distinguished gentleman from New Jersey.

During hearings held last summer by the subcommittee I chair, the Science and Technology Subcommittee on Transportation, Aviation, and Materials, it was apparent that substantial improvements in rail safety could be achieved by the use of relatively simple modern technology. The most obvious example is the need for modern communication links between trains and the National Weather Service. There are indications that access to emergency weather alerts could possibly have prevented the Amtrak accident in Vermont last July 7, the accident near Connellsville, PA, on May 29, and the accident near Emerson, IA, on June 15, 1982. In every case emergency weather alerts had been issued, but the information never reached the engine crews. In the case of the accident in Vermont last July, there had been a flash flood watch issued by the National Weather Service, but railroad personnel were not aware of the warning. In fact, the engine crew did not even have a working radio, so they could not have received a warning in any case.

As I understand it, the amendment would require the Federal Railroad Administration to conduct a rulemaking to insure safe rail operations. As part of the rulemaking, the FRA is to give special consideration to the need for weather related information in conjunction with improved track inspections. Is my understanding correct?

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct.

Mr. GLICKMAN. As the gentleman knows, I was prepared to offer an amendment requiring that all locomotive cabs be equipped with effective radio devices which provide access for employees to National Weather Service radio frequency bands and two-way communication between the operating employees and off-train railroad operations personnel. One major purpose of this amendment was to ensure that operating personnel had access to the latest weather information and thus be able to act on that information.

However, it appears your amendment is directed to the same purpose.

Mr. FLORIO. The gentleman is correct. I know we share the same goal of preventing tragic, weather-related accidents such as the recent Amtrak derailment in Vermont.

Mr. GLICKMAN. I would ask the gentleman one question. I notice his amendment does not refer specifically to the issue of radios. Is it the gentleman's intent that FRA consider the need for radios in the context of the rulemaking required by his amendment?

Mr. FLORIO. Absolutely. The amendment requires the FRA to consider the need for better weather information. Certainly, the use of radios in locomotive cabs can help ensure access to such vital information. It is definitely the intent of this amendment that the FRA consider the need for radios in locomotive cabs in the context of the required rulemaking.

Mr. GLICKMAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FLORIO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KOSTMAYER

Mr. KOSTMAYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOSTMAYER: Page 3, line 5, add a new section, and renumber following sections accordingly.

"AMTRAK MAINTENANCE OF EQUIPMENT

"SEC. 5. Sec. 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end a new subsection as follows:

"(n) In order to ensure the safety of operations and the proper maintenance of track and switch points, the Bristol, Pa. Maintenance of Equipment shop and its support facility at Cornwells Heights, Pa. shall not be closed or moved for a period of six months after enactment of this subsection, and the Board of Directors of Amtrak shall submit to the Congress no later than March 1, 1985 a report on any plans to close or move this shop and its potential impact on the safety of operations and the maintenance of track in the Northeast Rail Corridor between New York and Baltimore."

Mr. KOSTMAYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, we have had an opportunity to review the gentleman's amendment. It is a good amendment. I would be happy to accept the amendment.

Mr. KOSTMAYER. Mr. Chairman, let me just say very briefly, and first of all thank the gentleman from New Jersey, the chairman of the subcommittee [Mr. FLORIO], and also the gentleman from New York [Mr. LENT] for permitting me to offer this amendment.

Very simply, this amendment would require the Board of Directors of Amtrak to submit a report to the Congress by March 1 of next year and in the interim not to move a maintenance-of-way facility located at Bristol, PA, prior to issuing that report to the Congress.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I am going to very regretfully have to oppose this amendment. It is regrettable that the amendment is offered at the 11th hour. The minority, frankly, has had no opportunity to look at this amendment very carefully or to explore it, other than to make a telephone call to the Amtrak people.

We are advised that with respect to this particular facility in the gentleman's district, or nearby the gentle-

man's district, Amtrak is looking for alternative property for a site and that the alternative property that is under consideration is being offered at a reasonable price. Amtrak seems to be somewhat concerned with the fact that the gentleman's amendment would put this whole process on ice, so to speak, for what might be an inordinately long time, 6 months.

I was wondering if the gentleman would agree to perhaps shortening that period for study so then perhaps I could withdraw my objection.

Mr. KOSTMAYER. I appreciate the concerns of the gentleman from New York. I look forward to working with him but must offer the amendment at this time to save these jobs.

Mr. LENT. Well, may I inquire of the gentleman whether he is going to persist with the amendment as it is written with the 6-month delay period in it?

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Mr. KOSTMAYER. Well, if the gentleman from New York would indicate to me in what fashion he would like to see the amendment altered, I would be willing to attempt to accommodate him.

Mr. LENT. Well, my understanding is that the present site, I guess it is in Bristol, PA——

Mr. KOSTMAYER. That is correct.

Mr. LENT. Right now is inadequate for the purposes that Amtrak would like to use it because of its present location. Apparently, certain equipment that is used for track laying and track rehabilitation of the railroad has to be shipped an inordinately long distance into Bristol, PA. Moreover, Amtrak needs an indoor facility to perform this maintenance and, therefore, the facility at Bristol is inadequate.

I just wanted to voice those objections to the gentleman's amendment.

Mr. KOSTMAYER. This would be the very subject of the study which I am asking for, and all I am simply asking for is that this matter be studied. I am sure they would be seriously considered in the study which would take place and which we would receive back by March 1, 1985.

Mr. LENT. Well, I just wanted the record to note the objections of Amtrak to the 6-month delay that would be involved with the gentleman's amendment.

Mr. KOSTMAYER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KOSTMAYER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LUKEN

Mr. LUKEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUKEN: At the end of the bill, insert the following new section:

RAIL SAFETY FUNDING AND IMPROVEMENT

SEC. 11. (a) The Congress finds that—

(1) the transactions described in the amendment made by subsection (b) will increase the availability of funds for rail safety purposes; and

(2) the transactions described in the amendment made by subsection (b) will result in significant improvements in rail safety nationwide, and more particularly in the Cincinnati area especially with respect to grade crossing safety.

(b) The Federal Railroad Safety Act of 1970 is amended by adding at the end the following new section:

"SEC. 215. RAIL SAFETY FUNDING AND IMPROVEMENT.

"(a)(1) In order to increase the availability of funds for rail safety purposes and to improve the safety of railroad operations, the Secretary, upon being notified by the Consolidated Rail Corporation (hereafter in this section referred to as the "Corporation") that the Corporation has entered into an agreement for the sale of the lands described in subsection (c), out of the proceeds of which sale the Corporation will transfer to the Secretary $1,500,000 for disposition under this subsection, shall, within 5 days after such notice, request that the Administrator of General Services convey to the Corporation all right, title, and interest of the United States to such lands. The Administrator shall effect such conveyance within 30 days after such a request from the Secretary.

"(2) Upon receipt of the $1,500,000 from the Corporation under paragraph (1), the Secretary shall deposit such funds in an escrow account.

"(3)(A) If, within one year after the establishment of the escrow account under paragraph (2), the Corporation enters into and executes an agreement under which the lands described in subsection (b) are conveyed to the Cincinnati-Hamilton County Port Authority and under which such Port Authority pays to the Secretary $325,000, the Secretary shall, within 30 days after the execution of such agreement, transfer from the escrow account to the Corporation $1,500,000, to be used by the Corporation for the improvement of rail safety, and shall deposit any accumulated interest thereon, plus the $325,000 received from the Port Authority under this subparagraph, into a Rail Safety Fund, which shall be available, to the extent provided in advance in appropriations Acts, for rail safety purposes as authorized under section 214.

"(B) If, upon the expiration of one year after the establishment of the escrow account under paragraph (2), the corporation has not executed an agreement described in subparagraph (A), all funds in the escrow account shall be deposited in the Rail Safety Fund established under such subparagraph.

"(b) The lands referred to in subsection (a), to be conveyed to the Cincinnati-Hamilton County Port Authority, are located partly in section 4, township 3, fractional range 1 M.R.S. and partly in section 34, township 4, fractional range 1 M.R.S., in the city of Cincinnati, County of Hamilton, State of Ohio, more particularly described as follows:

"Beginning at the point where the south line of River Road intersects the projected east line of Lilienthal Street, thence east along the south line of River Road to the point where the south line of River Road intersects a line that is 60 feet north of and parallel to the centerline of Consolidated Rail Corporation's main track, the real place of beginning, thence east along said line being 60 feet north of and parallel to the Centerline of said main track to the point where said line intersects the west line of Southside Avenue, thence north along the west line of Southside Avenue to the point where the west line of Southside Avenue intersects the south line of River Road, thence west along the south line of River Road to the real place of beginning; excepting therefrom lots 44 through 54 and 70 of Graham's Subdivision; containing a total of 65 acres, more or less. Said premises being located on United States Railway Association Line Code 8312 near Mile Post 4 and shown on I.C.C. Valuation Section 20, Maps 5 and SL5 and 6 and SL6 of the former Cleveland, Cincinnati, Chicago & St. Louis Railway Company.

"(c) The lands referred to in subsection (a), to be conveyed to the Consolidated Rail Corporation, are located in Washington, District of Columbia, more particularly described as follows:

"Commencing at the intersection of the east line of Half Street closed by Act of Congress and approved January 24, 1923, with the north line of Eye Street as now laid out and existing, said point being the southeast corner of the United States Government Coal Yard, and running thence along said east line of Half Street closed, north 274.67 feet to the point of beginning.

"Thence from said beginning point and continuing along said east line of Half Street closed north 80 feet, more or less, to a point, thence northwest 40 feet, more or less, to a point, thence north 195 feet, more or less, to a point in the south line of Southeast Freeway, thence east along said south line of Southeast Freeway 485 feet, more or less, to a point in the west line of New Jersey Avenue, thence south along said west line of New Jersey Avenue 260, feet, more or less, to a point, thence southwest 60 feet, more or less, to a point, said point being 12 feet, more or less, east measured radially and at right angles from the centerline of a spur track of Consolidated Rail Corporation, thence running parallel and concentric with said centerline of spur track and south 255 feet, more or less, to a point in the north line of Eye Street, thence running along said north line of Eye Street west and crossing the aforesaid spur track of Consolidated Rail Corporation, 77 feet, more or less, to a point, said point being the southeast corner of lands conveyed by Consolidated Rail Corporation to Jersey Associates, by deed dated June 26, 1981, thence along said lands the following three courses and distances: (1) North 138.50 feet to a point; (2) Thence North 57 degrees 27 minutes 43 seconds west, 253.17 feet to point; (3) Thence west 137.83 feet to the place of beginning.

"Containing 170,300 square feet, more or less, or 3.91 acres, more or less, of land.".

(c) The Secretary of Transportation shall, within 2 years after the transfer of lands described in subsection (b) of the amendment made by subsection (b) of this section, submit a report to the Congress on the effect that such transfer of lands has had on the improvement of rail safety, and on the effect that the increased availability of funds resulting from the amendment made by subsection (b) of this section has had on the improvement of rail safety.

Mr. LUKEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LUKEN. Mr. Chairman, this amendment will serve to expedite the sale of Conrail property in both Washington, DC, and Cincinnati, OH, that the Corporation has been unable to dispose of in the absence of this legislation making title to the District property clear.

Under the amendment, the Cincinnati-Hamilton County Port Authority will pay $250,000 to the Secretary of Transportation for use in the Department's rail safety programs.

With the conveyance of the Cincinnati property to the port authority, there will be development of a currently abandoned rail yard; this should result in revitalization of the riverfront. This particular location is the last major site of its kind with both water and highway access. Development of the property, under plans of the authority, will be designed to maximize the number of jobs created. This is an important part of the community's efforts to reduce the unemployment that has plagued the Midwest during the recession. We are looking to create permanent jobs.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LUKEN. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I have reviewed this amendment. It is acceptable, and I am prepared to accept it.

Mr. LUKEN. I thank the gentleman.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. LUKEN. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, the minority has reviewed this amendment, and we thank the gentleman for his cooperation in renegotiating some of the numbers in the amendment. We have no objections to the amendment.

Mr. LUKEN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LUKEN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: At the end of the bill, add the following new section:

RESUMPTION OF SERVICE

SEC. 11. Section 404(f) of the Rail Passenger Service Act (45 U.S.C. 564(f)) is amended by adding at the end the following new sentence: "Within 30 days after the date of enactment of the Railroad Safety Improvement Act of 1984, the National Railroad Passenger Corporation shall reinstitute rail passenger service between Tampa, Florida, and Saint Petersburg, Florida, as such service was in operation as of January 1, 1984."

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, this is the same amendment that Chairman FLORIO placed in the previous Amtrak authorization bill. I have checked with the gentleman and with the gentleman from New York [Mr. LENT], and I understand they have no objection.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New Jersey.

Mr. FLORIO. This is the same amendment that was previously accepted by the House?

Mr. YOUNG of Florida. Yes, it is.

Mr. FLORIO. I have no problem with the amendment.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. LENT. I just wanted the gentleman to clarify for me that this is the exact same language as was incorporated in the Amtrak bill, H.R. 3648, which passed the House in March 1984?

Mr. YOUNG of Florida. That is correct. This amendment dealing with the safe, efficient rail service was adopted by this House with no opposition of any kind.

Mr. LENT. I thank the gentleman, and I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. YOUNG].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: At the end of the bill, add the following new section:

TRACK AND ROADBED STUDY

SEC. 11. The Secretary of Transportation shall study and report to the Congress, within 180 days after the date of enactment of this Act, a comparison of levels of investment by the railroad industry in track and roadbed maintenance and modernization and its impact on rail safety before and after the enactment of the Staggers Rail Act of 1980.

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, this amendment would just require the Secretary of Transportation to study and report to Congress a comparison of levels of investment by the railroad industry and track and roadbed maintenance and modernization and its impact on rail safety before and after the enactment of the Staggers Rail Act of 1980.

I think the Congress needs to know exactly what the investment of the railroads in track and equipment was before deregulation and afterwards, all to deal with the issues of rail safety.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New Jersey.

Mr. FLORIO. The gentleman's amendment is very valuable, it will be a very valuable tool for the Congress, particularly next year as we look at the Staggers Act, and I commend the gentleman for his amendment and I support it.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

I am going to support the gentleman's amendment. I just wanted to clarify that this amendment simply requires the Secretary of Transportation to conduct a study comparing the levels of investment by the railroad industry in tract and roadbed maintenance and modernization prior to and after deregulation and that this report must be completed in 180 days after enactment; is that correct?

Mr. GLICKMAN. The gentleman is correct.

Mr. LENT. I thank the gentleman. I think it is a good amendment. Now, thanks to the success of the Reagan economic recovery program, so many rail carriers are starting to get back on their feet financially. It is only appropriate that we discern if deregulation has enhanced rail safety through increased investment in track and roadbed.

I want to thank the gentleman for his amendment.

Mr. GLICKMAN. This gentleman is not going to make a qualitative judgment as to what the cause of the accidents are or the decline in accidents until the report comes in, but he appreciates the comments of the gentleman from New York.

Mr. LENT. The gentleman does recognize, does he not, that the rail industry has realized a resurgence of activity in the last 4 years since deregulation?

Mr. GLICKMAN. Clearly, derailments are down. We do not know for sure if they are down because of increased revenues. Some of that may be down because of abandonments. But I think it is useful to know how much the railroads are plowing into track and maintenance before and after Staggers, and a lot of this may help us decide what kind of legislation we want in the future on rail safety related issues.

So I appreciate the gentleman's comments.

Mr. LENT. I thank the gentleman.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for this amendment. It is quite obvious that people in many parts of the country, in my State, in my district, will be interested in the information generated by the study that the gentleman would require through this amendment. I thank him for his effort.

Mr. GLICKMAN. I appreciate the comments of my colleague from the north in Nebraska.

● Mr. RAHALL. Mr. Chairman, I rise in strong support of the Glickman amendment to H.R. 5585, the Railroad Safety Improvement Act.

This amendment will require the Department of Transportation to study the impact of the Staggers Rail Act of 1980 on investment in rail track and roadbed maintenance and moderinization for the purpose of determining the safety implications of this investment or lack thereof.

In my congressional district we have had a number of close calls due to train derailments. For example, on April 3, 1983, a Norfolk & Western freight train derailed at Matewan, WV, which is in Mingo County.

According to a report filed by the National Transportation Safety Board, while moving on the main track in Matewan at a speed of only 35 m.p.h., the 5th and 6th locomotive units and 1st through 15th cars derailed. One damaged tank car contained the highly toxic and corrosive chemical acetic anhydride which leaked from the car.

Due to this chemical spill, 45 families were evacuated. As reported by a local newspaper:

Homes are bunched only 50 feet from the tracks. The narrow valley would hold poison fumes like a bowl. A tank car explosion between the mountainsides would be like a grenade in a barracks. If the chemical spill had been major instead of minor, the toll would have been far worse than eye burns for firefighters and the evacuation for 45 families.

But this was not the first train accident at this spot. Two Norfolk & Western trains derailed at the same place in the last 2 years. Obviously, these derailments are being caused by bad track.

I would offer another example of unsafe track. It has been brought to my attention by the United Mine Workers of America that employees at a coal preparation plant in Logan County, WV, are concerned for their safety due to the condition of the tracks at the site. This unsafe condition, according to the union, involves high and low joints, rotten ties, missing spikes, missing bolts, and defective switches.

The mineworkers have informed me that there have been numerous derailments in Logan County due to poor track maintenance. At least one serious injury and one fatality have occurred due to a defective derail switch. I have urged the Federal Railroad Administration to investigate this matter and am waiting for that agency's report.

It is with these examples in mind that I find great merit in the Glickman amendment. We gave the railroads a great deal of freedom in the Staggers Rail Act with the hope that the level of service to shippers would be improved. It was also our desire that the Nation's railroads would see fit to invest in improving rail track. The findings of the study suggested by this amendment will be of great interest to all of us concerned with railroad safety. I urge the adoption of this amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER: At the end of the bill, insert the following new section:

EMPLOYEE PROTECTION

SEC. 11. Section 106(c) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1005(c)) is amended by striking out "1984" and inserting in lieu thereof "1985".

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, the amendment merely extends the deadline 1 year for the payment of benefits under the Rock Island Railroad Transition and Employment Assistance Act. The same language was included in H.R. 3648, the Amtrak Improvement Act of 1983. This additional extension of time will permit the Railroad Retirement Board to correct some of its internal errors which denied benefits to a small but significant number of people across the United States and their surviving spouses. It is for that reason that this amendment is offered. It is necessary.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the distinguished gentleman from New York.

Mr. LENT. Mr. Chairman, I want to commend the gentleman for his leadership in offering this amendment. I rise in strong support of it.

This amendment adds a provision which is identical to one that had been inserted in H.R. 3648, the Amtrak Improvement Act of 1983, which, as was indicated during the earlier colloquy, passed the House in March 1984.

This amendment really seeks to right an injustice against a number of widows, particularly the widow of a Rock Island Railroad employee, who, because of an error on the part of the Railroad Retirement Board, was denied benefits she would otherwise have been entitled to but for the artificial deadline of April 1984. Is that correct?

Mr. BEREUTER. That is correct. One lady from Fairbury, NE, whose complete and fully eligible application was admittedly mishandled by the Railroad Retirement Board, will be particularly grateful to have that error corrected.

Mr. LENT. I thank the gentleman, and I endorse the amendment.

Mr. BEREUTER. I thank the gentleman for his support and assistance.

This might well be entitled "The Amendment for the Eleven Widows."

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the distinguished chairman, the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I am pleased to support this very desirable amendment.

Mr. BEREUTER. I thank the chairman. I appreciate the assistance of the chairman of the subcommittee, and that of both the ranking minority members of the subcommittee and the full committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1630

Accordingly the Committee rose; and the Speaker pro tempore [Mr.

LUKEN] having assumed the chair, Mr. WEAVER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5585) to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, pursuant to House Resolution 562, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5585

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5585, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending that bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and include extraneous matter therein, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BROYHILL asked and was given permission to address the House for 1 minute.)

Mr. BROYHILL. Mr. Speaker, I rise for the purpose of asking the acting majority leader the program for the remaining part of today, this week, and also for the next week.

I yield to the gentleman from Oregon [Mr. WEAVER] for his response.

Mr. WEAVER. This concludes the business for the day and for the week. The House will meet at noon on Monday and will take up 12 suspensions. It will meet at noon on Tuesday and take up House Joint Resolution 648, the continuing appropriations for fiscal year 1985, subject to a rule being granted, and will take up eight suspensions. The recorded votes from suspensions debated on Tuesday and from District bills and suspensions debated the previous day will be held at that time.

On Wednesday, the House will meet at 10 and will take up H.R. 6067, the law enforcement officers protection. There will be a conference report on two bills, H.R. 1904 and S. 2603.

On Thursday, the House will not be in session. On Friday, the House will meet at 10 a.m. to take up H.R. 5492, the conservation and management of Atlantic striped bass, subject to a rule being granted.

Mr. BROYHILL. I assume that the list of bills that are under suspension are the same that I have on the list that was given to me and will be in the RECORD?

Mr. WEAVER. They will be, sir, and they are as follows:

H.R. 6224, St. Elizabeths Hospital.

SUSPENSIONS (12 BILLS)

H.R. 6221, provide for distribution of funds to Wyandotte Indians, Oklahoma;

H.R. 4932, reserve certain public lands within the Nellis Air Force Range as Air Force training area;

S. 1889, designate visitor center at Congaree National Swamp as the "Harry R.E. Hampton Visitor Center";

S. 416, designate parts of Illinois and Owyhee Rivers in Oregon as components of the Wild and Scenic Rivers System;

H.R. 2768, include Washington Square, Philadelphia, in the Independence National Historic Park Area;

H.R. 3601, Pike National Forest, CO, boundary modification;

H.R. 5787, oil and gas leases in Corpus Christi, TX, and Port Huename, CA;

H.R. 2300, provide survivor annuity for former spouses;

H.R. 5646, cash awards for certain cost-saving disclosures;

H.R. 5513, designate Delta State Research Center as the Jamie Whitten Delta States Research Center;

H.R. 6228, to extend certain patents for diabetic drugs; and

H.R. 960, citizenship for Cpl. Wladyslaw Staniszewski.

TUESDAY, SEPTEMBER 25

H.R. 2568, extension of Educational Assistance Program;

H.R. 5361, extension of Prepaid Group Legal Program;

H.R. 6266, Foster Care and SSI Amendments of 1984;

H.R. 6112, unemployment compensation technical adjustment;

H.R. 3150, Sabine River Authority land exchange;

H.R. 6248, Armed Career Criminal Act;

H.R. 5790, Amusement Park Safety Act; and

H.R. 5538, Preventive Health Amendments of 1984.

Mr. BROYHILL. The second question I have, with respect to the scheduling of the debate in the consideration of the continuing appropriation resolution, House Joint Resolution 648.

Is that debate to take place the first order of business on Tuesday, or is that to take place after the consideration of the eight suspensions?

Mr. WEAVER. It will be the first order of business on Tuesday. I will make the point that the House will adjourn on Wednesday afternoon for Rosh Hashanah and will convene the following Friday.

Mr. BROYHILL. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I appreciate the gentleman yielding to me.

Mr. Speaker, it was my understanding that there was a possibility that we might adjourn, be adjourning early on Wednesday because of the nature of the holiday. Is that the fact?

Mr. BROYHILL. I yield to the gentleman from Oregon.

Mr. WEAVER. I am delighted to tell the gentleman that that is the case. The House will adjourn at 3 o'clock on Wednesday.

Mr. BROYHILL. Mr. Speaker, I thank the gentleman and I yield back the balance of my time.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

ADJOURNMENT TO MONDAY, SEPTEMBER 24, 1984

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon at Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT FRIDAY, SEPTEMBER 21, 1984, TO FILE CONFERENCE REPORT ON S. 1841, NATIONAL PRODUCTIVITY AND INNOVATION ACT OF 1984

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the managers may have until midnight Friday, September 21, 1984, to file a conference report on the Senate bill (S. 1841) to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

This is the joint research and development bill, Mr. Speaker, and the minority has been consulted and has given its permission.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

UNFULFILLED PROMISES OF SUPPLY-SIDE ECONOMICS, NO. 3—WHEN DEBT EXPLODES

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, when Ronald Reagan became President he blamed Congress and his predecessors for the nearly $1 trillion in public debt they had accumulated. "This trillion dollar figure," he said, "can stand as a monument to the policies of the past—policies, which as of today, are reversed."

Later this month Ronald Reagan is going to ask this Congress to raise the limit on the amount he can borrow to finance the astronomical deficits required to finance his programs.

That, debt limit will be the highest in the history of this country.

In fact, by the end of this present term, Ronald Reagan will have doubled the national debt. Stated differently, the deficits accumulated under Ronald Reagan's leadership will actually exceed all the deficits of all the Presidents from George Washington to Jimmy Carter.

Mr. Speaker, today I submit for the RECORD, the third in a series of eight articles entitled "Unfilled Promises of Supply Side Economics" written by Leland DuVall of the Arkansas Gazette. Today's article is entitled: "When Debt Explodes." It is a frightening commentary on the impact of the massive Reagan deficits, particularly in terms of their long-range implications for the world economy and the economic future in which our children will live.

[From the Arkansas Gazette, Sept. 11, 1984]

WHEN DEBT EXPLODES

(By Leland DuVall)

Several months into his term, President Reagan had the dubious honor of signing a bill that lifted the nation's debt ceiling to $1,079,800,000,000. That 13-digit number required to express the public obligation dramatized the need for the kind of fiscal responsibility Mr. Reagan had been preaching since 1954 when his agent sold his services to General Electric for a reported salary of $125,000.

For the benefit of those who may not remember, the GE assignment required Mr. Reagan to assume the role of a corporate homiletic who denounced the evils of big government and praised the virtues of big business. Since, in an earlier incarnation, Mr. Reagan had been known as a "liberal" and had even supported the policies of the New Deal, there are those who believe he saw converted by the eloquence of his message and the power of his own preaching.

The signing cermony when the debt ceiling was raised provided an opportunity to strike a blow for what he called his "New Beginning."

"The trillion-dollar debt figure," Mr. Reagan said, "can stand as a monument to the policies of the past that brought it about—policies which, as of today, are reversed."

He used the occasion to criticize past administrations that "have failed to come close" to their budget targets.

"Those times are over," he said.

When someone mentioned that interest rates were high, Mr. Reagan took the cue and explained the reason.

"We will bring down interest rates," he said, "when we bring down inflation and when we get government out of the financial markets and end excessive public borrowing."

The Federal Reserve was not to blame for the high cost of borrowing.

"Interest rates," he said, "reflect the simple truth of the marketplace where the government completes with private borrowers to finance its trillion-dollar debt. The government is taking too great a percentage of the money that is available."

According to Mr. Reagan's analysis, which happens to be correct, one consequence of heavy government borrowing is higher interest rates.

Our monetary system obligates the "independent" Federal Reserve to exercise some undetermined amount of influence over the supply of lendable funds. In recent years, a deep concern over the threat of inflation has been a major factor in the equation by which the Federal Open Market Committee, the policy-making arm of the central bank, calculates the rate it will allow the money supply to grow. The expansion, at a given time, established the total amount of credit that will become available through the supervised lending institutions.

Mr. Reagan was making the point that when the government came in for a large share of the lendable funds, the private borrowers had to scramble for the remainder. The process exerts upward pressure on interest rates.

His analysis hinted (also correctly) at the influence inflation was having on interest rates. Back in 1981, the "Theory of True Interest Rates" was popular with lenders. They argued that the anticipation of inflation was an essential factor in determining the cost of credit. The people who made loans simply had to take into account the declining value of the dollar. Therefore, nominal interest was the "true" rate, traditionally about 3 per cent, plus the anticipated rate of inflation.

Interest rates would come down, Mr. Reagan said, when inflation was brought under control and when the government took smaller portions of lendable funds.

The Consumer Price Index has been rising at a more moderate rate for the last couple of years, but "true" interest rates are at a near-record level. Part of the explanation has to be the fact that the government is coming into the market each year for amounts ranging up to almost $200 billion.

Mr. Reagan has not delivered on his promise to reverse the policies that expanded the public debt. In fact, a single year (fiscal 1983) produced a deficit that exceeded the total of all deficits accummulated in the four years of the Carter administration.

The credit market has not yet felt the full impact of the Reagan deficits. Demand from the private sector was modest while the economy wallowed through the longest and one of the deepest recessions of the postwar period, meaning the government had much of the field to itself. Now the recovery that began early in 1983 is changing the picture.

Consumers borrowed moderately at first, but in recent months their segment of the credit supply has been setting records.

Business loans at the large commercial banks remained low and stable through the recession and almost a year into the recovery. They rose modestly during the winter—from about $215 billion in October to about $220 billion at the end of January—then shot up to $245 billion.

With all three of the principal borrowers—government, business, and consumers—going into the market to finance the recovery, the cost of borrowing has been inching upward, despite Mr. Reagan's complaint about behavior in the marketplace. Now he's changed his explanation: the people "out there" simply refuse to believe he has brought inflation under control.

But he was right the first time. The string of large budget deficits, now projected to continue through the remainder of the decade, has the effect of providing a "price support" for interest rates. By indirection, this contributes to the rising cost of carrying the debt.

The total public debt, as of August 17, was $1.57 trillion, or an increase of $400 billion over the limit authorized when Mr. Reagan signed his first bill to raise the ceiling. All of this growth was posted after Mr. Reagan promised that policies contributing to the trillion-dollar debt "as of today, are reversed."

Interest on the public debt, through the first nine months of this fiscal year, was $117 billion. The high cost of borrowing—maintained, in part, by a strong demand from the public sector—and the need to go to the market for huge amounts make the cost of carrying the debt one of the fastest-growing items in the federal budget. Economists are free to speculate on when—1985 or 1987—the cost of servicing our public debt will match a $200 billion deficit.

Those who claim a government "should be run like a business" are certain to be disturbed over the prospect of having to borrow in order to pay interest on the debt. In the private sector, that road would lead to bankruptcy.

One unanticipated consequence of the exploding debt can be found in the world currency exchange. The dollar, boosted by the

high interest rates needed to move new securities, has emerged as the favored investment instrument of the industrial world.

Now, a "strong dollar" can be a mixed blessing. It generates a measure of pride among patriots, who feel justified in waving the flag and proclaiming the virtues of a free-enterprise economy. Investors in Europe and the petroleum exporting countries, attracted by favorable interest rates, park their money in government securities and, in the process, help underwrite the growing debt. The role of the dollar as the world's reserve currency is unchallenged.

The exchange rate also influences the movement of goods in the world market. A dollar that buys 250 yen or 2.9 marks invites the Japanese and West Germans to flood the United States with their goods.

A 15 per cent swing in the relative value of the dollar and the yen—and the change since 1980 has been considerably greater than that—translates into a $900 "advantage" in the price of an "average" Japanese automobile delivered in this country. The difference is in the currency exchange, rather than in the "cost" of producing the car.

More often than not, the rise in imports is explained by the statement that Japanese workers are more efficient than Americans; therefore, the manufacturers can sell their cars cheaper. A more detailed explanation can be found only if we look at the interest rate structure that has made the dollar a desirable investment vehicle.

Finally, the most complex—and, potentially, the most dangerous—aspect of the high interest rate structure could be the destabilizing influence on the international debt.

Developing countries, the so-called Third World, are struggling under a debt sometimes estimated in the range of $800 billion. Some of the borrowers, particularly in Latin America, have experienced difficulty in making interest payments and, in the process, keeping their notes from going delinquent.

Banks in the United States and around the world are heavy lenders. Something could be said about the wisdom of making the loans in the first place, a question that could be debated interminably. But it's unarguable that high interest rates in the U.S. increase the likelihood of default because the rates offered the third world countries are often tied to indicators like the U.S. prime rate or the London Interbank Offered Rate.

Economists and bankers can only speculate what might happen if the debtor nations refused to repay their loans.

Mr. Reagan's intentions were honorable when he dedicated the trillion-dollar debt ceiling to "the policies of the past that brought it about." His promise to reverse the policies "as of today" cannot be dismissed as campaign rhetoric, since it was made in the first year of his term.

What he did was to invite a budget disaster with, among other things, a misguided tax policy that virtually guaranteed an explosion of the national debt.

ELECTION OF WALTER MONDALE WOULD GUARANTEE IMMINENT ECONOMIC DISASTER

(Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.)

Mr. DREIER of California. Mr. Speaker, when Walter Mondale released his budget plan last week, he confirmed what the American people have been led to believe all along. As President, he will return this country to the disasterous economic policies of the previous administration. Mr. Mondale is asking America to throw away the economic progress we have made in the past 3½ years, and return to an era of high inflation, high interest rates, and high unemployment.

Mr. Mondale's plan for increased taxes will take us no closer to our goal of a reduced Federal deficit. His figures are based on unrealistic assumptions which have already been proven faulty. His budget calls for $85 billion in new taxes which amounts to almost $1,000 per household. Of course, this figure will be greatly inflated once he succeeds in eliminating tax indexing, due to go into effect in January 1985. Tax indexing is an essential ingredient in our efforts to maintain a higher standard of living for all American workers. But it only gives nightmares to the big spenders in Washington.

Eventually, the overall tax burden will be carried on the backs of middle-income Americans. Although Mr. Mondale denies this, the facts are clear. According to the Congressional Budget Office, only about 15 percent of all income is taxed at rates above the $35,000 level. Additionally, corporations and wealthy Americans, at whom the tax increases are targeted, will simply lower their taxable incomes by hiding their money in tax-sheltered devices. In turn, tax revenues, investment capital, and industrial productivity will decline while lower- and middle-income Americans will be forced to pick up the tab through higher inflation, higher unemployment, and higher interest rates.

But how much of the Federal deficit can actually be reduced under the Mondale plan? According to Mr. Mondale, every cent that is raised in new taxes will be placed in a trust fund solely for the purpose of deficit reduction. However, in the same breath, he proposes $30 billion worth of new programs. That leaves a deficit reduction of $57 billion. He then claims a $17 billion savings from higher economic growth. This is highly unrealistic. The economy is currently expanding at a record pace, thanks to the 1981 tax cuts. Mondale's proposed tax increases would inevitably bring the economic recovery to a screeching halt because a tax increase only absorbs capital from private credit markets that is needed for continued industrial expansion and individual borrowing, which are necessary to maintain economic growth. As a result, the demand for limited resources will cause interest rates and inflation to rise, while suffocating the economic recovery. That now leaves $40 billion in supposed deficit reduction.

Mr. Mondale also claims an additional savings of $51 billion from lower interest rate payments on the national debt. But how much can actually be saved by a policy which initially brought about 21.5 percent interest rates? To tidy up the figures a bit, he proposes savings of: $12 billion from reductions in Government health care costs through a cost-containment program—imposing much stricter Government regulations, on the health care industry; $4 billion through cuts in farm price supports made necessary through an improved farm economy—this would entail a doubling of commodity exports, which in turn, would engulf an already flooded world agriculture market, sending prices plummeting; $5 billion through better Government management—he can't even manage his own campaign; and $8 billion through cuts in discretionary spending—assuming Congress would be willing to part with such a powerful political tool.

When you add Mondale's false savings to the $176 billion needed for him to keep his hidden campaign promises, over $200 billion a year in new taxes will be required to meet his goal of a two-thirds reduction in the Federal deficit. This equals a tax hike of at least $1,890 per household. It is shocking that Mr. Mondale continually fails to recognize the need to reduce Government spending. It is the only way to get a handle on the enormous Federal deficit. However, this would require fiscal disipline on the part of Congress, which is under increasingly intense pressure to take positive action. The election of Walter Mondale as President would only take Congress off the hook, and guarantee an imminent economic disaster.

□ 1640

CURRENT POLITICAL PHILOSOPHIES ERRORS TO RESULT IN POLITICAL AND ECONOMIC CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, I have a deep concern for the direction in which our country is going. I have expressed this concern by pointing out the political and economic contradictions that surround us and have suggested that these contradictions merely are manifestations of philosophic errors made by our intellectual leaders.

Although the country currently is more or less in a euphoric mood, I am convinced the errors we are making

today will eventually result in a severe political and economic crisis.

I don't believe anyone precisely knows the future, yet we all make projections as to our expectations. It's impossible to know exact events and their timing but trends are known to us and certain policies do have specific consequences. Economically definable laws do exist and cannot be repealed. For what it's worth, I would like to make a few comments about what we can expect if our current beliefs about Government's role are not changed. The odds of a significant change in attitude occurring in Washington in the near future are utterly remote. Repealing the welfare-warfare state may be popular with a growing number of frustrated American citizens, but that attitude is not yet reflected in Washington. The constituency for the monolithic state is alive and well in the U.S. Congress. When disagreement exists in areas such as welfare versus warfare; the poor versus the rich, labor versus business, compromise is always reached and both sides receive an increase in funding. This is a policy of utter folly and is tragically locked in place.

Government is literally out of control. Spending, taxes, regulations, monetary inflation, invasion of our privacy, welfareism to both the rich and the poor, military spending, and foreign adventurism around the world will one day precipitate a crisis that will truly test our will to live in a free society. If Government were not so much out of control, would not the most conservative President of the last 50 years been able to do something about the runaway deficits? The deficits have tragically only gotten very much worse under Reagan. All the problems we face, high interest rates, inflation, deficits, vicious business cycles with accelerating unemployment are serious problems indeed, but the real threat under the conditions to come will be the potential loss of our personal liberty. Without liberty, prosperity is lost and equality of poverty prevails.

We have a cancer in the land—the malignant growth of big government—and we can ignore it, treating only the symptoms, hoping they are not reliable signs that a horrible disease has struck our Nation. But if we do, we are treating our problems as some foolishly deny the early signs of cancer, by taking aspirin and hoping the pain to be only that of inconvenience and that the symptoms will go away in the morning. Instead, the pain gets worse requiring more and more narcotics to numb the pain. Magic cures are sought and tried. Although big government is the disease, attempts to solve all the problems by making government even bigger and more intrusive in our lives are continually tried. This will soon end. We cannot forever ignore the root causes. It's highly unlikely that we'll reach the 1990's without a convulsion of our economic and political system.

Although nothing goes up or down in a straight line, we can be sure the long term will bring us ever-increasing interest rates—higher with each cycle and over 20 percent before this cycle completes itself in 1986 or 1987. Without the introduction of a commodity money, one with quality—as well as limitation on its quantity—we will never see the return of long-term fixed low interest rates. The reform will come eventually, if we're to continue to have even a relatively free society. I just hope we don't wait too long.

Price inflation, although difficult to predict on a month-to-month or even year-to-year basis, will reach unbelievable heights in this decade. Currency destruction, through the insatiable desire to create massive new fiat monetary units, must eventually bring higher prices. Wage and price controls will return regardless of whether a Republican or a Democrat occupies the White House. Free market rhetoric will do nothing to protect us from the pressure the administration will receive to "do something," even if it's the wrong thing. Nixonian Keynesianism will continue to dominate, and abusive people control in the form of wage, price currency and credit controls will return; more vicious than ever before.

There will come a day that the world financiers will rush from dollars just as they have recently rushed into dollars, causing even worse chaos in the international financial markets. Without a stable monetary unit, the speculation will continue and worsen. Overreaction is now becoming more commonplace, but this is a predictable consequence of a world gone mad with fiat currencies, debt creation, and overspending.

Massive debt liquidation will come. The early stages have already started. It will occur with old-fashioned defaults, threats of deflation, and further currency destruction through monetary inflation and liquidation of debt with a depreciating dollar. Whether or not the liquidating debt collapse willl be dominated by deflation or inflation of the money supply is yet to be determined since that will depend on Government actions and many market forces. An inflationary collapse is a more likely scenario—knowing the special interest, the Congress, the administration, and the central bankers' unwillingness to face up to the reality of cutting spending, balancing the budget, and curtailing the supply of money. So in spite of all the tough talk, we can expect the Fed to accommodate and reverse any trend toward deflation.

Without a significant change in attitude by the American people and Congress as to the purpose of government, the choices are horrible; an inflationary collapse or a deflationary one. The form and timing of the collapse is yet to be determined; the event itself is certain. This crisis will come, as others have, because we refuse to face up to reality and live within our means.

The people's insatiable appetite for the goods of life without providing a commensurate amount of work and effort needed to produce them (while demanding that politicians deliver the loot) guarantees the process will continue. But a penalty will have to be paid. That penalty—a major banking, currency, economic, and political crisis—will hit this Nation and the western world, most likely before the 1990's.

The economic hardship, of which we had a taste in 1981 and 1982, will be much worse. That in itself is bad enough news, but historically, when a Nation debauches its currency international trade breaks down—today 40 percent of international trade is carried out through barter—protectionist sentiments rise—as they have in Congress already—eliciting hostile feelings with our friends. Free trade alliances break down, breeding strong feelings of nationalism, economic isolationism, and militarism—all conditions that traditionally lead to war; a likely scenario for the 1990's, unless or economic policies and attitudes regarding government are quickly changed.

Many who concede we are moving in this direction of war, carelessly believe that the lack of military spending is the problem and insist on new massive military spending as the solution. This only serves the inflationists, the internationalists, the banking elite, and industrialists who benefit from the massive manufacture of military weapons. It ignores the important fact that most military conflicts throughout history have been the consequence of economic events. Economic events, when combined with a foreign policy void of wisdom and fraught with folly, sets the stage for needless war.

Conservatives are quick to correctly point out that guns don't cause crime, criminals do, but fail to see that weapons, or the lack of massive weapons, don't cause war, politicians' bad policies do. This is a good reason why the current conservative administration should have stopped subsidizing trade and foreign assistance to the Soviet bloc nations and to Red China, which includes nuclear and military technology, instead of increasing it. This is sheer madness.

Massive military spending to stop the spread of communism which our own taxpayers are also required to finance, contributes to the economic problem of deficits, inflation, and high interest rates. In addition it justifies, in the political world of compromise, increased domestic spending, higher

deficits, accelerating inflation and higher interest rates—all compounding the economic problems that started the trouble in the first place.

Depression and war are the needless consequences of politicians' folly. They are prevented by limiting government power, not by expanding it. Today, campaign rhetoric is frequently heard about balanced budgets and reducing the size of the Government; witness the success of conservatives in 1980; yet nothing ever happens. The spending, the regulations, the taxing, and the deficits continue. Time is running short, the frustration running high. Hiding from reality won't help; kidding ourselves won't do. The sooner we admit, "you can't get blood from a turnip," the better off we'll be.

SOLUTION

What is the solution?

Most importantly, a new attitude about the role of government is necessary if we expect to solve our problems. As long as we, as a nation, accept the notion that government is the ultimate provider and world policeman, implementing the elusive concept of liberty will be impossible. The degree to which governments are permitted to exert force over the people determines the extent to which individuals retain their liberty as well as the chances for peace and prosperity. Historically, governments have always initiated force against the people with disastrous results. America is the best example of what can happen if that force is restrained, thus maximizing individual freedom and prosperity. Yet today, that wonderful experiment is all but abandoned. We must once again clearly reject the idea that government force and threat of force can be carelessly administered.

Voluntary contracts must be permitted. The trend toward government dominance, interference, and altering of voluntary contracts is prevalent and a most dangerous sign. Responsibility to care for one's self is necessary for a free society to function, and trust that individuals will look out for their own self-interest, even if imperfectly, is required and should be achieved through contractual arrangements. Government interference in voluntary agreements between two parties must be strictly prohibited. Enforcement of those contracts in event of a violation, invites the government's participation in settlement of the dispute. This limited involvement of government in voluntary contracts is necessary in a free society.

The strict limitation of government power imposed by the Constitution must be respected. We must accept the principle that government's function is not to regulate and plan the economy, protect us from ourselves, arbitrarily attempt to make us better people, or police the world by interfering in the internal affairs of other nations. Its proper function in a free society is to protect liberty and provide for a common defense. When that proper role is assumed, our problems will vanish.

To bring about real changes, we first need to recognize that the politician, per se, is a lot less important than it appears. He is basically a puppet of public opinion that reflects the prevailing ideas of the intellectual and thought leaders. John Maynard Keynes, in one of his more lucid moments, said: "Practical men who believe themselves to be quite exempt from any intellectual influence, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back."

Media opinion is critical in establishing popular views just as that same media may support or destroy certain political careers. Having accepted the philosophy of economic interventionism and political pragmatism, our society grants political knighthood to the highly paid lobbyists who represent the powerful special interests. But we must remember the lobbyists are the result, not the cause, of our problems. The politician is the puppet of the opinionmakers.

Political success is the single goal that drives participants in our political system. No invitations to participants are sent to men of principle, upholders of equal rights, and defenders of the Constitution. Determined political aspirations under today's circumstances are key to achieving a successful political career—the career being an end in itself. We must be aware that this system of politics is not conducive to bringing about changes necessary to solve our problems. The legislative and political intrigues that control the system for the benefit of the special interests must one day come to an end if personal liberty is to be restored.

The resort to power to control people and the economy must be rejected. Also violence, to bring changes beneficial to liberty, serves no purpose (unless exerted in true defense under reprehensible conditions). The illicit use of power, even with noble intentions, has created history's dung heap of human misery. True change will come through persuasive intellectual influence. If the people refuse to listen, mere recording of significant movements in history will be the limited result of the effort. Yet, not making the effort to persuade the thought leaders to accept freedom and total nonviolence of the state, guarantees that the perpetuation of organized force—the tyranny of the state—will flourish and the suffering will continue for all of us.

Ideas do count; all government action is a result of ideas. It's incorrect to suggest that freedom ideas must be rejected because they are idealistic—the planned economy is also a result of an idea. It's only a choice between good and bad ideas. The job of the true believer in liberty is to convince the majority of our leaders that freedom ideas are superior to the ideas of government coercion. Never can we relax by hoping that the good intentions of the big government proponents will protect us from the evils of government power that intimidate us all. All politicians, from total statists—Marxists and Fascists—to average conservatives and liberals of today's Congress, devoutly promise that all their actions are based on good intentions. But it doesn't matter: Bad ideas regarding the nature and role of government breed bad results and suffering occurs nevertheless. Twisted logic, Machiavellian justifications, excuse making, and shortrun benefits can never justify the removel of one iota of liberty from any one person if we intend to live in a free society.

Once the role of government is agreed upon, and government initiation of force is rejected as a legitimate function, the consequences will quickly occur—all positive.

Individuals will reclaim their moral and natural right to their lives and liberty as granted to them by the Creator. The state will be put in its proper place as the protector of equal rights, not the usurper. That in itself should be enough reason to institute a system of limited government, but the benefits go far beyond the moral justification of true liberty. Prosperity will abound and the chance for war will be greatly reduced.

If this is done, the welfare-warfare state is repealed and spending by the Federal Government reduced by 80 percent. Special interest politicians will not be served and will vanish. Lobbyists will become mere petitioners for liberty. The budget will be immediately balanced and the debt repaid. No more wealth will be transferred to the poor, the rich, the foreigner, the bankers, or the arms manufacturers. Military spending will once again be used for defense and not for the domination of an unofficial American empire.

Money will be honest, the unit precisely defined, and its integrity guaranteed by government or by voluntary contracts. Counterfeiting privileges of the Fed will be abolished and relegated to notorious underground figures. Honest money will allow credit to be freely created in the market and not by the privileged banking cartel, yet controlled by the integrity of the market and the convertibility of the dollar. The economic benefits of low-long-term fixed interest rates will be welcomed by all, since credit can then fuel true long-term economic growth.

This scenario sounds utopian, yet it's more practical than the ill effects of

the planned society financed by fiat money and debt creation. It's difficult to understand the persistence in following the impractical ideas of runaway government coercion.

The philosophy of the free market, sound money, private property ownership and equal rights, offers the only real "compromise" to the impasse existing in Washington where only token attempts are made to cut the deficit. A truly practical approach to this dilemma can be immediately implemented. I suggest six points:

First, instead of debating forever over whether or not the cuts should be made in domestic welfare or military spending, the answer is simple: Cut both, and quit arguing—that is, if anyone is serious about his declared hostility toward massive deficits.

Second, all votes on spending should be tradeoffs. Welfare to the poor versus welfare to the rich; domestic aid versus foreign aid; aid to friends versus aid to Communists; water projects in the United States versus water projects in Africa; subsidized loans for steel plants in the United States versus those in South America. Sure, many projects will still exist inconsistent with a truly free market but these projects would only be financed by dropping expenditures elsewhere.

Third, centralized planning fails everywhere else so we can expect it to fail with centralized control over bank credit. Sound money, and breaking up the credit/bank cartel, will solve the problem of high interest rates and long-term financing.

Fourth, talks with the Soviets need not stop—only be redirected. But all subsidies to all Communists must end. We can discuss ways to enhance free trade and voluntary cultural exchanges. True friendly unsubsidized relations with even the apparent enemy go a long way toward reducing the chances of war. A nonaggressive purely defensive foreign policy which would prompt troop and missile withdrawals from Europe and elsewhere would be actions much stronger than all the political rhetoric heard surrounding disarmament conferences.

Fifth, equal rights must be guaranteed and enforced regardless of circumstances of race, color, or creed. Equal rights cannot, however, be defined vaguely to include demands on another's life or property. The goal of freedom must surpass our obsession with material wealth and its forced redistribution.

Sixth, prosperity with freedom for the individual is the only humanitarian system ever offered that prevented mass starvation and suffering. Refusal to accept the free market based on a natural rights philosophy is the most impractical thing we can do. A system that provides sound money, low interest rates, the removal of the bankers' monopoly over credit, and peace and prosperity will restore trust in the politicians, the money, the future, and in ourselves.

More government cannot possibly offer the solution to the problems we face. Big government is the cause; freedom is the answer.

TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. HEFTEL] is recognized for 60 minutes.

Mr. HEFTEL of Hawaii. Mr. Speaker, this evening there is an opportunity for at least five of our Members to speak to the people on C-SPAN in a way that lets the public know that there are those of us who do not think of our service in Congress as partisan Democrats or as Republicans, but rather as Members of Congress endeavoring to solve problems with practical solutions as concerned Americans. One of the issues that I would like to start the dialog with today is the concept of tax reform. It has been suggested that all our tax structure is unfair, that it discriminates between classes of people and that all we have to do to achieve a balanced budget is reform our tax system.

The truth of the matter is that almost everyone has figured out how to participate in the so-called exclusions, exemptions, and loopholes that exist in the Tax Code. It is not just the so-called wealthy.

As an example, all the fringe benefits which accrue to some 50 or 60 percent of our people are judged to be loopholes by those who talk about tax reform. Therefore, the moment that we institute a tax reform program, those who now have fringe benefits will find that they are treated as cash income and therefore will be taxed.

I bring this out because we must all face the fact that the deficit will not be eliminated by tax reform. If ever we are going to resolve the problem of Federal deficits, we will only do it when we cut expenses and increase revenues.

□ 1710

And increased revenues means increased taxes.

One of the things we wanted to accomplish tonight as a first step in demonstrating to you, the people, that there are those of us who are working together as Members of the Congress for the benefit of the Nation, not as partisan Democrats or Republicans.

Now, I would like to yield the floor to my colleague from Cincinnati, Mr. BILL GRADISON, who is a member of the Ways and Means Committee.

Mr. GRADISON. I thank the gentleman for yielding and I commend him for putting together this important series of special orders on what I consider the most pressing problems facing our country.

I am especially grateful for the bipartisan manner in which these important discussions have been set up. We have only to look at recent history to gleen the importance and absolute necessity of bipartisanship.

This year Congress passed and the President signed into law the Deficit Reduction Act. In my judgment this legislation did not go far enough but it did defy the conventional wisdom which only a few months before held that Congress and the White House were incapable of a major assault on the deficit in an election year. Fortunately the conventional wisdom was wrong.

In testimony last week before the Joint Economic Committee, Congressional Budget Office Director Penner said that the Deficit Reduction Act of 1984 "has nearly stabilized the deficit for the next several years at 5 percent of gross national product." Without the Deficit Reduction Act the deficit would have continued on its relentless path of taking increasingly larger chunks out of the national product.

The Deficit Reduction Act is a significant first step in what will prove a long, difficult road to a balanced budget. But while it is significant, it is still only a first step. We must not gloat over our accomplishment. Deficits that are 5 percent of gross national product are much too high.

Without significant reductions in spending or increases in revenues, as the gentleman from Hawaii has indicated, next year's total deficit will continue to be extremely high, probably greater than $190 billion, including off budget and on budget items. The possibility of such huge deficits has created an uproar nationwide, as well it should. Fifteen straight years of deficit spending have been disastrous for our economy, and the prospect of continued high deficits can only bode ill for future economic conditions.

When the Government runs a deficit it is forced to borrow money by selling securities. Depending on who buys those securities, deficit spending results in higher inflation, higher interest rates, or some combination of both.

If Government securities are sold to private investors they compete directly with the securities sold by private businesses that are trying to raise capital for investment. This competition in the capital markets drives up interest rates.

If the securities are sold to the Federal Reserve the debt is monetized; in effect the Fed prints money to pay for the deficit. Financing the deficit in this way ameliorates an increase in short-term interest rates but tends to cause higher long-term rates and lead to higher inflation.

In the past few years the Fed has tried to control inflation first by slowing and then stabilizing the growth of the money supply and has generally avoided monetizing the debt. As a result, inflation has dropped.

At the same time, however, interest rates have risen because the Government must borrow huge amounts from the private capital market at a time of robust economic recovery which is to say at a time when the private sector is also bidding for funds in the same capital market.

There is a school of thought that argues for no link between deficits and interest rates. I belong to a different school. Though I appreciate the analytical difficulties of proving empirically association between deficits, or debt levels, and interest rates, there is little doubt from basic theoretical considerations that such a link exists.

But even if we were to assume away this link there is reason enough to fret over deficits. One need only look at the enormous implications associated with servicing a Federal debt of the size that looms on the economic horizon.

To draw again from Dr. Penner's recent testimony, "not since World War II have current and projected structural deficits been as large as they are now relative to GNP, and never before has the outlook been for steady increases in the Federal debt relative to GNP during a period in which GNP growth is projected to exceed the long run, full employment growth rate."

Mr. Speaker, that is a rather ominous thought. I don't go looking for dismal thoughts from the Dismal Science, but my study of this topic leads me again and again to confirm the gravity of the situation. I would like nothing better than for someone to show me the error in the logic of the Congressional Budget Office.

Some of the solutions that have been proposed simply do not add up to a full solution. For example, tax reform, which was mentioned earlier by the gentleman from Hawaii, is too often confused with revenue increases. This "t'ain't" necessarily so. Tax reform could well be revenue neutral, but if history is any guide, tax reform will have to be "bought" with tax cuts, thereby making the deficit even larger.

The line-item veto, as I have noted before, cannot be considered as a likely weapon in the arsenal of budget cutting tools.

In my judgment the line item veto would lead to more, not less spending and would in the process wreak havoc on the principal of separation of power which has worked well for over 200 years.

Nor can the balanced budget amendment, which I support, be more than a push in the right direction.

Finally, those who look to economic growth as the answer to the deficit problem are hard put to convince this Member that their numbers match their rhetoric.

When all is said and done we are left with a stark reality: The deficit will not go away even in the face of strong, persistant economic growth; a balanced budget amendment would help but would not by itself do the job; the line item veto would probably have the perverse result of increasing the deficit.

We are left with what I consider to be the principal lesson of the Grace Commission study: the way to reduce spending is to cut and eliminate programs and change existing policies. There is no reason to let up on ferreting out waste, fraud, and abuse, but truly significant spending cuts can only result from deliberate decisions to cut programs, programs which exist today because at one time, if not now, they were deemed good policy by the Congress and the White House.

Yet this path, too, is insufficient. The political reality is that we will not make significant progress on the deficit without increased revenues. It is a classic quid pro quo. If those who decry reducing the deficit only by spending cuts and those who decry reducing the deficit only by tax increases fail to come together the problem will grow as they take the political low road by declaring victory to their constituents. They win; but the country loses.

Mr. Speaker, again I wish to thank the gentleman from Hawaii for his efforts. Both sides of the aisle must continue to work together and carry forth the spirit that enabled us to make that first step through the Deficit Reduction Act earlier this year.

I thank the gentleman for yielding.

Mr. HEFTEL of Hawaii. I thank the gentleman from Ohio [Mr. GRADISON].

The Members joining with me this evening are: BILL FRENZEL, a Republican member of the Ways and Means Committee from Minnesota, and in the Chair serving as Speaker pro tempore, CHARLES STENHOLM from the great State of Texas. Our rules of the House do not make it possible for the gentleman from Texas [Mr. STENHOLM] to participate with us while he is in the Chair, but we will do some rotating so that he can come on the floor and speak with us also.

But I would like now to yield to my colleague from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding. I thank him also for making an arrangement so that we could discuss the difficulties that we find our country and ourselves in in these times.

Speakers whom I have heard on this floor talking to empty seats and full Houses both have decried the deficit. National polls seem to indicate that most Americans think the deficit is the No. 1 problem and yet day after day after day we see the Congress refusing to react to the deficit problem.

To me there is no magic in it. I do not believe that we will deal with it in other terms than reducing spending.

□ 1720

Certainly we have plenty of spending to reduce. One need not cut back anything. Indeed the last 7 years, as I have computed them, show average increases in our Federal spending at the rate of between 10 and 11 percent. Obviously that exceeds the cost-of-living increases over the years. If we were merely to limit spending increases to the total cost of living we could shave $60 billion off the budget today. But, of course, we are unwilling to do that because all of us have a favorite element of the budget, whether it be national security, domestic discretionary spending, or entitlement programs. Whatever it is, none of us is willing to let his or her little share of the pie be touched. "Our section must be increased." As a result everybody's section is increased.

The way the Congress tends to discriminate is to give everyone his or her project and to give everyone his or her increase in spending because that is the only way "I can get my project or my increase in spending." The result has been, in my judgment obscene and outrageous increases which have taken us into the position noted by the gentleman from Ohio [Mr. GRADISON] where we have deficits as the largest proportion ever of the GNP, where we have interest at the largest proportion ever, and a growing proportion of the Federal budget, and where we have deficits growing over the next 5 years at a time of almost unprecedented national prosperity. At least we have estimated for our own convenience that the next 5 years will be unprecedented economic prosperity. All of the gentlemen who have spoken on this subject have lectured at length on the kinds of ways that we can reduct the deficit. To me cutting back spending is the first and only choice.

There are lots of other things that we have invented, balanced-budget amendment. Now I am a sponsor of that amendment. On the other hand it seems very presumptuous to think that we can get two-thirds of a vote in Congress for something we cannot get half; that is to begin to cut back.

Now I would prefer to restore the power of impoundment or the line-item veto. On the other hand those never influenced a great deal of discipline in the past but were simply a very small-gauge tool in the overall scheme of things.

Like the gentleman from Ohio I believe the Grace Commission gave us a

good blueprint. Unfortunately the suggestions of the Grace Commission were somewhat overstated and they are difficult policy decisions that will take Congress a while to work its way through. But I think it can be said that it is a good diagram for us and we did not do it justice in giving it consideration, particularly with respect to the largest item in it, that is reform of the Federal pension system which, according to the Grace Commission, would have developed about a quarter of all of the savings in that particular report.

With respect to taxes, if I were the king or the emperor, taxes would not be increased as part of any deficit-reduction program. But this is a world in which we have to make a majority to make some program work. In 1982, we found that we had to have a tax increase program to get anybody to talk about decreasing spending.

In 1984 the so-called downpayment on the deficit requested by the President consisted of about half tax increases.

I am not going to sit here and make an offer of how much spending it would take to cause me to accept some kind of tax increase, but I think anybody who can count heads or noses or even votes will understand that the House is going to demand some kind of tax concession to consider any kind of spending cuts in the next biennium, and therefore, I think these all have to be investigated.

Mr. HEFTEL of Hawaii. Mr. Speaker, I would like to share with the gentleman [Mr. FRENZEL] an observation concerning this concept of tax increase. I think that it would be well for us to focus on the fact that a tax increase is only meaningful if you have a prosperous country which has enough of an economic base with which to provide the jobs necessary to make the country work. At this point in time when we have just turned the corner, with a very fragile recovery, it is not practical to think in terms of a tax increase which could curtail that economic recovery. I would appreciate the gentleman [Mr. FRENZEL] responding.

Mr. FRENZEL. Mr. Speaker, I think the gentleman makes an excellent point and one to which I subscribe. I do not believe in any kind of a substantial tax increase. I would prefer we did not have any, ever. But if we are going to think about packages in which taxes and spending are both involved, I think we cannot think about any kind of tax increase that is large enough so that the recovery would be threatened.

We are just completing the second year of what is either the first best or the second best recovery in the postwar period. We want that recovery to keep going. I think that is one of the very important considerations that is going to have to govern our actions next year.

If large segments of the Congress or society request extra taxes, I think we have to be particularly vigilant to see that they are not granted if they are of significant size so that the recovery will be threatened. Remember, as I know the gentleman does, that the budget figures, the deficit figures for the future, even the ones that are ascending, are based on very generous assumptions, economic assumptions of growth.

If any of those should be rolled back by a thwarting of the recovery, any kind of minirecession or even a plateau occurs, we are going to find those deficit figures ballooning even further and our spending needs will be exacerbated.

So I think the gentleman makes an excellent point with respect to taxes. But I think what we would both agree, I know the gentleman from Hawaii feels this way, is that we have to discuss these things in the most realistic manner possible. We cannot use extreme economic theories to justify growth for which there is no historical precedents that will suddenly bail us out of our troubles.

We cannot expect from tax increases to get more money if it is the kind of increase the gentleman suggests it is and it defeats economic incentive and causes a recession.

So we have to deal in the best kind of realism that we know and work the problem, as we began to do this year, with the downpayment on the deficit.

I feel that that was not the best we could do but it sure was a lot better than anything done before now.

So I hope that will be some inspiration for what must come in the future. I think the gentleman in trying to stimulate some discussion on this subject has done the House and the Republic a very good deed and I thank him for it.

Mr. HEFTEL of Hawaii. I thank the gentleman.

Mr. Speaker, I am pleased to note that on my Democratic side of the aisle my good friend LES AUCOIN, of Oregon, has joined us. At this point, Mr. AUCOIN, we have been discussing the concept of tax reform as a myth in the manner in which it is being presented to the American people. The idea that tax reform will increase revenue and balance the budget is falacious. As a matter of fact, the tax reform proposals all claim to be revenue neutral.

□ 1730

We cannot immediately institute a tax increase because the economy has not yet recovered in fact, it has just barely turned the corner. Passing a tax increase at this time would jeopardize our fragile economic recovery. Therefore, we are going to have to accept a significant level of deficits for the balance of this decade. Therefore we must tell the American people honestly and forthrightly that the size and cost of Government must be reduced, that it will be painful, and that Democrats and Republicans must join together in telling the American people the truth.

Now, I would like to have the gentleman from Oregon join with us and I yield to Mr. AUCOIN.

Mr. AUCOIN. I would, first of all, say to my friend and colleague from Hawaii how pleased I am to join in his special order this evening. I join my other colleagues who have expressed their appreciation for the leadership he has shown in trying to take a moment to, in a bipartisan way, look at a very chronic problem that faces the economy of this country both today and in the future.

We may have our differences. I know the gentleman from Minnesota, who preceded me, and I have differed on a number of different questions, on spending issues, on revenue issues. Certainly as dear as my friend from Hawaii is to me, we do not always see eye to eye on these matters or other matters. One of the problems in a representative body like this with 435 strong wills representing 435 distinct and different geographical regions of the country is that there are very real differences.

But there really does come a point in the time of a Republic when the danger to the health of that Republic is such that we have got to find the common ground, we have got to find areas in which we bury our differences, we have got to find areas upon which we can agree and we have got to face a common threat.

I wish to say to the gentleman that the words written some time ago, by David Broder, a well-known Washington Post columnist, are very apt today for the purposes of this discussion and for the purposes of the discussions that will follow for the balance of this session of Congress and into the next. What Broder said was that if there was a foreign enemy who posed the kind of threat to this Nation that these deficits pose, and which stretch as far into the future as the eye can see, then there would be no doubt that Democrats and Republicans would stand shoulder to shoulder and face that threat.

The trouble is this threat is from within. It is a threat of lack of will. It is a threat that comes as a consequence of failing to discipline our impulses, both on the revenue side and on the spending side. Democrats and Republicans, both in the legislative and executive branch cannot escape blame for this problem. And the American people, know that, they really do know that.

If, during the balance of this election season, we see a President pointing the finger of blame to the Congress for a deficit that this year will reach over $170 billion, and in turn the Congress pointing the finger of blame back at the White House, the American people will be, I think, not very well served and certainly not be very pleased because finger pointing is not what they are looking for.

What they are looking for is solutions. They do not want people to tell them who to blame for this problem. They want to see that there is some willingness on both sides of the aisle in this Chamber and on both ends of Pennsylvania Avenue that on the questions of revenue, entitlements, discretionary domestic spending, which includes domestic and military spending that there is a willingness to give on all sides.

Unless we have that kind of statecraft, I predict that what will happen in the future is what has happened over the balance of this Congress. I am talking about a legislative gridlock where those who say we are going to balance the budget, but do not touch revenues, and those on the other side who say, these deficits are terrible, but do not do anything about entitlements, will continue to have enough political muscle to stop the other one from getting their way.

The problem with that is that it guarantees paralysis. It guarantees a continuation of a high deficit policy that will mean hundreds of billions of dollars of additional red ink each and every year into the future for—as David Stockman has said—as far as the eye can see.

I hope very much that sensible people can understand that there does need to be this level of statecraft practiced.

I have been advocating that Democrats and Republicans alike break this impasse by a bipartisan national commission, which can produce a single package representing shared sacrifices that touch each of those bases I have just named. Last year I suggested that we do this early in the session of Congress, before the election season started in order to go beyond a simple downpayment $150 billion over the next 3 years. If we had done that, I think the country would have been better served.

Mr. HEFTEL of Hawaii. I wanted to share with the gentleman an observation. I generated a resolution calling for a national bipartisan commission to address the problems of the deficit. I find that the gentleman introduced such a resolution in the Congress in 1983.

I wonder if the gentleman would share his thoughts with us about what you think the possibility is of addressing the deficit problem through the appointment of a bipartisan commission starting in 1985. Whether you think that the Presidency and the Congress would accept the mandates coming from such a commission as we did in solving the problems of the Social Security system.

Mr. AuCOIN. Well, of course, if the gentleman will yield further, it was the Social Security Commission that gives us some hope that this mechanism could work in this instance.

We all know that Presidential commissions in the past have produced reports that sit neatly on shelves and gather dust and in the past have not produced any action or results at all.

But a unique thing happened in the case of the Social Security Presidential bipartisan commission. We found that by the appointment of a blue chip commission with people from both political parties, inside and outside of the Government, that both sides of the aisle could respect, and that the decisionmakers at the other end of Pennsylvania Avenue could respect, by an appointment of a commission of that kind when it then produced a single package that represented an answer to the solvency of the Social Security trust fund, there was apparently the requisite political cover, first of all, for those doubting Thomases who found certain things that they could disagree with, enough political cover for them to nevertheless go along with that package because there were more pluses than minuses in that package.

There was also a recognition that if one did not vote for the product of that particular commission, blue chip and high level as it was, then the onus was going to be on the doubting Thomases who would vote against it to come up with their own package and that they had better deliver.

Everyone, I think, recognized that that was our only chance to solve a major crisis in Social Security. The package passed. And if the gentleman will recall the Social Security solution was achieved within months. This defied predictions at the outset of the Congress that this was an issue that would in fact tie Congress up in knots for months and months and months and months.

□ 1740

So I would think that now that we are faced with even a greater crisis, a literal pistol aimed at the temple of this Nation's economy, with the potential of ruining perhaps as early as next spring, what exists in a recovery that is now underway, with all of the damage that that could do in terms of disruption of capital formation which we simply have got to have if we are going to make the critical investments in technology and manufacturing plant expansion, and all of the rest, to be competitive in an increasingly international marketplace, with all of those risks, I would think that a bipartisan commission producing a comparable package could produce a response on this economic crisis, and I would certainly hope that that would be the case.

I do not think it means we are for passing the buck. I think it means we have got people on both sides of the aisle who have made a series of promises to their own constituents. There are people over there on the Republican side who have said that they are going to balance the budget but they are not going to touch military spending, and they promise their constituents that. And there are people over on this side of the aisle, the Democratic side of the aisle, who said we are going to balance the budget but we are not going to touch entitlements, in any fashion whatsoever.

The problem with that is that neither of those promises can be kept. And unless we have some kind of a package in which there is shared sacrifice, in which the rate of increase in military spending is restrained, the revenue base is restored, discretionary domestic spending continues to contribute its share of the burden, and all of the other bases are tagged, we will continue to cancel each other out. However, a single package that tags all of those bases would I think, break the paralysis for this reason: Republicans and Democrats who have said to their constituents, "I will balance the budget but I will not touch military spending," can literally go back to their constituents and say, "I did not want to touch military spending I voted for this package. It had cuts in military spending. I promised you I was not going to make those cuts, but I did it because it was a part of the package which also finally came to terms with the problem of entitlements, an area of the budget which has exploded in cost by 450 percent over the last 10 years." By the same token, Members who have said entitlements are sacrosanct and have made those promises very sincerely could go back to their constituents and say, "Notwithstanding the promises I made about entitlements, we did make responsible adjustments because we had to, and at the same time, as part of the package, we were also in that bargain, able to get those who were refusing to touch a nickel of this incredible military buildup, to restrain the rate of increase in military spending."

If we can create that kind of dynamic, I think, it will be possible for Democrats and Republicans and people of all philosophies to get behind something that is essential, and that is a deficit-reduction package, a package that will bring receipts and revenues more nearly into balance. Unless we do that, all the dreams of every member of the Republican Party and their

agenda will be for naught because we will have no economy to sustain any of those dreams; and all of the dreams of those on the Democratic side of the aisle will be for naught, too, because there will be no economic activity that sustains those dreams either. No one's agenda will be achieved. We must have an economy that allows the creation of private capital, and that capital will not be created if it is true that by 1989, as the Congressional Budget Office says, the Federal Government will be borrowing so much that it will be sponging up nearly 78 percent of the net savings pool of this country.

Can you imagine that? Seventy-eight percent. That means there is less than 25 percent for everyone else in the country, homeowners, potential automobile purchasers and, small business people. That means high interest rates and a devastating economy.

Mr. HEFTEL of Hawaii. Just think what it means to say that we will go from spending over 20 percent of our revenues for interest expense by the Federal Government in 1984 to spending over 75 percent of our revenues for interest expense in 1990. The public participating with us will quickly realize what that means to jeopardize our future.

Now, it is only when this Congress and the people realize what is going to happen to us that we will be compelled in a common effort to cut military spending, to join domestic spending, in fact, all facets of Government spending. I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate my friend yielding to me.

The gentleman has made I think a significant and very serious point, and I would hope that those who read the record that the gentleman is intending to spread across the pages of the CONGRESSIONAL RECORD tonight would pay particular attention to it.

There is no doubt that we have an economic recovery underway in the country. There is also no doubt, incidentally, that there have been pockets that have been left out—and Oregon, my State, happens to be one of them. But there is a national economic recovery. I cannot help but note, and I think the gentleman understands this, that one of the characteristics of that recovery is that idled plant capacity, made idle and left idle during the last recession, is now gradually being put back into activity. That is basically the essence of the economic recovery we have today. Temporarily, that is good, but it does not go to the larger point about preparing this country and our collective States and districts for their economic future. What goes to that point is the creation of capital and the expansion of capacity and new technology so that we can meet the economic future—a future that is going to be very stiff with international and domestic competition.

So, unfortunately, in a way—though I am so pleased that the pain and the agony of the last recession is not being felt in as many households in my district as it certainly was a few years ago—there is a little bit of a false sense of security about our current recovery. I would hope that those of us who have been sent by our constituents to come here and to work on policy and to try to look out over the horizon would understand that that is the nature, a large part of the nature, of the current recovery; and if we simply point to current figures and say, "Well, this many people are now back to work and everything is rosy," we really delude the people.

□ 1750

We take their eye off the ball. We diminish our collective ability to collectively, on a bipartisan basis, develop growth strategies that will be designed to create capital and expand capacity so that we are not just in a period of time when we are refilling idle capacity made idle by the worst recession since the Depression. We are really preparing this country for its economic future. That is the unmet need.

That is the unmet need that the failure to make a major bite in the deficit has left for the next Congress to deal with. I regret that the across-the-board freeze on spending as a budget resolution failed. I argued for it on the floor. I know there were Republicans and Democrats who disagreed with me. If we could have passed that, we could have reduced this deficit over the next 3 years by $234 billion.

I would submit to the gentleman and to my colleagues that a $234 billion deficit reduction, as a downpayment over 3 years would be infinitely better than a $150 billion downpayment on the 3-year deficit, and would have sent a much stronger signal to the American people and to the credit markets and to one and all that we are serious, institutionally, both in the executive and in the legislative branch, about the problems of this deficit and we are committed not to just singing the praises of the current recovery. But that we are really committed to growth strategies in the future that prepare this country for a very vigorous economic test.

I want to compliment the gentleman who I think has just exercised enormous leadership all through the years he has served in this House and on the Ways and Means Committee, for taking the time tonight to allow Members of both parties of good will to discuss this problem and maybe from the leadership the gentleman has shown, greater progress can come with a higher degree of statecraft being exercised in the remaining weeks of this Congress, and certainly in the next Congress.

It is especially timely that we raise this issue today because election year posturing and the rush to adjourn should not be used as an excuse to duck the most urgent problem facing our Nation and our Nation's future—record-high $200 billion deficits.

In fact, in the short time remaining this Congress, we should evaluate our record, assess what we've accomplished and focus on what needs to be done in the months ahead to bring the deficit under control.

No amount of outrage or finger pointing about the growing deficit can substitute for action. And action calls for a bipartisan response in which both sides make sacrifices for the good of the whole. We made some progress this year in passing the $63 billion Deficit Reduction Act. This was a modest bipartisan effort but it was only a drop in the bucket. Much more needs to be done.

And that is what I have tried to focus on today—the need for a major bipartisan approach to the deficit crisis. What we need is a bipartisan attack on red ink, not partisan attacks on one another.

These massive deficits have serious consequences and we know what they are on both sides of the aisle. According to the latest Congressional Budget Office forecasts, the deficit will continue to rise for the foreseeable future. For 1984, it is estimated to be $172 billion and by 1989 it is estimated to balloon to a staggering $263 billion.

By the end of this year, the national debt will soar to nearly $1.6 trillion. By the end of the decade, it will double and amount to an estimated $15,000 for every American family of four. On that debt, interest payments alone will rise to $220 billion in 1989—more than the amount spent on Social Security benefits in 1983.

There are very real problems with that. It tells us that despite its momentum, the recovery is living on borrowed time. We are courting an inflationary blowup, holding interest rates high, and devouring the pool of savings available for investment.

Last month, housing activity plunged 13 percent to its lowest point since December 1982. My State of Oregon still lags behind the national recovery. Many lumber mills are running below capacity and unemployment hovers above the national average. The long-term potential for export-trade in the Northwest is being held hostage to the high value of the dollar.

So what are our options? Well, as I said before, liberals can stand in cement on entitlements and domestic spending saying that all the cuts must come from defense. And, conservatives can stand in cement and say that all

the cuts must come in social programs. Under that scenario, the only thing that will move will be the deficit and it will simply rise higher and higher.

Certainly, this is not a rosy scenario but it is the one we will face unless we break the current political impasse that prevents more than token reductions in the deficit.

Congress could pass a constitutional amendment to balance the budget. One problem with amending the Constitution is that it could take years to get ratification. We can't afford to wait that long.

During the debate on the budget, the administration and Republicans offered a $150 billion deficit-reduction plan. House Democrats offered a $180 billion plan. Both plans, however, did little more than scratch the problem. Both did nothing to address the problem of paralysis.

That's why I joined the effort to freeze Federal spending more or less across the board. The freeze plan provided for no real growth in any area of the budget. Defense and entitlements were indexed to inflation and domestic programs were allowed to grow at 3.5 percent, slightly less than inflation.

The freeze proposal was the largest deficit-reduction plan on the table and the only plan that used the revenues it raised to reduce the deficit. Again, I want to emphasize that it would have slashed the deficit by $234 billion. If our objective as the President has said, is to make a substantial downpayment on the deficit to give the credit markets of this country some confidence that Government is serious about this problem, then this budget plan was the strongest message we could have sent.

Unfortunately, the plan failed. I feel it is important to know why it failed because it clearly defines the problem our country and Congress find themselves in. It failed because both sides of the political spectrum weren't willing to compromise and get behind a package that required some sacrifice from their political agenda.

Conservative opponents of the freeze plan said it did not allow for enough growth in military spending. Liberal opponents of the plan said it would have cut too deeply into domestic programs.

To those who suggest that such a freeze is heartless and would come at the expense of the poor or at the expense of national security, I would ask them, "What is more heartless, making sacrifices on both sides or letting the deficit grow?" I believe, and I think the majority of the American people would agree, that the most heartless thing is to saddle them and future generations with a debt that this country cannot sustain, unemployment which will make what we've just come through look like a Sunday school picnic and a new wave a business failures which will make the last recession look mild by comparison.

Clearly, the time has come to lay down our partisan ideological differences and stand shoulder to shoulder. Closing the budget gap will require giving up some sacred cows on both sides for the promise of a better future.

Recently, a bipartisan group of more than 600 business persons, former Government officials, lawyers and economists launched a grassroots effort urging all Members of Congress to make a common commitment to cut the deficit.

A budget freeze of the kind I've outlined provides a common ground for common sacrifice and a common commitment. It says I am willing to give ground on the three elements that we have to address; social spending and entitlements, military spending and taxes. It says I am willing to take a bold and significant step toward cutting the deficit even if it means giving up some narrow parochial concerns.

This same coalition supported the establishment of a national bipartisan commission to help achieve deficit reductions mentioned earlier.

Like the freeze proposal, the purpose behind setting up a commission is to formulate a deficit-reduction program that attacks the root of the problem and calls for shared sacrifice.

I first came to Congress 10 years ago. Since then, in every Congress, under every administration, I've voted for less spending than every President asked for, including President Reagan. In the last 2 years, I've opposed 17 of 30 spending bills for a total of $118 billion less than the administration wanted and $126 billion less than Congress authorized.

We all have our individual votes we can point to and we all have our individual checklists. The problem, however, continues to be how to fashion an effective deficit-reduction package that can command the votes necessary to pass. I maintain that a freeze plan could give us the best chance of doing this by imposing sacrifice equally. It only requires political will to put into effect.

The bottom line is this: Unless we control the deficit, it doesn't matter whether your world revolves around capital formation or whether your world revolves around programs to help the needy because $200 billion deficits spell doom for anyone's agenda. Worst of all, it locks up our economic growth potential and the promise of better things to come.

Mr. HEFTEL of Hawaii. I want to compliment the gentleman for his insightful presentation. You have made a significant contribution to our effort to talk to the people we represent as bipartisan Members of Congress. Hopefully, we have demonstrated a capacity to analyze problems in a constructive manner without indulging in partisan rhetoric.

One of us who joined in our presentation this evening served in the chair, CHARLES STENHOLM from Texas, and so I am going to leave the well and occupy the chair so that Mr. STENHOLM can join with you and express his views on the concerns that we have shared tonight.

I also want to let the people know that we will conduct special orders of this type in the future. Presenting problems and potential solutions in a bipartisan manner.

Now, I thank the gentleman for participating with us, as I occupy the chair, and Mr. STENHOLM will join us on the floor. Before I do, I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding. I would be glad to carry the watch here. When the gentleman was discussing the subject of taxes, the gentleman indicated that one of the real dangers was that we might stifle the recovery by the imposition of too great taxes.

Mr. HEFTEL of Hawaii. Yes, I am very concerned about that.

Mr. FRENZEL. And a desire to curb the deficit without curbing our spending appetites. The gentleman also made what I thought was a very interesting statement about tax reform where you said that there are many that think they can use tax reform to buy a balanced budget, which I guess, in which you indicated that the only way you get tax reform is to have a revenue-neutral approach in which you take away from tax preferences from another and spread them through the tax schedule so you get a new balance and a new alignment. That does not produce any money to buy down the deficit. That is an interesting thought that I think has not assailed the mentalities of a lot of our Members. That is that if you use tax reform to attack the deficit, it only is a tax increase, even though you may lay it on someone else's constituents rather than your own. Is that the point that the gentleman was trying to establish?

Mr. HEFTEL of Hawaii. Absolutely. I also want to point out to the American public the fact that politically, tax reform becomes dialog a way of avoiding dialog about the real problem; namely, the deficit. I find that there are those among the political system who talk about tax reform instead of reduction of deficits, because they have no answers that are not painful for reducing the deficit. So they talk about reform as though it will accomplish it for us.

If we look back at the tax cuts of 1981 and the promises that went with them regarding a balanced budget, it is obvious that tax cuts do not a balanced budget make.

I think that the gentleman has zeroed in on an important point that we must share with the people: Namely, not to be misled by the myth of tax reform as though it will solve the problems of deficits because it will not.

Mr. FRENZEL. That is right. We cannot blame the taxpayers for the deficit; it is not their fault.

Mr. HEFTEL of Hawaii. We create the deficit by spending more money than we have, by making promises to the public we cannot afford to keep.

Mr. FRENZEL. Thank you for clarifying that point. I will guard the ship while the gentleman assumes the chair.

TAX REFORM

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 60 minutes.

Mr. FRENZEL. Mr. Speaker, the reason I took this time was simply to extend the dialog begun by the distinguished gentleman from Hawaii. I have perhaps overparticipated already at this point, and I would like to yield to the distinguished gentleman from Texas [Mr. STENHOLM] with whom I have worked over the years on budget matters and found him to be one of the very few Members of the House who have been willing to swallow what is often unpleasant in an attempt to lower the deficit.

Mr. STENHOLM. I thank the gentleman for yielding. I appreciate those comments, and I very much appreciate his effort and also Mr. HEFTEL's effort in beginning this dialog today of what we all hope will be a series of serious efforts to bring about debate, and hopefully to find 212 other Members to participate with us in the spirit of which we have been talking about today.

If we get 212 more agreeing to the general principles that have already been discussed today, we will have made one giant stride toward delivering on that elusive goal that we all talk a lot about, but we have not yet been able to deliver, and that is a balanced budget.

Much of what has been said today needs to be said over and over. To reach a balanced budget we are going to have to continue the economic recovery and see that it moves out and spreads out into the entire United States. We are going to have to cut spending. We are going to have some additional revenue.

□ 1800

That is my judgment also. But I think we need to keep it in the order that I have just mentioned, and I want to focus real quickly now on three points.

First of all, Will Rogers once observed that, "It ain't people's ignorance that bothers me so much. It's them knowing so much that ain't so is the problem." And I think how well those words can be interpreted today when we talk about what has caused the deficit.

In so many people's minds, the deficit has been caused by increased defense spending. Nothing could be further from the truth when you analyze our budget of today and compare it with most any period in modern history and I will use 1970 for example this evening.

Defense spending is exactly at the same level in 1984 as it was in 1970 if you use constant dollars, which means in economic language that you take out inflation. We are there.

So the deficit of $170 billion, give or take that we are talking about in 1984, has not been caused by increased defense spending, and that is a fact.

I would suggest that in this political year that constituents of all of us challenge any of us that make that claim.

So then where is the deficit coming from? And, of course, here it gets into the real problem.

About $120 to $130 billion of this deficit is coming directly from transfer payments, payments to individuals better known as entitlements today. The taking from the working of today and paying to those who have worked in the past and who have now earned their retirement. Therein is the big cause of the deficit today because therein we have seen the greatest proliferation of spending in the last 14, 15, 20 years.

Of course, the other big area is interest rates and we have already heard expressed tonight and over and over the alarming growth of deficit and what that is doing to future interest payments that are going to have to be met first by this body in any future budgets.

About $30 to $35 billion of the current deficit is already built in because of increased interest costs to pay for our previous deficit spending, of which the last 3 years has seen a great proliferation.

So that is the first point I want to make. Let us try as we have done tonight to begin focusing on the real causes and just as I am often reminded of some of my rhetoric when I first ran for this office, in 1977 being elected in 1978, at that time we were spending, we the United States of America, our budget, we were spending at the rate of about 21 percent of our gross national product.

I observed at that time that we ought to have a balanced budget. We ought to reduce spending to 18 to 19 percent of our gross national product. Match revenues with expenditures and have a balanced budget.

I also acknowledged since I was calling for an increase in defense spending that we may have to go a little above 18 or 19 and maybe go to 20 percent.

Well, again today in 1984 we have achieved that goal on the revenue side, because revenues this year are about 19, 19½ percent of our gross national product. The problem has come on the other side of the ledger.

We are spending at the rate of 24½ percent of our gross national product, a level much too high to sustain for any indefinite period into the future.

So here again, the culprit is spending, no question about that, and if we are going to do something about it we are going to need to address that area.

Now here we run into the problem that all of we politicians have as we are all, not just us, the people that we represent, all of you, bless you, everybody wants to balance the budget in the other guy's program. Everybody is in favor of cutting in the other guy's program, in the other guy's State, in the other guy's committee.

Well, let me be the first in the spirit of the conservation tonight, let me be the first to talk about the committee that I serve on, the Agriculture Committee, and let us acknowledge here and now publicly that we can make savings, tremendous savings from the agricultural budget by doing a better job of managing, putting the "M" back in OMB, as I like to put it.

When we passed the farm bill of 1981, many of us and I did not support the bill at that time, and I guess I have turned out to be prophetic, because one of the reasons we did not support it, we felt it was going to do far too little for farmers and cost the American taxpayer far too many dollars and we have seen this happen.

Interestingly, in 4 years of the Carter Presidency we expended some $24 billion on farmer-related programs. During 4 years of the current administration, we are going to expend some $62 billion.

Therein is part of our deficit problem. Now if we had expended that much money and had caused the kind of economic recovery that is needed within the largest industry of this United States, the agriculture industry; if we had expended those funds and extended benefit in direct contrast with those expenditures, there may have been some justification.

But when you look at last year's income results and find that the American farmer collectively had net farm income of $16 billion after we had expended $23 billion, something ought to tell you that something is not working.

So the challenge to those of us on the House Committee on Agriculture, and I know we welcome that challenge, we look forward to the 1985 farm bill and the belief that we can, in

fact, do something both in a productive and a cooperative spirit with the entire body of doing something about our budget problems while, at the same time doing something about the income problems of our largest industry and recognizing just as in every other industry when you have a productive, profitable industry, taxes are paid, people are put back to work, unemployment goes down and the deficit comes down.

It is a challenge. I will not take all of my time tonight to go further into those details, but I will say we are going to be talking a lot more and I suspect that in the colloquy and the debate and the discussion of just such an effort tonight that we are going to spend a lot of time again on agriculture in the same spirit that they are bringing it up tonight.

One last point I would like to make quickly before I yield back.

I am getting a lot of cards and letters today from folks back home concerned about their COLA. And I can certainly sincerely appreciate that those who are living on a very, very small income concerned about their cost-of-living adjustment. I can appreciate that.

But many, many who are writing are not totally dependent upon that COLA. And my point to all of you tonight and I guess the question to my constituency at home when I speak to senior citizens and others who are very concerned about cost-of-living adjustments, when they deal with Social Security and retirement programs, the question is, Where did we ever get the idea in this country that COLA, cost-of-living adjustment, whether it be in the retirement program or whether it be in our everyday salaries, where did that ever become an inherent right of being an American citizen? Where did we ever come to expect as Americans that COLA is a vested right inherited by being born and privileged to be free and to wake up this morning and to shave and to make our hair and to step out in the United States of America.

But today many have gotten that idea and I suspect much of it has come from the debate in this very body. But what we do not stop to think too often about is when we talk about cost-of-living adjustments to Social Security we are talking about money that must be collected from today's working men and women and that usually translates into children and grandchildren and great-grandchildren in order to pay that out of our Social Security trust fund.

And I wish more of the people that make this such a political issue would be a little more honest, because when they do that I think they will find the same reaction that I get when I present it just that way; is the realization that we must be concerned, yes, about the welfare of today's current retired community; no question about that.

But we in this body have got to consider not only today's recipients, but also the future recipients. And when you think about it in just those terms, you must come up with a little more complicated answer than some of the simple postcards that innundate this body periodically and the many political charges that are made about who is going to do what to whom as far as the Social Security trust fund is concerned.

The trust fund is just that. It has always been a pay-as-you-go principle and it is one that we in this body are going to have to address just as in 1977 this body passed the Social Security Improvement and Protection Act that was going to last until 2025. It lasted until 1983.

We also now are saying we have saved it until 2025 again by what we have done in 1983 is further from the truth and the sooner we start talking about the facts as they are and recognizing that each of the 230 million American citizens have an equal responsibility to today's generation and future generations, and recognizing we are never going to balance the budget of the United States until we can talk intelligently about entitlement programs without getting emotional and without scaring the senior citizens, that goal of which is one of my foremost to become one, without scaring them to death by the rhetoric that comes out of this body, however unintentionally it might be.

I thank the gentleman.

□ 1810

Mr. FRENZEL. I thank the gentleman.

Is the gentleman aware that once that Social Security COLA goes into place, the taxable base for Social Security payments increases so that those who vote for the Social Security COLA will be voting for an extra $2 billion in taxes on individual taxpayers?

Mr. STENHOLM. I am well aware of that. It has always been interesting to me since our President proposed it and at the same time opposes increasing taxes. We cannot do both.

Mr. FRENZEL. Yes. There are a lot of heroes around here who are deathless enemies of taxes who keep voting for those sorts of things, perhaps unaware that they are at the same time laying additional new taxes on middle-income Americans who are perhaps the most productive element of our entire society.

I thank the gentleman for his thoughtful remarks and hope that we can get into this a little more in the future. I think we have established for tonight, at least as a beginning basis, that none of us think taxes are a great way to attack the deficit, and that until we understand that we must reduce our spending, our efforts to reduce the deficit are going to all meet with failure. However, simply, the discussion that has gone forward here tonight, and the participants have renewed the vigor of at least this one Member and the enthusiasm of this one Member to take another swing at it and see if we can achieve a consensus that will reduce our spending, reduce our deficits, and put our country solidly on the path to continue the extraordinary recovery we have enjoyed.

Mr. Speaker, I yield again to my distinguished colleague, the gentleman from Hawaii [Mr. HEFTEL].

Mr. HEFTEL of Hawaii. I thank the gentleman for yielding.

Mr. Speaker, I want to thank you, BILL FRENZEL, and the Chair, CHARLIE STENHOLM, the gentleman from Oregon, LES AUCOIN no longer with us, the gentleman from Ohio, BILL GRADISON for participating in speaking with the American people as we have, to let them know that there are those of us in the Congress who feel that we should be solving our problems, discussing our problems not as partisan Democrats and Republicans but as Americans serving in the Congress for a common good and a common cause.

Tonight we hope will just be the beginning of this form of dialog. I think on behalf of all of us I would like to invite the American public which has participated with us to phone our offices in our local districts or write to us, to communicate and let us know what they think and how they feel about what we are trying to achieve in a body which must function with at least 218 votes before it can perform well.

I want to thank the gentleman from Minnesota so very much for his participation and thank all of those who have joined with us in C-SPAN television.

Mr. FRENZEL. Mr. Speaker, I yield back the balance of my time.

HOW TO BALANCE THE BUDGET—PART II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to say that I think the preceding dialog was very helpful and sort of set the tone for this particular special order. I spoke last Friday, September 14, and it was reprinted in the CONGRESSIONAL RECORD on page H9580, on the top of how to really balance the budget. I guess because that particular special order got involved in some superb dialog with the gentleman from Idaho [Mr. CRAIG] who was lead-

ing the effort on the constitutional amendment to require a balanced budget, and with the gentleman from Ohio [Mr. KASICH] who is doing some excellent work on monetary policy, and the gentleman from California [Mr. LEWIS] who serves on the Committee on Appropriations, and brought to bear some of their personal experiences in dealing with spending problems in the House and with the difficulties we have in the House in trying to bring our budget into balance, this turned out to be a two-part special order on how to really balance the budget, so I guess tonight's special order is really "How To Balance the Budget—Part II."

I want to pick up by first reminding the Members of the House and our viewers of the key points we talked about last Friday as a framework for thinking about balancing the budget.

We were suggesting that we are at the edge of an age of growth, a period of economic growth in jobs that is extremely important. We were suggesting also that there is a revolution in economic thought and that that revolution is composed of three parts: First, of an explosion in productivity that will increase the goods and services available to the entire human race across the planet; second, in the shift from mathematical to human economics; and third, in the shift from national to global economics.

I think these three layers are very, very important, so I am going to repeat them first as an overview. First, we are entering a tremendous explosion in productivity. Second, we are seeing economics begin to shift from a focus on mathematical models toward a focus on how you motivate and manage human beings. And third, we are beginning to recognize that we are going to have to have an ability to deal with a global economy, not just a series of national economies.

Let me reframe these just for a minute and remind both our Members and our viewers of why these are so important and how they change the world.

First, the explosion in productivity. I mentioned last Friday that the history of human productivity can in a sense be described as three "S" curves. The "S" curve stands for the rise in productivity. It is commonly used in high-technology companies. For example, the Wright brothers 81 years ago, in the first powered flight, flew and landed in a distance short enough that they could have been taking off and landing on the wing span of a Boeing 747. It took a very long time, which is the flat, bottom part of the "S," to figure out how to make airplanes really work. Suddenly, with tremendous speed, we see productivity increase, which is why it rises up the side of the "S" as airplanes got bigger, faster, carried more people, and then as the technology matures it tends to flatten off at the very top.

This is why, in looking at a whole range of technologies from computers to aircraft to medicines, scientists discovered this theory of what they call the "S" curve of productivity growth. Seen at the level of what one might call macro-history, what happens to the entire human race over time, a number of authors, as I mentioned last week, Kenneth Bolding in "The Meaning of the 20th Century," Daniel Bell in "The Post Industrial Society," Peter Drucker in "The Age of Discontinuities," Alvin Toffler in "The Third Wave," to some extent John Naisbitt in "Megatrends," all came to the general conclusion that human history can be described in terms of three very large S-curves or tremendous changes in productivity. What Toffler called the first wave was the rise of agriculture, the second wave was the industrial age, and the third wave, which we are just entering, is an information age.

This is an important framework of thought because if, in fact, we are entering a revolution in productivity. The one example I have here is that from 1962 to 1984 the amount of computing power that one could buy for $1 increased by a factor of 4 million; that is, for every dollar you spend in 1984 one can buy 4 million times as much computing power as one could buy in 1962.

□ 1820

That is a 99 percent per year real growth rate. What the suggests is that we are beginning to move up a new S-curve of productivity, to go through an explosion in our ability to develop new goods and new services. In particular, in information sciences, in biology and in space, we are seeing a revolution in our ability to produce goods and services.

This does not mean the end of very important industries, any more than the industrial age meant the end of farming. We are still going to have steel industries. We are going to have automobile industries. We are going to produce a lot of goods and services, but as everyone knows who has looked at modern auto plants, we are going to produce more and more things using the power of the computer to enable us to produce goods better and more rapidly.

The second great change is the shift from mathematical to human economics. We see this every day. Probably the most successful recent examples have been the writings of Peter Drucker and a book by Peters and Waterman called "In Search of Excellence," the argument that if you lead people well, if you do the right things to motivate people, they will change their behavior in ways that lead them to be more productive.

The reason that some football or baseball teams have a consistent pattern over the years of being successful, while other football and baseball teams have a consistent pattern of being failures is not just the quality of the talent they recruit, but is the quality of the leadership, of the structure, of the culture of the team.

So we are beginning to recognize once again that mathematical models of the economy may just be wrong, that the geniuses of Thomas Edison, of Henry Ford, of the Wright Brothers, of Lee Iacocca, these kind of intelligent, dynamic, driving personalities, may not be measurable purely in terms of money. That is why some movies that cost a great deal fail; some movies that do not cost a great deal are very successful.

There are characteristics that are human, that may be more important in deciding how the world works than characteristics of sheer economics or sheer numbers. That is why if you look, for example, at Japan, South Korea, Taiwan, Hong Kong, Singapore, those are very successful economies. If you look at the United States compared to Western Europe, for the last 50 years it has been remarkably successful. From this standpoint, much of the crisis of Western Europe has been a crisis of culture, not a crisis of money.

In fact, Peter Drucker recently wrote a brilliant article, which I cited last September 14 in the first part of this essay on how to balance the budget, in which he said:

> If you really want entrepreneurs, if you really want people out creating new businesses, if you really want high technology companies to create new jobs, you have to encourage all entrepreneurs, because it is the culture, it is the attitude, it is the ideas, it is the tax structure that encourages investment, that encourages risk taking, that encourages doing the right things that collectively matter.

So the second point may be as powerful as any. There are models of behavior. Douglas McGregor in "The Human Side of Enterprise" described it brilliantly 20 years ago. He said:

> We would never build a waterpipe for water to go uphill because we know that water doesn't go uphill, yet we frequently build bureaucracies and management systems that work against human nature.

Why would we accept the reality that water will not go uphill and then ask human beings to act antihumanly? The reality is they will cheat. They will find ways to get around the system.

If you tell a farmer that you are going to dramatically tax his corn, he will grow less corn and grow more wheat. If you tell him you are going to dramatically tax everything, he will quit growing everything and grow just barely enough for his family. We know that is true, yet we look at countries

which overtax their farmers, discouraging incentive, punish their entrepreneurs, and we wonder why they are economically sick.

If you saw a man who drank 5 gallons of whiskey a day, you would not be surprised that he had real problems, yet we see countries that take the economic and cultural equivalent of 5 gallons of whiskey a day and we seem surprised that they have problems.

If you reward the right behavior, you tend to get the right results. Basically, that is the core of the revolution in the shift from mathematical to human economics, the argument that human leadership, human habits, cultures, may be more important than just numbers.

Third and finally, we are undergoing a tremendous revolution because we are now part of the world economy. There is a very disturbing article in today's Washington Post, September 20, by Robert Dunn, Jr., who is a professor of economics at George Washington University, entitled "Barriers to Trade." The point Mr. Dunn makes is that world trade is very, very important to all of us. Exporting is important to our farmers. Importing is important to those of us who eat bananas or drink coffee. There is a tremendous constant shift back and forth of resources, both manufactured and agricultural in goods and services, and that the world is getting smaller because of electronics because of the revolution in space.

The very reality that we were able to knit together 140 countries to watch the Olympics live and in color by satellite from Los Angeles should teach all of us that we now live in a very small electronic neighborhood and it is vital in that neighborhood that we continue to be concerned about the entire global economy, not just the American. Let me explain why. They are all linked together. It is a little bit like a mountain climber who is having trouble with a rope which has been holding him up because it is attached to another mountain climber, so to get rid of the rope, you just cut it. Now, if that rope was the thing that was holding you on to the mountain, you may fall off the mountain. That is the problem we face. In fact, it is precisely the problem that led to the Great Depression in the 1930's. What made the Great Depression so severe was that each country protected itself in a way which made it worse and more difficult for every other country.

The best example is what would happen to Mexico, Brazil, and Argentina, if we were to suddenly make it impossible for them to sell to us, and here is what Professor Dunn says:

> If the United States makes it impossible for these countries to steadily increase their exports of goods such as steel, garments and shoes, it will also make it impossible for these countries to repay their debts or even make scheduled interest payments. A number of major U.S. banks have lent well over 100 percent of their net worth to developing countries and now face serious repayment problems.

In other words, if we stop Brazil from being successful, from selling anything to the United States, the Brazilians will not be able to earn enough money to pay back the loans they owe the United States so we will lose the money they already owe us.

Similarly, I would suggest that if the Western Europeans become more and more protectionist, if the United States becomes more and more protectionist, the Japanese economy starts to suffer and all of a sudden the entire Western alliance, which has preserved freedom now for 39 years, begins to fall apart, so we have to be concerned about the entire world.

Furthermore, it is the world which is holding up the American economy. Higher interest rates, greater investment possibilities, the 1981 tax cuts which increased the productivity of the American economy, all of those things have drawn money into the United States. One of the reasons the dollar is strong right now is because the entire world is buying into America. The world thinks America is the safest, most productive, smartest investment for the future; so the world wants to come and invest in America. That has given us the capital to finance our current debt. It has given us the capital to build more factories. It has made the dollar stronger allowing us to buy more goods and services overseas. That is a function of the world economy, not the national economy.

So to summarize again, any thinking about the budget and about balancing the budget and about the Federal Government has to start with the three understandings, first, that we are entering a revolution in productivity; second, that we are now moving from mathematical to human economics; and third, that we have to design America's policies within the framework of a global economy and an electronic neighborhood, not within the framework just of the nation-state.

The challenge then in this setting is whether we are going to change with reality or fight the reality of change. What we have seen, and I want to repeat that because I think this is in many ways the central choice in American politics, much deeper and more fundamental than Mondale's raising taxes and Reagan not raising taxes. This is the core of the underlying long-term choice for the American Nation. As reality changes, we can change with it or we can fight that reality.

Now, we see examples in Western Europe of countries, regions, labor unions, companies, governments, that have fought reality. What happens over time when they fight reality? The companies get older. Their jobs become less and less survivable. Their industries decay. Their wealth declines. Their capacity to be free diminishes.

It is nothing new, nothing surprising. What happens, on the other hand, when you work with reality, when you accept that you are going to have to change, you are going to have to grow, you are going to have to develop more effective, more powerful, more desirable behaviors?

We see that in the Pacific where countries have grown dramatically. You can even see it in some industries where you have a company that changes versus a company that decays.

I happened last night to be given the opportunity to speak with the Harris Corp. in Florida. The Harris Corp. was originally a printing corporation. It originally started as a company that was worried with paper and with ink.

□ 1830

About 20 years ago the Harris Corp. came to the conclusion that while it was making money at printing, it was making more money with high technology electronics. And so year after year they shifted more and more of their resources into the process of investing in research and development, inventing new systems, building new electronic gear.

Just 1 year ago they finished that transformation by selling off the printing industry which was the original parent of the whole company, taking the cash from the printing company that they had just sold and buying and merging with Lanier Business Machines, which is a company that is compatible with them in a high technology area, but that is in fact a good marketing company.

The story of Harris over the last 20 years is in a sense the story of the future, the development of America.

Now, notice that they did not have less jobs. They have more jobs than they had 20 years ago. They have better paying jobs than they had 20 years ago, and they have a more sophisticated work force than they had 20 years ago. They are making more money than they made 20 years ago.

The same thing can be true of the future. It is fascinating in that sense that Professor Dunn makes this point about those countries that followed the right policy.

There is the broader issue of the basic development strategy pursued by developing countries and the U.S. role in the Third World. For a number of decades the United States has been encouraging developing countries to follow an export led market approach to economics, in opposition to those in Moscow, Havana, and elsewhere who have advocated nonmarket, inward looking strategies. The results for the past two dec-

ades make it very clear that the United States was correct and that our opponents were dead wrong. The developing countries that have done well are overwhelmingly those that have used the market approach and that have pursued exports. The statistical evidence for the past 20 years has been widely understood among development planners in China and India, and there is the strong attempt in both countries and elsewhere to shift policies in the right direction.

Let me drive this home for a second. Consistently everywhere on the planet that governments and countries invest in the future, invest in educating their young, work at retraining their adults, build new jobs, go out and encourage their corporations to get the kind of management, the kind of development that looks toward a global economy, that focuses on encouraging and motivating human resources and that accepts the productivity revolution we are looking through, everywhere that that happens there is success. And in virtually every place that avoids those three realities there has been failure.

So one of the points I would make tonight is that as we plan the second term of the Reagan administration, which is what I think we are going to have, as we look at the next 4 years, as we make our choices, we have to decide not to fight against the reality of change but, instead, to work at changing with reality.

The question then becomes when we go out and we ask for advice and we seek advice, the example, the model I have used is the pediatrician and the gerontologist. Do we want people who help us grow, as the pediatrician looks at a child as someone growing, or do we want experts who look at us as static, as stable, already formed, as, say, an 84-year-old person?

I would suggest that because of the characteristics of this productivity revolution and because of the possibility inherent both in the global economy and in human management, that we are in a position today where we need the pediatricians of growth, we need people who want to encourage and facilitate and develop a more rapidly growing America, not people who think there is some kind of artificial, static limit, lid, if you will, above which growth cannot rise.

As I said earlier, if you take computers by themselves you are talking about 99 percent per year real growth for 20 years, 22 years actually, from 1962 to 1984. That is 99 percent a year real growth in technology per dollar.

There is not a single econometric model in America, or a single economist in America who can explain mathematically how that is possible, so in a sense if we were to follow Paul Volcker's reasoning, since he argues you can only have 3.5 or 4 percent growth a year, it is obvious that computers do not exist.

So anyone who is watching who has a digital watch or who had a car that talks to you and tells you when you have left the door open, or the lights are on, or you are running out of gas, any of you who have the relatively inexpensive home computers, or inexpensive pocket calculators, those obviously do not exist because in the theoretical models of the gerontologists of the past who are in charge of our economy, we could not possibly have had 99 percent real growth a year and in fact had their policies applied to computers we would be today about where computers got to in 1965.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to my good friend, the gentleman from Florida [Mr. MACK], who is on the Budget Committee and who is a real student in this area.

Mr. MACK. I appreciate the gentleman yielding. I just would like to tie together a couple of points that have been made so far.

You talked earlier about the human aspects of economics, and one of the items that I would like to kind of add to that is our dealing with static models in so many of the economic projections that we make and then also tie into the last comment that you made about the gerontologists of the past.

Today when we begin to ask for information about how to make the decisions that will affect the future of our country based on economic growth, we seem to be getting the same answers that have been given for the last 35 or 40 years.

As an example, to tie those three points together, I think it is reasonable to look back to the 1977 debate on what would happen if the capital gains rate in this country were to be reduced. The first thing is that those people who indicated that the tax revenues to the Federal Government from capital gains would be reduced by 25 percent, if in fact we reduced the revenue, did not take into consideration the human aspects of economic policy. That is, that if one reduces the rate at which one is taxed that that would give incentive to the individual to earn more, to risk more, to go out and try to earn more as an individual, therefore raising the amount of money that the individual had, and at the same time ending up increasing the amount of revenue to the Federal Government.

The point was in 1977, I think it was Secretary Blumenthal that made the comment that if you reduced the tax rate from some 49 percent down to 26 percent, I think those numbers are pretty close, that we would lose $2.2 billion annually as a result of that reduced capital gains rate. The end result was in 1978, $1.4 billion or $1.3 billion more in revenue came in as a result of reduced rate.

My point there is that again I think people have got to begin to understand that there is a human aspect to the equation of economic growth that needs to be taken into consideration, No. 1.

No. 2, that has an impact on the static models.

No. 3, that we have got to start to find people who understand the change that is taking place in the economy, how it affects those models so that we can begin to put together the proper equations to stimulate higher levels of long-term economic growth.

So I appreciate the gentleman yielding and I appreciate the special order that you have taken out tonight. Hopefully this will continue to spur on the discussion about how in fact we change policies to create growth.

Mr. GINGRICH. I appreciate very much the gentleman from Florida participating, because I think we are at the edge here of a fundamental change in how we think about the world. And not only I think, as I think the gentleman would agree, are we on the edge of being able to grow very rapidly, not only do dynamic models allow you to look at much more rational and effective ways of growing, but the next point I want to make is that there is a moral imperative for growth.

I tried to make the point a week ago that any liberal who wants to help the poor has to favor growth. If you want Bangladesh, or Chad, or Zimbabwe to live better you have to favor growth. If you want poor people in the ghettos to do better you have to favor growth. If you want us to be rich enough to help Americans who are born with handicaps such as mental retardation or physical disabilities you have to favor growth to have America wealthy enough to do that.

The great dilemma that I have always been shocked by is that liberals who believe in helping people, and they love jobs, they hate the growth and the job creators who make it possible. So you have people who come into this House who are very willing to tax the job creating entrepreneur out of business, they are very willing to put regulations on small business that kills it before it ever gets started, they are willing to eliminate the very people who create the future, and then they wonder, gosh, why do we have this swamp of human inactivity in which people do not do anything.

If you make it so expensive and so difficult and not just expensive financially, you can make it expensive culturally, psychologically through redtape, it just gets to be too much of a nuisance, then you can build up a welfare system that is large enough and

has enough resources in it that you have to be stupid to leave it.

□ 1840

And if you take today many of our welfare policies and many of our tax policies, we make it disadvantageous to get off welfare and into a job. If you then take many of our tax policies we make it disadvantageous to leave a large corporation and go out on your own and take the risks to start your own business. We make it more difficult to be Thomas Edison, or Henry Ford, or the Wright Brothers, at the very time that we need them.

I would assert that what we need desperately on this planet is a model of growth and how to grow and how to get growth that says to 15-, 16-, and 17-year-olds in Bangladesh or in Lebanon that "if you want your family to live better, there is an alternative to communism and there is an alternative to terrorism."

Now I do not just speak on this tragic evening when we have had a bomb go off in Lebanon. I spoke a week ago and I used that same analogy.

I said, "If you are young, if you are poor, and you watch television and you see 'Dallas' on TV," and this happens in many countries today, it is the most widely shown television program in the world; or you see Los Angeles and the Olympics and you say to yourself "I would like my family to live like Americans" and you are told "Well, you can't get there because the International Monetary Fund is now imposing austerity on your country so none of you are going to make it. You cannot get there because the U.S. foreign aid program for years has been government-to-government programs to prop up the Minister downtown as a big government agency and they don't care about businesses. You can't get there because there is no model of thought."

Then somebody walks down the road and says, "How would you like to be a Communist? We will help you get there" or "How would you like to be a terrorist? We will bomb them and blackmail them into helping you. Why should they live rich in America while you live so poorly here in your country?"

The most desperately needed thing in the world is a positive, clear, coherent framework that says to that young person "No, no, don't go in those directions, join us in an opportunity society movement that would help your country grow." And furthermore the U.S. Government, the International Monetary Fund, the World Bank will join together in policies that encourage growth. "Go out and work and create wealth in your own nation. Don't destroy wealth in order to terrorize others. Go out and organize for wealth and productivity, don't go out and organize for the Communist Party."

Now if we had a positive opportunity society vision available to the planet, we would be able to reach out, as evangelists, as missionaries across the planet, encouraging every young person without regard to their race, creed, color, religion, or background to begin to be productive. But what are we offered by our good friends who are liberal Democrats?

Faced with a moral imperative for growth, Walter Mondale and the liberal Democrats propose a budget plan that would kill growth, which would just simply flatly destroy growth.

Why do I say that? Because if you raise, as Walter Mondale has proposed, taxes on working Americans by what has been estimated to be $1,800 per family, if you build a bigger welfare state, as Walter Mondale has proposed, if you make all sorts of promises to liberal welfare state allies as Walter Mondale has, if you behave the way liberal Democrats behave in the House of Representatives passing bigger central government bureaucracy bills, more regulations, more redtape, you guarantee that growth cannot possibly take place.

Now I do not say this as a theoretical argument. I do not stand here and suggest theoretically that Walter Mondale's plan would kill growth. I simply suggest we look at the last time Walter Mondale was in power, the last time liberal Democrats controlled the White House. It was in 1977 to 1981, under Jimmy Carter and Walter Mondale.

Now what did we get? We got taxes going up on the working Americans, we had massive inflation, we had the collapse of the auto industry, the collapse of the steel industry, the collapse of jobs, the decay of America. We were in such pain by the summer of 1980 that between dramatically rising inflation, when gold was over $800 an ounce and going up, Italian hotels would not accept American dollars on the ground they could not trust the value of the dollar; the reality was the liberal welfare state policies did not work. We have historic proof. We lived through it. If you go to the doctor and the doctor makes you sicker and 4 years later you forget and you go back to the doctor who made you sicker, it is not the doctor's fault that you got sick, it is your fault. We know what liberal welfare state policies will do. They will destroy the chance for real growth.

By contrast what we are moving toward and the reason a number of us were opposed this year to talking about tax increases in 1985 is because we want an opportunity society plan for a balanced budget.

Remember, I said we have to have a clear, simple model for those young people. We have to be able to reach out to Bangledesh, to Chad, to Zimbabwe, everywhere across the planet, to Paraguay, to every country that wants to improve its standard of living. What would an opportunity society plan look like?

Well, it would be based on four very simple principles. First, free enterprise; second, high technology; third, traditional values; fourth, self-government.

It is our argument based upon the real parallelism between the writings of the Founding Fathers in the Federalist Papers and elsewhere and the writings of people like Douglas McGregor and Peter Drucker, that a free nation that governs itself, that allows the marketplace to dominate its economic market activity, that teaches its children traditional values such as honesty and hard work, and that invests in the future in high technology, that builds new, modern steel plants, new, modern automobile plants, that reaches out and creates a new industrial Midwest by encouraging through the right tax policies the kind of factories that can compete with anybody in the world and that encourages, with the bill such as Congressman CLINGER and Congresswoman JOHNSON have developed for tax credits for retraining of workers, that encourages the kind of growth in knowledge on the part of adult workers, that allows all of us to participate in a high-technology future. These four principles, and let me repeat them because I think they are so profound: First, free enterprise; second, high technology; third, traditional values; and fourth, self-government. They form the basis of thought for an opportunity society which I think is not only competitive with communism and terrorism, it is clearly dramatically superior.

Now then, what would a plan to balance the budget in an opportunity society following these principles be, recognizing the revolution in productivity, recognizing the importance of the shift to human economics instead of mathematical economics and recognizing that we are in a global economy, what would that plan look like?

It would be seven steps. Let me list them and then go over them one by one. First, an agenda for growth; second, a 2-year budget and appropriations bills; third, a policy of frugality in government; fourth, new ideas for government and society; fifth, a simplified, Tax Code; sixth, reform of interest on the debt; seventh, monetary policy reforms to fight inflation and to keep it under 3 percent.

These seven steps fit together. They include how do we grow as an economy so the world can grow, so that the poor in our cities can find jobs, so we can rebuild and redevelop our industrial base. It includes a way of grabbing control of the Congress with a 2-year

budget and a 2-year appropriation, forcing the Congress to bring spending to a halt and to stop the kind of pork-barrel fight that we saw today, when once again today, faced with a choice between giving every Member's district a little bit more money that we do not have, or stopping this kind of spending, the Congress once again voted to give Members' districts more than frankly we have. We are giving away our grandchildren's future.

Third, it is possible to be frugal. There have been three great political leaders in the English-speaking world who have been frugal, Walpole in the 18th century. Gladstone in the 19th century, and Coolidge in the 20th century. All three made a success of the simple principle that if money is to be wasted, you should be allowed to waste your own money; you should not have the government take it away from you in taxes so that some bureaucrat can waste it for you. In short, if we are going to buy a $435 hammer, we should be able to buy it for ourselves, we should not have the Defense Department do it for us. That principle created three, very, very successful careers as I said Walpole, Gladstone, and Coolidge. It is not just a gimmick. It is a serious idea.

Fourth, we have to focus on new ideas. We live in an age of enormous change everywhere but Washington, DC. If you were to simply compare for example the process by which you can now call into any kind of money market fund, if you have any kind of money market fund you can go to any touchtone phone, dial an 800 number for free, get the computer, punch in your credit card number or account number and the computer within a matter of less than 1 minute will tell you that as of 5 o'clock today how much money you have in your account, how much interest was paid on it in the last 7 days, and how much interest was paid on it in the last 30 days.

□ 1850

You try the same thing with the U.S. Government involving say, your Social Security account. Those places you cannot call anyway, you have to write. When you write it may or may not be answered. They may lose it. If they do answer you they will tell you that they are several years behind in processing the accounts. Now, is this because civil servants are stupid or lazy? No, it is because the structure of the Federal Government is an 1880's Civil Service Act, 1920's management style, and 1950's office equipment. There is no company in America that could operate with all of the handicaps which we have legally built into the Federal Government and do anything except go bankrupt.

So, if we expect to have efficient and smiling and effective and productive Federal workers, we have to overhaul and rethink the entire Federal system.

Fifth, we need to simplify the Tax Code. Everyone who looks, for example, at the 1984 Tax Act with its report language comes to almost 1,900 pages, has come to the conclusion, tax lawyer after tax lawyer who makes their living out of complexity have come to me and asked that we find a way to pass something like the Kemp-Kasten flatter and simpler tax bill.

Sixth, interest payments are now the third largest item in the budget, larger than the Army and Marine Corps combined. Yet, no one looks seriously at how we could reform interest payments.

Seventh, we have to look at monetary policy. One of the major failures of the first term of the Reagan administration and the entire revolution that JACK KEMP and others led in looking at fiscal policy and taxes was that we frankly did not pay enough attention in 1981 and 1982 to the terribly important question of the value of money. And I want to come back to that.

Let me start first with an agenda for growth, remembering as I said earlier that we absolutely have to grow in America, that for us to not grow is to cripple the country.

Let me expand on that. Every time a nation grows rapidly everybody gains. There are inevitably at any one point in history some industries, some sectors that are declining and other sectors that are growing. But if the whole economy is growing, then the sectors that are becoming relatively less important do not feel the pain that they feel in a recession or a depression.

Interestingly, for example, the Erie Canal reached its peak of carrying freight in the 1880's long after railroads were running parallel. The New York Central lines were literally next to the Erie Canal. Yet, because America was growing, the canal was growing. That is very, very important in a free society because when an industry declines in absolute terms it brings pressure to bear on its Senator, on its Congressman, on its President to protect it. That is perfectly legitimate. No one should be expected to suffer in silence. In a free society they have the right to speak out and say, "Hey, look at me. I am in pain."

If we follow in 1985 and 1986 policies that bring us less than maximum growth then there can be a coalition of protectionism, a coalition of pain that steps in and says, "Whoa, I don't want my company to be suffering and I am in too much pain to let you do anything except protect me."

If that happens, we are faced with an absolute disaster.

So in order for America to grow fast enough, in order for us to participate in a global economy, we are going to have to think about how do we get American companies, American jobs, American productivity, moving up at a fast enough rate that even the companies that are decaying feel fairly good about it, that they are in fact part of a growing economy in which they feel certain they can get a better job, they can invest in a better industry, they can move their resources to a better future. Because if we suffer a severe recession in 1985 or 1986 the pressures for protectionism in this country will be massive.

We see today, this week, whether it is in farming or it is in steel, but even in the middle of the greatest boom we have had in years, there are tremendous pressures to protect industry. It is impossible to imagine how tremendous the pressure would get if we had a severe recession. And, again, as Professor Dunn said:

> The success stories among developing countries have been possible, however, only because the United States and its allies have been willing to purchase growing volumes of their exports. If this country now becomes protectionist, the successful strategy of the rapidly growing countries will become impossible for nations such as India and China leaving them no choice but to move toward an inward looking, centrally planned approach to economic policy. The United States has won a major intellectual victory in the developing countries, but we may throw that success away and literally snatch defeat from the jaws of victory.

What then is the first, the very first step for 1985? It is that the President should suggest an agenda for growth. The President should come to the Congress and propose an omnibus growth bill. If you will, compared to the Gramm-Latta budget bill, which is 3,000 pages, we need the Gramm-Latta of growth. We need a bill which says here are the changes in law, in regulation, in tax policy, which will allow American companies to grow.

Let me give you just a few examples. Clearly, No. 1 should be enterprise zones. We should encourage new factories, new jobs, in the central city, in poor rural areas, in places where there are people who want to work and have no jobs.

Second, we should change the current incredibly dumb law on investing in space. Currently if you put—and I have verified this last night at the Harris Corp. where their attorney said, yes, this is true, so it is hard to believe, but listen carefully—equipment in space, in satellites, in a new factory in our manned space station, you cannot take a tax credit because the Internal Revenue Service has ruled that it is out of the country.

Now, everything about America's future means we should be reaching out into space which is a place—thanks to the space shuttle—where we would have the maximum possible advantage over the Japanese and the Russians in competing. We can do

things in space nobody else can do. Yet, our tax law discourages it.

I said this last night at a high technology dinner in Melbourne, FL, for the Harris Corp. I was a little worried because it frankly sounds so dumb I cannot believe even our Government is doing it, even our bureaucracy is doing it. But the Internal Revenue Service has ruled that the tax credit law says you can only take a tax credit for things in the United States. And by definition if it is in orbit it is not in the United States.

I said I think that is true, although as a historian I am not a tax lawyer, and I do not invest in high technology. The counsel for the company said that is absolutely true. They have an experiment going up in the space shuttle and they have to take the accounting process of not taking a tax credit on that experiment.

Well, what does that mean? That means we currently discourage companies from taking the gamble in the future. To give you an idea how big that gamble potentially is, the recent *Discovery* flight, the space shuttle *Discovery*, carried the first nonastronaut, a technician from McDonnell Douglas and Johnson & Johnson, who is manufacturing a hormone in space. It turns out that for reasons that involve a zerogravity environment you can create 700 times as much of this hormone in space as you can on Earth. Seven hundred times.

President Reagan in a recent speech said that means you could create more in space in 1 month than you could create on Earth in 60 years. When you think of it that way it gives you a sense of perspective.

The estimate I saw was that that one breakthrough may be worth $1 billion a year to the United States in medicine. That is, by the middle of the 1990's, that one breakthrough may be worth $1 billion a year.

Now, where are most of those jobs going to be? They are going to be in Buffalo, NY. They are going to be in Canton, OH. They are going to be in Atlanta, GA. They are going to be in south Florida. They are not going to be out there in space. There are going to be a handful of jobs in space and thousands of jobs on Earth. Just as with the airline industry there are relatively few pilots, but there are a lot of reservationists, there are a lot of clerks, there are a lot of baggage handlers, there are a lot of mechanics, there are a lot of manufacturers.

Similarly, we have a chance here to move into space aggressively, to create jobs in America, to create a billion dollar industry and we have a tax policy that slows it down.

Another example, a brilliant paper was published this year by a task force on high technology led by Congressman ZSCHAU of California and Congressman RITTER of Pennsylvania. They listed 14 specific changes that would encourage growth. One of them is to change the 1890's pre-Henry Ford, pre-Wright brothers, antitrust policy of the United States which was designed for large central railroads.

That antitrust policy has grown over the years much like kudzu in Georgia to become an absolute handicap to American high technology companies trying to compete with the Japanese.

Where our companies cannot work together, Japanese companies can. Well, all of us who believe in team work know that if I can work together and you cannot, I am going to beat you.

So, one of the simple changes in law would be an antitrust exemption to allow high technology companies to go ahead and work together. We are not in any danger at any time in the near future of a monopoly in America taking over the way the New York Central Railroad did in the 1880's. That whole technology is gone. We are in an era where we want to encourage American companies to work together, not discourage it.

So, as I said, the No. 1 step in 1985 has got to be an agenda for growth because if we were to achieve 5.5 percent growth a year for the next 4 years, that is about as much growth as we achieved in the 1960's. It is 60 percent as much growth as Japan's best 4 years. Half as much growth as Singapore, Hong Kong, or Taiwan, or South Korea.

□ 1900

Think about that. We achieve as much growth as we achieved in the 1960's, 60 percent of the growth of the Japanese or half the growth of Singapore, South Korea, Hong Kong, or Taiwan. In the 4 years, the sheer size of our economy would mop up most of the Federal deficit as people got richer, had better jobs, built more factories and, therefore, could pay more taxes because they are now richer.

Therefore, that is the first step for the health of the world, for the health of our inner cities, for the health of our industrial Midwest, for the health of the Nation and for balancing the budget.

I would be delighted to yield to my good friend from Florida.

Mr. MACK. I just wanted to build on a comment that you made about Congressman ZSCHAU and Congressman RITTER. At a presentation they made on their ideas about how to stimulate growth, one of the messages that they delivered—and, frankly, I found the figures rather shocking—was again the effect of the changes in the capital gains rate.

In 1969, when the capital gains rate was increased, the amount of dollars that were available in the venture capital markets of this country just dropped and dropped rather significantly; and for a period of time from 1969 through 1977, when the rate was changed once again, the amount of dollars that were available to the venture capital markets of this country averaged somewhere between $75 million and $100 million annually. After the rate was decreased in 1977, for the 18 months following that there was $1 billion available into venture capital markets of this country, and in 1983 it was estimated that $4.2 billion was available to venture capital in this country.

People ask the question today: How in the world did we ever create 6 or 7 million new jobs in the last 18 months?

The answer is very clear. There were dollars available to venture capital, encouraging risk, encouraging starting up new businesses, small businesses, where jobs are being created. And that is an example of the type of item that I would hope to see in this agenda for growth, in this omnibus growth bill, that we will hopefully have an opportunity to take a look at in 1985.

I thank the gentleman for yielding.

Mr. GINGRICH. I thank the gentleman.

Let me say that the second point is a 2-year budget and a 2-year appropriations bill, and the reasons are simple:

First, we need one large overall vote in which the popularity of the President, the popularity of the national desire to control spending is brought to bear.

Second, in a large vote like that on the floor of the House, we can defeat the subcommittees and the special interests in a way which allows the Congress at large to write a budget for the Nation instead of simply adding up all of the various tiny budgets put together by special interest groups and subcommittees.

Third, it allows you to gain economies of scale. If you can go to a tank manufacturer and say, "We are going to buy so many tanks per month for the next 2 years," you get a cheaper price per tank than if they are waiting for the next continuing resolution to be adopted by the Congress. You allow the Pentagon, you allow the Health Care Financing Administration to plan rationally for 2 solid years.

Finally, you also gain an advantage in the money markets and interest rates because they know that basically we set the pattern of spending for 2 solid years.

If this Congress coming in in January cannot gain the courage to decisively control the budget and appropriations for 2 years before June 1985, then, as we get closer to the next election, it will be impossible to control spending.

So the second principle is a 2-year budget and 2-year appropriation.

Third, as I said earlier, we have to redevelop frugality as a style of government. We have to recognize that every dollar we spend is a dollar that comes out of the taxpayer's pocket, a dollar that some family cannot spend for themselves and their children. That means, I think, that we should give a President in the 2-year budget a 2-year line-item veto and some limited impoundment authority so that for one time under this President immediately after a very popular election, he can pick and choose and he can tighten up. It means that we should have a report by the Congress to adopt a series of specific proposals chosen out of the recent commission which looked at all of the spending, because the Grace Commission did pretty good work. And while much of what they suggested cannot be done, there is probably $5, $10, $15 billion in savings which could be gotten if we were to look at it in a very serious way.

Finally, to be quite candid, I think there would have to be some areas of nitpicking. There are some things we do as a country that, if you really sat down and really looked at it, you would say, "That's silly, that doesn't need to be done."

So I think frugality has to come back in.

Fourth, we have to develop new ideas, new ways of delivering goods and services.

In a book that Marianne and I wrote recently called "Window of Opportunity," there is a chapter called "Reforming the Great Bureaucracies." There is a section called "The Best Possible Health Care for Everyone," just to give you one area of the kinds of changes we are talking about. And I emphasize new ideas because one of the weaknesses of the liberal welfare state is that it wants to ask the question: More or less?

I do not think that is the correct question. The real question is future versus past; better versus worse.

For example, if we have an alcoholic, is giving him more bourbon more? Is that better? Or is that in fact worse. I would argue it is worse. Does it help them live in the future, or does it in fact trap them into their past? I would argue it traps them into their past. Indeed, much of the problem with the Walter Mondale liberal Democratic approach and with the liberal welfare approach has been that it is a process of asking us to spend more through the same tired bureaucracies on the same programs that do not work.

I would suggest instead that we look at changes in health care, for example.

The eight areas of necessary change are:

First, focusing on preventive medicine and good health;

Second, improving research at the vision and strategy level to transform specific areas;

Third, decentralizing decision making so we can move more rapidly to new technologies and procedures;

Fourth, sharing new medical knowledge more widely and systematically so that people can adopt new methods without professional involvement;

Fifth, relying more on the patients and their families, friends and neighbors, instead of health care professionals;

Sixth, returning power and responsibility to the patients in the local institutions;

Seventh, eliminating national responsibility for what ultimately must be individual decisions; and

Eighth, changing the third-party payment system so that the individuals once again are directly involved in the market cost.

These are systems changes, and we take something like 10 or 12 pages in the book to describe them in some detail. But the point I want to drive at here is that almost every one of those is not a question of more money in the budget, it is a question of rethinking our current model of health care.

We similarly suggest rethinking education.

We also suggest that we have to shift from the welfare system we have today to some kind of workfare program for able-bodied adults under the age of retirement.

My point is this: If you look at the experiments being done by people like Bob Woodson, the brilliant young advocate of neighborhood control of public housing programs, if you look at the kind of work being done by the Military Reform Caucus led by people such as JOHN KASICH of Ohio and JIM COURTER of New Jersey, if you look at the ideas that people like Lodzhansky, in the area of building a nationwide televised high school math and science enrichment program, there are new ideas we should move toward today.

Fifth, we must move to a simplified tax system, something like the Kemp-Kasten bill. I think that is a vital area that almost everyone agrees has to be examined and which will bring in more revenue in the long run, first, because if you eliminate the shelters, people will start investing their money to build new factories instead of to hide from the Internal Revenue Service; and, second, if you reestablish a sense of fairness, people will come back out from the underground economy and start paying their fair share of taxes again.

Sixth, we have to have a real focus on how we deal with interest paid on the national debt.

The fact is that today interest on the national debt is the third largest item in the Federal budget, larger than the Army and the Marine Corps combined, yet we in the Congress pay less attention to how we handle interest on the debt than we do on how you build tank treads for the M-1 tank.

There are a number of steps which could be taken, and this was the genius, for example, of Alexander Hamilton in the 18th century in funding the debt as it was being handled at the time we became a country.

There are two principles to the debt. First, you want to minimize its cost and, second, you want to build in a hedge against inflation.

Just as under the liberal welfare state they liked bracket creep to push people secretly into higher brackets through inflation, that made it more desirable for the Government to inflate the currency because it raised revenue without raising taxes.

We I think in building an opportunity society want to look at experiments such as offering gold backed bonds or offering bonds that are guaranteed by the Consumer Price Index plus 2 or 3 percent, so that we build in hedges against inflation, so that after Ronald Reagan there would be so much of the Federal debt tied up in anti-inflation bonds that no future liberal President could afford to inflate the currency.

□ 1910

Finally, and seventh, we must have monetary policy reform which starts with a pledge by the President and the Chairman of the Federal Reserve Board that we will try to keep inflation under 3 percent. Now, there was some very eloquent talk earlier about the problems of cost-of-living increases. The fact is, if we can have an honest dollar we do not have to do anything in the House of Representatives about cost-of-living increases. If the dollar is honest, people do not need then to get extra money from Washington, because the money they are currently getting will buy what they need.

Similarly, if you have honest money and people know that for the next 4 years you are going to keep inflation under, say, 3 percent, interest rates will drop dramatically. That will both save you money on the debt, because you will be paying less in interest for the debt, and second, it will increase revenues, because if interest rates were to drop dramatically, if we had, let us say, 3 percent inflation and people believed it would stay at that level, then we normally would not have more than a 6- or 7-percent prime rate. That would mean, clearly, without any question, that we would then be in a position that we would have a tremendous savings on the interest on the debt, a savings amounting to tens of billions of dollars.

In wrapping up, let me make these points: Good news tends to get better. That is, there is a positive synergism that develops over time. If you have the right tax policy, the right red tape

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and regulations, the right management system, the right cultural attitude, your country gets richer and richer and richer. But as the Carter-Mondale years proved, if you have a liberal welfare state system that has big bureaucracy interfering, that has very high taxes, that has high inflation, that has an antibusiness, antientrepreneur bias, that has a culture that in fact weakens what is going on, each one multiples negatively against the other.

You can have a positive synergism into the future, or a negative synergism. You can have an avalanche of disaster, which can carry us down as we discovered from 1977 to 1981, or we can have a tremendous, rapidly increasing growth rate.

Finally, what is at stake? The choice we will make in the next 4 or 5 months, in the election in 2 months, in the decisions of President Reagan beyond that, in the decisions of this Congress as we react to it, are choices which affect every person on this planet, whether you are in Bangladesh, or in Lebanon, or in El Salvador, or you are in Los Angeles or in Atlanta or Miami or Buffalo. The fact is that if we adopt a strategy for growth and we implement that strategy and we adopt this seven-part opportunity society budget plan, we will ultimately achieve a balanced budget with a very different kind of government, very different services, a very different kind of productivity, in a world which is improved dramatically. A world in which every person, every young person on the planet can adopt an opportunity society model of growth, and terrorism and communism will wane as they clearly fail to achieve the kind of laws we want.

I honestly believe that is what is at stake; that is how vital the next few months are. That is why we must find a creative, dynamic approach to developing the budget and the Government from 1985 to 1989.

THE PANAMA CANAL—BUYING A DEBT TO BE PAID IN BLOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. HANSEN] is recognized for 10 minutes.

● Mr. HANSEN of Idaho. Mr. Speaker, 7 years ago, against the will of the vast majority of the American people, the Carter administration illegally forced into being the nefarious Panama Canal Treaties. It might ordinarily be pleasant for those of us who fought against these concessions to remind the leaders of the Congress at the time that, as we predicted, the transfer of the Panama Canal was a major leap toward making the Caribbean a Soviet lake. In an amazingly brief time, our forebodings became fact.

Many of those who acted here and in the other body have rightly been retired from public life by the people for their complicity in this epochal event. What we do not yet know is whether American lives will have to be spent to undo the rash and essentially illegal acts done in the name of befriending a petty Panamanian dictator who desperately needed a bailout from a scandalous debt with free-wheeling international banks.

Today is the fifth anniversary of the rejection by the House of implementing legislation. To its credit, this body at first responded to the will and the needs of the people of this country. But, the history of this shameful affair is clear. Nothing, not the rules of this House, not the rules of the Senate, not the indignation of the people of the country and, finally, not even of the Constitution itself, would be allowed to stand in the way of this monstrous perversion of the duty we have sworn to protect this Nation against all its enemies, both foreign and domestic.

Unfortunately our vote against implementing the treaties was soon overturned. In 6 days, sufficient pressure had been brought by the President through arm-twisting and by the doom and gloom lobby and fear mongers to finally, on the 26th of September, force the House to pass the implementation. The rights of the people under the Constitution had again been violated in order to guarantee that our ability to defend ourselves and to protect the West would be dealt yet another blow, a blow struck twice in rapid succession as President Carter almost simultaneously handed the key nation of Nicaragua over to the Communist Sandinista. We should keep this day in mind as we now struggle to stem the forces which ourselves helped put in play in Central America.

I have often wondered whether the subsequent terrorism of American Embassies around the world and the taking of our Embassy in Tehran, 2 months later, would have happened if we had shown the world that our priorities were to defend this Nation and the West against its implacable enemies. While we were being duped into giving away Nicaragua and the Panama Canal to placate the Communists, and to bail out corrupt dictators and reckless international bankers, the Marxist radicals have expanded their Cuban toe-hold in the Western Hemisphere to turn the Caribbean region, so vital to our economic and military security into a huge staging area for Soviet aggression.

If "the price of liberty is eternal vigilance," the counterfeit of moral bankruptcy is buying us a debt which is too often being paid with the blood of the innocent.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 5 minutes, today.
Mr. MOLINARI, for 60 minutes, today.
Mr. SHAW, for 60 minutes, today.
Mr. SOLOMON, for 60 minutes, today.
Mr. GINGRICH, for 60 minutes, today.
Mr. GINGRICH, for 60 minutes, September 21.
Mr. WALKER, for 10 minutes, today.
Mr. WEBER, for 10 minutes, today.
Mr. WALKER, for 60 minutes, September 21.
Mr. WEBER, for 60 minutes, September 21.
Mr. SHAW, for 60 minutes, September 26.
Mr. MOLINARI, for 60 minutes, September 26.
Mr. HANSEN of Idaho, for 10 minutes, today.

(The following Members (at the request of Mr. WEAVER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. MOODY, for 30 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. GLICKMAN, for 60 minutes, October 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LUNDINE, on Senate Joint Resolution 304.

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. OXLEY.
Mr. WORTLEY.
Mr. COLEMAN of Missouri.
Mr. BEREUTER.
Mr. PORTER.
Ms. FIEDLER.
Mr. BROOMFIELD.
Mr. WOLF.
Mr. MCGRATH.
Mr. GEKAS.
Mr. YOUNG of Florida.
Mr. LUNGREN.
Mr. COURTER.
Mr. SHUMWAY.
Mr. ROGERS.
Mr. GREEN.

(The following Members (at the request of Mr. WEAVER) and to include extraneous matter:)

Mr. SIMON.
Mr. LAFALCE.
Mr. ACKERMAN in two instances.
Mr. FASCELL in three instances.
Mr. DYSON.

Mr. SCHUMER.
Mr. NOWAK.
Mr. LELAND.
Mr. OTTINGER.
Mrs. BURTON of California.
Mr. DOWNEY of New York.
Mr. FEIGHAN.
Mr. ST GERMAIN in two instances.
Mr. LANTOS.
Mr. LEVIN of Michigan.
Mr. YOUNG of Missouri.
Mr. MORRISON of Connecticut.
Mr. LUNDINE.
Mr. VENTO.
Mr. MARTINEZ.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes, and

H.J. Res. 453. Joint resolution designating the week of September 30 through October 6, 1984, as "National High-Tech Week."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 277. An act for the relief of Marlon Dolon Opelt;

S. 301. An act for the relief of Kim Hae Ok Heimberger;

S. 435. An act for the relief of Joseph Antonio Francis;

S. 514. An act for the relief of Seela Jeremiah Piula;

S. 598. An act to authorize a land conveyance from the Department of Agriculture to Payson, AZ;

S. 692. An act for the relief of Charles Gaudencio Beeman, Paul Amado Beeman, Elizabeth Beeman, and Joshua Valente Beeman;

S. 798. An act for the relief of Grietje Rhea Pietens Beumer, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer;

S. 1060. An act for the relief of Samuel Joseph Edgar; and

S. 1140. An act for the relief of Patrick P.W. Tso, Ph.D.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, September 24, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4056. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to Canada for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-39), pursuant to 10 U.S.C. 133b (96 Stat. 1288), to the Committee on Armed Services.

4075. A letter from the Secretary of Education, transmitting a copy of proposed final regulations for the Endowment Grant Program, pursuant of GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453), to the Committee on Education and Labor.

4058. A letter from the Secretary of Education and Labor, transmitting a report on the status of bilingual vocational training, fiscal year 1982, pursuant to VEA, section 182(a) (90 Stat. 2206); to the Committee on Education and Labor.

4059. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to Canada for defense articles and services estimated to cost $55 million (Transmittal No. 84-39), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520), to the Committee on Foreign Affairs.

4060. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

4061. A letter from the Comptroller General of the United States, transmitting a list of all reports issued or released by GAO in August 1984, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

4062. A letter from the Independent Counsel of the U.S. Government, transmitting the "Report of Independent Counsel Concerning Edwin Meese III," pursuant to 28 U.S.C. 595(a); to the Committee on the Judiciary.

4063. A letter from the Secretary of Labor, transmitting a report on funds expended for trade adjustment assistance training during the first and second quarters of fiscal year 1984, pursuant to Public Law 93-618, section 236(a)(2) (95 Stat. 885); to the Committee on Ways and Means.

4064. A letter from the Acting Comptroller General of the United States, transmitting a report entitled, "Status of the Great Plains Coal Gasification Project—May 31, 1984," (GAO/RCED-84-85, September 18, 1984; jointly, to the Committees on Banking, Finance and Urban Affairs; Energy and Commerce; and Science and Technology.

4065. A letter from the Comptroller General of the United States, transmitting a report entitled, "Management Weaknesses Affect Nuclear Regulatory Commission Efforts To Address Safety Issues Common to Nuclear Power Plants," (GAO/RCED-84-149, September 19, 1984; jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 586. Resolution providing for the consideration of House Joint Resolution 648, joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes (Rept. No. 98-1041). Referred to the House Calendar.

Mr. BONKER: Committee on Foreign Affairs. H.R. 3255. A bill to extend the export authority of the Secretary of Agriculture and the Commodity Credit Corporation to include fish and fish products, without regard to whether such fish are harvested in aquacultural operations, and for other purposes; with amendments (Rept. No. 98-1042 Pt. I). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 6112. A bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 with respect to the effect of the 1985 increase in the Federal unemployment tax rate on certain small business provisions contained in State unemployment compensation laws (Rept. No. 98-1043). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself, Mr. HOYER, Mr. CARR, Ms. MIKULSKI, Ms. FIEDLER, Mr. EDWARDS of California, Mr. SYNAR, Mrs. SCHROEDER, Mr. FRANK, Mr. CROCKETT, Mr. SCHUMER, Mr. MORRISON of Connecticut, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. BERMAN, Mr. BOUCHER, Mr. BEVILL, Mr. FAUNTROY, Mr. BEDELL, Mr. EDGAR, Mr. LUKEN, Mr. OBERSTAR, Mr. GARCIA, Mr. MARRIOTT, Mr. MAVROULES, Mr. WEISS, Mr. BARNES, Mr. FAZIO, Mr. LELAND, Mr. SABO, Mr. TAUKE, Mr. WOLPE, Mrs. HALL of Indiana, Mr. HERTEL of Michigan, Mr. LANTOS, Mrs. MARTIN of Illinois, Mr. WYDEN, Mr. ACKERMAN, Mr. BORSKI, and Mr. TORRICELLI):

H.R. 6284. A bill to amend title 18 of the United States Code with respect to sexual assaults; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. RODINO, Mr. FISH, Mr. MOORHEAD Mr. HYDE, Mr. DEWINE, Mr. KINDNESS, and Mr. SAWYER):

H.R. 6285. A bill to clarify the circumstances under which a trademark may be canceled or considered abandoned; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. MAZZOLI, Mrs. SCHROEDER, Mr. GLICKMAN, Mr. FRANK, Mr. BERMAN, Mr. MOORHEAD, Mr. HYDE, Mr. DEWINE, Mr. KINDNESS, and Mr. SAWYER):

H.R. 6286. A bill to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 6287. A bill to provide that the 3.5-percent pay increase to become effective beginning on January 1, 1985, may not apply to Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. MARRIOTT (for himself, Mr. CONABLE, Mr. FISH, Mr. MCKERNAN, Mrs. VUCANOVICH, Mr. DUNCAN, Mr. ARCHER, Mr. MOORE, Mr. THOMAS of California, and Mr. MCCAIN):

H.R. 6288. A bill to amend title XX of the Social Security Act to require, as a condition of Federal assistance to any State for the provision of child care services thereunder, that such State establish, monitor, and enforce appropriate child care standards; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 6289. A bill to amend the Tariff Schedules of the United States to establish equitable rates of duty on vinyl sheet flooring; to the Committee on Ways and Means.

By Mr. SHELBY:

H.R. 6290. A bill to authorize appropriations to the Secretary of Transportation for a grant to the State of Alabama for construction of a highway bridge across the Tombigbee River; to the Committee on Public Works and Transportation.

By Mr. TAUZIN:

H.R. 6291. A bill amending the Outer Continental Shelf Lands Act to improve safety at manned offshore installations, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL (for himself, Mr. MCNULTY, Mr. HANSEN of Utah, and Mr. NIELSON of Utah):

H. Con. Res. 362. Concurrent resolution to require the President to initiate negotiations for voluntary restraint agreements with respect to copper production; to the Committee on Ways and Means.

By Mr. PASHAYAN (for himself, Mr. TORRICELLI, Mr. HYDE, Mr. FRANK, Mrs. JOHNSON and Mr. ANNUNZIO):

H. Res. 587. Resolution expressing the sense of the House of Representatives that the foreign policy of the United States should take account of the genocide of the Armenian people with the objective of preventing any future genocide anywhere in the world, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WILLIAMS of Montana introduced a bill (H.R. 6292) for the relief of Deola Shryock of Polson, MT, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 511: Mr. BADHAM and Mr. EDWARDS of Oklahoma.

H.R. 960: Mr. APPLEGATE, Mr. BATES, Mr. BONER of Tennessee, Mr. COOPER, Mr. HARTNETT, Mr. HAWKINS, Mr. HUGHES, Mr. LANTOS, Mr. LONG of Louisiana, Mrs. MARTIN of Illinois, Mr. MORRISON of Connecticut, Mr. QUILLEN, Mr. SISISKY, Mr. SPRATT, Mr. SWIFT, Mr. WISE, Mr. WON PAT, Mr. SIKORSKI, Mr. FLIPPO, and Mr. HANSEN of Utah.

H.R. 3224: Mr. ACKERMAN, Mr. MARTINEZ, and Mr. SHANNON.

H.R. 4402: Mr. STANGELAND, Mr. IRELAND, and Mr. MCGRATH.

H.R. 5307: Mr. NEAL.

H.R. 5361: Mr. ACKERMAN, Mrs. HALL of Indiana, Mr. VENTO, Mr. ECKART, Mr. BRITT, and Mr. KOLTER.

H.R. 5741: Mr. JONES of North Carolina, Mr. PRITCHARD, Mr. BREAUX, Mr. CARNEY, Mrs. SCHNEIDER, Mr. SAWYER, Mr. BATEMAN, Mr. MCKERNAN, Mr. HUTTO, Mr. DYSON, Mr. CARPER, Mr. BOSCO, Mr. THOMAS OF GEORGIA, Mr. STUDDS, Mr. D'AMOURS, Mr. HUGHES, Mr. HARTNETT, Mr. LENT, Mrs. BOXER, Mr. BORSKI, Mr. BIAGGI, Mr. FOGLIETTA, Mr. HORTON, Mr. MARTIN of North Carolina, Mr. SHAW, Mr. MOLINARI, Mr. LAGOMARSINO, Mr. SNYDER, Mr. STANGELAND, Mr. LOTT, Mr. ANDREWS of North Carolina, and Mr. PORTER.

H.R. 5952: Mr. DERRICK.

H.R. 5963: Mr. DARDEN.

H.R. 6021: Mr. BEDELL, Mr. MINETA, Mr. SMITH of New Jersey, Mr. HUBBARD, Mr. HOWARD, and Mr. NICHOLS.

H.R. 6045: Ms. FIEDLER and Mr. BORSKI.

H.R. 6082: Mr. GEJDENSON.

H.R. 6113: Mr. GOODLING.

H.R. 6158: Mr. QUILLEN, Mr. PORTER, Mr. KINDNESS, Mr. RICHARDSON, and Mr. DARDEN.

H.R. 6172: Mr. VALENTINE and Mr. FAZIO.

H.R. 6179: Mr. MONTGOMERY and Mr. GINGRICH.

H.R. 6230: Mr. GEKAS and Mr. FISH.

H.R. 6231: Mr. DERRICK, Mr. CHAPPELL, Mr. LELAND, Mr. DICKS, Mr. FASCELL, Mr. DARDEN, Mr. TAUZIN, Mr. BONER of Tennessee, Mr. GREEN, Mr. FIELDS, and Mr. LOWRY of Washington.

H.J. Res. 389: Mr. BRITT.

H.J. Res. 580: Mr. ROE and Mr. BROOMFIELD.

H.J. Res. 608: Mrs. KENNELLY, Mr. HUCKABY, Mr. WEAVER, Mr. SEIBERLING, Mr. GREEN, Mr. LIVINGSTON, Mr. MOORE, Mr. MCCLOSKEY, Mr. IRELAND, Mr. FUQUA, Mr. MCGRATH, Mr. CONYERS, Mr. RATCHFORD, Mr. HUGHES, Mr. MONTGOMERY, Mr. MCDADE, Mr. DONNELLY, Mr. DREIER of California, Mr. FEIGHAN, Mr. STOKES, Mr. GREGG, and Mr. STUMP.

H.J. Res. 243: Mr. HORTON.

H.J. Res. 637: Mr. PICKLE, Mr. BENNETT, Mr. SAM B. HALL, JR., Mr. CHAPPELL, Mr. CONTE, Mr. SPENCE, Mr. PANETTA, Mr. WISE, Mr. DE LA GARZA, Mr. NICHOLS, Mr. MARTINEZ, Mr. LIVINGSTON, Mr. EMERSON, Mr. JEFFORDS, Mr. MOORE, Mr. FISH, Mr. YOUNG of Florida, Mr. THOMAS of Georgia, Mr. HUGHES, Mr. ANTHONY, Mr. WYDEN, Mr. COOPER, Mr. HARTNETT, Mr. HANSEN of Utah, Mr. EDWARDS of Alabama, Mr. ROWLAND, Mr. WOLF, Mr. TAUZIN, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. COELHO, Mr. RINALDO, Mr. SKELTON, Mr. ROEMER, Mr. FLORIO, Mr. BREAUX, Mr. MRAZEK, Mr. LENT, Mr. MCGRATH, Mr. TOWNS, Mr. VALENTINE, Mr. BROYHILL, Mr. HEFNER, Mr. LATTA, Ms. OAKAR, Mr. MARTIN of North Carolina, Mr. FOGLIETTA, Mrs. BOGGS, Mr. GEKAS, Mr. STOKES, Mr. GRADISON, Mr. ROSE, Mr. ENGLISH, Mr. RALPH M. HALL, Mr. MCCAIN, Mr. CLARKE, Mr. RAHALL, Mr. GUNDERSON, Mr. SUNIA, Mr. WON PAT, Mr. MATSUI, Mr. DANIEL, Mr. FAZIO, Mrs. BOXER, Mr. BROWN of California, Mr. GORE, Mr. DANNEMEYER, Mr. LOWERY of California, Mrs. KENNELLY, Mr. THOMAS of Georgia and Mr. WAXMAN.

H. Con. Res. 306: Mr. EMERSON, Mr. LENT, Mr. STANGELAND, Mr. LAFALCE, Mr. DUNCAN, Mrs. JOHNSON, and Mr. YOUNG of Alaska.

H. Con. Res. 347: Mr. CROCKETT and Mr. LEVIN of Michigan.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6224

By Mr. SOLOMON:

—Page 2, line 4, after "Services" insert "and Subsidy".

—Page 2, after line 20, insert the following:

"(4) The operation of Saint Elizabeths Hospital by the Federal Government has provided the District of Columbia with relief from a financial burden which has been held by non-Federal governmental entities throughout the several States.".

And renumber accordingly.

—Page 2, line 20, after the period add the following: "It is now time for the relationship of the District of Columbia and the Federal Government with respect to providing mental health services to the residents of the District of Columbia to become more like the relationship of the Federal Government and the several States for this purpose.".

—Page 5, line 10, add the following: "Such assumption also furthers the principle of federalism by bringing the division of responsibilities between the District of Columbia and the Federal Government into a state like the relationship of the Federal Government and the several States.".

—Page 6, after line 4, insert the following:

"(3) In the calculation of equitable shares, the Congress notes that the Federal Government has in recent years spent in excess of sixty million dollars on Saint Elizabeths Hospital capital improvements in preparation for a transition to assumption by the District of responsibility for Saint Elizabeths Hospital:"

And renumber accordingly.

—Page 7, after line 3, insert the following:

"(c) To ensure that the District of Columbia fulfills the intent of Congress established in this section, no funds may be appropriated for the District of Columbia for the fiscal year beginning October 1, 1991, unless the District shall have in operation an integrated coordinated mental health system by that date.".

—Page 8, line 10, strike out "." and insert in lieu thereof ", a responsibility which historically has been that of the Federal Government, a responsibility which the Federal Government has held at substantial financial benefit to the District.".

—Page 8, line 21, strike out "3" and insert in lieu thereof "6".

—Page 8, line 22, strike out "12" and insert in lieu thereof "9".

—Page 9, line 5, strike out "and" and insert in lieu thereof "," and on line 6 after the word "Senate" insert ", and the Subcommittees on the District of Columbia of the House and Senate Committees on Appropriations".

—Page 9, after the "." on line 7, insert the following: "The Mayor shall also submit the revised preliminary plan to the American Psychiatric Association together with the request that the Association review the revised preliminary plan and provide its advice as to the relationship of the plan to the current state of knowledge regarding the provision of mental health services.".

—Page 9, line 15, strike out "and" and insert in lieu thereof "," and on line 16 after "Senate" insert ", and the Subcommittees on the District of Columbia of the House and Senate Committees on Appropriations".

—Page 9, line 17, after the period insert the following sentence: "The Mayor shall take no action to implement the plan until the Committee on the District of Columbia of the House of Representatives and the Committee on Governmental Affairs of the Senate shall complete their review as provided under section 4(b) of this Act.".

—Page 10, after line 21, insert the following:

"(c) The plan shall not propose the authorization of any additional funds by the Federal Government to carry out the purposes of this Act.".

And renumber accordingly.

—on page 12, line 24, strike out "1991 and insert in lieu thereof "1994".

—Page 13, line 5, strike out "October" and insert in lieu thereof "July".

—Page 14, line 7, strike out "90" and insert in lieu there of "45".

—Page 14, line 11, after the period, insert the following: "Should the Committee on the District of Columbia fail to submit a report to the House of Representatives on the final system implementation plan within 45 days of its submission by the Major, it shall not be in order in the House to consider any bill, resolution, or joint resolution reported by the Committee on the District of Columbia until such time as the Committee on the District of Columbia submits a report on the final system implementation plan.".

—Page 14, after line 11, insert the following:

"(C) A final system implementation plan which recommends the authorization of payments by the Federal Government in excess of those authorized by this Act shall not fulfill the requirement of Sec. 4(b)(4).".

—Page 21, line 7, strike out "without compensation".

—Page 21, line 11, after "property." insert the following: *Provided,* That before making the transfer, the Secretary shall consult with the Secretary of the Interior as to what restrictions may be needed to safeguard the historic character of any buildings, grounds, or archeological resources which may be part of the property to be transferred. Should the Secretary of the Interior make any such recommendation, the Secretary is authorized to include such restrictions as the Secretary may deem necessary.".

—Page 21, after the period on line 11, insert the following: "In token payment of the right, title, and interest received, the District of Columbia shall pay .00001 part of the value of the property transferred, said value to be determined by an individual or corporation agreed upon by the Secretary and the Mayor.".

—Page 21, after line 11, insert the following:

"(2) The Secretary shall transmit to the Congress within 180 days of the transfer a report which shall detail the value of the property received by the District of Columbia at no cost to it.".

And renumber accordingly.

—Page 22, line 3, strike out "." and insert in lieu thereof ", said amounts to be in lieu of any amount which the District of Columbia might otherwise receive from the Federal Government or any instrumentality thereof for the District of Columbia comprehensive mental health system, except as otherwise provided in this Act.".

—Page 23, after line 7, insert the following:

"(2) The Secretary shall submit to the Congress a report for each year of the service coordination and financial transition periods comparing the District of Columbia share of responsibility for the provision of mental health services with that of not less than five States.".

—Page 23, line 23, after the period, insert the following: *"Provided,* That the share borne by the Federal Government shall not exceed fifty per centum of capital improvement costs.".

—Page 32, after line 6, insert the following:

"AUTHORIZATIONS OF ADDITIONAL FUNDS

SEC. 11. No funds in addition to those authorized in this bill may be appropriated expressly for Saint Elizabeths Hospital." and renumber accordingly.

—Page 32, line 9 strike out "October" and insert in lieu thereof "September".

—Page 32, line 9 strike out "October" and insert in lieu thereof "November".

—Page 32, line 9, strike out "October 1, 1985" and insert in lieu thereof "January 1, 1986".

EXTENSIONS OF REMARKS

OCTOBER 16 IS WORLD FOOD DAY

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, September 20, 1984

● Mr. MATHIAS. Mr. President, Thursday, October 11, marks the begining of a very important week in the District of Columbia.

On that day, the Capital Area Community Food Bank begins a food drive to help the less fortunate citizens of our Nation's Capital.

The Community Food Bank, with the help of Safeway, Giant Foods, local 400 of the United Food & Commercial Workers Union, the D.C. National Guard, and Gray & Co., will be asking grocery shoppers to donate whatever they can to "open" carts in Safeway and Giant stores.

Since its founding 4 years ago, the Capital Area Community Food Bank has grown impressively. It now supports the efforts of 270 church pantries, soup kitchens, and food distribution services. The food bank helps feed nearly 100,000 people every month. And for 1 week in October, the food bank is asking all of us to help.

We have all grown accustomed to reports of hunger and famine in remote parts of the world, far from our shores. But, to our shame, there is hunger in America too. There is hunger in the Capital City. The efforts of the Capital Area Community Food Bank to help feed all hungry people in the District of Columbia deserve the support of the entire metropolitan community. I urge everyone to help the food bank not only during the week of October 11, but throughout the year.●

AVERTING NUCLEAR WAR

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. SHUMWAY. Mr. Speaker, the growing concern among the public regarding the global proliferation of nuclear weapons and the threat of nuclear war are concerns which everyone in this body shares. The horrors of nuclear war are well understood and there clearly are no winners in such a conflict. The question, therefore, is how nuclear war can best be averted.

Unfortunately, there is not a consensus on the means to achieve a lasting peace. As election day draws near, the call for a nuclear freeze as the most effective means of addressing the nuclear threat has grown increasingly strong from certain quarters. In my view, however, an immediate freeze will do more to threaten our national security than to lessen the possibility of war.

First, Mr. Speaker, I believe that the freeze resolution ignores recent trends in the nuclear balance. Whereas the Soviet Union during the past decade has steadily and rapidly built up and modernized its nuclear arsenal, particularly in the destabilizing land-based intercontinental ballistic missiles, the United States has just begun to modernize its strategic forces. While the Reagan administration's modernization program has made progress in upgrading our Nation's strategic force capability, an immediate freeze would preclude our ability to further modernize our forces and would maintain existing military imbalances between the United States and the Soviet Union. In my view, by adopting a policy of military disadvantage, we would be seriously weakening the credibility of our deterrent capability.

Second, an immediate nuclear freeze ignores the history of Soviet compliance with arms control agreements. Although President Reagan supports the need for effective means of verification, the Soviet Union record clearly indicates its disdain for the verifiability requirement for arms control agreements. As documented in the President's January report to Congress on Soviet verification and compliance, "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958–1983," there is a clear historical pattern of Soviet noncompliance with arms control agreements. While I recognize that it is vital that we proceed with negotiations toward the objectives which we all seek, reductions in Soviet-United States nuclear arsenals, I believe it is equally crucial that any arms control agreement be verifiable. The serious questions cannot be ignored, however, which exist regarding whether the Soviets would honor the provision of the freeze with any greater degree of integrity than they have those of numerous existing treaties and agreements.

Mr. Speaker, the American people recognize that arms control and reduction are in our national interest and that it is vital that the United States pursue all reasonable and appropriate avenues to bring the Soviet Union back to the negotiating table. I would submit, however, that the majority of our citizens would not support an arms control agreement which would lock the United States into a position of military inferiority and which could not be verified with any great degree of confidence. I would like to call to the attention of my colleagues, Mr. Speaker, an article by Kenneth H. Adelman, Director of the U.S. Arms Control and Disarmament Agency, which appeared in the September 7, 1984, edition of the Wall Street Journal. In this article, Mr. Adelman, through the interpretation of poll data, underscores the public's growing sophistication concerning the issues of arms control and United States-Soviet negotiations and recognition that we must not succumb to simplistic solutions to the complex problem of nuclear proliferation.

The article follows:

[From the Wall Street Journal, Sept. 7, 1984]

PANDERING TO PUBLIC ON ARMS RACE WON'T WASH

(By Kenneth H. Adelman)

'Tis the season for some political "leaders" to lead by scurrying ahead of where they believe the public is marching. But beware: On the vital issues of arms control and U.S.-Soviet negotiations the public is far more sophisticated than is generally thought.

In a nutshell, the American people hold several strong but somewhat contrasting views, as is appropriate given the complexities of the real world. They deeply want arms control but overwhelmingly believe the Soviets violate such agreements; they want the U.S. government to stand up to the Soviets but also to sit down with them in negotiations; and they support a strong defense but believe military spending is a heavy burden.

This is no simple-minded public that can be mollified, much less satisfied, by energetic advocacy of a nuclear freeze. Polls show strong public backing for the idea of a freeze—such as 72% (Gallup, May 1981) and 83% (NBC, May 1982). But the polls also disclose that such staunch support transforms into staunch opposition when a freeze is placed in a realistic context. For example, CBS/New York Times found in May 1982 that a nuclear freeze supported by 72% was opposed by 71% when it was assumed that Soviet cheating could not be detected (which I might add, would be the case). Similarly, a freeze was opposed by 60% when assumed that it would end up with the Soviet Union having "somewhat greater nuclear strength than the U.S.," and by 67% if the U.S. "would have to freeze its weapons first in order to get the Soviet Union to agree to freeze its nuclear weapons."

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Looked at another way, an April 1984 poll for the Committee on the Present Danger (CPD) shows that 59% of the American people believe that the Soviets would not be willing to negotiate a freeze at equal levels of weapons, 71% say the Soviets can't be trusted to honor a freeze agreement and 62% believe that the Soviets were using the nuclear-freeze issue "to try to gain a permanent advantage over the U.S."

Polls also show strong public support for arms-control talks and agreements generally. It is not surprising that in 1979 Harris found 85% agreeing that "it is vital for the two countries to reach an agreement to limit nuclear arms." Recent polling by the Atlantic Institute (April 1984) reveals that the desire for arms-control negotiations with the Soviets has risen appreciably over the past two years or so.

That general support, however, is tempered when it butts up against real-world considerations such as verification and equality. Earlier this year, the CPD-sponsored poll found that 76% placed verification—confidence in or detecting Soviet cheating—as "very important" in any arms-control accord. About 70% believed that the Soviet Union is currently "violating existing nuclear arms control agreements." Only one in eight Americans thought the Soviets were adhering to such agreements. In short, the public overwhelmingly believes the Soviets cheat in this critical realm.

Nonetheless, the need to control nuclear weapons and to come to terms with the Soviet Union have remained constant parts of the post-war American psyche. Awareness of the horror of nuclear-weapons use did not spring up suddenly since 1981, as some administration critics would have it. Early in the 1950s the prospect that another world war would involve atomic weapons used against the U.S. was widely perceived and feared. In 1958 a Gallup poll found that the public expected 70% of the U.S. population would die in a nuclear war.

Such a reasonable fear has, however, not led the American people into the unreasonable advocacy of "no nukes." On the contrary, the public has widely grasped the deterrent role of nuclear weapons in helping keep the peace. In an April 1954 Gallup poll, more than half (54%) believed that the hydrogen bomb made another world war less likely. In a 1982 ABC/Washington Post poll, more than half (55%) stood against the U.S. declaring "no first use" of nuclear weapons.

While appreciating such key factors providing for post-war security and supporting U.S. strategic doctrine, the American public has strongly favored negotiation with the Soviets. This was true even during the early chilly days of the Cold War. In April 1948, in the wake of the Soviets imposing a communist government in previously democratic Czechoslovakia, a Gallup poll found that 63% of a national sample thought it would be a good idea for President Truman to "call an international meeting with Stalin and heads of other nations to work out more effective plans for peace." But here too, only about 40% of those who favored such a conference had confidence in its success; more than a third thought it would fail.

Clearly, the American people want their government to stand up to the Soviets even as it sits down with them for serious negotiations. In late 1982, 84% of those who attached importance to the need to match Soviet military power also favored negotiations (Chicago Council on Foreign Relations, November/December 1982). Most Americans now support the U.S. maintaining "a firm attitude backed by military strength" in attempting to achieve an arms-control agreement with the Soviets, rather than seeking a "breakthrough by taking the initiative in making some arms reductions" (Gallup, April 1984).

The Reagan administration's approach to arms control is right on key with these public views. The administration's policy combines the two tracks of maintaining military balance while pursuing dialogue, standing tall while being willing to sit down and do business.

A hallmark of that policy—the business we wish to do—is to reduce nuclear weapons. As the public correctly senses, nuclear arsenals are far too big on both sides. So instead of merely freezing nuclear weapons at their all-too-high current levels, and locking in Soviet advantages that threaten stability in the nuclear balance, the president seeks deep reductions in the nuclear forces of both sides. This must be done, of course, down to equal levels and with effective verification—again the public's real concerns.

Unfortunately, the Soviets last year walked out of the intermediate-range nuclear-arms talks and suspended the strategic-nuclear-arms talks. They did so, quite simply, because the West would not allow itself to be intimidated into giving up or accepting a lopsided intermediate-range arms agreement. The Reagan administration will continue to take every reasonable step to help show the Soviets that it is in both sides' interests to reduce to equal and more stable levels.

Poll data continue to show that the American people's instincts on arms control are sound and insightful. They should not be affronted by simple-minded political pandering. When faced with the facts and asked the right questions, they are pretty much on key. Don't sell them short.●

MARIO BIAGGI, LIFETIME MEMBER OF THE AOH

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. McGRATH. Mr. Speaker, last evening, the Ancient Order of Hibernians, our Nation's oldest and largest Irish-American organization, conferred a distinct and unprecedented honor upon our colleague, MARIO BIAGGI. The AOH awarded its first-ever lifetime membership to Congressman BIAGGI for his tireless efforts as chairman of the 104 member bipartisan Ad Hoc Congressional Committee for Irish Affairs.

I regret that I was unable to join him on this special occasion because of illness; but I am pleased to be able to bring this well deserved tribute to the attention of the entire House.

I know of no person who has done more to earn this prestigious honor than MARIO BIAGGI. On September 27, of this year, the ad hoc committee, which he founded and on which I am proud to serve, will observe its seventh anniversary. The relationship between the Ancient Order of Hibernians and the ad hoc committee has been extremely close over those years. In fact the AOH together with the Irish national caucus requested establishment of the committee.

In the 7 years under Congressman BIAGGI's leadership, the committee has focused long overdue attention of the national and international communities on the tragedy which continues in Northern Ireland. The committee has and will continue to press for a more positive role of our Government in working for a lasting peace in that troubled land.

MARIO BIAGGI was honored by the AOH for his longstanding commitment to the cause of peace, justice, freedom, and human rights in Northern Ireland. He has manifested this commitment throughout his 15-year career in the House, particularly through his strong leadership of the ad hoc committee.

MARIO has been to Ireland's six Northern counties at least six times. He has met with many different groups to bring about an end to discrimination, whether institutional or the result of involvement of U.S. interests doing business in the North.

MARIO's recent legislative initiative, House Concurrent Resolution 21, expresses the opposition of Congress to the continued use of plastic bullets in Northern Ireland. He called a special meeting of the ad hoc committee on September 6, to hear statements from Americans who were on a trip to Belfast last August. While there, they witnessed first hand the brutality of the paramilitary police force which rules the six northern counties with little regard to human life or basic rights. A large and mostly peaceful crowd was sprayed with deadly plastic bullets, killing one man and injuring many others including some Americans.

I was astounded once again to hear of the unwarranted and uncivilized actions of officials who enjoys the full support of the British Government. I commend MARIO for continuing to champion the cause of human rights in Northern Ireland, and refusing to flinch from the controversies surrounding that war torn region. His commitment to peace and a united Ireland has earned the lasting respect of the American Irish community.

At last night's ceremony, Joseph A. Roche, national president of the AOH made the formal presentation of his organization's special tribute to Congressman BIAGGI. The affair also marked the opening of the new AOH national headquarters.

I would like to insert the inscription on MARIO's lifetime membership which follows:

The National Board of the Ancient Order of Hibernians in America, Incorporated Recognizes MARIO BIAGGI, Member of Congress,

and chairman of the Ad Hoc Committee for Irish Affairs, and because of his tireless efforts and unselfish dedication to the aspirations and endeavors of the Irish people for complete and absolute independence and peace with justice from any and all foreign powers bestows upon him lifetime honorary membership in the Ancient Order of Hibernians in America, Inc., and we are proud to welcome MARIO as our brother.

Recognized this day September 19, in the District of Columbia, Washington D.C. in the year of our Lord 1984.

JOSEPH A ROCHE,
National President.
THOMAS D. MCNABB,
National Secretary.●

INTELLIGENCE IDENTITIES ACT: WORDS, NO TEETH

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. LUNGREN. Mr. Speaker, the calculated, politically motivated leaking of highly sensitive information has become Washington's version of the Rona Barrett gossip column. The furor over mining of Nicaragua's harbors poses a serious question with dangerous implications: Is our democratic form of government unable to keep any secrets, no matter how sensitive to our national interest? Certainly one could question whether Congress has the capability to practice oversight of intelligence activities once those activities are viewed as an integral part of a partisan foreign policy debate.

On August 1, 1984, Congressman HENRY HYDE introduced House Joint Resolution 633, for the purpose of eliminating House and Senate Intelligence Committees to create a streamlined Joint Committee on Intelligence. The joint committee is designed to diminish the possibilities of partisan posturing and significantly reduce the number of individuals having access to sensitive information. Hopefully this will minimize the risk of damaging disclosures.

Mr. Speaker, in an effort to inform my colleagues of the seriousness of this issue, I am inserting at this point in the RECORD a recent article by Congressman HYDE entitled "Intelligence Identities Act: Words, No Teeth." I commend him for his diligent efforts to focus attention on this important area effecting our national security.

INTELLIGENCE IDENTITIES ACT: WORDS, NO TEETH

(By Representative Henry J. Hyde)

As a member of Congress, I frequently witness legislative efforts that are long on symbolism but short on substance. Sometimes these efforts are so useless that they remind me of a baseball pitcher with the stylish windup of Hall of Famer Sandy Koufax but who forgot to pick up the ball!

A case in point is the Intelligence Identities Protection Act that Congress passed a couple of years ago. What triggered this nobly intended—but ineffective—initiative was a relentless stream of disclosures. Certain individuals, including turncoat U.S. intelligence officer Philip Agee, were busily and systematically disclosing the names of those clandestinely employed by the various U.S. intelligence agencies.

The CIA station chief in Athens was killed after his cover was blown by the magazine *CounterSpy.* Subsequently, in a near tragedy, the homes of the U.S. Embassy's first secretary in Jamaica and an AID employe were fired upon shortly after the American editor of *Covert Action Information Bulletin* claimed in a press conference that those U.S. officials and 13 other Americans, as well as Jamaicans, were associated with the CIA.

In this instance, not only were the names of these individuals revealed, but also their home addresses, telephone and auto license numbers. Fortunately, the American officials and families involved in this attack survived unscathed. It was a close call, however, as two of the bullets penetrated the bedroom window of one of the children who was providentially away at the time. Against this compelling backdrop, Congress finally attempted to remedy a situation that was seriously undermining human intelligence collection efforts around the world.

Lamentably, the legislation that eventually emerged was so watered down that it has not really accomplished its objective of deterring the exposure of undercover intelligence personnel.

After considerable debate, Congress determined that for a non-government individual to be convicted under this legislation, the government would have to prove that such a person had engaged in "a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the intelligence activities of the United States."

Clearly not covered by this legislative provision would be those journalists who, during the course of a story, casually mention the name of a covert intelligence operative. Particularly instructive in this regard is the conference report to the Identities Protection Act which offers the following interpretation:

"A journalist writing stories about the CIA would not be engaged in the requisite 'pattern of activities,' even if the stories he wrote included the names of one or more covert agents, unless the government proved that there was an intent to identify and expose agents. To meet the standard of the bill, a discloser must be engaged in a purposeful enterprise of revealing identities—he must, in short, be in the business of 'naming names.'"

Armed with this congressional analysis and legislative history, many journalists have no qualms about dropping the name of an undercover agent in order to make a story a little "sexier" or seemingly more credible. For example, the Washington *Post* ran an article by correspondent John Lantigua in a early July 1984 edition that illustrates my point.

The thrust of the story concerned an American citizen waiting to be tried in Nicaragua for espionage. Among other things, Lantigua reported that this individual declared that he sold intelligence information to a U.S. diplomat whom Lantigua named and claimed an *unnamed* former U.S. State Department official had revealed as having been employed by the CIA.

In my opinion, such a titillating disclosure violates the spirit, if not the letter, of the Identities Protection Act.

(Incidentally, it is interesting and ironical to note that Lantigua took pains to protect the anonymity of his ex-State Department source while having no compunction whatsoever about revealing the alleged CIA ties of a U.S. Embassy employe who may have been falsely identified as can be the case in leaks of this nature.)

These actions point up that, from an intelligence standpoint, the random or isolated disclosure by an individual journalist can be just as deleterious as the wholesale revelations that used to be featured in the *Covert Action Information Bulletin.*

In fairness to the Washington Post, it must be mentioned that it is not alone in allowing the publication of reports with damaging revelations regarding those under cover. As Jay Peterzell indicates in the May/June 1984 edition of First Principles: National Security and Civil Liberties, such prestigious and reputable news organs as the New York Times and the Wall Street Journal have also published—since the passage of the identities protection legislation—similar stories in the apparent belief that they would not be "exposed to the prosecution under the Identities Act as now interpreted, even though many of these disclosures appear to have embarrassed the U.S. government or to have interfered with ongoing intelligence activities."

Elsewhere in the same article, Peterzell insightfully observes that "perhaps the most significant effect of the conference report on the legislation is to resolve the doubts of reporters and others about the intended scope of the identities act. Lawyers for the Washington Post and the Christian Science Monitor said the report had convinced them the Act is not meant to apply to reporters who identify an agent in the context of a news story."

In sum, the Intelligence Identities Protection Act has turned out to be largely symbolic legislation.

I will concede that it does appear to have caused the Covert Action Information Bulletin to stop publishing its "Naming Names" column, but even this notorious journal has dared to reveal occasionally the identity of individuals within the context of a story.

Again, Peterzell is informative as he points out that the Bulletin's editior, Louis Wolf, has stated that "on sereral occasions we have published articles that discuss CIA activities and identified people when it was important to the story. We got legal advice and went ahead."

Short of remedial legislation, my only and fervent hope, therefore, is that responsibile, professional journalists will emulate the recent example of the Christian Science Monitor which decided, according to Peterzell, not to reveal a name "for moral rather than legal reasons."

This is indeed a transcendant reason and such restraint could literally mean the difference between life and death for some dedicated employe of this nation's intelligence community.●

THE BRITISH EXPERIENCE WITH ENTERPRISE ZONES

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. LUNDINE. Mr. Speaker, as Congress considers proposals for creation of enterprise zones, it is helpful to review the experience of other countries which have initiated similar programs. I commend to other Members the excellent article which follows reviewing the final monitoring report on the 1981–83 British Enterprise Zone Program. It provides a valuable insight into the practical application of the theory of enterprise zones.

The British experience with enterprise zones clearly shows that the proponents of enterprise zones are misled in their enthusiasm for zones as a panacea to a declining industrial base. British enterprise zones alone were clearly not enough to ensure revitalization of the distressed areas. Additional measures such as direct public expenditures and enhanced political attention were the critical elements to the more successful zones. For example, one of the most successful British zones centered on a steel plant experiencing severe trade-related problems. This steel plant benefited from a well planned package of assistance designed to assist it in becoming more competitive and self-sustaining. Zone benefits were only a part of the entire package of assistance, which included other components similar to our EDA title IX and trade adjustment programs.

What emerges from a review of British enterprise zones is an understanding that the revitalization of a declining industrial base cannot be accomplished through a narrow, tax oriented program. As I have advocated over many years, a more comprehensive industrial strategy which makes effective use of a variety of economic development tools is needed if we are to create jobs and stimulate small business development.

The article follows:

[From Nation's Cities Weekly, Sept. 10, 1984]

BRITISH ENTERPRISE ZONES: A LOOK AT 2 YEARS EXPERIENCE

(By William Barnes)

The final monitoring report has been released on the British Enterprise Zone program. That program has been closely watched here as EZ proposals have been debated in the U.S. Congress and in many states.

The report, by Roger Tym Associate of London, covers a full two-years of experience—1981 through 1983—in the 15 first-round zones. (A second set of sites were designated prior to the British elections.)

Public expenditures in the Zones, including foregone taxes as well as site assembly, preparation and development, total pounds 132.9 million (or about $192 million at current exchange rates). The Zones attracted 725 firms employing 8065 persons.

In addition, there has been a 26 percent reduction in the land area in the EZs that it not immediately available for development. Much of this was accomplished with public money. New development increased from 128,000 square meters in 1981–82 to 236,000 square meters in 1982–83. The private sector share of this development was 69 percent in 1982–83. Only four Zones accounted for 59 percent of floor-space developed.

The Report contains several important notes for those interested in EZ proposals in the U.S. First, "the most important lesson from the . . . EZs is the importance of support measures to ensure that development takes place." The Report cites two main aspects of these measures: public expenditures and professional and managerial resources to implement development programs.

Second, the Report concludes that "the beneficial effects of EZs have been achieved principally by the tax reliefs" not by the relaxation of local regulations. While elimination of some planning uncertainties was useful, "liberation from bureaucracy" was "less significant" than increased efforts at "active collaboration between the public and private sectors."

Third, the net effect of EZs is dramatically less than the gross effect numbers given above. The Report estimates that 75 percent of firms moving into the Zones would be operating anyway in the same county and 85 percent would be in the same region even without the presence of the Zone. So at best EZ expenditures were needed for 25 percent of the jobs created; the rest were going to be in the area anyway. Allowing for the Report's estimate of a small increase in output due to EZ incentives, my casual computations put the EZ public costs at $71,428 per net job to the area. By comparison, the Local Public Works countercyclical jobs program of 1976 and 1977 in the U.S. produced jobs at $38,000 apiece.

Finally, the simple fact of designation as a Zone seems to have had substantial effect on the area designated. "The essence" of the whole situation, says the Report, "is that EZs get priority." In many of the Zones, public investment was planned anyway but EZ designation speeded the process. And the visibility and public commitment to the Zones helped remove bottlenecks and obtain additional public investment.●

TRIBUTE TO THE LATE JOSEPHINE SAXER IRWIN

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. FEIGHAN. Mr. Speaker, I rise today to pay tribute to the memory—and to the life of compassion, concern, and commitment—of Josephine Saxer Irwin; 2 years ago, on Women's Equality Day, I had the honor of participating in a vigil in support of the equal rights amendment. Josephine Irwin was the featured speaker that evening. She had lost none of the energy or enthusiasm that marked her entire life. She had strong convictions, and she never wavered in her support of them. We are all a bit diminished by her loss, and we are all challenged by her life to fight for justice, and never give up.

I hope my colleagues, in reading a bit about her life, will appreciate the kind of woman Josephine Irwin was.

JOSEPHINE SAXER IRWIN, 94, FOUGHT FOR WOMEN'S RIGHTS

Josephine Saxer Irwin led 7,000 women down Euclid Ave. in 1914 in a dramatic demonstration for the right to vote.

The roan horse the 24-year-old Josephine Saxer was riding reared as the band burst into "Onward Christian Soldiers" and almost backed into the flag coming up behind.

On Aug. 26, 1976, she led another parade of Cleveland women down Euclid Ave., this time in support of the Equal Rights Amendment.

She called herself the godmother of young feminists and lamented a dormancy in the women's movement after suffrage was granted.

Two years ago Mrs. Irwin participated in a walkathon through parts of Lakewood to raise money for the political action committee of the National Organization for Women (NOW).

As a concession to the cold blustery October day, she stayed in a car. She talked to a reporter about issues she considered of vital importance.

"Marching has never done much good. The answer is political activity," she said.

Mrs. Irwin said that money is unimportant. The vote of the pauper is just as important as the vote of the millionaire. What is important is that women should run for office, she said.

Women are needed in politics because they negotiate while men tend to use their fists. Women can provide a civilizing influence on society, but the power of political office is needed, she said.

In 1976 Mrs. Irwin said, "It was the colossal stupidity and brutality of World War I caused by male politicians that overwhelmed me and really got me involved with the women's movement.

"And then, when I had a son, my ardor increased," she said.

Mrs. Irwin married in 1919 toward the end of World War I. Her husband, J. Preston Irwin, was in the war.

He was a founding member of the engineering firm of Arthur G. McKee & Co. He died in 1957.

Mrs. Irwin was an anti-war activist in 1939 and was a member of the committee of 100 that went to Washington for a peace conference.

She also was part of a group that went to the capitol seeking peace during the Vietnam War.

After World War II, she was chairman of the Cleveland Citizens Committee on Displaced Persons and Ohio chairman of the Womens' Action Committee for Lasting Peace.

Mrs. Irwin was born in Lakewood. After graduating from Western Reserve University School of Education in 1910, she taught in the Lakewood public schools until her marriage.

She recalled that she had turned down marriage proposals until she was 29.

"I had to have a man who also went to college, so I waited. Intellectual compatibility was terribly important," she said.

"But then, my husband and I didn't always agree. When I was state chairman of

Independent Citizens for Roosevelt's final election, my husband wore a Willkie button."

Mrs. Irwin's daughter, Elizabeth Harner, recalled yesterday that the difference "made for some lively dinner table conversations."

Mrs. Harner said, "Every dinner there was a political discussion from the time I was 10. This was a different household."

Two weeks after her husband's death, the Republican Party asked Mrs. Irwin to be their first woman council member. At first, she wasn't receptive to the idea, but her family encouraged her and she switched political parties and was the first woman member of Fairview Park council.

Mrs. Irwin left council after two terms saying, "I'm too old to start a political career."

She really wanted to take a world trip and could not in good conscience leave the council post for so long.

Mrs. Irwin was a charter member of the Cleveland Council on World Affairs and for many years prepared an annual program.

She founded the Lakewood Library Foreign Affairs Discussion group in 1943 and led it much of the time for more than 30 years.

She was former president of the Fairview Park Historical Society.

Mrs. Irwin received the Governor's Award in 1983 and the same year was inducted into the Ohio Women's Hall of Fame.

In her later years, Mrs. Irwin had dropped her other organizations to concentrate on women's rights groups. The National Women's Political Caucus was at the top of her list.

She was a founding member of WomenSpace, a coalition here of women's organizations and social welfare groups.

NOW has a Jo Irwin Award, conferred annually on the woman who has done the most toward achieving political justice for women during the previous year.

In 1982 Mrs. Irwin told a reporter, "My whole life has been devoted to women's causes and I have so much curiosity about the future. It hurts that I won't be around to see more achieved." ●

INDIAN JUVENILE ALCOHOL AND DRUG ABUSE PREVENTION ACT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. BEREUTER. Mr. Speaker, on September 6, 1984, my distinguished colleague, the gentleman from South Dakota, TOM DASCHLE, and this Member introduced H.R. 6196, the Indian Juvenile Alcohol and Drug Abuse Prevention Act.

While we recognize that there are too few legislative days left in this session to move the bill through the House, our intent is to present to our colleagues a proposal that we hope can be refined and enacted during the next Congress. We are also seeking the views of Indian people nationwide so that when Congress convenes in January interested Members of Congress can introduce a revised bill reflecting comments that have been received.

Mr. Speaker, at this point, I wish to have reprinted in the RECORD the text of H.R. 6196.

H.R. 6196—A BILL TO COORDINATE AND EXPAND SERVICES FOR THE PREVENTION, IDENTIFICATION, TREATMENT, AND FOLLOW-UP CARE OF ALCOHOL AND DRUG ABUSE AMONG INDIAN YOUTH, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Juvenile Alcohol and Drug Abuse Prevention Act".

TITLE I—INTER-DEPARTMENTAL AGREEMENT

SEC. 101. (a) Within 60 days after the effective date of this Act, the Secretary of the Interior and the Secretary of Health and Human Services shall agree to—

(1) coordinate Bureau of Indian Affairs and Indian Health Service drug and alcohol abuse programs existing on the effective date of this Act and established by this Act;

(2) identify Federal, State, local, and private drug and alcohol abuse resources available to Indians;

(3) delineate the responsibilities of the Bureau of Indian Affairs and the Indian Health Service to coordinate drug and alcohol abuse-related services at the central, area, agency, and service unit levels;

(4) determine the scope of the Indian juvenile alcohol and drug abuse problem and its estimated financial and human costs;

(5) authorize the Bureau of Indian Affairs Agency Superintendents, Education Superintendents and Indian Health Service service Unit Directors to enter into agreements described in section 102; and

(6) provide for biannual review by the Secretary of the Interior and Secretary of Health and Human Services of the agreement under this section.

(b)(1) The Secretary of the Interior and Secretary of Health and Human Services shall consult with and solicit the comments of interested Indian tribes and Indian individuals and Indian organizations in developing the agreement under this section.

(2) The Bureau of Indian Affairs and Indian Health Service shall bear equal responsibility for the implementation of this Act in cooperation with Indian tribes.

(3) The agreement under this section shall be submitted to Congress and published in the Federal Register within 60 days of the effective date of this Act.

SEC. 102. (a) At the request of any Indian tribe, the Bureau of Indian Affairs Agency Superintendent, the Bureau of Indian Affairs Education Superintendent, and the Indian Health Service service unit director for such tribe shall enter into an agreement with such tribe to coordinate and share resources and services related to alcohol and drug abuse prevention, identification, treatment, and follow-up care.

(b) Such agreement shall—

(1) identify the responsibilities and referral resources of all agencies and programs providing drug or alcohol abuse-related resources or services within such tribe's service area; and

(2) be modified semiannually to reflect changes in the availability of resources and services related to alcohol or drug abuse prevention, identification, education, treatment, and follow-up care.

TITLE II—EDUCATION

SEC. 201. Section 304 of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241cc) is amended by—

(1) striking out "and" at the end of paragraph (1);

(2) striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) inserting at the end thereof the following new paragraph:

"(3) the training of counselors in counseling techniques relevant to alcohol and drug abuse at schools eligible for funding under this title.".

SEC. 202. Section 423 of the Indian Education Act (20 U.S.C. 3385b) is amended by adding at the end thereof the following new subsection:

"(d) 10 percent of the fellowships awarded under this section shall be awarded to persons who are receiving training in guidance counseling with a specialty in the area of alcohol or drug abuse counseling and education.".

SEC. 203. Section 316(a) of the Adult Education Act (20 U.S.C. 1211a(a)) is amended by—

(1) striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following new paragraph:

"(6) to provide drug and alcohol abuse counseling services to better enable Indians in need of such services to take advantage of educational and employment opportunities.".

SEC. 204. The Secretary of the Interior shall require Bureau of Indian Affairs schools and schools operated under contract under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) to provide drug and alcohol abuse curricula to students in kindergarten and grades one through twelve.

SEC. 205. The Secretary of the Interior shall require Bureau of Indian Affairs schools to remain open during the months of June, July, and August of each year as he determines to be necessary to provide adequate recreation and counseling facilities to Indian youth.

SEC. 206. The Secretary of Interior shall within 120 days of the date of enactment of this Act, publish a quarterly alcohol and drug abuse newsletter in cooperation with the Departments of Health and Human Services and Education to report on Indian alcohol and drug abuse projects and programs. The publication shall be circulated without charge to schools, tribal offices, Bureau of Indian Affairs agency and area offices, Indian Health Service area and service unit offices, Indian Health Service alcohol programs, and other entities providing alcohol or drug abuse-related services or resources to Indian people.

TITLE III—FAMILY AND SOCIAL SERVICES

SEC. 301. (a) Any training program for community health representatives funded under the Act of November 2, 1921 (25 U.S.C. 13) shall include one week of training on the problems of alcohol and drug abuse and shall include instruction in crisis intervention and family relations.

(b)(1) The Director of the Indian Health Service shall provide training either directly or through contract on the problems of alcohol and drug abuse, including instruction in crisis intervention and family relations to—

(A) the Bureau of Indian Affairs Superintendent of Education;

(B) the Bureau of Indian Affairs Agency Superintendent;

(C) Indian Health Service service unit directors;

(D) Bureau of Indian Affairs social workers; and

(E) Indian Health Service doctors, nurses, nurse's aides, and paramedical personnel.

(2) The Director of the Indian Health Service shall also offer upon request, the training described in paragraph (1) to—

(A) members of school boards governing—

(i) schools operated by the Bureau of Indian Affairs;

(ii) schools operated under contract with the Bureau of Indian Affairs; and

(iii) public schools on or near Indian reservations (including public schools in Oklahoma and Alaska with significant numbers of Indian students);

(B) members of parent advisory committees of Bureau of Indian Affairs schools;

(C) members of child welfare protection committees;

(D) educators at Tribal colleges which do not otherwise provide drug and alcohol abuse training to their personnel;

(E) Urban Indian Center counselors;

(F) home-school-liaison personnel funded under the Indian Elementary and Secondary School Assistance Act; and

(G) supervisors of emergency shelters established under section 402(b) of this Act.

TITLE IV—LAW ENFORCEMENT

SEC. 401. The Director of the Bureau of Indian Affairs shall, in the training of Bureau of Indian Affairs law enforcement personnel, provide education on the problems of drug and alcohol abuse among Indian juveniles.

SEC. 402. (a)(1) Any tribal, Federal, or Bureau of Indian Affairs law enforcement personnel arresting an Indian juvenile for any offense related to the use or possession of drugs or alcohol shall, wherever possible, detain such juvenile in a temporary emergency shelter described in subsection (b), a foster home, or a community-based treatment facility.

(2) In the case of any State which exercises criminal jurisdiction over any part of Indian Country under section 1162 of title 18 of the United States Code or section 401 of the Act of April 11, 1968 (25 U.S.C. 1321), such State is urged to require its law enforcement personnel, wherever possible, to detain any juvenile arrested for any offense related to the use or possession of alcohol or drugs in a temporary emergency shelter described in subsection (b), a foster home, or a community-based treatment facility.

(b)(1) The Director of the Bureau of Indian Affairs shall establish a program under which households of Indian families will be compensated to serve as temporary emergency shelters for juveniles apprehended by any law enforcement personnel for alcohol or drug-related offenses.

(2) Under the program established under paragraph (1), the tribal council of any tribe to be served by an emergency shelter described by such paragraph shall approve such shelter before such shelter shall commence operation.

TITLE V—JUVENILE ALCOHOL AND DRUG ABUSE TREATMENT AND REHABILITATION

SEC. 501. The Director of the Indian Health Service shall, within 6 months of the effective date of this Act, conduct a study to determine—

(1) the size of the juvenile Indian population in need of residential alcohol or drug treatment;

(2) where facilities to provide such treatment should be located; and

(3) the cost of providing such treatment.

SEC. 502. (a) Except as provided in subsection (b), the Director of the Indian Health Service shall, within two years of the effective date of this Act, provide comprehensive alcohol and drug abuse treatment services, including detoxification and counseling services, in Indian Health Service facilities and in facilities operated under contract under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) to juveniles and adults in need of such services.

(b) No health facility described in subsection (a) shall be required under this section to provide inpatient services if such facility is primarily an outpatient facility.

SEC. 503. The Secretary of Health and Human Services shall construct, or expand existing facilities to provide, such regional residential alcohol and drug abuse treatment facilities for Indian juveniles as are determined to be necessary by the study described in section 501.

TITLE VI—DEFINITIONS, EFFECTIVE DATE, AND AUTHORIZATION OF APPROPRIATIONS

SEC. 601. For the purposes of this Act, the term—

(1) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaskan Native village organized pursuant to section 1 of the Act of May 1, 1936 (25 U.S.C. 473a) or as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602) which is eligible for special programs and services provided by the United States because of their status as Indians;

(2) "Indian" means any person who is a member of an Indian tribe;

(3) "juvenile" means any Indian under the age of 18;

(4) "service unit" means an administrative entity within the Indian Health Service serving one or more Indian tribes within a geographical area defined by regulation by the Indian Health Service;

(5) "service area" means the geographical area served by a service unit;

(6) "Indian Health Service area office" means an administrative entity within the Indian Health Service through which services and funds are provided to service units within a geographical area defined by regulation by the Indian Health Service;

(7) "Bureau of Indian Affairs are office" means an administrative entity within the Bureau of Indian Affairs through which funds and services are provided to agency offices within a geographical area defined by regulation by the Bureau of Indian Affairs; and

(8) "agency office" means an administrative entity within the Bureau of Indian Affairs serving one or more Indian tribes within a geographical area defined by regulation by the Bureau of Indian Affairs.

SEC. 602. This Act shall become effective October 1, 1984.

SEC. 603. There is authorized to be appropriated $5,000,000 to carry out the purposes of titles II, III, and IV of this Act.●

SANDINISTAS UNDERMINE THE POWER OF THE ROMAN CATHOLIC CHURCH

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. COLEMAN of Missouri. Mr. Speaker, the House Republican Research Committee's Task Force on Foreign Policy which I chair, has released a study detailing the steady deterioration of relations between the Sandinista government and the Roman Catholic Church in Nicaragua.

According to this study, the Sandinistas have embarked on a campaign to seriously undermine the power of the Catholic Church, the only major well-organized opposition to the leftist regime, and the religion of 85 percent of the Nicaraguan population.

The Sandinista junta is now waging an open war with the Catholic Church in Nicaragua. They have created a so-called popular church which is nothing more than a political weapon being used by the leftist government to crush religious opposition to the Sandinistas. Traditional priests are being arrested, deported, harassed, and imprisoned by the junta, all in an attempt to intimidate Nicaraguan Catholics and make them bow to the Marxist-Leninist principles which the Sandinistas espouse.

It's time that international public opinion took note of these alarming developments and renounced the anti-democratic and antireligious actions of the Nicaraguan junta.

I would like to include a copy of this report in the RECORD. I believe it will be very helpful to my colleagues in dealing with this highly emotional issue.

The report follows:

[From the House Republican Research Committee's Task Force on Foreign Policy, Sept. 13, 1984]

CONFRONTATION: THE CATHOLIC CHURCH AND THE SANDINISTA GOVERNMENT

Relations between the Sandinista Government and the Roman Catholic church in Nicaragua have been steadily deteriorating over the past year and appear to be heading toward a serious confrontation. In Nicaragua, where over 85 percent of the population is Catholic, the church has always played a highly influential role, a role that has become all the more important and political as the church remains the only major well-organized opposition to the Sandinista Government. There are numerous similarities between the Sandinistas and the church which increase the probability of confrontation: both claim the moral highground and claim to be representing a "Christian" point of view; both have extensive and well-established grass-root organizations; and both are fighting for a way of life which cannot incorporate the other. Although the Archbishop of Manaqua, Monsignor Miguel Obando Y Bravo claims that the church is only presenting a religious, and not a politi-

cal, message, the two are not easily differentiated in Nicaragua at the present time.

The Sandinistas have attempted to seriously undermine the power of the Catholic church by discrediting its leaders and by establishing an alternative Catholic church, the "Popular church" (or "People's" church). This church supports a radical view of "liberation theology" with a Marxist interpretation of poverty and the poor. In this view, there is no conflict between Christian philosophy and Marxism-Leninism but rather the two merge to form a "revolutionary Christianity." This breakaway from the traditional church has been highly criticized by the traditional Catholic hierarchy, led by Archbishop Obando, and by Pope John Paul II and other Cardinals at the Vatican.

THE "POPULAR" CHURCH

"We have found in Nicaragua that the Sandinista Front opposes the Catholic Church and, in fact, all religion of every church whatsoever, but mainly the Catholic Church since it is the traditional church and a major force among the Nicaraguan people. We should explain that one of the elements the Sandinistas have created and used against the Catholic Church is the 'People's Church.' "

MIGUEL BOLANOS HUNTER,
Former Sandinista and Member of the Nicaraguan State Security Department.

The pro-Sandinista "popular" church in Nicaragua, established as a way of drawing support away from the traditional church, has played an active role in the political affairs of the Sandinista regime. Four priests from this "popular" church currently have positions of power within the Sandinista Government: Mary Knoll priest Miguel D'Escoto, the Minister of Foreign Affairs; Jesuit Fernando Cardenal, the Minister of Education; Trappist monk Ernesto Cardenal, the Minister of Culture; and the Nicaraguan Ambassador to the Organization of American States, Edgar Parrales.

Only a small number of priests and nuns are actually members of the "Popular" church. Some members who head this "church", according to Bolanos, "believe in liberation theology and other members . . . manipulate these believers and . . . are, in turn, manipulated by the Sandinistas . . ." This small number of members in turn manipulates a larger number of true Christians who mistakenly believe that the revolution alone is enough to help the poor. Through its grass-roots committees and "religious study centers," the "popular" church indoctrinates Nicaraguans, particularly the youth, to Marxism-Leninism and recruits them into Sandinista organizations. The term "Popular church" appears to be a misnomer since only a very small number of Nicaraguan Catholics actually support or are involved in the activities of this splinter group.

The "Popular" church has been accused by Sandinista dissidents such as Miguel Bolanos of substituting Marxism for Christianity and a belief in Jesus Christ and God. Edgard Macias, a former member of the National Reconstruction Government in Nicaragua, stated that the "popular" church is "really made up of a small group of supposed priests that in reality are not Christians, but rather true Marxist-Leninists that have assumed all the categories of Marxist analysis . . . " According to Bolanos, Ernesto Cardenal in December 1978 gave a mass in which he stated, "Men, God does not exist, nor does Jesus Christ exist, nor did they ever exist; those are only terms the traditional bourgeois Church has taught the people of the world to keep them enslaved. In this sence, the true God is the Revolution, and in this case, each of you is Jesus Christ."

CHURCH-STATE RELATIONS

As early as October 1980, the Sandinistas attempted to limit the power and influence of the Catholic Church: televised masses and live broadcasts of services over the Church's radio station were banned; publication of letters by the Catholic Church's Episcopal Conference were censored; people attending church events were harassed; and during Pope John Paul II's visit to Nicaragua, he was booed and heckled by Sandinista supporters for refusing to grant his support to Popular church priests.

Relations between the Nicaraguan Catholic church and the Sandinista regime, already less than cordial, worsened on Easter Sunday 1984 when all nine of the Nicaraguan Bishops released a Pastoral Letter critical of the Sandinista regime and calling for national reconciliation among all Nicaraguans including the contras.

On April 22, 1984, Easter Sunday, the Nicaraguan Bishops released a Pastoral Letter which criticized the secularization of Nicaraguan society, stating, "A materialistic and atheistic education system is undermining the consciences of our children," and criticizing the "Popular" church, stating, "One, albeit small, sector of our Church has abandoned ecclesiastical unity and surrendered to the tenets of a materialistic ideology. This sector sows confusion inside and outside Nicaragua through a campaign extolling its own ideas and defaming the legitimate pastors and the faithful who follow them. Censorship of the media makes it impossible to clarify the positions and offer other points of view."

The only way to peace, according to this Pastoral Letter, is national reconciliation among all sectors of Nicaraguan society (including the contras), a process rejected by the Sandinistas. According to the Bishops, "All Nicaraguans inside and outside the country must participate in this dialogue, regardless of ideology, class, or partisan belief. Furthermore, we think that Nicaraguans who have taken up arms against the Government must also participate in this dialogue. If not, there will be no possibility of a settlement, and our people, especially the poorest among them, will continue to suffer and die."

SANDINISTA RESPONSE

The Sandinista junta greatly criticized this Pastoral Letter and, at first, banned its publication. Publication later was allowed although the Sandinistas claimed that the Pastoral Letter "contained violations of our country's laws and adopted a position openly opposing the revolution." These bishops, according to Daniel Ortega, have adopted an "anti-Christian" stance, and are "false prophets" who take their orders from the CIA and the U.S. Embassy. The pro-Sandinista media derided the bishops and the official paper, Barricada, showed a cartoon depicting the portly figure of a bishop wielding a hammer and boards, converting a cross into a swastika. Barricada also published old photographs of the various bishops with Somoza in an attempt to further undermine the influence of Catholic church hierarchy. However, the Catholic church in Nicaragua was as critical of Somoza as it now is critical of the Sandinistas, in fact much of criticism is the same, and thus it is hand for the Sandinista Government to claim that the Catholic hierarchy is "somocista."

Agriculture Minister Jaime Wheelock stated that "the time has now come to take stronger measures against enemies of the revolution who are trying to turn back the people's conquests." And the Interior Minister Tomas Borge, the person responsible for state security and thus the arrest and expulsions of priests, referred to the call for peace talks as a "criminal suggestion. The pastoral letter seeks confrontration and violates the law of the land . . . (the letter is) more radical in its anti-Nicaraguan tone . . . than even the statements by [Jeane] Kirkpatrick."

In addition, the coordinator of the junta, Daniel Ortega, stated that ". . . the pastoral letter clearly expresses the political stand of the Nicaraguan Conference. It is a political stand of helping and supporting the U.S. Administration's warmongering plans against the Nicaraguan people. This is a stand much like others taken in the past when the Nicaraguan bishops openly supported the Somozist dictatorship. Following the dictator Somoza Garcia's death, he was buried by these same bishops with honors befitting a prince . . . This is the same policy of the period of U.S. intervention when this country's bishops blessed the weapons of the U.S. Marines who landed here to carry out occupation plans. . ."

On June 20, 1984, the Sandinista Government intensified its campaign aimed at discrediting the Catholic hierarchy by airing a videotape, or national televison, showing Priest Luis Armado Pena meeting with counter-revolutionaries and carrying a suitcase containing grenades and other explosives. Pena was arrested for counter-revolutionary activities and involvement with the contras. Pena claims that he was framed and that he did not know what was in the suitcase as someone just handed it to him. Indeed, the skilled editing and manipulation of videotapes of priests and Catholic church supporters by the Sandinista security police has become a disturbing new development in the Sandinista junta's battle with the church. Archbishop Obando has expressed his support for Pena and on July 9, 1984, he held a march in support of Pena. That same day the Nicaraguan Govenment reacted by expelling ten foreign priests because of "political activities." Not all of the foreign priests expelled had participated in the march. According to the Sandinistas, the foreign priests had violated "the laws of the country and were carrying out labors against the government and taking part in plans to provoke a confrontation between the church and the state." The Catholic hierarchy in Nicaragua and the Vatican denied these charges and criticized the expulsions.

VATICAN RESPONSE

Precipitated by the tension between the Nicaraguan Government and the Nicaraguan Catholic church, and the involvement of pro-Sandinista church priests in politics, the Vatican has recently reviewed liberation theology and issued a document explaining the Vatican's position with regard to this theology. The document, "Instruction Over Some Aspects of the Theology of Liberation," states that Marxist interpretation of the scriptures "is a perversion of the Christian message" as it endorses violence and class struggle. According to this document, "class struggle as a road toward a classless society is a myth which slows reform and aggravates poverty and injustice."

In addition to this pronouncement on liberation theology, the Vatican has been extremely critical of the political role played by the "popular" church priests in Nicaragua. Fernando Cardenal's appointment as Minister of Education on July 13, 1984, reignited the controversay between the Vatican and the traditional Catholic church in Nicaragua, on the one side, and the "popular" church priests, on the other side, over the role of priests in governments. Canon law 285, issued in November 1983, states that clerics are "prohibited from accepting those public offices which carry civilian authority." The Vatican has warned the four priests in the Nicaraguan Government that they are violating canon law and should resign from their political positions by the end of August. All have ignored these warnings; Fernando Cardenal has stated that none of the four priest intend to leave their government posts and he has defended his position in the Sandinista Government by stating that there was an agreement with the Nicaraguan Conference regarding prelates who hold government positions. In addition, Cardenal states that the canon law provides for an exemption if the bishops grant their permissions.

The most recent Vatican warning to the four Sandinista priests came on Saturday, August 25, 1984, in a front page article in the official Vatican newspaper written by the secretary of the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, Rev. Julian Herranz, who wrote, "It is forbidden that prelates assume public office that involves participation in the exercise of civil power . . . You are priests and religious: you are not social officials, political leaders or functionaries of a temporal power . . ."

CONCLUSION

The problem facing the Catholic church in Nicaragua is not that of a divided church or of an attack on its doctrine, although these are both by-products of the primary problem, but rather a Government which has actively sought to restrict the freedom of religion and the influence of the church in Nicaragua. The "Popular" church is only a tool which the Sandinistas have created and used in their campaign against the Catholic church. This campaign, to date, has not succeeded due to the respect Nicaraguans hold for Monsignor Obando and the church hierarchy, and due to the increased involvement of the Vatican in support of its church. The final outcome of this conflict, however, will depend in part on the amount of international attention and pressure focused upon the Sandinistas.●

IN THE WAKE OF SAN YSIDRO

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. OTTINGER. Mr. Speaker, the tragic massacre of 21 men, women, and children at a McDonalds in California united the community of San Ysidro and touched all of us with the force of its senselessness and brutality. Our collective shock and outrage at this violence, however, should not be allowed to end with our grief over those lives lost; we must direct it toward ensuring that such atrocities do not recur, either on a local or global level.

In the following two articles by Norman Cousins and Eric Younger from the Ossining, NY, Citizen Register, two key questions are asked, both stemming from the sense of helplessness in the wake of the San Ysidro tragedy. Why, when we become insensed at the taking of 21 innocent lives, do we continue to develop the capability and increase the chances of destroying 21 million lives in the same amount of time? Is not our condemnation of one man's madness as easily applied to the madness of those planning nuclear mass destruction? And why do we remain bound and gagged when it comes to controlling the sale of firearms? How is it that comprehensive gun control falls victim each year to inaction when we have suffered so many killings at the hands of individuals wielding a gun?

I commend the articles to the attention of my colleagues:

NATIONS HAVE WARPED MINDS, TOO

(By Norman Cousins)

The human mind has been rocked by the spectacle of 21 persons gunned down in a restaurant by a single madman. The casualness of the slaughter was hardly less shocking than the tragedy itself. Those who were killed were unknown to James Oliver Huberty. Their identities were incidental.

Now take this evil and multiply it by infinity. Take the vulnerability and impersonality and violence of the episode at San Diego, and project it to 4 billion human beings. When we do we have a portrait of our world. We are all in the San Diego restaurant. The entire human race today is hostage to the accumulation of devastating explosives. The explosives may not be slung over the shoulder of a psychotic gunman, but they can be detonated by those at the head of governments who believe that what they are doing is right, even though the result may destroy their own people.

The madness hanging over us has not gone unrecognized. We see it but do not deal with it. We shake our heads but the problem does not penetrate our vitals. It does not set us in motion or change our lives. The world is being Hubertized but we have yet to make our stand. The plain truth is that we ourselves are caught up in a hideous spiral of irrationality. We allow ourselves to remain open and exposed to an unprecedented combination of annihilative force and mindlessness. But we have yet to act on the connection between the instant availability of cataclysmic explosives and the wreckage and suffering that it could bring to our world.

The face of James Huberty may belong to a single man but the warped mind behind that face has been a recurrent prelude to the collective tragedies of the human species. We do not need an Adolf Hitler or an Idi Amin or a Moammar Khadafy to remind us that it is possible for men who are vengeful and unbalanced to rise to power and do vast harm, not only within their own countries but far beyond their own borders as well.

But it is not only the Khadafys who have to be accounted for. Even decent and otherwise responsible leaders function inside a context that pushes them toward confrontation. Nations by their history are not conciliatory creatures. They are inflamed easily. There are no prescribed codes or legal constraints. The measures that one nation takes to advance its security can create insecurity in others. The competition for security creates an environment for castigation and fulmination and an impetus for showdown.

It is too easy today to point to ideological differences as the principal cause of conflict, but underneath all the churnings of ideology is the traditional drive of nations not just to guard their own turf but also to accumulate power far beyond their needs.

If we lived in a world in which the essential nature of the crisis was represented by ideological struggle, the Soviet Union and the People's Republic of China would not now be feuding over territorial claims. Nor would the United States be courting the most populous Communist nation in the world in an effort to seek a balance of power. Nor would the Communist nations of Indochina be shooting at one another. The lessons of history still hold. Separate nationalisms add up to a basic condition of anarchy, destructive not only of peace but also of freedom.

The way out of San Ysidro for the world's people is not through ever-greater stockpiles of explosives and delivery systems but through the development of effective instruments of world order. The U.S. commitment to such an objective may well represent the beginning of genuine security.

President Eisenhower was right when he said we have to look beyond supremacy in military firepower. Eisenhower, who understood not just the importance of military strength but also its limitations, urged the American people to recognize that the central purpose of military preparedness was to press forward with a great idea that would make it possible to one day reduce or dispense with the use of force. What troubled Eisenhower was that force was becoming an end in itself, and that we might retreat from genuine opportunities to bring force under control.

The supreme moral question today is whether nations have the right to wage war against the human race in the act of warring against each other. Does the Soviet Union have the right to use nuclear explosives against the United States, or the United States against the Soviet Union, if the devastating effects of those weapons will produce an enormous death toll far outside the warring countries? Is a policeman justified in firing into a crowd in an attempt to get at a murderer?

The episode at San Ysidro has produced many questions, not the least of which have to do with the safety of the human species.

GUN CONTROL: WHEN WILL WE LEARN OUR LESSON?

(By Eric E. Younger)

"David!" I called downstairs at 12:08 a.m.; digital clocks fix events so precisely in our minds.

I had meant to put an arm around him (sometimes permitted by a 14-year-old) and tell him to be careful—not an unusual thing to say to a boy leaving on a trip. But the terrible vision that was keeping me awake—a McDonald's in San Diego—contained nothing that I could warn him about; no rules to follow and no way I could protect my little boy. So I lay back down and began writing this piece in my mind.

David hasn't been a tragic victim of anything. I don't want him to be.

I deal with crime and violent death for a living. I have sentenced a man to the gas chamber and many others to prison, but I am not immune. I am scared stiff.

After the defeat of Proposition 15 (a flawed but bravely attempted gun-control measure in California) two years ago, lots of people—among them friends whom I admire—rejoiced in the defeat of the limousine liberals, the soft, faintly un-American goody-two shoes who would have limited that apparently most important of American freedoms, the right to bear arms.

This is for those friends with more sincerity than they will believe, by a judge—appointed by Gov. Ronald Reagan—whose hair is no longer or frizzier than when he won shooting awards on two police departments. I hope it will be hard to write it off as the product of a well-meaning but ill-informed left-winger.

What I ask anti-gun-control people, in the wake of San Ysidro, is that they re-analyze the nature and the amount of firepower that our society should permit its members. If, for example, they are members of the National Rifle Association, I ask that they give some thought to the noble aims of that organization.

When I was a kid, the NRA had a positive image—safety courses, hunting and the like. Even those with little interest in hunting could certainly see why well-trained and responsible gun-users were preferable to the alternative. Even the word "rifle," connotating a powerful weapon favored by hunters, suggests nothing like the arsenal commonly available in mail-order ads or gun shops today.

When did gun enthusiasts' emphasis change from hunting safety to defending the "right" to order Uzis through the mail, to have garages that are private arsenals crammed with automatic weapons and to permit anyone to acquire an unlimited number of firearms anonymously and with fewer constraints than we would dream of permitting the operator of a motor vehicle?

Like it or not, things have changed since the era when a policy of no restrictions on the right to bear arms might have made some sense. Consider:

Ours is an anonymous urban society. At the turn of the century the local hardware-store owner was the source of guns. He was accountable to the community and would never have sold a "troubled" man like James Oliver Huberty a roomful of automatic weapons. Gun registration wasn't necessary in an era when everyone in a community knew each other.

Technology has had an enormous effect on the type of weaponry available to private citizens. The Second Amendment, often cited as protecting the right to bear arms, was written with a militia composed of individuals with muskets, or even rifles, in mind. I can use my Visa card tonight to order weapons with which I and half a dozen friends probably could have won the battle of Yorktown, even if the French fleet weren't offshore.

Crazy people are everywhere. Modern notions of civil liberties and fiscal considerations have combined to produce a population of very disturbed people in every city in America. The notion of "local treatment alternatives" for mentally incapacitated citizens is a cruel hoax. It is clear that the vast majority of dangerously impaired people are out there on the streets.

Substance abuse makes weapons more dangerous. Proponents of gun ownership tend to evaluate the issue in their self-image. This is unrealistic. The man who writes his congressman to oppose a gun-control bill doesn't take PCP, and, therefore is not likely to envision his neighbor's 12-year-old daughter as having rattlesnakes in her hair. He probably won't try to shoot her, but someone whose "rights" he has inadvertantly protected may.

Home protection is a myth. For every one story of a homeowner protecting his place with a gun there are 10 tragic-accident stories. I just finished the trial of a man who killed a "survivalist" in a robbery. All those guns that were going to keep the "Commies" from getting us all were just part of the stolen loot. The victim, who had weapons that an Israeli platoon would have been proud to own, was probably killed with his own kitchen knife.

How often do we have to be shown that we have to cut the armament level on our streets? How many sad drifters or unbalanced and unemployed guys from Ohio have to tell us that our domestic arms race is taking a positive toll while Russia remains a hypothetical enemy? How certain do we have to be that the unbalanced man who kills three people with a knife in the Third World or five with a rifle in Europe can wipe out city blocks because of American "freedom."

It really shouldn't be that difficult to come up with a social policy that translates into laws that would protect the rights of hunters and target shooters while ridding us of weapons designed exclusively for the killing of human beings.

I'll warn David to look before he crosses the street, to be careful around strangers and not to swim alone. But should I have to worry about his being shot if he wants a milkshake?●

ANALYZING THE LOCAL IMPACT OF U.S. POLICIES, BUDGET CUTS

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. NOWAK. Mr. Speaker, a great deal of debate has been conducted in this Chamber and continues today across the country on the impact domestic program spending cuts enacted in recent years have had on this Nation and its citizens.

Recently, the Buffalo News, the daily newspaper in my home town of Buffalo, NY, made a valuable contribution to this debate by publishing an article analyzing the impact some of these Federal budget cuts and some of the policies of the present administration have had on our local Erie County government and its citizens.

Heavily dependent on the auto and steel industries, Erie County was devastated by the recent recession and adminstration trade policies that tolerated a surge of unfairly priced imports. As a result, the county continues to shoulder a heavy, increased burden, reflected by lost industrial jobs, increased welfare recipients, and increased social service costs borne by local taxpayers.

I commend to my colleagues this article detailing these conditions which appeared in the September 16 edition of the Buffalo News, written by Douglas Turner, a correspondent in the newspaper's Washington Bureau.

The article follows:

[From the Buffalo News, Sept. 16, 1984]

REAGAN HAD HAND IN COUNTY CRISIS

(By Douglas Turner)

WASHINGTON.—The budget crisis in Erie County has in large part been created in the nation's capital, an analysis of funding measures indicates.

Since 1980, the White House has promoted and won from Congress a number of basic changes in the way welfare, health and unemployment programs are operated and paid for. The impact of these changes on Erie County has been highly negative.

For example, two big federal unemployment programs that helped local steel and auto workers in 1980 have disappeared. One of them paid unemployed persons $290 a week for up to a year.

Through more subtle changes, the Reagan administration has forced some persons off the Medicaid, disability and federal welfare rolls and into programs financed exclusively by the county and state.

As a result, the welfare system known as Home Relief, which is financed equally by the state and county, is the fastest growing income support program in the Buffalo area.

The sum of these changes is that Erie County, already staggering under a current deficit, is facing an even larger one next year—driven by an increase of between $30 million and $40 million in the local welfare budget.

Rep. Henry J. Nowak, D-Buffalo, said Saturday the crushing domino effect on local taxpayers has been aggravated by the trade policies of the Reagan administration. The refusal of the White House, he said, to protect the auto and steel industries against government-subsidized imports has thrown tens of thousands of people out of work in Erie and Niagara counties.

Rep. Nowak said the duration of the recession in the Buffalo area and the withdrawal of federal income support programs has drained the savings of thousands, throwing them on the public welfare rolls.

That this is a growing trend is reflected in a comment from Monsignor John J. Conniff, director of Catholic Charities. He said requests for emergency assistance from his agency have increased 55 percent this year over last.

"Evidently the economic recovery hasn't reached here yet," said Monsignor Conniff.

Here is a review of actions of the Reagan administration and Congress, as they affect Erie County:

The disappearance of U.S. Trade Readjustment Allowances, TRAs, paying $290 a week, were part of a deal made between business and labor in the 1970s. Labor went along with massive tariff reductions in exchange for this income support program.

In 1981, Congress gave the president power to cut this program drastically. And in October of that year he did, slicing 23,000 eligible steel and autoworkers from its rolls on the Niagara Frontier.

By means of budget cuts and decisions on individual trade cases by the Labor Department, this program has effectively evaporated, although it is technically still on the books.

Extended benefit unemployment insurance. This program of 13 weeks' federally paid jobless pay is another program that is on the books but effectively gone. At the request of the White House, Congress in 1981 made this type of benefit tougher to qualify for.

The way the law was changed made it harder for the states with the longest and deepest recessions to qualify for the 13 weeks of benefits. It is estimated that in 1982, when unemployment was at its highest in Erie and Niagara Counties, up to 32,000 workers could have qualified for this aid had the law been more liberally drawn.

Extended benefits, and federal supplemental compensation pay the same as regular unemployment. In 1981 state jobless pay was, at the maximum, $125. But this year it was raised to $170, and later $180 a week.

Federal supplemental compensation. In 1982, Congress created a special program of unemployment insurance for those whose regular 26 weeks of benefits had expired. The maximum eligibility for a state is 14 weeks.

However, New Yorkers may only receive eight weeks of this supplemental aid because the same standard that makes Extended Benefits virtually impossible to get shortens the eligibility period for this aid also.

Disability benefits under the Social Secruity Administration have been seriously disrupted in Reagan administration attempts to rid the rolls of fraudulent claimants. Gov. Cuomo's office here estimated that statewide 6,000 former federal disability recipients have been thrown onto the state's home relief rolls.

There is no way to determine the specific impact on the country, the governor's office said, but Erie County has roughly 6 percent of the Home Relief cases in the state.

Students and certain categories of pregnant women, once eligible for federal Aid to Families of Dependent Children, a program called Aid to Dependent Children in the state, are no longer eligible because of Reagan administration changes.

The state provides Home Relief to these former recipients, and the cost to Erie County is estimated at about $2.75 million a year.

About 98,000 households statewide, and an estimated 5,800 households in Erie County, have lost all or part of their program benefits because of restrictions that started in 1981.

It is not known what part of this group is receiving state-county Home Relief, but that is the "last resort" public welfare program.

Restrictions in the federal government's aid to low-income housing programs have had a drastic effect on the state. New York received $3.1 billion in all forms of low-income housing aid in 1981, under the last Carter administration budget. The current federal budget provides $991 million—less than a third of what New York State used to get.

The cut in housing aid is among the pressures that led Gov. Cuomo to increase the shelter allowance under Home Relief from $159 a month (statewide average) to $193 a month. This not only provides more money to those already on the Home Relief rolls but makes it easier for people to qualify for welfare.

The shelter allowance is one definition of need used to determine eligibility for Home Relief.

The Reagan administration persuaded Congress to let it make drastic cuts in a wide range of smaller programs that provided food and health assistance to the young, pregnant women, the aged and blind.

It is impossible to cite exactly what effect all these reductions in federally assisted services has had on the welfare rolls or costs at the Erie County Medical Center.

Yet the growth in the welfare and Aid to Dependent Children rolls in Erie County has been massive in the past three years.

Individuals in the program increased from 50,000 in August 1981 to 60,000 in August of this year—an increase of 20 percent. The cost of this program is shared 50 percent by the federal government, 25 percent by New York, and 25 percent by Erie County.

Those receiving Home Relief numbered 8,000 in August 1981. Since then, the rolls have swelled 150 percent to 20,000. This program is financed 50-50 by the state and county.

The effect of the soaring Home Relief rolls on the county's budget has been dramatic. Its budget office estimates the county will need another $11 million next year to pay its share of Home Relief. The county's share of the cost of the Aid to Dependent Children program will increase about $6.7 million in 1985.

Since 1979, Rep. Nowak said, "we lost 171,000 jobs in the industry nationally. In Erie County the number of persons employed in steelmaking has been reduced from 14,302 in 1980 to 4,409 in 1984."

In the same period, he said, auto industry employment nationally dropped from 735,000 to 557,000—a loss of 178,000 jobs, or a decline of 24 percent.

Rep. Nowak said the impact was far more pronounced on the Niagara Frontier. Union sources, he said, have told him that employment in the industry in Erie and Niagara counties fell from 42,500 in 1979 to 26,000 last year—a loss of 16,500 jobs, or a reduction of 39 percent.●

ETHIOPIAN FAMINE

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. LELAND. Mr. Speaker, I would like to share two articles describing the hunger and grim conditions of famine now facing the Ethiopian people which were published in the Washington Post and the New York Times on September 18, 1984:

[From the Washington Post, Sept. 18, 1984]

ETHIOPIA FACES FAMINE WITH "TENS OF THOUSANDS" IN DANGER

(By David B. Ottaway)

ADDIS ABABA, ETHIOPIA.—Ten years after Africa's worst famine took an estimated 200,000 lives, Ethiopia again is facing a similar crisis with outside relief officials predicting the probable death of "tens of thousands" of people this winter.

Like a recurring nightmare, western donors again have been sluggish in recognizing the crisis, while the Ethiopian government has failed to take advantage of opportunities to draw attention to it, some officials of donors nations say, for fear of prompting unfavorable comparisons to the last great famine.

Reports reaching the capital, however, recall those of 10 years ago. Thousands of starving Ethiopians are pouring into the towns in north central Welo Province, the epicenter of the 1973-74 disaster, and crowding along the main highways there to beg for food from passing cars and trucks, according to private relief agency officials.

Alarming accounts of drought and crop failure are coming from at least seven of Ethiopia's 15 provinces, including some districts in central Shewa and south central Sidamo, normally major food-producing areas.

"You're looking at an emergency that's going to go on through 1985," according to one relief official. "All of the south has been affected by the drought, too."

In Korem, a relief center in northern Welo, the British Save The Children organization is now feeding 5,000 people and registering 150 starving children a day, according to David Alexander, its chief official here. Altogether 30,000 famine-stricken persons are said to have concentrated in Korem with a death toll of 15 to 20 a day.

Kobo, 60 miles to the south, is said by another private relief official to be "an absolute disaster," with about 20,000 people seeking food there.

"We're talking about an extraordinary situation where people are dying all over the place," a relief official says.

Numerous reports from foreign relief officials say the government has been trying to hold off the rush of starving peasants into the bigger towns and cities, particularly the capital, Addis Ababa, to the point of stopping them on the road and sending them back by truck.

"They are simply flooding the towns," said one official. "They [the government] are gathering the people who assemble and sending them north again."

"I expect to see tens of thousands dead," remarked one official from a major donor country. "It seems God doesn't like Ethiopia."

Virtually all outsiders here seem to agree that because of the extent of the drought as well as an expected shortfall of 2 million tons in this winter's harvest—30 percent less than last year's mediocre one—the general situation is far worse than a decade ago.

"The situation is worse than in 1974 and worse than in the last three years," remarked one European diplomat. "It's coming earlier and in more areas than in 1973-74 and the harvest forecast is worse."

The potential for a replay of the 1973-74 disaster, which provided the backdrop for the military uprising that toppled former emperor Haile Selasie, does not stop with the forecasts of a high death toll.

Some western donors are again charging the Ethiopian government with indifference toward the looming crisis and even a "coverup." The purpose of the coverup, they say, has been to avoid embarrassing comparisons to the "hidden famine"—as it was called a decade ago—during celebrations earlier this month marking the 10th anniversary of the military-led revolution that ended the monarchy here.

Ethiopia's military leader, Mengistu Haile Mariam, made no specific mention of the crisis during the celebrations, and the government declined repeated requests from half a dozen western correspondents here for the occasion to travel either north or south to report on the situation.

This reporter and Judith Miller of The New York Times were asked to stay on for two days to allow time for the government's Relief and Rehabilitation Commission to arrange a trip.

We were later told it would not be possible, and a briefing on the situation was not offered.

A film on the drought's effects, made for British Independent Television News and entitled "Seeds of Despair," was banned when the U.N. Economic Commission for Africa tried to hold a private showing early this month.

"If 6 million people were really on the brink of starvation, one would imagine the head of the country making an appeal," remarked another irritated official from a western donor country.

Some western donors have been particularly irked by the fact that the Mengistu government spent $150 to $200 million on the anniversary celebration. An estimated 40 percent of the total came from local funds and the rest in East Bloc donations. At the same time, Ethiopia's foreign reserves have dropped to about $50 million, and the government reportedly is in a quandary about how to finance the emergency purchase of grain costing $25 million.

Unlike a decade ago, however, Ethiopia today maintains a Relief and Rehabilitation Commission to deal with what has become an almost annual shortage of grain and food in parts of the country. Furthermore, it had sounded the alarm last March in accusing the donors of indifference toward its appeal for 450,000 tons of emergency relief grains, a charge at least partly substantiated by some private agencies and U.N. officials here.

Part of the problem this time is the breakdown in confidence between Soviet-allied Ethiopia, which has just set up a communist party, and western donors that do not like the Mengistu government's politics and that have become somewhat indifferent after repeated annual appeals for what they regard as exaggerated amounts of aid.

"The Ethiopians have cried wolf too often in the past," said one private relief official. "Donor fatigue has become a real problem."

In addition, donors this year face requests from 24 African countries for relief assistance for about 150 million drought-affected persons.

That politics is playing a significant role in donor response can be seen in the case of western-oriented Kenya. Within weeks of a quiet appeal last June for 1.2 million tons of corn, most of the request was met.

The one western donor that already has begun responding in unexpectedly generous fashion—given the current hostility between the two countries—is the United States. The United States was a long-time supporter of Selasie's government.

From $9.6 million in humanitarian assistance in 1983, Washington has increased its aid to about $18 million this year and will probably earmark $20 million for Ethiopia in the coming fiscal year.

Why more aid has not been rushed to this country—one of the world's poorest with a per capita annual income of only $140—is still not clear. But both the donors and the Ethiopian government seem to share in the blame, observers and analysts say, for allowing the situation to deteriorate without a full-scale mobilization of their respective resources to head off the long-predicted crisis.

As early as March, Ethiopia Relief and Rehabilitation Commission issued a detailed report warning donors that Ethiopia faced "a potential disaster of considerable magnitude" because of rain and crop failures and would need assistance to feed about 5.2 million drought-affected people in addition to 2.2 million displaced persons.

While the commission estimated Ethiopia's food needs at 912,000 tons, it asked only for 450,000 tons. This represented an acknowledgement of donor skepticism that it would be "highly improbable" for such an amount to be distributed because of "limited resources" and congestion in Ethiopia's main port of Assab.

In July, Kenneth King, the chief U.N. representative here, sharply criticized this joint donor-relief commission decision to reduce the amount in an interview for the "Seeds of Despair" film aired in August in Britain.

"It seems to me that just by an administrative bureaucratic stroke, 50 percent of the people who were affected—that's 2.6 million—were written off," King said in the ITN documentary.

Defending the cuts, one European relief official said the higher figure was "unrealistic" at the time because it came before the results of the spring harvest were known and was issued without taking into account what might be available from local production.

While the commission's March report was clearly not taken seriously among donors, the panel's chief, Dowit Wolde Giorgis, repeated Ethiopia's appeal for help in a dramatic speech before the U.N. Security Council on May 11 after it was known that the spring harvest—normally 12 to 15 percent of the total year's crop—had failed due to the drought.

His appeal prompted no additional donor response.

In a meeting here with donors early last month, Dowit issued another report noting "the current critical status of the situation" and increasing the commission's early estimate of Ethiopians requiring immediate relief from 5.2 million to 6 million.

He also noted the sluggish donor response, reporting that since Ethiopia's March appeal only 89,000 tons of grain and 8,000 tons of supplementary food were on the way.

According to Desmond Taylor, the U.N. World Food Program representative here, only two ships arrived at Assab port during July and August, bringing at total of 30,000 tons of grain. This has left nearly 200,000 tons of other food supplies for drought relief to be discharged—90 percent at Assab—between September and Oct. 31. After that, the government already has told donors that Assab will be flooded with fertilizer, cement and machinery shipments.

In addition to "donor fatigue" and dislike of Ethiopia's Soviet-oriented socialist policies, a credibility gap between the Ethiopian Relief Commission and the donor community over the commission's estimates, figures and performance has contributed to the slow aid response.

Increasingly, the major donor countries like the United States, Sweden and the 10-nation European Community have sought to circumvent the commisssion and deal directly with the private voluntary organizations for distribution of relief supplies.

Accused both abroad and at home of corruption last year, the commission was found after investigation to suffer primarily from poor management, inefficiency and bad public relations.

The commission also has its defenders, however. Taylor, for example, said it had delivered more food to more needy people this year than last, averaging 20,000 tons a month between April and July.

Another private relief official described the commission's early warning system, for all its faults, as "uncannily accurate" and probably the best in any African country.

The irony of the current crisis is that it is not clear whether Ethiopia can "absorb" much more grain because of congestion and poor administration in Assab port and inland transportation problems.

The port's facilities can offload an average of 2,000 tons a day but the rate for clearing the grain from portside trucks is only 1,000 tons daily—or about 30,000 tons a month. Only a small additional amount comes through Massewa in war-torn northern Eritrea Province.

Thus, it is questionable how the grain presently scheduled to arrive here—200,000 tons over the next four months—can be handled. Officials and observers say it will not be possible unless the government declares a national emergency, gives top priority to getting food supplies out of Assab, and possibly mobilizes the resources of its huge Army—with its spotty record of help in earlier relief operations—for transport.

[From the New York Times, Sept. 18, 1984]

Famine Engulfs Ethiopia Again; Death Toll Rises

(By Judith Miller)

Addis Ababa, Sept. 17.—Ethiopia, which has endured year after year of drought, is in the throes of the worst drought-related famine in more than a decade, according to private relief workers and Western diplomats.

Tens of thousands of Ethiopians are probably dying of starvation and related diseases and six million are in dire need of food, relief workers and Ethiopian officials have concluded.

The Government and private relief organizations said they could not estimate or project the death toll reliably. But they acknowledged it could eventually reach 200,000, the number that died in the 1974 famine.

INTERNATIONAL AID SOUGHT

Emperor Haile Selassie sought to hide that famine and in doing so contributed to his ouster. By contrast, the Marxist Government of Lieut. Col. Mengistu Haile Mariam, which lavishly celebrated the 10th anniversary of its revolution last week, has appealed for international aid and set up an agency whose purpose is to combat famine throughout the country.

But despite the Government's accomplishments, representatives of most private relief agencies and diplomats said in interviews in the past two weeks that Ethiopia had failed to place sufficiently high priority on feeding its hungry people.

In addition, several international economists argued that Ethiopia's commitment to the expansion of state farms and other socialist policies was hindering the development of the country's agriculture.

OTHER FACTORS NOTED

Relief experts also noted other, often conflicting factors. Some said the developed countries had failed to provide enough food aid fast enough; others cited the huge logistical problems Ethiopia faces in transporting food aid to remote areas.

Several blamed the politics of international food aid. They argued that the outspokenly Marxist Government made Ethiopia a far less attractive recipient of aid from the West than other drought-stricken African nations.

The relief experts interviewed agreed that whatever its cause the famine-related death

toll would probably be even higher next year than this year because the harvest this fall was likely to be 20 to 30 percent worse than last year's.

In March, May and August, Ethiopia's Relief and Rehabilitation Commission warned that a death toll of "truly catastrophic proportions" was likely unless grain and help in transporting it to remote regions were forthcoming.

DRAMATIC WORSENING OF CRISIS

The Government warned last March, as it has for several years, that five million people were at risk because Ethiopia could produce only 6.2 million tons of grain a year, one million less than its needs.

But the food crisis has dramatically worsened over the summer, experts here agreed. In a report to relief groups in August, the Relief and Rehabilitation Commission stated that the population at risk had risen to six million people because the belg, or light rains, has not come this spring and because infestations of worms and other pests had decimated crops in the southern provinces of Sidamo.

Sidamo is Ethiopia's traditional bread basket and source of grain for the unusually hard-hit northern provinces of Wollo, Tigre and Eritrea.

Relief workers said that in recent weeks they had seen hundreds of people begging for food along the main road near the town of Dessye, along other northern roads and even along roads south of Addis Ababa. According to witnesses, some people had died along the roads and animal carcasses abounded.

On the road between Dessye and Debrezena, peasants were loaded into trucks two weeks ago, and forcibly taken back to their villages by Govenment officials, at least two relief workers said.

DEATH TOLL RISES

Throughout the summer, reports of hundreds of deaths a month in some provinces and towns filtered into the Ethiopian capital.

David Alexander, field director of Save the Children Fund, said his group was feeding about 5,000 children a day at its center in Korem, a town in the northern province of Wollo, and that 150 children a day were being registered for food.

"We were down to only 2,000 children last June" Mr Alexander said "But the situation has worsened dramatically in the past three weeks."

According to a report in August from Oxfam, another private relief group, about 300 people died in April in Korem. Another relief organization reported that by August the death toll attributable to famine had risen in Korem to between 15 and 20 deaths a day.

Relief workers said that in Sidamo, in the south 149,000 cattle died between April and September and that further south even camels were dying of thirst.

FOOD SHELTERS OPENED

In Wolita, in heavily populated Sidamo, 17 to 23 feeding shelters had been opened. The rains have been mixed in this region but aid workers said half a million people would be affected by famine there.

Virtually all of these estimates were provided by private groups and diplomats because for the last four weeks the Government has declined to discuss the drought. Relief workers and diplomats said Government officials had been busy preparing for the celebrations last week that marked the 10th anniversary of the revolution that brought Colonel Mengistu to power.

They estimated that the Government had spent $150 million to $200 million on the celebration, spending that many cited as evidence that the Government did not place sufficient priority on solving the famine crisis.

Despite repeated appeals, the Government refused to permit journalists to visit drought-affected areas during or after the celebrations. Travel permits even for relief workers were denied, ostensibly for security reasons, diplomats said.

Colonel Mengistu, in a six-hour speech last week praising the founder of Ethiopia's first Communist Party, made no mention of the looming crisis. Instead, he issued a general appeal for international aid for the 150 million Africans in 24 countries affected by recurring droughts.

ARMY NOT MOBILIZED

Relief workers and diplomats complained that although Ethiopia faced extensive logistical problems in transporting grain to isolated areas where people were known to be starving, neither the army nor its trucks had been mobilized since the revolution to help distribute food aid.

The wars for independence that have engulfed Eritrea and Tigre provinces, which cost Ethiopia an estimated half a million dollars a day, have also severely hampered relief efforts. Aid workers said roads needed to transport grain had been closed from time to time during the spring and summer by rebel actions.●

FRANK LUMPKIN, CHAIRPERSON, WISCONSIN STEELWORKERS SAVE OUR JOBS COMMITTEE, SOUTH CHICAGO

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. SIMON. Mr. Speaker, recently, Frank Lumpkin, who chairs the Wisconsin Steelworkers Save Our Jobs Committee, handed me a statement.

It says in a simple, straightforward style the problems faced by workers who suddenly have lost their jobs.

Whether you agree with his conclusion or not, it is difficult not to recognize this is a serious problem that is not being adequately addressed now in our Nation.

I commend him for his leadership, and I urge my colleagues to read his statement:

FRANK LUMPKIN, CHAIRPERSON, WISCONSIN STEELWORKERS SAVE OUR JOBS COMMITTEE

I am Frank Lumpkin, chairperson of the Wisconsin Steelworkers Save Our Jobs Committee.

For 50 years, I have worked in this country. I have seen some good and some bad times in this country but I have never seen things as bad as they are today.

When Wisconsin Steel was closed down by International Harvester, 2,800 hourly workers were put out of that mill and 700 salaried workers. We lost more than our job and our income.

We suddenly realized that we had lost all protection for our family. We had no medical insurance. If our kids were hurt playing, we could not get any medical care. Can you imagine telling your kids not to play outside for fear of an accident and you couldn't go to the hospital.

Many of us tried to get a green card for medicaid but found out being poor was not enough. We had worked all of our lives and they told some of us we had too much to get Medicaid.

The newspapers are full of reports that unemployment is bad for your health. Out of 2,800 hourly workers, over 400 have died in the 4 years since our plant closed without warning. If we had had medical care, if we didn't have to worry about medical care for our families, some of those 400 would have been alive today.

Our Federal Government has lots of money for nuclear bombs, or to borrow money for space wars. That's unhealthy too. We demand a federal health plan to cover everyone, the unemployed and the employed. Use the money for health, not war.●

HOW CHRISTIANS VIEW ISRAEL AND AMERICAN JEWS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. GREEN. Mr. Speaker, my constituent, Surrogate Court Justice Marie Lambert, made the following remarks on April 29, 1984, at the annual meeting of the International Association of Jewish Lawyers & Jurists. With the rise of anti-Semitism in the United States and the beginning of the Jewish New Year on September 26, I thought it particularly timely to share Judge Lambert's remarks with my colleagues:

PERSPECTIVE: HOW CHRISTIANS VIEW ISRAEL AND AMERICAN JEWS

(By Hon. Marie Lambert)

Mr. Chairman, Mr. Ambassador, members of the Judiciary, fellow members of the legal fraternity, and friends all. I am deeply honored to have been invited to come here to speak to you. Judge Hornblass opened this meeting by stating that although he is a jurist, he is a Jew. He was born a Jew and will continue to be a Jew. I happen to have been born a Christian. I am not of the Jewish faith. I am Catholic. But I really consider myself, by my views, my feelings, my friendships and my loyalty, to be a partial Jew. I can never be a full Jew, but I could be a partial Jew. As a matter of fact in Jewish law many of the precepts which we follow in the personal injury field were taken directly out of Jewish law: Ideas of compensation for those who are injured thru no fault of their own.

Today, less than forty years after the Holocaust and the systematic murder of six million Jews, we as Christians, even more than Jews, see a rampant rise in anti-Christian anti-semitism. Having heard the cry (and I was alive during World War II) "never again," it's frightening to see the insidious growth of the anti-Jewish propaganda. Lest we forget what it really meant, let us look back just for a moment and think what six million Jewish lives really are. You know, we use the word six million and today six

million doesn't really portray what it is. It is nearly the total population of New York City. It is twice the population of Israel. Destroyed by the Holocaust. How soon the world, the media, and even many of who were alive at the time have forgotten. In our wildest imagination did we ever think that we would live to see the day when a candidate for the prestigious office of President of the United States would refer to a whole people as "Hymies". Can you imagine the uproar in the press, if it were another group that were attacked. Finally, after the denials by that candidate that the statement was made when confronted with irrefutable evidence that the statement had been made, we have a belated statement that the statement was made. The admission was coupled with excuses and explanations followed more specifically by threats against the reporter who revealed the evidence and the statements. The very next day after the New York primary, swastikas appeared on the doors in Co-op City. The candidate had repeatedly stated that he is tired of hearing about the Holocaust.

I hear all of the snide attacks and believe me, they are something: "Our support of Israel is accomplished by the Jewish control of the media." "The Banks controlled by the Jews are causing the oil prices to skyrocket." "The Jews are causing us to make enemies of the Arab oil countries." "Israel is responsible for the rising costs of gas and heating oil." "Israel is the aggressor." These are the stubble and situations which we hear day after day in "legal discussions." Being "fair." Who started the 6 day war? Was it Israel? Or was it the Arabs? Has any other country been asked to give back territory it acquired through bloodshed?

Who murdered the Israeli atheletes? That was a frightening day in my life because my husband, my son, and I, happened to be visiting in Lebanon on the day it happened. That morning, we were hustled on a plane and told to leave. We left our luggage behind because we were told that our lives were in danger. Who initiated the acts of terrorism? For the Jews and Israel is it okay to turn the other cheek? No one else does!

I stand up loud and clear when I hear comments against Catholics, against Italians, and because I was raised a Christian, I stand up loud and clear when I hear anti-semitic remarks. Shortly before I ascended the bench, although I had been elected, I happened to visit in Acapulco and Houston. I attended several dinner parties and I heard statements that made me shudder. When one is speaking with the elite in the oil community, one hears things. There was a subtle attempt to influence me as a judge. I can speak out. The dinner conversation focused on the PLO and how it would best serve the interest of the United States to punish Israel and abolish it as a homeland for the Jews. There was absolutely no understanding of the true fact, that Israel stands as a bulwark of democracy in the Middle East. It is in the interest of the United States to keep Israel strong.

What is anti-semitism? How does it manifest itself in the many insidious ways? Think of what it means to the Jews today to have an Israel. Had there been an Israel, a holocaust would have been impossible. The Jews would have had a homeland. We could never have a Holocaust of the Italians. We had a homeland, even though I left Italy when I was nine months old, if tomorrow they were to expel me from the United States, Italy would take me back.

"We should vote non-Jewish because the Jews vote for their own." That's the second attack. How did Mario Cuomo become the governor of this state? I'll give you some statistics. In Manhattan there are 20,000 Italian households; there are 120,000 Jewish households. How was I elected Surrogate of New York County if the Jews voted Jewish. Think about those comments in their just perspective. Statements are made and nobody listens to them, to analyze them; they just accept them.

"The Jews are the aggressors so we must condemn them." Where have they been the aggressors?

"The Jews are different." They dress differently, their backgrounds are different, their sabbath is different. I remember when I was a little girl in school, I looked different. I didn't look like an American, white anglo-saxon Protestant. I looked like an Italian girl. My clothes looked Italian, I dressed like an Italian. I went to a different kind of church. My knees were always dirty on Sunday mornings. So I looked different. We went to the park to have picnics. We were different. Does that mean that we should have been exterminated?

The most interesting statement is "The American Jews take their orders from Israel." Nothing could be further from the truth. Have any of you ever sat down and talked: if you have ten Jews you have ten opinions.

"They are not patriotic." Isn't it frightening when you stop to think about these statements? They don't say them to you, but they do say them to Christians.

Zionism is equated with racism. I'll tell you a little story out of school. At the time that statement was made by Mexico, I was President of the New York Trial Lawyers and we had planned a trip to Mexico. I didn't ask the Board of Directors. I didn't consult with anybody, I cancelled the trip. And when I cancelled the trip, everybody said how could you do that? I said it was very simple, we just weren't going. We do not have to patronize a country that equates Zionism with racism.

I could go on today with my examples, but I think I've given you enough. There are those among us today who think that the only problem with the final solution was that it was not finally imposed. This year at a time when we have presidential elections, we have heard about leadership, we have seen the pandering to the Jewish vote.

Where are we headed? Let us ponder for a minute or two on that question. If all of us as lawyers, Judges, leaders of the community, and members of the community ignore the growing anti-semitism in our midst, who will speak out against it? It reminds me of a story. There was once a Protestant minister who lived in Germany during World War II. When the Nazis came to the Jews he did not complain because he was not Jewish. When the Nazis came for the homosexuals he did not complain because he was not a homosexual. When the Nazis came for the Catholics, he did not complain because he was not Catholic. Finally, when the Nazis came for the Protestant minister, there was no one left to complain. It's a good lesson to remember.

A reporter of whom we should all be ashamed because he was born Jewish, but started early in life to deny his Jewishness by changing his name, left a portion of his estate to the PLO. It was not how much money was involved. It was a principle that would be established. Never did I think when I became a Surrogate that I might have an opportunity to strike out against terrorism. I raised the issue of whether such a bequest was permissible under New York law and whether it would be violative of public policy.

The editorial comment was predictable but terribly disappointing. I was accused of violating the constitution. A prominent newspaper that prides itself on the spirit of free inquiry grudgingly admitted that the legal questions were intriguing but opined that we were better off not knowing the answers. Would the reaction have been the same if the bequest had been to the Ku Klux Klan or the Nazi Party (which still exists in the United States)? Does a judge have a duty to inquire as to whether an organization is legally constituted and whether it is terrorist in nature?

The testimony was most interesting and maybe you might like to know that the PLO consists of every individual who has an Arab background. They have a governing body consisting of about 14 or 15 people. No terrorist activity is undertaken by the PLO without the permission of the governing body. Think about it! Every act of terrorism is an act which has been approved by the governing body of the PLO.

Should my decree have been silenced because it became a source of editorial attacks on the judiciary? Most interesting that despite the fact that there was nothing happening in the PLO case at the time, there was an election for the other Surrogate. The New York Times chose that day when they were endorsing a candidate for Surrogate to start their editorial with an attack upon me for my stand on the PLO case. Then there was a line, and then there was support by the New York Times for a candidate for Surrogate. Was this an insidious attack by a newspaper to warn any other Judge in my position of what they could expect, were they to take such a stand?

And believe me, when I did what I did. Professor Aronson was sitting in my office and I was discussing with my law secretary that I intended to raise the inquiry as to whether they were entitled to the bequest and as to whether I should give the bequest to a terrorist organization. Professor Aronson warned me that my inquires and my raising this question would endanger my very life because of the terrorist attacks that had occurred. He said, you know Judge, maybe you don't owe it to your self because you have the right to take whatever risks you want to take. But don't you owe it to your son not to take the risks? I said. I think I should discuss this with my son. I picked up the telephone an I called Gregory in Washington and I presented the problem to him. My son answered, and I'm so proud of it: "Mother, could you live with yourself if you allowed terrorism to counter your beliefs if you gave them the money?" I said I could not, and Greg said you have answered the question.

It was during that PLO case that I was reminded of the principles of a great leader who, in many ways, I have emulated: Golda Meir. She said if you are satisfied that you have touched the normal dimension, criticism should not matter. That is what leadership is all about.

Incidentally, the money did not go to the PLO; it went to the International Red Cross. It will not be used for terrorism. I feel that I took an important issue, interjected into it the moral question and made a decision. The money should not go to an organization dedicated to the elimination of a national group. Should we as judges fan the fuel and help it along? You see it as the swastikas, the desecration of the synagogues

and the temples, the attacks on Jewish children, the torment, the snide remarks. Judges, lawyers, leasers of the community and articulate people help to mold all those who come in contact with us. We help to formulate the law. It is our sacred duty to the individual to wipe out every segment of anti-semitism no matter where it appears or in what form it takes. What stated with a very small group of Nazis in the 30's ended up with families being wiped out. And it will never happpen again.

I represented many of the hundreds of holocaust victims and I prevented their deportation. Their stories still bring tears to my eyes. We must commit ourselves to the principle that anti-semitism cannot flourish and it will never happen again. We must be constantly aware that together, as Christians and Jews, we can begin a long, long road of educating the public against anti-semitism today and anti-Christianity tomorrow. Thank you.●

MART NIKLUS' 50TH BIRTHDAY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. FASCELL. Mr. Speaker, on Saturday, September 22, Estonian ornithologist and human rights activist Mart Niklus will celebrate his 50th birthday. I use the word "celebrate" in the purely commemorative sense, for other than the love of his relatives in Estonia, and the concern of well-wishers throughout the world, Mr. Niklus has precious little to celebrate. He is currently languishing in the notorious Soviet prison for political prisoners at Chistopol, a facility that holds a number of other human rights advocates, such as Anatoly Shcharansky, Viktor Nekipelov, and Vazif Meilanov, to name just a few.

Mart Niklus first ran afoul of Soviet authorities in 1958 for having sent to the West 15 photographs depicting conditions in Estonia under Soviet rule. As a result of this relatively minor act of protest, he spent nearly 8 years in Soviet labor camps and exile. I might add here that Soviet newspapers and television regularly regale their audiences with photos and films of the negative side of American life, but reciprocity has never been a prominent feature of the Soviet attitude toward mass communications.

Following his release in 1966, Mart Niklus was denied the opportunity to work in his profession or to publish his scientific articles. He managed to secure a position teaching at the Foreign Language Institute in Tartu, Estonia, but this too was cut short by KGB pressure. From 1975 to 1979, Niklus was repeatedly harassed by the authorities as a result of his efforts on behalf of civil liberties and national rights in Estonia. He signed several statements of protest against Soviet policy in his homeland, and was one of 45 Baltic human rights advocates who signed the famous letter of August 23, 1979, protesting the Molotov-Ribbentrop treaty of 1939 that laid the foundation for the Soviet takeover of the independent Baltic States.

Arrested again in 1980, Niklus was sentenced in January 1981 to 10 years labor camp and 5 years internal exile for alleged "anti-Soviet agitation and propaganda." In 1983, word reached the West that he and Lithuanian political prisoner Viktoras Petkus had joined the Ukrainian Helsinki Monitoring Group, most of whose members are themselves either in labor camp, prison, or internal exile as a result of trumped-up political charges. It is probably no coincidence that we subsequently learned of Mart Niklus' transfer from labor camp to the more severe regime of Chistopol Prison.

In March 1984, Elfrida Niklus visited her son at Chistopol and has reported that he is in poor health as a result of hunger strikes, physical abuse, and the generally pitiful conditions at the prison.

Mr. Speaker, in June 1982, Congress passed House Concurrent Resolution 218 calling upon the Soviet Government to allow Mart Niklus to emigrate to Sweden to join a relative in that country. Coincidentally, I would note that the Conference on Disarmament in Europe, an offshoot of the 1975 Helsinki Accords, has recently resumed its deliberations in Stockholm.

As Chairman of the Commission on Security and Cooperation in Europe, I have repeatedly emphasized the balance that must be maintained throughout the Helsinki process: in the area of military security, economic and technical cooperation, and human rights. I call upon the Soviet Government to consider carefully this balance, to release Mart Niklus, and, if he cannot live as a free man in his own homeland, to emigrate to more hospitable shores.●

TERROR STRIKES IN LEBANON

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. BROOMFIELD. Mr. Speaker, I was deeply shocked to learn of the tragic bombing of the American Embassy annex in East Beirut today.

My heart goes out to the families of the Lebanese Embassy employees who were killed. I trust that Ambassador Reginald Bartholomew and other American officers who were injured will recover.

As we reflect on this cowardly act, I strongly believe that all of us in the Congress should recommit ourselves to the fight against terrorism.

Although information about the incident is just being made available, I understand that a pickup truck, loaded with large quantities of explosives, crashed through a barrier around the Embassy annex and exploded near the front of the building. Lebanese security guards around the annex fired at the vehicle. They may have killed the driver. The truck allegedly had forged Dutch diplomatic license plates. This ruse may have assisted the driver in getting his vehicle inside the annex compound. Extensive damage was done to the front of the annex building.

When the explosion occurred, Ambassador Bartholomew and British Ambassador David Miers were meeting in the building. Ambassador Miers was also reportedly slightly injured by falling debris.

The Islamic Jihad, a political organization which has taken credit for past attacks on U.S. facilities in Lebanon, advised that this attack was in revenge for the U.S. vote in the U.N. Security Council concerning Israeli forces in Southern Beirut.

This blatant terrorist attack, the third attack on a U.S. facility in Lebanon in 1½ years, only serves to remind all of us that the struggle against terrorism is still going on. Blind and vicious attacks of this nature serve only to worsen a complex and delicate problem. A situation is never resolved through terrorism. Our Government must do all that it can to improve our intelligence collecting resources and enhance Embassy security overseas. Our diplomats and military personnel serving our Nation overseas must have the best protection available.

We in this Congress now have before us the President's package on international terrorism. The four proposed pieces of legislation are designed to support a more systematic and strengthened effort to effectively combat terrorism.

As we mourn the loss of innocent Lebanese and pray that our Embassy personnel will recover from their injuries, let us unite and do all that we can to pass this legislation and stop international terrorism now.●

STEEL-HIGH ROLLERS—WE'RE PROUD OF THEM

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. GEKAS. Mr. Speaker, recently, in a display of international goodwill, the Confederation High School Cardinals from Ontario, Canada, came to my district to play football against the Steelton-Highspire High School Rollers. But it was more than just a football game between two teams. It was a memorable occasion to see such warm hospitality shown to the Canadian

team by our students and our people, who literally took them into their homes and hearts during the brief visit.

I was proud to have shared in this outpouring of welcome by participating in a glorious parade and making brief remarks in which I stated that, "When you leave Steel-High after your brief stay, you will have seen the very best America has to offer!"

I would like to share with my colleagues a striking letter written by Mr. Barry Baumgardner to the Paxton Herald which best exemplifies the friendly relationship between two countries at their finest:

STEEL-HIGH ROLLERS—WE'RE PROUD OF THEM

DEAR EDITOR: I have missed one Steel-High Football game in the last 30 years and haven't missed one during the last 20 years. That qualifies me as a Roller fan. I have seen the great Williamsport classics. I have seen the titanic struggles against the enormous old Allentown schools. I have seen our sidelines literally covered with bodies as Doc Silver went from one to the other tending their injuries. I have seen the epic John Harris upsets and recently the District playoffs when, during the last two seasons, Steel-High has beaten every team entered. And during this long period the Roller teams have always, always made me feel so proud of their exploits on the Football field.

CANADIAN-AMERICAN FLAG FLY STAR SPANGLED BANNER RINGS OUT

Last week the Canadians came to our area. I was fortunate to have been close-up when thousands and thousands of our towns' peoples turned out to cheer and welcome them to America with dignitaries and a parade that stretched from Steelton to Highspire. I saw the way our students and our peoples welcomed them and opened their arms, their homes and their hearts to the Confederation team. In brief welcoming remarks United States Representative George Gekas said, "When you leave Steel-High after your brief stay, you will have seen the very best America has to offer!" and he was right! During the next few days I've never heard the Star Spangled Banner sang any louder. I've never seen more Canadian and American flags flying together. America and the Harrisburg Area in particular can be proud.

And during the various social events planned for both teams I saw the way our players, both before and after the game, became as one with their Canadian guests. I saw the Cardinals practice with the Rollers and watched our players teaching our techniques and drills to their opponents while they shared the same practice equipment. At school I saw our students make a special effort to go out of their way to welcome the Canadians. At the pep meeting the Cardinals and their Cheerleaders were cheered as loudly and as long as the Rollers were. At the many banquets given for the team from Canada I saw our boys willingly sitting at the opponents' tables. I saw first-hand the comraderie between players of different Nations, the seemingly endless hands-clasping and arms circling one another.

And yes, when the time for goodbyes came I saw the tears. Not Canadian or American tears. Just heart-to-heart tears. I heard the Canadian people being told, "This is the hard part—not the game!" Yes, I saw unashamed hugging and kissing and sadness. So much sadness after such a brief encounter!

They say we're Football Factory at Steel-High. They say all we teach our kids at Steel-High is how to win at Football. After viewing our students and our team during last weeks many Banquets, Dances and Festivities, I can't help but think that we must have been doing something right all these years. For in all the years I have been associated with the school, I have never been prouder of a Roller team than I was last week. And strangely none of the happenings that have made me so proud took place on a Football field!●

SEPARATION OF CHURCH AND STATE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. House of Representatives a recent article in the Wall Street Journal that points out the dangers of President Reagan's assiduous courting of religious fundamentalists—groups and individuals who are determined to impose their narrow, rigid ideology on everyone.

We Americans have a great history behind us: A history of tolerance, of making room for every group and individual, of diversity, of freedom of speech and religion, and of a firm and definitive separation of church and state. These ideals do not weaken our Nation. On the contrary, they are our source of strength. Mr. Reagan, despite his election-year rhetoric, chooses to align himself with people who are bent on making a mockery of our history and of the basic rights of Americans to express views born of conviction, not consensus.

Mr. Speaker, the Reagan administration has put us in danger. Our freedom is in jeopardy, our faith—if not structured along officially "acceptable" lines—is suspect. As this article notes, a White House aide recently reproached her colleague with the directive to "get saved or get out." Get out, Mr. Speaker? Leave a job because of "insufficient" faith, or what others have deemed to be the wrong kind of faith? And get out from where? The White House? The executive branch? America?

The idea of groups or leaders setting themselves up to judge the religious beliefs of others is more than an outrage: It poses a desperate threat to the constitutional rights of every American. Citizens throughout this Nation can no longer afford to sit back and let Mr. Reagan and his friends, such as the Reverend Jerry Falwell, claim exclusive rights to God's message.

Mr. Speaker, the article follows:

[From the Wall Street Journal, Sept. 18, 1984]

BIBLE IS BATTLE CRY—RELIGIOUS RIGHT COUNTS ON REAGAN

(By Rich Jaroslovsky)

"It doesn't matter what the Supreme Court says, or what the Senate says," asserts Jay Strack, an earnest young preacher from Fort Myers, Fla. "We know what the Bible says."

With that as their battle cry, Mr. Strack and countless others of the so-called "religious right" have plunged into the 1984 presidential campaign. Polls show a commanding lead for the candidate they support—President Reagan—so expectations among fundamentalist Christians are soaring.

With the economic crises of the president's first term, "our agenda had to be reserved for a later moment," says the Rev. Richard Hogue, an Oklahoma City pastor and religious broadcaster. He and others leave no doubt they believe that "later moment" has arrived. "Now, our issues can be addressed," he says.

Some of those issues are well-known, while others may be obscure to many voters. But all share an underlying assumption that the government should take religious precepts—specifically, fundamentalist Christian precepts—into account in determining its politics.

"The nation's leaders are going to have to set an example" for its people, says the Rev. Jimmy Swaggart, a television evangelist, who has been to the Reagan White House several times. "That example, I believe, should be Christianity."

The president himself has done much to raise their expectations. Since taking office, he has assiduously courted fundamentalist leaders with White House invitations and personal appearances at their meetings. To fundamentalist audiences, he pronounces that religion and politics are inseparable, and dedicates himself to such cherished religious-right goals as a constitutional amendment allowing prayer in public schools.

The religious right's affection for him far transcends election-year rhetoric, though. They regard him as their entree into the halls of political respect and power, as well as what the Rev. Jerry Falwell, head of the Moral Majority, calls "God's instrument in rebuilding America"—along fundamentalist lines.

The religious right is a loose amalgamation of fundamentalist Christians united in their concern about what they regard as the nation's moral decay over the last several decades. In White House meetings last January and June, many of them sealed their support for Mr. Reagan's reelection: Mr. Falwell; the Rev. Charles Stanley, head of the Southern Baptist Convention, the nation's largest Protestant denomination; TV evangelists such as Mr. Swaggart and James Robison; the Rev. Tim LaHaye and his American Coalition for Traditional Values; and many others.

"We have a world view and we want to see it codified into law," says Gary Jarmin, national field director for Mr. LaHaye's group. "We recognize not everyone agrees. But somebody's values will prevail."

Religious-right leaders say their emphasis on fundamentalist Christian values doesn't mean they're bigoted against Jews and other religions that don't accept their teachings. Many, in fact, strongly support Israel, seeing the Jewish state as the fulfillment of biblical prophecy.

But such support doesn't always extend to Judaism as a religion. Many fundamentalists hold that God doesn't hear the prayers of Jews and that fundamentalist Christianity is the only way to assure salvation of the soul. "Unless you accept Jesus Christ as your own personal savior, you're not going to make heaven your home," says Mr. Swaggart.

To demonstrate their political strength, religious-right leaders aim to register two million new voters for this year's election. Such voters, almost exclusively white and conservative, are sure to favor Mr. Reagan. The religious leaders will circulate "moral" scorecards rating the candidates; support for a nuclear freeze, for example, is a black mark. Not surprisingly, Mr. Reagan comes out with the top rating. "About 80% will favor the candidate with the highest moral voting record," Mr. LaHaye asserts.

If Mr. Reagan is reelected, these groups expect a major payoff in Supreme Court appointments. With five current justices older than 75, it is widely assumed the next president will have several vacancies. Fundamentalists expect to hold Mr. Reagan to the Republican platform, which calls for the appointment of only judges opposed to abortion. The result, they hope, will be a reversal of the 1973 Roe vs. Wade decision that legalized abortion.

"We have his word," says Mr. Strack. "If God doesn't judge America for the hideous sin of abortion, he'll have to apologize to Sodom and Gomorrah."

But the fundamentalists political agenda extends well beyond the abortion and schoolprayer issues. Many religious-right figures hope for changes in the federal policy on tax exemptions for church-affiliated schools: Mr. Reagan tried but failed in 1982 to provide such benefits for Bob Jones University despite its racially discriminatory policies. Additionally, the president's support of tuition tax credits could benefit church schools.

Many religious right leaders also hope to see Mr. Reagan continue to fight against the Equal Rights Amendment, oppose any expansion of gay rights and lead a crusade against pornography. "He's already laid the gauntlet down that he's interested in protecting children from pedophiles and child pornographers," asserts the San Diego-based Mr. LaHaye.

Mr. Reagan has been voicing support for those goals for four years without notable success. But there have been some results. "One of the misconceptions is that he hasn't delivered on a lot of things," says Anthony Podesta, president of People for the American Way, a liberal group that keeps tabs on the religious right. Fundamentalists won recent passage of legislation allowing religious groups "equal access" to public-school facilities with other student activities.

Moreover, Mr. Reagan has placed figures sympathetic to religious-right goals throughout his administration. One White House aide, Carolyn Sundseth, recently raised eyebrows when she scolded insufficiently religious administration colleagues to "get saved or get out."

Apparently fearing a voter backlash—Democratic presidential nominee Walter Mondale recently assailed the president and his supporters for "moral McCarthyism"—the White House has begun to back away from emphasizing religious-right issues. In his own address to B'nai B'rith, Mr. Reagan dispensed with his standard calls for a school-prayer amendment and an end to abortion. Moreover, the official White House line currently is that Mr. Reagan's social policies aren't going to veer sharply if he gets reelected. "I don't think he's going to do anything differently" in a second term, says Douglas Holladay, who recently succeeded Mrs. Sundseth as White House liaison to Protestant groups.

But the president's fundamentalist allies don't believe Mr. Holladay. Paul Weyrich of the Washington-based Committee for the Survival of a Free Congress, who often has criticized the White House for failing to push harder on "moral" issues, says "there's reason to be somewhat optimistic" about a second term. And Mr. Strack, the young Florida minister, counts on great things from a reelected Ronald Reagan. "I expect the man to use whatever power he possesses," Mr. Strack declares.●

THE PLIGHT OF SOVIET JEWRY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. GREEN. Mr. Speaker, as a participant in the 1984 Congressional Call to Conscience Vigil for Soviet Jews, I would like to bring to my colleagues attention the latest developments in the plight of Soviet Jewry generally and the case of Vladimir Slepak and his family specifically.

I can't think of a human rights issue which has drawn more concern from the Members of this Congress than Soviet Jewry—and with good cause. Jewish emigration from the Soviet Union has decreased by 98 percent since 1979, and life for those who remain behind has become increasingly more repressive. These people are forced to remain in a country where they are the victims of religious persecution by a government which openly sanctions antisemitism in its policies and in its press.

One particular example of this is the case of Vladimir Slepak, one of the pioneers of the Soviet Jewry emigration movement. In April 1970, Vladimir Slepak, his wife Maria, and their sons first applied for their exit visas. They were refused for reasons of "secrecy" and "state interests."

Since then, Vladimir has become a leading activist and a spokesman for Soviet Jews trying to go to Israel. He was the first Jew in the Soviet Union to talk to foreign correspondents, and was among the first to address petitions, letters, and appeals to the United Nations. In addition, he led demonstrations and became a member of the "Public Group to Assist the Fulfillment of the Helsinki Accords in the U.S.S.R."

The Soviet Government has maliciously harassed and ostracized Vladimir Slepak, labeling him a traitor and accusing him of espionage and treason. The Slepaks' home has been continuously raided and searched, their personal possessions confiscated and destroyed, the telephone disconnected, and the walls bugged. At various times the family has been kept under house arrest and beaten by the KGB. Vladimir was also sentenced to various short terms in prison on minor charges and was banished to Siberia from 1978 to 1983.

Vladimir Slepak still clings to the hope that he will eventually receive permission to emigrate to Israel. The U.S. Committee to Free Vladimir Slepak, along with its honorary chairman, Elie Wiesel, are trying to aid in the repatriation of this brave man and his family to Israel, the historic Jewish homeland.

Mr. Slepak states that he is convinced that the only protection he and other Refuseniks have is the awareness by the authorities that someone outside the Soviet Union cares for them. On September 25, my colleague from New York, Representative DOWNEY, and I will be sponsoring a special order on behalf of Soviet Jewry. The intent of this special order is to send a clear message to the Soviets that Congress and the American people do care about the abuses leveled at the 2½ million Jews left in the Soviet Union. I urge everyone to please join us on September 25 to help Vladimir Slepak and other Refuseniks.●

RESPONSE TO THE PRESIDENT'S ANNOUNCEMENT ON STEEL

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. MURPHY. Mr. Speaker, despite his slick salesmanship, President Reagan has failed at statemanship. Yesterday, the President denied help to the ailing American steel industry.

Rejecting the recommendation of the International Trade Commission, President Reagan refused any type of quantitative restrictions on imported steel.

He had the opportunity to adopt a comprehensive approach to the problem of steel imports. He had the chance to act as a true national leader.

Instead, he offered the Nation's steelworkers piecemeal promises and election year assurances while he presides over the decline of a leading national industry.

President Reagan claimed that he rejected quantitative restrictions on steel imports because "it is not in the national economic interest." in the past 2 years, the American steel industry has lost $6 billion.

In our country, steel industry employment has been cut by close to 50 percent—from an average of 453,000 workers between 1975-79 to about a quarter million today.

An additional half million workers in related industries—coal mining, railroads, water transportation, and the like—have been directly hurt by decreasing American steel production. Surely these ills cannot be in "the national economic interest."

The President's announcement ensures that America will remain the world's dumping ground for steel. The latest statistics available reveal that imports surged to a record high of 33 percent in July. By continuing to import illegally subsidized foreign steel, America continues to import the misery that comes with each shipment: The loss of American jobs, the loss of American tax revenues, the loss of American productivity, and the loss of the American way of life. This intolerable situation cannot be in "the national economic interest."

In western Pennsylvania, I have seen firsthand the suffering caused by the massive flood of imports. In many parts of my district, unemployment stands at 15 percent. Steel mills and production facilities have shut down. Long-established communities are dying. My constituents and their loved ones feel frustration and despair. As a result of yesterday's decision, President Reagan has given them no cause for hope.

America needs a sensible trade policy now.

The President had his chance; he prefers rhetoric to reality.

I urge my colleagues to join me in supporting H.R. 5081, the Fair Trade in Steel Act.

This legislation gives the American steel industry a much needed helping hand to fight imports.

President Reagan has given the industry nothing but hurt.●

FISHERMEN ARE SUFFERING TOO, MR. PRESIDENT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. BONKER. Mr. Speaker, perhaps if we can turn Federal relief for the hard-hit Northwest fishing industry into a campaign issue, the President will feel compelled to acknowledge the plight of this industry for the first time in his administration.

After all, if President Reagan can suddenly find $650 million in aid to the Midwestern farmers he has been foreclosing on for the past 3½ years, if he can find time now to meet with Soviet Foreign Minister Gromyko after antagonizing the Russians for 3½ years, and if he now can decide to support the Genocide Treaty after ignoring it for 3½ years—all because Fritz Mondale has raised them as campaign issues—then why can't he do the same for these economically distressed fishermen?

For over a year now, I have been working, along with several other Members from the Northwest, to provide Federal disaster relief for businesses devastated by the El Nino climatic disturbance. The El Nino global weather phenomenon is a warming of ocean currents that in the Northwest has destroyed stocks of salmon, steelhead trout, crabs, and shellfish used to far cooler waters.

The result has been economic disaster for businesses who rely on the harvesting, catching and processing of seafood products. Commercial salmon fishermen in my State of Washington have seen their annual income plummet from average levels of over $13,000 to only $1,318 in 1983.

Although this administration has made available over $98 million through the Agency for International Development to Peru, Bolivia, and Ecuador for relief from this same natural disaster, the Small Business Administrator has refused to recognize the El Nino phenomenom as a natural disaster to qualify businesses under the Economic Injury Disaster Loan Program. It was not without a sinking sense of irony that I recently read a copy of a letter to the President Belaunde of Peru from a mayor in one of the most hard hit communities in my district, asking for him to share a small amount of Peru's El Nino disaster relief—American aid that had been denied him by the SBA.

Members of the Northwest delegation have not stood idly by during these troubled times. In the House we added an amendment to the Small Business Administration authorization bill which would have qualified the Northwest fishing industry for El Nino disaster relief. Unfortunately, this bill because stalled in the Senate, due to White House opposition to the El Nino provision and other elements of the bill. Several Northwest Senators then attached the El Nino relief to the fiscal year 1985 appropriations bill for the Department of Commerce and other Federal agencies, but this bill too, became bogged down in controversy and the El Nino relief was dropped.

Since then, the SBA has agreed to offer low interest loans to certain west coast fishermen under the Federal Action Loan Program. Businesses are eligible for this type of loan as a result of hardship caused by Government action, in this case the shortened fishing season ordered by the Pacific Fisheries Management Council [PFMC]. The SBA still refuses to acknowledge El Nino as a natural disaster which caused the poor season necessitating the action by the PFMC to shorten the season.

While these low interest loans appear on the surface to be a good solution, closer examination proves them to be extremely restrictive in scope and unlikely to provide much relief. I am concerned that the new SBA policy would not take effect for many months and would not apply to inland fishermen, or processors, clammers, and related tourism firms. The SBA regulations also would provide loans at a far less advantageous rate that we have envisioned.

Member of the Oregon, California, and Washington delegations, including all six Senators, have written the SBA and outlined these and other concerns. We are hopeful for a fair solution. In the meantime, however, our fishing industry is left to read headlines about relief to South American countries and midwestern farmers suffering from drought and weak market conditions.

The administration's irresponsible attitude on SBA relief for the El Nino disaster is only one example of their hostility to Northwest fisheries resources. In each of his past four budget proposals, President Reagan has tried to abandon the longstanding Federal financial responsibility to fishery programs nationwide.

The administration's budget proposal for fiscal year 1985 included a 37-percent cut in National Marine Fisheries Service funding, and represented a wholesale attack on recreational and commercial fishermen in the Pacific Northwest. The administration proposed eliminating the $10 million Columbia River Hatchery Program, the $2.5 million salmon vessel and license buy-back effort, and a wide variety of research, development, and grant programs critical to improved management and better utilization of our salmon, groundfish, and other marine resources.

Fortunately, in each of the past 4 budget years, Northwest Members, working closely with the Merchant Marine and Fisheries Committee and the Appropriations Committee, have been successful in restoring these cuts.

On another issue, the administration is almost predictably resisting legislation which would make giant steps toward full domestic harvesting, processing, and marketing of the abundant fish resources within our 200-mile economic zones. The bill, H.R. 3255, would provide loan guarantees for fish exports, similar to those provided for other agricultural products. This, in turn, will enable our fish product manufacturers to break into new foreign markets and stimulate investment in processing facilities and other capital needed to phase out foreign involvement in our 200-mile zone. According to recent estimates, we could create 43,000 new jobs in our fishing, processing, and related industries if we took full advantage of our 200-mile zone resources.

Department of Agriculture programs, including the Commodity Credit Corporation and the Public Law 480 Food for Peace Program, currently provide close to $7 billion annually in export financing, promotion, and other trade services for producers of agricultural commodities. No comparable financing is available for U.S. fishery products and funding for fisheries export promotion programs like Saltonstall-Kennedy have been under attack by the Reagan administration for the past several years.

The 200-mile exclusive economic zone of the United States contains an estimated 20 percent of the world's fishery resources, more than any other nation. Yet the United States has suffered a trade deficit in fish and fish products for over 35 years. The fisheries trade deficit has risen from $259 million in 1960 to more than $4 billion in 1983.

As a nation we have grain-producing capabilities to the point that we regularly have a surplus. We now have in place several programs like PIK—Payment in kind—which actually pay farmers not to produce. However, we have scarcely begun to appreciate the fantastic resources within our 200-mile zone which already have established markets and offer enormous trade opportunities. For years our offshore zone has been heavily fished by foreign vessels from nations who consume much larger amounts of fish per capita than we do at home. In the Northwest, U.S. fisherman still must take their catches to large foreign processing vessels offshore because of inadequate facilities and marketing conditions at home.

Mr. Speaker, without question, the farmers in the Midwest need the financial assistance to weather the disastrous economic policies of this administration. But I am distressed to see one segment of America's food producing industry rewarded because of their political strength and potential votes in November, while fishermen in my area are ignored by this administration.

Our small fishing firms in the Northwest have been suffering the same high interest rates and weather-induced hardship as the farmers, yet they have no relief in sight. They're not asking for a handout. They just want a chance to save their small businesses, to earn a decent living, and to be treated on the same basis with the other food producers in the country.

I will continue to press for this needed assistance to the fishing industry as will my colleagues in coastal States around the country.●

MART NIKLUS—FIGHTER FOR BALTIC FREEDOM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. PORTER. Mr. Speaker, on September 22, 1984 Mart Niklus, an Estonian human rights activist and Helsinki monitor will celebrate his 50th birthday. He will observe his birthday in a depressing prison cell in the infamous Christopol Prison, away from his family and friends.

For many years Mart Niklus has been an outspoken supporter of human rights. As a result of his activities, he has been accused of anti-Soviet behavior and served several prison terms. We in the West know that his only true crime is his advocacy for human rights. His personal cause has been the pursuit of civil and national liberties for the people of the Baltic States.

In 1981 the Supreme Court of Estonia sentenced Mart Niklus to 10 years in a special regime hard labor camp and 5 years internal exile. The charges of anti-Soviet behavior were based on his efforts to publicize and renunciate the Molotov-Ribbentrop Pact. As a result of that pact, the independent Baltic nations of Estonia, Latvia, and Lithuania were partitioned by Hitler and Stalin on the eve of World War II.

While in prison, Mart Niklus has been subjected to numerous physical beatings, including one that occurred within earshot of his mother while she was visiting him in the prison. In addition, Mart Niklus is in very poor health, a combination of untreated radiculitis and successive hunger strikes. He is clearly in need of medical attention which the prison authorities have denied him.

For several years members of Congress have spoken out in support of Mart Niklus. In 1982 I joined my colleagues in supporting House Concurrent Resolution 218, a resolution which calls upon the Soviet Government to honor its commitments under the Helsinki accords by allowing Mart Niklus to emigrate to Sweden.

This year, along with many Members of the House, I am participating in a program sponsored by the Estonian American National Council to send birthday greeting to Mart Niklus. The birthday cards featured two swallows in flight, the symbol of freedom to Estonians.

Mr. Speaker, I doubt that the Soviet prison authorities will allow Mart Niklus to receive the hundreds of birthday cards being sent to him from his supporters around the world. Yet, be sending these birthday cards, by calling attention to the plight of Mart Niklus, we let the Soviet officials know that we will not forget him and the fight for human rights that he symbolizes for Estonian in the United States, in the Soviet Union and around the world. I can only hope that next year Mart Niklus will be able to celebrate his birthday in freedom, living with his family and friends in the country of his choice.●

GUAM PRESS HAILS OMNIBUS BILL

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. WON PAT. Mr. Speaker, on September 14, 1984, the House passed legislation I authored known as the 1984 omnibus territories bill. This measure provides vital new Federal assistance to Guam, the Virgin Islands, American Samoa, and the Northern Marianas.

Your approval of my latest efforts to bolster the economy of these islands is deeply appreciated both by myself and by the people of Guam.

I call your attention to editorials printed by the Guam Tribune and the Guam Pacific Daily News which salute the passage of the 1984 omnibus territories bill. The Guam Tribune said the bill is like "manna from heaven," and the normally conservative Pacific Daily News called the bill's historical benefits for Guam an early Christmas.

The strong praise the two editorials have for the omnibus bill is a reflection of how much the territory needs the provisons of the bill. Of particular concern is the status of a Federal loan owed by Guam Power Authority. My legislation revamps the conditions of the loan to prevent the people of Guam from facing a new power rate hike in the near future.

As the primary sponsor of this bill and as chairman of the Subcommittee on Insular Affairs which initially approved the measure, I am proud of a role in its success. Let me quickly add, however, that the credit for this bill must also be shared with my colleagues on the subcommittee and with my many friends here in the House who gave unstintingly of their support for my efforts on behalf of the territory.

I also want to thank the writers of the two editorials, Mr. Carlos Nivera of the Guam Tribune and Mr. Joe Murphy of the Pacific Daily News for their excellent commentaries on the value of the 1984 omnibus territories bill to Guam. Through their editorials the people of Guam will become better informed of how we here in the U.S. Congress are working to enhance the quality of their lives and improve the relationship which exists between the Federal Government and American territories.

Editorials follow:

[From the Guam Tribunal, Sept. 18, 1984]

LIKE MANNA FROM HEAVEN

(By Carlos Nivera)

Swift approval by the House of Representatives of the amended 1984 Omnibus Territories bill with a new refinancing plan for the Guam Power Authority speaks well of Congresman A.B. Won Pat's connections and "savvy" in Congess. When he left Guam for Washington, there was considerable pessimism because Senator Lowell Weicker had excluded from the original bill the entire section (Sec. 203) concerning GPA.

It was feared that with so little time left before Congress' adjournment in October, the House would place Won Pat's bill in the low priority list. Within a week after he got to Washington, the 1984 Omnibus Territories bill with several new pro-Guam features moved quickly through committee onto House consideration. There was hardly any opposition in the House.

Now the bill is up for Senate approval. There is still a possibility that someone in the Senate may put up an objection. In which case there would be a further delay should the bill be referred to conference committee.

But if the Senate gives its blessing to the bill as approved by the House, only President Reagan's veto can stop it.

And for the sake of Guam, everyone, Republicans included, should pray for Senate approval of the Ominbus Territories bill. No one should begrudge Congressman Won Pat credit for carrying the ball through the House.

What is pleasantly surprising is that Congressman Won Pat not only succeeded in pushing through a liberal 20-year subsidy plan for GPA worth about $100 million, he was also able to push through three new significant provisions that will definitely benefit the people of Guam.

These are: 1) A refund to GovGuam of federal taxes paid by retired military personnel and other federal employees on the island or Guam servicemen stationed abroad; 2) a special visa waiver for Guam, and 3) a relaxation of the federal restrictions on the transfer of 927 acres of Cabras Island land.

The original 1984 Omnibus Territories bill even without the GPA refinancing plan was good enough. But with the restoration of the refinancing plan and the three new "sweeteners" the bill, if passed by the Senate and signed into law, will prove for Guam "like manna from heaven."

[From the Pacific Daily News, Sept. 18, 1984]

BENEFITS TO ISLAND HIGH IN OMNIBUS BILL

(By Joe Murphy)

Talk about an early Christmas.

The passage of the 1984 Omnibus Territories bill could be just that. The total benefits to Guam, based on an analysis of the Guam provisions, would total as much as $36 million, equivalent to more than $1,285 per household annually.

This doesn't mean that the bill has passed yet. It has been approved by the House of Representatives, but now must face a Republican and cost-conscious Senate, and a tough-minded president.

Nobody should be cheering or taking bows yet until Ronald Reagan puts a pen in hand, and signs the bill.

It is an impressive list of benefits and grants, however, and this is especially so at a time that government cutting is the order of the day. It may be that the federal government is beginning to worry about the low economic conditions existing on Guam today.

The big item, of course, is the authority to refinance a $36 million GPA bond issue that would be done in 1990, cutting back the interest rate from 14 to 7 percent. In a compromise to placate certain senators, like McClure, Weicker and Johnston, in case of a default on the payments, Interior could step in and take over management of the authority, but Interior can't force the sale of GPA. Over a 20-year period this could mean as much as $100 million to Guam.

The Brooks amendment on the Cabras Island industrial development is almost as important to Guam. It would exempt policy that revenue from sale or lease of federal lands cannot be used for local development of the property. The potential benefit to Guam could be as much as $3.2 million annually for port development.

The visa waiver provision, originally contained in the Simpson-Mazzoli Immigration Bill, is another important section. It could trigger a new boom in Guam's tourism, removing a major obstacle to the expansion of the tourism markets of Asia.

A provision in the bill on withholding taxes of the military and federal retirees, under Section 30, could also bring $1 million annually into the general fund.

Guam's long years in the economic dog days could end with the passage and signing of this bill. Let us hope that we can bring it ahead to a beneficial conclusion. JCM.●

FOSTER CARE AND SSI AMENDMENTS APPROVED BY COMMITTEE ON WAYS AND MEANS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. FORD of Tennessee. Mr. Speaker, on Wednesday, September 19, the Committee on Ways and Means ordered reported the Foster Care and SSI Amendments of 1984 (H.R. 6266). This bill is scheduled for consideration on the Suspension Calendar the week of September 24. This bill is cosponsored by myself and the ranking minority member of the Subcommittee on Public Assistance and Unemployment Compensation, Mr. CAMPBELL. The bill provides for a 1-year extension of two expiring foster-care provisions, and a 1-year authorization for the Child Welfare Resource Centers. It also provides for an increase in the personal needs allowance for SSI recipients in Medicaid facilities from the current $25 a month to $35 a month. In addition, it makes a number of needed administrative improvements in the SSI program that were included in H.R. 5341, introduced earlier this year by Mr. STARK, and myself, and other Members of the House.

The following is a summary of the provisions of H.R. 6266 as it was reported by the Committee on Ways and Means.

FOSTER CARE AND SSI AMENDMENTS OF 1984—H.R. 6266

SUMMARY OF PROVISIONS—CHILD WELFARE AND FOSTER CARE AMENDMENTS

1. Foster care maintenance payments for children voluntarily placed in foster care (Section 101). Section 101 provides for a one year extension beyond September 30, 1984 of the authority for States to claim Federal matching funds for children who are placed in foster care under a voluntary placement agreement between the agency and a child's parents.

2. One year extension of state option to use foster care assistance for child welfare services in certain cases (Section 102). Section 102 provides for a one year extension of the provision expiring on September 30, 1984 that allows States to transfer funds allocated to them for foster care under Title IV-E to use for child welfare services under Title IV-B of the Social Security Act.

3. Child welfare resource centers (Section 103). Section 103 requires the Secretary of HHS to fund in fiscal year 1986 a network of Child Welfare Resource Centers to provide assistance to States and other organizations and agencies in implementing the provisions of the Adoption Assistance and Child Welfare Amendments of 1980.

SSI AMENDMENTS—PART A—TREATMENT OF INCOME

1. Exclusion of certain real and personal property from income (Section 201). Section 201 provides for excluding from countable income certain unearned income received in the form of real or personal property which would not be counted as a resource in the following month.

2. Exclusion of interest and dividends from income (Section 202). Section 202 provides that interest and dividend income received by an SSI recipient on countable resources which are within the SSI resource limits would not be counted as income under the SSI program.

3. Exclusion of certain temporary income in retrospective budgeting (Section 203). Section 203 requires that temporary non-recurring income received by applicants for SSI may not be counted more than once under the retrospective budgeting process. This provision must be implemented no later than October 1, 1985.

4. Exclusion of reparations received by holocaust survivors (Section 204). Section 204 excludes from income reparations received from the West German and East German governments by holocaust survivors.

PART B—TREATMENT OF RESOURCES

5. Modification of penalties where assets are transferred at less than fair market value (Section 211). Current law provides a two year delay in eligibility for SSI benefits when resources are transferred at less than fair market value in order to qualify for benefits. This provision is modified by Section 211 to give the Secretary of HHS the authority to waive the denial of benefits to the extent determined necessary to avoid undue hardship.

6. Computation of vehicle value in assets test (Section 212). Section 212 provides that in determining whether an individual or couple meets the countable resources test, there shall be excluded one automobile.

PART C—DETERMINATION OF BENEFIT AMOUNTS

7. Changes in one-third reduction formula (Section 221). Section 221 modifies the assumptions to be used in determining whether or not an SSI applicant is receiving in-

kind assistance when living with others in such a way as to protect SSI applicants from an automatic ⅓ reduction in their initial Federal SSI benefit if at the time of application they are living with a relatively low income household.

8. Increases in benefit standard for institutionalized recipients (Section 222). Section 222 increases the current $25 a month SSI benefit standard for residents of Medicaid facilities to $35, effective January 1, 1985. The committee directs the Department of Health and Human Services to take steps to assure that the full $35 SSI payment to persons in medical institutions will accrue to their personal benefit, and will not be subject to misuse by the operators of these institutions, or be used by States to lower Medicaid reimbursement rates to such institutions.

PART D—PROVISIONS RELATING TO ELIGIBILITY

9. Eligibility for benefits due deceased recipients (Section 231). Section 231 provides for payment of retroactive benefits on behalf of a deceased recipient to the ineligible spouse and the parent of a disabled or blind child. Present law provides that only an eligible spouse may receive the retroactive payment that was due a deceased SSI recipient.

10. Modification of certain filing requirements (Section 232). Section 232 provides that certain SSI applicants or recipients (those disabled widow/ers who at age 60 qualify for reduced title II benefits) will not be required to file for title II benefits, if receipt of such benefits would disadvantage the individual, i.e. loss of eligibility for SSI and subsequently health services under Medicaid.

11. Eligibility of couples living apart (Section 233). Section 233 reduces from six months to three months the time that an SSI individual and an eligible spouse must be living apart before they will be treated as individuals for determining eligibility for and the amount of SSI benefits.

PART E—OVERPAYMENTS, EMERGENCY PAYMENTS AND INTERIM ASSISTANCE

12. Extension of interim assistance program (Section 241). Section 241 expands the interim assistance program to include payment of the appropriate amount of retroactive SSI funds to the State, when the State has provided financial assistance to SSI recipients who have appealed a termination or suspension of benefits, subsequently won the appeal, and have qualified for retroactive SSI benefits. The provision must be implemented no later than October 1, 1985.

13. Study of alternative methods of promoting compliance with standards for group living facilities (Section 242). Present law requires that Federal SSI payments be reduced dollar-for-dollar for any payments made by a State to provide medical or remedial care on behalf of an SSI recipient who is in an institution that is not approved as meeting relevant State standards. The committee's provision directs HHS and GAO to analyze alternatives to current law and report findings by July 1, 1985.

14. Presumptively eligible individuals (Section 243). Section 243 provides that emergency advance payments which can be paid directly by a Social Security district office to those in need of immediate subsistence income bill be increased from a maximum of $100 to a maximum of 1 month's payment of SSI benefits.

15. Notice to recipients regarding overpayments (Section 244). Section 244 requires that when an individual has been overpaid, the Secretary must send the person a notice which contains, in simple language, the following information: the precise amount of the overpayment; the months in which the overpayment occurred; the reason the overpayment occurred; a statement of the manner in which, and the rate at which, the overpayment is proposed to be recovered; a complete statement of the individual's right to seek reconsideration of the finding that overpayment occurred; the right to seek waiver of repayment; and notice that if waiver or reconsideration is sought, payment of full benefits will continue until a decision is made.

PART F—STUDY OF EXTENSION OF SSI PROGRAM

16. Study of extension of program to Puerto Rico, the Virgin Islands, Guam and American Samoa (Section 251). The Department of Health and Human Services is required to conduct a study of the feasibility and cost of the extension of SSI to residents of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

PART G—OTHER PROVISIONS

17. Extension of outreach efforts (Section 261). Section 261 requires HHS to establish and conduct an ongoing SSI outreach effort.

18. Requirement of increased clarity and readability for written materials to be used by SSI applicants or recipients (Section 262). Section 262 requires that HHS take action to increase the clarity and readability of written materials to be used by SSI applicants or recipients. The amendment also requires SSA to contract with recognized experts to review current and future notices to determine if they are readily understandable by the SSI population, except to the extent it is determined not to be feasible. The objectives of simplicity and readability should not be permitted to override concerns for completeness, accuracy, or legal sufficiency.

19. Notice to blind SSI recipients (Section 263). Section 263 requires the Secretary of Health and Human Services to provide SSI recipients who are blind with special notice of official actions which may affect their SSI benefit rights. The SSI recipient will be provided the option to receive a supplementary notice of any action by SSA by telephone or to receive the initial notice by certified letter. The Secretary must attempt to provide all blind SSI recipients with the option to receive this supplementary notification within at least one year after the bill is enacted.

It also requires the Secretary to conduct a study to determine the feasibility of providing supplementary notification rights to individuals who may have difficulty in reading printed notices. These individuals may include the mentally impaired and persons for whom English is a second language.

20. General effective date (Section 264). Except as otherwise specifically provided, the provisions of title II are effective January 1, 1985.●

COUNCILMAN ARTHUR KATZMAN'S 80TH BIRTHDAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. ACKERMAN. Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me now in extending best wishes to New York City Councilman Arthur Katzman on his 80th birthday, on September 21, 1984.

The distinguished councilman was first elected in January 1962, and has devoted 22 years of selfless service to improving the quality of life for citizens in the New York area. He has championed the causes of the good people of the 22d city council district in central Queens. He has fought tenaciously for the interests and issues of his constituents. He is truly a representative of the people—listening to their concerns, caring and translating that compassion into action. He has kept his door and his heart open to his people for these many years.

Arthur Katzman is the chairman of the council committee on environmental protection, and is former chairman of the committee on standards and ethics. He has been a source of strength and wisdom to the council, and his guidance and influence are well known and held in high esteem.

Mr. Speaker, Arthur Katzman is truly a legend in his own time. He has made an immeasurable contribution to the people of Queens and to the city of New York as a whole. It was a momentous day for the citizens of New York when Arthur touched down on American soil as a young immigrant from Russia, eager for a new life in the United States. He was educated in New York and received his law degree from Brooklyn Law School.

Arthur Katzman is a leading citizen in the community of Forest Hills. He practices law part time, and is a member in good standing of many notable organizations, including the New York State Americans for Democratic Action, the New York State Queens County Bar Association, the New York Civil Liberties Union, and the American Civil Liberties Union.

Mr. Speaker, Arthur Katzman's 80th birthday marks a long and remarkable career of public service. He has dedicated himself to the betterment of others, and his tireless efforts have ensured a safer, brighter future for every resident of New York City.

Mr. Speaker, let us take this moment to congratulate Mr. Katzman on his memorable career in public office and to wish him a joyous 80th birthday.●

THE PLIGHT OF SOVIET JEWRY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. DOWNEY of New York. Mr. Speaker, several months have now passed since my colleagues and I joined together on March 15, 1984, to mark the International Day of Con-

cern for Soviet Jewry in honor of the scores of Soviet Jews who are trapped in the enigmatic life of refusenik. In a continued effort to reaffirm the resolve to secure freedom for Soviet Jews and beleaguered people everywhere, I address my remarks today to the case of Dr. Viktor Brailovsky.

Viktor Brailovsky, who completed a 5-year term in internal exile and returned to his Moscow home in mid-March, is in urgent need of support. Although he is at last reunited with his family, the string of harassments brought in by his 1972 application to emigrate to Israel grows longer everyday.

A few short weeks ago, Brailovsky's fortunes appeared to be on an upswing as, without a hitch, he was issued a propiska [residence permit] for Moscow. At that time, he wrote, "It is great luck. So my next step is to renew my emigration request." But complications have since set in. During a telephone conversation with his friend and cofounder of the Moscow Scientific Seminar, emigre physicist Alexander Voronel, Brailovsky revealed that the Soviet bureaucracy has geared up to visit new tribulations upon him.

Apparently blacklisted, he has been unable to find gainful employment, professional or menial. Should this situation prevail for an extended period of time, Brailovsky will be open to a charge of parasitism and possible relegation to the gulag for a second time.

Progress on his close-to-12-year quest for emigration is also stymied. OVIR [Office of Visas and Registration] has refused to accept the Brailovsky family's latest application for exit visas on the ground that Viktor's 76-year-old mother-in-law, Fanya Feffer, has not submitted her birth certificate. Given their acceptance of earlier family emigration applications unaccompanied by this document, the authorities now appear bent on confounding matters for the Brailovsky's. Undaunted, Viktor's wife, Irina, has gone to Dnepropetrovsk to search the archives for her mother's birth certificate. It is open to conjecture, if and when this document is produced, whether the authorities will accept the application or raise still another technicality.

These developments, which find Brailovsky jobless and his emigration application stalled, are fraught with potential for prolonging his long ordeal. Until there is an end to the nightmares suffered by Soviet Jews and they are allowed to emigrate freely, we must continue to raise our collective voices in outrage. We have been and must continue to be forceful and persistent in our efforts for Soviet Jews.●

MARJORY STONEMAN DOUGLAS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. FASCELL. Mr. Speaker, on October 18, I will be participating in ceremonies honoring the achievements of a very special lady from Florida, Marjory Stoneman Douglas. She is an example to us all of the impact one dedicated individual can make toward the preservation of our natural resources.

Ms. Douglas majored in geography at Wellesley College, where she graduated in 1912, and credits that major and her study of elocution with giving her the tools she has needed for her crusade to guarantee a safe water supply and to preserve the ecology of her adopted region. Her knowledge of Florida and its natural history, her disciplined mind, her wit and her elocution skills have all been put to use when she has stood up against the giants of industry and development and still been able to sway elected officials to do what she defines as right and necessary.

Ms. Douglas arrived in Miami in 1915, when it was still a pristine new frontier, and quickly joined the staff of the Miami Herald. She became part of that set of individuals who formed and shaped south Florida and whose names adorn its streets, parks, and monuments. By 1921, following wartime service, she had become a short-story writer, chiefly for the Saturday Evening Post. Her sensitivity to the south Florida environment formed the base that underlies many of her literary endeavors. Her work with the committee that formed in 1927 to create an Everglades conservation region led to the dedication in 1947 of Everglades National Park, the same year her definitive book, "The Everglades: River of Grass," was published.

By 1970, Ms. Douglas had become the founder and president of Friends of the Everglades, a group that is omnipresent whenever a human or natural force threatens the ecology of Florida. Today, at the age of 94, Ms. Douglas is still campaigning. This time she is hard at work supporting Gov. Bob Graham's Save the Everglades Program by restoring the natural flow of water to the park. On July 28 of this year, Ms. Douglas was present at a ceremony on the banks of the Kissimmee River to kick off the first trial run for the river restoration she and the friends had long advocated.

Some people call Ms. Douglas the mother of the Everglades; others the grandmother. I am happy just to call her a friend and an inspiration. On October 18, I look forward to joining her at a major celebration hosted by the numerous organizations and individuals indebted to her for her tireless defense of our natural resources. Then I can thank her in person. Today, I wanted to bring to the attention of our colleagues the achievements of this remarkable woman.●

ON BEHALF OF MART NIKLUS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. WOLF. Mr. Speaker, I would like to urge my colleagues to take a few minutes out of their busy schedules today to sign the scroll which is in the well of the House.

This scroll will be sent to an Estonian human rights activist, Mart Niklus, as an expression of sympathy from the United States. Mart Niklus has literally put his life on the line for human rights. Now he faces his 50th birthday dangerously ill and in solitary confinement in Chistopol Prison. It is my hope that by sending this scroll we can send him a bit of encouragment and boost his morale as he faces the inhumane conditions of his confinement.

On April 13 of this year, I wrote Soviet Chairman Chernenko and requested that he review this case and see that Mr. Niklus received proper medical attention. I also asked that Mart Niklus be released from imprisonment and permitted to emigrate to the country of his choice, Sweden. Of course, I received no reply from the Soviets.

Even though we may never know the results of our efforts, I have been assured by State Department professionals that correspondence from the free world is encouraging to imprisoned dissidents and can even influence the way they are treated daily by prison authorities. If the Soviets will not heed requests for Mr. Niklus' emigration, perhaps receiving this scroll will help them to realize that many people in the United States are concerned about this case and any treatment Mr. Niklus receives will be noticed by the free world.●

ANOTHER HONOR FOR JACK TERRY FOR DEDICATED SERVICE TO HIS COMMUNITY, STATE, AND AMERICA

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. WORTLEY. Mr. Speaker, on Tuesday, September 25, the Onondaga County Republican Candidates' Committee in my 27th Congressional District of New York State will honor an

outstanding and dedicated citizen as the committee's "Man of the Year."

He is John Hart "Jack" Terry who served as a distinguished Member of this legislative body.

Mr. Speaker, Jack Terry is not only a man of the year. He is a man of years, of constant service to the people of his native Syracuse, his State of New York, and his beloved America.

Endowed with a fine mind, exceptional spirit and deep compassion for humanity, Jack was a high school graduate at 16, a prelaw graduate of Notre Dame University at 18, and decorated hero of World War II, who enlisted as a private and earned his stripes as a top noncommissioned officer and an officer's commission.

After receiving his law degree from Syracuse University, where he was president of the law student council, Jack Terry served a decade as Onondaga County supervisor, the youngest ever elected. He went on to serve as Gov. Nelson A. Rockefeller's secretary, to 8 years of service in the New York State Assembly where he was chairman of the Government Operations Committee and a member of the Ways and Means, Judiciary, Vehicle and Traffic Committees and the Joint Committee on Corporations. In 1970, he was elected to represent New York State's 34th District in Congress, in the same freshman class as our distinguished colleague, JACK KEMP, who will be the featured speaker at our September 25 dinner honoring Jack Terry.

Jack Terry served skillfully and effectively on the Committees on Public Works and Transportation, and Interior and Insular Affairs, as well as the Bipartisan New York State Congressional Delegation's Steering Committee. He did not seek election to the 93rd Congress but chose to return to Syracuse where his subsequent record of civic and public service, and political leadership have proved of immense benefit to our Greater Syracuse area and the Empire State.

As senior vice president, general counsel, and secretary of the Niagara Mohawk Corp., as well as his service on the boards and councils of a broad spectrum of community organizations, Jack Terry continues to contribute to the betterment of our citizens and their quality of life.

His many honors already include the Kiwanis Club's Distinguished Citizen Award, the Freedom Political Club's Outstanding Citizen Award, the Jaycees' New York State and Syracuse Young Man of the Year Distinguished Service Awards, Notre Dame's Man of the Year Award, the New York State Traffic Safety Council's Award of Merit, the Maria Regina College's Highest Award Medal, and the Seneca County Medal.

Mr. Speaker, it is with signal pride that I bring the attention of the Congress to the accomplishments of our former colleague and yet another honor for my personal friend, Jack Terry.

In behalf of our Members who served with him and we who continue to seek his counsel, I wish Jack, his dear wife, Jean, and their daughters the best on this coming Tuesday's memorable occasion and in the years ahead.●

POVERTY INCREASING AT ALARMING RATE

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. FORD of Tennessee. Mr. Speaker, earlier this afternoon, the Subcommittee on Public Assistance and Unemployment Compensation and the Subcommittee on Oversight of the Committee on Ways and Means held a hearing. What was unique about this hearing was that Office Management and Budget Director, David Stockman, was the chief witness. Mr. Stockman talked to us about the steady and alarming increase in the poverty rate—it now stands at 15.2 percent—over the past few years. We asked him to explain any plans this administration has for helping the 34.4 million Americans who are poor in this country.

The hearing was special because back in 1983, Mr. Stockman assured us that he was "absolutely certain" that the poverty rate would decline in 1983. Unfortunately, Mr. Stockman's prediction did not prove correct. This afternoon, we asked Mr. Stockman about that prediction but, more importantly, we asked him what the Reagan administration proposes to do to reverse this trend. Mr. Stockman offered us no suggestions. He said that the only thing that will help female-headed households who are poor is economic growth, and he implied that these families will have to wait 3 to 5 years before a substantial reduction in poverty occurs. We cannot afford to wait 5 years.

With one out of every four of our children below the age of six, and one-third of all black Americans, now living in poverty, the poverty problem can no longer be ignored or defined away. To do so is to foreclose the future of our children. We must act to reverse this trend and offer some hope to the nearly 35 million Americans who live in poverty today.

I also have taken the liberty of including my opening remarks made at the hearing.●

IN HONOR OF DR. DAVID E. SWEET

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. ST GERMAIN. Mr. Speaker, today I would like to take a moment to honor Dr. David E. Sweet, president of Rhode Island College. Dr. Sweet died suddenly last Sunday, and we in the Rhode Island community will miss his dynamic leadership at Rhode Island College.

During his 7-year tenure as president, Dr. Sweet completed the transformation of Rhode Island College, the oldest public college in my State, from a teachers' college to a school with a solid liberal arts curriculum. Dr. Sweet also initiated at Rhode Island College a successful business management program and developed a graduate program in social work. His energy and determination helped Rhode Island College grow in both student population and academic excellence.

Dr. Sweet came to Rhode Island College after serving as president of Minnesota Metropolitan State College, a school which provided innovative, nontraditional education. He also served as special assistant to the president of Illinois State University and taught at Ohio and Duke Universities. A political science professor, Dr. Sweet was a magna cum laude graduate of Drury College and received his master's and doctoral degrees from Duke University.

I extend my sincere condolences to Dr. Sweet's family and regret that Rhode Island has lost such an important and vigorous educator.●

REPEAL IMPUTED INTEREST RATE PROVISIONS OF THE DEFICIT REDUCTION ACT OF 1984

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 6021. This legislation will repeal those provisions of the Deficit Reduction Act of 1984 which changed the tax treatment of imputed interest rates.

Under current law, sellers can finance their sales at interest rates as low as 9 percent and be taxed directly on that "safe harbor" percentage. However if the financing rate falls below 9 percent the imputed interest rate for tax purposes is set at 10 percent.

The Deficit Reduction Act will change this treatment so that the "safe harbor" rate is set at 110 percent of the T-bill rate at the time of the sale. If the interest rate is set below that level, the seller will be taxed as receiving an interest rate equivalent to 120 percent of the T-bill rate.

This change, Mr. Speaker, was designed to help cut the abuse of owner financing rates in large scale transactions. And it will succeed in doing that. But it will also adversely affect the small seller, the seller who is providing financing to the purchaser of his or her home, farm, or land. And this new policy of requiring the seller to charge a market or above market rate will, for all practical purposes, bring seller financing to an end—at a time where this method of financing is becoming an increasingly important factor in the sale of homes, farms, and small businesses.

I appeal to my colleagues to join me in working to repeal this section of the Deficit Reduction Act. The loss of the large number of small transactions the enactment of the new rates will cause, will have a tremendous negative impact on the economy. In the next session of Congress we can work for a solution to the abuse of the current rates. But now, we need to encourage economic recovery, for my district in New Mexico and for all of the United States.

Thank you, Mr. Speaker.●

MORE AMERICANS DIE IN COWARDLY TERRORIST ATTACKS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. YOUNG of Florida. Mr. Speaker, American officials are sifting through the rubble of another American Embassy that has been the target of a cowardly terrorist attack.

It's too early to know how many Americans have died in this attack, but whatever the toll, it must once and for all be the impetus for our Nation to undertake an international effort to combat and punish terrorists. Last year, 668 people were killed and 1,288 wounded in almost 900 international terrorist incidents, half of which were aimed at American citizens or property.

Legislation I introduced this year urges the President to seek an international convention on terrorism at which participating nations could share intelligence about terrorist organizations and discuss counterterrorism strategy. More importantly, this convention would draft an international agreement to strengthen international law to provide for severe punishment of terrorists and their accomplices and establish clear procedures for extradition of terrorists.

Until the nations of the world adopt and implement this type of international agreement, acts of violence, death and destruction such as we witness today will continue because terrorists roaming the world believe they are immune from prosecution and extradition.●

TRIBUTE TO DAVID A. HANSEN—CHIEF OF POLICE IN DALY CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. LANTOS. Mr. Speaker, the American people have much cause to be grateful for the service that our police officers perform in upholding this Nation's laws, and Congress, which is the source of many of these laws, is a fitting place to pay tribute to a man who has served his community for many years as a police officer.

Mr. Speaker, I rise today to honor David Hansen, who for the past 10 years has served as the chief of police for Daly City. Chief Hansen has been a resident of Daly City for 45 years, and he entered the Daly City Police Force in 1949, having previously served with the Marine Corps in the Pacific and China during World War II. In 1950, his new career with the police force was interrupted by the Korean war. He fought with the 1st Marine Regiment during the Inchon landing and the battle for Seoul. For his actions, he received the Purple Heart and the Presidential Citation among other decorations.

David's example of leadership and emphasis on training have been two major facets of his career. In 1964 he attended the FBI National Academy and he has subsequently sent many of his men to train there. For several years he has been a police lecturer and he has also written five books and contributed to various journals. In addition to these achievements, David has found time to earn a bachelor's degree in political science and a master's in public administration. He has also been an instructor in law enforcement at the College of San Mateo and Golden Gate University.

Under the leadership of Chief Hansen, the Daly City Police Department has taken a number of steps to improve its activities. He has contributed to the professionalism of the force, improved the law enforcement procedures in the department, and strengthened the relationship of the police with the community. The department will miss his leadership, but his retirement is well earned.

Mr. Speaker, I am delighted to pay tribute to Chief David Hansen on the occasion of his retirement. I wish also to acknowledge the support that he has received from his wife of 37 years, Rosemarie, and their four children. I extend my warmest congratulations and best wishes to David and his family on his retirement.●

THE PLIGHT OF DR. IOSEF BEGUN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. SCHUMER. Mr. Speaker, As a participant in the 1984 Congressional Call to Conscience Vigil for Soviet Jews, I would like to take this opportunity to call my colleagues attention to the plight of Dr. Iosef Begun.

Although Dr. Begun has spent most of the last 8 years in Soviet jails, the only "crimes" of which he is guilty are wanting to immigrate to Israel and struggling to preserve the Jewish culture in the Soviet Union. Since 1971 when Dr. Begun first applied for an exit visa to leave the Soviet Union, he has been consistently persecuted by the Soviet Government.

Dr. Begun has made repeated attempts to obtain an exit visa but all of his requests have been rejected by the Soviet Government. In addition, he has been arrested and convicted several times on charges such as "anti-Soviet agitation and propaganda." In June of this year, he was sentenced to spend 6 months in solitary confinement for violating camp regulations and not completing his work quota. These actions taken by the Soviet Government against Dr. Begun represent a callous disregard for basic human rights and a direct violation of the letter and the spirit of the Helsinki Accords.

We in Congress cannot ignore the treatment of thousands of Soviet Jews, like Iosef Begun, who are persecuted for their beliefs and their desire to emigrate. We must not cease in our efforts until every single Soviet Jew who wants to leave Russia is permitted to do so.●

TRAGEDY IN LEBANON

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. LUKEN. Mr. Speaker, I condemn the cowardly terrorist bombing today of the American Embassy in East Beirut, and extend my sincere condolences to the families and friends of those who lost their lives.

This attack, like the bombing of the American Embassy in West Beirut 17

months ago and the bombing of our Marine headquarters in Lebanon just 11 months ago, was, to be sure, an attack on the U.S. Government itself. It also was an attack against every democratic nation in the world.

I call upon the President to use all the resources at his command to find out who perpetrated this senseless act of brutality and to report to the Congress so we can formulate an appropriate response as quickly as possible.

It is clear that those responsible for this ruthless act seek to undermine our support for Israel, seek to undermine the stability of the Lebanese government, and seek to undermine those committed to peace in the Middle East.

Let the terrorists know that all Americans, regardless of political affiliation, stand united in our determination to continue our efforts to bring peace to the Middle East.

We must never allow acts of terrorism to dictate American foreign policy. If we do, the free world will be fair game for those who seek to destroy what we so strongly believe in.●

CONSTITUTION WEEK

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. MARTINEZ. Mr. Speaker, I rise today to bring to the attention of this body a noteworthy anniversary; 197 years ago, the framers to this Nation's Constitution finished work on that venerable document and forwarded it to the States for ratification. I join with my colleagues in commemoration of this event during this, U.S. Constitution Week.

The praises awarded our Constitution are many; and well deserved. As the World's oldest written Constitution still in effect; its longevity is remarkable. As noted by President Franklin Roosevelt:

> Our Constitution is so simple and practical that it is possible always to meet extraordinary needs by changes in emphasis and arrangement without loss of essential form. That is why our constitutional system has proved itself the most superbly enduring political mechanism the modern world has produced.

The flexibility of the document has allowed this Nation's political structure to evolve smoothly and has thus enabled its people to become the greatest Nation on Earth.

I believe noting the anniversary of the formation of our Constitution will help serve as a reminder to all of us just what our true purpose for being here is. Supreme Court Justice David Davis summarized it best when he said:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of protection all classes of men, at all times, and under all circumstances.●

CONGRESSIONAL MIA COMMEMORATIVE MEDALS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. KOSTMAYER. Mr. Speaker, on September 23, 1984, I will have the honor of presenting the Congressional MIA Commemorative Medals to the families of the five American servicemen still missing or unaccounted for in Southeast Asia who live in Pennsylvania's Eighth Congressional District.

The ceremony will be held, quite fittingly, at Washington Crossing Historic Park where we remember the courage and patriotism of another group of Americans over 200 years ago.

The five brave men we will honor are most deserving of this special recognition by the Congress. Furthermore, the loyalty, hope, love, and courage of their families who will receive the medals this Sunday provide inspiration to us all.

Mr. Speaker, on June 16, 1984, I was present at the dedication of the Bucks County Vietnam War Memorial in Doylestown, PA. This memorial records the names of the 136 Americans from Bucks County who have not returned from Vietnam. At that time, we said that the memorial would serve not only as a reminder but also as an expression of the love, honor, and commitment we in Bucks County accord to our Vietnam veterans, both living and dead, and to their families.

We continue this commitment by presenting the MIA Commemorative Medals this Sunday because they will not only recognize the heroism and sacrifice of those missing in action, but also serve as an important reaffirmation of this Nation's dedication to a full accounting for all Americans missing or unaccounted for in Southeast Asia.

It is with great honor that I place in the CONGRESSIONAL RECORD the names of the five servicemen who will be honored and whose families will receive the Congressional MIA Commemorative Medals this Sunday:

Lt. Col. Vincent A. Chiarello—U.S. Air Force; LCDR Don Brown Parsons, Jr.—USNR—U.S. Navy; Maj. Frank C. Parker III—U.S. Air Force; Maj. Donald R. Kemmerer—U.S. Air Force; Capt. Walter H. Sigafoos III—U.S. Air Force.●

MART NIKLUS, AN ESTONIAN DISSIDENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. GILMAN. Mr. Speaker, today on the front steps of the Capitol, I participated in a very emotional and, I am afraid to say, all too common scene. It was a ceremony designed to draw attention to yet another highly gifted individual who the Soviets have decided to condemn and imprison for "anti-Soviet propaganda and agitation."

Mart Niklus is an ornithologist but has never been permitted to work or to publish in his profession as a result of his continued opposition to Soviet repression.

It is easy to take American freedoms for granted—to enjoy the first amendment rights with little thought. However, I ask you please to reflect on their importance and to honor a man who has been harassed, imprisoned, and tortured because he chose to exercise these rights in Soviet-occupied Estonia.

In 1958, Mart Niklus was imprisoned for sending 15 photographs depicting conditions in Soviet-occupied Estonia to a Western journalist. He has been persecuted ever since. Today, dangerously ill from untreated radiculitis, Mart Niklus is in solitary confinement in the infamous Chistopol Prison.

As it has been documented by my Soviet mail investigation, letters have not been allowed through to this wonderful man whose only crime has been to speak the truth from his heart.

Though I was happy to see on the Capitol steps an effort made at bringing attention to this tragedy, I hope that such events do not become routine because of any lack of diligence on the part of the U.S. Congress.●

VETERANS CONCERNED OVER BEING IGNORED

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. ST GERMAIN. Mr. Speaker, I would like to take this opportunity to alert my fellow colleagues about a matter very important to me and millions of other Americans. It regards a U.S. veterans group in Rhode Island and its efforts to bring political attention to the problems faced by today's war veterans.

I recently had the pleasure of being contacted by Arthur J. Belair, an instrumental leader with the United Veterans Council of Woonsocket, RI.

During our correspondence, Mr. Belair stressed his frustration that American veterans are widely being ignored by many lawmakers and political candidates.

Mr. Belair's criticism, which is shared by the many veterans his organization proudly represents, centers around the fact that elected officials often render token responses and assurances to veteran concerns and that little is done to actually solve problems.

The United Veterans Council of Woonsocket recently drafted and circulated a petition opposing budget cuts for veteran programs. Mr. Speaker, the 1,875 men and women veterans who signed this petition deserve more than polite responses. Let us never forget that because of their sacrifices, we live in freedom.

I am pleased to see the United Veterans Council of Woonsocket actively involved in alerting our lawmakers that the American veteran shall not be ignored. I agree with Mr. Belair that the veteran must always know that his service to our Nation is not taken for granted. Mr. Speaker, I am proud to have this organization of loyal veterans strongly based in my district.●

A BRAVE COACH, A BRAVE PLAYER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

●Mr. ROGERS. Mr. Speaker, tomorrow night in Columbia, KY, in my home district, a high school football player will suit up for his team's game. Nothing special, you say, except for one important difference. It was just 3 weeks ago that that player nearly died, but was saved by the heroic effort of one man, his coach.

On August 28, player Mike Antle was in the whirlpool in his team's locker room. Suddenly, the motor shorted out and Mike was shocked. But fortunately, his coach, Jim Moss, was entering the room, saw what happened and unplugged the whirlpool.

He then dragged Mike out of the water and immediately began administering CPR and other first aid. Coach Moss was able to revive Mike's vital organs and keep him stable until the ambulance arrived.

Friday evening, when Adair County High School takes to the field, Coach Moss will be there leading the charge. And Mike Antle will be there, too, thanks to his coach's quick work and courage.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join with me in congratulating Coach Jim Moss for his exemplary action in saving this boy's life. Let us also commend young Mike Antle for his courage in recovering from this accident. Both of these men set the finest examples of courage and determination that we can all follow.●

TRIBUTE TO JEAN FLANAGAN

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, I would like to honor today Jean Flanagan who won a gold medal in the women's eight-oar rowing event at the 1984 International Olympics in Los Angeles.

Jean Flanagan is being honored today at a parade in Killingworth, CT, in Connecticut's Third District, where she is a lifelong resident. She attended Killingworth Elementary School, and later Morgan High School where she was on the Morgan High School basketball and swimming teams.

Jean discovered the sport of rowing when she began her undergraduate studies at the Florida Institute of Technology [FIT] in 1976. She rowed for FIT's rowing team and in 1980 attended the world championships in Lucerne, Switzerland. It was at the world championships that she received international recognition in rowing by winning a silver medal in the women's pair crew. In 1980 she also rowed with Princeton University's distinguished rowing team.

I know that all my colleagues share my pride in Jean's tremendous achievement. She has brought international recognition to her country and has captured the hearts of the people of Killingworth and the State of Connecticut. I would like to offer my warmest congratulations to Jean and wish her the best of luck for her continued success.●

PORTRAITS OF SCHOOLS THAT WORK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. LEVIN of Michigan. Mr. Speaker, Instructor magazine has a program which honors exemplary schools. It is entitled "A+ Schools—Portraits of Schools That Work." I am proud to announce that a school in my district, Burton Elementary School in Huntington Woods, MI, was recently honored with this award.

Burton and the Berkley School District, of which it is a part, are the only such school district and elementary school in the State of Michigan to receive this recognition, and one of only a handful in the entire Nation to be so honored; 472 children attend kindergarten through fifth grade at Burton. There is a strong sense of parent and community involvement at Burton. The school district offers 2 days a week of vocal music at the primary level and orchestra and band are available daily at the middle school level. This is due, in part, to the fact that 11 members of the Detroit Symphony are residents of the Huntington Woods community, and they give generously of their time and talent to expose the children to musical experiences. Almost 30 percent of the elementary school students choose to continue their musical education when they enter the middle school system.

Volunteers have used their life experiences to foster other programs. The Ethnic Festival Week, an enrichment activity, was planned entirely by parents, and teachers are free to choose any of the curriculum materials developed by the parents for classroom use. Activities have included performances by Caribbean dance troupes, learning Italian vocabulary words and singing Portuguese songs.

Teachers help spur enthusiasm for learning. They embrace a wide variety of teaching styles with a premium on innovation. The fact that the Burton student's achievement scores rate in the top 25th percentile statewide bear out the fact that all this hard work by teachers is working.

Mr. Speaker, this award manifests the impact of well-trained and caring personnel, with support and encouragement from parents and the community. I hope that you will join me, Mr. Speaker, in congratulating Burton Elementary School, the city of Huntington Woods and the Berkley School District on a job well done.●

CONGRATULATING THE MORTON COLLEGE "FAMILY" ON THEIR 60TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. LIPINSKI. Mr. Speaker, on Sunday, September 23, Morton College, located in Illinois' Fifth Congressional District, which I am privileged to represent, will be holding its annual Morton Fest celebration for the community. This year's celebration will mark Morton College 60th anniversary.

Morton College of Cicero, IL, has, since its founding in 1924, been a leader in the educational effort of Illinois. It has truly been a pioneer among community colleges, with its being the second oldest junior college in the State.

Morton College's student enrollment has grown from a beginning class of 76

to a student body of more than 4,000, and has graduated more than 11,500 people over the years.

The Morton College board of trustees administered the college from its founding until 1967, when the district voted to give the college autonomy under its own board, separate from the Morton High School District No. 201. The newly independent school quickly decided to separate physically as well as legally, and began plans for a new campus in Cicero. Ground was broken for the new campus in 1973, and the school began to accept students at the new location in the fall of 1975. The new facilities, with its five buildings, replaced 12 widely spread temporary facilities in churches, schools, and rented buildings.

I, along with my fellow colleagues, extend congratulations to the faculty, staff, and students of Morton College upon the 60th anniversary of the founding of their college. Their contributions to the educational betterment of our community members is to be commended and I wish them many more years of service to the community.●

ELIAS KARMON, COMMUNITY LEADER, CELEBRATES HIS 75TH BIRTHDAY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. WEISS. Mr. Speaker, I am proud to pay tribute to one of America's most outstanding community leaders, Elias Karmon, on the occasion of his 75th birthday.

Mr. Karmon has worked tirelessly for decades as a businessman, a philanthropist, and a community activist. But in each of these capacities he has held one important goal dear to his heart: making the Bronx a better place to work and live. Without question, this unselfish spirit with a deep compassion for his fellow citizens has worked small miracles for the Bronx.

Mr. Karmon's list of achievements belies an energy and enthusiasm that most of us would find difficult to match. He has served as the president of the Bronx Chamber of Commerce and as chairman of the Advisory Committee of the Bronx Venture Corp., a nonprofit local development corporation. In addition, Mr. Karmon has held positions of leadership in numerous business, civic, health, service, and humanitarian organizations, including the Bronx Rotary Club, the Bronx Council of the Albert Einstein College of Medicine, the American Jewish Congress, the Bronx Boys' Club, and Community Services for the Blind.

He sits on the boards of the Ponce de Leon Federal Savings & Loan Association, the Bronx House, the YMCA, the Fordham Road Area Development Corp., Regional Aid for Interim Needs [RAIN], the South Bronx Mental Health Council, the Pelham Parkway Mall Local Development Corp., the Bronx Dance Theatre, the Bronx Overall Economic Development Corp., and the Pelham Parkway Jewish Center.

Mr. Karmon has also distinguished himself through his work on behalf of the new Lincoln Medical Center, where the Lincoln Hospital Community Board and the administrative staff named the board conference room after him to show their appreciation. And the New York Urban League recently cited Mr. Karmon for more than 35 years of dedicated service and leadership on behalf of his fellow citizens.

Throughout the years, Mr. Karmon has received awards so numerous that to list them all would be prohibitive. In 1979 he received the coveted Jefferson Award for Public Service in a live television ceremony. Mr. Karmon's professional life is also reflective of his commitment to the highest ideals. Active in real estate, Mr. Karmon still works out of the same office on Prospect Avenue in the South Bronx where he has worked since 1940.

Mr. Speaker, Elias Karmon deserves the highest accolades for his impressive accomplishments, which have truly improved the quality of life for those who live and work in the Bronx. We can all learn a lesson from his unswerving devotion to his community and from the enthusiasm which he demonstrates and cultivates in others. It is apparent that the Bronx will continue to benefit from Elias Karmon's energy and enthusiasm for years to come. Happy Birthday, Mr. Karmon, and many happy returns.●

A TRIBUTE TO LESLIE E. BAINES

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. COURTER. Mr. Speaker, I would like to take a moment to recognize Leslie E. Baines of Summit, NJ, who will, in October, take over as president of the National Association of Bank Women [NABW], one of the most prestigious women's organization in the financial services industry.

Given Mrs. Baines' accomplishments in the world of banking are numerous this is no surprise. As vice president and division executive of Chase Manhattan Bank in New York, she is responsible for the marketing, sales, new product development and national expansions of the Domestic Private Banking Group. Just this past year, she was vice president for the 30,000 member NAWB this past year after serving as treasurer for 3 years. Additionally, Mrs. Baines has been active in NABW's educational foundation since 1977.

Her business affiliations profit greatly from Mrs. Baines' talent and devotion to the industry. She is a member of the Financial Women's Association of New York, the Bank Marketing Association, the New York Society of Security Analysts, and the Financial Analysts Society.

Mrs. Baines also manages to find time to chair the Bankers and Lawyers Advisory Committee on the New York Philharmonic, and she sits on the board of the directors of Consortium for Cable.

A leader in her field, a leader in her affiliations, Leslie expels enthusiasm and confidence in all her endeavors. I know I speak for many when I congratulate Leslie on her appointment as president of the NAWB. The experience and expertise she brings to this post will, no doubt, bring continued growth and success to the organization.●

THE 50TH ANNIVERSARY OF THE INCORPORATION OF THE CITY OF DES PERES, MO

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. YOUNG of Missouri. Mr. Speaker, on Sunday, the 23d of September 1984, the city of Des Peres in St. Louis County, MO, will celebrate the 50th anniversary of its incorporation.

The French name of Des Peres originated when a group of Jesuit missionaries temporarily settled near the mouth of River Des Peres in 1701. When the Jesuits left the area, the name of Des Peres remained with the river and the area. Des Peres translated is "of the Fathers." Des Peres appears to be a new suburban residential community. However, in 1834 the German immigrants who first settled the area were continuing to build their community. Farming and flower growing were the leading industries in 1834. The flower growers remain a leading industry. The farms have been replaced by attractive subdivisions answering to the needs of the area today.

During the 1850's the Midwest was experiencing rapid growth. The Civil War had ended leaving many homeless children. The cornerstone was laid March 15, 1868, in Des Peres for the first orphan home west of the Mississippi River. The orphanage operated from 1868 until 1966 when the need for such a facility diminished. It is fondly remembered by many of the residents today whose ancestors found

love and stability in the orphanage. In 1973 the city purchased the orphanage property which now houses the city government. The grounds are preserved as a city park.

The city of Des Peres is a progressive city whose residents enjoy the modern community of today along with a respect for the heritage left to them by the Jesuit Fathers and the German immigrants who first settled in the area. The spirit remains one of cooperation and neighborly. The people of Des Peres have a right to be justly proud of their community.●

THE 100TH BIRTHDAY FOR CHURCH OF THE HOLY APOSTLES IN ROCHESTER, NY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. LaFALCE. Mr. Speaker, I want to take this opportunity to pay special tribute to the Holy Apostles Church in Rochester, NY, as it celebrates its 100th birthday this year.

Holy Apostles Church was established May 1, 1884, and was named for the Apostles since it was Rochester's 12th Catholic parish. Over the past 100 years, Holy Apostles Church has grown with northwest Rochester and has contributed significantly to the settlement and growth of the area. Much of the area's urban development is directly attributed to the church, since the first pastor, Father Murphy, purchased a large tract of land, subdivided it into lots and built streets and sanitary facilities.

The Holy Apostles School has also been a major influence on the community, and has grown in size from 113 students in 1885 to over 700 students today. The school is proud to count among its graduates many of Rochester's outstanding citizens and public servants.

The present church building is itself a landmark and is made of Medina stone which was transported on mule-drawn boats over the old Erie Canal. Dedicated in 1897, it is one of the finest examples of Norman Catholic architecture in western New York.

In 100 years, Holy Apostles has been served by seven pastors. J. Emmett Murphy concluded the longest pastorate in parish history, over 22 years, when he retired in 1983 and was succeeded by the present pastor, Rev. Lawrence A. Gross.

I am extremely proud to have this active, energetic church community as part of my district and urge all of my colleagues to join me in wishing Holy Apostles Church a "Happy Birthday" and another 100 years of success.●

SPARKY VINDICATED

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. OXLEY. Mr. Speaker, Sparky has been vindicated; 8 years after having the 1976 Cincinnati Reds team win the World Series, Sparky Anderson can hold his head high and say it wasn't a fluke. You see, the Detroit Tigers have come of age. And you can thank Sparky and first-year Tiger owner, Tom Monaghan, for that.

After a blistering 35–5 start, a record unmatched in baseball history, the Tigers seldom had to look over their shoulder to see the Toronto Blue Jays, let alone the 1983 world champion Orioles.

Growing up in Findlay, OH, meant growing up with the Tigers. Both Cleveland and Cincinnati were too far away for radio or television coverage, so my home team has been the Tigers for as long as I can remember. This prompted me to become the first Member of Congress to join the Mayo Smith Society, the Detroit Tiger fan club which was started here in Washington. Now, with the spread of Tiger fever, the Mayo Smith Society has chapters throughout the entire country. If you have to ask who Mayo Smith is, you can't be a member.

I look forward to Sparky leading the Tigers to continued success in the playoffs and to a World Series to end all World Series when they take on the Cubbies in October.●

HOUSE JOINT RESOLUTION 613

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1984

● Mr. DYSON. Mr. Speaker, one of our colleagues, Hon. WILLIAM D. FORD, has introduced House Joint Resolution 613 designating 1985 as the "Year of the Teacher." I cannot think of a better profession to commemorate with a year of appreciation.

Everyone of us here today owes something to a teacher. Without the encouragement and patience of those teachers who gave us so much, many of us would not have been able to attain the goals we have set for ourselves. Designating 1985 as the "Year of the Teacher," which would be accompanied by appropriate ceremonies and other activities, is one small way to express the Nation's gratitude to its teachers and to elevate them in the public's esteem.

Mr. Speaker, I would like to take this time to recognize a special teacher in Maryland's First District which I am proud to represent, Mr. Carvel LaCurts. Mr. LaCurts is a mathematics instructor at Pocomoke High School, in Pocomoke, MD. He was named the Maryland Mathematics Teacher of the Year for 1982–83 by the Maryland Mathematics Teachers Association and was appointed by Maryland State Superintendent David Hornbeck to the Maryland Commission on Secondary Education's Instruction/Instructional Support Services Task Force.

Recently, a great honor has been bestowed on Mr. LaCurts. He has been selected as one of the State's two finalists for the Presidential Award for Excellence in Teaching Science and Mathematics. This program was established by the National Science Foundation to recognize outstanding secondary school teachers of science and mathematics who serve as models for their colleagues and to provide status and rewards for demonstrated professionalism.

We in Maryland's First District are proud of Carvel LaCurts and feel he has earned this award. To the teachers of this great country I say thank you for all your hard work and dedication to our Nation's youth.●

SENATE—*Friday, September 21, 1984*

(Legislative day of Monday, September 17, 1984)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Omniscient God, Who knows all things, all of us who labor in this place need Your presence, Your love and peace. You know what is in the heart of each of us in these stressful days. You know those who are troubled—frustrated—angry—anxious. You know the fearful heart, the lonely heart, the broken heart. You know those who feel forsaken or rejected or guilty. You know those who are arrogant, impatient, or resentful.

Where there is alienation or estrangement give reconciliation and healing. In Your gracious, forbearing love, touch each life, each family, each person who serves here from the greatest to the least, the most powerful to the totally powerless. Dear God infuse this place with Your mighty love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I remind Senators that this morning, after the special orders, there will be morning business until 11:30 a.m. in which Senators may speak. Since that will consume 1 full hour, that together with the opening formalities, the mandatory quorum under rule XXII will begin at 11:30 a.m. and as soon as a quorum is established the Senate will proceed to vote on cloture to limit debate on Senate Resolution 66.

Mr. President, if cloture is invoked, then the Senate will continue to debate and attempt to dispose of Senate Resolution 66. In the event cloture is not invoked, it is highly likely that a second cloture motion will be filed and after that perhaps the leadership would ask the Senate to go to other matters.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. BAKER. I yield.

Mr. LONG. Did the Senator say highly likely that a cloture motion will be filed or not highly likely?

Mr. BAKER. I said if we do not invoke cloture this time it is highly likely it would be filed.

Mr. LONG. I hope that the distinguished majority leader would judge by how many votes he gets today whether he is going to file another one.

Mr. BAKER. I count Friday votes one way and Tuesday votes another way. So I will have to weigh the average on the basis of the calendar in order to make a judgment in that respect.

Mr. President, if cloture is not invoked, however, I anticipate that the leadership on this side will ask the Senate now to turn to consideration of some matters that should be dealt with, such as the Treasury-Postal conference report and perhaps the Labor-HHS appropriations bill.

Mr. President, I do not believe I have anything else.

The Senate will be in session, of course, throughout this day, and I do not anticipate this will be a late day, but it will be a full working day. We will not be in session tomorrow. We will be in session all next week and once again Senators should be on notice that next week and next weekend may be difficult times in terms of the schedule.

Mr. President, that is all I have to announce, and I offer my time to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GOLDWATER). The minority leader is recognized.

TENTATIVE ACCORD REACHED BETWEEN MINEWORKERS AND COAL OPERATORS

Mr. BYRD. Mr. President, at approximately 4:40 a.m. this morning, September 21, the United Mineworkers of America and the Bituminous Coal Operators Association reached a tentative accord on a new contract. The agreement will be distributed throughout the UMWA districts for examination by union members, followed by voting on the question of ratifying the agreement.

Similarly, the BCOA will begin a process of informing its member coal companies as to the contents of the agreement.

The current contract expires on September 30. I am gratified that a tentative accord has been reached in advance of the expiration of the contract, and I await the results of the voting on the draft agreement. It is very important to the 45,000 miners in West Virginia and to my State's economy.

Mr. BAKER. Mr. President, I believe time has expired. If not, I yield it back.

Mr. President, I ask unanimous consent that I might suggest the absence of a quorum without it being charged against the time allocated to the first special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

WHY WISCONSIN STANDS OUT AS A GREAT STATE

Mr. PROXMIRE. Mr. President, every one of us in this body is proud of the particular State we represent. When our State does well, we like to tell the world about it—or at least our fellow Senators. Our States engage in a kind of friendly competition. And anyone who has ever competed in sports or in business or academic pursuits or even bridge or poker knows that nothing improves performance like competition.

So why should we not compete in the kind of performances that really count? Why should we not vie for excellence in education? Why not compete in the fight to hold down crime and poverty? This competition may not be as exciting or as dramatic as the epic struggles between our football teams—the University of Wisconsin versus Michigan or Indiana or Illinois.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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But on the other hand can anyone seriously argue that the competition over which State excels in such things as voter turn out, educational attainment, and the suppression of violent crime is a great deal more significant? Unfortunately, few people pay much attention to this far more significant competition or even have any awareness of how different the States are in these critical respects.

The National Journal has done something about this. They recently compiled statistics for each of the 50 States. I have not had a chance to see results for all of the States, but here is one Senator who cannot wait to tell my colleagues about our State. We have a few serious slips here and there. But overall, according to this Senator's value judgment, Wisconsin is doing great.

Of 15 categories, Wisconsin rates in the top quartile, that is the top 12 of the 50 States, in 10 categories. We rate just about in the middle in two categories. We rate in the bottom quartile in three areas. Now consider where our State rates high and where it rates low, and it tells you why, in general, this Senator is so proud and happy to be a U.S. Senator from Wisconsin.

In two categories Wisconsin rates at the top—No. 1. We are No. 1 in the college board scores of our high school students. That is, we are first of all the 50 States in the kind of job our grade and high schools are doing.

The National Journal also reports that Wisconsin is No. 1 in the country in voter turnout. Our people take their responsibilities as citizens seriously. They participate in elections more fully than citizens in any other State in the Nation. Wisconsin, unfortunately, is very near the top in alcohol consumption. Of the 50 States, we rank fifth. That is sad. It is also a reflection of the fact that we produce beer that has made Milwaukee famous. Although we have only 2 percent of the population, our citizens consume 20 percent of all the brandy consumed in the country. A shot of brandy with a beer chaser is an unfortunate Wisconsin affliction.

And our State makes welfare payments that are the seventh highest in the country. This is not a statistic that makes our taxpayers happy. On the other hand, it does show a concern, a compassion, a generosity for which Wisconsin citizens can be proud. Obviously Wisconsin takes better care than most States of those who cannot take care of themselves.

Our State is eighth in three categories. It is eighth in the level of taxes. That is explained in very large part by the two statistics I have already mentioned: The excellence of our education system that turns out students who have earned the highest college board scores of students from any State, and the generosity of our welfare system.

Wisconsin is also eighth highest in unemployment compensation, an indication of our concern for those who have lost their jobs, seek another job but cannot find it, and a further explanation of our relatively high taxes. Our State also has the eighth highest teacher salaries. That helps explain our fine record on college board scores and the painful level of our State's taxes.

Wisconsin is 10th of the 50 States in the use of library books, another tribute to our educational system and to the generosity of our taxpayers. This is also an indication of the knowledge and understanding of Wisconsin citizens as a literate people.

Hourly wages in Wisconsin are the 11th highest of any of the 50 States. Our strong clean union movement should take much of the credit for that figure. And of course, our strong educational system means that employers are likely to get a competent and intelligent day's work for a full day's pay, even though employers do pay more in Wisconsin. Our State is 12th in the amount it spends per public school pupil. Again that figure helps explain both our high taxes and our superlative educational results.

In two categories Wisconsin ranks roughly in the middle of the 50 States. Our level of unemployment has been 22d of the 50 States. Our per capita income is 28th. We are not a rich State. Hourly wages are high, but we have relatively few wealthy people, and our farmers and small businessmen have to struggle more than in most States to make ends meet.

In three categories, our State is near the bottom. When you consider the categories, you can see that low rating is a good thing. Our State is 43d in violent crime. That means only 7 of the 50 States have a better record. Considering the fact that our State has a large urban population, that rating is especially encouraging. The National Journal found that Wisconsin ranks 46th in stress. That means the living is easier in Wisconsin with less high pressure than in all except 4 others of the 50 States. And finally, of the 50 States Wisconsin ranks 48th in the proportion of its people who live in poverty. Considering the fact that our per capita income is less than average and that our unemployment is about average, that statistic should give Wisconsin citizens special pride.

Part of the explanation for our fine showing in holding down poverty lies in our generous welfare system and our strong union movement winning high wages. But most of the credit in the judgment of this Senator goes to our very strong vocational and technical education system that enrolls Wisconsin citizens of all ages and has done an extraordinary job of lifting the level of skills for Wisconsin citizens. Only Wyoming and Connecticut do better in this regard, and both those States have much higher per capita income and much lower unemployment.

Mr. President, I challenge Senators from other States to join this friendly, but serious competition and to show that they have anything like the overall record Wisconsin has as a place to live, to work, to learn, and to care for others.

I ask unanimous consent that an article in the Capital Times of Madison, by Matt Pommer entitled "Statistically, Wisconsin, a Mixed Bag" be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATISTICALLY, WISCONSIN A MIXED BAG

(By Matt Pommer)

Wisconsin folks drink quite a bit—but we read a lot, too, and we don't often murder each other.

Our kids appear to be among the smartest in the nation, our teachers among the best paid. Poverty is low and taxes are high.

That, in a nutshell, is a kind of paint-by-number portrait of America's Dairyland, drawn up by the decimal crunchers who chew up statistics day in and day out and spit out national rankings.

There's more to Wisconsin, of course:

Violent crime is low, environment is a priority, and "stress" is among the lowest in the nation, according to the ranking folks, who never seem to run out of things to measure and dissect and weigh and balance.

Grinding out statistics that pit state against state has grown so popular—and gained such respect among bureaucrats, business groups and politicians—that The National Journal, a highly regarded Washington weekly, recently called the state-ranking game "a new national pastime."

Throwing itself whole-hog into the numbers game, The National Journal went about compiling various state rankings for all 50 states. Here's the magazine's snapshot of Wisconsin:

We came up fifth in consumption of alcohol per person, but also 10th highest in the use of library books.

We rank tops in College Board test scores and boast the highest percentage of voter turnout in the country. Teacher salaries are eighth highest in the nation, and per pupil spending ranks 12th from the top.

Per capita income is 28th; the unemployment rate has been 22nd; the average hourly wage is 11th; and unemployment compensation is rated 8th highest of the 50 states.

Welfare payments are 7th highest in the country—but a mere 9.5 percent of our people live in poverty. Only Connecticut at 8.1 and Nevada at 7.8 percent are lower.

A "stress index" placed Wisconsin 46th, meaning the state is one of the easiest places to live in the country.

That might be attributed in part to the level of violent crime. Wisconsin ranks 43rd in per capita violent crime. Last year, there were 2.7 murders per 100,000 population; the national average was 9.1 per 100,000 persons.

A lot of the stress we do suffer here in God's Country can be blamed on our seemingly insatiable state and local governments. Wisconsin ranks 8th in the country in combined state and local taxes.

That figure gives ammunition to special interest groups trying to leverage "business climate" ratings into new tax breaks for industry. Yet not everyone in business is playing the game.

Pewaukee businessman Harry Quadracci, for one, recently denounced all the business climate talk as nonsense. Quadracci, whose firm grew from 13 workers in 1971 to 1,100 last year, dubbed as nonsense a recent Alexander Grant Co. study that tagged Wisconsin's business environment as the eight worst in the nation, and the initial *Inc.* Magazine rating, which listed the state as the third worst for small business.

"The fallacy of this kind of approach should be obvious," Quadracci said, adding that the ratings are "prepared solely on the basis of cost, without regard to value. No weight was given to the quality of the work force, schools, government, or lifestyle.

"But we don't run our business that way. We don't run our businesses solely on price, nor do we purchase goods and services on price alone. Our prices are not the lowest, nor the highest; rather they are calculated to reflect value. Why should a state be measured any differently?

"In Wisconsin, we get what we pay for. We get value."

WHERE WISCONSIN RANKS

1st—College board scores and voter turnout.
5th—Alcohol consumption.
7th—Welfare.
8th—Taxes, unemployment compensation, and teacher salaries.
10th—Use of library books.
11th—Hourly wage.
12th—Per pupil spending.
22nd—Unemployment.
28th—Per capita income.
43rd—Violent crime.
46th—Stress.
48th—Poverty.

THE REAGAN ADMINISTRATION'S ENDORSEMENT OF THE GENOCIDE CONVENTION TREATY

Mr. PROXMIRE. Mr. President, the Reagan administration's recent endorsement of the Genocide Convention Treaty has generated a great deal of publicity.

I am a longtime supporter of the Convention; therefore, my office has been inundated with requests for information about the administration's position and about the treaty itself. In response to these inquiries, I would like to direct the attention of my colleagues and the American people to a pair of administration statements that were presented in conjunction with the formal endorsement announcement. The first item is the State Department's September 5 press release on the Genocide Convention, and the second is an excerpt from President Reagan's September 6 speech before the B'nai B'rith International Convention.

As the State Department points out, the failure of the United States to ratify the Genocide Convention has left us vulnerable to propaganda attacks from several among the more than 90 nations which have joined in this important pact. Inasmuch as the United States of America actually stands second to none in the arena of human rights protection, we should move swiftly to eliminate the excuse for this unwarranted criticism.

After subjecting the treaty to painstaking scrutiny, the Reagan administration has rightfully concluded that there is no justification for further delay of ratification. The treaty's moral rectitude is beyond question; moreover, ratification of the Genocide Convention would be, in the State Department's words, "in the Nation's best interest."

I think the President deserves great credit for this. I know it was difficult for him to come to this conclusion. I am positive he did it strictly based on the merits, because my staff and I have talked to the State Department and Justice Department for a matter of months and found that they have continuously, not just because of an election that is coming up, but continuously over a number of months favored the ratification of the convention and wanted it studied carefully. They did and they came out on the right side.

I urge my colleagues to make an emphatic statement in support of human rights by supporting the Convention.

Mr. President, I ask unanimous consent that the press release and the speech excerpt appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE DEPARTMENT'S STATEMENT ON THE GENOCIDE CONVENTION

On August 22, the Administration completed an extensive review of the Convention on the Prevention and Punishment of the Crime of Genocide. As a result of that review and at the strong urging of the American Bar Association and other interested groups, the President concluded that it would be in the nation's best interest for the United States to ratify the Genocide Convention.

The commitment of our country to prevent and punish acts of genocide is indisputable. Yet our failure to ratify this treaty, which has now been pending before the Senate for thirty-five years and has been supported by Presidents Truman, Kennedy, Johnson, Nixon, and Carter, has opened the United States to unnecessary criticism in various international fora. We can refute such baseless criticism by ratifying the Convention, and more importantly we can utilize the Convention in our own efforts to expand freedom and fight human rights abuses around the globe.

In 1976, the Senate Foreign Relations Committee reported favorably on the Convention and recommended that the Senate give its advice and consent to ratification subject to three understandings and one declaration. This approach exceeded the clarifications considered necessary by the Nixon Administration, but the President supports these understandings and declaration and we believe they will help to secure Senate advice and consent to ratification of the Convention.

We look forward to working with the Senate to resolve any issues that may arise in connection with its consideration of this treaty. Ratification of the Genocide Convention would reaffirm in this international legal context the fundamental and timeless American commitment to human rights.

As a result of an extensive review by the Administration of the Convention on the Prevention and Punishment of the Crime of Genocide and at the strong urging of the American Bar Association and other interested groups, the President has concluded that it would be in the nation's best interest for the United States to ratify the Genocide Convention.

The Genocide Convention defines the act of genocide, confirms that it is a crime under international law, obliges States which are Parties to enact legislation to make genocide a crime under national law, and specifies that genocide shall not be considered a political offense for the purpose of extradition. The Convention also provides that disputes between Parties relating to the Convention's interpretation, application or fulfillment shall be submitted to the International Court of Justice.

For the purpose of the Convention, genocide is defined as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group.

President Truman sent the Convention to the Senate for its advice and consent to ratification in 1949, and it has remained pending in the Senate ever since. More recently, Presidents Nixon and Carter have endorsed the Convention. The Senate has not yet given its advice and consent to ratification of the treaty. More than 90 countries have already ratified or acceded to the Convention.

On several occasions, the Senate Foreign Relations Committee has favorably reported out the Convention, most recently in 1976 when it recommended that the Senate give its advice and consent to ratification subject to three understandings and one declaration. The President supports these understandings and declaration. Two of the understandings describe how the U.S. construes various elements of the definition of genocide; the third expresses the U.S. understanding that a State retains the right to bring to trial before its own tribunals any of its national for acts committed outside the United States. The declaration expresses that the United States Government will not deposit its instrument of ratification until after the U.S. has domestically enacted implenting legislation.

The Executive Branch stands ready to work with the Congress so that the United States may ratify the Genocide Convention. Before such ratification can take place, the Senate, by a two-thirds vote of Senators present, must give its advice and consent to ratification. In addition, implementing legis-

lation must be enacted which would add to the criminal code a new crime called genocide and set forth criminal penalties for its commission. After these events have taken place, the United States would deposit its instrument of ratification with the Secretary-General of the United Nations.

EXCERPT FROM SPEECH OF PRESIDENT REAGAN TO THE B'NAI B'RITH INTERNATIONAL CONVENTION

Anyone who has contemplated the horror inflicted on Jews during World War II, the deaths of millions in Cambodia or the travail of the Mesquito Indians in Nicaragua must understand that if free men and women remain silent in the face of oppression, we risk the destruction of entire peoples. I know that B'nai B'rith has been among the most concerned of the groups advocating American support for the Genocide Convention. With a cautious view, in part due to the human rights abuses performed by some nations that have already ratified the documents, our administration has conducted a long and exhaustive study of the Convention. And yesterday, as a result of that review, we announced that we will vigorously support, consistent with the United States Constitution, the ratification of the Genocide Convention. And I want you to know that we intend to use the Convention in our efforts to expand human freedom and fight human rights abuses around the world. Like you, I say in a forthright voice, "Never again!"

WHY WE SHOULD NOT COMMIT BILLIONS TO EXTEND NUCLEAR WAR TO SPACE

Mr. PROXMIRE. Mr. President, the White House is playing it quietly and cool for now, but it is reported that after the election they will put up a whale of a battle for something they call the Strategic Defense Initiative. Its critics call it Star Wars. Some taxpayers may call it a stickup.

The President proposes to spend about $2 billion in 1985 and $25 billion over the next 5 years simply to research the possibilities of defending against the Soviet Union's intercontinental ballistic missiles. The Congress, it appears, would approve about $1.5 billion for 1985.

How many billions would this program cost eventually? No one knows. How much will the research on the program cost? Again, no one knows.

Mr. President, how can any Member of the Senate buy a military research program for $1.5 billion down and $25 billion over the next 5 years when the military cannot even give us an outside estimate of how much we will eventually have to pay to get any possible benefit out of that research before we produce a single piece of hardware? For this kind of investment and research we at least should have a persuasive conviction that, when we get this new strategic defense initiative finally in place, it will work. Is it possible that this immensely costly defense against an ICBM attack from the Soviet Union will work? No, it is not.

What do the defense experts heading this new program tell us? What do they tell us it is designed to do? They tell us it is designed to shoot down the Soviet Union's incoming intercontinental ballistic missiles before they can strike targets in this country.

Why is this not possible? How can I be sure all the billions we spend on this program will not be wasted? Even the SDI experts from the Defense Department admit that these many billions will not work if the Soviets continue to build more and more offensive intercontinental ballistic missiles. Why is that? Because if the Russians initiate a strike they can choose their targets. They can exhaust the antimissile defenses. The system can only work—and get this—if the Russians agree in an arms control agreement to limit their offensive missiles. That is right. I am not kidding. Can you imagine the Russians standing still for this kind of agreement that would nullify their painstakingly constructed deterrent.

Will the Soviet leaders agree to abide by an arms control agreement that would make it impossible for them to retaliate in the event they should suffer a first strike? Mr. President, many Americans may still believe in Santa Claus. But not many believe that Santa Claus lives in Moscow instead of the North Pole and makes military decisions for the Soviet Union. Why in the world would the Soviets agree to nullify the deterrent that makes them a super power? The SDI experts tell us the Soviets would agree because they would win a quid pro quo agreement from the United States that we would reduce our ICBM's as they reduce theirs. We would also expect the Soviets to build their own antimissile system. So both super powers would be relieved of the haunting nightmare that the other power would launch a pre-emptive ICBM strike. Talk about a never-never land.

Now, Mr. President, what would be the full consequence of both super powers pouring this immense amount of resources into antimissile systems? We would have traded one kind of nuclear war stand-off—what we have now which is deterrence—for another an anti-intercontinental ballistic missile system. Would we have achieved safety for our country from a Soviet nuclear attack? Of course not. Neither the United States nor the Soviet Union would enjoy any more safety from low trajectory attack from such as cruise missiles or from the deployment of nuclear antidemolition devices by terrorists, or from low-flying plane attacks, or off-shore, in-close nuclear attacks from submarines.

Above all nothing in the Strategic Defense Initiative would prevent the nuclear technology from moving on within 4 or 5 years to develop new technologies to foil the antimissile defenses, not necessarily by saturation, but through the kind of invisibility that gives our new Stealth bomber such a decisive advantage, or through a variety of possible technological innovations. If we have learned nothing else over the centuries in warfare it is that military technology is dynamic. With each passing year it becomes more dynamic. It is something else. It is unpredictable. We do not know where the next military breakthrough will come.

We do know, however, that principles continue to apply in military doctrine. One is that the offense enjoys a continuing advantage over the defense. The side which uses offensive military weapons instead of relying on defensive weapons can choose the time, the place, as well as the quantitative and qualitative force. That principle applies as clearly for nuclear as for conventional weapons.

Does this mean that the answer to the Strategic Defense Initiatives or Star Wars billions is to spend billions on ever newer and more deadly offensive weapons? No indeed. The answer is to seek arms control agreement with the Soviet Union which the SDI experts say they also favor, but on a realistic basis, not by expecting them to agree to surrender their deterrent. They will not do that. We know they will not. But both super powers have everything to gain and billions to save by agreeing to a mutual comprehensive freeze on the testing, production, and deployment of all nuclear weapons. Let us get on with it.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR LAUTENBERG

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey [Mr. LAUTENBERG], is recognized for not to exceed 15 minutes.

The Senator from New Jersey.

THE GENOCIDE TREATY

Mr. LAUTENBERG. Mr. President, our colleague Senator PROXMIRE has been a lone voice, crying in the wilderness, urging ratification of the U.N. Convention on the Prevention and Punishment of the Crime of Genocide. Speaking, eloquently, day after day, he has made over 2,000 speeches on this matter here in the Senate. I congratulate him for his diligent attention to this important issue. This country should hang its head in shame among the family of nations for resistance to ratifying the Genocide Convention.

I have had many opportunities to study first hand the heart-rending evidence of the most far-reaching campaign of genocide in history, the despi-

cable work of the Nazis before and during World War II. That one group of human beings can turn against another in an attempt to wipe them off the Earth is beyond comprehension, and yet it has happened, again and again.

Early in this century, the Turkish slaughter of the Armenian people was nothing short of genocide. What was originally called the Ukrainian famine of 1932-33 is now known as a broad and orchestrated campaign of starvation, physical abuse, and internment, and called genocide by many. Today Cambodia is reported to be the site of genocide killings.

The litany goes on. The victims are many, the voices of outrage too few. The ratification of an international treaty outlawing the practice of genocide seems a small enough protest against the enormity of the crime. Still, this is a government of laws, and we write the moral bases of our society into law.

It, is therefore, imperative, that after a 35-year delay, the Senate should give its advice and consent to the signing of the Genocide Treaty. In the closing days of the 98th Congress the Senate should write itself a place in history by following the recommendation of the Foreign Relations Committee to ratify the convention.

President Truman transmitted the Genocide Convention to the Senate for its advice and consent on June 16, 1949. Hard on the heels of the end of World War II and the revelation of the world of the Nazi extermination camps, the United Nations declared genocide a crime under international law. This was followed by the drafting of the Convention of Prevention and Punishment of the Crime of Genocide.

Let us not lose sight of the background. The world was shocked by the evidence of lengths to which man can go when driven by irrational forces. One reaction was the swift passage of measures to outlaw and punish such genocidal actions against a whole people. Another action, motivated at least in part by the revelation of the genocide of World War II, was the establishment of the State of Israel.

Israel has provided a safe harbor for the victims of the Holocaust. But even there peace has proved elusive. Jews, Israeli citizens now, continue to die solely because they are Jews. And Arabs in that region of the world are dying violently, too. All are victims of difficult and seemingly intractable political conflict.

Yesterday's New York Times contained a quote suggesting that Israel might be charged with genocide under the treaty. According to the Times, it was stated that:

> Israel is likely to be the first victim of this convention * * * They have killed a lot of Arabs. Who knows what a World Court would do?

The killing of any person is a tragic event. And political conflict which involves bloodshed is no less sad. But that is a long way from "the intentional destruction of any national, ethnic, racial, or religious group." The Israelis have a right to defend their country and themselves. But clearly such actions are not genocide. It is somehow obscene, and a preversion of the term, to intimate genocide in this case.

A charge of genocide is not an accusation to be made lightly. Our arsenal of outrage and abhorence, indeed our very language, is debased and trivialized when extreme charges are glibly made. One of the most serious charges that can be leveled against a people is that they have engaged in genocide. Mr. President, the history and context of the Genocide Convention remind us of the seriousness of the charge, and make it clear that the actions of Israel in its fight for survival cannot be considered genocide.

Genocide is the atrocities committed against the Armenian people in Turkey during the time of the First World War. Some 1.5 million people of Armenian ancestry were killed throughout the Ottoman Empire and more were driven from their homes during that time.

Genocide is the actions of the Soviet Government during the early 1930's which resulted in wholesale deaths and displacement of the Ukrainian people.

Genocide is the deportation of Jews from all over Europe to slave labor and death camps in Germany and Eastern Europe for the express purpose of wiping out the Jewish people.

Genocide is the intentional uprooting and killing of millions of the Cambodian people by the Khmer Rouge forces.

Genocide is not fighting in the Middle East, the sectarian battles in Northern Ireland, or similar tragedies which have marred human history. It is clearly an undertaking of a more treacherous magnitude.

Mr. President, no reasonable objection can be made to a treaty that labels genocide an international crime which must be prevented and punished. Inventions of false cases in which charges of genocide may be brought do nothing to advance the debate about this issue. And they serve to defame the memories of those who were genuine victims of genocide. The only real question is whether the United States will join over 90 of her sister nations in denouncing genocide.

Mr. PROXMIRE. Will the Senator yield, Mr. President?

Mr. LAUTENBERG. I yield.

Mr. PROXMIRE. I want to thank my good friend from New Jersey for his remarks. I not only appreciated his references to this Senator, but also that excellent speech he has delivered.

He pointed out that genocide was not only the heinous and vicious crime committed by the Nazis against the Jews in Germany and throughout Europe before and during World War II, but has been perpetrated against Armenians, Cambodians, and people in the Ukraine time and again. It goes way back to the Romans slaughtering the Carthaginians, not because these people were a threat but because they happened to belong to a particular racial, ethnic, or religious group.

As the Senator said, people were killed not because they committed a crime but because they were Jews or Armenians or Cambodians—good, decent people were killed simply because the government wanted to exterminate them.

As the Senator has pointed out, this is as vicious a crime, as heinous a crime, as anyone can imagine. It is a crime committed by government, almost overwhelmingly, not committed by individuals.

The only way we can get at this is through international law. There is no other way we can do it.

Mr. President, the speech of the Senator this morning was one of the best I have heard. I have heard many speeches on genocide. I thank him for making an excellent statement.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Wisconsin for his kind comments. I congratulate him for his hard work and firm stand on behalf of the Genocide Treaty.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 11:30 a.m., with statements therein limited to 5 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

FIFTIETH ANNIVERSARY OF SENATOR GOLDWATER

Mr. BAKER. Mr. President, I wish to call to the attention of my colleagues the fact that tomorrow will be a very special day for the distinguished Senator from Arizona, the occupant of the chair, for I am told on good authority that it will be his 50th wedding anniversary. That seems hard to believe, considering the youth and

vitality of the distinguished occupant of the chair.

The thought that comes to mind most readily is that Peggy should be congratulated. I have heard it said on good authority that the reason that the Goldwaters have stayed so happily married for so long is that every Saturday, at 10 o'clock in the morning, Peggy Goldwater makes a conscious decision on whether she is going to let him live with her one more week or not. So far, she has answered in the affirmative.

Mr. President, I wish to congratulate the distinguished Senator from Arizona, and Peggy Goldwater, for a momentous occasion, their 50th wedding anniversary tomorrow. I am sure every Member of the Senate joins me in that respect.

The PRESIDING OFFICER. The Chair thanks the majority leader for his kind remarks.

CHALLENGES AND OPPORTUNITIES IN UNITED STATES-JAPAN RELATIONS

Mr. MURKOWSKI. Mr. President, I rise to share with you and your interested colleagues a report recently submitted to the President of the United States and the Prime Minister of Japan. The report, entitled "challenges and opportunities in United States-Japan relations," was prepared by the United States-Japan Advisory Commission. For those unfamiliar with it, the Commission is a small group of private citizens, appointed by the President and the Prime Minister and representing major sectors of society, to provide advance to our respective heads of state on the conduct of United States-Japan relations. David Packard, chairman of Hewlett-Packard, and Ambassador Ushiba, former State Minister for External Economic Affairs in Japan, have served as cochairman of the Commission.

As chairman of the Subcommittee on East Asia and Pacific Affairs of the Foreign Relations Committee, I am pleased to be able to share what I find to be some interested findings made by the Commission. The Commission found that the bond between the United States and Japan is strong and that "the two countries share a wide range of common interests and attitudes." It was felt that "no two countries possess the essential ingredients of a vital bilateral partnership—economic, political, and security ties—in greater degree than the United States and Japan."

While the report clearly emphasized the close relationship that Japan and the United States enjoy today and the possibilities for enhancing that relationship in the future to both countries' benefit, it also provides disconcerting and sobering examples of the number of relatively minor issues that have become politicized and are gradually eroding what Ambassador Mansfield has called "the most important bilateral relationship in the world, bar none."

The report points out that the difficulties our two nations face in our bilateral relationship today are by no means insurmountable. Indeed, in my opinion, the future for increased interaction between our two nations is great and will yield benefits to not only our respective nations, but will add a new dimension to the political and economic stability of our neighbors throughout the world. As the Commission report is quick to point out, however, both nations have improvements to make if our relationship is to continue to prosper and grow. Key to this growth is an understanding of each other's political processes and a willingness on both nations' parts to consider the long-term broader interests at stake and the grave damage to our world economic order if we let specific interests override what we know to be for the greater good of both nations.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report entitled the "Significance of the Relationship" which I found particularly interesting. I hope my colleagues will take the time to read it and the report in its entirety, for indeed, the significance of our relationship with Japan should not be taken lightly.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SIGNIFICANCE OF THE RELATIONSHIP

BETTER MANAGEMENT: THE KEY ISSUE

Fundamentally, the United States-Japan relationship is on the right course. Our countries share basically similar interests: the preservation of regional and global peace, the maintenance of open world trade and monetary systems, and access to raw-material and fuel supplies. Although our cultures differ vastly and we by no means share identical societal values, we both are dedicated to preserving democratic societies, promoting free enterprise, and respecting individual rights.

These interests are widely recognized in our countries, yet an unacceptable level of friction has become an unfortunate by-product of our relationship. The current, too often confrontational pattern of interaction between the two countries is eroding good will and mutual trust. We need to improve mechanisms for coordinating our own policies and dealing with each other. It is also imperative to increase popular understanding of the importance of the relationship. The United States and Japan will have failed in their leadership if they allow the fabric of their relationship to become damaged by preoccupation with short-term, narrowly focused controversies.

SOURCES OF FRICTION

Politicization

As the economic relationship between the two countries has grown, many issues in U.S.-Japan relations are injected into political debate before adequate effort is made to find solutions at the working level. Close relationships between particular politicians and special interests or interjurisdictional battles among bureaucracies can thwart compromise and elevate economic frictions into highly publicized political disputes. Fear of being criticized for being "soft" inhibits compromise at the bureaucratic levels.

Focus on Peripheral Rather Than Central Issues

There has been a tendency for a great deal of bureaucratic and political attention to be focused on questions that should be routinely resolved through administrative mechanisms. Debate on U.S.-Japan trade is filled with examples of longstanding petty issues, principally involving access for specific U.S. products in Japan, which become frequently cited symbols in our respective countries of the alleged unreasonableness of the other. These issues have diverted attention from broader problems of the kind address below under Market Access, and overshadow the many beneficial aspects of the relationship.

Shifting the Blame

In each country, the other is frequently cited as a cause of economic problems or political adjustments. American industries in economic difficulty tend to stress foreign—often Japanese—competition as a cause rather than a symptom of such problems as lower productivity growth, insufficient attention to long-term market share, or management mistakes. In Japan, U.S. pressures are frequently used to justify difficult political or economic adjustment that Japan should make anyway in its own economic interests.

Bilateralism

Unlike U.S. relationships with its European allies, U.S.-Japan relations are characterized by a high degree of bilateralism. Many of the adjustments involved in Japan's assumption of broad international responsibilities and the attendant changes in its domestic system, e.g., financial deregulation, are worked out in the context of the bilateral relationship. This process inevitably casts the United States as a source of pressure and places a heavy political burden on the relationship. It diverts Japanese debate away from questions of broader global responsibilities toward the focus of whether the adjustment is being made to please the United States. It also results in suspicion in third countries that Japanese trade concessions or other adjustments are skewed to favor the United States.

AN ACTION PROGRAM

Some of the causes of these problems have been the failure to recognize the mutual benefits of the relationship, the absence of a longer-term vision of goals toward which the two countries should strive, poor policy coordination, inadequate recognition of the need for policy changes, and inadequate implementation of commitments and policies.

Japan and the United States should develop an action program to address these shortcomings and improve the management of their relationship with each other.

Establishing an Agenda

There are lessons to be learned from the precedent set during the consultations between the President and Prime Minister in November 1983. The two leaders personally established a priority agenda for addressing the most pressing issues pending between

their countries, and directed their respective administrations to follow through on their decisions.

We recommend that this become a permanent process, focusing on measures directed toward realizing longer-range goals. Approximately once a year, the two leaders should take advantage of one of their periodic meetings to develop common longer-term goals and plan a course of action addressing the issues they believe call for priority attention over the next three to five years. These agendas would anticipate problem areas, not only between Japan and the United States, but elsewhere in the world, where joint cooperation is especially desirable, and would be reviewed on a continuing basis. They should provide guidelines to shape the work of subordinate departments and agencies, and the implementation should be assessed at each subsequent meeting.

It must be recognized, of course, that some decisions will call for legislative action or require the concurrence of successor administrations. Accordingly, there is potential for criticism if the requisite support is not forthcoming. However, if understood as laying out intentions that the respective administrative branches of government will make their best-faith efforts to live up to, this danger can be minimized.

Improving National Policy Coordination

As indicated above, management of U.S.-Japan affairs is of such importance that overall policy must be established at the highest levels. In Japan, because of the paramount importance of the U.S. relationship, the Prime Minister should maintain direct authority over coordination of policy relating to the relationship. In the United States, policy coordination should be vested in a Cabinet-level officer under the President. We applaud the decision to have the Secretary of State coordinate Japan-related policies. This direction should not impinge on the prerogatives of other agencies or restrain the essential contacts of counterpart officials—if anything, these should be expanded. The Secretary of State, however, should insist that major negotiating positions be developed under his direction, and that once established, policies be pursued with a single negotiating voice. The views of the private sector, including representatives of the business community and academicians, should be sought in the policymaking process.

Policy coordination also presents special problems in Japan, where administrative power is less centralized than in the United States. The bureaucratic and political process entails lengthy and complicated consensus building. The coordination process is likely to become increasingly difficult in Japan's external relations as more and more issues involve several ministries or agencies, each with its own institutional set of interests and constituents. It is essential that Japan update policy-coordination mechanisms to meet the requirements of a more complex society and international environment.

Effective Implementing Mechanisms

A source of continuing friction in the relationship has been tardy or inadequate implementation of commitments. This has been a particularly difficult problem in Japan, where too often commitments have been made or implied, but implementation has been thwarted by bureaucratic opposition.

As discussed below under Market Access, Japan needs to develop stronger mechanisms to ensure that once commitments are given, they are implemented fully and on schedule. Dates should be specified, and checks instituted to ensure these dates are met.

Establishment of a Special Commission on Japan's Agenda for Strengthening the International Economy

It is time for Japan to formulate its own agenda of external and internal tasks to improve the working of the international economy, rather than simply respond to successive U.S. pressures. Japan's economic packages, discussed under Market Access, are an example of a reactive approach which is losing its effectiveness.

To escape the pitfalls of a reactive approach, Japan should establish a "Special Commission on Japan's Agenda for Strengthening the International Economy," analogous to Japan's Ad Hoc Commission on Administrative Reform. This commission would be charged with identifying areas where Japan can make a stronger contribution to the international economy through further measure to open its markets, develop new international rules, exert diplomatic leverage, and share its capital and technology.

Relating the Pieces to the Whole

The extent of high-level meetings between Japanese and U.S. officials is impressive. The President and Prime Minister have met four times, while the Secretary of State and Foreign Minister have met together on thirteen occasions since January 1983. Regular meetings take place between Cabinet officers responsible for defense, finance, trade, agriculture, labor, and occasionally, education, law enforcement, etc. Moreover, the various aspects of economic affairs are collectively addressed at the biannual Economic Sub-Cabinet meetings, while the Secretaries of State and Treasury jointly meet with the Ministers of Foreign Affairs and Finance at the annual Summit meetings.

In recognition of our common international interests, close security relationship, and Japan's more active foreign policy, it is suggested that occasional joint meetings be held of the Secretaries of State and Defense and Minister of Foreign Affairs and Director General of the Japan Defense Agency, at which regional and global issues with broad security implications would be discussed.

Multilateralizing the Economic Relationship

While the resolution of bilateral issues should not be allowed to lag, a good number of the issues in U.S.-Japan economic relations need to be addressed in a broader context. This is true of exchange rates as well as trade.

With regard to trade issues, a new multilateral round of trade discussions in the GATT is needed further to develop international trade rules and continue the momentum of trade liberalization to ensure a more open and fairer world trading system. Our two governments proposed such a GATT round at the recent London Economic Summit, but to prepare the ground, more concrete action is required.

Japan should develop a multilateral trade initiative laying out those particular tariff and nontariff barriers on which it is prepared to negotiate, as well as the kind of concessions it is most interested in obtaining in a new round. Because Japan has by far the largest current-account surplus among the industrialized democracies, it is in a position where it need not demand or expect full reciprocity from its trading partners. However, some reciprocity is needed to make trade concessions more politically acceptable in Japan and to promote a more general reduction of trade barriers.

On the U.S side, the Administration should seek new trade negotiating authority that will strenghten its bargaining flexibility. U.S. trade negotiators are severely limited by authority which largely restricts them to asking for unilateral concessions, in return making it difficult for other countries to negotiate.

Using International Institutions for Dispute Resolution

In general, bilateral disputes should be resolved bilaterally. Japan and the United States should, however, not hesitate to use international dispute-settlement mechanisms, particularly if negotiations on ongoing issues have become so acrimonious that they threaten good will between the two countries. In this connection, Japan has been reluctant to make use of GATT dispute-settlement mechanisms, and has tended to regard resort to GATT by its trading partners as a hostile move. Japan should overcome this "GATT allergy."

Inasmuch as international dispute-settlement mechanisms are not well-developed and the procedures are slow, Japan and the United States should work together to make these mechanisms more effective.

Needless to say, more effective management of the relationship is not just a matter of governmental procedures. Procedures are a means of achieving more effective actions. Actions are needed in many instances to improve the quality of the U.S.-Japan relationship, as the rest of this report will make clear.

AID TO POLAND

Mr. MURKOWSKI. Mr. President, as a Polish-American and an individual committed to the promotion of free enterprise and the private sector, I want to express my resounding support for S. 3000, a bill authorizing aid to the private agricultural sector in Poland. I ask unanimous consent that I be added as an original cosponsor of Senator PERCY's resolution.

Throughout the world we see many countries whose economies are being suffocated by excessive government involvement. Poland is one clear example. However, after 18 months of negotiations between the Polish church and the Government, a law has been passed which allows the establishment of private charitable foundations for the first time in postwar Poland. Negotiations on a separate statute specifically governing the church-affiliated agricultural foundation are nearing conclusion.

The Polish church in conjunction with the administration and Chairman PERCY have conceived a plan to channel Western assistance to Polish agriculture. Such assistance will strengthen this industry, increase food supplies, and enhance the church's role in the countryside.

Today, private farms occupy about 75 percent of Poland's farmland. Most

of the remainder consists of government-owned farms with collective farms occupying 1 percent. Crops account for nearly three-fifths of the value of Poland's agricultural production, and livestock accounts for about two-fifths.

Polish and German agricultural specialists have identified 10 key sectors of Polish agriculture which would benefit from Western assistance. In the July issue of Polonian, it is mentioned that Upper Silesia, 1 of 7 land regions in Poland, is an "ecological wasteland."

This particular region has rich farmland and is also the most highly industrialized region in Poland. Its smokestacks emit one-third of the gases and one-fourth of the soot polluting the country's atmosphere. This pollution has caused widespread respiratory and other diseases and only half of the region's farmland can produce food fit for human consumption. Also, butter, meat, sugar, chocolates, and cereal are being rationed.

The pilot project will channel $28 million into a modest test project in each of the identified key sectors. The U.S. contribution to this endeavor will be $10 million as announced by the President last month. Other contributors have not been formally announced but it is the understanding of the administration that another $8,200,000 has been pledged with $200,000 of that figure donated by Lech Walesa from his Nobel Peace Prize money.

That's quite a sacrifice from one individual, Mr. President, and an affirmation of the necessity of this program as well as a commitment to its success. We, as a country, are committed to the Solidarity movement; let us now make a small sacrifice in helping to insure its success.

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

Mr. CHILES. Mr. President, I am voting against the cloture motion on Senate Resolution 66 to provide for TV and radio coverage of Senate proceedings. In doing so I am not registering opposition to the concept of televising the Senate. I support the idea of Senate broadcasts. As a Senator identified with the sunshine law and open committee meetings, I commend any effort to make the processes of Government more accessible to the public.

My concern rather is whether we are giving adequate consideration to this resolution; whether we have fully explored its implications and whether we have sufficiently addressed the problems that will certainly result. Make no mistake, passage of the resolution will have far-reaching effects on the operation and indeed the character of the U.S. Senate. It would well revolutionize the manner in which we conduct our business and perhaps even the nature of the issues that come to the Senate floor. There may well be important benefits for the general public. There may also be serious consequences for the legislative process and the ability of the Senate to conduct its business.

Consequently, this is not a matter to be dealt with in the hectic, closing days of Congress. This is not a pressing or urgent matter but it is important. And its importance warrants a full debate and a full consideration of all options. In the climate of the end of a Congress that is not likely.

I feel we should be considering the option of televising only debates on the more significant legislation the Senate addresses. I question whether gavel-to-gavel coverage will represent a real contribution to the edification of the public. Much of the significant business of the Senate does not take place on the Senate floor. When the Senate is engaged in a full-scale debate on a bill or issue of national importance, the public would have a valuable insight into how its business is being conducted. That claim cannot be made for the day in, day out actions of the Senate.

In providing for gavel-to-gavel coverage we may be opening the door to an unneeded and detrimental politicization of the Senate floor. Obviously, politics is part of what we do but the Senate would be ill served if the floor of the Senate becomes an annex of the recording studio. I do not believe there has been sufficient thought given to how we safeguard against the political misuse of television coverage.

In like manner, I am concerned whether the rights of the minority will be fully protected under the resolution. Televising the proceeding could have drastic impact on operations of the Senate; operations which are controlled by the majority. Control of the floor and of legislative scheduling will take on a whole new importance. The impact on the minority and how the minority is protected must be fully aired and resolved.

Mr. President, I hope the Senate will not act precipitously on this measure. As Senators we have an obligation to the Senate as an institution. It is a unique legislative body. It changes and improves but in its traditions are the seeds of its greatness. The essential adjective for the Senate is "deliberative" and if we enact changes that may fundamentally alter the Senate it must be done with all due deliberation. Thus, I cannot support this motion.

ELECTION YEAR DEBATES JUST STARTED

Mr. MELCHER. Mr. President, the Presidential campaign swirls around the country, with media coverage of statements involving religion, patriotism, national defense, foreign affairs, deficits, and taxes.

Yet to emerge in the Presidential debates are the basic questions of the disastrous conditions of the U.S. industries that depend upon production from the earth. The President may have fired the initial popgun by announcing Tuesday an obscure procedure of negotiations on imported steel and turning loose long-pent-up Farmers Home Administration farm loans. Hardly anything but election year tactics.

Agriculture, forest products, minerals and energy all come from the earth, and all of these industries are on the brink of economic disaster.

When a candidate in 1980, the classic campaign question of Ronald Reagan was: "Are you better off now than you were 4 years ago?"

That same question should be asked now of those who toil the earth, those that mine or drill the earth, or those that harvest the trees that grow from the earth's forest lands.

For agriculture: Farmers, ranchers, agribusiness, and Main Street;

For minerals: Miners, smelter workers, mill workers;

For forest products: Loggers and sawmill workers;

For energy: Oil and gas producers, roughnecks.

Their answer is: "No, no, no, and no."

Agricultural prices are at their lowest level, in relationship to the cost of production, since the dark days of the Great Depression in the 1930's. While it is hard to imagine that farm prices could go lower, there is no question that costs keep rising and more producers go out of business every month.

In the case of minerals, the lower prices have meant closing mines, smelters, and mills.

In the case of copper, the real question is whether any domestic producer will be left in business after this year.

With the forest products industry, prices for dimensional lumber are off 40 percent, and with the further sagging of home construction, there is the prospect of a bleak winter at best—and at the worst, the permanent closure of a significant number of sawmills.

Energy is faring only slightly better, with a very low percentage of rigs drilling wells, and the number of available jobs cut by one-third. The country follows a pied-piper energy policy, in that a higher percentage of oil and gas consumed in the United States is imported; and in the case of natural gas, the decrease in drilling is like a lighted fuse on a stick of dynamite. So sharp is the decrease in drilling for natural gas that a shortage in 5 years is certain, followed by escalating costs to consumers.

With all of these basic industries, high interest rates and escalating costs during the past 4 years have brought producers to their knees.

Sure, there has been a lower rate of inflation during the past year. We thoroughly understand that. But a great part of that decrease in inflation has come out of the hides of basic commodity and mineral producers as prices for their products have declined. Yet their costs of production have gone up even as the price for their products has gone down. They understand full well why there are lower inflation rates as their pocketbooks and bank accounts have declined. Their debts have greatly increased.

In the case of each of these basic industries a floundering trade policy is a part of their demise. The strong dollar has worked to their disadvantage. Our exports are off. Our imports are up. Copper and steel import problems are fresh in the minds of the public. Lumber imports from Canada have captured about one-third of our soft wood market. Rarely discussed is that imported gas from Mexico, Canada, and Algeria receives a much higher price than the conditions allow for domestic producers.

The trade imbalance allowed by this administration has reached the staggering amount of $120 billion more in merchandise and commodities imported than is sold abroad. And the balance of trade, including services which used to be the backstop for a merchandise and commodity imbalance, is now $80 billion in the red. With an administration that has established a world-record national debt of $1.6 trillion, the trade imbalance, while a staggering record itself, seems puny.

It should be noted that the debate on tax matters has left these producing people out. It's simple. No profit—no income tax. No job—no pay check—no income tax. No business—no tax.

For Main Street and the agriculture, mining, and forest towns of America, in all the 50 States, the serious economic collapse of an adequate price for producers to cover costs has meant creeping stagnation and closures of small businesses.

The question for all of these producers and their suppliers is survival. Numbering in the tens of millions, their economic recovery is in jeopardy. Consequently, the heralded economic recovery is spotty and very uneven throughout the country. Without recovery in these basic industries, there is truly no chance of a sound recovery in the United States, despite the ever-increasing amounts of deficit defense spending by this administration or, for that matter, the next administration.

So, on with the debate in this Presidential election campaign.

If farmers and ranchers like it the way it is, then they can cast their votes again for Ronald Reagan for President.

If miners, smelter and mill workers like it the way it is, then they can cast their votes again for Ronald Reagan for President.

If loggers, sawmill workers, and paper workers like it the way it is, then they can cast their votes for Ronald Reagan for President.

If oil and gas independent wildcatters and roughnecks like it the way it is, then they can cast their votes for Ronald Reagan for President.

But I believe that we can do much better for the basic American industries with trade policy, with monetary policy, and Federal Government policy. I believe that prompt changes can bring prompt reversals in the deepening pit of economic collapse for these industries, and that is absolutely essential for economic recovery in the United States.

To add true dimension to the opportunity for national debate on these critical matters during the weeks ahead, I have asked Walter Mondale to meet with myself and other Democratic Senators to discuss with us what appears to be the dominant issue of 1984: Saving these industries from further collapse and to assure their survival.

President Reagan has either not understood their importance or lacks the necessary leadership to change this course of decline. We deserve better. I am certain that we can do better and that the entire spectrum of the American people will benefit when we do better for these basic industries.

In food aid alone, although we have staggering amounts of Government-owned surplus food in Federal warehouses, this administration failed, faltered, and fumbled in not using them wisely and prudently as U.S. policy for the hungry and malnourished at home and abroad.

Surely ordinary horse sense can become part of the Presidential campaign debates as these issues for the American voters to consider before they cast their votes on November 6.

TV COVERAGE OF SENATE PROCEEDINGS

Mr. CRANSTON. Mr. President, for the past couple of weeks—as well as 2 years ago, when the issue first came up—I have listened to or read most of the debate on TV coverage of Senate floor proceedings.

I am aware of the advantages and the possible problems and pitfalls of such coverage.

And I believe I understand the complexities—and appreciate the perplexities—of the issue.

But from the very beginning, there has never been any question in my mind:

Senate proceedings should be open to television coverage.

I believe in the people's right to know what is going on in their Government.

More than that, I believe it is the people's responsibility to know what is going on in their Government.

And I believe it is the duty of Government officials to tell them.

More than that, I believe that the people should, where possible, be allowed to see for themselves.

There's altogether too much mystique, too much of a mystery made about government.

Democratic government is not an exclusive, arcane rite to be kept accessible only to a select few.

It is an open proceeding, with decisions openly arrived at, to be participated in and witnessed by as many people as is practically possible—and still get the job done.

I repeat: I believe there should be TV coverage of the Senate.

But—and no one regrets more deeply than I the necessity for me to utter that "but"—I am adamant that that coverage be fair coverage.

And under the pending proposal, Senators, especially those of us who are presently—but not forever—in the minority, have no real assurance that coverage will be fair.

Indeed, the way the Senate has been operating of late, we have reason to fear that it won't be.

We have seen the development of new techniques to set up artificial parliamentary situations so as to thwart legitimate debate—techniques like the so-called blockade arrangement under which two majority Members, aided and abetted by the Chair, propose first and second degree amendments and then keep it pending without bringing it to a vote. This tactic effectively blocks consideration of any other amendments for hours—or days—unless the Republican handling the legislation is willing to grant unanimous consent to set aside the blockade amendment.

We have seen too many instances of the Presiding Officer ignoring a Senator on this side of the aisle who is standing and seeking recognition, and recognizing instead a Senator on the other side—in response to head and eye signals but in violation of Senate practice and tradition. This is a tradition so time honored and essential to comity that it led former Vice President Nelson Rockefeller—in a gracious and historic gesture—to apologize to the then Senator from Alabama, the late James B. Allen, for failing to recognize him though Senator Allen had been on his feet seeking recognition.

To quote the Vice President directly:

Every Senator in this distinguished body has, at all times, the right to be heard and it is the responsibility of the Chair to see that

that Senator or those Senators have that opportunity. . . .

I want to assure this body that as Presiding Officer I totally recognize the responsibility, the need, and the essentiality of recognition of any senator, from any State, at any time.

We are all aware of the temptations to which the Chair ordinarily is subject to abuse the power of recognition, especially on highly controversial issues. We Democrats have not been blameless when we've been the majority. That's without TV.

How much greater will be the temptation—and how much weaker will be the power to resist temptation—when recognition means the bestowal of prime time exposure. And when nonrecognition—by one means or another—means no exposure at all.

Mr. President, 2 years ago the Senate rejected a similar proposal for TV and radio coverage.

In summarizing the arguments against the proposal, the Senate Republican Policy Committee—I want to stress that; the Senate Republican Policy Committee—said in part:

The proposed coverage might force the Senate to adopt rules on debate a la the House. In examining the House experience with television, we must remember that the House is preeminently a representative body. Accordingly, its rules have been designed to protect the majority, to insure majority rule. Further, owing to its size, it is a structured institution with limitations on debate. In contrast, the Senate abides by rules and customs which, reflecting its deliberative purpose, place a premium on fairness over efficiency. Indeed, they have the specific function of protecting the rights of a minority, even a minority of one. Yet television coverage would signal the end of the Senate tradition of free, unlimited discussion, as pressures mounted from within and without to constrict debate.

This proposal is objectionable because it turns over to a single committee the total authority to establish whatever rules and requirements of implementation it may deem necessary. The full Senate should have an opportunity to examine these rules.

Finally, too many pertinent questions as to the effect of this proposal remain unanswered. Will the rules for recognition of individual Senators have to be revised to allow a more organized and predictable sequence of speakers? In order to establish legislative history, which will take precedence: the written record, where Senators are permitted to revise their remarks and insert material, or the video recording of what actually transpired? Will the free flow and occasional chaos of rollcall voting have to be replaced by electronic voting, as in the House? Will we have to replace the use of frequent quorum calls with a far more structured order of business in order to accommodate the demands of public television?

In short, this is not simply a matter of extending the public gallery. The rules, customs, and traditions of the Senate will be affected, perhaps profoundly and irrevocably damaged.

Mr. President, 2 years have gone by and those questions and concerns still have not been addressed.

Until they are—until the Senate majority and minority agree on procedures that will guarantee fair play to all and that will enhance rather than demean this great body—I cannot vote for the pending proposal. And for those reasons, I will not support cloture, for cloture would stifle debate, and could lead to a premature decision that could deprive the present minority Democrats of their rights today and could deprive the future minority Republicans of their rights tomorrow.

TELEVISION IN THE SENATE

Mr. MATTINGLY. Mr. President, as with many issues we face in the U.S. Senate, the question of whether to allow television cameras in this Chamber is not one where the arguments are all on one side. There are legitimate points to be made in favor of allowing the cameras in to broadcast all our deliberations.

If you view the issue narrowly, the arguments in favor of the cameras are persuasive. I have always supported openness in government including letting the public and press in to cover meetings at the State level that had always been closed.

I also want to make it clear that I am not irrevocably opposed to any and all broadcast coverage of the U.S. Senate. I am opposed to Senate Resolution 66, which would authorize gavel-to-gavel coverage without addressing the almost certain rules changes that would be forced by such coverage.

There is more at stake here than simply allowing television coverage of Senate debates. For the decision we make on this issue could force profound changes on the institution of the U.S. Senate.

I am not speaking here as a traditionalist who opposes all change, who believes the old way is always the best way. As many of my colleagues can testify, I am usually in the forefront of those demanding reform. For example, I recently testified before the panel headed by the Senator from Indiana that is studying the Senate committee system. We do need to make changes in the Senate. We must make changes that will allow this body to operate more efficiently and effectively. But they need to be changes that have been carefully studied for all their possible ramifications.

It is my strong feeling and belief that if we simply open up the galleries to television cameras for gavel-to-gavel coverage, many profound changes will be forced in the way this 200-year-old institution operates. I confess to you that I do not claim to know what all these changes will be. No one can predict with any certainty. What is disturbing, however, is that the proponents of this resolution do not seem to be concerned about it. They want to force this one change and then let the shock waves of that decision rumble through the system forcing adjustments willy-nilly.

Now there are many reforms that are needed in the Senate. They are the reforms that will help us efficiently govern this country. We need to consider all of these questions and proposals as an overall restructuring of the Senate. We should not pull out one idea and try to institute it without careful consideration of all of its possible ramifications. We should know beforehand, what Senate rules must be changed to accommodate this new development. I do not see how the current rules would long survive gavel-to-gavel television coverage.

At times, the debate over this issue is trivialized, as if the opponents were simply afraid of television or were seeking to keep something from the public. There are no secrets here. The Senate does not suffer from a lack of press and media coverage. We are not holding secret meetings here. Reporters from all over the world attend our sessions. They are free to write or broadcast any information they learn or any opinion they form from watching our deliberations.

I do not think the public suffers greatly from a lack of information about the happenings in this Chamber.

There is no doubt the television reports on our actions would be more lively if the reporters could use video tape of the actual speeches. There might be a few people who would pay more attention to that part of the news.

But I do not believe there is any great popular outcry over the lack of television coverage.

So, what is driving us to make this decision immediately? First of all, the House of Representatives has allowed the cameras in and although the situation there is very much different than what we would face on this side, changes have resulted.

One of the biggest changes is the access to the national networks this has given the Members of the House. It is natural that the reporters and editors focus more on the activities over there than they did in pretelevision days. Having to choose between a reporter reading Senate quotes and tape of the actual House debate and speeches, I would put the House on the evening news myself. I have my doubts that it produces better Government, but it certainly produces better television.

More recently, there was a new development. The House proceedings are broadcast on cable television by C-SPAN. A group of energetic young Republicans led by my good friend and colleague from Georgia NEWT GINGRICH began to make speeches geared

toward educating the viewing public on issues that were not being addressed by the House of Representatives leadership. It wasn't too long before the Speaker and the rest of the leadership had to react. As the saying goes, "A hit dog will holler."

All of this received great publicity in the media. Also Members of the Senate began to notice that the access to television was slowly changing the status of some Members of the House. Until television went into the House Chamber, the average Congressman was fairly unknown outside of his district. Now as the television stations back home tape speeches off C-SPAN for use on local news, Congressmen are becoming much better known throughout their States. A few have become regular features of the network newscasts and were developing national reputations.

Now this may come as a shock to some of those watching these proceedings from the galleries. But all Senators have egos. There are few of us who believe in hiding our light under a bushel. When we introduce a bill or take a stand on an issue, we do what we can to get the word out to the public. That includes the use of television. There are few things a politician enjoys more than getting on television.

The Members of the Senate have been carefully watching the rapidly developing situation in the House. They have watched nervously as the new stars of Congress have been born. This is especially true of Senators who might harbor an ambition to be on the national ticket of one of the Presidential parties. No one can say for certain, but there might be one or two Senators who have such ambitions. Even those without Presidential dreams have concerns. After all, those suddenly very visible Congress men and women might be contemplating a race for the Senate.

What the increased coverage from the House has launched is a type of "Star Wars." We hear that term referring to space weaponry. But it also applies here. Some of my colleagues are alarmed that the Senate is being left behind in the "Star Wars" race. Resolution 66 could be called the Senate defense bill. We've fallen behind in the media war and need to counter the House's new weapon.

That is one of the hidden movers behind this proposal. I do not mean to suggest this is the motivation of the prime sponsors. After all, no one has backed this idea more than the majority leader. I know how deeply and sincerely he believes television coverage will be a good thing for the Senate and for the country. As the majority leader is leaving the Senate at the end of the year, he will not be able to participate in the televised debates.

Let me add, that I will greatly miss the gentleman from Tennessee. We will have to get along without him next year and that will not be easy in the best of circumstances. If this resolution passes, we will truly need his wisdom, patience, and leadership. If Resolution 66 passes, I may organize a write-in campaign down in Tennessee to force the majority leader to return to the Senate for another 6 years.

As I said in the beginning, there is a legitimate open Government argument for letting television into this Chamber. But there are other factors at work here too and they should be brought out into the light of day.

There are no votes to be won by voting against this resolution. There are no constituents that will be made happy by voting no on television. I doubt there will be many made unhappy by a no vote either. But there will be some. And they will surely hear about it, for voting no to television will not be popular with some of our friends in the media galleries who have a special interest in this resolution.

So, why go against the stream? Why oppose this resolution?

There is something called the law of unintentional consequences. That might be best expressed as, "Today's solution can become tomorrow's problem." Congress provides regular illustrations of the law of unintentional consequences, but let's look at Senate Resolution 66.

I believe gavel-to-gavel coverage of the U.S. Senate will mean the end of the tradition of unlimited debate. There is no way unlimited debate can be allowed once television cameras are in this Chamber.

Now perhaps, you want to do away with unlimited debate. There are arguments that can be made in favor of that change. I would be interested in hearing them and reading studies on what this would mean to the process.

What I cannot understand is the backhanded, thoughtless way we could be ending something that began with our Founding Fathers. Unlimited debate is one of the crucial differences between the House and the Senate.

Although some argument can be made over how well the House has adjusted to television coverage, I think it has been fairly successful. But the House is not the Senate. There is the critical difference over control of access to the floor.

Some of my colleagues who have served in the House can speak to this better than I. But my understanding is the Members of the House have 1 minute each morning that they can each take, if desired, to discuss whatever issue happens to be on their mind. One minute. That's all. After that, it is the leadership and the managers of legislation who control the floor. When they are debating legislation, the floor manager of a bill might yield 5 minutes or 10 minutes to the Members desiring to speak on the bill. The speeches we have heard so much about in the House are special orders which come at the end of the legislative day.

Could not the Senate do this? Yes, we could. But only if we had iron control over the access to the floor. Currently, if a Member is speaking on a bill and he gets warmed up on the subject, he can go on for quite some time. As long as there is no time agreement on legislation, there is no control on the length of a speech by a Senator. If a Senator wants to speak on a bill, he or she can. This is as it should be.

What would happen if Resolution 66 were passed?

There would have to be a time agreement on every major bill or we would be forever getting to a vote. Right now, if a Member wants to put his views on record he does not have to read every speech on the floor. The speech can be placed in the CONGRESSIONAL RECORD. Many of us wanted to say something on the historic occasion of the confirmation of Supreme Court Justice Sandra O'Connor. There were no negative votes that I can remember. Yet, it took the better part of a day to get to that vote because of all the speeches that had to be made. That was under our current rules. With Resolution 66, we might still be trying to get to a vote on her nomination.

Why is that? It is often overlooked in discussing television in the Senate that we are not just talking about the availability of the Senate action going to just the national networks and C-Span. Local television stations will also be regular users. Some, of course, have bureaus here in Washington. But that isn't necessary in order for television stations to obtain tape of its two home State Senators.

These local stations will have access to the C-SPAN feed. The news departments will be able to tape their State's Senators' comments for use in that evening's newscast.

If you home State colleague goes to the floor to make a statement on the bill, this will be on the televison stations back home. The people at home will wonder why their other Senator didn't speak on the issue.

How can you control this problem? It would place an intolerable burden on the majority and minority leaders. They have to move legislation forward as best they can. It is an extremely difficult task coordinating the activities of 100 individuals. I am in my first term in the Senate and I have not served with any leadership other than our current majority and minority leaders. But it is hard to imagine how we could be blessed with any more knowledgeable and accomplished than

the gentleman from Tennessee and the gentleman from West Virginia. To my friend from Tennessee, let me say that I think he has performed miracles in the last 4 years. I deeply regret having to oppose him on an issue he feels so strongly about. But I do not believe a majority leader, even one so accomplished as our current leader, could keep the agenda moving forward with a rules change that I am positive will result in far more speech making on the floor of the Senate. We move at a snail's pace now. But if this resolution passes, we may view this as the last of the real action days in the upper Chamber.

Now this problem will go far beyond speeches on the substantive issues being debated and voted on in this body. Resolution 66 will be the greatest boon to press secretaries since the invention of the press release. Most Senators, if not all, want to get on television and their press secretaries work to make this possible. We make video tapes and send them to stations and now we even have the ability to beam our message back home by satellite.

With Resolution 66, we could cut out the middle man. With gavel-to-gavel coverage of the Senate floor, anything a Senator wanted to get to his television stations at home, he could say on the Senate floor. This is in addition to whatever live viewers would be watching the coverage on C-Span. They would be a bonus. The real prize would be the pick ups made by stations from the cable broadcasts from the Senate floor.

If your press secretary hasn't thought of this yet, he will. And although we might all deny it now, this technique will be used.

Let me give you an example. The CONGRESSIONAL RECORD is replete with tributes to individuals and institutions. Anniversaries are recognized, achievements praised, and the dead are ulogized. But for the most part, this is done through inserts in the CONGRESSIONAL RECORD. We can even have the excerpt from the RECORD printed on parchment and suitable for framing. With Resolution 66, this type of activity will quickly find its way onto the floor of the Senate.

This is how it will happen. A college in your home State is celebrating its 100th anniversary. Your press secretary writes up a nice little speech recalling all the history and achievements of this fine institution of higher learning. He then calls the news directors at the television stations in the city where the college is located. The Senator, he tells them, will be paying tribute to the college on the floor of the Senate this afternoon.

Do you think the stations will use that tape? Of course, they will. After all, this speech has something that no tape made in our studio will have. It's not a canned little talk. This speech has the entire U.S. Senate as a backdrop. It makes for great television. You bet it will get used.

After this type of circumstance has gone on a few times, what do you think your home State colleague is going to do when he sees you on the television extolling the virtues of the 100-year-old college? He might be in the middle of figuring out where to put the MX missile. But I'll tell you what he is going to do. He's going to call in his press secretary and tell him to work up a good 10-minute speech on that college. Maybe I'm wrong. Maybe human nature isn't what I think it is. He might continue to do his real work and not worry about commemorating the college's anniversary. When the voters down there wonder about his silence and ask him, this statesman can explain that he had more important things to do. I am certain they will understand.

I predict that if Resolution 66 is passed and gavel-to-gavel coverage instituted, we will see many of the items now just printed in the CONGRESSIONAL RECORD read on the floor of the Senate. We will endure this onslaught of rhetoric until we are forced to change our rules and more tightly control access to the floor. To the future Senators who will have to draft these new rules, I would like to wish them good luck and express my sympathy. For how can you craft a rule to cut down on extraneous talk and speed up Senate action, without opening the door for future abuse. Anything you do in that line will eventually be used by a majority seeking to shut off or limit debate.

In addition, who will decide who gets to speak? The leaders? Will Members have to go hat in hand to their leader to get permission to speak on the floor? Who will decide who gets 10 minutes and who gets 5 minutes?

And, of course, there is a world of difference between speaking at 4 in the afternoon and 9 at night. On a normal day, 4 in the afternoon would be a good time. It would give the television correspondents time to edit a portion of that speech into a report scheduled for that night's newcast. But if the debate was hot enough, the networks might carry the debate live. The "plum" time would then be when the maximum television sets would be tuned in to watch.

In recent Presidential election years, we have witnessed the candidates for nomination holding debates throughout the country. If we pass Senate Resolution 66, Presidential candidates from the Senate will be able to save on travel time and expense money. They can conduct the Presidential debates here on the floor of the Senate. They not only can, they will.

The minute Senate Resolution 66 passes, it will become a major factor in the planning for the 1988 race for the White House. More than likely, we will have hot primary contests in both parties. How many Senators will be actively involved? No one can even begin to guess now. But it could easily be in double figures.

What will the Senate be able to accomplish if it has 10 or 12 members straining to get on network television everytime this body debates an issue?

I will grant the proponents of this resolution one point: Attendance during debates, at least in Presidential election years will increase, and there will be moments which will be exciting television.

But I am not certain this will result in good government.

If you think we have grandstanding now, and I certainly do, just wait until we have gavel-to-gavel television coverage in the Senate. You haven't seen anything yet.

Now there are those who say any Senator who becomes known as a showboater will suffer with the voters. As a rule, I doubt that would happen. I don't know of any House Members who have been defeated because of their antics in televised debates. The minority leader in the House was troubled by his opponent using carefully selected pieces of House debate in negative advertising. The use of the debate tapes in political advertising is another problem area for the proponents of this resolution. Judging from what has happened in the House, unless a Senator became a complete buffoon, I would expect the political positives of television would outweigh the negatives. Let me just say, there are no doubt more ways to exploit television in the Senate than we possibly can imagine here today. But if we pass this resolution, we will all be experts within a year.

I say let us try and head off some of these problems by devising rules changes and setting some parameters for broadcast coverage. I can't imagine any other piece of legislation that has the potential impact of Senate Resolution 66 that we would pass without first carefully working on the rules that will govern its use.

Each Senator who is considering voting for Senate Resolution 66 should ask himself: Are you for ending the Senate's long tradition of unlimited debate? For there is no way unlimited debate can coexist with gavel-to-gavel television coverage.

To those who say this is nothing more than opening the doors of the Senate to a larger public, I ask why stop at halfway measures? Why stop with just gavel-to-gavel coverage. Why don't we allow reporters here on the floor? They do at political conventions. We could have anchor booths set up on the galleries and when the speeches on the floor were boring they

could interview other Senators on the floor or bring in the expert commentators. Why limit the poor souls to just the floor action.

When a Senator lost a bill by a 48-to-47 vote, a reporter would be there to stick a microphone in his face and ask what it feels like to blow a close one. We could bring our wives or husbands down to the galleries and they could be interviewed as well.

As long we are going to have a circus, let's have all three rings.

If television is such a wonderful thing, why don't we let it work its magic on the Senate as it has on our political conventions. The conventions are now organized for and geared to the television coverage. Unfortunately, something may have been lost in the process. It has become a stage show. A rather boring stage show. The television audience for convention coverage has diminished significantly in recent years.

Mr. President, we have many important issues awaiting action in this Senate. We do not have the time to settle all the questions that remain regarding Senate Resolution 66. Let us not rush in the waning moments of this Congress and live to regret our haste.

TIGERS TRIUMPH

Mr. RIEGLE. Mr. President, on Tuesday of this week an event of tremendous significance to the people of Michigan occurred. On that evening, the Detroit Tigers clinched the 1984 American League Eastern Division title. This team, which had not won a division title since 1972, had fallen on difficult times, but it has risen to the top of its division and will complete the season with the best record in all of baseball. Sparky Anderson has the chance to become the first manager in baseball to win 100 games in both leagues. Beyond that, few will forget the history-making winning streak at the beginning of the 1984 season where the Tigers won 35 of their first 40 games. While many outside of Michigan doubted that the pace would continue, the Tigers did maintain their winning ways and became the first team in baseball since 1927 to lead a division from the start to the finish of the season. They are only the third American League team in history to achieve this success.

The Tigers are more than a baseball team, since they have the enthusiastic support of millions of fans in Michigan. I saw countless examples of this feeling throughout the State where most conversations began, "How about those Tigers?" Just as the Tigers underwent difficult seasons, so did the State of Michigan, but hope always did spring eternal and the team symbolizes our spirit, our perseverance and our determination to succeed. Detroit is a city of many different people, but on that September night, just 3 days ago, they became one in joy for the success that their team had reached. We all know it will continue through the playoffs and into the World Series, but for now the Tigers should be congratulated for their marvelous season.

THE CALENDAR

Mr. BAKER. Mr. President, there are a number of things that appear to be cleared for action by unanimous consent. Could I inquire of the minority leader if he might be in a position to go through this list of items?

Mr. BYRD. Yes, Mr. President.

Mr. BAKER. I thank the minority leader.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEAN AND COASTAL PROGRAM AUTHORIZATION ACT

Mr. BAKER. Mr. President, first, I propose to go to S. 2538.

Mr. BYRD. There is no objection, Mr. President.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 877.

The PRESIDING OFFICER. The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (S. 2538) to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science and Transportation with amendments as follows:

On page 2, line 17, strike "nodules, and" and insert "nodules. Such duties also include".

On page 3, line 11, strike "1134a(c) and insert "1124a(c))".

So as to make the bill read:

S. 2538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act".

TITLE I—NONLIVING MARINE RESOURCES

AUTHORIZATION

SEC. 101. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its nonliving marine resource duties under law, $2,500,000 for fiscal year 1985. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to nonliving marine resources specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving such duties. Such duties include research, development, and licensing responsibilities pertaining to ocean thermal energy conversion and the seabed mining of manganese nodules. Such duties also include polymetallic sulfide analyses and research.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Deep Seabed Hard Minerals Resources Act (30 U.S.C. 1401 et seq.), and the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), for the purpose of carrying out such duties relating to nonliving marine resources.

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM ACT

AUTHORIZATION

SEC. 201. (a) For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), there are authorized to be appropriated to the Department of Commerce $42,000,000 for fiscal year 1985.

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by adding immediately after paragraph (3) the following:

"(4) For fiscal year 1985, not to exceed $1,000,000 in such fiscal year appropriated pursuant to section 212 of the National Sea Grant College Program Act may be available to carry out this section.".

TITLE III—OCEAN THERMAL ENERGY CONVERSION ACT

AUTHORIZATION

SEC. 301. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), there are authorized to be appropriated to the Department of Commerce $630,000 for fiscal year 1985.

TITLE IV—NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE ACT OF 1977

AUTHORIZATION

SEC. 401. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. 857-13 et seq.), there are authorized to be appropriated to the Department of Commerce $630,000 for fiscal year 1985.

TITLE V—DEEP SEABED HARD MINERAL RESOURCES ACT

AUTHORIZATION

SEC. 501. Section 310 of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1470) is amended—

(1) by striking "and" immediately after "1983,"; and

(2) by inserting ", and $1,500,000 for each of the fiscal years ending September 30, 1985, September 30, 1986, and September 30, 1987" immediately before the period at the end thereof.

TITLE VI—PAY INCREASE AUTHORIZATION

MISCELLANEOUS

SEC. 601. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties

indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

Mr. BAKER. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

AMENDMENT NO. 4375

(Purpose: To make an amendment in the nature of a substitute)

Mr. BAKER. Mr. President, I send an amendment to the desk on behalf of Mr. PACKWOOD and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. PACKWOOD, proposes an amendment numbered 4375.

Strike all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act".

TITLE I—NONLIVING MARINE RESOURCES

SEC. 101. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its nonliving marine resource duties under law, $2,500,000 for fiscal year 1985. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to nonliving marine resources specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving such duties. Such duties include research, development, and licensing responsibilities pertaining to ocean thermal energy conversion and the seabed mining of manganese nodules, and polymetallic sulfide analyses and research.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Deep Seabed Hard Minerals Resources Act (30 U.S.C. 1401 et seq.), and the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), for the purpose of carrying out such duties relating to nonliving marine resources.

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM ACT

SEC. 201. (a) For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), there are authorized to be appropriated to the Department of Commerce $42,000,000 for fiscal year 1985.

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by adding immediately after paragraph (3) the following:

"(4) For fiscal year 1985, not to exceed $1,000,000 in such fiscal year appropriated pursuant to section 212 of the National Sea Grant College Program Act may be available to carry out this section.".

TITLE III—OCEAN THERMAL ENERGY CONVERSION ACT

SEC. 301. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), there are authorized to be appropriated to the Department of Commerce $630,000 for fiscal year 1985.

TITLE IV—MISCELLANEOUS

SEC. 401. The Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203) is amended, in paragraph (1) of subsection (c) of section 307 (16 U.S.C. 1456(c)(1)), by striking "directly" and inserting in lieu thereof "significantly".

SEC. 402. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

TITLE V—NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE ACT OF 1977

SEC. 501. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. 857-13 et seq.), there are authorized to be appropriated to the Department of Commerce $630,000 for fiscal year 1985.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4375) was agreed to.

● Mr. PACKWOOD. Mr. President, the Senate is considering S. 2538, a bill to provide for authorization of several important programs of the National Oceanic and Atmospheric Administration [NOAA]: Non-living Marine Resources, the Sea Grant Program, the Ocean Thermal Energy Conversion [OTEC] Program, and the National Advisory Committee on Oceans and Atmosphere [NACOA].

NOAA was created by Executive order in 1970 with the primary responsiblity for most of the Federal Government's civilian research, service, and regulatory programs affecting the Nation's oceans and atmosphere. The functions of NOAA are critical for the sound and productive management of the Nation's ocean and coastal resources.

This bill is one of a series which, together, provide a comprehensive authorization for NOAA.

Included in S. 2538 is an authorization for programs concerning nonliving marine resources. Hard mineral resources in the ocean represent a source of supply in addition to that on land. It is likely that these resources will eventually be used to supplement domestic and foreign supplies during approaching decades.

The technology for mining and processing these minerals has advanced to the point where mining companies in the United States and other nations are on the verge of commercial exploitation. Manganese nodules and polymetallic sulfide deposits, if commercially developed, would reduce dependence on potentially unstable foreign supplies of strategic minerals, improve the balance of payments, provide new employment opportunities in the private sector, and help maintain U.S. leadership in ocean technologies.

NOAA's Sea Grant Program is directed toward developing and protecting the Nation's marine resources through the application of academic expertise in coordinated research, education, and advisory service programs designed to meet national, regional, and local needs. Sea Grant's excellent research program has accelerated growth of marine industries, such as aquaculture and ocean engineering, through the development of new technologies and the effective application of research by governmental, industrial, and private users.

Sea Grant's training program continues to produce the specialized personnel needed to develop and manage our Nation's marine resources. In the 8 years of its existence, Sea Grant has more than justified continued support of its successful programs and I am pleased to include its reauthorization in this bill.

Also included in this bill is the reauthorization of NOAA's Ocean Thermal Energy Conversion [OTEC] Program. This program provides a framework for the licensing and commecial use of technology to generate electricity from the temperature difference between warm water at the ocean's surface and the colder underlying waters. Utilization of this energy resource would help reduce dependence on foreign sources of oil by providing an alternate and renewable supply of electrical energy.

Finally, this bill provides for the reauthorization of the National Advisory Committee on Oceans and Atmosphere [NACOA]. NACOA, comprised of individuals having expertise in oceanic and atmospheric affairs, reviews the Nation's marine policies and programs and reports to the President and the Congress. In the past, NACOA has provided useful advice to Congress and demonstrated the value of its services.

In conclusion, the bill being acted on today provides authorization for a number of important and cost-effective programs of NOAA, and I ask my colleagues for their support.●

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act".

TITLE I—NONLIVING MARINE RESOURCES

SEC. 101. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its nonliving marine resource duties under law, $2,500,000 for fiscal year 1985. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to nonliving marine resources specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a at seq.), and any other law involving such duties. Such duties include research, development, and licensing responsibilities pertaining to ocean thermal energy conversion and the seabed mining of manganese nodules, and polymetallic sulfide analyses and research.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Deep Seabed Hard Minerals Resources Act (30 U.S.C. 1401 et seq.), and the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), for the purpose of carrying out such duties relating to nonliving marine resources.

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM ACT

SEC. 201. (a) For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), there are authorized to be appropriated to the Department of Commerce $42,000,000 for fiscal year 1985.

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by adding immediately after paragraph (3) the following:

"(4) For fiscal year 1985, not to exceed $1,000,000 in such fiscal year appropriated pursuant to section 212 of the National Sea Grant College Program Act may be available to carry out this section.".

TITLE III—OCEAN THERMAL ENERGY CONVERSION ACT

SEC. 301. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), there are authorized to be appropriated to the Department of Commerce $630,000 for fiscal year 1985.

TITLE IV—MISCELLANEOUS

SEC. 401. The Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203) is amended, in paragraph (1) of subsection (c) of section 307 (16 U.S.C. 1456(c)(1)), by striking "directly" and inserting in lieu thereof "significantly".

SEC. 402. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmosphere Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

TITLE V—NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE ACT OF 1977

SEC. 501. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. 857-13 et seq.), there are authorized to be appropriated to the Department of Commerce $630,000 for fiscal year 1985.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOUSING AND COMMUNITY DEVELOPMENT TECHNICAL AMENDMENTS

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2819.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2819) entitled "An Act to make essential technical corrections to the Housing and Urban-Rural Recovery Act of 1983", do pass with the following amendments: Strike out all after the enacting clause and insert:

That this Act may be cited as the "Housing and Community Development Technical Amendments Act of 1984".

TITLE I—TECHNICAL AND CONFORMING AMENDMENTS TO HOUSING AND URBAN-RURAL RECOVERY ACT OF 1983

COMMUNITY AND NEIGHBORHOOD DEVELOPMENT AND CONSERVATION

SEC. 101. (a)(1) The last sentence of section 102(a)(4) of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "while its population is included in an urban county for such fiscal year";

(B) by striking out "continues" and inserting in lieu thereof "elects"; and

(C) by striking out "such" the last place it appears and inserting in lieu thereof "an".

(2) Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended—

(A) in the penultimate sentence, by inserting before the period at the end thereof the following: ", except that the provisions of this sentence shall not apply with respect to any county losing its classification as an urban county by reason of the election of any unit of general local government included in such county to have its population excluded under clause (B)(i) of the first sentence or to not renew a cooperation agreement under clause (B)(ii) of such sentence";

(B) by inserting before the semicolon at the end of clause (B) of the last sentence the following: ", (excluding the population of metropolitan cities therein) in all its unincorporated areas that are not units of general local government and in all units of general local government located within such county"; and

(C) by inserting before the period at the end of clause (D) of the last sentence the following: "(excluding the population of metropolitan cities therein) in all its unincorporated areas that are not units of general local government and in all units of general local government located within such county".

(3) Section 102(a)(20) of the Housing and Community Development Act of 1974 is amended to read as follows:

"(20)(A) The terms 'persons of low and moderate income' and 'low- and moderate-income persons' mean families and individuals whose incomes do not exceed 80 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families. The term 'persons of low income' means families and individuals whose incomes do not exceed 50 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families. The term 'persons of moderate income' means families and individuals whose incomes exceed 50 percent, but do not exceed 80 percent, of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families. For purposes of such terms, the area involved shall be determined in the same manner as such area is determined for purposes of assistance under section 8 of the United States Housing Act of 1937.

"(B) The Secretary may establish percentages of median income for any area that are higher or lower than the percentages set forth in subparagraph (A), if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such area.".

(4) Section 102(a)(21) of the Housing and Community Development Act of 1974 is amended by striking out "capital or office buildings" and inserting in lieu thereof the following: "capitol or office buildings,".

(5) Section 104(a)(2)(E) of the Housing and Community Development Act of 1974 is amended by inserting before the period at the end thereof the following: "or in the methods of distribution of such funds".

(6) Section 104(b)(5)(B) of the Housing and Community Development Act of 1974 is amended by striking out "low and moderate income who are not persons of very low" and inserting in lieu thereof "moderate".

(7) Section 104(d) of the Housing and Community Development Act of 1974 is amended—

(A) in the third sentence, by striking out the last comma;

(B) in the fifth sentence, by inserting "general" before "local" the last place it appears; and

(C) in the sixth sentence, by inserting "general" before "local".

(8)(A) Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by inserting "fiscal year 1982 or" before "fiscal year 1983".

(B) Section 105(a)(15) of the Housing and Community Development Act of 1974 is amended by striking out "including" and inserting in lieu thereof "and".

(9) Section 105(c)(2) of the Housing and Community Development Act of 1974 is amended by striking out "(B)" and all that follows through "recipient" and inserting in lieu thereof the following: "(B) in any metropolitan city or urban county having no areas meeting the requirements of subparagraph (A), or in any such city or county in which such areas are so few that according to standards established by the Secretary it would be plainly inappropriate for such city or county to address the needs of its residents who are persons of low and moderate income by limiting assisted activities to activities serving such areas, the area served by such activity is within the highest quartile of all areas within the jurisdiction of such city or county in terms of the degree of concentration of persons of low and moderate income".

(10) Section 106(d)(2)(A) of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "a State that has elected, in such manner and at such time as the Secretary shall prescribe" any place it appears and inserting in lieu thereof "the State"; and

(B) in clause (i), as such clause may have been amended by subparagraph (A), by striking out "the State" and inserting in lieu thereof the following: "a State that has elected, in such manner and at such time as the Secretary shall prescribe, to distribute such amounts".

(11) Section 106(d)(3) of the Housing and Community Development Act of 1974 is amended—

(A) in the second sentence of subparagraph (A), by inserting after "title" the following: "or section 17(e)(1) of the United States Housing Act of 1937"; and

(B) in subparagraph (C), by inserting after "104" the following: "or to make the certifications required in subparagraphs (C) and (D) of paragraph (2)".

(12)(A) Section 112 of the Housing and Community Development Act of 1974 is amended by striking out subsection (c).

(B)(i) Notwithstanding any other provision of law or other requirement, the City of Baltimore in the State of Maryland is authorized to retain any land disposition proceeds from closed-out urban renewal projects not paid to the Department of Housing and Urban Development, and to use such proceeds, in accordance with the requirements of the Community Development Block Grant Program specified in title I of the Housing and Community Development Act of 1974. The City of Baltimore shall retain such proceeds in a lump sum and shall be entitled to retain and use all past and future earnings from such proceeds, including any interest.

(ii) Notwithstanding any other provision of law or other requirement, the City of Denver in the State of Colorado, or its designee, is authorized to receive all funds held by the Denver Urban Renewal Authority from the urban renewal project subject to civil litigation in the case of United States against Denver Urban Renewal Authority, No. 84-K-67 (D. Colo.), for use as a direct grantee under and in accordance with the requirements of the Community Development Block Grant Program specified in title I of the Housing and Community Development Act of 1974. The City of Denver shall retain such funds in a lump sum and shall be entitled to retain and use all past and future earnings from such funds, including any interest.

(13) The last sentence of section 810(f) of the Housing and Community Development Act of 1974 is amended by inserting ", State," after "government".

(b)(1) Section 110(b) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out "section" and inserting in lieu thereof "part".

(2) Section 123(b)(3) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out "(a)(4)" each place it appears and inserting in lieu thereof "(a)(1)".

(3) Section 123(c) of the Housing and Urban-Rural Recovery Act of 1983 is amended—

(A) by striking out "(1)" after the subsection designation; and

(B) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

HOUSING ASSISTANCE PROGRAMS

SEC. 102. (a)(1) Section 235(h)(1) of the National Housing Act is amended—

(A) in the penultimate sentence, by inserting after "1983," the first place it appears the following: "utilizing amounts approved in appropriation Acts before the date of the enactment of the Housing and Urban-Rural Recovery Act of 1983,"; and

(B) in the last sentence, by striking out "November 30, 1983" and inserting in lieu thereof "September 30, 1985".

(2) The first sentence of section 236(f)(4) of the National Housing Act is amended by striking out "up to".

(b)(1) Section 3(b)(5)(C) of the United States Housing Act of 1937 is amended by inserting before the semicolon the following: ", and attendant care and auxiliary apparatus expenses for each handicapped member of any family to the extent necessary to enable any member of such family (including such handicapped member) to be employed, except that the aggregate amount excluded under this subparagraph may not exceed 3 percent of annual family income".

(2) Section 6(j) of the United States Housing Act of 1937 is amended—

(A) by inserting ", acquisition, or acquisition and rehabilitation" after "construction"; and

(B) by striking out "large families" and inserting in lieu thereof "families requiring three or more bedrooms".

(3) Section 6(m) of the United States Housing Act of 1937 is amended by striking out "hearing" and inserting in lieu thereof "housing".

(4) Section 8(d)(2) of the United States Housing Act of 1937 is amended by striking out the last two sentences and inserting in lieu thereof the following: "In addition to any other cases in which the Secretary attaches a contract under this section to the structure, a contract under this section with respect to assistance under subsection (b)(1) may be attached to the structure if (A) the Secretary and the public housing agency approve such action; and (B) the owner agrees to rehabilitate the structure other than with assistance under this Act and otherwise complies with the requirements of this section.".

(5) Section 8(e)(2) of the United States Housing Act of 1937 is amended by adding at the end thereof the following new sentence: "The Secretary shall increase the amount of assistance provided under this paragraph above the amount of assistance otherwise permitted by this paragraph and subsection (c)(1), if the Secretary determines such increase necessary to assist in the sale of multifamily housing projects owned by the Department of Housing and Urban Development in order to ensure the availability of dwelling units in such projects for lower income families.".

(6) Section 8(n) of the United States Housing Act of 1937 is amended by striking out "In" and all that follows through "Secretary" and inserting in lieu thereof the following: "In making assistance available under subsections (b)(1) and (e)(2), the Secretary".

(7) The first sentence under section 8(o)(3) of the United States Housing Act of 1937 is amended—

(A) by striking out "or" before "(B)"; and

(B) by inserting before the period at the end thereof the following: ", or (C) a family that is determined to be a lower income family at the time it initially receives assistance and that is or would be displaced by activities under section 17(c)".

(8) Section 8(o)(7)(D) of the United States Housing Act of 1937 is amended by inserting "unit of" before "general".

(c)(1) The first sentence of section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended by striking out "1985" and inserting in lieu thereof "1984".

(2) Section 202(h) of the Housing Act of 1959 is amended—

(A) by inserting "and" at the end of paragraph (1); and

(B) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period.

(3) Section 202(1) of the Housing Act of 1959 is amended by adding at the end thereof the following new sentence: "The Secretary shall not impose different requirements or standards with respect to construction change orders, increases in loan amount to cover change orders, errors in plans and specifications, and use of contingency funds, because of the method of contractor selection used by the sponsor or borrower.".

(d) The penultimate sentence of section 101(g) of the Housing and Urban Development Act of 1965 is amended by striking out "up to".

(e) Section 213(d)(2) of the Housing and Community Development Act of 1974 is amended by striking out "532" and inserting in lieu thereof "533".

(f) Section 411(a)(4) of the Congregate Housing Services Act of 1978 is amended by adding at the end thereof a semicolon.

(g)(1) Section 216 of the Housing and Urban-Rural Recovery Act of 1983 is amended—

(A) by inserting "of Housing and Urban Development" after "Secretary" each place it appears; and

(B) by striking out "paragraph" each place it appears and inserting in lieu thereof "section".

(2) Section 220 of the Housing and Urban-Rural Recovery Act of 1983 is amended by inserting "of Housing and Urban Development" after "Secretary" each place it appears.

(3) Section 221 of the Housing and Urban-Rural Recovery Act of 1983 is amended—

(A) by striking out "chapter" and inserting in lieu thereof "part";

(B) by striking out ", up to the utility allowance,";

(C) by inserting "in lieu of any rental payment" after "made"; and

(D) by striking out "rental" and inserting in lieu thereof "shelter".

RENTAL HOUSING REHABILITATION AND PRODUCTION PROGRAM

SEC. 103. (a) Section 17(a)(1)(A) of the United States Housing Act of 1937 is amended by striking out "to States and units of general local government".

(b) Section 17(b)(2)(B) of the United States Housing Act of 1937 is amended by striking out "(f)" and inserting in lieu thereof "(e)".

(c)(1) Section 17(c)(2)(H) of the United States Housing Act of 1937 is amended by striking out "State or unit of general local government that receives the assistance" and inserting in lieu thereof "grantee".

(2) Section 17(c)(3)(A) of the United States Housing Act of 1937 is amended by striking out "families, including large families with children" and inserting in lieu thereof the following: "families with children, particularly families requiring three or more bedrooms".

(d)(1) The penultimate sentence of section 17(d)(2) of the United States Housing Act of 1937 is amended—

(A) by inserting "general local" before "government"; and

(B) by inserting after "standards" the following: ", and each city that has a population of not less than 450,000 (as determined according to the 1980 decennial census),".

(2) Section 17(d)(4)(E) of the United States Housing Act of 1937 is amended by striking out "persons" and all that follows through "income" and inserting in lieu thereof "lower income families".

(3) Section 17(d)(5)(H) of the United States Housing Act of 1937 is amended by striking out "families, including large families with children" and inserting in lieu thereof the following: "families with children, particularly families requiring three or more bedrooms".

(e)(1) Section 17(e)(1) of the United States Housing Act of 1937 is amended—

(A) in the first sentence, by striking out "(b)(2)" and inserting in lieu thereof "(b)"; and

(B) in the second sentence, by striking out "cities with populations of less than fifty thousand" and inserting in lieu thereof the following: "units of general local government and areas of the State that do not receive allocations under subsection (b)".

(2) Section 17(e)(2) of the United States Housing Act of 1937 is amended by striking out "(b)(2) of this section" and inserting in lieu thereof "(b)".

(f) Section 17(i)(3) of the United States Housing Act of 1937 is amended by striking out "structure" and inserting in lieu thereof "project".

(g)(1) Section 17(k)(5)(A) is amended by striking out "resources under this section" and inserting in lieu thereof the following: "resources under subsection (b), and any unit of general local government receiving resources under subsection (d)".

(2) Section 17(k)(5)(B) of the United States Housing Act of 1937 is amended by striking out "(f)" and inserting in lieu thereof "(e)".

(3) Section 17(k)(5)(C) of the United States Housing Act of 1937 is amended by striking out "(f)(2)" and inserting in lieu thereof "(e)".

(4) Section 17(k) of the United States Housing Act of 1937 is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(C) by inserting after paragraph (5) the following new paragraphs:

"(6) the term 'State' means each of the several States and the Commonwealth of Puerto Rico;

"(7) the term 'unit of general local government' means (A) any city, county, town, township, parish, village, or other general purpose political subdivision of a State; (B) any Indian tribe; and (C) the District of Columbia, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

"(8) the terms 'city', 'Indian tribe', and 'urban county' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974.".

(h)(1) Section 17(l)(1) of the United States Housing Act of 1937 is amended—

(A) by inserting a comma after "government"; and

(B) by striking out "(f)(1)" and inserting in lieu thereof "(e)(1)"; and

(2) Section 17(l)(2) of the United States Housing Act of 1937 is amended by striking out "(e)(2)" and inserting in lieu thereof "(e)(1)".

(i) Section 17 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new subsection:

"(o) INAPPLICABILITY OF CERTAIN PROVISIONS.—Unless otherwise specifically provided in this section, the following provisions of this Act shall not apply to grants provided under this section: section 3(a), section 3(b)(1), the third sentence of section 3(b)(3), section 3(b)(7), and the last sentence of section 6(a).".

PROGRAM AMENDMENTS AND EXTENSIONS

SEC. 104. (a)(1) The section heading of section 232 of the National Housing Act is amended to read as follows: "MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES".

(2) Section 234(k) of the National Housing Act is amended—

(A) by striking out "or" before "(3)"; and

(B) by inserting before the period at the end thereof the following: ", or (4) before April 20, 1984, (A) application was made to the Secretary for a commitment to insure a mortgage covering any unit in the project, (B) in the case of direct endorsement, the mortgagee received the case number assigned by the Secretary for any unit in the project, or (C) application was made for approval of the project for guarantee, insurance, or direct loan under chapter 37 of title 38, United States Code".

(3) Section 235(j)(2)(C) of the National Housing Act is amended to read as follows:

"(C) bear interest at a rate not to exceed such per centum per annum on the amount of the principal obligation outstanding at any time as the Secretary determines is necessary to meet the mortgage market, taking into consideration the yields on mortgages in the primary and secondary markets;".

(4) Section 236(j)(4)(B) of the National Housing Act is amended to read as follows:

"(B) bear interest at a rate not to exceed such per centum per annum on the amount of the principal obligation outstanding at any time as the Secretary determines is necessary to meet the mortgage market, taking into consideration the yields on mortgages in the primary and secondary markets; and".

(5) The section heading of section 526 of the National Housing Act is amended to read as follows:

"MINIMUM PROPERTY STANDARDS".

(6) Section 531 of the National Housing Act is amended by striking out "title II" each place it appears and inserting in lieu thereof "this Act".

(7) Section 1101(c)(4) of the National Housing Act is amended to read as follows:

"(4) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(b) Section 7(o)(6)(C) of the Department of Housing and Urban Development Act is amended by striking out "3 of Public Law 90-301" and inserting in lieu thereof "235 or 236 of the National Housing Act".

(c) Section 906(a) of the Housing and Urban Development Act of 1968 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) for the purpose of generating income to support the building or rehabilitation of housing primarily for the benefit of families and individuals of low or moderate income (A) design, develop, manufacture and sell products and services for use in the construction, sale, or financing of housing, and (B) design and develop commercial, industrial, or retail facilities that are not directly related to housing, except that not more than 25 percent of the equity commitment of the corporation may be committed in connection with activities that are not directly related to the building or rehabilitation of housing, and the development and preservation of housing for families and individuals of low or moderate income shall be the primary activity of the corporation.".

(d)(1) Section 514(b)(5)(A) of the Solar Energy and Energy Conservation Bank Act is amended by striking out "loan" and inserting in lieu thereof "grant".

(2)(A) Section 520(b)(5) of the Solar Energy and Energy Conservation Bank Act is amended to read as follows:

"(5)(A) establish explicit criteria, and their relative weights, for the allocation of financial assistance under this subtitle among eligible financial institutions; and

"(B) provide that all amounts available for financial assistance under this subtitle as a result of any one appropriations law, or otherwise available for such assistance, shall be allocated at the same time; and".

(B) The Secretary shall issue the regulations required as a result of the amendment made by this paragraph not later than 90 days after the date of the enactment of this Act.

(e)(1) Section 401(e) of the Housing and Urban-Rural Recovery Act of 1983 is amended—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(2) Section 463 of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out "(c)(1)" the second place it appears and inserting in lieu thereof "(d)(1)".

(3) Section 482 of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out "305(b)" and inserting in lieu thereof "305".

(f) The Secretary of Housing and Urban Development shall, not later than October 31, 1984, issue regulations to carry out the amendments made to section 242 of the National Housing Act by section 436 of the Housing and Urban-Rural Recovery Act of 1983.

RURAL HOUSING

SEC. 105. (a)(1) Section 501(b)(4) of the Housing Act of 1949 is amended by inserting

before the period at the end thereof the following: "in consultation with the Secretary of Agriculture, taking into consideration the subsidy characteristics and purposes of the programs to which such levels are applied under this title".

(2) Section 501(b)(5) of the Housing Act of 1949 is amended to read as follows:

"(5) For the purpose of this title—

"(A) the term 'income' has the meaning given such term under section 3(b)(4) of the United States Housing Act of 1937 by the Secretary of Housing and Urban Development in consultation with the Secretary of Agriculture; and

"(B) the term "adjusted income" has the meaning given such term in section 3(b)(5) of the United States Housing Act of 1937.".

(b) Section 502(d) of the Housing Act of 1949 is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) not less than 40 percent of the funds approved in appropriation Acts for use under this section shall be set aside and made available only for very low-income families or persons; and

"(2) not less than 30 percent of the funds allocated to each State under this section shall be available only for very low-income families or persons.".

(c) Section 510(e) of the Housing Act of 1949 is amended by striking out ". Such" and ". Where" and inserting in lieu thereof "; such" and "; where", respectively.

(d)(1) Section 513(a) of the Housing Act of 1949 is amended—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provision of law, insured and guaranteed loan authority authorized in this title for any fiscal year beginning after September 30, 1984, shall not be transferred or used for any purpose not specified in this title.".

(2) Section 513(b)(7) of the Housing Act of 1949 is amended by striking out "531" and inserting in lieu thereof "533".

(e)(1) Section 515(k)(2)(B) of the Housing Act of 1949 is amended by striking out the first comma and all that follows through "assistance" the last place it appears.

(2) Section 515(o) of the Housing Act of 1949 is amended by striking out paragraph (3).

(f) Section 517(j)(4) of the Housing Act of 1949 is amended by inserting "and" after the semicolon at the end thereof.

(g) The last sentence of section 520 of the Housing Act of 1949 is amended by striking out "1984" and inserting in lieu thereof "1985".

(h) Section 521(d)(1) of the Housing Act of 1949 is amended to read as follows:

"(d)(1) In utilizing the rental assistance payments authority pursuant to subsection (a)(2)—

"(A) the Secretary shall make such assistance available in existing projects for units occupied by low income families or persons to extend expiring contracts or to provide additional assistance when necessary to provide the full amount authorized pursuant to existing contracts;

"(B) any such authority remaining after carrying out subparagraph (A) shall be used in projects receiving commitments under section 514, 515, or 516 after fiscal year 1983 for contracts to assist very low-income families or persons to occupy the units in such projects, except that not more than 5 percent of the units assisted may be occupied by low-income families or persons who are not very low-income families or persons; and

"(C) any such authority remaining after carrying out subparagraphs (A) and (B) may be used to provide further assistance to existing projects under section 514, 515, or 516.".

TITLE II—TECHNICAL AND CONFORMING AMENDMENTS TO OTHER HOUSING AND COMMUNITY DEVELOPMENT LAWS

CONFORMING REFERENCES TO SECRETARY OF HEALTH AND HUMAN SERVICES AND SECRETARY OF EDUCATION

SEC. 201. (a)(1) Section 242(c) of the National Housing Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(2) Section 1104 of the National Housing Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) Section 302(c)(2)(B) of the Federal National Mortgage Association Charter Act is amended—

(1) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education"; and

(2) by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(c) Section 522(a) of the Housing Act of 1949 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(d)(1) Section 402(c) of the Housing Act of 1950 is amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively.

(2) Section 404(f) of the Housing Act of 1950 is amended by striking out "Housing and Urban Development" and inserting in lieu thereof "Education".

(e) Section 202(f) of the Housing Act of 1959 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(f) Section 207 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(g) Section 209 of the Housing and Community Development Act of 1974 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(h) Paragraphs (1) and (2) of section 413(b) of the Energy Conservation in Existing Buildings Act of 1976 are amended by striking out "Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Health and Human Services".

(i) Section 207(c)(3) of the Public Housing Security Demonstration Act of 1978 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(j) Section 405(i) of the Congregate Housing Services Act of 1978 is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

CONFORMING CROSS-REFERENCES TO TITLE 5, UNITED STATES CODE

SEC. 202. (a)(1) The second sentence of section 1 of the National Housing Act is amended by striking out "without" and all that follows through "States".

(2) Section 1247 of the National Housing Act is amended by striking out "the Administrative Procedure Act" and inserting in lieu thereof the following: "subchapter II of chapter 5, and chapter 7, of title 5, United States Code".

(b)(1) The first sentence of section 502(a) of the Housing Act of 1948 is amended by striking out "the Classification Act of 1949, as amended" and inserting in lieu thereof the following: "chapter 51 and subchapter III of chapter 53 of title 5, United States Code".

(2) Section 502(c)(1) of the Housing Act of 1948 is amended by striking out "5 U.S.C. 73b–2" and inserting in lieu thereof the following: "section 5703 of title 5, United States Code".

(c) Section 601 of the Housing Act of 1949 is amended by striking out "section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2)" and inserting in lieu thereof the following: "section 5703 of title 5, United States Code".

(d) Section 1416(b) of the Interstate Land Sales Full Disclosure Act is amended by striking out "the Administrative Procedure Act" and inserting in lieu thereof the following: "subchapter II of chapter 5, and chapter 7, of title 5, United States Code".

CONFORMING CROSS-REFERENCES TO TITLE 31, UNITED STATES CODE

SEC. 203. (a)(1) Section 304(c) of the Federal National Mortgage Association Charter Act is amended by striking out "the Second Liberty Bond Act, as now or hereafter in force" each place it appears and inserting in lieu thereof "chapter 31 of title 31, United States Code".

(2) Section 306(d) of the Federal National Mortgage Association Charter Act is amended by striking out "the Second Liberty Bond Act, as now or hereafter in force" each place it appears and inserting in lieu thereof "chapter 31 of title 31, United States Code".

(3) Section 309(b) of the Federal National Mortgage Association Charter Act is amended by striking out "the Government Corporation Control Act" and inserting in lieu thereof "chapter 91 of title 31, United States Code".

(4) Section 315(c) of the Federal National Mortgage Association Charter Act is amended by striking out "the Second Liberty Bond Act, as now or hereafter in force" each place it appears and inserting in lieu thereof "chapter 31 of title 31, United States Code".

(5) Section 316(c) of the Federal National Mortgage Association Charter Act is amended by striking out "the Second Liberty Bond Act, as now or hereafter in force" each place it appears and inserting in lieu thereof "chapter 31 of title 31, United States Code".

(b)(1) Section 4(b) of the United States Housing Act of 1937 is amended—

(A) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act, as amended," and inserting in lieu thereof "such chapter".

(2) Section 10(a) of the United States Housing Act of 1937 is amended by striking out "the Government Corporation Control Act, as amended" each place it appears and inserting in lieu thereof "chapter 91 of title 31, United States Code".

(c) Section 502(c)(2) of the Housing Act of 1948 is amended by striking out "section 3648 of the Revised Statutes" and inserting in lieu thereof "subsections (a) and (b) of section 3324 of title 31, United States Code".

(d)(1) Section 102(f) of the Housing Act of 1949 is amended—

(A) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu

thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act, as amended," and inserting in lieu thereof "such chapter".

(2) Section 106(a) of the Housing Act of 1949 is amended by striking out "the Government Corporation Control Act, as amended" each place it appears and inserting in lieu thereof "chapter 91 of title 31, United States Code".

(3) Section 501(b)(6) of the Housing Act of 1949 is amended by striking out "the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512)" and inserting in lieu thereof "chapter 67 of title 31, United States Code".

(4) Section 511 of the Housing Act of 1949 is amended—

(A) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act" and inserting in lieu thereof "such chapter".

(5) Section 517(h) of the Housing Act of 1949 is amended—

(A) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act" and inserting in lieu thereof "such chapter".

(6) Section 517(k) of the Housing Act of 1949 is amended by striking out "the Budget and Accounting Act, 1921" and inserting in lieu thereof "chapter 11 of title 31, United States Code".

(e)(1) Section 401(e) of the Housing Act of 1950 is amended—

(A) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act, as amended," and inserting in lieu thereof "such chapter".

(2) Section 402(a)(1) of the Housing Act of 1950 is amended by striking out "the Government Corporation Control Act, as amended" and inserting in lieu thereof "chapter 91 of title 31, United States Code".

(3) Section 402(a)(2) of the Housing Act of 1950 is amended by striking out "the Accounting and Auditing Act of 1950" and inserting in lieu thereof "chapter 35 of title 31, United States Code".

(4) Section 402(e) of the Housing Act of 1950 is amended—

(A) by striking out "section 309 of the Independent Offices Appropriation Act, 1950 (63 Stat. 662)" and inserting in lieu thereof "section 9107(a) of title 31, United States Code"; and

(B) by striking out "the Government Corporation Control Act" and inserting in lieu thereof "chapter 91 of such title".

(f) Section 203(a) of the Housing Amendments of 1955 is amended—

(1) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(2) by striking out "such Act, as amended," and inserting in lieu thereof "such chapter".

(g) Section 15(e) of the Federal Flood Insurance Act of 1956 is amended—

(1) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(2) by striking out "such Act, as amended," and inserting in lieu thereof "such chapter".

(h) Section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended—

(1) by striking out "the Second Liberty Bond Act" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(2) by striking out "that Act" and inserting in lieu thereof "such chapter".

(i)(1) Section 1222(c) of the Urban Property Protection and Reinsurance Act of 1968 is amended by striking out "section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665(a))" and inserting in lieu thereof "section 1341(a) of title 31, United States Code".

(2) Section 1243(d) of the Urban Property Protection and Reinsurance Act of 1968 is amended by striking out "law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849))" and inserting in lieu thereof "sections 9103 and 9104 of title 31, United States Code".

(j)(1) Section 1310(e) of the National Flood Insurance Act of 1968 is amended by striking out "law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849))" and inserting in lieu thereof "sections 9103 and 9104 of title 31, United States Code".

(2) Section 1360(b) of the National Flood Insurance Act of 1968 is amended by striking out "sections 3648 and 3709 of the Revised Statutes, as amended (31 U.S.C. 529 and 41 U.S.C. 5)" and inserting in lieu thereof "subsections (a) and (b) of section 3324 of title 31, United States Code, and section 3709 of the Revised Statutes (41 U.S.C. 5)".

(3) Section 1373 of the National Flood Insurance Act of 1968 is amended by striking out "the Government Corporation Control Act" and inserting in lieu thereof "chapter 91 of title 31, United States Code,".

(k) Section 502(e) of the Housing and Urban Development Act of 1970 is amended by striking out "section 3648 of the Revised Statutes" and inserting in lieu thereof "subsections (a) and (b) of section 3324 of title 31, United States Code,".

(l)(1) Section 102(a)(17) of the Housing and Community Development Act of 1974 is amended by striking out "the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512)" and inserting in lieu thereof "chapter 67 of title 31, United States Code".

(2) Section 108(g) of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "the Second Liberty Bond Act, as now or hereafter in force" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act" and inserting in lieu thereof "such chapter".

(3) Section 119(n)(2) of the Housing and Community Development Act of 1974 is amended by striking out "the State and Local Fiscal Assistance Act of 1972" and inserting in lieu thereof "chapter 67 of title 31, United States Code".

(4) Section 802(e)(2) of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "the Second Liberty Bond Act" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "that Act" and inserting in lieu thereof "such chapter".

(m) Section 608(d) of the Neighborhood Reinvestment Corporation Act is amended by striking out "the Budget and Accounting Act, 1921" and inserting in lieu thereof "chapter 11 of title 31, United States Code".

MISCELLANEOUS TECHNICAL CORRECTIONS

SEC. 204. (a)(1) Section 4 of the National Housing Act is amended by striking out "suuch" and inserting in lieu thereof "such".

(2) Section 203(n)(2)(A) of the National Housing Act is amended by striking out "an" and inserting in lieu thereof "a".

(3) The first sentence of section 207(i) of the National Housing Act is amended by inserting "section" before "221(g)".

(4)(A) The National Housing Act is amended by inserting the following section heading for section 214:

"INSURANCE OF MORTGAGES ON PROPERTY IN ALASKA, GUAM, AND HAWAII".

(B) The third sentence of section 214 of the National Housing Act is amended by striking out "Nowithstanding" and inserting in lieu thereof "Notwithstanding".

(5) Section 217 of the National Housing Act is amended by inserting "section 244, section 245," after "236,".

(6) Section 221(d)(3)(iii) of the National Housing Act is amended by striking out "rehabilited" and inserting in lieu thereof "rehabilitated".

(7) The first sentence of section 223(f)(2) of the National Housing Act is amended by inserting "a" before "multifamily".

(8) Section 235(i)(3)(C) of the National Housing Act is amended by striking out "Seretary" and inserting in lieu thereof "Secretary".

(9) Section 236(j)(5)(C) of the National Housing Act is amended by striking out "or residents" and inserting in lieu thereof "of residents".

(10) Section 240(a) of the National Housing Act is amended by striking out "purchasers" and inserting in lieu thereof "purchases".

(11) The first sentence of section 241(a) of the National Housing Act is amended by striking out "to made" and inserting in lieu thereof "to make".

(12) Section 241(b)(1) of the National Housing Act is amended by striking out "of facility" and inserting in lieu thereof "or facility".

(13) Section 242(d)(3)(A) of the National Housing Act is amended by striking out the comma at the end thereof and inserting in lieu thereof a semicolon.

(14) Section 243(d)(2) of the National Housing Act is amended by redesignating subparagraphs (1) through (3) as subparagraphs (A) through (C), respectively.

(15) Section 243(j)(3)(ii) of the National Housing Act is amended by striking out the period at the end thereof and inserting in lieu thereof "; and".

(16) The fourth sentence of section 302(b)(2) of the National Housing Act is amended by striking out "Corporation" and inserting in lieu thereof "corporation".

(17) The National Housing Act is amended by inserting the following section heading for section 512:

"PENALTIES".

(18) The National Housing Act is amended by inserting the following section heading for the first section 513:

"PROHIBITION AGAINST TRANSIENT HOUSING".

(19) The National Housing Act is amended by redesignating the second section 513 as section 513A. Any reference in any law, regulation, order, document, record, or other paper of the United States to the section redesignated in this paragraph hereby is deemed to refer to section 513A of the National Housing Act.

(20) The National Housing Act is amended by inserting the following section heading for section 515:

"AMENDMENT, EXTENSION, OR INCREASE OF COMMITMENT AMOUNTS".

(21) The National Housing Act is amended by inserting the following section heading for section 516:

"PAYMENT OF CERTAIN FUNDS TO TREASURY".

(22) Section 527 of the National Housing Act is amended by inserting "(a)" after the section designation.

(23) The last sentence of section 904(d) of the National Housing Act is amended by striking out "auhorized" and inserting in lieu thereof "authorized".

(b)(1) The first sentence of section 6(a) of the United States Housing Act of 1937 is amended by striking out "convenants" and inserting in lieu thereof "covenants".

(2) Section 14(a) of the United States Housing Act of 1937 is amended by striking out the comma at the end of each of paragraphs (1) and (2) and inserting in lieu thereof a semicolon.

(c)(1) The last sentence of section 105(f) of the Housing Act of 1949 is amended by striking out "Committees on Banking and Currency of the Senate and the House of Representatives" and inserting in lieu thereof the following: "Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives".

(2) Section 523(g) of the Housing Act of 1949 is amended by inserting "Housing" before "Land" the second place it appears.

(3) The Housing Act of 1949 is amended by inserting the following section heading for section 528:

"TAXATION OF PROPERTY HELD BY SECRETARY".

(d) Section 402(a)(2) of the Housing Act of 1950 is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(e) Section 101(j)(1)(D) of the Housing and Community Development Act of 1965 is amended by striking out "divided" and inserting in lieu thereof "dividend".

(f) The second sentence of section 106(b)(1) of the Housing and Urban Development Act of 1968 is amended by striking out "architectual" and inserting in lieu thereof "architectural".

(g) The last sentence of section 1309(a) of the National Flood Insurance Act of 1968 is amended—

(1) by striking out "and Currency" and inserting in lieu thereof ", Finance and Urban Affairs"; and

(2) by inserting a comma after "Housing".

(h) Section 308(f) of the Federal Home Loan Mortgage Corporation Act is amended by striking out "United States Code" and inserting in lieu thereof "United States".

(i) Section 702(d)(8) of the National Urban Policy and New Community Development Act of 1970 is amended by striking out "of" the last place it appears.

(j) The last sentence of section 201(e) of the Flood Disaster Protection Act of 1973 is amended by striking out the quotation marks.

(k)(1) The first sentence of section 108(h) of the Housing and Community Development Act of 1974 is amended by striking out "subsection (g)" and inserting in lieu thereof "subsection (j)".

(2) Section 117(b) of the Housing and Community Development Act of 1974 is amended by striking out "of 1965 (Public Law 81-428;" and inserting in lieu thereof ", 1955 (Public Law 83-428;".

(l) Section 604(e) of the National Manufactured Housing Construction and Safety Standards Act of 1974 is amended by striking out "than" the last place it appears and inserting in lieu thereof "that".

(m)(1) Section 107 of the Emergency Homeowners' Relief Act is amended—

(A) by striking out "(a)(1)" and inserting in lieu thereof "(a)";

(B) by redesignating subparagraphs (A) through (C) of paragraph (1) as paragraphs (1) through (3), respectively;

(C) by redesignating paragraph (2) as subsection (b); and

(D) by redesignating subparagraphs (A) and (B) of paragraph (2) as paragraphs (1) and (2), respectively.

(2) Section 110 of the Emergency Homeowners' Relief Act is amended by striking out the subsection designation.

(n)(1) Section 201(c) of the Housing and Community Development Amendments of 1978 is amended by striking out "a" the first place it appears and inserting in lieu thereof "A".

(2) Section 201(j) of the Housing and Community Development Amendments of 1978 is amended by striking out "236(f)(3)(B)" and inserting in lieu thereof "236(f)(3)".

(3) Section 209(d) of the Housing and Community Development Amendments of 1978 is amended by striking out "conjuction" and inserting in lieu thereof "conjunction".

(4) Section 905(b)(1) of the Housing and Community Development Amendments of 1978 is amended by inserting "of 1974" after "Act".

Amend the title so as to read: "An Act to make technical and conforming amendments in certain laws relating to housing and community development.".

Mr. BAKER. Mr. President, I move that the Senate disagree to the House amendments, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. GARN, Mr. TOWER, and Mr. RIEGLE conferees on the part of the Senate.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 905.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 905) entitled "An Act to establish the National Archives and Records Administration as an independent agency", do pass with the following amendments: Strike out all after the enacting clause and insert:

That this Act may be cited as the "National Archives and Records Administration Act of 1984".

TITLE I—ESTABLISHMENT OF AN INDEPENDENT NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

ESTABLISHMENT

SEC. 101. Section 2102 of title 44, United States Code, is amended to read as follows:

"§ 2102. Establishment

"There shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration. The Administration shall be administered under the supervision and direction of the Archivist.".

ORGANIZATION AND GENERAL AUTHORITY

SEC. 102. (a) Chapter 21 of title 44, United States Code, is amended—

(1) by redesignating sections 2103 through 2114 as sections 2107 through 2118, respectively; and

(2) by inserting after section 2102 the following new sections:

"§ 2103. Officers

"(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

"(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

"(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

"§ 2104. Administrative provisions

"(a) The Archivist shall prescribe such policies, standards, criteria, procedures, rules, and regulations as the Archivist finds necessary or appropriate to carry out the functions of the Administration. The head of each Federal agency shall issue such orders and directives as may be necessary to conform the activities of the agency with the policies, standards, criteria, procedures, rules, and regulations prescribed by the Archivist.

"(b) Except as otherwise expressly provided by law, the Archivist may delegate functions to designated officers and employees of the Administration, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for the administration of such functions.

"(c) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist finds necessary or appropriate to perform the functions of the Archivist or the Administration.

"(d) The Archivist may establish advisory committees to advise him with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(e) The Archivist shall advise and consult with interested Federal agencies with a view

to obtaining their advice and assistance in carrying out the purposes of this chapter.

"(f) Each Federal agency is required to furnish to the Archivist, upon request, any information or other data which the Archivist finds necessary to carry out the duties of the Archivist.

"(g) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

"§ 2105. Personnel and services

"(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

"(b) The Archivist is authorized to obtain the services of experts and consultants under section 3109 of title 5.

"(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Administration, is authorized to utilize in the Administration the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

"(d) Notwithstanding section 1342 of title 31, United States Code, the Archivist is authorized to accept and utilize voluntary and uncompensated services.

"§ 2106. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist and the Administration.".

(b) Section 2101 of title 44, United States Code, is amended—

(1) by designating the two indented paragraphs as paragraphs (1) and (2), respectively;

(2) by striking out "sections 2103–2113 of this title" in the matter preceding the first such paragraph and inserting in lieu thereof "this chapter";

(3) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following new paragraphs:

"(3) 'Archivist' means the Archivist of the United States appointed under section 2103;

"(4) 'Administration' means the National Archives and Records Administration established under section 2102; and

"(5) 'Federal agency', notwithstanding section 2901(14), means any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), any independent regulatory agency, or any establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives).".

(c)(1) The table of sections for chapter 21 of title 44, United States Code, is amended to read as follows:

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

"Sec.
"2101. Definitions.
"2102. Establishment.
"2103. Officers.
"2104. Administrative provisions.
"2105. Personnel and services.
"2106. Reports to Congress.
"2107. Acceptance of records for historical preservation.
"2108. Responsibility for custody, use, and withdrawal of records.
"2109. Preservation, arrangement, duplication, exhibition of records.
"2110. Servicing records.
"2111. Material accepted for deposit.
"2112. Presidential archival depository.
"2113. Depository for agreements between States.
"2114. Preservation of motion-picture films, still pictures, and sound recordings.
"2115. Reports; correction of violations.
"2116. Legal status of reproductions; official seal, fees for copies and reproductions.
"2117. Limitation on liability.
"2118. Records of Congress.".

(2) The item relating to chapter 21 in the table of chapters for title 44, United States Code, is amended to read as follows:

"21. National Archives and Records Administration ..... 2101".

TRANSFERS

SEC. 103. (a) The National Archives and Records Service of the General Services Administration is transferred to the National Archives and Records Administration.

(b)(1) All functions which were assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order No. 11440 of December 11, 1968 (33 Fed. Reg. 18475; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89–169, 79 Stat. 648), relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89–547, 80 Stat. 370) and the Act of May 26, 1977 (Public Law 95–34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

(c) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

TRANSFER OF PERSONNEL

SEC. 104. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act or the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropriate allocation. A percentage of the funds and associated positions in the General Management and Administration appropriation for the General Services Administration, proportionate to the percentage of National Archives and Records Service employees in the General Services Administration, is transferred to the Archivist for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) The transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer or after the effective date of this Act, whichever is later.

SAVINGS PROVISIONS

SEC. 105. (a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The transfer of functions by this Act and by the amendments made by this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Administration.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in his or her official capacity shall abate by reason of any transfer of functions by this Act or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

(e) If, before the date on which this Act takes effect, the General Services Adminis-

tration or any officer thereof in the official capacity of such officer, is a party to an action, and under this Act any function in connection with such action is transferred to the Archivist or any other official of the Administration, then such action shall be continued with the Archivist or other appropriate official of the Administration substituted or added as a party.

(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist.

REFERENCE

SEC. 106. With respect to any functions transferred by this Act or by an amendment made by this Act and exercised after the effective date of this Act, reference in any other Federal law to the office of the Archivist of the United States as in existence on the date before the effective date of this Act, or the National Archives and Records Service of the General Services Administration, or any office or officer thereof, shall be deemed to refer to the Archivist or the Administration.

CONFORMING AMENDMENTS

SEC. 107. (a)(1) Section 2107 of title 44, United States Code, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" in paragraph (4) and inserting in lieu thereof "section 2111".

(2) Section 2108 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration" in subsection (a) and inserting in lieu thereof "the Archivist and to the employees of the National Archives and Records Administration";

(B) by striking out "and in consultation with the Archivist of the United States" in such subsection;

(C) by striking out "the Archivist and" in the fifth sentence of such subsection;

(D) by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist"; and

(E) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 2109 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by inserting "and Records" immediately following "National Historical Publications".

(4) Section 2110 of such title, as redesignated by section 102(a)(1), is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(5) Section 2111 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(6) Section 2112 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111".

(7) Sections 2113, 2114, and 2117 of such title, as redesignated by section 102(a)(1), are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(8) Section 2115 of such title, as redesignated by section 102(a)(1), is amended to read as follows:

"§ 2115. Reports; correction of violations

"(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from Federal agencies on such agency's activities under such chapters.

"(b) When either the Archivist or the Administrator finds that a provision of any such chapter has been or is being violated, the Archivist or the Administrator shall (1) inform in writing the head of the agency concerned of the violation and make recommendations for its correction; and (2) unless satisfactory corrective measures are inaugurated within a reasonable time, submit a written report of the matter to the President and the Congress.".

(9) Section 2116 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(10) Section 2118 of such title, as redesignated by section 102(a)(1), is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

(b)(1) Sections 710, 711, and 729 of title 44, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(2) Section 1502 of such title is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(3) Section 1503 of such title is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States";

(B) by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 1506 of such title is amended by striking out the third sentence.

(5) Section 1714 of such title is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

(6) Sections 2204(c)(1) and 2205 of such title are amended by striking out "National Archives and Records Service of the General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

(7) Section 2301 of such title is amended by striking out the second sentence thereof.

(8) Section 2501 of such title is amended by striking out the last sentence thereof.

(9) Section 2504 is amended—

(A) by striking out "Administrator of General Services" in the third sentence of subsection (a) and inserting in lieu thereof "Archivist of the United States";

(B) by inserting "and Records" after "Historical Publications" in the fourth sentence of such subsection;

(C) by striking out "Administrator" in the fourth sentence of such subsection and inserting in lieu thereof "Archivist";

(D) by striking out "transmit to the Administrator" in the last sentence of such subsection and inserting in lieu thereof "transmit to the President and the Congress"; and

(E) by striking out "General Services Administration" in subsection (b) and inserting in lieu thereof "National Archives and Records Administration".

(10) Section 2506 of such title is amended—

(A) by striking out "Administrator of General Services" in subsection (a) and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" in subsection (b) and inserting in lieu thereof "Archivist".

(11) Section 2507 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(12) Section 2901 of such title is amended—

(A) by striking out "27," in the matter preceding paragraph (1);

(B) by inserting before the semicolon at the end of paragraph (2) the following: "to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations";

(C) by striking out "Administrator" each place it appears in paragraphs (6), (9), and (11) and inserting in lieu thereof "Archivist"; and

(D) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively, and by inserting after paragraph (11) the following new paragraph:

"(12) the term 'Archivist' means the Archivist of the United States;".

(13) Section 2902(7) is amended by inserting "or the Archivist" after "Administrator".

(14)(A) Sections 2903 and 2907 of such title are amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(B) Sections 2905, 2908, and 2909 of such title are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist".

(15) Section 2904 is amended to read as follows:

"§ 2904. General responsibilities for records management

"(a) The Archivist shall provide guidance and assistance to Federal agencies with re-

spect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

"(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

"(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

"(1) to promulgate standards, procedures, and guidelines with respect to records management and the conduct of records management studies;

"(2) to conduct research with respect to the improvement of records management practices and programs;

"(3) to collect and disseminate information on training programs, technological developments, and other activities relating to records management;

"(4) to establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

"(5) to direct the continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management;

"(6) to conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management;

"(7) to conduct inspections or surveys of the records and the records management programs and practices within and between Federal agencies;

"(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

"(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

"(B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (6) and (7) of this section, and

"(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

"(d) In addition, the Administrator, in carrying out the responsibilities under subsection (b) shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management.".

(16) Section 2906 of such title is amended to read as follows:

"§ 2906. Inspection of agency records

"(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

"(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

"(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

"(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

"(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

"(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.".

(17)(A) The heading of chapter 29 of title 44, United States Code, is amended to read as follows:

"CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES".

(B) The item relating to chapter 29 in the table of chapters for title 44, United States Code, is amended to read as follows:

"29. Records Management by the Archivist of the United States and by the Administrator of General Services ..... 2901".

(18) Section 3102 of such title is amended—

(A) by inserting "and the Archivist of the United States" after "Administrator of General Services" in paragraph (2);

(B) by striking out "sections 2101-2113" and inserting in lieu thereof "sections 2101-2117"; and

(C) by striking out "2701,".

(19) Section 3103 of such title is amended—

(A) by striking out "Administrator" the first place it appears and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" the second place it appears and inserting in lieu thereof "Archivist".

(20) Sections 3104 and 3106 of such title are amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(21) Section 3105 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(22) Sections 3302, 3303, 3308, and 3311 of such title are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(23) Sections 3303a and 3310 of such title are amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(24)(A) The heading of section 3303 of such title is amended to read as follows:

"§ 3303. Lists and schedules of records to be submitted to the Archivist of the United States by head of each Government agency".

(B) The heading of section 3303a of such title is amended to read as follows:

"§ 3303a. Examination by Archivist of the United States of lists and schedules of records lacking preservation value; disposal of records".

(C) The heading of section 3311 of such title is amended to read as follows:

"§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist of the United States".

(D) The table of sections for chapter 33 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 3303, 3303a, and 3311 and inserting in lieu thereof "Archivist of the United States".

(25) Section 3504(e) of such title is amended by inserting "the Archivist of the United States and" before "the Administrator of General Services" each place it appears in paragraphs (1) and (2).

(26) Section 3513 of such title is amended by inserting "and the Archivist of the United States" after "Administrator of General Services".

(c)(1) Section 101 of the Presidential Recordings and Materials Preservation Act is amended—

(A) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111";

(B) by striking out "Administrator of General Services (hereinafter in this title referred to as the 'Administrator')" and inserting in lieu thereof "Archivist of the United States (hereinafter referred to as the 'Archivist')"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(2) Section 102 of such Act is amended—

(A) by striking out "section 2107" and inserting in lieu thereof "section 2111", and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 103 of such Act is amended by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 104 of such Act is amended—

(A) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of 60 legislative days after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, the term 'legislative days' does not include any day on which both Houses of Congress are not in session.".

(d) Sections 106a, 106b, 112, 113, and 201 of title 1, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States" and "National Archives and Records Administration", respectively.

(e)(1) Sections 6 and 11 through 13 of title 3, United States Code, are amended by strik-

ing out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States," and "National Archives and Records Administration", respectively.

(2)(A) The heading of section 6 of such title is amended to read as follows:

"§ 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection".

(B) The heading of section 12 of such title is amended to read as follows:

"§ 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate".

(3) The table of sections for chapter 1 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 6 and 12 and inserting in lieu thereof "Archivist of the United States".

(f) Sections 141 through 145 of title 4, United States Code, are amended by striking out "Administrator of General Services", "Administrator", and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States", "Archivist", and "National Archives and Records Administration", respectively.

(g) Section 552a of title 5, United States Code, is amended—

(1) by striking out subsection (b)(6) and inserting in lieu thereof the following:

"(6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;"; and

(2) by striking out "Administrator of General Services" each place it appears in subsection (l)(1) and inserting in lieu thereof "Archivist of the United States".

(h) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Archivist of the United States.".

(i) Section 4(5) of the Act of October 25, 1951 (25 U.S.C. 199a) is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

DEFINITIONS

SEC. 108. For purposes of sections 103 through 106—

(1) the term "Archivist" means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 2 of this Act;

(2) the term "Administration" means the National Archives and Records Administration established under section 2102 of such title (as amended by section 2 of this Act); and

(3) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

TITLE II—ADMINISTRATIVE PROVISIONS

COPYING AND AUTHENTICATING CHARGES

SEC. 201. Section 2116(c) of title 44, United States Code (as redesignated by section 102(a)), is amended to read as follows:

"(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.".

NATIONAL ARCHIVES TRUST FUND BOARD

SEC. 202. (a) Chapter 23 of title 44, United States Code, is amended by striking out sections 2302 through 2305 and inserting in lieu thereof the following:

"§ 2302. Authority of the Board; seal; services; annual report; bylaws; rules; regulations

"In carrying out the purposes of this chapter, the Board—

"(1) may adopt an official seal, which shall be judicially noticed;

"(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Administration necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

"(3) shall submit to the Congress an annual report, by account, of the moneys, securities, and other personal property received and held by it, and of its operations, which shall include a listing of the purposes for which funds are transferred to the National Archives and Records Administration for expenditure and to other Federal agencies;

"(4) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

"(5) may, subject to the laws and regulations governing appointments in the competitive service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

"§ 2303. Powers and obligations of the Board; liability of members

"Except as otherwise provided by this chapter, the Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

"§ 2304. Compensation of members; availability of trust funds for expenses of the Board

"Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Administration to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

"§ 2305. Acceptance of gifts

"The Board may solicit and accept gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the National Archives and Records Administration. Moneys that are for deposit into the trust fund shall be deposited within 10 working days of the receipt thereof.".

(b) Section 2307 of title 44, United States Code, is amended to read as follows:

"§ 2307. Trust fund account; disbursements; sales of publications and releases

"The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund.".

(c) The table of sections for chapter 23 of title 44, United States Code, is amended by striking out "employees;" in the item pertaining to section 2302 and inserting in lieu thereof "services; annual report;".

AUTHORITY TO LITIGATE

SEC. 203. (a) Section 2905(a) of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress.".

(b) Section 3106 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress.".

INSPECTION OF RECORDS

SEC. 204. Section 3301 of title 44, United States Code, is amended—

(1) by inserting "(a)" before "As used in this chapter,";

(2) by inserting ", as determined by the Archivist of the United States," after "public business and preserved or"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Archivist of the United States shall, by regulation, establish detailed criteria under which material shall be examined to determine if it is a record as defined under subsection (a) and such regulation. The Archivist may have access, to determine compliance with such subsection and such regulations, to any material made or received by an agency of the United States Government. Access to such material, and the examination thereof, by the Archivist shall be in compliance with all other Federal laws and be subject to the sanctions provided therein.".

PUBLIC NOTICE

SEC. 205. Section 3303a(a) of title 44, United States Code, is amended by inserting ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" immediately after "may" in the second sentence thereof.

TITLE III—GENERAL PROVISIONS

EFFECTIVE DATE

SEC. 301. The provisions of this Act (including the amendments made by this Act) shall be effective on April 1, 1985.

SPENDING AUTHORITY

SEC. 302. Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts.

Amend the title so as to read: "An Act to improve the preservation and management of Federal records, and for other purposes.".

Mr. BAKER. Mr. President, I move that the Senate disagree to the House amendments and request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer [Mr. GOLDWATER] appointed Mr. MATHIAS, Mr. ROTH, and Mr. EAGLETON conferees on the part of the Senate.

H.R. 4968 PLACED ON CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 4968, to provide for the conveyance by the Secretary of Energy of surface rights to certain parcels of land located on naval petroleum reserve No. 2 in the State of California on which private residences are located, and it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, let me say at this point, to conserve time, the minority leader and I through our staffs have gone through this list and I believe they are all cleared. So rather than inquire of him in each case, I will depend on the minority leader to indicate any objection that he may wish to state to any measure that is on this list.

CIGARETTE SAFETY ACT OF 1984

Mr. BAKER. Mr. President, I now ask the Chair lay before the Senate Calendar Order No. 932, S. 1935.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1935) to establish an interagency task force on cigarette safety.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and insert:

That this Act may be cited as the "Cigarette Safety Act of 1984".

SEC. 2. (a) There is established the Interagency Committee on Cigarette and Little Cigar Fire Safety (hereinafter referred to as the "Interagency Committee") which shall consist of—

(1) the Administrator of the United States Fire Administration, who shall be Chairman of the Interagency Committee;

(2) the Assistant Secretary of Health of the Department of Health and Human Services; and

(3) the Chairman of the Consumer Product Safety Commission.

(b) The Interagency Committee shall direct, oversee, and review the work of the Technical Study Group on Cigarette and Little Cigar Fire Safety (established under section 3) conducted under section 4 and shall make such policy recommendations to the Congress as it deems appropriate. The Interagency Committee may retain and contract with such consultants as it deems necessary to assist the Study Group in carrying out its functions under section 4, except that the authority of the Interagency Committee to enter into contracts shall be to such extent or in such amounts as are provided in appropriations Acts. The Interagency Committee may request the head of any Federal department or agency to detail any of the personnel of the department or agency to assist the Interagency Committee or the Study Group in carrying out its responsibilities.

(c) For the purpose of carrying out section 4, the Interagency Committee or the Study Group, with the advice and consent of the Interagency Committee, may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Interagency Committee or the Study Group considers appropriate.

SEC. 3. (a) There is established the Technical Study Group on Cigarette and Little Cigar Fire Safety (hereinafter referred to as the "Study Group") which shall consist of—

(1) one scientific or technical representative from each of the Consumer Product Safety Commission, the Center for Fire Research of the National Bureau of Standards, the National Cancer Institute, the Federal Trade Commission, and the Federal Emergency Management Agency, the appointment of whom shall be made by the heads of those agencies;

(2) four scientific or technical representatives appointed by the Chairman of the Interagency Committee from a list of individuals submitted by the Tobacco Institute;

(3) two scientific or technical representatives appointed by the Chairman of the Interagency Committee who are selected from lists of individuals submitted by the following organizations: the American Burn Association, the American Public Health Association, and the American Medical Association;

(4) two scientific or technical representatives appointed by the Chairman of the Interagency Committee who are selected from lists of individuals submitted by the following organizations: the National Fire Protection Association, the International Association of Fire Chiefs, the International Association of Firefighters, the International Society of Fire Service Instructors, and the National Volunteer Fire Council; and

(5) one scientific or technical representatives appointed by the Chairman of the Interagency Committee from a list of individuals submitted by the Business and Institution Furniture Manufacturers Association and one such representative appointed by such Chairman from a list of individuals submitted by the American Furniture Manufacturers Association.

(b) The persons appointed to serve on the Study Group may designate, with the advice and consent of the Interagency Committee, from among their number such persons to serve as team leaders, coordinators, or chairpersons as they deem necessary or appropriate to carry out the Study Group's functions under section 4.

SEC. 4. The Study Group shall undertake, subject to oversight and review by the Interagency Committee, such studies and other activities as it considers necessary and appropriate to determine the technical and commercial feasibility, economic impact, and other consequences of developing cigarettes and little cigars that will have a minimum propensity to ignite upholstered furniture or mattresses. Such activities include identification of the different physical characteristics of cigarettes and little cigars which have an impact on the ignition of upholstered furniture and mattresses, an analysis of the feasibility of altering any pertinent characteristics to reduce ignition propensity, and an analysis of the possible costs and benefits, both to the industry and the public, associated with any such product modification.

SEC. 5. The Interagency Committee shall submit one year after the date of enactment of this Act a status report to the Senate and the House of Representatives describing the activities undertaken under section 4 during the preceding year. The Interagency Committee shall submit a final technical report, prepared by the Study Group, to the Senate and the House of Representatives not later than thirty months after the date of enactment of this Act. The Interagency Committee shall provide to the Congress, within sixty days after the submission of the final technical report any policy recommendations the Interagency Committee deems appropriate. The Interagency Committee and the Study Group shall terminate one month after submission of the policy recommendations prescribed by this section.

SEC. 6. (a) Any information provided to the Interagency Committee or to the Study Group under section 4 which is designated as trade secret or confidential information shall be treated as trade secret or confidential information subject to section 552(b)(4)

of title 5, United States Code, and section 1905 of title 18, United States Code, and shall not be revealed, except as provided under subsection (b). No member of the Study Group or Interagency Committee, and no person assigned to or consulting with the Study Group, shall disclose any such information to any person who is not a member of, assigned to, or consulting with, the Study Group or Interagency Committee unless the person submitting such information specifically and in writing authorizes such disclosure.

(b) Subsection (a) does not authorize the withholding of any information from any duly authorized subcommittee or committee of the Congress, except that if a subcommittee or committee of the Congress requests the Interagency Committee to provide such information, the Chairman of the Interagency Committee shall notify the person who provided the information of such a request in writing.

(c) The Interagency Committee shall, on the vote of a majority of its members, adopt reasonable procedures to protect the confidentiality of trade secret and confidential information, as defined in this section.

SEC. 7. As used in this Act, the terms "cigarettes" and "little cigars" have the meanings given such terms by section 3 of the Federal Cigarette Labeling and Advertising Act.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Amend the title so as to read: "A bill to establish an interagency committee and a technical study group on cigarette safety.".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ROTH. Mr. President, I rise in support of the passage of S. 1935, the Cigarette Safety Act of 1984. This legislation would establish a special task force to assess the feasibility of developing and producing cigarettes which do not readily ignite carpeting, furniture and bedding. The idea for a so-called fire-safe cigarette has been in existence for some time and the task force established by S. 1935 will help determine whether it has merit or not.

Mr. President, in 1982, 6,020 people died in house fires in the United States. Almost 40 percent of these deaths involved persons over the age of 65 or under the age of 10. This is the largest group in the population at risk from fires in the home and also the most helpless in saving themselves from serious injury or death once fire strikes. In fact, an astounding 82 percent of all fire-caused deaths in this country occur in the home and nearly a billion dollars worth of property damage results each year from such fires.

Even more startling, however, is the fact that more than a third of all Americans killed by fire die in fires ignited by one common source: cigarettes. Just as tragically, over 3,800 Americans each year are injured in cigarette-ignited fires and over $300 million worth of property damage is traceable to such fires.

Two-thirds of these residential fire deaths occur between the hours of 8 p.m. and 8 a.m. when people are most likely to be sleeping. In 40 percent of these cases, those who die were not smoking and were not responsible for starting the fires. The available data indicates that cigarette-ignited fires are far and away the leading cause of fire deaths in the United States.

Because of the extent and seriousness of this problem, my committee decided to seriously review ideas for reducing the extent of cigarette-related fire fatalities and injuries in the home and workplace. Based on expert testimony presented to the committee, most cigarette-ignited fires result from a carelessly discarded cigarette which lands on upholstered furniture or bedding. Often, a lighted cigarette is dropped by a person who has fallen asleep with the cigarette in hand. Usually, the fire smoulders unnoticed for several minutes, in many cases more than an hour. Tests show that most cigarettes will remain lit for between 20 and 40 minutes, allowing plenty of time for a fire to get started. Often the family members of the smoker are already in bed, many times in another part of the House. In many cases, neighbors notice the fire and report it and family members never awaken to the danger. Death in most of these fires is caused by smoke and toxic gases rather than flames.

Cigarette-ignited fires might be prevented if cigarettes could be made in a form that was self-extinguishing—would stop burning if not puffed on regularly—or in a form in which the cigarette would continue burning but not with heat levels high enough to cause combustion of fabrics or upholstery. However, there is still some dispute among experts on the feasibility of designing a fire-safe cigarette. Based on this evidence and on the serious financial and personal losses associated with cigarette-ignited fires, my committee approved legislation to create a special task force to study this matter and provide well-researched and informed conclusions and recommendations on the feasability of producing fire-safe cigarettes. I believe that the reduction of the tragic toll of cigarette related fires is an important goal and one which could be reached through the development of less flammable cigarettes.

S. 1935 would establish an Interagency Committee on Cigarette and Little Cigar Safety. The Administrator of the U.S. Fire Administration would serve as chairman of this Interagency Committee. Also serving on the committee would be the Assistant Secretary for Health of the Department of Health and Human Services and the Chairman of the Consumer Product Safety Commission.

The Interagency Committee would direct, oversee and review the work of a special technical study group on cigarette and little cigar fire safety which would have the primary responsibility of assessing the feasibility of developing a firesafe cigarette. The study group would consist of one scientific or technical representative from the Consumer Product Safety Commission, the Center for Fire Research of the National Bureau of Standards, the National Cancer Institute, the Federal Trade Commission, and the Federal Emergency Management Agency. Each of these representatives would be appointed by the heads of those agencies.

With the direction and review of the Interagency Committee, the study group would undertake any studies or other activities necessary and appropriate to determine the technical and commercial feasibility, the economic impact, and any other consequences of developing cigarettes and little cigars that will have less propensity to ignite upholstered furniture or mattresses. The matters to be evaluated would include the identification of the physical charcteristics of cigarettes and little cigars which have an impact on the ignition of upholstered furniture and mattresses, an analysis of the feasibility of altering the characteristics to reduce ignition propensity, and an analysis of the possible costs and benefits to both industry and the public associated with any product modification considered by the technical study group.

Mr. President, I would point out that the committee carefully considered the question of which agency should chair the Interagency Committee on Cigarette and Little Cigar Fire Safety. After reviewing the matter, the committee decided to provide in the legislation for the appointment of the Administrator of the U.S. Fire Administration as Chair for several reasons.

First, the problem of cigarette-related fires is primarily a matter of fire prevention, although limited to a specific source of fire hazard. Both the Health and Human Services Department and the Consumer Product Safety Commission, who are also members of the Interagency Committee, have valuable contributions to make to the study required by this legislation since the problem of cigarette-ignited fires is obviously of concern to consumers and has a serious effect on health and safety.

However, the issue to be addressed by the study is how to prevent future fires and reduce loss of life and property damage. Fire prevention matters have been assigned by the Congress to the U.S. Fire Administration and in my view, the appointment of the Administrator as the Chair of the Inter-

agency Committee is completely in line with the intention of Congress in creating the agency.

The U.S. Fire Administration was created as a part of the Federal Emergency Management Agency [FEMA], an Agency established through a reorganization plan submitted to my committee in 1978. The Director of FEMA was assigned most of the duties and responsibilities of the now abolished National Fire Prevention and Control Administration [NFPCA] and he in turn assigned most of those responsibilities to the U.S. Fire Administration.

Among the major goals of the Federal Prevention and Control Act of 1974 which created NFPCA was ensuring that national attention wa directed at fire and fire-related problems with special emphasis directed at preventing fires and attracting more interest and concern in fire prevention matters among professional firefighters and fire experts generally. Assigning the Administrator of the U.S. Fire Administration to Chair the Interagency Committee is perfectly in consonance with his assigned duties under law and will help him further his role and fulfill his responsibilities.

Second, the Fire Administration can make available the use of facilities and test equipment which are ideal for supporting the study required by this bill. Since the Chair of the study will provide much of the support staff and resources for the study, I believe it is important that the Chair's agency be able to provide the necessary support.

The Federal Fire Prevention and Control Act of 1974 created a special Fire Research Center in the National Bureau of Standards [NBS] with the mission of performing and supporting research on all aspects of fire with the aim of providing scientific and technical knowledge applicable to the prevention and control of fires. This center was not transferred to FEMA along with the rest of the responsibilities and resources of the National Fire Prevention and Control Administration, largely because the center had extensive facilities already located in NBS and my committee wanted to prevent any unnecessary disruption of the center's work. However, as my committee made clear in establishing FEMA, the content and priorities of the fire research program conducted by the center should be determined only after consultation with the Administrator—of the U.S. Fire Administration—when it is relocated in FEMA.

FEMA has used the resources of the center on numerous occasions to study fire combustibility and safety issues and the Fire Administrator could readily tap these resources for use in the cigarette safety study proposed by this legislation. The center has the responsibility and the facilities to conduct studies of the early stages of fires, the physics and chemistry of combustion processes and the dynamics of flame ignition, flame spread, and flame extinguishment, among other things. I believe, as did my committee, that the center's capabilities and its already extensive experimental activities in the area of fire prevention matters will help contribute to a well researched and supported study. Given the close relationship of the center by law to the Fire Administrator, the committee felt his appointment to the Interagency Committee appropriate and believes it will help make for a successful and useful study.

Mr. President, I believe S. 1935 as reported by my committee will provide useful information of the feasibility of developing and producing a fire-safe cigarette. I would like to give special recognition to Senator HEINZ who has taken a strong leadership role in developing this bill and Senator CRANSTON who has worked hard on the bill as well. I believe the Fire Administration's leadership will be important to the successful conclusion of the study provided for in S. 1935 and I urge my colleagues to support passage of the bill.

Mr. HEINZ. Mr. President, I commend to the Senate, for its consideration and expeditious passage, S. 1935, the "Cigarette Safety Act of 1984," which I introduced along with Senators DANFORTH and CRANSTON in October 1983. Our legislation will establish a task force to study the feasibility of developing fire-safe cigarettes. Cigarettes are the greatest single cause of death in home fires, and it is with great appreciation that I witness this milestone of legislation progress which I believe will ultimately control the tragic and unnecessary loss of life and property resulting from cigarette-caused fires.

A hearing I chaired a year ago this July before the Special Committee on Aging focused on home fire deaths and examined measures that can substantially reduce the risk of such deaths. Cigarettes cause more than 2,000 deaths a year in residential fires. That's over one-third of all home fire deaths; far more than any other single cause.

Accounts of these deep personal tragedies are buried in the back pages of our newspapers and go practically unnoticed by the public. While they don't capture the headlines, cigarette-caused fires claim over five lives each day. And every day, more than 10 people are maimed or burned beyond recognition. Fire injuries cause enormous pain and suffering—weeks and months spent in burn centers, repeated skin graft surgeries, and permanent scarring and disfigurement.

Home fire casualties have special significance for our Nation's 26 million senior citizens. Compared to other age groups, senior citizens suffer an excessive amount from the fatalities and serious injuries caused by fire. Older persons are two to three times more likely than younger individuals to be victims of home fires caused by cigarettes. The homebound and frail elderly living in private homes are especially vulnerable when fire breaks out. Because of impairments and disabilities, they may be unable to respond appropriately in an emergency and may lack the mobility to escape the fire's destructive path. And because they are less capable of tolerating injury and combating complicating infectious which may result, the elderly are less likely to survive a burn wound than their younger counterparts. But fire does not pick and choose its victims—old and young, as well as innocent, persons are often harmed. Indeed, almost 40 percent of the people who are killed in cigarette-caused fires are not responsible for the accidental fires.

No price tag can be attached to human life nor can any dollar value be placed on pain and suffering; but it is clear that the economic costs of smoking related fires is high—amounting to $300 million in property loss alone in 1981. And the indirect costs of these fires, such as medical care for injured firefighters, also increases the economic costs to society.

At the hearing, we received substantial testimony that many of these human casualties and economic losses could be avoided if the cigarette industry manufactured a safe cigarette, one less likely to get hot enough to ignite upholstery and bedding when left unattended by smokers. These currently exists, however, a basic disagreement as to whether the technology is available to reduce the ignition potential of cigarettes. To settle this dispute and to address the terrible problem of fire and death and injury, I introduced, along with Senators ROTH, CRANSTON, and DANFORTH, the Cigarette Safety Study Act to establish a Federal interagency task force to study cigarette safety and the feasibility of developing a cigarette which has a reduced propensity to ignite upholstered furniture and mattresses. After the introduction of this legislation, we reached an historic compromise with the cigarette industry, which is reflected in the committee amendments.

In order to resolve this disagreement to the satisfaction of all concerned parties, S. 1935 establishes an Interagency Committee on Cigarette and Little Cigar Fire Safety and a technical study group, whose joint goal will be to determine the technical and commercial feasibility, economic impact, and other consequences of developing fire-safe cigarettes and little cigars that will have a minimum propensity to ignite upholstered furniture or mattresses.

The interagency committee will be composed of leading officials from the U.S. Fire Administration, the Department of Health and Human Services, and the Consumer Product Safety Commission. The study group, with its more diverse membership, will bring in the views of the tobacco industry, health organizations, fire protection groups, business organizations, as well as relevant Government agencies.

Subject to the oversight of the interagency committee, the study group will perform important technical functions, such as identifying physical characteristics of cigarettes and little cigars which have an impact on fire safety, analyzing the feasibility of physical changes of cigarettes to reduce ignition propensity, and analyzing the costs and benefits to industry and to the public of any product modification. The study group will be responsible for a mandatory final technical report to Congress 30 months after enactment of the act.

The interagency commitee will supplement the technical report with policy recommendations and will be responsible for an interim 1-year status report. Both bodies will have full authorization to conduct hearings, receive evidence, and undertake studies in order to perform their duties.

The bill protects the interests of the tobacco industry while freeing the industry to share information with the committee and the study group. It does this by specifying measures to be taken to protect industry secrets and confidential information. Only written authorizations from the person submitting such information will allow members of either body to disclose the information to persons outside the committee or study group, except where the information is requested by congressional committees.

This undertaking will be a cooperative effort among industry, Government and public experts to explore the feasibility of a cigarette that is safer for the American public. It will provide Congress with the detailed information necessary to make knowledgeable decisions. Passage of S. 1935 is a critical step toward prevention of death, disability and destruction due to cigarette-caused fires.

In closing, I want to thank all of the cosponsors of this legislation for their support. Special thanks is due to the chairman of the Governmental Affairs Committee, Senator ROTH, for holding hearings and guiding this legislation through the committee and to Senator CRANSTON, who has long championed the cause of cigarette safety in the Senate. They and their staffs have made invaluable contributions toward the passage of this important legislation. Finally, I wish to express my deep gratitude to the many health organizations, fire protection and safety groups, and citizens' groups who have led the campaign to prevent the needless fire deaths and injuries caused by cigarettes.

Mr. CRANSTON. Mr. President, I want to thank my colleagues Senator ROTH and Senator HEINZ for their efforts in bringing the Cigarette Safety Act to a successful close. Without the interest they have shown in addressing our Nation's leading cause of residential fire deaths—accidential cigarette fires—we would not have a bill today.

I am as confident today as I was 4 years ago, when I first introduced legislation to encourage the manufacturing of a fire-safe cigarette, that the production of a safer cigarette is both economically and technically possible.

Despite the fact that there are several cigarette brands currently on the market with a reduced propensity to ignite upholstered furniture and mattresses, discussions over the past few years have revealed that we do not have a complete picture of the relative interactions of the factors contributing to the burn rate of a cigarette. Significant research has been performed on this subject, yet no systematic effort has ever been made to compile all existing information, so that weaknesses in the data can be identified and reconciled and a consensus reached concerning the feasibility of mass-producing safer cigarettes.

There are several reasons for this. Never before have we had the cooperation of the tobacco industry, and never before has the Federal Government had the authority to look at the cigarette as a source of ignition. This bill provides the framework for experts from the tobacco industry, Government, the medical and fire service communities to pool their best efforts. In so doing. I believe we will be brought measurably closer to our shared goal of reducing the deaths, injuries and property damage caused by accidental fires ignited by cigarettes.

A fair and thorough look at the issue of producing a safer cigarette is a solid first step. At the completion of this study, we will assess the policy recommendations made by the interagency committee and then tackle the need for further action.

Mr. BAKER. Mr. President, I ask for third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, I now ask that the Chair lay before the Senate Calendar Order No. 1114, which is H.R. 1880.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1880) to establish an interagency committee and a technical study group on cigarette safety.

Mr. BAKER. Mr. President, I move to strike all after the enacting clause and insert the text of S. 1935, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill. The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 1880), as amended, was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I now ask that S. 1935 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROJECTIONS OF ELECTION RESULTS

Mr. BAKER. Mr. President, I now ask the Chair lay before the Senate Calendar Order No. 1164, House Concurrent Resolution 321.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (H. Con. Res. 321) expressing the sense of Congress with respect to the adverse impact of early projections of election results by the news media.

The PRESIDING OFFICER. Is there objection to the consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PACKWOOD. Mr. President, I urge all of my colleagues to support House Concurrent Resolution 321. This resolution expresses the sense of the Congress that the news media, in order to protect the integrity of the electoral process, should voluntarily refrain from projecting or characterizing results of elections before the polls for an office have closed.

The controversy surrounding the 1980 elections renewed fears that early projections can diminish voter turnout. In 1980, all three television networks projected Ronald Reagan as the winner before the polls had closed in many Western States. Those projec-

tions and the early concession by President Carter apparently convinced many voters that the election was over.

There were numerous reports that voters left the polling places before they cast their ballots, or simply did not show up to vote. While a reduced voter turnout would not have affected the outcome of the Presidential race, it could have altered many other Federal, State, and local races.

The networks and others in the media question whether early projections actually have a negative impact on voter turnout, but it is clear that much of the public perceives these practices to be an important problem. Many citizens, especially in the West, get the impression that their votes don't count as much, or they wonder whether they are being disenfranchised, in effect, by a competition among the news media to be the first to report election information.

I believe this resolution is the most constructive approach to this problem. If we tried to ban the media from issuing early projections, we would run afoul of the first amendment. Uniform poll closing times have been suggested, but that could be expensive to implement, and could not prevent early projections if projections are based on exit polling. Some States are trying to regulate exit polling practices, but that approach may not provide an effective nationwide solution.

This resolution, I believe, provides an acceptable middle ground. It does not have the force of law, so it avoids intruding into sensitive first amendment rights. At the same time, it says to the media that we are all very concerned about the effects of their election reporting practices, and that we believe that self-restraint is called for.

As a result of House and Senate action on this resolution, I note that already one of the television networks has written to its affiliates to inform them that it has modified its election reporting practices. That is really what we are after in this area—some sensitivity on the media's part that they need to exercise self-restraint to fully protect one of our basic rights, the right to vote.

Mr. GORTON. Mr. President, House Concurrent Resolution 321 has my strong support. Along with my fellow-Members of Congress, I ask the broadcasting networks not to project the outcome of elections in States before the polls close and people have finished voting in those States. This is an important issue in many States, not just those in the Far West, but has especially adverse effects on the west coast, in Alaska, and in Hawaii.

Mr. President, our democracy depends on our citizens' confidence that their participation matters. I am convinced that early election projections undermine our efforts to increase voter turnout. All of the studies done since the 1980 election have shown some degree of loss of voters because of early projections. Although these studies have differed on the amount of loss, any loss can actually change the outcome of a close race.

My State of Washington has played an active role on this subject. The secretary of state, Ralph Munro, has asked the networks for voluntary restraint, as does House Concurrent Resolution 321. Because the networks have not been responsive, the State banned exit polling within 300 feet of the polls. The Federal district court upheld this law.

The networks protest that not projecting elections will interfere with the quality of their news broadcasts, and that it would be suppression of the news. I disagree, and would like to offer the election news broadcasts in Canada as an example the U.S. networks would do well to emulate. I was fortunate to be able to watch the CBC broadcasts over cable in my home in Olympia on September 4, the evening of the national election. I found the election coverage absolutely first rate.

In Canada, there is a virtual blackout on coverage of election news before the polls close in each province. In British Columbia, election coverage begins at 8 p.m., and only at that point do voters learn of the results so far in the eastern provinces. This goes far beyond our resolution, which would continue to allow the networks to reveal the vote counts in New York, even before the polls have closed in California.

The quality of Canadian news does not suffer from these restrictions. The broadcasts include background information on the candidates, panels of experts to comment on the implications of the election results, interviews with the candidates, and the continuous updating of the election results. I found it to be the most interesting and informative election coverage I have ever seen.

I believe exit polling and early election projections are harmful to our democratic processes. I sincerely ask the networks to exercise restraint and to contribute to the largest possible voter turnout this fall, without predicting the election results in States before their polls close.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The concurrent resolution was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TORTURE BY FOREIGN GOVERNMENTS

Mr. BAKER. Mr. President, I now ask that the Chair lay before the Senate Calendar Order 1184, House Joint Resolution 605.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (H.J. Res. 605) regarding the implementation of the policy of the United States Government in opposition to the practice of torture by an foreign government.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PERCY. Mr. President, I rise to speak in favor of House Joint Resolution 605, which the Senate now considers. This is the companion House joint resolution to Senate Joint Resolution 320 which I introduced in the Senate on June 26, 1984. On that same day, I chaired a committee hearing on the practice of torture by foreign governments, and U.S. efforts to combat its occurrence. I learned at that hearing that torture is routinely practiced in more than 60 countries and that allegations of torture have been reported in almost 100 countries. This shocking reality should compel the attention of all decent people and their governments, and to that end I explored with the witnesses, including representatives from the administration, Amnesty International, the Baha'i religious community, and the International Lawyers Committee for Human Rights, additional ways in which our Government can increase its efforts to curb this grievous practice.

Senate Joint Resolution 320 and House Joint Resolution 605 request the Secretary of State to instruct representatives of the U.S. Government abroad to engage in efforts to combat torture in countries where it is practiced. Both joint resolutions will also require military and law enforcement training provided by the United States to foreign personnel to include instruction in international human rights standards, addressing the practice of torture and the policy of the United States in this regard.

Senator PELL is the principal cosponsor of Senate Joint Resolution 320 and 36 other Senators including Senators KASSEBAUM, BOSCHWITZ, PRESSLER, MURKOWSKI, SARBANES, and CRANSTON of the Foreign Relations Committee have joined with us in cosponsoring the resolution which was approved by the committee on September 12, 1984. In the House, Chairman FASCELL of the Foreign Affairs Committee introduced House Joint Resolution 605, which was approved unanimously by the Foreign Affairs Committee and

passed by the House of Representatives on September 11.

Chairman FASCELL and I are convinced that both international and domestic pressure can be effective in persuading governments to implement measures to reduce and eventually abolish torture. If one victim can be helped by our efforts, those efforts are worthwhile.

I want to give special thanks to Amnesty International for the fine work that that organization has done in focusing attention on this most difficult problem. Hopefully, all of our efforts together will help to expose the practice of torture and convince the practitioners that it is not in their interests to pursue this illegal conduct. Certainly, this will require an enormous and sustained effort to succeed.

We look forward to the day when the universally proclaimed right not to be tortured is, in fact, the reality. Approving the Percy-Fascell joint resolution against torture is one step that we can take now to help achieve that goal.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

There being no objection, the joint resolution (H.J. Res. 605) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Calendar Order 1156, H.R. 5172.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5172) to authorize appropriation to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1984 and 1985, and for related purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1985".

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 2. (a) There are authorized to be appropriated for fiscal year 1985 to the Secretary of Commerce to carry out activities performed by the National Bureau of Standards the sums set forth in the following line items:

(1) Measurement Research and Standards, $56,840,000.

(2) Engineering Measurements and Standards, $23,102,000.

(3) Computer Science and Technology, $10,000,000.

(4) Center for Fire Research, $5,827,000.

(5) Core Measurement Research for New Technologies, $12,125,000.

(6) Technical Competence Fund, $8,563,000.

(7) Central Technical Support, $15,186,000.

(b) Notwithstanding any other provision of this or any other Act, of the total amount authorized for fiscal year 1985 under subsection (a)(2) of this section, not less than $3,969,000 shall be available for "Building Research".

EXCESS FOREIGN CURRENCY

SEC. 3. In addition to the sums authorized to be appropriated by section 2 of this Act, there are authorized to be appropriated to the Secretary of Commerce $600,000 for fiscal year 1985 for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

OFFICE OF PRODUCTIVITY, TECHNOLOGY, AND INNOVATION

SEC. 4. In addition to the sums authorized to be appropriated by sections 2 and 3 of this Act, there are authorized to be appropriated to the Secretary of Commerce $3,371,000 for fiscal year 1985 for the activities of the Office of Productivity, Technology, and Innovation.

SALARY ADJUSTMENTS

SEC. 5. In addition to the sums authorized to be appropriated by sections 2, 3, and 4 of this Act, there are authorized to be appropriated to the Secretary of Commerce for fiscal year 1985 such additional sums as may be neccessary to make any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law.

AVAILABILITY OF APPROPRIATIONS

SEC. 6. Appropriations made under the authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

COST RECOVERY AUTHORITY

SEC. 7. (a) Section 12(f) of the Act of March 3, 1901 (15 U.S.C. 278b(f)), is amended—

(1) by striking "first"; and

(2) by inserting immediately before the period at the end thereof the following: ", and to ensure the availability of working capital necessary to replace equipment and inventories".

(b) Fees for calibration services, standard reference materials, and other comparable services provided by the National Bureau of Standards shall be at least sufficient to meet the requirements set forth in the amendments made by subsection (a) of this section, and any funds recovered in excess of such requirements shall be returned to the Treasury of the United States.

COMPENSATION OF DIRECTOR

SEC. 8. (a) Section 5 of the Act of March 3, 1901 (15 U.S.C. 274), is amended by adding at the end thereof the following: "The director shall be compensated at the rate now or hereafter in effect for level IV of the Executive Schedule, pursuant to section 5315 of title 5, United States Code.".

(b)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director, National Bureau of Standards, Department of Commerce.".

(2) Section 5316 of title 5, United States Code, is amended by striking the following item:

"Director, National Bureau of Standards, Department of Commerce.".

The amendment was agreed to.

Mr. BAKER. Mr. President, one moment, if I may. There is an amendment, is that correct?

The PRESIDING OFFICER. The substitute has been agreed to.

Mr. BAKER. All right, I send to the desk an amendment on behalf of Senator PACKWOOD to the substitute.

The PRESIDING OFFICER. The amendment will be stated.

Mr. BAKER. Mr. President, I ask that the action in agreeing to the substitute be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4376

(Purpose: Make amendment in the nature of a substitute)

Mr. BAKER. All right, I now ask the Chair lay before the Senate the Packwood amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. PACKWOOD, proposes an amendment numbered 4376:

Strike all after the enacting clause and insert in lieu thereof the following:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1985".

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 102. There are authorized to be appropriated for fiscal year 1985 to the Secretary of Commerce to carry out activities performed by the National Bureau of Standards the sums set forth in the following line items:

(1) Measurement Research and Standards, $52,030,000.

(2) Engineering Measurements and Standards, $23,194,000.

(3) Computer Science and Technology, $10,000,000.

(4) Center For Fire Research, $5,827,000.

(5) Core Measurement Research for New Technologies, $12,168,000.

(6) Technical Competence Fund, $8,598,000.

(7) Central Technical Support, $13,728,000.

EXCESS FOREIGN CURRENCY

SEC. 103. In addition to the sums authorized to be appropriated by section 102 of this title, there are authorized to be appropriated to the Secretary of Commerce $600,000 for fiscal year 1985 for expenses of the National Bureau of Standards incurred

outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

OFFICE OF PRODUCTIVITY, TECHNOLOGY, AND INNOVATION

SEC. 104. (a) In addition to the sums authorized to be appropriated by sections 102 and 103 of this title, there are authorized to be appropriated to the Secretary of Commerce $3,371,000 for fiscal year 1985 for the activities of the Office of Productivity, Technology, and Innovation.

(b) Of the sum authorized to be appropriated in subsection (A) of this section, the Assistant Secretary of Commerce for Productivity, Technology and Innovation is authorized and directed to expend $500,000 for the purpose of substantially increasing the availability of Japanese science and engineering literature to United States scientists and engineers through increased accessibility, monitoring, screening, translation, abstracting, indexing, dissemination, awareness, and marketing. In the conduct of this activity, the Assistant Secretary is authorized to make grants and, to the extent provided in advance by appropriations Acts, contracts with private for profit, nonprofit, and educational organizations and to provide funds to other government organizations, to coordinate with other government organizations, and to utilize (for all or part of this effort) the Director, staff, and facilities of the National Technical Information Service.

SALARY ADJUSTMENTS

SEC. 105. In addition to the sums authorized to be apropriated by sections 102, 103, and 104 of this title, there are authorized to be appropriated to the Secretary of Commerce for fiscal year 1985 such additional sums as may be necessary to make any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law.

AVAILABILITY OF APPROPRIATIONS

SEC. 106. Appropriations made under the authority provided in this title shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

COST RECOVERY AUTHORITY

SEC. 107. (a) Section 12(f) of the Act of March 3, 1901 (15 U.S.C. 278b(f)) is amended—

(1) by striking "first"; and

(2) by inserting immediately before the period at the end thereof the following: ", and to ensure the availability of working capital necessary to replace equipment and inventories".

(b) Fees for calibration services, standard reference materials, and other comparable services provided by the National Bureau of Standards shall be at least sufficient to meet the requirements set forth in the amendments made by subsection (a) of this section, and any funds recovered in excess of such requirements shall be returned to the Treasury of the United States.

COMPENSATION OF DIRECTOR

SEC. 108. (a) Section 5 of the Act of March 3, 1901 (15 U.S.C. 274) is amended by adding at the end thereof the following: "The director shall be compensated at the rate now or hereafter in effect for level IV of the Executive Schedule, pursuant to section 5315 of title 5, United States Code.".

(b)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director, National Bureau of Standards, Department of Commerce.".

(2) Section 5316 of title 5, United States Code, is amended by striking the following item:

"Director, National Bureau of Standards, Department of Commerce.".

STRUCTURAL FAILURES

SEC. 109. The National Bureau of Standards, on its own initiative but only after consultation with local authorities, may initiate and conduct investigations to determine the causes of structural failures in structures which are used or occupied by the general public. No part of any report resulting from such investigation shall be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report.

TITLE II

AMENDMENTS TO THE ACT OF MAY 10, 1950

SEC. 201. (a)(1) Section 3(a)(1) of the Act of May 10, 1950 (42 U.S.C. 1862(a)(1)) is amended—

(A) by striking "engineering,"; and

(B) by inserting after "other sciences," the following: "and to initiate and support research fundamental to the engineering process and programs to strengthen engineering research potential and engineering education programs at all levels in the various fields of engineering,".

(2) Section 3(a)(3) of such Act is amended—

(A) by inserting "and engineers" immediately after "scientists"; and

(B) by inserting "and engineers" immediately after "scientists".

(3) Section 3(a)(4) of such Act is amended by inserting "and engineering" immediately after "sciences".

(4) Section 3(a)(5) of such Act is amended by inserting "and fields of engineering" immediately after "sciences".

(5) Section 3(a)(6) of such Act is amended by striking "technical" each place it appears and inserting in lieu thereof "engineering".

(6) Section 3(a)(7) of such Act is amended by inserting "and engineering" immediately after "scientific".

(b) Section 3(b) of such Act is amended by inserting "and engineering" immediately after "scientific" each place it appears.

(c) Section 3(c) of such Act is amended—

(1) by inserting "and engineering" immediately after "scientific" in the first sentence; and

(2) by inserting "and engineering research" immediately after "applied scientific research" in the second sentence.

(d) Section 3(d) of such Act is amended by striking "basic research and education in the sciences" and inserting in lieu thereof "research and education in science and engineering".

(e) Section 3(e) of such Act is amended by inserting "and engineering" immediately after "sciences".

(f) Section 4(c) of such Act (42 U.S.C. 1863(c)) is amended—

(1) by inserting "and engineering" immediately after "scientific" in clause (3) of the first sentence;

(2) by inserting "and engineers" immediately after "scientists" in the second sentence; and

(3) by inserting "the National Academy of Engineering," immediately after "National Academy of Sciences,", and by inserting ", engineering," immediately after "scientific" in the third sentence.

(g) The first sentence of section 10 of such Act (42 U.S.C. 1869) is amended by striking "scientific study or scientific work in the mathematical, physical, medical, biological, engineering, social, and other sciences" and inserting in lieu thereof "study and research in the sciences or in engineering".

(h) Section 11 of such Act (42 U.S.C. 1870) is amended—

(1) by inserting "or engineering" immediately after "scientific" each place it appears in subsection (c) and (i); and

(2) by inserting ", engineering," immediately after "scientific" where it first appears in subsection (g).

(i) Section 12 of such Act (42 U.S.C. 1871) is amended by inserting "or engineering" immediately after "scientific".

(j) Section 13 of such Act (42 U.S.C. 1872) is amended—

(1) by inserting "or engineering" immediately after "scientific" each place it appears; and

(2) by inserting "or engineers" immediately after "scientists" in subsection (a).

(k) Section 14 of such Act (42 U.S.C. 1873) is amended—

(1) by inserting "or engineering" immediately after "scientific" each place it appears in subsection (f); and

(2) by striking "technical" in subsection (g) and inserting in lieu thereof "engineering".

(l) Section 15(b) of such Act (42 U.S.C 1874(b)) is amended—

(1) by striking "technical" in paragraph (1) and inserting in lieu thereof "engineering"; and

(2) by inserting "or engineering" immediately after "scientific" in paragraph (2).

(m) Section 2(b) of the Act of August 9, 1975 (42 U.S.C. 1869a(b)) is amended by inserting "or engineering" immediately after "science" each place it appears.

TITLE III

SHORT TITLE

SEC. 301. This title may be cited as the "Manufacturing Sciences and Robotics Research and Development Act of 1984".

FINDINGS

SEC. 302. (a) The Congress finds that—

(1) manufacturing contributes significantly to the Nation's gross domestic product and employs more than one-fifth of the Nation's work force;

(2) transportation and delivery of manufactured goods are vital components of the Nation's interstate commerce;

(3) while manufacturing industries are essential to the economic well-being of the Nation, many manufacturing processes and methods are no longer capable of producing goods as reliable and cost competitive as those produced by foreign industries which utilize modern manufacturing methods and processes;

(4) domestic manufacturing is increasingly threatened by external competition and the development by foreign countries of more efficient manufacturing processes and technologies;

(5) outdated manufacturing methods and processes result in higher costs and in goods and services of inferior quality, to the detriment of consumers of such goods and services;

(6) outdated and inefficient manufacturing processes hinder domestic commerce;

(7) a decline in consumption of domestic manufactured goods due to outdated manu-

facturing processes produces a resultant decline in transportation;

(8) various sectors of private industry, the Federal Government, and the United States research establishment have not devoted sufficient attention to research on developing new processes and methods to improve the Nation's capability to manufacture goods;

(9) domestic manufacturers have not sufficiently utilized such recent technological changes in manufacturing as programmable automation, robotics, advanced sensors, and computer-assisted design and manufacturing; and

(10) a program to conduct research in more advanced manufacturing processes and methods and to encourage research utilization would strengthen commerce and be beneficial to the Nation's consumers.

(b) The Congress further finds that—

(1) the widespread implementation of robotics and automated manufacturing technology and other practices and activities to implement improved manufacturing methods and processes, including new metallurgical technology, and processes for new nonmetallic materials, including composite materials and ceramics, can improve productivity, enhance quality, and increase competitiveness in a wide variety of domestic manufacturing industries;

(2) because robotics and automated manufacturing systems and other practices and activities to implement improved manufacturing methods and processes, including new metallurgical technology, and processes for new non-metallic materials, including composite materials and ceramics, affect widely divergent segments of industry, a program fostering these technologies should be of broad benefit to domestic manufacturing firms;

(3) a national program of research and information dissemination in robotics and automated manufacturing systems and other practices and activities to implement improved manufacturing methods and processes, including new metallurgical technology, and processes for new non-metallic materials, including composite materials and ceramics, is essential to ensure the timely and widespread implementation of these technologies; and

(4) to ensure the success of this program, the active participation and support of industry, universities, labor, and government are required.

PURPOSE

SEC. 303. It is the purpose of this title to establish a program for conducting research and other activities which will produce more advanced manufacturing technologies and for conducting research on utilization activities to encourage widespread adoption of these technologies.

DEFINITIONS

SEC. 304. As used in this title—

(1) the term "Advisory Committee" means the Manufacturing Sciences and Technology Enhancement Advisory Committee established under section 309;

(2) the term "consortium" means a group of institutions consisting of a nonprofit research institution and such other entities as a State, or a subdivision thereof, an individual firm or industry association, any other nonprofit research institution, and a university and any other higher education institution (including a two- and four-year college);

(3) the term "Center" means a Center for Manufacturing Research and Technology Utilization established under section 305(c);

(4) the term "Office" means the Office of the Assistant Secretary for Productivity, Technology, and Innovation within the Department of Commerce;

(5) the term "robot" means a programable, multifunction manipulator designed to move material, parts, tools, or specialized devices through variable programed motions for the performance of a variety of tasks;

(6) the term "robotics" means the study of robots or the practice of using robots;

(7) the term "automated manufacturing system" means two or more operating stations of robots or fixed sequence automatic machines interconnected by a transport system, where both the operating stations and the transport system are controlled by a computer which performs such functions as production planning, task scheduling, and control of part and tool movement;

(8) the term "technology-sensitive industrial sector" means an industry whose productivity, efficiency and competitiveness, particularly in the world marketplace, is or is likely to be dependent upon the utilization of more advanced manufacturing processes and methods, as that term is used in section 305(a); and

(9) the term "Secretary" means the Secretary of Commerce.

GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS

SEC. 305. (a) PURPOSES.—The Secretary, through the Office, may award grants and enter into contracts and cooperative agreements in accordance with the provisions of this section to provide for research on advanced manufacturing processes and methods, including—

(1) computer-assisted design;

(2) automated materials handling, processing, and assembly;

(3) automated testing;

(4) machine adaptive learning;

(5) integrated manufacturing systems, including interface of automated machines with automated and nonautomated machines, with production and design personnel, and with other systems (including testing devices, design systems, and inventory control systems);

(6) machine and process control strategies;

(7) automated sensing for machine and process control and product testing;

(8) new metallurgical technology;

(9) processes for new non-metallic materials, including composite materials and ceramics;

(10) practices and activities to implement improved manufacturing methods; and

(11) such other research as the Secretary determines to be consistent with the purpose of this title.

(b) GRANTS.—(1) The Secretary, through the Office, may make grants to provide for research to increase the amount of fundamental scientific and technological knowledge in fields relevant to manufacturing methods and processes. Such grants shall be made on a competitive basis to applicants who comply with such criteria as are specified in this title and as the Secretary shall establish, consistent with the purpose of this title.

(2) A recipient of such a grant may be affiliated with a nonprofit research institution, a private firm or industry association, a university or college, a Center established pursuant to subsection (c), or any other institution which the Secretary considers appropriate. Any such recipient shall not be required to provide any part of the costs of such research, unless the recipient desires to expand the scope of the research to be conducted. In such a case, the Secretary may enter into an agreement which provides for cost sharing by the recipient.

(3) Grants made under this subsection shall be based on the findings of the competitiveness study under section 308 to the extent practicable and on the recommendations of the Advisory Committee established under section 309.

(4) There are authorized to be appropriated for the purposes of this subsection not to exceed $20,000,000 for the fiscal year ending September 30, 1985, and not to exceed $30,000,000 for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988. Such funds shall remain available until expended.

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary, through the Office, may enter into cooperative agreements with consortia for the purpose of establishing and supporting Centers for Manufacturing Research and Technology Utilization. Such agreements shall be made with applicants who comply with such criteria as are specified in this title and as the Secretary shall establish, consistent with the purpose of this title.

(2) Such Centers shall conduct research of a more applied nature than the research conducted under subsection (b). Centers shall conduct research on methods of increasing the utilization by the Nation's industries of those modern manufacturing methods which may result in lower production costs or improved product quality or reliability. Such research may be directed toward problems or processes and methods appropriate to a specific industrial sector, including aerospace, microelectronics, apparel mechanical assembly, basic materials, new materials, and transportation.

(3)(A) In addition to funds received by means of a contract or cooperative agreement entered into under this subsection, a consortium may also receive funds from other Federal agencies and from public and private institutions.

(B) A consortium which enters into such a cooperative agreement shall provide support and participation in a dollar amount at least equal to the amount of the Federal contribution to be made under this subsection. For purposes of this subparagraph, the term "support and participation" includes cash or equipment contributions, industry personnel to conduct research, and access by persons in the research institutions to modern manufacturing equipment in the participating industry for research and other appropriate purposes. Any such consortium shall provide a cash or equipment contribution in an amount equal to at least 50 percent of the Federal Government's share. Contributions from the nonprofit participants of the consortium may consist of inkind contributions.

(4) In entering into agreements under this subsection, the Secretary shall consider (with respect to each such agreement)—

(A) the quality of the research which is to be undertaken as a result of the agreement;

(B) the extent of participation by industry in the research to be undertaken as a result of the agreement;

(C) the size of the industrial sector involved and the potential impacts on the productivity of that industrial sector as a result of successful research undertaken through the agreement, as well as the subsequent development and utilization of the manufacturing methods and processes to be studied as part of such research; and

(D) the extent to which entering into the agreement would be likely to increase the number of scientific and technical personnel capable of utilizing modern manufacturing methods and processes.

In addition, the Secretary shall consider the extent to which the industrial sector involved is presently competitively disadvantaged as a result of foreign technological advances and shall ensure diversity among the industrial sectors which are the subject of the research conducted under any such agreement, as well as geographic dispersion of the Centers established and supported under this subsection.

(5) Cooperative agreements entered into under this subsection shall be based on the findings of the competitiveness study under section 308 of the extent practicable and on the recommendations of the Advisory Committee established under section 309.

(6) There are authorized to be appropriated for the purposes of this subsection not to exceed $15,000,000 for the fiscal year ending September 30, 1985, and not to exceed $25,000,000 for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988. Such funds shall remain available until expended.

(d) CONTRACT AUTHORITY.—To the extent provided in advance by appropriations Acts, the Secretary, under such regulations as the Secretary may prescribe, may enter into contracts with applicants to effectuate the purpose of this title.

(e) FEDERAL RESEARCH CENTER OF ROBOTICS AND AUTOMATED MANUFACTURING.—(1) There shall be a Federal Research Center on Robotics and Automated Manufacturing at the National Bureau of Standards. The Research Center shall focus its research and development on (A) measurements and standards required in robotics and automated manufacturing systems, including interface standards for integrated robot systems, and (B) systems integration, reliability, and performance.

(2) The Research Center shall coordinate its research activities with the Centers established under subsection (c) and shall share information through meetings, exchange of scientists, and network computer systems.

(3) The Director of the Research Center shall meet at least annually with the directors of the Centers established under subsection (c) to exchange specific plans and programs for the upcoming year to coordinate activities.

ROBOTICS AND AUTOMATED MANUFACTURING

SEC. 306. (a) SUPPORT.—The Secretary is authorized to support the education and training of scientists, engineers, and technicians needed for the theoretical understanding, design, construction, installation, use, and maintenance of robots and automated manufacturing systems. Such support may include, but need not be limited to, providing funds for the following: Graduate fellowships and traineeships, undergraduate scholarships, instructional equipment, the development of curricula for intramural or extramural use at undergraduate and graduate levels, and postdoctoral fellowships. Such support shall be provided on a matching basis with other sources of support, whenever possible.

(b) AUTHORIZATION.—There are authorized to be appropriated for purposes of this section not to exceed $5,000,000 for the fiscal year ending September 30, 1985, not to exceed $7,000,000 for the fiscal year ending September 30, 1986, and not to exceed $10,000,000 for each of the fiscal years ending September 30, 1987 and September 30, 1988. Such funds shall remain available until expended.

ADVANCED MANUFACTURING METHODS RESEARCH UTILIZATION PROGRAM

SEC. 307. (a) ACTIVITIES.—The Secretary shall establish a program to identify the impact on workers of enhanced utilization of technologically advanced manufacturing methods, including the potential for retraining workers who might otherwise be displaced. The Secretary may, to the extent provided in advance in appropriation Acts, contract with any appropriate person or institution (including States and consortia established under section 305(c) to carry out such program.

(b) REPORT.—Not later than 2 years after the enactment of this Act, the Secretary shall submit to the Congress a report on such program.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1985. Such funds shall remain available until expended.

COMPETITIVENESS STUDY

SEC. 308.(a) STUDY.—The Secretary shall select specific domestic technology-sensitive industrial sectors, and shall analyze such sectors' long-term capability for remaining competitive and identify technological advances which might be needed to keep such sectors competitive, especially with industries in foreign countries. In making such selection, the Secretary shall consider industrial sectors which are or are likely to be vulnerable to foreign competition, as well as sectors which are likely to experience rapid and significant growth.

(b) SUBJECTS OF STUDY.—As part of such study, the Secretary shall consider—

(1) the adequacy of technologies utilized to produce the goods and services of the sectors involved;

(2) the existence of superior foreign technologies or unique resources which yield a competitive advantage to industries in foreign countries over comparable domestic industries;

(3) the anticipated scientific and technical personnel requirements for such sectors;

(4) the adequacy of Federal laws and regulations, and the enforcement of such laws and regulations, in promoting technological innovativeness and commercial competitiveness by such sectors; and

(5) the need for changes in such laws and regulations, or enforcement of such laws and regulations, in order to promote technological innovation and competition in such sectors and to safeguard the wellbeing of the Nation and the public.

(c) CONSULTATION.—As part of such study, the Secretary shall consult with and solicit comments from both management and labor representatives of the industrial sectors which are the subject of such study.

(d) AUTHORIZATION.—There are authorized to be appropriated for purposes of this section not to exceed $2,000,000 for each of the fiscal years ending September 30, 1985, Septemer 30, 1986, September 30, 1987, and September 30, 1988. Such funds shall remain available until expended.

ADVISORY COMMITTEE

SEC. 309. (a) ESTABLISHMENT.—The Secretary shall establish a Manufacturing Science and Technology Enhancement Advisory Committee to advise the Secretary concerning the activities to be conducted under this title. The Advisory Committee shall have 12 members and shall include at least 3 representatives each from the manufacturing research community, from labor, and from management of technology-sensitive industrial sectors identified under the terms of this title. Such member shall receive no compensation and shall be appointed for terms of 6 years, except that of the members first appointed four shall be appointed for terms of 2 years, two shall be appointed for terms of 4 years, three shall be appointed for terms of 5 years, and three shall be appointed for terms of 6 years. Any such member shall, in accordance with section 5703 of title 5, United States Code, be entitled to reimbursement for travel or transportation expenses incurred in the performance of responsibilities as a member of the Advisory Committee.

(b) Functions.—The Advisory Committee shall—

(1) recommend to the Secretary policies and selection criteria for individual industrial sectors in need of assistance under section 305 of this title;

(2) review the progress of the Secretary in meeting all the requirements of this title;

(3) assess the effectiveness of the activities funded pursuant to this title; and

(4) submit to the Secretary, at least annually, evaluations and recommendations regarding activities carried out under this title.

(c) REPORT.—The Advisory Committee shall submit to the Congress an annual report on its activities under this title.

(d) APPLICABILITY.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.).

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4376) was agreed to.

The committee substitute, as amended, was agreed to.

Mr. GORTON. Mr. President, I am very pleased today to rise in support of the fiscal year 1985 authorization bill for the National Bureau of Standards. In addition to containing the necessary legislative authorization and direction for the Bureau, the bill also contains two additional titles.

Mr. President, on June 26, the Senate passed an authorization bill (S. 2458) for fiscal year 1985. The funding contained in that bill reflected the Senate's enthusiastic support for several new initiatives at the Bureau of Standards, as well as for continued funding for several existing programs that had been recommended for cuts by the administration. The House did not act on the Senate's bill, and passed an authorization at a slightly lower level. The bill which I am offering today represents a likely consensus between the House and Senate.

The bill authorizes $125,545,000 for NBS for fiscal year 1985. The total authorization includes: $52,030,000 for measurement research and standards; $23,194,000 for engineering measurements and standards; $10 million for computer sciences and technology; $12,168,000 for Core Research Program for innovation and productivity; $8,598,000 for technical competence

fund; $5,827,000 for Center for Fire Research; and $13,728,000 for central technical support.

These amounts include: $13,969,000 for the Center for Building Technology; $1,500,000 for cold neutron research; $582,000 for expanded measurement capabilities in ionizing radiation and dosimetry standards and vacuum and leak standards; and $2,960,000 for the computing support facility.

The bill also provides that the Bureau, after consultation with local authorities, may initiate investigations with regard to structural failures in buildings.

The second title of the bill contains an amendment to the National Science Foundation Organic Act of 1950 which clarifies and emphasizes the Foundation's responsibility for fundamental engineering research and education. The selection criteria for National Science Board and advisory committee appointments are also expanded to encourage broad representation of both scientists and engineers, and references to engineering are added throughout the act to parallel existing references to science.

The purpose of this amendment is to more clearly establish the role of the National Science Foundation in supporting our Nation's base of both science and engineering. While NSF currently operates a healthy engineering program, it does so without the benefit of a clearly defined engineering mission. The amendment better defines this mission by explicitly recognizing the Foundation's responsibility for fundamental engineering research and engineering education, both of which are key ingredients for innovation and technological progress.

The amendment I offer here today is identical to S. 2525, introduced earlier this session by my colleague Senator QUAYLE. I would like to congratulate the Senator from Indiana for his excellent leadership on this issue, and also acknowledge the efforts of the Senate Committee on Labor and Human Resources and of my colleagues from the House, Mr. SKEEN and Mr. BROWN. Due in large measure to their outstanding efforts, the House has passed an amendment identical to the one I offer.

There is broad support among both scientists and engineers for this amendment. The National Science Board, the National Academy of Engineering, the National Society of Professional Engineers, the American Society for Engineering Education, the National Association of Land-Grant Universities and the American Association for the Advancement of Science all support this change. Together, these groups have indicated their confidence in the ability of the National Science Foundation to support both science and engineering.

The third title of the bill is the Manufacturing Sciences and Robotics Research and Development Act of 1984. The title is essentially the same as S. 1286, which was unanimously reported by the Senate on June 8, 1984. However, the changed title also reflects significant input from, and negotiation with, the House on several points. In my judgment, the bill which has emerged from those discussions is a stronger and better-focused bill for the effort.

The bill began as the result of some rather startling statistics.

The manufacturing sector provides 23 percent of our national income and a similar fraction of our Nation's civilian employment. But in recent years, manufacturing employment has dropped from 21 million jobs in 1979 to 18 million jobs in 1983. Foreign imports captured 9 percent of the domestic market for manufactured goods in 1983. The United States had a negative balance of trade in manufactured goods in 1982 exceeding $3 billion. Most startling, more than a third of the manufacturing equipment used by U.S. industry is 20 or more years old, the highest percentage of old equipment of any major industrialized country.—Source: Department of Commerce.

Our Nation's manufacturing industries face problems of unprecedented magnitude, including the eroding position of certain sectors in international trade, obsolescent and outdated manufacturing equipment, and the declining reputation of important U.S. consumer products, such as automobiles and consumer electronic equipment. At the same time, the manufacturing sector stands at the brink of enormous opportunities to develop, adapt and use new and better technologies.

Because I believe that the investment of research in these advanced manufacturing technologies is one which will reward us handsomely in the future, I introduced a modest bill to support basic research in this area. This title, the Manufacturing Sciences and Robotics Research and Development Act, provides for funding of university research with a participating role for industry.

One particular provision of the bill, the Centers for Manufacturing Research and Technology Utilization, is a hallmark of the legislation. In many cases, industry has the machinery and equipment, and the knowledge of what it needs in technology development. At the same time, universities have the expertise, educational qualifications, and technical breadth not common to industry, but they may lack the physical resources. Certainly where these conditions exist, there is an opportunity for a symbiotic relationship of benefit to all. In addition, the centers offer the opportunity to expose future young engineers to the importance of manufacturing engineering, traditionally a less sought-after discipline within the engineering field.

The bill does not attempt to pick winners and losers; the consortia seeking a Federal match must provide the lion's share of the funding for research which they themselves believe is needed. Like the National Science Foundation, the bill operates through unsolicited proposals which come to the Secretary of Commerce from universities, industrial sectors, State and local governments who have determined that the research for which they are seeking matching funding is relevant, timely and necessary.

The future of the U.S. economy, of our standard of living and, indeed, of our way of life, depends upon our judiciously choosing to support programs that represent an investment in our future and our children's future. I am confident that the Manufacturing Sciences and Robotics Research and Development Act is such an investment in the future.

Mr. QUAYLE. Mr. President, I rise in support of the amendment offered by the Senator from Washington [Mr. GORTON], which clarifies the mission statement of the National Science Foundation with respect to engineering research and educational activities.

This amendment to H.R. 5172, the National Bureau of Standards Authorization Act of 1985, is identical to a bill I introduced in April, S. 2525, which was reported out of the Labor and Human Resources Committee unanimously. I want to thank my good friend from Utah, the chairman of the Labor and Human Resources Committee, Mr. HATCH, for his vigorous support of the bill and for all of his efforts in moving the legislation through the committee.

I also want to thank the Senator from Washington for his interest in this language and for supporting an increased emphasis on engineering activities within the NSF.

This amendment would add to the mission statement of the NSF the word "engineering" in several places. This would clarify the importance of fundamental engineering research and engineering education to the operation and success of the NSF. Over the last few years, several major reorganizations of the engineering functions have occurred, which has led to some instability and confusion over the status of engineering at the NSF. I believe that the status of engineering is important to the future of the agency and to the future of our country and continuity must be assured.

The addition of this language to the NSF mission statement does not mean that engineering research should be funded at the expense of scientific research. Both science and engineering research are necessary to maintain our

Nation's position as a leader in technological and scientific innovation. Science and engineering research can and do complement each other, and often discoveries in one lead to major advances in the other.

NSF support for engineering activities over the past 3 years has increased from approximately $101 million to $147 million to fund important areas of research such as automated manufacturing, robotics, and microelectronics fabrication. This growth in the engineering activities has not come at the expense of other scientific research programs, yet it is indicative of the importance of engineering to our Nation's technological future.

Mr. President, the National Science Foundation and the National Science Board support this amendment and I urge my colleagues to support this language also.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, there is a title amendment. I send the amendment to the title to the desk and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Amend the title so as to read: An act to authorize appropriations to the Secretary of Commerce for the program of the National Bureau of Standards for fiscal year 1985, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment to amend the title.

The amendment was agreed to.

ECONOMIC DEVELOPMENT FOR GUAM, THE VIRGIN ISLANDS, AMERICAN SAMOA, AND THE NORTHERN MARIANA ISLANDS

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5561.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 5561) entitled "An Act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes", with the following amendments:

Page 4, after line 6, insert:

SEC. 203. Section 11 of the Organic Act of Guam (64 Stat. 387, 48 U.S.C. 1423a), as amended, is amended by inserting, immediately before the sentence that begins with the words "Should the Guam Power Authority fail to pay", the following language: "At the request of the Board of Directors of the Guam Power Authority for a second refinancing agreement and conditioned on the approval of the Government of Guam pursuant to the law of Guam, and conditioned on the establishment of an independent rate-making authority by the Government of Guam, the Secretary may guarantee for purchase by the Federal Financing Bank, on or before December 31, 1984, according to an agreement that shall provide for—

"(a) substantially equal semiannual installments of principal and interest;

"(b) maturity of obligations no later than December 31, 2004;

"(c) authority for the Secretary, should there be a violation of a provision of this legislation, or covenants or stipulations contained in the refinancing document and after giving sixty days notice of such violation to the Guam Power Authority and the Governor of Guam, to dismiss members of the Board of Directors or the general manager of the Guam Power Authority, and (1) appoint in their place members or a general manager who shall serve at the pleasure of the Secretary, or (2) contract for the management of the Guam Power Authority; and

"(d) an annual simple interest rate of seven per centum; and the Federal Financing Bank shall purchase such Guam Power Authority obligations if such Guam Power Authority obligations are issued to refinance the principal amount scheduled to mature on December 31, 1990. Should such second refinancing occur, (1) the independent rate-making authority to be established by the Government of Guam, or in its absence, the Board of Directors of the Guam Power Authority, shall establish rates sufficient to satisfy all financial obligations and future capital investment needs of the Guam Power Authority that shall be consistent with generally accepted rate-making practices of public utilities, and (2) the Government of Guam shall not modify the requirements of such refinancing agreement without agreement of the Secretary. There are authorized to be appropriated to the Secretary of the Interior for payment to the Federal Financing Bank such sums as are necessary to pay (1) the repurchase payment required under the fifth paragraph of the December 31, 1980, note from the Guam Power Authority to the Federal Financing Bank and any subsequent repurchase payments required under the second refinancing agreement, and (2) the interest rate differential between the seven per centum to be paid by the Guam Power Authority and the second refinancing agreement and the interest rate that would otherwise be determined in accordance with the above cited section 6 of the Federal Financing Bank Act.".

SEC. 204. (a) The Governor of any possession of the United States may for calendar years 1984 and 1985 proclaim a formula (different from that provided by section 103A(g) of the Internal Revenue Code of 1954) for allocating the State ceiling under such section among the governmental units in such possession having authority to issue qualified mortgage bonds (as defined in section 103A(c) of such Code).

(b) The authority provided by subsection (a) shall not apply after the effective date of any legislation with respect to the allocation of the State ceiling enacted by the legislature of the possession after the date of the enactment of this Act.

Page 4, line 20, strike out "(90 Stat. 278)", and insert: "(48 U.S.C. 1681 note)".

Page 5, strike out lines 15–25, inclusive, and insert:

"(4) otherwise qualifies under the laws of the United States to be employed in the fisheries.".

SEC. 302. A vessel that is or was last documented under chapter 121 of title 46, United States Code, may be sold, chartered, leased, mortgaged, or transferred by any other means to a citizen of the United States (as defined in section 2101 of that title) without the approval of the Secretary of Transportation under section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808).

SEC. 303. The weight limitations contained in subsections (b) and (c) of section 301 above shall not apply to the Northern Mariana Islands until the termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands (61 Stat. 3301).

Page 6, lines 9 and 10, strike out "from funds heretofore authorized for technical assistance."

Page 7, line 12, strike out $2,000,000, and insert: $15,000,000 and on line 13, strike out "1985" and insert: 1986.

Page 8, after line 6, insert:

SEC. 503. The Department of the Army may remove from American Samoa any of the 4500 kilowatt power plants sent to American Samoa pursuant to the 1974 loan agreement between the Department of the Army and the Department of the Interior, and all charges that may accrue or may have accrued under such agreement shall be excused.

SEC. 504. Section 818(b)(2) of the Military Construction Authorization Act, 1981 (Public Law 96–418) is amended by adding at the end thereof the following: "Reasonable development costs shall be a fixed standard percentage of such monetary consideration received by the Government of Guam. The fixed standard percentage shall be determined by a study, conducted by the Secretary, typical development costs required to convert coparable lands to finished developed sites, except that such percentage shall not exceed 30 percent.".

Page 9, line 17, strike out "and".

Page 9, line 24, strike out "States.".", and insert: States."; and

Page 9, after line 24, insert:

(h) amend the first sentence of section 30 of the Organic act of Guam (64 Stat. 392, as amended 48 U.S.C. 1421h) by adding after the words "inhabitants of Guam" the following: "(including, but not limited to, compensation paid to members of the Armed Forces and pensions paid to retired civilians and military employees of the United States, or their survivors, who are residents of, or who are domiciled in, Guam)".

SEC. 602. Section 212 of the Immigration and Nationality Act (8 U.S.C 1182) is amended by adding at the end the following new subsection:

"(l) The requirement of paragraph (26)(B) of subsection (a) may be waived by the Attorney General, the Secretary of state, and the Secretary of the Interior, acting jointly, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay on Guam for a period not to exceed fifteen days, if the Attorney General, the Sec-

retary of State, and the Secretary of the Interior jointly determined that—

"(1) Guam has developed an adequate arrival and departure control system, and

"(2) such a waiver does not represent a threat to the welfare, safety, or security of the United States.".

(b) Section 214(a) of such Act (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to Guam without a visa pursuant to section 212(l) may be authorized to enter or stay in the United States other than in Guam or to remain in Guam for a period exceeding fifteen days from date of admission to Guam.".

Page 14, line 21, strike out "of appeals from", and insert: to review by writ of certiorari

Page 20, after line 3, insert:

(c) The provisions of subsection (a) of this section regarding the determination and qualifications of the chief judge of the District Court of the Virgin Islands shall not apply to a person serving as chief judge of said court on the effective date of this Act.

Page 23, line 3, strike out "of appeals from", and insert: to review by writ of certiorari

Page 28, strike out all after line 21, over to and including line 3 on page 30, and insert: States.".

Page 32, strike out lines 10–16, inclusive.

Page 32, line 17, strike out "SEC. 1002.", and insert: SEC. 1001.

Page 32, line 19, strike out "SEC. 1003.", and insert: SEC. 1002.

Page 34, line 8, strike out "SEC. 1004.", and insert: SEC. 1003.

Page 35, line 5, strike out "SEC. 1005.", and insert: SEC. 1004.

Page 35, line 11, strike out "SEC. 1006.", and insert: SEC. 1005.

Mr. DOLE. Mr. President, the recently enacted Deficit Reduction Act contained a series of provisions further regulating the issuance of tax-exempt bonds for private purposes, such as industrial development bonds and mortgage subsidy bonds. One of the key antiabuse provisions of the act was the extension to the District of Columbia and the U.S. possessions of the general rules applicable to the 50 States. Most importantly, the act closed down the practice of territories issuing tax-exempt arbitrage bonds that would be illegal if issued by a State. In the case of mortgage subsidy bonds, the act required the territories to comply with the rules of section 103A of the Internal Revenue Code limiting each State or possession to a total of $200 million of bonds, or 9 percent of their recent mortgage originations. Of course, the entire mortage subsidy bond program authorized by section 103A was also extended for 4 years.

During consideration of the tax bill, several States raised concerns about the administration of this volume limitation, and we were happy to allow the Governors of Nevada, Texas, and Kentucky temporary authority to allocate their State bond volume among different State and local agencies. Unfortunately, the Commonwealth of Puerto Rico also had a problem in this regard, but did not bring it to our attention until after the bill was passed.

The ordinary solution for a problem of this nature would be to modify the statute in an omnibus technical corrections bill, which would not be considered until some time next year. The Commonwealth explained to us, however, that unless the Governor was given the allocation authority this year, he would be unable to exercise the authority until it was too late, since each year's mortgage bond volume expires if it is not used at year end.

Because of the urgency of the Commonwealth's concerns, I agreed to consider an expedited resolution of this matter by amending this House-passed territories bill. Ordinarily, I would have asked that the bill be referred to the Finance Committee for consideration of the issue. But since there is agreement on the substance of the provision by Senator LONG, the ranking minority member, the Treasury Department, the Joint Committee on Taxation staff, and the majority and minority staff of the Finance Committee, I see no reason why the amendment cannot be approved without referral to the Finance Committee.

The amendment extends to Puerto Rico and the other possessions the same flexibility to allocate bond volume on a temporary basis that was given to the States of Texas, Nevada, and Kentucky. I am pleased that we were able to solve a serious problem for the Commonwealth of Puerto Rico by adopting this amendment.

Mr. WEICKER. Mr. President, the amendments adopted by the House to the Senate amendment to H.R. 5561 are acceptable and I urge the Senate to concur in those amendments.

I would like to briefly review the House amendments and the reasons for agreeing to them.

The House has included a provision permitting the refinancing of Guam Power Authority's loan at 7 percent. The Senate had rejected any consideration of this provision so long as ratesetting was not independent. Subsequent to the Senate action, the Governor of Guam and the speaker of the legislature agreed to enact legislation to insulate ratesetting from politics. I want to make it clear that there is no intention to dictate from Washington how that independence is achieved, only that it be achieved and maintained. With that understanding, we are prepared to agree to the House language which is generally consistent, except for the rate, with the position taken by the administration in hearings before the Senate. I do want to note that the refinancing is contingent upon prior enactment of local legislation establishing independent ratemaking and maintenance of that independence.

The House has also included an amendment to correct a technical oversight in the Deficit Reduction Act which neglected to include the territories in the definition of State in granting Governors the authority to allocate mortgage subsidy bonds if the local legislature is not able to meet. I understand that this is a clarifying amendment acceptable to both the Finance, and Ways and Means Committees.

The House has also included technical amendments prepared by the House Merchant Marine and Fisheries Committee to clarify that the Senate amendments in title III will not apply to the Northern Mariana Islands until after termination of the trusteeship. That amendment is consistent with the Senate intent and recognizes that the Northern Marianas is still a part of the Trust Territory and not yet a territory of the United States.

The House also insisted on its position that the $600,000 authorized for the Virgin Islands airport be a general authorization rather than being included in technical assistance. That is also the preference of the Appropriations Subcommittee and the administration, and is agreeable.

The explanation of the Senate amendments stated that we were increasing the authorization for water distribution facilities in the Marianas and deleting the House limitation of funding only in fiscal year 1985. The amendment, however, was not included. The House has included the amendment and the appropriate figure of $15 million in its amendments.

The House has included language permitting the Corps of Engineers to remove the generators on loan to American Samoa but prohibited the Department of the Interior from financing their rehabilitation. Given the condition of the generators, it makes no sense to expend the limited resources available to Samoa on generators well past their useful life.

The House has also revised a limitation which it had earlier placed on land transferred to Guam for development of Apra Harbor. The amendment would permit Guam to recover development costs while having profits accrue to the United States. I believe the amendment is a useful improvement in that it will permit Guam to develop its only commercial port.

The House also has sought to clarify the application of section 30 of the Organic Act of Guam to residents of Guam. Section 30 provides for the cover over of taxes collected by the Federal Government on residents of Guam to the Government of Guam. The administration raised a technical question on the effect of a 1972 act on the coverage of section 30. The House amendment clarifies that the original

intent of section 30 still applies and that all residents are covered.

The House has also included a provision which allows a limited visa waiver for persons traveling to Guam for business or pleasure of not to exceed 15 days. Guam is not a point of entry into the United States and this limited waiver would not offer anyone the opportunity to enter other parts of the United States from Guam without a visa or clearing immigration.

The House has included three changes to the judicial reform titles. The first would clarify that the circuit court of appeals can proceed to review by writ of certiorari as contemplated by the Senate action during the 15-year transition after a local court of appeals is established. The second would permit the current chief judge of the district court in the Virgin Islands to continue as chief judge. The third would remove those provisions dealing with the jurisdiction of the district court of the Marianas and the Trust Territory High Court over the Trust Territory government. Although the Senate had conducted two hearings over the last 3 years and submitted drafts on the legislation to all territories and the administration, the Marianas chose to wait until after Senate action to submit a series of technical questions all of which could have been easily resolved with a little time. I do not disagree with the House action which deletes these provisions until we can review the questions and the administration can comment, but I do not want our concurrence to be interpreted as a lack of commitment to see that legislation is enacted promptly next year. I would note also that under sections 706(b) and 801, interlocutory appeals from an order of a district court judge would be governed in the same manner as such interlocutory appeals in the district courts are now governed—that is, under 28 U.S.C. 1292.

Mr. President, this is a good bill and I believe the House amendments are useful improvements. I urge its enactment.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments to the Senate amendment.

The motion was agreed to.

SAFETY: NATURAL GAS PIPELINE ACT AND HAZARDOUS LIQUID PIPELINE SAFETY ACT AUTHORIZATIONS

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2688.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2688) entitled "An Act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1985 and 1986, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

That (a) section 17 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1684) is amended—

(1) in subsection (a) by striking out "there are authorized" and all that follows through the period and inserting in lieu thereof "there is authorized to be appropriated $3,600,000 for the fiscal year ending September 30, 1985."; and

(2) in subsection (b) by striking out "there are authorized" and all that follows through the period and inserting in lieu thereof "there is authorized to be appropriated $3,500,000 for the fiscal year ending September 30, 1985.".

(b) Section 214 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2013) is amended—

(1) in subsection (a) by striking out "there are authorized" and all that follows through the period and inserting in lieu thereof "there is authorized to be appropriated $900,000 for the fiscal year ending September 30, 1985."; and

(2) in subsection (b) by striking out "there are authorized" and all that follows through the period and inserting in lieu thereof "there is authorized to be appropriated $500,000 for the fiscal year ending September 30, 1985.".

SEC. 2. (a) The Secretary of Transportation shall study issues relating to the transportation of methanol through the interstate liquid pipeline system in the United States and shall make recommendations for the safe and efficient transportation of methanol through such pipeline system.

(b) Such study shall include an examination of—

(1) the feasibility of such transportation,

(2) the economics and engineering of such transportation, and

(3) any environmental, health, and safety problems associated with such transportation.

(c) The Secretary of Transportation shall submit a report detailing the results of such study and setting forth his or her recommendations to the Congress no later than one hundred and eighty days after the date of enactment of this Act.

SEC. 3. Section 210 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2009) is amended by adding at the end a new subsection as follows:

(c)(1) The Secretary shall study the feasibility of and costs connected with requiring various methods of testing and inspecting hazardous liquid pipeline facilities subject to the provisions of this title. In carrying out such study the Secretary shall evaluate any new technologies available for monitoring, from the outside or the inside, the condition of such facilities.

"(2) The Secretary shall make recommendations, based on the study undertaken under this subsection and on consultations between the Secretary and the Technical Hazardous Liquid Pipeline Safety Standards Committee established under section 204 of this title, as to the frequency and type of testing and inspection of pipeline facilities which should be required, taking into account the following:

"(A) The location of the pipeline facilities.

"(B) The type, age, manufacturer, method of construction, and condition of the pipeline facilities.

"(C) The nature of the materials transported through the pipeline facilities, the sequence in which such materials are transported, and the pressure at which they are transported.

"(D) The climatic, geologic, and seismic characteristics of, and conditions (including soil characteristics) associated with the areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas.

"(E) The frequency of leaks, if any.

"(F) The costs of the various available methods.

"(G) Any other factors the Secretary determines to be relevant to the safety of the pipeline facilities.

"(3) The Secretary shall submit a report detailing the results of the study undertaken under this subsection and setting forth the recommendations made under paragraph (2) to the Congress no later than one year after the date of enactment of this subsection.".

SEC. 4. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.) is amended by adding at the end a new section as follows:

"SURVEY OF PIPELINE FACILITIES

"SEC. 20. (a) Any person owning or operating interstate transmission facilities shall, within 180 days after the date of enactment of this section, submit a report to the Secretary which—

"(1) identifies the location and condition of all such pipeline facilities whose construction was completed before January 1, 1938; and

"(2) includes the most recent leak survey information compiled by such owner or operator with respect to such pipeline facilities.

"(b) The Secretary shall, within 90 days after receiving any report under subsection (a)—

"(1) inspect the pipeline facilities described in subsection (a)(1), except when the Secretary, based on reports submitted under subsection (a), determines that a pipeline facility is in safe condition; and

"(2) identify, on the basis of the information contained in such report and the information obtained by the Secretary through such inspections, any pipeline facilities which might pose a danger to the public health and safety.

"(c) There are authorized to be appropriated to the Secretary for the purpose of carrying out this section, not to exceed $200,000 for the fiscal year ending September 30, 1985.".

Amend the title so as to read: "An Act to authorize appropriations for fiscal year 1985 to carry out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes.".

AMENDMENT NO. 4377

(Purpose: To make an amendment in the nature of a substitute)

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment with a further Senate amendment which I send to the desk on behalf of the distinguished Senator from Missouri [Mr. DANFORTH].

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. DANFORTH, proposes an amendment numbered 4377.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

That (a) section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $3,472,000, for the fiscal year ending September 30, 1985.".

(b) Section 17(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(b)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $3,728,000, for the fiscal year ending September 30, 1985.".

SEC. 2. (a) Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $900,000, for the fiscal year ending September 30, 1985.".

(b) Section 214(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(b)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $500,000, for the fiscal year ending September 30, 1985.".

SEC. 3. (a) Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended by—

(1) striking "to the President for transmittal"; and

(2) striking "June 15" and inserting in lieu thereof "April 15".

(b) Section 213(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012(a)) is amended by—

(1) striking "to the President for transmittal"; and

(2) striking "June 15" and inserting in lieu thereof "April 15".

SEC. 4. (a) The Secretary of Transportation shall study issues relating to the transportation of methanol through the interstate liquid pipeline system in the United States and shall make recommendations for the safe and efficient transportation of methanol through such pipeline system.

(b) Such study shall include an examination of—

(1) the feasibility of such transportation;

(2) the economics and engineering of such transportation; and

(3) any environmental, health and safety problems associated with such transportation.

(c) The Secretary shall submit to the Congress a report detailing the results of such study and setting forth the Secretary's recommendations no later than 180 days after the date of enactment of this Act.

SEC. 5. Section 210 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2009) is amended by adding at the end thereof the following new subsection:

"(c)(1) The Secretary shall study the feasibility of and costs connected with requiring various methods of testing and inspecting hazardous liquid pipeline facilities subject to the provisions of this title. In carrying out such study, the Secretary shall evaluate any new technologies available for monitoring, from the outside or the inside, the condition of such facilities.

"(2) The Secretary shall make recommendations, based on the study undertaken under this subsection and on consultations between the Secretary and the Technical Hazardous-Liquid Pipeline Safety Standards Committee established under section 204 of this title, as to the frequency and type of testing and inspection of pipeline facilities which should be required, taking into account—

"(A) the location of the pipeline facilities;

"(B) the type, age, manufacturer, method of construction, and condition of the pipeline facilities;

"(C) the nature of the materials transported through the pipeline facilities, the sequence in which such materials are transported, and the pressure at which they are transported;

"(D) The climatic, geologic, and seismic characteristics of, and conditions (including soil characteristics) associated with the areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas;

"(E) the frequency of leaks, if any;

"(F) the costs of the various available methods; and

"(G) any other factors the Secretary determines to be relevant to the safety of the pipeline facilities.

"(3) The Secretary shall submit to the Congress a report detailing the results of the study undertaking under this subsection and setting forth the recommendations made under paragraph (2) no later than one year after the date of enactment of this subsection.".

SEC. 6. (a) Each person who owns or operates interstate transmission facilities shall, within 180 days after the date of enactment of this section, submit a report to the Secretary of Transportation which—

(1) identifies the location and condition of all such pipleine facilities owned or operated by such person, the construction of which was completed before January 1, 1940; and

(2) includes the most recent leak survey information compiled by such owner or operator with respect to the pipeline facilities so identified.

(b) The Secretary shall, within 90 days after the expiration of the 180-day period referred to in subsection (a) of this section—

(1) identify, on the basis of information contained in reports submitted under subsection (a) of this section, any pipeline facilities which may be hazardous to life and property within the meaning of section 12(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679b(b)); and

(2) inspect the pipeline facilities so identified.

(c) The Secretary shall, within 120 days after the expiration of the 180-day period referred to in subsection (a) of this section, report to the Congress on—

(1) any actions taken under subsection (b) of this section; and

(2) the recommendations of the Secretary for any additional action the Secretary considers necessary with respect to the pipeline facilities referred to in subsection (a)(1) of this section, together with an estimate of the time and resources necessary for undertaking such actions.

(d) As used in this section, the term—

(1) "interstate transmission facilities" shall have the meaning given to such term in section 2(8) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(8));

(2) "person" shall have the meaning given to such term in section 2(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(1)); and

(3) "pipeline facilities" shall have the meaning given to such term in section 2(4) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(4)).

SEC. 7. (a) Section 14(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681(a)) is amended by adding at the end thereof the following: "In conducting training activities for State or local government personnel in the enforcement of regulations issued under this Act, the Secretary may not assess any charge or fee in the nature of tuition,.".

(b) Section 211(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2010(a)) is amended by adding at the end thereof the following: "In conducting training activities for State or local government personnel in the enforcement of regulations issued under this Act, the Secretary may not assess any charge or fee in the nature of tuition.".

Mr. DANFORTH. Mr. President, on June 21, 1984, the Senate passed S. 2688, a bill dealing with pipeline safety. On June 25, the House of Representatives passed its own version of the bill. Today, we are considering a substitute bill, which represents a compromise between the Senate and House-passed versions of S. 2688.

Section 1 of the substitute bill authorizes appropriations to support the natural gas pipeline safety activities of the Department of Transportation [DOT] and those States that help enforce DOT's pipeline safety regulations. Specifically, it authorizes for fiscal 1985 $3,472,000 for DOT, and $3,728,000 for the States. Similarly, section 2 of the bill authorizes for fiscal 1985 $900,000 to support DOT's hazardous liquid pipeline safety activities and $500,000 for the States. Under the Natural Gas Pipeline Safety Act of 1968 [NGPSA] and the Hazardous

Liquid Pipeline Safety Act of 1979 [HLPSA], DOT is responsible for developing and enforcing regulations governing the safe transportation by pipeline of natural gas and other hazardous liquids, such as gasoline. These statutes also define the enforcement role of the States.

The authorization levels contained in sections 1 and 2 of the substitute bill are the same as those in the original Senate-passed version of S. 2688. What is different here is that the substitute bill provides for a 1-year authorization, instead of a 2-year authorization. This change reflects the provisions of the House-passed bill whose sponsors have said they want to use next year to review DOT's response to a recently published GAO report on the pipeline safety program. As the chairman of the Surface Transportation Subcommittee of the Commerce Committee, I have no objection to the 1-year authorization. Further, I expect my committee to also use the opportunity to review DOT's response.

Section 3 of the substitute bill amends the date and the manner of transmission for DOT's annual pipeline reports to Congresss. This section is identical to that contained in the original Senate-passed version of S. 2688.

Sections 4 and 5 of the substitute bill direct the Secretary of Transportation to perform two separate studies. Both studies were provided for in the original House-passed version of S. 2688. The first deals with issues related to the transportation of methanol through interstate liquid pipelines. The second deals with the feasibility of and costs connected with various methods of testing and inspection of hazardous liquid pipelines. Both studies should provide Congress with helpful information. Accordingly, I have no objection to their inclusion in the substitute bill.

Section 6 of the substitute bill mandates a one-time survey of interestate pipeline facilities constructed prior to 1940. Within 180 days, owners or operators of such facilities are required to submit to the Secretary of Transportation a report on the location and condition of these facilities, along with the results of the most recent leak survey information relating to such pipelines. If, after examining these reports, the Secretary determines that a pipeline may be hazardous to life and property according to the criteria set forth in section 12(b) of the NGPSA, then the Secretary is to inspect the pipeline. The Secretary is to review the reports and take any necessary action within 90 days after the reports are due. Within 180 days after the pipeline companies report, the Secretary is to report to Congress on implementation of this survey, along with any additional recommendations concerning pre-1940 pipe that the Secretary believes are warranted.

Section 6 is based on a provision contained in the original House-passed version of S. 2688. It reflects the belief of the House sponsors that the one-time survey will help supplement DOT's ongoing safety program as well as insure the safe condition of older interstate natural gas pipeline facilities. At the same time, section 6 includes certain changes that I and other members of the Commerce Committe believed were necessary in order to avoid draining the limited resources of DOT and placing an undue burden on the pipeline industry.

There are a couple of terms referred to in section 6 that I want to clarify, because there may be questions about them. First, the information required of the pipeline owner or operator concerning the "location and condition" of pre-1940 pipe should be information based upon the normal records the company has prepared in the course of business and from the periodic reports, made to DOT under the Pipeline Safety Act. Second, the "most recent leak survey information" refers to the information used as the basis for the last annual leak report to the Department, unless more recent information is available.

I also would clarify, as did the House when they passed their original bill, that the required inspection of any pipelines the Secretary may find to be potentially hazardous does not necessarily refer to a physical excavation of the pipeline. Inspection techniques may also include reviewing leak survey data, pipeline patroling with leak detectors, and serial surveys, as well as excavation in cases where earlier inspection indicates a need to do so.

Section 7 of the substitute bill provides that in conducting training activities for State of local government personnel in the enforcement of DOT pipeline safety regulations, the Secretary may not assess tuition charges. This provision reflects the view of my committee that the cost of training State inspectors to enforce Federal regulations should continue to be the responsibility of the Federal Government.

Mr. President, in closing I want to assure our colleagues that this substitute bill is a good compromise bill. Accordingly, I urge them to support it. I also would note that if the Senate passes the bill, then I would expect the House to do the same in very short order.

Mr. HOLLINGS. Mr. President, the amendment being offered today in the nature of a substitute to S. 2688, the pipeline safety authorization, represents a sound compromise between the House and Senate pipeline safety reauthorization bills. I urge my colleagues to support the substitute, which I understand the House will accept without a conference.

I would like to comment briefly on a provision in the substitute relating to the safety of older pipelines, which is based on a provision in the House bill but also reflects concerns raised in the Senate. Section 4 of the substitute provides for a one-time assessment of the safety of older pipelines. It requires the pipeline companies to identify the location of, evaluate the condition of, and compile the most recent leak information on pipelines constructed prior to 1940, a date which corresponds to the reporting systems of the pipelines. The leak information required by this provision would be the most current annual information gathered by the pipelines for DOT, unless more recent data is available. In addition, any safety assessment made by the pipeline companies of the condition of the older pipes would be based on information prepared in the regular course of business and normally compiled for DOT.

Using the information required from the pipelines under the substitute, DOT is to inspect any pipeline determined pursuant to existing law to be hazardous to life or property. The DOT inspection need not necessarily include physical excavation of pipelines; however, it could include a review of leak survey data, pipeline patroling with leak detectors, and aerial surveys, in addition to excavation where necessary. Also, DOT should report to Congress any actions taken pursuant to this provision where a situation is determined to be hazardous, and any recommendations for further action deemed to be necessary, based on the data compiled and the inspections conducted, to ensure the safety of older pipelines.

Thus, the substitute provides that an assessment be made as to the safety of older pipes, a concern which the House expressed in passing its pipeline safety bill. This assessment would be made on existing and available data so as to minimize any unnecessary and undue burden on the industry, which is of concern to members of the Senate Commerce Committee. Further action is contemplated under this provision if a safety problem is revealed that warrants additional attention by DOT and Congress, so as to ensure that the already limited DOT resources are appropriately allocated to safety problems, which the Senate Commerce Committee continues to seek for all safety matters.

This legislation is intended to continue the positive efforts to maintain the safety of the pipeline industry. The pipeline safety laws established design, construction, operation, and maintenance safety standards, and the DOT regulations require specific testing and inspection procedures. Indus-

try compliance with these laws and regulations has led to an improved pipeline safety record in 1983. Passage of this legislation will continue such improvements.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

HEALTH RESEARCH EXTENSION ACT

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 540.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 540) to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

(The amendment of the House is printed in the RECORD of June 5, 1984 beginning at page 19875.)

Mr. BAKER. Mr. President, I move that the Senate disagree to the House amendments and agree to the conference requested by the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. HATCH, Mr. QUAYLE, Mr. DENTON, Mr. KENNEDY, and Mr. MATSUNAGA as conferees; and as conferees for issues related to fetal research, Mr. HATCH, Mr. DENTON, Mr. NICKLES, Mr. KENNEDY, and Mr. MATSUNAGA.

SEQUENTIAL REFERRAL OF S. 2892

Mr. BAKER. Mr. President, I ask unanimous consent that once the Environment and Public Works Committee reports S. 2892, Superfund Amendments of 1984, it be sequentially referred to the Finance Committee to consider title II of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING THE ARRESTS AND DETENTIONS OF POLITICAL OPPONENTS OF SOUTH AFRICA

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1183, Senate Concurrent Resolution 139.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 139) condemning South Africa's arrests and detentions of political opponents.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to. The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 139

Whereas peace in South Africa can be achieved only through addressing the legitimate political aspirations of the nation's black majority;

Whereas no South African Government reform proposal has sought to involve the nation's black majority in the direction of national affairs;

Whereas eligible voter turnout in the recent elections for Asian and "colored" representatives to a minority parliament was extremely low;

Whereas the South African Government has arbitrarily arrested and indefinitely detained approximately two hundred peaceful opponents of the Government's new constitutional arrangements; and

Whereas the South African Government has used extra-legal means to redetain men and women already released from detention by a high ranking South African court of law: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the United States should not lend its support to any South African constitutional reform arrangements which do not begin to address the legitimate political aspirations of the nation's black majority;

(2) the United States Congress condemns the South African Government's arbitrary arrests and indefinite detention of peaceful opponents to the Government's constitutional arrangements;

(3) the United States Congress is dismayed by the South African Government's decision to defy and to bypass the legal rulings of its own high courts in order to suppress lawful political opposition; and

(4) the South African Government should immediately terminate its practice of arbitrary arrests and detention and should release those men and women who have been arbitrarily imprisoned for having expressed, publicly and peacefully, their political preferences.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMISSION ON THE UKRAINE FAMINE ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1201, S. 2456.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2456) to establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Commission on the Ukraine Famine Act".

ESTABLISHMENT

SEC. 2. There is established a commission to be known as the "Commission on the Ukraine Famine" (in this Act referred to as the "Commission").

PURPOSE OF THE COMMISSION

SEC. 3. The purpose of the Commission is to conduct a study of the 1932-1933 Ukraine famine in order to—

(1) expand the world's knowledge of the famine; and

(2) provide the American public with a better understanding of the Soviet system by revealing the Soviet role in the Ukraine famine.

DUTIES OF THE COMMISSION

SEC. 4. The duties of the Commission are to—

(1) conduct a study of the 1932-1933 Ukraine famine (in this Act referred to as the "famine study"), in accordance with section 6 of this Act, in which the Commission shall—

(A) gather all available information about the 1932-1933 famine in Ukraine;

(B) analyze the causes of such famine and the effects it has had on the Ukrainian nation and other countries; and

(C) study and analyze the reaction by the free countries of the world to such famine;

[(2) provide interim reports to the House of Representatives and the Senate as the Commission deems necessary;

[(3) provide upon request any available information about such famine to Congress, the executive branch, educational institutions, libraries, news media, and the general public;**]**

[4**]** *(2)* submit to Congress *for publication* a final report on the results of the famine study no later than **[**three**]** *two* years after the organizational meeting of the Commission held under section 6(a) of this Act; and

[(5) publish the results of the famine study for the use of Congress, the executive branch, educational institutions, libraries, and the general public.**]**

MEMBERSHIP

SEC. 5. (a) The Commission shall be composed of twenty-one members, who shall be appointed within thirty days after the date of enactment of this Act, as follows:

(1) Four members shall be Members of the House of Representatives and shall be appointed by the Speaker of the House of Representatives. Two such members shall be selected from the majority party of the House of Representatives and two such members shall be selected, after consultation with the minority leader of the House, from the minority party of the House of

Representatives. The Speaker also shall designate one of the House Members as Chairman of the Commission.

(2) Two members shall be Members of the Senate and shall be appointed by the President pro tempore of the Senate. One such member shall be selected from the majority party of the Senate and one such member shall be selected, after consultation with the minority leader of the Senate, from the minority party of the Senate.

(3) One member shall be from among officers and employees of each of the Departments of State, Education, and Health and Human Services and shall be appointed by the President, after consultation with the Secretaries of the respective departments.

(4) [Twelve] *Six* members shall be from the Ukrainian-American community at large and Ukrainian-American chartered human rights groups and shall be appointed by the Chairman of the Commission in consultation with congressional members of the Commission, the Ukrainian-American community at large, and executive boards of Ukrainian-American chartered human rights groups.

(b) The term of office of each member shall be for the life of the Commission.

(c) Each member of the Commission who is not otherwise employed by the United States Government shall be paid the daily equivalent of the rate of basic pay payable for GS-18 of the General Schedule for each day, including travel time, during which he or she is [performing duties of] *attending meetings or hearings of the Commission or otherwise performing Commission related duties as requested by the Chairman of* the Commission. A member of the Commission who is an officer or employee of the United States Government or a Member of Congress shall serve without additional compensation. Each member of the Commission shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) Not later than [sixty] *Thirty* days after all members have been appointed to the Commission, the Commission shall hold an organizational meeting to establish the rules and procedures under which it will carry out its responsibilities.

(b) The Commission shall hire experts and consultants in accordance with section 3109 of title 5, United States Code, from the academic community to assist in carrying out the famine study. Such experts and consultants shall be chosen by a majority vote of the Commission members on the basis of their academic background and their [current involvement in] *experience relevant to* research on the Ukraine famine. No person shall be otherwise employed by the Federal Government while serving as an expert or consultant to the Commission.

(c) The Commission shall have a staff director, who shall be appointed by the Chairman.

POWERS OF THE COMMISSION

SEC. 7. (a) The Commission or any member it authorizes may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission or any such member may administer oaths or affirmations to witnesses appearing before it.

(b)(1) The Commission may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) The subpenas of the Commission may be issued by the Chairman of the Commission or any member designated by him and may be served by any person designated by the Chairman or such member. The subpenas of the Commission shall be served in the same manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(3) If a person issued a subpena under paragraph (1) refuses to obey such subpena, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished as a contempt of the court.

(4) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(c) The Commission may obtain from any department or agency of the United States information that it considers useful in the discharge of its duties. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission to the extent permitted by law.

(d) The Commission may appoint and fix the pay of such personnel as it considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter 53 of such title, relating to classification and General Schedule pay rates. No individual so appointed may receive pay in excess of the maximum annual rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(e) The Commission may solicit, accept, use, and dispose of donations of money, property, or services.

(f) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(g) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) The Commission may procure by contract any supplies, services, and property, including the conduct of research and the preparation of reports by Government agencies and private firms, necessary to discharge the duties of the Commission, in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts.

TERMINATION

SEC. 8. The Commission shall terminate sixty days after the report of the Commission is submitted to Congress under section 4(4) of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There [are] *is* authorized to be appropriated [such sums as may be necessary] *the sum of $400,000* to carry out this Act.

Mr. BAKER. Mr. President, I ask unanimous consent that the amendments be considered and adopted en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JUDICIARY COMMITTEE DISCHARGED FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 606

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 606 and that the matter be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD RENTAL AMENDMENT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 32.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 32) entitled "An Act to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Record Rental Amendment of 1984".

CONDITIONS ON RENTALS

SEC. 2. Section 109 of title 17, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b)(1) Notwithstanding the provisions of subsection (a), unless authorized by the owners of copyright in the sound recording and in the musical works embodied therein, the owner of a particular phonorecord may not, for purposes of direct or indirect commercial advantage, dispose of, or authorize

the disposal of, the possession of that phonorecord by rental, lease, or lending, or by any other act or practice in the nature of rental, lease, or lending. Nothing in the preceding sentence shall apply to the rental, lease, or lending of a phonorecord for nonprofit purposes by a nonprofit library or nonprofit educational institution.

"(2) Nothing in this subsection shall affect any provision of the antitrust laws. For purposes of the preceding sentence, 'antitrust laws' has the meaning given that term in the first section of the Clayton Act and includes section 5 of the Federal Trade Commission Act to the extent that section relates to unfair methods of competition.

"(3) Any person who distributes a phonorecord in violation of clause (1) is an infringer of copyright under section 501 of this title and is subject to the remedies set forth in sections 502, 503, 504, 505, and 509. Such violation shall not be a criminal offense under section 506 or cause such person to be subject to the criminal penalties set forth in section 2319 of title 18.".

COMPULSORY LICENSES; ROYALTIES

SEC. 3. Section 115(c) of title 17, United States Code, is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by adding after paragraph (2) the following new paragraph:

"(3) A compulsory license under this section includes the right of the maker of a phonorecord of a nondramatic musical work under subsection (a)(1) to distribute or authorize distribution of such phonorecord by rental, lease, or lease, or lending). In addition to any royalty payable under clause (2) and chapter 8 of this title, a royalty shall be payable by the compulsory licensee for every act of distribution of a phonorecord by or in the nature of rental, lease, or lending, by or under the authority of the compulsory licensee. With respect to each nondramatic musical work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this clause equal to the proportion of the revenue received by the compulsory licensee from distribution of the phonorecord under clause (2) that is payable by a compulsory licensee under that clause and under chapter 8. The Register of Copyrights shall issue regulations to carry out the purpose of this clause.".

EFFECTIVE DATE

SEC. 4. (a) The amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) The provisions of section 109(b) of title 17, United States Code, as added by section 2 of this Act, shall not affect the right of an owner of a particular phonorecord of a sound recording, who acquired such ownership before the date of the enactment of this Act, to dispose of the possession of that particular phonorecord on or after such date of enactment in any manner permitted by section 109 of title 17, United States Code, as in effect on the day before the date of the enactment of this Act.

(c) The amendments made by this Act shall not apply to rentals, leasings, lendings (or acts or practices in the nature of rentals, leasings, or lendings) occurring after the date which is five years after the date of the enactment of this Act.

Mr. MATHIAS. Mr. President, I am pleased to welcome this important piece of legislation, S. 32, back to the Senate, following its consideration and approval by the other body. This bill will make a needed reform in the copyright law to protect copyrights in sound recordings. Although the House has modified this bill slightly through a substitute draft, S. 32 remains a timely and effective response to a growing threat to our copyright system.

I want to take this opportunity to compliment Representative KASTENMEIER, the chairman of the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice; Representative EDWARDS, the chief sponsor of the companion House bill, H.R. 5938; and Representative RODINO, the chairman of the House Judiciary Committee, for their able work in processing this legislation. Their thoughtful consideration of the issues presented by this bill has been crucial to its forward progress.

Let me briefly review the purpose of this legislation. In April 1983, the Subcommittee on Patents, Copyrights, and Trademarks held a hearing on the commercial rental of copyrighted works. At that hearing, we learned that a number of record rental outlets had opened around the country. We also learned about what sort of business these outlets were in: The business of encouraging customers to take records home, tape them, and return them to the rental outlet. The advertisements of some of these outlets made their appeal explicit. One advertised "Never, ever buy another record!" Another touted its "free blank tape policy."

Under the current Copyright Act, these outlets had an arguable defense: the so-called first sale doctrine. Traditionally, this doctrine has insulated the purchaser of a particular copy of a copyrighted work from any copyright liability when he or she disposes of that copy. Although that principle remains a sound one in most instances, the advent of commercial record rental—with its direct link to copying—calls for a modification of that rule. To deal with the dangers posed by record rentals, S. 32 makes a commonsense reform: It requires that one obtain the permission of the copyright owner before one may commercially rent sound recordings.

In most respects, the version of S. 32 approved in the other body is identical to the bill approved by unanimous consent by the Senate in June 1983. However, I want to mention two significant differences between the House and Senate bills. The first is that the House bill contains a sunset provision, making the bill applicable for only 5 years, and requiring reenactment before that time if it is to remain in force. The Senate bill, by contrast, would make a permanent change in the law in this regard. The House committee report states that the sunset provision is designed to "enable the committee to review and reconsider the appropriateness and justification for this legislation at a later time."

In an age of rapid technological change, the legislative agenda concerning intellectual property issues is a crowded one. Only if it is sufficiently likely that circumstances will significantly change in the record rental area in the next 5 years, should we divert ourselves from this agenda and devote more time and effort to reenacting this important reform. The Senate did not find that likelihood. Indeed, the consistent trend of the past 25 years is that unauthorized copying has become steadily easier and more of a threat to traditional copyright principles. But this disagreement should not hold up enactment of this bill. I wish to emphasize, however, that sunset provisions are not necessarily appropriate in connection with other copyright reforms, and that each future bill will need to be evaluated on an individual basis in this regard.

The second significant House amendment to this bill is a provision that precludes the application of criminal penalties for the violation of this act. Under the Senate-passed bill, the criminal penalties that have historically been available under the Copyright Act would apply with full force to the most egregious violations of the record rental right. The House chose to eliminate criminal enforcement in this area, on the ground that the definition of prohibited rental practices might be insufficiently precise to support criminal prosecution.

It is important to be clear about what the criminal exemption in the house bill means. As I read that provision, it bars the application of criminal penalties for the mere unauthorized rental or lending of copyrighted sound recordings. The amendment does not, however, confer immunity from criminal penalties for independent violations of the Copyright Act, merely because one's activity involved the rental or lending of sound recordings. Thus, to take a dramatic example, one whose role in a massive record piracy conspiracy consisted of lending records to the operation, knowing that they would be used as masters to create thousands of illegal copies, would not be exempt from criminal liability merely because his or her activity consisted of lending the recordings to his or her confederates.

It should not be inferred from the Senate's acceptance of this House amendment that we believe that any general retreat from criminal remedies for copyright infringement is warranted. The Copyright Act makes criminal penalties applicable only against persons who infringe copyrights "willfully" and "for purposes of commercial advantage or private financial gain." Thus, no innocent infringer could ever

be liable for criminal copyright infringement. Nor could any individual who simply infringed copyrights for his or her own personal use. Rather, the criminal provisions of the Copyright Act are carefully targeted at "willful infringement for profit." Given this narrow focus on the most egregious violations of the copyright laws, I believe that criminal penalties should continue to play an important role in deterring the outright theft of the labors of creative artists and writers.

The importance of maintaining a meaningful criminal enforcement system is underscored by the fact that, as many have observed, we live in an age in which intellectual property plays an increasingly vital part both in the domestic U.S. economy and in our international trade. Copyrighted works such as books, films, records, and computer software do more than just supply entertainment and needed information—they also provide jobs to millions of Americans. The export of these same goods is an increasingly important part of our international trade. In addition, the United States is a world leader in the creation and marketing of other forms of intellectual property. In particular, American inventors have enriched the world with patented inventions as familiar as from machinery and as novel as man-made forms of bacterial life. In view of the increasing importance of intellectual property within both the national and world economy, it would be highly inappropriate to begin weakening the penalties for egregious violations of intellectual property rights.

I wholeheartedly urge Senators to support this legislation, and I hope that it will be promptly enacted into law.

Mr. BAKER. Mr President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1179.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 435) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 5147.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

S. RES. 435

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 5147. Such waiver is necessary because H.R. 5147 authorizes the enactment of new budget authority which would first become available in fiscal year 1985 and such bill was not reported by the Committee on Commerce, Science, and Transportation on or before May 15, 1984. H.R. 5147 would authorize to be appropriated such sums as may be necessary for fiscal year 1985 to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983.

The Committee on Commerce, Science, and Transportation did not consider H.R. 5147 because the bill was not received in the Senate until May 2, 1984, which left inadequate time for thorough consideration of the bill by the committee before May 15, 1984. The bill had been reported by the House Committee on Merchant Marine and Fisheries on April 26, 1984, and passed the House on May 1, 1984.

The authorizations contained in H.R. 5147 are necessary to ensure that sufficient funds are available for various Federal agencies to carry out their activities under such agreement.

EASTERN PACIFIC TUNA LICENSING ACT OF 1984

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1055, which is the measure referred to in the budget waiver.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5147) to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PACKWOOD. Mr. President, today the Senate is acting on a bill, H.R. 5147, which implements, for the United States, the Eastern Pacific Ocean Tuna Fishing Agreement [EPOTFA] and its protocol.

The EPOTFA was signed and ratified by the United States to provide a workable international management regime for eastern Pacific tuna resources. The highly migratory nature of tuna, which pass through many coastal jurisdictions, has led the United States to maintain that tuna resources cannot be managed unilaterally by coastal States. Instead, tuna must be conserved and managed cooperatively by the nations bordering on the tuna's migratory range.

In the past, tuna were managed by the Inter-American Tropical Tuna Commission [IATTC]. The advent of 200-mile fishery conservation zones and the modernization of tuna fleets by many nations have resulted in claims by certain coastal States of jurisdiction over tuna in their zones. The United States does not recognize these claims, thus leading to seizures of U.S. tuna vessels by nations, specifically, Mexico and Costa Rica. The IATTC was weakened by these changes. In response, a new authority is established under the Eastern Pacific Ocean Tuna Fishing Agreement.

The EPOTFA creates an international authority to issue regional licenses for tuna fishing. The geographic area covered by the license would include from 12 to 200 miles of the coasts of nations party to the agreement, and would cover an ocean area of over 2 million square miles extending from California to Chile and over 1,000 miles seaward.

H.R. 5147 implements an international management regime that will provide stability for a U.S. tuna fleet that harvests over $200 million worth of tuna annually. Specifically, the bill directs the Secretary of State to appoint the U.S. representative and alternates to the international authority, which will issue regional tuna fishing licenses. Further, the bill provides that any U.S. tuna vessel that is seized by a foreign nation pursuant to the provisions of the EPOTFA would be ineligible for compensation under provisions of the Fishermen's Protective Act of 1967. Also, the legislation makes clear that the U.S. Government will not invoke import prohibitions as provided under the Magnuson Fishery Conservation and Management Act [MFCMA] against any nation that seizes a U.S. tuna vessel, if the seizure was made in accordance with provisions of the EPOTFA.

The bill authorizes the Secretary of Commerce to issue regulations to implement the terms of the EPOTFA. The regulations would be applicable to all persons and vessels subject to the jurisdiction of the United States. In addition, H.R. 5147 sets out unlawful acts for persons under jurisdiction of the United States that would violate the regulations implementing the EPOTFA. It is necessary to point out that the committee report mistakenly refers to criminal penalties in detailing the penalties for persons convicted of engaging in acts prohibited by this legislation. For engaging in activities prohibited by this act, only civil penalties are applied.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDATION OF SENATOR GOLDWATER AS PRESIDING OFFICER

Mr. BAKER. Mr. President, I wish to thank the distinguished occupant of the chair, the Senator from Arizona [Mr. GOLDWATER]. He has participated now in handling the passage of bills and resolutions running to a few dozen or more, and that is important to the Senate. It is an essential part of the Senate's business.

As everyone knows, what we did just now was pass a great deal of legislation that had been cleared for action routinely on both sides of the aisle. But it is a special burden on the Presiding Officer to do that, and to do it in rapid-fire order, so to speak; and I wish to express my personal gratitude to the occupant of the chair for putting up with us and handling this matter so very well.

The PRESIDING OFFICER. No need to waste time. [Laughter.]

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELEVISION AND RADIO COVERAGE OF THE SENATE

CLOTURE MOTION

The PRESIDING OFFICER. The 1 hour having passed since the Senate convened, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Senate Resolution 66, a resolution to establish regulations to implement television and radio coverage of proceedings of the Senate.

Senators Howard Baker, Ted Stevens, Steve Symms, Jake Garn, Paul Trible, Strom Thurmond, Warren B. Rudman, Thad Cochran, Dan Quayle, Slade Gorton, Charles McC. Mathias, James Abdnor, Lowell Weicker, Mark Andrews, Pete Wilson, Gordon Humphrey, Don Nickles, and Charles Percy.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names.

[Quorum No. 12]

Baker	Hawkins	Randolph
Byrd	Hecht	Stennis
Ford	Long	Stevens
Goldwater	Proxmire	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

Burdick	Moynihan	Weicker
Cochran	Pell	Zorinsky
Exon	Stafford	
Garn	Warner	

The PRESIDING OFFICER. A quorum is not present.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee that the Sergeant at Arms be instructed to request the attendance of absent Senators.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. EVANS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Iowa [Mr. JEPSEN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Illinois [Mr. PERCY], and the Senator from Texas [Mr. TOWER], are necessarily absent

Mr. CRANSTON. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. HART], the Senator from Alabama [Mr. HEFLIN] the Senator from Alabama [Mr. HUDDLESTON], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

I further announce that the Senator from Hawaii [Mr. INOUYE] is absent on official business.

The PRESIDING OFFICER [Mr. GORTON]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 4, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—77

Abdnor	Baker	Bingaman
Andrews	Bentsen	Bradley
Armstrong	Biden	Bumpers
Burdick	Hecht	Murkowski
Byrd	Heinz	Nunn
Chafee	Helms	Packwood
Chiles	Hollings	Pell
Cochran	Humphrey	Pressler
Cranston	Johnston	Randolph
D'Amato	Kassebaum	Riegle
Danforth	Kasten	Roth
Denton	Kennedy	Rudman
Dodd	Lautenberg	Sasser
Dole	Laxalt	Simpson
Domenici	Leahy	Specter
Durenberger	Levin	Stafford
Eagleton	Long	Stennis
East	Lugar	Stevens
Exon	Mathias	Symms
Ford	Matsunaga	Thurmond
Garn	Mattingly	Trible
Glenn	McClure	Wallop
Gorton	Melcher	Warner
Hatch	Metzenbaum	Wilson
Hatfield	Mitchell	Zorinsky
Hawkins	Moynihan	

NAYS—4

Goldwater	Quayle
Proxmire	Weicker

NOT VOTING—19

Baucus	Grassley	Percy
Boren	Hart	Pryor
Boschwitz	Heflin	Sarbanes
Cohen	Huddleston	Tower
DeConcini	Inouye	Tsongas
Dixon	Jepsen	
Evans	Nickles	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on Senate Resolution 66, a resolution to establish regulations to implement television and radio coverage of proceedings of the Senate, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. EVANS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Florida [Mrs. HAWKINS], the Senator from Iowa [Mr. JEPSEN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Illinois [Mr. PERCY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. HART], the Senator from Alabama [Mr. HEFLIN], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Arkansas [Mr. PRYOR], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I further announce that the Senator from Hawaii [Mr. INOUYE] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or to change their vote?

The yeas and nays resulted—yeas 37, nays 44, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—37

Abdnor	Kassebaum	Rudman
Andrews	Kasten	Specter
Armstrong	Lugar	Stevens
Baker	Mathias	Symms
Chafee	McClure	Thurmond
Cochran	Metzenbaum	Trible
Denton	Mitchell	Wallop
Exon	Moynihan	Warner
Garn	Packwood	Weicker
Gorton	Pell	Wilson
Hatch	Pressler	Zorinsky
Heinz	Quayle	
Humphrey	Roth	

NAYS—44

Bentsen	Eagleton	Long
Biden	East	Matsunaga
Bingaman	Ford	Mattingly
Bradley	Glenn	Melcher
Bumpers	Goldwater	Murkowski
Burdick	Hatfield	Nunn
Byrd	Hecht	Proxmire
Chiles	Helms	Randolph
Cranston	Hollings	Riegle
D'Amato	Johnston	Sasser
Danforth	Kennedy	Simpson
Dodd	Lautenberg	Stafford
Dole	Laxalt	Stennis
Domenici	Leahy	Tsongas
Durenberger	Levin	

NOT VOTING—19

Baucus	Grassley	Nickles
Boren	Hart	Percy
Boschwitz	Hawkins	Pryor
Cohen	Heflin	Sarbanes
DeConcini	Huddleston	Tower
Dixon	Inouye	
Evans	Jepsen	

The PRESIDING OFFICER. On this vote, the yeas are 37, the nays are 44. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is not agreed to.

Mr. BAKER. Mr. President, it is clear to me that this is an idea whose time has not come. I regret that, but I face reality when I find it. I will make no further effort to pursue this matter in this session.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there are other matters that I would like to take up. There is a conference report here on the Treasury-Post Office appropriations bill and perhaps a Labor-HHS appropriations bill. Mr. President, Treasury-Post Office is a privileged matter and I will consult with those who are concerned about this. But, for the moment, I suggest the absence of a quorum.

Mr. JOHNSTON. Will the Senator withhold on that request?

Mr. BAKER. Yes.

Mr. JOHNSTON. Mr. President, could the Senator tell me if he has plans to take up the Outer Continental Shelf revenue conference report.

Mr. BAKER. Mr. President, I cannot tell the Senator that yet. What I intend to do now is to try to do as much of the appropriations process as we can. That was the announcement at the beginning of this segment of the Senate after the two conventions, that we would devote this time to appropriation bills.

We have a great deal to do in that respect. I will try to do what I can to accommodate a great number of things. But for the moment, as far as I can see, we have the Treasury-Postal conference report, Labor-HHS, Interior, perhaps MilCon, all appropriation matters, and, of course, the continuing resolution when we receive it.

In addition to that, Mr. President, there will be a cloture vote on Monday on the highway bill and there are perhaps other matters that will be addressed as well. But right now, I have to reserve on that question. I will try to have an answer for the Senator from Louisiana a little later.

Mr. WEICKER. Mr. President, I wonder if I might have the attention of my colleagues. As the majority leader has indicated, one of the matters before us is the possibility of considering the Labor, Health, and Human Services appropriations bill. The report and the bill have been made available from the committee. Aside from the final passage vote and a vote on a matter related to abortion, I know of no other controversy surrounding this bill.

I would like to get a feel as to whether or not we can proceed on this appropriations bill. Let me say one thing: If we do not proceed, and if this bill is folded into the continuing resolution, believe me, given what the House has presented in the continuing resolution, many very worthy and well proven programs are going to be hurt in the financial sense.

So, I again repeat my question about a unanimous-consent request; if such a request were propounded—one that would provide that we wrap this bill up in a couple of hours—is there a possibility it would be agreed to? Or do my colleagues believe that such a request would be objected to? If so, it makes little sense to proceed with the matter.

Mr. DENTON. Mr. President, if the Senator would yield for a question?

Mr. WEICKER. I yield.

Mr. DENTON. As the Senator knows, we are trying to get some kind of a vote count. About six Senators walked up to me in the last minute, and said, "Have a nice week." They are shoving off.

I think we agree that we ought to have this vote at a time at which the will of the Senate can be properly represented in view of the issue.

Mr. WEICKER. Mr. President, I gather from what the Senator is saying that there are several of our colleagues who would not want to see a vote relating to abortion take place this afternoon.

Mr. DENTON. I am making the point that there are more than several Senators who are not going to be here. There are a great many who are not going to be here—a substantial number, and I am not able to obtain a vote count. Were the Senate to hear the motion which will be brought before the body, I am confident that it would not pass. Therefore, I would rather wait until we have a good portion of our Members present.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, may I ask the Senator from Alabama a question? Am I to take from what the Senator said that he will object to bringing up Labor-HHS appropriations?

Mr. DENTON. Mr. President, I was trying to establish a position regarding this. I believe I should say to my friend from New Jersey that I will not be the problem with respect to bringing up the bill. But were it not for some others who are going to object, I would at least not agree to a time limit for debate.

Mr. BRADLEY. So the Senator will not object to bringing it up. But the Senator will not provide any kind of a time agreement. Is that correct?

Mr. DENTON. At least that is true. Yes, sir. I think it is mandatory that we have a good representation of our body here for the particular vote that would be coming up. I think it is only fair.

Mr. BRADLEY. Would the Senator expect then to be willing to allow the bill to come up this afternoon?

Mr. DENTON. Perhaps, but as long as the conditions appear favorable, I would let it come up. I am having trouble getting a count.

Mr. BRADLEY. Mr. President, may I ask the distinguished Senator when that count might be made? Some of us would like to be here when this is acted upon. But if the Senator is not going to let it come up, there are other important issues that the Senate, I am sure, can discuss.

Mr. BAKER addressed the Chair.

Mr. DENTON. I hope others could be discussed. I am doing my best to find out how many of our colleagues are going to be absent.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, what I am about to say is certainly not criticism of either Senator engaged in the colloquy. But, as leader, let me point out that we are not always faced with the requirement for unanimous consent. I really from time to time feel that I must remind the Senate we do a great deal by unanimous consent. But

there are ways to get bills up that do not involve unanimous consent. So the Senate should not assume, as I sometimes read in the newspaper, that we only can act by unanimous consent. That is not so.

Indeed, we act many times when we do not have unanimous consent. It is perhaps necessary to do that now, and perhaps not. But at the moment, it is clear that I cannot proceed without moving to it. But it is not equally clear that I will not move.

So, Mr. President, for the moment I suggest the absence of a quorum. I will not have it called off for a moment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

Mr. BAKER. Mr. President, just so everyone is fully on board and understands what we are about to do, I wish to explain the procedure in advance before I make certain requests.

To begin with, we are going to the Labor-HHS appropriations bill this afternoon. In order to do that it will first be necessary to adopt a budget waiver which has been reported.

Mr. President, if the budget waiver is adopted, then I will ask consent to lay before the Senate the Labor-HHS appropriations bill. I hope that consent will be given. I believe it will be.

It is understood, however, that while we will do all we can do on the Labor-HHS appropriations bill this afternoon, the last item of business on Labor-HHS today will be the offering but no action taken on a committee amendment dealing with abortion.

At this point it would be the intention of the leadership to go off this bill today and perhaps take up other routine matters that no one needs to worry about. There is no hidden clinker in that. And then to go out until Monday.

Mr. President, on Monday the Senate will vote on cloture on the motion to proceed to the consideration of the highway bill.

I hope—I cannot say I expect—but I hope that we will get cloture on the motion to proceed and indeed adopt the motion to proceed and take up the highway bill and finish it on Monday.

But in any event, it is not the intention of the leadership to ask the Senate to go back to the Labor-HHS bill until Tuesday.

Mr. President, that is the arrangement that has been discussed all around. I have discussed the procedural part of this with the minority leader, that is, the budget waiver, consent to go to this bill, the schedule for this afternoon, and the resumption of the matter on Tuesday. He has indicated through staff that he has no objection to that procedure.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, in accordance with section 904 of the Budget Act I move to waive section 303 of that act with respect to H.R. 6028 and any amendment thereto.

Mr. President, may I say that the reason I do that is that we do not have a first budget resolution at this time and in order to bring the pending appropriation bill before the Senate such a motion is necessary.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. BAKER. I thank the Chair.

LABOR-HHS-EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. BAKER. Mr. President, I now ask unanimous consent that the Chair lay before the Senate H.R. 6028.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 6028) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with the amendments of the Committee on Appropriations ordered printed.

Mr. BAKER. Mr. President, I thank all Senators for their cooperation, and I yield the floor.

Mr. WEICKER. Mr. President, I ask unanimous consent that the committee amendments, with the exception of the committee amendment beginning on page 38, line 19, be agreed to en bloc, and that the bill as thus amended be regarded for purpose of further amendment as original text, providing no points of order shall be waived by reason of agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to are as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 6028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, **[**$69,619,000**]** *$65,922,000,* together with not to exceed $45,200,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, **[**$3,723,079,000**]** *$3,650,519,000* plus reimbursements, to be available for obligation for the period July 1, 1985, through June 30, 1986, including $2,000,000 for the National Commission for Employment Policy, **[**including**]** *and* $3,000,000 for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act**[**, and including $10,000,000 for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act**]**: *Provided,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers**[**: *Provided further,* That the amount appropriated under this paragraph for the summer youth employment and training program shall be allocated to States so that each service delivery area receives, as nearly as possible, an amount equal to its prior year allocation for this program.**]**

For **[**the summer youth employment and training program authorized by**]** *activities authorized by title II, part B of* the Job Training Partnership Act, $100,000,000, in addition to amounts otherwise provided herein for these purposes, **[**to be allocated to States so that each service delivery area receives, as nearly as possible, an amount equal to its prior year allocation for this program,**]** to be available for obligation for the period July 1, 1984, through June 30, 1985.

For activities authorized by sections 236, 237, and 238 of the Trade Act of 1974, **[**$26,000,000**]** *and for necessary related administrative expenses, $29,700,000.*

COMMUNITY SERVICES EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $261,300,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $73,700,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95-250, as amended, of trade adjustment benefit payments and allowances, as provided by law (part I, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended) **[**$56,000,000**]** *$75,000,000,* together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any

period subsequent to September 15 of the current year: *Provided*, That amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49l-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 231 [238] *235* and 243-244, title II of the Trade Act of 1974, as amended; and *as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under* sections 101(a)(15)(H)(ii) and 212(a)(14) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), and section 51 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 51), notwithstanding section 261(f)(2)(A) of the Economic Recovery Tax Act of 1981, as amended, [$71,400,000] *$23,500,000*, together with not to exceed [$2,342,898,000] *$2,422,598,000* which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which [$777,398,000] *$740,398,000* shall be available for obligation for the period July 1, 1985, through June 30, 1986, to fund activities under section 6 of the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which [$263,817,000] *$347,617,000* shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based, which cannot be provided for by normal budgetary adjustments.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Services Administration, [$60,757,000] *$59,666,000.*

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1985, for such Corporation: *Provided, That not to exceed $33,057,000 shall be available for administrative expenses of the Corporation.*

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, [$192,582,000] *$191,982,000*, together with $397,000, which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, $211,400,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1985.

BLACK LUNG DISABILITY TRUST FUND

For payments from the Black Lung Disability Trust Fund, $949,244,000, of which $910,781,000 shall be available until September 30, 1986, for payment of all benefits and interest on advances under subsection (c)(2) of section 9501 of the Internal Revenue Code of 1954, as amended, as authorized by section 9501(d) (1), (2), (4), and (7) of that Act and of which $24,403,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $13,688,000 for transfer to Departmental Management, Salaries and Expenses, and $372,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition, such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, [$219,652,000] *$220,152,000*, including not to exceed $53,091,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard, rule, or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful, or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act, unless such establishment or workplace is cited, on the basis of such inspection, for ten or more violations: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for the proposal or assessment of any civil penalties for the violation or alleged violation by an employer of ten or fewer employees of any standard, rule, regulation, or order promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful or repeated violations and violations

which pose imminent danger under section 13 of the Act) if, prior to the inspection which gives rise to the alleged violation, the employer cited has (1) voluntarily requested consultation under a program operated pursuant to section 7(c)(1) or section 18 of the Occupational Safety and Health Act of 1970 or from a private consultative source approved by the Administration and (2) had the consultant examine the condition cited and (3) made or is in the process of making a reasonable good faith effort to eliminate the hazard created by the condition cited as such, which was identified by the aforementioned consultant, unless changing circumstances or workplace conditions render inapplicable the advice obtained from such consultants: *Provided further,* That none of the funds appropriated under this paragraph may be obligated or expended for any State plan monitoring visit by the Secretary of Labor under section 18 of the Occupational Safety and Health Act of 1970, of any factory, plant, establishment, construction site, or other area, workplace or environment where such a workplace or environment has been inspected by an employee of a State acting pursuant to section 18 of such Act within the six months preceding such inspection: *Provided further,* That this limitation does not prohibit the Secretary of Labor from conducting such monitoring visit at the time and place of an inspection by an employee of a State acting pursuant to section 18 of such Act, or in order to investigate a complaint about State program administration including a failure to respond to a worker complaint regarding a violation of such Act, or in order to investigate a discrimination complaint under section 11(c) of such Act, or as part of a special study monitoring program, or to investigate a fatality or catastrophe: *Provided further,* That none of the funds appropriated under this paragraph may be obligated or expended for the inspection, investigation, or enforcement of any activity occurring on the Outer Continental Shelf which exceeds the authority granted to the Occupational Safety and Health Administration by any provision of the Outer Continental Shelf Lands Act, or the Outer Continental Shelf Lands Act Amendments of 1978.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $150,550,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the purchase of not to exceed forty-five passenger motor vehicles for replacement only; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, [$153,400,000] *$148,010,000,* of which *$1,150,000 shall be for expenses of enhancing service sector activities, and* $9,625,000 shall be for expenses of revising the Consumer [Price Index and shall remain available until September 30, 1988, and not to exceed an additional amount of $20,420,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund] *Price Index, together with not to exceed $20,420,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That $4,823,000 shall remain available until September 30, 1986.*

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including $2,129,000 for the President's Committee on Employment of the Handicapped, $100,730,000, together with not to exceed $240,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $122,172,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001-08 and 2021-26.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, $67,000, to remain available until expended. This appropriation shall be available in addition to other appropriations to such agency for payments in foreign currencies.

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, [$39,465,000] *$39,181,000* together with not to exceed $4,300,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

[SEC. 102. None of the funds appropriated under this Act shall be used to grant variances, interim orders or letters of clarification to employers which will allow exposure of workers to chemicals or other workplace hazards in excess of existing Occupational Safety and Health Administration standards for the purpose of conducting experiments on worker health or safety.]

This title may be cited as the "Department of Labor Appropriation Act, 1985".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles III, IV, V, VII, VIII, X, and parts A and C of title XVI, and XIX of the Public Health Service Act, and 5 U.S.C. 7901, section 427(a) of the Federal Coal Mine Health and Safety Act, and title V of the Social Security Act, $1,455,289,000, of which $3,000,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with Hansen's disease: Provided, That $5,000,000 of such amount shall be available for the establishment of geriatric educational units under section 788(b) of the Public Health Service Act: Provided further, That of the amount appropriated for title V of the Social Security Act, there are available $500,000 under section 502(a)(1) of the Social Security Act for a grant to the Kamehameha Schools/Bishop Estate in Honolulu, Hawaii, for the establishment and operation of a Native Hawaiian Parent and Child Center. Such grant shall require the recipient to match the grant on a dollar-for-dollar basis. Such amount shall remain available until expended: Provided further, That during the fiscal year 1985 new commitments to guarantee loans under subpart I of part C of title VII may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed $250,000,000: Provided further, That the premium charges set under subpart I of part C of title VII may be set by the Secretary at a level sufficient to defray the estimated payments of defaults: Provided further, That this appropriation shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who has participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: Provided further, That when the Department of Health and Human Services operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advances to this appropriation: Provided further, That collections from National Health Service Corps scholarship recipients who have breached their obligation to serve shall be used to fund new scholarships and shall remain available until expended: Provided further, That during the fiscal year, and within the resources and authority available under section 338 of the Public Health Service Act, gross obligations for the principal amount of direct loans under section 335(c), 338C(e)(1), and 338E of that Act shall not exceed $1,000,000: Provided further, That none of the funds made available by this Act shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer of the Public Health Service for any period during which the officer is providing obligated service under section 338B (or under former sections 225(e) or 752) of the Public Health Service Act except

that this proviso shall not apply to any period of service covered by an agreement entered into by an officer under 37 U.S.C. 302(c)(1) before the date of enactment of Public Law 97-377.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $26,500,000, together with $5,500,000 to be derived from the Medical Facilities Guarantee and Loan Fund's Direct Loan Revolving Fund, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year no commitments for direct loans, or loan guarantees shall be made.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

Any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, and not to exceed $2,600,000 may be disbursed with respect to any liability or contingent liability incurred prior to 1985.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL

To carry out [title III and section 1102] *titles III, XI, and XIX* of the Public Health Service Act, the Federal Mine Safety and Health Act of 1977, and the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, [$198,802,000] *$402,730,000,* of which $1,810,000 shall remain available until expended for construction and renovation of facilities: *Provided,* That training of employees of private agencies shall be made subject to reimbursement or advances to this appropriation for the full cost of such training*: Provided further, That notwithstanding any other provision of law, these funds shall be used to maintain not less than 4,383 Federal full time equivalent positions.*

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 *and title IV* of the Public Health Service Act with respect to cancer, [$1,084,950,000] *$1,187,693,000.*

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 [and section 1105, *title IV and title XI* of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, [$764,135,000] *$807,149,000.*

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 *and title IV* of the Public Health Service Act with respect to dental diseases, [$95,826,000] *$98,451,000.*

NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 *and title IV* of the Public Health Service Act with respect to arthritis, diabetes, and digestive and kidney diseases, [$515,516,000] *$545,551,000.*

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

For carrying out section 301 *and title IV* of the Public Health Service Act with respect to neurological and communicative disorders and stroke, [$379,520,000] *$401,403,000.*

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 *and title IV* of the Public Health Service Act with respect to allergy and infectious diseases, [$355,728,000] *$372,485,000.*

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 *and title IV* of the Public Health Service Act with respect to general medical sciences, [$412,987,000] *$495,150,000.*

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 *and title IV* of the Public Health Service Act with respect to child health and human development, [$296,929,000] *$312,100,000.*

NATIONAL EYE INSTITUTE

For carrying out section 301 *and title IV* of the Public Health Service Act with respect to eye diseases and visual disorders, [$171,097,000] *$187,181,000.*

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 [and 311], *311 and title IV* of the Public Health Service Act with respect to environmental health sciences, [$189,437,000] *$191,908,000.*

NATIONAL INSTITUTE ON AGING

For carrying out section 301 *and title IV* of the Public Health Service Act with respect to aging, [$140,102,000] *$144,799,000.*

RESEARCH RESOURCES

For carrying out [section 301] *sections 301 and 472* of the Public Health Service Act with respect to research resources and general research support grants, [$303,531,000 *$303,498,000*: *Provided,* That none of these funds, with the exception of funds for the Minority Biomedical Research Support program, shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, [$11,526,000] *$11,929,000,* of which $1,999,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, [$43,820,000 *$53,500,000, together with not to exceed $10,000,000 to be derived from the exchange or sale of services or materials authorized by section 382 of the Public Health Service Act.*

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, [$47,509,000] *$29,100,000,* including purchase of not to exceed thirteen passenger motor vehicles for replacement only[: *Provided,* That $20,000,000 of the foregoing amount shall remain available until September 30, 1986.]

BUILDINGS AND FACILITIES

For construction of, and acquisition of sites and equipment for, facilities of or used by the National Institutes of Health, [$21,730,000] *$21,700,000,* to remain available until expended.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, [$405,318,000] *$933,857,000: Provided, That notwithstanding any other provision of law, these funds shall be used to maintain not less than 1,664 Federal full time equivalent positions.*

FEDERAL SUBSIDY FOR SAINT ELIZABETHS HOSPITAL

For a portion of the cost of the maintenance and operation of Saint Elizabeths Hospital in the District of Columbia, $48,595,000: *Provided,* That the Secretary of Health and Human Services may set rates for inpatient and outpatient services provided through Saint Elizabeths Hospital that in the aggregate do not exceed the estimated total cost of providing such services, and may bill and collect from (prospectively or otherwise) individuals, the District of Columbia, Executive agencies and other entities for any services so provided. Amounts so collected shall be credited to the appropriation for Saint Elizabeths Hospital and shall remain available until expended.

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

PUBLIC HEALTH SERVICE MANAGEMENT

For the expenses necessary for the Office of Assistant Secretary for Health and for carrying out titles III and XX of the Public Health Service Act, $101,803,000, of which $250,000 shall be available for design and facility planning for the Norton Sound Health Corporation in Nome, Alaska, under section 305(b)(3) of the Public Health Service Act, without regard to requirements of section 308 of said Act, together with not to exceed $1,050,000 to be transferred and expended as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein and, in addition, amounts collected by the National Center for Health Statistics from the sale of data tapes shall be credited to this appropriation and shall remain available until expended: Provided, That section 2008(g) does not apply to these programs.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amounts as may be required during the current fiscal year.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, title XIX of the Social Security Act, [$15,661,000,000] *$16,293,491,000,* to remain available until expended.

For making, after May 31, 1985, payments to States under title XIX of the Social Security Act, for the last quarter of fiscal year 1985 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and the expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

Payment under title XIX may be made for any quarter beginning after June 30, 1984, and before October 1, 1985, with respect to any State plan or plan amendment in effect during any such quarter, if submitted in, or prior to, such quarter and approved in that or any such subsequent quarter.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1986, $5,980,000,000, to remain available until expended.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 229(b) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 278(d) of Public Law 97-248, [$19,807,020,000] *$19,872,000,000.*

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII and XIX of the Social Security Act, [$96,247,000] *$96,781,000*, together with not to exceed [$1,084,488,000] *$1,084,779,000* to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein: *Provided*, That these amounts shall be in addition to $45,000,000 for this purpose available under section 118 of Public Law 97-248: *Provided further*, That $20,000,000 of the foregoing amount shall be expended only to the extent necessary to process workloads not anticipated in the budget estimates and to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 217(g), 228(g), 229(b), and 1131(b)(2) of the Social Security Act and section 152 of Public Law 98-21, $512,722,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and to parties, their representatives, and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $1,024,131,000. For making, after [September 1] *July 31* of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary, the obligations and expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1986, $270,000,000, *to remain available until expended.*

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the social security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, [$9,328,076,000] *$9,399,076,000* to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury. For making, after [August 15] *July 31* of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary, the obligations and expenditures therefor to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For carrying out the Supplemental Security Income Program for the first quarter of fiscal year 1986, $2,345,769,000, to remain available until expended.

ASSISTANCE PAYMENTS PROGRAM

For carrying out, except as otherwise provided, titles I, IV-A and -D, X, XI, XIV, and XVI, of the Social Security Act and the Act of July 5, 1960 (24 U.S.C., ch. 9), [$4,871,025,000] *$6,170,000,000*, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States under titles I, IV-A and -D, X, XIV, and XVI of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For making payments to States under titles I, IV-A and -D, X, XIV, and XVI of the Social Security Act for the first quarter of fiscal year 1986, [$1,812,840,000] *$2,095,000,000*, to remain available until expended.

CHILD SUPPORT ENFORCEMENT

For carrying out, except as otherwise provided, titles IV-D and XI of the Social Security Act, [$425,411,000] *$497,000,000*, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States under title IV-D of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and the expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For making payments to States under title IV-D of the Social Security Act for the first quarter of fiscal year 1986, $160,000,000, to remain available until expended.

LOW INCOME HOME ENERGY ASSISTANCE

For carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981, $2,140,000,000.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than [$3,784,515,000] *$3,790,515,000* may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That travel expense payments under section 1631(h) of such Act may be made only when travel of more than seventy-five miles is required: *Provided further*, That $50,000,000 of the foregoing amount shall be apportioned for use only to the extent necessary to process workloads not anticipated in the budget estimates, for automation projects, and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That $210,166,000 for automatic data processing and telecommunications activities shall remain available until expended[: *Provided further*, That none of the funds appropriated by this Act may be used for the manufacture, printing, or procuring of social security cards, as provided in section 205(c)(2)(D) of the Social Security Act, where paper and other materials used in the manufacture of such cards are produced, manufactured, or assembled outside of the United States.].

HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANT

For carrying out the Social Services Block Grant Act, $2,700,000,000.

HUMAN DEVELOPMENT SERVICES

For carrying out, except as otherwise provided, the Older Americans Act of 1965, the Runaway and Homeless Youth Act, the Native Americans Program Act, the Child Abuse Prevention and Treatment Act, and the Head Start Act of 1981, $1,928,004,000, of which $33,400,000 shall be available for carrying out section 308(b)(1) of the Older Americans Act of 1965.

FAMILY SOCIAL SERVICES

For carrying out [except as otherwise provided, parts A, B,] *parts B* and E of title IV and section 1110 of the Social Security Act, [$651,902,000] *and title II of Public Law 95-266 (adoption opportunities), $690,902,000.*

WORK INCENTIVES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such programs, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, [$266,760,000] *$270,760,000* which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes.

OFFICE OF COMMUNITY SERVICES

COMMUNITY SERVICES BLOCK GRANT

For carrying out the Community Services Block Grant Act, [$362,300,000] *$382,572,000*, of which [$19,360,000] *$20,480,000* shall be for carrying out section 681(a)(2)(A), [$3,920,000] *$4,175,000* shall be for carrying out section 681(a)(2)(D), [$2,940,000] *$3,130,000* shall be for carrying out section 681(a)(2)(E), and [$6,000,000] *$6,260,000* shall be for carrying out section 681(a)(2)(F): *Provided*, That not more than 10 per centum of the funds appropriated and allotted to each State under section 674 of such Act shall be used for purposes other than to make grants to eligible entities as defined in section 673(1) of such Act or to organizations serving seasonal and migrant farmworkers or to designated limited purpose agencies which meet the requirements of section 673(1) of such Act, *except that the Secretary of Health and Human Services*

may waive this requirement for any State applying for such a waiver if—

(1) the State obtained a waiver of the requirements of section 138 of Public Law 97-276 with respect to appropriations for fiscal year 1983; and

(2) the State submits, prior to October 1, 1984, an application for fiscal year 1985 under the Community Services Block Grant Act, containing provisions for the use of assistance under that Act by political subdivisions.

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, $133,000,000 together with not to exceed $8,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein: *Provided, That of the funds appropriated under this head, not to exceed $50,000 shall be available for travel expenses of the Secretary and employees of the Immediate Office of the Secretary: Provided further, That none of the funds made available by this Act may be obligated or expended to lease or purchase for use of the Secretary or employees of the Immediate Office of the Secretary, passenger motor vehicles larger than a class III vehicle as defined in the General Services Administration Federal Standard 122: Provided further, That none of the funds made available by this Act may be obligated or expended to pay first class air travel accommodations for the Secretary or employees of the Immediate Office of the Secretary.*

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, [$53,391,000] *$58,491,000* together with not to exceed $20,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein, *of which $5,100,000 shall be for carrying out audits under section 452(a)(4) of the Social Security Act.*

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, [$18,945,000] *$17,850,000* together with not to exceed $2,350,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, [$8,500,000] *$9,750,000: Provided, That not less than $1,750,000 shall be obligated to continue research on poverty conducted by the Institute for Research on Poverty.*

GENERAL PROVISIONS

[SEC. 201. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

[SEC. 202. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.]

[SEC. 203.] *Sec. 201.* Appropriations in this Act for the Health Resources and Services Administration, the National Institutes of Health, the Centers for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, the Office of the Assistant Secretary for Health, the Health Care Financing Administration, and Departmental Management shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand five hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents, assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18; *for carrying out section 472 of the Public Health Service Act;* not to exceed $9,500 for official reception and representation expenses related to any health agency of the Department when specifically approved by the Assistant Secretary for Health.

[SEC. 204] *Sec. 202.* None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

[SEC. 205] *Sec. 203.* Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327A of the Public Health Service Act.

[SEC. 206] *Sec. 204.* Funds appropriated in this title for the Social Security Administration and the Office of Child Support Enforcement shall be available for not to exceed $5,000 for official reception and representation expenses related to income maintenance or child support enforcement activities of the Department when specifically approved by the Commissioner of Social Security.

[SEC. 207] *Sec. 205.* Funds appropriated in this title for the Health Care Financing Administration shall be available for not to exceed $2,000 for official reception and representation expenses when specifically approved by the Administrator of the Health Care Financing Administration.

[SEC. 208] *Sec. 206.* No funds appropriated for the fiscal year ending September 30, 1985, by this or any other Act, may be used to pay basic pay, special pays, basic allowance for subsistence and basic allowances for quarters of the commissioned corps of the Public Health Service described in section 204 of title 42, United States Code, at a level that exceeds 110 percent of the Executive Level I annual rate of basic pay: *Provided, That amounts received from employees of the Department in payment for room and board may be credited to the appropriation accounts "Health Resources and Services", National Institutes of Health "Office of the Director", "Disease Control", and "Federal Subsidy for Saint Elizabeths Hospital".*

[SEC. 209] *Sec. 207.* None of the funds appropriated in this title shall be used to transfer the general administration of programs authorized under the Native American Programs Act from the Department of Health and Human Services to the Department of the Interior.

SEC. 208. Nothwithstanding any other provision of law, funds provided to the National Institutes of Health by this Act shall be used to maintain not less than 13,507 Federal full time equivalent positions.

SEC. 209. None of the funds provided in this or any other Act may be expended to bill persons receiving services from the National Institutes of Health Clinical Center in order to collect from third party payees, nor to charge those persons who may have financial means to pay, unless and until such time as Congress has agreed upon a specific policy to do so, and has directed the Secretary of Health and Human Services to implement such a policy.

This title may be cited as the "Department of Health and Human Services Appropriation Act, 1985".

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, [$3,680,000,000 *$3,696,620,000* to become available on July 1, 1985, and remain available until September 30, 1986: *Provided,* That no funds shall be used for purposes of section 554(a)(1)(B), [$5,746,000] *$4,746,000* shall be available for purposes of section 555(d) to provide technical assistance and evaluate programs, [$258,024,000] *$271,024,000* shall be available for purposes of section 554(a)(2)(A), [$146,520,000] *$153,820,000* shall be available for purposes of section 554(a)(2)(B), $32,616,000 shall be available for purposes of section 554(a)(2)(C) and [$36,800,000] *$34,414,000* shall be available for purposes of section 554(b)(1)(D).

For carrying out section 418A of the Higher Education Act, $7,500,000.

SPECIAL PROGRAMS

For carrying out the consolidated programs and projects authorized under chapter 2 of the Education Consolidation and Improvement Act of [1981, $678,879,000, of which $40,700,000 shall be for programs and projects authorized under subchapter D of said Act, including $10,700,000 for programs and projects authorized under subsection 583(a)(1) of said Act; $14,500,000 shall be used for awards not to exceed a cumulative amount of $1,000,000 to any recipient for national impact demonstration or research projects; $7,000,000 for activities authorized under subsection 583(b)(1) of said Act; $3,500,000 for programs authorized under subsection 583(b)(2) of said Act; $3,000,000 for programs authorized under subsection 583(b)(3) of said Act; and $2,000,000 for activities authorized under subsection 583(b)(4) of said Act: *Provided,* That $638,179,000 to carry out the State block grant program authorized under chapter 2 of said Act shall become available for obligation on July 1, 1985, and shall remain available until September 30, 1986: *Provided further,* That no more than 50 per centum of the funds provided to State education agencies under chapter 2 shall be used for administrative purposes to include activities for improving State departments of education: *Provided further,* That none of the increase in funding for either State education agencies or local school districts above the level provided in the fiscal year 1984 appropriation shall be used for any purpose other than the development or support of identifiable projects to improve school effectiveness: *Provided further,* That $40,700,000 for the purpose of subchapter D of said Act shall become available for obligation on October 1, 1984.

[For grants to State education agencies and desegregation assistance centers authorized under section 403 of the Civil Rights Act of 1964, $24,000,000.

[For carrying out activities authorized under title IX, part C of the Elementary and Secondary Education Act, $5,760,000.

[For carrying out activities authorized under section 1524 of the Education Amendments of 1978, $1,920,000.

[For carrying out activities authorized under section 1525 of the Education Amendments of 1978, $1,000,000.

[For carrying out activities authorized under Public Law 92-506, as amended, $2,000,000: *Provided,* That said sum shall become available on July 1, 1985, and shall remain available until September 30, 1986.] *1981; title IX, part C of the Elementary and Secondary Education Act; title IV of the Civil Rights Act of 1964; sections 1524 and 1525 of the Education Amendments of 1978; and Public Law 92-506, $569,309,000: Provided, That $500,000,000 to carry out the State block grant program authorized under chapter 2 of the Education Consolidation and Improvement Act shall become available for obligation on July 1, 1985, and shall remain available until September 30, 1986: Provided further, That $31,909,000 for the purpose of subchapter D of the Education Consolidation and Improvement Act shall become available for obligation on October 1, 1984: Provided further, That $1,500,000 of the amount appropriated above for the purpose of Public Law 92-506 shall become available on July 1, 1985, and shall remain available until September 30, 1986.*

BILINGUAL EDUCATION

For carrying out, to the extent not otherwise provided, title VII of the Elementary and Secondary Education Act and part B, subpart 3 of the Vocational Education Act, as amended, [$143,656,000] *$142,245,000* of which $3,686,000 for part B, subpart 3 of the Vocational Education Act shall become available on July 1, 1985, and shall remain available until September 30, 1986.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), $565,000,000 of which $20,000,000 shall be entitlements under section 2 of said Act, $10,000,000, which shall remain available until expended, shall be for payments under section 7 of said Act and $535,000,000 shall be for entitlements under section 3 of said Act of which $477,000,000 shall be for entitlements under section 3(a) of said Act: Provided, That payment with respect to entitlements under section 3(a) to any local educational agency described in section 3(d)(1)(A) of said Act shall be at 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) of said Act shall be limited to 15 per centum of entitlement: Provided further, That payment with respect to entitlements under section 3(a) to any local educational agency not described in section 3(d)(1)(A) shall be ratably reduced from 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) shall be ratably reduced from 15 per centum of entitlement: Provided further, That payment with respect to entitlements under section 3(b) of said Act shall be ratably reduced from 100 per centum of entitlement: Provided further, That no payment shall be made under section 3 to any local educational agency whose payment under that section fails to exceed $5,000: Provided further, That the provisions of section 5(c) of said Act shall not apply to funds provided herein: Provided further, That section 305(b)(2) of the Education Amendments of 1974 shall not apply to funds provided herein: Provided further, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred.

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act, of which $8,500,000 shall be for awards under section 10 of said Act, $8,500,000 shall be for awards under sections 14(a) and 14(b) of said Act, and $3,000,000 shall be for awards under sections 5 and 14(c) of said Act.

EDUCATION FOR THE HANDICAPPED

For carrying out the Education of the Handicapped Act, [$1,298,540,000] *$1,320,395,000,* of which [$1,125,000,000] *$1,135,145,000,* for section 611 and [$29,330,000] *$28,000,000* for section 619 shall become available for obligation on July 1, 1985, and shall remain available until September 30, 1986.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, the Helen Keller National Center Act, and the International Health Research Act of 1960, [$1,215,400,000] *$1,252,765,000,* of which [$1,091,395,600] *$1,116,477,953* shall be for allotments under section 100(b)(1) of the Rehabilitation Act, [and $1,404,400] *$1,022,047* shall be for activities under section 110(b)(3) of the Rehabilitation Act, *and $4,200,000 shall be for continued operation of the Helen Keller National Center for Deaf-Blind Youths and Adults.*

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Vocational Education Act, and the Adult Education Act, $831,314,000 which shall become available for obligation on July 1, 1985, and shall remain available until September 30, 1986, except that $8,178,000 for part B, subpart 2 of the Vocational Education Act shall become available for obligation on July 1, 1985, and shall remain available until expended: *Provided,* That $7,000,000 for State advisory councils under section 105 of the Vocational Education Act shall [first] be used to provide to each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands an amount [at least] equal to the amount it received in the previous fiscal year[, and the remainder shall be distributed equally among the aforesaid recipients of these funds:] *Provided further,* That not to exceed $99,590,000 shall be for carrying out Part A, subpart 3, of the Vocational Education Act: *Provided further,* That $2,243,100 shall be made available for the National Occupational Information Coordinating Committee.

STUDENT FINANCIAL ASSISTANCE

For carrying out [subparts 1 ($3,753,000,000), 2 ($425,000,000), and 3 ($76,000,000) of part A, and parts C ($600,000,000) and E ($225,000,000) of title IV of the Higher Education Act, $5,079,000,000, which shall remain available until September 30, 1986] *subparts 1, 2, and 3 of part A, and parts C and E of title IV of the Higher Education Act, $4,491,000,000 which shall remain available until September 30, 1986, of which $400,000,000 shall be available for carrying out subpart 2 of part A of title IV of the Higher Education Act: Provided,* That amounts appropriated for Pell Grants shall be available first to meet any insufficiencies in entitlements resulting from the payment schedule for Pell Grants published by the Secretary of Education for the 1984-1985 academic year: *Provided further,* That pursuant to section 411(b)(4)(A) of the Higher Education Act, amounts appropriated herein for Pell Grants which exceed the amounts required to meet the payment schedule published for any fiscal year by 15 per centum or less shall be carried forward and merged with amounts appropriated for the next fiscal year: *Provided further,* That *notwithstanding section 411(a)(2)(A)(i) and section 411(b)(5) of the Higher Education Act,* the maximum grant a student may receive in the 1985-1986 academic year shall be [$2,100.] *$2,000: Provided further, That notwithstanding section 482 of the Higher Education Act, the cost of attendance criteria used for calculating eligibility for and the amount of the Pell Grants for academic year 1985-1986 shall be established by the Secretary of Education: Provided further, That notwithstanding section 413D(a), and subsections (a), (b), (c), and (e) of section 442 of the Higher Educa-*

tion Act, the Secretary shall apportion funds among the States so that each State's apportionment under the Supplemental Educational Opportunity Grant Program and Work-Study Program bears the same ratio to the total amount appropriated under each program as that State's apportionment in fiscal year 1981 for each program bears to the total amount appropriated for fiscal year 1981 for each program: Provided further, That notwithstanding section 413D(b)(1)(B)(ii) and section 446(a) of the Higher Education Act, from each jurisdiction's allotment of funds under each program, the Secretary shall allocate sums to institutions in that jurisdiction that did not receive an allocation in fiscal year 1979 (award year 1979–1980) under each program in a manner that will most effectively carry out the purposes of the Supplemental Educational Opportunity Grant Program and the Work-Study Program: Provided further, that notwithstanding section 413D(b)(1)(B)(ii)(II) of the Higher Education Act, the provisions of clause (I) of section 413D(b)(1)(B)(ii) of such Act shall apply to the amount made available for Supplemental Educational Opportunity Grants under this heading.

GUARANTEED STUDENT LOANS

For necessary expenses under title IV, part B of the Higher Education Act, [$3,046,000,000] *$3,079,477,000* to remain available until expended.

HIGHER EDUCATION

[For carrying out subpart 4 of part A of title IV, section 734, and titles III; VI; VII, parts A and B; VIII; IX, parts B, C, D, and E; title X; and sections 420 and 734 of the Higher Education Act; section 506 of the Education Amendments of 1972, as further amended by title XIII, part G, section 1361(a) of the Education Amendments of 1980; title XIII, part H, subpart 1 of the Education Amendments of 1980; the Minority Institutions Science Improvement Program under section 528(3) of the Omnibus Budget Reconciliation Act of 1981 (20 U.S.C. 3489(3)), and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, $459,391,000: *Provided*, That $18,775,000 made available for interest subsidy grants under section 734 of the Higher Education Act shall remain available until expended: *Provided further*, That sections 922(b)(2) and 922(e)(2) and the funding limitations set forth in section 922(e) of the Higher Education Act shall not apply to funds in this Act:

For carrying out title III of the Higher Education Act of 1965, as amended, $148,000,000: Provided, That in addition to the amount otherwise available for part A of title III, $5,000,000 of the title III appropriation shall be available to carry out part A notwithstanding section 347 of the Higher Education Act and to provide technical assistance to institutions applying for grants from such funds: Provided further, That 50 per centum of such $5,000,000 remaining after the provision of technical assistance shall be available to award grants to eligible institutions, located other than in Puerto Rico, which have an enrollment of at least 40 per centum of Hispanic students as reported on the latest available Education Department Higher Education General Information Survey (HEGIS); 25 per centum of such $5,000,000 remaining after the provision of technical assistance shall be available to institutions which have an enrollment of at least 5 per centum of American Indians, Native Alaskans or Virgin Islanders as reported on the latest available Education Department HEGIS; and 25 per centum of such $5,000,000 remaining after the provision of technical assistance shall be available to institutions in Hawaii, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands which have an enrollment of at least 5 per centum of Native American Pacific Islanders, including Native Hawaiians, as reported on the latest available Education Department HEGIS: Provided further, That an institution in Hawaii, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall qualify as an eligible institution for the purpose of awarding a grant from such $5,000,000 even if the institution only satisfies the requirements of sections 312(2)(A)(iii) and 312(2)(A)(iv) of the Higher Education Act: Provided further, That not less than $45,741,000 of funds appropriated for title III of the Higher Education Act shall be available only to historically black colleges and universities.

For carrying out subpart 4 of part A of title IV; titles VI, VIII, and X, parts B, C, D, and E of title IX; and sections 420, 734, and 1204(c) of the Higher Education Act of 1965, as amended; section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961; and the Minority Institutions Science Improvement Program under section 528(3) of the Omnibus Budget Reconciliation Act of 1981 as extended by section 414 of the General Education Provisions Act, $282,215,000: Provided, That $18,775,000 made available for interest subsidy grants under section 734 of the Higher Education Act shall remain available until expended: Provided further, That sections 922(b)(2) and 922(e)(2) and the funding limitations set forth in section 922(e) of the Higher Education Act shall not apply to funds in this Act.

For carrying out title IV of the Act entitled "An Act to Amend and Extend the Library Services and Construction Act, and for other purposes" (as passed by the Senate), $19,000,000, of which $6,500,000 is for the William H. Mortensen Library at the University of Hartford, $9,000,000 for the Human Development Center Facility at the University of Kansas, and $3,500,000 for the Carl Vinson Institute of Government.

HIGHER EDUCATION FACILITIES LOANS AND INSURANCE

For the payment of principal and interest on [participation certificates as authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, issued by the Government National Mortgage Association as trustee on the behalf of the Department of Education pursuant to the Federal National Mortgage Association Act (12 U.S.C. 1717(c)), and for the payment of interest expenses to the Department of the Treasury as required by title VII, section 733(b)(2) of the Higher Education Act] *account of outstanding beneficial interests or participations held by the Government National Mortgage Association, as trustee, and issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717(c)), and for the payment of interest to the Treasury as required by title VII, part C, section 733(b)(2) of the Higher Education Act, as amended (20 U.S.C. 1132d-2(b)(2))*, $14,194,000 to remain available until expended. The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year. [During] *For the* fiscal year 1985, no new commitments for loans may be made from [this account] *the fund established pursuant to title VII, section 733 of the Higher Education Act, as amended (20 U.S.C. 1132d–2).*

COLLEGE HOUSING LOANS

The aggregate amount of commitments for loans made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. [1749] *1749–1749c*), for the fiscal year 1985 shall not exceed the total of loan repayments and other income available during such period, less operating costs. *Subject to the above limitation, for the fiscal year 1985, gross commitments for the principal amount of direct loans shall be $40,000,000.* Payments of *interest* insufficiencies in fiscal year 1985 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717*(c)*) shall be made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749–*1749c*) using loan repayments and other income available during [fiscal year 1985. During fiscal year 1985 and within the resources and authority available, gross commitments for the principal amount of direct loans shall be $40,000,000] *such period.*

EDUCATIONAL RESEARCH AND STATISTICS

For necessary expenses to carry out sections 405 and 406 of the General Education Provisions Act, as amended, [$62,978,000] *$56,978,000.*

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I [and] , *II and* III of the Library Services and Construction Act (20 U.S.C., ch. 16); and title II, part B except section 224, and part C of the Higher Education Act, notwithstanding the provisions of section 221, [$86,880,000] *$150,000,000: Provided, That $50,000,000 of the sums appropriated shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended.*

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101–[105),] *106), including provision of materials to adults undergoing rehabilitation on the same basis as provided in 1984*, $5,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681 et seq.), $31,400,000, of which $1,400,000 shall be for construction and shall remain available until expended.

GALLAUDET COLLEGE

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027) and for the partial support of Gallaudet College authorized by the Act of June 18, 1954 (68 Stat. 265), [$58,700,000] *including continuing education activities, existing extension centers and the National Center for Law and the Deaf, $56,700,000.*

HOWARD UNIVERSITY

For partial support of Howard University *(20 U.S.C. 121 et seq.)*, $158,230,000, of which $2,000,000 shall be for an endowment matching grant [in accordance with policies and procedures as appropriate for comparable grants under the Challenge Grant Amendments of 1983 (Public Law 98-95)] and shall remain available until expended. [If requested by the institution, any construction financed by this account shall be supervised by the General Services Administration.]

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including *salaries for 3,864 full-time equivalent employees, the* rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, [$241,075,000] *$241,500,000.*

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, [$42,633,000] *$45,000,000, and no fewer than 970 full-time equivalent positions.*

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, *including salaries for 314 full-time equivalent employees,* $15,312,000.

GENERAL PROVISIONS

SEC. 301. None of the funds appropriated by the title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 302. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet College shall be subject to audit by the Secretary of Education.

[SEC. 303. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.]

[SEC. 304.] *Sec. 303.* No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

[SEC. 305.] *Sec. 304.* (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

[SEC. 306.] *Sec. 305.* None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

[SEC. 307. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

[SEC. 308. Section 402(c) of the Housing Act of 1950 is amended—

[(1) by striking out "and" at the end of clause (8);

[(2) by redesignating clause (9) as clause (10); and

[(3) by inserting after clause (8) the following:

["(9) for the prepayment in full of a loan under this title, provide a discount in an amount determined by the Secretary to be in the best financial interests of the Government, taking into account the yield on outstanding marketable obligations of the United States having maturities comparable to the remaining term of such loan, if (A) the prepayment is made from non-Federal sources, (B) the Secretary has received satisfactory assurances that the housing or other educational facilities financed with the loan will continue to be used for purposes related to the educational institution for the original term of the loan, (C) the prepayment is made prior to October 1, 1985; and".]

SEC. 306. Section 402(c) of the Housing Act of 1950 is amended by striking out in clause (9) "October 1, 1984" and inserting in its place "October 1, 1985".

[SEC. 309. No funds appropriated in any Act to the Department of Education for fiscal years 1984 and 1985 shall be withheld from distribution to grantees because of the provisions of the order entered by the United States District Court for Northern District of Illinois on June 30, 1983: *Provided,* That the court's decree entered on September 24, 1980, shall remain in full force and effect.]

SEC. 307. Notwithstanding any other provision of law, funds provided to the Department of Education by this Act shall be used to maintain not less than 5,189 Federal full-time equivalent positions.

This title may be cited as the "Department of Education Appropriation Act, 1985".

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4951 et seq.), [$147,722,000] *$150,314,000,* of which [$17,200,000] *$17,000,000* shall be available to carry out title I, part A of said Act*: Provided, That none of the funds appropriated under this heading may be used to close State or regional field offices or to reduce personnel of the ACTION agency.*

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934 as amended, an amount which shall be available within limitations specified by said Act, for the fiscal year 1987, $238,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties and similar forms of entertainment for government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity excluding from participation in, denying the benefits of, or discriminating against any person on the basis of race, color, national origin, religion or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes and for convening factfinding boards of inquiry appointed by the Director in the health care industry; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 125a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. Chapter 71), [$23,611,000] *$23,651,000.*

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $3,837,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), [$690,000] *$720,000.*

NATIONAL COUNCIL ON THE HANDICAPPED

SALARIES AND EXPENSES

For expenses necessary for the National Council on the Handicapped to carry out [sections 141-143 of Public Law 98-221, $500,000] *the provisions of the Vocational Rehabilitation Act of 1973, as amended (Public Law 98-221), $750,000, of which $300,000 shall be available for the employment of seven technical and professional staff persons in addition to the executive director.*

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $137,964,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $6,358,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission, $6,143,000.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

For expenses necessary to carry out section 601 of Public Law 98-21, [$2,424,000] *$2,410,000* to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds *to remain available until expended.*

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $405,000,000[, less the amounts of any funds credited to the account during the fiscal year pursuant to section 417 of Public Law 98-76 and available for the payment of benefits in such fiscal year,] which shall be credited to the account in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENT TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for unnegotiated checks, $15,000,000 which shall be the maximum amount available for payments pursuant to section 417 of Public Law 98-76: *Provided,* That these funds shall remain available through September 30, 1986.

LIMITATION ON ADMINISTRATION

For expenses necessary for the Railroad Retirement Board, [$55,422,000] *$55,962,000* to be derived from the railroad retirement accounts: *Provided,* That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 1,180 full-time equivalent employees: *Provided further,* That $500,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further,* That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228a-r): *Provided further,* That *not less than* $910,000 of the funds provided under this limitation shall be available for construction of a new computer facility in the Railroad Retirement Board's headquarters building.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than [$16,678,000] *$17,238,000* shall be apportioned for fiscal year 1985 pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 655), from moneys credited to the railroad unemployment insurance administration fund, and of this amount $3,038,000 shall be derived from contributions credited to the railroad unemployment insurance account and shall be credited to the railroad unemployment insurance administration fund as authorized by section 11(a)(iv) of the Railroad Unemployment Insurance Act: *Provided,* That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 398 full-time equivalent employees: *Provided further,* That *not less than* $390,000 of the funds provided under this limitation shall be available for construction of a new computer facility in the Railroad Retirement Board's headquarters building.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, [$32,352,000] *$33,552,000*: *Provided,* That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from the Soldiers' and Airmen's Home permanent fund, [$9,000,000] *$9,400,000,* to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

SEC. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 509. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation

or appropriations pending before the Congress.

SEC. 510. The Secretaries of Labor, Health and Human Services, and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I, II, and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 511. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

SEC. 512. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretaries of Labor, Health and Human Services, and Education, *and medical officers and other health personnel on out-patient medical service* who [under title 5, United States Code, section 101] are exempted from such limitations *under 31 U.S.C. 1344.*

SEC. 513. The number of full-time equivalent positions for which amounts are appropriated by this Act shall not be subject to any personnel ceiling or other restriction on permanent, temporary, or intermittent employment unless such ceiling or restriction is explicitly established by statute.

SEC. 514. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1985".

Mr. WEICKER. Mr. President, I welcome the opportunity to present the recommendations of the Committee on Appropriations for the Labor, Health and Human Services, Education and Related Agencies bill for fiscal year 1985. The committee's recommendations were developed after weeks of public hearings, including 6 days of testimony from nearly 200 public witnesses. Sitting with me through most of these sessions was my able and distinguished colleague, Senator PROXMIRE, the ranking member of the Labor-HHS-Education Subcommittee. The bill which we bring before you today is the product of a truly bipartisan effort and I thank my friend from Wisconsin and the other members of the committee for their assistance and cooperation.

The committee recommends total new budget authority of $102,223,426,000, including prior year advances. Of this amount, $94,637,038,000 is for activities which were considered by both the House and Senate and $7,586,388,000 is for activities considered by the Senate only. On a comparable basis, Mr. President—examining those items considered by the committee and the House—the recommendation represents a decrease of $2,771,385,000 from fiscal year 1984 and an increase of $4,864,607,000 from the budget request.

The committee deferred action on three appropriations for which Senate authorization action was not completed. These are refugee assistance, health planning, and developmental disabilities. Since there has now been conference agreement on renewed developmental disabilities legislation, I intend to offer an amendment at the proper time to specifically fund the programs. The remaining deferred programs will be provided for under a continuing resolution.

I ask unanimous consent that a summary of the bill be included in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

DEPARTMENT OF LABOR

For the Department of Labor, $6,351,379,000 in new budget authority is recommended. This is $9,753,263,000 less than fiscal year 1984 and $208,908,000 more than the budget request, and $226,678,000 over the House allowance. Of the Senate amount, $335,000,000 is for the Older Americans Act jobs programs deferred by the House. Savings from fiscal year 1984 are achieved principally as a result of the improved employment situation eliminating the requirement for advances to the State unemployment trust fund as well as adjustments for employment and training programs and to one-time transition funding for the Job Training Partnership Act provided in fiscal year 1984.

Recommendations for the Department of Labor include:

$1,886,151,000 for the Job Training Partnership Act block grant;

$824,549,000 for the 1985 Summer Youth Employment and Training Program;

$223,000,000 for Dislocated Worker Assistance;

$634,000,000 for Job Corps;

$220,152,000 for Occupational Safety and Health, as well as

$150,550,000 for mine safety and health.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

For the Department of Health and Human Services, the Committee recommends current year Federal funds of $69,977,704,000, excluding advances. This is an increase of $3,704,705,000 above the budget estimate; and $8,503,008,000 over the House allowance. Of the Senate amount, $6,581,810,000 is for programs not considered by the House. For comparable activities considered by both House and Senate, the Committee bill is $1,835,525,000 over the House and $4,303,421,000 over the 1984 level. Most of the increases are for entitlement spending, which the House bill underestimates by nearly $1.8 billion.

The recommendations provide the following for key discretionary programs:

$478,000,000 for the Maternal and Child Health Block Grant;

$360,000,000 for Community Health Centers;

$490,000,000 for the Alcohol, Drug Abuse and Mental Health Block Grant;

$247,200,000 for health professions assistance and development programs, an increase of $131,907,000 over the request;

$2,140,000,000 for Low Income Energy Assistance;

$2,700,000,000 for the Social Services Block Grant;

$701,600,000 for Programs for the Aging;

$270,760,000 to maintain the Work Incentive Program;

$382,572,000 for the Community Services Block Grant;

$5,163,597,000 for NIH, including $315,509,000 for research training;

$374,536,000 for alcohol, drug abuse and mental health research and training activities;

$140,000,000 for Family Planning;

$1,075,059,000 for Head Start;

$217,823,000 for Child Welfare Programs; and

$93,000,000 for the Preventive Health Services Block Grant.

DEPARTMENT OF EDUCATION

For Department of Education programs, $17,199,654,000 is recommended, which is $8,392,000 more than the House and $1,841,146,000 more than the Administration request. Of the Senate amount, $585,000,000 is for Impact Aid not considered by the House.

Increases over 1984 levels are recommended for a number of programs, including:

$216,620,000 for Chapter I, compensatory education for the disadvantaged;

$49,345,000 for the Chapter II block grant;

$79,780,000 for Education for the Handicapped, allowing the State Grants to go to $1,135,145,000;

$425,000,000 for Pell Grants, bringing total appropriations to $3,225,000,000 and allowing maximum individual awards to increase to $2,000;

$97,665,000 for Vocational Rehabilitation, allowing an increase of $79,700,000 for state grants;

$40,349,000 for a number of Higher Education Programs;

$30,000,000 for work study;

$25,000,000 for supplemental grants;

$18,940,000 for capital contributions for National Direct Student Loans; and

$63,120,000 for libraries.

For Guaranteed Student Loans, an appropriation of $3,079,477,000 is included, an increase of $824,237,000 over fiscal year 1984.

THE RELATED AGENCIES

For the related agencies, $792,689,000 in new budget authority is recommended for fiscal year 1985. This amount is $25,764,000 more than the fiscal year 1984 appropriation, an increase of $37,177,000 above the budget request, and $4,512,000 over the House allowance. In addition, a fiscal 1987 advance appropriation of $238,000,000 was

recommended for the Corporation for Public Broadcasting, which was not considered by the House.

The recommendations include:

$150,314,000 for the ACTION Agency which adds $2,000,000 to Vista over the FY 1984 appropriation of $15,000,000 and includes $21,000,000 for the Senior Companion Program which provides enough funding to begin the newly authorized program in Home Health Care.

$137,964,000 for the National Labor Relations Board; and

$2,410,000 for the Prospective Payment Assessment Commission.

Mr. President, before yielding to the distinguished Senator from New Jersey, I yield to the distinguished Senator from Wisconsin for any opening statement that he might have at this point.

Mr. PROXMIRE. Mr. President, the Labor-HHS-Education appropriations bill for fiscal year 1985 as reported by the Senate Appropriations Committee contains $102.2 billion to fund the multitude of domestic social benefit programs falling within its purview. It is a very generous bill, exceeding the President's budget request by $5.8 billion. However in discussing the bill we cannot ignore the fact that approximately $2 out of every $3 it contains are for nondiscretionary entitlement programs.

If we narrow our focus to discretionary spending, the only spending that the Appropriations Committee truly controls, we find that the bill as reported contains $31.5 billion for nonentitlement programs, an impressive 10-percent increase above the President's $28.6 billion budget request for these programs.

The bill includes about $7.6 billion in funding for programs that the House did not consider because they were not fully authorized. If we leave these programs out of our calculations we find that the total in the bill as reported to the Senate for both discretionary and nondiscretionary programs is about $1.8 billion more than the amount approved by the House or a little less than 2 percent above the House.

However it pays to be particularly cautious in trying to make comparisons when programs as complex as those funded by this bill are involved. For example the bill before us today contains $632.5 million more for medicaid payments to the States than the bill as passed by the House. Because this is an entitlement program, the figures should, in theory, be the same. However the House has simply provided the amount requested by the President and his request assumes the enactment of certain entitlement changes that had not been passed by the Congress at the time the Appropriations Committee acted. Consequently the House acknowledges that the amount may be inadequate to fully fund the program and stands ready to provide additional funds in supplemental appropriations legislation.

The House also appears to have understated the fiscal year 1985 costs of the Aid to Families with Dependent Children Program by appoximately $1.3 billion. The administration has projected legislative savings of $633 million which have not materialized yet the House has assumed that those savings will occur. In addition the Senate-reported bill uses the latest Congressional Budget Office estimate in adding $655,975,000 to the administration's request for AFDC benefit payments. The House has ignored that estimate.

If Both of these entitlement programs are taken into account, the Senate bill as reported provides less than the House bill. The House has also provided smaller amounts for other entitlement programs such as part B medicare funding, supplemental security income payments, and child support enforcement. On the other hand, the Senate Appropriations Committee recently recommended that $353 million to make up a fiscal year 1984 shortfall in student financial assistance grants, popularly known as Pell grant funds, be provided in a supplemental appropriations bill while this amount is included in the House version of the fiscal year 1985 bill we have before us today.

What I'm trying to say is that it is extremely difficult to compare House and Senate figures in a bill as complex as the one we have before us today, especially when the bill as reported by the Senate includes funds for a number of unauthorized programs not considered by the House. However when all these puts and takes are balanced off against each other I think my colleagues will find that the House and Senate total are remarkably close.

Where does the bill stand with respect to the Senate-passed budget resolution and the preliminary subcommittee allocations made under this resolution by the Senate Appropriations Committee? The committee dealt only with discretionary spending and the bill before us today contains $1.1 billion less for discretionary programs than the amount allocated to the Labor-HHS-Education Subcommittee for those programs. However we have yet to recommend funding for major initiatives such as the recently passed math-science authorization and the bill does not include appropriations for some unauthorized programs such as refugee resettlement and health planning. Consequently we don't have nearly as much leeway as might at first appear.

Now to the details of the bill. The bill as reported is particularly generous to programs dealing with the Nation's health and education. That is where the Appropriations Committee made its largest increases over last year's levels.

DEPARTMENT OF LABOR

The bill as reported contains about $6 billion for the Department of Labor exclusive of trust fund support, almost $200 million more than the administration requested. The major component of this increase is an add-on of $100 million for summer youth employment, which will permit next summer's program to be funded at the current level. The House-passed bill includes enough summer youth money to continue the current level of funding through each of the next two summers—the summers of calendar 1985 and calendar 1986. Consequently the bill as passed by the House is $200 million above the budget request of $724,549,000 and $100 million above the Senate reported figure of $824,549,000 for summer jobs.

Other recommended increases in the administration's budget request for the Labor Department include $34 million for the Job Corps, $40.7 million for Trade Adjustment Assistance programs and $5.6 million for the Secretary's discretionary fund. Funding for the Job Training Partnership Act is generally being held at current levels by the bill before us today. The bill as reported from committee does not include $10 million for concentrated employment program grantees although this budget add-on was approved by the House.

PUBLIC HEALTH SERVICE

As I indicated earlier, this bill before us today is particularly supportive of dealing with the Nation's health, and this is reflected in the figures recommended for the activities of the Public Health Service. The bill provides $8.2 billion for PHS activities, an increase of over 13 percent—almost $1 billion—above the President's budget for the coming fiscal year.

The bill as reported includes $5,163,597,000 for the National Institutes of Health, almost $600 million above the budget request. Increases in current Institute budgets range from less than 7 percent for the National Institute of Environmental Health Sciences to 26 percent for the National Institute on Aging. These funds would be used to support 6,850 new and competing research grants, 1,850 more than the current budget provides for, and 10,100 traineeships as well as 1,365 career development awards. Approximately $61 million of the increase would be used to maintain funding for research centers, other research grants, and research management and support at current service levels.

The bill as reported also deals quite generously with programs funded through the Health Resources and Services Administration. For example, $247,200,000 is recommended for health professions, more than double

the President's budget request and an increase of almost 20 percent above the current funding levels. The House-passed bill does not provide support in this area because final authorization legislation has not yet been approved. Both Houses have deferred action on health planning activities.

The bill includes substantial increases in some health block grant programs providing vital dollars to States and territories. Funding for the maternal and child health program would be boosted by the Senate-reported bill to $478 million, an increase of $70.3 million above the President's budget request and a whopping 20 percent above current levels. The alcohol, drug abuse, and mental health block grant program would receive $490 million under the Senate measure, $28 million above the current level of funding and $17.7 million more than the President requested. Both of these items were deferred by the House.

The bill contains $402,730,000 for the Centers for Disease Control, including $207,378,000 for programs not considered by the House such as the preventive health services block grant, venereal disease activities, and the immunization effort. The total recommended in the bill as reported from Committee for CDC activities is $32,866,000 greater than the amount requested in the President's budget.

The committee also provided generously for programs funded through the Alcohol, Drug Abuse, and Mental Health Administration. The budget request of $210,958,000 for mental health activities, exclusive of those supported through the block grant, was increased by almost 27 percent to a total of $267,835,000. The committee concurred with the House in providing funding for clinical training and mental health services demonstrations, two programs the administration planned to terminate, recommending $37 million for those activities, $7 million more than the House endorsed. The drug abuse and alcoholism programs received a modest increase of $5,257,000 above the budget request and the House-approved amount.

HEALTH CARE FINANCING ADMINISTRATION

The Senate-reported bill includes $36.262 billion in fiscal year 1985 funds for the Medicare and Medicaid Programs administered by the Health Care Financing Administration as well as an additional $5.98 billion for advanced medicaid funding to be obligated in fiscal year 1986. This total, which excludes trust fund support, is about $698 million more than the House provided and exceeds the administration's budget request by $601,025,000. The differences are primarily attributable to the committee's decision not to assume legislative savings proposed by the administration that had not been enacted at the time the bill was reported as well as the use of differing cost estimates by the two Houses. It is ironic that although the Deficit Reduction Act of 1984 subsequently implemented some savings in this area, the most recent cost estimates indicate that such savings may be largely offset by escalating program costs. Of course the Appropriations Committees have no final control over the cost of the Medicare and Medicaid Programs because of their mandatory nature. It should be noted that the bulk of the costs incurred by HCFA are paid out of the Federal hospital insurance trust fund and are not provided through this bill.

SOCIAL SECURITY ADMINISTRATION

The bill as reported to the Senate includes $19.3 billion for programs administered through the Social Security Administration plus $4.87 billion in advance funding for fiscal year 1986, exclusive of trust fund payments. The total recommended is $3.2 billion more than the amount contained in the House bill and exceeds the President's budget request by $1.258 billion. The largest part of the committee's increase over the House-passed total for SSA programs is attributable to the decision of the committee to recommend $2.14 billion for low income energy assistance. The House deferred consideration of this item. The amount proposed for this program exceeds the administration's request by $265 million. The remainder of the increase over the House and budget figures represents the refusal of the committee to assume certain legislative savings proposed by the President in his budget submission.

Plus updated, estimates that indicate the aid to families with dependent children, supplemental security income and child enforcement programs will cost more than originally estimated regardless of legislative changes. Both the House and Senate committees have deferred consideration of the Office of Refugee Resettlement's budget pending enactment of the necessary authorizing legislation.

HUMAN DEVELOPMENT SERVICES

The committee has recommended the appropriation of $5.97 billion for human development services programs, including the community services block grant. This represents an increase of about $855 million over the President's budget request, attributable in large part of a decision to reject the administration's proposal to terminate the $380 million community services block grant and the $270 million work incentive program. Other increases include $35 million above both the budget request and the House-approved amount for child welfare assistance to strengthen State efforts to reunite families as well as add-ons to the President's budget of $118 million, almost 12 percent, for Head Start, Child Abuse and Runaway Youth Programs, and $44 million for aging activities. The House put off consideration of these latter two programs pending action on authorizing legislation. Both Houses deferred action on the developmental disabilities program.

DEPARTMENT OF EDUCATION

The $17.2 billion included for education represents a "balanced portfolio" of funds for elementary, secondary, and postsecondary education. This total exceeds the administration's budget request by $1.8 billion and is $8.3 million over the House. Spending for chapter 1 of the Education Consolidation and Improvement Act was raised to $3.7 billion, an increase of $216.6 million over the request and $16.6 million over the House. This program is the primary vehicle for providing compensatory educational services to disadvantaged children. Approximately 5.2 million of these youngsters will be served under both bills. The committee was also very supportive of programs to educate the handicapped. The $1.3 billion included in the bill represents increases over current levels for all 13 activities and continues the strong Federal commitment intended by Congress when it authorized the Education for Handicapped Children Act. This total exceeds the request by $106 million and the House by $21.8 million. The committee also included $585 million for impact aid, an unauthorized program not covered in the House bill. Spending for vocational and adult education would continue in both bills at the current level of $831 million. The committee included $500 million for the chapter 2 State Block Grant Program, a slight increase over current level and $185.6 million below the request.

The bill as reported included $4.4 billion for the five major student aid programs, $837 million above the request. The committee rejected the administration's proposal to terminate support for three of these programs, all of which received increases over current levels, by including $400 million for supplementary educational opportunity grants, $180 million for direct student loans, and $76 million for State student incentive grants. The House took similar action although it appropriated $25 million more for supplementary educational opportunity grants and $20 million more for direct student loans. The remaining two programs—Pell grants and college work/study—would be funded at $3.2 billion and $585 million respectively. This is slightly lower than the House. The administration's proposals to maintain Pell grants at the current level of $2.8 billion and raise the college work/study program to $850 million were based on legislative changes not considered by the Congress. The committee also included $3.079 billion for

guaranteed student loans, an entitlement program over which the committee has little control. The administration's request of $2.8 billion was based on legislative savings not considered by Congress. This program is expected to cost $3.6 billion next year according to the latest CBO estimate.

The committee did not endorse any of the administration's proposed reductions for postsecondary education. Overall, a total of $449.2 million is included in the bill for these programs, $197 million above the request and slightly lower than the House. Not only did the committee reject the administration's request to terminate support for graduate education but for the first time it included funds for the National Graduate Studies Program.

The $3 million provided in the reported bill will support approximately 200 fellowships next year for graduate study in the arts, humanities, and social sciences. The House provided $2 million. The committee's action in this regard, and that of the House, should be an important step in restoring the national commitment to graduate studies in the arts, humanities and social sciences which has significantly lessened over the past decade. Other increases in postsecondary programs include special programs for the disadvantaged which was raised by $92.5 million over the request to $174.9 million; $32.8 million for international education, another program recommended for termination; and $148 million to aid developing institutions. The committee also rejected the administration's request to end support of libraries and earmarked $50 million of the $150 million included in the bill for library construction. Funds for Gallaudet College were increased by $9.9 million over the request to $56.7 million. This is slightly lower than the House. Both the committee and House adopted the $158.2 million requested by the administration for Howard University.

RELATED AGENCIES

Overall, the committee included $792.6 million for related agencies. This is $25.7 million more than current levels and $37.1 million over the budget request. Included is $238 million for the Corporation for Public Broadcasting, exceeding the administration's request by $138 million. This was not included in the House bill. A total of $150.3 million was included for programs administered by ACTION, $30 million over the request and $2.6 million above the House. The Volunteers in Service to America Program (VISTA) received the largest increase of $11.2 million, bringing its fiscal 1985 appropriation to $18.8 million, slightly lower than the House. The increase will permit VISTA to maintain at least 2,200 volunteers in community service projects throughout the Nation. Of the total, the committee recommends $103.7 million for ACTION's Older American Programs, a little more than the House and nearly $16 million over the request. Part of the increase will permit a very modest raise in stipends for the Foster Grandparents and Senior Companion Programs as well as implement the newly authorized Home Care Program. Also included in the bill are trust funds of $2.4 million for the Prospective Payment Commission and additional funds for the Soldiers' and Airmen's Home to continue rehabilitation of its aging facilities.

CLOSING REMARKS

Mr. President, I would be remiss if I did not take a few moments to congratulate my colleague from Connecticut, the chairman of the Labor-HHS-Education Appropriation Subcommittee, Senator WEICKER, for the skilled job he has done once again this year.

I cannot think of a man in either party who is better equipped by intellect, compassion, sympathy, understanding, and intelligence about these programs than Senator WEICKER. He is ideal to make this kind of a fight. He feels it very deeply. He understands the issues thoroughly, and has been very patient in the very long and exhaustive hearings.

Without his efforts to craft a bill that satisfied the most pressing needs of our colleagues yet stayed within the ceilings set by the Senate-passed budget resolution, we would not be taking up this legislation today. If anyone can work with the House to get this bill through the Congress and on the President's desk for his signature, Senator WEICKER can. I'm delighted to be able to join him in this effort.

Mr. WEICKER. Mr. President, I thank my distinguished colleague from Wisconsin for his overly generous remarks, and only want to point out that two parties are responsible for getting this legislation out of the subcommittee and through the committee. That task in terms of leadership, as far as the Democrats are concerned, has been on the shoulders of Senator PROXMIRE. Indeed, both from the point of view of being a fiscal watchdog and again having the compassion to address the needs of this Nation, the Democratic Party could have none better than the distinguished Senator from Wisconsin.

AMENDMENT NO. 4378

(Purpose: To provide fiscal year 1985 appropriations for title II of the Education for Economic Security Act relating to the improvement of instruction in mathematics, science, computer learning, and foreign languages)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair reminds the Senator from New Jersey that unless this is an amendment to the remaining committee amendment it requires unanimous consent to be considered at this time.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself and Mr. DOMENICI, Mr. STAFFORD, Mr. CHILES, Mr. PELL, Mr. WEICKER, Mr. HOLLINGS, Mr. MATSUNAGA, Mr. DODD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. BURDICK, Mr. HEINZ, Mrs. HAWKINS, Mr. LEVIN, Mr. KENNEDY, and Mr. D'AMATO, proposes an amendment numbered 4378.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, between lines 21 and 22, insert the following:

SCIENCE AND MATH EDUCATION

For carrying out the provisions of title II of the Education for Economic Security Act, $200,000,000 to remain available until expended.

Mr. BRADLEY. Mr. President, this is an amendment to provide $200 million in startup funding for the science and math initiative. Joining me in cosponsoring the amendment are Senators DOMENICI, STAFFORD, CHILES, PELL, WEICKER, HOLLINGS, MATSUNAGA, DODD, MOYNIHAN, LAUTENBERG, BURDICK, HEINZ, HAWKINS, LEVIN, KENNEDY, and D'AMATO.

On June 27, 1984, the Senate passed the Education for Economic Security Act, which authorizes crucial funding for teacher training and retraining programs in math, science, and computer literacy. It is now time for us to meet our commitments by providing funding for this effort. Our amendment provides $200 million for title II of this legislation, which provides grants to schools and colleges. Seventy percent of these funds will be used by local schools principally for the improvement and expansion of inservice training and retraining of existing teachers in elementary and secondary schools. The remaining 30 percent of the funds will be used by colleges for inservice training of elementary and secondary teachers, retraining of mathematics and science teachers at the secondary level, and traineeships for prospective teachers who intend to specialize in teaching mathematics or science at the secondary level.

Many New Jersey schools currently have severe shortages of math and science teachers. It will take time—perhaps several years—to correct this problem, but I am confident that this legislation will be part of the solution.

Mr. President, it should be pointed out that this amendment does not bust the budget. This year's Senate-passed budget resolution assumed an

increase of $1.3 billion for education, including funding for the science and math bill. My understanding is that there is still room in the Appropriations Committee allocation for this endeavor.

Mr. President, our economic security depends upon the education of our people. In order to effectively compete internationally, the American work force must be second to none. Presently, in many fields, we have been slipping. We need to make sure that there is an ample supply of teachers in the technical fields. To help schools adapt to change, we need to strengthen our present instructional programs and improve teacher training and retraining programs. The science and math legislation that we recently adopted is a step in the right direction. It will be an empty promise, however, if we fail to fund the programs it authorizes. I urge my colleagues to support this startup funding.

Mr. CHILES. Mr. President, it is a great pleasure to join Senator BRADLEY and others from both sides of the aisle in sponsoring this amendment to provide initial funding for the math-science-foreign language program.

The approximately $200 million will enable us to get the part of the program administered by the U.S. Department of Education off the ground. I understand in 1984 about $50 million in funds were made available for the National Science Foundation scholarships and teacher training programs. Through leftover 1984 funds and new 1985 moneys there will be about $80 million available for NSF math-science activities. I am really glad to see us move here to support that with approximately $200 million for the State and local education agencies and institutions.

The Department of Education is working on regulations now to implement the program. We will have the State and local planning and assessment mechanism I advocated to determine their highest needs in these subjects. With passage of this amendment, there will be startup funds to improve the teacher supply and qualifications, curriculum, and equipment, and provide better access for underserved groups like minorities, women, and the handicapped to participation in these subjects.

I am excited about the potential of this program. It is just a beginning, and I think we are going to have to look at a sustained, growing Federal effort over a number of years to complement what States and locals are doing to upgrade instruction in these critical subjects.

But it is a good beginning: We avoided the tendency to dump general Federal aid on a problem by identifying the national priorities in the legislation and setting up a means States and locals can use to see where they stack up in each need area. We certainly are not throwing money at this problem, since $200 million is less than Florida alone is spending on their new math-science and secondary school improvement program. But we will have to evaluate each year the impact the money is having and refine and extend the program to maximize that effect. I certainly hope this foundation, and the outcomes of it, will be taken into account when reauthorization comes up for 1986.

I would like to thank Senator BRADLEY for his leadership here and chairman and members of the appropriations and authorizing subcommittees that helped us in this.

SCIENCE AND MATH EDUCATION APPROPRIATION

Mr. DOMENICI. Mr. President, I am pleased to rise today with my colleague from New Jersey to offer an amendment that will provide the first appropriations for the new science and math education program which was enacted into law this summer.

I have taken the floor of the Senate several times over the past few years to voice may concerns about the quality of math and science education in America's schools, the shortage of qualifed science and math teachers, and the serious implications these conditions hold for America's ability to compete in an increasingly technological world.

Humbly, I have to admit that although my voice was one of the first to be raised in concern, I was certainly not crying alone in the wilderness. Many of my colleagues, including the chairman of the Education Subcommittee, Senator STAFFORD of Vermont; the chairman of the Committee on Labor and Human Resources, Senator HATCH of Utah; the chairman of the Labor-Health and Human Services-Education Appropriations Subcommittee, Senator WEICKER of Connecticut; my good friend and colleague on the Budget Committee, Senator CHILES of Florida, the distinguished Senator from Rhode Island, Senator PELL; as well as the Senator from New Jersey, Senator BRADLEY, also shared these concerns.

For this reason, we support an appropriation of $200 million for the first year of the new science and math education program. These funds will be available for title II of this new law which is administered by the Department of Education. The Department, I note, has made considerable progress in drafting regulations and preparing to implement this new program. For this reason we can move confidently to appropriate funds for this next year.

I regret to inform my colleagues that the National Science Foundation has not made quite as rapid progress. The administrators of that organization are still at the discussion stage. It is my hope that they will work quickly toward implementation of this new program, particularly the merit scholarship program, so that the Congress can also appropriate funds in this area.

I urge my colleagues to support this amendment. It fits amply within the budget resolution and within the $139.8 billion cap on domestic appropriations by which the Senate intends to abide.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from New Jersey for the amendment he has offered, and I can assure him the full support of the chairman on the matter of the math science which he has before the Chamber at this time, and I urge its passage.

Mr. PROXMIRE. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 4378) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BRADLEY. Mr. President, I express my appreciation to the distinguished Senator from Connecticut for his tenacity and leadership on this issue and for his consideration, and I salute him for his work in the Senate in the areas of education and health.

Mr. WEICKER. I thank my distinguished colleague from New Jersey.

AMENDMENT NO. 4379

(Purpose: To provide $75 million for the magnet schools program)

Mr. EAGLETON. Mr. President, I have an amendment at the desk and I ask unanimous consent that it be considered in order.

Mr. WEICKER. Mr. President, I ask unanimous consent to lay the committee amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. EAGLETON], for himself, Mr. MOYNIHAN, Mr. STAFFORD, Mr. HATCH, Mr. PELL, Mr. CHAFEE, Mr. DURENBERGER, Mr. BRADLEY, Mr. DANFORTH, Mr. LAUTENBERG, Mr. DODD, Mr. GORTON, and Mr. CRANSTON, proposes an amendment numbered 4379.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 43, between lines 21 and 22, insert the following:

For carrying out the provisions of title VII of the Education for Economic Security Act,

relating to magnet schools assistance, $75,000,000: *Provided*, That not more than $5,000,000 in the fiscal year may be paid to any single eligible local educational agency: *Provided further*, That amounts appropriated under this sentence shall be available October 1, 1984.

Mr. EAGLETON. Mr. President, I rise to offer an amendment on behalf of myself, Senators MOYNIHAN, STAFFORD, HATCH, PELL, CHAFEE, DURENBERGER, BRADLEY, DANFORTH, LAUTENBERG, DODD, GORTON, and CRANSTON, to provide $75 million in funding for the recently authorized program of assistance to magnet schools in districts which are undergoing an approved desegregation plan. As my colleagues will remember, the magnet school program authorization was adopted as an amendment to the so-called math-science bill by a vote of 86 to 3 on June 6 of this year.

As a result of the enactment of the elementary and secondary education block grant, the so-called chapter 2 programs, in 1981, Federal funding specifically targeted to school districts undergoing voluntary or court-ordered desegregation was eliminated. As a result, school districts from Boston to Seattle that received multimillion-dollar desegregation grants have been left without sufficient funds to support their desegregation activities. In my own State of Missouri, both the cities of St. Louis and Kansas City received emergency school assistance prior to 1982. In academic year 1981–82, the year prior to implementation of the block grant, St. Louis received $4.7 million of ESAA money. The total amount allocated to the St. Louis school district under the block grant was $650,000. That, Mr. President, is a 91.6-percent decrease in funds between the 1980–81 and 1982–83 school years. Similarly, in Kansas City, prior to the implementation of the block grant, the Kansas City school district received $3.3 million in annual funding under the ESAA program. The amount allocated under the block grant to Kansas City was $450,000. That, Mr. President, is a 90-percent decrease in Federal assistance to the school district of Kansas City.

Missouri is not the only State in which schools undergoing desegregation activities, primarily urban districts, suffered a disproportionate reduction in Federal funding as a result of enactment of the chapter 2 block grant. Buffalo, NY, suffered an 85.8-percent decline in funding between 1980 and 1982; Cleveland, OH, suffered an 87-percent loss; Dallas suffered a 79.5-percent loss; Los Angeles suffered a 63.4-percent loss; Seattle suffered an 89.6-percent loss; San Francisco suffered a 69.2-percent loss; and Toledo, OH, suffered a 67.6-percent loss.

The amendment we are offering today—and I am delighted Senator MOYNIHAN is on the floor because he is a principal author of this measure—will fund a far more targeted program than was in effect under the Emergency School Assistance Act. Under the program, there are three categories of school districts eligible to receive these funds: Districts which lost $1 million or more in the first fiscal year after the repeal of the ESAA; districts which are operating under an approved voluntary desegregation plan; and districts which are operating under a court-ordered desegregation plan. The actual funds could be used only in magnet school programs for development of courses of academic instruction, the purchase of books, materials, and equipment, including computers, and the payment of, or subsidization of, salaries of elementary and secondary school teachers teaching in magnet schools.

The amendment also limits the amount any eligible district can receive under this program in fiscal year 1985 to no more than $5 million, and assures that funds will be made available this October 1.

Federal desegregation assistance has long been a critical lever in promoting equal educational opportunity. This amendment we are offering today will renew the Federal Government's commitment to school desegregation as a means for providing millions of American schoolchildren with better educational opportunities. I urge all of my colleagues to support the amendment.

Mr. MOYNIHAN. Mr. President, I rise to support the amendment offered by the distinguished and, if I may say, valiant Senator from Missouri who has, through a long and distinguished career in this body, championed just such measures as we have before us now.

The case can be made succinctly, Mr. President. One of the true achievements of the executive branch in our time has been the collective decision taken in 1970 to see to the implementation of the historic Supreme Court decision in Brown versus Board of Education, handed down in 1954.

I was a member of the President's Cabinet at the time. We had approached something like a constitutional crisis, as year after year, the unambiguous ruling of the Court with respect to the plain purpose of the Constitution was being avoided in one jurisdiction after another. Finally, the decision was made to enforce the Court's ruling nationally. And the Executive and the Congress agreed that this should be supported by specific funds to the school districts which, under the Court's order, in effect, would have to do things they had not done. Many localities had argued, and in some cases with reason, that they were not always in a position to carry out the integration of the public schools mandated by Brown versus Board of Education, for the simple reason of insufficient funds.

This school assistance, emergency school assistance, was in place for the very longest while. It worked. It is working, Mr. President. The numbers, and the results are there to be seen. It is not completed. It was not expected to be completed immediately. It will be some time before it is. In the consolidation of educational grants this program was put in and then left out—as the Senator from Missouri has explained in the most explicit terms there have recently been the reductions made in the amount of funds available for a constitutionally required action by school boards. This proposal to restore the necessary funding has received the support of Members on both sides.

I see the distinguished Senator and manager from Connecticut has risen. I have no more to say than to thank all those concerned, and hope this will be agreed to, as I am sure it will.

Subsequently, it became clear that this would have results. In a startling social change, a startling measure of acceptance of the decision taken by the constitutional Government—the segregated dual school systems of the United States started to disappear. One of the reasons it happened was that Federal funds became available.

Two years later it became clear that the greater need at this point was to continue the programs in the former dual-school-system States and to extend the program to the de facto segregated school districts of the North, of the West, and of the East. In 1972, Congress established the Emergency School Aid Act as a separate and distinct program. It was only secondarily an educational program. It was primarily a constitutional one.

And it worked well. It became something people were committed to, depended on; and as these things go, considerable progress was made, and great commitments were made.

In 1981 the identity and separateness of purpose of this legislation got lost in the Education Consolidation and Improvement Act, and the funding necessary to carry out over several years the desegregation of many large school systems has not been provided since.

In my own State of New York, funding for school desegregation has dropped precipitously, from more than $20 million in fiscal year 1981 to about $2.9 million in fiscal year 1983—an 86-percent cut, without taking into account the effects of inflation. The Buffalo public schools received $6.57 million for desegregation purposes in 1981, but only $1.29 million in 1983. I would also note that school systems in New York City, Rochester, West Irondequoit, Syracuse, Newburgh, and Mount Vernon also experienced dramatic reductions in Federal support. Four of these districts—Buffalo, Roch-

ester, Newburgh, and Syracuse—used 100 percent of their chapter II State formula moneys in 1982 for desegregation.

Mr. BRADLEY. Mr. President, I rise as a cosponsor of this amendment to appropriate $75 million in funding for the newly authorized program of assistance to magnet schools. This amendment would reverse the decision made 3 years ago to terminate the Emergency School Aid Act—ESAA—and consolidate it into the chapter II block grant.

As a result of that decision made 3 years ago, many school districts were left without sufficient funds to adequately support their desegregation activities. Nineteen schools in my own State of New Jersey received over $5 million in 1981 for ESAA. When the program was terminated in 1981, these schools suffered a disproportionate reduction in Federal funding.

Mr. President, ESAA should never have been included in the block grant in the first place. The loss of ESAA funding has hampered local efforts to provide an adequate education to students. I urge my colleagues to support this amendment.

Mr. WEICKER. Mr. President, I want to commend the distinguished Senators from Missouri and New York for proposing the amendment before the body, and it has my whole-hearted support, and that of the committee. We will see to it that we carry it through to its proper conclusion. So I urge passage of the amendment.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I support the amendment. I congratulate the distinguished Senator from Missouri. It is an excellent amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Missouri [Mr. EAGLETON].

The amendment (No. 4379) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, may I as the author of the original authorization thank the managers of the bill for their succinct and direct presentation.

Mr. WEICKER. Mr. President, I yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank my good friend, the chairman of the subcommittee.

I want to say to the Senate that I think we ought to do everything we can to get this bill passed. There may be a couple of issues to argue over. But we ought to get on with it and get to conference with the House. Actually, last year we had a bill. This year we ought to have one, and we will see some real rewards. We need a full appropriation bill in this complex and complicated part of Government.

I commend the distinguished managers, Democratic and Republican, for what they have been able to accomplish. There is no doubt in my mind that this bill in terms of its substance, its numbers—but for the dispute that might arise on abortion—and on all other matters clearly is the kind of bill we ought to pass. It is within budget targets. It is within those dollar numbers that were agreed upon among the White House, the Appropriations Committee, and the budget resolution. I think it is a real credit. We walk around wondering whether we can get things done. If we can get on with this one and a few others, we can set a new pattern for appropriations in the U.S. Congress that we have not had in a couple of decades.

I commend the Senator, and hope we can get on with passage.

Mr. WEICKER. I thank my distinguished colleague from New Mexico, who had a tremendous input into many aspects on this bill.

Mr. President, I ask unanimous consent to lay the committee amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4380

(Purpose: To add $2,000,000 to the Program Management account within the Health Care Financing Administration for surveying Intermediate Care Facilities for the Mentally Retarded)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 4380. On page 28, line 16——

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, line 16, strike "96,781,000" and insert in lieu thereof "98,781,000".

Mr. WEICKER. Mr. President, this amendment adds $2 million to the Health Care Financing Administration [HCFA] appropriation to provide for increased monitoring of intermediate care facilities for the mentally retarded [ICMFR's], in order to improve the quality of care provided to the residents of these institutions.

This $2 million would enable HCFA to hire 45 additional developmental disability and health care personnel who would be responsible for surveying ICFMR's on an annual basis to ensure that Federal certification standards are being met.

Earlier this year, members of my staff visited seven ICMFR's nationwide, and found substandard conditions, including overuse of medication and physical restraints, lack of active treatment, physical surroundings that were barren at best and life threatening at worst, residents living in institutions who appropriately belong in the community, and, at every institution, superintendents reported abuse of patients.

In July, Secretary Heckler testified before my joint Handicapped and Labor-HHS-Education Subcommittee's hearing that recent HHS visits to 17 ICFMR's found everyone operating under substandard conditions.

At the conclusion of the hearing, I requested that Secretary Heckler determine how much in the way of financial resources and personnel would be necessary to survey these institutions in order to obtain compliance with certification standards. HHS now estimates $2 million is necessary to accomplish these surveys.

With these additional funds, HCFA will be able to survey all institutions with 300 or more residents, 40 percent of institutions with 16 to 299 residents, and 20 percent of ICFMR's with 15 or fewer individuals.

Our Nation's institutionalized mentally retarded deserve the highest quality of care that we can provide, and this amendment would be a first step toward ensuring that they receive that level of care.

I urge adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Connecticut [Mr. WEICKER].

The amendment (No. 4380) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I ask unanimous consent to lay the committee amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4381

(Purpose: To add appropriations for the Developmental Disabilities program to the Human Development Services account)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 4381.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, line 15, after the second comma insert the following: "the Developmental Disabilities Assistance and Bill of Rights Act.".

On page 32, line 17, strike out "$1,928,004,000" and insert in lieu thereof "$2,003,704,000".

DEVELOPMENTAL DISABILITIES ACT AMENDMENT

Mr. WEICKER. Mr. President, this amendment would provide $75,700,000, the amount recently agreed to by conferees on the legislation to extend the Develpmental Disabilities Assistance and Bill of Rights Act. Funding for these programs was not considered in the Senate-reported appropriations bill, since renewed legislation had not passed the Senate at that time. All other programs where renewed legislation has either passed the Senate or been agreed to in conference with the House is already contained in this appropriations bill.

Specifically, this amendment provides: $50,250,000 for the State grant program; $13,750,000 for the protection and advocacy program; $9,000,000 for the university-affiliated facilities program; and $2,700,000 for special projects.

Mr. President, I urge adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Connecticut [Mr. WEICKER].

The amendment (No. 4381) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I ask unanimous consent to temporarily lay aside the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4382

(Purpose: Provides reimbursement to community health centers for retention of national health service corps personnel)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 4382.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 18, line 21, after the colon, insert the following:

Provided further, That such funds as may be necessary shall be transferred from the National Health Service Corps to the Community Health Center program to pay for the salaries, benefits and other expenses associated with the private placement assignment of Corps personnel:

Mr. WEICKER. Mr. President, my amendment does not increase the Community Health Center appropriation, but rather allows funds not used to pay the salaries of Federal assignees under the NHSC to be used instead to make supplemental grants to health centers to help them meet the cost of hiring the NHSC obligees. Without such language, the complete burden of payment rests with the health centers, who too often in the past have had to cut back on health and preventive services in order to meet NHSC conversion costs.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4382) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I ask unanimous consent to temporarily lay aside the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4383

(Purpose: To assure that of the funds appropriated for the Education of the Handicapped Act adequate amounts be expended for activities authorized by Part D of that Act)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 4383.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 25, strike out "and" and insert in lieu thereof a comma.

On page 45, line 26, after "section 619" insert a comma and the following: "and $61,000,000 for Part D of such Act, including special education supervision, administration and research, special projects, and State education agency programs under existing grants and contracts as well as new grants and contracts as authorized by such Part D,".

Mr. WEICKER. Mr. President, the special education personnel development amendment does not add any additional money to the committee's mark for this program. This amendment merely ensures that appropriated funds will be allocated for those activities authorized for awards in doctoral and postdoctoral support, State educational agency programming, special projects, and specialized training of regular educators.

The need for additional and better trained special education personnel is critical, and the committee wants to make clear that all priorities must be funded. The importance of efforts to both increase the number of qualified teacher candidates and improve the proficiency of teachers who are already on the job cannot be overemphasized.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4383) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I ask unanimous consent to temporarily lay aside the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4384

(Purpose: To assure $500,000 is spent for the Theater of the Deaf)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 4384.

Mr. WEICKER. Mr. President, I ask unamimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, line 2, before the period, insert a colon and the following: *"Provided,* That $500,000 of the amounts available under this heading for part F of the Education of the Handicapped Act shall be available for the Theater of the Deaf".

Mr. WEICKER. Mr. President, the opportunity for handicapped people to be exposed to the arts is extremely important. This amendment prevents the elimination of funding for the American Theater of the Deaf which has provided a great service to the handicapped population. This amendment adds no funds to the committee mark, but, rather, ensures that funds will be allocated by the Department for this purpose at the same rate as previous years.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4384) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4385

(Purpose: To provide funding for an expanded 9-member Benefits Review Board and support staff)

Mr. BYRD. Mr. President, on behalf of my senior colleague, Senator RANDOLPH, and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment will be temporarily set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. RANDOLPH, proposes an amendment numbered 4385.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 13, strike "$100,730,000," and insert in lieu thereof "102,330,000"

Mr. BYRD. Mr. President, the amendment I offer today will provide an additional $1.6 million in funding to support the expansion of the Benefits Review Board from the current three-member Board to nine members.

The Senate and the House of Representatives have passed the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1983, S. 38, which includes provisions to expand the Board by two permanent members and by four temporary members who would serve for 1-year terms.

With the adoption of this amendment, adequate funding will be provided in this bill to support 157 FTE's for the Benefits Review Board and the required support personnel.

We are experiencing an intolerable situation in the length of time it takes to review a black lung claim at the Benefits Review Board level. In fiscal year 1980, the backlog of cases at the Benefits Review Board was 102. In 4 years, that backlog has grown to over 6,000 cases and it is estimated that the backlog will reach over 7,000 cases at the end of fiscal year 1985. Obviously, the delays on appeals processing will continue to grow if some action is not taken to reduce this backlog.

During budget oversight hearings on the fiscal year 1985 budget request for the Department of Labor, I questioned Secretary Donovan about these backlogs. In response to my question about this serious problem, Secretary Donovan replied, and I quote:

It is a major problem and a major backlog. It is almost like putting your finger in one portion of a dike and having more water flow out of the other.

The Secretary of Labor further had these comments to make in response to my questions as to whether he would support expansion of the Benefits Review Board.

I believe the answer lies in moving to increase the productivity, and increasing the size of the Benefits Review Board higher than it is.

To put this backlog in perspective, individuals who filed for black lung benefits in 1977, 1978, and 1979 have still not had a final determination if their claim was appealed to the Benefits Review Board. That is 7 years—it is a long time to wait when you are sick—and—even sadder still—there have been cases where individuals have died before their appeals could be heard by the Benefits Review Board.

This amendment would address that backlog by providing the necessary funding to allow for expansion of the Board.

In all fairness to the individuals who have filed for these benefits, I would urge my colleagues to support this amendment.

Mr. RANDOLPH. Mr. President, I am pleased to join my distinguished colleague and good friend, the Democratic leader, Senator BYRD, in offering this amendment to add $1.6 million to the Department of Labor appropriation for fiscal year 1985 to expand the Benefits Review Board. It is our intention that the resources be used for expanding the Board and providing adequate support staff.

One might question why we need to add money at this time. I think I can answer that concern by a simple statement, "Justice delayed is justice denied."

S. 38, the Longshore Reform Act, passed the House of Representatives by a voice vote on September 18, and was approved by the Senate by a voice vote September 20. The conference agreement includes language to authorize expansion of the Benefits Review Board. S. 38 increases the permanent membership of the Board from three to five members and authorizes the Secretary of Labor to appoint up to four administrative law judges as temporary members for terms up to 1 year.

The Benefits Review Board of the Department of Labor has the important responsibility of reviewing administrative law judges' decisions on claims filed under the Black Lung Act and the Longshoremen's and Harbor Workers' Compensation Act. Congress created the Board in 1972 in an attempt to streamline review of these claims. The Board performs the same judicial appellate review function which the U.S. district courts exercised prior to 1972.

I believe that individuals who have filed claims under the Black Lung Act and the Longshoremen's and Harbor Workers' Compensation Act (LHCA) have a right to expect expeditious handling of those claims through the adjudication process. Unfortunately, that has not been the situation in recent years. In fact, claimants are facing a 5-year wait for final action by the Board.

The Board is now facing an enormous backlog of cases which developed as a result of the 1977 amendments to the Black Lung Act. The 1977 amendments required that the Department of Labor review all existing claims as well as accept new claims, which has added approximately 350,000 cases under their consideration. This one-time increase has been working its way through the adjudication process and will continue to cause a backlog at the Board.

In spite of the enormous increase in cases, the three-member Board and support staff has remained the same. Consequently, the backlog of cases has continued to grow. At the present time the three-member Board has an estimated backlog of cases of more than 9,000 which includes 3,000 new appeals docketed. The caseload is projected to continue increasing so that by fiscal year 1986, the Board would face nearly 11,000 cases. Working at optimum productivity, a three-member Board is able to dispose of 1,440 cases per year. Clearly, this rate of disposition falls far short of what is needed, and I am pleased that the Longshore Reform Act provides for a nine-member Board.

We must also note that the caseload before the Board breaks down as 80 percent black lung claims and 20 percent longshore claims. Many of the black lung claimants in particular are of advanced years and a 5-year wait for a final decision on their claims is simply unacceptable. By the same token, in cases where a claimant has been placed into "interim pay" from the black lung disability trust fund following an initial determination of eligibility by the Department of Labor, it is important that a responsi-

ble operator be able to fully adjudicate a case as expeditiously as possible.

The black lung compensation program for disabled miners and their families is extremely important in our State of West Virginia. As one of the authors of the original Black Lung Act of 1969 and subsequent amendments, I believe that we must compensate individuals who have become disabled in our coal mines, and we must provide for the widows and children of miners who have lost their health and their lives to the disabling lung diseases. Pneumoconiosis, or black lung, robs a miner of his breath and eventually his health and is caused principally by the inhalation of coal dust. We have a responsibility to compensate the victims of this terrible disease. In West Virginia, there are 88,536 individuals receiving black lung compensation.

I emphasize, this amendment makes no changes in the black lung program, but it will provide resources to the Department of Labor for expansion of the Benefits Review Board, which has been authorized in the Longshore Reform Act so that claimants and operators may have their claims adjudicated in an expeditious and reasonable period.

I urge my colleagues to accept this amendment.

Mr. BYRD. Mr. President, the distinguished managers of the bill have studied this amendment. I hope they will accept it and that the Senate will adopt it.

Mr. WEICKER. Mr. President, I am prepared to accept this amendment to reduce the backlog of black lung appeal cases by expanding the Benefits Review Board.

The Labor Department should take immediate action to prepare for hiring the additional staff called for by this amendment, without making offsetting reductions in FTE's of any other agency.

I commend the minority leader and the senior Senator from West Virginia for their input on this particular matter. I think it is a fine thing and deserves our serious consideration.

Mr. PROXMIRE. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4385) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I want to thank the manager of the bill for his kind remarks and also for this acceptance of this amendment. He has always been very considerate of the problems that we have with respect to this matter.

Mr. WEICKER. Mr. President, prior to yielding to my good friend from Pennsylvania, I would like to alert my colleagues that I intend to close this discussion in a matter of a few minutes. Those who have amendments should come to the floor to present them. Both the majority and minority leadership of the committee are in a good mood this afternoon. As these moments are very rare indeed, I suggest that Senators take advantage of them.

With those comments, I now yield the floor to my good friend from Pennsylvania.

Mr. HEINZ. Mr. President, first, I thank my good friend from Connecticut for yielding. It is, indeed, a great privilege as well as a pleasure to see the amicable feeling that exists on both sides of the aisle this afternoon. Let us hope this becomes the rule always and never the exception.

AMENDMENT NO. 4386

(Purpose: To provide fiscal year 1985 appropriations for title VI of the Education for Economic Security Act relating to Excellence in Education Program)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment will be temporarily set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself, Mr. CHAFEE, and Mr. CHILES, proposes an amendment numbered 4386.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, between lines 21 and 22, insert the following:

EXCELLENCE IN EDUCATION PROGRAM

For carrying out the provisions of title VI of the Education for Economic Security Act, $10,000,000 to remain available until expended.

Mr. HEINZ. Mr. President, I offer this amendment on behalf of myself, Mr. CHAFEE, and Mr. CHILES. It provides $10 million to fund the establishment of the Excellence in Education Program which the Senate authorized some months ago. It is my understanding that the distinguished manager of the bill, Senator WEICKER, and the committee have closely scrutinized the amendment and are prepared to accept the amendment.

I ask if my understanding is correct that the chairman of the committee is amenable to the amendment.

Mr. WEICKER. The chairman is amenable to the amendment and wants to compliment the distinguished Senator from Pennsylvania for his foresight on this matter. I would hope that we could take this to conference and come out in a way that would be pleasing to the distinguished Senator from Pennsylvania.

Mr. PROXMIRE. Will the Senator from Pennsylvania yield?

Mr. HEINZ. I am pleased to yield.

Mr. PROXMIRE. We have been notified there are two amendments by the Senator from Pennsylvania. A hospice study amendment is one and the $10 million Excellence in Education Program is the other.

Mr. HEINZ. This is the excellence in education amendment.

Mr. President, I want to thank the chairman and the ranking member for their comments and support of this amendment.

Mr. President, I will take 60 seconds to note that this amendment which funds the Excellence in Education initiative comes a year and a half after the issuance of the President's report, A Nation at Risk, a very dramatic report by our National Commission on Excellence in Education.

In the interim, the Secretary of Education has been trying to maintain the momentum for school improvement by rewarding schools, including many in Pennsylvania, with "excellence" flags.

Well, I think that is a step in the right direction, Mr. President. As nice as flags are, though, I think what we have done here today is to give a very tangible incentive for teachers, for parents, for school administrators to do still more.

Mr. President, it is time Congress took action to give the Secretary more with which to work. It is time for Congress to ensure that last year's outpouring of concern about "the rising tide of mediocrity" is sustained into 1985 and beyond.

Mr. President, education must stay at the top of this Nation's political agenda. In poll after poll, the American public has reaffirmed that the quality of education is one of the most important issues we face in the 1980's.

My amendment provides funds to enable the Secretary to promote excellence. By recognizing and rewarding selected public schools with incentive grants for school improvement activities recommended by the President's National Commission, we can rekindle the sense of urgency we all shared last year when we were confronted by that sobering assessment of the American educational system.

Mr. President, the Excellence in Education Act, which I introducted in June of 1983, became law this summer as title VI of the Education for Economic Security Act, better known in Congress as the math/science education bill. Title VI authorized $16 million in fiscal year 1984 and again in

fiscal year 1985 for a program to be administered by the U.S. Secretary of Edcuation in conjunction with State and local education agencies.

With the $10 million the Senate is providing for the establishment of the excellence program, the Secretary shall be able to award grants of up to $25,000 for 1 year and $40,000 over 2 years to several hundred local schools across the country. The schools will be selected on a competitive basis by local school districts, chief state school officers and the Secretary of Education.

The small incentive grant strategy for promoting school improvement is one being pursued in Pittsburgh, San Francisco, and other urban areas by local, privately supported, public education funds and by the Ford Foundation on the Nation level. Typical of this approach was the announcement by the Washington Post last year of annual awards of $2,000 to outstanding teachers and a $25,000 sum for special projects. To encourage further public/private partnerships in public education, my legislation sets aside 20 percent of the award money for schools that match Federal funds with private contributions from businesses and individuals in the local community.

The excellence in education legislation is unique among Federal education programs because rather than targeting specific curriculum areas or specific groups of children, it is designed to allow local educators to use Federal seed money to fashion their own plans for improving the total school environment. I urge my colleagues to join me in passing this important legislation.

Mr. President, again, I thank my good friend from Connecticut, the chairman of the subcommittee [Mr. WEICKER] and his most able ranking member, the Senator from Wisconsin [Mr. PROXMIRE].

● Mr. CHILES. Mr. President, I am happy to join Senator HEINZ in supporting this amendment to provide startup funding for the excellence demonstrations program that was authorized as part of the math-science program.

It is a very modest program. Though the cost is not great, I think the impact of direct Federal support—in the form of competitive grants—for good schools models and other efforts to implement the recommendations of these excellence reports will be positive. It will complement what States and locals are already doing. It will serve as an incentive to try new things and compete with other schools for improvement. And the results of the successful demonstrations will be disseminated and replicated.

I believe the Federal Government, in the coming years, needs to take an effective, comprehensive, and ongoing role in supporting the restoration of excellence to our Nation's schools. As we seek a consensus and the development of a complete package of programs to achieve this, I think we should act now, with programs like this, to provide the incentives and the various supports for what we know works.●

Mr. CHAFEE. Mr. President, I am delighted to join with Senator HEINZ today in offering an amendment to provide startup funds for the Excellence in Education Program.

Authorized earlier this year as title VI of the Education for Economic Security Act, this legislation establishes a first-of-its-kind program to encourage efforts to improve schools across our Nation. It establishes a competitive program of grants to local schools which submit plans for improving the learning environment.

The Excellence in Education Program authorizes the Secretary of Education to award grants to schools across the United States over the next 2 years. The schools would be selected on a competitive basis by local school districts, State education officials and the Secretary of Education. Awards would be made to schools which demonstrate a commitment to improvement, through such activities as—

Modernization and improvement of curricula;

Increasing graduation requirements in basic subjects;

Strengthening attendance policies to reduce absenteeism and tardiness;

Experimentation with a longer school day or year;

Providing incentives to teachers for outstanding performance; and

Development of new models of school-community relationships and business-education partnerships.

While it is more important than ever to maintain a strong national commitment to quality education, Americans recognize that solution to many of our problems must originate at the local level, in response to local problems and priorities. The Excellence in Education Program does not prescribe a single solution for the challenges facing American education, but encourages local educators to concentrate on those strategies best suited to their schools.

Although the amount of funding sought in the amendment is modest, it will permit the Department of Education to establish this competitive grant program during fiscal year 1985. This program can play a key role in promoting school improvement activities throughout the United States. I urge my colleagues to join me today in supporting the adoption of this amendment.

Mr. HEINZ. Mr. President, I think we are ready to put the question.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 4386) was agreed to.

Mr. HEINZ. I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the committee amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4387

(Purpose: To provide a grant to the University of Hawaii for the planning, development, establishment, and operation of a project to train and provide appropriate health professionals for American Samoa and the Trust Territory of the Pacific Islands)

Mr. PROXMIRE. Mr. President, I send an amendment to the desk in behalf of Mr. INOUYE and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HECHT). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. PROXMIRE], for Mr. INOUYE, proposes an amendment numbered 4387.

On page 17, line 22, insert the following after the colon:

Provided further, That $5,000,000 shall be available to make grants to the University of Hawaii, Honolulu, Hawaii, to plan, develop, and operate a program for the training of medical officers to serve in American Samoa and the Trust Territory of the Pacific Islands, under Section 301 of the U.S. Public Health Service Act. These funds may be used for alteration and renovation of facilities, travel, and student stipends, among other costs as necessary, for the training program, and shall remain available until expended.

Mr. PROXMIRE. Mr. President, I am offering this amendment in behalf of the senior Senator from Hawaii [Mr. INOUYE]. Senator INOUYE is necessarily absent in Hawaii, which is a long way away. He wanted to be sure the Senate would take action on this matter.

This amendment is an outgrowth of the Honolulu, HI, subcommittee hearings. Dean Terry Rogers of the University of Hawaii's School of Medicine highlighted their plan to ensure that there would be sufficient health manpower to serve the pressing needs of the Trust Territory of the Pacific Islands and American Samoa; that is, the Pacific Basin.

Presently, the backbone of health care delivery are 35 Fiji-trained medical officers who will all be retiring in the near future. That school no longer trains such personnel; the region has never been able to obtain sufficient nursing or medical personnel from the

mainland United States. In August 1984, GAO issued a report highlighting the pressing need for adequately trained health manpower for the Pacific Basin and pointed out that:

There is little indication that sufficient Micronesian physicians will be available in the near future to alleviate the shortage. Few Pacific Basin students are entering the health field, because the education systems in the region do not adequately prepare them for the rigors of U.S. medical schools. Those that do successfully complete a medical program, however, usually opt for stateside careers. In addition, the Guam and Fiji medical officer programs no longer exist. Health care officials express concern over the impending loss of their medical officers, yet no effective program currently exists to provide future medical officers.

There is a unique Federal responsibility involved. The U.S. presence in Micronesia is the result of a deliberate policy to protect our own national security; that is, national defense interest. We have historical and treaty obligations to provide health care. There are truly unique health care needs: The infant mortality rate in the Trust Territory is 30:1,000 or nearly twice that of the United States; in the Marshall Islands, nearly half those over 50 have diabetes; the incidence of childhood leukemia in Ponape and Kosrae is 10 times that which should be expected.

This project would be established for 10 years and would then be phased out. It would train 70 new Micronesian medical officers to provide primary health care for the next 25 years. The Department has legislative authority to fund the program, both under section 301 of the U.S. Public Health Service Act and the health manpower legislation; $1 million of private funds have already been committed, if Federal funds are appropriated. Interior has already committed $130,000 for planning funds. The cost is $10 million over 10 years.

Mr. WEICKER. Mr. President, I have no objection to the amendment as offered by the Senator from Wisconsin in behalf of the distinguished Senator from Hawaii. I urge its passage.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4387) was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I inquire if there are other Senators who have amendments at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescined.

The PRESIDING OFFICER. Without objection, it is so order.

AMENDMENT NO. 4388

(Purpose: To prohibit the expenditure of funds for the making or execution of any contract to administer a Civilian Conservation center of the Job Corp)

Mr. PROXMIRE. Mr. President, I send an amendment to the desk on behalf of the distinguished senior Senator from Arkansas [Mr. BUMPERS] and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment will be set aside.

Mr. PROXMIRE. I thank the Chair.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. PROXMIRE], for Mr. BUMPERS, proposes an amendment numbered 4388.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

"Notwithstanding any other provision of this Act, no funds appropriated by this Act may be used to execute or carry out any contract with a non-governmental entity to administer or manage Civilian Conservation center of the Job Corps which was not under such a contract as of September 1, 1984."

Mr. BUMPERS. Mr. President, this amendment is a simple one. It is intended to prevent the Labor Department from taking action, which they now intend to take, which would do serious damage to the Civilian Conservation Centers of the Job Corps. All Members of this body, I am sure, know of my long-standing commitment to the Job Corps, and particularly to the Civilian Conservation Centers which are operated in the National Forests by the Department of Agriculture and in the National Parks by the Department of the Interior. These centers, Mr. President, have been among the most successful Federal programs ever offered in the job training area. Moreover, the drastic reductions which have occurred in domestic spending since 1981 have left the Job Corps as perhaps the only effective such program for severely economically disadvantaged youth. It provides training in basic skills in a number of areas in a residential setting which is secure and which provides adequate housing and nutrition.

The Job Corps costs money, and there have been concerns expressed that costs could be reduced in the Civilian Conservation Centers. But what the administration is now about to do amounts to throwing the baby out with the bath water. The Labor Department has recently initiated a procedure under OMB Circular A-76 which would likely result in removing the CCC's completely from the Forest Service and the Park Service, and placing them in the hands of private contractors. The money spent on the Job Corps, Mr. President, is well spent, and it would be completely contrary to congressional intent to turn these centers over to private hands.

The funding level in this bill assumes that these important centers will continue to be run by these agencies. In addition, the late Chairman PERKINS attempted to make clear Congress' intent in this regard in a colloquy on the House floor on August 1, 1984. Chairman NATCHER and Representative CONTE agreed with Representative PERKINS that it was not congressional intent that the management of these centers could be contracted out. At the same time, they made it equally clear that the Forest Service and the Parks Service could continue, as they have for some time, to contract out for specific services in the centers, such as food service, if doing so would save money.

The Department of Labor has proceeded to simply ignore these rather clear statements of congressional intent by initiating the A-76 proceedings with both the Departments of Agriculture and Interior. My amendment simply makes clear through a restriction on funding that Congress means business when we say that we like the Job Corps, and we do not intend that the CCC's be sold to the highest bidder.

I might add, Mr. President, that we in Arkansas are particularly proud of the Ouachita and Cass Civilian Conservation Centers, which have been selected by the Labor Department as the two most outstanding Job Corps Centers in the United States for the past 2 years, based on quality of student achievement and other factors. These centers have exemplary records. They have done outstanding jobs, and I want them to be able to continue to function exactly as they have for the last 2 years.

I should also add, Mr. President, that Congressman PAT WILLIAMS of Montana should be listed as a cosponsor of this amendment. It was he and his excellent staff which brought to my attention the Labor Department's intentions in this regard, and they have worked closely with me and my staff in formulating this amendment in attempting to bring the administration back into line.

Mr. PROXMIRE. Mr. President, the amendment that is pending before the Senate has been discussed with the manager of the bill. I understand it is acceptable.

Mr. WEICKER. Mr. President, we accept the amendment. We can take it to conference.

This amendment merely preserves the status quo whereby 30 Job Corps centers will remain operated by the U.S. Forest Service and U.S. Park Service. There is no change in the Job Corps appropriation. I recommend adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Arkansas [Mr. BUMPERS].

The amendment (No. 4388) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4389

(Purpose: To increase appropriations for school assistance in federally affected areas to assure the continuation of "B" students under that Act, and for other purposes)

Mr. ABDNOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Dakota [Mr. ABDNOR] proposes an amendment numbered 4389.

Mr. ABDNOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 6, strike out "$565,000,000" and insert in lieu thereof "$675,000,000".

On page 44, line 7, strike out "$20,000,000" and insert in lieu thereof "$22,000,000".

On page 44, line 10, strike out "$535,000,000" and insert in lieu thereof "$643,000,000".

On page 44, line 11, strike out "$477,000,000" and insert in lieu thereof "$565,000,000".

On page 45, line 13, before the period insert a colon and the following: *"Provided further,* That in determining entitlements under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), the local contribution rate for each local educational agency shall not be less than the local contribution rate for that agency for fiscal year 1984 increased by the percentage increase (if any) in the national average per pupil expenditure for fiscal year 1984 from fiscal year 1983: *Provided further,* That the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by striking out 'October 1, 1983' each place it appears in sections 2(a), 3(b), 4(a), and 7(a)(1) and inserting in lieu thereof 'October 1, 1989': *Provided further,* That section 3(d)(2)(E)(ii) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by striking out '1983 or 1984' and inserting in lieu thereof '1984 and each fiscal year thereafter' and division (iii) of section 3(d)(2)(E) of such Act is repealed: *Provided further,* That section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by inserting at the end thereof the following new sentence: 'In carrying out the provisions of this subparagraph, the Secretary shall not prorate the amounts computed under this subparagraph attributable to the number of children determined under subsection (a) or (b), or both.': *Provided further,* That the second sentence of section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out 'The' and inserting in lieu thereof 'Subject to the provisions of subsection (h) of this section, the', and section 3 of such Act is amended by adding at the end thereof the following new subsection:

'SPECIAL PROVISIONS

'(h) Any local educational agency for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation and which is not eligible to receive payments under subsection (d)(2)(B) shall receive 100 percent of the amounts to which such agency is entitled under subsection (a) of this section.' ".

On page 45, line 21, before the period insert a comma and the following: *"Provided further,* That the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended—

"(1) by striking out 'September 30, 1983' in section 3 and inserting in lieu thereof 'September 30, 1989'; and

"(2) by striking out 'October 1, 1983' in section 16(a)(1)(A) and inserting in lieu thereof 'October 1, 1989' ".

Mr. ABDNOR. Mr. President, I think both managers of the bill are aware of the amendment that I am offering. After due consideration, we think we have arrived at the proper figures. We have lowered the figures that we put in our original amendment so they are more in line with the subcommittee's budget allocation.

Mr. President, my amendment increases funding for school assistance in federally affected areas by $110 million, and continues support for category "B" payments. Mr. President, I understand the managers of the bill are familiar with the amendment and are prepared to accept it. I move its adoption.

Mr. WEICKER. Mr. President, the amendment of Senator ABDNOR is one with which certainly the committee wants to work. We are obviously confronted with overall totals. This amendment should not exceed those totals in conference.

The Senator has my assurance that we will try to bring about the best possible results.

I urge acceptance of the amendment.

Mr. ABDNOR. Mr. President, I have all the confidence in the world that the chairman will do exactly that. The Senator from Connecticut has been most kind and understanding of the problems confronting federally impacted school systems, and I am extremely grateful to both he and the distinguished ranking member of the subcommittee, Mr. PROXMIRE, and their staffs for the consideration they have given us.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4389) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, that concludes all the amendments that have come to the cognizance of the committee.

There is one more amendment, by the distinguished Senator from California [Mr. CRANSTON], which will be presented on Tuesday. There is still the matter of the committee amendment that relates to abortion. Those are matters that it is hoped will be resolved on Tuesday.

At this time, I intend to request a quorum call. It had occurred to me that this also might be the time to obtain unanimous consent that there be no further amendments, except those to which I have referred, but that might prove to be a greater hindrance than a help, and I will restrain from doing that at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIDS RESEARCH COLLOQUY

Mr. CRANSTON. Mr. President, as my good friend from Connecticut, the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related agencies [Mr. WEICKER] is aware, I, together with Senators KENNEDY, MOYNIHAN, and RIEGLE, originally intended to propose an amendment to add $46.41 million to the Appropriations Committee's reported bill for AIDS research and re-

lated activities. A major portion of the difference between that amount and the amount of the add-on we are actually proposing is attributable to the fact that included in the $5,163,597,000 proposed in the bill for the National Institutes of Health is at least $15.431 million more for AIDS research than the administration has requested. I had indicated in my September 7, 1984, letter to the subcommittee chairman that, if it could be clarified what amount of the add-on for NIH would be spent for AIDS research, I would gladly reduce the total dollar figure of our amendment by that amount.

I have discussed this matter with the chairman, who has been a steadfast champion of adequate Federal funding for AIDS research, and now understand that out of the NIH funds that would be appropriated in the bill as reported the Department of Health and Human Services has advised that NIH intends to spend at least $15.431 million more for AIDS research than the $45.663 million the administration proposed in its budget for NIH to use for AIDS.

Mr. President, I would like to ask the chairman whether my understanding is correct.

Mr. WEICKER. Mr. President, I certainly share the deep concern of the Senator from California [Mr. CRANSTON] that we remain committed to the goal of finding the means to treat and ultimately prevent AIDS, and I am pleased to reassure the Senator that his understanding is correct. I have been advised by the Department of Health and Human Services that out of the NIH appropriation in the bill NIH would use at least $15.431 million more for the AIDS research than the $45.663 million originally planned for that purpose in the administration's fiscal year 1985 budget. Thus, under the committee bill there is a total of at least $61.094 million in the NIH appropriation for AIDS.

Mr. CRANSTON. Mr. President, I would like to thank the Senator from Connecticut for that reassurance. I also want to express my appreciation for the cooperation of the Senator—and of the appropriation subcommittee staff assisting him—on this amendment.

Mr. MOYNIHAN. Mr. President, as a cosponsor of the amendment of the Senator from California [Mr. CRANSTON], I also would like to express my appreciation for the assurance given by the Senator from Connecticut [Mr. WEICKER]. In April of this year, it was announced that the probable cause of this disease had been isolated and, according to Assistant Secretary for Health, Dr. Edward Brandt, with additional funding a means to treat AIDS could be within our sights. I am very pleased that an additional $15.431 million will be used by the NIH for AIDS research, and also would like to thank the subcommittee chairman and his staff for their assistance in this matter.

Mr. HATCH. There is a matter that I would like to raise at this point with the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies. On August 20, I sent, in collaboration with the five other principal sponsors of the amendment—No. 3421—adopted by the Senate on July 26, 1984, relating to the so-called Baby Doe issue, a letter to the distinguished Senator from Connecticut expressing our concerns about an amendment adopted in the House which added $1 million to the appropriation for the Office of Civil Rights in the Department of Health and Human Services for the purpose of "pursuing Baby Doe complaints." I will not reiterate all the points made in the letter but simply state that each of the principal sponsors of the Baby Doe legislation passed on July 26 continues to be deeply concerned about some of the misunderstandings which have arisen as a result of the House's adoption of this appropriations amendment and joins with me in attempting to rectify these misunderstandings.

I ask unanimous consent that the text of this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON LABOR AND
HUMAN RESOURCES,
Washington, DC, August 20, 1984.

Hon. LOWELL WEICKER,
Chairman, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR LOWELL: We are writing with regard to the House version of the FY 1985 Labor, Health and Human Services, and Education Appropriations bill (H.R. 6028) and an amendment which added $1,095,000 to the appropriation for the activities of the HHS Office for Civil Rights (OCR) in order to restore the FY 1984 funding level.

The purpose of the amendment, according to its sponsor, was to allow that office to "pursue 'Baby Doe' complaints with sufficient resources." The discussion in the August 1, 1984, Congressional Record (H 8151), with regard to OCR enforcement activities, made reference to a House bill "setting up a procedure under which the States and the Federal Government will investigate complaints of mistreatment or nontreatment" and further stated that the Senate had passed a "similar bill." While we are unable to offer an authoritative interpretation of the House legislation, as the principal sponsors of the Senate measure we can state authoritatively that the House sponsor's interpretation of the Senate provision is incorrect.

The Senate, on July 26, 1984, adopted by a vote of 89–0, the provisions of S. 1003 as amended, the "Child Abuse Prevention and Treatment and Adoption Reform Act." S. 1003 was designed to address situations of withholding of medical treatment to disabled infants by relying upon existing *state* child protective services systems. Throughout the statutory language and accompanying explanatory material, we refer to authority under state law as the mechanism for pursuing legal remedies under our amendment. This legislation does not itself authorize direct federal involvement in individual cases.

An important element of this compromise was that S. 1003 is neutral with regard to the on-going controversy over the applicability of a federal remedy to Baby Doe situations under section 504 of the Rehabilitation Act of 1973. This policy of neutrality is expressly set forth in section 205(a) of the Senate-passed Baby Doe amendment as follows:

"No provision of the Act or any amendment made by this Act is intended to affect any right or protection under section 504 of the Rehabilitation Act of 1973."

Lowell, our principal concern is that the House appropriations amendment, by linking OCR funds to "Baby Doe" complaints and to H.R. 1904 and S. 1003, violates the policy of neutrality we intend for that legislation and jeopardizes the broad coalition supporting the Baby Doe amendment.

As you know, S. 2836, the Senate Labor-HHS-Education Appropriations Act, as reported, does not include the additional OCR add-on. We are writing to ask that, if you recede to the House OCR add-on in conference, the Statement of managers provide expressly that the add-on is for a purpose other than that of the House amendment. We would also ask that, if you do not recede, you not agree to include any Statement of Managers language that would deal with Baby Doe questions.

In order to clarify Congressional intent, we would like to enter into a colloquy with you when the Senate takes up the Appropriations Act. The purpose of the colloquy would generally be to secure your agreement to ensure that any legislative history underlying action on HHS appropriations would be silent as to the questions surrounding the authority of HHS to pursue Baby Doe complaints under section 504 of the Rehabilitation Act of 1973. We know that you, as Chairman of the Subcommittee on the Handicapped of the Labor and Human Resources Committee as well as Chairman of the Appropriations Subcommittee on Labor/Health and Human Services/Education, understand very well the great delicacy of this matter and the legal disputes surrounding it.

Senate adoption of the Baby Doe compromise was possible only because it was endorsed by a broad coalition of disability, pro-life, and health groups. Enclosed is a copy of an August 6, 1984, letter to Chairman Hatch, from six of the disability, pro-life groups that endorsed the compromise and also were listed in the House debate as endorsing the House OCR add-on amendment, expressing support for our efforts to make the clarification described in this letter.

We wish to make clear that we are writing this letter as partners in the authorship of the Senate Baby Doe measure. Although individually we may differ on the merits of the policy underlying the House amendment, we are united in the positions expressed in this letter. We look forward to

working together with you to develop an appropriate colloquy.

Sincerely,

ORRIN G. HATCH,
Chairman.
JEREMIAH DENTON,
Chairman, Subcommittee on Family and Human Services.
DON NICKLES.
NANCY LANDON KASSEBAUM.
CHRISTOPHER DODD,
Ranking Minority Member, Subcommittee on Family and Human Services.
ALAN CRANSTON.

Mr. WEICKER. Mr. President, let me respond to the Senator from Utah by saying that I have carefully read the August 20 letter. I assure the Senator that I will defend the Senate position on the Office for Civil Rights, keeping in mind the concerns expressed in the letter. We have appropriated $17,850,000 for the Office which is the same amount requested in the President's budget. This includes a reduction of 50 FTE positions, and the committee report asks the Office to provide the committee with a report describing the effects of the change.

Mr. DODD. Mr. President, I have listened with great interest to the discussion between the Senator from Utah and the Senator from Connecticut. As one of the principal Senate sponsors of the amendment adopted by the Senate on July 26, I appreciate the commitment made by my colleague from Connecticut regarding the issue, as I know does the Senator from California [Mr. CRANSTON], who is also a principal sponsor of the amendment and shares my deep concern about this particular issue.

Mr. HATCH. I thank the distinguished chairman of the subcommittee for his assistance in this matter. The Senator from Alabama [Mr. DENTON], the Senator from California [Mr. NICKLES], and the Senator from Kansas [Mrs. KASSEBAUM], the other three principal Senate sponsors, also share our concerns about this matter, and I know that they are very appreciative for the Senator's help.

DENTAL RESEARCH INSTITUTES AND CENTER

● Mr. EVANS. As the Senator from Connecticut is undoubtedly aware, the National Institute of Dental Research [NIDR] has proposed in its fiscal year 1985 budget request a plan to phaseout the five Dental Research Institutes and Centers [DRIC]. I would like to point out to my colleagues that the DRIC's have been an exceptionally effective mechanism for strengthening the scientific base through which we have taken great strides in improving the oral health of our Nation. The DRIC mechanism links the most advanced research in molecular biology, immunology, biochemistry, biophysics, and computer science with pursuit of improved methodologies in health care. This comprehensive approach has produced an exemplary record of achievement in the biomedical sciences, as currently demonstrated through scientific peer review and by the reports to the Congress from NIDR.

Although I favor competition among research institutions, as proposed, the phaseout plan would interrupt ongoing research programs which have already been subjected to scientific peer review and have been approved with the highest recommendations. I am informed, Mr. Chairman, that the committee has not endorsed this administrative procedure. Is that correct?

● Mr. WEICKER. The Senator is correct.

● Mr. EVANS. I believe that there is a question of fairness here concerning the treatment of these universities who have planned their long-term research programs in accordance with the 5-year grant they were awarded. Does the Senator agree that a fairness question arises in this matter?

● Mr. WEICKER. Yes; I agree with the Senator from Washington State. I too am concerned with the fairness of the early termination of these grants. I am also concerned, however, that Congress not interfere unnecessarily with the NIDR's internal policy decisions.

● Mr. GORTON. I would like to ask the manager of the bill if it is not true that the House has rejected the proposed phaseout and directed that NIDR fully satisfy its current commitments to the DRIC programs. At the same time, the committee supported the concept of open competition and directed that planning for such competitive procedures continue with a view to maintaining the strengths of the DRIC programs. This language appears to address the fairness question while allowing the procompetition policy to go forward. Although I respect the Senator's desire not to involve himself unnecessarily in the management of the Institute, I would hope he could agree that this is a case where some congressional direction is desirable, and hence could support the House language.

● Mr. WEICKER. I can assure the Senators that I am sympathetic with their concerns about the issue of fairness and will address that concern in conference.

● Mr. GORTON. I thank the Senator.

● Mr. EVANS. I also want to thank the manager of the bill for his attention to our concern.●

Mr. KENNEDY. I commend Senator WEICKER for his work on this bill. I know the multitudinous pressures he was operating under in preparing this legislation.

There were several important initiatives we undertook in the Labor and Human Resources Committee this year that were not funded in this bill. These initiatives are very small in dollar terms but very important in terms of people's lives.

I understand that the committee failed to fund these programs not because of any negative judgment on their merits but because the authorizing legislation has not been signed into law. I rise to request the subcommittee chairman's assurance that he will do his best to accommodate these programs by supporting their inclusions in a future supplemental if they are in fact enact.

I refer specifically to the following new programs:

First, our committee's prevention bill included a $5 million authorization for grants to States to assist them in developing comprehensive prevention strategies and data systems to track progress toward achievement of prevention goals.

Since the days when I first attempted to place health promotion and disease prevention at the center of our national health agenda, there has been a growing recognition that a comprehensive, aggressive prevention strategy can be our most effective weapon in the struggle to secure health and well-being for the American people. As Assistant Secretary Brandt recently stated:

> The time has come for us to turn our attention as a nation to the preservation of good health, the promotion and enhancement of healthful life-styles, and the prevention of disease and disability.

As a result of a series of reports beginning with the 1979 Surgeon General's report, "Healthy People," the knowledge base for rapid improvements in the health of the American people through an effective prevention strategy is now in place. This roadmap of a prevention strategy can not be successful, however, without effective implementation. The major missing ingredient in our national prevention strategy has been the lack of an effective Federal-State partnership to assure comprehensive prevention planning and service delivery at the State and community level where people can be most effectively reached.

A number of States, including my own State of Massachusetts, Utah, and Texas have already gone through this process of establishing comprehensive State prevention plans and developing a measurement and reporting system to ensure the plan objectives are achieved. Funding of this small grant program would encourage these vital State efforts.

Second, the prevention bill included a small $2 million demonstration program to improve pediatric emergency services. We have made great strides in developing an emergency medical system in recent years, but the special needs of children—for whom accidents are the leading cause of mortality—

have not always been met by this system. This small program will help fill that gap.

Third, our committee's ADAMHA block grant reauthorization bill included authorization for support for a similar planning activity out of general PHS support funds. We assumed a support level of around $5 million annually. The mentally ill—particularly the chronically mentally ill—are one of the most disgracefully treated of all our dependent populations.

This is partly a result of inadequate commitment of resources, but an even more important factor may be poor use of large existing resources.

ADAMHA block grant expenditures are a tiny proportion of total national treatment expenditures for chronic mental illness. Medicaid and State-only mental health expenditures on the chronically mentally ill were $5.4 billion in 1983, compared to less than $.3 billion for ADAMHA block grant funds. But non-PHS funds were overwhelmingly spent on institutional rather than community-based care, and, in the case of medicaid, cannot even be tracked to services for the chronically mentally ill except through special studies.

Other populations that have been neglected in our current mental health service delivery system are the elderly, children, and those residents in underserved areas. The elderly receive community services at a lower rate than the population as a whole, even though an estimated 10–25 percent in the community have some degree of mental impairment and the suicide rate of the elderly is 1½ times the rate for all ages. Of 3 million seriously disturbed children, an estimated two-thirds are not getting the treatment they need.

Assistance to encourage States to develop good planning and tracking systems for the total network of available funds and services can make a real difference in meeting these needs with only modest increases in resources.

Fourth, our ADAMHA block grant bill included a $20 million authorization for our new research, demonstration and technical assistance authority. Built on the Community Support Program model—which the Appropriations Committee has dealt with generously in the past—this new authority would enhance the Federal role in helping States deal with these severely deprived populations.

Fifth, our Family Violence Prevention Act provides for the Secretary of HHS to make grants to public agencies and nonprofit organizations in order to assist in the prevention of family violence.

This critically needed program is the result of many years of work in this Senate and represents the Federal Government's acknowledgement of its responsibility to address the issue of family violence.

It is a small beginning in the struggle to prevent this major societal problem, a tragedy for everyone it touches.

A final program that will need an appropriation once it is authorized is the National Summit Conference on Education. This program, which would be authorized for $500,000, provides for a national conference among policymakers, educators and citizens to discuss the present and future direction of education in the United States and to facilitate intergovernmental and intragovernmental cooperation among these groups. The National Summit Conference is scheduled to meet in January 1985.

I know the Senator from Connecticut is committed to the goals of these small but vital initiatives. Can I count on his efforts to secure funding for these programs on the first appropriate vehicle if and when these new authorities are enacted?

Mr. WEICKER. I thank the Senator for his interest in these matters. Indeed, as the ranking member of the Committee on Labor and Human Resources, the Senator from Massachusetts has provided great leadership on health and education related issues and it has been my pleasure to serve with him on that committee.

I very much appreciate the Senator's concerns for funding these new initiatives. The Committee on Appropriations, with few exceptions, recommended funding for existing programs where the Senate has passed an authorization. This was done, very frankly, so as not to prejudice the actions of the authorization committees. Funding for new programs will therefore have to be considered at a later time on an appropriate bill. I, of course, welcome the opportunity to work with my colleague from Massachusetts for these programs.

PARALYSIS RESEARCH

Mr. CRANSTON. Mr. President, I want especially to congratulate the distinguished chairman of the Labor, Health and Human Services, Education, and Related Agencies Subcommittee on Appropriations [Mr. WEICKER] on the provision in the pending measure that would provide $5 million in fiscal year 1985 appropriations to establish five "Senator Jacob Javits Centers of Excellence in Neuroscience" under the National Institute of Neurological and Communicative Disorders and Stroke.

These centers, dedicated to intensive research to increase the understanding of neurological function and to finding the cause, means of prevention, and cure for neurological diseases, represent a relatively new and increasingly successful concept in research design. Over the last few decades, scientists have approached the neurosciences from a reductionist perspective—that is, they have sought to understand how the brain and nervous system work by looking at them piece by piece. The body of knowledge we have gained from this work has now advanced to the point where synthesis into broader concepts and principles and application in other fields is demanded.

The centers would provide a unique opportunity for scientists from diverse fields to combine their expertise to address fundamental issues of nervous system structure and function. Such multidisciplinary research centers would provide the best possible training of future neuroscientists, particularly clinician-scientists who must possess an interdisciplinary outlook in order to capitalize on current research and to accelerate the pace of new research without duplicating efforts.

In order to produce maximum efficiency and effectiveness for this research program, I believe it is important that each center be able to focus its research on central, critical questions in neuroscience. I strongly believe that one such focused area is paralysis research and that the development of a multidisciplinary research center to address this problem would greatly enhance our understanding of paralysis and accelerate our progress toward the day when we may be able to reverse this cruel disability and prevent its occurrence.

Recent breakthroughs in the neurosciences have led to a better understanding of spinal cord injury research. We now know that the initial injury to the spinal cord does not in itself cause paralysis unless the nerve fiber protected by the vertebrae are physically severed. Most paralyzing injuries begin with a severely bruised or stretched cord, and the body's response to this trauma sets off a chain reaction which produces paralysis. What this means is that research is ready to move into the area of intervention—to prevent paralysis by interfering with the paralyzing process or to restore already lost function through either nerve bypass, regeneration, reconnection, new growth of nerve tissue, or relearned or substituted functions.

The development of such a multidisciplinary center, the National Research Institute for Neural Injury, is already underway in San Francisco. This center, which has an in-house research capability at the University of California and the use of laboratories at the San Francisco Veterans' Administration Medical Center [VAMC] has as its goals the prevention of paralysis resulting from central nervous system injury and the reversal of chronic paralysis through the support and conduct of basic scientific research. It would fill a critical gap in current research efforts into the problem of pa-

ralysis by integrating paralysis research in the areas of spinal cord injury, head trauma, and stroke, into a comprehensive study of all symptons of reduced or lost functional control due to a severe injury to the central nervous system.

The center has already been successful in attracting major scientific talent as well as substantial private funding. In addition to its affiliation with UCSF and the San Francisco VAMC, the center has available substantial clinical support through UCSF's Moffit and Long Hospitals and the San Francisco General Hospital, the principal neural trauma center for the area. In addition, the center has established a network for neural injury, a national network and clearinghouse which provides up-to-date information and coordinates informal conferences in order to form a community of scientists around the world who can collaborate on research related to the reversal and prevention of paralysis.

Mr. President, I would like to ask the Senator from Connecticut if the design of the "Senator Jacob Javits Centers of Excellence" Program would incorporate the specific research approach to paralysis that I have just described and whether a center such as the National Institute for Neural Injury would be eligible to apply for funding under the program.

Mr. WEICKER. Mr. President, I certainly share the deep-felt commitment of the Senator from California [Mr. CRANSTON] to improving the quality of life for the 4 million Americans disabled by paralysis and preventing this catastrophic condition from afflicting many millions more in the future.

I understand that recent research findings about the progression of events, occurring from the molecular to the systemic level, which lead to paralysis are rapidly changing our perception about the cause and effect relationship between neural injury and paralysis and bringing about a view that neural injury and paralysis should be considered as a neurological function disorder which can be treated and, it is hoped, prevented.

The "Senator Jacob Javits Centers of Excellence" are to be designed so that multidisciplinary teams of the most capable scientists would address fundamental biological issues of nervous system structure and function. These centers of excellence would provide broad research freedom and funding stability over longer periods of time. I assure the Senator from California that paralysis research is an important area of research which the centers could address. I believe a center such as the National Research Institute for Neural Injury would be eligible to apply for funding under the center's program and I would certainly encourage them to do so once NINCDS begins its application process.

ARTS FOR THE HANDICAPPED PROGRAM

Mr. KASTEN. Mr. President, I rise to offer an amendment that will increase funding for the Arts for the Handicapped Program by $500,000, and bring the Senate's recommendation for this program in line with the House of Representative's figure.

The Arts for the Handicapped Program brings together the arts community with disabled students and adults throughout the Nation. This successful venture has increased public awareness about the value of arts in the education and lives of the disabled, and it has led to the successful integration of formerly neglected potential into the mainstream of cultural and social activities.

Through the very special arts festivals in each State, year-round activities have been made available to disabled individuals in communities across the country. The program also provides assistance for the development of model arts projects which expand opportunities for the disabled.

The Arts for the Handicapped Program started on a shoestring budget in 1976, supporting seven very special arts festivals around the country. By 1982, the program had reached 25 States. This year, there are State level programs operating year round nationwide, including Puerto Rico. In just 8 years, the Arts for the Handicapped Program has evolved into a full-time operation serving the disabled in every State.

The program is now expanding its base to reach more than 4.5 million handicappped students who have been indentified by the Department of Education. To accomplish this goal, the program needs adequate support.

In 1981, funding for the Arts for the Handicapped Program was cut from $1.5 million to $1.35 million, and that funding remained constant until 1984, when it was increased by $100,000. I believe that the success of this program coupled with the unmet needs of the disabled justifies an increase, and I urge adoption of this amendment to ensure the fulfillment of the program goals.

The $500,000 is quite a small increase, but it will have a tremendous impact on the ability of the arts program to reach more disabled individuals throughout the Nation. First, it will allow increases in grants to States, which will produce greater State matching funds. It will also allow increased challenge grants that match Federal dollars with private sector funds. As the number of program participants increases, the potential for inkind contributions will grow as well. Finally, this increase will support the development of materials to be used in arts programs nationwide. No doubt this relatively small increase will have a multiplicative effect on the program's ability to generate additional support.

To the chairman's credit, the Appropriations Committee has already increased funding for the Arts for the Handicapped Program by a little over $500,000. But I believe that an additional $500,000 will make a substantial difference in the ability of the program to reach even more handicapped individuals. I am aware of the obstacles we face in moving this bill and of the competing demands faced by the chairman. I have reduced my request to meet those concerns and I hope that the Senate will lend its support to this amendment.

I would just like to add, Mr. President, that there are few here in this body who have worked as long or as hard for the advancement of the disabled as the distinguished Senator from Connecticut. Indeed, few would challenge the statement that he is the strongest advocate in Congress for the handicapped population. I know that the Senator recognizes the important role this program has played in the development of the disabled and that he shares my support. Having said that, I would again urge the Senator to look favorably upon my amendment and to try to accommodate this request within our budgetary limits.

Mr. WEICKER. I thank the Senator from Wisconsin for his comments and commend him for his commitment to programs serving the handicapped. The Appropriations Committee has indeed demonstrated its support for this program by providing a fiscal year 1985 increase of $550,000 for a total for arts for the handicapped of $2 million. This amounts to a 38-percent increase in just 1 year, representing one of the largest single percent increases for any program in the Department of Education.

I am aware that the level approved by the House for this program is $2.5 million and that this issue, therefore, will be among those items to be worked out in conference. As my friend from Wisconsin is aware, however, the Arts for the Handicapped Program is one of those funded out of the Secretary of Education's discretionary fund. It would not be wise, therefore, to increase this one program through a floor amendment because of the larger questions which need to be resolved in conference. And since our recommendations add up to the full 6 percent set-aside allowable by law, any increase in the program at this time would either violate the underlying statute or come at the expense of one of the other programs in the set-aside. I am certain that the Senator would not wish to do either. Therefore, I ask that the Senator withdraw his amendment and await the outcome of the conference where

we will give this matter full consideration.

Mr. KASTEN. Again, I thank the Senator for his consideration and I praise him for his outstanding leadership on this bill. He has done an excellent job of balancing the needs of many competing interests. Given the conflicting pressures of a limited budget and my interest in securing passage of this bill, I will withdraw my amendment and ask for the Senator's continued support for the Arts for the Handicapped Program and for my request during the conference.

NATIONAL LONGITUDINAL SURVEYS

Mr. KENNEDY. Mr. President, I am concerned that in 1985 the Department of Labor is expected to reduce funding for the NLS—the national longitudinal surveys of labor market experience—by over 50 percent from fiscal 1984.

The NLS was begun in 1966. These surveys follow five nationally representative cohorts totaling 33,000 individuals who are now age 19 to 78. Information is collected from these individuals (assuring their anonymity) about their employment and unemployment, education and training, income, socioeconomic status, and family structure, as well as about their health, work attitudes, fertility, alcohol and drug use, and views about military service. These data are unique because the same individuals are surveyed each year.

Hundreds of researchers in academic and private institutions across the country make use of NLS data. Their studies address an enormous variety of policy-related questions, including what causes youth unemployment; how well Government training programs work; why young people enlist in the military; what causes race and sex differences in earnings; how Social Security and disability affect the retirement decisions of older men; as well as issues surrounding adolescent fertility, family formation, and the health of older Americans.

Findings from the NLS have been used extensively in the development of public policy. Special tabulations of NLS data have been asked for by the Departments of Labor, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, and Transportation; the Congressional Budget Office; the Council of Economic Advisers; the Government Accounting Office, and a variety of congressional committees. Most recently, in May, the NLS provided primary data on the labor force characteristics of youth for the House Subcommittee on Employment Opportunities.

The NLS annually receives over $4 million from the Department of Labor and over $1.5 million from the Department of Health and Human Services, the Department of Defense and the armed services. It is more efficient to gather data about a variety of interrelated issues than to pay for studies designed to answer just one question. The expected cuts would seriously impair the usefulness of these unique and valuable data.

Would the Senator from Connecticut agree, that this source of information should not be imperiled and possibly lost?

Mr. WEICKER. Yes; the Senate Appropriations Committee added sufficient resources to the Labor Department's training and employment services appropriation to permit maintaining current funding for the National longitudinal surveys throughout program year 1985, without adversely affecting other congressional priorities or budgeted projects within the national activities line item. I might add that Senator GLENN recently wrote to me in support of the NLS, which is conducted at Ohio State University.

Mr. GLENN. I appreciate the comments of my two distinguished colleagues on this matter. The national longitudinal surveys, which have been conducted at Ohio State University, have contributed immeasurably to our ability to understand the changes taking place in America and to formulate appropriate public policy. I believe that it is vitally important to maintain this public resource. I am pleased to know that the Appropriations Committee has added sufficient funds to ensure the continuation of this program.

DISPLACED HOMEMAKERS

Mr. CHILES. Mr. President, I wish to clarify the Appropriations Committee's intentions regarding the Displaced Homemakers Network in the Department of Labor. Like other national programs of proven effectiveness such as OIC, 70001 Ltd., and HRDI, the Displaced Homemakers Network is intended to receive expanded funding in 1985 Labor Department appropriations. When the Senate Appropriations Committee appropriated $1 million in contract funding for the Women's Bureau Model Demonstration Program, we in effect transferred $400,000 from national activities to make up a part of the $1 million. This provides sufficient funds for expanded funding for the Displaced Homemakers Network. We intend that the network be supported with these funds.

I understand that the House of Representatives has passed a bill with similar report language. The House bill also appropriates $1 million for Women's Bureau model demonstration programs.

We did not intend to reduce or in any way diminish the Department of Labor's effort on behalf of the Displaced Homemakers Network and the constituents it serves. We simply wished to provide a supportive administrative environment for this vital program.

Mr. WEICKER. The Senator is correct. By doubling the funding for Women's Bureau special projects, I would certainly expect the Displaced Homemakers Network to share in the increase. It is my understanding that the Labor Department has finally extended funding for the Displaced Homemakers Network through program year 1984, at $200,000. It is my hope that the Women's Bureau will expeditiously work out funding for program year 1985, as soon as fiscal 1985 appropriations are available, in order to retain the forward funded nature of this program.

EMPLOYMENT SERVICES PROGRAMS

Mr. BYRD. Mr. President, I have a matter of concern that I would like to raise with my distinguished colleague, Senator WEICKER. The House-passed bill includes an additional $37 million for employment services and an additional $15 million for administration of the Targeted Jobs Tax Credit Program. I would hope that the Senate conferees would look favorably on the higher funding levels.

West Virginia continues to have double-digit unemployment, and, in fact, still has the highest unemployment rate in the Nation. Because of the budgetary cutbacks over the past couple of years, seven employment service offices have already been closed in my State. With the funding levels in the Senate bill, two more offices will have to be closed.

Certainly every consideration given the House funding level for employment services will be beneficial to my State and greatly appreciated.

Mr. WEICKER. The Senate version of the bill maintains current funding levels of $740 million and $20 million for employment service and targeted jobs tax credit activities, respectively, which are the amounts requested in the President's budget. Nevertheless, I will keep an open mind when we go to conference, with respect to the House increases for these programs. I would certainly not want to see States forced to close any more employment service offices.

PLAGUE

Mr. BINGAMAN. Mr. President, I would like to bring an important public health problem that affects my State to the attention of the Senator from Connecticut. Plague, commonly known as bubonic plague, has been increasing in New Mexico. A total of 26 human plague cases were reported in New Mexico in 1983 and New Mexico consistently accounts for two-thirds of the Nation's plague cases.

Mr. WEICKER. Mr. President, I ask the Senator, Is it true that this problem is not just confined to New Mexico? How widespread is the problem?

Mr. BINGAMAN. A record number of 40 cases were reported in 1983 with six deaths. The bacteria that cause plague are carried by rodents and their fleas. Plague infected rodents have been found not only in 30 of New Mexico's 33 counties, but in areas of 15 Western States. Thus, there is a potential for human plague cases to originate in large areas of the American West. Although the plague can be cured with antibiotics, plague can be spread from one person to another if a complication known as pneumonic plague develops. When this occurs, the plague bacteria causes an infection in the lungs and when a person with pneumonic plague coughs, the bacteria are distributed in the air and can be inhaled by another person, resulting in additional cases of pneumonic plague. This form of the disease is highly fatal and can spread very rapidly.

Mr. WEICKER. Do I understand the Senator then that even a single pneumonic plague case has the potential to cause a major epidemic of pneumonic plague with many deaths?

Mr. BINGAMAN. Yes. Health officials are concerned because the proportion of plague cases that have developed pneumonic plague has been increasing. From 1949 to 1976, 5 of 68 patients or 7.4 percent developed pneumonic plague. Since 1974, 32 of 188 patients or 17 percent nationwide developed pneumonic plague. Pneumonic plague is of potential concern for the entire country because of the speed of moden travel. Because the disease is rare outside the West, physicians in other parts of the country may not make the correct diagnosis, increasing the chance of the patient developing pneumonic plague and setting the stage for spread to other persons. For example, last year a 13-year-old girl was infected with plague in New Mexico, became ill in South Carolina and died with pneumonic plague.

Mr. WEICKER. Mr. President, I share the Senator's concern for not only his State, but for citizens in other areas of the country. To what extent is the Centers for Disease Control [CDC] actively involved in a program to remedy this public health problem?

Mr. BINGAMAN. The Fort Collins Colorado office of CDC currently conducts a limited amount of plague research and there is still the additional need for research on preventive strategies. I would therefore suggest that it would be appropriate that the Federal Government make additional resources available to perform research on plague prevention now rather than wait until the problem is of such a magnitude that it is unmanageable.

Since 57 percent of all U.S. plague cases—and 65 percent of last year's cases—originate in New Mexico, New Mexico would be an ideal place to conduct such research. Five counties in north central New Mexico account for 61 percent of all cases in New Mexico, and because these counties are one of the highest risk plague areas in the country, that research specifically directed there could produce significant results. I believe that the Centers for Disease Control and the New Mexico Health and Environment Department have the necessary expertise to conduct such research and would suggest that a cooperative effort between these agencies, funded through the Federal Government, will be of benefit to the entire country.

Mr. WEICKER. Mr. President, I concur and pledge my support in achieving this worthwhile effort.

Mr. BINGAMAN. I appreciate the chairman's support and I would propose that Congress direct the Centers for Disease Control to conduct, cooperatively with the State of New Mexico Department of Health and Environment, a study in the Upper Rio Grande Valley and adjacent areas where plague is known to be hyperendemic to: First, confirm—or reject—the observed increase in reservoir rodent populations due to land use as practiced in the region; second, measure the increase in rodent populations relative to populations in undeveloped areas; third, determine the environmental factors responsible for any rodent population increases observed; fourth, define human risk of plague exposure in terms of environmental factors; and fifth, develop integrated control strategies, emphasizing environmental management to prevent human exposure to plague. For this purpose CDC should provide funding which would be appropriated out of existing moneys.

The ultimate responsibility for pursuing the strategies developed by the project belongs to the State of New Mexico and its local entities; therefore, their input and local knowledge in planning and implementing it are essential. At the same time, the expertise and perspective of CDC with regard to plague are unique and vital to the success of the project.

I would hope the Senator will join with me in writing to the Director of CDC and the Secretary of HHS in calling for such an effort.

Mr. WEICKER. I would be happy to join with the Senator from New Mexico in writing such a letter and I commend him for his initiative in this area.

Mr. BINGAMAN. I thank the Senator from Connecticut for his leadership, guidance, and cooperation.

COMPLIANCE AUDIT PROGRAM

Mr. PROXMIRE. Mr. President, since our committee held its hearings on the Labor Department budget in early March, the Departmental Inspector General's Office has issued a report that calls into very serious question the utility of positions which have been granted to the Department over the past 2 years for new compliance audit programs in the Labor Management Services Administration. While Secretary Donovan has reduced staffs for safety and health and wage and hour enforcement by more than 20 percent, he has repeatedly requested substantial staff increases in the Labor Management Services Administration to concentrate on audits and criminal investigations of labor unions almost to the exclusion of its other responsibilities.

The Inspector General's office has now concluded that the enforcement strategy for which these positions were requested and granted was developed without adequately defining the need for such an effort or clearly defining the strategy. It has led to ineffective compliance programs and an inadequate enforcement of the reporting and disclosure mandates of both and Labor-Management Reporting and Disclosure Act [LMRDA] and the Employee Retirement Income Security Act [ERISA].

The report finds that the compliance audit progam has not achieved its objectives. It has not been successful in uncovering criminal activity, resolving many civil violations, nor meeting its enforcement presence or technical assistance goals. And it has drawn needed resources from other areas. The Inspector General's review of these audits shows a success rate of less than 1 percent and further shows that many of the cases claimed as successes were not really attributable to the efforts of the program.

Over 100 new compliance unit positions have been provided in the past 2 years. The Inspector General recommended that the compliance audit program be limited until such time as a full evaluation is conducted of the concept behind the program. I believe that the Department of Labor should follow the Inspector General's lead and that the Department should reallocate these positions to other more useful activities within the mandates of the LMRDA and ERISA.

Mr. WEICKER. I expect the Department to address the recommendations contained in the Inspector General's March 22 report. Since the Inspector General has recommended that the Labor-Management Standards Enforcement Program limit compliance audit detection efforts until an enforcement strategy evaluation has been completed, the Department should seriously consider shifting positions currently devoted to compliance audits to more productive uses within the mandates of the Labor-Management Reporting and Disclosure Act. The Department should also be prepared to discuss the steps it has taken to implement the Inspector General's findings when it appears before the

committee to justify its fiscal year 1986 request next spring and I have directed staff to obtain a progress report from the Department on its implementation efforts by January 1 of next year.

Mr. SPECTER. Mr. President, I congratulate the chairman of the Labor-HHS Education Appropriations Subcommittee and his staff for their excellent work on the appropriations legislation this year.

Because of the importance of cancer research, I would like to point out that in the bill report, language has been provided which reads:

The Committee has provided an additional $12,410,000 over the administration's request for NCI research centers. This amount would support one additional center, for a total of 60, and restore close to full estimated costs for research centers in 1985. Cancer center core grants are essential for the stability and continued excellence of cancer centers, and directly enhance the effectiveness of research grants at the centers. The committee is aware that during the past year such core grants have been treated differently from other grants and have been decreased on the average of 15 percent below the peer review levels, and desires that these core grants be funded at full peer review levels.

Research activities in the field of cancer have produced tremendous breakthroughs recently and the role of the cancer centers is extremely important in continuing and expanding this trend.

I am very hopeful that when a conference is held on this legislation with the House, that the conferees agree on the funding of cancer centers at the peer review levels.

Mr. BYRD. Mr. President, I want to thank my distinguished colleague, Senator WEICKER, for his support of the cancer center at West Virginia University. The $4.5 million included in this bill is the first of 4 years of funding, which is projected to be $16,092.000. This center will bring comprehensive cancer education, detection and treatment to West Virginians.

Mr. WEICKER. I, too, am pleased that we were able to provide the first of 4 years of funding for the cancer center at West Virginia University, and look forward to working with you on this center.

CIRIDS

Mr. BENTSEN. Mr. President, I would like to congratulate the distinguished Senator from Connecticut for the work he and his committee have done on this important legislation. I would also like to inquire about a program sponsored by a member institute of the National Institutes of Health, the National Institute of Allergy and Infectious Diseases. The Institute funds the highly regarded Centers for Interdisciplinary Research in Immunological Diseases [CIRIDS].

These centers enable academic medical institutions to pool their research talent from many fields to explore one of the most exciting frontiers in biomedical research—the relationship of the body's immune system to disease. This work is expected to lead to advances in the cure and prevention of a wide range of serious illnesses, including arthritis, asthma, allergies and immune complex—the bubble boy syndrome. The CIRIDS also play an important role in the translation and dissemination of information regarding the treatment of these illnesses to physicians, patients and their families.

The National Institutes of Health currently supports five CIRIDS. However, none of the existing centers is located in the South or Southwest. I would like to ask the Senator from Connecticut whether this bill provides the flexibility to allow the allergy institute to establish new CIRIDS in areas where they do not currently exist.

Mr. WEICKER. I appreciate the Senator's kind words and I am delighted to have the opportunity to discuss the CIRIDS. This is a congressionally mandated program that the committee feels has been highly successful and should continue to receive strong support. In answer to the Senator's inquiry, the committee believes that its bill does provide the latitude for the National Institute of Allergy and Infectious Diseases to create new CIRIDS. The committee recognizes that the frequency and characteristics of immunologic diseases vary among different regions of the country and among different ethnic groups. The committee also believes dissemination of information in the area served by a CIRID is a vital function of these centers. The committee would therefore be pleased if the National Institute of Allergy and Infectious Diseases found that it would be appropriate to establish new CIRIDS, with consideration given to geographic distribution of the centers.

MAGNETIC RESONANCE

Mr. SPECTER. Mr. President, I would like to clarify a matter of research in the imaging modality called magnetic resonance. The budget for the National Cancer Institute has been increased over the previous year and over the administration's request. My understanding is that the purpose of these increases is not only to allow maintenance of the current number of new research projects but to increase them to levels that provide stability in the research community.

Am I correct in understanding that the committee would agree that support of research in the promising new imaging modality called magnetic resonance would be appropriate?

Mr. WEICKER. The Senator from Pennsylvania is correct.

Mr. SPECTER. I thank the chairman for this clarification and his time.

Mr. WEICKER. Mr. President, in 1984 the National Institute of Arthritis, Diabetes and Digestive and Kidney Diseases expended in excess of $3.4 million on research on osteogenesis imperfecta. Brittle bone disease, as it is commonly known, is a devastating condition affecting children that causes bones to break at the slightest pressure; a sneeze can result in multiple fractures. The committee is pleased with the research efforts of the Institute and has provided an additional $500,000 to the Institute for an intensified research effort into the causes and treatment of osteogenesis imperfecta.

BLS STUDY TO COLLECT INFORMATION ON MASS LAYOFFS AND PLANT CLOSINGS

Mr. KENNEDY. Mr. President, I understand the House of Representatives has included $6.5 million in its appropriations bill to fund a project initiated by the Bureau of Labor Statistics to collect information on individuals who are unemployed due to permanent mass layoffs and plant closings. BLS has initiated a limited pilot project to collect such data but they do not have the money to extend this survey beyond two or three States. The funds in the House bill would allow this important project to gather data from every State.

While the unemployment rate has receded from the record high levels of last year, the number of workers who are still jobless remain at unacceptable levels. Many of these workers will never return to their former jobs because the plants have closed.

Under title III of the Job Training Partnership Act we have begun to retrain these workers, but our knowledge and experience in dealing with the problem of dislocated workers is extremely limited. This study is extremely important in order to better inform Congress and policymakers at all levels of Government, not only on the dimensions of the problem but on the experiences of these workers once they have lost their jobs.

My question to the Senator from Connecticut, is whether he supports this study and would be willing to accept the provisions in the House bill in conference?

Mr. WEICKER. I appreciate the interest of the Senator from Massachusetts in this matter and I agree with him that the data to be collected in this study will be very useful. There is also a great deal of interest in this study in my own State of Connecticut. I understand that the BLS may not need the full $6.5 million to expand this project, but I am hopeful we can reach agreement with the conferees from the House on the appropriate level of funding. I welcome your support in this matter and will let you

know the result of our discussions with the House.

Mr. KENNEDY. I thank my good friend from Connecticut for his interest and help.

Mr. HATFIELD. Mr. President, I know that all of us have our moments of frustration from time to time in the legislative process, and we find ourselves with what seems to be interminable delays and unnecessary delays.

I just want to express a few frustrations at this point, because I know what is going to happen to the entire Senate, come September 30, about a quarter to 12 midnight. We are going to have people coming up to members of the Senate Appropriations Committee and saying, "Why are we having to push to beat a deadline, push the appropriations process? It seems we always are pushing against a midnight deadline, with the threat that all of Government is going to come to a standstill if we don't get action." That, of course, is a fact of political life.

Mr. President, I believe the record will show that for at least 20 years, from about the late 1970's until about 1982, the high-water level so far as the appropriations process was concerned, Congress enacted about four appropriations bills by the start of the final year. I think that was the highest number they were able to enact during that period of more than two decades.

Beginning in 1982, the Appropriations Committee set about the task of putting the whole appropriations process onto track and making it function. In fact, it had failed to function for so long that that was one of the triggering actions that gave rise to the Budget Act.

I am not going to get into a lot of history on the matter of the appropriations process, but I merely want to say that we have enacted in this Congress, last year, 10 bills and had them signed into law. This year, we have reported 12 of the 13 bills from the Appropriations Committee. This bill, Labor-HHS, chaired by the Senator from Connecticut [Mr. WEICKER] and ably assisted by the Senator from Wisconsin [Mr. PROXMIRE], was reported to the Senate on June 29.

Mr. President, I think we probably have the most extraordinary staff of any committee in the U.S. Senate. I will match our workload and I will match the efficiency of our operation against that of any other committee staff.

There have been occasions when our staff has not gone to bed for 2 nights and 2 days in a row because they were pushing up against the deadlines and had to do the paperwork for the Senate to finalize its action. While we went to bed, the staff began its new phase of activity to complete the Senate appropriations process.

I have often said that this would be the greatest area for unions to organize for working conditions—at least for working conditions. I would say for wages, too, but at least for the working conditions to which we subject our staffs. I do not think there is a trade union in this country that would not call a strike within 10 hours after it found the conditions to which our staffs are subjected to, and that is unnecessary.

But I merely wanted to remind the Senate that come next whatever on September 30 if the appropriations process has not been completed and everyone is weary and everyone is short tempered and everyone is trying to find some reason to explain why we are in such a mess, I just want all of the Senate to be reminded that we have had this particular bill since June 29 reported to this floor; we have a conference report on other Senate appropriations matters, and we have other Senate appropriatioins bills waiting for action and have been waiting for action for week upon week.

I am not here today to assess or point fingers as to why or who is to blame or whatever. I am just merely making an observation that we are in this circumstance today.

The chairman of the subcommittee and the ranking minority member of that subcommittee have been ready since June 29 and they are sitting here today on September 21.

So it is not a matter of recrimination that I raise this point. It is not a matter of anger or disgust. It is sort of a combination of all of them, but it is really a frustrating experience to do our best and the whole committee work and to have our staff pushing to their limit and doing an extraordinary job they do and come and sit and wait, not that we are not going to complete the process; we will complete it. We will complete it probably on September 30. That is not the way to conduct the Nation's business.

Many of us have heard it said that the Senate can only seemingly function under two conditions, one from unanimous consent and the other from exhaustion, and I suppose we are headed for exhaustion at this point on September 30.

I merely wanted to make the record, wanted to vent my frustration, and I only do so because there are so few in the Chamber and few will read the RECORD and therefore perhaps it will fall on deaf ears, but at least I have had the satisfaction and therapeutic value at this moment as chairman of the committee of expressing some of the thoughts in my mind.

I commend the Senator from Connecticut and the Senator from Wisconsin again for an absolutely outstanding job and for extraordinary staff work that has brought this very complex, very difficult bill before the Senate.

I can remember when we spent days on this one bill. This staff and this committee have crafted a bill that is so finely tuned, so totally comprehensive that if we had the body here we could have probably put this bill through final vote within an hour. That is a record, that is an achievement that is worthy of recognition by historians of this country. Yet instead of an hour we are going to be delaying around here at last under the understanding, and I understand the circumstances that gave rise to it. Again I point no finger and I raise no focus of criticism. I am just wanting the history to be made on this day on this occasion on this subject.

Mr. BAKER. Mr. President, will the Chair please state the pending question?

The PRESIDING OFFICER. The pending question is agreeing to the committee amendment on page 38, lines 19 through 20.

Mr. BAKER. Mr. President, I remind my colleagues that that is the question that will be pending when we return to the consideration of this bill.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until not later than 3 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HATFIELD. Mr. President, I ask unanimous consent that Tom Imeson, of my staff, be given the privilege of the floor during the debate and discussion on a possible bill relating to forestry that may be raised within the period remaining in this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 1 p.m. on Monday next.

Mr. BYRD. Mr. President, reserving the right to object, and I shall not object, would the distinguished majority leader like to do the other request at the same time?

Mr. BAKER. All right. Mr. President, I ask unanimous consent that that consent be vitiated for the moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, SEPTEMBER 24, 1984

Mr. BAKER. Mr. President, the minority leader and I have consulted on the language that I am about to put in respect to an adjournment and have agreed unofficially, but let me put it now for his consideration and that of the Senate.

I ask unanimous consent that, if the Senate adjourns today, when it convenes on Monday, September 24, the reading of the Journal be dispensed with, that no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be special orders in favor of Senator PROXMIRE and Senator BENTSEN for not to exceed 15 minutes each, to be followed by a period for the transaction of routine morning business to extend not past 1 hour after the convening time with Senators permitted to speak therein for not more than 10 minutes each, and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 1 P.M. ON MONDAY, SEPTEMBER 24, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 1 p.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, could I inquire of the minority leader if he has anything else to address the Senate?

Mr. BYRD. Mr. President, I have nothing else. I thank the distinguished majority leader, however, for bringing the Senate in on Monday at the hour stated. The convening hour will accommodate most of the Members on my side of the aisle.

The distinguished majority leader did not feel that he could have the cloture vote occur late in the day for reasons that are best known to him and to me and, therefore, realizing that by using the adjournment motion as a tool, he could have brought the Senate in earlier and could, under rule XXII, have forced the cloture vote earlier than 2 p.m., I have no objection. I thank him again.

Mr. BAKER. Mr. President, I thank the minority leader.

Let me say now to the minority leader that there are certain other matters that appear to be cleared for action routinely and if the minority leader is prepared at this time to consider them, I will identify those items.

Mr. BYRD. Mr. President, I am prepared.

Mr. BAKER. I thank the minority leader.

TITLE AMENDMENT TO H.R. 3398

Mr. BAKER. Mr. President, I ask unanimous consent that it be in order to amend the title of H.R. 3398, which passed the Senate on yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amend the title so as to read "An Act to amend the trade laws, authorize the negotiation of trade agreements, extend trade preferences, change the tariff treatment with respect to certain articles and for other purposes."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

INDIAN FINANCING ACT AMENDMENTS

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2614.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Indian Financing Act Amendments of 1984".

SEC. 2. Section 101 of the Indian Financing Act of 1974 (25 U.S.C. 1461) is amended by striking out "which are not members of or eligible for membership in an organization which is making loans to its members".

SEC. 3. Section 105 of the Indian Financing Act of 1974 (25 U.S.C. 1465) is amended by striking out "United States: *Provided*, That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a)" and inserting in lieu thereof "United States".

SEC. 4. Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended by striking out "who are not members of or eligible for membership in an organization which is making loans to its members".

SEC. 5. Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended—

(1) by striking out "$100,000" in the fourth sentence and inserting in lieu thereof "$350,000",

(2) by inserting the following sentence after the first sentence: "The Secretary shall review each loan application individually and independently from the lender.".

SEC. 6. Section 211 of the Indian Financing Act of 1974 (25 U.S.C. 1491) is amended by striking out "sections: *Provided*, That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a)" and inserting in lieu thereof "section".

SEC. 7. Section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497) is amended by adding at the end thereof the following new subsection:

"(e) There are authorized to be appropriated for each fiscal year beginning in fiscal year 1985 such sums as may be necessary to fulfill obligations with respect to losses on loans guaranteed or insured under this title. All collections shall remain until expended.".

SEC. 8. Section 302 of the Indian Financing Act of 1974 (25 U.S.C. 1512) is amended to read as follows:

"There are authorized to be appropriated for fiscal year 1985, and for each fiscal year thereafter, an amount which does not exceed $5,500,000 for purposes of making interest payments authorized under this title. Sums appropriated under this section, shall remain available until expended.".

SEC. 9. Section 402(a) of the Indian Financing Act of 1974 (25 U.S.C. 1522) is amended to read as follows:

"No grant in excess of $100,000 in the case of an Indian and $250,000 in the case of an Indian tribe, or such lower amount as the Secretary may determine to be appropriate, may be made under this title.".

SEC. 10. Section 403 of the Indian Financing Act of 1974 (25 U.S.C. 1523) is amended to read as follows:

"There are authorized to be appropriated not to exceed the sum of $10,000,000 per year for fiscal year 1986 and each fiscal year thereafter for the purposes of this title.".

SEC. 11. The Secretary, in his discretion, may require security other than bonds required by the Miller Act (40 U.S.C. 270a) when entering into a contract with an Indian-owned economic enterprise pursuant to the provisions of the Act of June 25, 1910 (25 U.S.C. 47), for the construction, alteration, or repair of any public work of the United States: *Provided*, That, the alternative form of security provides the United States with adequate security for performance and payment.

SEC. 12. Section 501 of the Indian Financing Act of 1974 (25 U.S.C. 1541) is amended to read as follows:

"Prior to and concurrent with the making or guaranteeing of any loan under subchapters I and II of this chapter and with the making of a grant under subchapter IV of this chapter, the purpose of which is to fund the development of an economic enterprise, the Secretary shall insure that the loan or grant applicant shall be provided competent management and technical assistance for preparation of the application and/or administration of funds granted consistent with the nature of the enterprise proposed to be or in fact funded.".

SEC. 13. Section 503 of the Indian Financing Act of 1974 (25 U.S.C. 1543) is amended to read as follows:

"For the purpose of entering into contracts pursuant to section 502 of this title in fiscal year 1985, the Secretary is authorized to use not to exceed 5 per centum of any funds appropriated for any fiscal year pursuant to section 302 of this Act. For fiscal year 1986 and for each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.".

Amend the title so as to read: "An Act to reauthorize and amend the Indian Financing Act.".

Mr. HATFIELD. Mr. President, I rise today to express my support for S. 2614, a bill to amend the Indian Financing Act, and to urge its adoption by the Senate. This legislation is needed to reauthorize the Bureau of Indian Affairs loan guarantee and interest subsidy programs. These programs are rapidly becoming the cornerstone of economic development for the American Indian people.

In April, I joined with Senator MARK ANDREWS, chairman of the Select Committee on Indian Affairs, in cosponsoring S. 2614, which passed the Senate on June 8, 1984. The bill we now have before us is a perfected version of that legislation which was developed through close consultation between the House Interior and Insular Affairs Committee, the Senate Select Committee on Indian Affairs, and the Bureau of Indian Affairs.

Essentially, Mr. President, S. 2614 adjusts the funding mechanics for the BIA's loan guarantee and interest subsidy programs so that these benefits instruments can continue to be used in a cost-effective manner to assist the expanding economic development which is occurring throughout Indian country. The Loan Guarantee Program reauthorized by this bill is particularly important because it will play an increasingly central role in the economic progress of Indian tribes. This shift in emphasis is being brought about by an encouraging change in the nature of tribal business undertakings. In the past, tribes saw few alternatives but to turn to the Federal Government for the direct financing of their development projects. In large part, this was due to a tribe's lack of business experience and uncertainty about the involvement on the reservation of non-Indian business and lending organizations.

Today, tribes are rapidly gaining solid business experience and expertise. As their knowledge grows, their awareness of the economic potential of their reservations also grows, and, increasingly, they are making the entrepreneurial commitment to grasp those opportunities. Most importantly, these tribal ventures are sound business propositions that can stand on their own without the need of direct Federal financial assistance.

Although the trend is only beginning, it is heartening to see the Indian business community moving away from reliance on Federal loans and subsidies for its success. With confidence and know-how, tribes are turning to banks and other customary lending institutions for financing, and banks, finding tribal development proposals solid and well planned, are responding positively.

As the tribes are finding their way into the field of business finance, the financial institutions are being exposed, often for the first time, to tribal governments, their lands, their people, and the unique relationship between tribes, tribal lands, and the Federal Government. These special circumstances can pose certain hindrances to private lenders who customarily expect their loans to be secured through some accessible collateral interest which is owned by the loan recipient. If the rights essential to tribal recognition also prevent private lenders from realizing a true security interest for their loans, private finance and tribal economic development could seem at an impasse, despite the desire of each side to work together.

It is Federal guarantees for private loans to tribes that resolves this difficulty and opens up the capabilities of lending institutions to tribal borrowers. Without the guarantees, the tribes would have almost no alternative but to rely solely on the direct Federal assistance to address the growing economic development requirements of the American Indian people. The BIA's loan guarantee program, with a default rate of 5 percent on $90 million worth of guaranteed loans to date, is a success not often emulated among private lenders. Tribal loan applications must not only be accepted by the lending banks, but must also be approved by the BIA guarantors, who are responsible to both the tribes for protecting their interests and the Congress for properly administering the program. As a result, it is a program with high standards and reflects well on the tribes, their economic ventures and the private lenders which finance them.

Mr. President, I cosponsored this legislation because I believe it contains an element, the BIA loan guarantee program, which is essential to the future prosperity and self-sufficiency of the Indian people. I appreciate this opportunity to expand on the reasons for my support, and I urge my colleagues to join with me in passing S. 2614.

AMENDMENT NO. 4390

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments with a further amendment which I send to the desk on behalf of Senator ANDREWS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER] on behalf of Mr. ANDREWS proposes an amendment numbered 4390.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

In section 503 of the Indian Financing Act of 1974 (as amended by section 13 of the matter proposed to be inserted by the amendment of the House Representatives to the text of the bill), strike out "5 per centum" and insert in lieu thereof "6 percent".

The PRESIDING OFFICER. Without objection, the motion is agreed to.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. BAKER. Mr. President, I now ask that the Chair lay before the Senate House Joint Resolution 392.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 392) to designate December 7, 1984 as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on third reading and passage of the joint resolution.

There being no objection, the joint resolution (H.J. Res. 639) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NARCISO ARCHILA NAVARRETE

The Senate proceeded to consider the bill (H.R. 5343) for the relief of Narciso Archila Navarrete.

Mrs. KASSEBAUM. Mr. President, I want to express my support for H.R. 5343, a private bill for the relief of Narciso Archila Navarrete and Juan Archila Navarrete. This legislation will permit Narciso, now 17 years old, to be classified as a child within the meaning of the Immigration and Nationality Act so that he may be legally adopted by my constituents David and Susanna Yoder. Narciso and his broth-

er Juan have been orphaned since 1978, at which time they entered an orphanage in El Salvador operated by the Yoders. It is my understanding that tensions in that country have forced the closing of the orphanage, and all the other children residing there have been placed at this time. The Navarrete brothers have been a part of the Yoder family for nearly 2 years, and the couple is very anxious to bring them home to Kansas. The home study conducted of the family was extremely positive in its assessment of the environment provided for the boys by the Yoders.

This legislation has been carefully reviewed by the House Judiciary Committee and its Subcommittee on Immigration, and the State Department has submitted a favorable report. I would like to express my sincere thanks to Senators THURMOND, SIMPSON, and BIDEN of the Senate Judiciary Committee for their cooperation and assistance I bring in this measure promptly to the Senate floor. The assistance of Senators BAKER and BYRD in assuring expedited consideration of this measure is also greatly appreciated.

The bill was ordered to a third reading, read the third time, and passed.

JOSEPH KAREL HASEK

The bill (H.R. 1362) for the relief of Joseph Karel Hasek was considered, ordered to a third reading, read the third time, and passed.

TEODORO N. SALANGA, JR.

The bill (H.R. 1150) for the relief of Teodoro N. Salanga, Jr., was considered, ordered to a third reading, read the third time, and passed.

ANDREW AND JULIA LUI

The bill (H.R. 1236) for the relief of Andrew and Julia Lui was considered, ordered to a third reading, read the third time, and passed.

VARIABLE INTEREST RATES FOR INDIAN FUNDS HELD IN TRUST

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2000.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2000) entitled "An act to allow variable interest rates for Indian funds held in trust by the United States", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the first section of the Act of February 12, 1929 (25 U.S.C. 161a), is amended to read as follows: "That all funds held in trust by the United States and carried in principal accounts on the books of the United States Treasury to the credit of Indian tribes shall be invested by the Secretary of the Treasury, at the request of the Secretary of the Interior, in public debt securities with maturities suitable to the needs of the fund involved, as determined by the Secretary of the Interior, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

THE CALENDAR

Mr. BAKER. Mr. President, may I say to the minority leader there are three resolutions that are cleared on this side for action by unanimous consent. They are Calendar Nos. 1209, 1210, and 1211. Will the minority leader permit me to consider those en bloc?

Mr. BYRD. Mr. President, I thank the majority leader.

The three messages have been cleared on this side.

Mr. BAKER. I thank the minority leader.

NATIONAL OSTEOPATHIC MEDICINE WEEK

The joint resolution (S.J. Res. 310) to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 310

Whereas osteopathic medicine has been practiced in the United States since 1874 and is based upon the philosophy that every patient should receive complete personal health care;

Whereas the osteopathic profession is dedicated to providing comprehensive health services to entire families, while stressing the uniqueness of each individual;

Whereas more than twenty thousand osteopathic physicians practice throughout the United States, emphasizing primary health care while also representing all medical specialties, caring for more than thirty-five million Americans;

Whereas over two hundred osteopathic hospitals are located in thirty-one States with more than twenty-five thousand beds, providing comprehensive care to approximately eight hundred and seventy-seven thousand patients, and annually accounting for some six and one-half million patient-days of care to the American public; and

Whereas fifteen colleges of osteopathic medicine located throughout the United States currently enroll nearly six thousand students engaged in an education emphasizing a holistic approach to health, focusing (both in didactic and clincal training) on family, community, and preventative medicine, and inceasingly, providing a biomedical and behavioral research component: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 16, 1984, is designated "National Osteopathic Medicine Week". The President is requested to issue a proclamation calling upon all Government agencies and people of the United States to observe this week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANNIVERSARY OF THE NAVAL WAR COLLEGE

The resolution (S. Res. 436) to commemorate the 100th anniversary of the Naval War College in Newport, RI, was considered.

Mr. PELL. Mr. President, I rise in strong support of Senate Resolution 436, a resolution commemorating the 100th anniversary of the world's foremost center of military study, the U.S. Naval War College in Newport, RI. I introduced Senate Resolution 436 on September 6 with my distinguished colleague, Senator CHAFEE. The resolution was ordered reported by the Judiciary Committee on September 20 and has won the cosponsorship of 42 of my colleagues.

The State of Rhode Island has been honored to serve as the home for the War College, which was not only the first such institution in the United States, but the first Naval War College anywhere in the world. From its earliest years, the War College has been renowned throughout the world for its leadership in military affairs and for its highly motivated student body and superb faculty. Each year the Navy entrusts to the War College the most promising of its midcareer officers, the greatest single asset it possesses for the future. My State is proud to serve as a temporary home to the more than 500 students annually attending the War College, and we take further pride in the fact that so many War College graduates have chosen to make Rhode Island their permanent home upon completion of their naval careers.

It would be difficult to overestimate the impact the War College has had on our military history. Early in this century our emergence as a global power was greatly influenced by the Naval War College lectures of Alfred Thayer Mahan. Our victory over the Japanese in World War II was greatly aided by the simulated war games enacted at the War College by Admirals King, Nimitz, Halsey, Spruance, and

many others. Today, with increased emphasis on decisionmaking skills and an expanded curriculum, the War College has been an imaginative participant in the strengthening of our naval forces and is dedicated to building the Navy of the 21st century.

I urge my colleagues to join in supporting this resolution saluting the many achievements and contributions of the U.S. Naval War College.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 436

Whereas in naval circles, both in the United States and throughout the world, the United States Naval War College is one of our best known institutions, highly respected, and eagerly sought after by officers competing for admission to its highly selective ranks;

Whereas the Naval War College from its very inception has had a singular impact on naval planning and wartime strategy, particularly on the buildup of United States naval forces at the beginning of this century as a result of the influence of Alfred Thayer Mahan and subsequently in the development of United States planning for the War in the Pacific (1941-45);

Whereas in the complexities of the post World War II environment and the nuclear age the Naval War College has continued to have a major impact on United States military and strategic thinking;

Whereas the Naval War College throughout its existence has attracted the very highest caliber students and faculty, and has contributed to international understanding through courses of study for officers from allied nations; and

Whereas the Naval War College, as the oldest college of its kind in the world, continues to face the challenge of providing inspiring leadership and innovative thinking to the naval affairs of our Nation, and dedicates itself to building the Navy of the twenty-first century: Now, therefore, be it

Resolved, That the Senate commemorates the Naval War College in Newport, Rhode Island, on the occasion of its 100th anniversary.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WOMEN IN AGRICULTURE WEEK

The joint resolution (H.J. Res. 554) to designate the week of November 11, 1984, through November 17, 1984, as "Women in Agriculture Week," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE RETURNED TO CALENDAR—SENATE RESOLUTION 66

Mr. BAKER. Mr. President, Senate Resolution 66 would be pending once more, when the present measure is disposed of; that is to say, the Labor-HHS appropriations bill. I have no desire to do that.

As I indicated earlier, Mr. President, I ask unanimous consent that Senate Resolution 66 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, may I say to the minority leader that we have a few items on today's Executive Calendar which appear to be cleared for action routinely.

Is the minority leader in a position to clear all, or any part, of the Executive Calendar today?

Mr. BYRD. Mr. President, the minority leader is ready to proceed with all nominations, beginning on page 6, under the Air Force, continuing through page 7, page 8, page 9, and page 10, nominations thereon, and page 10 having to do with those placed on the Secretary's desk.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on today's Executive Calendar beginning with item 978, the first item under the Air Force; continuing through all of the items on page 7, page 8, page 9, and those nominations placed on the Secretary's desk.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

AIR FORCE

The legislative clerk read the following nominations in the Air Force:

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601 and additional duty as senior U.S. Air Force member, Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, section 711:

To be lieutenant general

Maj. Gen. Robert H. Reed.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Howard W. Leaf.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Robert W. Bazley.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Monroe W. Hatch, Jr.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. William E. Brown.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. James R. Brown.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

ARMY

The legislative clerk read the following nominations in the Army:

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. James E. Beal.
Brig. Gen. Ralph W. Coan.
Brig. Gen. Richard E. Leithiser.
Brig. Gen. Theordore W. Paulson.
Brig. Gen. Elvin J. Schofield.
Brig. Gen. Charles J. Whisnant.

To be brigadier general

Col. Dionel E. Aviles.
Col. George J. Busch.
Col. Vance Coleman.
Col. Richard E. Collier.
Col. Israel Drazin.
Col. Andrew N. Farley.
Col. William A. Gantt, Jr.
Col. Jerry J. Josten.
Col. Homer A. Johnson.
Col. John L. Kotcho.
Col. Roger L. Kresge.
Col. William H. Reiff.
Col. Mark W. Tenney.
Col. Paul E. Vallely.
Col. Leonard A. Walker.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. James E. Moore, Jr.

The following-named officer to be placed on the retired list in grade indicated under

the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Edward A. Partain.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Louis C. Menetrey.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk read the nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy:

Air Force nominations beginning Maj. Billy C. Bearden, and ending Maj. William F. Dudley, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Air Force nomination of James L. Sterrett, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Air Force nomination of John M. Levinson, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1984.

Army nominations beginning Frank A. Cammarata, and ending William Hogans, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Army nominations beginning Joseph J. Battle, and ending Robert B Robeson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Marine Corps nominations beginning Thomas D. Affourtit, and ending Ivan P. Zimmer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Marine Corps nominations beginning William H Harris, and ending Harry D. Kent, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1984.

Navy nominations beginning Honorato M. Aguila, and ending Mary Elizabeth Tiedeman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Navy nominations beginning Robert G. Allen, Jr, and ending Reggie Arthur Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Navy nominations beginning Roger W. Bache, and ending Kathleen C. Chew, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Navy nominations beginning Lynn Lewis, and ending William Schumer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1984.

Navy nominations beginning Michael G. Fraunces, and ending Geza T. Terezhalmy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1984.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON MANUFACTURED HOUSING—MESSAGE FROM THE PRESIDENT—PM 169

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, transmitting, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

In accordance with Section 626 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, I am transmitting the Sixth Report on Title VI of the Housing and Community Development Act of 1974 (Manufactured Housing).

RONALD REAGAN.

THE WHITE HOUSE, *September 21, 1984.*

ANNUAL REPORT ON PROGRESS IN SPACE AND AERONAUTICS—MESSAGE FROM THE PRESIDENT—PM 170

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit the report of the Nation's progress in space and aeronautics during calendar 1983, *Aeronautics and Space Report of the President, 1983 Activities.* It is provided in accordance with Section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476).

The quest for knowledge about and beyond the earth, as well as profitable use of that knowledge, advanced in 1983. In the 25th anniversary year of the formal founding of the Nation's space program, four operational flights of the Space Shuttle expanded service to the government for civil use and for national security. They also served the private sector for commercial advantage and for university research. The first Shuttle flight of the reusable laboratory Spacelab was, in addition, a triumph of international cooperation. Built by the European Space Agency and flown by NASA, Spacelab carried both U.S. and European scientific experiments and crew; the largest crew yet launched into space included among its six members the first European to orbit in a U.S. spaceraft. On an earlier mission, the first American woman astronaut in space helped launch two satellites from the Shuttle.

Twenty-seven satellites launched during 1983, five of them from the Shuttle, went to work in communications, navigation, weather forecasting, and space science. One of these made numerous discoveries about the universe as it surveyed the entire sky.

Aeronautical research continued to develop technology to maintain the preeminence of civil and military aviation and the predominance of U.S.-built aircraft in the world's commercial fleet.

The Nation can be proud of 25 years of achievements, as well as these and others reported for 1983.

RONALD REAGAN.

THE WHITE HOUSE, *September 21, 1984.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 10:35 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has

signed the following enrolled bills and joint resolutions:

S. 277. An act for the relief of Marlon Dolon Opelt;

S. 301. An act for the relief of Kim Hae Ok Heimberger;

S. 435. An act for the relief of Joseph Antonio Francis;

S. 514. An act for the relief of Seela Jeremiah Piula;

S. 598. An act to authorize a land conveyance from the Department of Agriculture to Payson, Arizona;

S. 692. An act for the relief of Charles Guadencio Beeman, Paul Amado Beeman, Elizabeth Beeman, and Joshua Valente Beeman;

S. 798. An act for the relief of Grietje Rhea Pietens Beumer, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer;

S. 1060. An act for the relief of Samuel Joseph Edgar;

S. 1140. An act for the relief of Patrick P. W. Tso, Ph.D.;

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes; and

H.J. Res. 453. Joint resolution designating the week of September 30 through October 6, 1984, as "National High-Tech Week".

The enrolled bills were subsequently signed by the President pro tempore [Mr. THURMOND].

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5899) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DIXON, Mr. NATCHER, Mr. STOKES, Mr. WILSON, Mr. LEHMAN of Florida, Mr. SABO, Mr. WHITTEN, Mr. COUGHLIN, Mr. GREEN, Mr. ROGERS, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bill:

H.R. 3755. An act to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process.

The message further announced that the Speaker appoints Mr. TAUKE as an additional conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4164) entitled "An Act to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes."

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 304. Joint resolution to designate the month of October 1984 as "National Quality Month";

S.J. Res. 333. Joint resolution to designate September 21, 1984, as "World War I Aces and Aviators Day"; and

S.J. Res. 340. Joint resolution to designate the week of September 23, 1984 as "National Historically Black Colleges Week".

The message further announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2671. An act for the relief of Edgar Gildardo Herrera;

H.R. 3880. An act to amend the Energy Policy and Conservation Act with respect to the strategic petroleum reserve by requiring testing of drawdown and distribution of the reserve;

H.R. 4025. An act to authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes;

H.R. 5164. An act to amend the National Security Act of 1947 to regulate public disclosure of information held by the General Intelligence Agency, and for other purposes;

H.R. 5655. An act to amend the Controlled Substances Act to strengthen the authority to prevent diversion of controlled substances, and for other purposes;

H.R. 5959. An act to amend the Safe Drinking Water Act;

H.R. 6064. An act to change the tariff treatment with respect to certain articles, and for other purposes; and

H.J. Res. 649. Joint resolution changing the date for the counting of the electoral votes in 1985.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 42. Concurrent resolution expressing the sense of the Congress with respect to honorary South African consulates in the United States; and

H. Con. Res. 298. Concurrent resolution expressing the sense of the Congress with respect to recent actions by the South African Government to rescind the Namibian Supreme Court's jurisdiction to hear an application for the release of prisoners held in the interment camp near Mariental, Namibia.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 2:21 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 2155. An act to designate certain national forest system lands in the State of Utah for inclusion in the National Wilderness Preservation System to release other forest lands for multiple use management, and for other purposes;

S.J. 304. Joint resolution to designate the month of October 1984, as "National Quality Month";

S.J. Res. 333. Joint resolution to designate September 21, 1984, as "World War I Aces and Aviators Day";

S.J. Res. 340. Joint resolution to designate the week of September 23, 1984 as "National Historically Black Colleges Week"; and

H.J. Res. 545. Joint resolution designating the week of September 16 through 22, 1984 as "Emergency Medicine Week."

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2671. An act for the relief of Edgar Gildardo Herrera; to the Committee on the Judiciary.

H.R. 3880. An act to amend the Energy Policy and Conservation Act with respect to the strategic petroleum reserve by requiring testing of drawdown and distribution of the reserve; to the Committee on Energy and Natural Resources.

H.R. 4025. An act to authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes; to the Committee on Environment and Public Works.

H.R. 5656. An act to amend the Controlled Substances Act to strengthen the authority to prevent diversion of controlled substances, and for other purposes; to the Committee on the Judiciary.

H.R. 6064. An act to change the tariff treatment with respect to certain articles, and for other purposes; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 42. Concurrent resolution expressing the sense of the Congress with respect to honorary South African consulates in the United States; to the Committee on Foreign Relations.

H. Con. Res. 298. Concurrent resolution expressing the sense of the Congress with respect to recent actions by the South African Government to rescind the Namibian Supreme Court's jurisdiction to hear an application for the release of prisoners held in the internment camp near Mariental, Namibia; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The Committee on Armed Services was discharged from further consideration of the following bill; which was placed on the calendar:

H.R. 4968. An act to provide for the conveyance by the Secretary of Energy of surface rights to certain parcels of land located on National Petroleum Reserve Numbered 2

in the State of California on which private residences are located.

The Committee on the Judiciary was discharged from the further consideration of the following joint resolution; which was placed on the calendar:

H.J. Res. 606. Joint resolution to designate the week of October 14, 1984, through October 21, 1984, as "National Housing Week."

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5164. An act to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency, and for other purposes.

H.R. 5959. An act to amend the Safe Drinking Water Act.

ENROLLED BILLS PRESENTED

The Secretary reported that on today, September 21, 1984, he had presented to the President of the United States the following enrolled bills:

S. 277. An act for the relief of Marlon Dolon Opelt;

S. 301. An act for the relief of Kim Hae Ok Heimberger;

S. 435. An act for the relief of Joseph Antonio Francis;

S. 514. An act for the relief of Seela Jeremiah Piula;

S. 598. An act to authorize a land conveyance from the Department of Agriculture to Payson, AZ;

S. 692. An act for the relief of Charles Guadencio Beeman, Paul Amado Beeman, Elizabeth Beeman, and Joshua Valente Beeman;

S. 798. An act for the relief of Grietje Rhea Pietens Beumer, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer;

S. 1060. An act for the relief of Samuel Joseph Edgar;

S. 1140. An act for the relief of Patrick P. W. Tso, Ph.D.;

S. 2155. An act to designate certain national forest system lands in the State of Utah for inclusion in the National Wilderness Preservation System to release other forest lands for multiple use management, and for other purposes;

S.J Res. 304. Joint resolution to designate the month of October 1984, as "National Quality Month";

S.J. Res. 333. Joint resolution to designate September 21, 1984, as "World War I Aces and Aviators Day";

S.J. Res. 340. Joint resolution to designate the week of September 23, 1984, as "National Historically Black Colleges Week".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2892: A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Rept. No. 98-631); pursuant to the order of September 21, 1984, referred to the Committee on Finance for the consideration of title II.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON (for himself, Mr. EVANS, Mr. ROTH, Mr. HEINZ, Mr. ANDREWS, Mr. TRIBLE, Mr. BOSCHWITZ, and Mr. HEFLIN):

S. 3013. A bill to provide that certain activities performed in space and certain articles produced in space shall be treated as activities performed and articles produced within the United States for purposes of any tax or customs law of the United States, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. BENTSEN):

S. 3014. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON (for himself, Mr. EVANS, Mr. ROTH, Mr. HEINZ, Mr. ANDREWS, Mr. TRIBLE, Mr. BOSCHWITZ, and Mr. HEFLIN):

S. 3013. A bill to provide that certain activities performed in space and certain articles produced in space shall be treated as activities performed and articles produced within the United States for purposes of any tax or customs law of the United States, and for other purposes; to the Committee on Finance.

SPACE DEVELOPMENT ACT

● Mr. GORTON. Mr. President, today I am introducing, along with my colleagues, Senators HEFLIN, EVANS, TRIBLE, ROTH, ANDREWS, HEINZ, and BOSCHWITZ, the Space Development Act of 1984, a bill which would give to U.S. commercial space activities the same tax and customs treatment enjoyed by U.S. commercial terrestrial activities.

Our Nation's space program is maturing to the point that companies, many of which have never participated in any space ventures, are now seriously considering the opportunities that exist in space-based research and development and space-based manufacturing. These opportunities are made possible by the airless and weightless environment of space, which will allow certain products to be developed more efficiently in space than is possible on Earth. In fact, two companies are already experimenting aboard the space shuttle to develop greater and purer quantities of a hormone to treat diseases. Other potential benefits that are likely to materialize from space commerce are the development of ultra/pure semiconductor crystals for the computer industry, stronger and lighter alloys, and advanced communications technologies.

However, the private sector is faced with certain unintentional barriers which have delayed their entry into these long-term, high-risk space ventures. In particular, the tax and customs laws contain provisions which were written before commercial space activities were even envisioned. Now, with the emergence of commercial space activities, the interpretation of these provisions has been inappropriately extended to cover these activities. To clarify these revenue regulations and to assist the private sector in the commercial development of space, the President has announced the national policy on the commercial use of space. This policy includes several economic and regulatory initiatives to encourage private sector investment and involvement in space activities.

Mr. President, this bill that I am introducing would implement two of these initiatives. The intent of this bill is to provide commercial space entrepreneurs with tax and customs treatment that is equal, not preferential, to that treatment enjoyed by those who do business on Earth.

This legislation would:

First, permit the use of investment tax credits [ITC] and accelerated depreciation [ACRS] for U.S. investments in space as if on Earth; and

Second, permit products manufactured in space on U.S. spacecraft by U.S. companies to enter the United States without paying an import duty.

The future of U.S. private sector investment in space depends on eliminating the current unintentional and unforeseen discriminations in tax and customs laws and regulations. If our Nation expects to realize the benefits of space manufacturing and space-based research and development, we must clarify our laws so that they do not discriminate against U.S. commercial space activities.

Mr. President, this bill has been approved by the Treasury Department and by the International Trade Commission. I look forward to working with the members of the Finance Committee on this legislation, which is critical to the success of commercial space activity. I am hopeful that our efforts will lead to the creation of an investment climate that is conducive to the growth of this enterprising new era of commercial space development.●

By Mr. MOYNIHAN (for himself and Mr. BENTSEN):

S. 3014. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Finance.

HAZARDOUS SUBSTANCE RESPONSE ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce, along with my distinguished colleague Senator BENTSEN, a bill to amend the Comprehen-

sive Environmental Response, Compensation, and Liability Act [CERCLA] to establish a new tax on the disposal and long-term storage of hazardous waste. This tax would serve two purposes. It would provide an additional revenue source to finance an expanded Superfund, and it would provide a new incentive for better hazardous waste management practices.

The Superfund Program was created in 1980—by the CERCLA law—to fund the cleanup of the Nation's abandoned hazardous waste dump sites. CERCLA establishes a tax on 42 chemical feedstocks, crude oil, and imported petroleum products to finance the $1.6 billion Superfund. The tax was designed to collect 86 percent the $1.6 billion trust fund, with the remaining 14 percent coming from appropriated funds.

The current Superfund tax expires on September 30, 1985, and we are now in the process of considering legislation to reauthorize the program for 5 additional years. The Committee on Environment and Public Works, on which I serve, voted 17 to 1 on September 13, 1984, to reauthorize the Superfund Program for 5 years at a total funding level of $7.5 billion. The bill that I am introducing today would establish a so-called waste-end tax—that is, a tax on the disposal and long-term storage of hazardous waste—to take effect on January 1, 1986. The tax rates in the bill are designed to raise $1.5 billion over 5 years, or about $300 million per year.

Mr. President, as we once again address the issue of how best to finance the Superfund Program—and we look to new sources of revenue—I think it most reasonable and wise to look at this type of tax on the disposal of hazardous waste. I hope my colleagues would agree and I urge them to join me in support of such a tax.

I ask unanimous consent that the full text of the bill and a summary of the legislation be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. Short Title, This Act may be cited as the "Hazardous Substance Act of 1984".

SEC. 102. Title II of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended adding a new subtitle as follows:

"Subtitle D—Imposition of Tax on Disposal or Long-Term Storage of Hazardous Waste

"SEC. 241. Chapter 38 of the Internal Revenue Code of 1954 is amended by adding the following new subchapter:

"SUBCHAPTER D—TAX ON DISPOSAL OR LONG-TERM SHORTAGE OF HAZARDOUS WASTE

"Section 4691. Imposition of Tax
"Section 4692. Definitions
"Section 4693. Records, Statements and Returns

"SEC. 4691. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax on (1) the receipt of a hazardous waste for disposal at a qualified hazardous waste disposal facility or (2) long-term storage of a hazardous waste in a qualified hazardous waste storage facility.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be:

"(1) $45 for each ton of hazardous waste which is disposed of by landfill, in waste piles, or by surface impoundment;

"(2)b $25 for each ton of hazardous waste which is disposed of by ocean dumping or land treatment;

"(3) $5 for each ton of hazardous waste which is disposed of by underground injection;

"(4) $45 for each ton of hazardous waste which is placed in long-term storage.

"(c) ALTERNATIVE COMPUTATION OF TAX.—Under regulations provided by the Secretary, if the owner or operator of a qualified hazardous waste disposal or qualified hazardous waste long-term storage facility can establish the amount of water of the hazardous waste deposited for disposal or for long-term storage, then such owner or operator may elect to pay a tax of $50 per ton on the amount of waste deposited for disposal or storage, reduced by the weight of water, in lieu of the taxes that would otherwise be paid under this section.

"(d) EXCLUSION FOR CERTAIN WASTES.—The tax imposed by subsection (a) shall not apply to the following:

"(1) The disposal or long-term storage of wastes which are, as of the date of enactment of this Act, exempt from regulation as a hazardous waste under Section 3001 of the Solid Waste Disposal Act, as amended. In the event that any such waste is determined by the Administrator of the Environmental Protection Agency, following studies as required under Section 8002 of such Act, to pose a potential danger to human health and environment, and the Administrator of the Environmental Protection Agency promulgates regulations for the disposal of such waste, then the Administrator shall transmit to both Houses of Congress, along with such regulations, his recommendation for imposing a tax, if any, on the disposal or long-term storage of such waste. A tax shall be imposed under subsection (a) on such waste only when authorized by Act of Congress.

"(2) The disposal or long-term storage of wastes which are not, as of the date of enactment of this Act, identified or listed under Section 3001 of the Solid Waste Disposal Act. A tax shall be imposed under subsection (a) on such waste only when authorized by Act of Congress.

"(3) The disposal or long-term storage of wastes in a surface impoundment which (a) contains treated waste water during the secondary or tertiary phase of a biological treatment facility subject to a permit issued under section 402 of the Clean Water Act (or which hold such treated waste water after treatment and prior to discharge), and (b) is in compliance with generally applicable ground water monitoring requirements for facilities with permits under section 3005(c) of the Solid Waste Disposal Act.

"(4) The disposal or long-term storage of (a) any waste by any person in the course of carrying out any removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 if such disposal is carried out in accordance with a plan approved by the Administrator of the Environmental Protection Agency or the State, (b) any waste removed from any facility listed on the National Priorities List (NPL), or (c) any waste removed from a facility for which notification has been provided to the Administrator of the Environmental Protection Agency pursuant to the provisions of Section 105 or 103(c) respectively, Title I, of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

"(e) LIABILITY FOR THE TAX.—The tax imposed by this section shall be imposed on the following:

"(1) The owner or operator of the qualified hazardous waste disposal facility or qualified hazardous waste storage facility at which the hazardous waste is disposed of or stored.

"(2) In the case of hazardous waste that is required by regulation to be disposed of or stored at a qualified hazardous waste disposal facility or a qualified hazardous waste storage facility but is disposed of or stored for a long term at other than a qualified hazardous waste disposal facility or a qualified hazardous waste storage facility, the person disposing of the hazardous waste.

"(f) CREDIT FOR PRIOR TAX.—(1) A credit shall be allowed in the computation of any tax due under this section on the disposal of a hazardous waste for any tax previously paid under this section by the disposer on the long-term storage of such hazardous waste.

"(2) In the event that a person who has paid a tax under this section on the long-term storage of a hazardous waste causes such hazardous waste to be delivered to and received by another person who is the owner or operator of a qualified hazardous waste disposal facility, then such person who paid the tax on the long-term storage shall be allowed a credit for such tax in the computation of any tax subsequently due on the long-term storage or disposal of a hazardous waste.

"(3) For purposes of determining any credit allowances for fungible waste under the provisions of paragraphs (1) and (2), it shall be presumed that the last of such waste placed in a qualified hazardous waste storage facility shall be the first to be removed from such facility.

"(g) FRACTIONAL PART OF TON.—In the case of a fraction of a ton, the tax imposed by this section shall be the same fraction of the amount of such tax imposed on a whole ton.

"(h) PROSPECTIVE APPLICATION OF TAX.—The taxes imposed in this section shall not apply to the hazardous waste which is received for disposal or placed into long-term storage prior to the effective date of this Act.

"(i) TERMINATION.—The taxes imposed in this section shall not apply after September 30, 1990.

"SEC. 4692. DEFINITIONS.

"(a) DEFINITIONS.—For purposes of this subchapter:

"(1) DISPOSAL.—The term 'disposal' means the discharge, deposit, injection, dumping or placing of any hazardous waste into or on any land or water so that such hazardous waste may enter the environment. 'Disposal' shall not include the treatment or reclamation of hazardous wastes or the storage of hazardous wastes in a facility described in the definition of 'Qualified Hazardous Waste Storage Facility' below.

"(2) LONG-TERM STORAGE.—The term 'long-term storage' means remaining within the

confines of a qualified hazardous waste storage facility for one year or more. For the purpose of determining the length of time in storage, it shall be presumed in the case of fungible waste that the last waste placed in a qualified hazardous waste storage facility shall be the first to be removed from such facility.

"(3) QUALIFIED HAZARDOUS WASTE STORAGE FACILITY.—The term 'qualified hazardous waste storage facility' means any storage facility, waste pile or surface impoundment, permitting of accorded interim status under Section 3005 of the Solid Waste Disposal Act 'Qualified hazardous waste storage facilities' shall not include any hazardous waste treatment facilities.

"(4) WASTE PILE.—The term 'waste pile' is a quantity of hazardous waste heaped together as a means of storage as defined under regulations promulgated by the Administrator or the Environmental Protection Agency pursuant to Section 3005 of the Solid Waste Disposal Act.

"(5) SURFACE IMPOUNDMENT.—The term 'surface impoundment' is an impoundment in which quantities of hazardous wastes are collected as a means of storage as defined under regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to Section 3005 of the Solid Waste Disposal Act.

"(6) QUALIFIED HAZARDOUS WASTE DISPOSAL FACILITY.—The term 'qualified hazardous waste disposal facility' means any disposal facility permitted or accorded interim status under Section 3005 of the Solid Waste Disposal Act or under Section 102 of the Marine Protection, Research and Sanctuaries Act, or Part C of the Safe Drinking Water Act. 'Qualified hazardous waste disposal facility' shall not include any hazardous waste treatment facilities.

"(7) HAZARDOUS WASTE TREATMENT FACILITIES.—The term 'hazardous waste treatment facilities' means any facility employing any method, technique, or process designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to convert such waste to a non-hazardous waste.

"(8) TREATMENT.—The term 'treatment', when used in connection with hazardous waste, means a method, technique or process designed to change the physical, chemical or biological character or composition of any hazardous waste so as to convert such a waste to a non-hazardous waste; except that there may be a byproduct or residue from such method, technique or process that would be considered a hazardous waste under Section 3001 of the Solid Waste Disposal Act.

"(9) HAZARDOUS WASTE.—The term 'hazardous waste' means any waste:

"(A) identified or listed under Section 3001 of the Solid Waste Disposal Act, other than waste the regulation of which has been suspended by Act of Congress, and

"(B) subject to the recording or record-keeping requirements of Section 3002 and 3004 of such Act.

"(10) TON.—The term 'ton' means 2000 pounds.

"(11) RECEIPT.—The term 'receipt' means the act of the owner or operator of a qualified hazardous waste disposal facility by which such owner or operator, at an off-site facility, signs, or is required by regulation to sign, the manifest or shipping paper accompanying the hazardous waste, or at an on-site facility, enters, or is required to do so by regulation, the description and quantity of the hazardous waste in the qualified hazardous waste disposal facility operating record.

"(12) NON-HAZARDOUS WASTE.—The term "non-hazardous waste" means any waste that is not identified or listed as hazardous waste under Section 3001 of the Solid Waste Disposal Act. Non-hazardous waste shall include the air and water effluents permitted by the federal government or by delegated state agencies under the Clean Air Act or Clean Water Act.

"(13) RECLAMATION OF HAZARDOUS WASTES.—The term 'reclamation of hazardous waste' means any hazardous waste that is processed to recover a usable product or any such waste that is regenerated. The term also includes hazardous wastes that are employed as an ingredient (including use as an intermediate) in an industrial process to make a product. The term also includes hazardous wastes that are employed in a particular function or application as an effective substitute for a commercial product. The term does not include hazardous wastes that are reused in a manner analagous to land disposal or incineration, including but not limited to, hazardous wastes that are used to produce products that are applied to the land hazardous wastes burned for energy recovery used to produce a fuel or contained in fuels.

"SEC. 4693. RECORDS, STATEMENTS, AND RETURNS.

"Every person who disposes of, or stores hazardous wastes for one year or more subject to taxation under this subchapter shall keep records, render such statements, make such returns, and comply with rules and regulations as the Secretary may prescribe to ensure proper assessment, payment, and collection of the taxes imposed by Section 4691. The Secretary shall consult with the Administrator of the Environmental Protection Agency to ensure that records, statements, and returns required to be kept, rendered, and made under this section shall be consistent, to the extent possible, with the reports required to be submitted to the Administrator under the Solid Waste Disposal Act. The Secretary may require any person who generates, transports, disposes of, or stores hazardous wastes for one year or more and who is required to maintain records under the Solid Waste Disposal Act, the Marine Protection, Research and Sanctuaries Act or the Safe Drinking Water Act, to submit copies of such reports or make such reports available to the Secretary as required."

"Sec. 242. The Table of Subchapters for Chapter 38 of the Internal Revenue Code of 1954 is amended by adding the following at the end thereof:

"SUBCHAPTER D—TAX ON DISPOSAL OR LONG-TERM STORAGE OF HAZARDOUS WASTE"

"SEC. 243(a). EFFECTIVE DATE.—The amendments made by this Act, unless otherwise provided, shall take effect January 1, 1986.

"(b) STUDY.—Not later than January 1, 1987, and annually thereafter, through 1989, the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on the amount of revenues being collected in accordance with this subchapter and his recommendations, if any, for changes in the tax imposed under this subchapter in order to—

"(1) raise an amount of revenue equivalent to the anticipated amount of revenue from the tax originally imposed under this subchapter,

"(2) ensure that the tax is discouraging the disposal of waste in an environmentally unsound manner, and

"(3) ensure that the tax is being collected with maximum administrative feasibility."

SEC. 103. Section 221(b)(1) of the Comprehensive, Environmental Response, Compensation and Liability Act of 1980 is amended by adding a new sub-paragraph as follows:

"(F) the amounts received in the Treasury under section 4691 of the Internal Revenue Code of 1954.

OBJECTIVES

1. To provide an additional source of revenue to supplement the feedstock tax in financing an expanded Superfund.

2. To provide an incentive for better hazardous waste management practices.

TAXABLE EVENT

Receipt of hazardous waste for disposal or long-term storage (one year or more) at a qualified hazardous waste disposal or storage facility regulated under the Resource Conservation and Recovery Act (RCRA).

Disposal includes use of landfills, ocean dumping, deep well injection, land treatment, and surface impoundments. Each of these events involves the placement of hazardous waste in or on the land or water.

Long-term storage of hazardous waste for one year or more would also be taxed. This provision is included to close a potential tax loophole—that is, to discourage the placement of hazardous waste in storage as a way of avoiding the tax on disposal.

Treatment that renders hazardous waste non-hazardous and recycling waste are not taxable events.

TAXPAYER

The owner or operator of the RCRA regulated disposal or storage facility. It is the owner or operator of the facility who performs the taxable event and is currently obligated under RCRA to maintain disposal and storage records.

In the case of hazardous waste not disposed of or stored in a RCRA regulated facility, the person who disposes of the waste is required to pay the tax. This provision is included to discourage "midnight" or illegal dumping of hazardous waste—that is even a midnight dumper would be liable to pay the tax, or suffer the penalties that the IRS would impose for non-payment.

TAXABLE MATERIAL

Hazardous waste which is, at the time of enactment of this amendment, listed or defined as hazardous under the provisions of the Resource Conservation and Recovery Act.

Any wastes removed from the RCRA list will no longer be subject to the tax.

Any wastes added to the RCRA list after the date of enactment of this amendment will not be subject to the tax unless there is an Act of Congress specifying their taxation.

TAX IMPOSITION

The tax rates shall be as follows: $45 per ton for disposal by landfill, waste pile or surface impoundment; $25 per ton for disposal by ocean dumping or land treatment; $5 per ton for disposal by underground injection; and $45 per ton for long-term storage.

Note. These rates differ by method of disposal in order to take into consideration, to some extent, the water content generally found in wastes disposed of by such methods. The amendment also includes an alternative tax computation method whereby the taxpayer would also be allowed the option of calculating a dry weight tax (at

$50 per ton of dry weight) with submission of proof of water content.

REVENUE

The tax is structured to raise just over $300 million annually, or about $1.5 billion over five years.

EFFECTIVE DATE AND TERMINATION

The tax would take effect on January 1, 1986 and end on September 30, 1990.

REPORTS AND RECORDS

The amendment provides for the use, to the maximum extent possible, of existing records and reporting requirements. The RCRA requirements, ocean dumping and Underground Injection Control (UIC) regulations together provide for recordkeeping which, either as it currently exists or with slight modification, provide the necessary data and records for assessing the tax.

TAX EXCLUSIONS

High Volume, Low Toxic Wastes. Wastes currently exempted from regulation under Section 3001 of the Solid Waste Disposal Act, e.g. fly ash, mine tailings, drillings fluids, etc., are not subject to the tax under this amendment. Such wastes could only be taxed by a future Act of Congress.

Superfund Sites. Wastes removed from Superfund sites are not subject to the tax under this amendment.

Waste Water Treatment. Waste disposed of or stored in surface impoundments that are part of certain waste water treatment facilities permitted under section 402 of the Clean Water Act are not subject to tax under this amendment.

TAX CREDIT PROVISIONS

A person who has paid a tax on the long-term storage of a hazardous waste, which is subsequently disposed of and subject to the disposal tax, would be entitled to a credit for the tax paid on the storage of such waste.●

ADDITIONAL COSPONSORS

S. 2456

At the request of Mr. BRADLEY, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of S. 2456, a bill to establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine.

S. 2716

At the request of Mr. HOLLINGS, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 2716, a bill for the relief of Doctor Rajko Medenica.

S. 2857

At the request of Mr. ANDREWS, the names of the Senator from Georgia [Mr. NUNN] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2857, a bill to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program cosigned to expand their markets for honey.

S. 2958

At the request of Mr. BINGAMAN, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Tennessee [Mr. SASSER], and the Senator from Kentucky [Mr. HUDDLESTON] were added as cosponsors of S. 2958, a bill to amend the Public Works and Economic Development Act of 1965 to authorize appropriations for additional fiscal years.

SENATE JOINT RESOLUTION 309

At the request of Mr. BENTSEN, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Joint Resolution 309, a joint resolution authorizing and requesting the President to designate January 1985 as "National Cerebral Palsy Month."

SENATE JOINT RESOLUTION 339

At the request of Mr. HOLLINGS, the names of the Senator from Illinois [Mr. DIXON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Missouri [Mr. DANFORTH], the Senator from Ohio [Mr. METZENBAUM], the Senator from California [Mr. CRANSTON], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 339, a joint resolution designating March 1985 as "National Mental Retardation Awareness Month."

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. PERCY, his name, and the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution expressing the sense of the Congress that the Republic of South Africa should cease its "blackspot" policy of forcibly removing black South Africans from their legally acquired residences and relocating them, and for other purposes.

SENATE CONCURRENT RESOLUTION 133

At the request of Mrs. HAWKINS, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of Senate Concurrent Resolution 133, a concurrent resolution to express the sense of the Congress that television stations should publicize kidnapped children cases.

SENATE RESOLUTION 66

At the request of Mr. MATHIAS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Resolution 66, a resolution to establish regulations to implement television and radio coverage of proceedings of the Senate.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 395

At the request of Mr. SPECTER, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of Senate Resolution 395, a resolution urging the President to renegotiate the Vienna Convention on Diplomatic Relations to eliminate immunity for diplomats engaging in assaults with firearms or explosives.

AMENDMENTS SUBMITTED

RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

BYRD AMENDMENT NO. 4350 THROUGH 4359

(Ordered to lie on the table.)

Mr. BYRD submitted 10 amendments intended to be proposed by him to an amendment to the resolution (S. Res. 66) to establish regulations to implement television and radio coverage of proceedings of the Senate; as follows:

AMENDMENT No. 4350

At the end of the amendment, insert the following:

Notwithstanding any other provision of this resolution, the hours of coverage shall be provided from the hours of 12 noon until 3 o'clock p.m. for television and continuously at all times for radio.

AMENDMENT No. 4351

At the end of the amendment, add the following:

Notwithstanding any other provision of this resolution, the hours of coverage shall be provided from the hours of 12 noon until 4 o'clock p.m. for television and continuously at all times for radio.

AMENDMENT No. 4352

At the end of the amendment, insert the following:

In lieu of the language proposed to be inserted, insert the following:

That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with the provisions of this resolution,

(2) provided from the hours of 12 noon until 3 o'clock p.m. for television and continuously at all times for radio when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered, and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7, rule XXV, paragraph 1(n), and rule XXXIII, paragraph2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate,

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Corre-

spondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, education, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcast.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senator who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures),

(2) employ necessary expert consultants, and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and

(B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings, available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b) (1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established,

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol, and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution and S. Res. 20, Ninety-seventh Congress.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

AMENDMENT NO. 4353

At the end of the amendment, insert the following:

In lieu of the language proposed to be inserted insert the following:

That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with the provisions of this resolution,

(2) provided from the hours of 12 noon until 3 o'clock p.m. for television and continuously at all times for radio when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered, and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7, rule XXV, paragraph 1(n), and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate,

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, education, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcast.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures),

(2) employ necessary expert consultants, and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and

(B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b) (1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administra-

tion, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established,

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol, and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commerical purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution and S. Res. 20, Ninety-seventh Congress.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

This resolution shall only take effect when a procedure has been adopted to allow the Senate to waive the 3-day rule on written reports, and when a procedure has been adopted by which the time during televised sessions of the Senate is divided equally and is under the control of the Majority and Minority Leaders or their designees, and when a procedure has been adopted by which amendments can be required to be germane to the measure or matter to which they are offered, and when a procedure has been adopted by which Senate committees are precluded from meeting during televised sessions, and when the Senate has restricted the unlimited debate allowed on a motion to proceed to any measure or matter not a measure or matter to amend the Standing Rules of the Senate, and when the Senate has provided after cloture for a Senator to be able to yield back 1 hour of time, thereby reducing the 100 hour cap by 1 hour.

AMENDMENT No. 4354

At the end of the amendment, add the following:

This resolution shall only take effect when the Senate has provided after cloture for a Senator to be able to yield back one hour of time, thereby reducing the 100-hour cap by one hour.

AMENDMENT No. 4355

At the end of the amendment, add the following:

This resolution shall only take effect when a procedure has been adopted to allow the Senate to waive the 3-day rule on written reports.

AMENDMENT No. 4356

At the end of the amendment, add the following:

This resolution shall only take effect when the Senate has adopted a procedure by which amendments can be required to be germane to the measure or matter to which they are offered.

AMENDMENT No. 4357

At the end of the amendment, add the following:

This resolution shall only take effect when the Senate has adopted a procedure by which the time during televised sessions of the Senate is divided equally and is under the control of the Majority and Minority Leaders or their designees.

AMENDMENT No. 4358

At the end of the amendment, add the following:

This resolution shall only take effect when the Senate has adopted a procedure by which Senate committees are precluded from meeting during televised sessions.

AMENDMENT No. 4359

At the end of the amendment, add the following:

This resolution shall only take effect when the Senate has restricted the unlimited debate allowed on a motion to proceed to any measure or matter not a measure or matter to amend the Standing Rules of the Senate.

JOHNSTON AMENDMENT NOS. 4360 THROUGH 4364

(Ordered to lie on the table.)

Mr. JOHNSTON submitted five amendments intended to be proposed by him to amendment 4327 to the resolution, Senate Resolution 66, supra; as follows:

AMENDMENT No. 4360

In amendment number 4327, following "provided", insert: "for a maximum of one hour per day, and ".

AMENDMENT No. 4361

In amendment number 4327, following "provided", insert: "for a maximum of two hours per day, and".

AMENDMENT No. 4362

In amendment number 4327, following "provided", insert: "for a maximum of three hours per day, and".

AMENDMENT No. 4363

In amendment number 4327, following "provided", insert: "for a maximum of four hours per day, and".

AMENDMENT No. 4364

In amendment number 4327, following "considering", insert: "major".

JOHNSTON AMENDMENT NO. 4365

(Ordered to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to amendment No. 4331 to the resolution, Senate Resolution 66, supra; as follows:

In amendment number 4331, following "present" insert: "on the floor of the Senate Chamber".

JOHNSTON AMENDMENT NOS. 4366 THROUGH 4369

(Ordered to lie on the table.)

Mr. JOHNSTON submitted four amendments intended to be proposed by him to amendment No. 4326 to the resolution, Senate Resolution 66, supra; as follows:

AMENDMENT No. 4366

In amendment number 4326, following "Senate," insert: "for a maximum of one hour per day,".

AMENDMENT No. 4367

In amendment number 4326, following "Senate," insert: "for a maximum of two hours per day,".

AMENDMENT No. 4368

In amendment number 4326, following "Senate," insert: "for a maximum of three hours per day,".

AMENDMENT No. 4369

In amendment number 4326, following "Senate," insert: "for a maximum of four hours per day,".

JOHNSTON AMENDMENT NOS. 4370 THROUGH 4374

(Ordered to lie on the table.)

Mr. JOHNSTON submitted five amendments intended to be proposed by him to the resolution, Senate Resolution 66, supra; as follows:

AMENDMENT No. 4370

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) limited to coverage of debate of major issues, and".

AMENDMENT No. 4371

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided for a maximum of one hour per day, and".

AMENDMENT No. 4372

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided for a maximum of two hours per day, and".

AMENDMENT No. 4373

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided for a maximum of three hours per day, and".

AMENDMENT No. 4374

On page 2, strike lines 8 through 11, and insert in lieu thereof:

"(2) provided for a maximum of four hours per day, and".

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEAN AND COASTAL PROGRAM AUTHORIZATION ACT

PACKWOOD AMENDMENT NO. 4375

Mr. BAKER (for Mr. PACKWOOD) proposed an amendment to the bill (S. 2538) to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act".

TITLE I—NONLIVING MARINE RESOURCES

SEC. 101. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its nonliving marine resource duties under law, $2,500,000 for fiscal year 1985. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to nonliving marine resources specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving such duties. Such duties include research, development, and licensing responsibilities pertaining to ocean thermal energy conversion and the seabed mining of manganese nodules, and polymetallic sulfide analyses and research.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Deep Seabed Hard Minerals Resources Act (30 U.S.C. 1401 et seq.), and the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), for the purpose of carrying out such duties relating to nonliving marine resources.

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM ACT

SEC. 201. (a) For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Sea Grant College Program Act (33 U.S.C. 1121 et. seq.), there are authorized to be appropriated to the Department of Commerce $42,000,000 for fiscal year 1985.

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by adding immediately after paragraph (3) the following:

"(4) For fiscal year 1985, not to exceed $1,000,000 in such fiscal year appropriated pursuant to section 212 of the National Sea Grant College Program Act may be available to carry out this section.".

TITLE III—OCEAN THERMAL ENERGY CONVERSION ACT

SEC. 301. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), there are authorized to be appropriated to the Department of Commerce $630,000 for fiscal year 1985.

TITLE IV—MISCELLANEOUS

SEC. 401. The Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203) is amended, in paragraph (1) of subsection (c) of section 307 (16 U.S.C. 1556(c)(1)), by striking "directly" and inserting in lieu thereof "significantly'.

SEC. 402. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under the Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

TITLE V—NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE ACT OF 1977

SEC. 501. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. 857-13 et seq.), there are authorized to be appropriated to the Department of Commerce $630,000 for fiscal year 1985.

NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT

PACKWOOD AMENDMENT NO. 4376

Mr. BAKER (for Mr. PACKWOOD) proposed an amendment to the amendment of the House to the amendment of the Senate to the bill (H.R. 5172) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1984 and 1985, and for related purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1985".

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 102. There are authorized to be appropriated for fiscal year 1985 to the Secretary of Commerce to carry out activities performed by the National Bureau of Standards the sums set forth in the following line items:

(1) Measurement Research and Standards, $52,030,000.

(2) Engineering Measurements and Standards, $23,194,000.

(3) Computer Science and Technology, $10,000,000.

(4) Center for Fire Research, $5,827,000.

(5) Core Measurement Research for New Technologies, $12,168,000.

(6) Technical Competence Fund, $8,598,000.

(7) Central Technical Support, $13,728,000.

EXCESS FOREIGN CURRENCY

SEC. 103. In addition to the sums authorized to be appropriated by section 102 of this title, there are authorized to be appropriated to the Secretary of Commerce $600,000 for fiscal year 1985 for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

OFFICE OF PRODUCTIVITY, TECHNOLOGY, AND INNOVATION

SEC. 104. (a) In addition to the sums authorized to be appropriated by sections 102 and 103 of this title, there are authorized to be appropriated to the Secretary of Commerce $3,371,000 for fiscal year 1985 for the activities of the Office of Productivity, Technology, and Innovation.

(b) Of the sum authorized to be appropriated in subsection (a) of this section, the Assistant Secretary of Commerce for Productivity, Technology and Innovation is authorized and directed to expend $500,000 for the purpose of substantially increasing the availability of Japanese science and engineering literature to United States scientists and engineers through increased accessibility, monitoring, screening, translation, abstracting, indexing, dissemination, awareness, and marketing. In the conduct of this activity, the Assistant Secretary is authorized to make grants and, to the extent provided in advance by appropriations Acts, contracts with private for profit, nonprofit, and educational organizations and to provide funds to other government organizations, to coordinate with other government organizations, and to utilize (for all or part of this effort) the Director, staff, and facilities of the National Technical Information Service.

SALARY ADJUSTMENTS

SEC. 105. In addition to the sums authorized to be appropriated by sections 102, 103, and 104 of this title, there are authorized to be appropriated to the Secretary of Commerce for fiscal year 1985 such additional sums as may be necessary to make any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law.

AVAILABILITY OF APPROPRIATIONS

SEC. 106. Appropriations made under the authority provided in this title shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

COST RECOVERY AUTHORITY

SEC. 107. (a) Section 12(f) of the Act of March 3, 1901 (15 U.S.C. 278(f)) is amended—

(1) by striking "first"; and

(2) by inserting immediately before the period at the end thereof the following: ", and to ensure the availability of working capital necessary to replace equipment and inventories".

(b) Fees for calibration services, standard reference materials, and other comparable services provided by the National Bureau of Standards shall be at least sufficient to meet the requirements set forth in the amendments made by subsection (a) of this section, and any funds recovered in excess of such requirements shall be returned to the Treasury of the United States.

COMPENSATION OF DIRECTOR

SEC. 108. (a) Section 5 of the Act of March 3, 1901 (15 U.S.C. 274) is amended by adding at the end thereof the following: "The director shall be compensated at the rate now or hereafter in effect for level IV of the Executive Schedule, pursuant to section 5315 of title 5, United States Code.".

(b)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director, National Bureau of Standards, Department of Commerce.".

(2) Section 5316 of title 5, United States Code, is amended by striking the following item:

"Director, National Bureau of Standards, Department of Commerce.".

STRUCTURAL FAILURES

SEC. 109. The National Bureau of Standards, on its own initiative but only after consultation with local authorities, may initiate

and conduct investigations to determine the causes of structural failures in structures which are used or occupied by the general public. No part of any report resulting from such investigation shall be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report.

TITLE II

AMENDMENTS TO THE ACT OF MAY 10, 1950

SEC. 201. (a)(1) Section 3(a)(1) of the Act of May 10, 1950 (42 U.S.C. 1862(a)(1)) is amended—

(A) by striking "engineering,"; and

(B) by inserting after "other sciences," the following: "and to initiate and support research fundamental to the engineering process and programs to strengthen engineering research potential and engineering education programs at all levels in the various fields of engineering,".

(2) Section 3(a)(3) of such Act is amended—

(A) by inserting "and engineering" immediately after "scientific"; and

(B) by inserting "and engineers" immediately after "scientists".

(3) Section 3(a)(4) of such Act is amended by inserting "and engineering" immediately after "sciences".

(4) Section 3(a)(5) of such Act is amended by inserting "and fields of engineering" immediately after "sciences".

(5) Section 3(a)(6) of such Act is amended by striking "technical" each place it appears and inserting in lieu thereof "engineering".

(6) Section 3(a)(7) of such Act is amended by inserting "and engineering" immediately after "scientific".

(b) Section 3(b) of such Act is amended by inserting "and engineering" immediately after "scientific" each place it appears.

(c) Section 3(c) of such Act is amended—

(1) by inserting "and engineering" immediately after "scientific" in the first sentence; and

(2) by inserting "and engineering research" immediately after "applied scientific research" in the second sentence.

(d) Section 3(d) of such Act is amended by striking "basic research and education in the sciences" and inserting in lieu thereof "research and education in science and engineering".

(e) Section 3(c) of such Act is amended by inserting "and engineering" immediately after "sciences".

(f) Section 4(c) of such Act (42 U.S.C. 1863(c)) is amended—

(1) by inserting "and engineering" immediately after "scientific" in clause (3) of the first sentence;

(2) by inserting "and engineers" immediately after "scientists" in the second sentence; and

(3) by inserting "the National Academy of Engineering," immediately after "National Academy of Sciences,", and by inserting ", engineering," immediately after "scientific" in the third sentence.

(g) The first sentence of section 10 of such Act (42 U.S.C 1869) is amended by striking "scientific study or scientific work in the mathematical, physical, medical, biological, engineering, social, and other sciences" and inserting in lieu thereof "study and research in the sciences or in engineering".

(h) Section 11 of such Act (42 U.S.C. 1870) is amended—

(1) by inserting "or engineering" immediately after "scientific" each place it appears in subsections (c) and (i); and

(2) by inserting ", engineering," immediately after "scientific" where it first appears in subsection (g).

(i) Section 12 of such Act (42 U.S.C. 1871) is amended by inserting "or engineering" immediately after "scientific".

(j) Section 13 of such Act (42 U.S.C. 1872) is amended—

(1) by inserting "or engineering" immediately after "scientific" each place it appears; and

(2) by inserting "or engineers" immediately after "scientists" in subsection (a).

(k) Section 14 of such Act (42 U.S.C. 1873) is amended—

(1) by inserting "or engineering" immediately after "scientific" each place it appears in subsection (f); and

(2) by striking "technical" in subsection (g) and inserting in lieu thereof "engineering".

(l) Section 15(b) of such Act (42 U.S.C. 1874(b)) is amended—

(1) by striking "technical" in paragraph (1) and inserting in lieu thereof "engineering"; and

(2) by inserting "or engineering" immediately after "scientific" in paragraph (2).

(m) Section 2(b) of the Act of August 9, 1975 (42 U.S.C. 1869a(b)) is amended by inserting "or engineering" immediately after "science" each place it appears.

TITLE III

SHORT TITLE

SEC. 301. This title may be cited as the "Manufacturing Sciences and Robotics Research and Development Act of 1984".

FINDINGS

SEC. 302. (a) The Congress finds that—

(1) manufacturing contributes significantly to the Nation's gross domestic product and employs more than one-fifth of the Nation's workforce;

(2) transportation and delivery of manufactured goods are vital components of the Nation's interstate commerce;

(3) while manufacturing industries are essential to the economic well-being of the Nation, many manufacturing processes and methods are no longer capable of producing goods as reliable and cost competitive as those produced by foreign industries which utilize modern manufacturing methods and processes;

(4) domestic manufacturing is increasingly threatened by external competition and the development by foreign countries of more efficient manufacturing processes and technologies;

(5) outdated manufacturing methods and processes result in higher costs and in goods and services of inferior quality, to the detriment of consumers of such goods and services;

(6) outdated and inefficient manufacturing processes hinder domestic commerce;

(7) a decline in consumption of domestic manufactured goods due to outdated manufacturing processes produces a resultant decline in transportation;

(8) various sectors of private industry, the Federal Government, and the United States research establishment have not devoted sufficient attention to research on developing new processes and methods to improve the Nation's capability to manufacture goods;

(9) domestic manufacturers have not sufficiently utilized such recent technological changes in manufacturing as programmable automation, robotics, advanced sensors, and computer-assisted design and manufacturing; and

(10) a program to conduct research in more advanced manufacturing processes and methods and to encourage research utilization would strengthen commerce and be beneficial to the Nation's consumers.

(b) The Congress further finds that—

(1) the widespread implementation of robotics and automated manufacturing technology and other practices and activities to implement improved manufacturing methods and processes, including new metallurgical technology, and processes for new nonmetallic materials, including composite materials and ceramics, can improve productivity, enhance quality, and increase competitiveness in a wide variety of domestic manufacturing industries;

(2) because robotics and automated manufacturing systems and other practices and activities to implement improved manufacturing methods and processes, including new metallurgical technology, and processes for new non-metallic materials, including composite materials and ceramics, affect widely divergent segments of industry, a program fostering these technologies should be of broad benefit to domestic manufacturing firms;

(3) a national program of research and information dissemination in robotics and automated manufacturing systems and other practices and activities to implement improved manufacturing methods and processes, including new metallurgical technology, and processes for new non-metallic materials, including composite materials and ceramics, is essential to ensure the timely and widespread implementation of these technologies; and

(4) to ensure the success of this program, the active participation and support of industry, universities, labor, and government are required.

PURPOSE

SEC. 303. It is the purpose of this title to establish a program for conducting research and other activities which will produce more advanced manufacturing technologies and for conducting research on utilization activities to encourage widespread adoption of these technologies.

DEFINITIONS

SEC. 304. As used in this title—

(1) the term "Advisory Committee" means the Manufacturing Sciences and Technology Enhancement Advisory Committee established under section 309;

(2) the term "consortium" means a group of institutions consisting of a nonprofit research institution and such other entities as a State, or a subdivision thereof, an individual firm or industry association, any other nonprofit research institution, and a university and any other higher education institution (including a two- and four-year college);

(3) the term "Center" means a Center for Manufacturing Research and Technology Utilization established under section 305(c);

(4) the term "Office" means the Office of the Assistant Secretary for Productivity, Technology, and Innovation within the Department of Commerce;

(5) the term "robot" means a programable multifunction manipulator designed to move material, parts, tools, or specialized devices through variable programed motions for the performance of a variety of tasks;

(6) the term "robotics" means the study of robots or the practice of using robots;

(7) the term "automated manufacturing system" means two or more operating stations of robots or fixed sequence automatic machines interconnected by a transport

system, where both the operating stations and the transport system are controlled by a computer which performs such functions as production planning, task scheduling, and control of part and tool movement;

(8) the term "technology-sensitive industrial sector" means an industry whose productivity, efficiency and competitiveness, particularly in the world marketplace, is or is likely to be dependent upon the utilization of more advanced manufacturing processes and methods, as that term is used in section 305(a); and

(9) the term "secretary" means the Secretary of Commerce.

GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS

SEC. 305. (a) PURPOSES.—The Secretary, through the Office, may award grants and enter into contracts and cooperative agreements in accordance with the provisions of this section to provide for research on advanced manufacturing processes and methods, including—

(1) computer-assisted design;

(2) automated materials handling, processing, and assembly;

(3) automated testing;

(4) machine adaptive learning;

(5) integrated manufacturing systems, including interface of automated machines with automated and nonautomated machines, with production and design personnel, and with other systems (including testing devices, design systems, and inventory control systems);

(6) machine and process control strategies;

(7) automated sensing for machine and process control and product testing;

(8) new metallurgical technology;

(9) processes for new non-metallic materials, including composite materials and ceramics;

(10) practices and activities to implement improved manufacturing methods; and

(11) such other research as the Secretary determines to be consistent with the purpose of this title.

(b) GRANTS.—(1) The Secretary, through the Office, may make grants to provide for research to increase the amount of fundamental scientific and technological knowledge in fields relevant to manufacturing methods and processes. Such grants shall be made on a competitive basis to applicants who comply with such criteria as are specified in this title and as the Secretary shall establish, consistent with the purpose of this title.

(2) A recipient of such a grant may be affiliated with a nonprofit research institution, a private firm or industry association, a university or college, a Center established pursuant to subsection (c), or any other institution which the Secretary considers appropriate. Any such recipient shall not be required to provide any part of the costs of such research, unless the recipient desires to expand the scope of the research to be conducted. In such a case, the Secretary may enter into an agreement which provides for cost sharing by the recipient.

(3) Grants made under this subsection shall be based on the findings of the competitiveness study under section 308 to the extent practicable and on the recommendations of the Advisory Committee established under section 309.

(4) There are authorized to be appropriated for the purposes of this subsection not to exceed $20,000,000 for the fiscal year ending September 30, 1985, and not to exceed $30,000,000 for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988. Such funds shall remain available until expended.

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary, through the Office, may enter into cooperative agreements with consortia for the purpose of establishing and supporting Centers for Manufacturing Research and Technology Utilization. Such agreements shall be made with applicants who comply with such criteria as are specified in this title and as the Secretary shall establish, consistent with the purpose of this title.

(2) Such Centers shall conduct research of a more applied nature than the research conducted under subsection (b). Centers shall conduct research on methods of increasing the utilization by the Nation's industries of those modern manufacturing methods which may result in lower production costs or improved product quality or reliability. Such research may be directed toward problems or processes and methods appropriate to a specific industrial sector, including aerospace, microelectronics, apparel mechanical assembly, basic materials, new materials, and transportation.

(3)(A) In addition to funds received by means of a contract or cooperative agreement entered into under this subsection, a consortium may also receive funds from other Federal agencies and from public and private institutions.

(B) A consortium which enters into such a cooperative agreement shall provide support and participation in a dollar amount at least equal to the amount of the Federal contribution to be made under this subsection. For purposes of this subparagraph, the term "support and participation" includes cash or equipment contributions, industry personnel to conduct research, and access by persons in the research institutions to modern manufacturing equipment in the participating industry for research and other appropriate purposes. Any such consortium shall provide a cash or equipment contribution in an amount equal to at least 50 percent of the Federal Government's share. Contributions from the nonprofit participants of the consortium may consist of inkind contributions.

(4) In entering into agreements under this subsection, the Secretary shall consider (with respect to each such agreement)—

(A) the quality of the research which is to be undertaken as a result of the agreement;

(B) the extent of participation by industry in the research to be undertaken as a result of the agreement;

(C) the size of the industrial sector involved and the potential impacts on the productivity of that industrial sector as a result of successful research undertaken through the agreement, as well as the subsequent development and utilization of the manufacturing methods and processes to be studied as part of such research; and

(D) the extent to which entering into the agreement would be likely to increase the number of scientific and technical personnel capable of utilizing modern manufacturing methods and processes.

In addition, the Secretary shall consider the extent to which the industrial sector involved is presently competitively disadvantaged as a result of foreign technological advances and shall ensure diversity among the industrial sectors which are the subject of the research conducted under any such agreement, as well as geographic dispersion of the Centers established and supported under this subsection.

(5) Cooperative agreements entered into under this subsection shall be based on the findings of the competitiveness study under section 308 to the extent practicable and on the recommendations of the Advisory Committee established under section 309.

(6) There are authorized to be appropriated for the purposes of this subsection not to exceed $15,000,000 for the fiscal year ending September 30, 1985, and not to exceed $25,000,000 for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988. Such funds shall remain available until expended.

(d) CONTRACT AUTHORITY.—To the extent provided in advance by appropriations Acts, the Secretary, under such regulations as the Secretary may prescribe, may enter into contracts with applicants to effectuate the purpose of this title.

(e) FEDERAL RESEARCH CENTER ON ROBOTICS AND AUTOMATED MANUFACTURING.—(1) There shall be a Federal Research Center on Robotics and Automated Manufacturing at the National Bureau of Standards. The Research Center shall focus its research and development on (A) measurements and standards required in robotics and automated manufacturing systems, including interface standards for integrated robot systems, and (B) systems integration, reliability, and performance.

(2) The Research Center shall coordinate its research activities with the Centers established under subsection (c) and shall share information through meetings, exchange of scientists, and network computer systems.

(3) The Director of the Research Center shall meet at least annually with the directors of the Centers established under subsection (c) to exchange specific plans and programs for the upcoming year to coordinate activities.

ROBOTICS AND AUTOMATED MANUFACTURING

SEC. 306. (a) SUPPORT.—The Secretary is authorized to support the education and training of scientists, engineers, and technicians needed for the theoretical understanding, design, construction, installation, use, and maintenance of robots and automated manufacturing systems. Such support may include, but need not be limited to, providing funds for the following: Graduate fellowships and traineeships, undergraduate scholarships, instructional equipment, the development of curricula for intramural or extramural use at undergraduate and graduate levels, and postdoctoral fellowships. Such support shall be provided on a matching basis with other sources of support, whenever possible.

(b) AUTHORIZATION.—There are authorized to be appropriated for purposes of this section not to exceed $5,000,000 for the fiscal year ending September 30, 1985, not to exceed $7,000,000 for the fiscal year ending September 30, 1986, and not to exceed $10,000,000 for each of the fiscal years ending September 30, 1987, and September 30, 1988. Such funds shall remain available until expended.

ADVANCED MANUFACTURING METHODS RESEARCH UTILIZATION PROGRAM

SEC. 307. (a) ACTIVITIES.—The Secretary shall establish a program to identify the impact on workers of enhanced utilization of technologically advanced manufacturing methods, including the potential for retraining workers who might otherwise be displaced. The Secretary may, to the extent provided in advance in appropriation Acts contract with any appropriate person or in-

stitution (including States and consortia established under section 3b(c) to carry out such program.

(b) REPORT.—Not later than 2 years after the enactment of this Act, the Secretary shall submit to the Congress a report on such program.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1985. Such funds shall remain available until expended.

COMPETITIVENESS STUDY

SEC. 308. (a) STUDY.—The Secretary shall select specific domestic technology-sensitive industrial sectors, and shall analyze such sectors' long-term capability for remaining competitive and identify technological advances which might be needed to keep such sectors competitive, especially with industries in foreign countries. In making such selection, the Secretary shall consider industrial sectors which are or are likely to be vulnerable to foreign competition, as well as sectors which are likely to experience rapid and significant growth.

(b) SUBJECTS OF STUDY.—As part of such study, the Secretary shall consider—

(1) the adequacy of technologies utilized to produce the goods and services of the sectors involved;

(2) the existence of superior foreign technologies or unique resources which yield a competitive advantage to industries in foreign countries over comparable domestic industries;

(3) the anticipated scientific and technical personnel requirements for such sectors;

(4) the adequacy of Federal laws and regulations, and the enforcement of such laws and regulations, in promoting technological innovativeness and commercial competitiveness by such sectors; and

(5) the need for changes in such laws and regulations, or enforcement of such laws and regulations, in order to promote technological innovation and competition in such sectors and to safeguard the wellbeing of the Nation and the public.

(c) CONSULTATION.—As part of such study, the Secretary shall consult with and solicit comments from both management and labor representatives of the industrial sectors which are the subject of such study.

(d) AUTHORIZATION.—There are authorized to be appropriated for purposes of this section not to exceed $2,000,000 for each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988. Such funds shall remain available until expended.

ADVISORY COMMITTEE

SEC. 309. (a) ESTABLISHMENT.—The Secretary shall establish a Manufacturing Science and Technology Enhancement Advisory Committee to advise the Secretary concerning the activities to be conducted under this title. The Advisory Committee shall have 12 members and shall include at least 3 representatives each from the manufacturing research community, from labor, and from management of technology-sensitive industrial sectors identified under the terms of this title. Such member shall receive no compensation and shall be appointed for terms of 6 years, except that of the members first appointed four shall be appointed for terms of 2 years, shall be appointed for terms of 4 years, three shall be appointed for terms of 5 years, and three shall be appointed for terms of 6 years. Any such member shall, in accordance with section 5703 of title 5, United States Code, be entitled to reimbursement for travel or transportation expenses incurred in the performance of responsibilities as a member of the AdvisoryCommittee.

(b) FUNCTIONS.—The Advisory Committee shall—

(1) recommend to the Secretary policies and selection criteria for individual industrial sectors in need of assistance under section 30b of this title;

(2) review the progress of the Secretary in meeting all the requirements of this title;

(3) assess the effectiveness of the activities funded pursuant to this title; and

(4) submit to the Secretary, at least annually, evaluations and recommendations regarding activities carried out under this title.

(c) REPORT.—The Advisory Committee shall submit to the Congress an annual report on its activities under this title.

(d) APPLICABILITY.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.)

NATURAL GAS PIPELINE SAFETY ACT AND HAZARDOUS LIQUID PIPELINE SAFETY ACT AUTHORIZATION ACT

DANFORTH AMENDMENT NO. 4377

Mr. BAKER (for Mr. DANFORTH) proposed an amendment to the amendment of the House to the bill (S. 2688) to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1985 and 1986, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

That (a) section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $3,472,000, for the fiscal year ending September 30, 1985.".

(b) Section 17(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(b)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $3,728,000, for the fiscal year ending September 30, 1985.".

SEC. 2. (a) Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $900,000, for the fiscal year ending September 30, 1985.".

(b) Section 214(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(b)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $500,000, for the fiscal year ending September 30, 1985.".

SEC. 3. (a) Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended by—

(1) striking "to the President for transmittal"; and

(2) striking "June 15" and inserting in lieu thereof "April 15".

(b) Section 213(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012(a)) is amended by—

(1) striking "to the President for transmittal"; and

(2) striking "June 15" and inserting in lieu thereof "April 15".

SEC. 4. (a) The Secretary of Transportation shall study issues relating to the transportation of methanol through the interstate liquid pipeline system in the United States and shall make recommendations for the safe and efficient transportation of methanol through such pipeline system.

(b) Such study shall include an examination of—

(1) the feasibility of such transportation;

(2) the economics and engineering of such transportation; and

(3) any environmental, health and safety problems associated with such transportation.

(c) The Secretary shall submit to the Congress a report detailing the results of such study and setting forth the Secretary's recommendations no later than 180 days after the date of enactment of this Act.

SEC. 5. Section 210 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2009) is amended by adding at the end thereof the following new subsection:

"(c)(1) The Secretary shall study the feasibility of and costs connected with requiring various methods of testing and inspecting hazardous liquid pipeline facilities subject to the provisions of this title. In carrying out such study, the Secretary shall evaluate any new technologies available for monitoring, from the outside or the inside, the condition of such facilities.

"(2) The Secretary shall make recommendations, based on the study undertaken under this subsection and on consultations between the Secretary and the Technical Hazardous-Liquid Pipeline Safety Standards Committee established under section 204 of this title, as to the frequency and type of testing and inspection of pipeline facilities which should be required, taking into account—

"(A) the location of the pipeline facilities;

"(B) the type, age, manufacturer, method of construction, and condition of the pipeline facilities;

"(C) the nature of the materials transported through the pipeline facilities, the sequence in which such materials are transported, and the pressure at which they are transported;

"(D) the climatic, geologic, and seismic characteristics of, and conditions (including soil characteristics) associated with the

areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas;

"(E) the frequency of leaks, if any;

"(F) the costs of the various available methods; and

"(G) any other factors the Secretary determines to be relevant to the safety of the pipeline facilities.

"(3) The Secretary shall submit to the Congress a report detailing the results of the study undertaken under this subsection and setting forth the recommendations made under paragraph (2) no later than one year after the date of enactment of this subsection.".

SEC. 6. (a) Each person who owns or operates interstate transmission facilities shall, within 180 days after the date of enactment of this section, submit a report to the Secretary of Transportation which—

(1) identifies the location and condition of all such pipeline facilities owned or operated by such person, the construction of which was completed before January 1, 1940; and

(2) includes the most recent leak survey information compiled by such owner or operator with respect to the pipeline facilities so identified.

(b) The Secretary shall, within 90 days after the expiration of the 180-day period referred to in subsection (a) of this section—

(1) identify, on the basis of information contained in reports submitted under subsection (a) of this section, any pipeline facilities which may be hazardous to life and property within the meaning of section 12(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679b(b)); and

(2) inspect the pipeline facilities so identified.

(c) The Secretary shall, within 120 days after the expiration of the 180-day period referred to in subsection (a) of this section, report to the Congress on—

(1) any actions taken under subsection (b) of this section; and

(2) the recommendations of the Secretary for any additional action the Secretary considers necessary with respect to the pipeline facilities referred to in subsection (a)(1) of this section, together with an estimate of the time and resources necessary for undertaking such actions.

(d) As used in this section, the term—

(1) "interstate transmission facilities" shall have the meaning given to such term in section 2(8) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(8));

(2) "person" shall have the meaning given to such term in section 2(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(1)); and

(3) "pipeline facilities" shall have the meaning given to such term in section 2(4) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(4)).

SEC. 7. (a) Section 14(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681(a)) is amended by adding at the end thereof the following: "In conducting training activities for State or local government personnel in the enforcement of regulations issued under this Act, the Secretary may not assess any charge or fee in the nature of tuition.".

(b) Section 211(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2010(a)) is amended by adding at the end thereof the following: "In conducting training activities for State or local government personnel in the enforcement of regulations issued under this Act, the Secretary may not assess any charge or fee in the nature of tuition.".

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION, 1985

BRADLEY (AND OTHERS) AMENDMENT NO. 4378

Mr. BRADLEY (for himself, Mr. DOMENICI, Mr. STAFFORD, Mr. CHILES, Mr. PELL, Mr. WEICKER, Mr. HOLLINGS, Mr. MATSUNAGA, Mr. D'AMATO, Mr. KENNEDY, and Mr. LEVIN) proposed an amendment to the bill (H.R. 6028) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes; as follows:

On page 43, between lines 21 and 22, insert the following:

SCIENCE AND MATH EDUCATION

For carrying out the provisions of title II of the Education for Economic Security Act, $200,000,000 to remain available until expended.

EAGLETON (AND OTHERS) AMENDMENT NO. 4379

Mr. EAGLETON (for himself, Mr. MOYNIHAN, Mr. STAFFORD, Mr. HATCH, Mr. PELL, Mr. CHAFEE, Mr. DURENBERGER, Mr. BRADLEY, Mr. DANFORTH, Mr. LAUTENBERG, Mr. DODD, Mr. GORTON, and Mr. CRANSTON) proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 43, between lines 21 and 22, insert the following:

For carrying out the provisions of title VII of the Education for Economic Security Act, relating to magnet schools assistance, $75,000,000: *Provided*, That not more than $5,000,000 in the fiscal year may be paid to any single eligible local educational agency: *Provided further*, That amounts appropriated under this sentence shall be available October 1, 1984.

WEICKER AMENDMENT NOS. 4380 THROUGH 4384

Mr. WEICKER proposed five amendments to the bill H.R. 6028, supra; as follows:

AMENDMENT NO. 4380

On page 27, line 16, strike "96,781,000" and insert in lieu thereof "98,781,000".

AMENDMENT NO. 4381

On page 32, line 15, after the second comma insert the following: "the Developmental Disabilities Assistance and Bill of Rights Act.".

On page 32, line 17, strike out "$1,928,004,000" and insert in lieu thereof "$2,003,704,000".

AMENDMENT NO. 4382

Page 18, line 21, after the colon, insert the following:

Provided further, That such funds as may be necessary shall be transferred from the National Health Service Corps to the Community Health Center program to pay for the salaries, benefits and other expenses associated with the private placement assignment of Corps personnel:

AMENDMENT NO. 4383

On page 45, line 25, strike out "and" and insert in lieu thereof a comma.

On page 45, line 26, after "section 619" insert a comma and the following: "and $61,000,000 for Part D of such Act, including special education supervision, administrator and research, special projects, and State education agency programs under existing grants and contracts as well as new grants and contracts as authorized by such Part D,".

AMENDMENT NO. 4384

On page 46, line 2, before the period, insert a colon and the following: *Provided*, That $500,000 of the amounts available under this heading for part F of the Education of the Handicapped Act shall be available for the Theater of the Deaf".

BYRD (AND RANDOLPH) AMENDMENT NO. 4385

Mr. BYRD (for himself and Mr. RANDOLPH) proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 15, line 13, strike "$100,730,000," and insert in lieu thereof "102,330,000".

HEINZ (AND OTHERS) AMENDMENT NO. 4386

Mr. HEINZ (for himself, Mr. CHAFEE, and Mr. CHILES) proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 43, between lines 21 and 22, insert the following:

EXCELLENCE IN EDUCATION PROGRAM

For carrying out the provisions of title VI of the Education for Economic Security Act, $10,000,000 to remain available until expended.

INOUYE AMENDMENT NO. 4387

Mr. PROXMIRE (for Mr. INOUYE) proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 17, line 22, insert the following after colon: *Provided further*, That $5,000,000 shall be available to make grants to the University of Hawaii, Honolulu, Hawaii, to plan, develop, and operate a program for the training of medical officers to serve in American Samoa and the Trust Territory of the Pacific Islands, under Section 301 of the U.S. Public Health Service Act. These funds may be used for alteration and renovation of facilities, travel, and student stipends, among other costs as necessary, for the training program, and shall remain available until expended.

BUMPERS AMENDMENT NO. 4388

Mr. PROXMIRE (for Mr. BUMPERS) proposed an amendment to the bill H.R. 6028, supra; as follows:

At the appropriate place in the bill, insert the following:

"Notwithstanding any other provision of this Act, no funds appropriated by this Act may be used to execute or carry out any contract with a non-governmental entity to administer or manage a Civilian Conservation center of the Job Corps which was not under such a contract as of September 1, 1984."

ABDNOR AMENDMENT NO. 4389

Mr. ABDNOR proposed an amendment to the bill H.R. 6028, supra; as follows:

AMENDMENT No. 4389

On page 44, line 6, strike out "$565,000,000" and insert in lieu thereof "$675,000,000".

On page 44, line 7, strike out "$20,000,000" and insert in lieu thereof "$22,000,000".

On page 44, line 10, strike out "$535,000,000" and insert in lieu thereof "$643,000,000".

On page 44, line 11, strike out "$477,000,000" and insert in lieu thereof "$565,000,000".

On page 45, line 13, before the period insert a colon and the following: *"Provided further,* That in determining entitlements under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), the local contribution rate for each local educational agency shall not be less than the local contribution rate for that agency for fiscal year 1984 increased by the percentage increase (if any) in the national average per pupil expenditure for fiscal year 1984 from fiscal year 1983: *Provided further,* That the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by striking out 'October 1, 1983' each place it appears in sections 2(a), 3(b), 4(a), and 7(a)(1) and inserting in lieu thereof 'October 1, 1989': *Provided further,* That section 3(d)(2)(E)(ii) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by striking out '1983 or 1984' and inserting in lieu thereof '1984 and each fiscal year thereafter' and division (iii) of section 3(d)(2)(E) of such Act is repealed: *Provided further,* That section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by inserting at the end thereof the following new sentence: 'In carrying out the provisions of this subparagraph, the Secretary shall not prorate the amounts computed under this subparagraph attributable to the number of children determined under subsection (a) or (b), or both.': *Provided further,* That the second sentence of section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out 'The' and inserting in lieu thereof 'Subject to the provisions of subsection (h) of this section, the', and section 3 of such Act is amended by adding at the end thereof the following new subsection:

'SPECIAL PROVISIONS

'(h) Any local educational agency for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation and which is not eligible to receive payments under subsection (d)(2)(B) shall receive 100 percent of the amounts to which such agency is entitled under subsection (a) of this section.' ".

On page 45, line 21, before the period insert a comma and the following: "*Provided further,* That the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended—

"(1) by striking out 'September 30, 1983' in section 3 and inserting in lieu thereof 'September 30, 1989'; and

"(2) by striking out 'October 1, 1983' in section 16(a)(1)(A) and inserting in lieu thereof 'October 1, 1989' ".

INDIAN FINANCING ACT AMENDMENTS

ANDREWS AMENDMENT NO. 4390

Mr. BAKER (for Mr. ANDREWS) proposed an amendment to the amendment of the House of Representatives to the bill (H.R. 2614) to amend the Indian Financing Act of 1974; as follows:

In Section 503 of the Indian Financing Act of 1974 (as amended by section 13 of the matter proposed to be inserted by the amendment of the House of Representatives to the text of the bill), strike out "5 per centum" and insert in lieu thereof "6 percent".

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on the Relationship Between Congress and the Executive in the Formulation and Implementation of Foreign Policy on Wednesday, September 26, at 10 a.m. in SD-342 of the Dirksen Senate Office Building. For further information, please contact Bill Scully at 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 2, at 2 p.m., to hold a hearing on tender offers, and securities.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WATER RESOURCES LEGISLATION

● Mr. WARNER. On Monday of this week, the leadership of the Senate Environment and Public Works Committee introduced a substitute for S. 1739, "The Water Resources Development Act of 1984." I was pleased to work with them in the formulation of this important piece of legislation, and I commend them for their efforts. The bill is now pending on the Senate Calendar, and we are continuing to work with other Senators with respect to their particular States' interests. I, myself, am considering offering an amendment.

Despite the efforts of a number of Senators, water resources legislation has not been considered by the full Senate since 1976—nearly a decade. I, like so many of my colleagues, have introduced ports improvement legislation in every Congress in which I have served.

The delay is due to the significant changes proposed in the traditional funding patterns for navigation improvements under which the costs would be allocated between the Federal taxpayers and users of the facilities. Historically, Federal taxpayers paid all.

With regard to harbor projects, the debate is primarily between small and large ports. Understandably, ports are, always have been, and will continue to be competitive. Accordingly, the debate is along these lines rather than partisan political differences.

Indeed, within my own State, there are no partisan differences on this issue. The entire Virginia Congressional Delegation favors water resources legislation.

Once this most recent compromise was formalized and drafted into the pending bill, I solicited from the Governor of Virginia his views. Governor Robb appropriately addressed his response in support of the legislation to Chairman STAFFORD.

The private sector and the Virginia Port Authority joined the Governor and me in endorsing the legislation.

I ask unanimous consent that the text of these three letters be printed in the RECORD at the conclusion of this statement.

I urge the Senate to act on this important legislation in the short time remaining before adjournment.

The letters follow:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, September 18, 1984.

Hon. ROBERT T. STAFFORD,
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to you today on a subject of much importance to the Commonwealth of Virginia and particularly to our important coal industry, the deepening of the harbor channels of Hampton Roads.

As you know, Congress has not authorized a new major deepening project since 1976 and our own proposed Hampton Roads 55-foot channel project, the subject of Congressionally-authorized study since 1969, remains unauthorized and thus ineligible for federal funding. It has been over the past three years, however, that the need for deeper American harbors has been most

clearly recognized, only to be met with the inability of the Administration, Congress, and Industry groups to reach a consensus on the form of new omnibus dredging legislation. A stalemate and frustration have resulted.

More than frustration, however, there is growing fear that as this situation continues, America's position as a major supplier in world coal markets becomes increasingly precarious. Because coal export is a major industry in Virginia, the erosion of our markets abroad could have serious economic consequences here. In 1983, activity at Hampton Roads generated 18,500 jobs in the coal mining industry. Every 955 tons of coal moving through the port generates one job in the Commonwealth outside of the coal mining industry itself.

With this background, we have analyzed the new substitute version of S. 1739, The National Harbors Improvement Act of 1984, as the most promising vehicle for harbor deepening legislation. The bill contains two provisions that we have deemed of greatest importance to our state and necessary for our support of any such legislation—Congressional authorization of the Hampton Roads 55-foot project, and a significant federal role in the funding of both operation and maintenance and deepening itself. A third provision, allowing the authorized 55-foot project to be constructed in segments, will allow local sponsors flexibility to deepen only to the depths the marketplace requires at that time. While the bill, as I am sure you will agree, certainly does not address all of our concerns satisfactorily, especially in its treatment of Hampton Roads vis-a-vis Baltimore, it does not appear to, in any way, lessen our competitive advantage among ports of this country and will allow us to meet more strongly the competition of ports (and coal suppliers) abroad.

The legislation will finally provide a signal to the coal-buying nations abroad, and our miners here, of America's commitment to supplying the world's energy needs with our rich, abundant reserves and deeper harbors.

Your continued support of S. 1739, The National Harbors Improvement Act of 1984, will be most appreciated.

Sincerely,

CHARLES S. ROBB.

HAMPTON ROADS
MARITIME ASSOCIATION, INC.,
Norfolk, VA, September 14, 1984.

Hon. JOHN W. WARNER, Jr.,
Washington, DC.

DEAR JOHN: This will confirm the telephone conversation this morning with Susan McGill when she outlined a substitute ports bill to be introduced on Monday, September 17, 1984.

Features of the substitute bill are:

(1) A port may not be required to undertake construction of an entire authorized project, but rather segmented construction of it when justified.

(2) The cost of a 50-foot channel project in Hampton Roads is $163,500,000, of which $72 million represents non-federal cost.

(3) The cost of a 50-foot channel project for the Port of Baltimore is $358,000,000, of which $100.5 million represents non-federal cost.

The Hampton Roads Maritime Association finds that the above features of a substitute ports bill are acceptable and we fully support your efforts in this matter.

Hopefully, this substitute bill will snowball and passage by Congress prior to October 5th will be possible. As in the past, we appreciate your office keeping us advised on developments.

Best wishes,

Sincerely,

JACK W. MACE,
Executive Vice President.

COMMONWEALTH OF VIRGINIA,
September 19, 1984.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I write to you today on the subject of harbor deepening legislation, as time again wanes for action on this matter.

Three years ago, 160 ships sat at anchor in Hampton Roads, the world's largest coal port, waiting to load American coal. Three years ago, over 50 million tons of American coal were loaded in Hampton Roads. Today, few ships wait. We may load 35 million tons of coal this year in our port. While undoubtedly a worldwide recession and strong American dollar have dampened demand for our coal, it is inescapable that a factor that continues to saddle the United States with the role as a marginal coal supplier is the high cost of our product. More than ever, it is apparent that a means of reducing the delivered cost of our coal is to provide deeper channels to our harbors and loading facilities for the larger, more economical coal ships. We are convinced that America can no longer wait for legislation to enable those deeper channels to be dug, for even today new competitors with lower costs enter world markets and trading patterns shift toward producers with deeper channels already.

This sense of urgency would never compel us, however, to support legislation that would disadvantage our port vis-a-vis other or so shift the burden onto us, via user fees, as to make dredging infeasible. It is from this perspective that I have had an in-depth staff examination of S. 1739 as a potential legislative means for the deepening of Hampton Roads.

The bill has as a basis three provisions that we consider absolutely essential—authorization of the Hampton Roads 55-foot project, 50/50 local/federal cost sharing for new construction and incremental maintenance, and a sanction for authorized projects to be built in segments as commercially required. These last two provisions are especially to the financial feasibility of major dredging problems. We find fault with the bill in its favored treatment of the port of Baltimore, although it will not impair to any degree our competitive position vis-a-vis that port. We are also concerned that a five year authorization may be impractically limiting, and place an impossible and unfair burden on three major projects singled out and that, in any event, commitment of a percentage of funding by either federal or local partner should be sufficient to toll this 'statute of limitations.'

While we would hope that these problems can be remedied, the strengths of S. 1739 and the need to break finally this stalemate that burdens our export markets lead the Virginia Port Authority to ask for your favorable consideration of the bill.

Sincerely,

J. ROBERT BRAY,
Executive Director.●

SUPERFUND

● Mr. BRADLEY. Mr. President, the Senate Finance Committee today heard testimony on legislation pending before the Senate to reauthorize and substantially strengthen the Superfund program to clean up the worst abandoned hazardous waste sites in our country.

There are more than 17,000 known abandoned toxic waste sites in America and these sites threaten our lives and the lives of our children. My own State of New Jersey leads the Nation with the greatest number of sites which pose an immediate and dangerous threat to the well-being of our communities.

Concern about this threat is very real in New Jersey and there is great public awareness about this life-threatening problem. Rarely does a day go by without a New Jersey newspaper, television, or radio station reporting yet another story about one of these sites; or worse—its latest victim.

In recent weeks two major newspapers in New Jersey, the Record and the Sunday Times, published articles relating to the Superfund program. If we are to pass a stronger, more effective Superfund program and eliminate the threat these sites pose to our well-being, then we must move ahead on Superfund this year.

Mr. President, I commend these articles to the attention of our colleagues and urge their support on this most important legislation.

The articles follow:

[From the Trenton (NJ) Sunday Times, Aug. 19, 1984]

SUPERFUND—4 YEARS OF TOXIC CLEANUP ONLY A DROP IN THE BARREL

(By Michael J. Spataro)

Four years later, the problem remains more overwhelming than first imagined, the red tape thicker and the tangible results practically invisible.

That's the consensus of many New Jersey officials on the benefits of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, commonly known as the Superfund, act, now in its final year and awaiting a new lease on life from Congress.

When New Jersey speaks about toxic waste, most people listen. For it is the Garden State that has become the toxic waste capital of the country, if not the world.

The Environmental Protection Agency's national priority list contains 546 Superfund sites, 85 of which are in New Jersey, 37 mores sites than runner-up Michigan and 46 more than third-place Pennsylvania.

"In four years, only six sites have been cleaned up out of the EPA list of 22,000 hazardous waste dump sites in the nation," says Rep. James Florio, D-N.J., who helped write the original legislation and was the floor leader of the reauthorization that passed the House Aug. 10.

"The first 2½ years the people in the EPA had a do-nothing attitude and they have

been floundering ever since," said Florio, upset that most of the original Superfund money has been spent but very little cleanup work started.

"A lot of engineers and consultants made a whole lot of money. There were a lot of administrative expenses, but the bottom line is that these sites were suppose to be cleaned up and they haven't."

The Camden Democrat said the problem was compounded by the firing last year of Rita Lavelle, the EPA's assistant administrator for solid waste and emergency response and unofficial chief of the toxic waste cleanup program.

The Superfund act does not expire until 1985, but Florio and his colleagues on Capitol Hill are working hard on reauthorization, calling for a stronger version and a $10.2 billion fund.

According to federal officials, long-term cleanup work has begun at 315 sites and emergency work is underway at 328 dumps cited by local environmental officials and the EPA.

The EPA says as many as 1,500 more sites could be added to the 22,000 already identified and environmentalists estimate that at least $16 billion will be needed to make a dent in the rapidly growing toxic waste dilemma.

In New Jersey, where the state government also has a Spill Compensation Fund designed to help clean up non-Superfund sites, the problem is more than enormous.

Superfund sites can be found in 19 of New Jersey's 21 counties, and those are only the ones considered serious enough to make the list.

Ocean County leads the list with 11 sites, five in Plumsted Township alone. Morris County, with 10 dump sites, and Middlesex and Burlington counties, with nine apiece, are next on the list.

The state Department of Environmental Protection is not only dealing with individual dumps, but rather complicated forms of contamination never before encountered.

Each of the New Jersey sites is ranked from one to 85, with the Lipari Landfill in Mantua Township in Gloucester County being first on the list and the PJP Landfill in Jersey City last.

In addition, each site is grouped with other sites in the nation giving them a national priority. The groups range from one to nine.

"The New Jersey sites are up against sites in the rest of the country," said EPA spokesman Richard Cahill.

"We use a model which ranks the sites by hazard, the amount of hazard to the public and the population at risk. For instance, Price's Pit Landfill (in Egg Harbor Township, Atlantic County) ranks high on the list (No. 3) because there is a significant threat to a water supply."

A site's ranking is extremely significant and the source of much discontent at the local level. Because of its position at No. 85, the PJP Landfill is not slated for any cleanup work until 1988 at the earliest.

"Our administration feels that Superfund is working," said Carl Golden, spokesman for Gov. Thomas Kean. One of the complaints is why aren't sites being cleaned up. The major problem is we have to study the best ways to accomplish that. This is not the type of process which develops quick-hit solutions."

Lipari, a private dumping site, contains cleaning solvents, paint thinners, paints, phenols, resins and other waste residues.

Mantua Mayor Nancy Thorp said she is content with the amount of work done at Lipari, noting, "They are going right along the timetable."

Florio, however, argues that it will take nearly $6 million to clean up Lipari and that the EPA "will use the remainder of the $1.6 billion (Superfund money) before they get to any other New Jersey sites."

Except for Lipari, Kin-Buc Inc. Landfill in Edison (No. 26) and Chemical Control in Elizabeth (No. 37), actual cleanup work has been almost nonexistent in New Jersey.

Preliminary work has started at about a dozen other sites.

"We expect to have about 20 cleanups underway by the end of fiscal 1986 (June 30, 1986)," DEP spokesman George Klenk said.

Just recently, the EPA announced that it had "secured" the threat of PCB contamination at the 20-acre Kin-Buc site.

"The process has not moved as quickly as anticipated," said John Frisco, chief of the Hazardous Remediation Section of the EPA.

"About one-third of the New Jersey sites are in the enforcement stage, one-third in the process of negotiating funding and one-third have not been addressed yet," Frisco added, noting it takes up to 18 months to complete investigative work on a site to determine the extent of contamination.

Despite this, Frisco still believes New Jersey has benefitted the most from the Superfund legislation.

"We have a head start here," he said. "They have funded a lot more sites in New Jersey than in other states."

New Jersey has also enjoyed success, although limited, in convincing some firms responsible for the sites to fund the work. Such is the case in Bound Brook in Somerset County, where American Cyanamid Co. is cleaning up the state's 28th worst Superfund site.

Other local officials remain angry over delays.

"No work is being done. That's my complaint," said Mayor Russell Azzarello of Old Bridge, site of the state's No. 4 Superfund site, CPS-Madision Industries.

Dumping has occurred at the site since 1967 and contamination has resulted in the closing 32 municipal drinking-water wells. It's estimated the site contains 400 tons of hazardous materials.

The landfill is still in operation and the mayor has been pressing state and federal environmental officials to close the site.

A number of other sites on the Superfund list are causing considerable concern.

Pepe Field in Boonton is a swamp that contains an unknown quantity of pesticides and emits hydrogen sulfide, a gas that smells like rotten eggs. Pepe Field is No. 78 in the EPA's Group 7 nationally, one of the lowest-priority categories.

"We've closed a baseball field, but that's about it," says Boonton Mayor Anthony Bucco.

In Hamilton Township, Atlantic County, the 1-Acre D'Imperio Property, which is inactive, contains exposed and buried drums. Contamination threatens 6,000 people served by groundwater within a three-mile radius, including students in a high school.

"No work has started and we'd like to see things move a lot faster," said Hamilton Mayor Barbara Sorrentino.

One of the major complaints has been over use of the state's Spill Compensation Fund, which generates $10.5 million a year by a 1-cent-per-barrel tax on the petrochemical industry. Currently, there is $17 million in the fund.

The fund was nearly depleted for cleanup work after the disastrous 1980 fire at Chemical Control, which ranks as the state's worst environmental disaster.

Robert Hunt, administrator of the spill fund office in the DEP, says the fund is not designed to "use money for the same expenditures on the Superfund sites."

According to federal officials, one of the reasons New Jersey has so many sites on the superfund list is that the state has acted far quicker than others in identifying its toxic problems.

But some environmentalists charge the state has an ulterior motive in such quick action.

"The state has been trying to get sites on the superfund list and then by doing that says there is nothing further it can do at the site," said Madelyn Hoffman, head of the Grass Roots Environmental Organization, a group representing several thousand people.

"Everyone knows that there is not enough money in the Superfund legislation to clean up all of the sites on the national list."

Republican leaders in the Senate have promised they will take up the $10.2 billion Superfund reauthorization when the Senate comes back from recess early in September.

Both parties admit presidential politics is involved in the issue.

Democrats want to get the fund increased before the election, fearing President Reagan would let the Superfund die if not faced with a re-election battle. Reagan and EPA chief William Ruckelshaus said earlier this year the reauthorization should wait until next year, after the current legislation expires.

House Republicans were successful in eliminating a provision that would have allowed victims of hazardous waste polluters to sue for damages, but the bill ultimately passed by a lopsided vote of 323-to-33.

[From the Record, Aug. 30, 1984]

TOXIC WASTE: LET'S GET BUSY

There are 18,000 present or former toxic-waste dumps in the United States—552 of them dangerous enough to be placed on a "national priority" cleanup list. In four years, only six of the 552 sites have been cleaned up. For those sites low on the priority list, the record is even more discouraging.

Ask Gail Van Dyken of Wayne, Ms. Van Dyken lives near the site of an old radioactive-thorium dump. She and her neighbors have waited two years just for a plan to clean it up. Now there's a proposal to bury the thorium in town, rather than remove it or store it in concrete bunkers, and residents worry that it doesn't provide enough safeguards from future exposure.

Or ask Mary Ann Vuocolo of Newark's Ironbound section, where concentrations of the lethal chemical dioxin were found last year. The Ironbound is still mired in debate over how great the danger is. Ms. Vuocolo fears that government experts are underestimating the hazards and needlessly delaying cleanup plans.

In his recent visit to New Jersey, William D. Ruckelshaus, administrator of the Environmental Protection Agency, acknowledges that cleanups were too slow and that the government "isn't giving clear answers." But when asked how he would speed up the process, Mr. Ruckelshaus shook his head, offered no new ideas, said his agency was doing the best it could, and accused Congress of trying to give him too much to do. Clearly, he is not a man on fire to solve this problem.

It's true that the national cleanup task is overwhelming. Lack of money is one major obstacle, which is why the Senate should speedily approve House-passed legislation increasing the environmental "Superfund" sixfold, to $10.1 billion. But money isn't the only answer. Here are three things that can be done without large expenditures of cash:

Streamlining the process: If you discover a toxic-waste dump in your community, who's responsible for cleaning it up? You'd think the answer would be simple and straightforward, but state and federal agencies frequently disagree where to dispose of the waste and who will do it. In the end, many towns are forced to turn to their representatives in Congress, as Wayne, Maywood, and Rochelle Park did when they discovered thorium.

Although such congressmen as Robert Roe of Wayne and Robert Torricelli of New Milford should be commended for stepping in, the intrusion of politics into the process sets a dangerous precedent. In many cases, only those communities with a well-organized lobby get help, while those lacking political savvy or aggressive representatives are ignored. When dangerous levels of dioxin were found in Missouri, the federal government directed most of its financial aid to the town of Times Beach, even though other communities reported higher levels. The reason: Times Beach had more political support and could lobby for the most money.

What we need are uniform, national standards for cleaning up waste, as well as agreement on which agencies are responsible for what. The present practice of judging each case separately results in too much wasted time, too much politics, and too much repetitive debate over cleanup procedures.

Free flow of information: After the discovery of a toxic dump, townspeople need accurate, comprehensive information on health problems and cleanup plans. But neither federal nor state agencies supply much information. It took a lawsuit by an unlikely alliance of environmentalists and chemical firms to force the federal government to establish the Agency for Toxic Substances and Disease Registry in Atlanta, a national clearinghouse for health information on toxic waste—something it was required to do by law. Still missing at this new agency is information on the most effective, up-to-date cleanup methods. The agency's duties could easily be expanded to take on this function.

In addition, federal and state agencies should form more teams of experts to answer questions about toxic waste. Right now the agencies often treat fearful residents like children, presumably on the theory that to tell them anything would instill panic. The lack of information just leads to more fear and anger. In Newark, for example, local residents became so embittered at how little they knew that they refused to go to "information trailers" that were finally set up by the state Department of Environmental Protection.

Strict follow-up: Merely beginning a cleanup doesn't ensure that it will be completed. In South Jersey, a contractor hired to pump water from a former toxic dump quit after six months on the job when the weather turned cold. When the weather improved, the contractor didn't return to the job. In Lodi, officials announced in 1978 that they would repair a sewer that leaked industrial waste into the Saddle River. But the job was never completed, and in 1982 the DEP took up the matter at the request of the Passaic Valley Sewerage Commissioners. Two more years passed before the DEP could convince Lodi of its responsibility to repair the leaky sewer. The job was completed only two weeks ago. "The buck passes," said one Lodi official.

The national movement to clean up toxic waste will never succeed without aggressive leadership in Washington. So far, the closest thing we have to a leader is Rep. James Florio of Camden County, who led the fight for the Superfund. But Mr. Florio, however effective, is only one member of Congress. The leader in this movement has to be somebody with national stature and national reach—somebody like William Ruckelshaus.

In many ways, Mr. Ruckelshaus' position is like that of Robert F. Kennedy, who as attorney-general was faced with the overwhelming task of investigating civil-rights violations in the early Sixties. Kennedy didn't lament that the task was too big; he dispatched teams of aggressive investigators to the South. These investigators didn't solve the civil-rights problem by themselves. But they helped spark the nation's energy to do it.

Mr. Ruckelshaus could do the same by turning loose his own investigators and igniting a new public spirit to clean up toxic dumps. Unlike Kennedy, he is lucky because he has public opinion—and the law—on his side.

Instead, he has taken an indecisive stance. He appears to follow the dictums of the White House—not wanting to spend too much tax money, trying to persuade the chemical industry to shoulder more of the burden for cleaning up hazardous wastes. Yet he also seems to want to please environmentalists and the fearful neighbors of toxic-waste dumps by saying the wastes should be removed promptly. In short, he's treating toxic waste as some kind of political football—and he's fumbling the solution.

[From the Record, Aug. 17, 1984]

TWO VIEWS ON A LARGER "SUPERFUND"

(By Jenny Scott)

William D. Ruckelshaus yesterday defended the Reagan administration's opposition to a $10.1-billion expansion of the "Superfund," saying the bills now before Congress could overburden and bog down the toxic-waste cleanup program.

Ruckelshaus, the administrator of the Environmental Protection Agency, said setting deadlines for cleanup, raising cleanliness standards, and allowing citizens to sue the EPA could keep the program from achieving its goals.

"We're concerned that in the process of reauthorization we not give the agency so many additional responsibilities and claims on the money that it slows down," said Ruckelshaus, speaking at The Record in Hackensack.

Meanwhile, Rep. James J. Florio made an appearance yesterday at one of North Jersey's worst toxic dumps in an attempt to pressure the Senate to reauthorize the Superfund before the November elections.

Against the smoldering backdrop of the former PJP Sanitary Landfill, which has burned steadily since 1981, Florio held a press conference in Jersey City to promote passage of a Senate version of his bill to expand the Superfund sixfold to $10.1 billion.

"The symbolism of this site is that it's on the national priority list . . . yet here we are, four years after the program started, and nothing has been done," said Florio, a Democrat from Camden, whose bill passed the House last week.

Florio said the Senate must pass a similar bill when it returns to Washington in September "so four years from now we're not back here lamenting that nothing has been done."

The EPA's Superfund priority list consists of 552 sites, including 85 in New Jersey, that are believed to be among the worst toxic-waste dumps in the country.

Ruckelshaus was in New Jersey to announce the appointment of Christoper J. Daggett, an aide to Governor Kean, as administrator of the EPA regional office that covers New Jersey and New York.

Ruckelshaus also defended the administration's position that more study is needed before taking steps to reduce the acid rain damaging forests and lakes in the Northeast, Canada, and in the South.

He conceded that enough may already be known to warrant moderate legislation to gradually reduce the sulfur emissions believed to cause acid rain. But he accused Congress of considering only more sweeping remedies that he said are not yet justifiable.

Asked about delays in Superfund implementation, Ruckelshaus said it is wrong to measure the program's success by the fact that only six sites have been cleaned up and removed from the national priority list.

"Some of them will never come off the list," he said, saying that some will be monitored for 20 to 30 years. "To say that's all that have been cleaned up is a fallacy."

He said the program has covered more than 120 "removal actions to alleviate an immediate hazard," 170 cleanups of sites not on the list, and preliminary assessments of 10,000 of the country's 18,000 potential Superfund sites.

Some 125 to 150 new sites are to be added to the priority list in the coming weeks, Ruckelshaus said. He denied charges made by supporters of reauthorization that the administration has been "sitting on" the new list so as not to stir up support for reauthorization.

Ruckelshaus said the administration, too, supports reauthorization. But he said it wants to see the results of studies of the program now being done before deciding how to expand the program.

Under Florio's bill, the EPA would be required to begin cleanups of priority-list sites at a rate of 150 a year, and eventually to expand the lost to include at least 1,600 sites. The bill also provides for studies of the health effects of toxic-waste exposure, relocation of citizens under some circumstances, and lawsuits by citizens to force cleanups.

31-059 O-87-18 (Pt. 19)

Ruckelshaus, who won respect from environmentalists when he served as the first EPA administrator in the early 1970's, returned to the job in May 1983 after 12 high agency officials resigned or were fired.

Yesterday, Ruckelshaus said the agency's budget for the 1985 fiscal year represents a 53-percent increase over the administration's submission for the 1984 fiscal year. He said the Superfund staff has doubled since May 1983.

Florio said yesterday that the Superfund program is threatened by procrastination, not overt opposition.

"I suspect that after the election is over, there will be a reversion to that mentality that brought us Mrs. Burford, Ms. Lavelle, and Mr. Watt, that believes that the prime source of pollution is trees," Florio said.

Florio was referring to former EPA Administrator Anne McGill Burford and Rita Lavelle former Superfund program head, who resigned last year after allegations of political manipulation of cleanup money. He was also referring to James G. Watt, Reagan's first Secretary of the Interior, and to a comment Reagan once made that trees caused pollution.

Florio's press conference was held in the yard of Spear Trucking Corporation next to the 75-acre landfill, because owners of the site denied Florio permission to go on the landfill, an aid said.

As Florio spoke against a chainlink fence topped with razor ribbon, wisps of smoke rose amid the tiny yellow flowers growing out of the landfill.

[From the Record, Sept. 13, 1984]

"SUPERFUND" LIST RESTOKES CONTROVERSY

(By Robert Kravitz)

WASHINGTON, DC.—The Environmental Protection Agency yesterday restoked the controversy over its handling of the "Superfund" toxic-waste cleanup program by announcing what it claimed was an addition of 128 sites to the priority list for cleanup action.

Environmentalists and congressional critics immediately pointed out that none of the 128 sites were in fact "new," since the EPA had named the sites more than a year ago and proposed that they be added to the priority list.

Superfund administrator Lee Thomas said the sites were a step closer to being cleaned up by being added to the list, rather than being merely proposed.

But Blake Early, a spokesman for the Sierra Club, said the EPA announcement was "an election year hoax" and represented "absolutely no fresh or original work on adding new Superfund sites."

The EPA also drew fire for announcing that a list of another 200 to 250 sites that it has concluded should also be added to the priority list will not be ready for another "two to four weeks."

Rep. James J. Florio, a Camden County Democrat who is leading the push in Congress to expand and extend the Superfund program, said the second list was already a month overdue from the time the agency was required to announce it under the Superfund law.

He also charged that the EPA already has the new list prepared, but is withholding it to prevent pressure from building for passage of the Superfund expansion by the Senate and to keep the spotlight off the administration's Superfund record before the November election.

"They are allowing American citizens to sit next to these sites and are refusing to reveal the locations for blatantly political reasons," Florio said.

"Mrs. Burford was not even this blatantly political," he added, referring to former EPA Administrator Anne Burford, who was forced to resign after Congressional allegations that she manipulated Superfund grants for political reasons.

Thomas denied that the new list of sites was being held up for political reasons. He said the agency had to review many more sites than it had originally anticipated.

Nearby sites on the list released yesterday include the Diamond Alkali Company in Newark, which has contaminated its neighborhood with dioxin; the thorium waste on land owned by W.R. Grace & Company in Wayne, and the contamination of the Hudson River with polychlorinated biphenyls, or PCB's.

Radiation Technology Inc. in Rockaway Township, Morris County, is another of the 18 New Jersey sites on the new list.●

S. 1739—THE LEGISLATION MUST BE STRENGTHENED

● Mr. DOMENICI. Mr. President, it is my understanding that the majority leader could still call up S. 1739, the Water Resource Development Act, for Senate debate within the next several days.

We need to act on a water resource bill during this Congress, if at all possible.

But we need to act responsibly.

And we need to act to develop a bill the President will sign.

Frankly, I am concerned that we may pass legislation that is so overloaded with costs that it will be impossible to come out of the conference committee with a bill that can—or should—be signed by President Reagan.

S. 1739 calls for construction spending of approximately $13 billion, more than enough to carry the program through 1997, without considering any work that is already authorized.

The House bill, by contrast, would carry the program through 2002.

Have we forgotten that our Nation has a $174 billion deficit?

To give us any chance at all to get a law, the Senate must pass a bill that includes cost levels no greater than those in the committee-reported version of S. 1739.

Certainly we need to improve our inland waterways, our infrastructure. But we also must ask ourselves, where will the money come from, other than from some sort of cost-sharing with beneficiaries, users, and shippers?

The focus of this debate, of course, is title 5, the portion of the bill involving inland navigation. Some Members of this body wish to spend taxpayers' dollars in what can only be termed an unrestrained way to benefit of commercial waterway operators, asking nothing significant in return from those commercial beneficiaries.

That is wrong. It is shortsighted. It misrepresents reality to the American public. It misrepresents reality because it creates false promises.

The language my good friend from South Dakota [Mr. ABDNOR] has proposed to be included in amendment 4251 to S. 1739 is a sound approach, if not so fiscally responsible as language I believe we need to pass. But is something.

In fact, it is very generous.

It authorizes $900 million in new inland lock projects.

It imposes no new taxes.

It creates no mechanism for new, responsible user charges.

It requires no user contribution toward waterway operations or maintenance.

It requires no user contribution toward projects now being built.

Rather, amendment 4251 simply takes existing law—the tax now being collected—and dedicates that tax to the construction of new projects, those not now under construction.

Such a proposal creates no responsible restraint on Federal spending during the remainder of this decade. Early in the next decade, however, it would require that Congress either raise the fuel tax in order to increase fund income, or to slow project development, or find some other source of spending on the new projects.

But that still means no restraint until the 1990's. Yet I will support the bill, so long as there is no retreat from that dedication of revenues, and so long as we set the stage for more rationally addressing those issues.

I understand that some Members of the Senate seek commitments that the Senate, or certain Members of the Senate, agree in advance to accede to the House in conference on this issue, to accept the cosmetic "reforms" passed by the House.

I want to place my colleagues on notice that I will agree to no time agreement on S. 1739 if there are any such understandings or expectations of such an understanding.

We must go to conference with the House in strong support of the views of amendment 4251—at a very minimum.

I also wish to announce my intention to offer an amendment on this bill, an amendment that reflects the need to hold down Federal spending and bring non-Federal funds into the program.

For the benefit of my colleagues and to place this issue in perspective, I ask that a copy of the administration's bill

on inland waterways (S. 1554) be printed at this point in the RECORD.

The bill (S. 1554) follows:

S. 1554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Inland Waterway Improvement and Cost Recovery Act of 1983".

SEC. 2. As used in this Act:

(4) the Apalachicola River and its tributaries upstream from its junction with the Gulf Intracoastal Waterway;

(5) the Columbia River and its tributaries upstream from a point immediately downstream of the Bonneville lock and dam project;

(6) the Pearl River and its tributaries upstream from the junction of the West Pearl River with the rigolets;

(7) the Mobile River and its tributaries, including the Tennessee Tombigbee Waterway project, upstream from the Mobile Harbor project;

(8) the Atlantic Intracoastal Waterway between Norfolk, Virginia, and Miami, Florida, via both the Albemarle and Chesapeake Canal and Great Dismal Swamp Canal routes; and

(9) the portions of the Willamette River and its tributaries with authorized depths of fourteen feet or less.

(d) "Secretary" means the Secretary of the Army.

SEC. 3. (a) The Secretary in consultation with the Secretary of Transportation, shall levy ton-mile fees on commercial waterway transportation on the inland waterway system as follows:

(1) Systemwide fees, adequate to recover annually 70 per centum of anticipated operation and maintenance expenditures of the Tennessee Valley Authority and of the corps, irrespective of the source of such funds, assigned to commercial waterway transportation. Fees will be set at an initial rate of 1.1 mills per ton mile on shipments originating after September 30, 1983.

(2) Segment-specific fees, starting after September 30, 1984, to provide for the recovery of 70 per centum of the capital expenditures of the Tennessee Valley Authority and of the corps, irrespective of the source of such funds, assigned to commercial waterway transportation on projects, or physically separable project features or activities, as determined by the Secretary, for which construction is initiated after September 30, 1983. Expenditures to be recovered for such work shall be limited to funds appropriated for fiscal year 1984 and thereafter, with interest, over the economic life of the improved facility, but not to exceed a period of fifty years from the date of (A) through traffic for construction of new waterways; and (B) completion of the work for other improvments or modifications including, but not limited to, rehabilitation or replacement of existing structures.

(b) The Secretary, in consultation with the Secretary of Transportation, shall adjust fees authorized under this section at least every five years on the basis of (1) anticipated Tennessee Valley Authority and corps expenditures for the inland waterway system and segments thereof; (2) corrections for actual expenditures and amounts recovered; (3) the expected volume of commercial traffic; and (4) any other factors that the Secretary finds reasonable and equitable.

(c) The Secretary, in consultation with the Secretaries of Agriculture and Transportation, is authorized to levy congestion fees, on all users of specific facilities, designed to reduce delays in order to improve the efficiency of the inland waterway system.

(d) Fees collected under this section shall be credited to the Inland Waterways Trust Fund established by section 203 of the Inland Waterways Revenue Act of 1978 (Public Law 95-502). Amounts in the trust fund shall be available as provided by appropriations Acts for making capital improvements and operation and maintenance expenditures on the inland waterway system as defined in this Act.

SEC. 4. (a) For the purposes of developing or assisting in the development of any schedule of fees and determining whether any person is in violation of any requirement of this Act—

(1) the Secretary may require any person engaged in commercial waterway transportation, who is subject to the requirements of this title, to establish and maintain such records, submit such reports, and provide such other information, as the Secretary may reasonably require;

(2) the Secretary may utilize any documents or other information obtained under section 11 of the Act of September 22, 1922 (33 U.S.C. 555); and

(3) upon presentation of credentials, the Secretary or an authorized Federal representative shall have a right of entry to, upon, or through any vessel or any other premises owned or operated by any person engaged in commercial waterway transportation, who is subject to the requirements of this title, and may, at reasonable times, have access to, and make copies of, any records.

(b) Section 11 of the Act of September 22, 1922 (33 U.S.C. 555), is amended by inserting "no more than $200,000" in lieu of "$100".

SEC. 5. (a)(1) Whenever, on the basis of any information available and after opportunity for a hearing, the Secretary finds that any person or entity is in violation of any requirement of this Act, the Secretary shall order the person or entity to comply with the Act, including payment, with interest, of any fees which the Secretary determines to have been wrongfully withheld. Thirty days after the date of an order from the Secretary to a person or entity to be in compliance with this Act, it shall be unlawful for that person or entity to engage in commercial waterway transportation during any period when that person or entity is in violation of any requirement of this Act.

(2) The interest rate used in computing the payments required by this section shall be determined annually by the Secretary of the Treasury as a rate equal to 150 per centum of the average interest rate on thirteen-week Treasury bills auctioned during the preceeding three months.

(b) Upon request of the Secretary, the Attorney General may bring a civil action for a permanent or temporary injunction, to assess and recover a civil penalty of not more than $200,000, or both, whenever any person or entity violates any requirement of this Act or fails or refuses to comply with any order issued under subsection (a) of this section. Such penalty shall be deposited in the general fund of the Treasury.

(c) Any action under this section may be brought in the United States district court for the district in which the defendant resides, does business, or is engaged in commercial waterway transportation. Such courts shall have jurisdiction to require compliance, assess appropriate fees or civil penalties, and grant injunctive or other equitable relief. Any vessel or watercraft on account of which any user fee shall have accumulated shall be liable for such fees and may itself be arrested and proceeded against upon principles applicable to Admiralty actions in rem.

SEC. 6. Expenditures for operation and maintenance and for construction and rehabilitation of inland waterway projects subjects to recovery in accordance with section 3 of this Act shall be as follows:

(1) for projects authorized only for navigation, costs assigned to commerical navigation will be 100 per centum of costs remaining after subtracting any specific costs for recreation;

(2) for multiple-purpose projects for which costs have been assigned to navigation, costs assigned to commercial waterway transportation will be in accord with that assignment or any subsequent reassignment;

(3) for other multiple-purpose projects providing navigation benefits but for which there have been no cost assignments, costs assigned to commerical waterway transportation will consist of all specific navigation costs, plus 10 per centum of joint-use costs;

(4) for the Mississippi River and tributaries projects, harbor improvement features shall be considered as individual projects pursuant to the above provisions of this section. For other features of the Mississippi River and tributaries project, cost assigned to commerical waterway transportation will consist of (A) all specific navigation costs of the channel improvement feature consisting of: (i) maintenance dredging, and (ii) construction and maintenance of dikes, and (B) one-third of the joint-use costs consisting of: (i) construction dredging and contruction, operation and maintenance of revetments of the channel improvement feature, and (ii) construction, operation and maintenance of the Old River control feature. Expenditures on construction and rehabilitation for the Mississippi River and tributaries project, except for harbor improvement features, will be considered maintenance; and

(5) costs assigned pursuant to this section may be adjusted to reflect project modifications or other work for which reimbursement is provided under other provisions of law.

SEC. 7. Title II of the Inland Waterways Revenue Act of 1978 (92 Stat. 1696) is amended by deleting section 204 and renumbering sections 205 and 206 as sections 204 and 205, respectively, and by amending the table of contents to be consistent with this section.

SEC. 8. Except as otherwise provided in section 5(a), the interest rate used pursuant to this Act shall be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the project, during the month preceding the fiscal year in which funds for the construction of the project are first disbursed.

SEC. 9. (a) After coordination with affected Federal agencies and non-Federal public

interests, the Secretary, acting through the Chief of Engineers, is authorized to study, plan, design, construct, and operate and maintain such new improvements and rehabilitations and modifications of existing improvements on the inland waterway system as the Secretary determines to be reasonable and desirable for commercial waterway transportation.

(b) Capital and operation and maintenance expenditures of the corps for work undertaken pursuant to this section, irrespective of the source of such funds, shall be subject to recovery through fees levied on commercial waterway transportation pursuant to section 3 of this Act.

(c)(1) Before the Secretary, acting through the Chief of Engineers, may initiate construction on a plan of improvement authorized by subsection (a) of this section the Secretary shall submit to Congress—

(A) a final environmental impact statement for the plan of improvement, if the Secretary determines that the statement is required by the National Environmental Policy Act of 1969; and

(B) a statement of the Secretary's compliance, at that time, with the Clean Water Act, the Fish and Wildlife Coordination Act, and other statutory requirements applicable to the improvement.

(2) The statements required under paragraph (1) of this subsection and any other actions required by the National Environmental Policy Act of 1969 and other applicable statutes shall be completed on an expedited basis pursuant to schedules, established by the Secretary after consultation with other Federal and State officials having responsibilities therewith. Thereafter, these officials shall make any necessary decisions and provide data and comment, as they deem appropriate, in accordance with the Secretary's schedules.

(3) A plan of improvement, addressed by an environmental impact statement that is submitted to Congress, in accordance with paragraph (1) of this subsection, shall be eligible for construction appropriations and implementation, under subsection (a) of this section, and may be undertaken unless Congress passes and the President approves a joint resolution disapproving the environmental impact statement within one hundred and eighty calendar days of its receipt by the Congress.

(d) An environmental impact statement, which is submitted to Congress in accordance with subsection (b)(1) of this section and is not disapproved pursuant to subsection (b)(3) of this section, shall be deemed to satisfy the requirements of section 102(2) of the National Environmental Policy Act of 1069.

(e) Claims, alleging that work authorized by this section will deny rights under the Constitution of the United States or that the work is beyond the scope of authority conferred by this section, shall be filed only in a United States district court for a district where the work is located or to be located, or where the alleged injury occurs. Such courts shall have original jurisdiction over the proceedings and shall assign them for hearing at the earliest possible date. Such courts shall not have jurisdiction to grant any injunctive relief against any actions pursuant to this section except—

(1) in conjunction with a final judgment entered in a case involving a claim filed under this section, or

(2) where the petitioner presents a clear and convincing showing that the petitioner is likely to prevail on the merits, that without such an injunction the petitioner will suffer irreparable harm, and that issuance of an injunction will not lead to unreasonable harm to other parties and is in the public interest.

SEC. 10. The Secretary, in consultation with the Secretaries of Commerce, Transportation, Treasury, Energy, and Agriculture, the Attorney General of the United States, the Administrator of the Environmental Pretection Agency and the Director of the Office of Management and Budget, may promulgate, and may from time to time revise, regulations and guidelines to govern the programs authorized by this Act, including but not limited to the determination of inland and intracoastal segments and associated harbors for purposes of establishing a system of segment-specific fees implemented pursuant to section 3(a)(2).

SEC. 11. There are authorized to be appropriated to the Secretary such sums as are necessary to carry out ths Act.●

PRESIDENT REAGAN'S VETO OF THE CPB AUTHORIZATION BILL (S. 2436) AND SENATE PASSAGE OF A REVISED AUTHORIZATION BILL (S. 607)

● Mr. MOYNIHAN. Mr. President, I rise to express my dismay over President Reagan's veto of S. 2436, the bill authorizing appropriations for the Corporation for Public Broadcasting [CPB] for fiscal years 1987, 1988, and 1989.

The President's veto exhibits a certain disregard, I would venture, for the broad support this bill enjoys in Congress. S. 2436 had 52 cosponsors, was reported unanimously by the Commerce Committee, and was passed by voice vote. The bill also enjoyed strong support in the House, which approved it by a vote of 302 to 91.

The President has claimed that S. 2436 would increase Federal support for public broadcasting too much, too fast. The President argues that S. 2436 would increase fiscal year 1987 funding for CPB 49 percent over fiscal year 1986 levels. But what the President fails to explain is that such an increase is necessary because of deep cuts made in CPB's funding under this administration. CPB's authorization for the current fiscal year was fully 33 percent lower than in the 1983 fiscal year: $145 million instead of $220 million.

Moreover, CPB's authorization for the next 2 fiscal years will rise from this new low level by only about 6 percent each year, reaching $153 million in fiscal year 1985 and $162 million in fiscal year 1986. In this light the authorizations for fiscal year 1987 represents only an 8-percent increase over the funding level for fiscal year 1983.

I am particularly troubled by the large gap between the President's recent statements and the impact of this veto, if sustained. In his veto message, the President acknowledged that, "Public broadcasting constitutes an important national resource and contributes to the diversity of news, information, and entertainment choices available to the public." Yet the bill the President has vetoed would barely permit CPB to meet the goals we in Congress have set for it; namely, quality programming.

Only last month, the President commented on the importance of television in our daily lives. He said,

> We watch a lot of television, seeking continuity and reassurance in the regular and predictable appearance of our TV stars and programs. They visit us, as if they were a friend or relative coming by for the evening.

Indeed, the President concluded that television "is increasingly becoming the American neighbor * * *." Yet Mr. Reagan's veto would make it harder to invite such distinguished guests as the "Morning Edition" to breakfast, "The MacNeil-Lehrer News Hour" to dinner, or "Upstairs, Downstairs" for an evening at home. Without these and other guests from CPB, I might be tempted to say, "There goes the neighborhood."

Earlier this year in his State of the Union message, the President pledged his commitment to excellence in education. The President said,

> Our children come first. Schools are reporting progress in math and reading skills. But we must do more . . ."

Who can deny the role CPB's programming for children has played in promoting learning among our children. Such programs as "Electric Company," "Mr. Roger's Neighborhood," and "Sesame Street" have charmed and educated our young, teaching not only the three R's but about American values as well.

Mr. President, yesterday the Senate passed S. 607, a revised CPB authorization. The bill reflects the President's veto and authorizes less funding than we provided in S. 2436. That is unfortunate. However, S. 607 does not scale back the CPB authorization to the inadequate levels sought by the President. Thus, while I continue to favor the level of support contained in the funding bill we passed earlier this year, given the pressing need to approve adequate forward funding for public broadcasting in this Congress, I believe S. 607 represents an acceptable compromise—one that the President should sign.●

SENATOR SARBANES WELCOMES AMERICAN LEGION COMMANDER BACON

● Mr. SARBANES. Mr. President, on Tuesday, September 18, Clarence Bacon of Hyattsville, MD, made his

first appearance before the Veterans' Affairs Committee in his capacity as national commander of the American Legion, a post to which he was elected at the 66th Annual National Convention of the Legion on September 5. Although this was his initial appearance before the Congress as national commander, I am certain many of my colleagues already know Clarence Bacon through his fine work on the Legion's National Legislative Commission.

Clarence Bacon served faithfully in the U.S. Navy during World War II and Korea, leaving active duty to direct the automated business and logistics systems of the Navy Department until retiring from Government service in February 1980. Since that time, he has operated his own computer logistics and management consulting firm.

An extremely active member of the American Legion for over 30 years, Clarence Bacon served as our Maryland State commander in 1974-75, as a national executive committeeman in 1979-80, and on a number of national commissions for the Legion, including a term as chairman of the National Legislative Commission. In addition to all of his other responsibilities, Mr. Bacon has also served on the board of directors of the Maryland, District of Columbia, Virginia Cystic Fibrosis Foundation, and as treasurer of the Southern Maryland District Youth Camp.

Clarence Bacon has assumed the leadership of the largest of our veterans organizations at a time of increasing change in our national veterans population. The average age of our veterans is steadily climbing and as it does, the medical needs to which the Veterans' Administration must respond have also grown. There have also been increasing problems with employment and training programs for our veterans, as well as for changes in educational benefits for those returning to the campus after military service.

Mr. President, as you know, Abraham Lincoln once spoke of the responsibility of the Federal Government to those whom he said, "had borne the battle, and his widow and children." The American Legion has continued to serve the interests of all of our veterans since its inception, in war and peace, during active duty years and beyond, throughout the Nation and here in the Congress. These interests have continually increased and the responsibility of the national commander has grown along with those of the organization.

I am certain that the members of the American Legion had this in mind when they selected Clarence Bacon as their national commander. His statement before the Veterans' Affairs Committee contained many constructive approaches to the challenges facing our veterans today and I ask that his statement be included in the RECORD. Maryland is proud to have one of its own serving in this position of distinction and I am sure my colleagues join me in welcoming Clarence Bacon and congratulating him on his election.

I submit for the RECORD the statement of National Commander Bacon before the committee:

Mr. Chairman and Members of the Committee, it is an honor to appear today before your distinguished committee. As the principal spokesman for the American Legion, I am here representing more than 2.5 million members, as well as nearly 1 million members of the American Legion Auxiliary.

You, of course, are well aware of those who are with me at the witness table, having worked with them on various legislative matters during recent years. In addition, there are a number of distinguished people in the audience—people who constitute the national leadership of the American Legion and the American Legion Auxiliary.

We firmly believe that our organization represents a cross section of the veterans population in this country. Within our ranks are people from all four wars in which the United States has been involved during the twentieth century. The American Legion, therefore, has promoted and will continue to promote the interests of each wartime generation.

As part of our continuing efforts to maintain the best possible programs of benefits and services for veterans, we have frequently called for assistance from this committee. Your record in that regard speaks for itself. Not only have you offered guidance and expertise in the development of sound legislative initiatives, but you have provided the leadership to insure that those initiatives be enacted. We commend this committee for its dedication to purpose and we look forward to its continued bipartisan efforts on behalf of the nation's veteran's community.

Mr. Chairman, I now wish to discuss several of our major concerns as we plan for the upcoming year.

VETERANS' ADMINISTRATION BUDGET

As the American Legion has stated on several occasions, funding for veterans programs deserves to be ranked second only to national defense. While ranking veterans affairs as second among national priorities may be questioned by other groups, it simply recognizes the governmental obligation to those who performed the highest duty of citizenship. It also recognizes the fact that reasonable benefits and services to veterans of the armed forces constitute a federal responsibility, rather than state or local.

For fiscal year 1985 Congress and the President have approved almost $25.8 billion for veterans programs. Although this is the largest VA appropriation ever, it represents less than 3 percent of all federal expenditures during the upcoming fiscal year. As we have said before, this fact establishes that veterans programs are not consuming an increasing share of federal dollars.

While we appreciate the funding total for fiscal year 1985, we anticipate greater fiscal constraints next year. We encourage Congress and the President to recognize the efficiency of VA expenditures and to develop an adequate VA budget for fiscal year 1986.

VETERANS MEDICAL CARE

The American Legion is pleased that more than $8.7 billion have been appropriated for veterans medical care in fiscal year 1985. When combined with research, medical administration, and hospital construction funds—the total approaches $10 billion.

While this is a tremendous investment in health care for veterans, the money will be used to treat more than 1 million inpatients and to provide more than 18 million outpatient visits. The medical care appropriation will accommodate more than 3,000 additional medical personnel, with many of those people designated to alleviate staff shortages identified during the 90 site surveys conducted by American Legion representatives in the past year.

While $10 billion is admittedly a large investment in health care, the labor intensive nature of medical treatment and capital outlays for modern equipment offer sufficient justification for the expenditure. The wisdom of this investment is also quite evident when considering VA's four medical missions—health care for veterans, education of health manpower for the nation, basic and applied research, and contingency medical support for the armed forces.

MEDICAL AND PROSTHETIC RESEARCH

Our organization is also quite pleased by next fiscal year's increase in medical and prosthetic research funding, from $162 million to $190 million. The benefits of work done in this area are immeasurable since research breakthroughs at VA contribute to upgrading the health standards of the entire nation.

You can be sure that we will examine the Fiscal Year 1986 budget proposal very closely and we will promote sufficient research funding to insure that VA will be able to continue its outstanding achievements in basic and applied research.

MEDICAL CARE FACILITY CONSTRUCTION PROGRAM

Construction appropriations is yet another area in which the American Legion can express its support. Combined funding for major and minor construction projects currently stands at almost $1 billion for Fiscal Year 1985.

While citing our basic satisfaction with the total appropriation, we must re-emphasize our continuing interest in several projects which demand immediate attention. They include replacement of the Baltimore VA hospital; construction of necessary facilities in San Juan, Puerto Rico; construction of facility additions in Philadelphia; and construction of a nursing home in Providence, Rhode Island.

AGING VETERANS

Everyone in this room is well aware of the potential demand of World War II veterans on VA's health care delivery system. Two numbers offer dramatic evidence of this—there are 10.7 million surviving World War II veterans whose average age is 65.

While efficiencies in treatment of older veterans must be developed, the health care planning process must be carefully conducted to insure that costing methods and other

initiatives do not undermine basic VA treatment responsibilities. Private sector mechanisms such as DRG [Diagnosis Related Grouping] must be fully examined to determine their applicability to VA health care delivery.

You can expect our organization to continue to cooperate with your committee and with VA to address the aging veteran issue—whether that cooperation be support for geriatric services, development of necessary health legislation, analysis of VA's recent older veteran study, promotion of state home construction or refinement of VA's relationship with the Administration on Aging.

VIETNAM VETERANS

The American Legion intends to maintain its commitment to the well being of Vietnam veterans. From a medical treatment standpoint, we wish to re-emphasize our impatience with those VA employees who fail to demonstrate a sensitivity toward the special problems of Vietnam veterans. We will take all necessary actions to identify any physician or adjudicator who refuses to recognize Post Traumatic Stress Disorder as a pathological condition.

In an associated matter, we strongly support the establishment of additional PTSD inpatient units and the creation of a national center for PTSD research and health care training. The American Legion will also continue its support for the Vet Center program, to include making such services available to veterans in more remote geographical regions.

AGENT ORANGE

This committee is well aware of the Legion's participation in debate on legislation to address the Agent Orange Dilemma. We also maintain a very real interest in ongoing studies by the Centers for Disease Control.

And, of course, our organization's desire to resolve the critical Agent Orange problem has led to our participation in a joint effort with Columbia University. This undertaking, designed to examine a wide range of attitudes and problems prevalent among Vietnam veterans, is expected to be completed late this year.

WOMEN VETERANS

The American Legion is encouraged by recent efforts to meet the particular needs of women veterans. The primary focus of these efforts has been appropriately directed toward health care techniques involving privacy of treatment and an awareness of gender-related disorders. As an organization which is represented on VA's Advisory Committee on Women Veterans, we intend to see that these veterans received the full range of benefits and services to which they are entitled.

WORLD WAR I PENSION

As we have done several times in recent years, we wish to reaffirm our support for a special World War I pension—one based upon financial need. Our organization sees this as a legitimate act to compensate a group of people who were unable to use the range of benefits that were available to later generations of veterans.

VETERANS EMPLOYMENT

A great deal of Congressional attention has been paid over the last three years to the persistent problem of veterans unemployment. The record speaks for itself—creation of an Assistant Secretary of Labor for Veterans Employment and Training, enactment of the Jobs Training Partnership Act, enactment of the Emergency Veterans Jobs Training Problem, reauthorization of Targeted Jobs Tax Credits, reauthorization of the Veterans Reappointment Authority, and ongoing efforts to restrict contracting out of certain jobs currently held by veterans.

As we look toward the near future, we encourage this Committee to maintain its leadership on behalf of veterans employment and job training. And we specifically urge this committee to actively seek any necessary funding to carryout the second year of the emergency jobs program for veterans.

In conclusion Mr. Chairman, I have just highlighted several of the American Legion's current concerns, and I have also discussed several additional matters which will likely create challenges for all of us during the next year.

This concludes my statement—and, at the appropriate time, those of us at the table will gladly respond to any questions or comments from the Committee

Thank you.●

COMMITTEES HAVE UNTIL 4 P.M. TODAY TO FILE REPORTS

Mr. BAKER. Mr. President, I ask unanimous consent that committees may have until 4 p.m. today in which to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, next is the statement of the program for Monday.

When the Senate adjourns today, it will do so to reconvene on Monday next at the hour of 1 p.m.

After the recognition of the two leaders under the standing order, two Senators will be recognized on special orders of not to exceed 15 minutes each, followed by a period for the transaction of routine morning business not past the hour of 2 p.m., with statements limited therein to 5 minutes each.

At 2 p.m., Mr. President, under the provisions of rule XXII, the Senate will conduct a live quorum call. Once a quorum has been established, the Senate will proceed to vote on cloture on the motion to proceed to the highway bill, S. 2527.

Mr. President, once again Members are urged to consider that next week and the week following will be the last weeks scheduled for this session of the Congress. Therefore, it is entirely possible that any night may be a late night. It is also entirely possible that the Senate will be asked to be in session on Saturday of this coming week.

Mr. BYRD. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, is it still the intention of the leadership on both sides of the Capitol to adjourn sine die on October 4 or 5?

Mr. BAKER. Yes, Mr. President.

Mr. BYRD. I thank the majority leader.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 24, 1984, AT 1 P.M.

Mr. BAKER. Mr. President, I see no other Senators seeking recognition. The minority leader has indicated he has nothing further. I move, in accordance with the order previously entered, that the Senate now stand in adjournment until the hour of 1 p.m. on Monday next.

The motion was agreed to; and the Senate, at 2:54 p.m. adjourned until Monday, September 24, 1984, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1984:

DEPARTMENT OF COMMERCE

Michael Huffington, of Texas, to be an Assistant Secretary of Commerce, vice Lawrence J. Brady, resigned.

NATIONAL CREDIT UNION ADMINISTRATION

P.A. Mack, Jr., of the District of Columbia, to be a member of the National Credit Union Administration Board for the term of 6 years expiring August 2, 1989, reappointment.

DEPARTMENT OF STATE

The following-named career members of the Senior Foreign Service, class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Thomas R. Pickering, of New Jersey.

Ronald I. Spiers, of Vermont.

SENIOR FOREIGN SERVICE

The following-named career members of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the classes indicated:

Career members of the Senior Foreign Service of the United States of America, class of Career Minister:

Michael Hayden Armacost, of Maryland.
Reginald Bartholomew, of Virginia.
Jack Foust Matlock, Jr., of Florida.
Robert P. Paganelli, of New York.
Michael Brackett Smith, of Maryland.

Career members of the Senior Foreign Service of the United States of America, class of Minister-Counselor:

Edward A. Casey, Jr., of New Jersey.
Richard N. Dertadian, of California.
Edward P. Djerejian, of Maryland.
David J. Dunford, of Virginia.
Robert E. Ezelle, of California.
Ludlow Flower III, of California.
Edward V. Hickey, of California.
Robert Mayer Immerman, of New York.
Larry Craig Johnstone, of Washington.
Harmon Elwood Kirby, of Ohio.
David F. Lambertson, of Kansas.
Melvyn Levitsky, of Maryland.
David L. Mack, of Oregon.
Gary L. Matthews, of Virginia.
Wade Hampton Bynum Matthews, of Texas.
Peter K. Murphy, of Massachusetts.

Edward Joseph Perkins, of California.
Arnold L. Raphel, of New Jersey.
A. Irwin Rubenstein, of Florida.
Charles B. Salmon, Jr., of New York.
Louis Schwartz, Jr., of Florida.
Raymond G. H. Seitz, of Texas.
John B. Thompson, of Florida.
Sandra Louise Vogelgesang, of Ohio.
William Graham Walker, of California.
John A. Warnock III, of California.
William B. Whitman, of Florida.

The following-named career members of the Foreign Service for promotion into the Senior Foreign Service, and Consular Officer and Secretary in the Diplomatic Service appointments, as indicated:

Career members of the Senior Foreign Service of the United States of America, class of Counselor:
G. Paul Balabanis, of California.
John P. Becker, of California.
Richard C. Brown, of New Mexico.
Robert L. Bruce, of California.
John Allen Buche, of Florida.
David H. Burns, of Massachusetts.
James P. Covey, of the District of Columbia.
James F. Creagan, of Ohio.
Diane Dillard, of Texas.
James F. Dobbins, Jr., of New York.
Michael L. Durkee, of New York.
Richard C. Faulk, of Florida.
Robert S. Gelbard, of New York.
April Glaspie, of California.
George G. B. Griffin, of Maryland.
Philip J. Griffin, of the District of Columbia.
Roger G. Harrison, of California.
David L. Hobbs, of California.
Joseph S. Hulings III, of South Carolina.
Richard H. Imus, of California.
Ralph R. Johnson, of Washington.
Philip S. Kaplan, of California.
John H. Kelly, of Georgia.
Patrick Francis Kennedy, of Illinois.
Francis M. Kinnelly, of Maine.
James E. Leader, of New York.
Brunson McKinley, of New Jersey.
William B. Milam, of California.
George E. Moose, of Colorado.
Mark Robert Parris, of Virginia.
Kenneth N. Peltier, of Texas.
David M. Ransom, of the District of Columbia.
Norman A. Singer, of Illinois.
Michael M. Skol, of Illinois.
Lester P. Slezak, of Virginia.
Rufus Grant Smith, of New Jersey.
Steven E. Steiner, of Pennsylvania.
Edward S. Walker, Jr., of Pennsylvania.

Career Members of the Senior Foreign Service, class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:
John W. Aldis, M.D., of Florida.
Herbert D. Deremer, of Virginia.
Clark M. Dittmer, of Virginia.
Fuad Habib Kandalaft, M.D., of Missouri.
William J. Meagher, of Maryland.
Mark E. Mulvey, of Connecticut.
Donald L. Ness, of Virginia.
John L. Turner, of Kentucky.

DEPARTMENT OF STATE

Francis Stephen Ruddy, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

INTERNATIONAL ATOMIC ENERGY AGENCY

The following-named persons to be the Representative and Alternate Representatives of the United States of America to the 28th Session of the General Conference of the International Atomic Energy Agency:

Representative:
Richard T. Kennedy, of the District of Columbia.

Alternate representatives:
Helmut A. Merklein, of Texas.
Nunzio J. Palladino, of Pennsylvania.
Richard Salisbury Williamson, of Virginia.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 21, 1984:

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601 and additional duty as senior U.S. Air Force member, Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, section 711:

To be lieutenant general

Maj. Gen. Robert H. Reed, [redacted] U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Howard W. Leaf, [redacted] U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Robert W. Bazley, [redacted], U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Monroe W. Hatch, Jr., [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. William E. Brown, [redacted], U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. James R. Brown, [redacted], U.S. Air Force.

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. James E. Beal, [redacted].
Brig. Gen. Ralph W. Coan, [redacted].
Brig. Gen. Richard E. Leithiser, [redacted].
Brig. Gen. Theodore W. Paulson, [redacted].
Brig. Gen. Elvin J. Schofield, [redacted].
Brig. Gen. Charles J. Whisnant, [redacted].

To be brigadier general

Col. Dionel E. Aviles, [redacted].
Col. George J. Busch, [redacted].
Col. Vance Coleman, [redacted].
Col. Richard E. Collier, [redacted].
Col. Israel Drazin, [redacted].
Col. Andrew N. Farley, [redacted].
Col. William A. Gantt, Jr., [redacted].
Col. Jerry J. Josten, [redacted].
Col. Homer A. Johnson, [redacted].
Col. John L. Kotcho, [redacted].
Col. Roger L. Kresge, [redacted].
Col. William H. Reiff, [redacted].
Col. Mark W. Tenney, [redacted].
Col. Paul E. Vallely, [redacted].
Col. Leonard A. Walker, Jr., [redacted].

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. James E. Moore, Jr., [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Edward A. Partain, [redacted], age 54, U.S. Army.

The following-named officer under the provisions to title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Louis C. Menetrey, [redacted], U.S. Army.

Air Force nominations beginning Maj. Bill C. Bearden, and ending Maj. William F. Dudley, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Air Force nominations of James L. Sterrett, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Air Force nominations of John M. Levinson, which was recieved by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1984.

Army nominations beginning Frank A. Cammarata, and ending William Hogans, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Army nominations beginning Joseph J. Battle, and ending Robert B. Robeson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Marine Corps nominations beginning Thomas D. Affourtit, and ending Ivan P. Zimmer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Marine Corps nominations beginning William H. Harris, and ending Harry D. Kent, which nominations were received by the

Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1984.

Navy nominations beginning Honorato M. Aguila, and ending Mary Elizabeth Tiedeman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Navy nominations beginning Robert G. Allen, Jr, and ending Reggie Arthur Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Navy nominations beginning Roger W. Bache, and ending Kathleen C. Chew, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1984.

Navy nominations beginning Lynn Lewis, and ending William Schumer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1984.

Navy nominations beginning Michael G. Fraunces, and ending Geza T. Terezhalmy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1984.

HOUSE OF REPRESENTATIVES—*Friday, September 21, 1984*

CONFERENCE REPORT ON S. 1841

Pursuant to the order of September 20, 1984, Mr. EDWARDS of California submitted the following conference report and statement on the bill (S. 1841) to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

CONFERENCE REPORT (H. REPT. No. 98-1044)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1841) to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Cooperative Research Act of 1984".

DEFINITIONS

SEC. 2. (a) For purposes of this Act:

(1) The term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "Commission" means the Federal Trade Commission.

(4) The term "person" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(5) The term "State" has the meaning given it in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2)).

(6) The term "joint research and development venture" means any group of activities, including attempting to make, making, or performing a contract, by two or more persons for the purpose of—

(A) theoretical analysis, experimentation, or systematic study of phenomena or observable facts,

(B) the development or testing of basic engineering techniques,

(C) the extension of investigative findings or theory of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, prototypes, equipment, materials, and processes,

(D) the collection, exchange, and analysis of research information, or

(E) any combination of the purposes specified in subparagraphs (A), (B), (C), and (D), and may include the establishment and operation of facilities for the conducting of research, the conducting of such venture on a protected and proprietary basis, and the prosecuting of applications for patents and the granting of licenses for the results of such venture, but does not include any activity specified in subsection (b).

(b) The term "joint research and development venture" excludes the following activities involving two or more persons:

(1) exchanging information among competitors relating to costs, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required to conduct the research and development that is the purpose of such venture,

(2) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production or marketing by any person who is a party to such venture of any product, process, or service, other than the production or marketing of proprietary information developed through such venture, such as patents and trade secrets, and

(3) entering into any agreement or engaging in any other conduct—

(A) to restrict or require the sale, licensing, or sharing of inventions or developments not developed through such venture, or

(B) to restrict or require participation by such party in other research cnd development activities,

that is not reasonably required to prevent misappropriation of proprietary information contributed by any person who is a party to such venture or of the results of such venture.

RULE OF REASON STANDARD

SEC. 3. In any action under the antitrust laws, or under any State law similar to the antitrust laws, the conduct of any person in making or performing a contract to carry out a joint research and development venture shall not be deemed illegal per se; such conduct shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition, including, but not limited to, effects on competition in properly defined, relevant research and development markets.

LIMITATION ON RECOVERY

SEC. 4. (a) Notwithstanding section 4 of the Clayton Act (15 U.S.C. 15) and in lieu of the relief specified in such section, any person who is entitled to recovery on a claim under such section shall recover the actual damages sustained by such person, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such actual damages as specified in subsection (d), and the cost of suit attributable to such claim, including a reasonable attorney's fee pursuant to section 5 of this Act if such claim—

(1) results from conduct that is within the scope of a notification that has been filed under section 6(a) of this Act for a joint research and development venture, and

(2) is filed after such notification becomes effective pursuant to section 6(c) of this Act.

(b) Notwithstanding section 4C of the Clayton Act (15 U.S.C. 15c), and in lieu of the relief specified in such section, any State that is entitled to monetary relief on a claim under such section shall recover the total damage sustained as described in subsection (a)(1) of such section, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such total damage as specified in subsection (d), and the cost of suit attributable to such claim, including a reasonable attorney's fee pursuant to section 4C of the Clayton Act if such claim—

(1) results from conduct that is within the scope of a notification that has been filed under section 6(a) of this Act for a joint research and development venture, and

(2) is filed after such notification becomes effective pursuant to section 6(c) of this Act.

(c) Notwithstanding any provision of any State law providing damages for conduct similar to that forbidden by the antitrust laws, any person who is entitled to recovery on a claim under such provision shall not recover in excess of the actual damages sustained by such person, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such actual damages as specified in subsection (d), and the cost of suit attributable to such claim, including a reasonable attorney's fee pursuant to section 5 of this Act if such claim—

(1) results from conduct that is within the scope of a notification that has been filed under section 6(a) of this Act for a joint research and development venture, and

(2) is filed after notification has become effective pursuant to section 6(c) of this Act.

(d) Interest shall be awarded on the damages involved for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, unless the court finds that the award of all or part of such interest is unjust in the circumstances.

(e) This section shall be applicable only if the challenged conduct of a person defending against a claim is not in violation of any decree or order, entered or issued after the effective date of this Act, in any case or proceeding under the antitrust laws or any State law similar to the antitrust laws challenging such conduct as part of a joint research and development venture.

ATTORNEY'S FEES

SEC. 5. (a) Notwithstanding sections 4 and 16 of the Clayton Act, in any claim under the antitrust laws, or any State law similar to the antitrust laws, based on the conducting of a joint research and development venture, the court shall, at the conclusion of the action—

(1) award to a substantially prevailing claimant the cost of suit attributable to such claim, including a reasonable attorney's fee, or

(2) award to a substantially prevailing party defending against any such claim the cost of suit attributable to such claim, including a reasonable attorney's fee, if the claim, or the claimant's conduct during the litigation of the claim, was frivolous, unreasonable, without foundation, or in bad faith.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

(b) The award made under subsection (a) may be offset in whole or in part by an award in favor of any other party for any part of the cost of suit, including a reasonable attorney's fee, attributable to conduct during the litigation by any prevailing party that the court finds to be frivolous, unreasonable, without foundation, or in bad faith.

DISCLOSURE OF JOINT RESEARCH AND DEVELOPMENT VENTURE

SEC. 6. (a) Any party to a joint research and development venture, acting on such venture's behalf, may, not later than 90 days after entering into a written agreement to form such venture or not later than 90 days after the date of the enactment of this Act, whichever is later, file simultaneously with the Attorney General and the Commission a written notification disclosing—

(1) the identities of the parties to such venture, and

(2) the nature and objectives of such venture.

Any party to such venture, acting on such venture's behalf, may file additional disclosure notifications pursuant to this section as are appropriate to extend the protections of section 4. In order to maintain the protections of section 4, such venture shall, not later than 90 days after a change in its membership, file simultaneously with the Attorney General and the Commission a written notification disclosing such change.

(b) Except as provided in subsection (e), not later than 30 days after receiving a notification filed under subsection (a), the Attorney General or the Commission shall publish in the Federal Register a notice with respect to such venture that identifies the parties to such venture and that describes in general terms the area of planned activity of such venture. Prior to its publication, the contents of such notice shall be made available to the parties to such venture.

(c) If with respect to a notification filed under subsection (a), notice is published in the Federal Register, then such notification shall operate to convey the protections of section 4 as of the earlier of—

(1) the date of publication of notice under subsection (b), or

(2) if such notice is not so published within the time required by subsection (b), after the expiration of the 30-day period beginning on the date the Attorney General or the Commission receives the applicable information described in subsection (a).

(d) Except with respect to the information published pursuant to subsection (b)—

(1) all information and documentary material submitted as part of a notification filed pursuant to this section, and

(2) all other information obtained by the Attorney General or the Commission in the course of any investigation, administrative proceeding, or case, with respect to a potential violation of the antitrust laws by the joint research and development venture with respect to which such notification was filed,

shall be exempt from disclosure under section 552 of title 5, United States Code, and shall not be made publicly available by any agency of the United States to which such section applies except in a judicial or administrative proceeding in which such information and material is subject to any protective order.

(e) Any person who files a notification pursuant to this section may withdraw such notification before notice of the joint research and development venture involved is published under subsection (b). Any notification so withdrawn shall not be subject to subsection (b) and shall not confer the protections of section 4 on any person with respect to whom such notification was filed.

(f) Any action taken or not taken by the Attorney General or the Commission with respect to notifications filed pursuant to this section shall not be subject to judicial review.

(g)(1) Except as provided in paragraph (2), for the sole purpose of establishing that a person is entitled to the protections of section 4, the fact of disclosure of conduct under section 6(a) and the fact of publication of a notice under section 6(b) shall be admissible into evidence in any judicial or administrative proceeding.

(2) No action by the Attorney General or the Commission taken pursuant to this section shall be admissible into evidence in any such proceeding for the purpose of supporting or answering any claim under the antitrust laws or under any State law similar to the antitrust laws.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment to the title of the bill insert the following: "An Act to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate modifications in the operation of the antitrust laws.".

And the House agree to the same.

PETER W. RODINO,
JACK BROOKS,
DON EDWARDS,
JOHN F. SEIBERLING,
BILL HUGHES,
MIKE SYNAR,
GEO. W. CROCKETT,
CHARLES SCHUMER,
EDWARD FEIGHAN,
DON FUQUA,
HAMILTON FISH, JR.,
CARLOS J. MOORHEAD,
HENRY J. HYDE,
HAL SAWYER,
DANIEL E. LUNGREN,
JUDD GREGG,
Managers on the Part of the House.

STROM THURMOND,
CHARLES MCC. MATHIAS, JR.,
ORRIN HATCH,
BOB DOLE,
J.R. BIDEN, JR.,
HOWARD M. METZENBAUM,
PATRICK J. LEAHY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1841) to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted as a substitute text the text of the bill H.R. 5041, to promote research and development, encourage innovation, and make necessary and appropriate amendments to the antitrust laws, as passed by the House.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The Conferees agree to adopt a new short title for the legislation, the National Cooperative Research Act of 1984.

Section 2. Definitions

The only definition in conference was the type of joint research and development activity covered by the bill. The agreed report language contains aspects of both the House and Senate versions. The title of the definition is "joint research and development program" in the Senate version and "joint research and development venture" in the House version. The Conferees elect to use the House term "joint research and development venture". The intent is not to modify the substantial body of antitrust case law related to non-R&D joint ventures; instead it is expected that the determination of whether or not a particular venture falls within the purview of this Act will be based solely upon this definition, this Act's legislative history, and judicial interpretation of this Act, The word "program" in the Senate version is rejected in order to avoid any suggestion of a federal program.

The Conferees have retained lists of both permissible and non-permissible conduct in the definition. Subject to Subsection (2)(b), any group of activities by two or more persons that meets the purposes set out in Subsection 2(a) will fall within the permissible range of joint R&D venture activity. Furthermore, the Conferees agree to narrow the permissible engineering activities of a joint research and development venture by striking the House-passed language concerning "standards of performance and reliability" and engineering "to meet economic requirements" and by inserting into Section 2(a) "the development or testing of basic engineering techniques". The Conferees intend to emphasize fundamental engineering as a legitimate purpose of a joint research and development venture. They also intend to eliminate joint R&D venturers' ability to rely on this Act for protection of activities at the other end of the engineering spectrum that could fall within the ambit of excluded activities under Sec. 2(b). Thus, when the sole purpose of the joint activity is to prepare a product for the commercial marketplace, the protections of this Act are not available.

Section 2(b) excludes classic cartel-like behavior by participants in a joint R&D venture from coverage under the Act. The conference agreement includes in the text of Section 2(b) every suspect activity described in either the House or the Senate-passed versions of this definition. The Conferees note that the detailed discussion of Section 201 for activities explicitly excluded, contained in Senate Report 98-427 beginning at the bottom of p. 15, accurately reflects the Congressional intent. The term "purpose"

in Sec. 2(b)(1) is intended to refer to one or more of the purposes set forth in Sec. (2)(a).

The term "trade secrets" in this definition is used as defined and explained in the *Restatement of Torts* (1939) Sec. 757, comment b.

"Misappropriation" is used in this section as explained in Milgrim, *Trade Secrets* (1976), Sec. 2.01(1), on misappropriation of a trade secret.

The Conferees also intend that nothing in this Act shall modify the interpretation of the antitrust laws as applied to any activities not within the scope of the definition of a joint research and development venture. These activities are to be analyzed and judged solely under existing antitrust principles.

Section 3. Application of the rule of reason to joint research and development programs

In both the House and the Senate, there was unanimous support for legislation making clear that a court should not condemn R&D behavior as illegal under the antitrust laws without first considering its procompetitive effects.

Section 3 states clearly and unequivocally that the conduct of any person making or performing a contract to carry out a joint R&D venture shall not be deemed illegal per se. It thus assures consideration of the actual competitive effects of such conduct and the joint R&D venture of which it is a part under the antitrust "rule of reason." Section 3 eliminates any misconception that present law automatically condemns R&D conducted jointly among competitors.

In addition, there was widespread concern among members of both houses that businesses were uncertain as to the application of the antitrust laws to R&D behavior. Consequently, firms may be foregoing lawful ventures under the misperception that the antitrust laws preclude such conduct. By providing guidance to courts and the general public in section 3 and in this report, the Conferees seek to remove any misperception and thereby encourage the formation of lawful ventures. The rule of reason analysis prescribed in section 3 and in this report does not in any way alter or affect antitrust analysis of agreements not within the scope of this Act.

Under the rule of reason standard, courts must realistically analyze the competitive effects of any challenged joint R&D venture. If a joint R&D program has no anticompetitive effects, or if any such effects are outweighed by its procompetitive effects, then it should not be deemed to violate the antitrust laws.

Congressional direction to the courts to apply a rule of reason analysis to joint R&D does not imply that in every case a court must sift through, and account for, each detail of the given arrangement and its surrounding circumstances. Rather, building upon the legislative record of expert testimony before the House and Senate Judiciary Committees, this report will guide the courts in focusing on the major potential anticompetitive and procompetitive effects of joint R&D ventures. In addition, it is anticipated that the courts will continue to develop, consistent with the standards set forth in this report, further rules and presumptions based upon experience with joint R&D programs.

Section 3 identifies "effects on competition in properly defined, relevant research and development markets" as an important, but not exclusive, focus of this analysis. Competition is as important in R&D as it is in any other commercial endeavor. Indeed, in many industries, particularly those that are based on rapidly evolving technology, remaining competitive in R&D may be crucial to success. Motivated by the benefits of getting ahead of one's competitors as well as the threat of falling behind, firms in such industries have strong incentives to be the first to develop new processes and products. Thus, under the rule of reason, courts will consider whether any challenged joint R&D venture could reduce R&D competition, and thus deter innovation. Under this analysis, of course, positive competitive effects become relevant only when anticompetitive effects have already been demonstrated.

The first step in considering effects on competition in R&D is to determine the area of effective R&D competition—that is, the "relevant R&D market." To be included in the relevant R&D market, firms must have the ability and incentive, either individually or in collaboration with one another, to undertake R&D comparable to that of the joint venture in question. In this context, the terms "ability" and "incentive" are measured by an objective standard. Central to evaluating these factors are a firm's business objectives, facilities, technologies, and other available assets. Firms need not be actual competitors at the production or marketing stage. Market shares in existing markets or in projected future markets can be relevant, but will not be determinative of a firm's ability and incentive to compete in a relevant R&D market.

The unique nature of knowledge—the basic product of R&D—is important in defining relevant R&D markets. Knowledge is highly mobile; it does not face significant transportation costs, or, in general, any other legal or economic barriers to worldwide dissemination. Even though particular goods or services may face legal or economic barriers that impede their importation into this country, the knowledge that makes those goods or services possible generally can flow unimpeded across national boundaries. Thus, overseas R&D competitors will usually be significant factors in properly defined R&D markets. Courts must consider the extent of this international dimension in R&D markets.

After a relevant R&D market is determined, the effect on competition in that market of the joint R&D venture in question must be evaluated. The first inquiry is whether a particular joint R&D venture has or may have anticompetitive effects. If there are none, the court need not inquire further.

The greatest potential for harm to R&D competition exists when a joint R&D venture is overly inclusive—that is, when the venture includes a greater percentage of the potential market than it should under the circumstances. Overinclusiveness is the major concern because it reduces the number of competing R&D efforts. In general, reducing the number of separate R&D efforts may increase the costs to society of mistakes in R&D strategy because there will be fewer other businesses pursuing different and potentially successful R&D paths. Moreover, as the number of its competitors with which a joint venture participant is required to share the benefits (or losses) of R&D increases, incentives to innovate may be decreased because the benefits of winning and the costs of losing in R&D competition may be reduced.

Whether a given joint R&D venture is overly inclusive will depend on a variety of factors, including the relative capability and incentive of the firms that are in and out of the venture. No arbitrary or fixed rule is appropriate as to the minimum number of entities necessary to ensure adequate R&D competition. But when there are several other—perhaps four—comparable R&D efforts underway or successfully completed, or when there is the substantial potential for such efforts by firms or groups of firms that are included in the market, anticompetitive effects are unlikely. However, the mere fact that there are fewer than four entities in the R&D market does not necessarily mean that a joint R&D venture has an anticompetitive effect, or that any such effect is not outweighed by the procompetitive benefits of the venture.

Because it generally is the existence of competing R&D efforts that spurs desirable innovation, decisions not to include every applicant in joint R&D ventures generally will not have adverse competitive effects on R&D. Indeed, forcing a joint R&D venture to accept all comers could forestall the development of competing R&D efforts. However, a joint R&D venture that includes a large portion of the competitors in an R&D market—even all the competitors in certain instances—might be permissible when only a venture of that size can efficiently pursue the research objectives. In such a case, the exclusion of competitors may be anticompetitive.

Another possible anticompetitive risk of a joint research and development venture would be that the participants would in some manner agree to slow the pace of innovation, or the exploitation of the fruits of the venture. Any agreement relating to the commercialization of the fruits of the venture should not unreasonably discourage the participants from making full and prompt use of those fruits.

Although joint R&D ventures will generally be procompetitive, to the extent that such ventures create an anticompetitive risk, that risk is most likely to arise from their effects on competition in properly defined R&D markets. However, other competitive effects also must be considered. The courts should consider all relevant factors affecting competition. For example, joint R&D that includes a large portion of the competitors in properly defined relevant markets for goods or services that are currently being produced might in some circumstances have anticompetitive "spillover" effects, such as collusion among those competitors with respect to the price or output of goods or services sold outside a joint R&D venture, or with respect to other strategic business decisions.

The definition of a "joint research and development venture" in section 2 is intended to exclude from protection most conduct that could result in spillover effects. In some instances, however, joint research and development conduct might still have such effects. Safeguards built into a program can minimize the likelihood that these effects will occur. Courts should consider how closely related the research and development being carried out is to the production and marketing of the product or service in question. The risk of collusion is least significant when the R&D program involves basic research, far removed from current price and output decisions.

The rule of reason condemns only joint R&D ventures that on balance are anticompetitive. If no anticompetitive effects are established, a venture does not violate the antitrust laws, regardless of whether it creates any demonstrable efficiencies.

On the other hand, merely because a joint R&D venture has come anticompetitive effect, it is not automatically illegal; a weighing process is necessary. Generally, the greater the cost of an R&D venture relative to a single firm's budgetary limits, or the greater the economies of scale that can be achieved through jointly conducted R&D, the more likely it is that the procompetitive benefits will outweigh the anticompetitive effects. Conversely, if there has been a demonstration of anticompetitive effects in the relevant R&D market and if it is apparent that the research undertaking is well within a single firm's budgetary limits and can be efficiently performed by it, any procompetitive benefits to a jointly conducted R&D venture may be outweighed by its anticompetitive effects.

The Conferees agree to drop from the bill Senate language that expressly instructs a court to consider the "effects in promoting competition through innovation or enhancement of efficiency." This language is deleted with an awareness that no statutory listing of competitive concerns to be weighed in the application of the rule of reason could be an exclusive list. The most important competitive measuring stick—"effects on competition in properly defined relevant research and development markets"—is retained as in the Senate language. The listing of this factor serves to highlight its importance. The listing of only this factor also resolves a concern of the House Conferees that a more detailed enumeration might be read as an exclusive list, thereby precluding consideration of other competitive factors.

The deletion of the Senate language on procompetitive effects should not be read as a suggestion that procompetitive effects will not be attained in joint R&D ventures. To the contrary, the legislative record supports the view that joint R&D can bring about substantial procompetitive benefits, including the enhancement of efficiency.

One benefit that joint R&D ventures can capture is economies of scale. For example, the unit cost of operating very sophisticated scientific machinery used in experiments generally decreases as the frequency of use increases. Also, combining the complementary abilities of different competitors may yield synergies that further reduce the cost of R&D. And small firms that individually lack the resources to compete in R&D against larger competitors may be able to perform comparable research if they join ranks.

If anticompetitive effects are established, the court must weigh against them any demonstrated procompetitive effects. Courts are reminded of these procompetitive benefits by Section 3's express application of the rule of reason in all cases involving joint R&D ventures.

Section 4. Limitation on recovery

Section 4 sets forth the limitations on recovery of damages for conduct that is within a joint research and development venture reported to the Department of Justice and the Federal Trade Commission pursuant to Section 6 of the bill. The guiding principle is that R&D conduct within the scope of a joint research and development venture is never subject to more than actual damage recovery where there is compliance with the requirements of section 6. This is so even if it is subsequently demonstrated that there has been a violation of the antitrust laws. The recovery, however, should fully reimburse the injured plaintiff. Thus, section 4 contemplates payment of prejudgment interest and, consistent with current law, payment of the costs of suit (including a reasonable attorney's fee as set forth in section 5) to the prevailing plaintiff.

A joint R&D venture need not specifically notify the Justice Department and the FTC that it intends to engage in the activities described in section 2(a)(1) of the bill, provided that the venture supplies the Department and the FTC with the notification described in section 6(a). Thus, unless a venture has notified the Justice Department and the FTC to the contrary, any activity within the definitions of section 2(a)(1) is within the scope of any venture as to which notification has been filed under section 6(a). For example, unless the venture has indicated otherwise, efforts to market the results of the venture, such as through licensing, will automatically be considered within the scope of a properly notified joint R&D venture.

Subsection (a) defines the actual damage limitation for plaintiffs suing under section 4 of the Clayton Act; subsection (b) defines a similar limitation for any State that sues under section 4C of the Clayton Act; and subsection (c) defines an actual damage limit to recoveries under any State law similar to the antitrust laws. In each case, the actual damages limitation applies only if the Federal Register notice pursuant to Section 6(b) is effective as provided in section 6(c).

The Conferees wish to emphasize that the elimination of treble damages for agreements limited to joint research and development for which notification has been provided is not to be regarded as a precedent for any further elimination of treble damages. Rather, elimination of treble damages in this narrow context is appropriate because of certain unique characteristics of joint R&D. Although many agreements subject to the antitrust laws and desirable and procompetitive, joint R&D among American firms is essential if these firms are to meet successfully the challenge of foreign competition. Moreover, the antitrust risks involved in joint R&D are particularly difficult to assess because of the continually evolving nature of joint R&D and because the potential damage exposure is highly speculative when a firm must decide whether or not to join a venture. In contrast, the competitive effect and damage exposure of agreements in current markets is more easily ascertainable. Thus, the elimination of treble damages in this context cannot be relied upon to justify detrebling in other circumstances where these special characteristics of joint R&D are not present.

Both the House and Senate versions allow prejudgment interest to be awarded to a victim of an anticompetitive joint R&D venture. The versions differ slightly as to the procedures and burdens of proof placed upon parties concerning this issue.

Section 4(d) permits interest from the earliest date that injury can be established, unless the award of all or part of that interest would be unjust in the circumstances. This formulation is intended to allow an injured plaintiff to be fully compensated for injuries suffered. The Conferees recognize that it may be difficult to establish the precise date on which a "lost profit" injury began. Even if a precise date of injury cannot be established, if the plaintiff can demonstrate that the injury occurred prior to some fixed date, then interest could be awarded from that date.

Prejudgment interest is not to be awarded if it is unjust in the circumstances. There may be several general situations where an award of prejudgment interest would be inappropriate. For example, where actual damages awarded on lost profits includes compensation for the loss of use of such profits, prejudgment interest on such use should not be awarded lest the plaintiff recover what, in effect, would be double interest. Interest should also be reduced or denied where the plaintiff has engaged in unreasonable delay in commencing the litigation, or where the plaintiff has used dilatory tactics in litigation.

Both the House and Senate versions provide that the protection against treble damages would not apply to participants in an unlawful joint R&D venture who were acting in violation of an order or decree that had previously enjoined their conduct. Section 4(e) is adopted from the Senate version, which applies only to court orders issued after the effective date of this act. The Conferees intend to put any party subject to any future court-ordered injunction or FTC cease and desist order, or any future consent decree, on notice that violations of such orders or decrees will carry the penalty of treble damages.

Section 5. Attorney's fees

The House bill provides that in an antitrust suit based on conduct that results from a joint research and development venture, the substantially prevailing party shall be awarded a reasonable attorney's fee. This is a departure from current antitrust law, which generally permits only prevailing plaintiffs to recover their attorney's fees. The House bill would also depart from current law by allowing an award of attorney's fees to the prevailing party to be reduced or withheld in the interests of justice, or to be reduced by an award in favor of another party. The Senate bill contains no provision altering current law on the award of attorney's fees.

The Conferees agree to a compromise approach on this issue that alters current law in several major respects. First, defendants in a suit challenging the conduct of a joint R&D venture will be entitled to collect a reasonable attorney's fee from the plaintiff in specified circumstances. When a plaintiff's claim or its conduct of the litigation is frivolous, unreasonable, or without foundation, or is in bad faith, the defendant shall be reimbursed for those fees incurred in defending against such claim or conduct. Second, the trial court may offset any fee award to a prevailing party if the court finds that that party conducted a portion of the litigation frivolously, unreasonably, without foundation, or in bad faith.

Like the other sections of this bill, the treatment of attorney's fees reflects the congressional purpose to encourage procompetitive joint R&D ventures, while retaining antitrust remedies, including private suits, against anticompetitive ventures that might slow innovation or otherwise harm competition. The attorney's fee provision offers a strong deterrent to those who might consider bringing unwarranted actions against joint R&D ventures. It will force potential plaintiffs to evaluate carefully the merits of their planned suit, inasmuch as they will run the risk of paying the attorney's fees of the defendants. Since joint ventures by definition involve multiple parties, a plaintiff's potential liability for opponents' attorney's fees would often be extremely high. The Conferees believe that this prospect will strongly discourage the bringing of suits that are frivolous, unreasonable, without foundation, or in bad faith.

In addition, a pre-eminent purpose of this bill is to clarify the antitrust analysis of joint R&D ventures. Thus, the bill explicitly rejects the application of any *per se* rule to conduct within the scope of a joint venture. Furthermore, the Statement of the Managers provides specific additional guidance about how joint R&D ventures are to be evaluated under the antitrust laws. The Conferees believe that this added clarity will greatly aid the courts in determining whether particular lawsuits are frivolous, unreasonable, without foundation, or in bad faith.

The Conferees' concern about deterring unwarranted suits is balanced by a concern that too ready an award of attorney's fees to successful defendants could intimidate plaintiffs with valid claims from attempting to vindicate their rights. Under the antitrust laws, non-governmental plaintiffs play an important role as "private attorneys general" in helping to deter anticompetitive conduct that the government lacks the resources to ferret out or prosecute. It is important that plaintiffs not be discouraged from performing this valuable function under our antitrust laws by the prospect of liability for attorney's fees should they lose a non-frivolous case brought in good faith.

In the past few years, the Supreme Court has sought to reconcile these same concerns in determining when defendants in civil rights cases under Title VII should be able to recover their attorney's fees from an unsuccessful plaintiff. Like antitrust plaintiffs, those who bring civil rights actions seek to vindicate not only their own rights but also the public interest. The Supreme Court has thus sought to satisfy the two goals that the Conferees believe to be important here: first, to discourage unwarranted suits, and second, to avoid intimidating plaintiffs from pursuing meritorious claims.

To achieve that delicate balance, a unanimous Supreme Court ruled that defendants are to be awarded fees in Title VII cases if the plaintiff's claim was "frivolous, unreasonable, or without foundation," or was brought in bad faith. *Christiansburg Garment Co.* v. *EEOC*, 434 U.S. 412, 417 (1978). The lower federal courts have developed a large body of case law under the *Christiansburg* standard, and have not hesitated to award attorney's fees against unsuccessful plaintiffs when that standard has been met. At the same time, the courts have declined to award attorney's fees to defendants in legitimate cases that were brought in good faith.

The Conferees believe that the Supreme Court's *Christiansburg* standard, as further explicated by the lower courts, is an appropriate one to adopt in the context of suits against joint R&D ventures, and that it will achieve the desired goal of protecting law-abiding defendants from baseless and bad faith attacks while ensuring that private enforcement of the antitrust laws is not deterred. By adopting a well-established and well-understood standard, Congress can provide the greatest certainty to litigants about the standard by which their conduct of litigation will be measured.

The Conferees wish to emphasize several points about the interpretation of this standard. The first is that, as the Supreme Court stressed in *Christiansburg*, "it is important that a district court resist the understandable temptation to engage in *post hoc* reasoning by concluding that, because a plaintiff did not ultimately prevail, his action must have been unreasonable or without foundation. This kind of hindsight logic could discourage all but the most airtight claims, for seldom can a prospective plaintiff be sure of ultimate success." 434 U.S. at 422. In particular, the Conferees realize that under the Federal Rules of Civil Procedure, "notice pleading" is a permissible and often necessary practice, and the Conferees do not intend to change current law in that regard.

At the same time, as the Supreme Court has recognized, an action that appears to have merit as of the date of filing may need to be discontinued in light of information developed through discovery, or in light of other information that comes to the attention of the litigant during the course of the litigation. *See Christiansburg, supra*, 434 U.S. at 422 ("a plaintiff should not be assessed his opponent's attorney's fees unless a court finds that his claim was frivolous, unreasonable, or groundless, or that the plaintiff continued to litigate after it clearly became so.") The lower courts have taken this point to heart. *See, e.g., Davis v. Braniff Airways*, 468 F. supp. 10 (N.D. Tex. 1979); *see also Nemeroff v. Abelson*, 704 F.2d 652 (2d Cir. 1982) (plaintiff assessed attorney's fees in securities case based on "bad faith" for continuing to litigate case when new information made clear that it was baseless). In such a case, the court should award attorney's fees to a successful defendant from the time that plaintiff should have realized that continued prosecution of the suit would be frivolous, unreasonable, or without foundation.

The offset provision in section 5(b) is also a compromise. The provision allows a court to analyze different components of a single lawsuit to determine whether a prevailing party conducted part, though not all, of the lawsuit frivolously, unreasonably, without foundation, or in bad faith. At the same time, by adopting the *Christiansburg* standard for "offset" awards, the compromise assures that courts will not excessively reduce awards of attorney's fees to which parties would otherwise be entitled under this bill.

The Conferees are aware of the revisions that have been made to the Federal Rules of Civil Procedure and to the United States Code in the past few years to discourage abusive conduct in litigation. For example, the revised version of F.R. Civ. P. 26(b) provides that the court may limit discovery if it is unreasonably duplicative or burdensome in the context of the case. Likewise, both Rule 26(g) and Rule 37 provide for strong sanctions against discovery abuse. Finally, section 1927 of Title 28 of the United States Code authorizes the courts to require an attorney to personally reimburse the opposing party if he or she has "unreasonably and vexatiously" multiplied court proceedings. The present legislation is entirely consistent with the vigorous enforcement of these important revisions.

The House bill also changed current law as to awards of attorney's fees to defendants in *parens patriae* suits brought by state attorneys general under section 4C of the Clayton Act. Under current law, 15 U.S.C. 15c(d)(2), attorney's fees may be awarded to a prevailing defendant upon a finding that the state attorney general acted in bad faith, vexatiously, wantonly, or for oppressive reasons. The Conferees believe that this standard is appropriate in determining liability for attorney's fees in *parens patriae* suits and therefore do not adopt the language of the House bill in this respect.

Section 6. Disclosure of joint research and development venture

Both the House and Senate bills made damage protection for joint R&D ventures turn on some form of disclosure to the antitrust enforcement agencies.

The approach contained in the Conference bill requires parties voluntarily seeking the protection of Section 4 to disclose the nature and objectives of their venture in return for limiting their potential exposure from treble to single damages. In addition, under the Conference bill, notification would also trigger public notice (via the Federal Register), thus permitting private parties to inform the antitrust agencies of any behavior thought to be unlawful or harmful to their interests. Since it is the private antitrust remedy that may be restricted under section 4, the Conferees agree that private parties should have some notice of those joint R&D ventures that seek the newly-created protection of that section. It should be emphasized that the detrebling protection is tied to the notification filed under subsection (a) and not to the notice published in the Federal Register. Publication of the notice, however, is a requirement for the vesting of the protection as set out in section 6(c) of the Act.

The notification approach described above should not be misconstrued as establishing a type of federal regulation of joint R&D. There is no requirement that joint R&D ventures notify the antitrust agencies of their activities. As defined by this Act, regardless of notification and the potential damage protection flowing therefrom, joint R&D ventures will be judged under the rule of reason standard set out in section 3. The Conferees also foresee that a minimum of additional resources or personnel will be needed to implement the notification and notice provisions of section 6, in part because of business review procedures already in place at the antitrust enforcement agencies for evaluating joint R&D ventures.

Section 6 sets forth the procedures for notifying the Attorney General and the Federal Trade Commission of a joint R&D venture. The actions of the Attorney General and Commission in implementing section 6 procedures are essentially ministerial in nature. Publication of the notice in the Federal Register implies no approval or certification of the conduct of the parties to the joint R&D ventures by the enforcement agencies.

Section 6(a) requires that a simultaneous written notification of the joint R&D ventures be made to the Attorney General and the Federal Trade Commission not later than 90 days after a party has entered into a written agreement to form such a venture, or not later than 90 days after the Act's effective date of enactment, whichever is later.

For section 4 protection to attach, the original notification must disclose the identity of the parties and the nature and objectives of such venture. The ninety-day requirement of the original notification—whether in the case of an ongoing venture established prior to the date of enactment of the Act or in the case of a prospective venture entered into by written agreement at some point after passage of the Act—was chosen by the Conferees as a sufficient period to allow joint R&D ventures to weigh the decision to file notification materials but not excessive in the sense of permitting venturers undue advantage in lead time over those interests that might be harmed by the

joint venture's activities. The phrase "entering into a written agreement to form" the venture carries no special connotation in the context of this Act; and the Conferees intend that courts, in determining whether parties have, in fact, entered into a written agreement, shall apply generally accepted principles of commercial contract law. In other words, in determining the triggering of the ninety-day period, such questions as whether there was the necessary intent to enter into a written agreement—in contrast to preliminary discussions and negotiations—or whether there were the requisite steps taken to effectuate this intent into a written instrument of binding obligation are to be judged in exactly the same manner as any other commercial agreement.

The Conferees consider the change in membership of the joint R&D venture to be quite significant (because of potential competitive risks and the need to notify the public of such change), and therefore require that notification of such change be made to the antitrust agencies not later than 90 days of such change. Failure to disclose that a new member has joined the joint R&D venture within the ninety-day period will terminate the protections of section 4 for all parties to the venture at the point of the running of the ninety-day period. Thus, even if the joint R&D venture continues to engage in activities that fall within the scope of the original or subsequently filed notifications to the antitrust agencies, this same conduct will not receive single damage protection following the change in membership unless a new notification disclosing such change in membership is filed. In such a scenario, however, section 4 protection would remain effective for parties and conduct properly disclosed through previously filed notifications that are consistent with the procedures of section 6 up until the time of the running of the ninety-day period.

Section 6(a) also provides that parties may file additional notifications as are appropriate to extend the protection of section 4. Such additional notifications are designed to permit parties to a joint R&D venture the opportunity to extend the single damage limitation to new, different or otherwise inconsistent activities and objectives not covered by the original or other subsequently filed notifications. This provision accommodates the potentially variable and, at times, even unpredictable, course of collaborative research while retaining the centerpiece of the notification scheme—namely, that protection is directly linked to disclosure. Unlike the addition of a new member to the joint R&D venture, there is no specified time period in which such additional notifications are to be made; but as section 4 and section 6(c) make clear, single damage protection will not be conferred on new and previously undisclosed activity that is first disclosed to the public via the Federal Register subsequent to the filing of an action challenging the legality of such activity. Even with such a risk, and in keeping with the voluntary nature of the notification procedures, a joint R&D venture may decide to forgo filing additional notifications even though the nature and objectives of the venture have changed and are outside the scope of previously-filed notifications. In this situation, the joint R&D venturers will continue to enjoy the protections of section 4 for activity which was disclosed in the original or subsequently filed notifications meeting the requirements of subsection (b).

The Conferees agree that the contents of the notification to be filed under section 6 shall, for the most part, be those required in the House bill. The Senate version of the bill limited notification solely to the identities of the parties; but the Senate Conferees receded to the House language requiring notification of the identities of the parties, the nature and objectives of the venture as well as the publishing of a notice in the Federal Register identifying the parties and, in general terms, the area of planned activity. The House Conferees agree that the antitrust agencies do not need congressionally-mandated authority to promulgate regulations to implement the notification procedures. Private parties will therefore determine, in their own discretion, the quantity and form of information/materials required to describe the nature and objectives of the venture.

It will be the choice of the parties to weigh the benefits of detailed disclosure against the benefits of less-detailed disclosure. If the information is too sparse to enable the agencies to formulate a notice for publication in the Federal Register, additional information will have to be supplied. For, while the protections of section 4 depend on the disclosure of pertinent information to the antitrust agencies in the notification filing, that protection does not vest until the subsequent publication of the notice in the Federal Register or as otherwise provided in subsection 6(c). Nevertheless, and despite the cautionary note sounded in the foregoing explanation, where a joint venture has made a good faith effort to comply with the written notification requirements of this subsection, nonsubstantive or technical omissions shall not destroy the protections of section 4.

Similarly, once the parties have given the agencies adequate information to permit publication of a notice, the Conferees do not intend that the benefits of detrebling turn on the quantity of documents filed with the agencies. More important than length or form is the question of whether the joint venture activity undertaken is consistent with the information in the notification.

The purpose of this legislation is to promote joint research and development; and the notification requirement is intended to be construed in a sensible and practical fashion, with an eye to substance and not to technicality. The Conferees expect that courts will focus their attention on a practical assessment of whether the information supplied to comply with notification reasonably relates to the activities actually undertaken by the joint R&D venture and is adequate to permit the agencies to fulfill their public notice function. As noted in section 4, unless a venture specifically notifies the antitrust agencies to the contrary, any activity within the definitions of section 2(a)(6) is within the scope of any joint R&D venture as to which notification under section 6(a) of the Act has been filed. A notification such as "research and development to promote the mutual interests of the parties" would not satisfy the requirements of subsection 6(a) that the parties disclose the "nature and objectives" of the venture since it would provide no information about the venture. As the statute makes clear, once a project's "nature and objectives" are provided to the antitrust agencies, the parties have fulfilled the broad purposes behind the disclosure system as established in this legislation.

Subsection (b) requires the Attorney General or the Commission, not later than 30 days after receipt of notification, to publish a notice of the joint research and development venture in the Federal Register where such venture has made a good faith effort to comply with subsection (a). Consistent with subsection (d), the enforcement agencies must make the contents of the notice available to the parties in advance of publication.

Publication in the Federal Register, as set forth in subsection (b), will provide the general public with notice that the R&D joint venture exists and that information about the nature and objectives of the venture has been disclosed to the antitrust agencies. The notice will describe the identities of the parties and "in general terms the area of planned activity." The Conferees intend that the notice list the indentities of the real parties in interest. Presumably, the 30-day period after receipt of notification until the publication of notice in the Federal Register will allow the enforcement agencies the needed opportunity to process the materials so that the notice published in the Federal Register will be informative to the public as to the identities of the real parties in interest and to the general area of planned activity.

Subsection (c) sets out the conditions for vesting the protections of section 4 as to notifications filed under section 6(a) and for which notice is later published under subsection 6(b). The section 4 protection becomes effective either on the date of the published notice under subsection 6(b), or if the notice is not published within the time required by subsection (b), on the expiration of the 30-day period beginning on the date the Attorney General or Federal Trade Commission receives information adequate to comply with requirements of section (b), whichever, date is earlier.

The information and documentary material submitted by a joint R&D venture in compliance with subsection (a) is protected from disclosure under subsection (d). Also protected from disclosure is all other information obtained by the Attorney General or the Federal Trade Commission in the course of any investigation or enforcement action as described in subsection (d). The only exception to this general prohibition against disclosure is the information contained in the notice published in the Federal Register under section 6(b).

The Conferees recognize that the exemptions justifying withholding under the Freedom of Information Act are permissive rather than mandatory. 5 U.S.C. 552(b). Thus, even if documents fall within a particular FOIA exemption—such as the exemption in 5 U.S.C. 552(b)(4) dealing with trade secrets and confidential commercial and financial information—an agency still has the discretion to release the documentary material. Consequently, the Conference adopted the thrust of the House language for subsection (d), which makes clear that information submitted under subsection (a) or obtained through a related investigation, administrative proceeding or case with respect to a potential antitrust violation by the joint R&D venture filing such notification "shall not be made publicly available" except in a judicial or administrative proceeding where such information is subject to any protective order." The Attorney General and Federal Trade Commission do not have discretion to release to the public any of the information relating to the joint venture, except for publication under subsection (b), whether or not it is exempt under the Freedom of Information Act.

Subsection (e) permits any person making a notification under this section to with-

draw such notification prior to publication of the notice in the Federal Register pursuant to subsection (b). Under subsection (b), each person submitting a notification must be given an opportunity to review the contents of the notice prior to publication in the Federal Register. If there is disagreement about the contents of the notice to be published, negotiations with the enforcement agency may be able to resolve the conflict. But if the person objects to any feature of the notice to be published, he may withdraw the entire notification, in which case no publication will be made in the Federal Register. In the event of such withdrawal, the notification shall have no force or effect. The protections against disclosure under subsection (d), however, will continue to operate.

Subsection (f) provides that any action taken or not taken by the Attorney General or the Federal Trade Commission under this section shall not be subject to judicial review. The tasks assigned to the enforcement agencies are, as suggested elsewhere, essentially ministerial. Neither agency is authorized to "certify" or "approve" the conduct described in a notification. Even the agency's control of the contents of the notice for publication in the Federal Register is limited—the agency must make the contents available to the filing party in advance of publication and allow the party to withdraw its notification. Thus, the decision to deny judicial review reflects both the ministerial, nonsubstantive nature of the enforcement agency's duties and a desire on the part of the Conferees to keep costs and delay at a minimum.

Subsection (g) limits the admissibility of the fact of notification under subsection (a) and the fact of publication of notice under subsection (b); these facts are admissible in a judicial or administrative proceeding solely for the purpose of establishing the applicability of the damage limitations in Section 4. No action of the Attorney General or the Commission shall be admissible in any judicial or administrative proceeding either for supporting or answering a claim under the antitrust laws or under a State law similar to the antitrust laws. This provision reflects the fact that the bill imposes no substantive review functions on the antitrust agencies in carrying out their essentially ministerial duties. Indeed, a decision by a particular joint research and development venture not to notify under Section 6 does not create a negative inference or presumption under this legislation. The fact of disclosure is admissible into evidence solely for the purpose of determining the amount of damages in an antitrust action based on the disclosed conduct under challenge. Joint ventures are free to take advantage of the notification procedure if they so choose; if they choose not to do so, they will still benefit from the provisions in Section 3 and Section 5 of the bill.

PETER W. RODINO,
JACK BROOKS,
DON EDWARDS,
JOHN F. SEIBERLING,
BILL HUGHES,
MIKE SYNAR,
GEO. W. CROCKETT,
CHARLES SCHUMER,
EDWARD FEIGHAN,
DON FUQUA,
HAMILTON FISH, Jr.,
CARLOS J. MOORHEAD,
HENRY J. HYDE,
HAL SAWYER,
DANIEL E. LUNGREN,
JUDD GREGG,
Managers on the Part of the House.

STROM THURMOND,
CHARLES McC. MATHIAS, Jr.,
ORRIN HATCH,
BOB DOLE,
J.R. BIDEN, Jr.,
HOWARD M. METZENBAUM,
PATRICK J. LEAHY,
Managers on the Part of the Senate.

HOUSE OF REPRESENTATIVES—*Monday, September 24, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Ascribe to the Lord, O heavenly beings, ascribe to the Lord glory and strength. Ascribe to the Lord the glory of His name; worship the Lord in holy array.—Psalm 29:1, 2.

We thank You, O gracious God, that Your nature is not to judge us according to our faults or condemn us by our misdeeds, but rather to renew us by Your grace. We are thankful that Your spirit encourages and sustains us and no manner of injustice can overwhelm Your love. For Your free gift of forgiveness and peace, we offer this our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills, joint resolutions, and a concurrent resolution of the House of the following titles:

H.R. 1150. An act for the relief of Teodoro N. Salanga, Jr.;

H.R. 1236. An act for the relief of Andrew and Julia Lui;

H.R. 1362. An act for the relief of Joseph Karel Hasek;

H.R. 5147. An act to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983;

H.R. 5343. An act for the relief of Narciso Archila Navarrete;

H.J. Res. 392. Joint resolution to designate December 7, 1984, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor;

H.J. Res. 554. Joint resolution to designate the week of November 11, 1984, through November 17, 1984, as "Women in Agriculture Week";

H.J. Res. 605. Joint resolution regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government; and

H. Con. Res. 321. Concurrent resolution expressing the sense of the Congress with respect to the adverse impact of early projections of election results by the news media.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 32. An act to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings;

S. 1989. An act for the relief of Vladimir Victorovich Yakimetz; and

S. 2000. An act to allow variable interest rates for Indian funds held in trust by the United States.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 38) "An act entitled the 'Longshoremen's and Harbor Workers' Compensation Act'."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5297) "An act to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 5561) "An act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 540) "An act to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. QUAYLE, Mr. DENTON, Mr. KENNEDY, and Mr. MATSUNAGA; for issues related to fetal research: Mr. HATCH, Mr. DENTON, Mr. NICKLES, Mr. KENNEDY, and Mr. MATSUNAGA to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 905) "An act to establish the National Archives and Records Administration as an independent agency," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MATHIAS, Mr. ROTH, and Mr. EAGLETON to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2819) "An act to make essential technical corrections to the Housing and Urban-Rural Recovery Act of 1983," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GARN, Mr. TOWER, and Mr. RIEGLE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the amendments of the House to the bill (S. 1097) "An act to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce", disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PACKWOOD, Mr. GORTON, Mr. KASTEN, Mr. HOLLINGS, and Mr. LAUTENBERG to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House with an amendment to a bill of the Senate of the following title:

S. 2614. An act to amend the Indian Financing Act of 1974.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1880. An act to establish an interagency committee and a technical study group on cigarette safety.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 607. An act to amend the Communications Act of 1934;

S. 2456. An act to establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine; and

S. 2538. A bill to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, and for other purposes.

APPOINTMENT AS ADVISORY MEMBERS OF THE NATIONAL COMMISSION ON SPACE

The SPEAKER. Pursuant to the provisions of section 203(b), Public Law 98-361, the Chair appoints as advisory members of the National Com-

mission on Space, the following Members of the House:

Mr. FUQUA of Florida and Mr. LUJAN of New Mexico.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
September 21, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:25 a.m. on Friday, September 21, 1984, the following messages from the Secretary of the Senate:

(1) That the Senate passed H.J. Res. 545; and

(2) That the Senate passed H. Con. Res. 358.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolutions on Friday, September 21, 1984:

H.J. Res. 545. Joint resolution designating the week of September 16 through 22, 1984, as "Emergency Medicine Week";

S. 2155. An act to designate certain National Forest System lands in the State of Utah for inclusion in the National Wilderness Preservation System to release other forest lands for multiple use management, and for other purposes;

S.J. Res. 340. Joint resolution to designate the week of September 23, 1984 as "National Historically Black Colleges Week";

S.J. Res. 333. Joint resolution to designate September 21, 1984, as "World War I Aces and Aviators Day"; and

S.J. Res. 304. Joint resolution to designate the month of October 1984 as "National Quality Month."

THE GREAT AMERICAN COLA RIPOFF

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I have in hand and will submit for the RECORD in connection with Extensions of Remarks a mailing from James Roosevelt, chairman of the National Committee to Preserve Social Security and Medicare which exhorts their members to petition Congress to restore the cost-of-living increase.

Mr. Speaker, I am appalled by this effort to exploit the understandable fears of senior citizens. While I find this committee's letter misleading and their math dubious, I support the right of senior citizens to petition Congress for a January 1985 COLA. As soon as President Reagan announced his desire to waive the current statutory 3-percent trigger, I introduced H.R. 6019 to that end. In fact, the latest cost of living figures appear to indicate the 3-percent trigger will be reached, mooting the issue for this year.

Mr. Speaker, I strenuously object to the national committee's shameless appeal for a 5-percent kickback from the anticipated 1985 COLA to help the committee fund this so-called fight. These senior citizens have already paid a $10 membership fee to an organization which has been conspicuous by its near absence at our Ways and Means Committee hearings.

I am appalled at this tax exempt organization's blatant attempt to rip off 5 percent of the 1985 COLA and hope senior citizens recognize the scam.

Unfortunately, I fear many will not.

TRIBUTE TO BILL MELTON

(Mr. LONG of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Louisiana. Mr. Speaker, I take this time to congratulate Mr. Bill Melton on his retirement from the staff of the Attending Physicians Office in the U.S. Capitol This is actually his second retirement. In 1968 Bill retired after 20 years of distinguished service in the U.S. Navy.

Many of you know Bill for his fine medical skills, his accommodating professional manner and his good sense of humor. You may also know that Bill has taken a special interest in the Congress as an institution. In a scholarly manner Bill has studied workings of the Congress and has become quite knowledgeable. We will miss him.

Mr. Speaker, I will miss this special friend. We have enjoyed many hours together fishing, picking apples in Virginia. His lovely wife Francis and their three sons have been very gracious to me over the years.

Mr. Speaker, I am sure the Members of this U.S. House of Representatives join me in thanking Bill Melton for his dedication and service to the Congress and the country and wish him the best as he begins yet another interesting and useful phase of his life.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 98-1045) on the resolution (H. Res. 588) providing for the consideration of the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, which was referred to the House Calendar and ordered printed.

TULANE'S SESQUICENTENNIAL

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, Friday was the 150th anniversary of my alma mater, Tulane University. I know all of my colleagues will want to join with me in recognizing the many contributions that this great institution of higher learning has made to our society.

Tulane University has educated undergraduates and graduate students, male and female, from across the country and around the world. Counted among its graduates are great physicians, attorneys, politicians, businessmen, and leaders in all walks of life. Tulane can be very proud of the record of service compiled by its alumni to community, country, and to the world.

Its academic record has been and is illustrious. Tulane Law School most recently produced law clerks for two Justices of the U.S. Supreme Court, and has been ranked among the top one-fifth of all American law schools. Similarly, the School of Medicine was ranked 15th out of the Nation's 124 medical schools, thus continuing the excellence begun 150 years ago when the modern university was started as a medical college.

The university, which is the largest private employer in New Orleans, is one of the primary centers for research and development in the South. And much will be heard from the Tulane School of Business as it grows in the coming years.

Mr. Speaker, I could go on about Tulane's great tradition, but I will conclude with this: Happy 150th anniversary, and hullabaloo, Tulane.

THE TRAGEDY IN BEIRUT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, as Chair of the committee that oversees the safety of working conditions for all employees working for this Government, I must say how very shocked I was to hear the President compare Beirut to a kitchen remodeling.

The great tragedy in Beirut last week was not the first tragedy in Lebanon under this President, but the third tragedy. The terrorists have not used new tactics each time, but the same tactics each time.

The first time I was shocked to find out the administration was not even paying employees over there danger pay because they did not realize how dangerous it was.

It is bad enough to be caught off guard the first time, but not to learn and to allow it to happen two more times and lose many more lives is wrong.

I think Federal employees are deserving of a much higher standard of care.

Mr. President, Beirut is not a kitchen. It is a city, a very dangerous city, with a civil war going on and the people who we ask to represent our flag there are deserving of a much, much higher standard of care and a much stronger statement that this will never be allowed to happen again.

CONSERVING ENERGY AND SAVING MONEY

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, those of us with rural backgrounds are well aware of some of the utilitarian or mundane uses of corn cobs, but most of my colleagues may not be aware of the value of corn cobs in conserving heating oil, saving money, and helping farmers.

Dr. Mitchell D. Pedroff, assistant superintendent of the Piqua, OH, City School District, has come up with an innovative idea to help reduce our reliance on foreign sources of energy. I would like to take this opportunity to share this idea with my colleagues.

Dr. Pedroff's award-winning idea made it possible for the Springcreek School in the Piqua City School District to reduce its seasonal heating costs from $25,000, using heating oil in 1981, to under $8,000, using corn cob pellets such as these in my hand, in 1983. These pellets have a heating value of about 7,800 to 8,000 Btu's per pound so that about 100 tons of these pellets produce the same number of Btu's per pound as 20,000 gallons of fuel oil.

What we have here, Mr. Speaker, is a renewable source of energy which can certainly help to remove the United States further toward our goal of "energy nondependence." In my view, Mr. Speaker, ideas such as this need to be taken seriously and spread throughout our land.

I am currently soliciting comments on the feasibility of broadly implementing this idea, and would be glad to put any interested colleagues in contact with Dr. Pedroff.

THE LATEST U.S. HUMILIATION IN LEBANON

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, on July 5, 1984, I wrote to Secretary of State Shultz expressing concern over the security of our diplomatic personnel in Lebanon. After two catastrophic bombings that resulted in hundreds of deaths and injuries, it would seem only prudent that urgent steps be taken to avoid a similar tragedy.

In response to my letter, a State Department spokesman assured me that "the security situation in the Beirut area has greatly improved," but that nevertheless "we continue to take measures aimed at improving the security of our own personnel." As we again sift through the rubble of a bombed-out American facility in search of bodies and classified documents, we also have to question the competence of those responsible for our national security and for the execution of American foreign policy.

We have many honorable, courageous, and competent men and women serving our country in dangerous diplomatic and military missions around the world. If we are going to continue to ask them to risk their lives on a daily basis, they need to be assured that those in leadership positions in Washington are aware of the risks they face and have taken reasonable measures to protect their lives. Swaggering rhetoric about "standing tall" is little consolation for those buried under a mountain of bricks and mortar.

Nearly 3 months ago, I asked Secretary Shultz "what measures are being taken to provide for the security of those essential U.S. Foreign Service officers who continue to serve our country in that dangerous environment," namely Beirut. Unfortunately, the answer was written in blood early Friday morning. Today, I join all concerned Americans in asking the President the same question I asked Secretary Shultz. Let us pray we get some real answers this time.

□ 1220

PRESIDENT REAGAN DEMONSTRATES LACK OF LEADERSHIP IN LEBANON

(Mr. DELLUMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker, President Reagan's comparison of the security lapses at our Embassy in Lebanon to remodeling the family kitchen demonstrates an incredible insensitivity to the toll that his lack of leadership is taking in that region.

Now is not the time for trivial folksiness—it is a time for answers to the hard questions Mr. Reagan seeks to avoid.

For example, why is it that American personnel were moved to the new Embassy before security precautions were completed?

Why is it that the security contingent of American marines was withdrawn from the country after the Embassy had been forewarned of an impending terrorist attack?

Why is it that after months of agony in Lebanon, Mr. Reagan's policies and purposes there continue to be a mystery to the American people?

Mr. Speaker, I hope that the Members of this Congress will take on the task of finding answers to these questions. We are not talking about remodeling a kitchen, we are talking about protecting American lives.

PERMITTING CONTROL OF LAMPREY EEL AND DESIGNATING PORTION OF AU SABLE RIVER, MI, AS COMPONENT OF NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2732) to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, MI, as a component of the National Wild and Scenic Rivers System, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. WRIGHT). Is there objection to the request of the gentleman from Ohio?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, will the gentleman from Ohio please explain the bill?

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield, section 1 of S. 2732 contains identical language to that contained in H.R. 3472, introduced by our colleague GUY VANDER JAGT, which passed the House on May 1, 1984. That language would amend the Wild and Scenic Rivers Act to permit installation of physical structures to control the lamprey eel on the Pere Marquette River in Michigan.

Section 2 would also amend the Wild and Scenic Rivers Act to designate a 23-mile segment of the Au Sable River in Michigan for inclusion in the National Wild and Scenic Rivers System.

The control of lamprey populations in the Pere Marquette is vital to the success of the restored Lake Michigan fisheries, but the use of chemical lampricide currently used has fallen under harsh public criticism. The Forest Service studied the problem and re-

ported on alternative methods of controlling the lamprey. The construction of a weir was the alternative supported by the Forest Service, the U.S. Fish and Wildlife Service and the Great Lakes Fisheries Commission, as being the most effective and much less expensive alternative to chemical use.

The Au Sable River possesses unique and irreplaceable natural, scenic and recreational values which qualify it for Wild and Scenic River protection. The recommended river corridor is located on the Huron National Forest between Alcona Pond and Mio Pond. It includes 6,210 acres, of which 600 acres are private ownership, 800 acres are State of Michigan lands, and the remainder are public owned and administered as part of the National Forest System.

This is an outstanding recreational and fishing river and the proposal in S. 2732 represents a compromise between Forest Service recommendations and landowner concerns.

Mr. Speaker, I am not aware of any objections to this bill and urge its passage.

Mr. YOUNG of Alaska. Mr. Speaker, I would like to compliment the gentleman from Ohio [Mr. SEIBERLING] and the gentleman from Michigan [Mr. VANDER JAGT] for bringing this important legislation to the floor.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a)(16) of the Wild and Scenic Rivers Act is amended by adding the following sentence at the end thereof: "Notwithstanding any other provision of this Act, the installation and operation of facilities or other activities within or outside the boundaries of the Pere Marquette Wild and Scenic River for the control of the lamprey eel shall be permitted subject to such restrictions and conditions as the Secretary of Agriculture may prescribe for the protection of water quality and other values of the river, including the wild and scenic characteristics of the river.".

SEC. 2. Section 3(a) of the Wild and Scenic Rivers Act is amended by adding at the end thereof the following:

"(51) Au Sable, Michigan.—The segment of the main stem from the project boundary of the Mio Pond project downstream to the project boundary at Alcona Pond project as generally depicted on a map entitled 'Au Sable River' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture; to be administered by the Secretary of Agriculture.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

INDIAN FINANCING ACT AMENDMENT OF 1984

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2614) to amend the Indian Financing Act of 1974, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Page 4, line 19, of the House engrossed amendment, strike out "5 per centum" and insert "6 percent".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object—and I shall not object—I would like an explanation from the gentleman from Oregon.

Mr. WEAVER. Mr. Speaker, if the gentleman will yield, S. 2614 is a bill to amend and reauthorize the Indian Financing Act of 1974. A similar bill passed the House by voice vote on the 11th of September. This bill was sent back to the House with a minor amendment. The amendment would raise from 5 to 6 percent the amount that could be spent on technical assistance from funds appropriated pursuant to section 302 of this act. Mr. Speaker, I understand that the amendment is noncontroversial and supported by all parties and therefore I ask unanimous consent to concur in the Senate amendment to S. 2614.

Mr. YOUNG of Alaska. Mr. Speaker, I have no objection at this time, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

INDIAN HEALTH CARE AMENDMENTS OF 1984

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2166) to authorize appropriations to carry out the Indian Health Care Improvement Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object—and I shall not object—I would like the gentleman from Oregon [Mr. WEAVER] to explain the bill.

Mr. WEAVER. If the gentleman will yield, Mr. Speaker, on September 14, the House passed H.R. 4567, dealing with amendments to the Indian Health Care Act. Two days earlier, the Senate passed S. 2166 dealing with the same subject. At the time of the House action, the Senate had not transmitted its bill to the House so we did not have the papers to take it up after the House acted. If the unanimous consent is granted as I requested, it is my intention to substitute the text of the House-passed bill, insist on the amendment of the House, and request a conference with the Senate.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Health Care Amendments of 1984".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act.

TITLE I—INDIAN HEALTH MANPOWER

HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS

SEC. 101. Subsection (c) of section 102 (25 U.S.C. 1612(c)) is amended to read as follows:

"(c) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $550,000 for fiscal year 1985,

"(2) $600,000 for fiscal year 1986,
"(3) $650,000 for fiscal year 1987, and
"(4) $700,000 for fiscal year 1988.".

HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS

SEC. 102. Subsection (d) of section 103 (25 U.S.C. 1613(d)) is amended to read as follows:

"(d) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—
"(1) $4,000,000 for fiscal year 1985,
"(2) $4,700,000 for fiscal year 1986,
"(3) $5,400,000 for fiscal year 1987, and
"(4) $6,100,000 for fiscal year 1988.".

INDIAN HEALTH SCHOLARSHIP PROGRAM

SEC. 103. (a) The first sentence of section 338G(a) of the Public Health Service Act (42 U.S.C. 254r(a)) is amended—

(1) by striking out "section 765(a)" and inserting in lieu thereof "section 338F(a)";

(2) by striking out "and" after "1983,"; and

(3) by inserting "$6,100,000 for the fiscal year ending September 30, 1985, $7,000,000 for the fiscal year ending September 30, 1986, $8,100,000 for the fiscal year ending September 30, 1987, and $9,234,000 for the fiscal year ending September 30, 1988," after "1984,".

(b) Subsection (b) of section 338G of the Public Health Service Act (42 U.S.C. 254r(b)) is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary shall not deny scholarship assistance to any eligible applicant under this section solely upon the basis of the applicant's scholastic achievement if such applicant has been admitted to an accredited educational institution to pursue a course of study described in subsection (a).".

INDIAN HEALTH SERVICE EXTERN PROGRAMS

SEC. 104. Subsection (d) of section 105 (25 U.S.C. 1614(d)) is amended to read as follows:

"(d) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—
"(1) $300,000 for fiscal year 1985,
"(2) $350,000 for fiscal year 1986,
"(3) $400,000 for fiscal year 1987, and
"(4) $450,000 for fiscal year 1988.".

CONTINUING EDUCATION ALLOWANCES

SEC. 105. Subsection (b) of section 106 (25 U.S.C. 1615(b)) is amended to read as follows:

"(b) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—
"(1) $500,000 for fiscal year 1985,
"(2) $526,300 for fiscal year 1986,
"(3) $553,800 for fiscal year 1987, and
"(4) $582,500 for fiscal year 1988.".

TITLE II—HEALTH SERVICES

IMPROVEMENT OF INDIAN HEALTH STATUS

SEC. 201. Section 201 (25 U.S.C. 1621) is amended to read as follows:

"IMPROVEMENT OF INDIAN HEALTH STATUS

"SEC. 201. (a) The Secretary is authorized to expend funds which are appropriated pursuant to subsection (j)(1), through the Service, for the purposes of—
"(1) raising the health status of Indians to be highest possible level,
"(2) eliminating backlogs in the provision of health care services to Indians,
"(3) meeting the health needs of Indians in an efficient and equitable manner, and
"(4) augmenting the ability of the Service to provide the following health service responsibilities:
"(A) clinical care (direct and indirect);
"(B) preventive health;
"(C) dental care (direct and indirect);
"(D) mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional Indian practitioners;
"(E) emergency medical services;
"(F) treatment and control of, and rehabilitative care related to, alcoholism among Indians;
"(G) accident prevention programs;
"(H) community health representative programs; and
"(I) maintenance and repair.

"(b)(1) Any funds appropriated pursuant to subsection (j) shall not be used to offset or limit any appropriations made to the Service under the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Synder Act, or any other provision of law.

"(2) Funds which are appropriated pursuant to subsection (j)(1) may be allocated to, or used for the benefit of, any Indian tribe which has a health resources deficiency level at level I or II only if a sufficient amount of funds have been appropriated pursuant to subsection (j)(1) to raise all Indian tribes to health resources deficiency level II.

"(3)(A) Funds appropriated pursuant to subsection (j)(1) shall be allocated on a service unit basis.

"(B) The apportionment of funds allocated to a service unit under subparagraph (A) among the health service responsibilities described in subsection (a)(4) shall be determined by the Service and the affected Indian tribes.

"(c)(1) For purposes of this section, the health resources deficiency levels are as follows:
"(A) level I—0 to 20 percent deficiency;
"(B) level II—21 to 40 percent deficiency;
"(C) level III—41 to 60 percent deficiency;
"(D) level IV—61 to 80 percent deficiency; and
"(E) level V—81 to 100 percent deficiency.

"(2) Under regulations, the Secretary shall establish procedures which allow any Indian tribe to petition the Secretary for a review of any determination of the health resources deficiency level of such tribe.

"(d) The Secretary, acting through the Service, shall expend funds for research in each of the areas of health service responsibility described in subsection (a)(4).

"(e) By no later than October 1, 1984, the Secretary shall develop and begin implementation of a plan to reduce the incidence of infant mortality and morbidity among Indian tribes by October 1, 1987, to a rate no greater than the average rate of infant mortality and morbidity among all citizens of the United States. Such plan shall include an assessment of the impact of environmental and sanitation conditions on Indian infant mortality and morbidity rates and the need to improve such conditions.

"(f) Programs administered by any Indian tribe or tribal organization under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for funds appropriated pursuant to subsection (j) on an equal basis with programs that are administered directly by the Indian Health Service.

"(g) Within 60 days after the date of enactment of the Indian Health Care Amendments of 1984, the Secretary shall submit to the Congress the current health services priority system report of the Service for each Indian tribe, including newly recognized or acknowledged tribes. Such report shall set our—
"(1) the methodology for determining tribal health resources deficiencies;
"(2) the level of health resources deficiency for each tribe;
"(3) the amount of funds necessary to raise all tribes below health resources deficiency level II to health resources deficiency level II;
"(4) the amount of funds necessary to raise all tribes below health resources deficiency level I to health resources deficiency level I; and
"(5) the amount of funds necessary to raise all tribes to a zero level of deficiency.

"(h)(1) The Secretary, acting through the Service and in conjunction with each Indian tribe, shall annually update the tribal specific health plans which were developed as part of the plan required under sectioin 703. The updating of such plans shall be carried out in accordance with the methodology submitted to the Congress under subsection (g)(1), as modified through consultation with the Indian tribe to which such plan relates.

"(2) The Secretary shall submit to Congress an annual report on the health services priority system to the Service by no later than 30 days after the date the President submits to the Congress the budget of the Federal Government for any fiscal year beginning after September 30, 1985. Such report shall be based on the updated tribal specific health plans described in paragraph (1).

"(i) In determining the eligibility of any Indian for medical or health services provided by, or on behalf of, the Service, the eligibility of such Indian for any medical or health assistance that is provided to indigents by a State or local government (or any agency or instrumentality thereof) shall not be taken into account if—
"(1) the medical or health assistance provided by the State or local government is funded by the revenues from any tax imposed on real property, and
"(2) such Indian resides on a reservation or restricted Indian land which is not subject to taxation.

"(j)(1) There are authorized to be appropriated for the purpose of carrying out the provisions of this section (other than subsections (d) and (e))—
"(A) $28,000,000 for fiscal year 1985,
"(B) $29,000,000 for fiscal year 1986,
"(C) $28,000,000 for fiscal year 1987, and
"(D) such sums as may be necessary for fiscal year 1988.

"(2) There are authorized to be appropriated for the purpose of carrying out the provisions of subsection (d) for each of the fiscal years 1985, 1986, 1987, and 1988, an amount equal to 1 percent of the amount authorized to be appropriated under paragraph (1) for such fiscal year.

"(3) There are authorized to be appropriated for purposes of carrying out the provisions of subsection (e) for each of the fiscal years 1985, 1986, 1987, and 1988, an amount equal to 3 percent of the amount authorized to be appropriated under paragraph (1) for such fiscal year.

"(k) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each fiscal year a spearate statement which specifies the total amount obligated or expended in the most recently completed fiscal year to carry out each of subsections (a)(1), (a)(2), (a)(3), (a)(4)(A), (a)(4)(B), (a)(4)(C), (a)(4)(D),

(a)(4)(E), (a)(4)(F), (a)(4)(G), (a)(4)(H), (a)(4)(I), (b), (c), (d), (e), (f), (g), and (h).".

TITLE III—HEALTH FACILITIES

CONSULTATION; CLOSURE OF FACILITIES

SEC. 301. Section 301 (25 U.S.C. 1631) is amended to read as follows:

"CONSULTATION; CLOSURE OF FACILITIES

"SEC. 301. (a) Prior to the expenditure of, or the making of any firm commitment to expend, any funds appropriated for the planning, design, construction, or renovation of Indian health facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary, acting through the Service, shall—

"(1) consult with any Indian tribe that would be significantly affected by such expenditure for the purpose of determining and, wherever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any health facility on which such expenditure is to be made, and

"(2) be assured that, wherever practicable, such health facility shall meet the standards of the Joint Commission on Accreditation of Hospitals by not later than 1 year after the date on which the construction or renovation of such health facility is completed.

"(b) Notwithstanding any other provision of law, the Secretary may close a Service hospital or other outpatient health care facility, or any portion of such a hospital or facility, only if the Secretary has submitted to the Congress at least 1 year prior to the date such hospital or facility (or portion thereof) is closed an evaluation of the impact of such closure which specifies, in addition to other considerations—

"(1) the accessibility of alternative health care resources for the population served by such hospital or facility;

"(2) the cost effectiveness of such closure;

"(3) the quality of health care to be provided to the population served by such hospital or facility after such closure;

"(4) the availability of contract health care funds to maintain current levels of service; and

"(5) the views of the Indian tribes served by such hospital or facility concerning such closure.

"(c) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1986, 1987, and 1988, planning information documents for the construction of five Indian health facilities which—

"(1) comply with applicable construction standards, and

"(2) have been approved by the Secretary.

"(d)(1) By no later than 60 days after the date of enactment of the Indian Health Care Amendments of 1984, the Secretary shall submit to the Congress a report which sets forth—

"(A) the current health facility priority system of the Service,

"(B) the planning, design, construction, and renovation needs for the 10 top-priority inpatient care facilities and the 10 top-priority ambulatory care facilities (together with required staff quarters),

"(C) the justification for such order of priority,

"(D) the projected cost of such projects, and

"(E) the methodology adopted by the Service in establishing priorities under its health facility priority system.

"(2) The Secretary shall ensure that the planning, design, construction, and renovation needs of Service and non-Service facilities which are the subject of a contract for health services entered into under the Indian Self-Determination and Education Assistance Act are fully and equitably integrated into the development of the health facility priority system.".

SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES

SEC. 302. Section 302 (25 U.S.C. 1632) is amended to read as follows:

"SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES

"SEC. 302. (a)(1) Congress hereby finds and declares that—

"(A) the provision of safe water supply systems and sanitary sewage and solid waste disposal systems is basically and primarily a health consideration and function;

"(B) Indian people suffer an inordinately high incidence of diseases, injuries, and illnesses directly attributable to the absence or inadequacy of such facilities;

"(C) the long-term cost to the United States of treating and curing such diseases, injuries, and illnesses is substantially greater than the short-term cost of providing such facilities and other preventive health measures;

"(D) many Indian homes and communities still lack safe water supply facilities and sanitary sewage and solid waste disposal facilities; and

"(E) it is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with safe and adequate water supply facilities and sanitary sewage waste disposal facilities as soon as possible.

"(2) In furtherance of the findings and declaration made in paragraph (1), Congress affirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in the Act of August 5, 1954 (68 Stat. 674).

"(b)(1) The Secretary, acting through the Service, shall develop and begin implementation of a 10-year plan to provide safe water supply and sanitation sewage and solid waste disposal facilities to existing Indian homes and communities and to new and renovated Indian homes.

"(A) financial and technical assistance to Indian tribes and communities in the establishment, training, and equipping of utility organizations to operate and maintain Indian sanitation facilities;

"(B) ongoing technical assistance and training in the management of utility organizations which operate and maintain sanitation facilities; and

"(C) operation and maintenance assistance for, and emergency repairs to, tribal sanitation facilities when necessary to avoid a health hazard or to protect the Federal investment in sanitation facilities in situations in which the community, tribe, or family is not financially or technically capable of performing the required operation and maintenance or emergency repairs.

"(2) Paragraph (1) shall not diminish the primary responsibility of the Indian family, community, or tribe to establish, collect, and utilize reasonable user fees, or otherwise set aside funding, for the purpose of operation and maintenance of sanitation facilities.

"(3) The financial and technical capability of an Indian tribe or community to safely operate and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary under paragraph (1) and the Secretary may not require an Indian tribe or community to accept a transfer of sanitation facilities if the Secretary has determined that such Indian tribe or community does not have, or may not be reasonably expected to achieve, such capability.

"(d)(1) By not later than the date which is 6 months after the date of enactment of the Indian Health Care Amendments of 1984, the Secretary shall submit to the Congress a report which sets forth—

"(A) the current Indian sanitation facility priority system of the Service;

"(B) the methodology for determining sanitation deficiencies;

"(C) the level of sanitation deficiency for each Indian tribe or community;

"(D) the amount of funds necessary to raise all Indian tribes and communities to a level II deficiency;

"(E) the amount of funds necessary to raise all Indian tribes and communities to a level I deficiency; and

"(F) the amount of funds necessary to raise all Indian tribes and communities to a zero level of deficiency.

"(2) For purposes of this subsection, the sanitation deficiency levels are as follows:

"(A) Level I is a sanitation system—

"(i) which complies with all applicable water supply and pollution control laws and regulations, and

"(ii) in which the deficiencies consist of routine replacement, repair, or maintenance needs,

"(B) Level II is a sanitation system—

"(i) which complies with all applicable water supply and pollution control laws and regulations, and

"(ii) in which the deficiencies related to capital improvements which are necessary in order to meet the needs of the communities.

"(C) Level III is a sanitation system which—

"(i) has an inadequate or partial water supply and sewage disposal facility that does not comply with applicable water supply and pollution control laws and regulation, or

"(ii) has no solid waste disposal facility.

"(D) Level IV is a sanitation system which lacks either a safe water supply system or a sewage disposal system.

"(E) Level V is the absence of a safe water supply and sewage disposal system.

"(e) Programs administered by Indian tribes or tribal organizations under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for funds appropriated pursuant to subsection (f) on an equal basis with programs that are administered directly by the Indian Health Service.

"(f) There are authorized to be appropriated for purposes of carrying out the provisions of subsection (c), $5,850,000 of each of the fiscal years 1985, 1986, 1987, and 1988.".

GRANTS OF UNOBLIGATED FUNDS

SEC. 303. Title III is amended by striking out section 305 and inserting in lieu thereof the following new section:

"EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION

"SEC. 305. (a) Notwithstanding any other provision of law, an Indian tribe is authorized to expend—

"(1) any funds of such tribe which are not held in trust by the Secretary of the Interior,

"(2) upon approval of the Secretary of the Interior, any funds held in trust by the Secretary of the Interior for the benefit of such tribe, and

"(3) any funds appropriated under Federal law which are not appropriated to the Secretary for expenditure through the Service,

for the purpose of making any major renovation or modernization of any Service facility or of any other Indian health facility operated pursuant to a contract entered into under the Indian Self-Determination and Education Assistance Act (including an expenditure for the planning or designing of such renovation or modernization) if the requirements of subsection (b) are met.

"(b) The requirements of this subsection are met with respect to any renovation or modernization if the renovation or modernization—

"(1) does not require or obligate the Secretary to provide any additional employees or equipment,

"(2) is approved by the appropriate area director of the Service, and

"(3) is administered by the Indian tribe in accordance with the rules and regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

"(c) A renovation or modernization shall not be authorized by this section if such renovation or modernization would require the diversion of funds appropriated to the Service from any project which has a higher priority under the health facility priority system of the Service.".

TITLE IV—ACCESS TO HEALTH SERVICES

GRANTS AND CONTRACTS WITH TRIBAL ORGANIZATIONS

SEC. 401. Section 404(c) (25 U.S.C. 1622(c)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$3,000,000 for the fiscal year ending September 30, 1985, $3,500,000 for the fiscal year ending September 30, 1986, $4,000,000 for the fiscal year ending September 30, 1987, and $500,000 for the fiscal year ending September 30, 1988".

MEDICARE PROVISIONS

SEC. 402. (a) Section 1880 of the Social Security Act is amended—

(1) in subsection (a), by striking out "A hospital or skilled nursing facility" and inserting in lieu thereof "A hospital, skilled nursing facility, health center, health station, or home health agency";

(2) in subsection (a), by striking out "hospitals or skilled nursing facilities (as the case may be)" and inserting in lieu thereof "facilities of that type";

(3) in subsection (b), by striking out "a hospital or skilled nursing facility" and inserting in lieu thereof "a hospital, skilled nursing facility, health center, health station, or home health agency";

(4) in subsection (b), by striking out "hospitals or skilled nursing facilities (as the case may be)" and inserting in lieu thereof "facilities of that type";

(5) in subsection (c), by striking out "any hospital or skilled nursing facility" and inserting in lieu thereof "any hospital, skilled nursing facility, health center, health station, or home health agency";

(6) in subsection (c), by striking out "hospitals and skilled nursing facilities" each place it appears and inserting in lieu thereof in each instance "facilities"; and

(7) in subsection (d), by striking out "hospitals and skilled nursing facilities" and "hospitals and facilities", and inserting in lieu thereof in each instance "facilities".

(b) Section 1880(c) of the Social Security Act is further amended—

(1) by inserting after the first sentence the following: "In making payments from such fund, the Secretary shall ensure that each service unit of the Indian Health Service receives at least 50 percent of the amounts to which the facilities of the Indian Health Service, for which such service unit makes collections, are entitled by reason of this section, if such amount is necessary for the purpose of making improvements in such facilities in order to achieve compliance with the conditions and requirements of this title."; and

(2) by striking out "The preceding sentence" and inserting in lieu thereof "This subsection".

MEDICAID PROVISIONS

SEC. 403. (a) Section 1911 of the Social Security Act is amended by striking out "or skilled nursing facility" each place it appears and inserting in lieu thereof in each instance "skilled nursing facility, or any other type of facility which provides services of a type otherwise covered under the State plan".

(b) Section 402 (c) of the Indian Health Care Improvement Act is amended—

(1) by striking out "or skilled nursing facility" in the first sentence and inserting in lieu thereof "skilled nursing facility, or any other type of facility which provides services of a type otherwise covered under the State plan";

(2) by inserting after the first sentence the following: "In making payments from such fund, the Secretary shall ensure that each service unit of the Indian Health Service receives at least 50 percent of the amounts to which the facilities of the Indian Health Service, for which such service unit makes collections, are entitled by reason of this section, if such amount is necessary for the purpose of making improvements in such facilities in order to achieve compliance with the conditions and requirements of this title."; and

(3) by striking out "The preceding sentence" in the last sentence and inserting in lieu thereof "This subsection".

DEMONSTRATION PROGRAM FOR DIRECT BILLING OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYMENTS

SEC. 404. (a) The Secretary of Health and Human Services shall establish a demonstration program under which Indian Tribes and Alaska Native health organizations, which are contracting the entire operation of an entire facility of the Indian Health Service under the authority of the Indian Self-Determination and Education Assistance Act, shall directly bill for, and receive payment for, health care services provided by such facility for which payment is made under title XVIII of the Social Security Act (medicare), under a State plan for medical assistance approved under title XIX of the Social Security Act (medicaid), or from any other third-party payor. The Federal percentage under the medicaid program shall continue to be 100 percent for purposes of the demonstration program.

(b)(1) Each facility participating in the demonstration program described in subsection (a) shall be reimbursed directly under the medicare and medicaid programs for services furnished, without regard to the provisions of section 1880(c) of the Social Security Act or section 402(c) of the Indian Health Care Improvement Act, but all funds so reimbursed shall first be used by the facility for the purpose of making any improvements in the facility that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to facilities of such type under the medicare or medicaid program. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions or requirements shall be used in accordance with the regulations of the Indian Health Service applicable to funds provided by the Indian Health Service under any contract entered into under the Indian Self-Determination Act.

(2) The amounts paid to the facilities participating in the demonstration program described in subsection (a) shall be subject to all auditing requirements applicable to programs administered directly by the Indian Health Service.

(3) The Secretary shall monitor the performance of facilities participating in the demonstration program described in subsection (a), and shall require such facilities to submit reports on the program to the Secretary on a quarterly basis (or more frequently if the Secretary deems it to be necessary).

(4) Notwithstanding section 1880(c) of the Social Security Act and section 402(c) of the Indian Health Care Improvement Act, no payment may be out of the special fund described in section 1880(c) of the Social Security Act or section 402(c) of the Indian Health Car Improvement Act for the benefit of any facility which is participating in the demonstration program described in subsection (a).

(c)(1) In order to be considered for participation in the demonstration program described in subsection (a), a facility must submit an application to the Secretary which provides assurances that—

(A) the Indian tribe or Alaska Native health organization contracts the entire operation of the Indian Health Service facility;

(B) the facility is eligible to participate in the medicare and medicaid programs under sections 1880 and 1911 of the Social Security Act;

(C) the facility meets any applicable requirements which apply to programs operated directly by the Indian Health Service; and

(D) the facility is accredited by the Joint Commission on Accreditation of Hospitals, or has submitted a plan, which has been approved by the Secretary, for achieving such accreditation prior to October 1, 1986.

(2) From among the qualified applicants, the Secretary shall, prior to October 1, 1985, select four facilities to participate in the demonstration program described in subsection (a). The demonstration program described in subsection (a) shall begin by no later than October 1, 1986, and end on September 30, 1988.

(d)(1) Upon the enactment of this Act, the Secretary, acting through the Indian Health Service, shall commence an examination of—

(A) any administrative changes which may be necessary to allow direct billing and reimbursement under the demonstration program described in subsection (a); and

(B) any changes which may be necessary to enable participants in such demonstration program to provide to the Indian Health Service medical records information on patients served under such demonstration program which is consistent with the

medical records information system of the Service.

(2) Prior to the commencement of the demonstration program described in subsection (a), the Secretary shall implement all changes required as a result of the examinations conducted under paragraph (1), and shall promulgate any regulations necessary to carry out such demonstration program.

(3) Prior to October 1, 1985, the Secretary shall determine any accounting information which a participant in the demonstration program described in subsection (a) would be required to report and shall provide funding for the development of any such accounting system by any facility which has been selected to participate in such demonstration program.

(e) The Secretary shall submit an interim report to the Congress at the end of fiscal year 1987, and a final report at the end of fiscal year 1988, on the activities carried out under the demonstration program described in subsection (a), and an evaluation of whether such activities have fulfilled the objectives of such program. In the final report the Secretary shall provide a recommendation, based upon the results of such demonstration program, as to whether direct billing of, and reimbursement by, the medicare and medicaid programs and other third-party payors should be authorized for all Indian tribes and Alaska Native health organizations which are contracting the entire operation of a facility of the Indian Health Service.

(f) The Secretary shall provide for the retrocession of any contract entered into between a participant in the demonstration program described in subsection (a) and the Indian Health Service under the authority of the Indian Self-Determination and Education Assistance Act. All cost accounting and billing authority shall be retroceded to the Secretary upon the Secretary's acceptance of a retroceded contract.

TITLE V—URBAN INDIAN HEALTH SERVICES

REVISION OF PROGRAM

SEC. 501. Title V (25 U.S.C. 1651, et seq.) is amended to read as follows:

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"PURPOSE

"SEC. 501. The purpose of this title is to encourage the establishment of programs in urban centers to make health services more accessible to urban Indians.

"CONTRACTS WITH URBAN INDIAN ORGANIZATIONS

"SEC. 502. The Secretary, through the Service, shall enter into contracts with urban Indian organizations to assist such organizations to establish and administer, in the urban centers in which such organizations are situated, programs which meet the requirements set forth in this title. The Secretary, through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract which the Secretary enters into with any urban Indian organization pursuant to this title.

"CONTRACTS FOR THE PROVISION OF HEALTH CARE OR REFERRAL SERVICES

"SEC. 503. (a) The Secretary, through the Service, shall enter into contracts with urban Indian organizations for the provision of health care or referral services for urban Indians residing in the urban centers in which such organizations are situated. Any such contract shall include requirements that the urban Indian organization successfully undertake to—

"(1) determine the population of urban Indians residing in the urban center in which such organization is situated who are or could be recipients of health care or referral services;

"(2) determine the current health status of urban Indians residing in such urban center;

"(3) determine the current health care needs of urban Indians residing in such urban center;

"(4) identify all public and private health services resources within such urban center which are or may be available to urban Indians;

"(5) determine the use of public and private health services resources by the urban Indians residing in such urban center;

"(6) assist such health services resources in providing services to urban Indians;

"(7) assist urban Indians in becoming familiar with and utilizing such health services resources;

"(8) provide basic health education to urban Indians;

"(9) establish and implement manpower training programs to accomplish the referral and education tasks set forth in clauses (6) through (8) of this subsection;

"(10) identify gaps between unmet health needs of urban Indians and the resources available to meet such needs;

"(11) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban Indians; and

"(12) where necessary, provide, or enter into contracts for the provision of, health care services for urban Indians.

"(b) The Secretary, through the Service, shall by regulation prescribe the criteria for selecting urban Indian organizations to enter into contracts under this section. Such criteria shall, among other factors, include—

"(1) the extent of unmet health care needs of urban Indians in the urban center involved;

"(2) the size of the urban Indian population in the urban center involved;

"(3) the accessibility to, and utilization of, health care services (other than services provided under this title) by urban Indians in the urban center involved;

"(4) the extent, if any, to which the activities set forth in subsection (a) would duplicate—

"(A) any previous or current public or private health services project in an urban center that was or is funded in a manner other than pursuant to this title; or

"(B) any project funded under this title;

"(5) the capability of an urban Indian organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary under this section;

"(6) the satisfactory performance and successful completion by an urban Indian organization of other contracts with the Secretary under this title;

"(7) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an urban center; and

"(8) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"CONTRACTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS

"SEC. 504. (a) The Secretary, through the Service, may enter into contracts with urban Indian organizations situated in urban centers for which contracts have not been entered into under section 503. The purpose of a contract under this section shall be the determination of the matters described in subsection (b)(1) in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract under section 503 with the urban Indian organization with which the Secretary has entered into a contract under this section.

"(b) Any contract entered into by the Secretary under this section shall include requirements that—

"(1) the urban Indian organization successfully undertake to—

"(A) document the health care status and unmet health care needs of urban Indians in the urban center involved;

"(B) with respect to urban Indians in the urban center involved, determine the matters described in clauses (2), (3), (4), and (8) of section 503(b); and

"(2) the urban Indian organization complete performance of the contract within one year after the date on which the Secretary and such organization enter into such contract.

"(c) The Secretary may not renew any contract entered into under this section.

"EVALUATIONS; CONTRACT RENEWALS

"SEC. 505. (a) The Secretary, through the Service, shall develop procedures to evaluate compliance with, and performance of, contracts entered into by urban Indian organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

"(b) The Secretary, through the Service, shall conduct an annual onsite evaluation of each urban Indian organization which has entered into a contract under section 503 for purposes of determining the compliance of such organization with, and evaluating the performance of such organization under, such contract.

"(c) If, as a result of the evaluations conducted under this section, the Secretary determines that an urban Indian organization has not complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract, attempt to resolve with such organization the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract with such organization and is authorized to enter into a contract under section 503 with another urban Indian organization which is situated in the same urban center as the urban Indian organization whose contract is not renewed under this section.

"(d) In determining whether to renew a contract with an urban Indian organization under section 503, or whether to enter into a contract with an urban Indian organization under section 503 which has completed performance of a contract under section 504, the Secretary shall review the records of the urban Indian organization, the re-

ports submitted under section 507, and, in the case of a renewal of a contract under section 503, shall consider the results of the on-site evaluations conducted under subsection (b).

"OTHER CONTRACT REQUIREMENTS

"SEC. 506. (a) Contracts with urban Indian organizations pursuant to this title shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935, as amended.

"(b) Payments under any contracts pursuant to this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this title.

"(c) Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title, except that whenever an urban Indian organization requests retrocession of the Secretary for any contract entered into pursuant to this title, such retrocession shall become effective upon a date specified by the Secretary not more than one hundred and twenty days from the date of the request by the organization or at such later date as may be mutually agreed to by the Secretary and the organization.

"(d) In connection with any contract entered into pursuant to this title, the Secretary may permit an urban Indian organization to utilize, in carrying out such contract, existing facilities owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for the use and maintenance of such facilities.

"(e) Contracts with urban Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban Indians of services and assistance under such contracts by such organizations.

"REPORTS AND RECORDS

"SEC. 507. (a) For each fiscal year during which an urban Indian organization receives or expends funds pursuant to a contract under this title, such organization shall submit to the Secretary a quarterly report including—

"(1) in the case of a contract under section 503, information gathered pursuant to clauses (10) and (11) of subsection (a) of such section;

"(2) information on activities conducted by the organization pursuant to the contract;

"(3) an accounting of the amounts and purposes for which Federal funds were expended; and

"(4) such other information as the Secretary may request.

"(b) The reports and records of the urban Indian organization with respect to a contract under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

"(c) The Secretary shall allow as a cost of any contract entered into under section 503 the cost of an annual private audit conducted by a certified public accountant.

"REPORTS REQUIRED

"SEC. 508. (a) By no later than the date which is 1 year after the date of enactment of the Indian Health Care Amendments of 1984, the Secretary, through the Service, shall submit a report to Congress which assesses the health status and health care needs of urban Indians. The report shall—

"(1) specify the health care needs of urban Indians and, with respect to urban centers for which urban Indian organizations have entered into contracts under section 503, whether additional health care personnel are needed to meet such needs;

"(2) make recommendations for additional programs, technical assistance, funding, and additional health care personnel to meet the health care needs of all urban Indians; and

"(3) contain recommendations for legislation and administrative actions to achieve the national goal of providing the best possible health status for urban Indians.

"(b) By no later than April 1, 1988, the Secretary, through the Service and with the assistance of the urban Indian organizations that have entered into contracts under this title, shall review the program established under this title and submit to the Congress an assessment thereof and recommendations for any further legislative efforts the Secretary deems necessary to meet the purpose of this title.

"LIMITATION ON CONTRACT AUTHORITY

"SEC. 509. The authority of the Secretary to enter into contracts under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

"AUTHORIZATIONS

"SEC. 510. There are authorized to be appropriated for contracts under this title—

"(1) $15,000,000 for fiscal year 1985,

"(2) $16,500,000 for fiscal year 1986,

"(3) $17,657,000 for fiscal year 1987, and

"(4) $18,888,000 for fiscal year 1988.".

TITLE VI—MISCELLANEOUS

NUCLEAR RESOURCE DEVELOPMENT HEALTH HAZARDS

SEC. 601. Subsection (f) of section 707 (25 U.S.C. 1677(f)) is amended to read as follows: "(f) There are authorized to be appropriated $750,000 for the purpose of conducting the study described in subsection (a). Such funds shall remain available for expenditure until the date which is 18 months after the date such funds are appropriated.".

ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA; FORMERLY RECOGNIZED TRIBES IN CALIFORNIA

SEC. 602. (a)(1) Subsection (a) of section 708 (25 U.S.C. 1678(a)) is amended—

(A) by striking out "1984" and inserting in lieu thereof "1988", and

(B) by striking out "Indians in such State" and inserting in lieu thereof "members of federally recognized Indian tribes of Arizona".

(2) Subsection (c) of section 708 (25 U.S.C. 1678(c)) is amended to read as follows:

"(c) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $7,700,000 for fiscal year 1985,

"(2) $8,242,000 for fiscal year 1986,

"(3) $8,819,800 for fiscal year 1987, and

"(4) $9,434,600 for fiscal year 1988.".

(b) Section 709 (25 U.S.C. 1679) is amended to read as follows:

"ELIGIBILITY OF CERTAIN FORMERLY RECOGNIZED CALIFORNIA INDIAN TRIBES

"SEC. 709. The following California Indians shall be eligible for services from the Service:

"(1) members of federally recognized Indian tribes;

"(2) Indians of California as defined in the first section of the Act of May 18, 1928 (45 Stat. 602);

"(3) Indians who hold trust interests in public domain land, national forest lands, or Indian reservation allotments in California; and

"(4) Indians in California who are listed in the plans for distribution of the assets of California rancherias and reservations under Public Law 85-671.".

PERSONNEL CEILINGS DEMONSTRATION PROJECT

SEC. 603. Section 710 (25 U.S.C. 1680) is hereby repealed.

REDUCTION AND CONTROL OF HEPATITIS-B IN ALASKA

SEC. 604. Title VII (25 U.S.C. 1671, et seq.) is amended by adding at the end thereof the following new sections:

"REDUCTION AND CONTROL OF HEPATITIS-B IN ALASKA: CLINICAL CARE PRIORITIES

"SEC. 710. (a)(1) By no later than the date which is 1 year after the date of enactment of the Indian Health Care Amendments of 1984, the Secretary, through the Service and in conjunction with the State of Alaska and the Center for Disease Control, shall complete the implementation of a program to provide for—

"(A) screening and reporting of cases of,

"(B) vaccinations for the prevention of, and

"(C) control of the incidence of,

hepatitis-B in Alaska.

"(2) By no later than December 30, 1986, the Secretary shall submit to the Congress a report concerning the activities carried out under the program described in paragraph (1). The report shall include—

"(A) a description of any activities which, on the day the report is submitted, need to be carried out to control the incidence of hepatitis-B in Alaska, and

"(B) a schedule for the completion of such activities.

"(b)(1) The Secretary shall include in the budget submitted under section 1105(a) of title 31, United States Code, for each of the fiscal years succeeding the fiscal year in which the Indian Health Care Amendment of 1984 are enacted, a request for budget authority for, and estimates of outlays for, a program to control the incidence of hepatitis-B in Alaska.

"(2) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(A) $3,200,000 for fiscal year 1985,

"(B) $3,200,000 for fiscal year 1986, and

"(C) such sums as may be necessary for each of the fiscal years 1987 and 1988.

"LIMITATION ON IMPLEMENTATION OF CLINICAL CARE PRIORITIES

"SEC. 711. (a) The Congress finds and declares that—

"(1) because the health care needs of Indian people vary in different geographic areas of the country;

"(2) decisions affecting the kinds of health care that can be provided in view of available resources are best made at the local level;

"(3) the quality of health care provided at the local level depends upon the degree to which there is sufficient flexibility in the allocation of resources at the local level to respond to local health needs; and

"(4) the objective of raising the health status of Indian and Alaska Native people to the highest possible level is best served

when clinical care priorities are established at the local level.

"(b) Notwithstanding any other provision of law, the Secretary shall not implement on a national basis—

"(1) any reduction in,

"(2) any restriction on, or

"(3) any modification in,

any type of clinical health care services provided by the Service on the date of enactment of the Indian Health Care Amendments of 1984 (including any clinical health care service provided by the Service directly or by grant, contract, or any other type of arrangement) before the date which is 90 days after the date on which the Secretary submits a plan for the establishment of national clinical care priorities to the Congress.

"(c)(1) The Secretary shall conduct a study which analyzes the effect that implementation of the clinical care priorities described in paragraph (3) on a national level would have on the provision of clinical health care services if such clinical care priorities were in effect during fiscal year 1985. Such study shall be based on data extracted from the Indian Health Service patient care information system in the Service areas where that system is currently operative.

"(2) By no later than December 31, 1985, the Secretary shall submit to the Congress a final report on the study conducted under paragraph (1). Such report shall include—

"(A) the total number of individuals who would have been denied clinical health care services if the clinical care priorities described in paragraph (3) had been in effect during fiscal year 1985;

"(B) a division of the total number of individuals described in subparagraph (A) among each category of clinical health care services specified in such clinical care priorities; and

"(C) a division of the total number of individuals described in subparagraph (A) among each type of clinical health care service included in each category referred to in subparagraph (B).

"(3) The clinical care priorities referred to in paragraphs (1) and (2) are the priorities determined under the order of priority for the provision of clinical health care services that was recommended in the report issued in January 1983 by the Task Force on Contract Health Services which was established by the Director of the Indian Health Service.

"(d) For purposes of this section, the term 'clinical health care service' means any health care service provided by the Service to Indians directly or by grant, contract, or any other type of arrangement on the day before the date of enactment of the Indian Health Care Amendments of 1984.".

ORGANIZATIONAL IMPROVEMENTS

SEC. 605. The Act is amended by adding at the end thereof the following new title:

"TITLE VIII—ORGANIZATIONAL IMPROVEMENTS

"NATIONAL INDIAN HEALTH ADVISORY BOARD

"SEC. 801. (a) There is established within the Service a National Indian Health Advisory Board (hereinafter in this section referred to as the 'Board') which shall be composed of—

"(1) one Indian or Alaska Native from each of the regional service areas of the Service, and

"(2) two Indians or Alaska Natives who provide health care services under distinct urban Indian health care programs.

"(b)(1)(A) Each member of the Board described in subsection (a)(1) shall be elected to the Board by vote of the members of the Area Health Board for the regional service area of the Service that such member represents.

"(B) If a regional service area does not have an Area Health Board, the member of the Board described in subsection (a)(1) who represents such service area shall be elected to the Board by vote of the Indian tribes and Alaska Native village or regional or village corporation (as defined in, or established under, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)) located within such service area. In any election conducted under the preceding sentence, each Indian tribe and Alaska Native village or regional or village corporation located in such service area shall have 1 vote.

"(2) Each member of the Board described in subsection (a)(2) shall be elected to the Board by vote of the membership of the American Indian Health Care Association or any organization which succeeds such Association.

"(3) The only individuals who may be elected to serve as members of the Board are individuals who—

"(A) are members of the governing body of—

"(i) any Indian tribe which is recognized by the Secretary of the Interior as eligible for services provided to Indians because of their status as Indians, or

"(ii) any Alaska Native village or regional or village corporation (as defined in, or established under, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), and

"(B) by reason of training or experience, are knowledgeable in health education, nursing, data systems, public information, or community program development.

"(4) The term of office for each member of the Board shall be 3 years, except that of the members first elected to the Board—

"(A) four shall serve a term of office of 1 year,

"(B) five shall serve a term of office of 2 years, and

"(C) five shall serve a term of office of 3 years, as designated by the Secretary prior to the election of such members. A member of the Board may continue to serve as a member of the Board after the term of office of such member has expired until a successor to such member takes office.

"(5)(A) A vacancy on the Board shall not affect the activities of the Board.

"(B) If a vacancy on the Board occurs, an election shall be held within 90 days of such occurrence to fill such vacancy. Any individual who is elected to fill such vacancy shall serve the remainder of the unexpired term.

"(6) The Board shall elect from among its members a chairman and such other officers as the Board considers to be necessary.

"(7) The Board shall meet at the call of the chairman of the Board or at the request of the Director of the Indian Health Service, but not less often than 4 times a year.

"(8) The Board shall adopt such bylaws as the Board determines to be necessary to enable the Board to carry out its functions.

"(c) The Board shall—

"(1) advise the Director of the Indian Health Service and the Secretary with respect to—

"(A) the administration (including the development of regulations and of administrative practices and policies) of any medical or health program in which Indians participate, and

"(B) the adequate funding of such programs;

"(2) evaluate all medical or health programs and projects carried out under any program of the Department of Health and Human Services in which Indians can participate or from which they can benefit, and disseminate the results of such evaluations;

"(3) provide technical assistance to local medical or health agencies and to Indian medical or health agencies, institutions, and organizations to assist them in improving the health of Indians;

"(4) assist the Secretary in developing criteria and regulations for the administration and evaluation of contracts made under title V of the Indian Health Care Amendments of 1984;

"(5) conduct studies and acquire information on the health status of American Indians and Alaska Natives and disseminate such information and the results of such studies;

"(6) assist the Secretary and the Director of the Indian Health Service in promoting the development of American Indian and Alaska Native health manpower;

"(7) assist the Secretary and the Director of the Indian Health Service in improving the health status of American Indians and Alaska Natives and in promoting the self-determination of American Indians and Alaska Natives; and

"(8) inform local and area health boards, Indian tribes, and Alaska Native villages or regional or village corporations (as defined in, or established under, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)) of proposed health legislation or regulations and the impact such legislation or regulations may be expected to have on the health status or health care of American Indians or Alaska Natives.

"(d) After consultation with the Board and consideration of the recommendations of the Board, the officers of the Board—

"(1) shall appoint an executive director and at least one other individual as a member of the professional staff of the Board, and

"(2) shall—

"(A) appoint such other employees, and

"(B) through contract or other arrangements—

"(i) acquire such administrative support services and facilities,

"(ii) acquire such information, and

"(iii) acquire the services of such consultants,

as the Board determines to be necessary to enable the Board to carry out its functions.

"(e)(1) Members of the Board who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Board compensation at rates not to exceed the daily equivalent of the annual rate in effect for GS-18 of the General Schedule, including traveltime.

"(2) Except as provided in paragraph (3), any officer or employee of the United States who is a member of the Board shall serve as a member of the Board without compensation.

"(3) All members of the Board, while serving away from their homes or regular places of business as members of the Board, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(f) The Board shall submit to the Congress by no later than June 30 of each year an annual report on the activities of the Board during the preceding year. Such annual report shall include—

"(1) any recommendations the Board may deem necessary for the improvement of medical and health programs in which Indians participate, or from which they can benefit, and

"(2) a statement of the recommendations of such Board to the Secretary with respect to the funding of any such programs.

"(g)(1) The Board is authorized to enter into contracts with any public or private nonprofit agency, institution, or organization in order to carry out the duties of the Board described in paragraphs (2), (3), (4), and (5) of subsection (c).

"(2) The authority of the Board to enter into any contract under this section shall be limited to such extent, and to such amounts, as may be provided for in appropriation Acts.

"(h) There are authorized to be appropriated for each fiscal year beginning after September 30, 1984, and ending before October 1, 1988, such sums as may be necessary to carry out the provisions of this section.

"INDIAN HEALTH POLICY ADVISORY PANEL

"SEC. 802. (a) There is established within the Service an Indian Health Policy Advisory Panel (hereinafter in this section referred to as the 'Panel') which shall be composed of—

"(1) three Indians or Alaska Natives from distinct regional service areas of the Service,

"(2) one Indian or Alaska Native who provides health care services under an urban Indian health care program,

"(3) three individuals who—

"(A) are scientists, physicians, or other health professionals, and

"(B) represent the specialties and disciplines relevant to the services provided by the Service,

"(4) the Assistant Secretary for Health of the Department of Health and Human Services,

"(5) the Director of the National Institutes for Health,

"(6) the Director of the Center for Disease Control,

"(7) the Administrator of the Alcohol, Drug Abuse and Mental Health Administration,

"(8) the Director of the Indian Health Service and all former Directors of the Indian Health Service, and

"(9) such other officers and employees of the United States whose advice is determined by the Secretary to be necessary in order to carry out the duties of the Panel.

Any individual described in paragraph (4), (5), (6), (7), (8), or (9) shall serve as an ex officio member of the Panel.

"(b)(1) Each member of the Panel described in subsection (a)(1) shall be elected to the Panel by the members of the National Indian Health Advisory Board.

"(2) The member of the Panel described in subsection (a)(2) shall be elected to the Panel by vote of the membership of the American Indian Health Care Association or any organization which succeeds such Association.

"(3) The members of the Panel described in subsection (a)(3) shall be appointed by the Secretary from a list of nominees provided to the Secretary by the Director of the Indian Health Service.

"(4) The term of office for each member of the Panel described in paragraph (1), (2), or (3) of subsection (a) shall be 3 years, except that of the first of such members elected or appointed to the Panel—

"(A) two shall serve a term of office of 1 year,

"(B) two shall serve a term of office of 2 years, and

"(C) three shall serve a term of office of 3 years, as designated by the Secretary prior to the election or appointment of such members.

"(5) A member of the Panel may continue to serve as a member of the Panel after the term of office of such member has expired until a successor to such member takes office.

"(6)(A) A vacancy on the Panel shall not affect the activities of the Panel.

"(B) If a vacancy on the Panel occurs with respect to any member of the Panel described in paragraph (1), (2), or (3) of subsection (a), an election shall be held, or appointment made (as the case may be), to fill such vacancy within 90 days of such occurrence. Any individual who is elected or appointed to fill such vacancy shall serve the remainder of the unexpired term.

"(C) If a vacancy occurs with respect to any member of the Panel described in subsection (a)(1), the individual elected to fill such vacancy shall not be from the same regional service area of the Service which was represented by the individual who is being replaced on the Panel.

"(7) The Director of the Indian Health Service shall be the chairman of the Panel.

"(8) The Panel shall meet at the call of the chairman of the Panel or upon request of the Secretary, but not less often than 2 times a year.

"(9) The Panel shall adopt such bylaws as the Panel determines to be necessary to enable the Panel to carry out its functions.

"(c) The Panel shall—

"(1) advise the Director of the Indian Health Service on matters of long-range Indian health policy,

"(2) under direction of the chairman of the Panel, develop a plan to implement Indian health policy and to provide for the most effective use and organization of the resources available to the Indian Health Service,

"(3) after consultation with and consideration of the recommendations of the Secretary, make recommendations to Congress and the President on matters of long-range Indian health policy, and

"(4) maintain liaison with the National Indian Health Advisory Board, other advisory bodies, the heads of other appropriate Federal agencies, and with key non-Federal entities involved in activities affecting the Indian Health Service.

"(d) After consultation with the Panel and consideration of the recommendations of the Panel, the chairman of the Panel—

"(1) shall appoint an executive director and at least one other individual as a member of the professional staff of the Panel, and

"(2) shall—

"(A) appoint such other employees, and

"(B) through contract or other arrangements—

"(i) acquire such administrative support services and facilities,

"(ii) acquire such information, and

"(iii) acquire the services of such consultants,

as the Panel determines to be necessary to enable the Panel to carry out its functions.

"(e)(1) Members of the Panel who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Panel compensation at rates not to exceed the daily equivalent of the annual rate in effect for GS-18 of the General Schedule, including traveltime.

"(2) Except as provided in paragraph (3), any officer or employee of the United States who is a member of the Panel shall serve as a member of the Panel without compensation.

"(3) All members of the Panel, while serving away from their homes or regular places of business as members of the Panel, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(f) The authority of the Panel to enter into any contract under this section shall be limited to such extent, and to such amounts, as may be provided for in appropriation Acts.

"(g) The Panel shall submit to the Secretary and to the Congress an annual report which—

"(1) describes the Advisory Panel's activities in the fiscal year for which the report is made;

"(2) makes recommendations to Congress and the President for the establishment of Indian health policy; and

"(3) describes a plan to implement Indian health policy, or contains the Advisory Panel's recommendations, if any, for changes in such a plan.

"(h) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"MANAGEMENT INFORMATION SYSTEM

"SEC. 803. (a)(1) The Secretary shall establish an automated management information system for the Service.

"(2) The information system established under paragraph (1) shall include—

"(A) a cost accounting system,

"(B) a patient care information system for each area served by the Service, and

"(C) a privacy component that protects the privacy of patient information held by the Service.

"(b) By no later than September 30, 1985, the Secretary shall submit a report to Congress setting forth—

"(1) the activities which have been undertaken to establish an automated management information system,

"(2) the activities, if any, which remain to be undertaken to complete the implementation of an automated management information system, and

"(3) the amount of funds which will be needed to complete the implementation of a management information system in the succeeding fiscal years.

"(c) There are authorized to be appropriated—

"(1) $4,000,000 for fiscal year 1985, and

"(2) such sums as may be necessary to carry out the provisions of this section for each of the fiscal years 1986, 1987, and 1988.".

NEGOTIATION FOR CONTRACTS

SEC. 606. Subsection (b) of the first section of the Act of August 5, 1954 (68 Stat. 674; 42 U.S.C. 2001(b)) is amended—

(1) by striking out "In carrying out" and inserting in lieu thereof "(1) In carrying out", and

(2) by adding at the end thereof the following new paragraphs:

"(2) The Secretary may waive any statutory or administrative requirement for competitive procurement of health services if, in the judgment of the responsible Chief Medical Officer, such competitive procurement would compromise the accessibility, quality, and continuity of health services or would not result in appreciable competition or savings.

"(3) The Secretary shall reject any bid submitted pursuant to any statutory or administrative requirement for competitive procurement of health services upon certification by the responsible Chief Medical Officer that acceptance of such bid would compromise the accessibility, quality, and continuity of health services.".

TECHNICAL AMENDMENT

SEC. 607. Section 4 is amended by striking out subsections (i), (j), and (k).

STUDY OF HEALTH CARE NEEDS OF NATIVE HAWAIIANS AND OTHER NATIVE PACIFIC ISLANDERS

SEC. 608. (a)(1) The Secretary of Health and Human Services shall conduct a study of the physical and mental health care needs of Native Hawaiians and other Native American Pacific Islanders.

(2) In conducting the study required under paragraph (1), the Secretary of Health and Human Services shall consult with the Commissioner of the Administration for Native Americans, the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, the Director of the Indian Health Service, leaders in the field of health care, and representatives of Native Hawaiians and other Native American Pacific Islanders.

(b) By no later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report on the study conducted under subsection (a). Such report shall include—

(1) an assessment of the access of, and barriers to, Native Hawaiians and other Native American Pacific Islanders in receiving physical and mental health care services,

(2) an assessment of the physical and mental health care needs of Native Hawaiians and other Native American Pacific Islanders, and

(3) specific recommendations for the development of a national strategy to address such needs.

LEASING AUTHORITY

SEC. 609. Section 704 of the Act is amended to read as follows:

"SEC. 704. (a) Notwithstanding any other provision of law, the Secretary is authorized, in carrying out the purposes of this Act, to enter into leases with Indian tribes for periods not in excess of twenty years. Property leased by the Secretary from an Indian tribe may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe.

"(b) Notwithstanding any other provision of law, the Secretary is authorized in carrying out the purposes of this Act, to enter into leases, contracts, and other legal agreements with Indian tribes and tribal organizations for the purpose of compensating such tribes or organizations for facility space costs, including but not limited to depreciation based on the useful life of the building, interest paid or accrued, operation and maintenance, and other allowable costs associated with the administration and delivery of health services by the Indian Health Service or tribally operated programs.".

CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA

SEC. 610. The Act is amended by adding a new section as follows:

"SEC. 712. The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana. The Secretary is directed to conduct a population survey of Indians residing in the Trenton Service Area for the purpose of determining the basis for the distribution of equity health care funds and the provision of contract health care. Should the results of the population survey indicate that additional eligible members of the Turtle Mountain Band of Chippewa Indians reside outside the boundaries of the named North Dakota and Montana counties, the contract health service delivery area shall be defined to include those additional counties of North Dakota or Montana in which such eligible tribal members reside.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. WEAVER: Strike out all after the enacting clause of the Senate bill, S. 2166, and insert in lieu thereof the following:

That (a) this Act may be cited as the "Indian Health Care Amendments of 1984".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

SEC. 2. Section 4 is amended by striking out subsections (i), (j), and (k).

SEC. 3. (a) Subsection (c) of section 102 is amended to read as follows:

"(c) For the purposes of this section, there are authorized to be appropriated $550,000 for fiscal year 1985, $600,000 for fiscal year 1986, and $650,000 for fiscal year 1987.".

(b) Section 103 is amended by—

(1) inserting "(1)" after "SEC. 103. (a)", redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adding at the end thereof the following new paragraph:

"(2) The Secretary shall not deny scholarship assistance to an eligible applicant under this section solely on the basis of an applicant's scholastic achievement where such applicant has been admitted to or maintained good standing at an accredited institution.";

(2) inserting before the period at the end of subsection (c) the following: "of a grantee while attending school full time"; and

(3) amending subsection (d) to read as follows:

"(d) For the purposes of this section, there are authorized to be appropriated $4,000,000 for fiscal year 1985, $4,700,000 for fiscal year 1986, and $5,400,000 for fiscal year 1987.".

(c) Section 104 is amended to read as follows:

"INDIAN HEALTH SCHOLARSHIPS

"SEC. 104. (a) In order to provide health professionals to Indian communities, the Secretary, acting through the Service and in accordance with this section, shall make scholarship grants to Indians who are enrolled full time in schools of medicine, osteopathy, dentistry, veterinary medicine, nursing, optometry, public health, and allied health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Service Act (42 U.S.C. 254l) except as provided in subsection (b) of this section.

"(b)(1) The Secretary, acting through the Service, shall determine who shall receive such scholarships and shall determine the distribution of such scholarships among such health professions on the basis of the relative needs of Indians for additional service in such health professions.

"(2) An individual shall be eligible for a scholarship under subsection (a) in any year in which such individual is enrolled full time in a health professions school referred to in subsection (a).

"(3) The active duty service obligation prescribed under section 338B of the Public Health Service Act (42 U.S.C. 254m) shall be met by a recipient of an Indian Health Scholarship by service in the Indian Health Service, including service under a contract under the Indian Self-Determination and Education Assistance Act (Public Law 93-638); in a program assisted under title V of this Act; or in the private practice of his profession if, as determined by the Secretary, in accordance with guidelines promulgated by him, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(c) For the purpose of this section, the term 'Indian' has the same meaning given that term by subsection (c) of section 4 of this Act, including all individuals described in clauses (1) through (4) of that subsection.

"(d) For the purposes of this section, there are authorized to be appropriated $6,100,000 for fiscal year 1985, $7,000,000 for fiscal year 1986, and $8,100,000 for fiscal year 1987.".

(d) Section 105(a) is amended by—

(1) inserting "(1)" after "SEC. 105. (a)" and adding at the end thereof the following paragraph:

"(2) No stipend may be paid to any person under sections 103 and 104 of this title while such person is employed under this section."; and

(2) amending subsection (d) to read as follows:

"(d) For the purposes of this section, there are authorized to be appropriated $300,000 for fiscal year 1985, $350,000 for fiscal year 1986, and $400,000 for fiscal year 1987.".

SEC. 4. (a) Section 201 is amended to read as follows:

"HEALTH SERVICES

"SEC. 201. (a)(1) To further implement the national policy of raising the health status of Indians to a zero level of deficiency as defined in subsection (c) by eliminating backlogs in health care services and meeting unmet Indian health needs as soon as possible and in an equitable manner, the Secretary is authorized to expend, through the Service, over the three-year period beginning with fiscal year 1985 the amounts au-

thorized to be appropriated by subsection (e) of this section. Funds requested under this section shall be separately stated in the Service budget request as submitted to Congress under section 1105 of title 31, United States Code, and funds appropriated under this section shall not be used to offset or limit appropriations made to the Service under authority of the Act of November 2, 1921 (25 U.S.C. 13) or any other law. Funds appropriated under this section in any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

"(2) Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs of the Service, nor is it intended to discourage the Service from undertaking additional efforts to achieve parity among tribes.

"(b)(1) Funds appropriated under this section shall be expended to augment the ability of the Service to meet the following health service responsibilities—

"(A) clinical care (direct or indirect);

"(B) preventive health;

"(C) dental care (direct or indirect);

"(D) mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional Indian practitioners;

"(E) emergency medical services;

"(F) treatment and control of, and rehabilitative care related to, alcoholism among Indians;

"(G) accident prevention programs;

"(H) community health representative programs; and

"(I) maintenance and repair.

"(2) Where any funds allocated to a service unit are used for a contract under the Indian Self-Determination and Education Assistance Act, not more than 15 percent of such funds shall be used for health planning, training, technical assistance, and other administrative support functions.

"(3) To the extent that all or a portion of the funds appropriated under subsection (e) are required to raise service units which are below a Level II deficiency, as defined in subsection (c), to such level, such funds shall not be available for allocation to service units at or above such level. Funds appropriated under this section shall be allocated on a service unit basis and apportionment of a service unit's allocation of funds among the health service responsibilities listed in paragraph (1) shall be as determined by the Service and the affected Indian tribe or tribes.

"(c)(1) Within sixty days of the date of enactment of the Indian Health Care Amendments of 1984, the Secretary shall submit to the Congress the current health services priority system report of the Service for each service unit including units serving newly recognized or acknowledged tribes. Such report shall contain—

"(A) the methodology for determining tribal health resources deficiencies; the level of health resources deficiency for each service unit; the amount of funds necessary to raise all service units below a Level II deficiency to a Level II deficiency; the amount of funds necessary to raise all service units below a Level I deficiency to a Level I deficiency; and the amount of funds necessary to raise all service units to a zero level of deficiency; and

"(B) an estimate of—

"(i) the amount of health service funds appropriated under the authority of this or any other Act for the preceding fiscal year which is allocated to each service unit or comparable entity; and

"(ii) the number of Indians eligible for health services in each service unit.

"(2) For purposes of this section, health resources deficiency levels shall be defined as follows:

"Level I—0 to 20 percent deficiency,

"Level II—21 to 40 percent deficiency,

"Level III—41 to 60 percent deficiency,

"Level IV—61 to 80 percent deficiency, and

"Level V—81 to 100 percent deficiency.

"(3) The Secretary shall establish by regulation procedures which allow any Indian tribe to petition the Secretary for a review of any determination of the health resources deficiency level of the service unit through which such tribe receives health services.

"(d) Upon enactment of the Indian Health Care Amendments of 1984, the Secretary, acting through the Service, shall take all necessary action, in cooperation with each Indian tribe, to bring current the tribal specific health plans which were developed as a part of the plan required by section 703 of this Act and which formed the basis for such plan in response to the requirements of section 701 of this Act. These plans shall be based upon the methodology submitted under subsection (c), as may be further modified through tribal consultation, and shall form the basis for the health services priority system report to be submitted by the Secretary for fiscal years 1986 and 1987. Such reports shall be submitted to the Congress not more than thirty days after the submission of the annual budget for such fiscal years to the Congress by the President.

"(e) For each of the three fiscal years beginning with fiscal year 1985, there are authorized to be appropriated for the purposes of this section such sums as may be necessary to raise all service units to at least a Level II deficiency on the health services priority system. Any funds appropriated under this subsection shall be designated as the Indian Health Care Improvement Fund.

"(f) The Secretary, acting through the Service, shall expend directly or by contract, including contracts under the Indian Self-Determination and Education Assistance Act (Public Law 93-638), not less than 1 percent of the funds appropriated under subsection (e) for research in the areas of Indian health care set out in subparagraphs (A) through (G) of subsection (b)(1).".

(b) Title II is amended by adding at the end thereof the following new section:

"CATASTROPHIC HEALTH

"SEC. 202. (a) There is established an Indian Catastrophic Health Emergency Fund to be administered by the Secretary, acting through the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses falling within the responsibility of the Service. The fund shall be administered by the central office of the Service and shall not be allocated, apportioned, or delegated on a service unit or area office basis. Funds appropriated under subsection (c) shall not be used to offset or limit appropriations made to the Service under authority of the Act of November 2, 1921 (25 U.S.C. 13) or any other law. No part of the fund or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (Public Law 93-638).

"(b) The Secretary shall, through the promulgation of regulations consistent with the provisions of this section—

"(1) establish a definition of disasters and catastrophic illnesses for which the cost of treatment, whether provided under contract or directly by the Service, would qualify for payment from the fund; and which shall provide that a service unit shall not be eligible for reimbursement for the cost of treatment from the fund until its cost of treating any victim of such catastrophic illness or disaster shall have reached a certain threshold cost which the Secretary shall establish at not less than $10,000 or not more than $20,000;

"(2) establish a procedure for the reimbursement of service units or facilities rendering treatment or, whenever otherwise authorized by the Service, the reimbursement of non-Service facilities or providers rendering treatment;

"(3) establish a procedure for payment from the fund where the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

"(4) establish a procedure that will assure that no payment shall be made from the fund to any provider to the extent that the provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible or by which the patient is covered.

"(c) There is authorized to be appropriated for the purposes of this section $12,000,000 for fiscal year 1985 and in fiscal years 1986 and 1987 such sums as are necessary to maintain the fund at $12,000,000. Funds appropriated under this section shall remain available until expended.

"(d) The Secretary shall report to Congress on the operation of the fund on January 1, 1987. Such report shall include—

"(1) the number and nature of disasters and catastrophic illnesses for which reimbursement was sought;

"(2) the costs associated with these disasters or illnesses;

"(3) the amounts reimbursed by the fund in connection with such illnesses and disasters;

"(4) the effect of the fund on the ability of the service unit to meet the health needs of their Service populations; and

"(5) the Secretary's recommendations regarding the future operation of the fund.".

SEC. 5. Section 301 is amended to read as follows:

"HEALTH FACILITIES

"SEC. 301. (a)(1) Within sixty days after the date of enactment of the Indian Health Care Amendments of 1984, the Secretary shall submit to the Congress a report which shall set forth the current health facilities priority system of the Service and which shall include the planning, design, construction, or renovation needs for the ten top priority inpatient care facilities and the ten top priority ambulatory care facilities together with required staff quarters, the justification for such priority listings, and the projected cost of such projects. The report shall also include the methodology adopted by the Service in establishing priorities under its health facilities priority system.

"(2)(A) Within thirty days of the submission of the annual budget to the Congress by the President for fiscal years 1986 and 1987, the Secretary shall submit to the Con-

gress a report which complies with the requirements of paragraph (1).

"(B) In preparing such report in such fiscal years, the Service shall consult with tribes and tribal organizations including those tribes or tribal organizations operating health programs or facilities with funds from the Service under the Indian Self-Determination Act, and shall review the needs of these tribes and tribal organizations for inpatient and outpatient facilities, including their needs for renovation and expansion of existing facilities.

"(3) The Service shall use the same criteria for fiscal years 1985, 1986, and 1987 to evaluate the needs of facilities operated under contract under the Indian Self-Determination Act as it uses to evaluate the needs of facilities operated directly by the Service in such fiscal years.

"(b)(1) All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) for the planning, design, construction, or renovation of health facilities for the benefit of a tribe or tribes may be used for the expenses of such activities incurred by such tribe or tribes under contracts or grants under the Indian Self-Determination Act. Title to any facility constructed under a grant under this section shall be in the United States.

"(2) Any tribal contractor or grantee shall expend such funds for the purpose for which appropriated pursuant to rules and regulations established by the Secretary for contracting and procurement.

"(c) Prior to the expenditure of, or the making of any firm commitment to expend, any funds appropriated for facilities planning and design, construction, or renovation under the Act of November 2, 1921 (25 U.S.C. 13), the Secretary, acting through the Service, shall—

"(1) consult with any Indian tribe that would be significantly affected by such expenditure for the purpose of determining and, wherever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made, and

"(2) ensure, wherever practicable, that such facility, not later than one year after its construction or renovation, shall meet the standards of the Joint Commission on Accreditation of Hospitals.

"(d) The Secretary shall not close, under any existing authority, any Service hospital or other outpatient health care facility or any portion thereof unless he has submitted to the Congress at least one year prior to the planned closure date an evaluation of the impact of the proposed action which shall include the following factors—

"(1) accessibility of alternative health care resources for the service population;

"(2) cost effectiveness of the closure;

"(3) quality of health care to be provided to the service population after closure;

"(4) availability of contract health care funds to maintain current levels of service; and

"(5) the views of the Indian tribe or tribes served by such facility on the planned closure.

"(e)(1) Notwithstanding any other law, an Indian tribe may acquire and expend funds, other than funds appropriated to the Service, for major renovation and modernization, including planning and design for such renovation and modernization, of Service facilities, including facilities operated under contract under the Indian Self-Determination and Education Assistance Act (Public Law 93-638).

"(2) Any project undertaken under paragraph (1) shall be subject to the approval of the Area Director and shall—

"(A) not require or obligate the Service to provide any additional staff or equipment; and

"(B) not divert Service funds from a higher priority project on the current health facilities priority system as provided in subsection (a).

"(3) Any tribe undertaking a project under paragraph (1) shall have full authority to administer such project, but shall do so in accordance with applicable rules and regulations promulgated by the Secretary governing construction or renovation of Service health facilities.

"(f)(1) The Secretary shall convey to the Bethel Native Corporation, an Alaska Native Corporation organized pursuant to the Alaska Native Claims Settlement Act, all right, title, and interest of the United States in and to the following real property situated in Bethel, Alaska described as:

"United States Survey Numbered 4000, excluding those lands identified as tracts A and B in the determination AA-18959 of the Bureau of Land Management issued on September 30, 1983 pursuant to section 3(e) of Public Law 92-203.

"(2) The Secretary is authorized and directed to enter into a contract for sale of the service hospital, housing facilities owned by the Service, fixtures, equipment, and appurtances located on the property described in subsection (1) to the Bethel Native Corporation upon the execution of a lease-purchase agreement between the Service and the Bethel Native Corporation whereby the Bethel Native Corporation shall agree to a purchase of the service hospital, housing facilities, fixtures, equipment and appurtances at a price which recovers the actual Federal expenditures in the construction of said hospital and facilities and whereby the Service shall agree to lease and operate said hospital and facilities.".

SEC. 6. Section 302 is amended to read as follows:

"SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES

"SEC. 302. (a)(1) Congress finds that—

"(A) the provision of safe water supply and sanitary sewage and solid waste disposal systems is primarily a health consideration and function;

"(B) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of such facilities;

"(C) the long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing such facilities and other preventive health measures;

"(D) many Indian homes and communities still lack safe water supply and sanitary sewage and solid waste disposal facilities;

"(E) it is in the interest of the United States and it is the policy of the United States that all Indian communities and Indian homes, new and existing, be provided with safe and adequate water supply and sanitary sewage and solid waste disposal facilities as soon as possible; and

"(2) Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

"(b) Beginning in fiscal year 1985, the Secretary, acting through the Service, shall develop and begin implementation of a ten-year plan to provide safe water supply and sanitary sewage and solid waste disposal facilities to existing Indian homes and communities and to new and renovated Indian homes.

"(c)(1) Within sixty days of the date of the enactment of the Indian Health Care Amendments of 1984, the Secretary shall report to Congress on the Service's sanitation facilities priority system. The Secretary, in preparing such report, shall uniformly apply the methodology for determining sanitation deficiencies to all Indian tribes. Such report shall identify the methodology for determining sanitation deficiencies; the level of deficiency for each Indian community or tribe; the amount of funds necessary to raise all communities to a level I deficiency; and the amount of funds necessary to raise all communities or tribes to a zero level of deficiency. For the purpose of such report—

"(A) a level I deficiency means a sanitation system which complies with all applicable water supply and pollution control laws and regulations in which the defined deficiencies consist of routine replacement, repair, or maintenance needs;

"(B) a level II deficiency means a sanitation system which complies with all applicable water supply and pollution control laws and regulations in which the defined deficiencies consist of capital improvements necessary to improve the facilities to meet the needs of the communities for domestic sanitation facilities;

"(C) a level III deficiency means a sanitation system which has an inadequate or partial water supply and sewage disposal facility which does not comply with applicable water supply and pollution control laws and regulations or which has no solid waste disposal facility;

"(D) a level IV deficiency means a sanitation system which lacks either a safe water supply system or a sewage disposal system; and

"(E) a level V deficiency means the absence of a safe water supply and sewage disposal system.

Any tribe or community which lacks the operation and maintenance capability to meet pollution control laws and regulations shall be deemed to have a level III deficiency;

"(2)(A) Within thirty days of the submission of the annual budget to the Congress by the President for fiscal years 1986 and 1987, the Secretary shall submit a report to the Congress which meets the requirements of paragraph (1).

"(B) In preparing such report in such fiscal years, the Secretary, acting through the Service, shall consult with tribes and tribal organizations including those operating health care programs or facilities under contracts under the Indian Self-Determination and Education Assistance Act to determine the sanitation needs of each tribe.

"(d)(1) To clarify the powers conferred by subsection (a) of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) the Secretary, acting through the Service, is authorized to provide—

"(A) financial and technical assistance to Indian tribes and communities in the establishment, training, and equipping of utility organizations to operate and maintain Indian sanitation facilities,

"(B) ongoing technical assistance and training in the management of utility organizations, and

"(C) operation and maintenance assistance for and emergency repairs to tribal

sanitation facilities when necessary to avoid a health hazard or to protect the Federal investment in sanitation facilities in situations where the community or tribe or family is not financially or technically capable of performing the required emergency repairs with their own resources.

"(2)(A) This section is not intended to diminish the primary responsibilities of the Indian family, community, or tribe to establish, collect, and utilize reasonable user fees, or otherwise set aside funding, for the purpose of operation and maintenance of sanitation facilities.

"(B) The financial and technical capability of an Indian tribe or community to safely operate and maintain a sanitation facility shall not be a precondition for the provision or construction of such facilities and the Secretary may not require a tribe or community to accept a transfer of such facilities where he has determined the tribe or community does not have, or may not be reasonably expected to achieve, such capability.

"(e) For the purpose of providing necessary funds and staff to implement the expanded responsibilities of the Service under subsection (d)—

"(1) there is authorized to be appropriated $5,000,000 for each of the fiscal years 1985, 1986, and 1987, and

"(2) there is authorized to be appropriated for each of the fiscal years 1985, 1986, and 1987, $850,000 to support thirty new full-time equivalents for the Service.

"(f) Any funds appropriated and allocated for the purpose of providing water supply and sewage disposal services for the benefit of any tribe or tribal organization may be used for expenses incurred by any such tribe under contract or grant for the provision of such services under the Indian Self-Determination Act.".

SEC. 7. Title V is amended to read as follows:

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"PURPOSE

"SEC. 501. The purpose of this title is to encourage the establishment of programs in urban areas to make health services more accessible to the urban Indian populations.

"CONTRACTS WITH URBAN INDIAN ORGANIZATIONS

"SEC. 502. The Secretary, acting through the Service, shall enter into contracts with urban Indian organizations to assist such organizations to establish and administer, in urban centers in which such organizations are situated, programs which meet the requirements of this title. The Secretary, acting through the Service, shall include such conditions in any such contract as he considers necessary to effect the purpose of this title.

"CONTRACTS FOR THE PROVISION OF HEALTH CARE OR REFERRAL SERVICES

"SEC. 503. (a) The Secretary, acting through the Service, shall enter into contracts with urban Indian organizations for the provision of health care or referral services for urban Indians residing in the urban centers in which such organizations are situated. Any such contract shall include requirements that the urban Indian organization undertake to—

"(1) determine the population of urban Indians residing in the urban center in which such organization is situated who are or could be recipients of health care or referral services;

"(2) determine the current health status of urban Indians residing in such urban center;

"(3) determine the current health care needs of urban Indians residing in such urban center;

"(4) identify all public and private health service resources within such urban center which are or may be available to urban Indians;

"(5) determine the use of public and private health services resources by the urban Indians residing in such urban center;

"(6) assist such health service resources in providing service to such urban Indians;

"(7) assist such urban Indians in becoming familiar with and utilizing such resources;

"(8) provide basic health education to such urban Indians;

"(9) establish and implement manpower training programs necessary to accomplish the directives described in paragraphs (6) through (8);

"(10) identify gaps between unmet health needs of urban Indians and the resources available to meet such needs;

"(11) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban Indians; and

"(12) where necessary, provide or contract for health care services to urban Indians.

"(b) The Secretary, acting through the Service, shall by regulation prescribe the criteria for selecting urban Indian organizations with which contracts may be entered into under this title. Such criteria shall include—

"(1) the extent of the unmet health care needs of urban Indians in the urban center involved;

"(2) the size of the urban Indian population in the urban center involved;

"(3) the accessibility to, and utilization of, health care services (other than services provided under this title) by urban Indians in the urban center involved;

"(4) the extent to which the requirements described in subsection (a) would duplicate—

"(A) any previous or current public or private health services project which is situated in an urban center and which is not funded under this title; or

"(B) any project funded under this title;

"(5) the capability of an urban Indian organization to meet the requirements of subsection (a);

"(6) the satisfactory performance and successful completion by an urban Indian organization of other contracts with the Secretary under this title;

"(7) the appropriateness and likely effectiveness of conducting the activities described in subsection (a) in an urban center; and

"(8) the extent of existing or likely future participation in the activities described in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"CONTRACTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS

"SEC. 504. (a) The Secretary, acting through the Service, may enter into contracts with urban Indian organizations which are situated in urban centers and for which contracts have not been entered into under section 503.

"(b) Any contract entered into by the Secretary under subsection (a) shall require—

"(1) the urban Indian organization—

"(A) to document the health care status and unmet health care needs of urban Indians in the urban center involved;

"(B) with respect to urban Indians in the urban center involved, to determine the matters described in paragraphs (2), (3), (4), and (8) of section 503(b); and

"(2) the urban Indian organization to complete performance of the contract within one year after the date on which the Secretary and such organization enter into such contract.

"(c) The Secretary may not renew any contract entered into under this section.

"EVALUATIONS: CONTRACT RENEWALS

"SEC. 505. (a) The Secretary, acting through the Service, shall develop procedures to evaluate performance of contracts entered into by urban Indian organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

"(b) The Secretary, acting through the Service, shall conduct an annual onsite evaluation of each urban Indian organization which has entered into a contract under section 503 for purposes of evaluating the performance of such organization under such contract.

"(c) If, as a result of the evaluations conducted under subsection (b), the Secretary determines that an urban Indian organization has not satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract, attempt to resolve with such organization the areas of unsatisfactory performance and modify such contract to prevent future occurrences of such unsatisfactory performance. If the Secretary determines that such unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract with such organization and may enter into a contract under section 503 with another urban Indian organization which is situated in the same urban center as the urban Indian organization whose contract is not renewed under this section.

"(d) In determining whether to renew a contract with an urban Indian organization under section 503, or whether to enter into a contract with an urban Indian organization under section 503 which has completed performance of a contract under section 504, the Secretary shall review the information generated by the urban Indian organization in compliance with sections 503(a) and 504(b), the reports submitted under section 507, and, in the case of a renewal of a contract under section 503, the results of the on-site evaluations conducted under subsection (b).

"OTHER CONTRACT REQUIREMENTS

"SEC. 506. (a) Contracts with urban Indian organizations under this title shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935 (40 U.S.C. 270a).

"(b) Payments under any contract under this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this title.

"(c)(1) Notwithstanding any provision of law to the contrary, the Secretary may, at the request, or with the consent, of an urban Indian organization, revise or amend any contract made by the Secretary with

such organization under this title as necessary to carry out the purposes of this title.

"(2) Whenever an urban Indian organization requests the Secretary to assume responsibility for any contract entered into under this title, the Secretary shall assume such responsibility not more than one hundred and twenty days from the date of the request by the organization or at such later date as may be mutually agreed to by the Secretary and the organization.

"(d) The Secretary may permit an urban Indian organization performing a contract under this title to use federally owned facilities within the Secretary's jurisdiction under such terms and conditions as may be jointly agreed upon for the use and maintenance of such facilities.

"(e) Contracts with urban Indian organizations and regulations adopted under this title shall assure the fair and uniform provision to urban Indians of services and assistance under such contracts by such organizations.

"REPORTS

"SEC. 507. (a) For each fiscal year in which an urban Indian organization receives or expends funds under a contract under this title, such organization shall submit to the Secretary a quarterly report including—

"(1) in the case of a contract under section 503, information gathered under paragraphs (10) and (11) of subsection (a) of such section;

"(2) information on activities conducted by the organization under the contract;

"(3) an accounting of the amounts and purposes for which Federal funds were expended; and

"(4) such other information as the Secretary may request.

"(b) The report required under subsection (a) and information production required under sections 503(a) and 504(b) of any urban Indian organization under a contract under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

"(c) The Secretary shall allow as a cost of any contract entered into under section 503 the cost of an annual private audit conducted by a certified public accountant.

"REPORTS OF THE SECRETARY

"SEC. 508. (a) Within one year after the date of enactment of the Indian Health Care Amendments of 1984, the Secretary, acting through the Service, shall submit a report to Congress which assesses the health status and health care needs of urban Indians. The report shall—

"(1) specify the health care needs of urban Indians and, with respect to urban centers for which urban Indian organizations have entered into contracts under section 503, whether additional health care personnel are required to meet such needs;

"(2) make recommendations for additional programs, technical assistance, funding, and additional health care personnel to meet the health care needs of Indians in urban centers; and

"(3) contain recommendations for legislation and administrative actions to achieve the national goal of raising the health status of urban Indians to a level equal to that of the general population.

"(b) Not later than April 1, 1987, the Secretary, acting through the Service and with the assistance of the urban Indian organizations that have entered into contracts under this title, shall review the programs established under this title and submit to Congress an assessment thereof and recommendations for any further legislative efforts the Secretary deems necessary to meet the purpose of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 509. There are authorized to be appropriated for contracts with urban Indian organizations under this title $12,000,000 for fiscal year 1985, $13,200,000 for fiscal year 1986, and $14,400,000 for fiscal year 1987.".

SEC. 8. (a) Title VI is amended to read as follows:

"TITLE VI—OFFICE OF INDIAN HEALTH SERVICE

"OFFICE OF INDIAN HEALTH SERVICE

"SEC. 601. (a) In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian tribes, as is or may be hereafter be provided by Federal statute or treaties, there is established within the Public Health Service of the Department of Health and Human Services an Office of Indian Health Service which shall be under the direction of an Administrator for Indian Health who shall report directly to the Assistant Secretary for Health.

"(b) All health programs and authorities under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including but not limited to programs, functions, responsibilities, and authorities under this Act; the Act of November 2, 1921 (25 U.S.C. 13); the Act of August 5, 1954 (68 Stat. 674), as amended; the Act of August 16, 1957 (71 Stat. 370); the Indian Self-Determination and Education Assistance Act (Public Law 93-638); and the Act of December 5, 1979 (93 Stat. 1056), shall be delegated solely to the Administrator for Indian Health.

"(c) In the implementation of the delegation described in subsection (b), the Administrator for Indian Health shall undertake the administrative and financial management, personnel, contracting, granting, management and program policy development and planning, evaluation, and public information functions and shall receive compensation at the rate now or hereafter provided by law for Assistant Surgeon Generals corresponding with the grade of Major General or the Civil Service equivalent.

"(d) All personnel, records, equipment facilities, and interests in property that were administered by the Indian Health Service on the date of enactment of this section shall be transferred to the Office of Indian Health Service. There shall also be allocated to the Office of Indian Health Service budget and personnel ceiling authority necessary to implement fully the delegation described in subsection (b) and the functions described in subsection (c).

"(e) The requirements of this section shall be met within one hundred and eighty days after the date of the enactment of this section. The Secretary is authorized to waive the Indian preference laws on a case-by-case basis for temporary transfers, under existing authority, involved in implementing this section.

"BUDGET ESTIMATE

"SEC. 602. The Director of the Service shall prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for programs of the Indian Health Service and shall receive directly from the President and the Office of Management and Budget all funds appropriated for obligation and expenditure by the Service.".

SEC. 9. (a) Section 704 is amended by inserting "(a)" after "SEC. 704." and by adding at the end thereof the following new subsection:

"(b) The Secretary may enter into leases, contracts, and other legal agreements with Indian tribes, tribal organizations, or Indian organizations which hold—

"(1) title to;

"(2) a leasehold interest in; or

"(3) a beneficial interest in (where title is held by the United States in trust for the benefit of a tribe);

facilities used for the administration and delivery of health services by the Indian Health Service or by programs operated by tribes, tribal organizations, or Indian organizations, to compensate such tribes, tribal organizations, or Indian organizations for costs associated with the use of such facilities for such purposes. Such costs include rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable.".

(b) Section 705 is amended to read as follows:

"COMPETITIVE PROCUREMENT

"SEC. 705. (a) The Secretary, acting through the Service, may waive any statutory or administrative requirement for competitive procurement of health services if, in the judgment of the Chief Medical Officer who will have jurisdiction over such health services, such competitive procurement would compromise the accessibility, quality, and continuity of health services or would not result in any appreciable competition or savings.

"(b) The Secretary, acting through the Service, shall reject any bid submitted under any statutory or administrative requirement for competitive procurement of health services upon the certification of the Chief Medical Officer who will have jurisdiction over such health services that acceptance of such bid would compromise the accessibility, quality, and continuity of health services.".

SEC. 10. Section 706 is amended to read as follows:

"JUVENILE ALCOHOL AND DRUG ABUSE

"SEC. 706. (a) Within ninety days of the date of enactment of the Indian Health Care Amendments of 1984, the Secretary shall enter into an agreement with the Secretary of the Interior and the Secretary of Education to coordinate the efforts of their Departments related to alcohol and drug abuse among Indian juveniles. The agreement shall provide for the identification and coordination of available resources and programs to combat Indian juvenile alcohol and drug abuse through prevention, education, counseling, and referral. The Secretary shall publish such agreement in the Federal Register within one hundred and twenty days of the date of enactment of the Indian Health Care Amendments of 1984.

"(b) The Secretary, acting through the Service and in consultation and cooperation with the Secretary of the Interior and the Secretary of Education, shall develop a program to provide training in—

"(1) preventive education;

"(2) the identification of juvenile alcohol and drug abusers; and

"(3) counseling techniques on juvenile alcohol and drug abuse.

Such training shall be provided to elementary and secondary teachers and counselors—

"(A) in schools operated by the Bureau of Indian Affairs;

"(B) in schools operated under contract with the Bureau of Indian Affairs; and

"(C) in public schools on or near Indian reservations (including public schools in Oklahoma and Alaska with significant numbers of Indian students).

The Service may provide such training either directly or through contract with qualified private or public entities.

"(c) The Secretary of the Interior, acting through the Bureau of Indian Affairs and in consultation with the Service, shall review existing literature and reports on juvenile alcohol and drug abuse, including studies and school curricula and any other material relevant to an understanding of the problem of juvenile alcohol and drug abuse, and shall make available the results of such review to the schools described in subsection (b).

"(d) The Secretary shall establish an Office of Alcohol and Drug Abuse within the Service which shall be responsible for the administration of the programs and authorities of the Service in the field of alcohol and drug abuse. The Office shall have assigned to it a number of full-time equivalent positions which shall be not less than eight full-time equivalent positions in the Central Office of Service and one full-time equivalent position in each Service area and Program Office.

"(e) For the purpose of implementing subsection (b), there is authorized to be appropriated $1,500,000 for each of the fiscal years 1985, 1986, and 1987.".

SEC. 11. Section 707 is amended to read as follows:

"NUCLEAR RESOURCE DEVELOPMENT HEALTH HAZARDS

"SEC. 707. (a) The Secretary, acting through the Service, shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the health hazards to Indian miners of nuclear materials and Indians on or near Indian reservations and in Indian communities as a result of nuclear resource development. Such study shall include—

"(1) an evaluation of the nature and extent of nuclear resource development related health problems currently exhibited among Indians and the causes of such health problems;

"(2) an analysis of the potential effect of ongoing and future nuclear resource development on Indians living in or near Indian reservations and communities;

"(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear powerplant operation and construction, and nuclear waste disposal;

"(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the ten years prior to the date of enactment of the Indian Health Care Amendments of 1984 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

"(5) an evaluation of the efforts that have been made by Federal and State agencies and mining and milling companies to effectively carry out an education program for such Indians regarding the health and safety hazards of nuclear resource development.

To assist the Academy in conducting such study, the Secretary and the Secretary of the Interior shall furnish at the request of the Academy any information which the Academy deems necessary for the purpose of conducting the study. In addition, they shall cooperate with the Academy in obtaining information necessary to carry out the intent of the study.

"(b) Upon the completion of such study, the Secretary, acting through the Service, shall, on the basis of the results of such study, develop a health care plan to address the health problems studied under subsection (a). The plan shall include—

"(1) methods for diagnosing and treating Indians currently exhibiting nuclear resource development related health problems;

"(2) preventive care for Indians who may be exposed to such health hazards as a result of nuclear resource development, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation, or otherwise affected by nuclear development activities that have had or could have a serious impact upon the health of such individuals; and

"(3) a program of education for Indians who, by reason of their work or geographic proximity to nuclear development activities, may experience health problems.

"(c) The Secretary shall submit to Congress the results of the study conducted under subsection (a) no later than eighteen months after the date of enactment of the Indian Health Care Amendments of 1984. The health care plan prepared under subsection (b) shall be submitted to Congress no later than one year after the date the results of the study are submitted. Such report shall include recommended activities for implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

"(d) For the purpose of conducting the study required by subsection (a) of this section, there is authorized to be appropriated $350,000.".

SEC. 12. Section 708 is amended to read as follows:

"SERVICE TO INELIGIBLE PERSONS

"SEC. 708. (a)(1) The Secretary, acting through the Service, may provide or authorize the provision of medical care, treatment, or benefits by the Service to persons who are not otherwise eligible for such services in health facilities maintained by the Service or contracted under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or through contract health care services, subject to the limitations of this section.

"(2) Persons eighteen years of age or under who are the natural or adopted children (including foster- and step-children), legal wards, or orphans of an eligible Indian person and who are not otherwise eligible for the medical care, treatment, or benefits of the Service shall be eligible for all such services on the same basis and subject to the same rules as apply to eligible Indians until their nineteenth birthday. The existing and potential medical needs of such persons shall be taken into consideration by the Service in determining the need for, or the allocation of, its health resources. Any such person who has been determined to be legally incompetent prior to their nineteeth birthday shall remain eligible for such services until one year after the date such disability has been removed.

"(3) Non-Indian spouses of eligible Indians or spouses of Indian descent who are not otherwise eligible for the medical care, treatment, or benefits of the Service shall not be eligible for such service unless they are made eligible, as a class, by an appropriate resolution of the governing body of the relevant Indian tribe. The medical needs of persons made eligible under this subsection shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

"(b)(1)(A) At the request of the Indian tribe or tribes included within the service area of any service unit of the Service, the Secretary may authorize the medical care and treatment of otherwise ineligible persons residing within such service area in health facilities maintained and operated by the Service.

"(B) Persons receiving medical care and treatment under this subsection shall be liable for the payment for such services under a fee schedule adopted by the Secretary which, in the judgment of the Secretary, shall result in reimbursement in an amount not less than the actual cost of providing the service. Fees collected under this subsection, including medicare or medicaid reimbursements under titles VIII and XIX of the Social Security Act, shall be credited to the account of the facility providing the service and shall be used solely for the provision of health services within that facility.

"(2)(A) Except as provided in subparagraph (B), where the governing body of an Indian tribe or, in the case of a multi-tribal service area, any Indian tribe revokes its concurrence to the provision of services under paragraph (1)(A), the Secretary's authority to provide such service shall terminate at the end of the fiscal year following the fiscal year in which such revocation was adopted.

"(B) In California, in the case of a multi-tribal service area, unless 51 percent or more of the Indian tribes in the Service area revoke their concurrence to the provision of services under paragraph (1)(A), the authority to provide such service shall not be affected.

"(3)(A) In the case of health facilities operated directly by the Service, such medical care and treatment may be provided under this subsection only where the Secretary and the affected tribe or tribes have jointly determined that—

"(i) the provision of such service will not result in a denial or diminution of services to eligible Indian persons; and

"(ii) there is no reasonable alternative health facility or service, within or without the service unit area, available to meet the medical needs of such persons.

"(B) In the case of health facilities operated under contract under the Indian Self-Determination and Education Assistance Act, the governing body of the Indian tribe or tribal organization providing health services under a contract with the Service under the Indian Self-Determination Act is authorized determine the eligibility for such services of persons who are not otherwise eligible for such services. Such determination shall be in accordance with the requirements of this section.

"(4) The Service may continue to provide medical care, treatment, and benefits to persons not provided service under subsections (a) or (b) to achieve stability in a medical emergency, to prevent the spread of a communicable disease or otherwise deal with a public health hazard; to provide care to non-Indian women pregnant with an eligible In-

dian's child for the duration of the pregnancy through post partum, or to immediate family members of an eligible person where such care is directly related to the treatment of the eligible person.

"(5) Hospital privileges in health facilities operated and maintained by the Service or operated under contract under the Indian Self-Determination and Education Assistance Act may be extended to non-Service health care practitioners under a plan adopted under subsection (d) of this section. Such non-Service health care practitioners shall not be regarded as employees of the Federal Government for purposes of sections 1346(b) and 2671 et seq. of title 28 of the United States Code relating to Federal tort claims even if providing services to eligible persons as a part of the condition under which privileges are extended. This subsection shall not affect the conditions under which ineligible persons may be provided health services at Service facilities in cases where non-Service health care practitioners may be extended hospital privileges in Service facilities under any other provision of law.".

SEC. 13. Section 709 is amended to read as follows:

"ELIGIBILITY OF CALIFORNIA INDIANS

"SEC. 709. The following California Indians shall be eligible for care from the Service:

"(1) Members of federally recognized tribes.

"(2) All Indians of California as defined in the first section of the Act of May 18, 1928 (25 U.S.C. 651).

"(3) Indians who hold trust interests in public domain, national forest, or Indian reservation allotments in California.

"(4) Indians in California who were listed on the plans for distribution of the assets of California rancherias and reservations under the Act of August 18, 1958 (72 Stat. 619), and their descendants. This paragraph shall cease to be effective after October 1, 1988.".

SEC. 14. Section 710 is amended to read as follows:

"REDUCTION AND CONTROL OF HEPATITIS-B IN ALASKA

"SEC. 710. The Secretary, acting through the Indian Health Service and the centers for Disease Control, shall, in cooperation with the State of Alaska, provide for screening and reporting of cases of hepatitis-B among Native Alaskans and vaccinations to prevent and control the incidence of hepatitis-B among Native Alaskans. Not later than December 30, 1986, the Secretary shall submit to Congress a report detailing the activities carried out under this section and outlining what subsequent actions should be taken to continue to control the incidence of hepatitis-B in Alaska, together with a recommended schedule for the completion of such actions.".

SEC. 15. Title VII is amended by adding at the end thereof the following new sections:

"CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA

"SEC. 712. (a) The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, and Santa Clara, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to Indians in such State.

"(b) This section shall take effect October 1, 1984.

"CONTRACT HEALTH FACILITIES

"SEC. 713. (a) The Indian Health Service shall provide funds for health care programs and facilities operated by tribes and tribal organizations under contracts with the Indian Health Service under the Indian Self-Determination Act—

"(1) for the maintenance and repair of clinics owned or leased by such tribes or tribal organizations,

"(2) for employee training,

"(3) for cost-of-living increases for employees, and

"(4) for any other expenses relating to the provision of health services,

on the same basis as such funds are provided to programs and facilities operated directly by the Indian Health Service.

"(b) In the case of eligible California Indians as defined by section 709 of the Indian Health Care Improvement Act, as amended by this Act, who are not members of Indian tribes or eligible for membership in such tribes, the Secretary may not enter into a contract to provide health services to such Indians under section 103 of the Indian Self-Determination Act if 51 percent of the adult population of such Indians object prior to the award of such contract either individually or through any legally established organization of Indians, in which case the Secretary, acting through the Service, shall make alternate arrangements for the delivery of health care services to such Indians. Nothing in this section shall be construed to restrict or interfere with the right of any Indian tribe to contract for health services on behalf of its own members.

"NATIONAL HEALTH SERVICE CORPS

"SEC. 714. (a) The Secretary of Health and Human Services shall not—

"(1) remove a member of the National Health Service Corps from a health facility operated by the Indian Health Service or by a tribe or tribal organization under contract with the Indian Health Service under the Indian Self-Determination Act; or

"(2) withdraw funding used to support such member

unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services. This section shall take effect as of October 1, 1983.

"RESTRICTIONS ON THE USE OF INDIAN HEALTH SERVICE APPROPRIATIONS

"SEC. 715. Unless otherwise specifically provided, any restriction placed on the use of appropriations for Indian health services shall not be interpreted—

"(1) to apply to the use of funds other than such appropriated funds by an entity with a contract with the Indian Health Service;

"(2) to prohibit the support of litigation with such other funds; or

"(3) to prohibit the promotion of public support for or opposition to any legislative proposal with such other funds.

"INFANT AND MATERNAL MORTALITY

"SEC. 716. Not later than January 1, 1985, the Secretary shall develop and begin implementation of a plan to achieve the following objectives by January 1, 1990:

"(1) Reduction of the rate of Indian infant mortality in each Area Office of the Service to twelve deaths per one thousand live births or to that of the United States population, whichever is lower.

"(2) Reduction of the rate of maternal mortality in each Area Office of the Service to five deaths per one hundred thousand live births or to that of the United States population, whichever is lower.

The Secretary shall report to Congress on January 1 of each year after fiscal year 1985 on the progress that has been made toward achieving such objectives.

"DEFINITIONS

"SEC. 717. As used in this Act—

"(1) 'Area Office' means an administrative entity including a program office, within the Indian Health Service through which services and funds are provided to the service units within a defined geographical area; and

"(2) 'service unit' means an administrative entity within the Indian Health Service or a tribe or tribal organization operating health care programs or facilities with funds from the Service under the Indian Self-Determination Act through which services are provided, directly and by contract, to the eligible Indian population within a defined geographic area.".

Mr. WEAVER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitue offered by the gentleman from Oregon [Mr. WEAVER].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2166

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 2166, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon? The Chair hears none and, without objection, appoints the following conferees: From the Committee on Interior and Insular Affairs, Messrs. UDALL, MCNULTY, GEJDENSON, RICHARDSON, YOUNG of Alaska, and MCCAIN; and from the Committee on Energy and Commerce, Messrs. DINGELL, WAXMAN, SCHEUER, LUKEN, BROYHILL, and MADIGAN.

There was no objection.

EXTENDING LEASE TERMS OF OIL AND GAS LEASE NUMBERED U-39711

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S.

1770) to extend the lease terms of Federal oil and gas lease numbered U-39711, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I would like an explanation from the gentleman from Oregon.

Mr. WEAVER. If the gentleman will yield, this is identical to the House-passed bill. We simply did not couple up with the Senate bill in the same situation as occurred in the bill just previously acted upon. It is Mr. MARRIOTT's bill to S. 1770, to extend oil and gas lease U-39711.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any decision to the contrary heretofore made by the Secretary of the Interior of the United States or his authorized agents or representatives, United States oil and gas lease numbered U-39711 shall be held not to have terminated by operation of law or otherwise on January 30, 1980, but shall be deemed to be in full force and effect as having been capable of producing *oil or gas* prior to the expiration date of the lease and the term of said lease shall be extended from that date forward for so long after the date of enactment of this Act as *oil or gas* is produced in paying quantities. The *lessee* shall be granted *six months* to install production equipment and facilities on said lease: *Provided,* That within thirty days after the receipt of written notice from the Secretary of the Interior the lessee shall tender payment of back rentals at the rate of not less than $5 per acre per year. Notice shall be given by the Secretary within thirty days after the effective date of this Act. The Secretary shall include in the reinstated lease a future rental requirement of not less than $5 per acre per year and a future royalty rate requirement of not less than 16⅔ per centum: *Provided, however,* That except as specifically modified herein as to such lease, all other provisions of the Mineral Lands Leasing Act of 1920, as amended, shall be applicable as to such lease.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
September 21, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 10:25 a.m. on Friday, September 21, 1984 and said to contain a message from the President wherein he transmits the Sixth Biennial Report on Title VI of the Housing and Community Development Act of 1974 (Manufactured Housing); and

(2) At 1:55 p.m. on Friday, September 21, 1984 and said to contain a message from the President wherein he transmits the Aeronautics and Space Report of the President, 1983 Activities.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

□ 1230

AERONAUTICS AND SPACE REPORT OF THE PRESIDENT, 1983 ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology.

(For message, see proceedings of the Senate of Friday, September 21, 1984, at page 26489.)

SIXTH REPORT ON TITLE VI OF HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (MANUFACTURED HOUSING)—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs.

(For message, see proceedings of the Senate of Friday, September 21, 1984, at page 26489.)

FOURTH ANNUAL REPORT ON ACTIVITIES UNDERTAKEN BY U.S. SYNTHETIC FUELS CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs and the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Monday, September 24, 1984.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote of the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, September 25, 1984.

PROVIDING FOR DISTRIBUTION OF CERTAIN FUNDS TO WYANDOTTE TRIBE OF OKLAHOMA

Mr. WEAVER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6221) to provide for the use and distribution of certain funds awarded to the Wyandotte Tribe of Oklahoma.

The Clerk read as follows:

H.R. 6621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ABROGATION OF PRIOR PLAN; REPEAL OF PRIOR DISTRIBUTION OF JUDGMENT FUNDS ACT

SECTION 1. (a) Notwithstanding the Act entitled "An Act to provide for the use and distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the United States Court of Claims, and for other purposes." and approved October 19, 1973 (25 U.S.C. 1401, et seq.), or any other regulation or plan promulgated by the Secretary pursuant to such Act, the funds appropriated in satisfaction of the judgments awarded to the Wyandotte Tribe of Oklahoma in—

(1) docket numbered 139 before the Indian Claims Commission,

(2) docket numbered 141 before the United States Court of Claims, and

(3) dockets numbered 212 and 213 before the United States Claims Court,

(other than funds appropriated for the payment of attorney fees or litigation expenses) and any interest or investment income accrued or accruing (on or before the date of the allocation of funds pursuant to section 3(b)) on the amount of such judgments shall be used and distributed as provided in this Act.

(b) The Act entitled "An Act to provide for the use and distribution of funds to the Wyandot Tribe of Indians in docket 139 before the Indian Claims Commission and docket 141 before the United States Court of Claims, and for other purposes." and approved December 20, 1982, is hereby repealed.

PREPARATION OF THE ROLL OF MEMBERS OF THE WYANDOTTE TRIBE OF OKLAHOMA AND THE ROLL OF ABSENTEE WYANDOTTES

SEC. 2. (a) In accordance with such procedures as may be adopted by the tribal governing body of the Wyandotte Tribe of

Oklahoma and approved by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), such tribal governing body shall take such steps as may be necessary to ensure that the roll of members of such tribe includes all members of the tribe born on or before the date of the enactment of this Act.

(b)(1) The Secretary shall prepare a roll of all individuals who—

(A) were born on or before the date of the enactment of this Act,

(B) are alive on the date of the enactment of this Act, and

(C) are listed in, or are lineal descendants of individuals listed in, the compilation entitled "Census of Absentee or Citizen Wyandotte Indians" compiled by Joel T. Olive and dated November 18, 1896 (as corrected by W. A. Richards, Commissioner of the General Land Office, in a circular dated October 28, 1904).

(2) Applications for enrollment of individuals under paragraph (1) may be field with the Secretary (in such manner as the Secretary shall prescribe) before the end of the 90-day period beginning on the date of the enactment of this Act.

(3)(A) The Secretary shall determine whether an individual who filed an application under paragraph (2) is eligible to be enrolled under paragraph (1). The initial determination of the Secretary with respect to the enrollment of any such individual shall be made before the end of the 180-day period beginning on the date of the enactment of this Act. The final determination of the Secretary with respect to the enrollment of any such individual shall not be reviewable in any court.

(B) Any review by the Secretary of an initial determination of the Secretary with respect to the enrollment of any individual under paragraph (1) shall not delay the allocation of funds pursuant to section 3(b) or any distribution of funds under section 4 or 5.

(4) The Secretary shall publish, in the Federal Register and in such local media as the Secretary may determine to be appropriate, notice of—

(A) the provisions of this Act that provide for a per capita distribution to Absentee Wyandottes and their descendants,

(B) the preparation of the roll described in paragraph (1), and

(C) the procedures established pursuant to paragraph (2) for filing applications for enrollment on such roll and the final date on which any applications may be filed with the Secretary.

ALLOCATION OF FUNDS TO THE WYDANDOTTE TRIBE OF OKLAHOMA AND THE ABSENTEE WYANDOTTES

SEC. 3. (a) Before the end of the 90-day period beginning on the later of—

(1) the date by which any action required under section 2(a) relating to the roll of members of the tribe is completed, or

(2) the date on which the roll prepared by the Secretary pursuant to section 2(b) is completed,

the Secretary shall divide the funds described in section 1 between the Wyandotte Tribe of Oklahoma and the Absentee Wyandottes (as a group) in the manner provided in subsection (b).

(b) The Secretary shall allocate the Wyandotte Tribe and to the Absentee Wyandottes an amount which bears the same proportion to the total amount of the funds described in section 1 as the number of individuals listed on the roll referred to in subsection (a)(1) or (a)(2), as the case may be, who are living on the date of the enactment of this Act bears to the sum of the numbers of individuals on each such roll who are living on such date.

DISTRIBUTION TO ABSENTEE WYANDOTTES

SEC. 4. The funds allocated to the Absentee Wyandottes and their descendants pursuant to section 3(b) shall be distributed in the form of per capita payments, in sums as equal as possible, to each individual listed on the roll prepared by the Secretary to section 2(b).

DISTRIBUTION TO WYANDOTTE TRIBE OF OKLAHOMA

SEC. 5. (a) Eighty percent of the funds allocated to the Wyandotte Tribe of Oklahoma pursuant to section 3(b) shall be distributed in the form of per capita payments, in sums as equal as possible, to each member of such Tribe who—

(1) was born on or before the date of the enactment of this Act, and

(2) is living on such date.

(b) Twenty percent of the funds allocated to the Wyandotte Tribe of Oklahoma pursuant to section 3(b) shall be used and distributed in accordance with the following general plan:

(1) A sum of $100,000 of such funds shall be used for the purchase of real property which shall be held in trust by the Secretary for the benefit of such Tribe.

(2) The amount of such funds in excess of $100,000 shall be held in trust by the Tribal Business Committee of such Tribe for the benefit of such Tribe.

(3) Any interest of investment income accruing on the funds described in paragraph (2) may be used by the Tribal Business Committee of such Tribe for any of the following purposes:

(A) Education of the members of such Tribe (including grants-in-aid or scholarships).

(B) Medical or health needs of the members of such Tribe (including prosthetics).

(C) Economic development for the benefit of such Tribe.

(D) Land purchasers for the use and benefit of such Tribe.

(E) Investments for the benefit of such Tribe.

(F) Tribal cemetery maintenance.

(G) Tribal building maintenance.

(H) Tribal administration.

(c)(1) Except as provided in paragraph (2) and notwithstanding any other provision of law, the approval of the Secretary for any payment or distribution by the Wyandotte Tribe of Oklahoma of any funds described in subsection (b) (or or after the date such funds are allocated pursuant to section 3(b)) shall not be required and the Secretary shall have no further trust responsibility for the investment, supervision, administration, or expenditure of such funds.

(2) The Secretary may take such action as the Secretary may determine to be necessary and appropriate to enforce the requirements of this Act.

MANNER OF PER CAPITA DISTRIBUTION; TREATMENT OF AMOUNTS PAID OR DISTRIBUTED

SEC. 6. (a) Any payment of a per capita share of funds to which a living, competent adult is entitled under this Act shall be paid directly to such adult.

(b) Any per capita share of funds to which a deceased individual is entitled under this Act shall be paid, and the beneficiaries thereof determined, under regulations prescribed by the Secretary.

(c) Any per capita share of funds to which a legally incompetent individual or a minor is entitled under this Act shall be paid in accordance with the requirements of section 3(b)(3) of the Act entitled "An Act to provide for the use and distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the United States Court of Claims, and for other purposes." and approved October 19, 1973 (25 U.S.C. 1401, et seq.).

(d) None of the funds distributed per capita under this Act or made available under this Act for any tribal program shall be—

(1) subject to Federal, State, or local income taxes, or

(2) considered as income or resources in determining either eligibility for, or the amount of assistance under—

(A) the Social Security Act, or

(B) in the case of any per capita share of $2,000 or less, any other Federal, State, or local programs.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Oregon [Mr. WEAVER] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6221, cosponsored by Congressmen SYNAR and WINN, is a bill to provide for the use and distribution of judgment funds awarded to the Wyandotte Indian Tribe by the Indian Claims Commission and the Court of Claims.

The bill covers four dockets totaling about $3 million. The funds were awarded to the tribe for lands ceded to the United States by the tribe in the 19th century. Funds to cover these awards have already been appropriated and therefore the bill would not cost the United States any additional moneys.

The bill would distribute these awards between two groups: The Wyandotte Indian Tribe of Oklahoma and a group of Wyandotte descendants also known as the Absentee Wyandottes.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 6221. I urge my colleagues to vote for the legislation. The bill is noncontroversial, and it is supported by the tribe, it is supported by the administration. To my knowledge, as the subcommittee chairman just said, there is no opposition to the legislation. I urge the passage of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WEAVER. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to join with my colleagues and ask the support of all our colleagues on this important piece of legislation.

I want to personally thank my staff, John Hollar, and the Interior Committee staff for this expeditious hearing on this bill. I also want to thank Mr. YOUNG of Alaska, Mr. WEAVER, and Mr. UDALL for this bill.

Mr. Speaker, the purpose of this bill is to provide for the distribution of judgment funds plus accrued interest resulting from four dockets to the members of the Wyandotte Tribe of Oklahoma and to the lineal descendants of that tribe.

This bill would repeal Public Law 97-371, which allocated previously appropriated funds to the Wyandotte Tribe and Absentee Wyandottes. The formula for distribution of these funds, as contained in that act, has been determined to be inequitable by the Bureau of Indian Affairs, the Wyandotte Tribe, and many Absentee Wyandottes.

The bill contains a new distribution formula which would provide for the fair distribution of judgment funds between the Wyandotte Tribe and Absentee Wyandottes. In addition, this bill provides for the distribution of funds appropriated under two additional dockets awarded since the passage of the previous act.

This bill provides for 80 percent of the funds to be distributed on a per capita basis. The remaining 20 percent will be made available to the tribe for the purchase of property and for other tribal development purposes. In the interest of increasing tribal self-sufficiency, the expenditure of these funds will not require the approval of the Secretary.

The SPEAKER pro tempore (Mr. DOWNEY of New York). The question is on the motion offered by the gentleman from Oregon [Mr. WEAVER] that the House suspend the rules and pass the bill, H.R. 6221.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REMOVING IMPEDIMENT TO OIL AND GAS LEASING OF CERTAIN FEDERAL LANDS IN CORPUS CHRISTI, TX, AND PORT HUENEME, CA

Mr. WEAVER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5787) to remove an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, TX, and Port Hueneme, CA, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), the fact that acquired lands are incorporated into and a part of the city of Corpus Christi, Texas, or the city of Port Hueneme, California, shall not prevent the leasing of such lands: *Provided,* That prior to any such leasing the Department of the Interior must do a detailed re-evaluation to determine if the lands are within a known geologic structure by the Secretary of the Interior for oil or gas exploration and extraction, and such lands shall be available for such leasing as if they were not in an incorporated city, except that no such leasing activity shall proceed without the permission of the appropriate city.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Oregon [Mr. WEAVER] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5787, as amended, waives a restriction to oil and gas leasing of certain federally acquired lands in Corpus Christi, TX and Port Hueneme, CA. There is a provision in section 3 of the Mineral Leasing Act for Acquired Lands which prohibits the issuance of leases on acquired lands which are located within the boundaries of incorporated cities.

The cities of Corpus Christi, TX, and Port Hueneme, CA, want leasing on naval air station lands within their boundaries, and passage of this legislation would allow the Secretary to lease those acquired lands with the permission of the cities. All other provisions of the Mineral Leasing Act still apply, including the consent of the Navy Department.

The subject tract in Corpus Christi is within a known geologic structure which would require a competitive lease sale. A known geologic structure has not been formally established for the Port Hueneme area. The total acreage of acquired lands which could be available for leasing in Corpus Christi is 2,810.90 acres and in Port Hueneme, is 1,639 acres.

Most of the committee's debate focused on the method of leasing for the Port Hueneme area, that is, competitive bid versus noncompetitive simultaneous leasing. The committee recognizes the controversial nature of this issue and in an effort to not prejudice future legislative consideration of the oil and gas leasing system, agreed to an amendment which allows leasing provided that a detailed reevaluation is done by the Secretary to determine if the lands are within a known geologic structure [KGS]. After the reevaluation, if the area is within a KGS, leasing would be on a competitive-bid basis; if the lands are deemed not to be within a KGS, leasing would be on a noncompetitive basis.

The committee report makes special note of some of the difficulties surrounding known geologic structures and competitive exploration. It is the committee's hope that the reevaluation of the lands by the Secretary prior to leasing will be detailed enough to assure an accurate classification of the areas.

Mr. Speaker, I urge my colleagues to support the passage of H.R. 5787, as amended.

□ 1240

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of H.R. 5787, as amended, to remove an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, TX, and Port Hueneme, CA.

This legislation was jointly referred to the Committees on Armed Services and Interior and Insular Affairs. Under a unanimous consent request, the Armed Services Committee suspended its rules and reported this bill favorably to the House on September 20, 1984.

As amended, H.R. 5787 would permit the Secretary of the Interior to allow leasing for oil and gas exploration and extraction on certain Federal lands incorporated in the cities of Corpus Christi, TX, and Port Hueneme, CA. Such leases are presently not allowed on Federal lands located inside of incorporated cities. This legislation would require the approval of both the appropriate city as well as the head of the executive department having jurisdiction over such land.

Mr. Speaker, the Armed Services Committee fully supports this legislation and urges its approval.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support H.R. 5787 and compliment the gentleman from Oregon and the chairman of the subcommittee, the gentleman from Ohio [Mr. SEIBERLING] for bringing this important legislation to the floor at this time, and I urge passage of the legislation.

● Mr. ORTIZ. Mr. Speaker, I rise today to speak on behalf of legislation which promises to provide much

needed revenue to local governing units in part of my district, the 27th District of Texas, as well as to those local entities in the 21st District of California, a district represented by Congresswoman BOBBI FIEDLER, without costing the Federal Government one penny.

The legislation, H.R. 5787, removes an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, TX, and Port Hueneme, CA. I proposed this bill for Ms. FIEDLER and myself to address a problem our two districts are encountering in taking advantage of a change in the Mineral Lands Leasing Act that occurred in 1981.

On July 20, 1981, the Department of the Interior through the Bureau of Land Management lifted an existing moratorium precluding oil and gas leasing on acquired military lands. Section 35 of the Mineral Lands Leasing Act as codified 30 U.S.C. 191, provides that one-half of the royalty revenue derived from production on leases governed by this act will be paid to the State. Subsequently, each State legislature may apportion its half of the revenue to those subdivisions that are socially or economically impacted by the development of these mineral leases.

This past year, the Texas State Legislature enacted a law that forwards these funds to the county which encompasses the Federal land in question. The county, in turn, is directed to distribute 50 percent of the revenue to school districts within the county, retain 35 percent for county use, and disburse the remaining 15 percent to the cities in the county.

The State of California has legislated a different formula for the dispersal of these revenues, but the need for this new source of revenue in each of our districts is unquestioned.

A problem developed, however, as we tried to take advantage of the lifting of the moratorium. It was learned that the military lands had been incorporated into the respective cities. Unfortunately, even though leasing on acquired military lands is now allowable, there also exists a regulation prohibiting leasing being issued in incorporated cities, towns, and villages.

In order to expedite this matter, I decided a bill addressing the specific problems in Ms. FIEDLER's district and my district was preferable to a generic bill seeking to strike the general provision banning oil and gas leasing on all Federal lands incorporated in cities.

Both cities affected by this legislation—Corpus Christi and Port Hueneme—have passed resolutions supporting this legislation. It also has support from the local school districts and commanders of the military facilities.

Mr. Speaker, in this period of fiscal restraint, local governing units can ill afford losing the revenue to private interests. Our Nation's schools are in dire need of upgrading. This bill would provide additional income for improvements to curriculum, facilities and personnel in the schools of Nueces County in my district and a much needed new source of revenue to the 21st District of California, and at no cost to the Federal Government.

Mr. Speaker, my distinguished colleagues, I strongly urge you vote for H.R. 5787, a bill that will benefit many and not add a dime to our deficit.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. WEAVER] that the House suspend the rules and pass the bill, H.R. 5787, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 5787, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

DESIGNATING PARTS OF ILLINOIS AND OWYHEE RIVERS IN OREGON AS COMPONENTS OF THE WILD AND SCENIC RIVERS SYSTEM

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 416) to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1271-1287), is further amended as follows:

In section 3(a) after the last paragraph insert the following new paragraphs:

"(52) Illinois, Oregon: The segment from the boundary of the Siskiyou National Forest downstream to its confluence with the Rogue River as generally depicted on a map entitled 'Illinois River Study' and is also part of a report entitled 'A Proposal: Illinois Wild and Scenic River'; to be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this Act with respect to the river designated by this paragraph, effective October 1, 1984, there are authorized to be appropriated such sums as necessary for the acquisition of lands or interests in lands, and such sums as necessary for development.

"(53) Owyhee, Oregon: The South Fork from the Idaho-Oregon State line downstream to Three Forks; the Owyhee River from Three Forks downstream to China Gulch; and the Owyhee River downstream from Crooked Creek to the Owyhee Reservoir as generally depicted on a map entitled 'Owyhee, Oregon' dated April 1984; all three segments to be administered as a wild river by the Secretary of the Interior. After consultation with State and local governments and the interested public, the Secretary shall take such appropriate action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this Act with respect to the river designated by this paragraph, effective October 1, 1984, there are authorized to be appropriated such sums as necessary for the acquisition of lands or interests and such sums as necessary for development.".

SEC. 2. Section 5(a) of the Wild and Scenic Rivers Act is amended by adding the following new paragraph at the end thereof:

"(90) The North Umpqua, Oregon. The segment from the Soda Springs Powerhouse to the confluence of Rock Creek. The provisions of section 7(a) shall apply to tributary Steamboat Creek in the same manner as such provisions apply to the rivers referred to in such section 7(a). The Secretary of Agriculture shall, in the Umpqua National Forest plan, provide that management practices for Steamboat Creek and its immediate environment conserve, protect, and enhance the anadromous fish habitat and population.".

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 416, as amended, would amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River and the Owyhee River both in the State of Oregon as components of the National Wild and Scenic Rivers System, to provide for study of the North Umpqua River, in Oregon as a possible addition to the National Wild and Scenic Rivers System and to require the Forest Service and other Federal agencies to afford special consideration to Steamboat Creek, a tributary of the North Umpqua River.

Mr. Speaker, I know that our distinguished colleague from the State of Oregon [Mr. WEAVER] has spent a

great deal of time, in fact several years, working to protect these magnificent rivers. I have visited some of them myself, not as much as I would like to, however, but I want to commend him for this legislation.

I am not going to go into detail at this point as to exactly what this river does. I presume he may want to do that but let me simply say that both the rivers that are designated and the rivers that would be studied by this system are exceptionally important additions to the Wild and Scenic Rivers System or potential additions, and it is with great satisfaction that I view this bill coming to us today, and I know it was not easy to work out and I think it is a real achievement.

The Department of Agriculture studied 88 miles of the Illinois River and sent the study report to Congress on October 13, 1978, recommending that 50.4 miles of the river be designated as a component of the National Wild and Scenic Rivers System. The segment of the Illinois River proposed for designation flows through predominantly public lands within the Siskiyou National Forest and joins the existing Rogue Wild and Scenic River. The study identified high quality fisheries, scenic and recreation values associated with the Illinois River.

The National Park Service completed a study of the Owyhee River in 1979, and in October 1979 a report and draft legislation to designate the river as a component of the National Wild and Scenic Rivers System were transmitted to the Congress. The 1979 report recommended designation of 178 miles in the States of Idaho and Oregon. It also recommended that the State of Oregon administer a 14-mile stretch from China Gulch to Crooked Creek in Oregon. Virtually all the private lands along the river in Oregon are within this 14-mile segment.

Mr. Speaker, it should be made clear that S. 416 would not designate that segment of the Owyhee River located in Idaho nor the 14-mile segment recommended for administration by the State of Oregon.

The North Umpqua River supports one of the largest populations of summer and winter steelhead in Oregon. The cool, clear waters of the North Umpqua and its tributaries provide vitally important spawning habitat for steelhead as well as other anadromous fish.

Steamboat Creek, a 19-mile tributary of the North Umpqua, is particularly important to the Umpqua fishery. More than 80 percent of the summer steelhead in the entire Umpqua River system spawn in Steamboat Creek which is located generally within the boundaries of the Umpqua National Forest.

Mr. Speaker, I urge passage of S. 416.

I will be happy to yield to the gentleman from Oregon [Mr. WEAVER] for a question.

Mr. WEAVER. I thank the gentleman for yielding to me and I want to thank him for all the good work he has done. His perseverance as chairman and his patience and persistence have brought to this floor many fine and great bills, including this particular one.

Mr. Speaker, I am proud to have helped bring S. 416 to the House of Representatives today. It is an important bill that will add 162 miles to two of Oregon's finest rivers, the Illinois and the Owyhee, to the National Wild and Scenic Rivers System.

The Illinois for many years in my congressional district, one of the last pure, pristine rivers in Oregon, I have boated many times, is a magnificent river running through canyons in an area called the Kalmeopsis flowing into the Rogue River, and where the Rogue is a great river and one of the wild and scenic rivers of our country, you can see at their confluence the Illinois is clear; you can see to the botton as far as 40 feet, while the Rogue, developed more, is gray and muddy now, and we are here attempting to protect much of the Illinois River.

I think that it remains to be accomplished, the protection of a number of the major tributaries of the Illinois, particularly the Silver and Indigo Creeks, beautiful little streams that run into the Illinois and they should also be protected in the years to come as well as Bald Mountain, an area standing above the Illinois near the Silver and Indigo Creeks.

Bald Mountain, if this is protected, we can then accomplish the full protection of the Illinois and leave it for our children and theirs; a beautiful pristine river.

In addition, I am proud to say that we have in the House added to this bill passed by the Senate protections for Steamboat Creek, a tributary of the North Umpqua, and Steamboat is the spawning ground for 80 percent of the Umpqua River system's summer steelhead population.

We have also included the North Umpqua itself as a wild and scenic study river.

This bill, including the Steamboat Creek language in the North Umpqua wild and scenic study, is a truly outstanding bill. I am pleased that Senator HATFIELD, our senior Senator was the sponsor in the Senate of this bill, and I urge my colleagues to join me in ensuring that these rivers receive the wild and scenic status they so richly deserve.

And now if you would allow me, I would like to enter into a brief colloquy with the gentleman from Ohio, the chairman of the subcommittee [Mr. SEIBERLING].

Mr. Speaker, livestock grazing and associated activities along the Owyhee River has caused damage to riparian vegetation and other environmental values. Although grazing will be allowed to continue along the wild and scenic segment and on surrounding plateaus, I expect that the BLM will be allowed to moderate grazing use as necessary in the Owyhee Canyon and on surrounding plateaus so as not to be detrimental to soil stability, vegetative patterns, wildlife distribution, water quality, or other environmental values.

Mr. SEIBERLING. Yes; your understanding is correct. As on all public lands, grazing must be managed to prevent overgrazing and to ensure the long-term productivity and environmental quality necessary for sound multiple use as the Federal Land Policy and Management Act requires.

Mr. WEAVER. Mr. Speaker, I would like to clarify a point for the record about S. 416. The BLM is currently conducting a wilderness study of 374,600 acres in the Owyhee Canyonlands and an additional 378,600 acres along the Owyhee in Oregon will be studied for wilderness in a statewide EIS due in 1985. Is my understanding correct, Mr. Speaker, that the designation of the Owyhee as a wild and scenic river is not intended to adversely impact the Owyhee Wilderness studies or future congressional wilderness designation in the region?

Mr. SEIBERLING. Yes; the gentleman from Oregon is correct. After the BLM wilderness study is completed, Congress will review the BLM's recommendations and consider action to designate wilderness in the Owyhee Canyon lands.

Mr. Speaker, I reserve the balance of my time.

Mr. WEAVER. Mr. Speaker, I yield back the balance of my time.

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Mr. YOUNG of Alaska. Mr. Speaker, I apologize. This is about the most disorganized debate today I have ever heard in my life. I can tell you that right now. For one thing, the gentleman from Oregon entered into a colloquy that I believe this gentleman was going to enter into with the chairman, and the chairman would then have the right answer, but gave the right answer to the gentleman from Oregon, and now is going to come back with another colloquy. This is very interesting.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I will gladly yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, if the other gentleman from Oregon will ask me the questions, I will give him the right answers.

Mr. YOUNG of Alaska. That is what we are waiting for and I will gladly yield such time as he may consume to the gentleman from Oregon [Mr. ROBERT F. SMITH], if I may, to ask the gentleman from Ohio [Mr. SEIBERLING] to enter into a colloquy concerning the area which these two rivers are in.

Mr. ROBERT F. SMITH. I thank the gentleman for yielding, and I thank you all for yielding, especially you, Mr. Chairman, and I would like to enter into a colloquy with the chairman.

This is a question that was posed, but in a little different form. Let me ask the chairman again, if I may: Livestock grazing and associated ranching activities take place on the public and private lands along the Owyhee Wild and Scenic River Corridor.

Is it the committee's understanding that ranching activities will continue to take place on private and public lands along the Owyhee Wild and Scenic River Corridor?

Mr. SEIBERLING. If the gentleman will yield, that is correct. Grazing will be permitted to the same extent that it is now.

Mr. ROBERT F. SMITH. I thank the gentleman. One other question, if I may. I have 2.

Is it the further understanding of the committee that existing uses of the grazing resources as well as stock watering are compatible with the Wild and Scenic Rivers Act?

Mr. SEIBERLING. If the gentleman will yield further, they are.

Mr. ROBERT F. SMITH. I thank the gentleman. One other question, Mr. Chairman.

Is it the committee's intention to insure that ranching activities, where compatible with the act, be allowed to continue? Specifically, these activities include grazing, stock watering, and repair, maintenance and replacement of structures associated with livestock operations.

Mr. SEIBERLING. If the gentleman will yield further, that is correct, subject to reasonable regulation by the managing agency.

Mr. ROBERT F. SMITH. Yes; of course. I think the gentleman and I suggest that S. 416 should be passed and I urge all Members to vote for it.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 416 and want to compliment the Members of the Oregon delegation, both ROBERT F. SMITH and DENNY SMITH, Mr. WEAVER, Senator HATFIELD, for their work on this bill.

Mr. Speaker, this legislation will add two river segments in the State of Oregon as designated units in the National Wild and Scenic Rivers System. Approximately 50 miles of the Illinois and southwestern Oregon and 110 miles of the Owyhee River in eastern Oregon to the system. Both of these rivers have been studied by the National Park Service and U.S. Forest Service, respectively, and were recommended for inclusion into the system.

In addition, the bill, as amended during consideration in the Interior Committee, calls for a study of the North Umpqua River possible designation and requires that the provisions of section 7(A) of the National Wild and Scenic Rivers Act be applied to Steamboat Creek. The primary tributary of the North Umpqua. This amendment is intended to protect the migratory fish habitat and population in the area. At the same time, this legislation is not intended to preclude completion of several ongoing and planned timber sales along Steamboat Creek.

As was stated by Members from Oregon on this side of the aisle during consideration at the Oregon wilderness bill earlier this year, there is a strong concern in many areas dependent on the timber industry in Oregon that future timber harvesting is being significantly reduced by wilderness and wild and scenic river designations made this year. This point was made again during Interior Committee consideration of this bill by the gentleman from Oregon [Mr. DENNY SMITH]. These concerns over the need to maintain a reasonable level of timber base is shared by several members of our committee, who intend to monitor closely timber sales and management practices to see that the assurances made during consideration of the Oregon wilderness and wild and scenic river bills are kept.

Based on these assurances, I support the passage of S. 416 and urge my colleagues to do the same.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the Senate bill, S. 416, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to amend the Wild and Scenic Rivers Act be designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on S. 416, the Senate bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WITHDRAWAL AND RESERVATION OF CERTAIN PUBLIC LANDS WITHIN NELLIS AIR FORCE RANGE, NV

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4932) to withdraw and reserve for the Department of the Air Force certain public lands within the Nellis Air Force Range, within Clark, Nye, and Lincoln Counties, NV, for use as a training and weapons testing area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Subject to valid existing rights, the lands depicted on the map entitled "Groom Mountain Addition to Nellis Air Force Range", dated September 1984, and aggregating approximately 89,600 acres in Lincoln County, Nevada, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Air Force—

(1) for training for electronic warfare, tactical maneuvering, and air support, and

(2) for other defense-related purposes consistent with, and involving no greater adverse impact on the withdrawn lands and their resources than, such training.

(b) The withdrawal provided by subsection (a) with regard to the lands described in subsection (a), and the right of their use by the Secretary of the Air Force for the purposes specified in that subsection, terminates on December 31, 1987.

SEC. 2. As soon as possible after the date of the enactment of this Act, but no later than January 1, 1987, the Secretary of the Interior and the Secretary of the Air Force shall issue an environmental impact statement, consistent with requirements of the National Environmental Policy Act of 1969, concerning continued or renewed withdrawal of the lands described in section 1(a) after December 31, 1987. Such statement shall include a description of and recommendations concerning measures to mitigate the impact of such continued or renewed withdrawal on opportunities for outdoor recreation, mineral exploration and development, and agriculture in Nevada. Such measures shall include possible acquisition by the Secretary of the Interior (through exchanges or otherwise) of lands in Nevada suitable for outdoor recreational uses and possible increased mineral, agricultural, or recreational use of lands in Nevada withdrawn for military purposes.

SEC. 3. (a) During the period of the withdrawal of the lands described in section 1(a), the Secretary of the Interior shall manage such lands pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, including this Act. All use of such lands, and the issuance of any

lease, easement, right-of-way, or other authorization with regard to such lands—

(1) shall be secondary to the military use of such lands for the purposes specified in section 1, and

(2) may be authorized by the Secretary of the Interior only with the concurrence of the Secretary of Air Force.

(b) When military operations, public safety, or national security, as determined by the Secretary of the Air Force, require the closure to public use of any road, any trail, or any other portion of the lands withdrawn by this Act, the Secretary of the Air Force may take such action as the Secretary of the Air Force determines necessary or desirable to effect and maintain such closure. Such closures shall be limited to the minimum areas and periods which the Secretary of the Air Force determines are required for the purposes specified in this subsection. During such closures appropriate warning notices shall be kept posted and the Secretary of the Air Force shall take appropriate steps to notify the public concerning such closures.

(c)(1) As soon as possible after the date of the enactment of this Act, the Secretary of the Interior shall prepare and publish in the Federal Register a legal description of the lands withdrawn by this Act. The Secretary of the Air Force shall reimburse the Secretary of the Interior for the costs of preparing and publishing such description.

(2) The map referred to in section 1(a) shall be on file and available for public inspection in the Office of the Secretary of the Interior and the Secretary of the Air Force in Washington, D.C., and Las Vegas and Carson City, Nevada.

(3) The withdrawal provided by this Act is not intended to—

(A) reserve or otherwise withdraw any water for use in connection with the purposes specified in section 1;

(B) affect in any manner the future appropriation, under State law, by the United States or others, of waters in, under, or upon the lands withdrawn by this Act; or

(C) affect any water rights acquired by the Secretary of the Air Force or any other person or entity before the date of the enactment of this Act.

(4) The withdrawal established by this Act may not be extended or renewed except by Act of Congress.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. I demand a second, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield such time as he may consumer to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to express the support of the Armed Services Committee for H.R. 4932, as amended. As Members know, this bill was jointly referred to the Armed Services Committee and the Interior and Insular Affairs Committee. The Subcommittee on Military Installations and facilities, which I chair, held a hearing on the bill and subsequently amended it in the exact fashion as it had been amended by the Interior and Insular Affairs Committee.

We are in agreement that this legislation is urgently needed to provide the Air Force with the legal authority to exercise control over the so-called Groom Mountain area in southern Nevada. The Air Force requires these lands as a buffer zone so that there is no public access to a highly classified area on the base. There is no question about this requirement. Therefore, we are in agreement with the Interior Committee when its states that this legislation should be enacted as quickly as possible.

It will give the Air Force more than 2 years to prepare an environmental impact statement on this area and an additional year to seek congressional approval for a withdrawal of public lands for a much longer term. This is a good interim solution. I urge adoption of H.R. 4932.

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as reported by the Committee on Interior and Insular Affairs, H.R. 4932 is a simple bill but one that involves an important matter affecting the national defense. It deserves prompt approval.

The bill provides the Air Force temporary authority to control access to the Groom Mountain area in Nevada which overlooks lands already effectively off-limits to unauthorized public entry and where highly classified defense activities are currently underway. This authority the Air Force needs and very much wants to receive as soon as possible.

Having said that, however, let me put this bill into its proper context. H.R. 4932 as introduced dealt with the Nellis Air Force Range in Nevada, which encompasses an area of about 3 million acres established by reservations and withdrawals from the public domain going back to the 1940's. At that time, allocations of public lands were accomplished by the executive branch on its own initiative and without the requirement of congressional action.

Since then, subsequent legislation—and especially the Engle Act of 1958—have laid down new requirements. Under the Engle Act, new or renewed withdrawals of 5,000 acres of more of public lands for military purposes can only be done by act of Congress. The Federal Land Policy and Management Act of 1976 added other requirements that must be met by those seeking such withdrawals.

More than 5 years ago, the Department of the Interior and the Air Force began preparations for congressional renewal of the withdrawal of the entire Nellis Air Force Range which is approximately 3 million acres. An environmental impact statement was prepared and was made available, in draft form, in July 1979. The Final EIS was filed in April 1981. However, H.R. 4932 was not introduced until this year.

After the Final EIS had been issued, but before the bill was introduced, responsible officials of the executive branch decided that it was necessary to extend Air Force control over the 89,600 acre Groom Mountain or Groom Range area. This area consist of public lands under BLM management, adjacent to the established Nellis complex, which includes some elevated terrain and is accessible by an old road leading to the vicinity of some mining properties.

The Groom Mountain area had not been withdrawn for military purposes, and until a couple of years ago, was open to public access and use. It still has never been legally withdrawn from public access.

In November 1981, the Air Force asked the BLM to modify the withdrawal application to include the Groom Mountain area, so that that area could be closed to public access and use. Today, the Air Force is already exercising effective control over the Groom Mountain area, despite its lack of legal authorization to do so. At our subcommittee's hearing, we were informed that this is being done because of decisions at the highest levels of the executive branch, and only because of the national security concerns that led to the request for withdrawal.

Without congressional approval, however, the Air Force is on tenuous legal grounds—to put it mildly. Naturally it very much wants the Congress to legalize its position in the Groom Mountain area. The bill before us withdraws those 89,600 acres for military use until December 31, 1987, and requires the Air Force to prepare an environmental impact statement not later than July 1, 1987.

The bill as it comes to the floor does not deal with the question of renewing the expired withdrawal for the existing Nellis Air Force Range complex. Renewal of this withdrawal is an important matter, and I believe that it is something that our committee should address in the next Congress. However, while in the meantime the former withdrawal has expired and the precise legal status of the lands in the existing Nellis complex is less than ideal, this is hardly a unique situation.

As a matter of fact, there are at least 10 military installations or facilities in Nevada and other States that were established on public lands by various

withdrawal actions and for which the withdrawals have expired. These include Air Force, Army, and Navy withdrawals in Alaska, Arizona, California, New Mexico, and Nevada.

So the Nellis situation—except for the Groom Mountain area dealt with in the bill now before us—is neither unique nor especially urgent. The Air Force and the other military services will be in exactly the same position next year as they are now. And next year our committee and the House should be able to deal with the renewal of the withdrawals of these areas in a careful, considered fashion that gives appropriate consideration to the various matters related to those renewals.

The need to such a deliberate approach became apparent to us when our subcommittee and then the full committee began consideration of H.R. 4932.

One of the things that we learned was that bills dealing with the renewal of expired military withdrawals must be carefully scrutinized to see how they might affect the balance of rights and responsibilities between the military, the Federal land managers, and the public.

For example, in the case of the Nellis complex, we must consider the relationship between the Air Force and the Fish and Wildlife Service on the part of the Nellis complex which overlaps the Desert National Wildlife Range, and, in fact, overlaps a pending 1974 wilderness recommendation for some of those lands.

During our subcommittee's consideration of this bill, the Air Force testified that they had no problems with the recommendation for wilderness and reaffirmed their original position of 10 years ago in support of wilderness designation. Later, however, the gentlewoman from Nevada [Mrs. VUCANOVICH] expressed concerns about the wilderness proposal, she and the gentlewoman from Maryland [Mrs. BYRON] indicated that they understood the Air Force to be opposed to the proposal.

As a result, I requested that we be provided with a written explanation of any problems the Air Force might have with the proposed wilderness area. I especially wanted this because the Air Force's witness at our hearing was quite categorical when he testified that designation of the Desert Range wilderness—as proposed by the Ford administration in 1974—would not cause problems for the Air Force. I now have received that letter and as part of my statement, I will include it in the RECORD. I must say that after reading the Air Force's letter I was left with a considerable number of questions. There appear to be contridictions not only between what the Air Force states in the letter and what representatives said in testimony, but also between the Air Force's statements in the letter and statements in the environmental impact statement prepared by the Air Force and the Interior Department. From what I have seen, there are apparent discrepancies between the two departments not only as to their positions but even as to what is now occurring on the ground and what would occur if the wilderness recommendation were to be adopted.

In its letter the Air Force states that:

Nellis Air Force Ranges 61, 62, 63, 64, and 65 lie within the DNWR. We believe that parts of 62–65 have been excluded from the wilderness proposal, but 61 is wholly in it. During the year ending June 30, 1984, the Air Force flew 33,546 air-to-ground sorties on these ranges. These sorties consisted of simulated nuclear, laser, tactical and conventional training events using live and inert bombs, rockets, bullets, and laser designators. By agreement with the Fish and Wildlife Service, roads, ground instrumentation sites, and targets have been constructed in many sections of DNWR and jet aircraft fly at low altitudes over most of it. The loss of air-to-ground and air-to-air training area, air combat maneuvering instrumentation ground facilities, towed target training area, and other special use facilities would result in a severe impact on Air Force tactical training and readiness.

Yet, Mr. Speaker, the Air Force is operating in the Desert National Wildlife Range in accordance with a 1976 memorandum of understanding with the U.S. Fish and Wildlife Service which restricts its training activities to specified terms and conditions which are designed to protect wildlife and the environment within the wildlife range. All testing of facilities and equipment can occur only below the 4000' contour line and then in specific locations only. The wilderness proposal is situated above that elevation. Further, in testimony the Fish and Wildlife Service has stated that the wilderness proposal has been administered as "de facto" wilderness since 1976 when the memorandum of understanding was approved by the Department of the Air Force and the Department of the Interior.

In any event, the bill as reported does not include the designation of any lands as wilderness, even though only the western one-half of the wilderness proposal is within the Nellis complex. The 1974 recommendations still remain pending, however, and the House should be aware that deletion of wilderness designations from this bill was done only after assurances from the Nevada delegation—both in the House and the other body—that those recommendations and other pending wilderness proposals for National Forests in Nevada would be dealt with in the context of a statewide Nevada RARE II wilderness bill which the delegation has stated will be introduced next year.

To keep the ball rolling on this subject, I have sent the Air Force a letter responding to their letter to me. My letter requests that an expedited review of the situation in the Desert National Wildlife Range portion of the Nellis complex be carried out, so that we can act on Nevada wilderness proposals on the basis of the latest views of the Air Force. I am also including a copy of my letter as part of this statement.

Mr. Speaker, H.R. 4932 as it comes to the floor today is important and necessary legislation. It provides the Air Force with the explicit legal authority they need to control public access to the Groom Mountain area, while requiring that there be an open, public process for evaluating whether that authority should be continued after 1987—and, if so, what steps can be taken to mitigate the impact on the people of Nevada from continuing to keep the area off-limits to general use. I believe the bill is fair and balanced, and I strongly urge the House to approve it.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, September 14, 1984.

Hon. JOHN F. SEIBERLING,
Chairman, Subcommittee on Public Lands and National Parks, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request at the September 13, 1984, Mark-up of H.R. 4932 by the Subcommittee for the Air Force position on wilderness designation of that portion of the Desert National Wildlife Range (DNWR) that is within the withdrawal area for the Nellis Air Force Range.

As a general comment, the Air Force supports the concept of the National Wilderness System. In the case of Nellis Air Force Range, however, it is difficult to reconcile military use of these lands with the provisions of the Wilderness Act, 16 USC 1131 (C). It provides that a wilderness is to be ". . . an area untrammeled by man . . . with the imprint of man's work substantially unnoticeable . . . has outstanding opportunities for solitude. . . ." The Act further provides (16 USC 1133 (C)) that ". . . there shall be no temporary road, no use of motor vehicles, motorized equipment, or motor boats; no landing of aircraft, no other forms of mechanical transport, and no structure or installation within any such area."

Nellis Air Force Ranges 61, 62, 63, 64 and 65 lie within the DNWR. We believe that parts of 62–65 have been excluded from the wilderness proposal, but 61 is wholly in it. During the year ending June 30, 1984, the Air Force flew 33,546 air-to-ground sorties on these ranges. These sorties consisted of simulated nuclear, laser, tactical and conventional training events using live and inert bombs, rockets, bullets, and laser designators. By agreement with the Fish and Wildlife Service, roads, ground instrumentation sites, and targets have been constructed in many sections of DNWR and jet aircraft fly at low altitudes over most of it. The loss of air-to-ground and air-to-air training area, air combat maneuvering instrumention ground facilities, towed target training area, and other special use facilities would result

in a severe impact on Air Force tactical training and readiness.

We believe it is obvious that lands affected by these activities are not "wilderness" in either a practical or a legal sense, and we question the desirability of so designating the provisions of Wilderness Act, applied to Nellis Air Force Range, could lead to curtailment of existing operations and could prevent changing military land uses to meet new and unforeseen national defense needs. Yet even termination of these activities would not make DNWR a "wilderness," for the imprint of military activities will remain for generations. Furthermore, without carefully drawn language authorizing military activities, it is reasonable to predict that use of military lands for many existing purposes would be enjoined by the courts as a violation of the Wilderness Act.

It must be emphasized that the military land uses involved are unique and that no alternate lands are available for this critical military training and testing. The impairment of these uses, which could result from the designation of wilderness, could seriously endanger a variety of essential operational testing and training activities.

The 1974 comments on the proposed DNWR EIS indicated that the Air Force could operate with such a designation provided that the posture of Air Force operations was not curtailed thereby. When questioned in 1984 hearings on this subject, the Air Force indicated that we stood by those comments.

Subsequent to that hearing, an updating review of Nellis Air Force Range operations by Tactical Air Command (TAC) revealed that much had occurred during the intervening ten years since the DNWR EIS publication regarding our reliance on operations in the DNWR proposed wilderness area. Given this new analysis, we feel that the better-reasoned view would be to state that the nature of Air Force operations currently should mitigate against such a Wilderness designation for the area. We, therefore, believe it would be misleading the public to designate this area, part of which is an active bombing range, as a "wilderness" area. Given this current operational status, the Air Force must oppose the proposal to designate a portion of the Nellis Air Force Range as a wilderness area.

The Air Force supports that portion of the proposed legislation dealing with decontamination requirements; however, we would be remiss if we did not point out the following information. Our previous experience in decontaminating such target areas has been that complete decontamination is extremely expensive. We have also determined it is virtually impossible to achieve a level of decontamination that allows us to certify the area is free of all munitions and safe for any future activity, such as mining. However, the Air Force will attempt to decontaminate any of the specified areas within the resources and technology available at that time. As a practical matter, we believe the requirement for range decontamination should only be applicable if the Air Force intends to return the target areas within the DNWR to the public domain.

We appreciate your interest in this matter and hope the information provided is helpful.

Sincerely,

JAMES F. BOATRIGHT,
Deputy Assistant Secretary of the Air Force (Installations, Environment and Safety).

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, DC, September 18, 1984.

Mr. JAMES F. BOATRIGHT,
Deputy Assistant Secretary, Installations, Environment and Safety, U.S. Department of the Air Force, Washington, DC.

DEAR MR. BOATRIGHT: Thank you for your letter of September 14, setting forth the Air Force's current position on wilderness designation of a portion of the Desert National Wildlife Range that is in the withdrawal area for the Nellis Air Force Range.

Although this constitutes a reversal of the stated support that the Air Force's representative gave at our hearing on August 6, we plan to revise the proposed legislation authorizing the withdrawal of certain additional lands for use by the Air Force, so that there will be no wilderness designation in the legislation. However, in discussions with members of the Nevada Congressional Delegation, it is the consensus that in the next Congress an effort will be made to resolve the wilderness issues in Nevada and consideration will be given at that time to designating portions of the Desert National Wildlife Range as wilderness.

Accordingly, it would be helpful all around, and particularly from the standpoint of the Air Force, if a more precise review were made as to exactly which portions of the Wildlife Range are impacted or likely to be impacted by Air Force operations. It is particularly important that this be done, because our information is that none of the impact area are, in fact, within the boundaries of the wilderness proposal that our subcommittee was considering.

I would suggest that any such review be completed within the next six months, so that the subcommittee could proceed with its review of wilderness proposals in Nevada early in the next session of Congress. If you could advise us who would be conducting that review, I would be glad to assign a member of my subcommittee staff to work with them.

Thank you very much for your consideration.

Sincerely,

JOHN F. SEIBERLING,
Chairman, Subcommittee on Public Lands and National Parks.

□ 1300

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4932, as amended by the Interior Committee.

As originally introduced, the bill would have withdrawn some 3 million acres of land in Nevada from all forms of appropriation under the public land laws and reserved these lands for use by the Department of the Air Force. The area is currently part of the Nellis Air Force Range, a highly sophisticated range used for military testing and training exercises vital to our national security.

The bill before us today is considerably scaled down. Instead of granting the Air Force the entire 3-million acre withdrawal, the bill addresses only an 89,000-acre area known as the Groom Mountains.

The Groom Mountains are being added to the withdrawn area for the first time and the committee felt it should receive expeditious consideration. The Air Force is currently controlling access to the area without any clear authority. Our bill grants the necessary authority with some constraints. The Air Force must prepare an EIS and may not expand its mission in such a way as to threaten the resources in the area.

The Air Force wishes to control access to the area because of its proximity to sensitive training areas. One can actually see into the test area from on top of the mountains.

It is not their intention, as I understand it, to use the areas for bombing or weapons testing.

The remaining withdrawal will have to be addressed next year. The Air Force would have preferred to take care of the entire withdrawal in this legislation as would many of the members of the committee.

However, the bill does address the most pressing concerns and I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

● Mrs. VUCANOVICH. Mr. Speaker, I rise in support of H.R. 4932, which would withdraw approximately 89,000 acres in Lincoln County, NV, for use by the Air Force. I must admit, however, that I do have a few concerns about the bill we have before us today.

First, I had hoped that we could take care of the entire withdrawal at one time. This version of the legislation will leave the Air Force in virtual trespass on approximately 2.9 million acres. The Air Force has already completed the environmental work on the lands that were previously withdrawn. They have complied with FLPMA, NEPA, and the Engle Act. The controversy was never over the lands that were previously withdrawn, only over the Groom Mountain area. It does not make sense to me to act only on the controversial part of the legislation while postponing action on a withdrawal that expired in 1977.

In addition, postponing action on the 2.9-million-acre withdrawal may leave the wilderness issue wide open. As I have expressed in conversations with the chairman of the Subcommittee on Public Lands and National Parks, I believe the wilderness issue should be dealt with in a statewide wilderness bill, not in the Nellis withdrawal bill. Nevada will have a wilderness bill next year but I want to ensure that nothing will happen to jeopardize our efforts prior to that time. The chairman has agreed to delete, from the Nellis bill, the wilderness provisions for desert wildlife refuge in anticipation of a Nevada wilderness bill. I am hopeful that agreement will carry over until next year. By postponing action on the wilderness issue until next year, we will have

time to carefully evaluate the 1974 wilderness proposal in light of more recent changes. For example, the 1974 proposal included 76,000 acres of Bureau of Land Management land that has since been dropped from consideration.

My second concern relates to the provision of section 2 of the subcommittee substitute regarding the Environment Impact Statement. Lincoln County is outraged that they are losing almost 90,000 acres of public land while the lands that have been proposed for acquisition to mitigate the loss are in Clark County. I realize this is a sensitive local issue but I would hope that it will be considered in the EIS by looking at where the land is and who actually uses it.

Finally, I expressed concern in committee that the bill does not adequately protect the grazing interests in the Groom Mountain area. We have resolved this problem by including language in the committee report stating that it is the committee's intent that the Air Force will renew the existing grazing permit unless there are clearly compelling reasons for not doing so.

Through I am not completely satisfied with this bill, I urge my colleagues to vote to suspend the rules and pass H.R. 4932. I believe it is important and necessary to at least legalize the Air Force's presence on the 89,000 acres in the Groom Mountain area, in spite of the fact that we are leaving them in virtual trespass on the remaining 2.9 million acres. Thank you very much.

Thank you.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 4932, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to withdraw certain public lands in Lincoln County, Nevada, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HARRY R.E. HAMPTON VISITOR CENTER

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1889) to amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R.E. Hampton Visitor Center", as amended.

The Clerk read as follows:

S. 1889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3 of the Act approved October 18, 1976 (90 Stat. 2517), is amended by adding at the end the following new subsection:

"(c) At such time as the principal visitor center at such monument is established, such center shall be designated as the 'Harry R.E. Hampton Visitor Center'.".

SEC. 2. Section 5 of the Act of July 15, 1968 (82 Stat. 354) is amended by redesignating subsection (c) as subsection (d) and by inserting the following new subsection (c) after subsection (b):

"(c) In order to protect the air, land, water, and natural and cultural values of the national park system and the property of the United States therein, no solid waste disposal site (including any site for the disposal of domestic or industrial solid wastes) may be operated within the boundary of any unit of the National Park System, other than—

"(1) a site which was operating as of September 1, 1984, or

"(2) a site used only for disposal of wastes generated within that unit of the park system so long as such site will not degrade any of the natural or cultural resources of such park unit.

"The Secretary of the Interior shall promulgate regulations to carry out the provisions of this subsection, including reasonable regulations to mitigate the adverse effects of solid waste disposal sites in operation as of September 1, 1984, upon property of the United States.".

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There is no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of S. 1889 is to amend Public Law 94-545 (90 Stat. 2517) to provide for the naming of the principal visitor center at Congaree Swamp National Monument in South Carolina for conservationist Harry Hampton. A bill (H.R. 3996) with identical language was introduced by our colleague FLOYD SPENCE on September 27, 1983. An addition to the language of the bill would prohibit commercial waste disposal sites within the boundaries of units of the National Park System.

Harry Hampton was born near Columbia, SC, on July 8, 1897, and died in 1980. He worked as a reporter, columnist, and coeditor for the State newspaper, writing his "Woods and Water" column for more than 30 years.

Until his death, Harry Hampton worked tirelessly for the cause of conservation. In 1931, he helped create the South Carolina Game and Fish Association, and was active in the formation of the State's wildlife and marine resources department. He began his efforts on behalf of Congaree Swamp in 1954. For more than 20 years, he attended meetings, made speeches, wrote articles, and personally escorted people into the swamp to document trees, birds, and other wildlife, all to stimulate and awareness of the area's beauty and value as a prime example of a southern hardwood forested swamp.

Due in part to the efforts of Harry Hampton in building public awareness and support, Congress enacted legislation in 1976 establishing Congaree Swamp National Monument.

The committee amended the bill to include a ban on any new landfills inside units of the National Park System, except those that are operated solely for disposal of waste generated inside the park.

There are currently three commercial waste disposal sites within park units at Gateway National Recreation Area, Cape Cod National Seashore, and Gettysburg National Military Park.

In addition there have been recent proposals to use land within other park units for waste disposal including the Cuyahoga Valley National Recreation Area.

The conditions of noise, air pollution, waste disposal in surrounding park lands, rat and other pest problems, and area disruption due to heavy truck use that are created by these waste disposal sites have resulted in a deep concern over the degradation of park values.

Mr. Speaker, I urge the House to adopt S. 1889.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1889.

As introduced, this legislation would authorize the designation of a visitor center in the Congaree Swamp National Monument in the event that a center is constructed. The designation

of the proposed visitor center as the "R.E. Hampton Visitor Center" is not controversial and supported by the minority members of the Interior Committee.

Section 2 of the bill, added as an amendment during consideration of the legislation by the Interior Committee, would prohibit the operation of additional solid waste disposal sites within units of the National Park Service. Operation would be permitted for most sites designed for disposal of waste generated within the park unit.

Although I am concerned that section 2 provides for a broad restriction on operations of park units which are currently authorized, I believe the section will address a problem facing some units of the National Park System.

For these reasons, I urge my colleagues to support S. 1889.

Mr. Speaker, I yield back the balance of my time.

● Mr. SPENCE. Mr. Speaker, I rise in strong support of S. 1889 which would name the visitors center at Congaree Swamp National Monument, when constructed, for the late Harry R.E. Hampton of South Carolina. I am the author of a companion bill, H.R. 3996, in which all Members of the South Carolina delegation have joined as cosponsors.

Mr. Speaker, no individual is more responsible for the establishment of the Congaree Swamp National Monument than Harry Hampton. Approval of this measure would be well received by everyone familiar with Congaree and its background. Not only does it enjoy unprecedented support, I am unaware of any opposition to its passage.

Harry Hampton richly deserves this honor. It was through his resourcefulness and presistent efforts that the public became aware of the unique character, beauty, and enchantment of this great natural treasure.

Mr. Hampton, one of South Carolina's earliest and most ardent conservationists, died in 1980. During his 42-year career with the State newspaper as a reporter, columnist, and editor, he wrote an outdoor column entitled "Woods and Waters." He was instrumental in the formation of the South Carolina Wildlife Federation and the establishment of the South Carolina Wildlife and Marine Resources Department.

Mr. Hampton began his efforts in behalf of Congaree Swamp preservation in 1954 and worked unstintingly to increase public awareness of assets found in the swamp and to document birds, trees and wildlife present there. Following the designation of the swamp as a protected national monument and a part of the National Park Service in 1976—and, I would like to say here, I am very proud to have been the sponsor of the legislation which established the monument—Mr. Hampton continued his campaign, seeking avenues to make it more accessible to the public.

While others came to champion the cause of preserving the Congaree Swamp, there can be no doubt that Harry Hampton's contribution to this task was unsurpassed and that his dedication is directly responsible for the establishment of the monument and the conservation of this rare natural resource, the finest remaining example of southern bottomland hardwood forests. The "Harry R.E. Hampton Visitors Center" will recognize these efforts and associate his name permanently with the wild and beautiful area that he loved so much.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the Senate bill, S. 1889, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An act to amend the act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the 'Harry R.E. Hampton Visitor Center' and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the Senate bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

INCLUSION OF WASHINGTON SQUARE AREA IN PHILADELPHIA IN THE INDEPENDENCE NATIONAL HISTORIC PARK AREA

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2768) to provide for the inclusion of the Washington Square area within Independence National Historical Park, and for other purposes, as amended.

The clerk read as follows:

H.R. 2768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 28, 1948 (62 Stat. 1061; 16 U.S.C. 470m et seq.), is amended by adding the following new section at the end thereof:

"SEC. 8. (a) The area known as 'Washington Square' (bounded generally by Walnut Street on the north, Sixth Street on the east, and the intersecting streets named 'Washington Square' on the west and south) is hereby included within the Independence National Historical Park.

"(b) The Secretary of the Interior is authorized to enter into a cooperative agreement with the city of Philadelphia (acting through its designated agency, the Fairmont Park Commission) to provide technical assistance in the preservation and interpretation of the property known as Washington Square. Such agreement shall contain, but shall not be limited to, provisions that the Secretary, through the National Park Service, shall have right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the grounds and interpreting them to the public, and that no major changes or alterations shall be made in the property, including its buildings and grounds, except by mutual agreement between the Secretary and the city."

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield such time as I may consume.

Mr. Speaker, H.R. 2768 was introduced by our good friend TOM FOGLIETTA on April 27, 1983.

H.R. 2768, as introduced, would have added the area known as Washington Square to the Independence National Historical Park. Washington Square is adjacent to Independence Square and is owned by the city of Philadelphia.

Capt. Thomas Holmes, William Penn's chief surveyor, laid out the city of Philadelphia with five public squares, named in customary Quaker tradition for their locations in the city. These squares still exist today, although the names have been changed. They are Penn (Centre) Square; Washington (Southeast) Square; Franklin (Northeast) Square; Logan (Northwest) Circle, formerly a square; and Rittenhouse (Southeast) Square. Independence Square dates from a later period, having been planned in 1730.

Washington Square covered "6 acres and 2 roads" and was a field through which a brook curved from near its northwest corner to its eastern boundary. In 1706 it was designated by city council "for a common publick burying ground," a place for all strangers or others who might not conveniently be laid in particular enclosures appropriated by certain religious societies for that purpose.

Washington Square is the burial place for more than 2,000 unknown Revolutionary War dead. Some of those buried in Washington Square died from their wounds or disease in Independence Hall itself, which had been turned into a prison during the British occupation. Buried there were also many of the Acadians and many victims of the yellow fever epidemic of 1793. In 1815, it was turned into a park and trees were planted by a noted French botanist, Francois Andre Michaus.

In 1952, the long-forgotten history of the square was brought to light. Plans were made for the creation of the memorial to these unknown soldiers of the American Revolution. The city of Philadelphia went to great effort to refurbish Washington Square for dedication to the Unknown Soldier of the American Revolution. That work was completed and the dedication was held on June 28, 1957.

Mr. Speaker, in spite of all of the efforts of the city of Philadelphia, the historical value of Washington Square as a monument to the valor of our Revolutionary soldiers has never been recognized at a national level.

The bill introduced by TOM FOGLIETTA would have done that, by adding Washington Square to Independence National Historical Park to be administered by the Park Service. However, the administration has opposed H.R. 2768 as introduced. The primary reason given for opposing the bill was the development costs associated with construction to bring Washington Square up to national park standards. As a result the Committee on Interior and Insular Affairs adopted an amendment which would include Washington Square within the boundary of Independence National Historical Park but would limit the National Park Service involvement to that of providing technical assistance to the city of Philadelphia. This will grant the national recognition that Washington Square deserves and overcome the administration's objections by eliminating the major expenses of upgrading the area.

Mr. Speaker, I urge H.R. 2768 be enacted.

□ 1310

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2768.

Madam Speaker, this legislation will authorize the acquisition of an important addition to the Independence National Historical Park in Philadelphia. Under this bill, the park will be expanded to include the area known as Washington Square, which is an area of historical significance because it is the burial site of thousands of Revolutionary War soldiers. In addition, the addition will provide a logical expansion of the park to an area adjacent to the current park site.

During committee consideration of this legislation, amendments were adopted to authorize the National Park Service to provide technical assistance to the city of Philadelphia to aid in preservation and interpretation of Washington Square while eliminating the requirement of major Federal expenses to renovate the square.

Madam Speaker, I believe this legislation will provide an important addition to our national park system in a city which was home to the birth of the independence movement of our Nation. For these reasons, I urge my colleagues to support this legislation and commend our colleagues from Pennsylvania for bringing the need for this legislation to the attention of the Congress.

Mr. SEIBERLING. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. OAKAR). The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 2768, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FIRE ISLAND NATIONAL SEASHORE AMENDMENTS ACT OF 1983

Mr. SEIBERLING. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3697) to modify Federal land acquisition and disposal policies carried out with respect to Fire Island National Seashore, and for other purposes, as amended:

The Clerk read as follows:

H.R. 3697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fire Island National Seashore Amendments Act of 1984".

SEC. 2. Section of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (16 U.S.C. 459e-1), is amended by adding at the end thereof the following new subsections:

"(h)(1)(A) The Secretary shall sell any property described in subparagraph (B) of this paragraph acquired by condemnation under this Act to the highest bidder; except that—

"(i) no property shall be sold at less than its fair market value; and

"(ii) no property shall be sold unless it is sold subject to covenants or other restrictions that will ensure that the use of such property conforms—

"(I) to the standards specified in regulations issued under section 3(a) of this Act which are in effect at the time of such sale, and

"(II) to any approved zoning ordinance or amendment thereof to which such property is subject.

"(B) The property referred to in subparagraph (A) of this paragraph is any property within the boundaries of the national seashore as delineated on the map mentioned in section 1 except—

"(i) property within the Dune district referred to in subsection (g) of this section;

"(ii) beach or waters and adjoining land within the exempt communities referred to in the first sentence of subsection (e) of this section; and

"(iii) property within the eight-mile area described in the second sentence of subsection (e) of this section; and

"(iv) any property acquired prior to October 1, 1982, that the Secretary determines should be retained to further the purpose of this Act.

"(2) Notwithstanding any other provision of law, all moneys received from sales under paragraph (1) of this subsection may be retained and shall be available to the Secretary, without further appropriation, only for purposes of acquiring property under this Act.

"(i)(1) Upon or after the commencement of any action for condemnation with respect to any property under this Act, the Secretary, through the Attorney General of the United States, may apply to the United States District Court for the Eastern District of New York for a temporary restraining order or injunction to prevent any use of, or construction upon, such property that—

"(A) fails, or would result in a failure of such property, to conform to the standards specified in regulations issued under section 3(a) of this Act in effect at the time such use of construction began; or

"(B) in the case of undeveloped tracts in the Dune district referred to in subsection (g) of this section, would result in such undeveloped property not being maintained in its natural state.

"(2) Any temporary restraining order or injunction issued pursuant to such an application shall terminate in accordance with the provisions of Section 3(g) of this Act.".

SEC. 3. Section 3(e) of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (16 U.S.C. 459e-2(e)), is amended to read as follows:

"(e) In the case of any property, including improved property but excluding undeveloped property in the Dune district referred to in section 2(d) of this Act, with respect to which the Secretary's authority to acquire by condemnation has been suspended under this Act if—

"(1) such property is, after the date of the enactment of the Fire Island National Seashore Amendments Act of 1984, made the

subject of a variance under, or becomes for any reason an exception to, any applicable zoning ordinance approved under this section; and

"(2) such variance or exception results, or will result, in such property being used in a manner that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time such variance or exception took effect:

then the suspension of the Secretary's authority to acquire such property by condemnation shall automatically cease.".

SEC. 4. Subsection (b) of section 3 of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (16 U.S.C. 459e-2(b)) is amended by striking out "by means or acreage, frontage, and setback requirements." and inserting "by means of limitations or restrictions on the size, location or use of any commercial, residential, and other structures. In accomplishing these objectives, such standards shall seek to reconcile the population density of the seashore at the time of enactment of the Fire Island National Seashore Amendments Act of 1984 with the protection of the natural resources of the Seashore consistent with the purposes for which it has been established as provided by this Act."

SEC. 5. Section 3 of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1984 (16 U.S.C. 459e-2) is amended by adding the following new subsection (g) after subsection (f):

"(g) Notwithstanding any other provision of this Act, the Secretary of the Interior, acting through the Attorney General of the United States, may apply to the United States District Court for the Eastern District of New York for a temporary restraining order or injunction to prohibit the use of, including construction upon, any property within the seashore in a manner that—

"(1) will cause or is likely to cause significant harm to the natural resources of the seashore, or

"(2) is inconsistent with the purposes for which the seashore was established.

Except to the extent the Court may deem necessary in extraordinary circumstances, no such order or injunction shall continue in effect for more than 180 days. During the period of such order or injunction, the Secretary shall diligently and in good faith negotiate with the owner of the property to assure that following termination of the order or injunction, the inconsistent use is abated or the significant harm to the natural resources is mitigated.".

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Madam Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. DOWNEY], the author of this legislation.

Mr. DOWNEY of New York. Madam Speaker, I want to first thank the distinguished floor manager for his outstanding and continued commitment to the Fire Island National Seashore. He braved some of the foulest spring weather in my memory to visit the beach in April and his subcommittee held a local hearing that day to give the residents an opportunity to voice their views on my legislation, H.R. 3697. In July his subcommittee once held a hearing in Washington and heard testimony from local residents and the administration. His efforts have truly been outstanding as well as those of my staff, in particular Dan Morowitz.

The bill we have before us today represents a bipartisan effort that will go far to protect and preserve Fire Island for the use and enjoyment of future generations. The legislation is supported by the Fire Island Association, the largest group of inholders within the seashore, the local municipalities, and the administration. Concerns that were raised during public hearings both on Long Island and in Washington over provisions in the original legislation and over amendments proposed by the administration have been addressed. I believe that the passage of this legislation will guarantee that one of the last relatively unspoiled natural barrier islands in the Northeast will not fall prey to reckless development.

Indeed, Fire Island is a unique resource. It is located only 50 miles from New York City and has one of the finest ocean beaches in the world. It also has magnificent dunes and spectacular maritime forests including the famous Sunken Forest Preserve. Within the boundaries of the seashore are 18 small communities that primarily consist of single-family homes and cottages. In 1964, Congress acted to create the Fire Island National Seashore to protect and preserve this barrier beach for the use and enjoyment of future generations.

Under the provisions of the original Fire Island legislation, the residents could keep their property and the local governments would retain their zoning authority over Fire Island's unincorporated communities. However, the act also stated that the private use and development of property had to be carried out in compliance with local zoning regulations which conformed to guidelines set forth by the Secretary of the Interior. The Secretary was made a partner in this zoning process because of his trust responsibilities to protect the resources for which the seashore was established.

In 1982, the Fire Island residents came to me with a problem. The mechanisms set up by the Congress to preserve the manmade and natural environments of Fire Island were not working. Illegal development was taking place in spite of the enforcement powers given to the Secretary. The seashore was being spoiled by commercial development that was coming in the form of bars, discos, restaurants, and the conversion of single-family residences to multifamily dwellings. On behalf of Fire Island's residents I introduced legislation last July designed to protect the quality of their communities and the natural resources of the seashore.

H.R. 3697 sets forth an effective yet equitable enforcement mechanism by allowing the Secretary to sell the property he acquires through a condemnation procedure established in the original Fire Island legislation. The money acquired from the sale of the property—which must be equivalent to the fair market value—would go into a special fund which would be used for future enforcement actions. The protection of Fire Island, then, would not come at the expense of the taxpayer and valuable property would be returned to the tax rolls.

Over the summer I worked with the subcommittee, the Department of the Interior, and the residents to enhance the original provisions of H.R. 3697. The amended legislation will allow the Park Director to initiate a 180-day cooling off period before he proceeds with a condemnation. This cooling off period will provide the Park Director and the property owner valuable time to negotiate on the ways in which the property under discussion can be brought into compliance with zoning regulations. With this amendment, both time and money will be saved. I am confident it will cut down on the number of acquisitions the Park Service will have to make.

Many residents have voiced concern over the original injunctive authority in H.R. 3697. The minority offered an amendment that the subcommittee accepted that I believe will answer the concerns of the residents. It places a 180-day cap on the injunction that the Secretary will receive when he begins a condemnation proceeding.

Finally, the legislation will now address one of the island's most serious threats—a burgeoning population and a continued decrease in available physical space. This situation has brought on the illegal conversion of single-family homes into multiple family dwellings. The hidden cost of these illegal conversions will be immense. The labyrinth of sewer hookups, electrical lines, and water lines for these structures will only hasten beach erosion and aggravate storm damage. This amendment will refocus the standards for the development of zoning guidelines on development and population density factors that affect the potable

water, open space, waste disposal, and similar capacities of the island's ecology.

Today we have a chance to restore the Secretary's power to maintain the delicate balance between nature and man's activities on Fire Island. Fire Island stands in constant danger from the devastating winds and surf of the Atlantic Ocean. It need not face the added threat of reckless human development. The 1964 act was designed to preserve "the use for future generations certain relatively unspoiled and undeveloped beaches." My legislation will help the National Park Service accomplish that essential mission and I strongly urge my colleagues to support H.R. 3697.

Mr. SEIBERLING. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3697 would amend the act establishing Fire Island National Seashore, to modify Federal land acquisition and disposal policies carried out with respect to the seashore. Our good friend and colleague TOM DOWNEY introduced H.R. 3697 on July 28, 1983.

The Fire Island National Seashore, NY, was established by the Congress in 1964 to preserve and protect one of the last relatively unspoiled natural barrier islands in the Northeast for the use and enjoyment of future generations.

The legislation provides for Park Service management standards and for private ownership within the boundaries of the seashore. The formula recognizes the zoning authority of local government as well as the trust responsibility of the Secretary of the Interior to protect park resources. Accordingly, the Secretary is restrained in his exercise of the power of eminent domain to acquire property within the seashore as long as an approved zoning plan is in effect.

The Secretary was required by the act to establish standards for development of local zoning ordinances and to approve such ordinances. To date no local zoning ordinances have been approved by the Secretary.

The guidelines for such standards in the act have been called into question by many people in the area. These guidelines related to acreage, frontage, and setback requirements have been criticized as being of very limited value in meeting the special zoning needs of the Fire Island communities.

The implementation of this procedure has been a focal point of controversy since enactment. On the one hand, it has been alleged by some that the National Park Service has been too quick to condemn and acquire property developed either in direct violation of local zoning or under an exception or variance to zoning codes. On the other hand, there are those who maintain that the National Park Service has been ineffective in controlling adverse developments within the seashore.

Unfortunately, the only method available to the Park Service, under the provisions of the act of 1964, to control improper development has been to condemn the property that is being used in violation of local zoning laws. This is of limited utility not only because it has seemed improper to use such a severe approach for minor violations, but because of its cost.

Several citizen groups and town leaders from Fire Island have urged, for several years, that amendments be made to the act establishing Fire Island National Seashore that would:

First, specifically authorize the use of injunction powers as a means of quickly responding to adverse development.

Second, mandate the resale, with protective covenants, of property condemned because of proven violations of zoning standards and the sale proceeds be retained by the park for use in implementing the provisions of the act.

Third, establish a process by which the NPS would certify whether or not a nonconforming structure might harm the park resources, thereby avoiding automatic condemnation action for minor zoning violations. These citizens recommendations were incorporated into H.R. 3697.

The Committee on Interior and Insular Affairs amended H.R. 3697 to meet objections raised by the administration by limiting any injunction that a court might issue to no more than 180 days; clarifying the provisions for resale by stipulating that any sale must be to the highest bidder, must be sold at or above the fair market value, and must be sold with appropriate restrictions to the use of property to ensure protection of the seashore; and establishing new guidelines for the Secretary on which to base the new regulations required to govern zoning within the seashore that would require standards that reconcile population density with the protection of the natural resources of the seashore.

Madam Speaker, I urge enactment of this legislation.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3697.

I would like to compliment the gentleman from New York for his strong leadership in this role for the Fire Island Amendments of 1984.

As the gentleman from Ohio has mentioned in his opening statement, the committee did adopt amendments that took away the objections of the administration, that were urged by the gentleman from New York [Mr. CARNEY].

I would also urge the Interior Department now to consider promptly the local zoning ordinance which was necessary for local residents to be in compliance with the law.

This is a good piece of legislation and I recommended its passage.

Madam Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. SEIBERLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 3697, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PIKE NATIONAL FOREST, CO, BOUNDARY MODIFICATION

Mr. SEIBERLING. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3601) to modify the boundary of the Pike National Forest in the State of Colorado, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. In order to provide for the more efficient administration of certain Federal lands in the vicinity of Waterton Canyon, South Platte River in the State of Colorado, the exterior boundary of the Pike National Forest is hereby modified as shown on Department of Agriculture, Forest Service maps entitled "Boundary Modification, Pike National Forest", dated March 1981. The maps and legal description of the boundary of such lands shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture and the Director of the Bureau of Land Management, Department of the Interior, and appropriate field offices of those agencies.

SEC. 2. All public lands brought within the boundary of the Pike National Forest as a result of the boundary modification set forth in the first section of this Act (comprising about 2,869 acres and currently administered by the Bureau of Land Management, Department of the Interior) are hereby added to the Pike National Forest, and shall be administered in accordance with the laws, rules, and regulations applicable with respect to lands in the National Forest System.

SEC. 3. Nothing in this Act shall affect valid existing rights, or interests in existing land use authorizations, except that any

such right or authorization shall be administered by the agency having jurisdiction of the land after the enactment of this Act in accordance with section 2 of this Act and other applicable law. Reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction, except that the change of administrative jurisdiction resulting from the enactment of this Act shall not in itself constitute a basis for denying the renewal or reissuance of any such authorization.

SEC. 4. For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundary of the Pike National Forest, as modified by the first section of this Act, shall be treated as if it were the boundary of that forest as of January 1, 1965.

SEC. 5. (a) section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) is amended by adding the following new paragraph at the end thereof—

"(90) Horsepasture, North Carolina.—The segment from Bohaynee Road (N.C. 281) downstream to Lake Jocassee.".

(b) Section 5(b)(3) of such Act is amended by adding the following at the end thereof: "The study of the river named in paragraph (90) of subsection (a) shall be completed not later than three years after the date of the enactment of this sentence.".

(c) The first paragraph (4) in section 5(b) of such Act is amended by adding the following at the end thereof: "There are authorized to be appropriated for the purpose of conducting the study of the river named in paragraph (90) such sums as may be necessary.". The second paragraph (4) in such section 5(b) and paragraph (5) in such section 5(b) are redesignated as paragraphs (5) and (6) respectively.

SEC. 6. The provisions of this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Madam Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3601 as reported by the Committee on Interior and Insular Affairs, does two things:

First, it adjusts the boundary of the Pike National Forest, in Colorado, in a manner requested by the administration in order to promote more efficient management of the Federal lands involved. The new effect is to add to the national forest, and thus to management by the Forest Service, some 2,869 acres of public lands now managed by the Bureau of Land Management in the Department of the Interior. This administration proposal is the result of a joint study by the Forest Service and Interior Department aimed at streamlining management of lands in locations such as these, where consolidation into one agency's hands will be more efficient.

Second, the bill provides for a 3-year study of a portion of the Horsepasture River, in North Carolina, for possible designation as a part of the Wild and Scenic Rivers System. The 4 miles of the river which would be studied include a steep drop off the Blue Ridge escarpment through rocky gorges before the river crosses the State line into South Carolina. This stretch includes several noted waterfalls, and is a major tourist attraction. Our committee believes that it is an appropriate river to be studied for possible national recognition through addition to the Wild and Scenic Rivers System.

Madam Speaker, this is a simple and straightforward bill, and I urge its approval.

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Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3601 but with some reservations.

The bill as introduced would extend the boundary of the Pike National Forest in Colorado to provide for more efficient administration of certain Federal lands in the vicinity of a water development project. The bill has the full support of the affected agencies and local communities.

However, last week, in our full committee, the gentleman from North Carolina [Mr. CLARKE] introduced an amendment to the bill adding a totally unrelated matter. His amendment provides for a study of the Horsepasture River in North Carolina to determine whether or not it should be added to the Wild and Scenic Rivers System.

It is my understanding that the river is highly scenic and a popular recreation site. However, it is also my understanding that there is a small hydroelectric project proposed in the area which the amendment would stop.

We have not had an opportunity to hear from proponents of the project and, therefore, have little information on which to judge the merits of the amendment.

I appreciate the gentleman's desire to respond to local interests and I shall not oppose the bill. However, I hope that a more complete airing of the matter can take place so that it does not delay or kill an otherwise meritorious bill.

Mr. SEIBERLING. Madam Speaker, let me reiterate that this bill provides for a study. It does not designate this river as a wild and scenic river, but merely provides for a study. One of the things a study will undertake, at least that is our intent, is a study of any hydropower conflicts that may arise if it were designated a wild and scenic river.

The addition of this provision to the bill was due to the energetic activity of our colleague from North Carolina, Mr. JAMIE CLARKE, and the high regard in which we hold him.

Therefore, I now yield to the gentleman from North Carolina [Mr. CLARKE] such time as he may consume, since he is the author of that section of the bill.

Mr. CLARKE. Madam Speaker, H.R. 3601 is important to my district in western North Carolina because one of the most scenic rivers in Eastern America is threatened with destruction by a small hydroelectric project.

The Horsepasture River drops 1,700 feet in 4 miles off the Blue Ridge escarpment in western North Carolina, just above the South Carolina line. In this drop there are five magnificent waterfalls. Hundreds of visitors from North Carolina, South Carolina, Georgia, and other States come every week to visit and enjoy the river. Several unusual species of rhododendron grow in profusion in the gorge.

The land adjoining the river is owned by the U.S. Forest Service, the Carrasan Power Co., which has purchased some 900 acres, and a subsidiary of the Duke Power Co. which owns the lower portion where the river enters Lake Jacassee, a cooling lake for Duke's nuclear powerplant.

Duke has publicly stated that it needs no additional power until the turn of the century, and is taking no position on the project.

The proposed power development would divert most of the water through a pipeline 2.5 miles to a powerhouse near the bottom of the river. The lower part of the gorge, which contains virgin timber, has been designated as a Society of American Foresters Natural Area and as a North Carolina Natural Heritage Area.

The project appears to be motivated primarily by the 5-year accelerated writeoff of investment and the 18- to 21-percent investment tax credit permitted to individuals and groups under the Public Utilities Regulatory Procedures Act of 1978.

At the request of the administration, H.R. 3601 adds 2,869 acres of Bureau of Lands Management land to the Pike National Forest in Colorado. H.R. 3601 also provides for a study of 4 miles of the Horsepasture River in North Carolina for possible inclusion in the Wild and Scenic Rivers System.

A great many people in my district and in upper South Carolina and Georgia and elsewhere are concerned about the possible loss of this river which contains probably the most beautiful series of waterfalls in Eastern America. It is a priceless natural asset and deserves to be studied for in-

clusion in the Wild and Scenic Rivers System.

Madam Speaker, I ask the strong support of the House for H.R. 3601.

Mr. SEIBERLING. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 3601, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2300) to provide that a former spouse of a Federal employee who is married to such employee for 10 years or more shall be entitled to a portion of such employee's annuity and to a portion of the annuity of any surviving spouse of such employee, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Service Retirement Spouse Equity Act of 1984".

SEC. 2. Chapter 83 of title 5, United States Code, is amended—

(1) in section 8331—

(A) by striking out "and" at the end of paragraph (21);

(B) by striking out the period at the end of paragraph (22) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new paragraphs:

"(23) 'former spouse' means a former spouse of an individual—

"(A) if such individual performed at least 18 months of civilian service covered under this subchapter as an employee or Member, and

"(B) if the former spouse was married to such individual for at least 9 months; and

"(24) 'Indian court' means an Indian court as defined by section 201(3) of the Act entitled 'An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes', approved April 11, 1968 (25 U.S.C. 1301(3); 82 Stat. 77).";

(2) by amending section 8334(h) to read as follows:

"(h) For the purpose of survivor annuities, deposits authorized by subsections (c), (d), and (j) of this section and by section 8339(j)(5)(C) and the last sentence of section 8339(k)(2) of this title may also be made by a survivor of an employee or Member.";

(3) in section 8339—

(A) by amending subsection (j) to read as follows:

"(j)(1) The annuity computed under subsections (a)-(i) and (n) of this section (or a portion of the annuity, if jointly designated for this purpose by the employee or Member and the spouse of the employee or Member under procedures prescribed by the Office of Personnel Management) for an employee or Member who is married at the time of retiring under this subchapter is reduced as provided in paragraph (4) of this subsection in order to provide a survivor annuity for the spouse under section 8341(b) of this title, unless the employee or Member and the spouse jointly waive the spouse's right to a survivor annuity in a written election filed with the Office at the time that the employee or Member retires. Each such election shall be made in accordance with such requirements as the Office shall, by regulation, prescribe, and shall be irrevocable. The Office shall provide, by regulation, that an employee or Member may waive the survivor annuity without the spouse's consent if the employee or Member establishes to the satisfaction of the Office—

"(A) that the spouse's whereabouts cannot be determined, or

"(B) that, due to exceptional circumstances, requiring the employee or Member to seek the spouse's consent would otherwise be inappropriate.

"(2) If an employee or Member has a former spouse who is entitled to a survivor annuity as provided in section 8341(h) of this title, the annuity of the employee or Member computed under subsections (a)-(i) and (n) of this section (or any designated portion of the annuity, in the event that the former spouse is entitled to less than 55 percent of the employee or Member's annuity) is reduced as provided in paragraph (4) of this subsection.

"(3) An employee or Member who has a former spouse may elect, under procedures prescribed by the Office, to have the annuity computed under subsections (a)-(i) and (n) of this section or a portion thereof reduced as provided in paragraph (4) of this subsection in order to provide a survivor annuity for such former spouse under section 8341(h) of this title. An election under this paragraph shall be made at the time of retirement or, if later, within 2 years after the date on which the marriage of the former spouse to the employee or Member is dissolved, subject to a deposit in the Fund by the retired employee or Member, within such 2-year period, of an amount determined by the Office, as nearly as may be administratively feasible, to reflect the amount by which the annuity of such employee or Member would have been reduced if the election had been continuously in effect since the date the annuity commenced. If the employee or Member does not make such a deposit, the Office shall collect the amount of the deposit by offset against the employee or Member's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the employee or Member, and the employee or Member is deemed to consent to such offset. An election under this paragraph—

"(A) shall not be effective to the extent that it—

"(i) conflicts with—

"(I) any court order or decree referred to in subsection (h)(1) of section 8341 of this title, which was issued before the date of such election; or

"(II) any agreement referred to in such subsection which was entered into before such date; or

"(ii) would cause the total of survivor annuities payable under subsections (b), (d), (f), and (h) of section 8341 of this title based on the service of the employee or Member to exceed 55 percent of the annuity to which the employee or Member is entitled under subsections (a)-(i) and (n) of this section; and

"(B) shall not be effective, in the case of an employee or Member who is then married, unless it is made with the spouse's written consent.

The Office shall provide by regulation that subparagraph (B) of this paragraph may be waived for either of the reasons set forth in the last sentence of paragraph (1) of this subsection.

"(4) In order to provide a survivor annuity or combination of survivor annuities under subsections (b), (d), (f), and (h) of section 8341 of this title, the annuity of an employee or Member (or any designated portion or portions thereof) is reduced by 2½ percent of the first $3,600 thereof plus 10 percent of so much thereof as exceeds $3,600.

"(5)(A) Any reduction in an annuity for the purpose of providing a survivor annuity for the current spouse of a retired employee or Member shall be terminated for each full month—

"(i) after the death of the spouse, or

"(ii) after the dissolution of the spouse's marriage to the employee or Member, except that an appropriate reduction shall be made thereafter if the spouse is entitled, as a former spouse, to a survivor annuity under section 8341(h) of this title.

"(B)(i) Any reduction in an annuity for the purpose of providing a survivor annuity for a former spouse of a retired employee or Member shall be terminated for each full month after the former spouse remarries before reaching age 55 or dies, unless the employee or Member elects, within 2 years after the former spouse's death or remarriage, to continue the reduction in order to provide a survivor annuity or increase the survivor annuity for the current spouse of the retired employee or Member.

"(ii) Notwithstanding clause (i) of this subparagraph—

"(I) a reduction in an annuity shall not be terminated under such clause, and

"(II) an election made under such clause with respect to a current spouse after a remarriage before age 55 or the death of a former spouse shall not be effective,

if, and to the extent that, continuation of the reduction is necessary in order to provide for any survivor annuity, or any increase in a survivor annuity, which becomes payable under section 8341(h)(2) of this title to any other former spouse as a result of such remarriage or death.

"(C)(i) Upon remarriage, a retired employee or Member who was married at the time of retirement (including an employee or Member whose annuity was not reduced to provide a survivor annuity for the employee or Member's spouse or former spouse as of the time of retirement) may irrevocably elect during such marriage, in a signed writing received by the Office within 2 years after such remarriage or, if later, within 2 years after the death or remarriage of any

former spouse of such employee or Member who was entitled to a survivor annuity under section 8341(h)of this title (or of the last such surviving former spouse, if there was more than one), a reduction in the employee or Member's annuity under paragraph (4) of this subsection for the purpose of providing an annuity for such employee or Member's spouse in the event such spouse survives the employee or Member.

"(ii) Such election and reduction shall be effective the first day of the second month after the election is received by the Office, but not less than 9 months after the date of the remarriage, and the retired employee or Member shall, within 2 years after the date of the remarriage or, if later, the death or remarriage of the former spouse (or of the last such surviving former spouse), deposit in the Fund an amount determined by the Office of Personnel Management, as nearly as may be administratively feasible, to reflect the amount by which the annuity of such retired employee or Member would have been reduced if the election had been in effect since the date of retirement or, if later, the date the previous reduction in such retired employee or Member's annuity was terminated under subparagraph (A) or (B) of this paragraph.

"(iii) If the employee or Member does not make such deposit, the Office shall collect such amount by offset against the employee or Member's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the employee or Member, and the employee or Member is deemed to consent to such offset.

"(iv) Notwithstanding any other provision of this subparagraph, an election under this subparagraph may not be made for the purpose of providing an annuity in the case of a spouse by remarriage if such spouse was married to the employee or Member at the time of such employee or Member's retirement, and all rights to survivor benefits for such spouse under this subchapter based on marriage to such employee or Member were then waived under paragraph (1) of this subsection or a similar prior provision of law.";

(B) in subsection (k)(1) by striking out "unmarried" in the first sentence thereof; and

(C) by amending subsection (k)(2) to read as follows:

"(2)(A) An employee or Member, who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to such employee or Member's spouse and who later marries, may irrevocably elect, in a signed writing received in the Office within 2 years after such employee or Member marries or, if later, within 2 years after the death or remarriage of any former spouse of such employee or Member who was entitled to a survivor annuity under section 8341(h) of this title (or of the last such surviving former spouse, if there was more than one), a reduction in the retired employee or Member's current annuity as provided in subsection (j) of this section.

"(B)(i) The election and reduction shall take effect the first day of the first month beginning 9 months after the date of marriage and shall prospectively void any election previously made under paragraph (1) of this subsection.

"(ii) Within 2 years after the date of marriage, the retired employee or Member (other than an employee or Member who made a previous election under paragraph (1) of this subsection) shall deposit in the Fund an amount determined by the Office of Personnel Management, as nearly as may be administratively feasible, to reflect the amount by which the retired employee or Member's annuity would have been reduced under subsection (j)(4) of this section since the commencing date of the annuity, if the employee or Member had been married at the time of retirement and had elected to provide a survivor annuity at that time.

"(C) If the employee or Member does not make such deposit, the Office shall collect such amount by offset against the employee or Member's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the employee or Member, and the employee or Member is deemed to consent to such offset.";

(4) in section 8341—

(A) in paragraphs (1)(A) and (2)(A) of subsection (a), by striking out "1 year" and inserting in lieu thereof "9 months";

(B) in subsection (b)—

(i) by amending paragraph (1) to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if an employee or Member dies after having retired under this subchapter and is survived by a widow or widower, the widow or widower is entitled to an annuity equal to 55 percent (or 50 percent if retired before October 11, 1962) of an annuity computed under section 8339 (a)-(i) and (n) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(j)(1) of this title, unless the right to a survivor annuity was waived under such section 8339(j)(1) or, in the case of remarriage, the employee or Member did not file an election under section 8339(j)(5)(C) or section 8339(k)(2) of this title, as the case may be.";

(ii) in the second and third sentences of paragraph (3) by striking out "spouse, widow," each place it appears and inserting in lieu thereof "widow";

(iii) by striking out "60 years of age" at the end of paragraph (3) and inserting in lieu thereof "55 years of age"; and

(iv) by adding at the end thereof the following new paragraph:

"(4) Notwithstanding the preceding provisions of this subsection, the annuity payable under this subsection to the widow or widower of a retired employee or Member may not exceed the difference between—

"(A) the amount which would otherwise be payable to such widow or widower under this subsection (determined without regard to any waiver or designation under section 8339(j)(1) of this title or a prior similar provision of law), and

"(B) the amount of the survivor annuity payable to any former spouse of such employee or Member under subsection (h) of this section.";

(C) in subsection (d)—

(i) by inserting after the first sentence the following:

"Notwithstanding the preceding sentence, the annuity payable under this subsection to the widow or widower of an employee or Member may not exceed the difference between—

"(A) the amount which would otherwise be payable to such widow or widower under this subsection, and

"(B) the amount of the survivor annuity payable to any former spouse of such employee or Member under subsection (h) of this section."; and

(ii) in the last sentence, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by striking out "60 years of age" and inserting in lieu thereof "55 years of age";

(D) in subsection (e)—

(i) in paragraoh (1), by inserting "or a former spouse who is the natural or adoptive parent of a surviving child of the employee or Member" after "survived by a spouse" each place it appears; and

(ii) by amending the last sentence of paragraph (2) to read as follows: "On the death of the surviving spouse or former spouse or termination of the annuity of a child, the annuity of any other child or children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the employee or Member.";

(E) in subsection (f) by inserting after paragraph (2) the following:

"Notwithstanding the preceding sentence, an annuity payable under this subsection to the surviving spouse of a Member may not exceed the difference between—

"(A) the annuity which would otherwise be payable to such surviving spouse under this subsection, and

"(B) the amount of the survivor annuity payable to any former spouse of such Member under subsection (h) of this section."; and

(F) in subsection (g) by striking out "60 years of age" and inserting in lieu thereof "55 years of age"; and

(G) by adding at the end thereof the following new subsections:

"(h)(1) Subject to paragraphs (2) through (5) of this subsection a former spouse of a decreased employee, Member, or annuitant is entitled to a survivor annuity under this subsection, if and to the extent expressly provided for in an election under section 8339(j)(3) of this title, or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree.

"(2)(A) The annuity payable to a former spouse under this subsection may not exceed the difference between—

"(i) the amount applicable in the case of such former spouse, as determined under subparagraph (B) of this paragraph, and

"(ii) the amount of any annuity payable under this subsection to any other former spouse of the employee, Member, or annuitant, based on an election previously made under section 8339(j)(3) of this title, or a court order previously issued.

"(B) The applicable amount, for purposes of subparagraph (A)(i) of this paragraph in the case of a former spouse, is the amount which would be applicable—

"(i) under subsection (b)(4)(A) of this section in the case of a widow or widower, if the deceased was an employee or Member who died after retirement;

"(ii) under subparagraph (A) of subsection (d) of this section in the case of a widow or widower, if the deceased was an employee or Member described in the first sentence of such subsection; or

"(iii) under subparagraph (A) of subsection (f) of this section in the case of a surviving spouse, if the deceased was a Member described in the first sentence of such subsection.

"(3) The commencement and termination of an annuity payable under this subsection shall be governed by the terms of the applicable order, decree, agreement, or election, as the case may be except, that any such annuity—

"(A) shall not commence before—

"(i) the day after the employee, Member, or annuitant dies, or

"(ii) the first day of the second month beginning after the date on which the Office receives written notice of the order, decree, agreement, or election as the case may be, together with such additional information or documentation as the Office may prescribe,

whichever is later, and

"(B) shall terminate—

"(i) in the case of an annuity computed by reference to clause (i) or (ii) of paragraph (2)(B) of this subsection, no later than the last day of the month before the former spouse remarries before becoming 55 years of age or dies; or

"(ii) in the case of an annuity computed by reference to clause (iii) of such paragraph, no later than the last day of the month before the former spouse remarries or dies.

"(4) For purposes of this subchapter, a modification in a decree, order, agreement, or election referred to in paragraph (1) of this subsection shall not be effective—

"(A) if such modification is made after the retirement of the employee or Member concerned, and

"(B) to the extent that such modification involves an annuity under this subsection.

"(5) For purposes of this subchapter, a decree, order, agreement, or election referred to in paragraph (1) of this subsection shall not be effective, in the case of a former spouse, to the extent that it is inconsistent with any joint designation or waiver previously executed with respect to such former spouse under section 8339(j)(1) of this title or a similar prior provision of law.

"(6) Any payment under this subsection to a person bars recovery by any other person.

"(7) As used in this section, 'court' means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court.

"(i) The requirement in subsections (a)(1)(A) and (a)(2)(A) of this section that the surviving spouse of an employee or Member have been married to such employee or Member for at least 9 months immediately before the employee or Member's death in order to qualify as the widow or widower of such employee or Member shall be deemed satisfied in any case in which the employee or Member dies within the applicable 9-month period, if—

"(1) the death of the employee or Member was accidental; or

"(2) the surviving spouse of such individual had been previously married to the individual and subsequently divorced, and the aggregate time married is at least 9 months.";

(5) in section 8342(a)—

(A) by striking out "An" and inserting in lieu thereof "Subject to subsection (j) of this section, an"; and

(B) by adding at the end thereof the following new subsection:

"(j)(1) Payment of the lump-sum credit under subsection (a) of this section—

"(A) may be made only if any current spouse and any former spouse of the employee or Member are notified of the employee or Member's application; and

"(B) in any case in which there is a former spouse, shall be subject to the terms of a court order or decree issued with respect to such former spouse if—

"(i) the order or decree expressly relates to any portion of the lump-sum credit involved, and

"(ii) payment of the lump-sum credit would extinguish entitlement of the former spouse to a survivor annuity under section 8341(h) of this title or to any portion of an annuity under section 8345(j) of this title.

"(2)(A) Notification of a spouse or former spouse under this subsection shall be made in accordance with such requirements as the Office shall by regulation prescribe.

"(B) Under the regulations, the Office may provide that paragraph (1)(A) of this subsection may be waived with respect to a spouse or former spouse if the employee or Member establishes to the satisfaction of the Office that the whereabouts of such spouse or former spouse cannot be determined.

"(3) The Office prescribe regulations under which this subsection shall be applied in any case in which the Office receives two or more such orders or decrees.";

(6) in section 8345—

(A) in subsection (f) by adding at the end thereof the following new paragraph:

"(4) The provisions of this subsection shall not apply—

"(A) to any survivor annuity payable under subsection (h) of section 8341 of this title; or

"(B) to any survivor annuity payable under subsection (b), (d), or (f) of such section which is reduced on account of any survivor annuity referred to in subparagraph (A) of this paragraph."; and

(B) in subsection (j)(3) by striking out "or the District of Columbia" and inserting in lieu thereof the following: ", the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court"; and

(7) in section 8348(a)(1)(B) by striking out "this title" and inserting in lieu thereof "this title, in administering survivor annuities and elections providing therefor under section 8339 and 8341 of this title,".

SEC. 3. Chapter 89 of title 5, United States Code, is amended—

(1) in section 8901—

(A) by striking out "and" at the end of paragraph (8);

(B) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(10) 'former spouse' means an unremarried former spouse of an employee, former employee, or annuitant—

"(A) who was enrolled in an approved health benefits plan under this chapter as a family member at any time during the 18-month period before the date of the dissolution of the marriage to the employee, former employee, or annuitant, and

"(B)(i) who is receiving any portion of an annuity under section 8345(j) of this title or a survivor annuity under section 8341(h) of this title (or benefits similar to either of the aforementioned annuity benefits under a retirement system for Government employees other than the Civil Service Retirement System),

"(ii) as to whom a court order or decree referred to in section 8341(h) or 8345(j) of this title (or similar provision of law under any such retirement system other than the Civil Service Retirement System) has been issued, or for whom an election has been made under section 8339(j)(3) of this title (or similar provision of law), or

"(iii) who is otherwise entitled to an annuity or any portion of an annuity as a former spouse under a retirement system for Government employees,

except that such term shall not include any such unremarried former spouse of a former employee whose marriage was dissolved after the former employee's separation from the service (other than by retirement).";

(2) in section 8902—

(A) in subsection (g) by striking out "employee or annuitant" each place it appears and inserting in lieu thereof "employee, annuitant, family member, or former spouse"; and

(B) in subsections (j) and (k) by striking out "or family member" and inserting in lieu thereof "family member, or former spouse";

(3) in section 8903(1)—

(A) by striking out "employees or annuitants, or members of their families" and inserting in lieu thereof "employees, annuitants, members of their families, or former spouses"; and

(B) by striking out "employee or annuitant or member of his family" and inserting in lieu thereof "employee, annuitant, family member, or former spouse";

(4) in section 8905—

(A) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and inserting after subsection (b) the following new subsection:

"(c)(1) A former spouse may—

"(A) within 60 days after the dissolution of the marriage, or

"(B) in the case of a former spouse of a former employee whose marriage was dissolved after the employee's retirement, within 60 days after the dissolution of the marriage or, if later, within 60 days after an election is made under section 8339(j)(3) of this title for such former spouse by the retired employee,

enroll in an approved health benefits plan described by section 8903 of this title as an individual or for self and family as provided in paragraph (2) of this subsection, subject to agreement to pay the full subscription charge of the enrollment, including the amounts determined by the Office to be necessary for administration and reserves pursuant to section 8909(b) of this title. The former spouse shall submit an enrollment application and make premium payments to the agency which, at the time of divorce or annulment, employed the employee to whom the former spouse was married or, in the case of a former spouse who is receiving annuity payments under section 8341(h) or 8345(j) of this title, to the Office of Personnel Management.

"(2) Coverage for self and family under this subsection shall be limited to—

"(A) the former spouse; and

"(B) unmarried dependent natural or adopted children of the former spouse and the employee who are—

"(i) under 22 years of age; or

"(ii) incapable of self-support because of mental or physical disability which existed before age 22."; and

(B) in subsections (e) and (f), as so designated by subparagraph (A) of this paragraph, by striking out "An employee or annuitant" and inserting in lieu thereof "An employee, annuitant, or former spouse";

(5) in section 8907—

(A) in subsection (a) by striking out "employee" each place it appears and inserting in lieu thereof "individual";

(B) in subsection (b)—

(i) by striking out "employee enrolled" and inserting in lieu thereof "enrollee";

(ii) in paragraph (1) by striking out "employee or the employee and members of his

family" and inserting in lieu thereof "enrollee or the enrollee and any eligible family members"; and

(iii) in paragraph (3) by striking out "the employee or members of his family" and inserting in lieu thereof "the enrollee and any eligible family members"; and

(C) by amending the section heading to read as follows:

"§ 8907. Information to individuals eligible to enroll";

(6) in section 8909—

(A) in subsections (a) and (b) by striking out "employees, annuitants," and inserting in lieu thereof "enrollees"; and

(B) in subsection (d) by striking out "Each employee or annuitant" and inserting in lieu thereof "Each employee, annuitant, or former spouse";

(7) in section 8913(c)—

(A) in the first sentence by striking out "employees and annuitants and members of their families" and inserting in lieu thereof "employees, annuitants, members of their families, and former spouses"; and

(B) in the second sentence by inserting "or former spouse" after "in which an annuitant"; and

(8) in the chapter analysis, by striking out the item relating to section 8907 and inserting in lieu thereof the following:

"§ 8907. Information to individuals eligible to enroll.".

SEC. 4. (a)(1) Except as provided in subsections (b) and (c), the amendments made by section 2 of this Act shall take effect 180 days after the date of enactment of this Act and shall apply to any individual who, on or after such effective date, is married to an employee or Member who, on or after such effective date, retires, dies, or applies for a refund of contributions under subchapter III of chapter 83 of title 5, United States Code.

(2) Except as provided in subsection (f), the amendments made by section 3 of this Act shall take effect 180 days after the date of enactment of this Act and shall apply to any individual who, on or after such effective date, is married to an employee or annuitant.

(b)(1) Notwithstanding subsection (a)(1) of this section, a former spouse of an employee or Member who retired before the 180th day after the date of enactment of this Act is entitled to a survivor annuity under section 8341(b) of title 5, United States Code, as amended by this Act, if—

(A) the retired employee or Member elects, in writing, within 18 months after the date of enactment of this Act, according to procedures prescribed by the Office of Personnel Management, to have the annuity of such employee or Member reduced under section 8339(j) of title 5, United States Code, as amended by this Act, and, except as provided in paragraph (3) of this subsection, to deposit it in the Civil Service Retirement and Disability Fund an amount determined by the Office, as nearly as may be administratively feasible, to reflect the amount by which such employee or Member's annuity would have been reduced had the reduction been in effect since such employee or Member's annuity commenced; or

(B) where the retired employee or Member dies or died on or before the 180th day after the date of enactment of this Act or does not make the election described in subparagraph (A)—

(i) the former spouse's marriage to the employee or Member was dissolved after September 14, 1978;

(ii) the former spouse was married to the employee or Member for at least 10 years during periods of creditable service under section 8332 of title 5, United Stated Code;

(iii) the former spouse is not entitled to any other retirement or survivor annuity (other than benefits under title II of the Social Security Act or under section 8345(j) of title 5, United States Code, as amended by this Act) based on any previous employment of the former spouse or of the employee or Member;

(iv) the former spouse has not remarrried before age 55 after September 14, 1978;

(v) the former spouse files an application for the survivor annuity with the Office within 30 months after the date of enactment of this Act; and

(vi) the former spouse is at least 50 years of age at the time of filing such application.

A survivor annuity under subparagraph (B) shall commence on the day after the employee or Member dies or the first day of the second month after the former spouse's application is received by the Office, whichever occurs later.

(2) Except as provided in paragraph (3), if a retired employee or Member who makes an election under subparagraph (A) of paragraph (1) does not make the deposit required by such subparagraph, the Office shall collect the amount of the deposit by offset against the employee of Member's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the employee or Member, and the employer or Member is deemed to consent to such offset.

(3) An election made by an individual under subparagrah (A) of paragraph (1) of this subsection to provide a survivor annuity for any person prospectively voids any election previously made by such individual with respect to such person under section 8339(k)(1) of title 5, United States Code, as amended by this Act, or any similar prior provision of law. Notwithstanding the provisions of such subparagraph (A), an individual who made such an election under such section 8339(k)(1) (or prior provision) shall not be required to make the deposit described in such subparagraph.

(4) A survivor annuity provided under this subsection shall be 55 percent of the annuity of the retired employee or Member, as determined under section 8339(a)-(i) and (n) of title 5, United States Code, increased by—

(A) the total percent increase the retired employee or Member was receiving under section 8340 of such title at death, or

(B) in the case of a retired employee or Member whose date of death precedes the 180th day after the date of enactment of this Act, the total percent increase the retired employee or Member would have received under such section 8340 had such individual died on the 180th day after such date of enactment,

and shall not be subject to reduction under section 8341(b)(4) of such title, as amended by this Act.

(c) Notwithstanding subsection (a)(1) of this section, an employee or Member who retired before the 180th day after the date of enactment of this Act and who is married to a spouse acquired after retirement for whom such employee or Member was unable to provide a survivor annuity because—

(1) the employee or Member was married at the time of retirement and elected not to provide a survivor annuity for the employee or Member's spouse at the time of retirement, or

(2) the employee or Member failed to notify the Office of the employee or Member's post-retirement marriage within 1 year after the marriage, may elect in writing, within 1 year after the date of enactment of this Act, in accordance with procedures prescribed by the Office, to provide for a survivor annuity for such spouse under section 8341(b) of title 5, United States Code, as amended by this Act, to have the retired employee or Member's annuity reduced under section 8339(j) of such title, as so amended, and to deposit in the Civil Service Retirement and Disability Fund an amount determined by the Office, as nearly as may be administratively feasible, to reflect the amount by which such employee or Member's annuity would have been reduced had the election been continuously in effect since the annuity commenced. If the retired employee or Member does not make such deposit, the Office shall collect such amount by offset against such employee or Member's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to such employee or Member, and such employee or Member is deemed to consent to such offset. The Office shall provide for general public notice of the right to make an election under this subsection. In cases to which paragraph (2) of this subsection applies, the retired employee or Member shall provide the Office with original documentation, or such other documentation as the Office shall decide is appropriate, that such employee or Member attempted to elect a reduced annuity with survivor benefit for such employee or Members's current spouse and that such employee or Member's election was rejected by the Office because it was untimely filed.

(d) A deposit required by subsection (b)(1)(A) or (C) of this section may be made by the surviving former spouse or spouse, as applicable, of the retired employee or Member.

(e) The Office shall determine at the end of each fiscal year—

(1) the cost of survivor annuities provided under subsections (b) and (c) of this section, less an amount determined appropriate by the Office to reflect the value of any deposits made under subsection (b)(1)(A), (c), or (d), and

(2) the cost of administering subsections (b) and (c).

The Office shall notify the Secretary of the Treasury of the amounts so determined. The Secretary of the Treasury, before closing the account for the fiscal year in question, shall credit to the Civil Service Retirement and Disability Fund, out of any money in the Treasury not otherwise appropriated, such amounts, which shall be available in the same manner as provided under subparagraphs (A) and (B) of section 8348(a)(1) of title 5, United States Code, as amended by this Act.

(f) An individual who is entitled to a survivor annuity under subsection (b) of this section is deemed to be in receipt of annuity payments under section 8341(h) of title 5, United States Code, as amended by this Act, for the purpose of chapter 89 of such title, as so amended. Notwithstanding subsection (a)(2) of this section, any such individual who otherwise meets the definition of a former spouse under section 8901 of title 5, United States Code, as so amended, may enroll in an approved health benefits plan described by section 8903 of such title, under the conditions set forth in section 8905(c) of such title, as so amended.

(g)(1) For purposes of subsections (a)(1), (b), (c), (d), and (e), "employee", "Member", and "former spouse" each has the meaning given that term under section 8331 of title 5, United States Code, as amended by this Act.

(2) For purposes of subsection (a)(2), "employee" and "annuitant" each has the meaning given that term under section 8901 of title 5, United States Code.

(h) Section 827 of the Foreign Service Act of 1980 and section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees shall not apply with respect to either the amendments made by section 2 or the preceding provisions of this section.

The SPEAKER pro tempore (Mr. KAZEN). Is a second demanded?

Mr. DANNEMEYER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. OAKAR] will be recognized for 20 minutes and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, the House is considering H.R. 2300, the Civil Service Retirement Spouse Equity Act of 1984. The bill, which was introduced by Congresswoman PAT SCHROEDER, was unanimously ordered reported by the Post Office and Civil Service Committee on Wednesday, September 19.

Like the private pension bill which preceded it and applied to private sector plans, H.R. 2300 makes certain necessary reforms to the civil service retirement system to protect the rights of former spouses.

As chair of the Subcommittee on Compensation and Employee Benefits, I was pleased to conduct two hearings on the problems faced by former spouses of Federal employees when attempting to gain access to pensions. The subcommittee found that while the Office of Personnel Management honors court decrees which direct it to pay all or a portion of a retiree's annuity to a former spouse, the OPM will not honor decrees which award survivor benefits to former spouses. Similarly, Federal employees and retirees cannot voluntarily elect to provide survivor benefits to former spouses.

Of equal concern, when a divorce occurs, the former spouse and any dependents he or she may be supporting lose their right to health insurance coverage under the Federal employees health benefits program [FEHBP]. Attempting to purchase health insurance from the private sector is extremely difficult because insurance carriers are reluctant to cover single parents, and, in most cases, private insurance costs far exceed those in group plans such as FEHBP.

On September 13, my Subcommittee on Compensation and Employee Benefits considered and approved an amendment which I introduced in the nature of a substitute to H.R. 2300. The revised H.R. 2300 corrects numerous inequities in current civil service retirement law as it affects former spouses and extends greater protection to spouses or annuitants who marry during their retirement years. Basically, the bill:

First, provides that the Office of Personnel Management recognize court orders granting survivor benefits to former spouses of Federal workers;

Second, provides for a joint waiver of survivor benefits at the time of retirement;

Third, provides retroactive survivor benefit payments to certain former spouses of civil service employees;

Fourth, provides Federal employees health benefits coverage to certain former spouses of Federal employees;

Fifth, provides that certain Federal retirees who were previously denied this option can elect survivor benefits; and

Sixth, provides for notice to current spouses and former spouses entitled to survivor benefits or a portion of an annuity of the lump-sum withdrawal of retirement contributions.

H.R. 2300, as revised, does not interfere with any current arrangements between Federal workers and retirees and their spouses concerning survivor benefits or annuities. We have taken great care to maintain the rights of employees, retirees, and their current spouses, as well as providing necessary protections to former spouses. Numerous groups, as well as the administration, have endorsed this legislation.

I believe the bill which is before us today achieves the overall goal of protecting former spouses and improving the civil service retirement program. It also creates parity in the treatment of former spouses between the civil service retirement system and private pensions as required by the Pension Equity Act enacted by Congress last month. In addition, according to the Congressional Budget Office, the legislation would result in short-term outlay savings. In the third year, it would result in estimated outlay savings of $0.6 million, in the fourth year $1.9 million, and in the fifth year $3.5 million.

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Mr. Speaker, for further clarification of the bill's intent I would like to submit for the RECORD a copy of the colloquy I had with our chairman, BILL FORD, during the Post Office and Civil Service Committee's markup of the bill. I believe the colloquy will highlight important features of the bill and, again, Mr. Speaker, I do want to commend the chairman of the full committee, BILL FORD, and Congresswoman PAT SCHROEDER for their leadership and support of the legislation.

There is no doubt in my mind that former spouses of civil servants, the majority of whom are women, will benefit from these needed changes and that the system as a whole will be much stronger.

[The colloquy follows:]

Mr. FORD. I would like to ask the subcommittee chair several questions.

In 1978, we amended the civil service retirement law to require OPM to honor court orders which direct it to pay all or a portion of a retiree's annuity to a former spouse. In essence, that amendment permits courts to divide a retiree's basic annuity between a retiree and a former spouse. Does this bill in any way change what we did in 1978, or would it require or authorize a court to reopen any divorce decree and modify that decree insofar as it pertains to an employee's or retiree's basic annuity rights?

Ms. OAKAR. No; this bill pertains generally to surivior annuities. It does not change those provisions of existing law which require OPM to honor State divorce court orders to divide a retiree's basic annuity between the retiree and a former spouse. Under existing law, a court may order OPM to pay all or part of a retiree's annuity to a former spouse, and OPM will honor that order. Existing law, however, does not permit or require OPM to honor State court orders requiring a retiree to provide a survivor benefit for a former spouse. Under this bill, OPM is required to honor court orders concerning surivior annuities.

Mr. FORD. Am I correct that the provisions of this bill which require OPM to honor court orders pertaining to survivor benefits are prospective only?

Ms. OAKAR. That is correct. The provisions of this bill concerning court orders apply with respect to divorces which occur after the effective date of the bill. The bill does not affect court orders incident to prior divorces.

Mr. FORD. Could you give some examples of how existing law and this bill work?

Ms. OAKAR. Under existing law, OPM must honor court orders pertaining to basic annuities. For example, if a court orders OPM to pay 50 percent of an employee's annuity to a former spouse, OPM will honor that order. If such an employee retires and is entitled to an annuity of $1,000 per month, OPM will pay $500 each to the retiree and the former spouse.

Under the bill, OPM must honor court orders pertaining to survivor annuities. The survivor annuity or any combination of survivor annuity is limited to the maximum currently permitted under existing law—55 percent of the retiree's annuity—the survivor annuity is funded by a reduction in the retiree's basic annuity—a reduction which is always less than 10 percent—and the survivor annuity is not payable until the death of the retiree.

Assume a court awards a former spouse a full survivor annuity and the employee retires with an annuity of $1,000 per month. OPM will honor the court order and will reduce the retiree's annuity by $77.50 per month to pay the survivor benefit. The former spouse gets nothing until the retiree dies, but upon death the former spouse is entitled to an annuity of $550 per month—adjusted for COLA's since the date of the retiree's retirement.

Ms. OAKAR. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentlewoman has consumed 5 minutes.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, H.R. 2300, as amended, is the product of long, hard work by the administration and this committee. It is a bill that removes bias against the spouses of Federal employees in the Federal retirement system.

The Chair of the Compensation Subcommittee, the gentlelady from Ohio [Ms. OAKAR], and the chairman of the full committee, the gentleman from Michigan [Mr. FORD], are to be commended for their cooperation and diligence in bringing this legislation to the House floor.

I said in subcommittee that if anyone intends to read this complicated bill that I had only one recommendation: Do not read this bill and attempt to drive at the same time. Thanks to the sobriety of staff of the Office of Personnel Management and this committee, we have a good bill. Special mention should be made of Jim Morrison, associate director for compensation; Claudia Cooley, deputy director for compensation; Bob Moffit, director of congressional relations; Jim Woodruff, chief of legislation and special policies; Gay Gardner, pay benefits specialist; and Ed Leong of the House Office of Legislative Counsel.

H.R. 2300, as amended, continues work begun in 1975 concerning Federal spousal rights. In 1975, Public Law 93-647 was enacted to permit garnishment of Federal wages and pensions to pay child support and alimony. In 1978, Public Law 95-366 was enacted to permit the division of an annuity—but not survivor benefits—in a divorce. In 1980, Public Law 96-391 was enacted to require notification of the spouse if an employee elects not to provide survivor benefits. In March 1983, the gentlelady from Colorado [Mrs. SCHROEDER], introduced H.R. 2300, which would permit division of Federal survivor benefits in a divorce and require joint spousal action on waiving survivor benefits. In September 1983, President Reagan proposed the Pension Equity Act for the private sector. The proposal required written consent from a spouse before survivor benefits could be waived and provided for the division of survivor benefits in a divorce. On June 11, 1984, the administration sent up legislation—later H.R. 6273—concerning Federal spousal rights.

The main problem with respect to spousal rights and current civil service law is that the law does not give the spouse a say in an employee's decision to drop survivor benefits and does not permit division of survivor benefits in a divorce. This bill corrects those problems. Waiver of survivor benefits requires the written consent of the spouse. A spouse has access to survivor benefits in a divorce. Further, a spouse must be notified when the employee requests a refund of retirement contributions since that refund voids any survivor benefit. Interestingly, the administration bill, H.R. 6273, went even further—the spouse has a veto over the refund request. That is spouse equity.

There are other provisions in the bill that are troublesome, however. For the first time, civil service law is granting retroactive benefits. Certain former spouses divorced on or after September 15, 1978, may receive a Government-paid survivor benefit, a grant for which the taxpayer rather than the employee would be charged. In addition, Federal health plans must accept a group of nonemployees, that is former spouses entitled to a survivor benefit. These provisions are not spouse equity. They amount to preferential treatment.

Survivor benefits equal up to 55 percent of a Federal pension. A survivor benefit requires about a 10-percent reduction in a Federal pension which pays for one-third the cost of that survivor benefit. Normally, there is only one survivor benefit to a marriage. This bill grants an additional survivor benefit to certain former spouses. This retroactive benefit requires no reduction in a Federal retiree's annuity. This benefit does not encroach on the rights of a current spouse.

We are granting this retroactive benefit to an estimated 400 former spouses for humanitarian reasons. Many are over age 60, some still have families, many have not worked outside the home for over 20 years, and some have health problems.

The benefit is limited to those who are at least age 50, who were married for at least 10 years of Federal service, and who are not receiving or entitled to a retirement benefit other than Social Security.

The benefit applies to those divorced on or after September 15, 1978. That is the date on which an annuity—but not survivor benefits—could be divided in a divorce.

This retroactive feature is inconsistent with longstanding policy that benefits for spouses and former spouses are the personal responsibility of the employee, not the Government. Indeed, the enactment of law in 1978 that permitted the division of a Federal annuity in a divorce rejected an attempt to provide retroactive benefits. The civil service retirement system should not be used as a substitute for the judicial system in obtaining equity for former spouses.

These retroactive benefits will cost an estimated $4 million per year. However, I am advised that CBO estimates that the bill may actually save money due to revenues coming in from other provisions of the bill. However, that is only a 5-year projection. The real costs of retroactive benefits come in over a longer period of time when those benefits are being paid out.

I am also compelled to point out that there are potential problems in permitting former spouses to continue enrollment in a Federal health plan. What we have is the creation of a new category of individuals eligible for Federal health benefits who are no longer linked to the employer or their spouse. We do not even know how many individuals fit into this category.

The bill requires these former spouses to pay the full premium—instead of the average 40 percent paid by employees. Now I know carriers experience delays in receiving notices of changes in coverage and entitlement status. This is likely to be only magnified when the link between payroll deduction and an individual's premium payment is broken.

In the future, this may mean higher premiums for active employees and annuitants and greater contribution by the employer. If it turns out that benefits are provided for divorced spouses whose coverage has lapsed, and if carriers cannot collect premiums, who will pay? The answer of course is the active Federal employee or annuitant—because the carriers will have to raise premiums in succeeding years to cover losses.

On balance, however, the administration and the committee's minority believe that the major objectives of the amended H.R. 2300 are so important that we endorse the bill as a whole, notwithstanding strong objection to some of its provisions.

Finally, Mr. Speaker, a word about the feminization of poverty. As we sort out what is equitable and what is preferential in this bill, let us also sort out the meaning of the feminization of poverty. In any discussion of pensions these days, the label "feminization of poverty" is affixed to the debate. It suggests that women have fallen to the bottom as the economy grows. It suggests that women are getting poorer and poorer. Such is not the case.

The fact is that the poverty rate for women has fallen sharply. In 1959, the poverty rate of all adult women—18 and over—is estimated to have been 23.5 percent. For the men, the figure is 16.4 percent. By 1979, women's poverty rate had fallen sharply to 11.8 percent, while the male rate fell to 7.4 percent. The poverty rate for older women, however, while still high, has dropped considerably over time—from 32.2 percent in 1966 to 17.9 percent in 1979.

The problem is in female-headed families that are in poverty. In 1979, 30.2 percent of female family heads were still in poverty. In 1969, there

were 10.4 million people, men, women, and children living in poor families headed by women. In 1980, that figured increased to 14.6 million. Some people use these figures to suggest that more and more women are getting poorer. But the figures concern those men, women, and children living in poor families headed by women. What we have to ask is why the numbers have increased?

Could it be the result of perverse incentives in the Great Society programs that have affected these families? Could it be the change in societal attitudes about divorce and illegitimacy? Could it be the result of poor child support collection efforts? These are not settled issues. But some use these numbers to suggest that the market may unfairly treat women, when in fact it may be in great part the result of Government's action, because it is these female headed families that appear to have grown in response to many Federal programs.

Mr. Speaker, returning to H.R. 2300 as amended, I urge my colleagues to support this legislation. It achieves the basic objectives of the President. It achieves a greater good for the spouses of Federal employees, despite some of its provisions.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California [Mr. DANNEMEYER] has consumed 5 minutes.

Ms. OAKAR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I rise in support of H.R. 2300, the Civil Service Retirement Spouse Equity Act of 1984. I want to thank and commend MARY ROSE OAKAR, chairwoman of the Subcommittee on Compensation and Employee Benefits, for her excellent work in moving this bill. She took a highly controversial matter and, through negotiation and compromise, produced a bill which received the unanimous support of the Committee on Post Office and Civil Service.

H.R. 2300 makes three important changes in civil service survivor and health benefits. First, the bill would make divorced civil service spouses eligible for survivor benefits, either by court order or by the retiree's voluntary election. Second, the bill would strengthen protections for husbands and wives of Federal employees by requiring the spouse's consent to a waiver of survivor benefits. Third, H.R. 2300 would permit spouses of Federal employees to continue to participate in the Federal Employee Health Benefit Program after divorce.

The bill before us today has changed considerably from the version of H.R. 2300 I introduced on March 23, 1983. Gone is the spouse's presumption of entitlement to a pro rata share of retirement and survivor benefits. In its place are court orders and voluntary elections to provide survivor benefits to divorced spouses. The bill is, therefore, weaker than I would like it to be. Still, this legislation is a crucial first step toward the goal of achieving equity for spouses of Federal employees.

And we have to work for the goal. Throughout the country live elderly divorced or widowed women who face poverty in what should be their golden years; 72 percent of the elderly poor are widowed or divorced women. Those women who chose the traditional role of homemaker and stayed out of the work force to raise children are the hardest hit, since they have no retirement plans of their own. For former spouses of civil service retirees, even Social Security benefits are usually unavailable.

H.R. 2300 gives us the chance to do something for these women. The Committee on Post Office and Civil Service gave its unanimous approval to H.R. 2300 on September 19, 1984. H.R. 2300 now has strong, bipartisan support as well as the administration's endorsement. I urge my colleagues to vote in favor of this urgently needed legislation.

It is important to note that this bill will benefit the husbands and wives of Federal employees as well as those who become divorced. No longer will widows and widowers find out after the fact that their survivor benefits were signed away without their knowledge. H.R. 2300 makes survivor benefits for the spouses of civil service employees mandatory unless both agree in writing to waive the benefits.

The bill contains two exceptions to the joint waiver requirement. One is where the spouse's whereabouts cannot be determined; this parallels the exception in the Retirement Equity Act (Public Law 98-397) for the private sector. The survivor annuity may also be waived without the spouse's consent in exceptional circumstances. This exception is limited to truly extraordinary situations, and cannot be used. for example, to deprive a spouse of survivor benefits in cases where the parties are separated but have not divorced for religious or financial reasons. To permit a waiver without consent in such cases would make no sense. After all, the parties remain married. The federally employed spouse may have enjoyed the tax advantage of having dependents, and the homemaking spouse may be counting on the survivor benefits to live on after the death of the retiree. If the parties remain married, the surviving spouse is entitled to survivor benefits.

H.R. 2300 also allows Federal retirees to provide a survivor benefit for a spouse if the marriage occurs after the date of retirement. Currently, an employee must make an irrevocable election on the date of retirement to provide or not to provide survivor benefits. This procedure has worked a great hardship on retirees who married after the date of retirement and had not chosen a survivor benefit. H.R. 2300 requires the retiree to redeposit the amounts that would have been withheld had the survivor benefit election been in force since the date of retirement. Therefore, the costs to the Government of providing this option are not large.

Congress has not ignored the plight of divorced spouses. During the past decade Congress has made major changes in retirement law to provide greater protection for spouses. In 1965, the Social Security Act was amended to provide benefits to divorced spouses married 20 years or more. The marriage requirement was reduced to 10 years in 1977.

Public Law 95-366 was enacted in 1978 to permit direct payment of civil service retirement benefits to an ex-spouse in accordance with the terms of a court order or property settlement.

In 1980, Public Law 95-465 was enacted to permit divorced spouses of Foreign Service personnel to receive a pro rata share of retirement and survivor benefits. Those same benefits were extended to former spouses of CIA personnel in 1982.

The Uniformed Services Former Spouse's Protection Act allows a divorced military spouse to receive survivor benefits if so designated.

And in May, Congress gave its stamp of approval to equitable treatment of private-sector pension benefits in divorce. The Retirement Equity Act passed the House unanimously and was signed into law on August 23, 1984.

H.R. 2300 deals with the treatment of divorced spouses under the civil service retirement system. It does not go as far as much of the other legislation I mentioned. So, I do not see passage of H.R. 2300 as the end of the line in dealing with the problem of former spouses of civil servants. Still, H.R. 2300 is a giant step forward.

For the first time, divorced spouses of Federal retirees would be able to receive survivors benefits, either by court order or a retiree's voluntary election. The retiree's annuity will be reduced to provide the survivor benefit, just as if the parties had remained married.

The spouse's eligibility for survivor benefits is doubly important. Not only will this provide elderly spouses with income, but it will also enable them to participate in the Federal Employee Health Benefit Program [FEHBP]. Under H.R. 2300, former spouses who are receiving or will receive retirement or survivor benefits can continue participation in FEHBP by paying both

the agency and employee share of the premium.

Skyrocketing health-care costs have placed adequate health care beyond the reach of many Americans. Divorced spouses of civil service retirees are particularly hard hit, since most of them are ineligible for medicare. Many order divorced women often have difficulty passing the physical examinations necessary for private health insurance. And, the cost of an individual health insurance policy is exorbitant—premiums range from $2,500 to $4,500 per year. The median income for divorced homemakers over age 65 is $3,087 per year.

The health-benefits section in H.R. 2300 provides divorced spouses with the economic benefit of participation in group insurance plans. Had the spouses remained married, as dependents of civil service retirees, they would have been covered anyway. There is simply no reason why widows and surviving divorced spouses should receive disparate treatment.

This section of H.R. 2300 will also enable former spouses of Foreign Service and CIA employees to continue FEHBP participation.

H.R. 2300 requires a Federal employee to notify his or her spouse or former spouse of the employee's intention to apply for a lump-sum credit of contributions to the civil service retirement and disability fund prior to retirement. Employees who leave the Government before they are eligible for an annuity are usually eligible to receive a lump-sum payment which equals the amount of their contributions. The problem is that a refund of the lump-sum credit cuts off not only the employee's right to an annuity, but also that of his or her spouse, dependent, or former spouse.

So the bill says the Government cannot make the lump-sum payment to the employee if such payment would violate a court order preventing the payment of the lump sum. For example, if a court has awarded a former spouse retirement benefits under section 8345(j) of title 5, United States Code, or survivor benefits under this act, and the court order refers to "any portion of the lump sum credit involved," that is, the employee's retirement account, the funds could not be withdrawn by the employee. Also, the former spouse has the right to obtain a court order specifically blocking payment of the lump-sum credit.

I would have preferred that the bill require the consent of a spouse or former spouse before the lump-sum credit could be withdrawn. The notice provision places too large a burden on the former spouse. This is one of the most serious deficiencies of H.R. 2300, which I will work to correct in the future.

The survivor- and health-benefit sections of H.R. 2300 are precedent setting. The treatment of surviving former spouses of Federal employees will generally be on a parity with the law for the private sector. And eligibility for continued participation in the FEHBP could be of benefit to many Government employees.

Spouses of Federal employees who become divorced after the effective date of this legislation will have some protection against the ravages of poverty and ill health.

But we can't forget those who are already divorced. It was the horror stories of elderly, divorced women left in poverty that prompted this legislation.

We in Congress must constantly weigh competing interests, and come to some resolution. In this instance, we are hesitant to disturb existing court orders and property-settlement agreements. The problem is, those very court orders and property-settlement agreements have forced divorced homemaker spouses into poverty. The resolution we have reached is complicated, but fair—and desperately needed.

H.R. 2300 permits a retired Federal employee to voluntarily elect to provide survivor benefits for a former spouse, no matter what the date of divorce. If the retiree has remarried, the current spouse must consent to this voluntary assignment. The retiree is allowed to divide the survivor annuity between the current and former spouse.

If the retiree has died, or does not make a voluntary election, a former spouse who meets certain criteria will receive a survivor annuity.

The administration has endorsed the bill as a whole, while opposing provisions for those already divorced. In a September 18, 1984, letter to Chairman William Ford, Office of Personnel Management Director Donald Devine stated his opposition to this section of H.R. 2300 because it would extend a Government-paid survivor benefit to certain former spouses, a grant for which the taxpayer rather than the employee would be charged. This is nonsense. The current reduction to provide a survivor annuity for spouses pays for only a small portion of the annuity. In reality, the survivor annuity is paid for by the taxpayer as it is.

H.R. 2300 contains a number of deficiencies, some of which I have already mentioned. Let me mention two more: First, there is no requirement that the written consent to waiver of survivor benefits be notarized. Such a requirement would better protect the interests of all spouses.

Second, there is no requirement that OPM make any efforts to notify employees and spouses of the changes in the law made by H.R. 2300. The Retirement Equity Act requires public service announcements. H.R. 2300 should require the same.

All that said, H.R. 2300 is a great step forward and it deserves the support of all of us.

□ 1340

Mr. DANNEMEYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to take this moment to again reiterate how important this bill is. Of course, the poorest person in the country is a woman who is older. One of the reasons she is so poor is that she is paid inadequately when she is younger and, of course, she gets a double whammy when she is older because of the inequitable treatment in terms of pensions, which this bill, in part, serves to correct.

Of course, some of us are still waiting for HHS to bring forward the mandate charged by the social security amendments which mandated that in July they give a report to this Congress on a bill that I introduced along with Senator CRANSTON, the Social Security Reform Act that, of course, they have chosen not to bring forward. We are disappointed that that violation of the law is taking place because so many women suffer from inequities, not only in terms of spousal benefits relative to civil service, but also within the whole social security structure. So we hope this is forthcoming.

I would just simply like to close by thanking my staff and the staff members that relate to this committee. They did an unbelievable job because it was not easy to get the unqualified support of so many different groups whose members would be affected by this legislation. I also am very pleased that the administration came on board to support this. I want to thank my colleague from California for supporting the bill as well because the consensus related to this bill was, I think, extremely important in getting this bill on the floor and passed. I want them all to know how deeply grateful I am.

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material concerning the bill, H.R. 2300.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. OAKAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

● Mr. PORTER. Mr. Speaker, as a cosponsor of H.R. 2300 I am pleased to support final passage of this legislation. As my colleagues are aware, this legislation provides survivor annuities

for former spouses of civil service employees.

The purpose of this legislation is to provide fair treatment to divorced and widowed spouses of civil service employees. At the present time many women, and some men, have been disadvantaged by civil service pension laws. Under current law, the spouse of a civil service employee is often left without any claim to survivor benefits even though the spouse may have been totally dependent upon that income their entire married life. This situation arises if the couple divorces and the former civil service employee remarries thus leaving the spouse from the first marriage without a claim to pension benefits. This situation also arises because the current law allows a civil service employee to forgo their spouse's right to widow's pension without informing their spouse.

Last month President Reagan signed into law the Retirement Equity Act of 1984 which represents a major step in recognizing the pension rights of former spouses in the private sector. This new law recognizes that married workers are part of an economic partnership, and when this partnership is dissolved, as a result of either death or divorce, both spouses' economic future, including pensions, must be accounted for. The Retirement Equity Act addressed this in the private sector, and the legislation we consider today addresses a similar situation in the public sector.

Civil service employees retire with a guarantee of a lifetime pension, an income that is shared by both husband and wife. However, if that marriage ends there is no guarantee that the remaining spouse will continue to receive this income. Under existing law, civil service retirees must elect to forgo 10 percent of their annuity if they choose to allow their spouse to be eligible to receive survivor benefits. In the past many spouses have not elected to undergo voluntary withholding, and as a result, survivors who have depended upon their spouse's income, are left with nothing.

This legislation corrects this situation by authorizing the reduction of retirement annuities of all married employees unless both spouses waive survivor benefits in writing. The employee will receive his full annuity if his spouse dies, divorces him and receives no share of benefits in the settlement, or divorces him and remarries before age 55.

Mr. Speaker, I am pleased to support this legislation which corrects a very real problem within existing civil service pension laws. I hope that the Senate will soon act on this legislation so that we can guarantee that we do not continue to condemn spouses who depend on these pensions as their single source of income to a life in poverty.●

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the bill, H.R. 2300, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to provide retirement equity for former spouses of civil service retirees, and for other purposes."

A motion to reconsider was laid on the table.

CASH AWARDS FOR CERTAIN COST-SAVING DISCLOSURES

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5646) to repeal the expiration of authority for awards for cost-sharing disclosures, as amended.

The Clerk read as follows:

H.R. 5646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 4514 of title 5, United States Code, is amended to read as follows:

"§ 4514. Expiration of authority; reporting requirement

"(a) No award may be made under this subchapter after September 30, 1987.

"(b)(1) The Comptroller General shall submit to each House of Congress, before March 16, 1987, a report on the effectiveness of the awards program under this subchapter during the 3-year period beginning on January 1, 1984.

"(2) The report shall include the views of the Comptroller General as to whether the authority to make awards under this subchapter should be continued after September 30, 1987, and, if so, whether any modification in such authority would be appropriate.".

(2) The table of sections for chapter 45 of title 5, United States Code, is amended by striking out the item relating to section 4514 and inserting in lieu thereof the following:

"4514. Expiration of authority; reporting; reporting requirement.".

(b) Section 4512 of title 5, United States Code, is amended by striking out subsection (c) thereof.

SEC. 2. (a) Section 1124 of title 10, United States Code, is amended by inserting "disclosure," in subsections (a), (b), (c), and (f) before "suggestion".

(b)(1) The heading of such section is amended to read as follows:

"§ 1124. Cash awards for disclosures, suggestions, inventions, or scientific achievements".

(2) The item relating to such section in the table of sections at the beginning of chapter 57 of such title is amended to read as follows:

"1124. Cash awards for disclosures, suggestions, inventions, or scientific achievements.".

(c) The amendment made by subsection (a) applies only with respect to disclosures made after September 30, 1984.

SEC. 3. (a) The Comptroller General shall examine various options under which the Government could provide dependent care benefits to Federal employees, including a cost-benefit analysis of each.

(b) The Comptroller General shall complete the study required by subsection (a) and transmit the results thereof, together with any recommendations for appropriate administrative action or legislation, to each House of Congress not later than one year after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. PASHAYAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes and the gentleman from California [Mr. PASHAYAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on September 19 the Committee on Post Office and Civil Service reported out this bill. This bill deals with two things that normally you would not think are related, but we did this because it is the end of the session and we thought they were both very important and needed to be moved.

One cluster of issues in this bill deals with the cost saving disclosures award extension. Now that is an awful lot of words. What does it mean? It really means cash awards that we are able to pay out to whistle blowers, if indeed what they blew the whistle on saved money.

The second part of the bill is a dependent care study act. This is an act that has been of real concern to many of the Members of Congress around this area, including the gentleman from Virginia [Mr. WOLF], who is on our committee. It is to get a study to find out if the Federal Government cannot do a lot more in dependent care which obviously includes child care.

When we look at the first part of the bill, the whistle blower part of the bill, we see that on September 30 of this year we reach the existing expiration date for allowing cash awards. So the first thing the bill does is extend the awards program for 3 more years. It gives the President and the Inspectors General the right to pay cash awards to employees who disclose fraud, waste, or mismanagement and those disclosures resulted in savings to their agency. Then the Inspectors General

and/or the President can gave them monetary rewards for their work.

Since very few of these awards have been given by the Inspectors General and none by the President, we could not fully evaluate the program. So, rather than extending it indefinitely, we extended it for 3 more years to take a look at it then.

Second, the act attempts to streamline the paperwork that is done because the Government Accounting Office pointed out that the case-by-case review requirement for each award was really a duplication. The inspectors general already have to do a case-by-case review and it did not make sense to have both the inspectors general and the GAO doing the same thing. So, as a consequence that is dropped and the inspectors general will be doing the looking.

Third, we had a request from the Department of Defense saying that they really recommended that the Department of Defense Inspector General be permitted the authority to grant cash awards to members of the military services who also make cost savings. This will do that. I think since we have seen so many disclosures of coffee makers costing so much, and hammers, and everything else, we understand how very important this can be. This is really critical.

We also, to be fair, allow the Secretary of Transportation the same authority to grant members of the Coast Guard, if they make these kinds of disclosures, the same kind of awards.

So, again, it is much more comprehensive than in the past in allowing members of the military service the same privilege.

□ 1350

I think many of them probably know about an awful lot of waste, fraud, and abuse. They certainly should be rewarded for coming forward with it.

And then let us talk about the other part of the bill. Representative WOLF is one of the people, along with a long list of bipartisan cosponsors, primarily from the Washington, DC area, who want the Comptroller General to conduct a cost-benefit analysis of providing dependent care, including child care, benefits for Federal workers. Representative WOLF and I serve together on the Committee on Children, Youth, and Families, and we have been going through the incredible scandals that have been happening in the day care area, especially the sexual abuse area and the child abuse area, and one of the interesting things that we have found out in all of this is that in day care facilities that are on the premises, these types of things do not happen because the parents are nearby, they can drop in at any hour of the day, and there is a much better monitoring of those kinds of facilities.

In the interim, we have to be very candid and admit that the Federal Government lags far behind the private sector, far, far behind the private sector, in providing these kinds of dependent care services for Federal employees.

So what we are doing is including that mandate that they do this study to find out what it would cost, how we can do it, and what the cost-benefit ratios would be. GAO should also look at the new aspects that we have seen, the very tragic aspects that we have seen, for working parents of the problems of abuse going on in so many of the day care centers around the country, the scandal that is happening.

I know of absolutely no objection to any portion of this legislation. We are very pleased that it is getting up, and I certainly urge the Members of this body to adopt it.

Mr. Speaker, on September 19, the Committee on Post Office and Civil Service reported out H.R. 5646, the Cost-Savings Disclosures Awards Extension and Dependent Care Study Act. This legislation extends for 3 years the authority of agency Inspectors General and the President to grant cash awards to employees whose disclosures of waste, fraud, or mismanagement result in cost savings to the Government.

Also, the bill directs the Comptroller General to conduct a cost-benefit analysis of providing dependent care benefits for Federal workers.

H.R. 5646 has four major provisions. First, the bill repeals the existing expiration date of September 30, 1984, and extends until September 30, 1987, the authority of the President and the Inspectors General to pay cash awards to employees whose disclosures of fraud, waste or mismanagement have resulted in cost savings for the agency.

This awards authority was established in the Omnibus Budget Reconciliation Act of 1981 to encourage and reward Federal employees for pursuing improvements in Government. Since very few awards have been given by agency Inspectors General and none by the President, the program cannot be fully evaluated. For that reason, the committee voted to authorize it for an additional 3-year period rather than to provide it permanently.

The bill requires that the Comptroller General study the effectiveness of the awards program and report to Congress before March 16, 1987. On the basis of this study, we will be able to make a decision about whether or not to make the program permanent.

Second, the 1981 act required the General Accounting Office [GAO] to examine each and every award given and determine whether the cost-savings were verified. GAO feels that the case-by-case review requirement is duplicative since agency Inspectors General are already doing the same thing. H.R. 5646 relieves GAO of this burden. Still, we expect that GAO will review the awards given and report on the numbers and amounts of awards given, the amounts and types of cost-savings, as well as the effectiveness of the program.

Third, the Inspector General of the Department of Defense, Joseph H. Sherick, recommended that the DOD Inspector General be permitted to grant cash awards to members of the military services who make cost-savings disclosures. The Committee on Post Office and Civil Service worked with the Committee on Armed Services and the Department of Defense to develop an amendment to title 10, United States Code. The amendment makes it clear that the Secretary of Defense, and the Secretary of Transportation for members of the Coast Guard, can grant cash awards for cost savings disclosures. This accomplishes the objective sought by Mr. Sherick, while protecting the chain of command.

Fourth, Representative WOLF, along with bipartisan cosponsors from the Washington, DC, area, introduced legislation to require the Comptroller General to conduct a cost-benefit analysis of providing dependent care, including child care, benefits to Federal workers. Representative WOLF and I serve together on the Committee on Children, Youth and Families. We have spent a great deal of time looking at the benefits of child care for employers and employees. The Federal Government lags far behind the private sector in this area. While the dependent care study section of H.R. 5646 is somewhat removed from the main focus of this bill, the committee has included it because of the need for moving this important legislation this year.

The administration has said that it supports a 3-year extension of the cost-savings awards program. I know of no objection to any portion of the legislation. I urge adoption of the legislation.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5646, a bill that would extend the Inspectors' General Award Program for disclosures by Federal employees of fraud, waste, and mismanagement, among other purposes. The bill continues the authority of the Inspectors General to make cash awards for disclosures of fraud, waste, and mismanagement until fiscal year 1988. The administration supports this 3-year extension. The Comptroller General of the General Accounting Office is required to report to Congress 6 months before the program expires on the effectiveness of the awards program and

whether it should be continued. GAO is relieved of the responsibility to verify the cost savings at their request. In the past, GAO has found the agencies' documentation of the savings has been accurate. The bill also will allow the Secretary of Defense to make similar awards to military employees for cost-savings disclosures. In addition, GAO is required to make a cost-assessment study on the options of providing Federal workers with child-care benefits.

Federal agencies are just beginning to implement their Inspector General Awards Programs. Thus far, four agencies have made eight awards. Not a bad start, but I look forward to the Inspectors General's expanding the programs and giving as many awards as are documentable in the next 3 years. Including military employees of the Department of Defense in the IG program is an equitable solution to a problem unique to the DOD: Two employees working side by side, one civilian and one military, seeing and reporting the same waste, and only one person eligible to receive a cash award. The Committee on Armed Services concurs with us that this change is a necessary step. The people in the Federal work force are in the best position to discover fraud, abuse, waste, and mismanagement. Congress and every administration must encourage its employees to operate as efficiently and economically as possible. This program is an excellent way to do this.

A study on the costs of child care for Federal workers is required by this bill. There is evidence that employers benefit from providing benefits for child care to their workers in increased productivity and decreased absenteeism. My colleague, Representative FRANK WOLF, believes the Federal Government could become more efficient if it investigates the options for dependent care for Federal workers. I look forward to seeing the GAO's analysis on the subject.

Mr. Speaker, I urge my colleagues to support H.R. 5646 because it contributes to the efficiency of the Federal Government, rewards employees for saving taxpayers' money, and will help us to keep the Federal budget under control.

● Mr. PARRIS. Mr. Speaker, I rise in support of H.R. 5646, which contains provisions authorizing the General Accounting Office to undertake a cost-benefit study on providing child care benefits to Federal employees.

There are many fine, well-supervised day care centers operating in this country. The big problem is that there are not enough of them. In some areas, there are waiting lists of parents who are willing to pay the $5,000 to $10,000 a year for their child's care. There are even longer lists of parents who want to secure quality day care but who cannot afford the costs. Those parents have to place their children in less expensive alternatives, such as an unlicensed center operated by a woman who takes care of the children in her home for extra income. And even these alternatives are not sufficient to handle the demand.

In all cases, parents risk the chance that their children will just wind up in a kiddy warehouse, stored for the 8 or 9 hours the child would have been unattended at home.

More and more private companies are seeing that this is a real need, and they are providing day care centers for their employees. I believe it is time that the Federal Government takes a step in that direction.

Some Federal offices already are offering day care centers, among them, HUD right here in Washington. I commend all of them and offer them as examples of the need and efficacy of the proposal.

I have seen no statistics showing how many of the Federal Government's 2.8 million civilian and military employees have small children and who would want or need this service. But if it were made available, it would provide the children of Federal employees with proper, supervised, safe care. It also would remove those children from the Nation's other child care facilities, making room for the children of parents who cannot find facilities for their children.

I have supported tax credits for child care as a small step toward making the service more affordable to working parents. I believe this is another small step toward easing the problem.

This service for many years was the province of our churches and our private sector professional day care providers. In recent years, many private companies have taken an enlightened attitude about their employees' need for day care. I believe it is time the Federal Government became more enlightened and follows suit.●

● Mr. WOLF. Mr. Speaker, I rise in support of H.R. 5646. I wish to commend my colleagues for their efforts in considering this bill in committee and thank Representative SCHROEDER for her assistance and cooperation in agreeing to include the child study bill sponsored by myself, Representatives BARNES, HOYER, HOLT, and PARRIS with this legislation.

In legislation introduced September 18, I outlined the potential savings a Federal employee dependent care assistance benefit could have for the Federal Government and the taxpayer. At that time, I urged the House to authorize the General Accounting Office, with a private consultant, to conduct a cost benefit analysis on the feasibility of providing child care benefits to Government employees. This proposal is now offered as a part on H.R. 5646.

I am pleased to support H.R. 5646 in its efforts to encourage and reward employees and military personnel who work in areas where there is potential for fraud, waste, and mismanagement. Both the child care provisions and the extension of the cost-saving awards program included in H.R. 5646 endeavor to seek out means to improve Federal Government procedure and to save the Federal Government money.

After conducting three workshops in my congressional district to acquaint employers with tax incentives and productivity advantages in offering child care benefits to assist working parents, I was overwhelmed with the amount of support and interest these conferences generated among employers, employees, and providers. News reports about our efforts have resulted in inquiries from organizations and individuals from all over the United States which demonstrate the high degree of interest in child care.

Studies by Dr. Deanna Tate of the Texas Woman's University have shown that savings are evident in the private sector for firms which have undertaken child care programs, and it is possible that the Federal Government could also improve its cost effectiveness in this way.

I am not suggesting that day care is for everyone, though. Parents should be able to choose among options they believe best meet the needs of their children—whether they choose to stay home full time, or choose full employment and need child care assistance to do so—they should be able to make such decisions with the best interest of their children as the primary concern.

I believe that with the changes taking place in work patterns, the Federal Government, as a responsible employer, must take steps to analyze the possible benefits of a child care program. It is quite likely that the successful employer of the future may be one who recognizes that child care is a benefit option which appeals to the work force and is crucial to the productivity of its business.

Mr. Speaker, I urge the House to give unanimous support to H.R. 5646.●

Mrs. SCHROEDER. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. KAZEN). The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 5646, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to provide for a 3-year extension in the authority to pay cash awards to Federal emloyees for certain cost savings disclosures, to clarify the authority to provide cash

awards to members of the Armed Forces for such disclosures, to require a cost-benefit analysis of a Government program of furnishing workday care for dependents of Federal employees, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

JAMIE WHITTEN DELTA STATES RESEARCH CENTER

Mr. BROWN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5513) to designate the Delta States Research Center in Stoneville, MS, as the "Jamie Whitten Delta States Research Center."

The Clerk read as follows:

H.R. 5513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Delta States Research Center of the United States Department of Agriculture's Agricultural Research Service, located in Stoneville, Mississippi, is hereby designated as the "Jamie Whitten Delta States Research Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to that center shall be deemed to be a reference to the "Jamie Whitten States Research Center".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. BROWN] will be recognized for 20 minutes and the gentleman from Minnesota [Mr. STANGELAND] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud and pleased to rise in support of H.R. 5513, a bill to designate the Delta States Research Center of the U.S. Department of Agriculture located in Stoneville, MS, as the "Jamie Whitten Delta States Research Center." The bill was ordered reported by the Committee on Agriculture by unanimous voice vote.

The purpose of H.R. 5513 is simple. This legislation is designed to honor the contributions made to American agriculture and the Nation by our colleague, the Honorable JAMIE L. WHITTEN, chairman of the House Committee on Appropriations and dean of the U.S. House of Representatives.

JAMIE WHITTEN has served in Congress since 1941. He has been a member of the Appropriations Committee since 1943 and chairman of its Subcommittee on Agriculture, Rural Development and Related Agencies since 1950. He has been chairman of the full committee since 1979.

Through his long service in Congress, and particularly in his work on the Appropriations Committee, Mr. WHITTEN has devoted himself to promoting the development and protection of the Nation's basic resources, including the agricultural resources which he has regarded as the foundation of the Nation's strength. Chairman WHITTEN's efforts and leadership have been aimed at promoting progress in all areas that affect American agriculture—from encouraging efforts to stabilize and protect farm income to the development of international markets, the conservation of our soil and water, and encouraging agricultural research.

Because of Chairman WHITTEN's great and enduring contributions in all these areas, the Committee on Agriculture has agreed with the sponsors of H.R. 5513 that the Delta States Research Center—which has grown with his help from a small unit to its present place as one of the Nation's outstanding research centers—should bear his name.

The station which will bear Chairman WHITTEN's name is a leading center for research in production and other problems of regional crops including cotton and soybeans. It also has done and continues to do outstanding work in research on the management of insect pest and weed problems. Naming this station for Mr. WHITTEN will be a reminder both of his great services to his State, region, and Nation, and of the principles he has advocated in working to help make American agriculture the envy of the world.

Chairman WHITTEN said recently that "Agriculture is our largest industry—bigger than housing, automobiles and steel put together. As to labor, it is our largest employer, normally our chief earner of dollars in world trade, and the consumer's best and most economical supplier. It is the basis of our prosperity." His record of service to the people who depend on this industry is the basis for H.R. 5513.

As chairman of the subcommittee of the Committee on Agriculture that has jurisdiction over agricultural research, it gives me particular pleasure to commend this legislation to the House. I know the Members will be happy to join in honoring JAMIE WHITTEN in this manner.

Mr. STANGELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, H.R. 5513, that designates the Delta States Research Center in Stoneville, MS, as the "Jamie Whitten Delta States Research Center."

This honor in recognition of our colleague, Congressman JAMIE WHITTEN is richly deserved. He is a true friend and supporter of American agriculture and in that role, he has been a firm supporter of agricultural research and paticularly this research center in Stoneville, MS.

This Delta States Research Center is located in the congressional district of my good friend, WEBB FRANKLIN, and he and all of the Mississippi delegation support this legislation.

I urge the adoption of H.R. 5513.

Mr. BROWN of California. Mr. Speaker, as my good friend, the gentleman from Minnesota [Mr. STANGELAND], has indicated, this bill was introduced with the unanimous cosponsorship of the Mississippi delegation, with the exception, of course, of the honoree, and at this time, I yield such time as he may consume to the distinguished leader of that delegation, my good friend, the gentleman from Mississippi [Mr. MONTGOMERY], to say a few words about it.

Mr. MONTGOMERY. Mr. Speaker, I would like to thank the chairman of the subcommittee, the gentleman from California [Mr. BROWN], for giving us the opportunity to consider this bill today and for bringing it to the floor so quickly, and I would also like to thank the gentleman from Minnesota [Mr. STANGELAND] and the gentleman from Kansas [Mr. ROBERTS] on the minority side for participating with Chairman BROWN, and also the chairman of the full committee for bringing this bill before the House. We are now in consideration of H.R. 5513. As the chairman said, all of the members of the Mississippi delegation except Mr. WHITTEN have signed this bill, with full enthusiasm.

The Delta Council in Stoneville, MS, because of Chairman WHITTEN's efforts in behalf of agricultural research, asked that the Delta States Research Center in Stoneville, MS, be named for Mr. WHITTEN. The Delta Council folks felt that their Delta States Research Center would not have been possible without Mr. WHITTEN's interest and dedication.

I must say that I agree totally. Over the years, the dean of the House has made great contributions in the area of agricultural research, and certainly he is responsible for making possible the fine work that is done in Stoneville.

The Delta States Research Center began operations in 1972, largely due to the legislative efforts of JAMIE WHITTEN. The major thrust of their work is in the areas of cotton, soybeans, rice, and farm-raised catfish, all very vital farm products in the five-State mid-South region that it serves.

The Center plays a crucial role in the economic viability of the agricultural sector both regionally and nationally, and without Chairman WHITTEN's work here in the Congress, their accomplishments would not have been possible.

The Delta Council is 100 percent behind this bill. I was pleased to have the opportunity to sponsor this legislation honoring Chairman WHITTEN in such a fitting way and I do ask that my colleagues join me in this effort today.

Thank you.

● Mr. RUDD. Mr. Speaker, I am pleased to rise in support of H.R. 5513, the bill to designate the Delta State Research Center in Stoneville, MS, in honor of my chairman, and good friend and colleague, JAMIE WHITTEN.

JAMIE has had a long and outstanding history of service to the people of Mississippi and the Nation, devoting much of his career to enhancing agricultural research. It is only appropriate that this research center proudly carry his name.

Since 1979, he has provided strong and able leadership as chairman of the House Appropriations Committee, on which I have been privileged to serve. He is to be commended for his fairness and his ability, and I thank him for his service to this House and the Nation.

Let me also take this opportunity to wish Chairman WHITTEN continuing success and good fortune in the days ahead.

I urge this measure's unanimous adoption.●

● Mr. DE LA GARZA. Mr. Speaker, I join in urging the House to adopt H.R. 5513 as a mark of respect to one of our most distinguished colleagues.

When I came to the House 20 years ago and began working on agricultural issues, I learned one thing very quickly. I learned that the gentleman from Mississippi, who was then already a veteran as chairman of the Agricultural Appropriations Subcommittee, was a man you wanted on your side on farm and rural issues.

That is still true today and I trust will continue to be true for many years to come.

Over the years, we have fought many battles for American agriculture and the rural areas of our country. In every one of those battles, whether the issue was trade, or soil conservation, or farm income programs, Chairman WHITTEN has been an ally, a leader, and a pillar of strength. I notice that an article in one of our leading newspapers just the other day referred to him as "the permanent Secretary of Agriculture."

I believe it is especially fitting to honor Chairman WHITTEN by placing his name on the Delta States Research Center. I know that Chairman WHITTEN's influence on agriculture and related issues has been felt across the entire Nation and, indeed, on an international scale. But it is in his home county that people have known him longest, and the research center which will bear his name has become one of the Agriculture Department's most effective and efficient institutions—partly due to the financial support which Congress has provided under Chairman WHITTEN's leadership.

I believe this legislation should have the unanimous support of the House, just as it received a unanimous vote recently in the Committee on Agriculture.●

● Mr. FRANKLIN. Mr. Speaker, today I am proud to lend my support to H.R. 5513, a bill which would designate the Delta States Research Center in Stoneville, MS, as the Jamie Whitten Delta States Research Center.

Congressman WHITTEN, the dean of the House of Representatives, has made many contributions in the areas of agricultural development and research. Such contributions include legislative work done in reforestation, flood control, watershed work, farm programs, farm practices, and soil conservation.

By naming the Stoneville center the Jamie Whitten Delta States Research Center, we recognize his commitment to agriculture as the Nation's No. 1 industry. His hard work and dedication to agriculture are indeed commendable and worthy of this honor.●

□ 1400

Mr. STANGELAND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. BROWN] that the House suspend the rules and pass the bill, H.R. 5513.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE KAHLIL GIBRAN CENTENNIAL FOUNDATION TO ERECT A MEMORIAL IN THE DISTRICT OF COLUMBIA

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 580) to authorize the Kahlil Gibran Centennial Foundation of Washington, District of Columbia, to erect a memorial in the District of Columbia, as amended.

The Clerk read as follows:

H.J. Res. 580

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Kahlil Gibran Centennial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor the Lebanese-American poet and artist, Kahlil Gibran.

(b) In carrying out subsection (a), the Foundation shall be responsible for preparation of the design and plans for the memorial, which shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission.

SEC. 2. The Secretary of the Interior—

(1) with the approval of the Commission of Fine Arts and the National Capital Planning Commission, shall select a site for the memorial;

(2) shall not permit construction of the memorial to begin unless the Secretary determines that sufficient amounts are available for completion of the memorial in accordance with the approved design and plans; and

(3) shall be responsible for maintenance of the memorial after completion of construction.

SEC. 3. The United States shall not pay any expense of the establishment of the memorial.

SEC. 4. The authority to establish the memorial under this resolution shall expire at the end of the five-year period beginning on the date of the enactment of this resolution, unless construction of the memorial begins during that period.

The SPEAKER pro tempore. Is a second demanded?

Mr. FRENZEL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. OAKAR] will be recognized for 20 minutes and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of House Joint Resolution 580, a bill which would authorize the erection of a memorial on Federal ground in Washington, DC and or its environs to commemorate well-known American poet, philosopher, and artist Kahlil Gibran.

As one of the cosponsors of this bill, I would like to compliment the chairman of the House Administration Committee, Congressman FRANK ANNUNZIO and the ranking minority member, Congressman BILL FRENZEL for their efforts to move this legislation in an expeditious manner. Also, I would like to thank Congressman ABRAHAM KAZEN for his outstanding leadership in sponsoring this important legislation.

Mr. Speaker, for many, Kahlil Gibran embodies the American spirit. At the age of 12, he came to this country as a poor immigrant from Lebanon but was fortunate to have been nurtured by the farsighted in his adopted homeland. In return, Gibran produced a prodigious body of work which stands today as an artist's legacy to people of all nations. With editions of his work appearing in over 50 languages, Gibran's message of nonpartisan, nonsectarian brotherhood, compassion, and justice has been a source of hope and vision for countless millions.

More than other nations, America has been the beneficiary of this poet's gift. Over 7 million copies have been sold of his memorable work, "The Prophet," and it is to this book that successive generations of Americans have looked for inspiration and guidance; of course he has written many other works and is an accomplished artist as well.

Mr. Speaker, it is appropriate that we honor this man whose message has been a source of hope and vision for people the world over. The Kahlil Gibran memorial is being offered as a gift to the American people by the Kahlil Gibran Centennial Foundation, a nonprofit organization whose projects commemorate the work and message of this artist.

As a member of the House Administration Committee and the congressional arts caucus, as one who shares a common ancestry, I am particularly pleased with the opportunity to honor a great American artist and philosopher, Kahlil Gibran. As we all know, cultural achievement is the result of individual accomplishments.

Mr. Speaker in closing I would like to cite a passage from the Talmud which Gibran himself often quoted: "We seek peace and pursue it. Namely, seek it in your own place and pursue it in another. Immutable friendship and eternal peace among all nations dreams? No, hatred and war are dreams, from which we shall some day awake."

Mr. Speaker, I urge all my colleagues to support this important legislation.

Mr. FRENZEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 580, as the distinguished gentlewoman from Ohio has indicated, allows for the raising of a memorial to be paid for by the Kahlil Gibran Centennial Foundation in memory of Mr. Gibran on Federal land within the District of Columbia. As usual, we require that the Secretary of the Interior, the Capitol Planning Commission and the Commission of Fine Arts agree on the site. The memorial will be raised at no cost to the United States except the obvious cost of maintaining it, which includes grass clipping and probably very little else.

The committee agreed unanimously on this bill. The message of Mr. Gibran is timeless and concentrates on peace, love, and brotherhood. A message that can hardly be ignored at any time in this country.

Mr. Speaker, I would like to congratulate all those who had a part in this bill, but particularly our distinguished colleague from Texas [Mr. KAZEN] who has been so tireless in helping to move this bill through and gave so much assistance to the gentlewoman from Ohio and myself and others.

I have no requests for time and I yield back the balance of my time.

Ms. OAKAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. KAZEN].

Mr. KAZEN. I thank the gentlewoman for yielding to me.

Mr. Speaker, let me compliment the chairman of the committee, Mr. ANNUNZIO, the chairwoman of the subcommittee, Ms. OAKAR, and the ranking member, Mr. FRENZEL, for the expeditious manner in which they handled this resolution.

The subject of the resolution, Mr. Speaker, Kahlil Gibran, was a man that belonged to all nations and in all times. His sayings, his profound thoughts, have been handed down to us through the years. He has been translated into 50 languages. He was, is, and will continue to be a man of peace, a man of brotherhood, a man for all the world for all time.

Mr. Speaker, let me thank my colleagues for the support which they have given my resolution and hope that it will be passed unanimously.

Ms. OAKAR. Mr. Speaker, I also would like to join in complimenting the ranking minority leader of the House Administration Committee for his total cooperation with respect to moving this bill. I also want to say that it is very fitting, I think, that the gentleman from Texas, who has given 18 years of service to this body, who will not be returning to this body the next term, have as one of his last pieces of legislation this tribute to Kahlil Gibran.

□ 1410

Like Gibran, my friend from Texas is a man of peace, of wisdom, and has always been very, very unselfish in his manifestation toward others. And so we, in a sense pay tribute not only to Kahlil Gibran's memory today, but to our good friend from Texas, Congressman KAZEN.

● Mr. RAHALL. Mr. Speaker, I rise today to add my voice to the many who feel that the great poet-philosopher Kahlil Gibran should be memorialized here in Washington. I do so while thinking of all of the people who were so inspired by the works of Kahlil Gibran. Being of Lebanese heritage, as was Mr. Gibran, I am doubly proud to speak today. Born in Lebanon, an immigrant to the United States, he belongs to the world. He wrote principally of love, death, religion, and his beloved homeland. In his own life, he experienced the pain, hardship, and anguish of failure, as well as success, yet he never abandoned his faith in the human spirit.

"The Prophet," first published in 1923, remains his most memorable work. Over 7 million copies have been printed in over 50 languages, testament to his appeal to a diversified public. "The Prophet" gives its readers solace and comfort, as well as renewed strength and a purpose in life. Many people, myself included, refer to Gibran in public because his inspirational words deserve to be shared with as many people as possible.

His words are often read at christenings. A popular passage from "The Prophet" relates the feeling of Gibran on the family and children and I would like to share it with you:

You may give them your love but not your thoughts, for they have their own thoughts.

You may house their bodies but not their souls, for their souls dwell in the house of tomorrow, which you cannot visit, not even in your dreams.

You may strive to be like them, but seek not to make them like you.

For life goes not backward nor tarries with yesterday.

You are the bows from which your children as living arrows are sent forth.

It is writings such as this that Kahlil Gibran has sent forth as his living arrows and the heart and souls of all of us has become his target. Writing in "The Prophet," Gibran said, "You give but little when you give of your possessions. It is when you give of yourself that you truly give." Gibran has given himself to all of us. I feel that it would be appropriate for us to give something back. A memorial to Gibran would serve as a constant reminder of the inspiration of his work, an inspiration whose pursuit would be consistent with the message in Gibran's life.

The city of Boston, Gibran's adopted city, has seen fit to honor Gibran by naming a park in Boston in his memory. I think that the Capital City of Gibran's adopted country should also honor this great man. I urge my

colleagues to vote in favor of House Joint Resolution 580 and let us start to truly give of ourselves in memory of Kahlil Gibran.●

● Mr. ANNUNZIO. Mr. Speaker, as chairman of the Committee on House Administration, to which House Joint Resolution 580 was referred, I rise in support of this legislation.

Last year people around the world celebrated the 100th anniversary of the birth of Kahlil Gibran, the artist and writer, whose work touched the hearts and minds of so many.

Kahlil Gibran, born in Lebanon, emigrated to America with his family at age 12. By his untimely death at age 48 he had produced a body of work that conveyed a message of nonpartisan, nonsectarian brotherhood, compassion, and justice which has been a source of hope and vision for people of all nations.

Passage of House Joint Resolution 580 would provide the authority to set in motion events that would establish a living memorial commemorating the life and work of this universally revered artist, poet, writer, and philosopher.

The Kahlil Gibran memorial is being offered as a gift to the American people by the Kahlil Gibran Centennial Foundation. The cost of establishing the memorial will be funded by private donations to this nonprofit organization. Therefore, the United States shall not be charged with any expense associated with erecting the Kahlil Gibran memorial.

I also want to commend my colleague, Ms. OAKAR, whose enthusiastic support and diligent efforts, on behalf of this memorial project, were responsible for its unanimous approval by the Committee on House Administration.●

Ms. OAKAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 580, the joint resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the resolution, House Joint Resolution 580, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The title of the joint resolution was amended so as to read: "Joint resolution authorizing the Kahlil Gibran Centennial Foundation to establish a memorial in the District of Columbia or its environs."

A motion to reconsider was laid on the table.

FISH AND WILDLIFE RESTORATION IN THE TRINITY RIVER BASIN

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1438) to provide for the restoration of the fish and wildlife in the Trinity River Basin, CA, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

SECTION 1. The Congress finds that—

(1) the construction of the Trinity River division of the Central Valley project in California, authorized by the Act of August 12, 1955 (69 Stat. 719), has substantially reduced the streamflow in the Trinity River Basin thereby contributing to damage to pools spawning gravels, and rearing areas and to a drastic reduction in the anadromous fish populations and a decline in the scenic and recreational qualities of such river system;

(2) the loss of land areas inundated by two reservoirs constructed in connection with such project has contributed to reductions in the populations of deer and other wildlife historically found in the Trinity River Basin;

(3) the Act referred to in paragraph (1) of this section directed the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") to take appropriate actions to ensure the preservation and propagation of such fish and wildlife and additional authority was conferred on the Secretary under the Act approved September 4, 1980 (94 Stat. 1062), to take certain actions to mitigate the impact on fish and wildlife of the construction and operation of the Trinity River division;

(4) activities other than those related to the project including, but not limited to, inadequate erosion control and fishery harvest management practices, have also had significant adverse effects on fish and wildlife populations in the Trinity River Basin and are of such a nature that the cause of any detrimental impact on such populations cannot be attributed solely to such activities or to the project;

(5) a fish and wildlife management program has been developed by an existing interagency advisory group called the Trinity River Basin Fish and Wildlife Task Force; and

(6) the Secretary requires additional authority to implement a basinwide fish and wildlife management program in order to achieve the long-term goal of restoring fish and wildlife population in the Trinity River Basin to a level approximating that which existed immediately before the start of the construction of the Trinity River division.

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT PROGRAM

SEC. 2. (a) Subject to subsection (b), the Secretary shall formulate and implement a fish and wildlife management program for the Trinity River Basin designed to restore the fish and wildlife populations in such basin to the levels approximating those which existed immediately before the start of the construction referred to in section 1(1) and to maintain such levels. The program shall include the following activities:

(1) The design, construction, operation, and maintenance of facilities to—

(A) rehabilitate fish habitats in the Trinity River between Lewiston Dam and Weitchpec;

(B) rehabilitate fish habitats in tributaries of such river below Lewiston Dam and in the south fork of such river; and

(C) modernize and otherwise increase the effectiveness of the Trinity River Fish Hatchery.

(2) The establishment of a procedure to monitor (A) the fish and wildlife stock on a continuing basis, and (B) the effectiveness of the rehabilitation work.

(3) Such other activities as the Secretary determines to be necessary to achieve the long-term goal of the program.

(b)(1) The Secretary shall use the program described in section 1(5) of this Act as a basis for the management program to be formulated under subsection (a) of this section. In formulating and implementing such management program, the Secretary shall be assisted by an advisory group called the Trinity River Basin Fish and Wildlife Task Force established under section 3.

(2) In order to facilitate the implementation of those activities under the management program over which the Secretary does not have jurisdiction, the Secretary shall undertake to enter into a memorandum of agreement with those Federal, State, and local agencies, and the Indian Tribe, represented on the Task Force, established under section 3. The memorandum of agreement should specify those management program activities for which the respective signatories to the agreement are primarily responsible and should contain such commitments and arrangements between and among the signatories as may be necessary or appropriate to ensure the coordinated implementation of the program.

(3) To the extent not provided for under a memorandum of agreement entered into under paragraph (2), the Secretary shall coordinate the activities undertaken under such management program with the activities of State and local agencies, and the activities of other Federal agencies, which have responsibilities for managing public lands and natural resources within the Trinity River Basin.

TRINITY RIVER BASIN FISH AND WILDLIFE TASK FORCE

SEC. 3. (a) There is established the Trinity River Basin Fish and Wildlife Task Force (hereinafter in this Act referred to as the "Task Force") which shall be composed of fourteen members as follows:

(1) One officer or employee of the California Department of Fish and Game to be appointed by the administrative head of such department.

(2) One officer or employee of the California Department of Water Resources to be appointed by the administrative head of such department.

(3) One member or employee of the California Water Resources Control Board to be appointed by such board.

(4) One officer or employee of the California Department of Forestry to be appointed by the administrative head of such department.

(5) One officer or employee of the United States Fish and Wildlife Service to be appointed by the Secretary.

(6) One officer or employee of the United States Bureau of Reclamation to be appointed by the Secretary.

(7) One officer or employee of the United States Bureau of Land Management to be appointed by the Secretary.

(8) One officer or employee of the United States Bureau of Indian Affairs to be appointed by the Secretary.

(9) One officer or employee of the United States Forest Service to be appointed by the Secretary of Agriculture.

(10) One officer or employee of the United States Soil Conservation Service to be appointed by the Secretary of Agriculture.

(11) One officer or employee of the United States National Marine Fisheries Service to be appointed by the Secretary of Commerce.

(12) One individual to be appointed by the board of supervisors of Humboldt County, California.

(13) One individual to be appointed by the board of supervisors of Trinity County, California.

(14) One individual to be appointed by the Hoopa Tribe of the Hoopa Valley Indian Reservation, California.

Any vacancy on the Task Force shall be filled in the manner in which the original appointment was made.

(b) If any member of the Task Force who was appointed to the Task Force as an officer or employee of a United States department or agency or as an officer or employee of a California State department or board leaves such office or employment, he may continue as a member of the Task Force for not longer than the end of the fourteen-day period beginning on the date he leaves such office or employment.

(c)(1) Members of the Task Force who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Task Force.

(2) No moneys authorized to be appropriated under this Act may be used to pay any member of the Task Force for service on the Task Force or to reimburse any agency or governmental unit for the pay of any such member for such service.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) Subject to subsection (b), there are authorized to be appropriated—

(1) after fiscal year 1985, and to remain available until October 1, 1995, for design and construction under the management program formulated under section 2(a), $33,000,000, adjusted appropriately to reflect any increase or decrease in the engineering cost indexes applicable to the types of construction involved between (A) the month of May 1982, and (B) the date of enactment of any appropriation for such construction; and

(2) for the cost of operations, maintenance, and monitoring under that management program, $2,400,000 for each of the fiscal years in the 10-year period beginning on October 1, 1985.

(b) No monies appropriated under subsection (a) may be expanded, and no monies may be expended for carrying out Grass Valley Creek activities, after September 30, 1984, until the Secretary receives assurances satisfactory to him that—

(1) the State of California and the counties of Humboldt and Trinity in California will pay during each fiscal year (on the basis of such shares as the State and the counties mutually agree upon) to the Treasury of the United States an amount equal to 15 percent of the total amount of money that is expended during that year (A) from appropriations made under subsection (a), and (B) for carrying out Grass Valley Creek activities; and

(2) the public utilities, water disricts, and other direct purchasers of water and power from the Trinity river division of the Central Valley project referred to in section 1(1) will pay (on the basis of such shares as are determined by the Secretary) to the Treasury of the United States, within such period of time and in such increments as are satisfactory to the Secretary, an amount equal to 50 percent of the total amount of money that is expended (A) from appropriations made under subsection (a), and (B) for carrying out Grass Valley Creek activities.

(c) No monies appropriated under subsection (a) may be expended for any construction described in section 2(a)(1)(A) below the confluence of Grass Valley Creek and the Trinity River until the construction of the debris dam referred to in subsection (d)(1) is completed.

(d) For purposes of this section, the term "Grass Valley Creek activities" means the following activities authorized by the Act of September 4, 1980 (94 Stat. 1062):

(1) The construction of the Grass Valley Creek debris dam.

(2) The construction, operation, and maintenance of the sand dredging system in Grass Valley Creek.

The SPEAKER pro tempore (Mr. KAZEN). Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. BREAUX] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. BREAUX].

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before the House today is a bill that has passed the Committee on Merchant Marine and Fisheries by unanimous vote. It was authored on the Democratic side by our colleague, DOUG BOSCO, and is supported by the California delegation as well as the administration.

Mr. Speaker, H.R. 1438 would authorize the Secretary of the Interior to implement a management program to restore fish and wildlife in the Trinity River Basin in northwestern California.

The Trinity River system was historically one of the most productive river systems in California for salmon and steelhead. Water resource development in the basin resulted in the diversion of over 80 percent of Trinity River water to the Central Valley of California for hydroelectric and agricultural use. The combination of drastically reduced stream flows, excessive erosion due to poor land use practices, and inadequate regulation of fish harvest has led to serious declines in salmon and steelhead stocks.

The management program mandated by this legislation would coordinate and implement habitat improvement and stock recovery efforts in the basin. The bill provides for an equitable cost-sharing program which allows each of the various groups and agencies whose actions have caused the stock declines to contribute to the rehabilitation of those stocks.

H.R. 1438 authorizes a total of $33 million for construction activities associated with management program implementation over a 10-year period. The bill also authorizes $2.4 million annually for the same 10-year period for operations, maintenance and monitoring under the management program. Water and power beneficiaries of the diversion of Trinity River waters would reimburse the Treasury for 50 percent of the funds expended under this legislation, and the State of California and Humboldt and Trinity Counties would together reimburse a total of 15 percent of the expenditures for the restoration effort. This proportional reimbursement is consistent with an agreement worked out between the Department of the Interior and the State of California.

Mr. Speaker, this legislation was unanimously approved by the Committee on Merchant Marine and Fisheries. This restoration effort is vitally important to the State of California, and is supported by the administration. I believe that this legislation makes good environmental and economic sense, and I urge my colleagues to join me in strongly supporting approval of H.R. 1438, as amended.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1438 providing for the restoration of Trinity River fish and wildlife resources.

The construction of the Trinity River Division of the Central Valley Project in California has substantially reduced stream flow, badly damaged spawning areas, and together with other activities, has caused a drastic reduction in valuable salmon and trout populations.

This bill establishes a program for the restoration of fish and wildlife populations as promised prior to the construction of these diversion facilities. This program, which includes rehabilitation of fish habitats in the Trinity River, improvements in the Trinity River fish hatchery, monitoring of fish and wildlife stocks on a continuing basis, and monitoring of the rehabilitation work, will contribute significantly to the restoration of the Klamath-Trinity Rivers salmon production.

This bill also includes a reasonable cost-sharing requirement for accomplishing the work. Fifteen percent of the overall funding will be reimbursed by the State of California and local interests; 50 percent of the funding will be reimbursed by purchasers of water and power from the Trinity River Division; and the Federal Government will fund a 35-percent nonreimbursable share.

Mr. Speaker, this legislation is supported by the administration, the congressional delegation from the area, and the State of California. I, therefore, urge my colleagues to join with me in supporting this much needed restoration work. Thank you.

I would like to compliment the Congressman from California, Mr. CHAPPIE, as the prime sponsor, Mr. Bosco and Mr. SHUMWAY for introducing this legislation, and the chairman of the subcommittee, the gentleman from Louisiana, Mr. BREAUX, for bringing this bill to the floor of the House, and I urge its passage.

● Mr. BOSCO. Mr. Speaker, House consideration today of H.R. 1438 marks an important step toward fulfillment of the longstanding congressional obligation to help repair the economic and environmental damage caused by construction of the Federal Government's dams on California's Trinity River some 21 years ago. After years of inaction, House passage of this legislation will signify that the Federal Government is finally serious about working with State and local interests to address this damage.

The fish and wildlife restoration program outlined in H.R. 1438 is the product of years of effort by concerned citizens and Federal, State, and local representatives of the Trinity River Task Force. I would like to commend the task force members for their tireless efforts, as well as my colleagues, Messrs. BREAUX, CHAPPIE, and SHUMWAY for their assistance in crafting a fair and responsible cost-sharing agreement that has met the concerns of all interested parties, including the administration.

Twenty-five years ago, the Trinity River supported one of the largest runs of salmon and steelhead in California, These runs reproduced naturally year after year and provided a substantial contribution to the commercial, sport, and Indian fisheries that form one of the foundations of the region's economy.

Construction of the Trinity River Division of the Central Valley Project in the early 1960's had a devastating effect on the watershed's ecological balance, initiating a decline from which the fisheries have never recovered. Trinity and Lewiston Dams blocked fish access to more than 100 miles of prime salmon and steelhead spawning grounds. Fish habitat below the dams declined by an estimated 80 to 90 percent, due largely to the diversion of more than 80 percent of the river's annual flows over the mountains to the Central Valley Project. In addition, the reservoirs behind Trinity and Lewiston Dams inundated thousands of acres of wildlife habitat, resulting in the loss of an estimated 3,500 deer—nearly half of the total population. The repercussions of this damage have been many, affecting not only environmental and economic interests but Federal, State, and local regulatory decisions over Indian tribes' historic fishing rights, and commercial and sport fishery management plans as well.

Back in 1955, when construction of the Trinity River Diversion was authorized, Congress promised to provide full mitigation for any loss of fish and wildlife associated with the project. That promise has never been fulfilled, and damage that was done then is still taking its toll on the Trinity River basin and the people who depend on its resources. This legislation is designed to effectively meet this obligation. H.R. 1438 would authorize $57 million over a 10-year period to carry out the fish and wildlife restoration program: $33 million for design and construction, and $2.4 million annually for operations and maintenance. Specific actions authorized by H.R. 1438 include construction of a debris dam to halt the inflow of granitic sediment, modernization of the Trinity River fish hatchery, and fish habitat rehabilitation and mitigation. In addition, a comprehensive monitoring program would be established to assess the efficacy of the entire management program.

The fact that more than a dozen agencies—each with its own interests and concerns—were able to unite on a plan of action is testimony in itself to the urgency of the problem and the importance of the proposed solution. Every Federal agency with a management role in the Trinity River basin has had a hand in the development of this plan, and the proposal has the strong support of elected officials ranging from President Reagan, California's two Senators, and the northern California congressional delegation, to Governor Deukmejian and the affected county boards of supervisors. Groups that have often been at odds in the past—commercial, sport, and Indian fishermen, environmental groups and the timber industry and local chambers of commerce—are all supporting H.R. 1438 because it makes sense, environmentally and economically. The restortation program is a sound, cost-effective investment in our future.

The Interior Department has estimated that these and other program actions will result in an increase in the annual run size for chinook salmon by 160,000, coho 1,800, and steelhead 13,000—resulting in an additional 30,000 to 35,000 angler days. Overall, the Department estimates that the Trinity River restoration program will yield annual benefits of $40 million, a truly remarkable cost-to-benefit ratio.

We have made a major effort in California in recent years to restore fish habitat and populations. The State, in cooperation with the timber industry and fishing organizations, has spent millions of dollars restoring hundreds of miles of spawning streams. Federal agencies, including the Forest Service, the Bureau of Land Management and the Bureau of Indian Affairs, have all devoted significant resources to fisheries restoration and enhancement. But progress in the Trinity River basin has been hampered by the Federal Government's slowness in addressing the problems caused by construction and operation of the Trinity River Division of the CVP.

Congress took one major action in 1980 when it authorized construction of Buckhorn Dam, a sediment trap on Grass Valley Creek, the biggest single source of sediments entering the river below the dams. This project is a key element in the overall restoration plan proposed in H.R. 1438, and Congress provided initial funding for the project last year through the fiscal year 1984 Energy Water and Appropriations bill. Former Interior Secretary Cecil Andrus set the stage for further action in 1981 when he ordered increased flows into the river below the dams, giving us the water we need to support a major habitat restoration program.

However, neither of these actions in itself will be sufficient to restore the depleted Trinity River salmon and steelhead populations. Only the comprehensive program authorized under H.R. 1438, with its goal of restoring the fish and wildlife populations in the basin to levels approximating those prior to 1963, meets the mitigation requirements of the Trinity River Division's original authorizing legislation.

Mr. Speaker, the positive testimony presented in hearings earlier this year before the Committee on Merchant Marine and Fisheries only underscore the clear need for H.R. 1438 and the broad support the bill enjoys. Congress made a commitment to the people of this region nearly 30 years ago, and positive action by this Congress before the October adjournment date will signify that we are serious about fulfilling it. I urge my colleagues to grant their swift approval to H.R. 1438.●

● Mr. JONES of North Carolina. Mr. Speaker, H.R. 1438 will provide for the restoration of the fish and wildlife in the Trinity River Basin CA, and for other purposes.

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The Trinity River is the primary tributary of the Klamath River in northwestern California. The Klamath-Trinity River system has been an important production area for anadromous fish, including chinook salmon and steelhead trout.

Since 1963, when the Lewiston Dam was completed, salmon and steelhead runs in the Trinity River have undergone severe declines; approximately 80 percent, in the case of chinook salmon, and approximately 60 percent for steelhead trout. Other factors involved in the decline have been poor timber harvest practices, which have encouraged erosion and sedimentation within the watershed, and inadequate regulation of fish harvest.

H.R. 1438 addresses these problems by implementing a basin-wide fish and wildlife management program and requires that the program include fish and wildlife habitat rehabilitation, hatchery modernization, and monitoring of fish and wildlife stocks.

The Merchant Marine and Fisheries Committee reported this bill, as amended, by a unanimous voice vote.

I urge my colleagues to pass H.R. 1438, as amended.●

Mr. BREAUX. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana [Mr. BREAUX] that the House suspend the rules and pass the bill, H.R. 1438, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1438, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

WETLANDS LOAN ACT EXTENSION

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5271) to extend the Wetlands Loan Act.

The Clerk read as follows:

H.R. 5271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes", approved October 4, 1961, is amended by striking out "September 30, 1984," and inserting in lieu thereof "September 30, 1994,".

SEC. 2. Section 3 of such Act of October 4, 1961, is amended by striking out "October 1, 1984," each place it appears therein and inserting in lieu thereof "October 1, 1994,".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Louisiana [Mr. BREAUX] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. BREAUX].

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5271 would extend the authorization for appropriations under the Wetlands Loan Act for 10 years. The Wetlands Loan Act was passed in 1961 to complement the wetlands acquisition program established under the Migratory Bird Hunting and Conservation Stamp Act of 1934, known also as the Duck Stamp Act. Under the Duck Stamp Act, all waterfowl hunters must purchase a stamp, currently priced at $7.50, which they attach to their State hunting permits. Proceeds from the sale of the stamp are used to purchase habitat for migratory waterfowl. In 1961, Congress enacted the Wetlands Loan Act to accelerate the acquisition of waterfowl habitat. This act authorized a loan of up to $200 million against future receipts from the sale of duck stamps. The loan, of which approximately $150 million has been appropriated of the $200 million authorized, expires at the end of this fiscal year. If it expires, it must be repaid with 75 percent of future duck stamp receipts.

This legislation would allow for approximately $50 million in appropriations over a 10-year period for wetlands acquisition. These funds would be used in the same manner as duck stamp receipts. I would also point out that the Interior appropriations bill, H.R. 5973, which has passed the House, would appropriate $9 million for wetlands acquisition under the Wetlands Loan Act and the Senate version of the appropriations bill contains $20 million, so there is a real need to extend the authorization.

Finally, Mr. Speaker, I would point out the support which sportsmen give to the wetlands acquisition program deserves our praise and our support. They pay approximately $15 million per year in Federal license fees, and are willing to pay more. They pay almost $100 million per year in excise taxes on firearms and ammunition, most of which goes to State wildlife management programs. They pay for State licenses. They contribute to organizations such as Ducks Unlimited and the Nature Conservancy, which purchase, lease, or manage wetlands. And they do it all willingly, as part of a sporting tradition dating back 50 years. This legislation provides a measure of support for their efforts in maintaining a Federal responsibility—migratory waterfowl. I ask my fellow Members to approve this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5271, to extend the Wetlands Loan Act for an additional 10 years.

The Wetlands Loan Act authorized $200 million as a loan against future duck stamp receipts for appropriation into the migratory bird conservation fund. The authorization currently expires September 30, 1984, with approximately $46 million remaining to be appropriated.

H.R. 5271 will reauthorize the fund until September 30, 1994, and will delay the beginning of the loan repayment from duck stamp receipts until October 1, 1994. This legislation contains no new authorization.

Mr. Speaker, the Wetlands Loan Act has provided much needed assistance to the Federal Government for purchase of migratory bird habitat to be included in the National Wildlife Refuge System. I, therefore, ask my colleagues to join with me in supporting this valuable program.

● Mr. JONES of North Carolina. Mr. Speaker, I rise in strong support of H.R. 5271, legislation to extend the Wetlands Loan Act of 10 years through 1994.

The Wetlands Loan Act, also known as the Wetlands Acquisition Act, was passed in 1961 and authorized a loan of up to $200 million against future receipts from the sale of duck stamps in order to accelerate the acquisition of waterfowl habitat. To date, approximately $154 million has been appropriated under this authority which leaves approximately $46 million available.

The current authorization expires September 30, 1984, and this bill would extend that authorization for 10 years through 1994.

Wetlands provide essential spawning, breeding, feeding, and resting habitat for fish and shellfish as well as waterfowl. Environmental economists estimate that wetlands contribute $20 to $40 million a year to the national economy. One would need to pay at least $50,000 to $80,000 per acre to replace all of the functions that a wetlands performs. The most obvious and effective method to address the loss of wetlands is through acquisition and this legislation provides money for that purpose.

The full Merchant Marine and Fisheries Committee favorably reported H.R. 5271 by a unanimous voice vote on April 25, 1984.

I strongly support this important legislation and urge my colleagues to adopt it.●

Mr. BREAUX. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana [Mr. BREAUX] that the House suspend the rules and pass the bill, H.R. 5271.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5271, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FEDERAL DISTRICT COURT ORGANIZATION ACT OF 1984

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6163) to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes.

The Clerk read as follows:

H.R. 6163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal District Court Organization Act of 1984".

SEC. 2. The second sentence of subsection (c) of section 112 of title 28, United States Code, is amended to read as follows:

"Court for the Eastern District shall be held at Brooklyn, Hauppauge, and Hempstead (including the village of Uniondale).".

SEC. 3. (a) Subsection (a) of section 93 of title 28, United States Code, is amended—

(1) in paragraph (1) by striking out "De Kalb," and "McHenry,"; and

(2) in paragraph (2)—

(A) by inserting "De Kalb," immediately after "Carroll,"; and

(B) by inserting "McHenry," immediately after "Lee,".

(b) The amendments made by subsection (a) of this section shall apply to any action commenced in the United States District Court for the Northern District of Illinois on or after the effective date of this Act, and shall not affect any action pending in such court on such effective date.

SEC. 4. The second sentence of subsection (b) of section 93 of title 28, United States Code, is amended by inserting "Champaign/Urbana," before "Danville".

SEC. 5. (a) Subsection (b) of section 124 of title 28, United States Code, is amended—

(1) by striking out "six divisions" and inserting in lieu thereof "seven divisions";

(2) in paragraph (4) by striking out ", Hidalgo, Starr,"; and

(3) by adding at the end thereof the following:

"(7) The McAllen Division comprises the counties of Hidalgo and Starr. "Court for the McAllen Division shall be held at McAllen.".

(b) The amendments made by subsection (a) of this section shall apply to any action commenced in the United States District Court for the Southern District of Texas on or after the effective date of this Act, and shall not affect any action pending in such court on such effective date.

SEC. 6. (a) Paragraph (1) of section 90(a) of title 28, United States Code, is amended—

(1) by inserting "Fannin," after "Dawson,";

(2) by inserting "Gilmer," after "Forsyth,"; and

(3) by inserting "Pickens," after "Lumpkin,".

(b) Paragraph (2) of section 90(a) of title 28, United States Code, is amended by striking out "Fannin,", "Gilmer,", and "Pickens,".

(c) Paragraph (6) of section 90(c) of title 28, United States Code, is amended by striking out "Swainsboro" each place it appears and inserting in lieu thereof "Statesboro".

(d) The amendments made by this section shall apply to any action commenced in the United States District Court for the Northern District of Georgia on or after the effective date of this Act, and shall not affect any action pending in such court on such effective date.

SEC. 7. Section 85 of title 28, United States Code, is amended by inserting "Boulder," before "Denver".

SEC. 8. The second sentence 126 of title 28, United States Code, is amended by inserting "Bennington," before "Brattleboro".

SEC. 9. (a) The amendments made by this Act shall take effect on January 1, 1985.

(b) The amendments made by this Act shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving on the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin [Mr. KASTENMEIER] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

□ 1420

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House has before it H.R. 6163, the Federal District Court Organization Act of 1984. Each Congress several bills are introduced to change the geographic organization of the Federal courts and to add new statutory places of holding court in some districts. Near the end of the Congress, the subcommittee I chair—the Subcommittee on Courts, Civil Liberties, and the Administration of Justice—conducts a hearing on all legislation relating to this issue. We examine the merits of each proposal based on the information submitted to us by the sponsoring Members, the Judicial Conference, the U.S. Department of Justice, and interested bar associations and individuals. The proposals, which we find meritorious and necessary, are included in an omnibus bill which we then send forward. As a general proposition, only proposals that have no opposition are included in the omnibus bill. H.R. 6163 is the omnibus bill resulting from our consideration of such proposals in this Congress.

Before turning to the substance of the bill, I would like to thank my subcommittee members, especially the ranking minority member, the gentleman from California [Mr. MOORHEAD] for assisting in this endeavor.

In the greater scheme of things, the contents of this bill do not appear important. Nonetheless, this bill is very significant not only to the judicial and congressional districts involved, but also to the judges, jurors, lawyers, prosecutors, and litigants who participate in the judicial process and make it operate fairly and efficiently at a local level.

A brief summary of the bill is now in order. H.R. 6163 will realign the boundaries of divisions within judicial districts in Georgia, Illinois, and Texas; and will create an additional statutorily designated place of holding court in districts in Illinois, New York, Vermont, and Colorado. In addition, the bill will move the headquarters of the Swainsboro division of the Southern District of Georgia to Statesboro, rename the division as the "Statesboro Division," and eliminate the designation of Swainsboro as a place of holding court in that division.

All of the proposals have the support of the U.S. Department of Justice and the Judicial Conference of the United States as well as judges and bar associations in the affected districts. The proposal to change the Swainsboro division of the Southern District of Georgia is, in fact, opposed by the county bar associations surrounding Swainsboro, but is supported by all the Federal judges in the district and the bar associations surrounding Statesboro.

As to costs, two of the proposals to realign the boundaries of divisions within districts will redistribute the district's caseload from one courthouse to another, and will result in no additional costs to the Government. The costs of creating the McAllen division of the Southern District of Texas will be largely offset by the anticipated savings in jury fees and transportation costs currently being expended due to the large geographical area covered by the existing division. Due to the anticipated use of existing facilities in the affected districts in Vermont, Colorado, and Georgia, the cost of designating a new place of holding court in those districts will be minimal. In the eastern district of New York, and the central district of Illinois, where funds may have to be expended to acquire the necessary space

for a new court, the expenditure is justified by the fact that existing facilities are inadequate and additional space will need to be acquired whether or not a new place of holding court is designated. The Congressional Budget Office estimates that no significant costs to the Federal Government would result from enactment of this bill.

The hearing testimony, supporting documents, and House report filed today have demonstrated the need for the changes proposed by this legislation. I urge your support of H.R. 6163.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to concur in the remarks of the chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, and indicate my support for H.R. 6163, the Federal District Court Organization Act of 1984. H.R. 6163 is an omnibus proposal which has the support of the U.S. Department of Justice, the Administrative Office of U.S. Courts, and the congressional delegations involved.

The purpose of the proposed legislation is to realign the boundaries of divisions within three judical districts, to statutorily create an additional place of holding court in four judicial districts, and to change the place of holding court in one judicial district. As a result of these changes, H.R. 6163 will help keep the Federal judicial system up to date with demographic, economic, and societal changes in several of its districts.

I think it is important to note that proposals authorizing new places of holding court or making changes in the organizational or geographical configuration of individual judicial districts are carefully reviewed by both the Judicial Conference of the United States and the U.S. Department of Justice. It is the position of the Judicial Conference that: "* * * changes in the geographical configuration and organization of existing federal judicial districts should be enacted only after a showing of strong and compelling need." That is as it should be. Likewise, the Department of Justice consults with the U.S. attorneys offices in the affected districts, who are able to assess local needs and conditions. The Department of Justice also considers the fiscal impact of the proposals, including the cost of obtaining the necessary office space, and per diem, and travel costs for court personnel. On the issue of the costs of H.R. 6163, the Congressional Budget Office has estimated that no significant cost to the Federal Government, or to State, or local governments would result from enactment of the bill. Accordingly, I urge my colleagues to support the passage of H.R. 6163.

● Mr. JEFFORDS. Mr. Speaker, I support the legislation before us today.

I want to thank Chairman KASTENMEIER and ranking Republican MOORHEAD of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice for their prompt attention to this legislation.

This bill incorporates the provisions of legislation I introduced in June of this year that would create an additional site for holding court in the State of Vermont.

This would involve no additional expenditure for the Federal Government. It would, however, provide a site for southwestern Vermont which will better take advantage of the experience and wisdom of Judge James Holden, who is taking senior status.

This legislation is unanimously supported in my State. I would be remiss if I did not also express my appreciation for the work Mr. Steven Flanders, circuit executive for the second circuit, and Mr. William Weller, Legislative Affairs Officer of the Administrative Office of the U.S. Courts.

I urge my colleagues to give this legislation their support.●

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 6163.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6163, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONSENT OF CONGRESS TO AMENDMENT TO DELAWARE RIVER BASIN COMPACT

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5782) granting the consent of Congress to an amendment to the Delaware River Basin Compact.

The Clerk read as follows:

H.R. 5782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to an amendment to the Delaware River Basin Compact which has been enacted by the States of Delaware, New York, and New Jersey and the Commonwealth of Pennsylvania, and the effect of which is to amend section 12.9 of Article 12 of the Delaware River Basin Compact to read as follows:

"12.9 Interest. Bonds shall bear interest at a rate determined by the Commission, payable annually or semiannually.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin [Mr. KASTENMEIER] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the proposed legislation is to grant congressional consent to an amendment to the Delaware River Basin Compact authorizing the Commission to fix the interest rate applicable to bonds issued under section 12.9 of the compact.

On September 27, 1961, Public Law 87-328 was approved consenting to the Delaware River Basin Compact. Article 12 of the compact included specific provisions authorizing the Commission to issue bonds. This bill only relates to section 12.9 of that article which presently provides as follows:

12.9 Interest. Bonds shall bear interest at a rate of not to exceed six percent per annum, payable annually or semiannually.

In view of current rates of interest applicable to other bonds and securities, the 6-percent interest is totally unrealistic and has served to defeat the efforts of the Delaware River Basin Commission to fund its projects relating to water, pollution control, hydroelectric power, and other water resources in the Delaware River Basin through the sale of bonds.

Pennsylvania, New York, Delaware, and New Jersey, the participating States, have all enacted this amendment and copies of each of these statutes have been appended to the report filed in the House. The final step is consent by Congress, and this bill provides for that consent.

As I have indicated, the provision which is being amended was included in the original compact as approved on September 27, 1961. It, therefore, has not been changed in the 23 years since the Congress first granted its consent. Further the provisions of the compact were formulated, considered, and adopted by each of the four participating States prior to that date which, of course, means that the provisions of section 12.9 were formulated in that earlier period. The intervening years have witnessed marked changes including those affecting interest rates. The solution proposed in the amend-

ment and approved by the State legislatures is clearly a needed and practical one. It is recommended that the bill be considered favorably.

Mr. Speaker, I reserve the balance of my time.

□ 1430

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on its face the amendment which is the subject matter of this legislation is in the best interest of the States which are parties to the interstate compact involved, the Delaware River Basin Interstate Compact.

In addition to that, your committee can assure that the documentation is in order, which is the real function, as I see it, to be performed by the Congress in approving interestate compacts or amendments thereto. Clearly it is the States themselves who determine what is in their best interest and the terms of their agreement. The approval of the Congress is intended to assure against agreement that would be clearly against public policy, and it is quite clear that this is not against public policy, and also to ensure that the documentation is in order and that the States have indeed enacted the legislation required.

This has been done, Mr. Speaker, and I, therefore, gladly join in support of this measure and urge its adoption.

● Mr. HUGHES. Mr. Speaker, as you know, H.R. 5782 grants congressional consent to an amendment to the Delaware River Basin Compact authorizing the Commission to set interest rates on bonds which it issues. Section 12.9 of article 12 of the compact presently limits the interest rate payable on bonds issued by the Commission to no more than 6 percent per year. This provision has made it virtually impossible for the Commission to issue bonds in today's competitive financial markets.

H.R. 5782 is straightforward and noncontroversial. The States of Pennsylvania, New York, Delaware, and New Jersey, which are members of the compact, have already enacted legislation approving the removal of the 6-percent limit on interest and allowing the Commission to determine the appropriate interest rate for bonds which it issues.

The Delaware River Basin Commission is presently considering the construction of several small hydroelectric powerplants for which it hopes to issue bonds in the near future. Due to the energy-producing potential of small hydroelectric units, the Commission has received strong support for these projects. Indeed, the Federal Energy Regulatory Commission has already approved one of the Commission's projects for licensing.

Mr. Speaker, I am not aware of any opposition to this measure. Companion legislation has already been introduced in the Senate. I urge my colleagues to adopt H.R. 5782.●

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 5782.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5782, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GRANTING CITIZENSHIP POSTHUMOUSLY TO CPL. WLADYSLAW STANISZEWSKI

Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 960) to confer citizenship posthumously on Cpl. Wladyslaw Staniszewski, as amended.

The Clerk read as follows:

H.R. 960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Corporal Wladyslaw Staniszewski, a national of Great Britain, who was killed in action on July 7, 1967, in the Republic of Vietnam while serving in the United States Marine Corps shall be held and considered to have been a citizen of the United States at the time of his death:

Provided, That no benefits shall thereafter derive to survivors.

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we have today is the solution of a problem—and I might say this is the end of a long, tough road and much work, most of which has been pursued by our friend and colleague, the gentleman from Massachusetts [Mr. DONNELLY] on behalf of a young man who, while a resident alien of the United States—his home originally was Great Britain—served with honor and valor in Vietnam, which conflagration took his life at a time somewhat prior to the time that he would have normally earned his U.S. citizenship under existing law.

The service of Corporal Staniszewski was totally honorable. At no point was there anything in his military record or private life that would be a stain on the honor of this adopted Nation of his.

The amendment to the bill, to which I think there is no objection by the sponsor of the bill, the gentleman from Massachusetts [Mr. DONNELLY], will insure that there can be no pensions or benefits of any sort derived by any of the corporal's surviving relatives under the terms of this posthumous citizenship.

There is, however, a certain amount of concern on the part of our committee. The matter was scheduled, as Members would know, for a hearing on tomorrow in our subcommittee, and then, of course, action would be taken there and it would be sent to the full committee and then surely it would go from the full committee to the floor. But for reasons of the need to move swiftly, since our session is winding to a close, and because of the need to honor this young man, the decision was made to move this bill extraordinarily from the subcommittee, which had not yet worked on it, right to the floor of the House. It is almost an unprecedented act. At least certainly it is unusual, if not unprecedented, and at a given point, when I yield time to the gentleman from Massachusetts, I will ask him perhaps to comment on whether or not there is any precedential value or precedential impact of this activity today.

Other legislation, Mr. Speaker, has been introduced on behalf of others who, form our inquiry, were in the very same boat as Corporal Staniszewski. For example, some 500 people, men for the most part, were in various periods of their permanent residency serving for the most part in Vietnam and, because of death, were not able to complete that period of residency leading to citizenship. So another area of precedent is whether or not this has any precedence toward that greater class of people whose names do not appear on this piece of legislation.

We have obtained from the Department of Justice of the United States a letter dated August 9 in which the Justice Department concludes that it has no objection to the enactment of this legislation, and it further advises that the Office of Management and

Budget has advised the Department of Justice that it has no objection to the submission of this report, that is, the report of the Department of Justice with respect to this bill.

So to sum up, Mr. Speaker, I personally have only the highest of respect for the decedent. He served his adopted Nation nobly, with valor and honor, in a cause that led others to seek other activities than the service of their country. It happened that death intervened before he was able to serve out the fullness of his residency. Therefore, death intervened before the young man could earn his citizenship. He would have earned it. He was an honorable man in service and out of service.

I personally have no objection to this, and I am sure I speak in behalf of many of our colleagues on the Judiciary Committee, if not all. The reason I cannot speak authoritatively is that we never did have our hearings and we never did have the votes in the subcommittee and the full committee which typically would have occurred by this time in the session.

At this point, Mr. Speaker, I yield such time as he might consume to my friend, the sponsor of this bill, the gentleman from Massachusetts [Mr. DONNELLY].

Mr. DONNELLY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, H.R. 960 confers posthumous citizenship on a young man who gave his life in service to the United States of America.

Wladyslaw Staniszewski was a corporal in the U.S. Marine Corps when he was killed in action in Vietnam 17 years ago.

He was born in Scotland in 1947 and he emigrated to the United States in December 1964. He was admitted to this country as a permanent resident and he had intended to spend the rest of his life here.

Less than a year and a half after he came to this country, he swore his allegiance to the United States of America when he took the oath as a U.S. marine.

There is no doubt that he took that oath very seriously. When he received his orders for Vietnam, he said it would be treasonous for him to abandon his commitment to this country and to the Marine Corps, even though he was still a British citizen and could have left this country easily. He was committed to serving this Nation because he now saw himself as an American.

Wladyslaw Staniszewski's own words speak most eloquently of his belief: "I want to make my roots here," he said. "If a country is worth living in, it is worth fighting for."

His comrades in the Marine Corps remember him as an inspiration and as a leader. Shortly after his arrival in Vietnam he was promoted to corporal. He was briefly assigned to supply duty, but he insisted on being reassigned to the front lines because he felt it was his duty to fight for his country.

A man who served with him in Vietnam recalled recently, "Scotty was a very patriotic man. He was more patriotic than most Americans were during the Vietnam war. Scotty was really impressed with the United States. He knew that one day he would become an American citizen. That was his goal in life."

That life ended abruptly on July 7, 1967. It was just 2 weeks after he turned 20. While on patrol in Quang Nam Province, Cpl. Wladyslaw Staniszewski was killed by a Vietcong hand grenade.

At the time of his death, his parents asked the Marines one question they knew their son wanted answered: Was he now considered a U.S. citizen? They were told he was not, that he was still legally a citizen of Great Britain.

It is a sad irony of our law that an alien who serves honorably in our Armed Forces during wartime is awarded citizenship upon discharge from the service, but because Scotty Staniszewski gave his life while serving the United States, he died a foreigner in the eyes of our law.

In the 3½ years since this bill was first introduced, America has taken many important steps "to bind up the nation's wounds, to care for him who shall have borne the battle." We have made an effort to treat the physical and psychological wounds of those who returned from Vietnam. We have honored those who died with a state funeral for the representative of all our war dead, the Unknown Soldier. We have renewed our efforts to account for those whose fate is unknown. And we have dedicated a national monument to all who served.

Today, we try to bind up one remaining wound.

By recognizing Wladyslaw Staniszewski as a citizen, we are not honoring him so much as we are honoring ourselves and our Nation. We are saying that his patriotism, his loyalty, his courage, and his full measure of devotion are virtues that we as Americans want to be associated with.

It is an extraordinary step for Congress to grant citizenship posthumously, but there have been precedents. Other fallen servicemen from Vietnam, Korea, and World War II have been recognized in this manner.

Corporal Staniszewski's family has made it clear they do not seek and would not become eligible for any additional benefit as a result of this legislation. It will not affect the immigration status or citizenship of any other individual.

Corporal Staniszewski's cause has won the support of the Commandant of the Marine Corps, the major national veterans organizations, countless local veterans posts, the Massachusetts legislature, numerous city and town governments, and literally thousands upon thousands of individuals across this Nation who have written and petitioned Congress to grant him citizenship.

His parents, Frank and Rosina Staniszewski, his sister Lorraine, and his brother Daryl, became naturalized American citizens in 1970. His brother has just concluded 4 years service in the U.S. Navy. Corporal Staniszewski's family has kept faith with America. Now let us keep faith with them.

Wladyslaw Staniszewski swore his allegiance to the United States. He gave his life in its service. An American flag draped his coffin. Let us acknowledge, finally, that our country and our flag are his, too.

□ 1440

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. DONNELLY. I would be happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I appreciate the gentleman's statement. It was eloquent in behalf of a deserving young man.

At one point—and let me first apologize for having pronounced the corporal's name incorrectly, Staniszewski.

Is it the gentleman's understanding that the family does not wish and would not accept and does not expect any benefits of any sort deriving from his citizenship?

Mr. DONNELLY. Corporal Staniszewski's family, Frank and Rosina Staniszewski, have told me from the outset that under no circumstances do they want, nor would they accept any assistance. Their goal in seeking this posthumous citizenship is so that that young man's name that appears on the Vietnam Memorial is the only name that is not an American citizen of those 57,000 young men and they feel that he gave his life for his adopted country and they feel that he deserves the honor of citizenship.

Mr. MAZZOLI. Mr. Speaker, I think that is very well said.

One last observation, if I could ask my friend, and that is, the precedential value, if any, or effect of the adoption of this legislation today upon that group of several hundred that the gentleman himself has sought to sponsor by way of another piece of legislation, people who occupy the same role as Corporal Staniszewski, who had as a permanent resident gone to serve and were killed, I ask the gentleman the question, does the adoption of this bill today preclude any action that any subcommittee or any future committee would take on the other pending legislation?

Mr. DONNELLY. No; I do not think it would. Our research has shown us that there are 12 Vietnam-era resident aliens that were given posthumous citizenship in 1969, as I recall.

I firmly believe and have filed a bill that is before the gentleman's subcommittee that it ought to be an automatic granting of citizenship to any resident alien who gives his life for this country.

This case by case makes it very difficult for the committee and clearly makes it difficult for the family, and the amount of personal trials and tribulations they have to go through. I do not think they ought to have that.

I would hope that in the next session we would have an opportunity to appear before the Commission and look into this matter so we can make it possible for them to have this.

Mr. MAZZOLI. We certainly will.

Mr. Speaker, I reserve the balance of my time.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join to the extent that any one of us or any of us together may have to add honor to the name of Corporal Staniszewski.

I do at the same time take note of the unusual nature of the proceedings. It has been mentioned here that it is unusual to grant posthumously the citizenship that would be conferred by H.R. 960, but that is not the matter to which I refer.

I refer instead to the fact that H.R. 960 was not on the list of suspensions for today and that there was, indeed, a hearing scheduled in the subcommittee for the bill tomorrow.

I understand the pressures that grow at the end of any legislative session. There are many Members of this House who are concerned with pieces of legislation, some of great moment, some of lesser moment, that may not be dealt with by the end of the session unless something extraordinary is done. Certainly in this case it would appear that there is merit for as much to be done on an extraordinary basis as one could imagine; but I do believe that it would be fair to allow the Members of the minority to have some advance notice of such matters, that is, those involved in the subcommittee, and I shall yield to the gentleman from California in a short while, but I would urge that when matters of this sort are done on a highly preferential basis, it is not the subject matter of the legislation that is involved, but the courtesy of extending certain notice, you know, clearly absolutely certain notice to the ranking minority member of the subcommittee that the matter is to be taken up on the House floor.

Mr. MAZZOLI. Mr. Speaker, would the gentleman yield?

Mr. KINDNESS. I yield to the gentleman.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding. I am pleased that the gentleman made that statement, because there was a paucity of notice, and that is an overstatement, to tell you the truth, of when this matter would come up. I heard about it when I was home for the weekend, but I think it was spawned by a confluence of events that neither the gentleman from Ohio nor the gentleman from Kentucky really had any control over, but it has been the position of the gentleman from Kentucky, having served with the gentleman from Ohio as well as the gentleman from California, to always work collegially toward passing good legislation. Here we have good legislation, but there was not much collegiality in the sense of the lead up to it, but I think it is worthy legislation.

The gentleman from Massachusetts has indicated that he sees no precedent in this adoption toward the other cases which might be pending.

There is an amendment, to be sure, for example, that there is no derivation under this grant, so all things considered, while I share the gentleman's feeling from a majority standpoint as well that notice was not as good as it has been in the past, it is overlookable I think under the circumstances.

Mr. KINDNESS. Well, I thank the gentleman for his comment and his contribution to the development of this subject, but I feel that I must add one other point, and it has to do with the way this House operates as an institution now and in the years ahead.

Our committee system has its flaws and its faults and sometimes it is a disappointment or a frustration, but it is a part, an essential part of the effective functioning of the House of Representatives.

The committee in this case has been usurped, OK. That probably should be the will of the House and probably will be, no question about that; but if it will be on this occasion, when will it be again?

The Committee on the Judiciary has experienced quite a number of times during this Congress as well as prior Congresses the situation in which its jurisdiction is avoided and the committee does not function to perform that which it ought to for the House of Representatives.

This is such a case in a sense. I do not think there is disagreement on the subject matter, but there is disagreement as to not utilizing the procedure of the House of Representatives.

If I were the author of H.R. 960, I think I would feel the same frustration. I think I would attempt to do the very same sort of thing, get the matter accomplished.

I congratulate the gentleman from Massachusetts for his tenacity in getting it done and for having a Speaker from his State, I suppose, but it is something that I think we ought to think about before repeating it in the future.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LUNGREN].

□ 1450

Mr. LUNGREN. Mr. Speaker, as the ranking Republican on the Subcommittee on Immigration, Refugees, and International Law, I rise in support of H.R. 960. When you realize, going through the material, that we are talking about an individual, or when I realize we are talking about an individual essentially the same age or born the same time as I was, going through the same things I was going through at that time, one who served in Vietnam while the other was fortunate enough to remain here in the United States attending college at the time that Corporal Staniszewski was killed, you have an empathy that goes beyond the normal cases that we have appear before our committee.

I was looking forward to holding the hearings with the chairman of the subcommittee on this issue tomorrow. It had been scheduled for sometime in the regular process of business. I was under the understanding as late as an hour ago that this was not going to be considered here today, that we were going to have the hearing tomorrow and proceed to conclude this before we wrap up the session. This is the reason that I was absent when this started, having been officially informed or actually informed by my office about 3 minutes after the gentleman from Kentucky stood up.

So while I very strongly support this legislation, I just as strongly protest the procedure under which what I would consider to be normal courtesy was not extended to the members of the subcommittee working on this, certainly not to the ranking member, and I know the chairman was in the same position.

There is no doubt, however, times when Members feel they must go beyond the committee. This is one and I salute the gentleman from Massachusetts [Mr. DONNELLY] for having successfully brought this to the floor. As someone mentioned, it is helpful to have the Speaker of the House from the same State as the author of the bill. That certainly does not hurt, and at times I wish I had the same support.

Mr. DONNELLY. Will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to my friend from Massachusetts.

Mr. DONNELLY. I want to stop the gentleman before he gets in trouble, saying too many laudatory things about the Speaker from Massachusetts.

Mr. LUNGREN. I was just about ready to pause.

Mr. DONNELLY. Let me say clearly there is some confusion about how this legislation was handled. Let me assure the gentleman that I have the highest respect for the gentleman from California [Mr. LUNGREN] and the gentleman from Kentucky [Mr. MAZZOLI], and even higher respect for the committee and the process. There was a lack of communication and some confusion over when this bill was going to be called. I think it was just that it was a good faith confusion, and let me assure the gentleman, and I want that stated in the RECORD.

The overwhelming issue today, though, is honoring this young man's sacrifice and service to this country. I have spoken to my friend from California about this personally less than 2 weeks ago, as I recall, and he indicated to me his interest in this legislation.

I would just take this opportunity to say I am sorry for the confusion and the process they went through, and I was somewhat confused about the process when I arrived here this afternoon, too. I think we are all in the same boat. But the bottom line is, even though our feathers are a little ruffled on all edges, that we are doing the right thing and the honorable and decent thing by passing this legislation.

Mr. LUNGREN. I thank the gentleman for his comments. It does give me a deal of pleasure to be able to support this bill when we consider the temper of the times surrounding the corporal's entrance into the Army and his service in Vietnam when there were those who did not so eagerly serve their country, when there were those, in fact, that fled from the service of their country, and when in the intervening years we made provisions to excuse those under certain circumstances who fled the call of duty to the country. It seems to me altogether proper that we grant citizenship to one who not being a citizen did not have that same obligation but gave the ultimate sacrifice.

I would also say to the gentleman that I understand his frustration with the committee process at times. Believe me, as a member of the Judiciary Committee I understand it as well if not more than the gentleman from Massachusetts does.

Perhaps in the next few weeks I can manifest that frustration more clearly to the gentleman and solicit the gentleman's support in trying to overcome that frustration as we try to proceed with other good legislation. So I salute the gentleman for the work he has done on this bill and rise in strong support of this bill.

I would hope that our colleagues would pass this unanimously.

Mr. MAZZOLI. Mr. Speaker, I would just quickly say that the amendment to the bill simply adds language to this effect: "Provided, That no benefit shall thereafter derive to survivors under this grant of posthumous citizenship."

● Mr. FRANK. Mr. Speaker, I am pleased to join with my colleagues today in honoring the memory of Cpl. Wladyslaw Staniszewski, truly an American hero. Wladyslaw "Scotty" Staniszewski was born in Scotland in 1947, to a Polish father and Scottish mother. His parents, Frank and Rosina Staniszewski, came to this country in 1963, and Scotty joined them here in 1964. They settled in Brockton, MA, with the intention of becoming naturalized American citizens.

In 1966 Scotty enlisted in the U.S. Marine Corps. As he told his mother at the time: "A country worth living in is a country worth fighting for." At that point Scotty was not yet a U.S. citizen. Normally a resident alien who serves in the Armed Forces would receive his citizenship upon being honorably discharged. Scotty served honorably, and achieved the rank of corporal, but he never received the citizenship of the country he loved and fought for. Cpl. Wladyslaw Staniszewski was killed in action on July 7, 1967, in Quang Nam Province.

Mr. Speaker, surely it is an anomaly that Corporal Staniszewski, who gave his life for this country, should have died a foreigner in the eyes of the law. It is time this were corrected. I am grateful to my friend and colleague, BRIAN DONNELLY, for pushing this legislation. Most of all I must congratulate Frank and Rosina Staniszewski for their perseverance and for their patriotism. Surely they epitomize what is great about this country, a nation built by immigrants. I urge my colleagues to support H.R. 960, so that a great American will at last be recognized as such. Thank you.●

● Mr. MOAKLEY. Mr. Speaker, I rise before this Chamber today to speak on behalf of legislation before the House introduced by my colleague, BRIAN DONNELLY.

The purpose of this legislation, House Resolution 960, is to bestow citizenship posthumonously on Cpl. Wladyslaw Staniszewski who was killed in action while fighting in the Vietnam war.

According to the Department of the Navy, Corporal Staniszewski was born on June 22, 1947 in Scotland. He emigrated to the United States in January 1965, and on June 30, 1966, he enlisted in the U.S. Marine Corps; despite the fact that he was still a British subject. He arrived in the Republic of Vietnam on April 9, 1967, and tragically was killed just 3 months later on July 7, 1967.

Before his untimely death, Corporal Staniszewski had an exceptionally honorable military record. He held the rank of corporal, and had such distinguished decorations as the Vietnam Service Medal with Star, the Vietnam Campaign Medal with Device, and the National Defense Service Medal.

Customarily, resident aliens that serve in our Armed Forces are granted citizenship as soon as they are honorably discharged from duty. This is done in recognition of the service they have rendered in upholding the American constitution. Tragically, because Corporal Staniszewski lost his life before being discharged, he remains a resident alien in the eyes of the Immigration and Naturalization Service.

I join with my colleague, BRIAN DONNELLY, in asking for unanimous support of House Resolution 960, in order to grant this man U.S. citizenship. Corporal Staniszewski demonstrated his devotion to this Nation by the very fact that he enlisted in the U.S. Armed Forces, and fought nobly in the name of freedom and dignity for those who did not have such rights. In doing so, he gave the greatest sacrifice he could ever give to a country; his life.

At the very least, this Nation owes Scotty Staniszewski the gift of citizenship. In this case, citizenship is not a gift to be given, but a reward to be bestowed after being so honorably earned.●

● Mr. BOLAND. Mr. Speaker, I strongly support H.R. 960, which would confer citizenship posthumously on U.S. Marine Cpl. Wladyslaw "Scotty" Staniszewski, and urge its adoption by the House.

For most of us, U.S. citizenship is a gift conferred by birth. It is not something we have to earn and in spite of the tremendous benefits which it conveys, we are rarely called upon to make a direct effort in its maintenance. For some, it becomes something taken for granted and we tend to forget how highly it is prized by millions of people in countries all over the world.

Scotty Staniszewski was not born an American citizen. A native of Poland and a national of Great Britain, Corporal Staniszewski came to the United States with his family in 1963. He desperately wanted to become a U.S. citizen and volunteered to serve with the Marine Corps, fully aware of the fact that Marines were at that time fighting and dying in Vietnam. He could have easily avoided those risks, but he chose to demonstrate his fidelity to our country in a most concrete way—by bearing arms in its service. In 1967, less than 3 years after coming to our shores, Corporal Staniszewski was

killed in action in Quang Nam, Vietnam. He died a U.S. Marine but not a U.S. citizen; the only U.S. serviceman to die in Vietnam in that status.

Today this House can begin the process through which posthumous citizenship can be legislatively conferred on Scotty Staniszewski. In so doing we recognize not only his sacrifice but the love of country which prompted it. By his deeds Corporal Staniszewski won the right to be called an American and it is appropriate that this country, on whose behalf he died, acknowledge that fact. H.R. 960 will accomplish that result. I want to compliment my colleague from Massachusetts Congressman DONNELLY for introducing the bill, I am pleased to be a cosponsor of it, and I commend it to the House.

Mr. Speaker, the Springfield Daily News, on August 15 carried an excellent editorial on Corporal Staniszewski. I would like to insert that editorial at this point in the RECORD.

[From the Springfield Daily News, Aug. 15, 1984]

GRANT MARINE CITIZENSHIP

The bill to grant citizenship posthumously to Marine Cpl. Wladyslaw Staniszewski should be passed and signed by the president.

Staniszewski's family migrated to Massachusetts from Scotland, and the son could easily have avoided U.S. military service.

Instead, he volunteered, became a Marine and would have been eligible for citizenship when he completed his tour of duty in Vietnam. However, he was killed by shrapnel fire when he was 20. That was 17 years ago.

His father has been trying to achieve the son's wish to be an American citizen, and Rep. Brian J. Donnelly, D-Boston, filed such a bill in Congress.

The chairman of the House immigration subcommittee requested the U.S. Justice Department for a letter saying it had no objection to the citizenship petition. For some reason or none, the Justice Department waited 14 months before responding that it had no objection.

Congress will not go back into session until after Labor Day, but a hearing on the Staniszewski bill has been set for the week of Sept. 9.

However, the congressmen want to adjourn less than a month later to start campaigning, and so the bill must make rapid progress.

Rep. Edward P. Boland, D-Springfield, and Rep. Silvio O. Conte, R-Pittsfield, have become cosponsors of the bill, and they should begin pushing now for a quick passage and signing of this bill.

It would be cruel to make the Staniszewski family endure more months of red tape.

The Massachusetts delegation should make this bill a priority, and make certain that it passes during the brief session next month.●

● Mr. HILLIS. Mr. Speaker, I would like to take this opportunity to voice my support for H.R. 960—a bill which would confer American citizenship on the late Cpl. Wladyslaw Staniszewski.

It's been 17 years since a piece of shrapnel killed Corporal Staniszewski while he was serving with the U.S. Marines in South Vietnam's Quang Nam Province. "Scotty," as everyone called him, had moved with his parents to Brockton, MA, from Scotland when he was 17.

Even though he was a British national, he enlisted in the U.S. Marines just after he turned 19 and was shipped to Vietnam where he was killed in action. He died without his greatest wish being fulfilled—American citizenship.

It will take a special act of Congress through passage of H.R. 960 to grant Scotty his wish. His parents, who have since become citizens, have carried on a long fight to see this day and they are to be admired for their perseverance.

In my view, there is something terribly inconsistent and wrong with a policy which says resident aliens who survive wartime service in the U.S. military are entitled to citizenship upon discharge but those who die forever remain noncitizens.

On Memorial Day, we make so much of our appreciation for those who die serving the cause of freedom. Isn't it a bit hypocritical, then, to refute citizenship to those who died for a country they longed to call home?

Scotty Staniszewski is an example of a cold bureaucratic policy that fails to consider the love a man had for this Nation—a love so strong that he was willing to risk his life for it.

Scotty's citizenship is what we're voting on today. The sad thing is, there have been others that have deserved our vote, too.

I'm supporting this individual humanitarian action but, beyond that, I hope the Congress will consider legislation which would automatically confer posthumous citizenship on any noncitizen who honorably fought and died for this country.●

● Mr. KLECZKA. Mr. Speaker, I rise in strong support of H.R. 960, to award citizenship posthumously to Cpl. Wladyslaw Staniszewski. I am a proud cosponsor of this legislation honoring a man who gave his life for the country he loved.

Cpl. Wladyslaw Staniszewski, known to his friends and family as Scotty, was killed in Vietnam on July 7, 1967. Scotty's father served in the Polish Army during World War II spending most of the war in a POW camp. After the war, Scotty's family fled to Scotland and later emigrated to the United States in 1964 when Scotty was only 17. In 1966, before becoming a U.S. citizen, Scotty enlisted in the U.S. Marine Corps.

Normally, resident aliens who serve in the U.S. Armed Forces during wartime are granted citizenship upon honorable discharge. Regrettably, Scotty never had this opportunity. As a result, this honorable and courageous man who died fighting for America is not considered a citizen of the United States.

Scotty's heroic action, in and of itself, deserves to be recognized by the U.S. Government. However, the saga of Wladyslaw Staniszewski should be brought to the attention of the entire Nation for another reason. For his commitment to this Nation, his patriotism and unwavering desire to preserve freedom is something for which we all are proud. Scotty gave the most precious gift of all for a nation of which he was not a citizen. That a man not yet a citizen, would give his life to keep freedom and America alive is truly reflective of the greatness of this Nation. Cpl. Wladyslaw Staniszewski is proof that the United States is indeed "the hope of the world."

I urge my colleagues to support this legislation.●

Mr. MAZZOLI. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. KINDNESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and pass the bill, H.R. 960, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objections to the request of the gentleman from Kentucky?

There was no objection.

TRIBUTE TO THE HONORABLE ABRAHAM KAZEN, JR.

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I send my congratulations to the Speaker in the chair now. This may be the last chance I will have to be on the floor when the gentleman is presiding, though I hope he presides over our immigration bill, which will be coming up later.

But the gentleman has a distinguished career in the House and is a good friend of the gentleman from Kentucky, a good friend of all Members of the House on both sides of the aisle, and he will be sorely missed in

the 99th Congress. I wish him many good years and happiness in the years ahead.

The SPEAKER pro tempore. I thank the gentleman for his kind words and I appreciate his friendship.

TRIBUTE TO JANE WOOLSEY

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, Jane Woolsey was a dear friend of mine. She died last week after a long and debilitating illness. Diabetes had cost her sight, the loss of one hand, and two amputations. But through this long ordeal she was a magnificent inspiration to everyone who knew her.

Jane was a teacher. That was the identity she cherished. It was her choice in life to teach the physically handicapped and the mentally retarded. That was her labor of love.

Jane Woolsey left me this poem which I want to share with all my colleagues, with teachers everywhere, and with all who read this RECORD. Mr. Speaker, I believe they will find it both instructive and inspiring.

SHE WAS A TEACHER

(By Jane Butler Woolsey)

When I am gone, and over me
Bright summer grasses tremble,
Or winter's frigid tears congeal
And slide in sad confusion
Over the mound where I, sleeping, lie.

When this weary body shall have put aside
Its boundless joys and endless pains
And lies like marble, still and cold,
Upon its sandy bed,

When I am dead,
And come no more among you
You will seek an answer,
An epitaph,
Small words to surround and encompass
The gladsome days I walked complete among you,
To sum up the sole of my existence,
For you are mortal yet,
And mortals seek to find
The logic and the end
Where none exists . . .

When I am no more,
And you seek words to engrave
Into living stone
That my transient spirit may
Not have passed unsung along the trackless way,
Recollect how I loved these:
"She was a teacher,"
For they say all of me that I wish recalled.

"She was a teacher;"
A part of the roll-call of history,
One of those who lit the candle
From which the torch of civilization sprang.
Her kind taught in the streets of ancient Greece,
Expounded theory in the halls of mighty Rome,
Set liberty flaming in the hearts of men.
Vicariously, she has painted masterpieces,
Scribed immortal words,
Set living music singing
Down the winds of eternity.

At her feet they sat, then mutable
Before they were leaders of men.
Her words are reflected in the archives of government,
In the steeples and pulpits of churches,
In the courts of the world.
Her ideas span chasms, search oceans,
Lift mighty rockets into limitless space.
Her forgotten kindnesses mend broken lives
And heal new sorrows.
Her knowledge moves the fingers of surgeons
And enlivens the tongues of statesmen.
Her reason and logic unlock secrets of life
And death, and time, here and hereafter.
Her peace moves within the hearts of mighty
And lowly alike, for she knew no barriers
Too great for love.

Because she loved
And gave her best to children,
The world is a nobler, richer
Better place for all who live.

This, then, is true immortality:
She passed to children a part of the life-force
That directs the current, the streams of humanity.
The total of her existence lies in what they become.

Now, having inscribed, erase.
For from the river of immortality,
I stepped inside to teach the voiceless ones,
The retarded children.
My heart heard the muted sounds
Of the criers in the wilderness of neglect
And I answered with all I could be
I reached beyond the injury,
Beyond the hurt,
And loved the children who could never grow.
I shared their little joys
And eased their frightful sorrows.
I guided their stumbling fingers and
Freed their stammering tongues to sing,
And I taught reading and writing and arithmetic,
Incidently; but I taught love and patience
And understanding by word and by deed,
Daily.

Do not think I grieve
For the turning aside,
Or that my restless spirit
Will roam the corridors of time,
Seeking to hear its name
Praised on the tongues of men.
My ghost will quietly lie,
Content with anonymity,
Neither dreaming nor asking
For more than silent bed
And peaceful sleep
Until the Master leans down from Glory
To thunder the accolade:
"Well done, thou good and faithful servant!
For inasmuch as ye have done it to
The least of these, my children,
Ye have done it unto Me."

TEXTILE AND APPAREL INDUSTRY FIGHT TO SURVIVE RISING TIDE OF IMPORTS

(Mr. SPRATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SPRATT. Mr. Speaker, despite the current recovery, some U.S. industries are fighting to survive a rising tide of imports. None is in more peril than the textile and apparel industry. During the first 7 months of this year, textile and apparel imports were 44 percent higher than during the same period last year, and textile imports alone increased by 62 percent.

The textile and apparel industry provides one out of nine manufacturing jobs nationwide. It is the No. 1 employer in North and South Carolina. One can understand why the textile and apparel industry would plead that this surge of imports be slowed down, or regulated, if not frozen; but the industry has not asked for Government help without first doing all that it can to help itself. During the past 5 years, the textile and apparel industry has made new capital investments totaling $7.6 billion. And this year, it will increase its rate of investment by 21 percent to a 1-year record of $1.72 billion. To me, there is something honest and deserving about an industry that plows its capital—at the rate of 80 percent of retained cash flow—back into its own business.

Because of this capital commitment, productivity in the textile and apparel industry has grown faster than in any other industry, except for electronics. An average textile worker who in 1 hour in 1962 could process 4.1 pounds of fiber, in 1983 processed 8.2 pounds—an increase of 100 percent. While foreign producers exploit the trade advantages afforded by our overvalued currency and our poorly enforced inport laws, the domestic textile and apparel industry is fighting back; and it deserves to be applauded for its efforts and awarded with more aid against imports than it has gotten from this Government.

In a recent front-page story, the Wall Street Journal highlighted the production advances made by the U.S. textile and apparel industry. I would like to share this article with my colleagues who may not have seen or read it by having it placed in the RECORD:

The article follows:

WHILE TEXTILE MAKERS BEMOAN IMPORTS, THEY ARE MODERNIZING, TOO

(By Scott Kilman and Linda Williams)

SPARTANBURG, SC.—When prospective textile buyers from West Germany toured Milliken & Co.'s headquarters this summer, they were surprised by computer terminals along the way flashing "Willkommen." Other visitors are no less surprised by the sophistication of many textile mills in the Carolina hills.

"People don't think of us as very modern," says Roger Milliken, the 68-year-old chief of the giant, family-owned textile maker. "But this is an industry doing what you hope an industry would do."

While the textile industry is loudly bemoaning imports, it also is quietly doing something about its problems. The companies are retooling obsolete mills with new high-speed machines. According to the American Textile Manufacturers Institute,

their capital spending this year will rise 24 percent from 1983 to a record $1.72 billion.

MAJOR CHANGES

Not since the companies' mass migration from New England to the South has so much changed. With new looms and spinners, the nation's oldest manufacturing industry is more productive than ever, weaving more types of fabric faster and with fewer workers. And it is learning how to sell. Instead of continuing to churn out cloth for a mass market, the new mills are being targeted for niches not filled by imports.

Though hot and noisy, the new mills are more bearable for workers than the steamy, cavernous factories that haven't been modernized. Most of the brute-force work is gone. "We've eliminated a lot of pushing, pulling types of jobs," says Neil W. Yeargin, manager of a Burlington Industries Inc. denim-weaving plant in Erwin, NC.

Mr. Yeargin stops in a room where thick spools of just-spun yarn are wound onto bob bins. "At one time, there were a thousand spinning machines in here," he says, "and so much dust you couldn't see a few feet." Today, in line with federal regulations, the air appears clear—though cotton dust still clings to the machinery and to some workers' hair. In this mill, the dust is sucked through gray hoses attached to vacuums traveling on ceiling rails.

ROBOTS AND COMPUTERS

Other changes are apparent all through the industry. In some mills, robotic pluckers lift and unpack dusty cotton bales. Computers direct the tugs and conveyor belts feeding mill assembly lines. Defects in weaving yarn are spotted by electronic eyes and cut out. The severed ends of the yarn are spliced on tiny, swirling bursts of air, without any knots. In finishing plants, the dyeing cycle for fabrics such as textured polyester is being cut to two hours from eight.

But the most important change is in the mills core, the weaving room, where yarn spun from bales of cotton and man-made fiber is turned into bolts of cloth. Companies are buying European and Japanese looms, which are three and four times faster than the American-made machines being junked. The best-selling loom today and in the foreseeable future weaves with jets of air, a technological leap over conventional looms, which weave with wooden shuttles—much as they did a century ago.

INCREASING COMPLEXITY

In addition to the air jet, three other types of shuttleless looms are displacing the old machinery. The rapier loom carries the crosswise yarns, known in the industry as filling, in between theimple industry increasingly complicated, even for a textile expert such as Mr. Milliken, whose company is refitting two plants with Japanese air jets.

At a sprawling research facility outside Spartanburg, Mr. Milliken and a visitor walk into the prototype shop. Two men are assembling a box-like contraption several feet high. Mr. Milliken studies the machinery a moment, then frowns.

"I don't know what it is, but you shouldn't be looking at it," he says, and he ushers the visitor away. Milliken, the largest privately held U.S. textile company, is secretive about its retooling plans, but it is thought to be keeping pace with its big, publicly held competitors, such as Burlington.

With $3 billion in annual sales and 6% of the domestic market, Burlington has the deepest pockets. It has budgeted $200 million this year to refit mills with new equipment and has spent $1.8 billion during the past 10 years. At the Erwin mill, Burlington has invested $55 million to expand the plant, to replace shuttle looms with air-jet looms, to install new spinners and to program computers to direct everything from unloading trucks to inspecting bolts of finished denim.

Springs Industries Inc., the fourth-largest U.S. producer, expects to spend $210 million by 1987 to scrap 6,600 antiquated shuttle looms and, among other things, to install 1,160 Swiss and Japanese air-jet weaving machines. J.P. Stevens & Co., whose $1.93 billion in annual sales makes it the second-largest publicly held U.S. textile company, is spending $30 million to modernize its shirt-fabric weaving plants in Rockingham, NC.

Some smaller mills are also modernizing. Alice Manufacturing Co. in Easley, SC, threw out 1,200 shuttle looms last year. During the next three years, its president Ellison S. McKissick Jr., plans to scrap the remaining 2,400 looms in his family's five plants and to replace them with new, shuttleless looms. "We could sell them, and then they'd go to Mexico and Central America," he says. "I'd just as soon they not come back as competition."

The new looms represent about 30% of the 214,000 in U.S. mills today, compared with 15% of those five years ago, says Edward Macho, the director of business planning at Draper Corp., a loom maker in Greensboro, NC. The trend is accelerating he says, adding, "Every one of the foreign machines replaces three of the old shuttle looms."

About half of the looms operating in this country will be shuttleless "within the next few years," says Luciano Cont, the vice president, marketing, at Sulzer Ruti Inc., the U.S. unit of a Swiss textile-machinery maker, Sulzer Brothers Ltd. "That is a very drastic change, which is good for us, obviously," he says. "This is kind of a make-or-break situation for the companies. You have to modernize to stay in business."

SLOW REACTION

The industry was slow to adopt shuttleless looms, which became available in the U.S. 20 years ago. Air-jet looms, introduced in the mid-1970s, also got a lukewarm reception. "They were faster, but their cost was too high compared with the fully depreciated shuttle looms," says Neil Cahill, the vice president of manufacturing technology at the Institute of Textile Technology, an industry-supported research group. "At the time, there just wasn't the necessity to change."

Then, imports exploded. Last year, foreign-made apparel fabric and garments accounted for about 31% of U.S. apparel sales, up from 15% a decade ago, according to the American Textile Manufacturers Institute. The institute predicts that imports this year will exceed 10 billion square yards, up from a record 7.4 billion last year.

MANY LAYOFFS

Yet, the new-loom boom is making the U.S. textile industry more productive and competitive. Burlington estimates that its retooling during the past decade has increased its output per worker hour by 5% annually. "There is two to three times as much cloth coming off that one jet-air loom, and one person can still handle that one loom," says Walter Y. Elisha, Springs chairman. Springs, which placed the first big U.S. order for air-jet looms in 1977, says its productivity has increased 18% since mid-1980.

Increased productivity also brings lay-offs, however. This December, Springs is closing its 92-year-old Springsteen mill in Chester, S.C., because it can't be fitted with the new looms; it would shake apart from the pounding. "You won't be seeing these too much longer," Tommy Williams, the assistant plant manager, shouts above the din of the 348 shuttle looms beating their frames against the floor.

About 375 of the workers, including Mr. Williams, are moving down the road to the company's refitted Eureka mill. Another 125 jobs are disappearing. Similarly, J.P. Stevens is boarding up the last of its three mills in Great Falls, S.C.; the facility employs 600 in that town of 2,600.

The plant closings are contributing to a 10-year drop in the number of mill jobs in the Southeast, which accounts for 70% of the employment in the industry. The total jobs in the Southeast mills dropped to 518,600 last year from 674,100 in 1973, according to the Labor Department.

Many of the companies are leaving the mass production of commodity fabrics such as print cloth to low-wage foreign mills. These American concerns are targeting their mills on smaller markets such as bed sheets and cloth for high-fashion apparel, which are harder for foreign mills to serve because consumer tastes change quickly.

FINDING NICHES

"The modern mill has to be very versatile" so that companies can find niches, fill them and move on after the market changes again, says Mitchell D. Strauss, the assistant dean of the Institute of Textile Technology's academic program. Last year, for example, West Point-Pepperell Inc. shifted a projectile-loom mill to weaving lightweight casual-slack fabric from the glutted corduroy market in about a month—less than a third of the conversion time required in an old mill.

Textile executives also hope that their quicker deliveries will compensate for their higher prices—especially when fashions change. "We can change the quickest if polka dots go out," says David M. Tracy, vice chairman at Stevens. "Everything is marketing now."

Burlington clearly agrees. It signed up fashion designer Liz Claiborne to strengthen its line of designer towels and bed linens. "We're going to be more specialized, experimental, innovative and creative," declares Frank S. Greenberg, Burlington's president. "We're sweetening the mix to add value, fashion and style."

Some smaller companies will be broken, textile executives predict, because they can't afford to replace shuttle looms, bought in the 1960s for about $5,000 apiece, with a $35,000 air-jet loom or a $50,000 projectile loom. Ryan C. Amacher, the dean of Clemson University's College of Commerce and Industry, sees "two groups within the industry: The ones that are aggressively out there modernizing and buying the latest machines and . . . another group that isn't—and they aren't going to be around in 10 years."

DEPLORABLE CONDITIONS AT LORTON PENITENTIARY

(Mr. PARRIS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I find it ironic that I rise on District of Columbia day, when this Chamber addresses the needs of the District, to point out a glaring case where the District has failed to address the needs of others.

I refer to Lorton Penitentiary in Fairfax County, VA—the prison administered and operated in theory and in law by the District of Columbia. I use the word "theory" advisedly, for the fact is that two studies in 1984 indicate the prison is being operated by the inmates.

The most recent study, commissioned by the Fairfax County Board of Supervisors, paints a deplorable picture of open drug dealings, illegal whiskey, a thriving cottage industry of weapons manufacture, and of security measures so lax that the potential for riot and takeover by the inmates is great.

The potential for mass escape goes without saying, and this potential is a threat to the thousands and thousands of law-abiding residents who live and work in the vicinity of the prison.

Repeated complaints to the District of Columbia officials have produced nothing positive toward correcting the abominable situation. In fact, even the usual lip service by officials promising things will get better has not been offered.

I will not belabor your time by reciting the entire contents of the study, which comprises a stack of paper a foot high. But I would like to tell you of just a few items the consultants detailed:

From March 1983 through April 1984, prison guards confiscated 2,000 gallons of whiskey. There is no telling how many thousands of gallons were consumed by the inmates during that period. This amount is ludicrous. It is nearly the equivalent of 40 55-gallon drums of illegal liquor.

During that same period, searches uncovered 450 weapons.

It was almost routine for inmates to be caught with marijuana, heroin, cocaine, and barbiturates.

The corrections officers were so overworked from a serious understaffing problem that some guard posts had to go unstaffed so an officer could take over other duties.

In short, Lorton Penitentiary is a nightmare, where prisoners walk around with guns and knives, openly peddle drugs, assault guards and other inmates, and practically come and go as they please.

About the only thing I can say in defense of Lorton is that there appears to be no incentive to escape, because the prisoners can get whatever they want right in their cell blocks and exercise yards.

Needless to say, the consultants' report is filled with notations where prison facilities and procedures are not in compliance with the nationally recognized standards for prison operation established by the American Correctional Association.

The latest report, I might add, reinforces the conclusions in the report of the Federal Bureau of Prisons that was completed earlier this year.

The Federal report and the Fairfax County report buttress my call for Lorton Penitentiary to be closed, and, as many of you know, this has been my goal for a long time. The Bureau of Prisons, under the direction of this Congress, is continuing to explore the best and quickest way to accomplish the goal of removing the prison from northern Virginia and building a new prison to house District of Columbia prisoners where they should be housed—in the District of Columbia.

But until the prison is removed, Lorton remains a tangible threat to the lives and property of Fairfax County residents. Since the District of Columbia has failed to take even the simplest steps recommended by the Bureau's report last spring, I have requested that the Honorable RONALD V. DELLUMS, chairman of the District of Columbia Committee on which I am privileged to serve, convene full hearings into the Lorton situation.

I further believe it is the committee's obligation to use its oversight authority to determine why nothing has been done and to determine what the District of Columbia must do to maintain order and stem the flow of contraband at the prison.

Thousands of my constituents are threatened by this outlandish and dangerous situation, and the District of Columbia must be held accountable and action must be taken to correct this totally unacceptable situation.

This is why I have urged the District of Columbia Committee to exercise its oversight authority. The Lorton question has been well documented for some time. Both the House and Senate Appropriation Committees have addressed the issue. Yet the House District of Columbia Committee has been silent on Lorton. I believe the time for action on the part of the committee is long overdue. I would hope that the committee would take positive steps now, before the potential at Lorton becomes a reality and causes injury or death that our oversight authority might have been able to prevent.

LOOPHOLE CLOSING LOST IN THE BRANCHES OF THE CHRISTMAS TREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. ST GERMAIN] is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, in an effort to prevent a wholesale circumvention of the Bank Holding Company Act and to plug loopholes in related statutes, the Banking, Finance and Urban Affairs Committee reported H.R. 6916 on a 32-to-16 vote on July 12.

We felt that it was important that these loopholes—through which banks, securities firms, retail conglomerates, and insurance companies were establishing a crazy-quilt banking network—be closed so that the Congress could carefully consider, in a sane atmosphere, the long-range financial needs of all segments of the economy.

The Senate, while recognizing our initiative in closing the nonbank loophole, on September 13 adopted what can only be accurately described as a Christmas tree festooned with brightly colored ornaments of all shapes and sizes—credit union amendments, export trading company provisions, a basket of new powers for bank holding companies including new securities activities, consumer leasing amendments, new rules for brokered deposits, preemption of State usury laws, green-mail, golden parachutes provisions amending securities statutes, regional banking compacts which raise significant constitutional questions, new powers for savings and loan associations—the list goes on and on. The implications of these provisions won't be known for months, and, in some cases, years. The legislation is so far ranging and so broadly drafted that at least three House committees have jurisdiction—Banking, Energy and Commerce, and Judiciary.

None of us on the House Banking Committee would feel comfortable in standing up on this floor in the remaining few days of this Congress urging our colleagues to accept any part of this conglomeration on which neither we nor the Energy and Commerce nor Judiciary Committees have had hearings or markup and on which we all know there is a wide divergence of opinion. It would be a shot in the dark which we and the Nation might regret for years to come.

The Senate has acted in its wisdom. The pressures to give the banks and others in the financial community more powers are great in that body. I congratulate Chairman GARN and his colleagues who I know worked long and hard to push the package of new powers through the Senate.

Many of us in the House had hoped that the Senate would limit its efforts to what we felt were the critical needs of the moment—the closing of nonbank bank and related loopholes.

In hopes to avoid the kind of situation we now face, I have communicated, on a number of occasions, to the Senate the very real problems that any big package of new powers would face in the House as part of some last minute banking conference. The prob-

lems are large—in fact, insurmountable.

When I became convinced last spring that we needed a bill to close the more damaging loopholes, I consulted at length with my colleagues on the Banking Committee. I consulted with the minority as well as the members on the majority and there emerged a strong sentiment to close the loopholes.

But in a series of caucuses, one point stood out above all others—there was a solid consensus against any move being made in the late hours to accept packages of new powers and new provisions that were not considered and voted on in the committee. The message was clear.

"Freddie, we don't mind taking the hard knocks, the bruises required to close the loopholes, but we don't want this to be converted into a new powers bill in a last-minute conference"—a fair paraphrasing of the overall sentiment in those caucuses.

Since the passage of the Senate bill, I have rechecked the sentiment, not only among committee members but across the House. There is no question in my mind that the Senate package—or even a diluted conference version—would fail overwhelmingly in the House. We have problems not only on the substance, but major procedural difficulties as well.

None of this is particularly startling news to anyone. Every Member of the House, I am sure, quickly perceives the difficulties of asking for consideration of a massive rewriting of key statutes covering banking, securities, and interstate commerce when there have been few hearings, votes or debate. In fact, in most cases, absolutely none.

Completely aside from the political realities in the House, we must look at the fact that we are talking about a monumental change in banking and its relationship to the rest of the economy. A fundamental shift that may well determine how credit is delivered, financial services dispensed, and the entire economy structured for decades to come. This is not the stuff of quickie midnight conferences in the closing hours of the session.

Not only is there a major concern about what these new powers may mean to the economic future of the Nation, but also to the safety and soundness of the banking industry, itself.

The Banking Committee is now in the midst of a top to bottom look at the collapse of the $44 billion Continental Illinois National Bank of Chicago. The Federal Government, through its bank supervisory system, has decided that it is responsible for everything at Continental. Billions of dollars of funds have poured from Washington to that institution to keep it afloat.

If indeed this is a precedent and the assets of big banks and bank holding companies are a contingent liability of the Federal Treasury then we must look anew at how these institutions operate and under what control. Under the Continental-style bailout, the new powers to be grabbed up would increase the exposure for the insurance fund, the discount window, the Federal Treasury and the American taxpayer.

The same regulatory mechanism that appeared so inadequate in the Continental collapse—and earlier bank failures—would now take on the assignment of examining the expanded activities as proposed in the Senate bill. After listening to hours of testimony on Continental from the regulators over the past 2 days, I do not think it would be prudent or good public policy to give them any kind of new responsibility. Judging from Continental, they're struggling and running far behind in keeping up with even their most mundane supervisory functions.

None of this is said to suggest that the Banking Committee or the House is closing out the idea that change must be considered in banking and regulation. All we are saying is that such critical changes must be accomplished with full hearings, debate and votes at all levels of the process. Such consideration must place the needs of the economy first. Let's not structure the financial industry—according to its wishes—and then turn around and tell everyone else in the economy to adjust. Above all, we must make certain that we have a better and stronger regulatory system in place before we pass out new powers unless we want to really create some banking disasters.

The Banking Committee will be considering these issues in the next session. I regret that it is not possible to move the loophole closing legislation this session, but it is obvious that the Senate will not consider it unless we buy off on new powers. Again, something that I know would be a futile effort in the House at this moment.

Many, I know, are concerned that the Comptroller of the Currency's moratorium on nonbank banks expires at the close of this Congress. I trust that the industry groups, who may be anxious to leap in when the moratorium expires, will understand that both the House and Senate bills contain almost the same cutoff dates on nonbanks—June 30, 1983 in the House; July 1, 1983 in the Senate. Senator GARN, during the debate in the Senate, clearly stated that he would hold to that date whenever the legislation was resolved and thus put the industry on notice. I concur.

Any industry group that rushes forth and goes through the expense of creating a nonbank is now forwarned that the operation will be dissolved by statute. The Comptroller, too, should be on notice. The proper thing for the Comptroller would be an extension of the moratorium until Congress picks up the issue in the next session. He has enough problems to deal with—Continental and a few others—and he doesn't need a make-work program of nonbank bank applications.●

RELIGION AND POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, recently GERALDINE FERRARO was heard to say that Ronald Reagan is not a good Christian. What has happened in the political process to cause FERRARO, admittedly known to shoot from the hip in her comments, to question President Reagan's commitment to Christianity?

To understand what the lady meant by what she said, it is necessary to understand her definition of "Christian." By her voting record, GERALDINE FERRARO is easily identified as an enthusiastic supporter and promoter of the liberal welfare state.

□ 1500

The National Taxpayers Union noted her 1983 voting record as a big spender. She scored 16. Anyone 20 or under is a big spender. The Democratic average was 22. The Democratic median was 19. The Democratic leadership scored 20. Northern Democrats averaged 20. Eastern Democrats averaged 29. Her voting record makes clear that she has seldom encountered a spending program she did not like.

Another question, perhaps a little more difficult to answer, is why is this controversy being debated in American politics at this time? People react when the system of values which they cherish is threatened. In 1925, public schools in America taught the theory of creation, described in Genesis, as the origin of the universe. Evolution was on the outside looking for adherents. Scopes, a substitute biology teacher in the State of Tennessee, was tried and convicted for teaching the theory of evolution in public schools in violation of State law. In 1982, a Federal court judge in Arkansas declared a State law unconstitutional which required that equal time be given to the two theories, creation and evolution. At this time, most public schools in America teach evolution as the theory of the origin of the universe. Creation is the outsider considered old fashioned. In 1962, a Federal court struck down a New York State law which permitted voluntary school prayer. In 1973, a Federal court established a new-found right to privacy which gave America abortion on demand, some of it at taxpayer ex-

pense. These are just a few of the shocks to American culture in the last half century. These fundamental changes, along with others, have caused some people in America to fear that we have strayed from our roots and the philosophical underpinning of our civilization, the Judeo-Christian ethic. These people are getting better organized all the time and are responsible for the emphasis in America on traditional family values.

In Matthew 22:39, Jesus Christ said, "Thou shalt love thy neighbor as thyself." Jesus made this statement in response to a question from certain Pharisees as to what is the great commandment in the Law. Liberal welfare state proponents look at our world and see people in distress, in need, and suffering from a variety of ills. They conclude that religious people, Christian or Jewish, have individually, and collectively through the organized church, defaulted in their responsibility as outlined by the Old Testament prophets or Jesus Christ and, therefore, it is necessary for the corporate state to, in effect, fill the vacuum which religious people have failed to fill. In order to fulfill this mandate, the corporate state should tax citizens and through the channel of the Federal Treasury redistribute the wealth of our country. Therefore, a person such as President Reagan, who has slowed down the rate of growth of Federal spending to about 11 percent per year from the annual growth under Jimmy Carter of 17 percent per year, is considered by GERALDINE FERRARO to not be a good Christian. To proponents of the liberal welfare state such as GERALDINE FERRARO, any person who seeks to resist ever growing Federal outlays is non-Christian.

The fallacy of this philosophical bias is twofold. First, proponents of religious views in America, whether Protestant, Catholic, Jewish, or any number of other religions, have not defaulted in their individual or collective responsibilities. America contains over 500 seminaries which train theologians to serve groups of religious people of whatever calling. Americans contributed $28.06 billion to religious purposes in 1982. People identified with different religious groups operate hospitals, homes for the elderly, for the handicapped, for orphans, and for unwed mothers. Before the advent of medicare and medicaid/medical, the medical care establishment took care of the needs of the medically indigent. There are literally hundreds of private colleges and universities in America that are, in many instances, church-related. Parochial schools operated by different denominations educate a significant number of the students in primary and secondary schools. The Red Cross and the Salvation Army have a long record of service to people who are destitute and in need. Service organizations of various types engage in projects to help the disadvantaged among us. It is not suggested that what the private sector is doing will ever be sufficient to meet the need, but it is suggested that the liberal welfare state cannot be justified on the basis of the failure of the professants of the Judeo-Christian ethic to love your neighbor as yourself.

The second fallacy of the liberal welfare state is the inference that it is neutral on the issue of religion in attempting to fulfill the needs of people. The philosophical underpinning of American civilization is the Judeo-Christian ethic. The philosophical underpinning of the liberal welfare state is secular humanism. No two philosophies could be more in conflict. This conflict is readily apparent when you consider how each philosophy responds to social or moral issues currently encounterd in the political forum:

Relative to the origin of man, the Judeo-Christian ethic says it is based on Genesis, secular humanism says it is based on evolution as advocated by Charles Darwin. Human life, Judeo-Christian ethics says abortion only to save the life of the mother. Secular humanism says abortion should be on demand and paid for at taxpayers' expense.

Capital punishment, Judeo-Christian ethics says limited applicability as a deterrent and for punishment; secular humanism says to abolish it.

Homosexuality, Judeo-Christian ethics describe it as a sinful aberration. Secular humanism says it is a permissible alternative lifestyle.

Human social contacts, the Judeo-Christian ethic establishes that it is based on a correlative standard of right, duty, and privilege and obligation. Secular humanism says there should be no restraints on human behavior, in essence the philosophy of permissiveness.

Pornography, the Judeo-Christian ethic proscribes pornography in any civilization; secular humanism says there should be no prior restraints on the publication of any written material.

Federal budget deficits, the Judeo-Christian ethic teaches that the theft of private property whether by Government or individual action is prohibited; secular humanism is opposed to the balanced-budget amendment to the Constitution.

Prayer in public schools; recognition of God, First Commandment is the position of the Judeo-Christian ethic and secular humanism preaches a denial of God at all.

To those of us who attempt to resolve the social issues by applying the principles of the Judeo-Christian ethic we are told that we may not do so because we are, in so doing, establishing a religion in violation of the first amendment.

To those people I ask this question: Should we eliminate the law of our secular state protecting life based on the Fifth Commandment because it comes from the Judeo-Christian ethic? Does its being a part of our law mean that its presence is establishing a religion, either Judaism or Christianity? Obviously not.

The same question can be asked for laws such as prohibiting the uttering of profanity in public based on the Second Commandment; such as Sunday closing laws still existing in some States of the Union, based on the Third Commandment; laws providing for parents supporting children and children supporting parents, based on the Fourth Commandment; laws protecting the integrity of marriage, prohibiting adultery, based on the Sixth Commandment; laws protecting private property and prohibiting the theft of it based on the Seventh Commandment; and laws regarding truthful statements between all persons, based on the Eighth Commandment.

The Christian religion describes the creation of man as being perfect in the image of God, man's fall into sin, God's promise of a Savior, the birth, death, and resurrection of Jesus Christ as the son of God and Savior of the world. Jesus Christ's message to all men was to spread his Gospel; from the beginning of time the organized church has attempted in different forms to fulfill this mandate. If we seek by Federal law to impose the foregoing as the official religion of America, a course I do not advocate, this would be the establishment of a religion in violation of the first amendment. But the recognition of the principles of the Judeo-Christian ethic as found in the Ten Commandments is certainly not the establishment of a religion. It is merely the recognition of the foundation of our Western civilization.

This issue of secular humanism and what it is is relevant in the Presidential contest going on in the Nation because of that fact that the Vice Presidential candidate, GERALDINE FERRARO, the nominee of the Democratic Party, has talked about her assessment of certain issues that reflect the view of secular humanism and indeed the Presidential candidate himself, Mr. Mondale, has on one occasion, at least, in recorded history made very clear that he subscribes to the philosophy of secular humanism.

□ 1510

I will quote from the New York Times of June 19, 1983:

Walter Mondale. "Dad was basically the politician of the family," Mondale explains. "He was a devout Christian, a believer in the social gospel, a

Farmer-Laborite. I wanted to fight for the things my father believed in."

While still a Senator in 1970, Walter Mondale addressed the Fifth Congress of the International Humanist and Ethical Union held at the Massachusetts Institute of Technology.

He declared:

Although I have never formally joined a humanist society, I think I am a member of inheritance. My preacher father was a humanist—in Minnesota they call them Farmer Laborites and I grew up on a very rich diet of humanism from him. All of our family has been deeply influenced by this tradition, including my brother Lester, a Unitarian Minister, Ethical Culture Leader and Chairman of the Fellowship of Religious Humanists. (To Seek a Human World by Howard Radest, p. 69, Moral Majority Report, June 6, 1980.)

As to what humanists believe, and I think this is something that the American public has a right to analyze, you only have to look to the publications of the organization.

For example in May/June 1933, there was published in America a document titled "Humanist Manifesto I." It consists of two pages and I will include it in the RECORD at this point.

The article follows:

HUMANIST MANIFESTO I

The time has come for widespread recognition of the radical changes in religious beliefs throughout the modern world. The time is past for mere revision of traditional attitudes. Science and economic change have disrupted the old beliefs. Religions the world over are under the necessity of coming to terms with new conditions created by a vastly increased knowledge and experience. In every field of human activity, the vital movement is now in the direction of a candid and explicit humanism. In order that religious humanism may be better understood we, the undersigned, desire to make certain affirmations which we believe the facts of our contemporary life demonstrate.

There is great danger of a final, and we believe fatal, identification of the word religion with doctrines and methods which have lost their significance and which are powerless to solve the problem of human living in the Twentieth Century. Religions have always been means for realizing the highest values of life. Their end has been accomplished through the interpretation of the total environing situation (theology or world view), the sense of values resulting therefrom (goal or ideal), and the technique (cult) established for realizing the satisfactory life. A change in any of these factors results in alteration of the outward forms of religion. This fact explains the changefulness of religions through the centuries. But through all changes religion itself remains constant in its quest for abiding values, an inseparable feature of human life.

Today man's larger understanding of the universe, his scientific achievements, and his deeper appreciation of brotherhood, have created a situation which requires a new statement of the means and purposes of religion. Such a vital, fearless, and frank religion capable of furnishing adequate social goals and personal satisfactions may appear to many people as a complete break with the past. While this age does owe a vast debt to traditional religions, it is none the less obvious that any religion that can hope to be a synthesizing and dynamic force for today must be shaped for the needs of this age. To establish such a religion is a major necessity of the present. It is a responsibility which rests upon this generation. We therefore affirm the following:

First: Religious humanists regard the universe as self-existing and not created.

Second: Humanism believes that man is a part of nature and that he has emerged as the result of a continuous process.

Third: Holding an organic view of life, humanists find that the traditional dualism of mind and body must be rejected.

Fourth: Humanism recognizes that man's religious culture and civilization, as clearly depicted by anthropology and history, are the product of a gradual development due to his interaction with his natural environment and with his social heritage. The individual born into a particular culture is largely molded to that culture.

Fifth: Humanism asserts that the nature of the universe depicted by modern science makes unacceptable any supernatural or cosmic guarantees of human values. Obviously humanism does not deny the possibility of realities as yet undiscovered, but it does insist that the way to determine the existence and value of any and all realities is by means of intelligent inquiry and by the assessment of their relation to human needs. Religion must formulate its hopes and plans in the light of the scientfic spirit and method.

Sixth: We are convinced that the time has passed for theism, deism, modernism, and the several varieties of "New thought."

Seventh: Religion consists of those actions, purposes, and experiences which are humanly significant. Nothing human is alien to the religious. It includes labor, art, science, philosophy, love, friendship, recreation—all that is in its degree expressive of intelligently satisfying human living. The distinction between the sacred and the secular can no longer be maintained.

Eighth: Religious humanism considers the complete realization of human personality to be the end of man's life and seeks its development and fulfillment in the here and now. This is the explanation of the humanist's social passion.

Ninth: In place of the old attitudes involved in worship and prayer the humanist finds his religious emotions expressed in a heightened sense of personal life and in a cooperative effort to promote social well-being.

Tenth: It follows that there will be no uniquely religious emotions and attitudes of the kind hitherto associated with belief in the supernatural.

Eleventh: Man will learn to face the crises of life in terms of his knowledge of their naturalness and probability. Reasonable and manly attitudes will be fostered by education and supported by custom. We assume that humanism will take the path of social and mental hygiene and discourage sentimental and unreal hopes and wishful thinking.

Twelfth: Believing that religion must work increasingly for joy in living, religious humanists aim to foster the creative in man and to encourage achievements that add to the satisfactions of life.

Thirteenth: Religious humanism maintains that all associations and institutions exist for the fulfillment of human life. The intelligent valuation, transformation, control, and direction of such associations and institutions with a view to the enhancement of human life is the purpose and program of humanism. Certainly religious institutions, their ritualistic form, eccelesiastical methods, and communal activities must be reconstituted as rapidly as experience allows, in order to function effectively in the modern world.

Fourteenth: The humanists are firmly convinced that existing acquisitive and profit-motivated society has shown itself to be inadequate and that a radical change in methods, controls, and motives must be instituted. A socialized and cooperative economic order must be established to the end that the equitable distribution of the means of life be possible. The goal of humanism is a free and universal society in which people voluntarily and intelligently cooperate for the common good. Humanists demand a shared life in a shared world.

Fifteenth and last: We assert that humanism will: (a) affirm life rather than deny it; (b) seek to elicit the possibilities of life, not flee from it; and (c) endeavor to establish the conditions of a satisfactory life for all, not merely for the few. By this positive morale and intention humanism will be guided and from this perspective and alignment the techniques and efforts of humanism will flow.

So stand the theses of religious humanism. Though we consider the religious forms and ideas of our fathers no longer adequate, the quest for the good life is still the central task for mankind. Man is at last becoming aware that he alone is responsible for the realization of the world of his dreams, that he has within himself the power for its achievement. He must set intelligence and will to the task.

Signers: J.A.C. Fagginer Auer, E. Burdette Backus, Harry Elmer Barnes, L.M. Birkhead, Raymond B. Bragg, Edwin Arthur Burtt, Ernest Caldecott, A.J. Carlson, John Dewey, Albert C. Dieffenback, John H. Dietrich, Bernard Fantus, William Floyd, F.H. Hankins, A. Eustace Haydon, Llewellyn Jones, Robert Morss Lovett, Harold P. Marley, R. Lester Mondale, Charles Francis Potter, John Herman Randall, Jr., Curtis W. Reese, Oliver L. Reiser, Roy Wood Sellars, Clinton Lee Scott, Maynard Shipley, W. Frank Swift, V.T. Thayer, Eldred C. Vanderlaan, Joseph Walker, Jacob J. Weinstein, Frank S.C. Wicks, David Rhys Williams, Edwin H. Wilson.

Then again in September/October of 1973, "Humanist Manifesto II" was published. It consists of four pages and I will include it at this point in the RECORD.

The article follows:

HUMANIST MANIFESTO II

PREFACE

It is forty years since Humanist Manifesto I (1933) appeared. Events since then make that earlier statement seem far too optimistic. Nazism has shown the depths of brutality of which humanity is capable. Other totalitarian regimes have suppressed human rights without ending poverty. Science has sometimes brought evil as well as good. Recent decades have shown that inhuman wars can be made in the name of peace. The beginnings of police states, even in democratic societies, widespread government espionage, and other abuses of power by military, political, and industrial elites, and the continuance of unyielding racism, all present a different and difficult social outlook. In various societies, the demands of

women and minority groups for equal rights effectively challenge our generation.

As we approach the twenty-first century, however, an affirmative and hopeful vision is needed. Faith, commensurate with advancing knowledge, is also necessary. In the choice between despair and hope, humanists respond in this Humanist Manifesto II with a positive declaration for times of uncertainty.

As in 1933, humanists still believe that traditional theism, especially faith in the prayer-hearing God, assumed to love and care for persons, to hear and understand their prayers, and to be able to do something about them, is an unproved and outmoded faith. Salvationism, based on mere affirmation, still appears as harmful, diverting people with false hopes of heaven hereafter. Reasonable minds look to other means for survival.

Those who sign Humanist Manifesto II disclaim that they are setting forth a binding credo; their individual views would be stated in widely varying ways. This statement is, however, reaching for vision in a time that needs direction. It is social analysis in an effort at consensus. New statements should be developed to supersede this, but for today it is our conviction that humanism offers an alternative that can serve present-day needs and guide humankind toward the future.

PAUL KURTZ,
Editor, The Humanist.
EDWIN H. WILSON,
Editor Emeritus, The Humanist.

The next century can be and should be the humanistic century. Dramatic scientific, technological, and ever-accelerating social and political changes crowd our awareness. We have virtually conquered the planet, explored the moon, overcome the natural limits of travel and communication; we stand at the dawn of a new age, ready to move farther into space and perhaps inhabit other planets. Using technology wisely, we can control our environment, conquer poverty, markedly reduce disease, extend our life-span, significantly modify our behavior, alter the course of human evolution and cultural development, unlock vast new powers, and provide humankind with unparalleled opportunity for achieving an abundant and meaningful life.

The future is, however, filled with dangers. In learning to apply the scientific method to nature and human life, we have opened the door to ecological damage, overpopulation, dehumanizing institutions, totalitarian repression, and nuclear and biochemical disaster. Faced with apocalyptic prophesies and doomsday scenarios, many flee in despair from reason and embrace irrational cults and theologies of withdrawal and retreat.

Traditional moral codes and newer irrational cults both fail to meet the pressing needs of today and tomorrow. False "theologies of hope" and messianic ideologies, substituting new dogmas for old, cannot cope with existing world realities. They separate rather than unite peoples.

Humanity, to survive, requires bold and daring measures. We need to extend the uses of scientific method, not renounce them, to fuse reason with compassion in order to build constructive social and moral values. Confronted by many possible futures, we must decide which to pursue. The ultimate goal should be the fulfillment of the potential for growth in each human personality—not for the favored few, but for all of humankind. Only a shared world and global measures will suffice.

A humanist outlook will tap the creativity of each human being and provide the vision and courage for us to work together. This outlook emphasizes the role human beings can play in their own spheres of action. The decades ahead call for dedicated, clear-minded men and women able to marshal the will, intelligence, and cooperative skills for shaping a desirable future. Humanism can provide the purpose and inspiration that so many seek; it can give personal meaning and significance to human life.

Many kinds of humanism exist in the contemporary world. The varieties and emphases of naturalistic humanism include "scientific," "ethical," "democratic," "religious," and "Marxist" humanism. Free thought, atheism, agnosticism, skepticism, deism, rationalism, ethical culture, and liberal religion all claim to be heir to the humanist tradition. Humanism traces its roots from ancient China, classical Greece and Rome, through the Renaissance and the Enlightment, to the scientific revolution of the modern world. But views that merely reject theism are not equivalent to humanism. They lack commitment to the positive belief in the possibilities of human progress and to the values central to it. Many within religion groups, believing in the future of humanism, now claim humanist credentials. Humanism is an ethical process through which we all can move, above and beyond the divisive particulars, heroic personalities, dogmatic creeds, and ritual customs of past religions or their mere negation.

We affirm a set of common principles that can serve as a basis for united action—positive principles relevant to the present human condition. They are a design of a secular society on a planetary scale.

For these reasons, we submit this new Humanist Manifesto for the future of humankind; for us, it is a vision of hope, a direction for satisfying survival.

RELIGION

First: In the best sense, religion may inspire dedication to the highest ethical ideals. The cultivation of moral devotion and creative imagination is an expression of genuine "spiritual" experience and aspiration.

We believe, however, that traditional dogmatic or authoritarian religions that place revelation, God, ritual, or creed above human needs and experience do a disservice to the human species. Any account of nature should pass the tests of scientific evidence, in our judgment, the dogmas and myths of traditional religions do not do so. Even at this late date in human history, certain elementary facts based upon the critical use of scientific reason have to be restated. We find insufficient evidence for belief in the existence of a supernatural, it is either meaningless or irrelevant to the question of the survival and fulfillment of the human race. As nontheists, we begin with humans not God, nature not deity. Nature may indeed be broader and deeper than we now know, any new discoveries, however, will but enlarge our knowledge of the natural.

Some humanists believe we should reinterpret traditional religions and reinvest them with meanings appropriate to the current situation. Such redefinitions, however, often perpetuate old dependencies and escapisms; they easily become obscurantist, impeding the free use of the intellect. We need, instead, radically new human purposes and goals.

We appreciate the need to preserve the best ethical teachings in the religious traditions of humankind, many of which we share in common. But we reject those features of traditional religious morality that deny humans a full appreciation of their own potentialities and responsibilities. Traditional religions often offer solace to humans, but, as often, they inhibit humans from helping themselves or experiencing their full potentialities. Such institutions, creeds, and rituals often impede the will to serve others. Too often traditional faiths encourage dependence rather than independence, obedience rather than affirmation, fear rather than courage. More recently they have generated concerned social action, with many signs of relevance appearing in the wake of the "God Is Dead" theologies. But we can discover no divine purpose or providence for the human species. While there is much that we do not know, humans are responsible for what we are or will become. No deity will save us, we must save ourselves.

Second: Promises of immortal salvation or fear of eternal damnation are both illusory and harmful. They distract humans from present concerns, from self-actualization, and from rectifying social injustices. Modern science discredits such historic concepts as the "ghost in the machine" and the "separable soul." Rather, science affirms that the human species is an emergence from natural evolutionary forces. As far as we know, the total personality is a function of the biological organism transacting in a social and cultural context. There is no credible evidence that life survives the death of the body. We continue to exist in our progeny and in the way that our lives have influenced others in our culture.

Traditional religions are surely not the only obstacles to human progress. Other ideologies also impede human advance. Some forms of political doctrine, for instance, function religiously, reflecting the worst features of orthodoxy and authoritarianism, especially when they sacrifice individuals on the altar of Utopian promises. Purely economic and political viewpoints, whether capitalist or communist, often function as religious and ideological dogma. Although humans undoubtedly need economic and political goals, they also need creative values by which to live.

ETHICS

Third: We affirm that moral values derive their source from human experience. Ethics is autonomous and situational, needing no theological or ideological sanction. Ethics stems from human need and interest. To deny this distorts the whole basis of life. Human life has meaning because we create and develop our futures. Happiness and the creative realization of human needs and desires, individually and in shared enjoyment, are continuous themes of humanism. We strive for the good life, here and now. The goal is to pursue life's enrichment despite debasing forces of vulgarization, commercialization, bureaucratization, and dehumanization.

Fourth: Reason and intelligence are the most effective instruments that humankind possesses. There is no substitute neither faith nor passion suffices in itself. The controlled use of scientific methods, which have transformed the natural and social sciences since the Renaissance, must be extended further in the solution of human problems. But reason must be tempered by humility, since no group has a monopoly of wisdom or

virtue. Nor is there any guarantee that all problems can be solved or all questions answered. Yet critical intelligence, infused by a sense of human caring, is the best method that humanity has for resolving problems. Reason should be balanced with compassion and empathy and the whole person fulfilled. Thus we are not advocating the use of scientific intelligence independent of or in opposition to emotion, for we believe in the cultivation of feeling and love. As science pushes back the boundary of the known, man's sense of wonder is continually renewed, and art, poetry, and music find their places, along with religion and ethics.

THE INDIVIDUAL

Fifth: The preciousness and dignity of the individual person is a central humanist value. Individuals should be encouraged to realize their own creative talents and desires. We reject all religious, ideological, or moral codes that denigrate the individual, suppress freedom, dull intellect, dehumanize personality. We believe in maximum individual autonomy consonant with social responsibility. Although science can account for the causes of behavior, the possibilities of individual freedom of choice exist in human life and should be increased.

Sixth: In the area sexuality, we believe that intolerant attitudes, often cultivated by orthodox religions and puritanical cultures, unduly repress sexual conduct. The right to birth control, abortion, and divorce should be recognized. While we do not approve of exploitive, denigrating forms of sexual expression, neither do we wish to prohibit, by law or social sanction, sexual behavior between consenting adults. The many varieties of sexual exploration should not in themselves be considered "evil." Without countenancing mindless permissiveness or unbridled promiscuity, a civilized society should be a tolerant one short of harming others or compelling them to do likewise, individuals should be permitted to express their sexual proclivities and pursue their life-styles as they desire. We wish to cultivate the development of a responsible attitude toward sexuality, in which humans are not exploited as sexual objects, and in which intimacy, sensitivity, respect, and honesty in interpersonal relations are encouraged. Moral education for children and adults is an important way of developing awareness and sexual maturity.

DEMOCRATIC SOCIETY

Seventh: To enhance freedom and dignity the individual must experience a full range of civil liberties in all societies. This includes freedom of speech and the press, political democracy, the legal right of opposition to governmental policies, fair judicial process, religious liberty, freedom of association, and artistic, scientific, and cultural freedom. It also includes a recognition of an individual's right to die with dignity, euthanasia, and the right to suicide. We oppose the increasing invasion of privacy, by whatever means, in both totalitarian and democratic societies. We would safeguard, extend, and implement the principles of human freedom evolved from the Magna Carta to the Bill of Rights, the Rights of Man, and the Universal Declaration of Human Rights.

Eighth: We are committed to an open and democratic society. We must extend participatory democracy in its true sense to the economy, the school, the family, the workplace, and voluntary associations. Decisionmaking must be decentralized to include widespread involvement of people at all levels—social, political, and economic. All persons should have a voice in developing the values and goals that determine their lives. Institutions should be responsive to expressed desires and needs. The conditions of work, education, devotion, and play should be humanized. Alienating forces should be modified or eradicated and bureaucratic structures should be held to a minimum. People are more important than decalogues, rules, proscriptions, or regulations.

Ninth: The separation of church and state and the separation of ideology and state are imperatives. The state should encourage maximum freedom for different moral, political, religious, and social values in society. It should not favor any particular religious bodies through the use of public monies, nor espouse a single ideology and function thereby as an instrument of propaganda or oppression, particularly against dissenters.

Tenth: Humane societies should evaluate economic systems not by rhetoric or ideology, but by whether or not they increase economic well-being for all individuals and groups, minimize poverty and hardships, increase the sum of human satisfaction, and enhance the quality of life. Hence the door is open to alternative economic systems. We need to democratize the economy and judge it by its responsiveness to human needs, testing results in terms of the common good.

Eleventh: The principle or moral equality must be furthered through elimination of all discrimination based upon race, religion, sex, age, or national origin. This means equality of opportunity and recognition of talent and merit. Individuals should be encouraged to contribute to their own betterment. If unable, then society should provide means to satisfy their basic economic, health, and cultural needs, including, wherever resources make possible, a minimum guaranteed annual income. We are concerned for the welfare of the aged, the infirm, the disadvantaged, and also for the outcasts—the mentally retarded, abandoned or abused children, the handicapped, prisoners, and addicts—for all who are neglected or ignored by society. Practicing humanists should make it their vocation to humanize personal relations.

We believe in the right to universal education. Everyone has a right to the cultural opportunity to fulfill his or her unique capacities and talents. The schools should foster satisfying and productive living. They should be open at all levels to any and all; the achievement of excellence should be encouraged. Innovative and experimental forms of education are to be welcomed. The energy and idealism of the young deserve to be appreciated and channeled to constructive purposes

We deplore racial, religious, ethnic, or class antagonisms. Although we believe in cultural diversity and encourage racial and ethnic pride, we reject separations which promote alienation and set people and groups against each other; we envision an integrated community where people have a maximum opportunity for free and voluntary association.

We are critical of sexism or sexual chauvinism—male or female. We believe in equal rights for both women and men to fulfill their unique careers and potentialities as they see fit, free of invidious discrimination.

WORLD COMMUNITY

Twelfth: We deplore the division of humankind on nationalistic grounds. We have reached a turning point in human history where the best option is to transcend the limits of national sovereignty and to move toward the building of a world community in which all sectors of the human family can participate. Thus we look to the development of a system of world law and a world order based upon transnational federal government. This would appreciate cultural pluralism and diversity. It would not exclude pride in national origins and accomplishments not the handling of regional problems on a regional basis. Human progress, however, can no longer be achieved by focusing on one section of the world, Western or Eastern, developed or underdeveloped. For the first time in human history, no part of humankind can be isolated from any other. Each person's future is in some way linked to all.

We thus reaffirm a commitment to the building of world community, at the same time recognizing that this commits us to some hard choices.

Thirteenth: This world community must renounce the resort to violence and force as a method of solving international disputes. We believe in the peaceful adjudication of differences by international courts and by the development of the arts of negotiation and compromise. War is obsolete. So is the use of nuclear, biological, and chemical weapons. It is a planetary imperative to reduce the level of military expenditures and turn these savings to peaceful and people-oriented uses.

Fourteenth: The world community must engage in cooperative planning concerning the use of rapidly depleting resources. The planet earth must be considered a single ecosystem. Ecological damage, resource depletion, and excessive population growth must be checked by international concord. The cultivation and conservation of nature is a moral value; we should perceive ourselves as integral to the sources of our being in nature. We must free our world from needless pollution and waste, responsibly guarding and creating wealth, both natural and human. Exploitation of natural resources, uncurbed by social conscience, must end.

Fifteenth: The problems of economic growth and development can no longer be resolved by one nation alone, they are worldwide in scope. It is the moral obligation of the developed nations to provide—through an international authority that safeguards human rights—massive technical, agricultural, medical, and economic assistance, including birth control techniques, to the developing portions of the globe. World poverty must cease. Hence extreme disproportions in wealth, income, and economic growth should be reduced on a worldwide basis.

Sixteenth: Technology is a vital key to human progress and development. We deplore any non-romantic efforts to condemn indiscriminately all technology and science or to counsel retreat from its further extension and use for the good of humankind. We would resist any moves to censor basic scientific research on moral, political, or social grounds. Technology must, however, be carefully judged by the consequence of its use, harmful and destructive changes should be avoided. We are particularly disturbed when technology and bureaucracy control, manipulate, or modify human beings without their consent. Technological feasibility does not imply social or cultural desirability.

Seventeenth: We must expand communication and transportation across frontiers. Travel restrictions must cease. The world

must be open to diverse political, ideological, and moral viewpoints and evolve a worldwide system of television and radio for information and education. We thus call for full international cooperation in culture, science, the arts, and technology across ideological borders. We must learn to live openly together or we shall perish together.

HUMANITY AS A WHOLE

In closing: The world cannot wait for a reconciliation of competing political or economic systems to solve its problems. These are the times for men and women of good will to further the building of a peaceful and prosperous world. We urge that parochial loyalties and inflexible moral and religious ideologies be transcended. We urge recognition of the common humanity of all people. We further urge the use of reason and compassion to produce the kind of world we want—a world in which peace, prosperity, freedom, and happiness are widely shared. Let us not abandon that vision in despair or cowardice. We are responsible for what we are or will be. Let us work together for a humane world by means commensurate with humane ends. Destructive ideological differences among communism, capitalism, socialism, conservatism, liberalism, and radicalism should be overcome. Let us call for an end to terror and hatred. We will survive and prosper only in a world of shared humane values. We can initiate new directions for humankind, ancient rivalries can be superseded by broad-based cooperative efforts. The commitment to tolerance, understanding, and peaceful negotiation does not necessitate acquiescence to the status quo nor the damming up of dynamic and revolutionary forces. The true revolution is occurring and can continue in countless non-violent adjustments. But this entails the willingness to step forward onto new and expanding plateaus. At the present juncture of history, commitment to all humankind is the highest commitment of which we are capable, it transcends the narrow allegiances of church, state, party, class, or race in moving toward a wider vision of human potentiality. What more daring a goal for humankind than for each person to become, in ideal as well as practice, a citizen of a world community. It is a classical vision, we can now give it new vitality. Humanism thus interpreted is a moral force that has time on its side. We believe that humankind has the potential intelligence, a good will, and cooperation skill to implement this commitment in the decade ahead.

We, the undersigned, while not necessarily endorsing every detail of the above, pledge our general support to Humanist Manifesto II for the future of humankind. These affirmations are not a final credo or dogma but an expression of a living and growing faith. We invite others in all lands to join us in further developing and working for these goals.

Lionel Abel, professor of English, State University of New York at Buffalo.

Khoren Arizlan, board of leaders, New York Society for Ethical Culture.

Isaac Asimoy, author.

George Axtello, professor emeritus, Southern Illinois University.

Archic J. Bahm, professor of philosophy emeritus, University of New Mexico.

Paul H. Beattle, president, Fellowship of Religious Humanists.

Keith Boggs, executive director, American Humanist Association.

Malcolm Bissell, professor emeritus, University of Southern California.

H. J. Blackham, chairman, Social Morality Council, Great Britain.

Brand Blanshard, professor emeritus, Yale University.

Paul Blanshard, author.

Joseph L. Blau, professor of religion, Columbia University.

Sir Hermann Bond, professor of mathematics, King's College, University of London.

Howard Box, leader, Brooklyn Society for Ethical Culture.

Raymond B. Bragg, minister emeritus, Unitarian Chapter, Kansas City.

Theodore Bramold, visiting professor, C.U. N.Y.

Brigid Brophy, author, Great Britain.

Lester R. Brown, Senior Fellow, Overseas Development Council.

Bette Chambers, president, American Humanist Association.

John Clardi, poet.

Francis Crick, M.D., Great Britain.

Arthur Dento, professor of philosophy, Columbia University.

Lucien de Coninck, professor, University of Gand, Belgium.

Miriam Allen deFord, author.

Edd Doerr, Americans United for Separation of Church and State.

Peter Draper, M.D., Guy's Hospital Medical School, London.

Paul Edwards, professor of philosophy, Brooklyn College.

Albert Ellis, executive director, Institute of Advanced Study Rational Psychotherapy.

Edward L. Ericson, board of leaders, New York Society for Ethical Culture.

H. J. Eysenck, professor of psychology, University of London.

Roy P. Fairfield, coordinator, Union Graduate School.

Herbert Feigl, professor emeritus, University of Minnesota.

Raymond Firth, professor emeritus of anthropology, University of London.

Antony Flew, professor of philosophy, the University, Reading, England.

Kenneth Furness, exec. secretary, British Humanist Association.

Erwin Goode, minister, Unitarian Church, Ann Arbor, Mich.

Richard S. Gilbert, minister, First Unitarian Church, Rochester.

Charles Wesley Grady, minister, Unitarian University Church, Arlington, Va.

Maxine Green, professor, Teachers College, Columbia University.

Thomas C. Greening, editor, Journal of Humanistic Psychology.

Alan F. Guttmacher, president, Planned Parenthood Federation of America.

J. Harold Hadley, minister, Unitarian Church, Pt. Washington, N.Y.

Hector Hawton, editor, Question, Great Britain.

A. Eustace Haydon, professor emeritus of history of religions.

James Hemming, psychologist, Great Britain.

Palmer A. Hitty, administrative secretary, Fellowship of Religious Humanists.

Hudson Hoagland, president emeritus, Worcester Foundation for Experimental Biology.

Robert S. Hoagland, editor, Religious Humanism.

Sidney Hoot, professor emeritus of philosophy, New York University.

James F. Hornback, leader, Ethical Society of St. Louis.

Irving Louis Horowitz, editor, Society.

James M. Hutchinson, minister emeritus, First Unitarian Church, Cincinnati.

Mordecal M. Kaplan, rabbi, founder of Jewish Reconstruction Movement.

John C. Kidneigh, professor of Social Work, University of Minnesota.

Lester A. Kirkendall, professor emeritus, Oregon State University.

Margaret Knight, University of Aberdeen Scotland.

Jean Kotkin, executive secretary, American Ethical Union.

Richard Kostalanetz, poet.

Paul Kurtz, editor, The Humanist.

Lawrence Lader, chairman, National Association for Repeal of Abortion Laws.

Edward Lamb, president, Lamb Communication, Inc.

Corilas Lamont, chairman, National Emergency Civil Liberties Union.

Chauncey D. Leaks, professor, University of California, San Francisco.

Alfred McC. Lee, professor emeritus, Sociology-Anthropology, C.U.N.Y.

Elizabeth Briant Lee, author.

Christopher Macy, director, Rationalist Press Association, Great Britain, Mental Health.

Clorinda Margolis, Jefferson Community Mental Health Center, Philadelphia, Pa.

Joseph Margolis, professor of philosophy, Temple University.

Harold P. Marloy, retired, Unitarian minister.

Floyd W. Matson, professor of American Studies, University of Hawaii.

Vasthi McCollum, former president, American Humanist Association.

Lester Mondale, former president, Fellowship of Religious Humanists.

Lloyd Morain, president, Illinois Gas Co.

Mary Morain, editorial board, International Society for General Somantics.

Charles Morris, professor emeritus, University of Florida.

Henry Morgantaler, M.D., past president, Humanist Association of Canada.

Mary Mothergill, professor of philosophy, Barnard College.

Jerome Nathanson, chairman of the board of leaders, New York Society of Ethical Culture.

Billy Joe Nichols, minister, Richarson Unitarian Church, Texas.

Kal Nielson, professor of philosophy, University of Calgary, Canada.

P. M. Nowell-Smith, professor of philosophy, York University, Canada.

Chaim Perelman, professor of philosophy, University of Brussels, Belgium.

James W. Prescott, National Institute of Child Health and Human Development.

Harold J. Quigley, leader, Ethical Humanist Society of Chicago.

Howard Radest, professor of philosophy, Ramapo College.

John Herman Randall, Jr., professor emeritus, Columbia University.

Oliver L. Reiser, professor emeritus, University of Pittsburgh.

Robert G. Risk, president, Leadville Corp.

Lord Ritchie-Calder, formerly University of Edinburgh, Scotland.

B. T. Rocca, Jr., consultant, international trade and commodities.

Andrei D. Sakharov, Academy of Sciences, Moscow, U.S.S.R.

Sidney H. Scheuer, Chairman, national committee for an Effective Congress.

Herbert W. Schneider, professor emeritus, Claremont Graduate School.

Clinton Lee Scott, Universalist minister, St. Petersburg, Fla.

Roy Wood Sellars, professor emeritus, University of Michigan.

A. B. Shah, president Indian Secular Society.
B. F. Skinner, professor of psychology, Harvard University.
Kenneth J. Smith, leader Philadelphia Ethical Culture Schools.
Mark Starr, chairman, Esperanto Information Center.
A. Solomon, co-ordinator, India Secular Society, Bombay.
Matthew Ies Spetter, chairman, department ethic, Ethical Culture Schools.
V. M. Tarkunde, president, All India Radical Humanist Association, New Dehli.
Harold Taylor, project director, World University Student Project.
V. T. Thayer, author.
Herbert A. Tonne, educational board, Journal of Business Education.
Jack Tourin, president, American Ethical Union.
E. C. Vanderland, lecturer.
J. P. van Praag, chairman, International Humanist and Ethic Union, Utrecht.
Maurice B. Visscher, M.D., professor emeritus, University of Minnesota.
Goodwin Watson, association coordinator, Union Graduate School.
Gerald Wendt, author.
Henry N. Wieman, professor emeritus, University of Chicago.
Georgia H. Wilson, retired, Political Science Department, Brooklyn College.
Sherwin Wine, rabbi, Society for Humanistic Judaism.
H. Van Rensselaer Wilson, professor emeritus of philosophy, Brooklyn College.
Edwin H. Wilson, executive director emeritus, American Humanist Association.
Bertram D. Wolfe, Hoover Institution.
Alexander S. Yesmin Volpin, mathematician.
Marvin Zimmerman, professor of philosophy, State University New York at Buffalo.
(The above list is only a partial one: other signatures are being added. Institutions are listed for identification only.)

I will read just a few of the references to what secular humanism stands for in this country to give the Members a little appreciation of their philosophical basis or bias which is being advocated by those who profess this philosophy.

First, this was in the May/June 1933 publication "Humanist Manifesto I":

Religious humanists regard the universe as self-existing and not created.

Fourth: Humanism recognizes that man's religious culture and civilization, as clearly depicted by anthropology and history, are the product of a gradual development due to his interaction with his natural environment and with his social heritage. The individual born into a particular culture is largely molded to that culture.

Fourteenth: The humanists are firmly convinced that existing acquisitive and profit-motivated society has shown itself to be inadequate and that a radical change in methods, controls, and motives must be instituted. A socialized and cooperative economic order must be established to the end that the equitable distribution of the means of life be possible. The goal of humanism is a free and universal society in which people voluntarily and intelligently cooperate for the common good. Humanists demand a shared life in a shared world.

A few quotes from the "Humanist Manifesto II," published in September/October 1973:

Many kinds of humanism exist in the contemporary world. The varieties and emphases of naturalistic humanism include "scientific," "ethical," "democratic," "religious," and "Marxist" humanism. Free thought, atheism, agnosticism, skepticism, deism, rationalism, ethical culture, and liberal religion all claim to be heir to the humanist tradition. Humanism traces its roots from ancient China, classical Greece and Rome, through the Renaissance and the Enlightenment, to the scientific revolution of the modern world. But views that merely reject theism are not equivalent to humanism. They lack commitment to the positive belief in the possibilities of human progress and to the values central to it. Many within religious groups, believing in the future of humanism, now claim humanist credentials. Humanism is an ethical process through which we all can move, above and beyond the divisive particulars, heroic personalities, dogmatic creeds, and ritual customs of past religions or their mere negation.

I think I can summarize what is contained in Humanist Manifesto I and Humanist Manifesto II by the following summary.

A summary of beliefs of the secular humanist religion is described in its published manifestos. Its religious/ethical beliefs are extensive: Humanism denies and rejects God, theism, deism, faith, prayer, all divine purpose or providence, all religions that place God above human needs, the existence of life after death, traditional religious morality, national sovereignty, and a profit-motivated society.

Humanism proclaims its own set of self-serving, unproved dogmas as replacement for the tenets of traditional religion. It asserts that the universe is self-existing and not created. It says man is the product of evolution and that the joy of living and the satisfactions of life are the supreme goal of man. Ethics come from human experience, not from God.

Humanism recognizes and accepts abortion, euthanasia, suicide, and all varieties of sexual exploration and immoral lifestyles. It works for the establishment of a secular society, a socialized economic order, world government, military disarmament, and population control by government.

If that is the course for America, then those of us who have the privilege of voting can determine whether or not we seek to put people into public office who subscribe to a philosophical point of view as described as secular humanism.

From the beginning of the history of Western civilization we have based what we do and our laws and the nature of relations between men and women on the Judeo-Christian ethic.

It is my hope today not to suggest that it is the business of the secular state here in the Congress of the United States to impose a particular religion on any person in this country because that is not what we are here for.

The first amendment says that Congress shall pass no law establishing a religion or prohibiting the free exercise thereof.

But the observance of that first amendment and what it says to America does not in any way militate against the necessity of recognizing that every civilization of whatever age or creation is based on some philosophical basis and that we in America have long based our philosophy and our life on the basis of the Judeo-Christian ethic. I hope the people of this country in selecting people for public office will elect those to public office who recognize that that is the basis of our civilization.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DANNEMEYER) to revise and extend their remarks and include extraneous material:)

Mr. HORTON, for 60 minutes, on October 3.
Mr. DANNEMEYER, for 60 minutes, on September 24.
Mr. DANNEMEYER, for 60 minutes, on September 25.
Mr. DANNEMEYER, for 60 minutes, on September 26.
Mr. DANNEMEYER, for 60 minutes, on September 28.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. ST GERMAIN, for 5 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. PATTERSON, for 5 minutes, on September 25.
Mr. PATTERSON, for 5 minutes, on September 26.
Mr. PATTERSON, for 5 minutes, on September 28.
Mr. PATTERSON, for 5 minutes, on October 1.
Mr. PATTERSON, for 5 minutes, on October 2.
Mr. PATTERSON, for 5 minutes, on October 3.
Mr. PATTERSON, for 5 minutes, on October 4.
Mr. PATTERSON, for 5 minutes, on October 5.
Mr. ALEXANDER, for 5 minutes, on September 25.
Mr. ALEXANDER, for 5 minutes, on September 26.
Mr. LUNDINE, for 60 minutes, on October 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DANNEMEYER) and to include extraneous matter:)

Mr. BOEHLERT.
Mr. CONABLE.
Mr. CONTE in two instances.
Mr. SHUMWAY.
Mr. SAWYER.
Mr. BROOMFIELD.
Mr. MORRISON of Washington.
Mr. MCCOLLUM.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. MINETA.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee.
Mr. BONER of Tennessee.
Mrs. KENNELLY.
Mr. CLAY.
Mr. SYNAR.
Mr. GAYDOS in two instances.
Mr. ROYBAL.
Mr. STARK.
Mr. TALLON.
Ms. OAKAR in two instances.
Mr. D'AMOURS.
Mr. BOSCO.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2456. An act to establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine; to the Committee on Foreign Affairs.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5297. An act to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes; and

H.J. Res. 545. Joint resolution designating the week of September 16 through 22, 1984, as "Emergency Medicine Week."

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles.

S. 32. An act to amend title 17 of the United States Code with respect to rental, lease, of lending of sound recordings;

S. 38. An act entitled the "Longshore and Harbor Workers' Compensation Act Amendments of 1984";

S. 1989. An act for the relief of Vladimir Victorovich Yakimetz;

S. 2000. An act to allow variable interest rates for Indian funds held in trust by the United States;

S. 2155. An act to designate certain national forest system lands in the State of Utah for inclusion in the National Wilderness Preservation System to release other forest lands for multiple use management, and for other purposes;

S.J. Res 304. Joint resolution to designate the month of October 1984 as "National Quality Month";

S.J. Res 333. Joint resolution to designate September 21, 1984, as "World War I Aces and Aviators Day"; and

S.J. Res 340. Joint resolution to designate the week of September 23, 1984 as "National Historically Black Colleges Week."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On September 20, 1984:

H.J. Res. 153. Joint resolution to designate the week beginning October 7, 1984, as "National Children's Week";

H.J. Res. 505. Joint resolution designating the week beginning September 23, 1984, as "National Adult Day Care Center Week";

H.R. 9. An act to designate components of the National Wilderness Preservation System in the State of Florida;

H.R. 1250. An act to improve access for handicapped and elderly individuals to registration facilities and polling places for Federal elections; and

H.R. 1437. An act entitled the "California Wilderness Act of 1984."

On September 21, 1984:

H.J. Res. 453. Joint resolution designating the week of September 30 through October 6, 1984, as "National High-Tech Week";

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes; and

H.J. Res. 545. Joint resolution designating the week of September 16 through 22, 1984, as "Emergency Medicine Week."

ADJOURNMENT

Mr. DANNEMEYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3'oclock and 19 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 25, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4066. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the administration of the Strategic and Critical Materials Stock Piling Act, October 1983-March 1984, pursuant to the act of June 7, 1939, chapter 190, section 11(a) (93 Stat. 324; 95 Stat. 382); Executive Order 12155, section 1-105; to the Committee on Armed Services.

4067. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting a report on the participation of the United States in the International Monetary Fund, the International Bank for Reconstruction and Development, the International Finance Corporation, the Inter-American Development Bank, the International Development Association, the Asian Development Bank, and the African Development Bank, pursuant to the act of July 31, 1945, chapter 339, section 4(b) (5) and (6) (79 Stat. 519), section 15 (63 Stat. 298), and section 33(c) (94 Stat. 1551); August 11, 1955, chapter 788, section 4; Public Law 86-147, section 4; Public Law 86-565, section 4; Public Law 89-369, section 4(b); Public Law 91-599, section 31; Public Law 97-35, section 1335; to the Committee on Banking, Finance and Urban Affairs.

4068. A letter from the Secretary of Education, transmitting a report entitled, "The Condition of Bilingual Education in the Nation, 1984", pursuant to ESEA, section 731(c) (92 Stat. 2278); to the Committee on Education and Labor.

4069. A letter from the Secretary of Health and Human Services, transmitting the first triennial report on drug abuse and drug abuse research, pursuant to 42 U.S.C. 290aa-4 (PHSA, section 505(b) (97 Stat. 178)); to the Committee on Energy and Commerce.

4070. A letter from the Acting Administrator, General Services Administration, transmitting notification of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4071. General Counsel, Legal Services Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

4072. Acting Assistant Secretary of the Army (Civil Works), transmitting, a report from the Chief of Engineers, Department of the Army on Metropolitan Denver and South Platte River and Tributaries, Colorado, Wyoming, and Nebraska, together with other pertinent reports. These reports are in response to resolutions adopted June 14, 1956, and March 22, 1971, by the U.S. Senate Committee on Public Works, and also in response to resolution adopted July 29, 1971, by the U.S. House of Representatives Committee on Public Works (H. Doc. No. 98-265); to the Committee on Public Works and Transportation and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted September 21, 1984*]

Mr. NICHOLS: Committee on Armed Services. H.R. 4681. A bill relating to the administration of polygraph examinations and prepublication review requirements by Federal agencies; with amendments (Rept. No. 98-961, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on September 20, 1984, the following report was filed on September 21, 1984*]

Mr. RODINO: Committee of conference. Conference report on S. 1841 (Rept. No. 98-1044). Ordered to be printed.

[*Submitted September 24, 1984*]

Mr. LONG of Louisiana: Committee on Rules. House Resolution 588. Resolution providing for the consideration of House Joint Resolution 648; joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes. (Rept. No. 98-1045). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4932. A bill to withdraw and reserve for the Department of the Air Force certain public lands within the Nellis Air Force Range, within Clark, Nye, and Lincoln Counties, NE, for use as a training and weapons testing area, and for other purposes; with amendments (Rept. No. 98-1046, Pt. I). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5787. A bill to remove an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, TX, and Port Hueneme, CA, and for other purposes; with amendments (Rept. No. 98-1047, Pt. I). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 6266. A bill to extend for 1 year certain provisions—presently scheduled to expire in 1984—relating to foster care assistance under part E of title IV of the Social Security Act, and to require the establishment or continuation of regional Child Welfare Resource Centers to assist in the implementation of child welfare, foster care, and adoption assistance programs; with amendments (Rept. No. 98-1048). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 2568. A bill to amend the Internal Revenue Code of 1954 to repeal the provision which terminates the exclusion for amounts received under certain educational assistance programs; with amendments (Rept. No. 98-1049). Referred to the committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5361. A bill to extend for 5 years a tax provision to encourage employers to provide legal services for their employees; with amendments (Rept. No. 98-1050). Referred to the committee of the Whole House on the State of the Union.

Ms. OAKAR: Committee on House Administration. House Joint Resolution 580. Joint resolution to authorize the Kahlil Gibran Centennial Foundation of Washington, District of Columbia, to erect a memorial in the District of Columbia; with amendments (Rept. No. 98-1051). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. S. 1132. A bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures; with an amendment (Rept. No. 98-1052). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 5646. A bill to repeal the expiration of authority for awards for cost savings disclosures; with amendments (Rept. No. 98-1053). Referred to the Committee of the Whole House on the State of the Union.

Ms. OAKAR: Committee on Post Office and Civil Service. H.R. 2300. A bill to provide that a former spouse of a Federal employee who is married to such employee for ten years or more shall be entitled to a portion of such employee's annuity and to a portion of the annuity of any surviving spouse of such employee, and for other purposes; with amendments (Rept. No. 98-1054). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 5782. A bill granting the consent of Congress to an amendment to the Delaware River Basin Compact. (Rept. No. 98-1055). Referred to the House Calendar.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 6163. A bill to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes. (Rept. No. 98-1062). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5538. A bill to amend the Public Health Service Act to revise and extend the programs of assistance for preventive health programs; with an amendment (Rept. No. 98-1063). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 5513. A bill to designate the Delta States Research Center in Stoneville, MS, as the "Jamie Whitten Delta States Research Center". (Rept. No. 98-1064). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3697. A bill to modify Federal land acquisition and disposal policies carried out with respect to Fire Island National Seashore, and for other purposes; with an amendment (Rept. No. 98-1065). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3601. A bill to modify the boundary of the Pike National Forest in the State of Colorado, and for other purposes; with an amendment (Rept. No. 98-1066). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 6221. A bill to provide for the use and distribution of certain funds awarded to the Wyandotte Tribe of Oklahoma without amendment (Rept. No. 98-1067). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 416. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System; with amendments (Rept. No. 98-1068). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs, S. 1889. A bill to amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R.E. Hampton Visitor Center" with amendments (Rept. No. 98-1069). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2768. A bill to provide for the inclusion of the Washington Square area within Independence National Historical Park, and for other purposes; with an amendment (Rept. No. 98-1070). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 452. A bill for the relief of Jerome J. Hartmann and Rita J. Hartmann, (Rept. No. 98-1056). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 1561. A bill for the relief of Meals on Wheels of the Monterey Peninsula, Incorporated, with an amendment (Rept. No. 98-1057). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 4387. A bill for the relief of O. Edmund Clubb; with an amendment (Rept. No. 98-1058). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 2050. A bill for the relief of Gerald M. Hendley; with an amendment (Rept. No. 98-1059). Referred to the Committee of the Whole House.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 6228. A bill to amend title 35 of the United States Code to provide a patent extension for certain drug products; with amendments (Rept. No. 98-1060). Referred to the Committee of the Whole House.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 2882. A bill providing for a 17-year extension of patent numbered 3,376,198; with amendments (Rept. No. 98-1061). Referred to the Committee of the Whole House.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[Action taken on September 21, 1984]

The Committee on Merchant Marine and Fisheries discharged from further consideration of H.R. 2823; H.R. 2823 referred to the Committee of the Whole House on the State of the Union.

The Committee on the Judiciary and the Permanent Select Committee on Intelligence discharged from further consideration of H.R. 4681; H.R. 4681 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 6293. A bill to require studies with respect to the effect of increased automation in the workplace on the rate of unemployed and with respect to the effect of such increased automation in the workplace on the amount of revenues available to, and amount of benefits paid under, the programs under titles II and XVIII of the Social Security Act; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. MARLENEE:

H.R. 6294. A bill to compensate the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community for irrigation construction expenditures; to the Committee on Interior and Insular Affairs.

By Mr. MATSUI:

H.R. 6295. A bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the AFDC Program, and to provide for studies to assist in the further improvement of such standards and procedures; to the Committee on Ways and Means.

By Mr. RICHARDSON (for himself, Mr. LUJAN, and Mr. SEIBERLING):

H.R. 6296. A bill entitled "The San Juan Basin Wilderness Protection Act of 1984"; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNES:

H.R. 6297. A bill for the relief of Gloria Maria Hurtado; to the Committee on the Judiciary.

By Mr. CHAPPIE:

H.R. 6298. A bill for the relief of Manuel Valencia, Antonia Valencia, and America Valencia; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 960: Mr. ANDERSON, Mr. JONES of Oklahoma, Mr. DOWNEY of New York, Mr. RIDGE, Mr. MCEWEN, Mr. MONTGOMERY, Mr. FORD of Michigan, and Mr. VANDER JAGT.

H.R. 1320: Mr. BEDELL and Mr. KOSTMAYER.

H.R. 1657: Mr. WISE and Mr. EMERSON.

H.R. 1676: Mr. PRICE.

H.R. 1959: Mr. FORD of Michigan, Mr. PENNY, and Mr. DORGAN.

H.R. 5341: Mrs. SCHROEDER.

H.R. 5361: Mr. WYLIE, Mr. RANGEL, and Mr. RICHARDSON.

H.R. 5424: Mrs. BOXER, Mr. SCHUMER, Mr. FROST, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. FISH, Mr. LEVIN of Michigan, Mr. MORRISON of Connecticut, Mr. SOLARZ, Mr. OTTINGER, and Mr. MARTINEZ.

H.R. 5845: Mr. RANGEL.

H.R. 5943: Mr. MCCAIN.

H.R. 6021: Mr. WOLPE, Mr. BILIRAKIS, Mr. SUNDQUIST, Mr. HUNTER, Mr. CONTE, Mr. ROWLAND, Mr. MCCOLLUM, and Mr. EDWARDS of Oklahoma.

H.R. 6032: Mr. RUDD.

H.R. 6081: Mr. WIRTH.

H.R. 6100: Mr. RICHARDSON, Mr. ROE, Mr. LEWIS of Florida, Ms. KAPTUR, Mr. DICKINSON, Mr. FAZIO, Mr. MINISH, Mr. MCHUGH, Mr. BRITT, and Mr. KOLTER.

H.R. 6191: Mr. MATSUI, Mr. WEISS, Mrs. HOLT, Mr. BROWN of California, Mr. SISISKY, Mr. DE LUGO, Mr. MARTINEZ, and Mr. FRANKLIN.

H.R. 6210: Mr. RATCHFORD and Mr. WYDEN.

H.R. 6216: Mr. LOTT.

H.R. 6231: Mr. TALLON.

H.R. 6284: Mrs. JOHNSON.

H.J. Res. 528: Mr. DOWDY of Mississippi, Mr. HARKIN, Mr. DAUB, Mr. MONTGOMERY, and Mr. HANCE.

H.J. Res. 565: Mr. ADDABBO, Mr. ANDERSON, Mr. COUGHLIN, Mr. CORCORAN, Mr. CROCKETT, Mr. ERDREICH, Ms. FERRARO, Mr. GRADISON, Mr. HEFTEL of Hawaii, Mr. HEFNER, Mr. SIMON, and Mr. TALLON.

H.J. Res. 626: Mr. MCKERNAN, Mr. GUNDERSON, Mr. DE LA GARZA, Mr. FOGLIETTA, Mr. TALLON, Mr. SKEEN, Mr. WYLIE, Mr. FOLEY, Mr. DORGAN, Mr. TOWNS, Mr. FRANK, Mr. DANIEL, Mr. BIAGGI, Mr. RICHARDSON, Mr. HORTON, Mr. KOGOVSEK, Mr. JEFFORDS, Mr. SABO, Mr. OWENS, Mr. HYDE, Mr. TORRICELLI, Mr. HARTNETT, Mr. LAFALCE, Ms. SNOWE, Mrs. HOLT, Mr. PRITCHARD, Mr. MORRISON of Connecticut, Mr. WALGREN, Mr. HOYER, Mr. FRANKLIN, Mr. HEFTEL of Hawaii, Mr. KOLTER, Mr. KOSTMAYER, Mr. ROBINSON, Ms. KAPTUR, Mr. CHANDLER, Mr. MARKEY, Mr. DOWDY of Mississippi, Mr. CARPER, Mr. MORRISON of Washington, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. SIKORSKI, Mr. SISISKY, Mr. ST GERMAIN, Mr. DARDEN, Mr. HERTEL of Michigan, Mr. DYMALLY, Mr. MATSUI, Mr. YOUNG of Alaska, Mr. GRAY, Mr. MOAKLEY, Mr. MARTINEZ, Mr. MCCLOSKEY, Mr. JONES of Tennessee, Mr. LEVINE of California, Mr. QUILLEN, Mr. DEWINE, Mr. PEPPER, Mr. WAXMAN, Mr. TORRES, Mrs. LLOYD, Mr. LUJAN, Mr. MCNULTY, Mr. SHELBY, Mr. BOUCHER, Mr. DIXON, Mr. SOLARZ, Mr. BONER of Tennessee, Mr. BADHAM, Mr. BLILEY, Mr. BURTON of Indiana, Mr. WOLPE, Mr. KLECZKA, Mr. SCHUMER, Mr. SYNAR, Mr. D'AMOURS, Mr. BORSKI, Mr. LEHMAN of California, Mr. VANDER JAGT, Mr. HATCHER, Mr. ADDABBO, Mr. THOMAS of Georgia, Mr. LEHMAN of Florida, Mr. FEIGHAN, Mr. SKELTON, Mr. DURBIN, Mr. LAGOMARSINO, Mr. SMITH of Iowa, Mr. BROWN of Colorado, Mr. ORTIZ, Mr. APPLEGATE, Mrs. KENNELLY, Mr. SUNIA, Mr. BROWN of California, Mr. GORE, Mr. TAUKE, Mrs. BOXER, Mr. HUTTO, Mr. HAYES, Mr. FAUNTROY, Mr. CORRADA, Mr. BRITT, Mr. BOEHLERT, Mr. BEREUTER, Mr. PATTERSON, Mr. BENNETT, Mr. BEDELL, Mr. JACOBS, Mr. MURPHY, Mr. RAHALL, Mr. CRAIG, Mr. STARK, Mrs. BURTON of California, Mr. ANDERSON, Mr. BARNES, Mr. RITTER, Mr. DELLUMS, Mr. LEVITAS, Mr. WON PAT, Mr. SHUMWAY, Ms. OAKAR, Mr. ACKERMAN, Mr. CORCORAN, Mr. REID, Mrs. SCHNEIDER, Mr. ROSE, Mr. FROST, Mr. LANTOS, Mr. FUQUA, Mr. VALENTINE, Mr. SHAW, Mr. WHEAT, Mr. STANGELAND, Mr. MCDADE, Mr. FISH, Mr. SNYDER, Mr. FRENZEL, Mr. LOTT, Mr. ARCHER, Mr. DUNCAN, Mr. ROBERTS, Mr. ROEMER, Mr. HAWKINS, Mr. MADIGAN, Mr. RANGEL, Mr. EARLY, Mr. LONG of Maryland, Mr. KEMP, Mr. MONTGOMERY, Mr. DICKINSON, Mr. STOKES, Mr. FORD of Tennessee, Mr. SAVAGE, Mr. RINALDO, Mr. WYDEN, Ms. MIKULSKI, Mr. CROCKETT, Mr. YATRON, Mr. EMERSON, Mr. YOUNG of Florida, Mr. LEWIS of Florida, Mr. OXLEY, Mr. VENTO, Mr. SCHEUER, Mr. GEJDENSON, Mr. ERDREICH, Mr. HUNTER, Mr. DENNEY SMITH, Mr. FLORIO, Mr. WILSON, Mr. GREEN, Mr. CONYERS, Mr. NEAL, Mr. RALPH M. HALL, Mr. WINN, Mr. DE LUGO, Mr. BATEMAN, Mr. BOLAND, Mr. CHAPPIE, Mr. WORTLEY, Mr. PRICE, Mr. COUGHLIN, Mr. LEVIN of Michigan, Mr. GAYDOS, Mr. WEISS, Mr. LOWRY of Washington, Mr. PACKARD, Mr. WIRTH, Mr. VANDERGRIFF, Mr. JENKINS, Mr. AKAKA, Mrs. JOHNSON, Mr. MRAZEK, Mr. MOODY, Mr. GREGG, Mr. LIVINGSTON, Mr. CARNEY, Mr. MARTIN of North Carolina, Mr. WISE, Mr. SILJANDER, Mr. LEACH of Iowa, Mr. LUNDINE, Mr. HEFNER, Mr. STRATTON, Mr. FOWLER, Mr. ANDREWS of Texas, Mr. HARRISON, Mr. OLIN, Mr. OBERSTAR, Mr. UDALL, Mr. STUMP, Mr. BERMAN, Mr. DASCHLE, Mr. MARTIN of New York, Mr. EVANS of Ilinois, Mr. ROWLAND, Mrs. HALL of Indiana, Mr. LIPINSKI, Mr. GEKAS, Mr. MARRIOTT, Mr. DYSON, Mr. MCEWEN, and Mr. NATCHER.

H.J. Res. 640: Mr. HUGHES and Mr. FROST.

H. Res. 581: Mr. NEAL, Mr. SIMON, Mr. SIKORSKI, and Mr. LAFALCE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 648

Mr. CONTE:

—On page 9, after line 14, insert the following: "Payment to the Corporation for Public Broadcasting under the Communications Act of 1934 as amended for the fiscal year 1987: *Provided*, That for purposes of this payment, the current rate shall be the amount of the payment provided in fiscal year 1986 ;".

By Mr. DIXON:

—At the end of the resolution, add the following new section:

SEC. . (a)(1) Section 303(b) of the District of Columbia Self-Government and Governmental Reorganization Act is amended to read as follows:

"(b) An amendment to the charter ratified by the registered qualified electors shall take effect upon the expiration of the thirty-five-calendar-day period (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) following the date such amendment was submitted to the Congress, or upon the date prescribed by such amendment, whichever is later, unless, during such thirty-five-day period, there has been enacted into law a joint resolution, in accordance with the procedures specified in section 604 of this Act, disapproving such amendment. In any case in which any such joint resolution disapproving such an amendment has, within such thirty-five-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such thirty-five-day period, shall be deemed to have repealed such amendment, as of the date such resolution becomes law.".

(2) The second sentence of section 602(c)(1) of such Act is amended to read as follows: "Except as provided in paragraph (2), such act shall take effect upon the expiration of the 30-calendar-day period (excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than 3 days, or an adjourn-

ment of more than 3 days) beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, or upon the date prescribed by such act, whichever is later, unless, during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(3) The third sentence of section 602(c)(1) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(4) The first sentence of section 602(c)(2) of such Act is amended by deleting "only if during such 30-day period one House of Congress does not adopt a resolution disapproving such act." and inserting in lieu thereof "unless, during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(5) The second sentence of section 602(c)(2) is amended to read as follows: "The provisions of section 604, relating to an expedited procedure for consideration of joint resolutions, shall apply to a joint resolution disapproving such act as specified in this paragraph.".

(6) Section 604(b) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(7) Subsections (b) and (c) of section 740 of such Act are ameneded by deleting in each subsection the words "resolution by either the Senate or the House of Representatives" and inserting in lieu thereof "joint resolution by the Congress".

(8) Section 740(d) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(9) The amendments made by this subsection shall not be applicable with respect to any law, which was passed by the Council of the District of Columbia prior to the date of the enactment of this joint resolution, and such laws are hereby deemed valid, in accordance with the provisions thereof, notwithstanding such amendments.

(b) Part F of title VII of such Act is amended by adding at the end thereof the following new section:

"SEVERABILITY

"SEC. 762. If any particular provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.".

(c) Section 164(a)(3) of the District of Columbia Retirement Reform Act is amended to read as follows:

"(3)(A) The Congress may reject any filing under this section within thirty days of such filing by enacting a joint resolution stating that the Congress has determined—

"(i) that such filing is incomplete for purposes of this part; or

"(ii) that there is any material qualification by an accountant or actuary contained in an opinion submitted pursuant to section 162(a)(3)(A) or section 162(a)(4)(B).

"(B) If the Congress rejects a filing under subparagraph (A) and if either a revised filing is not submitted within forty-five days after the enactment under subparagraph (A) rejecting the initial filing or such revised filing is rejected by the Congress by enactment of a joint resolution within thirty days after submission of the revised filing, then the Congress may, if it deems it in the best interests of the participants, take any one or more of the following actions:

"(i) Retain an independent qualified public accountant on behalf of the participants to perform an audit.

"(ii) Retain an enrolled actuary on behalf of the participants to prepare an actuarial statement.

The Board and the Mayor shall permit any accountant or actuary so retained to inspect whatever books and records of the Fund and the retirement program are necessary for performing such audit or preparing such statement.

"(C) If a revised filing is rejected under subparagraph (B) or if a filing required under this title is not made by the date specified, no funds appropriated for the Fund with respect to which such filing was required as part of the Federal payment may be paid to the Fund until such time as an acceptable filing is made. For purposes of this subparagraph, a filing is unacceptable if, within thirty days of its submission, the Congress enacts a joint resolution disapproving such filing.".

(d) Section 102 of this joint resolution shall not apply with respect to the amendments made by this section.

By Mr. FISH:

—At the end of the resolution, add the following:

"SEC. . (a) The provisions of the bill H.R. 5963 (98th Congress), as introduced in House of Representatives on June 28, 1984, are hereby enacted.

"(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.".

By Mr. FRENZEL:

—Page 2, 14, strike out the semicolon and insert ": *Provided*, That each amount of budget authority provided in the Act, for payments not required by law, is hereby reduced by two percentum;".

By Mr. GEKAS:

—At the end of the resolution, add the following:

"SEC. . (a) The provisions of the bill H.R. 5594 (98th Congress), as introduced in the House of Representatives on May 3, 1984, are hereby enacted.

"(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.".

—At the end of the resolution, add the following:

"SEC. . (a) The provisions of the bill H.R. 5963 (98th Congress), as introduced in the House of Representatives on June 28, 1984, are hereby enacted.

"(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.".

—At the end of the resolution, add the following:

"SEC. . (a) The provisions of the bill H.R. 2151 (98th Congress), as introduced in the House of Representatives on March 16, 1983, are hereby enacted.

"(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.".

By Mr. ROE:

—At the end of the resolution, add the following:

"SEC. . (a) The provisions of the bill H.R. 3678 (98th Congress), as passed by the House of Representatives on June 29, 1984, are hereby enacted.

"(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.".

SENATE—*Monday, September 24, 1984*

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, we are thankful for all that was accomplished last week but mindful of all that remains to be done. We are grateful for whatever agreements have been reached which will encourage legislation. You know, Father, the human penchant for letting things go until the last minute and the stress that builds as adjournment nears. As these two agenda-filled weeks confront the Senate, make known your presence and power, your wisdom and direction.

We confess, Father, the ease with which we departmentalize faith. We relegate it to the Sabbath and the sanctuary or sometimes when personal crisis arises. Help us to realize that faith is for the road—the daily round—the common task—the business at hand—the critical moment. Help all the Senators to be open to the real possibility of divine intervention and relief when heat and pressure build and resolution seems remote if not impossible. Grant, dear God, in spite of us if necessary, a smooth—efficient—achievement-filled 2 weeks, free of rancor and frustration for Thy honor and the benefit of all. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, today, after the recognition of the two leaders under the standing order and the special orders in favor of the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from Texas [Mr. BENTSEN], there is going to be a period for the transaction of routine morning business not to extend beyond the hour of 2 p.m.

At 2 p.m., under the provisions of rule XXII, there will be a live quorum preceding the cloture vote in relation to the motion to proceed on S. 2527, the highway bill. If cloture is invoked, and the leadership very much hopes it will be invoked, the Senate will be in a post-cloture situation on the motion to proceed on the highway bill. If it is not invoked, obviously, we shall have to continue to debate on the motion to proceed.

It is the hope of the majority leader that we shall be able to complete consideration of this bill this evening and then proceed to the Labor-Health and Human Services appropriation tomorrow.

In addition, the Interior appropriations bill is a strong candidate for consideration when the Senate completes action on the Labor-Health and Human Services appropriations bill.

Other items that may be considered include the product liability bill, the military construction appropriations bill, the conference report that accompanies the DOD authorization bill, and the conference report to accompany the first concurrent budget resolution.

I might remark that the Appropriations Committee will commence consideration of the continuing resolution in committee session tomorrow. It will also commence consideration of the defense appropriations bill for the fiscal year 1985. The practice of the Senate is to be in session but not to conduct record votes while we respect the observance of Rosh Hashanah, which will occur this week.

The balance of the week will most likely entail the consideration of the continuing resolution and the conference report, which we hope will be back from the conference committee early. The current fiscal year, this year, ends on Sunday, September 30.

Let me point out to the membership, Mr. President, after discussing matters with my good friend from West Virginia, the distinguished Democratic leader [Mr. BYRD], we have talked about the fact that this evening, following the session, the equipment will be brought in by the National Geographic in order to take a photograph of the Members of this session of Congress, and it will be put in place. That photograph will be taken at 2 p.m. tomorrow. Senators should be reminded that it is necessary to be here and be in our seats ahead of that time. I am sure there will be ample reminding of Senators tomorrow, but this reminder is made for the purpose that we do not do what I was accused of one day, wearing my hunting jacket. It was not my hunting jacket, it was a very good suede jacket, but some people thought it was a hunting jacket. So all Senators ought to be advised that tomorrow is not the day to wear their hunting jackets.

Mr. President, I reserve the remainder of our time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

(Mr. WARNER assumed the chair.)

SECURITY OF AMERICAN FACILITIES IN BEIRUT

Mr. BYRD. Mr. President, the problem of security of American-occupied facilities and buildings in Beirut has been excruciatingly obvious for a long time. The destruction of our Marine barracks with catastrophic loss of life occurred almost a year ago, October 23, 1983.

The report of the Long Commission on December 20, 1983, concluded that, as of the end of November 1983:

> The security measures implemented or planned for implementation . . . are not adequate to prevent continuing significant attrition of the American force.

It was also made clear by the Long Commission that proposed construction of protective security barricades and structures have been "hampered by a shortage of material and labor." Such shortages should have been overcome on a top priority basis in the 9 months since the Long Commission made its findings.

It is unacceptable to compare the delay in protecting our facilities to Americans refurbishing their kitchens, as the President did in his comment reported in the New York Times today. I quote from the Times:

> Anyone that's ever had their kitchen done over knows that it never gets done as soon as you wish it would.

What does the President mean? There is no parallel between remodeling a kitchen and protecting the lives of U.S. Government personnel overseas. But with a Commander in Chief so detached from day-to-day policymaking, one might expect to have this problem.

It was an inappropriate comment. It appears he does not take this problem seriously. It trivializes the loss of American lives.

If this is the kind of out-of-touch flippant comment that we can expect from our President, it is no wonder that they keep him away from the press. It is a problem that needs to be looked at seriously, and those who are responsible for the delay in providing the best of security for Americans in Lebanon should be brought to light. I would think it appropriate for the Senate Foreign Relations Committee

and the Senate Armed Services Committee to conduct a thorough review of the adequacy and the timetable of security for our people in Beirut.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I am happy to yield to anyone else my time. Does Mr. PROXMIRE have a follow-on order?

Mr. PROXMIRE. Yes. May I have 5 minutes?

Mr. BYRD. Mr. President, if I have 5 minutes remaining, I yield them to the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Chair now recognizes the Senator from Wisconsin.

SUPREME COURT JUSTICE WILLIAM REHNQUIST'S TESTIMONY ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, as the Senate prepares at long last to debate the merits of the Genocide Convention, I believe it would be helpful for my colleagues and their staff to review the key testimony that has been presented regarding the convention and its implications for Americans.

Today, I want to call attention to the testimony of Supreme Court Justice William Rehnquist, who in 1970 testified before the Senate Foreign Relations Committee on behalf of the Nixon administration in his capacity of Assistant Attorney General, Office of Legal Counsel.

In the question and answer session with the Foreign Relations Committee, Mr. Rehnquist addressed three key points which have continuously been distorted by extremist opponents of the Genocide Convention.

The first is the impact of the Genocide Convention on American's constitutional right for free speech. Some organizations have alleged that derogatory comments or even racial slurs could be forbidden by the convention. As Mr. Rehnquist testified, he was satisfied that the convention did not affect the right of all Americans to free speech and, more importantly, the right of free speech, could not be affected by this or any other treaty.

The second excerpt I am presenting deals with the "supremacy clause" of the Constitution. Article VI, section II of the Constitution is often quoted by critics of the Genocide Convention as making treaties the supreme law of the land but their quotation is selective. As Mr. Rehnquist points out:

I do not think that is a full statement. The Constitution says are laws made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land . . . it puts laws and treaties of equal dignity . . .

The third excerpt picks up on that point and develops it further. Mr. Rehnquist kills two birds with one stone by describing the impact that any opinion of the world court might have on American citizens and the role of treaties vis-a-vis the Constitution when he notes that—

. . . nothing the ICJ (International Court of Justice) said on the subject would have any bearing on the rights of Americans because the Constitution is superior to a treaty no matter how interpreted.

Without question, a treaty is not valid unless it is consonant with the Constitution of the United States. Any treaty that would affect the constitutional guarantees of Americans could never be valid—and should never be valid.

As Mr. Rehnquist repeatedly emphasized in his 1970 appearance before the Foreign Relations Committee, the Genocide Convention does not affect our constitutional liberties in any way. A treaty is not superior to domestic laws enacted my Congress. As Mr. Rehnquist points out, they are on equal footing as the supreme law of the land but both must bow before the Constitution and any treaty or law that is inconsistent with the Constitution can never be valid, no matter how interpreted.

Mr. President, I ask unanimous consent that excerpts from Mr. Rehnquist's testimony before the Senate Foreign Relations Committee be reprinted in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPT NO. 1

EFFECT ON FREE SPEECH

Senator CHURCH. The committee, of course, has received considerable mail on the Genocide Convention, some people making extravagant charges. For purposes of the record, I think some of those charges should be raised and some of these fears allayed by the Department of Justice. For example, in the mail many people expressed the fear that just one racial slur will make the offender subject to the charge of genocide. Would you please set the record straight on that charge?

Mr. REHNQUIST. Yes, Mr. Chairman. The only form of speech that would be affected by the treaty is found in article III, subparagraph (c) referring to direct and public incitement to commit genocide. We have the recent decision of the Supreme Court in *Brandenburg* v. *Ohio* (395 U.S. 444) which makes it clear that while inciting to riot or inciting to violate the law may be punished it may only be punished under circumstances where the intent is to cause the law violation, and there is a probability of its happening. I think this is a very careful, closely drawn provision in that regard.

Senator CHURCH. In other words, you are satisfied that such constitutional protection, as presently exists in the field of free speech, would not be adversely affected in any way by the terms of this Convention?

Mr. REHNQUIST. I am satisfied, first, that they would not be and second, that they could not be.

Senator CHURCH. Yes.

EXCERPT NO. 2

LIMITATION ON SUPREMACY CLAUSE

Senator COOPER. If the Senate gives its advice and consent to the convention and it is ratified by the President, does it under the constitution become a supreme law of the land?

Mr. REHNQUIST. Yes, it does.

Senator COOPER. Then it does have superiority then over a statute.

Mr. REHNQUIST. I do not think one can give an unqualified yes to that question. I think that so far as the law applied by the United States courts in cases coming before them, a subsequent inconsistent statute will be applied in preference to an early adopted treaty.

Senator COOPER. Is that what Mr. Gardner said? You are familiar with the case of Missouri versus Holland?

Mr. REHNQUIST. Yes.

Senator COOPER. That is one of the leading cases; isn't it?

Mr. REHNQUIST. But I do not think there was any conflict between a Federal statute and a Federal treaty. There may have been a conflict between a law of the State of Missouri.

Senator COOPER. A State statute?

Mr. REHNQUIST. And there of course it is clear that a treaty is superior.

Senator COOPER. The reason I ask this question is, assume that the Congress enacts a statute defining genocide, and should limit it in some way as to article III, then a question would be raised concerning a conflict between the status of the treaty and the status of a statute.

Mr. REHNQUIST. Yes; I think you would.

Senator COOPER. And the constitution clearly says that treaties and, I assume, conventions fall within that category, are the supreme law of the land.

Mr. REHNQUIST. Senator, I do not think that is a full statement.

The Constitution says all laws made in pursuance thereof, and all treaties made under the authority of the United States shall be the supreme law of the land. I am paraphrasing, but it puts laws and treaties of equal dignity, I believe.

Senator COOPER. But the statute, to be the supreme law of the land, must be in consonance with the Constitution.

Mr. REHNQUIST. Yes; it must be consistent with the Constitution, but it need not be consistent with the treaty.

Senator COOPER. Everybody is saying, though, this Convention is constitutional, and there has been the testimony to that effect. If we assume it is constitutional and a statute was passed which was not consonant with this treaty, then a question would be raised as to whether the statute controlled.

Mr. REHNQUIST. I firmly believe that the treaty is entirely constitutional. Yet I also believe it is possible that Congress, in adopting implementing legislation, could very deliberately and carefully, as a matter of considered judgment, omit one section, say, of article II, and there would be no question that statute would be constitutional.

The United States might be called before the ICJ for failing to implement the treaty, but the treaty would not prevail over clear implementing legislation.

EXCERPT No. 3

DEFINITION OF "INCITEMENT TO COMMIT GENOCIDE" SUBJECT TO CONSTITUTIONAL PROVISIONS

Senator COOPER. On this question of definition (c) "Direct and public incitement to commit genocide," would you say that the sufficiency of the charge would be determined by our own constitutional ruling of what incitement constitutes a crime?

Mr. REHNQUIST. I have no doubt of that at all. That is the constitutional provisions such as were interpreted in the *Brandenburg* case, would prevail over any contrary implications or broader language in the treaty.

Senator JAVITS. Would the Senator yield?

But isn't that a matter which, if objected to by another state, the International Court of Justice could take jurisdiction of?

Mr. REHNQUIST. Yes; I would think so, Senator, under article IX.

Senator COOPER. There has been a long line of rulings that public incitement as construed under the first amendment, requires the immediacy of an act being committed resulting from the incitement. Nevertheless, a complaining state could go before the International Court of Justice and say that we were not abiding by this section of article II, and ask that the ICJ say to the world and to the United States that we are not obeying the convention.

Mr. REHNQUIST. It could certainly make that request under article IX.

I might add that it is my understanding that nothing the ICJ said on the subject would have any bearing on the rights of American citizens because the Constitution is superior to a treaty no matter how interpreted.

Senator COOPER. One of the great arguments for this convention is that it is intended to give moral leadership, against this heinous crime. I must say at the committee's last hearings, Mr. Perlman, who was then Solicitor General, and also Judge Patterson, then president of the New York Bar Association, and a distinguished public servant, both said that we should not alter or place any restrictions upon this convention because we had a moral obligation to carry it out if we ratified it.

Senator JAVITS. I was just going to explore this question with you a little further, Mr. Rehnquist. Let us take a hypothetical case again. A U.S. citizen is charged by another country with inciting, with direct and public incitement, to commit genocide in that country, which brings it under the jurisdiction of this particular convention, and a request is made to extradite him.

The U.S. Government demurs. The U.S. Government submits the matter to the Court of International Justice. The Court of International Justice upholds the demanding state.

According to your version of the case, nonetheless an application to the U.S. Supreme Court or to an appropriate court for a writ of habeas corpus on the ground that he is protected by the Constitution in terms of the U.S. courts deciding whether his rights under the Constitution are being violated by the definition which has been approved by the International Court of Justice, could conceivably result in a denial of extradition notwithstanding the decision.

Mr. REHNQUIST. Yes.

Senator JAVITS. What is the case you cited? Does the case you cited hold that?

Mr. REHNQUIST. No. The case I cited simply is a matter of interpreting domestic statutes, the *Brandenburg* case.

Senator JAVITS. You could not deprive a man of his constitutional rights by a treaty.

Mr. REHNQUIST. No. There is no question of that.

MOYNIHAN PREDICTS CATASTROPHE AND HE'S RIGHT

Mr. PROXMIRE. Mr. President, yesterday's New York Times carried an article by the senior Senator from New York, PAT MOYNIHAN, that every Member of this body should read and reread. I earnestly hope the President of the United States will read it and particularly his Secretary of the Treasury, Donald Regan. Senator MOYNIHAN has done something that no one has previously done, to my knowledge. He has put the Federal deficit problem in terms all of us can understand. He has gone right to the heart of why the deficit monster can eat our economy alive.

What PAT MOYNIHAN has gotten hold of is the grim fact that in the past 3 years we have put this Federal Government into the same miserable state as the victim of loan sharks who finds himself falling ever more deeply in debt. The interest burden becomes so crushing that it takes more and more of the victim's income, then it takes most of his income, and then he cannot escape a catastrophe. As Senator MOYNIHAN puts it: "This is what the Federal deficit is about. Not spending: interest."

Here is how the Moynihan analysis works: The deficit can be broken down into two parts. The primary or program deficit—that comes from subtracting revenues from the cost of all Government programs. Then there is the monster—the interest deficit. That is over and above the deficit that springs from the failure of the Federal Government to raise the revenues to cover the cost of Federal programs—the defense program, the farm program, the health programs, and so forth. Senator MOYNIHAN argues that the primary or program deficit reached its peak in 1982 when it exceeded $100 billion, but it has eased off and will average less than $50 billion for the rest of the decade. On the other hand, the interest deficit will grow and grow and grow. Senator MOYNIHAN reports that in 1980 the Federal Government paid $52 billion in interest on the national debt. This year it will pay $111 billion. By 1989, just the interest deficit, aside from the program deficit, will be $214 billion. As Senator MOYNIHAN says, program deficits are simple arithmetic. But the interest deficit is algebraic; it feeds on itself; it compounds.

Mr. President, there is another uncontrollable element of this interest deficit, if I can go a little beyond Senator MOYNIHAN. We cannot directly cut it. Of course, it's hard to reduce any Federal spending program. Every significant program has its powerful constituency—defense programs have the merit of national security and the tough push of the powerful corporate management of defense contractors, plus the large unions fighting for the jobs defense spending brings. Programs for the elderly enjoy the dedicated support of millions of voters who benefit directly from the programs.

Fighting the deficit by raising taxes smashes into the resistance of almost every voter. Could any solution to the deficit be tougher? The answer, Mr. President, is "Yes." Why? Federal spending on interest enjoys the toughest, strongest support of all. Just as it compounds and increases algebraically, it enjoys a sanctity, Mr. President, far more effective than any loan shark's enforcer. This country can and has reduced programs in the past below the claims of the beneficiaries for the farmer, for defense, for health, and for every other program. We have also raised taxes in the past. But the United States has never, and probably never will, refuse to pay the interest it has promised on what it borrows. We have pledged the full faith and credit of our Nation. It may reduce or even refuse to fund any kind of a Federal program, but we will not betray our word.

Mr. President, this is why the deficit has become a problem far greater than most of us have realized. As Senator MOYNIHAN writes, in 1982 and again this year, the Congress cut domestic spending and raised taxes. Still the deficit climbed. Even if we balance the program budget, even if we run a surplus in the program budget, the massive interest deficit will continue to grow, and it will grow more rapidly than any conceivable program surplus.

What does that mean? That means the national debt will climb; interest on that growing national debt will climb for two reasons that feed each other.

First, it is obvious that the bigger the debt, the bigger the interest cost necessary to finance that debt. Second, the bigger the debt, the more dominant that debt becomes in the Nation's credit markets. Already this year, Federal borrowing will absorb two-thirds of all new savings of the American people, plus increasing amounts of foreign capital.

As this demand for credit grows, it drives up the price of credit or interest rates. So we can expect the exploding national debt to push interest rates higher. Then what's the result? With a constantly growing national debt and skyrocking interest rates, the interest deficit takes on a life of its own. Of course, the Federal Reserve can step in with a flood of cheap credit. That could bring a temporary downward pressure on interest rates. But the key word is "temporary." Why

would not lower interest rates stay down indefinitely with the Fed flooding credit into the economy? Because the flood of credit would surely ignite an inflationary surge that would, as it always has, pull interest rates right up with prices.

So what is the answer? The answer is that the first priority of our Government must be to cut program spending, and cut it sharply and we must raise taxes. We have to accept that pain, and hope it will not come too late. But we have to act fast, very fast, or the interest deficit may eventually force a repudiation of the national debt with economic consequences beyond this Senator's imagination.

Mr. President, I ask that the article by Senator MOYNIHAN in the Sunday, September 23, New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

$D_n=D_o(1+r)^n$: A FORMULA FOR TROUBLE

(By Daniel Patrick Moynihan)

WASHINGTON.—Forty years ago, on the West Side piers of New York City, if you were broke on a Monday morning there was no problem. You could borrow $20, with $30 to be paid back on payday, which was Friday. If you didn't have $30 on Friday, that was no problem. You could pay $40 on Wednesday. The extra $10, then $20, then $40, was called vigorish. (A detective friend reports that today it's called The Vig.) It kept mounting. Sooner or later, your family bailed you out in a big scene, or you ended up in St. Clare's Hospital.

This is what the Federal deficit is about. Not spending: interest.

In thinking about this wholly new situation—there has been no equivalent in American history—it helps to separate the deficit into two parts. First, the primary, or program, deficit: the amount spent on Federal programs, less Federal revenues. Second, the interest deficit: the amount paid in interest on the outstanding debt.

Contrary to what we hear, and for the most part seem to think, until recently primary deficits have been relatively rare. There were two in the 1950's, two in the 1960's. They were relatively small (1962's were $300 million.) There were six in the 1970's, but still not large ones, except for the $40 billion primary deficit in the post-recession year 1976.

This pattern continued until the walloping $105 billion primary deficit in the depression year 1982. But of late, the primary deficit has slacked off. The primary deficit this fiscal year is some $61 billion (of a total deficit of $172 billion). The Congressional Budget Office projects that the primary deficit will average about $46 billion for the remainder of the decade.

But the interest deficit has begun to go out of control. In 1980, the Treasury spent $52 billion in interest payments. This year, the bill will reach $111 billion. By 1989, $214 billion.

Program deficits are simple arithmetic. The amount spent on farm programs does not affect the amount spent on the defense program. But the interest deficit is algebraic. Change one part, and you change the whole.

What Lord Keynes called the "magic of compound interest" works with debt as well as with savings. It starts slowly, then explodes.

The deficits and the debt are exploding, then, but largely from the rapidly growing interest deficit, not from growth in the primary deficit.

The basic compound interest equation—bear with me—demonstrates what's happening: $D_n=D_o(1+r)^n$.

If the debt today (D_o) is $1 trillion, and the interest rate paid on this debt is 10 percent (r), in five years (n)—with no new primary deficits—the debt (D_n) will be more than $1.6 trillion. Today, the debt is more than $1 trillion, and the interest rate is more than 10 percent. (We talk about interest rates as percentages; economists express them as decimals: 20 percent equals 0.2. Without the 1 in the equation, interest costs would contract, not compound.)

In real life, the national debt will also be fueled by primary deficits running at about $46 billion a year. But the interest deficit is the unstable element, rising to $214 billion a year by 1989, and on from there. This means we will be borrowing money to pay interest. This always happens when the growth in interest payments is greater than the growth in the primary deficit.

Technically, this has happened before, but infrequently and at such low levels as to be of no real significance. It is wholly different now. We will be borrowing hundreds of billions of dollars to pay The Vig. The results is an exploding deficit: the interest deficit, not the program deficit, going to control.

We have been thinking arithmetic. We have to begin thinking algebra. In 1982 and again this year, Congress cut domestic spending and raised taxes. Still the deficit climbed. The problem is the algebra of compound interest that has superseded the arithmetic of spending cuts and tax increases.

This is new. We have never experienced anything like it. If we go on using the old terms, it is likely we will shorty face a crisis unlike any we have ever known.

1984 ELECTION CRUCIAL FOR ARMS NUCLEAR CONTROL

Mr. PROXMIRE. Mr. President, the progress of arms control depends on one single event: the election of the President of the United States. If the President wants to negotiate an arms control treaty, we get it. If he does not, we do not. It is that simple. Does Ronald Reagan really want to negotiate such a treaty? Mr. President, look at the Reagan record. Before he became President he had a 100-percent perfect record of arms control opposition. How about his record since he was elected? He has struck out.

This is tragic, because today the stage is set for negotiating a comprehensive nuclear arms control agreement with the Soviet Union. Those who support the President's arms control intransigence make one argument. We have lagged for years behind the U.S.S.R. in nuclear arms. Before we negotiate, we must catch up. But are we behind? For the last 25 years, without exception, there has been a rough parity in nuclear arms between the Soviet Union and the United States, with a continuous advantage for the United States in the one element of nuclear power that has the greatest significance: nuclear arms invulnerability. It is true that, for some time, the Soviet Union has had more megatonnage, more throw-weight, and recently it may have acquired more warheads. Because more than 70 percent of Soviet missiles are landbased and stationary, its missiles are also more accurate.

Why does not all this add up to a Soviet superiority in nuclear arms? The answer: The one nuclear power that counts above all is the power to survive a preemptive nuclear attack by the other side. How does the Soviet Union score in this respect? Now well. Its problem: nearly three-quarters of all its nuclear power sits in a stationary, fixed-mode, permanently located, and we know precisely where. That makes most of the Soviet nuclear weaponry vulnerable to our retaliatory attack. On the other hand, three-quarters of American nuclear power moves under water in submarines and in the air in bombers. Three times as much of our far larger nuclear launching submarines are at sea at all times compared to the Soviet Union. And much more of our much more numerous nuclear armed bombers cruise constantly in the air every minute of every day and night. Much of the rest of our mobile deterrent stands at the ready, capable of launch in a matter of minutes. Obviously, far more of the American nuclear arms deterrent would survive a Soviet preemptive attack than the Soviet deterrent that might survive an American deterrent attack. So which power has whatever nuclear advantage there is? The United States—clearly and directly.

Does that advantage mean that we could win a nuclear war? Absolutely not. No way. Why not? Here is why not: The Soviet Union's landbased missiles would suffer serious damage, but enough of their missiles would survive any nuclear attack to permit the Soviets a still devastating retaliation that would level our cities and kill tens of millions of Americans. The Russians' sea and air based deterrent would certainly survive in part and provide further retaliatory devastation.

Under these circumstances, Mr. President, it is hard for this Senator to understand how there could be a more logical time for negotiating a comprehensive arms control treaty with the Soviet Union. What would a comprehensive arms control treaty include? It would include all nuclear weapons deployment. And of course it would include the most comprehensive and aggressive kind of verification. Such a treaty negotiated right now would leave both powers with sufficient nu-

clear retaliatory capability to deter any nuclear attack.

So let us get on with it. Why do we not negotiate such a treaty? Do the American people oppose it? No. The American people overwhelmingly favor such a treaty. They have said so in referenda and polls consistently. Does the Congress oppose it? The House last year passed a resolution calling for such a treaty by a nearly two-to-one vote. After very considerable pressure by President Reagan, a Republican Senate specially responsive to White House lobbying said, "no." Certainly if the President had supported such a treaty, the Senate would also have supported it. In any event, neither the American people nor the Congress negotiates such a treaty. The President does. And this President will not.

Before he was elected, President Reagan made a career out of fighting every arms control agreement this country ever signed: the Test Ban Treaty, the Anti-Ballistic Missile Treaty, SALT I, SALT II, and all the rest. Since he has become President, he has used arms control for one purpose: to win support of nuclear weapons systems that the Congress would not buy for any other purpose. The MX is sold to the Congress not for its intrinsic value but as a bargaining chip in the START arms control talks. The Pershing missile would probably not win support without the arms control crutch because it makes little military sense. It does win support now because it would give us something to trade in the INF arms-control negotiations. The immense expenditures for Star Wars might not make it through Congress on its own merit because it has very little merit. So the President sells it as a critical bargaining chip in persuading the Russians to limit antisatellite weapons.

After 3½ years in office, President Reagan has nothing, zero, zip to show in arms control. His arms control agenda will lead to further massive buildup in nuclear arms, with the Star Wars buildup alone ticketed for hundreds of billions of dollars. It will provide one rationalization after another for fueling the arms race. It will not give us arms control.

Because the Presidency is crucial in negotiating arms agreement with the Russians, the Presidency is far more important in arms control. So it is essential that we elect a Democratic President in 1984 for one reason: The election of a Democratic President would provide our only chance of securing a truly comprehensive arms control agreement which is far and away our best channel to prevent a nuclear war.

CUSHY CRUISES GET THE GOLDEN FLEECE

Mr. PROXMIRE. Mr. President, today I am giving my Golden Fleece of the Month Award for September to the State Department, which permitted its employees to use over $400,000 to frolic on posh ocean cruises.

The taxpayers were drowned in a sea of red ink by this titanic mistake, Mr. President. To be specific, this expenditure made me less than pacific.

This was no dinghy cost for the taxpayer. During 1982 and 1983, the State Department spent over $400,000 so about 70 of its employees and their families could while away the days at sea in first-class cabins aboard luxury liners like the *Queen Elizabeth II.*

These employees were coming back to the United States permanently or were returning briefly for a home leave. Instead of having these bureaucrats fly the friendly, cheaper skies, the State Department allowed them to sail on luxury liners like the *QE-II* and the *Sea Princess.*

Meanwhile, the seasick taxpayer is forced to swallow a travel bill that's two to three times more than what the Government pays for airline tickets.

And it looks like the only rule the State Department had for ocean liner travel was "damn the torpedoes, full speed ahead." According to the Department's own vouchers, most of the travel was first class.

In reviewing the latest State Department records for 1982 and 1983, I fished out things like this:

U.S. embassy employees in Pakistan seemed to be living it up the most with these ocean cruises. For 1982 and 1983, 26 employees and their families took ocean cruises, mainly aboard the *QE-II*, running up a bill of more than $160,000 for the Federal Government. Economy class airline travel from Pakistan to New York or Washington runs about $900 per person. These employees, however, were flying to London then it was bon voyage on a 5-day cruise aboard the *QE-II* from London to New York. Total bill for the Government: About $2,400 to $3,000 per person—about 2 to 3 times the cost of flying.

Some wanted to take the sunny route. One Embassy employee in Pakistan and his wife flew to Thailand where they boarded the *QE-II* and sailed for 19 days to Hawaii. They then flew from Hawaii to Los Angeles to Washington. Their total bill for just the ship travel was over $15,000.

Economy class airfare from New Orleans to St. Louis, runs about $230 per person, or about $460 per couple. But why take the plane when you can spend 11 days on a paddle boat sailing up the lazy Mississippi River. That is exactly what one couple who worked for the State Department did. Cost to the Government: $5,280.

When it comes to using ocean liner travel when air travel would be cheaper, the State Department regulations have about as much backbone as a jellyfish. Sometimes ocean travel is paid with U.S. dollars. In other instances, the travel is paid for with "excess currency" the United States owns. We accumulate this currency when another country repays the United States for aid in their local currency, which we agree not to convert to dollars. In the past, the United States has banked a considerable amount of "excess currency" and it has looked for ways to spend that money in those countries. For example, we agreed not to convert to dollars certain aid repayments from Pakistan. The ship travel from Pakistan was paid with Pakistani rupees owned by the United States.

But in this case, the State Department has gone overboard. It is time to shape up or ship out these regulations. There are many more worthwhile projects that Pakistani rupees could be spent on instead of first-class cruises for Embassy employees, such as improving security conditions at the Embassies.

Mr. President, it is time to hoist anchor on these "Love Boat" cruises, which were nothing but a hardship for the taxpayer.

RECOGNITION OF SENATOR BENTSEN

The PRESIDING OFFICER. Under the previous order, the Senator from Texas [Mr. BENTSEN] is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I am happy to yield whatever time I have remaining to the Senator from Texas.

Mr. BENTSEN. I thank the distinguished Senator from Wisconsin.

THE ECONOMIC OUTLOOK

Mr. BENTSEN. Mr. President, it is the political season, and all of us are watching the economy with unusual interest. Long ago, it became an article of faith that the economy and its trends can play a major role in the voting booth.

The President enjoys a good lead in the polls now, in part due to the perception that he has mastered the business cycle—that the boom/bust days of old are gone. Indeed, he and other administration officials speak glowingly of our economic future. Just last Friday, Treasury Secretary Regan speculated that the administration may revise upward its 1985 growth outlook to 6 percent in light of the continuing strength of the recovery, and others speak confidently that a 3-percent or 4-percent real growth rate can be maintained for years by the administration.

Yet, there are emerging signs that the deficit is proving too difficult for the administration to handle—that its impact on housing, on interest rates and the dollar, on exports and on agriculture is more potent than administration economic policy.

Indeed, there are significant signs that the economy is slowing more sharply than suggested by Commerce Department data.

Retail sales and housing starts fell in both, July and August—and the decline was more than a mere blip.

Personal consumption expenditures shrank to a scant one-tenth of 1 percent growth in July, and again in August.

Underlying this downturn in consumer spending is the cesation of growth in disposable real personal income. It rose only two-tenths of 1 percent in July—only one-fourth the rate in June. And it stagnated in August.

This ebbing of consumer strength rippled like wildfire through the rest of the economy. From New York to Texas to California, corporate planners took another hard look at capacity expansion plans. And they took out their red pens.

Back in May and June, corporate plans for new plant and equipment spending were robust for the fourth quarter. Spending plans called for a 12-percent annual rise in the fourth quarter—continuing the robust pattern we've seen for over a year. Yet, as consumer demand slowed, so did those plans. They were shoved back on the shelf with a vengeance. And the most recent survey of corporate spending plans shows they will be virtually flat in the fourth quarter. That nose dive in capital spending will magnify the ebbing of consumer demand. It is not good news for 1985.

Moreover, our economy over the years has tracked the index of leading indicators. They have proven good indicators of future economic activity, and they are giving us more bad news for 1985. In June, they fell 1.3 percent. In July, they fell eight-tenths of 1 percent. And the August indicators due out Friday will show little upward movement.

There are those who would take this data, and raise the alarm, charging that a recession is right around the corner. It is far too early to make that judgment.

At the same time, the third quarter GNP flash 3.6 percent estimate released Thursday showed real GNP growth falling by one-half. The 3.6 percent third quarter growth rate is about the minimum level of growth needed to prevent unemployment from rising. A higher growth rate would raise fears in financial markets that inflation might pick up because the economy was growing too fast. Investors would demand inflation premiums, and long-term interest rates would rise, threatening the recovery.

On the other hand, a third quarter growth rate below 3.6 percent would have had an equally adverse impact on the economy. It would suggest rising unemployment, and an economy slipping into the familiar old, boom/bust business cycle pattern—6 weeks before an election.

In fact, the third quarter growth figure of 3.6 percent from the Commerce Department is almost too good to be true.

And that may be exactly what it is: Too good to be true.

Underlying that 3.6 percent growth figure is a decision by the Commerce Department that the auto industry retooled this year in its normal seasonal pattern. It did not. In fact, three GM plants, which produce over 8 percent of our automobiles, were shut down for retooling in the second quarter, and not the usual third quarter. That decision sparked an intense internal debate at the Commerce Department because the treatment of that shutdown would have a substantial impact on economic growth statistics in both the second and third quarters. The Federal Reserve also debated the issue. It decided to reflect the unusual pattern of auto retooling in its seasonal adjustment statistics.

Yet, the Commerce Department did not make that same adjustment. In fact, it simply ignored the major new retooling pattern when developing its GNP data.

That was a bad decision for three reasons:

First, it artificially deflated economic strength in the second quarter because the retooling was treated as a shutdown for economic reasons—rather than the retooling it actually was.

Second, economic growth in the third quarter was inflated because the output of those plants was counted twice: Once in the actual output data collected by Commerce, and again in the seasonal adjustment.

And, third, it was a bad decision because the independent Federal Reserve took the reverse course in making its own seasonal adjustments to the exact same data. That spotlighted the Commerce Department's decision to ignore the retooling pattern this year—and casts that decision in a political light.

In light of the substantial impact this decision would have on second and third quarter growth data, the Commerce Department should have revised its figures to reflect the atypical auto retooling pattern. Indeed, the second quarter figures were revised three times since June, but not a word was said about autos. At a minimum, Commerce routinely acknowledges and even adjusts seasonal factors for significant events such as strikes and other sporadic events. The Federal Reserve considered this change in retooling patterns that significant. The Commerce Department should have done so, as well.

The effect of the Commerce Department decision to ignore the Federal Reserve, and to ignore the auto retooling pattern, was to smooth out the decline in economic growth now underway.

The Commerce Department tells us that real GNP rose at a 7.1 percent clip in the second quarter, and a 3.6 percent clip in the third. A recalculation of those growth figures by the Joint Economic Committee using the Federal Reserve's seasonal pattern, shows that real GNP rose 7.8 percent in the second quarter—and then slumped sharply to a scant 2.2 percent in the third quarter.

The Commerce Department arbitrarily changed a sharp decline into a moderate one—thereby hiding the unexpected sharp decline in economic activity. The result is that economic activity fell off a cliff during the last 3 months, and the Commerce Department didn't tell anyone.

I realize this is an election year. And I do not blame this administration for seeking a fair advantage. But playing with these numbers is a deadly game, and I want the Joint Economic Committee to investigate.

It is something I cannot recall in any previous administration—Republican or Democratic.

Our economy has taken a nosedive that is steeper and deeper than anyone expected. We now face the very real prospect of a recession next year, and the administration wants to disguise that fact. We are growing now at a rate too slow to provide jobs for our growing labor force. Unemployment is already too high, and it looks like it will not fall much further.

I will not attempt to predict the economic outlook. But there is one certainty we face: Our failure to reduce the deficits more than we did during the recovery in 1983 and 1984 has kept interest rates far above traditional levels for this stage of a recovery. That confronts our economy with a host of dangers that prejudice the economic outlook.

We have been living far beyond our means during this administration scouring the world for credit—and paying whatever price it takes. A smaller deficit would mean lower interest rates, and much better odds for attaining a sustainable recovery of the sort talked about by the administration.

Fiddling with numbers will not change that reality. What we need are deeds, Mr. President, not slanted numbers.

Mr. PROXMIRE. Mr. President, will the Senator from Texas yield?

Mr. BENTSEN. I am delighted to yield to my friend.

Mr. PROXMIRE. Mr. President, I congratulate the distinguished Senator from Texas, the former chairman of the Joint Economic Committee, a man who served on the Finance Committee, has been a brilliant success in private business, and understands our economy as well or better than anyone else in the Senate. What he just said is shocking, and frankly this Senator follows the statistics very closely, but I missed this entirely, and I am grateful to the Senator calling it to our attention.

What he shows is that, on the basis of Federal Reserve figures, and that is an independent agency, the economy slumped from a 7.8-percent growth rate in the second quarter to a 2.2-percent growth rate in the third quarter. 2.2 percent really means stagnation; 2.2 percent, as the Senator points out so well, means unemployment is very likely to rise. The fact is few people realize it but we have had no improvement in unemployment since last May. Unemployment is at the same level now as it was in May. So the economy seems to be stalling out.

As the Senator said, it is shocking that the Department of Commerce would make the kind of decision they made that made such a dramatic difference in the growth rate in the third quarter, particularly in view of the fact that it is only a very few weeks before the Presidential-congressional elections of 1984.

So I am greatly indebted to my good friend from Texas who has made a brilliant analysis here. I have had a chance to follow the text of his statement, and I think it is completely sound and accurate. I think it calls for some very tough answers on the part of the Commerce Department and the President.

Mr. BENTSEN. I thank my friend from Wisconsin.

Let me say when I first heard this information I did not believe it. I made them go back and check and then checked within the Commerce Department to try to understand how this came about. It is a serious mistake on their part and the fact that it happens just ahead of the election has to give additional concern.

I do not really recall this having been done before just ahead of an election.

Mr. PROXMIRE. I say to my good friend from Texas I do not recall that either. I have been in this body since 1957. I served on the Joint Economic Committee for more than 25 years, and I cannot recall any administration, Democratic or Republican, which has in any way been in a position where anyone could charge they cooked the books as far as figures are concerned.

I think this is a very, very serious allegation, and I think it is particularly important since the person who made this allegation is the Senator from Texas who has always been very careful and cautious in his remarks on these economic matters.

Mr. BENTSEN. What worries me is we do not know how this kind of information affects markets and financial institutions, and that type of thing. We do know that that kind of a real nosedive in the economy has to have some effect, because people go into that voting booth and they are voting what they think conditions are and what they are going to be. Obviously, the administration would not want that kind of information just ahead of an election and the correlation there that appears to be certainly is a matter of great concern.

Mr. PROXMIRE. May I say what the Senator told us this morning is entirely consistent with the other statistics we see in the dropoff in housing starts, in the very, very low increase, perhaps no increase at all in real terms in personal income the last quarter and what I have indicated about unemployment, and also the leading indicators, as the Senator pointed out, for 2 successive months have been negative, the first time in 21 months that has been the case.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 2 p.m. with statements therein limited to 5 minutes each.

JOINT REFERRAL OF THE NOMINATION OF MICHAEL HUFFINGTON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF COMMERCE

Mr. STEVENS. Mr. President, as in executive session, I ask unanimous consent that the nomination of Michael Huffington, of Texas, to be an Assistant Secretary of Commerce, be jointly referred to the Committee on Finance and the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SILVINO RODRIGUEZ BARRIENTOS AND GUILLERMO CASASUS TOLEDO

Mr. DURENBERGER. Mr. President, in late June of this year, President Fidel Castro of Cuba released 27 political prisoners from the Boniato, Combinado del Este, and Kilo-7 prisons. While this is a positive development, the Cuban Government holds incommunicado and in extremely poor living conditions 144 plantado political prisoners.

These plantados are political prisoners who refuse to participate in the so-called political rehabilitation programs sponsored by the Cuban Government. Nearly all of these prisoners have been confined for at least 15 years and are denied adequate medical care, right to worship, access to any type of information, visiting privileges with their families, or exposure to sunlight. Some of the plantado prisoners have been taken from their prisons by Cuban security officials to unknown locations. Others have been killed.

Among the disappeared political prisoners are Silvino Rodriguez Barrientos and Guillermo Casasus Toledo. Mr. Rodriguez was a leader of a wing of the prerevolutionary 26th of July movement. In 1958, he left Cuba as a political exile from the Batista dictatorship. In January 1959, after the collapse of Batista's regime, he returned to Cuba from the United States and was commissioned as a lieutenant in the Cuban Army. In 1964, he was arrested and charged with activities against the State. He was sentenced to 12 years in prison. In 1973, he was charged with continuing to conspire against the State from prison, and was resentenced to an additional 9 years in prison. Mr. Rodriguez has served time in a number of political prison facilities, including: Isla de Pinos, La Cabana, Combinado del Este, and Boniato.

Guillermo Casasus was born in 1951 and has spent nearly half of his life in Cuban prisons. He was a fisherman with Cuba's gulf fishing fleet until 1970. In 1970, he was charged with being a CIA agent and sentenced to 15 years in a military prison. Subsequently, he was transferred to a political prison, and he has served time in La Cabana, Camaguey, Kilo-7, and Boniato prisons. Mr. Casasus became a poet in prison under the tutelage of his fellow prisoner and poet, Jorge Valls Arango.

Several political prisoners who were held at Boniato and who now live in the United States report that Mr. Rodriguez and Mr. Casasus were removed from prison by Cuban State security (G-2) agents on May 31, 1983, and were not seen again until July 14, 1983, when they were returned to Boniato for 4 days. These witnesses indicate that Rodriguez and Casasus had their bodies covered with human bite marks inflicted on them by their guards. Apparently, Casasus had been drugged and was chained to the bars of his cell.

Casasus and Rodriguez were returned to State security headquarters in Santiago de Cuba under the threat that they would be executed for acts of sabotage that occurred in Santiago in the spring and summer of 1983. The

prisoners were accused of planning and directing these sabotages from Boniato. Cuban State security based these charges on confessions obtained from recently arrested civilians who were tortured into making these accusations.

Witnesses indicate that Colonel Peralta, chief of security for Santiago Province, threatened Mr. Rodriguez with death and stated that he would personally execute Mr. Rodriguez. Several other high-ranking security officials, including Maj. Arturo Vargas and Maj. Jorge Aguilera, were apparently involved in the interrogations. Mr. Rodriguez was last seen alive on July 18, 1983, while Mr. Casasus disappeared on July 20 of that year.

Senator CHILES and I are now circulating a letter requesting information on the fates of these two men. If they are still alive, we intend to urge the Cuban Government to release them without condition. I hope that other Senators will join Senator CHILES and me in cosigning a letter to the Cuban Government requesting an explanation to this matter.

Mr. President, I ask unanimous consent to have two documents printed in the RECORD pertaining to the treatment of the plantados by the Cuban Government. One of these documents lists the 144 plantado prisoners still being held by that government; the second of these is testimony by former political prisoners of conditions in the jails.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RELACION DE PRESOS POLITICOS PLANTADOS EN LA PRISON DE BONIATO

(Listing of Political Prisoners in Boniato Prison)

Ramón Méndez Pimentel.
Santos O. Mirabal Rodríguez.
Orlando Molina Contreras.
Guillermo Escalada Montalvo.
Isnaldo Fernández Guerra.
Antonio López Muñoz.
Eleno Oviedo Alvarez.
Pablo Prieto Castillo.
Roberto Martín Pérez Rodríguez.
Angel Pardo Mazorra.
Reynaldo Pérez Rodríguez.
Julio Ruiz Pitaluga.
Angel Luis Arguelles Garrido.
Julio Flores Franqui.
Teodoro González Alvarado.
Luis M. de la C. Zúniga Rey.
Roberto Perdomo Díaz.
Dr. Alberto Fibla González.
Reynaldo López Lima Rodríguez.
Juan Evelio Hernández Ramírez.
Carlos Mariscal Legorburo.
Eloy Gutiérrez Menoyo.
Ernesto Díaz Rodríguez.
Carlos Pons Walter.
José Pujals Mederos.
Miguel A. Alvarez Cardentey.
Armando Martínez Echevarría.
Félex R. Pina Proto.
Roger Reyes Hernández.
Guillermo Rivas Porta.
Juan Soto Guevara.
Silvino Rodríguez Barrientos.
Fernando Villalón Moreira.
Luis B. Arroyo Ramos.
Guillermo Casasús Toledo.
Onofre Pérez Hernández.
Félix R. Vázquez Robles.
Juan Rodríguez Esquía.
José M. Junco Benavides.
Pastor Macurán Gonzáles.
Ignacio Cuesta Valle.
Plácido Díaz Millo.
Alberto C. Jané Padrón.
Víctor M. Cantón Gámez.
Carlos Cabrera Adorna.
Osvaldo Figueroa Gálvez.
Reynaldo Figueroa Gálvez.
Ramón Grau Alsina.
Alberto Grau Sierra.
Ignacio Leal Denis.
Adolfo Vinent Bonis.
Manuel Márquez Trillo.
Alfredo Mustelier Nuevo.
Enrique García Palomino.
Celestino Hernández Hernández.
Miguel Mendoza Rojas.
Jesús Hernández Verdecia.
Gilberto Prats Rodríguez.
Francisco Echeverría Granda.
Benito Capote Bernal.
Tomás Márquez Batista.
Elieser Mora Rosal.
Luis González Lorente.
Emilio R. Pérez Soa.
Liberato Parra Nieves.
Dominador Castillo Pérez.
Pitágoras Feros Cámbara.
Juan Alonso Valdés.
Francisco García Rojas.
Ladislao Pérez Guerra.
Eusebio Penalver Mazorra.

RELACION DE PRESOS POLITICOS PLANTADOS DE LA PRISION DEL COMBINADO DEL ESTE

(Listing of Political Prisoners in Combinado del Este Prison)

José Sánchez Otero.
Rafael Alzamora.
José Chiang Pérez.
Francisco Tamayo.
Martín Uría Ramos.
Francisco Díaz Garriga.
Carlos Martia de la Coba.
Antonio Suárez Fernández.
Vicente de Paul Glez Migollo.
Vicente Salazar López.
Osvaldo Sanabria Morales.
Elio Rodríguez Barrios.
Emiliano de la Fe Mirabal.
Orlando García Placencia.
Alejandro Prado Fernández.
Arnaldo Arroyo Morgado.
Juan Humberto Delgado Alvarez.
Felipe Hernández García
Raimundo Rivera Barrios.
Silvio Cruz Casanova Balbuena.
Domingo Núñez Trujillo.
Roberto Montenegro Sánchez.
Manuel Antolín Marcel.
Francisco Castrillejo Laburí.
José M. Soca Dominguez.
Ramón San Román Novo.
Juan Salabarría Valdés.
Nestor Ruidíaz Marichal.
Ricardo Valdés Cancio.
Juan Valdés Terán.
Juan G. del Sol Díaz.
Pedro Peña Valdés.
Juan V. Terres Martínez.
José Fernando Rodriguez Vega.
Sergio Ruiz Hernández.
Arcadio Peguero Ceballos.
Plutarco Oliva.
Raul Suárez Cruz.
Felipe Benítez Hernández.
José Rodríguez Delgado.
Ramón Guin Díaz.
Julio Viera Izquierdo.
Jesús Martínez Martínez.
Pablo Ramón López Fernández.
Luis Rodriguez Rodriguez.
Osvaldo Baró Miranda.
Urbano Gregorio Pérez Benitez.
Francisco López Castellanos.
Ruperto Díaz Silva.
Juan Gómez Blanco.
Guido Faraminán Fernández.
Pablo Crespo González.
Isidro García Arrieta.
Eugenio Silva Gil.
Pablo Falcón Rodríguez.
Anselmo Galá Mederos.
Antolín Díaz Espinosa.
Víctor González Ramírez.
Bruno Salas Ledo.
Mario Chanes de Armas.
Victor Lamela.

KILO 7 DE CAMAGUEY

Agapito Rivera Milián.
Ramón Urra.
Euvaldo Hernández Consuegra.
Osvaldo Gómez Orosco.
Félix García Rodríguez.
Alejandro La Rosa Ruiz.
Nemecio Hernández Camejo.
Santiago de Jesús Rochevalle.

STATEMENT OF FORMER CUBAN "PLANTADO" POLITICAL PRISONERS ON THE EVE OF THE 31ST ANNIVERSARY OF THE ASSAULT TO THE MONCADA BARRACKS

The undersigned, Wilfedo Martinez Roque, Basilio Guzman Marrero and Gerardo Martinex Perez (formerly at Boniato Prison) and Jose A. Lopez Rodriguez and Juan Gonzalez Ruiz (formerly at Combinado del Este Prison), all of whom were released on June 28, 1984, want to make public the following fact of which they bear witness:

The Cuban government holds incommunicado and in subhuman living conditions 144 "plantado" political prisoners in the prisons of Boniato, Combinado del Este and Kilo-7. These prisoners are kept in cells with bars covered with a solid metallic plank which has a small opening to allow the prisoners to obtain their meals. The cells have so sanitary facilities an no water.

Plantado (stand firmly) is a political prisoner who refuses to participate in the "political rehabilitation" programs sponsored by the Cuban regime which includes accepting common criminal status.

Virtually all of these prisoners have been confined over 20 years.

They are dressed in their underwear and are barefooted.

They are not allowed to receive any sunlight.

Their families have been barred from visiting them for over 3 years.

They receive no mail.

They have no access to books, educational instruction, radio or TV.

They are denied all right to worship.

Some of these prisoners have disappeared. They have been taken from their prisons by the guards and either taken by the guards to unknown locations or killed. Silvino Rodriguez Barrientos and Guillermo Casasus Toledo were taken out of Boniato prison on May, 1983 after being threatened with execution; Ramon Guin Diaz was taken out of Combinado del Este prison 17 month ago. No word of them has been heard since.

Some of these prisoners have served their sentences and have not been freed. Such as the case of Pastor Macuran Gonzalez, Santos O. Mirabal. Rodriguez. Fernando Vil-

lalon Moreira, Ramón Hernandez Padron, Jesus Hernandez Padron, Ignaciao Leal Denis and Carlos Pons Walters.

In addition to isolation, the "plantado" political prisoners are subject to various forms of torture. These include psychological methods such as: playing high-decibel tapes, continuous threats and predictions of death, withholding water, food and medical assistance. Bodily injury to prisoners is illustrated by the following examples of Boniato prison: Santos O. Mirabal Rodriguez was savagely beaten by a group of guards in 1984. Guillermo Casasus Toledo and Fernando Villalon Moreira were beaten and bitten by guards in 1983.

Medical assistance in Cuban prisons is totally inadequate. Only very serious conditions merit a visit to the physician. There is virtually no medication available. Operations and consultation with specialists are practically non existing regardless of condition. For example, elderly Pitagoras Feros Cambara remains unattended in his cell of Boniato prison suffering form throat cancer.

In these and other prisons there are thousands of political inmates who are not held incomunicado but who share subhuman living conditions. Hundreds of this group have also served over 20 years.

Those men and women were incarcerated for upholding the human rights to dignity and freedom. They must not remain buried in the terrible conditions of Cuban prisons.

We call on the people of the United States and all the people of the world to raise their voice in solidarity with the plight of Cuban political prisoners and to demanding their freedom from the Castro government.

Mr. CHILES. Mr. President, I join the distinguished Senator from Minnesota, Senator DURENBERGER, in calling attention to the plight of two Cuban political prisoners, Silvino Rodriguez Barrientos and Guillermo Casasus Toledo, whose whereabouts is unknown and whose fate is currently in question. It is especially troubling that both of these political prisoners, last seen in July 1983, are apparent victims of torture and have appeared to be in a drugged state. Their lengthy disappearance raises serious concern as to their well-being.

To be in prison anywhere is difficult, but to be a prisoner, a plantado, in a Cuban jail is a truly horrifying experience. Beatings, death threats, isolation, mental and physical abuse, coupled with indefinite sentence terms, are all part of the Cuban Government's unique system of justice.

The regime of Fidel Castro cannot tolerate dissension. In Cuba, a difference of opinion, rightly or wrongly perceived, can cause one to be labeled an "enemy of the Revolution," with the most dire consequences. This Government's treatment of political prisoners should concern all who respect human rights. We cannot look the other way, we cannot ignore the Cuban Government's violations of human rights.

I hope that my colleagues will join in signing a letter to Ramon Sanchez Parodi, the counselor at the Cuban interest section, making clear our concern for the prisoners' well-being and requesting their eventual release. Quoting from the poet and former political prisoner, Jorge Valls, he wrote from his prison cell in Cuba:

Where I am there is no light and it is barred. Just beyond their lies a lighted space.

I ask all my colleagues to join the effort to help seek a lighted space for Silvino Rodriguez Barrientos and Guillermo Casasus Toledo.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

FEDERAL-AID HIGHWAY ACT OF 1984

CLOTURE MOTION

The PRESIDING OFFICER. The Chair announces that the 1 hour having passed since the Senate convened, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 2527, a bill to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes.

Senators Howard Baker, Steve Symms, Jesse Helms, Robert T. Stafford, Jennings Randolph, Lloyd Bentsen, James Abdnor, Bob Dole, James A. McClure, Pete Wilson, Bob Kasten, Ted Stevens, Dan Quayle, Charles Mac Mathias, Thad Cochran, Lowell Weicker, Nancy Landon Kassebaum, Barry Goldwater, Peter Domenici, and Bob Packwood.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The bill clerk called the roll and the following Senators answered to their names.

[Quorum No. 13]

Byrd	Goldwater	Stevens
Danforth	Gorton	Trible
Dixon	Hecht	Warner
Dole	McClure	
Ford	Stafford	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

Andrews	Glenn	Symms
Chiles	Inouye	

The PRESIDING OFFICER. A quorum is not present.

Mr. STEVENS. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Tennessee [Mr. BAKER], the Senator from New Mexico [Mr. DOMENICI], the Senator from Washington [Mr. EVANS], the Senator from Iowa [Mr. JEPSEN], the Senator from Illinois [Mr. PERCY], the Senator from Wyoming [Mr. WALLOP], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arizona [Mr. DECONCINI], the Senator from Missouri [Mr. EAGLETON], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], and the Senator from Tennessee [Mr. SASSER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 4, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—76

Abdnor	Gorton	Mitchell
Andrews	Grassley	Moynihan
Baucus	Hart	Murkowski
Bentsen	Hatch	Nickles
Biden	Hatfield	Nunn
Bingaman	Hawkins	Packwood
Boschwitz	Hecht	Pressler
Bumpers	Heinz	Randolph
Burdick	Helms	Riegle
Byrd	Huddleston	Roth
Chafee	Humphrey	Rudman
Chiles	Inouye	Simpson
Cochran	Johnston	Specter
Cohen	Kassebaum	Stafford
Cranston	Kasten	Stennis
D'Amato	Kennedy	Stevens
Danforth	Lautenberg	Symms
Denton	Laxalt	Thurmond
Dodd	Leahy	Tower
Dole	Long	Trible
Durenberger	Lugar	Tsongas
East	Mathias	Warner
Exon	Mattingly	Wilson
Ford	McClure	Zorinsky
Garn	Melcher	
Glenn	Metzenbaum	

NAYS—4

Dixon	Proxmire
Goldwater	Quayle

NOT VOTING—20

Armstrong	Evans	Percy
Baker	Heflin	Pryor
Boren	Hollings	Sarbanes
Bradley	Jepsen	Sasser
DeConcini	Levin	Wallop
Domenici	Matsunaga	Weicker
Eagleton	Pell	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 2527, the bill to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes, shall be brought to a close? The yeas and nays are mandatory under the rule.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be able to speak for 1 minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, this will be a rollcall vote on the cloture motion. If Senators really want to end this bill, assuming that we vote for cloture, I urge them to stand by for a while after this vote has taken place, so that we can determine what procedure will be followed in the post-cloture period.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Tennessee [Mr. BAKER], the Senator from New Mexico [Mr. DOMENICI], the Senator from Washington [Mr. EVANS], the Senator from Iowa [Mr. JEPSEN], the Senator from Illinois [Mr. PERCY], the Senator from Wyoming [Mr. WALLOP], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. PERCY] would vote "nay."

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Arizona [Mr. DECONCINI], the Senator from Missouri [Mr. EAGLETON], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 70, nays 12, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—70

Abdnor	Glenn	Murkowski
Andrews	Goldwater	Nickles
Baucus	Gorton	Nunn
Bentsen	Hart	Packwood
Biden	Hatfield	Pressler
Bingaman	Hawkins	Proxmire
Boschwitz	Heinz	Quayle
Bradley	Huddleston	Randolph
Bumpers	Humphrey	Riegle
Burdick	Inouye	Roth
Byrd	Johnston	Rudman
Chafee	Kassebaum	Sasser
Chiles	Kasten	Simpson
Cohen	Kennedy	Specter
Cranston	Lautenberg	Stafford
D'Amato	Leahy	Stennis
Danforth	Long	Stevens
Denton	Lugar	Symms
Dodd	Mathias	Trible
Dole	Mattingly	Tsongas
Durenberger	Melcher	Warner
Exon	Metzenbaum	Zorinsky
Ford	Mitchell	
Garn	Moynihan	

NAYS—12

Cochran	Hatch	McClure
Dixon	Hecht	Thurmond
East	Helms	Tower
Grassley	Laxalt	Wilson

NOT VOTING—18

Armstrong	Evans	Pell
Baker	Heflin	Percy
Boren	Hollings	Pryor
DeConcini	Jepsen	Sarbanes
Domenici	Levin	Wallop
Eagleton	Matsunaga	Weicker

The PRESIDING OFFICER. On this vote, the yeas are 70, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

FEDERAL-AID HIGHWAY ACT OF 1984

Mr. SYMMS. Mr. President, I would just like to talk for a moment with my colleagues about the situation since cloture has now been invoked.

I might make a parliamentary inquiry: We are still on the motion to proceed, is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. SYMMS. I think it would be helpful if our colleagues would recognize that this legislation pending before the Senate needs to be passed. We all remember 1982 when the Surface Transportation Assistance Act passed and set this country on a new course to save our transportation infrastructure.

Mr. RANDOLPH. Mr. President, a point of order. We would like to hear the able chairman of the subcommittee.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I thank the Chair.

The Federal gasoline tax was increased, as we all know. The machinery was put in place so that the American motorist would pay more money in highway taxes and also get immediate reconstruction started around the country. And that did happen. The Federal highway funds were apportioned to the States the day the President signed the bill and the States set a new record for obligating those funds in fiscal year 1983.

Now, to keep the momentum going, Congress had to take one simple action beginning in fiscal year 1984: To approve the interstate cost estimate, which is commonly referred to as the ICE, and the interstate substitute cost estimate, ISCE submitted by the Secretary of Transportation. Routine congressional action was needed so that billions of dollars which had already been authorized could be released to the States. Today, these funds are critically needed by the States.

Mr. DIXON. Will my friend yield for a question on that point?

Mr. SYMMS. For a question only.

Mr. DIXON. I ask my friend from Idaho whether it is not a fact that the basic thing that my friend is telling the U.S. Senate now would obtain without the Bentsen amendment or the other additional appropriations that are rife in this bill; that is to say, I have said from the very beginning that I support a clean ICE. I have no objections to the $2.1 billion allocation of funds in the 50 States. If we had a clean bill without all the additional expenditures that the President of the United States does not want, it is not true, I ask my friend, that we would get a distribution of the funds to the separate States?

Mr. SYMMS. Well, the Senator is correct that if we passed a clean ICE we could distribute the funds to the States. The Senator is correct on that fact.

However, if I could just go on and make this point. I know the Senator is unhappy about what has happened in this bill and how it affects his State. I think we all admire the tenacity for which he and Senator PERCY have carried on their crusade for the State of Illinois.

I do think that we all need to understand that to keep the momentum moving in this highway program, the Congress has to take one simple action and that is to approve the ICE and the interstate substitute cost estimate. Last year, the House tied the approval of the ICE and interstate substitute cost estimate to $140 million in special interest demonstration projects as well as a number of other provisions which would have been benefited specific congressional districts. Now there has been a long and I think proper opposi-

tion to this kind of pork barrel legislation.

In the past, Congress has allowed the States to decide for themselves where they will spend their fair share of the allocated funds from the Federal highway trust fund.

Finally, Congress approved the ICE in March 1984, but the clean ICE was only approved for a half a year. Now, at the end of fiscal year 1984, the other half of this year's and all of fiscal year 1985's funds are still tied up and without congressional action. The Federal Highway Administration will be unable to release the interstate construction and interstate substitution funds available for fiscal year 1984. In all, we are talking about $7 billion in the already authorized funds that are at stake and the money is sitting in the Federal trust fund.

That money will go to every State in the Union to fund the highway construction—and, incidentally, it will go to the State of Illinois as well. It is critical that we keep this program, and keep the momentum moving, Mr. President. I would like to see us move forward this afternoon, move on this motion to proceed, get this bill up, and see if we cannot get through this legislation.

The House bill—to approve the ICE and the ISCE—would increase the cost of completing the Interstate System by about $2 billion. So we have a problem there. It would, also, authorize over $600 million in Federal-State funds for narrow special interest provisions. These are the kinds of things that we in the Senate have tried to keep off the bill. While some of these provisions would benefit only a few of the specific areas of the country, they would be paid for by all American motorists. They would be paid for either by an increase in the highway user fees, or reduction in the future-year authorizations for the Federal highway aid programs that benefit the entire country.

All I am asking my colleagues to do is to try to set your special interests aside, and take simple action that is needed to get this whole country benefiting from the Federal highway program. We must regain the momentum that has been lost by our inaction. The ICE and ISCE must be approved so that this money can flow from the States for the needed highway construction and repair. And, in order to avoid this dilemma in the future, we should authorize the Secretary to develop the cost estimates in conjunction with the States—and apportionment funds—according to these estimates without the need for congressional action.

I urge everyone to allow this resolution to move forward, and there is much talk in the Chamber about an effort to amend the civil rights legislation to the highway bill. I am concerned by this talk. I think sooner or later my colleagues will start hearing from their State highway departments about the need for highway funds, and that it is something we all share a common interest in. We need to continue the highway program as soon as possible to get the most roads built for the dollars that we are spending, and not have this on-again-off-again Federal program.

I hope we can set aside our particular differences and move forward with this legislation.

To my colleague from Illinois, who is here on the floor, I say we have been willing to work with his State. We have certainly worked with your Governor, and I think all members of the committee have worked with your fine Director of Transportation, Mr. John Kramer, who has been literally camped in Washington at different times.

I think if you look at the record—and I say this to the other 49 States—the State of Illinois is doing very well in the Federal aid highway program with respect to Federal funds. The fact is the State gets back about what they put into the Federal trust fund on an annual basis. I think the Senator from Illinois would agree with that. They are actually a donee State.

The Senator from Texas, on the contrary, has found himself in a situation where Texas has been paying in a lot more money than they been getting back. The committee has tried to make some adjustments to bring more equity within the system so that some of these States that have paid in on the average $1 and get back 70 cents would have an opportunity to get back at least 85 cents out of a dollar. It seemed like an equitable situation. That is what we have tried to do.

I think this committee will be willing to work out something that will be agreeable to all the Senators. I hope they will stop their filibuster so that we can move forward this afternoon and get this bill passed through the Senate so that then, if it is still not settled, we can go to conference with the House. We will still have a difficult time ahead in reaching a compromise with the House. But, the Senate must accomplish this step first. This is an issue that I wish we could get completed and which needs to be done, so that we do not waste taxpayers' money by having an on-again-off-again highway program.

It is very, very costly to our current program. I think it is very unfortunate if we cannot pass the bill this afternoon.

SEVERAL SENATORS addressed the Chair.

Mr. SYMMS. I yield the floor.

Mr. BENTSEN. Mr. President, let us look at what this is all about and why my friend from Illinois is doing this. He presented his views to the committee. They were considered by the committee. The views of the other Senator from Illinois were considered by the committee, and they were rejected by the committee. When my friend talks about getting back his money, in all but 2 years they have done just that. But the State which I represent has not. What we have done with the 85 percent provision is to say that 85 percent return will be the floor; that you will get back at least 85 percent under the allocation, under the discretionary funds, under the demonstration projects. All of it, every bit of it is considered in the calculation. And, that is the way it ought to be.

My friend tells you how poorly they are doing. But what my friend does not tell you is they are getting twice as much in discretionary funds as the next State—twice as much. That is what they are getting. When the Senator talks about poor Illinois—poor Illinois—this year my State passed one of the biggest tax increases on its citizens of any State in the Union. And the State of Illinois has cut its taxes. That is how tough it is in Illinois.

That is what the Senator is talking about. But what has finally happened, you see, is that we are at the end of the session. We have reached a point where someone is supposed to hold a gun to the head of the committee, and say take my amendment or you do not proceed. That is the price. Take it just the way I have written it. Never mind that the committee has turned it down. You have to take mine, or I will bring this Senate to a screaming halt. I am not going to submit my amendment to 100 Senators. I do not want to debate my amendment on the floor, and let 100 Senators decide. Oh, no. Not at all. I want to dictate it to the Senate. You do not move unless I agree to it. And I have put you in the last 10 days of a session, and you have major, major bills awaiting action by the U.S. Senate. That is when I take advantage of this kind of situation. Sure, I am ready to give 85 percent to Illinois, and more. You bet. Include in everything you get demonstration projects, discretionary funds, and the allocation formula. Put it all in. Then let us see Illinois get it, and we protect them in that kind of a situation.

The other Senator from Illinois last Thursday admitted that they had done extremely well under the highway program. We said we have done as well in some of the others. My friend over here from Illinois says "poor Illinois." He says poor Illinois, "We are sending more money up to Washington than we are getting back."

Welcome to the club. We have been doing that a long time. But that does not mean that you make it all up under the Highway Trust Fund. That does not mean, because you have an inequity overall, that you are going to

take a surplus here. That is not right. That is not fair. The Senator from Texas is surely going to oppose it. And the committee unanimously opposed it.

If you want to take your chances like the rest of us, then present it to the full committee. Let 100 Senators vote on it. Let them decide what is equity in this situation.

But do not stand there and tell us that you cannot move unless I have it my way. I write it out. I am the author of it—not 100 Senators. I decided what the allocation is going to be. The multimillions, the extras. Never mind trying to get it after the committee acted, with its staff, with its hearings, and the allocations are all finally worked out because everyone is concerned about fairness in this situation, whether it is my friend over here who is the manager of this bill for the majority, or the Senator from Texas.

Let me tell you. The return on the highway program has been down as low as 57 percent for Texas. That is why I fought for this 85 percent minimum return. We put it in the bill a couple of years ago. Then, we found out in the drafting of it, they left out the discretionary funds; they left out the demonstration projects. All of it is supposed to be in the calculation.

Mr. President, we do not do as well as Illinois, even under the Bentsen amendment.

You are still getting more funds, and that is what concerns me—the question of equity, the question of fairness—and I am going to continue to debate that issue just as long as my friend from Illinois wants to debate it.

We are seeing other things happen in this bill. You are not the only one, my friend. There are going to be some others who will attack this bill but I will say they will be on major national issues. They are going to affect all 50 of these States.

I can understand more cause for that than I can for one of these that have been presented to this committee, the committee of jurisdiction, and has been rejected out of hand.

Mr. President, I urge very strongly that my colleagues in the Senate see that we bring about fairness in this issue and support the committee bill in its entirety.

Mr. CHAFEE. Mr. President, I strongly support the Federal Aid Highway Act of 1984 and want to commend Senators SYMMS and STAFFORD for their diligent efforts in shaping this important legislation.

In December 1982, Congress made a bargain with everyone in America who drives an automobile. We passed landmark legislation—the Surface Transportation Assistance Act—which nearly doubled the gasoline tax, from 4 to 9 cents per gallon.

We took this bold step because we recognized that something had to be done to stop the alarming deterioration of our Nation's roads and bridges. By increasing the Federal investment in highway and bridge repair, we have begun to reverse this trend.

However, we cannot keep our part of this bargain with American motorists unless construction and repair dollars from the highway trust fund are made available to the States in a dependable manner. Congress has encountered repeated difficulty in enacting legislation to approve the interstate cost estimate and interstate substitution cost estimate which enable the Department of Transportation to release these funds to the States.

The full apportionment of Interstate System construction funds for fiscal year 1984 has now been delayed for almost a full year due to disagreements over special interest projects and other issues. This delay has depleted the highway funds available for obligation by the States and threatens the ability of the Federal-Aid Highway Program.

Prompt approval of S. 2527 will keep highway construction dollars flowing and enable the States to continue the orderly planning of highway and bridge projects. This legislation also includes a number of important provisions designed to make the highway program more responsive to State and local problems and priorities.

Chief among these is section 105, which permits the Secretary of Transportation to administratively apportion interstate construction funds and thus avoid future protracted delays in the ICE and ISCE approval. The long-term effectiveness of our highway program could well depend upon the approval of this provision.

I hope my colleagues will join me in supporting this vital legislation.

Mr. RANDOLPH. Mr. President, I support the remarks of the chairman and ranking minority member of the Subcommittee on Transportation. The action which is currently delaying the Senate is withholding needed highway funds.

Gas taxes have been increased to support more construction.

We can spend these funds if the Senate can vote and approve the interstate cost estimate.

Let consideration of the amendments go forward.

Mr. DIXON. Mr. President, would my friend, the manager, yield for a couple of questions I am quite sincere about? Would my friend from Idaho yield?

Mr. President, there are some provisions in this bill that I have some concerns abut. I wonder if he could elaborate on this item: I refer to lines 10 through 19 on page 9. I ask him as an old trial lawyer with some experience in these matters why the committee would put these words into this bill.

RAIL-HIGHWAY CROSSINGS

SEC. 113. Notwithstanding any other provision of law, no report, list, schedule or survey compiled by or for a State for the purposes of complying with any requirement of title 23, United States Code, or the Highway Safety Act of 1973 concerning the evaluation of hazardous roadway conditions or rail-highway crossings in order to plan and prioritize projects to enhance safety, shall be required to be admitted into evidence or used for any other purpose in any suit or action in any Federal or State court.

I say to my colleague in all sincerity I believe that means that this involves serious litigation, involving serious automobile-railroad crossing accidents, where people are being seriously injured or killed and could subpoena records of the Government, which are part of the public record system of this great Nation of ours, to show a jury what was the matter with a railroad crossing.

Why would my friend have something like that in this bill?

Mr. SYMMS. Mr. President, I think there is good reason for it. If you will note on page 24 of the committee report, I will just read from that report:

SECTION 113. RAIL-HIGHWAY CROSSINGS

Provides that information identifying and ranking hazards at rail-highway crossings, required in order to be eligible for Federal-aid funds, cannot be used as evidence in trials involving grade crossing accidents.

That is a matter of trying to reduce the litigation process that takes place in this society when we have such a high percentage of lawyers compared to the rest of the population.

Mr. DIXON. I would not like to argue about the number of lawyers in the population.

Mr. SYMMS. I know, but they all need to work, so they follow the ambulances around and start the lawsuits. I say that as one of the nonlawyers.

Mr. BENTSEN. If I might add something for my distinguished friend, let me say that the evidence that is derived is all still available. But what we are talking about here is that the lawyer would not be able to use this as prima facie evidence of neglect.

Mr. DIXON. Would either one of my colleagues want to answer this further——

Mr. SYMMS. I will only yield if we are on the Senator's time.

Mr. DIXON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DIXON. I object, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk continued with the call of the roll, and the following Senators answered to their names:

[Quorum No. 14]

Baucus	Dixon	Randolph
Bentsen	Garn	Stafford
Bradley	Gorton	Symms
Denton	Hecht	

QUORUM CALL

The PRESIDING OFFICER. A quorum is not present.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to require the attendance of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Washington [Mr. EVANS], the Senator from Iowa [Mr. JEPSEN], the Senator from Nevada [Mr. LAXALT], the Senator from Illinois [Mr. PERCY], the Senator from Wyoming [Mr. WALLOP], and the Senator from Connecticut [Mr. WEICKER], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Arizona [Mr. DECONCINI], the Senator from Missouri [Mr. EAGLETON], the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], and the Senator from Maryland [Mr. SARBANES], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 5, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—74

Abdnor	Cochran	Grassley
Andrews	Cohen	Hart
Baker	Cranston	Hatfield
Baucus	D'Amato	Hawkins
Bentsen	Danforth	Hecht
Biden	Denton	Heinz
Bingaman	Dodd	Helms
Bradley	Durenberger	Huddleston
Bumpers	East	Humphrey
Burdick	Exon	Inouye
Byrd	Ford	Johnston
Chafee	Garn	Kassebaum
Chiles	Gorton	Kasten
Kennedy	Murkowski	Stafford
Lautenberg	Nickles	Stennis
Leahy	Nunn	Stevens
Long	Packwood	Symms
Lugar	Pressler	Thurmond
Mathias	Randolph	Tower
Mattingly	Riegle	Trible
McClure	Roth	Tsongas
Melcher	Rudman	Warner
Metzenbaum	Sasser	Wilson
Mitchell	Simpson	Zorinsky
Moynihan	Specter	

NAYS—5

Dixon	Hatch	Quayle
Goldwater	Proxmire	

NOT VOTING—21

Armstrong	Evans	Matsunaga
Boren	Glenn	Pell
Boschwitz	Heflin	Percy
DeConcini	Hollings	Pryor
Dole	Jepsen	Sarbanes
Domenici	Laxalt	Wallop
Eagleton	Levin	Weicker

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

FEDERAL-AID HIGHWAY ACT OF 1984

Mr. BAKER. Mr. President, we are in a post-cloture situation and it is cloture against a simple motion to proceed.

I really hope that we can work this out so that we can at least get the bill laid before the Senate today, and I do not mean to sound harsh or preemptory, but Members surely will understand that the leadership on this side is determined to get the bill up.

What happens to the bill, I cannot say. Maybe we will have another filibuster on that, and I am prepared to meet those challenges one at a time.

But may I urge Senators to consider that getting the bill up is an important next step and the range of options is fairly narrow on how that might be delayed. There are ways to delay it, but I hope Senators would let us at least go to the bill and then whatever it is they want to do with it they are going to do with it, but I urge Senators to consider that we have to get on the bill, and the leadership on this side is prepared to ask the Senate to stay as long as necessary to accomplish that.

Now, Mr. President, I hope Senators who may have speeches to make will do so and that we can get on with the matter at hand.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. BAKER. Mr. President, the Senator from Illinois is not in the Chamber and if no Senator wishes to speak, I will suggest the absence of a quorum.

Does the Senator from New Jersey wish to speak?

Mr. BRADLEY. No.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

Mr. BAKER. Mr. President, as far as I am concerned, I am ready to go to the bill itself and the motion is pending. Is that correct?

The PRESIDING OFFICER. The motion to proceed is pending.

Is there further debate?

The question is on agreeing to the motion to proceed.

The motion to proceed was agreed to.

The PRESIDING OFFICER. The clerk will report the pending business by title.

The legislative clerk read as follows:

A bill (S. 2527) to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works and amendments.

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in italic, as follows:)

S. 2527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Act of 1984".

INTERSTATE COST ESTIMATE APPROVAL

SEC. 102. The Secretary of Transportation shall apportion for the fiscal years ending September 30, 1985 and September 30, 1986 the remaining sums to be apportioned for such years under section 104(b)(5)(A) of title 23, United States Code, and shall adjust and reapportion for the fiscal year ending September 30, 1985 the apportionment made on March 9, 1984 under section 104(b)(5)(A) of title 23, United States Code, using the apportionment factors in table 5 of the committee print numbered 98-202 of the Committee on [Public Works and Transportation of the House of Representatives.] *Environment and Public Works of the Senate.*

INTERSTATE SUBSTITUTE COST ESTIMATE APPROVAL

SEC. 103. The Secretary of Transportation shall apportion for the fiscal years ending September 30, 1984 and September 30, 1985, the remaining sums to be apportioned for such years under section 103(e)(4) of title 23, United States Code, and shall adjust and reapportion for the fiscal year ending September 30, 1984 the apportionment made on March 9, 1984 under section 103(e)(4) of title 23, United States Code, using the apportionment factors contained in the committee print numbered 98-203 of the Committee on [Public Works and Transportation of the House of Representatives.] *Environment and Public Works and the Com-*

mittee on Banking, Housing, and Urban Affairs of the Senate.

85 PER CENTUM MINIMUM ALLOCATION

SEC. 104. The Secretary of Transportation shall adjust and reallocate the allocation made on March 9, 1984 under section 157 of title 23, United States Code, to reflect the *full* apportionment of Interstate funds for the fiscal year ending September 30, 1985 and the *full* apportionment of Interstate highway substitute funds for the fiscal year ending September 30, 1984 made as a result of this Act.

RELEASE OF INTERSTATE CONSTRUCTION FUNDS

SEC. 105. Section 104(b)(5)(A) of title 23, United States Code, is amended by striking the five sentences that follow "January 2, 1983." and inserting in lieu thereof: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year ending September 30, 1985. The Secretary shall make revised estimates of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985 and January 2, 1987. In September of each year, the Secretary shall adjust the last estimate submitted to reflect (1) all previous apportionments and lapses of previous apportionments, (2) previous withdrawals of Interstate segments under section 103(e)(4) of this title, (3) previous allocations of Interstate discretionary funds under section 118(b)(2) of this title, and (4) Interstate transfers of funds under section 119(d) of this title. The Secretary shall use the Federal share of such adjusted and submitted estimates in making apportionments for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989 and September 30, 1990.".

RELEASE OF INTERSTATE SUBSTITUTE FUNDS

SEC. 106. (a) The eighth sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out the word "approved".

(b) Section 103(e)(4) of title 23, United States Code, is further amended by striking the sixteenth sentence and inserting in lieu thereof the following: "The Secretary shall make an estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984. The Secretary shall adjust such cost estimate in September of 1984 and 1985 to reflect (1) changes in the amounts available to the Secretary under this paragraph, (2) changes in State estimates of the division of funds between substitute highway and transit projects, (3) approvals of substitute projects, and (4) the allocation and apportionment of substitute highway funds in prior fiscal years and shall use the Federal share of such adjusted and submitted estimate in making apportionments for substitute highway projects for the fiscal years ending September 30, 1985 and September 30, 1986.".

(c) Section 103(e)(4) of title 23, United States Code, is further amended by striking the existing twenty-second sentence and inserting in lieu thereof the following: "The Secretary shall make an estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984. The Secretary shall adjust such cost estimate in September of 1984 and 1985 to reflect (1) changes in the amounts available to the Secretary under this paragraph, (2) changes in State estimates of the division of funds between substitute highway and transit projects, (3) approvals of substitute projects, and (4) the allocation and apportionment of substitute transit funds in prior fiscal years and shall use the Federal share of such adjusted and submitted estimate in making apportionments for substitute transit projects for the fiscal years ending September 30, 1985 and September 30, 1986.".

EMERGENCY RELIEF STATE MATCH

SEC. 107. (a) Subsection (f) of section 120 of title 23, United States Code, is amended by striking "shall not exceed 100 per centum of the cost thereof: *Provided*" and inserting in lieu thereof "on account of any project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable of a project on a system as provided in subsections (a) and (c) of this section: *Provided*, That the Federal share payable for eligible emergency repairs to minimize damage, protect facilities or restore essential traffic accomplished within thirty days after the actual occurrence may amount to 100 per centum of the cost thereof: *And provided further*".

(b) Section 120(f) of title 23, United States Code, as amended by this section is effective for all natural disasters or catastrophic failures which occur subsequent to enactment of this Act.

PRIORITY FOR INTERSTATE DISCRETIONARY FUNDS

SEC. 108. Section 118(b)(2) of title 23, United States Code, is amended by inserting after "which is not open to traffic" the following: "and high cost projects which are eligible for Federal assistance with funds apportioned under section 104(b)(5)(A) of this title and are on an Interstate segment which is on a common alignment of more than 7.9 miles with any other Interstate segment and on which actual construction with funds apportioned under such section is under-way on the date of enactment of this Act;".

HIGHWAY PLANNING AND RESEARCH

SEC. 109. Section 307(c)(1) of title 23, United States Code, is amended by inserting after "section 104 of this title", the following: "and for highway projects, section 103(e)(4) of this title.".

OFF-SYSTEM BRIDGE PROGRAM

SEC. 110. Section 144, title 23, United States Code, is amended by adding a new subsection as follows:

"(n) Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway system for the replacement of a bridge [fifty-one feet or less in length] or rehabilitation of a bridge which is wholly funded from State and local sources, is eligible for Federal funds under section 144 of title 23, United States Code, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under such section 144, and is determined by the Secretary upon completion to be no longer a deficient bridge, any amount expended after the effective date of this section, from such State and local sources for such project in excess of 20 per centum of the cost of construction thereof may be credited to the non-Federal share of the cost of other projects in such State which are eligible for Federal funds under section 144, in accordance with procedures established by the Secretary.".

WOMEN BUSINESS ENTERPRISES

SEC. 111. Section 105(f) of the Surface Transportation Assistance Act of 1982 is amended as follows:

[(1) after "shall be expended with" insert "(1)", and

(2) strike the period after "thereto" and insert "and with (2) small business concerns owned and controlled by women.".]

(1) after "small business concerns" insert ". Such small business concerns may be either".

(2) strike the period after "thereto" and insert "or owned and controlled by women.".

TOLL FACILITY DEREGULATION

SEC. 112. (a) Section 4 of the General Bridge Act of 1906 (34 Stat. 85, 33 U.S.C. 494), as amended, is amended by deleting the last sentence thereof.

(b) Section 17 of the Act of June 10, 1930 (46 Stat. 552, 33 U.S.C. 498a), as amended, is repealed.

(c) Section 1 of the Act of June 27, 1930 (46 Stat. 821, 33 U.S.C. 498b), as amended, is repealed.

(d) Sections 1-5 of the Act of August 21, 1935 (49 Stat. 670, 33 U.S.C. 503-507), as amended, are repealed.

(e) Sections 530 and 506 of the General Bridge Act of 1946 (60 Stat. 847, 848, 33 U.S.C. 52, 529), as amended, are repealed.

(f) Section 133 of Public Law 93-87 (87 Stat. 267, 33 U.S.C. 526a) is repealed.

(g) Section 6 of the International Bridge Act of 1972 (86 Stat. 732, 33 U.S.C. 535(d)) is repealed.

(h) Section 6(g)(4) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(g)(4)) is repealed.

(i) Tolls for passage or transit over any bridge constructed under the authority of the Bridge Act of 1906, as amended, the General Bridge Act of 1946, as amended, and the International Bridge Act of 1972, shall be just and reasonable.

RAIL-HIGHWAY CROSSINGS

SEC. 113. Notwithstanding any other provision of law, no report, list, schedule or survey compiled by or for a State for the purposes of complying with any requirement of title 23, United States Code, or the Highway Safety Act of 1973 concerning the evaluation of hazardous roadway conditions or rail-highway crossings in order to plan and prioritize projects to enhance safety, shall be required to be admitted into evidence or used for any other purpose in any suit or action in any Federal or State court.

TOLL REVENUES

[SEC. 114. Section 141 of title 23, United States Code, is amended by adding subsection (e) as follows:

"(e) Each State shall certify to the Secretary before January 1 of each year that the State's laws do not permit the use of toll revenues from a publicly owned or operated transportation toll facility located on a Federal-aid system except as otherwise specifically provided by Federal law for any purposes other than a purpose permitted by this title; the repayment of all the cost of construction or acquisition of such toll facility, except that part which was constructed by the United States; the proper maintenance, repair and operation of the toll facility under economical management, or any other highway-related purpose. If a State

fails to certify as required by this subsection or if the Secretary determines that the State's laws do permit the use of toll revenues from a publicly owned or operated transportation toll facility for a purpose other than those permitted by this subsection, Federal-aid highway funds apportioned to the State during the next succeeding fiscal year shall be reduced by amounts equal to 5 per centum of the amount which would otherwise be apportioned to the State under section 104 of this title. Amounts withheld from apportionments to a State under this subsection shall be apportioned to the other States pursuant to the formulas of section 104 of this title and shall be available in the same manner and the same extent as other funds apportioned at the same time to other States.".]

SEC. 114. Section 129 of title 23, United States Code, is amended by adding the following new subsection:

"(i)(1) Each operator of toll roads, toll tunnels, toll ferries, and toll bridges, other than an international toll facility or toll facility subject to an agreement under this section or section 105 of the Surface Transportation Assistance Act of 1978 on a Federal-aid system in a State shall biennially certify to the Governor of the State that such facilities are adequately maintained and that the operator of such toll facility has the ability to fund the replacement or repair of any such facilities that are not adequately maintained without using Federal-aid highway funds. Failure to certify shall preclude Federal funding out of the Highway Trust Fund of any facilities owned or operated by the operator of such toll facility.

"(2) The Governor shall report biennially to the Secretary the toll facilities subject to paragraph (1) of this subsection, that have so certified and those which have not certified in accordance with paragraph (1) of this subsection. If funds from the Highway Trust Fund are used to repair or replace such toll facilities, the States' apportionments for the following fiscal year under section 104 of this title shall be reduced by the amount of Highway Trust Fund moneys expended: Provided, That such reduction shall not be made if the State has executed an agreement covering such toll facilities under this section or section 105 of the Surface Transportation Assistance Act of 1978.".

RIGHT-OF-WAY DONATION

[SEC. 115. Section 120 of title 23, United States Code, is amended by adding a new subsection "(m)" as follows:

"(m) Notwithstanding any other provision of this title the fair market value of donations at the time of donation of right-of-way made for a project under this title shall be credited to the State matching share for such project when the donation is made to the State.".]

SEC. 115. (a) Notwithstanding any other provision of this title, the State matching share for a project under this title may be credited by the fair market value of land incorporated into the project and lawfully donated to the State after the effective date of this subsection. For purposes of this subsection the fair market value of donated land shall be established after the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier. This subsection shall not apply to donations made by an agency of a Federal, State, or local government. The credit received by a State pursuant to this subsection may not exceed the State's matching share for the project to which the donation is applied.

(b) Section 323 of title 23, United States Code, is amended by—

(1) inserting after "Donations." an "(a)"; and

(2) inserting the following new subsection:

"(b)(1) A gift or donation in accordance with subsection (a) may be made at any time during the development of a project: Provided, That any document executed as part of such donation clearly indicates that—

"(i) all alternatives to a proposed alignment will be studied and considered pursuant to the National Environmental Policy Act;

"(ii) acquisition of property under this subsection shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location; and

"(iii) any property acquired by gift or donation shall be revested in its grantor or his successors in interest if such property is not required for the alignment chosen after public hearings and completion of the environmental document.".

(c) Section 4651 of title 42, United States Code, is amended as follows:

(1) insert after "programs" in the first sentence the following "to promote joint projects between States and landowners and other entities in order to maximize Federal and State dollars";

(2) insert new paragraph (10) as follows:

"(10) Promotion of joint projects wherein private citizens and other governmental entities participate in the cost through land donations and/or financial contributions is consistent with Federal policy and should be encouraged by all Federal agencies. To this end donations of right-of-way and/or financial contributions by a State or other political subdivision, or any person is permissible.".

RIGHT-OF-WAY PAYBACK

[SEC. 116. Section 103(e)(4) of title 23, United States Code, is amended by adding at the end thereof the following sentence: "Sums made available to the Secretary under this paragraph for a State shall be reduced by the amount expended in Federal funds to purchase right-of-way for the withdrawn route or segment thereof in every case where the right-of-way has not been disposed of by the State as of the date of enactment of this sentence provided that such sum shall be restored if the State applies such right-of-way to a transportation project permissible under this title, to a public conservation or public recreation purpose, or to such other public purpose as may be determined by the Secretary to be in the public interest within ten years from the date of the withdrawal of approval.".]

SEC. 116. Section 103(e)(4) of title 23, United States Code, is amended by adding at the end thereof the following sentences: "Of sums made available to the Secretary under this paragraph for a State, an amount equal to the amount expended in Federal funds to purchase right-of-way for the withdrawn route or portion thereof in every case where right-of-way has not been disposed of by the State as of the date of enactment of this sentence shall not be available for release by the Secretary until the right-of-way disposition decision has been made in accordance with 103(e) (5)(B), (6)(B), or (e)(7) of this title. The amount apportioned to each eligible State pursuant to the thirteenth and nineteenth sentences of this paragraph shall be based on the full remaining value of the sums made available under this paragraph as determined by the Secretary but the total of such apportionments shall not exceed the remaining value of such sums less the amount unavailable for release by the Secretary. Sums retained by the Secretary shall be made available for apportionment upon partial or full repayment of funds in accordance with section 103(e)(7) of this title or upon determination by the Secretary that, under section 103(e) (5)(B) or (6)(B), repayment is not required.".

BRIDGE STUDY

SEC. 117. (a) The Secretary of Transportation shall conduct a study of the Bridge Replacement and Rehabilitation Program. This study shall include, but is not limited to—

(1) an analysis of the progress made toward replacing and rehabilitating inadequate bridges both on the Federal-aid system and off the system; a projection of future needs of the bridge program; and an evaluation of the States' prioritization in addressing bridge repair and replacement;

(2) a review of the bridge inspection program including the adequacy of the AASHTO "Manual for Maintenance Inspection of Bridges 1983"; the adequacy of qualification requirements for bridge inspectors; the status of the bridge inventory; and the adequacy of State bridge inspections;

(3) an analysis of the effectiveness of the bridge discretionary program;

(4) a review of the bridge program's effect on the rehabilitation of historic bridges including the development of specific standards which would apply only to the rehabilitation of historic bridges, and an analysis of any other factors which would serve to enhance the rehabilitation of historic [bridges; and] *bridges.*

[(5) a review of the bridge formula as it affects the configuration and gross vehicle weight of large vehicles; the effect of certain large vehicles on the average life of a bridge; and the current status of and effect of grandfather rights applicable to this formula.

(b) The Secretary shall report to the Congress the results of the study under this section not later than one year after the date of enactment of this Act.]

(b) The Secretary of Transportation shall report to the Congress the results of the study under subsection (a) not later than one year after the date of enactment of this Act.

(c)(1) The Secretary of Transportation shall make appropriate arrangements with the Transportation Research Board of the National Research Council to carry out a study of the bridge formula as it affects the configuration and gross vehicle weight of large vehicles; the effect of certain large vehicles on the average life of a bridge; and the current status of and effect of grandfather rights applicable to this formula. The study shall be done in consultation with the Federal Highway Administration and the American Association of State Highway and Transportation Officials.

(2) The Transportation Research Board shall report to the Congress the results of this study not later than eighteen months after the appropriate arrangements have been made.

TECHNICAL AMENDMENTS

SEC. 118. (a)(1) Section 103(e)(4) of title 23, United States Code, is further amended by striking out the sixth, seventh, and eighth sentences and inserting in lieu there-

of the following: "The sums apportioned and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. The sums apportioned and the sums allocated under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for succeeding fiscal year. Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such fiscal year. Such reapportionments shall be in accordance with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.".

(2) The last sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "designed" and inserting in lieu thereof "designated".

(b)(1) The second section 126 of the Surface Transportation Assistance Act of 1982, relating to bicycle transportation, is amended by striking out "SEC. 126." and inserting in lieu thereof "SEC. 126A.".

(2) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

(3) Section 163 of such Act is amended by striking out "appropriated" and inserting in lieu thereof "apportioned".

(4) Section 415 of such Act is hereby repealed.

(5) The third sentence of section 108(d) of such Act is amended by striking "this title," and inserting in lieu thereof "title 23, United States Code,".

(c)(1) The analysis of chapter 1 of title 23, United States Code, is amended (1) in the item relating to section 127 by striking out "and width", and (2) by striking out the item relating to section 146 and inserting in lieu thereof:

"146. Carpool and vanpool projects.".

(2) Section 120 of such title is amended by redesignating the second subsection "(i)", and subsections "(j)" and "(k)" as subsections "(j)", "(k)", and "(l)", respectively.

(3) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(4)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(5) Subsection (e) of section 144 of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(6) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(7) The last sentence of section 402(j) of such title is amended by striking out "chapter" and inserting in lieu thereof "section".

(d) Section 111 of title 23, United States Code, is amended by inserting "(a)" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State will shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(e)(1) Section 145(c) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"(c) The total amount which may be obligated for qualifying projects in any State under subsection (a) for each of the fiscal years 1983 and 1984 shall not be greater than the excess of—

"(1) the sum of the amount of obligation authority distributed to such State for such fiscal year under section 104(b) of this Act, plus the amounts, if any available to such State for such fiscal year under section 157 of title 23, United States Code, pertaining to minimum allocation, over

"(2) the amount of obligational authority distributed to such State for fiscal year 1982 under section 3(b) of the Federal-Aid Highway Act of 1981.".

(2) Section 145(e) of such Act is amended by inserting "section 108 of this Act and" after "such State under", and by striking out "104(b)(1) of title 23, United States Code," and inserting in lieu thereof "108 of this Act".

(f) Section 154(e) of title 23, United States Code, is amended—

(1) by striking out "criteria which takes" and inserting in lieu thereof "criteria which take";

(2) by inserting after "posted" the following: "on January 1, 1983,"; and

(3) by inserting before "in accordance with" the following: ", and on highways built after such date with speed limits posted as fifty-five miles per hour,".

HISTORIC BRIDGES

SEC. 119. (a) Section 144, title 23, United States Code, is amended by adding a new subsection as follows:

"(o) Notwithstanding any other provision of law:

"(1) any reasonable costs incurred due to actions taken to mitigate harm to bridges listed on or eligible for listing on the National Register of Historic Places as a result of Federal-aid projects funded under this section, shall be eligible for funds under this section.

"(2) Any State which is eligible to receive demolition funds for a replacement project under this section may receive amounts for preservation of an historic bridge not to exceed the estimated cost of demolition: Provided, That the State, locality or private entity enters into an agreement to assume all future legal and financial responsibility for the bridge which shall no longer be eligible for funds under this section.".

(b) Section 144(c)(2) is amended by striking "may, at the request of a State," and inserting in lieu thereof "shall require each State to".

WILDFLOWERS

SEC. 120. Section 319 of title 23, United States Code is amended by inserting an "(a)" after section 319 and inserting the following new subsection.

"(b) The Secretary shall approve the planting of native wildflower seeds and/or seedlings as part of any landscaping contract under this title. Not to exceed one-quarter of one per centum of the funds expended for landscaping shall be used for such plantings. The requirements of this subsection may be waived by the Secretary if the State certifies that such native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited.".

ELIGIBILITY FOR EMERGENCY RELIEF

SEC. 121. A project to repair or reconstruct any portion of a Federal-aid primary route in the vicinity of Horseshoe Bend, Idaho, which has experienced slide damage as a result of excessive snow and rainfall shall be eligible for assistance under section 125 of title 23, United States Code.

MINIMUM ALLOCATION

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.".

(b) The amendment made by subsection (a) shall become effective on October 1, 1984.

MARYLAND TRANSFER

SEC. 123. (a) The first sentence of section 7 of Public Law 98-229 is amended by inserting "amounts requested by the State of Maryland not to exceed" after the phrase "the Secretary shall transfer".

(b) The second sentence of section 7 of Public Law 98-229 is amended by striking out "$100,000,000" and inserting in lieu thereof "such amounts transferred".

(c) The third sentence of section 7 of Public Law 98-229 is amended by striking out "$100,000,000" and inserting in lieu thereof "an amount equal to the amount transferred from section 103(e)(4)"; and add at the end of the third sentence "in Baltimore, Maryland".

I-395 DEMONSTRATION CORRECTION

SEC. 124. Public Law 98-205 is amended by striking section 3 and inserting in lieu thereof the following:

"SEC. 3. Notwithstanding any other provision of law, the Secretary of Transportation shall assist the Commonwealth of Virginia and the District of Columbia, in carrying out a demonstration project on Interstate Highways 95 and 395 in Virginia and the District of Columbia for a period of not less than twelve months commencing within thirty days after the District of Columbia completes reconstruction of George Mason Bridge. The use of the express lanes on such highways shall be restricted under the experiment to buses, emergency vehicles, and other vehicles carrying four or more persons during the hours of 6 a.m. to 9:30 a.m. on Monday through Friday, exclusive of holidays, on northbound lanes and during the hours of 3:30 p.m. to 6 p.m. on Monday through Friday, exclusive of holidays, on southbound lanes during the demonstration period provided, that the Commonwealth of Virginia and the District of Columbia in consultation with the Secretary of Transportation may adjust such hours and refine the demonstration to enhance safety, minimize congestion, and maximize the use of the facility. During the demonstration period, the Commonwealth of Virginia and the District of Columbia in consultation with the Secretary of Transportation shall carry out an environmental assessment of the effects of the high occupancy vehicle restrictions including, but not limited to, capacity of the facility, congestion on the facility and its approaches, modal choice in the corridor and air quality, and shall, upon completion of such assessment, report to the Congress the results of the assessment and the demonstration project.".

DEMONSTRATION PROJECTS

SEC. 125. (a) Section 120 of title 23, United States Code, is amended by adding the following new subsection:

"(m) Notwithstanding any other provision of this section, the Federal share payable for any individual project which is authorized by statute after September 30, 1983, for construction at a particular location and for which authorizations are provided out of the Highway Trust Fund, shall not exceed 50 per centum of the total cost of such project of $12,500,000, whichever is less".

(b)(1)(A) The Secretary of Transportation is authorized to provide funding for a demonstration project in Cattaraugus County, New York, for the purpose of demonstrating the extent to which the economy of an Indian reservation can be improved by completion of key elements of a modern, grade-separated access controlled highway which serves the reservation.

(B) There is authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for fiscal year ending September 30, 1986.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned in accordance with section 104(b)(1) of title 23, United States Code.

(2)(A) The Secretary of Transportation is authorized to carry out a demonstration project in the vicinity of Buckhannon, West Virginia, for the purpose of demonstrating the efficient movement of traffic around an area of active coal mining and light industrial development.

(B) There are hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for the fiscal year ending September 30, 1985.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(D) The Secretary of Transportation shall submit to the Congress a report on the results of such project within one hundred and eighty days after completion.

(3)(A) The Secretary of Transportation is authorized to provide funding for 69.2 miles of reconstruction work in the State of Montana to demonstrate the improved serviceability of rural roads when provided with overlap and other such reconstruction.

(B) There is authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, (other than the Mass Transit Account), not to exceed $10,000,000 for the fiscal year ending September 30, 1984 and shall remain available until expended.

(C) Sums authorized by this paragraph shall be available to the same extent and in the same manner as if such funds were apportioned in accordance with chapter 1 of title 23, United States Code.

(4)(A) The Secretary of Transportation is authorized to carry out a demonstration project in the vicinity of Cleveland, Texas, for the purpose of demonstrating the reduction in congestion by providing a four-lane divided highway with interchanges in an area with at-grade crossings.

(B) There are hereby authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for the fiscal year ending September 30, 1984, to carry out the project authorized by paragraph (4)(A).

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(D) The Secretary of Transportation shall submit to the Congress a report on the results of such project within 180 days after completion.

(5)(A) The Secretary of Transportation shall carry out a high-technology developmental highway project to demonstrate the economic and social benefits of providing adequate transportation facilities for promoting the use and development of existing human, natural, and educational resources of an area for high-technology industry and to demonstrate new approaches to State and national economic development goals. In addition to the above benefits, the construction will demonstrate the use of latest technology in addressing sensitive environmental concerns in a mixed rural and urban environment. The highway will be located and designed to link existing air, water, rail, and transportation facilities with educational and research facilities in a manner that will make accessible land areas suitable for high-technology industrial development. The project shall be carried out in the vicinity of Knoxville, Tennessee in cooperation with the State. The project shall demonstrate the contribution adequate transportation can make in improving the quality of life in a region when the other human and natural resources for high-technology development are present. The Secretary shall provide the necessary technical assistance to the Department of Transportation in the planning, design, and construction of the project and upon completion, the project shall be added to the Federal-Aid Primary System.

(B) Not later than one year, six years, and eleven years after the completion of the high-technology development highway demonstration project, the Secretary of Transportation shall submit reports to the Congress, including but not limited to the social, economic, and other environmental impacts of such project, with recommendations relative to applying the developmental concept to highway projects in other areas of the Nation.

(C) There is authorized to be appropriated to carry out the demonstration project out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for the fiscal year ending September 30, 1985. Such funds shall be available until expended, shall be available for obligation in the same manner and to the same extent as if apportioned under chapter 1 of title 23, United States Code, and shall not be subject to any obligation limitation.

(6)(A) The Secretary of Transportation, in cooperation with the State of Idaho, shall conduct a demonstration project within a transportation corridor to determine the economic and social impact of controlled-access highway services—including conversion of railroad rights-of-way to highway and other transportation uses—on a redeveloping central business district of a metropolitan area of two hundred and fifty thousand population.

(B) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this subsection not to exceed $7,500,000.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(D) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than one year after completion of the project.

(7)(A) The Secretary of Transportation shall carry out a project to demonstrate the feasibility of replacing a functionally obsolete and structurally deficient bridge in Manchester, New Hampshire, located in part in an historic district, with a modern structure while preserving the integrity of the district.

(B) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund (other than the Mass Transit Account), $12,500,000 for the fiscal year ending September 30, 1985.

(C) Such funds shall be available until expended, shall be available for obligation in the same manner and to the same extent as if apportioned under chapter 1 of title 23, United States Code.

(8)(A) The Secretary of Transportation, in cooperation with the State of Washington, shall conduct a demonstration project within a transportation corridor to deter-

mine the economic and social impact of utilizing the air space above a controlled-access highway to mitigate the impact on a major urban area of construction of the highway and for other transportation uses.

(B) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this subsection not to exceed $12,500,000.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(D) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than one year after completion of the project.

(c) Notwithstanding any other provision of law, the projects authorized by subsection (b) shall not be subject to any obligation limitation.

(d)(1) The Secretary of Transportation is authorized to carry out a demonstration project in the Brunswick-Topsham area, Maine, for the purpose of demonstrating increased access to defense related facilities by the construction of a limited access highway connecting a major interstate highway corridor with a naval air station and a shipyard engaged in defense production activities.

(2) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for the fiscal year ending September 30, 1984. Sums authorized by this subsection shall be available to the same extent and in the same manner as if such funds were apportioned in accordance with chapter 1 of title 23, United States Code, shall remain available until expended, and shall not be subject to any obligation limitation.

(3) Notwithstanding the provision of section 120(m) of title 23, United States Code, the non-Federal share required for this project shall be satisfied by provision of 25 per centum of such share from State funds and 25 per centum from funds which are apportioned to the State under section 104(b)(1) and (2) of title 23, United States Code, and which would not otherwise be obligated. Funds provided from such apportionments shall not be subject to any obligation limitation.

(4) In carrying out this subsection, the Secretary shall consult with the Secretary of the Navy concerning defense activities related to the project.

(5) The Secretary shall report to Congress, upon completion of this project, the result of this demonstration project together with any recommendations the Secretary deems necessary.

(e) Section 131(g)(3) of the Surface Transportation Assistance Act of 1982 is amended by striking "not to exceed $4,500,000" and inserting in lieu thereof "not to exceed $6,000,000".

BUY AMERICA

SEC. 126. Section 165(a) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, the Urban Mass Transportation Act of 1964, or the Surface Transportation Assistance Act of 1978 and administered by the Department of Transportation, whose total cost exceeds $500,000, unless steel and manufactured products used in such project are produced in the United States.".

WASTE INSULATION PILOT PROJECT

SEC. 127. For the fiscal year ending September 30, 1985, and thereafter, there is authorized to be appropriated $58,000,000 for the upgrading of certain highways in the State of New Mexico for the transportation of nuclear waste generated during defense-related activities.

OBLIGATION LIMITATION

SEC. 128. (a) Nothwithstanding any other provisions of law, the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed $13,550,000,000 for fiscal year 1985. These limitations shall apply to obligations for emergency relief under section 125 of title 23, United States Code, or projects covered under section 147 of the Surface Transportation Assistance Act of 1978, or section 9 of the Federal-Aid Highway Act of 1981, or section 118 of the National Visitor Center Facilities Act of 1968. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

(b) For the fiscal year 1985, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1984, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b) for fiscal year 1985, and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection for such fiscal year.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1985, revise a distribution of the funds made available under subsection (b) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by this Act and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses and Federal lands highways.

RICHMOND-PETERSBURG TURNPIKE TOLL PAYMENT

SEC. 129. (a) Upon the repayment by the Commonwealth of Virginia to the Treasurer of the United States of an amount equal to all Federal-aid highway funds heretofore paid on account of the immediate connectors and approaches to the Richmond-Petersburg Turnpike, said turnpike shall be free of all restrictions with respect to the imposition and collection of tolls or other charges on or for the use thereof which are contained in title 23, United States Code, or section 1 of the Federal Highway Act, or any regulation or agreement thereunder.

(b) The amount to be repaid shall be deposited to the credit of the appropriations for the Federal-Aid Highway Trust Fund. Such a repayment shall be credited to the unprogrammed balance of the Federal-Aid interstate funds last apportioned to the Commonwealth of Virginia. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

FOREST HIGHWAYS

SEC. 130. (a) Notwithstanding section 202(a) of title 23, United States Code, the Secretary of Transportation shall, after making the transfer provided by section 204(g) of title 23, United States Code, on October 1, 1984, apportion $33,000,000 from the authorization for forest highways provided for the fiscal year ending September 30, 1985, by section 105(a)(6) of the Surface Transportation Act of 1982 and, on October 1, 1985, apportion $33,000,000 from the authorization for forest highways provided for the fiscal year ending September 30, 1986, by section 105(a)(6) of the Surface Transportation Assistance Act of 1982, in the same percentage as the amounts apportioned for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted to (1) eliminate the 0.003,243,547 per centum for the State of Iowa, because of the conveyance of all national forest lands in Iowa to the State by deed executed May 26, 1964, and (2) redistribute the above percentage formerly apportioned to the State of Iowa for the other participating States on a proportional basis. The remaining funds authorized to be appropriated for forest highways for the fiscal years ending September 30, 1985, and September 30, 1986, shall be allocated pursuant to section 202(a) of title 23, United States Code.

(b) Not later than January 1, 1985, the Secretary shall report to the Congress on the criteria developed for the allocation of forest highway funds.

BICYCLE PROJECTS ELIGIBILITY

SEC. 131. The second sentence of section 217(b)(1) of title 23, United States Code, is amended by inserting "and sums apportioned or allocated for highway substitute projects in accordance with paragraph (e)(4) of section 103 of this title" after the word "title".

INTERSTATE TRANSFER CONCEPT PLAN

SEC. 132. The third sentence of section 103(e)(4) of title 23, United States Code, is amended by striking the period at the end and inserting in lieu thereof "Provided, That the States may adjust their Interstate substitution programs which were approved in concept by the Secretary on or before September 30, 1983, to drop and add projects

until September 30, 1985, without altering the existing entitlement.".

FEASIBILITY STUDY

SEC. 133. (a) The Secretary of Transportation shall carry out a project to study the feasibility of constructing a new East-West Highway linking the Delaware Memorial Bridge with the Atlantic City Expressway and other north-south arteries in southern New Jersey.

(b) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this subsection not to exceed $100,000 for the fiscal year ending September 30, 1985. The Federal share payable shall not exceed 50 per centum of such project cost.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, now that we are proceeding to the highway bill, I suppose I would like to say first of all that I feel badly in one sense because we have a lot of important issues, as important as the highway bill, many issues which ought to come before this body, but which have failed to be considered yet by the 98th Congress.

Everybody knows that we are now in the last 2 weeks of the session. I regret that we fail to recognize that a number of vital issues which ought to have been scheduled for Senate debate have not been scheduled as yet.

Mr. President, one of those that I am particularly interested in is a constitutional amendment for a balanced budget. That was recently reported by the Senate Judiciary Committee, yet it has not been scheduled in this body. I think we ought to have an opportunity for a full consideration of that measure just as much as the highway bill.

I think that concerning a bill such as the constitutional amendment for a balanced budget, which has in recent polls 80 percent of the people responding to that poll in support of that legislation, it is a travesty that that constitutional amendment has not been brought up, for I feel that this issue is one of the most important to the American people.

A balanced budget constitutional amendment would insure a fiscal discipline in this branch of government that is not here, and it would bring about economic stability for our Nation.

Then there is another vital issue that we have failed to address in this body, one that has been reported out of a subcommittee in the Senate and one that we ought to proceed with. That is the measure involving the Enmons decision which bars Federal prosecution for union violence.

Along that line, I introduced a bill, S. 462, which would close the Enmons loophole. This would be a loophole that has been created by a court case called the Enmons case, that interpreted the Hobbs Act differently than I think it was intended to be interpreted by Congress in 1946, when it was adopted. As a result of the Enmons case, I think there is a disallowance of prosecution of violence which disallowance cannot be allowed to happen. I think, frankly, that we ought to prosecute all violence wherever it occurs.

Mr. President, the Committee on the Judiciary has now established a conclusive record that violence is an all-too-common occurrence in labor strife; that prosecution of the violence by State and local authorities is conspicuous by its absence and barred by the Federal Government under the Enmons decision, which ruled that extortionate violence was a legitimate union objective.

Further, the FBI has testified before this committee that the Enmons loophole in the Federal extortion law protects organized crime in that it provides them with an additional tool with which they gain control of legitimate businesses and organizations.

I do not consider this an antiunion measure, because the average rank-and-file union member does not believe he has a right to use violence as a means of getting his way at the bargaining table; but some apparently do. That is the reason, No. 1, why this bill is needed at this time.

Reason No. 2 is that when these bad apples who bring about violence do decide to use it to get their way at the bargaining table, there is little or nothing that can be done about it. If people being beaten up or having their property destroyed call for help from the authorities, they are unlikely to find an elected county sheriff, an elected prosecutor, or the city police under the control of the elected mayor willing or, if willing, able to direct themselves to the controversy in a fair and responsible manner. The State attorney general is not likely to act because they are not likely to have the necessary authority to initiate a criminal prosecution. If they call the FBI, they will be told the Federal Government can do nothing because of this Enmons decision that was rendered by the Supreme Court in the 5 to 4 verdict in 1972.

Citizens of our States will be victims of violence and the threat of violence for economic gain and no Government entity will be there to protect them. I do not believe that is what Congress intended when it enacted the Hobbs Act in 1946 or the National Labor Relations Act in 1935. But that is what is happening today. That is why I ask each of my colleagues to support passage of S. 462.

Federal law required Bob Wohlsen to prove that the picketers at his eastern Pennsylvania construction site were blocking the entrance before he could get a court order to limit their number. So Bob took his lawyer and son-in-law along with him, along with a video camera, that morning in June of 1983. After all, Bob thought, what could be better proof to a Federal judge about the harassment his employees faced than a picture of that harassment.

Mr. BAKER. Mr. President, will the Senator yield without losing his right to the floor?

Mr. GRASSLEY. Could the majority leader clarify that?

Mr. BAKER. Yes, Mr. President. I ask unanimous consent that it be in order for the Senator from Iowa to yield to me without losing his right to the floor and without the interruption counting as a second speech when he resumes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. I thank the Senator from Iowa.

Mr. President, the dynamics of the situation are such that I do not think we are going to get much further on the highway bill tonight. I hope we can do that tomorrow and perhaps even get to the next pending measure in the pipeline, which is the HHS bill. Having conferred with the minority leader and the two managers of the bill, I see there is no point in going forward tonight unless the Senator from Iowa has a burning desire to speak. If that is not the case, I shall suggest that we have a period for the transaction of routine morning business.

Mr. KENNEDY. Will the majority leader withhold that request without losing his right to the floor and will the Senator from Iowa yield for a question?

Mr. BAKER. Yes, Mr. President.

Mr. KENNEDY. Mr. President, I think all of us are quite aware of what the situation is on the floor now. We are about to debate the highway legislation. I notice the Senator from Iowa has strong views about some matters that we must take up, particularly the balanced budget amendment. There are some others, about 63 Members of the Senate, including Members of the majority leader's own party, who feel that we should have an opportunity to debate for at least a reasonable period of time the Civil Rights Act of 1984. We recognize, as the leader has pointed out, that time is short. But we do realize that there are some 63 Members of the Senate who are supporting that legislation. This is legislation that has passed overwhelmingly in the House of Representatives. I think we would probably see more expeditious action in the Senate in terms of the highway bill and the rest of the agenda if we were at least given some

opportunity for the Senate to work its will.

The majority leader has certainly been fair with regard to the proponents of this legislation as well as those who have expressed a reservation. But it seems to me it would probably save the Senate a good deal of time if we were at least given some opportunity for debating this issue in a reasonable and rational way. It does seem that those of us who support this legislation would be quite willing to enter into a time agreement so the Senate would be able to consider other business as well.

I am just wondering at this time, since it is quite apparent what is happening on the floor of the Senate, whether the majority leader is prepared to give us any sense of hope that at least this body might be able to debate this extremely important issue and come to some resolution on it before we recess the first week in October.

Mr. BAKER. Mr. President, in reply to the distinguished Senator from Massachusetts, let me say that what I am about to utter is not a plaintive cry, it is rather a statement of fact: I am a loser either way. What I mean by that is if I were to choose to bring up the civil rights bill, almost surely, we would be jammed up here in a filibuster that would take us a good bit of time and preclude the possibility of completing the list of legislative items that I have discussed now for some days as the preferred agenda for the balance of this session. That is one loss.

I had entertained the brief hope and thought that we might work out the details of compromise since all the parties to this controversy had indicated that they have one objective; that is, to restore the status quo prior to the Grove City situation. But I find, after what seems countless meetings, that while they agree on the objective, they cannot agree on the words to implement it.

So, finally, Mr. President, I simply threw in the sponge and indicated that I would not participate any further in efforts to negotiate and that, indeed, I would just go along with the agenda of the Senate and see what happens next.

What happened next is what is happening now. That is, Grove City is going to be offered, I am sure, as an amendment to something—perhaps this bill; if not this bill, then some other bill. Then it will hang as a sword over the throat of every Senator and maybe every appropriations bill that comes along between now and the end of the session. So I lose that way, too.

But, Mr. President, I have got to do what I have got to do. What I have got to do is try to move the schedule of the Senate on those items that I consider crucial and critical. Mr. President, it is not that the civil rights bill is not crucial and critical. I have a strong sympathy for it. But this Senate session must be devoted primarily to appropriations and a handful of other things that must be dealt with. The highway bill is one of them. I am not trying to take sides right at this minute, although it may be that the civil rights bill will be offered as an amendment to this bill or the CR, or the debt limit and goodness knows what else, and we shall just stand here and work it out one way or the other.

I just had an energetic conversation with my friend from Utah on whether we are going to get up this bill or not.

I indicated to him that we are going to get this bill up, if it was humanly possible to do so, under the rules of the Senate. Indeed, we have. I am now about to say the same thing to the Senator from Massachusetts. We are going to have to deal with the civil rights issue, I suppose, and it is going to come on something. I am not trying to play a role in how or where it comes up. But what I am trying to do is pass as much of the agenda as I announced earlier. From that standpoint, Mr. President, I am prepared to say that we will just put our heads down and plow through the highway bill and we will see what happens next.

But the specific answer to the Senator from Massachusetts I think he already knows, that is, I am not inclined to schedule the Grove City or civil rights bill as a freestanding measure at this time. We will just have to see what happens.

Mr. KENNEDY. Will the majority leader yield for just one more moment?

Mr. BAKER. Yes.

Mr. KENNEDY. I think all of us have been around here long enough to know at this time in the session we either have the votes on a measure of this importance or we do not. I speak for myself at the present time. It seems to me that if we do have those votes, we ought to be entitled to have the consideration of the Senate rules. It seems to me that we could enter into time agreements with the leader to have a vote very soon. If we are not able to get cloture, then the matter would by necessity go over to the next Congress. But if we were able to invoke cloture, I hope we could follow the time-honored procedures by which we could dispose of germane amendments and reach a final resolution. I am sure it is not asking too much even in the final hours to say, well, if there are 60 Members of the Senate who support this legislation, a reasonable period of time could be allocated to it prior to the end of the session rather than being involved in a series of parliamentary maneuvers which add no light to the particular subject matter, but bring a good deal of heat to this body. If that is the disposition of the leader, I am quite prepared to cooperate with him in trying to seek a time limit and see if we cannot have disposition of this issue in away which reflects the views of a majority of Senators.

Mr. BAKER. Mr. President, I thank the Senator from Massachusetts. I will certainly consult with him, with the Senator from Utah, and others and make one last effort to see if we can figure out a time agreement in this matter and some regular way to appropriate it. But I must say I do not think that is going to happen tonight. Therefore, I would like now to put us in morning business.

Now, Mr. President, there is a lot of work to be done if we are going to get this thing unraveled. I will consult with the Senator from Massachusetts, the Senator from Utah, and the two managers to see if we can get something worked out that will let us proceed in an orderly way. But in the meantime, Mr. President, we will be back on the highway bill in the morning. I know the Senator from Illinois has worked out an agreement that I believe ought to be adopted promptly. I hope that we can do that first thing in the morning and get that part out of the way.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not past 6:15 p.m. in which Senators may speak for not more than 3 minutes each with the exception of the two leaders against whom no limitation will apply.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

FOURTH ANNUAL REPORT ON SYNTHETIC FUELS DEVELOPMENT ACTIVITIES—MESSAGE FROM THE PRESIDENT—PM 171

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 106 of the Energy Security Act (P.L. 96-294), I transmit herewith the fourth annual report on activities undertaken by the United States Synthetic Fuels Corpo-

ration to implement the development of synthetic fuels under the Defense Production Act of 1950, as amended. The report covers the period from July 1, 1983, through June 30, 1984.

RONALD REAGAN.

THE WHITE HOUSE, *September 24, 1984.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3803. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report that the Navy intends to exclude from examination by the Comptroller General records of a contract with the Moser Processing Ltd., Corseaux, Switzerland, for a 300 kg/hour nitration plant; to the Committee on Armed Services.

EC-3804. A communication from the Assistant Secretary of the Treasury for Legislative Affairs transmitting, pursuant to law, an analysis of U.S. portfolio investment abroad; to the Committee on Commerce, Science, and Transportation.

EC-3805. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to establish certain flag ranks in the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

EC-3806. A communication from the Secretary of Health and Human Services and the Secretary of the Treasury transmitting, pursuant to law, a report on the "float" period for checks issued under title II of the Social Security Act; to the Committee on Finance.

EC-3807. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3808. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3809. A communication from the Associate Commissioner for Examinations, Immigration and Naturalization Service, transmitting, pursuant to law, a report under section 212 (h) and (i) of the Immigration and Nationality Act, of an exclusion from admission into the United States of a certain alien; to the Committee on the Judiciary.

EC-3810. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on procurement from small and other business firms, October, 1983–June, 1984; to the Committee on Small Business.

EC-3811. A communication from the Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision to convert the base supply function at Vandenberg AFB, CA to performance under contract; to the Committee on Armed Services.

EC-3812. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, a report on certain properties to be transferred to the Republic of Panama under the Panama Canal Treaty; to the Committee on Armed Services.

EC-3813. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, the advance summary of the U.S. Crude Oil, Natural Gas, and Natural Gas Liquids reserves, 1983; to the Committee on Energy and Natural Resources.

EC-3814. A communication from the Secretary of the Interior transmitting, pursuant to law, notice of an oil and gas lease sale on the Outer Continental Shelf, southern California; to the Committee on Energy and Natural Resources.

EC-3815. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, lease prospectuses for various agencies for 1985; to the Committee on Environment and Public Works.

EC-3816. A communication from the President of the United States transmitting, pursuant to law, a report on actions taken by him to provide import relief for U.S. steel producers; to the Committee on Finance.

EC-3817. A communication from the Secretary of State transmitting, pursuant to law, a report on the situation in El Salvador; to the Committee on Foreign Relations.

EC-3818. A communication from the Assistant legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the United States within the 60 days previous to September 12, 1984; to the Committee on Foreign Relations.

EC-3819. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Revenue Report for July 1984"; to the Committee on Governmental Affairs.

EC-3820. A communication from the chairperson of the Retirement Trust, Navy Resale and Services Support Office, transmitting, pursuant to law, the annual audit report on the Navy Resale and Services Support Office Retirement Plan for calendar year 1983; to the Committee on Governmental Affairs.

EC-3821. A communication from the chief judge of the U.S. Tax Court, transmitting, pursuant to law, the report on the U.S. Tax Court Judges' Retirement and Survivor Annuity Plans for the year ending December 31, 1983; to the Committee on Governmental Affairs.

EC-3822. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first triennial Drug Abuse and Drug Abuse Research Report; to the Committee on Labor and Human Resources.

EC-3823. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the Expenditure and Need for Worker Adjustment Assistance Funds for the first and second quarters of fiscal year 1984; to the Committee on Finance.

EC-3824. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Canada for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-3825. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the administration of the Marine Mammal Protection Act for the period April 1, 1983 to March 31, 1984; to the Committee on Commerce, Science, and Transportation.

EC-3826. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Status of the Great Plains Coal Gasification Project—May 31, 1984;" to the Committee on Energy and Natural Resources.

EC-3827. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Management Weaknesses Affect Nuclear Regulatory Commission Efforts to Address Safety Issues Common to Nuclear Power Plants"; to the Committee on Environment and Public Works.

EC-3828. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during August 1984; to the Committee on Governmental Affairs.

EC-3829. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3830. A communication from the General Counsel of the Legal Services Corporation, transmitting, pursuant to law, the annual report of the Legal Services Corporation for calendar year 1983; to the Committee on the Judiciary.

EC-3831. A communication from the Office of Independent Counsel, U.S. Government, transmitting, pursuant to law, the results of the investigation into certain allegations against Edwin Meese III, Counselor to the President and nominee for the position of Attorney General of the United States; to the Committee on the Judiciary.

EC-3832. A communication from the Secretary of Education and the Secretary of Labor, transmitting jointly, pursuant to law, a report on the status of bilingual vocational training; to the Committee on Labor and Human Resources.

EC-3833. A communication from the Assistant Attorney General (Civil Rights Division), transmitting, pursuant to law, the annual report on the activities of the Interagency Coordinating Council for 1984; to the Committee on Labor and Human Resources.

EC-3834. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Endowment Grant Program; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDREWS, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

H.J. Res. 158. Joint resolution to make technical corrections on the act of January 12, 1983 (Public Law 97-459).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Edward Sulzberger, of New York, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1986.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs, with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations, with three understandings and one declaration:

International Convention on the Prevention and Punishment of the Crime of Genocide, adopted unanimously by the General Assembly of the United Nations, in Paris, and signed on behalf of the United States on December 11, 1948 (Exec. Rept. No. 98-50).

By Mr. HATCH, from the Committee on Labor and Human Resources:

Tony E. Gallegos, of California, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1989.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. DOLE, from the Committee on Finance:

The following-named persons to be members of the Board of Trustees of the Federal Hospital Insurance Trust Fund for terms of 4 years:

Mary Falvey Fuller, of California; and
Suzanne Denbo Jaffe, of New York.

The following-named persons to be members of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for terms of 4 years:

Mary Falvey Fuller, of California; and
Suzanne Denbo Jaffe, of New York.

The following-named persons to be members of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for terms of 4 years:

Mary Falvey Fuller, of California; and
Suzanne Denbo Jaffe, of New York.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SASSER:

S. 3015. A bill to amend the Federal Reserve Act to increase the number of class C directors of Federal Reserve Banks; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BYRD:

S. 3016. A bill for the relief of Benefrido C. Santiago; to the Committee on the Judiciary.

By Mr. BAKER (for Mr. DOLE) (for himself, Mr. BOSCHWITZ, Mr. JEPSEN, Mr. LEAHY, Mr. COHEN, Mr. DANFORTH, Mr. SPECTER, Mr. HEINZ, and Mrs. HAWKINS):

S. 3017. A bill to improve and extend certain domestic food assistance programs, and for other purposes; read the first time.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SASSER:

S. 3015. A bill to amend the Federal Reserve Act to increase the number of class C directors of Federal Reserve Banks; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL RESERVE BANK DIRECTORS ACT

● Mr. SASSER. Mr. President, I am taking this opportunity to urge the leadership of the Senate Banking Committee to take action on legislation aimed at broadening the representation on the boards which govern the regional banks of the Federal Reserve System, H.R. 5278, the Federal Reserve Bank Directors Act of 1984.

And I am today introducing legislation similar to H.R. 5278, which the House of Representatives has approved without opposition.

I am taking this step to expedite action on this legislation because this bill promotes fairness, a quality and a goal that can never be pursued too hastily.

Fairness is a word and concept that we heard very much debated during the consideration of S. 2851 during the past 2 weeks. Yet, none of the debate focused on the need for fairness where it is most needed in our banking system today. We need to open up the policy debate within the banking system itself, and the Federal Reserve Bank Directors Act of 1984 would take a step toward this objective.

It would add two "class C" directors to the boards of each of the regional banks. This legislation has received voice vote approval in both the House Banking Committee and the full House. The measure which we are now considering provides a ready and relevant vehicle for consideration of language affecting the way the Federal Reserve System establishes banking policy.

There are nine directors at each of the Federal Reserve System's 12 regional banks. There are class "A," "B," and "C" directors.

The three "A" members are representatives of the stockholding member banks. The three "B" directors are supposed to be actively engaged in commerce, agriculture or some other industrial pursuit; both the "A" and "B" directors are elected by the member banks.

Both the "A" and "B" directors are elected by stockholder members banks. It is the Fed's Board of Governors, however, which appoints the remaining three class "C" directors. And it is this class that would be affected by the legislation.

Why this legislation now? Over the past 4 years joint, concurrent and Senate or House resolutions calling for essentially the same broadening of membership and viewpoints in the policymaking and decisionmaking machinery of the Federal Reserve System have had little impact, despite the language of the Federal Reserve Act, which calls for directors to be selected with due but not exclusive consideration for the interests of agriculture, commerce, et cetera.

H.R. 5278 adds thrifts to this category, the reason being that banks which are not members of the Fed system are nonetheless bound by reserve requirements and other policy decisions ought to have some say in those decisions.

Since the summer of 1980, I have pointed out time and time again that the Federal Reserve System is devoid of adequate representation by farmers and small businesses. A 1980 Library of Congress survey which I requested showed that, of the 108 regional directors of the 12 regional banks, only three had backgrounds in farming; all three in huge agribusinesses. As a matter of fact, it was President Dwight Eisenhower who made the last appointment of a farmer to the Federal Reserve's Board of Governors.

A followup survey by the Library of Congress 2 years later showed that nothing had changed. Still no one with a real farm background was a director.

My decision to pursue yet another followup survey this summer—4 years later—brought me in contact with the House Subcommittee on Domestic Monetary Policy, which is reviewing biographical data supplied by the Fed itself on all the directors of the regional banks as well as the branch banks—over 500 individuals. This comprehensive profile should be completed sometime by the end of September.

I suspect that the House subcommittee study will illustrate to us in the Senate and the people across the Nation something we sense in the debate on this banking bill, namely the insensitivity of the Fed toward small businesses, farmers, and small banks.

It just isn't fair for the institutional arrangement which sets money and credit policy for millions of key players in the American economy to ignore those same people in shaping these policies.

So, the concept for which I now argue is as clear and the question is as fundamental as that raised by American patriots over two centuries ago: It is, in effect, an argument against the unfairness of taxation without representation.

I am not suggesting that a farmer or neighborhood banker or small businessman on the board of a regional

bank will drastically alter, shape, or influence Fed policies.

I do suggest, however, that the presence of such individuals will help to promote fairness in deliberations by broadening the intellectual environment in which the Federal Reserve System's policymaking and decisionmaking machinery operates.

And I would also suggest that the Fed's Board of Governors—through the systematic exclusion of such individuals in its appointments to the regional bank boards—has demonstrated contempt for intellectual fairness.

Once again, I want to emphasize that, in urging the support of my colleagues for this measure, I seek fairness. It is only fair to the House, which has already approved this language unanimously. It is fair to the shaping of an environment which promotes the thorough discussion of issues. And it is fair to those millions of Americans who are now affected by policies unfairly considered, unfairly approved, and, as such, unfairly applied. I urge my colleagues to lend their support to H.R. 5278 and bring it to the floor for quick action.●

By Mr. BAKER (for Mr. DOLE) (for himself, Mr. BOSCHWITZ, Mr. JEPSEN, Mr. LEAHY, Mr. COHEN, Mr. DANFORTH, Mr. SPECTER, Mr. HEINZ, and Mrs. HAWKINS):

S. 3017. A bill to improve and extend certain domestic food assistance programs, and for other purposes; read the first time.

DOMESTIC FOOD ASSISTANCE ACT

Mr. DOLE. Mr. President, although it is late in this session, I am introducing the Domestic Food Assistance Act of 1984, along with eight of my colleagues: Senators BOSCHWITZ, JEPSEN, LEAHY, COHEN, DANFORTH, SPECTER, HEINZ, and HAWKINS. I would request that this legislation be placed on the Senate Calendar, rather than be referred to committee.

This bill would implement most of the recommendations of the President's Task Force on Food Assistance, which were presented in January. At a joint congressional hearing on January 26, held by the Senate and House Subcommittees on Nutrition, I had announced my intention to introduce legislation of this nature and was pleased to have the distinguished chairman of the Budget Committee, Senator DOMENICI, join in this endeavor, along with five of my Republican colleagues. At that time, however, we did not receive any support from the other side of the aisle, and we thought it best not to proceed without a bipartisan effort.

The Senator from Kansas is pleased to have the Senator from Vermont, Senator LEAHY, as a cosponsor now. It was a pleasure working closely with him when he was ranking minority member of the Nutrition Subcommittee.

ACTION OF 98TH CONGRESS

In the meantime, my House colleagues introduced the Hunger Relief Act on March 15, which was reported from the committee on May 15, and finally passed the House on August 1. This bill which we are introducing today is very similar to H.R. 5151 in some respects, and I believe that these types of proposals, which represent modest increases in benefits for food stamp recipients, will set the framework for deliberations during next year's reauthorization of the Food Stamp Program.

There are many changes in the program that Members in both Houses of Congress are already in agreement on, and no doubt we will discover many other improvements that can be made in the program as we conduct further hearings at the subcommittee and full committee level. There are only 2 weeks remaining in the 98th Congress, before we adjourn for the election-year recess, and I do not expect any action on this legislation.

RECONCILIATION CHANGES

Mr. President, as chairman of the Nutrition Subcommittee, I feel that the changes the Congress made in the Food Stamp Program during the reconciliation process of 1981 and 1982 resulted in better targeting of benefits to those most in need, as well as the implementation of many program reforms to address fraud and abuse, and improvements in program administration at the State level. In the process of making these changes, we were able to reduce program spending by about $7 billion during the period fiscal year 1982-85. There may still be ways to achieve further savings in this program, but the Senator from Kansas believes that such savings should not come from reducing food stamp benefits to low-income families and individuals.

ECONOMIC CLIMATE

This country has seen some tough economic times in recent years, and the Food Stamp Program was responsive to the needs that existed, as can be demonstrated by the fact that the Federal Government spent more money on this program than ever before, despite budget cuts.

This fiscal year the Food Stamp Program cost $12.5 billion compared with $9.2 billion in 1980. At the same time, the program is providing benefits to more individuals and families than ever before. Average monthly participation for fiscal year 1984 was about 23 million, while 21 million were being served back in 1980.

In the future it may be necessary to do some fine tuning in the Food Stamp Program, along the lines of what the President's task force recommended. Our economy has been steadily improving, and, with it, the unemployment rate has been decreasing. As the everyday lives of millions of Americans have improved, reports of serious hunger problems throughout this country have receded. Ultimately, economic recovery is the best solution to widespread food assistance problems, and we are well on our way—thanks to the leadership of President Reagan and his economic policies.

I ask unanimous consent that a section-by-section summary of this bill appear following my statement, along with the language of the bill itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DOMESTIC FOOD ASSISTANCE ACT OF 1984—SECTION-BY-SECTION SUMMARY

Section 1. This section establishes the title of the Act: the Domestic Food Assistance Act of 1984.

Section 2. This section contains Congressional findings that hunger and malnutrition in the United States are deplorable and without justification, and that they require the coordinated efforts of government, public and private for profit and nonprofit organizations, and affected families and individuals. It also states that it is the policy of the Congress to periodically review Federal domestic food assistance programs, make any necessary changes in a manner which will diminish hunger and malnutrition, and provide maximum assistance to those with particular nutritional needs.

TITLE I: AMENDMENTS TO THE FOOD STAMP ACT

Thrifty Food Plan

Section 101. Food stamp benefits reflect the cost of purchasing food using the Agriculture Department's Thrifty Food Plan, the Department's lowest cost food plan. As amended in 1982, existing law requires that maximum allotments be equal to 99 percent of the cost of the Thrifty Food Plan, rather than the full cost. The President's Task Force on Food Assistance recommended increasing food stamp benefits to all households by increasing maximum allotments to the full cost of the Thrifty Food Plan.

This section would increase food stamp benefits by requiring that maximum allotments be equal to the full cost of the Thrifty Food Plan.

Earned Income Deduction

Section 102. In order to recognize the taxes and work expenses associated with earning income and provide an incentive for food stamp recipients to work, existing law requires that 18 percent of any earned income be disregarded when a household's counted income is determined to establish its eligibility and benefit. Prior to amendment in 1981, the disregard for earnings was 20 percent.

In recognition of the President's Task Force on Food Assistance recommendation to strengthen work incentives, this section would increase the proportion of earned income to be disregarded from 18 to 20 percent.

Financial Resources

Section 103. Existing law requires that eligible households have limited liquid assets. Individuals and households of two or more without elderly members may have no more than $1,500 in liquid assets. Households of two or more with an elderly member may

have up to $3,000 in liquid assets. In counting liquid assets, a household's home, personal belongings, vehicles used to transport the physicially disabled, and income-producing property, tools, and vehicles are disregarded. However, to the extent that it exceeds $4,500, the fair market value of any non-excluded vehicle is counted as a liquid asset. The President's Task Force on Food Assistance is increasing the existing limits on liquid assets by raising the overall dollar ceilings and the threshold used for counting a portion of the value of a vehicle.

This section would raise the liquid asset limit applied to individuals and households of two or more without elderly members from $1,500 to $2,250. Similarly, it would raise the limit applied to households of two or more with an elderly member from $3,000 to $3,500. The exempt value of any non-excluded vehicle would be increased from $4,500 to $5,500.

Categorical Eligibility

Section 104. Under existing law, households in which all members are recipients of benefits under the Aid to Families with Dependent Children (AFDC) program are exempt from meeting the food stamp liquid assets eligibility test, but must meet the food stamp income test. All other households must meet food stamp income and assets eligibility tests, irrespective of their receipt of cash welfare assistance. Pilot projects are authorized under which households with AFDC, Supplemental Security Income (SSI), or medicaid recipients may be deemed to have met food stamp income and assets eligibility tests. The President's Task Force on Food Assistance recommended that AFDC and SSI households be considered to have met food stamp eligibility tests.

This section would require that households in which all members receive AFDC or SSI benefits be considered to have satisfied food stamp income and assets eligibility tests.

Issuance of Coupons

Section 105. Existing law does not specifically allow for the issuance of food stamps at dates staggered throughout the month. The President's Task Force on Food Assistance recommended that specific permission for such staggered issuance be adopted.

This section would specifically allow the issuance of food stamps at various times during a month.

Alternative Means of Coupon Issuance

Section 106. Existing law permits the Secretary of Agriculture to require States to use alternative methods of issuing food stamps if he determines, in consultation with the Agriculture Department's Inspector General, that it would improve the integrity of the food stamp program. Alternative methods include using automatic data processing and information retrieval systems, or issuing, instead of food stamps, reusable documents (similar to credit or bank cards) that can be used by and returned to recipients at food stores.

This section would promote the use of alternative means of issuance by requiring the Secretary to have States use alternative methods if he determines, in consultation with the Inspector General, that it would improve program integrity.

Redemption of Coupons

Section 107. Existing law has no specific provisions governing fees that banks or other financial institutions may charge retail food stores for redeeming (converting into cash in the store's account) food stamps accepted by food stores.

This section would prohibit banks or other financial institutions from requiring that a retail food store pay a charge or fee for the redemption of food stamps.

Hours of Operation

Section 108. Existing law contains no specific provisions governing the hours during which food stamp offices should be open. The President's Task Force on Food Assistance recommended that States be encouraged to keep food stamp offices open during some non-business hours.

This section would require States to assess, from time to time, the need for operating food stamp offices during evening and weekend hours.

Eligibility of the Homeless

Section 109. Existing law contains no specific provisions regarding whether a household must have a fixed address in order to receive food stamps. Food stamp regulations stipulate that a fixed residence is not required. However, administrative practices vary among the States and methods for certifying and issuing food stamps to households not residing in permanent dwellings (or at fixed mailing addresses) are sometimes lacking. In pointing this out, the President's Task Force on Food Assistance recommended that procedures be put in place to ensure that those not having a fixed address be served by the food stamp program.

This section would require States to provide a method of certifying and issuing food stamps to eligible households not residing in a permanent dwelling (or without a fixed mailing address). In carrying this requirement out, States would have to take necessary steps to ensure that food stamp participation is limited to eligible households.

Prohibition Against Transfer of Funds

Section 110. Under present practice, a portion of each year's annual food stamp appropriation is transferred to the Agriculture Department's Office of the Inspector General for use in food-stamp-related investigative activities. A separate appropriation for these activities is not sought or made.

This section would prohibit any funds appropriated under the authority of the Food Stamp Act from being transferred to the Office of the Inspector General, thereby requiring a separate appropriation.

Transfer of Sales Tax Imposed on Food Purchased With Food Stamps

Section 111. Under present law, some States collect sales tax revenues on food, including food purchased with food stamps.

This section would require States imposing a sales tax on food bought with food stamps to rebate the revenues collected on food stamp purchases within 15 months of the end of each fiscal year. Provision is also made for adjustment of the amount to be rebated to reflect variable food sales taxes, and for withholding the amount, if necessary, from a State's Federal reimbursement for food stamp administrative costs.

Community Work and Training Program

Section 112. Under existing law, most able-bodied adult (between 18 and 60 years of age) food stamp recipients who are not taking care of very young children are required to register for employment and must accept a suitable job offer; States are reimbursed by the Federal government for 50 percent of the administrative cost of work registration operations. In addition, if a State negotiates an agreement with the Agriculture Department, it may require work registrants to seek employment following specific requirements similar to those used for the unemployment insurance recipients; States receive a specific amount, determined by the Argiculture Department, for administering these job search activities. Over and above work registration and job search activities, States and localities may opt to operate a workfare program in which work registrants are required to work in return for their household's food stamp allotment; operating jurisdictions are reimbursed for 50 percent of the administrative costs of running a workfare program and receive half the initial food stamp benefit savings accruing from a workfare participant who gets a job.

This section would add a new option for States wanting to initiate activities providing work experience and limited training to food stamp recipients, or strengthen any similar existing efforts. It would place into the Food Stamp Act authority for States to operate Community Work Experience Training (CWEP) program similar to the authority granted to States for their AFDC recipients in 1981. However, these food stamp CWEP programs could, in addition to work in return for benefits, provide for a broader range of work experience and training activities than now done under existing workfare or other authorities and could limit participation to specific recipient groups most likely to benefit. For example, limited training or assistance in seeking employment through job clubs could be initiated. Each program would be State-designed and would be aimed at improving the employability of participants through actual work experience and training in order to enable participants to become employed promptly in the public or private sector. As with existing food stamp workfare authority, the number of hours of work experience or training would be limited to the value of the household's allotment divided by the minimum wage, protections for recipients and against displacement of existing employees would be required, and States would receive a reimbursement of half of their administrative and participant support costs up to limits established by the Secretary of Agriculture.

TITLE II. NUTRITION SURVEILLANCE

Nutritional Status Monitoring

Section 201. The President's Task Force on Food Assistance recommended that the Federal government devote more effort to developing standards and means to measure nutritional status.

This section would amend Section 1428 of the National Agricultural Research Extension and Teaching Policy Act of 1977 to require that as part of our comprehensive nutritional status monitoring program, periodic special surveys be included to determine the nutritional status of particularly vulnerable low-income groups (including low-income mothers; single parents; pregnant women; single, elderly households, and homeless individuals). This amendment also would require that longitudinal surveys be conducted to determine the status, over time, of nutrition related health problems in the United States.

TITLE III: FOOD DISTRIBUTION AND EMERGENCY SHELTERS

Transfer of Section 32 Commodities

Section 301. This section would amend Section 32 of the Act of August 24, 1935 to allow public or private nonprofit agencies receiving Section 32 commodities to transfer such commodities to other public or private

nonprofit organizations which agree to use them to assist low-income groups.

Temporary Emergency Food Assistance

Section 302. In order to expand the types of commodities available to organizations serving low-income and unemployed persons, this section would amend the Temporary Emergency Food Assistance Act of 1983 by authorizing the Secretary to make Section 32 surplus commodities available to outlets receiving price support commodities under that Act.

Donations by Military Commissaries

Section 303. This section would amend section 2428 of Title 10 of the U.S. Code to allow a commissary store of the Department of Defense to donate surplus, unmarketable food to a local food bank. This was recommended by the President's Task Force and Food Assistance.

Grants for Homeless Individuals

Section 304. In their report, the President's Task Force on Food Assistance highlighted the problems of the homeless and indicated that the needs of this group went beyond food assistance.

This section authorizes up to $50 million for each of fiscal years 1984, 1985 and 1986 for grants to the States to assist the homeless. The provision would allow the Secretary of Agriculture to make grants to States to provide food, health and shelter assistance to such persons, and would require consultations with the Secretaries of Health and Human Services, Housing and Urban Development, Defense, and Director of the Federal Emergency Management Relief Agency and the Administrator of Veterans Affairs.

TITLE IV: EFFECTIVE DATES

S. 3017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Food Assistance Act of 1984".

DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that—

(1) existing hunger and malnutrition in the United States are deplorable and without justification; and

(2) hunger and malnutrition are complex, social and human resource problems which require the coordinated efforts of Federal, state, and local government, public and private for profit and nonprofit organizations, and affected families and individuals.

(b) It is the policy of the Congress—

(1) to review periodically all federal domestic food assistance programs;

(2) to make any necessary changes in such programs in a manner which will diminish hunger and malnutrition; and

(3) to provide the maximum amount of assistance under such programs to individuals with particular nutritional needs.

TITLE I—FOOD STAMP PROGRAM

THRIFTY FOOD PLANS

SEC. 101. The second sentence of section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended—

(1) by striking out "and October 1, 1984," in clause (7); and

(2) by striking out "1985" in clause (8) and inserting in lieu thereof "1984".

EARNED INCOME DEDUCTION

SEC. 102. The third sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking out "18 per centum" and inserting in lieu thereof "20 per centum".

FINANCIAL RESOURCES

SEC. 103. Section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended—

(1) by striking out "$1,500" and "$3,000" in the first sentence and inserting in lieu thereof "$2,250" and "$3,500", respectively; and

(2) by striking out "$4,500" in the second sentence and inserting in lieu thereof "$5,500".

CATEGORICAL ELIGIBILITY

SEC. 104. (a) Subsection (j) of section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014(j)) is amended to read as follows:

"(j) Notwithstanding subsections (a) through (i), a State agency shall consider a household in which each member of the household receives either benefits under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or supplemental security income benefits under title XVI of such Act (42 U.S.C. 1380 et seq.) to have satisfied the income and resource limitations for participation in the food stamp program prescribed under this section.".

(b) Section 11(i) of such Act (7 U.S.C. 2020(i)) is amended by adding at the end thereof the following new sentence: "A State agency may not deny or terminate benefits to a household under the food stamp program solely on the basis of the denial or termination of benefits to such household under the aid to families with dependent children program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or the supplemental security income program established under title XVI of such Act (42 U.S.C. 1381 et seq.) without a separate determination by such agency that such household has failed to satisfy the eligibility requirements for participation in the food stamp program.".

ISSUANCE OF COUPONS

SEC. 105. (a) Section 7(a) of the Food Stamp Act of 1977 (7 U.S.C. 2016(a)) is amended by adding at the end thereof the following new sentence: "A coupon issuer may issue coupons to eligible households at various times during a month.".

(b) The first proviso of section 7(b) of such Act is amended by inserting before the colon at the end thereof the following: ", except that a participating retail food store or wholesale food concern which is located in an area in which food stamps are commonly used (as determined by the Secretary) may not increase the price of food at any time during a month if the increase is the result of the issuance of coupons to customers of the store or concern".

ALTERNATIVE MEANS OF COUPON ISSUANCE

SEC. 106. Section 7(g)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2016(g)(1)) is amended by striking out "may" in the matter preceding clause (A) and inserting in lieu thereof "shall".

REDEMPTION OF COUPONS

SEC. 107. Section 10 of the Food Stamp Act of 1977 (7 U.S.C. 2019) is amended by adding at the end thereof the following new sentence: "A financial institution may not require a retail food store to pay a charge or fee for the redemption of coupons.".

HOURS OF OPERATION

SEC. 108. Section 11(e)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(2)) is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof a period; and

(2) by adding at the end thereof the following new sentence: "The State agency shall assess, from time to time, the need for operating food stamp offices within the State during evening and weekend hours.".

ELIGIBILITY OF THE HOMELESS

SEC. 109. Section 11(e)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(2)) (as amended by section 108 of this Act) is further amended by adding at the end thereof the following: "The State agency shall provide a method of certifying and issuing coupons to eligible households who do not reside in permanent dwellings or who do not have fixed mailing addresses. In carrying out the preceding sentence, the State agency shall take such steps as are necessary to assure that participation in the food stamp program is limited to eligible households;".

PROHIBITION AGAINST THE TRANSFER OF FUNDS TO OFFICE OF THE INSPECTOR GENERAL

SEC. 110. Section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027) is amended by adding at the end thereof the following new subsection:

"(f) No funds appropriated to carry out this Act may be transferred to the Office of the Department of Agriculture.".

TRANSFER OF SALES TAX IMPOSED ON FOOD PURCHASED WITH FOOD STAMPS

SEC. 111. Section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027) (as amended by section 110 of this Act) is amended by adding at the end thereof the following new subsection:

"(g)(1) If a State participated in the food stamp program in any fiscal year and in such fiscal year imposed a tax on the sale of food purchased with coupons, the State shall transfer to the Secretary of the Treasury as soon as practicable after the end of such fiscal year, but not later than December 1 of the fiscal year following the fiscal year in which the tax was imposed, an amount equal to the product obtained by multiplying—

"(A) the total value of coupons issued by the State agency of the State to all households during such fiscal year; by

"(B) the rate of tax imposed by such State on the sale of food purchased with coupons during such fiscal year (as determined by the Secretary of Agriculture).

"(2) If a State fails to transfer to the Secretary of the Treasury the amount of funds described in paragraph (1)—

"(A) the Secretary of the Treasury shall notify the Secretary of Agriculture of such failure; and

"(B) the Secretary of Agriculture may withhold, from funds which the State would otherwise be entitled to receive under section 16(a), the amount which the State failed to pay.".

COMMUNITY WORK AND TRAINING PROGRAM

SEC. 112. (a) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end thereof the following new section:

"'COMMUNITY WORK AND TRAINING PROGRAM

"SEC. 21. (a) A State agency may establish a community work experience program in accordance with this section.

"(b)(1) The purpose of a community work experience program shall be to provide experience and training for individuals not otherwise able to obtain employment in

order to assist them to become regularly employed.

"(2) Such program shall be designed to improve the employability of participants through actual work experience and training and to enable individuals employed under such program to become employed promptly in the public or private sector.

"(3) Such program shall be limited to projects which serve a useful public purpose in fields such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and day care.

"(c) In carrying out a community work experience program under this section, a State agency shall—

"(1) utilize, to the extent possible, the prior training, experience, and skills of a participant in making appropriate work experience assignments;

"(2) prescribe appropriate standards for health, safety, and other conditions applicable to the performance of work;

"(3) take such steps as may be necessary to assure that the program does not result in the displacement of employed persons or the filling of established unfilled position vacancies;

"(4) provide reasonable conditions of work, taking into account the geographic region, residence, and proficiency of the participants;

"(5) not require participants, without their consent, to travel an unreasonable distance from their homes or remain away from their homes overnight;

"(6) provide that the maximum number of hours in any month that a participant may be required to work is that number which equals the value of the allotment of the household of which such individual is a member divided by the greater of the Federal or the applicable State minimum wage; and

"(7) provide for the payment of transportation and other costs, not in excess of an amount established by the Secretary, reasonably necessary and directly related to participation in the program.

"(d) The facilities of State public employment offices may be used to find employment opportunities for participants in the community work experience program.

"(e)(1) A State agency may not use funds provided to carry out the community work experience program under section 16(a) to compensate participants for the performance of work.

"(2) A participant in such program shall not be entitled to a salary or to any other work or training expense provided under any other provision of law by reason of participation in such program.

"(3) Nothing in this Act shall prevent a State agency from operating a community work experience program in accordance with this section and in accordance with such other terms and conditions as the State agency may determine to be necessary, whether or not consistent with section 6(d)(1)).

"(f)(1) Each person who is required to comply with section 6(d)(1) or is described in section 6(d)(2)(A) shall participate in a community work experience program, upon referral by the State agency, unless such person is currently employed at least eighty hours a month and is earning an amount not less than the applicable minimum wage for such employment.

"(2) In addition to a person described in paragraph (1), a State agency may also require to participate in such program a person who would be required to comply with section 6(d)(1) but for the exception contained in section 6(d)(2)(B) if the person is caring for a child over three years of age or an incapacitated person and care for such child or incapacitated person is available.

"(g) The State agency shall coordinate a community work experience program operated under this section, the requirements prescribed under section 6(d)(1), and a pilot program operated under section 17(e) so as to assure that job placement will have priority over participation in the community work experience program.

"(h) Section 6(d)(1) shall apply to any individual referred to a community work experience program who fails to participate in such program in the same manner that such section applies to an individual who is required to comply with section 6(d)(1).

"(i) Funds provided to carry out the community work experience program under section 16(a) may not be used—

"(1) to make or acquire materials or equipment in connection with the work performed under such program;

"(2) to pay the cost of supervision of work under such program; or

"(3) to pay other costs unless such costs are attributable to such program and the payment of such costs is approved by the Secretary.".

(b) Section 16(a) of such Act (7 U.S.C. 2025(a)) is amended—

"(1) by striking out "and" at the end of clause (3); and

"(2) by inserting ", and (5) a community work experience program" after "(4) fair hearings".

TITLE II—NUTRITION SURVEILLANCE

NUTRITIONAL STATUS MONITORING

SEC. 201. Section 1428 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3178) is amended to read as follows:

"NUTRITIONAL STATUS MONITORING

"SEC. 1428. (a) The Secretary and the Secretary of Health and Human Services shall establish a comprehensive nutritional status monitoring program which shall include the following:

"(1) An assessment system consisting of periodic surveys and continuous monitoring to determine the extent of risk of nutrition-related health problems in the United States, which population groups or areas of the country face the greatest risks of such problems, and the likely causes of risk and changes in such risk factors over time.

"(2) A surveillance system to identify remediable nutrition-related health risks to individuals or for local areas, in such a manner as to tie detection to direct intervention and treatment.

"(3) Program evaluations to determine the adequacy, efficiency, effectiveness, and effects of nutrition-related programs in reducing health risks to individuals and populations.

"(4) Periodic special surveys to determine the health and nutritional status of particularly vulnerable low-income population groups, including low-income mothers; single parent, pregnant mothers; single, elderly person households; and homeless individuals.

"(b) In carrying out the monitoring system required under subsection (a), the Secretary and the Secretary of Health and Human Services shall conduct longitudinal surveys in order to determine the status over time of nutrition-related health problems in the United States.

"(c) In carrying out the surveillance system required under subsection (a)(2), the Secretary and the Secretary of Health and Human Services shall use screening and other information available from other health programs, including programs funded under titles V, XVIII, and XIX of the Social Security Act (42 U.S.C. 701 et seq.) and section 330 of the Public Health Service Act (42 U.S.C. 254c).".

TITLE III—FOOD DISTRIBUTION AND EMERGENCY SHELTERS

TRANSFER OF SECTION 32 COMMODITIES

SEC. 301. Section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U.S.C. 612c), is amended by adding at the end thereof the following new sentence: "A public or private nonprofit organization which receives agricultural commodities or products under clause (2) of the second sentence of this section may transfer such commodities or products to another public or private nonprofit organization which agrees to use such commodities or products to provide, without cost or waste, nutrition assistance to individuals in low-income groups.".

TEMPORARY EMERGENCY FOOD ASSISTANCE

SEC. 302. Section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsection:

"(c) In addition to any commodities described in subsections (a) and (b), the Secretary may use to carry out this Act agricultural commodities and products made available under clause (2) of the second sentence of section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U.S.C. 612c).".

DONATIONS BY MILITARY COMMISSARIES

SEC. 303. (a) Section 2482 of title 10, United States Code, is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) A commissary store of the Department of Defense may donate surplus, unmarketable food to a local food bank.".

(b) The caption of section 2482 of such title is amended by striking out ": private operation".

GRANTS FOR HOMELESS INDIVIDUALS

SEC. 304. (a) As used in this section, the term "State" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands of the United States.

(b) The Secretary of Agriculture may make grants to States for the purpose of providing food, health, and shelter assistance to homeless individuals.

(b) In carrying out subsection (b), the Secretary of Agriculture shall consult with the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Defense, the Director of the Federal Emergency Management Agency, and the Administrator of Veterans Affairs.

(d) For each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, there are authorized to be appropriated $50,000,000 to carry out this section.

TITLE IV—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 401. This Act and the amendments made by this Act shall become effective as soon after the date of the enactment of this Act as the Secretary of Agriculture determines is practicable, but no later than forty-five days after such date.

● Mr. BOSCHWITZ. Mr. President, I rise today along with Senator DOLE to introduce legislation designed to improve the Food Stamp Program. As a member of the Senate Agriculture Committee, I more recently joined the Nutrition Subcommittee because of my growing interest and concern regarding the issue of nutrition and hunger and the Federal role in helping alleviate hunger. The Domestic Food Assistance Act of 1984 would be a positive and significant step toward improving the Food Stamp Program's effectiveness in alleviating hunger in the United States.

Under Senator DOLE's leadership and guidance, sensible reforms have been made recently in the Food Stamp Program. In fiscal year 1979, the first year I served in the Senate, an average of 17.7 million people participated in the Food Stamp Program each month at a total cost of $6.9 billion. Two years later, in fiscal year 1981, the program was serving an average of 22.4 million people monthly at a total cost of $11.4 billion. Participation in the Food Stamp Program grew 26.5 percent in 2 years and costs rose 65.2 percent. In sharp contrast, in fiscal year 1983, for the first time since the Food Stamp Program was enacted on a nationwide basis in 1964, average monthly participation dropped to 21.6 million, a decrease of 3.5 percent. At the same time prices rose to $11.9 billion, an increase of only 4.4 percent.

Slowing the rate of growth of the program from 65.2 percent to 4.4 percent was a phenomenal achievement, particularly because the changes made were sensible and pragmatic. States will be required to get their error rates below 5 percent by fiscal year 1985. Siblings that live together are now required to apply together for food stamps and are considered a single household. Administering agencies were given the authority to reduce benefits immediately whenever a household provides information in writing that their circumstances have changed. Previously, an agency had to wait at least 10 days after receipt of such information before it could reduce benefits and, in some cases, an additional full month's benefits had to be provided. This is just a sample of the changes that were made when we reauthorized the Food Stamp Program in 1982.

Having worked long and hard to slow the growth of the Food Stamp Program in 1982, we are now introducing legislation that would somewhat increase costs in an effort to ensure that the Food Stamp Program remains effective in reducing hunger and malnutrition. Many of these changes are based on recommendations of the President's Task Force on Food Assistance.

The asset limit of $1,500 was set more than 10 years ago, and needs to be increased. This legislation would raise the asset limit to $2,250. If the household has two or more members with an elderly member the asset limit is raised from $3,000 to $3,500.

The maximum food allotment would be increased from 99 to 100 percent of the thrifty food plan. The thrifty food plan is supposed to be based on a nutritious low-cost diet. There is no rationale for giving food stamp beneficiaries 99 percent of what is needed to purchase adequate foods.

To increase the incentive for food stamp recipients to work we need to increase the earned income deduction from 18 percent back to 20 percent. In addition, provisions in this bill would streamline application procedures for AFDC recipients and the homeless. These are several of the many improvements in the Food Stamp Program included in the Domestic Food Assistance Act of 1984. I strongly support this legislation and urge my colleagues to also support these improvements.●

Mr. SPECTER. Mr. President, today I am joining with Senator DOLE and others to introduce the Domestic Food Assistance Act of 1984.

Earlier today, Senator DOLE and I visited a food stamp distribution office and welfare check distribution office at 1414 South Broad Street, in Philadelphia, PA. There, we talked to food stamp and welfare recipients and also to governmental officials who were administering the plans.

We heard complaints and concerns about a number of subjects which this legislation addresses. For example, this legislation seeks to target most directly to those individuals who need food. We heard concerns expressed about the ineligibility of so-called street people who do not have any address and thus are ineligible for food stamps. This bill corrects that problem.

We heard further complaints about senior citizens who were reluctant to apply for food stamps because of the assets test. This legislation seeks to ameliorate that problem.

It is very difficult to talk to people in food stamp lines and welfare lines in evaluating the appropriate scope of governmental action. In seeing and talking to such people, it is apparent that this legislative effort is very important.

Beyond targeting the truly needy, we also discussed ways to eliminate fraud and abuse of the food stamp program. We also discussed the proposed computer system for having food recipients present their identification cards where a computer advises the store owner about their balance and benefits so that food could be obtained without the stamps and the attendant opportunities for fraud.

In reviewing the procedures in effect at 1414 South Broad Street, I was reminded of my days as district attorney of Philadelphia when my office prosecuted and convicted welfare cheats in the late sixties and early seventies. As part of the reform from role interpretations and prosecutions, we instituted the procedure that checks would no longer be sent through the mail but instead welfare recipients would have identification cards with their photograph and signature and would be required to come to an office and receive their checks. That system initiated in the early 1970's is still in effect and has foreclosed many potentially fraudulent practices. This legislation takes significant steps forward to fight against potential fraud and abuse.

The primary thrust of this bill is to implement many of the recommendations of the President's Task Force on Hunger so that our resources dedicated to feeding the underprivileged and unemployed will achieve maximum results by improving targeting and administration.

The major provisions of the bill include raising the food stamp benefits to all households by requiring that food stamp allotments be equal to the full cost of the "Thrifty Food Plan"—the Department of Agriculture's lowest cost food plan meeting basic nutritional requirements. Current law requires that maximum allotments be equal to 99 percent of the cost of the food plan, and this bill would raise that to 100 percent.

The bill would also raise the asset limits for eligible households. This is aimed primarily at the "new poor" households which have lost income due to recent unemployment and do not qualify for food stamps because they own too many assets such as autos or nonresidential property. Households used to having a steady source of income that suddenly find themselves in the unemployment line generally have acquired assets that are not readily marketable and which often require steady monthly payments that drain available resources, leaving few if any funds for food. Raising the asset limit will help these families obtain access to food stamps.

The homeless are also targeted by this legislation. The bill would require States to provide a method of certifying and issuing food stamps to eligible households not residing in a permanent dwelling or without a fixed mailing address. Addressing the plight of the homeless has been a priority concern of mine throughout my Senate

term, and I am particularly pleased to see this provision.

A continuing problem with this and other welfare programs is finding a way to provide for those in need without providing an incentive not to work. This legislation contains several provisions aimed at achieving this balance. For example, it contains a provision to increase the amount of earned income that is disregarded when a household's income is counted to determine its eligibility and the level of its benefit.

In addition, the bill would require States to assess, from time to time, the need for operating food stamp offices during nonbusiness hours, so that working people can have easier access. The bill would also add a new option for States wanting to initiate activities providing work experience and limited training to food stamp recipients, or strengthen any similar existing efforts. It would give States authority to operate community work experience training programs which could provide for a broader range of work experience and training activities than now done under existing workfare or other authorities and could limit participation to those most likely to benefit. Each program would be State-designed and should be aimed at improving the employability of participants through actual work experience and training so that they could become employed promptly in the public or private sector.

In addition to other provisions, the bill would also require that households in which all members receive AFDC (aid to families with dependent children) or supplemental security income benefits be considered to have satisfied food stamp income and assets eligibility tests. It would require the Secretary of Agriculture to have States use alternative methods if he determines, in consultation with the inspector general, that it would improve program integrity. Such an alternative means of distribution will be implemented in Reading, PA, on October 1, 1984, on a trial basis, and I am optimistic that it will result in significant savings by reducing the high level of theft and other trafficking in food stamps that diverts the benefits from those in need.

These improvements in targeting and administration reflect the results of careful study of the current system, and whatever criticisms there may have been of the Task Force on Hunger, the fact remains that in any program there are inefficiencies and oversights that prevent the maximum return on our dollars and thus limit our ability to reach those in need. This bill goes a long way toward resolving some of these problems within the food stamp program, and I commend Senator DOLE for his leadership on this issue and am pleased to join with him in introducing the bill.

ADDITIONAL COSPONSORS

S. 193

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 193, a bill to recognize the organization known as the National Academies of Practice.

S. 2710

At the request of Mr. WALLOP, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of S. 2710, a bill to amend the Federal Power Act to provide for more protection to electric consumers.

S. 2774

At the request of Mrs. KASSEBAUM, the names of the Senator from Louisiana [Mr. LONG] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 2774, a bill to grant a Federal charter to the National Society, Daughters of the American Colonists.

S. 2794

At the request of Mr. THURMOND, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2794, a bill to prohibit the Postal Service from purchasing, erecting, or installing any mail receptacle, mailbox, neighborhood delivery and collection box, or parcel locker for the purpose of providing, with or without charge, any such receptacle, box, or locker to any person.

S. 2815

At the request of Mr. SYMMS, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 2815, a bill to repeal the changes made to section 483 of the Internal Revenue Code of 1954 by the Tax Reform Act of 1984.

S. 2833

At the request of Mr. ABDNOR, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2833, a bill to limit to the national median family income the amount of farm loss which may be deducted against nonfarm income by high income taxpayers in competition with full-time, family-sized farm operators.

S. 2894

At the request of Mr. MELCHER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2894, a bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrual rules in the case of sales of residences, farms, and real property used in a trade or business.

SENATE JOINT RESOLUTION 262

At the request of Mr. PACKWOOD, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of Senate Joint Resolution 262, a joint resolution to designate March 16, 1985, as "Freedom of Information Day."

SENATE JOINT RESOLUTION 320

At the request of Mr. PERCY, the names of the Senator from Montana [Mr. MELCHER], the Senator from Missouri [Mr. EAGLETON], and the Senator from New York [Mr. D'AMATO], were added as cosponsors of Senate Joint Resolution 320, a joint resolution regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government.

SENATE JOINT RESOLUTION 351

At the request of Mr. SASSER, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 351, a joint resolution designating the week beginning February 17, 1985, as a time to recognize volunteers who give their time to become Big Brothers and Big Sisters to youth in need of adult companionship.

SENATE JOINT RESOLUTION 352

At the request of Mr. DANFORTH, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Rhode Island [Mr. PELL], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. WEICKER], the Senator from Ohio [Mr. GLENN], the Senator from Mississippi [Mr. STENNIS], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Kansas [Mr. DOLE], were added as cosponsors of Senate Joint Resolution 352, a joint resolution designating October 1984 as "National Head Injury Awareness Month."

SENATE JOINT RESOLUTION 354

At the request of Mr. NUNN, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Arkansas [Mr. BUMPERS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Florida [Mr. CHILES], the Senator from North Carolina [Mr. EAST], the Senator from Utah [Mr. HATCH], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Wisconsin [Mr. KASTEN], the Senator from Nevada [Mr. LAXALT], the Senator from Georgia [Mr. MATTINGLY], the Senator from Illinois [Mr. PERCY], the Senator from Arkansas [Mr. PRYOR], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Mississippi [Mr. STENNIS], and the Senator from Nebraska [Mr. ZORINSKY], were added as cosponsors of Senate Joint Resolution 354, a joint resolution designating the week of January 7 through January 13, 1985, as "National Productivity Improvement Week."

AMENDMENT NO. 4241

At the request of Mr. MELCHER, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Hawaii [Mr. INOUYE], the Senator from New Hampshire [Mr. HUMPHREY], and the

Senator from Hawaii [Mr. MATSUNAGA], were added as cosponsors of Amendment No. 4241 intended to be proposed to S. 2793, an original bill making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1985, and for other purposes.

AMENDMENTS SUBMITTED

WATER RIGHTS OF THE AK-CHIN INDIAN COMMUNITY

GOLDWATER (AND DECONCINI) AMENDMENT NO. 4391

(Ordered referred to the Select Committee on Indian Affairs.)

Mr. GOLDWATER (for himself and Mr. DECONCINI) submitted an amendment intended to be proposed by them to the bill (H.R. 6206) amending the Act of July 28, 1978 (Public Law 95-238) relating to the water rights of the Ak-Chin Indian Community, and for other purposes; as follows:

Paragraph (2) of subsection (g) is amended to read as follows:

(2) Such two hundred and fifty thousand acre-feet of water shall not be used to irrigate more than thirty-seven thousand one hundred and eighty seven acres of land in the Yuma Mesa Division, specifically: six thousand five hundred and eighty-seven acres in the North Gila Valley Irrigation District; ten thousand six hundred acres in the Yuma Irrigation District; and twenty thousand acres in the Yuma Mesa Irrigation and Drainage District. Additional land in the Yuma Mesa Irrigation and Drainage District may be irrigated if there is a corresponding reduction in the irrigated acreage in the other districts so that at no time are more than thirty seven thousand one hundred and eighty seven acres being irrigated in the Yuma Mesa Division.

Subsection (k) of section 2 is amended to read as follows:

(k) The water referred to in subsection (f)(1) shall be for the exclusive use and benefit of the Ak-Chin Indian Community, except that whenever the aggregate water supply referred to in subsection (f) exceeds the quantity necessaary to meet the obligations of the Secretary under this Act, the Secretary shall allocate on an interim basis to the Central Arizona Project any of the water referred to in subsection (f) which is not required for delivery to the Ak-Chin Indian Reservation under this Act.

At the end of the bill insert the following new section:

SEC. 10. (a) Section 311 of the Southern Arizona Water Rights Settlement Act of 1982 (96 Stat. 1283) is amended to read as follows:

"SEC. 311. The provisions of section 2415 of title 28, United States Code, shall apply to any action relating to water rights of the Papago Indian Tribe or of any member of such Tribe which is brought—

"(1) by the United States for, or on behalf of, such Tribe or member of such Tribe, or

"(2) by such Tribe.".

(b) The amendment made by this section shall not apply with respect to any action filed prior to the date of enactment of this Act.

Immediately following section 6, insert the following new section; and renumber the following sections accordingly;

SEC. 7. (a) There is hereby authorized to be appropriated the sum of $1,000,000 for payment to the fund referred to in subsection (b). Subject to appropriations, the Secretary shall pay a sum of $1,000,000 to such fund.

(b) No portion of the sum referred to in subsection (a) shall be paid unless—

(1) The Central Arizona Water Conservation District establishes a fund to be administered by the District for voluntary acquisition or conservation of water from sources within the State of Arizona for use in central Arizona in years when water supplies are reduced; and,

(2) The Central Arizona Water Conservation District has contributed the sum of not less than $1,000,000 to such fund: *Provided*, That if the contribution of not less than $1,000,000 by the District to such fund has not been fully paid as provided in this section within two years of the date of enactment of this Act, the authorization for appropriation and payment of the sum referred to in subsection (a) shall terminate.

APPROVAL OF INTERSTATE AND INTERSTATE SUBSTITUTE COST ESTIMATES

THURMOND (AND OTHERS) AMENDMENT NO. 4392

(Ordered to lie on the table.)

Mr. THURMOND (for himself, Mr. HOLLINGS, and Mr. ANDREWS) submitted an amendment intended to be proposed by them to the bill (S. 2527) to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes; as follows:

At the end of the bill add the following new section:

FUNDING FLEXIBILITY

SEC. 134. (a) Section 104 of title 23, United States Code, is amended by repealing subsections (c) and (d) and inserting a new subsection (c) as follows:

"(c)(1) Sums apportioned under paragraphs (b)(1), (b)(2), (b)(5)(B) and (b)(6) of this section shall be available for expenditure for projects on the primary, secondary, Interstate, or Urban Federal-aid systems without limitation as to the amount of any class of funds, primary, secondary, Interstate resurfacing, or urban, apportioned for projects on any system provided that beginning with fiscal year 1984 not less than 40 per centum of primary, secondary and urban funds shall be expended on the Federal-aid system for which they were apportioned for projects for resurfacing, restoring, rehabilitating, and reconstructing existing highways except where the State certifies to the Secretary that such percentage of funds is in excess of the resurfacing, restoring, rehabilitating, and reconstructing needs of existing highways in the State and the Secretary accepts such certification and provided that the preceding requirement shall apply only to that portion of a State's apportionment not used for reimbursing such State for bond retirement under section 122 of this title or for advance construction 115 of this title and provided that the provisions of section 150 of this title concerning the allocation of urban systems funds shall remain in full force and effect.

(2) The Federal share payable of any project on the Federal-aid primary, secondary, and urban systems shall be that set forth in section 120(a) of this title and of any project on the Federal-aid Interstate system shall be that set forth in section 120(c) of this title."

(b) Section 105(d) of the Surface Transportation Assistance Act of 1982 is repealed.

Mr. THURMOND. Mr. President, the amendment we are filing today would add a new section to S. 2527, the Federal-Aid Highway Act of 1984, containing provisions identical to those of S. 2738, introduced by me on June 7, 1984, and also cosponsored by Senators HOLLINGS and ANDREWS. Under the provisions of this amendment, States would be able to use the total of their apportionment for Federal-aid primary, secondary, and urban systems, and for 4-R work among any one or all of these four categories as their individual needs require.

MOYNIHAN AMENDMENT NO. 4393

(Ordered to lie on the table)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the bill (S. 2527) to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes; supra, as follows:

At the end of the bill, add the following:

SEC. 134. (a) Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311) is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

"(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1)

of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources as assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

(b) Section 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316) is amended—

(1) By redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment.

"(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own inititative, that any segment of the National System of Interstate and Defense Highways is not capable of safety accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1985

HAWKINS (AND OTHERS) AMENDMENT NO. 4394

(Ordered to lie on the table.)

Mrs. HAWKINS (for herself, Mr. DODD, and Mr. CRANSTON) submitted an amendment intended to be proposed by them to the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes; as follows:

On page 26, after line 3, insert the following:

CHILD SURVIVAL FUND

SEC. 119. (a) Section 104(c) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "In" at the beginning of the first sentence and inserting in lieu thereof "(1) In"; and

(2) by adding at the end thereof the following:

"(2)(A) In carrying out the purposes of this subsection, the President shall promote, encourage, and undertake activities designed to deal directly with the special health needs of children and mothers. Such activities should utilize simple, available technologies which can significantly reduce childhood mortality, such as improved and expanded immunization programs, oral rehydration to combat diarrhoeal diseases, and education programs aimed at improving nutrition and sanitation and at promoting child spacing. In carrying out this paragraph, guidance shall be sought from knowledgeable health professionals from outside the agency primarily responsible for administering this part. In addition to government-to-government programs, activities pursuant to this paragraph should include support for appropriate activities of the types described in this paragraph which are carried out by international organizations (which may include international organizations receiving funds under chapter 3 of this part) and by private and voluntary organizations, and should include encouragement to other donors to support such types of activities.

"(B) In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President $25,000,000 for use in carrying out this paragraph. Amounts appropriated under this subparagraph are authorized to remain available until expended.

"(C) Appropriations pursuant to subparagraph (B) may be referred to as the 'Child Survival Fund'.".

(b) There are appropriated to the President for necessary expenses to carry out section 104(c)(2) of the Foreign Assistance Act of 1961 for the fiscal year 1985, $25,000,000.

● Mrs. HAWKINS. Mr. President, today I am offering an amendment to the continuing resolution that would authorize the creation of a new child survival fund for promoting low-cost, effective health care methods that could save up to half of the 21 million children that die each year in developing countries.

Children are the unrepresented, and in many developing countries they are pushed aside to make way for grandiose development projects. With this amendment we will be taking a great step forward in improving the chances for survival for millions of children.

This amendment will create a new account in the foreign aid budget, and will fund that account at $25 million. The amendment directs that these funds are to be used to finance the use of simple, available technologies which can significantly reduce childhood mortality. We do not need expensive research programs. We can begin saving children's lives through proven programs that have a record of success. As examples of these types of programs the amendment points to expanded immunization programs, education programs aimed at improving nutrition and sanitation, and oral dehydration.

Over half of the children under the age of 5 who die in the Third World, die of dehydration due to diarrhea diseases. In the past a mother would need to transport her child to a clinic to receive the kind of care that would help a child suffering from dehydration recover. In most countries this kind of care is scarce, and often at great distances from a child in need. Now, however, a way has been discovered to take the cure to the child. A small packet of salts and sugars costing roughly 5 cents when combined with water and correctly administered will provide the child with the necessary means for a full recovery. These are the types of programs that we need and these are the types of programs that this amendment calls for.

In addition, the amendment calls on AID to seek outside advice on what programs and measures to support in order to expand the base of expertise being used to implement this legislation. Furthermore, this amendment authorizes the use of international organizations, private and voluntary organizations [PVO's] as well as government to government programs to carry out the purpose of this act.

Finally, this amendment not only authorizes the creation of the child survival fund and funds it at $25 million, but it also appropriates the funding needed to get this program underway. It is not by preference that I and the other cosponsors of this legislation resort to placing authorizing language on an appropriations bill. We have tried to do this the right way. During the foreign relations committee's markup of the foreign aid bill, I offered this amendment as an amendment to that measure and it was accepted without dissent. Unfortunately, however, a decision has been made not to bring the foreign aid bill to the floor this year—and I for one do not want to see hundreds of thousands if not millions of children needlessly die because of the legislative schedule in an election year.

This amendment has a wide measure of support. Not only has it passed the Senate Foreign Affairs Committee, but it has also passed the House when they acted on their version of the foreign aid bill. Furthermore, the House subcommittee on Foreign Operations offered it as an amendment to their version of the foreign aid appropriations bill, as well. This is an amendment supported by liberals and conservatives and by Republicans and Democrats. On some things we may disagree, but I would hope that we could agree on these basic points:

There is no child's hurt beyond our healing;
There is no child's need beyond our caring;
And no child's sorrow beyond our love.

Through this amendment we can turn pretty sounding words into effective action.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water on Tuesday, October 2, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building.

The subcommittee will receive testimony on S. 2471 and S. 2949, to improve the land ownership patterns and management of State and Federal lands in the State of Utah, and for other purposes.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Reserved Water, U.S. Senate, Washington, DC 20510. Due to the number of people expected to testify, witnesses will be placed in panels and oral testimony will be limited to 3 minutes. Witnesses are requested to submit 25 copies of their written statement to the subcommittee 24 hours in advance of the hearing, as required by the committee rules, and 75 copies on the day of the hearing.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON TOXIC SUBSTANCES AND ENVIRONMENTAL OVERSIGHT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances and Environmental Oversight, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Monday, September 24, at 2 p.m., to hold a markup of S. 2649, the Safe Drinking Water Act Amendments of 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NICARAGUA

● Mr. DURENBERGER. Mr. President, Robert Leiken is a senior associate at the Carnegie Endowment for International Peace. In recent months, Mr. Leiken is perhaps best known as the editor of Central America: Anatomy of Conflict. This book appeared at approximately the same time that the Kissinger Commission's report on Central America was issued. Many critics of the Kissinger Commission cited Mr. Leiken's book as one which offered an alternative program for Central America. I think that this view sells Mr. Leiken's proposals short, because many of these are worthy of serious consideration by policymakers who are concerned about the crisis in Central America.

Mr. Leiken has just completed an extremely important article for the New Republic on the current situation inside Nicaragua. I strongly urge my colleagues to read this article for a better understanding of recent events in Nicaragua and along its borders. Mr. President, I ask unanimous consent that Mr. Leiken's article as well as another article by Joshua Muravchik be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follow:

NICARAGUA'S UNTOLD STORIES

(By Robert S. Leiken)

The 72-year-old señora lives in a solid stone house constructed by the Sandinista government. Her son, German Pomares, was a founder of the Sandinista National Liberation Front (F.S.L.N.) who perished leading the final offensive against Somoza in 1979. Set off by a well-kept garden from the shacks of the cotton field workers of El Viejo, Mrs. Pomares' home appears comfortable. But inside, the mother of the nationally revered martyr sleeps on a cot covered with rags, and she hobbles through bare, unfurnished rooms. She lives on a pension equivalent to $10 a month. She has made four trips to the local hospital, but has yet to succeed in getting a doctor's appointment. Three times she has requested an audience with Comandante Tomas Borge, now the sole surviving founder of the F.S.L.N. Each time, her son's old comrade has refused to receive her.

For one who has sympathized with the Sandinistas, it is painful to look into the house they are building, but it is unwise not to. I spent ten days in Nicaragua in August, accompanied by my brother, a trade unionist from Boston. It was my sixth visit since the revolution, and my longest since 1981. I have testified in Congress against aid to the *contras* and have supported (and continue to support) negotiations to end the civil war in El Salvador. Yet each succeeding trip to Nicaragua drains my initial reservoir of sympathy for the Sandinistas. Last year I wrote in my introduction to a book treated by the press as the "Democratic alternative to the Kissinger Report" that the Sandinistas' "failure to preserve the revolutionary alliance with the middle class and small producers as well as sectarian political and cultural policies [had] polarized the country, led to disinvestment, falling productivity and wages, labor discontent, and an agrarian crisis." This visit convinced me that the situation is far worse than I had thought, and disabused me of some of the remaining myths about the Sandinista revolution.

Everywhere we went we confronted the disparity between these myths and the unpleasant truth. The Sandinistas blame Nicaragua's economic crisis on the *contra* war and U.S. economic sanctions. Yet the standard of living in Nicaragua was deteriorating well before the U.S.-backed *contras* turned to economic sabotage in the spring of 1983.

A December 1981 internal staff memorandum of the International Monetary Fund found that real wages had fallen 71 percent since July 1979. They have continued to decline in succeeding years. And even with the U.S. "economic boycott," over 25 percent of Nicaragua's exports still go to the United States, not much less than under Somoza. Nicaragua can no longer sell sugar at subsidized prices to the United States, but what it has lost in this market it has sold to Iran at prices above those of the world market. The war and U.S. sanctions have compounded a mess created by the Sandinistas themselves.

Nicaraguans themselves do not seem to accept Sandinista claims that *Yanqui* agression is responsible for the general scarcity of consumer goods. Peasants are obligated to sell their goods to the Ministry of Com-

merce and Industry, and contend that its prices are too low to enable them to make ends meet. A large portion of the peasantry is now producing only for its own consumption, and the resulting shortages have dramatically driven up prices. The marketplace, once the bustling center of Nicaraguan life, is now a daunting experience for buyers and sellers alike. As shoppers make the rounds looking for rice, beans, milk, toilet paper, soap, or light bulbs, the shopkeepers' constant reply is *"No hay"* (There isn't any). For anyone unable to afford the inflated prices or without the foreign exchange to shop at the new foreign currency stores, Eastern European-style queuing is now routine.

One of the most depressing aspects of our trip was to hear from so many that their lives are worse today than they were at the time of Somoza. Before the revolution Nicaraguans ate well by Central American standards. Thanks to the country's fertile soil and its small population, even poor Nicaraguans were accustomed to beef and chicken. Now consumer goods available to the masses in other Central American countries are no longer obtainable. Barefoot children are hardly uncommon in the region, but I had never seen so many completely naked. As we encountered them, their distended stomachs displaying the telltale signs of malnutrition, Nicaraguans would bitterly recall the government slogan, *"Los niños son los mimados de la revolucion"* ("Children are the spoiled ones of the revolution").

The shortage of basic necessities is also breeding pervasive corruption. When we asked a rural storekeeper why he was able to sell Coca-Cola while many restaurants in Managua were not, he said that he had obtained the soft drink with a bribe. We later met Ramiro, a Coca-Cola deliveryman in León and a former member of the F.S.L.N., hitchhiking home from the city of Chinandega. He was returning from his five-hour weekly excursion after work to procure the three bottles of milk his children need. The milk cost him 150 cordobas, 30 percent of his weekly wages. (The official exchange rate is 28 cordobas to the dollar; the real, or black market, exchange rate is 250 to 1.) To get the money, he told us, he accepts bribes from some of his customers for extra cases of Coke. "This system is corrupting me against my will," he said.

Ramiro's desperate measures hardly merit censure. But others, especially high-ranking Sandinistas, are turning big profits from the scarcity. Members of a leather workers cooperative in Masaya told us that they are officially allotted 10,000 meters of leather a month; they receive between 5,000 and 7,000 meters. The cooperatives' Sandinista directors sell the remainder in Managua's Eastern Market and pocket the money. It is now a general practice for coordinators of the neighborhood Sandinista Defense committees (C.D.S.) to sell part of the provisions allotted to them by the government on the private market. The people are then informed that provisions have run out.

In the village of El Transito, two hours northwest of Managua, most of the people belonged to the C.D.S. at the outset of the revolution. Now there is but one member, the coordinator, formerly the village's leading Somocista. (The transformation of Somocistas into Sandinistas and of Sandinistas into oppositionists is very common. In every town we visited we were told that former Somoza officials are now running C.D.S.s.) The coordinator enriches himself by selling C.D.S. foodstuffs and supplies in the Eastern Market. As we passed his house, we were able to peer through the window and see him standing there in his dark glasses, isolated and reviled.

The life-styles of the new rich contrast vividly with that of the rest of the country, and with official rhetoric. A Sandinista nomenklatura has emerged. Party members shop at hard-currency stores, dine at luxury restaurants restricted to party officials, and vacation in the mansions of the Somoza dynasty, labeled "protocol houses." Vans pull up daily at government and party offices, to deliver ham, lobster, and other delicacies unavailable elsewhere. In a private state dining room, I ate a sumptuous meal with a comandante at a long table, attended by five servants. The image of the protruding stomachs of the "spoiled ones of the revolution" intruded while we consumed our lemon meringue pie.

Intellectuals and former officials claim that decadence is endemic in upper government and party echelons. A former Sandinista diplomat recounted tales of high jinks and extravagance by Sandinista officials on foreign junkets, and women state employees complained of the same sexual harassment and blackmail that is common elsewhere in Central America. The swinging Sandinista leadership cynically presents an image of revolutionary asceticism to the outside world while being addicted to the very vices that it routinely denounces in "degenerate bourgeois society."

The widespread corruption from the lowest to the highest levels of government makes it hard for Nicaraguans to accept the notion that their problems originate from abroad, or that they should endure further sacrifices "to confront the imperialist enemy." A jobless worker in the Indian town of Monimbo complained, "The C.D.S. insists that we unscrew the street lights to conserve energy in the fight against imperialism. People are falling in holes while the Sandinistas get rich on our misery. What are their sacrifices?"

Those Sandinistas who have refused to be corrupted recognize that their dreams have turned into a nightmare. One governmental official, a good friend, told me, "We have given birth to a freak. But we must keep him alive." Yet what is to be done when the freak becomes a menace to its people and neighbors? There is a general impression among those in the United States properly aghast at the C.I.A. mining of ports and U.S. support for the professional torturers among the *contras* that the Sandinistas are the victims, not the victimizers. Inside Nicaragua, however, the image is reversed.

The word Nicaraguans employ the most frequently to describe the Sandinista government is *engaño* (hoax or trick). In the city of Chinandega, we talked with transport workers from an opposition union who on their own time and with their union dues had painted road signs to make the city safer for driving. The Sandinista government took credit for the improvement. The national literacy campaign is one of the most vaunted achievements of the revolution, praised even by many of the government's critics. Yet two "graduates" of the literacy program in a peasant village told us they could not read their diplomas. We couldn't find one student from the campaign there or in the neighboring village who had learned to read. The campaign did somewhat better in the larger cities such as León, where, we were told, some had learned to read in follow-up courses. But most had forgotten the little they had learned, and at best could now only sign their name for election registration.

The most outrageous *engaño* occurred during Pope John Paul II's visit to Managua in March 1983. According to Sandinista accounts, the Pope's mass had been "spontaneously" interrupted by the crowd, offended by the Pope's failure to heed the request of mourning mothers who wanted him to pray for their sons killed in the battle against the *contras*.

Two former government officials, who are still Sandinista supporters, told us a different story. They had been appalled at the interruptions made by cadre from the Sandinista women's organization, furnished with microphones and loudspeakers. After the Pope left, the crowd departed in disgust and the Sandinista leadership was left awkwardly standing on the platform. The two officials, depressed by the spectacle, retired to a bar located next to the offices of the F.S.L.N. radio station. They overheard a group of Sandinista radio employees at an adjoining table bragging about how they had played pre-recorded tapes of crowds chanting Sandinista slogans into the sound system.

The Sandinista *engaño* has been most successful among the resident foreign press. Journalists familiar with the atrocities of the right-wing tyrannies of Central America wish to believe, quite understandably, that the Sandinistas present an alternative. In today's Nicaragua it is easy to confuse desire with reality. The resident press also frequently merges with the larger population of "internationalists," a term which embraces all those foreigners expressing solidarity with the Sandinistas, from Bulgarian and Cuban apparatchiks to idealist North Americans and West Europeans. It is the general feeling among Nicaraguans that the foreign press in Managua strongly sympathizes with the government, and that it is dangerous to speak openly with them. Disaffected Sandinista intellecturals, friends of friends, who poured their hearts out to me in Managua were afraid to meet with reporters from the U.S. press. We spoke with a resident of Monimbo, where a spontaneous insurrection had ignited the revolution against Somoza in February 1978. We had spent an evening together a year before with a mutual friend, yet initially he was still distrustful. He told us that the revolution had produced "many advances for the people"; two hours later, he was saying, "Monimbo appears to be sleeping, the way it was during the time of Somoza, but the people are united. One day soon they will stand up again."

One of the most common means of sustaining the myth of popular support is the Sandinistas' use of the rationing system as a lever. In numerous villages and cities, we learned that ration cards are confiscated for nonattendance at Sandinista meetings. In Masaya we were told that before one of the "Face-the-People" meetings (in which comandantes meet with local residents) the ration cards of the members of cooperatives were collected; their return was made conditional on attendance. At one such meeting in Chinandega, Ortega branded talk of inflation "a counterrevolutionary plot." A pound of beans could still be purchased for five cordobas, he claimed. A man in the audience stood up and shouted, "Comandante, here's ten cordobas. Please get me a pound of beans." According to his neighbors, he was imprisoned later that day.

Although Nicaraguans still for the most part bow to government pressure, they do so

sullenly and without conviction. We witnessed two Sandinista demonstrations, one in Masaya and the other in Chinandega, two historically pro-Sandinista cities. The Chinandega rally, held at 10 on a Wednesday morning, celebrated the fifth anniversary of the literacy campaign. It was attended entirely by students obligated to go by school authorities. As they marched through the streets chanting slogans distributed to them on small pieces of paper by their Sandinista instructors, pedestrians did not so much as turn their heads. None of the presumably grateful presumably literate, people came to greet the comandante sent from Managua.

In Masaya the demonstration did not even benefit from student participation As we approached the gathering in the fading afternoon, a large group of students stood on the steps of the Catholic school. They had refused to join the demonstration because the Sandinistas had removed several of their Catholic teachers. The small group of demonstrators had glazed looks in their eyes as the last speeches wound down. I asked a *campesino* in attendance whether any of the comandantes had come. He answered, "I don't know. I slept through it."

The Nicaraguan populace has been saturated with Sandinista bombast which issues from radio, television, newspapers, local and national political meetings, and block committees, and which is propagated in the schools, the factories, and the cooperatives. The people resist in different ways: with the indifference and boredom we saw in Chinandega and Masaya; with a resurgence in religious feelings which has filled churches and Catholic schools; with suspiciousness and bitter humor.

Jokes and wisecracks against the Sandinistas are proliferating. The two pro-Sandinista newspapers, *Barricada* and *Nuevo Diaro* are referred to as *Burricada* (as in bore) and *Nuevo Diablo.* The F.S.L.N. is "the Somocista National Liberation Front." "Why do people prefer *Tona* [one of the two Nicaraguan beers]? Because the other, *La Victoria,* is bitter." Suspicions of the government are so deep that families of the war dead no longer believe that the government coffins shipped back from the front contain the bodies of their sons. (The coffins are sealed as a matter of policy.) People believe, improbably, that the coffins hold rocks or banana tree trunks. In Monimbo we were told that when a family and friends tried to open a coffin with a hammer and chisel, they were carried off by the police.

Nor is popular discontent restricted to these forms of passive resistance. Sympathy with the *contras* is becoming more open and more pervasive. I was stunned to hear peasants refer to the *contras* as *"Los Muchachos,"* the boys—the admiring term used to describe the Sandinistas when they were battling the National Guard. It was apparent that many Nicaraguans are listening to the "Fifteenth of September," the contra radio station. It must be noted, however, that the contras do not operate in the areas we visited, and sympathy toward them may well be proportionate to absence of direct contact.

Draft resistance has become a mass movement in Nicaragua. The government passed legislation last September under which Nicaraguan men between the ages of 16 and 40 can be drafted for two years. When we were in Nicaragua, four hundred women gathered outside the draft board in La Paz Centro, a trading town thirty-five miles northwest of Managua, to protest forced recruitment of their sons. The demonstration was the latest in a string of anti-draft demonstrations in cities and towns throughout Nicaragua. New York Times correspondent Stephen Kinzer, one of the few resident reporters to sniff out the engano of Sandinista policies, reported on June 26 that "draft evasion is widespread," and found that high school attendance in six major provincial capitals had declined by as much as 40 percent. A student in Leon said that his high school class of forty-five had fallen to fourteen during the past year. Honduran researchers say Nicaraguan draft evaders pay 25,000 cordobas to be transported across the border, part of the money going to Nicaraguan Army officials in bribes. The demand is so great that border smugglers are now requiring groups no smaller than five. Draft resistance strikes a powerful blow at the myth of widespread popular support for the government. Young people have historically been the mainstay of Sandinista support.

Perhaps the most illuminating political event in the five years of Sandinista rule was a rally held for opposition presidential candidate Arturo Cruz in Chinandega on August 5. On that Sunday morning, Sandinista chicanery, censored domestic and lackadaisical international press coverage, and the growing vigor of the opposition converged.

Chinandega, a city of approximately 60,000, was historically the heart of Sandinista organizing efforts and support. These efforts radiated out to the surrounding cotton and sugar fields, to the country's two largest sugar refineries nearby, to the stevedores at Corinto, Nicaragua's largest port, and down to León, another center of anti-Somoza resistance. One would have expected that here the opposition would be weakest, the government strongest.

The Chinandega demonstration was the last series of six held in support of Cruz. Each rally had been larger than the last. The organizers were denied access to Sandinista-controlled TV stations. They were able to place an ad on the one local non-Sandinista radio station, but they relied chiefly on two vehicles with loudspeakers, and on word-of-mouth. Two days before the rally three "angels," as members of the state security are commonly known, called on the organizers of the demonstration and accused them of being C.I.A. agents. The turbas divinas, "divine mobs" of Sandinista supporters, circled their houses at night beating sticks against cans and chanting until the small hours of the morning. (Somoza's version of the turbas—the Nicolasa—used to employ the very same method against the opposition.) Meanwhile, Sandinista newspapers and television branded the opposition as consisting of contras and agents of American imperialism, and announced that further "aggressions" by them would not be permitted. Local authorities implied that the demonstration would be declared illegal. The day before the rally, Daniel Ortega, the head of the Sandinista government and the Sandinista presidential candidate, spoke to two hundred youths in El Viejo, a village three miles away. El Viejo's residents later claimed that the youths had been incited against the demonstration's leaders.

Fearing an attack by the *turbas,* organizers did not put up the banners or placards until early on the morning of the demonstration. But as they were working, fifty *turbas* burst into the soccer field, tearing down the banners and dispersing the organizers. They returned later during the day to try to repair the damage.

We spoke with two organizers—middle-class, professional women who had belonged to the F.S.L.N. before the revolution. (According to one, "the F.S.L.N. says that the opposition is Somocista. But most of the old Somocistas are working with the government. The opposition has remained the same. It is the F.S.L.N. that has changed.") They told us that after the *turbas'* nighttime serenading, they went to complain to the offices of the party representative, the chief of police, and the chief of state security, and to the Sandinistas. They were assured that the *turbas* would be controlled and that the demonstration would not be obstructed. After the early-morning attack, the two women went to the house of the local party leader. The door was open, and they entered. In the next room they heard the *turbas* informing him of the success of their mission.

There is no question that many who wished to go to the Cruz rally stayed at home. On the day of the rally, local authorities impeded traffic from outlying areas into Chinandega. As Cruz marched through the city, many people opened their doors, gave him the "V" for victory sign, and then ducked back into their homes to avoid the everpresent eyes of the C.D.S. One woman said she did not go to the demonnstration because she lived too close to the Sandinista youth office. She told of others who received threatening phone calls. Two weeks after the demonstration, a gas station attendant in Managua told us he had gone to the rally and that three friends who had accompanied him were in jail.

As might be expected, estimates of the turnout vary. Opposition figures soared as high as 20,000; local newsmen said 7,000. Given Sandinista efforts to reduce attendance, even 7,000 seems an impressive number, especially since three months before, the F.S.L.N. only managed to get 2,500 to Chinandega for the country's principal May Day rally. NBC taped the entire Cruz demonstration. Should this tape ever be shown publicly, experts will be able to make an accurate judgment about the number of demonstrators. When I viewed the tape it was evident that these thousands of demonstrators were hardly "bourgeoisie," as the Sandinistas claimed. They were overwhelmingly workers, peasants, and young people. I learned later that workers had hired their own trucks to come from the San Antonio Refinery and from the port of Corinto. They chanted slogans like *"El frente y Somoza son la misma cosa."* ("The Sandinistas and Somoza are the same thing.")

When Cruz began to speak, dozens of *turbas* armed with sticks, stones, and machetes surrounded the field. They came in on what appeared to be army trucks chanting, "Power to the people." They proceeded to break the windows and puncture the tires of demonstrators' cars. The police seemed to make no serious effort to restrain them. When the *turbas* attacked the demonstrators themselves, opposition youths dispersed, only to return wielding their own sticks and stones. Outnumbered, the *turbas* were routed.

The almost complete absence of foreign and domestic press coverage enabled Sandinista officials to characterize the demonstration their own way. We encountered a Sandinista official drunk at midday on the streets of El Viejo. He told us that the demonstration had taken place at the private home of a bourgeoisie and was attended only by a handful of plutocrats. In Mana-

gua, the Sandinistas told us that there had been several hundred demonstrators. The following day the Nicaraguan press carried no mention of the events except for one photograph in the official newspaper *Barricada* which purported to show the *turbas* attacked by "fascist" demonstrators. *La Prensa* had devoted several articles and photographs to the demonstration and the clashes, but these were all censored, and the paper did not appear. This was the very day that Daniel Ortega had announced the lifting of press censorship.

The demonstrations for Cruz's candidacy tested the popular mood and the prospects for "the first free elections in Nicaragua," as the Sandinistas' slogan puts it. Among the conditions that Cruz and his supporters have laid down as indispensable for participation are guarantees of freedoms of movement, assembly, and equal access to the press and television; sufficient time to campaign; international observers; and, most importantly, guarantees that if he won the election he would be allowed to take office. What happened at Chinandega strongly suggests that neither a genuine election nor a genuine campaign can take place.

Chinandega also exposed the Sandinistas' electoral stratagem. Their decision to hold elections in November was based on a rudimentary political calculation. They judged that the external legitimacy provided by elections would more than compensate for their internal cost. They knew that power does not often change hands in Central America through elections. Somoza's elections had proven that, and the Sandinistas are in a far better position to control elections than Somoza ever was.

Yet their calculations were wrong on two counts. First, they failed to account for the Nicaraguan people. High-level Sandinista officals to whom I have spoken seem to live, along with their international supporters, in a dream world. They deem that the "anti-imperialist sentiments" of the Nicaraguan people allow them to bear any sacrifice even when their "anti-imperialist" leaders bear none. They receive favorable reports from lower-level cadre whose jobs depends on the perception of success. The Sandinistas knew that after five years of enforced political paralysis, the opposition was poorly organized, divided, and amateurish. The spontaneous popular reception for Cruz took them by surprise. Second, they failed to recognize the degree to which they have alienated progressive opinion in Latin America and Western Europe. Cruz's recent highly successful trip to Costa Rica, Venezuela, and Colombia, and his support from European Social Democrats like Spanish Socialist Prime Minister Felipe Gonzalez, has confounded the F.S.L.N.'s electoral plans.

Thus the Sandinistas find themselves in a quandary. Will they back down and permit Cruz to run under reasonable conditions, or will they go ahead with a discredited election? Thus far at least, the Sandinistas seem unwilling to pay the price of submitting their rule to a popular test. One Sandinista official, whom I have always considered a moderate, told me privately that they would prefer a U.S. intervention because it would "vastly accelerate the Latin American revolution against U.S. imperialism." He told me that the Nicaraguan Army would immediately invade Honduras and Costa Rica and be greeted as "liberators" by the people.

One can only hope that cooler Sandinista heads will prevail. Authentic elections may be the last chance to avert full-scale civil war. If democratic channels cannot be opened, the civilian opposition will be forced to link up with the armed opposition—which is exactly what happened in the 1970s in El Salvador after fraudulent elections. The United States, which has a monstrous record in Nicaragua, can do something to help. What is needed now most urgently is a bipartisan effort in support of authentic elections in Nicaragua.

As we pulled out of Managua in the fading light of a Sunday afternoon, we found ourselves directly behind an army convoy made up of about twenty vehicles. But unlike the army convoys I have seen in El Salvador, Honduras, and elsewhere, it would not permit traffic to pass. A large vehicle with a blinking light occupied the left lane, forcing vehicles coming toward us off the road. A soldier with a machine gun was poised on the rear truck. It took us four hours to cover the fifty miles to León. It was a grueling microcosm of Nicaragua today: the Sandinistas in the "vanguard" preventing the normal flow of traffic, whether out of real fear, paranoia, or bullying. Behind them the rest of the population followed, inconvenienced, irritated, and enduring another pointless "sacrifice" for the Sandinistas' militarism. Our inconvenience was only four hours: the Nicaraguan people experience this twenty-four hours a day. Their patience has worn thin.

Labor Under Siege

In the last several years, a number of union friends of mine have returned from Sandinista-sponsored tours of Nicaragua with enthusiastic reports of the achievements of the revolution. I visited Nicaragua myself this summer, meeting with members of both the official Sandinista labor federation and the independent unions. I didn't expect to discover a workers' paradise in this underdeveloped and crisis-ridden region, or to see workers running the factories. But I did hope to find signs of progress toward empowering the workers and peasants. Instead, I saw a labor movement battling a "Socialist" government which resists worker demands with tactics ranging from state-controlled unions, to spurious arrests and violent goon squads.

In the 1970s labor was united against the Somoza regime, and workers expected that it would remain united to rebuild the country in the aftermath of Somoza's fall. But after assuming power, the Sandinistas sought a large measure of control over the workers by enrolling all Nicaraguan unions in the Central Sandinista de Trabajadores (C.S.T.). In 1980 the C.S.T. joined the World Federation of Trade Unions, headquartered in Prague. "The F.S.L.N. wanted to impose a central union, not build one," one opposition labor leader told me.

When centralizing efforts failed, the Sandinistas used state power to penalize unions unwilling to affiliate with them, to organize disruptive factions, and ultimately to jail opposition union leaders. I was told of death threats, beatings, police raid on union headquarters, military conscription of union dissidents, and blacklisting. Opposition leaders are now reluctant to use the recently restored right to strike for fear of being charged with "economic sabotage" and "abetting imperialism."

I talked with truckers from the port city of Corinto who had voted to disaffiliate their local from C.S.T. and to join the independent C.U.S., which is associated with the A.F.L.-C.I.O. through the International Confederation of Free Trade Unions. Soon thereafter, the local's office was attacked by police and turbas. Later some had their drivers' licenses revoked, and a half-dozen union leaders were jailed. In another incident a leader of the other independent union, the C.T.N., said he had been beaten and his nose broken by turbas at the Managua airport in full view of military and civil police.

The Sandinistas have also alienated workers in their own unions, which has led to increasing numbers of wildcat strikes. Several years ago, when the Sandinistas nationalized the German Pomares sugar works, they ousted the independent union. Then, to ensure a docile new leadership, they stacked the vote by trucking in illiterate cane cutters. This summer workers at the refinery defied their leaders: they struck after the union allowed management to cut back worker access to the company store's superior goods and low prices.

While we were in Managua there was a wildcat sit-in at the government-owned Victoria Brewery. Truck drivers there earn 3,000 cordobas a month. Rents average 1,000 a month, and a pair of pants costs 1,000. One deliveryman told me, "We've had the same salaries for the last five years and now hunger has made us explode." The Victoria workers knew that to return to work without a contract can spell defeat. Forced to go back on the job, they effected a slowdown as a way to sustain their leverage.

The official F.S.L.N. newspaper, Barricada, carried a single article on the Victoria "labor dispute." It quoted Sandinista union leaders as saying that they offered "full support to the workers," but also said that they were urging them to return to work immediately. In contast, *La Prensa* carred a front-page picture of 200 Coca-Cola drivers parading their trucks in solidarity with the Victoria workers. I was able to confirm *La Prensa*'s report that solidarity brigades were sent by the competing brewery Tona, La Milca fruit punch, Pepsi-Cola, and Standard Steel. Several of these unions also have announced impending strikes.

The dissident labor leaders I met were plainspoken, accustomed to dealing with concrete facts. The C.S.T. official I spoke with talked grandly about how the Sandinistas reorganized Nicaragua's tiny, undeveloped labor unions "by industrial branch." Yet he was at a loss to explain why they had abolished the Nicaraguan equivalent of the U.S. National Labor Relations Board (*Tribunales de Trabajo*).

He often contradicted what the workers had told me. The workers at the San Antonio sugar refinery said that they had launched a wildcat strike last February to uphold a wage agreement reached between workers and management. According to the workers, the labor minister, backed by the C.S.T. leadership, disallowed the labor contract because its wages exceeded government guidelines. The C.S.T. official claimed that the labor minister had rejected the contract because its wages were too *low*, and even credited the C.S.T. with leading the strike to raise wages. He went on to dismiss the Victoria wildcatters as "backward" and "disobedient." He saw his role not as a representative of the workers, but as their "intermediary" with the employer.

Numerous dissident union leaders described their situation as closely resembling that of the Solidarity movement. One leader, comparing Nicaragua to Poland, told me: "We are both small countries and have suffered may invasions. We both experience long lines and scarcity while many of our products are shipped off to the Soviet bloc. We are Catholic countries with close ties be-

tween unions and the church. We live under regimes where citizens can be jailed at will. And both governments brand independent unions 'anti-Socialist agents of imperialism.'" Listening, I found myself wishing that some of my fellow union activists had come with me to Nicaragua. They would have been as shocked and disappointed at the repressiveness of this "government of workers and peasants" as I was.—SAM LEIKEN.

THE CRUZ ALTERNATIVE

(By Joshua Muravchik)

The last best hope for a peaceful and humane resolution to Nicaragua's recent agonies may be slipping away. The hope arises from the government's plan to hold national elections on November 4 and the unprecedented cooperation, in response to that plan, that has been achieved among various elements of the opposition.

Three centrist political parties, two labor federations, and the organization representing businessmen and professionals banded together to form the Nicaraguan Democratic Coordinator, known as the "Coordinadora." It chose Arturo Cruz as its presidential candidate, and announced it would not participate in the elections unless the government consented to a "national dialogue" about the terms of the elections and their aftermath.

The Sandinista government originally refused this demand, citing one of the Coordinadora's conditions for the talks: that representatives of the anti-Sandinista guerrillas also be included. But in August that demand was dropped. Both prinicpal rebel groups—the Frente Democratico Nicaragüense (F.D.N.), and the Alianza Revolucionario Democrático (ARDE) have pledged to lay down their arms if an agreement is reached through the dialogue.

Shorn of the demand for including the rebels in the national dialogue, the nine-point program of the Coordinadora is so manifestly reasonable that the Sandinista government has had trouble justifying its resistance. But thus far it has shown no signs of moving toward an agreement; indeed, it has underscored its tough stance by depriving the three parties that belong to the Coordinadora of their legal standing as political parties.

But the opposition believes that the last word is yet to be heard, and Cruz and his colleagues are hoping to bring international pressure to bear on the Sandinistas. They recently visited five other Latin American countries and were received by the President of each. They are also looking for support from the United States and from Europe. Their immediate demand is for a postponement of the elections so that fair terms can be negotiated.

The Coordinadora program rests on the simple premise that there are elections and there are "elections." It embodies two goals. The first is to win assurances that the elections themselves will be fair and free. The second, more far-reaching, goal is summed-up by Cruz in the phrase, "respect for the results of the election."

To secure the first, Cruz and his colleagues are calling for international oversight of the elections by either the O.A.S. or the Contadora group, or by representatives of the Socialist International or other Latin American states agreeable to both the opposition and the Sandinistas. They have requested that all polling places be organized so that citizens do not have to cast their ballots, as Cruz puts it, "under the eyes and ears of the so-called 'Committees for the Defense of the Revolution,'" the Sandinistas' internal surveillance network. In addition, the Coordinadora seeks guarantees of freedom of expression, information, and movement; an end to censorship of the press, freedom of assembly; and equal access to the airwaves.

The Coordinadora's second set of conditions focuses on what will follow the elections and poses perhaps an even more important test of the Sandinistas' willingness to share power with the Nicaraguan people. "Basically," says Cruz, "it's the separation of party and state. What if the opposition wins the elections? We have to be sure that we have the capacity to govern. If you have the army as it is now, an instrument of the Sandinistas, how can you expect that?" Cruz is referring to the fact that Nicaragua's overgrown army is officially the army of the Sandinista Party. If Cruz is elected President, will the army then belong to the opposition? an analogous situation applies in other crucial institutions such as the militia, the police, and television.

In a fair election, the Sandinistas might find Cruz a formidable adversary. Against him they would have difficulty sustaining the argument that opposition to them is tantamount to "counterrevolution" and the posthumous restoration of *Somocismo.* Cruz himself served two prison terms under the Somozas, and was one of a group of prominent citizens, called "The Twelve," whose public alliance with the Sandinistas was crucial to the overthrow of Somoza. He served as head of the Central Bank during the early months of the revolutionary government. After Alfonso Robelo and Violeta Chamorro, the two original non-Sandinista members of the revolutionary junta, resigned from it in protest, Cruz accepted a seat on it in their place, thereby demonstrating his willingness to walk the extra mile with the Sandinistas. That was something he demonstrated a second time by agreeing to come to Washington as ambassador. For most of a year he labored to secure U.S. acceptance of the revolution even while his own differences with the Sandinista government were widening.

The Coordinadora's platform aims not at repealing the revolution, but at fulfilling its original promises. Cruz says: "We want the revolution to really go to the three parameters on which it is predicated—nonalignment, mixed economy, and pluralism."

The touchstone of Cruz's policy of nonalignment would be a strong focus on relations with the rest of Central America. He twits the Sandinistas for pursuing an ideological foreign policy that has engaged Nicaragua in unlikely causes ("It was not until the Sandinistas came to power that we heard of the Frente Polisario in North Africa"), and that has left it as entangled as ever in its relations with the United States. He would "demilitarize Nicaragua completely," leaving only a police force. "For the protection of the country against aggression, we would do as the Costa Ricans do, invoke the Rio Treaty of collective security."

The Coordinadora's case is a good one, and it deserves more attention from North Americans than it has gotten. Not only does it offer a basis for bringing peace to Nicaragua, it also can be the basis for a cease-fire in the battle within the United States over policy toward Nicaragua. Indeed, one reason for the lack of attention to the Coordinadora's struggle may be that elections are approaching in North America too, and all political factions here are looking to sharpen their differences with their opponents. The Coordinadora's stance offers neither hawks nor doves much that they can disagree with or disagree about.

But the United States now has a moment of opportunity in Nicaragua, and it will not wait for the U.S. elections to pass. Those who have been advocating a more conciliatory U.S. policy toward Nicaragua ought to wield the stick, pressing the Sandinistas to meet the demands of the Coordinadora. Those who have supported aid to the contra rebels ought to proffer the carrot—an end to that support if the Sandinistas agree to genuine dialogue resulting in free elections.

The Sandinistas now have power, the kind that grows out of the barrel of a gun. In the end, they may decline to put it at risk. But they can't have it both ways. An election without the participation of the Coordinadora would be an empty exercise conferring no legitimacy on its predictable victors. This is a message that the Sandinistas ought to be hearing over and again from those in Latin America, Western Europe, and the United States, of whatever political stripe, who hope for a peaceful resolution to Nicaragua's turmoils.●

A TRIBUTE TO THE NATIONAL PARK SERVICE AND THE FRIENDS OF THE HAMILTON GRANGE NATIONAL MEMORIAL

● Mr. MOYNIHAN. Mr. President, I would like to take this opportunity to pay special tribute to the National Park Service Manhattan Sites Unit and the Friends of Hamilton Grange for their splendid efforts to restore and preserve the Hamilton Grange National Memorial.

This building is the only national memorial to one of the founders of our country, Alexander Hamilton. As the creator of America's banking system, it is all the more fitting that Alexander Hamilton be honored in the financial center of the world, New York City.

The National Park Service and the Friends of Hamilton Grange have done a splendid job preserving the Grange's beautiful architecture and gardens. Their efforts will be appreciated by generations to come.

The Grange, named in honor of the ancestral seat of the Hamilton family in Scotland, was cherished by Alexander Hamilton as a place of refuge. Cultivating the gardens was a particular source of pleasure for Hamilton.

As a national historic monument, the Grange provides its visitors with a beautiful place to contemplate and appreciate Alexander Hamilton's manifold contributions to the political and economic development of the United States. The National Park Service and the Friends of Hamilton Grange have done the Nation a great service by preserving this important part of our heritage.

I am certain my colleages will join with me in extending best wishes and warmest thanks to these individuals from the private sector and Govern-

ment for their commitment to this most worthy cause.●

PEACE CORPS ANNIVERSARY

● Mr. PERCY. Mr. President, I would like to note today that nearly 23 years ago, the legislative existence of the Peace Corps was assured when the U.S. Congress passed the Peace Corps Act September 22, 1961. Looking back, passage of the act capped off several months of excitement and frenetic activity on the part of Peace Corps Director Sargent Shriver and his dedicated staff as they worked to bring President Kennedy's vision of a corps of willing Americans serving the poorer peoples of the world to life.

The ideals of Peace Corps seized this Nation's imagination; it was a novel concept that Americans of all ages would spend 2 years of their lives in a completely different culture, speaking a new language, working with the rural and urban poor of Latin America, Africa, Asia, and the Pacific to help them improve their lives. The first volunteers were already at work in their assignments in Ghana, West Africa, when Congress passed the legislation that outlined the three goals of Peace Corps—goals which made it apparent that Peace Corps would not only benefit the peoples of the Third World, but the people of our Nation as well.

The goals are:

First, to help the people of interested countries and areas in meeting their needs for trained manpower;

Second, to help promote a better understanding of Americans on the part of the peoples served;

Third, to help promote a better understanding of other peoples on the part of Americans.

The concept of understanding between peoples has been illustrated in the many aspects of Peace Corps, including through historical bipartisan support for the activities of this person-to-person program. It continues to flourish under the current administration, where volunteering for Peace Corps is one way to answer the President's call to perpetuate the American spirit of voluntarism.

That call does not cease when a volunteer returns to the United States; in fact, more than 100,000 returned Peace Corps volunteers are contributing their skills and insights to their jobs, families and communities across the Nation.

I salute Peace Corps, the 100,000 Americans who have served as volunteers, and Members of Congress past and present who have supported this fine example of American humanitarianism and concern for the developing nations of the world.●

EXTENSION OF THE FEDERAL CRIME INSURANCE PROGRAM

● Mr. KENNEDY. Mr. President, I strongly support the current effort to extend the Federal Crime Insurance Program for 1 year through September 30, 1985. This program is important to urban centers throughout the Nation by enabling homeowners and small businesses who would otherwise be unable to secure affordable crime insurance to remain in their neighborhoods. In its 14-year history, the program has issued up to 85,000 policies a year in some 30 States. There are currently 23 States and the District of Columbia in the program.

The Federal Crime Insurance Program has worked especially well in Massachusetts. In my State there are 1,419 active policies—93 percent of these are residential policies. By coincidence, 93 percent of the total is within the greater Boston Metropolitan area. In Massachusetts there is $9.5 million worth of coverage for homes and businesses and 803 different agents handling FCIP policies in the State.

The need for continuation of this Federal insurance program is not only demonstrated by this participation, but also by the broad support for this legislation throughout the country. Groups who have expressed strong support for continuation of authority for the FCIP include:

National Urban League.
National Conference of Mayors.
National Neighborhood Coalition.
Congressional Hispanic Caucus.
National Association of Retail Druggists.
National Grocers Association.
National Shoe Retailers Association.
Jewelers of America.
National Association of Retail Dealers of America.
American Insurance Association.

We need to assist our urban communities where the fear of crime, and uncompensated financial loss from crime, create special problems that cannot adequately be met by the private sector alone. Studies show that without the Federal Crime Insurance Program, reasonably priced crime insurance would be unavailable in many areas suffering the most serious crime burden. The availability of crime insurance is a key factor in the decision of a homeowner or business to remain or locate in these communities.

I urge the Senate to support the reauthorization of the Federal Crime Insurance Program, because it is a proven method of combating urban deterioration and because it provides compensation for crime victims. I note that the administration endorses significantly larger Federal efforts embodied in the current victims of crime legislation and the Urban Enterprise Zone legislation that are directed toward the same goals. Any serious commitment to dealing with the effects of crime includes support for continuation of the Federal Insurance Program.

An editorial that appeared in the Washington Post this past weekend persuasively explains the need for a 1-year extension of the program. I ask that the editorial may be printed in the RECORD.

The editorial follows:

PROTECTION FOR THE INNER CITY

How do the Mom and Pop grocery, the corner candy store and the neighborhood diner survive in high-crime inner-city areas where they are needed? How can the residents of these areas, who have little in the way of material goods, protect themselves from the predators who would steal even the oldest television and the most broken-down furniture? These people have security problems, certainly, but until 1970, they had another problem, as well: in such high-risk areas they could not buy insurance at an affordable rate. Many could not purchase it at all.

Fourteen years ago, Congress addressed this problem by creating the Federal Crime Insurance Program. Under the program, the federal government issues policies covering homeowners and businesses against property losses from burglary and robbery up to a maximum of $10,000 for residences and $15,000 for commercial establishments. This crime insurance is available only in areas where adequate private insurance cannot be obtained. Until recently, the premiums paid for this coverage were supplemented with funds from another federal insurance program—one offering protection against riot damage—in which large surpluses had accumulated. But Congress ended the riot insurance program in 1983, so the federal government will soon have to borrow if it is to continue to subsidize the crime insurance program. The cost is minimal—about $12 million a year—but for the 50,000 policyholders, the program helps to make survival in the inner city possible.

This small but important federal program is due to expire at the end of the month, and the administration has opposed continuation. Such a position runs directly counter to the administration's professed concern for victims of crime and support for urban enterprise zones in the inner city. It may be pennywise to save $12 million, but in this case it would certainly be pound-foolish. The House Appropriations Committee has added to the continuing resolution a one-year extension of the insurance plan, and the Senate Appropriations Committee will consider the matter on Monday. This program deserves support.●

FLINT BIG BROTHERS 40TH ANNIVERSARY

● Mr. RIEGLE. Mr. President, on October 2, the Big Brothers of Greater Flint will celebrate their 40th anniversary. Since the beginning of the organization, over 11,000 boys have been helped to achieve their fullest potential. During this same time, over 6,000 adults have given one of the most precious gifts, their time, to the development of the boys in the Big Brother program.

Big Brothers of Greater Flint has grown with the times. It was originally

founded as outgrowth of efforts to help children placed on probation by the courts. The tireless efforts of Father Sheridan of Flint, and the enthusiasm of the entire community—the Mott Foundation, the Optimist Club, YMCA, Catholic Social Services and the police department and many others—forged a partnership between Flint and the Big Brothers that has lasted and strengthened since 1944.

They began a relationship with the United Way in the 1950's which expanded their scope and involvement in the community. They are now a permanent, self-sustaining part of Greater Flint, and the dependence of the community on the Big Brothers has increased. The dramatic rise in households led by single parents, unable to devote as much time or attention as they wish their children, has underscored the need for the Big Brother program. In Flint more than 21 percent of all families are headed by single parents, and there are over 200 little brothers waiting to begin the program.

The Big Brothers of Greater Flint are to be congratulated for the 40 years of service in the community. They have touched the lives of 11,000 boys, and made those lives richer, more successful, and happier; and that is a reward of incalculable value for all of the volunteers in the organization. I would like to extend my thanks and my wishes for another 40 years of success to the Big Brothers of Greater Flint.●

APPROPRIATIONS FOR UNREQUESTED C-12's

Mr. GOLDWATER. Mr. President, I rise, once again, to bring to the attention of this body and, hopefully, to put a stop to a practice that has gone on here in the Congress far too many years.

Since fiscal year 1978 the Congress has authorized and appropriated funds to procure the C-12 aircraft for the military services that were not—I repeat, not—requested by the administration. Since fiscal year 1980 alone, Congress has appropriated $65.5 million and procured 46 more C-12 aircraft than the administration had requested. In this year alone, fiscal year 1985, the House Armed Services Committee has proposed $36 million and 18 more aircraft than requested.

Now, as bad as that may sound, this procurement has been awarded on a sole-source basis with no competition since fiscal year 1973. Only the original procurement of 34 aircraft was competed.

Since that time, literally hundreds of these aircraft have been procured on a sole-source basis from Beech Aircraft, in spite of the fact that the services have not even requested them.

Now, I am not saying it is a bad aircraft. It is a very fine aircraft and, as a matter of fact, it was the winner in a recent competitive lease/buy agreement run by the Air Force. But what I do question is, first off, the basic need for adding these aircraft that have not been requested by the services and then, second, if there is a valid requirement to have them, why is it done on a competitive basis.

Well, I have been railing against this practice for years to no avail, and in anticipation of the probability it would recur this year, I have gone to the trouble of specifically asking every military leader who has appeared before our committee in any capacity, if they had any intention of requesting C-12 aircraft this year. The answer in every instance was no. The Navy, however, did come in with a request for 12 aircraft which the Senate Armed Services Committee does not recommend in our bill. However, true to form, the House Armed Services Committee has not only approved the Navy request but added an additional 18 aircraft and $36 million more than was, again, requested by the service.

To say that I feel strongly about this particular issue is a gross understatement. Some of my colleagues may recall that Senator HOWARD METZENBAUM and I filed a lawsuit in February 1978 in Federal district court to try to block the purchase of 22 aircraft being secured, without competitive bids, by the Navy at that time. We got thrown out of court, not because of the merits of the case, but because we did not have any standing before that court, and the Navy went on and purchased those aircraft, again on a sole-source basis from Beech Aircraft.

Since that time I have watched, year after year, the House Armed Services Committee authorize and the Appropriations Committee appropriate funds for literally hundreds of unrequested aircraft and, sad to say, that position was also supported here in the Senate.

Now supporters of this practice would have you believe that purchasing C-12's from a sole source is no different than purchasing an F-15 or any other aircraft since the contract was originally completed back in 1973. However, I must point out that we do not have four or five companies in this country building F-15's as we do with aircraft that are very competitive with the C-12.

Now, I have reached the limits of my patience in this matter, and I fully intend to publicly embarrass any Members who persist in this shameless practice of authorizing aircraft and funds for their purchase, for whatever reasons, on a sole-source basis. I remind those Members of Congress who are continually carping about the Department of Defense's $7,000 coffee makers and $400 hammers, all the waste of the taxpayer's money is not being caused exclusively by the Pentagon. Much of it is being done right here in Congress. It is high time we put a stop to this terrible waste of the taxpayer's money and that is exactly what I intend to do.

Mr. President, I ask unanimous consent to have printed in the RECORD various figures in connection with this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

C-12 PROCUREMENT HISTORY

[Dollars in millions]

Service	Request (Qty/Amt)	Authorization (Qty/Amt)	Appropriations (Qty/Amt)	Competitive procurement?
1973:				
Army	20/$12.7	20/$12.0	20/$12.0	Yes.
Air Force	14/ 8.4	14/ 8.4	14/ 8.4	Yes.
1976:				
Army	20/14.0	20/14.0	20/14.0	No.
Navy	22/21.6	22/21.6	22/21.6	No.
Air Force	16/11.8	16/11.8	16/11.8	No
1977:				
Army	20/16.2	20/16.2	20/16.2	No.
Navy	22/27.4	22/27.4	22/27.4	No.
1978: Army		20/17.2	20/17.2	No.
1979: Navy	22/25.9	22/25.9	22/25.9	No.
1980: Army		10/13.7	10/12.2	No.
1981: Army		6/9.0	6/9.0	No.
1982: Army		6/10.5	5/10.5	No
1983: Army	6/11.0	12/22.0	6/10.0	No.
Air Force			6/11.0	No.
1984:				
Army		6/11.8	6/11.8	No.
Air Force (GD)		6/11.8	6/11.8	No.
1985:				
Army		[1] (12/24.0)		No.
		([2])		
Navy	12/32.0	[1] (12/32.0)		No.
		([2])		
Air Force		[1] 6/12.0		No.
		([2])		No.

[1] HASC.
[2] SASC.

Summary: Beginning in fiscal year 1980 the Congress has consistently authorized and appropriated funds that were not requested by the Administration to procure C-12 aircraft.

DOD C-12 PROCUREMENT (FISCAL YEARS 1980-85)

	Administration request	Authorization	Appropriation
Year:			
1980	$0	10/$13.7	10/$12.1
1981		6/9.0	6/9.0
1982		6/10.5	6/10.5
1983	6/11.0	12/22.0	12/21.0
1984		12/23.6	12/23.6
1985	12/32.0	[1] 30/68.0	
		([2])	

[1] HASC.
[2] SASC.

Thus far (between fiscal year 1980 and fiscal year 1984) the Congress has appropriated $65.3 million more than requested to procure C-12 aircraft.

In fiscal year 1985 alone, the HASC has proposed $36 million more than requested for C-12 procurement.

Only the original fiscal year 1973 procurement was competitive. All subsequent procurements have been sole source to Beech Aircraft.

Total funds appropriated 1973-84 equal $230.8 million; this year (1985) equals $68 million; total, $298.8 million.

SENATE PROCEDURE ON WEDNESDAY AND THURSDAY

Mr. BAKER. Mr. President, a number of Senators have inquired about the situation in the Senate on a religious holiday that begins at sundown on Wednesday of this week and

ends at sundown on Thursday of this week.

I am told that it has been the policy and practice of the Senate in the past to remain in session during this religious holiday but not to have record votes between those times. Therefore, it is the policy of the leadership on this side to continue that policy once more on Wednesday of this week from sundown, approximately 6 p.m., until Thursday at sundown, approximately 6 p.m., when there will be no record votes.

This will be an exception to the leadership rule on this side that the votes are not stacked from one day to the other. We may stack votes on Wednesday, to occur on Thursday after sundown. But there will be no record votes between Wednesday sundown and Thursday sundown.

We will be in session on Friday. We will be in session on Thursday night. We will be in session during the day on Thursday, but there will be no record votes during the day.

Mr. President, I make that announcement so that Members will be aware of the arrangements for this occasion.

In order that there may be no misunderstanding about when sundown occurs on Wednesday and Thursday, I should like to amend my statement so that it will say from 6 o'clock on Wednesday until 6 o'clock on Thursday. That may not exactly coincide with sundown, but I think the value of exactness will prevail in this case.

S. 3017—DOMESTIC FOOD ASSISTANCE ACT OF 1984

Mr. BAKER. Mr. President, on behalf of Senators DOLE and SPECTER, I send a bill to the desk and ask for first reading.

May I say, Mr. President, before the Chair proceeds, that what I am doing now is preceding at their request under the provisions of rule XIV, and after first reading I intend to object to further proceedings beyond first reading in order to actuate provisions of the rule.

The objection, of course, has nothing to do with the substance of the bill but rather to comply with the requirements of the rule.

Now, Mr. President, I ask for first reading.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3017) to improve and extend certain domestic food assistance programs, and for other purposes.

Mr. BAKER. Mr. President, I ask for second reading.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BAKER. I object.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TUESDAY

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW AND ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, three Senators be recognized on special orders of not to exceed 15 minutes, as follows: Senators PROXMIRE, SPECTER, and GOLDWATER.

I further ask unanimous consent that after the execution of the special orders, there be a period for the transaction of routine morning business until 11:15 a.m. in which statements will be limited to 5 minutes each.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 10 a.m. After the recognition of the two leaders under the standing order, three Senators will be recognized on special orders, to be followed by a period for the transaction of routine morning business until 11:15 a.m.

At 11:15 a.m., Mr. President, the Senate will resume consideration of the highway bill. At 12 noon, Mr. President, it is anticipated the Senate will once more recess until 2 p.m. in order to accommodate Senators who wish to attend caucuses on both sides of the aisle. It is hoped, Mr. President, that we can finish the highway bill tomorrow and begin consideration once more of the Labor-HHS appropriations bill.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, no Senator is now seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10 a.m. on tomorrow.

The motion was agreed to; and, at 6:04 p.m., the Senate recessed until tomorrow, Tuesday, September 25, 1984, at 10 a.m.

EXTENSIONS OF REMARKS

NATIONAL HISTORY DAY

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, September 24, 1984

● Mr. MATHIAS. Mr. President, there has been a great deal of activity throughout our country focusing on the improvement of education. This is a healthy sign for our Nation as we identify and recognize outstanding educational programs.

I am particularly pleased that the University of Maryland played host to an especially innovative and creative education program in June—National History Day.

We are all familiar with the science fairs held throughout our country but how many of us are aware of similar activities for students interested in history? When National History Day began 10 years ago, only 100 students were involved, all from one State. The project has grown tremendously so that this year over 150,000 students from 43 States participated. Fifteen hundred winners progressed to the culminating event at the University of Maryland. Awards were given for historical papers, media presentations, group performances, and group projects. It is reassuring that we have so many students throughout the country absorbed in the study of history and engaging in projects to make history a living reality for others. The next generation, if it knows and appreciates the lessons of the past, will be well girded to confront the difficult decisions the future poses.

Dr. Lois Scharf, the executive director of National History Day and the moving force for the event, received outstanding cooperation from numerous Marylanders and from the University of Maryland. Before the awards ceremony at the University of Maryland, almost 4,500 students, parents, teachers, and observers heard an address by the Assistant Secretary of Education for Educational Research and Improvement, Donald J. Senese. Mr. Senese, a doctor of philosophy in history, addressed the assembly on the topic "The Importance of the Study of History for Students." I commend his remarks to my colleagues and request that they be included in the RECORD.

The remarks follow:

THE IMPORTANCE OF THE STUDY OF HISTORY FOR STUDENTS

(By Dr. Donald J. Senese)

I am pleased to be here speaking to all of you here on the occasion of the events for "National History Day."

I know all of you are anxiously awaiting the announcement of winners. Let me say to all of you—you are all winners because by your participation in this contest you have enhanced your knowledge of history, demonstrated your proficiency in a crucial area of study, and realized the importance of history to the education of all.

I always loved history. I received my bachelors degree, masters degree and doctorate degree in the field of history. It has been an exciting adventure and my background in history has been a tremendous asset in preparing me for a variety of posts I have held since graduating—a college professor of history, a legistative aide to a U.S. Representative and a U.S. Senator, a member of a legislative research committee on Capitol Hill, and presently an Assistant Secretary for Educational Research and Improvement, U.S. Education Department, appointed by President Reagan.

I will keep you only a short while but I did want to make some comments on the importance of history. Some of you may have become interested in your project because of encouragement from a parent or parents, the inspiration of a history teacher, or a desire to know more about a certain historical event or personage. I hope whatever future career any of you may pursue that you will keep an interest in history.

Let me start with a basic question: Why does one study or write history? First of all, the study of history satisfies a quest of knowledge which is part of our human existence. The quest for knowledge for its own sake is one that underlies all branches of knowldege—science, philosophy and religion. It is especially an important trait in our own Western civilization; we are fundamentally a historicist civilization.

A second reason relates to the benefit of history. We have all heard of the saying or cliche history repeats itself. Well, we know history never repeats itself exactly. (We also know that "History never repeats itself but historians repeat each other").

Although history does not repeat itself or provide models for future action, history is still relevant for the future. The fact is history enables us to understand the present, thus assisting us to make wise decisions for the future—wiser decisions than if we were ignorant of the past. George Santayana, that wise philosopher, has told us: "Those who cannot remember the past are condemned to repeat it."

History tells us about our country and nation; it provides us important information about the builders of our nation and heritage. It tells us about our culture and the culture of other people. It tells us the importance that politics, economic theories, and religious beliefs have played in our society and the societies of other people. It tells us about the qualities of great people in history and the qualities of those who were not so great. It reveals to us the heroes and villains, the winners and the losers, the champions and the charlatans. It can help all of us get a deeper understanding of our civilization, our country, and even ourselves as we explore the past.

One of the questions and myths I heard as a young person may be familiar to all of you: what can you do with a history major? Then the standard response: You can teach and since there are not too many teaching jobs, you might as well go into another field.

Teaching history is only one possibility. History is a great training for many professions—law, journalism, business, public relations and government work.

Why is history such a great training program?

The methods of the historian provides great training. These methods develop people with broad general knowledge who can place problems in a broad historical content and search for cause and effect among a great number of variables. The historian or student of history learns how to: Collect, analyze, interpret and organize useful data; write with grammatical accuracy and clarity; prepare well-documented reports; present an argument and debate it logically and succinctly; exercise originality and creativity in using research material; make judgments and deal with complexity; reduce a large quantity of raw data into manageable concepts that allow for meaningful thought.

History offers you an opportunity to put order in your life and to get more meaning out of life.

Historical events are always upon us and we who love history can better understand these events.

We celebrated less than two weeks ago the fortieth anniversary of D-Day—the great invasion of the coast of Normandy by leaders of the Free World which led to the defeat of one form of totalitarianism which had swept Europe. It showed the world a Free World standing for a moral idea and that when challenged, it can produce. For the historian it was a dramatic picture—freedom's mighty armada in a storming sea. D-Day helped to secure an important principle—that your parents, and yourselves and others like yourselves would live under freedom for at least another generation.

We are also celebrating this year the 350th anniversary of the creation of the first counties in the New World in Virginia. Jamestown was founded in 1607 and in 1634 in order to bring government closer to the people counties were created. Presently 48 of our 50 states use counties as the major form of a political subdivision. This was another step for local government and freedom in our country.

I recently attended a meeting sponsored by the National Endowment for the Humanities preparing for another great event in 1992—the five hundredth anniversary of Christopher Columbus discovering America. We all know what a great change that discovery brought to the history of the world.

We can ponder these great events—the discovery of America which opened up this great continent where all of us reside, the establishment of counties in Virginia which

helped to provide a system where people had a meaningful voice in government policy, and D-Day where the tide of totalitarianism was rolled back so that the light of freedom could continue to burn for all of us.

Those of you who have an interest and love for history have a special appreciation for these events. Keep up your fine work. I wish all of you the best in your academic work. All of us are part of a historical process and the work all of you have done in this contest gives you a great role in making history come alive for yourself and for others.●

BAD TIMES FOR THE WOOD PRODUCTS INDUSTRY

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. MORRISON of Washington. Mr. Speaker, the wood products industry in the Pacific Northwest has been through some harrowing times; 1981 and 1982 were among the grimmest years since the depression of the 1930's. Activity picked up in 1983, but now, again, the industry is suffering hard times. A combination of factors are contributing to this severe economic problem, which is affecting employment for tens of thousands of workers.

The Wall Street Journal, on September 18, carried an article by Patricia A. Bellew, which explains the various factors that are contributing to the woes of the forest products industry in the Northwest. This region has abundant timber resources that can serve the social and economic needs of our country forever. Mr. Speaker, the workers and the mills they depend on for jobs need our help. It's time Congress took a look at this situation and provided some measure of help for this distressed region.

NORTHWEST WOOD-PRODUCTS INDUSTRY FACES RESTRUCTURING DUE TO IMPORT COMPETITION

(By Patricia A. Bellew)

Only 12 months ago, the mill towns of the Pacific Northwest reverberated with the shriek of buzz saws as the wood-products industry emerged from a long and deep recession.

The recovery, however, was short-lived.

Within months, dozens of lumber and plywood mills again fell silent, idling thousands of workers. Now, evidence is mounting that the new slump is permanent. Stiff competition from Canadian imports and over-optimistic projections of the demand for wood products are causing a painful and far-reaching restructuring of the industry.

"This isn't a classic slump," says Michael D. Sullivan, spokesman for the Industrial Forestry Association, which represents 85 forest-products companies in the Northwest. "The housing market has recovered, demand for lumber and plywood is quite healthy, but prices remain very depressed."

MILL CLOSINGS

Weyerhaeuser Co., the Tacoma, Wash.-based forest-products giant, has closed two of its 40 lumber and plywood mills and curtailed production at one other since April. San Francisco-based Potlatch Corp. has closed three of its 17 mills and reduced output at two others. Meanwhile, many small, family-held companies are quietly closing their mills and auctioning off equipment.

"The only thing keeping a lot of companies in business is the fact that their bankers don't know how to operate sawmills," says M.J. Kuehne, executive vice president of the Northwest Independent Forest Manufacturers Association, which represents the owners of 40 sawmills. "Everyone is losing money."

Competition from Canadian wood-product manufacturers is the industry's biggest problem. Because of the availability of cheaper, government-owned timber, Canadian companies have been able to substantially undercut the prices of their U.S. competitors. Additionally, the strength of the U.S. dollar has made Canadian lumber cheaper for American builders to buy.

As a result, Canadian producers have now seized about 40% of the U.S. market for lumber and plywood, and several industry officials say the figure may climb as high as 50% by year-end.

CANADIAN EXPORTS

In 1975, for example, Canadian producers exported 5.67 billion board feet of lumber to the U.S., garnering a 19% share of the domestic market. By last year, their share had grown to 34%, and their lumber exports to U.S. markets had doubled to 11.95 billion board feet.

The plentiful supply of Canadian wood has put severe pressure on lumber and plywood prices, which have fallen 45% and 30%, respectively since 1978. "Builders are buying two-by-fours for the same price they paid in 1946," grumbles a lumberman.

In recent months, lumber and plywood manufacturers have pressed for government restrictions on imports, without success. Now, among many companies, there is a growing sense that "we are just going to have to learn to deal with a permanently smaller domestic market," says John J. Stephens, president and chief executive officer of Roseburg Lumber Co., a closely held concern in Roseburg, Ore. "We are going to have to become more competitive by lowering our costs and pushing into offshore markets."

But export markets have proven tough to crack: Foreign countries such as Japan have enacted measures to protect their wood-products industries, and most American mills aren't tooled to cut wood to the metric standards required by foreign builders.

Although small amd midsized companies have been hit hardest by the slump, signs of the downturn are also evident in segments of the Northwest's biggest forest-products concerns.

For example, Boise Cascade Corp.'s building-products business posted a loss of $3 million on sales of $679.8 million in the first six months of 1984. In the year-earlier period, that segment earned $6.6 million on sales of $595.6 million. (The company's overall performance for the first half reflected booming sales in paper and pulp products. Earnings more than doubled to $61.4 million from $28.1 million a year earlier on a 19% gain in sales to $1.95 billion from $1.64 billion.)

Boise Cascade says it has idled 15% of its lumber-manufacturing capacity and 20% of its plywood-making capacity since last year. Even so, the company's losses in its building-products business may deepen, says John R. Forrest, Boise Cascade's senior vice president of timber and wood products. "The situation may worsen because home building is already starting to slide."

Although imports have done the greatest damage to the industry, inflated expectations of the demand for wood products have also contributed to the slump.

Convinced that maturing baby boomers would make the 1980s the golden age of single-family homes, lumber and plywood makers borrowed heavily and expanded rapidly to meet the anticipated need for wood products. But high interest rates have restricted the demand for housing and the industry remains burdened with excess capacity and heavy debt.

"We have the capacity to produce 40 billion board feet of lumber, and the current market demands 37 billion board feet," says John Hampton, president of Willamina Lumber Co. in Willamina, Ore. "There are going to have to be permanent mill closures to bring things in line."

At the same time, the industry is being squeezed by higher costs for its logs and labor than those paid by its competitors in the Southeast.

Unlike the Southeastern producers, who mostly harvest logs from closely held tree farms and forests, the Pacific Northwest relies heavily on federal timeberlands for its logs. The bright economic outlook in the 1970s prompted companies to bid up the price of federal timber contracts. Now, the companies are legally bound to pay premium prices for timber for which the market value has plummeted.

RETHINKING ROLE

"A lot of companies—big and small—are seriously rethinking their role in the industry," says Delos Knight, spokesman for San Francisco-based Crown Zellerbach Corp. "The industry that survives this period is not going to look exactly like the one we see now."

Adjustment has been painful for the Northwest. The Industrial Forestry Association estimates that 50,000 jobs have been permanently lost as mills have closed or severely curtailed production. Six years ago, when the lumberjacks could hardly fell trees fast enough to satisfy an insatiable housing market, the industry employed 200,000 in the Pacific Northwest, the association estimates.

Those out of work are often unable to find new employment in a region so dependent on the wood-products industry. In Sutherlin, Ore., the town's biggest employer—Mount Mazama Plywood Co.—closed its doors in early August and idled Harold Wright, who spent 29 of his 62 years making plywood for the concern.

"This town lives on venison when the mill shuts down," says Mr. Wright. "Folks shoot some does, catch some fish, pick some berries. But when the unemployment checks stop and folks get sick of venison, they'll leave, and this place will be a ghost town."●

CANCER PROGRESS: ARE THE STATISTICS TELLING THE TRUTH?

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Ms. OAKAR. Mr. Speaker, I would like to share with my colleagues an article which appeared in the September 18, 1984, edition of the New York Times. The article states that a small but growing band of distinguished analysts is challenging proclamations by Government officials and leading cancer scientists that great advances have been made in "curing" cancer patients. Some experts believe that there has been very little progress made in increasing the survival rate for victims of the biggest cancer killers.

I have recently held a hearing on breast cancer, and the evidence garnered concurs with this point of view. Breast cancer is the No. 1 killer of women in the Western World. Yet breast cancer survival statistics have not changed in half a century. What we need now is to explore more innovative methods of dealing with this dread disease. It is necessary for research grants to be given in the field of immunology since many experts believe that is where the breakthrough will come. Vaccines must be developed. Research money must be given to study nutrition's role in preventing and curing cancer. Stress factors and the role they play in contributing to this disease have to be studied. It is time for our Government to support research in other methods of dealing with cancer since the methods that are now being used have raised the survival rate very little if not at all. The medical profession must bring some fresh air into this field of research.

[From the New York Times, Sept. 18, 1984]

CANCER PROGRESS: ARE THE STATISTICS TELLING THE TRUTH?

(By Philip M. Boffey)

WASHINGTON, September 17.—A small but growing band of distinguished analysts is challenging proclamations by Government officials and leading cancer scientists that great advances have been made in "curing" cancer patients.

The analysts suggest that the highly touted gains in "survival rates" among cancer patients in recent years are partly, or perhaps even largely, a statistical mirage, caused more by changes in the way cancer is detected and defined than by any real gains in the ability of doctors to cure cancer once it is detected.

However, leaders of the nation's cancer research and treatment establishment dismiss the criticism as the undocumented assertions of analysts who do not fully understand the latest advances in the clinical detection, diagnosis and treatment of cancer.

"I think it's a bunch of nonsense," said Vincent T. DeVita Jr., director of the National Cancer Institute. "We're savings thousands of lives today that weren't saved 20 years ago. To me, that's pretty damn exciting."

SAME NUMBERS, OPPOSITE VIEWS

The disagreement over the extent of progress in treating and curing cancer reflects several factors. In some cases, analysts are looking at different sets of numbers that show differing degrees of progress in curing cancer. In other cases, they are looking at the same set of numbers but disagree on whether the apparent gains are "real" or caused by statistical artifacts. And in many cases they are now even arguing over the numbers but are simply reaching opposite subjective judgments as to whether the apparent gains in survival rates are encouraging or disappointing.

The issue has implications for patients, doctors and planners of national cancer policy. If cancer treatments are less effective than officially portrayed, some doctors and patients might have second thoughts about the wisdom of resorting to treatments with high risk or severe side effects and little prospect of success. Moreover, if treatment results have shown little improvement over time, policy planners might want to emphasize other approaches to curbing cancer, such as more extensive efforts to find and eliminate the causes of cancer so as to prevent the disease before it needs to be treated.

SMALL GROUP OF SKEPTICS

Those skeptical of the degree of progress appear to be a relatively small group of analysts bearing distinguished credentials. Among them are these men:

Richard Peto, a British epidemiologist who is the author of a major study of cancer mortality for the Congressional Office of Technology Assessment, contends, "There has been disappointingly little progress in curative treatment since the middle of this century." He said in a telephone interview that he saw no reason to expect substantial progress for the rest of this century.

John Cairns, a cancer analyst at the Harvard School of Public Health, likens the statistical advances reported by official cancer agencies and leading cancer scientists to the inflated and meaningless body counts used to measure progress in the Vietnam War. "Their body counts are way too high," he said in an interview. "It's like interrogating a general in Saigon. They come up with statistics that don't add up."

John C. Bailar 3d, a Harvard biostatistician who is the statistical consultant for The New England Journal of Medicine, one of the nation's most prestigious medical journals, said he "tends to agree that survival rates for cancer victims are not going up very much" and that statistical measures of those gains often turn out to be "rubber numbers" by which people are "very seriously misled."

Haydn Bush, director of a regional cancer center in London, Ontario, wrote in the September issue of Science 84, a magazine published by the American Association for the Advancement of Science. "We're not curing much more cancer than we were a generation ago. There has been very little progress on the biggest cancer killers of the last 25 years."

These views stand in sharp variance to the tone of Dr. DeVita's assertion, in a major speech two years ago, that "the best kept secret today is that cancers, as a group, are among the most curable of chronic diseases."

Dr. DeVita also said that "good solid data" from the most up-to-date registry of cancer patients—the Cancer Institute program that monitors the annual occurrence of cancer in some 10 percent of the population—shows a steady increase in survival rates in recent years, over a short period of time in which it is unlikely that changes in reporting practices would have an enormous effect.

However, the monitoring data cannot yet definitively answer the key questions raised by the skeptics. Earl S. Pollack, chief of the biometry branch at the cancer institute, said the program had not yet followed patients long enough to be able to tell whether the survival rates were being inflated simply because early detection was starting the survival clock sooner. He also said he knew of no documentation of the extent to which the survival statistics might be improving because doctors today were finding more and more tumors that would not kill people. But on a subjective basis, Dr. Pollack said he believed such statistical artifacts were not the main driving force behind better survival rates.

"My feeling is that most of these survival changes are real," he said. "They reflect real improvements in the handling of the disease."●

CONSENSUS ON EQUAL ACCESS GUIDELINES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. BONKER. Mr. Speaker, the equal access amendment was given final and overwhelming approval by Congress on July 25. However, since this legislation to prevent discrimination against certain student groups was modified before it was attached to the math-science bill, there is no congressional report on the bill to explain the provisions of the measure.

A number of private groups, representing civil libertarians, religious groups, teachers, and school administrators have reached an agreement on practical guidelines which will facilitate the interpretation of this new law (Public Law 98-377). This consensus statement has broad backing and is presented in a question-answer format. As the House sponsor of the Equal Access Act, I believe it is consistent with congressional intent. I recommend the guidelines, reprinted below, to anyone having questions about the equal access amendment.

THE EQUAL ACCESS ACT GUIDELINES

The organizations listed below were all involved with The Equal Access Act in the 98th Congress. Some actively supported the bill, others remained publicly neutral, and some opposed the bill. All are deeply interested in seeing the equal access concept implemented in the secondary schools of America in accordance with law.

After consideration over a two year period, The Equal Access Act became law on August 11, 1984, passing the Senate 88-11 and the House 337-77. The final version reflects the usual give and take of the legisla-

tive process. This brief explanation of the Act is designed to help school administrators, teachers and student groups who must live under the Act in real school situations to understand what this new legislation means. For your convenience The Equal Access Act (Title VIII of Public Law 98-377) follows: [—the act—]

The congressional intent in passing The Equal Access Act was to develop legislation that strikes a balance between the Establishment Clause and the Free Exercise and Free Speech Clauses of the First Amendment, so that secondary school students may organize meetings. While Congress recognized the constitutional prohibition against state-prescribed religious activities in public schools, it also believed that student religious speech should not be excised from the school environment. At the same time, Congress affirmed that it is local school boards and administrators who have the right and responsibility to implement equal access in conformity with the Act.

The title—The Equal Access Act—explains the essential thrust of the Act. There are three basic precepts.

The first basic precept is equal treatment. If a public secondary school permits student groups to meet for student-initiated activity not directly related to the school curriculum, it is required to treat all such student groups equally. This means the school cannot discriminate against any students conducting such meetings "on the basis of the religious, political, philosophical, or other content of the speech at such meetings." Sec. 802(a). This language was used to make it clear that religious speech was to receive equal treatment, not preferred treatment.

The second basic precept is protection of student-initiated and student-led meetings. With respect to religious activities in the public schools, the Supreme Court has held unconstitutional state-initiated and state-sponsored religious activities. (This Act leaves the "school prayer" decisions undisturbed.) The Court has not ruled on student-initiated and student-led religious activities that are not state-sponsored but merely given equal access with other noncurriculum related student activities.

The third basic precept is preservation of local control. The Act does not limit the authority of the school to maintain order and discipline or to protect the well-being of students and faculty. It only marginally limits other authority to make policy about student meetings.

While the Act does not specifically cover every situation, an understanding of the three basic precepts of the Act should be a sufficient guide in addressing most situations.

Here are some questions and answers which indicate how the Act is intended to work:

Question. What is meant by "limited open forum"? Sec. 802(a) and (b).

Answer. A limited open forum is created when a secondary school provides an opportunity during "noninstructional time" for students to organize meetings to discuss subject matter not directly related to the school curriculum and permits those meetings on school premises. The forum created is said to be "limited" because it is only the school's own students who can take advantage of the open forum. Outsiders are not granted any affirmative right of access by The Equal Access Act.

Question. Does a school have to provide a limited open forum for students?

Answer. No. The school or local policymaking body has the exclusive authority to determine whether it will create or maintain a limited open forum. If a school has a limited open forum, it may not discriminate against a student group because of the content of its speech. If a school does not have a limited open forum, the request of a single student group to organize a meeting or a club which is not directly related to the school curriculum requires the school to determine whether it wants to create such a forum.

Question. Do meetings of curriculum related student groups trigger implementation of The Equal Access Act?

Answer. No. Only allowing meetings of noncurriculum related student groups triggers implementation of the Act.

Question. What is meant by "noncurriculum related student groups"? Sec. 802(b).

Answer. A noncurriculum related student group is a group or club which is interested in a subject matter not directly related to the school curriculum. The math club, the Spanish club, the drama club, and athletic teams would normally be curriculum related. A religious club, political club or service club would be considered noncurriculum related.

Question. Who determines which student groups are curriculum related?

Answer. Local school authorities. However, a school cannot defeat the intent of The Equal Access Act by some all-encompassing definition that arbitrarily results in all but one or a few student clubs being defined as curriculum related.

Question. When can noncurriculum related student groups meet?

Answer. A limited open forum requiring equal access may be established during "noninstructional time." Sec. 802(b). The Act defines "noninstructional time" as time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. Sec. 803(4). It includes time before an individual student's school day begins or after it ends even though other students may be receiving classroom instruction at the time because of split sessions or staggered school schedules.

Question. Can noncurriculum related student groups meet during the school day?

Answer. The Act is silent on whether a limited open forum requiring equal access may be established for student clubs during the instructional day. The constitutionality of equal access for religious clubs during the school day is currently being litigated in the Federal courts.

Question. May a school establish regulations for meetings which take place in its limited open forum?

Answer. Yes. The Act does not take away a school's authority to establish time, place and manner regulations for its limited open forum. For example, it may establish a reasonable time period on any one school day, a combination of days, or all school days. It may assign the rooms in which student groups can meet. It can enforce order and discipline in the meetings. The key is that regulations must be uniform and nondiscriminatory.

Q. Can a school require a minimum number of students to form a noncurriculum related club?

A. No. Care must be exercised that the school not discriminate against numerically small student groups which wish to establish a club by setting a requirement of a minimum number of students to form a club. Sec. 802(d)(6). The key is to be flexible in dealing with small student groups and to accommodate student groups that want to meet. For example, one teacher could monitor several small student groups meeting in a large room.

Q. Should a school formulate a written policy for the operation of a limited open forum?

A. If a school decides to create a limited open forum or if such a forum already exists, it is strongly recommended that a uniform set of regulations be drawn up as soon as possible and be made available to administrators, teachers, students and parents. The importance of having such a document will become clearly evident if the school either denies a student group the opportunity to meet or is forced to withdraw that opportunity. When the rules are known in advance, general acceptance is easier to obtain.

Q. What does "student-initiated" mean? Sec. 802(c)(1).

A. "Student-initiated" is one of the key precepts of the Act. It means the students themselves are seeking permission to meet and will direct and control the meeting. It means that neither a teacher or other employee of the school nor the school itself is initiating the meeting. Further, nonschool persons may not direct, conduct or control student meetings. Sec. 802(2)(5). This does not mean that students are forbidden to seek advice from nonschool persons.

Q. May teachers be present during student meetings?

A. Yes, but there are limitations. For insurance purposes or by local policy or state law, teachers are commonly required to be present during student meetings. However, the Act permits teachers only a custodial role (acting in an emergency or to preserve order). In order to avoid any taint of state sponsorship of religion, teachers or employees are to be present at student religious meetings only in a "nonparticipatory capacity." Sec. 802(c)(3). The Act also prohibits teachers or other school officials from influencing the form or content of any prayer or other religious activity. Sec. 802(d)(1).

Q. May outsiders attend a student meeting?

A. Yes, if invited by the students, unless the school adopts a policy barring all "nonschool persons." However, the nonschool persons cannot, in fact, be running the student group. "Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups." Sec. 802(c)(5). A school may decide not to permit any outside resource people to attend any club meetings, or it may determine how many times during a school year an outside resource person may attend any club meetings, or it may limit the number of outside resource people who may attend a single meeting.

Q. Can a teacher or other school employee be required to be present at a student meeting if that person does not share the beliefs of the students?

A. No. Sec. 802(d)(4) provides that no school employee can be required to attend a meeting "if the content of the speech at the meeting is contrary to the beliefs" of that employee. However, if a school establishes a limited open forum, it is responsible for supplying a monitor for every student group meeting if a monitor is required.

Q. What is meant by "no sponsorship of the meeting by the school, the government, or its agents or employees"? Sec. 802(c)(2).

A. Neither the school, the government, or its agents or employees may promote, lead,

or participate in a noncurriculum related student meeting. Sec. 803(2). The assignment of a teacher or other employee to a meeting for custodial purposes (that is, in a nonparticipatory capacity) is not considered sponsorship. Sec. 803(2). Expenditure of public funds for the incidental cost of providing the space (including heat and light) for student-initiated meetings is not considered sponsorship. Sec. 802(d)(3).

Q. If a school pays a teacher for monitoring a student religious club, does that constitute "sponsorship"?

A. Congressional debate apparently took for granted that payment of a school-required monitor for any club was an "incidental cost of providing the space for student-initiated meetings." Sec. 803(d)(3). However, there are some who maintain that schools may not expend money to monitor religious clubs in view of the Establishment Clause.

Q. Does the use of school media to announce meetings of noncurriculum related student groups constitute "sponsorship" of those meetings?

A. The Act does not directly address this issue. If only information about all meetings is given, the use of school media—the public address system, the school paper, the official bulletin board—would not constitute sponsorship of meetings. However, schools should be cautioned that the Act forbids their promotion of these meetings, and the singling out of one or a few of them for special attention would be promoting them. Because a basic precept of the Act is student-initiation, each noncurriculum related student group is responsible for its own promotion.

Q. Do school authorities retain disciplinary control?

A. Yes. The Act emphasizes the "authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary." Sec. 802(f). Furthermore, the school must provide that "the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school." Sec. 802(c)(4). These two provisions do not authorize a school to prohibit certain student groups from meeting because of administrative inconvenience or speculative harm. For example, a group cannot be barred at a particular school because a similar student group at a different school has generated difficulties.

Q. What about groups which wish to advocate or discuss changes in existing law?

A. Students who wish to discuss controversial social and legal issues such as the rights of the unborn, drinking age, the draft and alternative lifestyles may not be barred on the basis of the content of their speech. However, the school must not sanction meetings in which unlawful conduct occurs. Sec. 802(d)(5).

Q. What if some students object to other students meeting?

A. The rights of a lawful, orderly student group to meet are not dependent upon the fact that other students may object to the ideas expressed. All students enjoy free speech constitutional guarantees. It is the school's responsibility to maintain discipline in order that all student groups be afforded an equal opportunity to meet peacefully without harassment. The school must not allow a "hecklers' veto."

Q. What about so-called "hate" groups?

A. Student groups which are unlawful, Sec. 802(d)(5), or which materially and substantially interfere with the orderly conduct of educational activities, Sec. 802(c)(4), can be excluded. However, a student group cannot be denied equal access because its ideas are unpopular. Freedom of speech includes ideas the majority may find repugnant. A "time, place and manner" regulation stating that all group meetings during the limited open forum must be open to all students without regard to race, religion or national origin could forestall the request for meeting space by some groups.

Q. What may a school do to make it clear that it is not promoting, endorsing or otherwise sponsoring noncurriculum related student groups?

A. A school may distribute a disclaimer which plainly states that in affording such student groups an opportunity to meet it is merely making its physical facilities available, nothing more.

Q. What happens if a school violates The Equal Access Act?

A. The law contemplates a judicial remedy. An aggrieved person could bring suit in a U.S. district court to compel the school to observe the law. No cutoff of federal funds is involved. Sec. 802(e). Moreover, indications are that the Department of Education has no plans to issue regulations with respect to this Act.

Q. What about situations not addressed in this exploration?

A. The groups below are available for advice:

American Association of School Administrators, 1801 N. Moore, Arlington, VA 22209, 703-528-0700, Bruce Hunter.

American Civil Liberties Union, 600 Pennsylvania Ave., S.E., Washington, D.C. 20003, 202-544-1681, Barry W. Lynn.

Christian Legal Society, P.O. BOx 1492, Springfield, VA 22151, 703-941-3102, Sam Ericsson.●

CAPTAIN MICHAEL SANDLOFER OF NORTH WIND UNDERSEA INSTITUTE RECEIVES ROLEX AWARD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. BIAGGI. Mr. Speaker, at this time I would like to extend my congratulations to Capt. Michael Sandlofer of the North Wind Undersea Institute in City Island, NY, for being named an honorable mention recipient of the prestigious Rolex Award for Enterprise, 1984. This award will be given to Captain Sandlofer at a ceremony in New York City on Wednesday, September 26, 1984.

Captain Sandlofer was accorded this honor because of his development of an ingenious rescue kit for saving stranded whales and other marine mammals. This rescue kit—which has been successfully tested and used on several occasions—represents a revolutionary development in the effort to protect and save endangered marine mammals.

Once again Michael and the North Wind Undersea Institute has made me proud—because the Institute is based in my home district and they have done so much to preserve the beauty and vitality of the ocean environment. This most recent honor, being the recipient of an award that is respected worldwide, is yet another example of the type of international recognition this small Institute and Bronx native Captain Sandlofer, have received. The accomplishments of the Institute through the efforts of Captain Sandlofer and a small group of dedicated men and women, have added significantly to the development of new techniques, equipment, and ideas relative to the safe treatment and handling of stranded marine mammals.

The Rolex Awards for Enterprise were first awarded in 1976, and this marks the third time that they will be awarded. These awards are given to individuals chosen from among literally thousands of applicants from around the world. Five main awards are given out, along with 20 honorable mention awards. The fact that Captain Sandlofer was chosen to receive an honorable mention award is reflective of the importance and significance of his work in the field of mammal safety. It is also a reflection of both his and the members of the Institute's Whale Rescue Team's hard work and dedication.

Director and curator of the North Wind Undersea Institute, Captain Sandlofer is a professional deep sea diver and an innovative designer of whale rescue gear. He is a graduate of the Divers Institute of Technology in Seattle, WA; he attended the Massachusetts Maritime Academy; and is a lifelong member of Explorers' Club. Michael was a former member of the U.S. Navy Counter-Insurgency Team during the Vietnam war. He was awarded the Purple Heart, the Vietnamese Cross of Gallantry and the Navy Commendation Ribbon. Captain Sandlofer has dedicated his life to the preservation of the ocean environment and has been a leader in the area of whale preservation. His being given a Rolex Award for his efforts in developing revolutionary gear to safely transport and handle stranded marine mammals is justly deserved. His untiring efforts in this area have led to the development of rescue gear that has recently been tested successfully in different situations. His methods and equipment are fast becoming internationally accepted as the best and safest way to handle and transport stranded marine mammals.

In April 1981, Captain Sandlofer participated in the dramatic rescue of a 25-foot, 12½ ton sperm whale, that was found stranded in the waters of Fire Island, NY. Michael used his sensitivity to and knowledge of whales to actually hand feed the whale, affectionately nicknamed "Physty." He spent considerable time actually in the

water feeding and petting the beleaguered mammal. Eventually "Physty" was guided safely out to the open sea.

That emotional and uplifting experience inspired Michael to pursue new and more efficient ways to treat and handle stranded marine mammals. In March of this year Captain Sandlofer led an expedition to Baja, Mexico to test new whale-saving gear in the lagoons off Baja. Every year the gray whale migrates from the Bering Strait to these treacherous lagoons to have their young. Swift tides often leave wayward youngsters stranded and stuck on the shorelines of Baja. With no way for their mothers to reach them, these stranded calves die of starvation, sunburn, or from predators.

The primary objective of the March mission was to test and perfect special equipment designed by Michael and members of the North Wind Undersea Institute, to help scientists work with the thousands of whales that become hopelessly stranded all over the world. The mission was a success as the gear proved to be both an efficient and valuable way to transport and handle stranded whales. This was the first concerted effort to directly aid beached whales. The revolutionary new gear, which includes a whale harness, enables rescuers to gently guide a stranded whale into deep water without drowning or severely harming the creature.

Last month, Captain Sandlofer and the North Wind Undersea Institute again made history when their special equipment was used to transport two young manatees from the Miami Seaquarium to the wild habitat of Florida's Homosassa River. This special equipment was developed by Michael and the Institute exclusively to rescue stranded and entrapped marine mammals. Dr. Jess White of the Miami Seaquarium was aware of Sandlofer's development of equipment to humanely handle and transport stranded marine mammals, and he requested Captain Sandlofer's help in transporting the manatees. Captain Sandlofer sent down the North Wind sea sled, designed in the Bronx, to help insure the success of the manatee release effort. The sea sled carried a combined 1-ton weight of man and manatees against a strong current up the river where the manatees were eased into the waters of their new home.

This successful effort proved that Captain Sandlofer's equipment works and works well. It is Captain Sandlofer's hope that this initial success will lead to the development and production of this whale rescue gear for use around the world in saving stranded marine mammals. Already internationally recognized for his innovative and revolutionary accomplishments in this area, Captain Sandlofer has received many urgent letters from countries like New Zealand, Canada, and Australia requesting his rescue equipment.

It is my hope that Captain Sandlofer will continue to receive more international recognition and that this recognition will lead to the widespread use of his equipment. Captain Sandlofer should be proud of his accomplishments—especially this most recent honor. As a recipient of the 1984 honorable mention Rolex Award for Enterprise, Captain Sandlofer stands among an elite group of individuals who have distinguished themselves for their innovation, hard work, dedication, and industriousness. I can't think of a more deserving recipient than Captain Michael Sandlofer. His efforts to provide assistance and aid to suffering whales and marine mammals and his success in developing gear to safely handle these creatures is a clear indication that man can approach the environment in a constructive, positive and beneficial way.●

TRIBUTE TO ERIK McMILLAN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. CLAY. Mr. Speaker, I would like to take this opportunity to share with my colleagues a recent newspaper story about a very special, promising young athlete, Erik McMillan. The son of one time most valuable football Cardinal, Ernie McMillan, Erik McMillan is a star freshman defensive end with the University of Missouri. Erik is also a former student intern in my office and it is with special pleasure that I offer him my warmest congratulations on his outstanding athlete achievement, and I wish him every continued success in all his future endeavors.

[From the St. Louis Post Dispatch]

ERIK McMILLAN HAD HEAD START

(By Mike Smith)

With apologies to Bubba Smith and Deacon Jones, some of Ernie McMillan's toughest workouts were against a 6-year-old at Heman Park in University City.

That's where the 275-pound All Pro tackle would sharpen his pass-blocking technique in his spare time away from the football Cardinals, with the rush being provided by the only athlete at his disposal 6-year-old son Erik.

"If you have to baby sit them, you might as well put them to work, too," Ernie said. "He had some jitterbug moves. I had to chase him all over the park."

McMillan laughs and allows that the sessions did more for strenthening the bond between father and son than they did for his blocking form.

But for Erik McMillan, those days in the park would start him toward a promising football career at the University of Missouri. After sitting out a redshirt season in 1983, the freshman defensive end was the leading tackler in the season opener at Illinois and returned an interception 42 yards against Wisconsin.

At 6 feet 3 inches and 190 pounds, Erik McMillan's physique bears no resemblance to that of his 6-foot-6 father.

"He's not a fat fellow like his dad," Ernie said. "He's a much better athlete than I ever thought about being."

But the diligence that was McMillan's hallmark in a 15-year pro career, one that began with his being drafted out of Illinois in the 13th round, is manifest in his son.

"I look like my mom, but I act like my dad," Erik said. "He would get pretty mean on the field. He was a different person out there."

Erik's recollections of his father's pro career are vivid because Ernie involved his son in his work. When Erik wasn't pass-rushing in the park or riding his bicycle alongside his jogging father, he was tagging along to workouts at Busch Stadium or socializing at other players' houses after Big Red games.

Ernie would even sneak his son into strategy sessions with Jim Hanifan, who then coached the offensive line. "It was good for Jim," Ernie said. "It made him watch his language."

Jamie Rivers, Tom Banks, Bob Reynolds and Dan Dierdorf were among Erik's boyhood chums.

"They took me in like I was their kid," Erik recalled. "I'd throw the football around with them and try on their shoulder pads. They used to tell me, 'You ought to be just like your dad. He's a good guy.' "

"Everybody was always asking me, 'What's it like to be a football player's son?' But I always looked at it like, 'That's just my dad's job.' When he said he was going to a game, it was like he was going to the office. His office was Busch Stadium."

While father and son concur that Erik was not pushed into football, this is not to suggest Ernie was an impassive observer. Erik recalls playing a junior league game at Heman Park when he was 10 or 11 with his father watching from the sidelines.

"I was the tailback and they called a play where my job was to kick out the end," Erik said. "I was kind of scared to hit and I just brushed the guy.

"My dad saw it and he just started talking real loud in front of my teammates: "You want to play this game? If you do, you've got to get in there and get after people. If you don't want to play, let's go home." I was embarrassed, but I was fired up, too.

"The coach called the same play and this time I put the end on his back. My dad got real loud again, like, 'Yeah, get fierce.' I think I learned my lesson that day."

When Erik's parents divorced in 1977, he moved with his mother from University City to the Washington suburb of Silver Springs, Md. He was a defensive end and kicker in high school who was good enough to attract feelers from Pittsburgh and Ohio State. But only Wichita State asked him to make an official recruiting visit.

That was before his cousin, former Missouri standout Howard Richards, hit town with the Dallas Cowboys for a game against the Washington Redskins in late 1982.

"He called me to see if I wanted tickets to the game and wanted to know how recruiting was going," McMillian said. "When I told him my only visit was to Wichita State he said, 'Naw, man, you don't want to go there. I'll get back to you.' "

Richards contacted a Missouri recruiter on the East Coast who arranged for McMil-

lan to receive an official visit to Mizzou on the last weekend before letters of intent would be signed.

"It was a natural for me—my cousin played there, I was from St. Louis, there was a good communications school," said McMillan, who aspires to a career as a television producer. "Missouri had everything I needed to be a better person the rest of my life."

"If Missouri didn't ask me, I guess I was going to Wichita. When (Mizzou) called back and said, 'You've been accepted,' I was real pumped up."

He's been pumping ever since—weights, that is, Missouri coaches saw striking similarities between McMillan and another defensive end with good bloodlines, Bobby Bell, son of the Hall of Fame linebacker.

Bell also arrived at Mizzou as a lightweight with exceptional all-around abilities, which influenced the decision that McMillan would remain an end despite his free safety's body. He has been timed at 4.45 seconds in the 40-yard dash, and Coach Warren Powers said McMillan is the best athlete on the Mizzou defense.

"They tell me all the time, 'We've got to get some meat on those bones,'" McMillan said. "We'll be at the dining hall and they'll say, 'Here, Erik, have another steak.'"

"I'm drinking these special milkshakes, washing cookies down with them, but it's not doing anything except making me go to the bathroom."

Self-doubts because of his weight vanished in his debut at Illinois, when he made seven unassisted tackles and was one of only two Tigers given positive grades for their performance.

"I showed I can fly to the ball and make some hits," McMillan said. "If I can't beat a person physically, I'll beat them with determination. I just won't let anybody knock me down. That's something I come by naturally."

His inspiration is 120 miles away, working as a talent scout for the football Cardinals. Ernie has been unable to attend a Missouri game because of work commitments, but Erik has leaned hard on him for advice after the Tigers lost their first two games.

"I get discouraged, but all I have to do is call my dad," Erik said. "He talked to me Sunday about what a great story it would be if we turned this thing around. He told me we had to work hard, that we had to bear down on fundamentals and technique, and that we couldn't hang our heads.

"If I can't talk to him, I keep his picture around. I still idolize him. That's my No. 1 man right there."●

TARENTUM HONORS FIVE FOR SERVICE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. GAYDOS. Mr. Speaker, it is always gratifying to learn of communities which take the time to single out for public recognition those individuals who give unstintingly of their time and talent in the service to others.

One such municipality is the Borough of Tarentum in the 20th Congressional District of Pennsylvania. On Friday, October 5, Tarentum officially will recognize the civil contributions and humanitarian work of five people. These individuals will be the honored guests at the borough's fifth annual "Community Awards Night."

Those to be cited are:

Dr. Hymel Fishkin, a native of Tarentum who began the practice of medicine in 1933. Dr. Fishkin is a veteran, his military career spanning 29 years from 1932–61, including 5 years of active duty during World War II. He has been on the staff of Allegheny Valley Hospital since 1933.

Dr. Joseph A. Borrison, also a Tarentum native, who worked for Tarentum Ice & Coal. Co. to earn money for his schooling. Dr. Borrison, active in many medical organizations, has been at Allegheny Valley Hospital since 1938 and currently is the senior surgeon there.

Elizabeth Meniz Schottenheimer, another borough native, who was graduated from the Pittsburgh College of Pharmacy at the University of Pittsburgh in 1929. A year later she opened her own pharmacy which is still operating.

Nick Petrishen, an area resident who established a business branch in Tarentum in 1955. An automobile dealer, Mr. Petrishen's establishment employs 35 people and he is active in community affairs.

The Rev. Harry C. Coleman, Jr., born in Beaver Falls, PA, has been pastor of the Central Presbyterian Church in Tarentum since December 15, 1961. He has been extremely active in youth work, teaching gym, bowling, and basketball at the First Presbyterian Church of Pittsburgh Boys' Club for 30 years; serving as a counselor at the church's boys camp for 21 years and as a staff member on the church's summer camp youth conference for 29 years.

Mr. Speaker, I ask my colleagues in the Congress of the United States to join me in recognizing the work of these outstanding citizens and in congratulating the Borough of Tarentum upon its practice of paying tribute to its own.●

MUCH NEEDS TO BE DONE BY FDA

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Ms. OAKAR. Mr. Speaker, on Monday, September 17, 1984, the Washington Post published an article about the conclusion of a 22-year study on the merit of prescription drugs. As a result of that study, more than 1,100 drugs were taken off the market for lack of proof of effectiveness. Among these were highly profitable drugs for treating obesity. Some 2,300 drugs were declared effective, but with any questionable claims removed from their original labels. About 7,000 drugs similar to those reviewed were changed or removed from the market as a result of this project.

But much remains to be done. There are many over-the-counter drugs that need immediate review. A study is needed for nonprescription products. As a result of a hearing I held last year, I sponsored H.R. 4675 to require that over-the-counter diet drugs containing phenylpropanolamine [PPA] be dispensed only upon prescription. Many experts and victims testified about the ineffectiveness and danger of these preparations. The witnesses, who were victims, had suffered strokes due to a spike in blood pressure caused by PPA [phenylpropanolamine]. The FDA is still reviewing this drug. The proposed review completion date was for some time in 1977, but at this point, will not be completed before the year 2000. For this reason, I felt compelled to introduce this legislation in order for this dangerous combination to be supervised by medical doctors. In addition, this o-t-c preparation is being used and abused by teenagers. The molecular structure is similar to amphetamines—"speed" in street talk. These pills, according to an article in the September 8 issue of the Washington Post, are the most abused drug taken by teenage girls.

Diet pills containing PPA is just one example on an o-t-c drug that is unsafe and/or ineffective. These drugs are easily accessible and are very often abused. Over-the-counter drugs often contain addictive substances and are used for that purpose rather than for curative purposes. I believe that a study to determine the efficacy and/or safety of over-the-counter drugs should be initiated by the Food and Drug Administration immediately.

The study should not take years but months. FDA should be protecting the consumer. Unless they properly study the most easily accessible drugs, they are not doing their job.●

ON THE BASE BROADENING TAX ACT OF 1984

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. STARK. Mr. Speaker, I am today introducing legislation that would raise over $150 billion through the next 5 fiscal years by making a temporary across-the-board reduction in all existing tax expenditures. This legislation is quite simply a reverse surtax. Rather than raise revenue by merely increasing taxes, the legislation seeks to raise revenue from those who make the greatest use of the tax

preferences in the Code. While many of the tax preferences in the Code serve useful economic purposes, in a time of high deficits it seems only fair that we look first at cutting back excessive use of existing tax preferences. While there is no doubt that some tax preferences, such as the deduction for charitable contributions, are much more socially useful than others, such as the provision for Foreign Sales Corporation tax reductions, the political realities are such that it is more likely that we can cut them all across-the-board rather than picking and choosing between all the various competing political concerns.

We have heard a great deal about tax reform and there are many proposals currently pending that would simplify the Code and reduce rates. Some of these are meritorius and deserve careful consideration. A major restructuring of the Code unfortunately is not something that can be done in a short period of time; it requires careful consideration, drafting, and analysis. This is a process that is likely to take several years. The deficit crisis looms ever larger and must be faced at the earliest possible date. My legislation allows a first step toward a more broad-based tax system, while meeting the urgent need to raise additional revenue, of course, in conjunction with spending reductions.

Simply stated, my bill proposes a temporary across-the-board reduction in tax expenditures. Individual itemized deductions would be reduced by 10 percent and all other tax preferences would be reduced by 20 percent. The legislation attempts to be as broad as possible. It reduces the investment tax credit by 20 percent, stretches out depreciation periods by 20 percent, and carries this reduction through to all of the other provisions that clutter the Code, such as incentive stock options, FSC benefits, deferral of tax on income of controlled foreign corporations, disallowance of certain shipping income, IDB's and mortgage subsidy bonds, luxury cars, dividend reinvestment, intangible drilling costs and mineral and exploration costs, R&D expenses and circulation expenses, special life insurance company deductions, possessions tax credits, income of citizens living abroad, to name just a few.

The legislation is intended to be tempoary and would be in effect for what I call the "revenue enhancement years" of 1985-89. The proposal would not impact at all on the 60 percent of the American people who file a short form, since the legislation would not reduce personal exemptions or the zero bracket amount. This legislation is clearly not a solution to the complexity of the Code but it does raise revenue in the most equitable and broad-based manner that I can think of. With a major step taken to reduce the budget deficits, we can devote our attention to streamlining and simplifying the Code, and reducing rates.

I hope that this proposed legislation will serve as another focal point in the discussion of tax reform and deficit reduction. It is intended to be a discussion draft and I gladly solicit comments and suggestions from other Members and the public at large.●

HATS OFF TO PRESIDENT REAGAN

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. BROOMFIELD. Mr. Speaker, let me take this opportunity to call the attention of my colleagues to the President's speech at the opening session of the U.N. General Assembly. President Reagan held out the olive branch to the Soviets. I trust that they will take it. I commend our President for his message of hope and his encouraging remarks concerning peace in the world.

The President pointed out that the objectives of American foreign policy—peace in the world and the importance of human freedom—are the same values embodied in the U.N. Charter. President Reagan went on to say that our great Nation has done much in the past to promote the cause of peace. America is still devoting much effort in this quest.

Through the efforts of the United States and our allies, major progress has been made in resolving regional conflicts and disputes around the world to include Angola, Mozambique, and Namibia. American diplomatic efforts made the Camp David accord possible. This was followed by the return of the Sinai to Egypt. The United States is also involved in trying to peacefully resolve the problems in Cambodia, Cyprus, and Afghanistan. Our President restated his deep commitment to the use of negotiations, rather than the use of force, to resolve international disputes.

The President rightly stated that now, more than before, the world believes in the value of human freedom. Economic freedom and economic growth are closely linked to political freedom in our rapidly shrinking planet. Man's creative spirit must be fully utilized in order to improve life here on the Earth.

In the area of United States-Soviet relations, the President pointed out that there is no alternative to continuing and expanding negotiations with the Soviets. In the past, the United States and the Soviet Union have signed numerous agreements and accords. Our country is presently engaged in talks with Soviet negotiators in Geneva, Vienna, and Stockholm, and has agreed to upgrade our Hot-Line link with Moscow. Our Government has also extended a 10-year economic agreement with the U.S.S.R., and expanded the Consular Convention with that country. In addition, he granted the Soviets fishing rights off our coast.

President Reagan is to be praised for proposing that our two nations begin a program of ministerial exchanges, as well as exchanging observers to visit nuclear test sites and other facilities. The President also announced his willingness to have a summit meeting as long as the meeting is well prepared in advance to the meeting.

I was impressed by the President's sincere desire to move forward in building a realistic, constructive, long-term relationship with the Soviet Union. Our President has again held out his hand in an effort to improve the climate of understanding. Although I regret to say that Soviet Foreign Minister Gromyko failed to applaud the President's most impressive and encouraging speech, I trust that our two countries will be able to work together in arms controls talks so that the human family can move away from the threat of nuclear war. Let us hope that our adversaries will positively respond to the overtures of our President.

Again, I congratulate the President for his vision and frankness at the United Nations today.●

AMERICANISM CONTEST

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. SHUMWAY. Mr. Speaker, today I am proud to recognize Miss Elizabeth Morely, a young woman in the 10th grade of Oakmont High School in Roseville, CA. Elizabeth was recently awarded the honor of first place for her grade level in the U.S. Fleet Reserve Association's annual Americanism Contest for her essay entitled "Why I'm Proud to be an American."

In her essay, Elizabeth displays not only an accomplished ability in writing but, moreover, a deep, personal insight into this Nation's constitutional foundation—an insight, Mr. Speaker, which would make America's Founding Fathers proud. I am submitting a copy of Elizabeth's award winning essay for inclusion in the RECORD and recommend its reading to all.

WHY I AM PROUD TO BE AN AMERICAN

I am proud to be an American because of what America represents: freedom, honor, achievement, unity, peace, education, strength in laws and character, and self-government—"by the people, of the people, and

for the people." America symbolizes the opportunity for people of all races, colors, nationalities, and religions to come together and to enjoy exactly the same rights and freedoms.

I am proud to live in a country that promotes free education of the masses. It is mainly through education that individuals learn about America's cultural and religious heritage. It is through education that people can learn to value and preserve their freedoms. Education is vital to promoting one's personal happiness, success, and political liberties.

I am proud that our American forefathers chose a system of government that permits private enterprise, allowing individuals to pursue any vocation or business endeavor of his own choosing without the fear of unnecessary or undue government interference (provided the business is legal!). An American may take pride in his own endeavors and enjoy the positive outcome he can create. I believe being able to reap the profits of one's own labors is a critical liberty not enjoyed everywhere in the world. The American system encourages creativity, growth and happiness in the nation more than any other system.

I am proud to be able to practice the freedom of religion—how, where, and when I choose to worship. I know that this freedom is especially precious because my own ancestors sacrificed personal comforts, wealth and even health to travel to a foreign land, America, in order to practice their religion freely. In the past wars were fought to secure such freedom, and even now conflicts are many where such freedom does not exist.

I am proud to be an American and to engage in the free pursuit of happiness. I am thankful for all the freedoms and civil liberties that Americans enjoy. I am proud to have a country based on a constitution that has served and endured more than two hundred years, even a constitution that is copied by other countries. I feel privileged to be an American and to live in such a choice country.●

McCOLLUM BLASTS LEADERSHIP FOR DROPPING BANKING BILL

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. McCOLLUM. Mr. Speaker, late last Thursday the chairman of the House Banking Committee, the gentleman from Rhode Island [Mr. ST GERMAIN] sent a letter to the chairman of the Senate Banking Committee, Senator GARN, advising him that neither the Senate nor the House banking bills dealing with the matter of closing the "nonbank" bank loophole would be taken up on the floor of the House during this Congress because of a lack of time.

The banking industry is in turmoil, and it is incredible that the House leadership suddenly finds that it does not have time to take up a critical banking bill on the floor. The bill which came out of the Banking Committee before the August recess is very simple and straightforward and would not take long for the amendment process under an open rule. If there were a fear that delaying tactics might be used by its opponents, a modified closed rule to allow just appropriate key amendments would certainly be in order and could assure the use of only a reasonable amount of time.

The decision not to allow floor consideration of the loophole closing banking bill is especially hard to understand with the light schedule the House has been keeping since the August recess. Since we are coming to the end of this session within the next 2 weeks and there are a number of important bills that should be considered, a person really has to wonder about the judgment of the leadership in looking at last week when we did not work past 6 p.m. any evening and had no session on Friday and only consideration of suspension measures with no votes today. Are we really fulfilling our duties?

The banking measure is no frivolous matter. Longstanding prohibitions against interstate banking are being circumvented by every major bank that can find its way through a loophole. The Office of the Comptroller of the Currency has more than 300 applications pending for new "nonbank" banks, many of them to be established in my State of Florida. The Comptroller has said that if Congress has not acted by the time it adjourns this October 4 or 5 he will start approving those 300-plus applications. It makes no sense at all to allow this development to occur and then attempt to address it after the fact. Congress should have acted long ago and should act promptly now to stop the mad dash of these large money center banks across State lines and into businesses they've been barred from over the years. It is to this end that a banking bill was passed out of the committee prior to the August recess and it is to this end that the Senate recently passed S. 2851. Of course there are some who would oppose the closing of this loophole, but they are in the distinct minority.

There are a few related issues that appear in either the House or Senate bills that should be addressed in any floor consideration, but they are straightforward and could easily be disposed of one way or the other. The House committee bill contains some minor divestiture provisions and the Senate bill goes slightly in the opposite direction by allowing banks to obtain the right to a limited underwriting of municipal securities. The Senate bill also contains a provision sanctioning the concept of regional interstate banking among the States within the region. Again, none of these issues require extended debate and the offering of amendments directed to them could easily be tailored within the time constraints in the remainder of this session.

Today the chief culprit in the banking industry turmoil is Congress. Long ago it was determined that the ultimate responsibility for the safety and the soundness of American banking institutions and the maintenance of a healthy competitive marketplace for the banking consumer rested with Congress. However, in recent years, Congress has failed to live up to its responsibilities and its leadership has failed to advance legislative initiatives to meet the challenges of aggressive banking innovations.

The gentleman from Rhode Island, Chairman ST GERMAIN is to be commended for drafting and pushing through committee H.R. 5916, but the failure to act in this Congress now that we have the issues defined and a Senate bill passed and a House bill out of committee is the height of irresponsibility. There is much more that needs to be done in the next Congress, but there is no reason to further delay the resolution of the matters represented in the pending legislation.

With all due respect I strongly urge Chairman ST GERMAIN and the House leadership to reconsider this matter and schedule the reasonable and minimal amount of time necessary for the House to consider the "nonbank" bank legislation before adjournment.●

THE SOCIAL SECURITY COLA RIPOFF

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. CONABLE. Mr. Speaker, Earlier today I reported on the COLA rip off being perpetrated by the National Committee to Preserve Social Security and Medicare. For the record I wish to submit not only the petition to Congress, but the "contribution reply form," which solicits a 5-percent kickback for the 1985 COLA. The petition, of course, was to have been detached from the kickback form. Again, I must express my dismay at this organization's flagrant exploitation of senior citizens. It plays on the politics of fear—when the reality of the situation is that from the day President Reagan proposed waiving the 3 percent trigger, the proposal has had broad bipartisan support—in no small measure because this is an election year.

I introduced H.R. 6019, a bill to waive the 3-percent trigger permanently, in part to remove this issue from future election-years politics—a COLA bill is too tempting a potential Christmas tree. Now it appears that H.R. 6019 is needed to remove the issue from unscrupulous special interest groups as well.

I want to report that it appears—based on Bureau of Labor Statistics for August, which were released last Friday—that the COLA issue is moot this year. That is, the consumer price index rise in August assures a COLA in January—barring an actual decline in prices in September. So, I wish to reassure Social Security beneficiaries and SSI recipients—that with or without legislation—they will receive the COLA in January.

However, precisely to prevent this unfortunate scenario from repeating itself, I intend to urge the Ways and Means Committee to report favorably H.R. 6019.

PETITION TO THE U.S. HOUSE OF REPRESENTATIVES TO BE TRANSMITTED BY THE SPEAKER

Whereas, the U.S. Senate has enacted legislation to restore to Social Security recipients their badly needed cost-of-living increases; and

Whereas, without this legislation the average couple on Social Security will have lost about $37.00 in monthly payments due to denial of scheduled cost-of-living payments in 1983 and 1984, and

Whereas, the most majority of Social Security recipients are on a very tight budget and are impacted more than average by inflation, and

Whereas, cost-of-living adjustments are fair, have been committed to recipients and are essential to maintaining the very modest standard of living of Social Security recipients:

Therefore be it Resolved, that I (we) call upon the United States House of Representatives to act promptly and favorably on legislation pending before you to restore the cost-of-living increases due to Social Security recipients next year.

CONTRIBUTION REPLY FORM

To: James Roosevelt, Chairman, 1300 19th St. N.W., Washington, DC, 20036.
From:

Yes, I (we) have sent Senate Post Cards to insist on passage of legislation to restore our Social Security cost-of-living increase.

Yes, I (we) are ready to help fund our National Committee to Preserve Social Security and Medicare's fight to get the cost-of-living increases for Social Security recipients restored. Please find enclosed:

$12.60 which represents 5% of just one year's additional payments to the average couple receiving Social Security.

$7.50 which is 5% of the average single Social Security recipients increased payments the first year.

$10. A nice even amount between $7.20 and $12.60.

No. I (we) can't help meet the financial crisis the National Committee to Preserve Social Security and Medicare faces as a result of this intensive fight to restore the Social Security cost-of-living increase, but (we) enclose our petition.

Please make your check payable to: NCPSSM (National Committee to Preserve Social Security and Medicare).●

MR. N.B. BARODY CELEBRATES 100TH BIRTHDAY

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. TALLON. Mr. Speaker, today I would like to extend my congratulations and best wishes to Mr. N.B. Baroody, Sr., of Florence, SC, who is celebrating his 100th birthday.

Mr. Baroody is a native of Lebanon who immigrated to this country at the turn of the century at the age of 16. Speaking no English, he first settled in Massachusetts. After a year in America he could speak English passably and had an idea of how he could be successful in business. He spent time in Massachusetts and Virginia, where he had relatives in the candy manufacturing business.

Then he chose Florence as the place to settle down and start his own business, because he says, "Florence is the best place in the world to live." He opened a small grocery story which later grew into food and beverage wholesale businesses.

Mr. Baroody has been at the forefront of practically every worthwhile civic endeavor in Florence and has received many honors and awards. He is a long-time member of the Masons and the First Presbyterian Church; has worked with the Boy Scouts, the Florence YMCA, the Salvation Army, the United Way, the Pee Dee Educational Foundation (which led to the establishment of Francis Marion College) and the Greater Florence Chamber of Commerce.

Mr. Baroody can enlighten us with his stories of the past in Florence—getting stuck in his Model T Ford when the dirt streets turned to mud; deliveries in his pickup truck, the first bought in Florence; the panic when the Depression hit; and how prohibition affected his beverage business.

His wisdom is also noted in his philosophy. To Mr. Baroody, all Americans are immigrants. He says that everybody except the Indians "came from across the water." He is particularly proud of his American citizenship because he is "an American by choice, not by birth."

Mr. Baroody's contributions to Florence and the surrounding communities cannot be measured. Florence and its citizens have benefited greatly from his guidance, leadership, and humanitarianism.

I join with hundreds of my constituents and friends today in wishing Mr. Baroody a healthy, happy, and joyous 100th birthday.●

SAFE AUTOMOBILES ARE PREVENTIVE "MEDICINE"

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. WALGREN. Mr. Speaker, the article that follows describes in very real terms not only how cost effective safe cars would be, but how humane.

I commend it to my colleagues:

AIR BAGS ARE A PROVEN "VACCINE"

(My Turn/Jeffrey Cressy)

The spinal cord is only about as big around as your little finger. Because it carries impulses between the brain and the rest of the body, bringing messages of movement and sensation, it's one of the most important structures in the body. If these impulses are interrupted, paralysis results.

I am no casual observer of spinal-cord injury. Eight years ago, my neck was broken and my spinal cord was damaged at the C-6 cervical level, leaving me with only limited use of my arms and hands. I have been a quadriplegic living in a wheelchair ever since. Were my neck broken about an inch higher, I would have been on a respirator for the rest of my life.

I was 18 years old and I had just finished my first year of college when a split-second, 25-mile-per-hour crash permanently changed my life. I remember sitting there waiting for the rescue crew, unable to remove my hands from the steering wheel. I hadn't had the luxury of an air bag, nor the common sense to buckle up. I wish I had had both.

In the past eight years not a day has passed that I haven't thought of my life before wheels. My "new wheels" constantly remind me of how inadequate the safety devices in our larger vehicles are.

Last year, more than 42,000 people died in auto accidents; 5,000 who survived were left with serious spinal-cord injuries. A spinal-cord injury—a permanent disabling condition—takes only a fraction of a second to happen. But in that same split second, an air bag would inflate. Since the first patent was applied for more than 30 years ago, the air bag has become a proven, relatively cheap device which work automatically.

Lifesaving: Auto crashes are the leading killer and crippler of people like me, those who are under 35 years in age. The air bag is a proven "vaccine" for this most deadly and disabling "disease." But tragically, it has been withheld from the American public. After limited experiments, the automakers—with one exception—decided not to allow you and me to have this lifesaving device in our cars. And even last week, the federal government seemed reluctant to force the industry to provide it.

I recently testified before a Department of Transportation hearing in Los Angeles on auto safety, and while waiting my turn, I heard incredible things. People standing on two legs criticized the air bag because it only works in frontal crashes. More than half of the fatal car crashes are frontal crashes. Others maintained that the air bag is just another example of government regulation. Yet the issue here is not one of airline fares or gasoline prices but unnecessary injuries and deaths. I had the freedom not to wear my seat belt so now I'm confined to

a wheelchair. What about my freedom to choose to use an air bag?

During the Los Angeles hearing, I also heard American auto manufacturers complain that the cost of installing an air bag is too high—that the extra cost would discourage potential buyers of new cars at a time of growing sales and renewed prosperity in their industry. A poll conducted for the Insurance Institute for Highway Safety has found that 9 out of 10 car buyers favor passive restraints as standard or optional equipment in new cars. And in a recent Gallup poll, Americans were increasingly concerned about auto safety. By a margin of 2 to 1, 60 percent to 31 percent, those surveyed said they favored a law that would require air bags in all new cars.

A few hundred dollars extra to install an air bag hardly compares to the catastrophic cost of caring for a person with a severe spinal-cord injury. Lifetime costs for one victim average $350,000. And there are about 10,000 new victims in the United States every year, 40 percent of them injured in auto accidents. That's $1.4 billion in health-care costs incurred each year because of car crashes, a tab for spinal-cord patients that is paid for in part by taxpayers through the Medicaid system. The hidden costs to society include higher health-, auto- and life-insurance premiums and an increased tax burden. The price tag on the psychological effects of a disabling injury are impossible to calculate. Air bags are a cost-effective measure for everyone.

At Rancho Los Amigos Hospital where I work, we get about 170 new spinal-cord-injury patients every year. Half of them are under the age of 25, and 70 percent are on Medi-Cal, California's Medicaid system. The hospital is full of patients who were injured in car crashes: most were not wearing seat belts at the time of their accidents. And as you might expect, many are now air-bag supporters. Unfortunately, some cannot speak.

Paralyzed: My crash was a very simple one. I was driving around a sharp turn on a country road when my back wheels went off the pavement. I ended up careening front-end first into a small ditch. A simple accident paralyzed me.

Last November a man in Texas was driving 50 miles per hour when his car left the road and flew 40 feet through the air, landing in a deep ravine. Bob LaRoche walked away from that accident—similar to mine yet a more powerful crash—because he was driving an air-bag-equipped Mercedes. His wife suffered a broken back and severe bruises and lacerations; the passenger side of the car was not air-bag equipped.

How many Americans can afford a $45,000 Mercedes-Benz? Should auto safety be reserved only for the wealthy? Seat belts work, I know, and I wish I had been wearing mine that summer night eight years ago. But now when I think of auto safety, I also think of a fire extinguisher. Hanging on the wall, it is useless in putting out a fire unless someone has the presence of mind to point it toward the flame. But a sprinkler system, mandatory in many places, is automatic.

That's the beauty of the air bag. It is truly the proverbial ounce of prevention that is worth a pound of cure. "Procrastination," someone once said, "is the thief of time." In the continuing case of air bags, procrastination is the thief of young lives. As a victim and as a provider of health care, I know that air bags would significantly reduce the incidence of spinal-cord injuries—and the waste of human lives.●

PLANT CLOSINGS PRODUCE MISERY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. GAYDOS. Mr. Speaker, there is growing misery for millions of Americans who were the casualties of the recent economic recession and are the orphans of the recovery.

I am speaking of the workers who lost their jobs, permanently, because of plant closings—7 million of them between 1980–82, according to a Brookings Institution study. The result is a massive disruption of a life, a family, a community. In some cases, the result is total destruction, culminating in tragedy.

These are facts which underscore the necessity of Federal intervention in providing some sort of assistance to the displaced worker, his family and his community, in cases where that community may be a one-industry municipality.

The situation is particularly critical in areas such as western Pennsylvania where the shutdown of 55 steelmaking facilities translated into the permanent loss of 7,600 jobs alone in district 15 of the United Steelworkers of America. These statistics were outlined in testimony recently presented a blue-ribbon State House Committee by Mr. Andrew Palm, director of district 15.

I would like to extract some of Mr. Palm's remarks for inclusion in the RECORD for I believe they dramatically emphasize the need for governmental legislation to help affected workers, businesses, and communities; to strive for preserving a threatened industry and the jobs it represents.

This assistance, in terms of loans, loan guarantees, interest subsidies, improved job placement and job retraining programs, could be rendered under provisions of H.R. 807, which I introduced early in this 98th Congress and which I intend to reintroduce in the 99th Congress next year.

Mr. Palm makes a valid point when he states that while stockholders invest money in a company, workers of a community invest their lives. A plant closing, therefore, becomes catastrophic. Homes and life savings are lost; children's education is foregone; families are broken; suicide and disease rates climb; small businesses go bankrupt and once-active communities are ruined.

"To understand the injury currently being inflicted upon our members," Mr. Palm testified, "you only need to look behind the unemployment statistics * * *." He cites a study done last year among 440 laid-off workers at a steel plant in Duquesne, PA.

Only 9 percent of the workers had secured part-time work. Unemployment compensation had run out for 44 percent. Company paid health insurance had ended for 65 percent of the families. Approximately 80 percent of the workers had experienced psychologically related distress.

The displaced worker, Mr. Palm goes on, finds himself "limited to whatever public assistance might be available, including minimal unemployment compensation, a degrading welfare system and job training and relocation programs now severely cut by the Reagan administration."

"* * * Corporate responsibility includes something more than responsibility to a company's profit structure," Mr. Palm declares. "We firmly believe that corporations have a minimum responsibility to their workers, the community and to the public as a whole, particularly when a shutdown decision involves something other than complete financial bankruptcy."

"* * * Where profits come before people and their communities, the Steelworkers Union is in support of State legislation that provides workers some measure of economic protection and justice when victimized by a plant closing."

Mr. Speaker, Mr. Palm pointed out in his testimony before the Pennsylvania House Committee that only three States have plant closing laws. He strongly believes Pennsylvania should develop a workable legislative proposal to combat the growing trend of indiscriminate plant shutdowns. I wholeheartedly concur in that concept but I believe it should be drafted at the Federal level, along the lines of my bill, H.R. 807.●

AUTOMATION IN THE WORKPLACE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. CONTE. Mr. Speaker, I am introducing legislation today to respond to concerns expressed by a great number of people in our Nation concerning automation in the workplace.

Automated production is becoming increasingly common in this country, and is already widespread in other nations, including Japan and West Germany. Recent technological advances in the area of robotics have made automated equipment more sophisticated, cheaper, and more widely available. Automation is viewed by business as an excellent way to increase productivity while minimizing costs. Robots do not require salaries, or health and retirement benefits. Humans have been liberated from many hazardous jobs, thus avoiding injury and lower-

ing insurance premiums. Robots are not subject to boredom, fatigue, carelessness or absenteeism.

However, the use of automation in the workplace raises numerous and important questions concerning the workers who are displaced. Does automation create new jobs to replace those it has eliminated? Are the displaced workers capable of filling these new jobs? What is the overall effect of increased use of automation on national unemployment? These questions reflect important concerns which, given the attractiveness of automated equipment, need to be addressed

My legislation requires that comprehensive studies be done of the effects of increased automation in the workplace.

The bill requires the Secretary of Labor to determine the effects of increased automation on the extent of unemployment in the United States during the 3 fiscal years prior to the enactment of the bill. It requires the Secretary of the Treasury to study the impact of increased automation on revenues for self-employment tax purposes during this time. It also requires the Secretary of Health and Human Services to study the effects of increased automation on the amount of benefits paid under the Social Security Act during the years covered by the study.

The bill requires the Comptroller General of the United States to conduct an independent study of these matters and gives the Comptroller General's office free access to the information collected by the other studies upon request.

Finally, this bill requires reports of all four studies be submitted to the Ways and Means and Appropriations Committees of the House, and the Finance and Appropriations Committees of the Senate not later than 180 days after the enactment date of the bill.

Mr. Speaker, I believe that legislation is necessary to study these issues as the United States moves into an age of high technology. I urge my colleagues to support this legislation.●

TRIBUTE TO MART NIKLUS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. GINGRICH. Mr. Speaker, I'd like to take this opportunity to recognize the efforts of Mart Niklus, a leading human rights activist and a fighter for the rights of the Estonian nation. Niklus is a political prisoner in Estonia.

Mart Niklus has made enormous efforts to promote close cooperation of Estonian, Latvian, Lithuanian human and national rights for the Baltic nations. And he's been severely penalized for these altruistic efforts.

When he was 24 years old, Niklus was imprisoned for sending 15 photographs of the conditions in Soviet-controlled Estonia to the West. He was sentenced to 10 years hard labor and 3 years of internal exile. Niklus spent the next 8 years in Soviet prisons and labor camps, finally being released in July 1966.

Despite continuous harassment by the KGB, Niklus has continued to work for Estonian human rights. Niklus signed the Baltic Appeal of August 23, 1979, which called for the Soviet Union and both Germanies to announce the 1939 Molotov-Ribbentrop Pact criminal and void and to renounce it entirely. This pact inaugurated World War II and the occupation of the Baltic States. Niklus has also led several hunger strikes in opposition to the severe repression Estonia is now experiencing.

Niklus is now serving a 10-year special regime sentence and a 5-year internal exile which he received in January 1981 for "anti-Soviet propaganda." He's very ill and his health is continuing to decline.

Mart Niklus is an accomplished scholar and has translated scientific works in six different languages. While he's suffering in deplorable prison conditions, the people of Estonia and also the world are at a tremendous loss. I hope that our efforts in Congress to promote his cause will help make Americans more aware of Mart Niklus' plight and perhaps we'll be able to alleviate some of the pain he experiences.●

TRIBUTE TO A.C. TAYLOR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. DELLUMS. Mr. Speaker, a compassionate and caring human being from the Eighth Congressional District has passed from this Earth. I want to share with the Nation the life and accomplishments of Mr. Albert Charles "A.C." Taylor, an outstanding attorney and community leader.

"A.C." was born in Beaumont, TX, on July 12, 1942, to Murphy Taylor, Sr. and Marjorie Taylor. He moved with his family to Oakland, CA, at the age of 3 months. "A.C." attended Clawson Elementary School, Hoover Junior High School, and graduated from McClymonds High School in 1960. He was a proud member of "Mac's" renowned varsity basketball team and later played basketball for the then Oakland City College.

From City College he entered San Francisco State College where he received his baccalaureate. After college, "A.C." worked for a period of time at the Alameda County Health Department and later at the University of California. At the age of 12, "A.C." conferred his life to God and was baptized at the True Gospel Missionary Baptist Church in Oakland. On August 31, 1968, he pledged his love to Diane Willis and they were united in a marriage that lasted 16 years. Out of this union they were blessed with two sons, Jason and Julian.

In 1971, "A.C." returned to school at the University of California's prestigous Boalt Hall School of Law where he received his juris doctor in 1974. After being admitted to the California Bar Association, he gained experience as an attorney with the State of California in Sacramento; as a corporate attorney with Western Pacific Railroad; and as a private practice attorney in association with Attorneys William Dixon, Kenneth Smith, and Thomas Broome.

In 1978, "A.C.," along with his law school classmates Johnnie Harrison and Leo Bazile, formed the law firm of Harrison, Taylor, and Bazile. He served as the firm's managing partner and guiding light from its inception until his untimely death.

"A.C." was involved in numerous community organizations and activities, but the humility of his character was manifested in his insistence upon remaining behind the scenes in many successful efforts. In his endless hours of service to the Boys Club of the bay area and in other civic affairs, "A.C." inspired many young people, assisting them in attaining their life and career goals. Young professionals and aspiring attorneys gained from his guidance and his willingness to share his knowledge and expertise. "A.C." will be greatly missed by our community because he was loved by all those whose lives he touched. The loss of our fellow worker, our friend, a pillar of our community cannot be measured. His memory will live on in our hearts for eternity.●

SOCIAL SECURITY COLA INCREASE WILL BE BOTH AUTOMATIC AND INADEQUATE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. ROYBAL. Mr. Speaker, there has been much talk recently about passing legislation to guarantee a Social Security cost-of-living increase [COLA] in January. As you know, the President has proposed to allow beneficiaries an increase if the adjustment would be less than 3 percent. However, due to a resurgence of inflation in August, a cost-of-living adjustment of about 3.3 percent will be automatic

even without legislation. Simply stated, the President's plan guarantees beneficiaries less than will be paid under current law.

Our Nation's retirees bore the brunt of the costs of the Social Security Amendments of 1983 which were designed to solve the Social Security system's financing problems. The most obvious reduction was the permanent provision to delay adjustments for 6 months and make COLA's payable in January rather than July. Last year the Office of Management and Budget estimated that this 6-month delay will cost the average retired couple $1,698 in benefits by the end of the decade.

The 1983 amendments also changed the COLA measuring period from the first quarter to the third quarter of each year. This means there will be no adjustment for the 2.4-percent increase in prices which occurred between the first and third quarters of 1983. When this factor is taken into account, the actual inflation adjustment older Americans are due is really 5.7 percent rather than the 3.3-percent increase they will receive.

Since beneficiaries are assured an automatic 3.3-percent adjustment this year, the least we should do is permanently eliminate the 3-percent trigger for future COLA's. Therefore, I support H.R. 6019, the bill to amend title II of the Social Security Act to eliminate the 3-percent trigger. I commend the gentleman from New York, Mr. CONABLE, for introducing legislation to ensure that older Americans receive every future adjustment to which they are entitled. It is characteristic of his farsightedness which we shall all miss. I hope we will have an opportunity to vote on it while he is still a Member of this body.

However, I do not believe the elimination of the 3-percent trigger is enough. In all, current and future retirees paid for more than two-thirds of the costs of saving the Social Security system under the 1983 amendments. The reduction and annual delay in the COLA, the taxation of benefits, and the increase in the retirement age have put Social Security on a financially sound footing by taking money out of the pocket of beneficiaries. The Social Security and medicare programs will actually save 3 cents out of every dollar taken in next year while the rest of government spends $1.40 for every dollar received. There can be no doubt that the Social Security trust funds are healthy and that retirees have paid more than their fair share to bail out the Social Security system.

In recognition both of the relative financial strength of the system and the tremendous price beneficiaries are paying for its solvency, what we really should do is pass legislation to give older Americans the full 5.7-percent adjustment which they are due.●

PERSONAL EXPLANATION

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. SYNAR. Mr. Speaker, as I was not able to make it to the floor of the House in time to record my vote on the Seiberling amendment to the Emergency Wetlands Resources Act, H.R. 3082, I would like to take this opportunity to record how I would have voted. Had I been present, I would have voted "aye" on the Seiberling amendment, rollcall No. 407.●

THE PLIGHT OF SOVIET JEWRY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. MINETA. Mr. Speaker, last year, only 1,314 Soviet Jews were allowed to emigrate. For vast numbers of Soviet Jews, the outlook is bleak. They can only look forward to continued harassment, oppression, and separation from their loved ones. The Congressional call to conscience vigil for Soviet Jews is an opportunity for us to call attention to this tragedy.

Today, I call attention to the plight of Alexander Kushnir. Last week, his mother and brother came to visit me, and told me of Alexander's situation. They had been able to emigrate to Israel in 1973; they are still waiting for Alexander. Mrs. Kushnir has not seen her son in 11 years. The continued separation of Alexander from his family is an egregious violation of their human rights.

Alexander served in the Soviet Navy from 1969 to 1970. Since there is a customary waiting period of 5 years after demobilization before one is allowed to leave the Soviet Union, Alexander was unable to emigrate with his mother when she left in 1973. Her departure was precipitated by the untimely death of her husband, who had been a construction engineer. Alexander's grandparents were able to join his mother in Israel, so now Alexander is without his family.

Alexander has repeatedly applied for a visa to join his family in Israel. He has been refused on the grounds that during his military service he was privy to important military information. Presumably, this is the reason for the 5-year wait after demobilization. But Alexander has been out of the Navy for 14 years. By this time, any information he gained is commonplace and obsolete. Alexander is not a security risk.

In 1980, after several attempts to obtain a visa, Alexander received call-up papers for reserve duty in the military. Understandably, he has been reluctant to answer the papers, because it would only delay his emigration for several more years.

Alexander worked as a porter by day while he earned his engineering degree at night. Unfortunately, he has never been allowed to work as an engineer. He has had to work as a building technician, in order to support himself.

Since moving to Odessa in 1980, Alexander has attempted to preserve his cultural heritage, and practice his religion. He was told in December 1982, however, not to associate with other activists among Jewish refuseniks.

Alexander is alone in the Soviet Union, without his family. Although he has an engineering degree, he is not permitted to make his full contribution to Soviet society. When he seeks out other Jewish friends, he is told not to associate with them. And as a final insult, he is asked to do further reserve military duty, which would only perpetuate the meager grounds on which he is denied his visa.

Alexander has a right to better treatment than this. He is being deprived of his basic right to be with his family. Sadly, his case is not unique. I have written to Secretary General Chernenko and other high Soviet officials on behalf of Alexander Kushnir. I encourage all my colleagues to do the same for other refuseniks. By calling attention to the plight of Soviet Jews, we can stimulate Soviet compliance with international law. In this regard, the call to conscience vigil serves a vital function.●

CREATING A PARK IN NILES CANYON

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. STARK. Mr. Speaker, last week I introduced legislation that would validate the transfer of land from the Southern Pacific Railroad to the East Bay Regional Park District headquartered in Oakland, CA.

The railroad right of way runs approximately 11 miles through the beautiful Niles Canyon along Alameda Creek. The route connects Fremont with Pleasanton, CA. Preserving the right of way as a park will provide, at a minimum, an ideal hiking trail. Additionally, the right of way could be used for horseback riding or for an historic train route.

The Federal Government's involvement is needed because the railroad received the land from the Federal Government under the land grant acts to persuade railroads to go to the west coast. The transfer needs Federal approval.

I would urge my colleagues to support the land transfer which will provide an excellent addition to the East Bay Regional Park District system.●

CALL TO CONSCIENCE 1984

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. CONTE. Mr. Speaker, I would like to take this short time today to call to your attention a heartening development in the case of Alexander Paritsky. A Soviet physicist, Paritsky was condemned to 3 years in a Soviet labor camp for allegedly not filling his work order, and "defaming the Soviet state" by attempting to obtain a visa to live with his family in Israel. Alexander Paritsky has been released from the labor camp after 3 years of physical, mental, and emotional anguish. Paritsky's release is encouraging, but his struggle, and that of all the Soviet Jews, is far from over.

In violation of the Helsinki Final Act, the Universal Declaration of Human Rights, and their own constitution, the Soviet government continues to restrict arbitrarily the emigration rights of Soviet Jews. In fact, their plight is worsening. In 1979 the Soviets allowed 51,370 Jews to emigrate; in 1984 only 1,314 were allowed. Paritsky's ultimate emigration, and that of thousands of others, remains a matter of great doubt.

The 1984 Congressional Call to Conscience Vigil is a manifestation of our continued support for the rights and freedom of Soviet Jews. The Soviet Government must know that we, who share the oppression of these people, will not rest until their fundamental human rights are recognized. Though Soviet authorities have tried to isolate these people, Soviet Jews have friends everywhere who do not recognize these artificially created barriers. Their fight is our fight until it is won.●

THE 1984 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. BOEHLERT. Mr. Speaker, one of the fundamental goals of American foreign policy must be the elimination of human rights violations throughout the world. One violation that is particularly saddening is the treatment of Jews in the Soviet Union. These Soviet citizens, as you know, are faced with discrimination, hostility, and in all too many cases, abused solely because of their religious and ethnic heritage. More than 400,000 of them have been denied exit visas needed to escape this grinding oppression.

The plight of Isaak Shkolnik, a Soviet Jewish refusenik, brings home to us the stark realities faced by Jews in the Soviet Union. Isaak has been repeatedly denied the visa he needs to join his wife and daughter in Israel, where they were allowed to immigrate almost 11 years ago. In 1973 he was put on trial on a trumped-up charge and was sentenced to 7 years hard labor. Since his release he has been constantly harassed and pressured to remain silent and "toe the line."

On Isaak's behalf, I have written to Soviet officials, including Chairman Chernenko and Ambassador Dobrynin, urging that Isaak be allowed to emigrate, that he be allowed to enjoy the basic human right of freedom. I have also written to President Reagan and Secretary of State Shultz to enlist their support. Finally, I have brought Isaak's plight to the attention of the House in a speech last March. I hope that in the coming weeks these efforts and the efforts of others will have a positive impact on Isaak's situation.

We have seen in this century the ghastly consequences that can result when the world sits back and does nothing in the face of religious and ethnic persecution. We who live in this land of freedom have a responsibility to act. We must be advocates for all those whose voices have been stilled, for those who now can only yearn for freedom with their tears. We must remember the Isaak Shkolniks of this world and the warning of the great philosopher Edmund Burke, who said "All that is necessary for the triumph of evil is for good men to do nothing."●

TRIBUTE TO MART NIKLUS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mrs. KENNELLY. Mr. Speaker, this September marks 40 years of Soviet control of Estonia, and September 22 marks the 50th birthday of Mart Niklus. This outstanding Estonian freedom fighter and outspoken defender of human rights, will spend his birthday in solitary confinement at the infamous Christopol Prison.

Niklus has been repeatedly sentenced to years of imprisonment in various Soviet labor camps and prisons for "anti-Soviet agitation and propaganda." His health is deteriorating rapidly as a result of hunger strikes and medical problems.

Over the years this brave man has been instrumental in coordinating the efforts of human rights activists in Estonia, Latvia, and Lithuania. His work in this area brought him into close contact with Andrei Sakharov with whom he formed a close friendship. Like Sakharov, Niklus has been adopted by Amnesty International.

Niklus is just one of many Estonian dissidents who actively protest the daily violation of human and national rights in their country. Despite his weakened condition, Niklus has begun yet another hunger fast which many fear will be his last. For his consistent struggle he has earned the deep respect and admiration of his fellow countrymen, who regard Niklus as a national symbol of resistance to the Soviet occupation of their homeland.

Mart Niklus will be especially remembered on this 50th birthday. I hope that his freedom will be speedily restored to him.●

THE BEIRUT TERRORIST BOMBING

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1984

● Mr. SAWYER. Mr. Speaker, once again, the courageous men representing the United States in Beirut became the victims of violent terrorist fanatics. On Thursday, September 18, 1984, our Embassy, located in West Beirut, became the target of a suicide bombing mission. Two Americans were killed and 20 were wounded. One of those who lost his life was a brave man from Grand Rapids, MI.

Army CWO Kenneth V. Welch began his service in the U.S. Army as an enlisted man in 1972. Over the course of the next decade, his tours included the dangerous and volatile countries of Vietnam, Ireland, and Iran. In 1981 he became part of the Army Defense Attaché as a warrant officer. It was in the capacity of chief warrant officer in charge of operations that he was sent to Beirut in May 1984.

Too much cannot be said about the bravery and gallantry of the men and women who daily risk their lives to maintain the freedoms and principles of the United States and its allies. The unselfish manner in which they serve our great country should be an example for us all. It is with great pride that Grand Rapids and the American people will remember Mr. Welch.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint com-

mittees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 25, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2190, to provide protection for agricultural purchasers of farm products.
SR-328A

Banking, Housing, and Urban Affairs
To hold hearings on S. 2193, to establish new entry standards for foreign banks in the United States, and the Department of the Treasury report to Congress on foreign government treatment of U.S. commercial banking organizations.
SD-538

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 337, to make permanent the deduction for charitable contributions by nonitemizers, and S. 2017, to revise certain IRS regulations relating to deductions for the payment of certain expenses by ministers and members of the uniformed services who receive subsistence and housing allowances.
SD-215

Foreign Relations
To hold hearings on the nominations of Joe O'Neal Rogers, of Virginia, to be U.S. Director of the Asian Development Bank, with the rank of Ambassador, and Charles H. Dallara, of Virginia, to be U.S. Executive Director of the International Monetary Fund.
SD-419

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To resume hearings on the administration of the DC Department of Corrections.
SD-138

Environment and Public Works
Business meeting, on pending calendar business.
SD-406

Foreign Relations
International Economic Policy Subcommittee
To hold hearings on textile and apparel imports.
SD-419

Governmental Affairs
To resume hearings to review the relationship between Congress and the Executive in the formulation and implementation of foreign policy.
SD-342

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings to explore management techniques used in the private sector that may be usefully applied to government.
SD-124

Judiciary
To hold hearings on pending nominations.
SD-226

Select on Intelligence
Budget Subcommittee
Closed briefing on intelligence matters.
S-407, Capitol

11:30 a.m.
Judiciary
Administrative Practice and Procedure Subcommittee
Business meeting, to consider a request for subpoena authority for retrieval of certain documents.
SD-226

2:00 p.m.
Finance
To hear and consider the nomination of Lawrence A. Wright, of Vermont, to be a judge of the U.S. Tax Court.
SD-215

Foreign Relations
African Affairs Subcommittee
To hold hearings on U.S. policy in South Africa.
SD-419

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

Temporary Select Committee to Study the Committee System
To meet to consider recommendations to reform the Senate committee system.
SR-301

2:30 p.m.
Rules and Administration
Business meeting, to consider pending legislation and administrative business.
S-224, Capitol

* Conferees
On H.R. 5899, appropriating funds for fiscal year 1985 for the government of the District of Columbia.
H-301, Capitol

3:30 p.m.
Conferees
On S. 1146, to combat the use of aircraft in illegal drug trafficking.
H-310, Capitol

SEPTEMBER 27

9:30 a.m.
Joint Economic
Monetary and Fiscal Policy Subcommittee
To resume hearings to examine certain policies to reduce the cost of the Federal Government.
SD-628

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on the release into the environment of genetically engineered organisms.
SD-406

Labor and Human Resources
Aging Subcommittee
To hold hearings on longevity and the lifestyle of older individuals.
SD-430

2:00 p.m.
Joint Economic
To hold hearings on perspectives on the future of American agriculture.
SD-628

3:00 p.m.
Temporary Select Committee To Study the Committee System
To meet to consider recommendations to reform the Senate committee system.
SR-301

SEPTEMBER 28

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2932, authorizing funds for fiscal years 1985 and 1986 for programs of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.
SR-253

Finance
Health Subcommittee
To resume hearings to examine how to ensure quality health care for low-income persons.
SD-215

Joint Economic
Monetary and Fiscal Policy Subcommittee
To continue hearings to examine certain policies to reduce the cost of the Federal Government.
SD-628

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

OCTOBER 1

9:30 a.m.
Special on Aging
To hold oversight hearings on alleged discrimination against the poor and disabled in nursing homes.
SD-628

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to investigate certain activities of the video gambling industry, focusing on the alleged involvement of organized crime and the potential for public corruption.
SD-342

2:00 p.m.
Finance
Health Subcommittee
To hold hearings to review the current method of financing medical education costs under the medicare program.
SD-215

OCTOBER 2

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2471 and S. 2949, bills to convey Federal land to the State of Utah.
SD-366

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on the funding of Alzheimer's research and respite care.
SD-430

10:00 a.m.
Governmental Affairs
To resume hearings on S. 1746, to allow the Federal Government to freely procure certain goods and services from the private sector.
SD-342

OCTOBER 3

9:30 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on State lotteries.
SD-342

CANCELLATIONS

SEPTEMBER 25

10:00 a.m.
Armed Services
Ad Hoc Task Force on Selected Defense Procurement Matters, to resume hearings on the Department of Defense procurement process.
SR-222

SEPTEMBER 26

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to review housing discrimination.
SD-628

SEPTEMBER 27

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings on the state of the U.S. copper industry.
SD-215

SENATE—*Tuesday, September 25, 1984*

(Legislative day of Monday, September 24, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of justice, peace and love, when we consider the hundreds, if not thousands of agendas which converge in the Senate, it is awesome that any issue is resolved. As constituent requests, local, State, regional, national and international needs, in addition to all the special interests, beg for attention, we wonder at the physical, intellectual and emotional capacities of public servants to process information and find agreement. Thank You Lord, for the understanding, resilience, spirit of cooperation and compromise, the patience, of leaders, Senators, and staffs. Thank You Lord, for the unity which prevails midst such broad diversity. May the peace of God infuse this place and the love of God fill all hearts as the Senate pursues its monumental task. In the name of incarnate love, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, as I often do in commenting on the Chaplain's prayer, he understands and I wish all those who may hear or read these remarks understand, that they are made in good spirit and in jest.

Certainly in his prayer this morning when he commented on the patience of staff, that caught my attention. I have always contended that there is a fundamental confusion in the minds of staff and the Senate about who works for whom. And there is no doubt in my mind that they think we work for them, which indeed is more often the case than not.

But being willing to acknowledge that does not mean that I am willing to go the next step and agree with the Chaplain that staff is patient. They are impatient, they are cruel and demanding, and they are tough taskmasters. I thought I would take that modest exception to the Chaplain's prayer this morning.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I have nothing but bad news today. Let me say that I guess we have an impending filibuster on the highway bill. If so, I will say as I did on yesterday, it is my intention, I believe, to file cloture. If cloture is filed, Mr. President, I would hope then that we could get on with some of the appropriation bills. I have not yet talked to the distinguished chairman of the Appropriations Committee or the minority leader about these matters but I will. But we have Labor-HHS, which was temporarily laid aside and the leadership on this side would like to finish that today if we can. We may have the Interior appropriations bill that is available—I hope so—maybe even today.

Mr. President, in addition to that, we have our old friend the continuing resolution. I am not talking out of school, I believe, when I share with Senators my conversation with the Speaker of the House this morning who indicated to me that he was going to try to get up the CR in the House today but that that would require unanimous consent and that he feared that unanimous consent might not be granted, in which event the CR could not be taken up in the House until tomorrow. In either case, that will make a difficult situation for the Senate because it means we are not going to have the CR for another day or 2, or 3, depending on how the situation unfolds in the House of Representatives.

Mr. President, that also means that we will have almost certainly if not 100 percent, I would say 95 percent, the prospect of a Saturday session, because if we do not get the CR until tomorrow at the earliest or the day after or the day after that, we have so few days left that I feel we must go ahead with the CR the moment it is received. And, of course, even after we deal with that matter, and if everyone in the Senate shows remarkable and unaccustomed restraint and does not offer their favorite amendment to the CR, even if we get a CR out of here in fairly short time, there is going to have to be a conference, it will have to be presented to both Houses, and then the bill will have to be presented to the President for his consideration.

I do not know what the CR will look like, but prudent planning in these last days of the Senate force me to take account of at least the possibility that we might have a veto of that measure. I hope not. I am not predicting that. I have no such word from the White House. But, once again, prudent planning suggests that we have to take account of that. So next week will have to be available to us to deal with that if we are faced with that unhappy prospect.

Once again, Mr. President, we are running out of time. Almost surely we will be in session on Saturday. Almost surely we will have late sessions some nights this week, maybe every night this week, and almost surely that will barely make a dent in the other things that we have to do.

In addition to the CR, we have another old friend, the debt limit. And as soon as the conference report on the budget resolution is adopted in both Houses, the House will be relieved of that onerous burden, but we will not. So we will have to take up a debt limit at some point and do so as promptly as possible.

Mr. President, there are other matters that I mentioned on previous occasions that I will reiterate now for action as and when we can, including this week if possible or more likely next week. They include such things as the balanced budget amendment; the Genocide Convention; product liability; the two water bills, that is water resources and the clean water bill; and perhaps other matters. But those matters are not as clearly in focus as is our responsibility under the circumstances to pass the continuing resolution and the debt limit.

This is a more extensive report than I anticipated this morning, but I want to keep Members advised as best I can. May I repeat, in summary, I do anticipate cloture will be filed today on the highway bill, I do anticipate that the Senate then will be asked to return to the consideration of the Labor-HHS appropriations bill and perhaps to the Interior appropriations bill, as well. The vote would occur on cloture, if it is filed on the highway bill, on Thursday but not until after 6 p.m. on Thursday because of the previous arrangements made for the religious holiday that will intervene. We will be in session on Friday perhaps dealing with the CR if it is received then from the House of Representatives. Almost certainly we are going to be in on Saturday, as well, probably for the same purpose.

Mr. President, next week I will announce when I can work out the courage and strength and stamina to face those further challenges.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. President, I have used more time than I planned. If there is any time remaining, I offer it to the minority leader under his control.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GOLDWATER). The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. President, I yield to the distinguished Senator from Delaware [Mr. BIDEN], 5 minutes of my time. I ask unanimous consent that I may reserve the remaining 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY FUNDS TO IMPROVE SECURITY IN U.S. EMBASSIES

Mr. BIDEN. Mr President, I noted with some great interest today that in every major newspaper in the country there is going to be the report of a $372 million request for emergency funds to improve security in U.S. embassies. I want to make it clear at the outset of this that I have no intention of doing anything but supporting that.

But, I want to set the record straight, Mr. President. The fact of the matter is we in the Congress have since 1980 appropriated, and authorized, I should say, over one-half a billion dollars.

I am not just talking about Lebanon, Mr. President. I am talking about the whole panoply of our embassies. And no one knows this better than the chairman of the Intelligence Committee and the Presiding Officer as I speak; that is, according to a recent GAO report, the administration reduced the number of posts planned for security enhancement from 125 to 62. Of those, only 10 have so far been completed.

The fact of the matter is I want it clear that I am not blaming the President nor anyone else for what happened in Lebanon.

But I want to make it absolutely clear that the failure, if there was one, of not having sufficient security in place in Lebanon, or any other embassy in the world, is not because of any footdragging by the U.S. Congress. The reason I have my ire up a little bit, Mr. President, is as the President knows because he is always finding me walking in late to his meetings, and I commute every day from Delaware. I stand on the train platform every morning at 7:38, and ride down with a group of commuters from Wilmington and Philadelphia to Washington. I am standing on the platform with the usual panoply at 35 or 40 business women and men And one walks up to me and said, "Joe, I saw you on ABC on Sunday and you were talking about the embassy. What I did not know, Joe, is you failed to tell us that you fellows did not appropriate the money."

That got me so angry, not at that man, but at the notion—even though the administration does not say that—that impliedly in all of this talk about urging supplementals, they asked us and we did not say yes. I want to go on record this morning in saying, Mr. President, read the RECORD. I am sure the President and members of the administration read it every morning. You tell us what you want. Whatever you want, one Senator at least—I suspect 100 of us—will stand on the floor and say, "You got it. If you want crews to work triple time, overtime 24 hours a day, and for the next 6 months straight, you got it."

But do not play games with us. Do not turn back our money. Do not fail to spend it. Do not fail to include the embassies and then say we need more money. That is the only thing I want to make clear. The Congress will give you, I am sure almost any number the administration comes up with to rationalize in any way the need to improve embassy security. They will have whatever they want.

I would add that they have had whatever they wanted up to now. They did not spend all of it. They cut back on the number of embassies; they, not the Congress.

That is the only point I want to make. I apologize for taking my colleagues' time because it is preaching to the choir. The ultimate preaching to the choir is for me to say this to the Senator from Arizona who is the guy who would probably go over there and help them install the devices if they needed that help.

I am not being facetious. I mean that really and truly is something that gets my ire up.

I hope that whoever covers this for the press makes it clear—not this speech, but this issue—it is not a failure on the part of the Congress to give the President whatever he wants, and I hope this time we will not treat it like a kitchen. We will treat it like an emergency. We will treat it like a crisis, and we will have people 24 hours a day, if need be, working on the embassies; that is, where the experts in the administration tell us we need the security.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE], is recognized for not to exceed 15 minutes.

UNITED STATES HAS ENJOYED CONSISTENT NUCLEAR SUPERIORITY

Mr. PROXMIRE. Mr. President, does the Soviet Union enjoy a significant advantage in nuclear armed power over the United States? This question lies at the heart of the difference between the Reagan administration and its supporters on the one hand, and those who oppose President Reagan's nuclear arms policies on the other. The administration argues that the Soviets have a nuclear arsenal that has these advantages: greater megatonnage, greater throw-weight, superior accuracy, and, now for the first time, more warheads. The administration also claims the Soviets have a civil defense system far more advanced than ours that would permit a much larger proportion of the Soviet population to survive a nuclear exchange between the two superpowers than the surviving American population. The administration also contends that the Soviets believe they can win a nuclear war. Finally, the administration sees Soviet arms control policy not designed to reduce the prospects of nuclear war, but for the sole purpose of stopping the United States from overcoming the inferiority in nuclear arms that gives the Soviet Union military dominance.

From the administration analysis, these conclusions follow: (1) For those Americans who believe that either superpower can in fact win a nuclear war—I do not know how many there are, but there are some people who believe that—for them the argument is that we should build up our nuclear arms to a point where we can win; (2) and, for those who believe that a nuclear war would be a total catastrophe with no winners and maybe even no survivors—the best prospect for preventing a nuclear war is to win the nuclear arms race with the Soviet Union. The Soviets would then perceive that superior U.S. nuclear military would surely deny them victory. And they would not attack.

So in the administration view, the key to victory or peace is nuclear arms superiority. Ah, and most compelling of all: we can win the nuclear arms race by simply unleashing the conspicuously superior American economy and technology. The Soviets have nothing to approach the magic of Americans nuclear arms technology genius. The Soviet economy lags far behind the American economy and cannot begin to deliver the quality and quantity of new nuclear weapons the way the American economy can. So what is wrong with this? Why not cut our American military technology loose, take the shackles off our defense contractors, go out, and win victory or peace?

What is wrong with this view? Mr. President, the answer is everything. First, at this moment, and indeed throughout the age of nuclear arms beginning with Hiroshima in 1945 and continuing through every year and every administration since then, the United States has consistently held a decisive advantage in nuclear arms over the Soviet Union. What is more, the Soviet Union has known this. There has not been a year or month when that United States advantage has not been clear and conspicuous. We still possess it. There is no prospect we will lose it. Does that mean we have the advantage in every respect over the Soviet Union in nuclear arms? Of course not. They do have greater megatonnage. They do have greater throw-weight. They may currently have more nuclear warheads. Their land-based missiles have greater accuracy than most of our missiles. Where then is the American superiority? It is in a category that outweighs all the other considerations combined. We can hit and knock out their weapons. They cannot find, let alone hit and knock out, many of ours. Consider that more than 70 percent of our missiles are sea based or air based. A large proportion of these are at sea and in the air at all times, and a very large proportion can be sea bound or air bound in a matter of minutes. Our top experts have testified that these nuclear weapons are invulnerable, or very nearly invulnerable. Oh, yes, the Soviets also have sea- and air-based nuclear weapons. But their sea and air missiles have two weaknesses. First, this invulnerable part of their nuclear force is far less than ours. And, second, a much smaller proportion of this much smaller force is in the air or at sea at any time. What does all this mean? It means the U.S. nuclear force is superior to the Soviet force because the U.S. nuclear armed force would largely survive a nuclear exchange. The Soviet force would be much more vulnerable.

This American advantage has increased in recent years. But it has persisted throughout the years. Recent assertions by the administration that the Reagan administration has overcome a Soviet nuclear arms advantage and begun to provide a new American nuclear arms advantage overlook the clear fact that this country has had a consistent and never-lost nuclear arms advantage over the Soviet Union for the full 40 years of the age of nuclear arms.

Does this mean that we could win a nuclear war in any meaningful sense? Absolutely not. No way, not ever, and no matter how thoroughly our nuclear weapons ravaged the Soviet Union. No matter how many Russians lost their lives, even if we flattened every city, town and village, silenced every Soviet military weapon and left that vast country a steaming, radioactive dump. Why would not this mean a U.S. victory? Because our country would be totally—and I mean totally—devastated too: our cities leveled, most of our people dead, our country a wretched garbage heap. Of course, if the world's outstanding scientists are right, such a war would also constitute the worst environmental disaster in more than 50 million years with weeks of darkness, months of sub-zero cold and a famine that would destroy plant life, most of the animal life and much or all of mankind. Some victory.

This is why it is not simply a moral imperative to stop the arms race. It is a practical necessity. When we choose between the end of the nuclear arms race on the one hand or its continuance, on the other, it is simple: We choose between life and death.

THE DEMISE OF THE TASMANIANS

Mr. PROXMIRE. Mr. President, James Morris, in his book "Heaven's Command," describes the tragic disappearance of the Tasmanian Aborigines. He chronicles their descent from placid independence to miserable subjugation, followed by their complete elimination, all within a period of 1 century.

The nomadic Tasmanian natives, who probably numbered no more than a few thousand in the year 1800, lived in serene isolation on their island near the coast of southeastern Australia until the European discoverers began to arrive in the 17th century. The natives reacted positively to the early temporary intrusions of the white men, who reported that the Tasmanians were trusting, unafraid, pacific, and ingenuously affectionate.

By 1803, however, the British had claimed Tasmania as another jewel in their empire. The interlopers established settlements and penal colonies, and they transported some of the worst offenders from their own society to disturb the tranquil environment of the aborigines.

According to Mr. Morris, a multitude of heinous abuses ensued. The natives were frequently driven off their lands, enslaved, hunted for sport, and captured as pets. Although common criminals committed the majority of the atrocities, the actions and attitudes of the authorities and the other settlers were not much more sympathetic.

Understandably, the Tasmanians became increasingly hostile toward their oppressors. They staged violent reprisals, which in turn led to even more abuse by their tormentors. As the degree of bitterness rose in conjunction with the death toll, the government officials decided that they were no longer willing to pretend to coexist with the natives.

The Tasmanian final act consisted of forcible relocation to a settlement on a neighboring island, where their population continued to dwindle rapidly. Deprived of their natural environment and unable to wander independently, they lost the will to live and they lost the desire to reproduce. By 1876, 73 years after the British invasion, the last Tasmanian had perished.

The tale of the Tasmanians, the story of the complete extermination of a race of people, must be unquestionably classified as a historical rarity. Unfortunately, the same cannot be said for genocidal actions resulting in partial elimination of groups, which continue to occur throughout the world. As citizens of the world's most powerful and influential Nation, therefore, we must strive to ensure that national, ethnical, racial, and religious groups, or parts thereof, do not suffer the Tasmanian fate.

We can aid this cause significantly by consenting to ratification of the Genocide Convention of 1948. During the 35 years of Senate neglect of this important treaty, perpetrators of genocide have come and gone, and we must bear the burden of knowing that we have not taken even the first step to do what we could have done to protect their victims. Our acceptance of the international accord signed by 92 nations including every developed nation on Earth, is long overdue.

THE DANGEROUS NATIONAL DEBT

Mr. PROXMIRE. Mr. President, yesterday I submitted for the RECORD an article on the national debt written by Senator MOYNIHAN, who pointed out that an exploding national debt and compound interest were deadly partners.

Today, I would like to alert my colleagues to two other dangerous aspects of skyrocketing national debt.

First, we have no easy way to escape from this trap. In the past, economic growth kept its jaws from snapping shut. The national debt mushroomed during the Second World War but the economy grew rapidly after the end of the war.

Throughout the 1950's and 1960's the public debt, as a percentage of our gross national product [GNP], went down. It dropped from over 60 percent in the early 1950's to below 30 percent in the early 1970's. The Federal Government ran a deficit during most of these years and added to the debt. But the economy grew even faster than the additions to the debt.

We were in the happy position of a private company which borrows a little and sees its sales and profits grow a lot. That kind of performance means management gets sizable bonuses, workers see their wages in-

crease, and stockholders make a bundle as the price of the company's stock takes off.

Look at the administration's estimates of Federal debt as a percentage of GNP for the next few years. This ratio hit a low point of about 25 percent during the mid-1970's. As the economy sputtered during the rest of the decade, it remained between 25-30 percent. But the administration estimates that this ratio will increase to over 40 percent by 1987.

It will increase despite a vigorous economic expansion. Consider that fact for a moment, Mr. President. Here we have an economy which is projected to expand for 5 years without a pause. And throughout each of those 5 years, the Federal debt will be increasing even faster than the economy. If that is not a recipe for disaster, this Senator has never seen one.

We are now in the position of a private firm which borrows money and sees its sales and profits stagnate or even go down. Under those circumstances, the firm's management is ousted, workers approve givebacks, and the stockholders take a beating.

Mr. President, who manages the Federal Government? The President, the House of Representatives, and the Senate—that is who.

Mr. President, this growing debt is a threat not only to our economic future but also to simple fairness. Interest payments are becoming one of the largest income transfer programs in the budget. This transfer is paid without any means test whatsoever and it is the one Federal program absolutely immune from cuts.

Who owns the national debt? Those who buy Federal bonds—savers, in other words. Those who can afford to save have money left over after paying the mortgage, the car payment, and buying food for the family. This Senator is happy that people do save and that many lend that money to the Treasury. Yet this Senator is saddened to see a decreasing proportion of Federal spending going to people who need it.

Liberals used to comfort themselves by saying that we owed the debt to ourselves—no need to get in a lather over the national debt. That comforting proposition is no longer true. Foreign and international interests now own about 10 percent of the national debt and that percentage has been growing by leaps and bounds.

We have seen what happens to our economy when foreign interests impose an oil embargo. What would happen if foreign nations, acting in concert for political reasons, decided to dump their Federal bonds? By running up the debt, we are quietly creating hostages on our economic future.

Mr. President, the best way—the only way—to contain these dangers is to cut the deficit. The fact that this will not be easy is no excuse. The only thing worse than action is no action at all.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for not to exceed 15 minutes.

Mr. SPECTER. I thank the Chair.

S. 3018—PROSECUTION OF TERRORISTS

Mr. SPECTER. Mr. President, today I am introducing legislation designed to provide an effective weapon against terrorism aimed at U.S. citizens throughout the world by making it a crime punishable under U.S. law in a U.S. courtroom for anyone, anywhere, to kill, assault, strike, wound, imprison, or make any other violent attack upon any officer, agent or employee of the United States, or attempt to do any of the foregoing.

The urgent need for this kind of legislation was tragically reinforced by the recent explosion at the new U.S. Embassy in East Beirut that claimed at least a dozen lives, including at least two Americans. But the absence of an effective plan to deal with terrorism has also manifested itself in other, more subtle, ways in the Middle East which severely limit opportunities for peace in that region.

For many years, about a quarter of a century, I have been concerned with fighting criminals, and terrorists are international criminals. They have to be dealt with as criminals, and I think they can be dealt with effectively as criminals. To catch them, to incarcerate them, to punish them, and to deter other criminals, other terrorists, by the examples of our tough approach to the terrorists whom we can apprehend if we work at it with sufficient diligence—that is the way our criminal justice system works, and it can work in the international field as well, although there are some unique problems because of fanaticism which grips some of the international criminals known as terrorists.

I recently had an opportunity to visit the Middle East in August of this year and it became apparent during my trip that, while there is some potential for peace in that region, particularly with President Mubarak and King Hussein, the overriding problem is terrorism. Terrorism severely threatens negotiations in the Middle East by threatening men and women of courage who would negotiate.

I was in Cairo on August 14, 1984, the day that President Mubarak made his statements about the terrorist mining of the Red Sea. I met with the President to discuss that subject as part of the overall problems of the Middle East, and he acknowledged that terrorism in the Middle East is preventing negotiations and a resolution of the problems which exist between Israel and the Arab nations.

I observed in my discussions with King Hussein during that trip that he is unwilling to take the lead in discussions with Israel at the present time without collaboration from the PLO. Although the PLO really should not be a part of such negotiations, because they are avowed terrorists, King Hussein obviously must recollect the assassination of his own grandfather, at which he was present. It is understandable then why King Hussein is reluctant to take the lead, lest he fall victim to assassination, as did Anwar Sadat and Bashir Gemayel.

In talking to the Saudi leaders, there is an overcloud of concern about terrorism. The Saudis are unwilling to move forward as they should, in a leadership role. Again, terrorism is the obstacle preventing negotiations in the Middle East today.

When I had the opportunity to meet with the Syrian foreign minister, we discussed the issue of the Lebanese-Israeli border, which also is an issue of terrorism. The Israelis have announced in a change of position that they are prepared to withdraw from Syria unilaterally even if Syria does not withdraw from Lebanon, but they are not prepared to do so if the northern border of Israel is insecure.

There is precedent on the Syrian-Israeli border for a demilitarized zone, a zone free of terrorism. It has worked since 1973. I asked the Syrian foreign minister the fundamental question, why not put into effect what has been on the Syrian-Israeli border on the Lebanese-Israeli border? Again, terrorism looms as the major obstacle to peace.

If we do not act to combat terrorism, it will proliferate beyond the Middle East to the worldwide scene. It is an enormous concern to have the potential of nuclear power in the hands of the terrorists. I suggest we may be coming to that unless we devise an effective way to deal with the terrorism which plagues us.

We must take specific steps to combat the activity of these criminals. I previously introduced, on June 15, 1984, legislation, S. 2771, to make the use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony. Accompanying this

legislation was a sense-of-the-Senate resolution directing the executive to renegotiate the Vienna Convention rules on diplomatic immunity. This legislation was prompted by the shoot-out of the Libyan Embassy in London during which a British policewoman was killed and others were wounded. We cannot allow rules designed to protect diplomatic relations between civilized countries to protect murders, which is what happened in that situation.

The legislation I am introducing today goes further and provides for criminal prosecution by the United States against any terrorist who attacks any officer or agent of the United States, regardless of where the attack occurs. Thus, when a U.S. marine is killed or wounded in a bomb attack, an investigation can be initiated and the culprits can be brought to this country and prosecuted.

This act will in no way contravene or conflict with either international or constitutional law. Though U.S. courts have traditionally been reluctant to apply our criminal law outside our borders, they have done so increasingly in recent years, and must do so if Congress so directs. It is well-established constitutional doctrine, stretching back more than 60 years, that Congress has the power to apply U.S. law extraterritorially if it so chooses. (See e.g., *United States* v. *Bowman*, 260 U.S. 94, 98 (1922)).

Criminal jurisdiction is customarily limited to the place where the crime occurred. However, international law also recognizes broader criminal jurisdiction based on the protective principle. Under this principle, if the alleged crime occurs in a foreign country, a nation may still exercise jurisdiction over the defendant if the crime has a potential adverse effect upon its security or the operation of its governmental functions. This basis for jurisdiction over crimes committed outside the United States has been applied by the Federal courts in contexts ranging from drug smuggling to perjury. *Pizzarusso* 388 F.2d 8 (perjury on a visa application); *Rivard* v. *United States*, 375 F.2d 882 (5th Cir.) *cert. denied sub nom, Groleau* v. *United States*, 389 U.S. 884 (1967) (drug smuggling). Clearly, then, the exercise of U.S. criminal jurisdiction is also justified to prosecute the terrorist who assaults or murders American personnel abroad. Such attacks undoubtedly have an adverse effect upon the conduct of our Government's foreign affairs, and potentially threaten the security interests of the United States as well.

Even without this direct nexus between U.S. interests and the terrorist attack, jurisdiction over such an international criminal could be justified by analogy to the universal crime of piracy. Piracy was defined as a universal, or international, crime years ago in response to public outcry against this international problem. The law evolved on piracy so that a pirate could be prosecuted wherever he was found, by whatever country found him. That is a fundamental deviation from the general criminal law which permits a prosecution only in the jurisdiction of the offense. But piracy was perceived as an offense affecting all States, regardless of where it was committed. Thus, any State that captured the offender could prosecute and punish that person on behalf of the world community.

If a pirate can be prosecuted wherever he is found, so should a terrorist be prosecutable wherever the terrorist is found.

Similarly, terrorism should be regarded as a crime which affects all States regardless of where it is committed. Certainly, terrorism in this day and age is a much more horrendous and world-threatening offense than piracy was in its own era. Like piracy, terrorism anywhere affects states everywhere by spreading fear and paralysis that chills the free exercise of sovereign authority with the threat that lawless fanatics will display their disapproval through violent means.

This bill provides, in accord with constitutional and international law, the necessary subject matter jurisdiction to prosecute those who attack U.S. personnel abroad. But to obtain personal jurisdiction over the culprit himself, the suspect must first be seized or arrested and brought to the United States to stand trial. Under current constitutional doctrine, both U.S. citizens and foreign nationals can be seized and brought to trial in the United States without violating due process of law. See, for example, *Frisbie* v. *Collins*, 342 U.S. 519, 522 (1952); *Ferr* v. *Illinois* 119 U.S. 436 (1886).

It may surprise some to hear that abduction or kidnaping is an appropriate way to bring criminals to trial. If someone is charged or chargeable with an offense and is at liberty in some foreign country, it is an accepted principle of law, shocking as it may seem or surprising as it may seem at first blush, to take that alleged criminal into custody by abduction if necessary and return him to the jurisdiction which has authority to try him. That prosecution and conviction is sustainable and is proper under the laws of the United States and under international law.

This principle has been in effect for almost 100 years, going back to 1886, in the landmark case of Kerr versus Illinois, where the State of Illinois kidnaped a defendant in Peru, a man being charged with a crime in Illinois, and brought him back to Illinois for trial, where he was convicted. The case went to the Supreme Court of the United States and the Supreme Court of the United States said it was appropriate to try that man in Illinois and to convict him notwithstanding the means which were used to bring him back to trial in that jurisdiction.

No country in the world, no country in the history of the development of law, has more rigorous concepts of the due process of law than the United States of America and the U.S. Supreme Court. That doctrine was upheld in an opinion written by Justice Hugo Black, well known for his concern about defendants' rights, in the case of Frisbie versus Collins, handed down by the Supreme Court of the United States in 1952 and upheld in later decisions.

In the Frisbie case, Justice Black stated:

> This court has never departed from the rule announced in *Kerr v. Illinois*, that the powers of a court to try a person for a crime is not impaired by the fact that he had been brought in the court's jurisdiction by reason of a forceable abduction.

I would suggest to Senators that in dealing with the crime of terrorism, we ought to find the terrorists when we have some reason to believe we know who they are. It requires an investigation. It requires pursuit. It may require extradition or, where extradition is not possible, it may require abduction to bring these vicious criminals to trial.

Resort to such tactics will not ordinarily be necessary. The nation where the offender is found may prosecute that person itself or that nation may extradite him or consent to a seizure by U.S. agents within its territory. In the rare instance, however, where there exists in effect no government capable of arresting or prosecuting the offender—and I would suggest that that situation exists in a nation like Lebanon today where there is hardly a government capable of enforcing law and order—in that extreme situation or wherever the terrorists may be found in nations which flagrantly violate international law or harbor international terrorists, then the United States may be compelled to use forceful methods to bring a terrorist to justice. And I would suggest that on a balancing test, that is an appropriate course of conduct.

It is this kind of forceful, effective action that the United States must be in a poistion to employ where necessary to respond to terrorist attacks against our citizens abroad. The legislation that I am introducing today will accomplish that result.

We currently have laws on our books which make it a crime to murder or assault an internationally protected person if the alleged offender is present in the United States, regardless of where the offense was committed or the nationality of the victim or the alleged offender. This bill would

extend this protection to employees and agents of the United States such as our servicemen, our marines, and others stationed abroad who so desperately need this kind of protection.

The primary goal of this legislation, aside from protecting our marines and others, is to provide clear evidence of forceful congressional intent that our country should respond in a meaningful and effective way to terrorist attacks.

Other countries that are fighting for their very survival may find it necessary to respond with instant retaliation. Given our power and world role, and our commitment to the rule of law, this is a questionable response by the United States. It may be that if these terrorist attacks continue and we are unable to deal with them, we will have to consider such retaliation. But it is my view that, as a first step, we ought to enact legislation in this country to make it a crime punishable in the courts of the United States and pursue a policy to apprehend terrorists by abduction if necessary as outlined in the course of my statement.

Legislation making terrorism a crime prosecutable in the United States, backed up by clear national intent to vigorously enforce that law by whatever means may be necessary, will send a signal throughout the world that will not go unnoticed—a signal, Mr. President, which is long overdue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protection of United States Government Personnel Act of 1984".

SEC. 2. (a) Part I of title 18, United States Code, is amended by inserting after chapter 113 the following:

"CHAPTER 113A—TERRORIST ACTS AGAINST UNITED STATES GOVERNMENT EMPLOYEES ABROAD

"Sec.
"2321. Terrorist acts against United States government employees abroad.

"§ 2321. Terrorist acts against United States government employees abroad.

"(a) Whoever kills or attempts to kill in any foreign country, or in international waters or air space, any officer, agent or employee of the United States Government shall, if found guilty in a court of the United States, be sentenced to any term of years or imprisonment for life, and any such person found guilty of attempted murder shall be imprisoned for not more than 20 years.

"(b) Whoever assaults, strikes, wounds, imprisons or makes any other violent attack upon the person or liberty of any officer, agent, or employee of the United States Government in any foreign country or in international waters or air space, or, if likely to endanger his or her person or liberty, makes violent attacks upon his or her official premises, private accommodation, or means of transport, or attempts to commit any of the foregoing, shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(c) The United States may exercise jurisdiction over the alleged offense if the alleged offender is present in the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender, or the manner in which the alleged offender was brought before the court.

"(d) In enforcing subsections (a) and (b), the Attorney General may request and shall receive assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, the Federal Bureau of Investigation and the Central Intelligence Agency, any statute, rule, or regulation to the contrary notwithstanding.".

(b) The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for Chapter 113, the following:

CHAPTER 113A—TERRORIST ACTS AGAINST GOVERNMENT EMPLOYEES ABROAD

"113A—Terrorist acts against United States government employees abroad..... 2321".

RECOGNITION OF SENATOR TOWER

The PRESIDING OFFICER. The Senator from Texas is recognized.

BETTY NELSON, AIR FORCE-SENATE LIAISON

Mr. TOWER. Mr. President, I should like to bring to the attention of my distinguished colleagues a woman with whom I have worked throughout my 24 years in the Senate. I am speaking of Betty Nelson, Air Force Senate Liaison who retired August 31, 1984, after 34 years of Federal service. Betty has served with the Air Force Liaison Office since it took up residence in the Russell Senate Office Building 24 years ago.

Her colleagues assigned to the Liaison Office during the last 24 years have been made to feel right at home by Betty. No one was more patient, no one was more understanding and certainly no one was more knowledgeable in offering guidance to new personnel—and, I might add, to new Senators. I am sure all Members of the Senate are grateful to have had the benefit of Betty's wisdom and friendship through the years.

The story of Betty Nelson is one of hard work, loyalty, dedication and compassion. It is a story of a woman continually performing her duties without complaint and often under extremely stressful circumstances. Each day when Betty left for home—however later it might be—you knew the job was done, and it was done well. Any task in the hands of Betty Nelson was performed with efficiency, promptness and cheerfulness. Anyone who had encountered Betty can attest to her warmth, intelligence and sensitivity. As the years passed, she gained a reputation around the Senate as a person who could be relied upon. Few people are more widley known and respected for their professionalism than Betty. She is known throughout Washington as an expert in dealing with a full range of constituent issues relating to the Air Force and many other military matters. Betty was far and away the best expediter in this town.

Betty has been honored time and time again by her superiors who recognized the valuable resource they had in Betty. The record of awards she has accumulated is testimony to her service. While working for the Air Force, Betty received 19 outstanding performance ratings, three quality salary increases, seven cash awards for sustained superior performance, a Meritorious Civilian Service Award, and an Exceptional Civilian Service Award. This is certainly one of the most impressive records that I have seen.

I must say that we will sorely miss her. In fact, she has been retired only a few weeks and her absence already is noticed. This is the first time since I have been in the Senate that Betty was not working around the corner from my office. But Betty has worked hard and has earned her retirement. A native of St. Louis, MO, Betty plans to spend her retirement with her two lovely daughters, Patricia and Leslie Ann. She also plans to participate in a wide range of community activities in Springfield, VA. You will find out, out there in Springfield, that asking Betty to do something is like watering the lawn with a fire hose. The residents of Springfield will certainly learn to love and cherish Betty as we all have. I think I speak for all Members of the Senate as well as their staffs when I say thank you to Betty for her many years of devoted service and wish her the best of luck in the years to come.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. TOWER assumed the chair.)

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, the Senator from Texas made some remarks about our very good mutual friend Betty Nelson on the occasion of her departing this body.

We have offices in Congress known as legislative liaison which are staffed

by officers and enlisted men from the Pentagon, representing the different services, to whom we refer questions that come from our constituents relative to the problems of the military or problems of people serving in the military. Betty Nelson has served as sort of the operator of the legislative liaison office for all the years I have been here.

While I have to admit that it is very difficult to feel affection for a man officers or an entlisted man, we have no difficulty feeling affection for Betty. She is absolutely superb in her job. While she fundamentally represents the Air Force, she represents all the services and has done an outstanding job.

I join my friend from Texas in wishing her well and happiness in the years ahead.

Mr. SYMMS. Mr. President, I should like to compliment the distinguished senior Senator from Arizona for his remarks about Betty Nelson, who is departing the Senate this year.

Mr. GOLDWATER. Mr. President, undoubtedly, there will be time set aside in the remaining days of this session of Congress to pay our respects to some of our brethren who are not returning. I have not been informed when that time might be. I have prepared remarks with respect to three of them. One of them happens to be the present occupant of the chair.

I ask unanimous consent that these remarks be printed in the RECORD as if read, and then when the day is set aside for eulogies, that they be repeated. But I should like to read what I have written about my friend who is in the chair.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 11:15 a.m., with statements limited therein to 5 minutes each.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPEAL OF NEW RULES ON IMPUTED INTEREST

Mr. DIXON. Mr. President, I have just been visiting with my warm friend, the distinguished junior Senator from Idaho, about a matter that is close to the hearts of both of us, this question of the new imputed interest rate rules imposed recently upon the real estate industry but more importantly upon consumers in the country.

Mr. President, I call the attention of my friends in the Senate, particularly those in their offices right now who are listening to the proceedings here in the Chamber on their squawk boxes, to an excellent advertisement that appears in the Washington Post of today, Tuesday, September 25, 1984, at page A9.

It says: "Members of Congress: Don't Hurt Homeowners, Renters, Farmers, and Small Business!"

And it goes on to say:

"A mistake in the 1984 Tax Reform Act is going to cause big problems for many homeowners, renters, farmers, and small business."

And it points out that time is running out. I am not going to read the whole thing, but let me read this down here:

"If these rules are allowed to stand, then next January 1"—that is this coming January—"your constituent property owners will find it difficult—if not impossible—to sell their property if they must help buyers with financing. The higher interest rates go, the tougher the problem. Telling a property owner who faces foreclosure, and who needs to transfer that property, that he must charge the highest of high interest rates, is like telling a drowning swimmer that he must swim to shore for help."

And I want to read the close:

"It's up to you to act before Congress adjourns. You can help your constituents"—this is addressed to us in Congress—"you can help your constituents by working to repeal the new imputed interest rate law and correcting Congress' mistake. Don't have Congress increasing interest rates that buyers of property will have to pay."

Mr. President, I ask unanimous consent to have printed in the RECORD the Members of Congress ad which appears on page A9 of the Washington Post of today.

There being no objection, the ad was ordered to be printed in the RECORD, as follows:

MEMBERS OF CONGRESS: DON'T HURT HOMEOWNERS, RENTERS, FARMERS, AND SMALL BUSINESS!

A mistake in the 1984 Tax Reform Act is going to cause big problems for many homeowners, renters, farmers and small business.

Only a few days remain before Congress adjourns for the national elections. We hope you will use this brief time to work to change the new rules on imputed interest that increase interest rates affecting homeowners, renters, farmers and small business people.

Unless you work to change them, the new rules will go into effect January 1. The government will force your constituents to charge higher interest rates when they assist the buyer in financing the sale of their property. In fact, the new interest rate is, in effect, mandated to be at least 3 percentage points higher than the freely negotiated interest rates—higher even than what the U.S. Treasury pays to finance the federal deficit.

That's not fair—or just—or wise—or what you intended when Congress passed the Tax Reform Act. Indeed, every member of Congress we've spoken to has told us that the new imputed interest rates are a mistake that must be corrected.

If these rules are allowed to stand, then next January 1 your constituent property owners will find it difficult—if not impossible—to sell their property if they must help buyers with financing. The higher interest rates go, the tougher the problem. Telling a property owner who faces foreclosure, and who needs to transfer that property, that he must charge the highest of high interest rates, is like telling a drowning swimmer that he must swim to shore for help.

You were told that the new imputed interest rate rules would increase tax revenues by $2.2 billion. Actually, the new rules would cut revenues by about $1 billion. These new rules could stop about $30 billion of apartment building, commercial and industrial property sales and cut about 95,000 full time jobs. And for those people who rent their apartments, it means higher rents and a lower budget for food and clothing.

It's up to you to act before Congress adjourns. You can help your constituents by working to repeal the new imputed interest rate law and correcting Congress' mistake. Don't have Congress increasing interest rates that buyers of property will have to pay.

National Association of Realtors.

Mr. DIXON. Mr. President, I congratulate my friend across the aisle from me, my friend from Idaho, for the work he has done in this Senate and my friend, the senior Senator from Montana, for the work he has done on this.

I wish to say, Mr. President, that I enthusiastically join them in their attempt to reverse this serious error in judgment by Congress which tries to tell people in their private affairs when they sell their own private home to someone else who wants to buy it from them what they can charge in interest rates. I think that is positively absurd. It is the furthest extension I can imagine of Big Brother imposing his will in the lifestyle of ordinary private people in their private exchanges with one another in a very simple area of commerce. The biggest single thing the average person does in his life is to sell his own home and to buy his own home. For the average working person that is a commercial fact of life.

Mr. President, I think this ad is absolutely correct, and I call it to the attention of my colleagues.

Mr. SYMMS. Mr. President, will my colleague yield?

Mr. DIXON. I am delighted to yield to my friend from Idaho.

Mr. SYMMS. I thank the distinguished Senator from Illinois for yielding.

Mr. President, I compliment him for bringing that ad to the attention of Congress. I agree with him that this Congress still has the opportunity to

repeal that section of the 1984 tax law that passed Congress, and it should be repealed.

We do not need any compromise. We need to outright repeal it because of what this does to the law. If we believe at all in markets in the United States, which I think we all do, whether we be Republicans or Democrats, we do believe in markets and the impact competition has on interest rates, and the imputed interest section of the tax code which was to go into effect January 1, 1985, will have a tendency to force interest rates upward when we need to have competition to bring high interest rates downward.

I only say to my friends on the Finance Committee listening that I think the Finance Committee still has the opportunity to act on this and redeem a mistake which was made, and I hope that when we do have a markup of that committee, we will consider addressing this particular point in the committee and attaching it to legislation which would be germane.

Mr. DIXON. Mr. President, may I say to my distinguished friend from Idaho I wish to make this prediction now: If we do not repeal this it will be the first order of business in the next Congress anyway.

I remember speaking and voting against that withholding tax provision that the Senate went ahead and passed, and when we got back here we could not act quickly enough to repeal it.

My own personal experience is I received 650,000 letters from people in my State in adverse reaction to that withholding tax provision.

We finally repealed it, and if we do not do this before we leave here October 5 may I say to my friend from Idaho then I predict that when we get back here in January the first rush of business will be to see how quickly we can repeal this then.

I wish to ask all my colleagues in the Senate to avoid receiving 650,000 letters apiece, and repeal it now.

Mr. SYMMS. Mr. President, will my colleague yield again?

Mr. DIXON. I love to yield again to my friend from Idaho.

Mr. SYMMS. Mr. President, I say to my colleagues that in case my colleagues have not checked in the mail, I have a Dear Colleague letter out to all Senators now asking for cosponsors to repeal this, and I hope that Members will tell their staffs to put them on that bill so that we get momentum rolling for this and it could be repealed and still be repealed between now and the end of this Congress.

I think we definitely should do it. The Senator is absolutely correct in his assessment of this. People are not going to put up with this kind of legislation in the United States. We still are a sovereign people. We still can have an impact if they flood Washington with enough mail from the folks at home, and it is unnecessary to put them through this trauma. We should repeal it now and get it settled.

The Senator from Montana [Mr. MELCHER] and I have been working on this. At the time we were calling it to the attention of the Members of the Senate here in the Chamber that it should have been repealed before we pass the act, but it is not too late to redeem this situation and save a lot of people a lot of headaches.

The Senator from Illinois is absolutely correct. It is the most outrageous example of Big Brother trying to tell people what Big Brother knows best what they should charge for interest, and that is a decision that should be made by the buyer and seller and the seller certainly should have the right to sell something for his own interest rate.

THE HOUSE-PASSED HIGHWAY BILL—H.R. 5504

Mr. GORTON. Mr. President, I would like to call my colleagues' attention to sections 148 and 217 in H.R. 5504, the House-passed highway bill. These two sections interfere with the way State and local governments manage their highway rights-of-way and public transit properties. They prevent local authorities from removing private structures from public land, even though they are acting under the terms of a valid lease, unless they pay the renter relocation assistance.

The purpose of these provisions appears to be to prevent Americans from making their cities and towns more attractive by removing billboards and advertising from public property. Community appearance standards have always been the prerogative of local governments. In fact, a recent Supreme Court decision, City Council of Los Angeles against Taxpayers for Vincent, upheld the rights of cities to prohibit signs on public property. The House bill is an unwarranted intrusion on this right.

In addition, the provisions sweep far too broadly than those needed to accomplish even this objectionable purpose. They require relocation assistance to remove, from highway or transit property, any private structure owned by anyone who pays rent to the State or local government. This would include not only billboards and signs on highway rights-of-way, but posters on the sides of buses, parking lots under highway bridges, even newspaper vending machines at bus stops. I would oppose any similar provisions in the Senate bill, and, if we do go to conference with the House on H.R. 5504, I hope the conferees will delete them from the conference report.

Mr. STAFFORD. I share the concern of the Senator from Washington. These two provisions were floor amendments in the House. Their purpose is ostensibly to prevent a local official from arbitrarily removing structures from highway or transit property. But this protection is not needed, because any renter who is the victim of arbitrary action has available already all of the remedies in the lease. These provisions grant a windfall to existing leaseholders at the expense of State and local taxpayers. They also give private parties unprecedented rights in public lands.

The amendments' sponsor in the House said that these provisions would encourage States to make money from public property by making it difficult to cancel leases. In fact, the provisions would do just the opposite. It is now common for States to enter into short-term leases with occupants of public property for many reasons. Under the House bill, however, including new standards on relocation assistance, agencies acting under valid terms of a lease would still be required to pay at least $1,000, and possibly up to $20,000, per structure for removal, or else lose highway funds. Under these conditions State and local governments are far more likely not to lease their property, and to leave it idle.

Mr. GARN. I join my colleagues in protesting this intrusion into the affairs and contracts of State and local governments. Under the House bill, one way for a State or local government to avoid having to pay relocation assistance for displacing rental structures is if the State passes a law expressly authorizing this displacement.

The Federal Government should not lightly mandate changes in State laws, either directly or through the pressure of withholding highway or transit funds. In this case, States are being put in the position of needing State laws to reverse the effects of a completely unnecessary Federal mandate. There is simply no reason for the Federal Government to interfere with these leases. They are not unconstitutional, they are not illegal, and they are not unfair. The House provisions disregard the traditional right of cities to manage their environments, and their property, as they see fit.

Mr. STAFFORD. I have received several letters from State transit authorities, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF IDAHO,
TRANSPORTATION DEPARTMENT,
Boise, ID, August 13, 1984.

Re H.R. 5504—Section 148.

Senator ROBERT T. STAFFORD,
Senate Environment and Public Works Committee, Senate Hart Office Building, Washington, DC.

DEAR SENATOR STAFFORD: Section 148 of H.R. 5504 would adversely impact the Idaho Transportation Department in its dealings with private lessees of state owned property and structures.

After the Idaho Transportation Department purchases land and structures for highway purposes there is usually a period of time between the vacation of the premises by prior owners and the time the property is needed for highway purposes. Up to now, the Idaho Transportation Department has routinely entered into short-term leases with private individuals concerning such property. Such leases provide that the lessee understands that the leased premises will be needed for highway purposes shortly and that the lease can be cancelled upon thirty days notice. If the State of Idaho would be required to pay relocation benefits to such lessees as provided in Section 148, the effect would be that this agency would not consider leasing such property on a short-term basis. The net effect would be a loss of income to the State of Idaho and the wasting of usable assets.

I would urge that Section 148 be amended so that this agency can continue to realize maximum revenue for the taxpayer.

Sincerely yours,

E. DEAN TISDALE,
Acting Director.

STATE OF NEW MEXICO,
TRANSPORTATION DEPARTMENT,
Santa Fe, NM, August 28, 1984.

Senator ROBERT T. STAFFORD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STAFFORD: We learned recently that the House has passed the Surface Transportation Assistance Act (H.R. 5504) with major modifications regarding relocation payments. The revision to the Act is directed at public bodies who receive funds under the Act and who receive rental income from any type of structure owned by a private entity and located on property owned by the public body. The amendment provides that the public body (1) may not remove the structure unless it is directly necessitated by the operation, maintenance, or construction of the transportation system, and unless the removal is expressly authorized by State statute and is in accordance with the terms of the rental agreement, and (2) shall pay the owner of the property relocation assistance upon removal. Our understanding is that the change in the legislation was introduced with two intentions: to prevent arbitrary and capricious actions by State officials regarding rental property contracts and to encourage States to receive income from legitimate business sources such as rental property. We are in agreement with both of these points. However, we have determined that the amendment, as written, would probably hamper development of the very business opportunities it is seeking to promote and would thus have an adverse impact on Federally funded transportation projects in the State of New Mexico.

Over the past few years, transportation providers throughout the country have engaged in a variety of business ventures in an effort to create new financing mechanisms for public transportation. Many of these projects have hinged on the theory that public investments can produce income if the benefits are not given away or ignored altogether, as has been done in the past. A number of public entities have entered into successful joint development projects, wherein public investments were used to stimulate private development, in order to provide benefits to both public and private parties and achieve results which would not have taken place without the cooperation. Some of these projects have been quite complex. Other income producing projects have involved only simple rental agreements. The key point is that these joint development projects and other methods of creating income from public investments are still evolving. Their potential as revenue producers has not been fully explored and we have certainly not even scratched the surface of opportunities in New Mexico. Presumably as public transportation develops in New Mexico the transportation industry will contribute much to urban infrastructure development and will have the potential to be a prime beneficiary of future projects of this type. The amendment, as it is proposed, places a contingency on public entities entering contractual agreements which puts them at a disadvantage. Public entities will face uncertain, and possibly unreasonable, costs if conditions change and it becomes necessary to modify or terminate agreements. Essentially this amendment asks the public sector to bear a greater share of the risk than the private sector where contractual agreements are made. Thus, the amendment is likely to stimulate caution rather than innovation in financing of public transportation.

With regard to the issue of preventing arbitrary and capricious actions by State officials, illegal displacement of a lessee from state property can be contested by the issue in court as a contractual violation. It is unnecessary as a provision of the Surface Transportation Assistance Act.

It would be unfortunate if this amendment passes. We are, therefore, asking for your support in defeating this measure if it appears in the Senate bill and as it goes to the Conference Committee.

If you have questions regarding our position, please contact my office. We appreciate your support.

Sincerely,

JUDITH M. ESPINOSA,
Secretary.

DEPARTMENT OF TRANSPORTATION,
Salem, OR, September 10, 1984.

Hon. ROBERT T. STAFFORD,
Chairman, Senate Committee on Environment and Public Works, Senate Dirksen Office Building, Washington, DC.

We wish to call your attention to Section 148 of the House-passed Surface Transportation Act (H.R. 5504) which interferes with each state's right to hold and manage its highway right-of-way.

This provision prohibits state transportation agencies from displacing privately-owned rental structures (including buildings and billboards) from public highway properties unless relocation assistance is paid or certain other conditions are met. Currently, relocation payments are made only on the initial acquisition of rights-of-way. Payments are not required under subsequent contracts between the state and private lessees; the state has the option to terminate a lease per the terms of its contract with the lessee.

If enacted, the provisions of Section 148 would impair existing lease contracts by providing unjustified windfall compensation for lessees. Therefore, we ask your support in ensuring that this provision is not included in the Senate Highway Bill (S 2527).

FRED D. MILLER,
Director.

IN TRIBUTE TO SANDFORD ZEE PERSONS

Mr. PELL. Mr. President, when I learned of the recent death of Sandford Zee Persons, I experienced a sense of real personal loss.

At the time of his death, Sandy Persons was director of development for the World Federalists Association. Earlier, he was vice president of that organization.

My first opportunity to work closely with Sandy came while he was with Members of Congress for Peace Through Law. He joined MCPL in 1969 and became its executive director in 1971. Sandy was very proud that MCPL was the first bicameral, bipartisan organization of its type on Capitol Hill. He left MCPL in 1978 to become involved in fundraising for the World Federalists Association.

A native of Aurora, NY, Sandy was in the Navy and the Marines in World War II, serving in the Pacific. He was graduated from Yale University in 1947. He was involved in regional activities of the World Federalists before coming to Washington in 1959.

In all the years in which I knew him, Sandy Persons never wavered from his steadfast commitment to strengthened international institutions. He did all that he could to help Members of Congress appreciate the value of the United Nations and the ways in which it might be made better and more effective.

A man of boundless enthusiasm and energy, he brought a wit and charm to his work. A number of Senators and Members of the House grew to have enormous respect and liking for Sandy Persons.

Earlier, this year, Sandy was of great help to me as I prepared Senate Concurrent Resolution 125, the common security resolution. I introduced that resolution on June 19 with six other cosponsors.

The resolution recalls the groundwork for arms control laid so carefully in 1961 in the McCloy-Zorin agreement on the "Joint Statement of Agreed Principles for Disarmament Negotiations." That agreement specified that the goal of negotiations is to achieve agreement on a program that will ensure that disarmament is general and complete and that disarmament is accomplished by reliable procedures for the peaceful settlement of disputes

and effective arrangements for the maintenance of peace.

Sandy and I agreed that the McCloy-Zorin principles could have validity today in helping us get back on a course toward disarmament and in strengthening the peacekeeping capabilities of the United Nations. Sandy worked very hard to help gain understanding of and support for the resolution.

In his work on the common security resolution and in his other efforts over the years, Sandy never sought personal acclaim. His interest was not in his own benefit, but that of his fellow citizens. Throughout his life, Sandy did what he could to make the world better, and that was a great deal, indeed. We shall miss him.

Thank you, Mr. President.

NICARAGUA'S ACCEPTANCE OF THE DRAFT CONTADORA TREATY

Mr. PELL. Mr. President, there is cause for great concern today about the prospects for peace in Central America if recent reports in the press are accurately reflecting the views of the administration regarding Nicaragua and the Contadora process. I am, of course, referring to articles which reported that officials of the Department of State responded negatively to the Nicaraguan Government's announcement on September 21 that it would accept the draft treaty produced by the Contadora nations after almost 2 years of laborious and painstaking work with the five Central American nations. According to the reports, administration officials said that the negative response was based in part on concerns that the Sandinistas would benefit from a public relations coup because it would seem to put the Nicaraguans on the side of peace while the United States would be put on the defensive and that it would raise questions about the continuing hostility of the United States toward the Nicaraguans.

If the reports are true, it raises serious questions about the actual desire of the administration to see a successful Contadora peace process. Furthermore, it reinforces the belief, held by many, that the administration is only paying lip service to Contadora, not really giving its full support, and thus dooming it to failure. It seems that administration officials in a clear miscalculation, perhaps clouded by a politically colored haze, did not believe the Sandinistas would agree to sign the draft treaty. The Nicaraguans obviously believe Contadora is in their best national interests, but this point seems to have been missed by some administration officials.

In past months, the administration has assured Members of Congress and the American public that it strongly supports the Contadora process and that Nicaragua should also support it by abiding by provisions that were being molded into a final treaty. Now, instead of hailing the Nicaraguan decision to accept the draft Contadora proposal, instead of calling it a major step toward peace in the region, instead of expressing gratification that the hard work of Mexico, Panama, Venezuela, and Colombia—the Contadora nations—is finally bearing fruit, the administration calls Nicaragua's announcement a publicity ploy.

The Nicaraguan announcement should have brought great joy to Washington because of what the Nicaraguans have accepted. The text of the draft treaty has not been made public but reportedly, according to diplomats and others close to the process, it would require that the signatory nations offer amnesty to political dissidents, hold impartial elections, and end support for groups fighting to overthrow other governments. The important question of verification is yet to be resolved, but the United States should be elated that the democracy provisions are obligatory provisions of the draft treaty. The agreement, according to reports, additionally calls for the closing of all foreign military bases in Central America and would ban future construction of foreign bases; it would start a process to reduce and eventually eliminate foreign military advisers. Reportedly, it sets limits on the size of armies and on the quality and quantity of their arms. It also provides for a moratorium on the import of heavy arms until permanent limits are set. Furthermore, it also calls for an end to all international military maneuvers within 30 days of the signing of the agreement.

The administration's negative reaction to the Nicaraguan decision must have the Sandinista leadership and our friends in the area thoroughly confused and perplexed. The U.S. administration vigorously pressed for democracy provisions, and in the five meetings with the Nicaraguans urged that Nicaragua accept the Contadora proposals. Now when Nicaragua announces that it will accept the draft treaty the administration charges that it is a publicity stunt.

I believe that there is still on opportunity for the administration to clarify its policy toward the Nicaraguan acceptance of the Contadora treaty. It is time for the more reasoned officials in the Department of State and elsewhere in the administration to prevail in the cause of peace in Central America. The Contadora process which could be on the eve of the major breakthrough that so many in this region of the world awaited with so much hope, needs a vigorous boost from the U.S. Government. Anything less, could very well signal the end of perhaps the last chance for peace in the region. As it was recognized from the very beginning, if the United States does not support Contadora, if the United States does not really want a Contadora treaty, there is no chance in the world that the Contadora peace process would produce anything but a meaningless pile of papers.

HOSPITAL MEDICARE REIMBURSEMENT WAGE INDEX FORMULA

Mr. EXON. Mr. President, 2 years ago the Congress established a new system for reimbursing hospitals for medicare treatments. The reimbursement formula was created by the Department of Health and Human Services, Health Care Financing Administration [HCFA]. In establishing the system the Congress recognized that the reimbursement rates for medicare treatment must be adjusted to account for differences between labor costs in urban and rural areas.

Unfortunately, the Health Care Financing Administration approved regulations creating the reimbursement wage index formula which penalize many small and rural hospitals across the Midwest. The HCFA formula ignores the fact that many smaller and rural hospitals employ part-time workers to help hold down operating costs. By ignoring the cost-control efforts of these hospitals, HCFA penalizes them through the wage index used to determine hospital reimbursement for medicare treatments.

The current reimbursement formula discriminates against hospitals which employ large numbers of part-time employees. The reimbursement formula uses the total number of employees divided by the total wages paid to determine the medicare reimbursement to hospitals. The formula does not take into account that a large force of part-time employees reduces the hospital reimbursement, but not the cost of the medicare treatment. As a result rural and small hospitals are short changed in their reimbursement.

In response to the efforts of this Senator and others, HCFA established a task force to study this matter and Nebraska was fortunate to have two representatives on this task force. In addition, section 2316 of the Deficit Reduction Act specifically directed the Secretary of Health and Human Services to develop a new wage index which considers the use of part-time employees. Mr. President, this flagrant disregard for the law and will of the Congress simply must stop.

Despite the specific direction from Congress and the work of the task force, HCFA has failed to revise the wage index formula. The formula was not fair to many Midwest rural hospitals when it was created and it is not fair today. If it means enacting fur-

ther legislation to correct the wage index problem then we Midwest Senators should seriously consider that avenue before any hospitals are backed up against the financial wall.

The Hospital Associations of Nebraska, Iowa, and Kansas held a series of press conferences in Omaha, Des Moines, and Topeka on Monday to bring this important matter to the attention of the public. I could not attend those press conferences to emphasize the seriousness of the situation, but I will make their case for them here on the Senate floor.

The Midwest hospital officials have been protesting about the index for months. HCFA has stated they need to collect more information before they have a completely accurate picture of the problem. Harlan Heald, acting president of the Nebraska Hospital Association has estimated that Nebraska hospitals alone could lose about $9 million over 4 years under the current reimbursement formula.

The current wage index problem is also a matter of critical concern to citizens who live in the Midwestern rural areas. These hospitals have worked in good faith to comply with the reimbursement formula and we must ensure that they are reimbursed in a fair and equitable amount. Many of the elderly must drive miles to obtain hospital care, and the unfair wage index formula, if not corrected, could force them to drive even farther.

I urge my colleagues to contact Secretary of Health and Human Services about this matter, to encourage her to comply with the original congressional directive to establish a new wage index which does not penalize Midwestern hospitals.

I ask unanimous consent that the following be printed in the RECORD: a letter from Senators DOLE, KASSEBAUM, GRASSLEY, JEPSEN, ZORINSKY, and myself to Secretary Heckler; a letter from myself to Harlan Heald, acting president of the Nebraska Hospital Association; the September 24, 1984, Omaha World Herald story entitled "Hospital Groups Rap Medicare Wage Index"; and the Omaha World Herald story entitled "Agency Trying To Get Pay Data From Hospitals."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, September 24, 1984.

Hon. MARGARET M. HECKLER,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY HECKLER: We are writing to urge your prompt action in adjusting the hospital area wage index under the Medicare prospective payment system. This is a matter of critical importance to many hospitals in our states, particularly those located in rural areas.

We were disappointed that the final regulations dealing with fiscal year 1985 prospective payment rates did not include revisions in the wage index to correct the inequities experienced by hospitals which utilize a high proportion of part-time employees. There is broad recognition of the deficiencies of the Bureau of Labor Statistics wage index now being used, particularly as it relates to regional variations in part-time employment. Above average use of part-time rather than full-time personnel is common among small, rural hospitals as they make reasonable attempts to deal with decreased utilization.

The hospitals of our states have acknowledged the need for Medicare reimbursement reform and have worked in good faith to promote the goals of the new prospective payment system. The ultimate success of the program relies heavily, however, on its equitable application. Small, rural hospitals literally cannot afford further delay in obtaining necessary adjustments based on a realistic acknowledgement of their full-time/part-time personnel mix.

With these concerns in mind, we respectfully request that you make every effort to complete the work underway within the Department on this matter so that appropriate adjustments can be made.

Warmest regards,

Senators Bob Dole, Nancy Landon Kassebaum, Charles E. Grassley, J. James Exon, Roger W. Jepsen, and Edward Zorinsky.

U.S. SENATE,
Washington, DC, September 21, 1984.

Mr. HARLAN M. HEALD,
Nebraska Hospital Association, Lincoln, NE.

DEAR MR. HEALD: Thank you for your letter of September 19 regarding the press conferences on the "wage index" problem.

As you know, the Senate is in the last few days of this legislative session so I regret that I will not be able to attend the Omaha press conference. Nevertheless, I commend you for your efforts to bring this important matter to the attention of the public, and I will continue my efforts in Washington, D.C., to resolve this problem.

The "wage index" problem is a matter of great importance to a number of hospitals in Nebraska. When the Congress approved the new prospective payment system for hospitals, we recognized that the reimbursement rates under Medicare should be adjusted to account for differences between labor costs in urban and rural areas. The distinction between urban and rural areas is useful and reflects legitimate differences in the costs of operating hospitals.

Unfortunately, the Health Care Financing Administration has adopted regulations which effectively penalize a number of Nebraska hospitals for using part-time employees. In response to the concerns of hospitals across the Midwest, HCFA established a task force to study the matter and Nebraska was fortunate to have two representatives on that task force. Despite the work of this task force and the specific direction of Congress to do so, HCFA has failed to revise the "wage index" provisions to correct the inequities that exist.

The small, rural hospitals of Nebraska cannot afford further delay on the part of the Secretary of Health and Human Services.

Thank you again for letting me know about your plans for the three regional press conferences. Please assure the members of the Association that I will continue my efforts to resolve this problem.

With best wishes.

Cordially,

J. JAMES EXON,
U.S. Senator.

[From the Omaha (NE) World Herald, Sept. 24, 1984]

ORGANIZATIONS SEE BIG LOSS: HOSPITAL GROUPS RAP MEDICARE WAGE INDEX

(By Mary McGrath)

Three Midwestern hospital associations Monday called on the federal government to correct a wage index that they say will cause hospitals in Nebraska, Iowa and Kansas to lose an estimated $36 million in four years.

Officials of the Nebraska, Iowa and Kansas Hospital Associations were flying to Des Moines, Topeka and Omaha Monday for press conferences on the matter.

At issue is the area wage index used in computing payments under Medicare's new prospective payment system for hospitals. A three-year phase-in of the system began Oct. 1, 1983.

Congress had directed that the wage index be changed by Oct. 1, but it now appears that it will not be, the hospital officials said.

Midwestern hospitals have been protesting about the index for months because they say it pegs local wage rates too low, reducing Medicare payments.

$9 MILLION LOSS

Harlan Heald, the Nebraska association's acting president, said a rough estimate is that Nebraska hospitals would lose $9 million over four years. He and others were interviewed in advance of the press conferences.

Robert Cottrell is head of the Ogallala Community Hospital and chairman of the Nebraska Hospital Association board. He said the Ogallala hospital would lose $97,350 in revenue if the index is not changed. That would be about 4 percent of its anticipated gross income.

Kansas Hospital Association officials estimate the impact there at $12 million, based on a study the association did.

Iowa officials projected a loss of $15 million. Both the Nebraska and Iowa figures were arrived at by working from the data developed in Kansas, officials said.

NEBRASKA AMONG LOWEST

Officials said reduced Medicare payments can be expected to force hospitals to charge other patients more and, in some cases, to borrow money or ask for more support from local government.

Donald Dunn, president of the Des Moines-based Iowa Hospital Association, said the wage index plus additional strain on some hospitals—especially in rural areas—that are struggling to adjust to reduced use of hospitals.

Rural hospitals typically have a large percentage of elderly patients covered by Medicare.

Midwestern hospital officials maintain that the wage index does not take into account the number of part-time employees used in this region.

The wage index for rural Nebraska, for example, was the lowest among all the states. Only Puerto Rico was lower.

Heald said that a year ago, about 30 to 35 percent of Nebraska hospital employees were part-timers, and the percentage probably is higher now.

He said that if the wage index is adjusted,

hospitals in all parts of Nebraska stand to gain.

Hospitals last year asked their congressional delegations to change the wage index.

EXON-DOLE PROPOSAL

Sens. J. J. Exon, D-Neb., and Robert Dole, R-Kans., co-sponsored a measure that directed the Department of Health and Human Services to change the index and adjust hospital payments retroactively.

"Everyone agreed that the index wasn't fair," Cottrell said.

"But the Health Care Financing Administration has failed to keep its promise to correct the flaws within the area wage index by Oct. 1, 1984," he said.

"We do not advocate special treatment for Midwestern hosptials. We do demand that the Department of Health and Human Services be fair," he said.

He said the three state associations are calling on department Secretary Margaret Heckler to make the change.

The associations' officials also called on President Reagan to instruct Mrs. Heckler to change the wage index if the Department of Health and Human Services does not act.

Association officials also are seeking help from the American Hospital Association.

Others scheduled to attend the afternoon press conference at Eppley Airfield in Omaha were LeRoy Rheault, head of Good Samaritan Hospital in Kearney; Jon L. Jensen of Maquoketa, board chairman of the Iowa Hospital Association; Don Wilson of Topeka and Sister Elizabeth Stover of Concordia, president and board chairman of the Kansas Hospital Association.

[From the Omaha (NE) World Herald, Sept. 24, 1984]

AGENCY TRYING TO GET PAY DATA FROM HOSPITALS

(By Mary Kay Quinlan)

WASHINGTON.—Midlands congressmen say they have been trying for a year to get the Department of Health and Human Services to change a Medicare reimbursement formula that rural hospitals say is unfair.

But so far, congressional staff members said, the department's Health Care Financing Administration has not set a deadline for modifying the payment rules.

A spokesman for the Health Care Financing Administration said the agency is trying to gather the data necessary to make the change rural hospitals are seeking but has not gathered enough "to really come up with a completely accurate picture."

This week, department Secretary Margaret Heckler will receive letters signed by about two dozen senators and House members from rural states, including the entire Nebraska delegation, urging a prompt resolution to the issue.

"This is a matter of critical importance to many hospitals in our states," the six senators from Nebraska, Iowa and Kansas said in their letter to Mrs. Heckler Monday.

"Small rural hospitals literally cannot afford further delay in obtaining necessary adjustments" in the wage index that affects how much hospitals are paid for treating Medicare patients, they added.

TAUKE LETTER

In the House, a letter circulated by Rep. Tom Tauke, R-Iowa, which will go to Mrs. Heckler later this week, expressed concern that additional delays could endanger improvements made in recent years in rural health care.

"Our rural hospitals cannot wait for studies and possible relief in the future," it said. "It will come too late, if at all, to save them."

Tauke's letter had 16 co-signers by Monday morning, including all three Nebraska House members and western Iowa Rep. Berkley Bedell.

Department officials acknowledged the need for a revised wage index since last year, but members of Congress who have been following the issue say the department has been dragging its feet.

Aides to Nebraska and Iowa congressmen said the department indicated early this year it would incorporate the wage index changes when it issued new Medicare reimbursement regulations for the 1985 fiscal year, beginning Oct. 1.

In addition, a deficit reduction act passed in June instructed the department to study and develop a new wage index and report the results within 30 days.

The new Medicare regulations were issued late last month without the wage index changes rural hospitals sought.

BENDING OVER BACKWARD

John Kittrell, spokesman for the Health Care Financing Administration, said the agency has sought certified salary data from every hospital in the Medicare program and to date has received responses from 80 percent of them.

"We don't feel like that's enough to issue a new index," he said, adding:

"We're bending over backwards to call the ones we haven't heard from. We want it (the new index) to be just as accurate as possible."

Kittrell said he did not know when the new index would be finished.

Whenever it is, he added, the law requires it to be retroactive to Oct, 1, 1983, when the new Medicare payment system took effect.

SMOKING PREVENTION HEALTH AND EDUCATION ACT OF 1983

Mr. RIEGLE. Mr. President, I would like to express my strong support for the Smoking Prevention Health and Education Act of 1983, S. 772 and to urge the Senate leadership to schedule floor consideration of this measure or the House-passed counterpart, H.R. 3979, prior to the adjournment of the 98th Congress.

These measures reflect a true compromise in the best possible sense, serving the public interest by resolving differences between the health community, the tobacco industry, and the advertising industry. Both bills properly address the concerns of the health community by requiring stronger, more detailed, and more varied warnings than have ever been required in our Nation's history of dealing with this issue. These warnings are infinitely stronger than any others ever adopted since the first Surgeon General's warning was issued in 1964. The health community worked with great skill and balance in contributing to this compromise. They deserve special recognition for their efforts.

While these strong warnings, which I sincerely hope will become law before this body adjourns, require a rotational system in order to accommodate the large volume of information required, it is the clear intent of the legislation to permit the tobacco and advertising industries the flexibility in developing rotational programs that will facilitate its implementation without placing an undue burden on their ability to operate freely in the marketplace.

I have long admired the creative skills of the professional practitioners of the advertising media both in the marketplace and in the time and money so freely dedicated to using those skills in the public interest through public service advertising campaigns. I have had long professional experience with the outdoor advertising industry. I am pleased that those who worked diligently to bring this compromise to fruition apparently recognized the need to allow all those media involved sufficient freedom to adopt systems consistent with the individual technical constraints each separate medium faces in the day-to-day mechanics of practicing their craft.

Finally, the two bills allow the tobacco industry to continue to employ hundreds of thousands of farmers and workers who depend on it for their livelihood. It is worth noting here that many individuals both within and representing the tobacco industry put forth a prodigious good faith effort, often at great personal sacrifice, to enable all of the diverse parties involved to come to a mutually acceptable agreement. These sacrifices made by the tobacco industry and its representatives were reflected in their relinquishing long established marketing practices.

I commend the tobacco industry for their farsighted accommodation, the health community for their diligence, and the advertising industry for their assistance in bringing such important legislation to this point.

Again, I urge the Senate leadership to schedule floor action on this measure prior to the adjournment of the 98th Congress and likewise, urge my colleagues to join me in support of its passage.

A MOMENT OF TRUTH FOR NICARAGUA

Mr. KENNEDY. Mr. President, it is a critical moment in the history of Nicaragua. For the Sandinistas, it is a moment of testing and truth. Many people are asking: "Is there room for real democracy and genuinely free elections in Nicaragua, or are the promises of the revolution only words, as the Reagan administration has claimed?" For the opposition forces inside Nicaragua, it is a moment of great challenge and opportunity. Many people are asking, "Do the opposition forces dare to enter these elections and compete for the office of President with a serious candidate and a serious campaign, or are they so

afraid of legitimating the elections by their participation—and perhaps of legitimating a Sandinista electoral victory—that they decline to participate?"

There is good news, and there is bad news.

The good news is that there is still hope. For one thing, the Nicaraguan Government just announced its intention of signing the Contadora agreement, thereby publicly committing itself to national reconciliation and free elections. For another, the opposition forces have finally united behind a nationally respected and popular candidate in Arturo Cruz. He is still negotiating with the Nicaraguan Government in an effort, he says, to obtain guarantees that the election will be truly free and that the rules for the campaign will be genuinely fair. He still has hope that the Sandinistas will recognize that an election without his participation cannot make the same claims to legitimacy as would an election with his participation. He still has hope that the Sandinistas will agree to some basic ground rules, and that they will agree to postpone the day of the election to allow him and his coalition to run a vigorous and unfettered national campaign.

But there is bad news about this election, too. This is to be found in the report from Robert Leiken in his recent article, "Nicaragua's Untold Stories," in this week's issue of the New Republic. Mr. Leiken is a distinguished observer of events in Central America, and he has a reputation for balance and objectivity. He is the editor of an important collection of essays, "Central America: Anatomy of Conflict" and now works as a senior associate at the Carnegie Endowment for International Peace. Mr. Leiken visited Nicaragua with his brother, an American labor activist, and came back with the news that it is hard for an opposition candidate to run a campaign for president in Nicaragua today. He described a rally organized by Arturo Cruz's supporters in Chinandega. Despite the fact that Chinandega is "historically the heart of Sandinista organizing efforts and support," thousands of Nicaraguans turned out to hear what Arturo Cruz had to say, only to run into the disruptions of the government-organized turbas. According to Leiken:

When Cruz began to speak, dozens of turbas armed with sticks, stones, and machetes surrounded the field. They came in on what appeared to be army trucks chanting, "Power to the people." They proceeded to break the windows and puncture the tires of demostrators' cars. The police seemed to make no serious effort to restrain them. When the turbas attacked the demonstrators themselves, opposition youths dispersed, only to return wielding their own sticks and stones. Outnumbered, the turbas were routed.

Leiken goes on to say:

What happened at Chinandega strongly suggests that neither a genuine election nor a genuine campaign can take place.

Leiken's conclusions are disheartening. He states that:

The Sandinistas find themselves in a quandary. Will they back down and permit Cruz to run under reasonable conditions, or will they go ahead with a discredited election? Thus far at least, the Sandinistas seem unwilling to pay the price of submitting their rule to a popular test.

But it is too early to tell yet what will happen in Nicaragua. If one thing is certain, it is that the forces of democracy are bubbling within that troubled society. It may be true, as Bob Leiken says, that "Authentic elections may be the last chance to avert full-scale civil war." But it is no less true that authentic elections could also bring about a final and lasting peace. The die has not yet been cast.

It is clear that the Sandinistas have already taken some specific and significant steps in the direction of democracy in Nicaragua, but it is also clear that they have not gone far enough yet. We can only hope that the Sandinistas will recognize that the path toward peace inside Nicaragua really does depend ultimately upon a genuinely open political process, and that the revolution for which they fought so long and so hard will only be strengthened if the people of Nicaragua are given a real chance freely and openly to choose their own leaders.

I ask unanimous consent that Mr. Leiken's article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Republic, Oct. 8, 1984]

NICARAGUA'S UNTOLD STORIES

(By Robert S. Leiken)

The 72-year-old señora lives in a solid stone house constructed by the Sandinista government. Her son, German Pomares, was a founder of the Sandinista National Liberation Front (F.S.L.N.) who perished leading the final offensive against Somoza in 1979. Set off by a well-kept garden from the shacks of the cotton field workers of El Viejo, Mrs. Pomares's home appears comfortable. But inside, the mother of the nationally revered martyr sleeps on a cot covered with rags, and she hobbles through bare, unfurnished rooms. She lives on a pension equivalent to $10 a month. She has made four trips to the local hospital, but has yet to succeed in getting a doctor's appointment. Three times she has requested an audience with Comandante Tomas Borge, now the sole surviving founder of the F.S.L.N. Each time, her son's old comrade has refused to receive her.

For one who has sympathized with the Sandinistas, it is painful to look into the house they are building, but it is unwise not to. I spent ten days in Nicaragua in August, accompanied by my brother, a trade unionist from Boston. It was my sixth visit since the revolution, and my longest since 1981. I have testified in Congress against aid to the contras and have supported (and continue to support) negotiations to end the civil war in El Salvador. Yet each succeeding trip to Nicaragua drains my initial reservoir of sympathy for the Sandinistas. Last year I wrote in my introduction to a book treated by the press as the "Democratic alternative to the Kissinger Report" that the Sandinistas' "failure to preserve the revolutionary alliance with the middle class and small producers as well as sectarian political and cultural policies [had] polarized the country, led to disinvestment, falling productivity and wages, labor discontent, and an agrarian crisis." This visit convinced me that the situation is far worse than I had thought, and disabused me of some of the remaining myths about the Sandinista revolution.

Everywhere we went we confronted the disparity between these myths and the unpleasant truth. The Sandinistas blame Nicaragua's economic crisis on the contra war and U.S. economic sanctions. Yet the standard of living in Nicaragua was deteriorating well before the U.S.-backed contras turned to economic sabotage in the spring of 1983. A December 1981 internal staff memorandum of the International Monetary Fund found that real wages had fallen 71 percent since July 1979. They have continued to decline in succeeding years. And even with the U.S. "economic boycott," over 25 percent of Nicaragua's exports still go to the United States, not much less than under Somoza. Nicaragua can no longer sell sugar at subsidized prices to the United States, but what it has lost in this market it has sold to Iran at prices above those of the world market. The war and U.S. sanctions have compounded a mess created by the Sandinistas themselves.

Nicaraguans themselves do not seem to accept Sandinista claims that *Yanqui* aggression is responsible for the general scarcity of consumer goods. Peasants are obligated to sell their goods to the Ministry of Commerce and Industry, and contend that its prices are too low to enable them to make ends meet. A large portion of the peasantry is now producing only for its own consumption, and the resulting shortages have dramatically driven up prices. The marketplace, once the bustling center of Nicaraguan life, is now a daunting experience for buyers and sellers alike. As shoppers make the rounds looking for rice, beans, milk, toilet paper, soap, or light bulbs, the shopkeepers' constant reply is *"No hay"* (There isn't any). For anyone unable to afford the inflated prices or without the foreign exchange to shop at the new foreign currency stores, Eastern European-style queuing is now routine.

One of the most depressing aspects of our trip was to hear from so many that their lives are worse today than they were at the time of Somoza. Before the revolution Nicaraguans ate well by Central American standards. Thanks to the country's fertile soil and its small population, even poor Nicaraguans were accustomed to beef and chicken. Now consumer goods available to the masses in other Central American countries are no longer obtainable. Barefoot children are hardly uncommon in the region, but I had never seen so many completely naked. As we encountered them, their distended stomachs displaying the telltale signs of malnutrition, Nicaraguans would bitterly recall the government slogan, *"Los niños son los mimados de la revolucion"* ("Children are the spoiled ones of the revolution").

The shortage of basic necessities is also breeding pervasive corruption. When we asked a rual storekeeper why he was able to sell Coca-Cola while many restaurants in

Managua were not, he said that he had obtained the soft drink with a bribe. We later met Ramiro, a Coca-Cola deliveryman in León and a former member of the F.S.L.N., hitchhiking home from the city of Chinandega. He was returning from his five-hour weekly excursion after work to procure the three bottles of milk his children need. The milk cost him 150 cordobas, 30 percent of his weekly wages. (The official exchange rate is 28 cordobas to the dollar; the real, or black market, exchange rate is 250 to 1.) To get the money, he told us, he accepts bribes from some of his customers for extra cases of Coke. "This system is corrupting me against my will," he said.

Ramiro's desperate measures hardly merit censure. But others, especially high-ranking Sandinistas, are turning big profits from the scarcity. Members of a leather workers cooperative in Masaya told us that they are officially allotted 10,000 meters of leather a month; they receive between 5,000 and 7,000 meters. The cooperatives' Sandinista directors sell the remainder in Managua's Eastern Market and pocket the money. It is now a general practice for coordinators of the neighborhood Sandinista Defense Committees (C.D.S.) to sell part of the provisions allotted to them by the government on the private market. The people are then informed that provisions have run out.

In the village of El Transito, two hours northwest of Managua, most of the people belonged to the C.D.S. at the outset of the revolution. Now there is but one member, the coordinator, formerly the village's leading Somocista. (The transformation of Somocistas into Sandinistas and of Sandinistas into oppositionists is very common. In every town we visited we were told that former Somoza officials are now running C.D.S.'s.) The coordinator enriches himself by selling C.D.S. foodstuffs and supplies in the Eastern Market. As we passed his house, we were able to peer through the window and see him standing there in his dark glasses, isolated and reviled.

The life-styles of the new rich contrast vividly with that of the rest of the country, and with official rhetoric. A Sandinista *nomenklatura* has emerged. Party members shop at hard-currency stores, dine at luxury restaurants restricted to party officials, and vacation in the mansions of the Somoza dynasty, labeled "protocol houses." Vans pull up daily at government and party offices, to deliver ham, lobster, and other delicacies unavailable elsewhere. In a private state dining room, I ate a sumptuous meal with a comandante at a long table, attended by five servants. The image of the protruding stomachs of the "spoiled ones of the revolution" intruded while we consumed our lemon meringue pie.

Intellectuals and former officials claim the decadence is endemic in upper government and party echelons. A former Sandinista diplomat recounted tales of high jinks and extravagance by Sandinista officials on foreign junkets, and women state employees complained of the same sexual harassment and blackmail that is common elsewhere in Central America. The swinging Sandinista leadership cynically presents an image of revolutionary asceticism to the outside world while being addicted to the very vices that it routinely denounces in "degenerate bourgeois society."

The widespread corruption from the lowest to the highest levels of government makes it hard for Nicaraguans to accept the notion that their problems originate from abroad, or that they should endure further sacrifices "to confront the imperialist enemy." A jobless worker in the Indian town of Monimbo complained, "The C.D.S. insists that we unscrew the street lights to conserve energy in the fight against imperialism. People are falling in holes while the Sandinistas get rich on our misery. What are their sacrifices?"

Those Sandinistas who have refused to be corrupted recognize that their dreams have turned into a nightmare. One government official, a good friend, told me, "We have given birth to a freak. But we must keep him alive." Yet what is to be done when the freak becomes a menace to its people and neighbors? There is a general impression among those in the United States properly aghast at the C.I.A. mining of ports and U.S. support for the professional torturers among the *contras* that the Sandinistas are the victims, not the victimizers. Inside Nicaragua, however, the image is reversed.

The word Nicaraguans employ the most frequently to describe the Sandinista government is *engaño* (hoax or trick). In the city of Chinandega, we talked with transport workers from an opposition union who on their own time and with their union dues had painted road signs to make the city safer for driving. The Sandinista government took credit for the improvement. The national literacy campaign is one of the most vaunted achievements of the revolution, praised even by many of the government's critics. Yet two "graduates" of the literacy program in a peasant village told us they could not read their diplomas. We couldn't find one student from the campaign there or in the neighboring village who had learned to read. The campaign did somewhat better in the larger cities such as León, where, we were told, some had learned to read in follow-up courses. But most had forgotten the little they had learned, and at best could now only sign their name for election registration.

The most outrageous engaño occurred during Pope John Paul II's visit to Managua in March 1983. According to Sandinista accounts, the Pope's mass had been "spontaneously" interrupted by the crowd, offended by the Pope's failure to heed the request of mourning mothers who wanted him to pray for their sons killed in the battle against the contras. Two former government officials, who are still Sandinista supporters, told us a different story. They had been appalled at the interruptions made by cadre from the Sandinista women's organization, furnished with microphones and loudspeakers. After the Pope left, the crowd departed in disgust and the Sandinista leadership was left awkwardly standing on the platform. The two officials, depressed by the spectacle, retired to a bar located next to the offices of the F.S.L.N. radio station. They overheard a group of Sandinista radio employees at an adjoining table bragging about how they had played pre-recorded tapes of crowds chanting Sandinista slogans into the sound system.

The Sandinista engaño has been most successful among the resident foreign press. Journalists familiar with the atrocities of the right-wing tyrannies of Central America wish to believe, quite understandably, that the Sandinistas present an alternative. In today's Nicaragua it is easy to confuse desire with reality. The resident press also frequently merges with the larger population of "internationalists," a term which embraces all those foreigners expressing solidarity with the Sandinistas, from Bulgarian and Cuban apparatchiks to idealistic North Americans and West Europeans. It is the general feeling among Nicaraguans that the foreign press in Managua strongly sympathizes with the government, and that it is dangerous to speak openly with them. Disaffected Sandinista intellectuals, friends of friends, who poured their hearts out to me in Managua were afraid to meet with reporters from the U.S. press. We spoke with a resident of Monimbo, where a spontaneous insurrection had ignited the revolution against Somoza in February 1978. We had spent an evening together a year before with a mutual friend, yet initially he was still distrustful. He told us that the revolution had produced "many advances for the people"; two hours later, he was saying, "Monimbo appears to be sleeping, the way it was during the time of Somoza, but the people are united. One day soon they will stand up again."

One of the most common means of sustaining the myth of popular support is the Sandinistas' use of the rationing system as a lever. In numerous villages and cities, we learned that ration cards are confiscated for nonattendance at Sandinista meetings. In Masaya we were told that before one of the "Face-the-People" meetings (in which comandantes meet with local residents) the ration cards of the members of cooperatives were collected; their return was made conditional on attendance. At one such meeting in Chinandega, Ortega branded talk of inflation "a counterrevoluntionary plot." A pound of beans could still be purchased for five cordobas, he claimed. A man in the audience stood up and shouted, "Comandante, here's ten cordobas. Please get me a pound of beans." According to his neighbors, he was imprisoned later that day.

Although Nicaraguans still for the most part bow to government pressure, they do so sullenly and without conviction. We witnessed two Sandinista demonstrations, one in Masaya and the other in Chinandega, two historically pro-Sandinista cities. The Chinanadega rally, held at 10 on a Wednesday morning, celebrated the fifth anniversary of the literacy campaign. It was attended entirely by students obligated to go by school authorities. As they marched through the streets chanting slogans distributed to them on small pieces of paper by their Sandinista instructions, pedestrians did not so much as turn their heads. None of the presumably grateful, presumably literate, people came to greet the comandante sent from Managua.

In Masaya the demonstration did not even benefit from student participation. As we approached the gathering in the fading afternoon, a large group of students stood on the steps of the Catholic school. They had refused to join the demonstration because the Sandinistas had removed several of their Catholic teachers. The small group of demonstrators had glazed looks in their eyes as the last speeches wound down. I asked a *campesino* in attendance whether any of the comandantes had come. He answered, "I don't know. I slept through it."

The Nicaraguan populace has been saturated with Sandinista bombast which issues from radio, television, newspapers, local and national political meetings, and block committees, and which is propagated in the schools, the factories, and the cooperatives. The people resist in different ways: with the indifference and boredom we saw in Chinandega and Masaya; with a resurgence in religious feelings which has filled churches and Catholic schools; with suspiciousness and bitter humor.

Jokes and wisecracks against the Sandinistas are proliferating. The two pro-Sandinista newspapers, *Barricada* and *Nuervo Diaro*, are referred to as *Burricada* (as in bore) and *Nuevo Diablo*. The F.S.L.N. is "the Somocista National Liberation Front." "Why do people prefer *Tona* [one of the two Nicaraguan beers]? Because the other, *La Victoria*, is bitter." Suspicions of the government are so deep that families of the war dead no longer believe that the government coffins shipped back from the front contain the bodies of their sons. (The coffins are sealed as a matter of policy.) People believe, improbably, that the coffins hold rocks or banana tree trunks. In Monimbo we were told that when a family and friends tried to open a coffin with a hammer and chisel, they were carried off by the police.

Nor is popular discontent restricted to these forms of passive resistance. Sympathy with the *contras* is becoming more open and more pervasive. I was stunned to hear peasants refer to the *contras* as *"Los Muchachos,"* the boys—the admiring term used to describe the Sandinistas when they were battling the National Guard. It was apparent that many Nicaraguans are listening to the "Fifteenth of September," the *contra* radio station. It must be noted, however, that the *contras* do not operate in the areas we visited, and sympathy toward them may well be proportionate to absence of direct contact.

Draft resistance has become a mass movement in Nicaragua. The government passed legislation last September under which Nicaraguan men between the ages of 16 and 40 can be drafted for two years. When we were in Nicaragua, four hundred women gathered outside the draft board in La Paz Centro, a trading town thirty-five miles northwest of Managua, to protest forced recruitment of their sons. The demonstration was the latest in a string of anti-draft demonstrations in cities and towns throughout Nicaragua. *New York Times* correspondent Stephen Kinzer, one of the few resident reporters to sniff out the *engaño* of Sandinista policies, reported on June 26 that "draft evasion is widespread," and found that high school attendance in six major provincial capitals had declined by as much as 40 percent. A student in León said that his high school class of forty-five had fallen to fourteen during the past year. Honduran researchers say Nicaraguan draft evaders pay 25,000 cordobas to be transported across the border, part of the money going to Nicaraguan Army officials in bribes. The demand is so great that border smugglers are now requiring groups no smaller than five. Draft resistance strikes a powerful blow at the myth of widespread popular support for the government. Young people have historically been the mainstay of Sandinista support.

Perhaps the most illuminating political event in the five years of Sandinista rule was a rally held for opposition presidential candidate Arturo Cruz in Chinandega on August 5. On that Sunday morning, Sandinista chicanery, censored domestic and lackadaisical international press coverage, and the growing vigor of the opposition converged.

Chinandega, a city of approximately 60,000, was historically the heart of Sandinista organizing efforts and suppport. These efforts radiated out to the surrounding cotton and sugar fields, to the country's two largest sugar refineries nearby, to the stevedores at Corinto, Nicaragua's largest port, and down to León, another center of anti-Somoza resistance. One would have expected that here the opposition would be weakest, the government strongest.

The Chinandega demonstration was the last series of six held in support of Cruz. Each rally had been larger than the last. The organizers were denied access to Sandinista-controlled TV stations. They were able to place an ad on the one local non-Sandinista radio station, but they relied chiefly on two vehicles with loudspeakers, and on word-of-mouth. Two days before the rally three "angels," as members of the state security are commonly known, called on the organizers of the demonstration and accused them of being C.I.A. agents. The *turbas divinas*, "divine mobs" of Sandinista supporters, circled their houses at night beating sticks against cans and chanting until the small hours of the morning. (Somoza's version of the *turbas*—the *Nicolasa*—used to employ the very same method against the opposition.) Meanwhile, Sandinista newspapers and television branded the opposition as consisting of *contras* and agents of American imperialism, and announced that further "aggressions" by them would not be permitted. Local authorities implied that the demonstration would be declared illegal. The day before the rally, Daniel Ortega, the head of the Sandinista government and the Sandinista presidential candidate, spoke to two hundred youths in El Viejo, a village three miles away. El Viejo's residents later claimed that the youths had been incited against the demonstration's leaders.

Fearing an attack by the *turbas*, organizers did not put up the banners or placards until early on the morning of the demonstration. But as they were working, fifty *turbas* burst into the soccer field, tearing down the banners and dispersing the organizers. They returned later during the day to try to repair the damage.

We spoke with two organizers—middle-class, professional women who had belonged to the F.S.L.N. before the revolution. (According to one, "the F.S.L.N. says that the opposition is Somocista. But most of the old Somocistas are working with the government. The opposition has remained the same. It is the F.S.L.N. that has changed.") They told us that after the *turbas'* nighttime serenading, they went to complain to the offices of the party representative, the chief of police, and the chief of state security, and to the Sandinistas. They were assured that the *turbas* would be controlled and that the demonstration would not be obstructed. After the early-morning attack, the two women went to the house of the local party leader. The door was open, and they entered. In the next room they heard the *turbas* informing him of the success of their mission.

There is no question that many who wished to go to the Cruz rally stayed at home. On the day of the rally, local authorities impeded traffic from outlying areas into Chinandega. As Cruz marched through the city, many people opened their doors, gave him the "V" for victory sign, and then ducked back into their homes to avoid the ever-present eyes of the C.D.S. One woman said she did not go to the demonstration because she lived too close to the Sandinista youth office. She told of others who received threatening phone calls. Two weeks after the demonstration, a gas station attendant in Managua told us he had gone to the rally and that three friends who had accompanied him were in jail.

As might be expected, estimates of the turnout vary. Opposition figures soared as high as 20,000; local newsmen said 7,000. Given Sandinista efforts to reduce attendance, even 7,000 seems an impressive number, especially since three months before, the F.S.L.N. only managed to get 2,500 to Chinandega for the country's principal May Day rally. NBC taped the entire Cruz demonstration. Should this tape ever be shown publicly, experts will be able to make an accurate judgment about the number of demonstrators. When I viewed the tape it was evident that these thousands of demonstrators were hardly "bourgeoisie," as the Sandinistas claimed. They were overwhelmingly workers, peasants, and young people. I learned later that workers had hired their own trucks to come from the San Antonio Refinery and from the port of Corinto. They chanted slogans like *"El frente y Somoza son la misma cosa."* ("The Sandinistas and Somoza are the same thing.")

When Cruz began to speak, dozens of *turbas* armed with sticks, stones, and machetes surrounded the field. They came on what appeared to be army trucks chanting, "Power to the people." They proceeded to break the windows and puncture the tires of demonstrators' cars. The police seemed to make no serious effort to restrain them. When the *turbas* attacked the demonstrators themselves, opposition youths dispersed, only to return wielding their own sticks and stones. Outnumbered, the *turbas* were routed.

The almost complete absence of foreign and domestic press coverage enabled Sandinista officials to characterize the demonstration their own way. We encountered a Sandinista official drunk at mid-day on the streets of El Viejo. He told us that the demonstration had taken place at the private home of a bourgeoisie and was attended only by a handful of plutocrats. In Managua, the Sandinistas told us that there had been several hundred demonstrators. The following day the Nicaraguan press carried no mention of the events except for one photograph in the official newspaper *Barricada* which purported to show the *turbas* attacked by "fascist" demonstrators. *La Prensa* had devoted several articles and photographs to the demonstration and the clashes, but these were all censored, and the paper did not appear. This was the very day that Daniel Ortega had announce the lifting of press censorship.

The demonstrations for Cruz's candidacy tested the popular mood and the prospects for "the first free elections in Nicaragua," as the Sandinistas' sogan puts it. Among the conditions that Cruz and his supporters have laid down as indispensable for participation are guarantees of freedom of movement, assembly, and equal access to the press and television; sufficient time to campaign; international observers; and, most importantly, guarantees that if he won the election he would be allowed to take office. What happened at Chinandega strongly suggests that neither a genuine election nor a genuine campaign can take place.

Chinandega also exposed the Sandinistas' electoral stratagem. Their decision to hold elections in November was based on a rudimentary political calculation. They judged that the external legitimacy provided by elections would more than compensate for their internal cost. They knew that power does not often change hands in Central America through elections. Somoza's elections had proven that, and the Sandinistas are in a far better position to control elections than Somoza ever was.

Yet their calculations were wrong on two counts. First, they failed to account for the Nicaraguan people. High-level Sandinista officials to whom I have spoken seem to live, along with their international supporters, in a dream world. They deem that the "anti-imperialist sentiments" of the Nicaraguan people allow them to bear any sacrifice even when their "anti-imperialist" leaders bear none. They receive favorable reports from lower-level cadre whose jobs depends on the perception of success. The Sandinistas knew that after five years of enforced political paralysis, the opposition was poorly organized, divided, and amateurish. The spontaneous popular reception for Cruz took them by surprise. Second, they failed to recognize the degree to which they have alienated progressive opinion in Latin America and Western Europe. Cruz's recent highly successful trip to Costa Rica, Venezuela, and Colombia, and his support from European Social Democrats like Spanish Socialist Prime Minister Felipe Gonzalez, has confounded the F.S.L.N.'s electoral plans.

Thus the Sandinistas find themselves in a quandary. Will they back down and permit Cruz to run under reasonable conditions, or will they go ahead with a discredited election? Thus far at least, the Sandinistas seem unwilling to pay the price of submitting their rule to a popular test. One Sandinista official, whom I have always considered a moderate, told me privately that they would prefer a U.S. intervention because it would "vastly accelerate the Latin American revolution against U.S. imperialism." He told me that the Nicaraguan Army would immediately invade Honduras and Costa Rica and be greeted as "liberators" by the people.

One can only hope that cooler Sandinista heads will prevail. Authentic elections may be the last chance to avert full-scale civil war. If democratic channels cannot be opened, the civilian opposition will be forced to link up with the armed opposition—which is exactly what happened in the 1970s in El Salvador after fraudulent elections. The United States, which has a monstrous record in Nicaragua, can do something to help. What is needed now most urgently is a bipartisan effort in support of authentic elections in Nicaragua.

As we pulled out of Managua in the fading light of a Sunday afternoon, we found ourselves directly behind an army convoy made up of about twenty vehicles. But unlike the army convoys I have seen in El Salvador, Honduras, and elsewhere, it would not permit traffic to pass. A large vehicle with a blinking light occupied the left lane, forcing vehicles coming toward us off the road. A soldier with a machine gun was poised on the rear truck. It took us four hours to cover the fifty miles to León. It was a grueling microcosm of Nicaragua today: the Sandinistas in the "vanguard" preventing the normal flow of traffic, whether out of real fear, paranoia, or bullying. Behind them the rest of the population followed, inconvenienced, irritated, and enduring another pointless "sacrifice" for the Sandinistas' militarism. Our inconvenience was only four hours: the Nicaraguan people experience this twenty-four hours a day. Their patience has worn thin.

[From the New Republic, Oct. 8, 1984]

LABOR UNDER SIEGE

(By Sam Leiken)

In the last several years, a number of union friends of mine have returned from Sandinista-sponsored tours of Nicaragua with enthusiastic reports of the achievements of the revolution. I visited Nicaragua myself this summer, meeting with members of both the official Sandinista labor federation and the independent unions. I didn't expect to discover a workers' paradise in this underdeveloped and crisis-ridden region, or to see workers running the factories. But I did hope to find signs of progress toward empowering the workers and peasants. Instead, I saw a labor movement battling a "Socialist" government which resists worker demands with tactics ranging from state-controlled unions to spurious arrests and violent goon squads.

In the 1970s labor was united against the Somoza regime, and workers expected that it would remain united to rebuild the country in the aftermath of Somoza's fall. But after assuming power, the Sandinistas sought a large measure of control over the workers by enrolling all Nicaraguan unions in the *Central Sandinista de Trabajadores* (C.S.T.) In 1980 the C.S.T. joined the World Federation of Trade Unions, headquartered in Prague, "The F.S.L.N. wanted to impose a central union, not build one," one opposition labor leader told me.

When centralizing efforts failed, the Sandinistas used state power to penalize unions unwilling to affiliate with them, to organize disruptive factions, and ultimately to jail opposition union leaders. I was told of death threats, beatings, police raids on union headquarters, military conscription of union dissidents, and blacklisting. Opposition leaders are now reluctant to use the recently restored right to strike for fear of being charged with "economic sabotage" and "abetting imperialism."

In talking with truckers from the port city of Corinto who had voted to disaffiliate their local from C.S.T. and to join the independent C.U.S., which is associated with the A.F.L.-C.I.O. through the International Confederation of Free Trade Unions. Soon thereafter, the local's office was attacked by police and *turbas.* Later some had their drivers' licenses revoked, and a half-dozen union leaders were jailed. In another incident a leader of the other independent union, the C.T.N., said he had been beaten and his nose broken by *turbas* at the Managua airport in full view of military and civil police.

The Sandinistas have also alienated workers in their own unions, which has led to increasing numbers of wildcat strikes. Several years ago, when the Sandinistas nationalized the German Pomares sugar works, they ousted the independent union. Then, to ensure a docile new leadership, they stacked the vote by trucking in illiterate cane cutters. This summer workers at the refinery defied their leaders: they struck after the union allowed management to cut back worker access to the company store's superior goods and low prices.

While we were in Managua there was a wildcat sit-in at the government-owned Victoria Brewery. Truck drivers there earn 3,000 cordobas a month. Rents average 1,000 a month, and a pair of pants costs 1,000. One deliveryman told me, "We've had the same salaries for the last five years and now hunger has made us explode." The Victoria workers knew that to return to work without a contract can spell defeat. Forced to go back on the job, they effected a slowdown as a way to sustain their leverage.

The official F.S.L.N. newspaper, *Barricada,* carried a single article on the Victoria "labor dispute." It quoted Sandinista union leaders as saying that they offered "full support to the workers," but also said that they were urging them to return to work immediately. In contrast, *La Prensa* carried a front-page picture of 200 Coca-Cola drivers parading their trucks in solidarity with the Victoria workers. I was able to confirm *La Prensa*'s report that solidarity brigades were sent by the competing brewery Tona, La Milca fruit punch, Pepsi-Cola, and Standard Steel. Several of these unions also have announced impending strikes.

The dissident labor leaders I met were plainspoken, accustomed to dealing with concrete facts. The C.S.T. official I spoke with talked grandly about how the Sandinistas reorganized Nicaragua's tiny, undeveloped labor unions "by industrial branch." Yet he was at a loss to explain why they had abolished the Nicaraguan equivalent of the U.S. National Labor Relations Board *(Tribunales de Trabajo).*

He often contradicted what the workers had told me. The workers at the San Antonio sugar refinery said that they had launched a wildcat strike last February to uphold a wage agreement reached between workers and management. According to the workers, the labor minister, backed by the C.S.T. leadership, disallowed the labor contract because its wages exceeded government guidelines. The C.S.T. official claimed that the labor minister had rejected the contract because its wages were too *low,* and even credited the C.S.T with leading the strike to raise wages. He went on to dismiss the Victoria wildcatters as "backward" and "disobedient." He saw his role not as a representative of the workers, but as their "intermediary" with the employer.

Numerous dissident union leaders described their situation as closely resembling that of the Solidarity movement. One leader, comparing Nicaragua to Poland, told me: "We are both small countries and have suffered many invasions. We both experience long lines and scarcity while many of our products are shipped off to the Soviet bloc. We are Catholic countries with close ties between the unions and the church. We live under regimes where citizens can be jailed at will. And both governments brand independent unions 'anti-Socialist agents of imperialism.'" Listening, I found myself wishing that some of my fellow union activists had come with me to Nicaragua. They could have been as shocked and disappointed at the repressiveness of this "government of workers and peasants" as I was.

THE CRUZ ALTERNATIVE

(By Joshua Muravchik)

The last best hope for a peaceful and humane resolution to Nicaragua's recent agonies may be slipping away. The hope arises from the government's plan to hold national elections on November 4 and the unprecedented cooperation, in response to that plan, that has been achieved among various elements of the opposition.

Three centrist political parties, two labor federations, and the organization representing businessmen and professionals banded together to form the Nicaraguan Democratic Coordinator, known as the "Coordinadora." It chose Arturo Cruz as its presidential candidate, and announced it would not participate in the elections unless the government consented to a "national dialogue" about the terms of the elections and their aftermath.

The Sandinista government originally refused this demand, citing one of the Coordinadora's conditions for the talks: that representatives of the anti-Sandinista guerrillas also be included. But in August that demand

was dropped. Both principal rebel groups—the Frente Democratico Nicaraguense (F.D.N.), and the Alianza Revolucionario Democratico (ARDE) have pledged to lay down their arms if an agreement is reached through the dialogue.

Shorn of the demand for including the rebels in the national dialogue, the nine-point program of the Coordinadora is so manifestly reasonable that the Sandinista government has had trouble justifying its resistance. But thus far it has shown no signs of moving toward an agreement, indeed, it has underscored its tough stance by depriving the three parties that belong to the Coordinadora of their legal standing as political parties.

But the opposition believes that the last word has yet to be heard, and Cruz and his colleagues are hoping to bring international pressure to bear on the Sandinistas. They recently visited five other Latin American countries and were received by the President of each. They are also looking for support from the United States and from Europe. Their immediate demand is for a postponement of the elections so that fair terms can be negotiated.

The Coordinadora program rests on the simple premise that there are elections and there are "elections." It embodies two goals. The first is to win assurances that the elections themselves will be fair and free. The second, more far-reaching, goal is summed-up by Cruz in the phrase, "respect for the results of the election."

To secure the first, Cruz and his colleagues are calling for international oversight of the elections by either the O.A.S. or the Contadora group, or by representatives of the Socialist International or other Latin American states agreeable to both the opposition and the Sandinistas. They have requested that all polling places be organized so that citizens do not have to cast their ballots, as Cruz puts it, "under the eyes and ears of the so-called 'Committees for the Defense of the Revolution,'" the Sandinistas' internal surveillance network. In addition, the Coordinadora seeks guarantees of freedom of expression, information, and movement, an end to censorship of the press, freedom of assembly, and equal access to the airwaves.

The Coordinadora's second set of conditions focuses on what will follow the elections and poses perhaps an even more important test of the Sandinistas' willingness to share power with the Nicaraguan people. "Basically," says Cruz, "it's the separation of party and state. What if the opposition wins the elections? We have to be sure that we have the capacity to govern. If you have the army as it is now, an instrument of the Sandinistas, how can you expect that?" Cruz is referring to the fact that Nicaragua's overgrown army is officially the army of the Sandinista Party. If Cruz is elected President, will the army then belong to the opposition? An analogous situation applies in other crucial institutions such as the militia, the police, and television.

In a fair election, the Sandinistas might find Cruz a formidable adversary. Against him they would have difficulty sustaining the argument that opposition to them is tantamount to "counterrevolution" and the posthumous restoration of *Somocismo*. Cruz himself served two prison terms under the Somozas, and was one of a group of prominent citizens, called "The Twelve," whose public alliance with the Sandinistas was crucial to the overthrow of Somoza. He served as head of the Central Bank during the early months of the revolutionary government. After Alfonso Robelo and Violeta Chamorro, the two original non-Sandinista members of the revolutionary junta, resigned from it in protest, Cruz accepted a seat on it in their place, thereby demonstrating this willingness to walk the extra mile with the Sandinistas. That was something he demonstrated a second time by agreeing to come to Washington as ambassador. For most of a year he labored to secure U.S. acceptance of the revolution even while his own differences with the Sandinista government were widening.

The Coordinadora's platform aims not at repealing the revolution, but at fulfilling its original promises. Cruz says: "We want the revolution to really go to the three parameters on which it is predicated—nonalignment, mixed economy, and pluralism."

The touchstone of Cruz' policy of nonalignment would be a strong focus on relations with the rest of Central America. He twits the Sandinistas for pursuing an ideological foreign policy that has engaged Nicaragua in unlikely causes ("It was not until the Sandinistas came to power that we heard of the Frente Polisario in North Africa"), and that has left it as entangled as ever in its relations with the United States. He would "demilitarize Nicaragua completely," leaving only a police force. "For the protection of the country against aggression, we would do as the Costa Ricans do, invoke the Rio Treaty of collective security."

The Coordinadora's case is a good one, and it deserves more attention from North Americans than it has gotten. Not only does it offer a basis for bringing peace to Nicaragua, it also can be the basis for a cease-fire in the battle within the United States over policy toward Nicaragua. Indeed, one reason for the lack of attention to the Coordinadora's struggle may be that elections are approaching in North America too, and all political factions here are looking to sharpen their differences with their opponents. The Coordinadora's stance offers neither hawks nor doves much that they can disagree with or disagree about.

But the United States now has a moment of opportunity in Nicaragua, and it will not wait for the U.S. elections to pass. Those who have been advocating a more conciliatory U.S. policy towards Nicaragua ought to wield the stick, pressing the Sandinistas to meet the demands of the Coordinadora. Those who have supported aid to the *Contra* rebels ought to proffer the carrot—an end to that support if the Sandinistas agree to genuine dialogue resulting in free elections.

The Sandinistas now have a power, the kind that grows out of the barrel of a gun. In the end, they may decline to put it at risk. But they can't have it both ways. An election without the participation of the Coordinadora would be an empty exercise conferring no legitimacy on its predictable victors. This is a message that the Sandinistas ought to be hearing over and over again from those in Latin America, Western Europe, and the United States, of whatever political stripe, who hope for a peaceful resolution to Nicaragua's turmoils.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

FEDERAL-AID HIGHWAY ACT OF 1984

The PRESIDENT pro tempore. Under the previous order, the hour of 11:15 a.m. having arrived, the Senate will now resume consideration of the pending business, S. 2527, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2527) to approve the Interstate and Interstate Substitute Cost Estimate, to amend title 23 of the United States Code, and for other purpose.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk a cloture motion.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2527, a bill to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes.

Senators Howard Baker, Ted Stevens, Steve Symms, Jennings Randolph, Jeremiah Denton, Slade Gorton, Dave Durenberger, Mark Andrews, Larry Pressler, Lloyd Bentsen, Max Baucus, Richard G. Lugar, Paul Trible, Dan Quayle, John Warner, Bill Cohen, John H. Chafee, Don Nickles, Robert Stafford, James Abdnor, and John Danforth.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I had hoped not to be remembered in my final 10 days of service to the Senate as the leader who filed the most cloture motions in the shortest period of time, but I may have that dubious reputation before I leave here.

But in all fairness, I must say I do not know any other way to get things going. We are up against a series of controversial issues and the choice—the alternative—is to do nothing. I am not willing to do that. So I guess I apologize to the Senate. I am not sure I do. But I guess I apologize for proceeding on the cloture path so many times. But I do wish to offer this by way of explanation.

Mr. President, since this cloture vote will not occur until Thursday, may I remind Senators of the announcement that was made on yesterday; that is, because Wednesday, sundown, until Thursday, sundown, which we interpret to mean from 6 o'clock Wednesday until 6 o'clock Thursday, no votes will occur in the Senate although we will be in session. Any votes that are ordered will be stacked to occur after 6 p.m. on Thursday. Mr. President, that poses a dilemma for the cloture situation because otherwise, rule XXII would require us to have a vote. But in extremis, I would ask the Senate to come in at 5 o'clock on Thursday so we could have a vote at 6 o'clock on Thursday, but that is not my preference. My preference would be to gain consent to set the cloture vote on Thursday at some time after 6 p.m.

The reason, Mr. President, is that we desperately need both today, Wednesday, and Thursday to do other business. Since the cloture vote is now assured, it would be my hope that shortly we would go back to the Labor-HHS appropriations bill, to be followed perhaps by the Interior appropriations bill, and then other matters, such as conference reports. I am thinking particularly of the budget conference report which may be available before very long.

Mr. President, I will not now ask the Senate to go to Labor-HHS. But shortly, I will do that. But I wish to consult with the minority leader and the managers of both the appropriations bill and the managers of this bill before final arrangement is made. But that is the situation as I see it at the moment.

Once, again, in brief summary, cloture has been filed on the highway bill, and that vote will occur after 6 o'clock on Thursday. It is the hope of the leadership that we will go now to other matters, including the Labor-HHS appropriations bill.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

FEDERAL-AID HIGHWAY ACT OF 1984

Mr. SYMMS. Mr. President, I thank the majority leader for his efforts here on our behalf to move toward passage of the highway bill. I am pleased that we finally now are beginning consideration of the Federal Aid Highway Act of 1984; that is, S. 2527. I might just say that the major purpose of this legislation is not to approve an interstate cost estimate and an interstate substitute cost estimate for an 18-month period. In addition, S. 2527 contains a provision that would permit the Department of Transportation to administratively release these interstate funds in the future. So the Congress will not find itself in the same dilemma that it is in now trying to pass a routine highway matter that is tied up for all sorts of other reasons—some germane to the highway program and some only germane to the highways of a specific State or congressional district in the Nation—and where the Federal Government is trying to decide where to spend the highway dollars as opposed to having the State departments of transportation make those decisions as has always worked so well in the past with our Federal highway program. But what is at stake for my colleagues right now is—and I think we should all understand—there is nearly $5.3 billion in interstate construction funds, and close to $800 million for the interstate substitute highway projects. Until the Congress acts, over $6 billion is effectively tied up here in Washington while the States—which should have had this money months ago—will start to suffer and some of them are already suffering but the suffering will rapidly come. The motorists of the United States are also being penalized as their highway user tax moneys languish in the highway trust fund instead of being put to work constructing and repairing our Nation's roads, which is what the money was raised for in the first place. It is interesting to note, Mr. President, that the Federal Aid Highway Program is about the only thing the Federal Government does that I know of where they pay for it in advance; that is, every time we buy a gallon of gas we pay our Federal fuel taxes, our State fuel taxes, and in the case of the Federal fuel tax the money goes into the highway trust fund, and it is appropriated out to the respective States, and pays for the projects as they are built and constructed.

So it is not something that is a deficit-ridden program. It has worked very well.

Let me quickly say that despite the very serious ICE and ISCE problem, there is enormous progress being made in the improvement, rehabilitation, and construction of highway and bridge projects across the country. Thanks to the nickel-a-gallon Federal gasoline tax authorized in the Surface Transportation Act of 1982, States have been able to obligate a record $12.8 billion of Federal aid highway funds during fiscal year 1983. According to the Secretary of Transportation, Elizabeth Dole, during the calendar year 1983, the level of highway construction activities jumped more than 73 percent and the number of bridge projects increased by 56 percent. Secretary Dole recently said:

> The signing of the STAA into law by President Reagan on January 6, 1983, underscores this Administration's commitment to reverse the decline and decay of much of our nation's infrastructure over the past decade. The increased levels in federal funding through FY 1986 permitted by the STAA provide a firm financial foundation to support one of the largest rehabilitative public works programs in U.S. history.

It is also worth noting that there have been some beneficial employment effects of the Surface Transportation Act. Estimates show that for every $1 billion, the Federal assistance for highways results in about 32,000 onsite and offsite construction jobs plus about 30,000 jobs for the spending of wages and profits. Approximately 300,000 additional construction jobs were created in 1983 alone as a result of the Surface Transportation Act.

I might point out that those are the jobs you can see. There is another factor; that the money was allocated from other areas, and it may be that the overall impact may not be as great as many people think. I, for one, do not like to view the highway program as a jobs program, but it is an essential transportation program to provide the opportunity for people to move commerce and move themselves from one place to the other in this great land of ours.

Mr. STAFFORD. Would my distinguished friend yield very briefly?

Mr. SYMMS. Yes; I would be happy to yield to my distinguished chairman.

Mr. STAFFORD. Mr. President, I think we lose sight quite frequently of the fact that when the Interstate Highway System was originally conceived not only was it deemed to be extremely important for the movement of people and commerce in this country, but one of the basic reasons for undertaking its construction was the national defense aspects of the Interstate Highway System.

It still is very important to us, not only from a commercial standpoint, and the movement of our people from one part of the country to another, but from a security standpoint for this great Nation. I apologize to the manager of the bill for interrupting. But I think it is very important that we keep that in mind as well as the commercial side of this great network we now have in this country.

Mr. SYMMS. My distinguished chairman I think makes a very important point. He need not apologize for making that point to all of our colleagues.

I might just continue on, Mr. President, to point out that earlier this year Congress agreed on compromise legislation, H.R. 4957, which contained a 6-month ICE and ISCE approval which was signed into law, Public Law 98-229, on March 9, 1984. States are still waiting for approval of the remaining 18 months' worth of interstate construction and interstate transfer funds. To win passage of just a 6-month bill involved a difficult, laborious process, and I anticipate that considerable effort will be required if S. 2527 is to pass. Our primary respon-

sibility, however, is to approve an ICE and ISCE for 18 months. Controversial policy changes, large new authorizations, and other contentious issues will slow our progress in releasing the interstate moneys which all the States need badly, particularly in preparation for the 1985 construction season.

The committee has had many requests for the funding of demonstration projects. H.R. 5504, the transportation legislation passed by the House, has between 40 and 50 special demonstration projects at an immediate cost of over one-half billion dollars. And if all these projects are ultimately completed with Federal funds, the potential Federal liability will be several billion dollars. This will bankrupt the highway trust fund in the near future.

Mr. President, a demonstration project is a way for the States or for individual Congressmen or Senators to be able to go around the process that has worked so well in the Federal highway program where the Federal Government has a formula which appropriates the money to the States. The State Governors, the departments of transportation, highway boards, and so forth make the decision on how those dollars are spent, which projects have priority, and so forth.

What has happened in the last 10-year period is that each year more and more people keep offering demonstration projects.

To illustrate this point somewhat facetiously, several months ago I introduced S. 2718 to try to illustrate the point that the large number of requests will result in either: First, the bankruptcy of the highway trust fund; second, tax increases; or third, a substantial cut in the regular categorical program. If full funding would be provided for all the requests made by both House and Senate members, the gasoline tax would have to be increased by at least 4 cents per gallon. I do not believe a majority of the Congress is prepared to vote for such an increase anytime soon.

The Federal-aid highway program has worked best when projects are selected according to priorities set by State and local officials. I do not believe it would benefit the highway program if the large Federal-aid categories—including interstate construction and 4R, primary, bridge, urban, and rural—were substantially reduced or eliminated in order to accommodate more demonstration projects chosen by Congress.

If that is the way the Congress is going to decide to go in the future, then I think there will be many of us in this body and in the other body who would make the decision that we would be better off to return the entire responsibility back to the States. That, again, would lose some of the point that Senator STAFFORD just made with respect to the coordination for national defense of our highway system. But I think at some point, if Congress is going to try to determine where every project goes by who has the most votes around here, we cannot run a good, efficient highway program that takes into consideration all the commercial and defense interests in the United States.

After lengthy discussions the committee agreed to a compromise which provides that the Federal contribution to any special projects will be limited to $12.5 million or 50 percent of the project cost, whichever is less. This will help to ensure that such projects have high priority in the State, and will also help limit the drain on the highway trust fund.

Mr. President, I think this is a good compromise. It was this Senator's idea that we do this. I think it will help dramatize what has been happening to the highway program and help people make the decision on which projects in their State should have the highest priority and help the States decide which ones they want to spend their money on. It will reduce the liability to the trust fund. We can keep the categorical programs funded at the maximum level, which I think is the best way to run the highway program.

The Secretary of Transportation has also expressed concern on behalf of the administration that a number of provisions including any new authorizations could result in a Presidential veto of this legislation. I ask unanimous consent that a copy of this letter be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, May 8, 1984.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Your Committee will be considering legislation soon to approve the cost estimates for the highway and transit programs, S. 2527. I would like to make our position very clear. We support approval of the cost estimates. However, this approval is the only legislation that is desired by the Administration. There are no other program changes that are necessary at this time.

The 1982 Surface Transportation Assistance Act that you helped author is a monumental piece of legislation that should be allowed to operate this year without further change. The bill being considered could become a vehicle for amendments that would increase the cost of completing the Interstate system by over $2.2 billion; increase transit spending by over $900 million; including over $500 million of narrow, special interest provisions; place the solvency of the Highway Trust Fund in question; and make basic unnecessary changes to the transit program. Because some of the projects would require Federal funding beyond that provided in the bill, we estimate that the total cost to the United States from these changes could exceed $4 billion.

This Administration is not willing to allow special interests to distort national program needs and to dictate how the money collected from highway users across the country is going to be spent. Enactment of any legislation that adds to the cost of the Interstate system, revises existing programs, creates new authorizations or earmarks existing authorizations would not be in accord with the program of the President. Consequently, the President's senior advisors and I would recommend that he veto the bill should it be adopted in this form.

I hope that we can reach an agreement on a bill that merely approves the cost estimates so that state and local governments do not suffer funding problems as they did earlier this year.

Sincerely,

ELIZABETH HANFORD DOLE.

Mr. SYMMS. Secretary Dole has warned that projects and other changes being proposed to the Federal-aid highway and transit programs already exceed $4 billion in new authorizations. Even with a 50-percent increase in highway user fees coming into the highway trust fund under the 1982 Act, there is no way the trust fund can provide an additional $4 billion without jeopardizing the trust fund's solvency and integrity. It is futile for Congress to pass legislation which undermines the trust fund, enlarges the national budget deficit and forces a Presidential veto.

On June 6, the Environment and Public Works Committee reported S. 2527, which I believe takes a responsible approach in addressing vital national transportation needs and a limited number of specific concerns. At the same time, Senate Joint Resolution 312 was reported by the committee; it contains only the 18-month ICE-ISCE approval and the provision permitting the Secretary of Transportation to administratively proceed to apportion the funds each October 1. There is a commitment among committee members to moving S. 2527, but if irreconcilable differences develop, the clean bill will be available for consideration.

Mr. President, I compliment Senator STAFFORD for his efforts because without his leadership we would not be able to accomplish this two-pronged attack.

I see the distinguished senior Senator from West Virginia, the ranking member, on the floor. I would like to add him to that list of bouquets, as well as the distinguished Senator from Texas, [Senator BENTSEN].

These two provisions are absolutely essential if progress is to continue on completing the Interstate System. If there continues to be a delay in releasing the interstate construction funds and the ICE approval continues to be held hostage, support for completing the Interstate System as currently envisioned may erode substantially. Therefore, I believe the provision for the administrative release of these

funds in the future is particularly important. The Senate carried out its responsibility by passing a 2-year ICE and ISCE last fall when the interstate funds should have been released to the States.

Federal-aid highway funds are limited in spite of the large increase in uses fees in 1982. Highway construction and rehabilitation needs still far outstrip Federal resources. The committee has continued to look for ways to stretch scarce Federal dollars. Not only must State and local governments continue their participation as partners in the highway program, but the private sector must also be encouraged to invest in transportation facilities which will enhance economic development.

Several sections in S. 2527 accomplish that goal. First, States will be asked to contribute a match for certain emergency relief projects. Initial emergency work done within 30 days of the disaster declaration will be funded with 100 percent Federal funds. Long-term repair and replacement of facilities will require a State match. This State match requirement will apply only to disasters which occur after the date of enactment of this legislation.

A large percentage of deficient bridges are off the Federal-aid system. Tennessee has carried out a demonstration project over the past 2 years that has proven to be an effective approach to repairing deficient off-system bridges. Tennessee was able to replace or repair 700 small off-system bridges in 1983 and is in the process of doing 500 more this year. This program has been effective in leveraging additional State and local funds for bridge repair. Because of the program's success, S. 2527 has expanded its availability to any State who wishes to participate.

Section 112 removes Federal regulation and review of toll increases on certain toll bridges. Currently there is no consistency in determining which bridges are federally regulated. These bridges were all constructed without Federal-aid funds. Section 112 will result in savings in time and administrative costs for both toll authorities and the Federal Government while at the same time protecting the public from unreasonable toll increases.

Section 115 provides an incentive to the private sector to invest in transportation facilities. Under current law, if right-of-way for a highway facility is donated by a landowner the value is credited according to the matching share of the project. For example, if it is a primary system project, 75 percent would be credited to the Federal share and 25 percent to the State share. Section 115 permits 100 percent of the donated land value to be credited to the State share. I believe this will encourage further private sector investment in transportation facilities, which are so badly needed.

Mr. President, the STAA of 1982 directed the Federal Highway Administration to develop a new formula for the allocation of forest highway funds. This new formula was to look more closely at the actual transportation use of these highways and their construction and rehabilitation needs. FHWA was required to gather a substantial amount of new data in order to implement such a formula and has not yet completed the required rulemaking process.

Because neither the Congress nor the affected States have had an opportunity to review or comment on the new data and proposed formula, section 130 directs FHWA to allocate fiscal year 1985 and 1986 forest highway funds partially on the old formula and partially on the proposed formula. I believe this is a reasonable compromise for all affected States until the rulemaking process can be completed.

Finally, during committee consideration of S. 2527, a number of Senators expressed concern over any changes in the interstate 4R formula. Federal-aid highway formulas were the subject of lengthy debates during the consideration of the STAA of 1982. A compromise agreement was reached at that time which preserved a viable highway program for all States. I believe those formulas should remain in place during the authorization period of that act. The Department of Transportation has completed a study on the interstate 4R formula which concludes that the existing 4R formula strongly correlates with the criteria of need, national benefit, and national defense and no argument can be made for a change at this time. I believe any changes at this time could jeopardize the timely release of the interstate funds.

Mr. President, I said this earlier, but I want to repeat it: I want to express my appreciation to the distinguished Senator from Vermont [Mr. STAFFORD], the chairman of the committee; the distinguished Senator from West Virginia [Mr. RANDOLPH], ranking minority member of the committee; and the distinguished Senator from Texas [Mr. BENTSEN], the very able ranking minority member on the Transportation Subcommittee. I appreciate their large contributions and support in bringing S. 2527 to the floor.

I hope, Mr. President, that we here in the Senate can set aside other interests that we have, whether it be the civil rights bill or adding on special amendments which add heavy cost to this legislation and get it in a position where it may threaten a veto, or whatever the issue is, and move forward with this important piece of legislation. It is important to all of our constituents, all across this great land of ours, and it needs to be passed as soon as possible.

If we reach the point where we cannot get passage of it, this Senator is willing to wait, but I think all Senators will recognize that by January or February, they are going to certainly be hearing from their State departments of transportation. It would be much better to pass this legislation now, get it signed into law, and get an orderly process of the allocation and appropriation of these highway funds out to the States so that we can have a good use of the dollars to build the Nation's highways which are needed so badly.

Mr. President, I yield to the distinguished Senator from Vermont.

Mr. STAFFORD. Mr. President, first, let me express my gratitude to the able manager of the bill for his work in behalf of the Public Works Committee and for his distinguished service in behalf of this legislation, Senator SYMMS of Idaho. He has done a yeoman's job.

Mr. President, the Surface Transportation Assistance Act of 1982 (STAA of 1982) provided authorizations for the Federal-Aid Highway Program through fiscal year 1986. This legislation was a major undertaking. In fact, it consumed a good deal of the lame duck session in 1982, my colleagues will recall. It included significant policy changes and increased the program's level of authorization from $8 billion in fiscal 1982 to over $12 billion in fiscal 1983. The STAA of 1982 set an obligation ceiling of $13.550 billion for fiscal 1985.

In addition, the STAA of 1982 for the first time provided a secure source of funding for the Mass Transit Program by establishing the mass transit trust fund. The revenue produced by 1 cent of the gasoline tax accrues to this fund for mass transit projects.

I will say parenthetically that the mass transit problems, the fund, and the program are under the jurisdiction of another committee of the Senate and not the Environment and Public Works Committee.

The purpose of the STAA of 1982 was to provide a secure, long-term source of funding so the States could efficiently begin to address the massive rehabilitation and reconstruction needs of the deteriorating highways and bridges throughout the country, and so they could continue to make substantial progress on completing the Interstate Highway System.

It will avail us very little in this country, I say to my colleagues, if, after having made the enormous investment we have in the Interstate System, the primary and secondary federally aided systems of this country if we let them deteriorate to nothing more than potholes, worn out bridges, unsafe bridges, and the like.

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However, this second objective has not been met. The STAA of 1982 continued to require congressional approval of an Interstate cost estimate (ICE) every 2 years before Interstate construction funds could be apportioned to the States. It also included a new requirement for congressional approval of an interstate substitute cost estimate (ISCE) every 2 years before the interstate substitute funds could be released to the States. I note that you will frequently hear the words "ICE" for Interstate cost estimate and Interstate substitute cost estimate, known as ISCE. I note that for the benefit of those who are listening and are not part of the staff or the membership of the Senate.

The committee was concerned that these funds be released in a timely manner and reported H.R. 3103 in September of last year. This bill contained a 2-year ICE and ISCE approval and was subsequently approved by the Senate. Because of controversial issues attached to this legislation on the House side, no agreement was reached on H.R. 3103. Finally on March 9, 1984 a compromise bill was passed which made available one-half of the Interstate construction and substitute funds to the States.

While $2.6 billion has been released, an additional $2.1 billion which should have been apportioned October 1, 1983 still has not been released. In addition, S. 2527 provides for the release of approximately $4.9 billion on October 1, 1984 for the next fiscal year. It is extremely important that these funds are released as soon as possible and that there are no further disruptions in this program.

Like my distinguished friend [Mr. SYMMS] I urge Members of the Senate, my colleagues who may be listening, to have in mind that here are $7 billion that ought to be available to the States on October 1 of this year that will not go out and each State will not get its share of that money unless we can get this bill passed. It is for that reason that we urge our colleagues to show restraint in offering amendments which will load down this bill or which will involve it in controversy so that we cannot pass it.

Mr. MATHIAS. Would the Senator yield for a question?

Mr. STAFFORD. Without losing my right to the floor, I will.

Mr. MATHIAS. Where is the bill?

Mr. STAFFORD. I say to my distinguished colleague that the bill is right here. If our colleagues will listen to the pleas of Senator SYMMS and myself, we shall pass it.

Mr. MATHIAS. I shall listen.

Mr. STAFFORD. You will have a good chance.

The Senate Committee on Environment and Public Works reported S. 2527 on June 6. This bill contains an 18-month ICE and ISCE approval. Even more importantly, it provides for the administrative release of these funds in the future if Congress does not act in a timely fahion. This will ensure that the Interstate program will not experience the delay and disruption that has occurred during the past year.

The Secretary of Transportation is directed to apportion Interstate construction and substitute funds on October 1. If Congress has not yet approved an ICE and ISCE, the Secretary will make appropriate adjustments and administratively apportion these funds.

This does not preclude Congress from acting at any time and it does not diminish Congress' oversight responsibility for this program.

The process will continue to work as it has in the past. The States will be required to submit an updated ICE and ISCE every 2 years to the Secretary. The Secretary must submit them to Congress by January 1. Congress has from January 1 to October 1 to review the ICE and ISCE and make any changes it desires. Congress could also choose to act after October 1 after the funds had been apportioned if it so desired. This process will ensure the completion of the Interstate System and end the holding hostage of these funds which has threatened that completion for all of this past year.

The committee has received many requests for new authorizations that would fund specific highway projects. The STAA of 1982 increased highway user fees significantly and enabled us to increase the funding level of the Federal-aid highway program dramatically. However, the increased revenues coming into the Highway Trust Fund cannot sustain the level the program is authorized to reach by fiscal 1986. Large new authorizations at this time will jeopardize the solvency of the Highway Trust Fund. They will hasten the day when either user fees will have to be increased again or the regular Federal-aid categories will have to be reduced. Finally, it creates an expectation that the Federal Government will fund projects beyond the regular Federal-aid program if they do not have a high enough priority within the State to be funded under a State's regular transportation plan.

Putting it only a little differently, having once been the Governor of my State, where too many demonstration projects appear, they can easily disrupt the orderly progress of road repair and construction in a State.

After a lengthy debate, the committee reached a compromise on demonstration projects by requiring that the Federal share of such projects be limited to 50 percent of total project cost or $12.5 million, whichever is less. While all these projects have merit and are urgently needed in their specific localities, the Federal-Aid Highway Program has worked at its best when priorities were determined by the State in consultation with local officials.

It is the intention of the Senator from Vermont as chairman of the Environment and Public Works Committee to continue his remarks at a later time because the most able and beloved ranking member of our committee, a chairman under whom I learned what little I know running a committee, is in the Chamber and I should like at this point, Mr. President, to yield to the most distinguished and able Senator from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am very grateful, of course, for the reference of our able chairman to the work that I have been able to accomplish standing side by side with the Senator from Vermont, the Senator who is chairman of our subcommittee [Mr. SYMMS], and of course the ranking minority member of the Transportation Subcommittee [Mr. BENTSEN].

We are all believers—I use the word "believers" advisedly—not only that we pass this legislation but stress that it is absolutely in the national interest, to move forward with this transportation program which benefits all America.

The Committee on Environment and Public Works through its members brings to the Senate S. 2527, the Federal-Aid Highway Act of 1984, which provides the approval for the release of Interstate construction funds that were authorized by the Surface Transportation Act of 2 years ago, 1982. Mr. SYMMS well knows and has said effectively that the Interstate construction program was first authorized in 1956. It is now winding—in West Virginia we have winding roads—to an end. Over the last 10 months a major stumbling block to the orderly completion of the Interstate System has risen dealing with eligibility for the controversial urban segment. Earlier this year, the Congress did approve the release of approximately half of the fiscal year 1984 funds.

It is important, Mr. President, to note that the States have now used up this authority and need more money to continue construction of vital projects in this country. Under the terms of this legislation, approval is provided for the remaining 1984 funds and all of those funds due to become available on October 1, 1984, for the fiscal year of 1985.

Mr. President, approximately $5 billion of Interstate construction funds would be released for these crucial and

critical construction projects. Additionally, necessary funds for the Interstate substitute highway program would be available to the country.

While the States have been able to carry out a highway program in fiscal year 1984 very near the obligation ceiling that was provided, this level of acitivity cannot be acheived in the next fiscal year unless previously authorized funds are made available for apportionment by this pending legislation. That is the only way the money can be spent.

Mr. President, I can think of no more vital projects than those on the Federal-Aid Highway Program at this closing moment of this Congress. This Interstate construction effort, with its 42,500 miles of system, is nearly complete. We must complete it so that the valuable resources of our land can move from the farms, the factories, and the fields to the consuming public. Funds currently used for Interstate construction can then be used for other worthwhile and required projects. Delays such as those imposed over the prior 10 months are totally unreasonable and contrary to the longstanding effort in the Senate for the completion of this national network necessary highways.

Mr. President, perhaps the most important change made in S. 2527 regards the future approval of cost estimates releasing authorized interstate construction funds. The bill directs the Secretary of Transportation to release such funds if the Congress has not acted by October 1 with respect to an ICE submitted under the authority of title 23, United States Code. The States would continue to update the interstate cost estimate and submit it to the Secretary for transmission to Congress, which could make changes if it found such to be necessary. I believe that action of this type is in the best interest of our ongoing Federal-Aid Highway Program and recommend it to my colleagues.

This legislation also addresses another major problem with respect to the overall Federal-Aid Highway System. For a number of years, the Congress has been asked to approve demonstration projects to resolve pressing transportation problems of a local nature. While I believe demonstration projects serve a useful purpose, the action in the House of Representatives this year to authorize nearly 60 projects of this type at 100-percent Federal funding is counterproductive. The legislation before us today, while approving several demonstration projects, limits the scope of those projects to work which can be accomplished for $25 million and requires that 50 percent of the funds be provided by the State in which the project is to be located. Adoption of this provision by the Senate will be useful as we continue to meet our transportation needs in a fiscally responsible manner. This action will assure that a project is a priority and not divert needed highway trust fund moneys away from the categories of assistance provided under our Federal-Aid Highway Program.

Mr. President, the Federal-Aid Highway Act of 1984 also addresses several small problems which have occurred with respect to highway transportation. Each of these additional provisions contained in the legislation are important, and I commend them to my colleagues. However, it cannot be overstated that the primary need for this legislation is to release the interstate construction and interstate substitution highway construction funds. The Senate must pass this legislation so that a conference may occur with the House of Representatives on this important matter.

Mr. BRADLEY. Will the Senator yield?

Mr. RANDOLPH. I yield to my friend from New Jersey.

Mr. SYMMS addressed the Chair.

Mr. BRADLEY addressed the Chair.

Mr. SYMMS. Will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield to the Senator as the chairman.

Mr. SYMMS. I compliment the Senator from West Virginia for his outstanding remarks and his outstanding contribution to this country in the past 40 to 50 years. I think it is worthy to note that in 1937 the Senator from West Virginia introduced the forerunner to what is now the Federal Highway Interstate System. It is worthy to note that he has made a contribution to Senator STAFFORD, to myself, and others on the committee. We have a committee which with respect to highways is very bipartisan. I think the Senator should be complimented for that.

Mr. President, does the distinguished Senator from West Virginia have the floor?

The PRESIDENT pro tempore. Yes he does.

Mr. SYMMS. I seek the floor when the distinguished Senator——

Mr. BYRD. Mr. President, who has the floor?

Mr. BRADLEY. Mr. President, the distinguished Senator from West Virginia has the floor.

The PRESIDENT pro tempore. The Senator from West Virginia has the floor.

Mr. SYMMS. I say to my colleague from West Virginia, I hope he will not yield for any purposes other than debate.

Mr. BYRD. Will the Senator yield to me?

Mr. RANDOLPH. I yield to my leader.

Mr. BYRD. Without losing his right to the floor?

Mr. RANDOLPH. I do so.

Mr. BYRD. And for the purpose not of my asking a question?

Mr. RANDOLPH. That is correct.

Mr. BYRD. I ask unanimous consent.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, we are not going to handle this floor like Mr. SYMMS is suggesting, with all due respect to him. He cannot specify to whom Mr. RANDOLPH may yield. He should not attempt to get Mr. RANDOLPH to give assurance that he will not yield to so-and-so. That is not following the rule.

So I want to wash the page out, start all over, and not have my colleague under an obligation to yield to so-and-so and not to yield to so-and-so.

Mr. BAKER addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BYRD. Mr. Randolph has the floor.

Mr. BAKER. Mr. President, I ask unamimous consent that the Senator from West Virginia may yield to me without losing his right to the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RANDOLPH. I yield to the majority leader.

Mr. BAKER. Mr. President, I was not in the Chamber when all this started, but I have a good way to get a clean sheet of paper and start from scratch.

I ask unanimous consent that the Senate stand in recess until 2 p.m.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, does Mr. Randolph have any problem with that request?

Mr. RANDOLPH. I have no problem with that.

Mr. BYRD. Mr. Randolph has the floor and did not necessarily yield for a unanimous-consent request. If he has no problem with it, I have no problem.

Mr. RANDOLPH. No problem. I thank the two leaders.

Mr. BRADLEY addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Jersey.

Mr. BRADLEY. I have no objection. Mr. President, who has the floor?

The PRESIDENT pro tempore. At the current time, the senior Senator from West Virginia.

Mr. BRADLEY. Did the Chair recognize the Senator from New Jersey?

The PRESIDENT pro tempore. A unanimous-consent request is pending. The Senator is speaking with respect to the objection. Is there objection to the request?

Mr. BRADLEY. Mr. President, I reserve the right to object.

Is it the intention of the majority leader, when we return to this piece of legislation, that the question pending

will be the first committee amendment?

Mr. BAKER. Mr. President, that would be the normal course of affairs, yes.

Mr. BRADLEY. Mr. President, is it also the majority leader's intention, after calling for the recess, to go into recess until 2 o'clock this afternoon?

Mr. BAKER. Mr. President, we will be in recess, as we almost always are on Tuesday. The reason for that is not to interrupt this colloquy but to provide a time for Members on both sides of the aisle to attend caucuses of their parties.

At 2 o'clock, when we return and the Senate resumes the session, the first thing to do will be to comply with the resolution adopted by the Senate to have the official photograph taken of the Senate in session. That will be at 2 o'clock. The National Geographic Society is setting up to do that.

Immediately after that, the Senate will resume consideration of the highway bill. However, as I announced earlier this morning, it is the intention of the leadership on this side, at that point, to ask the Senate to return to the consideration of the Labor-HHS appropriations bill.

Mr. BRADLEY. Mr. President, I have no objection.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RECESS UNTIL 2 P.M.

Thereupon, at 12:03 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore.

OFFICIAL PHOTOGRAPH OF THE SENATE

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, may we have order?

The PRESIDENT pro tempore. The Senate will be in order. Senators will take their seats.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names.

[Quorum No. 15]

Abdnor	Chafee	Eagleton
Andrews	Chiles	East
Armstrong	Cochran	Evans
Baker	Cohen	Exon
Baucus	Cranston	Ford
Bentsen	D'Amato	Garn
Biden	Danforth	Glenn
Bingaman	DeConcini	Goldwater
Boren	Denton	Gorton
Boschwitz	Dixon	Grassley
Bradley	Dodd	Hatch
Bumpers	Dole	Hatfield
Burdick	Domenici	Hawkins
Byrd	Durenberger	Hecht
Heflin	Matsunaga	Rudman
Heinz	Mattingly	Sarbanes
Helms	McClure	Sasser
Hollings	Melcher	Simpson
Huddleston	Metzenbaum	Specter
Humphrey	Mitchell	Stafford
Inouye	Moynihan	Stennis
Jepsen	Murkowski	Stevens
Johnston	Nickles	Symms
Kassebaum	Nunn	Thurmond
Kasten	Packwood	Tower
Kennedy	Pell	Trible
Lautenberg	Pressler	Tsongas
Laxalt	Proxmire	Wallop
Leahy	Pryor	Warner
Levin	Quayle	Weicker
Long	Randolph	Wilson
Lugar	Riegle	Zorinsky
Mathias	Roth	

Mr. STEVENS. I announce that the Senator from Illinois [Mr. PERCY] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART] is necessarily absent.

The PRESIDENT pro tempore. A quorum is present.

Mr. BAKER. Mr. President, I would ask Senators to take their seats so that we can comply with the provisions of the resolution recently passed by the Senate to take the official photograph. It will just take a moment. I urge Senators to take their seats at this time.

Mr. President, there are a number of vacant chairs and I hope that Members are here and take their seats.

May I say that I have been advised by the photographers for National Georgraphic and our own photographers that there will be more than one picture. The cameras are in this corner. I suggest that those of us on this side may turn around and look at the camera. Those on the Democratic side will be more favorably situated. [Laughter.]

I would point out to the Senator from Louisiana that if we had TV in the Senate, it would be like this all the time. [Laughter.]

Mr. President, I understand that all are present and in their seats who are going to be present and in their seats. I am going to take my seat now and I would encourage the photographers to proceed, if they know how.

(At this point, the official Senate photograph was taken.)

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LUGAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:35 P.M.

Mr. BAKER. Mr. President, I am advised that it will take about 10 or 15 minutes to restore the Chamber.

I ask unanimous consent that the Senate now stand in recess for 15 minutes.

There being no objection, the Senate, at 2:20 p.m., recessed until 2:35 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LUGAR].

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have consulted with the minority leader, the two managers, and a number of other Senators, as well as having announced this beforehand. I had hoped that at this point, Mr. President, to be able to gain unanimous consent to adopt the committee amendments as original text for the purpose of further proceeding, and then go to the Labor HHS appropriations bill. This is more complicated than appeared on the surface.

I have suggested to those directly involved that instead we resume Labor-HHS, by unanimous consent to temporarily lay aside the highway bill, and that during the consideration of the Labor-HHS bill, if unanimous-consent agreement can be worked out on the treatment of the committee amendments as well as with other Senators who may have amendments, as well as a time certain to vote on cloture, which must be set as well, we can interrupt the Labor-HHS bill in order to do that. It seems to me it would be poor use of the Senate's time now to stay on the highway bill or in a quorum call while we try to work it out.

Mr. President, I ask unanimous consent that the Senate now temporarily law aside the pending highway bill and proceed to the consideration of Calendar Order No. 1161, H.R. 6028.

Mr. BYRD. Mr. President, reserving the right to object.

Mr. BAKER. Mr. President, it may be that both cloakrooms will have to do a little checking on that. While the request is pending, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is now a request pending, I believe.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I reserved the right to object. I have communicated with Senators who are not on the floor. I am in a position now to withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR-HHS-EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1985

The PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 6028) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the remaining committee amendment.

The text of the committee amendment follows:

On page 38, line 19, after "term,", insert "or except for such medical procedures necessary for the victims of rape or incest".

Mr. DENTON. Mr. President, I do not intend to take the time of my colleagues, particularly this late in the session, to debate once again the pros and cons of abortion generally, and Federal funding for abortion in particular. This body and all interested parties outside this body well know my position on this issue. I oppose abortion in any form, any procedure.

The specific issue before us, funding for abortion in the event of rape or incest, is not a new issue. Since I have served in this body, the Congress of the United States has consistently gone on record against such exceptions. It is because I am convinced that this Congress, in the final resolution of this appropriations bill or the continuing resolution, will once again be on record against these exceptions, that I will not seek a record vote on this committee amendment.

Mr. WEICKER. Mr. President, I rise to explain and support the pending committee amendment, which modifies the existing prohibition on Federal abortion funding under medicaid, to allow women pregnant because of rape or incest to obtain an abortion funding. This amendment was approved by the Committee on Appropriations by a 15 to 11 vote.

At the outset, Mr. President, I would like to review the legislative history of this matter for my colleagues. Over the years, the Congress has passed various versions of medicaid abortion restrictions. At various points we have adopted exceptions to the language "none of the fund appropriated under this act shall be used to perform abortions" for situations where the mother's life was endangered, where severe and long-lasting health damage to the mother would result, where an ectopic pregnancy is diagnosed, and in cases of rape or incest. Since 1981, however, the Congress has enacted the strictest form of the Hyde amendment, exempting life-threatening abortions. In fact, Mr. President, we actually had a bill come over to the Senate from the House prohibiting abortions even in that extreme case.

Mr. President, in the opinion of this Senator, I would prefer that there be no restrictions on medicaid abortion. Abortion is a legal medical procedure in the United States, and to deny such a procedure to a poor women is available to a more affluent one is clearly discriminatory. What the Congress has been arguing about over the last 11 years is the degree of the discrimination we will be enacting into law.

Mr. President, what current law says is that a poor woman, who becomes pregnant as a result of rape or incest, is not eligible for a medicaid abortion. How in the name of conscience we can deny such funding is beyond this Senator. I would like to invite the opponents of this amendment to go to a clinic and tell a poor, single mother that because of her economic status, that she must continue a pregnancy which resulted from a rape.

We talk a lot these days about concern for the victims of crime. And we have passed legislation year after year that says that if you are poor and pregnant because of a rape or incest, you are on your own. I cannot conceive of a person in our society more deserving of our special care. Instead, we tell women in this grave situation: "Don't come to us with your problem."

Mr. President, in my mind this is one of the most self-evident propositions that could be presented on this floor: Should an indigent rape or incest victim be entitled to Federal funds to terminate that pregnancy. The opponents of the amendment may contend that this will create a loophole, through which women will expand the number of federally funded abortions. It is nothing short of preposterous to suggest that women are going to come forth en mass to lie about the fact that they have been raped or are the victim of incest. It is estimated that between 50 to 90 percent of the women who are actually raped or sexually abused by relatives cannot even bring themselves to come forward to tell the truth about what has happened to them. Some may argue that a "reporting requirement" is necessary to control abuses. In so doing, they would cut off services to that 50 to 90 percent of women in this situation who do not currently report these crimes. Some may even be so brazen as the Secretary of HHS, who suggested that we should not provide these benefits because of the "time-consuming administrative burden" this amendment would place on the bureaucrats at HHS. How anyone can equate the pain and suffering of these women with the need to reduce Government paperwork is beyond my comprehension or concept of morality.

Mr. President, I do not feel this matter requires much further debate. I hope my colleagues will vote to approve the pending committee amendment.

The committee amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. RIEGLE. Mr. President, the amendment the Senate just approved would allow the expenditure of Federal funds to pay for abortions for predominantly poor women in cases of rape and incest—not just when life of the mother is threatened, as is the case in current law.

The major concern with the current policy, as defined by Congress through the current Labor, HHS appropriation bill, is that it restricts medicaid recipients' access to abortion for those women who have been raped or are the victims of incest. Approximately 22 million Americans are eligible for medicaid services. By arbitrarily restricting abortion services for medically dependent poor women, we have singled out a particularly vulnerable group in our society.

Of the 500,000 women in the medicaid program who find themselves facing unintended pregnancies only a small fraction are pregnant as the result of rape or incest. And those cases of rape and incest are the only ones we are addressing today.

Not only must these women and, in some cases, young girls, suffer the trauma and brutality of rape or incest or both, but there is an additional trauma of having difficulty gaining access to legal and safe abortion services. The average $200 cost of a first-trimester abortion is approximately two-thirds of the average monthly welfare payment for a family of four, and it is twice the monthly welfare payment for a single individual on public assistance.

Most abortion providers require that their charges be paid with cash in advance. Women who must delay the medical procedure until they have raised the necessary funds further jeopardize their health. After the eighth week of pregnancy, each week of delay increases the risk of serious medical complications and the risk of death.

I understand that there are those who are opposed to abortion on principle, under any circumstances. I believe, however, the real issue before us today is protecting those who are innocent victims of rape and incest, and who feel compelled to seek an abortion

which is their legal right under the law.

Mr. President, the plain fact is that access restrictions to abortion have not had the effect intended. It is known that just as women resorted to illegal or self-induced abortions before 1973, women today who are denied the financial means to safe and legally available abortion assistance still resort to dangerous methods to terminate their pregnancies. The result is often severe complications that further threaten the health of the women involved, or even result in death.

I am pleased that my colleagues have supported this amendment.●

The PRESIDING OFFICER. Are there further amendments?

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4395

(Purpose: To delete language limiting travel expenses and motor vehicles for the office of the Secretary of Health and Human Services)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 4395.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object, Mr. President, I want to hear what the amendment is.

The PRESIDING OFFICER. The clerk will continue reading the amendment.

Mr. HELMS. Mr. President, may we have order.

The PRESIDING OFFICER. The clerk is now reading the amendment offered by the Senator from Connecticut.

The assistant legislative clerk continued to read as follows:

On page 34, on line 20 after the word "therein" strike through line 25;

On page 35, strike lines 1 through 7 ending with the word "Secretary"

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Secretary of the Senate proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, I believe other Senators wish to confer.

The Secretary of the Senate continued with the call of the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, this amendment deletes language that limited travel expenses and motor vehicles for the office of the Secretary of Health and Human Services. Due to actions taken by the Secretary, this language is no longer necessary.

Mr. PROXMIRE. Mr. President, we have no objection to the amendment.

Mr. BRADLEY. Regular order, Mr. President.

FEDERAL AID HIGHWAY ACT OF 1984

The PRESIDING OFFICER. Regular order is S. 2527. The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (S. 2527) to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading be dispensed with.

Mr. HATCH. Mr. President, I object. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will state the bill.

The Secretary of the Senate proceeded to read the bill.

Mr. BRADLEY. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is the first committee amendment.

AMENDMENT NO. 4396

(Purpose: To clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1978, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964)

Mr. BRADLEY. Mr. President, I send to the desk an amendment to the committee amendment and ask that it be stated.

Mr. HATCH. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 4396.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. HELMS. Mr. President, I object.

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read the amendment.

The Secretary of the Senate continued to read the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment is as follows:

At the end of the first committee amendment add the following:

TITLE —CIVIL RIGHTS ACT OF 1984

SHORT TITLE

SEC. . This title may be cited as the "Civil Rights Act of 1984".

PROHIBITION OF SEX DISCRIMINATION

SEC. . (a)(1) The matter preceding clause (1) of section 901(a) of the Education Amendments of 1972 (hereafter in this section referred to as the "Act") is amended—

(A) by striking out "in" the second time it appears;

(B) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(C) by striking out "under any education program or activity receiving" and inserting in lieu thereof "by any education recipient of".

(2) Section 901(a)(3) of the Act is amended by inserting "or recipient" after "institution".

(b) Section 901(c) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following:

"(2) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(3)(A) For the purpose of this title, except as provided in subparagraph (B), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(i) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(ii) is not extended such assistance,

shall not be deemed a recipient.

"(B) If all or a portion of Federal financial assistance is extended to a State or political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(4)(A) For the purposes of this title, except as provided in subparagraphs (B)

and (C), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(B) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(C) To the extent the provisions of subparagraph (A) constitute a limitation on coverage, subparagraph (A) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c)(1) The first sentence of section 902 of the Act is amended—

(A) by striking out "to any education program or activity" and inserting in lieu thereof "for education"; and

(B) by striking out "such program or activity" and inserting in lieu thereof "recipients".

(2) The third sentence of section 902 of the Act is amended—

(A) by striking out "under such program or activity";

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" and inserting in lieu thereof "so found".

(3) Section 902 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(4) Section 903 is amended by striking out "1002" and inserting in lieu thereof "902".

NONDISCRIMINATION ON THE BASIS OF HANDICAPPING CONDITION

SEC. . (a) Section 504 of the Rehabilitation Act of 1973 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "his" and inserting in lieu thereof "such individual's";

(2) by striking out "in" the third time it appears;

(3) by striking out "the benefits of" and inserting in lieu thereof "benefits";

(4) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of"; and

(5) by striking out "under any program or activity conducted".

(b) Section 504 of the Act is further amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) For the purpose of this section, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this section in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this section in effect on February 27, 1984.

"(c)(1) For the purpose of this section, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the peformance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this section, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c) Section 505 (a)(2) of the Act is amended by inserting ", as amended," after "1964".

PROHIBITION OF AGE DISCRIMINATION

SEC. . (a) Section 302 of the Age Discrimination Act of 1975 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in programs or activities receiving" and inserting in lieu thereof "by recipients of "; and

(2) by striking out "programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.)" and inserting in lieu thereof "recipients of funds under chapter 67 of title 31, United States Code".

(b) Section 303 of the Act is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under, any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(c)(1) Section 304(a)(4) of the Act is amended by striking out "to any program or activity".

(2) Section 304(b)(1) of the Act is amended—

(A) by striking out ", in the program or activity involved";

(B) by striking out "operation" in clause (A) and inserting in lieu thereof "operations of the recipient"; and

(C) by striking out "of such program or activity" in clause (A) and inserting in lieu thereof "in furtherance of which the Federal financial assistance is used".

(3) Section 304(c)(1) of the Act is amended by striking out "any program or activity receiving".

(d)(1) Section 305(a)(1) of the Act is amended by striking out "under the program or activity involved".

(2)(A) The second sentence of section 305(b) of the Act is amended by striking out "the particular program or activity, or part of such program or activity, with respect to which such finding has been made" and inserting in lieu thereof "assistance which supports the noncompliance so found".

(B) The third sentence of such section is amended to read as follows: "No such termination or refusal shall be based in whole or in part on any finding with respect to any noncompliance which is not supported by such assistance.".

(C) Section 305(b) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the third sentence of this subsection, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(3) Section 305(e)(1) of the Act is amended by striking out "Act by any program or activity receiving Federal financial assistance" and inserting in lieu thereof "title".

(e) Section 309 of the Act is amended by—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following:

"(b) The term 'recipient' shall not be construed to include an entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(c)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

NONDISCRIMINATION BY RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

SEC. . (a) Section 601 of the Civil Rights Act of 1964 (herafter in this section referred to as the "Act") is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(b)(1) The first sentence of section 602 of the Act is amended by striking out "program or activity" each time it appears and inserting in lieu thereof "recipient" each such time.

(2) The third sentence of section 602 of the Act is amended—

(A) by striking out "under such program or activity" in clause (1);

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" in clause (1) and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" in clause (1) and inserting in lieu thereof "so found".

(3) Section 602 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to such part.".

(c) Title VI of the Act is amended by adding at the end thereof the following new section:

"SEC. 606. (a) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(b)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(C)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

PROVISION WITH RESPECT TO REVENUE SHARING

SEC. . Nothing in this Act or in the amendment made by this Act shall be construed to supersede the provisions of chapter 67 of title 31, United States Code, relating to revenue sharing.

LABOR-HHS-EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. BAKER. Mr. President, I move the Senate proceed to the consideration of Calendar Order No. 1161, H.R. 6028.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. BRADLEY. Reserving the right to object, I send a cloture petition to the desk.

The PRESIDING OFFICER. It is not a unanimous-consent request. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BAKER. I move to reconsider the vote by which the motion was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6028) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. WEICKER. Mr. President, the Labor-HHS-Education appropriations bill, for at least the second consecutive year, reflects a strong expression of support for our Nation's education programs. I am especially pleased that the levels included for the Department of Education represent approximately a $2.3 billion or a 14-percent increase over the previous year.

Earlier this year, Mr. President, the Senate demonstrated its commitment to increasing education funding when it considered a budget plan which would have placed a freeze on all nondefense discretionary programs. Yet the Senate voted to except from such a freeze education and health research when it adopted the amendment offered by myself and Senator STAFFORD. The full amount allowed for in that budget plan is reflected in our total for this measure.

Last year, you will recall that our efforts on the fiscal year 1984 spending bill resulted in a significant increase in discretionary education programs over the previous year and budget request. And yet our efforts resulted in our obtaining the President's signature on this measure, which was the first time in 5 years that such a feat was possible. We have every expectation that we will again have a signed bill.

The amount in this bill for education represents the highest spending level ever provided by any Congress. Education highlights in the bill include:

Compensatory education for the disadvantaged: $3.7 billion.

Student financial assistance: $4.5 billion.

Handicapped and rehabilitation services: $2.6 billion.

Libraries: $150 million.

Higher education: $449 million.

Math/Science program: $200 million.

Impact aid: $695 million.

Chapter 2 block grant: $532 million.

Guaranteed student loans: $3.079 billion.

Bilingual education: $142 million.

Vocational and adult education: $831 million.

Furthermore, Mr. President, the education levels reflected in the Senate version of the Labor-HHS-Education appropriations bill, when compared with comparable programs, exceeds the House passed bill by more than $170 million and the administration's request by more than $2.2 billion.

I might add that our recommendations reflect the assumptions that the estimated shortfall for the Pell grant program for fiscal years 1983 and 1984 will be dealt with but providing for that shortfall will come neither at the expense of individual students nor our overall appropriations for fiscal year 1985. This clearly is not a fiscal year 1985 problem and should not be treated as such.

Mr. President, there have been many outspoken critics of the Federal role in education and a call for less, not more, spending at the Federal level. Such critics are quick to blame all of the problems plaguing the Nation's schools on the Federal Government. To such naysayers I would only point out that the Federal role in education is a relatively recent one but has made all the difference in the lives of those who have been the direct recipients of such assistance: the handicapped, economically disadvantaged, language minorities, racial minorities, adult illiterates, and the list goes on. For most of us recognize that the Federal Government's involvement has been one of last resort to provide access to the type of quality education which the States have been either unwilling or simply unable to provide. I am convinced that, absent Federal leadership on their behalf, the handicapped children of this Nation would remain warehoused and forever separated

from the mainstream of society. And how many of the Nation's 12.2 million college students would receive their education without the current mix of grants and loans available?

Mr. President, while the amounts for education might seem to some like a great sum, let me remind my colleagues that today the Federal Government provides only about 9 percent of spending for education at all levels. Thus the lion's share of funding and the setting of policy remain the responsibility of State and local governments and academia.

I am proud of this bill, Mr. President, because it does not shortchange our Nation's young people and I am pleased that it has the support of our committee members on both sides of the aisle. Federal funding for education has made all the difference in the lives of those served and, as long as I serve as chairman of this subcommittee, this commitment will not only continue but expand to meet any genuine need.

Mr. BRADLEY. Mr. President, I should like to engage in a colloquy with the distinguished chairman of the Labor-HHS-Education Appropriation Subcommittee with respect to the Institutional Aid programs, title III of the Higher Education Act of 1965. Is it correct that the committee has provided an additional $13,584,000 over the fiscal year 1984 appropriation?

Mr. WICKER. Yes; last year's total appropriation was $134,416,000. The proposed fiscal year 1985 total is $148 million.

Mr. BRADLEY. I also understand that, of the additional $13,584,000, $5 million is to be set aside under part A, the strengthening program, to support approximately 20 grants to those institutions which predominantly serve our Nation's Hispanic, Native American, Virgin Island, and Native American Pacific Island students.

Mr. WEICKER. That is correct.

Mr. BRADLEY. I further understand that the $148 million provided by the committee would support some 287 grants under part A, including 60 to 70 new renewable grants for strengthening activities.

Mr. WEICKER. That is correct.

Mr. BRADLEY. I thank the subcommittee chairman for this information.

Mr. President, several colleges in New Jersey have applied several times for title III grants and have been turned down. I am hopeful that the increase in funding that is included in this year's bill will be sufficient to enable more colleges in New Jersey to secure funding.

Mr. WEICKER. Mr. President, I believe it is necessary to clarify the legislative history with respect to the appropriations bill we are considering today. On June 29, 1984, the Senate Committee on Appropriations reported an original bill, S. 2836 Senate Report 98-544, making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies. At the time of reporting that legislation, the committee also authorized us to offer committee amendments to any House-passed bill which we might subsequently receive. Thus, H.R. 6028 has been printed to reflect the action of the Appropriations Committee on S. 2836. The amendments of the committee which have been considered merely reflect our earlier committee consideration. Because the two bills are identical in substance, the report of the committee on S. 2836 also governs the intent of the Appropriations Committee with respect to the amendments offered by the committee to H.R. 6028. We, therefore, expect that the departments and agencies funded by this legislation will follow the guidance of the committee as provided in Senate Report 98-544.

Mr. STEVENS. Mr. President, in the fiscal year 1984 Labor-HHS appropriations bill Congress included a provision authorizing the Department of Education to settle outstanding loans under the College Housing Loan Program by negotiating a discount of the total due to the Department. This amendment provided authority for such settlements until October 1, 1984. This year's bill contains an extension of that language until October 1, 1985. This extension is necessary to permit the processing of settlement applications which might otherwise not be completed by October 1, 1984, which result from the Department's untoward delay in promulgating the regulations necessary to implement this discount authority.

As the author and sponsor of that provision, I would like to clarify with the chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education the intent of this provision.

First, it is our intent that the discounting authority apply to all schools with outstanding college housing loans, including those schools with loans that are in default. This provision was designed to permit those institutions with defaulted loans to pay them off in full through discounting the entire amount of the outstanding loans, including those portions of both principal and interest which are in default. To do otherwise would in most cases defeat the purpose of the amendment which is to settle outstanding loans and benefit the Government by removing defaulted loans which it is subsidizing off its books and to permit the institutions to pay off loans which they might otherwise not be able to pay off in full.

As an example let me talk about the institution in my State which will be affected by this provision. Alaska Pacific University, which reopened the defunct and closed Alaska Methodist University in 1977, inherited two loans of approximately $1.5 million, both of which were in default with approximately $1 million in defaulted principal and interest. It was and is now possible for the university to bring that loan current by repaying all the delinquent interest and principal in a lump sum. However, if that amount were discounted along with the remaining amount of principal, it is possible that the university would be able to pay the entire sum and retire the loan. This would benefit the university by retiring a large debt from its operations, and would benefit the Government by removing a loan from its books which it is now carrying at market rates, even though the loan was originally issued at 3 percent interest.

This approach makes commercial sense. When I was practicing law, I regularly settled outstanding debts for clients by an agreement in which a part of the outstanding debt was discounted in return for a full payoff of the remainder. Both parties benefited and this practice happens every day in the commercial world.

I also want to make clear that I believe the Department's practice of agreeing to a full payoff amount and scheduling that payoff over a period of time which will make the payoff financially bearable to the institution is acceptable. The whole point of the amendment is to benefit both parties; the institution by permitting it to pay back its loan at a discount, and the Government by removing from its loan portfolio defaulted and other loans which it is currently subsidizing at market rates. The Department of Education should work with institutions to determine what arrangement will permit the institutions, including those in default, to pay off their loans, as well as exercising its authority to collect discounted funds. Both goals are important or the authorization will not work.

Mr. WEICKER. I agree with the Senator from Alaska. The intent of this provision is to benefit both the Government and the institutions.

Mr. STEVENS. I also note that the committee report language on the provision when originally enacted makes clear that the Department should permit repayment at less than fair market value in instances in which it would otherwise risk default on the loan. This would seem to apply specifically to those institutions already in default.

Quite simply, accepting less than fair market value, including less than the amount which might otherwise be required for repayment, makes sense for these defaulted schools and is consistent with the intent of the discount authority. It is better to clear these

defaulted loans off Government books than to continue to subsidize these loans at less than market rates. The Department has the authority to accept less than fair market value and it should do so to get these defaulted loans off the books.

Mr. WEICKER. I agree with the Senator from Alaska and urge the Department to remember that it has this authority.

Mr. RUDMAN. Mr. President, there is a small matter with regard to the management of the Low Income Energy Assistance Program which I would like to clarify with the managers of the bill. It is my understanding that a small amount of the program's funds are available for use by the Department for grants to improve State and local management of the Energy Assistance Program. The expectation is that funds will also be used to share the experience States have acquired over the past 4 years, to demonstrate how the best ideas and management techniques may be used in other States, and to evaluate and disseminate information which helps stretch the shrinking energy assistance dollar.

Mr. WEICKER. That is exactly right. This program has spent nearly $6 billion in the 50 States in the past 3 years, yet there has been no Federal effort to strengthen program delivery mechanisms and to disseminate the results and the experiences of the States in running the program. One of the strengths of the block grant system is that we have 51 laboratories out there from which the best ideas can be drawn and distilled.

Mr. RUDMAN. To further clarify our intention, am I correct in assuming that in fiscal 1985 up to $300,000 will be spent for such grants and technical assistance?

Mr. WEICKER. That is also correct. This figure is, of course, a small fraction of 1 percent of program resources. In addition, the Department is now estimating it may realize as much as half that amount in administrative savings which it could contribute to this longer term purpose of making more effective use of energy assistance funds.

Mr. PRESSLER. Mr. President, I rise in support of the pending Labor-HHS-Education appopriations bill.

Three years ago under the auspices of ACTION Director Tom Pauken, ACTION established the Vietnam Veterans Leadership Program [VVLP]. VVLP volunteers work at senior levels in business and government in their communities to build and maintain coordinated, communitywide efforts to help solve problems faced by other Vietnam veterans. The VVLP has established volunteer programs in 50 communities nationwide, and has built a network of over 5,000 volunteers. As one who has long supported veterans employment programs, I wholeheartedly endorse the VVLP.

The VVLP has addressed the problems of unemployment and underemployment and the negative stereotype that diminishes the veteran's sense of self-worth and impairs employment opportunities. In the past year, the VVLP—in conjunction with partnerships data net [PDN]—has acquired all the necessary resources to implement a computerized national job bank and career assessment system for veterans. PDN is a 501(c)(3) not-for-profit organization whose mission is to facilitate and implement partnerships between the public and private sector addressing areas of national concern. PDN was organized in part by the White House Office of Private Sector Initiatives. Its membership includes the National Association of Manufacturers, the National Association of Associations, and the Young Presidents Organization, as well as Federal, State and local governments, and civic and community organizations.

The Job Bank System will maintain lists of available unemployed and underemployed veterans, job and training vacancies, and will provide an expeditious means of matching the qualifications of veterans with employer requirements and job opportunities. The system will link the VVLP network with vast private sector resources. In addition, the system can serve as a prototype for the national job bank authorized by the Job Training Partnership Act, and would involve thousands of veterans in providing employment and other volunteer assistance to the many constituents served by ACTION.

As intended, direct ACTION financial support for the VVLP ends October 1, 1984. The majority of VVLP's will continue with private sector funding to serve their fellow veterans as well as their communities. However, the VVLP currently needs $160,000 in startup costs to have the computer system on line in 4 months.

There are indications that the Department of Labor and the Veterans' Administration may well be able to make use of this system in their attempts to improve veterans' employment opportunities. Also, 15 to 20 States have indicated an interest in participating in the Job Bank System.

I should like to inquire of the distinguished chairman of the Appropriations Subcommittee [Mr. WEICKER] whether a portion of the $1,984,000 in ACTION citizen participation and volunteer demonstration program funds—Title I, part C—appropriated under this act might be used to develop the computerized job bank network such as proposed by the VVLP and PDN?

Mr. WEICKER. I thank the Senator from South Dakota, who is one of only two Senators who served in the military in Vietnam, for his interest and support of this legislation. While the Appropriations Committee cannot endorse a specific proposal, the development of a demonstration national job bank network involving volunteer citizen participation such as you describe may be possible.

I would expect ACTION to take reasonable and appropriate steps to ensure that the positive gains in employment and the volunteer networks created by the VVLP are not lost during their transition to private sector funding. I also encourage ACTION to explore the use of computer data bases and computerized networks as a means of enhancing and expanding its volunteer programs and services.

PROPOSED NATIONAL CENTER ON LOW-VISION CARE AND REHABILITATION

Mr. CRANSTON. Mr. President, as the Senate considers the fiscal year 1985 appropriations bill for the Departments of Labor, Health and Human Services, Education, and related agencies, I would like to note a matter of particular significance to partially sighted persons.

As a result of the efforts of my colleague from California who serves on the House Appropriations Committee [Mr. ROYBAL], and another California colleague of ours with a great interest in the area of low-vision problems [Mr. LEVINE], the House Appropriations Committee, on page 115 of its report accompanying the House version of this bill—House Report No. 98-911—stated its expectation that the National Institute for Handicapped Research [NIHR] will give consideration to funding a national center for partially sighted persons. As the House Committee's report language notes, there is a critical need for a comprehensive rehabilitation center on law-vision care that can provide a broad range of services and serve as a national information clearinghouse with referral and technical assistance capabilities. The report goes on to point out that creation of such a center would provide valuable assistance to service providers and researchers as well as to partially sighted individuals.

Currently, there are only seven comprehensive low-vision rehabilitation centers nationwide, three that serve partially sighted persons of all ages and four whose client population is limited to veterans.

The comprehensive low-vision centers are unique in that they provide not only low-vision care, but a wide range of services designed to meet the special needs of persons with partial sight. These other services include psychological counseling, educational, vocational, recreational, and social services designed to enable partially sighted persons to live and function independently, as well as information

and referral services regarding economic and other assistance available to these individuals.

These services to partially sighted persons are a tremendous departure from past efforts, which have tended to lump partially sighted individuals with those who are completely blind.

The establishment of national centers to spur the development of more low-vision rehabilitation centers could be of great value to partially sighted individuals, who can be trained to use their remaining eyesight, rather than be rehabilitated as though they had no functional eyesight whatever.

In addition to these client services, a comprehensive center would collect and analyze patient data that would advance our knowledge in the low-vision area and provide the basis for future research. The center would also provide information about the special needs and capabilities of those with low vision to professionals and others who desire more information about persons who are partially sighted. Finally, the center would serve as a source of advice, guidance, and assistance to other agencies and institutions seeking to establish and operate low-vision facilities.

Mr. President, I want to emphasize my strong support for this effort and my deep appreciation to my California colleagues, Representatives ROYBAL and LEVINE, for their work in including in the House committee report the language for NIHR to consider funding a center for partially sighted persons. I am pleased to add my voice to theirs in support of this very promising, useful concept.

AMENDMENT NO. 4395

Mr. WEICKER. Does the distinguished Senator from Texas have an amendment?

Mr. BENTSEN. Mr. President, in replying to the distinguished Senator from Connecticut——

The PRESIDING OFFICER. The Chair will try to clarify the situation. We have not yet agreed to the amendment 4395, which is the pending business before the Senate. The question is on agreeing to the amendment 4395.

Mr. WEICKER. Parliamentary inquiry. The amendment vis-a-vis the funds dealing with the Office of the Secretary of Health, that is the pending business?

The PRESIDING OFFICER. The Senator is correct. This is the amendment dealing with the Secretary's funds. Is there objection?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. May I ask the distinguished Senator from Connecticut, this amendment is related to the Secretary's expenses only?

Mr. WEICKER. That is correct.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4395) was agreed to.

Mr. WEICKER. I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, we are minutes away from concluding the very important work that has been done by the subcommittee, the committee, and the Senate as a whole on this appropriations bill. I do not think there is a Senator in this Chamber the bill has not touched upon, indeed that we have not tried to accommodate. There are probably more positive features in this legislation than anything we have discussed for a long time. I hope that literally within a matter of a few minutes we can get to final passage. I urge, if anybody does have an amendment, please be prepared to offer it.

I also implore my colleagues not to try to use this as a vehicle for some other objective. Again, this is a request. But in terms of education, health, science, and the many who need our special care, this is their bill—the powerless, if you will, or those to whom the future truly belongs.

I hope we can enact it in a short period of time. I yield to the distinguished Senator from Texas.

AMENDMENT NO 4397

The PRESIDING OFFICER. The Senator from Texas is recognized

Mr. BENTSEN. Mr. President, I have an amendment I send to the desk and ask for its immediate considerations.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 4397.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 13, before the period insert the following: *"Provided further,* That of the funds available under section 7 of said Act, $1,000,000 shall be for reconstruction of a school in Motley County, Texas."

Mr. BENTSEN. Mr. President, this particular amendment has been reviewed by the manager for the majority and the manager for the minority. It is my understanding they have no objection to the amendment. It involves $1 million under section 7 of the bill. It results from destruction of the school at Matador, TX. That is a school of some 252 students in a town of less than 1,000 people. They did not have adequate insurance. Those 252 students are now attending school in basements of churches, and they do not have the funds to rebuild the school. I urge very strongly that the amendment be accepted.

The PRESIDING OFFICER. The Chair must mention that the amendment amends a part of the bill previously amended. It would require unanimous consent for consideration of this amendment.

Mr. BENTSEN. I appreciate the admonition, the advice, and the concern of the Presiding Officer. I ask unanimous consent consideration of this amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I urge passage of the amendment. This is a matter that affects only a few people, but it affects them rather totally in that they have no place to go to school.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 4397) was agreed to.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4398

(Purpose: To add funds for research and other activities relating to the cause, prevention, and treatment of acquired immune deficiency syndrome)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for himself, Mr. MOYNIHAN, Mr. KENNEDY, and Mr. RIEGLE, proposes an amendment numbered 4398.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 16, strike out "$402,730,000, of which $1,810,000" and insert in lieu thereof "$413,930,000, of which $6,310,000".

On page 20, line 22, strike out "4,383" and insert in lieu thereof "4,400".

On page 22, line 5, strike out "$372,485,000" and insert in lieu thereof "$375,091,000".

On page 24, line 18, strike out "$933,857,000" and insert in lieu thereof "$934,679,000".

Mr. CRANSTON. Mr. President, I send this amendment to the desk on

behalf of myself and Senators MOYNIHAN, KENNEDY, and RIEGLE.

Mr. President, our amendment to the pending measure, the fiscal year 1985 Labor-HHS-Education appropriations bill, would provide additional funds for AIDS research and public health programs consistent with the May 25, 1984, recommendations of the Assistant Secretary for Health, Dr. Edward N. Brandt, Jr. These funds—a total of $14.628 million above the amounts requested by the administration for the National Institutes of Health, the Center for Disease Control, and the Alcohol, Drug Abuse, and Mental Health Administration—are urgently needed to ensure that every scientific effort that is practical and reasonable is made toward finding a cure for AIDS and preventing the further spread of this tragic disease.

Specifically our amendment would increase the appropriations to CDC by $11.2 million, to the National Institutes of Allergy and Infectious Diseases of NIH by $2.606 million, and to ADAMHA by $822,000. With respect to CDC, our amendment would add, for AIDS-related purposes, 17 FTE's to its personnel authorization in the bill, and $4.5 million of the $11.2 million add-on would, in accordance with Dr. Brandt's recommendation for expanding viral disease laboratory space, be allotted to construction.

In addition, I am very pleased to note that in a colloquy last Friday, September 21, printed on page S 11698 of the RECORD, the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies [Mr. WEICKER] assured me that, of the NIH appropriations in this bill as reported by the Senate committee, at least $15.431 million more than the administration proposed in its NIH budget for AIDS research would actually be expended for AIDS research. The $14.628 million add-on in our amendment would thus increase the total additional amount for AIDS activities in this bill to $30.059 million above the total amount in the administration's budget, $54 million, producing a total of over $84 million for Federal AIDS activities in fiscal year 1985.

Mr. President, real progress has already been made in our fight against AIDS, but we still have a long way to go before this health crisis is behind us. Most important, the discovery this past spring of the probable cause of AIDS, the HTLV-III virus, opens the possibility that a vaccine may be developed in the near future. We must step up our research program now to take full advantage of that discovery and to maintain the momentum in our efforts to conquer this disease.

Tragically, the number of AIDS cases continues to rise at an alarming rate. As of August 17, 1984, according to CDC, there were 5,785 cases and a mortality rate of 46 percent in the United States. Over 1,600 new cases have been reported since Dr. Brandt presented his recommendations in May. The number of cases has tripled over the last year. Some epidemiologists estimate that the caseload may actually be 10 or more times higher than what is reported by CDC because of the narrow definition CDC uses to identify AIDS cases.

Mr. President, one of the continuing concerns abut the Federal response to the AIDS health crisis has been the lack of a master plan of attack—an evaluation of the work already underway and a systematic approach to planning and funding further areas of investigation. When Secretary of Health and Human Services Margaret Heckler announced the discovery of the probably AIDS virus last April, the Department initiated such an evaluation of its AIDS research and public health needs.

After the Public Health Service completed that study, Dr. Brandt on May 25 presented Secretary Heckler with a detailed budget outlining the funds needed by each agency of the Public Health Service for AIDS research and public health projects. This document, which I will ask to be inserted in the RECORD at the conclusion of my remarks, provides an analysis of the Federal AIDS programs together with specific budget and research requirements.

For fiscal year 1984, Dr. Brandt proposed $20.076 million and 4 FTE's to supplement the fiscal year 1984 AIDS budget of $47.595 million. For fiscal year 1985, he recommended $35.809 million and 37 FTE's over the administration's fiscal year 1985 budget request of $54 million. Dr. Brandt justified these additional funds as necessary in order to seize the opportunities to detect, prevent, and treat AIDS that have been made possible by the discovery of, and the development of the means to mass produce, the virus HTLV-III and by the development of a blood test for AIDS.

Despite the fact that Dr. Brandt's request for additional AIDS funding was prepared in advance of House and Senate action on the fiscal year 1984 supplemental and fiscal year 1985 appropriations bills, this funding proposal was never transmitted to the Congress. Consequently, the fiscal year 1984 supplemental appropriations measure as enacted included none of the additional funding proposed by Dr. Brandt except for $9.475 million in additional funding for AIDS research and public health projects—$6.55 million for NIH, $1.75 million for CDC, and $1.175 million for ADAMHA. Neither the House-passed nor Senate-reported fiscal year 1985 appropriations bills earmarked funds for AIDS in addition to those requested by the administration—other than $3.35 million in House-passed version of the Labor-HHS-Education appropriations act for CDC-supported AIDS work.

Dr. Brandt, in his capacity as Assistant Secretary for Health, is the highest ranking expert in the Federal Government for assessing the overall needs of the Federal AIDS research program. In his budget recommendations, Dr. Brandt outlined in specific detail the projects needed to be developed and expanded, and he identified the agencies—the NIH, CDC, ADAMHA, and the Food and Drug Administration—most able to carry out the projects and the specific funding requirements for each project. I believe that we should accept Dr. Brandt's evaluation and heed his recommendations.

Mr. President, in the September 12 "Dear Colleague" letter that Senators MOYNIHAN, KENNEDY, and I sent to each of them to state and explain our original proposal, we set forth our initial intention to add $46.41 million in fiscal year 1985 appropriations and 41 FTE's for AIDS research and public health projects. This amount reflected Dr. Brandt's recommendations for fiscal year 1984 supplemental and fiscal year 1985 funding combined, minus the $9.475 million appropriated in the fiscal year 1984 supplemental.

Following discussions with the very able Senator from Connecticut [Mr. WEICKER] and based on information from appropriate agency personnel, our amendment has been reduced by certain amounts based on the understanding that it is not necessary to provide add-ons at those levels in order to provide adequate funding for AIDS activities in fiscal year 1985. First, as I noted earlier, we now understand that at least $15.431 million more for AIDS research than the $45.663 million the administration proposed in its budget for NIH will be used for AIDS.

Second, Dr. Brandt recommended that $13.101 million be appropriated to NIH for AIDS research in the fiscal year 1984 supplemental, both to develop new studies and to expand existing programs. Of that $13.101 million, half—$6.55 million—was appropriated in the fiscal year 1984 Supplemental Appropriation Act, Public Law 98-390, allowing for the development of some, but not all, of the projects suggested by Dr. Brandt. A substantial portion of the amount recommended for fiscal year 1985 was proposed to fund the continuation in fiscal year 1985 of efforts that would have begun in fiscal year 1984 had the full amount of his proposed supplemental funding been appropriated. Since it was not, it is now our understanding that it would be duplicative to provide additional fiscal year 1985 NIH funding in amounts equal to the total of the $6.551 million recommended but not

appropriated for fiscal year 1984 and the full fiscal year 1985 requested amount. In order to avoid such duplication, and taking into account the additional $15.431 million in fiscal year 1985 funding already available in the pending measure for NIH AIDS activities, our amendment includes for the National Institute of Allergy and Infectious Diseases at NIH a $2.606 million add-on for AIDS.

Third, our amendment now includes for CDC only the funds Dr. Brandt recommended for fiscal year 1985. Of the additional $3.2 million recommended by Dr. Brandt for fiscal year 1984 appropriations, $1.75 million was actually appropriated. As in the case of NIH, a portion of the amount he recommended for fiscal year 1985 was proposed to fund the continuation in fiscal year 1985 of efforts that would have been begun in fiscal year 1984 had the full amount of his proposed supplemental funding been appropriated. Since the full amount recommended for the fiscal year 1984 supplemental was not appropriated, it would again be duplicative to provide fiscal year 1985 appropriations comprising both the $1.45 million proposed by Dr. Brandt but not appropriated for fiscal year 1984 for CDC and the amount, $11.2 million, he proposed for CDC for fiscal year 1985. Thus, our amendment includes for CDC only the $11.2 million—and 17 FTEs—that Dr. Brandt proposed for fiscal year 1985.

Finally, it has proven impossible to work out an agreement to include in an amendment to this bill any funding for the Food and Drug Administration. Dr. Brandt recommended a total of $8.35 million—$2.6 million in the fiscal year 1984 supplemental and $5.75 million in fiscal year 1985—for FDA activities related to AIDS. However, funding for the FDA is within the jurisdiction of the Appropriations Subcommittee on Agricuture, Rural Development, and Related Agencies, and that agency's funding thus is normally handled in the appropriations bill reported by that subcommittee. For these reasons, we were unable to gain agreement to all the needed FDA funds in this appropriations act, and we felt that we should secure those funds that could be supported by the Appropriations Committee at this time.

Nevertheless, the FDA should be and will be heavily involved in dealing with the AIDS crisis. At such time as vaccines or drugs for treating AIDS are developed, the FDA will be responsible for licensing and approving these products. In order to evaluate these drugs, the FDA will need to develop screening tests using state-of-the-art technologies and high-containment facilities. Thus, it is essential that the FDA keep peace in its efforts on AIDS with the accelerated investigations at other agencies to prepare for and facilities the development of therapies for AIDS.

It is my intention to continue to pursue this matter with a new toward ensuring that an additional $8.35 million is available for FDA AIDS activities in fiscal year 1985—possibly through the continuing resolution for fiscal year 1985 or an fiscal year 1985 supplemental appropriations measure.

CONCLUSION

Mr. President, this is no time to lessen our commitment or to slow our support for finding a means to treat and ultimately to prevent AIDS. Support for basic research and the new information it provides gives new hope to patients and their families. Identifying the HTLV-III virus as the probable cause of AIDS brings us much closer to developing an effective vaccine and therapy for AIDS. I am advised by AIDS experts that, with the use of genetic engineering techniques, it is possible that our scientists could develop an AIDS vaccine within a year.

Helping to ensure these results is extremely not just to control the tragedy of this disease but also to stop the prejudice and hysteria that the growing threat of AIDS has brought about. Patients with AIDS, whether they be homosexual or bisexual men, drug abusers, children, or recipients of blood transfusions, have too often been stigmatized and confronted with rejection by their families, isolation from their communities, eviction from their homes, and misunderstanding even by the health-care workers they depend on for care.

If we do not face the AIDS crisis head-on and with full support, we will continue to face ever more damaging and dangerous hysteria—and we'll count the costs of delay both in lives lost and damage to our society.

Mr. President, I urge all of my colleagues to support this vitally important amendment. I believe the amendment is acceptable to the committee, and I thank the distinguished chairman of the subcommittee for his courtesy and consideration.

Mr. President, I ask unanimous consent to have printed in the RECORD Dr. Brandt's memorandum of May 25, 1984, to Secretary Heckler.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
May 25, 1984.

From: Edward N. Brandt, Jr., M.D., Assistant Secretary for Health.

Subject: Proposed fiscal year 1984 supplemental and fiscal year 1985 amendment for Acquired Immuno-deficiency Syndrome.

For nearly three years the Public Health Service has led the fight against the relatively new but extremely serious public health problem known as Acquired Immunodeficiency Syndrome or AIDS. As a result of the efforts of many people within the PHS and scientists in laboratories throughout the world you were recently able to report some significant breakthroughs. These include the discovery of the virus HTLV-III, the probable cause of AIDS, the development of a process to mass-produce this virus and that of a blood test for AIDS.

These exciting discoveries bring us much closer to the detection, prevention and treatment of AIDS. There is much left to do. As of April 23, the date on which you announced the AIDS virus discovery, there had been reported a total of 4,177 cases of AIDS with 1,807 deaths in 45 States, the District of Columbia and Puerto Rico. This represents a mortality rate of 43 percent which is clearly unacceptable. In order to seize the opportunities which the recent breakthroughs have provided us we will need additional funds both for the remainder of this fiscal year and for FY 1985. Although I realize that general policy would discourage supplemental and amendment requests at this time, I believe that the unique situation with respect to AIDS justifies our forwarding the requests at this time.

Attached is a table summarizing the additional funds needed. For Fiscal Year 1984 we are requesting a supplemental appropriation of $20,076,000 and 4 FTEs and for Fiscal Year 1985 we are asking for an additional amount of $35,809,000 and 37 FTEs. Summaries of the needs of the four PHS agencies involved and justifications for the additional funds requested are also attached.

I ask your favorable consideration of the PHS proposals and respectfully request you forward it to the Office of Management and Budget.

Attachment.

On April 23, 1984, Secretary Heckler announced that the probable cause of AIDS has been found and a new process developed to mass produce the virus. Isolation of the probable etiologic agent of AIDS will greatly assist prevention efforts because for the first time it affords the opportunity to characterize the agent in detail and understand its behavior.

AIDS projects currently underway will be expanded and refined and new projects will be initiated in the areas of laboratory investigations, surveillance, and epidemiologic studies. Special emphasis will be placed on technology transfer and information dissemination, and programs on disease prevention and control will accelerate rapidly.

Now that the probable etiologic agent of AIDS has been identified, other urgent questions need to be answered. Information will be required on the pathogenesis of the disease, the possible contribution of other agents, and the nature and the natural history of the HTLV-III virus. The isolation of the etiologic agent should now make it possible to identify transmitters, develop and evaluate the usefulness of specific diagnostic and screening tests for AIDS in donors and plasma, therapeutic measures, and biological products and the knowledge to use them appropriately to the medical and public health communities. Laboratory and epidemiologic studies based upon these specific tests should further and more precisely define the modes of AIDS transmission and lead to implementation of strategies to interrupt and control the disease. For the first time, it will be possible to establish that controls are truly uninfected with AIDS agents.

Laboratory technology which resulted in the isolation of the AIDS agent will make it possible to isolate other previously unknown related agents. Characterization of these agents and determination of their clinical and epidemiologic significance will be important.

ADDITIONAL AIDS RESOURCE NEEDS (SUPPLEMENTAL REQUEST)

Project	Pos./FTE	Funds
Fiscal year 1984		
1. Improve laboratory diagnosis of retroviruses, determine their pathogenetic mechanisms, institute technology transfers and initiate basic studies for vaccine development	3.38/1.25	$1,700,000
2. Determine the prevalence of retrovirus antibody and viremia in various populations, including homosexual men, IV drug users, Haitians, hemophiliacs, and volunteer blood donors in the United States. Lymphadenopathy syndrome cases will be included		130,000
3. Expand investigation of transfusion-associated cases/donors	3.75/1.5	468,700
4. Expand international epidemiologic investigations (Zaire, other)	1.56/.63	245,400
5. Expand epidemiologic studies of AIDS in families to include additional study sites and pediatric cases	.31/.12	187,300
6. Expand laboratory data acquisition, analysis, presentation, retrieval and storage of AIDS patient materials		31,250
7. Improve diagnosis and treatment of opportunistic infections: a. Bacterial (including M. avium, M.tb, Legionella); b. Parasitic (including pneumocystis carinii, Cryptosporidium); c. Viral (including Herpes viruses); d. Mycotic (including Candida, Aspergillus, Cryptococcus)		437,350
Total resources needed	9/3.5	3,200,000
Fiscal year 1985		
1. Improve laboratory diagnosis of retroviruses, determine their pathogenetic mechanisms, institute technology transfers and initiate basic studies for vaccine development	3.43	800,000
2. Determine the prevalence of retrovirus antibody and viremia in various populations, including persons from various regions of Africa, India, China, and the Caribbean. Lymphadenopathy syndrome cases will be included		225,000
3. Expand investigation of transfusion-associated cases/donors	5	730,000
4. Expand international epidemiologic investigations (Zaire, other)	2.86	375,000
5. Expand epidemiologic studies of AIDS and lymphadenopathy syndrome in families to include additional study sites and pediatric cases	.71	415,000
6. Expand laboratory data acquisition, analysis, presentation, retrieval and storage of AIDS patient materials		170,000
7. Improve diagnosis and treatment of opportunistic infections: a. Bacterial (including M. avium, M.tb, Legionella); b. Parasitic (including pneumocystis carinii, Cryptosporidium); c. Viral (including Herpes viruses); d. Mycotic (including Candida, Aspergillus, Cryptococcus)		245,000
8. Conduct study of sexual partners of homosexual AIDS patients in Boston to determine transmission risk factors		165,000
9. Develop rapid reporting AIDS surveillance network using microcomputers in selected State/local health departments	.62	80,000
10. Expand existing cooperative agreements with State/local health departments to include risk reduction (information/education) programs for high risk groups	1.88	2,500,000
11. Enhance cooperation with National Hemophilia Foundation to acquire hemophilia patient specimens and medical history data and to disseminate up-to-date information to hemophilia treatment clinics		125,000
12. Define the complete spectrum of AIDS including lymphadenopathy syndrome cases, through active reviews of tumor registries and identification and follow-up of cases with prodromal signs/symptoms suggestive of AIDS	1.88	270,000
13. Expand the number of surveillance cooperative agreements to include an additional 3 to 5 State/local health departments that have reported a significant number of AIDS cases	.62	460,000
14. Expand cooperative agreement with U.S. Conference of Mayors to provide a broader network for an information interchange system of city governments and local health departments		140,000
15. Expand laboratory space for viral disease by adding 2 floors to the Virology Laboratory currently under design		4,500,000
Total resources required	17	11,200,000

CENTERS FOR DISEASE CONTROL—ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION—ADDITIONAL AIDS RESOURCES FOR FISCAL YEAR 1984 AND 1985

AIDS SUPPLEMENTAL FISCAL YEAR 1984

The Alcohol, Drug Abuse, and Mental Health Administration is requesting a supplemental appropriation in FY 1984 to support research on the psychological and behavioral factors related to AIDS victims and the relationship of AIDS to drug use. These studies will require the following additional amounts in FY 1984:

National Institute of Mental Health	$375,000
National Institute on Drug Abuse	800,000
Total	1,175,000

Some of the research investigations to be supported include the following:

National Institute of Mental Health

Research studies aimed at increasing knowledge about the psychological and behavioral factors which increase vulnerability among at-risk populations and AIDS patients; psychoimmunologic and neuroendocrinologic studies examining the effects of stress on the immune system.

Retrospective and prospective studies focusing on psychosocial and behavioral factors associated with the development of symptomatic mental health reaction in AIDS patients and members of high risk groups. Included in this area are:

Risk-assessment studies to refine procedures for differentiating which individuals with AIDS or in high risk populations are likely to experience emotional disturbance or psychological dysfunction.

Studies examining the relationship between social, behavioral, and psychological factors and the course and prognosis of the illness.

Funds would also be used to supplement large scale prospective cohort studies now being funded by NCI or NIAID to obtain psychosocial and behavioral data relative to AIDS patients or populations at high risk for AIDS.

National Institute on Drug Abuse

The study initiated in FY 1983 will be expanded to include a second component of 200 homosexual AIDS patients who do or do not use drugs. The researchers will investigate the casual or modifying relationship of drug use among homosexuals in the development of AIDS.

The second year of this study was to include two additional substudies: (1) a group of 40 drug-users who are imprisioned on various charges and who acquire AIDS. Detailed questionaires on lifestyle and drug-use, medical histories, immunologic function, and other predictive factors will be measured. This group is unique in that they did not seek out treatment and may have unique variables—types of drug used, disease acquired, extent of disease; and (2) a followup study designed based on the cohort studies of the drug abuse populations. These studies will focus on changes in the individual's health to see what relationships exist between AIDS and immunological status, virological profile, drug abuse life style or other identified factors. These will include a proportionate representation of the above studied group.

A study to examine the influence of marijuana components on both hormonal and cellular immune response in vivo and in vitro. For example, antibody formation by immune splenocytes of skin graft reactions, lymphocyte blastogenic responses, and lymphokine production.

A study of the effects of narcotics on the immune system. This group is investigating the ability of lymphocytes of addicts as compared to normal subjects to form rosettes, the extent and duration of any alteration, mechanism of this effect and any genetic factors involved. This is an attempt to determine immunological changes resulting from narcotic and other drug use.

The overall objective of another application will be to assess the potential immunosuppressive effects of marijuana smoke through measures of dose-related increases in susceptibility to microbial infection and tumor growth in rats receiving marijuana smoke. Resistance to systematic as well as to localized infections will be assessed.

A proposed case-comparison study of AIDS patients with a history of intravenous heroin and cocaine use is ready to begin this summer. The purpose of this study is to attempt to quantify the risk factors associated with needle-sharing and AIDS. In addition, an attempt will be made to quantify the risk factor of the spouse and children living with needle-sharers. Physical examination and immunochemistries will be used to assess health changes during the study.

A comparative registry analysis from Treatment Outcome Prospective Study (TOPS), the Bronx, and New York City to determine the presence of previously treated methadone clients among the patients listed in the AIDS registries currently maintained by New York City, other States and CDC will be attempted. This analysis will provide a preliminary determination of the association between long-term heroin and other parenteral drug use with the appearance of AIDS.

The next followup wave of TOPS provides an opportunity to conduct immunochemistry and clinical chemistry studies on patients with varying drug use patterns is geographically disparate cities. This study will be the first nationally based study to determine normative values for the more recently developed virological studies like HTLV among drug abusers. Attempts will be made to correlate the findings of this study with the clustering of AIDS in certain portions of the country. In addition, the presence and recurrence of other viral infections like herpes can be analyzed in terms of drug use patterns. The hypothesis that several of the psychoactive substances may have immunosuppressive effects can be tested in a naturalistic setting.

AIDS AMENDMENT FISCAL YEAR 1985

The Alcohol, Drug Abuse, and Mental Health Administration is requesting a budget amendment in FY 1985 to continue efforts begun in FY 1984 that were made possible by the proposed supplemental. The amounts requested are as follows:

National Institute of Mental Health	$425,000
National Institute on Drug Abuse	397,000
Total	$822,000

The activities are described below:

National Institute of Mental Health: Continuation cost of work begun in 1984.

National Institute on Drug Abuse: Continuation cost of work begun in 1984.

FOOD AND DRUG ADMINISTRATION FISCAL YEAR 1984 AND 1985 SUPPLEMENTAL FUNDING FOR AIDS ACTIVITIES

Given FDA's fundamental authorities for licensing biological products and approving new drugs, as well as responsibility for assuring the safety of the national blood supply, there is no question that the agency will be heavily involved in dealing with AIDS for a long time, regardless of the precise nature of the drugs and vaccines that are eventually developed. It will be necessary to grow sufficient quantities of the virus and pursue a number of approaches involving both monoclonal antibody and rcombinant DNA technology. Methods and animal models for evaluting candidate vaccines as well as diagnostic tests must be developed. Subsequently possible vaccines and treatment, will be evaluated, screening tests developed and refined, and standards set for licensing the products that will be developed. At the same time, in order to facilitate development and approval of these products, the FDA must continue research on the immunological factors involved and stay abreast of the research conducted both within and outside the government.

The FDA request includes different levels of funding in FY 1984, FY 1985, and FY 1986. The requested Supplemental Appropriation in FY 1984 is for $2,600,000 for the facility renovations and equipment necessary to expand AIDS work. The provision of these funds in FY 1984 will enable the agency to begin immediately to prepare the necessary high-containment laboratories. However, if these funds cannot be made available by July 1, 1984, the request would have to be revised to include this amount in FY 1985, since the funds could not be obligated by the end of FY 1984. The intent is to renovate several current animal rooms in Building 29A on the NIH campus into high-containment rooms needed for the AIDS work. This would require the agency to move existing animals out and contract for the maintenance of these animals.

The FY 1985 request totals $5,750,000. Of this amount $2,500,000 consists of one-time costs. The amount of $2,000,000 is for contracts to assess the impact on the national blood supply if those who are screened as positive for the AIDS agent are excluded from further donation, and to assess the past and current exposure to the AIDS agent by hemophiliacs who receive Anti-Hemophiliac Factor made from pooled plasma. The other $500,000 is for the one-time cost of moving the animals out of the space to be renovated in Building 29A and establishing a new location for them.

In addition to the one-time investment, the continuing needs are estimated at $3,250,000 the amount needed to meet operating needs for FY 1985. This amount would support 11 professional scientists using the IPA mechanism, 20 FTE staff years, and the cost of contracting for the animal support currently located in the space to be used for the AIDS work. While it is intended to use the IPA route as much as possible, 20 FTEs will be needed for technical and other support staff. This is essential because it is believed that 11 is probably the maximum number of IPAs which could be recruited, with the balance of the staff to be government employees.

[Attachment]

Food and Drug Administration: Sumary of increased resources necessary for work on AIDS

Fiscal year 1984 supplemental:	
Facility renovations	$950,000
Equipment	1,650,000
Total	[1] 2,600,000
Fiscal year 1985 budget amendment:	
Contracts relating to the safety of the national blood supply and protection of hemophiliacs	2,000,000
Contract for maintenance of animals currently located in the space to be renovated for AIDS work	1,150,000
Professional scientists under IPA's	1,100,000
Intramural FTEs (20)	1,500,000
Total	5,750,000
Fiscal year 1986 impact:	
Contract for maintenance of animals	650,000
Scientists under IPA's	1,100,000
Intramural FTEs (20)	1,500,000
Total	3,250,000

[1] This request is contingent on fiscal year 1984 funds being made available by July 1, 1984 if the funds are to be obligated by Sept. 30, 1984. If funding cannot become available by July 1, this amount of $2,600,000 would have to be added to the fiscal year 1985 request.

NATIONAL INSTITUTE OF HEALTH—ADDITIONAL AIDS RESOURCES—AIDS AMENDMENT FISCAL YEAR 1985

The NIH is requesting a budget amendment for FY 1985 to continue the efforts begun in FY 1984 that were made possible by the proposed supplemental and to initiate some new effort. The amounts requested are as follows:

National Cancer Institute	$7,900,000
National Institute of Dental Research	295,000
National Institute of Allergy and Infectious Diseases	8,942,000
Division of Research Resources	900,000
Total NIH	18,037,000

The activities of the various Institutes are described below.

NATIONAL CANCER INSTITUTE

Continuation costs of work begun in 1984.

Expanded effort in blood testing, HTLV III production, vaccine development, and SAIDS research.

NATIONAL INSTITUTE OF DENTAL RESEARCH

Continuation costs of work begun in 1984.

Expanded effort made possible by major equipment purchases.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Continuation costs of efforts initiated in 1984.

Evaluation of immune abnormalities in AIDS through the analysis of cell surface markers and correlative studies of cell activation and function,

Extension of ongoing study at NIH in epidemic cities to study possible HTLV III infections in health care workers.

Collaborative therapy trials of AIDS using standard protocols and the central data analysis center:

Clinical study on the use of alpha interferon for treating pre-AIDS and/or preventing development of AIDS.

DIVISION OF RESEARCH RESOURCES

Continuation costs of efforts initiated in 1984 at the Regional Primate Research Centers.

NATIONAL INSTITUTES OF HEALTH—AIDS SUPPLEMENTAL, FISCAL YEAR 1984

The NIH is requesting additional funds in FY 1984 to support expanded research made possible by the isolation of a new human retrovirus described as the probable causative factor of AIDS. This breakthrough has provided us with the knowledge to increase our efforts against AIDS, efforts that will require the following additional accounts in FY 1984:

National Cancer Institute	$3,900,000
National Institute of Dental Research	81,000
National Institute of Allergy and Infectious Diseases	8,330,000
Division of Research Resources	790,000
Total HIH	13,101,000

Some of the areas that have opened as avenues for increased efforts are described below, by Institute.

NATIONAL CANCER INSTITUTE

Further work on human cell lines that produce large amounts of HTLV III, including further development needed to mass-produce the material necessary for blood screening tests.

Development of rapid immunological assays to detect infection.

Accelerated efforts to produce a vaccine to prevent AIDS and to develop other ways to halt its development.

Expand search for a safe, effective therapy for AIDS and its related diseases.

Expansion of a contract that provides the prime source for HTLV III production, the entire early scale-up fermentation, and the transfer after exponential expansion into the for-profit sector for testing blood for antibodies.

Maintenance of production of HTLV III for primate models and vaccine development.

Supplementation of existing grants, particularly studies involving simian AIDS.

NATIONAL INSTITUTE OF DENTAL RESEARCH

Expanded investigations concerning the role of monocyte abnormalities in AIDS.

Studies on the epidemiology, transmission, and possible etiologic agent of AIDS in Zaire.

Modification and expansion of contracts dealing with specimen storage and distribution.

Development of a laboratory for the growth and study of a unique fungus, Thermoascus crustaceus, which has been found in the blood of some AIDS patients.

Expanded, studies of cryptosporidiosis, a serious opportunistic infection seen in AIDS patients and one that is now poorly understood, difficult to diagnose, and has no suitable treatment.

Research on the severe and even life-threatening diarrhea that affects AIDS patients.

Development of surrogate tests, particularly interferon production, to predict AIDS.

Expanded efforts in studies on the immunological defects in AIDS.

Additional AIDS public education programs in several major metropolitan cities throughout the United States where AIDS is statistically emerging.

Studies of Salmonella sepsis, and related infectious complications in AIDS patients.

DIVISION OF RESEARCH RESOURCES

Epidemiological studies at the Regional Primate Research Centers, using methods, similar to those employed with AIDS patients, to detect the virus in the primate colonies.

Development of an antiserum to permit rapid, reliable, field detection of SAIDS and SAIDS-carriers in the Centers' primate colonies.

Tests of the pathogenicity of retrovirus strains associated with human leukemia and AIDS.

Development of a vaccine to immunize nonhuman primates against AIDS.

Searches into the mechanisms of best immune defense against opportunistic organisms that colonize the oral cavity.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Investigations of polyamine inhibitors to attempt to control cytomegalovirus infections in AIDS, since other virus infections may be co-factors that allow the HTLV III virus to express itself clinically.

Research on seven specific opportunistic microorganisms as they relate to the life-threatening infections in AIDS patients, including basic biology of the organisms, mechanisms of pathogenesis, virulence factors, immunogens and immunopathology, immunotherapy, and immune prophylaxis.

Implementation of a multi-institutional clinical trial of Dapsone in AIDS patients with Pneumocystis carinii pneumonia; Dapsone is a drug licensed for use against leprosy and certain skin conditions, and which has been found to be effective in rats against P. carinii pneumonia.

New studies on the biology, pathogenesis, and prevalence of Cryptosporidium; analysis of human cytomegalovirus; herpes simplex virus and leukocyte interactions in AIDS; and the antimicrobial susceptibility of P. carinii.

Testing among potential AIDS victims (identified under an on-going contract) for exposure and response to the newly reported HTLV III agent.

Investigations of immune derangements in drug addicted parents and their children.

Injection of HTLV-III virus and Lymphadenopathy Associated Virus (LAV) into chimpanzees in attempts to produce AIDS in experimental; animals.

Establishment of a laboratory to culture candidate AIDS retrovirus.

Establishment of a vaccine development facility to produce candidate vaccines using the techniques of oligonucleotide and peptide synthesis as well as insertional cloning procedures in vaccinia virus.

Development of a new chimpanzee facility to study the transmission of HTLV III and to establish a model for protection as well as a model to investigate factors that produce susceptibility such as T helper cell activation.

Mr. MOYNIHAN. Mr. President, last April I rose in this Chamber to introduce legislation to help combat the disease known as acquired immune deficiency syndrome, or AIDS. At that time, the disease was spreading and provoking near hysteria in some parts of the country. Today, the Nation has reason for more hope, as it was announced earlier this year that the cause of this modern plague had been isolated. But the war is not won; the outbreak continues to spread, the mortality rate continues to climb, and the statistics are even more horrible.

In March 1983, some 1,279 cases of AIDS has been reported in the United States, with 485 deaths—a mortality rate of 37.9 percent. Today, 5,694 adult cases have been reported to the Center for Disease Control in Atlanta, with 2,695 deaths—a mortality rate of 45 percent. Sixty-nine cases have been reported among children below the age of 12, and 47 of them have died. Their mortality rate is a staggering 68 percent. These few figures bluntly state the case; we are dealing with one of the most lethal epidemic outbreaks of this century.

Despite the best efforts of health officials, the disease has spread. Although the States of New York, California, and Florida continue to report the preponderance of cases, the number of new cases occurring in New York has actually declined by almost one-fifth while the national total has risen. In March 1983, 36 States had reported outbreaks of AIDS. Today, 45 States have done so, as well as the District of Columbia and Puerto Rico.

Yet, while all are appalled at the incidence of AIDS, there is cause for cautious optimism and a renewed commitment to fighting this disease. In April, Secretary of Health and Human Services Heckler announced that researchers had isolated the virus HTLV-III as a probable cause of AIDS, and had made breakthroughs in developing a means to mass-produce the virus as well as a blood test for AIDS. The Department of HHS undertook a comprehensive study of AIDS research already underway and of that needed in the future.

Assistant Secretary of Health, Dr. Edward Brandt, issued the Department's evaluation on May 25, 1984. Conceding that the astronomical mortality rate for AIDS is unacceptable, Dr. Brandt requested additional appropriations of $57.9 million through fiscal years 1984 and 1985, for continued treatment of and further research into AIDS.

These are the funds our amendment seeks to secure today. Dr. Brandt's initial request has been reduced significantly, to reflect appropriations in the fiscal 1985 budget and the fiscal 1984 continuing resolution. The amendment, therefore, would appropriate an additional $14.628 million to continue the important and fruitful work to cure this disease.

Our amendment would fund programs at the National Institutes of Health, the Centers for Disease Control and the Alcohol, Drug Abuse, and Mental Health Administration to improve laboratory diagnoses, conduct studies on AIDS outbreaks in the United States and around the world, expand investigation of transfusion-associated cases and cases involving other identifiable demographic groups, and improve the AIDS reporting network to isolate new outbreaks.

Perhaps of equal importance, support or further research for a cure for AIDS will quiet much of the anxiety and fear which has gripped areas of the country where this disease has been found. Members of the most common AIDS victim groups—most notably homosexuals, hemophiliacs, and Haitian immigrants—have been victims of additional discrimination and often of rejection and misunderstanding by their families and friends. Because AIDS has been associated with some blood transfusions, many patients have approached this procedure with additional apprehension. The disease itself can be eliminated only when a cure or treatment is developed, but public fears can be lessened by our willingness to continue support for AIDS research.

As a cosponsor of this amendment, and a sponsor of three pieces of legislation to provide funds for AIDS research and expedite the process for securing public emergency research funds, I have become familiar with the horror and devastation this disease brings. I urge my colleagues to support this amendment to provide additional funds for AIDS research, meet the request of the Department of Health and Human Services and to respond to the thousands of AIDS victims and potential victims.

Mr. KENNEDY. Mr. President, it gives me great pleasure to rise in support of the amendment to the appropriations bill offered by my distinguished colleague from California. With this amendment he has given the Senate an opportunity to fund research into AIDS and AIDS-related diseases at the level requested by the administration's own Assistant Secretary for Health, Dr. Edward Brandt. The number of patients suffering from the acquired immune deficiency syndrome continues to increase at an alarming rate. Although the NIH has identified the virus responsible for the disease, we still do not have effective means of prevention or treatment. Many centers of research across the Nation are geared into intensive round-the-clock labors to find the necessary solutions. These dedicated scientists and technicians must be allowed to continue their work at the levels proposed by the Assistant Secretary for Health. The funding level proposed by the administration is totally inadequate.

Senator CRANSTON and I have had a longstanding interest in the problems

of patients with AIDS. We have seen its destructive powers. I urge my colleagues to support this amendment.

Mr. WEICKER. Mr. President, the Senator from California and I, in a colloquy last Friday, stated our concerns for adequate funding for AIDS research. I remain committed to the goal of finding the means to treat and ultimately prevent this devastating disease. I am, therefore, prepared to accept this amendment which adds $11.2 million to the Centers for Disease Control, $2,606,000 to the National Institute for Allergy and Infectious Diseases, and $822,000 for the Alcohol, Drug Abuse, and Mental Health Administration. These funds are to be used to intensify the efforts being made in AIDS research and surveillance.

The PRESIDING OFFICER (Mr. HECHT). The question is on agreeing to the amendment.

The amendment (No. 4398) was agreed to.

Mr. WEICKER. Mr. President. I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4399

(Purpose: To preserve the right of schoolchildren to engage in voluntary school prayer)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 4399:

At an appropriate place in the bill add the following: "None of the funds appropriated under the act shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.".

Mr. HELMS. Mr. President, this amendment simply restores the language on voluntary school prayer which has been in the Labor-HHS-Education and related agencies appropriations since its adoption in 1980 for fiscal year 1981.

When the committee amendments were adopted en bloc on Friday, September 21, the school prayer provision, originally authored in the House by Representative ROBERT S. WALKER, was struck out.

The pending amendment simply restores the Walker language, which, in my opinion, the Senate will not strike on a recorded vote. It provides:

None of the funds appropriated under the act shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Representative WALKER relating to this amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 1984.

DEAR SENATOR: As the original House sponsor of the voluntary school prayer language in question, I wanted to take this opportunity to express my support for its inclusion and retention in the appropriations bill for the Departments of Labor, Health and Human Services, and Education for fiscal year 1985.

The language first became law in 1980 and has been a part of every Labor/HHS/Education bill and Continuing Resolution since then. It has consistently been adopted in the House by overwhelming margins, reflecting the broad support that the language commands here in the House. Currently, it is the only statutory provision now on the books protecting individual students' right to voluntarily pray in school. I am very hopeful that the Senate, in its wisdom and as it has in the past, will retain this language.

Cordially,

ROBERT S. WALKER.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that a rollcall vote take place on the amendment of the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object——

Mr. WEICKER. Mr. President, I withdraw my request. I ask for the yeas and nays on the amendment of the Senator from North Carolina.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. [Mr. HECHT]. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer an amendment. In doing so, I want it understood that I have cleared this matter with the Senator from North Carolina and told him that the amendment I am about to offer has no impact whatsoever on the pending issue. I have discussed the matter with the managers of the bill. The amendment I am about to offer is a very modest increase of $4 million having to do with orphan drugs.

Mr. HATCH. Mr. President, would the Senator add to his unanimous-consent request the right of the Senator from Utah to present an amendment which will be accepted by the managers of the bill immediately following the Senator from Ohio?

Mr. METZENBAUM. If the managers will tell me that is acceptable.

Mr. WEICKER. That is acceptable.

Mr. BYRD. Mr. President, the minority manager has stepped out of the Chamber.

Mr. METZENBAUM. Mr. President, will the Senator from Utah withhold that? The manager on the minority side is not in the Chamber.

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senator from Ohio may go forward with his amendment and I intend to do the same thing for the Senator from Utah.

Mr. METZENBAUM. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment in order that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4400

(Purpose: to increase funding for the National Institute for Child Health and Human Development)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 4400.

On page 22, line 14, strike "312,100,000." and insert in lieu thereof "316,100,000, of which $4,000,000 shall be available for Orphan Drug Research and Development Grants.

Mr. METZENBAUM. Mr. President, the authorizing committee has provided $4 million for this which makes it possible for the $4 million to be included in the appropriations bill. I think it is very important to provide something for the Orphan Drug Research and Development Grant Program. I appreciate the fact that the managers of the bill have indicated they are in a position to accept it.

Mr. WEICKER. Mr. President, I accept the amendment of the distinguished Senator from Ohio.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4400) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I would make a similar unanimous-consent request as the Senator from Ohio so that I may present a noncontroversial amendment which the managers of the bill have agreed to.

Mr. President, let me withhold my request.

Mr. BYRD. Mr. President, I think I know what the amendment is. Mr. WEICKER has informed me. I have no reason to think that Mr. PROXMIRE would object to the amendment.

Mr. HATCH. I thank the distinguished minority leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

AMENDMENT NO. 4401

(Purpose: To provide an additional $500,000 for Special Olympics, Inc., for the 1985 International Winter Special Olympics Games in Park City, Utah, under the "special demonstration programs for severely disabled" section of the Rehabilitation Act of 1973)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 4401.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, line 7, strike out "$1,252,765,000" and inserting in lieu thereof "$1,253,265,000."

On page 6, line 11, strike out "and".

On page 46, line 13, before the period insert a comma and the following: "and $500,000 shall be available under section 311 of the Rehabilitation Act of 1973 for Special Olympics, Inc., for the 1985 International Winter Special Olympics Games in Park City, Utah".

Mr. HATCH. Mr. President, this amendment adds $500,000 to the level of the Labor, Education, HHS appropriations for the 1985 International Winter Special Olympic Games. This event will be hosted by Special Olympics, Inc., in Park City and Salt Lake City, UT, on March 24 through March 29, 1985.

Special Olympics was created in 1968 by the Joseph P. Kennedy, Jr. Foundation. It has now become the largest international program of sports training and athletic competition for mentally retarded children and adults. Sports and recreation provide an avenue for physical, social, and psychological development for handicapped persons. In the past, mentally retarded individuals have been told, "You can't do it." But Special Olympics says, "You can do it. All you need is a chance."

The Special Olympics Winter Sports Program began with ice skating as its official sport in 1972. Soon training programs in Alpine (downhill) and Nordic (cross country) skiing were added to the program. By 1977, winter sports training and competition had grown and developed enough so that the first International Winter Special Olympics could be conducted at Steamboat Springs, CO.

This year, Park City and Salt Lake City, UT, will host the 1985 Internatinal Winter Special Olympic Games for 750 participants from the United States and 15 other countries. Competitions will include Alpine skiing—giant slalom, slalom, and downhill—cross country skiing—100 meter sprint, 1 kilometer race, and 3 kilometer race—and ice skating—50 meter, 100 meter race, 400 meter race, and figure skating.

Even though 750 participants will be eligible for competition at the 1985 International Winter Special Olympics Games, some of the potential athletes will not be given the chance to compete because of financial constraints. This is why we are requesting a one-time congressional appropriation. The funds will help defray the cost of meals, lodging, transportation, and other services necessary for the handicapped athletes to participate in the games.

In the past, the State governments such as New York, Michigan, and Louisiana have provided State funds to support International Special Olympic Games. While the State of Utah plans to provide some funds for the 1985 International Games, the amount will be limited because of the small size of the overall State budget. Utah also is a State having a small population and few headquarters for major corporations. Consequently, it is difficult for my State to raise the entire $1.9 million required for the 1985 games from private sources. However, corporations and civic organizations will be providing substantial contributions to the games including some $2 million of inkind services and supplies. It is also important to recognize that the 1985 International Games are being conducted on a limited budget with only five paid staff members. The other members of the games committee are serving without compensation. More than 2,000 volunteers will be providing their time and services free of charge. Game officials from the U.S. Skiing and Skating Associations will be donating their professional services.

I urge my colleagues to support this appropriation. Without some Federal assistance many handicapped Olympian athletes would otherwise not be given a chance to demonstrate that "they can do it."

Mr. President, I submit that this is one of the greatest things that happens in this world. Any of us who have had any connection with Special Olympics, I think, have become instantaneous supporters of the Special Olympics.

At this time, I ask the manager of the bill if he would be willing to accept my amendment.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from Utah for his amendment. I agree with him that that is one of the great events which takes place in this country. This particular Special Olympics is of an international nature, not just one of those which takes place every year in the United States. I would say probably the best way I could get money for the retarded people would be if every Member of the Senate would attend the Special Olympics. I think I could set almost any figure at all for the endeavor involved there, because it really brings out the best in all of us.

I am not just talking about money. I am talking about a one-for-one participation. I know many of the organizations, the ones that go one for one with the Special Olympics—I know the Jaycees do in the State of Connecticut. I know many of them give their time to this event. This is a great event to have in the United States, bringing athletes from all over the world.

I see the money spent around here, and I see $500,000 for this all-important event; believe me, there is no difficulty in supporting it. I know this opinion is shared by all Members, including the distinguished Senator from Wisconsin [Mr. PROXMIRE]. I certainly support the amendment.

Mr. HATCH. I thank the Senator. This event, for the athletes, will be one of the highlights of their lives and this will certainly be one of the highlights among events in the United States. I share the Senator's feeling for all the athletes. I know he is the leader in the Senate, if not the whole Congress, in handicapped issues. He has taught me things about this subject, both as a member of the Labor-HHS Committee and as chairman of the committee.

I personally am in his debt because he has helped me understand these problems.

With that, Mr. President, I move the amendment.

Mr. WEICKER. Mr. President, I say before the amendment is moved, this was a worthwhile bill prior to the adoption of this amendment. Now it is of such excellence and such compassion that I urgently enlist the aid of the distinguished Senator from Utah in seeing to its passage at the earliest possible moment.

Mr. HATCH. Mr. President, I think he will have that. I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4401) was agreed to.

Mr. WEICKER. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I want to point out to my colleagues what will be involved if indeed we go to the continuing resolution rather than to pass this bill as we now have it before us.

As to the Department of Labor, the Job Corps, there is a $34 million difference between this bill and the House continuing resolution. And without these funds, program quality would suffer by increasing the size of the classes, and caseloads of counselors and supervisors; 2,400 enrollees would be cut.

Community service employment for older Americans, $17 million would be denied as between this bill and the House continuing resolution. The addition of 3,400 jobs for the low-income elderly would be denied.

Health and Human Services, maternal and child health, the House continuing resolution is $79 million below the bill on the floor here in the Senate. Services for crippled children, the provision of newborn genetic screening, sudden infant death services, lead poisoning prevention services, and prenatal medical services are, among others, provided through allocations to the States. And those allocations would be reduced by $79 million. These are the people who would suffer by virtue of accepting the House continuing resolution compared to the Senate bill.

Community health services, $8,650,000 below the Senate bill. Essential prevention-oriented primary care services for the medically underserved populations provided for more than 4,700,000 people in 1974. The Senate mark would permit service to be provided to another 350,000. That would be denied if we go to the continuing resolution.

Health Resources and Services Administration. We could train 1,100 new doctors in family medicine, including geriatrics.

We could support 1,700 more residents in general internal medicine and pediatrics than were funded in 1984.

The Senate bill calls for the establishment of 24 new geriatric academic administrative units in universities, specifically to train doctors in all aspects of geriatric medicine. That is not included in the House continuing resolution.

We could provide for 9 new area health education center projects which, added to the 10 continuation projects, would cover 19 States with a geographic area of 420 counties and a total population of 41 million people in primarily rural areas who lack adequate health services. That is not in the House continuing resolution. It is in the Senate bill.

Four thousand two hundred more disadvantaged students would be able to receive financial assistance to become health professionals; 3,000 more students would be able to receive advanced nurse training; 1,000 more students would be able to enroll in the professional nurse traineeship program under the Senate bill; 160 more people would receive traineeships in order to assist them to become nurse anesthetists.

The Senate bill provides $5 million to establish the Center for Nursing Research. No funds were provided in 1984 to support programs on educational and clinical nursing research, training, and information dissemination.

Head Start: The Senate bill is $79,309,000 more than the House continuing resolution. These funds would permit enrolling 32,000 more children in Head Start; denial of this money would require a cut of 1,000 children below the level currently served.

Nutrition for the elderly, $15,301,000 less than the House continuing resolution. The average number of meals per day served to needy elderly persons could be increased by 32,000. Without these funds, the current level of 806,000 average daily meals could not be sustained due to the impact of inflation.

Low-income energy assistance with winter coming on, $65 million more than the House continuing resolution. These funds represent a 3-percent increase over last year's level, in order to offset rising energy costs. Without these funds, fewer low-income people will be provided assistance in meeting fuel bills this winter. These additional funds would serve an estimated 300,000 households.

Refugee-targeted assistance, $27,500,000. Targeted assistance funds would be limited to $50 million, a one-third reduction from fiscal year 1984. Targeted assistance funds serve localities highly impacted by heavy concentrations of refugees.

Community services block grant, $20,272,000 more than the House continuing resolution. It is estimated an additional 1.1 million impoverished people would be served with the higher amount in the Senate bill; 40 new community action agencies would be open to provide antipoverty programs in unserved areas.

Compensatory education for the disadvantaged: $16.6 million more in the Senate bill than the House continuing resolution, and the lower House amount results in approximately 22,000 fewer migrant children, and 12,000 fewer handicapped children in State institutions being served.

Libraries: $63 million. The House bill provides no increase in public library service, and completely eliminates Federal matching funds for library construction renovation. The Senate bill includes math-science funds, $200 million; includes desegregation assistance, $75 million; includes the Special Olympics as presented by the distinguished Senator from Utah. These are all in the Senate bill.

I think maybe this is the place to draw the line on the issue that has brought us to this impasse. Once again, we have a prayer-in-school amendment. If everybody wants to go ahead and pray that things are going to work out all right for the poor, for the homeless, for the diseased, and for the retarded, go ahead and do so. I am sure it has its effect. But I suggest that a few dollars are necessary to accomplish the ends of giving them a better life, hope for the future, and, indeed, in many cases, life itself.

That is what this bill is about. It is the United States of America speaking from its heart to those who need our special care, to the smallest, and to the least powerful of our citizens—the least powerful in the sense of their physical condition, mental condition, economics, or whatever. Prayer is a powerful thing, and we all believe in it. Let each one do his own thing, but that is not going to help these people. What is needed is dollars. What is needed is programs, and what is needed is people committed to their neighbor.

In the some 25 days of hearings that took place, I wish all of you could have shared those moments with the committee and with those persons afflicted with certain diseases knowing that their only hope for life for either themselves—because many of them

spoke for themselves—or for their children, or loved ones—lay with the United States of America with its National Institutes of Health, and with the various programs going on in the universities of this Nation. God, how hard it is to fight for a few pennies for life in this Nation compared to the billions we spend on destruction. But now we come down to the ultimate—pray your way out of it.

This is one of the finest work products to come out of this body in this session in terms of the hope that it delivers to so many, whether the hope is in terms of an education, or whether the hope is the financial help necessary to achieve that education.

I mention in here the fact that this bill calls for the establishment of 24 new geriatric academic administrative units in the universities. Do you realize at the present time in this Nation we only have two such units in our universities that are dedicated to geriatrics? Do you understand the rapid multiplication that is going on right now as to our elderly population, and that we are totally unprepared for it? Only 2 out of the some 123 university medical complexes are devoted to the specialty of geriatrics. I hope, again, staff will provide me with the exact figures as to what is happening to the elderly population in the United States by the year 2000, and the year 2010. The figures are staggering. We can all sit there and admire our parents, and those growing old around us. But I suggest to you again we had better do something instead of either packing them off to nursing homes or telling them to get down on their knees and say a prayer. It seems to me we can do something. That is what this bill provides for. I think many of us felt there was something special to the bill in the sense it was not just appropriating money the old way, but again foreseeing the complexities of the future, and preparing in terms of the elderly of this Nation.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. WEICKER. Yes, I yield to the distinguished Senator.

Mr. HATCH. I thank my friend.

THE SCHOOL PRAYER AMENDMENT

I can appreciate the problems that he has because it is an important bill. As chairman of the Labor and Human Resources Committee, I have great personal interest in everything associated with this bill. I point out to my dear friend and colleague that we have had the debate on school prayer. He won that particular debate earlier in the year. But all the amendment of the distinguished Senator from North Carolina—in fact, let me read it. It is very simple. It has been in this Labor-HHS bill since 1980, as I recall. It is known as the Walker amendment added in the House. As I understand it, it is in the House bill. All it says is:

None of the funds appropriated under this act shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

To me, that is a harmless amendment. It is an amendment that just acknowledges we do not want any of the money in this bill going for the purpose or used for the purpose of preventing voluntary prayer and meditation in the public schools. Everybody's rights are protected. If anybody wants to bring litigation, if some child prays in public school voluntarily, they can do that. I think this amendment should be accepted. It has been in the bill.

We have a letter from ROBERT WALKER, the Congressman who is the author of this bill.

He just says:

DEAR SENATORS: As the original House sponsor of the voluntary school prayer language in question, I wanted to take this opportunity to express my support for its inclusion and retention in the appropriations bill for the Department of Labor, Health, and Human Services and Education for fiscal year 1985.

The language first became law in 1980, and has been a part of every Labor-HHS-Eduction bill and continuing resolution since then. It has consistently been adopted in the House by overwhelming margins reflecting broad support that the language commands here in the House.

Currently, it is the only statutory provision now on the books protecting individual student rights to voluntarily pray in school. I am very hopeful that the Senate in its wisdom, and as it has in the past, will retain this language.

I suggest to my dear friend that this language does not cause any disruptions. It does not hurt anybody. It does not cause any problems with discrimination. All it does is say none of these funds shall be used to prevent voluntary prayer and meditation in the public schools. I think that the House is going to insist on this amendment being in there.

I would like not to have this bill held up because of that language which really is not going to make any difference one way or the other. It is an acknowledgment that we believe children can voluntarily pray or meditate if they want to. And it does not have any force or effect with regard to school prayer.

So I hate to see this bill held up because of this amendment. But perhaps I missed something and perhaps I do not fully understand what the distinguished Senator from Connecticut is saying. But I do understand how deeply he feels about this issue having spent lots of time with him in the past. So I just say that, I hope that we can accept this amendment, and move on from there.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. In response to the distinguished Senator from Utah, two things. First of all, we debated this matter as a freestanding issue, and it did not get the required number of votes for an amendment.

Mr. HATCH. Will the Senator yield at that point?

Mr. WEICKER. Yes.

Mr. HATCH. We did not debate this matter. We debated a full prayer amendment. I understand what you are saying. I am just saying this is completely different, and I do not think it gets into that full-fledged constitutional debate we were in before. That was a constitutional amendment.

Mr. WEICKER. I say to the distinguished Senator from Utah, any way you want to cut it or define it, we are talking about school prayer and we are talking about programs. That is what the amendment says, to prevent the implementation of programs, voluntary prayer and meditation in the public schools.

To change a word here and add a word there, it walks like a duck, it quacks like a duck, it looks like a duck, so it is a duck. But how unfortunate that having lost the freestanding debate we now have to piggyback on the backs of the sick and the elderly and the young. Now it is being piggybacked on this bill. They lose on the debate, the proponents of what is being offered here, and now they try to put it on a bill so nobody will dare kill the bill.

Well, I am the one, along with Senator PROXMIRE and the other members of the committee, who spent the best part of a year devoting our time to those who are requesting and have the right to expect the assistance of their government.

And now these people are being denied that assistance in terms of an amendment which was all prayer in school.

Mr. HELMS. Will the Senator yield?

Mr. WEICKER. Not now; I will be glad to yield after I complete my remarks.

Mr. HELMS. I thank the Senator.

Mr. WEICKER. I will be glad to debate with the Senator from North Carolina any time.

The fact is that in 1980 or whenever this language was first put on, it was innocuous. Nobody dreamed that the issue would arrive in the proportions which we see today in this Nation. Nobody dreamed of that. It was innocuous language, no harm could come of it.

There were those who thought there was a problem here, constitutionally.

It was not until the political season and with those running for the highest office in the land that finally the issue manifested itself in terms of personalities. All of a sudden the whole country became involved with it.

So as it is presented on the Senate floor in the year 1984, more specifical-

ly in September 1984, 1½ months before an election, it is no longer innocuous, because it has tremendous implications and ramifications due to the debate that is the background of what is being proposed here on the floor.

Programs, programs; it seems to me as soon as you have programs of prayer, voluntary or otherwise, you are in violation of the first amendment of the Constitution of the United States.

I might add, so that nobody feels we are blind on this issue, I have a second-degree amendment waiting here which specifically would eliminate those words that say "the implementation of programs of" and insert "individual," so that in effect it would read: "No funds appropriated under this act may be used to prevent individual prayer and meditation in the public schools."

That is unacceptable. But that does not violate the Constitution. All it does is restate the law as it is, but there is no violation. Everybody. pray—indeed, the Government should not use its funds to prevent any person, any individual, from praying.

No; with the word "program" in this amendment, there you are with organized prayer in the school.

Do I want to see a year's work go down the drain? No; but this issue, too, is important. The shame of putting it on this bill, No. 1, that is not my shame.

I have just sent word to the Appropriations Committee which is reviewing the continuing resolution to incorporate all that has been done so far by the committee and by the Senate into the continuing resolution. I realize it will probably be postponed a day or two because probably the same group will try to put a prayer amendment on the continuing resolution, and I will have to fight that.

I suppose what bothers me the most, as it does everybody else, is that the people who will suffer are not the ones who can afford to suffer in this country. But that was not my choice. I did not pose the issue. And, yes; there is something very special and just as valuable to each one of us as human beings in the concepts of the Constitution of the United States. It is not an antibiotic, it is not a teacher's lesson, it is not a roof over your head, it is not a job. But it is also important. Too many people in this country have glossed over it for too long, and that is why we are in our present straits. So if the problem does have to be dramatized, let it be dramatized, and on this bill.

Let us understand what it is that is going to be lost and who is going to suffer for this political dialog, for this philosophical dialog.

I cannot believe that anybody in ignorance or homeless or in suffering is going to be very appreciative of the Senate of the United States or their Government. As much as I believe in the value of prayer, and I do, there is no better example, insofar as doing that which is Caesar's business—that is the business of this body, the business of Government, the secular business of the United States. That is our job.

I am not here, and neither are any of my colleagues, to take up on the Senate floor on Tuesday afternoon what the rabbi or the priest did not do on Saturday or Sunday. That is their job.

So I would hope that we could get on to the business of the legislation before us and the Senate bill, which is so far superior, thanks to all of you in this Chamber, so far superior to what it is the House has devised. But let us address ourselves to our responsibility in this area. That, believe me, is the proper business, not the amendment before us.

I have no desire—let me put it this way—to get into the long constitutional debates. We have been all through this, ad nauseam. It is a big issue out there. I am sure there are those on both sides of the aisle who would love to stick their opponents with voting against this amendment in an election year. "You voted against prayers in school." It will work both ways. Wait and see. That is maybe what someone wants to achieve out here, a political end to embarrass somebody else.

Let me say it loud and clear, not for the purpose of the Members of this body, as they know the Constitution as well as I do, but to remind the American people of article 6. No religious test—no religious test—shall be required for the holding of office. So regardless of how anybody votes on this amendment, disregard it. Indeed, if anybody does try to embarrass anyone else, they are the ones who should be voted out of office for engaging in that kind of demagogery.

If there are those who want this for political purposes, all the more reason why the vote should take place. I might add I do not want to hear it said of the Senator from Connecticut, "You are not running for election, so you do not care." I was running for election in 1982 and I took the same position in 1982 that I am taking now.

I think the time has come to knock it off. This whole religious debate has gone way beyond its bounds, as it always does. The political parties, the political arena, the Senate of the United States are no different from our own homes and our own social gatherings. These are conversations best left alone. It is up to each one of us in the United States of America to find our own way to the Creator.

We do not need any help from government, we do not need any programs of prayer in schools, we do not need any U.S. Senators or candidates moralizing for the rest of the Nation. I know, thanks to the decisions of the Supreme Court, that my children are far more tolerant religiously and racially than I or my generation were. That is what counts in the United States of America. That is progress.

No; I do not yearn for the good old days when you knew exactly who was who in your class and whom they worshiped or why. I do not yearn for that at all, nor for the embarrassment caused by those who were not Protestant, because most of the prayers were Protestant. I do not yearn for that at all.

I am so proud of where we are today and where our children are. They judge each other on the basis of the worth that is inside, not on the basis of the institution one belongs to or the color of the skin. That is where the Constitution works where, indeed, many of our faiths have failed.

I am not here to get into a preaching dialog this afternoon. I know that what is embodied in this bill best exemplifies everything I was taught in my particular faith and I know that it can come to pass if this bill is passed, and it will not if it does not.

Talk to me about what it is that we believe in, what it is that is espoused by whatever faith we belong to—principles of belief of all religions in this Nation that have been furthered by exactly what this Government does and what, more particularly, it does in this bill. I could not necessarily say the same thing for the DOD bill and other bills. This bill is the manifestation, in my particular instance, of what I believe in insofar as my fellow man is concerned.

As I said, the weakness of this cause is best exemplified by piggybacking this proposition on this legislation, on the backs of these people, and on the fulfillment or nonfulfillment of their lives. So, Mr. President, I hope that when we pass this legislation, as I hope we will—and the distinguished Senator from Idaho [Mr. McCLURE] is here and is prepared to come to the floor to offer an amendment or another matter—I am quite satisfied to go through this debate for the next several days if that is what is required. I think everybody had forcefully and well stated their points of view.

I am not saying that mine is the right point of view when it comes to prayer. It is what I believe in, but I am not saying it is the right point of view. But this is the right bill in terms of what it does. That is my concern here this afternoon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that the pending amendment be set aside in order that I might present an amendment on behalf of the distinguished Senator from Idaho [Mr. McCLURE] for consideration by the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 4403

(Purpose: To fund the unfunded liability within personnel retirement systems of five State Employment Security Agencies)

Mr. WEICKER. Mr. President, I send an amendment by Senator McCLURE to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] for Mr. McCLURE, proposes an amendment numbered 4403.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 6, strike "$2,422,598,000" and insert in lieu thereof "$2,426,365,000"

On page 5, line 13, after the comma, add the following: "and of which, not to exceed $3,767,000 which shall be available only for amortization payments to States which had independent retirement plans in their State Employment Service Agencies,"

Mr. McCLURE. Mr. President, this amendment to the Labor Department section of the bill will assure continued stability of the retirement systems in five State Employment Service Agencies. The five States involved are Idaho, Utah, North Dakota, Nebraska, and Oklahoma. The number of State employees affected totals over 3,000.

Prior to 1980, these five States had a separate retirement system for their State Employment Service Agencies. The separate systems were established at the urging of the Department of Labor around 1958. Although the Department originally supported the independent systems, the Department later told the States it was unfair and the SESA employees should be brought under each of the broader State employee retirement systems.

The States agreed and, operating in good faith, closed each of their special systems for SESA workers. The Department of Labor, in turn, agreed to amortize the liabilities over a period of 30 years and to publish regulations setting out agreements with these States. These agreements have not been published and these States are facing severe cutbacks in current employment services to cover these extraordinary retirement benefit costs.

It appears that DOL, for whatever reason, has abandoned plans to work with the States. The present value of the unfunded liability over 30 years currently totals approximately $113 million.

The amendment I am offering simply provides money for the unfunded liability for fiscal year 1985. The five States involved are facing the very real possibility of having to cut employment services in order to pay unfunded retirement benefits. This amendment gives us the time to work out a solution with the Department of Labor before these cuts become necessary.

Mr. President, I fully expect the Department to include in its fiscal year 1986 budget requests sufficient funds to fully amortize these payments on a 30-year schedule.

Mr. WEICKER. Mr. President, I recommend we accept the amendment. Apparently an inequity has been caused by the importunings of the Federal Government which resulted in an unfunded liability within personnel retirement systems of five State Employment Security agencies. It is clearly a situation demanding equity, and I concur in the argument of the distinguished Senator from Idaho [Mr. McCLURE] and ask that the amendment be adopted.

Mr. PROXMIRE. Mr. President, I have had an opportunity to review the amendment and discuss it with staff, and I have no objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4403) was agreed to.

Mr. WEICKER. I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. HECHT assumed the chair.)

Mr. DENTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DENTON. Mr. President, I regret that the Senator from Connecticut has left the floor. However, for my other colleagues—and if he is within range of my voice, for him—I should like to offer a very few remarks on some of the statements he has made regarding voluntary school prayer and the amendment now before the Senate.

It is redundant to point out that the amendment has been law since 1980, and the letter to various Senators from Representative WALKER makes that clear.

I read the letter:

DEAR SENATOR: As the orignial House sponsor of the voluntary school prayer language in question, I wanted to take this opportunity to express my support for its inclusion and retention in the appropriations bill for the Departments of Labor, Health and Human Services, and Education for fiscal year 1985.

The language first became law in 1980 and has been a part of every Labor-HHS/Education bill and Continuing Resolution since then. It has consistently been adopted in the House by overwhelming margins, reflecting the broad support that the language commands here in the House. Currently, it is the only statutory provision now on the books protecting individual students' right to voluntary pray in school. I am very hopeful that the Senate, in its wisdom and as it has in the past, will retain this language.

Cordially,

ROBERT S. WALKER.

I believe that the distinguished Senator from North Carolina has already asked that the letter be printed in the RECORD. However, I thought its text relevant enough to make it explicit at this point.

I will address a few more remarks and some representations which have been made against the amendment.

It has been said that the amendment would permit programs of prayer in schools, and that is represented as being against the law and against the interests of the country. I point out that we have this year passed the equal access amendment, by which provisions we can have, as a result of that act, voluntary prayer in schools, outside of school time and with other restrictions. But with respect to the amendment offered by the Senator from North Carolina, which has been law all along, we now have a simple case of legislation which complements the equal access legislation and extends protection of students against being prohibited by Federal funds which would disrupt their student aided voluntary prayer meeting, if that is what they chose to do with equal access; and I am confident that in many cases that will be the choice.

I just wanted to clarify those two points.

I find it mysterious as to the object of the representations. Whose interests are being served by not adopting this amendment?

I have in my hand a UPI release of September 17, 1984, which appeared nationwide. This is an article which appeared in a newspaper in Alabama. There was a poll of 5,000 students; 2,300 filled out the questionnaire. These were honor students in the high

schools of today. The poll was taken by the publication known as "Who's Who Among American High School Students."

The relevant response from them on the matter of school prayer was that 79 percent believe that prayer should either be allowed or required in public schools.

The votes on the equal access bill in the Senate and the House were both overwhelming.

So I do not know what will is being expressed or what interest is being forwarded by the position taken by my friend from Connecticut, and I would find it abhorrent were we to stall on such a routine and appropriate measure.

I ask my colleagues that we regard it properly and vote and move on.

Mr. President, I ask unanimous consent to have printed in the RECORD the UPI article to which I referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Times (AL) Daily, Sept. 17, 1984]

SURVEY SHOWS TOP STUDENTS WANT ABORTION BAN, PRAYER

NEW YORK.—A majority of top achieving high school students favor school prayer and support a constitutional ban on abortion, a survey showed Sunday.

And, 63 percent of the honor students said they would vote for President Reagan while 28 percent backed Walter Mondale.

The publishers of "Who's Who Among American High School Students" sent questionnaires to 5,000 of the 375,000 students listed in the directory; 2,300 students filled out the questionnaires.

Fifty-seven percent of the students said they supported a constitutional amendment either banning all abortions or banning abortion except in specified circumstances. Fifty-four percent believe abortion violates the right to life of the unborn child.

Seventy-nine percent believe prayer should either be allowed or required in public schools. Half did not think prayer in public schools violates separation of church and state; 16 percent did.

The report—"15th Annual Survey of High Achievers Views on Education, Cheating, Social Issues, Religion"—is the second based on data collected in the survey taken last spring.

The first, put out in the summer, told about views on drugs, alcohol, politics, nuclear war, draft registration.

On drugs, 86 percent said they had never tried marijuana; 98 percent had not tried cocaine or other drugs such as angel dust or LSD. On alcohol, 3 percent said they had never consumed enough to get drunk; 8 percent said they have from four to six drinks when imbibing.

Twenty-three percent said they drink beer occasionally and 32 percent, wine.

Other highlights from the report on education, cheating, social issues, religion: 51 percent said school is the major source of information about sex, birth control and VD; 34 percent said they learned most about sex from friends. Fifty-one percent said they can ask their parents anything about sex and will get open and honest answers. Eighty-two percent said they never had intercourse. If they had sex, 52 percent said they use birth control every time; 25 percent, occasionally; 18 percent, never.

Fifty-eight percent believe the parents of unwed teenage males as well as pregnant females should be notified before abortions are performed.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4399

Mr. BAKER. Mr. President, for those who are not as familiar with Senate procedures and tendencies as we are here on the floor, the last hour and a half seems like wasted time and motion. But I can assure Members, and others who may be hearing me, that it was not, is not, and has produced what I believe is a good result. The whole question of prayer, voluntary prayer in public institutions and schools, has been a matter near and dear to my heart for a long time, and to the heart of my father-in-law before that. Senator Dirksen, I guess, was the original author of the first proposed prayer amendment. But, Mr. President, it would appear to me that there is the basis for a meeting of the minds on this issue. I have no illusions about this being the last time this issue will be fought, nor even on this bill, because surely this issue will be dealt with in conference.

The House, I am told, in their bill does have a provision either identical to, or similar to, the amendment offered by the distinguished Senator from North Carolina.

So in the final analysis, Mr. President, this, like all bills, will be shaped and formed in conference, and then submitted to the two Houses for their consideration. With that in mind, it has been my privilege to discuss this matter with the distinguished chairman of the Appropriations Committee; with the managers; Senator WEICKER; the author of the amendment, Senator HELMS, and I hope that we have a way to resolve this issue.

I will yield now, Mr. President. I believe Senator HELMS may wish to speak, and then I hope that we can pursue a course of action that will lead us to a resolution of this issue on this bill, permit us to go forward, and pass this appropriations bill in a relatively short period of time.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished majority leader, as always, has stated the situation accurately. This Senator has no desire whatsoever to delay the work of the Senate, and I am a little surprised, to be honest about it, that there has been a delay on this provision which has been a matter of law since 1980. Furthermore, I have no doubt whatsoever that my original amendment, which is now pending, would be approved by this body.

True enough, a constitutional amendment relating to school prayer did not receive sufficient votes to be approved. A two-thirds vote, of course, is required for a constitutional amendment. But as I recall, the votes in favor of the constitutional amendment were 55 or 56. I do not recall precisely the vote. But in any case, the majority leader has far too many problems for me to add to them in terms of delaying the work of the Senate.

I must say that I do not believe it can be contended that I have delayed the work of the Senate because I was prepared to vote an hour and a half ago on the pending amendment. But in any case, I think it is time to move along.

In that regard, I have to do a couple of things. One, Mr. President, I ask unanimous consent that the yeas and nays on the amendment be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Second, I want to propose a modification of my amendment. I have that right, of course, inasmuch as the yeas and nays have been vitiated. I would propose that we alter the amendment slightly by striking the words "the implementation of programs of" and insert the word "individual". I send that modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 4399), as modified, follows:

At an appropriate place in the bill add the following: "None of the funds appropriated under this Act shall be used to prevent individual voluntary prayer and meditation in the public schools.".

Mr. HELMS. I ask the distinguished manager of the bill, Mr. WEICKER, and also the very able chairman of the Appropriations Committee, Mr. HATFIELD, if they feel that this modification will be satisfactory to them.

Mr. WEICKER. In response to the distinguished Senator from North Carolina, I have no problems insofar as the modification is concerned to emphasize the right of the individual to pray, and that is something that I have always believed in as strongly as he has. I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HATFIELD. Mr. President, in response to the Senator from North

Carolina, I commend him for modifying the amendment in terms of getting us on with the bill. The chairman of the subcommittee [Mr. WEICKER] has acquiesced to this. It has met his criteria that he has spoken of frequently, that an individual has the right of freedom of prayer. Whether it should be written into law is subject to argumentation among lawyers.

I commend both Senators because I believe we have resolved the issue in this modifications. I commend the Senator from North Carolina for his willingness to move, at the same time being firm with his principles and views he has expressed many times about voluntary prayer in the schools.

Mr. HELMS. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Is there further debate?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I again thank the distinguished Senator from Oregon. Just before we vote on the amendment, and I am perfectly willing to accept a voice vote, let me say that I do not believe that I am giving away the store with this modification. I think I know what is going to happen in conference, with the help of the able Congressman from Pennsylvania, Mr. WALKER, and other Members from both the House and Senate sides. I reiterate that I want to be helpful to the leadership in moving along the work of the Senate. There is very little point in our sitting around for hours at a time while a quorum call drones on. With that, Mr. President, I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 4399), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. WEICKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I support the fiscal year 1985 Department of Labor, Health and Human Services, Education, and related agencies appropriation bill as reported by the committee.

I would like to commend the chairman of the full committee, Senator HATFIELD, and the chairman of the subcommittee, Senator WEICKER, and the other members of the Appropriations Committee for their work on this bill. For the second year in a row, they have reported a bill which provides significant increases in many domestic programs for the elderly, the poor, the young, and the handicapped.

This bill as reported provides $94.3 billion in budget authority and $80.7 billion in outlays for fiscal year 1985 for the important activities of the Departments of Labor, Health and Human Services, and Education. Agencies such as ACTION, the Corporation for Public Broadcasting, and the National Labor Relations Board are also funded in the bill.

After adjustments for possible later requirements, the Labor-HHS bill provides $32.5 billion in budget authority for discretionary programs. This nondefense discretionary spending level is consistent with the guidance given to the subcommittee by the full Senate Appropriations Committee on June 14, 1984. Mr. President, I will ask unanimous consent that a table showing this relationship be inserted into the RECORD at the conclusion of my remarks.

Any amendments not contemplated that add additional discretionary spending could result in the bill exceeding this guidance level, threatening the enactment of this important bill.

Again, Mr. President, I support this bill as reported by the committee and commend the committee for this product.

I ask unanimous consent that the table to which I earlier referred be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Labor, Health and Human Services, Education, and Related Agencies Subcommittee, Nondefense discretionary budget authority

[In billions of dollars]

	Fiscal year 1985 nondefense discretionary
Senate-reported bill (H.R. 6028)	31.5
Possible later requirements:	
Refugee assistance	0.5
Science and math	0.2
Impact aid	0.1
Developmental disabilities	0.1
Health planning	0.1
Vocational education	0.1
Subcommittee total	32.5
Committee guidance [1]	32.6
House-passed level	33.4
President's request	28.6
Subcommittee total compared to:	
Committee guidance [1]	−0.1
House-passed level	−0.9
President's request	+3.9

[1] Nondefense discretionary cap guidance approved by the Appropriations Committee on June 14, 1984.

Note: Details may not add due to rounding.

THE EFFECT OF THE HYDE AMENDMENT ON TREATMENTS FOR VICTIMS OF RAPE

● Mr. JOHNSTON. For several years, the Hyde amendment has permitted medicaid funding of abortions only "where the life of the mother would be endangered if the fetus were carried to term." However, the Appropriations Committee in June approved an amendment, offered by Senator WEICKER, to add an additional exception "for medical procedures necessary for victims of rape or incest." The term "medical procedures" is understood to include abortions.

Now, I have recently been advised that there are other medical procedures, which are widely available, which are virtually always effective if they are administered within a few days to victims of sexual assault. Among these procedures is the drug known as DES [diethylstilbestrol]. I have further been advised that the Hyde amendment—even without the Weicker amendment for rape and incest—in no way prevents Federal funding for administration of DES or other procedures employed within a few days of a sexual assault.

I would like to know if this is true. Does the language of the Hyde amendment which is current law—containing only the life-of-the-mother exception—allow funding of DES treatments or other treatments administered within a few days of a sexual assault?●

● Mr. DENTON. The answer is yes. Until 1981, the Hyde amendment, as enacted, contained the phrase, "nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy."

That clause was dropped in 1981 without controversy, simply because it was unnecessary. The Hyde amendment was never intended to impede funding of medical procedures for ectopic—or tubal—pregnancies. Indeed, none of the antiabortion constitutional amendments or statutes which have been proposed would affect such procedures, which are not abortions, and which were never regarded as abortions under the antiabortion laws which were in effect in the States until 1973.

Likewise, the Hyde amendment has never been interpreted to prevent Federal funding of drugs or devices which prevent the implantation of the fertilized ovum in the uterus, which generally occurs within 8 days of fertilization. I understand that intrauterine devices, for example, sometimes work by preventing implantation, rather than by preventing fertilization. I do not intend to embark upon a discussion of whether or not that is a proper or desirable mechanism for birth control; I merely make the point that the Hyde amendment has never been, and is not now, construed to interfere with Federal payments for such anti-implantation drugs or devices.

Thus, the Hyde amendment which is current law, which contains only the life-of-the-mother exception, does permit funding of the various treat-

ments administered to a rape victim within a few days of the assault, including treatment with DES. There are actually several types of procedures which are employed in this situation, some of which prevent conception fertilization—some of which prevent implantation, and some of which may work in either manner depending on the time that they are administered to a woman. But all may be funded under the Hyde amendment. This is beyond dispute.

If administered promptly—within 72 hours of the sexual assault—DES treatment is virtually 100-percent effective. A study of 1,000 rape victims who were promptly treated with DES found zero pregnancies [L. Kuchera, "Postcoital Contraception with Diethylstilbesterol," Journal of the American Medical Association, Oct. 25, 1971]. Dr. Philip Corfman, Director of the Center for Population Research of the National Center of Child Health and Development, testified before a Judiciary Subcommittee in 1975 that "according to data from Ann Arbor, when DES is taken according to direction there are essentially no failures."

Even without any treatment, the chances of a single sexual assault resulting in pregnancy are low—certainly no more than 2 percent, probably much less.

By the way, there has been considerable publicity regarding cases in which women took DES, and subsequently gave birth to daughters who years later developed vaginal cancer. It appears that DES can cause female fetuses to become susceptible to this form of cancer, but ony if the drug is taken when the pregnancy is well advanced—more than 70 days after the conception of a female child. This is an important consideration with respect to certain medical uses of DES, but it is not a concern pertinent to the use of DES in the treatment of rape victims.

So, the Weicker language is not necessary to fund emergency treatment for rape victims. The provisions of the Hyde amendment apply only after the point of implantation.

The Weicker language would result in funding of surgical abortions on women, at any stage of pregnancy, who say that their pregnancy resulted from sexual assault. Such a loophole would encourage fraudulent claims, thus increasing skepticism regarding claims of sexual assault among law enforcement personnel, medical personnel, and jurors—to the detriment of genuine rape victims, and to the advantage of their assailants. I think it is far better to encourage prompt medical treatment of genuine victims of sexual assault, rather than to open up a loophole and invitation to fraud.●

Mr. COCHRAN. Mr. President, I have been involved in efforts to provide the necessary funding for the final year of the biomedical sciences program.

This program was initiated as a 5-year national demonstration program to identify low-income, disadvantaged, minority students in secondary school who indicated an affinity for math, science, and the biomedical sciences and to provide them with intensive support, counseling, and instruction through the secondary school years and the first year of college.

The program was proceeding apace, with great success, until fiscal year 1983, when it was made a part of the chapter 2 block grants. The Secretary of Education had no funds for continuation of the program in discretionary account.

The chairman of the Labor, HHS Subcommittee on Appropriations, Senator WEICKER, graciously agreed to the request from me and six of our colleagues on the Appropriations Committee to include report language in the 1983 supplemental appropriations bill and the fiscal year 1984 regular Labor-HHS appropriations bill urging the Secretary to continue funding this program due to its success. Unfortunately, our encouragement did not help Secretary Bell locate the funds to continue the program; 12 institutions of higher education were home to these demonstration projects; 6 urban sites and 6 rural. One of these institutions, Jackson State University, is in my State of Mississippi. Jackson State has kept my office appraised of its work with the biomedical sciences program. I am convinced that Jackson State's efforts have made a great deal of difference to many of Mississippi's disadvantaged students, and I am still very interested in seeing the program brought to a successful conclusion.

It is not too late to fulfill the Government's commitment to these students. The program needs $1 million to close out successfully the projects at all 12 schools. Is it possible to earmark funds for completion of these 12 projects under the Secretary's special programs and populations discretionary fund?

Mr. WEICKER. As you know, this program was block granted in 1981. There are many who believe that perhaps this program should never have been included in the chapter 2 block grant. I have encouraged these Senators to discuss the matter with the distinguished chairman of the authorizing committee rather than rely on appropriations language to change the statute. In the meantime, however, in order to assist these projects so that they may continue operating, we have urged the Secretary through appropriations report language to fund them to the greatest extent possible within his discretionary fund.

Mr. COCHRAN. I thank the Senator. I hope that the distinguished chairman of the subcommittee will consider even stronger language in the report of the managers of the conference committee. We have urged the Secretary to consider our request for funding to no avail. I think our language must clearly direct him to fund these 12 school's biomedical science programs at a minimum level of $1 million for the project to be completed.

The support is there, Mr. President. In both the House and the Senate, bipartisan groups have coalesced in support of the biomedical sciences program asking for adequate completion funding. I have worked closely with my colleague from New York, Senator MOYNIHAN, in trying to find a way to achieve closeout funding this fiscal year. Many other of our colleagues have worked on this effort in the past year. I hope that we can again count on the good efforts of Chairman WEICKER to help us convince Secretary Bell to provide these final funds.

Mr. WEICKER. I thank the Senator from Mississippi.

Mr. MOYNIHAN. I would like to thank Senator WEICKER for permitting me to speak to a matter of some importance. I originally had planned to offer an amendment to the Labor-HHS appropriations bill, specifically earmarking $1 million for the Biomedical Sciences Demonstration Program. This is a program about which I feel very strongly. It identifies minority and disadvantaged high school students who have an affinity for math, science, and the biomedical sciences. They receive intensive counseling in their academic subjects and other assistance. This help has proven critical to ensuring that they complete high school and pursue a higher education. These students often are the first member of their families to go on to college. These are the students about which we talked when we approved the new math-science legislation; the students we talk about when we say that we would like more minority students to go on to medical and dental school and graduate education.

New York University was one of the 12 universities originally selected for this national demonstration program. This program has been highly successful. It is a high priority for New York University and for its president, John Brademas.

Funding for the last year of this demonstration program is essential. These students now are entering college, and we must take every step possible to see that they remain in school and pursue careers in the sciences and health fields.

I have decided not to pursue an amendment to the bill because of the gracious agreement reached between the chairman of the subcommittee, Mr. WEICKER, with Senator COCHRAN directing the Secretary of Education

to utilize $1 million of his discretionary funds to see the participating universities in the demonstration program through the final year. As the chairman of the subcommittee knows, in two previous appropriations bills, the Appropriations Committees in the House and in the Senate strongly encouraged the Secretary to proceed with the demonstration program; regrettably he did not.

I applaud the support of the subcommittee chairman and Senator COCHRAN for this program, and their willingness to now direct the Secretary to provide us with the critical support needed for the final year of the program.

Mr. President, I have prepared some additional remarks on this worthy program, and have received a fine letter from John Brademas, president of New York University, on this matter. I ask unanimous consent that my remarks and president Brademas' letter be printed in the RECORD.

The information follows:

STATEMENT BY SENATOR DANIEL PATRICK MOYNIHAN

MR. PRESIDENT: The Biomedical Sciences Program, established as a five-year national demonstration project in 1980, serves talented low-income and minority high school students with interests in mathematics, science, and the biomedical sciences. Administered through 12 colleges and universities at six rural and six urban project sites (New York University, Jackson State University, University of Alabama, Emory University, University of South Carolina, Temple University, Michigan State, University of Illinois-Chicago Circle, University of Northern Iowa, University of New Mexico-Albuquerque, California State University-LA, Pan American University, Texas) the program provides additional instruction, counseling and support services for these students through their first year of college. Participating students have received up to 220 hours a year of after-school instruction throughout their secondary educations.

In 1981, provisions of the Omnibus Education Reconciliation Act of 1981, the Biomedical Sciences Program was placed under Chapter 2 of the education block grant. At that time, however, Congress also provided an additional appropriation for the program of $2,886,000 for one year, FY 1982.

Separate funding for the biomedical sciences demonstration project ended after this appropriation. The colleges and universities involved in the project sought funding from the block grant, but almost all state-level discretionary monies already were committed for administration or funding of state-wide programs. Block grant assistance was not forthcoming.

Recognizing the serious funding problem and the vital importance of the program, Congress included language in two separate laws, the FY 1983 Supplemental Appropriations Bill and the FY 1984 Department of Labor, Health and Human Services, and Education and Related Agencies Appropriations Bill, urging the Secretary of Education to use a portion of his Chapter 2 discretionary funds to help finance the fourth year of the demonstration project. I joined 15 members of the Senate and 32 members of the House in writing the Secretary of Education last September, requesting him to fund the program.

In October, the Secretary responded to our request with a letter indicating that despite the urging of Congress, no funds would be made available for the Biomedical Sciences Program.

Under the Continuing Resolution for fiscal year 1984, $28.224 million is available for the Discretionary Fund. At this level, we plan to continue support for many of the projects funded in fiscal year 1983, giving special emphasis to activities that follow-up on the recommendations of the Commission on Excellence. Because the Discretionary Fund is specifically earmarked in bill language and limited by statute to six percent of the funds appropriated for Chapter 2, reprogramming cannot be used to increase funding. Congressional action would be required.

As you know, Biomedical Sciences was one of the programs selected by the Congress to be consolidated into the Chapter 2 State block grant program. More recently, through report language, the Congress has expressed interest in continued funding for Biomedical Sciences projects. However, no additional funds for this purpose have been appropriated, and as indicated above, there are many competing demands for our limited discretionary funds.

I am pleased that the Secretary of Education recognizes the need to implement the many recommendations of the National Commission on Excellence in Education—and I would note that many of that report's most urgent recommendations already are embodied in the operation of the Biomedical Sciences Program. More than 25 years ago, with the launch of the Russian satellite Sputnik, this nation awoke to our critical reliance on science and technological innovation. That reliance, if anything, has increased in the quarter century since; inexplicably, our ability to meet the increased demands has not. The National Commission on Excellence in Education found a steady decline in the science achievement scores of high school students since 1969. Between 1975 and 1980, the numbers of remedial mathematics courses at public four-year colleges increased by 72 percent and now account for fully one-quarter of all college mathematics courses. Clearly, we cannot hope to maintain our technological excellence when a significant portion of our college population—not high school, but college students—cannot solve basic mathematical problems.

The Commission recommended increased training in science and mathematics and increased assistance to disadvantaged and minority students who so often fail to receive proper instruction. This, I would note, is just what the Biomedical Sciences Program supports. The program also anticipated the Commission's proposals for a longer school day and an extended school year, as well as the Commission's recommendations for increased partnership between secondary schools and colleges and universities.

The overall purpose of the program, which is to encourage economically disadvantaged, minority students to study biomedical sciences at the postsecondary level, should be a national priority. Although their numbers have increased some in recent years, students from disadvantaged backgrounds remain underrepresented in the biomedical sciences fields—chemistry, biology, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy and public health. We most assuredly should strengthen and improve our present efforts to expand career opportunities for such students in the scientific and health professions.

As the five-year demonstration project in the biomedical sciences enters its final year, we must find the funds to assess the project. The preliminary evidence is very promising; the pilot projects had a remarkable 79 percent student retention rate over the first three years, far better even than the program's original guidelines. As these students enter the fifth year of the program, funding will be needed to fulfill our commitment to them and allow a study of the project's success. Without such funding, there will be no record and evaluation of the program's outcome. How, then, can we proceed?

If we in Congress are sincere about meeting the challenge set forth by the National Commission on Excellence in Education, there are few better ways to demonstrate this commitment than to fund the completion of the Biomedical Sciences Program. By directing the Secretary of Education to allocate $1 million from his Special Programs and Populations Discretionary Fund for this program, we promote excellence in mathematics and the sciences. Moreover, we ensure the completion of a well-conceived experiment designed to improve the education of talented, disadvantaged students.

NEW YORK UNIVERSITY,
OFFICE OF THE PRESIDENT,
New York, NY, September 14, 1984.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR PAT: I am writing to express my concern over the future of the Biomedical Sciences Program, once a categorical program of the Department of Education and now part of block grants to the states. Our experience with this program at New York University strongly indicates the merit of universities cooperating with secondary schools to develop the talents of minority and low-income students in science and mathematics.

This project was initiated as a five-year national demonstration program, with awards made to twelve universities, providing intensive support, counseling and instruction on an after-school basis to students from 9th grade through the first year of college. In many of its aspects, the program addressed concerns of the National Commission on Excellence in Education. The design was not simply one of career awareness in biomedical sciences, but offered substantial training in science and mathematics, as well as in English. One reason for the program's success has been the combining of academic learning with demanding practical work experiences in community health agencies, hospitals, and medical research settings. Emphasis on school-to-work transitions seems to heighten motivation and make pertinent the study of mathematics, science, and the development of computer literacy.

The program, nationwide, was implemented in both urban and rural areas, reaching into all corners of the country and drawing upon the talent of a broad cross-section of young Americans. The racial-ethnic composition of the national project was 58 percent Black, 21 percent Hispanic, 14 percent White, 4 percent Asian, and 3 percent native American. Here at New York University, Black and Hispanic students also formed the largest groupings, but first generation and new immigrant Asians comprised a

third major category of those we served. Here, as at other institutions, attrition in the program has been far below expectations, averaging only 7.5 percent per year.

The first group of New York University Biomedical Sciences Program students is now entering college. Current indications are that 27 percent entered Ivy League schools; 13 percent went to M.I.T.; 3 percent to other engineering and technical schools; 23 percent City and State Universities; and 15 percent remained at New York University, their "alma mater." Of these students, 47 percent state career objectives in medicine, and 13 percent in other health professions. Moreover, 24 percent who decided against biomedical careers have indicated they will declare college majors in mathematics, engineering, chemistry, and other important areas of national need.

The Biomedical Sciences program has been unable to secure funding through the block grants. I believe that one reason for this difficulty is the problematic nature of being an after-school secondary education level program situated in institutions of post-secondary education. Unlike elementary and secondary schools, universities have negligible representation in local block grant decision making.

A fifth year of funding for this program is, I believe, strongly merited in order to follow through on this effort to serve the needs of some of America's most talented, yet neediest young people.

With warm personal regards.

Sincerely,

JOHN BRADEMAS.

THE SEOG FORMULA—H.R. 6028

Mr. STAFFORD. Will the distinguished manager of the bill, my good friend from Connecticut, yield for a comment regarding the supplemental educational opportunity grant [SEOG] program?

Mr. WEICKER. I would be pleased to yield to my friend from Vermont.

Mr. STAFFORD. I am extremely pleased to note the Appropriations Committee has seen fit to include language on pages 43 and 44 of the bill, which will govern the allocation of SEOG funds to States and institutions. Without such language, for which credit is due particularly to the distinguished chairman of the committee and subcommittee, Senators HATFIELD and WEICKER, and to Senators RUDMAN and SPECTER, there would be massive shifts in SEOG allocations among institutions, shifts which were never intended when the Higher Education Act was reauthorized in 1980. For example, although the committee has rightly seen fit to increase fiscal year 1985 funding for the SEOG program by $25 million above the fiscal year 1984 level, the University of Vermont would lose $263,000, virtually 20 percent of its fiscal year 1984 allocation, were the hold-harmless language not included. Other colleges in my State would be similarly harmed: Norwich University would lose $81,000; Castleton State College would lose $50,000; Champlain College would lose $45,000; St. Michael's College would lose $46,000; and Johnson State College would lose $36,000.

These are funds which institutions use to afford financially needy students the opportunity to attend college. Their loss would severely limit these opportunities. I understand that without the hold-harmless language students in certain institutions in Connecticut would also lose important Federal student aid in the form of SEOG.

Mr. WEICKER. The Senator is correct. A number of institutions in my own State and many other States would stand to lose a significant portion of funds without such language. Our language is in no way an attempt to change the statute. Rather, we seek to minimize the disruption which is certain to occur by allowing the statutory formula to be applied this year. We expect that this matter will be dealt with appropriately when the Higher Education Act is reauthorized next year.

Mr. STAFFORD. I appreciate the interest of the Senator from Connecticut and that of his colleagues on the Appropriations Committee on this matter. Let me say that, when Congress adopted the 1980 Higher Education Amendments, we intended that incremental appropriations above $370 million, which was then the level of SEOG, would be distributed among all institutions, although certain institutions which has participated in the program from its inception would receive a substantially lesser share, and in some cases no share, of any increment. Congress never intended that institutions would be penalized and lose funds, and the language in H.R. 6028 ensures that students attending these institutions will be treated equitably.

When the Education Subcommittee, of which I am chairman, considers the reauthorization of the Higher Education Act early next year, I assure the Senator, who is also a member of that subcommittee, that the restructuring of the SEOG allocation formula will be among our principal priorities. In the meantime, I appreciate the Appropriations Committee's recognition of the need to rectify for fiscal year 1985 the anomaly in the SEOG formula, and I urge my colleagues on the conference committee to strongly advocate the Senator's position on the formula.

Mr. WEICKER. I thank the Senator for his interest, which I share, in the SEOG formula matter, and assure him that I will make every effort to uphold the Senate position in conference with the House.

● Mr. BIDEN. Mr. President, I am going to vote no on this bill because once again we find ourselves acting in a piecemeal fashion on a spending measure that will increase the Federal deficit without acting to reduce that deficit.

This bill is more than was requested by the House or the administration. Even though the programs are important to me, and I support most, if not all, of its provisions. Doing something about spending is equally important.

I proposed a budget freeze and will offer it again to the Senate for consideration. I will continue to offer it until we face up to the fact that we need to do something to reduce these staggering deficits.

For that reason, this may be the most appropriate place for me to once again make the point that we must freeze spending and come up with a rational plan to reduce the deficit.●

Mr. HEINZ. Mr. President, I am pleased today to support S. 2836, the Department of Labor, Health and Human Services and Related Agencies Appropriation Bill for 1985. I would like to commend my colleagues on the Appropriations Committee for their diligent efforts to secure adequate funding for the wide range of programs designed to improve the health and well-being of all Americans.

In particular, I am pleased to note that S. 2836 includes a significant increase in funds for the National Institutes of Health; collectively, the Institutes will receive $687 million more than last year. In addition, $124 million more is appropriated in the area of health care delivery and assistance, which supports such activities as migrant health programs, black lung clinics and community health centers. S. 2836 also includes $41 million more for nurse practitioners, physician's assistants and health administration programs. Of this amount, $3 million will fund critical projects in high priority underserved areas that will increase health promotion, disease prevention and rural health care services. All of these funds will continue and protect the important Federal investment in research, manpower, and the training of medical professionals. Mr. President, I cannot imagine a better use of tax dollars.

Let us look at the potential benefits to be gained from these national investments. We have all seen, indeed many of us have benefited personally from the Federal research initiatives of the past few decades. To give one example, in the 10 years between 1972 and 1982, life expectancy increased 2.6 years for an average 35-year-old in the United States. This increase from 72.4 years to 75 years in so short a time—an increase largely attributable to our all-out effort to reduce the incidence and death rate from heart disease—is a remarkable achievement.

Surely if we targeted the same investment in research dollars toward the many chronic diseases that affect the elderly, such as Alzheimer's disease we could achieve comparable results. Last year, the Senate Special

Committee on Aging held a hearing to review the status of scientific research and medical care for persons afflicted with Alzheimer's. I was surprised to find such a clear example of penny-wise but pound-foolish spending. At that time, we were spending less than one-half of one-tenth of 1 percent of the amount for research on Alzheimer's than we were spending on care for victims of this tragic disease.

To help correct this imbalance, last year I joined several of my colleagues in requesting additional funds for Alzheimer's research. As a result, the National Institutes of Health received a total of $31.5 million for research in Alzheimer's disease, including 3.5 million to establish up to five regional research centers.

Earlier this year, I learned that the National Institute of Aging had received 22 applications for Alzheimer's disease research centers but would be able to grant only four awards by the end of the 1984 fiscal year. Consequently, I wrote a letter to Senator WEICKER, the chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education, to urge an additional $5 million allocation for five more Alzheimer's research centers. I am pleased that the committee responded favorably to this request by adopting an amendment offered by Senator HATFIELD to appropriate additional funds for the new centers.

With passage of this appropriation bill, total Federal expenditures for Alzheimer's research will increase significantly from $37 million in fiscal year 1984 to $56.5 million in 1985. The scientific community has begun to uncover promising leads in connection with Alzheimer's disease. By appropriating adequate resources for this and other chronic diseases, we may soon learn to prevent, cure, or treat these devastating diseases that affect the elderly.

But the vast knowledge we gain from research will not be of much use if we do not put it into practice. I am speaking of adequate training and manpower. Mr. President, today our health professionals are simply not adequately trained to meet the health care needs of the elderly population.

A few staggering facts will illustrate what I believe to be the inadequacy of geriatric medical training. First, we have 127 medical schools in this country, but only 15 of these schools require their students to take courses in geriatric care. Second, these 127 schools are affiliated with 417 teaching hospitals, but only six are affiliated with teaching nursing homes. Third, in 1981, for every one pediatrician there were 1,400 children. By contrast, for every one geriatrician, there were over 37,000 older people. Fourth, in a 1981 survey of physicians, fewer than 700 out of 480,000 physicians claimed to have any expertise in geriatric medicine.

All these figures add up to one untenable conclusion: Physicians and other health professionals are simply ill-prepared to provide the kind of specialized care that the graying America does and will need. For example, in a recent survey conducted in my home State of Pennsylvania, it was found that three out of five physicians knew very little about the specific effects of prescription drugs on their elderly patients. Tragically, we know that the lack of geriatric training can lead to drug misuse, misdiagnosis, and even death.

Mr. President, the problems that we experience today in caring for older Americans will reach crisis proportions with the unprecedented growth of the elderly population. By 1990, the population aged 65 and over will be 25-percent greater than it was in 1980. This group will grow yet another 10 percent by the turn of the century. If we are unable to meet the elderly's health needs today, as I believe to be the case, surely the situation will be much worse in 10 to 15 years.

Earlier this year, we received additional evidence concerning this problem when the U.S. Department of Health and Human Services issued its report on Education and Training in Geriatrics and Gerontology. This report confirms that there is an enormous shortage of health personnel who are trained in geriatrics and gerontology to meet the needs of a burgeoning elderly population.

Firmly believing that we cannot afford to wait any longer to set forth an agenda to ensure quality health care for all older Americans, last week I introduced S. 3009, the Geriatric Manpower Act of 1984. The purpose of this bill is to improve substantially Federal support for geriatric training and education programs. To achieve this end, the legislation authorizes a nearly threefold increase in funds over a 5-year period to get this major Federal initiative underway. These supplemental moneys will increase funding for existing programs within the Administration on Aging, the National Institute on Aging, the National Institute of Mental Health and the Health Resources and Services Administration. I urge my colleagues to join me in support of S. 3009.

The Labor-HHS appropriations bill represents a significant and bold step in the right direction and I commend my distinguished colleagues on the Appropriations Committee. I particularly applaud the work of Senator WEICKER and Senator HATFIELD for their tireless efforts on behalf of the millions of senior citizens who depend on this bill. From this point, however, we must look to the future. It is my hope that we can continue to work together and agree on a far-reaching plan that will benefit present and future generations of Americans.

Mr. WEICKER. Mr. President, the appropriations bill before us today represents programs of compassion, programs to overcome many of the social, economic, physical, and educational barriers to independence and full functioning in our society. They represent our hope for conquering disease, for employability, for self-reliance for those with physical or mental handicaps, for aging with dignity.

Perhaps no one feels more deeply than Chairman HATFIELD that spending in these areas is necessary and highly cost effective as we endeavor to create a better, healthier existence for the present and future generations.

There is no doubt that the fiscal year 1985 Labor-HHS-Education and related agencies bill would not reflect the increased levels we have been able to achieve were it not for the consistent and active support of our distinguished chairman, Senator HATFIELD.

The fact that we are able to include sufficient increases in education and health programs is largely due to his early leadership both on the Senate budget resolution, which excepted from a discretionary spending freeze education and health programs, and in our committee's deliberations.

I am particularly proud of my association with a chairman who knows full well that true national security is meaningless without a healthier, educated and self-sufficient citizenry.

Mr. President, I think the greatest tribute I can give Senator HATFIELD right now is when we get to a lot of firing phases just to keep quiet and get final passage of a bill. That is the greatest compliment one can give to someone of the stature of Senator HATFIELD, his compassion and abilities.

Mr. President, I want to pay the highest compliment to my distinguished ranking minority Member, Senator PROXMIRE. This bill has been the product of 26 days of public hearings with testimony from literally hundreds of witnesses. Nearly every day, Senator PROXMIRE sat with me laboring diligently, lending his insight and expertise. This legislation would not have been possible without his cooperation and support. Indeed, it has been my privilege to serve with the Senator from Wisconsin.

Mr. President, I am ready for final passage.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask for the yeas and nays on passage of the bill before the Senate at this time.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Are there further amendments?

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum called be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I have no further amendments on this side. I am advised there are no other amendments on the other side. I think we are prepared to vote.

The PRESIDING OFFICER. Are there further amendments to be proposed? If not, the question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas [Mr. DOLE], the Senator from North Carolina [Mr. EAST], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Illinois [Mr. PERCY], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. PERCY] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Rhode Island [Mr. PELL], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "yea."

The PRESIDING OFFICER (Mr. DANFORTH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 20—as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—71

Abdnor	Bradley	Cochran
Andrews	Bumpers	Cohen
Baker	Burdick	Cranston
Bentsen	Byrd	D'Amato
Bingaman	Chafee	Danforth
Boschwitz	Chiles	Dixon
Dodd	Johnston	Pryor
Domenici	Kassebaum	Quayle
Durenberger	Kasten	Randolph
Eagleton	Lautenberg	Riegle
Evans	Laxalt	Rudman
Ford	Leahy	Sasser
Glenn	Levin	Simpson
Goldwater	Lugar	Specter
Gorton	Mathias	Stafford
Hart	Matsunaga	Stennis
Hatfield	McClure	Stevens
Hawkins	Melcher	Thurmond
Hecht	Metzenbaum	Tower
Heflin	Mitchell	Tsongas
Heinz	Moynihan	Warner
Hollings	Murkowski	Weicker
Huddleston	Packwood	Wilson
Inouye	Pressler	

NAYS—20

Armstrong	Garn	Nunn
Baucus	Grassley	Proxmire
Biden	Hatch	Roth
Boren	Helms	Symms
DeConcini	Jepsen	Trible
Denton	Mattingly	Zorinsky
Exon	Nickles	

NOT VOTING—9

Dole	Kennedy	Percy
East	Long	Sarbanes
Humphrey	Pell	Wallop

So the bill (H.R. 6028), as amended, was passed.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. WEICKER, Mr. HATFIELD, Mr. STEVENS, Mr. ANDREWS, Mr. RUDMAN, Mr. SPECTER, Mr. MCCLURE, Mr. DOMENICI, Mr. STENNIS, Mr. PROXMIRE, Mr. BYRD, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, Mr. BURDICK, and Mr. INOUYE conferees on the part of the Senate.

Mr. BAKER. Mr. President, I congratulate the distinguished managers of this bill. It is one of the regular appropriations bills and was handled in good order and to a successful conclusion, and I am pleased that we have reached this result.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I also want to commend the distinguished chairman of the Appropriations Subcommittee on Labor, HHS, Education, and Related Agencies, Mr. WEICKER, and the ranking minority member, Mr. PROXMIRE, for their diligence, fairness, and very effective management of the bill. In previous years, there have been serious difficulties in getting this bill through the Senate, and I applaud them for their success this year.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it had been the hope of the leadership on this side that we could now go to the Interior appropriations bill. It is now 6:20 p.m., and it does not appear possible to clear that bill to be taken up tonight. It will be the intention of the leadership to take up that bill the first thing in the morning.

I ask unanimous consent that there now be a period for the transaction of routine morning business until 6:30 p.m., in which Senators may speak for not more than 2 minutes each, except the two leaders, against whom no time limitations shall apply.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRODUCT LIABILITY LEGISLATION

Mr. CRANSTON. Mr. President, I wish to address a few words to the majority leader. I understand that he has indicated that he wants the Senate to consider S. 44, the product liability bill. I rise to inform the majority leader [Mr. BAKER], along with all my colleagues, that it will take a substantial amount of the Senate's time to consider that particular measure. It is controversial in many ways, and I know that a number of Senators will have much to say on both sides of the controversies, and will have corrections and countercorrections to propose.

I shall offer a very lengthy and complex substitute amendment whch incorporates the law of California as a replacement for the Commerce Committee's language, which would, in turn, supplant the common law of each of the 50 States.

The amendment will be difficult for Senators to study because to do so will first require a thorough knowledge of California's common law on intricate points of evidence, proximate cause, legal cause, and various instructions to the jury. But, aided by ample memorandums prepared by astute California practitioners, I shall be able to educate my colleagues thoroughly in these arcane points of California's common law, including its case-by-case development, so that, in the event my amendment should be adopted by the Senate and become the law of the land, every Senator will be able to explain to the State bar association, the State judges, and the State legislature the new Federal law which would replace their own State's common law and statutes on product liability.

I trust the able majority leader, who is a skilled member of the bar, will appreciate the signal service I hope to be able to perform for the benefit of our colleagues.

Mr. BAKER. Mr. President, I come from a part of the country that is

sometimes accused of having an accented manner or method of speech, although I do not think so. For instance, I told President Carter at one time that of all the Presidents I had served in my time as Senator, he had no accent that I could tell.

But maybe coming from an area of the country where we do have an accent some people claim to need to interpret, maybe I should admit right here on the floor of the Senate that I am an expert at interpreting California language and dialect. For those who do not know what Senator CRANSTON said, I believe he said he is going to filibuster that bill to death. If I understood him correctly, I accept his admonition and understand his point of view.

I shall consult and commune and confer with those who are greatly interested in that matter, but I must say that I announced today to our caucus and indicated to the minority leader before the caucus began on both sides of the aisle that it was the intention of the leadership on this side of the aisle to try to get to the product liability bill next week.

I shall take account of the admonitions offered by the Senator from California. I am sure he will gird his loins and prepare for battle at the time that that occurs. I shall watch with great interest.

Mr. CRANSTON. Mr. President, I am pleased the leader from Tennessee can understand the Senator from California and his language.

Mr. BAKER. I thank the Senator from California for his excellent statement.

MESSAGE FROM THE HOUSE

At 5:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1770. An act to extend the lease terms of Federal oil and gas lease numbered U-39711; and

S. 2732. An act to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, Michigan, as a component of the National Wild and Scenic Rivers System.

The message also announced that the House has passed the following bills, with amendments, in which it requests the concurrence of the Senate:

S. 416. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System; and

S. 1889. An act to amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Henry R. E. Hampton Visitor Center".

The message further announced that the House insists upon its amendments to the bill (S. 905) to establish the National Archives and Records Administration as an independent agency, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BROOKS, Mr. FUQUA, Mr. ENGLISH, Mr. HORTON, and Mr. KINDNESS as managers of the conference on the part of the House.

The message also announced that the House has passed the bill (S. 2166) to authorize appropriations to carry out the Indian Health Care Improvement Act, and for other purposes, with amendments; it insists upon its amendments to the said bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. UDALL, Mr. MCNULTY, Mr. GEJDENSON, Mr. RICHARDSON, Mr. YOUNG of Alaska, Mr. MCCAIN, Mr. DINGELL, Mr. WAXMAN, Mr. SCHEUER, Mr. LUKEN, Mr. BROYHILL, and Mr. MADIGAN as managers of the conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 2614) to amend the Indian Financing Act of 1974.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1438. An act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes;

H.R. 2768. An act to provide for the inclusion of the Washington Square area within Independence National Historical Park, and for other purposes;

H.R. 3082. An act to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes;

H.R. 5271. An act to extend the Wetlands Loan Act;

H.R. 5513 An act to designate the Delta States Research Center in Stoneville, Mississippi, as the "Jamie Whitten Delta States Research Center";

H.R. 5585. An act to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes;

H.R. 5782. An act granting the consent of Congress to an amendment to the Delaware River Basin Compact;

H.R. 5787 An act to remove as an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, Texas, and Port Hueneme, California, and for other purposes;

H.R. 6163. An act to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes;

H.R. 6221. An act to provide for the use and distribution of certain funds awarded to the Wyandotte Tribe of Oklahoma; and

H.J. Res. 580 Joint resolution authorizing the Kahlil Gibran Centennial Foundation to establish a memorial in the District of Columbia or its environs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 32. An act to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings;

S. 38. An act entitled the "Longshore and Harbor Workers' Compensation Act amendments of 1984";

S. 1989. An act for the relief of Vladimir Victorovich Yakimetz;

S. 2000. An act to allow variable interest rates for Indian funds held in trust by the United States;

H.R. 1150. An act for the relief of Teodoro N. Salanga, Junior;

H.R. 1236. An act for the relief of Andrew and Julia Lui;

H.R. 1362. An act for the relief of Joseph Karel Hasek;

H.R. 5147. An act to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983;

H.R. 5297. An act to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes;

H.R. 5343. An act for the relief of Narciso Archila Navarrete;

H.J. Res. 392. Joint resolution to designate December 7, 1984 as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; and

H.J. Res 605. Joint resolution regarding the implementation of the policy of the United States government in opposition to the practice of torture by any foreign government.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1438. An act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2768. An act to provide for the inclusion of the Washington Square area within Independence National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5513. An act to designate the Delta States Research Center in Stoneville, Mississippi, as the "Jamie Whitten Delta States Research Center"; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5585. An act to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5782. An act granting the consent of Congress to an amendment to the Delaware River Basin Compact; to the Committee on the Judiciary.

H.R. 5787. An act to remove as an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, Texas, and Port Hueneme, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6163. An act to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes; to the Committee on the Judiciary.

H.J. Res. 580. Joint resolution authorizing the Kahlil Gibran Centennial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on Rules and Administration

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3082. An act to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes; and

H.R. 5271. An act to extend the Wetlands Loan Act.

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent:

H.R. 6221. An act to provide for the use and distribution of certain funds awarded to the Wyandotte Tribe of Oklahoma;

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

H.R. 2645: A bill to amend the act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia (Rept. No. 98-633).

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S.J. Res. 356: An original joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes (Rept. No. 98-634).

By Mr. MATHIAS, from the Committee on Governmental Affairs;

Report to accompany the bill (H.R. 3932) to amend the District of Columbia Self-Government and Governmental Reorganization Act, and for other purposes (Rept. No. 98-635).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 441: Resolution providing for the waiver of section 303(a) of the Congressional Budget Act of 1974 with respect to S. 2736 as reported by the Senate Committee on Veteran's Affairs.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 451. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2645.

By Mr. BAKER (for Mr. PERCY), from the Committee on Foreign Relations, with amendments:

S. 2625: A bill to permit the payment of rewards for information concerning terrorist acts.

By Mr. BAKER (for Mr. PERCY), from the Committee on Foreign Relations, without amendment:

S. 3000: A bill to authorize the provision of foreign assistance for agricultural activities in Poland.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BAKER (for Mr. PERCY), from the Committee on Foreign Relations:

Robert E. Barbour, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Suriname.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert E. Barbour.

Post: Ambassador to Suriname.

Contributions, amount, date, donee.

1. Self: None.

2. Spouse: Nancy Francisco Barbour, none.

3. Children and spouses names: Linda Arcila, husband, Jose, Daphne S. Hilary K., none.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Deceased.

Carl Edward Dillery, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Carl Edward Dillery.

Post: Suva, Fiji.

Contributions, amount, date, donee.

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Sara and John Hynes, Edward and John Dillery, none.

4. Parents names: Clara Dillery (father deceased), none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: David and Charl H. Dillery, John and Chris Dillery, none.

7. Sisters and spouses names: Carol and Willburn Sooter, none.

J. Stapleton Roy, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: J. Stapleton Roy.

Post: Ambassador to Singapore.

Contributions, amount, date, donee.

1. Self: J. Stapleton Roy, none.

2. Spouse: Elissandra N. Roy, none.

3. Children and spouses names: Andrew, David, Anthony, none.

4. Parents names: Andrew T. Roy, Margaret C. Roy: $5, 2/21/80, National Republic Cong. Committee; $22, 10/22/80, Dem. Congressional Committee; $25, 12/1/81, Dem. Study Group Campaign Fund; $15, 8/12/82, Dem. Cong. Campaign Committee; $100, 6/22/82, Robert Edgar, Dem. Congressman; $10, 12/19/83, Cranston for President; $10, 12/19/83, Dem. Cong. Camp. Committee; $10, 12/19/83, Dem. National Committee.

5. Grandparents names, N/A.

6. Brothers and spouses names: David T. Roy, Barbara Roy, none.

7. Sisters and spouses names, N/A.

The following-named Career Members of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Thomas R. Pickering, of New Jersey.

Ronald I. Spiers, of Vermont.

The following-named persons to be Representatives and Alternate Representatives of the United States of America to the Thirty-ninth Session of the General Assembly of the United Nations:

Representatives:

Jeane J. Kirkpatrick, of Maryland.

Jose S. Sorzano, of Virginia.

Charles McC. Mathias, Jr., United States Senator from the State of Maryland.

John H. Glenn, Jr., United States Senator from the State of Ohio.

Robert D. Ray, of Iowa.

Alternate Represenatives:

Richard Schifter, of Maryland.

Alan Lee Keyes, of California.

Harvey J. Feldman, of Florida.

Preston H. Long, of New York.

Guadalupe Quintanilla, of Texas.

(The above nominations from the Committee on Foreign Relations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. BAKER. Mr. President, for Mr. PERCY, I also report favorably a Senior Foreign Service nomination list which appeared in full in the CONGRESSIONAL RECORD of September 21, 1984, and ask, to save the expense of reprinting it on the Executive Calendar, that the list lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 3018. A bill to amend title 18, United States Code, to authorize prosecution of terrorists and others who attack United States Government employees abroad, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. GOLDWATER):

S. 3019. A bill to require that the positions of Director and Deputy Director of Central Intelligence be filled by career intelligence officers; to the Select Committee on Intelligence.

By Mr. THURMOND:

S. 3020. A bill to create a federal criminal offense for operating or directing the operation of a common carrier while intoxicated or under the influence of drugs; to the Committee on the Judiciary.

By Mr. STAFFORD (for himself, Mr. BAKER, Mr. BYRD, Mr. BENTSEN, Mr. FORD, Mr. HATFIELD, Mr. HOLLINGS, Mr. CHILES, Mr. CRANSTON, Mr. GOLDWATER, Mr. HART, Mr. BURDICK, Mr. PRYOR, Mr. HEFLIN, Mr. PROXMIRE, Mr. MITCHELL, Mr. DOMENICI, Mr. MOYNIHAN, Mr. CHAFEE, Mr. SIMPSON, Mr. BIDEN, Mr. BUMPERS, Mr. LAUTENBERG, Mr. WARNER, Mr. BRADLEY, and Mr. SYMMS):

S. 3021. A bill to name the Federal Building in Elkins, West Virginia, the "Jennings Randolph Federal Center"; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 3022. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment and maintenance of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COCHRAN:

S.J. Res. 355. A joint resolution to designate the week of February 10, 1985, through February 16, 1985, as "National DECA Week"; to the Committee on the Judiciary.

By Mr. HATFIELD, from the Committee on Appropriations:

S.J. Res. 356. An original joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

S. Res. 451. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2645; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 3018. A bill to amend title 18, United States Code, to authorize prosecution of terrorists and others who attack U.S. Government employees abroad, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. SPECTER on this legislation and the text of the legislation appear earlier in today's RECORD.)

By Mr. THURMOND:

S. 3020. A bill to create a Federal criminal offense for operating or directing the operation of a common carrier while intoxicated or under the influence of drugs; to the Committee on the Judiciary.

FEDERAL CRIMINAL OFFENSE FOR COMMON CARRIER OPERATION UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

Mr. THURMOND. Mr. President, today, I am introducing a bill to outlaw on-the-job use of drugs or alcohol by employees who operate, directly or indirectly, trains, airplanes, buses and ships across this Nation.

Over the last few months, particular attention has been drawn to the railroad industry. Over the summer, five train-related accidents occurred in as many weeks, three of which were in my home State of South Carolina, resulting in five deaths. All three of the accidents in South Carolina occurred at railroad crossings in rural areas and I have asked the Senate Subcommittee on Surface Transportation, chaired by Senator DANFORTH, to hold hearings to encompass the broader question of overall rail safety. I have further requested the Department of Transportation, under Secretary Dole, to do the same. John Riley, the administrator of the Federal Railroad Administration, has assured me that the Department of Transportation has initiated several major efforts to minimize the possibility of similar occurrences in the future. Every effort must be made to ensure the safe operation of our National rail system.

The problem of safety in public transportation is not limited to the deteriorating conditions of our National rail system. There are employees who are responsible for operating, or directing the operation of, common carriers who are endangering the lives of passengers by trying to perform their jobs while intoxicated or under the influence of drugs. Figures released by the Department of Transportation show that at least 15 alcohol- or drug-related train accidents have occurred during the last 8 years. News accounts indicate that a recent Amtrak collision in New York may have been caused by a rail employee using drugs. According to Department of Transportation officials, this is only the tip of the iceberg—the problem is far more widespread and serious than statistics reveal.

I was shocked to discover that currently there are no laws on the books which specifically address the use of drugs or alcohol by persons entrusted with the safe transportation of passengers for hire. It is also wrong that railroad employees may even refuse to take an alcohol or drug test and not be formally penalized for that decision.

A survey of various State codes evidences that over the last few years, the States have either amended their motor vehicle laws or enacted new legislation to cover vehicular homicide. In general, a driver operating a vehicle while intoxicated or under the influence of drugs, that is involved in an accident resulting in damage or injury to the property of another, or in damage or injury to any other person, may be fined or imprisoned or both. This should also be the case for those entrusted with the operation of our common carriers. Under common law, common carriers have always been held to a higher standard of care because of the increased responsibility they bear. It is a crime for this activity to take place, and it is time it was treated like one.

Mr. President, the legislation I propose would amend part I of title 18, chapter 17, of the United States Code to create a Federal criminal offense for operating or directing the operation of a common carrier transporting passengers for hire—train, airplane, bus or ship—while intoxicated or under the influence of drugs. This bill would make liable anyone who does operate, or direct the operation of, a common carrier while under the influence of alcohol or drugs, committing any act which results in damage or injury to the property of any other person or the person of any other individual. The penalty for such action would be a fine up to $10,000, or imprisonment for up to 5 years, or both.

While administrative regulations are one approach to this problem, I firmly believe that criminal sanctions on the Federal level are a necessary and proper step for this Congress to take to bring this situation under control. I urge my colleagues to join with me in this effort to make public transportation safe for all of our citizens.

By Mr. BINGAMAN:

S. 3022. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment and maintenance of the nutritional and dietary status of the United States population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT

● Mr. BINGAMAN. Mr. President, today I am introducing a bill that establishes the National Nutrition Moni-

toring and Related Research Act of 1984. This legislation provides the structural framework for the Federal Government to carry out its nutrition monitoring activities and establishes research programs and efforts with State and local government's to collect and interpret scientific data to monitor the nutritional status of Americans.

NEED FOR LEGISLATION

The need for such nutrition information is acute. In the United States we know more about the nutritional status of citizens of third world countries than we do about our own people. The President's Task Force on Food Assistance in January 1984 highlighted this problem when it described hunger as "anecdotal." That is, hunger existed and we could describe its effects—for example, malnutrition, anemia, stunted growth—but hard data to prove its existence was wholly inadequate or nonexistent. The task force recommended that a better nutrition monitoring system should be put into place and this act fulfills that recommendation.

In addition to the lack of timely nutritional information and the act's corrective measures toward that end, the overall health care of Americans will be enhanced by this act. Countless Federal programs expend millions of dollars annually for the purpose of improving the health of Americans through nutrition and food programs and health care services. If the Federal Government assumed an aggressive role in health promotion and disease prevention, millions of taxpayer dollars now spent for medical services would be saved. A comprehensive nutrition research plan to provide the scientific data for policymakers, health care professionals and scientists would improve immeasurably the ability of local, State and Federal Governments to meet human needs and plan for nutrition intervention strategies.

HISTORY OF LEGISLATION

A national nutrition monitoring system was first mandated in the Food and Agriculture Act of 1977 wherein Congress directed the Department of Health and Human Services—then the Department of Health, Education and Welfare—and the Department of Agriculture to propose a monitoring system. The Departments submitted a proposal in September 1981 and subsequent congressional hearings highlighted the need for a comprehensive and coordinated method to monitor nutrition. Through the exhaustive efforts of Representatives BUDDY MACKAY, GEORGE E. BROWN, JR., and DOUG WALGREN, the Committee on Science and Technology reported out the House companion measure H.R. 4684, on September 20, 1984. H.R. 4684 now has 51 cosponsors and the endorsement of 53 national organizations interested in nutrition, health, and hunger issues. It is now time for the Senate to also address this critical issue.

PROVISIONS OF THE ACT

Mr. President, this bill will do several things. Primarily, the act authorizes a 10 year coordinated program implemented by a directorate to be chaired by the Secretary of Agriculture, the Secretary of Health and Human Services, and the Secretary of Defense. In addition to and independent of the directorate, a National Nutrition Monitoring Advisory Council composed of national experts in the nutrition field will provide scientific and technical advice to the directorate.

The act contains provisions to make four major improvements over current efforts to monitor nutrition research. First, the act would provide for coordination between agencies engaged in nutrition research and facilitate exchange of information. Second, this statistical data would be used to inform policy makers of the nutritional needs of subgroups at risk, unlike most data collected now that is national in scope and not broken down by region or subgroups. Third, the nutritional information would be up-to-date with time limits set on the reporting of such data. Currently the most recent data available on nutrition is 6 to 10 years old. Fourth, the act would allow for future planning and improvement of methodologies utilized in obtaining nutrition information that is long term and preventive in scope.

NEW MEXICO IMPACT

Also, what I find especially important is that State and local entities will be able to share and establish their own nutrition monitoring program under this legislation. In New Mexico, I am informed by Joseph Goldberg, Secretary of Health and Environment that virtually no nutrition data other than specific program data is now available on the nutritional status of New Mexico citizens. Unfortunately, this problem also exists in other States. Currently, State nutrition data that is collected on a national scale is compiled in such a way that averages do not reflect nutrition problems at the ends of the scale. As a result, State specific nutrition data is often of no use to that particular State.

Mr. President, I strongly believe that there is an overwhelming need for the Federal Government to better direct its resources toward nutrition monitoring and research. The benefits of such a program for the improved health and well-being of all Americans, particularly children and older Americans is endless. I urge my colleagues to support this legislation and I am committed to bring it up again in the 99th Congress.●

By Mr. COCHRAN:

S.J. Res. 355. Joint resolution to designate the week of February 10, 1985, through February 16, 1985, as "National DECA Week;" to the Committee on the Judiciary.

NATIONAL DECA WEEK

● Mr. COCHRAN. Mr. President, today I am introducing a joint resolution to designate the week of February 10, 1985 through February 16, 1985 as "National DECA Week." DECA, the acronym for Distributive Education Clubs of America, is a student-centered organization with a program of leadership and personal development designed specifically for secondary and postsecondary students with career objectives in the marketing field.

In describing the state of American education in its much-publicized report, the National Commission on Excellence in Education stated:

> Our nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world.

The report follows up this gloomy prognosis with a mandate for action to strengthen America's educational system and ensure our Nation's continued leadership role in world affairs.

Mr. President, I believe that the Distributive Education Clubs of America have been following this mandate since their beginning. The qualities that are encouraged by DECA—vocational understanding, civic consciousness, social intelligence, and leadership development—parallel those that the Commission's report indicates are needed in our Nation. With a national membership of over 5,000 in the 50 States, the District of Columbia, and Puerto Rico, DECA is making an indispensable contribution to the improvement of our educational system and, in the long run, to the growth and prosperity of our Nation.

Through professional conferences, chapter activities, school improvement projects, and support of community activities, DECA strives to ensure that America will continue to have productive entrepreneurs and businesspersons in community leadership positions. That's the foundation of the type of free enterprise that has kept America strong.

The American work force, however, is undergoing a dramatic change. The American Productivity Center predicts that, by 1995, fully 90 percent of the Nations jobs will be white-collar jobs. Even today, at a corporation like Westinghouse, a manufacturing company by tradition, about one-third of the total sales are generated by service businesses. As America tries to manage and adapt to these changes, DECA will be an increasingly significant source of leadership.

The intellectual and productive potential of America's youth is enor-

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mous, and no one is more aware of that fact than those affiliated with DECA. The fine work done by DECA with thousands of young people throughout the country richly deserves this special recognition. I am very pleased to be offering this joint resolution, which I urge my colleagues to join me in sponsoring, and which I hope will have the support of every Senator.●

ADDITIONAL COSPONSORS

S. 1498

At the request of Mr. SPECTER, the name of the Senator from New Hampshire [Mr. HUMPHREY] was withdrawn as a cosponsor of S. 1498, a bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System.

S. 2082

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts [Mr. TSONGAS] was added as a cosponsor of S. 2082, a bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes.

S. 2353

At the request of Mr. GRASSLEY, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of S. 2353, a bill to amend the Internal Revenue Code of 1954 to provide that one-half of the amounts paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction.

S. 2720

At the request of Mrs. HAWKINS, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Iowa [Mr. JEPSEN], the Senator from California [Mr. WILSON], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from California [Mr. CRANSTON], the Senator from North Carolina [Mr. EAST], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of S. 2720, a bill to recognize the organization known as the Women's Army Corps Veterans' Association.

S. 2927

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 2927, a bill to amend title 5 of the United States Code regarding the authority of the Special Counsel.

S. 2930

At the request of Mr. SYMMS, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Arizona [Mr. DECONCINI], the Senator from West Virginia [Mr. RANDOLPH], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. HELMS], the Senator from North Carolina [Mr. EAST], the Senator from Indiana [Mr. QUAYLE], the Senator from Iowa [Mr. JEPSEN], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Illinois [Mr. DIXON], the Senator from South Dakota [Mr. ABDNOR], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of S. 2930, a bill to repeal the changes made by the Tax Reform Act of 1984 with respect to the tax treatment of debt instruments issued for property.

S. 2955

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2955, a bill to require the Secretary of Commerce to report on the labeling on arts and crafts imported into the United States, and for other purposes.

S. 2995

At the request of Mr. MOYNIHAN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2995, a bill to amend the Tax Reform Act of 1984 to provide a transitional rule for the tax treatment of certain air travel benefits provided to employees of airlines.

S. 3000

At the request of Mr. BAKER (for Mr. PERCY), the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kansas [Mr. DOLE], the Senator from Connecticut [Mr. DODD], the Senator from Maryland [Mr. SARBANES], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors to S. 3000, a bill to authorize the provision of foreign assistance for agricultural activities in Poland.

S. 3015

At the request of Mr. SASSER, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 3015, a bill to amend the Federal Reserve Act to increase the number of class C directors of Federal Reserve Banks.

SENATE JOINT RESOLUTION 262

At the request of Mr. PACKWOOD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Joint Resolution 262, a joint resolution to designate March 16, 1985, as "Freedom of Information Day."

SENATE JOINT RESOLUTION 346

At the request of Mr. LEVIN, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of Senate Joint Resolution 346, a joint resolution to designate the year of 1985 as the "Year of the Teacher."

SENATE JOINT RESOLUTION 352

At the request of Mr. DANFORTH, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 352, a joint resolution designating October 1984 as "National Head Injury Awareness Month."

SENATE JOINT RESOLUTION 353

At the request of Mr. BYRD, the names of the Senator from West Virginia [Mr. RANDOLPH], the Senator from Massachusetts [Mr. TSONGAS], and the Senator from Florida [Mr. CHILES] were added as cosponsors of Senate Joint Resolution 353, a joint resolution to designate the week of February 3, 1985, through February 9, 1985, as "National School Guidance and Counseling Week."

SENATE JOINT RESOLUTION 354

At the request of Mr. NUNN, the names of the Senator from California [Mr. CRANSTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], and the Senator from Texas [Mr. TOWER] were added as cosponsors of Senate Joint Resolution 354, a joint resolution designating the week of January 7 through January 13, 1985, as "National Productivity Improvement Week."

SENATE RESOLUTION 241

At the request of Mr. LEVIN, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of Senate Resolution 241, a resolution expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and for other purposes.

At the request of Mr. LEVIN, the name of the Senator from Texas [Mr. BENTSEN] was withdrawn as a cosponsor of Senate Resolution 241, supra.

SENATE RESOLUTION 386

At the request of Mr. LEVIN, the names of the Senator from Oregon [Mr. HATFIELD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Resolution 386, a resolution entitled the "Mandela Freedom Resolution."

SENATE RESOLUTION 436

At the request of Mr. PELL, the names of the Senator from Ohio [Mr. GLENN], the Senator from Texas [Mr. TOWER], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Resolution 436, a resolution to commemorate the 100th anniversary of the Naval War College in Newport, RI.

AMEMEMENT NO. 4277

At the request of Mr. PACKWOOD, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of amendment No. 4277 intended to be proposed to H.R. 5505, a bill to amend title XII of the Merchant Marine Act, of 1936.

SENATE RESOLUTION 451—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. McCLURE, from the Committee on Energy and Natural Resources, reported the followng original bill; which was referred to the Committee on the Budget:

S. RES. 451

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 2645, to amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia. H.R. 2645, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1985.

The waiver of section 402(a) of such Act is necessary to permit Congressional consideration of H.R. 2645. Such bill was not reported on or before May 25, 1984, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The likelihood that the Committee on Energy and Natural Resources would report the companion measure, S. 1218, was reflected in its March 15, 1984, report to the Committee on the Budget pursuant to section 301(c) of the Congressional Budget and Impoundment Control Act of 1974. Therefore, the Appropriations Committee of the Senate has had adequate notice of this authorization. Enactment of H.R. 2645 is not expected to interfere with or delay the appropriations process.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985

WEICKER AMENDMENT NO. 4395

Mr. WEICKER proposed an amendment to the bill (H.R. 6028) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes; as follows:

On page 34, on line 20 after the word "therein" strike through line 25;

On page 35 strike lines 1 through 7 ending with the word "Secretary"

FEDERAL-AID HIGHWAY ACT

BRADLEY AMENDMENT NO. 4396

Mr. BRADLEY proposed an amendment to the bill (S. 2527) to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes; as follows:

At the end of the first committee amendment add the following:

TITLE —CIVIL RIGHTS ACT OF 1984

SHORT TITLE

SEC. . This title may be cited as the "Civil Rights Act of 1984".

PROHIBITION OF SEX DISCRIMINATION

SEC. . (a)(1) The matter preceding clause (1) of section 901(a) of the Education Amendments of 1972 (hereafter in this section referred to as the "Act") is amended—

(A) by striking out "in" the second time it appears;

(B) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(C) by striking out "under any education program or activity receiving" and inserting in lieu thereof "by any education recipient of".

(2) Section 901(a)(3) of the Act is amended by inserting "or recipient" after "institution".

(b) Section 901(c) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following:

"(2) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on Febraury 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(3)(A) For the purpose of this title, except as provided in subparagraph (B), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(i) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(ii) is not extended such assistance,

shall not be deemed a recipient.

"(B) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance as in fact extended to such department, agency, or other component part.

"(4)(A) For the purposes of this title, except as provided in subparagraphs (B) and (C), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(B) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(C) To the extent the provisions of subparagraph (A) constitute a limitation on coverage, subparagraph (A) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c)(1) The first sentence of section 902 of the Act is amended—

(A) by striking out "to any education progam or activity" and inserting in lieu thereof "for education"; and

(B) by striking out "such program or activity" and inserting in lieu thereof "recipients".

(2) The third sentence of section 902 of the Act is amended—

(A) by striking out "under such program or activity";

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" and inserting in lieu thereof "so found".

(3) Section 902 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(4) Section 903 is amended by striking out "1002" and inserting in lieu thereof "902".

NONDISCRIMINATION ON THE BASIS OF HANDICAPPING CONDITION

SEC. . (a) Section 504 of the Rehabilitation Act of 1973 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "his" and inserting in lieu thereof "such individual's";

(2) by striking out "in" the third time it appears;

(3) by striking out "the benefits of" and inserting in lieu thereof "benefits";

(4) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of"; and

(5) by striking out "under any program or activity conducted".

(b) Section 504 of the Act is further amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) For the purpose of this section, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this section in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this section in effect on February 27, 1984.

"(c)(1) For the purpose of this section, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this section, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not ex-

tended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverge, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c) Section 505(a)(2) of the Act is amended by inserting ", as amended," after "1964".

PROHIBITION OF AGE DISCRIMINATION

SEC. . (a) Section 302 of the Age Discrimination Act of 1975 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in programs or activities receiving" and inserting in lieu thereof "by recipients of"; and

(2) by striking out "programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.)" and inserting in lieu thereof "recipients of funds under chapter 67 of title 31, United States Code".

(b) Section 303 of the Act is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under, any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(c)(1) Section 304(a)(4) of the Act is amended by striking out "to any program or activity".

(2) Section 304(b)(1) of the Act is amended—

(A) by striking out ", in the program or activity involved";

(B) by striking out "operation" in clause (A) and inserting in lieu thereof "operations of the recipient"; and

(C) by striking out "of such program or activity" in clause (A) and inserting in lieu thereof "in furtherance of which the Federal financial assistance is used".

(3) Section 304(c)(1) of the Act is amended by striking out "any program or activity receiving".

(d)(1) Section 305(a)(1) of the Act is amended by striking out "under the program or activity involved".

(2)(A) The second sentence of section 305(b) of the Act is amended by striking out "the particular program or activity, or part of such program or activity, with respect to which such finding has been made" and inserting in lieu thereof "assistance which supports the noncompliance so found".

(B) The third sentence of such section is amended to read as follows: "No such termination or refusal shall be based in whole or in part on any finding with respect to any noncompliance which is not supported by such assistance.".

(C) Section 305(b) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the third sentence of this subsection, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(3) Section 305(e)(1) of the Act is amended by striking out "Act by any program or activity receiving Federal financial assistance" and inserting in lieu therof "title".

(e) Section 309 of the Act is amended by—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following:

"(b) The term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(c)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

NONDISCRIMINATION BY RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

SEC. . (a) Section 601 of the Civil Rights Act of 1964 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(b)(1) The first sentence of section 602 of the Act is amended by striking out "program or activity" each time it appears and inserting in lieu thereof "recipient" each such time.

(2) The third sentence of section 602 of the Act is amended—

(A) by striking out "under such program or activity" in clause (1);

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" in clause (1) and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" in clause (1) and inserting in lieu thereof "so found".

(3) Section 602 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to such part.".

(c) Title VI of the Act is amended by adding at the end thereof the following new section:

"SEC. 606. (a) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 17, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(b)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(c)(1) For the purpose of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social service.".

PROVISION WITH RESPECT TO REVENUE SHARING

SEC. . Nothing in this Act or in the amendments made by this Act shall be construed to supersede the provisions of chapter 67 of title 31, United States Code, relating to revenue sharing.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED APPROPRIATIONS ACT, 1985

BENTSEN AMENDMENT NO. 4397

Mr. BENTSEN proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 45, line 13, before the period insert the following:

"Provided further, That of the funds available under section 7 of said Act, $1,000,000 shall be for reconstruction of a school in Motley County, Texas"

CRANSTON (AND OTHERS) AMENDMENT NO. 4398

Mr. CRANSTON (for himself, Mr. KENNEDY, Mr. MOYNIHAN, and Mr. RIEGLE) proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 20, line 16, strike out "$402,730,000, of which $1,810,000" and insert in lieu thereof "$413,930,000, of which $6,310,000".

On page 20, line 22, strike out "4,383" and insert in lieu thereof "4,400".

On page 22, line 5, strike out "$372,485,000" and insert in lieu thereof "$375,091,000".

On page 24, line 18, strike out "$933,857,000" and insert in lieu thereof "$934,679,000".

HELMS AMENDMENT NO. 4399

Mr. HELMS proposed an amendment to the bill H.R. 6028, supra; as follows:

At an appropriate place in the bill add the following: "None of the funds appropriated under this Act shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools."

METZENBAUM AMENDMENT NO. 4400

Mr. METZENBAUM proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 22, line 14, strike "312,100,000," and insert in lieu thereof "316,100,000, of which $4,000,000 shall be available for Orphan Drug Research and Development Grants.

HATCH AMENDMENT NO. 4401

Mr. HATCH proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 46, line 7, strike out "$1,252,765,000" and inserting in lieu thereof "$1,253,265,000".

On page 46, line 11, strike out "and".

On page 46, line 13, before the period insert a comma and the following: "and $500,000 shall be available under section 311 of the Rehabilitation Act of 1973 for Special Olympics, Inc. for the 1985 International Winter Special Olympics Games in Park City, Utah".

CLEAN AIR ACT AMENDMENTS

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 4402

(Ordered to lie on the table.)

Mr. MOYNIHAN (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill (S. 768) to amend the Clean Air Act; as follows:

On page 179, line 17, add the following new paragraph:

"(2) Any reduction in annual sulfur dioxide emissions made by a state after December 31, 1980, shall count toward meeting that state's reduction requirement pursuant to paragraph (1)."

● Mr. MOYNIHAN. Mr. President, I rise today to offer a modest, but important, amendment to S. 768, the Clean Air Act Amendments of 1984. This amendment, cosponsored by my colleague from New York, Senator D'AMATO, would insure that should Congress pass S. 768, New York State will receive credit for reductions in annual sulfur dioxide emissions made in New York under a recently enacted State program to curb acid rain.

S. 768, as reported by the Committee on Environment and Public Works on May 3, 1984, includes an amendment to the Clean Air Act establishing a Federal acid rain control program. The bill would mandate a 10 million ton reduction in annual sulfur dioxide emissions in the Eastern United States by January 1, 1994. New York State would be required to reduce its annual sulfur dioxide emissions by about 230,000 tons under this provision of S. 768.

Mr. President, I am proud to inform the Senate that New York is the first State in the Nation to enact legislation to curb acid rain. The bill, sponsored by State Senator John Dunne and Assemblyman Maurice Hinchey, was signed into law by Governor Mario Cuomo on August 14, 1984. This legislation is designed to reduce statewide sulfur dioxide emissions by 30 percent over the next decade. The amendment I offer today would make it clear that reductions made in New York under the State's acid rain control program would count against the reduction in emissions mandated for the State under S. 768.

It is most appropriate, and not unexpected, to see New York—being so vulnerable to the effects of acid rain—become the first State to enact its own acid rain control program. It is only disappointing, I might say, that New York, thus far, has acted alone. What is needed is not just 1, or even 31, acid rain control programs, but a comprehensive Federal acid rain control program as well. I am hopeful that New York State's willingness to act on this crucial environmental matter will send an unequivocal message: It's time to act to reduce the acid rain.

As one who serves on the Committee on Environment and Public Works—and as a cosponsor of the acid rain amendment incorporated in S. 768—I believe it is time for congressional action. This would not be the first time Congress has acted on acid rain. In 1980, my legislation—the Acid Precipitation Act—became law (Public Law 96-294). It remains the only Federal statute on acid rain. At that time, we knew we needed more information. Now we have it. We know we have to act to make major reductions in sulfur dioxide emissions.●

● Mr. D'AMATO. Mr. President, I rise today to cosponsor an amendment offered by my distinguished colleague, the senior Senator from New York, Senator MOYNIHAN.

This amendment would make a very necessary change to the Clean Air Act reauthorization, S. 768. It would ensure that New York receives credit for the landmark legislation which was recently signed into law in the State. This legislation represents the first effort by any State to deal with the serious problem of acid rain. I applauded the efforts of the Governor and legislature in New York with regard to this most pressing matter and cosponsor the amendment being offered in the belief that New York deserves credit for taking this first, bold step.

Should Congress move to enact legislation to control acid deposition, which is fouling our lakes and streams and damaging our forests, New York should not be penalized for having first realized the wisdom of this course of action. This amendment would clarify the intent of Congress to credit those States which have taken independent action in this matter. I would hope that my colleagues would accept both this amendment and other legislation to address this problem on a nationwide basis.●

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985

McCLURE AMENDMENT NO. 4404

Mr. WEICKER (for Mr. McCLURE) proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 5, line 6, strike "$2,422,598,000" and insert in lieu thereof "$2,426,365,000"

On page 5, line 13, after the comma, add the following: "and of which, not to exceed $3,767,000 which shall be available only for amortization payments to states which had independent retirement plans in their State Employment Service Agencies,"

CONTINUING APPROPRIATIONS, 1985

DODD (AND OTHERS) AMENDMENT NO. 4404

(Ordered to lie on the table.)

Mr. DODD (for himself, Mr. CRANSTON, Mr. KENNEDY, Mr. RIEGLE and Mr. RANDOLPH) submitted an amendment intended to be proposed by them to the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes; as follows:

At the end of the resolution add the following:

TITLE II—HEAD START

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 639 of the Head Start Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 639. There are authorized to be appropriated for carrying out the provisions of this subchapter $1,075,059,000 for fiscal year 1985, $1,142,000,000 for fiscal year 1986, and $1,213,000,000 for fiscal year 1987.".

RESERVATION OF FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE

SEC. 202. (a) Section 640(a)(2)(C) of the Head Start Act is amended by inserting before the semicolon the following: "described in section 648 of this subchapter, in an amount for each fiscal year which is not less than the amount expended for training and technical assistance activities under this clause for fiscal year 1982".

(b) Section 640(a)(2) of the Head Start Act is amended by adding at the end thereof the following new flush sentence: "The minimum reservation contained in clause (C) of this paragraph shall not apply in any fiscal year in which the appropriation for the program authorized by this subchapter is less than the amount appropriated for fiscal year 1984.".

DESIGNATION OF HEAD START AGENCIES

SEC. 203. (a) Section 641(a) of the Head Start Act is amended by inserting after "agency" the second time it appears "within a community".

(b) Section 641(c) of the Head Start Act is amended—

(1) by striking out ", except that" in the matter preceding clause (1) and inserting in lieu thereof "unless";

(2) by striking out "shall, before giving such priority, determine" in clause (1) and inserting in lieu thereof "makes a finding";

(3) by striking out "meets" in clause (1) and inserting in lieu thereof "fails to meet"; and

(4) by inserting "except that" before "if" in clause (2).

(c) Section 641 of the Head Start Act is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

"(d) If there is no Head Start agency or successor agency described in clauses (1) and (2) of subsection (c), and no other existing Head Start program serving a community, then the Secretary may designate a Head Start agency from among qualified applicants in the community. Any such designation shall be governed by the same program and fiscal requirements, criteria, and standards as are applicable to existing Head Start programs.

"(e) The provisions of subsections (c) and (d) shall be applied by the Secretary in the distribution of any additional appropriations made available under this subchapter during any fiscal year as well as to initial designations of Head Start agencies.".

PARTICIPATION IN HEAD START PROGRAMS

SEC. 204. Section 645 of the Head Start Act is amended by adding at the end thereof the following new subsection:

"(c) Each Head Start program operated in a community may provide more than one year of Head Start services to children from age 3 to the age of compulsory school attendance in the State in which the Head Start program is located.".

TECHNICAL ASSISTANCE AND TRAINING

SEC. 205. Section 648 of the Head Start Act is amended—

(1) by striking out "may" and inserting in lieu thereof "shall"; and

(2) by inserting before the period at the end thereof a comma and the following: "including a centralized child development training and national assessment program which may be administered at the regional level leading to recognized credentials for such personnel; and resource access projects for personnel of handicapped childern".

EVALUATION

SEC. 206. The second sentence of section 651(b) of the Head Start Act is amended to read as follows: "Any revisions in such standards shall not result in the elimination of nor any reduction in the scope or types of health, education, parental involvement, social or other services required to be provided under the standards in effect on November 2, 1978.".

TITLE III—COMMUNITY SERVICES BLOCK GRANT AUTHORIZATION OF APPROPRIATIONS

SEC. 301. Section 672(b) of the Community Services Block Grant Act (hereinafter in this title referred to as the "Act") is amended by adding at the end thereof the following new sentence: "There is authorized to be appropriated $400,000,000 for the fiscal year 1987, to carry out the provisions of this subtitle.".

POVERTY LINE

SEC. 302. Section 673(2) of the Act is amended by inserting at the end thereof the following new sentence: "Whenever the State determines that it serves the objectives of the block grant established by this subtitle the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.".

DISCRETIONARY PROGRAM

SEC. 303. (a) The matter preceding clause (1) of section 681(a) of the Act is amended by striking out "public and other organizations and agencies" and inserting in lieu thereof "public agencies and private nonprofit organizations" both times it appears.

(b) Section 681(a) of the Act is amended by adding at the end thereof the following new flush sentence: "In addition, grants, loans, and guarantees made pursuant to this subsection may be made to a private nonprofit organization applying jointly with a business concern.".

● Mr. DODD. Mr. President, today I submit an amendment to the continuing resolution extending the Head Start and Community Services Block Grant Programs, As ranking minority member of the subcommittee which has jurisdiction over these programs, I can attest to their critical importance.

Studies now show that disadvantaged children who attend such quality preschool programs as Head Start Programs are less likely to drop out of school, fall prey to juvenile delinquency, become teenage parents, or end up unemployed. To ignore such proven prevention measures jeopardized the future of hundreds of thousands of younger Americans.

This session of Congress must not end without Senate consideration of the Head Start and Community Services Block Grant Programs. Senators CRANSTON and KENNEDY share my concern and join with me in sponsoring this amendment.●

● Mr. KENNEDY. Mr. President, I would like to say a few words about the amendment being printed in the RECORD today which extends the Head Start Program and the Community Services Block Grant Program. Reauthorization of these programs will ensure that the vital services provided by Head Start and CSBG to poor children and adults in this country will continue.

As my distinguished colleagues in the Senate may know, S. 2565, which is on the Senate Calendar, reauthorizes not only the Head Start and CSBG Programs, but the Low-Income Energy Assistance Program as well. For the past several months, we have been working hard to reach agreement on the low-income energy formula. I believe that we are close to that agreement, Mr. President, and that we will be able to move the bill as it was reported from the Labor and Human Resources Committee with all three anti-poverty programs included.

However, time is running short and the season is about to end. I do not believe that we can lose the opportunity to reauthorize Head Start. The benefits reaped by the economically disadvantaged preschoolers who participate in Head Start are seen over and over again in the achievements of these children throughout their lives. The recent Perry preschool study reaffirmed this. The study reported that economically disadvantaged children who participate in preschool programs show academic improvement throughout elementary and secondary school, display an increased commitment to school, and have higher aspirations for college. The study also concluded that preschool education, such as Head Start, lowers the rates of teenage delinquency and decreases the rates of teenage pregnancy.

The Community Service Block Grant Program provides critical community services to the increased number of our citizens who are now living in poverty and we must act to extend this program as well before Congress adjourns.

I will continue to work hard in the ensuing days to reauthorize the Low-Income Energy Assistance Program. But, given the present time constraints, we must ensure the safety of Head Start and CSBG.●

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985

WEICKER AMENDMENT NO. 4405

Mr. WEICKER submitted an amendment intended to be proposed to amendment No. 4399 proposed by Mr. HELMS to the bill H.R. 6028, supra; as follows:

In the pending amendment, strike "the implementation of programs of" and insert "individual".

FEDERAL-AID HIGHWAY ACT

SARBANES (AND MATHIAS) AMENDMENT NO. 4406

(Ordered to lie on the table.)

Mr. SARBANES (for himself and Mr. MATHIAS) submitted an amendment intended to be proposed by them to the bill S. 2527, supra; as follows:

On page 41, after line 8, add the following new section:

RELEASE OF CONDITION RELATING TO CONVEYANCE OF CERTAIN HIGHWAY

SEC. 134. Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 (84 Stat. 1739) and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SYMMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, at 9:30 a.m., to receive testimony concerning the following nominations:

Carl Edward Dillery, to be Ambassador to Fiji, to the Kingdom of Tonga, Tuvalu, and to the Republic of Kiribati;

J. Stapleton Roy, to be Ambassador to the Republic of Singapore;

Robert E. Barbour, to be Ambassador to the Republic of Surinam.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, at 3:30 p.m., to consider the nomination of Jon Thomas, of Tennessee, to be Assistant Secretary of State for International Narcotics Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS, AND TRADEMARKS

Mr. SYMMS. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights, and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate, at 2 p.m., on Tuesday, September 25, to hold an oversight hearing on international copyright matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 25, at 2:30 p.m., to hold a hearing on two small watershed projects—one in Iowa and one in Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MOSCOW'S FOREIGN POLICY

● Mr. KENNEDY. Mr. President, in this morning's Washington Post, the third article in a series of articles by Bob Kaiser appears in which he examines the nature of United States-Soviet relations today. This article is remarkable for the clarity with which it presents Soviet views of the current state of relations between our two countries. Understanding Soviet perspectives of the United States and of U.S. policies is important for anyone who is interested in improving United States-Soviet relations in the future.

For example, Kaiser quotes one Soviet official as saying:

Of course Reagan's program is not war. He is trying to tell us that the Soviet Union cannot be a superpower. He is trying to beat us down, to damage us politically and economically, after we have worked so hard to establish equality. We can't let him get away with that, and we won't.

He quotes another official as saying, "Our problem is that we have no model for good Soviet-American relations," and a third Soviet official as saying:

The problem involves the size of the planet. It is too small. You Americans think you can be secure at our expense. That is impossible. We both can only be secure when we both feel secure.

Perhaps one of the most interesting points that emerges in Kaiser's article is the frustration that the Soviet Union feels with its inability to exploit the fact of their nuclear weapons, that they cannot translate that power into political influence. As Kaiser writes:

In their current frame of mind, the Soviets see enemies and conspiracies everywhere. And they seem enormously frustrated at their own inability to influence events. They are counterpunchers, not innovators, and their counterpunches have not worked.

"Maybe we should have used more intimidating tactics to try to block the deployment of the new NATO missiles," one Soviet official said. "We might have succeeded. Who knows? But it is difficult to play a game of bluff with nuclear weapons."

Yes it is, and this is now the Soviets' ultimate frustration. They achieved superpower status militarily, and now they cannot use it, or so it seems to many of them. Their attempts to exert their influence have put them into a classic tupik, as the Russians call a dead end.

The limited utility of nuclear weaponry is an important discovery for the Soviets to have made—if they have in fact really grappled with its fundamental truth. It is, in fact, one of the most important lessons of the nuclear age. This frustration—at the inability to control or even influence world events with nuclear weapons—is a frustration that the people of the United States clearly share. And it should lead to serious questions—from those who support arms control agreements as well as from those who support bigger and bigger defense budgets—as to the ultimate utility of our nuclear arsenal.

I ask that the article by Bob Kaiser be printed in the RECORD.

The article follows:

MOSCOW'S FOREIGN POLICY: TANTALIZING POSSIBILITIES UNFULFILLED

(By Robert G. Kaiser)

Moscow.—President Reagan meets this week with the Soviet foreign minister, Andrei Gromyko, who is famous as the wily, emotionless diplomat who has dealt with nine American presidents, 14 secretaries of state and six Soviet leaders. But Gromyko ought to be famous for more than longevity and cold blood. He also deserves much of the credit for a Kremlin foreign policy that has failed.

When Gromyko moved into the Ministry of Foreign Affairs to stay in 1953, the Soviet Union was still recovering from the devastation of World War II, but it had good prospects: The biggest country in the world, China, recently had become a fraternal—and subservient—communist state. The Soviets were consolidating their control of a new East European empire. Communist parties in Western Europe and other parts of the world offered tantalizing possibilities for the future. The idea of communism still had a grip on the imaginations of millions in many countries.

In the ensuring three decades, Soviet military power grew impressively, allowing the Soviet Union to meddle in the affairs of countries all over the globe. But military power rarely has been translated into real political influence. The Soviet Union today is powerful but isolated. Its "friends" are no longer friendly, China is a fearsome poten-

tial enemy on the Soviet border and the empire in Eastern Europe is in disarray, the victim of a systemic crisis that is beyond Moscow's ability to manage. Communism has lost its appeal throughout the industrialized world, and in most of the Third World too.

Now, faced with what it perceives as an inimical and determined American president and surrounded by neighbors whose hostility seems to be growing instead of diminishing, the Soviet Union is back in a defensive crouch. A brief flirtation with a "forward" strategy in the late '70s, culminating with the invasion of Afghanistan, apparently has ended, leaving the Soviets with expensive but generally unproductive Third World commitments. The wagons are circled, and Gromyko and his colleagues in Moscow are looking—so far without success—for a way to break out.

The election of Ronald Reagan and subsequent changes in American policy crystallized the Soviets' diplomatic dilemma. It would be difficult to overstate the dimensions of what the Soviets perceive as their "Reagan problem." They have been devastated by Reagan's rise, and stunned by his ability to revive the American economy while simultaneously mounting an expensive arms buildup. Even more distressing here has been Reagan's success in maintaining the cohesion of the NATO alliance while East-West arms negotiations collapsed and new rockets were deployed in Europe.

Today, the only important question before the Soviet Union's "Americanologists" is whether Reaganism, as they call it, is some kind of temporary aberration, or a fundamental change in American outlook and policy that will last for many years. Answering this question is a formal task that has been set for Soviet students of America, and for now, it would appear, they are inclined to answer it pessimistically. (Many of the same specialists had predicted that Reagan as president would turn out to be similar to Richard Nixon in terms of his willingness to deal with Moscow, so they have a lot to answer for now.)

VITRIOLIC PROPAGANDA

The well-reported Soviet propaganda campaign against Reagan and the United States has to be experienced firsthand to be appreciated fully. It is vitriolic and incessant; day after day, Soviet papers and television news programs are filled with anti-Reagan venom.

Reagan has been compared here to Adolf Hitler, the archvillain in the Soviet view of world history. Cartoons depict him as a missile-crazed cowboy ready to launch nuclear war. His joke this summer about outlawing the Soviet Union and launching the bombers to obliterate it was interpreted here as a glimpse of the true Reagan mentality and was used by official propagandists to fuel further an already emotional scare campaign.

It is difficult for an outsider to evaluate this propaganda—to decide how much of it is a reaction to the most outspokenly anti-Soviet American president in modern times, and how much represents genuine fear. One official provided an interesting glimpse of underlying Soviet attitudes in a conversation here last month.

This Russian—a specialist on East-West relations—was discussing the American military buildup in the new vocabulary that is common here: new Pershing II rockets in West Germany are "first strike" weapons; President Reagan is actively pursuing "military superiority"; the United States has hidden from the West Europeans its belief that a war could be fought against the Soviet Union on European soil.

"But seriously," the American journalist to whom he was speaking interrupted, "you don't really think the purpose of Reagan's policy is to start war? You don't really think that a couple of dozen Pershings and a couple of dozen MX missiles will give the United States significant military superiority?"

"Of course Reagan's program is not war," the Soviet official answered, his voice suddenly emotional. "He is trying to tell us that the Soviet Union cannot be a superpower. He is trying to beat us down, to damage us politically and economically, after we have worked so hard to establish equality. We can't let him get away with that, and we won't."

That flash of anger may have revealed the essence of current Soviet thinking. Today's Soviet leaders—and tomorrow's—have grown up in a defensive crouch. They deeply believe—not without reason, of course—that powerful elements in the capitalists world will never accept their country as a preeminent world power, and will never cease to try to undermine their position. Now an American president has sprung to life—to bigger-than-life, as seen from here—to embody that recurrent nightmare.

In Washington many have interpreted the Soviet decision to have Foreign Minister Gromyko meet with President Reagan this week as a sign that Soviet attitudes toward Reagan may be softening, but from here that seems most unlikely. Judging from conversations with numerous officials here—none of them members of the Politburo, but many of them familiar with the thinking of their leaders—Soviet suspicion of Reagan's motives is too deep to allow for any sudden change of heart in the face of Reagan's new peace offensive.

Not that they rule out the possibility of better relations with the Americans in a second Reagan term, which the Soviets expect. Certainly, they say, if Reagan would make concrete gestures to prove that he has changed his mind and wants seriously to deal with Moscow, the Soviets will respond. But what sort of gestures? "For example, withdrawing the new missiles from Europe," in the words of one official—and many others said the same thing. But that is a "gesture" that seems inconceivable from an American or West European vantage point. And so far, at least, the Soviets seem disinclined to accept anything less. They may be willing to talk, but that is a long way from being willing to deal.

In private conversation, numerous officials stated a personal belief that nothing constructive can be expected in Soviet-American relations during a second Reagan term. "It's too late," as one senior official put it. Nearly all of the officials interviewed during a month in Moscow agreed that it is indeed too late to do real business with Reagan. Russians reserve for themselves the right to decide when someone is "anti-Soviet," the ultimate epithet in this society. Once they have attached that label to someone, they almost never remove it.

"Anti-Soviet" is not the same as "anticommunist." Nixon, Soviet officials like to recall, was a notorious anticommunist, but he was prepared to make room for the Soviet Union as a global power, and to respect Moscow's security concerns. But Reagan has persuaded the Soviets that he will never grant them even that much. His name-calling, his joke, his repeated references to changing the political status quo in Eastern Europe all feed the Soviet conviction that Reagan is not just their rival, but their determined enemy.

CAMPAIGN AGAINST BONN

The official Soviet response to Reagan's challenge has been emotional, clumsy and ultimately counterproductive. Moscow's first gambit was to try to divide West Europe from Reagan. The Soviets made a crude attempt to influence the March 1983 election in West Germany, a move that probably increased the victory margin of Helmut Kohl's Christian Democrats. Later the Kremlin banked on popular discontent in Europe blocking the deployment of new Pershing and cruise missiles, but last fall's protests in Europe were less effective than even many European governments had feared. The deployments went ahead.

Earlier this year the Soviets abandoned the idea that they could conduct a dual policy toward the West and rekindled old-fashioned anti-German propaganda in their media. It is now almost on a par with the anti-Reagan campaign.

In conversations here Soviet officials repeatedly charged that the Kohl government wants to reopen the question of the post-World War II borders in Europe, an extremely sensitive subject here. When a visitor challenges them, pointing out that neither Kohl nor his ministers has ever suggested reopening the border issue, the Soviets point to West German statements to the effect that the current political division of Europe should not be considered permanent. The Soviets also note that Reagan has endorsed (as he did again Monday at the United Nations) the Bonn government's efforts at rapprochement with the communist states of Eastern Europe, first of all East Germany.

"On the face of it, that's rather bizarre, Reagan supporting better relations between the Germanys, and between West Germany and Eastern Europe," one Soviet official said. "But if you look below the surface, you see what is really going on: Reagan isn't supporting East-West detente, he is supporting the efforts of an increasingly nationalistic German government to achieve a kind of Big Brother role in Central Europe."

In other words, in their current frame of mind, the Soviets see enemies and conspiracies everywhere. And they seem enormously frustrated at their own inability to influence events. They are counterpunchers, not innovators, and their counterpunches have not worked.

"Maybe we should have used more intimidating tactics to try to block the deployment of the new NATO missiles," one Soviet official said. "We might have succeeded. Who knows? But it is difficult to play a game of bluff with nuclear weapons."

Yet it is, and this is now the Soviets' ultimate frustration. They achieved superpower status militarily, and now they cannot use it, or so it seems to many of them. Their attempts to exert their influence have put them into a classic *tupik*, as the Russians call a dead end.

They are committed to the proposition that they will not reopen negotiations on controlling nuclear arms unless the West dismantles its new missiles in Europe. They insisted last summer that they would not discuss limits on weapons in space—a subject that concerns them deeply, especially in the face of Reagan's flirtation with a "star wars" ballistic missile defense—unless the Americans agree in advance to suspend all

testing of U.S. space weapons. In both cases the Soviets have walked out on a long limb and—apparently—cut it off.

Moscow did succeed in blocking proposed visits to Bonn by the leaders of East Germany and Bulgaria, Erich Honecker and Todor Zhivkov, but this was at best a symbolic accomplishment. The increasingly intimate relationship between the two Germanys and Bulgaria's new opening to the West will both continue, with or without ceremonial visits to Bonn.

In other words, the wily, experienced Gromyko has presided over a policy that simply has not worked. The Soviets' position in Eastern Europe remains difficult; with the lone exception of Czechoslovakia, their allies all look West for crucial economic assistance and markets. Events in Poland demonstrate the Soviets' inability to provide prosperity and stability in that key country; East Germany shows more and more independence; Hungary is off on its own track to a considerable degree.

With the West, the Soviets now have a new cold war. This is not without some benefit. A tense international atmosphere, fanned by domestic propaganda, justifies discipline and hardships at home and further sacrifices to compete in a renewed arms race. But Soviet officials insist—and logic would seem to confirm—that a new arms race does not serve their fundamental interests. They desperately need time and money to deal with the huge problems they face at home and inside their empire.

MOVES TO RELAX ATMOSPHERE

Soviet behavior suggests that the leaders here want to avoid a full-blown revival of the cold war. They have signaled this desire three times this year.

Last January, after Gromyko and others had warned the West that deployment of new NATO missiles would be an irrevocable step toward gravely heightened tensions, and after the deployment began, Gromyko agreed to meet Secretary of State George P. Shultz in Stockholm, a gesture that indicated a desire to relax, not sharpen the atmosphere.

Then last June the Soviets' offer to open new negotiations with the United States on space weapons was a similar signal. (Later they retreated from that offer after Washington tried to tie space talks to renewed negotiations on missiles, which the Soviets broke off early this year. It was a clumsy diplomatic sequence that is still unexplained, but suggests continuing differences of opinion in Moscow.)

And now Gromyko has agreed to meet with Reagan, a step the Soviets insist is only meant to demonstrate their continued willingness to talk to the Americans, but which others were bound to interpret as a signal that Reagan's pressure on the Soviets was not going to rupture Soviet-American relations totally.

NO MODEL FOR GOOD RELATIONS

At first blush the Soviets' discomfort with Reagan might appear to Westerners to be useful, but this is far from clear. As the Soviets seem to see it, Reagan is trying to undermine the very basis of their existence as a world power. He has frontally challenged the legitimacy of the Soviet system and empire. He has boasted that a western policy based on an arms buildup and tough bargaining tactics will succeed in making the Soviets more reasonable.

Such confrontational tactics do not appear to leave the Soviets any real room for maneuver. How, many officials asked in recent conversations here, could a Soviet government bargain constructively with Reagan without acknowledging to the world that the Reagan method for dealing with them is effective? How could they make deals with him and maintain their global and domestic pretensions?

"Our problem," one Soviet official observed, "is that we have no model for good Soviet-American relations." He suggested a cycle in which one superpower achieves a sense of relative well-being, only to discover that the same circumstances make the other one feel nervous and insecure. This is a plausible description of East-West relations since the early '70s. In the afterglow of detente, the Soviets began to feel better about their global position, began to throw their weight around, and ended up terrifying the United States. Now the Americans have responded with policies that terrify the Soviet Union.

A more creative, more flexible leadership in Moscow might find—with help from a more flexible American government—a path out of this dilemma, but the old men in charge now do not seem up to that challenge. Of course a new leader in the Kremlin will have a chance to start afresh, but he will not be able to ignore recent history. It seems likely—not inevitable, but probable—that a second Reagan administration would bring four more years of bad relations, with little progress in negotiations.

Furthermore, as the Russians repeat to an American visitor, they will survive. "The last four years have demonstrated that we can get along without you," as one put it. Soviet officials take comfort from their ideological view of the West, which convinces them that big economic crises are on the horizon that could disable their capitalist adversaries. At the same time, they seem incapable of acknowledging that their own behavior—the invasion of Afghanistan, the deployment of hundreds of SS20 missiles in Europe, their crushing of Solidarity in Poland, and more—had much to do with the deterioration of East-West relations. They are convinced that it is all the West's fault.

"The problem," said one senior Soviet official, "involves the size of the planet. It is too small. You Americans think you can be secure at our expense. That is impossible. We both can only be secure when we both feel secure."●

NATIONAL HIGH TECH WEEK

● Mr. TSONGAS. Mr. President, I take this opportunity to invite my colleagues to share in the commemoration of "National High Tech Week," which we will be celebrating from September 30 to October 6 of this year. The purpose of this week is to focus attention on the future of technology in the United States, what role it will play in our society, and to promote a greater public awareness of how these important new technologies will impact our lives in so many areas.

The idea of this week was first proposed by Robert Haavind, editor to High Technology magazine, last autumn. In an editorial he stressed the importance of educating today's youth about the need to understand and harness developing technologies, and to impress upon them the importance of admiring technologists as much as they would sports heroes and movie stars. In a followup editorial last June, Robert Haavind wrote of America's youth;

If they are to deal successfully with the future, we should be helping them to learn more. They should know about the people in technology, and the challenge and excitement (as well as the hard work) of their jobs.

Mr. President, because I thought High Technology magazine's suggestion made good sense, I was happy to introduce Senate Joint Resolution 316, designating National High Tech Week. Working with my House colleague, MERVYN DYMALLY, chairman of the congressional caucus for science and technology, and with the support of our colleagues in both Houses, Congress has passed this resolution.

Mr. President, I should like to bring to the attention of my colleagues another thought provoking editorial in the October issue of High Technology discussing the meaning of this occasion. I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the High Technology magazine, October 1984]

ALL NATIONS CAN WIN THE TECHNOLOGY RACE

(By Robert Haavind, Editor)

National High Technology Week, set for Sept. 30–Oct. 6, will focus attention on the future of technology in the United States. This symbolic week was proposed by High Technology magazine last October and established by Congress in July. The Special Report in this issue, set to coincide with High Technology Week, explores some of the critical technology-related issues now on the national agenda.

A core issue among them is the intense international competition for leadership in emerging technologies. Some countries, such as Japan, England and France, have well-defined national programs to stake out claims in potentially explosive technology markets. Whether the U.S. should adopt such a policy is perhaps the most heated of several national debates over technology.

Unfortunately, as IBM president John F. Akers complained in a keynote speech at the recent National Computer Conference, the media tend to characterize the global technology race as a cutthroat competition. In this scenario, each nation is attempting to gain supremacy in new technologies while at the same time imposing national policies that cut out foreign competition.

Certainly much of the competition is fierce, and some nations indulge in protectionism. Yet the world marketplace is not as warlike as some claim, and it is becoming even less so. Recognition is growing that all nations can share the benefits of emerging technologies. Cooperation promises economic synergism: By working together all parties can boost their share in gains.

Business leaders have seen this for some time. That's why more and more cooperative technology ventures are taking shape, often between companies in different nations. And where extensive advanced research is required and available expertise is limited, as in artificial intelligence, ways are

being found for companies to share costly R&D.

Governments as well have been working toward greater cooperation. Japan's efforts to make its markets more open to competition were lauded as "a new era in trade relations," in a speech delivered by Warren E. Davis, VP of the Semiconductor Industry Association. (The SIA had been highly critical of Japan's policies in the past.) When asked about Japanese and European competition in photovoltaics recently, Rep. Donald Fuqua (D-Fla.), chairman of the House Committee on Science and Technology, replied that these nations have a mutual stake in attaining energy independence, and thus should work together to develop and commercialize such technology.

This spirit of statesmanship and cooperation should be fostered. But at the same time, all nations must recognize that there is one sure way to lose this global contest, and that's by not playing. New technologies are becoming pervasive, changing the way we work, communicate, and manage every business, industry and profession. Only by staying at the cutting edge of technology—in factories and offices and schools as well as in the labs—can a nation expect to remain competitive.

That's the central message of High Technology Week.●

RAY WEIGEL RECOGNITION DAY

● Mr. RIEGLE. Mr. President, on Friday, October 5, the Cadillac Area of Citizens will hold a recognition day in honor of Mr. Raymond Weigel to express their appreciation of his contributions to the community and civic affairs.

Mr. Weigel is known for his dedication and his efforts to increase higher education opportunities in the Cadillac area through his generosity in contributing not only his time, but financially, to the Cadillac area consortium.

Equally concerned for the health of his community, Mr. Weigel has been instrumental in the effort to obtain a desperately needed new addition to Mercy Hospital.

Beyond his involvement in the health and education of Cadillac, Raymond Weigel is a corporate citizen in all areas. As chairman of the board of Kysor Industrial Corp., he has provided the invaluable strength of leadership which has resulted in the retention of their world headquarters, and those of St. John's industry, in the Cadillac area.

On behalf of the citizens of Cadillac, I would like to express our gratitude to Mr. Weigel for the excellence of the many contributions he has made to his community, and extend my appreciation to him and wish him success in the future.●

LT. BLAIR F. FULTON, NEW COMMANDER IN CHIEF OF THE MILITARY ORDER OF THE WORLD WARS

● Mr. WARNER. Mr. President, I rise today to recognize Lt. Blair F. Fulton, USAR (Retired) of Roanoke, VA, who was recently selected as the 54th commander in chief of the Military Order of the World Wars.

The MOWW is a highly visible and important organization composed of commissioned officers and chief warrant officers who are citizens of the United States and who served honorably or were serving in the Armed Forces of the United States during World War I or since September 1940.

Selection as commander in chief of the MOWW is indeed a significant honor that, in my judgment, deserves recognition by this body.

Lieutenant Fulton was born in Roanoke, VA, and has remained a resident of that area for virtually his entire life.

He is an extremely active individual who has devoted a large portion of his time to reserve affairs, as well as civic and church activities in the Roanoke area.

He is a retired Federal employee who spent nearly 26 years as an agent with the U.S. Treasury Department.

The honor bestowed on Lieutenant Fulton by his fellow members of the MOWW is a recognition of his active public service and his 25 years as an active member and supporter of the MOWW.

In a recent issue of the Officers Review, which is a publication of the Military Order of the World Wars, Lieutenant Fulton commented on his recent selection and his plans for the 1984-85 period of service.

He noted in his statement that the acronym MOWW also stands for motivation, organization, willingness, and work.

He indicated that the application of these principles to our efforts will produce positive benefit and enable us to leave a better legacy to succeeding generations.

I completely agree with Lieutenant Fulton's comments and I know my Senate colleagues join me in wishing him and the Military Order continued success during the coming year.●

GAO'S HOTLINE UNDISPUTED CHAMPION IN BATTLE AGAINST WASTE AND FRAUD

● Mr. SASSER. Mr. President, the U.S. General Accounting Office [GAO] earlier this year marked the fifth anniversary of the operation of its nationwide, toll-free fraud hotline. The hotline—through which anyone, anywhere in the country, at any time of the day, can report allegations of waste or fraud in the Federal Government—has been without a doubt the single most efficient instrument available to all Americans in fighting waste and fraud in Government.

Instituted at my urging, the hotline's growth and success has always been a focus of my attention. And when the GAO marked the hotline's fifth anniversary, I asked the Comptroller General Charles Bowsher for GAO's own assessment of the operation.

I am pleased to disclose today that the GAO report once again demonstrates clearly that the hotline is, has been, and will likely remain the undisputed champion in the fight against governmental waste and fraud.

Released today, the report which I requested in painstakingly objective and precise in its assessment. And in being such, it is the soundest endorsement yet for the hotline. It is required reading for all of those concerned about employing the most cost-efficient means of reducing and curtailing waste and fraud in Government.

The full report is available from GAO, but I would like to share Comptroller General Bowsher's summary in his letter releasing the report to me. So, I ask that the summary be printed in the RECORD at the conclusion of my remarks.

Mr. President, the Congress and the American people are fortunate that Comptroller General Bowsher has given the hotline operation his full support, as did his predecessor as Comptroller General, Elmer Staats.

Just as essential to the success of this operation has been the support for, and dedication to, the hotline of all those who share its successful implementation. This includes the following:

Frederick D. Wolf, Director, Accounting and Financial Management Division [AFMD]

Arthur R. Goldbeck, Deputy Director, AFMD.

John J. Adair, Associate Director, Fraud Prevention and Audit Oversight Group, AFMD.

Gary W. Carbone, Director, Fraud Referral and Investigations Group, AFMD, Barney Gomez, Harvey Gold, Yvonne MacDonald, Jerry Wilburn, Woodrow Hunt, Hugh Delaney, Ray Liebrecht, Tom Luttrell, Warren Martin, Glenn Wolcott, Sam Holland, Terri Matson, Ron Ramsey.

Administrative staff, Denise Brooks, Yvonne Prince, Trudy Moreland.

Mr. President, I should point out that the GAO encourages both the public and Federal employees to call the hotline. The nationwide hotline number is 1-800-424-5454; in the Washington DC, area, the number is 633-6987.

The summary referred to follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC.

Hon. JIM SASSER,
U.S. Senate.

DEAR SENATOR SASSER: This report responds to your request for a 5-year summary of the GAO hotline operation, including numbers and types of calls and other data, procedures for handling callers and allegations, and analyses of allegations by agency with examples of substantiated cases. The report discusses the results of the hotline operation from its start on January 18, 1979.

to January 17, 1984, and its effectiveness in identifying fraud, waste, and mismanagement in federal programs.

REPORT HIGHLIGHTS AND EXAMPLES OF SUBSTANTIATED CASES

In the 5-year period, the hotline received over 53,000 calls. We referred over 10,600 allegations to agency inspectors general (IGs) or other investigative units for further investigation. About 1,100 allegations were substantiated. In addition, there were 398 other allegations in which the specific allegation was not substantiated, but action was taken to prevent or minimize the possibility of an improper activity from occurring in the future. The remaining 42,000 calls did not warrant investigation for various reasons, such as the allegation not involving a federal program. Those callers who have information on a nonfederal matter are redirected to the appropriate state or local agency.

We estimate the hotline referrals have identified about $20 million in misspent federal funds and have projected savings of another $24 million. However, this amount is derived from only 20 percent of the substantiated cases. In many of the other substantiated cases, we or the agencies could not estimate the amount of money that was saved or misspent.

The allegations involved the funds of all executive branch agencies and many other federal agencies. Over half of the allegations were referred to four agencies—the Social Security Administration, Department of Defense (DOD), Internal Revenue Service or Department of Health and Human Services (HHS)—for further investigation. Appendix I summarizes the number and status of the allegations for individual agencies. Appendixes II through XXVIII contain additional data for these agencies on the allegations, including examples of substantiated cases.

Following are brief summaries of some substantiated cases initiated by calls to the GAO hotline:

A caller alleged that space rented by the General Services Administration (GSA) in a New York City office building had remained vacant for months. GSA's IG confirmed the situation had existed for 15 months and said more than $300,000 in rent had been paid on the empty floor. The lease was terminated and GSA is reviewing the case. (See app. IX.)

An anonymous informant claimed two University of Wisconsin professors had extorted money from trainees in a federal program and converted federal funds to their personal use. HHS's IG substantiated the charges. The professors were convicted on 14 counts of federal criminal violations, sentenced to 3 years in prison, and ordered to repay the government over $165,000. (See app. IV.)

An anonymous caller said a Department of the Interior employee working in Virginia was using a government account with a local auto dealer to embezzle money. Investigation by Interior's IG revealed that the individual had purchased nearly $4,000 in auto replacement parts for personal use and resale. After pleading guilty to federal embezzlement charges, the employee received a suspended sentence and a $1,000 fine, and was required to do 300 hours of community service work. He also resigned his job pending removal action and paid back the money. (See app. X.)

An informant sent photos of a veteran on a full disability pension operating a commercial fishing boat in Texas. The Veterans Administration, which concluded the veteran had committed fraud, reduced his pension and recommended prosecution. The individual also owes over $55,000 of the $70,000 he collected illegally. He must repay that sum before he can begin receiving the reduced monthly pension. (See app. VIII.)

An informant alleged a major general, the commanding officer of an Army installation, bought an interest in a nearby hotel after he was advised by DOD of a planned troop increase and possible housing shortage at the installation. A DOD review determined a conflict of interest existed and the general retired a short time later. (See app. III.)

An anonymous caller said a family member, who had worked under several different names, was receiving social security checks at different addresses and was claiming false dependents for social security purposes. Following an investigation, the defendant pleased guilty and was sentenced to 2 years in prison. He also must pay back nearly $13,000 in social security overpayments. (See app. II.)

In most of the substantiated cases, administrative actions have been taken against employees, federal contractors, and others. Employees of the federal government or contractors have been fired, suspended, demoted, or transferred, and others have resigned or were warned by their employers about their activities. Government contracts have been cancelled and contractors barred or suspended from further government work. Persons who fraudulently obtained government benefits have been declared ineligible for further participation in government programs and ordered to make repayments.

Cases involving possible criminal violations of federal law are sent to the Justice Department which decides whether to prosecute.

Further details on the hotline operation and its accomplishments follow:

CURRENT HOTLINE ORGANIZATION AND PROCEDURES

We received calls from every state and overseas indicating widespread awareness of the hotline. This results from extensive coverage in the news media about the hotline and from public service announcements shown on TV throughout the country.

The hotline operates 24 hours a day, 7 days a week. Callers can discuss their allegations with the hotline staff from 8 a.m. to 4:30 p.m. (eastern time), Monday through Friday. After business hours and on weekends callers can leave a recorded message or are asked to call back during normal working hours. In the Washington, D.C. area, the hotline phone number is 633-6987 and the nationwide toll-free number is 1-800-244-5454. The mailing address is Fraud Hotline, General Accounting Office, Room 6134, 441 G Street, N.W., Washington, DC. 20548.

Our employees also report to the hotline office possible violations of federal criminal laws, or potential fraud or abuse found during the conduct of routine audits. The office received over 150 such referrals in the 5 years. We have also received numerous requests from members of Congress to review allegations of fraud and mismanagement.

We provide a "pledge of confidentiality," which assures callers that their names will be known only to the hotline staff. However, we prefer that callers provide a means for subsequent contact since additional information is often needed to pursue an allegation. Frequently, allegations cannot be pursued because the caller remains anonymous and additional information cannot be obtained. As a result, many cases have been closed because of insufficient investigative leads or inadequate evidence.

THE HOTLINE GROUP

The hotline operation is handled by our Accounting and Financial Management Division's fraud referral and investigations group (hereafter called the Hotline Group). We have increased the Group's staffing level and expanded the hotline role to include audit follow-up and investigative responsibilities. The Group also provides leads to our audit divisions.

In addition, the Hotline Group refers allegations and follows up on them with agency heads, IG offices, and the Justice Department. Since IG offices perform most of the audits and investigations generated by hotline allegations, coordination with them is an important function.

Our estimated total cost for the hotline operation was about $3.4 million for the 5-year period. These expenses included salaries, toll-free phone lines, and overhead.

THE HOTLINE GROUP'S STRUCTURE

The Hotline Group is divided into referral and investigation sections. The fraud referral section consists of four teams who—

screen incoming allegations and process them for referral to the appropriate federal agency,

identify major findings or audit leads for use by our auditors or IGs, or both,

follow up on allegations to ensure that all issues have been investigated, and that the investigator's findings are resolved and corrective action has been taken,

serve as the referral point for potential fraud found during our audits, and

conduct prompt inquiries when allegations require immediate action.

The investigations section conducts inquiries and audits of allegations involving agencies without statutory IGs.

INTERVIEWING AND SCREENING PROCESS

When interviewing a caller, the auditor attempts to elicit the following information to establish the materiality of the alleged wrongdoing or mismanagement:

Is the allegation a federal matter? We want to determine whether the program or area is federally funded.

What are the particulars of the allegation?

What is the geographical location of the reported allegation? We need to know the names of places where these incidents occurred.

Is documentary evidence available to factually support the allegation? We like to obtain written or photographic evidence if possible.

What are the names of the federal agencies, contractors, or other organizations involved?

What are the names, addresses, and phone numbers of persons involved in the alleged wrongdoing or mismanagement?

At the time of the call, the auditor screens the allegation for substance and decides whether to accept or reject the allegation based on the information provided. If the allegation is sufficient, the caller is given a case control number. If the allegation is incomplete, the caller is encouraged to get back with us if substantive information can be obtained.

THE REFERRAL PROCESS

Even though a case receives a control number, additional screening is done before referral of the allegation. The director of the Hotline Group makes the final referral

decision based on knowledge of federal programs, agency policies and procedures, and results of previous hotline allegations. The allegations that do warrant further scrutiny are referred to the IGs, other agencies with which we have referral agreements, or the Hotline Group's investigative staff. The IG is asked to provide us with an initial disposition within 60 days and inform us of the final outcome.

Some allegations identify potential audit areas, tie into our previous or current audit work, or may benefit the entire federal government. In these instances, the Hotline Group makes limited inquiries which may result in an advisement memorandum to auditors in our division with program responsibility in that area. Sometimes a report of the problem is sent to an agency head for corrective action.

FOLLOW-UP PROCEDURES

Follow-up action on an agency's final case disposition occurs when the Hotline Group questions the substance of the agency's response. For example, the investigation or audit may not properly address the issues in the referral or the response may be incomplete because it lacks specific information on such matters as amounts of fines, possible dollar recoveries, and the types of administrative or legal action taken. This information is required by the Hotline Group and is used in its analysis of trends and patterns. Follow-up work also occurs when subsequent information indicates the agency may have made errors in judgment or may not have done a thorough review.

BACKGROUND AND HISTORY OF GAO HOTLINE

In the mid-1970's we increased our emphasis on fraud prevention and detection, and conducted a special inquiry into the government's ability to combat fraud. Subsequently, we sent to the Congress, in September 1978, a report entitled, Federal Agencies Can and Should Do More to Combat Fraud in Government Programs (GGD 78-62, Sept. 19, 1978). We determined that the exact amount of fraud, waste, and abuse was difficult to show but it was definitely a serious problem.

OUR SPECIAL TASK FORCE ON FRAUD PREVENTION

Shortly after the report was issued, the Comptroller General established a special task force to further address the issue of fraud, waste, and abuse. The task force had three goals:

Determine the extent of fraud and other illegal activities against the federal government, as well as the adequacy of existing procedures for dealing with fraud.

Develop selected agency profiles to show the susceptibility of individual programs to fraud and other illegal activity.

Establish a nationwide, toll-free GAO hotline to combat fraud, waste, and abuse in the federal government.

We established the hotline at your request to allow the public to participate in this fraud prevention effort by calling in leads to us. The hotline was officially opened on January 18, 1979.

CATEGORIES OF HOTLINE ALLEGATIONS

The Hotline Group categorized the 10,641 referrals of allegations according to participants. The following five participant categories were established:

1. Federal employees only.
2. Federal employees in conjunction with others.
3. Federal contractors or grantee organizations.
4. Individual and corporate recipients of federal financial assistance.
5. Other individuals or corporate entities.

In the federal employees only category, the Hotline Group referred such allegations as employee work-hour abuses, private use of government property, theft, unneeded contract awards, and unnecessary purchases of equipment or supplies.

In the second category payment of a bribe or kickback was the most frequent allegation.

Among federal contractors and grantees, the allegations included improper expenditures of government grant funds, contract nonperformance, theft of government funds or property, and use of federal funds for other than intended purposes.

Among the most prevalent charges in the fourth category involving individual and corporate recipients of government financial assistance were cheating on welfare, social security and food stamps, and collecting disability benefits improperly.

The fifth category, other individuals or corporate entities, included allegations of personal and corporate income tax cheating and other improper activity.

ACTION ON REFERRALS

Of the 10,641 referrals, 7,418 cases have been closed. Of the closed cases, 1,110 were substantiated, and in another 398 cases, the reported allegation could not be substantiated, but action was taken by the agency to prevent or minimize the possibility of a violation or other improper activity. For example, some allegations of the improper receipt of disability benefits by employed individuals could not be documented. However, the Social Security Administration (SSA) often would schedule an individual involved in such a case for a medical reexamination, which could lead to disqualification from disability payments.

In another example, the informant alleged that upon retirement a high-ranking government executive conspired with another official not to process his retirement claim until the executive could repay the money he had withdrawn from his retirement fund. Although the specific charge was not substantiated by the Office of Personnel Management (OPM), it ended a practice known as the offset method. Under this method, annuitants who were repaying the government for withdrawals from the retirement fund were permitted to receive their retirement annuities at a rate calculated as if the annuitant had already repaid in full. The government was receiving its repayments through monthly withholdings or offsets from the annuitant's retirement check. Because of this procedural change, OPM projected savings of $6.5 million for annuitants who retired in fiscal year 1983. (See app. XXVI.)

The most common substantiated cases were work-hour abuse by federal employees, private use of government property, fraud by recipients of such payments as welfare, disability, and food stamps, and lack of compliance with agency procedures.

Agency and Hotline Group investigations have resulted in administrative or legal actions, including monetary recoveries, by the agency, the Justice Department, or both.

ADMINISTRATIVE ACTION

Administrative actions were taken against federal employees, contractors, and other individuals. Some of the agencies' actions included employee dismissals, resignations pending dismissal, or suspensions, demotions or transfers. About 100 contractors and grantees were suspended, had their contracts or grants cancelled, or were issued a warning about their work.

LEGAL ACTION

If an investigation discloses a violation of criminal law, the allegation is forwarded by the agency involved to the Justice Department or state prosecutor for review and possible prosecution. In the 5 years, 179 hotline cases were referred in this manner. The agencies told us the Justice Department had prosecuted 85 of the cases. Defendants were convicted of criminal violations in 37 cases. Civil remedies or some other legal action was taken in 46 cases. In one case the charges were dismissed and in another case the defendants were acquitted.

The Justice Department declined to prosecute 94 cases for such reasons as insufficient evidence for prosecution, lack of jury appeal, or insignificant loss of federal money. In 39 of these cases, Justice declined to prosecute in favor of the agency taking administrative action.

Appendixes II through XXVIII provide more detail about those substantiated cases in which administrative and legal actions were taken by the agencies.

MISSPENT FUNDS RECOVERED AND PROJECTED SAVINGS IDENTIFIED

Administrative and legal actions based on our referrals to the agency or Justice Department have assisted agencies' efforts in recovering federal funds and assessing penalties against individuals and organizations involved in mismanagement or wrongdoing.

Of approximately $20 million in misspent funds identified through hotline referrals, $6.5 million was actually recovered, $10.9 million is being collected, and $2.2 million is uncollectable. In addition, we have projected that $24 million was saved because of our referrals. For example, when benefit payments were terminated because of ineligibility, we estimated the money that was not improperly spent for a 1-year period. This means an individual who received improper welfare payments of $200 per month would count as avoiding $2,400 in misspent funds.

In many cases, the agencies told us funds had been recovered or payments terminated, but they could not provide a dollar figure. Therefore, misspent funds identified by our referrals exceed these estimates. Also, this does not take into account that, without the hotline allegation, improper activities may have continued indefinitely without detection, resulting in even greater loss to the government.

We are sending copies of this report to the Director of the Office of Management and Budget and to the heads of departments and agencies with IGs or organizations with which we have referral agreements.

Sincerely yours,

CHARLES A. BOWSHER,
Comptroller General of the United States.●

PROPOSED ARMS SALES

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that,

in the Senate, the notification of proposed sales be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notification I have received. A portion of the notification, which is classified information, has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 20, 1984.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-39 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Canada for defense articles and services estimated to cost $55 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 84-39

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Canada.

(ii) Total Estimated Value:

	Million
Major Defense Equipment [1]	$20
Other	35
Total	55

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of Articles or Services Offered: A quantity of six AN/SQR-19 Tactical Towed Array Sonars (TACTAS) with handling and stowage subsystems, support, and documentation.

(iv) Military Department: Navy (LDB and LDH).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to the Sold: See Annex under separate cover.

(vii) Section 28 Report: Included in report for quarter ending 31 March 1984.

(viii) Date Report Delivered to Congress: September 20, 1984.

POLICY JUSTIFICATION

CANADA—TACTICAL TOWED ARRAY SONAR

The Government of Canada has requested the purchase of a quantity of six AN/SQR-19 Tactical Towed Array Sonars (TACTAS) with handling and stowage subsystems, support, and documentation at an estimated cost of $55 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Canada; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

The importance of enhanced joint North American Anti Submarine Warfare (ASW) capability has been underscored by Soviet stated intent to project nuclear-armed submarines to the U.S. shore in retaliation against Pershing II deployment in Europe. Purchase of the shipboard ASW system is required by Canada to upgrade and modernize its ASW capability. The AN/SQR-19 will be installed on board the new Canadian Patrol Frigates scheduled to be introduced into the Canadian Forces fleet in approximately 1989. This new class of frigates represents the largest modernization program undertaken by Canada since World War II. The Canadian Navy will be capable of absorbing this ASW system within its inventory. Additionally, the Canadians will be capable of performing the required maintenance for this ASW system without impact on their current military capabilities.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Chesapeake Instrument Division of Gould Incorporated of Glen Burnie, Maryland.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Canada.

There will be no adverse impact on U.S defense readiness as a result of this sale.●

OCS LEASING MORATORIA

● Mr. COCHRAN. Mr. President, we are more likely to read in the newspaper these days about gasoline gluts and falling prices than about shortages and rising prices. The petroleum price shocks of 1979 as well as the last recession have cut petroleum use in this country. We are all more conservation-oriented than a decade ago. We have, in short, learned some valuable lessons about our energy needs and weaknesses.

One lesson we learned is that we should not become overly dependent on imported oil. We need to diversify our energy supplies and place renewed emphasis on our own domestic petroleum and gas reserves.

Our country's greatest future reserves lie off our coasts on the Outer Continental Shelf. The U.S. Geological Survey estimates that offshore drilling could provide as much as 56 percent of our future domestic crude oil and 36 percent of our future natural gas supplies.

It is not too soon to develop these offshore sites. We now import about one-third of our oil, about the same percentage we did in 1973 when the Arab oil embargo was put into effect. It is my view that we should be reducing imports and increasing domestic production. Because of the long lead time required for developing offshore fields, it is important that we work now to provide for our future energy needs.

Despite this imperative to develop our energy resources, the Congress for the last few years has enacted moratoria on specific offshore areas. The amount of land withdrawn has leaped from 736,000 acres in fiscal year 1982 to 52 million acres in fiscal year 1984.

These moratoria were enacted to protect environmentally sensitive areas. I, too, am concerned that the development of our offshore reserves be conducted in an environmentally safe manner, but I believe the industry has demonstrated its ability to find oil and gas with little or no adverse impact on wetlands, estuaries, fishing beds, and other environmentally sensitive areas. In the Gulf of Mexico, where 85 percent of all wells drilled in U.S. waters have been located, the industry's environmental record has been excellent. Petroleum operations have been compatible with commercial and sport fishing activities, which have risen substantially in poundage and value.

Mr. President, since we will soon be considering the Interior Appropriations bill, either as a free-standing bill or as part of the continuing resolution, I bring to the attention of my colleagues a letter I recently received from over 100 businesses and associations outlining their opposition to offshore moratoria. I ask that this letter be printed in the RECORD at the close of my remarks.

Let me just add that most of the companies that signed this letter are not oil companies, but, rather, suppliers. It is surprising to learn the extent to which small and large companies across the country benefit from the offshore program through sales. In my own State of Mississippi, for example, Caterpillar Tractor Co. maintains a plant in Corinth where engines used on offshore platforms—largely for exploratory drilling—are rebuilt. This company supplies 75 percent of the engines used on exploratory rigs.

I urge my colleagues to review this list of signatories. You will undoubtedly find some of your own constitutents who benefit directly from the offshore drilling program.

The letter follows:

SEPTEMBER 6, 1984.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COCHRAN: As you know, the Senate is about to consider the Fiscal Year 1985 Department of the Interior appropriations legislation. This legislation, as reported by the Senate Appropriations Committee, does not provide for offshore oil and gas leasing moratoria. The House-passed version of the legislation contains moratoria provisions.

We are concerned there may be attempts on the Senate floor to attach moratoria provisions to the Senate version of the legislation.

We wish to state our objections to the moratoria proposals and to urge you to reject all such measures as being against the national interest.

The national interest includes: domestic employment, the federal budget deficit, our balance of trade deficit, and our national security. Specifically:

It is estimated that for every worker on an offshore platform, four jobs are created onshore in a support capacity.

The OCS program is a major source of federal revenue. If schedules are met, $7–$10 billion in federal funds per year will be generated from lease sale bonus bids and production royalties.

$52 billion of our $77 billion balance of trade deficit for FY 83 was due to imported oil.

And, from a national security perspective, moratoria proposals ironically now coincide with rising oil imports and renewed hostilities in the Middle East.

Developing offshore oil and gas resources is critical for meeting our future energy needs. Today we are importing one-third of our oil—the same as we were in 1973, and the situation looks worse in the future. If we are to maintain the current level of domestic oil production, more than three-fourths of the oil we will need in the year 2000 still must be found. If we do not find and develop new domestic sources of oil, we will be even more dependent upon foreign supplies.

Leasing of the OCS for natural gas is equally important. About one-fourth of domestic gas supplies come from offshore wells. In addition, 60 percent of the present oil and gas reserves in the OCS and about 70 percent of the hydrocarbon production in the OCS are natural gas.

Decreased oil and gas development has had a significant impact on suppliers of offshore equipment. At a time when our economy is still recovering from a severe economic slowdown, expansion of moratoria may jeopardize the offshore industry's return to prosperity.

As long as our nation remains dependent on foreign oil imports, we do not have the luxury of fencing off large amounts of offshore petroleum resources without a full understanding of the consequences.

Proponents of OCS moratoria often cite the environmental risks involved with offshore development, but they fail to recognize the industry's 30-year record of environmentally safe operations. Of nearly 30,000 wells drilled, only the 1969 Santa Barbara blowout resulted in significant amounts of oil reaching land areas. Even in Santa Barbara there were no lasting effects.

We believe that Secretary Clark has made considerable progress in recent months to reduce the conflicts and controversies of recent years and has been responsive to the concerns of the coastal states.

Continued moratoria on offshore oil and gas leasing are neither necessary nor justifiable. Economic benefits at home and increased tensions in the Persian Gulf area underscore the need for OCS development.

We urge you to reject all proposals to renew existing moratoria or to impose new moratoria on additional offshore acreage. We urge you further to comunicate your opposition to the moratoria to the members of the conference committee when it convenes as expected, shortly after the Senate passes the DOI appropriations bill.

We thank you for your support.

Ackerman & Associates.
Air Van Lines, Inc.
Alaska Support Industries Alliance.
Allied Corporation.
American Gas Association.
American Iron and Steel Institute.
American Mining Congress.
American Petroleum Institute.
Arctic Hosts, Inc.
Armco, Inc.
Bell Helicopter Textron
Bethlehem Steel Corporation.
Bolt Technology Corporation.
Brown and Root Inc.
Buoy Technology, Inc.
Cameron Iron Works, Inc.
Caterpillar Tractor Co.
C-E Natco
Chamber of Commerce of the United States
John E. Chance & Associates, Inc.
Chemical Manufacturers Association.
Combustion Engineering.
Crowley Martime.
Diamond M. Company.
Dillingham Corporation.
Domestic Petroleum Council.
Dresser Atlas (Alaska).
Dresser Industries.
Dreyfus Supply & Machinery Corporation.
Eastman Whipstock.
Edison-Chouest Boat Rentals.
FMC Corporation.
Frontier Companies of Alaska.
Furuno U.S.A., Inc.
Geophysical Services, Inc.
Global Marine, Inc.
Gray Tool Company.
Griffin-Alexander Drilling Company.
Gulf Fleet Marine Corporation.
Halliburton Company.
Harvey-Lynch.
Highway Users Federation.
Hughes Drilling Fluids.
Hughes Production Tools.
Independent Petroleum Association of America.
International Association of Drilling Contractors.
International Association of Geophysical Contractors.
Keydril Co.
Koomey, Inc.
Lone Star Steel.
Marathon Manufacturing Marine Division.
Marine Technical Services, Inc.
Martin-Decker (Division of Cooper Industries, Inc.)
McDermott, Inc.
Morrison-Knudsen Company.
National Assocation of Manufacturers.
National Assocation of Wheatgrowers.
National Coal Association.
National Forest Products Associations.
National Grange.
National Ocean Industries Association.
National Paint & Coatings Association, Inc.
National Society of Professional Engineers.
National Supply Company.
National Tooling & Machining Association.
Natural Gas Supply Association.
Nekton, Inc.
New England Council.
Newport News Offshore Systems.
Norjac Enterprises, Inc.
Oceaneering International.
ODECO.
Offshore Logistics, Inc.
Offshore Marine Service Association.
Offshore Navigation, Inc.
Omnithruster, Inc.
Orbit Value Company.
Otis Engineering Corporation.
Pacifc Industrial Company.
Pelagos Company.
Penrod Drilling Company.
Petroleum Information Corporation.
Pingo (Alaska).
Pogo Producing Co.
Racal-Decca.
Raymond International.
Reading and Bates Corporation.
Resource Development Council (Alaska).
Rowan Companies.
Sabine Propeller & Marine Service Co.
Santa Fe International Corporation.
Schlumberger Offshore Services.
Seal Fleet, Inc.
Simplex Wire and Cable Co.
Smith International.
Sonat, Inc.
Sub Sea International.
Teledyne Exploration.
Texas Gas Transmission Corporation.
The Society of the Plastics Industry, Inc.
Tidewater, Inc.
Transworld Drilling Company.
TRW, Inc.
United States Recreational Ski Association.
United States Steel Corporation.
Universal Services, Inc.
Veco (Alaska).
Vetco Offshore, Inc.
Waukesha Alaska Corp.
Western Geophysical, Inc.
X-Tec, Inc. (Alaska).
Zapata Corp.●

IRS REVENUE RULING 83-3 AND THE DEPARTMENT OF DEFENSE AUTHORIZATION BILL

● Mr. WARNER. Mr. President, as you may recall, Senator HELMS and I have both sponsored bills and amendments seeking to retain the current tax treatment of housing allowances for our uniformed service personnel and clergy.

I am very pleased to say that Senator PACKWOOD's Subcommittee on Taxation and Debt Management is holding a hearing on this issue tomorrow.

What I wish to report to my colleagues today is the reason my amendment to the 1985 Defense authorization bill for this purpose was reluctantly dropped in conference and why it is critical to act as quickly as possible.

IRS Revenue Ruling 83-3 has resulted in great anxiety and confusion within the military and clerical communities.

Initially effective for ministers, it eliminates the itemized deduction for interest and real estate taxes to the extent they receive tax-free housing allowances.

The Internal Revenue Service and Treasury Department have been internally examining the extension of that aspect of 83-3 to all uniformed service personnel.

Now, I understand that, in preparation for Senator PACKWOOD's hearing, the Treasury Department has informally notified the Department of Defense that they intend to extend 83-3 to military personnel.

Because of that, Mr. President, tomorrow's hearing to receive testimony on Senator HELMS' bill, S. 2017, and my bill, S. 2519, and the administration's testimony, will assume tremendous significance to our military per-

sonnel, our clergy, the families of both groups, and many builders and realtors.

While, at first blush, it might seem proper that no one should use tax-free dollars to finance a tax-deductible expense, closer examination reveals that, in these special cases, blind application of that concept not only leads to a serious decline in morale for the affected groups, but also creates a potential net loss for the Treasury.

In other words, it fails the commonsense test.

In June, I successfully offered an amendment to the 1985 Defense authorization bill that would have had the effect of retaining pre-83-3 housing allowance tax treatment for both groups.

Unfortunately, many items considered nongermane by the House have fallen out of the final version of the bill produced by the conference committee.

I am afraid my amendment is one such item.

Mr. President, I want to make clear that my fellow conferees from both Houses and I are deeply concerned by the impact 83-3 would have on military personnel and were sorely tempted to retain my amendment.

We reluctantly agreed to drop the provision only because it could be ruled as violating a rule of the House of Representatives which prohibits including a tax measure in legislation not reported by the Committee on Ways and Means.

Gen. John W. Vessey, Jr., Chairman of the Joint Chiefs of Staff, also has stated his deep concern. He said:

Our most conservative projections indicate that this action would result in the loss of tens of thousands of trained career officers and enlisted personnel essential to the maintenance of the readiness of our forces.

He concluded:

This revenue ruling issue will continue to take its toll on the morale and welfare of Service members until it is favorably and permanently resolved.

Mr. President, I will submit for the record a copy of a letter from General Vessey, providing, as the uniformed military adviser to the Commander in Chief, his assessment of the potential impact of 83-3.

The letter follows:

THE JOINT CHIEFS OF STAFF,
Washington, DC, June 22, 1984.

Hon. JOHN G. TOWER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your past support, both in the Congress and with the Administration, in opposing the possible application of IRS Revenue Ruling 83-3 to military housing allowances. During the Conference on the FY 1985 Defense Authorization Bill, we ask your continued support for a provision that would provide permanent relief from this ruling.

Over the past year, the Department of the Treasury has been evaluating the possible application of IRS Revenue Ruling 83-3 to military personnel. This ruling would require a military homeowner to reduce tax deductions by the amount of nontaxable housing allowances received. This would be in contrast to the longstanding congressional intent of nontaxable allowances for the military and would have a severe financial impact on Service members.

If the ruling is implemented, over 272,000 military homeowners would face tax increases that would result in an estimated loss of income of $300 million annually. This is equivalent to a 4- to 6-percent reduction in pay, and 80 percent of those affected would be in grades 0-3 or below. Our most conservative projections indicate that this action would result in the loss of tens of thousands of trained career officers and enlisted personnel essential to the maintenance of the readiness of our forces. Loss of these military members would have an adverse impact on experience levels and would degrade US combat capability.

This issue has generated a great deal of concern among Service members. It represents a potential additional erosion in military compensation, compounding the effects of successive pay caps, freezes on housing allowances, reduced cost-of-living-allowance adjustments for retirees, and threats to most other elements of military compensation. This revenue ruling issue will continue to take its toll on the morale and welfare of Service members until it is favorably and permanently resolved.

Therefore, the Joint Chiefs of Staff urge your continued support in behalf of US Service members by insuring that this provision, contained in the Senate Defense Authorization Bill, is passed into law.

For the Joint Chiefs of Staff,
JOHN W. VESSEY, Jr.,
Chairman, Joint Chiefs of Staff.

Mr. WARNER. I fully support continuation of the pre-83-3 tax treatment in both cases; not on the grounds of special treatment, though that is, indeed, justified.

I support it because it is demonstrably more cost effective.

I sincerely hope that is also the administration's position in testimony tomorrow.

The figure we historically use for determining comparability relative to civilian professions is the regular military compensation, or RMC.

I want to point out that RMC is defined by law as including tax advantages.

We in the Congress consider that explicitly in providing compensation for military members.

If 83-3 were applied to the military, equity considerations and the potential impact on retention would virtually force us to restore the lost take-home pay.

The only way to restore RMC to its previous level of comparability, would be through a raise.

There is no way to target such a raise to homeowners only.

Thus, it would cost approximately $1.1 billion while revenues gained by 83-3 would be about $300 million; a net loss to the Treasury of $800 million.

In the case of the clergy, their salaries are paid by the tax-deductible contributions of the members of their respective congregations.

Any loss to the minister due to additional taxes he must pay due to 83-3 will inevitably be made up by increased contributions from members of the congregation.

These contributions are, of course, deductible and must be greater than the after-tax net to the minister, since the allowance he receives will now be, effectively, taxable.

As a result, the net effect for the Treasury, in the case of the clergy, could also be a loss.

This is the most important pay and benefit issue of immediate impact to military personnel.

Failure to resolve it promptly could have more impact on retention than almost any other personnel issue.

Every day, hundreds of service people are forced to make rent-or-buy decisions with this issue hanging over their heads like the sword of Damocles.

The problem for the clergy is equally critical.

Mr. President, I wish to reiterate that retaining the current tax treatment will add no new costs to the budget.

In fact, as I have explained, prohibiting implementation of the housing allowance aspects of 83-3 for both the clergy and the military will very likely avoid a future net loss to the Treasury.

It has long been the intent of Congress that these allowances be tax exempt.

The advantage resulting from this status is an integral part of RMC.

Congress has explicitly recognized and used this principle in setting military pay rates for many, many years.

I urge my colleagues not to tear down this carefully constructed package of compensation.

We must stop unnecessary and fiscally unproductive attacks on the morale of two professions central to our Nation.

I ask my colleagues in both Houses to support favorable and prompt resolution of this issue.

We must not go home in 2 weeks leaving that sword of Damocles hanging over the heads of so many when it is in our power to easily and quickly remove it.●

NCSJ ROSH HASHANAH MESSAGE

● Mr. RIEGLE. Mr. President, in a statement marking Rosh Hashanah, the chairman of the National Conference on Soviet Jewry, Morris B. Abram, called upon the Soviet Union to "acknowledge and conform to international law by permitting Jews who wish to leave the right to do so * * *" He went on to urge the Soviets to

"grace the new year with a change in its policies toward Soviet Jews, adopting a tone of greater compassion and eased tension."

Mr. President, I commend Mr. Abram's speech to the attention of my colleagues, and ask that the full text of his remarks be printed at this point in the RECORD.

The remarks follow:

(By Morris B. Abram, NCSJ Chairman)

"REFLECTIONS ON A SEASON OF HOPE"

During Rosh Hashanah services throughout the world, Jews are summoned by the awesome call of the shofar to awake and prepare for the New Year—5745. It is a time for reconciliation with events of the past, as well as a time for hope and renewal for the year ahead.

At this time introspection and hope for the future, scores of Soviet Jews mark another year of denial—denial of the basic freedom to live and worship as Jews and denial to seek that freedom through repatriation to Israel.

While we, who are free to rejoice and worship, lift our voices and spirits in prayer, Soviet authorities intensify their efforts to silence the voice and crush the spirit of Soviet Jews. For many, the New Year will dawn through the bars of desolate prison cells, the "home" Soviet authorites reserve for the Jews "too vocal" in their desires to emigrate to a Jewish homeland. Others will observe the holiest season of Judaism in exile—isolated from family, friends and the barest thread of Jewish culture. Even those Jews fortunate enough to live "freely" within a metropolitan area will find holiday worship difficult in a country where there are about 90 synagogues to service a community of more than two million.

Last year, the government-sponsored "Anti-Zionist Committee of the Soviet Public" rationalized the drastically reduced emigration statistics claiming "there are no more Jews who wish to leave," calling evidence to the contrary "a juggling of figures by Zionist propaganda." The alleged lack of interest was refuted by the National Conference on Soviet Jewry. We have documented the fact that over 350,000 Jews have asked relatives in Israel to send the invitations necessary for beginning the emigration process. The refusenik community, comprised of Jews whose applications for emigration have been rejected at least twice, presently numbers over 15,000. Scores of families have struggled for their rights to leave for over 10 years, and more than 130 families have been waiting between five and ten years.

It remains a mystery as to why the USSR persists in squelching legitimate claims of repatriation and family reunification. The persistent suppression of Soviet Jewish emigration is a violation of all international law, norms and standards of behavior.

Maimonides, the Medieval Jewish scholar and philospher, summoned us to see our deeds "as just balanced between merits and faults; as if one more will tip the scales, as if the fate of the entire world hangs in the balance." As the shofar ushers in the year 5745, we are reminded of the need to strengthen and renew our efforts on behalf of Soviet Jews in the hope of tipping the scales to the side of justice.

We call upon the Soviet Union to acknowledge and conform to international law by permitting Jews who wish to leave the right to do so, by granting to those who choose to remain the same rights accorded every other Soviet nationality and religious minority, and to halt the current wave of anti-Simitic propaganda masked as anti-Zionism. We urge the Soviets to grace the New Year with a change in its policies towards Soviet Jews, adopting a tone of greater compassion and eased tensions.●

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW; CERTAIN ORDERS FOR TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow; that after the recognition of the two leaders under the standing order, there be special orders in favor of the distinguished Senator from Wisconsin [Mr. PROXMIRE] and the distinguished Senator from Kansas [Mrs. KASSEBAUM] for 15 minutes each, to be followed by a period for the transaction of routine morning business, not to extend beyond 12 noon, in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 11 a.m. After the recognition of the two leaders under the standing order and the execution of two special orders, there will be a period for the transaction of routine morning business until 12 noon in which Senators may speak for 5 minutes each.

At the conclusion of the time for the transaction of routine morning business, it is the intention of the leadership to turn to the consideration of H.R. 5973, the Interior appropriations bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am now advised that the clearance process is complete for the Interior appropriations bill to be laid before the Senate. There is no time to consider the bill tonight. But I ask unanimous consent that when the Senate completes the period for the transaction of routine morning business tonight it then turn to the consideration of H.R. 5973.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. McCLURE. Mr. President, reserving the right to object, and I do not intend to object. It will be my understanding that no action would be taken with reference to that bill tonight?

Mr. BAKER. The Senator is correct.

Mr. President, we are in the time for the transaction of routine morning business and we could not go to it now. This is simply a request that will be effective as of tomorrow.

Mr. McCLURE. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, while I ascertain whether there is any routine business to be transacted, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBSTITUTION OF CONFEREE ON S. 1097

Mr. BAKER. Mr. President, at the request of the minority leader, I ask unanimous consent that the distinguished Senator from Kentucky [Mr. FORD] be submitted for the distinguished Senator from New Jersey [Mr. LAUTENBERG], as a conferee on S. 1097.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIMBER RELIEF

Mr. BAKER. Mr. President, I believe there are a few items of routine business to be transacted and while we gather those up, I once again suggest the absence of a quorum.

Mr. SYMMS. Will the majority leader yield for a question?

Mr. BAKER. I do.

Mr. SYMMS. I thank the distinguished majority leader.

I am sorry, I did not hear the majority leader. What did he say about the Hatfield Arbor Day legislation which deals with the timber relief problems in the West?

Mr. BAKER. Mr. President, I have not said anything yet. I thought we had that cleared to go and I am waiting for calendar staff to give me further word on that. But we are going to do that as soon as we can do that.

Mr. SYMMS. So that will be somewhere around noon tomorrow?

Mr. BAKER. Yes; I would expect before noon tomorrow; between 11:45 and 12 o'clock would be my guess.

Mr. SYMMS. I thank the distinguished majority leader.

Mr. BAKER. I thank the Senator from Idaho.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RIGHTS OF THE AK-CHIN INDIAN COMMUNITY

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate H.R. 6206 relating to the water rights of the Ak-Chin Indian community.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6206) relating to the water rights of the Ak-Chin Indian Community.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4391

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Arizona, Mr. GOLDWATER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GOLDWATER and Mr. DECONCINI, proposes an amendment numbered 4391.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Paragraph (2) of subsection (g) is amended to read as follows:

(2) Such two hundred and fifty thousand acre-feet of water shall not be used to irrigate more than thirty-seven thousand one hundred and eighty seven acres of land in the Yuma Mesa Division, specifically: six thousand five hundred and eighty-seven acres in the North Gila Valley Irrigation District; ten thousand six hundred acres in the Yuma Irrigation District; and twenty thousand acres in the Yuma Mesa Irrigation and Drainage District. Additional land in the Yuma Mesa Irrigation and Drainage District may be irrigated if there is a corresponding reduction in the irrigated acreage in the other districts so that at no time are more than thirty seven thousand one hundred and eighty seven acres being irrigated in the Yuma Mesa Division.

Subsection (k) of section 2 is amended to read as follows:

(k) The water referred to in subsection (f)(1) shall be for the exclusive use and benefit of the Ak-Chin Indian Community, except that whenever the aggregate water supply referred to in subsection (f) exceeds the quantity necessary to meet the obligations of the Secretary under this Act, the Secretary shall allocate on an interim basis to the Central Arizona Project any of the water referred to in subsection (f) which is not required for delivery to the Ak-Chin Indian Reservation under this Act.

Immediately following section 6, insert the following new section; and renumber the following sections accordingly;

SEC. 7. (a) There is hereby authorized to be appropriated the sum of $1,000,000 for payment to the fund referred to in subsection (b). Subject to appropriations, the Secretary shall pay a sum of $1,000,000 to such fund.

(b) No portion of the sum referred to in subsection (a) shall be paid unless—

(1) The Central Arizona Water Conservation District establishes a fund to be administered by the District for voluntary acquisition or conservation of water from sources within the State of Arizona for use in central Arizona in years when water supplies are reduced; and,

(2) The Central Arizona Water Conservation District has contributed the sum of not less than $1,000,000 to such fund: *Provided*, That if the contribution of not less than $1,000,000 by the District to such fund has not been fully paid as provided in this section within two years of the date of enactment of this Act, the authorization for appropriation and payment of the sum referred to in subsection (a) shall terminate.

(c) If the provisions of this section are for any reason not implemented as herein provided, the other sections of this Act shall remain unaffected thereby.

At the end of the bill insert the following new section:

SEC. 10. (a) Section 311 of the Southern Arizona Water Rights Settlement Act of 1982 (96 Stat. 1283) is amended to read as follows:

"SEC. 311. The provisions of section 2415 of title 28, United States Code, shall apply to any action relating to water rights of the Papago Indian Tribe or of any member of such Tribe which is brought—

"(1) by the United States for, or on behalf of, such Tribe or member of such Tribe, or

"(2) by such Tribe.".

(b) The amendment made by this section shall not apply with respect to any action filed prior to the date of enactment of this Act.

Mr. GOLDWATER. Mr. President, the legislation we are considering, H.R. 6206, is an amended version of the proposal I introduced in the Senate on September 17, 1984, and I urge my colleagues to support it and the amendments I am offering to this House-passed bill.

H.R. 6206 amends the Ak-Chin Water Settlement Act of 1978, which represents the first legislative settlement of an Indian tribe's water rights. This new legislation has evolved because of the Department of the Interior's inability to implement the provisions of that settlement.

Under the terms of the existing public law, the Ak-Chin Indian community waived all of its past and future claims to the water resources associated with the reservation, which effectively freed the non-Indian community in the vicinity from the threat of water litigation. In exchange, the U.S. Government was to identify, acquire, and deliver 85,000 acre-feet of water annually to Ak-Chin beginning in 1984. Delivery was to be in two phases: An interim supply of water in the 1984 to 2002 period and a permanent water supply no later than 2003; however, because of potential conflicting water rights, prohibitive water development costs, and insufficient ground water supply, that interim water has never been delivered to the Indian community.

As it became apparent that the Interior Department could not implement the settlement on a timely basis, discussions between Interior Department officials and the Ak-Chin Indian community resulted in an agreement-in-principle which is embodied in H.R. 6206. The major features are as follows: First, the United States agreed to secure for Ak-Chin its permanent water supply for delivery in 1988 via the central Arizona project [CAP]; second, the United States agreed to provide a series of benefits with a present value of about $28 million in place of water deliveries in the 1984 to 1987 period; third, Ak-Chin agreed to reduce its statutory water entitlement from 85,000 acre-feet annually to 75,000 acre/feet annually in normal and wet years and 72,000 acre-feet annually in dry years; and fourth, Ak-Chin would not sue the United States for breach of contract and seek the statutorily provided damages for failing to deliver water in the 1984 to 1987 period.

The next step was for the Department to acquire water. This was done by an agreement-in-principle, also embodied in this legislation, with the Yuma-Mesa division of the Gila reclamation project, in which 50,000 acre-feet of Yuma-Mesa's water provided by the Boulder Canyon Project Act of 1922 is being reallocated. The priority for use of this water is senior to that of CAP deliveries. In exchange for the reallocation, $11.7 million in benefits will be furnished to the Yuma-Mesa division. Approximately $9.4 million of this is earmarked for water conservation measures within the division to ensure more efficient use of water in the division. The division's districts will also be relieved of $2.3 million in repayment obligations still outstanding on the Gila project.

Mr. President, it should be pointed out that the bill does not allow the Ak-Chin community to use its water off reservation. There had been some concern among other Western States as there was a provision in the original bill which would have allowed the Indian community to sell or exchange its water off reservation; however, this provision was deleted on the House floor. We are talking about on-reservation water use only.

The first of my amendments decreases the amount of acreage, from 40,000 acres to 37,187 acres, which the Yuma-Mesa division is allowed to irri-

gate. The Yuma-Mesa people offered to do this to contribute to the water conservation program which is intended to result in additional Colorado River water being conveyed to central Arizona as a result of this settlement.

The second amendment, technical in nature, merely reconfirms the fact that any of the surplus aggregate water which the Secretary of the Interior does not use in fulfilling his obligation to the Indians goes to the central Arizona project.

As for the third amendment, the creation of a special fund is designed to address concerns raised in Arizona regarding the potential effect of the revised Ak-Chin settlement on other water users. The fund will be established to provide proceeds that may be used in future years, when overall water shortages occur, to acquire water to offset the impacts, if any, of the Ak-Chin settlement on available water supplies.

The fund will require a one-time $1 million Federal contribution that must be matched by the local water users. It is in accord with the cost-sharing principles enunciated by the administration. Moreover, there will be no continuing Federal liabilities related to the administration of the fund. It will be administered by a local entity—the Central Arizona Water Conservation District—and is specifically for the acquisition of water in years of water shortage. The fund is not intended to be used for new water development projects nor can it be used to produce money for contributions to other projects requiring Federal cost sharing or to offset existing Federal repayment obligations. The provision of seed money to the fund in the near future will ensure that sufficient proceeds are generated to permit the acquisition of the potentially needed water for central Arizona.

The last amendment is unrelated to the Ak-Chin proposal. It would put the remaining Papago Tribe's water rights claims on the same footing as the claims of other tribes under the statute of limitations. This technical amendment cures a defect in the Southern Arizona Water Settlement Act of 1982, but in no way does it affect the water rights settled in that act.

Mr. President, the State of Arizona, the Arizona Congressional Delegation, and the Department of the Interior all support the revised Ak-Chin Water Settlement Act and the amendments I have proposed. Again, I urge my colleagues' support for this measure.

Mr. President, I ask unanimous consent that a memorandom pertaining to this matter be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

PAPAGO WATER RIGHTS CLAIMS: STATUTE OF LIMITATIONS

REQUESTED ACTION

The Papago Tribe of Arizona requests that corrective legislation be enacted by the 98th Congress to afford the Tribe the same time for commencing any action relating to its claims for damages for injuries to water as is granted to all other Indian tribes by Section 2415 of Title 28, United States Code, as amended.

Unless such legislation is promptly enacted, the Tribe must file suit be December 31, 1984 under the terms of Secton 311 of P.L. 97-293 (96 Stat. 1274) or it will be barred from bringing an action. If the Tribe is compelled to file, there will be thousands of defendants, including the United States. The tribal litigation expense would be hundreds of thousands of dollars and the combined expense of the defendants would be in the millions of dollars. The pendency of the litigation will cause severe economic and social disruption in central Arizona.

BACKGROUND AND NEED

Section 311 of P.L. 97-273 extended the time for the Papago Tribe for bringing action on claims for injuries to water to December 31, 1984. This provision was adopted at a time when it appeared that a general extension would not be enacted. It was part of a compromise agreed to by the Tribe in return for agreeing to delete from P.L. 97-293 settlement provisions relating to the Tribe's water rights in the Chuichu area of the Sells Reservation and the Gila Bend Reservation. At that time it was believed that legislation setting these water rights would be enacted by December 31, 1984.

Settlement negotiation are in progress and legislation has been introduced in the House and Senate (S. 2855, S. 2856, H.R. 5968 and H.R. 5969). There is no time left to complete negotiations and pass settlement legislation in this Congress.

Subsequent to enactment of P.L. 97-293, the Congress granted a general extension of the time for filing suit "except as otherwise provided by the Congress:" (P.L. 97-293). As a result, the Tribe's claims for injuries to water were excluded.

On August 10, 1984. Papago tribal officials met with many of the major water users who would necessarily be defendants in such litigation and after discussion of proposed settlement solutions, the tribe requested support for an extension of the statute of limitation to enable fruitful negotiation to continue and eliminate the necessity of litigation at this time. The Tribe received a favorable response to its request. A copy of those in attendance is attached hereto. To our knowledge, there is no opposition to the proposed corrective legislation the Tribe proposes.

AK-CHIN WATER SETTLEMENT

Mr. DECONCINI. Mr. President, I am a consponsor of the amendments being offered by Senator GOLDWATER to the Ak-Chin water settlement legislation, H.R. 6206, now being considered by this body. These amendments in no way affect the water rights assigned to the Ak-Chin community under the agreement in the legislation, but instead will provide mechanisms to allow the State to recover a portion of the water that will be lost as a result of the new water settlement.

The first amendment clarifies a provision in the bill requiring that any water that is not utilized by the Ak-Chin community, will revert to the State for use by its CAP customers. This essentially technical amendment will require the Secretary to contract with other CAP users for any water that is not used by the Indian tribe.

The second amendment establishes a water conservation fund to be administered by the Central Arizona Water Conservation District [CAWCD] in the amount of $2 million. Revenues accruing in the fund will be made available to the State of Arizona to utilize in so-called dry years when water availability is insufficient to meet the commitments for CAP water allocations, and to enhance water availability in central Arizona through whatever conservation methods the CAWCD deems appropriate. The funds will be used to pay agricultural users not to irrigate in these dry years, thus freeing up valuable water for use elsewhere in the State. Because the 50,000 acre-feet of water being transferred to the tribe from the Yuma Mesa Irrigation District has been factored into the State's allocations for CAP water, the State will experience a water shortage in the dry years and will not have the ability to meet its commitments to provide water to its CAP customers at the levels contracted. When there is sufficient water availability, the trust fund will not be used but the revenues will accrue interest.

This approach makes a lot of sense to me and to the State. Under the terms of the existing Ak-Chin Water Settlement Act, the Secretary is required to pay damages to the tribe throughout the period in which a permanent supply of water is not developed. It is my understanding that the cost of damages over the next several years is in the range of $60 million. The trust fund approach will cost Interior $1 million but end up saving the Federal Government tens of millions of dollars in future year damages. The costs of the fund will be shared by the CAWCD, which will contribute a matching $1 million to the fund. At the same time, the new legislation will resolve the Ak-Chin water issue once and for all.

The third amendment being proposed is not related to the Ak-Chin settlement, but will alleviate another Indian water problem. The amendment will extend the statute of limitations for the filing of claims to water rights for the Papago Tribe in the Gila Bend and Chuichu areas of the Papago Indian Reservation. The Congress is presently reviewing legislation to settle the claims to water in the Chuichu and Gila Bend areas but will not take final action before the existing statute of limitations expires on

December 31, 1984. Negotiations of water settlements are far preferable to lengthy and costly litigation but Congress has not had sufficient time to act. Extension of the statute of limitations will protect the Papago Tribe's right to seek damages against the Federal Government should the legislation not be successful.

Mr. President, the entire Arizona congressional delegation and the Governor have been consulted on these amendments. I believe there is virtual agreement that these amendments are necessary to protect the rights of the State while at the same time resolving the longstanding question of how the Secretary of the Interior will provide a permanent supply of water to the Ak-Chin community. Issues involving water rights are never easy ones to resolve. While the State raised many concerns over the proposed water agreement outlined in the pending legislation, I believe many of those concerns will be put to rest with the addition of these new provisions. At the same time, had the State and the entire congressional delegation been consulted on the elements of the new agreement, the Department of the Interior could have alleviated controversy over the new water settlement prior to the bill's introduction.

There are cities in Arizona which may be adversely impacted as a result of the pending water settlement legislation; the city of Phoenix, in particular, has serious concerns that the amount of funds to be derived from the conservation trust fund will be insufficient to meet the needs of central Arizona in several consecutive dry years. I share their concerns and continue to believe that the Federal contribution should be raised from $1 million to $3 million with an equal increase to the CAWCD's contribution. However, because my negotiations with the Secretary of the Interior to reach agreement on these higher levels have not been successful, I will reluctantly concede to the levels outlined in the amendment. I do expect, at the same time, that if these levels prove insufficient in future years, that the Interior Secretary will seek an increased authorization.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona [Mr. GOLDWATER].

The amendment (No. 4391) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank my good friend from Arizona.

Mr. GOLDWATER. It is a pleasure. I thank my friend from Alaska.

JOINT REFERRAL OF H.R. 4025

Mr. STEVENS. Mr. President, I ask unanimous consent that a bill, H.R. 4025, to authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building, and the site thereof, located in the District of Columbia, and for other purposes, be jointly referred to the Committee on Environment and Public Works, and the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF SAMUEL C. WILLETT

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate H.R. 718 for the relief of Samuel C. Willett.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 718) for the relief of Samuel C. Willett.

Without objection the Senate proceeded to consider the bill.

Mr. WILSON. Mr. President, I rise today to express my support for H.R. 718, a bill providing for the private relief of Samuel C. Willett of San Juan Capistrano, CA. I am the sponsor of the companion bill in the Senate, S. 1599.

Samuel C. Willett is the adopted son of Mr. and Mrs. David Willett. This dedicated couple met and adopted Samuel while serving on behalf of the United States of America as Peace Corps Volunteers in Liberia. Due to the absence of birth records for Samuel, the Willetts, for Liberian administrative adoption purposes, chose August 5, 1955, as his date of birth. This date falls 1 year later than the accepted age for legally adopted children to receive immigration benefits, as stated in the Immigration and Nationality Act, as amended.

From 1972 through 1978, Samuel lived with the Willetts and became an integral part of their closely knit family. However, when the Willetts returned to the United States, Samuel was unable to enter with them. Later, Samuel obtained a student visa to the United States, allowing him to live with his family while pursuing his educational interests. However, this was only a temporary remedy to the humanitarian problem that Samuel and the Willetts have been forced to endure. Without the adoption of this private relief legislation, Samuel will be forced to depart the United States, leaving behind the only real family he has ever known, and with whom he has resided for over 12 years. In its wisdom, this country has always sought to maintain the family unit. I call upon the Senate today to perpetuate this tradition by allowing Samuel Willett to remain with his family.

Certainly these remarks cannot be complete without acknowledging the many individuals who have taken an active interest in this bill. The community of San Juan Capistrano has gone so far as to make Samuel an honorary citizen. The deluge of letters of support that I have received from those who know the Willetts reflects the vigorous efforts of Californians to see the Willett family remain together. Congressman DAN LUNGREN, ranking minority leader of the House Subcommittee on Immigration, has extended his invaluable and devoted support for the passage of this bill. His exhaustive work and legislative abilities have been of immeasurable assistance in the passage of this humanitarian bill. My thanks also go to Congressman BADHAM, sponsor of the bill in the House.

My commitment to this bill is based upon my personal concern for the Willett family, a concern that was substantiated and strengthened by personal interviews with the Willetts in their home. This interaction provided me with further assurance of the Willetts' love for, and commitment to, Samuel. Their words and actions reiterated their deep, uncompromising desire to have Samuel remain with them.

Therefore, I request favorable action on H.R. 718, which truly will dictate the future of the Willett family, today, tomorrow, and beyond.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE IN THE DATE FOR COUNTING THE ELECTORAL VOTES

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 649, and I ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

H.J. Res. 649, changing the date for the counting of the electoral votes in 1985.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time.

Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 649) was considered, ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN HEALTH CARE IMPROVEMENT ACT AUTHORIZATIONS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2166.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 2166) entitled "An Act to authorize appropriations to carry out the Indian Health Care Improvement Act, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. UDALL, Mr. MCNULTY, Mr. GEJDENSON, Mr. RICHARDSON, Mr. YOUNG of Alaska, Mr. MCCAIN, Mr. DINGELL, Mr. WAXMAN, Mr. SCHEUER, Mr. LUKEN, Mr. BROYHILL, and Mr. MADIGAN be the managers of the conference on the part of the House.

Mr. STEVENS. Mr. President, I move that the Senate disagree with the House amendments and agree to the conference requested by the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ANDREWS, Mr. GOLDWATER, Mr. GORTON, Mr. MURKOWSKI, Mr. MELCHER, Mr. INOUYE, and Mr. DECONCINI conferees on the part of the Senate.

MINERAL RIGHTS IN LANDS ACQUIRED FOR GARRISON DAM PROJECT HELD IN TRUST

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 1187, S. 2480.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2480) to declare that the mineral rights in certain lands acquired by the United States in connection with the Garrison Dam and Reservoir Project are held in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italics.)

S. 2480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Fort Berthold Reservation Mineral Restoration Act".

SEC. 2. (a) Subject to the provisions of this Act, all mineral interests in the lands located within the exterior boundaries of the Fort Berthold Indian Reservation which—

(1) were acquired by the United States for the construction, operation, or maintenance of the Garrison Dam and Reservoir Project, and

(2) are not described in subsection (b),

are hereby declared to be held in trust by the United States for the benefit and use of the Three Affiliated Tribes of the Fort Berthold Reservation.

(b) The provisions of subsection (a) shall not apply with respect to—

(1) lands located in Township 152 North or Township 151 North of Range 93 West of the 5th principal meridian which lie east of the former Missouri River, and

(2) lands located in any of the following townships: Township 152 North and Township 151 North of Range 92 West of the 5th principal meridian; Township 152 North and Township 151 North of Range 91 West of the 5th principal meridian; Township 152 North and Township 151 North of Range 90 West of the 5th principal meridian; Township 152 North, Township 151 North, Township 150 North, and Township 149 North of Range 89 West of the 5th principal meridian; Township 152 North, Township 151 North, Township 150 North, and Township 149 North of Range 88 West of the 5th principal meridian; and Township 152 North, Township 151 North, Township 150 North, and Township 149 North of Range 87 West of the 5th principal meridian.

SEC. 3. Any exploration, development, production, or extraction of minerals conducted with respect to any mineral interest described in section 2(a) shall be conducted in accordance with such regulations as the Secretary of the Army shall prescribe in order to—

(1) protect the Garrison Dam and Reservoir, or

(2) carry out the purposes of the Garrison Dam and Reservoir Project.

SEC. 4. (a) Nothing in this Act shall deprive any person (other than the United States) of any right, interest, or claim which such person may have in any minerals prior to the enactment of this Act.

(b) The United States may renew or extend any lease, license, permit, or contract with respect to any mineral interest described in section 2(a) after the date of enactment of this Act only if—

(1) the governing body of the Three Affiliated Tribes of the Fort Berthold Reservation approves of such renewal or extension, or

(2) the holder of such lease, license, or permit or a party to such contract (other than the United States) had the right to renew or extend such lease, license, permit, or contract prior to the date of enactment of this Act and such holder or party exercises such right of renewal or extension.

(c) All rentals, royalties, and other payments with respect to any mineral interest described in section 2(a) accruing to the United States after the date of enactment of this Act shall be held in trust by the United States for the benefit and use of the Three Affiliated Tribes of the Fort Berthold Reservation.

SEC. 5. Public Law 87-695 is amended—

(1) by striking out "such former Indian land" and inserting in lieu thereof "such land",

(2) by striking out "Subject" in the first sentence and inserting in lieu thereof "That (a) subject", and

(3) by adding at the end thereof the following new subsection:

"(b) Subsection (a) shall not apply with respect to any lands described in section 2(b) of the Fort Berthold Reservation Mineral Restoration Act.".

SEC. 6. (a) The Secretary of the Army and the Secretary of the Interior may enter into agreements for the transfer to the United States of any land located near the Garrison Dam and Reservoir Project which is held in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation or any individual Indian if such agreement is approved—

(1) in the case of land held for the benefit of such tribes, by the governing body of such tribes, or

(2) in the case of land held for the benefit of any individual Indian, by the individual or individuals holding a majority of the beneficial interest in such land.

Any land transferred to the United States under the preceding sentence shall be treated as land acquired for the operation and maintenance of the Garrison Dam and Reservoir Project.

(b) The Secretary of the Army and the Secretary of the Interior may enter into agreements under which any land *within the exterior boundaries of the reservation* acquired by the United States for the construction, maintenance, or operation of the Garrison Dam and Reservoir Project that is no longer needed for such purposes is declared to be held by the United States in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation.

SEC. 7. The provisions of this Act, and of any agreement entered into under section 6, shall not be taken into account under section 2 of title I of the Second Deficiency Appropriation Act, fiscal year 1935 (25 U.S.C. 475a) or section 2 of the Act of August 13,

1946 (60 Stat. 1050) for purposes of determining any offset or counterclaim.

SEC. 8. To the extent that there are net proceeds from the development of any mineral interests described in section 2(a) of this Act, in excess of $300,000 the Three Affiliated Tribes of the Fort Berthold Reservation shall reimburse the United States the fixed sum of $300,000 from such proceeds. This reimbursement shall be deemed full reimbursement for any and all payments from the United States that the Three Affiliated Tribes received for the mineral estate, or any portion thereof, described in section 2(a) of this Act.

Mr. STEVENS. Mr. President, I move adoption of the committee amendments.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2480) was ordered to be engrossed for a third time, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO HOLD H.R. 6221 AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 6221, to provide for the use and distribution of certain funds awarded to the Wyandot Tribe of Oklahoma, be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, when the Senate completes its business today, it will stand in recess until the hour of 11 a.m. tomorrow.

Following the time for the two leaders under the standing order, there are special orders for not to exceed 15 minutes each for Senators PROXMIRE and KASSEBAUM.

Mr. President, it is the intention of the leadership to turn to consideration of H.R. 5973, the Interior appropriations bill, following routine morning business.

Mr. President, I ask my good friend, the distinguished Senator from West Virginia, the Democratic leader, if he has anything more to come before the Senate.

Mr. BYRD. Mr. President, I thank my good friend from Alaska, the assistant Republican leader, for his courtesy. It is characteristic of him. I appreciate it. But I have nothing.

RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 6:39 p.m., recessed until tomorrow, Wednesday, September 26, 1984, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, September 25, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember those people who know difficulty because of the anxieties of life. O God, our prayers are with those who know pain or suffering, that they may be healed; with those who experience loneliness or despair, that they might be comforted; with those who are captive, that they might be freed; with those who face discrimination, that they might know justice. Gracious God, whose love surrounds us, may Your blessing be with all Your people that we may know the gift of Your peace, that peace that surpasses all human understanding. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5172. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1984 and 1985 and for related purposes.

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 2688. An act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1985 and 1986, and for other purposes.

The message also announced that the Senate had passed a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 310. Joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week"; and

S. Con. Res. 139. Concurrent resolution condemning South Africa's arrests and detentions of political opponents.

CONFERENCE REPORT ON H.R. 5743, AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES PROGRAM APPROPRIATIONS, 1985

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 5743) making appropriations for Agriculture, Rural Development and Related Agencies Programs for the fiscal year ending September 30, 1985, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-1071)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5743) "making appropriations for the agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 14, 19, 25, 26, 27, 29, 31, 32, 38, 45, 55, 65, 66, 67, 70, 72, 75, 78, 79, 80, 81, 82 and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 7, 13, 17, 18, 23, 24, 28, 30, 35, 36, 42, 43, 60, 73, 74, 77 and 85, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,385,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information work and programs authorized by Congress in the Department, $6,655,000, of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: Provided, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

For necessary expenses for liaison with the Congress on legislative matters, $495,000.

For necessary expenses for programs involving intergovernmental affairs, emergency preparedness, and liaison within the executive branch, $465,000.

And the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$14,929,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$27,328,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$46,000,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert *$500,000; for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$284,276,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$17,741,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$337,829,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$26,500,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate num-

bered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,515,000*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$344,199,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$395,056,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to insert the following in lieu of the sum named therein: *$100,000*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,345,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,221,000,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,220,000,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For direct loans from the Self-Help Housing Land Development Fund pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $27,700,000.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$732,000,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$700,000,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$28,000,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,420,000,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$500,000,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$340,000,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$150,000,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$115,000,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$115,000,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *1490c) $8,000,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation, as authorized by section 522 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), $5,000,000.

And the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$14,654,000*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$8,750,000*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$83,448,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$5,038,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 8, 9, 10, 20, 33, 44, 68, 69 and 84.

JAMIE L. WHITTEN,
BOB TRAXLER,
MATTHEW F. MCHUGH,
WILLIAM H. NATCHER,
DANIEL K. AKAKA,
WES WATKINS,
JACK HIGHTOWER,
NEAL SMITH,
BILL ALEXANDER,
VIRGINIA SMITH,
J. K. ROBINSON,
JOHN T. MYERS,
HAROLD ROGERS,
SILVIO O. CONTE,
Managers on the Part of the House.

THAD COCHRAN,
JAMES A. MCCLURE,
MARK ANDREWS,
JAMES ABDNOR,
BOB KASTEN,
MACK MATTINGLY,
ARLEN SPECTER,
MARK O. HATFIELD,
TOM EAGLETON,
JOHN C. STENNIS,
LAWTON CHILES,
QUENTIN N. BURDICK,
JIM SASSER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5743) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING ADVISORY COMMITTEES (USDA)

Amendment No. 1: Appropriates $1,385,000 for Advisory Committees of the Department of Agriculture instead of $1,398,000 as proposed by the House and $1,384,020 as proposed by the Senate. Within the funds provided, the Secretary will be expected to establish a group of outside experts to review and propose simplications of USDA forms.

WORKING CAPITAL FUND

Amendment No. 2: Appropriates $6,000,000 for the Departmental Working Capital Fund as proposed by the Senate instead of $8,000,000 as proposed by the House.

Amendment No. 3: Deletes Senate language making this appropriation available without fiscal year limitation. The conferees agree that the planned purchase of currently leased equipment should be accomplished during fiscal year 1985.

OFFICE OF GOVERNMENTAL AND PUBLIC AFFAIRS

Amendment No. 4: Appropriates a total of $7,615,000 for the Office of Governmental and Public Affairs instead of $7,691,000 as proposed by the House and $7,614,090 as proposed by the Senate. The conference agreement also separately identifies the funding available for public affairs, congressional affairs, and intergovernmental affairs as proposed by the House instead of providing funding in a single amount as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL

Amendment No. 5: Appropriates $14,929,000 for the Office of the General Counsel instead of $15,079,000 as proposed by the House and $14,642,000 as proposed by the Senate.

Amendment No. 6: Provides a transfer of $786,000 from the food stamp program to the Office of the General Counsel as proposed by the House instead of a transfer of $723,000 as proposed by the Senate.

The net effect of the conference agreement provides a total of $15,652,000 for the Office of the General Counsel instead of $15,865,000 as proposed by the House and $15,365,000 as proposed by the Senate. The conference agreement includes $500,000 to fund legal services previously financed by reimbursement from the Forest Service.

AGRICULTURAL RESEARCH SERVICE

Amendment No. 7: Appropriates $489,022,000 for the Agricultural Research Service as proposed by the Senate instead of $485,379,000 as proposed by the House.

For human nutrition research the conference agreement includes increases over the budget request for the following locations:

Tufts Nutrition Research Center	$1,800,000
Grand Forks Nutrition Research Center	429,000
Children's Nutrition Research Center, Baylor College of Medicine	300,000

The House bill had provided increases of $1,800,000 for the Tufts Nutrition Research Center and $300,000 for the Children's Nutrition Research Center at Baylor. The Senate bill had provided an increase over the budget request of $429,000 each for Tufts, Grand Forks, the Children's Center at Baylor, and Letterman Hospital in San Francisco.

For brucellosis research the conference agreement provides $3,244,000 as proposed by the House instead of $2,744,000 as proposed by the Senate.

For dairy forage research the conference agreement provides $2,970,000 as proposed by the Senate instead of $2,829,000 as proposed by the House.

For the research facility at Beckley, West Virginia, the conference agreement provides $2,076,000 as proposed by the Senate instead of $1,977,000 as proposed by the House. For the research facility at Kearneysville, West Virginia, the conference agreement provides $2,700,000 as proposed by the Senate instead of $2,571,000 as proposed by the House.

For sugarcane research the conference agreement provides $2,578,000 as proposed by the Senate instead of $2,328,000 as proposed by the House.

For research on potatoes the conference agreement provides $4,999,000 as proposed by the Senate instead of $4,761,000 as proposed by the House.

For postgraduate fellowships the conference agreement provides $3,000,000 instead of $5,000,000 as proposed by the Senate. The House bill contained no similar provision. The conferees note that $2,000,000 is included for postgraduate fellowships in connection with the 1890 land-grant colleges and Tuskegee Institute, for a total USDA program of $5,000,000.

For plant stress research at Lubbock, Texas, the conference agreement provides $900,000 as proposed by the House instead of $750,000 as proposed by the Senate.

For the research center at Lane, Oklahoma, the conference agreement provides $300,000 as proposed by the House instead of $176,000 as proposed by the Senate.

For cherry dieback research the conference agreement provides $172,000 as proposed by the House instead of $107,000 as proposed by the Senate.

The conference agreement provides for two weed research projects as proposed by the House funded at $100,000 each. The Senate bill contained no provision for these two projects.

For the research centers at Wenatchee and Yakima, Washington, the conference agreement provides increases of $48,000 and $61,000, respectively, as proposed by the Senate. The House bill contained no similar provision.

The conferees agree that the existing joint program for the foothill area in the Yazoo Basin, where the Soil Conservation Service and the Corps of Engineers have been directed to coordinate their authorities and funds to meet the problems of watershed protection and flood prevention and, if possible, control, needs additional research to determine the methods and means to prevent deterioration of drainage outlets, streambank erosion and increased runoff. This program, made necessary by 3 one hundred-year floods in 10 years, recognizes that treatment of the watershed is essentially a part of any flood prevention or control program. Cooperative projects with local contributions may be used to the fullest extent possible.

To do this job in the most effective manner, the National Sedimentation Laboratory, which supports the work of the Army Corps of Engineers and the Soil Conservation Service, should also coordinate its activities with that of the Army Corps of Engineers Vicksburg Waterways Experiment Station for the most effective answers.

The National Sedimentation Laboratory is to make such facilities available as required to house the scientists, supporting staff, and equipment needed in support of the joint effort. For that purpose, $1,750,000 is appropriated for personel, equipment and facilities to carry out this research effort; $350,000 for personnel and support costs and $1,400,000 for any necessary expansion of facilities. The $350,000 for salaries and expenses is for first-year start up costs of the scientific and support staff to work in support of the joint effort with the Soil Conservation Service and the Corps of Engineers. Cooperation of the Engineering School of the local University is expected, and the above funds shall also be available for students who may work on this project.

The conference agreement provides for a general reduction of $852,000 instead of $900,000 as proposed by the Senate. The House bill contained no similar provision. The conferees will expect that an additional $100,000 will be applied to the program at the Southeastern Fruit and Nut Tree Laboratory in Byron, Georgia, for an increase of $100,000 over the program level proposed in the fiscal year 1985 budget.

CITRUS CANKER

Because of the potential impact on the domestic citrus industry and the disruption of interstate commerce and international trade, the conferees note with deep concern the recent outbreak of citrus canker in the State of Florida. As this outbreak appears to be of an unknown yet highly virulent strain, the conferees direct the Agricultural Research Service to immediately accelerate research into its characteristics, methods to prevent its spread, and methods for its eradication. The conferees expect the Department to report to Congress within 90 days concerning the progress being made in this important area.

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that uniform allowances for each uniformed employee of the Agricultural Research Service shall not be in excess of $400 annually.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which added Fresno, California, to the exceptions contained in the bill regarding the purchase of land.

BUILDINGS AND FACILITIES

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Agricultural Research Service, where not otherwise provided, $23,050,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $9,100,000 for construction of the Metabolism and Radiation Research Laboratory at North Dakota State University as proposed by the Senate. The agreement also includes $11,100,000 for construction of the National Soil Tilth Center at Ames, Iowa, as pro-

posed by the Senate, and $700,000 in planning funds for a Warmwater Aquaculture Research Center at Mississippi State University as proposed by the Senate. The conference agreement includes $1,400,000 for expansion of the National Sedimentation Laboratory to support the Soil Conservation Service and the Army Corps of Engineers in the joint effort to solve the flooding and siltation problems in the small streams and rivers in the foothills area of the Yazoo Basin, as previously discussed.

The conference agreement also includes $300,000 for planning a germplasm collection facility at Aberdeen, Idaho, as proposed by the Senate. For construction of an administration and laboratory building for the Small Farms Research Center at Booneville, Arkansas, the conference agreement includes $450,000 as proposed by the Senate. The House bill contained no funds for planning or construction of buildings and facilities.

The agreement also provides that these funds shall remain available until expended.

COOPERATIVE STATE RESEARCH SERVICE

Amendment No. 11: Earmarks $27,328,000 for special research grants instead of $17,235,000 as proposed by the House and $29,407,000 as proposed by the Senate.

The following table reflects the conference agreement for special research grants:

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Special Research Grants (P.L. 89–106)	(17,235)	(29,407)	(27,328)
STEEP—Soil erosion in N.W.	622	622	622
Food and agriculture policies	156	156	156
Soybeans		518	
Pest management	3,091	3,091	3,091
Rural development centers	311	311	311
Soybean cyst nematode (Missouri)	300	300	300
Bean and beet (Michigan)	97	97	97
Animal health		7,156	6,000
Aquaculture (Stoneville)	420	420	420
Dairy and beef photoperiod (Michigan)	35	35	35
Pesticide clearance	1,440	1,440	1,440
Minor use animal drugs	240	240	240
Pesticide impact assessment	2,069	2,069	2,069
Dairy goat research (Texas)	100	100	100
Aquaculture (general)		518	518
Germplasm resources	1,000	1,000	1,000
Blueberry shoestring virus (Michigan)	96	96	96
Peach tree short life (S. Carolina)	192	192	192
TCK smut (wheat)	361	361	361
Acid precipitation		695	
Sugarland use research (Hawaii)	150	150	150
Mosquito research	480	480	480
Int'g. prod. systems (Oklahoma)	250	200	250
Marketing and processing research (Oklahoma)	100		100
Dried bean (North Dakota)	25	50	50
Sunflower insects (North Dakota)		150	150
Tropical and subtropical	3,250	3,250	3,250
Potato research:			
Eastern	200	200	200
Midwestern	200		200
Western	200	400	200
Asparagus yield decline (Michigan)	100	100	100
Bio-control of grasshoppers	50	50	50
Wool research (Texas)	150		150
Ag Policy Institute (Missouri)	450	450	450
Biomass from dairy processing waste (Missouri)	300	300	300
Stone fruit decline (Michigan)	300		300
EDB replacement (Hawaii)	300	300	300
Forestry research		3,000	
Wood utilization research			3,000
Integrated reproduction management (Nebraska)	100		100
Cranberry/blueberry disease and breeding (New Jersey)	100		100
Alternative cropping systems in the Southeast		660	300
Maple research		250	100

The conferees expect that the wood utilization research program located at Purdue University will cooperate with Michigan State University in the research conducted in the Mid-west.

Amendment No. 12: Earmarks $46,000,000 for competitive research grants instead of $32,518,000 as proposed by the House and $50,000,000 as proposed by the Senate.

The following table reflects the conference agreement for competitive research grants:

[In thousands of dollars]

	House	Senate	Conference
Competitive research grants:			
Plant science	7,500	15,000	16,500
Soybean research	(518)		(518)
Acid precipitation	(695)		(695)
Alcohol fuels	(540)		(540)
Animal science	7,500	4,500	4,500
Animal health	(7,000)		
Brucellosis	(500)		(500)
Reproductive efficiency			(2,500)
Aquatic science	518		
Aquaculture	(518)		
Pest science	5,000		3,000
Gypsy moths	(1,000)		(1,000)
Boll weevil/boll worm	(1,000)		(1,000)
Pine bark beetle	(1,000)		(1,000)
Human nutrition (animal and plant)	2,000	2,000	2,000
Biotechnology	10,000	28,500	20,000
Sugarcane in Hawaii	(250)		
Total, competitive research grants	32,518	50,000	46,000

The conferees direct the agency to implement a formal reporting procedure to report accomplishments under the competitive research grants program to the House and Senate Appropriations Committees on a quarterly basis.

Amendment No. 13: Earmarks $5,760,000 for the support of animal health and disease research as authorized by section 1433 of Public Law 95–113 as proposed by the Senate.

Amendment No. 14: Deletes Senate language earmarking $540,000 for grants in accordance with section 1419 of Public Law 95–113.

Amendment No. 15: Earmarks $500,000 for rangeland research grants instead of $1,000,000 as proposed by the Senate. These grants shall be based on a matching formula of 50 percent Federal and 50 percent non-Federal funding, except for grants to Federal laboratories.

Amendment No. 16: Appropriates a total of $284,276,000 for the Cooperative State Research Service instead of $254,441,000 as proposed by the House and $291,395,000 as proposed by the Senate.

EXTENSION SERVICE

Amendment No. 17: Provides for payments to Micronesia as proposed by the Senate.

Amendment No. 18: Deletes House language providing for a transfer of $25,533,000 from the food stamp program to the expanded food and nutrition education program.

Amendment No. 19: Earmarks $3,500,000 for the urban gardening program as proposed by the House instead of $3,000,000 as proposed by the Senate.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $2,500,000; payments for a financial management assistance program under section 3(d) of the Act, $1,000,000;*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement earmarks $2,500,000 for renewable resources extension activities instead of $4,000,000 as proposed by the Senate.

The agreement also includes $1,000,000 to support additional state extension efforts in assisting financially distressed farmers. These funds will be available for comprehensive financial management guidance and counseling either through seminars conducted by the university or by direct assistance from the local county agent.

Amendment No. 21: Earmarks $17,741,000 for payments to the 1890 land-grant colleges and Tuskegee Institute instead of $17,724,000 as proposed by the House and $17,758,000 as proposed by the Senate.

Amendment No. 32: Appropriates $337,829,000 for the Cooperative Extension Service instead of $308,779,000 as proposed by the House and $337,846,000 as proposed by the Senate.

Amendment No. 23: Adds Micronesia as proposed by the Senate.

NATIONAL AGRICULTURAL LIBRARY

Amendment No. 24: Appropriates $11,400,000 as proposed by the Senate instead of $11,661,000 as proposed by the House.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

Amendment No. 25: Appropriates $277,041,000 for salaries and expenses of the Animal and Plant Health Inspection Service as proposed by the House instead of $267,181,000 as proposed by the Senate. The conference agreement includes $73,400,000 for brucellosis eradication. $1,100,000 for the Federal share of the funds needed to conduct a boll weevil eradication program in Arizona and California, and $500,000 for the control of outbreaks of grasshoppers and Mormon crickets.

The conferees will expect that the measures of progress in the brucellosis eradication program as outlined in the House report will be achieved by the end of fiscal year 1985.

Amendment No. 26: Deletes Senate language earmarking funds for the control of outbreaks of grasshoppers and Mormon crickets. The conferees will expect the $500,000 to be accounted for separately within the total funds provided.

Amendment No. 27: Deletes Senate language earmarking the Federal share of the funds needed to conduct a boll weevil eradication program in Arizona and California. The conferees will expect the $1,100,000 to be accounted for separately within the total funds provided.

BUILDINGS AND FACILITIES

Amendment No. 28: Appropriates $2,361,000 for buildings and facilities of the Animal and Plant Health Inspection Service as proposed by the Senate instead of $2,386,000 as proposed by the House.

FOOD SAFETY AND INSPECTION SERVICE

Amendment No. 29: Appropriates $353,239,000 for the Food Safety and Inspection Service as proposed by the House instead of $355,248,000 as proposed by the Senate. The Conferees will expect the Department to submit a supplemental budget request at the earliest possible date to secure appropriated funds for the continuous in-

spection of processing plants in the event that the legislative proposal to allow discretionary inspection does not become law.

ECONOMIC RESEARCH SERVICE

Amendment No. 30: Appropriates $45,614,000 as proposed by the Senate instead of $45,752,000 as proposed by the House.

Amendment No. 31: Deletes Senate language requiring the Economic Research Service and the Agricultural Marketing Service to conduct a study of the State milk control laws and the impact of such laws. The conferees feel that such a study should be conducted and will expect the two agencies to carry out the study; however, the conferees do not feel it is necessary that provisions for studies be carried in bill language.

STATISTICAL REPORTING SERVICE

Amendment No. 32: Appropriates $56,289,000 for the Statistical Reporting Service as proposed by the House instead of $56,430,000 as proposed by the Senate.

The conference agreement includes a reduction of $562,890 as proposed by the Senate and restores $537,980 of the general House reduction instead of $678,890 as proposed by the Senate. The agreement also includes $25,000 to restore the peanut stocks and processing report as proposed by the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that none of the funds appropriated or made available under this Act may be used by the Secretary of Agriculture to implement any amendment to an order applicable to a fruit, vegetable, nut or specialty crop issued pursuant to section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), unless each such amendment thereto is submitted to a separate vote.

The conference agreement ensures that growers will have an opportunity to vote on each proposed amendment separately, without that amendment being linked to any other consideration, including termination of the order, unless a majority of the growers favor such action.

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 34: Limits administrative expenses from fees collected by the Agricultural Marketing Service to $26,500,000 instead of $30,910,000 as proposed by the House and $23,072,000 as proposed by the Senate.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Amendment No. 35: Makes a technical correction in the bill as proposed by the Senate.

PAYMENTS TO STATES AND POSSESSIONS

Amendment No. 36: Appropriates $990,000 for payments to States and possessions as proposed by the Senate instead of $1,000,000 as proposed by the House.

OFFICE OF TRANSPORTATION

Amendment No. 37: Appropriates $2,515,000 for the Office of Transportation instead of $2,540,000 as proposed by the House and $2,514,600 as proposed by the Senate.

FARM INCOME STABILIZATION

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

Amendment No. 38: Appropriates $50,857,000 for salaries and expenses of the Agricultural Stabilization and Conservation Service as proposed by the House instead of $52,201,000 as proposed by the Senate.

Amendment No. 39: Provides for a transfer from the Commodity Credit Corporation of $344,199,000 for salaries and expenses of the Agricultural Stabilization and Conservation Service instead of $342,452,000 as proposed by the House and $345,992,000 as proposed by the Senate.

Amendment No. 40: Provides a total of $395,056,000 for salaries and expenses of the Agricultural Stabilization and Conservation Service instead of $393,309,000 as proposed by the House and $398,193,000 as proposed by the Senate.

DAIRY INDEMNITY PROGRAM

Amendment No. 41: Appropriates $100,000 for the dairy indemnity program instead of $180,000 as proposed by the House.

CORPORATIONS

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

Amendment No. 42: Appropriates $200,000,000 for administrative and operating expenses of the Federal Crop Insurance Corporation as proposed by the Senate instead of $202,234,000 as proposed by the House.

FEDERAL CROP INSURANCE CORPORATION FUND

Amendment No. 43: Appropriates $110,000,000 for the Federal Crop Insurance Corporation Fund as proposed by the Senate instead of $126,000,000 as proposed by the House.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$8,350,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $8,350,000,000 for reimbursement for net realized losses of the Commodity Credit Corporation instead of $8,500,000,000 as proposed by the House and $8,698,269,000 as proposed by the Senate.

The Commodity Credit Corporation is a revolving fund and when commodities are sold competitively in world trade, the proceeds from the sale are returned to the fund. Since the Corporation is now selling competitively in world trade, sufficient funds can be returned to the fund to allow the reduction below the budget request agreed to by the conferees.

GENERAL SALES MANAGER

Amendment No. 45: Restores House language providing for the General Sales Manager to be organizationally independent of the Foreign Agricultural Service. The Senate language included the General Sales Manager under the Foreign Agricultural Service (Amendment No. 72).

The conferees have agreed to the House report language which directs the Sales Manager to prepare two specific reports for the use of the House and Senate Appropriations Committees. The first will be a report of the cost to the farmer and the U.S. economy of each embargo on the sale of agricultural products beginning with the soybean embargo in 1973. The second will be a report of the economic impact, by year, on the U.S. farmer and the U.S. economy of failing to sell U.S. farm commodities at competitive prices in world markets. The conferees will expect to receive a preliminary report by November 1, 1984, and a final report shall be submitted no later than December 30, 1984.

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

OFFICE OF RURAL DEVELOPMENT POLICY

Amendment No. 46: Appropriates $2,345,000 for the Office of Rural Development Policy instead of $2,439,000 as proposed by the House and $2,017,000 as proposed by the Senate. The conference agreement includes $350,000 for contracts to develop job opportunities in rural depressed areas of Oklahoma.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Amendment No. 47: Provides that $3,221,000,000 shall be available for insured housing loans instead of $3,170,000,000 as proposed by the House and $3,261,000,000 as proposed by the Senate.

Amendment No. 48: Provides that $3,220,000,000 shall be available for subsidized interest loans to low-income borrowers instead of $3,170,000,000 as proposed by the House and $3,260,000,000 as proposed by the Senate.

The conference agreement provides a total of $900,000,000 for rural rental assistance loans (section 515) instead of $850,000,000 as proposed by the House and $940,000,000 as proposed by the Senate.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

Amendment No. 49: Provides $2,700,000 in loans from the self-help housing land development fund as proposed by the Senate, and makes a technical change in the wording of the amendment.

AGRICULTURAL CREDIT INSURANCE FUND

Amendment No. 50: Provides $732,000,000 for real estate loans instead of $801,000,000 as proposed by the House and $705,000,000 as proposed by the Senate.

Amendment No. 51: Provides not less than $700,000,000 for farm ownership loans, including guaranteed loans, instead of $750,000,000 as proposed by the House and $675,000,000 as proposed by the Senate.

Amendment No. 52: Provides not less than $28,000,000 for water development, use, and conservation loans, including guaranteed loans, instead of $31,000,000 as proposed by the House and $26,000,000 as proposed by the Senate.

Amendment No. 53: Provides $2,420,000,000 for operating loans, including guaranteed loans, instead of $2,070,000,000 as proposed by the House and $2,570,000,000 as proposed by the Senate.

Amendment No. 54: Earmarks $500,000,000 for guaranteed operating loans instead of $150,000,000 as proposed by the House and $650,000,000 as proposed by the Senate.

Amendment No. 55: Deletes Senate language providing that guaranteed operating loans shall be available immediately upon enactment of this Act.

RURAL DEVELOPMENT INSURANCE FUND

Amendment No. 56: Provides $340,000,000 for insured water and sewer facility loans instead of $375,000,000 as proposed by the House and $270,000,000 as proposed by the Senate.

Amendment No. 57: Provides $150,000,000 for guaranteed industrial development loans instead of $200,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 58: Provides $115,000,000 for insured community facility loans instead of $130,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

RURAL WATER AND WASTE DISPOSAL GRANTS

Amendment No. 59: Appropriates $115,000,000 for rural water and waste disposal grants instead of $125,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

RURAL HOUSING FOR DOMESTIC FARM LABOR

Amendment No. 60: Deletes House language appropriating $4,393,000 for rural housing for domestic farm labor.

MUTUAL AND SELF-HELP HOUSING

Amendment No. 61: Appropriates $8,000,000 for mutual and self-help housing instead of $6,000,000 as proposed by the House and $10,000,000 as proposed by the Senate. The amendment also corrects a U.S. Code citation.

RURAL HOUSING PRESERVATION GRANTS

Amendment No. 62: Appropriates $5,000,000 for rural housing preservation grants instead of $10,000,000 for a pilot project as proposed by the House. The additional funds are to expand the program provided for under the Second Supplemental Appropriations Act for fiscal year 1984 (Public Law 98-396).

CONSERVATION

SOIL CONSERVATION SERVICE

RIVER BASIN SURVEYS AND INVESTIGATIONS

Amendment No. 63: Appropriates $14,654,000 for river basin surveys and investigations instead of $15,911,000 as proposed by the House and $13,556,000 as proposed by the Senate.

WATERSHED PLANNING

Amendment No. 64: Appropriates $8,750,000 for watershed planning instead of $8,858,000 as proposed by the House and $8,675,000 as proposed by the Senate.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement includes $350,000 to be used to continue existing contracts with an entity of the State of Oklahoma as provided on page 85 of the House report (No. 98-809).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

Amendments No. 65 and 66: Delete Senate language which proposed exceptions to the annual payment limitation under the agricultural conservation program.

The conferees will expect ACP funds to be allocated to the States in such a manner as to assure that funds are available for installation of practices in the fall season.

TITLE III—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

Amendment No. 67: Restores House language providing that $48,700,000 shall be available only to the extent an official budget request is transmitted to the Congress.

FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$1,254,288,000 for the period October 1, 1984 through August 1, 1985; and $245,712,000 for the period August 2, 1985 through September 30, 1985, which shall be available only to the extent an official budget request is transmitted to the Congress: Provided, That funds shall be apportioned to the States based on an annual appropriation level of $1,500,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a total of $1,500,000,000 as proposed by the Senate instead of $1,254,288,000 as proposed by the House. The House bill included a partial year appropriation for the WIC program, which would have funded the program at an annual rate of $1,500,000,000. The conference agreement provides full-year funding, subject to the submission of an offical budget request.

The agreement also provides that funds are to be allocated to the States based on an annual appropriation level of $1,500,000,000. It is the conferees' intent that participation in the WIC program be maintained by this appropriation and that the program be carried out in such a manner as to fully obligate the $1,500,000,000 appropriated by this Act in fiscal year 1985. Any action to allocate funds inconsistent with a full-year appropriation level for the program of $1,500,000,000 will be an improper withholding of funds.

FOOD STAMP PROGRAM

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$11,450,000,000, of which $652,427,000 shall be available only to the extent an official budget request is transmitted to the Congress*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House bill provided $10,797,573,000, the full amount of the budget request, through the date on which funds would be exhausted operating the program under current law. The Senate bill provided $11,450,000,000, the Congressional Budget Office's estimate of the appropriation necessary to fully fund the program for fiscal year 1985. The conference agreement provides full-year funding, subject to the submission of an official budget request for the balance of the funds.

FOOD DONATIONS PROGRAMS

Amendment No. 70: Appropriates $139,546,000 for the food donations programs as proposed by the House instead of $141,146,000 as proposed by the Senate. The conference agreement includes $116,000,000 for the elderly feeding program, which will maintain this program at the current services level throughout fiscal year 1985.

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

Amendment No. 71: Appropriates $83,448,000 instead of $84,291,000 as proposed by the House and $83,291,000 as proposed by the Senate.

The conference agreement includes $1,000,000 as proposed by the House for purchase of LANDSAT data on the Soviet Union.

Amendment No. 72: Deletes Senate language related to the Office of the General Sales Manager since this program is funded under the Commodity Credit Corporation.

PUBLIC LAW 480

Amendment No. 73: Appropriates $705,000,000 for titles I and III of the Public Law 480 program as proposed by the Senate instead of $555,000,000 as proposed by the House.

Both the House and Senate bills provided for a titles I and III program level of $1,021,000,000. The difference in the appropriation levels related to the funding of the program and not to the program level.

Amendment No. 74: Deletes House language providing for the use of Commodity Credit Corporation funds as authorized by 7 U.S.C. 1702.

Amendment No. 75: Deletes Senate language providing that such additional amounts as may be necessary to replace unrealized estimates of receipts shall be available for the titles I and III program.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Amendment No. 76: Appropriates $5,038,000 for the Office of International Cooperation and Development instead of $3,574,000 as proposed by the House and $5,574,000 as proposed by the Senate.

The conference agreement includes $1,500,000 to support an agricultural scholarship program for foreign students from countries which have graduated from AID assistance. The conferees will expect OICD to consult with the Foreign Agricultral Service, the Department of State, and the appropriate committees of Congress to prevent the selection of students from countries which are competitors with U.S. agricultural exports. In making such determination, consideration shall be given to the production potential of the countries selected. Students should be from those countries needing specific assistance in developing agricultural systems necessary to meet the food needs of their domestic populations.

The conference agreement deletes Senate funding for the Caribbean Basin Initiative and includes a general reduction of $36,000.

TITLE V—RELATED AGENCIES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 77: Appropriates $372,072,000 for salaries and expenses of the Food and Drug Administration as proposed by the Senate instead of $372,172,000 as proposed by the House. The conferees note that should additional staff and funds be needed to implement authorizing legislation with regard to drug price competition and patent term restoration, a supplemental budget request should be submitted at the earliest possible date.

TITLE VI—GENERAL PROVISIONS

Amendment No. 78: Deletes Senate language which provides that funds for the Agricultural Research Service, Buildings and Facilities shall remain available until ex-

pended. This language is included in Amendment No. 10.

Amendment No. 79: Deletes Senate language regarding leverage transactions and dealer options. The conferees agree that this matter should be addressed by the legislative committees, and not by the Appropriations Committees.

Amendment No. 80: Deletes Senate language which added what is known as the "sodbuster" bill. The conferees agree that this bill should be addressed by the legislative committees where the bill is now in conference, and not by the Appropriations Committees.

Amendment No. 81: Deletes Senate language expressing the sense of Congress that in agricultural trade the United States should treat Japan no better than Japan treats the United States. The conferees agree that the current and projected trade balance between the United States and some countries is of great concern. However, the conferees agree that this matter should be addressed by the appropriate legislative committees and not by the Appropriations Committees.

Amendment No. 82: Deletes Senate language expressing the sense of Congress that the Secretary of the Treasury should not issue unregistered bearer bonds. The conferees have deleted this language based on assurances from the administration that unregistered bearer bonds would not be issued.

Amendment No. 83: Restores House language related to rural housing loan funds and the allocation of low-income versus very low-income funds.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 628. The Secretary shall use the authority provided by law in 7 U.S.C. 1981a which provides:

Loan moratorium and policy on foreclosures

In addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this chapter, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: Provided, That if the security instrument securing such loan is foreclosed such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

The Secretary shall implement regulations pursuant to this section within 60 days of the enactment of this Act: Provided, That of the amount made available for guaranteed operating loans, not to exceed $200,000,000 may be added to and used for guaranteed farm ownership loan purposes.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes House language which specified that in the case of a loss of single family housing due to a natural disaster the Secretary shall accept payment of unpaid principal and interest as full settlement of borrower's liability. The conferees have deleted this language but expect that the Secretary will issue new procedures and regulations to see that the present inequities caused by the current regulations are prevented.

The agreement adds language that requires the Secretary to implement regulations within 60 days for carrying out 7 U.S.C. 1981a, enacted August 4, 1978. To date, regulations have not been issued for carrying out 7 U.S.C. 1981a.

At the request of the Secretary, the conferees have included authority to transfer up to $200,000,000 from guaranteed operating loans to guaranteed farm ownership loans. The conferees have been assured by the Department that this authority is necessary to allow the use of the most flexible refinancing authority in the basic law.

The conferees have been assured by the Department that in carrying out the recently announced program, they will also continue to operate the regular guaranteed programs.

Amendment No. 85: Deletes House language providing that each account in the bill be reduced by 1 percent.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1985 recommended by the Committee of Conference, with comparisons to the fiscal year 1984 amount, the 1985 budget estimates, and the House and Senate bills for 1985 follow:

New budget (obligational) authority, fiscal year 1984	$33,743,256,000
Budget estimates of new (obligational) authority, fiscal year 1985	32,219,884,000
House bill, fiscal year 1985	31,811,425,550
Senate bill, fiscal year 1985	33,446,046,710
Conference agreement, fiscal year 1985	32,179,480,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1984	−1,563,776,000
Budget estimates of new (obligational) authority, fiscal year 1985	−40,404,000
House bill, fiscal year 1985	+368,054,450
Senate bill, fiscal year 1985	−1,266,566,710

NOTE.—An additional $946,839,000 will be available to the extent an official budget request is transmitted to the Congress.

JAMIE L. WHITTEN,
BOB TRAXLER,
MATTHEW F. MCHUGH,
WILLIAM H. NATCHER,
DANIEL K. AKAKA,
WES WATKINS,
JACK HIGHTOWER,
NEAL SMITH,
BILL ALEXANDER,
VIRGINIA SMITH,
J.K. ROBINSON,
JOHN T. MYERS,
HAROLD ROGERS,
SILVIO O. CONTE,
Managers on the Part of the House.

THAD COCHRAN,
JAMES A. MCCLURE,
MARK ANDREWS,
JAMES ABDNOR,
BOB KASTEN,
MACK MATTINGLY,
ARLEN SPECTER,
MARK O. HATFIELD,
TOM EAGLETON,
JOHN C. STENNIS,
LAWTON CHILES,
QUENTIN N. BURDICK,
JIM SASSER,
Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5167, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the managers have until midnight, tonight, September 25, 1984, to file a conference report on the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAKING IN ORDER ON OR AFTER SEPTEMBER 26, 1984, CONSIDERATION OF CONFERENCE REPORT ON H.R. 5167, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

Mr. PRICE. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, September 26, 1984, or any day thereafter, any rule of the House notwithstanding, to take up the conference report on the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes, that all points of order against the conference report be waived, and that the conference report be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will state to the Members that there will be no 1-minute speeches today.

The Chair recognizes the gentleman from Louisiana [Mr. LONG].

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 588 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 588

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, and the first reading of the joint resolution shall be dispensed with. All points of order against the consideration of the joint resolution for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order except the following amendments, which shall be considered as having been read, and which shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole:

(1) the amendment printed in the Congressional Record of September 24, 1984, by, and if offered by, Representative Frenzel of Minnesota, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Frenzel and a Member opposed thereto;

(2) the amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Brown of Colorado, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Brown and a Member opposed thereto;

(3) the first amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Price of Illinois, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Price and a Member opposed thereto;

(4) the amendment printed in the Congressional Record of September 24, 1984, by, and if offered by, Representative Conte of Massachusetts, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Conte and a Member opposed thereto;

(5) the amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Miller of California, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Miller and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived;

(6) the amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Panetta of California, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Panetta and a Member opposed thereto;

(7) the amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Williams of Montana, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Williams and a Member opposed thereto;

(8) the amendment printed in the Congressional Record of September 24, 1984, by, and if offered by, Representative Dixon of California, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Dixon and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived;

(9) the amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Fascell of Florida, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Fascell and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived;

(10) the amendment printed in the Congressional Record of September 24, 1984, by, and if offered by, Representative Roe of New Jersey, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Roe and a Member opposed thereto, and all points of order for failure to comply with the provisions of clause 7 of rule XVI and section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived; and

(11) the second amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Price of Illinois, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Price and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived.

At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1210

The SPEAKER. The gentleman from Louisiana [Mr. LONG] is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, the rule before us today makes in order House Joint Resolution 648, the continuing appropriations bill for fiscal year 1985. Before I explain the provisions of the rule, I would like to discuss with my colleagues how we arrived at this point.

As most Members know by now, the rule that we bring to you today is considerably different from the rule that was defeated on the floor last Thursday. The earlier rule was an attempt by Rules Committee members to protect the legislative process, and to say "no," when it is important to say "no."

As we all know, the theory of our legislative process is that we first authorize and then we appropriate. These two steps reflect, to some degree, the whole concept of checks and balances in our Government.

The authorizing committees are supposed to establish policy. The Appropriations Committee is to make decisions on which programs to fund and at what levels. Obviously, these two steps will overlap at times, but the process should allow the House as a body to look at problems from two different perspectives, one of policy and one of budget.

Sometimes, the process works better than it does at others. The past few years could hardly be described as the best of times. We, at the Rules Committee, simply by the nature of our job, find ourselves in the middle of most legislative disputes. I think we all recognize that conflicts are built into the system.

The authorizing committees sometimes feel that the Appropriations Committee is encroaching upon their jurisdictions. The Appropriations Committee, on the other hand, rightfully complains that authorization bills are often not enacted by the time appropriations bills must be marked up.

And, indeed, appropriations bills sometimes lack authorization for as much as two-thirds of the programs they include. To complicate things even more, members of the Appropriations Committee feel that their rightful role has been hampered, and to some extent supplanted, by the budget process itself.

Let me remind my colleagues, however, that continuing resolutions did not spring from the passage of the Budget Act. Rather, the Budget Act was the response of the Congress to the breakdown of the authorization/appropriation process. It was an attempt to try to make that process work.

Long before the passage of the Budget Act, we failed to enact appropriations bills on time, and Government was being run by continuing resolution. The budget process was an effort to respond to the frustrations and conflicts that earlier made rational spending decisions impossible.

If the process has not worked, it is either because there are those among us who do not want the process to work, or because none of us has worked hard enough to make the process work.

Unfortunately, even under the new system, as under the old, there continues to be the inevitable "Christmas tree" bills—those "last train leaving the station" type of bills. For Members lucky enough to get on the train, measures that have languished for a good portion of the Congress are enacted. Other Members, who may have worked as hard, are left, bills in hand, at the station. Obviously, this is no way to run a railroad.

My colleagues and I on the Rules Committee believe that there will eventually be a day of reckoning if we do not come to grips with the substance of our problems. The fault is not in the process; but the fault is in ourselves. While we regret that the membership of the House chose not to endorse our proposal for a clean resolution last Thursday, we nevertheless bend to the will of the majority.

We can only interpret that vote to mean that the House wishes to consider additional amendments to the continuing resolution. We therefore propose today a rule that allows consideration of all 11 amendments we were asked to make in order.

The amendments are listed in the rule and must be printed in the CONGRESSIONAL RECORD by the Member offering the amendment. The amendments are not subject to amendment or to a division of the question. Each amendment may be debated for 30 minutes.

Five of the amendments have waivers. In five of the instances, a waiver is granted for failure to comply with clause 7 of rule XVI, which requires that amendments be germane.

In three instances, a waiver of section 303(a) of the Budget Act is granted because the amendments contain spending and such amendments are not in order prior to the adoption of a first budget resolution. Members should note that the bill itself requires the same waiver of section 303(a) of the Budget Act and for the same reason.

Listed below are the amendments made in order by the rule with a brief explanation of each:

1. Representative Frenzel's amendment would reduce the discretionary budget of the Labor/HHS appropriations by 2 percent—a $500 million reduction.

2. Representative Hank Brown's amendment would provide an across-the-board 2 percent cut of funds appropriated by titles I–III of H.R. 6237, the Foreign Assistance Apprpriation Act for fiscal year 1985, which is referenced by the continuing resolution. Those titles provide funds for Multilateral Economic Assistance, Bilateral Economic Assistance and Military Assistance.

3. Representative Price's first amendment would delete "reported to or subsequently" from the Continuing Resolution. This would have the effect of maintaining the current rate of funding until the House passed the DoD appropriation bill.

4. Representative Conte's amendment would forward fund the Corporation for Public Broadcasting for fiscal year 1987 at $159.5 million—the fiscal year 1986 level.

5. Representative George Miller's amendment would increase title XX funding by $50 million to provide training of licensed or registered child-care center staff in the prevention of child abuse in connection with the provision of child-care services.

6. Representative Panetta's amendment would increase the allotment of food stamps to eligible individuals to reflect the full cost of the thrifty food plan, adjusted to reflect changes in the cost of that plan during the year ending June 30, 1984. Currently, as a result of the Reconciliation Act of 1983, the allotments reflect 99 percent of the cost of the thrifty food plan. This language was included in H.R. 5151, the Hunger Relief Act of 1984, which was adopted by the House on August 1, 1984 by a 364–39 vote. The Senate has not yet acted on H.R. 5151. The amendment would cost $130 million for one year.

7. Representative Pat Williams' amendment would prohibit the use of any funds to contract with a private operator for the administration of a civilian conservation center of the Jobs Corps.

8. Representative Dixon's amendment would provide for the enactment of H.R. 3932, as passed by the House. This would resolve the issue raised as a result of the Supreme Court's Chadha decision relating to the legislative veto. This bill was passed by the House on October 4, 1983, but has not been considered by the Senate.

9. Representative Fascell's amendment would provide for the enactment of H.R. 5119, the International Security and Development Cooperation Act of 1984. The foreign aid authorization bill passed the House May 10, 1984, but has not been considered by the Senate.

10. Representative Roe's amendment would provide for the enactment of H.R. 3678, the Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983. This bill passed the House June 29, 1984, but has not yet been considered by the Senate.

11. Representative Price's second amendment would provide for the enactment of H.R. 5167, as passed by the House on June 1, 1984. The bill is currently in conference committee.

The rule prohibits the offering of any amendment other than those listed in the resolution. The Rules Committee believes that such a rule is necessary because of the nature of a continuing resolution. Continuing resolutions, as the result of a change in House Rules at the beginning of this Congress, are now privileged and do not require a rule for consideration.

General appropriations bills also are privileged and may be considered at any time after the layover period is fulfilled. These regular appropriations bills, however, are subject to a point of order for lack of authorization or for containing legislative language. No such point of order lies against a continuing resolution. There are no prohibitions on what continuing resolutions may contain in regard to legislation or unauthorized programs. They may be reported from the Appropriations Committee with any combination thereof.

In addition, continuing resolutions for the most part are broad-scaled legislative vehicles. For example, the particular measure before us today incorporates nine of the regular appropriation bills for fiscal year 1985. Obviously, a great variety of amendments would be germane to such a measure. In short, if we do not impose some limitations, as proposed by this rule, then the floodgates are open.

Consequently, the Rules Committee reported a rule making in order those amendments requested, but did not leave the continuing resolution totally unprotected on the floor. The motion to recommit could be fairly broad in nature but would be subject to the test of germaneness as well as other applicable House rules.

Mr. Speaker, let me say again that we, at the Rules Committee, have tried to put together a rule that protects the legislative process within a framework that is acceptable to the majority of the House. Obviously, our preference was for a rule we believe to be more consistent with the legislative process. Since that position has not been sustained by the House, we have reported the rule before us today. This rule allows a significant number of amendments covering a substantial spectrum of the legislative arena.

The rule also allows the House to make a yes or no decision on these amendments in a reasonable timeframe, and to conclude its consideration of the continuing resolution in a timely manner.

Mr. Speaker, House Resolution 588 allows the consideration of the continuing resolution and I urge its adoption so that the House may proceed with its legislative business.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week when the rule on the continuing resolution was before this body, I fought it very strongly because I thought it was a turkey.

The Rules Committee went back in session and reported out a resolution which I think this House can vote for. I think the rule is a good rule. It makes in order 11 amendments to be debated for 30 minutes each on the floor of the House and lets the Members of the House decide. I think that is what the decisionmakers in this

body, and by that I mean each individual Member, would like to have as evidenced by their vote in defeat of the rule last week.

I understand that there is going to be a movement to vote down the previous question to add the core of the President's anticrime measure to this resolution.

Mr. Speaker, I feel that the rule reported by the Rules Committee is a good rule. I support it and I urge my colleagues to do likewise.

□ 1220

It is time that we get down to the business of passing this continuing resolution without any further fights because any delay will delay the adjournment of this Congress. And there is nothing more important to the Nation than to see that these Federal agencies continue to operate without interruption, to see that the Social Security recipients receive their checks, and to see that Government operates without delay. And I am sure that those who are proposing to vote down the previous question have in mind the same goal of no delay. But I am afraid that is not what will happen.

I support the President's anticrime package, and I would like to see it come to the floor as a separate measure because it then can be fully debated and enacted into law, embracing the Senate concept or the concept which this House would pass.

So, Mr. Speaker, I urge the adoption of the rule as presented by the Rules Committee.

Mr. Speaker, I reserve the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time. Does the gentleman from Tennessee have any requests for time?

Mr. QUILLEN. Mr. Speaker, I do have six requests for time.

At this time, I yield 5 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. I thank the gentleman from Mississippi for yielding me this time, and, Mr. Speaker, at the outset I want to commend my Rules Committee chairman and colleagues for the courageous stand they took in reporting the first rule on this continuing resolution. I continue to think that it was the right and responsible course to try to keep this continuing resolution lean and clean.

But, the House has spoken and defeated that earlier rule, last Thursday. So the Rules Committee met again last Friday noon, at the request of the Speaker, and reported to you this new rule which makes in order all 11 amendments that were requested of us at our first hearing on this matter. Among other things, this rule will make in order amendments to enact the entire foreign aid authorization, the entire Department of Defense authorization, and the entire water projects authorization. And that's only for starters.

We have also made in order amendments to enact a DC government reorganization bill to correct defects in the original self-government act that have arisen due to the Chadha decision; and we make in order amendments to increase funds for food stamps [Mr. PANETTA], social service block grants for day care worker training [Mr. MILLER], public broadcasting, and to retain Federal control over civilian conservation centers. In short, the Rules Committee has completely capitulated to the perceived will of the House in wanting to make this continuing resolution a pick-up train for all the loose cars that might otherwise be left in the rail yards in this 98th Congress. This continuing resolution has been termed by some as the last train leaving the station, and no one wants to be left behind. Whether this train is bound for glory or somewhere else remains to be seen. I will say that we were additionally able to make in order two amendments which would actually reduce funding in the areas of foreign aid and Labor, HHS and Education—amendments by the gentleman from Colorado [Mr. BROWN] and the gentleman from Minnesota [Mr. FRENZEL]. So, these are not all add-on amendments.

Mr. Speaker, I have already indicated what my first preference was, and the House was rejected that lean and clean approach for this more catch-all approach that is provided under our most recent rule. So I would suggest that as long as we are taking this tack, we should use the opportunity to add just one more item that doesn't involve spending a lot of additional money—it authorizes a minimal amount—and yet should be one of our top priorities in these waning days of the 98th Congress. I am referring to the administration's omnibus anticrime package.

The other body passed S. 1762, the Comprehensive Crime Control Act of 1984, on February 2 of this year by a vote of 91 to 1. The ranking Republican on the House Judiciary Committee, the gentleman from New York [Mr. FISH], introduced that identical bill as H.R. 5963 on June 28 of this year. And yet, both bills continue to languish in the House Judiciary Committee as if crime was really not a matter of serious concern.

Oh, we've gotten dribs and drabs and trickles and pieces from that committee from time to time under the rubric of anticrime legislation; but we haven't really gotten any serious and concerted effort to come to grips with the crime problem in a comprehensive fashion. The rationale seems to be, "Let them eat crumbs, and maybe we can convince them after awhile that we've given them the whole loaf." Well I would suggest, Mr. Speaker, that nobody's really going to take that piecemeal approach seriously, especially when we have a major crime bill already passed by the other body that is just waiting for action by this House.

So what I am suggesting today is that, as long as we are using this continuing resolution as a vehicle for enacting several major authorization bills, we should also use it to enact the comprehensive crime control bill that has been pending in this body since last February. I am going to urge that we defeat the previous question so we can amend this rule and make in order one more amendment which will be offered by Mr. FISH and consist of the text of the Senate-passed anticrime bill.

Let's make it clear to the American people once and for all that this 98th Congress is not going home until we enact this major and comprehensive crime package and that we have the guts to deal with the problem now instead of piecemeal and at a later date.

I, therefore, want to make it quite clear to my colleagues that the vote on the previous question will be a vote on whether you want to enact a major crime package in this Congress. A "no" vote on the previous question is a vote for such an opportunity. A "yes" vote on the previous question will mean that you don't really care about the crime problem. In short, Mr. Speaker, it would be a real crime if we don't take up this comprehensive anticrime bill now. Vote down the previous question.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I support the effort to defeat the ordering of the previous question on the rule and to make in order my amendment to the bill. My amendment—identical to S. 1762—will permit the consideration by the House of Representatives of the President's Comprehensive Crime Control Act of 1984 as it passed the Senate by a vote of 91 to 1. I introduced this measure in the House as H.R. 5963, and I believe the American people want and deserve these improvements.

This somewhat unorthodox procedure is necessitated by the Democratic leadership's refusal to permit this body to consider these important crime proposals. Those few carefully selected crime issues which have been placed before this body have been considered under special procedures that prohibit amendment. This is made particularly unacceptable by the insufficient response to criminal problems posed by House legislation which is often weaker than that passed by the Senate.

Over the past several weeks this body has passed some crime bills that

are a part of the President's package. These crime bills, however, are noncontroversial measures and do not constitute the heart of the Comprehensive Crime Control Act. The three reforms, sentencing reform, bail reform, and reform of the insanity defense, are but a few key provisions which deserve full consideration by the Members.

The failure to consider this important package rests with the House leaders who have prevented this body from acting upon criminal law reforms which I believe are supported by a majority of Members of this body.

It is this extraordinary refusal to permit consideration of crime issues which has led to these procedures which I support today.

Mr. Speaker, S. 1762 and its companion, H.R. 5963, contained 46 parts. The House has passed only 15 parts. Four more have passed the Judiciary Committee. No others have been reported by subcommittees, and only three more have been the subject of hearings. Mr. Speaker, 24 parts of the Comprehensive Crime Control Act have received no House action whatsoever. Over half of the bipartisan Senate crime bill, which not a single Senate Democrat present voted against, has not even been subject to hearings.

With only a few legislative days remaining in this Congress, 10 parts await conferences with the Senate. These numbers indicate the problems with the piecemeal approach. But more important, qualitatively, are measures which have not been granted rules: Bail reform, sentencing reform and the insanity defense.

Mr. Speaker, because of the slow process for the last year and a half that has brought us to this point, there is no time for this Congress to act on all this legislation individually.

□ 1230

The Members should realize and the American people understand that a vote on the previous question on this rule is the only vote in this Congress on comprehensive crime control. It is nothing short of that; it will be known as that.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. I thank the gentleman for yielding me this time.

Mr. Speaker, I join my colleagues in asking that we vote down the previous question so that we might have an opportunity to attach the President's Crime Control Act to this bill coming before us.

I supported the Rules Committee last week; I would much rather that we have a clean bill. This is not a rule for a clean bill, we all acknowledge that. If that is what we are going to do here because we think certain other bills are extremely important, we ought to also allow the President's Comprehensive Crime Control Act to be attached to this legislation.

Why? Because for the very first time in over 7 years, the Roper poll shows that crime and drugs as a combined issue is the No. 1 issue in the United States. For the first time in over 7 years, it is more important than any other issue. More important even than any economic issue.

I would urge my colleagues that we ought to take this opportunity to at least confront it. Some would say that this is not the ideal; I would agree, this is not the ideal. But certainly not having an opportunity to vote on the President's crime bill is not the ideal. This is a bill, mentioned by my colleague just a minute ago, that passed in the Senate without one Democratic vote against it. Ninety-one to one this Congress; 95 to 1 in the Congress before. We have never had a chance to vote on it.

Now we know certain things can be brought here. The ERA was brought here, less than a week of passing out of our Judiciary Committee, in a situation that many of us objected to. That was brought here because the Speaker told us that he would schedule it and he thought it was important.

Yesterday we passed a very important bill, an important bill giving citizenship, posthumously, to Corporal Staniszewki from the great State of Massachusetts. Not only was that brought up in quick order, but it bypassed the subcommittee and the Full Committee of Judiciary. We were scheduled to deal with that bill today, and now we find ourselves a day after it is passed out of the full House.

The point is when the leadership wants certain bills to get to the floor, we have an opportunity to vote on them. There is no other opportunity, evidently, in this House for us to go on the record on bail reform, on sentencing reform, on insanity defense, all those things that are contained in the President's comprehensive crime control package bill that passed the House overwhelmingly.

The sentencing reform package that we want to put in here is Senator KENNEDY's sentencing reform package supported by the President. If the President of the United States and the senior Senator from Massachusetts can get together on something like that, it must be pretty comprehensive, and not very controversial.

We ought to at least have the opportunity to deal with this at this time. Our distinguished late colleague, Carl Perkins, describing the committee on which I am privileged to serve, the Judiciary Committee, referred to it in some ways as the "burial committee." The gentleman from Illinois [Mr. HYDE] calls it the "Bermuda Triangle:" Things go in there and they are lost forever. They do not even make a blip on the radar screen.

What we are saying is bring it back up; give us an opportunity to vote on it. Vote down the previous question when it comes up later today.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule, and I am opposed to any other move to not approve this rule. I recognize that this rule does provide more than many of us would like to see, but this hour in this session of the Congress, when most Members want to go back home, and recognizing the responsibility that we have here in the House to complete the Nation's work for appropriations to fund about 90 percent of our Government, I see no other choice but to support this rule today. That is because on Sunday night, if we do not pass this CR, or some continuing resolution, major portions of our Federal Government are going to be shut down.

Now, some may applaud and say we ought to shut down a lot of it; but that is not the responsible thing to do. I recognize that there are many bills that Members would like to have included in this continuing resolution. I would like to see the crime bill included; I would like to have seen it passed already. I would like to have seen something done about the natural gas bill. We could go down a list of bills that should have been passed by this Congress. Maybe the right thing to do would be for us to stay here for another 2 weeks and complete the Nation's business, but we have not got it done this late, and now we are faced with the one responsibility of how to keep this Government running.

I think it reaches some point where we have to say no to more additions to the CR and, that we are going to continue the vital functions of our Government. The Rules Committee has struck a compromise which is acceptable in my view. It will not be the bill many people would like to see because you did not get your particular bill in, and the crime bill is one of the many that we would like to have seen passed by now. This is an appropriation bill. The amendments that have been made in order by this rule have been considered and passed by the House. To include this crime bill which has not been yet considered by the House and would be allowed only one-half hour for such an important bill is not the way to make law. The crime problem is too important to limit the discussion and not even allow possible amendments.

I hope this House today will not defeat the previous question, will move on with our business as it should

be to approve this continuing resolution so we can go to conference with the other body and do the responsible thing by working out this appropriation.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding me this time.

Mr. Speaker, the issue before us today is not just a question of what is the rule going to look like; it is a question of the agenda of this Congress as we go to the waning days, and are we going to consider one of the most important issues to come before this Congress in many a day that we have not been able to get to the floor of the House. We have been struggling in the 4 years that I have been on the Criminal Justice Subcommittee to get to the floor for a vote the President's omnibus crime bill and the effort has been going for a lot longer than that.

In an effort to allow this body to work its will, to give a chance for all the Members of this body to vote on the President's omnibus crime bill that we have been waiting so long to get a chance to do, I strongly urge the Members to vote to defeat the previous question. It is absolutely crucial that we not allow this kind of procedure to go forward without an opportunity this session of Congress to vote on this comprehensive package.

What is in it? Well, what is in it is major reform of sentencing for one thing. It would require a determinate sentencing by the judges; it would put guidelines on them; it would set up a uniformity of sentencing procedure; it would abolish parole. In essence, we get truth in sentencing again which we have not had in this country for many a year.

It would also have bail reform in it, a situation where we could finally have an opportunity for judges to be able to say no, I am not going to release somebody out onto the streets if he is a danger to the community. It has the insanity defense reform in it. It has, as Mr. FISH said earlier, 46 different parts in it, 24 of which have never been up in this Congress, even out of our committee for hearings.

Nonetheless, this package passed the other body by an overwhelming vote of 91 to 1 in this Congress. It passed by 99 to 1 in the last Congress. The people of the United States have a right to expect this body, the Congress of the United States, the House of Representatives, to act on this crime package to get at one of the major problems of our Nation, and there is no reason why a matter as noncontroversial as this is should be thwarted a vote on the floor of the House because some of the leadership do not like some of the provisions that the vast majority of us would readily endorse, would readily vote for.

So, again, I urge the Members to vote down the previous question and let us go forward with an opportunity to vote on this Omnibus Crime package in this session of Congress, this week, and get on with the duty of this body.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. DEWINE].

Mr. DEWINE. I thank the gentleman for yielding me this time.

Mr. Speaker, the question today is a question of priorities. Why do the people send us to Washington? It may be very easy to say we should not put anything on this bill and slip away home next week; that might be the easy thing to do. Let no one have any doubt about what the issue is on this vote.

I urge defeat of the previous question. If you are serious about passing anitcrime legislation; if you want to make systemic changes; if you want to make comprehensive changes in the Criminal Code, this is the only way in this Congres you are going to be able to do it.

We have waited 2 years, 2 years and this is the only chance we are going to be able to get to do it. If the Members think it is wrong that a trial court judge today in the Federal system cannot consider the dangerousness to the community, that a hardened criminal is dangerous to the community in setting bond, if you think a trial court judge should be able to consider that, then I ask you to vote no.

If the Members think that we need tremendous changes in our sentencing law, then I ask the Members to vote no. If you and your constituents are tired of seeing people get a lengthy sentence and turn around and not really serve that sentence but be out in a few days, then I ask you to vote "no."

□ 1240

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume. I do not want anyone else in this House to feel that JIM QUILLEN does not support the anticrime package; I do. I think the way that it is being proposed today is not correct. I think that making a fight to defeat the previous question is simply making a point.

The continuing resolution is no place for the anticrime measure. It deserves special attention. It deserves a special schedule on the floor of the House. It deserves full debate because it is so important to America, but tacking it on to a continuing resolution is merely making a point and I do not think at this late hour it is the time to do it.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding this time and I would ask a "no" vote on the previous question on the rule.

The Comprehensive Crime Control Act is the only chance at doing something constructive about criminal law reform in a comprehensive manner in this Congress. A "no" vote on the previous question will be the real law and order vote for this Congress.

A "no" vote on the previous question will be your real and only law and order vote in this Congress. Adoption of the Comprehensive Crime Control Act, incidentally, could make the continuing appropriations resolution a lot more acceptable at the White House, I would think.

The people of this Nation expect more from this Congress than they are getting. Some constructive, comprehensive, effective reform of criminal law is the least we can do after 15 years of study, and we can to it now.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding to me. Mr. Speaker, the proponents of this rule argue that the time is late, that we cannot at this late hour take up this bill. Well, I would suggest that we ought to check how they voted the other day when we had a chance for a clean continuing resolution when the Appropriations and the Public Works Committees had figured out they did not have enough pork in that resolution so they would not vote for a clean resolution.

The hour is late because they made it late but there is room in this bill for all kinds of things. Now we have got child care provisions in there and all kinds of things, but we cannot put crime in. It seems to me that here is a place where we can address the crime issue.

Let us also take a look at the point, this bill has a better chance of getting signed into law if this crime package is in there. The President is probably going to veto a pork bill but if we put the crime package in there it has got a better chance of getting enacted into law so the people who want to get it enacted might better vote for the move that we are going to make to put the crime package into the bill.

Mr. LOTT. Mr. Speaker, would the gentleman yield just for a couple of brief points?

First of all, if you vote against the previous question you are not killing this rule. All you would be doing is give the House an opportunity to vote on the criminal law reform package.

Mr. WALKER. Mr. Speaker, the gentleman is absolutely correct, not killing the law in any way.

Mr. LOTT. If the gentleman will yield further for one point.

Mr. Speaker, under this rule the gentleman from New York [Mr. FISH] would have 30 minutes to explain the

omnibus crime package and the chairman of the Committee on the Judiciary could offer the substitute amendment and would also have 30 minutes. It would be the usual 30 minutes of debate on an issue of this kind and so we would have an opportunity to vote on comprehensive criminal law reform.

Mr. WALKER. That is correct, Mr. Speaker, and I do not think anybody can hide behind procedure here. This is the vote on this session on crime. This would tell your constitutents whether you are willing to see tough anticrime measures at least debated in the House of Representatives.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I rise in support of the effort to defeat the previous question so we can vote on the issue of crime legislation. But my comments this morning are an objection to bringing to the floor of the House for consideration a continuing resolution whereby Members are precluded from offering amendments to reduce spending for individual appropriations bills.

For instance, this continuing resolution will preclude us from offering an amendment to reduce spending in transportation, in defense, and also in the foreign assistance program. This Member from California, during the course of this year, has offered amendments to implement some of the recommendations of the Grace Commission to other individual appropriation bills as they came along. I think that is a proper procedure.

It prevents accountability when we bring up these issues in the continuing resolution. We are precluded from a separate vote on individual appropriation bills. I resent that and I think we should defeat the rule as well.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman for yielding to me. Mr. Speaker, I generally would be standing here speaking against putting something on a rule such as this. However, in this particular instance, we are in the last inning of play. This Congress is about to adjourn and the most important piece of legislation perhaps to have passed the Senate this year continues to sit over here gathering dust and not being considered by this body.

Mr. Speaker, I heard you on the radio this morning speaking of the President and the amount of time that he would work during a day. Mr. Speaker, I have trouble looking at that particular comparison when I see that this Congress is about ready to go out of session for months at a time. I find it very hard to understand how anybody could criticize anyone for not putting in a full work day when we do not put in a full work year.

There is much work that could be done in this Congress and this is the last chance we are going to have to get at this most important piece of legislation.

There is no question about it. This is the crime vote for this session, and anybody who does not realize that is not paying attention.

It is most important that we vote against the previous question and that we bring up the question of this most important crime bill before this House and do it now before it is too late.

I thank the gentleman for yielding and yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of the rule. I thought that the rule that we had down here last week was a good rule and one which would guarantee safe harboring for the continuing resolution.

At that time I commended the Rules Committee and I commend them again. It was a courageous act on their part but it was the right thing to do. Now we are going to have 11 amendments in order here. I am sure they will get all adopted, and the other body over there will have a tremendous amount of amendments. If we are not able, in that conference under the able leadership of my chairman JAMIE WHITTEN and BILL NATCHER, to go over there and strip this bill, we are going to get a veto. We will be here next Friday or next Saturday or next Sunday trying to iron out this situation.

I am going to vote down the previous question because I think if they allow 11 amendments, why not let the crime package in here? We let everything else in.

Just think about it; why not vote down the previous question?

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when a different rule on this same bill was up last week, I fought in the Rules Committee as hard as I could against the rule and I fought against the rule on the floor of the House.

I understand when the Rules Committees met to report out this rule there was no effort to add an anticrime package. Yet we find the fight here on the floor here today to vote down the previous question to add it. And many of the proponents who are seeking to vote down the previous question supported the rule last week.

Whatever each individual Member does is his own right. I criticize no one but we all know the importance of an anticrime package. This is not the vehicle. We are only making a show.

I think we need the anticrime package on the floor of the House as a separate measure, and let us support this rule and let us adopt it and proceed to debate on the continuing resolution as quickly as we can.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. HUGHES].

□ 1250

Mr. HUGHES. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to say to my colleague, the gentleman from Tennessee, that he is absolutely right; it is a show and I regret it because crime really is not a partisan issue. Crime is everybody's problem, and I am just so sorry to see the crime issue get caught up in election year politics.

I am disappointed with some of my colleagues on the Committee on the Judiciary because they have not represented the facts correctly. We have passed or will have passed some 24 crime bills in this Congress. That is probably the most productive effort on crime in the entire five terms I have been here, 10 years.

The administration just last week asked me if I would take up three bills dealing with antiterrorism in the closing days of this session because of the problems that we experienced in Beirut just last week. I have a hearing scheduled tomorrow on three major anticrime bills. We are going to move them through to completion, hopefully in this session of the Congress, because it is important to do so at this time, even though we must have seven bills we are trying to conference with the Senate right now.

I say to my colleague, the gentleman from Florida, that we are moving crime legislation, and he knows that, out of the Subcommittee on Crime as fast as we can turn it out.

I listened to my colleagues here on the floor 2 weeks ago argue against a number of my crime bills because they were brought up on the Suspension Calendar. We were trying to expedite them through the short process to get them over to the other body. My colleagues argued at that time that because they could not offer amendments to bills on the Suspension Calendar that Members should vote against them. Here my colleagues now want to offer in the continuing resolution bills that have never been taken up in the Congress measures, in some instance that we bypassed because we felt there were other bills more important than some of the bills that are included in this package now they want to tack these bills onto the continuing resolution without the benefit of hearings, debate or thoughtful examination.

We passed and sent to, the other body, over a year ago the Justice Assistance Act of 1983. It has been collecting dust since May 1983. If you

were to ask the National District Attorneys' Association what their No. 1 priority is, it is the Justice Assistance Act. That is the one bill that we can work on that will impact street crime. Members surely know that 95 percent of the street crime that is committed, invokes a violation of local law, not Federal law. So the one bill that we can offer that will do something about serious street crime we cannot seem to get out of the Senate.

I say to my colleagues that right now we must have 12 bills in the other body that have not been acted upon. We have passed five major crime bills that the President has already signed into law.

For anybody to get up on this floor and suggest that we have not made major changes in the criminal justice process does not know what he is talking about. The gentleman from Michigan, HAL SAWYER, and I have had an excellent bipartisan working relationship and we have turned this subcommittee into a true anticrime workshop.

So I would urge my colleagues to vote for the previous question. Placing nongermane crime measures on the continuing resolution is no way to legislate.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is incredible that today we have Members who, recognizing the importance of the issue of crime and crime in this country, and who are aware of the serious efforts that have been made by both the Committee on the Judiciary, and the Crime Subcommittee, under the chairmanship of the gentleman from New Jersey [Mr. HUGHES] to deal with these issues, not in a piecemeal fashion, but in a fashion that shows responsibility and deliberation over these matters, ignore that and the actions already taken by the House.

As the gentleman from New Jersey has stated now, the committee has presented to this House over 20 measures and some of them languished in the other body, without serious action. We consider those to be very important matters:

For example, the Justice Assistance Act—identified by most State and local crime fighters as the single most important anticrime measure before Congress. This bill would provide States and local governments—where over 99 percent of criminal prosecutions occur—with matching funds for proven crime fighting programs. It is the only measure before Congress that actually works to increase the detection of crime and the apprehension of criminals. The legislation was included in the seven part anticrime bill passed in the 97th Congress and vetoed by the President. It was again passed by the House in May 1983 and languished in the other body for over a year. Only recently, has the other body taken action on that legislation.

The House has passed 18 crime measures in this Congress.

Other matters that were recently brought to the floor of this House, under suspension of the rules in order to expedite those measures and allow time for the differences that existed between the measures to be resolved in conference, were defeated by the very people who are now discussing the importance of these matters. That procedure had been agreed upon not only by the subcommittee chairman, but the ranking minority member on the other side as a vehicle in order to assure that these matters would have been acted on.

Mr. Speaker, all I can say is that in the last Congress we did have a crime package which included a very important issue, the issue of creating a drug czar to deal with the tremendously difficult problem of drugs and the illegal traffic in narcotics. That was a package agreed upon by our House and the other body. That package went to the President of the United States and the President of the United States vetoed that very important issue.

All I can say is, Mr. Speaker, it just does not comport with what we are hearing. There is no justification whatsoever for this attempt at this time to consider this issue as a crime package.

Some of the Members on the other side of the aisle complained when the committee takes a bill on single limited subject to the floor on the Suspension Calendar because there is no opportunity to perfect the bill through the amendment process. Here some of the same Members support an entire omnibus crime package which in part attempts to undo legislation already passed by the House without any opportunity to carefully review and perfect all of the myriad segments of the bill.

I believe that the best and wisest course of action would be for us to address the limited issues that need be addressed in the continuing resolution—those that deal with authorizations and funding—the purpose of the measure.

GENERAL LEAVE

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 588.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LONG of Louisiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I favor legislation of course, on the crime package and I think all of us understand that this is neither the time nor the circumstances in which such a serious matter should be considered.

Let me say that I would oppose making in order the crime package at this time to the rule. The Committee on Rules held extensive hearings on the rule. No one asked that any of these bills be made in order. While we have made in order the offering of four amendments that are legislative, three of them are complete authorization bills, I must point out that all of these measures have been passed by the House.

I ask Members to vote for the previous question.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous quesiton.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 218, nays 174, not voting 40, as follows:

[Roll No. 411]

YEAS—218

Ackerman	Darden	Harkin
Addabbo	Daschle	Hawkins
Akaka	Davis	Hayes
Albosta	de la Garza	Heftel
Alexander	Dellums	Hightower
Anderson	Derrick	Howard
Andrews (TX)	Dicks	Hoyer
Annunzio	Dingell	Hughes
Anthony	Dixon	Hutto
Aspin	Donnelly	Jenkins
AuCoin	Dowdy	Jones (NC)
Barnard	Downey	Jones (TN)
Barnes	Durbin	Kastenmeier
Bates	Dwyer	Kazen
Bedell	Dymally	Kennelly
Beilenson	Dyson	Kildee
Bennett	Early	Kleczka
Berman	Eckart	Kolter
Bevill	Edgar	LaFalce
Biaggi	Edwards (CA)	Lantos
Boland	Evans (IL)	Leath
Boner	Fascell	Lehman (CA)
Bonker	Fazio	Lehman (FL)
Borski	Feighan	Levin
Bosco	Flippo	Levine
Boucher	Florio	Levitas
Boxer	Foglietta	Lipinski
Britt	Foley	Long (LA)
Brooks	Ford (MI)	Long (MD)
Brown (CA)	Ford (TN)	Lowry (WA)
Burton (CA)	Frank	Luken
Byron	Frost	Lundine
Carper	Fuqua	MacKay
Carr	Garcia	Martinez
Chappell	Gaydos	Matsui
Clarke	Gejdenson	Mavroules
Clay	Gephardt	McCloskey
Coelho	Gibbons	McHugh
Coleman (TX)	Glickman	McNulty
Collins	Gonzalez	Mikulski
Conyers	Gore	Miller (CA)
Cooper	Gray	Mineta
Coyne	Hall (OH)	Minish
Crockett	Hall, Sam	Mitchell
Daniel	Hance	Moakley

Mollohan	Reid	Synar
Montgomery	Richardson	Tallon
Moody	Rodino	Thomas (GA)
Morrison (CT)	Roe	Torres
Mrazek	Rose	Torricelli
Murphy	Rostenkowski	Towns
Murtha	Rowland	Traxler
Myers	Roybal	Udall
Natcher	Russo	Vento
Neal	Sabo	Volkmer
Nichols	Scheuer	Walgren
Nowak	Schumer	Watkins
Oakar	Seiberling	Waxman
Oberstar	Shannon	Weaver
Obey	Sikorski	Weiss
Olin	Sisisky	Wheat
Ortiz	Skelton	Whitley
Ottinger	Slattery	Whitten
Owens	Smith (FL)	Williams (MT)
Panetta	Smith (IA)	Wirth
Patterson	Solarz	Wise
Pease	Spratt	Wolpe
Penny	St Germain	Wright
Pickle	Staggers	Wyden
Price	Stark	Yates
Quillen	Stokes	Yatron
Rahall	Studds	Young (MO)
Ratchford	Swift	

NAYS—174

Andrews (NC)	Hopkins	Porter
Applegate	Horton	Pritchard
Archer	Hubbard	Pursell
Badham	Huckaby	Ray
Bartlett	Hyde	Regula
Bateman	Ireland	Ridge
Bereuter	Jacobs	Rinaldo
Bilirakis	Jeffords	Roberts
Bliley	Johnson	Robinson
Boehlert	Jones (OK)	Roemer
Broomfield	Kaptur	Rogers
Brown (CO)	Kasich	Roth
Broyhill	Kemp	Roukema
Burton (IN)	Kindness	Rudd
Campbell	Kramer	Sawyer
Carney	Lagomarsino	Schaefer
Chandler	Latta	Schneider
Chappie	Leach	Schroeder
Coats	Lent	Sensenbrenner
Conable	Lewis (CA)	Sharp
Conte	Lewis (FL)	Shaw
Coughlin	Livingston	Shelby
Courter	Lloyd	Shumway
Craig	Loeffler	Shuster
Crane, Daniel	Lott	Siljander
Crane, Philip	Lowery (CA)	Skeen
Dannemeyer	Lujan	Smith (NE)
Daub	Lungren	Smith (NJ)
DeWine	Mack	Smith, Denny
Dickinson	Madigan	Smith, Robert
Dreier	Marriott	Snowe
Duncan	Martin (IL)	Snyder
Edwards (AL)	Martin (NY)	Solomon
Edwards (OK)	Mazzoli	Spence
Emerson	McCain	Stangeland
English	McCandless	Stenholm
Erlenborn	McCollum	Stratton
Evans (IA)	McCurdy	Stump
Fiedler	McDade	Sundquist
Fields	McEwen	Tauke
Fish	McKernan	Tauzin
Frenzel	McKinney	Taylor
Gekas	Mica	Thomas (CA)
Gilman	Michel	Valentine
Gingrich	Miller (OH)	Vander Jagt
Gradison	Molinari	Vandergriff
Green	Moore	Vucanovich
Gregg	Moorhead	Walker
Gunderson	Nelson	Weber
Hall, Ralph	Nielson	Whitehurst
Hamilton	O'Brien	Whittaker
Hansen (ID)	Oxley	Winn
Hansen (UT)	Packard	Wolf
Hartnett	Parris	Wortley
Hefner	Pashayan	Wylie
Hiler	Patman	Young (AK)
Hillis	Paul	Young (FL)
Holt	Petri	Zschau

NOT VOTING—40

Bethune	Cheney	Dorgan
Boggs	Clinger	Erdreich
Bonior	Coleman (MO)	Ferraro
Breaux	Corcoran	Fowler
Bryant	D'Amours	Franklin
Goodling	Kogovsek	Rangel
Gramm	Kostmayer	Ritter
Guarini	Leland	Savage
Hall (IN)	Markey	Schulze
Hammerschmidt	Marlenee	Simon
Harrison	Martin (NC)	Williams (OH)
Hatcher	McGrath	Wilson
Hertel	Morrison (WA)	
Hunter	Pepper	

□ 1310

The Clerk announced the following pairs:

On this vote:

Mr. Leland for, with Mr. Corcoran against.

Mr. Guarini for, with Mr. Erdreich against.

Mr. Rangel for, with Mr. McGrath against.

Mr. Pepper for, with Mr. Breaux against.

Mr. STRATTON, Ms. KAPTUR, and Mr. VALENTINE changed their votes from "yea" to "nay."

Mr. DINGELL and Mr. BEILENSON changed their votes from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 135, not voting 40, as follows:

[Roll No. 412]

AYES—257

Ackerman	Coleman (TX)	Ford (TN)
Addabbo	Collins	Frank
Akaka	Conte	Frenzel
Albosta	Conyers	Frost
Alexander	Cooper	Fuqua
Anderson	Coyne	Garcia
Andrews (TX)	Crockett	Gaydos
Annunzio	Daniel	Gejdenson
Anthony	Darden	Gekas
Applegate	Daschle	Gephardt
Aspin	Davis	Gibbons
AuCoin	de la Garza	Gilman
Barnard	Dellums	Glickman
Barnes	Derrick	Gonzalez
Bateman	Dicks	Gore
Bates	Dingell	Gradison
Bedell	Dixon	Gray
Bennett	Donnelly	Green
Berman	Dorgan	Hall (OH)
Bevill	Dowdy	Hall, Ralph
Biaggi	Downey	Hall, Sam
Bliley	Duncan	Hamilton
Boland	Durbin	Hance
Boner	Dwyer	Harkin
Bonker	Dymally	Hawkins
Borski	Dyson	Hayes
Bosco	Early	Hefner
Boucher	Eckart	Heftel
Boxer	Edgar	Hightower
Britt	Edwards (AL)	Hillis
Brooks	Edwards (CA)	Holt
Brown (CA)	Emerson	Horton
Bryant	Evans (IL)	Howard
Burton (CA)	Fascell	Hoyer
Byron	Fazio	Huckaby
Carper	Feighan	Hughes
Carr	Flippo	Hutto
Chappell	Florio	Hyde
Clarke	Foglietta	Jacobs
Clay	Foley	Jeffords
Coelho	Ford (MI)	Jenkins
Jones (NC)	Myers	Smith (IA)
Jones (TN)	Natcher	Smith (NE)
Kaptur	Neal	Smith (NJ)
Kazen	Nichols	Snyder
Kennelly	Nowak	Solarz
Kildee	O'Brien	Spratt
Kleczka	Oakar	St Germain
Kolter	Oberstar	Staggers
LaFalce	Obey	Stark
Lantos	Ortiz	Stokes
Leath	Ottinger	Stratton
Lehman (CA)	Owens	Studds
Lehman (FL)	Packard	Swift
Levin	Panetta	Tallon
Levine	Parris	Tauzin
Lipinski	Patterson	Thomas (GA)
Lloyd	Pease	Torres
Long (LA)	Penny	Torricelli
Long (MD)	Pickle	Towns
Lowry (WA)	Price	Traxler
Luken	Quillen	Udall
Lundine	Rahall	Vander Jagt
Martinez	Ratchford	Vento
Matsui	Reid	Volkmer
Mavroules	Richardson	Walgren
Mazzoli	Rinaldo	Watkins
McCloskey	Rodino	Waxman
McDade	Roe	Weaver
McHugh	Rose	Weiss
McNulty	Rostenkowski	Wheat
Mica	Rowland	Whitehurst
Mikulski	Roybal	Whitley
Miller (CA)	Rudd	Whitten
Miller (OH)	Russo	Williams (MT)
Mineta	Sabo	Wirth
Minish	Scheuer	Wise
Mitchell	Schumer	Wolf
Moakley	Seiberling	Wolpe
Mollohan	Shannon	Wright
Montgomery	Shelby	Wyden
Moody	Shuster	Yates
Morrison (CT)	Sikorski	Yatron
Mrazek	Sisisky	Young (AK)
Murphy	Skelton	Young (MO)
Murtha	Smith (FL)	

NOES—135

Andrews (NC)	Johnson	Pursell
Archer	Jones (OK)	Ray
Badham	Kasich	Regula
Bartlett	Kastenmeier	Ridge
Beilenson	Kemp	Roberts
Bereuter	Kindness	Robinson
Bilirakis	Kramer	Roemer
Boehlert	Lagomarsino	Rogers
Broomfield	Latta	Roth
Brown (CO)	Leach	Roukema
Broyhill	Lent	Sawyer
Burton (IN)	Levitas	Schaefer
Campbell	Lewis (CA)	Schneider
Carney	Lewis (FL)	Schroeder
Chandler	Livingston	Sensenbrenner
Chappie	Loeffler	Sharp
Coats	Lott	Shaw
Conable	Lowery (CA)	Shumway
Coughlin	Lujan	Siljander
Courter	Lungren	Skeen
Craig	Mack	Slattery
Crane, Daniel	MacKay	Smith, Denny
Crane, Philip	Marriott	Smith, Robert
Dannemeyer	Martin (IL)	Snowe
Daub	Martin (NY)	Solomon
DeWine	McCain	Spence
Dickinson	McCandless	Stangeland
Dreier	McCollum	Stenholm
Edwards (OK)	McCurdy	Stump
English	McEwen	Sundquist
Erlenborn	McKernan	Synar
Evans (IA)	McKinney	Tauke
Fiedler	Michel	Taylor
Fields	Molinari	Thomas (CA)
Fish	Moore	Valentine
Gingrich	Moorhead	Vandergriff
Gregg	Nelson	Vucanovich
Gunderson	Nielson	Walker
Hansen (ID)	Olin	Weber
Hansen (UT)	Oxley	Whittaker
Hartnett	Patman	Winn
Hiler	Paul	Wortley
Hopkins	Petri	Wylie
Hubbard	Porter	Young (FL)
Ireland	Pritchard	Zschau

NOT VOTING—40

Bethune	Boggs	Bonior

Breaux	Hall (IN)	McGrath
Cheney	Hammerschmidt	Morrison (WA)
Clinger	Harrison	Pashayan
Coleman (MO)	Hatcher	Pepper
Corcoran	Hertel	Rangel
D'Amours	Hunter	Ritter
Erdreich	Kogovsek	Savage
Ferraro	Kostmayer	Schulze
Fowler	Leland	Simon
Franklin	Madigan	Williams (OH)
Goodling	Markey	Wilson
Gramm	Marlenee	
Guarini	Martin (NC)	

□ 1330

The Clerk announced the following pairs:

On this vote:

Mr. Leland for, with Mr. Corcoran against.

Mr. Rangel for, with Mr. McGrath against.

Mr. Guarini for, with Mr. Pashayan against.

Mr. Erdreich for, with Mr. Cheney against.

Mr. Pepper for, with Mr. Hunter against.

Mr. RUDD changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 905, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT OF 1983

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 905) to establish the National Archives and Records Administration as an independent agency, with the House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so just to check to see whether or not this has been cleared by the minority.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Reserving the right to object, I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, it certainly has.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Mr. BROOKS, Mr. FUQUA, Mr. ENGLISH, Mr. HORTON, and Mr. KINDNESS.

CONTINUING APPROPRIATIONS, 1985

The SPEAKER. Pursuant to House Resolution 588 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 648.

□ 1336

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, with Mr. BROWN of California in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may require.

My colleagues, this is not the easiest job that I ever had dealing with a continuing resolution. I just work here, as you know, and this is a job that my position carries with it.

There are as many explanations of why we face this situation as there are individual Members; to some it is television coverage encouraging everybody to deliver speeches; others say it is the Budget Committee because the Budget Committee has been unable to work out a conference agreement with the Senate side and under the Budget Act we are prohibited from bringing up any spending or revenue bill until they agree on a budget resolution.

Mr. Chairman, because of the budget impass we were forced to go to the Committee on Rules this spring and request that section 303 of the Budget Act be waived. We in turn, have tried to stay within a target based on the resolution that was passed by the House.

Mr. Chairman, it is my best information that, at the moment, we are within the target set by the House passed resolution since the Budget Committee could not get an agreement with the other body. That agreement is required by May 15 of each year. Here we are in September.

Mr. Chairman, whatever the reason for our present situation, the problem is that on October 1 we begin a new fiscal year and unless we act quickly, practically the whole Government comes to a standstill.

Mr. Chairman, let me describe for the Members what our experience shows that we face on the Committee on Appropriations. In the last 4 years, in the continuing resolutions and supplementals, we have held the line on this side to a greater degree than I ever thought possible. But, on the Senate side, they have added amendment after amendment. In 1981, 432 amendments; in 1982, 132 amendments; in 1983, 254 amendments; and this year 216 amendments were added on the other side.

□ 1340

Now I know they will tell you that they dropped a whole lot of them on the way from the Senate over here, but every Senate Member got a news release for his efforts and the House Member did not get any credit for the proposition.

This year, knowing that we were going to conference with the other side, and knowing what we have been facing when we go to the Senate, I talked to members of the Appropriations Committee and asked what are those things that are badly needed, that we believe should be added so that we would be in position to take care of our colleagues in the House and therefor take care of the country.

Let me show you what is involved here. Involved is the fact that in the past dozen years we have had no authorization for new water source starts. The bill H.R. 3678 passed the House under the leadership of our friend, the gentleman from New Jersey, BOB ROE. The items included in full committee action on House Joint Resolution 648 by Mr. BEVILL and the amendment to be offered by Mr. ROE put us in a somewhat equal situation when we go to conference with the Senate. Listen to this. Please remember that these items for needed waste resource development constitute only three-tenths of 1 percent of the increase asked for military spending and foreign aid. Are we going to turn down three-tenths of 1 percent for our own country?

Recently I spoke to the National Coal Association and asked, "Don't you want to save money?" I said, "Yes, but also I want to know where you are going to spend it."

You do not save money by cutting out oil for your automobile. If the foundation of your house is crumbling you do something about it. You cannot put up with a leaky roof too long. We have to take care of our country.

So may I say to my colleagues that not only did we put these things here to look after our country, at the cost of only three-tenths of 1 percent, but in writing to the Rules Committee, I said that we may have overlooked other things that are essential to keeping the country strong so we would understand if they were made in order.

So may I say to my colleagues we bring you what we feel we have to do to give equal treatment to our colleagues in the House. This is what we

have to do to have an equal standing when we get into the conference with our colleagues on the other side so that we are looking after our own country because all the rest depends on it.

Way back in 1959 I made the motion to override the veto of the President of the United States. We passed a public works bill in the Congress with 67 new starts. It was vetoed. We failed to override his veto. It came back to our Committee on Appropriations and with the support of my friend, BILL NATCHER, and MIKE KIRWAN and others, I suggested we cut everything 2½ percent, which was the usual slippage in construction and that we send it back to the President to restore again the right of the American people's branch of the Government, the Congress, to start new projects. My motion carried, but the President vetoed the bill again.

It might interest the Members to know that the President's veto message said in substance that in view of what we owe at home and abroad, in view of the terrible financial problems that we have, we cannot afford these 67 new starts in our own country.

In my argument to the Congress I used the President's own arguments that not to override his veto would be a mistake in view of our troubles at home and abroad, in view of our financial situation, that we have got to take care of our own country. That is all we have left to protect because we do not have gold and silver behind our money, but we have got our country.

Before the Members is an effort to let us start looking after our own country, for it is our own country to which we have to look. That is our wealth. Dollars and cents, we are in bad shape. We need to level off our budget deficits. We need to get back on a stable basis so you can trade and traffic and know what you are doing, but remember that money is only our medium of exchange. Our real wealth is the country itself, the material things.

Mr. Chairman, today I bring to the floor of the House a resolution which will continue the orderly operations of the Government into the next fiscal year. The rule that we are operating under today does provide for the House to work its will on 11 amendments. I do not know what the outcome will be, but I do know that we will be in better shape when we face our Senate counterparts.

BASIC PHILOSOPHY

The continuing resolution that we bring before you today continues what is essential. It is necessary to continue the orderly operations of the Government into the new fiscal year—which is just 6 days away.

As everyone in the Chamber knows, the Committee on Appropriations has been asked to do a very difficult job this year, and we are doing the best we can.

A major principle that is embodied in this resolution is that it basically reflects the latest action of the House in acting upon the individual appropriation bills.

MECHANICS OF THE RESOLUTION

Five bills are provided for the House passed bill rate. They can be found in section 101(a) of the draft; they are: Agriculture, District of Columbia, Interior, Labor-HHS-Education, and military construction.

The foreign assistance bill is provided for in section 101(b) at the rate of operations provided in the House reported bill.

The defense bill is provided for in section 101(c) at the lower of either the current rate or the budget estimate. A special provision is made in this section that automatically adjusts the rate to: First, the committee reported rate, when that occurs, and later to the House passed rate, when the House passes the bill. In addition there are four special limitations that reflect actions taken by the House dealing with: Nicaragua, the MX missile, the antisatellite weapon system, and the cruise missile. These limitations are identical to provisions carried in the House passed authorization bill (H.R. 5167).

The transportation bill is provided for at the lower of either the current rate or the budget estimate in section 101(d).

The Treasury-Postal Service bill is provided for at the rate of operations provided for in the conference report agreed to on the House floor on September 12.

The water resource development appropriations bill (H.R. 3958) which passed the House on October 6, 1983, is carried at the House passed bill rate in section 101(a).

Section 101(f) of the resolution provides continuing authority at the current rate for approximately 20 programs that lack authorization and need to be continued into the coming fiscal year.

TERMINATION DATE

The resolution which you have before you provides funding through September 30 or when a regular bill is enacted into law. The resolution provides that when a regular bill is signed into law, the provisions of this continuing resolution automatically disengage.

ABORTION AND SCHOOL PRAYER LIMITATION

Finally, the mechanics of this resolution provide for the continuation of the existing provisions of law regarding the prohibition, against preventing the implementation of programs of voluntary school prayer and meditation in public schools. These provisions will remain in effect during the duration of the continuing resolution.

NEED FOR ACTION

The rule under which this resolution is being considered makes 11 amendments in order. I do not know what the disposition will be of each of them but I merely remind by colleagues that the fiscal year expires at midnight, Sunday, September 30, and it will not be easy to provide for the orderly continuation of the Government unless we pass this resolution today.

Remember, under the opinion of the Attorney General, unless a continuing resolution is enacted by midnight, Sunday, September 30, many Government services will stop.

I thank my colleagues and urge your support for this resolution. Thank you.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before the House today is the first continuing resolution for fiscal 1985.

The resolution covers the nine regular appropriations bills for fiscal 1985 which have not yet been enacted into law. For projects and activities covered by the resolution, funds are available until September 30, 1985, or for whatever period is specified by the applicable appropriation bill.

If a bill is subsequently enacted, the continuing resolution disengages, and the funding levels and conditions are established by the enacted bill.

Activities covered by five bills are continued at the rate and under the conditions of the bill as passed the House as of October 1, 1984: Agriculture, District of Columbia, Interior, Labor-HHS-Education, and military construction.

Several unauthorized programs which were not included in the House-passed Labor-HHS bill are specifically continued at the current rate.

Activities covered by the defense bill are continued at the current rate or the budget estimate, whichever is lower, under the current terms and conditions. If the 1985 Defense bill is subsequently reported to or passed the House, then the rate and the conditions shall be those reported to or passed the House.

The following restrictions are applied until the 1985 Defense appropriations bill is reported to or passed the House:

No funds shall be available to increase a procurement (P-1) or RDT&E (R-1) line item above fiscal 1984, or to initiate or resume any such line item for which funds were not available in fiscal 1984.

No funds shall be available to initiate certain multiyear procurements.

No funds shall be available for the purpose or effect of supporting direct or indirect military or paramilitary operations in Nicaragua.

Funds for procurement of the MX, testing the antisatellite weapon, and

deployment of the naval nuclear cruise missile are subject to specified restrictions in the House-passed Defense authorization.

Funds for National Guard Reserve and equipment, and retired pay, defense, shall be at the current rate.

Activities covered by the foreign aid bill are continued at the rate, and under the terms and conditions of the bill as reported to the House on September 13, 1984.

Activities covered by the Transportation bill are continued at the current rate or the budget estimate, whichever is lower, and under the current terms and conditions. Several programs which were zeroed in the budget estimate are specifically continued at the current rate.

Activities covered by the Treasury bill are continued at the rate and under the conditions provided in the conference report.

Finally, the resolution funds the 43 new projects in the 1984 public works supplemental as passed the House, and provides funds or authority for 10 additional new projects.

Mr. Chairman, that concludes my summary of the resolution. I will support the resolution on final passage. I did not agree with several of the amendments added by the committee, and I will oppose several of the amendments made in order by the rule.

However, whatever the outcome is today, we must proceed to conference, and do our best to get a resolution that will be signed into law.

It is clear from the action of the Appropriations Committee, and from the action of the House in defeating the rule last week, that we are not going to get a clean resolution from the committee and through the House.

This resolution is the only game in town, so I will vote to pass it and go to conference.

EL NINO DISASTER ASSISTANCE, SMALL BUSINESS ADMINISTRATION

Section 117 of the resolution authorizes disaster assistance loans from the Small Business Administration for fishermen, fish processors, and agricultural enterprises who suffered losses due to abnormal weather and sea conditions related to the El Nino climatic conditions in the Pacific Ocean in 1982 and 1983.

The administration strongly opposes this provision. Assuming an average SBA loan of $10,000—and the average could well be three times that amount—but assuming a $10,000 average, the demand for farm disaster loans could be as high as $350 million. SBA's entire fiscal year 1985 program level for such loans is $500 million, thus only $150 million would be available for all other disasters affecting small businesses. Over the past decade the lowest amount needed for SBA physical disaster loans in any single year was almost $200 million. While disasters cannot be predicted, it is obvious that this El Nino Program would exceed the resources available for such loans.

These farm loans should be processed through the Farmers Home Administration, which has the resources and the expertise to handle them. SBA has authorized staff of 4,000; Farmers Home has 11,700. SBA estimates that they would receive about 35,000 loan applications under this El Nino Program. which would require 360 person-years, or $10.8 million, in additional direct labor costs.

For these reasons I hope this provision will be dropped by the Senate and subsequently by the conference.

DEFENSE

The conference report holds Defense to the fiscal 1984 enacted level or the 1985 budget request—program by program—whichever is lower until the fiscal year 1985 bill is reported by full committee or subsequently passed by the House at which time the reported and/or passed level is triggered in.

No new starts are allowed and no new multiyear contracts may be initiated.

A prohibition against using CIA or any other funds from any Government agency for use against the Government of Nicaragua is imposed.

Funds for the MX, antisatellite weapons, and nuclear-tipped cruise missiles carry the same restriction as is contained in the authorization bill as passed by the House.

The Defense Subcommittee concluded markup of the 1985 bill a week ago and is hoping to go to full committee on September 26. When that occurs, and assuming no major changes, the Defense level will be the committee reported figure of $269.2 billion not including transfers. This is $23 billion below the January request.

In the case of MX, antisatellite weapons, and nuclear cruise missiles, the subcommittee repeated exactly the restrictions contained in the House-passed authorization bill.

The authorization committees have now concluded their conference and while we don't yet know the exact details of agreements reached on the MX, antisatellite weapons, and cruise missiles, we have every reason to believe that the terms of that compromise and the agreement between the Speaker and the majority leader in the other body will be an item of conference in the continuing resolution.

ENERGY AND WATER DEVELOPMENT

Mr. Chairman, the fiscal year 1985 energy and water development appropriations bill was signed by the President last July 16 and became Public Law 98-360. Given that fact, one might well question whether it is appropriate for there to be an energy and water development section in this continuing resolution. It would probably be more appropriate to characterize sections 106 to III of the continuing resolution as an energy and water supplemental appropriation, and in some cases, supplemental authorization. Section 109, for example, provides authorizing language for some 14 projects.

In addition, section 101(a) of the continuing resolution provides appropriations as contained in H.R. 3958, the water resource development supplemental that passed the House last October 6. Also known as the new starts water supplemental, that measure provides for 39 new Corps of Engineers projects and 4 new Bureau of Reclamation projects. Half of the corps projects are not authorized.

A continuing resolution is supposed to do just that—continue ongoing programs until such time as a regular appropriations measure can be adopted. I think that serious consideration should be given to the propriety of using the continuing resolution as a vehicle to authorize and appropriate for new water projects.

My comments should not be regarded as being critical of all of these projects—many of them are extremely meritorious and, under other circumstances, I would be supporting them.

But this is neither the time nor the place to initiate new water projects.

FOREIGN ASSISTANCE

The resolution funds foreign assistance at the rate and as provided in the foreign assistance appropriations bill as reported on September 13, 1984. A summary of the reported bill is as follows:

Bill comparisons:	
Bill as reported	$17,851,743,306
Below budget requests	−419,272,920
Below fiscal year 1985 enacted	−90,120,330
Bill breakdown:	
Multilateral economic budget authority	1,824,285,056
Multilateral economic off budget	(3,684,012,169)
Bilateral economic	6,544,826,250
Military assistance	5,617,632,000
Eximbank direct loans	3,865,000,000
Total	$17,851,743,306

BILL HIGHLIGHTS

Israel—Total aid is $2.6 billion, including $1.2 billion in grant economic aid ($350 million over the administration's request), and $1.4 billion in forgiven military loans (same as the request). Language provides that up to $150 million of the military loans shall be for research and development in the United States for the Lavi Bomber Program, and not less than $250 million of such funds shall be spent in Israel for the Lavi Program. Language also provides that all of the $1.2 billion in grant economic aid shall be provided as a cash transfer before January 1, 1985. Sense of Congress language states that aid levels for Egypt are based in great measure on the con-

tinued participation of that nation in the Camp David accords and on the Egyptian-Israeli Peace Treaty, and Egypt and Israel are urged to renew their efforts to restore a full diplomatic relationship and achieve realization of the Camp David accords.

Sense of Congress language prohibits sales of sophisticated weaponry—specifically advanced aircraft, new air defense weapons systems or other new advanced military weapons systems—to Jordan unless the Government of Jordan is publicly committed to the recognition of Israel and to prompt entry into serious peace negotiations with Israel.

Egypt—total aid in this bill is $1.99 billion, including $815 million in grant economic aid ($65 million over the request) and $1.175 billion in forgiven military loans (same as the request). Egypt also will receive food for peace aid through the Agriculture appropriations bill in the amount of $243.3 million, for a total aid package of $2,233,300,000 in fiscal year 1985.

El Salvador—total aid is $383,250,000, including $260 million in economic aid and $123,250,000 in military aid. The economic aid consists of $180 million in economic support funds ($30 million below the request) and $80 million in AID development assistance. The military aid consists of $106.75 million in military grants ($9.25 million below the request), $15 million in foreign military sales (same as the request), and the requested $1.5 million in military training. Language is included making half of the $106.75 million in military grants available of October 1, 1984, with the remaining half to be available March 31, 1985. The second half could be made available prior to March 31 if the President certifies an emergency, and written approval is obtained from the House and Senate Appropriations Committees.

The administration must also consult with these committees prior to March 31 regarding progress in El Salvador against death squad activities, corruption and misuse of funds, and for improved military performance and peaceful resolution of the conflict there. Congress directs that the second half military aid funds not be obligated until "substantial progress" has been made in these areas. Also, $5 million of the military grant funds cannot be expended until the investigation, trial and verdicts are concluded in the murder case of two United States and one Salvadoran land reform officials.

Turkey, Greece, and Cyprus—total security assistance for Turkey is $540 million, including $410 million in foreign military sales ($115 million below the request) and $130 million in military grants ($100 million below the request). Also, the request of $175 million in economic support funds is included, as well as $4 million requested for military training. Total economic and military aid to Turkey is $719 million, or $215 million below the request. Greece gets the requested $500 million in foreign military sales and the requested $1.7 million in military training, for a total of $501.7 million. Cyprus gets $15 million in economic support funds ($12 million over the request), with bill language prohibiting use of these funds for housing assistance. Report language states that the funds should be used for higher education scholarships for Cypriots in the United States.

Report language urges a peaceful settlement of the conflict on Cyprus, including the return of the town of Famagusta-Verosha to the Government of Cyprus.

The Philippines—total aid is $180 million, including $155 million in economic support funds ($60 million over the request), $25 million in military grant aid (same as the request), and $0 in foreign military sales ($60 million below the request). Bill language ties the ESF funds to the normal administrative review procedures of the Agency for International Development. Report language expresses concern about past misuse of such funds, and continuing concern about human rights abuses and weakness of democratic institutions in the Philippines.

Five percent earmarking of economic support funds for health—bill language is included requiring that not less than 5 percent of the $3.664 billion for economic support funds be used only for the delivery of primary health care services and basic health education (primarily oral rehydration and immunization programs), training for health care workers, and medical supplies and equipment. Such aid is to be provided through private and voluntary organizations and international organizations wherever appropriate.

Population programs and abortion—$290 million is included for population programs, $40 million over the request. Of this total $46 million is for the U.N. Fund for Population Activities, and $20 million is for projects funded by the Office of Population, AID, which funds nongovernmental organizations.

Bill language is included reaffirming the committee's commitment to U.S. population assistance based on existing authorizations, as interpreted by AID's 1982 "Policy Paper: Population Assistant"—in effect, rejecting the administration's more recent policy paper on the subject. Bill language also prohibits the denial of funds by the administration to multilateral or nongovernment private and voluntary organizations for activities paid for by funds other than those appropriated by Congress, so long as those activities are conducted "in accordance with all applicable U.S. Federal laws and regulations." Two provisions in the bill also prohibit the use of population program funds for any country or organization which includes as a part of its programs "involuntary abortion."

International financial institutions—total contributions are $5.185 billion, including $1.501 billion in paid-in budget authority and $3.684 billion in callable capital for the World Bank, the Inter-American Development Bank, the International Development Association, the Asian Development Bank and the African Development Fund and Bank. Included in these totals are $319.6 million in paid-in budget authority and $794.5 million in callable capital to clear up several past due U.S. obligations, of which $150 million in budget authority is for the final U.S. contribution to IDA VI.

ASSISTANCE LEVELS AND LANGUAGE PROVISIONS REGARDING ISRAEL

Aid in fiscal year 1985 appropriations bill, H.R. 6237, as included in the continuing resolution, House Joint Resolution 648—total aid is $2.6 billion, including $1.2 billion in grant economic aid ($350 million over the administration's request), and $1.4 billion in forgiven military loans (same as the request). Language provides that up to $150 million of the military loans shall be for research and development in the United States for the Lavi bomber program, and not less than $250 million of such funds shall be spent in Israel for the Lavi program. Language also provides that all of the $1.2 billion in grant economic aid shall be provided as a cash transfer before January 1, 1985. Sense of Congress Language states that aid levels for Egypt are based in great measure on the continued participation of that nation in the Camp David accords and on the Egyptian-Israeli peace treaty, and Egypt and Israel are urged to renew their efforts to restore a full diplomatic relationship and achieve realization of the Camp David accords. Sense of committee language prohibits sales of sophisticated weaponry—specifically advanced aircarft, new air defense weapons systems or other new advanced military weapons systems—to Jordan unless the Government of Jordan is publicly committed to the recognition of Israel and to prompt entry into serious peace negotiations with Israel.

HUD AND INDEPENDENT AGENCIES

The fiscal year 1985 HUD-Independent Agencies Appropriations Act was signed into law on July 18, 1984 (Public Law 98-371). No general provisions of continuing authority for the programs of HUD and the 17 independent agencies is contained within the reported joint resolution.

Five specific provisions of this resolution, however, do pertain to HUD and the independent agencies. The committee-reported resolution extends for 1 year the authorization for the

Federal Crime Insurance Program, and amends the National Housing Act to give HUD the authority to continue section 236 interest reduction payments and rental subsidies when noninsured State agency rental housing projects are foreclosed.

Language is included to make an Ohio wastewater treatment plant eligible to receive an EPA grant from the State's regular construction grant allocation, and to provide $9 million in budget authority from within recaptured assisted housing funds for a section 8 new construction project in Washington, DC.

Report language to accompany this resolution also includes a table identifying the Veterans' Admininstration's major construction projects for fiscal year 1985 in response to the VA's revised priority list as submitted on August 31, 1984, in accordance with congressional directive.

INTERIOR

The continuing resolution for fiscal year 1985 provides $8.034 billion for the Department of the Interior and 16 related agencies at a rate for operations and to the extent and in the manner provided for in the fiscal year 1985 appropriations bill which passed the House on August 2, 1984.

H.R. 5973, the Interior appropriations bill for fiscal year 1985, has been marked up in full committee in the other body, but has not yet been considered on the Senate floor. The committee-reported bill differs from the House-passed version in more than 400 instances, and recommends $108 million more than the House.

The House-passed Interior bill is $687,840,000 under the fiscal year 1984 enacted level of $8,721,705,000. The fiscal year 1984 enacted figure includes the funding for programs, projects, and activities for fiscal year 1985 as contained within the Second Supplemental Appropriations Act for fiscal year 1984 signed into law on August 22, 1984.

The continuing resolution contains the $5 billion rescission for the Synthetic Fuels Corporation as passed by the House. This rescission is not reflected in the $8.034 total.

House-passed level	$8,033,865,000
Senate committee mark	8,141,830,000
Fiscal year 1984 enacted	8,721,705,000
Revised budget request	8,074,098,000

LABOR/HHS EDUCATION

There are two provisions relating to the Departments of Labor, Health and Human Services, and Education and Related Agencies in House Joint Resolution 648, the continuing resolution.

The first, contained in section 101(a), incorporates the provisions of H.R. 6028, the fiscal year 1985 Labor, Health and Human Services and Education appropriations bill, passed by the House on August 1. Since House passage, we have been awaiting action by the Senate, which is now considering the bill, and so need to make provision in this continuing resolution for the programs considered in that bill, to assure funding is provided come October 1.

The second, contained in section 101(f), makes provision for the many programs on which action was deferred in H.R. 6028, because their authorizations for fiscal year 1985 were not in place. For those programs, primarily in the health area, some $7.9 billion was appropriated in fiscal year 1984, and some $7.1 billion was requested in the fiscal year 1985 budget.

House Joint Resolution 648 provides for continued funding for all the deferred programs except one, which I will mention, at the current rate and under current terms and conditions, in order to allow the programs to continue to operate while the authorization process runs its course.

The one program not covered by House Joint Resolution 648, and thus for which no funding is provided, is the Corporation for Public Broadcasting, an omission that I disagree with and will offer an amendment to correct. Since CPB is 2-year advance funded, the funding in question is for fiscal year 1987. While that may seem like a long time away, the fact is that CPB has been operating on a 2-year advance funded basis since 1975, and that has become a central tenet of its operation, providing time and stability for advance planning. With the outlook for the reauthorization in question, it is important that we make provision for funding CPB at least at its current rate in order to preserve the concept of advance funding for CPB.

As reported from the full committee, the continuing resolution continues funding for programs in the Treasury/Postal Service bill as provided in the House-passed conference report. During consideration of the report, four amendments agreed to in conference were either rejected or removed on a point of order:

No. 24. Small gunmakers amendment: This Senate amendment exempts custom gunmakers from excise tax regulations if they produce less than 50 firearms per year. The House receded in conference, but the provision was stricken on a point of order.

No. 26. Arizona telescope: This Senate amendment waives the duty requirements for articles necessary for the installation and operation of a telescope in the State of Arizona. The House receded, but the provision was stricken on a point of order.

No. 66. Presidential library reform: This legislative bill was added on the Senate floor. It reforms the "out of hand" Presidential library system. The House conferees agreed to recede, but a motion to insist prevailed on a voice vote.

No. 92. Forfeiture bill: This 42-page legislative bill was added on the Senate floor. This legislation—passed by both bodies at some point—reforms the law concerning the confiscation of property seized during drug raids. The provision was stricken on a point of order.

During the regular Treasury/Postal conference, a compromise was reached on a proposed move of BGFO to Hyattsville, MD, from their downtown location because of the Treasury Annex renovation. The report language urged the BGFO to move to GSA facilities, now vacant, in Hyattsville. This language is now in the CR.

The resolution also prohibits the implementation of certain customs regulations concerning duty-free shops in Hawaii.

Other general highlights of the Treasury conference agreement are as follows:

The conference agreement provides $643,465,000 for the U.S. Customs Service. This amount effectively restored the administration's proposed personnel reduction and added another 100 positions. The Senate report instructed the Customs Service to assign these agents and support personnel to the New York City area.

However, the conference report clearly states that "since it is not the policy of the conferees to direct departments as to where personnel should be placed, the conferees direct that the additional 100 customs personnel be assigned to the highest priority drug interdiction task force requirements." At the same time, the conferees did recognize the New York City area as one of these high priority areas.

For the air interdiction program, the conference agreement provides $44,425,000, the amount in the Senate-passed bill. This level is a substantial increase over the amount requested by the administration, $32 million.

The conferees also agreed to accept a House provision prohibiting the Customs Service from closing or consolidating certain offices and functions. Language was also added to the conference report concerning the implementation of interim regulations relating to textiles and textile products.

Under title II, the U.S. Postal Service, the conferees agreed to accept two Senate amendments. First, the conferees agreed to a provision which prohibits the Postal Service from charging any State or local child support enforcement agency a fee for information requested or provided concerning an address of a postal customer. Although the Postal Reorganization Act mandates that charges be assessed for all services provided, certain exceptions have been made, namely, law enforcement agencies.

This amendment is designed to correct an inequity in the postal regula-

tions and assist these programs that operate with scarce resources.

Second, the conferees accepted an amendment prohibiting the consolidation or closing of small rural post offices in fiscal year 1985.

The conferees agreed to accept the House position on the construction of the Federal building in Long Beach, CA. Despite the opposition of the Member representing this area, $20 million was included in this year's limitations. Second, the conferees agreed to delete the House provision prohibiting construction on a Federal building in Charleston, SC. However, report language was included to clarify the committee's intent.

The conference agreement included $5.2 million for the John F. Kennedy Library in Boston, MA. The funds would be used to increase storage space for records and museum objects, to increase classroom and seminar space for educational purposes and to improve maritime access to the library facility. The plan would add about 25,000 square feet to the facility.

As the author of this provision and as a conferee, it's my intention that these funds should be used to address three pressing needs. First, the on-site space for records and Presidential papers is virtually exhausted. The library now stores millions of documents and visual aids at two off-site facilities in the Boston area.

Besides the inconvenience, some records and museum objects are, in the world of library officials, "in immediate jeopardy of deteriorating". Second, since there has been such a big surge in demand for the facility by student groups, these funds will be used for the construction of additional meeting rooms and an auditorium. And third, since the access to Columbia Point is severely limited, these funds will be used to construct a maritime access facility.

As the author of this amendment, it's my intention and I believe the intention of the conferees that these funds should be used for these stated purposes only not for other improvements to this Federal facility. Any other repair or alteration such as the repair of the sea wall should be funded through existing resources of the National Archives. For Member's reference, the House committee report and bill includes these details.

The House bill prohibited OPM from enforcing or even changing the regulations issued concerning a new pay-for-performance system and reductions-in-force. Since he was inaugurated, the President has tried to implement a performance pay system for our Federal civil service. Most Americans agree that Federal employees should not receive automatic within grade increases without any reference to performance. Similarly, "on-the-job" performance should be a factor in the decision to reduce an employee force. The President has tried to bring prudent business practices to the management of our Federal civil service.

For this provision, the conferees agreed to a compromise position. Under this agreement, the prohibition on the regulations will remain in effect until July 1, 1985. This time period should give both sides ample time to work out their differences.

Mr. Chairman, let me also take this opportunity to address an issue affecting the U.S. Postal Service that was included in the second supplemental for fiscal year 1984. During the House consideration of this measure, I offered an amendment that prohibits the Postal Service from changing employee compensation structures during the period of contract negotiations with the unions, as prescribed in the Postal Reorganization Act.

Essentially, the amendment is designed to prohibit the Postal Service from imposing the two-tier pay system while the contract negotiations are in the factfinding stage or in binding arbitration. As I said back in August, the amendment deals only with the process of negotiations, not the issues under consideration. It's basically designed to ensure that the Postal Reorganization Act of 1970 is implemented as the Congress intended.

As the author of this amendment, it was my intention that this provision apply beyond the October 1, 1984 expiration date of H.R. 6040. The language in the amendment specifically stated that funds in "this or any other act" not be used to implement the proposed two-tier system while the contract negotiations were in progress.

During the consideration of the conference report on H.R. 6040, Congressman WILLIAM FORD, chairman of the Committee on Post Office and Civil Service, clearly outlined the scope of this amendment; "the Conte amendment restores the status quo and ensures neutrality while the statutory process works its will. The Postal Service may not use any funds made available to it under any act—including the Postal Reorganization Act—to implement compensation changes except in accordance with a negotiated agreement or an arbitration award."

The House of Representatives clearly expressed its will on a motion offered by Chairman WHITTEN. By a vote of 378 ayes to 1 no, a motion to insist on the Conte amendment was overwhelmingly approved.

For this reason and because the intent of the amendment was to cover the entire period of factfinding and arbitration, I did not offer a similar provision to this continuing resolution.

Mr. Chairman, considering such widespread support in the House, I thought that Members would be interested in an update on the issue.

TRANSPORTATION

I regret that because of a jurisdictional dispute between the Public Works Committee and the Committee on Appropriations, it has not been possible to bring to the floor H.R. 5921, the Department of Transportation appropriations bill for fiscal year 1985.

Section 101(d) provides for the funding of transportation and related programs at the lower of the fiscal year 1984 appropriations or the fiscal year 1985 budget request level, with the exception of four programs for which no 1985 budget request was made. Those four programs, rail/highway crossing demonstrations, local rail service assistance, Northeast Corridor Improvement Program, and activities of the U.S. Railway Association, would be funded at the current rate under section 101(f) of the continuing resolution.

Some of the major differences between the continuing resolution rate and H.R. 5921 as reported from the Appropriations Committee are as follows:

	Continuing resolution level	H.R. 5921 level
Coast Guard operating expenses	$1,670,000,000	$1,750,000,000
Coast Guard A, C 7 I	362,000,000	303,000,000
FAA facilities and equipment	750,000,000	1,500,000,000
FAA airport development grants	800,000,000	987,000,000
Federal aid highways	12,500,000,000	13,300,000,000
Rail/highway crossing demos	15,000,000	48,000,000
Northeast corridor improvement	100,000,000	54,000,000
Amtrak	680,000,000	684,000,000
UMTA formula grants (secs. 9 and 18)	2,390,000,000	2,550,000,000
UMTA discretionary grants (sec. 3)	1,100,000,000	1,125,000,000
UMTA interstate transfer (transit)	250,000,000	320,000,000

Mr. Chairman, as my colleagues can see, the consequence of proceeding by continuing resolution rather than enacting our regular bill is that certain programs have to be carried at a lower rate. I am especially disappointed that the levels of funding for the FAA and mass transit could not have been higher. Nevertheless, this is the consequence of the Public Works Committee's opposition to our bill, and we will have to live with it.

I would like to mention one other item in H.R. 5921, the regular transportation appropriations bill, that is not in the continuing resolution. That item is language prohibiting the Department of Transportation from planning or implementing any change in the current Federal status of the Transportation Systems Center in Cambridge, MA. Similar language was contained in the Senate version of the transportation appropriations bill.

I wanted to make clear that although we have not included that language in the continuing resolution, it is the intent of the committee that no change in the status of the TSC should be made under the authority of this continuing resolution. There is a fundamental premise that ongoing activities should not be terminated

under a continuing resolution, and that principle applies to the TSC.

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Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEHMAN].

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to the gentleman from Pennsylvania.

Mr. GRAY. I thank the gentleman for yielding.

Mr. Chairman, the joint resolution appropriates roughly $3.5 billion for the section 3 and section 9 UMTA programs of which $1.1 billion is distributed to transit recipients through the section 3 urban discretionary grant program and $2.4 billion through the section 9 formula grant program. There is some confusion between UMTA and the transit industry as to funding eligibility under those two programs.

Section 3 of the UMTA Act states that funds may be used for "the acquisition, construction, reconstruction, and improvement of facilities and equipment for use * * * in mass transportation service * * *" Section 9 states that funds "shall" be used for "* * * the planning, equipment, and associated capital maintenance items for use * * * in mass transportation service." The confusion concerns the application of these provisions to the major overhaul of transit rolling stock prior to the end of the rolling stock's useful life.

Though it is generally recognized that rolling stock have standard useful lives—for example, 25–35 years for rapid transit cars and railroad equipment—those periods only apply to the life of the vehicle's body and frame and not to major subcomponent parts which are useful for a much shorter duration. The replacement or reconstruction of these component parts is a major expense over and beyond routine maintenance which transit properties have extreme difficulty affording out of their constricted operating budgets. Quite arguably, these items are legitimate capital items which at or near the end of their useful life must be replaced or completely rebuilt at a significant cost to the transit operator.

If capital funds are proscribed from use for major overhaul purposes, transit properties may be constrained to defer such improvements to avoid the major operating expense. The result will be increased daily maintenance activities in response to subsystem failures and varying subsystem replacement schedules given the different component lives. This will require additional man-hours and facilities and unscheduled troubleshooting and repair. Under such a maintenance program, vehicles become increasingly unreliable due to increased service failures and longer down time to repair. As cars break down more often, those that do run, receive greater usage and thereby deteriorate more rapidly and fail sooner. This circle of deterioration and failures cannot be broken without a complete rehabilitation program to simultaneously restore the subsystems of the vehicle.

In my view, the inclusion of reconstruction of transportation as a eligible expense in section 3, indicates that overhaul projects which call for replacement of major vehicle subsystems and the labor costs associated with the replacement or total rehabilitation of subsystems, should be eligible for section 3 funding.

Section 9 of the act already recognizes that overhauls are capital expenditures by making associated capital maintenance items eligible for section 9 capital expenditures. However, UMTA Circular 9030.1, which interprets the act, unilaterally states that labor costs associated with installing these parts are not eligible. In my opinion, this interpretation clearly thwarts the intent of Congress in allowing capital expenditures for these expensive replacement parts.

The House Committee on Public Works in its committee report accompanying H.R. 5504, which passed the House in June, expresses support for section 3 and section 9 capital funding of mid-life overhauls of transit vehicles. The interpretation I suggest here is, in my view, not inconsistent with that committee report language.

For these reasons I believe that cost/effective vehicle overhaul projects should receive and are eligible for Federal capital funding under the terms of sections 3 and 9.

Mr. LEHMAN of Florida. Mr. Chairman, the gentleman has made a very convincing argument for the capital funding of vehicle overhaul projects. The Federal Government has invested millions of dollars in the acquisition of mass transportation vehicles and has a vested interest in ensuring that they achieve their useful life in a cost-effective manner. Within the context of the provisions of sections 3 and 9 which you have cited, I believe that cost-effective overhauls of bus or rail rolling stock which are intended to ensure the rolling stock achieve their generally recognized useful life could be eligible for Federal capital assistance. I, therefore, also believe complete rehabilitation of subsystems and major subcomponent parts and labor costs involved in installing them during a vehicle overhaul could be considered eligible for capital funding. I strongly recommend that UMTA work with Congress to resolve the confusion in the application of sections 3 and 9 to major overhaul projects.

● Mr. HOWARD. Mr. Chairman, I agree with the gentleman's concerns regarding the vehicle overhaul issue and also believe that major overhauls could be eligible for capital funding through sections 3 and 9. I, therefore, also strongly encourage UMTA to work with Congress to resolve the confusion regarding the application of the sections 3 and 9 programs to major overhaul projects. The Public Works and Transportation Committee will attempt to further clarify the intent of Congress on this issue when it next considers public transit authorizing legislation.●

● Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of the statement made by the gentleman from Pennsylvania. Chicago is the second largest transit system in the Nation and has one of the oldest vehicle fleets. To disallow the cost-effective use of capital funding, conducting major vehicle overhauls means committing the older transit systems to the provision of unreliable service and encourages premature investment of Federal funds in new vehicle acquisitions.●

Mr. CONTE. Mr. Chairman, I yield 3 minutes to my good friend, the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I would like to engage the gentleman from Massachusetts in a colloquy on the meaning of a certain phrase in the resolution. On page 3, line 7, page 6, line 5, and page 7, line 8, there occurs the phrase "current rate" which describes the funding level for certain programs either for the entire fiscal year, or pending passage of a regular appropriations bill.

"The Principles of Federal Appropriations Law," first edition, June 1984, U.S. General Accounting Office, Office of General Counsel, includes the following entry for the phrase "current rate":

> The current rate is equivalent to the total amount of money which was available for obligation for an activity during the fiscal year previous to the one for which the continuing resolution is enacted. * * * Current rate refers to a sum of money rather than a program level. * * * Thus, when a continuing resolution appropriates in terms of the current rate, the amount of money available under the resolution will be limited by that rate.

Mr. CONTE. If the gentleman will yield, it is my understanding that, for the purpose of this joint resolution as reported, the current rate is intended to be as generally defined by the GAO, which is, except where otherwise provided by legislative intent, "equivalent to the total amount of money which was available for obligation for an activity" during the fiscal year 1984.

Mr. FRENZEL. I thank the gentleman.

I further ask the gentleman, then, there are no exceptions to this general rule within the resolution?

Mr. CONTE. There are no exceptions.

Mr. FRENZEL. I thank the gentleman for his helping me to clarify my understanding of the resolution.

Mr. Chairman, I am opposed to House Joint Resolution 648, the continuing resolution for fiscal year 1985.

I have often made known my objection to continuing resolutions. It is a haphazard, appalling procedure. We have continuing resolution only when we come up short. We have huge continuing resolutions like this one when we have failed miserably. The failure, however, is not that of the Appropriations Committee. It belongs to all of us in policy branches of government.

This single bill, as far as I can tell, contains well over half of the total spending for the next fiscal year. It threatens to become a vehicle for every sort of left over favorite program.

We are stuck with this horrible bill because of our failures of the last 9 months. It is my intent to attempt wherever possible to limit the damage to the public purse.

My judgment is that this bill will be far over budget. The factsheet provided by the Budget Committee indicates that this bill is about $26.5 billion under the allocation assigned to the Appropriations Committee by our budget. Sadly, that estimation is misleading.

First, the bill funds defense at last year's level. We have learned that an accommodation has been reached between our leadership and that of the other body, centering on a 5-percent real growth rate for defense. That will add about $23 billion to the price of this bill, by the time we finish with the regular defense bill. That leaves us about $3.5 billion under budget.

Second, there are 21 extra unauthorized and unappropriated programs that appear in section (f) of the continuing. Most of those are Labor-HHS-Education provisions. The total for that portion of the 21 extra programs is about $7.8 billion. The Senate-reported figures for the same programs is about $100 million more. That leaves us about $3.4 billion under budget.

Third, we have pending before us 11 amendments, most of which seek to add some spending. At least two will cost more than $100 million apiece.

Fourth, we can expect prodigious additions by the Senate.

Even if we make no additions to this bill, this is only round one of spending on these programs. Supplementals will certainly bust the budget wide open. We have a math and science bill that remains unappropriated. A foreign assistance supplemental seems likely. A civilian and military pay raise will have to be funded.

If we make no addition to this bill, our total supplementals cannot exceed more than about $3.5 billion if we are to stay within our budget. By comparison, last year we had enacted legislation by April that required $3.8 billion in supplementals. We are certain to match, and exceed, that record for fiscal year 1985.

This is, simply, an expensive bill, which will become more expensive. I have no idea how close we are to the President's deficit downpayment. I hope he does, and has a veto pen handy. I know we are frighteningly close to our own House budget ceiling, which I thought excessive in the first place. My estimation is that if we don't bust our fiscal year 1985 budget ceiling with passage of this bill, then we will with the addition of the first supplemental to come along.

This resolution ought to be defeated. We ought to have a clean resolution, with an opportunity to make further reductions. I also urge Members to closely examine my amendment to the Labor-HHS-Education portion of the bill when it is considered.

I shall vote no, and urge my colleagues to do likewise.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mrs. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from California.

Mrs. BURTON of California. I thank the gentleman for yielding

Mr. Chairman, I would like to engage my colleague, the gentleman from California [Mr. FAZIO], in a colloquy at this time.

In reference to section 110, I would like to acknowledge that contractual negotiations regarding power rates are currently underway between the city of San Francisco and the Modesto and Turlock irrigation districts. These parties have negotiated contracts in good faith for over half a century, 50 years, and I am confident that their discussions today will result in a fair compromise. We are very close to reconciling, and I am very happy about that. This matter is going to be reconciled within this week, and I hope the language in this section will not be necessary in our final legislation.

Is it the gentleman's opinion that the results of an agreement between the city of San Francisco and the two districts that I mentioned would allow section 110 to be deleted in conference?

Mr. FAZIO. Mr. Chairman, responding to the gentlewoman's question at the conclusion of her remarks, I would say that if an agreement can be reached—and I am certainly hopeful that it could be this week—it would not be my purpose to pursue this legislation any further. I am not certain that I would be a conferee, but as the author of the provision I would certainly discuss with the conferees the possibility of deleting it should all of the parties reach an agreement on this matter this week. And I would certainly join the gentlewoman from California [Mrs. BURTON], the gentlewoman from California [Mrs. BOXER], and I am certain Mr. COELHO and Mr. LEHMAN, in urging the parties to reach that sort of conclusion.

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from California.

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Chairman, I want to thank the gentleman for his remarks. I want to thank the gentlewoman from California [Mrs. BURTON] for engaging in this colloquy. We are working on a minute-by-minute basis with the people in San Francisco. I know the gentleman from California [Mr. COELHO] is involved in the negotiations. I just want to thank the gentleman very much for stating here publicly that he will be flexible on this and that if in fact there is a fair agreement reached, that there will be no need for this section.

Mr. FAZIO. The gentlewoman uses the word "flexible." I think it is very important that all parties be flexible in this because should there fail to be the kind of flexibility that would allow for a fair and equitable agreement to be worked out, then we may have to pursue legislation in the conference committee. And certainly I know the gentlewoman is using every good office she can bring to the solution of the problem, and I think we would all like to have it resolved at the State and local level.

Mrs. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from California.

Mrs. BURTON of California. Mr. Chairman, I do want to thank Mr. FAZIO, Mr. COELHO, and Mr. LEHMAN for the effort they have put in helping us to resolve this issue.

Mr. FAZIO. I appreciate the gentlewoman's comments.

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Mr. COELHO. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from California.

Mr. COELHO. I thank the gentleman for yielding to me.

Mr. Chairman, I also want to join in the remarks that have been made here on the floor, and to compliment the gentlewomen from San Francisco, Mrs. BURTON, and Mrs. BOXER, for their efforts in trying to bring this to resolution. I would also like to thank the senior Senator from our State for trying to get this problem resolved. Hopefully, nothing will have to go into law, and it will all be resolved long before that.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. I thank the gentleman for yielding me this time.

Mr. Chairman, I observe that the appropriations involved in the continuing resolution are roughly $200 million above the amount that is allowed for in our own budget resolution. It is my intention to offer an amendment to the continuing resolution then that would save $280 million in this area.

I will offer a 2-percent reduction which will not affect the funds appropriated for Egypt and Israel. It will not reduce the fund ceiling for Central America because the $200 million ceiling in the measure will remain.

What does it do? It cuts 2 percent in each of the three titles. Those titles that deal primarily with the major portions of the bill: Multilateral aid, bilateral aid, and military assistance.

What would it do to the bill? If this amendment passes, it would still leave those first three sections minus the foreign military sales area, with a 15-percent increase over last year. That is if the amendment passes.

So I would suggest to my colleagues that it is a modest amendment; it still leaves a major increase in foreign assistance. But at least it brings it back within the bounds of our own budget resolution.

While this is a small step, I think it is an important step to bring balance to our efforts to control domestic spending as well as foreign assistance.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. LONG].

Mr. LONG of Maryland. I thank the gentleman for yielding time to me.

Mr. Chairman, the continuing resolution before us contains the fiscal year 1985 foreign assistance appropriations bill (H.R. 6237) that the Committee on Appropriations reported on September 13, 1985.

While it is necessary to include the fiscal year 1985 foreign aid bill in the continuing resolution at this time, I am hopeful that it will be possible to consider the regular 1985 bill in the normal fashion on the House floor before this Congress adjourns. I have made this request to the leadership, and I have urged that the bill be scheduled. In the meantime, I urge adoption of the continuing resolution.

For the first time in several years the foreign aid appropriations bill is relatively noncontroversial and is supported by both sides of the aisle. It was reported from both the subcommittee and the full Committee on Appropriations without a single objection.

We have reached acceptable compromises on Central America and on the balance between military and economic funding while at the same time holding foreign assistance funding $419 million below the fiscal year 1985 budget request and $28 million below the total fiscal year 1984 appropriations.

Title I of the bill provides $1.5 billion in new budget authority for the multilateral international financial institutions and $328 million primarily for U.N. organizations. For the first time in recent years there are no major disputes about the international development banks.

Title II provides $6.5 billion for bilateral economic assistance primarily administered through the Agency for International Development [AID]. Economic aid for Israel and Egypt is increased by $415 million above the administration request. The administration does not object to this add-on.

Title III provides $5.6 billion for military assistance programs. The requested large increases for military assistance which we have seen during the past 3 years have ended. A reasonable compromise has been reached on El Salvador.

Title IV provides $3.9 billion for the direct-loan authority of the Export-Import Bank. For the first time this administration and the Congress are in agreement over these levels.

For Israel, the bill contains $1.4 billion in military assistance and $1.2 billion in economic-support funds. Language provides the Israeli Lavi program up to $150 million for research and development in the United States and not less than $250 million for procurement in Israel.

For Egypt, the bill contains $1.175 billion in military assistance and $815 million in economic support funds. Additionally, though not in this bill, Egypt will receive $243.3 million in Public Law 480 Food-for-Peace funds.

For the Philippines we have provided the same amount as the budget request; however, we have redistributed the funds following the provisions of the House-passed foreign affairs authorization bill. This provides $155 million in economic-support funds and $25 million in military-assistance funds.

For El Salvador, we have provided $180 million in economic-support funds, $15 million in foreign military credit sales, and $106.75 million in military-assistance program funding. We provide one-half the MAP money for obligation in each half of the fiscal year. However, before the second half can be obligated the administration must consult with the committee in regard to reduction and punishment of death-squad activities, elimination of corruption, and misuse of governmental funds, development of an El Salvador plan to improve military performance, and progress toward discussions leading to a peaceful resolution of the conflict; $5 million of the military funds are withheld until there is a trial and verdict in connection with the AIFLD murders.

Finally, we have provided funds to four new programs. The bill contains $10 million for an Inter-American Investment Corporation subject to authorization. Funding of $25 million for the widely supported child-survival fund is included. We provided $75 million for an economic policy initiative for Africa. And, $104 million has been provided for the foreign military general reserve fund in order to address problems arising from governments failing to repay interest and principal on their foreign-military-credit purchases.

Mr. Chairman, the fiscal year 1985 foreign assistance appropriations bill is a good one, and I am hopeful it can be considered and passed by the House.

In the meantime it is necessary to include the bill in the continuing resolution. I would urge adoption of the resolution.

Mr. HANCE. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Texas.

Mr. HANCE. Mr. Chairman, it is vitally important to remember that any assistance program, whether it is for El Salvador or some other developing nation, should include the private sector of that nation as a key participant in the development of a national economy. I think that it is up to the Congress to indicate that this is our intention. Am I correct in believing it was the committee's intention to send such a signal?

Mr. LONG of Maryland. Yes; the gentleman is absolutely correct. It was the committee's intent to coordinate such private-sector development with the assistance program in this bill. What I deeply regret is that there is not a stronger private sector in El Salvador to accomplish this aid.

Mr. HANCE. The major role of the International Monetary Fund and the World Bank has been to encourage development through the private sector. Am I to understand that both the IMF and the World Bank are to encourage private sector development in all developing nations, in particular El Salvador?

Mr. LONG of Maryland. Yes; may I remind my colleague that, almost without exception, the IMF and the World Bank encourage private-sector economies and generally work well with the private sectors of their member nations. So I think that it was the intention of the committee to encourage the IMF and the World Bank to assist the development of private-sector economies through loan programs and other incentives.

Mr. HANCE. I appreciate the opportunity to have this exchange with the distinguished chairman of the commit-

tee and appreciate his clarifying the point that this aid program is to work in concert with the IMF and World Bank in helping to develop the private-sector economies of the member nations of those organizations, and in developing the private sector, in particular, of El Salvador.

● Mr. BIAGGI. Mr. Chairman, I rise in support of the pending joint resolution making continuing appropriations for various programs and agencies as we approach the beginning of fiscal year 1985. Obviously no one likes to have to resort to this legislative device year after year—but if in fact we do have to—we should make sure the legislative product is equitable and progressive.

We find ourselves in a far better situation than last Thursday when the House soundly and wisely defeated an attempted gag rule issued by the Rules Committee which would have had the effect of devastating many good programs which would simply expire due to the lack of an authorization bill. The rule today is far better—it allows these programs to continue and makes in order some other needed amendments which can stand up to an individual vote as the full House deems it.

Let me address myself to several positive features about this continuing resolution. My strongest words are for perhaps one of the smaller items in this legislation. Section 113 of the continuing resolution would extend the Federal Crime Insurance Program administered by the Federal Emergency Management Agency for 1 year. Were we not to take this step today—this most worthwhile program would expire. This program provides important protection to thousands of homeowners and small businesses located in economically distressed areas of our Nation from the financial devastation brought on by certain crimes such as robbery. This program has special significance for the State and city of New York. It is estimated that more than 7,500 businesses and 22,000 residences are covered under the Federal Crime Insurance Program in economically distressed areas of the State and city. Not only does this program provide protection to individuals and individual businesses—it really serves as a catalyst for neighborhood redevelopment in given areas of the United States. Your large cities, in many respects, are a collection of individual neighborhoods. City revitalization begins from within—it comes from allowing those neighborhoods most in need of help to get it. As the neighborhoods develop, so too does the city. These neighborhoods develop when business invests—when homes are built and rehabilitated—and, of course, when people move in to fill those houses and frequent those businesses. The fear of crime—not only the physical fear—but the financial one—has always served as a deterrent against redevelopment of certain neighborhoods. In its own small way—the Federal crime insurance program has helped to lessen that fear and has allowed neighborhood development to continue.

Our choice is very simple. If we vote for this CR as reported by the Appropriations Committee, we have succeeded in keeping this program going. If we should either defeat the rule or the CR—we are contributing to its expiration and the aspirations of millions who have a stake in neighborhood redevelopment.

I also wish to lend my support to section 114 of the continuing resolution for it will ensure the continuation of subsidies by the Department of Housing and Urban Development to low-income-housing projects following a State-initiated foreclosure action. According to the State of New York, its State Mortgage Loan Corp. manages a 1.2 billion portfolio of low-income housing. These State-financed, privately owned projects receive subsidies from HUD under the section 236 rental-assistance payment and rent-supplement programs. The continuation of the HUD subsidies is critical—for without them, low-income tenants could not afford to rent the units.

I am in strong support of two provisions contained in the defense portion of the CR. I support the continuation of the ban on direct or indirect funding for the support of military or paramilitary operations in Nicaraqua. The House has spoken very clearly on this subject on a number of occasions with a clear message—we should not in any way be subsidizing this clearly flawed element of our Central American policy.

The other defense-related item I endorse is the language barring the use of any funds for the procurement of the MX missile until at least April 1, 1985, and thereafter only by joint congressional resolution. This is another reaffirmation of a strongly held position in the House.

Finally, I wish to indicate my support for the inclusion of all the projects provided for the Water Resources Development Act which was passed by the House last September. It provides for some $118 million in urgently needed projects aimed at flood control, navigation, and other water-resource projects.

Section 101(a) of this legislation incorporates the House-passed Labor-HHS appropriations bill. Among the many features of this bill is one of special importance to my home State of New York. A modest but essential 5-percent inflation increase is provided for employment service activities at the State level. In the case of New York, its employment service has suffered severe cutbacks due to formula changes and could have faced the prospect of laying off some 200 workers. This CR will provide an additional $2.8 million for New York State Employment Service which can help to avert these layoffs and not disrupt necessary employment services to New York's unemployed.

Passage of this continuing resolution will allow two other programs to continue even without authorization legislation having been approved. The first is the all-important Low-Income Energy Assistance Program and the other are the various programs under the health block grants. Both programs serve the low income of our Nation and provide important services and protection.

On balance and considering the circumstances we face, House Joint Resolution 648 is the best we can do. It deserves our prompt passage today so we do not close out this fiscal year with so many good and important programs facing the prospect of extinction. It would be highly irresponsible to allow that to happen and the CR is the responsible approach we must adopt.●

● Mr. FLORIO. Mr. Chairman, I rise today to reiterate my support for the four-engine jet-noise regulations mandated by the Federal Aviation Administration back in 1976, and reinforced by the Aviation Safety and Noise Abatement Act of 1979. Both require all four-engine jets operating at U.S. airports to comply with existing noise standards by January 1, 1985.

Over the past 8 years, U.S. carriers have spent large sums of money to achieve jet-noise compliance. Furthermore, all U.S. carriers have submitted plans to the FAA demonstrating how they can and plan to meet the January deadline. We cannot say the same for foreign carriers which operate out of our airports. Not only have some foreign carriers chosen to ignore these noise regulations, but some have asked that they be exempt from compliance.

Specifically, a few months ago, the airport operator for Miami petitioned the FAA for a 3-year exemption for all international flights in and out of Miami from the four-engine jet-noise rule. Mr. Chairman, to grant such an exemption would be grossly unfair to our U.S. carriers, and would give foreign carriers preferential treatment they have not earned.

Unfortunately, this is just another in a long series of efforts to block the implementation of aircraft-noise restrictions. It was aircraft noise that led Congress to enact the Noise Pollution Control Act in 1972. Under an agreement, the FAA was to have promulgated and enforced aircraft-noise standards; EPA was given this responsibility for all other transportation modes.

Yet, the FAA did all it could to delay and then to undermine the effectiveness of aircraft-noise standards. EPA

recommendations concerning aircraft noise were completely ignored by the FAA in many cases. Under great pressure by Congress, the FAA finally issued the required regulations. However, I would like to ask my colleagues what good is a national standard if we grant wholesale exceptions to it.

EPA was forced to abandon its noise program several years ago due to the administration's budget cuts. Thus, EPA does not even have the ability to determine the extent to which compliance with still-standing noise regulations is occurring. We, therefore, must rely solely on the FAA to ensure that nose abatement is attained.

It's time for the FAA to get tough on noise control. Rejecting exemptions to the four-engine jet-noise rule would be a good start.●

● Mr. MINETA. Mr. Chairman, I rise in support of the bill.

This legislation would do many things that clearly need to be done. But I also want to take note of the fact that it does not do something which clearly should not be done, and that is to grant 11th hour exemptions from longstanding rules limiting the noise produced by the noisiest of the old jet airliners now flying.

Regulations were adopted over 7 years ago requiring airlines to bring the older four-engine jets into compliance with noise standards by January 1, 1985, or cease to use them in the United States; 4 years ago the Congress not only reaffirmed those regulations but directed FAA to make sure that that regulation applied as fully to foreign airlines serving U.S. airports as it did to U.S. airlines.

Most U.S. airlines have acted to comply. They've taken us at our word. They've spent enormous amounts of money to buy new complying aircraft, or to reengine, or retrofit old aircraft. Now a few minor carriers, most of them foreign, want us to waive this longstanding requirement for them. Many of them bought these aircraft only after the regulation was adopted; they therefore got them at bargain-basement prices from U.S. carriers who had to sell them to get their own fleets into compliance; and now they want us to allow them to avoid the costs already being borne by their U.S.-airline competitors.

We would under no circumstances agree to their request for preferential treatment, and we should certainly not do so as part of any continuing resolution. To do so would be unfair to the vast majority of airlines who have complied in good faith, and it would be unfair to our citizens who have suffered through jet-noise impacts around airports in the belief that the relief we have promised was on the way. Even to make legislative exemptions just for carriers flying overseas into one or just a few airports would put all other airports nationwide at a disadvantage in competition for that commerce.

Perhaps more importantly, to give in at this point would put airlines on notice that when we impose compliance schedules of any kind on them they might do better to ignore those schedules, to wait until the 11th hour, and to then plead hardship and get an extension. We hope to have a number of such compliance schedules imposed on carriers, not only on jet noise, but also on fire safety, smoke detectors, and so on. None of those compliance schedules will hold unless carriers can believe that when we direct them to spend money to comply we will not later exempt their competition from the same costs.

If we cannot hold the line in this case, I do not know when we will be able to hold the line. Legislative exemptions to these noise rules are opposed not only by environmental groups and those concerned about jet noise around airports, but also by U.S. airlines, by the major aviation labor unions, and by the associations of the airport operators. This is the place to draw the line. I am therefore pleased that this bill does not grant exemptions from jet-noise rules, and I urge that any subsequent effort to put such provisions into this bill be strongly opposed.●

● Mr. EDGAR. Mr. Chairman, I rise in support of House Joint Resolution 648. I am very pleased that the Committee on Appropriations included full funding of $17.7 million, in accordance with the recommendations of the House Veterans' Affairs Committee, for the Philadelphia VA Hospital construction project. However, it is still vital that funds for the balance of the project be included in the fiscal year 1986 budget, in order to meet the commitment to the city of Philadelphia. This full funding was a result of very close cooperation between the Committee on Appropriations and the Committee on Veterans' Affairs, and I want to thank the chairman of the Subcommittee on HUD-Independent Agencies, Mr. BOLAND, and the subcommittee's ranking minority member, Mr. GREEN, for their assistance and leadership. The gentleman from Pennsylvania [Mr. COUGHLIN] was also very helpful, and I want to express my appreciation to him as well.

This construction project is necessary in order to update decrepit and outmoded existing facilities and provide a new clinical addition, parking spaces, and a 240-bed nursing-home-care unit for the veterans of Philadelphia. Philadelphia area veterans were very supportive of this project, and I am grateful for their help.

I urge my colleagues to support House Joint Resolution 648.●

● Mr. MONTGOMERY. Mr. Chairman, I am pleased to note that the Committee on Appropriations has included in its report on this measure a list of Veterans' Administration construction projects which the committee expects will be undertaken with funds appropriated earlier this year. I think our efforts earlier in the session in trying to reach agreement with the Appropriations Committee in the projects to be approved have succeeded to the extent that we have defeated those who opposed the start of work to renovate the Philadelphia VA Hospital. I am glad to see that logic and good sense prevailed. I am also gratified that the Appropriations Committee has joined the Committee on Veterans' Affairs in insisting that the VA make up its mind as to what to do about Allen Park and the downtown Detroit site before appropriating funds for site acquisition.

I was disheartened when the VA announced that they were going to spend $2 million for a study of possible renovations at the two existing VA hospitals in the Baltimore area. This matter has been studied from every angle before; no action resulted from those studies, although a clear course of action was apparent.

Now, the VA is going to study it again. The VA knows what's needed. What we need is leadership and decisionmaking favorable to verterans in the Baltimore area. I will support no effort to further delay the construction of a new replacement hospital.

I would like to commend the chairman of the HUD-Independent Agencies Subcommittee for his vigilant scrutiny of VA budget needs, and for his responsible leadership in providing what is needed. We passed the VA's appropriation bill on May 30 of this year, and it was signed into law on July 28, 1984. I was pleased with the swift action on this measure and the chairman deserves the veterans' thanks. The gentleman from Massachusetts [Mr. BOLAND] and the gentleman from New York [Mr. GREEN] have provided outstanding leadership in getting the fiscal year 1985 bill enacted into law.

Having said that, I must remind all of my colleagues that there is an authorization process for VA construction projects estimated to cost in excess of $2 million. We shall continue to insist that this process be honored in future appropriations for the Veterans' Administration. It is not unusual for the House to insist that a project be authorized before an appropriation is made for that project, and I am giving notice well in advance that I expect this will apply with equal force to VA appropriations in the future. I look forward to working with my colleagues on the appropriations in this regard next year.●

● Mr. RICHARDSON. Mr. Chairman, I rise in strong support of passage of the continuing resolution (H.J. Res.

648). I commend my colleague, Mr. WHITTEN for his leadership and hard work on this resolution.

Included in the continuing resolution report language are directions to the Department of Commerce to complete a study of the importation of counterfeit native American arts and crafts and to report their findings back to the Committee on Energy and Commerce by March 31 of next year. Many native Americans in my district depend on the native American arts and crafts trade for their livelihoods and have been hurt by the recent rise in importation of these counterfeit goods.

This illegal importation is apparently a cash-only business; we do not know the full extent of the damage it is causing the native American arts and crafts industry in the United States. I ask the Department of Commerce to include but not limit their study to an analysis and recommendations with respect to the economic impacts of the illegal importation of counterfeit native American turquoise and silver jewelry and other Indian arts and crafts industry, recommendations on workable remedies to this problem including the requiring of permanent labeling (rather than removable labeling) on arts and crafts imported into the United States, and the prevention of the exporting from the United States of arts and crafts which were imported into the United States and from which the country of origin label was removed.

I thank all of my colleagues who assisted me in my efforts to direct this study and once again, commend Mr. WHITTEN for his work on the continuing resolution.●

● Mr. FAUNTROY. Mr. Chairman, I rise in support of House Joint Resolution 648, continuing appropriations for fiscal year 1985. This resolution provides interim funding for departments and agencies whose regular fiscal year 1985 appropriations bills will not have been enacted into law by October 1, 1984, the beginning of fiscal year 1985. Spending on programs during this period is limited to a level specified in House Joint Resolution 648. The continuing appropriations provided by House Joint Resolution 648 automatically expire upon the enactment of the individual appropriations bills.

Four of the 13 regular appropriations bills for fiscal year 1985 have been enacted into law: HUD-independent agencies (Public Law 98-371); energy and water development (Public Law 98-360); legislative branch (Public Law 98-367); and Commerce, Justice, State and the judiciary (Public Law 98-411).

The House has passed 10 of the 13 regular appropriations bills for fiscal year 1985. Defense, foreign assistance, and transportation appropriations bills remain to be passed by the House. The other body has passed seven appropriations bills.

House Joint Resolution 648 provides for continued funding for six major spending categories at levels identical to those in the House-passed versions of fiscal year 1985 appropriations bills: Agriculture (H.R. 5743); District of Columbia (H.R. 5899); Interior (H.R. 5973); Labor, Health and Human Services, and Education (H.R. 6028); and military construction (H.R. 5898).

Mr. Chairman, I wish to commend my colleagues, Mr. WHITTEN, chairman of the Appropriations Committee, Mr. CONTE, ranking minority member of the committee, and Messrs. STOKES and DIXON, for their diligent work on this resolution.●

● Mr. WALGREN. Mr. Chairman, by approving the continuing resolution covering fiscal 1985 appropriations we will be attempting again to get needed education funding out to schools for this school year. Although the House approved the Labor-HHS-Education appropriations bill for fiscal year 1985 on August 1, the Senate has not acted. Today's effort is an attempt to present the Senate with this issue so that it must act on it. This bill would provide funds for almost all the Federal education programs: elementary and secondary education, aid to the handicapped and disadvantaged, vocational and adult education, bilingual education, and student aid.

In recent years, scores of studies have cited flaws in our schools and decried declining test scores and teacher competence. The President's Commission described education in America as permitting a "rising tide of mediocrity." There are problems in our schools; their always have been. But these problems should cause us to increase our effort to support our schools, not berate them. We should support this bill providing adequate funding for the wide range of Federal programs today.

As a legislator, I am pleased to have had a part in developing the math-science education bill recently signed into law. This bill will fund a range of programs to help teachers improve instruction in mathematics and science. It would also provide help in teacher training and teaching materials, as well as provide scholarships for people committed to becoming future math and science teachers. We hope that this effort will give teachers and students the tools they need to succeed in an increasingly technological world.

I am also gratified that we have provided some funds to schools to help remove asbestos from school buildings. Many old school buildings contain hazardous asbestos and the Environmental Protection Agency is now bearing up to accept applications for asbestos abatement and removal.

The Federal Government cannot solve every problem of American education, but we can help. If we provide seed money, I am certain that the American people care enough about education and they will match it many times over with local, State, and private money. A nation as abundant in resources as ours should commit itself to a strong education system.●

Mr. CONTE. Mr. Chairman, I have no further requests for time.

Mr. WHITTEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read for amendment under the 5-minute rule.

The text of the joint resolution is as follows:

H.J. RES. 648

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1985, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary for projects or activities, not otherwise specifically provided for in this joint resolution, at a rate for operations and to the extent and in the manner provided for in the following appropriation Acts as passed by the House of Representatives as of October 1, 1984:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985;

District of Columbia Appropriation Act, 1985;

Department of the Interior and Related Agencies Appropriation Act, 1985;

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1985;

Military Construction Appropriation Act, 1985; and

Water Resource Development Appropriation Act, 1984.

(b) Such amounts as may be necessary for projects or activities at the rate for operations and to the extent and in the manner provided for in H.R. 6237, the Foreign Assistance and Related Programs Appropriations Act, 1985, as reported to the House of Representatives on September 13, 1984.

(c) Pending enactment of the Department of Defense Appropriation Act, 1985, such amounts as may be necessary for continuing activities which were conducted in the fiscal year 1984, for which provision was made in the Department of Defense Appropriation Act, 1984, under the current terms and conditions and at a rate for operations not in excess of the current rate or the rate provided for in the budget estimates, whichever is lower, until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives, whereupon such amounts as may be necessary shall become available at a rate for operations for activities and under the terms and conditions as provided for in such Appropriation Act and accompanying House report for fiscal year 1985, as reported to or subsequently passed by the House of Representatives, the latest action prevailing: *Provided,* That no appropriation or funds made

available or authority granted pursuant to this subsection shall be used for new production of items not funded for production in fiscal year 1984 or prior years, for the increase in production rates above those sustained with fiscal year 1984 funds or to initiate, resume or continue any project, activity, operation or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1984 until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later or until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That during fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That the appropriations or funds made available or authority granted pursuant to this subsection for procurement of MX missiles shall be in accordance with and subject to all the limitations, restrictions, and conditions set forth in sections 110 and 1132 of the Department of Defense Authorization Act, 1985 (H.R. 5167), as passed by the House of Representatives on June 1, 1984, until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That the appropriations or funds made available or authority granted pursuant to this subsection for testing of the Space Defense System (anti-satellite weapon) shall be in accordance with and subject to all the limitations, restrictions and conditions set forth in section 207 of the Department of Defense Authorization Act, 1985 (H.R. 5167), as passed by the House of Representatives on June 1, 1984, until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That the appropriations or funds made available or authority granted pursuant to this subsection for possible deployment of any cruise missile designed to carry a nuclear warhead and to be launched from a naval vessel or for the assembly of nuclear warheads onto such a cruise missile shall be in accordance with and subject to all the limitations, restrictions and conditions set forth in section 1130 of the Department of Defense Authorization Act, 1985 (H.R. 5167), as passed by the House of Representatives on June 1, 1984, until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That funds shall be available for National Guard and Reserve Equipment and Retired Pay, Defense at the current rate until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives.

(d) Such amounts as may be necessary for continuing activities, not otherwise specifically provided for in this joint resolution, which were conducted in the fiscal year 1984, for which provision was made in the Department of Transportation and Related Agencies Appropriations Act, 1984, under the current terms and conditions, and at a rate for operations not in excess of the current rate or the rate provided for in the budget estimates, whichever is lower.

(e) Such sums as may be necessary for programs, projects, or activities provided for in the Treasury, Postal Service and General Government Appropriations Act, 1985 (H.R. 5798) to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference as passed by the House of Representatives on September 12, 1984, as if enacted into law: *Provided,* That, notwithstanding section 102 of this joint resolution, the Department of the Treasury shall consolidate the operations of the Bureau of Government Financial Operations in accordance with the language concerning amendment numbered 9 in the joint explanatory statement of the committee of conference (H. Rept. 98-993).

(f) Such amounts as may be necessary for continuing the following activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1984, under the terms and conditions provided in applicable appropriation Acts for the fiscal year 1984, at the current rate:

Activities under section 163 of the Federal-aid Highway Act of 1973, as amended;

Activities under section 5(h)(2) of the Department of Transportation Act, as amended;

Activities under title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended;

Activities related to the United States Railway Association under the Regional Rail Reorganization Act of 1973, as amended;

Activities under the Public Health Service Act;

Activities under title V of the Social Security Act;

Activities under section 427(a) of the Federal Coal Mine Health and Safety Act;

Activities of the Regional Offices of Facilities Engineering and Construction;

Activities under title XXVI of the Omnibus Budget Reconciliation Act of 1981;

Refugee and entrant assistance activities under the provisions of title IV of the Immigration and Nationality Act, title IV and part B of title III of the Refugee Act of 1980, and sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980, except that such activities shall be continued at a rate for operations not in excess of the lower of the current rate or the rate authorized by H.R. 3729 as passed the House of Representatives: *Provided,* That such funds may be expended for individuals who would meet the definition of "Cuban and Haitian entrant" under section 501(e) of the Refugee Education Assistance Act of 1980, but for the application of paragraph (2)(B) thereof;

Head Start activities authorized by the Head Start Act;

Child abuse prevention and treatment and adoption opportunities activities authorized by the Child Abuse Prevention and Treatment Act, and title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978;

Runaway and homeless youth activities authorized by the Runaway and Homeless Youth Act;

Aging programs and activities authorized by the Older Americans Act of 1965;

Developmental disabilities program and activities authorized by the Developmental Disabilities Assistance and Bill of Rights Act;

Native American activities authorized by the Native American Programs Act of 1974;

Foster care activities authorized by section 102(a)(1) and 102(c) of Public Law 96-272;

Foster care and adoption assistance activities authorized by title IV-E of the Social Security Act;

School assistance in federally affected areas authorized by title I of the Act of September 30, 1950, and the Act of September 23, 1950;

Emergency immigrant education activities authorized by section 101(g) of Public Law 98-151; and

Activities under the Follow Through Act.

SEC. 102. Unless otherwise provided for in this joint resolution or in the applicable appropriation Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1984, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) September 30, 1985, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. Any appropriation for the fiscal year 1985 required to be apportioned pursuant to subchapter II of chapter 15 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of subchapter II of chapter 15 of title 31, United States Code.

SEC. 106. There is appropriated an additional amount for Construction, general, $6,000,000, to remain available until expended, of which $4,000,000 shall be made available for the construction of the project for correction of the design deficiency of the navigation project for Barnegat Inlet, as described in the report of the Chief of Engineers dated January 20, 1983, and the May

21, 1984, supplement thereto, which project shall be constructed at full Federal expense.

SEC. 107. There is appropriated an additional amount for Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, $2,000,000, to remain available until expended.

SEC. 108. There is appropriated an additional amount to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $11,000,000, to remain available until expended.

SEC. 109. Notwithstanding any other provision of this joint resolution:

(A) The Secretary of the Army, acting through the Chief of Engineers, shall take such action as may be necessary to remedy slope failures and erosion problems (1) along the banks of the Coosa River, Alabama, in order to protect the Fort Toulouse National Historic Landmark and Taskigi Indian Mound in Elmore County, Alabama, at an estimated cost of $31,000,000, and (2) along the banks of the Black Warrior River, Alabama, in order to protect the Mound State Monument National Historic Landmark near Moundville, Alabama, at an estimated cost of $4,860,000. Such actions shall be coordinated with the Secretary of the Interior and the State of Alabama.

(a) Prior to initiation of construction of the projects authorized by subsection (A), appropriate non-Federal interests shall agree—

(1) to provide without cost to the United States all lands, easements, and rights-of-way necessary for construction and operation of the projects;

(2) to hold and save the United States free from damage due to construction, operation, and maintenance of the projects, not including damages due to the fault or negligence of the United States or its contractors;

(3) to accomplish without cost to the United States all modifications or relocations of existing sewerage and drainage facilities, buildings, utilities, and highways made necessary by construction of the projects; and

(4) to maintain and operate all features of the projects after completion, in accordance with regulations prescribed by the Secretary.

(B) Within available funds, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform necessary channel and associated work in connection with the Turtle Creek, Pennsylvania, local protection project; and shall take such action as may be necessary to remove accumulated snags and other debris blocking the channel of the Hatchie River and its tributaries in the vicinity of Bridge Creek and the Little Hatchie River in Mississippi; and shall take such action as may be necessary to perform necessary channel and associated work in connection with the Glencoe, Alabama, flood control project.

(C) Notwithstanding any existing agreements, within funds otherwise made available for the Yazoo Basin, the Corps of Engineers is directed to operate and maintain the McKinney Bayou Pumping Plant in accordance with the provisions of Public Law 678 of the Seventy-fourth Congress, approved June 15, 1936, as amended by Public Law 526 of the Seventy-ninth Congress, approved July 24, 1946, effective upon the passage of this joint resolution.

(D) The authorization for the Sardis Lake project, Oklahoma, contained in section 203 of the Flood Control Act of 1962, as amended by section 108 of the Energy and Water Development Appropriation Act of 1982 is hereby amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to plan, design, and construct access road improvements to the existing road from the west end of Sardis Lake to Daisy, Oklahoma, at an estimated Federal cost of $10,000,000 and the State or political subdivision shall agree to operate and maintain said facilities at their own expense.

(E) The Secretary of the Army, acting through the Chief of Engineers, is directed to utilize funds previously appropriated for the Meramec River Basin flood control study, to establish a demonstration project for flood forecasting/warning on the Lower Meramec River to demonstrate the capability of nonstructural means of flood control through the procurement and installation of commercially available equipment. The Chief of Engineers is to operate and maintain this system for a period of time sufficient to demonstrate its functioning during the occurrence of a one hundred year Meramec River flood or for a period of two years, whichever is less. After the system has been field-tested, the Chief of Engineers is to report to the Congress the results of this prototype testing.

(F) The Secretary of the Army, acting through the Chief of Engineers, shall grant, within ninety days of enactment of this joint resolution, to the University of Alabama at Huntsville the funds appropriated to the Secretary of the Army pursuant to title I of Public Law 98-50 for the design and construction of a Corps of Engineers learning facility at Huntsville, Alabama. This grant shall be made to the University of Alabama at Huntsville subject to the conditions that the University will convey the grant funds to the Chief of Engineers to design and construct the learning facility on lands owned by the University at Huntsville and the completed facility is to be owned and maintained by the University and to be operated by the University and the corps as a joint-use facility, all according to such specifications, terms, and cost sharing arrangements for operation and maintenance as the University of Alabama at Huntsville and the Secretary of the Army, acting through the Chief of Engineers, may agree. The Secretary of the Army, acting through the Chief of Engineers, shall report to the Committees on Appropriations of the United States House of Representatives and the United States Senate on a monthly basis on the status of the required agreements and the construction of the learning facility until such time as the facility is constructed and operational at the University of Alabama at Huntsville.

(G) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove the Berkeley Pier, which extends into San Francisco Bay, California, approximately twelve thousand feet, at an estimated cost of $3,200,000.

(H) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to communities in the Pearl River Basin, Saint Tammany Parish, Louisiana.

(I) (a) The Secretary of the Army, acting through the Chief of Engineers, shall, after consultation with the advisory committee established under subsection (b), carry out a demonstration project for the development, operation, and maintenance of a recreation and greenbelt area on and along the Des Moines River, Iowa, between the point at which the Des Moines River is intersected by United States Highway 20 to the point downstream at which relocated United States Highway 92 intersects the Des Moines River. Subject to subsection (b) and (c) of this section, such project shall include, but not be limited to—

(1) the construction, operation, and maintenance of recreational facilities and streambank stabilization structures;

(2) the operation and maintenance of all structures constructed before the date of enactment of this joint resolution (other than any such structure operated and maintained by any person under a permit or agreement with the Secretary) within the area described in the Des Moines Recreational River and Greenbelt Map and on file with the Committee on Public Works and Transportation of the House of Representatives; and

(3) such tree plantings, trails, vegetation, and wildlife protection and development and other activities as will enhance the natural environment for recreational purposes.

(b)(1) The advisory committee referred to in subsection (a) shall be constituted as follows:

(A) five persons shall be appointed by the Governor of Iowa;

(B) two persons shall be appointed by their respective board of supervisors to represent each of Mahaska, Marion, Warren, Jasper, Polk, Dallas, Boone, and Webster Counties;

(C) one person shall be appointed by the mayor of the city of Des Moines and one additional person shall be appointed by the mayor of each other incorporated municipality within whose boundaries a portion of such recreation area lies; and

(D) three employees or officials of the Corps of Engineers shall be appointed by the Secretary.

(2) Each member of the advisory committee shall serve at the pleasure of the authority which appointed such member.

(3) No member of the advisory committee who is not an officer or employee of the United States shall receive compensation on account of his service on the committee or travel expenses or per diem in lieu of subsistence with respect to the performance of services for the committee. Members of such advisory committee who are officers or employees of the United States shall not receive additional compensation on account of their service on the committee.

(4) The advisory committee may elect such officers and spokesmen as it deems appropriate and may appoint such ad hoc committees of interested citizens as it deems appropriate to assist the committee in advising the Secretary.

(c) The construction and maintenance of structures and plant and husbandry activities referred to in subsection (a) of this section shall be conditioned upon the ownership by the United States of the land or interests therein necessary for such purposes.

(d) In carrying out the project described in subsection (a) of this section, the Secretary may acquire by purchase, donation, exchange, or otherwise land and interests therein, as the Secretary determines are necessary to carry out such project. If the Secretary purchases any land or interest therein from any State or local agency, he shall not pay more than the original cost paid by such State or local agency for such land or interest therein. No land or interest therein may be acquired by the United

States to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any land or any interest therein which is not owned by the United States.

(e) Notwithstanding any other provision of law, the Federal share of the project to be carried out pursuant to this section shall be 100 per centum of the cost of the project.

(f) There is authorized to be appropriated to carry out this section $6,000,000, for fiscal years beginning after September 30, 1983.

(J) The project for navigation, Tampa Harbor, East Bay Channel, Florida, is hereby authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, substantially in accordance with the plans and subject to the conditions recommended in the report of the Chief of Engineers, dated January 25, 1979, at an estimated initial cost of $2,717,000. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on water quality and the environment.

(K) The project for navigation, Newport News Creek, Virginia, authorized by the River and Harbor Act of 1946, is hereby modified to authorize the relocation and reconstruction by the Commonwealth of Virginia of the project upon approval of plans for such relocation and reconstruction by the Secretary of the Army.

SEC. 110. Notwithstanding any other provision of this joint resolution, all rates for the sale of electric power generated at facilities constructed pursuant to 38 Stat. 242, 1913, shall be based upon the costs of generating and transmitting such power and shall be approved by the Secretary of the Interior.

SEC. 111. Notwithstanding any other provision of this joint resolution, no part of the funds provided under this joint resolution or any other provisions of law may hereafter be used by the Comptroller General to review or decide any protest submitted under subchapter V of chapter 35 of title 31, United States Code, involving the nonappropriated fund procurement of property or services by the Tennessee Valley Authority.

SEC. 112. There is appropriated an additional $5,000,000, to remain available until expended, for the "Tennessee Valley Authority" for the conduct of a demonstration project for the construction of a main water transmission line for the city of Bristol, Tennessee, in the vicinity of the Authority's Boone Lake.

SEC. 113. Section 1201(b)(1) of the National Housing Act is amended—

(1) by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985"; and

(2) in subparagraph (A), by inserting after "1985" the following: ", and September 30, 1986, respectively".

SEC. 114. The penultimate proviso in the paragraph under the heading "Rent Supplement" in the Supplemental Appropriations Act, 1983 (Public Law 98-63, 97 Stat. 301, 320) is amended to read as follows: "*Provided further*, That upon the completion of each contract under such sections 101 or 236(f)(2) on behalf of qualified tenants on a State-aided, noninsured rental housing project, the balance of the contract authority provided in appropriation Acts for such contract shall be rescinded:". Any amounts of authority for contracts under section 236 of the National Housing Act (12 U.S.C. 1715z-1) or under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) which would otherwise become available at the time of cancellation of any such contract as a result of a foreclosure action, or a transfer of a deed in lieu of foreclosure, of a State-aided, noninsured rental housing project having any contracts under such sections shall remain available for such project for the balance of the term which remains at the time of cancellation of such a contract as a result of a foreclosure action or such transfer of deed, and the Secretary of Housing and Urban Development shall offer to execute new contracts under such sections, subject to compliance with the requirements of sections 236 (b) and (f)(2) of the National Housing Act, or such section 101, respectively.

SEC. 115. The item relating to "Department of Housing and Urban Development—Housing Programs—Annual Contributions for Assisted Housing" in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45; 97 Stat. 219, 220), is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of this Act or any other law regarding the availability of recaptured budget authority, $9,000,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall be made available only to provide assistance under the new construction program of section 8 of the United States Housing Act of 1937 for 40 dwelling units in the Carmel Plaza North Project Numbered 000-32028-PM/L8, in the District of Columbia, which project was terminated by the Secretary of Housing and Urban Development on July 26, 1984. Such budget authority shall remain available for obligation for fiscal year 1985, and the provisions repealed by section 209(a) of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181; 97 Stat. 1153, 1183) shall remain in effect with respect to such project and budget authority.".

SEC. 116. The Administrator of the Environmental Protection Agency shall make a grant not to exceed $2,337,000 from construction grant funds allotted to the State of Ohio for fiscal year 1985 to the owners of the Rocky River Wastewater Treatment Plant in Rocky River, Ohio, for reimbursement of such owners for the cost of contruction of such plant.

SEC. 117. (a) Notwithstanding any other provision of law, rule, or regulation, for purposes of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), the Administrator of the Small Business Administration shall, with respect to small business concerns involved in the fishing industry and with respect to agricultural enterprises, treat the recent drought and El Nino-related ocean conditions as disasters under such section:

(1) disaster loan assistance shall be provided to the fishing industry pursuant to paragraph (2) of such section—

(A) the term "recent El Nino-related ocean conditions" means the ocean conditions (including high water temperatures, scarcity of prey, and absence of normal upwellings) which occurred in the eastern Pacific Ocean off the west coast of the North American Continent during the period beginning with June 1982 and ending at the close of December 1983, and which resulted from the climatic conditions occurring in the Equatorial Pacific during 1982 and 1983;

(B) the term "fishing industry" means any trade or business involved in—

(i) the catching, taking, or harvesting of fish (whether or not sold on a commercial basis),

(ii) any operation at sea or on land, in preparation for, or substantially dependent upon, the catching, taking, or harvesting of fish, and

(iii) the processing or canning of fish (including storage, refrigeration and transportation of fish before processing or canning); and

(C) the term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds; and

(2) disaster loan assistance shall be provided to agricultural enterprises on account of drought commencing during the dates specified in (a)(1)(A) above pursuant to paragraph (1) of such section—

(A) at a rate of interest equal to the based upon computations of eligibility pursuant to rules in effect for emergency loans from the Farmers Home Administration, both as of January 1, 1984;

(B) the Small Business Administration shall not impose on such enterprises any loss threshold or other type of minimum loss test which is not imposed on non-agricultural enterprises on the commencement date of the drought, either to determine the eligibility for such loans or to determine the amount of eligibility for loan assistance; and

(C) the determination of a natural disaster by the Secretary of Agriculture pursuant to subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) shall be deemed a disaster declaration by the Small Business Administration for purposes of determining eligibility for assistance under section 7(b)(1) of the Small Business Act as amended herein.

SEC. 118. None of the funds appropriated or made available by this joint resolution or any other Act may be used by the United States Customs Service to propose any rule or regulation relating to the subject matter of the Advanced Notice of Proposed Regulations published in the Federal Register on July 21, 1983 (48 Fed. Reg. 33318): *Provided*, That nothing shall prevent the expenditure of funds to propose any rule or regulation relating to duty-free stores which implements or conforms to statutory standards hereafter enacted by Congress.

The CHAIRMAN. No amendments are in order except the 11 amendments made in order by House Resolution 588 which shall only be in order if offered by the Member designated in said resolution.

The amendments shall be considered as having been read when offered, and shall not be subject to amendment. Each amendment shall be debatable for not to exceed 30 minutes equally divided between the proponent and a Member opposed thereto.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONTE: On page 9, after line 14, insert the following: "Payment to the Corporation for Public Broadcasting under the Communications Act of 1934 as amended for the fiscal year 1987: *Provided*, That for purposes of this payment, the current rate shall be the

amount of the payment provided in fiscal year 1986;".

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Massachusetts [Mr. CONTE] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, the purpose of this amendment is to address what I see as an omission in House Journal Resolution 648. Currently, there is no provision made for continuing the activities of the Corporation for Public Broadcasting—there is zero in here for CPB.

My amendment would continue funding for CPB at the current rate, pending reauthorization of the program. Mr. Chairman, when the House passed the fiscal year 1985 Labor/HHS/Education appropriations bill on August 1, funding for CPB and more than $7.7 billion worth of other programs was deferred because their authorizations were not in place.

It was my understanding, at that time, that funding for those deferred programs would be provided in the continuing resolution. And, in fact, funding has been provided in this continuing resolution for every one of those $7.7 billion in deferred programs, except for one, the Corporation for Public Broadcasting. My amendment would simply treat CPB like all the other Labor/HHS programs awaiting reauthorization, keep them going at the current rate, under current terms and conditions, until the reauthorization is passed and the committee can consider funding under the new authorized levels.

Let me say that this amendment is in no way intended to undermine the authorization process. I supported the CPB authorization that was vetoed. And I will support the Goldwater bill recently passed by the Senate and due in the House soon. I hope an authorization bill is enacted in time for us to consider funding under the new authorization in the conference on this continuing resolution. But until that authorization is in place, some provision needs to be made for continued funding of the CPB.

Let me also say that this amendment is in no way intended to go around the recent veto of the CPB authorization. The dispute over the reauthorization of CPB involves the level of increase for CPB in fiscal year 1987. This amendment provides for no increase. Since CPB is 2-year advance funded, it simply carries forward the fiscal year 1986 level into fiscal year 1987 at the current rate, $159.5 million.

Finally, there may be those who say that there is no need to address CPB funding at this time, since it is a 2-year advance funded program. I would simply say that advance funding has been a central principle of CPB's operation since 1975. It is essential to permit planning in advance, so that CPB can begin to produce the new children's mathematics series today, with the commitment that the funds will be there to put the program on the air in 1987. Forward funding is also regarded as a cornerstone of the insulation of public broadcasting from undue outside influence.

So, I would say to my colleagues, treat CPB the same as every other Labor/HHS program, and support this amendment to provide funding at the current rate pending reauthorization, to assure continuation of the program without interruptions, or station breaks. No commercials.

□ 1410

Mr. NATCHER. Mr. Chairman, would the gentleman yield to me at this point?

Mr. CONTE. I would be glad to yield to my good friend from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Chairman, as I understand the gentleman's amendment, the amount would be $159,500,000.

Mr. CONTE. That is right, Mr. Chairman.

Mr. NATCHER. This would be the amount that was carried in the fiscal year 1984 bill, including the supplemental of $29,500,000, making the total $159,500,000.

Mr. Chairman, at this time we have no objections to the gentleman's amendment.

Mr. CONTE. Thank you, Mr. Chairman. I want to thank my good friend from Kentucky.

The CHAIRMAN. Does any Member opposed to the amendment seek recognition?

The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PANETTA

Mr. PANETTA. Mr. Chairman, I have an amendment at the desk which I offer.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PANETTA: H.J. Res. 648 is amended by adding at the end thereof the following new section:

"SEC. . (a) Funds appropriated by this joint resolution or any other appropriation act to carry out the Food Stamp Act of 1977 (7 U.S.C. 2011-2029) shall, notwithstanding any other provision of law or this Act, be used in a manner to ensure that, under the food stamp program, households certified as eligible to participate in the program are issued an allotment that reflects the full cost of the thrifty food plan, adjusted to reflect changes in the cost of such plan for the twelve months ending June 30, 1984, rounded to the nearest lower dollar increment for each household size.

"(b) The provisions of subsection (a) shall be effective during the period beginning November 1, 1984, and ending September 30, 1985.".

The CHAIRMAN. The gentleman from California [Mr. PANETTA] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the gentleman from South Carolina.

Mr. TALLON. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to engage my distinguished colleague, the chairman of the Subcommittee on Transportation, the gentleman from Florida [Mr. LEHMAN], in a colloquy.

In my district, I have 14 miles of railroad track between the cities of Conway and Myrtle Beach, located in Horry Country, SC. Horry County has recently agreed to purchase from Seaboard Coast Line Railroad this 14 miles of track. This track services the fastest growing area in the State of South Carolina, and its continued operation is critical to this area's economic development.

Recognizing the significance of this rail segment, the Senate conference committee report for the fiscal year 1984 DOT appropriations bill contained $30,000 to fund a study, to assess the funding requirements for the rehabilitation of this line. The conclusion of the study was that considerable rehabilitation was required in order to continue service on the line. It is my request, and I hope my colleague would agree, that funding for the rehabilitation of this line be addressed under the first moneys dispensed under the Local Rail Service Assistance Program by the Secretary of Transportation.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield to me?

Mr. PANETTA. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I commend the gentleman for his diligence in bringing this issue to the committee's attention. I know the bridge is a major problem for the people in the gentleman's district, and I call on the Federal Railroad Administration to give this project high priority consideration in allocating local rail service assistance funds.

Mr. PANETTA. Mr. Chairman, the purpose of the amendment I offer here today is to provide emergency relief to the hungry. It basically restores the basis of benefits in the Food

Stamp Program from 99 to 100 percent of the thrifty food plan.

I might point out to Members that this was a key element of hunger relief bill, H.R. 5151, which was adopted overwhelmingly on a bipartisan basis by this House on August 1, 1984. It is a key element of the President's Task Force on Food Assistance and it recommended, in fact, to implement this increase. It is also something that was done this morning in the other body in the markup on this very legislation.

The Senate Appropriations Committee has included this proposal with regard to the thrifty food plan and it also is included in a proposal that has been introduced on the Senate side by Senator DOLE to try to deal with hunger issues similar to what the House did on H.R. 5151.

I obviously have concerns about the whole procedure of using a continuing resolution for this purpose and indeed voted for a tighter rule initially. But that having been rejected, we have to understand that this is the last opportunity this year to try to do something for those who are hungry in our society.

Surely if we are going to allow the opportunity to add authorizations for water projects and for foreign aid or for defense, then there should be a little room to add food for the hungry. This may not be pork barrel in the pure sense of the word, but it certainly is food for the hungry.

There are overwhelming reasons to do this, as many of you know. There is a need for emergency relief right now that would, under this bill, take place over the next 11 months. We have seen it from all of the evidence that has been provided in this area to the committees that I am involved with—the Subcommittee on Agriculture and the Select Committee on Hunger.

We have conducted hearings throughout the country finding the same evidence as Senate committees, the GAO, the President's Task Force, the mayors, and the Governors. All come to the same conclusion—that there is a problem of growing hunger in our society.

Dramatic increases in participation—200 and 300 percent occurring at soup kitchens and food pantries throughout the Nation.

There is also a severe nutritional impact that we are seeing with children, many being born either underweight or having anemic problems and the same type of problems are true with regard to the elderly.

There is obviously no other hunger relief that we can expect this year. There is no action anticipated on the Senate side. However, the action in committee this morning indicates that there may be some hope to take this one small step.

What does this one small step mean? It means $1 to $3 per family per month. Not much in congressional terms. Not much to most of us, but a great deal to those families that ultimately may have to face the choice between whether they can stay at home or have to resort to a soup kitchen or a food pantry.

As I said, the Hunger Relief Act, which contained this proposal, was adopted overwhelmingly in the House, 364 to 39. This amendment is within the budget resolution in terms of costs that are involved here, clearly within the budget resolution, and this has been approved on a bipartisan basis in the past.

It is the key recommendation of the President's Task Force when it came to hunger issues. And as I said, there is every indication that the other body will accept this because of the action that they have taken exactly on this point today.

So, I urge your support. I realize there are many that may not like the procedure and they may not like the fact that this is the last train, but it is the last opportunity to do something for the hungry. Let us not miss that chance.

A table showing the impact of my amendment follows:

FISCAL YEAR 1985 MONTHLY FOOD STAMP ALLOTMENT LEVELS FOR 99 PERCENT AND 100 PERCENT OF THE THRIFTY FOOD PLAN

Household size	99 percent	100 percent	Effect of Panetta amendment
1	$78	$79	+$1
2	143	145	+2
3	206	208	+2
4	261	264	+3
5	310	313	+3
6	373	376	+3

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong support of the Panetta amendment.

As Mr. PANETTA has stated, this amendment would simply base food stamp benefits on 100 percent of the value of the Thrifty Food Plan, the U.S. Department of Agriculture's lowest cost diet. At the moment, benefits are based on 99 percent of the plan.

Both Mr. PANETTA and I apeared before the Rules Committee to seek to make this amendment in order. I am glad that the committee saw fit to do so under the rule adopted earlier today.

There is simply no reason, aside from shortsighted cost savings, to continue the current reduction in food stamp benefits. Support for this modest restoration is nearly unanimous. It was one of the key recommendations of the President's Task Force on Food Assistance, and is a central piece of the Hunger Relief Act of 1984, which was adopted overwhelmingly by the House on August 1.

Support for the Hunger Relief Act was very strong, as only 39 Members opposed it. And I do not know that any one of those Members opposed that portion of the bill restoring food stamp benefits to the full value of the Thrifty Food Plan. In short, I hope that support for this amendment will be unanimous.

The Thrifty Food Plan is by no means overgenerous. Serious questions have been raised as to its nutritional adequacy. For a family of four, current benefits amount to $253 per month, or about $57 a week. This figure has not changed for the past 2 years.

The President and Congress have succeeded in better targeting food stamp benefits to the truly needy. given our success in this regard, let us make absolutely certain that we fulfill our commitment to them by providing an adequate diet for hungry Americans. Benefits based on less than the Thrifty Food Plan, a minimal diet to begin with, are certainly not adequate.

Mr. Chairman, I commend my colleague Mr. PANETTA for his leadership, and urge my colleagues to give this amendment their full support.

Mr. PANETTA. Mr. Chairman, I thank the gentleman from Vermont, and I reserve the balance of my time.

The CHAIRMAN. Does any Member opposed to the amendment seek recognition?

Mr. WHITTEN. Mr. Chairman, there is no objection on this side.

The CHAIRMAN. Does the gentleman from Massachusetts seek recognition in opposition to the amendment?

Mr. CONTE. No, Mr. Chairman, I want to speak for it.

The CHAIRMAN. The gentleman from California is in charge of the time of those in favor.

Mr. CONTE. Mr. Chairman, will the gentleman from California [Mr. PANETTA] yield to me?

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume, and I am pleased to yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the Panetta amendment.

There is little question that this amendment meets the intention of this House as well as the administration. The Hunger Relief Act which we passed in this House overwhelmingly 364 to 39 on the 1st of August of this year had a provision which authorized the restoration of the full amount. Additionally, the President's Task Force

on Hunger made a similar recommendation.

I think it is clear that those persons who have been certified as truly in need of food assistance must be allotted 100 percent of the barest requirement to meet those needs. I believe that we can do it in this legislation. I recommend that we accept this amendment.

● Mr. LELAND. Mr. Chairman, I rise in support of the amendment offered by our colleague, Representative PANETTA. I encourage Members to join me in voting for its adoption.

On August 1, this House approved H.R. 5151, the Hunger Relief Act sponsored by the gentleman from California. The vote was an overwhelming one which reflected broad bipartisan support for this effort to alleviate hunger in the United States.

The amendment before us today was conceived as part of H.R. 5151. This provision restores benefits under the Food Stamp Program to a level that represents 100 percent the cost of the Thrifty Food Plan. Since 1982, benefits have been set at 99 percent of this plan.

This amendment was recommended by the President's Task Force on Food Assistance. It is noncontroversial and it is an important step in bringing the food-buying power of food stamps up to the actual cost of food.

The Food Stamp Program is designed to provide monthly benefits to assist low-income households in purchasing the food that they require to maintain a sound nutritional status. Today we have the opportunity to assist the Food Stamp Program in serving this goal.

The Select Committee on Hunger, which I chair, has carefully examined some of the major problems facing food stamp recipients. We have found that food stamp recipients do not receive all of the benefits they deserve because the method of calculation lags behind inflation. There is no time at which they are more in need of sufficient benefits than during the winter months when expenses for energy and utilities are greater and resources available for supplementing their food purchasing power are diminished. Therefore, it is imperative that we support this amendment today.●

Mr. PANETTA. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PANETTA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I have an amendment at the desk which I offer.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of California: At the end of the joint resolution, add the following new section:

SEC. . Notwithstanding any provision to the contrary in title XX of the Social Security Act—

(1) the dollar figure set forth in section 2003(c)(3) of such Act is hereby increased to $2,750,000,000 for the fiscal year 1985;

(2)(A) the additional $50,000,000 made available to the States for such fiscal year pursuant to paragraph (1)—

(i) shall be used only for the purpose of providing training and retraining, including training in the prevention of child abuse in child care settings, to providers of licensed or registered child care services, operators and staffs (including those receiving in-service training) of facilities where licensed or registered child care services are provided, State licensing and enforcement officials, and parents, and

(ii) shall be expended only to supplement the level of any funds that would (in the absence of the additional assistance resulting from this section) be available from other sources for the purpose specified in clause (i), and shall in no case supplant such funds from other sources or reduce the level thereof; but

(B) no more than one-half of the amount by which any State's allotment under section 2003 of such Act is increased as a result of paragraph (1) shall actually be paid to such State unless it has in effect procedures (established by or under State law and funded from other sources) for appropriately screening and conducting background checks and criminal investigations of all providers of licensed or registered child care services and all operators and staffs of facilities where licensed or registered child care services are provided, in accordance with standards specified in or established under State law, with the objective of protecting the children involved and assuring their safety and welfare while they are receiving child care services; and

(3) the determination and promulgation required by section 2003(b) of such Act with respect to the fiscal year 1985 (to take into account the preceding provisions of this section) shall be made as soon as possible after the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from California will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, I have an amendment at the desk. This amendment responds to the deep concerns of child care workers, policymakers, and millions of parents around the country. We all have been shocked and angered by the tragic incidents of child abuse in day care settings. These incidents apparently know no geographic bounds and are not particular to any one type of child care setting. Most recently, a couple operating a day-care home in Marin County, in my own San Francisco Bay Area, has been charged with sexually abusing children as young as 2 years old.

Parents have become fearful; they have very limited choices. We must acknowledge that out-of-home child care is a necessity for millions of American families whose economic well-being depends on it. The child-care system itself is under enormous pressure: The workers are underpaid and untrained; 75 percent of child-care workers have had no training, and there is a 41-percent turnover rate among child-care staff in centers, nurseries and Head Start programs.

According to CRS more than twice as many bachelors and masters degrees are conferred annually for computer science—than are conferred in early childhood education.

The system is hampered by haphazard regulation; licensing systems vary in every State. Some States have instituted criminal history record checks on potential child-care providers, but many have not.

The Select Committee on Children, Youth and Families, which I chair, has just completed a year-long investigation of child care in this country. Last week we joined with the Ways and Means Subcommittee on Oversight to learn specifically about the problems of child abuse and child care. Witnesses at this hearing—and the hearings we have held throughout the year—have emphatically stated that criminal checks are not enough to prevent abuse. Witnesses told us time and time again that we must also train child-care providers, staff and parents.

Every expert cited the child-care providers' skill and training as the single most important factor in promoting a safe setting. Let me give you a few examples: Dr. Susan Aronson, representing the American Academy of Pediatrics, cited her own research, which showed that monitoring and training clearly improve the quality of care. A five-State study—of California, Michigan, Texas, West Virginia, and Pennsylvania—confirmed these results. An intensive monitoring system for compliance with State standards helped improve the quality of the child-care system. And the factors showing the greatest impact on improving the quality of care included the training and qualifications of child-care providers.

According to Bettye Caldwell, the President of the National Association for the Education of Young Children, "one of the most consistent findings of research over the last 15 years is that positive development outcomes for children in child care are linked to the specialized training of their caregivers." These conclusions were confirmed by State human services officials, and representatives of child-care employees.

Let's look at what the administration's response to this problem has been since 1981. Not only did the administration drastically cut the funds available for child care slots, but they eliminated the earmarked $200 million for direct child-care services. And they eliminated the $75 million set aside for training of human service providers. The result has been that 24 States—nearly half—target no title XX funds for training.

In addition, this administration has been trying to phase out the only National Credentialing Program—the Child Development Associate's Program—which encourages providers to seek training. The result is that child-care providers can now no longer afford a credential, even though over half the States include the CDA credential in their licensing standards.

We have also learned through out hearings, both on child care and child abuse prevention, that training of parents is vitally important. Parents need to learn how to listen to their children, how to recognize abuse, how to evaluate a child-care setting and how to assess providers and monitor services. Dr. Anne Cohn, executive director of the National Committee for the Prevention of Child Abuse, told the committee:

If we are serious about stopping sexual abuse * * * we should educate parents, child-care workers and pediatricians about how to listen * * * so they can detect sexual abuse in its earliest stages.

There is simply not enough support and training for parents and child-care workers, and those who license and enforce licensing for child-care settings in the midst of this crisis. Emergency funds are required to prepare and support those who care for children to prevent any more incidents of abuse in child care.

My amendment would address this emergency by doing the following things:

It would provide $50 million to States for child abuse prevention and child development training of licensed or registered child-care providers, State licensing officials, and parents. These funds would be added to the social services block grant solely for these purposes.

State allotments would be based on the title XX social services block grant allocation formula. No more than one-half of a State's allotment would be paid if the State has no procedures for screening and conducting criminal history checks of providers.

We're talking here about some procedures for criminal history record checks, and possibly child abuse central registry system checks. We have left to States the responsibility for fashioning procedures which meet their needs, but it seems minimal to ask that States put in place some procedures to get a provider and staff sex crime history. We're talking here about risk reduction to minimize the risk of children being abused or sexually victimized in day care.

Training funds may only be used for new efforts or to augment existing programs.

Emergency funds are required for child-care providers to enhance abuse prevention and to further child development.

Training is vitally important to help parents evaluate child-care settings, monitor services, and to recognize and deal with abuse.

Congress has a chance to take solid action in response to the concerns of millions of American parents. Unless we offer greater support and provide States with the means of training and enforcement, we will go on to other subjects, and children will go on to be abused.

I urge you to support our amendment.

□ 1420

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the chairman of the subcommittee.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Chairman, the amendment offered by the gentleman from California [Mr. MILLER] certainly has merit. It seems to me, however, that probably the amendment would be much better in order if it had been considered with the child abuse amendments legislation. I believe that bill is H.R. 1904. I understand the conference report on the bill is scheduled for completion this week. However, Mr. Chairman, we are not going to object to the amendment offered by the gentleman.

The gentleman's amendment would only authorize $50 million additional to the authorization for the social services block grant under title XX of the Social Security Act. This would increase the total authorization of this program from $2.700 billion to $2.750 billion. There is no additional amount appropriated by virtue of the amendment offered by the gentleman from California. The intent of the amendment is good.

Mr. Chairman, we offer no objection to this amendment as it is presented.

Mr. MILLER of California. I thank the gentleman for his cooperation.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, I would simply like to add my support to the amendment offered by the gentleman from California and praise him for all the good work he has done in this area.

It is no secret that in the last several months people in my community and communities throughout America have finally begun to understand the gravity of this problem, how many children have been abused, and for every child who has been abused, there are literally hundreds of thousands of American mothers and fathers, brothers and sisters, who wonder and worry whether their child has also met the same fate.

This amendment is modest, it is carefully drawn, it directs itself at the problem, but not in a way that will waste money, and is something we very, very much need in America today.

So I would add my support and once again compliment the gentleman for taking the lead on this issue, which sorely needs work done on it.

Mr. MILLER of California. I appreciate the support of the gentleman. It has special meaning to me today, given the fact that the gentleman just became a father for the first time yesterday and now will share the concerns that all parents have for the well-being of their children. I appreciate those expressions of concern from the new father of Jessica Emily from New York.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, as I read the amendment offered by the gentleman from California, it provides $50 million authorization for training of child-care workers, State officials, and parents, with at least some of that to be used for training in the prevention of child abuse.

Mr. MILLER of California. Yes.

Mr. CONTE. The gentleman knows I am deeply concerned about these issues and supportive of them. I worked closely with my good friend in the well, as he may remember, during floor consideration of the authorization for the program to assist victims of domestic violence, part of the child abuse reauthorization conference report due on the floor tomorrow.

That conference report will authorize substantial increase in programs designed to combat child abuse.

The gentleman's amendment, as I read it, is a straight authorization for $50 million, and I want to commend him.

Mr. MILLER of California. I thank the gentleman for his remarks. There is no one who can question the gentleman's commitment to the issues surrounding child abuse in trying to rid this practice from the national landscape.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, I am just wondering, for my edification, if this be an authorization of $50 million, are we not parliamentarily or procedurally at odds with ourselves? Are we not considering at this moment an appropriation bill? Can someone explain that to me? Perhaps the gentleman in the well can do so. Is this an appropriation?

Mr. MILLER of California. Under title XX, this would become appropriated money if, in fact, it was approved by the conference committees. Title XX is a capped entitlement and what this amendment does is raise that cap beyond the limit now set solely for this purpose for this 1 year.

This is similar to legislation that we passed last year to provide for child-care services, for job training, and to get people off the unemployment rolls. For one time we raised the title XX cap for this purpose and this amendment would work in a similar fashion.

Mr. GEKAS. That is my question, then. Are we saying that what the gentleman is doing here is, in effect, raising the cap?

Mr. MILLER of California. Correct

Mr. GEKAS. But the moneys are not being provided with this legislation.

Mr. MILLER of California. It is an entitlement with a cap on it. We are raising the cap, and should the Committee on Appropriations, in its wisdom, and the conference committee with the Senate determine to go ahead, yes, the money would be made available.

Mr. GEKAS. With the only reservation being in my mind that it may not be in the right ballpark if this be an appropriation bill.

Mr. MILLER of California. It is in the right ballpark because that is exactly our concern: That we have a 3-alarm fire going out there and this is the only way in which we can get the money to the States immediately through an existing process. Otherwise we have to go through the dual process that the gentleman knows and create some other means to get the money out there.

Mr. GEKAS. I thank the gentleman.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Virginia.

Mr. BLILEY. I thank the gentleman for yielding.

Mr. Chairman, I have read the amendment and I support the goals of the amendment, but I have a question.

Under the wording of the amendment, it does not seem to require that the funds be expended for child abuse prevention. Is that correct?

Mr. MILLER of California. It does not require it for that sole purpose. It requires it because in many instances when we are talking about training child-care workers or parents, as the gentleman recently wrote about, we are talking about complete training for the purposes of understanding and listening to our children. One fo the things the experts keep telling us is that if parents would listen to the children, if child-care workers would listen to the children and believe the children, possibly detection could come along at a much earlier time.

But the focus, the primary purpose, is for that purpose of training related to detection, and obviously the prevention of child abuse in these settings, but also in family day care which, as the gentleman knows, many, many more children probably attend. In many instances family day care providers have not opportunity or access to these kinds of training programs because they do not belong to a network or a center, but in many instances those are also people we want to see trained for this purpose.

Mr. BLILEY. If the gentleman would continue to yield, then the gentleman is saying that the majority of these funds should be used for this purpose, for training people to prevent this kind of abuse.

Mr. MILLER of California. That would be my hope.

Mr. BLILEY. I thank the gentleman for clearing that point up.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

Mr. Chairman, I think the intent of the amendment offered by the gentleman from California is excellent. I am just wondering whether the gentleman has looked down the road to see what the long-run cost of this would be and to what extent this would price child care out of the market for the average person.

□ 1430

Mr. MILLER of California. Mr. Chairman, our amendment is offered to address just this concern. We think that the only way you can really get this into the child care system, given the conditions under which the current child care systems operate in terms of their being so price-responsive that people flee the minute you raise the prices, is to go in this direction. This is one of the ways you can do it. We are building on an existing system that has trained thousands of both parents and providers of that care system by basically having the Federal, State, and local governments pick up some of that cost so that it does not have to be reflected in the cost of the care of those children, which then causes the people to go to even worse care than they might be getting at that moment.

So the gentleman's concerns are exactly appropriate, and that is the reason why we are trying to go in this direction.

Mr. Chairman, I yield back the balance of my time.

Mr. BIAGGI. Mr. Chairman, as a cosponsor of the pending amendment, I rise to urge its passage today. As the author of H.R. 6207 the Child Protection Act of 1984, I wish to also indicate my agreement with the idea that we must take this first step today—this important first step I might add—in what must be a comprehensive and concerted effort to eliminate the scandal of child abuse, including sexual abuse in federally funded day-care centers.

The amendment offered by my good friend and distinguished colleague, GEORGE MILLER, would provide States with $50 million in funds to train day care providers, State licensing and enforcement officials and parents in child abuse prevention techniques. These funds cannot be used to substitute for existing resources. For any State that does not have a law providing for screening and conducting background checks and criminal investigations of day care providers and staff—their amount of funds under this amendment would be reduced by one half.

We take this step today for a basic and tragic reason—because we have to. Child abuse in day-care centers is not a hypothetical problem it is a clear and present horror affecting an increasing number of children. Consider that in my home city of New York—in the first 7 months of 1984 there have been 77 reported cases of child abuse including sexual abuse in the city's 377 day-care centers.

We can also point to a tenfold increase in the number of overall reported cases of sexual abuse against children since 1976 including increases in cases in day care centers.

Today we work for a twofold objective with this amendment. The first is to return a sense of greater accountability to how Federal day care funds are spent. The second is to give increased and proper recognition to the importance of training of personnel who work with our children in day care centers.

The issue of accountability in my judgement is central to this entire issue. We are aware of the fact that as much as $751 million in Federal funds are being spent on day care services. A good portion of these funds come from the social services block grant program—In 1981 this program became a block grant. The philosophy behind block grants was to transfer responsibilities away from the Federal Government over to State and local govern-

ments. What we in fact have is not a transfer of responsibility—but a disturbing abdication of responsibility on the part of the Federal Government on how certain social service dollars are being spent. The day care scandals make the point perfectly clear. We have the Federal Government providing carte blanche privileges to States and localities in spending social service block grant funds. In turn—States and localities have created bureaucracies which are so large as to be unaccountable. Meanwhile funds are allocated to day care centers to provide services—and some of these centers are in turn the ones where abuse is taking place.

In New York City—we know that some 60 percent of the $165 million spent for day care is Federal money. We also realize that the local agency which administers the programs, the Human Resources Administration, had grown so large it was difficult to trace whether those day care centers where abuse was being reported were Federally financed. That should not be the case and the time has come to start ensuring that future SSBG funds are in fact accounted for relative to day care.

The issue of better training of day care personnel in my mind is also central to this issue. Only about 25 percent of day care employees have professional training in appropriate services. Only 10 States and the District of Columbia require caregivers to have degrees beyond a high school diploma. Even in those States which do require a higher degree it is not always in early childhood education or child development as it should be.

It should be noted that there are not a great number of financial incentives associated with day care work. It is unfortunate for there are many caring individuals in our day care centers who deserve much higher compensation for the work that they do. Lower standards invite a lower standard of people working in our day care centers—including those with previous records of crimes against children. That is abominable.

Another related problem we have to contend with and which may be helped by this amendment has to do with actions that were taken when the social service block grant was established. It was accompanied by the elimination of special title XX training funds and reduced overall expenditures by 25 percent. In my home State of New York this translated into a drastic decline in training funds from $14 million to $4 million since fiscal year 1980.

Under this amendment and since New York State does have a law in effect dealing with screening and background checks it will be eligible for some $3.8 million in funds under this bill which will help a great deal to restore earlier cuts which went right into training.

I hope this amendment is adopted. It is vital that we take some action before we adjourn to deal with this problem. Day care is becoming a central part of millions of families in this Nation. Consider since 1977—the number of children 5 years and younger whose mothers are employed is up by 50 percent to 10 million. Combine this with increases in the number of single fathers—the need for day care services becomes apparent. What must also be apparent is the need to make sure that these centers are staffed with qualifed individuals. The Miller amendment is a step in the right direction and I urge its adoption.

● Mr. FORD of Tennessee. Mr. Chairman, we are all shocked and angered by the recent allegations of child abuse in daycare centers. These tragic incidents are most keenly felt by the children and families involved and by the day care professionals whose dedication to child development is tarnished by the actions of scoundrels.

As Members of Congress, we are responsible for monitoring the considerable Federal support that is provided to our national daycare system. It is also our duty to help the States improve child abuse prevention efforts. Today we have an opportunity to assure that this duty is carried out.

The first, most obvious way to encourage a safe and adequate child care system is training for the child care staff who spend countless hours with our children. Prior to 1981, a separate title XX training program existed. Today, in the aftermath of budget reductions, this is no longer the case. Roughly 75 percent of all child care workers have had no training. Staff turnover for child care centers, nurseries and Head Start workers exceeds 40 percent. 24 States no longer target title XX funds for training. In light of these facts, and the recent revelations of abuse, extra resources must be targeted for training day care workers in child abuse prevention.

There is no short cut or quick fix solution to this problem. However, a $50 million investment today for increased training in child abuse prevention—with a requirement that States investigate the backgrounds and criminal records of day care providers—is essential if we are to make a serious effort to improve the safety and quality of the child care that our children receive.●

● Mr. RANGEL. Mr. Chairman, I rise to urge my colleagues to support this amendment.

Recently, my colleague, GEORGE MILLER and I conducted hearings on child abuse and day care. We have all been outraged by recent reported incidents of child abuse in day care centers throughout the country, and our hearings were designed to find out how the Federal Government can help States minimize the possibility of further incidents.

The Federal Government has a substantial stake in the daycare system. In particular Federal funds, through the title XX social services block grant, currently provide the resources for most public day care programs.

We learned in our hearings that there is no "quick fix" to the problem of abuse. However, it is very clear that the lack of training in child abuse prevention is a major shortcoming. Our amendment would provide emergency funds for child care providers to enhance abuse prevention and to further child development. The amendment is also designed to encourage States to prescreen day care employees so that persons with previous convictions for child abuse cannot prey upon our children.

Mr. Chairman, training is vitally important—

To help parents evaluate child care settings,

For effective monitoring of child care services

To upgrade the skills of child care employees; and

To help us recognize and deal with abuse.

The protection and development of our children is a matter of national concern. Our amendment represents an essential building block to a comprehensive effective program that will improve the safety and quality of day care.●

The CHAIRMAN. If there are no more speakers seeking recognition, the question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I have an amendment at the desk which I offer.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROE: At the end of the resolution, add the following:

SEC. . (a) The provisions of the bill H.R. 3678 (98th Congress), as passed the House of Representatives on June 29, 1984, are hereby enacted.

(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from New Jersey [Mr. ROE] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment consists of the text of H.R. 3678, the

Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act as it passed the House on June 29, 1984. It is the product of over 3 years of intensive work by the Subcommittee on Water Resources, including extensive hearings and countless hours of gathering information and consulting interested Members and their staffs.

Mr. Chairman, we began work on this legislation with two basic premises in mind. The first is that water is our most important and most valuable national asset, and resolving the problems relating to the use, overuse and abuse of water, as well as protection from catastrophic flooding, are items of the highest priority. The second premise is that we must begin to deal with these water resources problems according to a national policy that is both rational and bipartisan in nature. We have worked diligently to achieve that goal in this legislation.

H.R. 3678, as is traditional with water resources development bills, contains project authorizations, authorizations of water resources studies, project modifications, and general provisions effecting the overall water resources program of the Corps of Engineers. This bill also continues the practice of refining the manner in which the corps' existing water resources program is carried out to meet our constantly changing water resources needs. As a result, the bill contains a number of features addressing water supply needs, environmental concerns, energy needs, and project study procedures, in addition to the traditional provisions addressing flood control, navigation, erosion control, recreation, and the like.

This bill also contains a number of new provisions which significantly expand the water resources program of the Corps of Engineers and which recognize new water resources needs that have arisen as a result of the aging process on our water resources infrastructure.

Mr. Chairman, with these prefatory remarks, I would like to proceed through the bill briefly title by title to describe for you its contents.

Title I authorizes six deep-draft navigation projects—projects with an authorized depth of 45 feet or more—and 27 projects for the improvement of general cargo ports—ports with an authorized depth of between 14 and 45 feet.

These deep-draft projects will be subject to a new cost-sharing arrangement. The non-Federal share for deep-draft ports is established at 50 percent of the incremental costs of construction and maintenance associated with that part of any project which is deeper than 45 feet. For general cargo ports, the Federal share will continue to be 100 percent.

If a non-Federal interest collects fees on vessels in order to pay for its share of a deep-draft port or for other port expenses, those fees may only be collected from vessels which require a channel with a depth of more than 45 feet. The bill authorizes the collection of duties of tonnage, but it states that non-Federal interests which do collect them can do so only with respect to vessels which require the greater depth.

Section 104 provides a mechanism to permit non-Federal interests to plan, design, and construct port projects and later to be reimbursed subject to appropriations for those costs that ordinarily would be a Federal responsibility, so that a project may be expedited by non-Federal interests.

Title II authorizes the construction of seven critically needed lock and dam projects on the inland waterway system. These projects consist of replacements of obsolete structures and improvements to structures needed to prevent unacceptable constraints on navigation. This title also provides that one-third of the cost of the general navigation features of these projects shall be paid only from amounts appropriated from the inland waterways trust fund—the fund derived from fuel taxes on vessels used in commercial waterway transportation.

Title III authorizes the construction of projects for the control of destructive flood waters throughout the Nation. We have developed a new system of cost sharing which we believe to be fair and equitable. Under present law the non-Federal sponsors of local flood protection projects pay for lands, easements, rights-of-way and relocations, which vary from project to project, we have included a new uniform cost-sharing formula which will ensure that regional needs are addressed with fairness, and which will result in the equitable distribution of national water resources investments needed throughout the Nation. The non-Federal share for local flood protection projects is established at 25 percent. Non-Federal interests will continue to provide lands, easements, rights-of-way and relocations, up to a cap of 30 percent of the project's cost. If, on the other hand, the cost of lands, easements, rights-of-way and relocations provided by the non-Federal interests is less than 25 percent, the non-Federal interests must pay in cash the amount necessary to meet the 25 percent non-Federal share, with interest, over a period of 15 years.

This cost-sharing provision applies to projects which are not under construction as of the date of enactment of the act. I would note that the flood control project for the Mississippi River and tributaries is to be considered as one project for the purpose of the provision, and that all of the elements of the overall project therefore retain their traditional cost sharing. Further, we expect to make this fact plain in any conference.

Title IV authorizes a number of projects for the protection of shorelines on the Atlantic and the gulf coasts and the Great Lakes.

Title V authorizes projects for water resources conservation and development purposes—including mitigation of damages to fish and wildlife, water supply, hydroelectric power, streambank erosion control, navigation, and other purposes, including many detailed provisions designed to protect specific environmental values.

Title VI authorizes the corps to conduct a number of studies. These include studies of specific water resources problems in particular localities, as well as studies of a more general nature. A few of the most important provisions for studies of a general nature are as follows.

Section 605 directs the corps and the Fish and Wildlife Service to study the feasibility of utilizing the corps' capabilities to conserve indigenous wildlife and wildlife habitats, including creating alternative habitats, and beneficially modifying existing habitats.

Section 606 authorizes the corps to make a nationwide study of the Nation's flood problems and the effectiveness of existing projects in reducing losses from floods.

Section 610 directs the corps to prepare an estimate of the long-range capital investment needs for water resources programs within its jurisdiction—including investment needs for ports, inland waterway transportation, flood control, municipal and industrial water supply, hydroelectric power, recreation, and the fish and wildlife conservation and enhancement associated with those programs.

Section 614 directs the corps to prepare a list of authorized water resources studies for which no report has been transmitted to the Congress, and to make recommendations with respect to each study as to whether or not it should continue to be authorized.

Title VII contains a number of project modifications for a number of authorized water resources projects. These modifications were all analyzed by the committee on a case-by-case basis and were determined to be necessary for the functioning of the projects to which they relate.

Title VIII relates to water supply. Subtitle A establishes a loan program to be administered by the corps for the purpose of repairing, rehabilitating, expanding, and improving public water supply systems and publicly regulated water supply systems. These loans are limited to 80 percent of the cost of the water supply project for which each loan is made, with an

annual limit of $40 million for each project and an annual limit of $80 million for any State. Before receiving a loan, an operator must implement a water conservation program in order to encourage the responsible use of water.

Subtitle B of title VIII declares a national interest in economically conserving existing water supplies and in economically developing new supplies through Federal participation in the repair, rehabilitation, and improvement of water supply systems and through Federal construction of single purpose, as well as multiple purpose, water supply projects. The non-Federal share of such projects is to be 100 percent, with the non-Federal interests initially providing 20 percent, and repaying the remaining 80 percent of the project costs over a period of up to 50 years in accordance with the provisions of the Water Supply Act of 1958.

Title IX changes the names of 11 water resources projects which have been constructed by the corps and names specific features of two other such projects. One naming is geographical and the others are in honor of prominent individuals who have contributed their efforts to the development of water resources.

Title X, deauthorizes more than 300 authorized corps projects or portions of projects. The Congressional Budget Office has estimated that, if these projects were funded, Federal outlays would be approximately $17 billion, and outlays by non-Federal units of government would be approximately $3.1 billion through fiscal year 1996.

Title XI consists of a number of general provisions relating to the corps' water resources program. The following are a few of the most important provisions contained in that title.

Section 1101 defines the objectives for which corps water resources projects are to be planned, including the objectives of enhancing regional economic development, the quality of the total environment, the well-being and quality of life of the people of the United States, the prevention of loss of life, and national economic development. It also provides that the benefits and costs attributable to these objectives—both quantifiable and unquantifiable—shall be included in the corps' evaluations of benefits and costs for corps projects.

Section 1102 requires for the first time that non-Federal interests contribute 25 percent of the costs of any feasibility report for any water resources study prepared by the corps. An exception is made in the case of inland waterway projects, for which the benefits are generally acknowledged to be too widespread to be specifically identified with individual local governmental entities.

Section 1103 provides that in the evaluation of corps projects the benefits attributable to environmental measures shall be deemed to be at least to equal to the costs of those measures.

Section 1104 establishes a new $35 million environmental protection and mitigation fund. Amounts in this fund are to be available for undertaking, in advance of the construction of any corps project, any measures authorized as part of the project which may be necessary to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated.

Section 1122 relates to the master plan for the management of the Upper Mississippi River System, which was prepared by the Upper Mississippi River Basin Commission pursuant to Public Law 95-502. This section contains congressional approval of the master plan as a guide for future water policy on the Upper Mississippi River System. It authorizes the corps and the Interior Department, in consulation with the States, to undertake a program, as identified in the master plan, for the planning, construction and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement, implementation of a long-term resources monitoring program, and implementation of a computerized inventory and analysis system.

Section 1135 authorizes the corps to review the operation of previously constructed projects in order to determine the need of modifications in the structures and operations of those projects for the purpose of improving the quality of the environment in the public interest.

Title XII establishes a National Board on Water Resources Policy. The Board will be composed of the secretaries of the major Federal water resources agencies, together with two other members and a chairman appointed by the President with the advice and consent of the Senate. Among other things, the Board will be responsible for establishing principles and standards for the formulation and evaluation of Federal water and related land resources projects and coordinating Federal water resources policy. The establishment of this Board is critical to the establishment and implementation of a balanced water resources policy.

Title XIII establishes a port infrastructure development and improvement trust fund, and provides that there is to be appropriated each year to that fund an amount equal to the customs duties collected during the preceding year, but not to exceed $2 billion annually. Amounts in the trust fund will be available as provided by appropriations acts for studies, construction, operation and maintenance of general cargo and deep-draft projects; for studies, construction, rehabilitation and maintenance of the St. Lawrence Seaway project; and for making payments to any non-Federal interest which has planned, designed, or constructed a port in accordance with section 104.

Title XIV relates to bridges over navigable waters. It provides Federal assistance for the relocation of two bridges that have become obstructions to navigation as a result of local land subsidence problems.

Finally, Mr. Chairman, title XV requires that any report dealing with fish and wildlife mitigation, benthic environmental repercussions, or ecosystem mitigation, that is required to be sent to the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works shall also be sent to the House Committee on Merchant Marine and Fisheries.

Mr. Chairman, H.R. 3678, which is the result of over 3 years of intense study by our committee, represents the first major construction authorization bill since 1970—and the most comprehensive and environmentally sensitive water resources bill ever developed. It is necessary to the dynamics of our Nation's economy; it is timely; and I urge adoption of the amendment.

Mr. Chairman, I now yield such time as he may consume to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I rise in support of the amendment which would include in House Joint Resolution 648 the text of H.R. 3678 as that bill passed the House on June 29 of this year.

The passage of this legislation by the House by a margin of 359 to 33 represented the culmination of over 2 years of intensive efforts by our Committee on Public Works and Transportation and its Subcommittee on Water Resources to develop a comprehensive water resources bill which would truly meet the increasing and ever-changing water resources needs of our Nation.

This bill includes titles on ports, the inland waterway transportation system, flood control, water supply, water policy, and project deauthorizations. It establishes new cost-sharing principles for deep ports and for flood protection projects. It establishes new Federal policy in the very important area of providing assistance for the construction and rehabilitation of water supply systems. It provides for a national water policy to govern the planning and construction of Federal water resources projects. It deauthorizes over $11 billion worth of previously authorized but unconstructed projects. It is a bill which is sensitive to environmental concerns, to water

resources policy concerns, and to the water resources needs of our Nation.

This very important legislation is currently pending in the Senate. While I certainly hope that the other body may be able to pass this bill soon and enable us to go to conference, the rapid approach of the end of this Congress makes this increasingly unlikely. We are, therefore, seeking to add the text of this legislation as it passed the House to the continuing resolution in order to ensure full and proper consideration by both bodies and to secure its passage this year.

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. EDGAR].

Mr. EDGAR. Mr. Chairman, I rise in support of the Roe amendment, which includes the omnibus water bill that passed the Committee on Public Works and Transportation and the full House and is now pending over on the other side.

Hopefully, with this action of including this legislation in the continuing resolution, we will get some action in the other body. Let me remind my colleagues that we have not had an omnibus water bill for the last 8 years, and I have been an activist in stopping these water projects and water bills. This year, due to the great work of the gentleman from New Jersey [Mr. ROE] and others in the Committee on Public Works and Transportation, we have been able to place in this legislation a number of positive reforms.

Our colleague, the gentleman from New Jersey [Mr. HOWARD], mentioned the $11 billion of deauthorizations. There is also included in this legislation a revolving loan fund to replace aging water supply systems without driving up the national debt on into the future. Included in the bill is an environmental mitigation fund, which is important to mitigate some of the damage that has been caused to the environment by bad projects. For the first time, we set a minimum standard of 25 percent cost-sharing on all new projects. This is an important way to get State and local investment.

But let me say to my colleagues that I do have one concern. We are taking a bill which we have worked on and crafted and which is a very delicately balanced measure, and which is about the minimum that I can see that we could have, and we are placing it in a continuing resolution. We, on the Committee on Public Works and Transportation, will not be able to be conferees unless the Speaker chooses to appoint our members. I have talked with the gentleman from Alabama [Mr. BEVILL], the chairman of the Water Resources Subcommittee, and I have talked with the chairman of the Appropriations Committee, and I have been assured that on policy issues relating to this bill, the Committee on Public Works and Transportation and its Subcommittee on Water Resources will be fully involved. I take their word at this time, and it is my hope that we can come through this process with a bill that is identical, or very similar, to the bill that I have been able to support and that many in the environmental community have been able to support because of these reforms.

I want to commend the gentleman from New Jersey, and I want to urge my colleagues to support this bill at this time, but I want to put the House on notice that if we get into a process where the policy issues are stripped out and only the water projects are included, I will help to lead an effort to defeat this bill when it comes back from conference, and we will call on the President to veto the legislation.

Mr. Chairman, with the legislation in this form at this time, I support the language of the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentlewoman from Connecticut [Mrs. JOHNSON] for 15 minutes.

Mrs. JOHNSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend my colleague, the gentleman from Pennsylvania [Mr. EDGAR], for his clear explanation of the strengths of this bill, but I rise in reluctant opposition to the amendment offered by the gentleman from New Jersey.

The leadership of the Committee on Public Works and Transportation, Chairman JIM HOWARD, and ranking member GENE SNYDER, have done outstanding work developing H.R. 3678, this water resources authorizing legislation. The tireless efforts of Water Resources Subcommittee Chairman BOB ROE and ranking member ARLAN STANGELAND must be particularly commended. There is certainly much to support in this legislation and their efforts and the efforts of many others should not go unrecognized.

My opposition to the amendment lies primarily with the fact that it is being attached to the continuing resolution. This is not the appropriate vehicle for this water resources authorizing legislation. The House did indeed pass this legislation last June and it is up to the Senate through the regular legislative process to take action so that H.R. 3678 can proceed.

I also must object to this legislation on the grounds of its high cost and potential impact on the budget. While it is true that H.R. 3678 authorizes projects rather than appropriating money for them, it cannot be denied that it increases the potential expenditures of many billions of dollars at a time when we face many years of constraining spending.

As I said before, there are many features to commend this legislation. It includes new policy directions and numerous deauthorizations of projects. However, its high cost and the fact that we are attempting to attach it to the continuing resolution compels my reluctant opposition.

Mr. SNYDER. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the ranking minority member, the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I rise in strong support of the gentleman from New Jersey's amendment and urge my colleagues to do likewise.

Mr. Chairman, Congress and the executive branch have been completely deadlocked for 8 years with respect to water project authorizations and water policy establishment. This legislative gridlock has spanned two administrations, one Democratic and the other Republican. The problem is not one of partisan politics but rather is the result of a fundamental disagreement that exists between the Congress and the executive branch, particularly the Office of Management and Budget, over which branch of our Federal Government should be responsible for setting the Nation's water policy.

It doesn't take a doctoral thesis in political science or a lifetime of research in the Library of Congress to recognize this situation for what it is. How many of my colleagues remember the famous water project hit list of the previous administration? Or the refusal of that administration, and the current administration to a lesser extent, to forward to the Congress the reports prepared by the Corps of Engineers on many of the projects that have been ready for authorization for years? Or the famous independent water project review proposals of 6 years ago, designed to give veto power to the then Water Resources Council over individual water projects? Or current proposals to revise more than 100 years of tradition with respect to the Federal Government's responsibility to maintain the navigability of our Nation's rivers and ports?

Mr. Chairman, there is no doubt in my mind, and I suspect very little doubt in the minds of most of us here today, about which branch of our Federal Government the Constitution envisions as the policymaking branch. We use the shorthand phrase, "The President Proposes and the Congress Disposes" to reflect this constitutional requirement. For more than 200 years it has been the law of this land that it is the Congress that sets the Nation's policy and the executive branch that implements that policy.

More than 2½ months ago, by the overwhelming vote of 259 to 33, the full House of Representatives passed H.R. 3678, the Water Resources Conservation, Development, and Infra-

structure Improvement and Rehabilitation Act of 1984. This bill was the direct result of 3 years of hearings by our Subcommittee on Water Resources, during which we heard from hundreds of witnesses and received thousands of pages of testimony concerning the projects and water policy initiatives included in the bill.

In reality, however, H.R. 3678 is far more than this. It is really the product of hearings and negotiations and legislative drafting spanning the past three Congresses in addition to this 98th Congress. Many of our colleagues will recognize projects in H.R. 3678 that the House has voted favorably on three or four times since the last omnibus water project authorization bill was signed into law in 1976. For instance, the Gulfport Harbor port project in Mississippi, Halstead, KS, flood control project, the Oakland Outer Harbor dredging project in California, and the flood damage prevention work at Logan and Nelsonville in Ohio—all of which are included in H.R. 3678—were previously included in 1978 in the House-passed version of the 95th Congress' H.R. 13059 and again in 1980 in the House-passed version of the 96th Congress' H.R. 4788. These are just a few of the examples. Many other projects and provisions of H.R. 3678, too numerous to name here, are in the same category.

I have taken this time here today to frame the issue in these historical terms because I believe that an understanding of these matters is extremely important for purposes of appreciating why the amendment of the gentleman from New Jersey [Mr. ROE] must be overwhelmingly accepted.

Unfortunately, our colleagues in the other body have been unsuccessful in resolving their differences and completing action on water project authorization and policy establishment legislation. Thus, with only a few days remaining in this 98th Congress, if we fail to accept the Water Resources Subcommittee chairman's amendment, Congress will once again have allowed itself to be stymied in its efforts to address this most important and badly needed legislation. The executive branch, for the fourth Congress in a row, will have succeeded in usurping the legitimate water policymaking role that properly belongs in the legislative branch. By default, OMB will continue to exercise water project decisionmaking responsibilities that properly belong with us. Our Nation's Water Resources Development Program will continue to languish and the American people will continue to be deprived of the investment in our Nation's future that is represented by the projects and policy contained in H.R. 3678.

Mr. Chairman, it is time to put an end to this paralysis. The issues are controversial, but not insoluble. They are complicated, but both bodies, House and Senate, have invested tremendous time and effort to understand them over the past few years. All that is lacking is the opportunity to meet our Senate colleagues in conference and to strike the necessary compromises with respect to the issues before us.

If we are successful in adding H.R. 3678 to this continuing resolution, as I am hopeful that we will be, I believe we can meet our colleagues in the other body in conference and come up with compromise language sufficient to break the water project authorization logjam that is standing in the way of the economic and other benefits these projects will bring. We owe it to ourselves and to our colleagues here in the House to make every effort to accomplish this goal. Our constituents deserve nothing less.

I strongly urge adoption of the Roe amendment.

Mr. EDGAR. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I would like to commend the gentlewoman from Connecticut for her concern because she has worked on our committee very aggressively for reform of the process, and in normal circumstances I would agree with the gentlewoman that this is not the appropriate vehicle. I do not think any of us like coming to the floor with such an Omnibus Harbors and Rivers Act which includes so many important areas and placing it on a vehicle that essentially is an appropriations bill.

The problem has been with the lack of action on the part of the other body, but we have over a period of time convinced this House and many in the other body that cost sharing, reduction of the projects that need to be deauthorized, the issue of environmental mitigation, and many of the other important issues are important policy issues that we have to deal with. If we do not take action in this bill at this time, I think we are going to find that the other body will take no action.

So I would just like to commend the gentlewoman for her leadership in overseeing the problem that we have had with the words like "pork barrel," and other pointed words that I have been involved with and have received some animosity on the part of our colleagues about. But I think we are at a very difficult point where we have major reforms, and in order to hold those reforms, we have got to use this very unusual vehicle, I will join my colleague in opposing this legislation if it comes back from conference and those policy reforms are stripped away.

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Mrs. JOHNSON. I do appreciate the quality of the policy reforms that are being proposed in this legislation. I truly commend the thoughtfulness and the thoroughness of the consideration that went into developing this water resources bill.

I also think that we share, and I know Chairman ROE shares with me as well as Chairman HOWARD, the awkwardness of this approach as of this moment.

I simply feel it is my responsibility to stand by the process considerations and to oppose the precedent that we are setting here, but I do agree that there are great strengths to this bill and I appreciate the comments of the gentleman that subcommittee members will be vigilant and involved as it goes to conference.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mrs. JOHNSON. I yield now to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in the strongest support of the amendment offered by the gentleman from New Jersey [Mr. ROE]. The leadership of Water Resources Subcommittee Chairman ROE has continued to be extraordinary and his personal efforts are in no small part the reason that we are here today with a real opportunity to address the water resources needs of our Nation. It has been a great pleasure to work with him and with the chairman of the Committee on Public Works and Transportation, JIM HOWARD, and ranking member, GENE SNYDER, on this vital legislation.

H.R. 3678 passed the House on June 29 by an 8-to-1 margin. At that time there were numerous amendments and extensive debate that permitted the House to fully consider and perfect this critically important water resources authorizing legislation.

The issue before us today is not support for H.R. 3678 itself, which it obviously has, but adding it to the continuing resolution.

Why we should, indeed why we must, include H.R. 3678 as part of House Joint Resolution 648 is a matter of time and need. The water resources needs of our great Nation cannot afford to wait any longer for congressional action. It has been 8 years since a water resources authorization bill became law and 14 years since a major bill was enacted. The size and scope of H.R. 3678 are in large part due to the years of inability to obtain final legislative action since 1976. The projects and problems keep adding up. It is our duty to deal with them.

It was my hope that the other body would be able to act in the 3 months since we passed our bill. Unfortunately, this has not happened. That is why

we are required to act again on H.R. 3678. By adding the water resources bill to the resolution, we will provide the incentive for the other body to act as well. It is frankly a means to get us to conference on the legislation.

The resolution currently contains funding for a number of water resources projects, all of which I am sure are vitally needed, but not all of which are presently authorized. If we are to authorize projects by way of the continuing resolution, then we should include the entire authorization package in order to address the entire Nation's range of concerns. Also, we need to resolve the numerous policy questions, including cost sharing. This can be done successfully by including the entire H.R. 3678.

I am fully confident that we can complete a conference on these matters with the Senate in a very short time. There are differences between the present Senate bill and H.R. 3678, but amendments proposed for the Senate floor bring the two bills closer together. Time may be short, but the time is sufficient to get the job done. As I said at the outset, time is the key. It is in the interest of the Congress and the Nation that we act now. It may be the last opportunity to ensure authorization for the many projects that this House so strongly supports.

I urge all my colleagues to join me in voting in favor of the Roe amendment.

Mrs. JOHNSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from New Jersey desire to yield further time?

Mr. ROE. Yes, Mr. Chairman. I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I, too, rise in support of this legislation, even though I have serious concerns which are being addressed in an ironic fashion. While we are pleading for water projects across the Nation, and I will make no bones about that it would positively affect projects in my district, we are also putting such restraint and constraints on the part of local governments involved that perhaps we are going to see decades and decades of inaction built into this very legislation, because the increased participation on a local basis that is required here may be the death knell of future projects within the very districts where we want these projects to go forth.

But nevertheless, I believe we ought to adopt this legislation now, because we will be imbedding in the legislative process, in the CONGRESSIONAL RECORD, and in the consciousness of all of us that indeed water projects are a necessity for the future of our country and, therefore, this is the first step toward the eventual solution of many of those problems.

Mr. Chairman, I support the legislation and yield back the balance of my time.

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do want to extend my greatest appreciation for the leadership of the gentleman from New Jersey, JIM HOWARD, who is chairman of our Public Works Committee, and the gentleman from Kentucky, GENE SNYDER, who have worked so very, very hard, and certainly to my good colleague and friend, the gentleman from Minnesota, ARLAN STANGELAND, without whose efforts frankly the bill would not have gotten to the floor if it were not for his help.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield to me?

Mr. ROE. Yes, I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I would like to compliment both gentlemen from New Jersey. After all, our country is our real wealth. I can't think of any two people in the history of my service here who have done a greater job in trying to look after our country.

I hope that when we look at this amendment we realize that what it would add to the joint resolution represents less than three-tenths of 1 percent of this year's administration requested increase for foreign aid and military spending. I hope they will take a long time before they fail to approve it. It is a step in the right direction.

I wish to commend my friend for the great job he has done.

Mr. ROE. Mr. Chairman, I want to thank the distinguished chairman for his encomiums and for his kind words, and again also the Rules Committee. We have a little bit of difficulty last week in making our peace, if you like, with the Rules Committee who did such a splendid job to be of help to us; so we want to thank everyone. This will be the third time, God willing, that we will pass this bill, so at this point I would like to thank the House for their consideration.

Mr. MOORE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey [Mr. ROE] to include in today's continuing resolution flood control and navigation improvements authorized by the House in its passage of H.R. 3678 on June 29, 1984, by the overwhelming margin of 259 to 33. Indecision on the part of the other body to resolve its water project differences now requires use of available and timely legislative means to insure severe flood control and navigation problems are corrected as soon as possible so further flood damage can be prevented.

The amendment authorizes the construction of a project for the control of destructive flood waters in the Pearl River basin in Louisiana and Mississippi. The Corps of Engineers has been working on this study for several years, and preliminary reports indicate the construction of flood control measures in this area could have greatly reduced the damage suffered due to flooding in the past.

Additionally, the amendment authorizes construction and study funds for flood control along the Amite and Comite Rivers. This is a significant step as a reconnaissance study now being conducted on the Amite and Comite basin has determined that had a dam and reservoir been in place during the flood of 1983, the damage prevented would have equaled the cost of the project itself.

The other rivers authorized for study—Bogue Chitto, Natalbany, Tangipahoa, Tchefuncte, and Tickfaw—although they frequently overflow their banks and create flooding conditions, have never been studied for possible flood control measures. Flooding is a real threat to people living along these rivers, and the area must be studied for possible corrective measures. The amendment, by including these rivers, has incorporated my legislation to this effect.

Finally, the amendment authorizes the Mississippi River ship channel project from Baton Rouge, LA, to the Gulf of Mexico. The deep-draft navigation channel in the Mississippi River would be enlarged from its present depth of 40 feet to a project depth of 55 feet. This is important to the Port of Baton Rouge. Within the Baton Rouge Port area, approximately 8.5 million tons of coal, grain and petroleum are shipped annually. This provides significant jobs and revenue for our economy.

The State of Louisiana is committed to all of these projects and has stated its support for providing its non-Federal financial obligation.

The continuation of these projects is critical to the area I represent. I urge members to support this amendment to insure that adequate flood control and river projects are continued.

● Mr. ANDERSON. Mr. Chairman, I rise in strong support of the amendment offered by our distinguished colleague from New Jersey, Mr. ROE.

At the outset, I would like to take just a moment and commend those from our Public Works and Transportation Committee—specifically, JIM HOWARD, BOB ROE, GENE SNYDER, and ARLAN STANGELAND—for their efforts in convincing the House and the Rules Committee that this omnibus water development bill is simply too important to be forgotten and cast aside.

As you know, the Roe amendment incoporates into the 1985 continuing resolution the text of H.R. 3678, the Water Resources Conservation, Development and Infrastructure Improve-

ment and Rehabilitation Act. This is the identical measure that was overwhelmingly approved in this Chamber this past June by the vote of 259 to 33.

Although the Congress has not approved a water resources development bill since 1976, it has been 14 years since a true construction authorization bill has been signed into law.

This comprehensive amendment approves badly needed Army Corps of Engineers water projects including port development, inland navigation, flood control, water supply, and a host of other important items.

Also, this amendment would deauthorize more than 300 water projects or portions of projects that have an estimated completion cost of $11 billion.

Mr. Chairman, this measure has strong bipartisan support and is an investment in our future. Should we fail to adopt this amendment, it could be many years before a comparable water development measure again reaches this floor. And if this scenario unfolds, our Nation's water development needs will fail to be addressed and the economic consequences could be a disaster.

I urge all of my colleagues to support this amendment.●

● Mr. FEIGHAN. Mr. Chairman, the continuing resolution before us today contains a provision allocating $2,337,000 of Ohio's fiscal year 1985 construction grant funds to reimburse the communities of Rocky River, Fairview Park, Bay Village, and Westlake for costs they incurred to build a waste water treatment plant.

Enactment of this provision will show that justice—even if it is delayed—need not always be denied.

The citizens of these communities agreed in 1967 to participate in developing an experimental waste water treatment plant. This new technology, they were told by EPA, promised the high level of treatment required to help clean up Lake Erie.

As the project moved from the planning phase to the construction phase, these communities went forward in good faith—relying on the assurances of the EPA that pending changes in the law would make them eligible for 80-percent Federal funding.

That was in 1972—12 years ago. Ever since then, these communities have been trying to get EPA to make good its promises. And for 12 years, EPA has been arguing that the costs for building the plant could not be reimbursed. Their argument was based on a quirk in the law that—they said—limited reimbursement to "normal" projects and excluded experimental projects.

Nothing could persuade them to change their needlessly narrow interpretation of the law. They were deaf to the pleas of the communities. They forgot the promises they had made. They ignored a colloquy in this Chamber in which the gentleman from New Jersey [Mr. ROE] restated the intent of Congress: That this project was eligible for reimbursement.

Mr. Chairman, my constituents in Rocky River, Fairview Park, Bay Village, and Westlake are not asking for special treatment. They have borne their share of the costs for this project—plus interest. In addition, they have borne the additional costs of replacing the experimental technology that failed.

They are not even asking us to increase the overall spending for construction grants.

They are asking us to provide the same level of Federal support for the Rocky River waste water treatment plant that we have provided for hundreds of other projects throughout the Nation.

And they are asking us to honor the commitments made more than a decade ago.

I urge my colleagues to join me in righting this wrong that has persisted too long.●

● Mr. WALGREN. Mr. Chairman, I urge my colleagues to support the Roe amendment to include funding for critical waterway projects in the so-called continuing resolution. This is our only chance to secure funding for these projects since the Senate has failed to act on the specific bill the House passed over 3 months ago.

The House bill that would be picked up by this amendment was carefully considered, environmentally sensitive and economically critical. It would be the first water resources bill to move through Congress in 8 years. Several points deserve attention:

First, many of us from the Northeast have been trying for years to bring better balance to water resource policy. In our view, we have seen money drained away from the older areas of the country to the West and Southwest for too long. The Northeast makes up 45 percent of the country's population, but receives only 25 percent of the public works money. This works out to about $6 per person spent in our region, compared to about $20 spent on the rest of the country. Locks, dams, flood control projects, sewers, and water systems are in a declining state in many of these older communities. The bill before us today attempts to redress these imbalances in several ways.

Second, under this bill, Congress would authorize the Corps of Engineers for the first time to establish a loan program to repair and rehabilitate municipal water supply systems. The Northeast-Midwest States can expect to receive 91 percent of these funds. Without this bill, the corps is limited to multipurpose projects, which, to be funded, must provide multiple benefits like recreation and navigation. By establishing a single purpose program, we will be able to repair aging water systems—a real breakthrough for areas like mine.

Third, the bill includes the suggestion of Pittsburgh area Members of Congress to include in their amendment Federal assistance for the Turtle Creek flood control project. This is a project in a great state of disrepair that cannot now handle threatened flooding. If we do not move on it, 340,000 people in 30 municipalities could be affected, including people in Penn Hills, Braddock Hills, and Forest Hills. The boroughs involved have and will continue to contribute to the project, but only Federal assistance can expedite the project and avoid human and property damage that could be devastating. I hope the House will agree to the amendment that adds Turtle Creek to the bill.

Fourth, this bill will aid the economy of areas still suffering from recession. In Pittsburgh, waterways are a fundamental underpinning of the economy. Our three rivers provide transportation for coal, chemicals, and steel. In gross tonnage, Pittsburgh is the largest inland port in the United States, moving 41 million tons of freight annually.

But our locks and dams were built in another time for another time. They are old, falling apart, and woefully inadequate. By 1990, we will see 78-hour delays in traffic on the Ohio. This would mean $400 extra cost per hour per tow. Our industries and the Pittsburgh economy can just not afford these extra costs if we are to remain competitive. Added transportation costs means higher consumer costs. One of the major factors in the price of coal—and this electricity—is transportation. An efficient navigable waterway system is essential to keep costs down. The same is true for coal-dependent products like steel, which is so important to our economy.

In the Pittsburgh area, the rivers are an economic lifeline. 85,000 jobs directly depend on the availability and use of river transportation. I am pleased that the House of Representatives is today taking this step toward bringing some national fairness and economic revitalization to our area and am pleased to cast my vote for this amendment.●

Mr. ROE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOWARD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 64, not voting 32, as follows:

[Roll No. 413]

AYES—336

Ackerman	Evans (IL)	Lundine
Addabbo	Fascell	Lungren
Akaka	Fazio	Madigan
Albosta	Feighan	Markey
Anderson	Fiedler	Marriott
Andrews (NC)	Fields	Martin (IL)
Andrews (TX)	Flippo	Martin (NY)
Annunzio	Foglietta	Martinez
Anthony	Foley	Matsui
Applegate	Ford (MI)	Mavroules
Aspin	Ford (TN)	Mazzoli
AuCoin	Frank	McCain
Barnard	Frost	McCandless
Barnes	Fuqua	McCloskey
Bateman	Garcia	McCollum
Bates	Gaydos	McCurdy
Bedell	Gejdenson	McDade
Bennett	Gekas	McEwen
Bereuter	Gephardt	McHugh
Berman	Gibbons	McKernan
Bevill	Gilman	McKinney
Biaggi	Gingrich	McNulty
Bilirakis	Glickman	Mica
Bliley	Gonzalez	Mikulski
Boland	Gore	Miller (CA)
Boner	Gray	Miller (OH)
Bonior	Guarini	Mineta
Bonker	Gunderson	Minish
Borski	Hall (OH)	Mitchell
Bosco	Hall, Ralph	Moakley
Boucher	Hall, Sam	Molinari
Boxer	Hamilton	Mollohan
Breaux	Hance	Montgomery
Britt	Harkin	Moody
Brooks	Hartnett	Moore
Brown (CA)	Hawkins	Moorhead
Bryant	Hayes	Morrison (CT)
Burton (CA)	Hefner	Morrison (WA)
Byron	Heftel	Mrazek
Campbell	Hertel	Murphy
Carney	Hightower	Murtha
Carper	Hillis	Myers
Carr	Holt	Natcher
Chandler	Horton	Neal
Chappell	Howard	Nelson
Chappie	Hoyer	Nichols
Clarke	Huckaby	Nowak
Clay	Hughes	O'Brien
Clinger	Hutto	Oakar
Coelho	Hyde	Oberstar
Coleman (MO)	Jenkins	Ortiz
Coleman (TX)	Jones (NC)	Ottinger
Collins	Jones (OK)	Owens
Conte	Jones (TN)	Packard
Conyers	Kaptur	Panetta
Cooper	Kasich	Parris
Courter	Kazen	Pashayan
Coyne	Kemp	Patman
Dannemeyer	Kennelly	Patterson
Darden	Kildee	Pease
Daschle	Kindness	Penny
Daub	Kleczka	Pickle
Davis	Kogovsek	Porter
de la Garza	Kolter	Price
Dellums	Kostmayer	Pritchard
Derrick	Kramer	Pursell
DeWine	LaFalce	Quillen
Dickinson	Lagomarsino	Rahall
Dicks	Lantos	Rangel
Dingell	Leath	Regula
Dixon	Lehman (CA)	Reid
Donnelly	Lehman (FL)	Richardson
Dorgan	Lent	Ridge
Dowdy	Levin	Rinaldo
Downey	Levine	Roberts
Duncan	Levitas	Rodino
Durbin	Lewis (CA)	Roe
Dwyer	Lewis (FL)	Roemer
Dymally	Lipinski	Rogers
Dyson	Livingston	Rose
Early	Lloyd	Rostenkowski
Edgar	Long (LA)	Roth
Edwards (AL)	Long (MD)	Roukema
Edwards (CA)	Lott	Rowland
Edwards (OK)	Lowery (CA)	Roybal
Emerson	Lowry (WA)	Rudd
English	Lujan	Sabo
Erdreich	Luken	Schaefer
Scheuer	Staggers	Vucanovich
Schneider	Stangeland	Walgren
Schumer	Stark	Watkins
Seiberling	Stenholm	Waxman
Shaw	Stokes	Weaver
Shelby	Stratton	Weiss
Shumway	Stump	Wheat
Shuster	Sundquist	Whitehurst
Siljander	Swift	Whitley
Sisisky	Tallon	Whittaker
Skeen	Tauzin	Whitten
Skelton	Taylor	Williams (MT)
Slattery	Thomas (CA)	Wilson
Smith (FL)	Thomas (GA)	Winn
Smith (IA)	Torres	Wirth
Smith (NE)	Torricelli	Wise
Smith (NJ)	Towns	Wolf
Smith, Robert	Traxler	Wolpe
Snowe	Udall	Wyden
Snyder	Valentine	Wylie
Solarz	Vander Jagt	Yatron
Spence	Vandergriff	Young (AK)
Spratt	Vento	Young (FL)
St Germain	Volkmer	Young (MO)

NOES—64

Archer	Gradison	Petri
Badham	Green	Ratchford
Bartlett	Gregg	Robinson
Beilenson	Hansen (UT)	Russo
Boehlert	Hiler	Sawyer
Broomfield	Hopkins	Schroeder
Brown (CO)	Hubbard	Sensenbrenner
Broyhill	Ireland	Shannon
Burton (IN)	Jacobs	Sharp
Coats	Jeffords	Sikorski
Conable	Johnson	Smith, Denny
Coughlin	Kastenmeier	Solomon
Craig	Latta	Studds
Crane, Daniel	Loeffler	Synar
Crane, Philip	Mack	Tauke
Daniel	MacKay	Walker
Dreier	Michel	Weber
Erlenborn	Nielson	Wortley
Fish	Obey	Yates
Fowler	Olin	Zschau
Frenzel	Oxley	
Goodling	Paul	

NOT VOTING—32

Alexander	Franklin	Martin (NC)
Bethune	Gramm	McGrath
Boggs	Hall (IN)	Pepper
Cheney	Hammerschmidt	Ray
Corcoran	Hansen (ID)	Ritter
Crockett	Harrison	Savage
D'Amours	Hatcher	Schulze
Eckart	Hunter	Simon
Evans (IA)	Leach	Williams (OH)
Ferraro	Leland	Wright
Florio	Marlenee	

□ 1500

Messrs. STUDDS, ROBINSON, and GREGG changed their votes from "aye" to "no."

Mr. McCOLLUM and Mr. SMITH of Florida changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WILLIAMS OF MONTANA

Mr. WILLIAMS of Montana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Williams of Montana: Please insert this section at the proper point in the bill and renumber subsequent sections accordingly.

SEC. . Notwithstanding section 102, no funds appropriated by this or any other Act may be used for any contract to administer a civilian conservation center of the Job Corps if the administration of such center was not under contract as of September 1, 1984.

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Montana [Mr. WILLIAMS] will be recognized for 15 minutes and a Member opposed thereto will be recognized for 15 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS of Montana. Mr. Chairman, I urge the adoption of my amendment to prevent the Department of Labor from violating clear congressional intent by forging ahead in contracting out the 30 civilian conservation centers of the Job Corps. These centers are currently administered by the Department of Interior and Agriculture.

The Department of Labor is proceeding to contract out these centers, despite the fact that on August 1, 1984, Chairman NATCHER of the Subcommittee on Labor, Health and Human Services and Education participated in a colloquy on this subject with the late Chairman Perkins which was supported by Mr. CONTE. The colloquy endorsed the statement, "* * * that is not the intent of our subcommittee or our Committee on Appropriations to see that the total operation of any civilian conservation center—of the Job Corps—is turned over by the Federal Government to private contractors * * *." Since that colloquy, the Department of Labor in its letter of August 16 to the Department of Agriculture, ignored and violated the colloquy's intent by implementing A-76 procedures to contract out these Job Corps centers.

My amendment would prohibit contracting out the administration of these centers if they had not been under such a contract prior to September 1, 1984.

In the other body, Senator HATCH introduced S. 2111 in the first session of the 98th Congress to permit contracting out of these centers. No similar bill was introduced in the House. In his own Senate Labor and Human Resources Committee his bill went nowhere. It wasn't even marked up in subcommittee.

Just last Friday, September 21, 1984—see CONGRESSIONAL RECORD, page S11697—the Senate reaffirmed its position by passing Senator BUMPERS' amendment to H.R. 6028 prohibiting contracting out.

Despite these clear indicators, the administration is pushing ahead and has done so without notification of the Congress and in particular Chairman HAWKINS or Chairman NATCHER defying specific requirements to do so in House Report 98-911.

The Department of Labor intends to proceed to contract out these centers

between now and when committees are reorganized in the 99th Congress. It is clear that we must act now to preserve congressional intent before the Department of Labor proceeds with more privatization of projects on public lands without the approval of and beyond the recall of Congress.

The 30 civilian conservation centers affected are:

Arkansas (two USDA): Ozark, Royal; Colorado (one USDA): Collbran; Idaho (one USDI): Marsing; Illinois (one USDA): Golconda; Kentucky (two USDA, one USDI): Mariba, Pine Knot, Mammoth Cave; Missouri (one USDI): Puxico; Montana (two USDA): Anaconda, Darby; Nebraska (one USDA): Chadron; New York (two USDI): Brooklyn, Medina; North Carolina (two USDA, one USDI): Franklin, Pisgah Forest, Cherokee;

Oklahoma (one USDI): Indiahoma; Oregon (three USDA): Estacada, Glide, Yachata; South Dakota (one USDA): Nema; Tennessee (one USDA): Bristol; Utah (one USDI): Ogden; Virginia (one USDA): Coeburn; Washington (one USDA, two USDI): Wauconda, Moses Lake, White Swan; West Virginia (one USDI): Harpers Ferry; Wisconsin (one USDA): Lanoa.

In Montana, we are particularly proud of the record established by the Job Corps centers in Anaconda and Darby that are operated by the Forest Service. Just last week the Trapper Creek Job Corps Center, south of Darby, received a Federal Department of Labor award for best overall performance in the Department's six-State region. The Anaconda Job Corps Center won recognition for most improved center. Both centers have consistently rated in the top third among 18 centers operated by the Forest Service nationwide. The two centers offer residential vocational training and education for about 224 youths, aged 16 to 21. In their 18-year history, about 12,000 students have graduated from the courses. Student projects have provided millions of dollars worth of labor and products to communities and agencies in Montana.

My amendment merely preserves the status quo whereby 30 Job Corps centers will remain operated by the U.S. Departments of Agriculture and Interior. The funding level for Job Corps in the Senate version of H.R. 6028 will permit the program to continue in its present form, and it is my hope that House conferees will adopt the Senate funding level for the Job Corps.

I would not be coming here today with this amendment of the continuing resolution if the Department of Labor was obeying the intent of the colloquy which occurred during House consideration of H.R. 6028, the fiscal year 1985 Labor/HHS/Education bill. It was my hope that that effort would have been sufficient. This amendment has the support of Chairman HAWKINS as well as Representatives WEAVER, SIMON, KOGOVSEK, STAGGERS, SOLARZ, MORRISON, CLARKE, FRANK, BOUCHER, ALBOSTA, SMITH of Nebraska, and LA FALCE.

I am attaching two important letters:

U.S. DEPARTMENT OF LABOR,
Washington, DC, August 16, 1984.

Hon. JOHN B. CROWELL,
Assistant Secretary for Natural Resources and Environment, U.S. Department of Agriculture, Washington, DC.

DEAR MR. CROWELL: This concerns our mutual efforts to determine how to bring the costs of the Job Corps' Civilian Conservation centers into line with those operated under competitively awarded contracts. As you know, this effort was raised in the President's Fiscal Year 1985 Budget request as a measure that could result in substantial cost savings to the Federal government, without diminution of the quality of the Job Corps program.

The recent series of meetings that have been held on this matter between members of our respective staffs have been constructive and enlightening. The meetings, which focused mainly on the Department of Labor's analysis of costs at the contractor-operated centers as compared to the costs at the Department of Agriculture's centers, have not, however, yielded a clear and conclusive assessment as to the gains in cost-effectiveness that would result from contracting out the Federally staffed centers.

While there is no general disagreement that the costs of the Civilian Conservation centers run substantially higher than the contractor-operated centers, there are questions concerning the reasons for the cost differentials. It has been argued, for example, that food costs at the Civilian Conservation centers are higher than at contractor-operated centers owing to their remote locations. On the other hand, it has been argued that the remoteness of these locations should also result in lower costs on account of reduced requirements for security staff. These issues, and many similar ones, have led us to conclude that the body of data now available to us is not adequate to arrive at a reasonably accurate determination of the cost savings that can be achieved.

We believe that the procedures found in OMB Circular A-76 will yield the types of data necessary to assess whether the costs of the Civilian Conservation centers can be made competitive with other Job Corps facilities, or at least reduced substantially. This Circular, as you know, establishes specific procedures and requirements to be followed by Federal agencies to determine whether certain activities and functions currently performed by Federal employees should, on the basis of cost considerations, be carried out by private contractors instead. In most cases, including the case at hand, these determinations are to be reached through a process whereby the Federal agency participates in a competitive bidding process with interested private sector firms.

After consulting with officials in OMB, we have established that the policies and procedures set forth in OMB Circular A-76 are directly applicable to the Job Corps centers operated by the Department of Agriculture. By simple virtue of the fact that 77 Job Corps centers are now being operated by contractors, there is no doubt that all centers must be regarded as potential "commercial activities" falling within the purview of the circular.

With regard to implementing the procedures found in A-76, it appears that the Department of Labor should take the lead in managing the process. This role is appropriate for the Department of Labor according to section B.1.a. in chapter 3 of circular supplement, part 1, which says in pertinent part:

"The agency requiring the product or service shall use the procurement process to establish commercial prices. The prospective providing agency shall furnish the requesting agency a firm price for the product or service which will then be compared by the requesting agency to the commercial price. A contract shall be awarded if the commercial price is more economical."

As is evident from the passage quoted above, it will be the Department of Labor's responsibility to establish the commercial price for operation of each center through the competitive procurement process. At the same time, we will ask you to prepare an in-house estimate for each of these centers. If the cost comparison prescribed by A-76 results in a determination that the best commercial offer for a center is more economical than the Federal department's estimate, then that center will be converted to contractor operation. Otherwise, the center will continue to be operated by the Department of Agriculture, assuming a continued interest in doing so.

Because the implementation of A-76 has several complex and highly technical aspects, I am proposing the formation of a task force that would assist the Job Corps Director, Mr. Peter Rell, in the development of a detailed plan and schedule for carrying the process to a successful and timely conclusion. Ideally, the task force would include representatives from the Departments of Agriculture, Interior, and Labor who, as a group, possess knowledge and expertise in A-76 procedures and Job Corps program administration. If at all possible, I would like the task force to convene by late August.

If you agree, I would appreciate it if you would identify the individuals who would be available to represent your Department on the task force. Please ask your staff to contact Peter E. Rell, Director, Office of Job Corps, with this information. I am, of course, available to discuss this initiative with you at any time.

Sincerely,

PATRICK J. O'KEEFE,
Deputy Assistant Secretary of Labor.

U.S. DEPARTMENT OF LABOR,
Washington, DC, April 13, 1984.

Mr. DICK HITE,
Acting Assistant Secretary for Policy, Budget and Administration, U.S. Department of Interior, Washington, DC.

DEAR MR. HITE: The President's 1985 budget request for the Employment and Training Administration calls for a number of specific cost reductions in the Job Corps program to maintain current service levels. One of the measures included in the Fiscal Year 1985 budget involves reducing the cost of the civilian conservation centers to make them competitive with the contractor-operated centers.

I want to assure you that it is not our intent through this action to remove all responsibility for Job Corps centers located on Federal lands from the Department of Interior. We have a close, longstanding relationship with you through the operation of the program, and we want to maintain that relationship. Where the day-to day operation of the centers is contracted out, we envision that some Federal staff from the Department of Interior will need to be retained onsite for general oversight, management of

vocational skills training projects on public lands, ensuring that the utilization of public lands and facilities is appropriate and that the program makes the maximum feasible contribution to enhance your Department's overall mission.

Since full implementation of competitive operations must occur by July 1, 1985, to realize the savings incorporated in the President's budget, we need to begin developing detailed plans and timeframes as soon as possible to give us sufficient lead time for the procurement process, a transition period, and Federal staff phaseout. I would appreciate it if you would have your staff contact the Director of Job Corps, Peter E. Rell, by April 20, 1984, to prepare jointly a phaseout/phasein schedule.

Sincerely,

PATRICK J. O'KEEFE,
Deputy Assistant Secretary of Labor.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the gentleman from Kentucky.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Chairman, as the distinguished gentleman in the well has pointed out to Members of the House, at the time the regular bill for fiscal year 1985 for the Departments of Labor, Health and Human Services, and Education was brought to the House for final passage, our late friend Carl Perkins, asked that I yield to him so we could have a colloquy in regard to this same matter.

Mr. Chairman, we still miss Carl Perkins.

The inquiry was as to whether or not it was the intent of our committee that these Job Corps centers that were now being operated properly, very efficiently, should be contracted out.

We said, Mr. Chairman, it was not the intent of our committee. We did not approve of it and we believed that the Education and Labor Committee, that has jurisdiction over the Job Corps program should have the final say as to this particular matter.

That was our statement then, Mr. Chairman. We thought we were right. Mr. Chairman, that is our statement today.

I say, Mr. Chairman, during our hearings—my distinguished friend from Massachusetts [Mr. CONTE] will agree with this—the Secretary of Labor comes before our committee. He spends a day, a day and half. We always find him very cooperative, Mr. Chairman, very cooperative. We have no trouble getting along with this gentleman. I think he has done a good job.

He is wrong in this instance, Mr. Chairman, or at least his people are wrong. The distinguished gentleman in the well from Montana is right. The chairman of the Education and Labor Committee, the new chairman, the gentleman from California [Mr. HAWKINS] is right. The amendment of the gentleman in the well should be adopted.

Mr. WILLIAMS of Montana. I appreciate the support and the kind words of the gentleman from Kentucky.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Let me ask the gentleman in the well this question. Could the gentleman tell me if this amendment, if adopted would prohibit A-76 review from going forward?

Mr. WILLIAMS of Montana. I say to my friend from Massachusetts that it would not permit the A-76 process from continuing. The A-76 process, as the gentleman knows, is a study process. It is not an implementation process.

What the Departments are doing in this instance, my friend and my colleagues need to understand, is in effect bypassing the A-76 process and going straight to implementation.

We are asking them to cease and desist that.

Mr. CONTE. One other question, because we did have that colloquy on the floor.

I agree with my good friend from Kentucky, we all miss Carl Perkins very greatly.

When we had that colloquy on the floor on August 1, Mr. Perkins was talking about whether centers would be totally contracted out. We said no, that was not our intent.

Its that what the gentleman is driving at?

Mr. WILLIAMS of Montana. That is the clear purpose of my amendment. If my amendment were implemented it would prevent a situation where all of the centers would have been contracted out privately.

Mr. CONTE. Would the gentleman support any cost-saving measures to reduce the cost of the Civilian Conservation centers?

Mr. WILLIAMS of Montana. Would the gentleman restate his question.

Mr. CONTE. Would the gentleman support any cost-saving measures to reduce the cost of the Civilian Conservation centers?

Mr. WILLIAMS of Montana. The Departments estimate that perhaps as much $20 million can be saved in Job Corps centers through cost-saving measures. I agree that that effort should be made and I am hopeful that the conference committee will agree to a figure that will find that.

However, the administration also estimates that in addition to that $20 million, perhaps another $10 or $12 million can be saved by contracting out these centers. That is disputable and I am, of course, hopeful that the conference committee rejects that part of the savings.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Reluctantly, I think that the gentleman has posed the issue in this particular bill in his statement that part of the cost-saving measures that are built into the recommendations by the Labor Department have to do with contracting out to private firms a job that now is being more costly conducted by others. If those of us who wish to do something about deficits really know what this is about, we would have to reluctantly oppose the gentleman's amendment. Is that not correct? Is it not so that on plain logic the cost now per individual trainee under the Job Corps would be sufficiently reduced if under the Labor Department's recommendations part of these centers would be given out to private contractors; is that correct?

Mr. WILLIAMS of Montana. There is a surmise on the part of the Department of Labor that perhaps there can be $12 million in savings if all of the Job Corps centers are contracted out privately.

□ 1520

The assumption is not based on an A-76 study. The assumption is based more on thrusting a wet finger into the wind. There is no demonstration of fact that that $12 million can be saved by contracting out these centers.

Now, let me make one other important point to the gentleman. There is an increasing notion in this country that private business can conduct the public's business better than the public can conduct it itself. And that is what part of the privatization of Government is all about, whether it is leasing the Navy, selling the weather satellites, or selling what is called the Crazy Mountains in Montana. The notion is that private business can do it better. But the hard fact is that in some agencies of Government, and in this particular instance, in some Job Corps centers, we have demonstrated for 20 years that private business cannot do as well in these centers as can the public. Now, is the public going to break even in the cost of running these centers? No; these centers happen to be expensive. Some of them are heavy-equipment-operated centers in the Forest Service. The cost per student participant is higher. But so is the job-placement record and the job-retention record. And it is the opinion of many of us that these few remaining Job Corps centers which the public has found it is best to run themselves, even though they are slightly more expensive per student, should continue to be run by the public and not run for

the purpose of making a profit at the student's expense.

Mr. GEKAS. If the gentleman will yield, I believe the gentleman is mistaken, but I appreciate the strength of his remarks.

I reluctantly must oppose this legislation.

Mr. WILLIAMS of Montana. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is any Member opposed to the amendment?

Mr. GEKAS. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] is recognized for 15 minutes.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I intimated through the colloquy I had with the gentleman from Montana, he seems to be, in offering this amendment, taking the position that in this particular amendment we want to issue a job protection policy for the current employee factions who are conducting or operating the centers, and I appreciate that. But we also have a duty as we proceed on the various appropriations before us to consider the deficit, that overwhelming deficit that is on the tongue of every American citizen these days.

If there is one thing that has been proved over the years to work to the benefit of the American taxpayer, it is to allow private contractors where possible to bid for projects to serve the public sector and what the Congress has mandated and thereby to preserve for the taxpayers the possibility that the lowest possible expense will be incurred in providing certain services. This, to me, is the classic example of how that theme can work. Here we have nothing to lose if we simply allow that process to go on, to allow one of these centers or two of these centers or all of them, if necessary, but not to prohibit any of them from doing so, of seeing whether or not a private contracting firm, with a package to be approved by the Labor Department, with all of the safeguards intact, to see whether or not we can reduce the per capita cost for the training that has to go into the projects for all these centers.

I must reluctantly reaffirm my opposition to this measure and to give it a chance to work. Why not see whether or not contracting out, with all the safeguards of bidding to be in place, whether or not the hardpressed taxpayer, at least in this instance, with all of the other spending that we are about in this Hall of the House of Representatives, whether or not it can result in some savings for the taxpayers and in some signal that we are interested in reducing, or preventing the escalation, at least, of the deficit.

Mr. Chairman, I yield back the balance of my time.

Mr. WILLIAMS of Montana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would tell my colleagues that this legislation has been referred to as perhaps a job protection effort for current employees of the Job Corps centers. That is not so. I have no difficulty with allowing the studies to continue which would determine whether or not all or part of the Job Corps centers should be subcontracted out. I have no problem with that. I only have a problem with this slam-dunk arrangement of the administration to go ahead and contract out every last Job Corps center, even though we now have a cooperative, coordinated, 20-year-long working arrangement between private contractors and the publicly administered Job Corps centers.

This is certainly not an amendment that is supported by big spenders wishing to break the budget. I tell my friend who opposes the amendment that this amendment has been adopted in the Senate. Just last week they put this amendment on their bill. They want to stop this headlong effort to let the last of the Job Corps centers escape the public purview.

The hard fact is that for 25 years now the Job Corps centers in America have proven themselves to be among if not the most successful job training effort in this country. The cooperative effort that we have between private and public contractors works, and we should not allow the Department of Labor to go ahead and tinker with something that just is not broken.

Mr. AuCOIN. Mr. Chairman, I rise in strong support of the amendment offered by Mr. WILLIAMS to prevent the Department of Labor from taking action that would seriously damage the civilian conservation centers of the Job Corps.

The Federal Government operates 30 civilian conservation centers in our national forests and parks. Over the years, the centers have proven themselves to be among the most effective Federal programs for meeting the needs of economically disadvantaged youths in this country. The centers give these young people a chance to learn jobs skills and—for the first time for many—give them adequate housing and a nutritional diet.

Like other Federal programs the Job Corps has suffered its share of budget cuts over the past 4 years: training programs have been trimmed and fewer people are being served. But today the centers face a new challenge. The Department of Labor, in direct opposition to Congress, has decided to contract out administration of the centers to private firms. In other words, the Department of Labor is preparing to hand over the centers to the lowest bidder.

Mr. Chairman, if something isn't broke, don't fix it. It doesn't make sense to sacrifice an effective Federal program that benefits the economy in the long run to save a couple of dollars in the short run. I say this as someone who has been a consistent critic of wasteful Federal spending, as someone who voted for an across the board spending freeze this year.

And I say this as someone who has had the opportunity to see, first hand, how well the civilian conservation centers work.

The Angel Job Corps Conservation Center, one of the 30 Federal centers, is located in Yachats, OR, in my congressional district. Yachats, a small community of 500 on the Oregon coast, is still reeling from the devastating recession of the past 4 years. Unemployment in the community is well above the national average. Traditional industries in the area such as fishing and timber are still depressed.

The Angel Conservation Center and the community of Yachats are joining together to meet these economic challenges.

The Director of the Center and the 50 members of the staff, who have been at the Center an average of 10 years, have worked to share the benefits of the Center with the community. The young people involved in the Center's chefs training program invite the citizens of Yachats to the Center for meals and, until recently, provided free meals for people down on their luck. The community is allowed free use of the Center's facilities for a variety of local activities and gatherings.

Every year the Center invites the citizens of Yachats to a Christmas dinner. And every year the cooking classes donate their time and expertise to the annual Yachats fish fry.

The Center's carpentry program has provided the labor to build an extension to the Waldport and Alsea Ranger offices and has helped to remodel the facilities of several nonprofit community organizations. In addition, the Center has donated labor to help the local Yachats Lions Club build a new library.

As Carl Shelley, member of the Yachats City Council, remarked: "I've never heard anyone say a bad word about the Center."

It is precisely this type of interaction that makes the Angel Center so successful—teaching marketable skills to the young people going through the program while helping to maintain the quality of life in the surrounding community. Unfortunately, it is precisely that sort of interaction that will be lost if the Department of Labor is allowed to go through with its plans to contract the activities of the Center to an outside firm. Contracting out means higher staff turnover and less coordination with local organizations.

Mr. Chairman, Congress has twice told the Department of Labor not to contract out the civilian conservation centers. Apparently, however, the unelected bureaucrats in the Department of Labor seem to think that they have the right to substitute their judgment for the will of Congress.

I say no, and I urge my colleagues to vote for the Williams amendment to insure the future of the civilian conservation centers.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEKAS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 414]

Ackerman	Burton (CA)	Dowdy
Addabbo	Burton (IN)	Downey
Akaka	Byron	Dreier
Albosta	Campbell	Duncan
Anderson	Carney	Durbin
Andrews (NC)	Carper	Dwyer
Andrews (TX)	Carr	Dymally
Annunzio	Chandler	Dyson
Anthony	Chappell	Early
Applegate	Chappie	Eckart
Archer	Clarke	Edgar
Aspin	Clay	Edwards (AL)
AuCoin	Clinger	Edwards (CA)
Badham	Coats	Edwards (OK)
Barnard	Coelho	Emerson
Barnes	Coleman (MO)	English
Bartlett	Coleman (TX)	Erdreich
Bateman	Collins	Erlenborn
Bates	Conable	Evans (IA)
Bedell	Conte	Evans (IL)
Beilenson	Cooper	Fascell
Bennett	Coughlin	Fazio
Berman	Courter	Feighan
Bevill	Coyne	Fiedler
Biaggi	Craig	Fields
Bilirakis	Crane, Daniel	Fish
Billey	Crane, Philip	Flippo
Boehlert	Crockett	Florio
Boland	Daniel	Foglietta
Boner	Dannemeyer	Foley
Bonior	Darden	Ford (MI)
Bonker	Daschle	Fowler
Borski	Daub	Frank
Bosco	Davis	Frenzel
Boucher	de la Garza	Frost
Boxer	Dellums	Fuqua
Breaux	Derrick	Garcia
Britt	DeWine	Gaydos
Brooks	Dickinson	Gejdenson
Broomfield	Dicks	Gekas
Brown (CA)	Dingell	Gephardt
Brown (CO)	Dixon	Gibbons
Broyhill	Donnelly	Gilman
Bryant	Dorgan	Gingrich
Glickman	Marriott	Russo
Gonzalez	Martin (IL)	Sabo
Goodling	Martin (NY)	Sawyer
Gore	Martinez	Schaefer
Gradison	Matsui	Schneider
Gray	Mavroules	Schroeder
Green	Mazzoli	Schumer
Gregg	McCain	Seiberling
Guarini	McCandless	Sensenbrenner
Gunderson	McCloskey	Shannon
Hall (OH)	McCurdy	Sharp
Hall, Ralph	McDade	Shaw
Hall, Sam	McEwen	Shelby
Hamilton	McHugh	Shumway
Hance	McKernan	Sikorski
Hansen (ID)	McKinney	Siljander
Hansen (UT)	McNulty	Sisisky
Harkin	Mica	Skeen
Hartnett	Mikulski	Skelton
Hawkins	Miller (CA)	Slattery
Hayes	Miller (OH)	Smith (FL)
Hefner	Mineta	Smith (IA)
Heftel	Minish	Smith (NE)
Hertel	Mitchell	Smith (NJ)
Hightower	Moakley	Smith, Denny
Hiler	Molinari	Smith, Robert
Hillis	Mollohan	Snowe
Holt	Montgomery	Snyder
Hopkins	Moody	Solarz
Horton	Moore	Solomon
Howard	Moorhead	Spence
Hoyer	Morrison (CT)	Spratt
Hubbard	Morrison (WA)	St Germain
Huckaby	Mrazek	Staggers
Hughes	Murphy	Stangeland
Hutto	Murtha	Stenholm
Hyde	Myers	Stokes
Ireland	Natcher	Stratton
Jacobs	Neal	Studds
Jeffords	Nelson	Stump
Jenkins	Nichols	Sundquist
Johnson	Nielson	Swift
Jones (NC)	Nowak	Synar
Jones (OK)	O'Brien	Tallon
Jones (TN)	Oakar	Tauke
Kaptur	Oberstar	Tauzin
Kasich	Obey	Taylor
Kastenmeier	Olin	Thomas (CA)
Kazen	Ortiz	Thomas (GA)
Kemp	Ottinger	Torres
Kennelly	Owens	Torricelli
Kildee	Oxley	Towns
Kindness	Packard	Traxler
Kleczka	Panetta	Udall
Kogovsek	Parris	Valentine
Kolter	Pashayan	Vander Jagt
Kostmayer	Patman	Vandergriff
Kramer	Patterson	Vento
LaFalce	Paul	Volkmer
Lagomarsino	Pease	Vucanovich
Lantos	Penny	Walgren
Latta	Petri	Walker
Leach	Pickle	Watkins
Leath	Porter	Waxman
Lehman (CA)	Price	Weaver
Lehman (FL)	Pritchard	Wheat
Lent	Pursell	Whitehurst
Levin	Quillen	Whitley
Levitas	Rahall	Whittaker
Lewis (CA)	Rangel	Whitten
Lewis (FL)	Ratchford	Williams (MT)
Lipinski	Regula	Wilson
Livingston	Reid	Winn
Lloyd	Richardson	Wirth
Loeffler	Rinaldo	Wise
Long (LA)	Roberts	Wolf
Long (MD)	Robinson	Wolpe
Lott	Rodino	Wortley
Lowery (CA)	Roe	Wright
Lowry (WA)	Roemer	Wyden
Lujan	Rogers	Wylie
Luken	Rose	Yates
Lundine	Rostenkowski	Yatron
Lungren	Roth	Young (AK)
Mack	Roukema	Young (FL)
MacKay	Rowland	Young (MO)
Madigan	Roybal	Zschau
Markey	Rudd	

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The CHAIRMAN. Three hundred ninety-five Members have recorded their presence, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. GEKAS] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 162, not voting 28, as follows:

[Roll No. 415]

AYES—242

Ackerman	Frank	Oakar
Addabbo	Frost	Oberstar
Akaka	Garcia	Obey
Albosta	Gaydos	Olin
Anderson	Gejdenson	Ortiz
Andrews (NC)	Gephardt	Ottinger
Andrews (TX)	Gilman	Owens
Annunzio	Glickman	Panetta
Anthony	Gonzalez	Pashayan
Applegate	Goodling	Patterson
Aspin	Gore	Pease
AuCoin	Gray	Penny
Barnes	Guarini	Pickle
Bates	Hall (OH)	Price
Bedell	Hall, Ralph	Pritchard
Beilenson	Hall, Sam	Quillen
Bennett	Hamilton	Rahall
Bereuter	Hance	Rangel
Berman	Harkin	Ratchford
Bevill	Hartnett	Reid
Biaggi	Hawkins	Richardson
Boehlert	Hayes	Rinaldo
Boland	Hefner	Rodino
Boner	Heftel	Roe
Bonior	Hertel	Rogers
Bonker	Hightower	Rose
Borski	Holt	Rostenkowski
Bosco	Horton	Rowland
Boucher	Howard	Roybal
Boxer	Hoyer	Russo
Britt	Hubbard	Sabo
Brooks	Hughes	Scheuer
Brown (CA)	Hutto	Schneider
Bryant	Jacobs	Schroeder
Burton (CA)	Jones (NC)	Schumer
Byron	Jones (TN)	Seiberling
Carr	Kaptur	Shannon
Chandler	Kastenmeier	Sharp
Clarke	Kennelly	Shuster
Clay	Kildee	Sikorski
Coelho	Kleczka	Sisisky
Coleman (TX)	Kogovsek	Skelton
Collins	Kolter	Slattery
Conyers	Kostmayer	Smith (FL)
Cooper	LaFalce	Smith (IA)
Coyne	Lantos	Smith (NJ)
Craig	Leath	Solarz
Crockett	Lehman (CA)	Spratt
Daschle	Lehman (FL)	St Germain
Davis	Levin	Staggers
de la Garza	Levine	Stark
Dellums	Lipinski	Stokes
Dicks	Long (LA)	Studds
Dingell	Lowry (WA)	Swift
Dixon	Luken	Thomas (GA)
Donnelly	MacKay	Torres
Dorgan	Markey	Torricelli
Dowdy	Martinez	Towns
Downey	Matsui	Traxler
Duncan	Mavroules	Udall
Durbin	McCloskey	Vandergriff
Dwyer	McCurdy	Vento
Dymally	McDade	Volkmer
Dyson	McHugh	Walgren
Eckart	McNulty	Waxman
Edgar	Mikulski	Weaver
Edwards (CA)	Miller (CA)	Weiss
Emerson	Mineta	Wheat
Erdreich	Minish	Whitley
Evans (IL)	Mitchell	Whitten
Fascell	Moakley	Williams (MT)
Fazio	Mollohan	Wilson
Feighan	Morrison (CT)	Wirth
Fish	Morrison (WA)	Wise
Flippo	Mrazek	Wolpe
Florio	Murphy	Wright
Foglietta	Murtha	Wyden
Foley	Natcher	Yates
Ford (MI)	Neal	Yatron
Ford (TN)	Nichols	Young (MO)
Fowler	Nowak	

NOES—162

Archer	Hillis	Paul
Badham	Hopkins	Petri
Barnard	Huckaby	Porter
Bartlett	Hyde	Pursell
Bateman	Ireland	Ray
Bilirakis	Jeffords	Regula
Bliley	Jenkins	Ridge
Breaux	Johnson	Roberts
Broomfield	Jones (OK)	Robinson
Brown (CO)	Kasich	Roemer
Broyhill	Kazen	Roth
Burton (IN)	Kemp	Roukema
Campbell	Kindness	Rudd
Carney	Kramer	Sawyer
Carper	Lagomarsino	Schaefer
Chappell	Latta	Sensenbrenner
Chappie	Leach	Shaw
Clinger	Lent	Shelby
Coats	Levitas	Shumway
Coleman (MO)	Lewis (CA)	Siljander
Conable	Lewis (FL)	Skeen
Conte	Livingston	Smith (NE)
Coughlin	Lloyd	Smith, Denny
Courter	Loeffler	Smith, Robert
Crane, Daniel	Long (MD)	Snowe
Crane, Philip	Lott	Snyder
Daniel	Lowery (CA)	Solomon
Dannemeyer	Lujan	Spence
Darden	Lundine	Stangeland
Daub	Lungren	Stenholm
Derrick	Mack	Stratton
DeWine	Madigan	Stump
Dickinson	Marriott	Sundquist
Dreier	Martin (IL)	Synar
Early	Martin (NY)	Tallon
Edwards (AL)	Mazzoli	Tauke
Edwards (OK)	McCain	Tauzin
English	McCandless	Taylor
Erlenborn	McEwen	Thomas (CA)
Evans (IA)	McKernan	Valentine
Fiedler	McKinney	Vander Jagt
Fields	Miller (OH)	Vucanovich
Frenzel	Molinari	Walker
Fuqua	Montgomery	Watkins
Gekas	Moore	Weber
Gibbons	Moorhead	Whitehurst
Gingrich	Myers	Whittaker
Gradison	Nelson	Winn
Green	Nielson	Wolf
Gregg	O'Brien	Wortley
Gunderson	Oxley	Wylie
Hansen (ID)	Packard	Young (AK)
Hansen (UT)	Parris	Young (FL)
Hiler	Patman	Zschau

NOT VOTING—28

Alexander	Hammerschmidt	Michel
Bethune	Harrison	Moody
Boggs	Hatcher	Pepper
Cheney	Hunter	Ritter
Corcoran	Leland	Savage
D'Amours	Marlenee	Schulze
Ferraro	Martin (NC)	Simon
Franklin	McCollum	Williams (OH)
Gramm	McGrath	
Hall (IN)	Mica	

□ 1550

Mr. GILMAN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DIXON

Mr. DIXON. Mr. Chairman, I offer an amendment which is made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DIXON: At the end of the resolution, add the following new section:

SEC. . (a)(1) Section 303(b) of the District of Columbia Self-Government and Governmental Reorganization Act is amended to read as follows:

"(b) An amendment to the charter ratified by the registered qualified electors shall take effect upon the expiration of the thirty-five-calendar-day period (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) following the date such amendment was submitted to the Congress, or upon the date prescribed by such amendment, whichever is later, unless, during such thirty-five-day period, there has been enacted into law a joint resolution, in accordance with the procedures specified in section 604 of this Act, disapproving such amendment. In any case in which any such joint resolution disapproving such an amendment has, within such thirty-five-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such thirty-five-day period, shall be deemed to have repealed such amendment, as of the date such resolution becomes law.".

(2) The second sentence of section 602(c)(1) of such Act is amended to read as follows: "Except as provided in paragraph (2), such act shall take effect upon the expiration of the 30-calendar-day period (excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days) beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, or upon the date prescribed by such act, whichever is later, unless, during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(3) The third sentence of section 602(c)(1) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(4) The first sentence of section 602(c)(2) of such Act is amended by deleting "only if during such 30-day period one House of Congress does not adopt a resolution disapproving such act." and inserting in lieu thereof "unless, during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(5) The second sentence of section 602(c)(2) is amended to read as follows: "The provisions of section 604, relating to an expedited procedure for consideration of joint resolutions, shall apply to a joint resolution disapproving such act as specified in this paragraph.".

(6) Section 604(b) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(7) Subsections (b) and (c) of section 740 of such Act are amended by deleting in each subsection the words "resolution by either the Senate or the House of Representatives" and inserting in lieu thereof "joint resolution by the Congress".

(8) Section 740(d) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(9) The amendments made by this subsection shall not be applicable with respect to any law, which was passed by the Council of the District of Columbia prior to the date of the enactment of this joint resolution, and such laws are hereby deemed valid, in accordance with the provisions thereof, notwithstanding such amendments.

(b) Part F of title VII of such Act is amended by adding at the end thereof the following new section:

"SEVERABILITY

"SEC. 762. If any particular provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.".

(c) Section 164(a)(3) of the District of Columbia Retirement Reform Act is amended to read as follows:

"(3)(A) The Congress may reject any filing under this section within thirty days of such filing by enacting a joint resolution stating that the Congress has determined—

"(i) that such filing is incomplete for purposes of this part; or

"(ii) that there is any material qualification by an accountant or actuary contained in an opinion submitted pursuant to section 162(a)(3)(A) or section 162(a)(4)(B).

"(B) If the Congress rejects a filing under subparagraph (A) and if either a revised filing is not submitted within forty-five days after the enactment under subparagraph (A) rejecting the initial filing or such revised filing is rejected by the Congress by enactment of a joint resolution within thirty days after submission of the revised filing, then the Congress may, if it deems it in the best interests of the participants, take any one or more of the following actions:

"(i) Retain an independent qualified public accountant on behalf of the participants to perform an audit.

"(ii) Retain an enrolled actuary on behalf of the participants to prepare an actuarial statement.

The Board and the Mayor shall permit any accountant or actuary so retained to inspect whatever books and records of the Fund and the retirement program are necessary for performing such audit or preparing such statement.

"(C) If a revised filing is rejected under subparagraph (B) or if a filing required under this title is not made by the date specified, no funds appropriated for the Fund with respect to which such filing was required as part of the Federal payment may be paid to the Fund until such time as an acceptable filing is made. For purposes of this subparagraph, a filing is unacceptable if, within thirty days of its submission, the Congress enacts a joint resolution disapproving such filing.".

(d) Section 102 of this joint resolution shall not apply with respect to the amendments made by this section.

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from California [Mr. DIXON] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer to House Joint Resolution 648, is the text of H.R. 3932, a bill which passed the House of Representatives on October 4, 1984. That bill—and this amendment—modify Public Law 93-198, approved December 24, 1973, the District of Columbia Self-Government and Governmental Reorganization Act and brings it into compliance with the Supreme Court decision in the case INS against Chadha. Specifically, the amendment addresses the Court's strict interpretation of the principles of bicameralism and presentment, and provides that the Home Rule Act conform to that standard.

Mr. Chairman, the Home Rule Act includes three congressional veto provisions which do not meet the Supreme Court test.

First, amendments to the DC Charter are required to be approved affirmatively by concurrent resolution of both Houses of Congress.

Second, acts passed by the Council of the District of Columbia and approved by the Mayor are subject to resolutions of disapproval by one or both Houses; however, criminal code legislation need only be disapproved by one House.

Third, the statute gives Congress authority to control by resolution the President's exercise of emergency authority over the Metropolitan Police Force.

Of these three provisions, only the second has ever been used by Congress. In using its power, Congress has exercised its veto over acts of the District government only twice. More than 700 laws have been enacted by the city since home rule. But the law must be changed to comply with the Court's decision.

In the Chadha decision, the Supreme Court concluded that article 1, section 7, of the Constitution, which requires that bills be passed by both Houses of Congress and be presented to the President for signature, had not been complied with when the veto mechanism was used. Since disapproved District of Columbia legislation is not presented to the President, presumably it violates the requirements of article 1. Because the strict interpretation requires that the dual test of bicameralism and presentment be met, remedial legislation was introduced.

H.R. 3932 and its companion piece in the Senate, S. 1858 would bring each of the veto provisions of the Home Rule Act into conformity with the Chadha decision by altering the form of congressional action from concurrent resolution to that of a joint resolution of disapproval. Like laws, joint resolutions must be passed by both Houses and presented to the President for signature. This process would satisfy the procedural requirements of article 1.

The application of Chadha to home rule raises a number of troubling problems. The city has been unable to take certain financial actions which have been planned for some time. The city's bond counsel will not give the District an unqualified opinion on various bonds, thereby precluding the city from going to the bond market. Also, litigants are using the decision as an argument in attacks on city criminal laws enacted since home rule.

Efforts to pass remedial legislation seem to be at an impasse. H.R. 3932 was passed by the House of Representatives at the end of the first session of the 98th Congress. However, S. 1858, although reported from the Committee on Governmental Affairs, is still pending before the Senate.

It is imperative, Mr. Chairman, given the potential danger not only to the city's financial capabilities but to the District government itself, to have legislation remedying this problem enacted into law.

Mr. Chairman, I ask the Members of this House to support this important amendment.

I include, immediately following these remarks, a section-by-section analysis of the amendment:

SECTION-BY-SECTION ANALYSIS

SECTION 1

(a) Charter Amending Procedures.—Amends Section 303(b) of the District of Columbia Self-Government and Governmental Reorganization Act (Home Rule Act) to require the enactment into law of a joint resolution in order to disapprove an amendment to the charter which has been ratified by the registered qualified electors. Provides that if such a joint resolution is passed by Congress and sent to the President within the existing 35 calendar day time period permitted for such action, but signed into law after the expiration of such time period, the proposed charter amendment shall be deemed repealed as of the date such resolution becomes law.

(b) Limitations on the Council.—Amends Section 602(c)(1) of the Home Rule Act to require the enactment into law of a joint resolution in order to disapprove routine acts of the Council. Provides that if such joint resolution is passed by Congress and sent to the President within the existing 30 calendar day period (exclusive of certain specified days) provided such action, but signed into law after the expiration of such time period, the proposed act of the council shall be deemed repealed as of the date such resolution becomes law.

(c) Limitations on the Council.—Technical amendment to Section 602(c)(1) of the Home Rule Act which changes the word "concurrent" to "joint".

(d) Limitations on the Council.—Amends Section 602(c)(2) of the Home Rule Act to require the enactment into law of a joint resolution in order to disapprove an act of the Council codified in titles 22, 23, or 24 of the District of Columbia Code. Provides that if such joint resolution is passed by Congress and sent to the President within the existing 30-day period provided for such action, but signed into law after the expiration of such time period, the proposed act of the Council shall be deemed repealed as of the date such resolution becomes law.

(e) Limitations on the Council.—Technical amendment to Section 602(c)(2) of the Home Rule Act which clarifies the requirement for joint resolutions of disapproval rather than simple resolutions with respect to acts of the Council codified in titles 22, 23 or 24 of the District of Columbia Code.

(f) Congressional Action on Certain Matters.—Amends Section 604(b) of the Home Rule Act by substituting the word "joint" for "concurrent" in the existing language outlining the procedures by which resolutions of disapproval are considered by Congress.

(g) Emergency Control of Police.—Amends Section 740 (b) and (c) of the Home Rule Act to require a joint resolution of Congress in order to terminate the existence of a state of emergency under which the President of the United States is empowered to require the use of the Metropolitan Police force for Federal purposes.

(h) Emergency Control of Police.—Amends Section 740(d) of the Home Rule Act to require enactment of a joint resolution in order to permit emergency use of local police by the President for a period in excess of 30 days.

(i) Effective Dates.—Provides that the amendments made by Section 1 of the bill shall apply to laws passed by the Council of the District of Columbia after the date of enactment of bill, and provides that all laws passed by the Council prior to the date of enactment of the bill are deemed valid. "Deemed valid" is interpreted as meaning that the Congress intends all laws which were enacted by the Council of the District of Columbia and which became effective prior to the effective date of H.R. 3932 are ratified by the Congress.

SECTION 2

This section of the bill adds a severability clause to the Home Rule Act as a new Section 762.

SECTION 3

Section 3 amends Section 164(a)(3) of the District of Columbia Retirement Reform Act by requiring enactment of a joint resolution in order for Congress to reject an annual report of the District of Columbia Retirement Board and exercise existing options to correct or resubmit any such report found deficient.

The CHAIRMAN. Is there a Member desiring to speak in opposition to the amendment offered by the gentleman from California [Mr. DIXON]?

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment offered by the gentleman from California [Mr. DIXON].

As Chairman DIXON explained, this amendment is designed to remove the cloud created by the Supreme Court's Chadha decision concerning the legislative veto. Since several provisions of the District of Columbia Home Rule Act are considered by some as unconstitutional, many District statutes and

authority are surrounded by a cloud of uncertaintly.

Specifically, the District has been unable to secure an "unqualified" legal opinion from bond counsel. This opinion is necessary to enter the municipal bond market with a reasonable rating. The absence of an unqualified legal opinion would make any bond issued by the city effectively unmarketable; no one would buy the bonds.

Currently, the District borrows from the Federal Treasury with interest. In fact, the administration listed the appropriation of $155 million in Federal loans to the District of Columbia as an objectionable provision in the House passed bill (H.R. 5899). On September 17, 1984, the "young slasher" wrote that "The District was to start borrowing in 1984 from the private sector and receive all of its capital funds from the private sector in 1985". However, administration objections to this reform have prevented the District from entering the private bond market.

The lack of authority to issue bonds also affects private organizations in the District of Columbia. Georgetown University, for example, has $65 million in tax exempt bonds pending before the District for approval. Until legislation is enacted clarifying the Chadha problem, the city will be unable to issue bonds.

I urge my colleagues to support this amendment.

● Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment which seeks to remove the cloud created by the U.S. Supreme Court's decision in the Chadha case in so far as that decision relates to the District of Columbia.

That case, more formally styled as Immigration and Naturalization Service against Chadha, and related cases, is causing a dramatic change in the way the executive and legislative branches of the Federal Government relate to each other. Chadha held that congressional veto provisions embodied in several Federal statutes were unconstitutional. More specifically, the Court held that legislative action which has the effect of altering the legal rights, duties, and relations of persons outside the legislative branch must be embodied in actions of both Houses of Congress then presented to the President for approval or disapproval. The Court further held that the invalid congressional veto provisions were severable and struck only those parts of the statutes which contained them.

The D.C. Home Rule Act in several places contains provisions for congressional veto of acts of the District of Columbia Government. According to many experts, these provisions fail the constitutional test set down in Chadha. For example, the legislative veto provisions of the Home Rule Act were listed in Justice White's dissent in the Chadha case, Justice White listed 56 acts of Congress which would be invalidated by the Court's decision. The legislative veto provisions of the Home Rule Act were also included in a more comprehensive list of 207 congressional veto provisions which the U.S. Department of Justice submitted to the Congress as failing the test for constitutionality as found in the Chadha decision. And the Congressional Research Service of the Library of Congress, in a special report issued July 5, 1983, concluded that the legislative veto provisions of the Home Rule Act were suspect under Chadha.

It is the considered opinion of the D.C. Committee, in consultation with the District Government, that corrective legislation is the best way to excise the D.C. Home Rule Act from the taint of Chadha.

All DC laws passed since home rule stand in a shadow of doubt which has prompted a proliferation of lawsuits. The District is unable to access the private bond market and must continue to borrow long term from the Federal Treasury, a state of affairs which is both expensive and unwanted by the District as well as the Federal Government. Some criminal cases are not being prosecuted because of the Chadha cloud over District laws, and the situation promises to get worse unless legislative action is taken to excise the District from the taint of Chadha. The future bodes even more nightmarish scenarios. So long as Chadha stands unchallenged by legislative intervention, the District will be a manacled government. Beginning in fiscal year 1984 and beyond, the District will have no source of long- or short-term financing. While the District has been working diligently to get itself into the municipal bond market, in the wake of Chadha, it cannot secure an "unqualified" legal opinion from bond counsel. At the same time, the Federal Government will no longer provide either bridge loans or capital improvement loans to the District.

Mr. Chairman, this standoff is more than a battle of wills. For the nearly three-quarters of a million taxpaying citizens of the District of Columbia, it is a bread-and-butter issue. More than 300 capital improvement projects are threatened, including school, health and housing projects. The new municipal office building cannot be completed if the Congress does nothing. The same is true of the District's crosstown water main project—a project incidentally which also affects the water delivery system to Federal buildings. In short, if Congress does nothing, beginning October 1, 1984, there will be no source for the $150 million short-term borrowing and the $155 million long-term borrowing that the District Government has relied upon each year to function. It is a situation, in my view, which cannot be tolerated.

Because of the weight of opinion that Chadha affected the District and because of the unique and troublesome burdens the decision presented, the Committee on the District of Columbia acted quickly to provide legislative relief. We passed, and the House ultimately passed, H.R. 3932, a straightforward proposal containing basically technical amendments to the DC Home Rule Act, designed to conform to the mandate of Chadha.

The amendment before us, identical to H.R. 3932, is designed to conform to the mandates of Chadha. It does not eliminate congressional oversight of District-passed legislation. It does not reduce the time for congressional review. Indeed, with Presidential involvement, it has the potential of increasing the time of congressional review. Moreover, it does not change the manner in which the District of Columbia Committee functions in the event the Congress chooses to involve itself in acts of the DC Government. It is, however, urgently needed.

Mr. Chairman, the basic thrust of the amendment is simple. In each instance in the DC Home Rule Act where a legislative veto is allowed, it is stricken, and in its place is inserted the requirement for "joint resolution." The import of this change is that in order for the Congress to reject an act of the District of Columbia Council, both Houses of Congress must affirmatively act by joint resolution, and the joint resolution must be presented to the President.

So, at section 303(b) of the Home Rule Act, the requirement that District charter amendment proposals be approved by concurrent resolution of the Congress under the amendment, is changed to a requirement of joint resolution. At section 602(c)(1), the provision allowing for congressional rejection of the DC Council acts by concurrent resolution is changed to require joint resolution. At section 602(c)(2), the provision allowing for one-House veto of criminal acts of the DC Council is changed to require a joint resolution to reject such acts. Section 740 which allows the President of the United States, in emergency conditions, to direct the Mayor to allow the use of the DC Metropolitan Police Force, is changed in the amendment by requiring a joint resolution by Congress to terminate such use of the police rather than a simple resolution. And section 164(a)(3) of the DC Retirement Reform Act which allows the Congress to reject a report of the Retirement Board by simple resolution, is changed to joint resolution.

The amendment makes laws passed by the DC Council prior to its enactment valid and adds a new section to the Home Rule Act, section 762, which

contains a severability provision. There are also certain other technical and conforming amendments.

Mr. Chairman, this amendment does not go as far as I would like it to go. Repeal of the congressional review period altogether would have been a preferred approach. It is, however, a proposal that has widespread support, and it does cure the potential problems raised by Chadha with respect to District legislation.

Mr. Chairman, I urge the House to support the amendment, an urgent matter for the Disctict of Columbia—a bill which does not impede or impair congressional oversight of DC Government action. There are nearly 700,000 Americans who pay taxes, who fight and die in our wars, and who shoulder all the burdens of citizenship—who are, this day, relying upon this House to carry the torch for them.

Thank you.●

● Mr. FRENZEL. Mr. Chairman, I support the Dixon amendment.

The amendment seems straightforward to me. It simply allows the government of the District of Columbia to issue bonds. Under the Chadha U.S. Supreme Court decision, the District of Columbia is foreclosed from offering bonds for construction. The only exception is the DC Housing Authority.

My judgment is that the District of Columbia ought to be able to run its own government. This amendment seems fair and necessary.

I am, of course, concerned about the advantage the District has under the Deficit Reduction Act provisions on tax-free bonds. Because of the per capita limitation on issuing authority, the District fares well. Moreover, because of the specific exclusion granted by the DRA to the DC Housing Authority, the District government does have an advantage not afforded other municipalities.

If there is a problem with bond limitations, then the proper place to make reforms is in the tax law, not in limiting DC's authority.

I also note that this year's DC appropriations contains a line item for $155 million for Federal payment to make up for the District's inability to issue bonds. I would hope that if this amendment is approved, we will see prompt recission of those funds.

I commend the chairman of the District of Columbia Committee, Mr. DELLUMS, and the chairman of the District of Columbia Appropriations Subcommittee, Mr. DIXON, for their diligent work on this matter.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DIXON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of amendment is as follows:

Amendment offered by Mr. FASCELL: At the end of the resolution, add the following:

SEC. . (a) The provisions of the bill H.R. 5119 (98th Congress), as passed the House of Representatives on May 10, 1984, are hereby enacted.

(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Florida [Mr. FASCELL] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill has already passed the House on May 10 and this simply gives us an opportunity to enact an authorization bill.

I will say to my colleagues, we will not hold up the conference. If we have not delivered a package on the conferenceable items by the time the Committee on Appropriations is ready to rise on the continuing resolution, they can drop this amendment and come home.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I am happy to yield to the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, I support the amendment offered by my friend, the distinguished chairman of the House Foreign Affairs Committee, to incorporate the text of H.R. 5119, as passed by the House on May 10, into this continuing resolution.

While I support the amendment, I regret that this action is necessary to protect the authorization process. Unfortunately, the other body has not seen fit to act on this important issue.

H.R. 5119, the foreign assistance authorization for fiscal year 1985, already approved by the House, contains a number of important legislative provisions. In particular, the text of that bill, the pending Fascell amendment, includes authorizations for critical Central American aid programs. It also contains a provision to provide Greece fair, proportional access to concessional foreign military sales [FMS] financing in the same ratio as Turkey receives in its total FMS financing package.

I oppose the inclusion in the continuing resolution of the complete foreign aid appropriations bill (H.R. 6237), without giving the House a chance to work its will on individual amendments.

Even now, the rule under which the continuing resolution is being considered does not permit me to offer an amendment to the foreign aid appropriations provisions of the continuing resolution. I had hoped to offer an amendment to raise the continuing resolution's dollar ceiling on worldwide concessional FMS financing. As the continuing resolution now stands on this point, some other proposed recipients of concessional FMS credits may have to make do with lower levels of concessional credits in order to implement the required, fair, proportional FMS treatment for Greece.

In conclusion, let me, nevertheless, urge my colleagues to adopt the Fascell amendment, as they did this same legislation originally on last May 10.

The CHAIRMAN. Is there a Member desiring to speak in opposition to the amendment?

□ 1600

Mr. OBEY. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. OBEY. Mr. Chairman, I thank the Chair.

Mr. Chairman, I certainly shall not take the 15 minutes, but I would like to explain to the House why at least this Member is opposed to the motion being offered by the chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL]. I have tremendous respect for the gentleman who offered the amendment and I appreciate the procedural bind the gentleman is in, but I would like to make a couple points to clarify what is happening procedurally.

The Appropriations Committee is always in a funny process, or in a funny position at the end of the session.

We are always "damned if you do and damned if you don't."

We are condemned for trying to proceed with the appropriations bill when we are required by law to do it. We are condemned for trying to use the appropriations process to in fact write law by some of the very people who today are asking us to use the appropriations process to write law, rather than simply appropriate money.

It just seems that no matter what we do, we are in a position of making somebody unhappy.

I think procedurally the only reason we are here today is because the other body has chosen not to meet their responsibility in taking up the authorization bill. I see no reason why Members of this House should have to take time to do our work twice because the other party will not do its work once. It seems to me that the best way to resolve this problem is to have the other body meet its responsibilities and take up its authorization and pass it.

The other point I would like to make, I do not want to support this

amendment for a number of reasons on substantive grounds. No. 1, it contains the language of the Broomfield amendment. I did not support the Broomfield amendment when it passed the House the first time. I see no reason why I ought to have to support it this time, and I will not.

I also see no reason why we should provide in MAP funds, which is grant military assistance, that is the giveaway stuff that everybody around here always objects to; I see no reason why we should vote to provide $156 million more in MAP assistance than we have in the appropriation bill. That is what you do if you attach this amendment.

I also see no reason why in the case of El Salvador we should provide an authorization for $9 million more than is provided in the appropriation bill. That just encourages the administration to come in here next year for additional supplementals. It seems to me that the fiscally responsible thing to do, the responsible thing to do from the standpoint of process, is to vote no on this amendment, and if I have an opportunity to do so, that is exactly what I will do.

● Mr. FAUNTROY. Mr. Chairman, I rise in support of this amendment, offered by the distinguished chairman of the Committee on Foreign Affairs, Congressman DANTE B. FASCELL.

This amendment is sponsored for the purpose of including in House Joint Resolution 648, the text of H.R. 5119, the Foreign Assistance Authorization Act for fiscal year 1985 as passed by this body on May 10, 1984. I support this amendment because I believe it is in our national interest to pass legislation which provides a policy framework for our assistance programs. Our foreign policy needs such a framework in order to clarify areas of congressional concern.

I also support this amendment because the text of H.R. 5119, which this amendment seeks to incorporate in the continuing resolution, has a number of very positive features, particularly as it addresses issues of human rights and economic development. For example, this amendment would provide the following: $1.6 billion in bilateral development assistance for basic human needs in developing countries; $25 million for a new "Child Survival Fund"; $97.5 million for the Sahel Development Program; $75 million for a new Economic Policy Initiative for Africa; $3 million for the African Development Foundation; $279 million for voluntary contributions to international organizations, including $53.5 million for UNICEF; provisions to ensure that assistance is targeted on those living in absolute poverty; a 10 percent set-aside for minority businesses from AID funds; $15 million for refugees and displaced persons in Africa; $134 million for the Peace Corps; $16 million for disaster relief assistance to famine victims in Africa; prohibitions on aid to Chile, Uruguay, and Paraguay; $45 million for Eastern Caribbean countries; $50 million for economically disadvantaged students from Latin America and the Caribbean; and conditions on aid to Haiti.

As chairman of the Congressional Black Caucus Task Force on Haitian Refugees, I am especially appreciative of the language in this amendment which sets conditions on aid to Haiti. Concern is expressed for the promotion and protection of human rights in Haiti by conditioning assistance on certification by the President that the Government of Haiti "is making a concerted and significant effort to improve the human rights situation in Haiti by implementing the political reforms which are essential to the development of democracy in Haiti, including steps toward the establishment of political parties, free elections, and freedom of the press." Most importantly, this section continues the requirement that the President shall report to the Congress every 6 months on the human rights situation in Haiti.

Mr. Chairman, our Nation needs a foreign policy that is undergirded by values supportive of democratization, human rights, and economic justice. This amendment, while not perfect in all aspects regarding the above, represents, on balance, a positive step by the Congress in asserting the principles of human rights and economic justice as important aspects of our foreign policy.●

Mr. FASCELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FASCELL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Colorado: Page 2, line 24, strike out the period at the end of section 101(b) and insert in lieu thereof the following: ": *Provided*, That 2 percent of the aggregate amount of new budget authority provided for in each of the first three titles of H.R. 6237 shall be withheld from obligation, and all earmarkings of funds in H.R. 6237 (except earmarkings for Israel and Egypt) shall be deemed to be reduced by 2 percent.".

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Colorado [Mr. BROWN] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, the foreign assistance bill, a portion of this bill, provides $17.9 billion of foreign assistance. In relation to what we authorized and what we spent in the continuing resolution last year, we have an increase of $586 billion in foreign assistance; but the fact is that the increase in foreign assistance is far larger than that. Through some innovative accounting, we have managed to show a reduction in the military sales area; but let us take a look at that. What they have done is indeed marked down military sales in terms of the amount appropriated this year, but the fact is that they have also reduced the interest rate.

Now, in talking to the Budget Committee, they advise us that instead of that being a $900 and some million reduction in foreign military sales, that that may well be a wash, at least that was their closest estimate; so if you consider that wash in foreign military sales, you are not looking at a $586 million increase in foreign assistance, you are looking at an increase of almost $1½ billion in 1 year.

The question is, with the enormous deficits we have and with our efforts to control spending on the domestic side, is it appropriate to go ahead with an enormous increase in foreign assistance?

The amendment that I offer is an attempt to bring some moderation to the size of that increase. In light of what many consider a $586 million increase in foreign assistance and what many and myself and some others consider almost $1½ billion increase in foreign assistance, this amendment would provide a modest $280 million reduction in the size of the increase. It would still leave major increases in foreign assistance over last year's continuing resolution.

It would apply to the first three titles. It does not apply to the fourth title.

It exempts the funds for Egypt and Israel because of our commitment to Camp David.

It provides that earmarked funds would be involved at the 2-percent reduction level.

So what we are looking at is an effort to bring this budget into line, to moderate the size of the increase that has been proposed. We are looking at a $200 million savings of the taxpayers' money.

One thing I think needs to be mentioned right here and now is that if we are going to get control of this deficit, if we are going to bring this interest and economy into line, we have got to be willing to face up to these problems in programs we like, as well as in those we do not like. We have got to be willing to set priorities.

How much easier an area do you want than foreign assistance? Where do we draw the line?

It seems to me this very modest proposal, this $280 million, is a first step toward helping to bring this continuing resolution down into line.

Let me address several specific areas, because I think it is important to see what happens in this bill. If you exclude foreign military sales and this amendment passes, you are still looking at a 15-percent increase in foreign assistance.

Now, admittedly that excludes the category where a decrease is shown, but remember, that is the area where we also reduced the interest rate.

What we are looking at is a $1.2 billion increase, excluding that category. That is the kind of moderation in the size of increase that I think we easily stand.

It preserves the priority set by the Appropriations Committee because it is across the board. It is evenhanded because it involves both economic aid and military aid.

It does not affect the cap on Central America. As you know, there is a $200 million ceiling on Central America. It does not affect that maximum.

But the 2 percent is manageable. The 2 percent is something we can live with.

If we do not face the budget problem here, where will we face it?

Mr. Chairman, I reserve the balance of my time.

Mr. KEMP. Mr. Chairman, will the gentleman yield for a question?

Mr. BROWN of Colorado. I have reserved the balance of my time, but I would be happy to answer any inquiries on the gentleman's time.

Mr. KEMP. Well, I do not have the time. The gentleman has the time. Does the gentleman want to take enough time to yield to me or not?

Mr. BROWN of Colorado. I am not sure if the Chair has recognized a speaker from the other side. I have obligated my time.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair is required to choose between these two distinguished gentleman and would prefer to alternate the parties in this case.

The Chair will recognize the gentleman from Maryland [Mr. LONG]. The gentleman from Maryland is recognized for 15 minutes in opposition to the amendment.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from Colorado.

I think the gentleman is wrong on a number of points.

First, I might point out that the gentleman fails to appreciate what has been recommended as foreign aid. The Appropriations Committee has not recommended increases in foreign aid for fiscal year 1985, as requested by the President.

Instead, the committee has proposed $450 million less than has been requested. We have proposed less for 1985 than this Congress has already provided for foreign assistance in fiscal year 1984. That is correct, and you should all know: There is no increase in foreign aid funding in this bill, despite this administration's request.

Any figures that the gentleman marshalls, I think will have to fly in the face of very carefully constructed data that we have on our committee financial table here. If the gentleman has any data that proves the contrary, let us hear from him.

Further, I should say that the foreign assistance appropriations bill for fiscal year 1985 is for the first time in many years relatively noncontroversial. And, it is bipartisan. It has been reported from the Foreign Operations Subcommittee and the full Appropriations Committee without a single dissenting vote.

I should point out that the gentleman has exempted $4.6 billion for Israel and Egypt in proposing his 2-percent cut in the total. That action exempts one-third of the total funds in the entire bill and causes the remaining programs to be cut by more than the stated 2 percent. Additionally, the amendment cuts each earmarked program or country by 2 percent. The result will be that programs like UNICEF, the U.N. Development Foundation, military and economic assistance to El Salvador, and Turkey; and, economic assistance to the Philippines, Sudan, Portugal, Morocco, and Cyprus will be cut by 2 percent.

The amendment, however, fails to provide direction on how the other programs which must be cut by more than 2 percent, such as the multilateral development banks, the new Child Survival Fund, the Economic Policy Initiative for Africa, the Agency for International Development programs, and military assistance funding should individually be cut. Consequently, the gentleman from Colorado is proposing that the executive branch would decide how much will be appropriated in each of these unearmarked accounts. I say to you that that decision rightfully belongs to the Congress of the United States.

□ 1610

That proposal is very bad. For example, whereas the amendment excludes Israel and Egypt from the program, it allows the President to wipe out completely the American Schools and Hospitals Abroad Program. That is a very, very important program for Israel; but, it is not excluded from the amendment. In this program, the President always requests $10 million for ASHA and the Congress votes three times that amount, $30 million for this year. Yet, the President could, if this amendment passes, cut $20 million out of that program and you would then hear a howl that would go up all over the United States from every synogogue, from every rabbi, and from those, of course, who are interested in schools and hospitals in Beirut and Egypt and so on. They are going to be worried about this program.

In summary, I strongly urge you to defeat this amendment. We have been careful and responsible in crafting the foreign aid section. It is bipartisan and noncontroversial. It provides less funding than fiscal year 1984. It provides much less than has been requested for fiscal year 1985. Further, the amendment usurps the prerogatives of the Congress to determine how and where money is going to be spent.

It is a bad amendment and I urge its defeat.

Mr. BROWN of Colorado. Mr. Chairman, at this time I yield 3 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. Mr. Chairman, I thank the gentleman from Colorado for yielding me some time because I want to rise in support of what I think is a very good amendment.

You know, as we head home to our districts we are going to be hearing a great deal about the deficit. In fact, I think we have already heard a great deal of it during our campaign period over the last few months. And as we run down the list of areas where the Congress has addressed the deficit, I think we have some strong points that we can talk about in many areas.

One of the areas which does not seem to be able to be talked about is foreign aid, because clearly if the Congress passes this bill as it is presently structured there is going to be a significant increase in the foreign aid appropriations. When you are going home and you are saying to your constituents, "Listen, we are going to make some tough decisions on spending to reduce the deficit," but you are unable to say to your constituents that we are going to be able to make those tough decisions in foreign aid, then I think we are going to receive a fairly jaundiced response.

The American people have always been suspect of our foreign aid program. I, for one, however, have felt that it is an appropriate program and in fact I have voted for foreign aid spending throughout my experience here in the House. That is a fairly difficult vote to make, being someone who votes generally against the spend-

ing practices of this House. But I think foreign aid is important.

In this instance, however, we are not talking about eliminating foreign aid. We are talking about reducing the rate of growth of foreign aid. We are talking about a budget which is up about $185 million in title I and up about $1.1 million in title II. That is a significant increase.

The Brown approach, which would cut across the board 2 percent, is a very reasonable approach. It is the type of an approach which we as a Congress should be willing to make, and then when you go home to tick off the areas where you have addressed the deficit as Members of Congress, when you get to the foreign aid item, if you have voted for this item you will be able to say we also made the tough decision in foreign aid.

I yield back to the gentleman from Colorado [Mr. BROWN] the balance of my time.

The CHAIRMAN. The gentleman has consumed 2 minutes.

Mr. LONG of Maryland. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. I appreciate the chairman yielding. I rise in very strong opposition to this amendment.

I have heard it said on the floor that this is a good, political issue. A fair cut in foreign aid.

We are told that this amendment will effect a cut across the board. But that is not correct.

First of all, the amendment exempts Egypt and Israel. Egypt and Israel get one-third of all U.S. bilateral foreign assistance, I say to my friend from Colorado. He says he does not want to cut Egypt and Israel because we have an agreement with Egypt and Israel on Camp David.

How about the agreement on basing with the Philippines? How about basing rights with Turkey and Portugal? How about the agreements we have made with other countries?

Why does the gentleman protect just the Camp David accords? How about the countries, the impoverished struggling African countries that support Camp David and have put themselves at great risk in the Arab world, such as the Sudan? Does the gentleman really want to cut out a key assistance program for the Sudan?

The gentleman suggests that his amendment would not affect Central America. It does not exempt Central America.

I took the floor and helped raise the money for an emergency supplemental for Central America, which the gentleman supported. But now he is proposing to backtrack on our commitment, to cut back promised security and economic aid for that part of the world, which is desperately in need of our help.

In the committee, we asked our friends on the Democratic side of the aisle, we asked our conservative friends to work out a compromise on economic security assistance. We worked it out and it is very fragile. And now if we adopt the Brown amendment, we would be cutting into the agreement that we had suggested was part of the President's foreign assistance program.

Foreign aid, yes, it may be good politics to cut foreign aid. But is it good national security policy?

Is it good to cut security assistance? Is it good to cut critical economic assistance? Is it proper to cut into the marrow and the bone of the very important programs that this country has designed for so many of those countries in the world who are desperately in need of U.S. security and economic assistance?

The gentleman says, as I said a little bit earlier, that this is going to be an easy thing for the administration to find 2 percent to cut. But if you stop and think, my friends, that if you exclude Israel and Egypt and the Camp David nations it raises to 4 percent the amount of money that is going to be taken out of the appropriations for other countries. That is $280 million.

The gentleman from Colorado suggests that this bill is way over what it was last year. But he is forgetting to factor into his statement the fact that supplemental funds were appropriated for the Central American package which was part of the Kissinger Comission or Jackson Report which was considered to be extremely vital to this country's hemispheric interests. When this supplemental is added in, we are $450 million under last year's level.

I ask my friends on the Republican side of the aisle to please give some consideration to what they are doing today by just across the board wiping out $280 million or so of those programs which are of critical importance to this country's defense and security needs.

This is not a foreign aid package as we have looked at them in the past. This is a defense bill as far as I am concerned. And I will match my voting record with any Member of the Congress, including the gentleman from Colorado, in terms of trying to cut Federal spending. But I think this would not be the proper, prudent, or responsible thing to do.

I support the opposition which can be heard from both sides of the aisle.

Mr. LIVINGSTON. Will the gentleman yield?

Mr. KEMP. I yield to my friend from Louisiana [Mr. LIVINGSTON] who had something to do with helping shape this whole foreign assistance, foreign security program.

Mr. LIVINGSTON. I appreciate my friend yielding to me. I have to say that I support his position in opposition to this amendment not because I wish to throw millions of dollars away on foreign aid per se, as we have always heard. It is easy to talk about the waste of money in the foreign-aid program.

But the gentleman might recall that actually the entire foreign aid budget is only about 1½ percent of the entire budget of the United States, of all of the money that the United States spend on an annual basis. And of that money, that small 1½ percent, as the gentleman ably pointed out, half or a little bit more than half of it goes to humanitarian assistance, simply to try to help people who are starving abroad; and the other portion goes as a defense bill, as the gentleman pointed out.

One thing I am particularly concerned about in advancement of this amendment, the gentleman from Colorado has pointed out that it is an across-the-board, evenhanded amendment. Let me ask the gentleman from New York, if you take out or exempt Israel and Egypt, does that not in fact mean that some 35 to 40 percent of the entire foreign aid package is exempt, and that that 2 percent, that evenhanded 2 percent across-the-board has to apply to all of the other countries that we support?

Mr. KEMP. It does, and second, as I pointed out a little bit earlier, the gentleman from Colorado suggests that we are protecting Camp David, but what about NATO? What about our agreement with Greece and Turkey and Portugal? How about in Southeast Asia with the Philippines? How about in Central America?

I asked the gentleman from Colorado privately why is it that we are cutting into those other agreements that this country has made, including his own administration, for the security interests of the United States? You are cutting into security as well as the economic needs of this country and the world.

I think it is a big mistake and I join with the gentleman from Louisiana in strong opposition to this approach.

Mr. LIVINGSTON. So the point, if the gentleman will yield further, he has pointed out we have commitments to other nations in the world. I am just wondering how that 2 percent would be apportioned to those other countries.

Mr. KEMP. It would double the cut from those other countries.

As the gentleman from Louisiana has pointed out, it increases the amount of money that has to be cut in other parts of the world. That means Korea, Thailand. How about Pakistan? We passed a big resolution to help the Afghan rebels. Where does anybody think they are getting their support if it is not from that part of the world

that is critical to this country's relationships? Yet this amendment would cut aid to Pakistan.

I expect that this amendment probably will pass, but I think it is a big mistake.

□ 1620

Mr. LIVINGSTON. We passed some packages here for assistance, military assistance, economic assistance for El Salvador. In this package is a $7 million appropriation for starving children in Honduras, people who are refugees from Nicaragua. These people would be hit not by 2 percent but by 4, 5, or 6 percent depending on how the administration chooses to apportion it.

Mr. KEMP. Certainly, as the gentleman from Maryland [Mr. LONG] pointed out, first, it is not across the board, and second, it leaves the discretion up to the executive branch and it totally removes from our committee, from our own hand, from the Congress, the responsibility for shaping a foreign assistance program.

Mr. LIVINGSTON. I thank the gentleman for his comments.

Mr. Chairman, I hope the committee will reject this amendment.

Mr. BROWN of Colorado. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I might observe that this modest cut that has been described in such draconian terms still leaves us with an increase over the continuing resolution of last year. So the world is not going to end if this modest cut goes through. I think we will survive just fine. As a matter of fact, we will work on lower interest rates.

At this time, Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to speak firmly in favor of the amendment of the gentleman from Colorado [Mr. BROWN].

At a time when we are asking the folks back home who are paying these bills to pay their taxes, at a time when we are asking them to take cuts in lots of domestic programs that are important to them back home, here we are in this bill increasing foreign aid in three categories—multilateral, bilateral, and military aid by 15 percent, even with this cut.

We will be increasing, multilateral aid by 11 percent, bilateral aid by 21 percent, and military aid by 22 percent.

Even with this 2-percent cut, we are still increasing these categories by 15 percent over the continuing resolution of 1984.

Mr. Chairman, I think it is time that we bring some control over these expenditures.

Like the refrain from that familiar song, we are "killing them with kindness, killing them with love."

I quote from the Kansas City Times of October 1983, where Maurice Williams, executive director of the World Food Council, issued a report in Rome last year on Africa's dire food problems:

Upper Volta can hardly cope with the number of assistance projects that it is receiving. For 1981 there were 340 external assistance missions and the government was not always able to keep up with the management and coordination requirements, with resulting confusion at all levels and a loss of resources and efficiency.

A study released by the Club du Sahel, a Paris-based consortium of donors to West Africa:

Donors collaborate relatively little with one another, they tend frequently to be in a competitive position, bidding for good projects, for good counterparts—

That is local managers—

and for uncommitted fiscal resources of the host government. Their impact on the internal cohesion of the host government can be particularly damaging.

Quoting further:

Most of the people have big egos and they all want to see the top people in the government—

Talking of the donors—

we simply don't have a very good appreciation of what Upper Volta has to face in coordinating donors. The sheer volume and weight of these teams is just overwhelming.

I am quoting there from Mr. John Becker, the agricultural officer in that country for U.S. AID. Mr. Becker said while on leave in Washington:

There were six different World Bank teams in the country when I left in June and not one really knew the others were there.

What is happening in the Kenyan Government is somewhat fascinating. When the British compiled a list of who was doing what in Kenya last year, aid officials were stunned to find that there were 600 projects sponsored by 40 different donors, not even counting the World Bank's presence.

In Haiti, and I am quoting,

Americans estimate there are 500 separate assistance missions, including more missionaries per capita than in any Third World nation. Someone will walk in and introduce themselves and I'll say, "Oh, you just got here?" And they'll say, "Oh, no, we've been here 15 years."

That is from Ann Fitzcharles, the Food for Peace officer of AID in Port-au-Prince.

So it seems fair to ask here today whether aid efforts from all the donors, including the United States, dovetail into some kind of coherent development strategy in the Third World.

Interviews around the world suggest the answer is a qualified "no."

Quoting again:

There are 56 separate donors in Africa, not one talking to another

And that is from the senior AID official in Washington.

They're undermining one another without even knowing it in some cases.

So I think it is time that we tried to bring some cohesive nature to what we do around the world to help. A 2-percent cut will force some sort of a sifting out of what we do around the other parts of the world with this aid.

Complex management tasks have been shoveled into Third World nations where 9 out of 10 people cannot even read them. For example, projects in the Sahel, an impoverished sub-Sahara region, have been so grandiose, so convoluted, that the aid controller in Mali acknowledges, "I doubt whether they could even be run in the United States," because 9 out of 10 who cannot even read the instructions that are sent.

Third World economic policies frequently undermine American efforts.

Mr. Chairman, I urge that this amendment be adopted. This is only a 2-percent cut. It still leaves a 15-percent increase, and I urge passage of the amendment of the gentleman from Colorado [Mr. BROWN].

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Maryland [Mr. LONG] desire to yield additional time?

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I want to rise in opposition to this amendment. You know, it really sometimes is pretty funny to watch the Congress work. We duck and we bob and we weave and we pose for political holy pictures all over these acres up here and then what we really do so often is we go home and pretend we have done something when we really do not have the guts enough to face up to the choices that this amendment pretends.

If you think there are individual items in the foreign aid bill which are too high—and God knows I do, I lost a lot of votes in subcommittee just 3 weeks ago, the gentleman from New York will tell you, and the chairman of the committee will tell you—but if you think an item is too high, you ought to have guts enough to offer an amendment cutting that specific item. This amendment does not do anything that takes any courage whatsoever. All it does is it says, "We would like to pretend that we are doing something about the budget deficit." If you want to balance the budget deficit on appropriation bills, you do not have to cut spending 2 percent, you have got to cut it 64 percent across the board. This just lets you pretend you are doing something about that problem.

So what do they do? Instead of deciding where those cuts are going to come they said, "Well, Mr. President,

we are going to let you do that." So Congress hides behind that gauze and then when the administration does not cut it in the right places then we are all free to criticize them for not implementing our cuts in the right places. That is not the responsible way to budget. That is not the responsible way for you to meet our military and economic obligations.

Most of the money that would be cut under this amendment I happen to oppose. But, Mr. Chairman, I think it is a mistake, for instance, to fiddle with what we have done in the Philippines. There we reduced the military aid going to the Philippines, we raised the economic assistance to try to send a message to the Marcos government.

This amendment is going to screw up the delivery of that message.

Mr. Chairman, I do not think we ought to play at being Secretaries of State. If you want to take on a policy directly, take it on directly but do not pretend that you are doing something on this phony amendment.

Mr. BROWN of Colorado. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Colorado [Mr. BROWN] has 3 minutes remaining.

Mr. BROWN of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the body has heard both sides of this issue. I would really like to respond to a couple of remarks that have been made because I think they are important for the Members as they consider their votes.

□ 1630

First of all, it was pointed out just a few minutes ago that this amendment did not specifically earmark individual areas where you would cut funding.

There is a reason for that. I think the gentleman from Wisconsin suggestion is a good one. There is a reason why the amendment does not do that and that is that the rule with regard to this bill does not permit that.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

If you want money cut, why do you not have the courage to tell us where it ought to be cut specifically. Why hide behind a percentage. Tell us what specific dollars you think should not be spent. Where is the President wrong? Specifically. Where are we wrong? Specifically.

Mr. BROWN of Colorado. I thank the gentleman for his comment.

The point is that the rule does not permit that kind of amendment. I think the gentleman's point is good and I wish it did.

Second, there has been a great deal of discussion with regard to whether you are cutting or increasing or how much this would result in.

The budget summary is very clear. There is an increase of $185.7 million from last year's continuing resolution to this year's continuing resolution in title I.

There is an increase of $1.123 billion in title II from last year's continuing resolution to this year's continuing resolution.

There is a drop in this bill in title III in military assistance of $712 million, but that, they tell me from the Budget Office, is offset by the drop in the interest rate that is charged. In other words, we have gone from something near a market interest rate down to 5 percent.

So, while the report, the summary report, shows a drop there, in fact, there is no drop.

The bottom line is we have a major increase in foreign assistance. The bottom line is this amendment does not eliminate it, it still leaves us with a major increase in foreign assistance.

But, my colleagues, we have limited resources. If we are going to get this economy back on line, if we are going to get interest rates down, we have to begin to at least address the size of these increases. That is what this amendment does.

It gives us a chance to get the American economy moving again. I urge its adoption.

Mr. STUDDS. Mr. Chairman, this continuing resolution will provide $122 million in additional U.S. military assistance for the Government of El Salvador. I think that is too much.

But rather than recite the arguments that have been presented in the past in opposition to unconditioned U.S. military aid to El Salvador, I intend in this statement to focus on the recent development in that country, and on the opportunities that I believe now exist for major progress toward peace.

The government headed by Jose Napoleon Duarte, in power now for a little less than 4 months, has greater legitimacy than any Salvadoran regime in more than half a century. This is true despite the fact that the elections this past spring did not include candidates from parties or factions supporting the armed opposition groups. President Duarte, unlike the military officials who ruled El Salvador for the past five decades, has a base of support that extends to virtually all sectors of Salvadoran society including the urban and rural poor. Duarte himself is a man of immense personal courage, whose most deadly enemies reside not within the armed left, but within rightwing elements of the military and civilian elite of El Salvador.

Prior to his election, Duarte pledged major reforms in human rights and progress toward a serious dialog with the armed opposition. At least two highly credible accounts of army-perpetrated massacres of civilians have since occurred, both of which Duarte has promised to investigate. Aside from those utterly inexcusable tragedies, there have been positive signs. Death squad killings have declined; efforts have been initiated to limit civilian casualties associated with the government bombing; the military has been purged of at least some of its most vicious and corrupt officers; the national university was reopened 4 years after a government-orchestrated bloodbath caused it to close; the government and the opposition have cooperated in several significant exchanges of prisoners; and a commission has been created to investigate four prominent, unsolved cases of murder and mass murder apparently perpetrated by members of the Salvadoran security forces.

These initiatives have been hailed by the Reagan administration and used to justify the President's request for major increases in U.S. military aid to El Salvador. It is vital to remember, however, that these small signs of progress could only be considered dramatic in El Salvador, which has traditionally had a government by, of, and for the wealthy, and where advocates of even the mildest social reforms have been routinely denounced as Communists and targeted for death.

It is also vital to bear in mind that the rightwing death squads that made organized armed opposition inevitable 4 years ago remain inside El Salvador, ready and willing to strike again. The leaders of these groups, including defeated Presidential candidate Roberto D'Aubuisson and his clique of military and civilian supporters, retain the power to prevent President Duarte from fulfilling his campaign promise to bring peace and justice to the people of El Salvador. An example of this power was the reputed threat by D'Aubuisson supporters to murder U.S. Ambassador to El Salvador Thomas Pickering last May. The United States took that threat very seriously, and removed the Ambassador from El Salvador for 2 months. But no criminal or other disciplinary action has been brought against those responsible for the threat, and D'Aubuisson has since been granted a visa to visit the United States.

The power of rightwing terrorist groups is also evident in the continued failure of the Salvadoran Government to convict anyone for any of the 20,000 murders of unarmed Salvadoran civilians that have occurred over the past 4 years. The fear of rightwing violence remains so widespread that four of the five members of the Commission se-

lected by Duarte to investigate past crimes have chosen to remain anonymous, while the penalty for military officers found guilty of murder is expected to be no worse than forced retirement or transfer to a diplomatic post abroad.

There are now two fundamental and related questions concerning the future of El Salvador. Can the extralegal rightwing violence—both military and nonmilitary—be stopped, and can the armed opposition be persuaded to pursue its social and political goals through more conventional means? I remain convinced that it must be possible to answer the first question yes before it will be equitable to hold the opposition fully accountable for its reply to the second.

The policies and the popularity of Duarte have opened important possibilities for progress in dealing with both political extremes in El Salvador. I believe that the full weight of U.S. resources and prestige could honorably and usefully be devoted to a strategy aimed at isolating and dramatically weakening the Salvadoran right. If this course were pursued with sufficient determination, I think it would have the full support of the broad majority of the people of El Salvador, and that it would strengthen substantially the ability of Duarte to pursue policies of reform and reconciliation within the country.

Unfortunately, the Reagan administration has never been willing to enter into a serious, ongoing public confrontation with the right wing. This is true, first of all, because confronting the murderers of El Salvador is a dangerous business. Second, such a confrontation would divert energy and attention away from what the administration believes to be the more important fight against the forces of the left. It has been this failure to confront the right that has led to my ongoing and strenuous opposition to U.S. military aid. I think it is cowardly, dishonest, and ultimately useless to fight the left in El Salvador without reforming the government to the point where a viable option to continued armed struggle exists.

We have today the allies within both the civilian and the military sectors of the Salvadoran Government that we must have to make a confrontation with the hardcore right a success. We have the leverage, through the availability or nonavailability of military aid, to insist that some measure of justice for past crimes be done. And we have the intelligence information and other evidence necessary to identify with reasonable certainty the individuals in El Salvador who are most directly responsible for the killings that have occurred in recent years. At least one of these men, for example, was on the payroll of the Central Intelligence Agency throughout the period in question.

President Duarte has admitted on numerous occasions that control of the right wing is an essential precondition to settling the civil war. For only until that occurs can one reasonably demand that the opposition put down its arms and agree to return to a normal democratic process. It should be remembered, for example, that the entire leadership of the civilian opposition in El Salvador was kidnaped by the Army at a public meeting in November 1980, tortured, and killed. The brother of the No. 2 leader of the current civilian opposition was murdered at D'Aubuisson's direction in February of the same year. The present leadership will not return to an electoral process until they have some reason to believe they will not be murdered. That strikes me as a reasonable request.

This is not to say, however, that the opposition should be relieved of any responsibility for its actions prior to the creation of a just and stable El Salvador. President Duarte's government is not the government against which they originally took up arms. Even the military, which remains the dominant force in Salvadoran society, has also begun to change, slowly, painfully, for the better. The opposition should, it seems to me, begin to recognize and respond positively to any progress that does occur inside the government, in order to facilitate that progress and make a peaceful settlement of the war a more and more realistic proposition. The opposition must also examine carefully its own goals for the people of El Salvador. They have been forced to fight a war that has increasingly resulted in hardships not only for the wealthy, but also for the poor on behalf of whom they claim to fight. The opposition has, in recent months, mimicked the Army's tactic of recruiting new soldiers through a process barely distinguishable from kidnaping.

Finally, also like the government, the opposition has accepted help from outside countries, thereby running the risk that it will lose control over the nationalist character of its own attempted revolution. The opposition's prospects for success will not be enhanced to the extent its policies appear to be directed by the leaders of other countries.

It is, therefore, a time of opportunity for U.S. policy in El Salvador, but it is an opportunity that is being lost. The Reagan administration has responded to Duarte's efforts at reform not by encouraging movement toward peace, but by pressing ever harder for a wider war. For 3 years, the administration has been predicting the military defeat of the guerillas, and for 3 years they have been wrong. Today, we are told that with more military aid, more U.S. advisers, and 2 more years, the Salvadoran Army will control 90 percent of the country. As once occurred in Vietnam. The tunnel of war grows longer with every prediction of peace and every promise of imminent light. The darkness of additional deaths grows deeper, U.S. involvement becomes greater, and the promised victory never comes.

Since 1981, the Reagan administration has provided about $1.5 billion in military and economic aid to El Salvador. Yet the guerillas are as strong as ever, and the economy has been laid to waste. The United States has spent tens of millions of dollars trying to halt the alleged flow of arms from the Government of Nicaragua to the Salvadoran rebels, but over the past 42 months, we have not interdicted or capture a single gun or bullet. The military approach is not working. The Pentagon knows it, and it is for this reason that U.S. troops have themselves been engaged in almost continual exercises throughout Central America over the past 2 years, preparing for the possibility—now, I fear, a likelihood—that they will be ordered to enter the war themselves.

I think the President has chosen the wrong course. I believe the opportunity for important progress in El Salvador is at hand. The administration deserves a share of credit for the creation of this opportunity, for its support was vital to the creation of the improved, albeit imperfect, electoral process that produced Duarte. But we must use this opportunity not to justify greater U.S. involvement in a wider and more savage war; instead we must move with vigor and courage to dismantle the structure of rightwing terror, and to test once and for all the many but uniformly unproven promises of democratic intent that have issued from the political and military leadership of the left.

● Mrs. LLOYD. Mr. Chairman, I strongly support the amendment offered by my colleague from Colorado [Mr. BROWN]. I think it is exceptionally good, farsighted amendment and I urge its adoption.

The issue of whether this Nation has the ability to provide massive amounts of financial assistance to foreign nations is indeed difficult. Since I first came to the Congress I have opposed the continuation of these programs because I could not, in all good conscience, support giving billions of dollars to other nations while we faced severe economic problems at home. I'm not suggesting that every one has been wasteful. Some of these programs have provided miraculous results and as proof we need only look to the Marshall plan.

However, in recent years, our aid has too often been readily accepted by nations who have consistently opposed

U.S. interests and the funding level for foreign aid far exceeds the amounts appropriated programs which benefit the citizens of our country. So I strongly support the gentleman's effort to cut the foreign assistance appropriations but am relieved that he chose to exempt Israel and Egypt from a reduction that will save the taxpayer well over $200 million. This exemption will maintain our commitment to the Camp David accords and will continue our assistance to the nation of Israel which has had to bear such heavy defense expenditures.

This amendment will allow us to cut foreign aid just as we have had to cut domestic programs but not at the expense of Israel, and their partner at Camp David, Egypt.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. BROWN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BROWN of Colorado. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 416]

Ackerman	Breaux	Daniel
Addabbo	Britt	Dannemeyer
Akaka	Brooks	Darden
Albosta	Broomfield	Daschle
Anderson	Brown (CA)	Daub
Andrews (NC)	Brown (CO)	Davis
Andrews (TX)	Broyhill	de la Garza
Annunzio	Bryant	Dellums
Anthony	Burton (CA)	Derrick
Applegate	Burton (IN)	DeWine
Archer	Byron	Dickinson
Aspin	Campbell	Dicks
AuCoin	Carney	Dingell
Badham	Carper	Dixon
Barnard	Carr	Donnelly
Barnes	Chandler	Dorgan
Bartlett	Chappell	Dowdy
Bateman	Chappie	Downey
Bates	Clarke	Dreier
Bedell	Clay	Duncan
Beilenson	Clinger	Durbin
Bennett	Coats	Dwyer
Bereuter	Coelho	Dymally
Berman	Coleman (MO)	Dyson
Bevill	Coleman (TX)	Early
Biaggi	Collins	Eckart
Bilirakis	Conable	Edgar
Bliley	Conte	Edwards (AL)
Boehlert	Cooper	Edwards (CA)
Boland	Coughlin	Edwards (OK)
Boner	Courter	Emerson
Bonior	Coyne	English
Bonker	Craig	Erdreich
Borski	Crane, Daniel	Erlenborn
Bosco	Crane, Philip	Evans (IA)
Boxer	Crockett	Evans (IL)
Fascell	Lloyd	Roth
Fazio	Loeffler	Roukema
Feighan	Long (LA)	Rowland
Fiedler	Long (MD)	Roybal
Fields	Lott	Rudd
Fish	Lowery (CA)	Russo
Flippo	Lowry (WA)	Sabo
Florio	Lujan	Sawyer
Foglietta	Luken	Schaefer
Foley	Lundine	Scheuer
Ford (MI)	Lungren	Schneider
Ford (TN)	Mack	Schroeder
Fowler	MacKay	Schumer
Frank	Madigan	Seiberling
Frenzel	Markey	Sensenbrenner
Frost	Marriott	Shannon
Fuqua	Martin (IL)	Sharp
Gaydos	Martin (NY)	Shaw
Gejdenson	Martinez	Shelby
Gekas	Matsui	Shumway
Gibbons	Mavroules	Shuster
Gilman	McCain	Sikorski
Gingrich	McCandless	Siljander
Glickman	McCloskey	Sisisky
Gonzalez	McCollum	Skeen
Goodling	McCurdy	Skelton
Gore	McDade	Slattery
Gradison	McEwen	Smith (FL)
Gray	McHugh	Smith (IA)
Green	McKernan	Smith (NE)
Gregg	McKinney	Smith (NJ)
Guarini	McNulty	Smith, Denny
Gunderson	Mica	Smith, Robert
Hall (OH)	Michel	Snowe
Hall, Ralph	Mikulski	Snyder
Hall, Sam	Miller (CA)	Solarz
Hamilton	Miller (OH)	Solomon
Hance	Mineta	Spence
Hansen (ID)	Minish	Spratt
Hansen (UT)	Mitchell	St Germain
Harkin	Moakley	Staggers
Hartnett	Molinari	Stangeland
Hawkins	Mollohan	Stark
Hayes	Montgomery	Stenholm
Hefner	Moore	Stokes
Heftel	Moorhead	Stratton
Hertel	Morrison (CT)	Studds
Hightower	Morrison (WA)	Stump
Hiler	Mrazek	Sundquist
Hillis	Murphy	Swift
Holt	Murtha	Synar
Hopkins	Myers	Tallon
Horton	Natcher	Tauke
Howard	Nelson	Tauzin
Hoyer	Nichols	Taylor
Hubbard	Nielson	Thomas (CA)
Huckaby	Nowak	Thomas (GA)
Hughes	O'Brien	Torres
Hutto	Oakar	Torricelli
Hyde	Oberstar	Towns
Ireland	Obey	Traxler
Jacobs	Olin	Udall
Jeffords	Ortiz	Valentine
Jenkins	Owens	Vander Jagt
Johnson	Packard	Vandergriff
Jones (NC)	Panetta	Vento
Jones (OK)	Parris	Volkmer
Jones (TN)	Pashayan	Vucanovich
Kaptur	Patman	Walgren
Kasich	Patterson	Walker
Kastenmeier	Paul	Watkins
Kazen	Pease	Waxman
Kemp	Penny	Weaver
Kennelly	Petri	Weiss
Kildee	Pickle	Wheat
Kindness	Porter	Whitehurst
Kleczka	Price	Whitley
Kogovsek	Pritchard	Whittaker
Kolter	Pursell	Whitten
Kostmayer	Quillen	Wilson
Kramer	Rahall	Winn
LaFalce	Rangel	Wirth
Lagomarsino	Ratchford	Wise
Lantos	Ray	Wolf
Latta	Regula	Wolpe
Leach	Reid	Wortley
Leath	Richardson	Wright
Lehman (CA)	Ridge	Wyden
Lehman (FL)	Rinaldo	Wylie
Lent	Roberts	Yates
Levin	Robinson	Yatron
Levine	Rodino	Young (AK)
Levitas	Roe	Young (FL)
Lewis (CA)	Roemer	Young (MO)
Lewis (FL)	Rogers	Zschau
Lipinski	Rose	
Livingston	Rostenkowski	

□ 1640

The CHAIRMAN. Three hundred ninety-seven Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Colorado [Mr. BROWN] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 273, noes 134, not voting 25, as follows:

[Roll No. 417]

AYES—273

Akaka	Erlenborn	Lungren
Albosta	Evans (IA)	Mack
Anderson	Fiedler	Marriott
Andrews (NC)	Fields	Martin (IL)
Andrews (TX)	Fish	Martin (NY)
Annunzio	Flippo	Martinez
Anthony	Ford (TN)	Mazzoli
Applegate	Fowler	McCain
Archer	Frenzel	McCandless
AuCoin	Fuqua	McCloskey
Badham	Gaydos	McCollum
Barnard	Gekas	McCurdy
Bartlett	Gibbons	McEwen
Bateman	Gingrich	McKernan
Bates	Goodling	McNulty
Bedell	Gore	Mica
Bennett	Gradison	Michel
Bereuter	Gregg	Miller (OH)
Bevill	Gunderson	Minish
Bilirakis	Hall (OH)	Molinari
Bliley	Hall, Ralph	Mollohan
Boehlert	Hall, Sam	Montgomery
Boner	Hamilton	Moore
Bosco	Hance	Moorhead
Boxer	Hansen (ID)	Morrison (WA)
Breaux	Hansen (UT)	Mrazek
Britt	Harkin	Murphy
Brooks	Hartnett	Myers
Broomfield	Hefner	Neal
Brown (CO)	Heftel	Nelson
Broyhill	Hertel	Nichols
Burton (IN)	Hightower	Nielson
Byron	Hiler	Nowak
Campbell	Hillis	Oakar
Carney	Holt	Olin
Carper	Hopkins	Oxley
Carr	Horton	Packard
Chandler	Hubbard	Panetta
Chappell	Huckaby	Parris
Chappie	Hughes	Pashayan
Clarke	Hutto	Patman
Clinger	Ireland	Patterson
Coats	Jacobs	Paul
Coelho	Jenkins	Pease
Coleman (MO)	Jones (NC)	Penny
Coleman (TX)	Jones (OK)	Petri
Conable	Jones (TN)	Pickle
Courter	Kaptur	Porter
Craig	Kasich	Price
Crane, Daniel	Kastenmeier	Pursell
Crane, Philip	Kennelly	Quillen
Crockett	Kindness	Rahall
Daniel	Kleczka	Ratchford
Dannemeyer	Kogovsek	Ray
Darden	Kolter	Regula
Daschle	Kramer	Richardson
Daub	Lagomarsino	Ridge
Davis	Latta	Rinaldo
Derrick	Leach	Roberts
Dickinson	Leath	Roe
Dicks	Lehman (CA)	Roemer
Dorgan	Levitas	Rogers
Dowdy	Lewis (FL)	Rose
Dreier	Lloyd	Rostenkowski
Duncan	Loeffler	Roth
Dyson	Lott	Roukema
Eckart	Lowery (CA)	Rowland
Emerson	Lujan	Rudd
English	Luken	Russo
Erdreich	Lundine	Sawyer

Schaefer	Snowe	Volkmer
Schneider	Snyder	Vucanovich
Schroeder	Solomon	Walgren
Schulze	Spence	Walker
Seiberling	Spratt	Watkins
Sensenbrenner	Staggers	Weaver
Sharp	Stangeland	Weber
Shaw	Stenholm	Whitehurst
Shelby	Stump	Whitley
Shumway	Sundquist	Whittaker
Shuster	Tallon	Whitten
Sikorski	Tauke	Williams (MT)
Siljander	Tauzin	Winn
Skeen	Taylor	Wirth
Skelton	Thomas (CA)	Wise
Slattery	Thomas (GA)	Wortley
Smith (IA)	Torricelli	Wylie
Smith (NE)	Udall	Yatron
Smith (NJ)	Valentine	Young (AK)
Smith, Denny	Vander Jagt	Young (FL)
Smith, Robert	Vandergriff	Young (MO)

NOES—134

Ackerman	Frank	Mitchell
Addabbo	Frost	Moakley
Alexander	Garcia	Morrison (CT)
Aspin	Gejdenson	Murtha
Barnes	Gephardt	Natcher
Beilenson	Gilman	O'Brien
Berman	Glickman	Oberstar
Biaggi	Gonzalez	Obey
Boland	Gray	Ortiz
Bonior	Green	Owens
Bonker	Guarini	Pritchard
Borski	Hawkins	Rangel
Brown (CA)	Hayes	Reid
Bryant	Howard	Robinson
Burton (CA)	Hoyer	Rodino
Clay	Hyde	Roybal
Collins	Jeffords	Sabo
Conte	Johnson	Scheuer
Conyers	Kazen	Schumer
Cooper	Kemp	Shannon
Coughlin	Kildee	Sisisky
Coyne	Kostmayer	Smith (FL)
de la Garza	LaFalce	Solarz
Dellums	Lantos	St Germain
DeWine	Lehman (FL)	Stark
Dingell	Lent	Stokes
Dixon	Levin	Stratton
Donnelly	Levine	Studds
Downey	Lewis (CA)	Swift
Durbin	Lipinski	Synar
Dwyer	Livingston	Torres
Dymally	Long (LA)	Towns
Early	Long (MD)	Traxler
Edgar	Lowry (WA)	Vento
Edwards (AL)	MacKay	Waxman
Edwards (CA)	Madigan	Weiss
Edwards (OK)	Markey	Wheat
Evans (IL)	Matsui	Wilson
Fascell	Mavroules	Wolf
Fazio	McDade	Wolpe
Feighan	McHugh	Wright
Florio	McKinney	Wyden
Foglietta	Mikulski	Yates
Foley	Miller (CA)	Zschau
Ford (MI)	Mineta	

NOT VOTING—25

Bethune	Hall (IN)	Moody
Boggs	Hammerschmidt	Ottinger
Boucher	Harrison	Pepper
Cheney	Hatcher	Ritter
Corcoran	Hunter	Savage
D'Amours	Leland	Simon
Ferraro	Marlenee	Williams (OH)
Franklin	Martin (NC)	
Gramm	McGrath	

□ 1650

Mr. McEWEN and Mr. RUDD changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1700

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I have an amendment at the desk which I offer.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRENZEL: Page 2, line 14, strike out the semicolon and insert ": *Provided*, That each amount of budget authority provided in the act, for payments not required by law, is hereby reduced by two per centum;"

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Minnesota [Mr. FRENZEL] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, my amendment to this bill is very straightforward. It would reduce the discretionary portion of the Labor-HHS-Education bill by 2 percent. My amendment would not reduce any other funds for any other program.

The budget resolution, as everyone will recall, limits domestic discretionary funding to 3.5 percent.

Total funding in the Labor-HHS-Education bill is about $96 billion. Of, that, $25,200,075,000 is discretionary spending. Those same programs were funded at $22,807,856,000 for fiscal year 1984 discretionary programs, therefore, increase 10.5 percent under this bill. That is, of course, 7 percent in excess of our own budget resolution.

My amendment would make a 2 percent reduction in that spending. Total discretionary spending would be $24,697,146,600. That is 8.3 percent more than last year. That is twice our budget limit. It is the least we can do.

My amendment makes $504 million in savings. But because of the huge size of the Labor-HHS-Education bill the amendment is not, in my judgment, particularly severe. Spending for the Department of Labor increases 3 percent over last year's level in my amendment. Spending for the Department of Health and Human Services increases 8 percent under my amendment. Spending for education increases 12 percent under my amendment. Funding for related agencies, which is reduced by 6 percent in the committee bill, is reduced 8 percent by my amendment.

Some, of course, will criticize my amendment on the grounds that is makes severe reductions. I would point out, however, that my amendment only reduces those programs in which the committee itself recommended reductions. Several programs were frozen at last year's level by the committee, or granted only small increases. In that instance, those programs face marginal reductions under my amendment.

In all instance, my amendment reflects the work of the Appropriations Committee. My amendment makes no realignment in priorities. It burdens no program unfairly. It cost no entitlement or mandatory. It is a fair, and effective, means to make some desperately needed savings.

I would also point out that my amendment does, in fact, exclude all mandatories and entitlements. No reduction whatsoever is made in Social Security, medicare, medicaid, SSI, black lung, guaranteed student loans, and a list of other programs. My amendment effects only about one-fourth of the total spending in this bill.

Finally, I would remind my colleagues that not only do we have to pass a bill, we have to get it signed by the President. When this bill came to the floor in August, the Office of Management and Budget indicated that it would recommend a veto unless this bill is reduced by about half a billion dollars. My amendment achieves that savings.

This is probably our last chance to make some savings this year. We'll have lot of opportunities to vote for extra spending, buy very few to make some essential savings. I urge a yea vote on my amendment.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The CHAIRMAN. The gentleman from Kentucky [Mr. NATCHER] is recognized for 15 minutes.

Mr. NATCHER. Mr. Chairman, the distinguished gentleman from Minnesota, my friend, has just advised the committee this is the last chance. This is the last chance to do something about the deficit. So let us go after the children in this country. Let us go after vocational education. Let us go after the feeding programs for the elderly. Let us go after cancer, heart, and stroke research. Let us take it out of the programs pertaining to job training that are so necessary at this time when we have millions of people unemployed.

Mr. Chairman, as far as education is concerned, let's reduce the deficit by reducing the Pell grant program that assists the boys and girls in this country to go through college.

Now that, in substance, is what this amendment if adopted would do.

Mr. Chairman, we don't agree with that argument and we believe this amendment should be defeated.

You know we passed the Labor-HHS-Education bill in the House on August 1, Mr. Chairman. The distin-

guished gentleman from Minnesota [Mr. FRENZEL] offered a 5.9-percent reduction across the board at that time.

As the chairman will remember, the rollcall vote was 144 ayes, 276 noes. The members of the committee said at that time, and I hope and pray today will say to the distinguished gentleman from Minnesota: We believe that the children in this country are our greatest asset. We are not going to start cutting this deficit at the expense of the children in this country.

Mr. Chairman, you know we hold hearings on the Labor, Health and Human Services and Education bill that last about 16 or 17 weeks. The members on the subcommittee, as my friend SILVIO CONTE of Massachusetts will tell you, we work together to produce a good bill.

Mr. Chairman, we do not have rollcall votes in our subcommittee. We do not need to have them. We sit there and talk about the issues in our bill. We are interested and concerned about the people in this country and that is what this bill is all about. We try to reach a consensus of all of our members.

Mr. CONTE, the ranking minority member not only on this subcommittee but on the full Committee on Appropriations, and I bring this bill out. We have done it now for a number of years. We bring a bill to House which both meets the needs of our people and in fiscally responsible.

Mr. Chairman, let me give you some specific example. If this amendment is adopted, Mr. Chairman, the job training program would be reduced $77,002,000.

As far as the summer youth program is concerned, that means so much to the cities in this country; the amendment includes an $18 million reduction. Think about it.

□ 1710

As far as the National Institutes of Health, Mr. Chairman, a $96 million reduction. Cancer research alone, the dread disease that we read about every day in the newspapers in this country, would receive a $20 million reduction under the Frenzel amendment.

Mr. Chairman, heart, lung, and blood research, $15 million; child health research, $5,939,000; research on aging, a $2,802,000 reduction.

Alcohol, drug abuse, and mental health would be reduced $8,106,000; child welfare assistance, $3,300,000. Chapter I grants for education of the disadvantaged children in this country, would be reduced $73 million. Chapter II grants for special education, a $14 million reduction.

Education for the handicapped—listen to this, Mr. Chairman—education for the handicapped. Not a member on this committee wants to do it. The Frenzel amendment makes a $25,970,000 reduction in education for the handicapped. Vocational education would receive a $14 million reduction. Student financial assistance, $101,580,000. Pell grants, $75 million.

Mr. Chairman, I know as well as you and every Member in this House that the budget deficit is one of the most serious problems confronting our people today. I know that. I know that when we end up with a $195 billion deficit, it is a serious matter. I know that when a budget is presented that totals $925 billion which anticipates a deficit of $172 billion, I know that is a serious matter.

Mr. Chairman, Mr. FRENZEL says this is the last go-round. This is the last time that we have a chance to reduce the deficit. Let us go after the children in this country; let us go after the elderly, let us go after the people who are helpless.

Mr. Chairman, not me. Not me, Mr. Chairman. I have served as a Member of this body for 30 years and 10 months, and I do not intend to start that today. The gentleman's amendment should be defeated.

Mr. Chairman, at this time I yield 5 minutes to my distinguished friend, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I thank the gentleman for yielding this time to me.

It is ironic that 5 days after we heard Member after Member come to the well and ask, "will this rule cut my water project, my dam, my jetty," and vote against even allowing consideration of those cuts, this House is being asked to cut funding for programs for the needy, the unemployed, the sick, the handicapped, the children.

It is ironic that the effect of the vote of the gentleman who offers this amendment on the rule last Thursday will mean that this House will approve hundreds of millions of dollars in new spending on public works, and allows amendments to be considered to add entire authorization bills for billions of dollars, in order to cut 2 percent off health and education programs. Are those the priorities of this House?

Mr. Chairman, on August 1, this House approved the fiscal year 1985 Labor, Health and Human Services and Education appropriations bill by an overwhelming vote of 328–91. The pending amendment seeks to reopen that bill. It seeks to cover ground that has already been covered.

It was my position on August 1, and continues to be my position, that the budget totals contemplated in the Labor/HHS bill and the related provisions of this continuing resolution are close enough to what the folks downtown are indicating they could accept that we can work it out in conference with the Senate. We are within striking distance of getting a bill signed for the second year in a row.

What I said on August 1 was let us go to conference with the Senate with our House-passed priorities. I said that if we are going to bargain with the Senate, let us bargain over the priorities the House has passed on funding for education. And if we are going to bargain over the importance of education, let us bargain from a position of strength.

The 2-percent cut proposed by the gentleman would take the Labor/HHS discretionary total, as I understand it, well below what is needed to obtain a signature on the bill. It would cut more than $500 million from the bill. But what's worst, it would do so by a rash, across-the-board approach, with the subtlety and finesse of a butcher's knife.

Let me tell you about the programs it would reduce below the fiscal year 1984 appropriation level:

Job Training block grant;
Summer Youth Employment;
Dislocated Worker Training;
Child Welfare Assistance;
Work Incentives for Welfare Recipients;
Migrant Education programs;
Vocational Education;
TRIO programs, like Upward Bound;
Libraries, and so on.

It would cut health research by nearly $100 million.

It would cut student financial assistance for needy college students by more than $100 million.

It would cut education programs by some $258 million—more than half of the reductions resulting from this amendment would come from education programs.

If this continuing resolution is going forward, as it is, with hundreds of millions of dollars in new starts for public works projects, and with amendments to authorize billions of dollars in spending on foreign aid, defense, and water resources, I believe it would send the wrong signal about this body's priorities to take action at the same time to hack away blindly at programs aimed at the education, health, and employment of our people.

I urge my colleagues not to reopen the bill we passed overwhelmingly on August 1, and to defeat the amendment.

Mr. WEISS. Mr. Chairman, I rise in opposition to the amendment. This amendment is advertised as a simple matter of trimming the budget, and it is contended that this is not a particularly severe cut. But nothing could be farther from the truth. The amendment proposes to cut precisely those programs which have already been hardest hit by program cuts in 1981 and 1982. And among them are some of the programs which benefit the most defenseless members of our society—poor children and their families.

The Frenzel amendment will continue to diminish funds for the education of our disadvantaged youngsters, de-

nying close to 100,000 low-income children of this valuable opportunity. It will cut funds to child welfare services, denying hundreds of abused and homeless children the assistance they need. And it would also slice programs that offer our Nation's disabled children educational opportunities they will not find elsewhere. By any standards, these are severe cuts which serve to deny opportunity and lessen hope for those that are most in need.

These are not the only programs covered by the proposed 2 percent across-the-board cut. The amendment also envisions substantial cuts for job training programs, for health programs under the auspices of the National Institutes of Health, and for programs on alcohol, drug abuse, and mental health. The amendment also places our Nation's students in jeopardy by deleting funds for vocational education, for student aid—including Pell grants, and for other higher education programs.

If the thought of cutting 2 percent out of these kinds of programs is appealing to anyone in this chamber, they would do well to remember that the House has already spoken on this issue repeatedly in recent months. The House spoke on this issue when it approved a budget resolution that allows for $2 million more in spending than the present resolution envisions. And it spoke on this issue in approving the Labor-HHS-Education appropriations bill, H.R. 6028, by the impressive margin of 329 to 91. On the same date, the House rejected a similar effort for an across-the-board cut in Labor-HHS-Education programs by a margin of 144 to 276.

It is clear that there is a mandate in the House for the continuation of Labor-HHS-Education programs at the levels provided for in the continuing resolution. Furthermore, it is clear that these figures are well within the House budget resolution limits and can in no way be characterized as contrary to the intent of that resolution. In fact, overall appropriations levels under the continuing resolution are actually below fiscal year 1984 levels.

Mr. Chairman, the Frenzel amendment once again seeks to balance the Federal budget on the backs of those who can least shoulder the burden. In this case, it is our Nation's poor children and students who may bear the brunt of misdirected budget cuts that threaten their future.

Today, we must stand firm. We must not force these groups to sacrifice again in order to finance a deficit borne of tax giveaways for the wealthy and a massive, unwarranted military buildup. Rather, we must protect what we have already achieved: the spending levels approved by the House in H.R. 6028. I urge my colleagues to join me in defeating this ill-conceived amendment.

● Mr. FAUNTROY. Mr. Chairman, I rise in opposition to the amendment sponsored by the gentleman from Minnesota [Mr. FRENZEL] regarding the Labor-HHS-Education portion of the continuing resolution. The amendment seeks to reduce discretionary spending by 2 percent across-the-board.

During consideration of H.R. 6028, the Labor, Health and Human Services, Education Appropriations, fiscal year 1985, the House defeated an amendment sponsored by the gentleman from Minnesota by a vote of 276 to 144. That amendment sought to reduce discretionary spending by 5.9 percent across-the-board, or $1.5 billion.

Mr. Chairman, we cannot continue to spend billions and billions on weapons of destruction while destroying programs for people. Throughout our Nation's history, the people have been our greatest resource. I strongly urge my colleagues to defeat the amendment and to support Labor-HHS-Education programs at the level proposed by the Appropriations Committee.●

Mr. FRENZEL. Mr. Chairman, may I ask the distinguished gentleman from Kentucky whether he has any more speakers? I am prepared to yield my time.

Mr. NATCHER. Mr. Chairman, I have no additional requests on this side.

Mr. FRENZEL. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the last person whose bill I would like to amend is the gentleman from Kentucky. I do not think there is a finer subcommittee chairman in the House. I have seen him sit for hours and listen to request after request, and I know that he does not approve them frivolously, nor does his committee.

Nevertheless, what we are talking about in my allegedly heartless and cruel amendment is a simple reduction of a 10-percent increase down to an 8-percent increase. An increase of twice the rate of inflation is not really that mean. Even after my amendment, the increase in these programs is larger than all other departments of Government are getting this year.

Therefore, I hope my amendment will be adopted.

Mr. Chairman, I yield back the balance of my time.

Mr. NATCHER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum. Sixty-seven Members are present, not a quorum.

Mr. CONTE. Mr. Chairman, can I ask for a recorded vote?

The CHAIRMAN. A recorded vote has already been demanded by the gentleman from Minnesota.

Mr. CONTE. Pending a quorum. I outright ask for a recorded vote.

Mr. Chairman, I ask for the yeas and nays.

Mr. FRENZEL. Mr. Chairman, I withdraw my request for a quorum.

The CHAIRMAN. The Chair has already announced the absence of a quorum. Therefore, a quorum call is necessary.

Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONTE. It is not in order to ask unanimous consent to dispense with a quorum?

The CHAIRMAN. It is in order to ask for unanimous consent.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that we dispense with the quorum.

The CHAIRMAN. The Chair has been corrected. The Chair having already announced the absence of a quorum, it is not in order to do any business, even by unanimous consent.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1720

QUORUM CALL VACATED

The CHAIRMAN. One hundred one Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Minnesota [Mr. FRENZEL] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 284, not voting 26, as follows:

[Roll No. 418]

AYES—122

Archer	Bosco	Chandler
Badham	Breaux	Chappie
Bartlett	Brown (CO)	Clinger
Bateman	Broyhill	Coats
Bennett	Burton (IN)	Coleman (MO)
Billey	Campbell	Conable

Craig	Kramer	Penny
Crane, Daniel	Lagomarsino	Petri
Crane, Philip	Latta	Pritchard
Daniel	Leach	Ray
Dannemeyer	Leath	Ritter
Darden	Levitas	Roberts
Daub	Lewis (CA)	Roemer
DeWine	Loeffler	Roth
Dreier	Lott	Rudd
Edwards (OK)	Lowery (CA)	Schaefer
English	Lujan	Schulze
Erdreich	Lundine	Sensenbrenner
Erlenborn	Lungren	Sharp
Fiedler	Mack	Shaw
Fields	MacKay	Shumway
Frenzel	Marriott	Shuster
Gekas	Martin (IL)	Siljander
Gingrich	McCain	Skeen
Gradison	McCandless	Slattery
Gregg	McCollum	Smith (NE)
Gunderson	McEwen	Smith, Denny
Hall, Sam	Mica	Smith, Robert
Hamilton	Michel	Stangeland
Hansen (ID)	Miller (OH)	Stenholm
Hansen (UT)	Montgomery	Stump
Hartnett	Moore	Sundquist
Hiler	Moorhead	Tauke
Hillis	Myers	Tauzin
Holt	Nelson	Thomas (CA)
Huckaby	Nielson	Vander Jagt
Hutto	Olin	Walker
Jacobs	Oxley	Weber
Jones (OK)	Packard	Wortley
Kasich	Pashayan	Zschau
Kindness	Paul	

NOES—284

Ackerman	Dicks	Hopkins
Addabbo	Dingell	Horton
Akaka	Dixon	Howard
Albosta	Donnelly	Hubbard
Anderson	Dorgan	Hughes
Andrews (NC)	Dowdy	Ireland
Andrews (TX)	Downey	Jeffords
Annunzio	Duncan	Jenkins
Anthony	Durbin	Johnson
Applegate	Dwyer	Jones (NC)
Aspin	Dymally	Jones (TN)
AuCoin	Dyson	Kaptur
Barnard	Early	Kastenmeier
Barnes	Eckart	Kazen
Bates	Edgar	Kemp
Bedell	Edwards (AL)	Kennelly
Beilenson	Edwards (CA)	Kildee
Bereuter	Emerson	Kleczka
Berman	Evans (IA)	Kogovsek
Bevill	Evans (IL)	Kolter
Biaggi	Fascell	Kostmayer
Bilirakis	Fazio	LaFalce
Boehlert	Feighan	Lantos
Boland	Fish	Lehman (CA)
Boner	Flippo	Lehman (FL)
Bonior	Florio	Lent
Bonker	Foglietta	Levin
Borski	Foley	Levine
Boucher	Ford (MI)	Lewis (FL)
Boxer	Ford (TN)	Lipinski
Britt	Fowler	Livingston
Brooks	Frank	Lloyd
Broomfield	Frost	Long (LA)
Brown (CA)	Fuqua	Long (MD)
Bryant	Garcia	Lowry (WA)
Burton (CA)	Gaydos	Luken
Carney	Gejdenson	Markey
Carper	Gephardt	Martin (NY)
Carr	Gibbons	Martinez
Chappell	Gilman	Matsui
Clarke	Glickman	Mavroules
Clay	Gonzalez	Mazzoli
Coelho	Goodling	McCloskey
Coleman (TX)	Gore	McCurdy
Collins	Gray	McDade
Conte	Green	McHugh
Conyers	Guarini	McKernan
Cooper	Hall (IN)	McKinney
Coughlin	Hall (OH)	McNulty
Courter	Hall, Ralph	Mikulski
Coyne	Hance	Miller (CA)
Crockett	Harkin	Mineta
Daschle	Hawkins	Minish
Davis	Hayes	Mitchell
de la Garza	Hefner	Moakley
Dellums	Heftel	Molinari
Derrick	Hertel	Mollohan
Dickinson	Hightower	Morrison (CT)
Morrison (WA)	Rose	Thomas (GA)
Mrazek	Rostenkowski	Torres
Murphy	Roukema	Torricelli
Murtha	Rowland	Towns
Natcher	Roybal	Traxler
Neal	Russo	Udall
Nichols	Sabo	Valentine
Nowak	Sawyer	Vandergriff
O'Brien	Scheuer	Vento
Oakar	Schneider	Volkmer
Oberstar	Schroeder	Vucanovich
Obey	Schumer	Walgren
Ortiz	Seiberling	Watkins
Ottinger	Shannon	Waxman
Owens	Shelby	Weaver
Panetta	Sikorski	Weiss
Parris	Sisisky	Wheat
Patman	Skelton	Whitehurst
Patterson	Smith (FL)	Whitley
Pease	Smith (IA)	Whittaker
Pickle	Smith (NJ)	Whitten
Porter	Snowe	Williams (MT)
Price	Snyder	Wilson
Pursell	Solarz	Winn
Quillen	Solomon	Wirth
Rahall	Spence	Wise
Rangel	Spratt	Wolf
Ratchford	St Germain	Wolpe
Regula	Staggers	Wright
Reid	Stark	Wyden
Richardson	Stokes	Wylie
Ridge	Stratton	Yates
Rinaldo	Studds	Yatron
Robinson	Swift	Young (AK)
Rodino	Synar	Young (FL)
Roe	Tallon	Young (MO)
Rogers	Taylor	

NOT VOTING—26

Alexander	Gramm	Marlenee
Bethune	Hammerschmidt	Martin (NC)
Boggs	Harrison	McGrath
Byron	Hatcher	Moody
Cheney	Hoyer	Pepper
Corcoran	Hunter	Savage
D'Amours	Hyde	Simon
Ferraro	Leland	Williams (OH)
Franklin	Madigan	

□ 1730

Messrs. SAWYER, EMERSON, DASCHLE, DORGAN, WISE, and COURTER changed their votes from "aye" to "no."

Messrs. HILLIS, CRAIG, RITTER, HANSEN of Idaho, and HUTTO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent Mr. MOLINARI was allowed to speak out of order.)

□ 1740

KENNEDY CENTER FUNDING

Mr. MOLINARI. I thank the chairman.

Mr. Chairman, I would like to ask a question of the chairman of the Committee on Appropriations before we proceed to a vote, if I may.

Mr. Chairman, lurking around this place someplace for the last several months is a bailout bill for Kennedy Center. I know there is some funding in the continuing resolution for Kennedy Center. Is there any provision in this continuing resolution that would provide for a bailout of the past-due indebtedness of the Kennedy Center?

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the chairman of the committee.

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Illinois [Mr. YATES], the chairman of the Appropriations Subcommittee on Interior, may be familiar with this. Unfortunately he is not on the floor at the moment.

In reply, Mr. Chairman, may I say that nearly all of the 13 Appropriations Subcommittees are involved in this joint resolution.

I am advised that there is no specific provision in this joint resolution concerning the Kennedy Center. I don't know if there is a provision in the Interior appropriations bill which is carried by reference in this measure. We passed that bill through the House and it is pending in the Senate. They have not had a conference as yet.

Mr. MOLINARI. If I may impose on the gentleman [Mr. WHITTEN] for one more question.

Mr. Chairman, is there anything the gentleman knows of in the way of the continuing resolution in the other body containing a provision for the Kennedy Center bailout?

Mr. WHITTEN. May I say that I do not have the least idea about what the other body may do, and I do not think anyone else knows what they will have in their final version of the resolution. I am advised they are in full committee right now marking up the resolution. So I do not know yet what will be in it.

May I repeat there is no specific provision in this resolution concerning the Kennedy Center.

Mr. MOLINARI. I thank the gentleman.

Mr. Chairman, I would like to put the House on notice that there are a number of us who would like to debate that on its merits and not have it attached to the continuing resolution, if possible.

Mr. Chairman, I appreciate the answer of the gentleman from Mississippi.

Mr. LOWRY of Washington. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The Chair will inform the gentleman that that request is not in order.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MOAKLEY] having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, pursuant to House Resolution 588, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. MILLER of California. Mr. Speaker, I demand a separate vote on the so-called Miller of California amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of the joint resolution, add the following new section:

SEC. . Notwithstanding any provision to the contrary in title XX of the Social Security Act—

(1) the dollar figure set forth in section 2003(c)(3) of such Act is hereby increased to $2,750,000,000 for the fiscal year 1985;

(2)(A) the additional $50,000,000 made available to the States for such fiscal year pursuant to paragraph (1)—

(i) shall be used only for the purpose of providing training and retraining, including training in the prevention of child abuse in child care settings, to providers of licensed or registered child care services, operators and staffs (including those receiving in-service training) of facilities where licensed or registered child care services are provided, State licensing and enforcement officials, and parents, and

(ii) shall be expended only to supplement the level of any funds that would (in the absence of the additional assistance resulting from this section) be available from other sources for the purpose specified in clause (i), and shall in no case supplant such funds from other sources or reduce the level thereof; but

(B) no more than one-half of the amount by which any State's allotment under section 2003 of such Act is increased as a result of paragraph (1) shall actually be paid to such State unless it has in effect procedures (established by or under State law and funded from other sources) for appropriately screening and conducting background checks and criminal investigations of all providers of licensed or registered child care services and all operators and staffs of facilities where licensed or registered child care services are provided, in accordance with standards specified in or established under State law, with the objective of protecting the children involved and assuring their safety and welfare while they are receiving child care services; and

(3) the determination and promulgation required by section 2003(b) of such Act with respect to the fiscal year 1985 (to take into account the preceding provisions of this section) shall be made as soon as possible after the enactment of this Act.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 369, noes 37, not voting 26, as follows:

[Roll No. 419]

AYES—369

Ackerman	Edwards (AL)	Lehman (FL)
Addabbo	Edwards (CA)	Lent
Akaka	Edwards (OK)	Levin
Albosta	Emerson	Levine
Anderson	English	Levitas
Andrews (NC)	Erdreich	Lewis (CA)
Andrews (TX)	Evans (IA)	Lewis (FL)
Annunzio	Evans (IL)	Lipinski
Anthony	Fascell	Livingston
Applegate	Fazio	Lloyd
Archer	Feighan	Loeffler
Aspin	Fiedler	Long (LA)
AuCoin	Fields	Long (MD)
Barnard	Fish	Lott
Barnes	Flippo	Lowery (CA)
Bateman	Florio	Lowry (WA)
Bates	Foglietta	Lujan
Bedell	Foley	Luken
Bennett	Ford (MI)	Lundine
Bereuter	Ford (TN)	Lungren
Berman	Fowler	MacKay
Bevill	Frank	Madigan
Biaggi	Frenzel	Markey
Bilirakis	Frost	Marriott
Bliley	Fuqua	Martin (IL)
Boehlert	Garcia	Martin (NY)
Boland	Gaydos	Martinez
Boner	Gekas	Matsui
Bonker	Gephardt	Mavroules
Borski	Gibbons	Mazzoli
Boucher	Gilman	McCain
Boxer	Gingrich	McCandless
Breaux	Glickman	McCloskey
Britt	Gonzalez	McCollum
Brooks	Goodling	McCurdy
Broomfield	Gore	McDade
Brown (CA)	Gray	McEwen
Bryant	Green	McHugh
Burton (IN)	Gregg	McKernan
Byron	Guarini	McKinney
Campbell	Hall (IN)	McNulty
Carney	Hall (OH)	Mica
Carper	Hall, Ralph	Michel
Carr	Hall, Sam	Mikulski
Chandler	Hamilton	Miller (CA)
Chappell	Hance	Miller (OH)
Chappie	Harkin	Mineta
Clarke	Hawkins	Minish
Clay	Hayes	Mitchell
Clinger	Hefner	Moakley
Coats	Hertel	Molinari
Coelho	Hightower	Mollohan
Coleman (MO)	Hiler	Moore
Coleman (TX)	Hillis	Morrison (CT)
Collins	Hopkins	Morrison (WA)
Conable	Horton	Mrazek
Conte	Howard	Murphy
Conyers	Huckaby	Murtha
Cooper	Hughes	Myers
Coughlin	Hunter	Natcher
Courter	Ireland	Neal
Coyne	Jacobs	Nelson
Crockett	Jeffords	Nichols
Darden	Jenkins	Nowak
Daub	Johnson	O'Brien
Davis	Jones (NC)	Oakar
de la Garza	Jones (OK)	Oberstar
Dellums	Jones (TN)	Obey
Derrick	Kaptur	Olin
DeWine	Kasich	Ortiz
Dickinson	Kastenmeier	Ottinger
Dicks	Kazen	Owens
Dingell	Kemp	Packard
Dixon	Kennelly	Panetta
Donnelly	Kildee	Parris
Dorgan	Kleczka	Pashayan
Dowdy	Kogovsek	Patman
Downey	Kolter	Patterson
Dreier	Kostmayer	Pease
Duncan	Kramer	Petri
Durbin	LaFalce	Pickle
Dwyer	Lagomarsino	Porter
Dymally	Lantos	Price
Dyson	Latta	Pritchard
Early	Leach	Pursell
Eckart	Leath	Quillen
Edgar	Lehman (CA)	Rahall
Rangel	Shuster	Udall
Ratchford	Sikorski	Valentine
Ray	Siljander	Vander Jagt
Regula	Sisisky	Vandergriff
Reid	Skeen	Vento
Richardson	Skelton	Volkmer
Ridge	Smith (FL)	Vucanovich
Rinaldo	Smith (IA)	Walgren
Ritter	Smith (NE)	Walker
Roberts	Smith (NJ)	Watkins
Robinson	Smith, Robert	Waxman
Rodino	Snowe	Weaver
Roe	Snyder	Weber
Roemer	Solarz	Weiss
Rogers	Solomon	Wheat
Rose	Spence	Whitehurst
Rostenkowski	Spratt	Whitley
Roth	St Germain	Whittaker
Roukema	Staggers	Whitten
Rowland	Stangeland	Williams (MT)
Roybal	Stark	Wilson
Russo	Stokes	Winn
Sabo	Stratton	Wirth
Sawyer	Studds	Wise
Schaefer	Sundquist	Wolf
Scheuer	Swift	Wolpe
Schneider	Tallon	Wortley
Schroeder	Tauke	Wright
Schulze	Tauzin	Wyden
Schumer	Taylor	Wylie
Seiberling	Thomas (CA)	Yates
Sensenbrenner	Thomas (GA)	Yatron
Shannon	Torres	Young (AK)
Sharp	Torricelli	Young (FL)
Shaw	Towns	Young (MO)
Shelby	Traxler	Zschau

NOES—37

Badham	Gradison	Nielson
Bartlett	Gunderson	Oxley
Beilenson	Hansen (ID)	Paul
Bonior	Hansen (UT)	Penny
Bosco	Hartnett	Rudd
Brown (CO)	Heftel	Shumway
Broyhill	Holt	Slattery
Craig	Hubbard	Smith, Denny
Crane, Daniel	Hutto	Stenholm
Crane, Philip	Kindness	Stump
Daniel	Mack	Synar
Dannemeyer	Montgomery	
Erlenborn	Moorhead	

NOT VOTING—26

Alexander	Franklin	Marlenee
Bethune	Gejdenson	Martin (NC)
Boggs	Gramm	McGrath
Burton (CA)	Hammerschmidt	Moody
Cheney	Harrison	Pepper
Corcoran	Hatcher	Savage
D'Amours	Hoyer	Simon
Daschle	Hyde	Williams (OH)
Ferraro	Leland	

□ 1800

Mr. SAM B. HALL, JR., changed his vote from "no" to "aye."

Mr. SLATTERY changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore [Mr. MOAKLEY]. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LUNGREN

Mr. LUNGREN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. LUNGREN. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LUNGREN moves to recommit H.J. Res. 648 to the Committee on Appropriations with instructions to report it back to the House forthwith with the following amendment: Immediately after line 2 add the following: "Title I" and at the end of the bill add the following new title:

"TITLE II

This Title may be cited as the "Comprehensive Crime Control Act of 1984."

SEC. 101. Section 102 of this joint resolution (H.J. Res. 648) shall not apply with respect to the provisions enacted by this title.

BAIL

SEC. 102. This section may be cited as the "Bail Reform Act of 1984".

SEC. 103. (a) Sections 3141 through 3151 of title 18, United States Code, are repealed and the following new sections are inserted in lieu thereof:

"§ 3141. Release and detention authority generally

"(a) PENDING TRIAL.—A judicial officer who is authorized to order the arrest of a person pursuant to section 3041 of this title shall order that an arrested person who is brought before him be released or detained, pending judicial proceedings, pursuant to the provisions of this chapter.

"(b) PENDING SENTENCE OR APPEAL.—A judicial officer of a court of original jurisdiction over an offense, or a judicial officer of a Federal appellate court, shall order that, pending imposition or execution of sentence, or pending appeal of conviction or sentence, a person be released or detained pursuant to the provisions of this chapter.

"§ 3142. Release or detention of a defendant pending trial

"(a) IN GENERAL.—Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—

"(1) released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of subsection (b);

"(2) released on a condition or combination of conditions pursuant to the provisions of subsection (c);

"(3) temporarily detained to permit revocation of conditional release, deportation, or exclusion pursuant to the provisions of subsection (d); or

"(4) detained pursuant to the provisions of subsection (e).

"(b) RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED APPEARANCE BOND.—The judicial officer shall order the pretrial release of the person on his personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a Federal, State, or local crime during the period of his release, unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

"(c) RELEASE ON CONDITIONS.—If the judicial officer determines that the release described in subsection (b) will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, he shall order the pretrial release of the person—

"(1) subject to the condition that the person not commit a Federal, State, or local crime during the period of release; and

"(2) subject to the least restrictive further condition, or combination of conditions, that he determines will reasonably assure the appearance of the person as required and the safety of any other person and the community, which may include the condition that the person—

"(A) remain in the custody of a designated person, who agrees to supervise him and to report any violation of a release condition to the court, if the designated person is able reasonably to assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

"(B) maintain employment, or, if unemployed, actively seek employment;

"(C) maintain or commence an educational program;

"(D) abide by specified restrictions on his personal associations, place of abode, or travel;

"(E) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

"(F) report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

"(G) comply with a specified curfew;

"(H) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(I) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(J) undergo available medical or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose;

"(K) execute an agreement to forfeit upon failing to appear as required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the judicial officer may specify;

"(L) execute a bail bond with solvent sureties in such amount as is reasonably necessary to assure the appearance of the person as required;

"(M) return to custody for specified hours following release for employment, schooling, or other limited purposes; and

"(N) satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

The judicial officer may not impose a financial condition that results in the pretrial detention of the person. The judicial officer may at any time amend his order to impose additional or different conditions of release.

"(d) TEMPORARY DETENTION TO PERMIT REVOCATION OF CONDITIONAL RELEASE, DEPORTATION, OR EXCLUSION.—If the judicial officer determines that—

"(1) the person—

"(A) is, and was at the time the offense was committed, on—

"(i) release pending trial for a felony under Federal, State, or local law;

"(ii) release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under Federal, State, or local law; or

"(iii) probation or parole for any offense under Federal, State, or local law; or

"(B) is not a citizen of the United States or lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

"(2) the person may flee or pose a danger to any other person or the community;

he shall order the detention of the person, for a period of not more than ten days, excluding Saturdays, Sundays, and holidays, and direct the attorney for the Government to notify the appropriate court, probation or parole official, or State or local law enforcement official, or the appropriate official of the Immigration and Naturalization Service. If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the other provisions of this section, notwithstanding the applicability of other provisions of law governing release pending trial or deportation or exclusion proceedings. If temporary detention is sought under paragraph (1)(B), the person has the burden of proving to the court that he is a citizen of the United States or is lawfully admitted for permanent residence.

"(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, he shall order the detention of the person prior to trial. In a case described in (f)(1), a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if the judge finds that—

"(1) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

"(2) the offense described in paragraph (1) was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(3) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in paragraph (1), whichever is later.

Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), section 1 of the Act of September 15, 1980 (21 U.S.C. 955a), or an offense under section 924(c) of title 18 of the United States Code.

"(f) DETENTION HEARING.—The judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) will reasonably assure the appearance of the person as required and the safety of any other person and the community in a case—

"(1) upon motion of the attorney for the Government, that involves—

"(A) a crime of violence;

"(B) an offense for which the maximum sentence is life imprisonment or death;

"(C) an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); or

"(D) any felony committed after the person had been convicted of two or more prior offenses described in subparagraphs (A) through (C), or two or more State or local offenses that would have been offenses described in subparagraphs (A) through (C) if a circumstance giving rise to Federal jurisdiction had existed; or

"(2) Upon motion of the attorney for the Government or upon the judicial officer's own motion, that involves—

"(A) a serious risk that the person will flee;

"(B) a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

The hearing shall be held immediately upon the person's first appearance before the judicial officer unless that person, or the attorney for the Government, seeks a continuance. Except for good cause, a continuance on motion of the person may not exceed five days, and a continuance on motion of the attorney for the Government may not exceed three days. During a continuance, the person shall be detained, and the judicial officer, on motion of the attorney for the Government or on his own motion, may order that, while in custody, a person who appears to be a narcotics addict receive a medical examination to determine whether he is an addict. At the hearing, the person has the right to be represented by counsel, and, if he is financially unable to obtain adequate representation, to have counsel appointed for him. The person shall be afforded an opportunity to testify, to present witnesses on his own behalf, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. The facts the judicial officer uses to support a finding pursuant to subsection (e) that no condition or combination of conditions will reasonably assure the safety of any other person and the community shall be supported by clear and convincing evidence. The person may be detained pending completion of the hearing.

"(g) FACTORS TO BE CONSIDERED.—The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, take into account the available information concerning—

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;

"(2) the weight of the evidence against the person;

"(3) the history and characteristics of the person, including—

"(A) his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

"(B) whether, at the time of the current offense or arrest, he was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

"(4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. In considering the conditions of release described in subsection (c)(2)(K) or (c)(2)(L), the judicial officer may upon his own motion, or shall upon the motion of the Government, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.

"(h) CONTENTS OF RELEASE ORDER.—In a release order issued pursuant to the provisions of subsection (b) or (c), the judicial officer shall—

"(1) include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

"(2) advise the person of—

"(A) the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release;

"(B) the consequences of violating a condition of release, including the immediate issuance of a warrant for the person's arrest; and

"(C) the provisions of sections 1503 of this title (relating to intimidation of witnesses, jurors, and officers of the court), 1510 (relating to obstruction of criminal investigations), 1512 (tampering with a witness, victim, or an informant), and 1513 (retaliating against a witness, victim, or an informant).

"(i) CONTENTS OF DETENTION ORDER.—In a detention order issued pursuant to the provisions of subsection (e), the judicial officer shall—

"(1) include written findings of fact and a written statement of the reasons for the detention;

"(2) direct that the person be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

"(3) direct that the person be afforded reasonable opportunity for private consultation with his counsel; and

"(4) direct that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the person is confined deliver the person to a United States marshal for the purpose of an appearance in connection with a court proceeding.

The judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of a United States marshal or another appropriate person, to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason.

"(j) PRESUMPTION OF INNOCENCE.—Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

"§ 3143. Release or detention of a defendant pending sentence or appeal

"(a) RELEASE OR DETENTION PENDING SENTENCE.—The judicial officer shall order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c). If the judicial officer makes such a finding, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(b) RELEASE OR DETENTION PENDING APPEAL BY THE DEFENDANT.—The judicial officer shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds—

"(1) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c); and

"(2) that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial.

If the judicial officer makes such findings, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(c) RELEASE OR DETENTION PENDING APPEAL BY THE GOVERNMENT.—The judicial officer shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3731 of this title, in accordance with the provisions of section 3142, unless the defendant is otherwise subject to a release or detention order.

"§ 3144. Release or detention of a material witness

"If it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and if it is shown that it may become impracticable to secure the presence of the person by subpena, a judicial officer may order the arrest of the person and treat the person in accordance with the provisions of section 3142. No material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

"§ 3145. Review and appeal of a release or detention order

"(a) REVIEW OF A RELEASE ORDER.—If a person is ordered released by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court—

"(1) the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release; and

"(2) the person may file, with the court having original jurisdiction over the offense, a motion for amendment of the conditions of release.

The motion shall be determined promptly.

"(b) REVIEW OF A DETENTION ORDER.—If a person is ordered detained by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.

"(c) APPEAL FROM A RELEASE OR DETENTION ORDER.—An appeal from a release or detention order, or from a decision denying revocation or amendment of such an order, is governed by the provisions of section 1291 of title 28 and section 3731 of this title. The appeal shall be determined promptly.

"§ 3146. Penalty for failure to appear

"(a) OFFENSE.—A person commits an offense if, after having been released pursuant to this chapter—

"(1) he knowingly fails to appear before a court as required by the conditions of his release; or

"(2) he knowingly fails to surrender for service of sentence pursuant to a court order.

"(b) GRADING.—If the person was released—

"(1) in connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal or certiorari after conviction, for—

"(A) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, he shall be fined not more than $25,000 or imprisoned for not more than ten years, or both;

"(B) an offense punishable by imprisonment for a term of five or more years, but less than fifteen years, he shall be fined not more than $10,000 or imprisoned for not more than five years, or both;

"(C) any other felony, he shall be fined not more than $5,000 or imprisoned for not more than two years, or both; or

"(D) a misdemeanor, he shall be fined not more than $2,000 or imprisoned for not more than one year, or both; or

"(2) for appearance as a material witness, he shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed pursuant to this section shall be consecutive to the sentence of imprisonment for any other offense.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement that he appear or surrender, and that he appeared or surrendered as soon as such circumstances ceased to exist.

"(d) DECLARATION OF FORFEITURE.—If a person fails to appear before a court as required, and the person executed an appearance bond pursuant to section 3142(b) or is subject to the release condition set forth in section 3142 (c)(2)(K) or (c)(2)(L), the judicial officer may, regardless of whether the person has been charged with an offense under this section, declare any property designated pursuant to that section to be forfeited to the United States.

"§ 3147. Penalty for an offense committed while on release

"A person convicted of an offense committed while released pursuant to this chapter shall be sentenced, in addition to the sentence prescribed for the offense to—

"(1) a term of imprisonment of not less than two years and not more than ten years if the offense is a felony; or

"(2) a term of imprisonment of not less than ninety days and not more than one year if the offense is a misdemeanor.

A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3148. Sanctions for violation of a release condition

"(a) AVAILABLE SANCTIONS.—A person who has been released pursuant to the provisions of section 3142, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

"(b) REVOCATION OF RELEASE.—The attorney for the Government may initiate a proceeding for revocation of an order of release by filing a motion with the district court. A judicial officer may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before a judicial officer in the district in which his arrest was ordered for a proceeding in accordance with this section. To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated. The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer—

"(1) finds that there is—

"(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

"(B) clear and convincing evidence that the person has violated any other condition of his release; and

"(2) finds that—

"(A) based on the factors set forth in section 3142(g), there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

"(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, he shall treat the person in accordance with the provisions of section 3142 and may amend the conditions of release accordingly.

"(c) PROSECUTION FOR CONTEMPT.—The judge may commence a prosecution for contempt, pursuant to the provisions of section 401, if the person has violated a condition of his release.

"§ 3149. Surrender of an offender by a surety

"A person charged with an offense, who is released upon the execution of an appearance bond with a surety, may be arrested by the surety, and if so arrested, shall be delivered promptly to a United States marshal and brought before a judicial officer. The judicial officer shall determine in accordance with the provisions of section 3148(b) whether to revoke the release of the person, and may absolve the surety of responsibility to pay all or part of the bond in accordance with the provisions of Rule 46 of the Federal Rules of Criminal Procedure. The person so committed shall be held in official detention until released pursuant to this chapter or another provision of law.

"§ 3150. Applicability to a case removed from a State court

"The provisions of this chapter apply to a criminal case removed to a Federal court from a State court.".

(b) Section 3154 of title 18, United States Code, is amended—

(1) in subsection (1), by striking out "and recommend appropriate release conditions for each such person" and inserting in lieu thereof "and, where appropriate, include a recommendation as to whether such individual should be released or detained and, if release is recommended, recommend appropriate conditions of release"; and

(2) in subsection (2), by striking out "section 3146(e) or section 3147" and inserting in lieu thereof "section 3145".

(c) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking out "3146" and inserting in lieu thereof "3141";

(2) in paragraph (1)—

(A) by striking out "bail or otherwise" and inserting in lieu thereof "detain, or"; and

(B) by deleting "and" at the end thereof;

(3) in paragraph (2), by striking out the period at the end and inserting in lieu thereof "; and";

(4) by adding after paragraph (2) the following new paragraphs:

"(3) The term 'felony' means an offense punishable by a maximum term of imprisonment of more than one year; and

"(4) The term 'crime of violence' means—

"(A) an offense that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."; and

(5) in subsection (b)(1), by striking out "bail or otherwise" and inserting in lieu thereof "detain or".

(d) The item relating to chapter 207 in the analysis of part II of title 18, United States Code, is amended to read as follows:

"207. Release and detention pending judicial proceedings ..... 3141".

(e)(1) The caption of chapter 207 is amended to read as follows:

"CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS".

(2) The section analysis for chapter 207 is amended by striking out the items relating to sections 3141 through 3151 and inserting in lieu thereof the following:

"3141. Release and detention authority generally.
"3142. Release or detention of a defendant pending trial.
"3143. Release or detention of a defendant pending sentence or appeal.
"3144. Release or detention of a material witness.
"3145. Review and appeal of a release or detention order.
"3146. Penalty for failure to appear.

"3147. Penalty for an offense committed while on release.
"3148. Sanctions for violation of a release condition.
"3149. Surrender of an offender by a surety.
"3150. Applicability to a case removed from a State court."

SEC. 103. Chapter 203 of title 18, United States Code, is amended as follows:

(a) The last sentence of section 3041 is amended by striking out "determining to hold the prisoner for trial" and inserting in lieu thereof "determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial".

(b) The second paragraph of section 3042 is amended by striking out "imprisoned or admitted to bail" and inserting in lieu thereof "detained or conditionally released pursuant to section 3142 of this title".

(c) Section 3043 is repealed.

(d) The following new section is added after section 3061:

"§ 3062. General arrest authority for violation of release conditions

"A law enforcement officer, who is authorized to arrest for an offense committed in his presence, may arrest a person who is released pursuant to chapter 207 if the officer has reasonable grounds to believe that the person is violating, in his presence, a condition imposed on the person pursuant to section 3142 (c)(2)(D), (c)(2)(E), (c)(2)(H), (c)(2)(I), or (c)(2)(M), or, if the violation involves a failure to remain in a specified institution as required, a condition imposed pursuant to section 3142(c)(2)(J).".

(e) The section analysis is amended—

(1) by amending the item relating to section 3043 to read as follows:

"3043. Repealed."; and

(2) by adding the following new item after the item relating to section 3061:

"3062. General arrest authority for violation of release conditions.".

SEC. 104. Section 3731 of title 18, United States Code, is amended by adding after the second paragraph the following new paragraph:

"An appeal by the United States shall lie to a court of appeals from a decision or order, entered by a district court of the United States, granting the release of a person charged with or convicted of an offense, or denying a motion for revocation of, or modification of the conditions of, a decision or order granting release.".

SEC. 105. The second paragraph of section 3772 of title 18, United States Code, is amended by striking out "bail" and inserting in lieu thereof "release pending appeal."

SEC. 106. Section 4282 of title 18, United States Code, is amended—

(a) by striking out "and not admitted to bail" and substituting "and detained pursuant to chapter 207"; and

(b) by striking out "and unable to make bail".

SEC. 107. Section 636 of title 28, United States Code, is amended by striking out "impose conditions of release under section 3146 of title 18" and inserting in lieu thereof "issue orders pursuant to section 3142 of title 18 concerning release or detention of persons pending trial".

SEC. 108. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 5(c) is amended by striking out "shall admit the defendant to bail" and inserting in lieu thereof "shall detain or conditionally release the defendant".

(b) The second sentence of rule 15(a) is amended by striking out "committed for failure to give bail to appear to testify at a trial or hearing" and inserting in lieu thereof "detained pursuant to section 3144 of title 18, United States Code".

(c) Rule 40(f) is amended to read as follows:

"(f) RELEASE OR DETENTION.—If a person was previously detained or conditionally released, pursuant to chapter 207 of title 18, United States Code, in another district where a warrant, information or indictment issued, the Federal magistrate shall take into account the decision previously made and the reasons set forth therefor, if any, but will not be bound by that decision. If the Federal magistrate amends the release or detention decision or alters the conditions of release, he shall set forth the reasons for his action in writing.".

(d) Rule 46 is amended—

(1) in subdivision (a), by striking out "§ 3146, § 3148, or § 3149" and inserting in lieu thereof "§§ 3142 and 3144";

(2) in subdivision (c), by striking out "3148" and inserting in lieu thereof "3143";

(3) by amending subdivision (e)(2) to read as follows:

"(2) SETTING ASIDE.—The court may direct that a forfeiture be set aside in whole or in part, upon such conditions as the court may impose, if a person released upon execution of an appearance bond with a surety is subsequently surrendered by the surety into custody or if it otherwise appears that justice does not require the forfeiture."; and

(4) by adding the following new subdivision at the end thereof:

"(h) FORFEITURE OF PROPERTY.—

"Nothing in this rule or in chapter 207 of title 18, United States Code, shall prevent the court from disposing of any charge by entering an order directing forfeiture of property pursuant to 18 U.S.C. 3142(c)(2)(K) if the value of the property is an amount that would be an appropriate sentence after conviction of the offense charged and if such forfeiture is authorized by statute or regulation.".

(e) Rule 54(b)(3) is amended by striking out "under 18 U.S.C. § 3043, and".

SEC. 109. Rule 9(c) of the Federal Rules of Appellate Procedure is amended by striking out "3148" and inserting in lieu thereof "3143", and following the word "community", inserting "and that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or in an order for a new trial".

SENTENCING REFORM

SEC. 201. This title may be cited as the "Sentencing Reform Act of 1984".

SEC. 202. (a) Title 18 of the United States Code is amended by—

(1) redesignating sections 3577, 3578, 3579, 3580, 3611, 3612, 3615, 3617, 3618, 3619, 3620, and 3656 as sections 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, and 3672 of a new chapter 232 of title 18 of the United States Code, respectively;

(2) repealing chapters 227, 229, and 231 and substituting the following new chapters:

"CHAPTER 227—SENTENCES

"Subchapter
"A. General Provisions 3551
"B. Probation 3561
"C. Fines 3571
"D. Imprisonment 3581

"SUBCHAPTER A—GENERAL PROVISIONS

"Sec.
"3551. Authorized sentences.
"3552. Presentence reports.
"3553. Imposition of a sentence.
"3554. Order of criminal forfeiture.
"3555. Order of notice to victims.
"3556. Order of restitution.
"3557. Review of a sentence.
"3558. Implementation of a sentence.
"3559. Sentencing classification of offenses.

"SUBCHAPTER A—GENERAL PROVISIONS

"§ 3551. Authorized sentences

"(a) IN GENERAL.—Except as otherwise specifically provided, a defendant who has been found guilty of an offense described in any Federal statute, other than an Act of Congress applicable exclusively in the District of Columbia or the Uniform Code of Military Justice, shall be sentenced in accordance with the provisions of this chapter so as to achieve the purposes set forth in subparagraphs (A) through (D) of section 3553(a)(2) to the extent that they are applicable in light of all the circumstances of the case.

"(b) INDIVIDUALS.—An individual found guilty of an offense shall be sentenced, in accordance with the provisions of section 3553, to—

"(1) a term of probation as authorized by subchapter B;

"(2) a fine as authorized by subchapter C; or

"(3) a term of imprisonment as authorized by subchapter D.

A sentence to pay a fine may be imposed in addition to any other sentence. A sanction authorized by section 3554, 3555, or 3556 may be imposed in addition to the sentence required by this subsection.

"(c) ORGANIZATIONS.—An organization found guilty of an offense shall be sentenced, in accordance with the provisions of section 3553, to—

"(1) a term of probation as authorized by subchapter B; or

"(2) a fine as authorized by subchapter C.

A sentence to pay a fine may be imposed in addition to a sentence to probation. A sanction authorized by section 3554, 3555, or 3556 may be imposed in addition to the sentence required by this subsection.

"§ 3552. Presentence reports

"(a) PRESENTENCE INVESTIGATION AND REPORT BY PROBATION OFFICER.—A United States probation officer shall make a presentence investigation of a defendant that is required pursuant to the provisions of Rule 32(c) of the Federal Rules of Criminal Procedure, and shall, before the imposition of sentence, report the results of the investigation to the court.

"(b) PRESENTENCE STUDY AND REPORT BY BUREAU OF PRISONS.—If the court, before or after its receipt of a report specified in subsection (a) or (c), desires more information than is otherwise available to it as a basis for determining the sentence to be imposed on a defendant found guilty of a misdemeanor or felony, it may order a study of the defendant. The study shall be conducted in the local community by qualified consultants unless the sentencing judge finds that there is a compelling reason for the study to be done by the Bureau of Prisons or there are no adequate professional resources available in the local community to perform the study. The period of the study shall take no more than sixty days. The order shall specify the additional information that the court needs before determining the sentence to be imposed. Such an

order shall be treated for administrative purposes as a provisional sentence of imprisonment for the maximum term authorized by section 3581(b) for the offense committed. The study shall inquire into such matters as are specified by the court and any other matters that the Bureau of Prisons or the professional consultants believe are pertinent to the factors set forth in section 3553(a). The period of the study may, in the discretion of the court, be extended for an additional period of not more than sixty days. By the expiration of the period of the study, or by the expiration of any extension granted by the court, the United States marshal shall return the defendant to the court for final sentencing. The Bureau of Prisons or the professional consultants shall provide the court with a written report of the pertinent results of the study and make to the court whatever recommendations the Bureau or the consultants believe will be helpful to a proper resolution of the case. The report shall include recommendations of the Bureau or the consultants concerning the guidelines and policy statements, promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994(a), that they believe are applicable to the defendant's case. After receiving the report and the recommendations, the court shall proceed finally to sentence the defendant in accordance with the sentencing alternatives and procedures available under this chapter.

"(c) PRESENTENCE EXAMINATION AND REPORT BY PSYCHIATRIC OR PSYCHOLOGICAL EXAMINERS.—If the court, before or after its receipt of a report specified in subsection (a) or (b) desires more information than is otherwise available to it as a basis for determining the mental condition of the defendant, it may order that the defendant undergo a psychiatric or psychological examination and that the court be provided with a written report of the results of the examination pursuant to the provisions of section 4247.

"(d) DISCLOSURE OF PRESENTENCE REPORTS.—The court shall assure that a report filed pursuant to this section is disclosed to the defendant, the counsel for the defendant, and the attorney for the Government at least ten days prior to the date set for sentencing, unless this minimum period is waived by the defendant.

"§ 3553. Imposition of a sentence

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A SENTENCE.—The court, in determining the particular sentence to be imposed, shall consider—

"(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

"(2) the need for the sentence imposed—

"(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

"(B) to afford adequate deterrence to criminal conduct;

"(C) to protect the public from further crimes of the defendant; and

"(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

"(3) the kinds of sentences available;

"(4) the kinds of sentence and the sentencing range established for the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines that are issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and that are in effect on the date the defendant is sentenced;

"(5) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2) that is in effect on the date the defendant is sentenced; and

"(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

"(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that an aggravating or mitigating circumstance exists that was not adequately taken into consideration by the Sentencing Commission in formulating the guidelines and that should result in a sentence different from that described.

"(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—The court, at the time of sentencing, shall state in open court the reasons for its imposition of the particular sentence, and, if the sentence—

"(1) is of the kind, and within the range, described in subsection (a)(4), the reason for imposing a sentence at a particular point within the range; or

"(2) is not of the kind, or is outside the range, described in subsection (a)(4), the specific reason for the imposition of a sentence different from that described.

If the sentence does not include an order of restitution, the court shall include in the statement the reason therefor. The clerk of the court shall provide a transcription of the court's statement of reasons to the Probation System, and, if the sentence includes a term of imprisonment, to the Bureau of Prisons.

"(d) PRESENTENCE PROCEDURE FOR AN ORDER OF NOTICE OR RESTITUTION.—Prior to imposing an order of notice pursuant to section 3555, or an order of restitution pursuant to section 3556, the court shall give notice to the defendant and the Government that it is considering imposing such an order. Upon motion of the defendant or the Government, or on its own motion, the court shall—

"(1) permit the defendant and the Government to submit affidavits and written memoranda addressing matters relevant to the imposition of such an order;

"(2) afford counsel an opportunity in open court to address orally the appropriateness of the imposition of such an order; and

"(3) include in its statement of reasons pursuant to subsection (c) specific reasons underlying its determinations regarding the nature of such an order.

Upon motion of the defendant or the Government, or on its own motion, the court may in its discretion employ any additional procedures that it concludes will not unduly complicate or prolong the sentencing process.

"§ 3554. Order of criminal forfeiture

"The court, in imposing a sentence on a defendant who has been found guilty of an offense described in section 1962 of this title or in title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant forfeit property to the United States in accordance with the provisions of section 1963 of this title or section 413 of the Comprehensive Drug Abuse and Control Act of 1970.

"§ 3555. Order of notice to victims

"The court, in imposing a sentence on a defendant who has been found guilty of an offense involving fraud or other intentionally deceptive practices, may order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant give reasonable notice and explanation of the conviction, in such form as the court may approve, to the victims of the offense. The notice may be ordered to be given by mail, by advertising in designated areas or through designated media, or by other appropriate means. In determining whether to require the defendant to give such notice, the court shall consider the factors set forth in section 3553(a) to the extent that they are applicable and shall consider the cost involved in giving the notice as it relates to the loss caused by the offense, and shall not require the defendant to bear the costs of notice in excess of $20,000.

"§ 3556. Order of restitution

"The court, in imposing a sentence on a defendant who has been found guilty of an offense under this title, or an offense under section 902 (h), (i), (j), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472), may order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant make restitution to any victim of the offense in accordance with the provisions of sections 3663 and 3664.

"§ 3557. Review of a sentence

"The review of a sentence imposed pursuant to section 3551 is governed by the provisions of section 3742.

"§ 3558. Implementation of a sentence

"The implementation of a sentence imposed pursuant to section 3551 is governed by the provisions of chapter 229.

"§ 3559. Sentencing classification of offenses

"(a) CLASSIFICATION.—An offense that is not specifically classified by a letter grade in the section defining it, is classified—

"(1) if the maximum term of imprisonment authorized is—

"(A) life imprisonment, or if the maximum penalty is death, as a Class A felony;

"(B) twenty years or more, as a Class B felony;

"(C) less than twenty years but ten or more years, as a Class C felony;

"(D) less than ten years but five or more years, as a Class D felony;

"(E) less than five years but more than one year, as a Class E felony;

"(F) one year or less but more than six months, as a Class A misdemeanor;

"(G) six months or less but more than thirty days, as a Class B misdemeanor;

"(H) thirty days or less but more than five days, as a Class C misdemeanor; or

"(I) five days or less, or if no imprisonment is authorized, as an infraction.

"(b) EFFECT OF CLASSIFICATION.—An offense classified under subsection (a) carries all the incidents assigned to the applicable letter designation except that:

"(1) the maximum fine that may be imposed is the fine authorized by the statute describing the offense, or by this chapter, whichever is the greater; and

"(2) the maximum term of imprisonment is the term authorized by the statute describing the offense.

"SUBCHAPTER B—PROBATION

"Sec.
"3561. Sentence of probation.
"3562. Imposition of a sentence of probation.
"3563. Conditions of probation.
"3564. Running of a term of probation.
"3565. Revocation of probation.

"3566. Implementation of a sentence of probation.

"SUBCHAPTER B—PROBATION

"§ 3561. Sentence of probation

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of probation unless—

"(1) the offense is a Class A or Class B felony;

"(2) the offense is an offense for which probation has been expressly precluded; or

"(3) the defendant is sentenced at the same time to a term of imprisonment for the same or a different offense.

The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

"(b) AUTHORIZED TERMS.—The authorized terms of probation are—

"(1) for a felony, not less than one nor more than five years;

"(2) for a misdemeanor, not more than five years; and

"(3) for an infraction, not more than one year.

"§ 3562. Imposition of a sentence of probation

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF PROBATION.—The court, in determining whether to impose a term of probation, and, if a term of probation is to be imposed, in determining the length of the term and the conditions of probation, shall consider the factors set forth in section 3553(a) to the extent that they are applicable.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence of probation can subsequently be—

"(1) modified or revoked pursuant to the provisions of section 3564 or 3565;

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3563. Conditions of probation

"(a) MANDATORY CONDITIONS.—The court shall provide, as an explicit condition of a sentence of probation—

"(1) for a felony, a misdemeanor, or an infraction, that the defendant not commit another Federal, State, or local crime during the term of probation; and

"(2) for a felony, that the defendant also abide by at least one condition set forth in subsection (b)(2), (b)(3), or (b)(13).

If the court has imposed and ordered execution of a fine and placed the defendent on probation, payment of the fine or adherence to the court-established installment schedule shall be a conditon of the probation.

"(b) DISCRETIONARY CONDITIONS.—The court may provide, as further conditions of a sentence of probation, to the extent that such conditions are reasonably related to the factors set forth in section 3553 (a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in section 3553(a)(2), that the defendant—

"(1) support his dependents and meet other family responsibilities;

"(2) pay a fine imposed pursuant to the provisions of subchapter C;

"(3) make restitution to a victim of the offense pursuant to the provisions of section 3556;

"(4) give to the victims of the offense the notice ordered pursuant to the provisions of section 3555;

"(5) work conscientiously at suitable employment or pursue conscientiously a course of study or vocational training that will equip him for suitable employment;

"(6) refrain, in the case of an individual, from engaging in a specified occupation, business, or profession bearing a reasonably direct relationship to the conduct constituting the offense, or engage in such a specified occupation, business, or profession only to a stated degree or under stated circumstances;

"(7) refrain from frequenting specified kinds of places or from associating unnecessarily with specified persons;

"(8) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(9) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(10) undergo available medical, psychiatric, or psychological treatment, including treatment for drug or alcohol dependency, as specified by the court, and remain in a specified institution if required for that purpose;

"(11) remain in the custody of the Bureau of Prisons during nights, weekends, or other intervals of time, totaling no more than the lesser of one year or the term of imprisonment authorized for the offense in section 3581(b), during the first year of the term of probation;

"(12) reside at, or participate in the program of, a community corrections facility for all or part of the term of probation;

"(13) work in community service as directed by the court;

"(14) reside in a specified place or area, or refrain from residing in a specified place or area;

"(15) remain within the jurisdiction of the court, unless granted permission to leave by the court or a probation officer;

"(16) report to a probation officer as directed by the court or the probation officer;

"(17) permit a probation officer to visit him at his home or elsewhere as specified by the court;

"(18) answer inquiries by a probation officer and notify the probation officer promptly of any change in address or employment;

"(19) notify the probation officer promptly if arrested or questioned by a law enforcement officer; or

"(20) satisfy such other conditions as the court may impose.

"(c) MODIFICATIONS OF CONDITIONS.—The court may, after a hearing, modify, reduce, or enlarge the conditions of a sentence of probation at any time prior to the expiration or termination of the term of probation, pursuant to the provisions applicable to the initial setting of the conditions of probation.

"(d) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the sentence is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

"§ 3564. Running of a term of probation

"(a) COMMENCEMENT.—A term of probation commences on the day that the sentence of probation is imposed, unless otherwise ordered by the court.

"(b) CONCURRENCE WITH OTHER SENTENCES.—Multiple terms of probation, whether imposed at the same time or at different times, run concurrently with each other. A term of probation runs concurrently with any Federal, State, or local term of probation, or supervised release, or parole for another offense to which the defendant is subject or becomes subject during the term of probation, except that it does not run during any period in which the defendant is imprisoned for a period of at least 30 consecutive days in connection with a conviction for a Federal, State, or local crime.

"(c) EARLY TERMINATION.—The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

"(d) EXTENSION.—The court may, after a hearing, extend a term of probation, if less than the maximum authorized term was previously imposed, at any time prior to the expiration or termination of the term of probation, pursuant to the provisions applicable to the initial setting of the term of probation.

"(e) SUBJECT TO REVOCATION.— A sentence of probation remains conditional and subject to revocation until its expiration or termination.

"§ 3565. Revocation of probation

"(a) CONTINUATION OR REVOCATION.—If the defendant violates a condition of probation at any time prior to the expiration or termination of the term of probation, the court may, after a hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, and after considering the factors set forth in section 3553(a) to the extent that they are applicable—

"(1) continue him on probation, with or without extending the term of modifying or enlarging the conditions; or

"(2) revoke the sentence of probation and impose any other sentence that was available under subchapter A at the time of the initial sentencing.

"(b) DELAYED REVOCATION.—The power of the court to revoke a sentence of probation for violation of a condition of probation, and to impose another sentence, extends beyond the expiration of the term of probation for any period reasonably necessary for the adjudication of matters arising before its expiration if, prior to its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.

"§ 3566. Implementation of a sentence of probation

"The implementation of a sentence of probation is governed by the provisions of subchapter A of chapter 229.

"SUBCHAPTER C—FINES

"Sec.
"3571. Sentence of fine.
"3572. Imposition of a sentence of fine.
"3573. Modification or remission of fine.
"3574. Implementation of a sentence of fine.

"SUBCHAPTER C—FINES

"§ 3571. Sentence of fine

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to pay a fine.

"(b) AUTHORIZED FINES.—Except as otherwise provided in this chapter, the authorized fines are—

"(1) if the defendant is an individual—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than $250,000;

"(B) for any other misdemeanor, not more than $25,000; and

"(C) for an infraction, not more than $1,000; and

"(2) if the defendant is an organization—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than $500,000;

"(B) for any other misdemeanor, not more than $100,000; and

"(C) for an infraction, not more than $10,000.

"§ 3572. Imposition of a sentence of fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING FINE.—The court, in determining whether to impose a fine, and, if a fine is to be imposed, in determining the amount of the fine, the time for payment, and the method of payment, shall consider—

"(1) the factors set forth in section 3553(a), to the extent they are applicable, including, with regard to the characteristics of the defendant under section 3553(a), the ability of the defendant to pay the fine in view of the defendant's income, earning capacity, and financial resources and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent upon the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant to the victim of the offense, and any obligation imposed upon the defendant to make such restitution or reparation to the victim of the offense;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent equitable consideration.

"(b) LIMIT ON AGGREGATE OF MULTIPLE FINES.—Except as otherwise expressly provided, the aggregate of fines that a court may impose on a defendant at the same time for different offenses that arise from a common scheme or plan, and that do not cause separable or distinguishable kinds of harm or damage, is twice the amount imposable for the most serious offense.

"(c) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3573;

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"(d) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(e) ALTERNATIVE SENTENCE PRECLUDED.—At the time a defendant is sentenced to pay a fine, the court may not impose an alternative sentence to be served in the event that the fine is not paid.

"(f) INDIVIDUAL RESPONSIBILITY FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(g) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) STAY OF FINE PENDING APPEALS.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(i) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within thirty days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) DEFAULT.—A fine is in default if any portion of such fine is more than ninety days delinquent. When a criminal fine is in default, the entire amount is due within thirty days of notification of the default, notwithstanding any installment schedule.

"§ 3573. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3574. Implementation of a sentence of fine

"The implementation of a sentence to pay a fine is governed by the provisions of subchapter B of chapter 229.

"SUBCHAPTER D—IMPRISONMENT

"Sec.

"3581. Sentence of imprisonment.

"3582. Imposition of a sentence of imprisonment.

"3583. Inclusion of a term of supervised release after imprisonment.

"3584. Multiple sentences of imprisonment.

"3585. Calculation of a term of imprisonment.

"3586. Implementation of a sentence of imprisonment.

"SUBCHAPTER D—IMPRISONMENT

"§ 3581. Sentence of imprisonment

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of imprisonment.

"(b) AUTHORIZED TERMS.—The authorized terms of imprisonment are—

"(1) for a Class A felony, the duration of the defendant's life or any period of time;

"(2) for a Class B felony, not more than twenty-five years;

"(3) for a Class C felony, not more than twelve years;

"(4) for a Class D felony, not more than six years;

"(5) for a Class E felony, not more than three years;

"(6) for a Class A misdemeanor, not more than one year;

"(7) for a Class B misdemeanor, not more than six months;

"(8) for a Class C misdemeanor, not more than thirty days; and

"(9) for an infraction, not more than five days.

"§ 3582. Imposition of a sentence of imprisonment

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF IMPRISONMENT.—The court, in determining whether to impose a term of imprisonment, and, if a term of imprisonment is to be imposed, in determining the length of the term, shall consider the factors set forth in section 3553(a) to the extent that they are applicable, recognizing that imprisonment is not an appropriate means of promoting correction and rehabilitation. In determining whether to make a recommendation concerning the type of prison facility appropriate for the defendant, the court shall consider any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2).

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to imprisonment can subsequently be—

"(1) modified pursuant to the provisions of subsection (c);

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"(c) MODIFICATION OF AN IMPOSED TERM OF IMPRISONMENT.—The court may not modify a term of imprisonment once it has been imposed except that—

"(1) in any case—

"(A) the court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that extraordinary and compelling reasons warrant such a reduction and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission; and

"(B) the court may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure; and

"(2) in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(n), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

"(d) INCLUSION OF AN ORDER TO LIMIT CRIMINAL ASSOCIATION OF ORGANIZED CRIME AND DRUG OFFENDERS.—The court, in imposing a sentence to a term of imprisonment upon a defendant convicted of a felony set forth in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title or in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), or at any time thereafter upon motion by the Director of the Bureau of Prisons or a United States attorney, may include as a part of the sentence an order that requires that the defendant not associate or communicate with a specified person, other than his attorney, upon a showing of probable cause to believe that association or communication with such person is for the purpose of enabling the defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise.

"§ 3583. Inclusion of a term of supervised release after imprisonment

"(a) IN GENERAL.—The court, in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment.

"(b) AUTHORIZED TERMS OF SUPERVISED RELEASE.—The authorized terms of supervised release are—

"(1) for a Class A or Class B felony, not more than three years;

"(2) for a Class C or Class D felony, not more than two years; and

"(3) for a Class E felony, or for a misdemeanor, not more than one year.

"(c) FACTORS TO BE CONSIDERED IN INCLUDING A TERM OF SUPERVISED RELEASE.—The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in section 3553 (a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6).

"(d) CONDITIONS OF SUPERVISED RELEASE.—The court shall order, as an explicit condition of supervised release, that the defendant not commit another Federal, State, or local crime during the term of supervision. The court may order, as a further condition of supervised release, to the extent that such condition—

"(1) is reasonably related to the factors set forth in section 3553 (a)(1), (a)(2)(B), and (a)(2)(D);

"(2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553 (a)(2)(B) and (a)(2)(D); and

"(3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

any condition set forth as a discretionary condition of probation in section 3563 (b)(1) through (b)(10) and (b)(12) through (b)(19), and any other condition it considers to be appropriate. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation.

"(e) MODIFICATION OF TERM OR CONDITIONS.—The court may, after considering the factors set forth in section 3553 (a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6)—

"(1) terminate a term of supervised release previously ordered and discharge the person released at any time after the expiration of one year of supervised release, if it is satisfied that such action is warranted by the conduct of the person released and the interest of justice;

"(2) after a hearing, extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions applicable to the initial setting of the terms and conditions of post-release supervision; or

"(3) treat a violation of a condition of a term of supervised release as contempt of court pursuant to section 401(3) of this title.

"(f) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the term of supervised release is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

"§ 3584. Multiple sentences of imprisonment

"(a) IMPOSITION OF CONCURRENT OR CONSECUTIVE TERMS.—If multiple terms of imprisonment are imposed on a defendant at the same time, or if a term of imprisonment is imposed on a defendant who is already subject to an undischarged term of imprisonment, the terms may run concurrently or consecutively, except that the terms may not run consecutively for an attempt and for another offense that was the sole objective of the attempt. Multiple terms of imprisonment imposed at the same time run concurrently unless the court orders or the statute mandates that the terms are to run consecutively. Multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms are to run concurrently.

"(b) FACTORS TO BE CONSIDERED IN IMPOSING CONCURRENT OR CONSECUTIVE TERMS.—The court, in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in section 3553(a).

"(c) TREATMENT OF MULTIPLE SENTENCE AS AN AGGREGATE.—Multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment.

"§ 3585. Calculation of a term of imprisonment

"(a) COMMENCEMENT OF SENTENCE.—A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.

"(b) CREDIT FOR PRIOR CUSTODY.—A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences—

"(1) as a result of the offense for which the sentence was imposed; or

"(2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed;

that has not been credited against another sentence.

"§ 3586. Implementation of a sentence of imprisonment

"The implementation of a sentence of imprisonment is governed by the provisions of subchapter C of chapter 229 and, if the sentence includes a term of supervised release, by the provisions of subchapter A of chapter 229.

"CHAPTER 229—POSTSENTENCE ADMINISTRATION

"Subchapter
"A. Probation 3601
"B. Fines 3611
"C. Imprisonment 3621

"SUBCHAPTER A—PROBATION

"Sec.
"3601. Supervision of probation.
"3602. Appointment of probation officers.
"3603. Duties of probation officers.
"3604. Transportation of a probationer.
"3605. Transfer of jurisdiction over a probationer.
"3606. Arrest and return of a probationer.
"3607. Special probation and expungement procedures for drug possessor.

"SUBCHAPTER A—PROBATION

"§ 3601. Supervision of probation

"A person who has been sentenced to probation pursuant to the provisions of subchapter B of chapter 227, or placed on probation pursuant to the provisions of chapter 403, or placed on supervised release pursuant to the provisions of section 3583, shall, during the term imposed, be supervised by a probation officer to the degree warranted by the conditions specified by the sentencing court.

"§ 3602. Appointment of probation officers

"(a) APPOINTMENT.—A district court of the United States shall appoint qualified persons to serve, with or without compensation, as probation officers within the jurisdiction and under the direction of the court making the appointment. The court may, for cause, remove a probation officer appointed to serve with compensation, and may, in its discretion, remove a probation officer appointed to serve without compensation.

"(b) RECORD OF APPOINTMENT.—The order of appointment shall be entered on the records of the court, a copy of the order shall be delivered to the officer appointed, and a copy shall be sent to the Director of the Administrative Office of the United States Courts.

"(c) CHIEF PROBATION OFFICER.—If the court appoints more than one probation officer, one may be designated by the court as chief probation officer and shall direct the work of all probation officers serving in the judicial district.

"§ 3603. Duties of probation officers

"A probation officer shall—

"(a) instruct a probationer or a person on supervised release, who is under his supervision, as to the conditions specified by the sentencing court, and provide him with a written statement clearly setting forth all such conditions;

"(b) keep informed, to the degree required by the conditions specified by the sentencing court, as to the conduct and condition of a probationer or a person on supervised release, who is under his supervision, and report his conduct and condition to the sentencing court;

"(c) use all suitable methods, not inconsistent with the conditions specified by the court, to aid a probationer or a person on supervised release who is under his supervision, and to bring about improvements in his conduct and condition;

"(d) be responsible for the supervision of any probationer or a person on supervised release who is known to be within the judicial district;

"(e) keep a record of his work, and make such reports to the Director of the Administrative Office of the United States Courts as the Director may require;

"(f) upon request of the Attorney General or his designee, supervise and furnish information about a person within the custody of the Attorney General while on work release, furlough, or other authorized release from his regular place of confinement, or while in prerelease custody pursuant to the provisions of section 3624(c);

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked; and

"(h) perform any other duty that the court may designate.

"§ 3604. Transportation of a probationer

"A court, after imposing a sentence of probation, may direct a United States marshal to furnish the probationer with—

"(a) transportation to the place to which he is required to proceed as a condition of his probation; and

"(b) money, not to exceed such amount as the Attorney General may prescribe, for subsistence expenses while traveling to his destination.

"§ 3605. Transfer of jurisdiction over a probationer

"A court, after imposing a sentence, may transfer jurisdiction over a probationer or person on supervised release to the district court for any other district to which the person is required to proceed as a condition of his probation or release, or is permitted to proceed, with the concurrence of such court. A later transfer of jurisdiction may be made in the same manner. A court to which jurisdiction is transferred under this section is authorized to exercise all powers over the probationer or releasee that are permitted by this subchapter or subchapter B or D of chapter 227.

"§ 3606. Arrest and return of a probationer

"If there is probable cause to believe that a probationer or a person on supervised release has violated a condition of his probation or release, he may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. A probation officer may make such an arrest wherever the probationer or releasee is found, and may make the arrest without a warrant. The court having supervision of the probationer or releasee, or, if there is no such court, the court last having supervision of the probationer or releasee, may issue a warrant for the arrest of a probationer or releasee for violation of a condition of release, and a probation officer or United States marshal may execute the warrant in the district in which the warrant was issued or in any district in which the probationer or releasee is found.

"§ 3607. Special probation and expungement procedures for drug possessors

"(a) PRE-JUDGMENT PROBATION.—If a person found guilty of an offense described in section 404 of the Controlled Substances Act (21 U.S.C. 844)—

"(1) has not, prior to the commission of such offense, been convicted of violating a Federal or State law relating to controlled substances; and

"(2) has not previously been the subject of a disposition under this subsection;

the court may, with the consent of such person, place him on probation for a term of not more than one year without entering a judgment of conviction. At any time before the expiration of the term of probation, if the person has not violated a condition of his probation, the court may, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. At the expiration of the term of probation, if the person has not violated a condition of his probation, the court shall, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. If the person violates a condition of his probation, the court shall proceed in accordance with the provisions of section 3565.

"(b) RECORD OF DISPOSITION.—A nonpublic record of a disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall be retained by the Department of Justice solely for the purpose of use by the courts in determining in any subsequent proceeding whether a person qualifies for the disposition provided in subsection (a) or the expungement provided in subsection (c). A disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall not be considered a conviction for the purpose of a disqualification or a disability imposed by law upon conviction of a crime, or for any other purpose.

"(c) EXPUNGEMENT OF RECORD OF DISPOSITION.—If the case against a person found guilty of an offense under section 404 of the Controlled Substances Act (21 U.S.C. 844) is the subject of a disposition under subsection (a), and the person was less than twenty-one years old at the time of the offense, the court shall enter an expungement order upon the application of such person. The expungement order shall direct that there be expunged from all official records, except the nonpublic records referred to in subsection (b), all references to his arrest for the offense, the institution of criminal proceedings against him, and the results thereof. The effect of the order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or institution of criminal proceedings. A person concerning whom such an order has been entered shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge such arrests or institution of criminal proceedings, or the results thereof, in response to an inquiry made of him for any purpose.

"SUBCHAPTER B—FINES

"Sec.
"3611. Payment of a fine.
"3612. Collection of an unpaid fine.
"3613. Civil remedies for satisfaction of an unpaid fine.
"3614. Resentencing upon failure to pay a fine.
"3615. Criminal default.

"SUBCHAPTER B—FINES

"§ 3611. Payment of a fine

"A person who has been sentenced to pay a fine pursuant to the provisions of subchapter C of chapter 227 shall pay the fine immediately, or by the time and method specified by the sentencing court, to the clerk of the court. The clerk shall forward the payment to the United States Treasury.

"§ 3612. Collection of an unpaid fine

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within ten working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (b). An order of restitution, pursuant to section 3556, does not create any right of action against the

United States by the person to whom restitution is ordered to be paid.

"(d) NOTIFICATION OF DELINQUENCY.—Within ten working days after a fine is determined to be delinquent as provided in section 3572(i), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within ten working days after a fine is determined to be in default as provided in section 3572(j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within thirty days.

"(f) INTEREST, MONETARY PENALTIES FOR DELINQUENCY, AND DEFAULT.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the thirty-first day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3613. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed pursuant to the provisions of subchapter C of chapter 227 is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable and liability to pay a fine expires—

"(1) twenty years after the entry of the judgment; or

"(2) upon the death of the individual fined.

The period set forth in paragraph (1) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in paragraph (1) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940, 54 Stat. 1190.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940, 54 Stat. 1190, apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(d) EFFECT OF NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases, but in no event shall liability for payment of a fine extend beyond the period specified in subsection (b).

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3614. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.

"SUBCHAPTER C—IMPRISONMENT

"Sec.
"3621. Imprisonment of a convicted person.
"3622. Temporary release of a prisoner.
"3623. Transfer of a prisoner to State authority.
"3624. Release of a prisoner.
"3625. Inapplicability of the Administrative Procedure Act.

"SUBCHAPTER C—IMPRISONMENT

"§ 3621. Imprisonment of a convicted person

"(a) COMMITMENT TO CUSTODY OF BUREAU OF PRISONS.—A person who has been sentenced to a term of imprisonment pursuant to the provisions of subchapter D of chapter 227 shall be committed to the custody of the Bureau of Prisons until the expiration of the term imposed, or until earlier released for satisfactory behavior pursuant to the provisions of section 3624.

"(b) PLACE OF IMPRISONMENT.—The Bureau of Prisons shall designate the place of the prisoner's imprisonment. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate and suitable, considering—

"(1) the resources of the facility contemplated;

"(2) the nature and circumstances of the offense;

"(3) the history and characteristics of the prisoner;

"(4) any statement by the court that imposed the sentence—

"(A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or

"(B) recommending a type of penal or correctional facility as appropriate; and

"(5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

The Bureau may at any time, having regard for the same matters, direct the transfer of a prisoner from one penal or correctional facility to another.

"(c) DELIVERY OF ORDER OF COMMITMENT.—When a prisoner, pursuant to a court order, is placed in the custody of a person in charge of a penal or correctional facility, a copy of the order shall be delivered to such person as evidence of this authority to hold the prisoner, and the original order, with the return endorsed thereon, shall be returned to the court that issued it.

"(d) DELIVERY OF PRISONER FOR COURT APPEARANCES.—The United States marshal shall, without charge, bring a prisoner into court or return him to a prison facility on order of a court of the United States or on written request of an attorney for the Government.

"§ 3622. Temporary release of a prisoner

"The Bureau of Prisons may release a prisoner from the place of his imprisonment for a limited period if such release appears to be consistent with the purpose for which the sentence was imposed and any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2), if such release otherwise appears to be consistent with the public interest and if there is reasonable cause to believe that a prisoner will honor the trust to be imposed in him, by authorizing him, under prescribed conditions, to—

"(a) visit a designated place for a period not to exceed thirty days, and then return

to the same or another facility, for the purpose of—

"(1) visiting a relative who is dying;

"(2) attending a funeral of a relative;

"(3) obtaining medical treatment not otherwise available;

"(4) contacting a prospective employer;

"(5) establishing or reestablishing family or community ties; or

"(6) engaging in any other significant activity consistent with the public interest;

"(b) participate in a training or educational program in the community while continuing in official detention at the prison facility; or

"(c) work at paid employment in the community while continuing in official detention at the penal or correctional facility if—

"(1) the rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the community; and

"(2) the prisoner agrees to pay to the Bureau such costs incident to official detention as the Bureau finds appropriate and reasonable under all the circumstances, such costs to be collected by the Bureau and deposited in the Treasury to the credit of the appropriation available for such costs at the time such collections are made.

"§ 3623. Transfer of a prisoner to State authority

"The Director of the Bureau of Prisons shall order that a prisoner who has been charged in an indictment or information with, or convicted of, a State felony, be transferred to an official detention facility within such State prior to his release from a Federal prison facility if—

"(1) the transfer has been requested by the Governor or other executive authority of the State;

"(2) the State has presented to the Director a certified copy of the indictment, information, or judgment of conviction; and

"(3) the Director finds that the transfer would be in the public interest.

If more than one request is presented with respect to a prisoner, the Director shall determine which request should receive preference. The expenses of such transfer shall be borne by the State requesting the transfer.

"§ 3624. Release of a prisoner

"(a) DATE OF RELEASE.—A prisoner shall be released by the Bureau of Prisons on the date of the expiration of his term of imprisonment, less any time credited toward the service of his sentence as provided in subsection (b). If the date for a prisoner's release falls on a Saturday, a Sunday, or a legal holiday at the place of confinement, the prisoner may be released by the Bureau on the last preceding weekday.

"(b) CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.—A prisoner who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of his life, shall receive credit toward the service of his sentence, beyond the time served, of thirty-six days at the end of each year of his term of imprisonment, beginning after the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with such institutional disciplinary regulations as have been approved by the Attorney General and issued to the prisoner. If the Bureau determines that, during that year, the prisoner has not satisfactorily complied with such institutional regulations, he shall receive no such credit toward service of his sentence or shall receive such lesser credit as the Bureau determines to be appropriate. The Bureau's determination shall be made within fifteen days after the end of each year of the sentence. Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted. Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence.

"(c) PRE-RELEASE CUSTODY.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last 10 per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for his re-entry into the community. The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.

"(d) ALLOTMENT OF CLOTHING, FUNDS, AND TRANSPORTATION.—Upon the release of a prisoner on the expiration of his term of imprisonment, the Bureau of Prisons shall furnish him with—

"(1) suitable clothing;

"(2) an amount of money, not more than $500, determined by the Director to be consistent with the needs of the offender and the public interest, unless the Director determines that the financial position of the offender is such that no sum should be furnished; and

"(3) transportation to the place of his conviction, to his bona fide residence within the United States, or to such other place within the United States as may be authorized by the Director.

"(e) SUPERVISION AFTER RELEASE.—A prisoner whose sentence includes a term of supervised release after imprisonment shall be released by the Bureau of Prisons to the supervision of a probation officer who shall, during the term imposed, supervise the person released to the degree warranted by the conditions specified by the sentencing court. The term of supervised release commences on the day the person is released from imprisonment. The term runs concurrently with any Federal, State, or local term of probation or supervised release or parole for another offense to which the person is subject or becomes subject during the term of supervised release, except that it does not run during any period in which the person is imprisoned, other than during limited intervals as a condition of probation or supervised release, in connection with a conviction for a Federal, State, or local crime. No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.

"§ 3625. Inapplicability of the Administrative Procedure Act

"The provisions of sections 554 and 555 and 701 through 706 of title 5, United States Code, do not apply to the making of any determination, decision, or order under this subchapter.";

(3) in section 3663 (formerly section 3579):

(A) by amending subsection (g) to read as follows:

"(g) If such defendant is placed on probation or sentenced to a term of supervised release under this title, any restitution ordered under this section shall be a condition of such probation or supervised release. The court may revoke probation, or modify the term or conditions of a term of supervised release, or hold a defendant in contempt pursuant to section 3583(e) if the defendant fails to comply with such order. In determining whether to revoke probation, modify the term or conditions of supervised release, or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay."; and

(B) by amending subsection (h) to read as follows:

"(h) An order of restitution may be enforced by the United States in the manner provided in sections 3812 and 3813 or in the same manner as a judgment in a civil action, and by the victim named in the order to receive the restitution in the same manner as a judgment in a civil action.";

(4) adding the following new section at the end of chapter 232:

"§ 3673. Definitions for sentencing provisions

"As used in chapters 227 and 229—

"(a) 'found guilty' includes acceptance by a court of a plea of guilty or nolo contendere;

"(b) 'commission of an offense' includes the attempted commission of an offense, the consummation of an offense, and any immediate flight after the commission of an offense; and

"(c) 'law enforcement officer' means a public servant authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of an offense."; and

(5) adding the following caption and sectional analysis at the beginning of new chapter 232:

"CHAPTER 232—MISCELLANEOUS SENTENCING PROVISIONS

"Sec.
"3661. Use of information for sentencing.
"3662. Conviction records.
"3663. Order of restitution.
"3664. Procedure for issuing order of restitution.
"3665. Firearms possessed by convicted felons.
"3666. Bribe moneys.
"3667. Liquors and related property; definitions.
"3668. Remission or mitigation of forfeitures under liquor laws; possession pending trial.
"3669. Conveyance carrying liquor.
"3670. Disposition of conveyances seized for violation of the Indian liquor laws.
"3671. Vessels carrying explosives and steerage passengers.
"3672. Duties of Director of Administrative Office of the United States Courts.
"3673. Definitions for sentencing provisions.".

(b) The chapter analysis of Part II of title 18, United States Code, is amended by striking out the items relating to chapters 227, 229, and 231, and inserting in lieu thereof the following:

"227. Sentences 3551
"229. Post-Sentence Administration 3601
"231. Repealed .....
"232. Miscellaneous Sentencing Provisions ..... 3661".

SEC. 203. (a) Chapter 235 of title 18, United States Code, is amended by adding the following new section at the end thereof:

"§ 3742. Review of a sentence

"(a) APPEAL BY A DEFENDANT.—A defendant may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a); or

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

"(b) APPEAL BY THE GOVERNMENT.—The Government may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the minimum established in the guideline, or includes a less limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the minimum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;

and the Attorney General or the Solicitor General personally approves the filing of the notice of appeal.

"(c) RECORD ON REVIEW.—If a notice of appeal is filed in the district court pursuant to subsection (a) or (b), the clerk shall certify to the court of appeals—

"(1) that portion of the record in the case that is designated as pertinent by either of the parties;

"(2) the presentence report; and

"(3) the information submitted during the sentencing proceeding.

"(d) CONSIDERATION.—Upon review of the record, the court of appeals shall determine whether the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines; or

"(3) is outside the range of the applicable sentencing guideline, and is unreasonable, having regard for—

"(A) the factors to be considered in imposing a sentence, as set forth in chapter 227 of this title; and

"(B) the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c).

The court of appeals shall give due regard to the opportunity of the district court to judge the credibility of the witnesses, and shall accept the findings of fact of the district court unless they are clearly erroneous.

"(e) DECISION AND DISPOSITION.—If the court of appeals determines that the sentence—

"(1) was imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, it shall—

"(A) remand the case for further sentencing proceedings; or

"(B) correct the sentence;

"(2) is outside the range of the applicable sentencing guideline and is unreasonable, it shall state specific reasons for its conclusions and—

"(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and—

"(i) remand the case for imposition of a lesser sentence;

"(ii) remand the case for further sentencing proceedings; or

"(iii) impose a lesser sentence;

"(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and—

"(i) remand the case for imposition of a greater sentence;

"(ii) remand the case for further sentencing proceedings; or

"(iii) impose a greater sentence; or

"(3) was not imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, and is not unreasonable, it shall affirm the sentence.".

(b) The sectional analysis of chapter 235 of title 18, United States Code, is amended by adding the following new item after the item relating to section 3741:

"3742. Review of a sentence.".

SEC. 204. Chapter 403 of title 18, United States Code is amended as follows:

(a) Section 5037 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking out subsections (a) and (b) and inserting the following new subsections in lieu thereof:

"(a) If the court finds a juvenile to be a juvenile delinquent, the court shall hold a disposition hearing concerning the appropriate disposition no later than twenty court days after the juvenile delinquency hearing unless the court has ordered further study pursuant to subsection (e). After the disposition hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994, the court may suspend the findings of juvenile delinquency, enter an order of restitution pursuant to section 3556, place him on probation, or commit him to official detention. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term that would be authorized by section 3561(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between eighteen and twenty-one years old, beyond the lesser of—

"(A) three years; or

"(B) the maximum term that would be authorized by section 3561(b) if the juvenile had been tried and convicted as an adult.

The provisions dealing with probation set forth in sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term of imprisonment that would be authorized by section 3581(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between eighteen and twenty-one years old—

"(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond five years; or

"(B) in any other case beyond the lesser of—

"(i) three years; or

"(ii) the maximum term of imprisonment that would be authorized by section 3581(b) if the juvenile had been tried and convicted as an adult.".

(b) Section 5041 is repealed.

(c) Section 5042 is amended by—

(1) striking out "parole or" each place it appears in the caption and text; and

(2) striking out "parolee or".

(d) The sectional analysis is amended by striking out the items relating to sections 5041 and 5042 and inserting in lieu thereof the following:

"5041. Repealed.

"5042. Revocation of Probation.".

SEC. 205. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 32 is amended—

(1) by deleting subdivision (a)(1) and inserting in lieu thereof the following:

"(1) IMPOSITION OF SENTENCE.—Sentence shall be imposed without unnecessary delay, but the court may, upon a motion that is jointly filed by the defendant and by the attorney for the Government and that asserts a factor important to the sentencing determination is not capable of being resolved at that time, postpone the imposition of sentence for a reasonable time until the factor is capable of being resolved. Prior to the sentencing hearing, the court shall provide the counsel for the defendant and the attorney for the Government with notice of the probation officer's determination, pursuant

to the provisions of subdivision (c)(2)(B), of the sentencing classifications and sentencing guideline range believed to be applicable to the case. At the sentencing hearing, the court shall afford the counsel for the defendant and the attorney for the Government an opportunity to comment upon the probation officer's determination and on other matters relating to the appropriate sentence. Before imposing sentence, the court shall also—

"(A) determine that the defendant and his counsel have had the opportunity to read and discuss the presentence investigation report made available pursuant to subdivision (c)(3)(A) or summary thereof made available pursuant to subdivision (c)(3)(B);

"(B) afford counsel for the defendant an opportunity to speak on behalf of the defendant; and

"(C) address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of the sentence.

The attorney for the Government shall have an equivalent opportunity to speak to the court. Upon a motion that is jointly filed by the defendant and by the attorney for the Government, the court may hear in camera such a statement by the defendant, counsel for the defendant, or the attorney for the Government.";

(2) in subdivision (a)(2), by adding ", including any right to appeal the sentence," after "right to appeal" in the first sentence;

(3) in subdivision (a)(2), by adding ", except that the court shall advise the defendant of any right to appeal his sentence" after "nolo contendere" in the second sentence;

(4) by amending the first sentence of subdivision (c)(1) to read as follows:

"A probation officer shall make a presentence investigation and report to the court before the imposition of sentence unless the court finds that there is in the record information sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. 3553, and the court explains this finding on the record.";

(5) by amending subdivision (c)(2) to read as follows:

"(2) REPORT.—The report of the presentence investigation shall contain—

"(A) information about the history and characteristics of the defendant, including his prior criminal record, if any, his financial condition, and any circumstances affecting his behavior that may be helpful in imposing sentence or in the correctional treatment of the defendant;

"(B) the classification of the offense and of the defendant under the categories established by the Sentencing Commission pursuant to section 994(a) of title 28, that the probation officer believes to be applicable to the defendant's case; the kinds of sentence and the sentencing range suggested for such a category of offense committed by such a category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1); and an explanation by the probation officer of any factors that may indicate that a sentence of a different kind or of a different length than one within the applicable guideline would be more appropriate under all the circumstances;

"(C) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2);

"(D) verified information stated in a nonargumentative style containing an assessment of the financial, social, psychological, and medical impact upon, and cost to, any individual against whom the offense has been committed;

"(E) unless the court orders otherwise, information concerning the nature and extent of nonprison programs and resources available for the defendant; and

"(F) such other information as may be required by the court.";

(6) in subdivision (c)(3)(A), by deleting "exclusive of any recommendations as to sentence" and inserting in lieu thereof ", including the information required by subdivision (c)(2) but not including any final recommendation as to sentence,";

(7) in subdivision (c)(3)(D), delete "or the Parole Commission";

(8) in subdivision (c)(3)(F), delete "or the Parole Commission pursuant to 18 U.S.C. §§ 4205(c), 4252, 5010(e), or 5037(c)" and substitute "pursuant to 18 U.S.C. § 3552(b)"; and

(9) by deleting "imposition of sentence is suspended, or disposition is had under 18 U.S.C. § 4205(c)," in subdivision (d).

(b) Rule 35 is amended to read as follows:

"Rule 35. Correction of Sentence

"(a) CORRECTION OF A SENTENCE ON REMAND.—The court shall correct a sentence that is determined on appeal under 18 U.S.C. 3742 to have been imposed in violation of law, to have been imposed as a result of an incorrect application of the sentencing guidelines, or to be unreasonable, upon remand of the case to the court—

"(1) for imposition of a sentence in accord with the findings of the court of appeals; or

"(2) for further sentencing proceedings if, after such proceedings, the court determines that the original sentence was incorrect.

"(b) CORRECTION OF SENTENCE FOR CHANGED CIRCUMSTANCES.—The court, on motion of the Government, may within one year after the imposition of a sentence, lower a sentence to reflect a defendant's subsequent, substantial assistance in the investigation or prosecution of another person who has committed an offense, to the extent that such assistance is a factor in applicable guidelines or policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a).".

(c) Rule 38 is amended—

(1) by amending the caption to read: "Stay of Execution" and deleting "(a) Stay of Execution.";

(2) by deleting subdivisions (b) and (c);

(3) by redesignating subdivisions (a)(1) through (a)(4) as subdivisions (a) through (d), respectively;

(4) in subdivision (a), by adding "from the conviction or sentence" after "is taken";

(5) in the first sentence of subdivision (b), by adding "from the conviction or sentence" after "is taken";

(6) by amending subdivision (d) to read as follows:

"(d) PROBATION.—A sentence of probation may be stayed if an appeal from the conviction or sentence is taken. If the sentence is stayed, the court shall fix the terms of the stay."; and

(7) by adding new subdivisions (e) and (f) as follows:

"(e) CRIMINAL FORFEITURE, NOTICE TO VICTIMS, AND RESTITUTION.—A sanction imposed as part of the sentence pursuant to 18 U.S.C. 3554, 3555, or 3556 may, if an appeal of the conviction or sentence is taken, be stayed by the district court or by the court of appeals upon such terms as the court finds appropriate. The court may issue such orders as may be reasonably necessary to ensure compliance with the sanction upon disposition of the appeal, including the entering of a restraining order or an injunction or requiring a deposit in whole or in part of the monetary amount involved into the registry of the district court or execution of a performance bond.

"(f) DISABILITIES.—A civil or employment disability arising under a Federal statute by reason of the defendant's conviction or sentence, may, if an appeal is taken, be stayed by the district court or by the court of appeals upon such terms as the court finds appropriate. The court may enter a restraining order or an injunction, or take any other action that may be reasonably necessary to protect the interest represented by the disability pending disposition of the appeal.".

(d) Rule 40 is amended by deleting "3653" in subdivision (d)(1) and inserting in lieu thereof "3605".

(e) Rule 54 is amended by amending the definition of "Petty offense" in subdivision (c) to read as follows: " 'Petty offense' means a class B or C misdemeanor or an infraction.".

(f) Rule 6(e)(3)(C) is amended by adding the following subdivision:

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

(g) The Table of Rules that precedes Rule 1 is amended as follows:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence.
"(a) Correction of a sentence on remand.
"(b) Correction of a sentence for changed circumstances.".

(2) The item relating to Rule 38 is amended to read as follows:

"38. Stay of Execution.
"(a) Death.
"(b) Imprisonment.
"(c) Fine.
"(d) Probation.
"(e) Criminal forfeiture, notice to victims, and restitution.
"(f) Disabilities.".

SEC. 206. (a) The Rules of Procedure for the Trial of Misdemeanors Before United States Magistrates are amended by adding the following new rule at the end thereof:

"Rule 9. Definition

"As used in these rules, 'petty offense' means a Class B or C misdemeanor or an infraction.".

(b) The Table of Rules that precedes Rule 1 is amended by adding at the end thereof the following new item:

"9. Definition.".

SEC. 207. (a) Title 28 of the United States Code is amended by adding the following new chapter after chapter 57:

"CHAPTER 58—UNITED STATES SENTENCING COMMISSION

"Sec.
"991. United States Sentencing Commission; establishment and purposes.
"992. Terms of office; compensation.
"993. Powers and duties of Chairman.
"994. Duties of the Commission.
"995. Powers of the Commission.
"996. Director and staff.
"997. Annual report.
"998. Definitions.

"§ 991. United States Sentencing Commission; establishment and purposes

"(a) There is established as an independent commission in the judicial branch of the United States a United States Sentencing Commission which shall consist of seven voting members and one nonvoting member. The President, after consultation with representatives of judges, prosecuting attorneys, defense attorneys, law enforcement officials, senior citizens, victims of crime, and others interested in the criminal justice process, shall appoint the voting members of the Commission, by and with the advice and consent of the Senate, one of whom shall be appointed, by and with the advice and consent of the Senate, as the Chairman. At least two of the members shall be Federal judges in regular active service selected after considering a list of six judges recommended to the President by the Judicial Conference of the United States. Not more than four of the members of the Commission shall be members of the same political party. The Attorney General, or his designee, shall be an ex officio, nonvoting member of the Commission. The Chairman and members of the Commission shall be subject to removal from the Commission by the President only for neglect of duty or malfeasance in office or for other good cause shown.

"(b) The purposes of the United States Sentencing Commission are to—

"(1) establish sentencing policies and practices for the Federal criminal justice system that—

"(A) assure the meeting of the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

"(B) provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices; and

"(C) reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process; and

"(2) develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

"§ 992. Terms of office; compensation

"(a) The voting members of the United States Sentencing Commission shall be appointed for six-year terms, except that the initial terms of the first members of the Commission shall be staggered so that—

"(1) two members, including the Chairman, serve terms of six years;

"(2) three members serve terms of four years; and

"(3) two members serve terms of two years.

"(b) No voting member may serve more than two full terms. A voting member appointed to fill a vacancy that occurs before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(c) The Chairman of the Commission shall hold a full-time position and shall be compensated during the term of office at the annual rate at which judges of the United States courts of appeals are compensated. The voting members of the Commission, other than the Chairman, shall hold full-time positions until the end of the first six years after the sentencing guidelines go into effect pursuant to section 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983, and shall be compensated at the annual rate at which judges of the United States courts of appeals are compensated. Thereafter, the voting members of the Commission, other than the Chairman, shall hold part-time positions and shall be paid at the daily rate at which judges of the United States courts of appeals are compensated. A Federal judge may serve as a member of the Commission without resigning his appointment as a Federal judge.

"§ 993. Powers and duties of Chairman

"The Chairman shall—

"(a) call and preside at meetings of the Commission, which shall be held for at least two weeks in each quarter after the members of the Commission hold part-time positions; and

"(b) direct—

"(1) the preparation of requests for appropriations for the Commission; and

"(2) the use of funds made available to the Commission.

"§ 994. Duties of the Commission

"(a) The Commission, by affirmative vote of at least four members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of this title and title 18, United States Code, shall promulgate and distribute to all courts of the United States and to the United States Probation System—

"(1) guidelines, as described in this section, for use of a sentencing court in determining the sentence to be imposed in a criminal case, including—

"(A) a determination whether to impose a sentence to probation, a fine, or a term of imprisonment;

"(B) a determination as to the appropriate amount of a fine or the appropriate length of a term of probation or a term of imprisonment;

"(C) a determination whether a sentence to a term of imprisonment should include a requirement that the defendant be placed on a term of supervised release after imprisonment, and, if so, the appropriate length of such a term; and

"(D) a determination whether multiple sentences to terms of imprisonment should be ordered to run concurrently or consecutively;

"(2) general policy statements regarding application of the guidelines or any other aspect of sentencing or sentence implementation that in the view of the Commission would further the purposes set forth in section 3553(a)(2) of title 18, United States Code, including the appropriate use of—

"(A) the sanctions set forth in sections 3554, 3555, and 3556 of title 18;

"(B) the conditions of probation and supervised release set forth in sections 3563(b) and 3583(d) of title 18;

"(C) the sentence modification provisions set forth in sections 3563(c), 3573, and 3582(c) of title 18;

"(D) the authority granted under rule 11(e)(2) of the Federal Rules of Criminal Procedure to accept or reject a plea agreement entered into pursuant to rule 11(e)(1); and

"(E) the temporary release provisions set forth in section 3622 of title 18, and the prerelease custody provisions set forth in section 3624(c) of title 18; and

"(3) guidelines or general policy statements regarding the appropriate use of the probation revocation provisions set forth in section 3565 of title 18, and the provisions for modification of the term or conditions of probation or supervised release set forth in sections 3563(c), 3564(d), and 3583(e) of title 18.

"(b) The Commission, in the guidelines promulgated pursuant to subsection (a)(1), shall, for each category of offense involving each category of defendant, establish a sentencing range that is consistent with all pertinent provisions of title 18, United States Code. If a sentence specified by the guidelines includes a term of imprisonment, the maximum of the range established for such a term shall not exceed the minimum of that range by more than 25 per centum.

"(c) The Commission, in establishing categories of offenses for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

"(1) the grade of the offense;

"(2) the circumstances under which the offense was committed which mitigate or aggravate the seriousness of the offense;

"(3) the nature and degree of the harm caused by the offense, including whether it involved property, irreplaceable property, a person, a number of persons, or a breach of public trust;

"(4) the community view of the gravity of the offense;

"(5) the public concern generated by the offense;

"(6) the deterrent effect a particular sentence may have on the commission of the offense by others; and

"(7) the current incidence of the offense in the community and in the Nation as a whole.

"(d) The Commission in establishing categories of defendants for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, with respect to a defendant, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

"(1) age;

"(2) education;

"(3) vocational skills;

"(4) mental and emotional condition to the extent that such condition mitigates the defendant's culpability or to the extent that such condition is otherwise plainly relevant;

"(5) physical condition, including drug dependence;

"(6) previous employment record;

"(7) family ties and responsibilities;

"(8) community ties;

"(9) role in the offense;

"(10) criminal history; and

"(11) degree of dependence upon criminal activity for a livelihood.

The Commission shall assure that the guidelines and policy statements are entirely neutral as to the race, sex, national origin, creed, and socioeconomic status of offenders.

"(e) The Commission shall assure that the guidelines and policy statements, in recommending a term of imprisonment or length of a term of imprisonment, reflect the general inappropriateness of considering the education, vocational skills, employment record, family ties and responsibilities, and community ties of the defendant.

"(f) The Commission, in promulgating guidelines pursuant to subsection (a)(1), shall promote the purposes set forth in section 991(b)(1), with particular attention to the requirements of subsection 991(b)(1)(B) for providing certainty and fairness in sentencing and reducing unwarranted sentence disparities.

"(g) The Commission, in promulgating guidelines pursuant to subsection (a)(1) to meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code, shall take into account the nature and capacity of the penal, correctional, and other facilities and services available, and shall make recommendations concerning any change or expansion in the nature or capacity of such facilities and services that might become necessary as a result of the guidelines promulgated pursuant to the provisions of this chapter.

"(h) The Commission shall assure that the guidelines will specify a sentence to a term of imprisonment at or near the maximum term authorized by section 3581(b) of title 18, United States Code, for categories of defendants in which the defendant is eighteen years old or older and—

"(1) has been convicted of a felony that is—

"(A) a crime of violence; or

"(B) an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), sections 1002(a), 1005, and 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, and 959), and section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); and

"(2) has previously been convicted of two or more prior felonies, each of which is—

"(A) a crime of violence; or

"(B) an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), sections 1002(a), 1005, and 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, and 959), and section 1 of the Act of September 15, 1980 (21 U.S.C. 955a).

"(i) The Commission shall assure that the guidelines will specify a sentence to a substantial term of imprisonment for categories of defendants in which the defendant—

"(1) has a history of two or more prior Federal, State, or local felony convictions for offenses committed on different occasions;

"(2) committed the offense as part of a pattern of criminal conduct from which he derived a substantial portion of his income;

"(3) committed the offense in furtherance of a conspiracy with three or more persons engaging in a pattern of racketeering activity in which the defendant participated in a managerial or supervisory capacity;

"(4) committed a crime of violence that constitutes a felony while on release pending trial, sentence, or appeal from a Federal, State, or local felony for which he was ultimately convicted; or

"(5) committed a felony that is set forth in section 401 or 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 and 960), and that involved trafficking in a substantial quantity of a controlled substance.

"(j) The Commission shall insure that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense, and the general appropriateness of imposing a term of imprisonment on a person convicted of a crime of violence that results in serious bodily injury.

"(k) The Commission shall insure that the guidelines reflect the inappropriateness of imposing a sentence to a term of imprisonment for the purpose of rehabilitating the defendant or providing the defendant with needed educational or vocational training, medical care, or other correctional treatment.

"(l) The Commission shall insure that the guidelines promulgated pursuant to subsection (a)(1) reflect—

"(1) the appropriateness of imposing an incremental penalty for each offense in a case in which a defendant is convicted of—

"(A) multiple offenses committed in the same course of conduct that result in the exercise of ancillary jurisdiction over one or more of the offenses; and

"(B) multiple offenses committed at different times, including those cases in which the subsequent offense is a violation of section 3146 (penalty for failure to appear) or is committed while the person is released pursuant to the provisions of section 3147 (penalty for an offense committed while on release) of title 18; and

"(2) the general inappropriateness of imposing consecutive terms of imprisonment for an offense of conspiring to commit an offense or soliciting commission of an offense and for an offense that was the sole object of the conspiracy or solicitation.

"(m) The Commission shall insure that the guidelines reflect the fact that, in many cases, current sentences do not accurately reflect the seriousness of the offense. This will require that, as a starting point in its development of the initial sets of guidelines for particular categories of cases, the Commission ascertain the average sentences imposed in such categories of cases prior to the creation of the Commission, and in cases involving sentences to terms of imprisonment, the length of such terms actually served. The Commission shall not be bound by such average sentences, and shall independently develop a sentencing range that is consistent with the purposes of sentencing described in section 3553(a)(2) of title 18, United States Code.

"(n) The Commission periodically shall review and revise, in consideration of comments and data coming to its attention, the guidelines promulgated pursuant to the provisions of this section. In fulfilling its duties and in exercising its powers, the Commission shall consult with authorities on, and individual and institutional representatives of, various aspects of the Federal criminal justice system. The United States Probation System, the Bureau of Prisons, the Judicial Conference of the United States, the Criminal Division of the United States Department of Justice, and a representative of the Federal Public Defenders shall submit to the Commission any observations, comments, or questions pertinent to the work of the Commission whenever they believe such communication would be useful, and shall, at least annually, submit to the Commission a written report commenting on the operation of the Commission's guidelines, suggesting changes in the guidelines that appear to be warranted, and otherwise assessing the Commission's work.

"(o) The Commission, at or after the beginning of a regular session of Congress but not later than the first day of May, shall report to the Congress any amendments of the guidelines promulgated pursuant to subsection (a)(1), and a report of the reasons therefor, and the amended guidelines shall take effect one hundred and eighty days after the Commission reports them, except to the extent the effective date is enlarged or the guidelines are disapproved or modified by Act of Congress.

"(p) The Commission and the Bureau of Prisons shall submit to Congress an analysis and recommendations concerning maximum utilization of resources to deal effectively with the Federal prison population. Such report shall be based upon consideration of a variety of alternatives, including—

"(1) modernization of existing facilities;

"(2) inmate classification and periodic review of such classification for use in placing inmates in the least restrictive facility necessary to ensure adequate security; and

"(3) use of existing Federal facilities, such as those currently within military jurisdiction.

"(q) The Commission, within three years of the date of enactment of the Sentencing Reform Act of 1983, and thereafter whenever it finds it advisable, shall recommend to the Congress that it raise or lower the grades, or otherwise modify the maximum penalties, of those offenses for which such an adjustment appears appropriate.

"(r) The Commission shall give due consideration to any petition filed by a defendant requesting modification of the guidelines utilized in the sentencing of such defendant, on the basis of changed circumstances unrelated to the defendant, including changes in—

"(1) the community view of the gravity of the offense;

"(2) the public concern generated by the offense; and

"(3) the deterrent effect particular sentences may have on the commission of the offense by others.

Within one hundred and eighty days of the filing of such petition the Commission shall provide written notice to the defendant whether or not it has approved the petition. If the petition is disapproved the written notice shall contain the reasons for such disapproval. The Commission shall submit to the Congress at least annually an analysis of such written notices.

"(s) The Commission, in promulgating general policy statements regarding the sentencing modification provisions in section 3582(c)(1)(A) of title 18, shall describe what should be considered extraordinary and compelling reasons for sentence reduction, including the criteria to be applied and a list of specific examples. Rehabilitation of the defendant alone shall not be considered an extraordinary and compelling reason.

"(t) If the Commission reduces the term of imprisonment recommended in the guidelines applicable to a particular offense or category of offenses, it shall specify by what amount the sentences of prisoners serving terms of imprisonment that are outside the

applicable guideline ranges for the offense may be reduced.

"(u) The Commission shall ensure that the general policy statements promulgated pursuant to subsection (a)(2) include a policy limiting consecutive terms of imprisonment for an offense involving a violation of a general prohibition and for an offense involving a violation of a specific prohibition encompassed within the general prohibition.

"(v) The appropriate judge or officer shall submit to the Commission in connection with each sentence imposed a written report of the sentence, the offense for which it is imposed, the age, race, and sex of the offender, information regarding factors made relevant by the guidelines, and such other information as the Commission finds appropriate. The Commission shall submit to Congress at least annually an analysis of these reports and any recommendations for legislation that the Commission concludes is warranted by that analysis.

"(w) The provisions of section 553 of title 5, relating to publication in the Federal Register and public hearing procedure, shall apply to the promulgation of guidelines pursuant to this section.

"§ 995. Powers of the Commission

"(a) The Commission, by vote of a majority of the members present and voting, shall have the power to—

"(1) establish general policies and promulgate such rules and regulations for the Commission as are necessary to carry out the purposes of this chapter;

"(2) appoint and fix the salary and duties of the Staff Director of the Sentencing Commission, who shall serve at the discretion of the Commission and who shall be compensated at a rate not to exceed the highest rate now or hereafter prescribed for grade 18 of the General Schedule pay rates (5 U.S.C. 5332);

"(3) deny, revise, or ratify any request for regular, supplemental, or deficiency appropriations prior to any submission of such request to the Office of Management and Budget by the Chairman;

"(4) procure for the Commission temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code;

"(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(6) without regard to 31 U.S.C. 3324, enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission, with any public agency, or with any person, firm, association, corporation, educational institution, or non-profit organization;

"(7) accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services, notwithstanding the provisions of 31 U.S.C. 1342, however, individuals providing such services shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims;

"(8) request such information, data, and reports from any Federal agency or judicial officer as the Commission may from time to time require and as may be produced consistent with other law;

"(9) monitor the performance of probation officers with regard to sentencing recommendations, including application of the Sentencing Commission guidelines and policy statements;

"(10) issue instructions to probation officers concerning the application of Commission guidelines and policy statements;

"(11) arrange with the head of any other Federal agency for the performance by such agency of any function of the Commission, with or without reimbursement;

"(12) establish a research and development program within the Commission for the purpose of—

"(A) serving as a clearinghouse and information center for the collection, preparation, and dissemination of information on Federal sentencing practices; and

"(B) assisting and serving in a consulting capacity to Federal courts, departments, and agencies in the development, maintenance, and coordination of sound sentencing practices;

"(13) collect systematically the data obtained from studies, research, and the empirical experience of public and private agencies concerning the sentencing process;

"(14) publish data concerning the sentencing process;

"(15) collect systematically and disseminate information concerning sentences actually imposed, and the relationship of such sentences to the factors set forth in section 3553(a) of title 18, United States Code;

"(16) collect systematically and disseminate information regarding effectiveness of sentences imposed;

"(17) devise and conduct, in various geographical locations, seminars and workshops providing continuing studies for persons engaged in the sentencing field;

"(18) devise and conduct periodic training programs of instruction in sentencing techniques for judicial and probation personnel and other persons connected with the sentencing process;

"(19) study the feasibility of developing guidelines for the disposition of juvenile delinquents;

"(20) make recommendations to Congress concerning modification or enactment of statutes relating to sentencing, penal, and correctional matters that the Commission finds to be necessary and advisable to carry out an effective, humane and rational sentencing policy;

"(21) hold hearings and call witnesses that might assist the Commission in the exercise of its powers or duties; and

"(22) perform such other functions as are required to permit Federal courts to meet their responsibilities under section 3553(a) of title 18, United States Code, and to permit others involved in the Federal criminal justice system to meet their related responsibilities.

"(b) The Commission shall have such other powers and duties and shall perform such other functions as may be necessary to carry out the purposes of this chapter, and may delegate to any member or designated person such powers as may be appropriate other than the power to establish general policy statements and guidelines pursuant to section 994(a) (1) and (2), the issuance of general policies and promulgation of rules and regulations pursuant to subsection (a)(1) of this section, and the decisions as to the factors to be considered in establishment of categories of offenses and offenders pursuant to section 994(b). The Commission shall, with respect to its activities under subsections (a)(9), (a)(10), (a)(11), (a)(12), (a)(13), (a)(14), (a)(15), (a)(16), (a)(17), and (a)(18), to the extent practicable, utilize existing resources of the Administrative Office of the United States Courts and the Federal Judicial Center for the purpose of avoiding unnecessary duplication.

"(c) Upon the request of the Commission, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Commission in the execution of its functions.

"(d) A simple majority of the membership then serving shall constitute a quorum for the conduct of business. Other than for the promulgation of guidelines and policy statements pursuant to section 994, the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the members present.

"(e) Except as otherwise provided by law, the Commission shall maintain and make available for public inspection a record of the final vote of each member on any action taken by it.

"§ 996. Director and staff

"(a) The Staff Director shall supervise the activities of persons employed by the Commission and perform other duties assigned to him by the Commission.

"(b) The Staff Director shall, subject to the approval of the Commission, appoint such officers and employees as are necessary in the execution of the functions of the Commission. The officers and employees of the Commission shall be exempt from the provisions of part III of title 5, United States Code, except the following chapters: 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), 89 (Health Insurance), and 91 (Conflicts of Interest).

"§ 997. Annual report

"The Commission shall report annually to the Judicial Conference of the United States, the Congress, and the President of the United States on the activities of the Commission.

"§ 998. Definitions

"As used in this chapter—

"(a) 'Commission' means the United States Sentencing Commission;

"(b) 'Commissioner' means a member of the United States Sentencing Commission;

"(c) 'guidelines' means the guidelines promulgated by the Commission pursuant to section 994(a) of this title; and

"(d) 'rules and regulations' means rules and regulations promulgated by the Commission pursuant to section 995 of this title.".

(b) The chapter analysis of part III of title 28, United States Code, is amended by adding after the item relating to chapter 57 the following new item:

"58. United States Sentencing Commission ..... 991".

REPEALERS

SEC. 208. (a) The following provisions of title 18, United States Code, are repealed:

(1) section 1;

(2) section 3012;

(3) sections 4082(a), 4082(b), 4082(c), 4082(e), 4084, and 4085;

(4) chapter 309;

(5) chapter 311;

(6) chapter 314;

(7) sections 4281, 4283, and 4284; and

(8) chapter 402.

Redesignate subsections in section 4082 accordingly.

(b) The item relating to section 1 in the sectional analysis of chapter 1 of title 18, United States Code, is amended to read:

"1. Repealed.".

(c) The item relating to section 3012 in the sectional analysis of chapter 201 of title 18, United States Code, is amended to read:

"3012. Repealed.".

(d) The chapter analysis of Part III of title 18, United States Code, is amended by amending the items relating to—

(1) chapters 309 and 311 to read as follows:

"309. Repealed.....
"311. Repealed..... ";

and

(2) chapter 314 to read as follows:

"314. Repealed..... ".

(e) The items relating to sections 4084 and 4085 in the sectional analysis of chapter 305 of title 18, United States Code, are amended to read as follows:

"4084. Repealed.
"4085. Repealed.".

(f) The sectional analysis of chapter 315 of title 18, United States Code, is amended by amending the items relating to—

(1) section 4281 to read:

"4281. Repealed."; and

(2) sections 4283 and 4284 to read as follows:

"4283. Repealed.
"4284. Repealed.".

(g) The item relating to chapter 402 in the chapter analysis of Part IV of title 18, United States Code, is amended to read as follows:

"402. Repealed..... ".

SEC. 209. (a) Sections 404(b) and 409 of the Controlled Substances Act (21 U.S.C. 844(b) and 849) are repealed.

(b) Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by deleting the designation "(a)" at the beginning of the subsection.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 210. The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended as follows:

(a) The second sentence of section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended to read: "An alien who would be excludable because of the conviction of an offense for which the sentence actually imposed did not exceed a term of imprisonment in excess of six months, or who would be excludable as one who admits the commission of an offense for which a sentence not to exceed one year's imprisonment might have been imposed on him, may be granted a visa and admitted to the United States if otherwise admissible: *Provided*, That the alien has committed only one such offense, or admits the commission of acts which constitute the essential elements of only one such offense.".

(b) Section 242(h) (8 U.S.C. 1252(h)) is amended by adding "supervised release," after "parole,".

SEC. 211. Section 4 of the Act of September 28, 1962 (16 U.S.C. 460k-3) is amended by deleting "petty offense (18 U.S.C. 1)" and substituting "misdemeanor".

SEC. 212. Section 9 of the Act of October 8, 1964 (16 U.S.C. 460n-8) is amended—

(a) in the first paragraph, by deleting "commissioner" each place it appears and substituting "magistrate"; and

(b) in the second paragraph, by amending the first sentence to read: "The functions of the magistrate shall include the trial and sentencing of persons charged with the commission of misdemeanors and infractions as defined in section 3581 of title 18, United States Code.".

SEC. 213. Title 18 of the United States Code is amended as follows:

(a) Section 924(a) is amended by deleting ", and shall become eligible for parole as the Board of Parole shall determine".

(b) Section 1161 is amended by deleting "3618" and substituting "3669".

(c) Section 1761(a) is amended by adding ", supervised release," after "parole".

(d) Section 2114 is amended by adding "not more than" after "imprisoned".

(e) Section 3006A is amended—

(1) in subsections (a)(1) and (b), by deleting "misdemeanor (other than a petty offense as defined in section 1 of this title)" each place it appears and substituting "Class A misdemeanor"; and

(2) in subsections (a)(3) and (g), deleting "subject to revocation of parole," each place it appears.

(f) Section 3143, as amended by this Act, is amended—

(1) in subsection (a), by adding "other than a person for whom the applicable guideline promulgated pursuant to 28 U.S.C. 994 does not recommend a term of imprisonment," after "sentence,"; and

(2) in subsection (c), by adding the following at the end thereof: "The judge shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3742 in accordance with the provisions of—

"(1) subsection (a) if the person has been sentenced to a term of imprisonment; or

"(2) section 3142 if the person has not been sentenced to a term of imprisonment.".

(g) Section 3147, as amended by this Act, is amended—

(1) in paragraph (1), by deleting "not less than two years and"; and

(2) in paragraph (2), by deleting "not less than ninety days and".

(h) Section 3156(b)(2) is amended by deleting "petty offense as defined in section 1(3) of this title" and substituting "Class B or C misdemeanor or an infraction".

(i) Section 3172(2) is amended by deleting "petty offense as defined in section 1(3) of this title" and substituting "Class B or C misdemeanor or an infraction".

(j) Section 3401 is amended—

(1) by repealing subsection (g) and redesignating (h) to (g); and

(2) in subsection (h), by deleting "petty offense case" and substituting "Class B or C misdemeanor case, or infraction case,".

(k) Section 3670 (formerly section 3619) is amended by deleting "3617" and "3618" and substituting "3668" and "3669", respectively.

(l) Section 4004 is amended by deleting "record clerks, and parole officers" and substituting "and record clerks".

(m) Chapter 306 is amended as follows:

(1) Section 4101 is amended—

(A) in subsection (f), by adding ", including a term of supervised release pursuant to section 3583" after "supervision"; and

(B) in subsection (g), by deleting "to a penalty of imprisonment the execution of which is suspended and" and substituting "under which", and by deleting "the suspended" and substituting "a".

(2) Section 4105(c) is amended—

(A) in paragraph (1), by deleting "for good time" the second place it appears and substituting "toward service of sentence for satisfactory behavior";

(B) in paragraphs (1) and (2), by deleting "section 4161" and substituting "section 3624(b)";

(C) in paragraph (1), by deleting "section 4164" and substituting "section 3624(a)";

(D) by repealing paragraph (3);

(E) by amending paragraph (4) to read as follows:

"(3) Credit toward service of sentence may be withheld as provided in section 3624(b) of this title."; and

(F) by redesignating paragraphs accordingly.

(3) Section 4106 is amended—

(A) in subsection (a), by deleting "Parole Commission" and substituting "Probation System";

(B) by amending subsection (b) to read as follows:

"(b) An offender transferred to the United States to serve a sentence of imprisonment shall be released pursuant to section 3624(a) of this title after serving the period of time specified in the applicable sentencing guideline promulgated pursuant to 28 U.S.C. 994(a)(1). He shall be released to serve a term of supervised release for any term specified in the applicable guideline. The provisions of section 3742 of this title apply to a sentence to a term of imprisonment under this subsection, and the United States court of appeals for the district in which the offender is imprisoned after transfer to the United States has jurisdiction to review the period of imprisonment as though it had been imposed by the United States district court."; and

(C) by repealing subsection (c).

(4) Section 4108(a) is amended by adding ", including any term of imprisonment or term of supervised release specified in the applicable sentencing guideline promulgated pursuant to 28 U.S.C. 994(a)(1)," after "consequences thereof".

(n) Section 4321 is amended by deleting "parole or".

(o) Section 4351(b) is amended by deleting "Parole Board" and substituting "Sentencing Commission".

(p) Section 5002 is amended by deleting "Board of Parole, the Chairman of the Youth Division," and substituting "United States Sentencing Commission,".

SEC. 214. The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended as follows:

(a) Section 401 (21 U.S.C. 841) is amended—

(1) in subsection (b)(1)(A), by deleting the last sentence;

(2) in subsection (b)(1)(B), by deleting the last sentence;

(3) in subsection (b)(2), by deleting the last sentence;

(4) in subsection (b)(4), by deleting "subsections (a) and (b) of", and by adding "and section 3607 of title 18, United States Code" after "404";

(5) in subsection (b)(5), by deleting the last sentence; and

(6) by repealing subsection (c).

(b) Section 405 (21 U.S.C. 845) is amended—

(1) in subsection (a), by deleting "(1)" the second place it appears, and by deleting ", and (2) at least twice any special parole term authorized by section 401(b), for a first offense involving the same controlled substance and schedule"; and

(2) in subsection (b), by deleting "(1)" the second place it appears, and by deleting ", and (2) at least three times any special parole term authorized by section 401(b), for a second or subsequent offense involving

the same controlled substance and schedule".

(c) Section 408(c) (21 U.S.C. 848(c)) is amended by deleting "and section 4202 of title 18 of the United States Code".

SEC. 215. The Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended as follows:

(a) Section 1010 (21 U.S.C. 960) is amended—

(1) in subsection (b)(1), by deleting the last sentence;

(2) in subsection (b)(2), by deleting the last sentence; and

(3) by repealing subsection (c).

(b) Section 1012(a) (21 U.S.C. 962(a)) is amended by deleting the last sentence.

SEC. 216. Section 114(b) of title 23, United States Code, is amended by adding ", supervised release," after "parole".

SEC. 217. Section 5871 of the Internal Revenue Code of 1954 (26 U.S.C. 5871) is amended by deleting ", and shall become eligible for parole as the Board of Parole shall determine".

SEC. 218. Title 28 of the United States Code is amended as follows:

(a) Section 509 is amended—

(1) by adding "and" after paragraph (2) and, in paragraph (3), by deleting "; and" and substituting a period; and

(2) by repealing paragraph (4).

(b) Section 591(a) is amended by deleting "petty offense" and substituting "Class B or C misdemeanor or an infraction".

(c) Section 2901 is amended—

(1) in subsection (e), by deleting "section 1" and substituting "section 3581"; and

(2) in subsection (g)(3), by adding ", supervised release," after "parole", and by adding "supervised release," after "parole,".

SEC. 219. Section 504(a) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504(a)) and section 411(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(a)) are amended—

(a) by deleting "the Board of Parole of the United States Department of Justice" and substituting "if the offense is a Federal offense, the sentencing judge or, if the offense is a State or local offense, on motion of the United States Department of Justice, the district court of the United States for the district in which the offense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a),";

(b) by deleting "Board" and "Board's" and substituting "court" and "court's", respectively; and

(c) by deleting "an administrative" and substituting "a".

SEC. 220. Section 411(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(c)(3)) is amended by adding "or supervised release" after "parole".

SEC. 221. Section 425(b) of the Job Training and Partnership Act is amended by deleting "or parole" the first place it appears and substituting ", parole, or supervised release".

SEC. 222. The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(a) Section 341(a) (42 U.S.C. 257(a)) is amended by deleting "or convicted of offenses against the United States and sentenced to treatment" and "addicts who are committed to the custody of the Attorney General pursuant to provisions of the Federal Youth Corrections Act (chapter 402 of title 18 of the United States Code),".

(b) Section 343(d) (42 U.S.C. 259(d)) is amended by adding "or supervised release" after "parole".

SEC. 222A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

SEC. 223. Section 11507 of title 49, United States Code, is amended by adding ", supervised release," after "parole".

SEC. 224. Section 10(b)(7) of the Military Selective Service Act (50 U.S.C. App. 460(b)(7)) is amended by deleting "parole" and substituting "release".

EFFECTIVE DATE

SEC. 225. (a)(1) This title shall take effect on the first day of the first calendar month beginning twenty-four months after the date of enactment, except that—

(A) the repeal of chapter 402 of title 18, United States Code, shall take effect on the date of enactment;

(B)(i) chapter 58 of title 28, United States Code, shall take effect on the date of enactment of this Act or October 1, 1983, whichever occurs later, and the United States Sentencing Commission shall submit the initial sentencing guidelines promulgated to section 994(a)(1) of title 28 to the Congress within eighteen months of the effective date of the chapter; and

(ii) the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, shall not go into effect until the day after—

(I) the United States Sentencing Commission has submitted the initial set of sentencing guidelines to the Congress pursuant to subparagraph (B)(i), along with a report stating the reasons for the Commission's recommendations;

(II) the General Accounting Office has undertaken a study of the guidelines, and their potential impact in comparison with the operation of the existing sentencing and parole release system, and has, within one hundred and fifty days of submission of the guidelines, reported to the Congress the results of its study; and

(III) the Congress has had six months after the date described in subclause (I) in which to examine the guidelines and consider the reports; and

(IV) the provisions of sections 227 and 228 shall take effect on the date of enactment.

(2) For the purposes of section 992(a) of title 28, the terms of the first members of the United States Sentencing Commission shall not begin to run until the sentencing guidelines go into effect pursuant to paragraph (1)(B)(ii).

(b)(1) The following provisions of law in effect on the day before the effective date of this Act shall remain in effect for five years after the effective date as to an individual convicted of an offense or adjudicated to be a juvenile delinquent before the effective date and as to a term of imprisonment during the period described in subsection (a)(1)(B):

(A) Chapter 311 of title 18, United States Code.

(B) Chapter 309 of title 18, United States Code.

(C) Sections 4251 through 4255 of title 18, United States Code.

(D) Sections 5041 and 5042 of title 18, United States Code.

(E) Sections 5017 through 5020 of title 18, United States Code, as to a sentence imposed before the date of enactment.

(F) The maximum term of imprisonment in effect on the effective date for an offense committed before the effective date.

(G) Any other law relating to a violation of a condition of release or to arrest authority with regard to a person who violates a condition of release.

(2) Notwithstanding the provisions of section 4202 of title 18, United States Code, as in effect on the day before the effective date of this Act, the term of office of a Commissioner who is in office on the effective date is extended to the end of the five-year period after the effective date of this Act.

(3) The United States Parole Commission shall set a release date, for an individual who will be in its jurisdiction the day before the expiration of five years after the effective date of this Act, that is within the range that applies to the prisoner under the applicable parole guideline. A release date set pursuant to this paragraph shall be set early enough to permit consideration of an appeal of the release date, in accordance with Parole Commission procedures, before the expiration of five years following the effective date of this Act.

(4) Notwithstanding the other provisions of this subsection, all laws in effect on the day before the effective date of this Act pertaining to an individual who is—

(A) released pursuant to a provision listed in paragraph (1); and

(B)(i) subject to supervision on the day before the expiration of the five-year period following the effective date of this Act; or

(ii) released on a date set pursuant to paragraph (3);

including laws pertaining to terms and conditions of release, revocation of release, provision of counsel, and payment of transportation costs, shall remain in effect as to the individual until the expiration of his sentence, except that the district court shall determine, in accord with the Federal Rules of Criminal Procedure, whether release should be revoked or the conditions of release amended for violation of a condition of release.

(5) Notwithstanding the provisions of section 991 of title 28, United States Code, and sections 4351 and 5002 of title 18, United States Code, the Chairman of the United States Parole Commission or his designee shall be a member of the National Institute of Corrections, and the Chairman of the United States Parole Commission shall be a member of the Advisory Corrections Council and a nonvoting member of the United States Sentencing Commission, ex officio, until the expiration of the five-year period following the effective date of this Act. Notwithstanding the provisions of section 4351 of title 18, during the five-year period the National Institute of Corrections shall have seventeen members, including seven ex officio members. Notwithstanding the provisions of section 991 of title 28, during the five-year period the United States Sentencing Commission shall consist of nine members, including two ex officio, nonvoting members.

SEC. 226. (a)(1) Four years after the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, go into effect, the General Accounting Office shall undertake a study of the guidelines in order to determine their impact and compare the guidelines system with the operation of the previous sentencing and parole release system, and, within six months of the undertaking of such study, report to the Congress the results of its study.

(2) Within one month of the start of the study required under subsection (a), the United States Sentencing Commission shall submit a report to the General Accounting Office, all appropriate courts, the Department of Justice, and the Congress detailing the operation of the sentencing guideline system and discussing any problems with the system or reforms needed. The report shall include an evaluation of the impact of the sentencing guidelines on prosecutorial discretion, plea bargaining, disparities in sentencing, and the use of incarceration, and shall be issued by affirmative vote of a majority of the voting members of the Commission.

(b) The Congress shall review the study submitted pursuant to subsection (a) in order to determine—

(1) whether the sentencing guideline system has been effective;

(2) whether any changes should be made in the sentencing guideline system; and

(3) whether the parole system should be reinstated in some form and the life of the Parole Commission extended.

SEC. 227. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within one hundred and twenty days, notify the person by certified mail of his obligation, within thirty days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years, except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) the Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within one hundred and eighty days after the effective date of this Act, declare all fines for which this obligation is unfulfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney General shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

SEC. 228. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"Sec.
"3591. Imposition of a fine.
"3592. Payment of a fine, delinquency and default.
"3593. Modification or remission of fine.
"3594. Certification and notification.
"3595. Interest, monetary penalties for delinquency, and default.
"3596. Civil remedies for satisfaction of an unpaid fine.
"3597. Resentencing upon failure to pay a fine.
"3598. Statute of limitations.
"3599. Criminal default.

"§ 3591. Imposition of a fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A FINE.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant in connection with the offense and any obligation imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to ensure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(c) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(d) STAY OF FINE PENDING APPEAL.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within thirty days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) DEFAULT.—A fine is in default if any portion of such fine is more than ninety days delinquent. When a criminal fine is in default, the entire amount is due within thirty days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within ten working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) NOTIFICATION OF DELINQUENCY.—Within ten working days after a fine is determined to be delinquent as provided in section 3592(e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within ten working days after a fine is determined to be in default as provided in section 3592(f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within thirty days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the thirty-first day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(d) EFFECT ON NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3597. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§3598. Statute of limitations

"(a) LIABILITY TO PAY A FINE EXPIRES.—

"(1) twenty years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

"§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States Code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b) (1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within thirty days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565. Repealed.".

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning twenty-four months after the date of enactment of this Act.

SEC. 229. Since, due to an impending crisis in prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants;

Since, sentencing decisions should be designed to ensure that prison resources are, first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society;

Since, in cases of nonviolent and nonserious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service;

Since, in the two years preceding the enactment of sentencing guidelines, Federal

sentencing practice should ensure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nonserious offenders: Now, therefore, be it

Declared, That it is the sense of the Senate that in the two years preceding the enactment of the sentencing guidelines, Federal judges, in determining the particular sentence to be imposed, consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant has not been convicted of a crime of violence or otherwise serious offense; and

(3) the general appropriateness of imposing a sentence of imprisonment in cases in which the defendant has been convicted of a crime of violence or otherwise serious offense.

FORFEITURE

SEC. 301. This title may be cited as the "Comprehensive Forfeiture Act of 1984".

PART A

SEC. 302. Section 1963 of title 18 of the United States Code is amended to read as follows:

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States, irrespective of any provision of State law—

"(1) any interest the person has acquired or maintained in violation of section 1962;

"(2) any—

"(A) interest in;

"(B) security of;

"(C) claim against; or

"(D) property or contractual right of any kind affording a source of influence over;

any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

"(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) The Attorney General may promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in subsection (m), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(m)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

PART B

SEC. 303. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 et seq.) is amended by adding at the end thereof the following new sections 413 and 414:

"CRIMINAL FORFEITURES

"PROPERTY SUBJECT TO CRIMINAL FORFEITURE

"SEC. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

"MEANING OF TERM 'PROPERTY'

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"THIRD PARTY TRANSFERS

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"REBUTTABLE PRESUMPTION

"(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a preponderance of the evidence that—

"(1) such property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

"(2) there was no likely source for such property other than the violation of this title or title III.

"PROTECTIVE ORDERS

"(f)(1) Upon application of the United States, the court may enter a restraining

order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"WARRANT OF SEIZURE

"(g) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"EXECUTION

"(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"DISPOSITION OF PROPERTY

"(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"AUTHORITY OF THE ATTORNEY GENERAL

"(j) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

"(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"BAR ON INTERVENTION

"(l) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"JURISDICTION TO ENTER ORDERS

"(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"DEPOSITIONS

"(n) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"THIRD PARTY INTERESTS

"(o)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the rele-

vant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

"(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"INVESTMENT OF ILLICIT DRUG PROFITS

"SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to 1 per centum of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"(b) Whoever violates this section shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

"(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.".

SEC. 304. Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

SEC. 305. Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. 306. Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d), by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "and remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

SEC. 307. Part A of title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"CRIMINAL FORFEITURES

"SEC. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 308. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(a) by adding immediately after

"Sec. 412. Applicability of treaties and other international agreements."

the following new items:

"Sec. 413. Criminal forfeitures.

"Sec. 414. Investment of illicit drug profits.".

and

(b) by adding immediately after

"Sec. 1016. Authority of Secretary of the Treasury."

the following new item:

"Sec. 1017. Criminal forfeitures.".

PART C

SEC. 309. (a) Section 511(e)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)(1)) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before "The proceeds from any sale under paragraph (2)" the following: "The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.".

(c) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is further amended by striking out "the general fund of the United States Treasury" in the sentence beginning "The Attorney General shall" and inserting in lieu thereof "accordance with section 524(c) of title 28, United States Code".

SEC. 310. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the Department of Justice—

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any

expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one-fourth of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the general fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

"(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

PART D

SEC. 311. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000 or less, prohibited articles, transporting conveyances

"(a) If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances;

the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.

"(b) As used in this section, the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 312. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the second sentence by inserting after "penal sum of" the following: "$5,000 or 10 per centum of the value of the claimed property, whichever is lower, but not less than,".

SEC. 313. Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out "after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States." and inserting in lieu thereof "after deducting expenses enumerated in section 613 of this Act into the Customs Forfeiture Fund.".

SEC. 314. Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by striking out "If the value of any vessel, vehicle, merchandise, or baggage so seized is greater than $10,000," and substituting in lieu thereof the following: "If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607,".

SEC. 315. Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

(1) inserting "aircraft," immediately after "vehicle," wherever it appears in the section;

(2) striking out "and the value of such vessel, vehicle, merchandise, or baggage as determined under section 606 does not exceed $10,000," in the first sentence and inserting in lieu thereof the following: "and the article is subject to the provisions of section 607 of this Act,"; and

(3) striking out "If such value of such vessel, vehicle, merchandise, or baggage exceeds $10,000," in the second sentence and inserting in lieu thereof the following: "If the article is not subject to the provisions of section 607 of this Act,".

SEC. 316. Section 613(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1613(a)(3)) is amended to read as follows:

"(3) The residue shall be deposited in the Customs Forfeiture Fund.".

SEC. 317. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs Forfeiture Fund

"(a) There is hereby established in the Treasury of the United States a special fund for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund' (hereinafter referred to in this section as the 'fund'). This fund shall be available without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the United States Customs Service—

"(1) the payment of all proper expenses of the seizure or detention or the proceedings of forfeiture and sale (not otherwise recovered under section 613(a)) including but not limited to, expenses of inventory, security, maintaining the custody of the property, advertising and sale, and if condemned by the court and a bond for such costs was not given, the costs as taxed by the court; and

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended.

"(b) There shall be deposited in the fund all proceeds from the sale or other disposition of property forfeited under, and any currency or monetary instruments seized and forfeited under, the laws enforced or administered by the United States Customs Service.

"(c) Amounts in the fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(d) The Commissioner of Customs shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this section.

"(e) The provisions of this section relating to deposits in the fund shall apply to all property in the custody of the United States Customs Service on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(f) For the purposes described in subsection (a), there are authorized to be appropriated from the fund for fiscal year 1984 not more than $10,000,000, for fiscal year 1985 not more than $15,000,000, for fiscal year 1986 not more than $20,000,000, and for fiscal year 1987 not more than $20,000,000. Amounts in the fund in excess of the amounts appropriated at the end of each fiscal year shall be deposited in the General Fund of the Treasury of the United States. At the end of the last fiscal year for which appropriations from the fund are authorized by this Act, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the General Fund of the Treasury of the United States.".

SEC. 318. A new section 616 is added to the Tariff Act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of the law, the Commissioner is authorized to retain forfeited property, or to transfer such property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of

the acts which led to the seizure or forfeiture of the property.

The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this Act in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this Act, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law.

"(c) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. 319. Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended by—

(a) striking out "$50,000" each time it appears and inserting in lieu thereof "$150,000"; and

(b) adding at the end thereof "In no event shall the Secretary delegate the authority to pay an award under this section in excess of $10,000 to an official below the level of the Commissioner of Customs.".

SEC. 320. The Tariff Act of 1930 is amended by adding a new section 589, to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs Service as defined in section 401(i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpena, summons, or other process issued under the authority of the United States;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

SEC. 321. Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1930 are amended by inserting the word "aircraft," immediately after the words "vehicle" or "vehicles," wherever they appear.

SEC. 322. Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended to read as follows:

"§ 644. Application of the Federal Aviation Act and section 1518(d) of title 33

"(a) The authority vested by section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. 1509) in the Secretary of the Treasury, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, shall extend to the application in like manner of any of the provisions of this Act, or of the Anti-Smuggling Act of 1935, or of any regulations promulgated hereunder.

"(b) For purposes of section 1518(d) of title 33, the term 'customs laws administered by the Secretary of the Treasury' shall mean this chapter and any other provisions of law classified to this title.".

SEC. 323. The Tariff Act of 1930 is amended by adding a new section 600 to read as follows:

"§ 600. Application of the customs laws to other seizures by customs officers

"The procedures set forth in sections 602 through 619 of this Act (19 U.S.C. 1602 through 1619) shall apply to seizures of any property effected by customs officers under any law enforced or administered by the Customs Service unless such law specifies different procedures.".

OFFENDERS WITH MENTAL DISEASE OR DEFECT

SEC. 401. This title may be sited as the "Insanity Defense Reform Act of 1984."

SEC. 402. (a) Chapter 1 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 20. Insanity defense

"(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

"(b) BURDEN OF PROOF.—The defendant has the burden of proving the defense of insanity by clear and convincing evidence.".

"(b) The sectional analysis of chapter 1 of title 18, United States Code, is amended to add the following new section 20:

"20. Insanity Defense.".

SEC. 403. (a) Chapter 313 of title 18, United States Code, is amended to read as follows:

"CHAPTER 313—OFFENDERS WITH MENTAL DISEASE OR DEFECT

"Sec.
"4241. Determination of mental competency to stand trial.
"4242. Determination of the existence of insanity at the time of the offense.
"4243. Hospitalization of a person found not guilty only by reason of insanity.
"4244. Hospitalization of a convicted person suffering from mental disease or defect.
"4245. Hospitalization of an imprisoned person suffering from mental disease or defect.
"4246. Hospitalization of a person due for release but suffering from mental disease or defect.
"4247. General provisions for chapter.

"§ 4241. Determination of mental competency to stand trial

"(a) MOTION TO DETERMINE COMPETENCY OF DEFENDANT.—At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, the defendant or the attorney for the Government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility—

"(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed; and

"(2) for an additional reasonable period of time until—

"(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or

"(B) the pending charges against him are disposed of according to law;

whichever is earlier.

If, at the end of the time period specified, it is determined that the defendant's mental condition has not so improved as to permit the trial to proceed, the defendant is subject to the provisions of section 4246.

"(e) DISCHARGE.—When the director of the facility in which a defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the Government. The court shall hold a hear-

ing, conducted pursuant to the provisions of section 4247(d), to determine the competency of the defendant. If, after the hearing, the court finds by a preponderance of the evidence that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the court shall order his immediate discharge from the facility in which he is hospitalized and shall set the date for trial. Upon discharge, the defendant is subject to the provisions of chapter 207.

"(f) ADMISSIBILITY OF FINDING OF COMPETENCY.—A finding by the court that the defendant is mentally competent to stand trial shall not prejudice the defendant in raising the issue of his insanity as a defense to the offense charged, and shall not be admissible as evidence in a trial for the offense charged.

"§ 4242. Determination of the existence of insanity at the time of the offense

"(a) MOTION FOR PRETRIAL PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—Upon the filing of a notice, as provided in Rule 12.2 of the Federal Rules of Criminal Procedure, that the defendant intends to rely on the defense of insanity, the court, upon motion of the attorney for the Government, shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(b) SPECIAL VERDICT.—If the issue of insanity is raised by notice as provided in Rule 12.2 of the Federal Rules of Criminal Procedure on motion of the defendant or of the attorney for the Government, or on the court's own motion, the jury shall be instructed to find, or, in the event of a nonjury trial, the court shall find the defendant—

"(1) guilty;

"(2) not guilty; or

"(3) not guilty only by reason of insanity.

"§ 4243. Hospitalization of a person found not guilty only by reason of insanity

"(a) DETERMINATION OF PRESENT MENTAL CONDITION OF ACQUITTED PERSON.—If a person is found not guilty only by reason of insanity at the time of the offense charged, he shall be committed to a suitable facility until such time as he is eligible for release pursuant to subsection (e).

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, pursuant to subsection (c), the court shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—A hearing shall be conducted pursuant to the provisions of section 4247(d) and shall take place not later than forty days following the special verdict.

"(d) BURDEN OF PROOF.—In a hearing pursuant to subsection (c) of this section, a person found not guilty only by reason of insanity of an offense involving bodily injury to, or serious damage to the property of, another person, or involving a substantial risk of such injury or damage, has the burden of proving by clear and convincing evidence that his release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect. With respect to any other offense, the person has the burden of such proof by a preponderance of the evidence.

"(e) DETERMINATION AND DISPOSITION.—If, after the hearing, the court fails to find by the standard specified in subsection (d) of this section that the person's release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(f) DISCHARGE.—When the director of the facility in which an acquitted person is hospitalized pursuant to subsection (e) determines that the person has recovered from his mental disease or defect to such an extent that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the acquitted person or, on the motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by the standard specified in subsection (d) that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(g) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on an acquitted person conditionally discharged under subsection (f) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another.

"§ 4244. Hospitalization of a convicted person suffering from mental disease or defect

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF CONVICTED DEFENDANT.—A defendant found guilty of an offense, or the attorney for the Government, may, within ten days after the defendant is found guilty, and prior to the time the defendant is sentenced, file a motion for a hearing on the present mental condition of the defendant if the motion is supported by substantial information indicating that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. The court shall grant the motion, or at any time prior to the sentencing of the defendant shall order such a hearing on its own motion, if it is of the opinion that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c). In addition to the information required to be included in the psychiatric or psychological report pursuant to the provisions of section 4247(c), if the report includes an opinion by the examiners that the defendant is presently suffering from a mental disease or defect but that it is not such as to require his custody for care or treatment in a suitable facility, the report shall also include an opinion by the examiner concerning the sentencing alternatives that could best accord the defendant the kind of treatment he does need.

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a pre-

ponderance of the evidence that the defendant is presently suffering from a mental disease or defect and that he should, in lieu of being sentenced to imprisonment, be committed to a suitable facility for care or treatment, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for care or treatment in a suitable facility. Such a commitment constitutes a provisional sentence of imprisonment to the maximum term authorized by law for the offense for which the defendant was found guilty.

"(e) DISCHARGE.—When the director of the facility in which the defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the Government. If, at the time of the filing of the certificate, the provisional sentence imposed pursuant to subsection (d) has not expired, the court shall proceed finally to sentencing and may modify the provisional sentence.

"§ 4245. Hospitalization of an imprisoned person suffering from mental disease or defect

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF IMPRISONED PERSON.—If a person serving a sentence of imprisonment objects either in writing or through his attorney to being transferred to a suitable facility for care or treatment, an attorney for the Government, at the request of the director of the facility in which the person is imprisoned, may file a motion with the court for the district in which the facility is located for a hearing on the present mental condition of the person. The court shall grant the motion if there is reasonable cause to believe that the person may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. A motion filed under this subsection shall stay the transfer of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the person may be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the person is presently suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility, the court shall commit the person to the custody of the Attorney General. The Attorney General shall hospitalize the person for treatment in a suitable facility until he is no longer in need of such custody for care or treatment or until the expiration of the sentence of imprisonment, whichever occurs earlier.

"(e) DISCHARGE.—When the director of the facility in which the person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. If, at the time of the filing of the certificate, the term of imprisonment imposed upon the person has not expired, the court shall order that the person be reimprisoned until the expiration of his sentence of imprisonment.

"§ 4246. Hospitalization of a person due for release but suffering from mental disease or defect

"(a) INSTITUTION OF PROCEEDING.—If the director of a facility in which a person is hospitalized certifies that a person whose sentence is about to expire, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available, he shall transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility, until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(e) DISCHARGE.—When the director of the facility in which a person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on the motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial

risk of bodily injury to another person or serious damage to property of another.

"(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of a facility in which a person is hospitalized pursuant to this subchapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than ten days after certification by the director of the facility.

"§ 4247. General provisions for chapter—

"(a) DEFINITIONS.—As used in this chapter—

"(1) 'rehabilitation program' includes—

"(A) basic educational training that will assist the individual in understanding the society to which he will return and that will assist him in understanding the magnitude of his offense and its impact on society;

"(B) vocational training that will assist the individual in contributing to, and in participating in, the society to which he will return;

"(C) drug, alcohol, and other treatment programs that will assist the individual in overcoming his psychological or physical dependence; and

"(D) organized physical sports and recreation programs; and

"(2) 'suitable facility' means a facility that is suitable to provide care or treatment given the nature of the offense and the characteristics of the defendant.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—A psychiatric or psychological examination ordered pursuant to this chapter shall be conducted by a licensed or certified psychiatrist or clinical psychologist, or, if the court finds it appropriate, by more than one such examiner. Each examiner shall be designated by the court, except that if the examination is ordered under section 4245 or 4246, upon the request of the defendant an additional examiner may be selected by the defendant. For the purposes of an examination pursuant to an order under section 4241, 4244, or 4245, the court may commit the person to be examined for a reasonable period, but not to exceed thirty days, and under section 4242, 4243, or 4246, for a reasonable period, but not to exceed forty-five days, to the custody of the Attorney General for placement in a suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension, but not to exceed fifteen days under section 4241, 4244, or 4245, and not to exceed thirty days under section 4242, 4243, or 4246, upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.

"(c) PSYCHIATRIC OR PSYCHOLOGICAL REPORTS.—A psychiatric or psychological report ordered pursuant to this chapter shall be prepared by the examiner designated to conduct the psychiatric or psychological examination, shall be filed with the court with copies provided to the counsel for the person examined and to the attorney for the Government, and shall include—

"(1) the person's history and present symptoms;

"(2) a description of the psychiatric, psychological, and medical tests that were employed and their results;

"(3) the examiner's findings; and

"(4) the examiner's opinions as to diagnosis, prognosis, and—

"(A) if the examination is ordered under section 4241, whether the person is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

"(B) if the examination is ordered under section 4242, whether the person was insane at the time of the offense charged;

"(C) if the examination is ordered under section 4243 or 4246, whether the person is suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another;

"(D) if the examination is ordered under section 4244 or 4245, whether the person is suffering from a mental disease or defect as a result of which he is in need of custody for care or treatment in a suitable facility; or

"(E) if the examination is ordered as a part of a presentence investigation, any recommendation the examiner may have as to how the mental condition of the defendant should affect the sentence.

"(d) HEARING.—At a hearing ordered pursuant to this chapter the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain adequate representation, counsel shall be appointed for him pursuant to section 3006A. The person shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing.

"(e) PERIODIC REPORT AND INFORMATION REQUIREMENTS.—(1) The director of the facility in which a person is hospitalized pursuant to—

"(A) section 4241 shall prepare semiannual reports; or

"(B) section 4243, 4244, 4245, or 4246 shall prepare annual reports concerning the mental condition of the person and containing recommendations concerning the need for his continued hospitalization. The reports shall be submitted to the court that ordered the person's commitment to the facility and copies of the reports shall be submitted to such other persons as the court may direct.

"(2) The director of the facility in which a person is hospitalized pursuant to section 4241, 4243, 4244, 4245, or 4246 shall inform such person of any rehabilitation programs that are available for persons hospitalized in that facility.

"(f) VIDEOTAPE RECORD.—Upon written request of defense counsel, the court may order a videotape record made of the defendant's testimony or interview upon which the periodic report is based pursuant to subsection (e). Such videotape record shall be submitted to the court along with the periodic report.

"(g) HABEAS CORPUS UNIMPAIRED.—Nothing contained in section 4243 or 4246 precludes a person who is committed under either of such sections from establishing by writ of habeas corpus the illegality of his detention.

"(h) DISCHARGE.—Regardless of whether the director of the facility in which a person is hospitalized has filed a certificate pursuant to the provisions of subsection (e) of section 4241, 4243, 4244, 4245, or 4246, counsel for the person or his legal guardian may, at any time during such person's hospitalization, file with the court that ordered the commitment a motion for a hearing to determine whether the person should be discharged from such facility, but no such motion may be filed within one hundred and eighty days of a court determination that the person should continue to be hospitalized. A copy of the motion shall be sent to the director of the facility in which the person is hospitalized and to the attorney for the Government.

"(i) AUTHORITY AND RESPONSIBILITY OF THE ATTORNEY GENERAL.—The Attorney General—

"(A) may contract with a State, a political subdivision, a locality, or a private agency for the confinement, hospitalization, care, or treatment of, or the provision of services to, a person committed to his custody pursuant to this chapter;

"(B) may apply for the civil commitment, pursuant to State law, of a person committed to his custody pursuant to section 4243 or 4246;

"(C) shall, before placing a person in a facility pursuant to the provisions of section 4241, 4243, 4244, 4245, or 4246, consider the suitability of the facility's rehabilitation programs in meeting the needs of the person; and

"(D) shall consult with the Secretary of the Department of Health and Human Services in the general implementation of the provisions of this chapter and in the establishment of standards for facilities used in the implementation of this chapter.

"(j) This chapter does not apply to a prosecution under an Act of Congress applicable exclusively to the District of Columbia or the Uniform Code of Military Justice.".

(b) The item relating to chapter 313 in the chapter analysis of part III of title 18, United States Code, is amended to read as follows:

"313. Offenders with mental disease or defect.".

SEC. 404. Rule 12.2 of the Federal Rules of Criminal Procedure is amended—

(a) by deleting "crime" in subdivision (a) and inserting in lieu thereof "offense";

(b) by deleting "other condition bearing upon the issue of whether he had the mental state required for the offense charged" in subdivision (b) and inserting in lieu thereof "any other mental condition bearing upon the issue of guilt";

(c) by deleting "to a psychiatric examination by a psychiatrist designated for this purpose in the order of the court" in subdivision (c) and inserting in lieu thereof "to an examination pursuant to 18 U.S.C. 4242"; and

(d) by deleting "mental state" in subdivision (d) and inserting in lieu thereof "guilt".

SEC. 405. Section 3006A of title 18, United States Code, is amended—

(a) in subsection (a), by deleting "or, (4)" and substituting "(4) whose mental condition is the subject of a hearing pursuant to chapter 313 of this title, or (5)"; and

(b) in subsection (g), by deleting "or section 4245 of title 18".

SEC. 406. Rule 704 of the Federal Rules of Evidence is amended to read as follows:

"Rule 704. Opinion on ultimate issue

"(a) Except as provided in subdivision (b), testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.

"(b) No expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense thereto. Such ultimate issues are matters for the trier of fact alone.".

DRUG ENFORCEMENT AMENDMENTS

PART A—CONTROLLED SUBSTANCES PENALTIES

SEC. 501. This title may be cited as the "Controlled Substances Penalties Amendments Act of 1984".

SEC. 502. Subsection (b) of section 401 of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in paragraph (1), by—

(A) redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and inserting after "(1)" a new subparagraph to read as follows:

"(A) In the case of a violation of subsection (a) of this section involving—

"(i) 100 grams or more of a controlled substance in schedule I or II which is a mixture or substance containing a detectable amount of a narcotic drug other than a narcotic drug consisting of—

"(I) coca leaves;

"(II) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(III) a substance chemically identical thereto;

"(ii) a kilogram or more of any other controlled substance in schedule I or II which is a narcotic drug;

"(iii) 500 grams or more of phencyclidine (PCP); or

"(iv) 5 grams or more of lysergic acid diethylamide (LSD);

such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than $250,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than $500,000, or both";

(B) in subparagraph (B), as redesignated above, by—

(i) striking out "which is a narcotic drug" in the first sentence and inserting in lieu thereof "except as provided in subparagraphs (A) and (C),"

(ii) striking out "$25,000" and "$50,000" and inserting in lieu thereof "$125,000" and "$250,000", respectively; and

(iii) striking out "of the United States" in the second sentence and inserting in lieu thereof "of a State, the United States, or a foreign country"; and

(C) in subparagraph (C), as redesignated above, by—

(i) striking out "a controlled substance in schedule I or II which is not a narcotic drug" and ", (5), and (6)" and inserting in lieu thereof "less than 50 kilograms of marihuana, 10 kilograms of hashish, or one kilogram of hashish oil" and "and (5)", respectively;

(ii) striking out "$15,000" and "$30,000" and inserting in lieu thereof "$50,000" and "$100,000", respectively; and

(iii) striking out "of the United States" in the second sentence and inserting in lieu thereof "of a State, the United States, or a foreign country";

(2) in paragraph (2), by—

(A) striking out "$10,000" and "$20,000" and inserting in lieu thereof "$25,000" and "$50,000", respectively; and

(B) striking out "of the United States" and inserting in lieu thereof "of a State, the United States, or a foreign country";

(3) in paragraph (3), by—

(A) striking out "$5,000" and "$10,000" and inserting in lieu thereof "$10,000" and "$20,000", respectively; and

(B) striking out "of the United States" and inserting in lieu thereof "of a State, the United States, or a foreign country";

(4) in paragraph (4), by striking out "(1)(B)" and inserting in lieu thereof "(1)(C)";

(5) by striking out paragraphs (5) and (6);

(6) by adding at the end thereof the following:

"(5) Notwithstanding paragraph (1), any person who violates subsection (a) by cultivating a controlled substance on Federal property shall be fined not more than—

"(A) $500,000 if such person is an individual; and

"(B) $1,000,000 if such person is not an individual.".

SEC. 503. (a) Part D of the Controlled Substances Act is amended by adding after section 405 of the following new section:

"DISTRIBUTION IN OR NEAR SCHOOLS

"SEC. 405A. (a) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school is (except as provided in subsection (b)) punishable (1) by a term of imprisonment, or fine, or both up to twice that authorized by section 841(b) of this title; and (2) at least twice any special parole term authorized by section 401(b) for a first offense involving the same controlled substance and schedule.

"(b) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school after a prior conviction or convictions under subsection (a) have become final is punishable (1) by a term of imprisonment of not less than three years and not more than life imprisonment and (2) at least three times any special term authorized by section 401(b) for a second or subsequent offense involving the same controlled substance and schedule.

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under section 4202 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.".

(b)(1) Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by inserting "or 405A" after "405".

(2) Section 401(c) of such Act is amended by inserting "405A" after "405" each place it occurs.

(3) Section 405 of such Act (21 U.S.C. 845) is amended by striking out "Any" in subsections (a) and (b) and inserting in lieu thereof "Except as provided in section 405A, any".

SEC. 504. Subsection (b) of section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting after "(b)" a new paragraph to read as follows:

"(1) In the case of a violation under subsection (a) of this section involving—

"(A) 100 grams or more of a mixture or substance containing a detectable amount of a narcotic drug in schedule I or II other than a narcotic drug consisting of—

"(i) coca leaves;

"(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(iii) a substance chemically identical thereto;

"(B) a kilogram or more of any other narcotic drug in schedule I or II;

"(C) 500 grams or more of phencyclidine (PCP);

"(D) 5 grams or more of lysergic acid diethylamide (LSD);

the person committing such violation shall be imprisoned for not more than twenty years, or fined not more than $250,000, or both.";

(2) in paragraph (2), as redesignated above, by—

(A) striking out "narcotic drug in schedule I or II, the person committing such violation shall" and inserting in lieu thereof "controlled substance in schedule I or II, the person committing such violation shall, except as provided in paragraphs (1) and (3),"; and

(B) striking out "$25,000" and inserting in lieu thereof "$125,000";

(3) in paragraph (3), as redesignated above, by—

(A) striking out "a controlled substance other than a narcotic drug in schedule I or II, the person committing such violation shall" and inserting in lieu thereof "less than 50 kilograms of marihuana, less than 10 kilograms of hashish, less than one kilogram of hashish oil, or any quantity of a controlled substance in schedule III, IV, or V, the person committing such violation shall, except as provided in paragraph (4)"; and

(B) striking out "$15,000" and substituting "$50,000".

SEC. 505. Section 1012 of the Controlled Substances Import and Export Act (21 U.S.C. 962) is amended by striking out "the United States" in subsection (b) and inserting in lieu thereof "a State, the United States, or a foreign country".

PART B—DIVERSION CONTROL AMENDMENTS

SEC. 506. Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding the following new paragraph (14):

"(14) The term 'isomer' means the optical isomer, except as used in section 202(c) schedule I(c) and section 202(c) schedule II(a)(4). As used in section 202(c) schedule I(c), the term 'isomer' means the optical, positional or geometric isomer. As used in section 202(c) schedule II(a)(4), the term 'isomer' means the optical or geometric isomer.".

Section 102 is further amended by redesignating subsequent paragraphs accordingly and by amending redesignated paragraph (17) to read as follows:

"(17) The term 'narcotic drug' means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

"(A) Opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium.

"(B) Poppy straw and concentrate of poppy straw.

"(C) Coca leaves. Such term does not include coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine of their salts have been removed.

"(D) Cocaine, its salts, optical and geometric isomers, and salts of isomers.

"(E) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

"(F) Any compound, mixture or preparation which contains any quantity of any of the substances referred to in clauses (A) through (E).".

SEC. 507. Section 202(c) schedule II(a)(4) of the Controlled Substances Act (21 U.S.C. 812(c) schedule II(a)(4)) is amended by adding the following sentence at the end thereof: "The substances described in this paragraph shall include cocaine, ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives.".

SEC. 508. Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding a new subsection (h) as follows:

"(h) If the Attorney General finds that such action is necessary to avoid an imminent hazard to the public safety, he may, by temporary rule without prior notice or hearing, and without regard to the requirements of subsection (b) relating to the Secretary of Health and Human Services, control any drug or other substance. A finding that the issuance of a temporary rule under this subsection is necessary to avoid an imminent hazard to the public safety shall be good cause for and, unless otherwise provided by the Attorney General, shall constitute a finding for the purpose of section 553(b) of title 5, United States Code, that notice and public procedure on making such a temporary rule are impractical, unnecessary, and contrary to the public interest.

"(1) When issuing a temporary rule under this subsection, the Attorney General shall be required to consider, with respect to this finding of an imminent hazard to the public safety, only those factors set forth in section 201(c) (4), (5) and (6), including, but not limited to, actual abuse, diversion from legitimate channels, and clandestine importation, manufacture or marketing.

"(2) The Attorney General shall transmit notice of the temporary scheduling of any drug or substance to the Secretary of Health and Human Services who, within thirty days from the date of such notice, may object to the temporary placement. Unless the Secretary has currently available evidence relating to the lack of abuse potential of the drug or substance, his consideration shall be limited to the factors set forth in subsection (1) of this section. The Secretary's objection to temporary control shall be binding upon the Attorney General but shall be considered as affecting the temporary scheduling only and shall in no way reflect upon any subsequent proceedings under section 201(a) to permanently control or reschedule the same drug or substance.

"(3) The temporary scheduling of any drug or substance shall expire at the end of one year from the date of the temporary scheduling thereof, except that the Attorney General may, during the pendency of proceedings under section 201(a)(1), extend the temporary placement for periods of six months.

"(4) A temporary rule issued under this subsection shall be vacated upon the conclusion of a subsequent rulemaking proceeding initiated under section 201(a) and no such temporary rule may be issued subsequent to the initiation of formal rulemaking proceedings as to the same drug or substance.

"(5) Notwithstanding the schedule in which a drug is placed pursuant to this subsection, the penalty for the illegal manufacture, distribution, dispensing or possession with intent to manufacture, distribute or dispense, shall be that provided by section 401(b)(1)(c) for schedule III controlled substances.

"(6) With respect to the requirements of title II, part C, only the requirements of section 302 (registration) and section 307 (recordkeeping and reporting) shall apply to a drug for as long as it is temporarily scheduled.

"(7) The issuance of a temporary rule under this subsection shall not constitute a final determination for purposes of review under section 507 of this title, nor shall such temporary rule be otherwise reviewable.".

SEC. 509. Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended to add the following new paragraph:

"(3) The Attorney General may, by regulation, exempt any compound, mixture, or preparation containing a controlled substance from the application of all or any part of this title if he finds such compound, mixture, or preparation meets the requirements of one of the following categories:

"(A) EXEMPT PRESCRIPTION PREPARATIONS.—A compound, mixture or preparation containing a non-narcotic controlled substance and which is approved for prescription use and which contains one or more other active ingredients which are not listed in any schedule. In addition, such other ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse.

"(B) EXEMPT CHEMICAL PREPARATIONS.—A compound, mixture or preparation which contains any controlled substance and which is not for administration to a human being or animal, and is packaged in such form or concentration, or with adulterants or denaturants, so that the packaged quantities do not present any significant potential for abuse.".

SEC. 510. Section 202(d) of the Controlled Substances Act (21 U.S.C. 812(d)) is deleted.

SEC. 511. Section 302(a) of the Controlled Substances Act (21 U.S.C. 822(a)) is amended to read as follows:

"(a)(1) Every person who manufactures or distributes any controlled substance, or who proposes to engage in the manufacture or distribution of any controlled substance, shall obtain annually a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him.

"(2) Every person who dispenses, or who proposes to dispense, any controlled substance, shall obtain from the Attorney General a registration issued in accordance with the rules and regulations promulgated by him. The Attorney General shall, by regulation, determine the period of such registrations. In no event, however, shall such registrations be issued for less than one year nor for more than three years.".

SEC. 512. Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended to read as follows:

"(f) The Attorney General shall register practitioners (including pharmacies, as distinguished from—pharmacists) to dispense, or conduct research with, controlled substances in schedule II, III, IV, or V, if the applicant is authorized to dispense, or conduct research with respect to, controlled substances under the laws of the State in which he practices: *Provided, however,* That the Attorney General may deny an application for such registration if he determines that the issuance of such registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) the recommendation of the appropriate State licensing board or professional disciplinary authority;

"(2) the applicant's past experience in dispensing, or conducting research with respect to controlled substances;

"(3) the applicant's prior conviction record under Federal, State or local laws relating to the manufacture, distribution, or dispensing of controlled substances;

"(4) compliance with applicable State, Federal or local laws relating to controlled substances; and

"(5) such other factors as may be relevant to and consistent with the public health and safety.

"Separate registration under this part for practitioners engaging in research with controlled substances in schedule II, III, IV, or V, who are already registered under this part in another capacity, shall not be required. Registration applications by practitioners wishing to conduct research with controlled substances in schedule I shall be referred to the Secretary, who shall determine the qualifications and competency of each practitioner requesting registration, as well as the merits of the research protocol. The Secretary, in determining the merits of each research protocol, shall consult with the Attorney General as to effective procedures to adequately safeguard against diversion of such controlled substances from legitimate medical or scientific use. Registration for the purpose of bona fide research with controlled substances in schedule I by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in section 304(a). Article 7 of the Convention on Psychotropic Substances shall not be construed to prohibit, or impose additional restrictions upon, research involving drugs or other substances scheduled under the Convention which is conducted in conformity with this subsection and other applicable provisions of this subchapter.".

SEC. 513. Section 304(a) of the Controlled Substances Act (21 U.S.C. 824(a)) is amended by deleting "or" at the end of subsection (2), by the addition of the word "or" to the end of subsection (3) thereof, and by the addition of a new subsection (4) as follows:

"(4) has committed such acts as would render his registration under section 303 inconsistent with the public interest as defined therein.".

SEC. 514. Section 304(f) of the Controlled Substances Act (21 U.S.C. 824(f)) is redesignated section 304(f)(1) and the following new section 304(f) is added:

"(2) The Attorney General may, in his discretion, place under seal any controlled sub-

stances owned or possessed by a registrant whose registration has expired, or who has ceased to practice or do business in the manner contemplated by his registration. Such controlled substances shall be held for the benefit of the registrant, or his successor in interest, for a period of ninety days, following which the Attorney General may dispose of such controlled substances in accordance with section 511(e).".

SEC. 515. Section 307(c)(1)(A) of the Controlled Substances Act (21 U.S.C. 827(c)(1)(A)) is amended to read:

"(A) to the prescribing of controlled substances in schedule II, III, IV, or V by practitioners acting in the lawful course of their professional practice";

SEC. 516. Section 307(c)(1)(B) of the Controlled Substances Act (21 U.S.C. 827(c)(1)(B)) is amended to read:

"(B) to the administering of a controlled substance in schedule II, III, IV, or V unless the practitioner regularly engages in the dispensing or administering of controlled substances and charges his patients, either separately or together with charges for other professional services, for substances so administered.".

SEC. 517. Section 307 of the Controlled Substances Act (21 U.S.C. 827) is further amended by adding thereto a new subsection (g) as follows:

"(g) Every registrant under this title shall be required to report any change of professional or business address in such manner as the Attorney General shall by regulation require.".

SEC. 518. Section 403(a)(2) of the Controlled Substances Act (21 U.S.C. 843(a)(2)) is amended to read as follows:

"(2) to use in the course of the manufacture, distribution, or dispensing of a controlled substance, or to use for the purpose of acquiring or obtaining a controlled substance, a registration number which is fictitious, revoked, suspended, expired, or issued to another person.".

SEC. 519. Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) is amended by deleting "and" after paragraph (4), deleting the period and substituting "; and" after paragraph (5), and adding thereto a new paragraph (6) as follows:

"(6) enter into grant-in-aid programs with State and local governments to assist them to suppress the diversion of controlled substances from legitimate medical, scientific, and commercial channels. Funds annually appropriated for this purpose shall remain available until expended.".

SEC. 520. Section 511(a)(1) of the Controlled Substances Act (21 U.S.C. 881(a)(1)) is amended to read as follows:

"(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this title.".

SEC. 521. Section 1002(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a)(2)) is amended by deleting "or" at the end of subpart (A), by adding the word "or," at the end of subpart (B) thereof, and by adding the following new subpart (C):

"(C) in limited quantities for ultimate scientific, analytical or research uses exclusively,".

SEC. 522. Section 1002(b)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 952(b)(2)) is amended to read as follows:

"(2) is imported pursuant to such notification, or declaration, or in the case of any nonnarcotic controlled substance in schedule III, such import permit, notification or declaration, as the Attorney General may by regulation prescribe, except that if a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.".

SEC. 523. Section 1003(e) of the Controlled Substances Import and Export Act (21 U.S.C. 953(e)) is amended to read as follows:

"(e) It shall be unlawful to export from the United States to any other country any nonnarcotic controlled substance in schedule III or IV or any controlled substances in schedule V unless—

"(1) there is furnished (before export) to the Attorney General documentary proof that importation is not contrary to the laws or regulations of the country of destination for consumption for medical, scientific or other legitimate purposes;

"(2) it is exported pursuant to such notification, or declaration, or in the case of any nonnarcotic controlled substance in schedule III, such import permit, notification or declaration, as the Attorney General may by regulation prescribe; and

"(3) in any case when a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention, instead of any notification or declaration required by paragraph (2) of this subsection.".

SEC. 524. Section 1007(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 957(a)(2)) is amended to read as follows:

"(2) export from the United States any controlled substance in schedule I, II, III, IV, or V,".

SEC. 525. Section 1008(a) of the Controlled Substances Import and Export Act (21 U.S.C. 958(a)) is amended to read as follows:

"(a) The Attorney General shall register an applicant to import or export a controlled substance in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this section. In determining the public interest, the following factors shall be considered:

"(1) maintenance of effective controls against the diversion of any controlled substances both within the United States and international commerce;

"(2) compliance with applicable State and local laws;

"(3) prior conviction record of the applicant under Federal and State laws relating to controlled substances;

"(4) past experience in the handling of controlled substances; and

"(5) such other factors as may be relevant to and consistent with the public health and safety.".

SEC. 526. Section 1008(b) of the Controlled Substances Import and Export Act (21 U.S.C. 958(b)) is amended to read as follows:

"(b) Registration granted under this section shall not entitle a registrant to import or export controlled substances other than those specified in the registration.".

SEC. 527. Section 1008(c) of the Controlled Substances Import and Export Act (21 U.S.C. 958(c)) is amended to read as follows:

"(c) The Attorney General shall register an applicant to import or to export a controlled substance in schedule III, IV, or V, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) maintenance of effective controls against the diversion of any controlled substances;

"(2) compliance with applicable State and local laws;

"(3) prior conviction record of the applicant under Federal and State laws relating to controlled substances;

"(4) past experience in the handling of controlled substances; and

"(5) such other factors as may be relevant to and consistent with the public health and safety.".

SEC. 528. Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958), is further amended by redesignating subsections (d), (e), (f), (g), and (h), as subsections (e), (f), (g), (h), and (i), respectively, and—

(1) by inserting the following new subsection (d):

"(d) Actions to deny an application for registration or to revoke or suspend a registration under this section.

"(1) The Attorney General may deny an application for registration or revoke or suspend a registration under subsection (a) if he is unable to determine that such registration is consistent with the public interest (as defined in subsection (a)) and with the United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part.

"(2) The Attorney General may deny an application for registration or revoke or suspend a registration under subsection (c), if he determines that such registration is inconsistent with the public interest (as defined in subsection (c)) or with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part.

"(3) The Attorney General may limit the revocation or suspension of a registration to the particular controlled substance, or substances, with respect to which grounds for revocation or suspension exist.

"(4) Before taking action pursuant to this section, the Attorney General shall serve upon the applicant or registrant an order to show cause as to why the registration should not be denied, revoked or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the Attorney General, or his designee, at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Such proceeding shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

"(5) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health and safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by

the Attorney General or dissolved by a court of competent jurisdiction.

"(6) The suspension or revocation of a registration under this section shall operate to suspend or revoke any quota applicable under section 306 of the Controlled Substances Act.

"(7) In the event that the Attorney General suspends or revokes a registration granted under this section, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be placed under seal. No disposition may be made of any controlled substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, except that a court, upon application therefor, may at any time order the sale of perishable controlled substances. Any such order shall require the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances (or proceeds of the sale thereof which have been deposited with the court) shall be forfeited to the United States; and the Attorney General shall dispose of such controlled substances in accordance with section 511(e) of the Controlled Substances Act.".

(2) by deleting "304" in the second sentence of redesignated subsection (e); and

(3) by amending redesignated subsection (i) to read as follows:

"(i) prior to issuing a registration under section 1002(a)(2)(B), the Attorney General shall give manufacturers holding registrations for the bulk manufacture of such controlled substance an opportunity to comment upon the adequacy of existing competition among domestic manufacturers.".

SEC. 529. Section 1002(a)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a)(1)) is amended to read as follows:

"(1) such amounts of crude opium, poppy straw, concentrate of poppy straw and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, and".

SEC. 530. (a) Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended by—

(1) inserting "(a)" before "Any officer or employee";

(2) inserting after "Drug Enforcement Administration" the following: "or any State or local law enforcement officer"; and

(3) inserting at the end thereof the following new subsection:

"(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5, United States Code.".

(b) Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) as amended by this Act is further amended by—

(1) striking out "and" at the end of clause (5);

(2) striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(7) notwithstanding any other provision of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Act.".

JUSTICE ASSISTANCE

SEC. 601. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I—JUSTICE ASSISTANCE

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"ESTABLISHMENT OF OFFICE OF JUSTICE ASSISTANCE

"SEC. 101. There is hereby established an Office of Justice Assistance within the Department of Justice under the general authority of the Attorney General. The Office of Justice Assistance (hereafter referred to in this title as the 'Office') shall be headed by an Assistant Attorney General appointed by the President, by and with the consent of the Senate. The Assistant Attorney General shall have authority to award all grants, cooperative agreements, and contracts authorized under this title.

"DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY GENERAL

"SEC. 102. (a) The Assistant Attorney General shall—

"(1) publish and disseminate information on the conditions and progress of the criminal justice systems;

"(2) maintain liaison with the executive and judicial branches of the Federal and State governments in matters relating to justice research and statistics, and cooperate in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

"(3) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice research and statistics;

"(4) maintain liaison with public and private educational and research institutions, State and local governments, and governments of other nations concerning justice research and statistics;

"(5) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

"(6) insure conformance with security and privacy regulations issued pursuant to section 810 and, identify, analyze and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities;

"(7) directly provide staff support to, supervise and coordinate the activities of the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the National Institute of Justice, the Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention;

"(8) exercise the powers and functions set out in part G; and

"(9) exercise such other powers and functions as may be vested in the Assistant At-

torney General pursuant to this title or by delegation of the Attorney General.

"(b) The Attorney General shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each annual report shall describe the activities carried out under the provisions of this title and shall contain such findings and recommendations as the Attorney General considers necessary or appropriate after consultation with the Assistant Attorney General and the Advisory Board.

"ADVISORY BOARD

"SEC. 103. (a) There is hereby established a Justice Assistance Board (hereinafter referred to as the 'Board'). The Board shall consist of not more than twenty-one members who shall be appointed by the President. The members shall include representatives of the public, various components of the criminal justice system at all levels of government, and persons experienced in the criminal justice system, including the design, operation and management of programs at the State and local level. The Board shall include at least one member who is experienced in addressing the unique problem of crime committed against the elderly. The President shall designate from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Assistant Attorney General shall be a nonvoting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of an original appointment.

"(b) The Board may make such rules respecting organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the full Board assents.

"(c) The members of the Board shall serve at the pleasure of the President and shall have no fixed term. The members of the Board shall receive compensation for each day engaged in the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses.

"(d) The Board shall—

"(1) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the National Institute of Justice and the Bureau of Justice Statistics in research, statistics and program priorities;

"(2) review demonstration programs funded under part B, and evaluations thereof, and advise the Assistant Attorney General of the results of such review and evaluations; and

"(3) undertake such additional related tasks as the Board may deem necessary.

"(e) In addition to the powers and duties set forth elsewhere in this title, the Assistant Attorney General shall exercise such powers and duties of the Board as may be delegated to the Assistant Attorney General by the Board.

"(f) The Assistant Attorney General shall provide staff support to assist the Board in carrying out its activities.

"PART B—BUREAU OF JUSTICE PROGRAMS

"ESTABLISHMENT OF BUREAU OF JUSTICE PROGRAMS

"SEC. 201. (a) There is established within the Office of Justice Assistance a Bureau of Justice Programs (hereinafter referred to in this part as the 'Bureau').

"(b) The Bureau shall be headed by a Director who shall be appointed by the Attorney General. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

"DUTIES AND FUNCTIONS OF DIRECTOR

"SEC. 202. The Director shall—

"(1) provide funds to eligible States, units of local government and private nonprofit organizations pursuant to part E and part F;

"(2) establish priorities for programs in accordance with part E and, following public announcement of such priorities, award and allocate funds and technical assistance in accordance with the criteria of part F and on terms and conditions determined by the Director to be consistent with part F;

"(3) cooperate with and provide technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;

"(4) provide for the development of technical assistance and training programs for State and local criminal justice agencies and foster local participation in such activities;

"(5) encourage the targeting of State and local resources on efforts to reduce the incidence of violent crime and on programs relating to the apprehension and prosecution of repeat offenders;

"(6) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Bureau; and

"(7) exercise such other powers and functions as may be vested in the Director pursuant to this title.

"PART C—NATIONAL INSTITUTE OF JUSTICE

"NATIONAL INSTITUTE OF JUSTICE

"SEC. 301. It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

"(1) improving Federal, State and local criminal justice systems and related aspects of the civil justice system;

"(2) preventing and reducing crimes;

"(3) insuring citizen access to appropriate dispute-resolution forums;

"(4) improving efforts to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption;

"(5) addressing the unique problem of crime committed against the elderly;

"(6) identifying programs of proven and demonstrated success or programs which are likely to be successful; and

"(7) developing improved strategies for rural areas to better utilize their dispersed resources in combating crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen the criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to units of Federal, State, and local governments, to develop alternatives to judicial resolution of disputes, to evaluate the effectiveness of programs funded under this title, to develop and demonstrate new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this part the Institute shall give primary emphasis to the problems of State and local justice systems.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

"SEC. 302. (a) There is established within the Office of Justice Assistance a National Institute of Justice (hereinafter referred to in this title as the 'Institute').

"(b) The Institute shall be headed by a Director appointed by the Attorney General. The Director shall have had experience in justice research. The Director shall have such authority as delegated by the Assistant Attorney General to make grants, cooperative agreements, and contracts awarded by the Institute. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Institute makes any contract or other arrangements under this title.

"(c) The Institute is authorized to—

"(1) make grants to, or enter into cooperative agreements or contracts with, States, units of local government or combinations thereof, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstration or special projects pertaining to the purposes described in this part, and provide technical assistance and training in support of tests, demonstrations, and special projects;

"(2) conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort—

"(A) to identify alternative programs for achieving system goals;

"(B) to provide more accurate information on the causes and correlates of crime;

"(C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;

"(D) to improve the functioning of the criminal justice system;

"(E) to develop new methods for the prevention and reduction of crime, including but not limited to the development of programs to facilitate cooperation among the States and units of local government, the detection and apprehension of criminals, the expeditious, efficient, and fair disposition of criminal and juvenile delinquency cases, the improvement of police and minority relations, the conduct of research into the problems of victims and witnesses of crime, the feasibility and consequences of allowing victims to participate in criminal justice decisionmaking, the feasibility and desirability of adopting procedures and programs which increase the victim's participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction; and

"(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption.

In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

"(3) evaluate the effectiveness of projects or programs carried out under this title;

"(4) make recommendations to the Assistant Attorney General for action which can be taken by units of Federal, State, and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems;

"(5) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this part;

"(6) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, and private organizations relating to the purposes of this part;

"(7) serve as a national and international clearinghouse for the exchange of information with respect to the purposes of this part;

"(8) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services;

"(9) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Institute; and

"(10) exercise such administrative functions under part H as may be delegated by the Assistant Attorney General.

"(d) To insure that all criminal and civil justice research is carried out in a coordinated manner, the Institute is authorized to—

"(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefore;

"(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this part;

"(4) seek the cooperation of the judicial branches of Federal and State governments in coordinating civil and criminal justice research and development.

"AUTHORITY FOR 100 PER CENTUM GRANTS

"SEC. 303. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"PART D—BUREAU OF JUSTICE STATISTICS

"BUREAU OF JUSTICE STATISTICS

"SEC. 401. It is the purpose of this part to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to encourage the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall give primary emphasis to the needs of State and local justice systems, both individually and as a whole.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

"SEC. 402. (a) There is established within the Office of Justice Assistance a Bureau of Justice Statistics (hereinafter referred to in this part as the 'Bureau').

"(b) The Bureau shall be headed by a Director appointed by the Attorney General. The Director shall have had experience in statistical programs. The Director shall have such authority as delegated by the Assistant Attorney General to make grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

"(c) The Bureau is authorized to—

"(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this part; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

"(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

"(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of National, State, and local justice policy and decisionmaking;

"(4) collect and analyze statistical information concerning the operations of the criminal justice system at the Federal, State, and local levels;

"(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels.

"(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

"(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, rural crime, and civil disputes in the various States;

"(8) recommend to the Assistant Attorney General national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

"(9) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

"(10) conduct or support research relating to methods of gathering or analyzing justice statistics;

"(11) provide for the development of justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

"(12) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

"(13) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data and other justice information;

"(14) insure conformance with security and privacy requirements of section 810 and regulations issued pursuant thereto;

"(15) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Bureau; and

"(16) exercise such administrative functions under part H as may be delegated by the Assistant Attorney General.

"(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Bureau is authorized to—

"(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement therefore, and to enter into agreements with the aforementioned agencies and instrumentalities for purposes of data collection and analysis;

"(2) confer and cooperate with State, municipal, and other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title;

"(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and

"(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

"(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) shall provide such information to the Bureau as is required to carry out the purposes of this section.

"(f) In recommending standards for gathering justice statistics under this section,

the Bureau shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

"AUTHORITY FOR 100 PER CENTUM GRANTS

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"USE OF DATA

"SEC. 404. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

"PART E—STATE AND LOCAL ALLOCATIONS

"DESCRIPTION OF PROGRAM

"SEC. 501. (a) It is the purpose of this part to assist States and units of local government in carrying out specific programs of proven effectiveness or which offer a high probability of improving the functions of the criminal justice systems and which focus primarily on violent crime and serious offenders. The Bureau of Justice Programs (hereinafter referred to in this part as the 'Bureau') is authorized, pursuant to authority delegated by the Assistant Attorney General, to establish criteria and make grants under this part to States for the purpose of funding specific programs and projects that—

"(1) increase the conviction rate of repeat or violent offenders through focused enforcement and prosecution units which target serious offenders for special prosecution action;

"(2) address the problem of serious and violent offenses committed by juveniles;

"(3) combat arson;

"(4) disrupt illicit commerce in stolen goods and property;

"(5) improve assistance (other than compensation) to crime victims and witnesses;

"(6) improve the operational effectiveness of law enforcement by integrating and maximizing the effectiveness of police field operations and the use of crime analysis techniques;

"(7) encourage citizen action in crime prevention and cooperation with law enforcement;

"(8) reduce recidivism among drug or alcohol abusing offenders;

"(9) improve workload management systems for prosecutors and expedite felony case processing by the courts;

"(10) provide training and technical assistance to justice personnel;

"(11) provide programs which alleviate prison and jail overcrowding, including alternatives to pretrial detention and alternative programs for nonviolent offenders;

"(12) with respect to cases involving career criminals and violent crime, expedite the disposition of criminal cases, reform sentencing practices and procedures, and improve court system management;

"(13) provide training, technical assistance, and programs to assist State and local law enforcement authorities in rural areas in combating crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention;

"(14) address the unique problem of crime committed against the elderly; and

"(15) implement programs that address critical problems of crime, such as drug trafficking, which have been certified by the Director, after consultation with the Directors of National Institute of Justice, Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention, as having proved successful or which are innovative and have been deemed by the Director likely to prove successful.

"FEDERAL SHARE

"SEC. 502. (a) The Federal portion of any grant to a State made under this part shall be 50 per centum of the aggregate cost of programs and projects specified in the application for such grant.

"(b) The non-Federal portion of the cost of such programs or project shall be in cash.

"(c) In the case of a grant to an Indian tribe or other aboriginal group, the Bureau may increase the Federal portion of the cost of such program to the extent the Bureau deems necessary if the Bureau determines that the tribe or group does not have sufficient funds available to meet the non-Federal portion of such cost.

"(d) The Bureau may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years.

"APPLICATIONS

"SEC. 503. (a) No grant may be made by the Bureau to a State, or by a State to an eligible recipient pursuant to part E, unless the application sets forth criminal justice programs covering a two-year period which meet the objectives of section 501, designates which objective specified in section 501(a) each such program is intended to achieve, and identifies the State agency or unit of local government which will implement each such program. This application must be amended annually if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application must include—

"(1) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Bureau, where the applicant is a State:

"(A) a performance report concerning the activities carried out pursuant to this title; and

"(B) an assessment by the applicant of the impact of those activities on the objectives of this title and the needs and objectives identified in the applicant's statement;

"(2) a certification that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities;

"(3) fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Bureau shall prescribe will be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this title;

"(4) an assurance that the State will maintain such data and information and submit such reports in such form, at such times and containing such data and information as the Bureau may reasonably require to administer other provisions of this title;

"(5) a certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau and shall be executed by the chief executive or other officer of the applicant qualified under regulations promulgated by the Bureau;

"(6) satisfactory assurances that equipment, whose purchase was previously made in connection with a program or project in such State assisted under this title and whose cost in the aggregate was $100,000 or more, has been put into use not later than one year after the date set at the time of purchase for the commencement of such use and has continued in use during its useful life; and

"(7) an assurance that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of programs which meet the objectives of section 501.

"REVIEW OF APPLICATIONS

"SEC. 504. (a) The Bureau shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that the application or amendment thereof is consistent with requirements of this title and with the priorities and criteria established by the Bureau under section 501. Each application or amendment made and submitted for approval to the Bureau pursuant to section 503 of this title shall be deemed approved, in whole or in part, by the Bureau within sixty days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(b) The Bureau shall suspend funding for an approved application in whole or in part if such application contains a program or project which has failed to conform to the requirements or statutory objectives of this Act. The Bureau may make appropriate adjustments in the amounts of grants in accordance with its findings pursuant to this subsection.

"(c) Grant funds awarded under this part and part F shall not be used for—

"(1) the purchase of equipment or hardware, or the payment of personnel costs, unless the cost of such purchases and payments is incurred as an incidental and necessary part of a program under section 501(a);

"(2) programs which have as their primary purpose general salary payments for employees or classes of employees within an eligible jurisdiction, except for the compensation of personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development, demonstration, or short-term programs;

"(3) construction projects; or

"(4) programs or projects which, based upon evaluations by the Bureau, the National Institute of Justice, Bureau of Justice Statistics, State or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. Such programs must be formally identified by a notice in the Federal Register after opportunity for comment.

"(d) The Bureau shall not finally disapprove any application submitted to the Director under this part, or any amendments thereof, without first affording the appli-

cant reasonable notice and opportunity for reconsideration.

"DISTRIBUTION OF FUNDS

"SEC. 505. (a) Of the total amount appropriated for this part and part F in any fiscal year, 80 per centum shall be set aside for this part and 20 per centum shall be set aside for part F. Funds set aside for this part shall be allocated to States as follows:

"(1) $250,000 shall be allocated to each of the participating States.

"(2) Of the total funds remaining for this part after the allocation under paragraph (1) there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all the States.

"(b) Notwithstanding the requirements of section 505(a), if the total amount appropriated for this part and part F is less than $80,000,000 in any fiscal year, then the entire amount shall be set aside and reserved for allocation to the States according to the criteria established by the Director to provide for equitable distribution among the States.

"(c)(1) Each State which receives funds under this part in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 501(a) not less than that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) In distributing funds received under this part among urban, rural and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need.

"(3) Any funds not distributed to units of local government under paragraphs (1) and (2) shall be available for expenditure by the State involved.

"(4) For purposes of determining the distribution of funds under paragraphs (1) and (2), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(5) In distributing funds received under this part the State shall make every effort to distribute to units of local government and combinations thereof, the maximum amount of such available funds.

"(d) No funds allocated to a State under subsection (a) or (b) or received by a State for distribution under subsection (c) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

"(e) If the Bureau determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under this part, or that a State chooses not to participate in the program established by this part, then such portion shall be awarded by the Director to urban, rural and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

"(f) Any funds not distributed under subsections (d) and (e) shall be available for obligation under part F.

"STATE OFFICE

"SEC. 506. (a) The chief executive of each participating State shall designate a State office for purposes of—

"(1) preparing an application to obtain funds under this part; and

"(2) administering funds received from the Bureau of Justice Programs, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

"(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

"PART F—DISCRETIONARY GRANTS

"PURPOSE

"SEC. 601. (a) The purpose of this part is to provide additional Federal financial assistance to States, units of local government, combinations of such units, and private nonprofit organizations for purposes of—

"(1) educational and training programs for criminal justice personnel;

"(2) providing technical assistance to States and local units of governments;

"(3) projects which are national or multi-State in scope and which address the purposes specified in section 501, and programs to improve the professionalism and performance of criminal justice agencies through the development of standards and voluntary accreditation processes; and

"(4) providing financial assistance to States, units of local government and private nonprofit organizations for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction and are not likely to be funded with moneys from other sources.

"(b) The Director is authorized, pursuant to such authority as delegated by the Assistant Attorney General, to make grants, enter into cooperative agreements, and contracts with, States, units of local governments or combinations thereof, public agencies, institutions of higher education or private organizations.

"(c) The Federal portion of any grants made under this part may be made in amounts up to 100 per centum of the costs of the program or project.

"PROCEDURE FOR ESTABLISHING FUNDING AND SELECTION CRITERIA

"SEC. 602. The Bureau shall annually establish funding priorities and selection criteria for assistance after first providing notice and an opportunity for public comment.

"APPLICATION REQUIREMENTS

"SEC. 603. (a) No grant may be made pursuant to this part unless an application has been submitted to the Bureau in which the applicant—

"(1) sets forth a program or project which is eligible for funding pursuant to this part;

"(2) describes the services to be provided, performance goals and the manner in which the program is to be carried out;

"(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals and agrees to conduct such evaluation according to the procedures and terms established by the Bureau;

"(4) indicates, if it is a private nonprofit organization, that it has consulted with appropriate agencies and officials of the State and units of local government to be affected by the program or project.

"(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau.

"PERIOD FOR AWARD

"SEC. 604. The Bureau may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Bureau for an additional period of up to two years if—

"(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system; and

"(2) the State, unit of local government, or combination thereof and private nonprofit organizations within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from part E funds or from any other source of funds, including other Federal grants, available to the eligible jurisdiction. Funding for the management and the administration of national nonprofit organizations under section 601(c) of this part is not subject to the funding limitations of this section.

"PART G—CRIMINAL JUSTICE FACILITIES

"ESTABLISHMENT OF THE BUREAU OF CRIMINAL JUSTICE FACILITIES

"SEC. 701. (a) There is established within the Office of Justice Assistance a Bureau of Criminal Justice Facilities (hereinafter referred to in this part as the 'Bureau').

"(b) The Bureau shall be headed by a Director who shall be appointed by the Attorney General. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

"FUNCTIONS OF THE BUREAU

"SEC. 702. In order to carry out the purposes of this part, the Bureau shall—

"(1) make grants to States for the construction and modernization of correctional facilities in accordance with sections 703, 704, 705, 706, and 708; and

"(2) provide for the widest practical and appropriate dissemination of information obtained from the programs and projects assisted under this part.

"GRANTS AUTHORIZED FOR THE RENOVATION AND CONSTRUCTION OF CRIMINAL JUSTICE FACILITIES

"SEC. 703. The Director of the Bureau of Criminal Justice Facilities is authorized to make grants to States in accordance with the provisions of this part for the renovation and construction of correctional facilities beginning October 1, 1984, and ending September 30, 1987.

"ALLOTMENT

"SEC. 704. (a) From the sums appropriated for each fiscal year, the Director shall allot not more than 1½ per centum thereof among Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands according to their respective needs.

"(b)(1) From the remaining 98½ per centum of such funds the Director—

"(A) shall allot to each State with a plan approved pursuant to section 705 an amount which bears the same ratio to 50 per centum of the remaining funds as the population in such State bears to the population in all States; and

"(B) from the remaining 50 per centum of the remainder from this paragraph, States submitting a State plan approved by the Director shall be awarded assistance under this part based on the relative needs of each State relating to correctional facilities. In determining the relative needs of each State the Director shall consider—

"(i) whether population levels or conditions of confinement in State or local facilities are in violation of the Federal Constitution or State statutes, codes, or standards and the amount and type of assistance required to bring such facilities into compliance with the law;

"(ii) the numbers and general characteristics of the inmate population, to include factors such as offender ages, offenses, average term of incarceration, and custody status; and

"(iii) other relevant criteria.

In allocating assistance under this part, the Director shall give primary consideration to the needs of States which have made satisfactory assurances that they have implemented, or are in the process of implementing, significant measures to reduce overcrowding and improve conditions of confinement in State and local correctional facilities, through legislative, executive, or judicial initiatives.

"(2) Notwithstanding the provisions of subsection (b), during the period within which funds are available under this part, each State with an approved plan shall be entitled to grant or bond interest subsidy assistance totaling no less than one-half of 1 per centum of available funds.

"(3) For the purpose of this section, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

"STATE PLANS

"SEC. 705. (a) Any State desiring to receive its allotment of Federal funds under this part shall, within 180 days following the promulgation of rules implementing this subpart, submit a State-needs assessment and action plan for a three-year period, supplemented by such annual revisions as may be necessary, which is consistent with such basic criteria as the Director may prescribe under section 706. Each such plan shall—

"(1) provide for the administration of the plan by a State agency designated by the chief executive of such State;

"(2) set forth a comprehensive statewide program assessing needs and establishing priorities and action plans which involve both construction and nonconstruction initiatives to relieve overcrowding and improve conditions of confinement in correctional facilities;

"(3) provide satisfactory assurance that the control of funds granted under this part and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property for such purposes;

"(4) provide assurances that the State agency or local government will, after a reasonable period of Federal assistance, pay from non-Federal sources any remaining or continuing construction or nonconstruction costs of the program for which application is made including the cost of programs to be carried out in the facilities for which assistance is sought under this part;

"(5) provide assurances that, to the extent practical, correctional facilities will be used for other criminal justice purposes if they are no longer used for the specific purpose for which they were built;

"(6) provide assurances that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of projects reducing overcrowding and improving conditions of confinement in corrections facilities not assisted under this part;

"(7) provide, based on requests and relative need, for appropriately balanced allocation of funds between the State and units of general local government within the State and among such units for projects for the construction and modernization of correctional facilities;

"(8) provide for appropriate executive and judicial review of any actions taken by the State agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or any combination of such units for assistance under this part;

"(9) set forth policies and procedures designed to assure that Federal funds made available under this part will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the construction and renovation of corrections facilities in the State;

"(10) provide assurances that the State is making diligent efforts, consistent with public safety, to reduce overcrowding and improve programs and conditions of confinement in its correction facilities through legislative, executive, and judicial advanced practice initiatives such as incentives, for greater use of community corrections facilities, development of State corrections standards, more effective use of prisoner classification methods and overcrowding contingency plans, as well as prison industry, education, and work-release programs;

"(11) provide assurances that all projects under this part utilize advanced practices in the design and construction of corrections facilities.

"(b) The Director shall approve a State plan and any revision thereof only if the State plan complies with the requirements set forth in subsection (a).

"BASIC CRITERIA

"SEC. 706. As soon as practicable after enactment of this part, the Director shall by regulation prescribe basic criteria to be applied by the State agency under section 705. In addition to other matters, such basic criteria shall provide the general manner in which the State agency will determine priority of projects based upon—

"(1) the relative needs of the area within such State for correctional facility assistance, particularly where such assistance is necessary to bring existing facilities into compliance with Federal or State law;

"(2) the relative ability of the particular public agency in the area to support a program of construction or modernization; and

"(3) the extent to which the project contributes to an equitable distribution of assistance under this part within the State.

"CLEARINGHOUSE ON THE CONSTRUCTION AND MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

"SEC. 707. The Director shall establish and operate a clearinghouse on the construction and modernization of correctional facilities, which shall collect and disseminate to the public information pertaining to the construction and modernization of correctional facilities, including information concerning ways in which a construction program may be used to improve the administration of the criminal justice system within each State and concerning the provision of inmate health care and other services and programs. The Director is authorized to enter into contracts with public agencies or private organizations to operate the clearinghouse established or designated under this section.

"INTEREST SUBSIDY FOR CRIMINAL JUSTICE FACILITY CONSTRUCTION BONDS

"SEC. 708. (a) The Secretary of the Treasury is authorized to pay to any State or political subdivision thereof which issues obligations described in section 103(a) of the Internal Revenue Code of 1954 which are issued as part of an issue substantially all of the proceeds of which are to be used to finance correctional facilities such amounts as may be necessary to reduce the cost to the issuer of such bonds to a rate of interest not in excess of 5 per centum per annum. Such payments shall be made only upon application of the issuer made in such form, in such manner, and at such times as the Director shall require consistent with the criteria established for allocating funds under section 705 and 706.

"(b) Payments under subsection (a) may be made in advance, by installment, or in any other manner determined by the Secretary, in consultation with the Director, to be appropriate under the circumstances, and may be made on the basis of estimates, if necessary, with corrections in later payments to the extent necessary to compensate for overpayments or underpayments arising out of errors of estimate or otherwise.

"(c) No State may receive a combination of bond subsidies under this section grant under this part in excess of such State's allocation formula.

"(d) The payment, by the Secretary of any amount under subsection (a) to a State or a political subdivision thereof, shall not affect the status of any such obligation under section 103 of such Code, nor shall it cause the interest thereon to be excludable only in part under such section.

"DEFINITIONS

"SEC. 709. As used in this part—

"(1) The term 'correctional facility' means any prison, jail, reformatory, work farm, detention center, pretrial detention facility, community-based correctional facility, halfway house, or other institution designed for the confinement or rehabilitation of individuals charged with or convicted of any criminal offense, including juvenile offenders.

"(2) The term 'construction' includes the preparation of drawings and specifications for facilities; erecting, building, acquiring,

altering, remodeling, renovating, improving, or extending such facilities; and the inspection and supervision of the construction of such facilities. The term does not include interest in land or offsite improvements.

"PART H—ADMINISTRATIVE PROVISIONS

"ESTABLISHMENT OF RULES AND DELEGATION OF FUNCTIONS

"SEC. 801. (a) The Attorney General is authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of the functions of the Office, the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the Institute and the Bureau of Justice Statistics, and as are consistent with the stated purpose of this title.

"(b) The Attorney General may delegate to any of his respective officers or employees such functions as the Attorney General deems appropriate.

"NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

"SEC. 802. (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the Office finds that a recipient of assistance under this title has failed to comply substantially with—

"(1) any provisions of this title;

"(2) any regulations or guidelines promulgated under this title; or

"(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act;

the Assistant Attorney General, until satisfied that there is no longer any such failure to comply, shall terminate payments to the recipient under this title, reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title, or limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(b) If any grant under this title has been terminated, the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the National Institute of Justice or the Bureau of Justice Statistics, as appropriate, shall notify the grantee of its action and set forth the reason for the action taken. Whenever such a grantee requests a hearing, the Office, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such grantee; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Office is authorized to take final action without a hearing if after an administrative review of the termination it is determined that the basis for the appeal, if substantiated, would not establish a basis for continuation of the grant. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the grantee.

"(c) If such recipient is dissatisfied with the findings and determinations of the Office, following notice and hearing provided for in subsection (a) of this section, a request may be made for rehearing, under such regulations and procedure as the Office may establish, and such recipient shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

"FINALITY OF DETERMINATIONS

"SEC. 803. In carrying out the functions vested by this title in the Office, its determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and conclusive upon all grants.

"SUBPOENA POWER; AUTHORITY TO HOLD HEARINGS

"SEC. 804. The Office may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out the powers and duties under this title. The Office, or upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"PERSONNEL AND ADMINISTRATIVE AUTHORITY

"SEC. 805. (a) The Office is authorized to select, appoint, employ and fix compensation of such officers and employees as shall be necessary to carry out the powers and duties of the Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics under this title.

"(b) The Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities.

"(c) The Office may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this title.

"(d) The Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics in carrying out their respective functions may use grants, contracts or cooperative agreements in accordance with the standards established in the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.).

"(e) The Office may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal service, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

"(f) The Office is authorized to appoint pursuant to the Advisory Committee Management Act, but without regard to the remaining provisions of title 5, United States Code, technical or other advisory committees to advise it with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising or attending meetings of the committees shall be compensated at rates to be fixed by the Office but not exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"(g) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Office, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of 31 U.S.C. 1345.

"(h) The Office is authorized to accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services notwithstanding the provisions of 31 U.S.C. 1342. Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

"TITLE TO PERSONAL PROPERTY

"SEC. 806. Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including such property purchased with funds made available under this Act as in effect before the date of the enactment of the Justice Assistance Act of 1983, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State office described in section 506 that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.

"PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES

"SEC. 807. Nothing in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.

"NONDISCRIMINATION

"SEC. 808. (a) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

"(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the Office of Justice Assistance—

"(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or

"(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system or other program.

"(c) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in

or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such a court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

"(d) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within forty-five days after filing has been granted such preliminary relief with regard to the suspension or repayment of funds as may be otherwise available by law, the Office of Justice Assistance shall cause to have suspended further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

"RECORDKEEPING REQUIREMENT

"SEC. 809. (a) Each recipient of funds under this title shall keep such records as the Office shall prescribe, including records which fully disclose the amount and disposition by such recipient of the funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Office or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers, and records of the recipients of funds under this title which in the opinion of the Office may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(c) The Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(d) The provisions of this section shall apply to all recipients of assistance under this title, whether by direct grant, cooperative agreement, or contract under this title or by subgrant or subcontract from primary grantees or contractors under this title.

"CONFIDENTIALITY OF INFORMATION

"SEC. 810. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and indentifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

"(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage and dissemination of such information shall take place under procedures reasonably designed to ensure that all such information is kept current therein; the Office shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

"(c) All criminal intelligence systems operating through support under this title shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office and which are written to assure that the funding and operation of these systems furthers the purpose of this title and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

"(d) any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000 in addition to any other penalty imposed by law.

"PART I—DEFINITIONS

"DEFINITIONS

"SEC. 901. As used in this title—

"(1) 'criminal justice' means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

"(2) 'State' means any State of the United States, the District of Columbia and the Commonwealth of Puerto Rico;

"(3) 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, any agency of the District of Columbia government or the United States performing law enforcement functions in and for the District of Columbia, and the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

"(4) 'public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

"(5) 'criminal history information' includes records and related data, contained in an automated or manual criminal justice information system, compiled by law enforcement agencies for the purpose of identifying criminal offenders and alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

"(6) 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title;

"(7) 'Attorney General' means the Attorney General of the United States or his designee;

"(8) 'Assistant Attorney General' means the Assistant Attorney General for Justice Assistance.

"PART J—FUNDING

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1001. There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. There is authorized to be appropriated to carry out the functions of the National Institute of Justice such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. There is authorized to be appropriated for parts A, B, E, F, G, and H, and for the purposes of carrying out the remaining function of the Office of Justice Assistance other than parts K and M, such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. The appropriation authorized for the Bureau of Criminal Justice Facilities or for any function or activity authorized for part G shall not exceed in total $25,000,000 for any fiscal year ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. Funds appropriated for any fiscal year may remain available for obligation until expended. There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part K and part M.

"PART K—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"PAYMENTS

"SEC. 1101. (a) In any case in which the Office determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Office shall pay a benefit of $50,000 as follows:

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the Office determines upon showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Office may make an interim benefit payment not exceeding $3,000 to the person entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of an interim payment under subsection (b) shall be deducted from the amount of any final benefit paid to such person.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) shall be liable for repayment of such amount. The Office may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, except—

"(1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)); or

"(2) benefits authorized by section 8191 of title 5, United States Code; such beneficiaries shall only receive benefits under that section that are in excess of the benefits received under this part.

"(f) No benefit paid under this part shall be subject to execution or attachment.

"LIMITATIONS

"SEC. 1102. No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if the public safety officer was voluntarily intoxicated at the time of his death;

"(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his death; or

"(4) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

"DEFINITIONS

"SEC. 1103. As used in this part—

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

"(i) eighteen years of age or under;

"(ii) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

"(iii) over eighteen years of age and incapable of self-support because of physical or mental disability;

"(2) 'dependent' means a person who was substantially reliant for support upon the income of the deceased public safety officer;

"(3) 'fireman' includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire or police emergency;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

"(i) a postmortem blood alcohol level of 0.20 per centum or greater;

"(ii) a postmortem blood alcohol level of at least 0.10 per centum but less than 0.20 per centum, unless the Office receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death;

or resulting from drugs or other substances in the body;

"(5) 'law enforcement officer' means a person involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers;

"(6) 'public agency' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

"(7) 'public safety officer' means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a fireman.

"ADMINISTRATIVE PROVISIONS

"SEC. 1104. (a) The Office is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Office. The Office may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Office, and any agreement in violation of such rules and regulations shall be void.

"(b) In making determinations under section 1101, the Office may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Office.

"JUDICIAL REVIEW

"SEC. 1105. The United States Claims Court shall have exclusive jurisdiction over all actions seeking review of the final decisions of the Office under this part.

"PART L—FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"AUTHORITY FOR FBI TO TRAIN STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"SEC. 1201. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. In rural areas such training shall emphasize effective use of regional resources and improving coordination among criminal justice personnel in different areas and in different levels of government. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"(c) Notwithstanding the provisions of subsection (a), the Secretary of the Treasury is authorized to fund and continue to develop, establish and conduct training programs at the Federal Law Enforcement Training Center at Glynco, Georgia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel so long as that training does not interfere with the Center's mission to train Federal law enforcement personnel.

"PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

"APPLICATION REQUIREMENTS

"SEC. 1301. (a) The Attorney General is authorized to receive from the chief executive of any State a request for designation of a State or local jurisdiction as a law enforcement emergency jurisdiction. Such application shall be submitted in such manner and containing or accompanied by such information as the Attorney General may prescribe. Such application for designation as a law enforcement emergency jurisdiction shall be evaluated by the Attorney General according to such criteria, and on such terms and conditions as he shall establish and shall publish in the Federal Register prior to the beginning of fiscal year 1984 and each fiscal year thereafter for which appropriations will be available to carry out the program.

"(b) The Attorney General shall, in accordance with the criteria established, approve or disapprove such application not later than ten days after receiving such application.

"ASSISTANCE PROVIDED

"SEC. 1302. (a) Upon a finding by the Attorney General that a law enforcement emergency exists in accordance with the provisions of section 1301 of this title, the Federal law enforcement community is authorized to provide emergency assistance for the duration of the emergency. The cost of such assistance may be paid by the Office of Justice Assistance from funds appropriated under this part, in accordance with procedures established by the Office and the heads of the participating Federal law enforcement agencies and with the approval of the Attorney General.

"(b) Upon such finding by the Attorney General, the Office of Justice Assistance may provide technical assistance, funds for the lease or rental of specialized equipment and other forms of emergency assistance to the jurisdiction, except that no funds may be used to pay the salaries of local criminal justice personnel or otherwise supplant State or local funds that would in the absence of such Federal funds be made available for law enforcement. The cost of assistance provided under this section shall be paid by the Office of Justice Assistance from funds appropriated under this part.

The Federal share of such assistance may be up to 100 per centum of project costs.

"DEFINITIONS

"SEC. 1303. For the purposes of this part—

"(1) the term 'Federal law enforcement assistance' means equipment, training, intelligence information, and technical expertise;

"(2) the term 'Federal law enforcement community' means the heads of—

"(A) the Department of Justice;

"(B) the Internal Revenue Service;

"(C) the Customs Service;

"(D) the National Park Service;

"(E) the Secret Service;

"(F) the Coast Guard;

"(G) the Bureau of Alcohol, Tobacco and Firearms; and

"(H) other Federal agencies with specific statutory authority to investigate violations of Federal criminal laws;

"(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

"(4) the term 'law enforcement emergency' means an uncommon situation in which State and local resources are inadequate to protect the lives and property of citizens or enforce the criminal law.

"ADMINISTRATIVE REQUIREMENT

"SEC. 1304. The recordkeeping and administrative requirements of section 809 and section 810 shall apply to funds provided under this part.

"PART N—TRANSITION

"CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

"SEC. 1401. (a) All orders, determinations, rules, regulations, and instructions of the Office of Justice Assistance, Research, and Statistics which are in effect on the date of the enactment of this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, or his designee, or by operation of law.

"(b) The amendments made to this title by the Justice Assistance Act of 1983 shall not affect any suit, action, or other proceeding commenced by or against the Government before the date of the enactment of such Act.

"(c) Nothing in this title prevents the utilization of funds appropriated for purposes of this title for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this title. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this title, as in effect before the date of the enactment of the Justice Assistance Act of 1983, may be carried out with funds appropriated for purposes of this title.

"(d) The Assistant Attorney General may award new grants, enter into new contracts or cooperative agreements and otherwise obligate unused or reversionary funds previously appropriated for the purposes of parts D, E and F of this title as in effect on the day before the date of enactment of the Justice Assistance Act of 1983, or for purposes consistent with this title.

"(e) Notwithstanding any other provisions of law, the Assistant Attorney General shall have all the authority previously vested in the Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration necessary to terminate the activities of the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics, and all provisions of this title, as in effect on the day before the enactment of the Justice Assistance Act of 1983, which are necessary for this purpose remain in effect for the sole purpose of carrying out the termination of these activities.".

REFERENCES IN OTHER LAWS

SEC. 602. Any reference to the Office of Justice Assistance, Research, and Statistics or the Law Enforcement Assistance Administration in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Office of Justice Assistance shall be deemed to be a reference to the Office of Justice Assistance or to the Assistant Attorney General, Office of Justice Assistance, as the case may be.

COMPENSATION OF FEDERAL OFFICERS

SEC. 603. (a) Section 5314 of title 5, United States Code is amended by striking out "Director, Office of Justice Assistance, Research, and Statistics.".

(b) Section 5315 of title 5, United States Code is amended by striking out "Administrator of Law Enforcement Assistance.", "Director of the National Institute of Justice.", and "Director of the Bureau of Justice Statistics.".

(c) Section 5316 of title 5, United States Code is amended by adding "Director of the National Institute of Justice, Director of the Bureau of Justice Statistics, the Director of the Bureau of Criminal Justice Facilities, and Director of the Bureau of Justice Programs.".

PRISON INDUSTRY ENHANCEMENT

SEC. 604. (a) Section 1761, subsection (c), of title 18, United States Code, is amended to read as follows—

"(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, services or merchandise manufactured, produced, provided or mined by convicts or prisoners participating in a program of not more than twenty projects designated by the Director of the Bureau of Criminal Justice Facilities, who—

"(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows—

"(A) taxes (Federal, State, local);

"(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief correctional officer of the jurisdiction;

"(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

"(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

"(2) are entitled to compensation for injury sustained in the course of participation in these projects;

"(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.".

(b)(1) Section 1761 of title 18, United States Code, is amended by adding thereto a new subsection (d) as follows:

"(d) The provisions of subsection (c) shall not apply unless—

"(1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the initiation of any project otherwise qualifying for any exception created by subsection (c); and

"(2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.".

(2) The second sentence of section 11507 of title 49, United States Code, is amended by adding after "use" the following: ", or to commodities produced by a project designated by the Director of the Bureau of Criminal Justice Facilities under section 1761(c) of title 18, United States Code".

(c) The first section of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act, is amended by adding to the end of subsection (d) thereof, before "; and", the following: "except that this section, or any other law or Executive order containing similar prohibitions against purchase of goods by the Federal Government, shall not apply to convict labor which satisfies the conditions of sections 1761(c) and 1761(d) of title 18, United States Code".

SEC. 605. (a) Section 1028 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) To the maximum extent feasible, personal descriptors or identifiers utilized in identification documents, as defined in this section, shall utilize common descriptive terms and formats designed to—

"(1) reduce the redundancy and duplication of identification systems by providing information which can be utilized by the maximum number of authorities; and

"(2) facilitate positive identification of bona fide holders of identification documents.".

(b) The President shall, no later than three years after the date of enactment of this Act, and after consultation with Federal, State, local, and international issuing authorities, and concerned groups, make recommendations to the Congress for the enactment of comprehensive legislation on Federal identification systems. Such legislation shall—

(1) give due consideration to protecting the privacy of persons who are the subject of any identification system;

(2) recommend appropriate civil and criminal sanctions for the misuse or unauthorized disclosure of personal identification information; and

(3) make recommendations providing for the exchange of personal identification information as authorized by Federal or State law or Executive order of the President or the chief executive officer of any of the several States.

TITLE VII—SURPLUS FEDERAL PROPERTY AMENDMENTS

SEC. 701. Section 203 of the Federal Property and Administrative Services Act of 1949

as amended (40 U.S.C. 484), is further amended by adding at the end thereof the following new subsection:

"(p)(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer or convey to the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof, surplus real and related personal property determined by the Attorney General to be required for correctional facility use by the authorized transferee or grantee under an appropriate program or project for the care or rehabilitation of criminal offenders as approved by the Attorney General. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States. If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance.

"(2) The deed of conveyance of any surplus real and related personal property disposed of under the provisions of this subsection—

"(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(B) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

"(3) With respect to surplus real and related personal property conveyed pursuant to this subsection, the Administrator is authorized and directed—

"(A) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

"(B) to reform, correct, or amend any such instrument by the execution of a corrective reformative or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

"(C) to (i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the transferee or other eligible user any right or interest reserved to the United States by any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he or she shall deem necessary to protect or advance the interests of the United States.".

SEC. 702. The first sentence of subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is further amended by revising the first sentence of such subsection to read as follows:

"(o) The Administrator with respect to personal property donated under subsection (j) of this section and with respect to real and related personal property transferred or conveyanced under subsection (p) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section, shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year.".

TITLE VIII—LABOR RACKETEERING AMENDMENTS

SEC. 801. (a) Subsection (d) of section 302 of the Labor Management Relations Act, 1947 (29 U.S.C. 186), is amended to read as follows:

"(d)(1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor-management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industry-wide labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c)(4) through (c)(9) of this section, and willfully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c)(4) through (c)(9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.".

(b) Subsection (e) of such section is amended to read as follows:

"(e) The district courts of the United States and the United States courts of the territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of Rule 65 of the Federal Rules of Civil Procedure (relating to notice to opposite party), over—

"(1) suits alleging a violation of this section brought by any person directly affected by the alleged violation, and

"(2) suits brought by the United States alleging that a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or a joint labor-management trust fund as provided for in clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industry-wide labor-management committee violates this section,

to restrain such violations without regard to the provisions of section 6 of the Clayton Act (15 U.S.C. 17), section 20 of such Act (29 U.S.C. 52), and sections 1 through 15 of the Act entitled 'An Act to amend the Judicial Code to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (29 U.S.C. 101-115).".

SEC. 802. (a) So much of subsection (a) of section 411 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111) as follows "the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401)," is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in whole or substantial part devoted to providing goods or services to any employee benefit plan, or

"(3) in any capacity that involves decision-making authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in paragraphs (1) through (3) would not be contrary to the purposes of this title. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice to such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection. Notwithstanding the preceding provisions of this subsection, no corporation or partnership will be precluded from acting as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan or as a consultant to any employee benefit plan without a notice, hearing, and

determination by such Parole Commission that such service would be inconsistent with the intention of this section.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who intentionally violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section—

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in an employee benefit plan as a result of a conviction, and

"(2) has filed an appeal of that conviction, any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 803. (a) So much of subsection (a) of section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) as follows "or a violation of title II or III of this Act" is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes, shall serve or be permitted to serve—

"(1) as a consultant or adviser to any labor organization,

"(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce, or

"(4) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization, or

"(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decisionmaking authority over, or custody of, or control of the moneys, funds, assets, or property of any labor organization,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this Act. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section—

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section 504 is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

"(2) has filed an appeal of that conviction, any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 804. (a) The amendments made by section 802 and section 803 of this title shall take effect with respect to any judgment of conviction entered by the trial court after the date of enactment of this title, except that that portion of such amendments relating to the commencement of the period of disability shall apply to any judgment of conviction entered prior to the date of enactment of this title if a right of appeal or an appeal from such judgment is pending on the date of enactment of this title.

(b) Subject to subsection (a) the amendments made by sections 803 and 804 shall not affect any disability under section 411 of the Employee Retirement Income Security Act of 1974 or under section 504 of the Labor-Management Reporting and Disclosure Act of 1959 in effect on the date of enactment of this title.

SEC. 805. (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

TITLE IX—CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT AMENDMENTS

SEC. 901. (a) Section 5321(a)(1) of title 31, United States Code, is amended by striking out "a civil penalty of not more than $1,000" and inserting in lieu thereof "a civil penalty of not more than $10,000".

(b) Subsection (a) of section 5322 of title 31, United States Code, is amended by striking out "$1,000, or imprisonment not more than one year, or both" and inserting in lieu thereof "$250,000, or imprisonment not more than five years, or both".

(c) Subsection (a) of section 5316 of title 31, United States Code, is amended—

(1) by inserting ", or attempts to transport or have transported," after "transports or has transported" in paragraph (1); and

(2) by striking out "more than $5,000" and inserting in lieu thereof "more than $10,000" in paragraph (1).

(d) Section 5317 of title 31, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following new subsection after subsection (a):

"(b) A customs officer may stop and search, without a search warrant, a vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported in violation of section 5316 of this title.".

(e) Chapter 53 of title 31 of the United States Code is amended by adding a new section 5323 at the end thereof as follows:

"§ 5323. Rewards for informants

"(a) The Secretary may pay a reward to an individual who provides original information which leads to a recovery of a criminal fine, civil penalty, or forfeiture, which exceeds $50,000, for a violation of this chapter.

"(b) The Secretary shall determine the amount of a reward under this section. The Secretary may not award more than 25 per centum of the net amount of the fine, penalty, or forfeiture collected or $150,000, whichever is less.

"(c) An officer or employee of the United States, a State, or a local government who provides information described in subsection (a) in the performance of official duties is not eligible for a reward under this section.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(f) The table of contents of chapter 53 of title 31 is amended by adding the following new item after the item relating to section 5322:

"5323. Rewards for informants.".

(g) Section 1961(1) of title 18, United States Code, is amended—

(1) by striking out "or" after "(relating to embezzlement from union funds),"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act".

TITLE X—MISCELLANEOUS VIOLENT CRIME AMENDMENTS

PART A—MURDER-FOR-HIRE AND VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY

SEC. 1001. (a) Chapter 1 of title 18 of the United States Code is amended by adding a new section 16 as follows:

"§ 16. Crime of violence defined

"The term 'crime of violence' means—

"(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

"(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

(b) The analysis for chapter 1 of title 18 of the United States Code is amended by adding at the end thereof the following:

"16. Crime of violence defined.".

SEC. 1002. (a) Chapter 95 of title 18, United States Code, is amended by adding new sections 1952A and 1952B, following section 1952, as follows:

"§ 1952A. Use of interstate commerce facilities in the commission of murder-for-hire

"(a) Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility in interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, shall be fined not more than $10,000 or imprisoned for not more than five years, or both; and if personal injury results, shall be fined not more than $20,000 and imprisoned for not more than twenty years, or both; and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both.

"(b) As used in this section and section 1952B—

"(1) 'anything of pecuniary value' means anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; and

"(2) 'facility of interstate commerce' includes means of transportation and communication.

"§ 1952B. Violent crimes in aid of racketeering activity

"(a) Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires so to do, shall be punished—

"(1) for murder or kidnaping, by imprisonment for any term of years or for life or a fine of not more than $50,000, or both;

"(2) for maiming, by imprisonment for not more than thirty years or a fine of not more than $30,000, or both;

"(3) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than twenty years or a fine of not more than $20,000, or both;

"(4) for threatening to commit a crime of violence, by imprisonment for not more than five years or a fine of not more than $5,000, or both;

"(5) for attempting or conspiring to commit murder or kidnaping, by imprisonment for not more than ten years or a fine of not more than $10,000, or both; and

"(6) for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury, by imprisonment for not more than three years or a fine of not more than $3,000, or both.

"(b) As used in this section—

"(1) 'racketeering activity' has the meaning set forth in section 1961 of this title; and

"(2) 'enterprise' includes any partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, which is engaged in, or the activities of which affect, interstate or foreign commerce.".

(b) The analysis at the beginning of chapter 95 of title 18 is amended by adding after the item relating to section 1952 the following:

"1952A. Use of interstate commerce facilities in the commission of murder-for-hire.

"1952B. Violent crimes in aid of racketeering activity.".

PART B—SOLICITATION TO COMMIT A CRIME OF VIOLENCE

SEC. 1003. (a) Chapter 19 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 373. Solicitation to commit a crime of violence

"(a) Whoever, with intent that another person engage in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against the person or property of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, solicits, commands, induces, or otherwise endeavors to persuade such other person to engage in such conduct, shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half of the maximum fine prescribed for the punishment of the crime solicited, or both; or if the crime solicited is punishable by death, shall be imprisoned for not more than twenty years.

"(b) It is an affirmative defense to a prosecution under this section that, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant prevented the commission of the crime solicited. A renunciation is not 'voluntary and complete' if it is motivated in whole or in part by a decision to postpone the commission of the crime until another time or to substitute another victim or another but similar objective. If the defendant raises the affirmative defense at trial, the defendant has the burden of proving the defense by a preponderance of the evidence.

"(c) It is not a defense to a prosecution under this section that the person solicited could not be convicted of the crime because he lacked the state of mind required for its commission, because he was incompetent or irresponsible, or because he is immune from prosecution or is not subject to prosecution.".

(b) The analysis at the beginning of chapter 19 of title 18 is amended by adding after the item relating to section 372 the following:

"373. Solicitation to commit a crime of violence.".

PART C—FELONY-MURDER RULE

SEC. 1004. Section 1111 of title 18 of the United States Code is amended by adding after the word "arson" the words "escape, murder, kidnaping, treason, espionage, sabotage,".

PART D—MANDATORY PENALTY FOR USE OF A FIREARM DURING A FEDERAL CRIME OF VIOLENCE

SEC. 1005. (a) Subsection (c) of section 924 of title 18 is amended to read as follows:

"(c) Whoever, during and in relation to any crime of violence, including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, for which he may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence, be sentenced to imprisonment for five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under

this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

PART E—ARMOR-PIERCING BULLETS

SEC. 1006. (a) Chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 929. Use of restricted ammunition

"(a) Whoever, during and in relation to the commission of a crime of violence including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device for which he may be prosecuted in a court of the United States, uses or carries any handgun loaded with armor-piercing ammunition as defined in subsection (b), shall, in addition to the punishment provided for the commission of such crime of violence be sentenced to a term of imprisonment for not less than five nor more than ten years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other terms of imprisonment including that imposed for the felony in which the armor-piercing handgun ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.

"(b) For purposes of this section—

"(1) 'armor-piercing ammunition' means ammunition which, when or if fired from any handgun used or carrried in violation of subsection (a) under the test procedure of the National Institute of Law Enforcement and Criminal Justice Standard for the Ballistics Resistance of Police Body Armor promulgated December 1978, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIA of Standard NILECJ-STD-0101.01 as formulated by the United States Department of Justice and published in December of 1978; and

"(2) 'handgun' means any firearm, including a pistol or revolver, originally designed to be fired by the use of a single hand.".

(b) The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"929. Use of restricted ammunition.".

PART F—KIDNAPING OF FEDERAL OFFICIALS

SEC. 1007. Section 1201 of title 18 of the United States Code is amended—

(1) in subsection (a)(3), by deleting "or" at the end thereof;

(2) in subsection (a)(4), by deleting the comma at the end thereof and substituting "; or"; and

(3) by adding after subsection (a)(4) a new subsection (a)(5) to read as follows:

"(5) The person is among those officers and employees designated in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of his official duties,".

PART G—CRIMES AGAINST FAMILY MEMBERS OF FEDERAL OFFICIALS

SEC. 1008. (a) Chapter 7 of title 18 of the United States Code is amended by adding a new section at the end thereof to read as follows:

"§ 115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member

"(a) Whoever assaults, kidnaps, or murders, or attempts to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under 18 U.S.C. 1114, as amended, with intent to impede, intimidate, interfere with, or retaliate against such official, judge or law enforcement officer while he is engaged in or on account of the performance of his official duties, shall be punished as provided in subsection (b).

"(b)(1) An assault in violation of this section shall be punished as provided in section 111 of this title.

"(2) A kidnaping or attempted kidnaping in violation of this section shall be punished as provided in section 1201 of this title.

"(3) A murder or attempted murder in violation of this section shall be punished as provided in sections 1111 and 1113 of this title.

"(4) A threat made in violation of this section shall be punished by a fine of not more than $5,000 or imprisonment for a term of not more than five years, or both, except that imprisonment for a threatened assault shall not exceed three years.

"(c) As used in this section, the term—

"(1) 'Federal law enforcement officer' means any officer, agent, or employee of the United States authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law;

"(2) 'immediate family member' of an individual means—

"(A) his spouse, parent, brother or sister, child or person to whom he stands in loco parentis; or

"(B) any other person living in his household and related to him by blood or marriage;

"(3) 'United States judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate; and

"(4) 'United States official' means the President, President-elect, Vice President, Vice President-elect, a Member of Congress, a member-elect of Congress, a member of the executive branch who is the head of a department listed in 5 U.S.C. 101, or the Director of The Central Intelligence Agency.".

"(b) The analysis of chapter 7 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member.".

PART H—ADDITION OF CRIMES OF MAIMING AND INVOLUNTARY SODOMY TO MAJOR CRIMES ACT

SEC. 1009. Section 1153 of title 18 is amended to read as follows:

"Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnaping, maiming, rape, involuntary sodomy, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

"As used in this section, the offenses of burglary, involuntary sodomy, and incest shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.

"In addition to the offenses of burglary, involuntary sodomy, and incest, any other of the above offenses which are not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.".

SEC. 1009A. Section 114 of title 18 is amended by deleting "Shall be fined not more than $1,000 or imprisoned not more than seven years, or both" and inserting in lieu thereof "Shall be fined not more than $25,000 and imprisoned not more than twenty years, or both".

PART I—DESTRUCTION OF MOTOR VEHICLES

SEC. 1010. Section 31 of title 18 of the United States Code is amended in the definition of "motor vehicle" by striking out "or passengers and property;" and inserting in lieu thereof "passengers and property, or property or cargo;".

PART J—DESTRUCTION OF ENERGY FACILITIES

SEC. 1011. (a) Chapter 65 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 1365. Destruction of an energy facility

"(a) Whoever knowingly and willfully damages the property of an energy facility in an amount that in fact exceeds $100,000, or damages the property of an energy facility in any amount and causes a significant interruption or impairment of a function of an energy facility, shall be punishable by a fine of not more than $50,000 or imprisonment for not more than ten years, or both.

"(b) Whoever knowingly and willfully damages the property of an energy facility in an amount that in fact exceeds $5,000 shall be punishable by a fine of not more than $25,000, or imprisonment for not more than five years, or both.

"(c) For purposes of this section, the term 'energy facility' means a facility that is involved in the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy, or research, development, or demonstration facilities relating thereto, regardless of whether such facility is still under construction or is otherwise not functioning, except a facility subject to the jurisdiction, administration, or in the custody of the Nuclear Regulatory Commission or interstate transmission facilities, as defined in 49 U.S.C. 1671.

"(d) The table of contents for chapter 65 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1365 Destruction of an energy facility.".

PART K—ASSAULTS UPON FEDERAL OFFICIALS

SEC. 1012. Section 1114 of title 18 of the United States Code is amended—

(1) by inserting "or attempts to kill" after "kills";

(2) by striking out "while engaged in the performance of his official duties or on account of the performance of his official

duties" and inserting in lieu thereof "or any United States probation or pretrial services officer, or any United States magistrate, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section,";

(3) by adding ", or any other officer, agency, or employee of the United States designated for coverage under this section in regulations issued by the Attorney General" after "National Credit Union Administration"; and

(4) by inserting before the period at the end thereof the following: ", except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

PART L—ESCAPE FROM CUSTODY RESULTING FROM CIVIL COMMITMENT

SEC. 1013. Section 1826 of title 28, United States Code is amended by adding a new subsection (c) as follows:

"(c) Whoever escapes or attempts to escape from the custody of any facility or from any place in which or to which he is confined pursuant to this section or section 4243 of title 18, or whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person, shall be subject to imprisonment for not more than three years, or a fine of not more than $10,000, or both.".

PART M—ARSON AMENDMENTS

SEC. 1014. Section 844 of title 18, United States Code, is amended by—

(1) by deleting "personal injury results" in subsections (d), (f), and (i) and substitute "personal injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection,";

(2) by deleting "death results" in subsections (d), (f), and (i) and substitute "death results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection,".

PART N—PHARMACY ROBBERY AND BURGLARY

SEC. 1015. This part may be cited as the "Pharmacy Protection and Violent Offender Control Act of 1984".

SEC. 1016. The Congress finds and declares that—

(1) robbers and other vicious criminals seeking to obtain controlled substances have targeted federally registered pharmacies and other registrants with increasing frequency;

(2) the dramatic escalation of the diversion of controlled substances for illegal purposes by persons who rob and terrorize federally registered pharmacies is directly related to successful efforts by the Department of Justice to prevent other forms of diversion of such substances;

(3) Congress did not intend that terrorization and victimization of pharmacists and other registrants and their families, employees, and customers should result from the aggressive enforcement of Federal drug laws;

(4) in order to address a discrepancy in Federal law, it is necessary to make robbery and burglary of a pharmacy or other registrant to obtain controlled substances a Federal offense, as is the case when such substances are obtained by fraud, forgery, or illegal dispensing or prescribing; and

(5) although the investigation and prosecution of pharmacy robbery and burglary is primarily the responsibility of State and local officials, any truly comprehensive strategy designed to curb crime must make available in appropriate cases the investigative and prosecutorial resources of the Federal Government which are made available when controlled substances are obtained by other unlawful means.

PURPOSE

SEC. 1017. It is the purpose of this part—

(1) to assist State and local law enforcement officials to more effectively repress pharmacy related crime;

(2) to enhance the expeditious prosecution and conviction of persons guilty of pharmacy crimes;

(3) to assure that convicted offenders receive appropriate penalties; and

(4) to provide additional protection for pharmacies, pharmacists, and other registrants against the increasing level of violence which accompanies unlawful efforts to obtain controlled substances.

PROHIBITED ACTS

SEC. 1018. (a) Part D of the Controlled Substances Act is amended by adding at the end thereof the following new section:

"ROBBERY OR BURGLARY OF A CONTROLLED SUBSTANCE FROM A PHARMACY

"SEC. 413. (a)(1) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, any material, compound, mixture, or prescription containing any quantity of a controlled substance belonging to, or in the care, custody, control, management, or possession of any pharmacy or a person registered with the Drug Enforcement Administration under section 202 shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(2) Whoever enters or attempts to enter the business premises or property of a pharmacy or a person registered with the Drug Enforcement Administration under section 302 with the intent to steal any material, compound, mixture, or prescription containing any quantity of a controlled substance shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(b) Whoever, in committing any offense under this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined not more than $10,000 and imprisoned not more than twenty-five years.

"(c) Whoever, in committing any offense under this section kills, any person, shall be subject to imprisonment for any term of years or for life.

"(d) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by fine or imprisonment, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.

"(e) For the purposes of this section, the term—

"(1) 'pharmacy' means the business premises or property, including storage facilities, vehicles, aircraft, trucks, or other means of transport or delivery;

"(2) 'pharmacist' means any person registered in accordance with this Act for the purpose of engaging in commercial activities involving the dispensing of any controlled substance to an ultimate user pursuant to the lawful order of a practitioner; and

"(3) 'controlled substance' has the meaning set forth in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(f) Violators of this section may be prosecuted only upon approval by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or a designated Assistant Attorney General, unless assistance is requested by a State or local law enforcement official.".

(b) The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 412 the following new item:

"Sec. 413. Robbery or burglary of a controlled substance from a pharmacist.".

COLLECTION OF DATE

SEC. 1019. In order to provide accurate and current information on the nature and extent of pharmacy crime, the Department of Justice shall collect relevant data and submit an annual report for each of the first three years after the date of enactment of this Act, to the Congress with respect to its enforcement activities relating to the offense described in this section.

PART O—RACKETEERING IN OBSCENE MATTER

SEC. 1020. Section 1961(1) of title 18, United States Code, is amended—

(1) in clause (A) by inserting after "extortion," the following: "dealing in obscene matter,"; and

(2) in clause (B) by inserting after "section 1343 (relating to wire fraud)," the following: "sections 1461-1465 (relating to obscene matter),".

TITLE XI—SERIOUS NONVIOLENT OFFENSES

PART A—CHILD PORNOGRAPHY

SEC. 1101. (a) Congress hereby finds that—

(1) child pornography has developed into a highly organized, multi-million-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 1102. Chapter 110 of title 18, United States Code, is amended to read as follows:

"CHAPTER 110—SEXUAL EXPLOITATION OF CHILDREN

"Sec.
"2251. Definitions for chapter.
"2252. Sexual exploitation of children.
"2253. Certain activities relating to material involving the sexual exploitation of minors.
"2254. Criminal forfeiture.
"2255. Civil forfeiture.
"2256. Reporting.

"§ 2251. Definitions for chapter

"For the purposes of this chapter, the term—

"(1) 'minor' means any person under the age of eighteen years;

"(2) 'sexually explicit conduct' means actual or simulated—

"(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(B) bestiality;

"(C) sado-masochistic abuse;

"(D) masturbation; or

"(E) a display of the genitals or pubic area of any person for the purpose of arousing or inciting sexual desire;

"(3) 'simulated' means the explicit depiction of any conduct described in clause (2) of this section which creates the actual appearance of such conduct;

"(4) 'producing' means producing, directing, manufacturing, issuing, publishing, or advertising; and

"(5) 'visual or print medium' means any film, photograph, negative, slide, book, magazine, or other visual or print medium.

"§ 2252. Sexual exploitation of children

"(a) Any person who knowingly employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, shall be punished as provided under subsection (c), if such person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed, or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct shall be punished as provided under subsection (c) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(c) Any person who violates this section shall be fined not more than $75,000 or imprisoned not more than ten years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $150,000 or imprisoned not less than two years nor more than fifteen years, or both.

"§ 2253. Certain activities relating to material involving the sexual exploitation of minors

"(a) Any person who—

"(1) knowingly transports or ships in interstate or foreign commerce or mails any visual or print medium, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium visually depicts such conduct or such visual or print medium is obscene and depicts such conduct; or

"(2) knowingly receives, sells or distributes any visual or print medium that has been transported or shipped in interstate or foreign commerce or mailed, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium visually depicts such conduct or such visual or print medium is obscene and depicts such conduct;

shall be punished as provided in subsection (b) of this section.

"(b)(1) Any person who violates this section shall be fined not more than $75,000 or imprisoned not more than ten years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $150,000 or imprisoned not less than two years nor more than fifteen years, or both. Any organization which violates this section shall be fined not more than $250,000.

"(2) For purposes of this section, the term 'organization' means a person other than an individual.

"§ 2254. Criminal forfeiture

"(a) Whoever violates any provision of section 2252 shall forfeit to the United States (1) any interest he has acquired or maintained in violation of section 2252, and (2) any interest in, security of, claim against, or property or contractural right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 2252.

"(b) In any action brought by the United States under this section, the district courts of the United States shall have jurisdiction to enter such restraining orders of prohibitions, or to take such other action, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

"(c)(1) Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the United States, it shall expire, and shall not revert to the convicted person.

"(2) All provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions thereof. Such duties as are imposed upon the collector of customs or any other person with respect to the disposition of property under the customs laws shall be performed under this chapter by the Attorney General.

"(3) The United States shall dispose of all such property as soon as commercially reasonable, making due provision for the rights of innocent persons.

"§ 2255. Civil forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) any visual or print medium produced, transported, shipped, or received in violation of this chapter; and

"(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

"§ 2256. Reporting

"Beginning one hundred and twenty days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to Congress the number of cases and convictions brought under section 2252 of title 18, United States Code, and the dollar amount of any forfeiture of assets under section 2254 of such title.".

PART B—WARNING THE SUBJECT OF A SEARCH

SEC. 1103. Section 2232 of title 18 of the United States Code is amended—

(a) by deleting in the first paragraph "shall be fined not more than $2,000 or imprisoned not more than one year, or both" and inserting in lieu thereof "shall be fined not more than $10,000 or imprisoned more than five years, or both;

(b) by adding a new paragraph as follows:

"Whoever, having knowledge that any person authorized to make searches and seizures has been authorized or is otherwise likely to make a search or seizure, in order to prevent the authorized seizing or securing of any person, goods, wares, merchandise or other property, gives notice or attempts to give notice of the possible search or seizure to any person shall be fined not more than $10,000 or imprisoned not more than five years, or both.".

PART C—PROGRAM FRAUD AND BRIBERY

SEC. 1104. (a) Chapter 31 of title 18 of the United States Code is amended by adding a new section 666 as follows:

"§ 666. Theft or bribery concerning programs receiving Federal funds

"(a) Whoever, being an agent of an organization, or of a State or local government agency, that receives benefits in excess of $10,000 in any one year period pursuant to a Federal program involving a grant, a contract, a subsidy, a loan, a guarantee, insurance, or another form of Federal assistance, embezzles, steals, purloins, willfully misapplies, obtains by fraud, or otherwise knowingly without authority converts to his own use or to the use of another, property having a value of $5,000 or more owned by or under the care, custody, or control of such organization or State or local government agency, shall be imprisoned for not more than ten years and fined not more than $100,000 or an amount equal to twice that which was obtained in violation of this subsection, whichever is greater, or both so imprisoned and fined.

"(b) Whoever, being an agent of an organization, or of a State or local government agency, described in subsection (a), solicits, demands, accepts, or agrees to accept anything of value from a person or organization other than his employer or principal for or because of the recipient's conduct in any transaction or matter or a series of transactions or matters involving $5,000 or more concerning the affairs of such organization or State or local government agency, shall be imprisoned for not more than ten years

or fined not more than $100,000 or an amount equal to twice that which was obtained, demanded, solicited or agreed upon in violation of this subsection, whichever is greater, or both so imprisoned and fined.

"(c) Whoever offers, gives, or agrees to give to an agent of an organization or of a State or local government agency, described in subsection (a), anything of value for or because of the recipient's conduct in any transaction or matter or any series of transactions or matters involving $5,000 or more concerning the affairs of such organization or State or local government agency, shall be imprisoned not more than ten years or fined not more than $100,000 or an amount equal to twice that offered, given or agreed to be given, whichever is greater, or both so imprisoned and fined.

"(d) For purposes of this section—

"(1) 'agent' means a person or organization authorized to act on behalf of another person, organization or a government and, in the case of an organization or a government, includes a servant or employee, a partner, director, officer, manager and representative;

"(2) 'organization' means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, and any other association of persons;

"(3) 'government agency' means a subdivision of the executive, legislative, judicial, or other branch of a government, including a department, independent establishment, commission, administration, authority, board, and bureau; or a corporation or other legal entity established by, and subject to control by, a government or governments for execution of a governmental or intergovernmental program; and

"(4) 'local' means of or pertaining to a political subdivision within a State.".

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code is amended by adding after the item relating to section 665 the following:

"666. Theft or bribery concerning programs receiving Federal funds.".

PART D—COUNTERFEITING OF STATE AND CORPORATE SECURITIES AND FORGING OF ENDORSEMENTS OR SIGNATURES ON UNITED STATES SECURITIES

SEC. 1105. (a) Chapter 25 of title 18 of the United States Code is amended by adding the following new sections at the end thereof:

"§ 510. Securities of the States and private entities

"(a) Whoever makes, utters or possesses a counterfeited security of a State or a political subdivision thereof or of an organization, or whoever makes, utters or possesses a forged security of a State or political subdivision thereof or of an organization, with intent to deceive another person, organization, or government shall be fined not more than $250,000 or imprisoned for not more than ten years, or both.

"(b) Whoever makes, receives, possesses, sells or otherwise transfers an implement designed for or particularly suited for making a counterfeit or forged security with the intent that it be so used shall be punished by a fine of not more than $250,000 or by imprisonment for not more than ten years, or both.

"(c) For purposes of this section—

"(1) the term 'counterfeited' means a document that purports to be genuine but is not, because it has been falsely made or manufactured in its entirety;

"(2) the term 'forged' means a document that purports to be genuine but is not because it has been falsely altered, completed, signed, or endorsed, or contains a false addition thereto or insertion therein, or is a combination of parts of two or more genuine documents;

"(3) the term 'security' means—

"(A) a note, stock certificate, treasury stock certificate, bond, treasury bond, debenture, certificate of deposit, interest coupon, bill, check, draft, warrant, debit instrument as defined in section 916(c) of the Electronic Fund Transfer Act (15 U.S.C. 1693(c)), money order, traveler's check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest in or participation in any profit-sharing agreement collateral-trust certificate, pre-reorganization certificate of subscription, transferable share, investment contract, voting trust certificate, or certificate of interest in tangible or intangible property;

"(B) an instrument evidencing ownership of goods, wares, or merchandise;

"(C) any other written instrument commonly known as a security;

"(D) a certificate of interest in, certificate of participation in, certificate for, receipt for, or warrant or option or other right to subscribe to or purchase, any of the foregoing; or

"(E) a blank form of any of the foregoing;

"(4) the term 'organization' means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, society, union, or any other association or persons which operates in or the activities of which affect interstate or foreign commerce; and

"(5) the term 'State' includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States.

"§ 511. Forging endorsements or signature on securities of the United States

"(a) Whoever—

"(1) with intent to defraud, forges any endorsement or signature on a security of the United States;

"(2) with intent to defraud, passes, utters, or publishes, or attempts to pass, utter, or publish any security of the United States bearing a forged endorsement or signature; or

"(3) with knowledge that a security of the United States is stolen or bears a forged endorsement or signature, buys, sells, exchanges, receives, delivers, retains, or conceals any such security of the United States that in fact is stolen or bears a forged endorsement or signature—

shall be fined not more than $250,000 or imprisoned not more than ten years, or both; but if the face value of the security of the United States or the aggregate face value, if more than one security, does not exceed $500 in any of the above offenses, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"(b) For purposes of this section—

"(1) the term 'forge' means to create an endorsement or signature which purports to be genuine but is not because it has been falsely signed, made, completed, altered, subjected to a false addition, or subjected to a combination of parts of two or more genuine endorsements or signatures;

"(2) the term 'security' means (A) an obligation of the United States or (B) any security as defined in section 510(c)(3) of this title.".

(b) The analysis at the beginning of chapter 25 of title 18 is amended by adding after the item relating to section 509 the following:

"510. Securities of the State and private entities.

"511. Forging endorsements or signatures on securities of the United States.".

(c) Section 3056(a) of title 18 of the United States Code is amended by inserting "511," after "509,".

PART E—RECEIPT OF STOLEN BANK PROPERTY

SEC. 1106. Subsection (c) of section 2113 of title 18 is amended to read as follows:

"(c) Whoever receives, possesses, conceals, stores, barters, sells, or disposes of, any property or money or other thing of value which has been taken or stolen from a bank, credit union, or savings and loan association in violation of subsection (b), knowing the same to be property which has been stolen shall be subject to the punishment provided in subsection (b) for the taker.".

PART F—BANK BRIBERY

SEC. 1107. (a) Section 215 of title 18 is amended to read as follows:

"(a) Whoever, being an officer, director, employee, agent, or attorney of any financial institution, bank holding company, or savings and loan holding company, except as provided by law, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of value, for himself or for any other person or entity, other than such financial institution, from any person or entity for or in connection with any transaction or business of such financial institution; or

"(b) Whoever, except as provided by law, directly or indirectly, gives, offers, or promises anything of value to any officer, director, employee, agent, or attorney of any financial institution, bank holding company, or savings and loan holding company, or offers or promises any such officer, director, employee, agent, or attorney to give anything of value to any person or entity, other than such financial institution, for or in connection with any transaction or business of such financial institution, shall be fined not more than $5,000 or three times the value of anything offered, asked, given, received, or agreed to be given or received, whichever is greater, or imprisoned not more than five years, or both; but if the value of anything offered, asked, given, received, or agreed to be given or received does not exceed $100, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) As used in this section—

"(1) 'financial institution' means—

"(A) any bank the deposits of which are insured by the Federal Deposit Insurance Corporation;

"(B) any member, as defined in section 2 of the Federal Home Loan Bank Act, as amended, of the Federal Home Loan Bank System and any Federal Home Loan Bank;

"(C) any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation;

"(D) any credit union the accounts of which are insured by the Administrator of the National Credit Union Administration;

"(E) any Federal land bank, Federal land bank association, Federal intermediate credit bank, production credit association, bank for cooperatives; and

"(F) a small business investment company, as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); and

"(2) 'bank holding company' or 'savings and loan holding company' means any person, corporation, partnership, business trust, association or similar organization which controls a financial institution in such a manner as to be a bank holding company or a savings and loan holding company under the Bank Holding Company Act Amendments of 1956 (12 U.S.C. 1841) or the Savings and Loan Holding Company Amendments of 1967 (12 U.S.C. 1730a).

"(d) This section shall not apply to the payment by a financial institution of the usual salary or director's fee paid to an officer, director, employee, agent, or attorney thereof, or to a reasonable fee paid by such financial institution to such officer, director, employee, agent, or attorney for services rendered to such financial institution.".

(b) Section 216 of title 18 is repealed, and the section analysis of chapter 11 for section 216 be amended to read:

"216. Repealed.".

PART G—BANK FRAUD

SEC. 1108. (a) Chapter 63 of title 18 of the United States Code is amended by adding a new section as follows:

"§ 1344. Bank fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud a federally chartered or insured financial institution; or

"(2) to obtain any of the moneys, funds, credits, assets, securities or other property owned by or under the custody or control of a federally chartered or insured financial institution by means of false or fraudulent pretenses, representations, or promises, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) As used in this section, the term 'federally chartered or insured financial institution' means—

"(1) a bank with deposits insured by the Federal Deposit Insurance Corporation;

"(2) an institution with accounts insured by the Federal Savings and Loan Insurance Corporation;

"(3) a credit union with accounts insured by the National Credit Union Administration Board;

"(4) a Federal home loan bank or a member, as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), of the Federal home loan bank system; or

"(5) a bank, banking association, land bank, intermediate credit bank, bank for cooperatives, production credit association, land bank association, mortgage association, trust company, savings bank, or other banking or financial institution organized or operating under the laws of the United States.".

(b) The analysis for chapter 63 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1344. Bank fraud.".

PART H—POSSESSION OF CONTRABAND IN PRISON

SEC. 1109. (a) Section 1791 of title 18, United States Code is amended to read as follows:

"§1791. Providing or possessing contraband in prison

"(a) OFFENSE.—A person commits an offense if, in violation of a statute, or a regulation, rule, or order issued pursuant thereto—

"(1) he provides, or attempts to provide, to an inmate of a Federal penal or correctional facility—

"(A) a firearm or destructive device;

"(B) any other weapon or object that may be used as a weapon or as a means of facilitating escape;

"(C) a narcotic drug as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(D) a controlled substance, other than a narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), or an alcoholic beverage;

"(E) United States currency; or

"(F) any other object; or

"(2) being an inmate of a Federal penal or correctional facility, he makes, possesses, procures, or otherwise provides himself with, or attempts to make, possess, procure, or otherwise provide himself with, anything described in paragraph (1).

"(b) GRADING.—An offense described in this section is punishable by—

"(1) imprisonment for not more than ten years, a fine of not more than $25,000, or both, if the object is anything set forth in paragraph (1)(A);

"(2) imprisonment for not more than five years, a fine of not more than $10,000, or both, if the object is anything set forth in paragraph (1)(B) or (1)(C);

"(3) imprisonment for not more than one year, a fine of not more than $5,000, or both, if the object is anything set forth in paragraph (1)(D) or (1)(E); and

"(4) imprisonment for not more than six months, a fine of not more than $1,000, or both, if the object is any other object.

"(c) DEFINITIONS.—As used in this section, 'firearm' and 'destructive device' have the meaning given those terms, respectively, in 18 U.S.C. 921(a) (3) and (4).".

(b) Section 1792 of title 18, United States Code, is amended to read as follows:

"§1792. Mutiny and riot prohibited

"Whoever instigates, connives, willfully attempts to cause, assists, or conspires to cause any mutiny or riot, at any Federal penal or correctional facility, shall be imprisoned not more than ten years or fined not more than $25,000, or both.";

(c) The analysis at the beginning of chapter 87 of title 18, United States Code, is amended to read as follows:

"CHAPTER 87

"Sec.
"1791. Providing or possessing contraband in prison.
"1792. Mutiny and riot prohibited.";

(d) Chapter 301 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 4012. Summary seizure and forfeiture of prison contraband

"An officer or employee of the Bureau of Prisons may, pursuant to rules and regulations of the Director of the Bureau of Prisons, summarily seize any object introduced into a Federal penal or correctional facility or possessed by an inmate of such a facility in violation of a rule, regulation or order promulgated by the Director, and such object shall be forfeited to the United States."; and

(e) The analysis at the beginning of chapter 301 of title 18, United States Code, is amended by adding after the item relating to section 4011 the following:

"4012. Summary seizure and forfeiture of prison contraband.".

PART I—LIVESTOCK FRAUD

SEC. 1110. This Part may be cited as the "Livestock Fraud Protection Act".

SEC. 1111. Chapter 31 of title 18, United States Code, is amended by adding a new section 667 to read as follows:

"§ 667. Theft of livestock

"Whoever obtains or uses the property of another which has a value of $10,000 or more in connection with the marketing of livestock in interstate or foreign commerce with intent to deprive the other of a right to the property or a benefit of the property or to appropriate the property to his own use or the use of another shall be fined not more than $10,000 or imprisoned not more than five years, or both.".

SEC. 1112. The analysis of chapter 31 of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"667. Theft of livestock.".

SEC. 1113. Section 2316 of title 18, United States Code, is amended by striking out "cattle" each place it appears in the section heading and in the text and inserting in lieu thereof in such instance "livestock".

SEC. 1114. Section 2317 of title 18, United States Code, is amended by striking "cattle" each place it appears in the section heading and in the text and inserting in lieu thereof in such instance "livestock".

SEC. 1115. The analysis of chapter 113 of title 18, United States Code, is amended by striking out "cattle" in sections 2316 and 2317 and inserting in lieu thereof "livestock".

PART J—18 U.S.C. 219 AMENDMENT

SEC. 1116. Section 219 of title 18, United States Code, is amended by:

(1) striking out "an officer or employee" and inserting in lieu thereof "a public official"; and

(2) adding at the end thereof the following new paragraph:

"For the purpose of this section 'public official' means Member of Congress, the Delegate from the District of Columbia, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Governments thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.".

TITLE XII—PROCEDURAL AMENDMENTS

PART A—PROSECUTION OF CERTAIN JUVENILES AS ADULTS

SEC. 1201. (a) The first paragraph of section 5032 of title 18 of the United States Code is amended to read as follows:

"A juvenile alleged to have committed an act of juvenile delinquency, other than a violation of law committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed six months, shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to the appropriate district court of the United States that (1) the juvenile court or other appropriate court of a State does not have jurisdiction or refuses

to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, (2) the State does not have available programs and services adequate for the needs of juveniles, or (3) the offense charged is a crime of violence that is a felony or an offense described in section 841, 952(a), 955, or 959 of title 21, and that there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction."

(b) The fourth paragraph of section 5032 of title 18 of the United States Code is amended—

(1) by striking "punishable by a maximum term of ten years imprisonment or more, life imprisonment or death," and inserting in lieu thereof: "that is a crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21,";

(2) by striking out "sixteen" and "sixteenth" and inserting in lieu thereof "fifteen" and "fifteenth" respectively; and

(3) by striking out the period at the end of the paragraph and inserting in lieu thereof: "; however, a juvenile who is alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this title, and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this subsection or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution."; and

(c) Section 5032 of title 18 of the United States Code is further amended by adding at the end thereof the following:

"Whenever a juvenile transferred to district court under this section is not convicted of the crime upon which the transfer was based or another crime which would have warranted transfer had the juvenile been initially charged with that crime, further proceedings concerning the juvenile shall be conducted pursuant to the provisions of this chapter.

"Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until any prior juvenile court records of such juvenile have been received by the court, or the clerk of the juvenile court has certified in writing that the juvenile has no prior record, or that the juvenile's record is unavailable and why it is unavailable.

"Whenever a juvenile is adjudged delinquent pursuant to the provisions of this chapter, the specific acts which the juvenile has been found to have committed shall be described as part of the official record of the proceedings and part of the juvenile's official record.".

SEC. 1202. Section 5038 of title 18 of the United States Code is amended to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout and upon the completion of the juvenile delinquency proceeding, the records shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security; and

"(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.

Unless otherwise authorized by this section, information about the juvenile record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the Government, or others entitled under this section to receive juvenile records.

"(d) Whenever a juvenile is found guilty of committing an act which if committed by an adult would be a felony that is a crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21, such juvenile shall be fingerprinted and photographed. Except a juvenile described in subsection (f), fingerprints and photographs of a juvenile who is not prosecuted as an adult shall be made available only in accordance with the provisions of subsection (a) of this section. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

"(e) Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding.

"(f) Whenever a juvenile has on two separate occasions been found guilty of committing an act which if committed by an adult would be a felony crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21, the court shall transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudications, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matters were juvenile adjudications.".

PART B—WIRETAP AMENDMENTS

SEC. 1203. (a) Section 2518(7) of title 18 of the United States Code is amended by inserting ", the Deputy Attorney General, the Associate Attorney General," after the words "Attorney General";

(b) Paragraph (a) of section 2518(7) of title 18 of the United States Code is amended to read as follows:

"(a) an emergency situation exists that involves—

"(i) immediate danger of death or serious physical injury to any person,

"(ii) conspiratorial activities threatening the national security interest, or

"(iii) conspiratorial activities characteristic of organized crime,

that requires a wire or oral communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and".

(c) Subsection (1) of section 2516 of title 18 of the United States Code is amended—

(1) in paragraph (c) by adding "section 1343 (fraud by wire, radio, or television), section 2252 or 2253 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),";

(2) again in paragraph (c) by deleting "section 1503" and substituting "sections 1503, 1512, and 1513";

(3) by deleting the "or" at the end of paragraph (f), by redesignating present paragraph "(g)" as "(h)", and by inserting a new paragraph (g) as follows:

"(g) a violation of section 5322 of title 31, United States Code (dealing with the reporting of currency transactions); or" and

(4) in the first paragraph by inserting the words "Deputy Attorney General, Associate Attorney General," after the words "Attorney General.".

PART C—EXPANSION OF VENUE FOR THREAT OFFENSES

SEC. 1204. (a) The second paragraph of subsection (a) of section 3237 of title 18, United States Code is amended to read as follows:

"Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves.".

(b) Section 3239 of title 18 of the United States Code is deleted, and amend section analysis accordingly.

PART D—INJUNCTIONS AGAINST FRAUD

SEC. 1205. (a) Chapter 63 of title 18 of the United States Code is amended by adding at the end thereof a new section 1345 as follows:

"§ 1345. Injunctions against fraud

"Whenever it shall appear that any person is engaged or is about to engage in any act which constitutes or will constitute a violation of this chapter, the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such violation. The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the re-

spondent, discovery is governed by the Federal Rules of Criminal Procedure.".

(b) The analysis at the beginning of chapter 63 of title 18 is amended by adding after the item relating to section 1343 the following:

"1345. Injunctions against fraud.".

PART E—GOVERNMENT APPEAL OF POST-CONVICTION NEW TRIAL ORDERS

SEC. 1206. The first paragraph of section 3731 of title 18 of the United States Code is amended by adding, after "indictment or information" the words, "or granting a new trial after verdict or judgment,".

PART F—WITNESS SECURITY PROGRAM IMPROVEMENTS

SEC. 1207. (a) Title 18 of the United States Code is amended by adding after chapter 223 the following new chapter:

"CHAPTER 224—PROTECTION OF WITNESSES

"Sec.
"3521. Witness relocation and protection.
"3522. Reimbursement of expenses.
"3523. Penalty for wrongful disclosure.
"3524. Definition for chapter.

"§ 3521. Witness relocation and protection

"(a) RELOCATION.—The Attorney General may provide for the relocation or protection of a Government witness or a potential Government witness in an official proceeding concerning an organized criminal activity or other serious offense if the Attorney General determines that an offense described in section 1512 or 1513, or a State or local offense that is similar in nature or that involves a crime of violence directed at a witness, is likely to be committed. The Attorney General may also provide for the relocation or protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered. The Attorney General shall issue guidelines defining the types of cases for which the exercise of authority of the Attorney General contained in this subsection would be appropriate. Before providing protection to any person under this chapter, the Attorney General shall—

"(1) to the extent practicable, obtain and consider information relating to the suitability of the person for inclusion in the program, including the criminal history, if any, and a psychological evaluation of, the person;

"(2) make a written assessment in each case of the seriousness of the investigation or case in which the person's information or testimony has been or will be provided, and the possible risk of danger to persons and property in the community where the person is to be relocated; and

"(3) determine that the need for such protection outweighs the risk of danger to the public.

Neither the United States nor the Attorney General shall be subject to civil liability on account of a decision to provide protection under this chapter.

"(b) RELATED PROTECTIVE MEASURES.—In connection with the relocation or protection of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the Attorney General may take any action he determines to be necessary to protect such person from bodily injury, and otherwise to assure his health, safety, and welfare, for as long as, in the judgment of the Attorney General, such danger exists. The Attorney General may—

"(1) provide suitable official documents to enable a person relocated to establish a new identity;

"(2) provide housing for the person relocated or protected;

"(3) provide for the transportation of household furniture and other personal property to the new residence of the person relocated;

"(4) provide a tax free subsistence payment, in a sum established in regulations issued by the Attorney General, for such times as the Attorney General determines to be warranted;

"(5) assist the person relocated in obtaining employment; and

"(6) disclose or refuse to disclose the identity or location of the person relocated or protected, or any other matter concerning the person or the program after weighing the danger such a disclosure would pose to the person, the detriment it would cause to the general effectiveness of the program, and the benefit it would afford to the public or to the person seeking the disclosure, except that the Attorney General shall, upon the request of State or local law enforcement officials, promptly disclose to such officials the identity and location, criminal records, fingerprints, and other relevant information relating to the person relocated or protected when it appears that the person is under investigation for or has been arrested for or charged with an offense that is punishable by more than one year in prison or that is a crime of violence. The Attorney General shall establish an accurate and effective system of records concerning the criminal history of persons provided protection under this chapter in order to provide the information described in this paragraph.

"(c) CIVIL ACTION AGAINST A RELOCATED PERSON.—Notwithstanding the provisions of subsection (b)(6), if a person relocated under this section is named as a defendant in a civil cause of action, arising prior to the person's relocation, for damages resulting from bodily injury, property damage, or injury to business, process in the civil proceeding may be served upon the Attorney General. The Attorney General shall make reasonable efforts to serve a copy of the process upon the person relocated at his last known address. If a judgment in such an action is entered against the person relocated, the Attorney General shall determine whether the person has made reasonable efforts to comply with the provisions of that judgment. The Attorney General shall take affirmative steps to urge the person relocated to comply with any judgment rendered. If the Attorney General determines that the person has not made reasonable efforts to comply with the provisions of the judgment, he may, in his discretion, after weighing the danger to the person relocated, disclose the identity and location of that person to the plaintiff entitled to recovery pursuant to the judgment. Any such disclosure shall be made upon the express condition that further disclosure by the plaintiff of such identity or location may be made only if essential to the plaintiff's efforts to recover under the judgment, and only to such additional persons as is necessary to effect the recovery. Any such disclosure or nondisclosure by the Attorney General shall not subject the Government to liability in any action based upon the consequences thereof.

"(d) ENFORCEMENT OF JUDGMENT IN CIVIL ACTION BY SPECIAL MASTER.—(1) Anytime one hundred twenty days after a decision by the Attorney General to deny disclosure of the current identity and location of a person provided protection under this chapter to any person who holds a judicial order or judgment for money or damages entered by a Federal or State court in his favor against the protected person, the person who holds the judicial order or judgment for money or damages shall have standing to petition the United States district court in the district where the petitioner resides for appointment of a special master. The United States district court in the district where the petitioner resides shall have jurisdiction over actions brought under this subsection.

"(2) (A) Upon a determination that—

"(i) the petitioner holds a Federal or State judicial order or judgment; and

"(ii) the Attorney General has declined to disclose to the petitioner the current identity and location of the protected person with respect to whom the order of judgment was entered,

the court shall appoint a special master to act on behalf of the petitioner to enforce the order or judgment.

"(B) The clerk of the court shall promptly furnish the master appointed pursuant to clause (A) with a copy of the order of appointment. The Attorney General shall disclose to the master the current identity and location of such protected person and any other information necessary to enable the master to carry out his duties under this subsection. It is the responsibility of the court to assure that the master proceeds with all reasonable diligence and dispatch to enforce the rights of the petitioner.

"(3) It is the duty of the master to—

"(A) proceed with all reasonable diligence and dispatch to enforce the rights of the petitioner; and

"(B) to carry out his enforcement duties in a manner that minimizes, to the extent practicable, the safety and security of the protected person.

The master may disclose to State or Federal court judges, to the extent necessary to effect the judgment, the new identity or location of the protected person. In no other cases shall the master disclose the new identity or location of the protected person without permission of the Attorney General. Any good faith disclosure made by the master in the performance of his duties under this subsection shall not create civil liability against the United States.

"(4) Upon appointment, the master shall have the power to take any action with respect to the judgment or order which the petitioner could take including the initiation of judicial enforcement actions in any Federal or State court or the assignment of such enforcement actions to a third party under applicable Federal or State law.

"(5) The costs of the action authorized by this subsection and the compensation to be allowed to a master shall be fixed by the court and shall be apportioned among the parties as follows:

"(A) the petitioner shall be assessed in the amount he would have paid to collect on his judgment in an action not arising under the provisions of this section; and

"(B) the protected person shall be assessed the costs which are normally charged to debtors in similar actions and any other costs which are incurred as a result of an action brought pursuant to this section.

In the event that the costs and compensation to the master are not met by the petitioner or protected person, the court may, in its discretion, enter judgment against the

United States for costs and fees reasonably incurred as a result of an action brought pursuant to this section.

"(e) RESOLUTION OF COMPLAINTS OR GRIEVANCES.—The Attorney General shall establish guidelines and procedures for the resolution of complaints or grievances of persons provided protection under this chapter regarding the administration of the program.

"§ 3522. Reimbursement of expenses

"The provision of transportation, housing, subsistence, or other assistance to a person under section 3521 may be conditioned by the Attorney General upon reimbursement of expenses in whole or in part to the United States by a State or local government.

"§ 3523. Penalty for wrongful disclosure

"Whoever without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under section 3521(b)(6) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"§ 3524. Definition for chapter

"As used in this subchapter 'government' includes the Federal Government and a State or local government.".

(b) The table of chapters for part II of title 18, United States Code, is amended by adding after the item for chapter 223 the following new item:

"224. Protection of witnesses ..... 3521".

(c) Title V of the Organized Crime Control Act of 1970 (84 Stat. 933) is repealed.

(d) Section 568 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Appropriations"; and

(2) by adding at the end thereof a new subsection to read as follows:

"(b) Without regard to the provisions of sections 3302 and 9701 of title 31 of the United States Code, the United States Marshals Service is authorized, to the extent provided in the Appropriations Act, to credit to its appropriations account all fees, commissions, and expenses collected for—

"(1) the service of civil process, including complaints, summonses, subpoenas, and similar process; and

"(2) seizures, levies, and sales associated with judicial orders of execution;

for the purposes of carrying out these activities. Such credited amounts may be carried over from year to year for these purposes.".

PART G—CLARIFICATION OF CHANGE OF VENUE FOR CERTAIN TAX OFFENSES

SEC. 1208. Section 3237(b) of title 18 of the United States Code is amended to read as follows:

"(b) Notwithstanding the second paragraph of subsection (a), where an offense is described in section 7203 of the Internal Revenue Code of 1954, or where venue for prosecution of an offense described in section 7201 or 7206 (1), (2) or (5) of such Code (whether or not the offense is also described in another provision of law) is based solely on a mailing to the Internal Revenue Service, and prosecution is begun in a judicial district other than the judicial district in which the defendant resides, he may upon motion filed in the district in which the prosecution is begun, elect to be tried in the district in which he was residing at the time the alleged offense was committed: *Provided,* That the motion is filed within twenty days after arraignment of the defendant upon indictment or information.".

PART H—18 U.S.C. 951 AMENDMENTS

SEC. 1209. Section 951 of title 18, United States Code, is amended by—

(1) striking out "Secretary of State" and inserting in lieu thereof "Attorney General if required in subsection (b)";

(2) inserting "(a)" before "Whoever" and adding at the end of such subsection the following new subsections:

"(b) The Attorney General shall promulgate rules and regulations establishing requirements for notification.

"(c) The Attorney General shall, upon receipt, promptly transmit one copy of each notification statement filed under this section to the Secretary of State for such comment and use as the Secretary of State may determine to be appropriate from the point of view of the foreign relations of the United States. Failure of the Attorney General to do so shall not be a bar to prosecution under this section.

"(d) For purposes of this section, the term 'agent of a foreign government' means an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official, except that such term does not include—

"(1) a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State;

"(2) any officially and publicly acknowledged and sponsored official or representative of a foreign government;

"(3) any officially and publicly acknowledged and sponsored member of the staff of, or employee of, an officer, official, or representative described in paragraph (1) or (2), who is not a United States citizen; or

"(4) any person engaged in a legal commercial transaction.".

PART I—JURISDICTION OVER CRIMES BY UNITED STATES NATIONALS IN PLACES OUTSIDE THE JURISDICTION OF ANY NATION

SEC. 1210. Section 7 of title 18, United States Code, is amended by adding a new paragraph, as follows:

"(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.".

PART J—DEPARTMENT OF JUSTICE INTERNAL OPERATIONS GUIDELINES

SEC. 1211. The Attorney General shall, not later than twelve months after the date of enactment of this Act, provide a detailed report to the Congress concerning—

(1) the extent to which internal operating guidelines promulgated by the Attorney General for the direction of the investigative and prosecutorial activities of the Department of Justice have been relied upon by criminal defendants in courts of the United States as the basis for due process challenges to indictment and prosecution by law enforcement authorities of crimes prohibited by Federal statute;

(2) the extent to which courts of the United States have sustained challenges based upon such guidelines in cases wherein it has been alleged that Federal investigative agents or prosecutorial personnel have failed to comply with the requirements of such internal operating guidelines, and the extent and nature of such failures to comply as the courts of the United States have found to exist;

(3) the remedial measures taken by the Attorney General to ensure the minimization of such violations of internal operating guidelines by the investigative or prosecutorial personnel of the Department of Justice; and

(4) the advisability of the enactment of legislation that would prohibit criminal defendants in the courts of the United States from relying upon such violations as grounds for the dismissal of indictments, suppression of evidence, or the vacation of judgments of conviction.

PART K—NOTICE ON SOCIAL SECURITY CHECKS

SEC. 1212. (a) The Secretary of the Treasury shall take such steps as may be necessary to provide that all checks issued for payment of benefits under title II of the Social Security Act, and the envelopes in which such checks are mailed, contain a printed notice that the commission of forgery in conjunction with the cashing or attempted cashing of such checks constitutes a violation of Federal law. Such notice shall also state the maximum penalties for forgery under the applicable provisions of title 18 of the United States Code.

(b) Subsection (a) shall apply with respect to checks issued for months after the ninth month after the date of the enactment of this Act.

PART L—FOREIGN EVIDENCE IMPROVEMENTS

SEC. 1213. This part may be cited as the "Acquisition of Foreign Evidence Improvements Act".

FOREIGN RECORDS ADMISSIBILITY

SEC. 1214. (a) Chapter 223 of title 18, United States Code, is amended by striking out sections 3491 through 3494 and all references thereto and inserting in lieu thereof the following:

"§ 3491. Foreign records of regularly conducted activity

"(a) A document, or copy thereof, which is a memorandum, report, record, or data compilation in any form, of acts, events, conditions, opinions or diagnoses, made or maintained in a foreign country shall be admissible in any criminal action or proceeding in any court of the United States as evidence of the matters set forth therein if a competent person certifies, under circumstances which subject him to the penalties for perjury in that country—

"(1) that the document is made or kept in the course of a regularly conducted business activity;

"(2) that it is a regular practice of that business activity to make or keep a document of that kind;

"(3) that the document was made at or about the time of the occurrence of the matters set forth, by, or from information transmitted by a person with knowledge of those matters;

"(4) his position in the management or employ of the business activity and how he is in a position to know the matters which he certifies under paragraphs (1) through (3) and paragraph (5); and

"(5) if the document is not the original, that it is a true and exact copy of the original.

"(b) A certification in compliance with subsection (a) shall constitute prima facie proof of the genuineness and trustworthiness of the document, and of the competency of the person making the certification.

"(c) The memorandum, report, record or data compilation and the statement of the custodian or other qualified witness may not be admitted in evidence unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, his intention to offer the statement and the

particulars of it, including the name and address of the custodian or other qualified witness.

"(d) Upon written demand of the proponent of the evidence to be admitted, the adverse party shall serve upon such proponent, within ten days after such demand, a written notice of his intention to object. Such notice of intention shall state the nature and basis for such objection.".

(b) The table of sections for chapter 223 of title 18, United States Code, is amended by striking out the items relating to sections 3491 through 3494 and inserting in lieu thereof the following:

"3491. Foreign records of regularly conducted activity.".

APPOINTMENT OF MASTERS

SEC. 1215. Rule 15 of the Federal Rules of Criminal Procedure is amended by adding at the end thereof the following:

"(h) MASTERS AT FOREIGN DEPOSITIONS.—A court may appoint a master to attend a deposition taken outside the United States to act on behalf of the court to the extent possible. Such deposition shall be taken and filed in a manner consistent with this rule and subject to any additional conditions as the court shall provide, except that, notwithstanding any other provision of law, the Federal Rules of Evidence shall not apply.".

NOTICE TO UNITED STATES AUTHORITY

SEC. 1216. Section 1781 of title 28, United States Code, is amended by adding at the end thereof the following:

"(c) No person or entity subject to the jurisdiction of the United States shall take, or cause to be taken, any action in a foreign country to impair, delay, challenge or prevent the execution of a request by the United States or any agency or authority thereof either through letters rogatory, treaty, convention, or any other means, for evidence located in that country, without having simultaneously served the United States or private litigant with copies of every pleading, objection, opposition, or other document submitted to any foreign authority in furtherance of such action.".

LIMITATIONS AMENDMENT

SEC. 1217. (a) Chapter 213 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 3292. Suspension of limitations to obtain foreign information or evidence

"(a) Upon application to the court in which the offense lies, the running of any period of limitations applicable to any offense shall be ordered to be suspended for such period as provided in subsection (b) of this section to allow the United States to obtain or to seek to obtain information or evidence from one or more foreign jurisdictions if it reasonably appears that material evidence, fruits, or instrumentalities of a crime are in such jurisdictions.

"(b) The period of suspension under this section shall run from the date of issuance of a request for foreign information or evidence, until the foreign authority takes final action upon the request; but in no case shall the period of suspension exceed three years.

"(c) If more than one such request is made, the respective periods of suspension may be aggregated, but not to exceed a total of three years.

"(d) Nothing in this section shall extend the period of limitations if final action on such requests by all foreign authorities is complete before the period of limitations would expire without regard to this section.".

(b) The table of sections for chapter 213 of title 18, United States Code, is amended by adding after the item relating to section 3291 the following:

"3292. Suspension of limitations to obtain foreign information or evidence.".

SPEEDY TRIAL AMENDMENT

SEC. 1218. Section 3161(h) of title 18, United States Code, is amended—

(1) by redesignating paragraph (8) as paragraph (9);

(2) by striking out "paragraph (8)(A)" in paragraph (9) as redesignated herein and inserting in lieu thereof "subparagraph (A)"; and

(3) by inserting the following new paragraph after paragraph (7):

"(8) Any period of delay, for the purpose of obtaining or seeking to obtain foreign information or evidence, which would qualify as a period of suspension of the running of any statute of limitations under section 3292 of this title.".

Mr. LUNGREN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. LUNGREN] is recognized for 5 minutes in support of his motion to recommit.

Mr. LUNGREN. Mr. Speaker, as we know, this continuing resolution is a rather unusual bill. We have attached the foreign aid bill to it. We have attached the public works bill to it. And the purpose of this motion to recommit is our attempt to have an up or down vote on the President's Comprehensive Crime Control Act of 1984 as voted out by the U.S. Senate by a 91-to-1 margin. It was voted out in the previous Congress by a 95-to-1 margin. That is about as unanimous as you can get. And I might add that the one vote against it was a Republican Senator.

This is an effort by those of us who have tried in the last 2 years to get an up or down vote on the major elements of the President's package. The President invited us over a year ago March to the Oval Office, those of us involved in this issue, and at that time requested the effort of both Democrats and Republicans in the House and the Senate to enact this legislation.

The day after that meeting, Democrats and Republicans in the other body met and decided how they would work on this bill and passed this bill out in March of this year. We did not even have elements of this bill sent to our subcommittees until that same time approximately a year later.

There has been a lot of smoke and mirrors on this floor over the last several months about this issue. There has been some claim that there was a major bill, crime bill, that the President vetoed. I would suggest that bill was never considered on the floor, that bill was never debated on the floor, that bill came through here in the last hours.

Mr. Speaker, we have just not had an opportunity to vote on this bill. We have been promised parts and bits and pieces of it. Things have been brought up on the Suspension Calendar. We were put in a position where we could not vote on amendments. So this is an opportunity to vote up or down on the bill as it passed out of the Senate. It has all the major elements of the original package sent over by the President, with the exception of those most controversial parts, insanity defense, exclusionary rule, and capital punishment. Other than that, it is the whole package that he sent over here. It was fully debated in the Senate. It has been passed overwhelmingly. It has been languishing here in the House since March of this year.

This is a very, very simple vote. It is not procedural. It is a very, very simple vote. If you want the President's crime control package passed, this is your opportunity to do it. By voting yes on this motion to recommit you will attach that to this overall bill which already has to it attached the foreign aid bill and the public works bill.

We have had a lot of rhetoric. We have talked a lot about this issue. The American people are demanding that we have an opportunity to vote on it. This is your chance. Do not worry about next week, do not worry about last week when they had on the Suspension Calendar the sentencing bill that was put on and then put off. Do not worry about next week when we may have to go through those same things and not be given the opportunity. This is that single vote that you will have a chance to cast.

□ 1810

It is not procedural; it is substantive. It has every single element of that package here. If we have an opportunity, as we did today, to attach the foreign aid bill and the public works bill, we should do no less than attach this bill since the American people have shown in the latest poll this is the No. 1 issue facing them.

You cannot dodge it; this is your chance to do it. I would hope that we would have an overwhelming yes vote on behalf of the American people in favor of the Comprehensive Crime Control Act of 1984.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. HUGHES] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. HUGHES. Mr. Speaker, I really had not intended to speak but there really has been so much misinforma-

tion about this crime package. It really troubles me because we have worked diligently. I am talking about HAL SAWYER, the ranking Republican and myself in the Subcommittee on Crime to pass crime legislation. We were sick that the President vetoed a year and a half of our work and it went down the drain because the Senate insisted upon packaging in the 98th Congress.

We had six of our major bills in that package that we passed individually. I do not have to tell the Members that many of the crime bills go to many committees. I look around the Chamber and I can think of forfeiture that went to three different committees. It took us the better part of a year and a half to pass forfeiture again.

We did everything; HAL SAWYER, myself, Senator THURMOND, Senator BIDEN and others to try to persuade the administration in the closing days of the 98th Congress not to veto that bill. The Attorney General recommended a veto because of the so-called drug czar. We represented to the administration that we would work in this Congress to make the changes that the administration wanted in the drug czar bill so that we could save a year and a half of our work, particularly because of the antitampering provision and the provision dealing with forfeiture.

In south Florida we have 300 boats, two dozen airplanes sitting on a field rotting, rusting. Boats wasting away because we do not have in place the forfeiture procedures that we needed 3½ years ago. Right after the President vetoed the crime bill in the 98th Congress, HAL SAWYER and myself and others went to the White House and we sat down with Ed Meese and others and we agreed that we would bring crime bills to the floor individually so that we would not have a package once again to see our work go down the drain. That is precisely what we have done; we have worked on individual crime bills, and we now have passed out of the House 17 major crime bills. Many of them are languishing in the Senate.

The Justice Assistance Act, which passed by almost 400 to about 13, has been on the Senate side now since May 1983. You ask your policemen and your prosecutors and their No. 1 priority is the Justice Assistance Act because that is the only bill that we are going to pass, I might say, ladies and gentlemen, that is really going to impact street crime.

We have tomorrow the cop killer bullet legislation up; career criminal up; we are marking up tomorrow the three antiterrorism bills that the administration wants us to move in this session of the Congress. The committee is now seeking a rule on sentencing and bail reform, so, according to my calculations, we will have passed about 27 major crime bills including things like antitampering, which the President has already signed. Child pornography, which the President signed. Pharmacy robbery, which the President signed.

We have in the works now a major trademark counterfeiting bill that we passed by an overwhelming margin. We passed a major diversion bill, which is part of the President's crime package. We passed a major credit card computer crime bill, which is sitting on the Senate side, that BILL NELSON and others are trying to free up on the Senate side.

So, yes, we have not passed everything that is in the 42 provisions but I would say half of the provisions in that 42-provision bill are housekeeping provisions that HAL SAWYER and I, when it was referred to our committee, decided not to take up because we had other priorities that would make a far wider impact on the criminal justice system. I say to my colleagues that this is no way to legislate.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman.

Mr. SAWYER. I thank the gentleman for yielding.

Mr. Speaker, I have no objection to what the gentleman says is true about that part that came to our subcommittee, but that was 10 bills out of 42, and the others are all sitting in JOHN CONYERS' subcommittee, and they will sit there until doomsday.

Mr. HUGHES. I am not saying that all the bills came to our committee; they do not because jurisdiction is spread so widely. But we opted not to take up some of the provisions in the President's package because we felt it was far more important to talk about computer crime, trademark counterfeiting, diversion, and a whole host of other bills that we think will impact the criminal justice system.

Many of the provisions in the omnibus bill have never had hearings. There are provisions in the Administrative Law Subcommittee; provisions that came to our subcommittee that we really did not reach because of the press of time, and it is no way to legislate, to vote in this fashion on crime legislation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LUNGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 243, noes 166, not voting 23, as follows:

[Roll No. 420]

AYES—243

Albosta	Hance	Oxley
Anderson	Hansen (ID)	Packard
Andrews (NC)	Hansen (UT)	Parris
Applegate	Harkin	Pashayan
Archer	Hartnett	Patman
AuCoin	Hefner	Patterson
Badham	Heftel	Petri
Barnard	Hertel	Pickle
Bartlett	Hightower	Porter
Bateman	Hiler	Pritchard
Bedell	Hillis	Pursell
Bennett	Holt	Rahall
Bereuter	Hopkins	Ray
Bilirakis	Horton	Regula
Bliley	Hubbard	Ridge
Boehlert	Huckaby	Rinaldo
Breaux	Hunter	Ritter
Britt	Hutto	Roberts
Broomfield	Hyde	Robinson
Brown (CO)	Ireland	Roemer
Broyhill	Jeffords	Rogers
Burton (IN)	Jenkins	Rose
Byron	Johnson	Roth
Campbell	Jones (OK)	Roukema
Carney	Kaptur	Rowland
Carper	Kasich	Rudd
Carr	Kemp	Sawyer
Chandler	Kindness	Schaefer
Chappell	Kostmayer	Schneider
Chappie	Kramer	Schulze
Clinger	Lagomarsino	Sensenbrenner
Coats	Latta	Sharp
Coleman (MO)	Leach	Shaw
Coleman (TX)	Leath	Shelby
Conable	Lent	Shumway
Conte	Levitas	Shuster
Coughlin	Lewis (CA)	Siljander
Courter	Lewis (FL)	Sisisky
Craig	Livingston	Skeen
Crane, Daniel	Lloyd	Slattery
Crane, Philip	Loeffler	Smith (IA)
Daniel	Long (MD)	Smith (NE)
Dannemeyer	Lott	Smith (NJ)
Darden	Lowery (CA)	Smith, Denny
Daub	Lujan	Smith, Robert
Davis	Luken	Snowe
Derrick	Lundine	Snyder
DeWine	Lungren	Solomon
Dickinson	Mack	Spence
Dowdy	MacKay	Stangeland
Dreier	Madigan	Stenholm
Duncan	Marriott	Stratton
Durbin	Martin (IL)	Stump
Dwyer	Martin (NY)	Sundquist
Dyson	Mazzoli	Tallon
Eckart	McCain	Tauke
Edwards (AL)	McCandless	Tauzin
Edwards (OK)	McCloskey	Taylor
Emerson	McCollum	Thomas (CA)
English	McCurdy	Valentine
Erdreich	McDade	Vander Jagt
Erlenborn	McEwen	Vandergriff
Evans (IA)	McHugh	Volkmer
Fiedler	McKernan	Vucanovich
Fields	McKinney	Walker
Fish	Mica	Watkins
Flippo	Michel	Weber
Frenzel	Miller (OH)	Whitehurst
Fuqua	Minish	Whitley
Gekas	Molinari	Whittaker
Gibbons	Montgomery	Wilson
Gilman	Moore	Winn
Gingrich	Moorhead	Wise
Goodling	Morrison (WA)	Wolf
Gradison	Mrazek	Wortley
Green	Neal	Wylie
Gregg	Nelson	Yatron
Gunderson	Nichols	Young (AK)
Hall, Ralph	Nielson	Young (FL)
Hall, Sam	O'Brien	Young (MO)
Hamilton	Olin	Zschau

NOES—166

Ackerman	Frost	Owens
Addabbo	Garcia	Panetta
Akaka	Gaydos	Paul
Andrews (TX)	Gejdenson	Pease
Annunzio	Gephardt	Penny
Anthony	Glickman	Price
Aspin	Gonzalez	Quillen
Barnes	Gore	Rangel
Bates	Gray	Ratchford
Beilenson	Hall (IN)	Reid
Berman	Hall (OH)	Richardson
Bevill	Hawkins	Rodino
Biaggi	Hayes	Roe
Boland	Howard	Rostenkowski
Boner	Hughes	Roybal
Bonior	Jacobs	Russo
Bonker	Jones (NC)	Sabo
Borski	Jones (TN)	Savage
Bosco	Kastenmeier	Scheuer
Boucher	Kazen	Schroeder
Boxer	Kennelly	Schumer
Brooks	Kildee	Seiberling
Brown (CA)	Kleczka	Shannon
Bryant	Kogovsek	Sikorski
Clarke	Kolter	Skelton
Clay	LaFalce	Smith (FL)
Coelho	Lantos	Solarz
Collins	Lehman (CA)	Spratt
Conyers	Lehman (FL)	St Germain
Cooper	Levin	Staggers
Coyne	Levine	Stark
Crockett	Lipinski	Stokes
Daschle	Long (LA)	Studds
de la Garza	Lowry (WA)	Swift
Dellums	Markey	Synar
Dicks	Martinez	Thomas (GA)
Dingell	Matsui	Torres
Dixon	Mavroules	Torricelli
Donnelly	McNulty	Towns
Dorgan	Mikulski	Traxler
Downey	Miller (CA)	Udall
Dymally	Mineta	Vento
Early	Mitchell	Walgren
Edgar	Moakley	Waxman
Edwards (CA)	Mollohan	Weaver
Evans (IL)	Morrison (CT)	Weiss
Fascell	Murphy	Wheat
Fazio	Murtha	Whitten
Feighan	Myers	Williams (MT)
Florio	Natcher	Wirth
Foglietta	Nowak	Wolpe
Foley	Oakar	Wright
Ford (MI)	Oberstar	Wyden
Ford (TN)	Obey	Yates
Fowler	Ortiz	
Frank	Ottinger	

NOT VOTING—23

Alexander	Franklin	Marlenee
Bethune	Gramm	Martin (NC)
Boggs	Guarini	McGrath
Burton (CA)	Hammerschmidt	Moody
Cheney	Harrison	Pepper
Corcoran	Hatcher	Simon
D'Amours	Hoyer	Williams (OH)
Ferraro	Leland	

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. D'Amours for, with Mr. Guarini against.

Mr. McGrath for, with Mr. Hoyer against.

Mr. Franklin for, with Mr. Leland against.

Mr. Cheney for, with Mr. Alexander against.

Mr. WILLIAMS of Montana and Mr. BEVILL changed their votes from "aye" to "no."

Messrs. ROSE, BARNARD, LONG of Maryland, COLEMAN of Texas, ROWLAND, DWYER of New Jersey, LUNDINE, HERTEL of Michigan, McHUGH, OLIN, RAHALL, CHAPPELL, WISE, KOSTMAYER, STRATTON, and BEDELL changed their votes from "no" to "aye."

So the motion to recommit was agreed to.

● Mr. PAUL. Mr. Chairman, I strongly object to the way this legislation, H.R. 5963 as an amendment to House Joint Resolution 648, has been brought up, at the last minute—with no more than 5 minutes of debate possible on each side. How many Members are familiar with the provisions of this crime-control bill? My colleagues are not even aware that one provision in this bill, title IX, makes such a sweeping grant of power to the Secretary of the Treasury under the Bank Secrecy Act that it should frighten anyone who worries about civil liberties.

The supporters of title IX of this bill, which is being rammed through this Congress, have argued the only new thing it does is close a loophole in the Bank Secrecy Act, by making it possible to enforce the requirement to disclose financial transactions when people try to leave the United States—to prevent "money laundering" by organized crime.

Congress is building an invisible Berlin Wall around America with the powers in this title. For the past 6 years, Congress has been pushed by the administration to increase the powers of law enforcement over the movements of money in our society. The wall in Berlin, of course, only makes it possible for East German border guards to enforce their emigration laws more easily. How can any law-abiding citizen object?

The closed door way in which this legislation is being treated is typical of the way our Government always acts when it wants to violate the Constitution. The United States does not impose any other restrictions on the freedom of citizens to travel; a passport is not even required. The Supreme Court ruled in 1958 that we have a fifth amendment right to travel. We have never had to tell the Government when we depart—until now!

On Monday, September 10, with fewer than 10 Members of the House of Representatives on the floor, another bill, H.R. 6031, was passed by voice vote increasing the Treasury Department's power in exactly the same way, except without the wiretapping powers contained in this title. This swift enactment of the new powers was handled in almost total secrecy. On Friday, September 7, the list of bills to be considered the following week in the House of Representatives was released by the majority leader's office, after most Members had returned to their districts to campaign. Most Members are still not even aware of the action the House took on Monday, September 10—just as they are not aware of what is in title IX of this bill.

This title is substantially the same piece of legislation that was overwhelmingly defeated 4 years ago. The fact that a majority of Members voted it down in 1980 is probably the reason it has been so stealthily managed in this Congress this week, cleverly whisked by when the leadership knew most Members would either be out of town or driven to frenzy by the politics of reelection partisanship. They suspended the rules of the House to ram this bill through on September 10—a procedure supposed to be reserved for noncontroversial measures, not measures defeated by a two-thirds vote in the 96th Congress. H.R. 5963 is being rammed through on a slogan about making Democrats appear soft on crime.

The section of this title IX that has repeatedly drawn the most heated opposition is the section that says, "A customs officer may stop and search, without a search warrant a * * * person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported." The courts have upheld the right of customs officers to search people who might be smuggling or illegally importing things, but now Congress seems to have expanded their powers to warrantless searches of people who may be innocently exercising their constitutional right to travel abroad.

Moreover, the provisions of title IX are not restricted to enforcing the law against criminals with suitcases full of cash, as the term "money laundering" suggests. This bill will affect anyone who carries any valuable coin or paper out of the country. Fifteen U.S. double-eagle gold coins with a market value of $667 for example, would fall under the provisions of this bill. Nothing is exempt, since anything traded on foreign markets—art objects, rare stamps, pedigreed dogs or horses—as well as stocks, bonds, and promissory notes will serve as good substitutes for cash.

The person who may be victimized under this legislation is not guilty of any violation—the reporting requirement applies to someone who has clear legal title to his "monetary instruments". The only crime is a failure to tell the Government before you leave.

This bill empowers the Secretary of the Treasury to make American citizens fill out financial declarations in advance of any foreign travel. Will the Customs Service begin to require everyone to undergo an "exit interview" in the future, to make sure all required reports have been filed? What assurance do we have that the Secretary will not issue regulations to require a 48-hour advance filing of these reports? None.

This proposal to strengthen the Bank Secrecy Act greatly alarms me. In the modern world, virtually every part of daily life occurs with the intermediation of money. As long as the philosophy of socialism remains dominant in Washington—the common belief that government doesn't have to respect anyone's individual rights so long as it simply claims it is "regulating the economy"—you can trust the Bank Secrecy Act will be abused by some future administration. This bill authorizes the Secretary of the Treasury to set up a domestic spying and informant system to prepare for some future wave of economic repression. It authorizes wiretapping. The courts have upheld prosecutions under the "doctrine of conspiracy" just because some experts on foreign banking laws have helped Americans deposit their capital abroad, where they have believed it to be more safe.

To me, this is a question of civil liberties. What are the arguments in favor of this legislation? The real question we must ask is Why should the administration have this power in the first place? Drug smugglers are supposed to be the target of this bill. All of the Members of Congress who spoke in favor of H.R. 6031 on September 10 cited drug trafficking as the target. They celebrated this new tool in the war against crime. The only reservations voiced against that bill was that it did not also permit wiretapping in cases of money laundering. This bill, H.R. 5963, title IX, contains that power.

The arguments against drug smugglers are thrown about as if this legislation were strictly directed against organized criminal gangs who are poisoning American children. But this bill is not a drug-enforcement bill—it is a broad grant of power to the Secretary of the Treasury to require advance submission of financial disclosure reports and pay rewards to private citizens to spy on business associates or neighbors who may be trying to leave this country for whatever reasons they may have without reporting it.

The United States does not impose any other restrictions on the freedom of citizens to travel; a passport is not even required. The Supreme Court has ruled, *Kent* v. *Dulles*, 357 U.S. 116 (1958), that we have a fifth amendment right to travel. We don't have to tell the Government when we depart—until now.

The particular thing that makes this bill so dangerous is its complete lack of focus on any particular crime. Drug trafficking is just a plausible excuse. The general declaration of purpose in the Bank Secrecy Act says nothing about drugs. It gives as the reason to require banks and individuals to file reports—for all expenditures of $100 or more and cash transactions of $10,000 or more—merely the high degree of usefulness of such financial reports in criminal, tax, or regulatory investigations. The Government wants to know about your use of money for every conceivable regulatory use.

The sneaky tactics of surprise in the House of Representatives have worked like a charm. I simply pray that I am wrong about the eventual violation of civil liberties—the creation of a police state that title IX will make possible.●

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the joint resolution, H. Res. 648, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk reread the amendment contained in the foregoing motion to recommit.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 316, nays 91, not voting 25, as follows:

[Roll No. 421]

YEAS—316

Ackerman	Boland	Coleman (MO)
Addabbo	Boner	Coleman (TX)
Akaka	Bonker	Collins
Albosta	Borski	Conte
Anderson	Bosco	Cooper
Andrews (NC)	Boucher	Coughlin
Andrews (TX)	Boxer	Courter
Annunzio	Breaux	Coyne
Anthony	Britt	Daniel
Aspin	Brooks	Darden
Badham	Brown (CA)	Daub
Barnard	Broyhill	Davis
Barnes	Bryant	de la Garza
Bartlett	Byron	Derrick
Bateman	Campbell	DeWine
Bates	Carney	Dickinson
Bedell	Carper	Dicks
Bennett	Carr	Dingell
Bereuter	Chandler	Dixon
Berman	Chappell	Donnelly
Bevill	Chappie	Dowdy
Biaggi	Clarke	Downey
Bliley	Clinger	Duncan
Boehlert	Coelho	Durbin
Dwyer	Levin	Robinson
Dyson	Levine	Roe
Early	Levitas	Rogers
Eckart	Lewis (CA)	Rose
Edgar	Lipinski	Rostenkowski
Edwards (AL)	Livingston	Roth
Edwards (OK)	Lloyd	Roukema
Emerson	Loeffler	Rowland
Erdreich	Long (LA)	Roybal
Evans (IL)	Long (MD)	Rudd
Fascell	Lott	Sabo
Fazio	Lowery (CA)	Savage
Feighan	Lujan	Sawyer
Fiedler	Luken	Scheuer
Fields	Lundine	Schneider
Fish	Lungren	Schulze
Flippo	Madigan	Schumer
Florio	Martin (NY)	Shaw
Foglietta	Martinez	Shelby
Foley	Matsui	Shuster
Ford (MI)	Mavroules	Sikorski
Ford (TN)	Mazzoli	Siljander
Fowler	McCain	Sisisky
Frost	McCandless	Skeen
Fuqua	McCloskey	Skelton
Garcia	McCollum	Smith (FL)
Gaydos	McCurdy	Smith (IA)
Gejdenson	McDade	Smith (NE)
Gekas	McHugh	Smith (NJ)
Gephardt	McKernan	Smith, Robert
Gibbons	McKinney	Snowe
Gilman	McNulty	Snyder
Gingrich	Mica	Solarz
Glickman	Michel	Spratt
Gonzalez	Mikulski	St Germain
Gore	Miller (CA)	Staggers
Gray	Miller (OH)	Stangeland
Green	Mineta	Stark
Hall (IN)	Minish	Stokes
Hall (OH)	Moakley	Stratton
Hall, Ralph	Molinari	Studds
Hall, Sam	Mollohan	Sundquist
Hamilton	Montgomery	Swift
Hance	Moore	Tallon
Harkin	Moorhead	Tauzin
Hawkins	Morrison (CT)	Taylor
Hayes	Morrison (WA)	Thomas (CA)
Hefner	Mrazek	Thomas (GA)
Heftel	Murphy	Torres
Hightower	Murtha	Torricelli
Hillis	Myers	Towns
Holt	Natcher	Traxler
Horton	Nichols	Udall
Howard	Nowak	Valentine
Huckaby	O'Brien	Vander Jagt
Hunter	Oakar	Vento
Hutto	Oberstar	Volkmer
Hyde	Ortiz	Walgren
Ireland	Ottinger	Watkins
Jeffords	Owens	Weber
Jenkins	Oxley	Weiss
Johnson	Packard	Whitehurst
Jones (NC)	Parris	Whitley
Jones (OK)	Pashayan	Whittaker
Jones (TN)	Patman	Whitten
Kaptur	Patterson	Williams (MT)
Kasich	Pease	Wilson
Kazen	Penny	Winn
Kemp	Pickle	Wise
Kennelly	Porter	Wolf
Kildee	Price	Wolpe
Kindness	Quillen	Wortley
Kleczka	Rahall	Wright
Kogovsek	Rangel	Wyden
Kolter	Ratchford	Wylie
Kostmayer	Ray	Yates
LaFalce	Regula	Yatron
Lagomarsino	Reid	Young (AK)
Lantos	Richardson	Young (FL)
Leath	Ridge	Young (MO)
Lehman (CA)	Rinaldo	
Lehman (FL)	Ritter	

NAYS—91

Applegate	Conable	Dymally
Archer	Conyers	Edwards (CA)
AuCoin	Craig	English
Beilenson	Crane, Daniel	Erlenborn
Bilirakis	Crane, Philip	Evans (IA)
Bonior	Crockett	Frank
Broomfield	Dannemeyer	Frenzel
Brown (CO)	Daschle	Goodling
Burton (IN)	Dellums	Gradison
Clay	Dorgan	Gregg
Coats	Dreier	Gunderson

Hansen (ID)	McEwen	Sharp
Hansen (UT)	Mitchell	Shumway
Hartnett	Neal	Slattery
Hertel	Nelson	Smith, Denny
Hiler	Nielson	Solomon
Hopkins	Obey	Spence
Hubbard	Olin	Stenholm
Hughes	Panetta	Stump
Jacobs	Paul	Synar
Kastenmeier	Petri	Tauke
Kramer	Pursell	Vandergriff
Latta	Roberts	Vucanovich
Leach	Rodino	Walker
Lewis (FL)	Roemer	Waxman
Lowry (WA)	Russo	Weaver
Mack	Schaefer	Wheat
MacKay	Schroeder	Wirth
Markey	Seiberling	Zschau
Marriott	Sensenbrenner	
Martin (IL)	Shannon	

NOT VOTING—25

Alexander	Gramm	Martin (NC)
Bethune	Guarini	McGrath
Boggs	Hammerschmidt	Moody
Burton (CA)	Harrison	Pepper
Cheney	Hatcher	Pritchard
Corcoran	Hoyer	Simon
D'Amours	Leland	Williams (OH)
Ferraro	Lent	
Franklin	Marlenee	

□ 1840

Mr. BILIRAKIS changed his vote from "yea" to "nay."

Mr. TALLON and Mr. STARK changed their votes from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 648, and that I may include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that in the engrossment of House Joint Resolution 648, the Clerk be authorized to correct section numbers, cross references, and punctuation marks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2819, TECHNICAL CORRECTIONS AMENDMENTS TO HOUSING AND URBAN-RURAL RECOVERY ACT OF 1983

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2819) to make essential technical corrections to the Housing and Urban-Rural Recovery Act of 1983, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island? The Chair hears none, and without objection, appoints the following conferees: Messrs. ST GERMAIN, GONZALEZ, FAUNTROY, PATTERSON, LUNDINE, WYLIE, and MCKINNEY.

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 280, FIRST CONGRESSIONAL BUDGET FOR U.S. GOVERNMENT, 1984, 1985, 1986, AND 1987

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file the conference report on the concurrent resolution (H. Con. Res. 280) revise the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT ON HOUSE CONCURRENT RESOLUTION 280, FIRST CONCURRENT RESOLUTION ON THE BUDGET, ON OR AFTER WEDNESDAY, SEPTEMBER 26, 1984

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that it shall be in order at anytime on Wednesday, September 26, 1984, or any day thereafter to consider the conference report and amendments in disagreement on the concurrent resolution (H. Con. Res. 280) revise the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. FRENZEL. Reserving the right to object, Mr. Speaker, my understanding is that if that bill has to be taken up first in the Senate, it will not be presented tomorrow; is that correct?

Mr. JONES of Oklahoma. Mr. Speaker, if the gentleman will yield, the gentleman is correct. The Chairman's present intention is to try to bring it up Monday.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT ON H.R. 2878, LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS

Mr. HAWKINS submitted the following conference report and statement on the bill (H.R. 2878) to amend and extend the Library Services and Construction Act:

CONFERENCE REPORT (H. REPT. 98-1075)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendement of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—LIBRARY SERVICES AND CONSTRUCTION

SHORT TITLE; FINDINGS

SEC. 101. (a) This title may be cited as the "Library Services and Construction Act Amendments of 1984".

(b) The Congress finds that—

(1) the role of libraries has expanded to include (A) providing programs to meet the needs of special segments of the population, including librarian training and outreach programs, (B) providing literacy training for illiterate and functionally illiterate adults, and (C) sharing resources and materials among a wide variety of libraries;

(2) it has become necessary to expand the role of libraries as information centers for their communities, utilizing improved and new technologies and resources to meet the increasing need for information services and educational resources of Americans in a rapidly changing economy;

(3) funding for construction of new libraries and renovation of existing libraries is essential to ensure continuation of library services for the public;

(4) attention should be paid to the needs of small and rural community libraries and information centers because these facilities are often underfunded and understaffed and as a consequence cannot adequately serve the needs of the community; and

(5) the scope and purpose of the Library Services and Construction Act should therefore be revised to include a more comprehen-

sive range of programs which may receive funds thereunder and to ensure the extension of services to minorities and other populations that would otherwise be unable to use regular library facilities.

DECLARATION OF PURPOSE

SEC. 102. (a) Section 2(a) of the Library Services and Construction Act (hereafter in this title referred to as "the Act") is amended to read as follows:

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services to areas and populations of the States which are without such services or to which such services are inadequate and to assist Indian tribes in planning and developing library services to meet their needs. It is the further purpose of this Act to assist with (1) public library construction and renovation; (2) improving State and local public library services for older Americans, and for handicapped, institutionalized, and other disadvantaged individuals; (3) strengthening State library administrative agencies; (4) promoting interlibrary cooperation and resource sharing among all types of libraries; (5) strengthening major urban resource libraries; and (6) increasing the capacity of libraries to keep up with rapidly changing information technology.".

(b) Section 2(b) of the Act is amended by inserting "and Indian tribes" before the period at the end of the second sentence.

DEFINITIONS; ADMINISTRATIVE AMENDMENT

SEC. 103. (a) Section 3 of the Act is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) 'Secretary' means the Secretary of Education.";

(2) by inserting after the first sentence in paragraph (2) the following new sentence: "Such term includes remodeling to meet standards under the Act of August 12, 1968, commonly known as the 'Architectural Barriers Act of 1968', remodeling designed to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries.";

(3) by inserting "the Northern Mariana Islands," after "the Virgin Islands," in paragraph (7);

(4) by striking out the parenthetical in paragraph (9) and inserting in lieu thereof the following: "(including mentally retarded, hearing impaired, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons who by reason thereof require special education)"; and

(5) by adding at the end thereof the following new paragraphs:

"(15) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as determined by the Secretary after consultation with the Secretary of the Interior.

"(16) 'Hawaiian native' means any individual any of whose ancestors were natives prior to 1778 in the area which now comprises the State of Hawaii.".

(b) The Act is amended—

(1) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(2) by striking out "Commissioner's" each place it appears and inserting in lieu thereof "Secretary's".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) Section 4(a) of the Act is amended to read as follows:

"SEC. 4. (a) There are authorized to be appropriated—

"(1) for the purpose of making grants as provided in title I, $75,000,000 for fiscal year 1985, $80,000,000 for fiscal year 1986, $85,000,000 for fiscal year 1987, $90,000,000 for fiscal year 1988, and $95,000,000 for fiscal year 1989;

"(2) for the purpose of making grants as provided in title II, $50,000,000 for each of the fiscal years 1985, 1986, 1987, 1988, and 1989;

"(3) for the purpose of making grants as provided in title III, $20,000,000 for fiscal year 1985, $25,000,000 for fiscal year 1986, $30,000,000 for fiscal year 1987, $35,000,000 for fiscal year 1988, and $30,000,000 for fiscal year 1989;

"(4) for the purpose of making grants as provided in title V, $1,000,000 for each of the fiscal years 1985, 1986, 1987, and 1988; and

"(5) for the purpose of making grants as provided in title VI, $5,000,000 for each of the fiscal years 1985, 1986, 1987, and 1988.

There shall be available for the purpose of making grants under title IV for each of the fiscal years 1985, 1986, 1987, 1988, and 1989, 1.5 per centum of the amount appropriated pursuant to each of clauses (1), (2), and (3) for each such fiscal year. There shall be available for the purpose of making grants under section 5(d) for such fiscal years 0.5 per centum of the amount appropriated pursuant to each of such clauses for each such fiscal year.".

(b) Section 4 of the Act is further amended by adding at the end thereof the following new subsection:

"(c)(1) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are first available for obligation.

"(2) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.".

ALLOTMENTS TO STATES AND INDIAN TRIBES

SEC. 105. Section 5 of the Act is amended—

(1) by inserting "AND INDIAN TRIBES" after "STATES" in the heading of such section;

(2) by striking out "paragraph (1), (2), (3), or (4)" each place it appears in subsection (a) and inserting in lieu thereof "clause (1), (2), or (3)";

(3) by inserting "the Northern Mariana Islands," after "the Virgin Islands," each place it appears in subsection (a)(3);

(4) in subsection (a)(3), by inserting "and" at the end of clause (B), by striking out "; and" at the end of clause (C), and inserting in lieu thereof a period, and by striking out clause (D);

(5) in subsection (b), by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "clause (1), (2), or (3)"; and

(6) by adding at the end thereof the following new subsections:

"(c)(1) From the sums available pursuant to the second sentence of section 4(a) for any fiscal year, the Secretary shall allot an equal amount to each Indian tribe. Grants from such allotted amounts shall be made to Indian tribes which have submitted approved applications under section 403.

"(2) Any allotted funds for which an Indian tribe does not apply, or applies but does not qualify, shall be reallocated by the Secretary among Indian tribes which have submitted approved plans under section 404. In making such allocations (A) no funds shall be allocated to an Indian tribe unless such funds will be administered by a librarian, and (B) the Secretary shall take into account the needs of Indian tribes for such allocations to carry out the activities described in section 402(b).

"(d)(1) From the sums available pursuant to the last sentence of section 4(a) for any fiscal year, the Secretary shall make grants to organizations primarily serving and representing Hawaiian natives that are recognized by the Governor of the State of Hawaii.

"(2) Grants under this subsection shall be made on the basis of applications and plans submitted by such organizations that are consistent with the requirements imposed pursuant to sections 403 and 404. Funds made available by grants under this subsection may be used for the purposes specified in clauses (1) through (8) of section 402(a). Section 402(c) shall apply with respect to the cultural materials of Hawaiian natives.".

PLANS AND PROGRAMS

SEC. 106. Section 6 of the Act is amended—

(1) by striking out "STATE" in the heading of such section;

(2) by striking out "titles I, II, III, and IV" in subsection (a) and inserting in lieu thereof "titles I, II, and III";

(3) by striking out clause (4) of subsection (b) and inserting in lieu thereof the following:

"(4) provide that priority will be given to programs and projects—

"(A) that improve access to public library resources and services for the least served populations in the State, including programs for individuals with limited English-speaking proficiency or handicapping conditions, and programs and projects in urban and rural areas;

"(B) that serve the elderly;

"(C) that are designed to combat illiteracy; and

"(D) that increase services and access to services through effective use of technology."; and

(4) by adding at the end thereof the following new subsection:

"(g)(1) Any Indian tribe desiring to receive its allotment under section 5(c)(1) shall submit an application to the Secretary in accordance with section 403.

"(2) Any Indian tribe desiring to receive an additional allocation under section 5(c)(2) shall submit a plan in accordance with section 404.".

PAYMENTS

SEC. 107. Section 7 of the Act is amended—

(1) by striking out "TO STATES" in the heading of such section;

(2) by striking out "paragraph (1), (2), (3), or (4)" in subsection (a) and inserting in lieu thereof "clause (1), (2), or (3)";

(3) by striking out "and title IV" in subsection (b)(1);

(4) by inserting "and the Northern Mariana Islands" after "American Samoa," in subsection (b)(1);

(5) by inserting "the Northern Mariana Islands," after "the Virgin Islands," in subsection (b)(2); and

(6) by adding at the end thereof the following new subsection:

"(c) From the sums available pursuant to the second sentence of section 4(a), the Secretary shall pay to each Indian tribe which has an approved application under section 403 an amount equal to such tribe's allotment under section 5(c)(1) and shall pay to each Indian tribe which has an approved plan under section 404 an amount equal to such tribe's additional allocation under section 6(g)(2), except that such additional allocation shall not exceed 80 percent of the cost of carrying out such plan.".

ADMINISTRATIVE COST

SEC. 108. Section 8 of the Act is amended to read as follows:

"ADMINISTRATIVE COST

"SEC. 8. A State may expend funds received under titles I and II for administrative costs in connection with programs and activities carried out under titles I, II, and III, but such administrative expenditures under such titles for any fiscal year may not exceed the greater of (1) 6 per centum of the sum of the amounts allotted to such State under such titles for such fiscal year, or (2) $60,000.".

GRANTS FOR LIBRARY SERVICE

SEC. 109. Section 101 of the Act is amended to read as follows:

"GRANTS TO STATES FOR LIBRARY SERVICES

"SEC. 101. The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have approved basic State plans under section 6 and have submitted annual programs under section 103—

"(1) for the extension of public library services to areas and populations without such services and the improvement of such services to areas and populations to ensure that such services are adequate to meet user needs and to make library services accessible to individuals who, by reason of distance, residence, handicap, age, literacy level, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public;

"(2) for adapting public library services to meet particular needs of individuals within the States;

"(3) for assisting libraries to serve as community information referral centers;

"(4) for assisting libraries in providing literacy programs for adults and school dropouts in cooperation with other agencies and organizations, if appropriate;

"(5) for strengthening State library administrative agencies; and

"(6) for strengthening major urban resource libraries.".

USES OF FEDERAL FUNDS

SEC. 110. Section 102(a)(1) of the Act is amended by inserting "assist libraries to serve as community centers for information and referral and to" after "designed to".

STATE LIBRARY SERVICE PROGRAM

SEC. 111. Section 103 of the Act is amended—

(1) by inserting after "handicapped" in clause (3) the following: "and institutionalized individuals";

(2) by redesignating clauses (4) and (5) as clauses (6) and (7), respectively, and inserting after clause (3) the following:

"(4) describe the uses of funds for programs for the elderly, which may include (A) the training of librarians to work with the elderly; (B) the conduct of special library programs for the elderly particularly for the elderly who are handicapped; (C) the purchase of special library materials for use by the elderly; (D) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (E) the provision of in-home visits by librarians and other library personnel to the elderly; (F) the establishment of outreach programs to notify the elderly of library services available to them; and (G) the furnishing of transportation to enable the elderly to have access to library services;

"(5) describe the manner in which funds for programs for handicapped individuals will be used to make library services more accessible to such individuals;"; and

(3) by adding at the end thereof the following new sentence: "The amount which a State is required to expend pursuant to clause (3) of this section shall be ratably reduced to the extent that Federal allocations to the State are reduced.".

CONSTRUCTION: USE OF FUNDS

SEC. 112. (a) Section 202 of the Act is amended by striking out the second sentence and inserting in lieu thereof the following: "Such grants shall be used for the construction (as defined in section 3(2)) of public libraries.".

(b)(1) Section 202 of the Act is further amended by inserting "(a)" after "SEC. 202." and by adding at the end thereof the following new subsections:

"(b) For the purposes of subsection (a), the Federal share of the cost of construction of any project assisted under this title shall not exceed one-half of the total cost of such project.

"(c) If, within 20 years after completion of construction of any library facility which has been constructed in part with funds made available under this title—

"(1) the recipient (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as a library facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such recipient (or successor) an amount which bears the same ratio to the value of the facility at that time (or part thereof constituting an approved project or projects) as the amount of the Federal grant bore to the cost of such facility (or part thereof). The value shall be determined by the parties or by action brought in the United States district court for the district in which the facility is located.".

(2) Subsection (c) of section 202 of the Act as added by the amendment made by paragraph (1) of this subsection shall apply to any facility constructed prior to or after the date of enactment of this Act with funds made available under title II of the Act.

INTERLIBRARY COOPERATION AND RESOURCE SHARING

SEC. 113. (a) The heading of title III of the Act is amended by inserting "AND RESOURCE SHARING" after "INTERLIBRARY COOPERATION".

(b) Section 301 of the Act is amended—

(1) by striking out "section 6 and" and inserting in lieu thereof "section 6,"; and

(2) by inserting before the period at the end thereof a comma and the following: "and have submitted long-range and annual programs which are directed toward eventual compliance with the requirements of section 304".

(c) Section 303 of the Act is amended by inserting "shall comply with the requirements of section 304," after "by regulation and" in the second sentence.

(d) Title III of the Act is further amended by adding at the end thereof the following new section:

"RESOURCE SHARING

"SEC. 304. (a) The long-range program and annual program of each State shall include a statewide resource sharing plan which is directed toward eventual compliance with the provisions of this section.

"(b) In developing the State basic and long-range programs, the State library agency with the assistance of the State advisory council on libraries shall consider recommendations from current and potential participating institutions in the interlibrary and resource sharing programs authorized by this title.

"(c) The State's long-range program shall identify interlibrary and resource sharing objectives to be achieved during the period covered by the basic and long-range plans required by section 6. The long-range program may include—

"(1) criteria for participation in statewide resource sharing to ensure equitable participation by libraries of all types that agree to meet requirements for resource sharing;

"(2) an analysis of the needs for development and maintenance of bibliographic access, including data bases for monographs, serials, and audiovisual materials;

"(3) an analysis of the needs for development and maintenance of communications systems for information exchange among participating libraries;

"(4) an analysis of the needs for development and maintenance of delivery systems for exchanging library materials among participating libraries;

"(5) a projection of the computer and other technological needs for resource sharing;

"(6) an identification of means which will be required to provide users access to library resources, including collection development and maintenance in major public, academic, school, and private libraries serving as resource centers;

"(7) a proposal, where appropriate, for the development, establishment, demonstration, and maintenance of intrastate multitype library systems;

"(8) an analysis of the State's needs for development and maintenance of links with State and national resource sharing systems; and

"(9) a description of how the evaluations required by section 6(d) will be conducted.

"(d) Libraries participating in resource sharing activities under this section may be reimbursed for their expenses in loaning materials to public libraries.".

LIBRARY SERVICES FOR INDIAN TRIBES

SEC. 114. Title IV of the Act is amended to read as follows:

"TITLE IV—LIBRARY SERVICES FOR INDIAN TRIBES

"FINDINGS AND PURPOSE; AUTHORIZATION OF GRANTS

"SEC. 401. (a) The Congress finds that—

"(1) most Indian tribes receive little or no funds under titles I, II, and III of this Act;

"(2) Indian tribes and reservations are generally considered to be separate nations and seldom are eligible for direct library allocations from States;

"(3) the vast majority of Indians living on or near reservations do not have access to adequate libraries or have access to no libraries at all; and

"(4) this title is therefor required specifically to promote special efforts to provide Indian tribes with library services.

"(b) It is therefor the purpose of this title (1) to promote the extension of public library services to Indian people living on or near reservations; (2) to provide incentives for the establishment and expansion of tribal library programs; and (3) to improve the administration and implementation of library services for Indians by providing funds to establish and support ongoing library programs.

"(c) The Secretary shall carry out a program of making grants from allotments under section 5(c)(1) to Indian tribes that have submitted an approved application under section 403 for library services to Indians living on or near reservations.

"(d) The Secretary shall carry out a program of making special project grants from funds available under section 5(c)(2) to Indian tribes that have submitted approved plans for the provision of library services as described in section 404.

"USE OF FUNDS

"SEC. 402. (a) Funds made available by grant under subsection (c) or (d) of section 401 may be used for—

"(1) inservice or preservice training of Indians as library personnel;

"(2) purchase of library materials;

"(3) conduct of special library programs for Indians;

"(4) salaries of library personnel;

"(5) construction, purchase, renovation, or remodeling of library buildings and facilities;

"(6) transportation to enable Indians to have access to library services;

"(7) dissemination of information about library services;

"(8) assessment of tribal library needs; and

"(9) contracts to provide public library services to Indians living on or near reservations or to accomplish any of the activities described in clauses (1) through (8).

"(b) Any tribe that supports a public library system shall continue to expend from Federal, State, and local sources an amount not less than the amount expended by the tribe from such sources for public library services during the second fiscal year preceding the fiscal year for which the determination is made.

"(c) Nothing in this Act shall be construed to prohibit restricted collections of tribal cultural materials with funds made available under this Act.

"APPLICATIONS FOR LIBRARY SERVICES TO INDIANS

"SEC. 403. Any Indian tribe which desires to receive its allotment under section 5(c)(1) shall submit an application which contains such information as the Secretary may require by regulation.

"PLANS FOR LIBRARY SERVICES TO INDIANS

"SEC. 404. Any Indian tribe which desires to receive a special project grant from funds available under section 5(c)(2) shall submit a plan for library services on or near an Indian reservation. Such plans shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation and shall set forth a program for the year under which funds paid to the Indian tribe will be used, consistent with—

"(1) a long-range program, and

"(2) the purposes set forth in section 402(a).

"COORDINATION WITH PROGRAMS FOR INDIANS

"SEC. 405. The Secretary, with the Secretary of the Interior, shall coordinate programs under this title with the programs assisted under the various Acts and programs administered by the Department of the Interior that pertain to Indians.".

FOREIGN LANGUAGE MATERIALS AND LITERACY PROGRAMS

SEC. 115. The Act is further amended by adding at the end thereof the following new titles:

"TITLE V—FOREIGN LANGUAGE MATERIALS ACQUISITION

"GRANTS FOR FOREIGN LANGUAGE MATERIAL ACQUISITION

"SEC. 501. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(4) to State and local public libraries for the acquisition of foreign language materials.

"(b) Recipients of grants under this title shall be selected on a competitive basis.

"(c) No grant under this title for any fiscal year shall exceed $15,000.

"TITLE VI—LIBRARY LITERACY PROGRAMS

"STATE AND LOCAL LIBRARY GRANTS

"SEC. 601. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(5) to State and local public libraries for the purposes of supporting literacy programs.

"(b) Grants to State public libraries under this title shall be for the purposes of—

"(1) coordinating and planning library literacy programs; and

"(2) making arrangements for training librarians and volunteers to carry out such programs.

"(c) Grants to local public libraries shall be for the purposes of—

"(1) promoting the use of the voluntary services of individuals, agencies, and organizations in providing literacy programs;

"(2) acquisition of materials for literacy programs; and

"(3) using library facilities for such programs.

"(d) Recipients of grants under this title shall be selected on a competitive basis.

"(e) No grant under this title for any fiscal year shall exceed $25,000.".

TITLE II—HOWARD UNIVERSITY ENDOWMENT

SHORT TITLE

SEC. 201. This title may be cited as the "Howard University Endowment Act".

DEFINITIONS

SEC. 202. For purposes of this title—

(1) the term "endowment fund" means a fund, or a tax exempt foundation, established and maintained by Howard University for the purpose of generating income for its support, but which shall not include real estate;

(2) the term "endowment fund corpus" means an amount equal to the grants awarded under this title plus an amount equal to such grants provided by Howard University;

(3) the term "endowment fund income" means an amount equal to the total value of the endowment fund established under this title minus the endowment fund corpus;

(4) the term "Secretary" means the Secretary of Education; and

(5) the term "University" means the Howard University established by the Act of March 2, 1867.

PROGRAM AUTHORIZED

SEC. 203. (a) The Secretary is authorized to establish an endowment program, in accordance with the provisions of this title, for the purpose of establishing or increasing endowment funds, providing additional incentives to promote fundraising activities, and encouraging independence and self-sufficiency at the University.

(b)(1) From the funds appropriated pursuant to this title for endowments in any fiscal year for the University, the Secretary is authorized to make grants to Howard University. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions deemed necessary by the Secretary to assure that the purposes of this title will be achieved.

(2) The University may receive a grant under this section only if it has deposited in the endowment fund established under this title an amount equal to such grant and has adequately assured the Secretary that it will administer the endowment fund in accordance with the requirements of this title. The source of funds for this institutional match shall not include Federal funds or funds derived from an existing endowment fund.

(3) The period of any grant under this section shall not exceed twenty years, and during such period the University shall not withdraw or expend any of its endowment fund corpus. Upon the expiration of any grant period, the University may use the endowment fund corpus plus any endowment fund income for any educational purpose.

INVESTMENTS

SEC. 204. (a) The University shall invest its endowment fund corpus and endowment fund income in those low-risk instruments and securities in which a regulated insurance company may invest under the law of the District of Columbia, such as federally insured bank savings account or comparable interest bearing account, certificate of deposit, money market fund, mutual fund, or obligations of the United States.

(b) The University, in investing its endowment fund corpus and income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of his own business affairs.

WITHDRAWALS AND EXPENDITURES

SEC. 205. (a) The University may withdraw and expend its endowment fund income to defray any expenses necessary to its operation, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No Endowment fund income or corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor entered into after January 1, 1981. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 per centum of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) The Secretary is authorized to permit the University to withdraw or expend more than 50 per centum of its total aggregate endowment income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(A) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(B) a life-threatening situation occasioned by a natural disaster or arson; or

(C) another unusual occurrence or exigent circumstance.

(c)(1) If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to 50 per centum of the amount improperly expended (representing the Federal share thereof).

(2) The University shall not withdraw or expend any endowment fund corpus. If the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to 50 per centum of the amount withdrawn or expended (representing the Federal share thereof) plus any income earned thereon.

ENFORCEMENT

SEC. 206. (a) After notice and an opportunity for a hearing, the Secretary is authorized to terminate and recover any grant awarded under this title if the University—

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 205;

(2) fails to invest its endowment fund corpus or income in accordance with the investment standards set forth in section 204; or

(3) fails to account properly to the Secretary concerning investments and expenditures of its endowment fund corpus or income.

(b) If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this Act plus any income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 207. There is authorized to be appropriated $2,000,000 for the purposes authorized under section 203. Funds appropriated under this section shall remain available until expended.

CONFORMING AMENDMENTS

SEC. 208. Section 8 of the Act of March 2, 1867, entitled "An Act to incorporate the Howard University in the District of Columbia" (ch. 162, 14 Stat. 439, 20 U.S.C. 123, as amended by Public Law 70-634, 45 Stat., 1021 and by Public Law 79-615, 60 Stat. 871) is further amended by inserting "endowment," after "improvement,".

EFFECTIVE DATE

SEC. 209. This title shall take effect on October 1, 1984.

TITLE III—HIGHER EDUCATION PROJECTS

LIBRARY PROJECT AUTHORIZED

SEC. 301. (a) The Secretary of Education (hereafter in this title referred to as the "Secretary") is authorized to provide financial assistance, in accordance with the provisions of this section, to pay all of the cost of construction, and related expenses, for an addition to the William H. Mortensen Library at the University of Hartford located at Hartford, Connecticut, to enable the University of Hartford to house a collection of materials relating to Presidential campaigns and to American political history, known as the Presidential Americana, together with other collections.

(b) No financial assistance may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

(c) There are authorized to be appropriated such sums, not to exceed $6,500,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

HUMAN DEVELOPMENT CENTER FACILITY AUTHORIZED

SEC. 302. (a) The Secretary is authorized, in accordance with the provisions of this section, to provide financial assistance to the University of Kansas located in Lawrence, Kansas, to pay the Federal share of the cost of construction and related costs for a human development center facility at the University of Kansas, to be used as a national research and training resource for individuals acquiring expertise in the rehabilitation, education, parent training, employment, independent living, and public policy concerns of handicapped individuals and their families, and as a treatment resource for handicapped persons and their families.

(b) No financial assistance may be made under this section unless an application is made at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

(c) There are authorized to be appropriated such sums, not to exceed $9,000,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

CARL VINSON INSTITUTE OF GOVERNMENT AUTHORIZED

SEC. 303. (a) In recognition of the public service of Representative Carl Vinson, in order to enhance the program of service to State and local governments in Georgia and in other States provided by the Carl Vinson Institute of Government of the University of Georgia, and in order to preserve a historic landmark that provided special education opportunities for young women in Georgia and in other States at a time when such opportunities were limited or nonexistent, the Secretary is authorized, in accordance with the provisions of this section, to provide financial assistance to the State of Georgia to renovate the physical facilities of the former Lucy Cobb Institute for Girls in Athens, Georgia, for the purpose of providing a center for the Carl Vinson Institute of Government of the University of Georgia.

(b) No financial assistance may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

(c) There are authorized to be appropriated $3,500,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

JOHN W. MC CORMACK INSTITUTE OF PUBLIC AFFAIRS

SEC. 304. (a) In recognition of the public service of the former Speaker of the United States House of Representatives, John W. McCormack, and of the pressing need for national centers for applied public policy research, the Secretary is authorized to provide funds in accordance with the provisions of this section to assist in the development of the John W. McCormack Institute of Public Affairs, located at the University of Massachusetts, Boston, Massachusetts.

(b) No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require in order to certify the amount of eligible funds. All such payments may be used in furtherance of the mission of the McCormack Institute, which is defined as research, instruction, and civil education related to public policy and the role of representative government in the United States.

(c)(1) Funds appropriated pursuant to this section shall be made available to the John W. McCormack Institute on or after October 1, 1984, and prior to the close of the fiscal year ending September 30, 1987.

(2) There are authorized to be appropriated such sums as may be necessary to carry out this section for the fiscal year ending September 30, 1985, and for each of the two succeeding fiscal years, except that the aggregate amount so appropriated shall not exceed $3,000,000. Funds appropriated pursuant to this section shall remain available until expended.

And the House agree to the same.

AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
IKE ANDREWS,
PAUL SIMON,
PAT WILLIAMS,
RAY KOGOVSEK,
MAJOR R. OWENS,
FRANK HARRISON,
GARY L. ACKERMAN,
TIMOTHY J. PENNY,
JIM JEFFORDS,
TOM COLEMAN,
TOM PETRI,
MARGE ROUKEMA,
STEVE GUNDERSON,
RON PACKARD,
Managers on the Part of the House.

ORRIN G. HATCH,
ROBERT T. STAFFORD,
DAN QUAYLE,
JEREMIAH DENTON,
LOWELL P. WEICKER, JR.,
JOHN P. EAST,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
TOM EAGLETON,
CHRIS DODD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House amendment struck out all of the Senate amendment after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the House amendment and the Senate amendment. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted

below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

(1) The short title of the House bill is the "Library Services and Construction Act Amendments of 1983." The short title of the Senate amendment is the "Library Services and Construction Act Amendments of 1984." The House recedes.

(2) The House bill and the Senate amendment have identical language in the findings section, except that the Senate omits the reference to literacy training. The Senate recedes.

(3) The House bill and Senate amendment have substantially similar provisions in the purpose section. The House includes assisting Indian tribes as a primary purpose, while the Senate lists Indian trives and older Americans as groups for which library services should be improved. The Senate omits the word "physically" before handicapped. The Senate includes resource sharing and the need to keep up with rapidly changing technology as additional purposes.

The Senate recedes with an amendment that states that primary purpose of the Act is to assist Indian tribes in planning and developing library services, and to assist with public library construction and renovation, improving state and local public library services for older Americans, handicapped, institutionalized, and other disadvantaged individuals; strengthening State library administrative agencies; promoting interlibrary cooperation and resource sharing among all types of libraries; strengthening major urban resource libraries; and increasing the capacity of libraries to keep up with rapidly changing information technology.

(4) Section 3 of the House bill includes definitions of Secretary, Indian tribe and includes the Northern Mariana Islands within the coverage of the Act. The Senate Amendment contains the same definitions, includes the Northern Mariana Islands, but also includes language referring to handicapped individuals which does not appear in the House bill. The terms "hard of hearing" and "deaf" are replaced by the term "hearing impaired", and "crippled" is replaced by the phrase "orthopedically impaired". The House recedes with an amendment that adds "speech impaired" to the list of handicapping conditions.

(5) Section 12 of the House bill provides that construction funds may be used to renovate in accordance with the Architectural Barriers Act of 1968 or to accommodate new technologies or for the purchase of existing historic buildings for conversion to public libraries. The Senate amendment contains the same provision with regard to the Architectural Barriers Act in section 103. The Senate amendment does not allow for the use of funds for the purchase of existing historic buildings. The Senate recedes.

(6) The Senate amendment includes the "Office of Hawaiian natives" as an Indian tribe which the House bill does not, and the Senate Amendment defines the term "Hawaiian Native" and the House bill does not.

The House recedes with an amendment containing the following provisions:

Instead of including Native Hawaiians within the definition of Indian tribe and with the title IV programs for Indian tribes, one-fourth of the Indian set-aside is reserved for a separate grant program for Native Hawaiians.

The Secretary shall make grants from the reserved amounts to organizations primarily serving and representing Native Hawaiians that are recognized by the Governor of the State of Hawaii.

Grants shall be made on the basis of applications and plans containing the same information as is required with respect to applications and plans submitted by Indian tribes, and funds made available to Native Hawaiians shall be used for the same purposes as funds made available to Indian tribes.

(7) The House bill authorizes funding for fiscal years 1984 through 1988:

[In millions]

Title	I	II	III	V	VI	Total
Fiscal year:						
1984	$65	$50	$15	$1	$5	$136
1985	80	50	20	1	5	156
1986	85	50	25	1	5	166
1987	90	50	30	1	5	176
1988	95	50	35	1	5	186

The Senate amendment authorizes funding for fiscal years 1985–1989:

[In millions]

Title	I	II	III	Total
Fiscal year:				
1985	$75	$50	$18	$143
1986	80	50	21	151
1987	85	50	24	158
1988	90	50	27	167
1989	95	50	30	175

The House recedes with an amendment that authorizes funding for fiscal years 1985–1989:

[In millions]

Title	I	II	III	V	VI	Total
Fiscal year:						
1985	$75	$50	$20	$1	$5	$151
1986	80	50	25	1	5	161
1987	85	50	30	1	5	171
1988	90	50	35	1	5	181
1989	95	50	30			175

(8) The House bill authorizes a two percent setaside of the amount appropriated for Titles I, II, and III for Indian programs (Title IV). The Senate amendments authorizes a one percent setaside in these Titles for Indian programs. The Senate recedes.

(9) The House bill uses the term "allocated" while the Senate amendment uses the word "reallocate." The House recedes.

(10) The House bill and the Senate amendment have virtually identical provisions for providing priority to programs and projects to least-served populations except that the Senate amendment defines "least served populations" as those with limited English-speaking proficiency or handicapping conditions, and those living in urban and rural areas. The House recedes.

(11) Section 8 of the House bill requires that a State may expend funds received under Titles I and II of the Act for administrative costs, but those expenditures may not exceed 5 percent of the amount appropriated under those titles or $50,000, whichever is greater. The Senate amendment has no comparable provision.

The Senate recedes with an amendment that raises the percentage of Title I and II funds that can be expended for State administrative costs to 6 percent and the amount to $60,000, whichever is greater.

(12) The House bill and Senate amendment have virtually identical language regarding submission of State annual plans, except that the Senate amendment provides accessibility to "handicapped" where the House specifies "physically handicapped". The House recedes.

(13) The House provides funds for community information and referral centers. The Senate amendment omits the word "and." The Senate recedes with an amendment that allows federal funds to be used to assist libraries to serve as community centers for information and referral.

(14) The Senate amendment but not the House bill inserts the phrase "and institutionalized individuals" after the word "handicapped" in clause (3) of Section 103 of the Act. The House recedes.

(15) The House bill directs that the States describe how they will use funds to carry out library activities to benefit the elderly, while the Senate amendment requires that the States describe how the funds will be used to make library services more accessible to the elderly and to the handicapped in Section 103. The House recedes with an amendment that clarifies that while a description of the activities to be undertaken is required, the list of possible activities to be undertaken is merely illustrative.

(16) The House bill and the Senate amendment have similar provisions concerning construction funding and recovery of funds, except that the House bill limits the federal share of any project to one-half of total cost and the Senate amendment limits the federal share to one-third. The Senate recedes.

(17) Both the House bill and the Senate amendment amend Section 202(b) of the Library Services and Construction Act (LSCA) to require a limit on the percentage of Federal funds available for Title II construction projects. While this provision appears to conflict with Section 7 of LSCA which establishes a matching requirement for States receiving Title II funding, the two provisions do not conflict because they address different situations. The provision in current law determines how much money a State must provide in order to receive Title II funding from the Federal government. The amendment to Section 202(b) mandates what percentage of Federal dollars may be used by the recipient of a grant from the State.

For example, if State X is required by current law to provide a 40 percent match to receive funds under Title II, it would have the same requirement under the new language. However, under existing legislation, when the State reallocates Title II funds to individual projects, there is no requirement that the project must provide a share of the funding. The amendment will require that each project must be funded with at least 50 percent non-Federal funds. It is important to note that there is no limitation on the amount of State funds which go into Title II LSCA that may be used for individual construction projects.

The rationale for this requirement is that it will allow Federal funding to go further in financing construction projects and will hopefully encourage private sector involvement in raising construction funds for libraries. The Senate recedes.

(18) Section 12(c) of the House bill gives priority in purchasing buildings to the acquisition of unused public school facilities where it is economically feasible. The Senate amendment has no comparable provision. The House recedes. However, the

Conferees recommend that priority be given, when economically feasible, to the acquisition and conversion of historic buildings and unused public school buildings for use as libraries.

(19) The House bill specifies that the State plan be "directed toward eventual compliance with the provisions of this section." The Senate amendment does not specify "eventual compliance." The Senate recedes.

(20) The House bill mandates what the states shall include in their long-range plans. The Senate uses the permissive language "may include". The House recedes.

(21) Section 15 of the House bill provides that the Secretary will carry out a discretionary program for making grants available to state and local public libraries for the acquisition of foreign language materials. No grant can exceed $15,000. The Senate amendment contains no comparable provisions. The Senate recedes.

(22) Section 15 of the House bill amends the Library Services and Construction Act by adding a new Title VI which requires the Secretary to carry out a discretionary program for making grants to state and local public libraries for the purpose of supporting literacy programs. No grant can exceed $25,000. There is no comparable Senate provision. The Senate recedes. The Conferees recommend that applicants for funding show that the proposed project is not in conflict with the State plan required under the Act, and demonstrate evidence of cooperation and coordination with other service providers as appropriate, including State adult education officials or their local representatives.

(23) The Senate amendment authorizes $2 million in funds to provide matching grants to Howard University's endowment fund. The purpose of this provision is to encourage Howard University's self-sufficiency through increased fund raising activities. The period of any grant shall not exceed 20 years, during which time the University may not spend the principal. The House bill contains no comparable provision. The House recedes. The Conferees specifically intend that the University use up to $2 million of the sums appropriated annually under the Act of March 2, 1867 for endowment building purposes as provided in Title II.

(24) The Senate amendment authorizes $4.6 million for FY '85 and "such sums" for subsequent years ending October 1, 1989, for the National Assessment for Educational Progress. The House bill contains no comparable section. The Senate recedes.

(25) The Senate amendment authorizes $9.3 million for FY '85 and "such sums" for subsequent years ending October 1, 1989, for the National Center for Education Statistics. The House bill contains no comparable provision. The Senate recedes.

(26) The Senate amendment adds a new Title IV, "Higher Education Construction Projects." The House recedes with an amendment that strikes the word "Construction" from the title.

(27) The Senate amendment authorizes $6.5 million to construct an addition to the William H. Mortenson Library at the University of Hartford in order to house a collection of materials relating to Presidential campaigns and American history. There is no comparable House provision. The House recedes.

(28) The Senate amendment authorizes $9 million to construct a human development facility at the University of Kansas. The House bill has no comparable provision. The House recedes.

(29) The Senate amendment authorizes $3.5 million for the Carl Vinson Institute of Government at the University of Georgia. The House bill has no comparable provision. The House recedes.

(30) The House bill provides for a $3 million authorization for the three year period FY 1985 to FY 1987 for the John W. McCormack Institute of Public Affairs at the University of Massachusetts. The Senate amendment contains no such provision. The Senate recedes.

AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
IKE ANDREWS,
PAUL SIMON,
PAT WILLIAMS,
RAY KOGOVSEK,
MAJOR R. OWENS,
FRANK HARRISON,
GARY L. ACKERMAN,
TIMOTHY J. PENNY,
JIM JEFFORDS,
TOM COLEMAN,
TOM PETRI,
MARGE ROUKEMA,
STEVE GUNDERSON,
RON PACKARD,
Managers on the Part of the House.

ORRIN G. HATCH,
ROBERT T. STAFFORD,
DAN QUAYLE,
JEREMIAH DENTON,
LOWELL P. WEICKER, JR.,
JOHN P. EAST,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
TOM EAGLETON,
CHRIS DODD,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 5603, DEVELOPMENTAL DISABILITIES ACT OF 1984

Mr. WAXMAN submitted the following conference report and statement on the bill (H.R. 5603) to amend the Public Health Service Act to revise and extend the authorities of that act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act:

CONFERENCE REPORT (H. REPT. No. 98-1074)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5603) to amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Developmental Disabilities Act of 1984".

SEC. 2. Title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended to read as follows:

"TITLE I—PROGRAMS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"PART A—GENERAL PROVISIONS

"SHORT TITLE

"SEC. 100. This title may be cited as the 'Developmental Disabilities Assistance and Bill of Rights Act'.

"FINDINGS AND PURPOSES

"SEC. 101. (a) The Congress finds that—

"(1) there are more than two million persons with developmental disabilities in the United States;

"(2) individuals with disabilities occurring during their developmental period are more vulnerable and less able to reach an independent level of existence than other handicapped individuals who generally have had a normal developmental period on which to draw during the rehabilitation process;

"(3) persons with developmental disabilities often require specialized lifelong services to be provided by many agencies in a coordinated manner in order to meet the persons' needs;

"(4) generic service agencies and agencies providing specialized services to disabled persons tend to overlook or exclude persons with developmental disabilities in their planning and delivery of services; and

"(5) it is in the national interest to strengthen specific programs, especially programs that reduce or eliminate the need for institutional care, to meet the needs of persons with developmental disabilities.

"(b)(1) It is the overall purpose of this title to assist States to (A) assure that persons with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve their maximum potential through increased independence, productivity, and integration into the community, and (B) establish and operate a system which coordinates, monitors, plans, and evaluates services which ensures the protection of the legal and human rights of persons with developmental disabilities.

"(2) The specific purposes of this title are—

"(A) to assist in the provision of comprehensive services to persons with developmental disabilities, with priority to those persons whose needs are not otherwise met under the Rehabilitation Act of 1973 or other health, education, or welfare programs;

"(B) to assist States in appropriate planning activities;

"(C) to make grants to States and public and private, nonprofit agencies to establish model programs, to demonstrate innovative habilitation techniques, and to train professional and paraprofessional personnel with respect to providing services to persons with developmental disabilities;

"(D) to make grants to university affiliated facilities to assist them in administering and operating demonstration facilities for the provision of services to persons with developmental disabilities and interdisciplinary training programs for personnel needed to provide specialized services for these persons; and

"(E) to make grants to support a system in each State to protect the legal and human rights of all persons with developmental disabilities.

"DEFINITIONS

"SEC. 102. For purposes of this title:

"(1) The term 'State' includes Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.

"(3) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which are owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual. The term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

"(4) The term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical, transportation, and recreation facilities); including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

"(5) The term 'cost of construction' means the amount found by the Secretary to be necessary for the construction of a project.

"(6) The term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

"(7) The term 'developmental disability' means a severe, chronic disability of a person which—

"(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

"(B) is manifested before the person attains age twenty-two;

"(C) is likely to continue indefinitely;

"(D) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and

"(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

"(8) The term 'independence' means the extent to which persons with developmental disabilities exert control and choice over their own lives.

"(9) The term 'productivity' means—

"(A) engagement in income-producing work by a person with developmental disabilities which is measured through improvements in income level, employment status, or job advancement, or

"(B) engagement by a person with developmental disabilities in work which contributes to a household or community.

"(10) The term 'integration' means—

"(A) the—

"(i) use by persons with developmental disabilities of the same community resources that are used by and available to other citizens, and

"(ii) participation by persons with developmental disabilities in the same community activities in which nonhandicapped citizens participate,

together with regular contact with nonhandicapped citizens, and

"(B) the residence by persons with developmental disabilities in homes or in homelike settings which are in proximity to community resources, together with regular contact with nonhandicapped citizens in their communities.

"(11)(A) The term 'services for persons with developmental disabilities' means—

"(i) priority services; and

"(ii) any other specialized services or special adaptations of generic services for persons with developmental disabilities, including diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation and socialization, counseling of the person with such disability and the family of such person, protective and other social and sociolegal services, information and referral services, follow-along services, nonvocational social-developmental services, transportation services necessary to assure delivery of services to persons with developmental disabilities, and services to promote and coordinate activities to prevent developmental disabilities.

"(B) The term 'service activities' includes, with respect to a priority service or a service described in subparagraph (A)(ii)—

"(i) the provision of specialized services in the area which respond to unmet needs of persons with developmental disabilities;

"(ii) model service programs in the area;

"(iii) activities to increase the capacity of agencies to provide services in the area;

"(iv) the coordination of the provision of services in the area with the provision of other services;

"(v) outreach to individuals for the provision of services in the area;

"(vi) the training of personnel, including parents of persons with developmental disabilities, professionals, and volunteers, to provide services in the area; and

"(vii) similar activities designed to expand the use and availability of services in the area.

"(C) The term 'priority services' means alternative community living arrangement services, employment related activities, child development services, and case management services.

"(D) The term 'alternative community living arrangement services' means such services as will assist persons with developmental disabilities in developing or maintaining suitable residential arrangements in the community, including in-house services (such as personal aides and attendants and other domestic assistance and supportive services), family support services, foster care services, group living services, respite care, recreation and socialization services, and staff training, placement, and maintenance services.

"(E) The term 'employment related activities' means such services as will increase the independence, productivity, or integration of a person with developmental disabilities in work settings, including such services as employment preparation and vocational training leading to supported employment, incentive programs for employers who hire persons with developmental disabilities, services to assist transition from special education to employment, and services to assist transition from sheltered work settings to supported employment settings or competitive employment.

"(F) The term 'supported employment' means paid employment which—

"(i) is for persons with developmental disabilities for whom competitive employment at or above the minimum wage is unlikely and who, because of their disabilities, need intensive ongoing support to perform in a work setting;

"(ii) is conducted in a variety of settings, particularly worksites in which persons without disabilities are employed; and

"(iii) is supported by any activity needed to sustain paid work by persons with disabilities, including supervision, training, and transportation.

"(G) The term 'child development services' means such services as will assist in the prevention, identification, and alleviation of developmental disabilities in children, including early intervention services, counseling and training of parents, early identification of developmental disabilities, and diagnosis and evaluation of such developmental disabilities.

"(H) The term 'case management services' means such services to persons with developmental disabilities as will assist them in gaining access to needed social, medical, educational, and other services. Such term includes—

"(i) follow-along services which ensure, through a continuing relationship, lifelong if necessary, between an agency or provider and a person with a developmental disability and the person's immediate relatives or guardians, that the changing needs of the person and the family are recognized and appropriately met; and

"(ii) coordination services which provide to persons with developmental disabilities support, access to (and coordination of) other services, information on programs and services, and monitoring of the persons' progress.

"(12) The term 'satellite center' means a public or private nonprofit entity which—

"(A)(i) is affiliated with one or more university affiliated facilities;

"(ii) functions as a community or regional extension of such university affiliated facility or facilities in the delivery of services to persons with developmental disabilities, and their families, who reside in geographical areas where adequate services are not otherwise available; and

"(iii) may engage in the activities described in subparagraph (A), (B), or (C) of paragraph (13); or

"(B) is affiliated with one or more university affiliated facilities and which provides for at least—

"(i) interdisciplinary training for personnel concerned with the provision of direct or indirect services to persons with developmental disabilities; and

"(ii) dissemination of findings relating to the provision of services to persons with developmental disabilities.

"(13) The term 'university affiliated facility' means a public or nonprofit facility which is associated with, or is an integral part of, a college or university and which provides for at least the following activities:

"(A) Interdisciplinary training for personnel concerned with developmental disabil-

ities which is conducted at the facility and through outreach activities.

"(B) Demonstration of—

"(i) exemplary services relating to persons with developmental disabilities in settings which are integrated in the community; and

"(ii) technical assistance to generic and specialized agencies to provide services to increase the independence, productivity, and integration into the community of persons with developmental disabilities, such as the development and improvement of quality assurance mechanisms.

"(C)(i) Dissemination of findings relating to the provision of services under subparagraph (B) of this paragraph, and (ii) providing researchers and government agencies sponsoring service-related research with information on the needs for further service-related research which would provide data and information that will assist in increasing the independence, productivity, and integration into the community of persons with developmental disabilities.

"(14) The term 'Secretary' means the Secretary of Health and Human Services.

"(15) The term 'State Planning Council' means a State Planning Council established under section 124.

"FEDERAL SHARE

"SEC. 103. (a) The Federal share of all projects in a State supported by an allotment to the State under part B may not exceed 75 percent of the aggregate necessary costs of all such projects, as determined by the Secretary, except that in the case of projects located in urban or rural poverty areas, the Federal share of all such projects may not exceed 90 percent of the aggregate necessary costs of such projects, as determined by the Secretary.

"(b) The Federal share of any project to be provided through grants under part D may not exceed 75 percent of the necessary cost of such project, as determined by the Secretary, except that if the project is located in an urban or rural poverty area, the Federal share may not exceed 90 percent of the project's necessary costs as so determined.

"(c) The non-Federal share of the cost of any project assisted by a grant or allotment under this title may be provided in kind.

"(d) For the purpose of determining the Federal share with respect to any project, expenditures on that project by a political subdivision of a State or by a nonprofit private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe, be deemed to be expenditures by such State in the case of a project under part B or by a university affiliated facility or a satellite center, as the case may be, in the case of a project assisted under part D.

"RECORDS AND AUDIT

"SEC. 104. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including (1) records which fully disclose (A) the amount and disposition by such recipient of the proceeds of such assistance, (B) the total cost of the project or undertaking in connection with which such assistance is given or used, and (C) the amount of that portion of the cost of the project or undertaking supplied by other sources, and (2) such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

"RECOVERY

"SEC. 105. If any facility with respect to which funds have been paid under part B or D shall, at any time within twenty years after the completion of construction—

"(1) be sold or transferred to any person, agency, or organization which is not a public or nonprofit private entity, or

"(2) cease to be a public or other nonprofit facility for persons with developmental disabilities,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for persons with developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment. The Secretary, in accordance with regulations prescribed by the Secretary, may, upon finding good cause therefor, release the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for persons with developmental disabilities.

"STATE CONTROL OF OPERATIONS

"SEC. 106. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility for persons with developmental disabilities with respect to which any funds have been or may be expended under this title.

"REPORTS

"SEC. 107. (a) By January 1 of each year, the State Planning Council of each State shall prepare and transmit to the Secretary a report concerning activities carried out during the preceding fiscal year with funds paid to the State under part B for such fiscal year. Each such report shall be in a form prescribed by the Secretary by regulation and shall contain—

"(1) a description of such activities and the accomplishments resulting from such activities;

"(2) a comparison of such accomplishments with the goals, objectives, and proposed activities specified by the State in the State plan submitted under section 122 for such fiscal year; and

"(3) an accounting of the manner in which funds paid to a State under part B for a fiscal year were expended.

"(b) By January 1 of each year, each protection and advocacy system established in a State pursuant to part C shall prepare and transmit to the Secretary a report which describes the activities, accomplishments, and expenditures of the system during the preceding fiscal year.

"(c)(1) By April 1 of each year the Secretary shall prepare and transmit to the President, the Congress, and the National Council on the Handicapped a report which describes—

"(A) the activities and accomplishments of programs supported under parts B, C, D, and E of this title; and

"(B) the progress made in States in improving the independence, productivity, and integration into the community of persons with developmental disabilities and any activities or services needed to improve such independence, productivity, and integration.

"(2) In preparing the report required by this subsection, the Secretary shall use and include information submitted to the Secretary in the reports required under subsections (a) and (b) of this section.

"RESPONSIBILITIES OF THE SECRETARY

"SEC. 108. (a) The Secretary, not later than 180 days after the date of enactment of any Act amending the provisions of this title, shall promulgate such regulations as may be required for the implementation of such amendments.

"(b) Within 90 days after the date of enactment of the Developmental Disabilities Act of 1984, the Secretary of Health and Human Services and the Secretary of Education shall establish an interagency committee composed of representatives of the Administration for Developmental Disabilities of the Department of Health and Human Services, the Office of Special Education and Rehabilitative Services of the Department of Education, the Department of Labor, and such other Federal departments and agencies as the Secretary of Health and Human Services and the Secretary of Education consider appropriate. Such interagency committee shall meet regularly to coordinate and plan activities conducted by Federal departments and agencies for persons with developmental disabilities.

"EMPLOYMENT OF HANDICAPPED INDIVIDUALS

"SEC. 109. As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified handicapped individuals on the same terms and conditions required with respect to the employment of such individuals by the provisions of the Rehabilitation Act of 1973 which govern employment (1) by State rehabilitation agencies and rehabilitation facilities, and (2) under Federal contracts and subcontracts.

"RIGHTS OF THE DEVELOPMENTALLY DISABLED

"SEC. 110. Congress makes the following findings respecting the rights of persons with developmental disabilities:

"(1) Persons with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities.

"(2) The treatment, services, and habilitation for a person with developmental disabilities should be designed to maximize the developmental potential of the person and should be provided in the setting that is least restrictive of the person's personal liberty.

"(3) The Federal Government and the States both have an obligation to assure that public funds are not provided to any institutional or other residential program for persons with developmental disabilities that—

"(A) does not provide treatment, services, and habilitation which is appropriate to the needs of such persons; or

"(B) does not meet the following minimum standards:

"(i) Provision of a nourishing, well-balanced daily diet to the persons with developmental disabilities being served by the program.

"(ii) Provision to such persons of appropriate and sufficient medical and dental services.

"(iii) Prohibition of the use of physical restraint on such persons unless absolutely necessary and prohibition of the use of such restraint as a punishment or as a substitute for a habilitation program.

"(iv) Prohibition on the excessive use of chemical restraints on such persons and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such persons.

"(v) Permission for close relatives of such persons to visit them at reasonable hours without prior notice.

"(vi) Compliance with adequate fire and safety standards as may be promulgated by the Secretary.

"(4) All programs for persons with developmental disabilities should meet standards which are designed to assure the most favorable possible outcome for those served, and—

"(A) in the case of residential programs serving persons in need of comprehensive health-related, habilitative, or rehabilitative services, which are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded promulgated in regulations of the Secretary on January 17, 1974 (39 Fed. Reg. pt. II), as appropriate when taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

"(B) in the case of other residential programs for persons with developmental disabilities, which assure that care is appropriate to the needs of the persons being served by such programs, assure that the persons admitted to facilities of such programs are persons whose needs can be met through services provided by such facilities, and assure that the facilities under such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

"(C) in the case of nonresidential programs, which assure the care provided by such programs is appropriate to the persons served by the programs.

The rights of persons with developmental disabilities described in findings made in this section are in addition to any constitutional or other rights otherwise afforded to all persons.

"PART B—FEDERAL ASSISTANCE FOR PLANNING AND SERVICE ACTIVITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"PURPOSE

"SEC. 121. The purpose of this part is to provide payments to States to plan for, and to conduct, activities which will increase and support the independence, productivity, and integration into the community of persons with developmental disabilities.

"STATE PLANS

"SEC. 122. (a) Any State desiring to take advantage of this part must have a State plan submitted to and approved by the Secretary under this section.

"(b) In order to be approved by the Secretary under this section, a State plan for the provision of services for persons with developmental disabilities must meet the following requirements:

"(1)(A) The plan must provide for the establishment of a State Planning Council, in accordance with section 124, for the assignment to the Council of personnel in such numbers and with such qualifications as the Secretary determines to be adequate to enable the Council to carry out its duties under this title, and for the identification of the personnel so assigned.

"(B) The plan must designate the State agency or agencies which shall administer or supervise the administration of the State plan and, if there is more than one such agency, the portion of such plan which each will administer (or the portion the administration of which each will supervise).

"(C) The plan must provide that each State agency designated under subparagraph (B) will keep such records and afford such access thereto as the Secretary or the State Planning Council finds necessary.

"(D) The plan must provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part.

"(2) The plan must—

"(A) set out the specific objectives to be achieved under the plan and a listing of the programs and resources to be used to meet such objectives;

"(B) set forth the non-Federal share that will be required in carrying out each such objective and program;

"(C) describe (and provide for the review annually and revision of the description not less often than once every three years) (i) the extent and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for federally assisted State programs as the State conducts relating to education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health, and under such other plans as the Secretary may specify, and (ii) how funds allotted to the State in accordance with section 125 will be used to complement and augment rather than duplicate or replace services for persons with developmental disabilities who are eligible for Federal assistance under such other State programs;

"(D) for each fiscal year, assess and describe the extent and scope of the priority services being or to be provided under the plan in the fiscal year; and

"(E) establish a method for the periodic evaluation of the plan's effectiveness in meeting the objectives described in subparagraph (A).

"(3) The plan must contain or be supported by assurances satisfactory to the Secretary that—

"(A) the funds paid to the State under section 125 will be used to make a significant contribution toward strengthening services for persons with developmental disabilities through agencies in the various political subdivisions of the State;

"(B) part of such funds will be made available by the State to public or nonprofit private entities;

"(C) not more than 25 percent of such funds will be allocated to the agency or agencies designated under section 122(b)(1)(B) for the provision of services by such agency or agencies;

"(D) such funds paid to the State under section 125 will be used to supplement and to increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds; and

"(E) there will be reasonable State financial participation in the cost of carrying out the State plan.

"(4)(A) The plan must provide for the examination not less often than once every three years of the provision, and the need for the provision, in the State of the four priority services.

"(B) The plan must provide for the development, not later than the second year in which funds are provided under the plan after the date of the enactment of the Developmental Disabilities Act of 1984, and the timely review and revision of, a comprehensive statewide plan to plan, financially support, coordinate, and otherwise better address, on a statewide and comprehensive basis, unmet needs in the State for the provision of services for persons with developmental disabilities as follows:

"(i)(I) Except as provided in subclause (II), the plan shall provide for the provision of at least one but not more than two priority services.

"(II) In fiscal year 1987, the plan may provide for the provision of three priority services.

"(ii) For any fiscal year after fiscal year 1986 for which the total appropriations under section 130 are at least $50,250,000, the plan shall provide for the provision of employment related activities among the priority services to be provided under the plan.

"(iii) At the option of the State, the plan may provide for the provision of one or more additional services for persons with developmental disabilities from the services described in section 102(11)(A)(i).

"(C) Notwithstanding the requirements of subparagraph (B), upon the application of a State, the Secretary, pursuant to regulations which the Secretary shall prescribe, may permit the portion of the funds which must otherwise be expended under the State plan for service activities in a limited number of services to be expended for service activities in additional services if the Secretary determines that the expenditures of the State on service activities in the initially specified services has reasonably met the need for those services in the State in comparison to the extent to which the need for such additional services has been met in such State. Such additional areas shall, to the maximum extent feasible, be areas within the priority services.

"(D) The plan must be developed after consideration of the data collected by the State education agency under section 618(b)(3) of the Education of the Handicapped Act.

"(E)(i) The plan must provide that not less than 65 percent of the amount available to the State under section 125 will be expended for service activities in the priority services.

"(ii) The plan must provide that the remainder of the amount available to the State from allotments under section 125 (after making the expenditures required by clause (i) of this paragraph) shall be used for service activities for persons with developmental disabilities, and the planning, coordination, and administration of, and the advocacy for, the provision of such services.

"(F) The plan must provide that special financial and technical assistance shall be given to agencies or entities providing services for persons with developmental disabilities who are residents of geographical areas designated as urban or rural poverty areas.

"(5)(A)(i) The plan must provide that services furnished, and the facilities in which they are furnished, under the plan for persons with developmental disabilities will be in accordance with standards prescribed by the Secretary in regulations.

"(ii) The plan must provide satisfactory assurances that buildings used in connection with the delivery of services assisted under the plan will meet standards adopted pursuant to the Act of August 12, 1968

(known as the Architectural Barriers Act of 1968).

"(B) The plan must provide that services are provided in an individualized manner consistent with the requirements of section 123 (relating to habilitation plans).

"(C) The plan must contain or be supported by assurances satisfactory to the Secretary that the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under programs assisted under this part will be protected consistent with section 110 (relating to rights of the developmentally disabled).

"(D) The plan must provide assurances that the State has undertaken affirmative steps to assure the participation in programs under this title of individuals generally representative of the population of the State, with particular attention to the participation of members of minority groups.

"(E) The plan must provide assurances that the State will provide the State Planning Council with a copy of each annual survey report and plan of corrections for cited deficiencies prepared pursuant to section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in such State within 30 days after the completion of each such report or plan.

"(6)(A) The plan must provide for the maximum utilization of all available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973 and other appropriate voluntary organizations, except that such volunteer services shall supplement, and shall not be in lieu of, services of paid employees.

"(B) The plan must provide for fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected by actions under the plan to provide alternative community living arrangement services, including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees where necessary and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

"(7) The plan also must contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

"(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"(d)(1) At the request of any State, a portion of any allotment or allotments of such State under this part for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the State plan approved under this section; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for the total expenditures for such purpose by all of the State agencies designated under subsection (b)(1)(B) for the administration or supervision of the administration of the State plan. Payments under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from the State sources for such year for administration of the State plan approved under this section not less than the total amount expended for such purposes from such sources during the previous fiscal year.

"HABILITATION PLANS

"SEC. 123. (a) The Secretary shall require as a condition to a State's receiving an allotment under this part that the State provide the Secretary satisfactory assurances that each program (including programs of any agency, facility, or project) which receives funds from the State's allotment under this part (1) has in effect for each developmentally disabled person who receives services from or under the program a habilitation plan meeting the requirements of subsection (b), and (2) provides for an annual review, in accordance with subsection (c), of each such plan.

"(b) A habilitation plan for a person with developmental disabilities shall meet the following requirements:

"(1) The plan shall be in writing.

"(2) The plan shall be developed jointly by (A) a representative or representatives of the program primarily responsible for delivering or coordinating the delivery of services to the person for whom the plan is established, (B) such person, and (C) where appropriate, such person's parents or guardian or other representative.

"(3) The plan shall contain a statement of the long-term habilitation goals for the person and the intermediate habilitation objectives relating to the attainments of such goals. Such goals should include the increase or support of independence, productivity, and integration into the community for the person. Such objectives shall be stated specifically and in sequence and shall be expressed in behavioral or other terms that provide measurable indices of progress. The plan shall (A) describe how the objectives will be achieved and the barriers that might interfere with the achievement of them, (B) state an objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (C) provide for a program coordinator who will be responsible for the implementation of the plan.

"(4) The plan shall contain a statement (in readily understandable form) of specific habilitation services to be provided, shall identify each agency which will deliver such services, shall describe the personnel (and their qualifications) necessary for the provision of such services, and shall specify the date of the initiation of each service to be provided and the anticipated duration of each such service.

"(5) The plan shall specify the role and objectives of all parties to the implementation of the plan.

"(c) Each habilitation plan shall be reviewed at least annually by the agency primarily responsible for the delivery of services to the person for whom the plan was established or responsible for the coordination of the delivery of services to such person. In the course of the review, such person and the person's parents or guardian or other representative shall be given an opportunity to review such plan and to participate in its revision.

"STATE PLANNING COUNCILS

"SEC. 124. (a)(1) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for persons with developmental disabilities. The members of the State Planning Council of a State shall be appointed by the Governor of the State from among the residents of that State. The Governor of each State shall make appropriate provisions for the rotation of membership on the Council of that State. Each State Planning Council shall at all times include in its membership representatives of the principal State agencies (including the State agency that administers funds provided under the Rehabilitation Act of 1973, the State agency that administers funds provided under the Education of the Handicapped Act, and the State agency that administers funds provided under title XIX of the Social Security Act for persons with developmental disabilities), higher education training facilities, each university affiliated facility or satellite center in the State, the State protection and advocacy system established under section 142, local agencies, and nongovernmental agencies and private nonprofit groups concerned with services to persons with developmental disabilities in that State.

"(2) At least one-half of the membership of each such Council shall consist of persons who—

"(A) are persons with developmental disabilities or parents or guardians of such persons, or

"(B) are immediate relatives or guardians of persons with mentally impairing developmental disabilities,

who are not employees of a State agency which receives funds or provides services under this part, who are not managing employees (as defined in section 1126(b) of the Social Security Act) of any other entity which receives funds or provides services under this part, and who are not persons with an ownership or control interest (within the meaning of section 1124(a)(3) of the Social Security Act) with respect to such an entity.

"(3) Of the members of the Council described in paragraph (2)—

"(A) at least one-third shall be persons with developmental disabilities, and

"(B)(i) at least one-third shall be individuals described in subparagraph (B) of paragraph (2), and (ii) at least one of such individuals shall be an immediate relative or guardian of an institutionalized person with a developmental disability.

"(b) Each State Planning Council shall—

"(1) develop jointly with the State agency or agencies designated under section 122(b)(1)(B) the State plan required by this part, including the specification of services under section 122(b)(4)(B);

"(2) monitor, review, and evaluate, not less often than annually, the implementation of such State plan;

"(3) to the maximum extent feasible, review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities; and

"(4) submit to the Secretary, through the Governor, such periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary finds necessary to verify such reports.

"STATE ALLOTMENTS

"SEC. 125. (a)(1) For each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 130 among the States on the basis of—

"(A) the population,

"(B) the extent of need for services for persons with developmental disabilities, and

"(C) the financial need,

of the respective States. Sums allotted to the States under this section shall be used in accordance with approved State plans under section 122 for the provision under such plans of services for persons with developmental disabilities.

"(2) Adjustments in the amounts of State allotments based on subparagraphs (A), (B), and (C) of paragraph (1) may be made not more often than annually. The Secretary shall notify States of any adjustment made not less than six months before the beginning of the fiscal year in which such adjustment is to take effect.

"(3)(A) Except as provided in paragraph (4), for any fiscal year the allotment under paragraph (1)—

"(i) to each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands may not be less than $100,000, and

"(ii) to any other State may not be less than the greater of $250,000, or the amount of the allotment (determined without regard to subsection (d)) received by the State for the fiscal year ending September 30, 1984.

"(B) Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to each State pursuant to subparagraph (A) in any fiscal year exceeds the total amount appropriated under section 130 for such fiscal year, the amount to be allotted to a State for such fiscal year shall be an amount which bears the same ratio to the amount which is to be allotted to the State pursuant to such subparagraph as the total amount appropriated under section 130 for such fiscal year bears to the total of the amount required to be appropriated under such section for allotments to provide each State with the allotment required by such subparagraph.

"(4) In any case in which amounts appropriated under section 130 for a fiscal year exceed $47,000,000, the allotment under paragraph (1) for such fiscal year—

"(A) to each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands may not be less than $160,000; and

"(B) to each of the several States, Puerto Rico, or the District of Columbia, may not be less than $300,000.

"(5) In determining, for purposes of paragraph (1)(B), the extent of need in any State for services for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services described, pursuant to section 122(b)(2)(C), in the State plan of the State.

"(b) Whenever the State plan approved in accordance with section 122 provides for participation of more than one State agency in administering or supervising the administration of designated portions of the State plan, the State may apportion its allotment among such agencies in a manner which, to the satisfaction of the Secretary, is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of the State plan. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be spent for other purposes, provided the purposes of the State plan will receive proportionate benefit from the combination.

"(c) Whenever the State plan approved in accordance with section 122 provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined in accordance with the agreements between the agencies involved.

"(d) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as the Secretary may fix (but not earlier than thirty days after the Secretary has published notice of the intention of the Secretary to make such reallotment in the Federal Register), to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

"PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION AND SERVICES

"SEC. 126. From each State's allotments for a fiscal year under section 125, the State shall be paid the Federal share of the expenditures, other than expenditures for construction, incurred during such year under its State plan approved under this part. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend under the State plan, except that such adjustments as may be necessary shall be made on account of previously made underpayments or overpayments under this section.

"WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION AND SERVICES

"SEC. 127. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State Planning Council and the appropriate State agency designated pursuant to section 122(b)(1) finds that—

"(1) there is a failure to comply substantially with any of the provisions required by section 122 to be included in the State plan; or

"(2) there is a failure to comply substantially with any regulations of the Secretary which are applicable to this part,

the Secretary shall notify such State Council and agency or agencies that further payments will not be made to the State under section 125 (or, in the discretion of the Secretary, that further payments will not be made to the State under section 125 for activities in which there is such failure), until the Secretary is satisfied that there will no longer be such failure. Until the Secretary is so satisfied, the Secretary shall make no further payment to the State under section 125, or shall limit further payment under section 125 to such State to activities in which there is no such failure.

"NONDUPLICATION

"SEC. 128. In determining the amount of any State's Federal share of the expenditures incurred by it under a State plan approved under section 122, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than section 125, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

"APPEALS BY STATES

"SEC. 129. If any State is dissatisfied with the Secretary's action under section 122(c) or section 127, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by the Secretary for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside the order of the Secretary. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of the fact and may modify the previous action of the Secretary, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 130. For allotments under section 125, there are authorized to be appropriated $50,250,000 for fiscal year 1985, $53,400,000 for fiscal year 1986, and $56,500,000 for fiscal year 1987.

"PART C—PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

"PURPOSE

"SEC. 141. It is the purpose of this part to provide for allotments to support a system in each State to protect the legal and human rights of persons with developmental disabilities in accordance with section 142.

"SYSTEM REQUIRED

"SEC. 142. (a) In order for a State to receive an allotment under part B—

"(1) the State must have in effect a system to protect and advocate the rights of persons with developmental disabilities;

"(2) such system must—

"(A) have the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of such persons who are receiving treatment, services, or habilitation within the State and to provide information on and referral to programs and services addressing the needs of persons with developmental disabilities;

"(B) not be administered by the State Planning Council;

"(C) be independent of any agency which provides treatment, services, or habilitation

to persons with developmental disabilities; and

"(D) except as provided in subsection (b), be able to obtain access to the records of a person with developmental disabilities who resides in a facility for persons with developmental disabilities if—

"(i) a complaint has been received by the system from or on behalf of such person; and

"(ii) such person does not have a legal guardian or the State or the designee of the State is the legal guardian of such person;

"(3) the State must provide assurances to the Secretary that funds allotted to the State under this section will be used to supplement and increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds;

"(4) the State must provide assurances to the Secretary that such system will be provided with a copy of each annual survey report and plan of corrections for cited deficiencies made pursuant to section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in the State within 30 days after the completion of each such report or plan; and

"(5) the State must provide assurances satisfactory to the Secretary that the agency implementing the system will not be redesignated unless there is good cause for the redesignation and unless notice has been given of the intention to make such redesignation to persons with developmental disabilities or their representatives.

"(b) Prior to October 1, 1986, the provisions of paragraph (2)(D) of subsection (a) shall not apply to any State in which the laws of the State prohibit the system required under such subsection from obtaining access to the records of a person with developmental disabilities under the conditions described in such paragraph.

"(c)(1) To assist States in meeting the requirements of subsection (a), the Secretary shall allot to the States the amounts appropriated under section 143. Allotments and reallotments of such sums shall be made on the same basis as the allotments and reallotments are made under the first sentence of subsection (a)(1) and subsection (d) of section 125, except that in any case in which—

"(A) the total amount appropriated under section 143 for a fiscal year is at least $11,000,000—

"(i) the allotment of each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands for such fiscal year shall not be less than $80,000; and

"(ii) the allotment to each of the several States, Puerto Rico, and the District of Columbia for such fiscal year shall not be less than $150,000; or

"(B) the total amount appropriated under section 143 for a fiscal year is less than $11,000,000, the allotment to each State (other than Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) shall not be less than $50,000.

"(2) A State may use not more than 5 percent of any allotment under this subsection for the costs of monitoring the administration of the system required under subsection (a).

"(3) Notwithstanding paragraph (1), if the aggregate of the amounts of the allotments to be made in accordance with such paragraph for any fiscal year exceeds the total of the amounts appropriated for such allotments under section 143, the amount of a State's allotment for such fiscal year shall bear the same ratio to the amount otherwise determined under such paragraph as the total of the amounts appropriated for that year under section 143 bears to the aggregate amount required to make an allotment to each of the States in accordance with paragraph (1).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 143. For allotments under section 142, there are authorized to be appropriated $13,750,000 for fiscal year 1985, $14,600,000 for fiscal year 1986, and $15,500,000 for fiscal year 1987. The provisions of section 1913 of title 18, United States Code, shall be applicable to all moneys authorized under the provisions of this section.

"PART D—UNIVERSITY AFFILIATED FACILITIES

"PURPOSE

"SEC. 151. The purpose of this part is to provide for grants to university affiliated facilities to assist in the provision of interdisciplinary training, the conduct of service demonstration programs, and the dissemination of information which will increase and support the independence, productivity, and integration into the community of persons with developmental disabilities.

"GRANT AUTHORITY

"SEC. 152. (a) From appropriations under section 154, the Secretary shall make grants to university affiliated facilities to assist in the administration and operation of the activities described in section 102(13).

"(b) The Secretary may make one or more grants to a university affiliated facility receiving a grant under subsection (a) to support one or more of the following activities:

"(1) Conducting—

"(A) a study of the feasibility of establishing a university affiliated facility or a satellite center in an area not served by a university affiliated facility, including an assessment of the needs of the area for such a facility or center; or

"(B) a study of the ways in which such university affiliated facility, singly or jointly with other university affiliated facilities which have received a grant under subsection (a), can assist in establishing one or more satellite centers which would be located in areas not served by a university affiliated facility.

A study under subparagraph (A) or subparagraph (B) shall be carried out in consultation with the State Planning Council for the State in which the university affiliated facility conducting the study is located and the State Planning Council for the State in which the university affiliated facility or satellite center would be established.

"(2) Provision of service-related training to parents of persons with developmental disabilities, professionals, volunteers, or other personnel to enable such parents, professionals, volunteers, or personnel to provide services to increase or maintain the independence, productivity, and integration into the community of persons with developmental disabilities.

"(3) Conducting an applied research program designed to produce more efficient and effective methods (A) for the delivery of services to persons with developmental disabilities, and (B) for the training of professionals, paraprofessionals, and parents who provide these services.

The amount of a grant under paragraph (1) may not exceed $25,000.

"(c) The Secretary may make grants to pay part of the costs of establishing satellite centers and may make grants to satellite centers to pay part of their administration and operation costs. A satellite center which receives a grant under this section may engage in the activities described in subparagraph (A), (B), or (C) of section 102(13).

"(d)(1) The Secretary may not make a grant under subsection (c) for the fiscal year ending on September 30, 1985, to a satellite center which has not received a grant under such subsection or section 121(c) (as such section was in effect prior to October 1, 1984) unless—

"(A) a study assisted under subsection (b)(1)(A) of this section has established the feasibility of establishing or operating such center, except that such study shall not be required to contain an assessment of the need for such center in the area in which such center will be located; or

"(B) a study assisted under section 121(b)(1) (as in effect prior to October 1, 1984) has established the feasibility of establishing or operating such center.

"(2) The Secretary may not make a grant under subsection (a) or subsection (c) for a fiscal year beginning after September 30, 1985, to a university affiliated facility or a satellite center which has not received a grant under this section or section 121 (as such section was in effect prior to October 1, 1984) unless—

"(A) a study assisted under subsection (b)(1)(A) has been conducted with respect to such facility or center by a university affiliated facility; and

"(B) such study has established the feasibility of establishing or operating such facility or center.

"APPLICATIONS

"SEC. 153. (a) Not later than six months after the date of the enactment of the Developmental Disabilities Act of 1984, the Secretary shall establish by regulation standards for university affiliated facilities. Such standards shall reflect the special needs of persons with developmental disabilities who are of various ages, and shall include performance standards relating to each of the activities described in section 102(13).

"(b) No grants may be made under section 152 unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner, and contain such information, as the Secretary may require. Such an application shall be approved by the Secretary only if the application contains or is supported by reasonable assurances that—

"(1) the making of the grant will (A) not result in any decrease in the use of State, local, and other non-Federal funds for services for persons with developmental disabilities and for training of persons to provide such services, which funds would (except for such grant) be made available to the applicant, and (B) be used to supplement and, to the extent practicable, increase the level of such funds;

"(2)(A) the applicant's facility is in full compliance with the standards established under subsection (a), or

"(B)(i) the applicant is making substantial progress toward bringing the facility into compliance with such standards, and (ii) the facility will, not later than three years after the date of approval of the initial application or the date standards are promulgated under subsection (a), whichever is later, fully comply with such standards; and

"(3) the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under programs assisted under this part will be protected consistent with section 110 (relating to rights of the developmentally disabled).

"(c) The Secretary shall establish such a process for the review of applications for grants under section 152 as will ensure, to the maximum extent feasible, that each Federal agency that provides funds for the direct support of the applicant's facility reviews the application.

"(d)(1) If the total amount appropriated under section 154 for a fiscal year is at least $8,500,000, the amount of any grant under section 152(a) to a university affiliated facility shall not be less than $175,000 for such fiscal year and the amount of any grant under section 152(c) to a satellite center shall not be less than $75,000 for such fiscal year.

"(2) If the total amount appropriated under section 154 is less than $8,500,000, the amount of any grant under section 152(a) to a university affiliated facility shall not be less than $150,000 for such fiscal year and the amount of any grant under section 152(c) to a satellite center shall not be less than $75,000 for such fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 154. For the purpose of making grants under section 152, there are authorized to be appropriated $9,000,000 for fiscal year 1985, $9,600,000 for fiscal year 1986, and $10,100,000 for fiscal year 1987.

"PART E—SPECIAL PROJECT GRANTS

"PURPOSE

"SEC. 161. The purpose of this part is to provide for grants for demonstration projects to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities.

"GRANT AUTHORITY

"SEC. 162. (a) The Secretary may make grants to public or nonprofit private entities for—

"(1) demonstration projects—

"(A) which are conducted in more than one State,

"(B) which involve the participation of two or more Federal departments or agencies, or

"(C) which are otherwise of national significance,

and which hold promise of expanding or otherwise improving services to persons with developmental disabilities (especially those who are multihandicapped or disadvantaged, including Native Americans, Native Hawaiians, and other underserved groups); and

"(2) technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which hold promise of expanding or otherwise improving protection and advocacy services relating to the State protection and advocacy system described in section 142.

Projects for the evaluation and assessment of the quality of services provided persons with developmental disabilities which meet the requirements of subparagraphs (A), (B), and (C) of paragraph (1) may be included as projects for which grants are authorized under such paragraph.

"(b) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless each State in which the applicant's project will be conducted has a State plan approved under section 122, and unless the application provides assurances that the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under projects assisted under this part will be protected consistent with section 110 (relating to the rights of the developmentally disabled). The Secretary shall provide to the State Planning Council for each State in which an applicant's project will be conducted an opportunity to review the application for such project and to submit its comments on the application.

"(c) Payments under grants under subsection (a) may be made in advance or by way of reimbursement and at such intervals and on such conditions, as the Secretary finds necessary. The amount of any grant under subsection (a) shall be determined by the Secretary.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 163. To carry out this part, there are authorized to be appropriated $2,700,000 for fiscal year 1985, $2,800,000 for fiscal year 1986, and $3,100,000 for fiscal year 1987.".

STUDY ON INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

SEC. 3. (a) Within six months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and transmit to the Congress a report containing—

(1) recommendations for improving services for mentally retarded persons and persons with developmental disabilities provided under an approved State plan under title XIX of the Social Security Act so that the manner in which such services are provided will increase the independence, productivity, and integration into the community of mentally retarded persons and persons with developmental disabilities;

(2) recommendations for services provided for mentally retarded persons and persons with developmental disabilities under waivers granted under section 1915(c) of the Social Security Act so that the manner in which such services are provided can be improved to increase the independence, productivity, and integration into the community of mentally retarded persons and persons with developmental disabilities; and

(3) comments by each of the officials specified in clauses (2) through (4) of subsection (b) on the recommendations included in the report pursuant to paragraph (1), including comments concerning the effect of such recommendations, if implemented, on programs carried out by such officials.

(b) The Secretary, in preparing the report required by subsection (a), shall consult with—

(1) the Administrator of the Health Care Financing Administration of the Department of Health and Human Services (or the designee of the Administrator);

(2) the Commissioner of the Administration for Developmental Disabilities of the Department of Health and Human Services (or the designee of the Commissioner);

(3) the Chairman of the National Council on the Handicapped (or the designee of the Chairman); and

(4) the Assistant Secretary of Education for Special Education and Rehabilitative Services (or the designee of the Assistant Secretary).

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

JOHN D. DINGELL
HENRY A. WAXMAN,
JAMES H. SCHEUER,
JAMES T. BROYHILL,
EDWARD L. MADIGAN,
Managers on the Part of the House.

ORRIN HATCH,
LOWELL P. WEICKER, JR.,
ROBERT T. STAFFORD,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5603) to amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

The House bill provides for an extension of the authorities of the Alcohol, Drug Abuse, and Mental Health Block Grant.

The Senate amendment contain no comparable provision.

The House recedes.

REORGANIZATION OF THE ACT

The Senate amendments would reorganize the current Act into 5 parts.

Part A: General Provision

Part B: Federal Assistance for Planning and Service Activities for Persons with Developmental Disabilities

Part C: Protection and Advocacy of Individual Rights

Part D: University Affiliated Facilities

Part E: Special Project Grants

The House bill retains the current organizational structure of the Act.

The House recedes.

TITLE

The Senate amendments' title is "To revise and extend programs for persons with developmental disabilities."

The short title of the Senate amendments is "The Developmental Disabilities Act of 1984".

The House bill's title is "To amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services and to revise and extend the

Developmental Disabilities Assistance and Bill of Rights Act".

The House recedes.

PART A: GENERAL PROVISIONS

The Senate amendments would add that the purpose of this title is to help assure that persons with developmental disabilities achieve their maximum potential through increased independence, productivity and integration into the community.

The House bill contains no comparable provision.

The House recedes. The Conferees note the terms "independence, productivity, and integration" are used here as goals of the program and are not meant to be used as limitations of programs or of individual eligibility. A program for persons who may not be independent or income-producing or integrated into the community is an eligible grantee as long as such program assures care, treatment and other services and has the goal of increasing or supporting independence, integration and productivity.

The Senate amendments would define "independence" to mean the extent to which persons with developmental disabilities exert control over their own lives.

The House contains no comparable provision.

The House recedes.

The Senate amendments would define "productivity" to include engagement in income-producing work or work which contributes to a household or community.

The House bill contains no comparable provision.

The House recedes.

The Senate amendments would define "integration" to include the use of community resources that are used by nonhandicapped citizens and the residence in homes or homelike settings which are near community resources and which include contact with nonhandicapped persons.

The House bill contains no comparable provision.

The House recedes.

The Senate amendments would authorize (1) services to promote and coordinate activities to prevent developmental disabilities and (2) nonvocational social development services.

The House bill would also authorize preventive activities.

The House recedes.

The Senate amendments would amend the term service activities to include "the provision of specialized services in the area which responds to unmet needs of persons with developmental disabilities".

The House bill contains no comparable provision.

The House recedes.

The Senate amendments would amend "priority services" to mean alternative community living arrangement services, employment related activities and child development services. Case management services are included in the definition of these three terms.

The House bill contains no comparable provision.

The House recedes with an amendment deleting case management services as part of each priority services area and adding case management as a fourth priority area.

The Senate amendments would define "supported employment" to mean paid employment for persons for whom competitive employment at or above the minimum wage is unlikely and who, because of their disabilities, need intensive, ongoing support in a work setting, including settings in which nonhandicapped persons are employed. The support includes any activity needed to sustain paid work including supervision, training and transportation.

The House bill contains no comparable provision.

The House recedes.

The Senate amendments would expand "satellite center" to allow such centers to include all functions of university affiliated facilities.

The House bill would amend "satellite center" to include a public or nonprofit entity affiliated with or an integral part of a college or university which provides at least interdisciplinary training and dissemination of findings.

Both provisions are accepted.

The Senate amendments would expand the definition of "university affiliated facility" to include facilities that provides at least the following activities: interdisciplinary training conducted at the facility and through outreach activities; exemplary services in community settings; and technical assistance and dissemination of findings to increase independence, productivity and community integration of persons with developmental disabilities.

The House bill contains no such provision.

The House recedes.

The Senate amendments would amend current law to allow the Federal share of the State grant projects to be 75 percent of the aggregate cost of such projects, except in poverty areas where the Federal share my be 90 percent of such aggregate cost.

The House bill contains no such provision.

The House recedes with an amendment which replaces "shall be" to "may not exceed". It is the intent of the Conferees that 25 percent of the support of projects under parts B and D be provided from non-Federal sources unless the projects are located in an urban or rural poverty area, in which case 10 percent of the support should be provided from non-Federal sources. It is not the intent of the Conferees that States or grantees be required by the Secretary to supply more than these levels from non-Federal sources, although if States or grantees wish to "over-match" they are clearly free to do so.

The Senate amendments would require State planning councils to submit an annual report to the Secretary concerning activities under the State grant program. Such report shall include a description of the program's activities and accomplishments, a comparison of accomplishments and goals and objectives, an accounting of the use of State grant funds, a specification of funds allotted to various types of agencies, and attendance at State planning council meetings.

The House bill would require the Secretary to make an annual report to the Congress on State activities and to make such reports available to States and the general public.

The House recedes with an amendment. The Conferees recommend that the Secretary prescribe the form of the annual State report. The Conferees recommend that the following information be included:

(1) the total amount of Federal funds for the fiscal year paid to the State for the State grant program;

(2) the total amount of the non-Federal share for projects funded by the State grant program during the fiscal year;

(3) the total amount of Federal funds and the total amount of non-Federal funds obligated to carry out the State grant program during the fiscal year;

(4) the total amount of Federal funds and the total amount of non-Federal funds expended to carry out the State grant program during the fiscal year;

(5) the total amount of Federal funds provided under the State grant program which were not obligated or expended during the fiscal year;

(6) the total amount of Federal funds expended for travel by council members during the fiscal year;

(7) a specification of the amount and proportion of Federal funds paid to the State for the State grant program for the fiscal year which were allocated to—

(A) State agencies;

(B) Local governments and local government agencies;

(C) nonprofit private agencies; and

(8) a description of the extent to which the individuals who actually attended meetings of the State Planning Council during the fiscal year reflect the requirements for membership on such Council.

The Senate amendments would require the protection and advocacy systems to submit an annual report to the Secretary which describes its activities and accomplishments.

The House bill contains no such provision.

The House recedes with an amendment which requires that the annual report also include information about expenditures made during the preceding fiscal year.

The Senate amendments would require the Secretary to submit to the President, the Congress, and the National Council on the Handicapped an annual report on the programs authorized under the Act, progress made and services needed to improve the independence, productivity and integration into the community of persons with developmental disabilities. In addition, the Secretary would submit a report on the States' manpower and training assessments.

The House bill contains no such provision.

The House recedes with an amendment which deletes the requirement for a report on the States' manpower and training assessments.

The Senate amendments would require the Secretaries of HHS and Education to establish an interagency committee composed of representatives of the Administration on Developmental Disabilities, the Office of Special Education and Rehabilitative Services and other Federal departments as appropriate to plan and coordinate Federal activities for persons with developmental disabilities.

The House bill contains no such provision.

The House recedes with an amendment which includes the Department of Labor as a member of the interagency committee.

PART B: FEDERAL ASSISTANCE FOR PLANNING AND SERVICE ACTIVITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

The Senate amendments would require that the State not consolidate the State plan with any other State plan and not substitute any other plan for the required State plan unless the State Planning Council and the State administering agency consent in writing to such consolidation or substitution.

The House bill contains no such provision.

The Senate recedes. The Conferees would like to underscore the unique and critical role of the Developmental Disabilities State Plan. Since this plan is the document developed by the council to shape the State implementation of the Developmental Disabilities program, the Conferees believe it

would be inappropriate to consolidate or substitute such a plan with other State plans unless the Council has final review of the plan, without subsequent additions, deletions, or revisions. It is the view of Conferees that any consolidation without such final review is an unauthorized infringement of the planning function of the State council under current law and under the proposed legislation.

The Senate amendments would require that the State plan provide that each designated State agency make reports and maintain access to records as needed by the Secretary of each State planning council.

The House bill would require each State to submit annual reports.

The House recedes with an amendment which deletes the requirement for the State agency to make reports to the Secretary and the State planning council from time to time. The provision regarding access to State records by the Secretary and the councils is retained.

The Senate amendments would add a requirement that not more than 25 percent of State grant funds be allocated to the designated State agency for the provision of services by such agency.

The House bill contains no such provision.

The House recedes.

The Senate amendments would amend the priority services areas so that employment related activities must be specified as a priority in the State plan and in addition either community living arrangement services or child development services must be specified.

The House bill contains no similar provision.

The House recedes with an amendment which would add case management as a priority service (as in current law) and which requires employment-related activities to be provided as a priority service after fiscal year 1986 only if appropriations equal or exceed the level of $50.25 million. The Conferees note that the mandatory employment-related activities service carries with it no minimum allocation of funds by the States. The Conferees do not intend for the mandatory nature of the provision of the employment-related activities service to diminish a State's ability to provide its other designated services. If a State elects to devote a substantial portion of the State allotment to the employment-related activities service, clearly it is free to do so. Indeed, a State may elect to devote its entire allotment to the employment-related activities service, if it chooses. The Conferees do not, however, intend to force a State to displace other services which it is now providing or has elected to provide. The Conferees would like to clarify that "employment-related activities" may be chosen as a priority prior to fiscal year 1987 if a State so decides.

The Conferees intend that the new employment activities priority be complementary to other programs and services aimed at preparing developmentally disabled individuals for productive activity and work. Eligible developmentally disabled individuals should receive appropriate training and other services under the State vocational rehabilitation program. The new employment-related activities priority is not intended to undermine any mandate for services to eligible developmentally disabled persons under vocational rehabilitation, independent living or other training programs.

The Senate amendments would amend the priority services areas so that when the appropriation for the State grant program exceeds $60,000,000 States may choose all three priority services.

The House bill contains no such provision.

The House recedes with an amendment which allows States to choose three priorities, beginning in fiscal year 1987.

The Senate amendments would require that the long-term habilitation goals set forth in the habilitation plan include the increase of support of independence, productivity and integration into the community for the developmentally disabled person.

The House bill contains no such provision.

The House recedes. The Conferees note that "independence, productivity and integration" are meant to serve as ideal goals and are not meant to act as limitations of programs or individual eligibility.

The Senate amendments would require that each State planning council at all times include in its membership representatives of the State agencies administering funds provided under the Rehabilitation Act of 1973, the Education of the Handicapped Act, and the Medicaid program (title XIX of the Social Security Act). In addition, the protection and advocacy system and each University Affiliated Facility or Satellite center in the States is to be represented on the State planning council.

The House bill contains no such provision.

The House recedes. The Conferees do not intend that each interest enumerated necessarily be represented by a different individual. One council member may fulfill two or more requirements for membership (e.g., one person may represent both a university affiliated facility and a higher education training facility).

The Senate amendments would require that the Secretary not revise the basis on which allotments are made more than once every three years. When revisions are to be made, the Secretary is to provide written notice of the change to States at least six months prior to the date of submission of the State plan.

The House bill would require that adjustments in the amounts of State allotments be made annually and that States be notified six months before the beginning of the fiscal year.

The Senate recedes with an amendment which states that the adjustments in allotments may (rather than "shall") be made no more frequently than annually.

The Senate amendments would require that a State's allotment not be less than the amount received in FY 1984.

The House bill contains no such provision.

The Senate recedes.

The Senate amendments would set the minimum allotment for the territories at $135,000 if the total appropriation exceeds $45,000,000.

The House bill would set the minimum allotment for the territories at $200,000 if the appropriation exceeds $47,000,000 or at $100,000 if appropriation do not exceed $47,000,000.

The House recedes with an amendment which establishes $160,000 as the minimum allotment for territories when appropriation reach $47,000,000. When the appropriation is less than $47,000,000 the minimum allotment for territories shall be $100,000.

The Senate amendments would set the minimum allotment for the States at $300,000 if the total appropriations exceed $45,000,000.

The House bill would set the minimum allotment for the States at $350,000 or the amount received in FY 1983 if the appropriations exceed $47,000,000; or at $250,000 if appropriations do not eceed $47,000,000.

The House recedes with an amendment which establishes $47,000,000 as the appropriation level at which $300,000 would become the new minimum. When the appropriation is less than $47,000,000 the minimum allotment shall be $250,000.

The Senate amendments and the House bill would authorize the following amounts for the States grant program.

[In millions of dollars]

	Senate	House
Fiscal year:		
1985	54.5	46.0
1986	58.3	48.8
1987	62.4	52.0
1988		55.0

The House recedes with an amendment which authorizes state grants at the following levels:

Fiscal year:	*Millions*
1985	$50.25
1986	53.4
1987	56.5

PART C: PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

The Senate amendments would provide that the protection and advocacy systems have the authority to provide information and referral services.

The House bill contains no such provision.

The House recedes. The Conferees note, however, that it is not their intention that the provision of information and referral services divert significant resources from the ongoing responsibilities of protection and advocacy agencies.

The Senate amendments would require that the protection and advocacy system have access to the records of developmentally disabled persons living in residential facilities if a complaint has been received on behalf of such person and if such person does not have a legal guardian or if the State is the legal guardian. Prior to Oct. 1, 1986, this access provision does not apply to any State in which State law prohibits such access.

The House bill contains no such provision.

The House recedes with an amendment which deletes the phrase "who receives services under this title". The Conferees intend for all developmentally disabled persons who reside in facilities for developmentally disabled persons to be eligible for services from the protection and advocacy system.

The Senate amendments would require that States provide protection and advocacy systems a copy of each annual survey report and plan of corrections made with respect to any intermediate care facility for the mentally retarded within 30 days of completion of such report and plan.

The House bill contains no such provision.

The House recedes.

The Senate amendments would require that States submit to the Secretary a report describing the protection and advocacy system and the expenditures of such system within 90 days after the end of each fiscal year.

The House bill contains no such provision.

The Senate recedes. The Conferees note that such a report is already required in section 107 of the bill.

The Senate amendments would provide that States not redesignate the administer-

ing agency for the protection and advocacy system unless the State determines that good cause exist to warrant such redesignation. If a State determines that good cause exists, the State must give public notice of its intent and give persons with developmental disabilities or their representatives an opportunity to comment on such proposed redesignation.

The House bill includes a similar provision.

The Senate recedes.

The Senate amendments would provide that a State not receive an allotment that is less that the allotment received in FY 1984.

The House bill contains no such provision.

The Senate recedes.

The Senate amendments would provide that territories receive not less that $60,000 and States receive not less than $100,000 for protection and advocacy systems when the total appropriations exceed $9,500,000.

The House bill would provide that territories receive not less than $100,000 if the total appropriations exceed $10,000,000 in any fiscal year. If the appropriations are less than $10,000,000, the allotment to territories would not be less than $50,000. If total appropriations exceed $10,000,000 the State allotment would not be less than $150,000 or the amount received in FY 1983. If the appropriations are less than $10,000,000 the State allotment would not be less than $50,000.

The Senate recedes with an amendment which establishes $150,000 for States as a minimum and $80,000 for territories as a minimum when appropriations equal or exceed $11,000,000. When the appropriations are less than $11,000,000 the minimum allotment shall be $50,000 for States.

The Senate amendments and House bill would authorize the following amounts for the protection and advocacy system:

[In millions of dollars]

	Senate	House
Fiscal year:		
1985	15.0	12.5
1986	16.1	15.0
1987	17.2	17.5
1988		20.0

The House recedes with an amendment which authorizes the following figures:

Fiscal year:	*Millions*
1985	13.75
1986	14.6
1987	15.5

PART D: UNIVERSITY AFFILIATED FACILITIES

The Senate amendments would authorize grants for studies of the feasibility of establishing new university affiliated facilities as well as satellite centers. A needs assessment is included as part of the feasibility study.

The House bill contains no such provision.

The House recedes.

The Senate amendments would authorize the university affiliated facilities to provide service-related training to parents of persons with developmental disabilities, professionals volunteers or personnel who provide services to increase or maintain the independence, productivity and integration into the community of persons with developmental disabilities.

The House bill contains no such provision.

The House recedes. The Conferees wish to emphasize that UAF's have an important responsibility to extend their research, training and service efforts to include adult and elderly developmentally disabled persons who are increasing in numbers and whose needs are largely unmet today. UAF training programs must reach out to professionals in those disciplines which provide generic services to adult and elderly developmentally disabled persons.

The Senate amendments would authorize satellite centers to engage in the same activities in which university affiliated facilities may engage.

The House bill contains no such provision.

The House recedes.

The Senate amendments would prohibit the Secretary from making a grant to a new university affiliated facility or satellite center after Sept. 30, 1985, unless a feasibility study has been conducted and the need for such a facility has been documented.

The House bill contains no such provision.

The House recedes.

The Senate amendments would authorize the Secretary to spend funds in excess of $7,800,000 in the following order of priority: to establish new satellite centers and university affiliated facilities; to make grants to existing satellite centers that have the capacity to become university affiliated facilities; to make grants to existing university affiliated facilities and satellite centers.

The House bill contains no such provision.

The Senate recedes.

The Senate amendments would require that applications for funds under this part include assurances that the human rights of all persons with developmental disabilities who are receiving services under the project will be protected according to the rights included under section 110 of this Act.

The House bill contains no such provision.

The House recedes.

The House bill would establish a $200,000 minimum allotment for university affiliated facilities.

The Senate amendments retain current law.

The Senate recedes with an amendment which would establish $8,500,000 as the appropriation level at which the minimum allocation for a university affiliated facility would be $175,000 when appropriations are less than $8,500,000 the State minimum shall be $150,000.

The Senate amendments and the House bill would authorize the following amounts for university affiliated facilities:

[In millions of dollars]

	Senate	House
Fiscal year:		
1985	9.4	8.0
1986	10.0	8.5
1987	10.8	9.0
1988		9.5

The House recedes with an amendment which authorize amounts at the following levels:

Fiscal year:	*Millions*
1985	$9
1986	9.6
1987	10.1

PART E: SPECIAL PROJECT GRANTS

The Senate amendments would give special emphasis to special projects that expand or improve services to Native Americans and Native Hawaiians.

The House bill contains no such provision.

The House recedes with an amendment specifying that emphasis is to go to all underserved groups, including Native Americans and Native Hawaiians.

The Senate amendments would require that applications for funds under this part include assurances that the human rights of all persons with developmental disabilities who are receiving services under the project will be protected according to the rights included under section 110 of this Act.

The House bill contains no such provision.

The House recedes.

The Senate amendments would prohibit the Secretary from consolidating the authority to make grants under this section with any other authority to make grants which the Secretary has under any other law.

The House bill contains no such provision.

The Senate recedes.

The Conferees emphasize that funds appropriated under Special Projects may not be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this title are separately identified in such grant or payment and are used for the purposes of this part.

The Senate amendments would add a provision requiring the Secretary to prepare and submit to Congress a report containing recommendations for improving services for mentally retarded and developmentally disabled persons under an approved State plan under title XIX of the Social Security Act. The report is to be completed within 6 months of enactment of the 1984 Act. The report and recommendations are to address improvements in services that will increase the independence, productivity and integration into the community of mentally retarded persons and persons with developmental disabilities. The report is to include recommendations regarding the waiver program under which persons are served in small, community settings. (Section 1915(c) of the Social Security Act.)

The House bill contains no such provision.

The House recedes with an amendment. The Conferees direct the Secretary to adequately fund this study. The Conferees would like to underscore the importance of this report for improving services for developmentally disabled and mentally retarded persons under Title XIX. The Conferees direct the Secretary to consider the recent findings of the Senate Subcommittee on the Handicapped concerning Title XIX services for developmentally disabled and mentally retarded persons.

The Senate amendments would provide that not more than $75,000 of the amount appropriated under this part for FY 1985 be used to conduct a study.

The House bill contains no such provision.

The Senate recedes. The Conferees, however, expect the Secretary to devote adequate funding to the study from the discretionary funds.

The Senate amendments and the House bill would authorize the following amounts for special projects.

[In millions of dollars]

	Senate	House
Fiscal year:		
1985	3.2	2.7
1986	3.7	2.9
1987	4.0	3.1
1988		3.3

The House recedes with an amendment which authorizes funding at the following levels:

Fiscal year:	*Millions*
1985	2.7
1986	2.8
1987	3.1

The Senate amendments would provide that this Act take effect on Oct. 1, 1984, except for sections 108(b), 153(a) and 163 which shall take effect on the date of enactment.

The House bill contains no such provision.

The Senate recedes.

JOHN D. DINGELL,
HENRY A. WAXMAN,
JAMES H. SCHEUER,
JAMES T. BROYHILL,
EDWARD R. MADIGAN,
Managers on the Part of the House.

ORRIN HATCH,
LOWELL P. WEICKER, Jr.,
ROBERT T. STAFFORD,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
Managers on the Part of the Senate.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read, and without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, September 21, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on Public Works and Transportation. These resolutions approve five watershed projects of the Soil Conservation Service in accordance with the provisions of Public Law 566, Eighty-third Congress.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

□ 1850

GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from New York [Mr. DOWNEY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FAREWELL TO COMMISSIONER BOWIE KUHN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. BOEHLERT] is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, the great national pastime, baseball, is losing its crown prince this week.

Bowie Kuhn, who, as a result of nearly 16 years of exceptional service as Commissioner of Baseball, has earned the title "Mr. Integrity" will be stepping down on September 30.

He will be missed.

He will be missed for a whole variety of the right reasons, but most of all because he presided over one of the sport's most difficult periods and did so with distinction, with fairness and with firmness.

Things didn't always go the way Commissioner Kuhn wanted, but then again those of us who know and love baseball realize no one ever bats a thousand over the long haul.

As a devoted fan, I've got my share of beefs with the Commissioner's decisions over the years, most notably his nonintervention and back-turning on the American League's cavalier handling of the case of umpires Al Salerno and Bill Valentine as the decades of the 1960's came to a close.

But we should all acknowledge that the best of the Hall of Famers occasionally made an error.

The important thing for us to recall is not the infrequent missteps of Commissioner Kuhn, but rather the almost always giant forward strides in the best interests of the game.

In the history of baseball, he has been one of the very best in terms of having a positive influence. There is no doubt in my mind that someday in the not too distant future, Bowie Kuhn will reside in my district, enshrined—and deservedly so—in the sanctuary of greats: The National Baseball Hall of Fame and Museum in magnificent Cooperstown, NY.

Baseball has never been better. There have never been more fans, more money earned for participants at all levels, a greater number of employees and a more favorable atmosphere than there exists today.

This is all the direct result of the able leadership of the influential Mr. Kuhn.

There have been great threats and challenges to baseball, threats and challenges almost commonplace in today's society. Drugs and gambling interest come to mind.

Bowie Kuhn seemed to look upon these not as threats and challenges as much as they were opportunities, opportunities to preserve the basic integrity of the game. And that he did.

Indeed, Mr. Speaker, as Commissioner, Bowie Kuhn was more than Mr. Baseball, he was Mr. Integrity.

He will be missed.

My hope is that those who follow will be up to the high standards set by this fine and decent human being.

TODAY'S VOTE ON CRIME LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACK] is recognized for 5 minutes.

Mr. MACK. Mr. Speaker, I merely wnated to take this opportunity at this point to, I guess, recap some of the day's activities. We started early in the afternoon with a vote on the previous question to decide whether the President's crime package would come to the floor of the House for a vote. If some of you will think back over this past year I think that you will recognize that in January we began the process of coming to the floor of the House and asking unanimous consent that certain legislation be brought to the floor of the House for a vote. When we asked for that unanimous consent someone would stand up and object, and this went on for several days until it became obvious that the requirement of having to stand up and object to our bringing legislation to the floor of the House was going to be embarrassing to those individuals who did so. So the rules of the House were changed so that no longer were we allowed to ask for unanimous consent.

To be specific, one of the questions that we raised as we came out on the floor was we said, "Mr. Speaker, we ask unanimous consent to bring the crime package, the President's crime package to the floor of the House." Again and again an objection was heard.

But we did not, we did not stop when the rules were changed. We came out and said if it were not for the fact that the rules were changed we would be here asking unanimous consent to bring the crime package to the floor of the House and we told everyone that we had received approval from our leadership and in essence asked for approval from the leadership of the majority.

You know there was this silence that took place on the floor which became very obvious that we were not going to receive approval, and we kept making the point over and over and over again that if we could just get the crime package to the floor of the House, a portion of the American agenda, that in fact if would be approved because there was such strong support throughout the country for this particular issue.

Today we finally accomplished that. It took two votes today to finally accomplish it. But later on this afternoon, just a few minutes ago, we saw, because the body heard clearly that

this was a vote either yes or no for the President's crime package.

Mr. WALKER. Mr. Speaker, will the gentleman yield,

Mr. MACK. I will be glad to yield.

Mr. WALKER. Is it not a fact that what we saw today was an example of what we have seen repeated over and over again on the House floor? If the majority party believes they can hide behind procedures, if they believe that what they can do is refer something to a committee so that it never sees the light of day, or then can hide behind some procedural vote here on the floor, they in fact will use those procedures in a way to delay action on those things that they know have great popular support. But once you get them out where the people really have an impact, where it is very obvious how someone is voting up or down on what the people really want, they then will always switch on the principle, and that will be put aside that they have just to justify their procedural attempts, and many of them will come over and vote for the things that they know are popular with the people.

So what we have really seen enacted on the House floor today, and in a few short hours, is exactly the problem with this House, where a leadership bottles up issues of great popularity in the country using procedural techniques but when we can finally find some means to bring that issue directly to the floor, then the leadership gets abandoned.

The question I think for the American people is whether or not they should not in this election year abandon that leadership altogether and make certain we have a new leadership in the new Congress that will not use procedures against the American people.

I thank the gentleman for yielding.

Mr. MACK. I think that the point the gentleman raises is right on target because really what we saw here today was an abandonment of that leadership and that the message probably ought to be delivered back home that they have abandoned that leadership, just like they appear to be abandoning the leadership of Walter Mondale. It seems like they are running like crazy to get away from him.

Mr. HUNTER. Will the gentleman yield?

Mr. MACK. I am happy to yield to the gentleman.

Mr. HUNTER. Speaking of leadership, and I thank the gentleman for yielding, I can recall the many days when the gentleman who is in the well stood before the House and asked, and said that he had received permission from his side of the aisle to bring up the legislation that is in question, the President's crime package that passed out of the other body, I think 91 to 1, and asked for permission from the other side to bring it up and was met with silence.

I see also the gentleman from Indiana [Mr. BURTON] who many times stood before the House and made the same request, as well as the gentleman from Florida [Mr. BILIRAKIS] who is to be commended for standing before the House many times and making that request.

Also I see the gentleman from Michigan [Mr. SILJANDER] and, of course, our friend, the gentleman from Pennsylvania, sometimes referred to as WIDE ANGLE WALKER, as well as the gentleman from Wisconsin [Mr. ROTH] and even our celebrated whip, the gentleman from Mississippi [Mr. LOTT] who has stood before the House many times and asked to bring up this part of America's agenda.

□ 1900

I think these gentlemen should be commended and this is the fruits of their work, finally getting this resolution passed.

Mr. MACK. I thank the gentlemen for his comments.

Mr. Speaker, I yield back what time I may have left.

THE PRESIDENT'S CRIME PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I simply want to make the point, to pick up what the gentleman from Florida [Mr. MACK] had been saying, that there were two votes today which I think should teach the American people and the American news media everything they need to understand about what has been happening in this House of Representatives for a number of years, but particularly this year. We have been making the case all year that there is an agenda that belongs to the American people, that that agenda includes the constitutional amendment to require a balanced budget; it involves an omnibus crime bill to stop crime and drug trafficking; that it has a number of very important, very specific issues. We have been saying correctly, I think, and the press would concede that the liberal Democratic leadership has been bottling up that agenda, that they have been stopping the American people from having their vote. But today, in 1 day, in a matter of hours we have a specific example of how average, everyday Democratic incumbents help the liberal Democratic leadership strangle legislation and then try to hide behind procedural matters.

When initially under the leadership of Mr. MICHEL and Mr. LOTT we tried to bring up a motion that would defeat the previous question, which is a procedural motion, which every Member of this House understood would lead to the passage of the omnibus crime bill, only 27 Democrats joined 147 Republicans in trying to pass the omnibus crime bill.

In other words when it was a little bit off-center and it was not totally obvious and there was a way to hide behind procedure, only 27 Democrats went out of their way to try to help the American people bring their agenda to the floor.

When, a few hours later, there was a straight up-or-down vote from which they could not hide, when it was obvious that it was a straight vote on the omnibus crime bill, suddenly 88 Democrats decided they had better vote with the American people.

In other words there were 61 more Democrats who, when they could not hide, decided maybe they had better be with the American people and not with the liberal Democratic leadership of the House.

Now in some ways, Mr. Speaker, it seems to me it is those 61 Democrats who have the most to answer for because it does seem reasonable to charge, as someone said to me awhile ago on the floor of the House, that the real answer to why the liberal Democratic leadership gets away with strangling legislation and bottling up legislation is that the key swing incumbent Democrats, when they can get away with it, help the liberal Democratic leadership kill bills that the American people want, and when they cannot get away with it they suddenly show up and say "I am with you, I am with you."

But today for 61 of those Democrats the question has to be: "Where were you the first time? Why on the very same day would you switch your vote? Why would you in the morning be strangling and bottling up a bill and just a few hours later when you cannot hide, suddenly decide you favor that bill? And what do you hope to explain to the news media and the people back home? Why did that bill improve dramatically in quality in a matter of less than 4 hours?"

Now in that sense, I would suggest that the frustration every conservative, every Republican, every person trying to represent the American people's agenda faces is that very bright, very articulate men and women go back home and basically try to deceive the folks back home, basically say, "I am really with you but you do not understand because it is really quite complicated."

Well, it is not complicated at all.

Early today on a straightforward motion to defeat the previous question we gave this House a chance to bring up the crime bill. We lost.

We lost because it was not quite clear and compelling and overpower-

ing that they had to vote with the American people.

Later in the day we brought up a more effective, more straightforward technique and we won because they could not find anything to hide behind.

And the difference is the 61 liberal Democrats and moderate Democrats who voted with the liberal Democratic leadership to kill the bill early and then voted to bring up the American people's agenda when they could not hide.

And I think the lesson for the American people has to be, Mr. Speaker, that if we are going to bring up the American people's agenda in 1985, if we are going to be able to bring up bills to stop crime and drugs, to require a constitutional amendment to balance the budget, to do the things on welfare reform, to do the things on spousal IRA to help women who stay at home with their children, to do all the things we want to do, then we have to have a change in the leadership and we have to have a change in the kind of Congressmen and Congresswomen who vote one way and 4 hours later would change and vote another way.

I thank the Speaker.

DEFENSE AUTHORIZATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, early this morning the conferees completed action on the fiscal year 1985 Defense authorization bill. The compromise included modification of the restriction on antisatellite [ASAT] weapon testing approved by the House earlier this summer. My colleagues may recall that the House approved an amendment authored by myself, and my colleague Representative LAWRENCE COUGHLIN and others prohibiting the testing of the U.S. ASAT weapon against an object in space as long as the Soviet Union did not resume testing of its ASAT weapon. The purpose of the amendment was to establish a mutual test moratorium in order to enhance the chances of initiating ASAT arms control negotiations.

Mr. Speaker, I have taken this time to express my dissatisfaction with the compromise agreed upon by the Defense authorization conferees. Although I had the privilege of being named a special conferee to the Defense conference committee, I have not signed the conference report because I do not endorse the ASAT compromise. This compromise allows the Department of Defense to conduct two successful tests of the ASAT weapon. This is virtually a license for the Department of Defense to conduct as many tests as it pleases. This is absolutely contrary to the spirit of mutual restraint which I sought to establish by my amendment in order to enhance the prospects for arms control negotiations.

Finally, the Congress may not even have the opportunity to review the Presidential certification requirements provided by the amendment before testing begins. The compromise requires that only 15 calendar days elapse following certification by the President that he is endeavoring to negotiate with the Soviet Union before the first test against an object in space is allowed. The original Senate language required that 30 legislative days elapse before testing could begin.

Mr. Speaker, this summer I solicited the opinions of a number of experts on the subject of a mutual ASAT test moratorium. Although this was by no means a scientific poll, I think my colleagues will be interested in the views expressed in the responses I received. These letters confirm my view that a test moratorium is a critical ingredient to progress on ASAT negotiations. I include excerpts from these letters for the RECORD below:

William Colby, Former Director, Central Intelligence Agency:

"I thoroughly endorse your proposal that we refrain from testing our ASAT against objects in space so long as the Soviet Union does not resume its tests."

Hugh D. Dewitt, Staff Physicist, Lawrence Livermore National Laboratory:

"I am strongly in favor of a moratorium on ASAT testing and negotiations toward a treaty that will stop ASAT deployment."

Sidney Drell, Deputy Director, Stanford Linear Accelerator Center; consultant to the Senate Select Committee on Intelligence and to the National Security Council:

"I support a moratorium on ASAT tests as a way of starting the process and working toward more comprehensive negotiations while we still have time and before "the cat is out of the bag" on further weaponization of space."

Raymond L. Gartoff, Member, SALT I Delegation; former Deputy Director, Bureau of Politico-Military Affairs, Department of State; Senior Fellow, Brookings Institution:

"I strongly agree that it would be in the security interest of the United States to ban ASATs, and, as an immediate step, to refrain from testing ASATs so long as the Soviet Union does so. Such a reciprocal restraint would be unilaterally verifiable. A more formally agreed mutual verifiable moratorium could follow, as the first step in negotiation of a formal ASAT ban (preferably) or limitation. I hope the House mutual moratorium measure will be accepted by the Conference Committee and the Congress."

Richard L. Garwin, IBM Fellow, Thomas J. Watson Research Center; Member, President's Science Advisory Committee (1962-65, 1969-72); Member, Defense Science Board (1966-1969):

"I thoroughly support . . . a mutual [ASAT] moratorium, which would require simply a commitment by the President to accept the ASAT moratorium offered August, 1983, by General Secretary Andropov, and restated 6/29/84 by General Secretary Chernenko. . . . I firmly support the wisdom of amending the Defense Authorization Bill to prevent our testing ASATs against objects in space, as long as the Soviet Union does not resume testing."

Carl Kaysen, Deputy Assistant for National Security Affairs, Kennedy Administration:

"I share your views that it is in the U.S. national interest and a positive contribution to our national security to observe such a [ASAT] mutual moratorium and to begin serious negotiations with the Soviet Union for a verifiable prohibition of such tests as soon as possible . . . even if there are political obstacles to negotiations, our capacity to monitor Soviet tests of anti-satellite weapons is such as to justify our refraining from such tests so long as the Soviets do so."

Henry W. Kendall, Professor of Physics, Massachusetts Institute of Technology; Chairman, Union of Concerned Scientists

"I fully supprt a U.S.-Soviet moratorium on the testing of ASATs against objects in space. Having studied this issue in depth, I firmly believe that an ASAT test moratorium would serve as one of the most important initiatives that could be taken by the United States and the Soviet Union at this time to enhance the prospects of arms control and to foster an improvement in U.S.-Soviet relations."

Franklin Long, Professor of Chemistry Emeritus, Cornell University; former Associate Director, ACDA; former Member, President's Science Advisory Committee:

"I think that a test moratorium and similar moratoria are most useful when they are done as part of a longer range plan, in this case to try to negotiate a treaty. The fact that the Soviets did announce such a test moratorium makes it easy for the U.S. to walk up to the possibility of a moratorium quite straightforwardly, since they already know the Soviet position."

Carson Mark, former Head, Theoretical Division, Los Alamos National Laboratory:

"Briefly, and without reservation, I strongly favor a mutual moratorium as against continued testing pending favorable outcome of "good faith" efforts to begin negotiations."

Wolfgang K. H. Panofsky, Director, Stanford Linear Accelerator Center; former member, General Advisory Committee, U.S. Arms Control and Disarmament Agency (ACDA):

"I support * * * a mutually agreed, open-ended moratorium forbidding the testing and deployment of ASAT components and systems unless the other side engages in such activities first. I believe such a measure would have merit in forestalling test and deployments which might overtake diplomatic efforts aimed at securing an ASAT treaty."

Carl Sagan, Professor of Astronomy and Space Sciences and Director, Laboratory for Planetary Studies, Cornell University:

I am very much in agreement with your view that a mutual ASAT test moratorium is important * * *"

Pete Scoville, President, Arms Control Association; formerly Assistant Director ACDA: former deputy director for research CIA:

"Our future security and economic interest lie in a mutual halt on all ASAT tests . . . Now is the time for reciprocal national restraint and for serious negotiations to stop this new space race before the opportunity is irretrievably lost. There is no more important goal than a comprehensive ban

on the testing and deployment of all space weaponry."

Jeremy J. Stone, Director, Federation of American Scientists:

"It seems to us [Federation of American Scientists] that an ASAT test moratorium is probably a necessary and a sufficient condition for successful ASAT negotiations. . . . All in all, the case for a moratorium has, perhaps, never been stronger from the point of view of U.S. national interest."

Kosta Tsipis, Professor of Physics and Co-Director Program in Science & Technology for International Security, Massachusetts Institute of Technology; Member, Board of Directors, Council for a Livable World:

"I think it [an ASAT test moratorium] is a timely and measured step that will maintain open the option of negotiating a ban on testing and deployment of ASAT weapons."

Frank Von Hippel, Professor, Public Policy & International Affairs, Princeton University; Chairman, Federation of American Scientists:

"I am very much in favor of verifiable mutual moratoria on the testing of new destabilizing weaponry. It is my belief that ASAT weapons are destabilizing and that a moratorium on their testing against targets in space would be adequately verifiable."

Paul Warnke, Former Director, ACDA; chief U.S. negotiator, SALT II; U.S. negotiator, 1978 U.S.-Soviet ASAT talks; former Assistant Secretary of Defense for International Security Affairs:

"I find it impossible to understand how the development of sophisticated ASAT systems would be anything other than detrimental to our national security. . . . As your letter points out, a test moratorium would both improve the negotiating climate and be, in itself, a valuable *de facto* agreement . . . I am convinced that a reciprocal moratorium is needed to prevent the taking of irrevocable steps to proceed with ASAT development. If such steps are not prevented, we, and our decendents, will look back bitterly at a lost opportunity."

John Steinbruner, Director, Brookings Institution:

"I agree with your judgment that a treaty banning further development of antisatellite weapons is in the security interests of the United States and that restraint on testing of the U.S. system is an important, even necessary providing an informal substitute in the meantime."●

COMMERCE DEPARTMENT ISSUANCE OF EXPORT LICENSES QUESTIONED

Mr. BURTON of Indiana. Mr. Speaker, I think we have a great President in Ronald Reagan, and I think his administration has done an outstanding job. However, Mr. Speaker, there is one area that has really concerned me this past week and I think it needs to be brought to the attention of the President and to the people of this country.

That is in the area of the Commerce Department; the Commerce Department has approved export licenses for some purposes that I think should be questioned very severely by the American people.

Earlier this year I read in the New York Times, Washington Post, and other Newspapers where the Du Pont Corp. had produced materials which were sold to a company in West Germany that was using these materials to produce bulletproof vests and this company in West Germany was then selling these bulletproof vests to the Syrians who at that time were, although in fact they were an enemy of the United States, not officially an enemy of the United States. We were in effect selling bulletproof vests to the Syrians. Mr. GREEN of New York was one of the people who led the charge to stop that sale and it was stopped, due in part to the efforts of Mr. GREEN and others of us in this Chamber who worked very hard to make sure the Commerce Department relented and the administration was made aware of this.

Now this last week, in fact just a couple of days ago, I read in an Indianapolis newspaper the following article: "The Commerce Department has approved the sale of millions of dollars worth of equipment and spare parts to Iran's military in the last year—even after Iranian-backed terrorists were suspected of the 1983 bombings of the U.S. Embassy and Marine Corps barracks in Beirut." Bear this fact in mind, this is an enemy of the United States of America, the Ayatollah Khomeini has in effect declared war on us and the free governments of this world. He took hostages at the American Embassy in Iran.

The Shiite Muslim sect, a religious sect that has claimed responsibility for the bombings in Beirut and in Kuwait and the terrorist bombing of our Marine Corps barracks in Beirut, were all tied directly to the Ayatollah Khomeini, or indirectly.

So we know where the power that is directing these terrorist attacks is coming from. The fact of the matter is, though, that our Commerce Department continues to approve export licenses that is selling equipment to Iran, an avowed enemy of the United States of America.

Mr. Speaker, I wrote a letter to the Secretary of Commerce which I am going to be sending tomorrow to him and to the President of the United States, and I would like to read that to the Members of this body and to the people of this country:

DEAR MR. SECRETARY: Earlier this year, I was appalled to learn that the Department of Commerce had approved export licenses for sale of material to be used in bulletproof vests destined for sale to Syria. This license was issued at a time when Syrians were killing U.S. Marines in Lebanon. Fortunately, when this matter was brought to light, President Reagan cancelled the license and I had hoped we had learned a lesson from this mistake.

Sadly, it appears we have not learned. This week, it was revealed that the Department of Commerce has approved sale of weapons to Iran, a country governed by a committed enemy of this country. Mr. Secretary, I find it unbelievable, unacceptable and, frankly, downright stupid that this country would supply military supplies and equipment to Iran, whose leaders have publicly claimed credit for one bombing and murder of U.S. citizens at our Embassy in Beirut and are suspected of masterminding the recent second bombing and murder.

When I checked into this matter this week, I was told the sale was approved because Iran was not "officially" listed as an enemy of the United States. Not "officially" listed? Mr. Secretary, how can the country which allowed Americans to be held hostage for more than a year be considered anything else?

Mr. Secretary, as a member of the Government Operations Committee, I feel you owe both Congress and the American people an explanation as to why this atrocity and serious breach of common sense has been allowed to happen. What will it take to stop this foolhardy practice, Mr. Secretary? Will Congress be forced to approve every export license in advance? Will we have to take over the watchdog role because your agency is failing to do so? I am prepared to introduce legislation to do exactly that unless the Department of Commerce can prove to Congress and the American people that it can tell our friends from our enemies.

Yours truly,

DAN BURTON.

□ 1910

FAIR INTEREST RATES FOR SELLER FINANCING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, no provision of the Deficit Reduction Act of 1984 has raised as much concern as the section dealing with imputed interest rates on loans associated with seller-financed property transactions. While the administration, in proposing this measure, claimed that it would gain significant revenues for the Treasury and stop a significant abuse of the Tax Code, it is clear that the measure not only goes far beyond preventing a perceived abuse but also will have little, if any, positive revenue impact.

First, the measure, even with the technical changes contained in House Concurrent Resolution 328, affects so many property transactions that it obviously goes far beyond mere abuses. It affects all residential properties that are not principal residences, all small businesses and commercial and investment property, and many family farms and principal residences.

Second, the provisions of the bill are so stringent that it does not merely affect those transactions—it will virtually prevent a large number from taking place. The required interest rates are so far above reasonable market seller-financed rates and even above beginning average rates on commercial adjustable rate mortgages that seller financing will not be a viable option for these transactions. It seems to me that the Treasury will lose at least as much in revenues from the ab-

sence of those legitimate transactions as it gains from the reduction of abusive transactions. This measure goes far beyond anything that a majority of this Congress intended, and it is incumbent upon us to make significant changes before we adjourn.

Mr. Speaker, I am well aware that other measures have already been introduced to make changes in this legislation. Indeed, one such bill would repeal it altogether. While there are strong arguments in favor of total repeal, I do not think it is a practical alternative with so little time left in this session of Congress. I also believe we set a bad precedent when we enact tax legislation 1 month and completely repeal it the next.

While repeal may not be a viable option, that does not mean we cannot make significant changes. For that reason, I am introducing legislation today that eliminates the worst aspects of the measure without repealing it entirely. I believe that my bill represents a reasonable approach to the issue, and I hope my colleagues will consider supporting it.

The most basic thing my bill does is to reduce considerably the required minimum interest rate on affected loans and the imputed rate for transactions which do not meet that standard. The Deficit Reduction Act sets those rates at 110 and 120 percent, respectively of Treasury notes of equivalent duration. My bill sets those rates at 80 percent and 110 percent of the same Treasury notes. It does so for both section 483 and section 1274 of the Tax Code.

My bill also makes changes in the exceptions that were established by House Concurrent Resolution 328. Rather than setting a $250,000 exemption only for principal residences, my bill provides such an exemption for all residential property. In addition, it provides a $1 million exemption for farm property and $1 million exemption for commercial and investment property, including multiunit housing.

In addition, my bill eliminates the "cliff effect," contained in the Deficit Reduction Act, which places an entire loan in jeopardy even if the sale price goes $1 over these exemption limits. My bill would establish a blended rate for such loans, applying the pre-1984 rules to the extent of the exemption limit and the new rates to that portion above the limit.

Finally, my bill addresses a serious problem regarding loan assumptions. It states that these provisions "shall not apply to any debt instrument by reason of an assumption of such instrument." The intent of this provision is twofold: First, no loan becomes subject to these provisions when it is assumed if it was not subject to them prior to the assumption. Second, no loan is to be made exempt from these provisions merely on account of its being assumed. In short, an assumption is to have no impact, in and of itself, on whether a transaction is affected by these provisions.

Mr. Speaker, I know there is not a great deal of time left for the 98th Congress. But I think we have an obligation, when we make an obvious mistake, to correct it as soon as possible. I think we should make the changes I have outlined, and I hope my bill will have the support of my colleagues.

Following is the text of my bill:

H.R. 6306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN RATES FOR DETERMINING WHETHER THERE IS, AND THE AMOUNT OF, UNSTATED INTEREST.

(a) TESTING RATE.—Subparagraph (B) of section 483(c)(1) of the Internal Revenue Code of 1954 (defining payments to which section 483 applies) is amended by striking out "110 percent" and inserting in lieu therof "80 percent".

(b) IMPUTED RATE.—The last sentence of subsection (b) of section 483 of such Code (defining total unstated interest) is amended by striking out "120 percent" and inserting in lieu thereof "110 percent".

(c) COORDINATION WITH SECTION 483(e).—Paragraph (1) of section 483(e) of such Code is amended to read as follows:

"(1) IN GENERAL.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, the discount rates under subsections (b) and (c)(1)(B) shall be the lesser of—

"(A) the discount rates determined under such subsections without regard to this subsection, or

"(B) the discount rates determined under subsections (b) and (c)(1), respectively, of this section as it was in effect before the amendments made by the Tax Reform Act of 1984."

(d) COORDINATION WITH SECTION 1274.—Subparagraph (B) of section 1274(b)(2) (relating to the imputed interest rate) is amended by striking out "120 percent" and inserting in lieu thereof "110 percent" and subparagraph (3) of section 1274(c) (relating to the testing interest rate) is amended by striking out "110 percent" and inserting in lieu thereof "80 percent."

SEC. 2. EXCEPTIONS FOR RESIDENTIAL, FARM, AND BUSINESS PROPERTY.

(a) ALL RESIDENTIAL PROPERTY EXCLUDED.—Subparagraph (A) of section 483(e)(2) of the Internal Revenue Code of 1954 (relating to sales or exchanges to which section 483(e) applies) is amended by striking out "his principal residence (within the meaning of section 1034)" and inserting in lieu thereof "any residential property".

(b) PRE-1984 RATES TO APPLY TO BUSINESS REAL PROPERTY, ETC.—Paragraph (2) of section 483(e) of such Code is amended by striking out "and" at the end of subparagraph (A), by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ", and", and by adding at the end thereof the following new subparagraph:

"(C) to any sale or exchange of real property—

"(i) used in a trade or business, or

"(ii) held for the production of income."

(c) AMOUNTS OF PROPERTY ELIGIBLE FOR PRE-1984 RATES, ETC.—Paragraph (3) of section 483(e) of such Code (relating to limitation) is amended to read as follows:

"(3) LIMITATION.—Paragraph (1) shall apply to any sale or exchange of—

"(A) any property described in paragraph (2)(A) (and not described in paragraph (2)(C)) only to the extent the purchase price of such property does not exceed $250,000,

"(B) any land described in paragraph (2)(B) only to the extent the purchase price of such land does not exceed $1,000,000, and

"(C) any property described in paragraph (2)(C) only to the extent the purchase price of such property does not exceed $1,000,000.

For purposes of the preceding sentence, the purchase price of any property shall be determined without regard to this section."

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 1274(c)(4) of such Code (relating to exceptions to determination of issue price in the case of certain debt instruments issued for property) is amended to read as follows:

"(B) SALES OF RESIDENTIAL PROPERTY.—Any debt instrument arising from the sale or exchange by an individual of residential property."

(2) Paragraph (4) of section 1274(c) of such Code is amended by adding at the end thereof the following new subparagraph:

"(G) CERTAIN BUSINESS REAL PROPERTY, ETC.—

"(i) IN GENERAL.—Any debt instrument arising from a sale or exchange of any real property—

"(I) used in a trade or business, or

"(II) held for the production of income.

"(ii) $1,000,000 LIMITATION.—Clause (i) shall apply only to the extent that the sales price does not exceed $1,000,000. For purposes of the preceding sentence, all sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as one sale or exchange."

(3)(A) The first sentence of clause (ii) of section 1274(c)(4)(A) of such Code is amended to read as follows: "Clause (i) shall apply only to the extent that the sales price does not exceed $1,000,000."

(B) The heading of subparagraph (A) of section 1274(c)(4) of such Code is amended by striking out "SALES FOR LESS THAN $1,000,000 OF FARMS" and inserting in lieu thereof "SALES OF FARMS TO THE EXTENT OF $1,000,000".

SEC. 3. CLARIFICATION THAT 1984 AMENDMENTS NOT TO APPLY TO ASSUMPTIONS OF PRE-EFFECTIVE DATE LOANS.

Notwithstanding any other provision of law, sections 1274 and 483 of the Internal Revenue Code of 1954, as amended by the Tax Reform Act of 1984, shall not apply to any debt instrument by reason of an assumption of such instrument.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the amendments made by section 41 of the Tax Reform Act of 1984.●

A TRIBUTE TO HON. AUGUSTUS F. HAWKINS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Minnesota [Mr. FRENZEL] is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, I will not detain the House over long. Unfortunately, there were no 1-minute

speeches allowed today. So I will indulge this evening in what I should have said a long time ago in a 1-minute speech.

I have really been remiss in not sharing with the House my pride in the election of the distinguished gentleman from California [Mr. HAWKINS] to the chairmanship of the Education and Labor Committee and my very deep regret that he has been obliged to leave the Committee on House Administration.

GUS HAWKINS has managed the affairs of that committee and of this House very well during his tenure there. His success has been due mainly, in my judgment, to his straight forward style of leadership. All Members and staff were treated with the same courtesy and professionalism by GUS HAWKINS. Sometimes there were disagreements, but there never were secrets. And, invariably, the job was completed successfully.

I want to thank GUS HAWKINS publicly for his cooperation and for his friendship. I have profound philosophical disagreements with the gentleman from California, but no Member has given me more cordial and gentlemanly cooperation since I came to Congress than GUS HAWKINS.

I will miss him personally very sorely and I wish him continued success as chairman of the Education and Labor Committee.

SCHOOLBUS SAFETY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SMITH] is recognized for 5 minutes.

● Mr. SMITH of Florida. Mr. Speaker, today I am introducing legislation that will require the installation of seatbelts in schoolbuses after August 1, 1986.

The need for this bill is obvious. Twenty million children ride schoolbuses each year. The U.S. Department of Transportation tells us that motor vehicle accidents are the No. 1 killer of children age 14 and under in this country. The National Safety Council tells us that in the 1977-78 school year, 60,000 accidents occurred in which 90 pupils lost their lives and 7,500 were injured. Evidence also indicates that many injuries were not reported. There is no question that seatbelts would decrease the likelihood of death and injury.

Under this proposal, States would be required to install seatbelts and to inspect the schoolbuses annually to ensure the safety of the young people riding in them. If the States do not institute such a program, Federal education funds would be withheld.

It is ironic that we require seatbelts to be installed in all passenger automobiles. Our cars even remind us with buzzers of the importance of buckling up. Yet, we have never made that same requirement of the vehicles that transport millions of our children each day. My bill would correct this to save our kids.●

RULE REQUESTED ON H.R. 6012, SENTENCING REVISION ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, I would like to inform my colleagues that as chairman of the Committee on the Judiciary, yesterday I wrote the chairman of the Rules Committee requesting a rule on the bill H.R. 6012, the Sentencing Revision Act of 1984, which may preclude the offering of certain germane amendments.●

MIDAIR COLLISIONS AND NEAR-MISSES—WHAT IS THE CAUSE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, in recent months the number of airplane collisions and near misses have become a prevalent, if not frequent occurrence. A month ago, 17 persons were killed in a midair collision in San Luis Obispo, CA, and in early August a jetliner with 146 people aboard narrowly missed colliding with a small plane over northern Virginia. In the last week, two other breathtaking near misses occurred. Air safety gives the strong impression of being in trouble. The skies are not always friendly.

Today, I am introducing a joint resolution calling upon the Department of Transportation to investigate and identify the possible causes of these accidents, and present its findings to the Speaker of the House and the President of the Senate within 60 days.

The United States has always had a tradition of safe and efficient air travel, yet these collisions and reported near-misses continue to persist. In 1984 there have already been 103 reported airplane accidents, which have fatally or seriously injured nearly 100 people. These figures do not even account for the increasing number of reported "near misses." I do not feel that these are isolated incidents. These figures are too high—something is wrong.

The problems and complexities involved in our Nation's air control system are so great that it is difficult to identify the factor or combination of factors that may be contributing to these collisions and near misses. Are our airports simply too crowded? Is there a need for additional radar and warning equipment in small planes? Are there inadequacies in the computer equipment used in the control towers, or are the existing regulations and requirements associated with small planes being enforced? These are only a few of the questions that need to be answered, and need be answered soon, before we are faced with an air disaster even more devastating than those in recent months.

While I do not know what the answers to this problem are, I think that the time has come to ask the questions. The continued safety of the passengers, pilots, and communities over which these aircrafts fly is at stake.●

FIRED AIR CONTROLLERS SHOULD BE RETURNED TO THEIR JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HAYES] is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, I am sure you and many of our colleagues have experienced unnecessary delays, as I have, during travel on commercial airlines. Delays of one-half hour or 45 minutes are not uncommon.

Blame is being placed on the airline companies because of so-called overscheduling of takeoffs and landings. However, I think a closer look will reveal that the primary reason is due to the lack of sufficient numbers of qualified air traffic controllers. This shortfall has not only resulted in wasted time for thousands of air travelers, but it has also contributed to a very serious safety problem in domestic air travel.

As thousands of former air traffic controllers continue to search for employment, the Federal Aviation Administration recently announced that it will hire 1,400 new controllers, none of whom will be from the ranks of those fired by President Reagan. Even with the new controllers, our ATC system will still be 2,000 controllers short of what it was prior to the President's firing of striking PATCO controllers 3 years ago. This dangerous situation could easily have been avoided had the President directed the FAA to resolve the issues which caused the controllers to walk out. Instead, he chose to ignore the legitimate concerns PATCO raised and instead, fired all of the strikers. As a result, he has subjected each and every air traveler to extremely dangerous flying conditions.

Restrictive air traffic control procedures, a shortage of experienced air traffic controllers and higher air traffic, have all contributed to massive delays in air travel. Unfortunately, the most important aspect of this situation is also on the upswing—air safety, or the lack of it. Incidents of near

misses and problems with inexperienced air traffic controllers are on the rise.

Mr. Speaker, it's time to put an end to this situation before we are faced with the loss of hundreds of innocent lives. We have hundreds of qualified air traffic controllers who could reduce not only the delays in scheduled flights, but also the serious safety problems currently plaguing U.S. air travel.

It's time Mr. Speaker—that we seriously consider bringing back those fired air traffic controllers before one of those near misses turns into a tragic collision.

LEGISLATION ON BEHALF OF OSAGE INDIAN TRIBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. JONES] is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, after a year and a half of negotiating with the Osage Tribal Council, today I am introducing legislation on behalf of the Osage Indian Tribe of Oklahoma.

The bill makes technical corrections to various acts relating to the Osage Tribe of Indians. In 1978, there were a number of technical corrections made on their behalf and this bill further refines and clarifies those earlier amendments. The major thrust of the 1978 amendments was designed to keep the Osage headrights, that is the interest from their mineral rights, from passing out of Osage control when a non-Indian spouse has been the recipient of headright interest after the Osage spouse's death.

Since 1906, there has been separate legislation to protect the Osage Indians' vast mineral resources, and I ask my colleagues for support in continuing in safeguarding their rights. This legislation will ensure that the oil and gas resources do not pass out of Osage hands.

While there is little time left for action in this Congress, it is possible that the Interior and Insular Affairs Committee, under the able leadership of Chairman UDALL, could move expeditiously on this bill, and one other Osage-related bill I've introduced, prior to adjournment. If not, I plan to reintroduce these same bills early in the 99th Congress and will press for prompt consideration.

Thank you, Mr. Speaker.●

SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GREEN] is recognized for 60 minutes.

GENERAL LEAVE

Mr. GREEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GREEN. Mr. Speaker, it is with a great sense of urgency that I have joined with my New York colleague, Mr. DOWNEY, with the gentleman from California [Mr. WAXMAN], and the gentleman from Iowa [Mr. LEACH] in requesting time for a special order on Soviet Jewry. Tomorrow is the beginning of Rosh Hashana, one of the holiest days in Judaism. Yet for the 2½ million Jews of the Soviet Union, the world's third largest Jewish population, there will be no celebrating. For them, the New Year will undoubtedly find them trapped in a country where government-sanctioned anti-Semitism and denials of basic human rights are a way of life.

This week, Soviet Foreign Minister Gromyko will be in Washington to meet with President Reagan and Secretary of State Shultz. It is a meeting that I personally welcome and hope will be only the first of many such meetings. But any such encounter between our two countries must include a discussion of the plight of Soviet Jewry; for in the Soviet Union today there are at least 400,000 Jews who are refused the right to emigrate to the land of their people, who are denied the opportunity to learn the language of that people, and who are subject to arrest for teaching that language. I call this cultural genocide, and we cannot neglect an opportunity to speak out against it or we are as culpable as the perpetrators of it.

● Mr. DOWNEY of New York. Mr. Speaker, my colleague and friend BILL GREEN and I have arranged this special order today to send a very clear and simple message to the Soviet Union. We have not forgotten the 2½ million Soviet Jews trapped beneath the Soviets iron fist of oppression.

This week, Soviet Foreign Minister Gromyko will be in Washington to meet with the President and Secretary of State. They will discuss the big issues affecting our relationship with the Soviets such as arms control. Perhaps Secretary Gromyko will pursue the Soviet need for more American grain. Indeed, a feature article by Bob Kaiser in this past Sunday's Washington Post highlighted the difficulties the Soviets are having in delivering basic services. The article reported that the gains the Soviets hoped to achieve in their society following the replacement of Krushchev have not materialized. The fabric of Soviet society is being stretched. Perhaps that accounts for the shocking rise in Government-sanctioned anti-Semitism.

In fact, anti-Semitic stories have become daily features in Soviet newspapers. Arrests have been stepped up—four Hebrew teachers have been picked up in the last 6 weeks. Needless to say, the emigration figures for Soviet Jews have tragically fallen to a total of 652 for the first 8 months of the year.

Why are the Soviets laying their troubles on the backs of Jews?

In August of 1983 I visted with several refuseniks in an apartment in Leningrad. During the visit with these men and women, whose only wish is to follow the traditions of their forefathers in peace and freedom, I was struck by their unwavering commitment to their cause. In a gray land of lies and propaganda, these individuals continue to stand out in vibrant contrast. Amidst their dreary circumstances, their inner strength shines brightly. All of the members of the delegation were struck by their amazing optimism and resilience despite the harsh facts of their existence.

It is clear that the Soviets are laying the burden of their misfortunes on the backs of Soviet Jews. We know the truth of the refusenik's struggle. I have seen it in an apartment in Leningrad. But the Soviet officials acknowledge this truth as well. They have demonstrated their fear of the truth in their powerful silencing of Soviet Jews.

I say to Foreign Minister Gromyko: We are watching and we want significant improvements in their treatment of all ethnic minorities. I point out to the President that the issue of human rights should be put on the table with the Soviets. As the Soviet Government is further strained and the quality of Soviet life continues to decline, the Soviets will need more American grain to feed their citizens. The Soviets must know now, that this Nation will not tolerate the gross violations of human rights that the Soviets have perpetrated against Soviet Jews.

The Soviets may be ignoring the truth of the refuseniks' struggle, but we in the Congress will continue to demonstrate our commitment to the truth by raising our collective voice in outrage.●

● Mr. WAXMAN. Mr. Speaker, in less than a month Jews around the world will cap the holiday season with the joyous celebration of Simchat Torah. In no place is this holiday observed more poignantly than the streets around the few remaining open synagogues in the Soviet Union. Young people with little knowledge of their heritage come to express solidarity with Jews everywhere and to show that they have not given up hope for both emigration to Israel and improvement in human rights in the U.S.S.R.

A detached observer would see little cause for Soviet Jews to rejoice. Per-

mission for emigration to the West has come to a virtual standstill. Government-sponsored anti-Zionist committees have created an atmosphere of anti-Semitism not seen since the Stalinist era.

The human spirit defies detached logical analysis. On our trips to the Soviet Union my wife Janet and I always have been astounded at the ability of Soviet Jews to acknowledge all the negative aspects of their present circumstances and yet to find grounds for hope. The grounds from hope come not from Soviet policy or international affairs but from the same infinite source of spiritual strength which has brought Jews through inquisitions, pogroms, and even the Holocaust.

While Soviet Foreign Minister Andrei A. Gromyko is in the United States I hope those officials of our Government who meet with him will candidly communicate to him the concern of Members of Congress and the American people, not only with the plight of the 2½ million Jews of the Soviet Union, but with a host of related human rights issues.

It is imperative that Mr. Gromyko and others in the Soviet elite come to understand the inextricable intertwining of human rights, trade, and arms control. Our countries can accomplish much if we move on all three fronts simultaneously.

I share with Andrei Sakharov the conviction that we will either make progress on a wide range of issues or we will make no progress at all. Nothing less than the fate of our species on this planet is at stake.●

At this time, Mr. Speaker, I would be pleased to yield to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, I am pleased to join my colleagues Mr. GREEN, Mr. DOWNEY, and Mr. WAXMAN in sponsoring this special order today on behalf of Soviet Jewry.

It is most appropriate, on the occasion of the visit to the United States of the Soviet Foreign Minister, Mr. Gromyko, for the Members of this body to draw special attention to the tragic plight facing the Jewish community in the Soviet Union. Foreign policy is much more than an agenda of global security issues; it is also a concern for individual liberty and human dignity. It is crucial in America's pursuit of the former that in the talks with Mr. Gromyko this week administration representatives not lose sight of the latter.

The human rights situation confronting the Jewish community in the Soviet Union represents an enormous challenge and, far too often, a temptation to despair. Emigration levels are scandalously low and anti-Semitic activity alarmingly on the rise. An intensified pattern of Soviet repression and persecution is unmistakable. Soviet obligations under a variety of international human rights instruments have been cast aside.

As the President meets this week with Mr. Gromyko, it would be my hope that he would convey to the Soviet Foreign Minister the deeply held concerns of the American people and their representatives in this body concerning the plight of Soviet Jewry. A change in the human rights behavior of the Soviet authorities would be welcomed and interpreted in this country as a sign of genuine interest in reaching for new common ground with the United States on a whole range of bilateral issues.

To those members of the Jewish community in the Soviet Union—half a world away from us as we speak here today—we once again express our support and moral solidarity. I remember vividly the conversations I had with a number of refuseniks during a visit to the Soviet Union in 1983. It was impossible not to be struck by their courage. Their protest in the face of potential, and in many cases actual, retribution in a totalitarian society is proof that indeed man is stronger than the state and faith is stronger than man.

Mr. Speaker, it is important for the United States as the world's leading advocate and defender of basic human rights, to work harder than ever to mobilize international opinion and activate our friends and allies to join with us in protesting human rights violations by Soviet authorities against the Jewish community in that country.

Finally, I think it should be stressed that Soviet Jewry issues, especially emigration, are directly linked to détente. The harsher our overall strategic relations, the harder Soviet authorities seem to crack down on dissidents and crank up on anti-Semitism. Thus, the new position that the President has articulated this week at the United Nations has important ramifications for the subject at hand. It should be welcomed by all concerned Americans.

We invite Soviet authorities to join us in making a new beginning possible between our peoples.

Thank you.

□ 1920

Mr. GREEN. I thank the gentleman from Iowa.

Mr. Speaker, I am delighted to yield to my colleague, the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, my colleagues, I am both pleased and disappointed to be participating in today's special order on behalf of Soviet Jewry.

I am pleased, first of all, that I have the right to speak out against injustice. As an American, this right—this freedom to act on my beliefs and convictions—is something I usually take for granted in both my public and personal lives. It is only at times like this—when we pause to call attention to those who are denied this right—that I fully appreciate how blessed I am to live in a free country in which the rights of the individual are so highly valued.

Second, I am pleased to have this opportunity to join with my colleagues in the House of Representatives in a truly humanitarian effort. Because we have the right to voice our convictions, I believe we also have a responsibility to make our voices heard on behalf of those who do not have that right. If there is but one way we can help the Soviet Jews who are denied the freedoms we cherish, it is by marshalling the strength of public opinion behind their just cause.

We know that the leadership of the Soviet Union is sensitive to international public opinion and can be influenced by the actions of the American Congress. Soviet Foreign Minister Andrei Gromyko's visit to Washington this week to meet with President Reagan and Secretary of State Shultz provides us with a most appropriate chance to reiterate our strong opposition to Soviet policy with regard to the Soviet Jewish population. Perhaps the Student Coalition for Soviet Jewry put it best when they gave us this mandate: "Thou shalt not stand idly by."

So, I am pleased that I have both the right and the opportunity to speak out against Soviet anti-Semitism. This is an issue of great concern to me, to my constituents, and to all Americans and I hope our message will not fall on deaf ears.

My disappointment in today's special order comes, of course, from the fact that it is necessary at all. What a tragedy it is that the Soviet Union not only allows anti-Semitism to exist in Soviet society, but, indeed, officially sanctions this religious and cultural discrimination.

In 1979, emigration of Jews from the Soviet Union reached a peak of 4,000 per month. In 1983, only 1,314 Jews received permission to leave. This drastic decrease in Jewish emigration has been paralleled by equally ominous increases in the harassment and arrest of Jewish citizens who seek to emigrate or to practice their religion and heritage. The creation of the spurious Anti-Zionist Committee of the Soviet Public is a particularly distasteful development. Attempts by the committee and the Soviet press to legitimize ludicrous claims about the lack of hopeful Jewish emigrants waiting to leave the Soviet Union are a frightening indication of the depth of official Soviet anti-Semitism.

While general facts and figures such as this are alarming, the sorrowful plight of Soviet Jewry becomes most real when we look at the experiences

of individuals and families. One Soviet refusenik in which I have a particular interest is David Goldfarb of Moscow, whom I have adopted. Mr. Goldfarb first applied to emigrate to Israel in 1979. His son, Alexandr, had been allowed to emigrate in 1975, after a long and arduous battle with Soviet authorities, but David, his wife Cecilia and their daughter Olga and her family have been denied permission to be reunited with their son and brother.

Like so many other Soviet Jews, David Goldfarb's visa request was denied on the grounds that his departure from the Soviet Union was considered undesirable for state reasons. What is unique and alarming, however, is that this reasoning suggests that the Soviet Union considers the entire area of molecular genetics to be a matter of state security. At the time of his initial emigration request, Mr. Goldfarb was head of the Laboratory of Molecular Genetics of Bacteria and Bacteriophages of the U.S.S.R. Academy of Sciences, and was involved in gene cloning research. None of his work involved military matters and he did not have a security clearance, yet his knowledge is considered to be important to the security of the state. My letters to Mr. Goldfarb have thus far gone unanswered.

Harassment, repression, alienation, separation from family—these are the trappings of life for Jews in the Soviet Union. We are as removed from a life of repression as Soviet Jews are from a life of freedom. We cannot keep silent, then, when we have the ability to speak out and be heard on their behalf.

So, I say to Mr. Chernenko, to Mr. Gromyko and to all Soviet leaders, that the United States and her people do care about those you have chosen to persecute and will not keep silent in our opposition. We urge you to abide by the agreements your country has signed and to let a sense of humanity guide your emigration policies. We implore you to let Soviet Jews and all Soviet citizens live and worship as they so choose.

Mr. GREEN. I thank the gentleman from Florida for that very moving statement.

Mr. Speaker, I yield to my colleague on the Appropriations Committee, the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to participate in today's special order to call attention to the plight of Soviet Jews.

I would like to commend my colleagues, the gentleman from New York [Mr. GREEN] and the gentleman from Iowa [Mr. LEACH] for holding this special order and the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Michigan [Mr. SIL-JANDER] for their participation in it and for the ongoing efforts of all to assist persecuted Jews in the Soviet Union.

As my colleagues are aware, Soviet authorities have effectively clamped down on Jewish immigration. While monthly levels of immigration in the late 1970's reached a level of 4,000 individuals, last month only 83 Jews left the U.S.S.R. There has been a corresponding increase in harassment and persecution of members of the Jewish faith. Documented cases of official anti-Semitism are rising and the widespread campaign for so-called law and order has resulted in a disproportionate number of Jewish arrests.

Members of the congressional human rights caucus, which I am privileged to cochair with my distinguished colleague from California [Mr. LANTOS] and which each of the Members speaking today are members of, work each day for those anywhere in the world whose human rights are abused. Thousands of those whom we work to protect are Soviet Jews.

Recently I have become personally involved with special advocacy efforts to assist four Soviet Jews who have been denied the right to emigrate. Their cases are all too typical of what is unfortunately happening to Jews in the Soviet Union today. After applying for exit visas, each of these men were arrested as a result of their practicing Judaism, despite the fact that Soviet law guarantees religious and cultural rights.

Yakov Levin of Odessa has been subjected to KGB harassment several times in the past as a result of his application for an exit visa and for his participation in Jewish religious ceremonies. Last month he was arrested after a KGB search of his apartment revealed six questionable items. The worst of these items, in the eyes of the KGB, was a Jewish calendar. It appears that the KGB search, and his arrest, were in response to Levin's plans to be married in a traditional Jewish wedding ceremony. In the past Soviet authorities have been very successful in discouraging Jews in Odessa from participating in this type of religious ceremonies. Levin's wedding would have been Odessa's first ceremony of this kind in many years.

Last month also witnessed the arrests of two Hebrew teachers in Moscow. Despite guarantees of national and cultural rights of self-expression, it is virtually impossible to teach or study Hebrew. Authorities will go to great lengths to crush the underground network of Hebrew teachers. Last month Aleksandr Kholmiansky, a Hebrew teacher, was arrested in Estonia and charged with "hooliganism." On August 30, weeks after his arrest, his parents' Moscow apartment was searched and it has been alleged by reliable sources, that a gun, a German automatic, was planted and then "discovered" by the KGB agents searching the home.

Juli Edelshtein, also of Moscow, has been subject to KGB fabrications as well. In a recent search of his apartment, which was almost identical in nature to the Kholmiansky search, the Soviets allege that narcotics were discovered, and as a result, Edelshtein is currently under arrest.

The last of these cases, and perhaps the most pressing, concerns Yakov Gorodetsky of Leningrad, who is a leader of the repatriation movement. This movement, which is relatively young in the Soviet Union, has become extremely popular among refuseniks. Rather than requesting permission to emigrate because of family ties abroad, the participants in this movement claim that as Jews they are already Israeli citizens and must be accorded the right to be repatriated to their homeland. It appears that as a result of his association with this movement, Gorodetsky was arrested last month. He was sentenced to 60 days of state labor which requires that 20 percent of his salary must be contributed back to the state to help the national economy. In early September he was fired from this position. And most recently, he claims he was called to a district militia headquarters in Leningrad and told that if he did not cease his attempts to advocate on his belief, a gun might be found in his apartment.

Mr. Speaker, I want to point out that these four men are not being persecuted because they are criminals. In fact, these men are well-respected leaders in the Jewish community. They are simply victims of a strategy by Soviet authorities to deny them their fundamental freedoms. Unfortunately, the cases that I have described are only a small sampling of the persecution and harassment facing Jews in the Soviet Union who choose to exercise their right to emigrate by requesting an exit visa, or choose to exercise their right of religious freedom and observe the Jewish faith.

Later this week President Reagan and Soviet Foreign Minister Andrei Gromyko will meet and discuss issues of concern to both the United States and the Soviet Union. I have joined with many of my colleagues in urging the President to place the issue of the persecution of Soviet Jews high on his agenda of issues to be discussed with Mr. Gromyko. I am hopeful that this meeting will signal a new era of improved relations between our two countries. However, I believe that this can only happen if the Soviets begin to change their policy of disrespect for the rights of Soviet Jews.

Mr. Speaker, it is extremely important that we in the Congress continue to speak out on behalf of Soviet Jews. We must cry out for justice for Yakov

Levin, Aleksandr Kholmiansky, Juli Edelshtein, and Yakov Gorodetsky who have been unjustly arrested. On Wednesday night Jews around the world will begin to usher in a new year, Rosh Hashanah. We all hope that the new year will bring to them and to all oppressed people of this world peace and freedom. We of the congressional human rights caucus will continue to work each day toward that end.

□ 1930

Mr. GREEN. I thank my colleague from Illinois, and I yield to the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman for taking out his time to outline what many of us consider a very, very serious human rights dilemma. To highlight what has happened, I think it is important to take note that a resolution introduced condemning the Soviet Union for the disallowance of Soviet Jewish emigration has passed the House, has recently passed the Senate, and is now simply awaiting unanimous consent requests for minor corrections the Senate made to the House version.

This Congress has taken action, and I am very honored to be the sponsor of that resolution that has passed the House and now the Senate. I hope this week, before the week's end, that the chairman of the Foreign Affairs Committee, Mr. FASCELL, will bring those issues up, minor differences between the House and Senate versions, and allow President Reagan's opportunity for signature on that resolution.

This is a very important issue; it touches the hearts of many of us, both Jewish and Christian, Republican and Democrat. It has no theological or ideological barriers. The barriers really are just between humanity and inhumanity, and the issue is dealing fairly with people all over the world.

I thank the gentleman very much for his special order and for yielding to me.

Mr. GREEN. I thank the gentleman for his important role in this cause.

Mr. Speaker, I received a New Year's message yesterday which was cabled to the Greater New York Conference on Soviet Jewry from a group of 51 refuseniks from Moscow, Leningrad, Riga, and Odessa. I would like to share that message with the Members:

You have the good fortune to live in a free land. We do not. We are Jews who want to be repatriated to Israel from the USSR. We appeal to you—remember your brothers and sisters. For years, for decades, we have been trying to realize our indisputable right to live with our people in the Jewish land. A growing wave of official anti-Semitic propaganda, a ban on the repatriation of Jews, the enforced cutting off of contacts with the aim of complete isolation, demonstrative arrests, searches, repression of Jewish activists—these are the facts of daily life of those who want to be repatriated to Israel.

We appeal to all our brothers and sisters, to Sephardim and Ashkenazim, to young and old, to those learned in the Torah and to people who are not yet well-versed in it; the time has come for decisive actions in defense of the Jews of the USSR, and our future depends to a large extent on you. Let each person realize his responsibility before a misfortune occurs. Let each person understand how much depends upon him personally, upon his heart, upon his hands. Yes, the gates of our exodus are closed today. Yes, many of our brothers are languishing in prison today, but we are convinced that a time will come tomorrow when we will be in Israel. If it is the will of the Almighty, this moment will come for all of us. If you will remember us every day, and help us in our struggle every hour, then this moment will come for all of us. If each of you will increase your efforts in order to save our lives, then this moment will come. If we unite in solidarity, then the walls will come tumbling down.

It closes with "Happy New Year" and the traditional greeting "Next year in Jerusalem."

It is an invocation that will continue to haunt us all. We must indeed "realize our responsibility" before a misfortune occurs. We must continue to raise this issue in our letters to Soviet and American officials, in our speeches on the floor, and in our meetings with Soviet officials. I thank my colleagues who are joining with me today in one small but important step toward meeting this charge.

● Mr. PEPPER. Mr. Speaker, on the solemn and serious occasion of the upcoming meeting between our President and one of the highest officials of the highly armed superpower, the Soviet Union, I would like to take this opportunity to join in a special order on behalf of Soviet Jewry and the fundamental rationale of a policy of human rights, to which the Soviet Union has publicly committed herself at several times in various forums of international legality not least by formal treaty.

I would like to submit at this point and commend to the attention of our colleagues' remarks recently made by me in a similar context:

Mr. Speaker, I would like to use this short time today to call to your attention and that of our distinguished colleagues a subject that needs to be known and understood by every person in this nation who appreciates the blessings of liberty and opportunity which we Americans share to a wide extent.

This topic involves another country, a sometimes threatening and powerful adversary, herself suspicious of the motives of countries around her, and brutally mistrustful of its own citizens whom it treats with despotic carelessness and oppressive direction without sufficient respect as human beings.

Excessive power can lead to excesses of judgement, wasteful thinking and disrespect of the small, sincere aspirations of the average citizen. This compounds inefficiency and creates a demoralizing backlash of popular resentment—a danger to that nation and to the world which is affected by such a country's excesses and instability.

One of the worst excesses of the Soviet Union is the way in which it treats the aspirations of its Jewish minority who are first made to feel unappreciated and then mistreated when they apply to leave in peace to cut their losses and start afresh in a country wanting them as people, willing to give them nothing more than the opportunity to be free and use their energies for the benefit of the society in which they live.

This sort of poor judgement affects all of us because it shows the strains of a maladapted society in a particularly inhumane and noticeable way.

A particular case I have personally followed out of the thousands that are reported to us every year, involves an individual named Abba Taratuta and his family who live in Moscow.

His wife studied English and worked as a translator of scientific articles published in the West. Abba worked as a mathematician and expert in radio astronomy, when both resigned their positions and applied for an emigrant visa in May of 1973. After three months they were refused on grounds of possessing secret information valuable to the government. Since then they have been forced to subsist on low-paying jobs, without prospects and subject to frequent personal harassment.

Their son, Mischa, was drafted into the Soviet Army in November of 1981 and served two years, which may mean that he will know sensitive information preventing him from leaving with his family, when they are finally permitted to go.

Abba Taratuta's wife, Ida, was forbidden from visiting the public library when she was unemployed, their apartment has been searched, and they were coerced into leaving Moscow during the Olympics of 1980 to avoid any possible contact with Western newsmen or visitors from other countries.

In June of 1976, three years after he applied, Abba was informed that he could not receive a visa for at least ten years. Does this mean he will not be allowed to leave until June of 1986, or perhaps even later? He was not told when he would be permitted to leave. It may be never. Meanwhile, their lives grow less and less tolerable under this continuing pressure from the government of the Soviet Union.

He is not alone. The stories appear as petty and needless exercise of official power by a group of men who exercise power for its own sake and cannot tolerate any opposition to their authority, even in the form of peaceful emigration. They deserve our contacts and concern about their cruelty.●

● Mr. BOLAND. Mr. Speaker, I am pleased to participate with my colleagues in this special order on behalf of the plight of Soviet Jews.

Today we are recognizing the more than 400,000 Jews who seek their moral and legal right to leave the Soviet Union in search of religious freedom and the ability to study their culture and history. Day in and day out the Government of the Soviet Union denies the rights of Jews and others to practice their faith, and subjects them to physical and psychological harassment, beatings, imprisonment, confinement in mental institutions, and the separation of family members. In addition, severe restrictions are maintained on Jewish emigration. Such treatment flagrantly

violates international obligations set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act. This behavior must not go unchallenged by those governments and societies which do honor their obligations to respect human rights under those documents.

The emigration figures give a detailed picture of the plight of Soviet Jews. In 1979, the Soviet Government permitted more than 50,000 Jews to emigrate, compared to only 1,300 in 1983. The 1983 figure represents less than half the 1982 figure and the lowest level since the late sixties. So far this year, 652 Soviet Jews have emigrated. The ability of Soviet Jews to leave the Soviet Union has all but ended, leaving thousands confined against their will and confronted by a society that is becoming increasingly anti-Semitic.

America has long been a symbol of freedom for the oppressed peoples of the world. It is important that we continue to utilize every possible means to focus attention and concern on the violations of human rights. I join with my collegues in calling upon officials of the Soviet Government to abide by international human rights agreements which recognize the basic rights of human beings, and to remove the impediments to the free exercise of those rights by those of the Jewish faith in their country.●

● Mr. YATES. Mr. Speaker, anti-Semitism in the Soviet Union is not a recent development but last year, beginning with the formation of an Anti-Zionist Committee, the Soviet Government embarked on a campaign of officially sanctionized anti-Semitism. The media, which operates as an organ of the Soviet state, is now openly anti-Semitic, arrests of religiously active Jews have been increased, and the right of Jews to emigrate now exists as little more than a legalistic formality in that country.

This truly disturbing situation is an affront to the consciences of free men and women everywhere. There are some 2½ million Jews in the Soviet Union and when an official campaign of anti-Semitism is combined with a severe and increasingly restrictive emigration policy, the plight of Soviet Jews becomes a progressively serious matter.

Today, as I join with many of my colleagues in condemning the Soviets for their behavior, I feel a sense of real urgency. Many of us have spoken out on this issue before and we will continue to pursue this cause. Our numbers are growing, both in this country and in legislative bodies in other countries.

In the 1930's, a holocaust occurred because governments and private citizens ignored what was happening in Germany. The world has changed in 50 years, and the leaders of the Soviet Union must understand that in 1984 the world community will not ignore or tolerate the systematic oppression of Soviet Jewry.

The issue is fundamental. The Soviet Union must stop what it is doing. There is nothing that it can gain by repressing its Jewish citizens.●

● Mr. FISH. Mr. Speaker, once again, Members of this body come to the floor to speak out for religious freedom, for the right of free emigration, for basic human rights.

Many times we have come to speak out for freedom, hoping that our voices will be heard, but with the knowledge that the situation for Jews in the Soviet Union only gets worse. In recent months, officially sanctioned anti-Semitism has become commonplace in the media. Arrests of Hebrew teachers have greatly increased and the declining emigration figures from January through August of this year—only 652—all bear out the increasing hardships meted out to the Jewish population of the Soviet Union.

And so we speak out, because silence is complicity. We speak out to let other peoples of the world know that suppression, terror, and institutionalized anti-Semitism will never be tolerated. We speak out to keep faith with our unfortunate brethern in the Soviet Union, to let them know that they are not and will not be forgotten.

Today marks an auspicious beginning; President Reagan and Secretary of State Shultz will be meeting this week with Soviet Foreign Minister Gromyko. I know that this issue will be raised by the Secretary. We are sending a clear message to Foreign Minister Gromyko that the issue of human rights for oppressed peoples in the Soviet Union is of paramount importance to us.

This week marks another beginning. The evening of September 26 is the beginning of Rosh Hashanah, the start of the Jewish new year. As Jews all over the world celebrate the coming of the new year, we hope that the leaders of the Soviet Union will also look upon this as a time for renewal, for contemplation and reflection, and an opportunity to begin again, to allow the 2½ million Soviet Jews to practice their religion as their conscience dictates. To allow them and other oppressed peoples to leave the Soviet Union and make lives for themselves elsewhere in free lands.

We hope that our voices here today have some effect on the official Soviet Union policy. We hope today's efforts are not futile, but we know with certainty that today's efforts are not our last. As long as the Soviet Union continues to oppress its people, we will continue to raise our voices and keep the world's spotlight on their persecution.●

● Mr. LEVINE of California. Mr. Speaker, as cochairman of the 98th congressional class for Soviet Jewry, I am pleased to join in this special order on behalf of Soviet Jewry.

Mr. Speaker, on Friday, President Reagan will meet here in Washington with Soviet Foreign Minister Andrei Gromyko. During that meeting they will talk about many important issues. We are gathered here this afternoon to tell President Reagan that one of those important subjects should be U.S. concern for the plight of Soviet Jewry.

The past 13 years have not been easy one for Soviet Jews, for the Soviet Government makes life difficult in many ways. The lifeline to virtually all facets of Jewish culture has been nearly severed as Soviet authorities conduct an ongoing campaign to prevent a meaningful rebirth of Jewish language and culture.

The teaching of Hewbrew, the only language which has always been commonly shared by all Jews, is not recognized by Soviet authorities as a legitimate profession, and cannot be taught or studied by Jews. To dramatize this fact, four Soviet Jewish Hebrew teachers were recently arrested.

There are no Jewish communal or social organizations, nor are there Jewish schools of any kind. The freedom to practice religion is strictly controlled, and teaching religion, including Judaism to people under 18 is illegal.

There are no seminaries to train rabbis, and while in 1926 there were 1,000 synagogues in the Soviet Union, today there are only around 50. It is not uncommon to find one of these synagogues closed or barricaded by the KGB to prevent entry.

The doors to higher educational institutions are closing to an increasing number of qualified Jewish applicants as a result of discriminatory entrance exams. Under the late Yuriy Andropov, the plight of Soviet Jews worsened considerably. New measures were introduced to make even more difficult the already arduous process of applying to emigrate. Emigration applicants continue to be subjected to oppressive measures such as dismissal from employment or, in some cases, even imprisonment.

Laws were changed to further punish those trying to emigrate, and there was a crackdown on Jewish culture. Of extreme concern is the massive propaganda effort against Jews which includes the creation, last April, of the Anti-Zionist Committee of the Soviet Public, and the publication of the virulently antisemitic book, "The Class Essence of Zionism."

The most significant sign of worsening treatment was the drastic decrease in emigration from a high of 51,320 in 1979 to a low of 1,314 in 1983. Only 652

Jews have been allowed to emigrate so far in 1984, and the total for this year is expected to be under 1,000. Yet the number of Soviet Jew applying for emigration visas has not diminished.

As if this litany were not enough, Soviet authorities have now taken steps to further isolate Soviet Jews from their heritage and culture and from the West.

New, stricter laws have been laid down affecting travelers, who can no longer ride in a car with a Soviet citizen, and who cannot sleep in their houses.

Soviet authorities have instituted a policy on nondelivery of mail to Soviet Jews, a situation important enough to have been brought up at the Universal Postal Conference in Germany this past summer. The significance of this policy is that Soviet Jews may no longer receive their all-important invitations to leave the Soviet Union, which is the first step in the emigration process.

These are significant, additional steps in the cultural genocide of Soviet Jews being carried out by Soviet authorities.

In short, Mr. Speaker, Soviet authorities are denying Soviet Jews their basic human rights—the right to maintain their own religion and culture, and the right to leave a country that is denying them their heritage. Soviet Jews are denied the rights guaranteed to other national minorities and religious groups by the Soviet Constitution.

Unable to live according to their historic traditions, hundreds of thousands of Soviet Jews in recent years have requested the right to leave the Soviet Union. The right of any individual to leave any country, including one's own, is an internationally recognized human right upheld by the Helsinki Final Act and other international agreements ratified—and disregarded—by the Soviet Union.

Secretary of State Shultz has said that he has emphasized human rights matters, including those of Soviet Jews, in his meetings with Soviet Foreign Minister Gromyko. We take this opportunity to call upon President Reagan to do so as well in his meeting with Mr. Gromyko on Friday. The Soviet Union's increasingly harsh policy against Soviet Jewry is of great concern to me. It is a cause of great sadness. I join my colleagues in urging President Reagan to bring to the attention of Mr. Gromyko both his concern and ours. We must never be silent in the face of the suffering of humanity. We urge President Reagan not to let this opportunity slip by.

I thank my distinguished colleagues for arranging this timely special order, and for giving me the opportunity to participate. Let us hope the President is listening.●

● Mr. MAVROULES. Mr. Speaker, I commend my colleagues, Mr. GREEN and Mr. DOWNEY of New York, for organizing this special order. Never can there be too many words spoken or too much action taken on behalf of human rights. Today, we have gathered to speak out for a human rights tragedy that involves over 2 million people, over 2 million Soviet citizens oppressed because of their Jewish faith.

Lately we have heard nothing but discouraging statistics—652 Soviet Jews allowed to emigrate from the Soviet Union in 8 months, and hundreds of thousands of applications submitted. And, we hear tales of mistreatment—more and more refuseniks losing their jobs, separated from their loved ones, and persecuted for no apparent wrong doing.

We must not and will not remain silent to this injustice.

To the courageous Jewish citizens of the Soviet Union, and to the cases I have been personally involved with, I say hear us now and do not lose hope.

And to the Soviet Union, I say let this be the last time that we gather in this Chamber with such a tragic number of refusenick cases on our minds. Remember the Helsinki Final Act that you agreed to not long ago.

Again, I commend my colleagues for giving us this opportunity. Let our concern be voiced, and the fight to liberate Soviet Jewry will be won.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in calling the world's attention to the plight of Jews living in the Soviet Union, and to denounce the Communists for their outrageous human rights violations.

In recent months, harassment of Jews who desire only to practice their religion has escalated, and the persecution of Jews who wish to emigrate to Israel has intensified. Arrests and officially sanctioned antisemitism have increased and emigration has fallen off significantly.

Because the President is meeting with Soviet Foreign Minister Andrei Gromyko this month, I was glad to join with my colleagues in the House of Representatives in contacting President Reagan to urge that human rights violations against Soviet Jews be protested, and that a reversal in the drop in emigration be a top priority in his discussions in order that a strong message may be sent to the Soviets that such conduct cannot continue if relations between our two countries are to improve. The text of the letter follows:

SEPTEMBER 19, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to place the Soviet Jewry issue prominently on the agenda of your planned September 28 meeting with Soviet Foreign Minister Andrei Gromyko.

As you said in your statement to the Union of Councils for Soviet Jews last week, these days are tragic times for Jews in the Soviet Union. Emigration decline, human rights abuses and the systematic harassment of long-time refuseniks are problems that have grown to crisis proportions in the past few years. These issues must be part of the agenda of all relevant forums between our two nations.

Many of us who have adopted Soviet refuseniks and their families see the human face of the cultural genocide taking place in the Soviet Union today. We believe it is imperative that we reaffirm our deep commitment to the basic principles of human rights and religious freedom at this difficult time for Soviet Jews. The September 28 meeting would present a special opportunity for the United States to convey to Soviet leaders the importance of this issue to better relations betwen our countries.

Mr. Speaker, thousands of Soviet Jews must daily face the tyranny and oppression under Communist rule, and the persecution of Jews seeking to leave the country has been severe. Emigration from the Soviet Union has dropped off during the last 10 years from a high point of 51,320 in 1979 to 1,314 in 1983. At the present rate, emigration of Jews from the Soviet Union in 1984, is predicted to fall below 1,000, and at this point in the RECORD, I would like to share with my colleagues a listing of Soviet Jewry emigration from 1965 to 1983 which demonstrates that the Communists have truly shut the gates. The figures follow:

Jewish emigration from the U.S.S.R.

1965–June 1967	4,498
Oct. 1968–1970	4,235
1971	13,022
1972	31,681
1973	34,733
1974	20,628
1975	13,221
1976	14,261
1977	16,736
1978	28,864
1979	51,320
1980	21,471
1981	9,447
1982	2,688
1983	1,314

We in Congress must do everything in our power to pressure the Soviets to allow Jews to practice their religion and to emigrate from the Soviet Union without the fear of reprisal. We must protest the Communists reprehensible conduct in the strongest possible terms, and we must make it clear that their actions violate international obligations, which that country has agreed to abide by as a signator of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act.

Let us continue to urge that Soviet Jews who wish to practice their religion and emigrate to Israel be allowed to do so, and let us make our position known to the Soviet Union at every possible opportunity, with the goal that human rights violations against Jews cease.●

● Mr. LEVIN of Michigan. Mr. Speaker, two events occur this week: President Reagan and Soviet Foreign Minister Gromyko meet to discuss United States-Soviet relations and Jews around the world congregate to celebrate the beginning of the Jewish New Year. These two events provide further occasion to remember the continuing plight of Jews in the Soviet Union. I want to join by colleagues in speaking out on behalf of Soviet Jews and sending a message to Minister Gromyko that we in Congress continue to view the fate of Soviet Jews as a critical issue.

We are all too acutely aware of the sufferings of Soviet Jews who, year after year, have been denied permission to emigrate. We know that immigration has slowed to a mere trickle from its 1979 peak, with only 662 emigrants leaving the Soviet Union between January and August of this year. Mail to Soviet Jews from abroad continues to be intercepted. Further, there has been an increase in the officially sanctioned policy of anti-Semitism in the Soviet Union. The press prints articles which are openly anti-Semitic. Jews, including four teachers of Hebrew, have been arrested. Not only are Soviet Jews forbidden to emigrate, they must remain trapped in what is an increasingly hostile environment.

I would like to draw special attention to a family denied the right to emigrate, Abe Stolar, his wife Gita, and son Mikhail. In 1974 they received exit permits to emigrate to Israel. However, immediately before boarding the plane, the family was detained on the pretext that Mrs. Stolar's work in a chemical laboratory 7 years before had exposed her to government secrets. Since then, their repeated applications to leave have been refused.

Unfortunately, as we all know, this tragic situation is all too common. Thousands of Soviet Jews like the Stolars wait, enduring uncertainty, harassment, and loss of their jobs. We need to let them know that their patience and suffering is recognized, and we need to let the Government of the Soviet Union know that we renew our commitment to support Soviet Jews in their quest for religious and cultural freedom.●

● Mr. BROWN of Colorado. Mr. Speaker, tomorrow marks the beginning of the Jewish New Year, Rosh Hashanah.

I have written to President Reagan to ask that he address the problem of human rights and Soviet emigration policy during his historic meeting this week with Soviet Foreign Minister Andrei Gromyko.

Recent reports indicate an increased campaign by Soviet officials to stamp out Jewish culture, religion, and education in the Soviet Union. This summer, three Hebrew teachers, Aleksandr Khomiansky, Yakov Levin, and Yakov Gorodetsky were arrested on fabricated charges. Another prominent refusenik, Zakhar Zunshine, has disappeared after the Soviets rejected his appeal. We remain uncertain about the condition of Andrei Sakharov, while his wife, Elena Bonner, has been denied permission to emigrate for medical treatment.

These are just some of the examples of the stepped up program of intimidation and harrassment of Jews in the Soviet Union. Attempts to escape this desparate lifestyle are being frustrated by a further tightening of emigration procedures. In 1979, 51,320 applications by Jewish people for exist visas were approved by Soviet authorities. However, over the past 4 years, the Soviets have increasingly clamped down on Jewish emigration. This year to date, with an estimated 300,000 applications pending, only 652 Jewish people have been granted permission to leave Russia. If the rate of Jewish emigration continues at this level, it will be the lowest since emigration began 20 years ago.

I am hopeful that President Reagan's meeting with Mr. Gromyko may bring about a policy change for the Soviet Jewish people, and will continue to voice my objections about the injustices that they experience.●

● Mr. HUGHES. Mr. Speaker, we in the Congress are privileged among Americans, in that we are uniquely able to help others—those who live in our home districts, in cities and towns around the country, and in countries around the world benefit from just laws and the assistance which our Constitution allows the Congress to furnish.

However, there is one group of people—Jews in the Soviet Union—that seems to be almost out of our reach; indeed, these unfortunate people seem to be out of reach of almost everyone who would come to their assistance. The Soviet Government has placed a force field of silence and isolation around this group of citizens—relatives, friends, and people throughout the world who are concerned over the treatment and conditions of Jews in the Soviet Union are unable to provide even rudimentary assistance.

The scurrilous campaign of harassment being conducted by the Soviet regime against Soviet Jews brings only the deepest shame and condemnation upon the perpetrators. Over the past 5 years, the rate of Soviet Jewish emigration has declined precipitously, plummeting from a monthly average of approximately 4,000 in 1979 to less than 82 today, and harassment of Jews seeking to leave the Soviet Union has increased markedly in recent months. In addition, the fate of prisoners of conscience and the many hundreds of long-term refuseniks—those Soviet Jews who have been waiting to leave for more than 5 years—remains in question.

Along with a number of my colleagues, I wrote to the President recently, requesting that he discuss the issue of Soviet Jewry in his upcoming meeting with Soviet Foreign Minister Gromyko, and indicate our country's steadfast commitment to the fundamental human rights of the 2 million Jews in the Soviet Union.

By speaking out here today, and again at every opportunity, we try to bring a modicum of relief to Jews in the Soviet Union. Only by our unceasing efforts may we hope to someday bring true relief to these deserving people.●

● Mr. McKINNEY. Mr. Speaker, the treatment of Jews in the Soviet Union is appalling. With the end of the Jewish year upon us, I feel compelled once again to draw attention to those persons suffering in the Soviet Union as a result of their desire for religious freedom.

Soviet Jews have persistently been denied rights guaranteed other national minorities and religious groups by Soviet law. Jewish cultural efforts are being attacked with a new and frightening vengeance. Most synagogues and all Jewish schools have been closed. Teaching Hebrew is banned. Books and sacred artifacts are confiscated and destroyed. Jewish cemeteries are desecrated. The Soviet press tries to incite hatred through anti-Jewish propaganda. Jews increasingly experience discrimination in education, employment, and social life. In short, Soviet Jews are deliberately and systematically being stripped of their culture and of their very identity.

The horrifying conditions and terrible treatment of the Jewish people in the Soviet Union leaves them no alternative but to seek exit from their homeland in the hopes of finding a place to live according to their historic traditions. The right of an individual to leave any country, including one's own, is an internationally recognized human right upheld by the Helsinki Final Act—(1975)—but the doors of emigration have been virtually closed for the Jews. Hundreds of thousands of Jews in recent years have requested the right to leave the Soviet Union, but less than 1,000 will escape Soviet persecution this year, in contrast to the 51,320 permitted to leave at the height of emigration in 1979.

Those who have repeatedly been refused permission to emigrate to Israel, the refuseniks, suffer even more persecution. Authorities frequently interrogate refuseniks, interfere with their mail and telephone service, and threaten them with physical abuse, conscription into military service, or imprisonment. Prison conditions are harsh, and Jewish prisoners often are

persecuted by prison inmates and administrators. Refuseniks are charged with "crimes" such as parasitism—being out of work after having been fired: owning anti-Soviet materials—Hebrew prayer books; and hooliganism—demanding rights guaranteed by Soviet and international law. All they really want to do is escape persecution and get out of the country.

It is my hope that the Members of this body, as well as the public at large, will take heed of the gross violations of human rights and will continue to draw national attention to the refuseniks languishing in the Soviet Union. Let us bring in the Jewish New Year by giving promise to those less fortunate than we. The dire situation of Jews in the Soviet Union demands urgent action and protest while there is still time.●

● Mr. BIAGGI. Mr. Speaker, at this time I would like to join my colleagues in this special order on behalf of Soviet Jewry. I feel that this special order is of critical significance in light of the fact that Soviet Foreign Minister Gromyko will be in Washington this week to meet with the President and Secretary of State. This special order will send a clear message to the Soviet leadership that the plight of Soviet Jews is a foremost concern of the Congress and the American people.

Mr. Speaker, as we gather here today to express our deep concern over the situation in the Soviet Union regarding the treatment of Soviet Jews, we must emphasize the disturbing fact that this situation has grown worse in recent years. In 1983, Soviet Jewish emigration reached its lowest level in modern history. From January to August of this year the emigration figure stood at a dismal 652. This grim development serves to tragically underline the fact that some 2½ million Soviet Jews remain trapped in the Soviet Union. Although the plight of Soviet Jewry has never been good, recent developments indicate that the situation is rapidly deteriorating and the Soviet Government is routinely and callously violating basic human rights.

The year 1983 also marked the Soviet Government's formation of an anti-Zionist committee which has intensified what was already a vicious anti-Semitic campaign. Most recently the KGB has stepped up a campaign apparently targeted against Soviet Jews who teach Hebrew. Since July 25, 1984, four Hebrew teachers have been arrested by the KGB on trumped up charges. These four men have been harrassed, their homes unjustly searched, and have been illegally detained. This is but one example of a situation that unfortunately is growing worse. The number of refuseniks and prisoners of conscience continues to grow. Soviet Jews who openly petition the Government to emigrate become open targets for harassment, denial of job opportunities, unwarranted searches and detainment, and, in some cases, imprisonment.

The fact is that the Soviet Government is blatantly disregarding even the most basic human rights. Furthermore, they are in violation of the Helsinki Accords of 1975. Their treatment of Soviet Jews is but one example of the Soviet Government's many violations of basic human rights. It is a government that routinely oppresses it people and one that denies so many different peoples of their freedom and right to self determination.

The right to worship freely and practice one's religion without persecution of harassment is one that we here in the United States hold dear. It is a basic human right—one that should be accorded to every individual. Yet, the Soviet Government continues to harass, persecute, detain, arrest, and oppress the 2½ million Jews who remain trapped in the Soviet Union. The list of those Jews who have stood up and spoken out for their rights and for their people is a long one. It is sad to note that a majority of those brave people have either been arrested, lost their jobs, harassed, or detained by the Soviet authorities. The relative few who have managed to emigrate tell a tragic story about the plight of their comrades left behind. This tragic plight is exemplified by the struggle of those like Anatoly Shcharansky who continue to be oppressed and persecuted.

Despite the dangers and risks involved, many Soviet Jews continue to request permission to emigrate, for they would rather risk persecution and imprisonment than continue to live in a country that denies them the basic right to worship freely. As one who has continually expressed outrage and concern over the imprisonment of Soviet Jews who request permission to emigrate, I fully support the efforts of many groups throughout the world to get these Soviet Jews freed. Recognizing the dismal situation so many Soviet Jews are in I have supported all efforts to alleviate the suffering of these people.

In August of this year I introduced legislation, H.R. 6092, to cut the price of postage in half on parcels of food, clothing, and medicine sent from the United States to Poland and the Soviet Union. Mr. Speaker, the situation for the 2.5 million Jews living in the Soviet Union is distressing. Clearly, we should do everything possible to encourage people in the United States to send food, clothing, and medicine to the Soviet Union because those items of subsistence are desperately needed. As many of my colleagues are aware, many Soviet Jews who apply to emigrate are routinely dismissed from their jobs and must rely on others for basic consumer goods. These packages serve as a vital lifeline to many Soviet Jews.

Efforts such as this to help alleviate the suffering and misery of Soviet Jews must be combined with an ongoing and vigorous effort to speak out on behalf of all Soviet Jews. The Soviet Government has been openly violating the basic human rights of its Jewish population. To remain silent in the face of such gross and blatant violations would be an even greater crime against humanity.

It is my sincere hope that this demonstration of support for Soviet Jewry will send a clear message to the Soviet leadership that the American people will never remain silent in the face of such abhorrent human rights violations. By abiding by the pledges and promises it made in the Helsinki accords of 1975, the Soviet Union could open up a new era of understanding between East and West. At a time when intenational tensions are high, the release of the many Soviet Jews held in Soviet prisons and the relaxation of strict emigration policies for Soviet Jews would do much to pave the way for this new era. Such actions would also restore to many Soviet Jews the dignity, self-respect, and honor that has for so long been denied them.●

● Mr. OTTINGER. Mr. Speaker, this is a week of hope and prayer for millions of Jews all over the world. The new year presents a fresh start, a chance to do better, to work harder and accomplish more. In the Soviet Union, there is much room for improvement. Soviet Jews cannot celebrate Rosh Hashanah without fear of persecution and harassment. As they strive to maintian their faith and pass it on hopefully to a new generation, their way of life is threatened by an intolerant and intransigent government. For the past half decade of new years, Soviet Jews have fought a dramatic deterioration of their rights and freedoms. It is time this tide was reversed.

Soviet Foreign Minister Andrei Gromyko meets this same week with President Reagan, the first such meeting in almost 4 years. There is hope in this meeting, a hope that has not been possible during the silent standoff between the United States and the Soviet Union. For the first time, there is a chance for diplomatic dialog. President Reagan has long stated that alleviating the deplorable situation of Jews in the Soviet Union is a priority of his administration in their dealings with the Russians. Here is his chance to prove it.

What better gift could we give the millions of Soviet Jews at this new year than to seek an end to the curtailment of Soviet Jewish emigration? We have documentation of thousands

of individuals and families that have made at least the first step toward securing permission to emigrate. Mr. Gromyko must not be allowed merely to reassert that all those wishing to leave have gone. President Reagan should be armed with a list of some of these families when he meets with the foreign minister, and he should demand to know why at the end of this August, only 652 Soviet Jews had been allowed to leave. At that rate, fewer than 1,000 people will emigrate in 1984; one-fiftieth the number from just 5 years ago.

The leaders of the Soviet Union have accused the United States of intransigence on issues to which we have formally agreed to act, such as arms control. Now they have an opportunity to prove their own willingness to act upon signed commitments to basic human rights. The Helsinki Final Act guarantees individuals the right to emigrate in order to practice their religion freely. The Soviet Union has not upheld this right for Jews. Indeed, it has imprisoned those who spoke out for their freedom, condoned the distribution of anti-Semitic propaganda and disrupted Jewish education. If our countries are to pursue contructive dialog, there must be good faith on both sides: The Soviet Union could start tomorrow by releasing Soviet Jews imprisoned for their beliefs and granting emigration to the many thousands who have waited so long.

I join my colleagues today in calling on President Reagan to convey to Mr. Gromyko our outrage at the treatment of Soviet Jews and our desire for an end to this appalling state of affairs. Let this be a joyous new year for Jews in the Soviet Union. As the poet William Morris wrote in 1884, "Then more than one in a thousand in the days that are yet to come, shall have some hope of the morrow, some joy of the ancient home."●

● Ms. KAPTUR. Mr. Speaker, I am pleased to be participating in this particularly timely special order on behalf of Soviet Jewry. Tomorrow evening marks the beginning of the Jewish New Year, one of the holiest days in Judaism, which Soviet Jews are unable to freely celebrate. This week also marks the first time since President Reagan assumed office almost 4 years ago, that he will meet with Soviet Foreign Minister Gromyko. My colleagues and I who are speaking out today, believe that in this meeting, the President should convey our deep concern over the persecution of Soviet Jews.

This is a critical time for Soviet Jews. Last year, only 1,314 Jews were permitted to leave the country—the lowest annual figure since emigration began more than a decade ago. Statistics for the first several months of 1984 indicate that the Soviets have virtually halted Jewish emigration, and those unable to leave are subject to a continuing anti-Semitic campaign. I believe that this crisis has sparked a renewed sense of urgency in Americans to act on behalf of Jews in the Soviet Union.

The issues of emigration and human rights must remain high on the agenda in all relevant forums. The rapidly deteriorating situation of Soviet Jews may only end if leaders of the free world speak out on their behalf at every opportunity. I urge President Reagan to seize the opportunity this week in his meeting with Foreign Minister Gromyko, to impress upon this Soviet official, that the United States cannot and will not ignore the Soviet treatment of its Jewish minority.●

● Mr. DWYER of New Jersey. Mr. Speaker, I wish to commend my colleagues for calling my attention to this special order. It is of paramount importance that we once again call attention to the plight of Soviet Jewry.

Today, the situation for Soviet Jewry is a tragic one. This year, only 652 Jews have been permitted to leave, compared with 51,320 in 1979. Yet, despite this gloomy picture, the Jews of the Soviet Union remain strong and steadfast in their desire for freedom.

Let us remember the plight of those who are unable to experience the liberties we enjoy. I think it only befitting that I once again call attention to my Prisoner of Conscience. Grigory Rozenshtein, along with his wife and two sons, have been denied permission to emigrate since 1974, yet they remain firm in their commitment. Throughout the years, the family has been incarcerated because of their religious and cultural beliefs. The Soviet regime has deprived them of the most important possessions they have—their personal and political freedoms. It is indeed regrettable that the Rozenshteins must live under these oppressed conditions.

The Helsinki accord has served as a tremendous source of encouragement and inspiration to the refuseniks. Although the pleadings of these brave people have not been met, their appeals will not be silenced. To do so. however, they will need our continuing support.

We have before us the golden opportunity to bring human rights to the forefront. This week, Soviet Foreign Minister Gromyko will meet with President Reagan. As elected officials in the free world, we must insist that human rights be at the forefront of the discussion. Let us offer these people who suffer at the hands of the Soviet Government a sign of hope and continue to defend and advocate the cause of freedom.●

● Mr. WIRTH. Mr. Speaker, this week Soviet Foreign Minister Gromyko will be meeting with President Reagan and Secretary of State Shultz. It is imperative that within the context of this event we take this opportunity to urge our Government to make Soviet Jewry an issue in these discussions.

The situation within the Soviet Union for Soviet Jewry has continued to deteriorate. Emigration has been virtually eliminated and officially sanctioned anti-Semitism has been accelerated through the media. Intimidation and harassment of Jews has become the order of the day.

Despite this bleak situation we must persevere in our efforts and continue to speak out on behalf of the 2½ million Soviet Jews who remain. This is a rare opportunity, Mr. Speaker, for our leaders to discuss directly this very serious issue with the Soviet Foreign Minister. For the sake of world peace both countries must begin to break down the barriers that have been erected over the last few years. Addressing the plight of Soviet Jewry is a necessary step in that process and I urge my colleagues to appeal to the President and Foreign Minister Gromyko to make this an issue of their talks.●

● Mr. WEISS. Mr. Speaker, I commend my colleagues, Congressmen HENRY WAXMAN, THOMAS DOWNEY, JIM LEACH, and BILL GREEN, for organizing the special order on Soviet Jewry and am pleased to participate in today's event. It is important that the Congress send a clear and unambiguous message to Soviet Foreign Minister Andrei Gromyko that we remain committed to the cause of Soviet Jewry.

In light of the worsening situation of Soviet Jews, it is critical that Americans express their solidarity with the oppressed in the Soviet Union. Since 1979 Soviet Jewish emigration has dropped from 51,320 to only 650 in the first 8 months of this year. Contrary to the claims of the officially sanctioned Soviet Anti-Zionist Committee, this precipitous decline is not due to the fact that all Soviet Jews wishing to leave have already done so.

While Jewish emigration has declined, anti-Semitism in the Soviet Union is on the rise. It is manifested in print and in vicious cartoons; in television and radio broadcasts; and in the treatment of individuals in the Jewish community. Harrassment of Jews includes arrest and imprisonment, loss of jobs, and denial of medical treatment. The Kremlin also prohibits the existence of Jewish schools, denying the more than 2½ million Soviet Jews the right to a religious education.

Friday's meeting between Mr. Gromyko and President Reagan represents a hopeful sign for Soviet Jews, for as United States-Soviet relations have deteriorated in the past 4 years, so has the situation of Jews in the Soviet Union. International pressure has worked in the past to gain concessions from the Soviet Union in the

area of human rights. But much more is needed.

Recent history has shown us that the Soviets have been willing to improve human rights within their borders but only in a climate of improved relations between Moscow and Washington. Soviet Jewish emigration rapidly increased in the mid- and late-1970's, an era of détente between our two countries. However, as a result of the escalation of tensions following the Soviet invasion of Afghanistan in 1979, emigration has slowed to a mere trickle.

Accordingly, we must encourage the initiation of serious negotiations between the United States and Soviet Union in hopes that these talks could result in greater respect for the rights of Soviet Jews.●

● Mr. FRANK. Mr. Speaker, I am glad to join with my colleagues today in a special order on Soviet Jewry. The High Holidays of the Jewish calendar are approaching, and soon Soviet Foreign Minister Andrei Gromyko will meet with the President, as well as with former Vice President Mondale. It is important that we take the time now to remark upon the appaling situation which the Jews of the U.S.S.R., currently find themselves in. We are all by now familiar with the plight of Yelena Bonner, though it is impossible to know the details of her persecution. Her plight highlights the narrowminded repressiveness of the Soviet regime.

Over the past few years, this regime has taken steps to worsen the already miserable conditions of Jewish life in the Soviet Union. The massive emigration which was regarded as a hopeful sign in the seventies has slowed to a trickle. The authorities have embarked on a new anti-Semitic campaign, which brings to mind the horrifying "Doctor's trials" of the fifties.

We in the West are sickened at the inhumanity and cynicism which is revealed by the Soviet Union's policy regarding its Jewish community. The number of human rights abuses which are brought to our attention on a nearly daily basis staggers the imagination. Persecution of the Jews has become routine in the U.S.S.R.; as a result we must be on guard against letting ourselves become deadened to the plight of this beleaguered community. We must continue to let them know that their sorrow is our sorrow, their hope is our hope. We in Congress must stand as witnesses of their suffering. Today and everyday, Mr. Speaker, we join in solidarity with our spiritual brethren in the Soviet Union.●

● Mr. FROST. Mr. Speaker, today we pause in one of our ongoing series of special orders on behalf of Soviet Jewry, a special order designed to heighten public awareness of the plight of over 2 million Jewish citizens of Soviet Russia who cannot freely worship, express their religious convictions, or leave the country to settle in less hostile surroundings.

The Soviet Union's persecution of its Jewish minority is most dramatically demonstrated by its refusal to grant them exit visas. In 1979, over 51,000 Soviet Jews were permitted to emigrate. Five years later, in 1983, only 1,300 were granted exit visas and allowed to leave the Soviet Union.

A more insidious form of persecution is the government-initiated, government-encouraged policy of harassing Jews who have expressed a desire to leave the country, to study the roots of their heritage, or to practice their faith. These Jews are excoriated in the news media and often are denied the employment best suited to their skills. Some are sentenced to internal exile.

The Government of the Soviet Union is anti-Semitic, a reprehensible posture in a world which supposedly learned the lessons from the Holocaust. As Members of the U.S. Congress it is our responsibility to maintain whatever pressure is required to force the Soviets to adhere to the Helsinki accords of 1975 and to honor their obligations under the International Covenants on Human Rights. More important, it is the duty of this administration to place human rights at the top of any agenda where representatives of our Government and the Soviet Government are meeting to resolve our differences. Only by maintaining high-visibility pressure will we be successful in eradicating the senseless, inhumane treatment of the third largest surviving Jewish community in the world.●

● Mr. FAZIO. Mr. Speaker, I rise today in full support of the Jewish people in the Soviet Union. I applaud not only the courage and efforts of the 400,000 Jews trying to emmigrate, but of all the 2½ million Jews of the Soviet Union who endure daily hardships in the most hostile of environments.

Soviet Jews have come to know repression as a way of life. Emigration has dropped more than 95 percent in the past 4 years. And yet these people continue to speak out. With efforts like those of the Union of Councils for Soviet Jews, people outside of the Soviet Union are beginnig to speak out also. People are working for the freedom of emigrants from the U.S.S.R. and the release of Jewish Prisoners of Conscience. It is our duty to join these people and support their cause. We must do what we can as Members of Congress to send a clear message to the Soviets that this issue is of paramount importance to ourselves and the American people.

Finally, I hope that the upcoming meetings between Soviet Foreign Minister Gromyko and President Reagan are a sign of better communications between the two superpowers. For it is only through such open lines of communications that we can better inform the Soviet Union of our true concern for the Jews in their country. We have seen how almost 4 years of silence between the two nations has hindered the emigration of Soviet Jews. Better relations between the United States and the Soviet Union can only encourage a better and more deserving life for these oppressed people.●

● Mr. LENT. Mr. Speaker, today's special order on behalf of Soviet Jewry is very significant. Soviet Foreign Minister Gromyko is in Washington this week to meet with President Reagan. This meeting between leaders of the two superpowers demonstrates our willingness to sit down and talk realistically, constructively, about the differences between our two nations, and to work for a better understanding between the United States and the Soviet Union. I, for one, am hopeful that these talks will make real progress.

However, while we work toward that goal, we must not remain silent to the Soviets' inhumanity toward their fellow man. We must not ignore the blatant abuse of human rights and freedoms perpetrated by the Kremlin against innocent Soviet citizens. We cannot, in good conscience, turn our backs on those who suffer cruel persecution and oppression because they wish to practice their religion freely without fear in the land of their choice.

These intolerable situations exist now in the Soviet Union. While the Kremlin persists in such inhuman practices, we in the United States must protest them.

There are thousands of Soviet Jewish citizens who have been imprisoned for seeking their legal right to emigrate from Russia or for practicing their Jewish religion. Many have lost their jobs, their homes, have been separated from their families, or risked their lives because they refuse to submit to the Soviets' tactics of violence and persecution. Their names are legion: Ida Nudel, Levi Elbert, Yosef Begun, Alexander Kushnir, Yuri Tarnopolsky, and thousands more. Yet, these courageous men and women persevere and continue to defy the Kremlin's threats and harassment with a brave and valiant spirit that endures and grows stronger every day.

Organizations here in the United States, such as the Greater New York Conference for Soviet Jewry, work tirelessly to educate and activate millions of people to demonstrate their concern for the plight of Soviet Jews. Their efforts are outstanding and deserve the highest commendation. Their support and the support of Members of Congress participating here today sound a forceful protest against the Kremlin's anti-Semitic outrages.

American citizens have traveled—at great expense and often peril—to visit Jewish families in the Soviet Union. To let them know that they are not forgotten in their struggle. But the Kremlin will not let these Americans visit in peace. They have experienced some of the same harassment and persecution endured by the Soviet Jews. This is intolerable.

Recently, two Long Island women visiting Russia, leading members of Jewish organizations on Long Island, were arrested and interrogated for over 5 hours by the Soviet KGB for their visits with Soviet Jews. Such incidents prove the Kremlin will go to almost any lengths to discourage outside contact with Soviet Jews to keep the world from learning the truth about their tragic situation. As one of the women, Blanche Narby, my constituent, noted: "We are their lifeline. We are their only contact with the outside world, and if they are not afraid of the repercussions, we should not be."

I urge our President today to pursue talks with Mr. Gromyko and other Soviet leaders. And in those discussions demand that the Kremlin change its policies. Soviet Jews must not be forced to remain in Russia against their will; they should be free to practice and teach their culture and religion without fear of persecution. We must never relent in the battle to defend human rights and freedoms. The President must make clear to the Soviet leadership that persecution of Soviet Jews must end.●

● Mr. O'BRIEN. Mr. Speaker, as a participant in this year's Call to Conscience Vigil, I would like to bring to the attention of my colleagues the plight of a brave refusenik, Mr. Lev Blitshtein.

Like so many of his fellow refuseniks, Lev Blitshtein is no stranger to the harshness and cruelty of the Soviet regime and its calculated campaign of terror and discrimination against Soviet Jews. Lev Blitshtein and his family first made application for an emigration visa in June 1974. Their request was denied in January 1975 and Lev was subsequently dismissed from his job as foreman at the slaughter house and sausage plants for the Ministry of Meat and Dairy. Soviet authorities did not cite specific reasons for the refusal but alluded to interests of state and secrecy as prime considerations behind the decision. But the Visa Office later assured the family that it would receive a visa 1 year later. Distrustful of the Soviets' pledge and aware of similar unfulfilled promises to other refuseniks, Lev began to write letters to Soviet officials. But the only reply to his letters was a strong warning from the KGB to "stop writing or you will be repressed."

Lev later asked the Visa Office if his wife, Blumah, and his son, Boris, could apply separately from him, but this request was also denied. They told him since it was not humane to separate families, the Blitshteins should file for divorce. A divorce was granted and Blumah and her son Boris reapplied for an emigration visa which they received soon thereafter. They left the U.S.S.R. in October 1975. Lev's daughter, Galina, was also permitted to leave January 1976 and joined her mother and brother in New York.

Lev received another refusal in January 1976 and was advised to wait 1 more year before reapplying. Despite official Soviet promises to review cases every 6 months, Lev was never granted a visa. In October 1976, Lev and a friend went on a 3-day hunger strike while their respective sons supported them by staging a hunger strike outside the Aeroflot office (Russian Airlines) in New York. Lev's friend was granted permission to depart, but Lev had to remain behind. Since then, Lev's several attempts to secure a visa have been repeatedly denied. In the meantime, he looks after refusenik children and cares for the prisoners of conscience. Yet his dream of leaving the U.S.S.R. and being reunited with his wife and children in the United States still shines bright.

I would ask my colleagues to join me in praising the indomitable spirit of Lev Blitshtein and other refuseniks like him whose noble struggle for freedom, dignity, and basic human rights should serve as an inspiration to all people everywhere.●

● Ms. OAKAR. Mr. Speaker, I want to thank my colleagues, Messrs. GREEN and DOWNEY, for calling this special order today. I am pleased to participate because it is so important to bring to the attention of the Congress, the citizens of our Nation and, indeed, the world our deep concern over the plight of Soviet Jews.

As documented in statements by our colleagues, after a high point of 51,320 in 1979 in Jewish emigration from the Soviet Union, we have witnessed a dramatic and tragic 95-percent drop in exit visas in the last few years—and this trend appears to be continuing.

Not only are thousands who desire to emigrate denied the opportunity, but many are prevented from even applying for emigration. These "refuseniks" often face loss of their jobs, are exiled and even imprisoned simply because they wish to go to another country.

In addition, those Jews remaining in the Soviet Union face ever-increasing restrictions and denials of the personal freedom we, in this Nation, know and sometimes take for granted. Jews in the Soviet Union are not permitted to study their heritage, to worship without government interference, and they are not permitted to pass on their rich traditions from generation to generation.

There is a new and frightening wave of anti-Semitism in the Soviet Union. Four Hebrew teachers have been arrested in the past 6 weeks. Mail—the lifeline to the free world for Soviet Jews—is not being delivered. The harsh treatment of prisoners of conscience and the increased harassment of refuseniks further illustrate that the Soviet regime seeks to eliminate any vestige of Jewish culture within its borders.

I deplore these chilling vicious actions on the part of the Soviet Government. They are in clear violation of international agreements signed by the Soviet Union, most notably the Helsinki Accords. The Soviet Government must understand that we will not forget the cause of the Soviet Jews and will continue to press this matter of basic justice at every available opportunity. It is my sincere hope that when President Reagan meets with Soviet Foreign Minister Gromyko later this week, they will discuss this issue of paramount importance.

Mr. Speaker, I believe we must join together in calling upon the Soviet Government to abide by international human rights agreements which recognize freedom of religion, repatriation to one's homeland reunification of families, and the right to emigrate. Truly, these are basic human rights worth speaking out for again and again.●

● Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleagues, Mr. DOWNEY and Mr. GREEN, for taking out this special order on behalf of Soviet Jewry. I had hoped that the new leader of the Soviet Union, Mr. Konstantin Chernenko, would initiate a reasonable emigration policy for Sovet Jews. However, Mr. Speaker, so far he has not done so.

In 1983, only 1,314 Soviet Jews were allowed to emigrate to Israel or to other nations of their choice. By contrast, in 1979, 51,320 Soviet Jews were permitted to emigrate. Mr. Chernenko has a golden opportunity to use his transition period as the new Soviet leader to greatly upgrade the human rights record of the U.S.S.R. for the year 1984. I speak for all people who are committed to the human right to freedom of movement when I ask Mr. Chernenko not to let this opportunity pass.

Mr. Speaker, the questions are clear. What does the Soviet regime gain by detaining over 400,000 Soviet Jews who have been trying to leave the Soviet Union? How do the arrests, the human rights abuses, the closing off of mail to and from refuseniks, and the constant harassment of Soviet Jews advance any of the causes for which the Soviet Union stands?

As a member of the Congressional Human Rights Caucus, and as a human being devoted to the freedom of all people, I will keep speaking out against the repressive acts of the Soviet regime toward its Jewish population.

Mr. Speaker, I plan to continue to pressure Soviet leaders in this matter by supporting organizations such as the Union of Councils of Soviet Jews, Amnesty International, and the International Parliamentary Group. I will continue to join other Members of Congress in sending letter after letter to the Soviet leaders, asking for the release of prisoners of conscience and for the fair treatment of refuseniks, until the Soviets realize that nothing can be gained by their present practices against Soviet Jews.

I will also continue to send letters to the Soviet authorities on behalf of the refuseniks I adopted, Vladimir and Isolda Tufeld. I am committed to keeping the spotlight on the actions of the Soviet authorities as those actions affect the Tufelds' attempts to reunite with their son, Igor, in Israel. Many other Members of Congress are pursuing the same path of keeping track of Soviet actions with respect to a particular individual or family. If the Soviet leaders are going to persist in repressing Soviet Jews, we, in the United States, will at least deprive them of the luxury of doing it in secret.

Mr. Speaker, it is my hope that Soviet Foreign Minister Gromyko will take a serious view of the message that we are presenting here today, as he visits Washington, DC, this week.●

● Mr. ECKART. Mr. Speaker, I commend the gentlemen for bringing this issue to the attention of the President and Soviet Foreign Minister Gromyko.

I was very pleased that more than 80 of my House colleagues joined me in writing a letter to President Reagan, urging that he raise this issue with Mr. Gromyko.

I would like to insert that letter into the RECORD at this time:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 1984.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to place the Soviet Jewry issue prominently on the agenda of your planned September 28 meeting with Soviet Foreign Minister Andrei Gromyko.

As you said in your statement to the Union of Councils for Soviet Jews last week, these days are tragic times for Jews in the Soviet Union. Emigration decline, human rights abuses and the systematic harassment of long-time refuseniks are problems that have grown to crisis proportions in the past few years. These issues must be part of the agenda of all relevant forums between our two nations.

Many of us who have adopted Soviet refuseniks and their families see the human face of the cultural genocide taking place in the Soviet Union today. We believe it is imperative that we reaffirm our deep commitment to the basic principles of human rights and religious freedom at this difficult time for Soviet Jews. The September 28 meeting would present a special opportunity for the United States to convey to Soviet leaders the importance of this issue to better relations between our countries.

Sincerely,

Dennis E. Eckart, Peter H. Kostmayer, Gus Yatron, Edward F. Feighan, Tom Harkin, Doug Walgren, Dan Glickman, Claude Pepper, William J. Hughes, Hal Daub, Daniel L. Schaeffer, Richard L. Ottinger, Bobbi Fiedler, Norman F. Lent, Bruce A. Morrison, Thomas R. Carper, Edward J. Markey, William R. Ratchford, John E. Porter, Ken Kramer, Sander Levin.

Dante B. Fascell, Raymond J. McGrath, Clarence D. Long, Tom Lantos, Joseph M. McDade, Stephen Solarz, Thomas J. Downey, Jim Cooper, Ronald V. Dellums, James J. Howard, George Wortley, William Lehman, Tom Vandergriff, Benjamin Gilman, Frank Horton, Howard L. Berman, William J. Coyne, Hamilton Fish, Jr., Lawrence J. Smith, Walter E. Fauntroy, Robert T. Matsui.

Robert A. Roe, Bill Archer, Bill Frenzel, Nancy L. Johnson, Parren J. Mitchell, Louis Stokes, Robert J. Lagomarsino, Michael L. Synar, Bernard J. Dwyer, Robert A. Borski, Robert A. Young, Nicholas Mavroules, John F. Seiberling, Lane Evans, Ron Paul, Larry J. Hopkins, David R. Obey, Barney Frank, Patricia Schroeder, James Florio, James L. Oberstar, Andrew Jacobs, Jr., Gary Ackerman, Martin Frost, John Bryant, Edolphus Towns, Herbert H. Bateman, Stan Lundine, Les AuCoin, C. Robin Britt, Marcy Kaptur, Frank Annunzio, Silvio Conte, Mel Levine, Joseph P. Addabbo, Ted Weiss, Michael D. Barnes, Sherwood L. Boehlert, Major Owens, Jerry M. Patterson, Bill Richardson, Gerry Sikorski, Paul Simon, Henry Waxman, James Scheuer, and Charles Schumer.●

● Mr. RINALDO. Mr. Speaker, as Jews throughout the world celebrate Rosh Hashanah, the Jewish New Year this week, their brethren in the Soviet Union face increased harassment by Soviet authorities. Daily news reports bring with them information about State sanctioned anti-Semitism and the arbitrary detention of those who seek to practice their religion.

I want to bring to the attention of my colleagues the plight of Aleksandr Kholmiansky who was arrested in July and is currently being held in prison in Tallinn. Kholmiansky is a Hebrew schoolteacher who was charged by Soviet authorities with mailbox tampering. Seeking evidence to condemn him at a trial scheduled for September 25, 1984, KGB agents searched the apartment he shares with his parents and allegedly found a pistol and undeveloped film of two books, one with a Jewish subject.

I came to know of his condition through my good friend, Rabbi Charles A. Kroloff, the spiritual leader of Temple Emanu-El of Westfield, NJ. Kholmiansky served as a guide to Rabbi Kroloff during a visit he made to the Soviet Union. Kholmiansky's spirit and intellect are firmly imprinted upon his memory.

The President and the Secretary of State, George Shultz, will be meeting with Soviet Foreign Minister Gromyko this week. While recognizing the magnitude of the other issues which will be under discussion, I wrote to Secretary of State Shultz last week to ask that the issue of human rights violations in the Soviet Union be addressed. I urge all of my colleagues to join me in this effort. Unless their appalling record of human rights violations are focused upon by those of us who are fortunate to live in a free society, people like Aleksandr Kholmiansky are doomed to indefinite detention and persecution in their land of birth.●

● Mr. SOLARZ. Mr. Speaker, As I stand before my colleagues today, on the eve of Soviet Foreign Minister Andrei Gromyko's meetings with President Reagan and former Vice President Mondale, my thoughts turn to the plight of Soviet Jews and the need for both the President and Vice President Mondale to highlight the importance of this issue.

In recent months, the Soviet pattern of religious persecution of the captive Jewish community has intensified. A series of KGB searches and actions against Hebrew teachers, following Aleksandr Kholmiansky's arrest in July, indicate Soviet authorities have begun yet another campaign against Jewish culture and education.

This Soviet behavior is all the more troubling since the evening of September 26 marks the beginning of Rosh Hashanah, the Jewish New Year. The New Year should be a time of joyous celebration, learning, and optimism. For Soviet Jews, however, Rosh Hashanah will reflect none of these values. The New Year for Soviet Jews will only serve as a grim reminder of the persecution under which they are forced to live.

It is absolutely imperative, therefore, that Mr. Reagan and Mr. Mondale avail themselves of the opportunity to raise the subject of Soviet Jewry with Andrei Gromyko. It must be made clear to the Foreign Minister that the U.S.S.R.'s treatment of Soviet Jews is completely unacceptable and a matter of grave concern to the American Government. We in the United States must never be silent on this issue until the persecution stops and all of the 2.5 million Soviet Jews who wish to emigrate from the U.S.S.R. are allowed to do so.

The Soviets can not merely brush our criticisms aside by saying that the issue of Soviet Jewry is an internal affair of the Soviet Government. By

signing the Helsinki accords, the United Nations' charter, and other international agreements, the Soviets have implicitly acknowledged that human rights is a dominant value in the international community that must be respected.

The Soviet Government may continue its anti-Semitic propaganda, keep emigration from the U.S.S.R. at the lowest level ever—if the current trend continues, emigration for all of 1984 will be less than the weekly average for 1979—and step up its repression of refuseniks. But the Soviets will never still our voices. Ronald Reagan and Walter Mondale must not be silent.●

● Mr. SCHUMER. Mr. Speaker, when President Reagan meets with Soviet Foreign Minister Andrei Gromyko on Friday at the White House, the two men will certainly explore many issues, including ways to control the nuclear arms race and to ease United States-Soviet relations. These critical issues must be addressed by the leaders of both superpowers, but there is another critical issue that must not be ignored by President Reagan and Foreign Minister Gromyko and that is the plight of the many Soviet Jews who are seeking to emigrate from the Soviet Union.

In a letter to the Greater New York Conference on Soviet Jewry, President Reagan wrote: "I assure you of my commitment to do all that I can to ease the suffering of Soviet Jews and secure their human rights." If President Reagan is truly sincere about his commitment "to ease the suffering of Soviet Jews," he will raise this issue in his talks with Foreign Minister Gromyko.

It is especially important that President Reagan raise this issue with Foreign Minister Gromyko because of recent developments in the Soviet Union. For the more than 400,000 Jews trying to emigrate from the Soviet Union, the situation has never been more bleak. In the first 7 months of 1984 only 652 Jews were permitted to leave the Soviet Union; this compares with 1979 when over 50,000 Soviet Jews were allowed to emigrate. Not only has emigration been effectively halted, but the Soviet Government has also stepped up its officially sanctioned campaign of anti-Semitism in the press. Moreover, within the last month four refusenik Hebrew teachers have been arrested. This suggests that the Soviet authorities have undertaken a new campaign to eradicate Hebrew study in the Soviet Union.

As conditions for Jews within the Soviet Union continue to deteriorate, it is more important than ever that President Reagan express to Foreign Minister Gromyko the outrage of both the American people and the American Government over the worsening plight of Soviet Jews.●

● Mr. ADDABBO. Mr. Speaker, the Jewish New Year, Rosh Hashanah is upon us, and not all of the Jewish people in the world feel a sense of hope and renewed spirit. For Jews living behind the Iron Curtain, the situation is one of desperation.

As this administration has drifted further away from dialog with the Soviet Union for 4 years running, the Soviet Union has exiled a greater number of Jews that wish to emigrate. This week, as President Reagan meets with Foreign Minister Gromyko, he must remember that arms control dissension has taken its toll in many ways. Fewer Jews that ever before have been allowed to emigrate from the Soviet Union.

Mr. Mondale understands the importance of a United States-Soviet relationship. During the last year of his administration more than 50,000 Jews were allowed to emigrate. This is because Mr. Mondale was actively seeking peace with the Soviets.

The President must emphasize the importance to the Soviet Ambassador of relaxing their policy toward Soviet Jews. During the first 7 months of this year, only 652 Jews have been allowed to emigrate and increased harassment and exile of Jews has become commonplace. The plight of Dr. Andrei Sakharov and his wife, Elena Bonner, are two of the most publicized of the Soviet violations. We know there are thousands of men and women undergoing torture that never will be read about.

This administration has not spoken up for Soviet Jews during the last 4 years. Given the opportunity now, it is time. Andrei Gromyko must leave America with the understanding that the American people value religious freedom. It is our goal to see that Soviet Jews can celebrate the new year with a renewed sense of hope and the freedom to emigrate at their own will.●

● Mr. ROE. Mr. Speaker, tomorrow evening our Jewish friends and neighbors will usher in the Jewish New Year of 5745. They will gather in their synagogues and houses of worship to listen to the sounds of the shofar, the ram's horn, to renew their commitments to an ethical and just life, to ask God to forgive them for their iniquities, to recognize the role of the Almight in Jewish history, and to show their deep concerns for the survival and quality of Jewish life and the Jewish people wherever they live, in the United States, in Israel, in Latin America, in Europe, in Asia, and especially in the Soviet Union.

For these reasons, it is particularly fitting that I rise to participate in this special order on behalf of Soviet Jewry. Many, if not most of the Jews of Russia will not be able to hear the shofar nor will they be able to worship God as their brothers and sisters in the free world are able to do. The reasons are clear: the Soviet authorities are depriving the Jews of the Soviet Union of their constitutionally guaranteed right to worship in their synagogues and to listen to the shofar. The Soviet Government continues to harass and persecute the Jews of the Soviet Union, subjecting them to a cultural genocide. The government refuses to grant them exit visas, publishes vitriolic anti-Semitic literature in its press, confiscates Hebrew and Yiddish literature, arrests Jewish teachers, and, for those who have tried to emigrate, makes them lose their jobs and face the prospect of perpetual unemployment. In short, the Soviet Government is trying its hardest to permanently silence the Jews of Russia, a community of 2½ million people.

In the face of this alarming and terrible situation, I and my colleagues cannot afford to remain silent. We must raise our voices in protest and reaffirm our strong commitment to bringing closer to reality the dreams and aspirations of those Soviet Jews who want to emigrate, who want to live in Israel, who want to be able to hear a shofar and learn Hebrew. By this special order, we are voicing our abhorrence of the government-inspired anti-Semitism and our rejection of their efforts to deprive the Jews of the Soviet Union of one of those basic human rights dear to us all: freedom of religion.

Mr. Speaker, the Soviet authorities can stifle the voices of dissent in the Jewish community in Russia. They can fire them from their jobs, incarcerate them in jails, slave labor camps, and mental institutions, confiscate their Hebrew and Yiddish books, and block them from emigrating to Israel and elsewhere. Yet the Jews there have not given up, and they continue to try to observe their religion and preserve the traditions of Judaism. I salute them on these brave and valiant efforts, and fervently hope that on the New Year they will hear the shofar and will be able to greet their friends with the traditional Jewish New Year's greeting "May you be inscribed in the Book of Life with a Happy and Healthy New Year."●

● Mr. GILMAN. Mr. Speaker, I would like to commend my colleagues, the gentleman from New York, Messrs. GREEN and DOWNEY, as well as Congressman LEACH of Iowa and Mr. WAXMAN of California, for making this time available to us to update our colleagues on the serious conditions facing Soviet Jews on the eve of Foreign Minister Andrei Gromyko's arrival in the United States.

This impending visit is an extremely important one, as it is the first since Mr. Chernenko took office. It is important for us, as Members of Congress,

to take every opportunity which presents itself in order to advance the cause of the thousands of men and women whose only desire is to practice their religion freely with their family and friends. The emigration figures are so low as to be statistically nonexistent. From a high of over 51,000 in 1979, almost 1,000 a week, emigration plummeted to 652 between January and August of this year. Based on those figures we can estimate that this year's total figures will equal 1 week's emigration in 1979. So far, to date, only 1 month has produced over 100 emigrees from the Soviet Union, and that was in May. In July and in August only a mere 85 were allowed to leave.

Moreover, there has been an increase in the harassment and arrest of Hebrew teachers throughout the Soviet Union; in one 6-week period, four were arrested. The Jews of the Soviet Union are clearly undergoing a "state of siege," and it has become even more important for us to voice our concerns at this time. The Jewish New Year and the Day of Atonement are approaching. These 2 holiest days of the Jewish year will be sorry ones indeed for all those behind the Iron Curtain and its iron bars. The Soviet Union continues to thwart even the most innocent attempts at human contact, as we have learned through my investigation in the House Post Office Committee. Much of the mail to these men and women has never been delivered, or has been returned under false pretenses.

Having brought this problem to the attention of the member nations of the Universal Postal Union at their congress last summer in Hamburg, Germany, we were able to have resolutions adopted which will hopefully put an end to these practices. While it is still too soon to tell, my colleagues can be certain that we will continue to monitor this deplorable situation as well.

Overall, this has not been a good year for Soviet Jewry. Therefore, on the eve of Foreign Minister Gromyko's arrival, I join with my colleagues in the House in urging President Reagan and our Secretary of State George Shultz, to give the highest priority to this extremely important human rights issue. It concerns the very lives of hundreds of thousands of men, women, and children.●

● Mr. RATCHFORD. Mr. Speaker, I rise today to speak as part of the 1984 congressional call to conscience on behalf of Soviet Rufusenik Viktor Fulmahkt and his family. Mr. Fulmahkt and his family have applied for but been denied permission to emigrate to Israel by the Soviet authorities. This refusal is one more example of Soviet human rights violations and the failure to adhere to specific treaty obligations.

We are all aware of the difficulties facing Jews seeking to emigrate from the Soviet Union. Since 1968, 263,851 Jews have emigrated from the U.S.S.R. but some 300,000 others who have indicated an interest in doing so have not been permitted to leave. The Soviet Government's denial of visas to these 300,000 is clearly in violation of its international treaty obligations, in particular the provisions of three treaties:

First, the Universal Declaration on Human Rights (1947);

Second, the International Convention on Civil and Political Rights (1966);

Third, Basket III of the CSCE Final Act (1975).

Viktor Fulmahkt and his family are among those who have been denied the fundamental right of emigration in contravention of these treaties. Their story is not an unusual one. Mr. Fulmahkt is active in Moscow's Hebrew teaching community. His participation in the Jewish culture movement has resulted in action against him by Soviet authorities. He has been threatened with internal exile if he continues to persist in giving instruction to young Jews. Mr. Fulmahkt and his family have been subject to repeated raids on their home during which they are faced with threats of arrest, exile, and false accusations are made.

In January 1982, Mr. Fulmahkt along with a group of human rights activists sent a letter to Soviet President Leonid Brezhnev and United Nations Secretary General Javier Perez de Cuellar concerning Soviet failures to adhere to national and international laws on emigration policy. The letter made clear the special harshness with which the Soviets treat Jews who wish to emigrate.

Mr. Fulmahkt has a wife, Maya, and two daughters, Maria and Rena. Their visas are being denied on the grounds that Mrs. Fulmahkt's work was classified in 1968. They continue to seek visas and Mr. Fulmakht continues to pursue his work.

Mr. Speaker, in my view, Mr. Fulmahkt and his family stand as remarkable examples of courage and determination in the face of unremittingly hostile pressure. It is my deepest hope that one day soon they, and all those wishing to leave the Soviet Union, will be permitted to do so without hindrance.●

● Mr. RANGEL. Mr. Speaker, I rise to join my colleagues in this special order on the plight of Soviet Jewry.

Recent action against Jewish refuseniks in the Soviet Union, such as: The arrest of four Hebrew teachers within the last 6 weeks; increased anti-Semitic remarks by the Soviet news media; and the dramatic decline in the granting of emigration visas demonstrates that the Soviet Union has undertaken a major new campaign to eradicate Hebrew studies.

This situation is of great concern to the citizens of the world. For when one individual is denied the right to freely emigrate to the land of his or her choosing, we all are imprisoned. For no one can be sure of their freedom as long as one individual is denied the right to live where they choose.

The Soviets agreed to the right of free emigration when they became signatories to the Helsinki accords. Indeed in return for conformation of existing Eastern European borders, the Soviet Government agreed to a whole series of human rights when the Helsinki accords were signed. But to date, the Soviets have failed to live up to both the spirit and letter of the accords. In fact, there is considerable evidence that Soviet repression of refuseniks is significantly worse today than 10 years ago.

We are now entering a critical stage in our relationship with the Soviet Union. For the last 4 years, we have seen little if any progress on arms negotiation and in fact have amplified our areas of disagreement. Certainly, President Reagan is largely responsible for the worsening of ties between our nations.

However, the President now states that he is willing to negotiate closer relations with the Soviets. Few Americans will feel confident with negotiations if they are unsure of the Soviets willingness to abide by previous agreements entered into by the Soviets.

One way the United States and other nations would feel more confident in dealing with the Soviet Union is if the Soviets lived up to their human rights obligations as articulated in the Helsinki accords.

Thus, I encourage the Soviet Union to take a major step in renewing Western confidence in meaningful negotiations. They can do this by releasing the four Hebrew teachers and allowing them to freely emigrate to Israel along with other refuseniks who choose to leave. Such a gesture would be especially appropriate since this week marks the beginning of the Jewish New Year.●

● Mr. ACKERMAN. Mr. Speaker, today, supporters of Soviet Jewry rise to mark an extremely significant occasion. On Friday, September 28, President Reagan will conduct his first meeting with a top-ranking Soviet official since he took office in 1981. Sadly, over the past several years we have seen a steady erosion in the number of Jews allowed to emigrate from the Soviet Union. As the breach between the United States and the U.S.S.R. has widened, the decline in the number of immigrants continued in a devastating, downward spiral. In all candor, the situation today is quite dismal.

President Reagan's meeting with Foreign Minister Andrei Gromyko provides a unique opportunity to raise some very important issues that have received woefully inadequate attention over the past several years. I think we must acknowledge that the deterioration in United States-Soviet relations has had a chilling effect on the rate of emigration. It will take a significant improvement in the dialog between our countries before we will see some real progress in the sphere of arms control and human rights, two issues in which I have a particular concern.

An examination of the emigration statistics provides a stark and disturbing picture. At the height of détente between the United States and the Soviet Union, more Soviet Jews were permitted to leave than at any other time in history. In 1979, 51,320 people received permission to emigrate from the Soviet Union. This number has tragically fallen off in each subsequent year. So far this year, only 650 people have left, and the repression of the Jewish community has intensified.

Although many voices have been raised regarding the dismal human rights conditions in the Soviet Union, these calls have been met with silence by the Soviet authorities, who have been unwilling to permit the Jews to fulfill their basic right to emigrate. Instead, we have seen this government lash out with its brutal power to silence and intimidate the Jewish community. As we all know, an individual who makes the decision to leave becomes the subject of intensified harassment and discrimination. Jobs are taken away; false accusations are often made; and KGB interference in refuseniks' lives becomes routine. It is not a situation that Americans can readily understand, given the wide range of freedoms we enjoy in the United States.

For years, Soviet Jewry activists all over the world have remained faithful to their cause. Despite the adverse political circumstances, they have continued to speak out, and to focus attention on the fact that the Soviet Jews are trapped by an ugly and uncaring regime that refuses to respect the international agreements it has signed. Most important is the fact that the continuous outcry against this cruel emigration policy forces the Soviets to recognize that this issue will not fade from the scene.

On Friday, when Jews the world over celebrate the start of a new year, there is an important and significant opportunity to press the issue on Soviet Jewry. When Foreign Minister Gromyko meets with President Reagan, the Soviets must be told in the clearest terms that an improvement in United States-Soviet relations will depend on a more humane attitude toward those individuals seeking to fulfill their right to emigrate. By speaking out on the floor today, we send a clear signal that there is a united and bipartisan determination to see that the issue of Soviet Jewish emigration must be an integral part of any negotiations that take place between our countries. We cannot allow this meeting to occur without making certain that Soviet Jewry is prominent on the agenda; the refuseniks in the Soviet Union are counting on us to raise our voices, and to make the Soviets answer for their cruel and unacceptable emigration policies.●

● Mrs. BOXER. Mr. Speaker, as the President prepares to meet with Soviet Foreign Minister Andrei Gromyko this week, it is appropriate that we gather for this special order on behalf of Soviet Jewry. For as United States-Soviet relations have deteriorated in recent years, the conditions of Soviet Jews have deteriorated as well. Now that we have the opportunity to reestablish meaningful dialogue with the Soviet Government, it is important that Soviet Jews are not forgotten.

In July, Representatives FOGLIETTA, KLECZKA, LEVIN, and I met with Soviet representatives at the Soviet consulate in San Francisco. At that time we informed the Soviet officials that from our point of view, Soviet human rights violations against Jews and others are among the greatest obstacles to better relations between our two countries.

Today, Jews are being stripped of their cultural identity and are refused the right to practice their religion. I refer specifically to:

Suppression of Hebrew language instruction and Jewish study groups. Dr. Joseph Begun received a 12-year sentence for teaching Hebrew. Just this summer, three Soviet Jews—Yakov Levin of Odessa, and Alexander Kholmiansky and Yuli Edelshtein of Moscow, were arrested for teaching Hebrew.

Prohibition of Jewish cultural celebrations and religious observance. Jewish holiday celebrations and prayer sessions have been routinely disrupted by Soviet officials, with participants facing KGB interrogations and other forms of official harassment.

Increase in anti-Semitism in the official Soviet media, thinly veiled as anti-Zionism.

The obscene historical revisionism of the Holocaust, in which the Jews become not the victims, but the perpetrators of Nazi aggression.

The isolation of Soviet Jews through Soviet violations of international postal and telecommunications agreements; and, finally, the cessation of Jewish emigration, leaving tens of thousands of tragically separated families.

Soviet-Jewish emigration has been paralyzed in the past few years. Just a handful of emigrants, 1,315, received permission to leave in 1983. This year, barely a thousand will leave the U.S.S.R. Compare that to the high in 1979 when 51,320 Jews were released. Meanwhile, we know that approximately 350,000 Soviet Jews have begun the difficult process of emigration. Clearly, this situation must change.

Jews are denied exit visas for absurd and arbitrary reasons. Families are separated all too often as one member is allowed to emigrate, leaving the others behind. When emigrants have invited family members to join them in the West, Soviet officials have rejected the application for various empty reasons, such as no reason for reunification or insufficient kinship.

When my colleagues and I discussed these problems with Soviet officials, we were told that we were interfering in the internal affairs of the Soviet Union. These abuses of human rights, however, are violations of international agreements signed by our two countries. It is within no government's domain to deny basic human rights, such as freedom of movement, or of religion. These are, and will remain, the concerns of all who cherish freedom.

The situation of separated families is of particular concern, as many of our constituents are in this tragic position. Among the thousands of separated families are two who are close to home for me—Liya Orzhekhovsky, of Kiev, whose daughter lives in San Francisco, and Sofia Garina, whose husband lives in the San Francisco Bay area. I call upon President Reagan to urge Foreign Minister Gromyko to effect a dramatic increase in Soviet-Jewish emigration, and the immediate release of separated families, including Orzhekhovsky and Garina.

I have asked President Reagan to mention the name of Anatoly Shcharansky during his meeting with Foreign Minister Gromyko. Shcharansky has spent the last 8 years of his life in Soviet prisons and labor camps. Charged with espionage, Shcharansky's only crimes were his desire to join his wife in Israel, and his courageous and outspoken defense of human rights. For that reason, I have for the past 2 years nominated Anatoly Shcharansky for the Nobel Peace Prize. I call on President Reagan to insist that the Soviet Government release Shcharansky and other prisoners of conscience, and allow them to join their families outside the U.S.S.R.

Another tragic case is the well-known plight of Nobel Prize winner Andrei Sakharov and Elena Bonner. Sakharov was the first prominent Soviet citizen to call for bilateral nuclear disarmament, 30 years ago. Today, while many now follow in Sakharov's example in advocating arms control, he has disappeared from the public eye, and Bonner has been charged with slander of the Soviet

state, and exiled to 5 years in Gorky. Both are in failing health.

We must continue to shine the light of freedom on these serious human rights violations and work continually until all people are free.●

● Mr. SCHEUER, Mr. Speaker, I am pleased to have this opportunity to join so many of my colleagues as a participant in this special order on behalf of Soviet Jewry. While I am heartened by the active support demonstrated by this body today and on many previous occasions, I am also deeply saddened by the continued necessity for these special orders. The terrible plight of Jews in the Soviet Union is one of the most shameful wholesale violations of human rights in the world today.

It is truly a tragic irony that a nation with the third largest number of Jews in the world bans the publication of all Hebrew books and Bibles. Because it is not recognized by the Soviet Government as a legitimate language, Jews are not permitted to study or teach Hebrew, nor are they allowed to teach their young people anything related to their history or culture. Unlike some other religious groups in the U.S.S.R., Jews are not allowed to maintain central coordinating bodies. Jews have become the targets of increasingly harsh and virulent anti-Semitic attacks in the Soviet-controlled media, despite the Soviet Union's pledge—as a signatory of the 1975 Helsinki agreement—"to recognize and respect the freedom of an individual to profess and practice, alone or in a community, religion or belief in accordance with the dictates of their conscience."

There has also been a surge in the number of Prisoners of Conscience convicted either for actions related to their religious activities or the usual trumped-up charges of treason or espionage that are often used as excuses to isolate, banish and imprison Soviet Jews. The trials of these criminals are a cruel farce. Proper counsel is rarely, if ever, provided and verdicts are often delivered within a matter of minutes. Sentences of up to 13 years of hard labor and exile are handed down without the benefit of anything even remotely resembling a fair trial—in open defiance of the intent of the Helsinki accords "to respect the right of national minorities before the law" and to "afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms."

Perhaps even more troubling than these outrageous abuses of basic human rights is the inability of Soviet Jews to escape their living nightmare through emigration. Despite the fact than some 260,000 Jews were permitted to leave the Soviet Union over the past 10 years, emigration has been virtually halted. From an alltime high of 51,320 in 1979, the number of Jews permitted to leave the U.S.S.R. fell to just 1,315 in 1983—a decrease of 97 percent. This year, the figures are even more dismal: only 83 Jews emigrated in August, bringing the total number of Jewish citizens who have left the Soviet Union to only 652. At this rate, Soviet Jewish emigration will not even reach last year's appallingly low total.

The scheduling of today's special order is especially fortuitous in light of President Reagan'a meeting with Soviet Foreign Minister Andrei Gromyko in New York later this week; with this meeting in mind, a number of my colleagues and I wrote to President Reagan on September 11 urging him to discuss with Mr. Gromyko his Government's treatment of Jews in the Soviet Union. With your permission, Mr. Speaker, I would like to have the text of that letter inserted into the Record:

The PRESIDENT,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to you to place the Soviet Jewry issue prominently on the agenda of your planned September 28 meeting with Soviet Foreign Minister Andrei Gromyko.

As you said in your statement to the Union of Councils for Soviet Jews last week, these days are tragic times for Jews in the Soviet Union. Emigration decline, human rights abuses and the systematic harassment of long-time refuseniks are problems that have grown to crisis proportions in the past few years. These issues must be part of the agenda of all relevant forums between our two nations.

Many of us who have adopted Soviet refuseniks and their families see the human face of the cultural genocide taking place in the Soviet Union today. We believe it is imperative that we reaffirm our deep commitment to the basic principles of human rights and religious freedom at this difficult time for Soviet Jews. The September 28 meeting would present a special opportunity for the United States to convey to Soviet leaders the importance of this issue to better relations between our countries.

Sincerely,

Mr. Speaker, as Members of Congress, we have a duty to take every opportunity available to us to bring to the attention of the Soviet leadership our deep concern for Soviet Jewry. This is an issue which transcends completely any political divisions here in the United States, and I am very hopeful that President Reagan will join us this week in pressing the Soviet Government to halt their repression and persecution of Jews in the U.S.S.R.●

● Mr. DUNCAN. Mr. Speaker, the oppression of the Soviet system on its Jewish citizens has been pointed out numerous times on the House floor. It is a subject which we must constantly keep before us, and before the world so that the struggle of these individuals is not forgotten.

This is the purpose of the Congressional Call to Conscience Vigil for Soviet Jews. I believe it is a keen responsibility which we cannot shirk until the persecution and harassment ends. The first step in a just consideration of the needs of Soviet Jews is permission for these people to freely practice their religion, including Hebrew language instruction, the reopening of synagogues, and an end to the confiscation of prayer books.

Rather than taking positive action to grant the basic freedoms to its Jewish citizens, the Soviet Union has escalated its harassment through the establishment of the Soviet anti-Zionist Committee, and an increase in the denial of emigration visas. It is possible that less than 1,000 Jews will be permitted to emigrate this year. Only 1,315 Soviet Jews were granted permission to emigrate last year, 50 percent less than in the previous year, and 97 percent fewer than in 1979 when 51,000 were permitted to emigrate.

A growing excuse for denying permission to emigrate is "secrecy" or "consideration of state." Using this screen of secrecy the U.S.S.R. is able to deny emigration to anyone who has served in the military for the past 10 years, and a very large number of those employed in industrial enterprises and scientific institutions.

It is for this reason that Abe Stolar, a World War II veteran who saw his family disappear into the concentration camps of Stalin's purges, has been denied permission to emigrate to Israel. In 1974, he applied to emigrate with his wife and son to Israel and in May 1975 he received permission and was granted visas to leave. They were stopped, however, as they prepared to board the plane June 19, 1975, and told that his wife, Gitta, was being denied permission to emigrate. The denial was based on the allegation that Gitta Stoler was engaged in "secret" work before she retired as a chemical engineer in 1973.

Their son, Mikhail Stolar, tried to emigrate on his own so that he would not be forced to join the military, and forfeit any chance of emigration for 10 years. His request was also denied because of his mother's "secrecy" classification.

Hiding behind the screen of secrecy the Soviet Union denies the request of a patriot and veteran who served his nation in World War II. Abe Stolar is now over 70 years old, yet he continues to seek the freedom that has escaped him in the Soviet Union. His case, and those of other refuseniks, should be a reminder to us to maintain a constant vigil.●

● Mr. BERMAN. Mr. Speaker, the arrival of Soviet Foreign Minister Andrei Gromyko makes this a critical time in Soviet-American relations. It is crucial, at this time, that the serious violations of basic human rights against Jews in the Soviet Union are brought to the attention of the world community. Jews, a cultural minority in the

U.S.S.R. are being deprived the right to learn and use Hebrew, the language of their history. The freedom to protect one's culture is a fundamental human right. Language is an intricate part of a culture and the freedom to use one's language is guaranteed under several international treaties to which the U.S.S.R. is a party.

The Universal Declaration of Human Rights, adopted 1948, (articles 18 and 27); the Economic and Social Rights Covenent, (article 1); the International Convention on Civil and Political Rights, adopted by the U.S.S.R. in 1966 (article 27); The Madrid Concluding Document of 1983; as well as the Helsinki Final Act, (basket 3: "National Minorities of Regional Cultures" and principal 7), all guarantee the rights of national minorities to protect and enjoy all aspects of their cultural heritage.

But in the Soviet Union, Jews are being arrested solely on the grounds that they are teaching the official Jewish language: Hebrew.

The persecution of Jews in the Soviet Union reaches new heights of severity every day. This past month only 83 refusenicks were allowed to emigrate from the U.S.S.R. Perhaps 1,000 Jews will be allowed to emigrate this year, resulting in the lowest emigration statistics since 1970.

The Soviets are conducting an official campaign against Jewish culture and education, especially against Hebrew teachers. In the past 2 months four leading Hebrew teachers have been arrested in the U.S.S.R.: Aleksandr Kholmiansky of Moscow arrested on July 25, 1984; Yakov Levin of Odessa arrested on August 12, 1984, 5 days before he was to be married; Yakov Gorodetsky of Leningrad was ordered, without a trial, to report for 2 months of correctional labor; and Yuli Edelstein of Moscow was arrested on September 4, 1984. Each of these citizens were charged with vague accusations such as hooliganism; their homes were searched and their teaching materials confiscated.

For the first time since he has taken office President Reagan is meeting with Soviet Foreign Minister Andrei Gromyko. I urge the President to use this rare opportunity to discuss these critical issues with the Soviets. At the dawn of a new year on the ancient Jewish calendar, we can not stand by passively as the Soviets, in total disregard for international standard of human rights, continue their campaign to destroy the richness of Jewish culture.

The international community concerned with fundamental human rights and freedoms must protect this most basic value, the right of a people to use its traditional language.●

● Mrs. JOHNSON. Mr. Speaker, I participate in today's special order on behalf of Soviet Jewry feeling frustrated and angry because there are 400,000 Jews in the Soviet Union who wish to worship in freedom and may never have the opportunity. Denied the right to practice their faith within the U.S.S.R., they are also prevented from emigrating, effectively trapping the 2½ million Soviet Jews in a country that then persecutes them because of their faith.

Col. Mendel Grinfarb is one of the many trapped by the system. The Grinfarbs have already had more than their share of heartache—during World War II, two of their three sons died of starvation. Now they remain separated from their daughters and grandchildren in Israel because the Soviet Government will not allow the colonel and his wife Betina to emigrate. At 72, the Grinfarbs only desire to live their remaining years in the homeland of their people and with their family.

Felix Kochubievsky and his wife have also been denied permission to emigrate and have been separated from their sons in Israel since 1979. After a lengthy period of imprisonment and trial, Dr. Kochubievsky is now enduring the hardships of life in a forced labor camp while his wife Valentia is suffering harassment by the KGB.

Mr. Speaker, I join with the rest of my colleagues today in protest of the inhuman and illegal treatment of the Grinfarbs and the Kochubievskys, as well as the many others in the same situation, by the Soviet Government. Refusal to reunite families and allow repatriation to a homeland violates the terms of the Helsinki accords, as well as being morally repugnant. Although Mendel Grinfarb and Felix Kochubievsky are prevented from decrying the outrages against them, we are not, and I know this body will continue to speak out until the desire to worship freely does not mean torture, imprisonment, and separation of family.●

● Mr. PATTERSON. Mr. Speaker, I rise in full support of this special order on behalf of the thousands of Soviet Jews who have been denied emigration from a country which punishes them for their religious beliefs, derides them as less than equal citizens, and denigrates their values. This is a chance to recognize and remember those who are imprisoned; for example, the four refusenik Hebrew teachers, Muscovite Aleksandr Kholmiansky, Yakov Levin, Yakov Gorodetsky, and Yuli Edelstein who were recently taken into custody. And there are the families, the family of Alexander Khozin, the family of Tashpulat and Lelia Katanov, and so many others who suffer from separation and anxiety for their loved ones who have sought permission to emigrate.

This week each of our Presidential candidates will sit down face to face with Foreign Minister Gromyko to discuss the relationship between our two nations. The issues before them cast their shadows over much of the world: The nuclear arms race, the tensions between our two countries, the military presence of the superpowers in Europe, Central America, the Middle East, and Afghanistan.

As these men seek to represent the views and concerns of the American people in their meetings with Mr. Gromyko, let them be aware that the welfare and human rights of Soviet Jews are high on the list of our priorities. We must not cease to speak out for those who have no political voice as long as we have the opportunity ourselves. We must take advantage of every forum to protest the decline in emigration—only 652 allowed to emigrate between January and August of this year—when we continue to receive disturbing reports of increases in anti-Semitic acts and well-determined efforts to destroy the Jewish culture and religious training for 2½ million Soviet Jews.

This week marks the celebration of Rosh Hashanah, the beginning of the Jewish New Year. A holy day for Jews around the world. What better time to emphasize the threat to the Jewish population in the Soviet Union.

Our two nations have an obligation to meet in the interest of protecting peace and increasing understanding when the reality of our combined military strength threatens the existence of mankind. It is hard to remember that power can be a vehicle for good when so much attention is focused on the potential for destruction. Yet by taking action we deny that any situation is hopeless, nor that any government is incapable of change. Those of us who have joined in today's special order implore Mr. Gromyko to use his power to alleviate the oppression of Soviet Jews.

I thank my colleagues, Mr. GREEN, Mr. DOWNEY, Mr. LEACH, and Mr. WAXMAN for organizing this special order.●

● Mr. MATSUI. Mr. Speaker, I rise today to highlight an issue that is of great importance to all those who believe in freedom of religious thought and human rights: Soviet Jewry. The persecution of Jews in the Soviet Union, who simply wish to be allowed to emigrate and practice their religion in peace, is a tragedy by all measures.

The emigration figures alone are enough to cause great concern. In recent years, the number of Jews who have been allowed to emigrate from the Soviet Union has been reduced to a trickle, with only 652 people receiving permission to emigrate from January through August of this year. The figure is in sharp contrast to the emigration high in 1979 of 51,320 people.

While the emigration numbers are devastating, of greater concern is the rising tide of open anti-Semitism within the press coupled with increased efforts to eliminate all Jewish cultural activities. Of particular concern is the recent arrest of four Hebrew teachers, Alexander Kholmiansky, Yakov Levin, Yuli Edelshtein, and Yakov Gorodetsky. This harassment campaign against Jewish culture and education represents a disturbing escalation in anti-Semitic activities in the Soviet Union.

Today is a particularly appropriate time to raise this issue once again. The visit of Soviet Foreign Minister Andrei Gromyko is an excellent opportunity for the leaders of this Nation to reiterate our concerns about the treatment of Soviet Jews. We must stress that the plight of Jews in the Soviet Union is a major concern for the American people and its leaders. In the interest of justice and simple human dignity, we must continue to remind the world and the Soviet leaders that the Soviet Jews will not be forgotten.●

● Mr. McGRATH. Mr. Speaker, I would like to thank my colleagues from New York for reserving this time. As the plight of Soviet Jewry becomes more desperate with each passing day, forums such as today's special order are essential. We must continue to focus attention on this ongoing deprivation and violation of human rights.

Throughout history the Jewish people have been subjected to persecution. Of late, the Soviet Union has expanded its harassing role to include government-sponsored anti-Semitism and anti-Zionism. In the past 18 months official Moscow channels have been hard at work promoting and sanctioning vicious racial attacks. A recent Soviet publication entitled the "Poison of Zionism," makes sweeping inaccurate assertions. The Jews of the world are blamed for the deterioration in East-West relations. They are also held responsible for the control and direction of the Western media and military industrial complex. These far-fetched statements are compounded by completely ridiculous contentions which characterize the Mafia as under Jewish control, and state that Jewish millionaires aggregate capital "exceeds the U.S. gross national product." This publication even goes so far as to blame Jews for the Prague spring of 1968.

The Government continues to refuse the free flow of emigration. If this year's pattern continues, we will see fewer than 1,000 individuals leave the Soviet Union. This is a drastic decrease when compared to the 50,000 who were granted permission to emigrate in 1979. It is additional proof that the Soviets are in clear violation of the numerous human rights treaties which they have signed.

People around the world will be watching closely when Soviet Foreign Minister Andrei Gromyko visits Washington to meet with President Reagan. I trust longstanding U.S. policy of addressing the issue of Soviet Jewry, will be adhered to during the leaders' conversations. The lives of thousands depend upon our vigilence. I urge my colleagues to continue to press this issue so that it will not be ignored.●

● Mr. BEILENSON. Mr. Speaker, I join with my colleagues today in this special order to urge the Reagan administration and Soviet Foreign Minister Gromyko to make freedom for Soviet Jews a pivotal issue in their discussions this week. This issue which has long been important to the American public takes on additional significance at this particular time, as September 26 marks the beginning of the Jewish New Year celebration, one of the holiest times of the Jewish year.

At a time when a mere 652 Soviet Jews have been granted permission to emigrate since January, and when we receive daily reports of increased anti-Semitism in the Soviet media, it is essential that we raise our voices to ensure that Soviet Jewry be made an integral part of any renewed dialog between the United States and the Soviet Union. We must continue to insist that human rights, especially the rights of Soviet Jews, become a major theme in our dealings with the Soviets.

It is my hope that the talks this week will become a catalyst for an increase in freedom for Soviet Jews and a lessening of tensions between the United States and the Soviet Union.●

● Mrs. COLLINS. Mr. Speaker, as part of the 1984 Congressional Call to Conscience Vigil for Soviet Jewry, I would like to bring a new case of courage and persecution to the attention of my colleagues.

Alekandr Kholmiansky is currently being detained for teaching Hebrew and applying for an emigration visa. In the last 2 months, the KGB has twice framed him for crimes he has not committed. He now faces charges of anti-Soviet activities which require long terms of imprisonment. He has already lost his job as a computer scientist and now may not even be able to continue working as a janitor.

Mr. Kholmiansky's recent troubles began when he was on vacation in Estonia at the end of July. A KGB-inspired provocation on the street resulted in a 10-day jail term for hooliganism. His hotel room and the apartments of Hebrew scholars in several cities were searched and large numbers of Jewish cultural books were confiscated. He was then charged with a far more serious criminal penalty and kept in jail.

Despite this massive collection of "evidence," the KGB apparently could not make a strong case. Thus on August 28, they searched Kholmiansky's Moscow apartment and planted a German pistol, bullets, and several rolls of incriminating film. During the search, the secret police violated numerous Soviet laws and would not allow any of Alexander's family to observe them. His family and friends now fear for the worst.

I would like to express my outrage at this mockery of the law and of basic human rights. I cannot see what threat Alexander Kholmiansky and his wife pose to the Soviet state. They merely want to practice their faith without harassment. Thus, I strongly urge the Soviet Government to free Alexander and to allow the Kholmianskys to immigrate abroad.●

● Mr. ERDREICH. Mr. Speaker, I want to add my voice to those of my colleagues who are participating in this special order today to again speak out on the desperate situation of Soviet Jews who wish to emigrate. The situation is at its gravest with only 83 Soviet Jews being able to emigrate in August 1984.

With the Soviet Foreign Minister, Andrei Gromyko, in the United States for talks with our President, it is important and necessary that those talks include the human rights of those Soviet citizens who wish to emigrate.

In addition to the denial to emigrate, Soviet Jews face anti-Semitic campaigns which are officially sanctioned not to mention the added harassment of those who wish to protest the policy and are often imprisoned or exiled internally.

Mr. Gromyko must know that these intolerable policies of the Soviet Union are abhorred by all of us in the free world and that if true improvement in relations between our two countries is to be achieved, the international treaty obligations to which the Soviet Union committed itself must be followed, and the human rights of all its citizens be respected.

Mr. Speaker, I call on President Reagan during his talks with Mr. Gromyko to speak out on behalf of the rights of those who wish to exercise their religious freedom, as well as their freedom to emigrate, and to cease those human rights violations that affect not only Soviet Jews but a cross-section of Soviet citizens.●

● Mr. SMITH of Florida. Mr. Speaker, today I rise to express my concern for the countless number of Jews who remain in the Soviet Union against their will and who pray for the day when they are granted permission to emigrate to the State of Israel. On the eve of Rosh Hashanah, the Jewish New Year, it is my hope that the current talks between our two nations will improve our stagnant relationship. A new dialog with the Soviets can enhance the position of Soviet refuseniks who are treated like criminals when

their only crime is yearning to practice Judaism.

As a member of the House Foreign Affairs Committee's Subcommittee on Europe and the Middle East and the 98th Congressional Class for Soviet Jewry, I have been monitoring the human rights violations in the Soviet Union and especially the mistreatment of Soviet Jews. Recently, over 100 of my colleagues joined me in signing a letter to President Konstantin Chernenko and other Soviet officials condemning the recent arrest of four refusenik Hebrew teachers. We are fearful these new actions are the beginning of an alarming, determined, stepped-up Soviet campaign to eradicate Hebrew teachers, and therefore Jewish culture, from Soviet society.

Four leading Hebrew teachers have been arrested on trumped-up charges in the last 2 months. On July 25, Muscovite Aleksandr Kholmiansky was arrested and charged with "hooliganism and possession of a weapon". Kholmiansky still remains in prison after his August 23 trial date was postponed to September 25, to allow the prosecution additional time to form its case. Yakov Levin was arrested on August 12 and charged with "defaming the Soviet state", 5 days before he was to be married. In an unprecedented move, several weeks ago, Yakov Gorodetsky of Leningrad was ordered, without a trial, to report for 2 months of "correctional labor." And, on September 4, after a search of his home, Yuli Edelstein was taken into custody for allegedly possessing a cigarette containing opium.

I find preposterous the false charges the Soviets have made against these men. My letter urges the Soviet Union to comply with all the provisions of the Helsinki Final Act, the Declaration on Human Rights, and the International Covenant on Civil and Political Rights. Also, the charges against these four men should be dropped, and they and their families should be allowed to emigrate to Israel.

It saddens me to know that the freedom we enjoy everyday, such as the freedom of speech, the freedom of religion, the freedom to be secure in our own homes without unreasonable searches and seizures, the right to due process of the law, and the right to a speedy and public trial, are not shared by all. The denial of human rights is an issue dear to Americans and all freedom loving people. As an elected official, I have encouraged stepping up the United States-Soviet dialog to maintain a constant and consistent message at every level of diplomatic negotiations so that one day these people who wish to emigrate will be free to enjoy the fundamental human rights that we enjoy.

Symbolically on Rosh Hashanah Jews ask to be "inscribed in the Book of Life for a Good Year." It is my sincere hope that this next year is a good year for Soviet Jewry.●

● Mr. NELSON of Florida. Mr. Speaker, as a participant in the 1984 Congressional Call to Conscience Vigil for Soviet Jews, I wish to call my colleagues attention to the plight of Lev Blitshtein.

Lev Blitshtein is a man bereft of his family because of Soviet repression of Jews who seek to emigrate. He has been denied the opportunity to leave the Soviet Union, not because he knows vital military secrets, but because he knows too much about canned goods and sausages.

When Lev Blitshtein and his family applied to emigrate on June 9, 1974, he was a foreman in the slaughter houses and sausage plants of the Ministry of Meat and Dairy Products. He was not given an official reason for the refusal of his request; he only was told: "You know too much about the time for storage of canned meats," and "You know how to make sausages."

This is a blatant example of the mindless quality of the repression of Soviet Jews, a case of thwarting a would-be emigrant just to thwart him, to punish a Jew for wanting to leave a country where official policy fosters and supports anti-Semitism.

Lev Blitshstein dared to complain about this refusal to allow his family to emigrate. He wrote letters to officials. For this he was struck a cruel and shameless blow. He was told his wife Blumah and his son Boris could emigrate if his wife would divorce him. He had to choose between freedom for his family and the warmth of the family circle.

He and his wife went through the divorce procedure and in October 1975 his wife and son were allowed to leave the Soviet Union. His daughter Galina was able to leave in January of 1976 and join her mother and brother.

On January 13, 1975, Lev Blitshtein received another refusal and was told that he should wait another year before reapplying. This was a violation of the Soviets' own pronouncements that they review each case every 6 months. In the years that have followed, Lev Blitshtein has been refused repeatedly.

He, of course, lost his job as soon as he filed his first application for emigration. He has supported himself as a guide to visitors to Moscow and by working in a picture laboratory.

In October of 1976, Lev Blitshtein and a a friend staged a 3-day hunger strike while their respective sons in New York supported them by holding a hunger strike outside the Aeroflot office there. Later the friend was allowed to leave, but Lev Blitshstein remains behind.

He lives for the day when he can be reunited with his wife, his son, and daughter, and to a granddaughter born to his son Boris in New York on January 23, 1981.

Mr. Speaker, this is the human tragedy of the repressive Soviet regime—a family sundered, a livelihood taken away, a man alone in a society that rejects him but will not let him depart in peace.

This congressional vigil presents an opportunity to publicize many such stories, many such human tragedies, inflicted by an unfeeling, repressive government in a sick society. I am glad to have an opportunity to take part in this essential effort on behalf of human freedom and human dignity in the face of tyranny.●

Mr. GREEN. Mr. Speaker, I want to thank all of my colleagues who have participated, both in person and by submitting statements for the RECORD, for their participation this evening.

ORDER OF BUSINESS

Mr. SILJANDER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. WALKER] may precede me with his special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE ISSUES THE AMERICAN PEOPLE WANT DEBATED NEVER GET DEBATED ON THE FLOOR OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, this evening I thought we would discuss a little bit what it was that went on in the House Chamber today with regard to the President's crime package, because it tends to focus on the very issue that we have been raising since the beginning of this year about the way in which this House works.

Early this year, we begin to explain that the problem was not so much that the American people were wrong on the issues, it was not even so much that the majority of this House was wrong on the issues, it was the fact that the issues that the American people want debated and the majority of this House is willing to vote, never get debated on the floor.

That there is a liberal leadership in the House of Representatives that locks up this legislation, locks it up in committee, locks it away from votes, so that in fact the American peoples' agenda never gets voted on. We have made that case with regard to balanced budgets, we have made that case with regard to line item veto, and on a number of major issues.

We made the case over and over again with regard to the crime issue.

Today, we saw in a matter of a few hours, that issue defined precisely the way we have talked about since the beginning of the year. Early in the day, we came to the floor asking that the rule be changed so that the crime package could be one of the authorization bills included in this overall countinuing resolution, this omnibus bill that we were voting on today. After all, already included in that bill were things like the Public Works Committee's authorization and a number of other things. We asked that this one major item be included as a part of that package. That at least we come out here and debate that issue here on the floor so that we would decide, as a body, whether or not to include that package.

What we got, when we asked for that procedure, was a turndown. People evidently believing that they could hide behind a procedural vote, decided specifically that they would vote not to allow the crime package to come to the House for a vote.

Now, in my mind, the responsible course of action would have been to take up the crime bill in that way. After all, you would have had actual debate on the House floor with regard to the crime package. It would have been a more extended debate then we finally got when we raised it as a recommittal motion, and it would have allowed the opposition a substitute amendment, which means that they could have effected some changes in the bill at the point of consideration.

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In other words, it was a more open, a better process. However, the House decided on that procedural vote that they would go along with their liberal leadership and that they would hide behind that procedure and not allow the crime bill to be debated, not allow the crime bill to be considered in the House.

We proceeded on with that continuing resolution and a matter of only a few hours later, in a matter of just a few hours the issue was before us again.

This time, in a motion to recommit with instructions, a motion that is available to the minority party and in this case through the offices and through the best wishes of the gentleman from Massachusetts [Mr. CONTE] he allowed that motion to recommit to be carried by the gentleman from California [Mr. LUNGREN] who has been one of the people who has worked the hardest on the crime bill.

In yielding to the gentleman from California [Mr. LUNGREN], he allowed then the recommital motion to be one with instructions that included the crime bill.

We were allowed 5 minutes of debate on either side. Mr. LUNGREN pointing out very rightly that this was the one chance we were going to have to vote on the package as such. That here was the package before us you had to vote either yes or no on the package.

No more procedural hiding. No more hiding behind the leadership's bottling up of the bill in committee. Here it was on the floor through the recommittal motion.

The gentleman from New Jersey [Mr. HUGHES] argued against the procedure, saying that we had already had some votes, that there were things hanging around here. Attempted, in my opinion, to obfuscate the issue a little bit by suggesting that for instance we had passed the justice assistance bill which, of course, is one part of the crime package that was out here.

So in arguing the justice assistance bill, we really had an argument for voting for the bill that was before us because the justice assistance package was included in the President's crime package.

But nevertheless, we came to a vote there and when the vote was flat out on the crime bill, we found that many Members of Congress decided that they were going to vote for that bill.

And sure enough, it won. It not only won by a few votes; it won overwhelmingly.

It was about a 70-vote margin that we decided to include the package in the continuing resolution.

The very decision that we decided earlier in the day we would not make when we could hide behind procedure, we decided to do when we got the flat-out vote.

What changed? Was there any real change in the substance of the package? No; exactly the same thing. It was precisely the same item that we had had before us earlier.

Was there a change in the people? No; it was exactly the same representatives of the people voting on this issue that had voted on the issue earlier in the day. What we had was a change in the manner of the vote. No longer could you hide behind procedure. You had to say yes, I am for the crime package. No; I am against the crime package and when faced with that particular vote, dozens of Members who had voted the opposite way earlier in the day decided that they were not going to face their constituents saying that they were against bringing up the crime package.

Now that tells you something about the way we operate around here. When people actually have to face up to something that looks like it might catch the ire of their constituents, then all of a sudden what they do is they run for cover. They cover themselves by voting for that which they know is popular. But if they think they can hide behind procedure. If they believe that there is some way that they can give Speaker O'NEILL their vote and not get caught at it, they do that.

And if ever there was a reason for changing the makeup of the Congress, we see it in part of what took place here today because we see people who made a conscious decision to vote one way earlier in the day when they were going to hide and they were going to help Tip O'NEILL and later on in the day, decided then there was no longer any hiding, that they were going to vote their constituents' wishes.

People ought to evaluate that record. They ought to take a look at who was who in that vote because it is important to understand that that vote is precisely the problem when it comes to dealing with things like line item veto. When it comes to dealing with things like constitutional amendments to balance the budget. When it comes to dealing with a whole host of issues around here we find the very same attitude that as long as I can hide, as long as I can allow some committee chairman to bottle up the legislation, as long as the vote that I have is a procedural vote, I will not vote the American people's wishes.

As soon as I can get away from direct responsibility, I am going to get away from direct responsibility, but give me a vote where the American people will understand precisely what it is that I am doing, then I had better vote the right way.

Well, I do not think that shows very good representation. That does not show the American people the kind of representation most believe that they need to have. I will be glad to yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding to me.

Mr. Speaker, I would like to raise a couple of questions. Is it true that the vote we had today on the crime package was never passed out of the committee here in Congress?

Mr. WALKER. Mr. Speaker, the gentleman is absolutely correct. The crime package that we eventually voted on was the crime package that had been reported out of the Senate by a rather substantial vote, but had never gotten to the House floor because it had been bottled up in the Committee on the Judiciary by a series of subcommittee and committee chairmen there, and ultimately by the leadership of the House that assigned the bill to that committee in the first place without requiring that the committee report it back to the House promptly.

Mr. MACK. If the gentleman will continue to yield to me. Well, we saw one of the subcommittee chairmen down here on the floor telling the Members why they should not support this piece of legislation. It is rather interesting that immediately after he concluded his remarks in essence, the

House rushed to the floor to pass this legislation. I am confused as to what is happening here in the House when these all-important committees which again, that goes back to some of the other discussions we have had, is the most important use of an individual's time around here is in the committee.

They would not even pass the legislation out when it is clear from the vote that took place today that the House was saying: We want to pass that kind of legislation.

Mr. WALKER. Mr. Speaker, I think the gentleman makes an excellent point because what it turns out is that the House is far more representative as a whole body of the American people than these committees and subcommittees.

They can do their business behind closed doors. They can use procedures to block essential legislation and you saw that played out right here on the House floor today.

Mr. MACK. Mr. Speaker, if the gentleman will continue yielding to me, what the gentleman is saying is that what it seems to be is that the liberal leadership of the House is, in fact, manipulating the rules in such a way to decide what pieces of legislation come to the floor, not really concerned with how the Members in the House really feel about it, but those who happen to be in a position where they control power, I guess there are a number of us who have been using the term around here, the arrogant abuse of power, is something that has occurred time and time again.

Mr. WALKER. Mr. Speaker, it is not only manipulation of the rules I would say, but manipulation of the process which the rules are just a part of. That is precisely what we have seen going on, is that a handful of people can use the House of Representatives and its processes in order to block not only what a majority of the Members of the body want to do, but what the vast majority of the American people want to see done.

That, to me, is the travesty of what this House has become. This was supposed to be a body that reacted very clearly to what the American people were demanding. The forefathers set it up that way and instead what we have done is that we have bound ourselves into rules that permit a few people to make decisions which are not in line with the majority wishes of the American people.

I will be glad to yield further.

Mr. MACK. Mr. Speaker, let me expand on that just a little bit more. And that is to me there is more than came out of today's vote than just the fact that we passed the President's crime package.

Mr. WALKER. So the gentleman would admit that that is a major step in the right direction?

Mr. MACK. Oh, absolutely, but the message ought to be loud and clear not just to the leadership, the liberal Democratic leadership of the House.

The message ought to be clear to every Member of the minority party that if, in fact, we are willing to get up and fight for what we believe in and again I take us back to January of this year when we came to the floor of the House and demanded or asked, rather, under unanimous consent to bring legislation here that if, in fact, we stick with it, if we are convinced that we are right and the American people are with us and that we are willing to take our fight to the American people and circumvent, if you will, the rules and the procedures of the House to try to get the message to the American people that we can win and to me that is the most exciting thing that we can say to those individuals who are running for Congress in the United States today, that when they get here that is an opportunity for them to participate in getting legislation passed even if the liberal leadership is in a position to control that.

□ 1950

Mr. WALKER. I think the gentleman makes an excellent point. It is clear from the vote today, and other votes that we have had earlier in the Congress, that the liberal leadership of this House is out of tune and out of touch with the American people. They are doing what they can to hold onto power, regardless of the consequences of that holding onto power.

If, in fact, we force these issues to a vote, we do begin to break that lock on power. In this election year, of course, the American people have an opportunity to break that lock on power completely. I would hope that they would see the opportunity to do so in some of the votes that have taken place and begin to understand who it is who are their friends in this representatives body and who it is who consistently stand against them and their issues in favor of continuing to simply wield power here.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Michigan, who I again would like to thank for his willingness to allow this special order to precede one that he had previously scheduled.

Mr. SILJANDER. I thank the gentleman from Pennsylvania for yielding, and it is quite a pleasure, because I think he is bringing up some very, very crucial points that many would be interested in.

The gentleman talked about the committees. The committees are run exclusively and totally by Democrats. Those Democrat chairmen and subcommittee chairmen and select committee chairmen are all appointed by the Speaker.

Mr. WALKER. The Democratic Caucus.

Mr. SILJANDER. Well, the Democratic Caucus, but it really comes down to the Democrat Speaker, and in all practical reality we know that is the final line.

The Committee on Rules determines many of the rules. So we find a committee structure which is stacked, obviously, with those who are sensitive and sympathetic to the Democrat leadership and are, as the gentleman says, clearly not representative of the American people nor are they even representative of the body here as a whole. That is clearly why, as the gentleman has also pointed out, so many issues, the balanced budget amendment, enterprise zones, and in this case a crime package, are buried in the graveyard of committees.

Mr. WALKER. Spousal IRA is another issue.

Mr. SILJANDER. Spousal IRA's. We could go on and on.

Mr. WALKER. Tax reform that the gentleman has just discussed so articulately for so many months.

Mr. SILJANDER. Tax reform, and so many issues. And that is specifically and precisely the reason why those issues are held in committee, because the leadership well knows that if those issues were ever brought to the floor, the result would be the same as it was today on the omnibus crime package—passage, successfully.

That is what the gentleman from Pennsylvania has been doing for countless months. I would really like to say to the gentleman, from one person anyway, and I am sure from many others, I want to thank him for the countless hours that he has spent not only waiting for his time but taking time to share with the American people, to share with his colleagues, the vision he has for America, the vision that he has for the American agenda, the items, the polls that we as Congressmen know when we go home by our own polls that the American people are supporting.

Interestingly enough, the phenomenon that is occurring, even with the stacked committees, the leadership appointments, the rules against us, the manipulative rules and the tactics, even with that we have still had a moderate but enthusiastic portion of successes. Today is indicative of our ability, as people who we feel try to represent at least our respective constituencies, indicative of the new mood in America, a new mood in Congress that is reflecting that mood in America.

I think it is exciting, personally. Whether one is for or against the issue, the point is, we are successfully assisting in forcing the issues to a

head and allowing the American people in an election year, or next year in an off year, to see specifically how their Congressmen and Congresswomen vote on these all-important issues that we feel are part of the American agenda.

Mr. WALKER. I thank the gentleman, and I would say to the gentleman that I appreciate his laudatory words, but I would also point out that it is not even with me as much a question of vision as it is a question of fairness and equity.

All I have really asked for in many of the remarks that I have made on this subject is that we vote on these issues. To me, it was not as important whether we won or lost on the President's crime package as the fact that we had a vote so that the American people would know where every Member of Congress stood on that issue. I personally wanted to win. I voted for it. I think it was important that it did win, but I think in terms of the process here, in terms of the procedures, it is simply that we ought to be fair, that we ought to be equitable; that these issues that are of such intense importance out in the country at least deserve a vote here. Whether the issue won or lost today, in terms of the process that was not as important as the fact that the American people can now evaluate where their Member of Congress stood on the all crucial issue of whether or not we are going to fight crime.

It seems to me that that should be true on the balanced budget amendment, on spousal IRA's, on enterprise zones, on all these things. Let us let everybody vote on them, find out where they stand, and let the American people make the evaluation in November of this year.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, I appreciate what the gentleman from Pennsylvania is doing today. I think there are a number of people who have reason to be proud of today's results.

I think that the gentleman from California [Mr. LUNGREN] who has led the fight to pass the omnibus crime bill in the House, who has waged a campaign all year to explain that the liberal Democrats were bottling the President's crime bill up, he certainly won a victory.

I think the Republican leader, the gentleman from Illinois [Mr. MICHEL], and the Republican whip, the gentleman from Mississippi [Mr. LOTT], engaged in gallant form in developing the correct strategy in working with their staff to put together what proved to be the winning strategy today.

I think that the work that a number of people have done, including the gentleman from Pennsylvania, at building this theme matter.

Mr. WALKER. Mr. Speaker, if I may take back my time just for a moment, let us include one other person who I think made a valiant stand on the House floor today and allowed us to set up the process by which we passed the bill, and that is the gentleman from New York [Mr. FISH], the ranking member of the Committee on the Judiciary, who in fact carried the amendment out here earlier in the day which the House would not permit to be offered.

He also has been a stalwart on this issue, and through his kind of leadership at the committee level we have had success, and that is why the American people probably ought to make him a committee chairman the next time around.

Mr. GINGRICH. And I think similarly, one also has to be grateful to the gentleman from Massachusetts [Mr. CONTE] who worked on the motion to recommit, and I think we also have to recognize that the gentleman from Michigan [Mr. SAWYER] who is retiring, in his rejoinder at the key moment in the debate, carried clearly the message that the Democratic leadership was, in fact, bottling up the bill and that it would not pass.

Mr. WALKER. The gentleman is absolutely correct.

Mr. GINGRICH. However, I want to make a point that I think has not been noted yet today, and that is that there was an amazing transformation of Democrats in the House of Representatives between 12:58 today, when only 27 of them were willing to vote to bring up the crime bill, and 6:17 today when 88 of them, more than three times that number, were prepared to bring up the crime bill.

Mr. WALKER. The difference there is 5 hours and 19 minutes.

Mr. GINGRICH. That is right. In 5 hours and 19 minutes the world changed. I think there is an unsung group of heroes and heroines who made that possible, and they are the Republican candidates for Congress across this country.

I think the American people need to confront the truth. The truth is that if they vote for the Democrats in November, they are going to get what they want about 3 weeks every 2 years, but there will be a brief period of panic in September and October just before the election; but that systematically, week in and week out, day in and day out, the committee chairmen, the subcommittee chairmen, the Democratic whips, the Democratic regional whips, are all going to work as a team to bottle up, to stifle, and to strangle the agenda of the American people.

But now, because President Reagan has such a massive lead over Walter Mondale, now because across this land there are Republican men and women running for Congress who are talking about these issues and raising these issues, and now because the Republican Congressional Campaign Committee has the facilities so that literally between 12:58 and 6:17, as the gentleman from Pennsylvania pointed out, in that 5 hours and 19 minutes, across America there were Republican candidates getting up saying, "If I were in the House of Representatives, I would have voted to bring up the crime bill."

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Suddenly it began to trickle in to all these Democrats who had voted "no" at 12:58 that they could not explain that back home, that there was actually going to be a candidate back home who could tell the people of their districts what they had done and three times as many Democrats voted at 6:17 to bring up the crime bill, to pass the crime bill, indeed, as voted even to bring it up.

Mr. WALKER. Let us just clarify the point here. There was absolutely nothing different in substance in the two votes, was there?

Mr. GINGRICH. Far from that, if anything the second vote was the tougher vote, because the second vote did not vote just to bring it up. The second vote voted to pass it. It was a far harder vote, and yet faced with the fear, faced with enough realization that they would have to go back home and explain their votes, faced with the sudden realization that there would not be a procedural screen to hide behind, suddenly a considerable number of people who earlier in the day had voted to kill the crime bill decided they had better vote for it.

Mr. WALKER. Let me make one other point here. We do not suddenly have a whole bunch of people coming to the floor and voting who did not vote earlier in the day. It is exactly the same people voting, except they switched their votes over that period of 5 hours and 19 minutes, is that not the case?

Mr. GINGRICH. That is right. There were a couple extra votes in the afternoon because a few more people arrived; but basically we did not have three times as many people voting in the afternoon as we had in the morning.

The fact is that when you look at what was happening, and I think this is the key message of today's experience, not let us celebrate because we passed the omnibus crime bill; it is not that we accomplished something. It is something more fundamental about the nature of the House of Representatives. The House of Representatives under the liberal Democratic leader-

ship, with every subcommittee chairman and every committee chairman and every member of the whip as part of the leadership team has operated in a manner which basically hides from the American people issues they believe in very, very deeply, brings them up only on the schedule the leadership approves and only in the manner the leadership approves and only under the ground rules the leadership approves. Except for those rare moments late in the session when the American people scare the Democrats into voting the way they would like, when there are candidates in the field willing to give up their time and their energy to go door to door to make speeches, only then do we see the Democrats finally beginning to vote the American people's agenda.

I want to carry the gentleman from Pennsylvania back if I might over a year to place this in context. When we first began talking about these issues over a year ago, we had the faith, some called it a naive faith, that it was possible to go to the countryside, to the grassroots, to our friends back home, it was possible to lead Congress by talking with Americans. We believed that if we talked about these issues long enough, something would change.

I remember well when my good friend, the gentleman from Pennsylvania, first got up and asked unanimous consent to bring bills up and other gentlemen, such as the gentleman from Michigan and the gentleman from Florida, first got up and began to ask to bring bills up under unanimous consent, the establishment in this building thought we were crazy.

Mr. WALKER. Well, if the gentleman will recall, one of the first actions we took early this year was to try to reserve special order time for each night of the legislative session so that we could in fact communicate with the American people and they immediately gagged us on that. They refused to allow us to schedule that time in advance, even though that was a longstanding practice in the House that people could do that, so from the very outset there was an attempt to gag that kind of communication.

Mr. GINGRICH. That is right. With the help of people like the gentleman from California [Mr. LUNGREN], we began to carry the message across the country, partly in all candor through C-SPAN and these talks on the House floor, that there were bills that mattered to the American people, and one of the bills that we focused on was the omnibus crime bill which passed the Senate on a bipartisan basis by 91 to 1 and week after week and month after month we talked about this issue and gradually it began to sink in to the news media that it was real.

Now the question for the American people, it seems to me, as we come into October has to be this. Do you want to vote in November for a Democrat who has been part of the team that strangled the bills you want, or a Democrat who at best switched his or her vote in a 5-hour and 19-minute period when they suddenly realized they could not explain it? Do you want to vote to reelect someone who has the problem that they are going to come up to Washington, they are going to help out the liberal Democratic leadership, they are going to be in favor of committees that become what is called by the news media the graveyard of legislation, they are going to be in favor of bottling up bills unless they are absolutely forced by the American people to bring them out, or is it time for a change?

The fact that on these two votes today there was the amazing shift from 27 Democrats trying to bring up the crime bill to 88, an increase of 61 people in a mere 5 hours on the same bill, I think has to be a real signal that there are some people in this building who are scared of Walter Mondale, that are scared of the American people, and that the American people ought to look very, very carefully, because there are 27 Democrats who can go home and say, "Yes; I voted consistently. I really wanted to bring up the omnibus crime bill," but if they are not part of that first 27 that at 12:58 voted, then the most they can do is go home and say, "Yes; I'm scared and I didn't want you mad at me. I was more scared of you today than I was of TIP O'NEILL."

Somehow that does not strike me as a very strong base for the kind of representation we really need.

So I just want to thank the gentleman from Pennsylvania for giving us this opportunity to talk about what I think is the biggest issue in congressional elections this fall, which is how do we organize the House so that the American people's agenda has a chance to have fair committee ratios, fair staffing, a fair calendar for hearings, a fair chance to come out of committees, a fair chance on the floor, and we have proved today once again that every time the American people do not seem to be watching, their bills are going to be strangled, and every time the American people are watching carefully enough the Democrats are going to feel they have to bring them out.

I thank the gentleman for taking this special order.

Mr. WALKER. Mr. Speaker, I thank the gentleman. I think he makes an excellent point. Indeed, the way he outlines the leadership crisis is the right one. Probably some of these liberals ought to be asked in their districts, "Who is it you are going to vote for to lead the Congress in the next session? If you go back there, are you going to allow that same liberal leadership that has delayed these bills and stalled them over the last couple years to again return to positions of power that permit that kind of stalling tactics to be used for another 2 years, or are you going to vote for a different leadership?"

The answer to that is a key one for the American people.

I also believe that it is important for the American people to understand that one of the things we hear that the liberal leadership, if reinstalled, may do next year is shut down these opportunities to communicate with the American public. There is some talk that the rules will be changed in a way in which some of the dialog that has gone on off this floor with the American people would be eliminated. That is one more attempt to put a stranglehold on the House of Representatives and keep the people from interacting with their legislative process in a manner that the gentleman from Georgia has outlined and described.

So the challenges are real. What we found out today was that we can win some battles when the American people are aroused enough. I think they need to watch carefully in the future so that we win additional battles in the days ahead and the weeks ahead.

Mr. Speaker, I yield back the balance of my time.

RELIGION IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SILJANDER] is again recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, President Eisenhower said that:

> Without God there can be no American form of government, no American way of life. Recognition of the Supreme Being is the first, the most basic expression of Americanism. Thus the Founding Fathers of America saw it and thus with God's help it will continue to be.

That was a statement by a former President of the United States, so when we in public life talk about religion and politics and morality, it is nothing new. It is nothing new to Jerry Falwell, President Reagan, Walter Mondale, Governor Cuomo. It is nothing new to the Members in this body. Religion, politics and morality, has been around since the foundations of the Earth to a great degree, but focusing in rather than globally I would like to focus in on the United States, for recently it seems through TV and radio specials, speeches, debates, our interest in this issue as an American society and American system has certainly been highlighted.

I mentioned Governor Cuomo in his debate with Archbishop O'Connor and now Congressman HENRY HYDE re-

sponding to Cuomo's message to the Catholics near my hometown in Notre Dame University, Walter Mondale, President Reagan, all discussing it seems an issue that everyone says ought not to be an issue.

I think it is clear at the outset that it is understood that I do not advocate a state religion. I desperately and firmly oppose that notion, nor do I support a church that would be established by the state. I also firmly oppose that notion as well.

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The truth is, said President Ronald Reagan, "Politics and religion are inseparable. And as morality's foundation is religion, religion and politics are necessarily related." That ends the quote of President Ronald Reagan speaking to a prayer breakfast in Dallas, TX.

Our history throughout, American history, that is, is clear regarding religion in politics. Again I think it is important to understand, I do not intend to advocate one position or the other; I am simply outlining what I see as a historical tracing of those in political life that have been very directly involved in politics, that at least from their point of view felt, as Ronald Reagan feels, that politics and religion are inseparable.

The early education was not done by the state but, rather, by the church. By 1776 we had a literacy rate between 70 and 90 percent, rather impressive for that year.

From the Mayflower Compact, the first American Constitution, to the Declaration of Independence, which captured the essence of human liberty by stating in our Constitution that men are endowed by their Creator with certain inalienable rights, it really set forth before the world that no state or no individual, no ideology gives man his rights; they are given from God himself, and that is why they cannot be taken away, say many historians.

James Madison wrote in the creation of our Republic that he perceived the hand of the Almighty in it all.

John Jay, the first Supreme Court Justice, warned that we must never forget the God from whom our blessings flow.

George Washington has been quoted so often, our founding father, as he is called, the first President of the United States; he said, "It is impossible to rightly govern the world without God and the Bible."

Now, I am not saying we should govern the world with God and the Bible. I am simply tracing quotes from those who have clearly shaped our history and shaped our foundations and shaped America.

George Washington also said, "Of all of the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."

Washington went on to say that "In vain would that man call himself a patriot who would labor to subvert these * * * firmest props and duties of men and citizens. The mere politician and the pious man ought to respect and to cherish religion and morality * * *. Let us with caution indulge the supposition that morality can be maintained without religion."

Even more recently, John Fitzgerald Kennedy said, and I quote him, "And yet the same revolutionary beliefs of which our forebears thought are still at issue around the globe, the belief that the rights of man comes not from the generosity of the state but from the hand of God."

These men that helped shape America had, as you can clearly see, very pointed opinions as relates to religion, morality, and politics, the country they helped form, the country they had their hand in.

The reason I brought up John Kennedy is because I think if is certainly aprospos that we have seen Republicans and Democrats alike share their view, share their beliefs about religion, morality, and politics.

The movement to abolish slavery had its moral sources in John Wesley and William Wilberforce. The Indians are even noted in a stanza of the Battle Hymn of the Republic.

Way back in the 1800's when slavery was such an issue I am thankful that many Americans, black and white, men and women, of all races, creeds, and reigions, believed that slavery, to enslave another human being, was a moral issue that offended their religious perceptions and stood up and did something about it.

Even the modern civil rights struggle was led by churches and led by synagogues in a rejection of the policies that would deny their fellow Americans their God-given rights. The Reverend Dr. Martin Luther King never hesitated to remind America of its commitment before God to give equal rights to every man, woman, and child in this great country.

To deny any direct link between American politics and religion is not only to be ignorant of history but to deny the most fundamental aspects of the American character and integrity; and the reason it seems there is such a furor at this hour over religion, morality, and politics is because certainly we are in an election year and there is an issue that is stirring about religion and politics. At least there is an attempt to make it an issue.

The moral liberal left are crying out in horror that Jerry Falwell and his type of evangelical and fundamentalist, charismatics the likes of Pat Roberston and others dare to register voters in churches. They dare to stand up in their pulpits and encourage their constituencies to get involved in issues such as abortion, ERA, one way or the other, prayer in school.

This is to many people's perception a legitimate cry of disgust, a separation of church and state. But history is clear, whether one comes from the perspective of the left or the right, that from both views of the world there has always been the mixing of religion, moral values with political aspirations, political goals.

I mentioned slavery and I mentioned the modern civil rights movement. What about the nuclear freeze? That certainly is a political issue. We spent 42 hours on the floor of the Congress debating the pros and cons of the nuclear freeze resolution while in the midst of it all many religious groups were out supporting or opposing the nuclear freeze.

The MX missile is certainly a political specific item of voting on the floor of the Congress and in committees of Congress. Yet the Unitarian Church, the Friends Committee, and various other religious coalition type groups have made a definite stand in support of a nuclear freeze and in opposition to the MX missile.

The Catholic Bishops had a pastoral letter on the nuclear arms race. It was greeted with great enthusiasm in the media editorial columns.

Am I criticizing that? No. I am simply pointing out history and recent history of how in this case the left has been forming public opinion through religious organizations, through specific spiritual and denominational affiliations.

TIP O'NEILL, the Speaker of our House, said in the Washington Post dated April 3, 1984, and to quote our Speaker: "Those who share Christian values have a responsibility to put those values into action." The Speaker is a liberal. The Speaker is against the MX missile and for the nuclear freeze. He is being consistent with many groups, religious groups that tend to be more on the liberal side of ideology.

The Speaker also said that "America's revolutionary traditions were based on a fusion of spiritual and political values." He is right. I do not disagree with the Speaker. He is being very consistent with the liberal movement in America.

He also said, "The spiritual revolution of Christianity and political revolution that began in 1776 are alive and well." The Speaker went on to say "Both these sets of values can guide our national destiny."

"The only question is whether we are willing to act on them or not, whether we are ready to live our values as a people."

□ 2020

So we have the likes of John Kennedy, George Washington, Rev. Dr.

Martin Luther King, and now our Speaker of the House, all speaking about the importance of their moral values and those that believe in a religious principle, to become informed, to become aware, to become individually involved in it. And I have no quarrel with that.

Central America, another issue; I just received a letter from a coalition of religious groups opposing the U.S. involvement in Central America.

Certainly, especially, El Salvador and with the Contras, the counter-revolutionaries in Nicaragua.

Now I may not agree with that letter but certainly that religious group has a right, on the left as they sit, to express their opinions, to express the values as they see them. And they are clearly, by sending a letter to a U.S. Congressman, attempting to influence decisions being made in Congress, in Washington.

Also there is quite a bit of storm on the left about this born-again movement. Politicians say, "Well, I'm a born-again Christian." I think there is some clarity as to the origin of that statement. It originates certainly from the Bible, John 3-3, when Jesus told Nicodemus you must be born again and again in John 3-7. But in contemporary politics it did not come from a Republican or Jerry Falwell or an evangelical candidate on the Republican side; it came, in fact, from Jimmy Carter.

Jimmy Carter was the one who brought this title "born again" to political life and enlightened so many Americans as to what it means. I do not oppose that.

But it is important to note that it is not just the political evangelical fundamentalist charismatic right which emphasizes religion in politics and the importance of being so-called born again in order to be a good candidate, but it was Jimmy Carter. And it was not the Republican Convention where a preacher stood up before the delegates and said, and I quote, "The Lord said, Jimmy Carter, to come on up and bring America back where it belongs."

Obviously that was a quote by a minister at the Democratic National Convention as they were nominating Jimmy Carter for the Presidency of the United States. That pastor has the right to feel, prophetically, that Jimmy Carter should come on up. He has the right to do that.

But is it not interesting that all of this happened not at the Republican Convention, as all the editorials wrote slamming and slurring the Republicans for all the religious overtones in their platform, all the preachers they had up on the platform talking about America and God.

"Oh, how terrible it is."

Whatever happened to the outcry with Carter? Whatever happened to the outcry on the prophecy of that minister for Jimmy Carter, "Come on up, the Lord says come on up." I do not doubt that that is what the Lord said, if that is what he feels, God bless him.

But it seems like rendering a double standard; it is all right for the left to talk about nuclear freeze, MX missile, Central America, talk about being born again, saying prophetically that the Lord "calls you to come on up." But somehow when more conservative evangelicals bring up the same issues it is "separation of church and state."

Organized secularism with the ACLU, the American Civil Liberties Union, I do not deny their right to exist and express their opinions the way they see them. Eliminating nativity scenes is what they are charged with doing, they feel, and taking "In God We Trust" off of our money. I disagree with them violently, personally, but they have a right to say it.

Whatever happened to the separation of church and state with the ACLU? The Supreme Court has ruled, after all, that secular humanism is in fact a form of religion. You do not have to be a Moslem, Jew, Christian, or Hindu in order to have a religious affiliation. One could be a secular humanist and still have a religious affiliation.

Reverend Coffin during the Vietnam war, in all the sit-ins, he was threatened with jail as a minister of the Gospel. But he did not stop his antics, his antiwar protests. But he was willing to sacrifice that.

Now while I may disagree with Reverend Coffin, we should all as Americans pay tribute to a man who is willing to give up his time and, some say, his honor in doing what he believes God has called him to do as a reverend and as a minister.

But no one ever said separation of church and state to Reverend Coffin, but they sure are talking about separation of church and state when it comes to the more conservative Christian right.

Now the World Council of Churches has sided with all types of political parties all over the world, so much so that "60 Minutes" has done specials on the World Council of Churches' participation in politics. South Africa, supporting SWAPO, and now in Nicaragua they have supported, the World Council of Churches have supported, the Marxists, Leninists, Sandinistas over the Catholic Church. Isn't that interesting? The World Council of Churches representing what some called the more liberal denominational group which certainly have a right to exist and the right to their own opinion, the same ones that are calling for the separation of church and state doctrine, calling for some on the right to cease and desist, the same ones who have been involved all over this world in political issues, in political parties, theology and ideology. And yet the finger does not seem to point back in the other direction.

Now Religious Coalition for Abortion Rights, the Catholic group recently formed, Catholics for Pro-Choice, am I against those groups? I am not any more against them as I am for the pro-life groups or the Methodists for Life or the Charismatics for Life or the Baptists for Life. They all have a right and should exist. But my concern and my deep emotion come when why should one side not advocate the separation of church and state when it is issues they agree with, but when another side of philosophy brings up an issue they disagree with, somehow the double standards flipflop and the finger is pointed at the right with the accusation that "You should not be involved because of separation of church and state."

The National Baptist Convention president, Rev. Dr. T.J. Jemison, said, and this is just recently and I would like to quote him:

> The black church has always been in politics.

Jemison went on to say that his church "spent approximately $800,000 to help Reverend Jesse Jackson. We have already registered 2 million people and between now and November we will register 1 million more."

Imagine if Jerry Falwell or Pat Robertson or some other more conservative minister stood up and said "We will help Ronald Reagan, we will help raise $800,000 to help Ronald Reagan and we are going to register voters," my God, we would have editorials in most every major newspaper in the country, a flurry of criticism by the left, "separation of church and state." DC Mayor Marion Barry said at this convention:

> I want a new President in the White House. There is nothing wrong with mixing this convention—
>
> The National Baptist Convention—
>
> with politics because the black church has been our political arm.

I am not disagreeing that that is right or wrong. I am just saying that the left has been involved, the left is involved, so much so that Jesse Jackson, candidate for President of the United States of America, has stood in pulpits across this country encouraging voter registration, encouraging participation and even, even raising money for his political campaign from the pulpit.

Now some would say that they should not do that. Others would say that that is fair. I say what is good for the goose is good for the gander. And if the same liberals are going to advocate that the right should veer away from politics, should not be interested in specific issues, the left should advocate the same for themselves.

□ 2030

Thank goodness for 1964 and the Civil Rights Act, and 1968, the Fair Housing Act. All issues that added more ministers than one could count and reverends and bishops and rabbis supporting these issues. I am happy that they passed personally. But no one ever advocated separation of church and state then.

So where did this all come from? Why do we have such a feverish debate going on? Why some say did Ronald Reagan bring up this issue. I think there needs to be clarity.

The issue really was brought up right after GERALDINE FERRARO was nominated Vice President candidate for the Democratic Party. She criticized the President of the United States' Christianity. She said, "I don't believe he is a good Christian." That is what started it all off.

If someone told you, if you were Jewish that you were not a good Jew, or you are not a good Moslem, you are not a good Christian, that would certainly and understandably create some problems with the person you are pointing the finger at.

Walter Mondale at the B'nith B'rith, said we should not have politics and religion being an issue in politics and then he went on to say how his father was a minister, went on to share all of his personal religious beliefs. We cannot have it both ways.

Now FERRARO is debating back and forth with her own church, the Catholic Church, on her position on abortion.

So we have seen the issue stirred up not so much from what Ronald Reagan or the Republicans or the religious right has said, but we see the stirring coming from the left.

It is schizophrenic for us to assume that one side can have it one way, but it is somehow wrong for the other.

I also think the concern and the phobia I call it by some on the left and what might have prompted it I do not know for sure, GERALDINE FERRARO'S comment that she is not so sure Reagan is even a Christian and all the concern about religion in politics, comes from a reality, a stark emperically based statistical reality that there is a revival in America today, a religious revival. If we took the Evangelical, the fundamentalists, the charismatics, the Catholic Church, those that consider themselves that, and the fundamentalist churches and the denominational churches and pulled the adults together, some estimate the size adult population of 60 million Americans could be in this coalition. Eighty-one percent of the American people support voluntary prayer in public schools. There is a revival, an impressive revival. It is not just a Christian revival. In the Jewish faith the most conservative and Orthodox Jewish faith, there are more and more synagogues being built and more groups being formed than probably ever before.

There is an attraction to religion. There is a new attraction to who each of us calls our God. And if I were sitting on the left, after all my historic involvement in politics and religion and morality, and I saw on the right the same tactics that I had been using successfully for years and years and years being used by the right and see the growing numbers and the growing strength, I would be a little panicky too, because the order of the day is changing. America goes through cycles. Whether this cycle will last or it will be a flash in the night remains to be seen. But there is an impressive amount of revival. Christian and religious books and music make secular book No. 1 sellers puts them to shame. They are selling in record numbers.

So, yes, the religious right are interested in issues that face America. Yes, they are interested in abortion, prayer in school, the impact of the ERA, tuition tax credits. They are interested in the defense system, in pornography. Yes, the religious left is interested in all these things, too. Yes, the Catholic Church is interested in liberation and theology. And yes, there are even Jewish organizations today that are growing at a very rapid rate emphasizing religious, cultural, moral, military, and other reasons why we should support Israel. There are Jewish groups being formed to help encourage Soviet Jewish emigration that is now all but eliminated. I was part of a special order earlier this evening on that issue.

I do not discount their right to exist. I am happy they do. I am actually happy they do. But just to point out there are religious groups in all elements of society, not just Christian, not just left or right, that are starting to see the importance of expressing their view, their values, their morals, and their politics as well.

The true reality of the situation, what it really comes down to, in my opinion, is something very basic and simple. Our church, our family, our educational system, are all part of us. It is a socialization process that we all go through from the time we are born to the time we die. Our value, our opinions, how we view the world and how we view each other are formed in us throughout our lives. This socialization process includes religion, be it Jewish, Christian, Moslem, Hindu, or the fact of no religion at all. Those are moral precepts, those are the things that we are made out of. That is our theological basis.

Should we tolerate each other is the real question I am presenting tonight. Should we and can we tolerate each other? And my answer is, we must tolerate each other and yes, certainly we should. It is about time in America that both sides, Evangelical right and the more liberal denominational left, of sorts, can sense that both of us have a view of the world that we were brought up with and we cannot, especially as Congressmen, Congresswomen, those in public life, we cannot hang our religion in the cloakroom before we enter the floor of the Congress. We are made up of moral belief systems that we have developed through, as I said, our schooling, our family, and our church. Your morals may be different than mine and that is quite all right. But do not tell me I cannot express those moral values in my job, in my work, in my family, and in my play, while you have been doing it for years and years and years. I will tolerate you if you will tolerate me. That is all that this discussion comes down to.

The accusations on both sides must stop. Tolerance must begin.

History shows, history is clear, that our country was founded on what some call the Judeo-Christian ethic. I do not discount that and I cannot because history shows it. History also shows us as we become intolerant of one another that intolerance breeds confusion in society and that confusion can breed serious turmoil.

So, I would just pray and hope that our country, both those on the religious right and the religious left, would look at history, look at issues, and come to grips with the simple term tolerance, that we can tolerate each other for our beliefs in who we are and the God that you or I happen to believe in, that certainly I have my moral opinions and values and I will use this democratic process, this democratic system that I was elected to to express those opinions and those values.

□ 2040

If it deals with nuclear holocaust, if it deals with military spending or if it deals with feeding the poor and housing the homeless, I cannot help but bring those up as part of my moral fiber and values. And if you think differently than I, I will respect your right to believe that, but I do not have to be forced to agree with you. Please tolerate me in my political and moral and religious views, as I have and should tolerate yours.

It is time for America to come together. It is time for America to become one.

THE PRESIDENT'S ADDRESS TO THE UNITED NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 60 minutes.

● Mr. MICHEL. Mr. Speaker, on Monday, September 24, 1984, Presi-

dent Ronald Reagan addressed the 39th session of the United Nations General Assembly. At this point, I wish to insert in the RECORD the text of that historic address.

REMARKS OF THE PRESIDENT TO THE 39TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, SEPTEMBER 24, 1984

The PRESIDENT: Mr. President, Mr. Secretary General, distinguished Heads of State, Ministers, Representatives, and guests—first of all, I wish to congratulate President Lusaka on his election as President of the General Assembly. I wish you every success, Mr. President, in carrying out the responsibilities of this high international office.

It's an honor to be here, and I thank you for your gracious invitation. I would speak in support of the two great goals that led to the formation of this organization, the cause of peace and the cause of human dignity.

The responsibility of this Assembly, the peaceful resolution of disputes between peoples and nations, can be discharged successfully only if we recognize the great common ground upon which we all stand—our fellowship as members of the human race, our oneness as inhabitants of this planet, our place as representatives of billions of our countrymen whose fondest hope remains the end to war and to the repression of the human spirit. These are the important central realities that bind us, that permit us to dream of a future without the antagonisms of the past. Just as shadows can be seen only where there is light, so too can we overcome what is wrong only if we remember how much is right. And we will resolve what divides us only if we remember how much more unites us.

This chamber had heard enough about the problems and dangers ahead. Today, let us dare to speak of a future that is bright and hopeful and can be ours only if we seek it. I believe that future is far nearer than most of us would dare to hope.

At the start of this decade, one scholar at the Hudson Institute noted that mankind also had undergone enormous changes for the better in the past two centuries—changes which aren't always readily noticed or written about.

"Up until 200 years ago, there were relatively few people in the world," he wrote. "All human societies were poor. Disease and early death dominated most people's lives. People were ignorant and largely at the mercy of the forces of nature."

"Now," he said, "we are somewhere near the middle of a process of economic development. At the end of that process, almost no one will live in a country as poor as the richest country of the past. There will be many more people . . . living long, healthy lives with immense knowledge and more to learn than anybody has time for." They will be "able to cope with the forces of nature and almost indifferent to distance."

Well, we do live today, as the scholar suggested, in the middle of one of the most important and dramatic periods in human history—one in which all of us can serve as catalysts for an era of world peace and unimagined human freedom and dignity.

And today I would like to report to you, as distinguished and influential members of the world community, on what the United States has been attempting to do to help move the world closer to this era. On many fronts enormous progress has been made, and I think our efforts are complemented by the trend of history.

If we look closely enough, I believe we can see all the world moving toward a deeper appreciation of the value of human freedom in both its political and economic manifestations. This is partially motivated by a worldwide desire for economic growth and higher standards of living. And there's an increasing realization that economic freedom is a prelude to economic progress and growth—and is intricately and inseparably linked to political freedom.

Everywhere, people in governments are beginning to recognize that the secret of a progressive new world is to take advantage of the creativity of the human spirit; to encourage innovation and individual enterprise; to reward hard work; and to reduce barriers to the free flow of trade and information.

Our opposition to economic restrictions and trade barriers is consistent with our view of economic freedom and human progress. We believe such barriers pose a particularly dangerous threat to the developing nations, and their chance to share in world prosperity through expanded export markets. Tomorrow at the International Monetary Fund, I will address this question more fully, including America's desire for more open trading markets throughout the world.

This desire to cut down trade barriers, and our open advocacy of freedom as the engine of human progress are two of the most important ways the United States and the American people hope to assist in bringing about a world where prosperity is commonplace, conflict an aberration, and human dignity and freedom a way of life.

Let met place these steps more in context by briefly outlining the major goals of American foreign policy, and then exploring with you the practical ways we're attempting to further freedom and prevent war: By that I mean, first, how we have moved to strengthen ties with old allies and new friends; second, what we're doing to help avoid the regional conflicts that could contain the seeds of world conflagration; and third, the status of our efforts with the Soviet Union to reduce the level of arms.

Let me begin with a word about the objectives of American Foreign policy, which have been consistent since the post-war era, and which fueled the formation of the United Nations and were incorporated into the UN Charter itself.

The UN Charter states two overriding goals: "to save succeeding generations from the scourage of war, which twice in our lifetime has brought untold sorrow to mankind," and "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."

The founders of the United Nations understood full well the relationship between these two goals. And I want you to know that the government of the United States will continue to view this concern for human rights as the moral center of our foreign policy. We can never look at anyone's freedom as a bargaining chip in world politics. Our hope is for a time when all the people of the world can enjoy the blessings of personal liberty.

But I would like also to emphasize that or concern for protecting human rights is part of our concern for protecting the peace.

The answer is for all nations to fulfill the obligations they freely assumed under the Universal Declaration of Human Rights. It states: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections." The Declaration also includes these rights: "to form and to join trade unions," "to own property alone as well as in association with others," "to leave any country including his own and to return to his country," and to emjoy "freedom of opinion and expression." Perhaps the most graphic example of the relationship between human rights and peace is the right of peace groups to exist and to promote their views. In fact, the treatment of peace groups may be a litmus test of government's true desire for peace.

In addition to emphasizing this tie between the advocacy of human rights and the prevention of war, the United States has taken important steps, as I mentioned earlier, to prevent world conflict. The starting point and cornerstone of our foreign policy is our alliance and partnership with our fellow democracies. For 35 years, the North Atlantic Alliance has guaranteed the peace in Europe. In both Europe and Asia, our alliances have been the vehicle for a great reconciliation among nations that had fought bitter wars in decades and centuries past. And here in the Western Hemisphere, north and south are being lifted on the tide of freedom and are joined in a common effort to foster peaceful economic development.

We're proud of our association with all those countries that share our commitment to freedom, human rights, the rule of law and international peace. Indeed, the bulwark of security that the democratic alliance provides is essential and remains essential to the maintenance of world peace. Every alliance involves burdens and obligations, but these are far less than the risks and sacrifices that will result if the peace-loving nations were divided and neglectful of their common security. The people of the United States will remain faithful to their commitments.

But the United States is also faithful to its alliances and friendships with scores of nations in the developed and developing worlds with differing political systems, cultures and traditions. The development of ties between the United States and China, a significant global event of the last dozen years, shows our willingness to improve relations with countries ideologically very different from ours.

We're ready to be the friend of any country that is a friend to us and a friend of peace. And we respect genuine nonalignment. Our own nation was born in revolution. We helped promote the process of decolonization that brought about the independence of so many members of this body. And we're proud of that history.

We're proud, too, of our role in the formation of the United Nations and our support of this body over the years. And let me again emphasize our unwavering commitment to a central principle of the United Nations system—the principle of universality, both here and in the United Nations' technical agencies around the world. If universality is ignored, if nations are expelled illegally, then the UN itself cannot be expected to succeed.

The United States welcomes diversity and peaceful competition. We do not fear the trends of history. We are not ideologically rigid. We do have principles, and we will stand by them. But we will also seek the friendship and goodwill of all, both old friends and new.

We've always sought to lend a hand to help others. From our relief efforts in Europe after World War I, to the Marshall Plan and massive foreign assistance programs after World War II. Since 1946, the United States has provided over $115 billion in economic aid to developing countries, and today, provides about one-third of the nearly $90 billion in financial resources, public and private, that flows to the developing world. And the U.S. imports about one-third of the manufactured exports of the developing world.

But any economic progress as well as any movement in the direction of greater understanding between the nations of the world are, of course, endangered by the prospect of conflict at both the global and regional level. In a few minutes, I will turn to the menace of conflict on a worldwide scale and discuss the status of negotiations between the United States and the Soviet Union. But permit me first to address the critical problem of regional conflicts, for history displays tragic evidence that it is these conflicts which can set off the sparks leading to worldwide conflagration.

In a glass display case across the hall from the Oval Office at the White House there is a gold medal—the Nobel Peace Prize won by Theodore Roosevelt for his contribution in mediating the Russo-Japanese War in 1905. It was the first such prize won by an American, and it's part of a tradition of which the American people are very proud—a tradition that is being continued today in many regions of the globe.

We're engaged, for example, in diplomacy to resolve conflicts in Southern Africa, working with the Front Line States and our partners in the Contact Group. Mozambique and South Africa have reached an historic accord on non-aggression and cooperation. South Africa and Angola have agreed on a disengagement of forces from Angola, and the groundwork has been laid for the independence of Namibia, with virtually all aspects of Security Council Resolution 435 agreed upon. Let me add that the United States considers it a moral imperative that South Africa's racial policies evolve peacefully but decisively toward a system compatible with basic norms of justice, liberty, and human dignity.

I'm pleased that American companies in South Africa, by providing equal employment opportunities, are contributing to the economic advancement of the black population. But, clearly, much more must be done.

In Central America, the United States has lent support to a diplomatic process to restore regional peace and security. We have committed substantial resources to promote economic development and social progress.

The growing success of democracy in El Salvador is the best proof that the key to peace lies in a political solution. Free elections brought into office a government dedicated to democracy, reform, economic progress and regional peace.

Regrettably, there are forces in the region eager to thwart democratic change—but these forces are now on the defensive. The tide is turning in the direction of freedom. We call upon Nicaragua, in particular, to abandon its policies of subversion and militarism, and to carry out the promises it made to the Organization of American States to establish democracy at home.

The Middle East has known more than its share of tragedy and conflict for decades, and the United States has been actively involved in peace diplomacy for just as long. We consider ourselves a full partner in the quest for peace. The record of the 11 years since the October war shows that much can be achieved through negotiations; it also shows that the road is long and hard:

Two years ago, I proposed a fresh start toward a negotiated solution to the Arab-Israeli conflict. My initiative of September 1st, 1982, contains a set of positions that can serve as a basis for a just and lasting peace. That initiative remains a realistic and workable approach, and I am committed to it as firmly as on the day I announced it. And the foundation stone of this effort remains Security Council Resolution 242, which in turn was incorporated in all its parts in the Camp David Accords.

The tragedy of Lebanon has not ended. Only last week, a despicable act of barbarism by some who are unfit to associate with humankind reminded us once again that Lebanon continues to suffer. In 1983, we helped Israel and Lebanon reach an agreement that, if implemented, could have led to the full withdrawal of Israeli forces in the context of the withdrawal of all foreign forces. This agreement was blocked, and the long agony of the Lebanese continues. Thousands of people are still kept from their homes by continues violence, and are refugees in their own country. The once flourishing economy of Lebanon is near collapse. All of Lebanon's friends should work together to help end this nightmare.

In the Gulf, the United States has supported a series of Security Council resolutions that call for an end to the war between Iran and Iraq that has meant so much death and destruction and put the world's economic well-being at risk. Our hope is that hostilities will soon end, leaving each side with its political and territorial integrity intact, so that both may devote their energies to addressing the needs of their people and a return to relationships with other states.

The lesson of experience is that negotiations work. The peace treaty between Israel and Egypt brought about the peaceful return of the Sinai, clearly showing that the negotiating process brings results when the parties commit themselves to it. The time is bound to come when the same wisdom and courage will be applied with success to reach peace between Israel and all of its Arab neighbors in a manner that assures security for all in the region, the recognition of Israel and a solution to the Palestinian problem.

In every part of the World, the United States is similarly engaged in peace diplomacy as an active player or a strong supporter.

In Southeast Asia, we have backed the efforts of ASEAN to mobilize international support for a peaceful resolution of the Cambodian problem, which must include the withdrawal of Vietnamese forces and the election of a representative government. ASEAN's success in promoting economic and political development has made a major contribution to the peace and stability of the region.

In Afghanistan, the dedicated efforts of the Secretary General and his representatives to find a diplomatic settlement have our strong support. I assure you that the United States will continue to do everything possible to find a negotiated outcome which provides the Afghan people with the right to determine their own destiny, allows the Afghan refugees to return to their own country in dignity and protects the legitimate security interests of all neighboring countries.

On the divided and tense Korean peninsula, we have strongly backed the confidence-building measures proposed by the Republic of Korea and by the UN Command at Panmunjon. These are an important first step toward peaceful reunification in the long term.

We take heart from progress by others in lessening the tensions, notably the efforts by the Federal Republic to reduce barriers between the two German states.

And the United States strongly supports the Secretary General's efforts to assist the Cypriot parties in achieving a peaceful and reunited Cyprus.

The United States has been and will always be a friend of peaceful solutions. This is no less true with respect to my country's relations with the Soviet Union.

When I appeared before you last year, I noted that we cannot count on the instinct for survival alone to protect us against war. Deterrence is necessary but not sufficient. America has repaired its strength; we have invigorated our alliances and friendships. We are ready for constructive negotiations with the Soviet Union.

We recognize that there is no sane alternative to negotiations on arms control and other issues between our two nations, which have the capacity to destroy civilization as we know it. I believe this is a view shared by virtually every country in the world and by the Soviet Union itself.

And I want to speak to you today on what the United States and the Soviet Union can accomplish together in the coming years, and the concrete steps that we need to take.

You know, as I stand here and look out from this podium, there in front of me, I can see the seat of the representative from the Soviet Union. And not far from that seat, just over to the side, is the seat of the representative from the United States. In this historic assembly hall, it's clear there's not a great distance between us. Outside this room, while there still will be clear differences, there's every reason why we should do all that is possible to shorten that distance. And that's why we're here. Isn't that what this organization is all about? (Applause.)

Last January 16th, I set out three objectives for U.S.-Soviet relations that can provide an agenda for our work over the months ahead. First, I said, we need to find ways to reduce, and eventually, to eliminate the threat and use of force in solving international disputes. Our concern over the potential for nuclear war cannot deflect us from the terrible human tragedies occurring every day in the regional conflicts I just discussed. Together, we have a particular responsibility to contribute to political solutions to these problems, rather than to exacerbate them through the provision of even more weapons.

I propose that our two countries agree to embark on periodic consultations at policy level about regional problems. We will be prepared, if the Soviets agree, to make senior exports available at regular intervals for indepth exchanges of views. I've asked Secretary Shultz to explore this with Foreign Minister Gromyko. Spheres of influence are a thing of the past. Differences between American and Soviet interests are not. The objectives of this political dialogue will be to help avoid miscalculation, reduce the potential risk of U.S.-Soviet confrontation, and help the people in areas of conflict to find peaceful solutions.

The United States and the Soviet Union have achieved agreements of historic impor-

tance on some regional issues. The Austrian State Treaty and the Berlin Accords are notable and lasting examples. Let us resolve to achieve similar agreements in the future.

Our second task must be to find ways to reduce the vast stockpiles of armaments in the world. I am committed to redoubling our negotiating efforts to achieve real results. In Geneva, a complete ban on chemical weapons; in Vienna, real reductions to lower and equal levels in Soviet and American, Warsaw Pact and NATO conventional forces; in Stockholm, concrete practical measures to enhance mutual confidence, to reduce the risk of war, and to reaffirm commitments concerning non-use of force. In the field of nuclear testing, improvements in verification essential to ensure compliance with the Threshold Test Ban and Peaceful Nuclear Explosions agreements; and in the field of non-proliferation, close cooperation to strengthen the international institutions and practices aimed at halting the spread of nuclear weapons, together with redoubled efforts to meet the legitimate expectations of all nations that the Soviet Union and the United States will substantially reduce their own nuclear arsenals.

We and the Soviets have agreed to upgrade our hotline communications facility, and our discussions of nuclear non-proliferation in recent years have been useful to both sides. We think there are other possibilities for improving communications in this area that deserve serious exploration.

I believe the proposal of the Soviet Union for opening U.S.-Soviet talks in Vienna provided an important opportunity to advance these objectives. We've been prepared to discuss a wide range of issues of concern to both sides, such as the relationship between defensive and offensive forces and what has been called the militarization of space. During the talks we would consider what measures of restraint both sides might take while negotiations proceed. However, any agreement must logically depend on our ability to get the competition in offensive arms under control and to achieve genuine stability at substantially lower levels of nuclear arms.

Our approach in all these areas will be designed to take into account concerns the Soviet Union has voiced. It will attempt to provide a basis for an historic breakthrough in arms control. I'm disappointed we were not able to open our meeting in Vienna earlier this month, on the date originally proposed by the Soviet Union. I hope we can begin these talks by the end of the year, or shortly thereafter.

The third task I set in January was to establish a better working relationship between the Soviet Union and the United States, one marked by greater cooperation and understanding. We've made some modest progress. We have reached agreements to improve our hotline, extend our 10-year economic agreement, enhance consular cooperation and explore coordination of search and rescue efforts at sea.

We've also offered to increase significantly the amount of U.S. grain for purchase by the Soviet, and to provide the Soviets a direct fishing allocation off U.S. coasts. But there's much more we could do together. I feel particularly strongly about breaking down the barriers between the peoples of the United States and the Soviet Union, and between our political, military and other leaders.

Now, all of these steps that I've mentioned, and especially the arms control negotiations, are extremely important to a step-by-step process toward peace. But let me also say that we need to extend the arms control process to build a bigger umbrella under which it can operate—a road map, if you will, showing where, during the next 20 years or so, these individual efforts can lead. This can greatly assist step-by-step negotiations and enable us to avoid having all our hopes or expectations—or expectations ride on any single set of series of negotiations. If progress is temporarily halted at one set of talks, this newly-established framework for arms control could help us take up the slack at other negotiations.

Today, to the great end of lifting the dread of nuclear war from the peoples of the Earth, I invite the leaders of the world to join in a new beginning. We need a fresh approach to reducing international tensions. History demonstrates that—beyond controversy that just as the arms competition has its root in political suspicions and anxieties, so it can be channeled in more stabilizing directions and eventually be eliminated, if those political suspicions and anxieties are addressed as well.

Toward this end, I will suggest to the Soviet Union that we institutionalize regular ministerial or cabinet-level meetings between our two countries on the whole agenda of issues before us, including the problem of needless obstacles to understanding. To take but one idea for discussion: In such talks, we could consider the exchange of outlines of five-year military plans for weapons development and our schedules of intended procurement. We would also welcome the exchange of observers at military exercises and locations. And I propose that we find a way for Soviet experts to come to the United States nuclear test site and for ours to go to theirs to measure directly the yields of tests of nuclear weapons. We should work toward having such arrangements in place by next spring. I hope that the Soviet Union will cooperate in this undertaking and reciprocate in a manner that will enable the two countries to establish the basis for verification for effective limits on underground nuclear testing.

I believe such talks could work rapidly toward developing a new climate of policy understanding, one that is essential if crises are to be avoided and real arms control is to be negotiated. Of course, summit meetings have a useful role to play. But they need to be carefully prepared, and the benefit here is that meetings at the ministerial level would provide the kind of progress that is the best preparation for higher-level talks between ourselves and the Soviet leaders.

How much progress we will make and at what pace, I cannot say. But we have a moral obligation to try and try again.

Some may dismiss such proposals and my own optimism as simplistic American idealism. And they will point to the burdens of the modern world and to history. Well, yes, if we sit down and catalog year by year, generation by generation, the famines, the plagues, the wars, the invasions mankind has endured, the list will grow so long, and the assault on humanity so terrific that it seems too much for the human spirit to bear.

But isn't this narrow and shortsighted, and not at all how we think of history? Yes, the deeds of infamy or injustice are all recorded, but what shines out from the pages of history is the daring of the dreamers and the deeds of the builders and the doers. These things make up the stories we tell and pass on to our children. They comprise the most enduring and striking fact about human history: that through the heartbreak and tragedy man has always dared to perceive the outline of human progress, the steady growth in not just the material well-being, but the spiritual insight of mankind.

"There have been tyrants and murderers, and for a time they can seem invincible. But in the end, they always fail.* Think on it . . . always. All through history, the way of truth and love has always won." That was the belief and the vision of Mahatma Gandhi, He described that, and it remains today a vision that is good and true.

"All is gift," is said to have been the favorite expression of another great spiritualist, a Spanish soldier who gave up the ways of war for that of love and peace. And if we're to make realities of the two great goals of the United Nations Charter—the dreams of peace and human dignity—we must take to heart these words of Ignatius Loyola; we must pause long enough to contemplate the gifts received from Him who made us: the gift of life, the gift of this world, the gift of each other.

And the gift of the present. It is this present, this time that now we must seize. I leave you with a reflection from Mahatma Gandhi, spoken with those in mind who said that the disputes and conflicts of the modern world are too great to overcome; it was spoken shortly after Gandhi's quest for independence had taken him to Britain.

"I am not conscious of a single experience throughout my three months' stay in England and Europe," he said, "that made me feel that after all East is East and West is West. On the contrary, I have been convinced more than ever that human nature is much the same, no matter under what clime it flourishes, and that if you approached people with trust and affection, you would have ten-fold trust and thousand-fold affection returned to you."

For the sake of a peaceful world, a world where human dignity and freedom is respected and enshrined, let us approach each other with ten-fold trust and thousand-fold affection. A new future awaits us. The time is here, the moment is now.

One of the founding fathers of our nation, Thomas Paine, spoke words that apply to all of us gathered here today—they apply directly to all sitting here in this room—he said, "We have it in our power to begin the world over again."

Thank you. God bless you. (Applause.)

*Fall.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 280

Mr. JONES of Oklahoma submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 280) revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987:

CONFERENCE REPORT (H. REPT. No. 98-1079)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 280) revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S.

Government for the fiscal years 1985, 1986, and 1987, having met, after full and free conference, have been unable to agree on a conference report because the conference decisions have changed certain budget figures outside the scope of the conference. As set forth in the accompanying Joint Explanatory Statement, the conferees do propose a congressional budget incorporated in a further amendemnt for the consideration of the two Houses.

JAMES R. JONES,
JIM WRIGHT,
STEPHEN J. SOLARZ,
LES ASPIN,
BILL HEFNER,
TOM DOWNEY,
MIKE LOWRY,
GEO. MILLER,
WILLIAM H. GRAY,
HOWARD WOLPE,
MARTIN FROST,
VIC FAZIO,
BILL FRENZEL,
Managers on the Part of the House.

PETE V. DOMENICI,
BILL ARMSTRONG,
NANCY LANDON KASSEBAUM,
RUDY BOSCHWITZ,
LAWTON CHILES,
ERNEST F. HOLLINGS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers of the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 280) revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987, report that the conferees have been unable to agree. This is a techical disagreement, necessitated by the fact that in some instances the conference decisions include figures which (for purely technical resons) would fall outside the range between the corresponding House and Senate provisions.

It is the intention of the conferees that the managers on the part of the Senate will offer a motion in the Senate to recede from the Senate amendment and concur in the House resolution with a further amendment (in the nature of a substitute) consisting of the language agreed to in the conference. Upon the adoption of such amendment in the Senate, the managers on the part of the House will offer a motion in the House to concur therein.

The managers on the part of the House and the Senate submit the following joint statement in explanation of the action agreed upon by the managers:

The substitute language which is to be offered as described above (and which should be considered the language of the concurrent resolution as recommended in the conference report for purposes of section 302(a) of the Congressional Budget Act of 1974)—hereinafter in this statement referred to as the "conference substitute"—is as follows:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1984 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1985 is hereby established, and the appropriate budgetary levels for fiscal years 1986 and 1987 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986:

(1) The recommended levels of Federal revenues are as follows:
Fiscal year 1984: $672,900,000,000.
Fiscal year 1985: $750,900,000,000.
Fiscal year 1986: $810,800,000,000.
Fiscal year 1987: $881,000,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:
Fiscal year 1984: $0.
Fiscal year 1985: $300,000,000.
Fiscal year 1986: $100,000,000.
Fiscal year 1987: $100,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:
Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $45,400,000,000.
Fiscal year 1986: $52,000,000,000.
Fiscal year 1987: $57,200,000,000.

and the amounts for Federal Insurance Contributions Act revenues for old-age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:
Fiscal year 1984: $166,200,000,000.
Fiscal year 1985: $188,700,000,000.
Fiscal year 1986: $204,500,000,000.
Fiscal year 1987: $221,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:
Fiscal year 1984: $918,900,000,000.
Fiscal year 1985: $1,021,350,000,000.
Fiscal year 1986: $1,103,800,000,000.
Fiscal year 1987: $1,200,250,000,000.

(3) The appropriate levels of total budget outlays are as follows:
Fiscal year 1984: $845,600,000,000.
Fiscal year 1985: $932,050,000,000.
Fiscal year 1986: $1,003,550,000,000.
Fiscal year 1987: $1,088,600,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:
Fiscal year 1984: $172,700,000,000.
Fiscal year 1985: $181,150,000,000.
Fiscal year 1986: $192,750,000,000.
Fiscal year 1987: $207,600,000,000.

(5) The appropriate levels of the public debt are as follows:
Fiscal year 1984: $1,575,700,000,000.
Fiscal year 1985: $1,823,800,000,000.
Fiscal year 1986: $2,090,000,000,000.
Fiscal year 1987: $2,377,600,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:
Fiscal year 1984: $2,700,000,000.
Fiscal year 1985: $248,100,000,000.
Fiscal year 1986: $266,200,000,000.
Fiscal year 1987: $287,600,000,000.

(6) The appropriate levels of total Federal Credit activity for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986, are as follows:
Fiscal year 1984:
(A) New direct loan obligations, $37,600,000,000.
(B) New primary loan guarantee commitments, $105,550,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New direct loan obligations, $38,100,000,000.
(B) New primary loan guarantee commitments, $112,100,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New direct loan obligations, $40,900,000,000.
(B) New primary loan guarantee commitments, $117,150,000,000.
(C) New secondary loan guarantee commitments, $69,950,000,000.
Fiscal year 1987:
(A) New direct loan obligations, $42,600,000,000.
(B) New primary loan guarantee commitments, $123,300,000,000.
(C) New secondary loan guarantee commitments, $71,700,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1984 through 1987 for each major functional category are:

(1) National Defense (050):
Fiscal year 1984:
(A) New budget authority, $264,150,000,000.
(B) Outlays, $230,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $292,900,000,000.
(B) Outlays, $262,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $324,700,000,000.
(B) Outlays, $288,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New Secondary loan guarantee commitments, $0.
Fiscal Year 1987:
(A) New budget authority, $359,800,000,000.
(B) Outlays, $321,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal Year 1984:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $12,300,000,000.
(c) New direct loan obligations, $9,100,000,000.
(D) New primary loan guarantee commitments, $8,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $9,500,000,000.
(D) New primary loan guarantee commitments, $9,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $18,750,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $11,800,000,000.

(D) New primary loan guarantee commitments, $10,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $19,500,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $12,800,000,000.
(D) New primary loan guarantee commitments, $10,400,000,000.
(E) New secondary loan guarantee commitments, $0.
(3) General Science, Space, and Technology (250):
Fiscal year 1984:
(A) New budget authority, $8,550,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $150,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,750,000,000.
(B) Outlays, $8,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $8,950,000,000.
(B) Outlays, $8,850,000,000.
(C) New direct loan obligations, $0.
(D) New pirmary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1984:
(A) New budget authority, $1,000,000,000.
(B) Outlays, $2,450,000,000.
(C) New direct loan obligations, $4,700,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $4,050,000,000.
(C) New direct loan obligations, $4,700,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $4,050,000,000.
(C) New direct loan obligations, $4,800,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $3,850,000,000.
(C) New direct loan obligations, $5,000,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1984:
(A) New budget authority, $12,250,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $11,850,000,000.
(B) Outlays, $12,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $12,050,000,000.
(C) New direct loan obligations. $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $12,350,000,000.
(B) Outlays, $11,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Agriculture (350):
Fiscal year 1984:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $11,800,000,000.
(C) New direct loan obligations, $11,450,000,000.
(D) New primary loan guarantee commitments, $5,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985.
(A) New budget authority, $17,100,000,000.
(B) Outlays, $16,400,000,000.
(C) New direct loan obligations, $13,500,000,000.
(D) New primary loan guarantee commitments, $4,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $14,750,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $14,000,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $14,100,000,000.
(B) Outlays, $15,850,000,000.
(C) New direct loan obligations, $14,500,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1984:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $4,400,000,000.
(C) New direct loan obligations, $6,150,000,000.
(D) New primary loan guarantee commitments, $50,000,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $6,350,000,000.
(D) New primary loan guarantee commitments, $52,250,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $2,200,000,000.
(C) New direct loan obligations, $6,450,000,000.
(D) New primary loan guarantee commitments, $54,700,000,000.
(E) New secondary loan guarantee commitments, $69,950,000,000.
Fiscal year 1987:
(A) New budget authority, $7,700,000,000.
(B) Outlays, $3,400,000,000.
(C) New direct loan obligations, $6,650,000,000.
(D) New primary loan guarantee commitments, $56,900,000,000.
(E) New secondary loan guarantee commitments, $71,700,000,000.
(8) Transportation (400):
Fiscal year 1984:
(A) New budget authority, $29,550,000,000.
(B) Outlays, $24,900,000,000.
(C) New direct loan obligations, $1,150,000,000.
(D) New primary loan guarantee commitments, $450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $30,050,000,000.
(B) Outlays, $27,100,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $30,100,000,000.
(B) Outlays, $28,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $31,150,000,000.
(B) Outlays, $30,050,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1984:
(A) New budget authority, $7,250,000,000.
(B) Outlays, $7,250,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $7,500,000,000.
(B) Outlays, $8,050,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee committments, $0.
Fiscal year 1987;
(A) New budget authority, $7,800,000,000.
(B) Outlays, $8,150,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1984;
(A) New budget authority, $31,600,000,000.
(B) Outlays, $28,000,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985;
(A) New budget authority, $30,800,000,000.
(B) Outlays, $29,900,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986;
(A) New budget authority, $30,700,000,000.
(B) Outlays, $30,600,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987;
(A) New budget authority, $32,100,000,000.
(B) Outlays, $31,100,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1984;
(A) New budget authority, $31,700,000,000.
(B) Outlays, $30,750,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985;
(A) New budget authority, $33,150,000,000.
(B) Outlays, $34,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986;
(A) New budget authority, $36,350,000,000.
(B) Outlays, $36,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $39,300,000,000.
(B) Outlays, $38,800,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1984:
(A) New budget authority, $62,800,000,000.
(B) Outlays, $58,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $70,300,000,000.
(B) Outlays, $65,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $81,900,000,000.
(B) Outlays, $72,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $96,600,000,000.
(B) Outlays, $81,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1984:
(A) New budget authority, $121,800,000,000.
(B) Outlays, $95,900,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $143,600,000,000.
(B) Outlays, $111,700,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $154,300,000,000.
(B) Outlays, $119,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $161,300,000,000.
(B) Outlays, $124,450,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1984:
(A) New budget authority, $175,650,000,000.
(B) Outlays, $178,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $199,450,000,000.
(B) Outlays, $188,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $213,750,000,000.
(B) Outlays, $200,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $227,050,000,000.
(B) Outlays, $215,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1984:
(A) New budget authority, $26,350,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $1,350,000,000.
(D) New primary loan guarantee commitments, $18,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,850,000,000.
(B) Outlays, $26,350,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $22,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,150,000,000.
(B) Outlays, $26,750,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $25,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $27,600,000,000.
(B) Outlays, $26,950,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $28,700,000,000.
(E) New secondaryloan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,900,000,000.

(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,150,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $6,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,350,000,000.
(B) Outlays, $6,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1984:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $5,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1984:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $6,450,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $6,450,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,750,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1984:
(A) New budget authority, $111,100,000,000.
(B) Outlays, $111,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $133,800,000,000.
(B) Outlays, $133,800,000,000.
(C) New direct loan obligations. $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $149,750,000,000.
(B) Outlays, $149,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $167,950,000,000.
(B) Outlays, $167,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1984:
(A) New budget authority, $500,000,000.
(B) Outlays, $550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$750,000,000.
(B) Outlays, −$700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $1,850,000,000.
(B) Outlays, $2,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $3,150,000,000.
(B) Outlays, $3,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1984:
(A) New budget authority, −$15,950,000,000.
(B) Outlays, −$15,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$33,150,000,000.
(B) Outlays, −$33,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$37,450,000,000.
(B) Outlays, −$37,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, −$39,200,000,000.
(B) Outlays, −$39,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

GENERAL PROVISIONS

SEC. 2. (a) For fiscal year 1985, 1986, and 1987, any revenues raised by legislation enacted on or after March 15, 1984, shall only be used to reduce the Federal budget deficits for such fiscal years except to the extent that such legislation earmarks all or any part of such revenues for specific spending programs.

(b) For fiscal years 1985, 1986, and 1987, increased funding would be appropriate if authorizations are enacted for education programs, environmental protection, health research activities, and such specific low-income programs as employment initiatives for disadvantaged youth, public works jobs for community renewal, increased funding for Aid to Families with Dependent Children and the state component of the Supplemental Security Income program in order to ensure that the purchasing power of recipients is maintained, increased funding for Title XX of the Social Security Act, and an increase in the earned income tax credit, pursuant to subsection (a) above, if sufficient outlay reductions or new revenues are also enacted to ensure that the legislation is deficit neutral.

ADMINISTRATIVE SAVINGS

SEC. 3. It is the sense of the Congress that the executive branch shall achieve as much

of the $153.2 billion in savings as is feasible, but in no case less than $2 billion over fiscal year 1985 through 1987 which have been recommended by the President's Private Sector Survey on Cost Control and which can be achieved through administrative action within that branch of Government. It is further the sense of the Congress that the President should report to Congress each year, in conjunction with the annual budget submission, on the progress made in achieving the savings required by this section, and that the budget submission for fiscal year 1986 should contain information regarding such administrative savings as have already been achieved.

AUTOMATIC SECOND BUDGET RESOLUTION

SEC. 4. (a) Effective October 1, 1984, this concurrent resolution shall be deemed to be the concurrent resolution on the budget for fiscal year 1985 required to be reported under section 310(a) of the Congressional Budget Act of 1974, for the purposes of the prohibitions contained in section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such confernce report;

would not cause the appropriate allocation for such committee of new discretionary budget authority or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1985 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1985 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

SECTION 302(B) FILLING REQUIREMENT

SEC. 5. (a) It shall not be in order in the House of Representatives to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1985;

(2) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in fiscal year 1985; or

(3) direct loan authority, primary loan guarantee authority, or secondary loan guarantee authority for fiscal year 1985;

within the jurisdiction of any committee which has received an allocation pursuant to section 302(a) of the Congressional Budget Act of discretionary budget authority or new spending authority, as described above, for such fiscal year, unless and until such committee makes the allocation or subdivisions required by section 302A(b) of the Congressional Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

(b) The prohibition contained in subsection (a) shall not apply until twenty-one days of continuous session, as defined in section 1011(5) of the Impoundment Control Act of 1974, after Congress completes action on this concurrent resolution.

EXPLANATION OF CONFERENCE SUBSTITUTE

The following tables show the functional allocations and budget aggregates included in the conference substitute. The numbers in the fiscal year 1984 column reflect revisions of the second budget resolution for fiscal year 1984. The fiscal year 1985 columns show the budget aggregates and functional allocations for the first budget resolution for fiscal year 1985. The columns for fiscal year 1986 and fiscal year 1987 show budget aggregates and functional allocations which the conferees consider appropriate for those years.

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1985

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986		Fiscal year 1987	
	Balance	Outlays	Balance	Outlays	Balance	Outlays	Balance	Outlays
FUNCTION								
050 National defense	264.15	230.40	292.90	262.90	324.70	288.70	359.80	321.30
150 International affairs	22.00	12.30	20.80	16.50	18.75	16.00	19.50	16.00
250 General science, space, & technology	8.55	8.30	8.75	8.60	8.80	8.70	8.95	8.85
270 Energy	1.10	2.45	4.20	4.05	4.00	4.05	4.00	3.85
300 Natural resources & environment	12.25	12.30	11.85	12.00	12.10	12.05	12.35	11.95
350 Agriculture	5.10	11.80	17.10	16.40	14.75	16.50	14.10	15.85
370 Commerce & housing credit	5.50	4.40	6.45	2.00	6.30	2.20	7.70	3.40
400 Transportation	29.55	24.90	30.05	27.10	30.10	28.55	31.15	30.05
450 Community & regional development	7.25	7.25	6.90	8.20	7.50	8.05	7.80	8.15
500 Education, training, employment, & Social services	31.60	28.00	30.80	29.90	30.70	30.60	32.10	31.10
550 Health	31.70	30.75	33.15	34.15	36.35	36.15	39.30	38.80
570 Medical insurance	62.80	58.60	70.30	65.35	81.90	72.65	96.60	81.60
600 Income security	121.80	95.90	143.60	111.70	154.30	119.15	161.30	124.45
650 Social security	175.65	178.90	199.45	188.75	213.75	200.85	227.05	215.30
700 Veterans benefits & services	26.35	25.90	26.85	26.35	27.15	26.75	27.60	26.95
750 Administration of Justice	6.00	5.90	6.15	6.10	6.25	6.15	6.35	6.35
800 General government	5.10	5.05	5.70	5.60	5.80	5.65	5.90	5.80
850 General purpose fiscal assistance	6.80	6.80	6.45	6.45	6.45	6.45	6.80	6.75
900 Net interest	111.10	111.10	133.80	133.80	149.75	149.75	167.95	167.95
920 Allowances	0.50	0.55	−0.75	−0.70	1.85	2.05	3.15	3.35
950 Undistributed offsetting receipts	−15.95	−15.95	−33.15	−33.15	−37.45	−37.45	−39.20	−39.20
Total spending	918.90	845.60	1,021.35	932.05	1,103.55	1,003.55	1,200.25	1,088.60
Revenues		672.90		750.90		810.80		881.00
Deficit		172.70		181.15		192.75		207.60
Debt subject to limit		1,575.70		1,823.80		2,090.00		2,377.60
Changes in revenues		0.00		−0.30		−0.10		−0.10
Changes in public debt limit		2.70		248.10		266.20		287.60

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES

[In billions of dollars]

	House passed	Senate passed	Conference agreement
Budget authority	915.50	914.30	918.90
Outlays	853.90	855.60	845.60
Revenues	664.90	665.10	672.90
Deficit	189.00	190.50	172.70
Debt subject to limit	1,595.80	1,596.80	1,575.70
Change in revenues	1.90	2.10	0.00
Change in public debt limit	105.80	106.80	2.70
FUNCTION			
050 National defense:			
Budget authority	264.50	265.30	264.45
Outlays	234.60	237.50	230.40
150 International affairs:			
Budget authority	22.20	21.00	22.00
Outlays	12.35	12.00	12.30

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES—Continued

[In billions of dollars]

	House passed	Senate passed	Conference agreement
250 General science, space and technology:			
Budget authority	8.55	8.50	8.55
Outlays	8.30	8.30	8.30
270 Energy:			
Budget authority	3.00	3.00	1.10
Outlays	3.00	3.00	2.45
300 Natural resources and environment:			
Budget authority	12.00	11.60	12.25
Outlays	12.40	12.30	12.30
350 Agriculture:			
Budget authority	4.25	4.50	5.10
Outlays	10.80	10.40	11.80
370 Commerce and housing credit:			
Budget authority	5.60	5.60	5.50
Outlays	4.05	4.00	4.40

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES—Continued

[In billions of dollars]

	House passed	Senate passed	Conference agreement
400 Transportation:			
Budget authority	29.40	20.30	29.55
Outlays	25.90	25.70	24.90
450 Community and regional development:			
Budget authority	7.25	7.20	7.25
Outlays	7.25	7.70	7.25
500 Education, training, employment and social services:			
Budget authority	31.35	31.30	31.60
Outlays	28.15	28.10	28.00
550 Health:			
Budget authority	31.60	31.70	31.70
Outlays	30.80	30.90	30.75
570 Medical insurance: [1]			
Budget authority	237.90	62.50	62.80
Outlays	239.50	60.00	58.60

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES—Continued

[In billions of dollars]

	House passed	Senate passed	Conference agreement
600 Income Security:			
Budget authority	118.45	118.50	121.80
Outlays	97.05	97.10	95.90
650 Social Security: [1]			
Budget authority		175.00	175.65
Outlays		179.40	178.90
700 Veterans benefits and services:			
Budget authority	26.15	26.10	26.35
Outlays	25.80	25.80	25.90
750 Administration of justice:			
Budget authority	5.95	5.90	6.00
Outlays	5.95	5.90	5.90
800 General government:			
Budget authority	5.45	5.30	5.10
Outlays	5.50	5.50	5.05
850 General purpose fiscal assistance:			
Budget authority	6.80	6.80	6.80
Outlays	6.80	6.80	6.80
900 Net interest:			
Budget authority	109.65	109.70	111.10
Outlays	109.65	109.70	111.10
920 Allowances:			
Budget authority	.65	.70	.50
Outlays	.75	.70	.55
950 Undistributed offsetting receipts:			
Budget authority	−15.20	−15.20	−15.95
Outlays	−15.20	−15.20	−15.95
Budget authority	1,002.10	1,012.70	1,021.35
Outlays	918.15	925.50	932.05
Revenues	742.70	743.80	750.90
Deficit	175.45	181.70	181.15
Debt subject to limit	1,834.20	1,844.80	1,823.80
Change in revenues	9.70	10.80	−.30
Change in public debt limit	238.40	248.00	248.10
FUNCTION			
050 National Defense:			
Budget authority	285.70	299.00	292.90
Outlays	255.90	266.00	262.90
150 International affairs:			
Budget authority	17.95	15.20	20.80
Outlays	13.45	13.00	16.50
250 General science, space and technology:			
Budget authority	8.75	8.50	8.75
Outlays	8.55	8.40	8.60
270 Energy:			
Budget authority	4.35	4.10	4.20
Outlays	3.95	3.80	4.05
300 Natural resources and environment:			
Budget authority	11.80	12.10	11.85
Outlays	11.90	12.00	12.00
350 Agriculture:			
Budget authority	14.55	15.60	17.10
Outlays	14.80	15.80	16.40
370 Commerce and housing credit:			
Budget authority	6.50	6.40	6.45
Outlays	2.60	1.60	2.00
400 Transportation:			
Budget authority	29.10	28.80	30.05
Outlays	27.05	26.90	27.10
450 Community and regional development:			
Budget authority	7.00	6.90	6.90
Outlays	8.25	8.20	8.20
500 Education, training, employment and social services:			
Budget authority	29.95	30.30	30.80
Outlays	29.95	29.30	29.90
550 Health:			
Budget authority	33.25	33.10	33.15
Outlays	34.25	33.80	34.15
570 Medical insurance: [1]			
Budget authority	270.40	71.50	70.30
Outlays	258.05	67.10	65.35
600 Income security:			
Budget authority	146.15	144.50	143.60
Outlays	114.95	113.20	111.70
650 Social Security: [1]			
Budget authority		199.80	199.45
Outlays		190.30	188.75
700 Veterans benefits and services:			
Budget authority	26.85	27.00	26.85
Outlays	25.95	26.40	26.35
750 Administration of justice:			
Budget authority	6.15	6.10	6.15
Outlays	6.10	6.00	6.10
800 General government:			
Budget authority	5.65	5.50	5.70
Outlays	5.55	5.40	5.60
850 General purpose fiscal assistance:			
Budget authority	6.65	6.50	6.45
Outlays	6.65	6.50	6.45
900 Net interest:			
Budget authority	124.50	124.90	133.80
Outlays	124.50	124.90	133.80
920 Allowances:			
Budget authority	.70	.80	−.75
Outlays	.30	.80	−.70
950 Undistributed offsetting receipts:			
Budget authority	−33.85	−33.90	−33.15
Outlays	−33.85	−33.90	−33.15

[1] House resolution included Social Security and medicare in function 570. The Senate resolution included medicare in function 570 and Social Security in function 650.

FISCAL YEAR 1986 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES

[In billions of dollars]

	House passed	Senate passed	Conference agreement
Budget authority	1,087.95	1,106.30	1,103.80
Outlays	984.85	998.00	1,003.55
Revenues	812.55	810.80	810.80
Deficit	172.30	187.20	192.75
Debt subject to limit	2,081.25	2,108.40	2,090.00
Change in revenues	17.65	15.90	−0.10
Change in public debt limit	247.05	263.60	266.20
FUNCTION			
050 National defense:			
Budget authority	310.00	333.70	324.70
Outlays	275.80	294.60	288.70
150 International affairs:			
Budget authority	16.85	16.30	18.75
Outlays	13.45	12.20	16.00
250 General science, space and technology:			
Budget authority	8.80	8.60	8.80
Outlays	8.70	8.50	8.70
270 Energy:			
Budget authority	4.25	4.00	4.00
Outlays	4.20	3.90	4.05
300 Natural resources and environment:			
Budget authority	12.05	12.00	12.10
Outlays	11.95	11.90	12.05
350 Agriculture:			
Budget authority	14.90	14.50	14.75
Outlays	14.75	14.40	16.50
370 Commerce and housing credit:			
Budget authority	6.55	6.30	6.30
Outlays	2.45	2.20	2.20
400 Transportation:			
Budget authority	30.20	30.00	30.10
Outlays	28.60	28.40	28.55
450 Community and regional development:			
Budget authority	7.55	7.50	7.50
Outlays	8.05	8.00	8.05
500 Education, training, employment and social services:			
Budget authority	31.10	30.30	30.70
Outlays	30.20	30.20	30.60
550 Health:			
Budget authority	36.70	36.00	36.35
Outlays	36.40	36.00	36.15
570 Medical insurance: [1]			
Budget authority	298.70	84.10	81.90
Outlays	278.30	74.10	72.65
600 Income security:			
Budget authority	156.15	155.10	154.30
Outlays	119.35	119.10	119.15
650 Social Security: [1]			
Budget authority		215.80	213.75
Outlays		202.70	200.85
700 Veterans benefits and services:			
Budget authority	27.20	27.20	27.15
Outlays	26.55	26.90	26.75
750 Administration of justice:			
Budget authority	6.25	6.20	2.25
Outlays	6.15	6.20	6.15
800 General government:			
Budget authority	5.85	5.80	5.80
Outlays	5.70	5.60	5.65
850 General purpose fiscal assistance:			
Budget authority	6.75	6.50	6.45
Outlays	6.75	6.50	6.45
900 Net interest:			
Budget authority	140.05	141.60	149.75
Outlays	140.05	141.60	149.75
920 Allowances:			
Budget authority	4.40	1.90	1.85
Outlays	3.80	2.10	2.05
950 Undistributed offsetting receipts:			
Budget authority	−36.35	−37.10	−37.45
Outlays	−36.35	−37.10	−37.45

[1] House resolution included Social Security and medicare in function 570. The Senate resolution included medicare in function 570 and Social Security in function 650.

FISCAL YEAR 1987 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES

[In billions of dollars]

	House passed	Senate passed	Conference agreement
Budget authority	1,179.25	1,209.80	1,200.25
Outlays	1,067.95	1,086.30	1,088.60
Revenues	885.95	882.30	881.00
Deficit	182.00	204.00	207.60
Debt subject to limit	2,347.25	2,398.50	2,377.60
Change in revenues	22.45	18.80	−0.10
Change in public debt limit	266.00	290.10	287.60
FUNCTION			
050 National defense:			
Budget authority	336.10	372.00	359.80
Outlays	303.90	330.40	321.30
150 International affairs:			
Budget authority	17.50	17.10	19.50
Outlays	13.60	12.50	16.00
250 General science, space and technology:			
Budget authority	8.95	8.90	8.95
Outlays	8.85	8.70	8.85
270 Energy:			
Budget authority	4.10	4.00	4.00
Outlays	4.00	3.80	3.85
300 Natural resources and environment:			
Budget authority	12.30	12.30	12.35
Outlays	11.90	11.90	11.95
350 Agriculture:			
Budget authority	15.30	13.40	14.10
Outlays	15.20	13.20	15.85
370 Commerce and housing credit:			
Budget authority	8.05	7.70	7.70
Outlays	3.75	3.40	3.40
400 Transportation:			
Budget authority	31.20	31.10	31.15
Outlays	29.65	29.50	30.05
450 Community and regional development:			
Budget authority	7.80	7.80	7.80
Outlays	8.15	8.10	8.15
500 Education, training, employment and social services:			
Budget authority	32.35	31.60	32.10
Outlays	31.35	30.60	31.10
550 Health			
Budget authority	39.55	38.80	39.30
Outlays	39.05	38.30	38.80
570 Medical insurance:			
Budget authority	327.05	99.70	96.60
Outlays	302.35	83.00	81.60
600 Income security:			
Budget authority	165.70	164.60	161.30
Outlays	124.25	124.50	124.45
650 Social Security: [1]			
Budget authority	. . .	229.10	227.05
Outlays	. . .	217.10	215.30
700 Veterans benefits and services:			
Budget authority	27.45	27.80	27.60
Outlays	27.15	27.40	26.95
750 Administration of justice:			
Budget authority	6.35	6.30	6.35
Outlays	6.35	6.30	6.35
800 General government:			
Budget authority	5.95	5.90	5.90
Outlays	5.85	5.70	5.80
850 General purpose fiscal assistance:			
Budget authority	7.10	6.80	6.80
Outlays	7.05	6.80	6.75
900 Net interest:			
Budget authority	157.20	160.70	167.95
Outlays	157.20	160.70	167.95
920 Allowances:			
Budget authority	6.85	3.10	3.15
Outlays	5.95	3.30	3.35
950 Undistributed offsetting receipts:			
Budget authority	−37.60	−38.90	−39.20
Outlays	−37.60	−38.90	−39.20

[1] House resolution included Social Security and medicare in function 570. The Senate resolution included medicare in function 570 and Social security in function 650.

FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

The conference agreement on function 300, natural resources and environment, could accommodate the funding level for the EPA Superfund Program in P.L. 98-371, the fiscal year 1985 HUD-independent agencies appropriation bill. The budget conferees agree that the amounts provided for function 300 do not prejudice the enactment of any reauthorization of the EPA Superfund Program. Should additional funding be required for this program, Congress could

accommodate it in future budget resolutions.

FUNCTION 920:

ALLOWANCES

The totals for this function include savings based on the assumption that the administration will accept and implement some of the recommendations of the President's Private Sector Survey on Cost Control (PPSSCC).

The totals include funding for such Federal civilian employee pay raises as might eventually be granted. The managers made no assumption concerning the rate or effective date of such pay raises.

REVENUES

The House resolution provided a revenue floor of $664.90 billion in FY 1984, $742.70 billion in FY 1985, $812.55 billion in FY 1986, and $885.95 billion in FY 1987. It provided that revenues be increased by $1.9 billion in FY 1984, $9.70 billion in FY 1985, $17.65 billion in FY 1986, and $22.45 billion in FY 1987.

The Senate resolution set a revenue floor of $665.10 billion in FY 1984, $743.80 billion in FY 1985, $810.80 billion in FY 1986, and $882.30 billion in FY 1987. It provided that revenues be increased by $2.10 billion in FY 1984, $10.80 billion in FY 1985, $15.90 billion in FY 1986, and $18.80 billion in FY 1987.

The conference substitute sets a revenue floor of $672.90 billion in FY 1984, $750.90 billion in FY 1985, $810.80 billion in FY 1986, and $881.00 billion in FY 1987.

The conference substitute reflects the Deficit Reduction Act of 1984 and other revenue legislation that has been enacted since passage of the House and Senate budget resolutions, a number of technical and economic re-estimates reflecting the latest information from the Congressional Budget Office, and a small allowance for miscellaneous revenue legislation that has not yet been enacted for FY 1985, as follows:

[In billions of dollars]

	Fiscal years—			
	1984	1985	1986	1987
Current law revenues at time of passage of House and Senate budget resolutions	663.0	733.0	794.9	863.5
Technical and economic adjustments	+8.9	+7.4	−0.8	−5.2
Enacted legislation (primarily Deficit Reduction Act)	+1.0	+10.8	+16.8	+22.8
Subtotal, enacted to date	672.9	751.2	810.9	881.1
Allowance for miscellaneous revenue legislation not yet enacted		−0.3	−0.1	−0.1
Conference substitute	672.9	750.9	810.8	881.0

ECONOMIC ASSUMPTIONS

The conferees accepted the economic assumptions shown in the table below as the basis for the revenue, spending and credit estimates in the conference substitute. These economic assumptions are the same as those used by the Congressional Budget Office in its updated economic forecast published in August 1984. Both the House and Senate—passed budget resolutions were based on economic assumptions prepared by the Congressional Budget Office in January 1984. Recent economic developments and economic data reported since the beginning of the year make these revisions desirable.

[In billions of dollars]

	Calendar years—			
	1984	1985	1986	1987
Gross national product:				
Current dollars	$3,683.2	$4,004.0	$4,329.4	$4,686.6
Percent change	11.5	8.7	8.1	8.3
Constant (1972) dollars	$1,646.8	$1,706.4	$1,759.3	$1,816.5
Percent change	7.3	3.6	3.1	3.3
GNP deflator (percent change, year over year)	3.9	4.9	4.9	4.8
CPI–U (percent change, year over year)	4.4	5.0	4.9	4.8
CPI–W (percent change, year over year)	3.4	5.0	4.9	4.8
Unemployment rate—Civilian (percent)	7.3	6.7	6.6	6.4
Three-month Treasury bill rate (percent)	10.0	9.7	8.9	8.9
Taxable incomes:				
Wages and salaries	$1,813.5	$1,966.9	$2,119.7	$2,289.9
Nonwage personal income	$725.2	$799.2	$868.2	$940.7
Corporate profits from current production	$289.6	$315.7	$348.5	$380.4
Memo: Gross national product, current dollars, fiscal year	$3,589.3	$3,925.9	$4,244.1	$4,595.5

CREDIT BUDGET

The House passed and Senate passed resolutions contained nonbinding credit budget targets, both aggregates and functional amounts. The tables below display the credit budget totals and functional amounts contained in the House resolution, the Senate resolution, and the conference substitute for each of the four fiscal years, 1984–1987, covered by the resolution. The credit budget is an accounting of new direct loan obligations, new primary loan guarantee commitments, and secondary loan guarantee commitments.

The credit budget contained in the conference substitute reflects the decisions of the conferees on budget authority and outlay amounts in the various functions. The credit budget amounts in the conference substitute also include adjustments to reflect enacted legislation affecting credit program activity, e.g., the Deficit Reduction Act of 1984 and the Agricultural Programs Adjustment Act of 1984; and to reflect Congressional Budget Office technical and economic reestimates contained in its August, 1984 budget update.

FISCAL YEAR 1984—REVISED CREDIT BUDGET TARGETS

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
Total new direct loan obligations	37.60	37.60	37.60
Total new primary loan guarantee commitments	105.15	105.20	105.55
Total new secondary loan guarantee commitments	68.25	68.30	68.25
FUNCTION			
150 International affairs:			
New direct loan obligations	9.10	9.10	9.10
New primary loan guarantee commitments	8.65	8.70	8.65
250 General science, space and technology:			
New direct loan obligations	.15	.10	.15
New primary loan guarantee commitments			
270 Energy:			
New direct loan obligations	4.70	4.70	4.70
New primary loan guarantee commitments	.05		.05
300 Natural resources and environment:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments			
350 Agriculture:			
New direct loan obligations	11.20	11.20	11.45
New primary loan guarantee commitments	4.70	4.70	5.10
370 Commerce and housing credit:			
New direct loan obligations	6.15	6.20	6.15
New primary loan guarantee commitments	50.00	50.00	50.00

FISCAL YEAR 1984—REVISED CREDIT BUDGET TARGETS—Continued

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
New secondary loan guarantee commitments	68.25	68.30	68.25
400 Transportation:			
New direct loan obligations	1.15	1.10	1.15
New primary loan guarantee commitments	.45	.50	.45
450 Community and regional development:			
New direct loan obligations	1.65	1.60	1.40
New primary loan guarantee commitments	.35	.30	.35
500 Education, training, employment, and social services:			
New direct loan obligations	.80	.80	.80
New primary loan guarantee commitments	7.40	7.40	7.40
550 Health:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	.20	.20	.20
600 Income security:			
New direct loan obligations	1.00	1.00	1.00
New primary loan guarantee commitments	14.70	14.70	14.70
700 Veterans:			
New direct loan obligations	1.35	1.30	1.35
New primary loan guarantee commitments	18.65	18.70	18.65
850 General purpose fiscal assistance:			
New direct loan obligations	.25	.30	.25
New primary loan guarantee commitments			

FISCAL YEAR 1985—CREDIT BUDGET TARGETS

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
Total new direct loan obligations	37.50	36.70	38.10
Total new primary loan guarantee commitments	111.15	110.80	112.10
Total new secondary loan guarantee commitments	68.25	68.30	68.25
FUNCTION			
150 International affairs:			
New direct loan obligations	10.55	10.30	9.50
New primary loan guarantee commitments	9.25	9.30	9.30
250 General science, space and technology:			
New direct loan obligations			
New primary loan guarantee commitments			
270 Energy:			
New direct loan obligations	4.80	4.70	4.70
New primary loan guarantee commitments	.05	.10	.10
300 Natural resources and environment:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments			
350 Agriculture:			
New direct loan obligations	11.45	11.40	13.50
New primary loan guarantee commitments	3.10	3.20	4.20
370 Commerce and housing credit:			
New direct loan obligations	6.50	6.20	6.35
New primary loan guarantee commitments	52.50	52.00	52.25
New secondary loan guarantee commitments	68.25	68.30	68.25
400 Transportation:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments	.45	.50	.45
450 Community and regional development:			
New direct loan obligations	1.70	1.70	1.50
New primary loan guarantee commitments	.35	.30	.30
500 Education, training, employment, and social services:			
New direct loan obligations	.85	.80	.80
New primary loan guarantee commitments	7.75	7.80	7.80
550 Health:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	.15	.20	.20
600 Income security:			
New direct loan obligations	.05		.05

FISCAL YEAR 1985—CREDIT BUDGET TARGETS—Continued

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
New primary loan guarantee commitments	14.70	14.70	14.70
700 Veterans:			
New direct loan obligations	1.20	1.20	1.30
New primary loan guarantee commitments	22.85	22.90	22.80
850 General purpose fiscal assistance:			
New direct loan obligations	.25	.30	.25
New primary loan guarantee commitments			

FISCAL YEAR 1986—CREDIT BUDGET TARGETS

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
Total new direct loan obligations	39.95	40.80	40.90
Total new primary loan guarantee commitments	117.40	116.70	117.15
Total new secondary loan guarantee commitments	68.25	71.60	69.95
FUNCTION			
150 International affairs:			
New direct loan obligations	11.60	12.00	11.80
New primary loan guarantee commitments	10.25	9.70	10.00
250 General science, space and technology:			
New direct loan obligations			
New primary loan guarantee commitments			
270 Energy:			
New direct loan obligations	4.85	4.80	4.80
New primary loan guarantee commitments	.05		.05
300 Natural resources and environment:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments			
350 Agriculture:			
New direct loan obligations	12.95	13.70	14.00
New primary loan guarantee commitments	3.10	3.20	3.20
370 Commerce and housing credit:			
New direct loan obligations	6.55	6.40	6.45
New primary loan guarantee commitments	54.80	54.60	54.70
New secondary loan guarantee commitments	68.25	71.60	69.95
400 Transportation:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments	.50	.50	.50
450 Community and regional development:			
New direct loan obligations	1.70	1.70	1.40
New primary loan guarantee commitments	.35	.40	.40
500 Education, training, employment, and social services:			
New direct loan obligations	.85	.90	.90
New primary loan guarantee commitments	8.00	8.00	8.00
550 Health:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	.15	.20	.20
600 Income security:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	14.70	14.70	14.70
700 Veterans:			
New direct loan obligations	1.00	1.00	1.10
New primary loan guarantee commitments	25.50	25.50	25.40
850 General purpose fiscal assistance:			
New direct loan obligations	.25	.30	.25
New primary loan guarantee commitments			

FISCAL YEAR 1987—CREDIT BUDGET TARGETS

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
Total new direct loan obligations	40.45	41.80	42.60
Total new primary loan guarantee commitments	123.15	123.30	123.30

FISCAL YEAR 1987—CREDIT BUDGET TARGETS—Continued

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
Total new secondary loan guarantee commitments	68.25	75.10	71.70
FUNCTION			
150 International affairs:			
New direct loan obligations	12.85	12.70	12.80
New primary loan guarantee commitments	10.60	10.20	10.40
250 General science, space and technology:			
New direct loan obligations			
New primary loan guarantee commitments			
270 Energy:			
New direct loan obligations	5.00	5.00	5.00
New primary loan guarantee commitments	.05	.10	.10
300 Natural resources and environment:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments			
350 Agriculture:			
New direct loan obligations	11.85	13.50	14.50
New primary loan guarantee commitments	3.15	3.20	3.20
370 Commerce and housing credit:			
New direct loan obligations	6.75	6.50	6.65
New primary loan guarantee commitments	56.65	57.20	56.90
New secondary loan guarantee commitments	68.25	75.10	71.70
400 Transportation:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments	.50	.50	.50
450 Community and regional development:			
New direct loan obligations	1.75	1.70	1.40
New primary loan guarantee commitments	.40	.40	.40
500 Education, training, employment, and social services:			
New direct loan obligations	.85	.90	.90
New primary loan guarantee commitments	8.15	8.20	8.20
550 Health:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	.15	.20	.20
600 Income security:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	14.70	14.70	14.70
700 Veterans:			
New direct loan obligations	.95	.90	.90
New primary loan guarantee commitments	28.80	28.80	28.70
850 General purpose fiscal assistance:			
New direct loan obligations	.25	.30	.25
New primary loan guarantee commitments			

General Provisions

Reconciliation instructions

The House resolution included reconciliation instructions to eight House committees to report legislation to achieve savings in fiscal years 1985–87. The House resolution also included directions to the House Committee on Ways and Means to report legislation to increase revenues in fiscal years 1985–87. The Senate amendment did not contain reconciliation instructions.

The House conferees receded to the Senate.

House committees substantially complied with the instructions included in the House resolution in acting on H.R. 4170, the Tax Reform Act of 1984, and H.R. 5394, the Omnibus Budget Reconciliation Act of 1984. Congressional action on H.R. 4170 which, in conference, encompassed consideration of the spending reductions of H.R. 5394, has satisfied the reconciliation instructions in the House resolution.

Nondefense program funding

The House resolution contained a provision whereby any revenues raised by legislation enacted after March 15, 1984 shall be used to reduce the Federal budget deficits, unless that legislation earmarks all or any part of such revenues for specific spending programs. The House resolution further stated that funding for certain specified low-income programs would be appropriate if the authorizations for such programs are enacted and if sufficient revenues or outlay reductions are also enacted to ensure that the legislation is deficit neutral. The Senate amendment contained sense of the Congress language that appropriations for fiscal year 1985 should be increased for several nondefense discretionary programs, with priority given to education programs, environmental protection and health research activities.

The Conference substitute incorporates both the language included in the House resolution and the language included in the Senate amendment.

Administrative savings

The House resolution contained language expressing the sense of Congress that the Executive Branch achieve at least $2 billion dollars in savings over fiscal years 1985 through 1987 by implementing those recommendations of the President's Private Sector Survey on Cost Control (the Grace Commission) requiring administrative action within that branch of government. The House resolution also urges the President to report to Congress each year in his annual budget submission on the progress being made in achieving recommended savings.

The Senate amendment contained no such provision.

The Senate conferees receded to the House position with an amendment calling for at least $2 billion in savings and as much additional savings as the Administration deems feasible as recommended by the Commission for fiscal years 1985 through 1987. The conference agreement also urges the President to report annually on the progress being made in achieving these savings, and to include in the budget submission for fiscal year 1986 a report on those administrative savings as have already been achieved.

Automatic second budget resolution

Both the House resolution and the Senate amendment provided that this resolution shall be deemed the Second Concurrent Resolution on the Budget for fiscal year 1985 for purposes of section 311 of the Budget Act if Congress has not completed action on a Second Resolution by October 1, 1984. The House resolution further provided that such would be the case notwithstanding congressional action or inaction on any reconciliation requirements continued in this resolution.

The House resolution also provided that, for purposes of section 311 of the Budget Act, the automatic second budget resolution provisions shall not apply to any bill or resolution that does not exceed a committee's section 302(a) allocation of new discretionary budget authority or new entitlement authority made under the first budget resolution.

The Senate conferees receded to the House with an amendment deleting reference to Congressional action on reconciliation and making this resolution effective as the second budget resolution for FY 1985 required under section 310 of the Budget Act, as of October 1, 1984.

"Pay as you go" trust fund amendment

The House resolution provided that new spending for highway, mass transit, and aviation purposes financed with trust fund

receipts shall be disregarded in determining whether or not a committee exceeds its section 302(a) allocation of new discretionary budget authority or new spending authority for the prohibition contained in the automatic second budget resolution provisions of this resolution or in making a determination of whether the aggregate spending levels have been exceeded for fiscal year 1985.

The House resolution also contained a similar exemption for new superfund financing to the extent that a new superfund financing measure contains revenue sufficient to cover such new spending, or to the extent that sufficient revenue to cover such increases is included in the superfund.

The Senate amendment contained no such provision.

The House conferees receded to the Senate.

SECTION 302(b) FILING REQUIREMENT

The House resolution provided that it shall not be in order to consider any measure that contains new budget authority, new entitlement authority, or new credit activity for fiscal year 1985 within the jurisdiction of a committee until the committee files its report as required under section 302(b) of the Budget Act. The House resolution also provided that the point of order would not apply until 21 days of continuous session after Congress completes action on this resolution.

The Senate amendment did not contain this provision.

The Senate conferees receded to the House.

DEFERRED ENROLLMENT

The Senate amendment provided that neither House may enroll legislation which exceeds a committee's 302(a) allocation of new discretionary budget authority (new budget authority in the case of the Senate) or new entitlement authority for fiscal year 1985 until Congress has adopted the Second Concurrent Resolution on the Budget for Fiscal Year 1985 or until October 1, 1984, whichever occurs first. The House resolution contained no such provision.

The Senate conferees receded to the House.

DETERMINATION OF BUDGET AUTHORITY

The Senate amendment stated that for purposes of this resolution, budget authority shall be determined on the basis applicable for fiscal year 1984. The House resolution did not contain this provision.

The Senate conferees receded to the House.

ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO HOUSE AND SENATE COMMITTEES

Pursuant to section 302 of the Congressional Budget Act the conference substitute makes the following allocation of budget authority and outlays among the committee of the respective Houses:

FISCAL YEAR 1984 ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT

[In millions of dollars]

House committee	Budget authority	Outlays
Appropriations	536,017	496,746
Agriculture	2,479	10,258
Armed Services	24	21
Banking, Finance, and Urban Affairs	777	618
District of Columbia	161	161
Education and Labor	58	52
Energy and Commerce	13,480	10,967
Foreign Affairs	13,446	12,960
Government Operations	4,575	4,574
House Administration	49	131
Interior and Insular Affairs	1,640	1,464
Judiciary	292	275
Merchant Marine and Fisheries	631	283
Post Office and Civil Service	47,890	32,701
Public Works and Transportation	16,655	184
Science and Technology	37	63
Veterans' Affairs	1,466	1,062
Ways and Means	436,912	421,094
Unassigned to committee	−157,688	−148,015
Total	918,900	845,600

Note: Detail may not add due to rounding.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1985

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National Defense	755	98,639	0
150 International Affairs	147	7,503	0
250 General Science, Space, and Technology	20	2,412	0
270 Energy	15	3,780	0
300 Natural Resources and Environment	22	6,202	0
350 Agriculture	0	624	0
370 Commence and Housing Credit	0	1,120	0
400 Transportation	348	17,937	0
450 Community and Regional Development	64	6,102	0
500 Education, Training, Employment, and Social Services	8,112	23,318	0
550 Health	23,288	28,688	0
570 Social Security and Medicare	19,841	19,841	0
600 Income Security	24,328	37,133	0
650 Social Security	513	513	0
700 Veterans Benefits and Services	15,326	17,206	0
750 Administration of Justice	118	940	0
800 General Government	5,259	5,799	0
850 General Purpose Fiscal Assistance	4,567	4,568	0
920 Allowances	0	25	0
Subtotal	102,722	282,347	0
Discretionary appropriations action (assumed legislation):			
050 National Defense	289,931	162,087	0
150 International Affairs	21,374	10,098	0
250 General Science, Space, and Technology	8,725	6,183	0
270 Energy	5,629	2,077	0
300 National Resources and Environment	14,103	8,021	0
350 Agriculture	12,122	1,668	0
370 Commerce and Housing Credit	5,808	2,928	0
400 Transportation	12,139	9,624	0
450 Community and Regional Development	6,577	1,132	0
500 Education, Training, Employment, and Social Services	21,769	6,661	0
550 Health	9,858	5,705	0
570 Social Security and Medicare	−15	1,017	0
600 Income Security	25,871	19,475	0
650 Social Security	−2	3,739	0
700 Veterans Benefits and Services	10,261	8,293	0
750 Administration of Justice	6,021	5,158	0
800 General Government	5,401	4,803	0
850 General Purpose Fiscal Assistance	692	694	0
920 Allowances	148	148	0
Subtotal	456,412	259,510	0
Discretionary action by other committees (assumed entitlement legislation):			
050 National Defense	2,887	2,837	0
500 Education, training employment, and social services	40	40	0
600 Income security	354	304	0
700 Veterans benefits and services	402	368	0
920 Allowances	802	827	0
Subtotals	4,485	4,376	0

FISCAL YEAR 1984 ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[In millions of dollars]

House committee	Budget authority	Outlays
Government Operations	4,575	4,574
House Administration	49	131
Interior and Insular Affairs	1,640	1,464
Judiciary	292	275
Merchant Marine and Fisheries	631	283
Post Office and Civil Service	47,890	32,701
Public Works and Transportation	16,655	184
Science and Technology	37	63
Veterans' Affairs	1,466	1,062
Ways and Means	436,912	421,094
Unassigned to committee	−157,688	−148,015
Total	918,900	845,600

Note: Detail may not add due to rounding.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1985—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Committee totals	563,619	546,234	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	273	273	0
350 Agriculture	5,076	14,205	12,570
450 Community and regional development	1	750	0
850 General purpose fiscal assistance	216	216	216
Subtotals	5,567	15,445	12,787
Committee totals	5,567	15,445	12,787
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National defense	8,925	8,935	180
600 Income security	27,326	15,728	15,728
Subtotal	36,251	24,663	15,908
Discretionary action:			
050 National defense	49	49	1,900
Subtotal	49	49	1,900
Committee total	36,300	24,712	17,808
HOUSE BANKING, FINANCE COMMITTEE			
Current level (enacted law):			
150 International affairs	0	−282	0
370 Commerce and housing credit	573	−2,103	0
450 Community and regional development	117	78	0
500 Education, training, employment, and social services	0	−64	0
550 Health	0	−1	0
600 Income security	22	−40	0
700 Veterans benefits and services	0	−22	0
800 General government	106	106	0
900 Net interest	19	19	0
Subtotal	837	−2,308	0
Committee total	837	−2,308	0
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	11	11	11
Subtotal	11	11	11
Committee total	11	11	11
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, Training, Employment, and Social Services	12	10	4,808
600 Income security	62	57	5,869
Subtotal	74	67	10,678
Discretionary action:			
600 Income security	0	−150	202
Subtotal	0	−150	202
Committee total	74	−83	10,880
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	13,250	13,153	0
600 Income security	598	218	218
Subtotal	13,848	13,371	218
Committee total	13,848	13,371	218
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General government	8	7	0
850 General purpose fiscal assistance	4,567	4,567	4,567
Subtotal	4,575	4,574	4,567
Committee total	4,575	4,574	4,567

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1985—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	7	8	0
800 General government	45	3	46
Subtotal	52	11	46
Committee total	52	11	46
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	332	−59	0
300 Natural resources and environment	119	85	13
450 Community and regional development	486	483	509
800 General government	1	1	0
850 General purpose fiscal assistance	729	729	119
Subtotal	1,668	1,238	641
Committee total	1,668	1,238	641
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	31	31	0
550 Health	8	−11	21,946
600 Income security	12,295	11,078	8,217
850 General purpose fiscal assistance	6	6	6
Subtotal	12,341	11,104	30,169
Discretionary action:			
300 Natural resources and environment	0	68	0
Subtotal	0	68	0
Committee total	12,341	11,172	30,169
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	52	52	0
600 Income security	13	4	4
750 Administration of justice	0	−9	118
800 General government	429	429	429
Subtotal	495	476	551
Committee total	495	476	551
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	189	208	0
370 Commerce and housing credit	48	35	0
400 Transportation	423	−43	335
850 General purpose fiscal assistance	7	7	0
Subtotal	667	206	335
Committee total	667	206	335
HOUSE POST OFFICE AND CIVIL SERVICE Committee			
Current level (enacted law):			
550 Health	0	−226	1,115
600 Income security	38,490	22,236	22,236
800 General government	11,910	11,910	0
Subtotal	50,400	33,920	23,351
Committee total	50,400	33,920	23,351
HOUSE PUBLIC WORKS AND TRANSPORTATION Committee			
Current level (enacted law):			
270 Energy	357	380	0
300 Natural resources and environment	61	61	0
400 Transportation	16,925	3	13
450 Community and regional development	5	4	0
Subtotal	17,347	449	13
Discretionary action:			
400 Transportation	713	77	0
Subtotals	713	77	0
Committee totals	18,060	526	13
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law);			
250 General science, space, and technology	5	5	0
270 Energy	18	23	0
Subtotal	23	28	0
Committee total	23	28	0
HOUSE VETERANS' AFFAIRS COMMITTEE			
Discretionary action (assumed legislation):			
700 Veterans benefits and services	1,526	1,169	16,513
Subtotal	1,526	1,169	16,513
Discretionary action:			
700 Veterans' benefits and services	0	0	402
Subtotal	0	0	402
Committee total	1,526	1,169	16,915
HOUSE WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	932	0	3,153
570 Social Security and medicare	76,878	70,896	70,221
600 Income security	27,283	18,700	36,689
650 Social Security	205,172	190,731	187,533
800 General government	7	7	0
850 General purpose fiscal assistance	281	278	281
900 Net interest	187,084	187,084	187,084
Subtotal	497,636	467,696	484,961
Discretionary action			
500 Education, training, employment, and social services	0	0	40
Subtotals	0	0	40
Committee totals	497,636	467,696	485,001
UNASSIGNED			
Current level (enacted law):			
050 National defense	−9,599	−9,599	0
150 International affairs	−13,971	−13,971	0
270 Energy	−2,151	−2,151	0
300 Natural resources and environment	−2,918	−2,918	0
350 Agriculture	−97	−97	0
370 Commerce and housing credit	−63	−63	0
400 Transportation	−498	−498	0
450 Community and regional development	−349	−349	0
500 Education, training, employment, and social services	−73	−73	0
550 Health	−5	−5	0
570 Social Security and medicare	−26,404	−26,404	0
600 Income security	−13,041	−13,041	0
650 Social Security	−6,233	−6,233	0
700 Veterans benefits and services	−664	−644	0
800 General government	−17,465	−17,465	0
850 General purpose fiscal assistance	−4,615	−4,615	0
900 Net interest	−53,303	−53,303	−26,371
920 Allowances	−1,700	−1,700	0
950 Undistributed offsetting receipts	−33,070	−33,070	0
Subtotal	−186,219	−186,219	−26,371
Discretionary action (assumed legislation):			
050 National defense	−49	−49	0
950 Undistributed offsetting receipts	−80	−80	0
Subtotal	−129	−129	0
Committee total	−186,348	−186,348	−26,371
Total—Current level	559,820	668,249	574,378
Total—Discretionary action	461,530	263,801	2,544
Grand total	1,021,350	932,050	576,922

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984

[In millions of dollars]

Committees	Direct spending jurisdiciton		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	538,968	496,798		
Agriculture, Nutrition, an Forestry	2,368	10,157	9,790	116
Armed Services	24	21	16,712	16,664
Banking, Housing, and Urban Affairs	2,027	612		
Commerce, Science, and Transportation	2,798	1,301	395	422
Energy and Natural Resources	1,414	1,258	60	55
Environment and Public Works	14,418	345	6	6
Finance	444,479	428,660	52,357	50,099
Foreign Relations	13,445	12,960		
Governmental Affairs	48,059	32,869	(1)	(1)
Judiciary	291	275	70	70
Labor and Human Resources	9,019	6,695	4,502	5,357
Rules and Administration	49	133		
Small Business				
Veterans' Affairs	1,466	1,068	15,448	15,402
Select Indian Affairs	445	440		
Not allocated to committees	−160,369	−147,991		
Total, budget	918,900	845,600	99,339	88,192

[1] Less than $500,000.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1985

[In millions of dollars]

Committees	Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	559,953	546,187		
Agriculture, Nutrition, and Forestry	5,475	15,343	8,824	127
Armed Services	36,300	24,712	178	189
Banking, Housing, and Urban Affairs	1,937	−2,314		
Commerce, Science, and Transportation	1,705	109	325	341
Energy and Natural Resources	1,373	960	63	61
Environment and Public Works	15,554	580	6	6
Finance	510,653	480,445	47,583	50,057
Foreign Relations	13,848	13,370		
Governmental Affairs	50,419	33,938	(1)	(1)
Judiciary	494	476	79	79
Labor and Human Resources	3,851	2,746	5,870	5,800
Rules and Administration	52	11		
Small Business				
Veterans' Affairs	1,526	1,175	15,681	15,707
Select Indian Affairs	486	484		
Not allocated to committees	−182,275	−186,171		
Total, budget	1,021,350	932,050	78,609	72,369

[1] Less than $500,000.

JAMES R. JONES,
JIM WRIGHT,
STEPHEN J. SOLARZ,
LES ASPIN,
BILL HEFNER,

TOM DOWNEY,
MIKE LOWRY,
GEO. MILLER,
WILLIAM H. GRAY,
HOWARD WOLPE,
MARTIN FROST,
VIC FAZIO,
BILL FRENZEL,
Managers on the Part of the House.

PETE V. DOMENICI,
BILL ARMSTRONG,
NANCY LANDON KASSEBAUM,
RUDY BOSCHWITZ,
LAWTON CHILES,
ERNEST F. HOLLINGS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HARRISON (at the request of Mr. WRIGHT), for today through September 29, on account of attending the 72d Conference of the Inter-Parliamentary Union.

Mr. HATCHER (at the request of Mr. WRIGHT), for today through September 29, on account of attending the 72d Conference of the Inter-Parliamentary Union.

Mr. PEPPER (at the request of Mr. WRIGHT), for today through September 29, on account of attending the 72d Conference of the Inter-Parliamentary Union.

Mr. RITTER (at the request of Mr. MICHEL), for today until 5:15 p.m., on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 60 minutes, today.
Mr. BOEHLERT, for 5 minutes, today.
Mr. WALKER, for 60 minutes, today.
Mr. MACK, for 5 minutes, today.
Mr. GINGRICH, for 5 minutes, today.
Mr. WEBER, for 5 minutes, today.
Mr. LUNGREN, for 60 minutes, today.
Mr. BURTON of Indiana, for 5 minutes, today.
Mr. HORTON, for 15 minutes, today.
Mr. FRENZEL, for 5 minutes, today.
Mr. PORTER, for 5 minutes, today.
Mr. MADIGAN, for 60 minutes, today.
Mr. MICHEL, for 60 minutes, on October 1.
Mr. MICHEL, for 60 minutes, on October 2.
Mr. MADIGAN, for 60 minutes, on October 2.
Mr. MICHEL, for 60 minutes, on October 3.
Mr. MICHEL, for 60 minutes, on October 4.

(The following Members (at the request of Mr. HAYES) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. MATSUI, for 5 minutes, today.
Mr. BROWN of California, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. SMITH of Florida, for 5 minutes, today.
Mr. RODINO, for 5 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. HAYES, for 5 minutes, today.
Mr. COYNE, for 5 minutes, today.
Mr. JONES of Oklahoma, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BIAGGI, immediately succeeding the remarks made by the gentleman from California [Mr. MILLER] on the child care amendment.

Mr. MOORE, immediately prior to the vote on the Roe amendment.

Mr. WEISS, in opposition to the Frenzel amendment, immediately before the vote on the Frenzel amendment today.

Mr. STUDDS, during the general debate on the amendment offered by Mr. BROWN of Colorado today.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. GILMAN in five instances.
Mr. SOLOMON.
Mr. O'BRIEN.
Mr. GEKAS.
Mr. LAGOMARSINO.
Mr. WEBER.
Mr. MCKINNEY.
Mr. SMITH of New Jersey.
Mr. LEACH of Iowa in two instances.
Mr. DAUB.

(The following Members (at the request of Mr. HAYES) and to include extraneous matter:)

Mr. NELSON of Florida.
Mr. PEPPER in two instances.
Mr. DELLUMS.
Mr. MAZZOLI.
Mr. RODINO in two instances.
Mr. FEIGHAN in three instances.
Mr. ACKERMAN.
Mr. ROYBAL.
Mr. ROE.
Mr. EDGAR.
Mr. SCHEUER.
Mr. LEHMAN of Florida.
Mr. FUQUA.
Mr. MINISH.
Mr. GARCIA.
Mr. LANTOS.
Mr. ADDABBO in two instances.
Mr. STARK in two instances.
Mr. MCCLOSKEY.
Mr. DYMALLY.
Ms. OAKAR.
Mr. MATSUI.
Mr. RATCHFORD.
Mr. LELAND.
Mr. LIPINSKI.
Mr. HARRISON.
Mr. BONER of Tennessee.
Mr. HUBBARD.
Mr. BIAGGI.
Mr. GEJDENSON.
Mr. EVANS of Illinois.
Mr. EDWARDS of California.
Mr. SCHUMER.
Mr. SOLARZ.
Mr. COLEMAN of Texas.
Mr. PATTERSON.
Mr. BONKER.
Mr. FLORIO.
Mr. LEHMAN of California.

SENATE JOINT RESOLUTION AND CONCURRENT RESOLUTION REFERRED

A joint resolution and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 310. Joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week"; to the Committee on Post Office and Civil Service.

S. Con. Res. 139. Concurrent resolution condemning South Africa's arrests and detentions of political opponents; to the Committee on Foreign Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1150. An act for the relief of Teodoro N. Salanga, Jr.;

H.R. 1236. An act for the relief of Andrew and Julia Lui;

H.R. 1362. An act for the relief of Joseph Karel Hasek;

H.R. 5147. An act to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983;

H.R. 5343. An act for the relief of Narciso Archila Navarrete;

H.R. 5561. An act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes;

H.J. Res. 392. Joint resolution to designate December 7, 1984 as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; and

H.J. Res. 605. Joint resolution regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government.

ADJOURNMENT

Mr. SILJANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 42 minutes p.m.), the House adjourned until to-

morrow, Wednesday, September 26, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4073. A letter from the Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting a report on the combat-to-support ratio of U.S. forces in Europe, pursuant to Public Law 98-94, section 1106(a); to the Committee on Armed Services.

4074. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to the Coordination Council for North American Affairs (Transmittal No. 18-84), pursuant to AECA, section 62(a); to the Committee on Foreign Affairs.

4075. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Francis S. Ruddy, Ambassador-designate to the Republic of Equatorial Guinea, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. Supplemental report on H.R. 5492 (Rept. No. 98-1029, Pt. II). Ordered to be printed.

Mr. WHITTEN: Committee of Conference. Conference report on H.R. 5743 (Rept. No. 98-1071). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5790. A bill to amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement devices; with an amendment (Rept. No. 98-1072). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUGHES: Committee on the Judiciary. H.R. 6248. A bill to amend title VII of the Omnibus Crime Control and Safe Streets Act of 1968 to provide enhanced penalties for certain persons possessing firearms after three previous convictions for burglaries or robberies, and for other purposes (Rept. No. 98-1073). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee of conference. Conference report on H.R. 5603 (Rept. No. 98-1074). Ordered to be printed.

Mr. HAWKINS: Committee of conference. Conference report on H.R. 2878 (Rept. No. 98-1075). Ordered to be printed.

Mr. FUQUA: Committee on Science and Technology. H.R. 4684. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment and maintenance of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan; with an amendment (Rept. No. 98-1076, Pt. I). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 6101. A bill to amend the Panama Canal Act of 1979 to authorize quarters allowances for certain employees of the Department of Defense serving in the area formerly known as the Canal Zone; with an amendment (Rept. No. 98-1077, Pt. I). Ordered to be printed.

Mr. FUQUA: Committee on Science and Technology. S. 1286. A bill to establish a program to conduct research and development for improved manufacturing technologies, and for other purposes; with amendments (Rept. No. 98-1078). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Oklahoma: Committee of conference. Conference report on House Concurrent Resolution 280 (in disagreement) (Rept. No. 98-1079). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself and Mr. PICKLE):

H.R. 6299. A bill to ensure the payment in 1985 of cost-of-living increases under the OASDI program in title II of the Social Security Act, and to provide for a study of certain changes which might be made in the provisions authorizing cost-of-living adjustments under that program; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma:

H.R. 6300. A bill to require that the President transmit to the Congress, and that the congressional Budget Committees report, a balanced budget for each fiscal year; jointly, to the Committees on Government Operations and Rules.

By Mr. ROSTENKOWSKI (for himself, Mr. MURTHA, Mr. REGULA, Mr. RANGEL, Mr. STARK, Mr. FORD of Tennessee, Mr. HEFTEL of Hawaii, Mr. GUARINI, Mr. SHANNON, Mr. RUSSO, Mr. PEASE, Mr. HANCE, Mrs. KENNELLY, Mr. DINGELL, Mr. FAUNTROY, Mr. TRAXLER, Mr. SEIBERLING, Mr. WILLIAMS of Ohio, Mr. SMITH of New Jersey, Mr. KOLTER and Mr. MILLER of California):

H.R. 6301. A bill to provide authority for enforcing arrangements restricting the importation of carbon and alloy steel products into the United States that are entered into for purposes of implementing the President's national policy for the steel industry, and for other purposes; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 6302. A bill to delay for 1 year the application of certain restrictions contained in section 103 of the Internal Revenue Code of 1954 to obligations issued under section 11(b) of the U.S. Housing Act of 1937; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma:

H.R. 6303. A bill to make certain technical corrections in various acts relating to the Osage Tribe of Indians of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. MICA:

H.R. 6304. A bill providing for the distribution within the United States of certain U.S. Information Agency films; to the Committee on Foreign Affairs.

By Mr. NOWAK (for himself, Mr. LAFALCE, Mr. CONABLE, and Mr. KEMP):

H.R. 6305. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify effective date provisions retroactively applying benefit guarantees to certain pension plans; to the Committee on Education and Labor.

By Mr. PANETTA:

H.R. 6306. A bill to amend the Internal Revenue Code of 1954 to make certain changes in the rules relating to imputing interest on certain deferred payments with respect to sales and exchanges of residential, business, and investment property; to the Committee on Ways and Means.

By Mr. SMITH of Florida:

H.R. 6307. A bill to provide for the use of safety belts by children in schoolbuses, and for other purposes; to the Committee on Education and Labor.

By Mr. STARK:

H.R. 6308. A bill to amend the Internal Revenue Code of 1954 to provide for temporary across-the-board reductions in tax expenditures; to the Committee on Ways and Means.

H.J. Res. 650. Joint resolution calling upon the Department of Transportation to investigate and identify the possible causes of the increasing number of mid-air collisions and near misses; to the Committee on Public Works and Transportation.

By Mr. VOLKMER (for himself and Mr. YOUNG of Missouri):

H.J. Res. 651. Joint resolution proposing an amendment to the Constitution of the United States prohibiting Federal courts from entering orders requiring the attendance of any student at a particular school; to the Committee on the Judiciary.

By Mr. HANCE:

H. Con. Res. 363. Concurrent resolution expressing the sense of the Congress that the Federal Home Loan Bank Board should delay until June 30, 1985, the effective date of its proposed regulations regarding limitations on direct investment in real estate, service corporations, and equity securities by federally insured savings and loan associations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BONKER (for himself, Mr. PRITCHARD, Mr. AUCOIN, Mr. FOLEY, Mr. WEAVER, Mr. DICKS, Mr. SWIFT, Mr. ROBERT F. SMITH, Mr. CHANDLER, Mr. WYDEN, and Mr. MORRISON of Washington):

H. Res. 589. Resolution providing that the U.S. Customs Service should rescind, for a period of at least 6 months, certain amendments to its regulations relating to determinations of country of origin with respect to imports of textiles and apparel; to the Committee on Ways and Means.

By Mr. DURBIN (for himself, Mr. MADIGAN, Mr. ALBOSTA, Mr. BEDELL, Mr. BONIOR of Michigan, Mr. CARR, Mr. CHAPPIE, Mr. COATS, Mr. COLEMAN of Missouri, Mr. DANIEL B. CRANE, Mr. CROCKETT, Mr. DORGAN, Mr. EDWARDS of Alabama, Mr. EMERSON, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FRANKLIN, Mr. GLICKMAN, Mr. GUNDERSON, Mr. HAMILTON, Mr. HANSEN of Idaho, Mr. HARKIN, Mr. HOPKINS, Mr. JEFFORDS, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. KILDEE, Mr.

LATTA, Mr. LEACH of Iowa, Mr. MCCLOSKEY, Mr. MARLENEE, Mrs. MARTIN of Illinois, Mr. MORRISON of Washington, Mr. ROBERTS, Mr. ROGERS, Mr. SHARP, Mr. SIMON, Mr. SKEEN, Mr. SLATTERY, Mrs. SMITH of Nebraska, Mr. STANGELAND, Mr. TALLON, Mr. TAUKE, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TRAXLER, Mr. VANDER JAGT, Mr. WEBER, Mr. WOLPE, Mr. ENGLISH, and Mr. WATKINS):

H. Res. 590. Resolution relating to Canadian pork imports; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of the rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. STAGGERS:

H.R. 6309. A bill for the relief of Ray M. Reed; to the Committee on the Judiciary.

By Mr. WISE:

H.R. 6310. A bill for the relief of Al Borromeo; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 375: Mrs. BOXER.

H.R. 2568: Mr. WHEAT, Mr. KRAMER, and Mr. HILLIS.

H.R. 3218: Mr. SEIBERLING.

H.R. 3473: Mr. BIAGGI.

H.R. 4440: Mr. EVANS of Iowa and Mr. TORRES.

H.R. 4459: Mr. MCEWEN.

H.R. 4642: Mr. MARKEY.

H.R. 4684: Mr. DE LA GARZA, Mr. MOAKLEY, Mr. YOUNG of Missouri, and Mr. MCCURDY.

H.R. 4731: Mr. STARK, Ms. MIKULSKI, Mr. MRAZEK, Mr. TORRICELLI, and Mr. FOWLER.

H.R. 4805: Mr. LEVIN of Michigan, Mr. TORRICELLI, Mr. WEAVER, Mr. FOGLIETTA, Mr. SAVAGE, and Mr. RATCHFORD.

H.R. 5136: Mr. WEAVER, Mr. STUDDS, and Mr. COURTER.

H.R. 5159: Ms. OAKAR.

H.R. 5377: Mr. SILJANDER.

H.R. 5428: Mr. ANDERSON.

H.R. 5446: Mr. EMERSON, Mr. AUCOIN, Mr. WHITLEY, Mr. BORSKI, Mr. COYNE, Mr. CAMPBELL, Mr. TALLON, Mr. FOGLIETTA, Mr. CLINGER, Mr. BRITT, Mr. MCKERNAN, Mr. RATCHFORD, and Mr. NEAL.

H.R. 5784: Mr. GARCIA.

H.R. 5952: Mr. NEAL, Mr. RITTER, Mr. FLIPPO, and Mr. WILSON.

H.R. 5963: Mr. GEKAS.

H.R. 6021: Mr. ASPIN, Mr. RALPH M. HALL, and Mr. LEVITAS.

H.R. 6069: Mr. CRAIG, Mr. DANIEL B. CRANE, Mr. DANNEMEYER, and Mr. YOUNG of Florida.

H.R. 6092: Mr. DELLUMS and Mr. BARNES.

H.R. 6093: Mr. DASCHLE, Mr. GRAY, Mr. KILDEE, Mr. KRAMER, Mr. MINETA, Mr. O'BRIEN, Mr. BILIRAKIS, Mr. DAUB, Mr. MCEWEN, Mr. BRITT, Mr. D'AMOURS, Mr. WEBER, Mr. MCCURDY, Mr. DANIEL, Mr. BONER of Tennessee, Mr. GREEN, Mr. ROEMER, Mr. WORTLEY, Mr. SABO, Mr. BEREUTER, Mr. STANGELAND, Mr. IRELAND, Mr. DE LA GARZA, Mr. DICKINSON, Mr. LATTA, Mr. SCHAEFER, Mr. SHELBY, Mr. RITTER, Mr. HALL of Ohio, Mr. MOODY, Mr. SHUSTER, Mr. STUMP, Mr. WILLIAMS of Ohio, Mr. JACOBS, Mr. GEKAS, Mr. SIMON, Mr. MATSUI, Mr. HANSEN of Utah, and Mr. BATEMAN.

H.R. 6096: Mr. WEISS, Mr. EVANS of Iowa, Mr. KOSTMAYER, Mr. BOLAND, and Mr. FOGLIETTA.

H.R. 6112: Mr. LIPINSKI and Mr. PHILIP M. CRANE.

H.R. 6117: Mr. BERMAN, Mr. BOEHLERT, Mr. CHANDLER, Mr. DEWINE, Mr. FISH, Mr. KASTENMEIER, Mr. MCCOLLUM, Mr. OWENS, Mr. PRITCHARD, Mr. RICHARDSON, Mr. RINALDO, Mr. ROE, Mr. RUSSO, Mr. SMITH OF FLORIDA, and Mr. VENTO.

H.R. 6139: Mr. BONIOR of Michigan, Mr. EDWARDS of California, Mr. MURTHA, Mr. FRENZEL, Mr. MITCHELL, Mr. RATCHFORD, Mr. REID, Mr. DASCHLE, Mr. GINGRICH, Mr. VANDER JAGT, Mrs. HOLT, Mrs. KENNELLY, Mr. DARDEN, and Mr. DANNEMEYER.

H.R. 6162: Mr. CONTE, Mr. MITCHELL, Mr. BROWN of Colorado, and Mrs. SCHROEDER.

H.R. 6172: Mr. WOLPE, Mr. LAFALCE, Mr. MINETA, Mr. DANIEL, Mr. BERMAN, Mr. WISE, Mr. SLATTERY, Mr. BURTON of California, Mr. VOLKMER, Mr. SWIFT, Mr. EDGAR, Mr. SEIBERLING, Mr. KOGOVSEK, and Mr. BARNARD.

H.R. 6207: Mr. BARNES, Mr. FOGLIETTA, Mr. YOUNG of Missouri, Mr. SMITH of Florida, Mr. AKAKA, Mr. HYDE, Mr. MITCHELL, and Mr. ROE.

H.R. 6210: Mr. SWIFT, Mr. OBERSTAR, Mr. LEHMAN of Florida, and Mr. FAUNTROY.

H.R. 6243: Mr. STENHOLM, Mr. STARK, Mr. MATSUI, Mr. HEFTEL of Hawaii, Mr. BEREUTER, Mr. FRANK, Mr. DWYER of New Jersey, Mr. WORTLEY, Mr. GONZALEZ, Mr. ROSE, Mr. OWENS, Mr. LEVINE of California, Mr. EVANS of Illinois, Ms. KAPTUR, Mr. DELLUMS, Mr. COUGHLIN, Mr. WHITTAKER, Mr. MCCURDY, Mr. CROCKETT, Mr. BEDELL, Mr. BERMAN, and Mr. FROST.

H.J. Res. 236: Mr. MCCOLLUM, Ms. KAPTUR, Mr. CONTE, Mr. BORSKI, Mr. STARK, Mr. EDGAR, Mr. FLORIO, Mr. HOYER, Mr. HIGHTOWER, Mr. FIELDS, Mr. MAVROULES, Mr. YOUNG of Florida, and Mr. DONNELLY.

H.J. Res. 476: Mrs. KENNELLY, Mr. NOWAK, Mr. HALL of Ohio, Mr. KEMP, and Mr. ANNUNZIO.

H.J. Res. 482: Mr. WOLPE and Mr. MCCOLLUM.

H.J. Res. 528: Mr. BARNES.

H.J. Res. 535: Mr. LEVINE of California, Mr. ROE, Mr. WISE, Mr. RANGEL, Mr. REID, and Mr. LAGOMARSINO.

H.J. Res. 547: Mr. RAY, Mr. ADDABBO, Mr. SABO, Mr. CARNEY, Mr. WON PAT, Mr. MACKAY, Mr. WEAVER, Mr. EDGAR, Mr. HARRISON, Mr. OWENS, Mr. YOUNG of Missouri, Mr. OXLEY, Mr. SKEEN, Mr. HEFTEL of Hawaii, Mr. COELHO, Mr. WATKINS, Mr. WORTLEY, Mr. NIELSON of Utah, Mr. TOWNS, Mr. GUNDERSON, Mr. DICKS, Mr. HANSEN of Utah, Mr. BARNES, Mr. BEDELL, Mr. BONER of Tennessee, Mr. BREAUX, Mr. BRYANT, Mr. CHAPPIE, Mr. COURTER, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. BONIOR of Michigan, Mr. RATCHFORD, Mr. KRAMER, Ms. FIEDLER, Mr. ROGERS, Mr. ANNUNZIO, Mr. BENNETT, Mr. HARRISON, Mr. GRAY, Mr. VENTO, Mr. LIPINSKI, Mr. WAXMAN, Mr. LONG of Louisiana, Mr. REGULA, Mr. CROCKETT, Mr. PATTERSON, Mr. MURPHY, Mr. SKEEN, Mr. ROYBAL, Mr. SAVAGE, Mr. SIMON, Mr. RATCHFORD, Mr. GREGG, Mr. HEFTEL of Hawaii, Mr. JACOBS, Mrs. JOHNSON, Mr. KAZEN, Mr. REID, Mr. FISH, and Mr. GONZALEZ.

H.J. Res. 550: Mr. BATEMAN, Mr. JONES of Tennessee, Mr. BADHAM, Mr. BEREUTER, Mr. FIELDS, Mr. FRANKLIN, Mr. GINGRICH, Mr. GREGG, Mr. HILER, Mr. LOEFFLER, Mr. LUKEN, Mrs. MARTIN of Illinois, Mr. MORRISON of Washington, Mr. NIELSON of Utah, Mr. RITTER, Mr. ROGERS, Mr. SHAW, Ms. SNOWE, Mr. WALKER, Mr. WEBER, Mr. WHITLEY, Mr. LEHMAN of Florida, Mr. MONTGOMERY, Mr. LUNDINE, Mr. STARK, Mr. CLAY, Mr. CLINGER, Mr. COOPER, Mr. SCHEUER, Mr. PICKLE, Mr. ROBERT F. SMITH, Mr. LANTOS, Mr. COYNE, Mr. JEFFORDS, Mrs. SCHNEIDER, Mr. ANDERSON, Mr. KOGOVSEK, Mr. LEVITAS, Mr. HANSEN of Utah, Mr. CONTE, Mr. OXLEY, Mr. THOMAS of California, Mr. BATES, Mr. YOUNG of Missouri, Mr. RATCHFORD, Mr. DOWDY of Mississippi, Mr. BURTON of Indiana, Mr. CHANDLER, Mr. HOWARD, Mr. MARTIN of North Carolina, Mr. ROEMER, Mr. MCNULTY, Mr. HEFTEL of Hawaii, Mr. VOLKMER, Mr. BRITT, Mr. BENNETT, Mr. EDWARDS of Alabama, Mr. EVANS of Iowa, Mr. SPRATT, Mr. STANGELAND, Mr. YOUNG of Florida, Mr. SHUMWAY, Mr. D'AMOURS, Mr. HAMILTON, Mr. KRAMER, Mr. FASCELL, Mr. MYERS, Mr. DUNCAN, Ms. FIEDLER, Mr. MCCLOSKEY, Mr. NOWAK, Mr. SYNAR, Mr. ROYBAL, Mr. JACOBS, Mr. BOLAND, Mr. SABO, Mr. LEWIS of Florida, Mr. CHAPPIE, Mr. BEDELL, Mr. MOODY, Mr. BLILEY, Mr. PRITCHARD, Mr. SILJANDER Mr. ENGLISH, and Mr. YOUNG of Alaska.

H.J. Res. 609: Mr. GRADISON, Mr. DOWDY of Mississippi, Mr. GEJDENSON, and Ms. FIEDLER.

H.J. Res. 619: Mr. MATSUI.

H.J. Res. 631: Mrs. SCHNEIDER, Mr. MINISH, Mr. COLEMAN of Texas, Mr. GEJDENSON, Mrs. ROUKEMA, Mr. CORCORAN, Mr. ANNUNZIO, Mr. CARNEY, Mr. MCNULTY, Mr. LIPINSKI, Mr. HAWKINS, Mr. LATTA, Mr. DURBIN, Mr. ERDREICH, Mr. LIVINGSTON, Mr. MOODY, Mr. WOLF, Mr. CHAPPIE, Mr. PRICE, Mr. LEACH of Iowa, Mr. DIXON, Mr. SISISKY, Mr. STANGELAND, Mr. FOGLIETTA, Mrs. HALL of Indiana, Mr. MCCAIN, Mr. MATSUI, Mr. RODINO, Mr. MCCURDY, Mr. WYLIE, Mr. LENT, Mr. SCHEUER, Mr. WISE, Mr. TALLON, Mr. CONABLE, Mr. WEAVER, Mr. KOSTMAYER, Mr. ASPIN, Mr. MARTIN of New York, Mrs. JOHNSON, Mr. FASCELL, Mr. KOLTER, Mr. SHELBY, Mr. TAUZIN, Mr. KASTENMEIER, Mrs. COLLINS, Mr. MARKEY, Mr. LONG of Maryland, Mr. HIGHTOWER, Mr. BARTLETT, Mr. COATS, and Ms. FERRARO.

H. Con. Res. 317: Mr. GARCIA.

H. Con. Res. 341: Mr. FEIGHAN, Mr. LEVIN of Michigan, Mr. BONIOR of Michigan, Mr. OWENS, Mr. ROSE, Mr. MINISH.

H. Con. Res. 350: Mr. MCCAIN, Mr. PACKARD, Mr. RUDD, Mr. SCHAEFER, Mr. RANGEL, Mr. PORTER, Mr. FISH, and Mr. SOLARZ.

H. Con. Res. 362: Mr. DAVIS, Mr. MCCAIN, Mr. REID, Mr. RICHARDSON, and Mr. RUDD.

PETITIONS, ETC.

Under clause 1 of rule XXII,

414. The SPEAKER presented a petition of the City Council of Boston, MA., relative to the first citizen observer in space; which was referred to the Committee on Science and Technology.

EXTENSIONS OF REMARKS

ROSH HASHANAH CELEBRATION

HON. PETE WILSON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 25, 1984

● Mr. WILSON. Mr. President, tomorrow at sundown Jews throughout the world will begin the observance of the Jewish New Year, 5745.

It gives me great pleasure to extend to all of my friends and constituents of the Jewish faith my sincere best wishes at the celebration of the Jewish High Holy Days beginning with Rosh Hashanah on September 26 and 27, and ending with Yom Kippur on October 5 and 6.

Rosh Hashanah, or New Year, is a day of prayer, reflection, joy, hope, and spiritual renewal for people of the Jewish faith. It is a day when family and friends gather to discuss the events of the past year.

Yom Kippur, or the Day of Atonement, is always a solemn day for the Jewish people. It is the culmination of 10 days of penitence and reflection with which the New Year begins. It is the holiest of Jewish holiday, and a day spent in prayer, worship, and fasting. It is a day when loved ones who have passed away are remembered in prayer.

During the celebration of the Jewish High Holy Days, I hope the Jewish people may enjoy peace and prosperity and renewal, wherever they may be.

As one of the U.S. Senators representing California, where so many of my friends and constituents of the Jewish faith live, I take this opportunity to extend my best wishes to all for the New Year. Good Yontif! ●

INTRODUCTION OF QUALITY CONTROL REFORM LEGISLATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. MATSUI. Mr. Speaker, I have introduced a bill, H.R. 6295, to improve the current quality control system for Aid to Families with Dependent Children [AFDC]. This measure will also affect quality control in the Supplemental Security Income [SSI] program.

The basic purpose of the quality control system is to reduce program errors and ensure that the right amount of benefits are delivered to the right people.

In the AFDC program, the quality control system is operated by State quality control staff under Federal guidelines and supervision. Errors are identified through comparison with State rules established under general Federal guidelines. The cost of operating the quality control system is carried as a regular administrative cost and is shared by the States and Federal Government, just as any other administrative expense.

The Federal Government may sanction States for errors they commit in administering AFDC. States would be required to pay the Federal cost of improperly issued benefits, as shown by quality control surveys, if they do not keep their payment error rates below specified target rates. The current target rate is 3 percent. The fiscal sanction that may be imposed is the amount of Federal funds misspent above the target error rate. However, the fiscal sanctions can be waived if the State demonstrates that it is making a good-faith effort to reduce errors.

Without question, it is prudent to require that States adhere to some form of quality control standards as a way to enhance the efficiency of our public assistance programs. To be effective, such a system must be timely, applied fairly, and be cost-effective. Our present system does not achieve these goals.

For example, under the current system, States do not receive information on errors they commit in time to be of great use to them making corrections or recoveries. Furthermore, there is insufficient coordination and cooperation between States and the Department of Health and Human Services in developing and reaching agreement on the appropriate corrective actions that should be taken in relation to the errors identified in the sample.

Another major flaw in the current system is that it penalizes those States that in previous years have made the greatest effort and the most success in reducing their error rates. For example, Alaska, with an error rate of 18.1 percent in fiscal year 1981, faces no error rate penalty, and no reduction in Federal AFDC funds. Minnesota, however, with a much lower error rate of 4.5 percent, faces a loss of $651,000 in Federal AFDC funds, and Oklahoma with a 6.6-percent error rate will lose $1.5 million.

The current system also appears to overstate the actual AFDC error rate. Questionable statistical procedures are used to develop the error rates, and States are penalized for client errors over which they have limited control. In addition, AFDC cases that are counted as errors do not always involve misspent AFDC funds. If a family member's Social Security number is not recorded in the case file or if an individual has not registered for WIN, it is counted as an error despite the fact that all other information that is relevant to the family's eligibility and monthly payment—family size, earnings and other income, assets, et cetera—is in the file and accurate. While these individuals remain eligible for AFDC, technical errors, such as those mentioned above, may cause their payment to be counted as an error.

The current system also fails to take into account economic conditions, as well as significant geographic and program differences among the States, that contribute to errors in ways largely beyond the control of the States. An unpublished HHS study shows that such outside factors as greater population density, higher crime rates, size of the local population, and size of the welfare agencies' caseloads contribute significantly to higher error rates. Despite these findings, HHS makes no effort to consider these factors when determining a State's error liability.

The next round of error penalties will be for the period of October 1981 through September 1982 (fiscal year 1982). It is likely that every State will experience an increased AFDC error rate during this recessionary period because the high levels of unemployment contributed to a much higher than normal growth and turnover in the AFDC and, particularly, the AFDC-Unemployed Parent (AFDC for two-parent families) programs. Due to the impact of the recession on State budgets, many States were forced to reduce their AFDC administrative funds, which, along with the caseload increase and higher turnover rate, resulted in higher than normal error rates.

In other words, the current quality control system will take Federal AFDC funds away from States because of an increase in errors largely caused by conditions beyond the control of the States. Furthermore, this reduction in Federal funds will come just when many of these States are beginning to

recover from the recession and are anticipating the ability to restore some of the AFDC reductions made during the recession.

I am very concerned that if changes are not made in the current quality control program, particularly the fiscal sanction provisions, it will seriously harm the AFDC program and its beneficiaries. According to administration estimates, the current sanction provisions will reduce Federal AFDC matching funds to States by $1.3 billion during the period of fiscal year 1981 through fiscal year 1989. The only way for States to absorb that amount of a reduction is to pass it on to ADFC recipients in the form of reduced or more restrictive AFDC benefits, or to cut administrative funds. New Mexico has indicated that it would have to cut the State's AFDC payment level by 16 percent in the next fiscal year and by 11 percent the following year if the quality control sanctions are imposed. Other States, like Texas, are contemplating staff cutbacks.

As I have stated above, the purpose of the quality control program is to help States improve AFDC administration and reduce AFDC errors. Its purpose is not, or should not be, to force States to cut AFDC benefits or develop more restrictive eligibility requirements. Its purpose is not to shift AFDC costs from the Federal to State budgets. Its purpose is certainly not to force States to cut back on AFDC administrative staff or otherwise reduce administrative resources which will undoubtedly result in an increase in AFDC errors in the future. This is counterproductive and the reverse of what the quality control program is supposed to accomplish.

The bill I am introducing today attempts to address these problems in the AFDC quality control program. My bill also will address a potential problem in the Federal administration of the State supplementation program [SSP] to Supplemental Security Income. Recent proposed regulations by HHS sought to eliminate the Federal Government's obligation to reimburse States for errors it makes it administering SSP. It seems only fair that the Federal Government should follow the same quality control standards it imposes on States. My legislation would retain current regulations requiring the Federal Government to take responsibility for its mistakes.

I am most pleased to note that the Ways and Means Subcommittee on Public Assistance and Unemployment Compensation will hold a hearing on H.R. 6295 on October 3, 1984.

The major provisions of the bill include the following:

AFDC ERROR REDUCTION AND QUALITY CONTROL IMPROVEMENT ACT

(H.R. 6295)

The AFDC Error Reduction and Quality Control Improvement Act is designed to achieve four objectives:

To ensure that error rate sanctions are fair and do not result in AFDC benefit cuts or further reductions in administrative funds.

To hold States accountable for making accurate AFDC payments and impose fiscal sanctions for excessive errors.

To require that States identify and attempt to correct all errors made in administering the AFDC program but base fiscal penalties only on errors which result in misspent AFDC funds.

To establish a fair, equitable and timely AFDC quality control system by acknowledging that a State's error rate should be adjusted when socio-economic, geographic and program factors influence the error rate.

SUMMARY OF PROVISIONS

1. Establish certain minimum quality control policies and procedures in law.

A. States would be required to determine the AFDC error rate for each fiscal year. States would collect a statistically reliable sample of cases for a quality control review following a timetable established in regulations. States could, at their option, collect either 2 six-month samples or an annual sample of their AFDC caseload to develop the error rate but would be prohibited from reducing their sample size.

B. The Federal re-review, analysis, and notice to the States of the official error rate would have to occur within six months after the close of the fiscal year for which the data are collected or six months from the date a completed State sample is submitted to the Federal regional office, whichever is later. The State's official error rate for fiscal sanction purposes would be the adjusted State error rate discussed below.

C. After completing the State data collection process: (1) States would develop and submit to the HHS Secretary a corrective action plan for reducing all identified errors (including those not subject to fiscal penalties as discussed below; (2) the HHS Secretary would review and approve the plan; and (3) implementation of the corrective actions would begin. The HHS Secretary would be required to establish a timetable for these activities in regulations and monitor the corrective action process.

2. Set a new national standard for the AFDC error rate.

A. The standard tolerance level for underpayment *and* overpayment errors would be permanently set at 4 percent. Under current law, States must reach a 4 percent standard tolerance level by FY 83; this declines to 3 percent for FY 84 and thereafter. These standards currently include *only* overpayment errors, however.

3. Determine the adjusted State error rate.

A. The procedures described above would be used to obtain the raw error rate data. Subsequently, two adjustments would be made to produce the adjusted State error rate:

First, the point estimate of a State's error rate would be the lower bound of the range within which a State's true error rate falls. This statistical adjustment is necessary because the sampling procedure used in the quality control system cannot precisely estimate the actual error rate. Instead, the system identifies a range within which the actual error rate is located. Under current rules, the midpoint of the range is used even though the true rate may be lower than the midpoint.

Next, technical errors would be excluded for fiscal sanctions purposes. These are paperwork omissions which, if corrected, would not change the AFDC payment level. They include: failure to provide evidence in the file of social security numbers, assignment of rights to support cooperation in obtaining support, WIN registration, and other errors which have no fiscal impact.

4. Recognize that certain factors beyond a State's control influence the error rate by adjusting the standard tolerance level annually for each State. The standard tolerance level would be adjusted as follows:

A. Add 0.5 percent to the standard level if the State has operated an AFDC unemployed parent program during the fiscal year.

B. Add 0.1 percent to the standard level, up to a maximum of 0.5 percent, for each 20 percent increment by which the State exceeds the national average in terms of percent of total State AFDC caseload with earnings.

C. Add 0.1 percent to the standard level, up to a maximum of 0.5 percent, for each 20 percent increment by which the State exceeds the national average in terms of population density (population per square mile of land area).

D. The steps described in item 3 produce the adjusted State error rate. The steps described in item 4 produce the adjusted State tolerance level.

5. Impose fiscal sanctions on the basis of the adjusted State error rate and the adjusted State tolerence level.

A. State's fiscal sanction would be equal to the Federal portion of benefits paid above the adjusted State tolerance level using the adjusted State error rate.

B. A sanction amount would be reduced by the Federal share of overpayments collected by the State in the fiscal year to which the error rate applies.

C. The current authority for the HHS Secretary to waive sanctions to acknowledge certain circumstances would be retained and modified as follows:

(1) States could request a waiver based on the State's good faith effort to reduce errors. The HHS Secretary would review and act on the request according to a timetable specified in regulations.

(2) The regulations would also specify the criteria that would be used in assessing waiver requests and the relative importance of each factor so that States may informally assess whether a waiver request is appropriate. In reviewing the waiver request, the HHS Secretary would be required to consider the following:

(a) Factors beyond the State's control—such as disasters (fire, flood or civil disorders); strikes by State or other staff needed to determine eligibility or process changes in cases; sudden workload changes resulting from changes in Federal or State law and regulations or rapid caseload growth: and State actions which were the result of incorrect policy interpretations by a Federal official.

(b) Factor's related to agency commitment—such as demonstrated commitment by top management to the error reduction program, sufficiency and quality of operational systems which are designed to reduce errors; use of effective systems and procedures for the statistical and program analysis of quality control and related data;

and effective management and execution of the corrective action process.

(c) Other factors as appropriate—these may be identified by the Secretary in regulations or may be detailed by States in their wavier requests.

(3) States would be permitted to appeal the Secretary's decision on the waiver request described above to the HHS Grant Appeals Board and could also appeal to the courts.

D. In lieu of the waiver authority identified above, the Secretary would be required to permanently waive a sanction if the State submits a plan for the reduction of errors which includes the expenditure of additional State administrative funds equal to one-half of the sanction amount. These expenditures would be a Federally-matched administrative expense.

6. Reward States with low error rates.

A. A State would receive an incentive payment when its adjusted State error rate is below the standard tolerance level (prior to any adjustments) of 4 percent. The amount of the incentive payment would be equal to one-half of what the Federal government saves on AFDC payments because the State error rate is less than 4 percent.

7. Conduct selected studies related to error reduction and quality control.

A. The HHS Secretary would be directed to complete a study within one year of enactment which includes: a detailed analysis of the nature of client errors and the degree to which client errors can be controlled by States; standards by which to judge whether a client error could have been controlled; and an assessment of the cost-effectiveness of this type of error reduction.

B. The HHS Secretary would also be directed to study and suggest measures of AFDC performance which are broader than the current quality control system (which measures only payment accuracy) and more accurately reflect the full range of responsibilities a State has in administering the AFDC program.

8. Effective date.

A. For fiscal years 1981 and 1982, States would have the option of applying current law (the Michel amendment) or the new quality control system and standards.

B. For fiscal year 1983 and thereafter, the new quality control system and standards would apply.

H.R. 6295 also includes a quality control provision affecting the Supplemental Security Income (SSI) program. The provision would require the Federal government to continue reimbursing States for the errors it makes in administering the State Supplemental Program (SSP) in SSI. The present agreement between the Federal government and the States promulgated in regulations on March 7, 1979 would be retained.●

CHRONAR CORP. TESTIFIES ON NEW TECHNOLOGY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. GILMAN. Mr. Speaker, I would like to submit for my colleagues information the text of the testimony of Dr. Zoltan Kiss, president of the Chronar Corp., which is opening a facility in my congressional district that will manufacture amorphous silicon photovoltaic panels. This relatively new solar technology has an extremely promising future as our Nation seeks to find alternatives to foreign oil and nuclear power. Accordingly, Mr. Speaker, I am inserting at this point in the RECORD Dr. Kiss' testimony, which he recently submitted before the Subcommittee on Energy Development and Applications:

TESTIMONY OF DR. ZOLTAN KISS, PRESIDENT CHRONAR CORP.

Good morning. My name is Zoltan Kiss. It is an honor to submit testimony to this subcommittee on behalf of Chronar Corporation, Princeton, New Jersey, on the complex issues confronting this nation's solar photovoltaic industry.

In my capacity as President of Chronar, I also represent the views of small business whose activities are dedicated to the success of photovoltaics (pv). In particular, our company is committed to the manufacture of amorphous silicon photovoltaic panels and products. They represent the marriage of energy and electronics technology via semiconductor electronics. Going beyond that parochial view, I will address, to the best of my knowledge, the broader issues of interest to your subcommittee:

A. State of the various pv technologies today and in the foreseeable future.

B. State of the pv industry in the United States and around the world, including comments on the market.

C. State of government policies for developing the domestic industry and for assisting exports.

First, however, I wish to offer some background on Chronar, which was founded in 1976 with an investment of $50,000. Since then, we have invested approximately $10 million in the amorphous silicon technology—$2 million was derived from government funds, $4 million from a public offering and the balance from our own operations. In contrast to many other companies in the pv industry, Chronar has not been blessed with subsidies from the petroleum or the electronics industry. It is estimated that direct investment in amorphous silicon by those two industries exceeds $200 million. On top of this, the U.S. government has contributed another $20 million.

PHOTOVOLTAIC TECHNOLOGY

The terrestrial photovoltaic industry has developed over the past decade from a mere bright idea to approximately 20 megawatts of sales worldwide in 1983. This market has been served primarily by single crystal silicon technology. In this period, the manufacturing costs of single crystal panels have fallen from more than $100 per watt in 1973 to approximately $8 per watt in 1983. Even though single crystal panels were sold under the $8 per watt price, it is certain that unless they were subsidized, those sales were made at a loss. Approximately 60 percent of that 20 megawatt market was produced in the United States. Therefore, it is not surprising that the photovoltaic industry, using single crystal silicon, has not operated at a profit.

Furthermore, it should be noted that the cost reductions forecast for single crystal silicon beyond the 1983 timeframe have not materialized, and indeed, during the last year the price of single crystal panels has leveled off and increased slightly. It should also be noted that the single crystal photovoltaic industry has benefitted substantially from the investment in material improvements over the past two decades for single crystal silicon. These investments occurred in the integrated circuit industry (on the order of $200 billion), as well as specific investments by industry and government in the single crystal photovoltaic development (on the order of $400 million.) Therefore, it must be said that cost reductions of single crystal silicon panels to the $2 per watt level quoted in the hearing charter are highly unlikely, assuming any reasonable investment. The economics of single crystal-related products such as polycrystaline silicon, silicon ribbon and others are only marginally better than those of Chakrolsky-grown silicon crystal. At the same time during the past decade, certain thin film-based photovoltaics were developed, in particular amorphous silicon, which have reached the commercialization stage. This year in Japan, for example, more than 4 megawatts of amorphous silicon will be produced and by 1985 Japan plans to produce more amorphous silicon than all other photovoltaic products. At Chronar, by the end of this year we anticipate a 1 megawatt manufacturing capacity in place, increasing to approximately 5 megawatts at plants across the United States by the end of 1985.

The state of the art in the high end of the production curve is in excess of 6 percent efficiency over an active area of 1 square foot and in excess of 5 percent in total area efficiency. At the present time, manufacturing costs for integrated amorphous silicon panels are approximately $2 per watt. At Chronar, cost reductions are underway with plans to automate the manufacturing facility and to increase the efficiency to approximately 8 percent from 6 percent. This should reduce panel manufacturing costs to under 50 cents per peak watt by 1988. An example of these panels in shown in Figure 1. The terminal manufacturing cost of 20 cents per watt of such panels at 8 percent efficiency is realistic by 1990. Those costs are also the firmly-targeted costs of the Japanese amorphous program. They are also confirmed by the experience of the solar heat reflecting glass product used in most modern skyscrapers.

Our product, basically a sheet of glass with three layers of thin film, is similar to the solar heat reflecting glass found on those modern skyscrapers. Last year in the United States, 100 million square feet of heat reflecting glass were manufactured. The manufacturing cost of this glass was around 50 cents a square foot. Now, when you factor in the efficiency of the amorphous silicon photovoltaic product at our ballpark efficiency of 5 percent, a square foot of our product will generate about 5 watts of electricity. So if one is talking about 50 cents a square foot, divide that by 5 watts, and you end up with a 10 cent per watt manufacturing cost for this type of photovoltaic panel. Truly, these cost figures represent the most significant numbers in the photovoltaic industry today.

So, in all fairness, the comments on amorphous silicon in the hearing charter are somewhat misleading. For amorphous silicon will be a cost competitive terrestrial electricity source for major power applications before the end of this decade. The stability problems raised in the hearing charter are manageable. Figure 2 indicates the results of stability data of amorphous silicon, both at Chronar and other institutions here and in Japan. In summary, products delivered after an initial 24 hour burn-in, assuming the present 5 percent efficiency of over a 20 year period, can reasonably be expected

to degrade no more than 20 percent of the initial value. Based on such data, Chronar is offering a 5 year warranty for degradation of less than 10 percent in this 5 year period.

Therefore, in determining governmental policy, it should be recognized that amorphous silicon-based photovoltaic products will be available before the end of this decade at a cost that is significantly lower than that of crytalline-based products.

STATE OF THE PHOTOVOLTAIC INDUSTRY

It is a fact that the U.S. photovoltaic industry has operated at a loss for the past years and its future is in jeopardy. When you operate at a loss, it is because you are selling a product for less than what it costs to make it. As I mentioned before, manufacturing costs for these products did not come under $8 per watt and the major photovoltaic markets will only open up at prices below that. In particular, remote power markets for irrigation, village electrification, refrigeration and others only become cost competitive at approximately $5 to $6 per watt and new add-on grid electricity becomes cost competitive at $2 to $3 per installed watt. The markets available above these prices—governmental demonstration projects, high speciality microwave repeaters and similar applications in consumer products (calculator panels that are rechargers)—become cost effective at $10 and $30 per watt. Unfortunately, governmental demonstration projects have dried up and U.S. industry has not participated in the consumer market. These are the main reasons for the industry's troubles today.

To open major markets for remote electrification and rigid-competitive electricity, manufacturing costs of the panels have to be brought down to substantially under $2 per watt. This is only possible with thin film technology. For the United States to ignore this fact, at this crucial stage of development, and to bet on single crystal silicon and other high cost materials is tantamount to surrending leadership in this strategically and economically important industry.

GOVERNMENT POLICY

Unfortunately, the U.S. government is showing signs of losing interest in this important technology now that the spectre of gasoline lines and energy shortages is receding into history. The solar industry campaigned hard to extend the tax credits for solar pv use in businesses and homes in the Tax Reform Act of 1984. The effort to extend the business and residential energy taxes beyond their current 1985 date of expiration failed in conference and was left to the uncertain fate of congressional hearing in the 99th Congress. At Chronar, we were sorely disappointed for we believe that we need the incentives of the tax credits, as well as government-supported demonstration projects and incentives to expand manufacturing capacity if we are to create a sound and viable domestic base for the solar pv industry. A base we can use to sell U.S. solar technology both in the United States and abroad. Currently, Chronar is competing mightily in the international arena. Without strong encouragement in the domestic arena, and the support afforded by the business and residential energy credits, I fear that our international effort will lose ground to that of the Japanese who have mounted an equally determined effort to sell abroad. This would be yet another example of how the United States first led in the creation of a technology only to see its commercial application be exploited by others. Beyond the energy tax credits, we would like to see a more aggressive, positive stance taken by the Export-Import Bank, OPIC and by the Department of Commerce in its foreign operations. Solar pv is no longer a high risk R&D phenomenon. It is a rapidly improving commerical technology that offers remarkable opportunities for expansion both domestically and worldwide in many varied applications. The U.S. government should be doing all in its power, consistent with its free market philosophy, to encourage U.S. preeminence in this field. The benefits are too numerous to ignore: environmental (no acid rain, no water pollution, modularity); strategic (energy self-sufficiency); and socio-economic (lower cost electricity).

Thank you. I would be pleased to answer your questions.●

EIGHTH DISTRICT COAL BURNING TECHNOLOGIES CONFERENCE

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. McCLOSKEY. Mr. Speaker, it was my privilege to host an important conference on legislative efforts being made in support of developing coal burning technologies in Evansville, IN, on August 24. Over 100 representatives of the coal producing community, small and large operators, mine workers, leaders from area chambers of commerce and local mayors spent the day hearing from a wide range of experts who spoke on the challenges and promises of coal R&D efforts.

The theme of the conference was "Coal Burning Technologies: A Congressional Perspective." Congressman PHIL SHARP, chairman of the House Energy and Commerce Subcommittee on Fossil and Synthetic Fuels, addressed the morning session. In addition, panel discussions featuring Dr. Jack Dugan of the Science and Technology Subcommittee on Energy Research and Production chaired by Congresswoman MARILYN LLOYD and Mr. Jim Zoia who is director of the Congressional Coal Group chaired by Congressman NICK RAHALL provided the meeting with an important congressional perspective of tremendous significance to the Eighth Congressional District where more than 70 percent of all of Indiana's coal is mined. Mr. Carl Bagge who is president of the National Coal Association provided the conference with a very thought provoking keynote speech on "Fear and the Future of Coal." In addition to these distinguished participants, an array of promising coal burning technologies were examined. These technologies and their importance were discussed by representatives of the Indiana Coal Council, AMAX Coal Co., Peabody Coal Co., the Indiana Limestone Institute, the United Mine Workers, the Evansville Chamber of Commerce, the American Electric Power Service Corp., General Motors Allison-Turbine, the U.S. Department of Energy's Technology Center in Morgantown, WV, the Indiana Corp. for Science and Technology, Resources and Agricultural Management, Inc. and the Atlantic Research Corp. The moderator for our conference was Prof. George Eadie of the department of mining technology at ISUE in Evansville.

Excellent presentations were provided by each and every conference participant. At this time, I would request that the paper by Dr. Dugan of the House be reprinted in the CONGRESSIONAL RECORD. Although it does not represent a formal House Science and Technology Committee policy statement, it does reflect the general sentiment of the chairmen of the principal energy subcommittees of that distinguished panel chaired by Congressman DON FUQUA.

A CONGRESSIONAL PERSPECTIVE ON COAL R&D LEGISLATION

(By Dr. John V. Dugan, Jr.)

Good morning. My aim here this morning is to provide a Congressional perspective from the specific point of view of my Subcommittee Chairman, Mrs. Marilyn Lloyd of Tennessee, as well as a general overview on coal R&D legislation from the viewpoint of our Science and Technology Committee Chairman, Don Fuqua of Florida. In the latter case, I am representing Bob Kripowicz, the Staff Director of Mr. Fuqua's Subcommittee on Energy Development and Applications, who is unable to be here today. I am the Staff Director for Mrs. Lloyd who chairs the Energy Research and Production Subcommittee, which authorizes all civilian nuclear R&D in the Department of Energy (DOE). Nevertheless, as many in the coal community know, she does not simply support nuclear energy development to the exclusion of other energy options. She is interested in a balanced energy R&D program and, due to her particularly keen interest in fossil R&D and synthetic fuels development, she has introduced coal technology legislation. Mr. Fuqua has proposed a generic authorization of $2 billion for pilot plant projects in fossil, solar, and conservation, and I shall discuss that amendment a bit later in the talk.

The national environment for coal R&D and synthetic fuels development is significantly different than that which prevailed in 1980 and 1981. The Energy Security Act was signed by President Carter in 1980 and authorized slightly more than $20 billion for commercial-scale synthetic fuel projects. At the same time, the Department of Energy was still charged with several large demonstration projects including solvent refined coal and high Btu gas technologies. Due to the relatively high cost of these demos, the DOE FY 1981 budget request was in the neighborhood of $1.75 billion. The Reagan Administration came on board and from the outset, the arch enemy of a federal role in technology development as well as the synthetic fuels program, David Stockman, set out to drastically reduce this funding. Actually, his goal was to have the federal government get out of the coal R&D business entirely. However, the Administration and the Congress have finally reached an accommodation on the level of the base

technology budget for coal R&D in the range of $300 to $400 million per year, yet there is presently a battle raging on the synthetic fuels front. As you know, the improprieties of the SFC Board members have become so notorious that the "fall out" has drastically eroded support of the synthetic fuels program. Things have degenerated to a point where the range of funding rescissions (i.e., appropriations to be withdrawn) goes from $5 billion to over $10 billion.

I hope that history will serve as a useful background. Now, let me briefly discuss the legislation proposed by my Chairman, Mrs. Lloyd. There has been a general recognition on our Science and Technology Committee, ever since the budget shocks of the first year of the Reagan Administration, that there is still some need for a federal role between the laboratory bench (or small process development unit) and the full-size plants which would be constructed by industry using proven technologies. At the same time, the Committee recognized that, under overwhelming budget pressures, it was not prudent to propose new appropriations requirements for these projects which would literally "fall between the cracks." Mrs. Lloyd who is a strong supporter of fossil R&D, and coal research in particular, concluded that ultimately the outstanding appropriations for the SFC would be lowered because of its tortured history. This spring she decided that the time was right to raise the issue of redirecting some of that SFC funding. She also recognized that in the near-term the Congress may be compelled to something about acid rain, no matter whether sufficient monitoring data is available to estimate cost benefits or not. As a result, she introduced H.R. 5593, the Clean Coal Production and Utilization Technology Demonstration Act. The Lloyd bill seeks to accelerate clean coal burning technologies toward commercialization by providing government/industry cost/sharing to build pilot plant or semi-works facilities. In the intermediate-term, the bill's goal is to reduce air pollution from coal burning powerplants and other facilities by demonstrating acid rain mitigation technologies at pilot plant scale. The longer term goal of the bill is to catalyze synthetic fuels development through technology demonstrations of more efficient, environmentally acceptable process for advanced combustion and coal conversion.

The important feature that distinguishes the Lloyd bill from other coal legislation introduced in this Congress is that the nearly $2 billion which constitutes the federal share of these demonstration projects would be transferred out of the existing appropriations for the SFC, i.e., from the Energy Security Reserve. In retrospect, the timing for introduction of such legislation appears to have been very good. The bill presently has nearly 30 co-sponsors, but the important thing is that both Houses of Congress have begun to take very seriously Mrs. Lloyd's recommendation to transfer such monies from the SFC to DOE, e.g., the Fuqua amendment is a generic authorization for the coal technology projects in H.R. 5593, as well as for solar and conservation facilities. Mrs. Lloyd understands the private sector's reluctance to assume the complete risk for proving new technologies and, thus, has concluded that it is increasingly evident that government action is not only warranted but necessary.

This is the appropriate time to discuss other coal legislation related to the Lloyd bill which has been introduced in the 98th Congress. The first, H.R. 4182, the National Coal Science, Technology and Engineering Development Program, was introduced by Rep. Nick Rahall (D-W. Va.) with Mrs. Lloyd as one of the co-sponsors. The Rahall bill seeks to encourage industry to develop new clean coal burning technologies with the assistance of the federal government. The bill designates certain candidate technologies for development and would institute a coal research program which would include methods for coal preparation and cleaning; development of ready-to-use fuels sutiable for use in equipment such as boilers and combustion engines; post-combustion cleanup technologies; and development of improved coal utilization processes which are cost competitive and meet established environmental limits. I'm sure Jim Zoia will tell us much more about Mr. Rahall's bill in the next talk.

The second bill, H.R. 5044, the Coal Science Technology and Engineering Development Program of 1984, was introduced by Rep. Doug Walgren (D-Pa.), who also chairs the Science, Research and Technology Subcommittee on the S&T Committee. This bill is similar to the Rahall bill in that it seeks to initiate a more focused and progressive coal research program. The bill authorizes a grant program to be administered by the Secretary of Energy, to encourage eligible applicants to establish proof-of-concept and develop both processes and supporting coal systems. As mentioned, these grants would be administered through the Energy Technology Centers (ETCs) and would cover only a portion of the project cost with industry paying the remaining development costs. The bill lists 13 eligible candidate near-term technologies, ten of which are also in the Rahall bill. Mrs. Lloyd's bill delineates four alternative technologies to wet scrubbers and lists seven candidates for second-generation technology demonstration. Taken together, these bills contain an exhaustive list of candidate technologies and Mrs. Lloyd's bill also encourages development of technologies for Southeastern shale recovery and underground coal gasification.

The Lloyd, Walgren and Rahall bills share the idea that recent funding restrictions in R&D budgets have virtually halted any technology demonstration work by the federal government, i.e., they recognize this "R&D gap." The major intent of these bills is to have the government provide some financial incentives to industry to encourage their participation in energy technology demonstration projects, and by doing so, to achieve a more focused coal research and development program. Both of these bills included cost-sharing provisions without the percentage being specified, i.e., the same approach as Mrs. Lloyd's bill.

In the Senate, Sen. Byrd (D-W. Va.) has introduced S. 1925, the National Coal Science Technology, and Engineering Development Act of 1983. This bill is very similar to the House bills, in particular the Walgren bill. The bill is still pending in the Research and Development Subcommittee of the Senate Committee on Energy and Natural Resources.

In terms of the prospects for passage of these various coal R&D bills, it is important to recognize that a significant program could be put in place by the Appropriations Committees without the authorizing legislation ever becoming law. It would be preferable to vote the Fuqua amendment on the House Floor, but given the strong agreement between the Committees on this matter, it may not be a strict requirement. The Interior Appropriations bill, which we expect to be enacted in September, will appropriate somewhat over $300 million for the on-going fossil R&D base technology program. However, there is a significant possibility that measurable appropriations for semi-works projects in both fossil and conservation could also be included in the Conference Report on the Interior bill. The extent of support which is perceived for the Fuqua amendment may very well determine whether the Appropriations Committee provides funding for such projects.

Let me briefly discuss the Fuqua amendment with an emphasis on coal R&D projects which would presumably account for most of the authorized funding for these energy research and development facilities. The Chairman will offer his amendment to H.R. 5244, the Science and Technology Committee DOE Civilian R&D authorization bill, which is expected to go to the Floor about mid-September. The amendment would authorize $2 billion for all non-nuclear technologies to bridge the gap between applied research and commercial-size facilities. This $2 billion would be authorized for pilot plants, semi-works and demonstration projects with no more than 50% of the total cost provided by the government and the single facility participation by the government limited to $300 million. The Administration, as you might have guessed, although it agrees that such facilities are necessary, expects industry to finance them completely. On the other hand, Chairman Fuqua and the Committee believe that the testimony received overwhelmingly supports the amendment's thrust.

I don't have the explicit language for the amendment, but it is important to understand the intent, which is to cause a new transfer of funds that would otherwise be rescinded from the Energy Security Reserve. The premise thus far is that the authorization would be triggered by a total rescission of $9 billion, but it is not clear as to how such a contingency might be explicitly addressed in the statute. The examples of fossil energy R&D facilities which might be funded in this manner are very similar to the projects spelled out in Mrs. Lloyd's bill, e.g., atmospheric and fluidized bed boilers, MHD retrofits, Integrated gasifier/fuel cell systems, coal-fired turbines, advanced coal gasification and liquefaction facilities. The primary difference between the projects mentioned in H.R. 5593 and those which are potential candidates under the Fuqua amendment is that the latter is as broad but non-specific with respect to acid rain technologies.

Chairman Lloyd's expectation is that roughly $1.5 billion of the total authorized would be ultimately appropriated for fossil R&D projects, but the amendment does not address the distribution of funding among the non-nuclear technologies. The amendment does take a different approach than Mrs. Lloyd's bill in providing a broad framework through a generic authorization within which individual projects would be appropriated with Congressional review versus line item authorizations. The amendment would leave $6.2 billion in the Energy Security Reserve, which is several billions less than what Mrs. Lloyd is comfortable with, but this reflects a commitment Mr. Fuqua and the coal program supporters made during debate on the Interior Appropriations bill.

The amendment has already elicited very constructive discussion among Members of

Congress, the DOE, the industry and the utilities regarding the policy merits of such an approach. I should stress to you that Chairman Lloyd expects that her coal community friends will express strong support for this amendment, regardless of whether our authorization bill ever reaches the House Floor. She would remind you that there will be no other opportunities for such a significant redistribution of federal appropriations to carry out the fossil technology demos which are critically needed. She does not believe that our nation's industrial and government leaders can continue to cater to Mr. Stockman's "free market" whims. She first warned industry about his misguided view of the federal role in research and development in March 1981 and she has seen nothing since that would change her mind about its limitations. She asks for you to make every effort to put the "D" back in fossil R&D through this constructive federal/industry partnership in terms of the Fuqua amendment and related coal legislation.●

THE CUBAN CHALLENGE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SMITH of Florida. Mr. Speaker, an incisive examination of Cuba has been published by the Cuban-American National Foundation, Inc. "Cuba as a Model and Challenge" was written by Kenneth N. Skoug, Jr. and contains a preface by the Honorable DANTE FASCELL, chairman of the Foreign Affairs Committee. The monograph focuses on the true nature of the Castro regime and the problems that regime poses to American interests in the Western Hemisphere.

I especially want to bring to my colleagues' attention Mr. Skoug's assessment of the Cuban challenge to our national interests. Everybody concerned with American policy toward Central America should read this analysis.

The pertinent section of the monograph follows:

THE CUBAN CHALLENGE

The revolutionary process that was successful in Cuba was applied repeatedly by Cuba to other states in the region after 1959. In the beginning expectations were simplistic, costs modest and results slim. Cuba viewed its negihbors with hostility and as proper targets for revolutionary bands. This interventionary policy, which earned Cuba few friends in the region and even strained ties to Moscow, was put in abeyance after the death of Che Guevara in Bolivia in 1967. But the revolutionary zeal of Cuba has continued as an integral part of the Cuban system. It is anchored as Article 12(c) in the Cuban Constitution. It has, in connection with Cuba's more mature relationship with the Soviet Union and its pretensions to leadership in the Third World, become a more sophisticated challenge to the rival concept of the open society in the Western Hemisphere.

Especially since the early 1970s, Cuba has moved ever more definitively into the Soviet sphere. In view of the drastic change in the terms of trade between sugar and oil, the barter relationship between Cuba and the Soviet Union has become marked by increasing Soviet subsidies and mounting Cuban economic dependency. Cuba owes the Soviet Union vast soft currency debts it cannot repay. Indeed the Soviet Union and its East European allies must supply greater subsidies, expressed in unbalanced trade accounts, to sustain Cuba's economy.

But if Cuba on the one hand has increased in cost for the Soviet Union, it also has increased in strategic value. The decade of the 70s witnessed the appearance of Cuban combat troops engaged on African battlefields. Particularly in the case of Ethiopia this Cuban presence served Soviet interests in a way which no European ally of the USSR could or would have done. Cuba's military success in Africa, at least in the short run, was in stark contrast to what had until then been a pattern of failure in Latin America. Moreover, after its lonely endorsement of the Soviet crushing of the Prague Spring in 1968, Cuba has been unfailingly supportive of Soviet foreign policy, even when this allegiance has cost Cuba respect among countries which truly are nonaligned.

At the end of the 1970s, when Cuba perceived new opportunities closer to home, two vital elements had changed from the situation prevailing in the 1960s. For one, the Soviet Union was now supportive of Cuba's renewed revolutionary activism and was also prepared to underwrite the massive build-up the Cuban armed forces which has been taking place since the end of 1980. This, together with Soviet activities in and around Cuba, has increased tensions, and would be an element in any major East-West conflict. The second factor is that Cuba has learned to differentiate its own Latin American policy objectives. In the long run, probably, Cuba envisions transformation along Marxist-Leninist lines for every state in the region, but the Cuban leadership has learned to order it short range priorities. Cuba now has the option of cultivating better diplomatic relations with the states of the region, trying thereby to stimulate a Latin American consciousness against the United States and to cultivate its own general acceptance as a normal member of the international order.

Yet, anchored by its bonds to the Soviet Union, Cuba maintains close relations with virtually every radical or revolutionary group in the region, supplying training, money, weapons and counsel and providing the nexus between the revolutionaries and the Soviet Union. At the same time it assesses the relative value of its associations with various Latin American governments and particularly the degree to which these governments can be made useful to Cuba. Cuba thus seeks to be both the Mecca for subversives and a focal point for rallying their governments against the United States.

The examples of this situation in the 1980s are many. To cite only a few:

In the case of Argentina, Cuba made haste to show its firm support of the until-then despised Galtieri regime once the battle for the Falklands began. The ideology of the Argentine military bothered the Cubans less than the chance ot be seen in the forefront of Latinity against the Anglo-Saxon. An additional reward for Cuba has been the generous trade credits which both the Argentine military regime and its civilian successor have supplied to the ailing Cuban economy.

Once the momentum of the Falklands issue was lost, Cuba, which was itself obliged in August, 1982, to ask Western creditors to reschedule part of the $3 billion dollar Cuban hard currency debt, seized upon the general financial crisis in the region to promote Cuban solidarity with other Latin American debtors. This incidentally shows again how adept Cuba is at exploiting even its own problems for political gain.

In the case of Columbia, the Cuban government admitted having trained the M-19 revolutionaries who assaulted the Turbay Ayala government, with which Havana was maintaining overtly normal diplomatic relations. More recently Cuba showed its influence in a new way. The head of the Cuban government requested that Colombian terrorists release the kidnapped brother of the President of Colombia. The terrorists heeded this request from an individual whom they apparently respect and esteem. The obvious lesson is that the voice which can stay the terrorist's hand can also permit it to strike.

The focus of Cuba's foreign policy, however, is presently on Central America. Cuba primarily wishes to see the Sandinista government in Managua consolidated as a permanent force on the American mainland, with its fundamental approach in close harmony with the Cuban system. Communist Cuba wants a Communist Nicaragua. It also would like to see the revolutionary forces in El Salvador come to power there through the process of a negotiated settlement, sharing power on a transitional basis until Lenist-style control can be established. Cuba's immediate attitude toward the other states in the region seems to be dictated primarily by how they react to the struggle in Nicaragua and in El Salvador. For example, it is largely irrelevant to the Cubans that elections take place in Guatemala. What is essential is that Guatemala stay out of the conflict at its very door or else bear the brunt of Cuban displeasure. The same policy was followed in the case of Honduras, where Cuban actions were keyed to the stand taken by Honduras towards the two conflicts on its borders. Cuba, which has trained revolutionaries from almost all countries in the hemisphere, was able to send such forces into Honduras. The invaders were defeated, but they demonstrated the same principle as applied in Colombia and elsewhere. The government which displeases Cuba, whether or not it has normal diplomatic relations with Havana, can expect armed retaliation.

Cuban officials occasionally say they favor the democratic trend in Latin America. But his putative endorsement of something which Cuba has never permitted its own people is suspect. Free elections are clearly not seen by Cuba as the answer to questions in Central America or even as a useful step forward. They are not likely to be seen as relevant in other countries once there exist concrete prospects for revolution on the Cuban pattern. Rather it appears that Cuba, if it welcomes democratic trends at all, does so only where it can envision prospects of winning from within or where the elected government supports foreign policy objectives which, at least in the short run, are consistent with Cuba's own. In either such case, however, there is no reason to believe that Cuba will suspend its close ties to revolutionary forces in any country, forces which Cuba can help to bring to power when conditions are appropriate or

which can be used as a threat to compel or to persuade.

THE UNITED STATES AND CUBA

The underlying issues between the United States and Cuba have their genesis in Cuba's revolutionary posture and its close alignment with the Soviet Union. Cuba has indicated on many occasions that neither of these pillars of Cuban policy is open to discussion. Its behavior consistently underscores this reality. It is Cuba's unique role as a linchpin between Soviet power and a Latin America in transition which introduces strategic and ideological considerations into conflicts which could otherwise be resolved or at least ameliorated on their own terms. Cuba facilitates Soviet military power on our doorstep. That is why foreign policy is at the root of our differences with Havana and why so much of our policy toward Cuba is directed toward its restraint.

In the 1970s there were good faith efforts by the United States to improve this relationship. Interests Sections were established to facilitate direct communications between the two parties. The U.S. trade and financial embargo was relaxed. Cuba released some political prisoners and permitted the return of Cuban-Americans who had left Cuba as "worms" and came back as "butterflies," pouring dollars into Cuban coffers. But this movement did not and could not touch the main thrust of Cuban policy. Having gone into Ethiopia in 1977 at Soviet behest, Cuba in succeeding years engaged itself in Nicaragua and El Salvador and exploited the seizure of power by the New Jewel Movement in Grenada. In so doing Cuba demonstrated the depth of its determination to reconstruct the Western Hemisphere along the lines of its own model.

The attitude of the United States government toward Cuba remains one of serious concern about the militarization of Cuba and about Cuba's stimulation of revolutionary violence in this hemisphere and elsewhere. After Grenada it is likely that Cuba has some better appreciation of the risks of uncontrolled violence and of the limitations of its own power and that of its allies, but there is no convincing indication that the overall thrust of Cuban foreign policy has been or will be altered. Cuba remains militant and prone to stimulate violent change.

There remains, however, a willingness on our part to resolve those problems with Cuba which Cuba may wish to resolve and for which there is a reasonable basis for mutually satisfactory solutions. One example is the problem of the Mariel Excludables who came with the Boatlift of 1980 and who are ineligible to remain in the United States for substantive reasons. We have also tried to engage Cuba in talks about problems of radio interference. In both cases we were and are prepared to deal with Cuba on the basis of equality and mutual respect and to make concessions in order to resolve problems. There are perhaps other issues of this nature where progress could be made if Cuba is so interested.

It is occasionally asked if there can be an improvement in overall U.S.-Cuban relations. Such an improvement can hardly be a goal in itself. There are some bilateral issues, relatively free of ideological content, which can be resolved. But the differences of principle between the United States and Cuba are profound. There is unfortunately no sign yet that the Cuban leadership is reconsidering its own world view, or is beginning seriously to address those issues which set it apart from a region which is striving for greater freedom and economic well-being.

Assuming that these circumstances continue, we shall continue to work with friendly nations to meet the Cuban challenge and to overcome it until that day when the constructive genius of Cuba can be turned to the commonweal of all who inhabit this hemisphere.●

SLBM THREAT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. AuCOIN. Mr. Speaker, one of the most grievous national security threats we will face by the end of the century is that of attack by accurate quick-striking Soviet submarine-launched ballistic missiles. One of the most significant advantages of the nuclear freeze is that it will prevent these missiles from gaining high accuracy.

I've run some calculations on the vulnerability of our ICBM silos to Soviet SLBM attack under freeze and no-freeze conditions. The results are dramatic; so that my colleagues can consider them, I insert them in the RECORD at this point.

U.S. ICBM WARHEADS SURVIVING SOVIET SLBM ATTACK—MID 1990'S

	Modernization		Freeze	
	Trident II quality attack	Satellite guided attack	Static freeze (no change from 1984)	Worst case (double Soviet accuracy and quadruple stationing)
Silo hardness:				
2,000 psi (present U.S.)	30	10 or less	1980	1,750
6,000 psi (present Soviet)	170	do	1990	1,810
10,000 psi	310	do	1990	1,830
20,000 psi	630	do	1995	1,910

If we choose modernization, Soviet SLBMs will so seriously threaten American ICBMs in silos half of the crucial half-hour warning time will be lost. The deterrent superiority of the freeze over modernization is here even more dramatic than with ICBMs.

The warning time would be cut even more drastically if putting maneuverable reentry vehicles or satellite guidance on DTBMs is possible. No one knows, but there do not seem to be any technologically insuperable difficulties to it. If it is possible, then even our hardened silos can be threatened by DTBMs with their six minute warning time. Modernization will let us find out whether it is possible.

In contrast, the freeze's ban on SLBM test flights and additional deployments will prevent accurate SLBMs and preserves the critical quarter hour warning time.●

A PUBLIC HOUSING SUCCESS: THE ELDERLY SAFE AT HOME PROGRAM

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. GARCIA. Mr. Speaker, the problems associated with public housing are often perceived as too expensive to solve, or, at worst, inherent and hopeless. Elderly residents of low-income housing are viewed as helpless, and the youth of these communities are portrayed as uncaring and destructive.

I would like to bring to the attention of the legislative community a program which sheds a different light on these perceptions. The Elderly Safe at Home Program, directed by the New York City Housing Authority, innovatively uses limited funding to provide important social services to many elderly project residents. Crime prevention, security, counseling, and other assistance crucial to the daily needs of older citizens is available within their local community. The innovation lies not in the types of services offered, but in the utilization of our most valuable resource, human cooperation, in providing these services.

The elderly residents of participating housing units actively contribute to the maintenance of their own security and the safety of their neighbors. Youth are given constructive and responsible duties, as qualified students are directly involved in geriatric care of those in need. Unique programs forge intergenerational bonds by encouraging young and old to share experiences, and the sponsoring of social gatherings and trips enable many to enjoy outings otherwise impossible.

The Elderly Safe at Home Program has received noted awards and commendations, but the deepest rewards have come from the support offered, the friendships developed, and the sense of community reinforced as a result of the holistic approach and marked dedication of the staff and local residents.

I am submitting an article for the RECORD from the Herald Statesman describing the program's attributes in whole, and hope my colleagues will be enlightened to the progress made in our most challenging task of housing the needy.

S. BRONX SENIORS MORE SECURE, THANKS TO HOUSING AUTHORITY

(By Karen DelBene)

The Elderly Safe at Home Program, an anti-crime operation established by the Housing Authority's Office for the Aging, first began serving the elderly residents of the South Bronx in 1981. Today, this program has become a way of life for more than 1,700 South Bronx seniors living in Claremont Village, Forest Houses, McKin-

ley Houses, Jackson Houses, and 372 E. 152nd St.

Under the direction of Gary D. Morgan, a social worker with the Housing Authority for 13 years, the program incorporates a large number of services which make life a little easier, happier and safer for the seniors it serves.

Through a centralized network, the program provides security and service linkages using social workers, volunteers, tenant patrols and paraprofessionals, as well as students during after-school hours.

"What makes the program work," said Morgan, "is the concern and caring of the staff for their neighbors and the larger volunteer effort on the part of the elderly."

The basics of the program include home visits, telephone checkups, anti-crime seminars, and escort services. In addition, seniors have the use of an emergency alarm system through which they can alert neighbors when something is wrong. The alarm is operated by a pullcord inside the apartment which set off a light outside the door.

Also provided is HELP (Helping Elderly Lower Pressure), where blood pressure readings are taken three times a year; SAFE (Student Assistance for the Elderly), which pairs Health Career students with an interest in geriatrics with individual seniors; and the Rape Prevention Unit, which provides rape prevention seminars and arranges for crisis counseling and referrals for victims of rape and other sexual assaults.

The program also attempts to bridge the generation gap through such programs as Intergenerational Cooperation Day that was held this year in May. The project brought together 150 seniors and students from 14 Bronx public schools for a student essay and poster contest entitled, "How I Feel About the Elderly in My Community."

The success of the program is proven, not only through the seniors it serves, but through the numerous letters of commendation it has received from leaders such as Mayor Ed Koch and District Attorney Mario Merola.

An important key to the program's success is the elderly themselves. Through the "buddy system," in which every senior speaks to another every day, the staff is able to find out about seniors who are in need of help. In addition, active seniors in each building help their neighbors with escort services, friendly visits, and a daily check to make sure everything is all right.

It is clear that the concern of the elderly for one another is what keeps them together and keeps them going. "Right now we need each other," said 70-year-old Pearl Mack, who has been with the program for a year. "If I can help in any way, I will," she said.

The most unique characteristic of the program is the senior security advisors, on call 24 hrs a day, 7 days a week. These staff members work in the office from 9 a.m. to 5 p.m. and make their home phone numbers available so that seniors can contact them at any time.

Another important element of the program is the respect that staff members have for the seniors they serve. "We have people in their late 90s still capable of independent living," said Morgan. "The wealth of the seniors' experience is respected."

The program is also an outlet for the elderly—a means of socializing, taking part in activities and doing things that would otherwise be impossible. Seniors work with arts and crafts, attend meetings, and go on trips to such events as the symphony at Lincoln Center.

"Without the program we wouldn't be able to do so many wonderful things," said Petra Ponga, a 72-year-old widow who lives alone. "I was very lonely before," she said. "I'm not lonely anymore."

Unfortunately, with all of the positive work it is doing, the Elderly Safe At Home Program is still feeling the bite of federal funds cutbacks. The staff recently lost four part-time members because the money allotted through the Community Development Block Grant just wasn't enough.

"We've been receiving $100,000 per year since the program began," said Morgan. "But the same money doesn't go as far as it did."

The loss of the four staff members is being felt by the seniors, who consider them family members. "It's like they cut something from our life," said Mrs. Ponga.●

SISTER MARIE CAROL HURLEY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, the Miami Herald recently printed an article about Sister Marie Carol Hurley and her work on behalf of the black community in Miami.

Sister Marie Carol is not only a dear friend. She is also a very valued former employee of our Washington congressional office. During the time she worked with us, she set an example of caring and commitment that inspired the entire staff. We all miss her, but we know that she left her work on Capitol Hill so that she could make still greater contributions.

Those who know Sister Marie Carol cannot fail to be touched by her. She brings a real joy to her work, and through it communicates a sense of hope for our future.

Mr. Speaker, I want to share the following article with my colleagues.

The article follows:

[From the Miami Herald, Sept. 13, 1984]

NUN'S COMMITMENT TOUCHES BLACK, HAITIAN COMMUNITIES

(By Gary Ferman)

It was while she was a teenager, exposed to the Dominican sisters and the teachings of St. Ann's Catholic School in West Palm Beach, that Sister Marie Carol Hurley decided she would spend her life helping others.

Now 65 and running the Telecommunications Department at Barry University, Hurley reclines in her office chair in room 222 with a content smile.

"Something inside me told me that this was the way to make the most of my life," she said. "I wanted a life of service and back then, the thing for a Catholic girl was to become a sister."

So for over 45 years, Hurley has served—her students, blacks, Haitians, disadvantaged youths and others.

"This woman is dynamic," Says Phyllis Saunders, who puts out Barry's official publications. "She's interested in every religion and creed. She's one of the most outstanding women I've ever known in my life."

Hurley got her bachelor's degree in English and speech at Siena Heights College, a Catholic University in Adrian, Mich. The novicia where she trained was adjacent to campus. When she graduated and became a nun, Hurley went for her master's degree at Catholic University, Washington, D.C.

She taught in Catholic schools in Detroit and Chicago before coming to Barry University, then called Barry College, in 1954.

Hurley headed the school's drama department for 20 years. But some of her most important work was performed off campus.

She spent many weekends cleaning migrant camps and creating social programs in the black community. She would teach disadvantaged youngsters songs on her ukelele and talk to them about values. She even visited Youth Hall, Dade's juvenile detention center, once a week to talk to the children there.

"The injustice to blacks always has bothered me," she said. "Back in West Palm Beach, at St. Ann's, two seats in the back of the church were reserved for blacks. Blacks lived on the other side of the railroad tracks and couldn't cross over at night."

After racial violence struck Miami in 1980, Barry President Sister Jeanne O'Laughlin approached Hurley to see if there was anything the school could do. Hurley organized an education program for black ministers.

For three years, the program has been in operation with 14 participants. The first course was speech based on the Bible, then a class on Old and New Testament scripture, a workshop on contemporary religious thought, sessions in peacemaking and conflict resolution and, this fall, an advanced speech course.

A vacation trip to Haiti last year deepened Hurley's commitment to the Haitian community.

"I cried all the way to the airport," she said. "I had seen poverty in some of our black neighborhoods. But never anything like this. So I try to help the Haitians as much as I can."

Hurley works to make sure Haitian immigrants have food and shelter and that their sponsors know where they are. She oversees more than 600 refugees, teaching some of the women to use sewing machines so they can get jobs and even holding yard sales to raise money for some of the others who can't work.

"A lot of my life has revolved around the joy I get from helping people," she said. "I have this idea that people should know they have a father who loves them and that we're all here to help. That's the most beautiful thing in creation and I feel I should use all the talent I have to make people aware."●

U.S. SCIENCE AND TECHNOLOGY DECISIONMAKING AND EXPERT REVIEW

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. FUQUA. Mr. Speaker, I am placing in the CONGRESSIONAL RECORD today for the information of our colleagues two letters addressing broad issues about science policy and the more narrow issue of expert review. The first letter, dated August 10, 1984

was sent to me by G.A. Keyworth, Science Adviser to the President and Director, Office of Science and Technology Policy (OSTP); Erich Bloch, Director, National Science Foundation (NSF); Richard DeLauer, Under Secretary of Research and Engineering, Department of Defense (DOD), and Alvin W. Trivelpiece, Director, Office of Energy Research, Department of Energy (DOE). The second letter is my response to these distinguished gentlemen.

In my view, these two letters serve to frame the ongoing debate about how decisions on the priority and level of effort should be accomplished for Federal support of the U.S. science, engineering, and technology base programs. I thought it appropriate to share with this body my considered position on this issue.

THE WHITE HOUSE,
Washington, August 10, 1984.

Hon. DON FUQUA,
Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Today as never before the Nation is united in the effort to ensure success in the competitive era we face. Both the Congress and the Administration have given strong and sustained support to the U.S. science and technology base as an essential underpinning to this enterprise.

Our roles as custodians of Federal research and development programs require that we administer the Nation's monetary and human resources in the most efficient and effective manner we can. A significant concern is, of course, to avoid unnecessary expenditures during this time of a serious national deficit. Equally important is to make sure that the ongoing resurgence of the traditional American emphasis on excellence not be compromised.

Orderly execution of a science, engineering, and technology program requires that each component be carefully reviewed by experts, both for scientific excellence and for programmatic appropriateness. During the last year many members of the Congress, as well as eminent scientists, engineers, educators, and industrialists, have reaffirmed the importance of such systematic expert review, and have eschewed disruption of this important but delicate national undertaking by narrowly based political considerations.

We heartily endorse these efforts to maintain the integrity of the Nation's science, engineering, and technology program and renew our personal commitment to expert review as an essential component.

Sincerely,

G. A. KEYWORTH,
Science Advisor to the President and Director, OSTP.
ERICH BLOCH,
Director Designate, National Science Foundation.
RICHARD DELAUER,
Under Secretary of Research and Engineering, Department of Defense.
ALVIN W. TRIVELPIECE,
Director, Office of Energy Research, Department of Energy.

COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, September 17, 1984.

GEORGE A. KEYWORTH, *Director,*
Office of Science and Technology Policy, Executive Office of the President, Washington, DC.

DEAR DR. KEYWORTH: Thank you for your joint letter of August 10 in which you and your distinguished colleagues renew your commitment to expert review as an essential component of the Federal Government's science, engineering and technology programs. I certainly subscribe to this concept in all applicable cases.

It is my view that our science and technology programs must remain strong in order to further the nation's economic progress, strengthen our international competitiveness, maintain a national defense which is second to none, and of course stimulate our intellectual endeavors. As you know, the Committee on Science and Technology has, over the years and with these aims in mind, worked to support and strengthen these programs, and received the cooperation of the agencies and offices you represent in carrying out this mission. Expert review has played an important role in the nation's scientific progress.

I do wish, however, to make my view clear with regard to your comment about "narrowly-based political considerations". Whether it is the improvement of science and mathematics education, the training of new generations of scientists and engineers, the fostering of regional and national economic development, or the construction of a major scientific facility, such socially complex matters must, in my view, be considered in a broader decision-making context. It is the genius of our political system to provide for the integration of the many and diverse objectives of our people. The Members of Congress, as the most direct representatives of the people, have not only the desire but the constitutional duty to take into consideration all of those objectives.

At the level of decisions regarding an individual scientist's disciplinary research, it is clear that expert opinion must be the dominant factor. Conversely, when major expenditures for new programs and facilities or new policy directions with direct impact beyond science are before us, there can be no doubt that additional and broader factors must be taken into consideration.

The kind of close cooperation between the scientific and political communities which in past years has led to the successful integration of scientific and national goals will, I trust, continue. There will undoubtedly be specific instances when honest differences will arise. Those can and will, I know, continue to be resolved through the cooperation and accommodation which is the essence of our system.

The Science Policy Study which I and my colleagues on the Science and Technology Committee are now in the process of formulating will seek to address the issue raised in your letter. I would welcome our further discussion of this matter as we move more deeply into these questions.

Sincerely,

DON FUQUA,
Chairman.●

THE CAMPAIGN TO SAVE MARINE WORLD/AFRICA U.S.A.

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of the House a matter of great concern to me, to my constituents, and to all who are interested in the welfare of animals. Marine World/Africa U.S.A. is a special institution that has been housed in Redwood City in my congressional district for many years. It is a unique recreational and educational facility that has delighted children and adults alike. It now faces a serious dilemma.

For almost 9 years now, Don C. Reed has been responsible for almost everything: Scrubbing algae from the tank walls—with the fish present, of course, catching and restraining angry sea creatures while a veterinarian inspects them, conducting tours, and much more. Don lives in Fremont, CA, with his wife and two children. His dedication and service to Marine World is one of the reasons it has flourished.

I would like to place in the RECORD a statement of Don Reed, author of "Notes From An Underwater Zoo" and chief diver at Marine World. He explains the problem more eloquently than I could hope to do, and also gives the problem a very personal flavor.

The statement follows:

In this year of Olympic and election furor, a small but nationally significant story is going unheard. It combines the President of the United States, the mayor of San Francisco, an enormous multinational corporation, nine hundred mental and manual laborers, lions, ostriches, elephants and killer whales—and the whole giant question of corporate responsibility.

Briefly, the facts are these: Campeau Corporation, a Canadian-run multinational, owns the land development rights underneath Marine World/Africa U.S.A. They want to turn Northern California's only major wildlife entertainment, education and research center into an office complex, and that is okay. That is apparently their legal right. But the way they are doing it will kill Marine World's chance to relocate and rebuild.

On July 17 of this year, Campeau announced to the people of Marine World that we and our animals had just three months to get off the premises. But we had been led to believe we were safe here until the Fall of 1985, which additional year would give Marine World time to move. This new rush to eviction makes our chances of survival extremely slim; it will mean the end of sixteen years continuous struggle, make meaningless the hard work of thousands, and cancel the pleasure of millions—and all for lack of a little time.

I am a diver for Marine World. No great glamor job: like an underwater janitor I clean the aquarium tank windows on the inside, where the fishes live. It is my chance

to share the ocean world with folks who otherwise would never have the chance to watch a dolphin swim through beams of underwater light, get close to a killer whale, or see how sharks and people can peacefully coexist. This place is special to me and all the other men and women who labor for such amazingly low wages; a glance at our checkstubs will confirm that we are definitely not here for the money.

Mike Demetrios, President of the park, is trying to raise funds and find a new site. But he needs time. Campeau will not give us the time. They and the investors of "Marine World, Inc." are acting only in consideration of the land beneath the animals. They say publicly that Marine World Africa U.S.A. is moving to a new and better location, but neither of these two powers have a dime's worth of involvement in a new animal park. Only one individual does, and that is Mike Demetrios. He needs a year to get the financing and construction of a new Marine World underway. Campeau says no. Even though the legal permit process is barely begun for them (Frontier Village down the road lay vacant five years during this process) Campeau will not budge. Even though they cannot begin construction in the rainy season so that we are, in actuality, requesting a mere six-month extension; Campeau does not care. They appear to be quite willing to become the corporation which killed Marine World/Africa U.S.A.; only the name will continue on the new "Marine World" office complex and hotel.

How does our government feel about this? On both sides of the aisle, our elected officials are standing up. Democrat Tom Lantos, United States Congressman, called Marine World a "national resource" and is in contact with the Canadian ambassador and Mr. Robert Campeau himself, trying to secure a statesmanlike decision which will allow both the office complex and the animal park to survive. Republican State Assemblyman Robert Naylor urges Campeau to "postpone the eviction of Marine World until the new site has been completed." Mayor Diane Feinstein of San Francisco and Congresswoman Barbara Boxer have publicly come out in support of Marine World's effort to stay alive. Our San Mateo County Board of Supervisors passed a resolution supporting us, and the Council of Redwood City voted to continue negotiating with Campeau to try to gain Marine World its one-year extension.

On August 10, the White House received a letter from the Friends of Marine World (a loose association of employees and friends of the park), asking Ronald Reagan to make one phone call on our behalf, to pick up the telephone and call Mr. Robert Campeau in Canada, and ask him to reconsider. The President is the protector of this nation, and the logical man to help. In his nomination movie at Dallas, he quoted a little girl who asked him to help the animals. Here is something concrete he can do. He has not yet responded; we hope that he will. We followed up with a second letter, copies of which were also sent to prominent Republicans in touch with the President and hand-delivered another letter to President Reagan's personal aide when the President came to Cupertino. And so it was. The President is overwhelmingly busy; maybe he will still come through for us and ask Campeau to give us our year, but each day passing brings us closer to eviction and the end of Marine World/Africa U.S.A.

My question is this: Are these giant corporations (Campeau's assets: one point seven five billion dollars) so huge and powerful that they are no longer responsible to the people and country from whom they take their profits? Who is in charge here? I want to believe that America still stands for what is good and true, that might is not the final arbiter of right, and that the little person still has a chance. But here is a situation where a force from outside the country is mowing down an American dream, and our government seems helpless before it.

Marine World to me is a triumph of the free enterprise system. We played by the rules, made a profit for the owners, even at a time when almost every other theme park in America experienced severe declines in attendance. Our first years were a constant struggle; many times we nearly went under. But we fought; we worked hard; and we prevailed. For the last three years we have been solidly in the black, and we are one of Northern California's largest hirers of unskilled youth. Our educational programs are outstanding; Marine World's contribution to the community may best be judged by the Bay Area-wide outcry once our situation was understood. In just a few short weeks, a handful of employees (working on their own free time) gathered more than 50,000 signatures of support. Endorsements of civic and service groups are pouring in every day.

But barring a miracle, on October 14, 1984, Marine World/Africa U.S.A will die. The giant corporation called Campeau has hired a huge public relations firm, Burson and Marsteller, to make pretty the ugliness they intend to do. The quiet creatures of forest and sea have no voice to raise on their behalf; we must be their voice. Please think about this, and talk about it with your friends. Maybe make a phone call to a Congressperson, or the President, or write Mr. Robert Campeau himself at: Campeau Corporation Canada, 320 Bay Street, Toronto, Ontario, Canada, M5H2P.

On behalf of the animals and friends of Marine World, Thank you.●

FEDERAL AGENCY AUTO EFFICIENCY: AN AREA TO SAVE MONEY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. STARK. Mr. Speaker, I have just received a copy of the General Services Administration's August 1984 report entitled "Federal Motor Vehicle Fleet Report for Fiscal Year 1983."

Believe it or not, it is interesting reading—since it seems to show the way to saving tens of millions of dollars per year through better management of the Federal Government's large fleets of cars.

GSA is working on major management reforms such as automated centralized maintenance control centers, reduction of in-house maintenance facilities and personnel, better auto warranties. They say that all this will result in some cost savings for fiscal year 1984—which ends in 11 days.

I hope so.

Because the data on the 19 largest Federal carpool fleets shows that if all of those 19 agencies operated their autos at the same total cost per mile as the most efficient agency, the public would have saved about $67 million in fiscal 1983.

Mr. Speaker, I know there are a lot of good reasons for different agencies to have different types of cars: law enforcement agencies need a sturdy, more powerful car. The Navy may need a lot of cars when the fleet is in, but at other times have a low utilization rate, which drives up the cost per car.

Nevertheless, the data—if correct—shows that the various agencies can and should do more to lower their costs and move toward the level of efficiency of the low-cost agency.

Following is a table I have prepared from the GSA's report on total costs, including depreciation, of passenger sedans:

[Dollar amounts in thousands]

Agency	Miles traveled fiscal year 1983	Total cost fiscal year 1983	Cost if agency as efficient as lowest cost agency	Savings
USDA Animal and Plant Health Service	6,432,000	$0.852	(1)	
Customs	17,920,000	4,660	2,374	$2,292
Department of Energy	17,367,000	4,310	2,301	2,009
Army	91,569,000	26,252	12,132	14,119
Navy	11,839,000	5,953	1,568	4,385
Corps of Engineers	8,540,000	2,394	1,131	1,263
Total, 19 large fleets	955,858,000	193,660	126,651	67,009

[1] APHIS is lowest cost agency listed.

What is even more startling is the difference in the average miles per gallon among the various Federal auto fleets. For example, the Corps of Engineers cars get 20.3 miles per gallon, but the Marines get only 14.6 miles per gallon. It looks like in addition to a few good men, the Marines could use a few good cars. The TVA appears to be the most efficient agency at 24.7 miles per gallon, while Customs is at the bottom of the 19 fleets with cars getting only 14.3 miles per gallon. What is very interesting is the poor showing of the Department of Energy with an average milage efficiency of 18 miles per gallon.

The agencies are trying to improve their auto operations—but the data shows they have a long way to go. They should work faster in what is clearly a huge area of potential cost savings. ●

SANDFORD Z. PERSONS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SEIBERLING. Mr. Speaker, last week Sandford Persons, a former member of the staff of the House Doorkeeper, died unexpectedly at the age of 61. Before going on the staff of the House, Sandy was the executive director for 7 years of Members of Congress for Peace through Law, now known as the arms control and foreign policy caucus.

From the time he graduated from college until his untimely death, Sandy dedicated his life to the cause of world peace through law. Despite, or perhaps because of, his commitment to this goal at a time of growing international stress and insecurity, he always managed to display a cheerful face to the world. Even more important, he had the capacity to transmit his positive outlook and his enthusiasm to others. All of us who have been associated with him in the House will miss him.

Mr. Speaker, last Saturday a memorial service was held for Sandy in the Foreign Affairs Committee room. The committee room was full. Many came from long distances. Tributes to Sandy were given by Roy Harris, Bill Wickersham, Jimi Halstead, Nancy Delaney, Burt Hanbury, and myself. In addition, tributes were read from Senator CLAIBORNE PELL and former Representative Bradford Morse, now director of the U.N. Development Program.

The program for the memorial service contained the following quotation of Sandy's, which characterizes his life and, we may hope, will inspire the rest of us to carry on his work for a world of peace under law.

In my humble opinion, the greatest need of our world is for men and women of vision, of faith in a future world not yet visible, and of courage to dream and to move forward those dreams.

Mr. Speaker, I offer for printing in the RECORD following these remarks a precis of my remarks at the memorial service for Sandy Persons.

The remarks follow:

SANDFORD Z. PERSONS—A MAN OF PEACE, A TRIBUTE BY JOHN F. SEIBERLING

When the explosion of the first atomic bombs put a period to the end of World War II, some of us who survived that ordeal started searching for ways to make sure that it would never happen again. We came to realize that without a strong world authority to enforce peace and disarmament, a world without war was unlikely to evolve. Out of this realization grew the world federalist movement and the organization, in 1947, of United World Federalists. Sandy Persons and I were among the original members of that organization, and I first met him soon after it was formed, when I was a student at Columbia Law School and he had just finished at Yale.

After law school, I entered a law firm in New York until early 1954 and was active in the World Federalist organization there. I used to see Sandy occasionally at national conferences. Eventually, I moved back to Ohio and Sandy went to the Washington office of United World Federalists. However, he occasionally used to come out to Ohio and enlighten us as to what was going on in our Nation's Capital from the point of view of world peace through law. He was always interesting, and his own enthusiasm was contagious, so we found his visits exciting occasions.

In 1971, I moved to Washington as a Member of Congress. There I began a very close association with Sandy, who, at the same time, had become Executive Director of Members of Congress for Peace through Law. Sandy's contribution to the cause of World Peace through Law in this role was tremendous. He was a totally dedicated person, not only to the cause but to the organization. It was no accident that, during that period, Members of Congress for Peace through Law reached its zenith in terms of numbers of members. But the importance, of course, of that organization was not its numbers but in the effectiveness with which it carried on its work. It is no small tribute to Sandy that during that period of time MCPL was active and instrumental in helping mobilize the Congress to deal successfully with some of the most urgent issues of arms control and foreign policy.

Sandy also organized annual Congressional visits to the United Nations. There we met not only with the American Ambassador and his staff, for briefings and exchanges of information and ideas, but also with the Secretary General and officials of the various UN agencies. This sort of personal liaison between Congress and many of the officials at the United Nations headquarters had many useful byproducts. One byproduct was the appointment of a number of our members as special delegates to various UN conferences, such as the Law of the Sea Conference.

After Sandy left MCPL in 1978, he gave increasingly of his time to the new World Federalist Association. This opened up a new, creative stage in his career, much to the benefit of the Federalist cause. Others can tell more about that than I can but I know it was a source of considerable gratification to Sandy.

The central fact about Sandy Persons was that he gave all of his attention and all of his waking hours to a cause and an issue to which most of us give only marginal time and marginal attention, even though it is the most important issue confronting mankind. And so as we think about Sandy and the meaning of his life, as I have been doing in recent days, it sends above all a clear call to rededicate ourselves with enthusiasm and determination to the cause of peace and justice under law.

Sandy always seemed cheerful and undaunted by the odds. His was not the cheerfulness of the naive and uninformed but of someone with a human vision and a sense of history. And so, at a time when everything seems to be going the wrong way, when the rhetoric of the most powerful leaders of the most powerful nations is shrill, when the arms race has taken on a new momentum and threatens to pass the point of no return, we will do well to remember, as Sandy did, that, despite all this, there are powerful forces on our side. The most powerful force in the world is the determination of the people of our country, and indeed all countries, that they want peace and not nuclear war. Even the President of the United States is being forced by public opinion to reverse, or at least give the appearance of reversing, his rhetoric and his direction of many, many years, when next week he meets with the foreign minister of the Soviet Union and when he goes to make a speech at the United Nations.

The forces for peace in this country are focused through one of the greatest institutions that man has fashioned which was created by our Founding Fathers, the first Federalists. The institution is known as an election, and it does wonderful things, particularly in forcing the politicians to bow to the people's desires, if only occasionally.

By coincidence, the same week that saw Sandy Persons pass away also saw the passing of another great World Federalist, Max Stanley, of Iowa. I am sure that somewhere Sandy and Max are conferring even now as to what they can do to cheer us and help us in the cause for which they lived their entire lives. Sandy, we thank you, we salute you, and we pledge to continue your work to build a world of peace, justice, and freedom under law.●

RESOLVING THE PUBLIC HOUSING BOND DILEMMA

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. COYNE. Mr. Speaker, I am today introducing legislation to delay until July 1, 1985, implementation of a section of the Deficit Reduction Act of 1984 which has had an unintended, adverse effect on the construction and modernization of public housing.

What appeared to be a minor change in the law, a revision contained in this year's tax bill which brings public housing notes under the arbitrage limitations section 103(n) of the Internal Revenue Code, rather than section 11(b) of the 1937 Housing Act, as they were prior to the passage of the Deficit Reduction Act, has caused confusion at the Federal level and consternation at the local level.

At the Federal level, uncertainty as to whether nonprofit issuers of public housing notes should be restricted on the reinvestment of sale proceeds, as the Deficit Reduction Act appears to mandate, caused the Department of Housing and Urban Development to halt the sale of new notes for public housing construction and modernization, pending a clarifying ruling from the Internal Revenue Service. The agency halted a planned September sale of notes totaling $1.54 billion and was forced to borrow from the Treasury to meet existing obligations. In addition, those notes issued during July and August, dates after the June 19 effective date of the Deficit Reduction Act, now have a questionable tax-exempt status.

At the local level, failure to issue notes for new construction has caused

serious disruption of plans. In the Pittsburgh area, for example, West Mifflin Manor, a turnkey public housing development for the elderly, is nearly ready for occupancy. This 107 unit project cannot go ahead, however, because of HUD's refusal to issue a note in the amount of $5,317,000. If this note is not issued soon, the developer will face additional interest expense and the cost of the project will, of course, increase. Two more Allegheny County senior citizen high rises, located in Springdale and Penn Hills, may also be affected unless the bond problem is swiftly resolved.

HUD's inability to issue public housing bonds with confidence means the agency must borrow from the Treasury to meet existing obligations. The ironic result of this action, especially since it comes about as a result of the Deficit Reduction Act, is that it increases the Federal budget deficit. The agency has, in the past, simply paid debt service on the notes, a course which requires substantially less in public outlays. I believe this financing method is preferable to temporary borrowing from the Treasury. It is also a more worthwhile financing method than proposals by some at the Office of Management and Budget to finance public housing borrowing in the short and long term through the Federal Financing Bank. Financing public housing through the FFB, as I am sure my colleagues are aware, would require greatly increased budget authority for this function. The unlikelihood of this prospect means that construction and modernization of public housing would be crippled.

I do not believe that is the goal of this House. To address an admittedly complicated situation, the legislation I introduce today postpones the effective date of the bond coverage change until July 1, 1985. In the interim, financing would continue as it has in the past while the appropriate congressional committees devise an equitable solution to the problem.

At this point, I would like to include in the RECORD the text of the legislation:

[The material follows:]

H.R. 6302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (C) of section 103(n)(3) of the Internal Revenue Code of 1954 (relating to exception for obligations issued under section 11(b) of the United States Housing Act of 1937) is amended by striking out "issued before June 19, 1984," and inserting in lieu thereof "issued before July 1, 1985,".

(b) The amendment made by subsection (a) shall apply as if included in the amendment made by section 628(a)(3) of the Tax Reform Act of 1984.●

THE 150TH ANNIVERSARY OF THE JOURNEY TO NORTH AMERICA BY THE TRANSYLVANIAN HUNGARIAN AUTHOR, ALEXANDER FARKAS DE BOLON

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. DWYER of New Jersey. Mr. Speaker, in 1831, Count Ferenc Beldy, a reform-minded Hungarian noble from Transylvania traveled to the United States with his secretary and companion, Alexander Farkas de Bolon.

Their visit was preceded by other trips to various European cities and capitals and they arrived in the United States after a crossing of the Atlantic Ocean, which took them from July 27 to September 3.

The reform generation in Hungary during this period was looking to the United States for the ideals and practices of democracy as they were facing the autocratic regime of the Hapsburgs whose government was led by Prince Metternich. The reform generation of Count Stephen Szechenyi and Louis Kossuth were working both for an independent Hungarian Government and a democratic Hungarian regime and their natural ideological ally remained the young United States of America.

The travelers were so impressed by the qualities of the new democratic government in the United States that Alexander Farkas de Bolon wrote an enthusiastic book about his travel and findings upon his return, called "Utazas Eszakamerikaba" (Journey to North America) which was published at Kolozvar, the capital of Transylvania, in 1834, 1 year preceding de Tocqueville's work, "Democracy in America."

The work refers to the U.S. Congress, as well, praising its independence. May I quote a paragraph from this work on this issue:

The American Congress differs markedly from European parliaments in as much as no office-holder can be its member. The founders of the Constitution were keenly aware of the British Parliament, where at times legislation by the people was an illusion and in reality government officials sitting in Parliament could outvote at will the few independent members, and pass legislation proposed by the government. But the inclusion of officials is easier to avoid here than in Europe because of the absence of charters, diplomas, and old privileges, the interpretation of which only entrenched functionaries are capable. Their only diploma is the natural law for the interpretation of which only common sense is needed.

May I mention that, while the admiring references to American democracy were somehow overlooked by the Austrian censor when the first edition was published, its second edition was confiscated because of seditious material. But by that time, the Hungarian Academy of Sciences in Budapest, Hungary, awarded the grand prize to the book, and its leaders, like Count Stephen Szehenyi and also the young jounalist, Louis Kossuth, who later became the leader of the Hungarian fight for freedom of 1848, came to know about the United States through this book.

Farkas visited New York, Albany, Boston, Buffalo, Pittsburgh, Baltimore, Philadelphia, and Washington in October and November 1831. The travelers met with President Andrew Jackson and also with De Tocqueville and another French commissioner studying the American postal system.

May I again quote from his book his "Farewell to America":

As we sailed further on the great ocean and left the American shores further behind, my eyes were still riveted to the bluish mountains in the distance. An enervating sense of depression and a vague feeling of sadness filled my very being. Deeply touched with melancholy, I kept repeating with childlike pathos—God be with you, blessed land. I could not bear my eyes away from it. By now the outlines were barely visible . . . Goodbye for the last time, glorious land. Remains the eternal refuge and the defender of the rights of man! Stand there forever in stern opposition to the spirit of despotism and be an eternal inspiration to all the oppressed people of the world.

Farkas' book in Hungarian and the translations into English and German, are part of a display on Alexander Farkas de Bolon at the European Reading Room of the Library of Congress and I want to congratulate the Finnish-Ugraian Area Specialist of the Library of Congress, Dr. Elemer Bako, who is also an associate president of the American Hungarian Federation, for a job well done.

Farkas' legacy to us must be to keep the flames of democracy brightly lit in a world again filled with Communist despotism and remain the bulwark of freedom and justice for our people and a beacon to the oppressed people of the world.

At this point in the RECORD, Mr. Speaker, I would also like to insert the article in the July 5, 1984, issue of the New York Times, "Utazas Eszakamerikaban" and the article in the Library of Congress Information Bulletin of June 18, 1984, "Display Marks Anniversary of Farkas' book in America."

[From the New York Times, July 5, 1984]

"UTAZÁS ÉSZAK-AMERIKÁBAN"

The first European study of American democracy is part of a new exhibit that will be on display until September in the European Reading Room of the Library of Congress. The work, "Útazás Észak-Amerikában," or "Journey to North America," was written by a Transylvanian Hungarian, Sandor Boloni Farkas, and was published in 1834, just a year before the much better known and still

popular "Democracy in America" by the French historian and politician Alexis de Tocqueville. Mr. Farkas first visited the United States in 1831 as secretary to his friend, Count Ferenc Beldy, a Hungarian from Transylvania who was interested in political reform.

The Farkas work was filled with admiration about the political structure of the United States, and its praise for the achievements of the young nation caused the work to be suppressed by worried Austrian authorities. The work was little noted here until an English translation was published in 1977, although it has long been popular with Hungarian thinkers.

[From Library of Congress Information Bulletin, June 18, 1984]

DISPLAY MARKS ANNIVERSARY OF FARKAS' BOOK ON AMERICA

In 1834, the first European work about "the new miracle in world history," American democracy, was published by a Transylvanian Hungarian writer, Sandor Boloni Farkas (1795-1842), who had visited the United States as secretary and companion of his friend, Count Ferenc Beldy, a reform-minded Hungarian from Transylvania

For this anniversay, a display of books, portraits, and contemporary views of the American scene, has been prepared by Elemer Bako, Finno-Ugrian area specialist in the European Division. It will be on view to the public in the European Reading Room (LJG147) in the Jefferson Building, through September.

Farkas and Beldy arrived in America on September 3, 1831. The events and results of their travels through the United States and Canada were described by Farkas in a book entitled Utazas Eszak-Amerikaban published in Kolozsvar in 1834. The work became so popular in Hungary and Transylvania that a reprinting closely followed the first printing. The work's admiring statements about the democratic institutions and the achievements of the United States eventually led to its suppression and confiscation by Austrian authorities. Since an English translation of Farkas' work did not appear until 1977, few Americans knew of the first book to be published in Europe about the American political system.

Farkas' work exerted a great influence on the political leaders of Hungary. It was awarded the Grand Prize of the Hungarian Academy of Sciences, and many of the nation's reformist leaders, among them Count Stephen Szechenyi (1791-1860) and Louis Kossuth (1802-94), became admirers of the United States through reading this unusual book.

Sandor Boloni Farkas' statements about the United States resulted from discussions with many intellectual and political leaders, including Andrew Jackson, from observations of the American way of life, from the study of statistical and census reports (many of them printed in the book in Hungarian translation), and from historical essays about several American cities.●

AMERICANS STILL STRONGLY SUPPORT UNITED STATES FAMILY PLANNING ASSISTANCE ABROAD

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SOLARZ. Mr. Speaker, delegates from 149 nations attended the International Conference on Population in Mexico City last month for the purpose of updating and strengthening the World Population Plan of Action adopted at Bucharest, Romania, 10 years ago.

To the shock and surprise of many, the White House drafted a policy statement for that conference which would have reversed a long standing position on U.S. overseas population and family planning assistance—one that has been supported by five Presidents of the United States. This assistance program has been recognized as a vital element of U.S. aid to developing countries; it has been widely acclaimed as the most cost-effective program administered by the Agency for International Development. Yet the draft policy paper labeled the program as a failure.

Public outrage, generated by an outpouring of newspaper editorial criticism to the attempt to radically change U.S. population policy, resulted in the administration's withdrawal from its original statement. Compromises were needed and a more rational version, recognizing the value of U.S. population assistance, was presented at the Mexico City conference. The September 21, 1984 edition of the Journal of Commerce carried an editorial page account of what transpired by Werner Fornos, president of the Population Institute, an organization that has been in the forefront of stimulating public awareness of the global overpopulation problem.

Because of the importance of continued U.S. assistance for voluntary family planning programs, particularly in the developing world, I urge my colleagues to read Mr. Fornos timely editorial—I also urge my colleagues to join me and 40 other Members in cosponsoring House Concurrent Resolution 345, which reaffirms our commitment to a voluntary family planning.

Mr. Speaker I insert the editorial in today's CONGRESSIONAL RECORD:

[From the Journal of Commerce, Sept. 21, 1984]

POPULATION POLICY UNDERESTIMATED ELECTORATE

(By Werner Fornos)

Contemporary social critics have suggested that we live in an Age of Discardables. The epithet refers to our predeliction for throwaway bottles, disposable razors and various and sundry plastic gadgets and gismos designed to self-destruct so that consumers will go out and buy more of them.

And it may logically extend to any number of seemingly brilliant ideas and momentous decisions, the very best of which are destined to become mere footnotes in tomorrow's history books.

Perhaps inspired by this here-today-gone-tomorrow compulsion, the White House Office of Policy Development prepared a statement for the U.S. delegation to present to the International Conference on Population in Mexico City in August.

This controversial polemic raised serious questions about the possibility that the present administration was turning its back on more than 20 years of U.S. commitment toward population assistance for the developing world.

The evaluation more thoughtful observers of international relations ascribed to this misguided epistle was that it amounted to nothing more than a Reagan administration election-year ploy to evoke a Pavlovian response from far right constituents who oppose foreign aid in general and, more specifically, family planning.

As originally drafted, the new U.S. population policy was a graceless attempt to impose upon the world, especially the poor nations, views held by a myopic minority of Americans. A recurring theme of the paper was that abortions in the Third World must not be funded with U.S. Tax dollars when, in fact, our foreign assistance law has prohibited such use of our overseas aid for the past decade or so.

Nevertheless, the policy statement forged ahead and called not only for "concrete assurances" that the United Nations Fund for Population Activities was not funding abortions with U.S. funds, but also for denying U.S. funds to non-governmental organizations that spend money on abortions in poor countries, even when monies for this purpose are raised from private sources or donated by other governments.

The policymakers woefully misread U.S. public opinion. Editorials across the length and breadth of this country denounced the new policy. And a Gallup Poll made it evident that there is a solid U.S. consensus favoring overseas family planning assistance.

According to the poll, 64 percent of Americans approve of financial assistance to poor countries for reducing rates of population growth; 89 percent of those who expressed an opinion feel that the 5 percent of total U.S. foreign aid spent on family planning in poor countries is either too little or about right; and four of 10 Americans take the position that development assistance to poor countries should be contingent upon their carrying out policies to limit population growth.

Furthermore, 72 percent of those who expressed an opinion thought the U.S. government should provide family planning assistance in countries where abortion is legal (the original draft of the policy statement would have precluded population aid to these countries), and four of 10 Americans would go beyond present U.S. policy and use foreign assistance for family planning and abortions.

By the time the U.S. delegation presented the policy paper in Mexico City, the statement had been watered down significantly. Former U.S. Sen. James Buckley, who headed the U.S. delegation, gave frequent reassurances to the press covering the Mexico City conference that U.S. support for overseas family planning assistance remains high.

Mr. Buckley and M. Peter McPherson, U.S. Agency for International Development administrator, held a news conference in Mexico at which they announced that the United States was releasing $19 million in impounded funds that Congress had appropriated for the United Nations Fund for Population Activities.

They said the administration was not satisfied that UNFPA was not using U.S. funds for abortions in developing countries. UNFPA, in fact, had been giving such assurances since April, along with assurances that it does not use any other country's funds for abortions either.

The only substantive change in U.S. policy announced in Mexico City was a prohibition against non-governmental organizations that support the performance or promotion of abortions with other funds from receiving U.S. funds. There have been rumblings in Congress that this may not be a closed issue.

The administration's anti-abortion stance was reflected in a recommendation adopted by the International Conference on Population for inclusion in the World Population Plan of Action. It calls for governments to take "appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning, and whenever possible, provide for the humane treatment and counseling of women who have had recourse to abortion."

One would be hard put to name a single responsible organization in the population field or any government that has adopted a policy of limiting its population growth which suggests or sanctions abortion as a family planning method. Indeed abortion is widely recognized as the result of a failure to gain access, knowledge or means to modern contraceptive methods.

H.L. Mencken once said that no one ever went broke underestimating the intelligence of the American public. However, the White House policy wizards have learned, on this occasion, that it may be unwise to overestimate the apathy of the American public.

The response to their attempt to reverse more than two decades of U.S. support of population assistance for developing countries gave the new policy proposal all the buoyancy of the proverbial lead ballon. And it will be relegated to just about where it belongs: another footnote in the history of the Age of Discardables.●

DAN MARRIOTT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. BENNETT. Mr. Speaker, I join with all of my colleagues in expressing our affection for DAN MARRIOTT, who has been an outstanding Congressman here in our midst and who has decided to return to private life and his family businesses. DAN has had a down-to-earth quality about him which has endeared him to us, has made him a real leader in our midst. You can always count on him doing precisely what he feels is best for his district, his State, and our Nation. He has done it with grace and with friendship that we have treasured and always will. All of us wish him well in his new endeavors and hope he will come back often.●

THOMAS JEFFERSON AND THE EQUAL ACCESS ACT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. BONKER. Mr. Speaker, despite some shrill editorial opposition to the Equal Access Act, Congress overwhelmingly approved this measure to eliminate discrimination against student groups, including student religious groups. Recently, the legislation has enjoyed more thoughtful treatment by columnists.

In the article reprinted below, Nat Hentoff, who writes on civil liberties issues for the Village Voice, makes a critical distinction in the debate over religious expression in the public forum. He notes that the first amendment's prohibition against the establishment of State religion bars State sponsorship of religion, not the individual's right of free speech (including religious speech) and free exercise of religion.

The Equal Access Act protects the free speech rights of individual students and has a laundry list of safeguards to ensure that the State does not become a sponsor of or participant in student religious activities. I agree with the Court decisions striking down prescribed school prayer, for this constitutes State sponsored religion. But neither should the State discriminate against religious students who, on their own initiative, wish to use school facilities on the same terms as other student groups.

According to the Supreme Court, the Constitution requires a "wholesome neutrality" between church and state "that neither advances nor inhibits religion." The equal access amendment, which is patterned after the Court's 1981 Widmar against Vincent decision requiring equal access at the college level, will help to provide such neutrality by giving religious students the same right to use secondary school facilities before or after school as other student groups.

As Mr. Hentoff concludes, "with regard to student groups that have nothing to do with the state, school doors are open for all kinds of student expression, even religious. I doubt Thomas Jefferson would be offended."

[From the Village Voice, Aug. 28, 1984]

STUDENTS ALLOWED TO BE RELIGIOUS

(By Nat Hentoff)

A good many civil libertarians devoutly believe that religious speech, whether spoken or written, is too dangerous to be allowed into the public schools. They're right in terms of official prayer or organized "moments of silence." The danger in those cases is to the "establishment clause" of the First Amendment. But sometimes, these guardians of the Constitution come on like Harpo Marx honking his horn. As when, two years ago, a chapter of the Washington state ACLU threatened to sue a public school district because one of its high schools was about to put on a production of the rock opera, Jesus Christ, Superstar.

"Bethel High School," said this ACLU chapter, "is engaged in religious instruction. Such instruction has no place in a public school." So much, too, for a performance of Verdi's even more vibrant Requiem Mass.

Because of such fierce suspicion that even the merest wisp of religion sneaking through the school doors will infect multitudes, some school officials take no chances. Consider the case—now in a Minnesota federal court—of Douglas Pagitt. This young man, previously an exemplary member of the student body at Hopkins High School in Minneapolis, is a former captain of the basketball team and has a commendable academic record. Earlier in the year, Pagitt, while a senior, committed civil disobedience in his school and was suspended.

Pagitt belongs to Student Venture, a teenage division of Campus Crusade for Christ International. In February, he tried to distribute in school one of the crusade's newspapers, and he was ordered to cease and desist. Thereupon, the school reviewed its policy on such matters. It is based on a state board of education rule: "Public schools may not be used for the religious socialization of students" and therefore should not allow the distribution of religious tracts, Bibles or similar contraband. The only exceptions are religious materials that are part of academic study.

Upon deliberation, the school board decided to maintain that policy. Or, as the school's attorney neatly put it, there shall be no distribution of "any materials which are libelous, obscene, likely to disrupt the school system, or (are) religious in character." Gee, it sounds like the tumultuous days of the early Christians.

Young Pagitt, though he had never disrupted so much as a kinderga.ten corner in his career, decided he had to stand for principle and distribute another Christian paper even though he knew he would be suspended. He explained that principle with brisk dispatch: "In stopping me from distributing the newspapers, they broke the First Amendment three times—freedom of speech, freedom of the press and freedom of religion."

At 7:15 on April 5, before school hours, Pagitt, 6-feet-6 and a bit nervous, stood in front of the student activity office, the same place where the official school paper is routinely distributed. He handed out copies of Issues and Answers, published by Student Action for Christ. The cover story was about the basketball eminence, Dr. J., who described the effect of having asked Christ to come into his life ("I am being operated on by the greatest Doctor of all time"). Among the other articles was an illustrated lecture on how to treat and control acne (prayer was not mentioned).

On that very day, Pagitt was indeed suspended. In an instructive editorial, the Minneapolis Star and Tribune reminded Hopkins High officials that "the First Amendment limits what public schools can do on matters of religion, not what students can do—at least within the bounds of non-disruptive behavior. The distinction is the difference between upholding the First Amendment and violating it."

Or, as Abe Fortas, writing for the majority of the Supreme Court, said in 1969, public-school students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

The Minnesota Civil Liberties Union intends to file a friend of the court brief on behalf of Douglas Pagitt. Unlike some others in the ACLU, the Minnesota affiliate is not terrified at the prospect of youngsters on their own initiative engaging in free religious speech in a public school.

So, too, the national ACLU did not oppose the revised "equal-access" bill that became federal law on Aug. 11. This statute says that public schools may not ban student-initiated religious or political clubs from meeting in school outside class hours. Nor did the ACLU support the bill. It has forebodings that the religious freedoms of this statute may get out of hand. But the ACLU did recognize that the new law will be "of real benefit to many political and other student groups" which have gone to the ACLU for help in getting the First Amendment admitted to their schools.

So now, with regard to student groups that have nothing to do with the state, school doors are open for all kinds of student expression, even religious. I doubt Thomas Jefferson would be offended.●

DAN MARRIOTT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. UDALL. Mr. Speaker, DAN MARRIOTT has served with me for a good while on the Interior and Insular Affairs Committee, and I'm going to miss him as he leaves the House of Representatives to pursue other interests.

DAN contributed a lot to the committee. He has always been a strong part of the loyal opposition, but his opposition was always constructive and fair and he worked diligently to represent the people of his district and his State of Utah.

DAN is a dedicated and conscientious public servant who leaves some real contributions to this House. I will miss his presence here, and I wish him and his family all the best of what they seek in the future.●

CRISIS ON THE UNITED STATES-MEXICO BORDER: A CALL TO ACTION

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, I recently had the opportunity to participate in a Conference on United States-Mexico Border Economic Development in El Paso sponsored by the Pan American Contractors Association and Hispanic Business magazine. Of the many ideas presented, the address by Ambassador Abelardo L. Valdez stands out because of its specific plan for action in response to the economic crisis along the border. Because of the record trade deficit our country is facing and the high levels of unemployment along our southern border, Ambassador Valdez' remarks are worthy of serious consideration by this body.

The speech follows:

CRISIS ON THE UNITED STATES-MEXICO BORDER: A CALL TO ACTION

(By Ambassador Abelardo L. Valdez [1])

I. INTRODUCTION

Ladies and gentlemen; I am delighted to be with you at this very timely and important conference. The Pan American Contractors Association and Hispanic Business magazine, and especially my good friend Jesus Chavarria, are to be congratulated for their foresight and initiative in arranging this conference.

I am also honored to appear before you in the company of Congressman Ron Coleman, who has been an effective leader in the Congress in focusing congressional attention on the problems experienced on the U.S.-Mexico border.

Congressman Coleman is the author of the Congressional Resolution that would create a select U.S.-Mexico committee in the House of Representatives to study and act on the critical issues in U.S.-Mexico relations. I am indebted to him for his inclusion of a proposal I have made for a U.S.-Mexico free-trade zone along the border on the agenda for the select committee to study its feasibility.

As the Chairman of the Congressional Border Caucus, Congressman Coleman has a good deal of influence in the Congress on border issues, and I hope he will continue to gain influence in the coming years. I am honored to call him a true friend.

I am also delighted that important leaders from the business community of Mexico are present today. Their participation in this conference underlines the mutual concern we have about the present economic crisis on the border.

The U.S.-Mexican border is the focus of a major economic crisis, which has been generated by the severe recession and financial crisis Mexico has suffered since 1982. This crisis has made believers of those who thought interdependence was only a catchy phrase that applied to other parts of the world.

We have seen those cyclical crises occur in the past, but never as grave as the one that has affected businesses, communities, and individual human beings on both sides of the border during the past two years.

In that period, scores of businesses have been closed, and many others have experienced declining sales and incomes. Unemployment has increased through the border region.

On the Mexican side, communities and individuals have had to curtail their purchases of needed products, unemployment has increased, and the social fabric has been strained even more than usual.

While these indexes of misery have grown during this period, the fact is that the border communities have really been affected by a crisis of underdevelopment for many decades. Here in Texas, the border communities, especially in the Southern part of the State, have the poorest access to, and delivery of, health and education services, the highest unemployment, and the lowest levels of income. In this area is also concentrated the majority of the Hispanic-American community of Texas. There is a vast shortage of industry, transportation services, water, and the infrastructure needed to attract industry to this part of the State.

For many decades this area, of which the Rio Grande Valley is a significant part, has been the focal point of the clash between two cultures, two languages, and two countries.

Despite the importance of the Mexican-American vote in state and national elections, progress for the majority of the people of this area has come painfully slow. During the past three-and-a-half years, the Reagan Administration has done pitifully little to help the people of this region and little attention has been given to the crisis on the U.S.-Mexican border. That being the case, it behooves the people of this region to formulate their own plan of action to deal with this fundamental crisis and to open new avenues for social and economic development on the U.S. side of the border, as well as the Mexican side, for their destinies are intertwined. It will require private initiative to move both governments to establish the framework for attracting new industry and additional investment to these border lands.

The great border that links both contries is like a seamless web of economic, political, and people-to-people relationships—a web that holds both sides in a shared destiny. It is a boundary between different histories, yet similar hopes, between opportunity and frustration, between suspicion and respect on both sides, between proud and good neighbors. The border traverses a mingling of people and problems that know no neat division between one side and another. In Houston, San Antonio, Phoenix, and Los Angeles, and here in El Paso, the cultural and human ties are too interwoven to be interrupted by a line on a map. The money passing back and forth from small remittances to large investments, the families on both sides, and the whole range of interests and relationships between the two countries have already begun to blur the conventional distinction between foreign and domestic policies. In essence, our policy toward Mexico is not foreign at all: It is a policy toward ourselves.

Any plan for action must take into account this fundamental relationship.

II. LIBERALIZED TRADE INCENTIVES

In order to bring about enduring economic development, industry must be attracted to the border lands. By border lands, I mean not only the immediate border communities, but also that region which is encompassed between Monterrey and San Antonio; and which extends from Brownsville, Texas; to San Diego, California. This has been the region where historic trading and business relations have existed between the industries, communities, and municipalities of both countries.

So, What kind of incentives?

First, I believe we should build on the strong trading and business relationship between the United States and Mexico. Mexico is the third largest trading partner for the United States, and the United States is the principal trading partner for Mexico. Although there is an impressive volume of

[1] Former Chief of Protocol of The White House (1979-81); Assistant Administrator for Latin America and the Caribbean, Agency for International Development [AID] (1977-79).

trade between the two countries, I believe that it can be increased even more through liberalized trade incentives, and that would mean increased employment and business opportunities all along the border region.

Building on the strong trading relations between the United States and Mexico, I believe that one incentive needed to attract additional industry and create employment should be to liberalize trade betweeen the two countries through the elimination of tariff and nontariff barriers.

In 1981 I proposed to the United States Trade Advisory Committee that Mexico and the United States establish a free-trade zone in the border lands, extending 200 miles into each country's territory and running from Brownsville, Texas; to San Diego, California. The zone would constitute a small common market: any product grown, produced, or manufactured within the zone, on either side of the border, could move duty-free throughout the zone. After a test period, the zone could be expanded to include a greater part of each country's territory or the entirety of both countries.

Several benefits could accrue from a free-trade zone. The project would become a focal point of mutual economic cooperation between the United States and Mexico. New jobs would be created on both sides of the border for the chronically unemployed, and this could help alleviate the immigration problem. New opportunities for United States-Mexican joint ventures would develop, using the best skills, resources, and technologies to attack traditional economic stagnation. In addition to increased trade within the zone, the two countries might combine to produce goods and services that would be more competitive in the world market than they are now separately.

There are several reasons why the zone should be established at this time in the proposed location. The people who live in the border lands have had a long trade and cultural relationship. Many are bilingual and bicultural.

The successful border-industries program, begun in 1966, offers proof of the potential benefits of the proposed zone. This program permits United States firms to locate along the border and to export unfinished products to the Mexican side, duty-free, for assembly and finishing work. Upon their return to the United States for marketing, these products are charged duty only on the value-added portion resulting from the work done in Mexico.

The area covered by the proposed zone includes important industrial and agricultural centers of both countries, and provides an adequate economic base. On the Mexico side, the zone would include such cities as Monterrey, Saltillo Chihuahua, and Torreon; on the United States side, Corpus Christi, San Antonio, the Midland-Odessa area—all in Texas—Phoenix, Albuquerque, and San Diego.

If the merits of the proposed zone are accepted by both countries, I believe that substantial new industry could be attracted to, and new employment opportunities created in, the zone to produce higher-quality and less expensive products for the U.S. and Mexican markets and for export to third countries.

III. TAX INCENTIVES FOR COPRODUCTION OF EXPORTS TO THE INTERNATIONAL MARKETS

The second incentive should be designed to make full use of the capital, energy, technology, labor, and marketing resources of both countries to create a net increase in employment and economic opportunities in these border lands on both sides of the border. That incentive could be in the form of tax advantages, such as proposed for Enterprise Zones under the Kemp-Garcia bill, for those joint ventures between U.S. and Mexican firms, which would fully utilize the capital and human resources of both countries to coproduce products for export to third countries. I believe that such products would be more competitive in the international marketplace than those presently produced by each country by themselves.

The Maquiladora program, which has been in existence since 1965, is an example of a limited coproduction which has been beneficial for both countries. However, I think that a coproduction program that would go beyond the present Maquila program would be more beneficial to both countries. Coproduction, in my judgment, would produce higher-quality and lower-cost-exports not only for the U.S. and Mexican market, but the greatest benefit might be achieved from exporting such products to the international marketplace. Coproduction may well be the answer to the chronic and increasing trade deficits suffered by the United States and Mexico for the last ten years. This year, the U.S. trade deficit is expected to reach an all-time high of more than $120 billion.

Today, the Maquila program calls only on the Mexican labor force along the border, and does not promote true joint ventures between firms from both countries. It does not fully utilize all the human and financial resources on both sides of the border.

While the enterprise Zone legislation was initially designed to attract industry to depressed inner-city areas, I believe that it could be made applicable to selected areas within the border region which would be larger in scope than those initially envisaged by the legislation. The tax incentives provided by the legislation, combined with the trade incentives that would be available under my proposed free-trade zone should be very attractive reasons for industries to undertake major investments in the border region.

In so doing, both nations would achieve enduring economic development that would not only improve the economic opportunities and the quality of life for the people of the border region, but would help both nations to overcome one of their greatest problems: chronic and increasing trade deficits with the rest of the world.

IV. FINANCING FOR BORDER INVESTMENTS

A third incentive would be to provide financing for the joint ventures which could be created on both sides of the border, especially in these difficult times. Two proposals have recently been made in the U.S. Congress: Congressman Henry B. Gonzalez has proposed a U.S.-Mexico binational bank that would provide $4 billion in loan resources to help create jobs in Mexico and South Texas. The bill would create a joint U.S.-Mexican Development Bank that would receive $2 billion from the Federal Government and an equal amount from the Mexican Government. The bank, which would then make loans on both sides of the border, would operate very much like the World Bank.

Another proposal for creating the needed financial resources for investments in Mexico and the United States is that proposed by U.S. Senator Dennis DeConcini, of Arizona. During a meeting with President De la Madrid in May of this year, Senator De Concini proposed that the Governments of Mexico and the United States underwrite the establishment of an independent financial organization to draw investment capital from both countries. The new institution, which would be called the Rio Grande Foundation, would then provide loans and other forms of financial and technical support to promote the establishment of new businesses, as well as the expansion of existing companies in Mexico.

V. CONCLUSION

Increased financial resources for new investments in Mexico and the United States, particularly along the border, combined with the tax and liberalized trade incentives which I have proposed herein, would establish an investment climate attractive to investors from both Mexico and the United States. If such investments were "active" investments in industry, rather than solely "passive" investments in real estate, and designed to improve the quality and cost efficiency of products for the U.S. and Mexico market, as well as for exports of coproduced products to the international market, lasting and enduring economic development could become a reality for the people who live in these historic border lands. Then, we could say that the proximity of these two great nations is truly a blessing, and not a curse.

These incentives and the far-reaching proposals I have made today require vision and courage on the part of the business and government leaders of both nations to implement. It requires enlightened leadership from our labor community and industrial community on both sides of the border. If lasting economic development cannot be achieved on this border, then we must be prepared to suffer the consequences of inaction and to endure the hardships which have been experienced for so long by many of the people who live in this region. It is up to you and me to provide the encouragement and the leadership to move our governments and our business and labor communities toward an action plan that will deal with the economic crisis ravaging the border lands of Mexico and the United States.

If true development is to occur on either side of the border, it must be related to economic development on the other side of the border. If incentives are to be given to one nation, they must be matched in an equitable way by the other country. Interdependence requires mutual contributions to achieve mutual benefits. I hope that we can get both sides of the border to act together on this action plan.

As a native of South Texas, the future of the U.S.-Mexico border lands is of personal concern to me, for historic and emotional reasons. Much of the history of my family has occurred in this region. My hopes and my love for this land and its people are best summed up by the words of the French author Albert Camus, which were often quoted by Robert Kennedy in his campaign for the Presidency: "Some men see things as they are, and ask why; I dream of things that never were, and ask why not."●

THE PENTAGON AND ENVIRONMENTAL LAWS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. HUGHES. Mr. Speaker, several weeks ago our colleague from New Jersey, JAMES J. FLORIO, learned of Defense Department plans to construct a nationwide system of hazardous waste facilities in 150 locations to serve all of the hazardous waste storage needs for all military facilities in a given region of the State or country.

In New Jersey, DOD planned to base one such site at the Lakehurst Naval Air Station in south Jersey. Without consulting State or Federal environmental officials, DOD waived normal environmental safeguards and procedures required when constructing a hazardous waste facility and solicited bids for the project anyway.

Amazing enough, the Lakehurst facility, if constructed, would sit atop the largest source of pure ground water in the State and as the Star-Ledger (NJ) points out, could lead the degradation of the sensitive environment of New Jersey's Pinelands area.

In two recent editorials, the Gloucester County Times and Philadelphia's WCAU-TV, questioned DOD's actions and concluded that if department officials had consulted with environmental officials, all this cost and fuss might have been avoided.

Mr. Speaker, I would like to commend these three news items to the attention of our colleagues. I congratulate JIM FLORIO for bringing this matter to our attention and only hope the Department of Defense will plan the remaining 149 sites without a similar disregard for conventional environmental safeguards.

The editorials follow:

FLORIO PRODS MILITARY ON WASTE SITE PLANS

(By J. Scott Orr)

WASHINGTON.—Rep. James Florio (D-1st Dist.) yesterday demanded that Defense Secretary Caspar Weinberger explain defense department plans to establish 150 hazardous waste storage sites across the country, including one at Lakehurst Naval Air Station.

In a letter to Weinberger, Florio charged that the department's action in seeking bids for the Lakehurst project should have waited at least until environmental impact assessments were complete.

He charged that the department failed to comply with environmental assessment and permit application requirements of the Resource Conservation and Recovery Act before seeking private contractors to begin construction. In addition, Florio charged, the Environmental Protection Agency (EPA) has been kept in the dark about the plans.

"I regard the apparent waiver of normal environmental safeguards and procedures with respect to this facility, in combination with the EPA's almost complete lack of knowledge as to the status of this project, to be highly irregular and entirely unjustified," Florio wrote.

He charged that the Lakehurst site is located atop the largest source of pure groundwater in the state, and could lead to the degradation of the sensitive environment of Pinelands.

After learning of the department's plans for Lakehurst, Florio said he became concerned that environmental considerations were being left out of plans at the other 149 sites.

"Considering the fact that the Lakehurst facility has been planned without prior knowledge by and consultation with the appropriate federal and state environmental agencies, I am concerned that the remaining sites are being planned with a similar disregard for applicable environmental safeguards," the letter said.

In the letter, Florio sought an explanation of the procedures used in selecting the sites and the locations of the 150 proposed sites.

The Lakehurst site, Florio said, is planned to accommodate all of the hazardous waste from military facilities in South Jersey and that its construction is expected to cost $1.6 million.

BARREN MINDS WORK AT DEFENSE DEPT.

The U.S. Defense Department, well known for wasting taxpayers' money on such things as $100 screwdrivers that go for a couple bucks at any hardware store, is at it again.

Without consulting with state or federal environmental officials, the Defense Department spent money to build a major toxic waste storage facility at the Lakehurst Naval Air Station, which is located deep in the federally and state-protected Pinelands.

It's amazing enough that no one in the Defense Department even thought about checking with any environmental officials before planning such a controversial storage site, but somehow no one in the department even knew the Pine Barrens existed, let alone that it is a protected area because it is environmentally sensitive.

That's pretty hard to swallow. The military may be somewhat isolated from society, but it still operates in the same world. The Lakehurst facility has been around for decades, and the Pinelands have existed forever. Someone from the Defense Department must have toured the facility at some time and noticed all those scrub pines and oak trees.

And while reading those stories on the Defense Department wasting money, someone in the department surely must have read some stories about protection of the Pinelands, or that we have major environmental problems with toxic waste in this nation.

Fortunately, our congressman, Rep. James J. Florio, D-1st Dist. of Pine Hill, takes more of an interest in what the Defense Department is doing than the department does about the rest of the world. He blew the whistle on the $2 million plan, which is now likely to be scrapped because of its potential threat to the environment.

The facility, which was supposed to store toxic waste from McGuire Air Fore Base, Fort Dix, and the Naval Ammunition Depot at Earle and Lakehurst, would have been built over a major underground fresh water source.

Since Florio disclosed the military plan, the state Pinelands Commission has told the Defense Department that it is unlikely the proposal would pass local scrutiny. The department was told to look elsewhere to locate the facility.

"It's fairly obvious it would be a very tough thing to do," said John Stokes, assistant director of the Pinelands Commission.

But then again, it should have been fairly obvious to the Defense Department that the Pinelands existed, and that environmental officials should have been consulted before any money was spent on the project.

Let's hope the Defense Department isn't deaf as well as being dumb.

CHANNEL 10, WCAU-TV,
Philadelphia, PA.

Broadcast: August 26, 1984, 6 P.M. News; August 27, 1984, Noon.
Subject: Pentagon & Environmental Laws.

Is the Department of Defense above the law? We don't think so. Neither does New Jersey Congressman James Florio.

The Pentagon is moving ahead with building a huge toxic-waste storage facility at Lakehurst Naval Air Station. They've begun, and they've allocated money—tax money, of course . . .

But they didn't get environmental clearance from the Environmental Protection Agency. And that's what got Rep. Florio so upset. The toxic storehouse site is sitting right on top of a major underground water source. Florio points out that the Pinelands, where the Navy toxic waste storehouse is proposed, is highly sensitive ground. It's like a sieve. And all of South Jersey drinking water could be contaminated if the Navy goes ahead with waste storage plans.

Defense Department officials have admitted they didn't know the Pinelands area plans might endanger South Jersey's water. Had the Pentagon complied with environmental laws, all this cost and fuss might have been avoided.

We urge New Jersey citizens to let Defense Secretary Weinberger know the military must obey environmental laws like the rest of us.

Presented by Stephen Cohen, Vice President & General Manager.

Your comments are always welcome.●

TRIBUTE TO HON. DAN MARRIOTT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. MAZZOLI. Mr. Speaker, DAN MARRIOTT has made a significant contribution to Congress in his 8 years as a Member of the House.

I have served with DAN on the House Small Business Committee and I have found him to be a diligent and effective member.

I know DAN has served his constituency and the State of Utah well, and I wish him much success as he pursues private interests.●

H.R. 3755, THE SOCIAL SECURITY DISABILITY REFORM AMENDMENTS OF 1984

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. BIAGGI. Mr. Speaker, I rise in support of the conference committee agreement on H.R. 3755, the Social Security Disability Reform Amendments of 1984. I am proud to have been one of the early cosponsors of this bill. I commend Chairman PICKLE for his tireless efforts in developing this bill and in working with the other body to arrive at an acceptable compromise which I believe protects the interests of the disabled beneficiary.

Today the Disability Program is in a state of chaos. The events of the past 3 years have caused the public to come to distrust one of our most important Federal agencies. The Social Security Administration had been regarded as a model Government agency which compassionately, competently, and efficiently administered a comprehensive program of social insurance which protected American workers and their families against loss of income due to death, retirement, or disability. The public felt confident that Social Security would assist them and their families if they became disabled. I believe this bill will help restore order to the Disability Program and public confidence in the Social Security Administration and the thousands of SSA and State disability determination agency employees who administer the disability program.

The Select Committee on Aging has worked long and hard in bringing this legislation to a successful vote. During the 98th Congress the Committee held eight hearings in six different States plus the District of Columbia. These hearings gathered testimony which documented the need for reform.

Since 1981, when the Reagan administration ordered an acceleration of the continuing disability reviews, the benefits of 350,000 people have been terminated. Of these, 100,000 have been reinstated by SSA's internal administrative review process, and another 60,000 have been reinstated by the Federal Courts. The fact that 45 percent of the cases terminated were reinstated highlighted the need for corrective action. Therefore, bills were introduced in both Houses, in this and the past Congress, designed to protect the rights of disability beneficiaries and restore uniformity to the program.

In fiscal year 1982, 10,000 people in my home State of New York were removed from the disability rolls. This compared with 672 the previous year. In response to these harsh reviews, New York State, along with New York City and affected individuals, filed suit in Federal court successfully challenging the Social Security Administration's standards for evaluating severely mentally disabled people. The reviews also led directly to New York's filing suit against the Social Security Administration for employing improper standards in evaluating people with severe, disabling heart disease. In recognition of the need for improved standards for determining eligibility for disability benefits and for a medical improvement standard for determining continuing eligibility to these benefits, New York State was one of the first States in the Nation to place a moratorium on processing continuing disability reviews.

Though the conference report will not alleviate all of the problems which have come to light as a result of increased continuing disability reviews, it will provide for a more fair review as it will require that, in most instances, there must be medical improvement before a beneficiary can be removed from the rolls. The lack of a medical improvement standard was one of the primary causes of the problems which arose during the reviews.

The bill will also require the Secretary to:

Conduct a study on the evaluation of pain in determining whether a person is under a disability,

Consider the combined effect of all of a person's impairments in both initial cases and in continuing disability reviews,

Publish revised criteria to be used in the evaluation of mental impairments,

Initiate demonstration projects on providing face-to-face interviews for pretermination continuing disability cases and for all initial denial cases in lieu of face-to-face evidentiary hearings at reconsideration,

Continue the payment of benefits during appeal for CDR cases through the decision of the administrative law judge,

Make every effort to insure that a qualified psychiatrist or psychologist reviews the case,

Promulgate regulations regarding consultative examinations,

Make every effort to obtain necessary medical evidence from the treating physician before evaluating medical evidence from any other source,

Federalize the disability determinations if a State is not in substantial compliance with Federal law and standards.

Though the conference bill does not contain a provision regarding nonacquiescence, the conference report does state that the policy of nonacquiescence should be followed only where steps have been taken or are intended to be taken to request a review by the Supreme Court. The conferees also urge the Secretary to seek a resolution of the issue in the Supreme Court. As an attorney, I concur that the legal and constitutional issues raised by the Secretary's position on nonacquiescense can best be settled by the Supreme Court.

Though I am pleased that the medical improvement provisions of this bill will apply to all cases in the administrative pipeline and to all cases pending judicial review, I am concerned that thousands of disabled individuals, who were terminated since the reviews started, will not benefit from this bill. These are individuals who, either because of lack of information, funds, or who just were intimidated by the administrative review process, did not pursue their case but accepted the decision of the Social Security Administration that they were not disabled. I hope that someway can be found to extend the spirit of this bill to these individuals.

Today, there are over 40,000 cases pending in the Federal courts. All of these cases had to go through three layers of administrative review before they could be taken to the courts. This is a long and time-consuming and expensive process. Without the benefit continuation provisions of this legislation, these individuals would be deprived of benefits during their appeal process; however, even under this bill, benefits only continue through the administrative law judge review. I am not advocating continuing benefits beyond this level, but I do believe that Congress needs to study the administrative review process. Some way needs to be developed to simplify and expedite it.

I believe that the provisions for the consideration of multiple impairments and evaluation of pain greatly improve the disability program. This multiple impairment provision is much needed to assist those who cannot work because they suffer from many impairments; yet, do not qualify for benefits as none of their impairments by themselves meets the required level of severity.

In closing, I would like to commend all who labored so long and hard on this legislation. I believe it will restore uniformity and fairness to the disability program. As a charter member of the Select Committee on Aging, I will continue to work to assure that those who are entitled to these benefits will, in fact, receive them in order that we will continue to uphold the intent of Congress in creating the disability program. With the passing of this legislation, which has bipartisan support, we have hopefully ended the bureaucratic nightmare of thousands of disabled and elderly who have come to depend on these benefits for their very existence. It is these individuals that we should remain most concerned about—today and in the future.●

UNEMPLOYMENT IS STILL CRITICAL ISSUE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. OWENS. Mr. Speaker, unemployment remains a critical issue in this country. There are those who repeatedly say that America is back. I would like to go further and say that all of America is back at work. Unfortunately, I could not make such a statement today, and nothing is happening to make it possible tomorrow.

The overall unemployment rate for this August was 7.5 percent, while the percentage of potential workers (the noninstitutionalized population between 18 and 64 years of age) actually working was 64.9 percent. A year ago, the overall unemployment rate 9.3 percent while the percentage of potential workers who were actually working was the same. If no greater percentage of those eligible to work are working, how is it possible that the unemployment rate has dropped? The answer is simple. More of the unemployed were counted last August than this August. This improves the economic picture, but not the economy.

The unemployment figures for minority workers are more discouraging than for workers as a whole. The current rate of unemployment for whites is 6.4 percent as compared to 8.2 percent a year ago. For black workers, the current rate is 16 percent and the rate a year ago was 19.8 percent. The drop in the unemployment rate does not represent more of those eligible to work who are working. It represents a failure to count those who have been unemployed for so long that they receive no benefits and those who are trying to find work for the first time. These are the uncounted. Their pain is a private matter, carefully screened out of the public statistics.

The time has come to stop working with the statistics and start working with the unemployed. This country needs the work of all of its people and all of our people need jobs and incomes. Sweeping aside millions of people to the trash heap of unemployment may serve to create media images, but it does not help to reach our potential as a productive and just society. Unemployment remains a critical issue and Congress must find a way to aid the millions who cry out for training and jobs now.●

HUMAN RIGHTS IN THE U.S.S.R. SHOULD NOT BE IGNORED

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. FASCELL. Mr. Speaker, Soviet human rights violations should be an important agenda item in the upcoming talks between President Reagan and the Soviet Foreign Minister, Andrei Gromyko. Although the arms control issue holds center stage in this private meeting, the steady deterioration in the Soviet human rights performance should not be given short shrift. As the 1975 Helsinki Final Act recognized, there is an integral link between human rights and military security.

In fact, one important measure of the Soviet Union's adherence to international commitments is its implementation of the Helsinki human rights provisions. The Helsinki accords establish a point of reference not only for government-to-government relations, but also for the relationship between government and the governed.

In the first 4 years after the Helsinki accords were signed, there seemed to be a slight general improvement in Soviet human rights behavior: In 1979, Jewish emigration from the Soviet Union reached the record level of over 51,000; despite numerous arrests, unofficial human rights organizations were allowed to exist.

Coinciding with the invasion of Afghanistan, however, the Soviet Government decided on a radical change of course which took effect in 1980: Soviet emigration rates plummeted; Soviet jamming of Western radio broadcasts resumed to protect the Soviet people from news about Polish Solidarity; imprisonment of Soviet national, religious, economic, and political rights advocates soared; and harsh new Soviet laws were passed to further discourage free expression and contacts with foreigners.

Today, 48 members of the citizens' Helsinki Monitoring Groups are serving long terms in Soviet camps, prisons, and psychiatric hospitals. Prominent imprisoned Helsinki Monitors include: Yuri Orlov and Anatoly Shcharanksy (Moscow); Mykola Rudenko and Levko Lukyanenko (Ukraine); Viktoras Petkus and Balys Gajauskas (Lithuania); Robert Nazaryan (Armenia); and Merab Kostava (Georgia).

Soviet repression has not been limited to political activists. Of the estimated 10,000 Soviet prisoners of conscience, about half are religious believers. Increased repression against Evangelical Protestants, particularly reform Baptists, has been dramatic. In 1979, there were 40 Baptist prisoners; today there are almost 200. Prominent Russian Orthodox prisoners include Father Gleb Yakunin, founder of the unofficial Christian Committee. For the first time in over 10 years, in 1983 the Soviets imprisoned two Roman Catholic priests in Lithuania. Several million Ukrainian Catholics are loyal to their Soviet-outlawed church; many, such as Yosyp Terelya, are imprisoned. Soviet Jews and Muslims are also jailed for their religious activity.

Advocates of greater national and cultural rights, particularly for the non-Russian half of the Soviet population, are also subjected to harsh repression. Unofficial Hebrew teachers, such as Iosif Begun, suffer imprisonment. Ukrainians, such as writer Yuriy Badzio, comprise about 40 percent of all Soviet political prisoners. Mustafa Dzhemilev and several other leaders of the 500,000-strong Crimean Tatar who struggle to return to their Crimean homeland have spent long years in Soviet camps. Latvians, including Ints Calitis, Lithuanians and Estonians, including Mart Niklus, press for Soviet renunciation of the secret terms of the infamous Molotov-Ribbentrop Pact which consigned their three countries to the U.S.S.R.

The record is similarly bleak in the area of family reunification, which the Soviet Union pledged to facilitate under the Helsinki accords. Emigration has come to a virtual standstill for the three ethnic groups—Jews, Germans and Armenians—which had earlier been allowed to leave the Soviet Union. There are over 100 longstanding unresolved United States-Soviet family reunification cases, including those of Galina Michelson of Moscow who has sought to rejoin her husband in the United States since 1956; Lithuanians Maria Jurgutis and Petras Pakenas have repeatedly been denied exit visas to join their Lithuanian-born spouses in the United States; and Grigory Gimpelson has been trying to get permission to rejoin his wife and son in New York since 1977. Other Americans, such as Prof. Woodford McClellan of the University of Virginia, have unsuccessfully tried for many years to have their Soviet spouses join them in America.

In recent months, I have written repeatedly to President Reagan to urge that the plight of Nobel Laureate Andrei Sakharov and his courageous wife, Elena Bonner, be raised with the Soviets at every available opportunity, including the Stockholm Conference on Military Security now in session. I am happy to report that the United States finally raised the Sakharov case on September 18 in Stockholm, asserting the vital link between military security and human rights issues.

Some will say that Gromyko will flatly reject any American human rights requests. Even so, this does not lessen the American obligation to speak out for those whom the Soviets

brutally attempt to silence. If agreements with the Soviet Union are to have meaning, compliance must be insisted upon at the highest level of our Government. A foreign policy adviser to the former Vice President has said that human rights will be raised during Mondale's meeting with Gromyko. Can the President do less?●

MINORITY ENTERPRISE DEVELOPMENT WEEK CELEBRATED IN QUEENS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ACKERMAN. Mr. Speaker, I rise today to ask my colleagues in the United States House of Representatives to take this moment to recognize the vital contributions by Murtha, Gainza & Associates, Inc., on behalf of minority-owned business in Queens County, NY.

October 7-13, 1984 is National Minority Enterprise Development Week, and Murtha, Gainza & Associates of Forest Hills has many reasons to share in that celebration.

Company director T. Kevin Murtha and Associate Director Fernando Gainza are responsible for channeling millions of dollars in loans and contracts to minority entrepreneurs. Mr. Speaker, this is a magnificent accomplishment. Mr. Murtha, Mr. Gainza, and their staff at the Minority Business Development Center have made an immeasurable difference to minority businesses in Queens and as a result, have boosted the economy of the entire community. With determination and dedication, the company has creatively approached the challenge of strengthening minority firms and charting for them a path of success and prosperity.

Murtha, Gainza & Associates provides valuable assistance and technical counsel to businesses in need of capital and contracts. The staff works closely with entrepeneurs to assist them with financial management, loan proposals, marketing development, procurement contracts, business plan development, management systems, personnel management, and other facets.

Mr. Speaker, this company in Forest Hills has dedicated itself to helping minority businesses in a way that enables them to go on to help themselves. Their valuable services give these businesses the breakthrough they need to establish themselves, gain credibility, and earn trust and respect of their colleagues in the business world.

The officers and staff of Murtha, Gainza & Associates, Inc. have proven their acumen as business specialists, and their skill and noble purpose have turned the struggles of minority firms into sweet victories.

Mr. Speaker, the principle of helping others to gain their footing until they can take steady, sure steps on their own, is what this great Nation is all about. Minority members have suffered from many years of discrimination, pain and oppression. It is individuals like those at Murtha, Gainza & Associates, Inc. who begin to turn back that tide so that minority entrepeneurs are able to use their imagination and ability to achieve great successes.

The corporation is holding workshops and ceremonies during the first 2 weeks of October to celebrate Minority Enterprise Development Week and to highlight the many struggles minority businesses have overcome with the encouragement and ready aid of development centers throughout the country.

Mr. Speaker, let us take this moment to recognize the unceasing efforts of Murtha, Gainza & Associates. The company's endeavors have given real meaning to National Minority Enterprise Development Week.●

TRUMAN'S TOUGH DECISION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SOLOMON. Mr. Speaker, the name of Harry Truman has been evoked by both sides of the aisle this year, the centennial of his birth, and rightly so. President Truman was remembered in a film at the Democratic National Convention, in speeches at the Republican Convention, and in heartfelt remarks here on Capitol Hill and throughout the Nation.

Now I would like to enter into the RECORD a short essay by a veteran newspaperman who saw firsthand why Truman was destined for greatness. The article, from the Troy, NY, Times-Record, shows that Harry Truman never flinched from making the tough decisions necessary to a great Nation.

The article follows:

WHY WE DROPPED THE BOMB

(By Robert A. Fusco)

We're more than a month past the anniversary of the atomic bombing of Hiroshima, and the usual spate of letters and demonstrations. But as we approach 1985, which will mark 40 years since the bomb was dropped. I must respond, beforehand, to what I anticipate will be a deluge of letters from the "breast beaters."

It's incredible how these letter writers and demonstrators so casually revise history.

Such remarks as "Truman should have waited (before ordering the bombing) because he knew Russia was entering the war against Japan.

Russia was going to enter the war in the Pacific when it suited Russia's purpose. Read Churchill's memoirs and learn of their turn to open a second front. Go to a library and read editorials on the same topic. Russia declared war on Japan on Aug. 8, because the United States dropped the first atomic bomb on August 6.

Then these fictional historians argue the bombing was unnecessary, because the Japanese were whipped and all we had to do was be patient, allowing them time to agree to surrender terms.

If the Japanese were whipped, they didn't act the role.

Months of conventional bombing of their cities and military installations hadn't moved them. The loss of virtually all of the Pacific territory they had earlier conquered hadn't moved them.

Japan's war lords didn't sound as though they were considering capitulation, when they promised to arm the entire population to repel an American invasion.

American military leaders, including Gen. Omar Bradley, warned to expect American casualties of at least one million, with deaths up to 500,000, if a full-scale invasion became necessary.

Anyone who doubts the ability of Japan's leaders, at that time, to carry out their promise to fight to the death, with spears if necessary, need only recall the kamikaze, or the costly American victories on Saipan, Iwo Jima, etc.

I entered Hiroshima a few weeks after the bombing. I also had first-hand views of terribly flattened cities in France and Germany.

Certainly the deaths of thousands of civilians at Hiroshima and Nagasaki were terrible. So were the deaths of thousands of civilians in England and in France, and of millions in Germany and in Russia.

War really is hell; in large part because non-combatants die—they died long before the atomic bomb and not only incidentally.

After the lead waves of conventional bombers dropped their payloads in World War II, the remaining planes bombed into smoke and dust. Do we really believe they were aiming at only military targets?

The revisionists want to put the "black hat" on the United States and a President who was making a wartime decision. To the breast beaters I say, "it won't work."

In conclusion, let me recall, too, the area clergy, who annually participate in their well-publicized "services of repentance" for the bombing of Hiroshima and Nagasaki.

I wonder when was the last time they murmured a prayer for the souls of the 1,000 men whose bones are still trapped inside the Arizona?●

CHAIRMAN OF DADE SCHOOL BOARD AWARDED

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. PEPPER. Mr. Speaker, thank you for giving me the opportunity to call to your attention and that of our distinguished colleagues the upcoming honor to be bestowed upon one of the outstanding leaders of Dade County, FL, which encompasses my congressional district.

Paul L. Cejas, the honoree of the B'nai B'rith Foundation's coveted

Public Service Award to be bestowed upon him at a dinner on October 20, is truly one of the giants of Florida public servants, who has contributed to our youth, to our community of Dade County and to the quality of life in south Florida and the Nation.

Since he was appointed to the chairmanship of the Dade County School Board by Governor Bob Graham of Florida in March 1980, Paul has done an excellent job in difficult circumstances and with all the many attendant problems and challenges of a dynamic, growing and vigorously multiethnic community reaching out to the Nation and to the world for travel, trade and cultural exchanges.

More than just serving in his professional capacity, Paul Cejas has been deeply involved in the various levels of endeavor within the community: whether he donated his skills as an accountant to the United Way Fund of Dade County, or as chief executive officer and president of Miami Savings & Loan Co., whether he helped to develop the patterns of real estate use in Dade County, or taught business administration at Miami-Dade Community College's downtown campus, whether he studied the patterns of need among Hispanic students, helped businessmen get started, served on Dade County's School Board with the largest vote ever received by any school board candidate in Dade County's history—the list goes on and on—Paul has always given every ounce of everything he has to all he does and the people he cares so much about. He deserves this recognition as one of the truly outstanding leaders of our burgeoning south Florida community.

This noble and distinguished man—a patriot and a modern Founding Father of our continuing enterprise in democracy and progress—is worthy of all honor and I speak with pride and gratitude, I know, for our community, when I say, we thank you, Paul, for all you have done for us. May you live long in the hearts and memories of Dade County's citizens as you do now.

Blessed by his many friends and admirers, the fruits of years of such generous works and his prodigious energy, may he continue to work and live long among us and share in the radiant glow of Dade County's people's affection and gratitude.●

CALL FOR DISCUSSIONS ON SURGING IMPORTS OF CANADIAN HOGS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. DURBIN. Mr. Speaker, today I join Mr. MADIGAN and 49 of my colleagues in introducing a resolution which expresses the sense of the House that the President should direct appropriate members of the administration to aggressively pursue discussions with the Canadian Government directed toward resolving the problems caused by a recent surge in imports of Canadian hogs and pork products.

In hearings before the House Agriculture Livestock Subcommittee in May, Richard Smith, Administrator of the U.S. Department of Agriculture's Foreign Agricultural Service, testified that imports of live hogs totaled only 146,000 head in 1981. But this year, shipments are expected to increase fivefold to 750,000 head. Frozen pork shipments, the traditional form of port trade between the United States and Canada, averaged 25,000 tons annually during the early 1970's. Last year, though, U.S. imports inched up to 27,000 tons, and were up another 4 percent in the first quarter of this year. The most drastic change has been in imports of fresh and chilled pork from Canada. Imports averaged 2,500 tons yearly from 1970 to 1977, but last year, they increased to 93,000 tons and had increased 33 percent in the first quarter of 1984.

The main reason for this increase is that Canadian production capacity has improved. Internal policies which offer incentives to pork producers to increase production have resulted in surpluses which are shipped to the United States. Another factor is the high value of the dollar, which makes our markets more attractive to exporters.

I introduce this measure with two goals in mind. First, if the administration takes action now to negotiate with the Canadian Government regarding the increase in hog and pork imports, we may be able to stabilize the market before the damage to U.S. producers becomes too great. Second, our response must be timely; we now have an opportunity to prevent a shift in trade which could permanently debilitate our hog markets.

Senators DIXON and BOSCHWITZ introduced a similar measure in the Senate, Senate Resolution 431, which was accepted as an amendment to H.R. 3398, which passed the Senate on September 20. I hope that introduction of this bipartisan measure in the House will indicate to the conferees on H.R. 3398 that many Members of the House would support the inclusion of this resolution in the final version of the omnibus trade and tariff bill.●

HIGH TECHNOLOGY MAGAZINE GIVES DIRECTION FOR HIGH TECHNOLOGY WEEK

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. DYMALLY. Mr. Speaker, some months ago my attention was called to an editorial in High Technology magazine. The editorial concerned the need for a special week in which our students, teachers, and the Nation in general could take time to gain some understanding of the impact of technological development on our lives. I thought this suggestion by magazine editor Robert Haavind was well taken, and I introduced a bill to set aside the week of September 30 to October 6 as High Technology Week. Happily, the bill passed both Houses and was recently signed by the President. The most recent issue of High Technology magazine contains a second editorial by Mr. Haavind. This one has to do with setting the direction for activities during High Technology Week. I think the message Mr. Haavind offers us is upbeat, optimistic, and sets just the right tone for this special week. With your permission, Mr. Speaker, I would like to insert the text of Mr. Haavind's editorial in the CONGRESSIONAL RECORD.

The editorial follows:

ALL NATIONS CAN WIN THE TECHNOLOGY RACE

(By Robert Haavind)

National High Technology Week, set for September 30–October 6 will focus attention on the future of technology in the United States. This symbolic week was proposed by this magazine last October and established by Congress in July. The Special Report in this issue, set to coincide with High Technology Week, explores some of the critical technology-related issues now on the national agenda.

A core issue among them is the intense international competition for leadership in emerging technologies. Some countries, such as Japan, England, and France, have well-defined national programs to stake out claims in potentially explosive technology markets. Whether the United States should adopt such a policy is perhaps the most heated of several national debates over technology.

Unfortunately, as IBM president John F. Akers complained in a keynote speech at the recent National Computer Conference, the media tend to characterize the global technology race as a cutthroat competition. In this scenario, each nation is attempting to gain supremacy in new technologies, while at the same time imposing national policies that cut out foreign competition.

Certainly much of the competition is fierce, and some nations indulge in protectionism. Yet the world marketplace is not as warlike as some claim, and it is becoming even less so. Recognition is growing that all nations can share the benefits of emerging technologies. Cooperation promises econom-

ic synergism: By working together all parties can boost their share in the gains.

Business leaders have seen this for some time. That's why more and more cooperative technology ventures are taking shape, often between companies in different nations. And where extensive advanced research is required and available expertise is limited, as in artificial intelligence, ways are being found for companies to share costly R&D.

Governments, as well, have been working toward greater cooperation. Japan's efforts to make its market more open to competition were lauded as a new era in trade relations in a speech delivered in Tokyo this summer by Warren E. Davis, VP, of the Semiconductor Industry Assn. (The SIA had been highly critical of Japan's policies in the past.) When asked about Japanese and European competition in photovoltaics recently, Rep. Donald Fuqua (D-Fla.), chairman of the House Committee on Science and Technology, replied that these nations have a mutual stake in attaining energy independence, and thus should work together to develop and commercialize such technology.

This spirit of statesmanship and cooperation should be fostered. But at the same time, all nations must recognize that there is one sure way to lose this global contest, and that's by not playing. New technologies are becoming pervasive, changing the way we work, communicate, and manage every business, industry, and profession. Only by staying at the cutting edge of technology—in factories and offices and schools as well as in the labs—can a nation expect to remain competitive.

That's a central message of High Technology Week.●

A CHANCE TO VOTE ON THE CRIME BILL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. GEKAS. Mr. Speaker, after 7 months House Members have looked at the Senate passed bipartisan crime package but have been unable to vote on it. A bill almost unanimously supported in the Senate was dissected, then allowed to gather dust while Americans waited and wondered if their elected representatives shared the same deep concerns they had about crime.

Mr. Speaker, the majority of the Members of this body do share the concerns of their constituents and if given the chance would express that concern by approving H.R. 5963.

I can imagine no reason for ignoring this bipartisan legislation. If the Judiciary Committee has been considering the bill for these 7 months, then where is it?

If it was "unwieldly" and had to be considered in pieces, as one subcommittee chairman asserted, then where are the pieces? Where are the pieces that count? Where is the sentencing reform contained in title II of H.R. 5963? Where is the bail reform of title I? Where is the workable insanity defense reform in title IV?

Mr. Speaker, the House should be given a chance to vote on this important legislation before its Members return home to account for their 2 years in Washington.●

H.R. 3755: A LONG AWAITED BILL

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Ms. OAKAR. Mr. Speaker, on September 19, the House agreed to the conference report on H.R. 3755, the Social Security Disability Reform Act of 1984. The struggle to agree to and enact a bill which will assist hundreds of thousands of disabled Social Security recipients has been long in coming. Congressman JAKE PICKLE, chairman of the Social Security Subcommittee, should be proud of his tireless work in getting this, one of the most important pieces of legislation, through Congress. I join my colleagues in commending him and the other key members of the Ways and Means Committee for their outstanding work.

Every Member of this body has heard of the real horror stories from disability recipients caught in the web known as the appeals process. We have also known too well of the constituents who have been told by SSA that they no longer qualify for disability benefits, and cannot understand why their disabilities aren't severe enough to merit assistance. At least one-third of the Members in the House can attest to the manner in which his or her State has begun to self-impose a disability review program. And, we have all been frustrated by the administration's unwillingness to pursue avenues to clarify the law and the administering of the disability program.

H.R. 3755 embodies necessary changes to a system which has become dispassionate and disorganized instead of compassionate and orderly. It will standardize the medical improvement definition under the continuing disability review process. Decisions rendered by Federal courts regarding appeals will be recognized by the Social Security Administration. The issues of pain and multiple impairments are also addressed in this bill.

There is little doubt in my mind that the bill could go further in regulating the Social Security Disability Program. But, given the constraints present during the most difficult of times for the disability program and the conflicting views on how the problems should be remedied, the bill accomplishes many goals. I am hopeful that once in place, the changes in the bill will solve many serious problems, by helping thousands of disability recipients. I also hope that this body will not have to go through the laborious process of legislating changes to the disability program in the coming years because the system is treating recipients unfairly.

Again, Mr. Speaker, this bill is important to the future of the Social Security Disability Program and Chairman PICKLE should be honored by his tremendous job.●

A TRIBUTE TO VAL J. HALAMANDARIS: A FRIEND TO THE NATION'S AGED, ILL AND DESTITUTE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. PEPPER. Mr. Speaker, on the occasion of his birthday, I would just like to pay tribute to a great American, a keen lawyer and investigator, and an effective voice for the Nation's underprivileged and needy: Val J. Halamandaris.

In celebrating his 42d birthday, it is appropriate to acknowledge the many contributions Val has already made to the constituencies he has chosen to serve. Over half of Val's life was spent in service to our Nation's elderly both in connection with the Senate Special Committee on Aging where he spearheaded a number of daring and productive undercover operations, but also on the House Select Committee on Aging where he exposed the country to frauds and abuses in numerous public and private programs serving older Americans. Nursing home residents found a formidable ally in Val who is a leading spokesperson on nursing home care in the United States. His book, "Too Old, Too Sick, Too Bad," which he coauthored with his former employer Senate Aging Committee Chairman Frank E. Moss, has educated many who seek to improve conditions for elderly nursing home residents and who advocate appropriate care for the institutionalized.

Today, Val's strong and effective voice can still be heard in the Halls of Congress, as a champion of home care as an alternative for unnecessary and premature institutionalization. Those affiliated with the National Association for Home Care, where Val now serves as president, are well served.

Mr. Speaker, Val Halamandaris has demonstrated a deep and lasting commitment to betterment of our country, he has done much to restore confidence in our Government and to earn the respect of this Congress and of the people of the United States.

I personally commend Val's good works and I look forward to a continuation of his outspoken support for im-

proved conditions for our Nation's underprivileged.●

THE DRUG PRICE COMPETITION ACT

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. DAUB. Mr. Speaker, I was encouraged when the President signed into law the Drug Price Competition Act yesterday. This measure allows a quick and effective process for the approval of generic drugs while providing incentives for large drug manufacturers to develop new and innovative products.

This carefully constructed compromise bill received strong support from a number of senior citizen organizations. It represents a significant gain for all consumers, especially senior citizens.

With the abbreviated review process, hundreds of low-cost, generic drugs will become available on the market much sooner than under the present process, without endangering the safety of the consumer. This is a welcome change for seniors since 17 percent of out-of-pocket payments made by the elderly for health care pay for needed drugs.

The Drug Price Competition Act will protect the elderly from a cost they can neither control nor afford. It could save consumers an estimated $1 billion over the next 10 years. This measure is an essential step in our continued efforts to combat the effects of escalating health care costs on our Nation's senior citizens.●

CONGRESSIONAL SALUTE TO OLYMPIAN BRUCE BAUMGARTNER OF HALEDON, NJ, WRESTLING GOLD MEDALIST, 1984 SUMMER OLYMPIC GAMES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ROE. Mr. Speaker, on Sunday, September 30, the residents of my congressional district and State of New Jersey will join with the Honorable Sam F. Sibilio, mayor, other members of the governing body, and the people of Haledon, NJ, at a parade and dinner in honor of their hometown hero of the 1984 Summer Olympics, Bruce Baumgartner, who won the gold medal in the super-heavyweight title in the freestyle wrestling event of the U.S. Summer Olympic Games on August 10, 1984. I know that you and our colleagues here in the Congress will want to join with me in expressing our heartiest congratulations to Bruce and share the pride of his wife, Linda; his mother and father, Louise and Robert Baumgartner; and his many, many friends upon this outstanding achievement of national and international renown in the gymnastic exercise and highly skilled art of wrestling.

Mr. Speaker, we are proud to boast that Bruce was born and raised in the borough of Haledon, NJ. He received his elementary and secondary education at Haledon Grammar School and Manchester High School, Haledon, and attained a bachelor of science degree in industrial arts education at Indiana State University with honors. He was 3 years on the dean's list including a perfect 4.0 GPA during one of his college years. He was a member of Kappa Delta Pi, an honor society in education; and Epsilon Pi Tau, an international honorary professional fraternity for technological education. He was named the outstanding industrial arts student as well as outstanding wrestler upon his graduation from college.

We applaud Bruce's personal commitment and many years of preparation, training, and hard work that he has devoted to achieving the highest standards of excellence in his athletic and academic endeavors—and especially his championship accomplishments in wrestling competition—providing a lasting contribution to America's preeminence in the annals of the world of sports and serving as an inspiration to all of our young people.

Bruce had compiled a 74-9 overall high school mat record and 27-1 in his senior year at Manchester High School. It is interesting to note that upon his graduation from high school, he was named the outstanding student athlete and still holds Manchester's shotput record.

He was an All-American wrestler at Indiana State. His mat record as a freshman was 20-9. During his sophomore year, he achieved a 28-3 record and was National Collegiate Athletic Association (NCAA) runnerup in the heavyweight division. In his junior year as the NCAA runnerup, he had chalked up 42 consecutive victories before losing the championship finals. In his senior year, he won a gold medal in freestyle wrestling in the unlimited weight at the World University Games in Bucharest, Romania, and is the only American to win a gold medal in wrestling at Bucharest. His outstanding 1980-81 season included victories in the Midlands Open Tournament at Northwestern, and the Northern Open at Madison, WI, and was a formidable contender in the East-West All-Star Wrestling Match.

Among his many athletic achievements, he defeated two-time Olympic and four-time world champion Soslan Audiev of Russia. He also won the U.S. Wrestling Federation Tourney and was a grand champion of the federation. He was the recipient of the most prestigious Hillman Award of Indiana State University which is presented annually to designate the university's outstanding athlete.

Bruce was honored in 1982 with a Bruce Baumgartner Day in Terre Haute, IN, as all-American wrestler at Indiana State University. He was one of five student athletes honored by the National Collegiate Athletic Association for both athletic and academic achievements.

Bruce has competed in the World Wrestling Championships, the World University Games, and won an NCAA championship. In June 1984, Haledon officials dedicated their annual Haledon Day Parade to Bruce. Immediately after the 1984 summer Olympics, Bruce joined with other American athletes in parades throughout our country and we look forward to the gala parade and celebration in his honor in his hometown of Haledon on September 30. There is so much that can be said of his many deeds and accomplishments. He has served as Oklahoma State University's assistant wrestling coach and this year will be furthering his athletic career pursuits as assistant wrestling coach at Edinboro State College, PA.

Mr. Speaker, as we reflect upon the history of our great country and the good deeds of our people who have made our representative democracy second to none among all nations throughout the world, I appreciate the opportunity to call your attention to this distinguished worldwide record of a highly personable young man and seek this national recognition of his exemplary record of achievement as an all-American wrestler. We do indeed salute an outstanding citizen, gold medalist champion, and great American athlete—Bruce Baumgartner of Haledon, NJ.●

THE ABORTION DEBATE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, in recent weeks, Mr. Speaker, a great deal of attention has been devoted to the proper relationship between religion and politics, particularly with regard to the issue of abortion. Much has been said by individuals on both sides of the debate regarding where policymakers should draw the line between their personal morality and public policy.

Last Thursday, a column appeared in the New York Times by Mr. Burke J. Balch, staff counsel for the Americans United for Life Defense Fund entitled "Abortion: A General Concern." This insightful column sheds much

needed light on this volatile debate, Mr. Speaker, and I hope my colleagues will take a few minutes to read Mr. Balch's perceptive comments.

ABORTION: A GENERAL CONCERN

(By Burke J. Balch)

CHICAGO.—The debate over the appropriate role of religion in politics is befogged by a crucial misunderstanding about the nature of abortion, which is in essence a matter of public and not merely private morality.

Governor Mario Cuomo, Representative Geraldine A. Ferraro and Senator Edward M. Kennedy maintain that they personally oppose most abortions but that they do not want to impose their morality by law. They believe abortion should be legal and that abortions for the poor should be publicly funded, and they criticize the Roman Catholic bishops' view that it is "not logically tenable" to separate "personal morality and public policy."

Yet the proper dichotomy is not, as some contend, between law and morality: most laws are grounded in moral concepts. Instead, it is between moral principles that relate to the individual conduct of one's own life, with which the law should not deal, and moral principles that relate to actions that may cause harm to others, with which the law must deal.

Senator Kennedy came close to articulating this point last week. "Issues like nuclear arms," he said, "are inherently public in nature; we must decide them together as a nation; and here, religion and religious values must appeal to our common conscience—and to the decision of Government itself . . . But this cannot mean that every moral command should be written into law—that Catholics should seek to make birth control illegal; that Orthodox Jews should seek to ban business on the Sabbath."

So far, Senator Kennedy is correct. But there is a problem in applying this principle to abortion. If the fetus is not yet a human person, abortion, like contraception, does not affect others, and religious and other moral leaders should not ask the law to interfere. However, if the fetus is a human person, then an abortion causes harm to someone other than the mother, and abortion is a matter of public morality—one about which laws may properly be advocated by religious leaders.

Since the status of the fetus is the very matter most in dispute, it begs the question to rule religious leaders out of the debate on the ground they are illicitly advocating private morality in the public sphere. In their view, they are not asking the state to impose private morality but to protect the rights of others.

Senator Kennedy, Governor Cuomo and others seem to anticipate this point, but they also make a larger claim: that when we are deeply divided about whether an issue is one of public or private morality, the state should not intervene.

But the notion that division of opinion should end rather than foster debate is an unfortunate one. For decades, we were deeply divided about whether race prejudice was a private matter, and for years the argument against civil rights laws was that Government can't legislate morality. In reply, Dr. Martin Luther King Jr. used to point out that the law cannot make one love one's neighbors, but it can—and should—keep one from lynching them. He did not hesitate to invoke the Bible in support of his position.

As Dr. King well knew, the mere existence of disagreement cannot justify politicians, religious leaders or anyone else in tolerating injustice—still less in assisting it. What would one think of a politician who was "personally opposed" to rape but objected to imposing that morality on rapists who believe that "women want it"? What if the same politician worked to provide tax funds to buy weapons for rapists unable to afford their own? Would we denounce a religious leader who cried "inconsistency"?

Mr. Cuomo, Mrs. Ferraro and Mr. Kennedy may have unusual grounds to oppose abortion, unrelated to the rights of the fetus. But if their reasoning is the same as that given by their church (as well as by other denominations and by agnostics like myself), they must believe that the fetus is a human person whom abortion unjustly destroys. There is an untenable inconsistency between that conviction and a public policy permitting and funding abortion. Religious leaders who point this out do not breach the separation of church and state. They act in the best tradition of public debate in a justice-seeking republic.●

WOMEN AND DEFENSE SPENDING—WOMEN ARE SHORTCHANGED

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ADDABBO. Mr. Speaker, the administration's military expenditures on strategic weapons climb higher and higher, while America's women are being shortchanged on vital social services. As the demographic group most affected by our country's uncontrolled defense spending, it is imperative that women speak out as a group against the threatening tide of nuclear arms buildup. I wholeheartedly support my colleague, Representative PATRICIA SCHROEDER, and the Women's National Conference on Preventing Nuclear War, in their goal to involve women in ongoing arms debate.

It is quite obvious that the scales are tipped in favor of a massive defense budget, while at the same time they deprive women and their families of the means to live in reasonable comfort. The fiscal year 1984 defense budget of $260.9 billion is $35 billion higher than the amount this country spent for defense during fiscal year 1968, at the height of the Vietnam conflict. Yet the administration continued to cut back on such vital programs as welfare, child care, housing assistance, and employment programs.

In the last 6 years, Congress has provided over $1.1 trillion for military spending—at a time when we are not at war—yet at this point in our history 58 percent of those persons living below the poverty level are women.

In the next 4 years, Congress is proposing to spend $2 trillion on defense—yet the poverty rate is highest and is steadily climbing in single female-headed families with children.

In light of this information, I am issuing a call to arms for all women who are concerned about their future and their country's future. They must take part in the battle, not only to help promote the cause of worldwide peace, but also to insure that Federal funds are channeled into the appropriate women's domestic programs. As women compose more than half of this country's voting age population, they have the power to affect change in our defense policies, and I look forward to seeing what impact they will have on these issues in the coming months.●

AVIATION CONCERNS

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mrs. VUCANOVICH. Mr. Speaker, I would like to address this body on some important aviation concerns.

As you know, I have an ongoing concern over the FAA's transition plan for flight service station closures and consolidations. In fact, had this body considered a Department of Transportation appropriations bill for fiscal year 1985, I would have offered an amendment to remove all funds for FSS closures. It continues to be my feeling that no flight service station should be closed until the FAA is prepared to provide tested automated replacement equipment, and is in compliance with the equal or better service and reporting requirements established by the Congress. The concerns which I have that are not addressed within the body of this resolution are:

First, it is not clear what funding levels will be available to the FAA for flight service station closures under this resolution. It is my strong belief that no funds should be available before the replacement automated equipment is available and tested.

Further, it is not clear how many flight service stations the FAA intends to close during fiscal year 1985 under this resolution or the locations. FAA Administrator Engen has indicated that his agency intends to reduce the planned number of FSS closures in fiscal year 1985 from the original 55 to 14. I view this as a positive development, but feel the FAA should take a step further and postpone all closures until the replacement modernized equipment is in place and tested to meet the equal or better service requirements established by the Congress.

In addition, the FAA presently has a stop work order in effect on the development of model II automated replacement equipment for the new

automated flight service stations. This body should be aware that this model II equipment is the automation equipment which the FAA has promised. It disturbs me that the FAA intends to proceed with closures when such delays and complications have not as yet been rectified.

I understand that the other body has reported an appropriations bill with significantly higher funding levels of $1.492 billion for the FAA's facilities and equipment account, but with report language requiring written congressional approval in advance of FSS closures. I feel that the Congress should continue to maintain its oversight responsibilities over the FSS transition program. Further, I believe that the Congress should agree in advance in writing to any proposed FSS closures planned by the FAA.

I address this issue today on behalf of all general aviation pilots and those concerned with the safety of the users of the Nation's airways.●

PERSECUTION OF BAHA'IS IN IRAN

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. LEACH of Iowa. Mr. Speaker, the execution last month of Manuchehr Ruhi, a respected Baha'i, by the Islamic authorities of Iran, stirs within decent men and women around the world a deep rage. This latest reminder of the tragic persecution facing the Baha'is in Iran brings to mind the more than 170 Baha'is who have similarly perished since the Iranian revolution of 1979, and the 750 or so who remain in prison. Of immediate and deepest concern are the lives of 32 Baha'is, including 30 men and 2 women, who have been sentenced to death.

As expressed in the concurrent resolution adopted by the House and Senate this year (H. Con. Res. 226), the Congress of the United States holds the Government of Iran responsible for upholding the rights of the Baha'is. Religious persecution is not only an offense against human morality and decency but against international law, as codified in such instruments as the International Covenant on Civil and Political Rights. It is perhaps a sad, but appropriate coincidence that the President has just recommended to the Senate that the United States ratify the Genocide Convention which makes the intentional elimination of a religious group a crime under international law.

The abuses suffered by the Baha'is in Iran stand in stark contrast to the tolerance and respect for others which they profess. As Dr. Firuz Kazemzadeh, vice chairman of the National Spiritual Assembly of the Baha'is of the United States, said in testimony at a Senate hearing in July, the Baha'is have "committed no crimes, participated in no anti-government activities, presented no danger to the regime, yet they have been made an object of unrestrained hatred on the part of the clerical rulers and their supporters."

Mr. Speaker, I take this occasion to call on my colleagues to renew their public protests against this ongoing campaign of persecution in Iran and to call on the President to seek the widest possible cooperation from the international community in making such protests effectively heard in Teheran. I would also call on the administration to take all steps necessary to insure that this country is in all cases an available safe haven to those Baha'is who are able to flee from Iran. To do less would be to fail unconscionably our heritage and our duty.●

THE DRUG ENFORCEMENT COORDINATION ACT OF 1984

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SCHEUER. Mr. Speaker, 2 weeks ago the House passed H.R. 4028, the Drug Enforcement Coordination Act of 1984. As a senior member of the Select Committee on Narcotics Abuse and Control and as an original sponsor of H.R. 4028, I want to take this opportunity to reiterate my strong support for this important measure and state my hope that our colleagues in the Senate will act on it before the 98th Congress adjourns.

The need for this legislation is clear. On no less than three occasions over the last 10 years, in three separate examinations of the Federal drug law enforcement program, the General Accounting Office has concluded that Federal efforts to wage a war on drugs have been hampered due to the absence of a coordinating authority in the executive branch. Because the responsibility for drug law enforcement is dispersed among more than 17 Federal agencies, one might legitimately ask, "Who is in charge of our Nation's war on drugs?" Right now, unfortunately, the answer is that no one in the executive branch has the statutory authority needed to carry out this responsibility.

H.R. 4028 is designed to eliminate the chaos that currently exists in Federal drug law enforcement activities. This bill would provide a much-needed focus and direction to our national drug control efforts by establishing a director to coordinate and review the policies and goals of each of the law enforcement agencies, determine whether they are consistent with the overall enforcement program, and ensure that money and resources are allocated where they can be most effective. Creation of an Office of Drug Enforcement Coordination would also enhance congressional oversight of Federal drug interdiction efforts.

The answer that this bill provides to the question I posed earlier, Mr. Speaker, is not new. As a matter of fact, the Comprehensive Crime Act of 1982 which included a similar drug czar provision was passed by Congress and sent to President Reagan in December 1982. Unbelievably, the President vetoed that entire crime package solely on the basis of his objection to this very concept of a central, coordinating authority. As a result of the President's ill-advised veto, 2 years of legislative work on a comprehensive crime bill was thrown out the window and the bureaucratic nightmare in drug law enforcement continues to plague efforts to stem the flow of illegal narcotics into our country.

Despite the administration's adamant opposition to the creation of a White House drug czar, the President tacitly acknowledged the need for better coordination by appointing the Vice President to head a national drug-smuggling task force as well as one in south Florida.

The highly publicized success of the South Florida Task Force in lowering drug-related crime in that area actually strengthens the case for strong, central direction in the war on narcotics. The problem with the administration's approach, however, is that applying pressure in just one region only encourages drug dealers to move their operations to other areas of the country, like the Northeast. It is like using a spotlight to flush out rats: drug dealers simply scurry to another dark corner unless the entire alley is illuminated. In the same way, we need to shine a bright light on the entire problem throughout the Nation in a concerted, coordinated, and coherent antidrug campaign. I believe enactment of the Drug Enforcement Coordination Act will do that.

I am convinced, Mr. Speaker, that we can never hope to bring the drug problem under control unless we approach it in a comprehensive, systematic, and coordinated fashion. H.R. 4028 provides the framework for such an effort and should therefore be embraced by all who are really serious about combating the illegal drug trade.

Companion legislation to H.R. 4028 is pending in the Senate. I urge my colleagues on the other side of the Capitol to bring this needed bill to the floor soon and to approve it promptly. If the Senate acts soon enough, the President will have another opportunity to review this worthy initiative and,

hopefully, this time he will see the light and sign it into law.●

VIEWS ON UNITED STATES-CHINA RELATIONS

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. BONER of Tennessee. Mr. Speaker, Mr. Fred Cloud, the executive director of the Metro Human Relations Commission, recently participated in a visit to the People's Republic of China commemorating the bicentennial of the landing of the first American ship.

In a recent news article, Mr. Cloud reflected on the 200-year old relationship with the Chinese people. I commend his remarks to my colleagues.

The article follows:

[From the Nashville Tennessean, Sept. 17, 1984]

UNITED STATES AND CHINA CAN BUILD ON 200-YEAR-OLD RELATIONSHIP

(By Fred Cloud)

With all the talk these days about the "new" relationship between the U.S. and China, it is interesting to note that the countries actually have been dealing with each other for centuries.

I was reminded of that recently when I accompanied a delegation, sponsored by the U.S.-China Peoples Friendship Association, to get an intensive look at life in China.

We visited five cities—Shanghai, Shenyang, Changchun, Yanji and Beijing—and the surrounding countryside. And the tour was climaxed by participation, as official U.S. representatives, in the bicentennial celebration in Beijing of the landing of America's first ship at Canton on Aug. 28, 1784.

Since my colleagues elected me as their spokesperson, I was privileged to be one of the two American speakers for the occasion; the other was U.S. Ambassador Arthur Hummel. Among the points I made were these:

The voyage of The Empress of China (a merchant ship financed by American businessmen) started only six months after America achieved her independence—and five years before her first president took office.

So it is fair to say that the American people have desired friendly commercial relationships with China from the very beginning of America's life as a nation. And by their gracious act of hosting the bicentennial celebration, the Chinese have indicated that they also value the long-standing commercial and cultural ties between China and the U.S.

Second, the world has changed tremendously during the past two centuries. None of the changes are more dramatic than those in transportation and communication. Earlier this summer, millions of Americans watched young men and women from China compete with thousands of other athletes from 140 nations in the Olympic Games. We were very much impressed with the skill and grace of China's youth, and were pleased that many won medals.

Our tour group was greatly pleased to fly on the same airplane with China's Olympic team from San Francisco to Shanghia on Aug. 13. Those Olympic athletes flew across the Pacific Ocean in one day, while The Empress of China required 188 days to sail from the U.S to China. How our world has shrunk in 200 years! It is now a "global village." We have instant communication worldwide, and no place on Earth is now more than two or three days by air.

This poses a great challenge to all nations: to live together in friendship and mutual helpfulness. We believe that both Americans and Chinese want to be friends, and we believe that it is in our national interest to do so.

I came back to America with some very strong impressions of China. First, there seems to be a widely-shared sense of purpose and direction among the Chinese people. Simply put, there seems to be a real dedication to lifting the level of life for all the people.

Overall goals may have been projectd by national leaders, but they seem to have been internalized in a concrete way by citizens in a variety of settings. For example, in agriculture areas there seems to be good morale and living conditions among the peasants (farmers). This is due in part to the "responsibility system."

This means that, after meeting a quota of food production, the peasants can sell in the "free markets" (like our Farmers' Market) all the rest that they produce and pocket the profits. We went into a number of farming villages, and into the homes of numerous peasants. We were frankly suprised to see there radios, TV sets, washing machines, and refrigerators. The mixed economy has obviously helped the farmers to prosper.

In industries, the "responsibility system" means that the whole assembly-line crew receives bonuses for producing more than their quota. Premier Deng seems unconcerned when persons call this kind of incentive "capitalistic." He replies with an aphorism: "I don't care whether a cat is black or white, so long as it catches mice!"

China, keenly aware that it is a "developing nation," obviously has a strong commitment to public education, from kindergarten through university. We asked about attendance and effort on the part of students and were told that parents are held responsible for attendance of their children at school. If a child skips school, the teacher visits the home to find out why; and if there is no good reason, the parents are fined.

In addition to college there are two options for working persons: "spare time university" (equivalent to our "night schools") and correspondence courses. University presidents were candid in telling us that this is necessary, in part, because of the tragic attacks on universities during the Cultural Revolution (1966–76).

Universal health care is available in China. Most workers pay about $1 a year, for which they receive health care in clinics. Doctors and dentists are trained in modern medicine; there are also large medical colleges that teach "traditional medicine," with special emphasis on the use of acupuncture and herbal medicines.

China welcomes American teachers and technology. We can build on our two-century old tradition in a positive way today. I believe our friendship, as peoples and as nations, will grow.●

TRIBUTE TO DR. LUIS LEAL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I appreciate this opportunity to extend my congratulations to one of my most disinguished constituents on the occasion of the 2d Annual Santa Barbara Hispanic Achievement Council's testimonial dinner in his honor.

A distinguished and internationally renown scholar and prolific writer, Dr. Luis Leal has contributed enormously to the body knowledge in the field of Latin American, Mexican, and Chicano literary analysis. He has authored at least 14 books, served as editor for at least 20 books and anthologies, contributed to 49 additional books, published 144 articles and essays, written 11 contributions to books, prepared 55 book reviews, and delivered 156 lectures in his field.

It is noteworthy that Dr. Leal's work has not been limited solely to academia, for he has also been active within the Santa Barbara community, having served on the Education Committee of the Santa Barbara Museum of Art and is a past member of the Board of Directors of Santa Barbara's La Casa de la Raza.

Dr. Leal's tireless work on behalf of the economic, social, and educational development of Santa Barbara County to the benefit of all its citizens is evidenced by this impressive record of community service and worldly accomplishments.

Dr. Leal will continue his research as he maintains his position of senior research scholar at the Center for Chicano Studies at the University of California at Santa Barbara. I extend to Dr. Leal the best wishes of this body and our hopes for a long, enjoyable, and productive future.●

TRIBUTE TO THE SCHOOL VOLUNTEER ASSOCIATION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. McKINNEY. Mr. Speaker, on September 30, 1964, Hon. Abner W. Sibal read into the RECORD the purposes and functions of a project created and run by the Junior League of Greater Bridgeport for the advancement of youth opportunity. The project, then called Youth Opportunities Unlimited [YOU], has been taken over by the city of Bridgeport and renamed the School Volunteer Association [SVA]. Today, SVA is celebrating its 20th anniversary and I welcome

this opportunity to bring to my colleagues attention their statement of recommitment:

In celebration of the twentieth anniversary of the School Volunteer Association of Bridgeport, we hereby recommit ourselves to serve Bridgeport public school children.

Since its inception as Youth Opportunities Unlimited, which was documented in the 88th CONGRESSIONAL RECORD on September 30, 1964, this organization has provided tutorial and enrichment services to many thousands of Bridgeport students. Drawing on the skills and talents of dedicated volunteers from the city and neighboring communities, SVA continues to offer a variety of programs to meet the changing needs of the school system. Each year hundreds of men and women tutor children in basic skills, motivate students to achieve career goals, bring in numerous environmental awareness and cultural programs, and provide other needed services in school offices and classrooms.

Over the years, SVA has also successfully encouraged increased participation in the schools by the business and civic communities. Together, we now reaffirm our commitment to Bridgeport students.

Mr. Speaker, this most worthwhile project has been operating successfully for 20 years because of the outstanding work of over 500 volunteers from Bridgeport and its surrounding communities, the parents of the Bridgeport schoolchildren and the local business organizations. The program combines: tutoring in reading, math, English as a second language, and writing; field trips and guest speakers dealing with enrichment of the arts; and career outlooks via trips to places of business and guest speakers in the classroom. In doing this, the students not only receive additional classroom assistance but also a well-rounded look at their community. In addition, SVA volunteers assist in libraries throughout the city of Bridgeport.

What started as a 2-year demonstration project has turned out to be one of the most flourishing and useful programs for the advancement of students in the city of Bridgeport. I congratulate and commend all those who take part in the School Volunteer Association and I recommend that my colleagues encourage such projects in their districts.●

SUPPORT FOR PRESIDENT REAGAN'S REFUSAL TO IMPOSE COPPER QUOTAS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. HORTON. Mr. Speaker, President Reagan recently denied relief under the Trade Act for the domestic copper industry. His decision means that no quotas or tariffs will be imposed on imported copper.

I am a strong supporter of the President's decision and believe it to be in the best interest of our economy. Restrictions on imported copper could have triggered an import crisis in a number of sectors of our economy. In addition, it could have provided a catalyst for reciprocation in other sectors of our economy by our trading partners overseas.

The Congressional Budget Office, at the request of Budget Committee Chairman JONES, commented on the effects of tariffs or quotas on copper. I would like to submit that response, which I believe supports the President in his decision, in the CONGRESSIONAL RECORD:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 27, 1984.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your inquiry of July 26, 1984 regarding the effects on the U.S. economy of establishing a quota or tariff on imported copper as recommended in the Report to the President by the International Trade Commission (ITC). Four of the five ITC Commissioners determined that copper is ". . . being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry . . . ", and one Commissioner held that imports presented a threat of injury. The Commission, however, was more divided in its recommendations: two Commissioners recommended imposing a 5 cents per pound duty to remain in effect for five yeara; two Commissioners recommended import quotas for a five-year period; and one Commissioner found trade restrictions unlikely to relieve the copper industry's problems, and hence recommended no action.

The ITC action was prompted by a downturn in the domestic copper industry (mining, smelting, and refining). In response to a decline in U.S. consumption coupled with plentiful supplies worldwide, the U.S. producers' price for cathrode copper dropped from $1.02 per pound in 1980 to $.64 per pound in July of 1984. At the same time, copper imports turned sharply upward in 1983 and 1984. The result has been depressed conditions in the domestic industry. In 1983, for example, capacity utilization stood at 60 percent for mines, 57 perent for smelters, and 62 percent for refineries, down from 1981's peak of 89 percent, 83 percent, and 87 percent respectively. Employment losses have been concentrated in several states, particularly Arizona, Montana, New Mexico, and Utah. In June, for example, Kennecott Copper announced production cutbacks of 66 percent and sent layoff notices to 2,000 employees in Utah.

There are a variety of explanations for these difficulties. Many analysts note the costs advantages enjoyed by foreign producers, which would probably persist even with changes in such factors as U.S. environmental standards or the value of the dollar. U.S. copper producers, however, have pointed out that, as private firms, they are at a disadvantage in their access to and cost of capital because many of their foreign competitors are affiliated with national governments. These governments respond to different economic incentives than private firms and have access to loans from multilateral development agencies on terms perceived to be more favorable than those available from commercial lending institutions.

Time has precluded an independent analysis of these causal factors and their implications for the ITC recommendations. (For a more complete discussion, see *The Decline in the Competitiveness of the U.S. Copper Industry*, Congressional Research Service, forthcoming.) Nevertheless, it is possible to identify the general economic consequences of these recommendations.

MACROECONOMIC CONSEQUENCES

Because of the size of the industry, the effects of the proposed tariffs and quotas on the overall U.S. economy would be too small to estimate accurately. The general tendency, however, would be toward higher domestic copper prices and some inflationary pressures. In contrast, quotas and tariffs would have a much more noticeable impact on copper producers and consumers. These restrictions would benefit domestic copper producers (mining, smelting, and refining) by transferring income to them, principally from foreign copper producers and domestic copper fabricators (the makers of intermediate products such as wire, sheet, and tube). There would be an adverse impact on producer nations—such as Chile, Zambia, Zaire, and Peru—that rely heavily on copper revenues to repay outstanding loans and as a source of foreign exchange. Canada is also a large exporter to the United States. If U.S. copper restrictions provoked reciprocal barriers against U.S. exports, then other sectors of the economy would also be affected.

In the long run, both tariffs and quotas could be circumvented if fabricators and other consumers were to respond to the higher domestic price for refined copper by importing intermediate copper products or finished goods. Such imports would eventually moderate the inflationary pressures and the effects on the foreign copper producers unless domestic fabricators also received protection.

THE EFFECTS OF QUOTAS

The proposed quotas would limit annual imports to 375,000 short tons of refined copper and to 50,000 short tons of smelted copper—their average level during the 1978–1982 period. By contrast, 1983 imports of these forms of copper came to 560,000 short tons. The initial effect would be to increase profits and employment in the domestic mining, smelting and refining industry as U.S. prices increased and currently unused production capacity was brought on line to replace the imported copper.

The price respose to the proposed quotas would depend strongly on demand conditions. Toward the lower end of the range of estimates, one study has suggested that the quotas would raise the onshore price of refined copper some 10 percent to 15 percent above levels that would otherwise exist. (International Trade Commission: Investigation No. TA201-52 *Unwrought Copper Remedy Brief on Behalf of National Electrical Manufacturers Association*, June 18, 1984.) At the higher end of the range, the Congressional Research Service notes that strong demand could push prices into the $1.20–$1.30 per pound range (in 1981 dollars), if price increases had no impact on consumption. This would be well above the July average price of about $.64 per pound.

Because refined copper accounts for roughly half of the cost of fabricated copper products—wire, cable, sheet, and so forth—the domestic manufacuturers of these inter-

mediate goods would be most strongly affected. This is because their customers—makers of final products that use copper—would have the option of importing fabricated copper from foreign sources, whose competitive position would be enhanced by the quotas. Thus, domestic copper fabricators would face reduced profits, output, and employment. Offsetting this, many copper producers also have copper fabrication affiliates, and so engage in both production and fabrication. The ITC report suggests that close to 20 percent of refined copper production is dedicated to intra-company fabrication. This may vary widely from firm to firm, but to the extent that production and fabrication are integrated, losses on the fabrication side could be moderated by gains on the production side. Further, some U.S. copper firms are affiliated with the foreign copper producers, but the net implications of this for the impact of the quotas are difficult to estimate.

The stated rationale for the quota is to provide the domestic industry a temporary respite from depressed world copper prices so it can regain competitiveness. There are, however, conflicting views on the ability of the recommended quota to accomplish this. Price increases toward the upper end of the range would clearly bring short-term relief to the domestic copper producing industry. At the same time, such prices would also provide a strong incentive for bypassing the quota through imports of fabricated copper or through the accelerated substitution of other materials for copper. Price increases toward the lower end of the range might be too small to be helpful—the breakeven for those facilities that have been shut down since 1981 has been estimated at $1.00 per pound, and the average operating cost for those facilities that remained open in 1983 was $.82 per pound. (Estimates provided by the Congressional Research Service.) If the quota (or tariff) were to be removed five years hence, the U.S. industry might be no better off than before, especially if foreign producers continued to improve their own facilities. The same pressures that lead to overproduction—the need for foreign exchange and the servicing of outstanding debt—would also provide an incentive for such improvement.

THE EFFECTS OF A TARIFF

The effects of a tariff would be similar to those of a quota, with two principal exceptions. First, the U.S. government would collect some revenues from the tariff that would be unavailable from a quota unless rights to import were auctioned off. (For example, gross import levels of 560,000 short tons per year—roughly 1983 levels—would yield about $56 million annually.) Second, a fixed quota would become increasingly costly during cyclical upturns in the demand for copper, while the effects of a tariff would diminish as prices strengthened.

The level of the proposed tariff—$.05 per pound—might be too low to change the fundamental situation of the domestic industry. International competition might lead foreign producers to bear some of the burden of the tariff. To the extent they did, the impact on copper consumers would be moderated, and the U.S. Treasury would benefit at the expense of foreign producers. The benefit to the domestic copper producing industry, however, would be proportionally reduced.

OTHER APPROACHES

It may be helpful to review the ITC recommendations in the context of other ways to assist the U.S. copper producing industry. For example, it has been suggested that production cutbacks among the copper exporting nations would raise the world price and thus benefit all copper producers rather than just those in the United States. (See, Everest Consulting Associates, Inc., An Econometric Perspective on Revenue Increases From Balancing Production Cutbacks Among CIPEC Nations, July 3, 1984.) The economic effects of negotiated cutbacks would be similar to those occurring under a quota, except that the costs would be borne by copper consumers worldwide and not principally by domestic copper fabricators.

Alternatively, direct assistance could be provided through such programs as Trade Adjustment Assistance, which was instituted by the 1974 Trade Act. These programs require firms or workers to petition the government in order to qualify for assistance. If the government finds that foreign competition is a source of injury, firms may qualify for loans or loan guarantees and workers would become eligible for extended unemployment benefits, job-search assistance, retraining, and relocation assistance. With the exception of retraining, each of these worker benefits becomes an entitlement once the workers have been certified. Some benefits are already being provided to copper workers under the trade adjustment program. The Omnibus Budget Reconciliation of 1981 significantly reduced funding for Trade Adjustment Assistance. But even with the funding levels available before 1981, it is questionable whether the loans and loan guarantees available to copper producers would be substantial enough to contribute to their improved competitiveness.

Accelerated purchases of domestic copper for the National Defense Stockpile have also been proposed. Roughly 887,000 metric tons would fill the reserve, and if purchases were stretched over a 10-year period, this would provide about $125 million per year to the industry at July 1984 prices. Most of the benefit to the industry would be from the direct payments, since any domestic price increases would provide an incentive for greater imports to the non-government market. Also, the priority of increased copper stockpiles among U.S. defense expenditures, while beyond the scope of this analysis, should be included in any serious consideration of this option.

In conclusion, the tariffs and quotas recommended by the ITC would certainly provide some relief to the domestic copper producers. But, these tariffs and quotas would also entail costs—principally to the domestic fabricators—but also, to a lesser degree, to economy as a whole. Definitive estimates of the costs and benefits to the nation of imposing tariffs or quotas on copper are beyond our capabilities, since such assessments require weighing the distributional effects on different sectors of the economy.

If I can be of further assistance, please call on me; or your staff may wish to contact Dr. David Bodde at 226-2946. An identical letter has been sent to Chairman, Sam M. Gibbons, Subcommittee on Trade of the House Ways and Means Committee.

With best wishes.

Sincerely,

ERIC HANUSHEK.
(For Rudolph G. Penner, Director).●

TALENTED TEACHERS ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. GEJDENSON. Mr. Speaker, the House this year passed a piece of legislation called the Talented Teachers Act, which is a modest bill that will go a long way toward restoring the teaching profession to its once respected status. Regrettably, the Senate has not yet acted on the bill, and the congressional session is quickly drawing to a close.

I would like to commend to my colleagues a recent New York Times editorial on the Talented Teachers Act, with the hope that it will spur action on this critical issue.

[From the New York Times, Sept. 15, 1984]

TWO TESTS FOR THE SENATE—PROUD RECRUITS FOR THE SCHOOL WARS

There's no longer any doubt that public schools need to recruit and retain more bright young people as teachers. Teaching now attracts high school graduates from the bottom half of their classes, and the ablest of them leave the profession within five years. Most of the proposed remedies—dramatically increased salaries, merit pay, tougher standards—are stalled by controversy. One modest proposal in Congress, however, appears to be on the verge of realization.

The Talented Teachers Act would be directed at high school students in the top 10 percent of their classes. It would offer 10,000 scholarships of up to $5,000 a year over a four-year period. In return, the recipients would pledge to teach in public or nonprofit private schools for two years for each year of aid received. In most cases that would translate into eight years. Those who agreed to teach in poor school districts would have to remain for only four years.

The bill also offers two one-year fellowships per Congressional district of up to $20,000 to practicing teachers selected on the basis of merit. The grant could be used for study, research, travel or other professional self-improvement.

The bill would cost only $33.5 million for the first year and less than $200 million for its four-year experimental duration. In the words of Albert Shanker, president of the American Federation of Teachers, it would "send out a clear message that being a teacher is something to be proud of."

The bill recently passed the House with virtually no opposition, but now it has become entangled in procedural wrangling in the Senate Committee on Labor and Human Resources. If only it can be freed for Senate approval in the few days left in the current session, then the 98th Congress would have at least dispatched the first small unit of elite troops so desperately needed in the battle for excellence in education.●

A TRIBUTE TO JOHN HOPE, III

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. EDWARDS of California. Mr. Speaker, I join with the staff of the U.S. Commission on Civil Rights and his many friends in paying tribute to John Hope, III who died on September 23, 1984.

Mr. Hope was 48 years old. His 25-year public service career encompassed concerns of local government, international development and civil rights. Early in his professional life, he worked as a management specialist with the New York City Housing Authority and Nassau County, NY. His career expanded when he joined the Africa Bureau of the Agency for International Development, in May 1965, and subsequently became Africa program Coordinator for the Peace Corps. He served as Peace Corps Country Director for Uganda from May 1969 until January 1971, when he took over direction of Peace Corps activity in the Philippines, its second-largest program.

From February 1972 until his death, he served as a senior staff member of the U.S. Commission on Civil Rights. As deputy director and director of its Office of Program and Policy Review, he was responsible for the Commission's major social science research activity. Under his direction, for example, Commission staff prepared the four-report series assessing the state of civil rights 20 years after *Brown*, a variety of reports on the progress of school desegregation throughout the United States, and an evaluation of minority political participation in the first 10 years of the Voting Rights Act that was widely used in Congressional deliberation on extension of the act in 1975. He provided the impetus for Commission research in less traditional areas, such as equal opportunity in unions, the role of minorities and women in television, and developing more adequate indicators of the socioeconomic status of women and minority men in America life.

Mr. Hope served also for 3 years as Deputy Staff Director of the Commission, responsible for its day-to-day management. In addition to his administrative responsibilities, he coordinated the agency's program activity and, during this period, played a key role in reorienting the Commission's oversight function to providing short term, policy-relevant information on Federal civil rights enforcement activity and issues to the President and Congress.

In his greatest service, however, Mr. Hope was Acting Staff Director of the Commission on Civil Rights from July 1981 until mid-August 1983, a time of budgetary retrenchment, great controversy about the makeup of the Commission, and uncertainty about the agency's continued existence. Despite this turmoil, under his leadership, the staff continued to carry out its responsibilities in a manner that permitted the Commission, for example, to provide the Congress a detailed study for its 1982 deliberations on the Voting Rights Act, conduct hearings on a range of subjects, and expand its oversight role. He was as dedicated to maintaining the Commission's integrity and independence as he was committed to achieving equal justice in our Nation.

More recently, Mr. Hope, a charter member of the senior executive service and a career civil servant, directed the Commission's regional operations, including the activities of citizen advisory committees in each State and the District of Columbia. He also served for 2 years on the Fairfax County Civil Service Commission.

Mr. Hope received his A.B. in political science from Morehouse College in Atlanta, GA, and master of public administration degree from New York University. He is survived by his wife Margaret, and three children, John, Laurel, and Janet of Reston, VA; his parents, Mr. and Mrs. John Hope II, of Washington, DC; a brother, Dr. Richard O. Hope of Indianapolis, IN; and a sister, Mrs. Linda Hope Lee, of Dallas, TX. We share in their sorrow and are comforted by the fact that we are fortunate indeed to have known John Hope III.●

DAN MARRIOTT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. WOLF. Mr. Speaker, I am pleased to join with my colleagues in this special order to honor our fellow colleague, DAN MARRIOTT of Utah, as he nears the end of his service in Congress after four consecutive terms.

It has been an honor to serve in this house with DAN MARRIOTT and I have especially enjoyed our work together on the House Select Committee on Children, Youth and Families. As ranking minority member of this select committee first established in 1983, DAN has filled that position with distinction. He is deeply committed to promoting the importance of the family in our society and his committee work has reflected that concern. He also has been the chief sponsor for 8 years of "National Family Week" during Thanksgiving Week each year.

DAN MARRIOTT has been a leader and champion not only for family and children causes, but has also been a consistent supporter of responsible Federal spending. He will also leave a list of significant accomplishments from his tireless efforts on the Small Business Committee where he has worked to safeguard the interests of small business in our Nation and from his position of leadership for the minority on the Interior Committee where he has been an effective legislator in formulating responsible, bipartisan environmental policies and where he was a leader in developing and securing passage of the Utah Wilderness bill.

I salute DAN MARRIOTT as a man of principle and integrity who has served the people of this Nation and the people of the Second District of Utah effectively and admirably since 1976. He has been a valued colleague and an outstanding public servant and I wish him continued success in his future endeavors.●

DAVID A. SWEDLOW: CELEBRATING 50 YEARS IN BUSINESS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. PATTERSON. Mr. Speaker, I would like to take this opportunity to extend my congratulations to David A. Swedlow, chairman of a Garden Grove based firm, Swedlow, Inc., as he celebrated his 50th anniversary in business. Mr. Swedlow's remarkable career has spanned the history of the modern aviation industry from pre-World War II aircraft to NASA's Skylab, and his valuable contributions to business, industry and the community should be recognized.

David Swedlow has been a pioneering force in the innovative uses of acrylic in the aircraft industry. Entering business in 1934, he was one of the first to envision the application of acrylic outside of commercial products such as art objects and home furnishings. In 1940 his art designs were featured in the New York Metropolitan Museum of Modern Art's display of contemporary American industrial art.

Since that time, Swedlow, Inc. has become a leading manufacturer and provided a half century of creative work of proprietary acrylic and armor products utilized for a wide variety of military and commercial applications. The global upheavals of World War II brought changes in the aircraft industry and further involved David Swedlow in the industry. Planes requiring special fabrication and sealant techniques for acrylics were assembled and Swedlow's innovativeness once again responded to the call. Throughout the years Swedlow responded to the challenges to develop the transparencies required for aircraft.

With commercial aviation coming of age after the war, Swedlow acrylics continued to excell. Swedlow invested the company's resources and talent and earned the reputation and respect of a man who could accomplish the job. His importance in the industry was demonstrated by his products being used on nearly all major U.S. planes. Swedlow was involved in the early development of both the B-1 bomber and Skylab, solving design and fabrication challenges for acrylic windows.

In 1982 the U.S. Department of Defense presented Swedlow, Inc. with its prestigious Contractors Assessment Program Award for an exceptional record of developing quality products for the Nation's defense.

Swedlow, Inc. has been active in the community as a contributor and supporter of Children's Hospital of Orange County. Employing over 600 individuals in Orange County, Swedlow, Inc. has established itself as a valuable asset to our community, our Nation's defense, as well as maintaining the forefront of the industry. David Swedlow's commitment to advancing the state of the art through research and development will keep Swedlow, Inc. a leader in their specialized technology.●

TRIBUTE TO LUZERNE COUNTY COMMUNITY COLLEGE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. HARRISON. Mr. Speaker, on Tuesday, October 30, the community college in Luzerne County, PA, will receive national recognition from the U.S. Department of Education for the excellence of its Vocational Support Program for Displaced Homemakers in Luzerne and Lackawanna counties.

The Luzerne County Community College will, on that date, receive the Secretary's Award for Outstanding Vocational Education Programs, 1 of 10 such awards to be given in the Nation.

In announcing this honor, T.H. Bell, Secretary of Education noted:

> Many excellent programs in each of the Education Department's ten regions were nominated for this award and after very careful consideration, your program was chosen as the most outstanding in Region III.

Criteria for the selection of award recipients include "hands-on" experience in shops or at worksites, cooperation with business, industry, and labor; and job placement rates.

Mr. Speaker, I know that all the Members of this body will join with me in congratulating the students, faculty, and administration of the Luzerne County Community College, in particular its president, Mr. Thomas Moran, and the director of the LCCC Displaced Homemaker Program, Ms. Maureen Ambrose, for achieving this national distinction.●

CELEBRATING MINORITY ENTERPRISE WEEK

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ADDABBO. Mr. Speaker, what's good for minority business is good for America. Minority-owned businesses are opening up new opportunities and infusing the U.S. economy with new lifeblood. These successful entrepreneurs have overcome many hurdles and truly paint the picture of the American self-made success stories.

Over the years, I have had the pleasure of working with many minority-owned businesses. The satisfaction I receive through their success is unparalleled. I know that the future of our country lies in their growth. For in America, we are constantly working to insure that every man is given the equal opportunity to succeed. For too long, minority businesses have been shortchanged. The growing success of many of these companies is an indication that we are on the way to overcoming the economic and racial barriers that have historically impeded the development of the minority business community.

There are over 600,000 minority businesses in America today. More than 60,000 of these businesses are awarded Government contracts. In my own district of southeast Queens, I have worked with men such as Lawrence Cormier, president of Technology Industries Corp. Larry just opened the first minority-owned defense plant which, in 2 years, promises to employ more than 300 people. I have seen the labors of Nat Singleton, the executive director of the Association of Minority Enterprises of New York. Nat's boundless energies have created hundreds of opportunities for minority businesses throughout the State of New York. I have seen Jim Heyliger build his business, Southeast Queens General Contracting Inc., into an important force in the community.

In my home State of New York, we believe that the achievements made by minority businesses warrant 2 weeks of recognition. You see, our State has declared the week of October 3-7, Minority Business Week. The President has issued a proclamation that October 7-13 is Minority Enterprise Development Week,

As a ranking member of the Small Business Committee, I intend to continue to press the administration into recognizing the needs of minority businesses. They must enforce small business set-aside laws. We have worked too hard to sit idle and let our gains be reversed. Proclamations make great press releases, but for the past 4 years, this administration has provided the minimum level of support for major programs intended to assist minority businesses in achieving competitive viability. It is not press releases that get the work done. It is action.

I intend to press this administration to enforce the letter and the spirit of the law. If the spirit of this proclamation truly represents a change in their direction, then I ask for their fullest cooperation in providing funds for small and minority business startups. Actions speak louder than words.

The development of minority business is critical to the well-being of our Nation. Today, as we celebrate Minority Enterprise Week, we reaffirm our commitment to helping all minority-owned businesses reach their American dream—full economic parity.●

COMMEMORATION OF WILLIAM HERMAN BEAVER

HON. FOFO I.F. SUNIA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SUNIA. Mr. Speaker, it is with great respect and also with sadness that I rise to commemorate the memory of one of the greatest entrepreneurs to rise to success in the territory of American Samoa who passed away last week. His name is William Herman Beaver and our territory has lost the experience and aptitude of a great business leader.

Mr. Beaver cofounded the South Pacific Traders, the first modern style department store, with his father-in-law, the late H.C. Soli'ai Penemua, in 1961. He skillfully developed a market for a clothing specialty store in Fagatogo and expanded to the biggest department store on our island today in the village of Nu'uuli.

He was born in Rockwell, NC, on April 8, 1913. After serving in the U.S. Navy, he worked for several years for the Kodak Co. in Hawaii, after which he went to Guam to serve as general manager of Town House, the largest department store in Agana. He left Guam in 1960 to open a clothing store in Honolulu. The following year, he founded the South Pacific Traders in Fagatogo, which for years has been the most popular clothing store on our island.

Through all the hard work and perserverance of owning and operating a business, Mr. Beaver found the time to dedicate to community service organizations such as the Rotary Club, the chamber of commerce, and the cancer fund. He was also a bishop in the

Church of the Latter-day Saints. His hard work and dedication serves as a fine example to be long remembered.

He is survived by his wife, Lefagaoalii Soli'ai, a daughter, grandchildren, and brothers who reside in North Carolina.●

NEW TEXTILE RULES THREATEN EXPORTS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. BONKER. Mr. Speaker, recent changes in Customs regulations affecting rules of origin for textile and apparel imports have raised grave concerns within our trading community. These concerns have been especially pronounced among America's farmers. As a Representative from the State of Washington, where agricultural exports are so important to the region's economic health, I view these rule changes with great alarm. It is for this reason that I am introducing today a resolution calling for a 6-month delay in the implementation of the new rules of origin. I am pleased to note that every member of the Washington and Oregon delegations has joined me as a cosponsor of this resolution.

Public threats of retaliation in response to the August 3 action by Customs have already been issued by a number of important U.S. trading partners, most notably Hong Kong and the People's Republic of China. The new regulations have been openly criticized by all of the world's major industrialized nations. The textile committee of the General Agreement on Tariffs and Trade has found the new rules to be in violation of the multifiber arrangement and has urged the United States to revoke or postpone their implementation.

Of equal importance is the haste with which Customs issued these rule changes. Importers have roundly condemned Customs for not allowing sufficient time for comment. The possible effect these regulatory changes might have on other American industries and consumers was not thoroughly considered.

The way these new rules have been applied is just another example of how the Reagan administration has tried to have it both ways on trade. While Ronald Reagan tells the American people that he is in favor of free trade, his administration has quietly restricted imports across a wide spectrum of industries and products.

U.S. exports are finally beginning to increase after 2 devastating years of decline. These new rule changes threaten to bring this budding expansion to a screeching halt. Should the Customs Service ignore this resolution and press ahead with their rule changes, I will not hesitate to develop and introduce legislation that will force the new regulations to be revoked.

While I would prefer to see Customs rescind its new rules entirely, I am only proposing to delay implementation of the regulations for at least 6 months. This delay will allow all interested parties enough time to make their views known. It will also afford the administration and Congress an opportunity to study the potential economic and political implications of the new country of origin rules.

It is my hope that this resolution will win the broad support of the House as a means of continuing the current expansion of U.S. exports.●

ROSH HASHANAH

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. EVANS of Illinois. Mr. Speaker, I would like to take this opportunity to wish my Jewish colleagues a happy New Year. Unfortunately, for those Jews living in the Soviet Union who have been unable to leave, wishing is not enough. More must be done to help these people to have a happy New Year. We must not only wish but also work for their health, welfare and rights as Rosh Hashanah marks the beginning of the year 5745.

I would like to welcome Soviet Foreign Minister Gromyko to the United States. I would also like to give him a message: We have not forgotten the Jewish citizens of his nation. Their struggle will not end, nor will our efforts on their behalf, until the Jews of the Soviet Union are accorded the basic human rights to which all citizens of the world are entitled.

It is significant that President Reagan and Soviet Foreign Minister Gromyko have chosen to meet on the Jewish New Year. Mr. Gromyko's presence here indicates a willingness to discuss issues and to resolve differences that has been sadly lacking on the part of both superpowers for several years. Let us hope that their meeting will open a new phase in United States-Soviet relations, and for the Jews of the Soviet Union, a truly happy New Year.●

VINCENT DOWLING

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. FEIGHAN. Mr. Speaker, for the last nine seasons, the Great Lakes Shakespeare Festival has had the benefit of the considerable skill and talent of Vincent Dowling. Now, Vincent is leaving America's north coast where he has served as the festival's producing director. He leaves to take on new responsibilities as the producing and artistic director of the PCPA Theatrefest in San Maria, CA.

Born in Dublin, Vincent is a naturalized citizen of the United States. He has staged productions of the classics throughout England, Scotland, Wales as well as in his native land. In fact, he holds the title of lifetime associate director in Dublin's famed Abbey Theatre. As a leading actor and director, his association with the Abbey lasted for over 20 years. In this country, he has directed several major resident theaters, including Trinity Square, Indiana Repertory, Meadow Brook, and Missouri Repertory.

Vincent's talents include a gift for adaptation. His works include an acting version of Chekhov's "The Cherry Orchard," an adaptation of Aristophanes' "Lysistrata," and a musical based on George Bernard Shaw's "The Shewing-Up of Blanco Posnet."

Vincent has performed at the White House three times in the last 4 years, performing excerpts from "My Lady Luck," a one-man show by James A. Brown, based on the life and works of poet Robert Service. He has taken the show on the road to Florida and New York.

As he leaves his many friends and supporters in the Greater Cleveland area, we wish him well.

His contribution to the cultural vitality of northeast Ohio has been tremendous. We appreciate the work he has done and hope for his regular return to the Great Lakes Shakespeare Festival.●

PERSONAL EXPLANATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. FLORIO. Mr. Speaker, I was unable to record my vote on the Roe amendment to the continuing appropriations, fiscal year 1985 (H.J. Res. 648) because I was in conference on the Resource Conservation Recovery Act [RCRA] H.R. 2867. Had I been present, I would have voted in favor of the Roe amendment.●

SALUTE TO THE NATIONAL PROPERTY MANAGEMENT ASSOCIATION

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. PATTERSON. Mr. Speaker, this week the National Property Management Association is holding its annual seminar in Buena Park, CA. I would like my colleagues to join me in saluting the important contributions made by property managers to our national economy and to the efficient operation of government.

NPMA is a nonprofit organization composed of members from all sections of the country who are responsible for the management of fixed and movable assets as applies to Government contracts and company capital and expense property. The professionals in this important business contribute to out Nation's industrial strength through their efficient management of all types of assets required to make businesses function. In addition, they contribute to strengthening the Nation's defense by carefully managing 37 billion dollars' worth of Defense Department property which is in the hands of contractors and is used to manufacture defense products.

NPMA has a membership of 1,100 in 27 chapters throughout the country. Members are from both the Government sector and private industry, and include some of the Nation's largest aerospace corporations as well as many small companies. NPMA membership includes only a small segment of the individuals involved in property management throughout the country.

The purpose of the National Property Management Association is to provide a continuing forum for discussion, problem solving, standardized application of Government regulations, and design and implementation of effective, efficient property systems. The association provides educational methods, programs, materials, and opportunities which will enable members to learn and apply the principles and techniques of effective personal property and facilities management and related subjects.

At this week's seminar, the association is honored to have as its keynote speaker Ms. Mary Ann Gilleece, Deputy Under Secretary of Defense for Research and Engineering (Acquisition Management). Ms. Gilleece chairs the Defense Government Property Council, which was created in the spring of 1983 to coordinate the development and approval of effective policies for the management of Government property used by defense contractors or defense industrial facilities for research, development, test, evaluation, production, and maintenance.

Mr. Speaker, with the current emphasis on improving Government efficiency and eliminating wasteful practices, I am pleased that NPMA is available to help educate professional property managers about the latest techniques in this field. I salute this fine organization as it continues its outstanding record of service to property management practitioners.●

THERON OTHEL (SHORTY) FREEMAN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. HUBBARD. Mr. Speaker, Theron Othel (Shorty) Freeman, a constituent whom I admired for many years, died September 9 at his home near Symsonia, KY, at the age of 67.

A native of Graves County, KY, Mr. Freeman was a retired employee of the parts department of the Kentucky Bureau of Highways. He was a member of Doom's Chapel Holiness Church.

Mr. Freeman was born handicapped. He was short in size. He was nicknamed "Shorty" at an early age.

"Shorty" Freeman accepted life with what God provided him. He never complained, never sought Government assistance or relief. One admirer said of him: "He fought his own way in life."

"Shorty" Freeman loved Kentucky politics and was always the unannounced campaign manager for his brother, Mayfield attorney Wayne W. Freeman, who won several campaigns for State representative, State senator, and first district railroad commissioner in western Kentucky.

Mr. Freeman is survived by his wife, Mrs. Linda Freeman; two sons, Bobby Freeman of Symsonia and Ronnie Freeman of Mayfield; two brothers, Wayne Freeman of Mayfield, and Noble Freeman of Paducah; a sister, Mrs. Maebelle Bowers of Seattle; two grandchildren and several nieces and nephews.

I extend my deepest sympathy to the Freeman family.●

TRIBUTE TO MR. AND MRS. RALPH ELSTON

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. HARRISON. Mr. Speaker, on September 8, 1984, Mr. and Mrs. Ralph Elston of Kunkle, PA, observed their 69th wedding anniversary.

Mr. and Mrs. Elston were married on September 8, 1915, in the Lutheran Methodist Church by Rev. H.M. Kelly. Mrs. Elston is the former Agnes Isaacs, daughter of the last John and Estella Kunkle Isaacs of Kunkle, PA. Mr. Elston is the son of the late Martin K. and Lana Hoyt Elston, also of Kunkle.

Prior to retirement, Mr. Elston was engaged in a career in farming.

The Elstons are the proud parents of six children, 21 grandchildren and 32 great-grandchildren. They are members of the Kunkle United Methodist Church, where Mrs. Elston is a charter member of the United Methodist Women.

Mr. Speaker, it gives me a great deal of pleasure in saluting this fine couple on the occasion of their 69th wedding anniversary.●

COMMEMORATING THE 30TH ANNIVERSARY OF THE GRACE PARK ELEMENTARY SCHOOL

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. EDGAR. Mr. Speaker, next month the Grace Park Elementary School in Swarthmore, PA, will be celebrating its 30th anniversary. I rise to note this event because Grace Park Elementary School is a very special educational institution.

Grace Park has accepted the challenges of our rapidly changing society by introducing skills programs in computer literacy and communications technology. The school will soon have a television studio as a result of an extensive community fundraising effort. Among other uses, educators at Grace Park plan to employ this facility to film the children as they progress through each grade. Their goal is the production of a living yearbook for each child.

This outstanding elementary school has not forgotten to balance these forward-looking programs with the traditional emphasis on basic skills and strong character development. The value and necessity of such training has been extensively documented and commented on in recent well-publicized reports on the state of American education. It is very important that our elementary schools keep to the pattern set by Grace Park. If our children do not become proficient in reading, writing, mathematics, and other basic skills, our communities and our Nation will lose the vigor engendered by a well-educated population.

This elementary school has also shown great enthusiasm for community projects. Last year, many of Grace Park's students participated in the "Jump Rope for Heart," learning good citizenship and raising over $2,000 for the American Heart Association in the process. Moreover, the children in the

primary grades earned $800 during a multiple sclerosis readathon. Those efforts were very notable achievements for a school with a student body of 175.

I would like to take this opportunity to extend my own best wishes and congratulations on this important anniversary to Grace Park Elementary School Principal Joseph Fleischut, to the schools' faculty, staff, students past and present, to the superintendent of the Ridley School District Dr. Herbert Pless and to Mr. W. Gordon Atherholt, the president of school directors.●

HONORING THE SISTERS OF CHARITY OF SAINT ELIZABETH OF NEW JERSEY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. MINISH. Mr. Speaker, I rise with great pleasure today to mark an important anniversary which will be coming up at the end of this week. The New Jersey Sisters of Charity of Saint Elizabeth will celebrate their 125th anniversary this Saturday, September 29.

The Sisters of Charity of Saint Elizabeth are a religious order of women with locations in 20 States in the United States, as well as the Virgin Islands, Bolivia, and Chile. I am fortunate to have one of their main locations in my congressional district in Convent Station, NJ. The New Jersey chapter is part of a group of six communities of Sisters of Charity who were founded in 1809 by Saint Elizabeth Ann Seton, in Emmitsburg, MD.

Throughout the past 125 years, the Sisters of Charity of Saint Elizabeth have been devoted patrons of people of all religions. Serving both spiritual and worldly needs, the sisters volunteer their talents and energies for many worthwhile causes.

Originally, the Sisters of Charity primarily offered assistance in the areas of education and health care. Mindful however, of the changing forces in society, the sisters have continued their dedicated service to others through a variety of programs and issues. Some of the areas in which they are involved today are: Health care for migrant workers, counseling for unwed mothers, the emotionally disturbed, and those dependent on alcohol or drugs, and advocacy for the poor and homeless, among other projects.

The Sisters of Charity of Saint Elizabeth total over 1,000 members. They operate five hospitals in three States, as well as many elementary and secondary schools. The sisters are also the life blood behind the College of Saint Elizabeth, in Convent Station, where they fill administrative and professorial positions. Another note to be proud of is that the College of Saint Elizabeth is the oldest 4 year women's colleges in New Jersey and one of the first Catholic colleges for women in the United States.

Mr. Speaker, the women of the Sisters of Charity community have a great deal to be proud of and I am very pleased to send them my warmest wishes for another 125 years of outstanding service.●

DR. DRUE GUY HONORED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. RODINO. Mr. Speaker, as part of the Congressional Black Caucus Education Braintrust Weekend which begins on Thursday, September 27, a luncheon will be held to honor outstanding black women in education. The luncheon will pay tribute to Mary Hatwood Futrell, president of the National Education Association, and black women school superintendents from around the country.

One of the honorees at this very special event will be Drue S. Guy, superintendent of schools in East Orange, NJ. Before coming to our community in 1983, Dr. Guy had an extensive and impressive career in both education and social policy in Ohio and Wisconsin. She has made major contributions to both of these fields, and has lectured and written a great deal, particularly about the role of women in education. Throughout her career, she has continually searched for the solutions to the very complex and difficult problems we face concerning the future education. We are very fortunate to have someone of her capabilities and compassion in East Orange.

Mr. Speaker, there are few areas that deserve our concern and attention so much as education. The decisions we make now about our children's education are crucial. It is therefore extremely important that the Braintrust Network Association is working on a national basis to improve equity and excellence in education. I salute the association, and particularly our colleague from New York, Congressman MAJOR OWENS, for his leadership role in this endeavor. In addition, I offer my sincere congratulations to Dr. Drue Guy and the other outstanding honorees.●

PERSONAL EXPLANATION

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. DE LA GARZA. Mr. Speaker, yesterday, the 12th item on the suspension calendar was H.R. 6163, the Federal District Court Organization Act of 1984. Unfortunately, I was not here to speak in support of the measure since among the specifics with which it deals, is a court in my district. I was in my district yesterday conducting hearings on the 1985 farm bill with particular reference to peanuts.

This bill will be of tremendous benefit to the south Texas Rio Grande Valley. Essentially what the legislation will do is create a more orderly judicial process in my area by establishing at McAllen a new division of the U.S. Southern District Court of Texas. This division would exclusively serve the judicial needs of Hidalgo and Starr Counties. As a result of this reorganization, there will be significant financial savings realized—savings approximated at this time to be about $431,000.

The greatest advantages of this legislation, however, are the subjective considerations dealing with manhour savings in the transportation of prisoners, improving the quality of justice and representation by minimizing travel for attorneys, jurors, litigants, witnesses, and clients. Other subjective factors include the improvement of relationships between enforcement agencies and local commissioners' courts which will, I am certain, result in improved jail facilities and general working relationships between Federal, State, and local officers.

Economy, security and caseload reduction are the key factors here—and these are what the Lower Rio Grande Valley is going to realize as a result of this legislation along with the improved administration of justice at the grassroots level. I thank the House for acting affirmatively and I urge the Senate to do likewise.●

TRIBUTE TO SOL AND LILLAN BRENNER

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SMITH of Florida. Mr. Speaker, I would like to take this opportunity to pay tribute to Sol and Lillian Brenner, from Lauderdale Lakes, FL, who recently celebrated their 55th wedding anniversary. This couple's achievements are many. Their community involvement throughout the years has

sustained their marriage. For Sol and Lillian, family was always important, but they managed to always find some time to donate to an important group, cause, or activity.

Sol founded the Senior Adult Club of the Jewish Community Center (JCC) at University Boulevard. The JCC is primarily a social activity for the community at large. At the height of the JCC activity, there were 1,100 people in the membership. He served as president from inception of the club 7 years ago and now is serving on the board.

Other activities include founding the Somerset B'nai B'rith chapter and lodge where Sol served as president. This is the largest B'nai B'rith unit in south Florida. He also serves on the board of the B'nai B'rith Levi Arthritic Hospital in Hot Springs, AR. Both Lillian and Sol are fundraisers for United Jewish Appeal and Israel Bond drives. They are active public speakers on arthritis and Yiddish storytelling. Both teach dance at the JCC and their condo complex.

Mr. Speaker, I ask that my colleagues join me in paying tribute to the Brenners who have contributed tremendously to their community. They have enriched so many lives by creating centers where people can congregate and socialize. Sol and Lillian Brenner are an excellent example of what hard work and commitment can accomplish.●

AL LARSON DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. GILMAN. Mr. Speaker, tomorrow, September 26, Orange County, NY, will be celebrating "Al Larson Day."

Tomorrow is Al's 34th anniversary as a newscaster on radio station WALL, radio 1340 on our dial.

When Al first began broadcasting the news to Orange County, Harry Truman was in the White House, Korea and Vietnam were exotic names on the map that not many of us had heard of, and a four-bedroom house in our area could be had, with 4 percent GI mortgage, for less than $10,000.

Now, 34 years and seven Presidents later, we celebrate Al Larson's becoming a fixture in Orange County. For 34 years, he exulted with us over the good news, and commiserated with us over the bad.

Al Larson has helped our region through the growing pains, and in the process, has become as much of an Orange County institution as the Goshen Historic Track and our beautiful Hudson Valley.

On this happy occasion, I ask my colleagues to join with us in saluting a great newsman, Al Larson.●

REMEMBER MART NIKLUS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. FEIGHAN. Mr. Speaker, on September 22, 1984, Mart Niklus—Estonian human rights activist and Helsinki monitor—turned 50. But there were no cakes, or music, or family celebrations to mark the occasion. September 22 was a day much like any other day for Mart—24 hours alone, in solitary confinement in the Soviet Union's infamous Christopol prison.

Mart, a man who has never shrunk from the task of defending human rights against Soviet state repression, is no stranger to jail. He was first imprisoned in 1958 and sentenced to 10 years of hard labor followed by 3 years of internal exile for sending photographs depicting conditions in Soviet-occupied Estonia to a Western journalist. From 1975-79, he was repeatedly imprisoned and harassed, and in 1980 he was refused permission to leave Estonia and live with relatives in Sweden. Subsequently, on March 19, 1980, Niklus was again imprisoned for disobeying a government official. Today, he is in the midst of another hunger strike in the Christopol prison. His mother fears that he won't survive.

Mart Niklus is a man of deep conviction, a man willing to withstand injustice so that his principles may survive. He is a shining example for all people who care about human rights, and a hero to the Estonian people. I join with all Estonians, and defenders of human rights everywhere, in demanding his immediate release from the Christopol prison.●

MR. REAGAN'S SPEECH TO THE UNITED NATIONS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ADDABBO. Mr. Speaker, last night the President of the United States addressed the 39th session of the United Nations General Assembly. His overture to the Soviet Foreign Ambassador, Andrei Gromyko, was so overwhelmingly peaceful I am compelled to take him up on his word.

In the next few weeks, I must work closely with the administration and my colleagues on the other side of the Chamber to come up with a defense budget that is strong but sound. We must reduce waste and eliminate wasteful weapons systems.

Last night, the President opened his speech by noting "America has repaired its strength." Indeed, I agree with him. Midway through his speech he noted "Any agreement must logically depend upon our ability to get the competition in offensive arms under control and to achieve genuine stability at substantially lower levels of nuclear arms."

The President's words were very wise. His genuine sincerity prompts me to request that he reevaluate one of the most dangerous and destabilizing strategic weapons in this year's budget—the MX missile. In fact, the MX will only threaten the peace that the President seeks to establish. Our ability to scrap the MX missile would clearly demonstrate that we are willing to substantially lower the level of nuclear arms and achieve stability.

My proposal would not be seen as the United States backing down to the Soviet Union. As the President said "We have it in our power to begin the world over again." My proposal is to move toward beginning it without nuclear weapons.●

NEW JERSEY'S COMMUNITY ACTION PROGRAM MARK 20TH YEAR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. RODINO. Mr. Speaker, this year marks the 20th anniversary of the passage of the Economic Opportunity Act. When that historic legislation was signed into law, it heralded new hope for millions of Americans. That bold endeavor proved that America's greatness lies in our ability to care for all of our people.

The Community Action Programs that were spawned by that act have weathered countless trials and tribulations. In the past two decades the CAP's have matured and grown and have never given up their challenge to make our country a better place for all our citizens.

On October 13, the Community Action Program Executive Directors Association of New Jersey will mark this landmark year with an anniversary dinner dance in Newark. Twenty years of community action will be celebrated by those who have devoted their time and energy to improving the quality of life of disadvantaged people in New Jersey.

It has been my privilege to have been associated with the Community Action Programs of New Jersey. I salute those who have worked so hard to accomplish their goals, particularly Joseph Gaynor, president of CAPEDA

of New Jersey and Carol Grant, the executive director. In addition, I would like to pay tribute to Catherine Willis, gala committee chairperson; and committee members Greg Adkins, Lillian Allen, Ellen Conaway, Claudia Grant, Patricia Hunt, Helen Johnson, Carolyn McKinney, and Deborah Smith.●

MILLIE THE CHISELER

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ALBOSTA. Mr. Speaker, I would like to bring your attention to the contributions one of my constituents has made and is continuing to make to the art world. Known to her many admirers as "Millie the Chiseler," Ms. Millie Miller has wielded her carving knife to recreate a part of Michigan's history for both native and tourist to enjoy.

Millie Miller has earned State, national, and international renown for her marvelous artwork. Few people are so gifted with chisel, patience, and vision to form the designs which bring great pleasure and pride to the people who are fortunate enough to see them.

Millie Miller's artwork includes her impression of Chief Ogemaw which serves as the official insignia of Ogemaw County, her design of the official coat of arms of the city of West Branch, her carving of President Ford—which is on display at the Gerald R. Ford Museum in Grand Rapids—as well as, many famous totem poles. Her artistry has brought joy to countless people and honored many of Michigan's most well-known citizens. She is a credit to Michigan, the Midwest, and our Nation. We should all applaud her unending efforts to create beauty throughout the country. Mr. Speaker, I am proud to have Ms. Miller as one of my constituents.●

HONORING HOSEA LEE EDWARDS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. WILSON. Mr. Speaker, it is with great pleasure that I rise today to honor Hosea Lee Edwards, long a friend of the law and valuable member of both his professional and civil community, who is now retiring after 60 years as one of Texas' finest lawyers.

The late Oliver Wendell Holmes wrote: "We learn to behave as lawyers, soldiers, merchants, or whatnot by being them. Life, not the parson, teaches conduct. H.L. Edwards achieved his respected position through the dedicated efforts of a lifetime. He strove to be the best in his years as a lawyer, and is recognized as such by his peers. Others who aspire to a legal career can only benefit from looking to his example of hard work and high ideals.

He has served as both city and county attorney in his lifelong home, Nacogdoches, TX, as well as special district judge. His knowledge and talents have benefited both local businesses and individuals. He has distinguished himself as one of the great criminal lawyers of his time. As its senior member, he has been honored by the Nacogdoches County Bar Association. He is held in the highest esteem by all who know him.

It is with hope for a pleasurable retirement, and some regret at the loss of his active participation in the legal field, that I ask you to join me in congratulating His Honor, H.L. Edwards, on a remarkable career and wishing him every happiness in the years to come.●

SENATE—*Wednesday, September 26, 1984*

(Legislative day of Monday, September 24, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of Abraham, Isaac, and Israel, on the eve of Rosh Hashanah, we celebrate the incalculable contribution Jews have made to history. We thank You for the light which this extraordinary people has shed upon the whole world—a light the darkness could not extinguish despite relentless efforts, generation after generation, century after century.

Four thousand years ago, Lord, You promised Your servant Abraham that through his descendants all the families of the Earth would be blessed. Thank You for the fulfillment of that promise in their profound contribution to motherhood, family, music, art, drama, entertainment, literature, education, science, medicine, law, merchandizing and marketing, banking and finance. Thank You, Lord, for the immeasurable gift of Jews to history, despite incredible persecution, oppression, and suffering. Bless the Lord for His great people. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

ROSH HASHANAH

Mr. STEVENS. Mr. President, we do thank the Chaplain for his words of encouragement in the opening prayer relating to Rosh Hashanah. Some of the most poignant memories I have of my childhood are the days that I spent in the homes of some of my Jewish companions, particularly on their holidays. I cannot remember anything as a youngster that impressed me as much as the devotion of those families to their religion and to the perpetuation of their traditions through observance of their religious holidays.

So it is with recognition of that tradition and dedication that the Senate will not conduct rollcall votes after 6 p.m. this evening or before 6 p.m. Thursday. We may and probably will have debate after 6 p.m. tonight and during the day on Thursday. But no rollcall votes will occur between 6 p.m today and 6 p.m tomorrow. We will attempt to see if we can get an agreement on stacking of votes should they be ordered, so that Senators should be on notice that in all probability there will be rollcall votes that will occur immediately after 6 p.m. tomorrow evening.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, today we have special orders for the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from Kansas [Mrs. KASSEBAUM] and then a period for the transaction of routine morning business until 12 noon. At 12 noon, we will turn to the consideration of the Interior appropriations bill. It has been ordered. It is our hope that today or early tomorrow the Senate will take up the conference report which accompanies the first concurrent budget resolution and the conference report which accompanies the defense authorization bill for 1985. The continuing resolution for 1985 has been reported and will be before the Senate tomorrow we hope, Friday at the latest.

The majority leader has asked me to announce that Senators should be on notice that there will be a late session on Thursday. A cloture motion has been filed with respect to the highway bill. That cloture motion will mature on Thursday and a vote will occur on that motion. The Senate will be in session on Friday. It now appears that that may well be late. It depends upon the progress that will be made on the continuing resolution. There is also a high probability the Senate will be in session on Saturday. The fiscal year for 1984 expires on Sunday, September 30, at midnight, and we are hopeful we will complete our work on the continuing resolution and have it to the President before that time.

It is not possible to predict accurately what will happen next week other than to mention that we will have the debt-limit bill. It is our hope that we will be able to adjourn sine die on October 4. That may carry over to October 5. Many of us have made commitments. I have made a commitment to be 5,000 miles away on Saturday morning so I hope that we do complete our work on the 5th. I very much hope that I am in Valdez, a beautiful place with Alaskan fjords and a place I would much rather be on Saturday morning, October 6, than trying to wind down a session of the Senate.

I reserve the remainder of our time. I yield to my good friend, the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. DENTON). The Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, in order to preserve our time situation, I ask unanimous consent there be a period during which we may conduct routine morning business not to extend beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COOPERATIVE RESEARCH ACT—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on S. 1841 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1841) to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust patent, and copyright laws, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 21, 1984.)

Mr. THURMOND. Mr. President, I rise in support of the conference report to S. 1841, the "National Cooperative Research Act of 1984." This legislation will help keep America in the forefront of technological innovation by encouraging much needed research and development. S. 1841 clarifies the application of the antitrust laws to joint research and development ventures, thus reducing the risk

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

of such ventures and producing incentives for companies to join together and undertake the complex research projects which are necessary if we are to maintain our competitive edge in the world marketplace. Currently, many procompetitive joint research and development ventures never come about because of the risk of antitrust challenge, and society suffers accordingly because of inefficiency and duplication of effort.

Mr. President, the conference report is a sound compromise between the Senate and House versions of this legislation. The conferees worked long and hard to achieve what I believe is an excellent result. The statement of the managers outlines in great detail exactly what the conferees did and why, and I would, therefore, request unanimous consent that both the conference report and the statement of the managers be printed in the RECORD following my remarks.

Mr. President, this conference agreement was possible because of the hard work and outstanding dedication to the public interest demonstrated by the conferees and staff. As chairman of the conference, I highly commend them all. I would note, however, that this legislation was the subject of great effort over the past several years by the entire Committee on the Judiciary, and I would be remiss if I did not give my thanks to every member of the committee.

Mr. President, I would particularly like to thank the Senate conferees. Senators MATHIAS, HATCH, DOLE, BIDEN, METZENBAUM, and LEAHY all did an outstanding job and, as always, were a pleasure to work with. Without question, this legislation would not have been possible without a strong bipartisan effort.

Mr. President, I would also like to give my sincere thanks to the conference staff. Their dedication and hard work certainly made the conference go smoothly and I am grateful for their tremendous efforts. Those staff instrumental to the conference included Tom Olson (Senator MATHIAS), Renn Patch (Senator HATCH), Sheila Bair (Senator DOLE), Bill Ichord (Senator BIDEN), Steve Ross (Senator METZENBAUM), John Podesta and Ben Scotch (Senator LEAHY), and my counsel, Steve Cannon.

In conclusion, Mr. President, I am satisfied that we have worked diligently and now lay before the Senate legislation that is truly in the public interest. I believe that this country will reap the benefits of S. 1841 for many years to come.

Mr. MATHIAS. Mr. President, last week the House and Senate conferees on the joint research and development bill, S. 1841, met and approved a compromise draft of that legislation. This bill is the product of long labors in both Houses of the Congress, and represents a synthesis of a number of bills on this subject, including my own bill, S. 737. I am pleased that we have been able to finish our deliberations on this vital legislation in time to ensure its passage during this Congress.

Scientific and technical research is critical to our future economic competitiveness. As a nation, we carry out this research in many ways. For example, our great universities—of which Maryland boasts some of the finest—play a key role in helping to expand our common fund of scientific knowledge. But the research and development efforts of private industry are equally critical.

Today, American businesses are hesitant to take advantage of a promising approach to scientific research: cooperative efforts among different companies that share the same research objectives. Joint projects of this kind can greatly reduce overhead costs, and can eliminate wasteful duplication of effort. Yet few such efforts exist today, in part because of concern about possible antitrust problems.

As S. 1841 was approved by the Senate, it directly addressed that antitrust concern. The Senate bill made clear that joint R&D programs are not to be condemned per se, but are to be judged under a flexible "rule of reason" analysis. The committee report on that bill, Senate Report 98-427, offered detailed guidance about applying the antitrust laws to joint R&D ventures. The Senate bill also provided that if a joint R&D program is found to have violated the antitrust laws, it will be liable only for the actual damages caused to the plaintiff, rather than for the treble damages ordinarily awarded under the antitrust laws.

The draft approved by the conference committee incorporates these important reforms. Although the language of the "rule of reason" section has been revised slightly to meet the concerns of the House conferees, that section continues to provide critically needed guidance to the courts in their evaluation of the antitrust consequences of joint R&D ventures. Furthermore, the joint explanatory statement incorporates much of the language of the Senate report concerning the application of the rule of reason in joint R&D cases.

The conference report also contains a compromise provision on the issue of attorney's fees, based in part on a suggestion that I advanced during Senate discussions of that issue. This compromise adopts the standard laid out by the Supreme Court in its unanimous decision in *Christiansburg Garment Co.* v. *EEOC*, 434 U.S. 412, 417 (1978). In that case, the Court ruled that attorney's fees should be awarded to successful defendants in title VII cases if the suit was "frivolous, unreasonable, or without foundation," or was brought in bad faith. The joint explanatory statement on the conference report explains in detail how this provision is to be interpreted, and I will make only a few additional comments on that subject.

First, the courts have recognized that lawsuits are not to be used as "fishing expeditions" to inquire into sensitive information in the possession of the defendant. See, for example, *Beard* v. *Annis*, 730 F.2d 741 (11th Cir. 1984); *Ryan* v. *Hatfield*, 578 F.2d 275 (10th Cir. 1978). In particular, the courts should make appropriate use of protective orders under rule 26 of the Federal rules of civil procedure to ensure that the fruits of a cooperative research venture are not unfairly disseminating to outsiders through the discovery process.

Second, the courts have recognized that the financial circumstances of a plaintiff may be relevant in determining the size of an award of attorney's fees against the plaintiff. See for example, *Faraci* v. *Hickey-Freeman Co.*, 607 F.2d 1025 (2d Cir. 1979); *Colucci* v. *New York Times Co.*, 533 F. Supp. 1011 (S.D.N.Y. 1982). Finally, the courts have noted that a determination of whether a party has "prevailed" in a particular portion of a lawsuit requires a careful analysis based on all the circumstances. In this regard, Justice Brennan's opinion in *Hensley* v. *Eckerhart*, 103 S. Ct. 1933, 1949-50 (1983), provides sound guidance.

I am confident that enactment of this legislation will help ensure America's continuing world leadership in technology and science. I urge my colleagues to approve the conference report.

Mr. DOLE. Mr. President, this Senator takes great pleasure in supporting the conference report of S. 1841, the National Cooperative Research Act of 1984. This bill will promote the formation of procompetitive joint research and development ventures.

The Senator from Kansas has long supported limited antitrust protection for those companies wishing to pool their resources and share the risks in order to seek important advances in new technology. In June 1983, I introduced S. 1561, the National Joint Research and Development Policy Act of 1983. This bill is similar to the one before the Senate today.

Joint research and development ventures play an important procompetitive function. Research and the development of new ideas into marketable products, services, or technology are expensive and speculative undertakings, the profits of which may not emerge for several years. Joint R&D ventures can, in particular, enable smaller businesses to stay competitive in new or technologically evolving markets, and stimulate productivity

growth, enabling the United States to maintain leadership in world trade.

Despite these procompetitive benefits, many businesses, ironically, may be reluctant to engage in joint R&D activities out of fear of an antitrust challenge.

As a general rule, courts have carefully analyzed and weighed the risks and benefits of such ventures in resolving antitrust challenges. Nevertheless, a few earlier cases seem to imply that joint ventures might be viewed as unlawful, per se, under the antitrust laws. Thus, a perception of uncertainty as to the lawfulness of such ventures may still linger.

The conference report is a sound compromise which will provide companies wishing to form joint ventures the degree of certainty they need to justify embarking on a joint R&D venture. I believe that such ventures can play a unique and critical role in this country's continued ability to maintain leadership and competitiveness in the production of new technology. Our antitrust policy should encourage, not retard, this vital activity.

The conference report maintains safeguards against anticompetitive behavior while providing a means for companies to join together in highly expensive and speculative ventures which may lead to the advances necessary for the united States to stay at the top as one of the world's innovators.

As one with a genuine interest in this subject who served on the conference committee, I would like to take this opportunity to commend the distinguished Senator from South Carolina, Mr. THURMOND, for the leadership he has provided on this bill. Tribute should also be paid to the President, whose own initiatives in this area provided the basic framework for the legislation before the Senate today.

Mr. METZENBAUM. Mr. President, I am pleased to support the conference report on S. 1841, the National Cooperative Research Act. The conference reflects a genuine compromise between all concerned parties. I believe that this legislation, which has occupied a great deal of my time as well as the time of many other members of the Judiciary Committee, will remove antitrust obstacles to procompetitive joint ventures without harming the antitrust laws or competition.

Section 2 of the bill provides an accurate and limited definition of joint research and development ventures. This definition protects legitimate projects to keep America at the cutting edge of technology, but will prevent others from trying to misuse this legislation for price fixing or other anticompetitive practices.

Section 3 is, in my view, the heart of the bill. It provides guidance to industry and the courts as to how the antitrust laws should apply to joint R&D ventures. By removing misconceptions about the antitrust law, this section should encourage procompetitive ventures to form, without concern that the antitrust laws will hinder their efforts. At the same time, by spelling out circumstances where ventures might lead to monopolies, we protect consumers from excessive prices for new technology.

Frankly, section 4 of the bill, which eliminates treble damages for some joint R&D ventures, was most troubling to me personally. However, in the context of this compromise on all sides, I am pleased that the statement of the managers makes clear that this legislation will not serve in any way as a precedent for further detrebling.

Section 5 of the bill, relating to attorneys fees for prevailing defendants, reflects a real compromise between my opposition to any change in law and the House position, which called for the routine award of attorneys fees to defendants. As I stated previously, such a provision would have such a chilling effect on private suits that the private attorney general remedy would have been nullified. I could not support such a provision. I am grateful to my good friends, the distinguished chairman of the House Judiciary Committee, PETER RODINO, and Congressman DON EDWARDS, for compromising on this point and limiting defendants awards to situations where the plaintiff's claim or conduct is frivolous, unreasonable, without foundation or in bad faith.

Finally, section 6 of the bill provides for limited public notice of a venture's area of planned activity, to permit affected consumers and purchasers of technology to evaluate the competitive impact of a joint venture. This provision further ensures that this legislation will permit essential joint ventures which increase competition to go forward, while deterring those that could hinder innovation and harm competition.

Mr. LEAHY. Mr. President, today the Senate has brought one step closer to passage a bill that will help to harness the inventive imagination of American industry by promoting joint research and development by two or more companies.

I strongly believe we have arrived at legislation that will finally give us the technological cooperation we have long needed, without risking harm to the competitive marketplace or the integrity of our antitrust laws.

When this bill emerged from the Senate Judiciary Committee, I had concerns that I expressed in additional views to the committee report. I felt strongly that the requirement of notification to the Attorney General and the Federal Trade Commission of the nature and scope of the joint research and development program would act as a serious deterrent to the use of this legislation by industry.

There were two parts to my concern, first the fear that the release of even general information about a proposed project could provide enough information for industry insiders to be able to learn a great deal about the nature and purpose of the venture.

Second, I was concerned about the uncertainty that might be created by the nature of the disclosure statement to the agencies. If it were very detailed, courts, might hold in the future that any project that varied from the details had not been adequately described, and therefore, that the benefits of detrebling would not result.

If the Description were deemed too general, it could be argued that a particular project did not fall within the fair bounds of the notification. I felt that the language of the Senate bill, and especially the legislative history, were unclear as to the legal implications of this dilemma.

I introduced an amendment on the Senate floor to require notification of only the parties to a joint R&D venture, and the amendment was adopted before the bill was finally passed.

There was no comparable amendment in the House bill, which continued to call for notification to the agencies that included the nature, objectives, and duration of a venture.

The resolution of the differences between the bills on the scope of notification was one of the major issues in the conference on this bill, and only after thorough and productive discussions of the goals and the reservations of each side did the proper solution become clear.

The conference adopted the House bill's requirement of stating the nature and objectives of a venture, and eliminated the duration requirement. But the language that described the notification requirements in the joint explanatory statement of the committee of conference is as important as the language in the bill itself, It deals with every problem I raised in my additional views to the Judiciary Committee report:

The joint statement makes it absolutely clear that the degree of detail in the notification is up to the joint venturers providing the notice, with no threatening legal implications from either a short or a very detailed offering.

The joint statement makes it clear that judges should weigh the quality and import of information in a notification on a practical, and not an excessively technical, basis. The dilemma I described in my judiciary additional views should not be a factor in any future litigation. And while no congressional report can ever limit the nature of legal arguments in a future case, claims against a joint venture

based on the length or degree of detail in a notification should simply not prevail. Plaintiffs will have to demonstrate that the two agencies were misled by the information in the notification and could not fairly formulate the test of the Federal Register notice. This is a practical, commonsense test, and confidence in that sensible, rather than technical, approach by judges will surely encourage companies to seek the benefits of this legislation.

The joint statement makes it clear that it is notification to the two agencies, not the Federal Register notice, that provides the basis for detrebling, though the notice is required for the protection to vest. The confusion I referred to in my alternative views has been vigorously dispelled by the conference report.

In all of these accomplishments, the beneficiaries are the public, who look to still vigorous antitrust laws to guard the marketplace, and our industries, which can benefit from a joint research and development undertaking, without fear of straying into unforeseen and unavoidable violations of the law.

There were other hard issues for this conference, and on these, fair and productive compromises were the end result of our work. I believe that some substantive guidelines for the court on the rule of reason provision in the bill will prove very useful and will not adversely affect the large body of law regarding the rule of reason generally in antitrust cases.

The attorney's fee issue was resolved with greater and clearer protection against groundless lawsuits than had been provided in the Senate. Should this protection not prove adequate over time, this is an issue the Congress can surely revisit.

I hope and trust that before week's end this bill will be on the President's desk. It will then be up to industry to show the Congress and the American people that it has the will, as well as the legal clearance, to undertake important joint R&D ventures that can benefit the entire country.

This legislation shows that Congress can respond to the pressures generated by technology and international competition. And I believe that the care taken in this bill to preserve the framework and strength of our antitrust laws shows that we can accommodate our important Federal legal protections to the needs of a rapidly changing world.

I know that this will not be the last time we face such a challenge, but the experience that Members and staff have gained working on this historic legislation gives me great hope for our future efforts.

Mr. BIDEN. Mr. President, the conferees from the Senate have worked hard with our colleagues in the House to bring S. 1841, the National Cooperative Research Act of 1984, back to both Chambers. As one of the Senate conferees, I believe we have brought back a bill that carefully preserves the substantive provisions of the Senate-passed bill and accomplishes what we set out to do in our original legislation.

The efforts by the conferees to work out the differences in this research and development bill culminate several years of consideration of various bills and countless drafts of legislation. It also brings to a successful conclusion a legislative initiative that enjoyed unanimous support in both houses.

Mr. President, there is one technical change made in section 4 of the conference bill which I believe warrants brief clarification. The conferees have agreed to language in section 4 that says the conduct of a joint research and development venture "within the scope of the notification" filed pursuant to section 6 cannot be the basis of a treble damage award. I think it important to make clear that the conferees did not intend that specific conduct, such as a licensing practice, must be included in the notification. Rather, so long as joint research and development conduct does not fall within the exclusions set out in section 2(b), such conduct cannot form the basis of a treble damage award, whether or not the notification describes it. The sole purpose of the change made by the conference committee was to make clear, for example, that the members of a computer joint research and development venture will not be entitled to the protections of the bill if they decide to change the nature and scope of the venture to chemical research, without providing additional notification pursuant to section 6.

Mr. President, this legislation sets in place a sensible and essential clarification of our antitrust laws in recognition of the powerful and important role that research and development plays in preserving American innovative and competitive abilities in a rapidly changing world economy and in preserving American jobs. In this regard, I believe this bill sends an important signal both to American business and to our worldwide competitors.

To American businesses, the Congress has enunciated a policy of greater flexibility in antitrust enforcement that will significantly reduce the legal risks of joint research and development programs. It tells them in unequivocal terms, that if they contemplate the heavy expense and risk of joint research and development activities, that the antitrust laws will not stand as a barrier of unknown risks to their actions.

In fact, by making it clear that joint research and development ventures fall within the rule of reason standard of antitrust enforcement, and that the rule of reason test should emphasize analysis of the relevant research and development market, we have taken a major step forward in providing for clear legal analysis of any claims brought under the antitrust laws in this area. It is now up to American businesses to take up the challenge of research and development, using this law effectively and responsibly to improve our competitive position in the world.

Mr. President, this bill also sends an important signal to many of our trading partners. It demonstrates to them that the Congress will take positive steps to help American businesses compete on equal footing. In fact, this legislation sets in place a positive and forward looking policy in antitrust enforcement that will help avoid action at the 11th hour to protect our economic foundation.

Mr. President, research and development is the key to America's competitive potential, now and in the future. It is the building block on which American prosperity and stature in the world economy will rest. This legislation should open the door to combined research and development activities that will bring out the best in American industry and in America's ability to be technically creative and innovative.

Mr. President, I urge the adoption of the conference report.

Mr. STEVENS. Mr. President, does the distinguished Senator from South Carolina have anything further to add?

Mr. THURMOND. Mr. President, I thank the able majority leader and the able Democratic leader for their fine cooperation in this matter.

This will probably turn out to be one of the most important pieces of legislation that will be passed in this session. It is an antitrust bill we have been working on for a long time. It took tremendous work to get the various parties together. We have reached an agreement. The conference committee has acted.

It means that corporations now can come together and do research and development without fear of triple damages from the antitrust standpoint.

I am very proud that this legislation can go through. President Reagan is extremely interested in it. I feel that it will do a great deal to advance high technology in the United States.

Again, I thank the leaders for their fine support.

Mr. BYRD. Mr. President, I thank the distinguished Senator from South Carolina. I assure him that if we on this side can be helpful, we certainly want to be.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMPREHENSIVE SMOKING EDUCATION ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1175, H.R. 3979.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3979) to establish a national program to increase the availability of information on the health consequences of smoking, to amend the Federal Cigarette Labeling and Advertising Act to change the label requirements for cigarettes, and for other purposes.

Mr. HATCH. Mr. President, I urge my colleagues to expeditiously approve H.R. 3979, the Smoking Prevention Health and Education Act. This bill is identical to S. 772 as it was proposed to be amended by a substitute, Hatch printed amendment No. 3082, which appears in the CONGRESSIONAL RECORD of May 18, 1984.

This final version of the legislation is similar to S. 772 as reported out of the Labor and Human Resources Committee on July 13, 1983, and continues its important mission of educating our citizens about the hazards of smoking.

The bill, as amended, will require four rotating health warning labels on cigarette packages. The warning labels begin with—"Surgeon General's Warning" and are followed by one of four phrases: First, "Smoking Causes Lung Cancer, Heart Disease, Emphysema and May Complicate Pregnancy"; second, "Quitting Smoking Now Greatly Reduces Serious Risks to Your Health"; third, "Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight"; and fourth, "Cigarette Smoke Contains Carbon Monoxide."

The Smoking Prevention Health and Education Act represents a national public education effort designed to improve our citizens awareness about what the Surgeon General has said is the No. 1 preventable cause of death—cigarette smoking. The issue at stake is not whether the Government should tell people how to live their lives. I am not in favor of Government regulations just for the sake of regulating. This does not prevent any citizen from using tobacco products. It will, however, allow them to make a more informed choice.

Mr. President, this momentous day has come about because both the Senate and the House have worked hard for 3 years to make this legislation a reality. I would like to thank the members of the Labor and Human Resources Committee for their strong support of smoking legislation, and for the cooperation of Senator PACKWOOD, the chairman of the Senate Commerce Committee. I also want to extend my thanks to my distinguished colleagues in the House of Representatives, Congressman DINGELL, chairman of the Energy and Commerce Committee, and Congressman WAXMAN, chairman of the Health and Environment Subcommittee for their efforts in bringing about a compromise between the tobacco industry and many national health groups represented by the Coalition on Smoking or Health.

Also, I understand that the following intense negotiations, the tobacco industry has said they will not oppose this bill as passed by the House of Representatives. This has taken great courage on their part and I want to extend my appreciation to the Tobacco Institute and its member companies for their cooperation and willingness to compromise.

This is a bill whose time has come. The American public is asking for more information so they can make a more informed decision on smoking. It is our responsibility to give the American people that information.

Mr. President, in order that the history of this legislation in the Senate be made clear, I ask unanimous consent that the following items be printed in the RECORD at the conclusion of my remarks:

First. A section-by-section summary of S. 772, as it was proposed to be amended by printed amendment No. 3082 which would make it identical to the House bill now before us;

Second. Excerpts from "Background and Need for Legislation" from the committee report (S. Rept. 98-177) accompanying S. 772;

Third. Excerpts from "Committee Views" from the committee report (S. Rept. 98-177) accompanying S. 772;

Fourth. List of organizations supporting S. 772/H.R. 3979;

Fifth. An article entitled "Basic Facts on Cigarette Smoking" and six attachments to it on the relationship of cigarette smoking and health; and

Sixth. An article from the Washington Post of January 11, 1984 entitled "Twenty Years After the First Warning, Killer Habit Is Still Dying Hard."

Seventh. Excerpts from the House committee report on H.R. 3979, the companion bill to S. 772 in the House of Representatives.

Altogether, the Smoking Prevention Health and Education Act, as amended, represents a national public education effort which is designed to improve our citizens awareness about what the Surgeon General has said is the No. 1 preventable cause of death—cigarette smoking. In conclusion, I urge my colleagues to vote for this necessary and timely legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION ANALYSIS OF THE COMPREHENSIVE SMOKING PREVENTION EDUCATION ACT

SECTION 1: FINDINGS

Findings, attributed to the Surgeon General, concerning: the number of deaths associated with cigarette smoking; the cancers and diseases associated with smoking; the increased risk of pregnancy and birth complications for women who smoke; the effects of quitting or never starting; and the need for greater educational initiatives.

SECTION 2: RESEARCH, EDUCATION AND INFORMATION

Defines the Secretary's duty to conduct and support research; coordinate research and educational programs; analyze and disseminate information on the effects of smoking; and establish an Interagency Committee on Smoking and Health.

SECTION 3: LABELING

Requires that cigarette packages and advertisements bear one of four different warnings in a rotational system. Warnings concern: the diseases and risks associated with smoking; the advantages of quitting; the dangers in smoking by pregnant women; and the inclusion of carbon monoxide in cigarette smoke. Warnings are identical for packages and non-billboard ads, and are slightly shorter for billboards.

Package warning labels are to be placed as they are under present practice, with the preface "Suregon General's Warning" in capital letters. Non billboard advertisement warnings shall appear in rectangles 50% larger than the present rectangles with a corresponding increase in type size and a border twice as wide; warnings may be placed closer to the outer edge of the advertisement, however. Billboard advertisement warnings shall appear in present size and format, but lettering must be entirely in capitals, and the warning must be enclosed by a black border.

All label statements must be conspicious and legible, and must be rotated quarterly in alternating sequence by each manufacturer or importer according to a plan approved by the Federal Trade Commission. Implementation of the new warnings and rotation is not required until one year after enactment.

SECTION 5: CIGARETTE INGREDIENTS

Each manufactuer, packager or distributor must annually provide the Secretary of Health and Human Services with a list of all ingredients added to tobacco in the manufacture of cigarettes. The list need not identify the company or the brand, and may be provided through a third-party intermediary.

When appropriate, the Secretary shall report to Congress on actual and proposed research activities regarding the health effects of these ingredients, information on any ingredient which poses a health risk, or other information in the public interest. All information provided to the Secretary will be treated as trade secret or confidential information under the U.S. Code. The Secretary shall be obligated to provide the lists to Congress upon request by a committee or subcommittee of Congress, but shall also notify the person providing the list of the request.

SECTION 6: MISCELLANEOUS AMENDMENTS

Technical amendments to update references in the Federal Cigarette Labeling and Advertising Act. The Federal Trade commission's authority with respect to unfair or deceptive practices in the advertising of cigarettes is explicitly left unchanged.

EXCERPTS FROM SENATE REPORT 98-177, ACCOMPANYING S. 772 AS REPORTED BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

II. BACKGROUND AND NEED FOR LEGISLATION

Cigarette smoking is clearly the single most important preventable cause of premature illness and death in the United States. Estimates of the number of deaths related to smoking exceed 300,000 annually. One may compare this figure with the 105,000 deaths that occur each year as a result of injuries, 20,000 deaths from homicides, or the 40,000 infant deaths.

This was the testimony of the Assistant Secretary of HHS for Health, Dr. Edward N. Brandt, Jr., before this Committee on March 16, 1982. Dr. Brandt went on to give a capsule description of our current knowledge of the health effects of cigarette smoking:

Cigarette smoking is one of the three major independent risk factors of coronary heart disease and for arteriosclerotic peripheral vascular disease. It is a major cause of cancer of the lung, larynx, oral cavity, and esophagus and a major cause of chronic bronchitis and emphysema.

Maternal cigarette smoking is associated with retarded fetal growth, an increased risk for spontaneous abortion and for prenatal death, and slight impairment of growth and development during early childhood.

Cigarette smoking acts synergistically with oral contraceptives to enhance the probability of coronary and some cerebrovascular disease; with alcohol to increase the risk of cancer of the larynx, oral cavity, and esophagus; with asbestos and some other occupationally encountered substances to increase the likelihood of cancer of the lung; and with other risk factors to enhance cardiovascular risk.

This accumulation of knowledge, which amounts to a strong indictment of cigarette smoking as a cause of illness, disability, and death, comes after more than twenty years of Federal activity in the area of smoking and health.

On June 7, 1962, the Surgeon General of the Public Health Service appointed an advisory committee to study all published literature bearing on the relationship of smoking to health. After studying the problem for 18 months, the committee submitted a report to the Surgeon General on January 11, 1964. The unanimous judgment of the Surgeon General's Advisory Committee on Smoking and Health was that: "Cigarette smoking is a health hazard of sufficient importance in the United States to warrant remedial action." The report went on to link cigarette smoking specifically with the incidence of and mortality from lung cancer, chronic bronchitis and emphysema, and cardiovascular diseases.

In an effort to take the "appropriate remedial action", the 89th Congress enacted, on July 27, 1965, the Federal Cigarette Labeling and Advertising Act, Public Law 89-92. This legislation required each cigarette package to bear the warning: "Caution: Cigarette Smoking May Be Hazardous to Your Health." The 1965 act also required the Secretary of Health, Education and Welfare and the Federal Trade Commission to submit periodic reports and recommendations to the Congress.

In addition to this legislation enacted in response to the Advisory Committee's report, other actions were taken by the Federal Government and by the private sector to educate the public about the dangers of smoking. The Public Health Service developed programs for the public as well as professionals on smoking education and also established a national clearinghouse on smoking and health information. In addition, State and local health and education authorities and the major voluntary health organizations, launched vigorous smoking education programs.

The next landmark in the history of federal action on smoking and health came in 1969 and 1970 when the 91st Congress considered and passed legislation relating to cigarette labeling and advertising. The Public Health Cigarette Smoking Act of 1970, Public Law 91-222, which was signed into law on April 1, 1970:

(1) Changed the cigarette package label wording to "Warning: The Surgeon General has Determined that Cigarette Smoking is Dangerous to Your Health"; and

(2) Prohibited advertising of cigarettes on radio and television beginning January 2, 1971.

The 1970 act also required annual reports to Congress by the FTC and the Department of Health, Education and Welfare on the health consequences of smoking, effectiveness of labeling and advertising practices.

In August of 1970, the FTC issued a proposed rule to require cigarette manufacturers to disclose tar and nicotine content of cigarettes in their print advertising. The proceeding was suspended in December of the same year when cigarette manufacturers agreed voluntarily to make the disclosures. By December 1971, all cigarette advertisements included tar and nicotine content information.

In the years after the 1970 legislation, the Department of Health, Education and Welfare, now the Department of Health and Human Services, continued to collect and evaluate the information and data from research carried out nationally and worldwide on the relationship between smoking and the incidence of various diseases. These research reports and evaluations have been summarized by the Surgeon General in annual reports entitled "The Health Consequences of Smoking," which have made an important contribution to the body of scientific knowledge and synthesize the vast amount of scientific data relating smoking directly to specific diseases.

The fourteenth report of the Surgeon General, published in 1981, came as a direct response to a Congressional request. The Health Services and Centers Amendments of 1978, Public Law 95-626, enacted in November of 1978, included a provision, section 403, which directed the Secretary of HEW to conduct a "study of studies of (1) the relative health risks associated with smoking cigarettes of varying levels of tar, nicotine, and carbon monoxide; and (2) the health risks associated with smoking cigarettes containing any substances commonly added to commercially manufactured cigarettes."

The 1981 Surgeon General's report, subtitled, The Changing Cigarette, addressed this issue of the potential hazards of substances added to cigarettes. In her introduction to the report, then-Secretary of HHS Patricia Roberts Harris noted "the need to know about substances added to cigarettes is stated repeatedly. At present, there is no mechanism by which government or the scientific community can require disclosure of these additives, which must obviously be a first step in assessing their health effects. This needs to be corrected by voluntary action or, if necessary, by legislation."

One of the basic findings of the 1981 report questioned the use of additives—"whether the new cigarettes being produced today introduced new risks through their design, filtering mechanisms, tobacco ingredients, or additives." The Public Health service had been unable "to assess the relative risks of cigarette additives because information was not available from manufacturers as to what these additives are."

The 1981 report went on to note that "no agency of the Federal Government currently exercises oversight or regulatory authority in the manufacture of cigarette products. Further, no agency is empowered to require public or confidential disclosure of the additives actually in use by the cigarette manufacturers," and suggests the possibility of working out procedures to enable cigarette manufacturers to disclose additives "while still protecting their legitimate interests in trade secrets."

Finally, the 1981 Surgeon General's report recommended that "flavoring agents and additives should be studied by cigarette companies for carcinogenicity and toxicity before their commercial use is permitted, and the results of such studies should be made available."

The 1982 edition of the Surgeon General's report on the Health consequences of smoking addressed the issue of the relationship between smoking and a single disease—cancer. This report stands as the strongest indictment to date of smoking as a significant causal factor in the development of several kinds of cancer. In his foreword to the report, Dr. Edward Brandt, Assistant Secretary of HHS for Health, describes cigarette smoking as "the major single cause of cancer mortality in the United States." The Surgeon General, Dr. C. Everett Koop, in his preface describes cigarette smoking as "the chief, single avoidable cause of death in our society and the most important public health issue of our time."

The 1982 report states that cigarette smoking is a major cause of cancers of the lung, larynx, oral cavity, and esophagus, and is a contributory factor for the development of cancers of the bladder, pancreas, and kidney. The "contributory factor" by no means excludes the possibility of a causal role of smoking in cancer of these types.

Cancer has been the second most common cause of death in the United States and accounts for an estimated 430,000 deaths annually. Furthermore, the report estimates that tobacco's contribution to all cancer related deaths is 30 percent, with cigarette smokers having total cancer rates twice that of nonsmokers. This means that 129,000 Americans will die of cancer this year because of higher overall cancer death rates existing among smokers as compared to nonsmokers.

The long-range goal of the Federal Government's anti-smoking effort, is to eliminate the premature deaths, disabilities, and health care costs associated with cigarette smoking. Not only is cigarette smoking associated with approximately 300,000 deaths each year, but health care costs are estimated to be $12-13 billion annually due to smoking. The Department of HHS estimates that $25 billion in productivity is lost annually as a result of smoking. Although the

percentage of adult smokers in the population (32.6 percent) is at its lowest level in 45 years, 54 million Americans still smoke and 3.5 million adolescents between 12 and 18 years of age are current regular smokers.

The Department's efforts to reduce or eliminate the consequences of smoking focus on specific programs designed to:

Educate cigarette smokers in the general population as to the health risks of smoking.

Educate women who smoke, especially those who are pregnant, take oral contraceptives, or have increased risk of disease due to other factors of the adverse health effects of their smoking.

Educate children and adolescents of the adverse health effect of taking up smoking.

Educate persons exposed to occupational health hazards, including asbestos, of the additional health risks if they smoke.

Collect information pertaining to the prevalence, attitudinal, epidemiologic, economic factors and any other data on smoking, for the purpose of further research, planning, and evaluation.

In May 1981, the Federal Trade Commission published a staff report on its investigation of cigarette advertising. The report found that past efforts of the FTC, the Congress, and other government agencies and private organizations to increase the amount of information on the hazards of cigarette smoking available to consumers have had an important impact. According to the report, many more consumers at the present time are aware that smoking is hazardous to their health than were in 1964, at the time of the first Surgeon General's report. The percentage of Americans who smoke cigarettes has declined significantly over the same time period, and a substantially larger number of those who do smoke now smoke cigarettes with lower levels of "tar" and nicotine.

Despite this, the FTC staff report found that the problems which prompted the Commission to act on smoking and health in the past still existed. For instance, while most Americans are aware generally that smoking is hazardous, some consumers, smokers in particular, do not know this basic fact. In addition, according to the FTC, the evidence indicates that many consumers do not have enough information about the health risks of smoking to know how dangerous smoking is, i.e., what is the nature and extent of the health risks of smoking.

The data discussed in the FTC report indicates that many Americans still do not know what specific diseases are related to smoking. For example, the report cites polls showing that over 30 percent of the public was unaware of the relationship between smoking and heart disease. Nearly 50 percent of all women did not know that smoking during pregnancy increases the risk of still-birth and miscarriage. Approximately 30 percent of those polled did not know about the relationship between smoking, birth control pills, and the risk of heart disease. Even for lung cancer, which was the first and is probably the best-known disease associated with smoking, it was clear that gaps still remain in consumer knowledge about smoking—20 percent of those polled did not know that smoking causes cancer.

The apparent gap between current scientific knowledge about the health risks of smoking and the lack of specific consumer understanding of these risks led FTC staff to conclude that the current warning statement on cigarette packages and in advertisements is ineffective. The report concludes that additional action designed to provide consumers with more specific information about the health consequences of smoking is necessary. Of the numerous options considered to accomplish this, the report concludes that the actions most likely to be effective would be: (1) Additional funding for expanded educational efforts, such as public service announcements; (2) changing the shape and increasing the size of the current warning; and (3) replacing the current warning with a system of short rotational warnings. * * *

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V. COMMITTEE VIEWS

The Committee endorses the views published by the surgeon general in the 1982 report on smoking and health which state that cigarette smoking is the number one cause of premature death in the United States. This is strong language, but the evidence implicating cigarette smoking as a causative factor of many diseases is overwhelming. Over 30,000 scientific studies have linked cigarette smoking with various diseases, and the committee believes it is the responsibility of Congress to convey this message to our citizens.

The Committee believes S. 772 is timely and necessary to facilitate a renewed national public education effort to make our citizens more aware of the health consequences of smoking. The Committee does not deem this legislation as regulatory, unduly nor proscriptive of our citizens right to smoke, but simply as an appropriate and necessary federal effort to provide public education. In fact, the Committee believes preventive medicine and health promotion are among the highest priorities of our national health policy, and this legislation is one part of an effort to enhance these activities at the federal level.

Recent estimates put the cost of smoking in excess of $38 billion—the combined cost of lost productivity and providing health care for smoking related illnesses. In fact, almost $4.0 billion are expended under Medicare and Medicaid for treating smoking related illnesses. The Committee believes that this legislation holds the promise of making a major contribution to constraining the dramatic increases in the cost of health care.

The Committee recognizes the work of the major voluntary agencies in bringing this legislation to pass, specifically, the American Heart Association, The American Cancer Society, the American Lung Association, the American College of Obstetricians and Gynecologists and American Academy of Pediatrics, all effectively represented by the Coalition on Smoking or Health. In addition to these organizations, virtually every other health professional and voluntary organization has endorsed this effort. The Committee has appreciated the overwhelming support for this legislation, and has been impressed with the efforts of the many individuals and groups in assisting, in development of this bill. . . .

The Committee recognizes this legislative effort if only a part of what is necessary to educate Americans of the health hazards admitted with smoking, and thereby reduce the numbers of smokers. Continued cooperation among private, public, and voluntary organizations in informing our citizens about the adverse health consequences of smoking is essential to achieve the long-term goal of the Smoking Prevention Health and Education Act of 1983.

ORGANIZATIONS SUPPORTING H.R. 3979 AND S. 772

American Medical Association.
American Heart Association.
American Lung Association.
American Academy of Pediatrics.
American Alliance for Health, Physical Education, recreation and dance.
American College of Chest Physicians.
American Association for Respiratory Therapy.
American College of Obstetricians and Gynecologists.
American College of Preventive Medicine.
American College of Radiology.
American Council on Science on Health.
American Society of Internal Medicine.
American Public Health Association.
Association for the Advancement of Health Education.
American Medical Student Association.
American Thoracic Society.
American Nurses Association.
Coalition on Smoking OR Health.
National Interagency Council on Smoking and Health.
Health Resources Corporation of America.
Health Insurance Association of America.
Association of State and Territorial Health Officials.
Association of Schools of Public Health.

BASIC FACTS ON CIGARETTE SMOKING

Cigarette smoking is the single most preventable cause of premature death and illness in the United States.

Cigarette smoking accounts for more than 340,000 premature deaths each year and debilitates another ten million persons.

Cigarette smoking is a major risk factor for coronary heart disease and arteriosclerotic peripheral vascular disease.

Cigarette smoking causes cancer of the lung, larynx, and esophagus and causes emphysema and chronic bronchitis.

Cigarette smoking has been determined to be addictive and the most widespread example of drug dependence in the U.S.

Maternal smoking is associated with retarded fetal growth, and increased risk for spontaneous abortion and prenatal death.

It has been estimated by the Department of Health and Human Services that cigarette smoking results in expenditures of: $13 billion in medical care costs per year; $25 billion in lost economic productivity per year; $3.8 billion for Medicare and Medicaid programs.

Tobacco and tobacco products have been specifically exempt from those health and safety laws which were enacted by the Congress to specifically protect the health and safety of consumers.

Tobacco and tobacco products are exempt from regulation: under the Food Drug and Cosmetic Act; under the Consumer Product Safety Act; under the Federal Hazardous Substances Act; under the Fair Packaging and Labeling Act; under the Toxic Substances Act.

CIGARETTE SMOKING AND LUNG CANCER

"Lung cancer, first correlated with smoking over 50 years ago, is the single largest contributor to the total cancer death rate. Lung cancer alone accounts for fully 25 percent of all cancer deaths in this country; it is estimated that 85 percent of lung cancer cases are due to cigarette smoking. Overall, smokers are 10 times as likely to die from lung cancer that are nonsmokers. Heavy smokers are 15 to 25 times more at risk than nonsmokers. The total number of lung cancer deaths in the United States increased

from 18,313 in 1950 to 90,828 in 1977. The lung cancer death rate for women is currently rising faster than the lung cancer death rate for men, a fact that reflects the later adoption of smoking by large numbers of women. The lung cancer death rate for women will soon surpass that of breast cancer, currently the leading cause of cancer mortality in women. The American Cancer Society estimates there will be 111,000 lung cancer related deaths in 1982, of which 80,000 will be in men and 31,000 in women.

"Quitting smoking reduces one's cancer risk substantially, compared with continuing smoking, even many years after cigarette smoking. The more one is off cigarettes, the greater the reduction in excess cancer risk. Fifteen years after quitting cigarette smoking, the former smoker's lung cancer risk for example is reduced to that observed in nonsmokers."—"The Health Consequences of Smoking—Cancer, A Report of the Surgeon General, 1982," U.S. Public Health Service, Department of Health and Human Services.

CIGARETTE SMOKING AND HEART DISEASE

"Although many smokers are concerned about their increased risk of lung cancer, the fact is that coronary heart disease (CHD) and its complications, such as heart attacks or sudden cardiac death, are even more prevalent consequence of smoking. Smoking related CHD deaths are estimated to over 250,000 per year in the U.S. Data from the Framingham Heart Study indicate that the death rate from myocardial infraction of heart attacks and sudden death is twice as great for smokers as for nonsmoker. It is not known which of the many components of cigarette smoke are responsible for the increased risk of heart attack. Nicotine has a variety of cardiovascular effects, including raising the systolic blood pressure and increasing the amount of free fatty acids in the blood, a consequence which may in turn promote atherosclerosis and contribute to cardiac arrhythmias. Carbon monoxide another smoke constituent, had an affinity for hemoglobin, and because of this reduces the amount of oxygen available to the heart muscle.

"The importance of quitting cannot be overestimated. Results of the MRFIT study showed that CHD mortality rates in men who quit smoking during the first year of the study was almost 50 percent lower than in those who continued to smoke.

"I can think of no single act that could reverse this situation (high rates of death and disability from cardiovascular diseases) as much as the cessation of cigarette smoking."—Testimony of Claude Lenfant, M.D., Director of the National Heart Lung and Blood Institute (National Institutes of Health) Before the Subcommittee on Health and the Environment, 3/9/83.

CIGARETTE SMOKING AND CANCER

"Tobacco's contribution to all cancer deaths is estimated to be 30 percent accounting for the deaths of approximately 130,000 Americans annually.

"It is estimated that 13,000 individuals will die in 1983 from laryngeal and oral cancers. Fifty to seventy percent of these cancer deaths are estimated to be causally related to smoking.

"In 1983 estimates are that 8,500 deaths will be caused by esophageal cancer. Cigarette smoking is estimated to be a factor in over half of these deaths.

"In 1983 more than 56,000 people will develop bladder and kidney cancer. Over 19,000 individuals will die from these forms of cancer. Various investigators have estimated that between 30 and 40 percent of bladder cancers are smoking related.

"Finally more than 25,000 cancers of the pancreas will develop in 1983. Nearly 23,000 individuals will die from this cancer this year, only 3 percent of those afflicted can anticipate surviving 5 years.

"I think that the scientific base linking cigarette smoking to certain cancer, frequently those most difficult to treat is unambiguous. Smoking is detrimental to health. However, it is clear that prevention can be effective."—Testimony of Vincent T. Devita, M.D., Director, National Cancer Institute, (National Institutes of Health) Before the Subcommittee on Health and the Environment, 3/9/83.

SMOKING AND RESPIRATORY DISEASES

"Cigarette smoking is the single most important risk factor for chronic obstructive lung diseases, such as chronic bronchitis and emphysema. It also increases vulnerability to acute upper and lower respiratory infections, and a history of frequent respiratory infections may well predispose to the development of chronic obstructive lung disease later on. Collectively, these lung diseases are the sixth leading cause of death in the United States. The social and economic toll of diseases of the lung is both severe and rising rapidly. The total economic costs of lung and related respiratory diseases were over $21 billion in 1979, six percent of the total cost of illness in the United States. These diseases are also the leading cause of morbidity costs, representing almost 18 percent of the total. There are more work days lost from respiratory disorders than from any other category of illness."—Testimony of Claude Lenfant, M.D., Director of the National Heart Lung and Blood Institute (National Institutes of Health) Before the Subcommittee on Health and the Environment, 3/9/83.

CIGARETTE SMOKING AND PREGNANCY

"A woman who smokes during pregnancy not only risks her own health but also changes the conditions under which her baby develops. Maternal smoking during pregnancy decreases fetal growth rate; increases the incidence of spontaneous abortion fetal death and neonatal death, and pregnancy complications including those that predispose to preterm delivery. There are also possible effects on lactation, and adverse long-term growth and behavorial effects on surviving children. The relationships between maternal smoking and the outcomes have been established by clinical, pathological, and especially epidemiological studies. These damaging effects have been repeatedly shown to operate independently of all other factors that influence the outcome of pregnancy. The effects are increased by heavier smoking and are reduced if a woman stops smoking during pregnancy."—Testimony of Mortimer B. Lipsett, M.D., Director of the National Institute of Child Health and Human Development (National Institutes of Health) before the Subcommittee on Health, and the Environment, 3/9/83.

CIGARETTE SMOKING AS AN ADDICTION

"For years, smoking was thought of as a habit—a nasty habit. It has now been established that for many smokers it is more than this, that it is, in fact the most widespread example of drug dependence in our country. Smokers can break themselves of smoking and every year hundreds of thousands do, but this can be very difficult.

"All drugs that produce dependence have at least four characteristics in common. All of them are psychoactive. They affect the chemistry of the brain and the nervous system. By definition they create dependence and lead to compulsive use. This is at least as true of cigarettes as of other drugs and other substances of abuse. When one gives up a drug abruptly, one may experience physiological and psychological distress. The severity will vary from one drug to another and from one person to another. Finally there is a strong tendency among former users to relapse, sometimes months or even years after quitting. Cigarette smokers experience this to perhaps a greater degree than do users of other drugs and substances of abuse."—Excerpt from "Why People Smoke Cigarettes," U.S. Public Health Service, developed from testimony delivered before the Congress by William Pollin, M.D., Director of the National Institute on Drug Abuse.

[From the Washington Post, Jan. 11, 1984]

20 YEARS AFTER THE FIRST WARNING, KILLER HABIT IS STILL DYING HARD

(By Cristine Russell)

Twenty years ago this morning, 200 reporters were held in the locked auditorium of the new State Department building for two hours as the U.S. surgeon general and a 10-member jury of experts presented top-secret findings on the hazards of smoking.

Their conclusion, reached after 15 months of deliberation, was that cigarette smoking causes lung cancer, beyond a scientific doubt, and poses a major risk of heart disease and other illnesses as well.

"The immediate impact was really quite bombastic," recalled Dr. Luther L. Terry, 72, the surgeon general responsible for the famous 387-page report. "It really shook things up for the first time, even though evidence had been accumulating for quite a few years."

Headlines trumpeted the report around the world, touching off an anti-smoking campaign that has changed personal smoking habits and public policy dramatically.

Yet, on the anniversary of the landmark volume, the success of the war on smoking has been mixed. Fighting not only a powerful industry but a powerfully seductive product that the government now pronounces "addictive," they have found that extinguishing the more than 600 billion cigarettes still smoked each year in the United States has been far more difficult than originally envisioned.

The prevalence of cigarette smoking—at an all-time high before the report—has declined slowly over the last two decades, from 42 percent of adult Americans to 33 percent at last count.

The drop has been most precipitous in men, from more than half of all men to 38 percent, but less drastic among women, from about one-third to nearly 30 percent. A reminder of the cost of women's new equality in smoking is the government's projection that lung cancer will surpass breast cancer this year as the leading cancer killer of women.

Among young people, the rise in cigarette consumption in the early 1970s, particularly among girls, has been followed by a decline in recent years, but a 1982 survey of high school seniors showed that more than 20 percent said they smoked cigarettes daily.

While per capita consumption has slumped from 4,345 cigarettes annually in 1963 to about 3,512 in 1983 and the number

of total cigarettes smoked has dropped recently, over all cigarette comsumption still showed a 15 percent rise over the past 20 years.

"The industry is certainly alive and well," said Tobacco Institute spokesman William Toohey Jr.

Thirty million Americans say they have given up the habit, but fifty three million Americans still smoke, and those who smoke more, according to the federal Office on Smoking and Health. From 1965 to 1980 the proportion of smokers lighting up 25 or more cigarettes daily grew from 25 to 34 percent among men and 14 to 24 percent among women who smoke.

University of Michigan researcher Kenneth Warner recently calculated that the anti-smoking effort had prevented some 200,000 premature deaths overall. But, he noted, this "significant" public health success story should be weighed against the 4 million people who died from 1964 to 1978 because they smoked. The government estimates that more then 300,000 premature deaths annually are attributable to cigarettes.

"That the toll of smoking warrants remedial action has long been accepted by the medical and health policy communities. The problem is frustrating because of its magnitude and its slowness to yield to the weight of the evidence." Warner said.

The government's scientific indictments have become far stronger in recent years, although the Tobacco Institute, the prominent voice of the cigarette industry, continues to dispute the conclusions.

"There are many questions that are still unresolved . . . . The mechanisms are not known," said media-relations director Toohey.

While the original surgeon general's report found cigarettes a cause of cancers of the lung and larynx (voice box), later volumes have linked smoking with about 30 percent of cancer deaths overall, including cancers of the mouth, esophagus, bladder, kidney and pancreas.

The 1964 volume found a greater risk of heart disease among cigarette smokers, concluding that it would be prudent to assume that smoking was a cause of the country's No. 1 killer but that it was not yet proven.

Today, "We clearly have a body of evidence that now says this is a casual relationship," accounting for roughly one-third of coronary heart disease, said Donald Shopland, who has worked on each of the 16 surgeon general smoking reports.

Evidence of the hazards of chronic lung diseases—the subject of the upcoming 1984 report—has also grown. And although still controversial, evidence of possible health risks to nonsmokers, from lung disease to cancer, is mounting as well.

At the same time, shifting public policy has put smokers increasingly on the defensive. It began shortly after the 1964 report, with the enactment of a law requiring warning labels on cigarette packages.

In the late 1960s the Federal Communications Commission ruled that anti-smoking commercials be given equal time to balance cigarette advertising on television, a practice that continued until a 1970 law banned TV cigarette advertising and gave the government power to require warnings in other advertising.

While the "first front" consisted of health warnings, the "second front in the war on smoking" started a decade ago, with the nonsmokers' rights movement, said anti-smoking activist John Banzhaf. (News reports at the time noted that U.S. Chief Justice Warren E. Burger was among those complaining to the Federal Aviation Administration in 1970 about smoking on airplanes.)

It moved from federal actions in the early 1970s limiting smoking on buses and airplanes to a multitude of state and local jurisdictions decreeing "nonsmoking" restrictions in public places.

"Smoking may eventually go the way of chewing and spitting tobacco simply because of social pressures and restrictions on the activity in public places," said Banzhaf, head of Action on Smoking and Health.

He sees a "third front" opening up—the "economics of smoking"—as groups like his try to "convince people that smoking is burning a hole in their pockets" with an estimated $37 to $50 billion a year in health costs, lost productivity and fires.

On Capitol Hill, where tobacco-state legislators traditionally have exercised tremendous power, anti-smoking activists also have made headway in attempts to change government tobacco subsidies and strengthen the existing warning label with a variety of warnings about the risks of specific diseases, dangers to unborn children and cigarettes' addictiveness.

The federal government's war on smoking has suffered from a lack of money and top-level attention, said former surgeon general Terry, who credits the Carter administration with reviving the program but contends that the current administration has "essentially ignored it."

"We've taken the educational route," said Dr. C. Everett Koop, the Reagan administration's surgeon general. "It's slower, but I think we're winning."

Excerpts From House Committee Report on H.R. 3979

PURPOSE AND SUMMARY

H.R. 3979 is designed to increase public awareness of any adverse health effects of smoking.

The legislation would require the display of four specific health warning labels on cigarette packages and cigarette advertising. The current health warning statement would be replaced by one of four statements that would be displayed quarterly on the packages and advertising of each cigarette brand sold or distributed in the United States. The labels would be rotated on a quarterly basis in alternating sequence pursuant to a plan prepared by the cigarette manufacturer or importer and approved by the Federal Trade Commission. An abbreviated series of four warning statements would be required on outdoor billboard advertising. The four warning statements required on cigarette packages and advertising (other than outdoor billboard advertising) are listed below:

Surgeon General's Warning: Smoking Causes Lung Cancer, Heart Disease, Emphysema, and May Complicate Pregnancy.

Surgeon General's Warning: Quitting Smoking Now Greatly Reduces Serious Risk to Your Health.

Surgeon General's Warning: Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight.

Surgeon General's Warning: Cigarette Smoke Contains Carbon Monoxide.

The Federal Trade Commission is responsible for assuring compliance with the warning statement requirements.

The legislation also requires that cigarette manufacturers annually submit a list of chemical ingredients added to tobacco to the Secretary of Health and Human Services (HHS). The Secretary is required to periodically report to the Congress on the health effects of these additives.

Finally, the legislation establishes an Interagency Committee on Smoking and Health within the Department of Health and Human Services to coordinate Federal and private sector efforts to inform the public of any adverse health effects of smoking. The Secretary of HHS is provided specific statutory mandate to conduct research into the health effects of smoking and to assure the widespread dissemination of these findings.

LEGISLATIVE HISTORY

On January 11, 1964, the Advisory Committee to the Surgeon General issued a report entitled "Smoking and Health." The report stated that: "Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action."

Specifically, the Advisory Committee found that:

1. Cigarette smoking is associated with a 70 percent increase in the age-specific death rates of males, and to a lesser degree with increased death rates of females;

2. Cigarette smoking is causally related to lung cancer in men;

3. Cigarette smoking is the most important of the causes of chronic bronchitis in the United States, and increase the risk of dying from chronic bronchitis and emphysema; and

4. Male cigarette smokers have a higher death rate from coronary artery diseases than nonsmoking males.

One week later, on January 18, 1964, the Federal Trade Commission issued notice of its intention to adopt trade regulation rules which would have required that cigarette packages and advertisements bear a health warning. On June 23, the Commission issued a trade regulation rule to be promulgated July 1, 1965, to the effect that failure to disclose a health warning in all advertising and on every pack, box, carton, or other container in which cigarettes are sold to the consuming public would be a violation of Section 5 of the Federal Trade Commission Act.

Early in 1965, the Congress began to take action on smoking and health in response to the report of the Surgeon General's Advisory Committee and the action of the Federal Trade Commission. The Senate Commerce Committee held eight days of hearings between March 22 and April 5, 1965, on two bills. One, S. 547, specifically authorized the Federal Trade Commission (FTC) to set advertising and labeling standards for cigarettes, including a caution label with the average yield per cigarette of each "incriminated agent," as determined by the Commission. The bill also required that all cigarette advertisements carry the same warning and called for the elimination of all advertising that tended to depict smoking as attractive to children. The second bill, S. 559, required that all cigarette packages carry a warning label plus the average tar and nicotine yield per cigarette. It also prohibited the requirement of any other warning by any Federal, State, or local authority (including the FTC).

After completion of its hearings, the Senate Commerce Committee reported S. 559, amended, on May 19. As reported, the bill required all cigarette packages to bear the statement: "Caution: Cigarette Smoking

May be Hazardous to Your Health." It also provided that no other statement could be required and that, for three years, no statement relating to smoking and health could be required in cigarette advertising. It provided for a fine of $100,000 for violations of the law and required the FTC, working with the Department of Health, Education and Welfare, to transmit regular reports on the effectiveness of labeling, information on the health consequences of smoking, current advertising practices, and recommendations for legislation.

On June 16, 1965, the Senate passed S. 559 by a 72-5 roll call vote and sent the bill to the House. In the meantime, the House Committee on Interstate and Foreign Commerce had held eight days of hearings between April 6 and May 4 on a number of bills. One of these, H.R. 3014, required the same caution label as required by the Senate-passed bill, and barred the FTC or other regulatory agencies from requiring any further warning or statement in cigarette advertising.

The House Committee reported H.R. 3014, amended, on June 8. As reported, it was similar to the Senate-passed bill, requiring the same caution label. It also prohibited FTC or other agency action on cigarette advertising permanently, rather than for three years. The House bill provided for fines up to $10,000 for violations, and contained no provision for regular reports from the FTC.

The House passed H.R. 3014 on June 22 by voice vote; then substituted its provisions for those of S. 559, which it then passed, also by voice vote. The two houses went to conference on the proposal, and on July 1, the conference report on S. 559 was filed (H. Report No. 586). In a compromise of the provision of the House and Senate bills, the bill agreed upon in conference—

(1) Required that each cigarette package bear a conspicuous and legible label stating: "Caution: Cigarette Smoking May Be Hazardous to Your Health";

(2) Prohibited any other statement relating to smoking and health from being required on cigarette packages so labeled;

(3) Provided that, until July 1, 1969, no statement relating to smoking and health could be required in any advertisement of cigarettes the packages of which were labeled in accordance with the act;

(4) Established a penalty of $10,000 for violations; and

(5) Required the Secretary of Health, Education, and Welfare and the Federal Trade Commission to submit annual reports and recommendations to the Congress.

The conference report was passed by the Senate on July 6, by voice vote, and by the House on July 13, by a 288-103 roll call vote, and S. 559 was sent to the President. A number of Senators and Representatives sent a letter to President Johnson on July 16, urging him to veto the bill because it did not go far enough, and that "instead of protecting the health of the American people, (it) protects only the cigarette industry." The President, however, signed S. 559 into law as P.L. 89-92 on July 27, 1965.

The first of the annual series of reports to Congress by the Surgeon General and the FTC that were mandated by the 1965 legislation were published n 1967.

The Federal Trade Commission's 1967 report to Congress stated that "there is virtually no evidence that the warning statement on cigarette packages (required by Congress) has had any significant effect." The Commission recommended mandatory labeling of tar and nicotine content of cigarette packages and in advertisements, as well as other measures to encourage manufacturers to develop less hazardous cigarettes. The report noted that whether "intentional or fortuitous, teenagers appear to be the prime target for televised cigarette advertising," and that such advertising "continues to depict smoking as an enjoyable activity while ignoring completely the health hazards." It suggested that to counteract then-current advertising practices might require "either termination or drastic alteration of cigarette advertising on radio and television," and would certainly require a "vast educational campaign to negate the image of cigarette smoking as harmless and satisfying."

The FTC's 1968 report strengthened its recommendation to Congress to "ban television and radio cigarette advertising or such advertising should be limited as to the hours at which it may appear; the extent to which it may appear; and the types of programs on which it may appear." It was not until the following year, however, that the Congress began to take legislative action on the subject of cigarette advertising.

In 1969, more than 90 House members either introduced or cosponsored bills dealing with cigarette labeling and advertising. All of these bills were variations of four basic approaches to the subject: (1) creation of a stronger warning label plus inclusion of tar and nicotine levels on packages and inclusion of both the warning and the tar and nicotine levels in advertising; (3) inclusion of tar and nicotine levels on packages and in advertising; and (4) extension of the 1965 act.

In the meantime, the Federal Communications Commission (FCC) in February of 1969 announced that it was taking action to ban the broadcast of cigarette advertising on radio and television. Its Notice of Proposed Rule Making stated that "presentation of commercials promoting the use of cigarettes is inconsistent with the obligation imposed upon broadcasters to operate in the public interest." The Commission said that cigarettes posed a "unique danger—a danger measured in terms of an epidemic of deaths and disabilities." In May, the Federal Trade Commission announced that it was considering a proposed rule requiring all cigarette advertising to contain a strong warning: "Cigarette smoking is dangerous to health and may cause death from cancer, coronary heart disease, chronic bronchitis, pulmonary emphysema and other diseases." Both of these proposed rules would take effect with the expiration later that year of the prohibition included in the 1965 legislation against any such regulatory action.

The House Committee on Interstate and Foreign Commerce held 13 days of hearings between April 15 and May 1, 1969, on the various legislative proposals before the House and on the issues of smoking and health.

Following the hearings, the Committee reported H.R. 6543 (H. Rept. No. 91-289) on June 5. As reported, H.R. 6543 provided for a stronger warning label, "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases," and, in addition, extended for six years the provision from the 1965 Act prohibiting Federal regulatory agencies from taking stronger measures on cigarette advertising. Minority views were included in the Committee report to the effect that approval of the bill would permit Federal health agencies to condemn smoking while prohibiting Federal regulatory agencies from requiring a full disclosure of the hazards identified.

The House passed H.R. 6543, as reported, on June 18 by voice vote after defeating several attempts by floor amendments to require health warnings in advertising and to permit regulatory agencies to act on advertising.

The Consumer Subcommittee on the Senate Commerce Committee held hearings on the House-passed bill on July 22. The hearings concentrated more on the self-regulation of cigarette advertising by the tobacco industry than on the provision of the House bill, because the industry offered to discontinue cigarette advertising on television and radio by September 1970 when major contractual arrangements were due to expire or earlier if the broadcasting industry would agree to terminate existing contracts simultaneously at any point after December 31, 1969.

The Chairman of the FTC testified that the Commission would suspend until 1971 its efforts to require a health warning in cigarette advertising if broadcast advertising were stopped voluntarily.

The full Senate Commerce Committee reported H.R. 6543, with amendments, to the Senate on December 5. As reported, (S. Rept. No. 91-566) the bill would have made it unlawful to advertise cigarettes on radio and television after January 1, 1971; changed the mandatory statement on packages to "Warning: Excessive Cigarette Smoking Is Dangerous To Your Health"; and continued the prohibition of FTC regulation of cigarette advertising for 18 months.

On December 12, the Senate passed H.R. 6543 by a vote of 70-7 after adding two amendments. The first deleted the word "Excessive" from the warning label. The second amended the provision concerning FTC regulation to allow the Commission to require health warnings in cigarette advertising after July 1, 1971, or sooner if it determined that advertising practices constituted a "gross abuse" of the nonbroadcast media.

Conference agreement on H.R. 6543 was not reached until March of 1970. As agreed to in conference (H. Rept. No. 91-897), passed by both Houses, and signed into law (P.L. 91-222), the bill:

(1) Prohibited advertising of cigarettes on radio or television beginning January 2, 1971;

(2) Changed the label wording to "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health";

(3) Prohibited all State and local health-related regulation or prohibition of cigarette advertising;

(4) Prohibited FTC action on print advertising until on or after July 1, 1971, and provided detailed procedures for notification of Congress before any such FTC action;

(5) Required annual reports to Congress by the FTC and the Department of Health, Education, and Welfare on the health consequences of smoking, effectiveness of labeling, and advertising practices.

After the enactment of P.L. 91-222, the FCC vacated its proposed rulemaking regarding broadcast advertising of cigarettes.

On August 8, 1970, the Federal Trade Commission issued a proposed rule to require cigarette manufacturers to disclose the tar and nicotine content in cigarette advertisements. The proceeding was suspend-

ed on December 22 when the cigarette companies agreed voluntarily to make this disclosure. In February of 1971, advertisements conforming to this agreement began to appear and by December of that year, all cigarette advertisements were in conformity.

In 1973, Congress acted to amend the Federal Cigarette Labeling and Advertising Act of 1965 to include little cigars as defined, under the broadcast advertising prohibition. The Senate Commerce Committee, acting without hearings, reported S. 1165 on April 5, 1973 (S. Rept. no. 93-103) and the Senate passed it on April 10, and again after reconsideration on April 30. The House Committee on Interstate and Foreign Commerce held hearings on H.R. 3828 and H.R. 7482 on May 22, 23, and 24, and reported H.R. 7482 on June 22 (H. Rept. no. 93-323). On September 10, the House passed the Senate bill in lieu of its own measure and the Little Cigar Act of 1973 was signed into law on September 20, 1973, as P.L. 93-109.

In July of 1977, the Federal Trade Commission, in its annual report to the Congress, recommended a stronger warning label on cigarette packages plus the inclusion of tar and nicotine content both on the package and in all advertising. The Commission suggested two warning statements: "Warning: Cigarette Smoking is Dangerous to Health and May Cause Death from Cancer, Coronary Heart Disease, Chronic Bronchitis, Pulmonary Emphysema, and Other Diseases"; or "Warning: Cigarette Smoking is a Major Health Hazard and May Result in Your Death." The FTC also recommended that a strong warning label be placed on little cigar packages.

The FTC's 1979 report to Congress reiterated its suggestion that Congress consider strengthening the language of the warning label and adopting a rotational system of warning labels.

In May 1981, the Federal Trade Commission published a staff report on its investigation of cigarette advertising which concluded that additional action was needed to provide consumers with more specific information about the health consequences of smoking. Of the numerous options considered to accomplish this, the report recommends that the actions most likely to be effective would be: (1) Additional funding for expanded educational efforts, such as public service announcements; (2) changing the shape and increasing the size of the current warning; and (3) replacing the current warning with a system of short rotational warnings.[1]

For further information see the Agency Views section of the Committee's report.

BACKGROUND AND NEED FOR THE LEGISLATION

The U.S. Surgeon General, Dr. C. Everett Koop, has characterized cigarette smoking as ". . . the chief, single avoidable cause of death in our society and the most important public issue of our time." [2]

With passage of the Federal Cigarette Labeling and Advertising Act of 1965 (P.L. 89-92), the Congress formally required that cigarette packages display a health warning label. While Federal laws that protect the public from hazardous food, drugs and consumer products do not apply to cigarettes, the Federal government resolved to inform the public about the relationship between smoking and health.

In 1969, the 1965 warning label was revised with passage of the "Public Health Cigarette Smoking Act" (P.L. 91-222) to its current format:

"WARNING: The Surgeon General has determined that cigarette smoking is dangerous to your health."

In the thirteen years since passage of P.L. 91-222, scientific research has yielded much concerning the health effects of smoking. Cigarettes have been identified by the Surgeon General as a major risk factor in deaths due to cardiovascular disease.[3] The Surgeon General has also found that cigarette smoking significantly elevates the risk of miscarriage, premature births and low birth weight in pregnant women.[4]

Testimony received during the Subcommittee on Health and the Environment's five days of hearings in 1982 and 1983 have convinced the Committee of appropriateness of replacing the current warning with four new warnings to alternate quarterly on the packages and advertising of cigarette brands. The use of multiple messages is based upon a successful Swedish system which combines varying warning messages with broad based educational activities. This strategy has resulted in a dramatic reduction in Swedish smoking rates, particularly among young people.

By updating the cigarette warning, by giving visibility and emphasis to smoking research and educational activities at the Federal level, and by working closer with the private voluntary health section, the Committee seeks to assist the public to make an informed decision about whether or not to smoke.

COMMITTEE VIEWS ON THE LEGISLATION

The provisions of H.R. 3979, as amended by the Committee, represent the product of deliberations between Members of the Committee and representatives of the cigarette manufacturing industry and public health community. The Committee believes there needs to be sufficient time to evaluate the effectiveness of the warnings and educational programs required by this proposal and therefore believes its enactment will eliminate the need for this Congress to consider further revisions in the content of the cigarette health warning.

The Committee did not attempt to identify or delineate in the Surgeon General's Findings, or the language of the four health warnings required by the bill, all the health effects caused by or associated with cigarette smoking. Any reference to the health effects of smoking deleted by the Committee amendment should not be construed to reflect—either positively or negatively—the Committee's views on their respective scientific validity. The spectrum of adverse health effects caused by smoking are discussed in the five days of hearings conducted by the Subcommittee on Health and the Environment on this legislation since 1982.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Section 1 provides that the short title of the bill is the "Comprehensive Smoking Education Act".

SECTION 2. FINDING AND PURPOSE

Subsection (a) describes seven findings attributed to the United States Surgeon General regarding the adverse health effects of smoking and the appropriateness of conveying information to the public on the health effects of smoking. The findings reflect conclusions based upon scientific research conducted or reviewed by the U.S. Public Health Service and are consistent with extensive scientific research conducted into the health effects of smoking.

The specific findings are as follows:

(1) Cigarette smoking is the largest preventable cause of illness and premature death in the United States and is associated with the unnecessary deaths of over three hundred thousand Americans annually.

(2) Cigarette smoking in the United States is a major cause of cancer of the lung, larynx, oral cavity, and esophagus and is a contributory factor in cancer of the urinary bladder, kidney and pancreas.

(3) Cigarette smoking is a major cause of chronic bronchitis and emphysema in the United States.

(4) Cardiovascular disease accounts for nearly one-half of the deaths in the United States and it is estimated that one-third of the deaths attributed to cardiovascular disease are associated with smoking.

(5) Pregnant women who smoke have an elevated risk of miscarriages, stillbirths, and premature births, and giving birth to infants with low birth weight.

(6) Quitting or never starting cigarette smoking will reduce an individual's risk of illness or premature death.

(7) Federal, State and private initiatives should be encouraged to convey to the American people information on any adverse health effects of smoking.

Subsection (b) provides that the purpose of this Act is to provide a new strategy for making Americans more aware of any adverse health effects of smoking, to assure the timely and widespread dissemination of research findings, and to enable individuals to make informed decisions about smoking.

SECTION 3. SMOKING RESEARCH, EDUCATION, AND INFORMATION

Subsection (a) requires the Secretary of Health and Human Services to establish and carry out a program to inform the public of any dangers to human health presented by cigarette smoking. In establishing the program the Secretary is required to:

(1) Conduct and support research on the effect of cigarette smoking on human health and develop materials for informing the public of such effect.

(2) Coordinate through the Interagency Committee on Smoking and Health, the research and educational programs of the Department relating to the effect of cigarette smoking on human health with similar activities of other Federal agencies and private agencies.

(3) Establish and maintain liaison with private entities, other Federal agencies, and State and local public agencies respecting activities relating to the effect of cigarette smoking on human health.

(4) Collect, analyze, and disseminate information, studies and other data relating to the effect of cigarette smoking on human health, and develop standards, criteria, and methodologies for improved information programs related to smoking and health.

(5) Compile and make available information on State and local laws relating to the sale, distribution, use, and consumption of cigarettes.

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[1] Staff Report on the Cigarette Advertising Investigation. Federal Trade Commission, May 1981.

[2] "The Health Consequences of Smoking", CANCER, A REPORT OF THE SURGEON GENERAL, U.S. Department of Health and Human Services. 1982. p. xi.

[3] The Health Consequences of Smoking: CARDIOVASCULAR DISEASE, A Report of the Surgeon General. U.S. Department of Health and Human Services. 1983.

[4] The Health Consequences of Smoking For Women. "A Report of the Surgeon General." U.S. Government Printing Office. 1980. 0-326-003

(6) Undertake additional information and research activities which the Secretary determines necessary and appropriate to carry out this section.

In developing a program to carry out these responsibilities, the Committee expects the Secretary to allocate additional resources and expand the Department's health promotion activities relating to smoking. In addition, the Committee encourages the Secretary to arrange for the airing of public service announcements, during radio and television broadcasting prime time, to discourage smoking among young people.

It is the Committee's belief that the Department's smoking activities should place major emphasis upon encouraging young people not to begin smoking. An important priority of the U.S. Public Health Service should be to foster a nonsmoking generation of young people. The Committee endorses the objective of the U.S. Public Health Service to reduce the proportion of children and youth aged 12-18 who smoke to below 6 percent by 1990.[1]

Subsection (b) provides for establishment of an Interagency Committee on Smoking and Health (ICSH). The ICSH is intended to assist the Secretary in coordinating smoking related research and educational activities within the Department with similar activities of other Federal agencies and private agencies.

The ICSH will be composed of a variety of members representing agencies within the Department of HHS, the Federal Trade Commission, the Department of Education, and the Department of Labor. The Secretary may designate Federal agencies other than those specified in the statute to participate in the ICSH. In view of the concern of the Department of Defense (DOD) In health promotion and disease prevention, a representative of the DOD's Office of Health Affairs could contribute to the activities of the ICSH.

In addition to representatives of Federal agencies appointed to the ICSH, five members shall be appointed by the Secretary from physicians and scientists representing private entities involved in informing the public about the health effects of smoking. The Committee recognizes that private sector organizations like the American Cancer Society, American Lung Association, and American Heart Association presently commit greater resources in activities to educate the public about the health effects of smoking than does the Federal government. It is therefore appropriate and critical that Federal activities—in research and education—complement private sector initiatives. The Committee believes that Members appointed to the ICSH representing private sector organizations should include expertise in behavioral as well as the biomedical sciences.

The Chairman of the ICSH will be designated by the Secretary from among the Members of the ICSH.

Members of the ICSH shall be reimbursed for related travel expenses.

The Committee expects the Secretary to take necessary steps to establish the ICSH not later than 180 days after the enactment of this legislation. All necessary staff, information, supplies and office space should be made available to the ICSH to permit it to carry out its activities effectively.

Subsection (c) requires the Secretary to submit a report to Congress which will include (1) and overview and assessment of Federal activities undertaken to inform the public of the health consequences of smoking and the extent of public knowledge of such consequences; (2) a description of the Secretary's program to inform the public of any dangers to human health presented by cigarette smoking and the related activities of the ICSH; (3) information regarding the activities of the private sector taken in response to the effects of smoking on health; and (4) such recommendation as the Secretary may consider appropriate.

The report required by subsection (c) is required to be submitted to Congress not later than January 1, 1985 and then biennially thereafter.

SECTION 4. LABELS FOR CIGARETTES AND CIGARETTE ADVERTISING

Subsection (a) amends section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) to provide the Federal Trade Commission (FTC) with jurisdiction over the content and display of cigarette health warnings appearing on cigarette packages and to replace the cigarette health warning required on cigarette packages and advertising with four new warnings. The warning statements will be displayed on the packages and advertising of each cigarette brand in accordance with a system, approved by the FTC, that would require each of the four warning statements to rotate quarterly, in alternating sequence, on the package and advertising of each cigarette brand sold or distributed in the United States. The subsection also provides a series of rotating warning statements for outdoor advertising which are distinct from those required for all other forms of cigarette advertising.

The Federal Trade Commission is charged with regulatory responsibility for enforcement of the requirements of Section 4.

A section-by-section analysis of 15 U.S.C. 1333, as amended by subsection 4(a) of the Committee proposal, follows.

Subsection (a)(1) makes it unlawful for any person to manufacture, package, or import for sale or distribution within the United States any cigarettes the package of which fails to bear one of the following four labels in accordance with the requirements of this section. The four labels are described below.

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

Paragraph (2) of subsection (a) makes it unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised (other than through the use of outdoor billboards) within the United States any cigarette unless the advertising bears one of the following labels in accordance with the requirements of this section.

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

Paragraph (3) of subsection (a) makes it unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised within the United States through the use of outdoor billboards any cigarette unless the advertising bears, in accordance with the requirements of this section, one of the following labels:

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, and Emphysema.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Health Risks.

SURGEON GENERAL'S WARNING: Pregnant Women Who Smoke Risk Fetal Injury and Premature Birth.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

Subsection (b)(1) specifies the format requirements pertaining to the display of the required warning statements on cigarette packages. Each label statement will be located in the place label statements were placed on cigarette packages as of the date of the enactment of this subsection. It is the Committee's intent that the warning statements appear on the side panel of cigarette packages as is the current practice. The phrase "SURGEON GENERAL'S WARNING" shall appear in capital letters. The size of other letters in the warning shall be the same as the size of all such letters as of the date of enactment. The letters and warning label shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the package.

It is the Committee's intent that the Federal Trade Commission be responsible for assuring compliance and enforcement of the requirements of this section. The FTC has responsibility for assuring that the required warning statements are displayed in a conspicuous and legible fashion. It is not intended that FTC jurisdiction be extended to any printed material on the package, including the color and design of the package, beyond assuring that the type used in the warning statement be clear and conspicious by virtue of being in contrasting color with the background of the statement and otherwise in conformity with the requirements of this paragraph.

Nothing in this paragraph is intended to eliminate the flexibility manufacturers currently have with regard to the layout of the warning on cigarette packages to meet the problems posed by different cigarette package shape or sizes.

Paragraph (2) of subsection (b) specifies the format pertaining to the display of the required warning statements on all cigarette advertising except outdoor billboard advertising. The format required under this section shall, with the following exceptions, be the format required by the consent agreements entered into by the FTC and tobacco industry in 1972 and 1981; which in all other respects shall remain in effect. This legislation supplements the 1972 and 1981 consent agreements.

The warning statements appearing on cigarette advertising, other than outdoor billboard advertising, are required to display

[1] Promoting Health Preventing Disease. "Objectives for the Nation" Publication of the U.S. Department of Health and Human Services, Public Health Service, Fall 1980. p. 63.

the phrase "SURGEON GENERAL'S WARNING" in capital letters. In addition, the area of the rectangle enclosing the label shall be 50 percent larger in size than that required on the date of enactment with a corresponding increase in the size of the type in the label. The width of the rule forming the border around the label shall be twice that required as on the date of enactment of this subsection. The Committee intends that by requiring an increase in the size of the type which corresponds to the 50 percent increase in the area of the rectangle in which the warning statement appears, that the area occupied by the type also increase by 50 percent.

In addition, the label may be placed at a distance from the outer edge of the advertisement which is one-half the distance permitted on such date. Each label statement shall appear in conspicuous and legible type in contrast by typography, layout or color with all other printed material in the advertisement. The Federal Trade Commission is responsible for compliance and enforcement of this paragraph and should assure that the warning statements appear in conspicuous and legible type.

The Committee recognizes that cigarette manufacturers or importers may elect to advertise in publications, intended for distribution in the United States, which are not published in English. In such circumstances, and as is currently required, the language of the warning statements should be printed in the predominant language of the publication in which the advertisement appears. For example, if a cigarette ad appears in a publication distributed in the United States and which is printed in Spanish, the language of the warning statement should be printed in Spanish.

Paragraph (3) of subsection (b) specifies that the format and type style of each label statement required by subsection (a)(3) for outdoor billboard advertising shall be that required in outdoor billboard advertising as of the date of enactment of this subsection. In addition, each required label statement shall be printed in capital letters of the height of the tallest letter in a label statement on outdoor advertising of the same dimension on such date of enactment.

Each such lable statement shall be enclosed by a black border which is located within the perimeter of the format required in outdoor billboard advertising of the same dimension on such date of enactment and the width of which is twice the width of the vertical element of any letter in the label statement within the border. In all other respects the 1972 and 1981 consent agreements that apply to outdoor advertising shall remain in effect.

Subsection 4(c) specifies the criteria for assuring that each manufacturer or importer of cigarettes will rotate the warning statements in the format required by subsections (a) and (b) every three months and in alternating sequence. The requirement that the warning statements rotate quarterly applies to the packages and advertising of each brand of cigarettes, including billboards.

The warning statements will be rotated in accordance with a plan prepared by the manufacturer, importer or by a group of manufacturers. The plan will be reviewed by the Federal Trade Commission and approved by the FTC if found to be in compliance with the Act. It is the responsibility of the FTC to promptly review all plans submitted pursuant to this section to determine whether the plan complies with the requirements of the Act. The FTC shall approve any plan submitted by manufacturers or importers if those plans will reasonably assure that the rotation of the warning statements will occur quarterly in alternating sequence and which reasonably assure that all the labels required by paragraphs (1), (2), and (3) of subsection (a) will be displayed by the manufacturer or importer at the same time. It is the Committee's intent that to the extent commercially feasible and without imposing an undue burden on any manufacturer or importer, all warning statements should be rotated so that the public will see different warnings on the package and advertising of each cigarette brand every three months. The Committee does not intend that the Federal Trade Commission, in approving plans submitted under this authority, require that a manufacturer or importer utilize more than one warning label on any brand during a single three month period.

Nothing in this bill is intended to vest any jurisdiction in the FTC beyond their traditional jurisdiction except as a consequence of their authority to approve and enforce a rotational plan in conformity with the requirements of section 4 of the FCLAA. Enforcement of the plan is intended to assure compliance with sections 4(a), 4(b), and 4(c) of this Act; and violations of the plan and those sections will also constitute a deceptive act or practice in violation of section 5 of the Federal Trade Commission Act.

In preparing a rotational system for submission to the FTC for approval, the Committee recognizes that there may be more than one system which would comply with this subsection. Any such system must of necessity take into account practical constraints on the production and distribution of cigarette packages and the dissemination of cigarette advertising.

By way of example, a satisfactory rotational system could be one in which rotation of the warnings on cigarette packages will take place at the time the cigarettes are placed in the package. The Committee does not expect manufacturers to rotate labels on cigarette packages that were correctly labeled in one quarter but which remained in commerce during a subsequent quarter. With respect to advertising in print media such as newspapers, magazines, theater pamphlets, magazine and newspaper inserts, the quarter in which the cover or closing date of the particular publication falls could determine the warning that is required to be displayed. Sidewalk poster and transit placards could provide for rotation according to the actual scheduled appearance date of the advertising.

The Committee recognizes that mail circulars and point of sale advertising present special difficulties for rotation as they are often purchased on a single date but utilized for periods longer than three months. In such cases the Committee believes the warning printed on these items should be the one required for the advertising of the respective brand on the day that the item was ordered.

Outdoor billboards present similar difficulties because the useful life of such advertisements is longer than newspaper or magazine advertising. On occasion some outdoor billboard advertisements may remain in service for more than three months without having a substantial portion of their surface repapered, replaced, or repainted. Therefore, the Committee believes an acceptable rotational system for billboards would be one that provided for quarterly rotation of the health warning statement on a brand's outdoor advertisements at the time the advertisement is placed in service or at the time the advertisement on the billboard is replaced, repapered, or repainted. In such instances, the health warning should be replaced with the warning required for the quarter in which falls the date the billboard advertisement is replaced, repainted, or repapered. If the billboard advertisement is not replaced, repainted or repapered during a given quarter, it is not the intention of the Committee to require replacement of the health warning.

In the case of point of sale advertising, mail circulars and outdoor billboards, the Committee recognizes that in some cases it may not be possible to assure that the warning statements required on these forms of a brand's advertisements will, in every instance, rotate on a quarterly basis. The Committee does not believe such limited anomalies are inconsistent with a satisfactory rotational system.

Subsection 4(b) of the Committee proposal provides that the amendments made by subsection (a) shall take effect twelve months following enactment of this Act. A one-year delay in the effective date of this section is intended to allow cigarette manufacturers and importers adequate time to prepare and receive FTC approval of the rotational plans required by subsection (a). The Committee expects the FTC to allocate sufficient resources to review plans submitted to assure that all rotational systems are reviewed and, if in compliance, approved well in advance of the scheduled effective date. Any changes in any rotational system proposed by a manufacturer or importer which the FTC finds are necessary to bring it into compliance with the Act should be made in advance of the scheduled effective date.

SECTION 5. CIGARETTE INGREDIENTS

Subsection (a) amends the Federal Cigarette Labeling and Advertising Act by redesignating sections 7 through 12 as sections 8 through 13, respectively, and inserting a new section 7. An analysis of the section 7 follows.

Subsection (a) of the new section 7 requires each person who manufactures, packages, or imports cigarettes annually to provide the Secretary of HHS with a complete list of ingredients added to tobacco in the manufacture of cigarettes. The list provided pursuant to this provision need not identify the company which uses the ingredients or the brand of cigarettes which contain the ingredients. Each person or group required to provide a list of ingredients to the Secretary pursuant to this subsection is permitted to designate an individual or entity to provide the list required if the manufacturer, packager, or importer so desires.

Subsection (b)(1) requires the Secretary to transmit to the Congress at such times as the Secretary considers appropriate a report containing information about research activities and proposed research activities on the health effects of these ingredients, information pertaining to any such ingredient which in the judgment of the Secretary poses a health risk to cigarette smokers and any other information which the Secretary determines to be in the public interest.

Paragraph (b)(2)(A) explicitly provides that any information provided to the Secretary under this section shall be treated as trade secret or confidential information subject to Section 552(b)(4) of title 5, United States Code and section 1905 of title 18, of the United States Code.

Paragraph (b)(2)(B) that nothing in this section authorizes the Secretary to withhold the list of ingredients provided pursuant to this legislation from any duly authorized committee or subcommittee of the Congress. If a committee or subcommittee of the Congress requests the Secretary to provide it with such a list, the Secretary shall make the list available to the committee or subcommittee. The Secretary shall have no authority to withhold such a list if requested from a duly authorized committee or subcommittee, nor shall the Secretary have any authority to control or regulate any duly authorized subcommittee or committee's handling of such information. At the same time the Secretary makes the list available to the committee or subcommittee, the Secretary shall notify in writing the person who provided the list of such request.

Paragraph (b)(2)(C) requires the Secretary to establish written procedures to ensure the confidentiality of information provided under this legislation while it is in the possession of the Department of Health and Human Services.

At the present time, cigarette manufacturers are not statutorily required to disclose to any agency or department of the federal government any of the ingredients they place in cigarettes during the manufacturing process. This provision would supply appropriate statutory authority and supercede, in all respects, a voluntary agreement entered into between the Department of HHS and the tobacco industry in June, 1982. This legislation would permit the federal government to initiate the toxicologic research necessary to measure any health risk posed by the addition of additives and other ingredients to cigarettes during the manufacturing process.

Subsection 5(b) of the Committee proposal provides that section 7 of the Federal Cigarette Labeling and Advertising Act (added by subsection 5(a)), shall take effect upon the expiration of the one-year period beginning on the date of the enactment of this Act.

SECTION 6. MISCELLANEOUS AMENDMENTS

Subsection (a) technically revises the first finding of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331) to reflect the requirements of multiple warning notices on the packages and advertising of cigarettes.

Subsection (b) amends section 3 of the Federal Cigarette Labeling and Advertising Act (FCLAA) to define the term "Secretary" as used in the Act to mean the Secretary of Health and Human Services.

Subsection (c) amends section 8 of the FCLAA to state that nothing in the Act, other than the requirements of section 4, shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission (FTC) with respect to unfair or deceptive acts or practices in the advertising of cigarettes.

This subsection requires the FTC to act consistent with the requirements of section 4 of the FCLAA (as amended) concerning the content of the cigarette health warning, its format, size, and location. In all other respects, the FTC retains its traditional authority over deceptive or unfair cigarette advertising. If a cigarette manufacturer or importer violated this act—e.g. for failure to rotate in accordance with an approved plan—the FTC could sue it in Federal court for failure to comply with this act's requirement pursuant to section 13(b) [15 U.S.C. 53(b)] of the Federal Trade Commission Act.

Subsection (d) revises section 9 of the FCLAA to make necessary technical amendments.

Mr. PACKWOOD. Mr. President, I am very pleased to support the compromise cigarette labeling legislation before the Senate today. This legislation has been under development in the House and Senate for almost 3 years. By and large, it has been worth the wait.

Smoking is clearly one of our country's major health concerns. According to the U.S. Surgeon General, cigarette smoking is the most important preventable cause of premature illness and death in the United States. Smoking is a major cause of heart disease, chronic bronchitis, emphysema, and cancers of the lung, larynx, oral cavity, and esophagus. The direct health costs for smoking-related illnesses have been estimated to be $12 billion annually; and the annual indirect costs of lost productivity are $25 billion.

In view of the great volume of scientific data linking smoking to disease, and the severity of the risks involved, the low level of public awareness of the specific risks of smoking is shocking. A May 1981 report by the staff of the Federal Trade Commission compiles the relevant survey data.

According to the FTC staff report, many people do not know that smoking significantly decreases life expectancy. More than 30 percent of the public is unaware of the relationship between smoking and heart disease. Many people do not know that smokers are 10 times more likely to develop lung cancer than nonsmokers. Nearly 50 percent of all women do not know that smoking during pregnancy increases the risk of still birth, miscarriage, and birth weight deficiencies.

Legislation to update the worn-out health warning currently required for cigarette packages and advertising is clearly necessary. I was pleased to see that the Federal Trade Commission recently adopted a formal position in favor of legislation establishing a rotational warning system. Based on the May 1981 staff report and the public comments that were received, the FTC concluded that consumers lack important information regarding the overall risks of smoking; that the costs of a rotational warning system were low; and that such a system has significant potential to improve consumer awareness and permit better informed decision making.

The compromise legislation before the Senate is the culmination of a 3-year joint effort involving both the Labor and Commerce Committees. The initial bill (S. 1929) to require rotational health warnings was introduced in the Senate in December 1981 by members of both committees and jointly referred. In March 1982, the Labor Committee conducted a hearing on the health effects of smoking; and in May 1982 the Commerce Committee conducted hearings on the labeling and advertising issues. In the current Congress, there were two bills introduced in the Senate: S. 772, initially sponsored by Senator HATCH and me and referred to the Labor Committee, and S. 1116, which I introduced, which came to the Commerce Committee.

The measure before the Senate today is H.R. 3979, the bill that passed the House on September 10. The text of H.R. 3979 is a compromise worked out between cigarette manufacturers and the House Commerce Committee.

It bears emphasis that the history of this legislation makes the House Commerce Committee report—Report No. 98-805—very important in interpreting congressional intent. Chairman DINGELL has advised me that the report was part of the negotiations conducted in his committee. H.R. 3979 was subsequently approved by the committee unanimously, and it passed the House with little debate. The only Senate bill to be reported by committee—S. 772, reported by the Labor Committee—did not call for rotating warnings, and it did not impose warning requirements for advertising.

In short, the House Commerce Committee report is the only real legislative history for the legislation before the Senate today. Senator HATCH has underscored the importance of this report by having it printed in the RECORD along with his statement. I would like to join Senator HATCH in inviting the Senate's attention to this report as we consider H.R. 3979, and emphasizing that it is the interpretative basis for congressional action on this bill.

H.R. 3979 is being adopted by the Senate today with an amendment jointly sponsored by Senators HATCH, FORD, and me. First, the amendment deletes the congressional findings in section 2(a) of H.R. 3979. A variety of important conclusions and findings are contained, however, in the House Commerce Committee report. Second, the amendment adds a subsection to the Federal Cigarette Labeling and Advertising Act to make clear that new rotational warning scheme does not apply to distributors and retailers of cigarettes who do not manufacture, package or import cigarettes for sale or distribution within the United States. A conforming change is made in section 3(a)(5) of the bill. I am pleased that an agreement on changes to H.R. 3979 could be worked out in the Senate, and I congratulate Senator FORD and the Senators involved for their cooperation and diligent effort.

As amended, the compromise legislation is, I believe, a fair compromise. The bill provides for four specific new warnings to be rotated on both cigarette packages and advertising. Unfor-

tunately the compromise does not contain warnings for teenagers, as S. 1116 did. More young people are smoking today than ever before, and they are starting to smoke at younger ages. Some 3.5 million adolescents between 12 and 18 are smokers. Also, the compromise does not contain a vital warning that smoking is addictive.

The compromise is a fair one, however, that deserves support. Congressmen DINGELL, WAXMAN, and GORE deserve great credit for pushing the compromise through the House Commerce Committee; and Senators HATCH, KENNEDY, and EAGLETON are to be congratulated for their work in the Senate Labor Committee.

This legislation will help educate consumers and promote informed decisionmaking about smoking. This is an area in which ignorance literally can kill. This legislation is an important step in addressing this national problem.

Mr. PRESSLER. Mr. President, today the Senate will pass H.R. 3979. As a member of the Commerce Committee and chairman of its Business, Trade, and Tourism Subcommittee, I would like to point out for the record certain technical errors concerning the bill in the House committee report. I think it is important that we have a clear record, and I do regret the Senate's failure to provide its own written committee report on this widely supported legislation. This bill adds new, rotational warning-label requirements to the existing Federal Cigarette Labeling and Advertising Act. This basic scope of that act, including its enforcement provisions, is not otherwise changed. Thus, these labeling requirements will fall under the enforcement and penalty provisions provided in current law.

Sections 9 and 10 of the Federal Cigarette Labeling and Advertising Act, which are renumbered but not substantively changed by the present bill, place criminal and injunctive enforcement authority exclusively in the Department of Justice. Those sections read:

§ 1338. Criminal penalty.

Any person who violates the provision of this chapter will be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

§ 1339. Injunction proceedings.

The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this chapter upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

The act does not give the Federal Trade Commission [FTC] authority for enforcement. However, the House committee report on H.R. 3979 apparently mistakenly assumed that the Commission, rather than the Department of Justice, was the designated enforcement agency. Thus, the report contains several incorrect references concerning the FTC's responsibility for enforcement of the requirements of the act.

The bill, H.R. 3979, clearly preserves exclusive enforcement authority in the Justice Department. This can be readily seen in section 8 of the bill, which states:

Nothing in this act (other than the requirements of section 4) shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes.

No enforcement authority is contained in that section. It simply states that the required label statements must be rotated quarterly by each cigarette manufacturer in alternating sequence for each of its brands of cigarettes in acordance with a plan of rotation which must be prepared by the manufacturer and submitted to the FTC. In this provision, the Commission is limited to a ministerial function. The bill reads:

The Federal Trade Commission shall approve a plan submitted by a manufacturer or importer of cigarettes which will provide the rotation required by this subsection and which assures that all of the labels required by paragraphs (1), (2), and (3) will be displayed by the manufacturer or importer at the same time.

A plan of rotation must be submitted to the Commission. Manufacturers are not required to submit label statement samples, and H.R. 3979 does not provide for Commission review of label statements to determine compliance with the substantive labeling requirements of the act.

The technical errors in the report may not be of great importance since the statutory language is quite clear on its face. However, it is appropriate that these errors be identified and corrected on the record in order to avoid confusion that could be generated by inconsistency between the language in the legislation and the language in the report.

Although it is necessary at times for the Senate to act with great speed and dispatch. I hope in the future we will provide detailed reports before rushing to final passage of such significant legislation. I do not object to passage of the bill, but I hope these remarks provide a balanced, statutory record.

Mr. HEFLIN. Mr. President, it has been brought to my attention that there are some problems with the Comprehensive Smoking Education Act. While I haven't carefully studied this bill in regard to these defects, careful study should be given because there appears to be merit in the following contentions:

Sections 9 and 10 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. §§ 1338 and 1339), which will be renumbered but not changed by the present bill, place enforcement exclusively in the Department of Justice through criminal and injunctive proceedings. Those sections state:

§ 1338. Criminal penalty.

Any person who violates the provision of this chapter shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

§ 1339. Injunction proceedings.

The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this chapter upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

The act gives the Federal Trade Commission no authority and no role in its enforcement. However, the drafters of the committee report on H.R. 3979 apparently were unaware of this and mistakenly assumed that the Commission, rather than the Department of Justice, was the designated enforcement agency. Consequently, the report contains several incorrect references to the Federal Trade Commission's responsibility for enforcement of the requirements of the act.

In fact, the bill clearly preserves the exclusive enforcement authority of the Department of Justice. This is emphasized by the provision in section 8 of the bill, which states:

Nothing in this act (other than the requirements of section 4) shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes.

Section 4 contains no enforcement authority. It simply states that the required label statements must be rotated quarterly by each cigarette manufacturer in alternating sequence for each of its brands of cigarettes in accordance with a plan of rotation which must be prepared by the manufacturer and submitted to the Federal Trade Commission. The Commission has only a ministerial function in this scheme. The language of the bill states:

The Federal Trade Commission shall approve a plan submitted by a manufacturer or importer of cigarettes which will provide the rotation required by this subsection and which assures that all of the labels required by paragraphs (1), (2), and (3) will be displayed by the manufacturer or importer at the same time.

All that must be submitted to the Commission is a plan of rotation. This does not require the manufacturers to submit samples of the label statements to be used, or their format, and does not entail any review by the Commission of the statements themselves for the purpose of determining compliance with the substantive labeling requirements of the act.

I do not view the technical errors in the report as matters of great importance since the statutory language speaks clearly for itself. But I believe

it is desirable to have the errors identified and corrected on the record in order to avoid any possible confusion that might arise out of the inconsistency between the language of the legislation and the language of the report.

Mr. GORTON. Mr. President, this bill represents a compromise Smoking Prevention Health and Education Act. Its purpose is to educate Americans about the hazards of smoking. The Senate Labor and Human Resources Committee reported out its bill, S. 772, in July 1983. Since then, the tobacco industry, at the urging of a number of Representatives and Senators, have agreed to a compromise, which is embodied in this bill.

The Surgeon General, in his smoking report released on May 23, said, "Cigarettes are the most important individual health risk in this country, responsible for more premature deaths and disability than any other known agent." And President Reagan, in proclaiming April as Cancer Control Month, said that, "the single most important step which can be taken is to avoid smoking." Dr. Edward N. Brandt, Jr., Assistant Secretary of HHS for Health, testified before the Senate Labor Committee that he estimates the number of deaths related to smoking exceed 300,000 each year.

The Department of Health and Human Services is making every effort to reduce or eliminate these consequences of smoking. It has programs designed to educate smokers of the health risks of smoking, to educate young people not to begin smoking, to educate groups especially at risk, such as pregnant women and workers exposed to occupational health hazards, and to collect information about the prevalence of smoking for future planning.

In May 1981, the Federal Trade Commission released a staff report which concluded that, despite significant increases in the public's knowledge of the health risks of smoking, the current warning statement on cigarette packages and in advertisements is ineffective. The report concludes that we should do more to warn consumers of more specific health consequences of smoking. Among other things, it concludes that replacing the current system of warnings with short, rotational warnings would be most effective.

H.R. 3979 sets up this system of short, rotational warnings. It would amend the Public Health Service Act and the Federal Cigarette labeling and Advertising Act to direct the Secretary of HHS to establish a program to inform the public of the dangers to health associated with cigarette smoking. The Secretary would coordinate all Federal activities relating to smoking and health, through a new Interagency Committee on Smoking and Health. It also establishes a cigarette "additive" reporting system.

I would like to emphasize that the cigarette labeling bill is a compromise, reached after months of negotiations among the Tobacco Institute, Assistant Secretary Brandt, the health groups, and interested Senators and Representatives. Senator HATCH, especially deserves credit for his willingness to work with the industry and for keeping the pressure on the negotiating parties.

After the compromise was reached last spring, I believed Congress should act quickly to enact it into law. I was sufficiently concerned about the delay to propose the compromise as an amendment to S. 1816, the textile labeling bill. I am pleased that we now will have final passage, and I commend Senators FORD, TRIBLE, THURMOND, and HELMS on their willingness to support a reasonable compromise on an issue of obvious sensitivity in their States.

The Senate should pass this compromise bill. The need for tougher cigarette labeling is manifest. It has bipartisan support, and it is time to move forward with this legislation.

Mrs. HAWKINS. Mr. President, today I rise in support of S. 772, the Smoking Prevention Health and Education Act.

This Nation's top health officials have continually and convincingly revealed the hazards of cigarette smoking. Each year, tobacco is implicated in the premature deaths of more than 340,000 persons and dehabilitates more than 10 million other people. Cigarettes are a major risk factor for coronary heart disease, cancer of the lung, larynx, esophagus, emphysema, and chronic bronchitis.

In addition, maternal smoking is associated with retarded fetal growth and increased risk for spontaneous abortion and prenatal death. As Dr. Mortimer Lipsett, director of the National Institute of Child Health and Human Development, testified before the Subcommittee on Health and the Environment, cigarette smoking by pregnant women creates both pregnancy complications and adverse long-term growth and behavioral effects on surviving children. These damaging effects have repeatedly been shown to operate independently of all other factors that influence the outcome of pregnancy. The hazards are markedly increased by heavier smoking and substantially reduced if a woman stops smoking during pregnancy.

In recent years, many Government and health officials have repeatedly enunciated the dangers of cigarette use. Consequently, the level of public awareness on this subject has grown slightly in this area. Yet, despite this trend and the valiant efforts of many health-conscious individuals and organizations, the general public remains grossly unaware of the more subtle and dangerous effects listed above. Recent surveys show that nearly 50 percent of all women do not know that smoking during pregnancy increases the risk of stillbirth and miscarriage; approximately 40 percent of all high school seniors do not believe that there is a great health risk in smoking, a significant decrease from previous years in the awareness among young people of the health hazards of smoking. This ignorance among a cross-section of this Nation is proof of a large-scale failure and the rapid need for action.

Who is to blame for this shocking inadequacy of information on the part of the general public? In many repects, we, the Congress of the United States, are at fault; we have failed in our public duty to inform consumers of the risks of tobacco use. We have repeatedly exempted this product from legislation that informs and protects the American public. Under the Food, Drug and Cosmetic Act, the Congress exempted tobacco products. Under the Federal Hazardous Substances Act, the Congress exempted tobacco products. And under three other major health and safety laws, the Congress again exempted the product that adversely affects over 10 million Americans.

Mr. President, we face a serious problem that we have sidestepped, ignored and all but relegated to the congressional garbage heap over the past 10 years. But I firmly believe that S. 772 is an important answer to this crucial dilemma. This bill requires four warning labels to be attached to every cigarette package; these warnings outline, in clear terms, the health hazards of smoking. By highlighting the risk of lung cancer and heart disease, the danger to pregnant women, and the addictive nature of cigarettes, this act will go a long way toward informing the public, increasing public health, and making up for many years of neglect in this vitally important area.

In addition, this measure directs all manufacturers of cigarettes to provide a complete list of chemical additives used in production. At present, the Government has absolutely no methods for determining what types of chemical substances are poured into cigarettes and no means of judging their health impact. With this bill, the Department of Health and Human Services will finally be able to test chemical additives for their impact upon cigarette smokers.

Mr. President, the costs of this bill is minuscule in comparison to the huge medical costs and even larger productivity losses engendered by widespread cigarette use. I am extremely pleased that all sides have come to agreement on this important measure.

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Smoking remains a troubling problem for both the Federal Government and the public. Cigarette smoking is killing thousands of Americans each year; in fact, more Americans will die during the next 2 years from diseases caused by cigarettes than were killed by foreign soldiers during the entire Second World War. Yet, as has been repeatedly shown, remarkably few people are aware of the grave dangers posed by tobacco. This measure is an important step in the education of the American public, and I look forward to more legislation in the future. I urge all my colleagues to join me in support of S. 772. It is a matter of life and breath.

Mr. QUAYLE. Mr. President, I rise in support of the Comprehensive Smoking Education Act (H.R. 3979).

Since this subject was first considered by the Labor and Human Resources Committee in the form of S. 772, I have encouraged representatives of the tobacco industry to negotiate with the Department of Health and Human Services and the public health community. These negotiations led to constructive changes in the original proposals along the way and finally to this agreed upon compromise today. I commend all of the parties involved in the development of this legislation. The activities required by the act will make a positive contribution to the Nation's health.

AMENDMENT NO. 4411

(Purpose: Clarify applicability of certain provisions of the act, and for other purposes)

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senators HATCH, PACKWOOD, and FORD.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Senators HATCH, PACKWOOD, and FORD, proposes an amendment numbered 4411.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 1, strike "Finding And".

On page 2, strike all from "(a)" on line 2 through "(b)" on line 1 of page 3.

On page 4, lines 10-11, strike "sale, distribution, use," and insert in lieu thereof "use".

On page 10, line 22, strike "time.'." and insert in lieu thereof the following: "time".

"(d) Subsection (a) does not apply to a distributor or a retailer of cigarettes who does not manufacture, package, or import cigarettes for sale or distribution within the United States.".

Mr. STEVENS. I yield to the Senator from Kentucky.

Mr. FORD. I thank the distinguished acting minority leader.

Mr. President, last week I entered into discussions with members of the health community regarding H.R. 3979, the Comprehensive Smoking Education Act. I am pleased to announce that an agreement has been reached that is satisfactory to all aspects of the tobacco industry including growers, distributors, warehousers, and retailers, and has been agreed to by the health coalition. This agreement includes deletion of the findings from the bill and language clarifying that the responsibility for rotational labels does not extend to retailers and distributors of cigarettes.

Since the introduction of cigarette labeling legislation several years ago, one concern of many aspects of the tobacco industry was the inclusion of health findings in the bill. Such declaratory statements are normally reserved for committee report language. By including the findings in the bill, they are no longer merely statements but law, and can be used as such in court. There was also concern that including the findings in the bill heightens their significance, closes the door on further debate on the effects of tobacco and establishes a precedent which State legislatures would be hard-pressed not to follow regardless of their own inclinations. In an attempt to alleviate these concerns, the compromise removes the findings from the bill, but retains them in the House committee report.

The second element of the compromise addresses the specific concerns of the tobacco retailers, wholesalers, and distributors. Specifically, section 3(a)(5) of the bill is amended by removing the words "sale" and "distribution" from the provisions of the bill which instruct the Secretary of Health and Human services to compile information on State and local laws relating to the use and consumption of cigarettes.

The intent of this amendment is not to alter the current authority of the Department of HHS to review such laws, but to ensure that the retailers, wholesalers, and distributors are not held accountable for the label rotational system.

Additionally, the compromise adds language to H.R. 3979 which clarifies that the responsibility for rotational labels does not extend to retailers and distributors. These groups were concerned about the possibility of consumers monitoring cigarette packages and questioning the timing of the specific label on the retailer's shelf, thereby attempting to hold the retailer or distributor liable for the manufacturers' rotational plan.

The third element of the compromise agreement is not a part of the legislation, but is a commitment from the health coalition that they will aid in efforts to get some restrictions on foreign grown tobacco. Increasing tobacco imports is the No. 1 concern of Kentucky growers. The specifics of such efforts have not yet been developed, but in coming months, this kind of support may give us more muscle as we try to halt the growth of tobacco imports. I am particularly pleased with this part of the agreement in that it addresses the most important concern of the over 100,000 Kentucky tobacco farm families that I represent.

I never intended to block cigarette labeling legislation. My purpose in opposing the immediate passage of H.R. 3979 was to reassert the interests of tobacco growers and distributors in such legislation. Since coming to the Senate, I have watched the tobacco industry be hard hit—from all sides—by legislation which has forced the tobacco grower alone to assume the responsibility and costs associated with the tobacco price support program. The grower has also felt the effect of the doubling of the Federal excise tax on cigarettes.

All of this legislation has had a domino effect on the tobacco grower as he watches his costs increase and the future of his market jeopardized. Cigarette labeling legislation is just one more blow. The grower, retailer, wholesaler, and distributor, who are most definitely affected by this legislation, were not consulted during the negotiations on this legislation in the House. I have always said that I had no intention of stopping this bill. I only wanted input to represent my constituents and these elements of the tobacco industry. The compromise we have reached does exactly that by addressing not only the original concerns of the manufacturers regarding the findings in the bill, but also the concerns of the distributors and retailers relating to their potential liability under the bill, and the growers who are looking for relief from increasing tobacco imports.

My original request for action on this bill was simple, and would have expedited its consideration. I had asked that this bill be referred to the Senate Commerce Committee for a 1-day markup so that I could have the opportunity to represent the growers and distributors of Kentucky. My concern had also been to reassert the historic jurisdiction of the Commerce Committee over labeling legislation. It is no small matter that the Senate Commerce Committee did not consider this legislation. Had this bill gone to the Commerce Committee, further industry concerns about the House report language to H.R. 3979 could have also been addressed. Because of parliamentary moves, I was unable to obtain a Senate markup in committee and so the compromise could not address several issues in the House report.

I am pleased that we could reach an agreement that is satisfactory to all parties interested in this legislation.

This compromise was only possible due to the willingness of the health groups to recognize my concerns as a Senator representing the second largest tobacco-growing State, and the concerns of other aspects of the industry who were not consulted during the House negotiations.

I wish to highly compliment those members of the American Heart Association, the American Cancer Society, the American Lung Association, and the Coalition on Smoking or Health for their efforts in obtaining this compromise. I found the individuals representing the health coalition to be open, honest, above board at all times and men of their word. I look forward to working with them on the import question and other issues. As with any compromise, no party is totally satisfied, but I believe that everyone involved in this compromise is reasonably happy.

Mr. President, I urge adoption of the Hatch-Packwood-Ford amendment to H.R. 3979 and final passage of the bill.

Mr. HUDDLESTON. Mr. President, I rise in strong support of the actions being taken on this legislation by my colleague from Kentucky, Mr. FORD.

It will come as no surprise to anyone that those of us from the tobacco-producing States hold no great affection for this piece of legislation. The tobacco industry has been assailed from one end of this country to the other by those who oppose smoking.

We have had health warnings for years, a ban on television advertising, and a series of reports from the Surgeon General. I think it is obvious to almost everyone in the country that the warnings about health and smoking are part of the public's consciousness.

Thus, to further impose a new set of warnings and labels on the industry seems, to me, to be both unnecessary and somewhat onerous to the industry.

But I am also a political realist, and I know that some new legislation is inevitable—and if it does not come this year it will probably come next year in a more severe form.

I want to commend the industry for being willing to make some compromise, and I also want to commend Members of the House who helped negotiate the compromise, because they too were willing to bend a little. That same commendation also applies to the smoking and health lobby.

I say this because, although I would prefer no legislation at all, I realize that something is going to pass, and without a willingness to work together for a reasonable compromise by all the parties, we would have ended up with much worse legislation, in my opinion.

I am particularly pleased that several issues relating to the product liability question have been resolved, if not to the total satisfaction of the industry, at least to a degree that will provide greater protection than originally anticipated.

And today I want to particularly praise my colleague from Kentucky for making significant new improvements in the legislation through the amendments he is adding today.

While many of us object to the "findings" in the bill, it is far preferable from a legal and even a public relations point of view that those findings appear in the report rather than in the bill itself.

The protection that Senator FORD is adding for the tobacco distributors is a major improvement in the legislation as well.

And I am especially pleased that members of the smoking and health lobby are willing to sit down with us and work on the issue of tobacco imports. The significance of this lies in the fact that this shows that the smoking and health lobby recognizes and makes a distinction between the health issue and the agricultural issues involving tobacco.

Those of us from the tobacco States have for years tried to make the point that no matter how you feel about the health issue, the fact is that unless smoking is banned—and it will not be—then we will have tobacco grown in this country.

That brings us to the central question of who will grow it and under what conditions. The existing Federal tobacco program has proven through the years to be both an efficient and productive way to grow tobacco.

And if we eliminate the tobacco program, we will throw thousands of small farmers off the farms and probably onto the public welfare rolls. I think even the critics of tobacco will agree that if tobacco is to be grown, it is better to maintain a system which allows small farmers to stay afloat than to cut them off at the knees and push them off the farms.

And that brings me to the import question. Our tobacco farmers are being hurt badly in domestic markets by a flood of government-subsidized foreign tobacco. Senator FORD, Senator HELMS, myself, and many others have repeatedly urged the President to take emergency action to stop this flood of imported tobacco.

I think it is a fair statement to say that the administration has dodged the issue until after the election by referring the question to the International Trade Commission.

But it is especially encouraging that the tobacco and health lobby is willing to consider helping us fight this issue. It is a highly significant issue to the tobacco farmer; in fact, imports could eliminate thousands of tobacco farmers by destroying their domestic markets.

In order to protect the Government against any costs due to the tobacco program, and in order to keep the American tobacco competitive, Congress and the administration has taken action in recent years to protect the competitive position of U.S. tobacco and to protect against excessive costs to the Government.

Having done that, it would be a tragedy if our Government allowed a flood of imported tobacco to destroy the markets we have built up over the years.

The American tobacco industry, including the farmers, warehousemen, distributors, and the companies, may not be perfect. But I contend that the industry has over the years worked effectively and efficiently to provide a product used by millions of Americans, and it has done so under some rather severe constraints.

I have no question that the industry will work diligently to implement this new legislation and operate within the new parameters, onerous though they be. But I am also confident that the industry and the farmer will continue to prosper as long as those of us here in Congress do not persist in imposing ever more stringent restraints.

I hope that all concerned will now give the industry some respite from the constant attacks, let the new legislation be implemented, and let the tobacco industry go about its business of providing a product and contributing greatly to the economic well-being of the country.

Again, I commend my colleague from Kentucky for the leadership, persistence, and hard work he has applied to this issue. The final bill is much, much better because of his leadership.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4411) was agreed to.

Mr. STEVENS. Mr. President, I move to consider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill H.R. 3979, was read the third time and passed, as amended.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I thank the distinguished acting majority leader and the Democratic leader for their courtesy in this matter.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Kentucky [Mr. FORD]. I compliment him on his diligence and hard work and his effective work in connection with matters before the Senate from time to time in which he is interested.

OLDER AMERICANS ACT AMENDMENTS—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on S. 2603 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2603) to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965, having met, after full and free conference, have agreed to recommend and do recommend to their repective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 9, 1984.)

Mr. GRASSLEY. Mr. President, the Senate now approaches the eighth reauthorization of the Older Americans Act.

Beginning in 1965, this evolutionary process has developed a family of nonmeans-tested programs serving all senior Americans. These programs are carried out by a network of 700 State and area agencies on aging who are able to attend the needs of their seniors because the Congress has seen fit to allow these entities, and their locally selected advisory committees, a broad latitude of administrative license. This, Mr. President, is the great strength of the law we seek to reauthorize today. The Senate and House are again about to renew this license and, in several areas, broaden it while expanding the field of services to, and concern for, this Nation's aging population.

I would call my Senate colleagues attention to the conference report which accompanies amendments to the act. It spells out a comprehensive array of services with emphasis on maintaining a continuum of care for the vulnerable elderly while expanding the role of local and State advisory panels to ensure the full participation of older persons in the planning and operation of the act and its mandates.

Before I outline the major provisions of the conference agreement on the 1984 amendments to the act, I must acknowledge the tremendous assistance given me by the members of the Subcommittee on Aging of the Committee on Labor and Human Resources and their staffs, who have helped frame and carry out an ambitious schedule of hearings, meetings and conferences that allowed Senate bill S. 2603 to proceed at a brisk and positive pace through the legislative process. I particularly thank Senators EAGLETON and DENTON for their advice and direction during the evolution of these amendments. Chairman HATCH and Senators PELL, HAWKINS, KENNEDY, THURMOND, and METZENBAUM responded to all requests for assistance and their contributions have made these amendments timely and to the point. Senator D'AMATO, though not a member of the committee, contributed invaluable help and advice along with Congresswoman SNOWE and Senator METZENBAUM in the all important Alzheimer's amendment.

The executive branch staff from the Administration on Aging and Office of Human Development Services consulted with committee staff on several of the more knotty issues and contributed to what I believe will be a better law especially with the State administration amendments.

All aging organizations and interest groups provided helpful position papers and statistics which allowed the committee to arrive at new and meaningful language for the amendments.

Most active among those were the membership of the Leadership Council of Aging Organizations, particularly N4A and NASUA whose membership are most closely connected with the grassroots administration of the act.

Mr. President, I will now briefly summarize the selective provisions included in the 1984 amendments to the Older Americans Act.

Title I: The objectives contained in title I of the act are amended to include reference to the provision of a comprehensive array of community based long-term care services.

Title II: The conference agreement clarifies the reporting responsibilites of the Commissioner on Aging to the Secretary of the Department of Health and Human Services.

Title II: The conference agreement also makes major changes in the requirements on how members of the Federal Council on Aging are to be appointed.

Title II: The conference agreement reduces Older Americans Act funds available to the Secretary of Health and Human Services for evaluation purposes.

Title II: The conference agreement specifies a time schedule for publication of proposed and final regulations on the act.

Title II: The conference agreement requires the Administration on Aging to consult with national minority organizations in conducting training and technical assistance activities.

Title II: The conference agreement requires the Commissioner to use uniform service definitions in gathering information necessary to administer the act.

Title II: The conference agreement requires the Secretary to develop and publish general standards for evaluation of projects under title IV.

Title II: The conference agreement adds as a new function of the Administration on Aging to stimulate more effective use of existing legislative protections with emphasis on the application of the provisions of the Age Discrimination in Employment Act of 1967.

Title II: Requires the Commissioner on Aging to develop planning linkages with peer review organizations established under title XI of the Social Security Act for purposes of medicare review.

Title II: The conference agreement requires that the Annual Report of the Administration on Aging be forwarded to Congress and the President simultaneously.

Title II. The conference agreement adds to the list of Federal programs to be coordinated with the Commissioner on Aging.

Title III: The conference agreement requires the State agencies and area plans give particular attention to the needs of low-income and minority individuals within the context of the requirement that preference be given to older persons with the greatest economic or social needs. The agreement also includes definitions of greatest economic and social needs which are identical to those contained in current title III regulations.

Title III: The conference agreement increases the ability of States to transfer funds between separately alloted funds for supportive and nutrition services up to 30 percent in fiscal year 1987.

Title III: The conference agreement specifies elements of a State's intrastate funding formula for distribution of Title III funds to be published for review and comment.

Title III: The conference agreement requires that whenever a State agency designates a new area agency after the enactment of the conference agreement, that the State agency give the right of first refusal for area agency designation to a unit of general purpose local government. This would take place when the boundaries of the unit of government and the boundaries of the planning and service area are reasonably contiguous and only if the unit of government can meet the requirements of existing law with respect to area agency designation.

Title III: The conference agreement includes, within the priority service

category of in-home services, reference to supportive services for families of elderly victims of Alzheimer's disease.

Title III. The conference agreement requires that each area plan document compliance with the requirement that an adequate proportion of title III funds be spent on each priority service.

Title III: The conference agreement requires area agencies to include minority older persons on advisory councils.

Title III: The conference agreement clarifies a number of issues on the administration of the long-term care ombudsman program.

Title III: The conference agreement modifies the manner in which funds for State administration are allocated to State agencies.

Title III: The conference agreement adds authority for support of the following services: counseling regarding health and life insurance coverage; services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services; prevention of elder abuse; and services to assist institutionalized persons to return to their communities, including client assessment through case management and integration and coordination of community services and resource development and management.

Title IV: The conference agreement provides for statement of purpose for the title IV program.

Title IV: The conference agreement includes new requirements for dissemination of information on activities conducted under title IV.

Title IV: Two provisions are added to give special attention to the service needs of persons with Alzheimer's disease and their families.

Title IV: With respect to legal assistance, the conference agreement clarifies that the Commissioner is to provide legal assistance support activities to State and area agencies and to local legal assistance providers.

Title IV: The conference agreement also provides that funds appropriated under title IV may not be combined with funds appropriated under any other act to make a single discretionary grant or payment unless such funds appropriated under title IV are separately identified in the grant or payment.

Title V: The conference agreement places a statutory limitation on the amount of Federal funds which can be used for administration by community service employment projects. The limitation is set at 13.5 percent for fiscal year 1986, and 12 percent for fiscal year 1987. A waiver of this provision allowing up to 15 percent for administration may be approved by the Secretary of Labor.

Title V: The agreement requires each title V project to provide a written notification to persons associated with title V projects regarding allowable and unallowable political activities.

Title V: The conference agreement requires the Secretary of Labor: to conduct a study to identify alternative and additional means to increase community service employment opportunities for eligible individuals.

Title V: The conference agreement requires State agencies receiving title V funds to report on compliance with provisions regarding equitable distribution of funds within the State.

Title V: The conference agreement requires national organizations in receipt of funds to cooperate with the State agency in preparing this report.

Title VI: The conference agreement amends title VI by liberalizing requirements regarding eligibility of tribal organizations for funds. The amendment provides that a tribal organization is eligible for funds if it represents at least 60 older Indians, rather than 75 older Indians, as previously required.

Title VII: The conference agreement provides for a new title of the act, the Older Americans Personal Health Education and Training Program. The title establishes a demonstrated program of grants to institutions of higher education with graduate programs in public health, medical sciences, psychology, nursing, social work, education, nutrition, and gerontology to design and implement health education and training programs for older persons. The new title carries an authorization of $8.5 million in fiscal year 1985 and such sums as may be necessary for fiscal years 1986 and 1987.

Title VII: This new title is combined with an amendment which requires each State to establish at least one demonstration project for health and nutritional education to be conducted by one of more area agency on aging after September 30, 1986, with the States having access to the demonstration programs developed in the years 1985 and 1986 by the title VII grantees.

Title VII: The conference agreement amends the Age Discrimination in Employment Act of 1967 by specifying that the term "employee" under the act includes any individual who is a citizen of the United States employed by an U.S. employer in a workplace in a foreign country.

Title VII: The conference agreements amends the Age Discrimination in Employment Act of 1967 by raising from $27,000 to $44,000 the annual private retirement benefit and for determination of exemption from provisions of the act.

Mr. President, I urge my colleagues to agree to the conference report on S. 2603 to extend the authorization of appropriations for and to revise the Older Americans Act of 1965.

Mr. HATCH. Mr. President, I am pleased to have participated as a conferee to resolve the differences between the House and Senate versions of S. 2603, a bill to reauthorize and improve the Older Americans Act. This legislation will assure the continuation of a program which has effectively provided essential social services for the elderly of our country. Since the Older Americans Act was passed originally in 1965, this act has provided money for programs that provide senior citizens with nutritious meals, information and referral systems that help our elderly find senior citizen centers that provide both services and companionship, and programs that furnish transportation to help our aged senior citizens get from their homes to the services and opportunities mandated by this bill; 3 years ago, I actively participated in the passage of Public Law 97-115, the Older Americans Act Amendments of 1981. We made changes in the structure of the law then to give State agencies on aging more flexibility in the management of the grants that pay for supportive services, senior citizen centers and nutrition programs. We found that many senior citizen centers were forced to leave money unspent in one account while other accounts had resources remaining. In Utah, for example, many centers had to close their doors—turning away older people who needed nutritional hot meals—because no money remained to pay for the bus or car that brought the people to the centers to eat, although money remained to pay for the actual food.

Even though Public Law 97-115 largely corrected this inequity, current reauthorization legislation which will shortly become law will expand this provision and allow for even greater transferability of funds. The amounts allowed to be transferred between title III, parts B and C, will increase from 20 percent to 27 percent in fiscal year 1985, and then to 29 percent in fiscal year 1986 and 30 percent in fiscal year 1987. It would also allow a 9.5-percent increase in authorization levels. This would allow $360.8 million for fiscal year 1985, $376.5 million for fiscal year 1986, and $395 million for fiscal 1987. This increase is important since congregate meals provide an integral part of the services offered by our senior citizen centers. In 1982, 140.3 million meals were served nationally, with 694,944 of these provided in my home State of Utah. For those senior citizens not able to leave their residences, an additional 50.5 million meals were home delivered, such as the 489,967 meals delivered as part of Utah's Meals on Wheels Program. Authorizations for this program were also increased approximately 9 percent to

$69.1 million for fiscal year 1985, $72 million for fiscal year 1986, and $75.6 million in fiscal year 1987.

Another provision of the act is the Community Services Employment Program—title V—of the Older Americans Act. Designed to promote useful part-time opportunities for low-income persons aged 55 and older, title V provided 62,560 positions in 1983. For example, under the Green Thumb Program of the U.S. Forest Service and the Utah State Division of Aging, 375 jobs were available in my State. Workers were placed in schools, libraries, congregate mealsites, park services, city halls, tourist information centers, and other public service sites. Authorizations in our 1984 amendments were increased to $335 million in fiscal year 1985, $351 million for fiscal year 1986, and $368 million in fiscal year 1987.

The 1984 Older Americans Act amendment also provides new help and new hope for the families of victims of Alzheimer's disease. Alzheimer's is a tragic disease which causes the victim to lose mental capacity and, eventually, physical capabilities. Up to a million people may be affected by Alzheimer's disease with a cost to this Nation of $25 billion a year. New and urgent emphasis will be given to demonstration projects and training of personnel needed to help the families of Alzheimer's disease sufferers. Money will now be provided for health and respite services for the families of Alzheimer's disease victims.

Another provision agreed to in the 1984 amendment to the Older Americans Act was established of an Older Americans Personal Health Education and Training Program. It would develop a program to help older people deal with specific problems such as diet, mental health, physical fitness, hypertension, retirement, health insurance, hypothermia, and legal advise. It would also directly involve the graduate educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology in its implementation.

Many Members of Congress have contributed to the progress and compromise that has brought this legislation to this final stage. Specifically, Congressmen PETRI, ANDREWS, and BIAGGI plus Senators GRASSLEY and EAGLETON should be recognized for their leadership in bringing these issues to the forefront of Congress. I also want to personally thank Senators DENTON, THURMOND, PELL, and KENNEDY, the other members of my Labor and Human Resources Committee who were conferees, for their dedication and efforts to resolve differences in the bill.

I am pleased to have been able to participate as a conferee in development of both the 1981 and 1984 amendments to the Older Americans Act. It gives me great satisfaction to know that Congress is actively engaged in passing legislation which will benefit more than 36 million elderly people—our Nation's largest human resource.

Mrs. HAWKINS. Mr. President, I am pleased that we are finally considering the conference report to reauthorize the Older Americans Act. I know that the distinguished chairman of the Senate Subcommittee on Aging, Senator GRASSLEY, had hoped that this reauthorization legislation could be completed by May which is Older Americans Month, but I think that the new programs and funding levels contained in this bill make the legislation well worth waiting for. The chairman of the Subcommittee on Aging has done an exemplary job in developing this legislation and he deserves our praise for a job well done.

The Older Americans Act is the umbrella program that provides a variety of necessary and important services, such as Meals on Wheels and Community Service Employment to our Nation's elderly. Prior to reauthorization of this act, I surveyed my constituents to solicit their views on the programs served under this act. My constituents overwhelmingly responded with words of praise for these programs, urging its extension and expansion. Many wrote personal letters explaining how these programs had changed their lives, enabling them to avoid institutionalization or work within the community. I am delighted that the conference report before us today contains sizable increases in the funding for these programs. I feel that these programs have proven their cost effectiveness and are an excellent investment.

The reauthorization process also gave Congress an opportunity to expand the services offered under this act. I want to mention two major revisions in the scope of the Older Americans Act. Provisions designed to survey the problem of abuse against the elderly and provisions designed to assist the families of victims of Alzheimer's disease. The new requirement that area agencies on aging assess the need for services designed to prevent abuse to the elderly and the extent to which this need is being met is well documented in both. The final report of the Attorney General's Task Force on Family Violence noted that the available statistics on the incidence of family violence reveal unequivocally that a major problem exists, but they are still far too imprecise to answer key questions about who is most at risk and how resources can be allocated effectively. Hopefully the elderly abuse needs assessment mandated by this legislation will provide those needed statistics and improve our ability to target needed resources to prevent the abuse of our elderly.

Another important expansion of the Older Americans Act authorization in is the area of Alzheimer's disease. Both the House and the Senate recognized the assistance needed by families of Alzheimer's disease victims. The final conference report requires the Commissioner to give special consideration to demonstration projects to meet the support service needs of these families. Needed services such as home health, adult day care, homemaker aides, transportation, and in home respite care for the families. These families need and deserve our help and assistance and hopefully these provisions, coupled with an emphasis on specialized training for professionals working with Alzheimer disease victims will provide some assistance to these brave family members.

My constituents views on the need for this legislation can best be summed up by the comments of an older American from Jacksonville, FL. She wrote: "The Older Americans Act has brought recognition to the American senior citizen that no other program has been able to accomplish. The Senior Employment Program, I have seen firsthand, has given pride and a feeling of self-worth to the senior who finds employment and becomes a contributor to our work force. Nutrition programs facilitate a wholesome meal for the senior. The communities need more funds to provide transportation to the meal site * * * and homebound services. In essence, funds for the Older Americans Act are well spent, fiscally sound, and highly beneficial to the senior."

Mr. DENTON. Mr. President, the matter before the Senate is S. 2603, the Older Americans Act Amendments of 1984.

I can say with all sincerity that the conference report is a finely crafted compromise—one which on a few points exceeded my expectations. It is clear that both S. 2603 and the House version of the bill shared a common premise—that this Nation's older Americans need and deserve to live independently and in comfort and dignity. As the author of the 1981 reauthorization bill, I know how much many of our older citizens depend upon the Older Americans Act programs for their health and well-being. Furthermore, I believe that all the members of this body recognized the importance of the Older Americans Act in meeting those aims when they passed the 1981 reauthorization of the Older Americans Act.

The final bill, as recommended by the compromise, would reauthorize the Older Americans Act for 3 years at a level of $1.256 million for fiscal year 1985, $1.307 million for fiscal year 1986, and $1.372 million for fiscal year 1987.

There are some aspects of the bill with which I am particularly pleased. I strongly support the provision that will allow States to transfer up to 30 percent of the funds between programs for supportive services and nutrition services. In the 1981 bill, I included a provision that allowed a 20 percent transfer between the parts of title III. The States and communities have had a greater success in providing the proper mix of services at the local level with the transfer flexibility. I am happy that the current bill increases that flexibility.

I agree with need for the provision that provides for a proportion of the members of the Federal Council on Aging to be appointed by the House and Senate. I believe that the members of the Council, with the composition as provided in the bill, will be particularly responsive to the needs of the aging community.

Most important, the bill contains a provision to allow the States to coordinate with their existing programs to receive reports of elder abuse, to refer the reports to appropriate social service and law enforcement agencies, and provide public education for the prevention and identification of elder abuse. The States would include the active participation of older individuals in these activities. I believe that the provision is an appropriate response to a problem about which we know, in the real sense, very little, except that it happens. The provision in the bill will allow the States to participate in a meaningful way in the prevention of elder abuse, but it will also avoid the duplication of efforts that are underway in most of the States. Earlier during this Congress, the Family and Human Services Subcommittee, which I chair, addressed the issue of elder abuse in the larger, more comprehensive context of family violence.

It has been a pleasure and a privilege for me to be a conferee on this reauthorization, under the outstanding leadership of the chairman of the Aging Subcommittee, Senator GRASSLEY, and the chairman of the full Labor and Human Resources Committee, Senator HATCH. Furthermore, I would like to commend all the conferees and staff members on both sides for the spirit of cooperation which existed throughout the reauthorization process.

I recommend immediate passage of this important piece of legislation.

Mr. HEINZ. Mr. President, I rise in support of the conference report on S. 2603, the Older Americans Amendments Act of 1984. With the passage of this bill, Congress takes another step toward realizing its commitment made to enhance the quality of life for millions of older persons in this great Nation. Enactment of the 1984 amendments to reauthorize community programs for the elderly marks the 10th time that this successful piece of legislation has been amended. It continues to enjoy wide congressional support because of the many contributions it makes to the well-being of America's older citizens.

Since 1965, we have seen sweeping changes in our national policy on aging in response to the dramatic shifts in the number and needs of the aged. The programs have grown in both size and scope. Today a complex network of State and area agencies on aging capably administer and provide services under the act. While the budget for these programs in 1966 was $5.7 million, more than $1 billion has been committed to support them in the current fiscal year.

The Older Americans Act is an extraordinary legislative document. It is a comprehensive declaration of the long-term goals of American society with regard to its elderly citizens. The act commit us as a Nation to actively work to enhance the quality of life for all older Americans. Perhaps the single most important achievement of this legislation is that it has creates realistic alternatives for hundreds of thousands of older Americans in delaying, and in many cases, preventing unnecessary institutionalization.

This coordinated system of service reaches into every community in this Nation, making possible a broad range of programs including nutrition, transportation, counseling, and the more intensive home health and social services provided to the frail elderly. The social, economic and emotional benefit derived by those older persons who have participated in these programs is immeasurable.

Even more significant, the Older Americans Act has shown itself to be flexible and responsive to changes resulting from our increased understanding of the needs of the elderly. Among the new initiatives addressed by this reauthorization bill are: further support for families of older individuals with Alzheimers disease; increased attention to issues related to elder abuse; expansion of resources for further research and training in the field of aging; and increased emphasis in serving minority older persons. Additionally, the amendments create a new title VII designed to foster greater coordination with schools of public health in dealing with the health education and training needs of older persons. These are important and much needed improvements.

As chairman of the Special Committee on Aging, I have a deep concern for the utility and efficacy of these programs. I am pleased that the bill before us today recognizes the high priority we should accord to this Nation's older Americans. This act has proven itself worthy of our continued support and its programs deserve full funding in the budget. I wish to congratulate Senator GRASSLEY and Representative ANDREWS for their fine efforts in bringing this bill to passage.

Mr. President, next year we will celebrate the 20th anniversary of the enactment of the Older Americans Act. Since its inception the act has been directed toward giving older persons opportunities for participation in the full benefit of this country's vast resources. Health, economic security, honor and dignity for all older Americans are challenging goals. Yet, through the programs authorized by the Older Americans Act, these goals have become a partial reality. I believe that the new provisions incorporated into this reauthorization bill will hasten our progress toward achieving these goals fully and will, therefore, continue to enhance the quality of life for all older Americans.

Mr. KENNEDY. Mr. President, I rise in support of the conference report on S. 2603, the Older Americans Act Amendments of 1984. This legislation reauthorizes the Older Americans Act and makes two minor amendments to the Age Discrimination in Employment Act of 1967.

This conference report represents a significant improvement in the current law encompassing the views and recommendations of both the House and Senate Members. This legislation improves the Older Americans Act in a number of ways, including the improvment of administration of the OAA by providing a more explicit requirement that the Commissioner on aging be directly responsible to the Secretary of Health and Human Resources, focusing greater attention on the problems of elder abuse and Alzheimer's disease, focusing special attention on the problems of the low income and minority elderly, and improving the coordination of services and activities for the elderly.

The problems of the administration on aging have been well documented. Congress' concern in making this office directly responsible to the Secretary of Health and Human Resources was to give this office the necessary authority to carry out its primary function, that is the coordination of all Federal efforts on behalf of the elderly. It is important that the administration on aging carry out this function in an aggressive manner and that it begin focusing on some of the broader issues facing the elderly.

In particular, I would like to see the AOA focus greater attention on the issue of long-term care and home health services for the elderly. The Federal Government has a particular role to play in this area in the development of policy alternatives and in insuring that the development of community alternatives is given priority attention.

By focusing special attention on the problems of the low income and minority elderly in title III, this bill begins to address one of the problems that will only grow in proportion in the future. With increasing life expectancy among this group, the numbers of low income and minority seniors are growing at a faster rate than those of the general population. At present, however, the services available to these people are inadequate. Unless we begin to focus our attention and resources on the problems of seniors who are both low income and minority, we will only see these problems exacerbated.

I am gratified that this bill begins to address the problem of elder abuse. This bill addresses this by identifying the services already available at the State level and by allowing OAA funds to address this problem where necessary.

The need for this legislation is critical. In hearings which I recently held across the country on the problems of hunger in America, I found acute need for services provided under this act. One of the findings in these hearings was that the need for the meal programs was two to three times greater than that presently provided for. This finding leads me to believe that not only is the Older Americans Act important for the present, the need to direct more of our Nation's resources to serve our elderly population will be essential for the future.

I urge my colleagues to join me in supporting the adoption of this conference report.

Mr. EAGLETON. Mr. President, I am pleased to join with the distinguished Chairman of the Senate Subcommittee on Aging, Mr. GRASSLEY, in urging adoption of the conference report to accompany the Older Americans Act Amendments of 1984.

The Older Americans Act, first enacted in 1965, represents the only Federal social services program solely directed toward improving the lives of our senior citizens.

Demographic data on age changes in our society dramatically highlight the fact that one of the most significant demographic facts affecting American society is the aging of its population. The number of elderly persons has grown and, for the next 50 years, will continue to grow more rapidly than the total population. In 1982, 11 percent of all Americans were aged 65 and over; by the year 2025, a projected 19 percent of the total population will be elderly. These statistics represent a significant triumph for our society in terms of our standard of living and advances in medical science, but they bring with them an increasing responsibility to assist elderly individuals to live their lives with dignity.

Contrary to the widespread view, only about 5 percent of the elderly population live in nursing homes. Almost three-fourths of nursing home residents are without a spouse, compared with just over 40 percent of the noninstitutionalized elderly. The data strongly suggests that the absence of family or other support mechanisms to provide health and maintenance requirements is the most critical factor in the institutionalization of an elderly person.

It is this concern with providing support for health and maintenance requirements of older individuals to which Older Americans Act addresses itself. Its basic framework of a network of State and area agencies on aging seeks to provide a wide range of services, including transportation, home health care, homemaker services, escort and shopping services, outreach, home repair, elder abuse prevention, legal counseling, and other services to senior citizens. All of these services are designed to allow senior citizens to maintain maximum independence and remain within their own communities.

The conference report which we are considering today extends the Older Americans Act for an additional 3 years, maintaining and strengthening the basic structures of the act. While Congress has modified and altered the provisions of the act over the last 19 years, and the 1984 amendments make further modifications, it is my view that these amendments have contributed to strengthening and coordinating systems of services reaching into every community, making possible a broad range of nutrition, access, health, and supportive services for elderly individuals. This act has proven itself worthy of our continued support and its program components deserve to be strengthened even in these times of fiscal austerity.

Let me highlight briefly the major changes from existing law contained in the conference report we are presenting today:

TITLE I—DECLARATION OF OBJECTIVES

(1) OBJECTIVES

The conference agreement adopts news emphasis on establishing community-based long-term care services, and on maintaining a continuum of care for the vulnerable elderly.

TITLE II—ADMINISTRATION ON AGING

(2) AUTHORITY OF THE COMMISSIONER ON AGING

The conference agreement makes clear that the Commissioner on Aging is to report directly to the Secretary of the Department of Health and Human Services, and strictly prohibits the Secretary from delegating any of the Commissioner's responsibilities to any official within the Department not directly responsible to the Commissioner. Under the present administrative structure within the Department, the Administration on Aging is placed within the umbrella agency of the Office of Human Development Services [OHDS] and the Commissioner must report to the Secretary through the Assistant Secretary for OHDS. The conferences agreement assures that responsibility for Federal policy on aging resides in the Administration on Aging, and not in the Office of Human Development Services.

(3) FEDERAL COUNCIL ON AGING

The conference agreement amends the requirement for membership of the Federal Council on Aging. Current law requires that the Council be composed of 15 members appointed by the President with the advice and consent of the Senate. The conference agreement still requires that the membership be 15, but a portion are appointed by the President, a portion by the President pro tempore of the Senate, and a portion by the Speaker of the House.

(4) EVALUATION

Current law authorizes the Secretary to use up to 1 percent of the funds under act or $1 million, whichever is greater, to conduct evaluations of programs under the Older Americans Act. The conference agreement limits the amount of funding for evaluation to one-tenth of 1 percent of the funds appropriated under the act or $300,000, whichever is lower. This amount reflects the congressional concern about the manner in which evaluation funds have been used in the past, particularly the Department's siphoning off Older Americans Act money for evaluation of programs not in the field of aging and for support of general administrative activities of the Department.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

(5) INTRASTATE FUNDING FORMULAS

The conference agreement clarifies existing law's requirement that each State publish its intrastate funding formula by requiring that the formulas, and the manner in which the formulas were arrived at be disclosed in sufficient detail that the public can better understand the formula in order to be able to comment intelligently.

(6) NEW AUTHORITY WITH RESPECT TO ALZHEIMER'S DISEASE

The conference agreement expands the illustrative list of in-home services, a priority funding category, to include supportive services for families of older persons with Alzheimer's disease and other neurological diseases and organic brain disorders of the Alzheimer's type. The conferees expect that area agencies on aging will provide in-home care and respite care for Alzheimer's victims and their families so that family care givers can have an alternative to institutionalizing the patient.

(7) TRANSFER OF FUNDS BETWEEN SUPPORTIVE SERVICES AND NUTRITION SERVICES

Current law allows States to transfer up to 20 percent of its funds for supportive and nutrition services between these two separate allotments. The conference agreement increases incrementally the allowable percentage transfer from 20 to 30 percent.

(8) WAIVER AUTHORITY

Current law allows the area agencies to request a waiver from the States with respect to the priority services (transportation, in-home services, and legal assistance) if the area agency can demonstrate that the priority service need is being met in the area. The conference agreement requires the area agency to hold a timely public hearing on the issue of a waiver of any of the priority services prior to applying to the State for the waiver, and requires that the record of the public hearing be reviewed by the State prior to granting any such waiver.

(9) PREVENTION OF ABUSE OF OLDER INDIVIDUALS

The conference agreement adds a new requirement that area agencies on aging, as a part of their planning, assess the need for services for the prevention of abuse of older individuals, and the extent to which such need is being met within the planning and service area. It also sets forth certain criteria governing programs for the prevention of abuse of older individuals where area agencies operate such programs.

(10) STATE ADMINISTRATION

The conference agreement modifies the manner in which funds for State administration activities are provided and increases the State minimum when total appropriations for title III reach $800 million.

(11) SURPLUS COMMODITIES

The conference agreement requires that States submit final reimbursement claims for meals within 90 days after the quarter for which the reimbursement is requested.

(12) HEALTH AND NUTRITION EDUCATION

The conference agreement requires that beginning October 1, 1986, each State set aside 1 percent of its title III allotment for the operation of at least one demonstration project for health and nutrition education.

(13) LEGAL ASSISTANCE

Throughout the act, the conference agreement changes existing law's reference to "legal services" to "legal assistance." Let me emphasize that the conferees agreed to this change as a clarifying amendment. There is no substantive modification to the act. Legal Services Corporation grantees continue to remain eligible to receive funding under the Older Americans Act.

(14) EMPHASIS ON MINORITY ELDERLY

In a number of areas in the act, the conference agreement strengthens provisions relating to serving minority elderly individuals. A 1982 report by the U.S. Commission on Civil Rights on minority participation in Older Americans Act programs stressed the need to eliminate barriers to minority participation in services sponsored under the act. The conference agreement seeks to give added impetus to the aging network to improve its efforts in the areas identified by the Commission.

TITLE IV—TRANINING, RESEARCH, AND DEMONSTRATION PROGRAMS

(15) PURPOSE

The conference agreement reinstates statements of purpose for title IV, placing priority on education and training of personnel to work with older persons, research and development, demonstration activities, and dissemination of information on aging.

(16) ALZHEIMER'S DISEASE

The conference agreement emphasizes training programs for those working with individuals suffering from Alzheimer's disease and providing family respite care for families caring for victims of Alzheimer's disease. In addition, the conference agreement requires the Commissioner to give special consideration to demonstration projects to meet the supportive services needs of elderly victims of Alzheimer's disease and their families.

(17) LONG-TERM CARE GERONTOLOGY CENTERS

The conference agreement requires that all demonstration programs be developed and administered in conjunction with the regional long-term care gerontology centers, where appropriate.

(18) SPECIAL DEMONSTRATION PROJECTS IN LEGAL ASSISTANCE

The conference agreement requires the Commissioner to enter into grants or contracts to provide a national legal assistance support system. Such a legal assistance support system may be provided by one or more grantees or contractors.

TITLE V—OLDER AMERICANS COMMUNITY SERVICE EMPLOYMENT PROGRAM

(19) CEILING ON ADMINISTRATIVE EXPENSES

The conference agreement establishes a statutory ceiling on the amount of funds each project may use for administrative purposes of 13.5 percent effective July 1, 1986, and 12 percent effective July 1, 1987. In addition, the conference agreement allows any project to apply to the Secretary of Labor for a waiver of up to 15 percent administrative costs if the Secretary determines the additional administrative allowance is necessary to carry out the project.

TITLE VI—GRANTS FOR INDIAN TRIBES

(20) ELIGIBILITY

The conference agreement modifies existing law to allow a tribal organization representing at least 60, rather than 75, older individuals to apply for assistance under the title.

TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

(21)

The conference agreement creates a new title VII of the Older Americans Act, establishing a demonstration program of grants to institutions of higher education with graduate programs in public health, medical sciences, psychology, nursing, social work, health education, nutrition, or gerontology to design and implement, after consultation with area agencies on aging, health education and training programs. The Commissioner on Aging is required to disseminate information to the States based on these demonstration programs prior to the States conducting their own health and nutrition education programs beginning October 1, 1986.

AGE DISCRIMINATION IN EMPLOYMENT ACT

(22)

The conference agreement amends section 11(f) of the ADEA by specifying that the term "employee" under the act includes any individual who is a citizen of the United States employed by a U.S. employer in a workplace in a foreign country.

The conference agreement also specifies that it is not unlawful for an employer, employment agency, or labor organization to take any action prohibited by the act when such practices involve an employee in a foreign workplace and where compliance with the ADEA would cause the employer, or a corporation controlled by the employer to violate the laws of the country in which the workplace is located.

The conference agreement further amends section 4 by adding a new provision to specify that if an employer controls a corporation whose place of incorporation is in a foreign country, any prohibited practice by such corporation is presumed to be the practice of the employer. It would further specify that the age discrimination prohibitions do not apply in cases where the employer is a foreign person not controlled by an American employer. The determination of whether an employer controls a corporation shall be based on the interrelation of operations, common management, centralized control of labor relations, and common ownership of financial control of the employer and the corporation.

The conference agreement amends section 12(c)(1) of the ADEA by raising from $27,000 to $44,000 the annual private retirement benefit level for determination of exemption from provisions of the act.

Mr. President, the authorization levels for all the programs under the act are significantly increased from present funding levels. I ask unanimous consent that a chart setting

forth the authorization levels in the conference agreement be printed in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

[In millions of dollars]

	1984 appropriations	1985 appropriations	1986 appropriations	1987 appropriations
Title II—Federal Council on Aging	0.175	0.2	0.2	0.2
Title III:				
B—Supportive services	250.869	325.7	343.6	361.5
C(1)—Congregate nutrition	321.574	360.8	376.5	395.0
C(2)—Home-delivered meals	67.025	69.1	72.0	75.6
Surplus Commodities	116.9	120.8	125.9	132.0
Title IV—Research, training and special projects	22.175	28.2	29.8	31.4
Title V—Community service employment	317.3	335.0	351.4	368.3
Title VI—Grants to Indian Tribes	5.735	7.9	8.3	8.6
Title VII—Health education and training	(1)	8.55	(2)	(2)

[1] New program.
[2] Such sums.

Mr. PELL. Mr. President, as a member of the conference committee on the Older Americans Act Amendments of 1984, I am speaking today in favor of its passage.

Since 1965, the Older Americans Act has provided a comprehensive program to respond to the many needs of our senior and elderly citizens. These legislative programs, in the areas of health, income, housing, community and restorative services and employment, retirement, civic, cultural and recreational opportunities are aimed at improving the lives of our older Americans.

The Older Americans Act, following its initial passage by the 89th Congress, has authorized the development of nutrition and supportive social services for seniors; provided the authority for research, training, and demonstration projects, and authorized the development of community employment programs for individuals over 55 years of age.

Passing this conference report today means that these programs authorized by the Older Americans Act will continue to help ensure that our seniors not only will have food to eat but also that our seniors will receive proper nutrition through the act's Home Delivered Meals Program and through its Congregate Meal Program. By authorizing these meal programs, the act also provides an alternative social environment for many seniors who otherwise would be eating alone.

The approval of this legislation also will continue the Community Employment Programs the act has established. Not only does this employment program help to provide meaning and purpose to the lives of many seniors but also this employment program helps disprove a long operating but erroneous assumption that older individuals are neither employable nor productive. The passage of the Older Americans Act establishes clearly that our older citizens are employable and productive and that employing an older citizen helps both the older individual and society.

It is clear also that the passage of this act will bridge the gap between our knowledge of the needs of our older citizens and our public policy decisions concerning older Americans. Americans are living longer, but in many instances our Government has not responded to the special needs of this older America. Through the passage of this conference report, the research programs and training and demonstration projects established under the act will be continued. Through the implementation of these programs and projects, we can become more aware of the needs of our changing society and of the public policies necessary to respond to the needs of our older Americans.

I am delighted that this legislation includes two new provisions which I proposed. State agencies, pursuant to my proposals, will be authorized to use funds to establish demonstration projects in nutrition and health education. These projects will help to ensure that our seniors will be better educated in the areas of health and nutrition and that our seniors will be more able to prepare a nutritionally balanced meal plan to assist them in achieving a healthier life.

Additionally, as a result of the ever-increasing number of elder abuse cases and after my own State of Rhode Island completed a demonstration project in this area, I proposed an amendment to allow State agencies to utilize their funds to prevent elder abuse and to train its workers on ways to detect and respond to elder abuse crises. This proposal is included in the legislation being considered today.

When we approve this conference report, Mr. President, we will be passing a legislative program with a proven track record. The Older Americans Act has implemented many successful programs that are directly responsible for improving the lives of many older Americans. As a result of its success, every Congress since 1965 has reenacted the Older Americans Act.

The success of this program is apparent each time I visit one of the many senior centers in my own State of Rhode Island. The passage of this reauthorization will ensure the continued development and growth of senior centers throughout this Nation. These centers make a remarkable difference in the lives of many older Americans. When I meet with seniors at these centers, I am acutely aware of the fact that passing this legislation means food, employment, and companionship for many older citizens. This bill provides direct services and it is directly responsible for making what might otherwise be a lonely and nonproductive existence a very active and rewarding one.

Finally, I would like to thank my coconferees in the House and in the Senate for working very long hours to reach agreement on this legislation. I would like to commend Senator GRASSLEY for his able chairmanship of the subcommittee. I also would like to thank Senator EAGLETON for his leadership and dedication to see this bill through to its passage.

Mr. GLENN. Mr. President, I am pleased to cosponsor S. 2603, legislation to reauthorize the Older Americans Act. This act has effectively served our Nation's senior citizens since its enactment in 1965. The legislation we consider today will extend the act for 3 more years and provide additional benefits to older Americans. I urge my colleagues to support this bill.

Congressional passage of the Older Americans Act in 1965 created the first Federal program specifically designed to meet the social service needs of older persons. The objectives of the act are to improve the lives of older Americans in the areas of income, health, housing, restorative services, employment, retirement, cultural and recreational opportunities, community services, and gerontological research. During the past 19 years, the act has succeeded in creating a comprehensive service delivery system to help older Americans remain self-sufficient and independent.

The Older Americans Act has grown from a small grants program in 1966 to a program in 1984 which supports 57 State units on aging, 662 area agencies on aging, over 8,600 service providers, over 13,000 congregate nutrition sites, over 6,000 home-delivered nutrition providers, 54,200 community service jobs, and 83 Indian tribal organizations. The act is the major vehicle for targeting the delivery of services to senior citizens.

My home State of Ohio is firmly committed to fulfilling the needs of its older citizens. This commitment was underscored recently when Gov. Richard Celeste signed legislation elevating the Ohio Commission on Aging to departmental status. Older Ohioans now have a secretary of aging, Joyce Chapple, attending the Governor's cabinet meetings to speak for their concerns.

Over 1 million older persons are served annually by the Older Americans Act in Ohio. Under the nutrition programs of title III-C, we have 455 congregate mealsites that served 4,697,974 meals to 86,128 persons during fiscal year 1983. We served 1,611,823 home-delivered meals to 17,000 persons. Under title III-B, 423 senior centers are operated in Ohio and supportive services benefit an estimated 1 million older Ohioans annually. In rural areas especially, these

senior centers are the focal point in the community for the delivery of a broad range of services to senior citizens.

In April, my wife Annie and I had the opportunity to visit the Marion Square Senior Center in Columbus. We were fortunate to arrive just before lunch and we enjoyed a hot meal with the seniors there. We look forward to visiting other senior centers in Ohio.

The legislation we are considering today will reauthorize the Older Americans Act for an additional 3 years, and it includes several new provisions to benefit older Americans, their families, and their communities.

Title III of the act is amended to establish demonstration projects in health and nutrition education. Beginning September 1, 1986, States shall set aside up to 1 percent of program funds to conduct these programs. The legislation also establishes a new title VII, the Older Americans Personal Health Education and Training Program. Under this new title, grants shall be awarded to graduate institutions to implement health education and training programs in multipurpose senior centers. These projects will address various aspects of health awareness and illness prevention for older persons, including diet, mental health, physical fitness, hypertension, hypothermia, lifestyle modifications, and medication use.

Title IV of the act is amended to provide that special consideration will be given to grant and contract applications for the training of persons caring for Alzheimer's disease victims and their families. This amendment is needed by many families who must cope with both the physical and emotional demands of Alzheimer's disease. This amendment also complements the appropriations we made in the Labor-HHS-Education bill to establish special Alzheimer's disease centers, and to continue research on the causes and possible cures for the disease.

Authorization levels for the act will allow programs to continue at current service levels, with modest growth in several titles.

I am pleased to support the Older Americans Act and recognize the fine work of the staff, volunteers, and participants in Older Americans Act programs. I encourage my colleagues to join me in supporting this legislation to reauthorize the Older Americans Act.

Mr. CHILES. Mr. President, Congress established an agenda for improving the lives of older Americans when it passed the Older Americans Act of 1965. As a result of the Older Americans Act, major accomplishments have been made in the areas of income, health, housing, employment, retirement, cultural and recreational opportunities, community services, and gerontological research.

Older Americans may receive services under other Federal programs, but the Older Americans Act is the main program for coordinating the delivery of services to senior Americans. During the past 19 years, Congress has expanded the program from one composed of small grants to one utilizing 54 State units on aging and 662 area agencies on aging. The act has grown from a $6.5 million program to over $1 billion. The scope of the program has expanded to include a national nutrition program, multipurpose senior centers, and community service employment.

After carefully analyzing the issues impacting senior Americans, I am pleased that Congress has now amended and reauthorized the Older Americans Act to meet these needs. One issue of great concern to older Americans is rising health care costs. This issue concerns all Americans, but especially senior citizens living on a fixed, monthly income. The 1984 amendments recognize this issue by establishing a health education and training program for graduate students focused on the needs of older Americans. Health education and training addressing the needs of older individuals can not only play a major role in health promotion and illness prevention, but it can also help reduce medical costs for both individuals and the Government. The 1984 amendments also add emphasis to dealing with the trauma of Alzheimer's disease.

The United States stands at a significant demographic turning point. There are now as many persons age 60 and over as there are teenagers. In my home State of Florida, the number of persons over 60 already surpasses the younger population, and needless to say Older Americans Act programs play a major role in the lives of Florida's citizens. The Older Americans Act has been and will continue to be one of the most instrumental programs in meeting the needs associated with the problems brought on by aging, chronic illness, poverty, and social isolation.

I hope that we can look forward to this program being as helpful and productive over the next years as it unquestionably has been in the past.

Mr. BINGAMAN. Mr. President, I am happy to support the conference agreement on S. 2603 to extend the authorization of appropriations for, and to review the Older Americans Act of 1965. Passage of this legislation, as amended, will improve the lives of older Americans in areas of income, health, housing, employment, retirement, civic, cultural and recreational opportunities, community services, and aging research—title I—and provided the legislative basis for the continuation of the Administration on Aging [AOA] and the Federal Council on Aging—title II. The act also establishes authority for development of supportive services and nutrition programs for older persons—especially those who have the greatest economic and social needs—through grants to States, which in turn award funds to area agencies on aging—title III—research, demonstration, and training programs in the field of aging—title IV—development of community service employment programs for low-income persons 55 years and older—title V—and grants to Indian tribal organizations for supportive and nutrition services for older Native Americans—title VI.

HISTORY OF THE ACT

The act was first enacted in the 89th Congress and has been amended nine times since 1965. The original act established the AOA as the Federal-level agency responsible for the administration of programs under the act and authorized State and community social services programs and research, demonstration, and training projects.

Since then many changes and refinements were made—adding areawide model projects to test the new approaches in meeting the social needs of older persons, and authorizing foster grandparents, and retired senior volunteer programs which provide the part-time volunteer opportunities for older persons—these latter programs, currently administered by ACTION, were repealed as part of the Older Americans Act in 1973 which were later incorporated into the Domestic Volunteer Service Act of 1973.

With the enactment of the 1973 amendments, the Older Americans Act was significantly revised and expanded by the creation of a nationwide network of area agencies on aging. Area agencies were given the responsibility for planning and coordination of, and advocacy for, programs for older persons within planning and service areas designated by State agencies on aging.

The 1978 amendments further strengthened and expanded title III of the act by consolidating the social service multipurpose senior center, and nutrition services portion of the act. A separate authorization for home delivered meals under title III was added. The 1978 amendments also added a new title VI authorizing grants for social and nutrition services to Indian tribal organizations.

The 1981 amendments provided a 3-year extension for the act and made certain modifications designed to give State and area agencies more flexibility in administering the title III program. Other amendments emphasized the transition of title V participants into private sector employment under the community service employment program, and eliminated an age definition for older Indians under the pro-

grams of grants to tribal organizations.

1984 AMENDMENTS

The 1984 conference agreement on S. 2603 further refined the Older Americans Act by providing community-based long-term care as an objective of the act. This will assist older individuals to secure efficient community service which includes emphasis on maintaining a continuum of care for the vulnerable elderly.

The 1984 conference agreement authorizes $325,700,000 for fiscal year 1985; $343,700,000 for fiscal year 1986; and $361,500,000 for fiscal year 1987. For part C, home delivered nutrition, the conference agreement authorizes $69,100,000 for fiscal year 1985; $72,000,000 for fiscal year 1986; and $74,600,000 for fiscal year 1987.

Other amendments would provide relief to Alzheimer's disease victims' families through supportive services that provide in-home care; require health and nutrition programs for senior citizens in all States; extend protection from job discrimination against older workers employed by American firms abroad, which can currently dismiss them under terms illegal in the United States; require States to publicly disclose formulas used to allocate Older Americans Act funds assuring accountability to the public in the way their taxes are spent; and allow the Senate, House, and President to appoint equal numbers of members of the Federal Council on Aging, rather than having the administration appoint the entire body.

INDIAN REPRESENTATION

I am pleased to note the conference agreement includes language added at my request which specifies that the Administrator on Aging establish a coordinator of Indian programs. The langauge added to the Senate report and the conference agreement directs the Commissioner to consult with Indian tribal representatives and seek their recommendations in filling such a position. The individual must be knowledgeable about and sensitive to the unique aspects of the Indian elderly and must be able to effectively advocate their concerns. In order to assure the greatest effectiveness of the position, the language added to the conference agreement must be adhered to in making the selection.

INDIAN GRANTS

I would also like to commend the Congress for providing an increased authorization for grants to Indian tribes for fiscal years 1985, 1986, and 1987, which are $7,900,000, a 21-percent increase; $8,300,000, an 18-percent increase; and $8,600,000, a 15-percent increase, respectively.

Mr. President, I conclude by stating that my colleagues who have worked so diligently on the reauthorization of the Older Americans Act have achieved a great deal. They have acted to perfect an instrument we can all be proud of. Elderly Americans will have much to gain by these improvements. I strongly support the reauthorization of the Older Americans Act.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SECONDARY MORTGAGE MARKET ENHANCEMENT ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2040.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2040) entitled "An Act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes", do pass with the following amendments: Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Secondary Mortgage Market Enhancement Act of 1984".

TITLE I—SECURITIES LAWS AMENDMENTS

MORTGAGE RELATED SECURITY

SEC. 101. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding the following new paragraph at the end thereof:

"(41) The term 'mortgage related security' means a security that is rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization, and either:

"(A) represents ownership of one or more promissory notes or certificates of interest or participation in such notes (including any rights designed to assure servicing of, or the receipt or timeliness of receipt by the holders of such notes, certificates, or participations of amounts payable under, such notes, certificates, or participations), which notes:

"(i) are directly secured by a first lien on a single parcel of real estate, including stock allocated to a dwelling unit in a residential cooperative housing corporation, upon which is located a dwelling or mixed residential and commercial structure, or on a residential manufactured home as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974, whether such manufactured home is considered real or personal property under the laws of the State in which it is to be located; and

"(ii) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, or similar institution which is supervised and examined by a Federal or State authority, or by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to sections 203 and 211 of the National Housing Act, or, where such notes involve a lien on the manufactured home, by any such institution or by any financial institution approved for insurance by the Secretary of Housing and Urban Development pursuant to section 2 of the National Housing Act; or

"(B) is secured by one or more promissory notes or certificates of interest or participations in such notes (with or without recourse to the issuer thereof) and, by its terms, provides for payments of principal in relation to payments, or reasonable projections of payments, on notes meeting the requirements of subparagraphs (A) (i) and (ii) or certificates of interest or participations in promissory notes meeting such requirements.

For the purpose of this paragraph, the term 'promissory note', when used in connection with a manufactured home, shall also include a loan, advance, or credit sale as evidence by a retail installment sales contract or other instrument.".

APPLICABILITY OF MARGIN REQUIREMENTS

SEC. 102. Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by adding the following new subsection at the end thereof:

"(g) Subject to such rules and regulations as the Board of Governors of the Federal Reserve System may adopt in the public interest and for the protection of investors, no member of a national securities exchange or broker or dealer shall be deemed to have extended or maintained credit or arranged for the extension or maintenance of credit for the purpose of purchasing a security, within the meaning of this section, by reason of a bona fide agreement for delayed delivery of a mortgage related security against full payment of the purchase price thereof upon such delivery within one hundred and eighty days after the purchase, or within such shorter period as the Board of Governors of the Federal Reserve System may prescribe by rule or regulation.".

BORROWING IN THE COURSE OF BUSINESS

SEC. 103. Section 8(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78h(a)) is amended by adding the following new sentence at the end thereof: "Subject to such rules and regulations as the Board of Governors of the Federal Reserve System may adopt in the public interest and for the protection of investors, no person shall be deemed to have borrowed within the ordinary course of business, within the meaning of this subsection, by reason of a bona fide agreement for delayed delivery of a mortgage related security against full payment of the purchase price thereof upon such delivery within one hundred and eighty days after the purchase, or within such shorter period as the Board of Governors of the Federal Reserve System may prescribe by rule or regulation.".

MORTGAGE RELATED SECURITIES AS COLLATERAL

SEC. 104. Section 11(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(d)(1)) is amended by—

(1) inserting "(i)" between "of" and "any"; and

(2) inserting the following immediately after "thirty-five days after such purchase": "or (ii) any mortgage related security against full payment of the entire purchase price thereof upon such delivery within one hundred and eighty days after such pur-

chase, or within such shorter period as the Commission may prescribe by rule or regulation".

INVESTMENT BY DEPOSITORY INSTITUTIONS

SEC. 105. (a) Section 5(c)(1) of the Home Owner's Loan Act of 1933 (12 U.S.C. 1464(c)(1)) is amended by adding at the end thereof the following:

"(S) MORTGAGE BACKED SECURITIES.—Investments in securities that—

"(i) are offered and sold pursuant to section 4(5) of the Securities Act of 1933 (15 U.S.C. 77d(5)); or

"(ii) are mortgage related securities (as that term is defined in section 3(a)(41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(41))), subject to such regulations as the Board may prescribe, including regulations prescribing minimum size of the issue (at the time of initial distribution) or minimum aggregate sales prices, or both.".

(b) Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following:

"(15) to invest in securities that—

"(A) are offered and sold pursuant to section 4(5) of the Securities Act of 1933 (15 U.S.C. 77d(5)); or

"(B) are mortgage related securities (as that term is defined in section 3(a)(41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(41))), subject to such regulations as the Board may prescribe, including regulations prescribing minimum size of the issue (at the time of initial distribution) or minimum aggregate sales prices, or both;".

(c) Section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end of paragraph Seventh the following: "The limitations and restrictions contained in this paragraph as to an association purchasing for its own account investment securities shall not apply to securities that (A) are offered and sold pursuant to section 4(5) of the Securities Act of 1933 (15 U.S.C. 77d(5)); or (B) are mortgage related securities (as that term is defined in section 3(a)(41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(41))), subject to such regulations as the Comptroller of the Currency may prescribe, including regulations prescribing minimum size of the issue (at the time of initial distribution) or minimum aggregate sales prices, or both.".

PREEMPTION OF STATE LAW

SEC. 106. (a)(1) Any person, trust, corporation, partnership, association, business trust, or business entity created pursuant to or existing under the laws of the United States or any State shall be authorized to purchase, hold, and invest in securities that are—

(A) offered and sold pursuant to section 4(5) of the Securities Act of 1933,

(B) mortgage related securities (as that term is defined in section 3(a)(41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(41))), or

(C) securities issued or guaranteed by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association,

to the same extent that such person, trust, corporation, partnership, association, business trust, or business entity is authorized under any applicable law to purchase, hold or invest in obligations issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof.

(2) Where State law limits the purchase, holding, or investment in obligations issued by the United States by such a person, trust, corporation, partnership, association, business trust, or business entity, such securities that are—

(A) offered and sold pursuant to section 4(5) of the Securities Act of 1933,

(B) mortgage related securities (as that term is defined in section 3(a)(41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(41))), or

(C) securities issued or guaranteed by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association,

shall be considered to be obligations issued by the United States for purposes of the limitation.

(b) The provisions of subsection (a) shall not apply with respect to a particular person, trust, corporation, partnership, association, business trust, or business entity or class thereof in any State that, prior to the expiration of seven years after the date of the enactment of this Act, enacts a statute that specifically refers to this section and either prohibits or provides for a more limited authority to purchase, hold, or invest in such securities by any person, trust, corporation, partnership, association, business trust, or business entity or class thereof than is provided in subsection (a). The enactment by any State of any statute of the type described in the preceding sentence shall not affect the validity of any contractual commitment to purchase, hold, or invest that was made prior thereto and shall not require the sale or other disposition of any securities acquired prior thereto.

(c) Any securities that are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or that are mortgage related securities (as that term is defined in section 3(a)(41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(41))) shall be exempt from any law of any State with respect to or requiring registration or qualification of securities or real estate to the same extent as any obligation issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Any State may, prior to the expiration of seven years after the date of the enactment of this Act, enact a statute that specifically refers to this section and requires registration or qualification of any such security on terms that differ from those applicable to any obligation issued by the United States.

TITLE II—SECONDARY MORTGAGE MARKET PROGRAMS

LIMITATIONS ON PARTICIPATION AGREEMENTS

SEC. 201. (a) The sixth sentence of section 302(b)(2) of the Federal National Mortgage Association Charter Act is amended to read as follows: "The corporation shall establish limitations governing the maximum original principal obligation of conventional mortgages that are purchased by it; in any case in which the corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total original principal obligation of the mortgage and not merely with respect to the interest purchased by the corporation.".

(b) The fifth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended to read as follows: "The Corporation shall establish limitations governing the maximum original principal obligation of conventional mortgages that are purchased by it; in any case in which the Corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total original principal obligation of the mortgage and not merely with respect to the interest purchased by the Corporation.".

AUTHORITY OF FEDERAL HOME LOAN MORTGAGE CORPORATION TO PURCHASE LOANS ON MANUFACTURED HOMES

SEC. 202. (a) Section 302(d) of the Federal Home Loan Mortgage Corporation Act is amended by inserting after "located" the following: "or a manufactured home that is personal property under the laws of the State in which the manufactured home is located".

(b) Section 302(h) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new sentence: "The term 'residential mortgage' also includes a loan or advance of credit secured by a mortgage or other lien on a manufactured home that is the principal residence of the borrower, without regard to whether the security property is real, personal, or mixed.".

(c) Section 302 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new subsection:

"(l) The term 'mortgage insurance program' includes, in the case of a residential mortgage secured by a manufactured home, any manufactured home lending program under title I of the National Housing Act.".

PURCHASE OF SECOND MORTGAGES

SEC. 203. (a) Section 302(b) of the Federal National Mortgage Association Charter Act is amended by adding at the end thereof the following new paragraph:

"(5)(A) The corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in (i) until October 1, 1987, conventional mortgages that are secured by a subordinate lien against a one- to four-family residence that is the principal residence of the mortgagor; and (ii) until October 1, 1985, conventional mortgages that are secured by a subordinate lien against a property comprising five or more family dwelling units. If the corporation, pursuant to paragraphs (1) through (4), shall have purchased, serviced, sold, or otherwise dealt with any other outstanding mortgage secured by the same residence, the aggregate original amount of such other mortgage and the mortgage authorized to be purchased, serviced, sold, or otherwise dealt with under this paragraph shall not exceed the applicable limitation determined under paragraph (2).

"(B) The corporation shall establish limitations governing the maximum original principal obligation of conventional mortgages described in subparagraph (A). In any case in which the corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total original principal obligation of such mortgage described in subparagraph (A) and not merely with respect to the interest purchased by the corporation. Such limitations shall not exceed (i) with respect to mortgages described in subparagraph (A)(i), 50 per centum of the single-family residence mortgage limitation determined under paragraph (2); and (ii) with respect to mortgages described in subparagraph (A)(ii), the applicable limitation determined under paragraph (2).

"(C) No subordinate mortgage against a one- to four-family residence shall be purchased by the corporation if the total outstanding indebtedness secured by the property as a result of such mortgage exceeds 80 per centum of the value of such property

unless (i) that portion of such total outstanding indebtedness that exceeds such 80 per centum is guaranteed or insured by a qualified insurer as determined by the corporation; (ii) the seller retains a participation of not less than 10 per centum in the mortgage; or (iii) for such period and under such circumstances as the corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the corporation in the event that the mortgage is in default. The corporation shall not issue a commitment to purchase a subordinate mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (ii) of such sentence.".

(b)(1) Section 302(h) of the Federal Home Loan Mortgage Corporation Act is amended—

(A) in the first sentence, by striking out "first"; and

(B) by striking out "The maximum principal obligation" and all that follows through "associations." and inserting in lieu thereof the following: "Such term shall also include other secured loans that are secured by a subordinate lien against a property as to which the Corporation may purchase a residential mortgage as defined under the first sentence of this subsection.".

(2) Section 305(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(4)(A) The Corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in (i) until October 1, 1987, residential mortgages that are secured by a subordinate lien against a one- to four-family residence that is the principal residence of the mortgagor; and (ii) until October 1, 1985, residential mortgages that are secured by a subordinate lien against a property comprising five or more family dwelling units. If the Corporation shall have purchased, serviced, sold, or otherwise dealt with any other outstanding mortgage secured by the same residence, the aggregate original amount of such other mortgage and the mortgage authorized to be purchased, serviced, sold, or otherwise dealt with under this paragraph shall not exceed the applicable limitation determined under paragraph (2).

"(B) The Corporation shall establish limitations governing the maximum original principal obligation of such mortgages. In any case in which the Corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total original principal obligation of such mortgage secured by a subordinate lien and not merely with respect to the interest purchased by the Corporation. Such limitations shall not exceed (i) with respect to mortgages described in subparagraph (A)(i), 50 per centum of the single-family residence mortgage limitation determined under paragraph (2); and (ii) with respect to mortgages described in subparagraph (A)(ii), the applicable limitation determined under paragraph (2).

"(C) No subordinate mortgage against a one- to four-family residence shall be purchased by the Corporation if the total outstanding indebtedness secured by the property as a result of such mortgage exceeds 80 per centum of the value of such property unless (i) that portion of such total outstanding indebtedness that exceeds such 80 per centum is guaranteed or insured by a qualified insurer as determined by the Corporation; (ii) the seller retains a participation of not less than 10 per centum in the mortgage; or (iii) for such period and under such circumstances as the Corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the Corporation in the event that the mortgage is in default. The Corporation shall not issue a commitment to purchase a subordinate mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (iii) of such sentence.".

AUTHORITY OF FEDERAL HOME LOAN MORTGAGE CORPORATION TO PURCHASE STATE AGENCY INSURED MORTGAGE LOANS

SEC. 204. Section 302(i) of the Federal Home Loan Mortgage Corporation Act is amended by striking out "a State or any agency or instrumentality of either" and inserting in lieu thereof "any of its agencies or instrumentalities".

MULTIFAMILY MORTGAGE LOAN-TO-VALUE RATIO

SEC. 205. (a) The second sentence of section 302(b)(2) of the Federal National Mortgage Association Charter Act is amended by inserting after "mortgage" the first place it appears the following: "secured by a property comprising one- to four-family dwelling units".

(b) The first sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by inserting after "mortgages" the first place it appears the following: "secured by a property comprising one- to four-family dwelling units".

LIMITATIONS ON PURCHASE OF CONVENTIONAL MORTGAGES ON MULTIFAMILY PROPERTIES

SEC. 206. (a) Section 302(b)(2) of the Federal National Mortgage Association Charter Act is amended by striking out the penultimate sentence and inserting in lieu thereof the following: "With respect to mortgages secured by property comprising five or more family dwelling units, such limitations shall not exceed 125 per centum of the dollar amounts set forth in section 207(c)(3) of this Act, except that such limitations may be increased by the corporation (taking into account construction costs) to not to exceed 240 per centum of such dollar amounts in any geographical area for which the Secretary of Housing and Urban Development determines under such section that cost levels require any increase in the dollar amount limitations under such section.".

(b) Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by striking out the penultimate sentence and inserting in lieu thereof the following: "With respect to mortgages secured by property comprising five or more family dwelling units, such limitations shall not exceed 125 per centum of the dollar amounts set forth in section 207(c)(3) of the National Housing Act, except that such limitations may be increased by the Corporation (taking into account construction costs) to not to exceed 240 per centum of such dollar amounts in any geographical area for which the Secretary of Housing and Urban Development determines under such section that cost levels require any increase in the dollar amount limitations under such section.".

BOARD OF DIRECTORS OF FEDERAL NATIONAL MORTGAGE ASSOCIATION

SEC. 207. The first sentence of section 308(b) of the Federal National Mortgage Association Charter Act is amended to read as follows: "The Federal National Mortgage Association shall have a board of directors, which shall consist of eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom shall be elected annually by the common stockholders.".

ANNUAL REPORT OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT ON ACTIVITIES OF FEDERAL NATIONAL MORTGAGE ASSOCIATION

SEC. 208. Section 309(h) of the Federal National Mortgage Association Charter Act is amended by striking out the last two sentences and inserting in lieu thereof the following: "Pursuant to the authority provided in this subsection, the Secretary shall, not later than June 30 of each year, report to the Congress on the activities of the corporation under this title.".

PERIOD FOR APPROVAL OF ACTIONS OF FEDERAL NATIONAL MORTGAGE ASSOCIATION

SEC. 209. Section 309 of the Federal National Mortgage Association Charter Act is amended by adding at the end thereof the following new subsection:

"(i) If the Federal National Mortgage Association submits to the Secretary of Housing and Urban Development, after the date of the enactment of the Secondary Mortgage Market Enhancement Act of 1984, a request for approval or other action under this title, the Secretary shall, not later than the expiration of the forty-five-day period following the submission of such request, approve such request or transmit to the Congress a report explaining why such request has not been approved. Such period may be extended for an additional fifteen-day period if the Secretary requests additional information from the corporation. If the Secretary fails to transmit such report to the Congress within such forty-five-day period or sixty-day period, as the case may be, the corporation may proceed as if such request had been approved.".

FEDERAL HOME LOAN MORTGAGE CORPORATION GUARANTEE OF MORTGAGE-BACKED SECURITIES ISSUED BY OTHERS

SEC. 210. Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new subsection:

"(h) The Corporation may not guarantee mortgage-backed securities or mortgage related payment securities backed by mortgages not purchased by the Corporation.".

PREFERRED STOCK OF FEDERAL HOME LOAN MORTGAGE CORPORATION

SEC. 211. Section 306(f) of the Federal Home Loan Mortgage Corporation Act is amended—

(1) by inserting before the period at the end of the last sentence the following: ", and shall not be entitled to vote with respect to the election of any member of the Board of Directors"; and

(2) by adding at the end thereof the following new sentence: "Such preferred stock, or any class thereof, may have such terms as would be required for listing of preferred stock on the New York Stock Exchange, except that this sentence does not apply to any preferred stock, or class thereof, the initial sale of which is made directly or indirectly by the Corporation exclusively to any Federal Home Loan Bank or Banks.".

STUDY OF PREPAYMENT PENALTIES AND THE SECONDARY MORTGAGE MARKET

SEC. 212. Not later than one hundred and eighty days after the date of the enactment of this Act, the Secretary of Housing and Urban Development, following consultation with the Board of Directors of the Federal National Mortgage Association, the Board of Directors of the Federal Home Loan Mortgage Corporation, the President of the Gov-

ernment National Mortgage Association, the Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board, the Comptroller of the Currency, and the National Credit Union Administration Board, shall submit to the Congress a report regarding mortgage prepayment penalties and their impact on secondary mortgage market activities. Such report shall include—

(1) a review of State laws and regulations regarding prepayment penalties;

(2) an evaluation of the impact of prepayment penalties on the ability to attract investors to the secondary mortgage market;

(3) an analysis of existing authority for lenders to offer mortgage instruments containing prepayment penalties; and

(4) a proposal for federally standardized mortgage instruments that would contain prepayment penalties in combination with features that would be attractive to prospective purchasers of homes, including below-market interest rates and prohibitions on nonrisk related settlement charges normally incurred by homeowners upon refinancing.

AUTHORITY OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT REGARDING FEDERAL NATIONAL MORTGAGE ASSOCIATION OBLIGATIONS

SEC. 213. (a) The second sentence of section 309(h) of the Federal National Mortgage Association Charter Act is amended by inserting "before October 1, 1985," after "corporation".

(b) The last sentence of section 311 of the Federal National Mortgage Association Charter Act is amended by inserting after "issuances" the following: "by the Association and all issuances of stock, and debt obligations convertible into stock, by the corporation".

Amend the title so as to read: "An Act to amend the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and for other purposes.".

Mr. TOWER. Mr. President, I am pleased to report to my colleagues in the Senate that on September 11, 1983, the House of Representatives passed S. 2040, the Secondary Mortgage Market Enhancement Act, and sent it to the Senate with amendments. This legislation, after careful consideration, had been passed by the Senate in February of this year.

I would like to take a moment to review the Senate legislative history of this important bill. The Housing and Urban Affairs Subcommittee held a series of hearings on this legislation beginning on March 8, 1983, when the subcommittee held oversight hearings regarding the secondary mortgage market. On May 5, 1983, hearings were held on proposed changes in the charter of the Federal National Mortgage Association [Fannie Mae] and the Federal Home Loan Mortgage Corporation [Freddie Mac]. On August 4, 1983, Senator GARN, the distinguished chairman of the Banking Committee, and I introduced the Secondary Mortgage Enhancement Act, which was cosponsored by Senator RIEGLE, the distinguished ranking minority member of the Banking Committee, and Senator PROXMIRE, the distinguished ranking minority member of the Housing and Urban Affairs Subcommittee. The bill was reported out of the Banking Committee on October 6, 1983. It is a pleasure today, Mr. President, for me to stand before my colleagues and state that the House has acted favorably by voice vote and passed S. 2040, the Secondary Mortgage Market Enhancement Act.

This bill, Mr. President, as amended, provides strong benefits to the private sector as it attempts to meet the growing mortgage demands of our Nation. If I might, Mr. President, I would like to discuss briefly the major differences between the Senate version of S. 2040 and the House version as passed on September 11.

The securities title of the bill, title I, was referred to the House Energy and Commerce Committee, Subcommittee on Finance. It was the view of Mr. WIRTH, the distinguished chairman of the subcommittee, that the exemption for large transactions in privately issued mortgage-backed securities should be dropped. The House has also amended S. 2040 to limit the issuance of private mortgage backed securities to those falling within the top two rating categories as ranked by a nationally recognized investment rating service such as, Moody's or Standard & Poor's. The original Senate bill had defined an investment grade security as being in the top four rating categories. The key elements of title I all have been retained: Relaxation of margin and net capital requirements, enhanced authority for investment by financial institutions, and preexemption of outmoded legal investment laws.

In title II of the legislation, which had been referred to the House Banking Committee, the primary distinction between the two versions regards the purchase by the quasi-government agencies of second mortgages, section 203. The Senate bill would require that the second lien be on the principal residence of the mortgager, and that the proceeds by used to purchase or refinance the remaining balance of the loan used to purchase the residence, that the commitment to purchase the loan be issued by October 1, 1985, and, finally, that Fannie Mae and Freddie Mac establish limits on the maximum principal obligation of second mortgages, not exceeding $50,000 for a single family residence or $60,000 for a 2-4 family residence. The House has amended S. 2040 to move the commitment date to purchase the selling or servicing of second mortgages until October 1, 1987, and to limit the size of such second mortgages to 50 percent of the single family residence mortgage limitation. Also, in this regard, the House version allows conventional mortgages secured by a second lien against a multifamily housing unit to be purchased by the two agencies until October 1, 1985. It is expected by both House and Senate Banking Committees that both Fannie Mae and Freddie Mac will report fully on the status and need for such programs before that time.

There are two other provisions which the House added to the Senate bill that I should discuss. First, the House bill requires a report due not later than 180 days after enactment of S. 2040, regarding mortgage prepayment penalties and their impact on secondary mortgage market activities.

The second item is section 213 of the bill, which removes the authority of the Secretary of HUD to approve obligations of the Federal National Mortgage Association. It is the Senate's position that it is extremely important that the quasi-government agencies, as long as they are affiliated with the Federal Government, should have oversight of their operations not only from the appropriate committees of Congress, but also from the appropriate departments of the Federal Government. In the case of Fannie Mae, this oversight responsibility is carried out by the House and Senate Banking Committees, by the Department of Treasury and the Department of Housing and Urban Development. Issues surrounding the approval of the issuance of Fannie Mae stock and convertible debentures, obligations, and other instruments have raised the questions about the appropriate oversight authorities of each department. Currently, Fannie Mae may not issue stock and securities and other instruments without HUD approval. The Treasury Department traditionally has performed the role of being a traffic cop in terms of approving when Fannie Mae should be in the marketplace with its obligations—as they relate to all other issues of U.S. Treasury securities. Also, the Department of Treasury has been involved with approving Fannie Mae financings when they have impacted some aspect of the tax code. S. 2040 as enacted will delete one reference to HUD approval for Fannie Mae after October 1, 1985. It is my hope, Mr. President, that between enactment of this legislation and October 1, 1985, both the House and Senate Banking Committees will be adequately advised by the administration, Fannie Mae, and GAO as to which department reviews which type of issuance and for what purpose, so that the Congress can determine what the appropriate oversight role is for HUD and the Treasury Department.

In conjunction with the need to correctly identify the role of the oversight agencies, Senator GARN and I requested that the General Accounting Office complete a detailed study of Fannie Mae: operationally, financially, and competitively. It is our hope that some of these questions will be an-

swered in great detail upon the presentation of the General Accounting Office's report at the end of this year. Further, HUD is conducting its own report pursuant to section 208 of this bill. It is interesting to note that this provision replaces an existing requirement enacted in 1977 that the Housing and Urban Development Secretary deliver a one-time report to Congress on the operation of Fannie Mae and the extent to which the activities of Fannie Mae meet the purposes of the Charter Act. That report, due to be transmitted to Congress by June 30, 1978, was never completed. In view of the high degree of widespread concern over the financial stability of Fannie Mae which existed during a period of extraordinarily high interest rates in 1981 and early 1982, the committee renewed its request to the Secretary to complete and deliver to Congress a review of the financial operations of Fannie Mae. Section 208 of this bill requires the Secretary to send, not later than June of each year, an annual report to Congress on the activities of Fannie Mae.

Mr. President, I consider these two reports extremely critical to any future legislation and oversight of Fannie Mae and Freddie Mac. I hope that Congress will study them carefully, as the secondary mortgage market is becoming, in my view, Mr. President, the primary source of mortgage capital in this country. It is appropriate to note here, Mr. President, that the House Energy and Commerce Committee requested the Federal Reserve Board and the SEC to study over 2 years the competitive impact of mortgage-related securities on the availability of long-term corporate credit and report their findings to Congress.

By passing and enacting the Secondary Mortgage Market Enhancement Act, we have made it possible for thousands of additional individuals and families in this country to own homes. In my view, this legislation is important because it encourages the private sector to provide mortgage capital throughout complex capital market system and encourages less reliance on Federal Government support for housing. Although for the short term it will take both the Government sector and the private sector to adequately house America, I am convinced, based on my study over the last 2 years, that the private sector can and will assume a predominant role in the mortgage capital markets in this country. I thank my distinguished colleagues, Senator GARN, Senator PROXMIRE, and Senator RIEGLE for their hard work and devoted effort to the passage and enactment of this legislation. On the House side, thanks should go to the distinguished chairman and subcommittee chairmen of the appropriate committees: Chairman ST GERMAIN, Congressman WYLIE of the Banking Committee, Chairman GONZALEZ and Congressman MCKINNEY of the Housing Subcommittee, Chairman DINGEL and Congressman BROYHILL of the Energy and Commerce Committee, and Chairman WIRTH and Congressman RINALDO of the Subcommittee on Finance. These gentlemen of the House have done an excellent job in improving this legislation and they are to be commended for their hard work and efforts in effecting its passage in the House.

Mr. GARN. Mr. President, I am pleased to rise in support of S. 2040, the Secondary Mortgage Market Enhancement Act and to congratulate my colleague, the distinguished Senator from Texas and chairman of the Housing Subcommittee for his efforts in achieving the passage and enactment of S. 2040. This is a good bill which makes good sense. Mr. President, I wanted to rise not only in support of this bill and to congratulate my colleague, but also to reemphasize my strong support of this legislation and its intent to improve the capabilities of the private sector to provide secondary mortgage market finance in this country. I will be most interested in the General Accounting Office report and the report by the Secretary of Housing and Urban Development on the operating conditions of Fannie Mae. These will be very important documents to the 99th Congress as the Senate Banking Committee continues to review and improve the secondary mortgage market.

I might add, Mr. President, that this legislation dovetails nicely with the Senate's final passage 2 weeks ago of the omnibus banking legislation, S. 2851, the Financial Services Competitive Equity Act. That legislation, if enacted, will give authority to commercial banks and savings and loan associations to underwrite and deal in private mortgage-backed securities. Such a provision was originally included in the Senate bill, S. 2040, as introduced. It was removed before committee action on S. 2040 in order that it could become part of the recently passed comprehensive bill, S. 2851. Let me further point out that none of these actions in any way prevent depository institutions from continuing to exercise any and all authority they currently have in the mortgage-related securities area.

The combination of S. 2040, the Secondary Mortgage Enhancement Act, and the successful consideration and passage of these provisions in the omnibus banking legislation will provide untold benefits to housing and mortgage capital in this country.

I again congratulate Senator TOWER, Senator PROXMIRE, and Senator RIEGLE for their efforts on this legislation, and I am pleased to recommend heartily that it be passed unanimously by the Senate at this time.

Mr. RIEGLE. Mr. President, I am pleased to join my distinguished colleagues, Senators GARN, TOWER, and PROXMIRE in support of the Secondary Mortgage Market Enhancement Act of 1984.

This bill would help ensure an adequate supply of funds for home mortgages during a period of profound change in the country's housing finance industry.

The bill now includes modest but available refinements to legislation that already passed the Senate last February.

Mr. President, I believe that enactment of this bill would further three important objectives.

First, the bill would make it easier for private firms to enter the secondary mortgage market as issuers of mortgage backed securities. It would therefore help to open additional channels for funds to flow into home mortgage lending from nontraditional sources, such as pension funds, insurance companies and other institutional investors. The efforts of private companies to expand their activities in the secondary mortgage market is a promising sign. Congress should encourage those efforts so that American homebuyers will have sufficient mortgage credit over the next decade. It has been made clear, both through testimony in Banking Committee hearings and through recent experience in the market place, that creation of a strong private secondary mortgage market will take time and involves substantial risks. This bill would provide positive support by clearing unnecessary statutory barriers that have hindered the issuance of private mortgage-backed securities.

Second, the bill would strengthen the ability of Fannie Mae and Freddie Mac to provide funds for home mortgages and respond to changes in the financial markets. This bill recognizes that these two organizations must continue to provide vigorous support to the Nation's housing finance system, and it firmly rejects proposals from some members of the administration who have tried to shackle Fannie Mae and Freddie Mac as part of a broader effort to drastically curtail Federal support for housing finance. The bill would make several changes in the authorities of Fannie Mae and Freddie Mac to help make housing credit more affordable to middle income American families, including new authority to purchase second mortgages on single family and multifamily housing.

Third, the bill includes important safeguards to protect the interests of individual investors. Limited exemptions from Federal and State securities laws are provided in a way that would not expose investors to undue risks. States would be given 7 years to override these exemptions if they believe

such action is justified by local circumstances.

Mr. President, I believe that this bill is prudent, much needed legislation. I urge my colleagues to enact it promptly.

Mr. PROXMIRE. Mr. President, I rise in support of S. 2040, the Secondary Mortgage Market Enhancement Act. AS one of the original sponsors of this legislation, I support it because it will help homebuyers and homebuilders throughout the United States by increasing the available supply of mortgage credit.

This bill encourages private business to issue mortgage-backed securities, and it makes it easier for institutional investors to purchase such securities. By broadening the market for securities which are backed by mortgages, it will help increase the flow of capital from investors to housing lenders. The ultimate beneficiaries of this expanded flow of mortgage credit are the Nation's homebuyers.

This bill provides necessary safeguards for individual investors. To encourage greater trading in privately-issued mortgage-backed securities, the bill exempts certain issues from Federal and State securities laws. But, these exemptions have been carefully limited in order to protect individual investores from unnecessary risk.

This bill supports the continued activities of Fannie Mae and Freddie Mac, the secondary mortgage market institutions which, today, do most of the trading in mortgages and the channeling of investment capital into mortgage markets. While the legislation is designed to enhance the ability of the private sector to compete in the secondary mortgage market, it preserves the important roles that Fannie Mae and Freddie Mac play in housing lower and middle income Americans.

Mr. President, our Nation's secondary mortgage markets are dominated today by agencies which are part of Government or are Government-related. Housing experts tell us that secondary markets will have to expand if we are to satisfy the demand for housing credit in the decade ahead. The private sector has testified that, if given half a chance, it can help direct more of the needed capital into housing. Both the House and the Senate are convinced that greater private sector involvement will help, and both have passed S. 2040, the Secondary Mortgage Market Enhancement Act, to get the private sector more involved in housing finance.

I urge my colleagues to approve S. 2040 today.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

BILL HELD AT DESK—H.R. 960

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House H.R. 960, a bill to confer citizenship posthumously on Cpl. Wladyslaw Staniszewski, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF FAMILY LIFE DEMONSTRATION PROGRAM

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2616.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2616) entitled "An Act to extend the Adolescent Family Life Demonstration program", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SEC. 2. Section 1001(c) (42 U.S.C. 300) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and the following: "$158,400,000 for the fiscal year ending September 30, 1985; $167,300,000 for the fiscal year ending September 30, 1986; and $176,700,000 for the fiscal year ending September 30, 1987".

SEC. 3. Section 1003(b) (42 U.S.C. 300a(1)(B)) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and the following: "$3,500,000 for the fiscal year ending September 30, 1985; $3,700,000 for the fiscal year ending September 30, 1986; and $3,900,000 for the fiscal year ending September 30, 1987".

SEC. 4. Section 1005(b) (42 U.S.C. 300a-3(b)) is amended to read as follows:

"(b) To carry out subsection (a), there are authorized to be appropriated $700,000 for the fiscal year ending September 30, 1985; $739,000 for the fiscal year ending September 30, 1986; and $780,000 for the fiscal year ending September 30, 1987.".

SEC. 5. Section 2010(a) (42 U.S.C. 300z-9(a)) is amended by striking out "and" after "1983" and by inserting before the period a comma and the following: "$30,000,000 for the fiscal year ending September 30, 1985, $31,700,000 for the fiscal year ending September 30, 1986, and $33,500,000 for the fiscal year ending September 30, 1987".

SEC. 6. (a) Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$98,500,000 for the fiscal year ending September 30, 1985, $98,500,000 for the fiscal year ending September 30, 1986, and $98,500,000 for the fiscal year ending September 30, 1987".

(b) Section 1901(b) of such Act is amended by striking out "$3,000,000" and inserting in lieu thereof "$3,500,000".

(c) Section 1905(c)(4) of such Act (42 U.S.C. 300w-4(c)(4)) is amended to read as follows:

"(4) agrees to make grants for preventive health service programs for hypertension in amounts equal to 65 percent of the total amount provided by the Secretary in fiscal year 1981 to the State and entities in the State under section 317 for such programs;".

SEC. 7. (a) Section 1905(c) of such Act is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by inserting after paragraph (8) the following:

"(9) will, not later than October 1, 1984, as prescribed by the Secretary by regulation collect data, using a uniform system prescribed in such regulation, on preventive health and preventive health services programs in the State assisted by funds from allotments under this part, including a summary of the services which were provided, the providers of such services, and the individuals who received such services.".

(b) The last sentence of section 1905(c) of such Act is amended by inserting before the period the following: "(other than the requirements of paragraph (9))".

(c) Section 1906(a)(2) of such Act (42 U.S.C. 300w-5(a)(2)) is amended by striking out "burdensome" and inserting in lieu thereof "unnecessarily burdensome".

Amend the title so as to read: "An Act to revise and extend the programs of assistance under titles X and XX of the Public Health Service Act.".

Mr. HATCH. Mr. President, today, as chairman of the Senate Labor and Human Resources Committee, I am asking that the following conferees be appointed to S. 2616, the Adolescent Family Life Act: Senators HATCH, DENTON, NICKLES, KENNEDY, and DODD. On August 10, 1984, the House of Representatives substituted the text of H.R. 5600, which contains a reauthorization of the Adolescent Family Life Act, title X reauthorization—family planning—and the prevention block grant, and appointed conferees.

I strongly support the goals of the Adolescent Family Life Act and its reauthorization. There still exists extensive national concern over the numbers of teenage pregnancies. As I have repeatedly stated, while the Federal Government continues to spend millions of dollars providing contraceptives to teens without their parents' knowledge or consent, the problems related to adolescent sexual activity continue to worsen.

In 1981, I was pleased to join a bipartisan effort to develop an alternative program to the existing ineffective Federal policies for preventing teenage pregnancy. The result was the Adolescent Family Life Act, with goals directed toward providing services to pregnant teens to help them avoid abortion and to help them deal with other serious problems confronting them. In addition to providing coordinating services to adolescents, the law promotes increased parental involvement, encourages adoption as an alternative for unmarried adolescents who do not want to keep their babies, and provides for expanded research into the issues of adolescent pregnancy and the problems which both precede and follow in its wake.

Our distinguished colleague, Senator DENTON, deserves principal credit for authorizing what many of us believe is the only solution in sight to a serious national problem. Senator DENTON, and I, and the other Senators who have consponsored this program in the Labor and Human Resources Committee believe that this new approach will help solve the problems associated with teenage pregnancy.

As you know, Mr. President, the Senate Labor and Human Resources Committee has not completed final action on the reauthorization of title X family planning programs. Senator DENTON, as chairman of the Family and Human Services Subcommittee, has held two hearings on the reauthorization of family planning. Witnesses testified both on the importance of the program and on the need for necessary program changes to further the primary goal of providing appropriate family planning services to low-income women.

As always, I am willing, and in fact desire, to go to a legislative conference for as long as it takes if we can come to a firm resolution, and if we gain yardage for good public policy. Consistent with this, I will address at the conference on this bill the need for parental involvement in the delivery of family planning services to unmarried minors. I will also address the need for more specificity in abortion restrictions and also address the need for adoption and infertility services to be provided under title X. Certainly there are other critical issues concerning Federal family planning programs, all of which we should address consistent with the values of the citizens and families within the communities in which they serve.

I anticipate significant progress in the reauthorization of these three important Federal programs. Indeed, my desire is that all conferees at the negotiating table will share with me their willingness to exchange ideas on how best to improve these programs, doing so in the spirit of reaffirming the vitality of the American family and the sanctity of life.

Mr. STEVENS. Mr. President, I move that the Senate disagree to the House amendments and agree to the conference requested by the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. HATCH, Mr. DENTON, Mr. NICKLES, Mr. KENNEDY, and Mr. DODD conferees on the part of the Senate.

BILL HELD AT DESK—H.R. 3697

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 3697, Fire Island National Seashore Amendments Act of 1983, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE DISCHARGED—H.R. 5540

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of H.R. 5540, Coos, Lower Umpqua, and Siuslaw Restoration Act, and it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR KASSEBAUM

Mr. STEVENS. Mr. President, I now ask the Chair to announce that we will resume the previously agreed to order of proceedings and that the Senator from Kansas be recognized.

Mr. BYRD. What was the request?

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas is recognized for not to exceed 15 minutes.

CENTRAL AMERICA

Mrs. KASSEBAUM. Mr. President, I want to take a moment to discuss current conditions in Central America. I, together with many of my colleagues, have shared concern and compassion regarding the developments in Central America over the last 4 to 6 years.

Some of the recent developments in Central America are positive and will, I believe, work to the benefit of the region and our interests there. I am particularly pleased with the efforts of President Duarte in El Salvador.

Since his election earlier this year, President Duarte has demonstrated a clear concern for human rights, and he has taken steps to improve the operation of the Salvadoran military and reduce civilian casualties. Among other small signs of hope is the recently initiated practice of evacuating badly wounded Salvadoran insurgents. This humanitarian gesture, arranged by the Catholic Church, deserves more attention than the world has given it.

Of course, much remains to be done in El Salvador before its insurgency, and the internal problems that feed it, can be fully controlled. But, El Salvador has begun the process of building democratic government and of seeking peace for its people.

Guatemala also held elections on July 1 as a first step toward democracy, and I was heartened by what appeared to nearly all observers to be free and open balloting there.

It is less clear to me what may be happening in Nicaragua at this time. Secretary of State Shultz has begun direct conversations with the Sandinista government, and this certainly deserves support and encouragement from all Americans. The Sandinista government also has indicated in the past few days that it will sign an interim peace agreement drafted by the Contadora nations.

However, these seemingly positive developments have been accompanied by other statements from Managua that raise concerns for me, and probably for many others in this Chamber. I am speaking specifically about statements by Sandinista leaders on their plans to obtain high-performance Mig jet fighters from the Soviet Union or other sources. This is not the first time the Nicaraguan leaders have indicated such plans and, in fact, they recently attempted to obtain L-39 jets from Libya—an attempt that fortunately was unsuccessful.

I will be blunt. The introduction of combat-capable jet aircraft into Nicaragua would be an unwarranted and unwise escalation of tensions in Central America. Such aircraft would, as the Sandinistas claim, provide an increased defensive capability. However, such aircraft also would provide Nicaragua with an increased offensive capability that alarms its neighbors and raises grave concerns here in the United States.

Our Government has made clear that the acquisition of these airplanes will not be tolerated and this policy is backed by broad, bipartisan support in Congress.

As one who strongly supports the Contadora peace efforts, including a halt on the escalating arms race in the region, I would urge the Sandinistas to weigh this matter carefully. I would urge them to exercise restraint, just as I have urged my own Government to show restraint in our involvement in Central America.

With Secretary Shultz still engaged in the search for peaceful solutions for the region, the introduction of jet aircraft into Nicaragua is the wrong signal from Managua. It also is the wrong response to the long and difficult Contadora effort.

I hope Sandinistas will reflect on this and that they will clearly understand the deep concern that exists in the United States. The American people will not stand for the introduction of combat-capable jet aircraft into Nicaragua.

There is a better way to resolve the problems of the region. I hope that the Sandinista government will take advantage of the openings which they have been given before they are closed.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

WHAT CAN AMERICA DO TO STOP NUCLEAR PROLIFERATION?

Mr. PROXMIRE. Mr. President, U.S. military intelligence experts flatly predict that within less than 20 years more than 30 nations will have nuclear arsenals. If that happens we can forget about a full life for most of our children and grandchildren. Nuclear war with all its terrible potentiality would become only a matter of time and the time could be measured in a very few years. Of course, our military intelligence experts may be wrong. It would not be the first time. Twenty years ago many experts freely predicted that nuclear weapons would spread rapidly. They said that by the middle 1980's—that is, by today—dozens of countries would have nuclear arsenals. But what happened? Between the middle sixties and today the number of nations joining the nuclear club barely increased at all. In fact, no nation that did not have nuclear arms 20 years ago will admit that it has a significant nuclear arsenal today. Israel and India probably have nuclear arms capability and two or three others may be on their way. But the world has been lucky and the experts have been wrong. Nuclear proliferation somehow stalled.

So why will not the expert error and the luck continue for another 20 years? Let us consider what forces are likely to determine whether or not nuclear weapons spread. And let us consider what we can do to prevent the fatal breakout. Why might nuclear arms begin to spread? First, nonnuclear countries may decide that the success of the nuclear armed countries, other than the two superpowers—especially France—shows that development of a nuclear arsenal offers the cheapest and easiest way to the international respect that only genuine military power can command. France offers a tempting example of what a nuclear arsenal can do for a country. It is no accident that Mitterand was the one world leader who recently visited Moscow, and directly face to face with Chernenko denounced the Soviet human rights atrocities—especially its treatment of Sakharov—and got away with it. Mitterand spoke with the authority of a head of state that has an independent nuclear arsenal, dwarfed by the Soviet Union, but capable of inflicting devastating ruin on Russia itself, if the Soviets attacked. So France offers an example of how nuclear power—even relatively modest nuclear power—conveys extraordinary respect for the leader with his finger on the button. Second, nuclear military power per unit comes much cheaper than conventional military power.

For the superpowers nuclear power constitutes more than 90 percent of their total destructive power. But the cost of the nuclear arsenal is only about 15 percent of the cost of the conventional arsenal. Of course, a nation must have more than a "Toonerville trolley" economy to build and sustain a nuclear force. But at least 70 nations have that economic capability now. Furthermore, the technology becomes constantly cheaper. Every year more and more nations qualify economically for the nuclear club. Third, to build a nuclear arsenal, the nation's leaders have to have the political leeway to move the nation down Nuclear Bomb Lane. Economically and scientifically powerful democracies like West Germany and Japan that must govern with the consent of a people that have suffered from misguided military leadership in the past are less likely to join the nuclear club than comparatively backward nations like Iran and Libya that are governed by dictators. Finally, the less a nation feels sheltered by an alliance and the more it feels threatened by its neighbors, the more likely it is to seek safety by building a nuclear arsenal.

Most attempts to slow or stop nuclear proliferation have begun and ended with international agreements like the Nuclear Non-Proliferation Treaty. The treaty and similar cooperative international actions to slow or stop the spread of nuclear weapons technology, equipment, and materials are absolutely critical. We should strongly support them. But such actions are not nearly enough. Far and away the greatest contributions the superpowers could make to stopping nuclear proliferation is to end the nuclear arms race. And the quintessential action Russia and America must take is to end nuclear weapons testing totally and forthwith. Since 1974, the superpowers have generally complied with an unratified agreement to limit nuclear weapons tests to underground explosives of less than 150 kilotons. But there have been more than 1,000 explosions by the United States and the Soviet Union, and those tests have been the essential force that has permitted the superpowers to "improve" this lethal technology so that weapons can move thousands of miles at blinding speed, and strike within a few feet of the target with the force of a million tons of TNT. Either power can literally blow up the world. But that's just the beginning. The technology zips ahead. Give the scientists of either or both superpowers a few more years and they will refine weapons they can hand over to any number of nations on the cheap and give them the power to blow the world off the map. By far the most important contribution this country can make to ending nuclear proliferation is to stop the arms race and especially to stop nuclear weapons testing now.

We should not overlook the contribution the superpowers can make to stopping the spread of nuclear weapons by providing sheltering alliances like NATO that both extend the nuclear umbrella protection and move the whole alliance toward peaceful negotiations with the other side. We should view NATO, for example, primarily as an organization to promote peace through ending the arms race; reducing weapons, especially nuclear weapons, on both sides; and above all doing everything we can to stop the spread of nuclear weapons.

TESTIMONY OF THE AMERICAN BAR ASSOCIATION IN SUPPORT OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on Monday, I discussed the testimony of Supreme Court Justice William Rhenquist, the conservative justice appointed by President Nixon, who testified on the Genocide Convention in 1970 in his capacity as Assistant Attorney General for the Nixon administration. As I pointed out, he testified firmly and clearly that the Genocide Convention was constitutional, that it posed no threat to Americans' right of free speech, that this or any treaty was on an equal footing with domestic law but that treaties and domestic law must bow before the Constitution and must always be consonant with the Constitution, no matter how the treaty was interpreted.

Today, I turn to the testimony presented before the Foreign Relations Committee by three representatives of the American Bar Association during the committee's 1981 hearings on the Genocide Convention.

As you know, Mr. President, the American Bar Association had initially taken a position in opposition to the Genocide Convention in 1950 and their testimony was given great weight by the Foreign Relations Committee at that time and the committee eventually decided not to report the treaty to the Senate in 1950.

In 1976, the American Bar Association reconsidered its opposition to the Genocide Convention and its House of Delegates overwhelmingly rescinded its past position and endorsed Senate ratification of the Genocide Convention. Since that time, the Bar Association's staff has worked very hard to inform the Members of the Senate and their staffs regarding the legal questions which had been raised regarding the Genocide Convention and why the Bar Association is convinced that these arguments—including ones

that the ABA itself had raised in 1950—had not withstood the test of time.

Several of the concepts that were novel when the Genocide Convention was drafted have become accepted and customary practice and law, both domestically and internationally. Thus, the representatives of the American Bar Association were able to testify that there are now no unresolved legal questions regarding the Genocide Convention and that it deserves the overwhelming endorsement of the U.S. Senate.

For the benefit of my colleagues and their staffs, I ask unanimous consent that the testimony of the American Bar Association representatives be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. These three men—Ambassador John Norton Moore, who is now a professor at the University of Virginia Law School; Thomas Buergenthal, dean of American University Law School; and, Bruno Bitker of Milwaukee, whose recent untimely death has deprived all of us of the wisdom of the Nation's leading expert on the Genocide Convention—presented the position of the American Bar Association eloquently and completely rebutted the old 1950's arguments that continue to be raised regarding the Genocide Convention. These arguments have long since deserved a burial and this testimony provides the overdue eulogy.

I urge my colleagues to carefully review this important testimony before the Senate begins its debate.

EXHIBIT 1

PREPARED STATEMENT OF JOHN NORTON MOORE, VICE CHAIRMAN, DIVISION OF PUBLIC INTERNATIONAL LAW, SECTION OF INTERNATIONAL LAW; THOMAS BUERGENTHAL, CHAIRMAN, COMMITTEE ON INTERNATIONAL HUMAN RIGHTS, SECTION OF INTERNATIONAL LAW; AND BRUNO BITKER, MEMBER, STANDING COMMITTEE ON WORLD ORDER UNDER LAW, AMERICAN BAR ASSOCIATION

Mr. Chairman and Members of the Committee: My name is John Norton Moore, and I am honored to accept your invitation, on behalf of the American Bar Association President, to express the support of the 285,000-member ABA for immediate Senate advice and consent to ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

I appear today as the Divisional Vice-Chairman for Public International Law of the ABA's Section of International Law. I am the Walter Brown Professor of Law at the University of Virginia and direct that university's Center for Law and National Security. Accompanying me are two distinguished international law scholars and recognized experts on the Genocide Convention.

The Honorable Thomas Buergenthal is Dean of the Washington College of Law of the American University, is a Judge on the Inter-American Court of Human Rights and serves as Chairman of the International Law Section's Committee on International Human Rights.

Mr. Bruno Bitker is a lawyer in Milwaukee, Wisconsin and is a member, and past chairman, of the Association's Standing Committee on World Order Under Law. Mr. Bitker is a leader, both within and without the Association, in the 32-year effort to ratify the Genocide Convention, and testified to that effect for the ABA before this Committee in 1977.

INTEREST OF THE AMERICAN BAR ASSOCIATION

Mr. Chairman, the ABA has concerned itself with this treaty for nearly as long as the Convention has been before the Senate. Some three months after the Convention was transmitted by President Truman to the Senate on June 16, 1949, for its advice and consent, the Association's House of Delegates resolved to oppose ratification of the treaty "as submitted" by the President. For over 20 years thereafter, various Association entities continued to study the constitutional issues raised by the Convention; a resolution in support of ratification was defeated in February 1970 by a 130-126 vote of our House of Delegates.

Subsequently, various ABA groups reviewed the understandings and declaration which were the basis for this Committee's approval of the Convention by voice vote early in 1973. These three understandings and a declaration fully resolved the constitutional concerns of the ABA. Consequently, in February 1976, the Association's House of Delegates by voice vote approved a resolution favoring ratification with the understandings and declaration recommended by this Committee.

Ratification of the Genocide Convention is now one of the legislative priorities of the ABA President, and as such is one of a handful of legislative goals of the highest importance to the Association. As Mr. Bitker told this Committee in 1977. "[C]ertainly nothing is more basic to the obligation the United States assumed when it ratified the U.N. Charter, than to outlaw mass murder of a national, ethnical, racial or religious group, as such, whether committed in time of peace or war . . . [United States'] failure to ratify borders on constituting a national disgrace." We urge this Committee, the Senate and our Government to end this period of national disgrace by promptly ratifying this Convention.

As lawyers, we think the legal profession has a unique role to play in this ratification process. In a May 1977 address to the 20th anniversary meeting of the Inter-American Bar Foundation, then-ABA President William B. Spann observed that the Association's Code of Professional Responsibility "makes it quite clear that a lawyer should not regard himself simply as a functionary of the legal system, but as one who must defend and develop it." There is no more basic human right for which the legal system was established to defend, than the right of a human to live.

There are countries throughout the world whose governmental recognition of this right could be questioned. Mass slaughter of hundreds of thousands of citizens from identifiable ethnic or religious groups has repulsed the world in recent years. These events are evidence that genocide is a crime against mankind and one threatening the peace and security of the world, that it can only be prevented and punished through enforcement of recognized international law, that the United States should be the leading force in the world officially to condemn this crime. To state our opposition to genocide, but to refrain from actively seeking to prevent it, is merely to sanction its perpetuation.

In February 1976 the ABA's policy-making House of Delegates adopted the following resolution by voice vote:

Be It Resolved, That the American Bar Association favors the accession of the United States to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide with the following Understandings and Declaration which have been approved by the Senate Committee on Foreign Relations:

1. That the U.S. Government understands and construes the words "intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such" appearing in article II to mean the intent to destroy a national, ethnical, racial or religious group by the acts specified in article II in such a manner as to affect a substantial part of the group concerned.

2. That the U.S. Government understands and construes the words "mental harm" appearing in article II(b) of this Convention to mean permanent impairment of mental faculties.

3. That the U.S. Government understands and construes article VI of the Convention in accordance with the agreed language of the Report of the Legal Committee of the United Nations General Assembly that nothing in Article VI shall affect the right of any state to bring to trial before its own tribunals of any of its nationals for acts committed outside the state.

4. That the U.S. Government declares that it will not deposit its instrument of ratification until after the implementing legislation referred to in article V has been enacted.

Be It Further Resolved, That the President of the American Bar Association or his designee is hereby authorized to present the views of the Association as herein expressed before the appropriate committees of the Congress and other agencies of the Government of the United States.

The American Bar Asssociation, through adoption of this policy, agrees with the Departments of State and Justice that the Convention, along with the recommended understandings and declaration, pose no constitutional obstacles to ratification. Were this not the case, the first stated purpose of the ABA—". . . to uphold and defend the Constitution of the United States . . ."—would prohibit us from supporting ratification, much less supporting it as strongly as we do.

WHAT THE CONVENTION PROVIDES—OBLIGATIONS OF THE UNITED STATES

The Genocide Convention has established within the body of international law the international crime of mass destruction of people—of the whole or a substantial part of a national, ethnical, racial or religious group. Applicable in peacetime and during war, genocidal acts include intentional killing, causing of serious bodily or mental harm (understood by the United States to mean "permanent impairment of mental faculties"), inflicting living conditions so adverse as to intend to cause the group's destruction, imposing measures intended to prevent births within the group—thus destroying the group, and forcibly transferring children of the group to another group. Punishable acts include the actual commission of genocide, as well as conspiracy in, or

direct and public incitement of, or attempt to commit, genocide, or complicity in committing genocide.

Persons charged with any of these offenses, whether public officials or private citizens, shall be tried in the state where the offense was alleged to have occurred or before an international tribunal. No such international tribunal or competent jurisdiction exists; if one were established, the United States Congress would have to approve submitting to the new court's jurisdiction. One of the understandings approved by the Foreign Relations Committee, and endorsed by the ABA, would make clear that U.S. citizens could be tried in U.S. courts for genocidal acts committed abroad. Furthermore, while the Convention provides that contracting parties shall grant extradition requests "in accordance with their laws and treaties in force" (Article VII), the Convention itself is not an extradition treaty. Since no current extradition treaties to which the United States is a party cover the crime of genocide, the United States would not be obligated to extradite U.S. citizens to a foreign country. Any future extradition treaty which might include the crime of genocide would, of course, be subject to the advise and consent power of the Senate. Each country would establish its own penalties to be imposed for convictions of the enumerated crimes.

A contracting party to the Convention may request appropriate U.N. entities to take action to assist in preventing or suppressing genocide (Article VIII). Also, the contracting parties will submit to the International Court of Justice disputes concerning the "interpretation, application or fulfillment" of the terms of the Convention (Article IX). This provision does not fall under the Connally amendment, by which the United States determines which cases are within the domestic jurisdiction of the United States, and thus outside the court's jurisdiction. However, provisions comparable to Article IX for resolution of disputes by the International Court of Justice are included in such treaties as the Japanese Peace Treaty and the Antarctic Treaty, to which the United States is a party.

Finally, the United States has declared that it will not deposit its instrument of ratification following Senate approval until after enactment by Congress of implementing legislation. Thus, the Genocide Convention is not a self-executing treaty, but rather one requiring the usual legislative approval of both Houses of Congress and the President.

Over the lengthy period of congressional debate over the meaning and possible adverse effects of the Convention's provisions, a number of recurring questions have been raised. For the benefit of the Committee, we attach to this statement nine of the most frequently asked, questions, and our responses. To summarize the attached responses, the ABA simply finds no responsible support for various constitutional questions raised against the Convention. To suggest that the protection against mass murder of a selected people is an improper subject of international concern, and thus without this nation's treaty power, is nonsense. Similarly, other legal issues concerning, for instance, the effect of voluntary birth control, the acts of soldiers in wartime and the "incitement" language of Article III all have long been resolved in the context of U.S. domestic law or international law.

The fact that these legal issues are without merit is perhaps best substantiated by the testimony before this Committee in 1970 by then-Assistant Attorney General William H. Rehnquist:

"In 1950 some of the questions concerning Federal jurisdiction and the treaty power were considered somewhat novel. However, developments in the intervening years—the extensive use of the treaty power and the growth of Federal criminal jurisdiction—have, it seems, illuminated both these areas to the point where I believe I can safely say that the questions before the Committee and the Senate are more matters of policy than questions of legal power. Other witnesses in support of this treaty have, I believe, made this clear."

THE GENOCIDE CONVENTION SHOULD BE RATIFIED NOW

The United States should ratify the Genocide Convention immediately because such an act would be a timely expression of this nation's unalterable commitment to the rule of law in international affairs, because it would strengthen our hand in the current conduct of foreign relations with allies and adversaries alike, and because it would place us in the company of 89 other nations—where we should have been long ago—in expressing our collective national repugnance to mass acts of murder of unspeakable proportions.

As a member nation of the United Nations, and as a signatory to the Helsinki Accords, among other agreements, the United States has demonstrated its leadership in seeking to bring more order to the peaceful relations among nations. The essence of this commitment is our devotion to an ordered existence governed by universally accepted rules and procedures—the rule of law. Since our own freedoms are assured through adherence to the rule of law—a concept by no means universally accepted throughout the world—our sovereignty is that much more enhanced through our efforts to expand the primary of the rule of law in our relations with other nations. Ratification of the Genocide Convention furthers this cause.

It is clear to most observers that the Soviet Union and other nations with less regard for the type of freedoms we take for granted pose the most serious threat to our national interests. As Dean Buergenthal recently stated, the threat of the Soviet Union:

"Is not only military or subversive, it is also ideological and it must therefore be confronted on the ideological level as well. . . . A sound human rights policy provides the U.S. with an ideology that distinguishes us most clearly from the Soviet Union and seriously undercuts the ideological appeal of Communism."

However, our ideological hand is not strong in dealing with the Soviets when our criticism of their treatment of religious or ethnic groups prompts the question of why the United States has not ratified the Genocide Convention. In the terminology of legal equity, ratification of the Convention would bring us to the International negotiating table with "clean hands."

Finally, it is important to remember that this treaty is hardly a novel idea. It has been in force for some 30 years and is the law in the majority of the world. The United States was a leading participant in drafting the treaty and in advocating its importance. The crime of genocide surely is the most difficult for civilized people to comprehend, and the most shocking to the human conscience. The extent to which most of the rest of the world has signaled its horror of this crime by ratifying the Convention is both a measure of this country's humiliation at not being a signatory, and the strongest reason why ratification should wait no longer.

Mr. Chairman, we thank you for this opportunity to again urge ratification of this Convention, and will be pleased to respond to your questions.

QUESTIONS AND ANSWERS CONCERNING THE GENOCIDE CONVENTION

Question 1. Doesn't the Convention allow the United Nations to investigate United States domestic officials and thus subject our Government to irresponsible charges of genocide in the World Forum?

Answer. Article VIII which empowers a contracting party to call upon the competent organs of the United Nations "to take such action under the Charter . . . as they consider appropriate for the powers of the United Nations. Genocide, involving mass murder on a broad scale, would violate not only the human rights provisions of the UN Charter but would normally involve a threat to the peace and therefore would clearly be within the powers of the UN to discuss. It need also be noted that article 2(7) of the UN Charter contains a proscription against intervention in matters which are essentially within the domestic jurisdiction of any state. . . ."

The argument that ratification of the Convention would subject the United States to irresponsible charges of genocide is without foundation. Ratification would not alter the present situation to our disadvantage. Spurious propaganda charges alleging genocide can be made by our enemies whether or not the United States is a party to the Convention. If anything, ratification would improve our position to rebut spurious charges by subjecting our behavior to a precise legal definition of genocide. Further, our failure to ratify in fact weakens the effectiveness of our replies.

Question 2. Isn't it true that the Genocide Convention would allow United States POW's to be charged with genocide by enemy nations?

Answer. An inference such as this overlooks the simple reality that such a charge may be made by the authorities of a state involved in a conflict with the United States with or without the Genocide Convention. There is nothing in the Genocide Convention that would provide warrant for charges by an enemy nation that our POW's are guilty of genocide. The existence of the Genocide Convention, and more importantly the ratification or rejection of the Convention by the United States, would have little effect on the treatment of American POW's. This was clear in the cases of American POW's held by North Vietnam (where neither state was party to the Convention). Their peril will not be increased by approval of the Convention while peril may be avoided for tens of millions by ratification of the Convention.

Question 3. Wouldn't the Convention change the constitutional structure of the United States in that the United States lacks the constitutional power to make treaties in the human rights field because treatment by a state of its own nationals is a domestic matter and not properly the subject of an international agreement?

Answer. In the past, the power of the United States under the Constitution to make treaties in the human rights field has been questioned on the grounds that the treatment by a state of its nationals is a matter of domestic jurisdiction. This was

one of the points raised in opposition to the Genocide Convention by the American Bar Association. However, the special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968 concluded after a survey of the constitutional issues involved and of the past treaty making practice of the United States that, "Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty-making power of the United States . . ."

The Supreme Court declared in *Geofroy* v. *Riggs*, 133 U.S. 258, 267 (1890), that the treaty-making power may be exercised on any matter "which is properly the subject of negotiation with a foreign country". The United States is a party to numerous international agreements relating to the activities of its own citizens within the United States because those treaties deal with matters appropriate for international negotiation. Examples include treaties on narcotics, public health and nature conservation, and the Supplementary Convention on Slavery.

In the words of the Special Committee of Lawyers, of which retired Supreme Court Justice Tom C. Clark was chairman: "It may seem almost anachronistic that this question continues to be raised." This concern needs to be determined objectively in the light of the current interests of the United States in an interdependent world and contemporary concepts of international law—not on the basis of notions that may have been appropriate in a different historical time. In today's world the massive destruction of a racial, religious or national group in one country has an immediate impact on members of this group in other countries, stimulates demand for intervention and adversely affects international relations. As said by the Senate Foreign Relations Committee: "on both moral and practical grounds, the Commission of genocide, involving as it must mass action, cannot help but be of concern to the community of nations".

Question 4. Isn't it true that the Genocide Convention would alter the balance of authority between the State and Federal government?

Answer. The Constitution, Article I, Section 8, specifically gives Congress the power to "define and punish . . . offenses against the law of Nations". The act of genocide is almost universally recognized in treaties, international custom, and the acts of international organizations as an offense against the law of nations. It is thus clearly within the power of Congress to outlaw the crime of genocide. Ratification of the genocide convention will add no powers to those the Federal Government already possesses.

Question 5. Wouldn't birth control offered on a voluntary basis be subject to attack as genocide?

Answer. This fear has no foundation. None of the five acts in the Convention definition is genocide unless "committed with intent to destroy in whole or in part" one of the named group as such. Thus, basic to any charge of genocide is the element of intent. To avoid any misconceptions the United States ratification would be accompanied by an understanding that the intent required by the Convention be the intent to destroy one of the named groups "in such a manner as to affect a substantial part of the group concerned".

Question 6. Couldn't the Convention result in the bringing of United States citizens to arrest and trial in foreign areas on charges of genocide?

Answer. The Convention does impose an obligation on the State in whose territory acts of genocide had been committed to try all persons charged with committing genocide within that State. However, it is clear from the Convention's negotiating history that the Convention does not bar another State from trying before its own tribunals its nationals who had committed such acts outside the State. This theory of concurrent jurisdiction—jurisdiction based on the site of the alleged offense and jurisdiction based on the nationality of the offender—has been thoroughly explored. The United States government, however, made it clear to the other contracting parties that it intends to construe the Convention so as to permit it to try its own nationals for punishable genocidal acts whether committed at home or abroad. This is recorded in the United States understanding that the United States Government "understands and construes Article VI . . . that nothing in Article VI shall affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State".

Question 7. Doesn't the Convention open the possibility that United States citizens can be extradited and subject to trial for genocide before a foreign tribunal without constitutional protection and benefits?

Answer. Ratification of the Convention would merely permit the adding on of one or more crimes—genocide—to the many crimes for which American citizens may already be extradited under existing extradition treaties. The Convention is not itself and extradition treaty. Neither United States law nor any of the U.S. extradition treaties at present cover genocide. Under the Convention extradition would take place only in accordance with laws and treaties in force. In any case, the United States does not grant extraction unless a prima facie case is established against the accused and unless the accused will be afforded by the requesting state the due process required by our Constitution. Such a treaty could be negotiated in the future with or without the Genocide Convention but it would need to be brought before the Senate for approval.

Question 8. Isn't it true that ratification of the Convention would subject United States citizens to trial before international penal tribunals?

Answer. No. It is unforunate draftsmanship that Article VI of the Convention provides persons charged with genocide shall be tried "by such international tribunal as may have jurisdiction . . ." No such international tribunal presently exists and there is no negotiation to create one. If any such tribunal were established it would not have jurisdiction over United States nationals unless the United States agreed to such jurisdiction either in the form of the Senate's advice and consent to ratification of a treaty or by statute expressing its consent.

Question 9. Doesn't the provision in the Convention for settlement of disputes by the International Court of Justice unreasonably limit United States sovereignty?

Answer. The provision in the Convention is not a new one in the United States practice. The United States has become a party to many international agreements providing for reference to the International Court of Justice of disputes arising under such agreements, including the Japanese Peace Treaty, the Antarctic Treaty and the Statute of the International Atomic Energy Agency. This provision for the settlement of disputes over the interpretation of the Genocide Convention does not unreasonably limit our sovereignty.

A number of countries, notably the communist countries, have entered reservations to their ratifications stating that they do not accept compulsory reference to the International Court of Justice. The United States is thus placed in a position to invoke those countries reservations in its own behalf to defeat the court's jurisdiction in cases brought under the Convention by countries which have made such a reservation. Our interests are better served by having any charges of genocide against us considered in a less politically motivated forum like the International Court of Justice.

STATEMENT OF BRUNO V. BITKER, CHAIRMAN, COMMITTEE ON INTERNATIONAL HUMAN RIGHTS, SECTION ON INTERNATIONAL LAW, AMERICAN BAR ASSOCIATION

Mr. Chairman and Members of the Committee: My name is Bruno Bitker and I am chairman of the American Association's Committee on International Human Rights of the Section on International Law. I am honored to appear before you today on behalf of the American Bar Association to urge the Senate to give its advice and consent to ratification of the Genocide Convention. I have appeared before this Committee at prior hearings, conveying the support of a variety of organizations. I am, however, especially delighted to do so this time on behalf of the ABA, which represents the organized bar of this country. The American Bar Association, as this Committee is aware, did not easily or quickly arrive at its endorsement of the Genocide Convention. In fact, in 1949, prior to the hearings conducted by this Committee, it had decided not to support ratification because the treaty "involves important constitutional questions . . ." not satisfactorily resolved. Subsequently, in 1970, following President Nixon's request to the Senate to act on the Genocide Convention, the ABA again considered the question. But by a divided vote of 130 to 126 in the House of Delegates, it declined to change its earlier stand. Opponents of ratification had frequently cited the ABA position as justifying U.S. inaction. However, upon further study and consideration, in February 1976, the ABA reversed its position and by an overwhelming vote recommended the ratification of the Convention. A copy of that recommendation and the supporting report is filed with this statement.

Though considerable attention was given to this Convention by the bar association before it decided to support it, it does not match the extensive and thorough analysis of every provision accorded to it by this Committee since President Truman, on June 16, 1949, sought the advice and consent of the Senate to ratification. The published hearings of the subcommittee held in January and February, 1950, contain about everything that could be said on the subject, pro and con. The opposition feared that it might undermine our constitutional structure. On the other hand, the favorable testimony was so meaty, it would be difficult to single out specific references. However, if any Senator or staff member wishes to read the supporting testimony of just one witness, I would suggest the remarkable presentation by Philip B. Perlman, Solicitor General of the United States (p. 22, et seq.).

On May 23, 1950, the subcommittee reported out the Convention favorably with one declaration and four understandings (summarized in "Legislative History of the Committee on Foreign Relations," S. Doc. No. 247, 81st Cong., 2d Sess. at p. 27, 1950). The full committee, however, withheld action and for almost two decades it remained in the Senate's deep freeze. Today it is eligible for a place in the "Guinness Book of World Records" as being the oldest treaty pending before the Senate (U.S. Senate, Legislative Calendar, 95th Congress, March 31, 1977).

Although the Senate had taken no further action following the 1950 hearings, in July, 1963, President Kennedy sent to the Senate three human rights treaties (Political Rights of Women, Abolition of Forced Labor, and a Supplementary Slavery Convention). In the course of the hearings on these conventions in 1967, action on the Genocide Convention was urged. However, no action was taken on it.

In 1968, the year designated by the United Nations as Human Rights Year in honor of the 20th anniversary of the adoption of the International Declaration of Human Rights, the President created a President's Commission for the Observance of Human Rights Year. The Commission urged ratification of the Convention. More particularly, it created a special committee of lawyers headed by Supreme Court Justice Tom C. Clark (retired), which included some of the most prominent lawyers in the country. That committee, on which I was privileged to serve, issued a report on the treaty-making power of the United States in human rights matters. Justice Clark, in his letter of transmittal, said in part: . . . I would like to reiterate here, however, our finding, after a thorough review of judicial, congressional and diplomatic precedents, that human rights are matters of international concern; and that the President, with the United States concurring, may, on behalf of the United States, under the treaty power of the Constitution, ratify or adhere to any international human rights convention that does not contravene a specific Constitutional prohibition.

In its conclusion, the report said:

. . . It may seem almost anachronistic that this question continues to be raised. It is nearly a quarter of a century since this country used the treaty power to become a party to the U.N. Charter, One of those basic purposes is the promotion of human rights for all. The list of parties to the various human rights treaties proposed by the U.N. has become longer each year. In each of the last two years the U.S. Senate has approved a human rights treaty without a single dissenting vote. In December, 1968, the Chief Justice of the United States noted that we as a nation should have been the first to ratify the Genocide Convention and the Race Discrimination Convention. And yet the suggestion persists that this Nation is constitutionally impotent to do what we and the rest of the world have, in fact, been doing.

The report will be of value to members of this Committee and to the staff that drafts your report, and because it is now out of print, I ask consent to file my copy as a part of the record of these hearings.

Two other reports prepared by entities of the American Bar Association in support of ratification appear in the printed hearings of the subcommittee held March 10, 1971. One, at page 147, is the report of the ABA Section on Individual Rights and Responsibilities and the other, at page 196, is the report of the ABA Standing Committee on World Order Under Law. I participated in the drafting of the several reports to which I have alluded in this statement.

In February, 1970, President Nixon reminded the Senate that the Convention continued to be unfinished business and urged prompt action. Thereafter, new hearings were held in April and May, 1970, and again in March, 1971. The Committee reported out the Convention favorably on December 8, 1970, on May 4, 1971, on March 6, 1973 and again on April 29, 1976.

There is no better or more succinct review of the status of the Convention than as set forth in the Committee's 1976 report. That report includes three understandings and one declaration, which are also included in the ABA's resolution of approval. Attached to the Committee's report is the implementing legislation proposed in accordance with Article V of the Convention. I see no problem concerning this legislation and I understand none has been suggested.

Everything that can be said on the constitutional question has been fully discussed in all these hearings and Committee reports. To save time and to avoid unnecessary repetition, I am not repeating these arguments. It is difficult to take seriously any basic constitutional objection to the Convention. It is conceivable, though it has not been urged, that there are public policy objections to ratification. But it would be hiding behind a false front to ratify on spurious constitutional grounds.

As noted in the Committee's last report, no fewer than 82 members of the United Nations (perhaps 83 depending on how China's accession is viewed) have become parties to the Convention. Although the United States was a leader in drafting and securing its adoption in the United States in 1948, it is the outstanding laggard in ratifying it. Its failure to ratify borders on constituting a national disgrace. As the late Chief Justice Earl Warren said in December, 1968, "We as a nation should have been the first to ratify the Genocide Convention . . . Instead we may well be the last. . . ."

Since the Committee's 1976 report, a new President of the United States has come into office, President Carter has followed all of his predecessors from Truman through Eisenhower, Kennedy, Johnson, Nixon, and Ford in support of America's furthering the cause of international human rights, including ratifying the Genocide Convention. As President Carter stated on March 17th to the United Nations: "Ours is a commitment, and not just a politial posture . . . To demonstrate this commitment . . . I will work closely with our Congress in seeking to support ratification . . . of the United Nations Genocide Convention."

The legal obligation with respect to human rights is thus noted by Phillip C. Jessup, former member of the International Court of Justice:

"It is already law at least for members of the United Nations, that respect for human dignity and fundamental human rights is obligatory. The duty is imposed by the Charter, a treaty to which they are parties."

Certainly nothing is more basic to this obligation which the United States assumed when it ratified the U.N. Charter, than to outlaw mass murder of a national, ethnic, racial, or religious group, as such, whether committed in time of peace or war.

I have especially referred in this statement to the endless hearings through which this Committee has sat to emphasize the need to fish or cut bait. The Committee has certainly exhibited great courtesy as well as extreme patience over the years in allowing anyone and everyone to express his or her views on the subject. As it said in 1976, "further hearings on the treaty were not warranted in view of the voluminous record made in hearings in 1950, 1970 and 1971." There appears no provision in the Convention that would support a successful attack on constitutional grounds. No objections asserted on a legal basis justifies delaying ratification. Any conceivable uncertainty as to a few phrases has been cured by the understandings. If there are justifiable reasons of national policy for not ratifying, they have not been advanced. The one new fact to be noted since the last hearing is the favorable action of the American Bar Association. And that has now been recorded.

Each time the Committee has acted it has reported the Convention favorably. But each time it has reached the Senate floor, an actual or threatened filibuster has prevented the Senate from voting to support a commitment we made on December 9, 1948, when we approved the treaty in the United Nations. It is already past the time to sign on the dotted line.

The United States is now reestablishing its moral leadership in the world. If it now ratifies this Convention, it would be a clear demonstration that it is faithful to its pledge under the U.N. Charter. It would also be acting in its own best national interest.

[Resolution adopted by House of Delegates, American Bar Association, Feb. 17, 1976, and the Supporting Report]

AMERICAN BAR ASSOCIATION—SECTION OF INTERNATIONAL LAW

RECOMMENDATION

The Section of International Law recommends adoption of the following resolutions:

Be it resolved, that the American Bar Association favors the accession of the United States to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide with the following Understandings and Declaration which have been approved by the Senate Committee on Foreign Relations:

1. That the U.S. Government understands and construes the words "intent to destroy, in whole or in part, a national ethnical, racial or religious group as such" appearing in article II to mean the intent to destroy a national, ethnical, racial or religious group by the acts specified in article II in such manner as to effect a substantial part of the group concerned.

2. That the U.S. Government understands and construes the words "mental harm" appearing in article II(b) of this Convention to mean permanent impairment of mental faculties.

3. That the U.S. Government understands and construes article VI of the Convention in accordance with the agreed language of the Report of the Legal Committee of the United Nations General Assembly that nothing in Article VI shall affect the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside the state.

4. That the U.S. Government declares that it will not deposit its instrument of ratification until after the implementing legislation referred to in article V has been enacted.

Be it further resolved that the President of the American Bar Association or his des-

ignee is hereby authorized to present the views of the Association as herein expressed before the appropriate committees of the Congress and other agencies of the Government of the United States.

SUMMARY OF PROVISIONS OF THE CONVENTION

Article I

Genocide is a crime under international law, whether committed during peace or war.

The contracting parties undertake to prevent and punish such a crime.

Article II

Acts constituting Genocide are those committed "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such" by:

(a) "Killing members of the group";

(b) "Causing serious bodily or mental harm to members of the group";

(c) "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part";

(d) "Imposing measures intended to prevent births within the group";

(e) "Forcibly transferring children of the group to another group".

Article III

Acts which are punishable are:

(a) Genocide,

(b) Conspiracy to commit Genocide,

(c) Direct and public incitement to commit Genocide,

(d) Attempt to commit Genocide,

(e) Complicity in Genocide.

Article IV

Persons committing Genocide shall be punished, whether constitutionally responsible rulers, public officials or private individuals.

Article V

The contracting parties shall enact the necessary implementing legislation to enforce provisions of the Convention.

Article VI

Persons charged with a violation of the Convention are to be tried by a competent tribunal in the state where the act was committed or by an international penal tribunal having jurisdiction of the parties.

Article VII

For the purposes of extradition Genocide is not to be considered a political crime. Extradition shall be granted by the contracting parties in accordance to their laws and treaties in force.

Article VIII

Any contracting party may call upon the competent organ of the United Nations for action where appropriate to carry out the purport of the Convention.

Article IX

Disputes relating to "interpretation, application or fulfillment" of provisions of the Convention including those relating to the responsibility of a state for Genocide or other acts punishable by the Convention shall be submitted to the International Court of Justice at the request of the disputing parties.

Article X to XIX are procedural in nature.

DISCUSSION

The purpose of the Convention is to make Genocide an international crime whether committed during peace or war. It seeks to prevent and punish when it occurs the destruction, in whole or in part, of a national, ethnical, racial or religious group as such. The Convention defines Genocide, specifies the acts which constitute Genocide, sets forth the obligations of the parties, the place of trial of the accused, and provides for submission of disputes relating to interpretation, application or fulfillment to the International Court of Justice.

The first Understanding makes it clear that where the words "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such" are used in the definition of the crime of Genocide that it means an intent to destroy by such acts in such a way as to affect a "substantial" part of the group concerned.

The second Understanding states that where the word "mental harm" is used to define a punishable act, it means a "permanent impairment of mental facilities." It does not include violent expressions or prejudice against individual members of groups. It also would discourage any frivolous allegations of mental harm.

The third Understanding is to take care of the situation where a national of the United States committed an act outside of the state. Pursuant to this understanding the U.S. will have the right to bring to trial before its own tribunals any of its nationals for acts committed. There has been considerable discussion regarding the Convention from the viewpoint of extradition. It should be understood that the Convention itself is not an extradition treaty.

The Convention is not self-executing but requires necessary implementing legislation. The recommended Declaration makes it clear that we must enact necessary federal legislation pursuant to our constitutional procedure prior to depositing our instrument of ratification.

Attached hereto as Appendix A is a copy of Senate Executive Report 93-5, 93rd Cong. 1st Sess., (1973). This Report lists the pertient provisions of the Convention and gives an interpretation of each provision based upon the testimony offered at the earlier hearings. A copy of the Convention will also be made available to any interested party.

CONCLUSION

Eighty-two nations to-date have ratified and/or acceded to the Genocide Convention. The world community has, therefore, defined Genocide as "a crime against the laws of nations". The United States is a party to other treaties that define and establish an international crime. (The Geneva Conventions On Protection Of War Victims, 1949, TIAS 3362-3365; The Conventions For The Regulation of Whaling, 1935, TS 880, 1946, TIAS 1849; the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, TIAS 4900 and the Single Convention On Narcotic Drugs, 1961, TIAS 6298.) Statement made in the past and raised in the Senate and the ABA House of Delegates are no longer pertinent. The passage of time has confirmed that Genocide is a matter of "international concern" which should be regulated as an international crime. Acceding to the Convention at this time is a positive step in the national interest of our country. The American Bar Association should come forward and place on record its positive support.

This resolution was overwhelmingly approved by the Council of the Section of International Law at its Mid-Winter Meeting on December 5-7, 1975.

Respectively submitted,

RICHARD P. BROWN, Jr.,
Chairman, Section of International Law.

PREPARED STATEMENT OF JUDGE THOMAS BUERGENTHAL

Mr. Chairman: My name is Thomas Buergenthal. I am the Chairman of the Human Rights Committee of the International Law Section of the American Bar Association. I am also the Dean of The American University Law School and the only American judge on the Inter-American Court of Human Rights.

Mr. Chairman, it is a great honor for me to appear before your Committee as the representative of the ABA and to support United States ratification of the Genocide Convention. As an international lawyer, as a naturalized U.S. citizen, and as a survivor of the Auschwitz concentration camp, I am profoundly moved to have this opportunity to represent the ABA in urging U.S. ratification of a treaty that symbolizes mankind's revulsion against and rejection of the ideology that made the Holocaust possible and in which I lost all but one member of my immediate family. There are not many countries in the world where a person with my background would be accorded the privilege to represent the organized bar before a legislative body on an issue of such importance or, for that matter, on any issue. It is, therefore, a source of considerable sadness for me that this great country of ours, which is committed to and lives by the very ideals that provide the strongest bulwark against genocide should, 36 years after World War II, still not have ratified the Genocide Convention.

Today, even without the Genocide Convention, international law outlaws genocide—that conclusion is no longer open to doubt. The Convention thus merely codifies what general international law prohibits.

Although the United States would therefore not be assuming any additional substantial legal obligations it does not already have, U.S. ratification of the Genocide Convention would be an act of great symbolic importance because it would associate the United States with the international community's unequivocal rejection of genocide and the totalitarian ideologies, whether of the right or of the left, that produce genocide.

The United States cannot hope to play a leading role in opposing totalitarianism and in promoting individual liberties in the world while refusing, at the same time, to associate itself with those international instruments in which the international community proclaims its allegiance to the very principles the United States advocates.

The fact that many of the 90 governments that have ratified the Genocide Convention are among the most brutal violators of human rights does not justify our failure to ratify this treaty. Totalitarian regimes sign human rights treaties because that makes for good propaganda, but it is good propaganda precisely because it capitalizes on the universality of mankind's yearning for human rights, which is the strongest enemy of totalitarianism. The United States has to associate itself not only in fact but also symbolically with this yearning. The world's greatest democracy needs to identify itself with mankind's aspirations to hold all governments to a code of conduct that outlaws genocide. Those who fight for democracy and human dignity, whether it be in the Soviet Union, in Poland, in Cambodia, in Afghanistan, need to know, in order to carry on their struggle, that they are not alone, that their struggle is not hopeless, and that at least some governments which ratify

human rights treaties are committed to the principles these treaties proclaim.

Mr. Chairman, I happen to believe that our strongest foreign policy asset is this country's commitment to individual freedom and democracy. When we, in our foreign dealings, are true to these ideals, we promote our own foreign policy interests to the utmost, putting world Communism on the defensive Nothing exposes the evil and the weakness of the Communist system more effectively than acts by the United States which demonstrate that this country shares mankind's aspirations for freedom and human dignity which Communism so brutally suppresses. U.S. ratification of the Genocide Convention, by proclaiming this country's solemn commitment to the eradication of genocide, would be just such a demonstration.

In common with the membership of the ABA, I am totally opposed to U.S. ratification of any treaty that would violate our Constitution. If I thought that the Genocide Convention, in the form in which it is presented for ratification, raised serious constitutional law issues. I would oppose its ratification and so, quite obviously, would the ABA. But this is not the case. Whether or not the United States should ratify the Convention is a policy decision that presents no constitutional law obstacles. It is a decision that can and should therefore be made by asking whether ratification would advance U.S. foreign policy interests. I believe that the answer to this question is yes, and that is why I hope very much that your Committee, Mr. Chairman, and the Senate as a whole will opt for ratification of the Convention. It symbolizes mankind's aspirations for a better world. The American people cannot but benefit from identifying themselves with a world-wide movement that is sustained by these aspirations. These aspirations are our strongest weapon in the struggle against Communist expansionism and totalitarian oppression.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon with statements therein limited to 5 minutes each.

LOSERS IN THE WAR AGAINST DRUG ABUSE?

Mrs. HAWKINS. Mr. President, some people think we are losing the war against drugs.

In a recent article featured in the Miami Herald, certain officials in our Government express the view that, despite an unprecedented Federal anti-drug effort, major drug seizures and numerous indictments, we are losing in our hard-fought battle against drug abuse.

It is claimed in this article that we are losing this war because of the following: The amount of high-quality cocaine in the United States is at an all-time high; the wholesale price of cocaine is not one-third of what it was 2 years ago; as few as 3 percent of drug flights last year resulted in aircraft seizures; the greater availability and cheaper price of cocaine has turned it from a drug for the affluent into a street drug; emergency room admissions for severe cocaine reactions are more than double what they were 2 years ago; and domestic marijuana production is up sharply.

Mr. President, the pessimism expressed in this article can be translated into positive action. The U.S. Government officials who have provided us with this bad news are not telling us to stop our efforts; on the contrary, they are saying we must keep trying, and try even harder. In this article, these officials plead with the public to help in dealing with the problem of drug abuse. They discuss the need for the American people to wake up and recognize the health and social dangers of drugs; the need to develop a social consciousness regarding the drug menace. All existing law enforcement programs, it is claimed in this article, have no effect on the user. The public must be educated to the horrors of drug abuse, so that the demand for drugs will stop.

These most recent figures from the front in the war on drugs point out how we should focus our attack on stopping the drug menace at its source. This method of trying to curb drug abuse remains the most effective, and we must continue our efforts in encouraging drug-producing nations to eradicate their crops. And therein lies the good news. We are, more and more, seeing nations like Colombia, Burma, Panama, and Pakistan attempting to curb their drug production by raiding drug bases in their territory, by destroying drug processing plants, and by arresting drug warlords. By supporting these countries in their efforts, we can help rid our own Nation of the horrors of drug abuse.

I respectfully request that the article entitled, "U.S. Losing Key Drug-War Battles," In the Miami Herald, dated May 28, 1984, be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, May 28, 1984]

U.S. LOSING KEY DRUG-WAR BATTLES—OFFICIALS CITE BUMPER CROP OF POT, COCAINE 'GLUT,' FAILURE TO STOP FLIGHTS

(By George Stein)

Despite an unprecedented federal anti-narcotics effort, spectacular drug seizures, and major indictments, unmistakable signs indicate that the Reagan administration's high-profile war against drugs is being lost.

The amount of high-quality cocaine reaching the United States is apparently at an all time high. Federal agencies are raising their figures on cocaine importation sharply upward.

A tremendous glut, said retired Admiral Daniel Murphy, chief of staff for Vice President George Bush and Washington coordinator of the administration's anti-drug efforts.

The wholesale price of cocaine now is one-third to one-fourth what it was two years ago when enhanced federal anti-drug efforts began, according to federal and local drug officials.

U.S. Customs estimates on smuggling indicate that as few as 3 percent of drug flights into the U.S. in 1983 resulted in aircraft seizures.

Two ranking federal officials say the chances of flying a private plane into South Florida undetected remain good—despite the highest concentration of drug radar and intercept aircraft in the country.

The increased availability of purer, cheaper cocaine across the nation has been accompanied by an increase in its popularity among the young and the less affluent, say federal officials and drug rehabilitation counselors—despite education efforts that have included first lady Nancy Reagan and more recently, rock superstar Michael Jackson.

Emergency room admissions for severe cocaine reactions are more than double what they were two years ago nationally. They tripled in the South Florida metropolitan area, which now accounts for 11 percent of the nation's emergency admissions for cocaine reactions. Most of the local and increased crime in the last year, as the price of cocaine tumbled.

Domestic marijuana production is up sharply, offsetting increased seizures on the high seas. Growers who had been suffering hard times when the increased federal effort began, now are doing well financially, say marijuana industry observers. They value the 1983 harvest at $14 billion and say that domestic dope now accounts for close to half of the total consumed.

Gone are the optimistic days of 1982, at the inception of the presidential drugs task force, when Murphy could say that the flow of drugs had been "cut to a trickle."

Now, Murphy says, "I don't see where we are winning the war on cocaine."

On marijuana: "The domestic supply increase is troublesome." says Rear Adm. Donald "Deese" Thompson, Miami task force coordinator. "We have not reduced the flow of drugs into South Florida to a trickle."

There are a lot more bad guys than good guys," said William Mason, assistant regional Customs commissioner for enforcement.

"We can't be everywhere at once." Thompson and Mason are the two federal officials who say that a private airplane with a knowledgeable pilot stands a good chance of flying to South Florida undetected. "There is no steel net over South Florida," said Mason.

We are not winning, said Authur Nehrbass, commander of the Metro-Dade Organized Crime Bureau.

"We are losing. There is no question about that. We are losing big," said U.S. Rep. Glenn English, D., Okla. English has investigated the administration's drug-fighting efforts for two years as chairman of the House Subcommittee on Government Information, Justice and Agriculture. "It's the old supply and demand," Sgt. John Dalton of the Miami Police vice and narcotics unit said, with an audible sigh. "There are just so many people who do drugs."

The pessimistic assessments have been accompanied by pleas from frustrated law enforcement officials that the public do something about the problem.

"I'm not trying to con anyone," said task force chief Thompson, "It would become discouraging—if you weren't optimistic that the American people are going to wake up soon and recognize the health and social

dangers. There has got to be a social consciousness developed."

We have to educate the public," said Mason.

INTERAGENCY SQUABBLING

And along with the bad news has come a vocal return to the interagency squabbling and turf battles that characterized—and, some say, hampered—drug enforcement for years.

Francis M. Mullen Jr., head of the U.S. Drug Enforcement Administration, wrote a scathing memo in January to William French Smith, U.S. attorney general, criticizing the National Narcotics Border Interdiction System.

A "liability," Mullen called the interdiction program, the administration's latest effort to coordinate attempts to stop drugs at the border. Its "alleged grandiose accomplishments" will "become this administration's Achilles' heel for drug enforcement," Mullen wrote.

Administration officials scrambled to smooth things over after details of the memo leaked out on May 14.

Damage control was also on the agenda a day later in South Florida after local drug enforcement officials complained to a House subcommittee that they were shut out of task force operations. Better coordination was promised.

BATTLE WITHOUT BULLETS

Predictably, the charges have entered the political arena: Internal strife among the lawmen has reduced the drug war to a battle without bullets, and U.S. Attorney General Smith is "not in touch," U.S. Sen. Dennis DeConcini, D., Ariz., charged Friday. Smith retorted, "I do know what is going on. There is a lot of shooting . . . most effective shooting."

Memos, hearings, bureaucrats, radar, airplanes and boats notwithstanding, the reality of the cocaine glut has hit hardest on the streets where it is sold and in the bodies of those who use it.

"It's all over the place," said Miami police Sgt. Mike Ahearn, who heads a special task force on street vice and narcotics.

"Cocaine, an elite drug a few years back, is now a street drug," said John Kross, program director of the rehabilitation program at Here's Help.

"The availability was right down the street," said "Jerry," a cocaine abuser who entered Village South, a Miami drug rehabilitation program, two weeks ago. "It's much easier now."

The pattern is national, said Mall Gisson, president of Village South and past president of Therapeutic Communities of America, an organization for drug rehabilitation programs.

INCREASED POPULARITY

Rehab directors across the country met in Detroit May 7-9 and reported a sharp increase in cocaine availability, abuse and popularity, Gisson said.

Of the increased law enforcement programs, he said: "All of their efforts have had absolutely no effect on the user. If they have had any effect, show me where."

John Huttner, intake supervisor at Village South, said, "It used to be rare to find a 13-year-old involved in anything but marijuana. Now it's rare to find an adolescent who is just using marijuana. They are finding the money for cocaine."

Street prices, reported Huttner, now are as low as $60 a gram for cocaine that is for purer than the coke that was available a year ago, when prices were $100 a gram. On the wholesale level, prices vary between $16,000 and $20,000 for a kilogram (2.2 pounds) of refined cocaine, compared with $60,000 per kilo two years ago.

And with the lower prices and increased purity has come a sharp increase in severe cocaine reactions.

EMERGENCY ROOMS

Hospital officials reported 889 emergency room admissions for cocaine reactions in 27 metropolitan areas during the first quarter of 1982, when the task force began operations. For the first quarter of 1983, the figure was 1,075. It shot up to 1,979 during the first quarter of 1984 after steady increases throughout 1983.

In the South Florida metropolitan area, the figure was 71 during the first quarter of 1982, 115 in the first quarter of 1983 and 214 in the first quarter of 1984.

During the past 13 months, eight have died in Dade County because of severe cocaine reactions. Broward has reported 11 cocaine overdose deaths this year, excluding traffic fatalities and suicides. Palm Beach County figures were unavailable Sunday.

In Palm Beach, in a death that drew national attention to the dangers of abusing multiple drugs simultaneously, David Kennedy, son of the late Sen. Robert F. Kennedy, died April 25. Kennedy had ingested particularly potent cocaine along with other drugs shortly before he died.

The odd aspect of the drug picture is that the problem has deepened at about the same time as an unprecedented federal effort got under way.

BIGGER HARVESTS

Observers of the domestic marijuana industry cite the federal drug policy as the reason for the increased harvests.

The industry was in the doldrums in 1981 just before the Reagan administration began putting pressure on imported pot, according to Bob LeBranca, a senior editor at High Times magazine.

"When the Colombian marijuana supply was drastically cut down, the prices of American-grown pot began to creep up and health was restored to the American marijuana market," he said.

The cocaine glut, however, resulted from competition among growers for more profits, according to analysis of the U.S. Drug Enforcement Administration (DEA).

The DEA experts discount theories that the glut came as a response from anxious smugglers overplanting to meet the increased law enforcement effort, or that cocaine kingpins deliberately decided to enlarge demand by flooding the market with cheaper cocaine.

Federal seizures of cocaine and marijuana are up markedly.

SEIZURES UP

During the first quarter of 1984, 5,526 pounds of cocaine were seized, a 55-percent increase over the first quarter of 1983. For marijuana, first-quarter 1984 seizures were 1,033,000 pounds, a whopping 132-percent increase over first-quarter 1983 seizures.

In Dade County, Nehrbass reported that narcotics arrests rose from 259 in 1981 to 1,874 in 1983, cocaine seizures went from 164 pounds to 1,185 pounds, marijuana from 30,951 pounds to 41,634 pounds.

Seizures of Quaaludes, whose manufacture has been discontinued, dropped from 918,000 tablets in 1981 to 102,000 in 1983 and have virtually disappeared in 1984, Nehrbass said.

Overseas, drug fighters have been active as well.

A searching probe of official corruption in the Bahamas is examining allegations, denied by Prime Minister Lynden Pindling and his cabinet, that Pindling and some of his ministers were paid off to provide protection to drug dealers using the island nation as a way station.

TRANQUILANDIA

In Colombia, two lab complexes were busted this year. At the first, where one lab was whimsically named Tranquilandia and another Cocaina, investigators found 13.8 tons of cocaine in the largest seizure ever reported and room for 1,000 workers. At the second, the estimated staffing level was 650 and the haul was 3.3 tons.

Cocaine prices in Bogotá began rising. They are now double what they were in March. But, an informed observer said, short-term profit taking by market speculators, rather than a permanent shortage, lies behind much of the increase. In Dade County, Nehrbass reported, the price rise has been about $2,000 a kilo, between 10 and 15 percent.

The cocaine smugglers began to diversify their refining operations even before the big busts. Since October, 15 cocaine laboratories staffed by Colombians have been raided in South Florida, Nehrbass said.

The drug dealers moved the labs from Colombia because of increasingly tight restrictions on ether and actions, two chemicals used in the reduction of coco leaf to refined cocaine, and internal law enforcement pressure, he said. Nehrbass said he expects new labs to appear north of Dale County and in other states.

And on May 19, two months after the Cocaine bust, the Panamanian National Guard raided a lab complex under construction 50 miles north of the Colombian border and arrested a number of Colombians who were unloading equipment from a vessel offshore, a knowedgeable official said. The official said that lab complex would have been bigger than the Cocaine complex.

"There is no easy solution," said Thompson.

"The old cocaine cowboys and a rather alarming display of violence . . ." by most accounts has been reduced. There has been a reduction in the blatant introduction of drugs here. It's coming in a more dexious manner.

"Perhaps there were expectations that we would dry up the supply of drugs in the streets. But if the community expected to rid themselves of drug trafficking or get drugs out of the schools. I'm sorry they were disappointed.

"There is no choice for people in the law enforcement business than to keep at it. It's obviously disappointing to those who are working very, very hard, but nonetheless, they are out there doing what they feel is necessary job."

NO MERE POINT OF ORDER

Mr. JOHNSTON. Mr. President, yesterday, an editorial in the Washington Post aptly described the Herculean job the ranking minority member of the Senate Budget Committee, the distinguished senior Senator from Florida, has undertaken this year to keep the budget process alive and to get action, despite an obstacle course of untold dimensions, on needed deficit reduction measures.

There is no doubt in this Senator's mind that without the tenacious commitment by the Senator from Florida [Mr. CHILES], we would not be here today passing a conference report on the budget resolution. Time after time, when less determined men would have thrown in the towel, the Senator from Florida has gone back to the drawing board to seek new ways to get the budget process back on track. Time after time, when less determined men would have walked away from tough negotiations, the Senator from Florida has stayed at the table—even when other players did not show up—trying to forge a compromise and prevent the budget process from falling through the cracks in the end-of-session activities.

I commend the distinguished Senator for his outstanding work and ask unanimous consent that this editorial be printed in full at the end of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO MERE POINT OF ORDER

It now appears likely that Congress will manage to finish this session with its budget process still more or less intact. This is owed in no small part to the efforts of Sen. Lawton Chiles, ranking minority member of the Senate Budget Committee, whose determined diplomacy finally pushed House and Senate leaders to agree on a total for next year's Pentagon spending and thus paved the way for final agreement on a budget resolution.

Ever since the middle of summer, Sen. Chiles has been threatening to raise "a point of order" under the Budget Act to keep appropriations bills from coming to the floor until Congress agrees on a budget plan. That agreement, of course, had been blocked not by congressional desire to spend more than the president wanted, but by the president's unwillingness to let Congress spend less on defense than he wanted. As a result, Senate Republican leaders have been unable to agree with the House on a final budget resolution.

Sen. Chiles' delaying tactics have understandably irritated the Senate Appropriations Committee, which prepares detailed government spending bills. To its credit, the Appropriations Committee has been well ahead of schedule this year on most domestic spending bills, keeping them within general limits agreed to by the White House. If Sen. Chiles hadn't held things up, Congress might have avoided refunding most government agencies with a mammoth continuing resolution.

But Sen. Chiles was well aware that if all but a few appropriations bills were passed, it would be very tempting for Congress to bypass the budget process. The president, after all, has been waging a continuous war against the congressional process for the last three years. He finds it inconvenient because it highlights the record deficits he keeps proposing and because it makes it harder for him to get what he wants from the typically complaint military spending committees. In an election year, the budget process can also interfere with a president's desire to provide still more benefits for a key constituency—the nation's farmers, for example—while still preaching budget discipline.

Congress, however, passed the Budget Act precisely to make it inconvenient for both presidents and legislators to yield to election-year impulses. The compromise reached between the two houses will provide the Pentagon with $293 billion next year, surely at, if not beyond, the upper reaches of what it can spend with reasonable care. The appropriations committees will be able to salvage much of their work by incorporating it into the continuing resolution—if not with the same precision and degree of control. And, thanks to Sen. Chiles, the budget process will survive to irritate—and to check—future Congresses and presidents.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that Mr. Tom Imeson of my staff be given floor privileges during the debate on the upcoming bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL TIMBER CONTRACT PAYMENT MODIFICATION ACT

Mr. HATFIELD. Mr. President, I ask the Chair at this time to lay before the Senate H.R. 2838.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2838) to authorize the Secretaries of the Interior and Agriculture to provide assistance to groups and organizations volunteering to plant tree seedlings on public lands, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the following:

This Act may be cited as the "Federal Timber Contract Payment Modification Act".

SEC. 2. (a)(1) Notwithstanding any other provisions of law, in order to retain jobs, to preserve free competition, to utilize the potential productive capacity of plants, to preserve small communities dependent on a single economic sector to assure an open and competitive market for future sales of Government timber, and to lessen the impact of unemployment, the Secretary of Agriculture for national forest lands and the Secretary of the Interior for public lands under their respective jurisdictions are authorized and directed to permit a requesting purchaser to return to the Government a volume of the purchaser's timber contracts as determined under paragraph (2) upon payment of a buy-out charge from such purchaser in an amount as determined under paragraph (3). The purchaser shall be released from further obligation to cut, remove, and pay for timber under such contract upon payment, or arrangement for payment as provided under paragraph (3)(E), of such buy-out charge and completion of any obligation required pursuant to subsection (4)(B).

(2)(A) To qualify for buy-out under this section, a timber sales contract must have been bid prior to January 1, 1982, and be held at the date of enactment of this Act. A contract is qualified for buy-out notwithstanding the fact that it was reformed after October 1, 1983, pursuant to Bureau of Land Management Instructional Memorandum 83-743 or is included in a Forest Service multisale plan pursuant to the President's program of July 28, 1983.

(B) A purchaser holding more than twenty-seven million three hundred thousand board feet of net merchantable sawtimber as of January 1, 1982, in qualifying contracts as provided in (A) shall be entitled to buy out up to 55 per centum of such timber volume up to a maximum of two hundred million board feet.

(C) A purchaser holding twenty-seven million three hundred thousand or less board feet of net merchantable sawtimber as of January 1, 1982, in qualifying contracts as provided in (A) shall be entitled to buy out up to fifteen million board feet of such timber volume or one contract, whichever is greater in volume.

(D) So long as the volume limitation of two hundred million board feet is not exceeded, the percentage limitation of paragraph (B) or the volume limitation of paragraph (C) may be exceeded by a volume amount not to exceed the volume of the smallest volume contract bought out by the purchaser if the purchaser could not otherwise attain his percentage or volume entitlement.

(E) Timber returned to the Government pursuant to this subsection shall be available for resale by the Government upon payment, or arrangement for payment, of the buyout charge and completion of obligations, if any, under paragraph 4(B).

(3)(A) Sums collected by the appropriate Secretary in connection with the buy-out of contracts pursuant to this subsection shall be available for appropriation to the appropriate Secretary for the further management of timber and shall be determined as follows: The purchaser's loss on any qualifying timber sales contracts shall be determined by the Forest Service or the Bureau of Land Management by subcontracting the current delivered log value (as determined by such agency) from the delivered log cost based on the current contract return (as determined by such agency) of any such contracts. If such loss is—

(i) in excess of 100 per centum of the net book worth of the purchaser, the buy-out cost shall be $10 per one thousand board feet of currently held volume bought out;

(ii) in excess of 50 per centum up to 100 per centum of the net book worth of the purchaser, the buyout cost shall be 10 per centum of the contract overbid but at least $10 per one thousand board feet of currently held volume bought out; or

(iii) up to 50 per centum or less of the net book worth of the purchaser, the buy-out cost shall be 15 per centum of the contract overbid but at least $10 per one thousand board feet of currently held volume bought out.

(B) For purposes of this paragraph, the term "net book worth" does not include the value of any outstanding uncut Federal timber sales contracts.

(C) Net book worth shall be, subject to agency verification, as determined by an independent certified public accountant in accordance with generally accepted accounting standards for the timber industry.

(D) A purchaser may elect to pay the buy-out cost imposed by paragraph (iii) in lieu of utilizing loss and net book worth determinations.

(E) A purchaser may elect to pay the buy-out charge in quarterly payments over a period not to exceed five years at a rate of interest fixed at the current rate for Government borrowing as determined by the Secretary of the Treasury. The first such quarterly payment shall be made at the time the arrangement for payment is made.

(4)(A) Contracts returned pursuant to this subsection under which no harvest has begun shall be returned in full.

(B) Contracts returned to the appropriate Secretary pursuant to this subsection under which harvest has begun, shall be returned conditionally. The return shall become final after the purchaser has completed stages of contractual obligations for the units on which the harvest has begun, including work on roads, to logical stopping points as determined by the Secretary in consultation with the purchaser. All remaining unharvested units must be returned.

(C) The appropriate Secretary may reject return of a contract on which harvest has begun if he determines, in his discretion, that the remaining unharvested portion is substantially unrepresentative of the original sale as a whole in terms of species, logging methods, or other appropriate criteria, and that accepting the return of such contract would seriously disadvantage the Government.

(5)(A) Timber from return or defaulted contracts shall be offered for resale in an orderly fashion as part of, and not in addition to, the normal congressionally authorized timber sales program, and in a manner which does not disrupt regional markets or artificially depress domestic timber prices. Timber from returned or defaulted contracts shall be given preference for resale in the Forest Service timber sales programs.

(B) Timber sales in Forest Service region 6 shall not exceed four billion three hundred million board feet of net merchantable sawtimber in fiscal year 1984.

(C) Beginning in fiscal year 1985 and continuing through fiscal year 1991 or the fiscal year in which timber contract extensions in region 6 granted under the President's program of July 28, 1983 (as constituted at the date of enactment of this Act), are completed, whichever is later, the Secretary of Agriculture shall set, and periodically adjust as necessary, the maximum annual timber sale volume in region 6. Such maximum sale volume shall be set so as to achieve a volume of region 6 net merchantable sawtimber under contract at the end of each fiscal year which does not exceed twelve billion three hundred million board feet: Provided, however, That such maximum annual sale volume shall not exceed five billion two hundred million board feet of net merchantable sawtimber.

(6)(A) The Secretary of the Interior and the Secretary of Agriculture shall publish final rules for the implementation of this subsection in the Federal Register within ninety days after the date of enactment of this Act.

(B) Such final rules shall require purchasers to submit buy-out requests to the appropiate Secretary within ninety days after the publication of such rules.

(7)(A) For purposes only of determining a purchaser's buy-out limitation under subsection (2) and net worth in connection with buy-out under subsection (3), concerns which are affiliates as defined under paragraph (B) of this subsection shall be treated as if they were a single entity.

(B) Definition of affiliates: Concerns are affiliates to each other when they are primarily engaged in the logging or forest products industry and either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. In determining whether or not affiliation exist, consideration shall be given to all appropriate factors, including, but not limited to, common ownership, common management, and contractual relationships.

(C) Definition of purchaser: For the purposes of this Act, a purchaser is the holder of a contract to purchase timber from the Secretary of Agriculture or the Secretary of the Interior.

(b)(1) Timber contracts bid prior to January 1, 1982, not bought out pursuant to subsection (a) and included in the President's program of July 28, 1983, shall not be subject to any further extension of time for performance except as permitted under the President's program of July 28, 1983, as implemented by the Secretary of Agriculture and the Secretary of the Interior, providing for the extension of certain timber sale contracts and requiring the phased harvesting of such extended contracts, which program is hereby ratified except as modified by paragraph (2).

(2) Notwithstanding any other provision of law, timber contracts extended pursuant to the President's program of July 28, 1983, as implemented by the Secretary of Agriculture shall not be subject to reappraisal, to inclusion of additional provisions for calculating damages for default, to changes in basic scaling procedures, or to addition of any contract provision which was not being used in the timber sale program as of June 1, 1984.

SEC. 3 (a) Notwithstanding any other provision of law, the Secretary of Agriculture is directed to waive annually without charge all or a portion of payment or rental fees required under terms of a permit for use of certain lands of the National Forest System as organization camps by local units of the Boy Scouts of America or such other nonprofit organization when such local units of the Boy Scouts of America or such nonprofit organization are willing to perform services, as the Secretary prescribes and determines will yield a valuable benefit to the public and to the program of the Secretary of such lands. If the Secretary determines that a local unit of the Boy Scouts of America or such other nonprofit organization has not fully performed such services, such organization shall not be entitled in the subsequent year to waiver under the provisions of this section.

(b) The term "other nonprofit organization" shall mean (1) a nonprofit organization holding an exemption under section 501(c) of the Internal Revenue Code, as amended; and (2) a nonprofit association or nonprofit corporation, which is not controlled or owned by profitmaking corporations or business enterprises, and which is engaged in public or semipublic activity to further public health, safety, or welfare.

Amend the title so as to read: "An Act entitled the 'Federal Timber Contract Payment Modification Act'.".

Mr. HATFIELD. Mr. President, this is a bill that has finally arrived for floor consideration but which has actually been in the making for about 3 years. It is designed basically to prevent the decimation of an independent segment of the Western forest products industry and the severe impact of such disruption on the communities and workers who rely upon this industry for their economic well being.

The real problem that we have here has been in the making for so many years that it has come into the focus of a pending disaster. I do not use that word lightly for the timber industry, particularly for the small and medium-sized operations.

Over the years, many Senators have become interested in this matter, and I am pleased to say that the Senate version of this bill is cosponsored by Senators CRANSTON, PACKWOOD, GORTON, EVANS, WILSON, GOLDWATER, DECONCINI, FORD, STEVENS, MURKOWSKI, THURMOND, HEFLIN, LONG, and HATCH.

I think one can see quickly by the geographic spread of the sponsorship of this bill that there are many areas of the country which are deeply concerned because the impact of this problem is national. We know that interest rates, we know that availability of supply, we know the problem of housing starts—all of these things are really national problems, not just regional problems.

Most small timber companies in the West are heavily dependent upon public timber. They purchase standing timber from the U.S. Forest Service, the Bureau of Land Management, or some other agency. Then they either log it or hire a logger to cut the trees, and have the logs trucked to mills for processing into lumber. That process is the backbone of Oregon's economy. The independent companies are intensely competitive and also compete with the giants of the forest products industry. Larger companies often own their own lands, which provide a substantial portion of their raw material, while the independents do not enjoy that advantage.

During the late 1970's, for a variety of reasons which are no longer valid,

the forest products industry purchased timber from the Government at prices which, at today's market, mean that the raw material cannot be converted to lumber without incurring terrible losses. In fact, if all the timber purchasers were to go ahead and log that timber and produce the lumber and plywood, they would lose nearly $4 billion. Obviously, that loss is unacceptable, and many of the companies will let the trees stand in the forest. The contracts will expire, and the Government's policy in that instance is to resell the timber and bill the original purchaser for the damages, which are calculated as the difference between the original price and the new price. With the downturn in the market, those damages will be unacceptable to small- and medium-sized businesses, and they will have little option but bankruptcy.

As the other party to those contracts, the Federal Government has two options. It can hold the purchasers' feet to the fire, placing them in an untenable position, or it can modify or cancel the contracts. In the 2½ years that I have been involved in this issue, I have urged that the Government be flexible and recognize the devastating impacts of rigid adherence to the contracts. No one gains from inflexibility.

The Government cannot collect its damages from bankrupt companies, workers will lose their jobs, and communities already in precarious situations will be thrust into chaos—all to prove an abstract legal principle that "a contract is a contract."

Mr. President, when two parties to a contract agree, they can jointly modify or cancel a contract. I believe it is in the best interest of the Government to allow purchasers to buy out a portion of these inoperable timber contracts, and that is the purpose of the legislation before the Senate today.

This bill is a carefully crafted compromise which will provide the Federal Government with significant revenue while it retains its timber assets which may then be resold. My colleague from Ohio, Senator METZENBAUM, has had a great interest in assuring that, and he and I have reached an agreement in the form of increased payments which will be required of some of the companies affected by the bill. The Senator from Ohio has had a dramatic impact on the changes which will be levied, but he also has been fair and understanding of our problem.

That portion is limited to 55 percent of the volume purchased prior to January 1, 1982, which is currently held, and any one purchaser is limited to a maximum buy-out of 200 million board feet. The buy-out charges are based upon the net worth of the purchaser as opposed to the potential loss due to its outstanding contracts. Companies whose net worth is exceeded by the potential loss would pay $10 per 1,000 board feet. For companies whose loss is between 50 and 100 percent of their net worth, the fee is 10 percent of the contract overbid. Companies whose loss is 50 percent or less of their net worth would pay 15 percent of the contract overbid under the terms of the bill approved by the committee.

Due to the concern, mainly in Southern States, that return and resale of this timber would flood the market with timber from the Northwest, to the disadvantage of other regions, this legislation includes a cap on timber sales in Forest Service region 6, which will extend to at least 1991. This cap is designed to avoid again having an excessive volume of timber under contract in region 6. As chairman of the Committee on Appropriations, I want to assure my colleagues that I have no intention of altering that cap through the appropriations process. As far as I am concerned, funds will be appropriated for the Forest Service in a manner which will not allow that cap to be exceeded.

In short, Mr. President, this bill is carefully crafted to recognize the various regional interests which exist. It is fair to the Federal Government and the taxpayers of this country, providing hard cash to the Treasury instead of potential settlements following defaults on contracts which will destroy small companies and disrupt local communities. I urge my colleagues to join me in support of the legislation.

This bill has gone through a series of hearings, has been approved by the Committee on Energy and Natural Resources—and I want especially to thank the chairman of that committee, the Senator from Idaho [Mr. MCCLURE] for his handling of that bill in his authorizing committee. I have great obligation to many people in terms of their contribution of ideas and thoughts on this from the industry, from the environmental organizations, from the public bodies such as county courts, county commissions, cities, and other groups that are related to this whole problem.

Mr. President, when I indicated my list of cosponsors, I inadvertently left out the Senator from Utah [Mr. GARN] who has asked to be a cosponsor. I ask unanimous consent that he be added as a cosponsor of S. 2753.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I know there are a number of Senators who have an interest in this bill. I note my colleague from Oregon, the Representative from the fourth district, Representative JIM WEAVER, is here. He has been long involved in this problem and has worked diligently to help introduce it in the House and shepherd it through the House. I want to thank him, along with Representative AUCOIN, from Oregon, both of whom have been an integral part of the history of this bill.

AMENDMENT NO. 4803

Mr. HATFIELD. Mr. President, I have eight clarifying amendments that I would like to offer at this point and then yield the floor after a ninth one. These amendments are basically for clarification and strengthening purposes only. They have been checked with the minority staff of the committee, they have been checked with my cohort on this matter, the Senator from Ohio [Mr. METZENBAUM], with the chairman of the committee, and others of my colleagues. I ask the Chair at this time that these eight clarifying amendments be stated, and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the amendments.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes amendments numbered 4803.

Mr. HATFIELD. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 3, after the period add the following: "The Government does not hereby surrender any other claim against a purchaser which arose under a contract prior to effectuation of this release and not in connection with this release from obligation to cut, harvest and pay for timber."

On page 6, line 6, strike ", and be held at the date of enactment of this Act." and insert in lieu thereof the following: "for an original contract period of 10 years or less, and be held as of June 1, 1984."

On page 9, between lines 2 and 3 insert the following:

"(F) For purposes of this paragraph, the term 'contract overbid' is the difference between the advertised contract rate and the rate the purchaser bid."

On page 9, line 7, insert the following after "conditionally": "and shall not be considered as part of the outstanding volume of timber under contract for the purposes of this Act"

On page 10, line 19, after the period add: "The sale of timber within region 6 shall be made in such a manner as not to result in discriminatory treatment as between different forests in the region."

On page 9, line 11, strike "in" and insert in lieu thereof "after".

On page 11, line 8, strike the words "if they were".

On page 11, lines 10 and 11, strike: "they are primarily engaged in the logging or forest products industry and"

Mr. HATFIELD. Mr. President, this group of amendments is clarifying and strengthening.

The first amendment simply clarifies that a timber purchaser is not released from any other claims which the Gov-

ernment might hold against him. It is designed to protect the Government's interest.

The second amendment provides a further limitation on the timber sales which are eligible for buy out by excluding long-term sales and requiring that sales be held as of June 1, 1984, rather than the date of enactment.

The third amendment simply defines the term "contract overbid".

The fourth amendment clarifies that, for purposes of the region 6 timber sales cap included in the bill, timber volume returned conditionally shall not be considered as part of the outstanding volume of timber under contract in region 6. This is consistent with the committee report language.

The fifth amendment simply makes it clear that the Secretary has the authority to make the determinations concerning the condition of partially operated sales being bought out.

The sixth amendment ensures that the region 6 timber sales cap does not result in discriminatory treatment among different forests in the region, that is, that the cap will be shared by all forests in our region.

The seventh amendment in this group simply strikes three unnecessary words without altering the intent of the legislation.

The last of these amendments corrects the definition of affiliates so that it conforms with the definition utilized by the Small Business Administration, as was the intent.

Mr. President I urge adoption of the amendments.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. JOHNSTON. Mr. President, we have examined these amendments and there is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4803) was agreed to.

AMENDMENT NO. 4804

Mr. HATFIELD. Mr. President, I send another clarifying amendment to the desk. This is really a technical amendment in one sense. What it does basically is provide statutory direction and authority to the Secretaries of Interior and Agriculture to avoid a recurrence of the problem we are facing today. It is preventive in nature. This amendment has been discussed and circulated among the interested Members and staff.

In effect, it says it will put the Secretaries on notice that we want them to develop a plan by which we discourage speculative bidding in the future which is part of the problem we are dealing with today. We do not attempt to set into law the formula but we do indicate that a cash downpayment be made on the contract. That is basically the purpose of this amendment. I think the Senator from Louisiana has had an opportunity to examine this amendment.

Mr. JOHNSTON. That is correct, Mr. President. This amendment is agreeable on this side.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 4804.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, between lines 14 and 15 insert the following:

"(c) The Secretary of Agriculture and the Secretary of the Interior shall monitor bidding patterns on timber sale contracts and take action to discourage bidding at such a rate as would indicate that the bidder, if awarded the contract, would be unable to perform the obligations as required, or that the bid is otherwise for the purpose of speculation. Each Secretary shall include in the annual report to Congress information concerning actions taken under this paragraph.

"(d) Effective January 1, 1985, in any contract for the sale of timber from the National Forests, the Secretary of Agriculture shall require a cash down payment at the time the contract is executed and periodic payments to be made over the remaining period of the contract."

Mr. HATFIELD. Mr. President, the amendment also directs the Secretary of Agriculture to include a cash downpayment at the time a timber contract is executed and to require periodic payments over the remaining term of the contract. At present, the cash downpayment of 10 percent of the contract. I do not intend that this amount should be reduced, but want to provide a statutory basis for the downpayment concept.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4804) was agreed to.

Mr. HATFIELD. Mr. President, at this time I yield the floor for other opening remarks Senators may wish to make. Then there will be a time at which the Senator from Ohio will propose specific amendments changing the formula for the buyout which we have worked out in agreement with interested parties to this piece of legislation. I yield the floor.

Mr. MELCHER. Will the Senator yield before he yields the floor?

Mr. HATFIELD. I am happy to yield.

Mr. MELCHER. Mr. President, I wonder if the able chairman would explain to me what is meant by "net worth" in the terms of the bill.

Mr. HATFIELD. I will be very happy to do that. I believe we have given the Senator a copy of our committee report.

I direct the Senator's attention to page 10 of the committee report:

"Net book worth" as used in paragraph (3) means the net worth figure at book value for a company as reported in its most recent annual or quarterly financial statement and shall be subject to verification by the administering agencies. As provided in subparagraph (3)(C), this figure shall be determined by an independent certified public accountant in accordance with generally accepted accounting standards for the timber industry. An "independent" CPA would be an accounting firm or practitioner as opposed to a CPA who is an employee of the timber company.

As provided in subparagraph (3)(B), such net book worth does not include the value of any outstanding uncut federal timber sales contracts.

Under existing law the agencies have the authority to request clarification, further explanation, or otherwise verify net book worth submissions to their satisfaction. Furthermore, it should be remembered that these net book worth statements to an agency will fall within the scope of 18 U.S. Code § 1001.

And that gives the boilerplate language of demanding accuracy and authentication and subject to any misstatements they have listed here the fines or prison terms that might be levied. Then we go on through to the rest of that. I will not read it at this point because it gets into some of the more specific formulas, but that is the way in which we have attempted to define net worth.

Mr. MELCHER. If the chairman will yield further, I am aware that the term "most recent annual or quarterly financial statement" will not apply to some of the smaller companies. I wonder what is provided in the bill or in the report to meet that circumstance.

Mr. HATFIELD. If I understand the question correctly from the Senator, we have vested in the Secretary the final determination on what will constitute net worth in that we have listed a general outline. But since this is an administrative matter, we could not conceivably cover all possibilities or all types of industry. What we have tried to do, because of the diversity and complexity of the timber industry, is not to set the guidelines, the criteria, recognizing this is an administrative function that cannot lend itself to codification in law and ultimately has to be flexible enough to let the Secretary make such final determination.

Mr. MELCHER. If the chairman will yield, that is the very point that is not clear to me, and I do not find it in the bill nor in the report, that the Secretary can go outside. The language just says "net book worth." The report only goes that far. I do not think the report language is all that guiding anyway, but as I read the report language, all it says is that the Secretary will check out whether the net worth as presented by the company is accurate. My fear is that—and I have been

told this by some of the forest products industry—the term itself is more advantageous to larger concerns than it is to the smaller concerns.

Now, I know that is not the intent of the authors of this bill, and I see no reason why we should leave it in doubt. It clearly is in doubt now. If we could go to something in regard to the Small Business Administration which has terminology—and we have plenty on the statutes as to what constitutes a small business—we get away from some language in the statute that is going to be rather difficult for some of the smaller operators to be on the footing that the authors of the bill intended.

Mr. HATFIELD. May I respond to the Senator from Montana with two observations. First of all, I direct his attention on page 2 to the subsection (C) which is in the lower quarter of the page. It says—and this is from the language of the bill:

Net book worth shall be, subject to agency verification, as determined by an independent certified public accountant in accordance with generally accepted accounting standards for the timber industry.

Now, writing that particular criteria into the bill gives the added verification of what we are really trying to do and still protects the small segments of industry and at the same time maintains flexibility.

The second observation, I should like to say to the Senator from Montana, is that the small businessmen of the timber industry, as represented by the North West Timber Association, are fully supportive of this bill.

We have worked with them and other groups from the very beginning because our main purpose has been to try to bring focus to the needs of the small part of the industry, the small entrepreneurs. I assure the Senator that I share his concern, but these concerns have been hammered out over a 3-year period with those precise segments of the industry, the small operators. It is really somewhat surprising to me at this moment that there has been any doubt raised, because they have been the most persistent in looking for some kind of legislative relief.

I imagine if there is any one group that knows this bill backward and forward and can recite it in their sleep, it is the small components of the timber industry. We have worked with these people hour by hour, day by day, week by week, and month by month. I am sure, if the Senator would take a moment to reassure himself by communicating with any segment of the industry, he will find that they are very supportive. They are probably the most totally committed to this proposal as any segment of the industry. I use this opportunity to reassure the Senator of what the focus of this bill is. And when the Senator from Ohio and I complete the amendments which the Senator from Ohio is going to offer, it even brings into more sharp focus the emphasis of this bill to help the small entrepreneur in the industry.

Mr. MELCHER. Mr. President, if the chairman will yield further, I realize that everything he said about the group of mill operators and loggers in the Northwest is true. I realize that the intent and intent of everyone else dealing with this bill has been to assure that the concerns of the small operators are fully met.

However, I must add that the chairman knows better than I that group of mill operators frequently has differing viewpoints on the language in a bill and what I am reporting right now is precisely that. Some of the smaller operators in the inland area, the inner mountain area, have reported to me that they have some concern with this, and knowing the intent of the chairman and everyone else connected with this bill, if there is any way of clarifying this particular point we hope that they will accede to a clarification before we are done with the bill.

Mr. HATFIELD. I thank the Senator for giving this early-on opportunity to again associate myself with the Senator from Montana in saying that the purpose, the intent, the history of this bill will, I think, be replete with the commitment and evidence to back up that commitment that the focus is to try to help the smaller segments of this industry to survive as against the economic conditions that were not of their making against certain practices within the industry of cannibalism in order to help them survive in order to maintain the diversity of the industry.

I thank the Senator for that commitment he has made for a long while as it relates to timber industry problems.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I am pleased to join my colleagues from the Northwest in urging the Senator to pass this legislation. I commend particularly the distinguished Senator from Oregon [Mr. HATFIELD] about whom it can be said in total truth that without his efforts we would not have reached what seems now to be a happy conclusion. I should also wish to thank the distinguished Senator from Ohio [Mr. METZENBAUM] for his thoughtful consideration of this problem, and obviously my junior colleague, Senator EVANS, who has worked diligently on it from the day he arrived in the Senate.

This legislation has the support of nearly all of the timber industry, including the Northwest and the South, most large companies, and small businesses. This diverse industry has worked in good faith for the past 3 years to reach a consensus on legislation that is needed as desperately by the independent mills. To ensure the continued viability of this large segment of the forest products industry in the Northwest, which is so heavily dependent on the purchase of Forest Service timber, relief must be obtained from these old Federal timber contracts.

For a variety of reasons, Federal timber sales in the Northwest during the 1970's were bid extremely high. Rampant inflation, the long term of sales, and Government economic predictions of high housing demand and continued inflation, are just a few of the reasons that led to those high bids.

Beginning in late 1981, however, sharply higher interest rates and reduced inflation forced lumber and plywood prices rapidly downward.

The market has not yet recovered and these highly priced contracts are economically inoperable. If purchasers were forced to go ahead and log the timber under these contracts today, they would be forced to default. Many small and medium-sized firms would be forced into bankruptcy. The losses these companies would incur far exceed their current book value.

In fact, each of these adverse consequences has already taken place with respect to some companies.

Mr. President, to the extent that we can avoid it this should not be allowed to happen. If there is to be any chance of independent mills dependent on Federal timber in the Northwest surviving, this legislation is necessary. This compromise bill will avoid massive defaults and bankruptcies; it will preserve jobs in timber-dependent communities; it will preserve competition and an independent sector of the forest products industry; and it will facilitate orderly management of the Federal timber resource. I emphasize that this is not a timber bailout. The mills will pay a buy out charge to be released from a certain percentage of the timber under contract. The Federal Government gets the timber back and it can be resold at a later date.

Timber contract relief is critically important to a large portion of the forest products industry in the State of Washington and elsewhere. I urge my colleagues to join me in supporting this bill today.

AMENDMENT NO. 4806

Mr. EVANS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Washington [Mr. EVANS] for himself and Mr. GORTON proposes an amendment numbered 4806.

Mr. EVANS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On section 2(a)(2)(A), on page 6 line 6, after "enactment of this Act.", insert: "*Provided*, that any such contract that was defaulted after January 1, 1981 may qualify for buy-out under this section so long as i) settlement for damages has not been reached between the purchaser and the United States; and ii) the purchaser's loss on all of its qualifying timber sales contracts, as determined in section 2(a)(3)(A) of this Act, is in excess of 50 per centum of the net book worth of the purchaser.".

Mr. EVANS. Mr. President, I send to the desk an amendment to H.R. 2838, the Federal Timber Contract Payment Modification Act. For purchasers whose potential loss on all their timber sales which qualify for buy out exceed 50 percent of their net book worth, the amendment would extend eligibility to contracts in default where settlement has not been reached with the Federal Government. The amendment would not result in any additional timber being eligible for buy out, but would merely result in a wider range of timber sales being eligible to select from.

To qualify for buy out under the proposal as written, a timber sales contract must have been bid prior to January 1, 1982, and must be held by the purchaser as of June 1, 1984. As currently written, the legislation excludes contracts already declared in default, even though no settlement for damages has yet been reached with the Federal Government. Contracts which already have been defaulted were not included among contracts eligible for buy out because of the conceptual difficulty of having to, in effect, bring those contracts back to life in order to run them through the buy out process.

Mr. President, the equitable arguments favoring companies already in default clearly outweigh the conceptual difficulties of providing them relief. I believe the equitable arguments for timber contract modification apply equally to purchasers already in default. Consequently, I believe they should be afforded relief as well as those who continue to hold their contracts. Many though not all, of the contracts currently in default were contracts which could not be extended under various administration extension policies because of the nature of the timber involved. Many others were held by purchasers whose financial situation was so precarious they couldn't afford to join in the pending North Side Lumber Co. against Block litigation or the administration's Multi-Sale Extension Program.

Mr. President, many purchasers already in default have all but given up hope for their own existence. One such purchaser, Seattle-Snohomish Lumber Co., has just over 100 employees. On January 6, 1984, Seattle-Snohomish defaulted on a single timber sale worth twice as much as the net book worth of the company. Without this amendment, companies such as Seattle-Snohomish would face certain financial ruin. These companies need our help more than anyone. It would be a cruel irony indeed if this legislation excluded from its purview those who need it most.

Mr. President, let me speak for a moment more generally than on just this amendment. The forest products industry in the Northwest is in transition. It is also an industry in deep trouble. It is an industry which has suffered the triple blows of high interest rates over the past few years, expansion of imports from other countries, particularly Canada, and a long recession from which we are just beginning to recover.

This is an industry which has long been the lifeblood of the Northwest. It is the tradition, it is the growth, it is the beginning of the Northwest.

If we were not to pass this legislation, we would simply be requiring companies to pay from treasuries empty. You cannot get money for the Government from bankrupt companies.

This bill, I believe, is likely to maximize revenue to the Government and those sales which are returned represent assets undiminished which can be utilized in the future by the Government in future sales.

Mr. President, I wholeheartedly support the Timber Contract Payment Modification Act as amended. The distinguished chairman of the Appropriations Committee, Senator HATFIELD, has eloquently explained the legislation and the need for its adoption. There is no need for his arguments to be repeated. I congratulate Senators HATFIELD and METZENBAUM for the efforts they and their staff have made on this much needed legislation. In particular I would like to commend the efforts of Tom Imeson and Tom Winn of Senator HATFIELD'S staff, Doug Lowenstein of Senator METZENBAUM'S staff, and Joe Mentor of my staff for their work on the legislation.

I urge adoption of H.R. 2838, and I urge adoption of this amendment.

Mr. GORTON. Mr. President, I join my good friend and colleague, Senator EVANS, in supporting this amendment.

The legislation as currently written excludes contracts which have already been declared in default by the Forest Service, even though no settlement for damages has yet been reached with the Federal Government. Many small timber companies in my State are near bankruptcy. Several companies have already declared bankruptcy. If large judgments are rendered against these small companies with timber sales in default, many more bankruptcies will occur.

Many, though not all, of the contracts currently in default were contracts involving substantial amounts of timber subject to rapid deterioration. These contracts could not be extended under the various administrative extension policies without the approval of the Secretary of Agriculture. The equitable arguments favoring timber contract relief apply equally to these purchasers, and they should be afforded contract relief as well.

This amendment extends eligibility to those contracts in default after January 1, 1981, where settlement has not been reached with the Federal Government if a purchaser meets a needs test—the same formula that is in the current legislation for determining a company's buy-out charge.

I want to emphasize, Mr. President, that this amendment will not result in any additional timber being eligible for buy out. It merely results in a wider range of timber sales being eligible.

This amendment will help many small timber companies—an important segment of the forest products industry in the Northwest—remain viable and it will help to preserve jobs in timber-dependent communities.

I urge my colleagues to join me in supporting this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. METZENBAUM. Mr. President, I know this amendment is acceptable to the Senator from Oregon, at least I think it is, but I would not want to proceed until he arrives in the Chamber. The minority has no objection and I have no objection. But, as a courtesy, I think we ought to wait until the Senator from Oregon is here to indicate his position in respect to the amendment.

Mr. HATFIELD. Mr. President, the amendment offered by the Senator from Washington State is acceptable.

Mr. METZENBAUM. I was quite certain it was, but I did not want to proceed without the Senator from Oregon having an opportunity to be heard. The minority has no objection and the Senator from Ohio has no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment offered by the Senator from Washington [Mr. EVANS].

The amendment (No. 4806) was agreed to.

ECONOMICS OF FOREST SERVICE TIMBER SALE PROGRAM

Mr. McCLURE. Mr. President, the Forest Service Timber Sale Program has recently been attacked by critics who charge that the Government is selling national forest timber at a loss.

I expect this debate will continue over the next few years, and Congress will be taking a close look at the situation. This issue is already being clouded with the circulation of inaccurate and misleading information which makes the job of resolving the matter even more difficult.

Factors to be considered in developing an annual sales program that may include sales below costs are rightly to be reviewed and weighted by Congress. In the vast majority of instances, these exceptions to the norm have already been endorsed by Congress and explicitly and implicitly accepted as Forest Service policy. These exceptions include insect, fire, or blowndown salvage sales, or sales that maintain dependent communities, or sales that promote the use of sound silvicultural practices, such as thinning. All of these exceptions are already congressional policies, enunciated in earlier legislation.

There are other instances where the multiple use doctrine of forest management would provide values and benefits to support the need for a timber sales program that might not be able to be justified solely on the timber receipts. These values are calculated by the Forest Service in any number of instances; for example, in the Resources Planning Act, dollar values are established for a number of noncommodity outputs. In developing land management plans, the Forest Service is currently engaged in the practice of assigning values to timber and nontimber activities and is proposing increases in the timber sales program in forest plans only to the degree that these values permit.

The Department of Agriculture recently released a summary of the issue which I feel is a good portrayal and clarifies some of the misconceptions. I ask unanimous consent that the full text of this summary be printed in the RECORD and recommend that all those interested in the issue take the time to read it.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NATIONAL FOREST TIMBER SALES ARE PROFITABLE

Critics have charged the U.S. Department of Agriculture's Forest Service with selling some National Forest timber at a loss.

Pointing to some individual timber sales, they claim that the Forest Service does not receive in cash enough to cover costs incurred to prepare and administer the sales, and to design the roads built in connection with the sales. It is also sometimes charged that costs for constructing the roads are not recovered either. According to this criticism, these so-called "below-cost" sales should not be conducted because they subsidize the timber industry with taxpayer dollars and disrupt forested areas that should be left in their natural state.

These criticisms do not give a complete picture of the issue. Measured only by a criterion of cash recovery compared with incurred costs, it is true that some sales are made at a "loss." However, there are other factors which must be considered:

The Multiple-Use Sustained-Yield Act of 1960 and the National Forest Management Act of 1976 direct that the 155 National Forests be managed for a variety of benefits, not just the production of timber. Maximizing cash profit is not the legally prescribed objective of national forest management. Nonetheless, the Forest Service does make money on its total annual timber sale program. In fiscal year 1983, timber was sold from the National Forests for $195 million more than expenses to prepare and administer the sales and to design the roads to be built by the purchasers of the sales. Over the past six years, expected receipts from timber sold have exceeded the costs of the timber sale program by $5.5 billion.

Some sales are designed to improve the quality of the remaining timber, to salvage and prevent waste of trees damaged by fire, insects or disease or to enhance other resource values, such as wildlife, watershed and recreation. A commercial timber sale is usually the most effective way to achieve these other benefits. When timber stand improvement is the objective of the sale, the unrecovered costs are an investment eventually to be recovered from harvest of the improved stand. When salvage is the objective, the purpose can be to reduce otherwise larger losses, to remove trees occupying growing space needed by new trees, or to reduce the threat of disastrous future timber losses from fire or from insects and diseases.

Forest management requires long term investments. For example, the $235 million appropriated for road design and construction and included in timber sale costs in fiscal year 1983 should be amortized over years and decades to obtain a valid year-to-year cost-benefit comparison.

National Forests are managed for numerous products and amenities in addition to timber. Such benefits include vegetative management, investments in future timber growth, insect and disease control, access for recreation, and wildlife habitat improvements. These additional benefits are derived in large part from timber harvesting. If commercial sales were not used to achieve these other resource benefits, these benefits would either not be achieved or would have to be accomplished using appropriated funds at far greater costs than the "losses" being criticized.

PURCHASER ROAD CREDIT

Mr. McCLURE. Mr. President, I had planned to offer an amendment to this bill which would permit small forest products companies in the intermountain West to participate in the timber contract relief program. These small companies will receive no assistance under the bill as it is presently drafted.

Although I have decided not to offer the amendment at this time, I would like to address the issue here today. It is important to understand a few key differences between the timber companies which operate along the Pacific coast, the west-side operators, and the timber companies which operate primarily east of the Cascades, the east-side operators.

First, because of the species and grade of Government timber grown in the Rocky Mountains, competition for available supplies has never been as intense in this area as it has along the coast. Thus, the east-side operators did not take part in the buying frenzy of the late 1970's and early 1980's which has necessitated the pending legislation.

Second, where localized competition did drive up the stumpage price of Federal timber in the inland area, escalation-deescalation clauses in U.S. Forest Service timber sales contracts allowed stumpage prices to decline as lumber prices fell. Such clauses, which might have precluded the need for this bill, have only recently been added to timber sale contracts in west-side national forests.

Third, when the lumber market began to recover in 1983, many east-side operators either harvested all of the timber from any remaining high priced sales or extended these sales under the President's extension program. For these three reasons, most of the small east-side operators will not benefit from this legislation as it is presently written.

Small forest products companies operating in the Rocky Mountain States do, however, have two things in common with their counterparts on the Pacific coast: They face intense and growing competition from Canadian lumber and plywood producers, and they have suffered immense losses in recent years. Small Idaho timber companies worry that both the Canadians and the west-side operators, which will benefit from the current legislation, will enjoy a competitive advantage over east-side operators for many years into the future.

The small lumber and plywood producers operating in the Rocky Mountains are being neglected by this legislative relief package. These producers, like their counterparts on the west coast, suffered immense losses during the recession of the early 1980's and are suffering again under present market conditions.

Mr. President, the amendment I was considering, but have decided not to offer today, addresses the problem of ineffective purchaser road credits.

Forest Service timber is appraised and sold as though roads specified for construction in the timber sale contract already were in place. Purchaser credit is earned by a timber purchaser for the construction of these roads to be added. It is a contractual mechanism which provides for the amortization of estimated construction cost against the value of timber to be harvested. By statute in 1964, Congress recognized the agency's use of purchaser credit procedures for road construction under timber sale contracts.

The credit which can be earned by a purchaser is limited to the amount the Forest Service estimates will be ex-

pended to build the roads specified for construction on a given timber sale.

The Forest Service establishes a base rate for stumpage which includes a minimum stumpage rate set for each species in each region, plus the cost of essential reforestation to meet regeneration requirements of the National Forest Management Act of 1976 (36 CFR 223.4(b)). This base rate must be paid in cash, but stumpage rates above the base rate may be offset with earned purchaser credit. When stumpage rates are at or near the base rate, the purchaser credit earned but not usable for stumpage payment is termed "ineffective" purchaser credit. For the purchaser, this ineffective purchaser credit represents a cost which cannot be recovered in terms of an offset against stumpage payment to the Government. In this situation, the purchaser is in effect subsidizing the Government by building the road at his own expense. These roads may be used in the future by both the Forest Service and the public for recreation, fire control, and other management activities. And I should add, too, they will also be used and perhaps will be used by other timber purchasers who are in competition with the company that made the investment in the road in the first place.

This is a serious problem in the inland States and one which I hope to address in coming years.

Let me suggest that what we are doing here is relieving timber operators of a future financial obligation that is under an existing contract but an obligation they are not yet required to pay. A purchaser credit question can arise in which a timber purchaser in the inland region not only has an obligation to pay but he has already spent the money and has no way of offsetting it against stumpage because of the very change in market conditions that allows the west side operators under this bill to get some financial relief. So we are relieving the west side operators of a future expenditure while people on the east side may have a current expenditure or past expenditure for which there is no relief at all.

That, Mr. President, seems to me to be an inequitable result, but I am not going to stand in the way of the Senator's bill at this time for a variety of reasons, not the least of which is I am very conscious of the plight that the west side operators find themselves in. The fact that we cannot find an answer for the inland operators is no reason for us to deny that to the west side operators with one exception, and that is addressed in this legislation. That exception is the enhanced competition that will come from the better financial condition and lower operating costs that come to the west side operators. This was met in part in the bill, as was suggested earlier, in purchaser road credits and also in the harvest cap placed upon the west side under the terms of both earlier legislation and this.

The cap remains in place, but the purchaser road credit provision that was in earlier legislation has been dropped. I regret it was necessary. I think it was dropped because there are a great many people who do not understand the complexity of that formula and the way it works and the way it works to the disadvantage, and I think the unfair disadvantage, of inland operators. But rather than raise that question at this time and complicate the problems of the Senator from Oregon in getting the relief which I think is badly needed for some of his operators, it would be my intention to defer that to a future debate and hopefully a future resolution.

Senator HATFIELD and I have discussed this matter at length; and, based upon those conversations and the assurance that we are going to have to work together to solve that problem in the future, I will not offer an amendment at this time.

Mr. HATFIELD. Mr. President, I thank the Senator from Idaho for the statement he has made. He has very succinctly and poignantly set forth a very serious problem that involves, as he says, the Forest products industry east of the mountain range. We have interests, of course, east of the range within my State as well as within the inland region.

I assure the Senator that I also am grateful that he is not raising this amendment at this time, because I feel that, if adopted, it could well put asunder the fragile coalition we have now behind this bill, of industry, labor, and environmental groups which have indicated a hands-off policy or a neutral position.

The Southern Pine operators, who previously opposed this legislation, have now adopted at least a neutral position.

I think the Senator understands very well the fragile character of the present coalition this might destroy.

At the same time, that does not solve the problem. I say to the Senator that I will exert every energy I have, assuming that we both are in our present positions after November, to address that issue down the road.

I also say to the Senator that I believe it is even a broader issue than it relates to this particular point, and the broadness of the issue is, what are the current specifications that the Forestry Service and other Federal agencies are requiring for road construction for the harvesting of timber?

I am disturbed at times, and I have frequently said that I think there are too many engineers in the Forest Service who are developing specifications for roadbuilding that far exceed the requirement for the purpose of harvesting timber. I would much rather see a whole review of road standards and the cost of timber, which could help, in my view, from an environmental point of view.

Mr. McCLURE. Mr. President, I thank the Senator for his statement. I have long felt, as the Senator has described it, that we have road standards that force the construction of roads that are more expensive than is necessary and that have a heavier impact on the land than is necessary.

Site differences, curvature, and grade, in the manner laid out by the engineers in the construction of these roads, are very likely to maximize the impact upon the environment. The cuts that go up the hillside, the spoil banks that go down the hillside, and the steep drain are much more than would be necessary if the road were built to less stringent standards.

I have been working on this for a number of years, and many of us have been doing what we can to get them to reduce the overbuilding standards that increase the environmental impact and increase the expense, and we have made some progress. I have looked at the new roads built to the new standards now in effect, and they are better than they were, but there is still progress to be made.

I think the Senator is correct that it is a broader subject than just the credits, but there is also another part that must be addressed, and that is the whole question of what is a deficit sale—or, if I put it in the less popular term, when is it economic to harvest timber and when is it not economic to harvest timber? What kind of national policy should we have?

Unfortunately, it is this last issue more than it is the low standards that makes it difficult for us to do equity to the timber purchasers who are faced with the costs of building roads whether they want to build them or not, and cannot get credit for them.

It is the concern of people about whether or not we are harvesting timber where we should not be, whether it is economic to do so—the entire semantics of what is a deficit sale and what is not, and the lack of understanding as to how this traps the timber operator. If we could separate the issues, we could resolve each, but the issues perhaps could not be separated.

I am interested in the statement the Senator from Oregon has made, and I am grateful for his concern, which we have explored in our own conversations. I hope we will be able to work together to find a solution to the problem, so that we can bring some equity.

I also thank the Senator from Oregon for standing firm on that portion of the bill that I think is the only protection that the inland operators have—standing firm in the sense that he understands the fragile nature of

the compromise and that changes in that compromise might destroy it. That deals with the cap that was negotiated. I know that he must have been under tremendous pressure from operators on the west coast to change that cap. I suspect that many of them did not understand that if that were changed, there really would not be a bill.

I assure the Senator, in view of the advantage we got in the inland region, the equity we got in the purchaser road credit, if there had been any change in that cap, there would have been every reason for this Senator to oppose the legislation, and there would have been the opposition of the southeast operators as well.

Mr. HATFIELD. I assure the Senator, as chairman of the Appropriations Committee, that in that role, however long I hold it, we will live up to that cap.

Mr. President, I yield at this moment to the Senator from Ohio, or I will yield the floor so that the Senator from Ohio may take the floor.

I have one other amendment to be offered on behalf of the Senators from Alaska, about which we have talked with the Senator from Ohio, relating to a peculiar circumstance there, which we adopted in the previous so-called Metzenbaum-Hatfield proposal. I will withhold that amendment, if the Senator from Ohio wishes to proceed.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, let me preface my remarks by saying that I do not like this bill. I think it is bad legislation. I do not like canceling Government contracts.

I have an old-fashioned free enterprise view about such matters, and that is that when you make a contract, you ought to live up to the contract. If the contract is with the Federal Government, maybe that is call the more reason that you ought to live up to it. I came from the business community, and the contracts I made I had to live up to.

This bill is premised on the concept that people or companies bid for timber and they made a mistake. So now, we find that the free enterprise system is to be bent a little. Doing things the old-fashioned way, as I hear often on the TV tube, is not the way we are going to do it in the U.S. Senate.

So that nobody misunderstands where I am coming from, I am not rising to oppose this bill. As a matter of fact, I publicly commend the Senator from Oregon. For a period of 2½ years, he and I have developed a very close working relationship. In fact, I would say that I do not know of any piece of legislation on which I have probably spent more time than the timber bill in the last 2½ years.

As a matter of fact, on that subject, I have seen some publicity in some of the papers in the West asking what the Senator from Ohio is doing, concerning himself about a timber bill, or $8 billion that the Bonneville Power Authority owes the Government, or the amount of dollars involved in dam safety legislation, the Hoover Dam bill, having to do with extension of a contract for 30 years. It does not affect the Senator from Ohio. Or many other matters, such as canceling $13 billion owed to the Government by the DISC's, or $8 billion owed to the Government by the REA's. They also would like cancellation.

I just have a fundamental enough concept of what is right and wrong that I do not think the Federal Government ought to be canceling contracts or canceling obligations that are owed to it, whether those obligations are due from people in the East, or Southeast, or Midwest, or West, or Northeast.

So, I started off with this piece of legislation saying that I do not like it. But I am also a realist enough to understand that, if I were to put myself in the way of its passage and if I were successful in defeating it, I might have some concerns myself as to whether I had done the right thing because from the inception I had indicated my willingness to help the needy companies; those who, if they were obligated to live up to their contracts, would be bankrupt. And those companies are defined in the bill, as companies in connection with which their debt obligations, or their negative losses in connection with these contracts, would exceed their new worth.

I recognize that, if you are going to lose $200,000 or $2 million, and your whole net worth is $200,000 or $2 million respectively as the case may be, that would bankrupt you if you had to live up to that contract.

Frankly, I would not want to be a party to bankrupting any companies, whether they are large or small. So I have from the outset said I am willing to provide protection for those companies. And I also have said that it did not matter to me whether they were large or small companies, if their negative net worth was such that they would be bankrupt if we did not provide some relief, I was willing to help pass legislation.

I also had indicated I thought there was another group of companies that I was concerned about, and those are what I would call the smallest of the timber companies. And whether they were going to be bankrupted or not, I felt it was appropriate to provide some relief for them. So, we have negotiated, and negotiated. And we find ourselves where we are at the moment.

This bill would help financially ailing small businesses without providing wholesale relief of highly profitable forest product concerns. The version before us, as it will be amended by my amendment, will be a vastly improved piece of legislation as compared to what we first were presented with about 2½ years ago. At the inception, that would have cost the Federal Government $2 billion, if the bill had passed. When I raised the issue with the manager of the bill and others concerned, I think they recognized that there was merit to my concerns, indicated a willingness to discuss the subject further, and to negotiate in connection with it.

The bill will force the nonneedy companies—I think that should be emphasized—to live up to the overwhelming majority of their contractual obligations to cut Federal timber at the prices they originally bid. Most importantly, the bill does not force the general taxpayer to finance a multibillion dollar bailout for an industry victimized by its own decision.

I might say parenthetically to the Senator from Idaho and the Senator from Oregon that they did have some colloquy with respect to the road credit issue. In connection with that colloquy, they indicated they might address themselves to that issue next year. And in connection with that, they assumed they might be in the same position they are in.

Well, I want them to know that I am hopeful that they are not in the same position they were in as far as being chairman of their respective committees for reasons that are quite obvious. And, second, that regardless—

Mr. McCLURE. Would the Senator yield on that point?

Mr. METZENBAUM. I certainly will.

Mr. McCLURE. I thought maybe the Senator was referring to my aspiration to becoming majority leader, and being signed on as my campaign manager.

Mr. METZENBAUM. I think over on the Senator's side of the aisle it might help a bit more if I became your all-out adversary.

Mr. McCLURE. Do I have that option? [Laughter.]

Mr. METZENBAUM. I do not know that you need me as a campaign manager, nor that you want me as a campaign manager, but I understand the point of the Senator from Idaho. I will not address myself as to who is going to be the leader either of the majority or the minority on that side of the aisle. I have enough problems of my own.

With respect to the road credit issue, that indeed would be, and will be, a controversial matter. It is not before us. But I would not want the record to be incomplete without at least my indicating that it is an issue of major concern of the Senator from Ohio.

Before I discuss my own amendment, let me give a little background.

In the late 1970's and early 1980's, timber companies anticipated a bullish economy. So they engaged in a wildly speculative bidding binge that drove up the prices paid for Federal timber to 400 percent or more above its appraised value.

Nothing was too high to bid for timber. They would buy it all up. So there were appraisals. Some of those bids were 400 percent higher than the appraised value.

Soon thereafter, the economy went into a nosedive, and the contracts turned sour. Instead of accepting the consequences of their poor business judgment, the timber companies came to Congress for a bailout. They indicated to Congress that they would like to be left off the hook.

The original Senate bill would have allowed any timber company regardless of need to cancel its contracts with the Federal Government. That went too far. We did not hear much from the companies at that point about getting the Government off the backs of the private sector. In this instance, it was the case of the Government interceding, being asked to come in and prop up the timber companies, intervene and permit the cancellation of contracts; quite a reversal.

At that time, I opposed the bailout legislation because I do not believe we should extend unlimited relief to companies unless they can demonstrate that they are in financial distress.

And even then, the price for terminating a freely entered contract should be stiff.

When the industry found that they could not get a bill past the Congress, they turned to President Reagan. Lo and behold, that champion of the free market, that spokesman for making the Government run like a business, that great opponent of Government intrusion into private business affairs—what did he do? With one stroke of his pencil or pen he totally changed the contract and opened the Treasury gates to the timber industry.

In late July, the President agreed to allow timber firms to extend their contracts with the United States for 5 years and excused them—and I want to emphasize this—from paying interest on the uncut volume as had been the practice in the past.

Not only were the companies presently, at this moment—that is what in effect—excused from their irresponsible behavior; they do not even have to pay the customary interest charges.

(At this point, Mr. HECHT assumed the chair.)

Mr. METZENBAUM. So what we have is billions of dollars owed to the Federal Government on contracts that are not being lived up to, the President extends the contracts, the Government does not get the money when it should, and the President of the United States, who keeps blaming the Congress for the fact that the budget is not in balance, totally wipes out the obligation of these timber companies to pay interest on their unpaid debts.

Here is an administration which has excoriated Congress for failing to control spending, but when big timber, the President's political supporters, came to town, that great budget balancer threw fiscal restraint out the window. He will call for a constitutional amendment to change the Constitution requiring a balanced budget, but he is the transgressor in this instance, and he is the one whose decision to extend contracts without interest cost the Treasury $500 million in the first year alone.

But interest-free extensions were not enough for the industry. They wanted more. So a few months ago the industry developed a new contract relief bill. It is interesting how they worked this out. They had a meeting with the northwestern contractors, the southeastern contractors, and the overall timber groups, and they came back to the Congress and said, "We have agreed upon a bill."

The only people who were not present at that meeting were any representatives of the Congress and, to the best of my knowledge, any representatives of the U.S. Government.

They said, "This is the bill, this is the agreed-upon bill." I remember they brought it into my office and said, "Senator, we have agreed upon this bill." I said, "You may have agreed but I have not agreed, and I am not sure that a number of the Members of Congress would be willing to agree if they knew what your agreement is."

I still do not like that bill. I do not like the bill that is before us. But in recent weeks, Senator HATFIELD and I have worked out several amendments that sharply proscribe the amount of relief available to nonneedy companies and sharply increase the price of that relief.

I want to be frank with you. If it were up to me, these nonneedy companies would not get any relief. It is wrong to provide a bailout to companies unable to demonstrate genuine financial need at any time, let alone when we are running a $200 billion deficit.

No matter how you slice it, Louisiana Pacific, Oregon Cascade, and Champion International do not need relief. They can live up to their contracts without it affecting their financial stability. They are among the most profitable forest product concerns in the world. As a matter of fact, Champion just acquired St. Regis Paper for a mere $1.840 billion. So we are not talking about the truly needy.

But it has become clear that unless the industry giants can feed at the trough, they will not stay on the farm. Essentially, they have held small and medium-sized firms hostage to their own greed. So we in the Congress find ourselves in this position: If we have reached the point where we are going to help some companies with genuine need, we would have to provide some limited relief to the nonneedy. I do not buy that concept. I do not like that concept. I am not enthused about that concept. But I am willing to accept the agreement that we have worked out together, provided there are no modifications of it on the floor of this body.

Mr. President, at this point I will offer a series of amendments and explain each of them briefly.

Mr. BUMPERS. Will the Senator from Ohio yield?

Mr. METZENBAUM. Without losing my right to the floor and not for more than 1 minute, if I may.

Mr. BUMPERS. Let me explain to the Senator what I want. I want to get into about a 1-minute floor colloquy with the author of the bill about a particular situation.

Mr. METZENBAUM. Mr. President, since I am about to offer some amendments and since it is not urgent that I offer them at this particular point, I will yield the floor to the Senator from Arkansas.

Mr. BUMPERS. Will the Senator from Oregon answer two or three questions that I am concerned about on this bill as they affect some of the smaller timber operators in my State?

No. 1, as I understand it from the bill, if an operator has never entered a tract, that tract is eligible to be forfeited.

Mr. HATFIELD. That is correct.

Mr. BUMPERS. No. 2, the Forest Service usually divides a tract into units and once an operator goes onto that particular tract, he must go to a particular unit and cut that unit before he cuts another unit. So in this hypothetical case of an operator who has a tract that consists of seven units and the operator, at the time this bill is enacted, has cut three of those units, the other four remain untouched but obviously if he had to fulfill the contract he would have to cut them. My question is, are those four remaining units eligible to be forfeited for loss?

Mr. HATFIELD. Let me answer, if I might, from the language of the bill, which answers the question of the Senator from Arkansas. It is on page 9 of the bill. I believe this will answer his question.

(B) Contracts returned to the appropriate Secretary pursuant to this subsection under which harvest has begun, shall be returned conditionally. The return shall become final after the purchaser has completed stages of contractual obligations for the units on which the harvest has begun, including work on roads, to logical stopping points as determined by the Secretary in consultation

with the purchaser. All remaining unharvested units must be returned.

Mr. BUMPERS. That is the provision which has troubled me most. I think the answer to my question is yes.

This says, "Contracts returned to the appropriate Secretary pursuant to this subsection under which harvest has begun, shall be returned conditionally."

My question is does that mean unit or total tract?

Mr. HATFIELD. We deliberately put this language in flexible terminology in order to let the Secretary try to administer equity in the case of partially cut sales.

The purpose of language in here was to address precisely the problem that the Senator is raising. We put it down in such words as "conditionally" because, again, we fell that there has to be flexibility to deal with these problems that we cannot really foresee in every instance.

I would say that to be very specific and make legislative record, the purchaser the Senator describes should be able to return uncut units.

Mr. BUMPERS. I thank the Senator.

AMENDMENT NO. 4839

(Purpose: Increased penalties)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 4839.

Mr. METZENBAUM. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 8, insert after "15 per centum": "for the purchaser's first 125 million board feet, 20 per centum for additional board feet above 125 million up to 150 million, 25 per centum for additional board feet above 150 million to 175 million, and 30 per centum for additional board feet above 175 million up to 200 million."

Mr. METZENBAUM. Mr. President, the timber bill that the timber industry proposed a couple of years ago that I opposed at that time provided that, upon cancellation, the timber industry would pay a penalty of $3 per 1,000 board feet. The average overbid is $300 per 1,000 board feet; they proposed to pay $3 per 1,000 board feet.

The amendment I am offering would increase the penalties assessed against companies seeking to cancel their contracts to a substantially higher figure. I should point out that under the bill as it is presently written, which reflects much of the movement that has transpired over the past 2½ years between the Senator from Oregon and myself, it is presently provided that companies whose contract losses were less than 50 percent of their net worth would pay 15 percent of the contract overbid. Assuming an average overbid of $300, the typical penalty for companies in that category would have been $45 per 1,000 board feet instead of the original $3 per 1,000 board feet.

The amendment I sent to the desk sets a penalty of 15 percent of the overbid for the first 125 million board feet, then progressively moves it much higher. For timber between 125 and 150 million board feet, the penalty would be 20 percent of the overbid for the right to cancel; for between 150 and 175 million board feet, the penalty would be 25 percent of the overbid. For timber between 175 and 200 million board feet, the penalty would be 30 percent of the overbid. Thus, again assuming an average overbid of $300, this amendment alone raises the penalty payments up to as much as $90 per 1,000 board feet, compared to $3 per 1,000 board feet, a range of from $45 up to $90.

It is my understanding that the amendment is acceptable to the manager of the bill.

Mr. HATFIELD. Mr. President, as the Senator from Ohio has indicated, this changes the formula that was originally in the bill with a progressive increase per number of board feet that will be terminated in a contract. It is acceptable. It is part of the compromise that the Senator from Ohio and I have worked out. I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4839) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote, Mr. President.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4840

(Purpose: Extension Program)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 4840.

Mr. METZENBAUM. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 10, strike the words "to reappraisal,"; on line 11 change the comma following "default" to a period, and strike the remainder of the sentence.

Mr. METZENBAUM. Mr. President, as I previously mentioned, last year President Reagan extended timber contracts for 5 years without interest. That will cost the taxpayer $500 million this fiscal year alone. In lieu of interest payments, the President proposed far less onerous obligations on contractors. I opposed the President's interest-free extension program and I am frank to share with my colleagues my view that his action was illegal. I do not believe that the President of the United States has a legal right to extend contracts which people are obligated to the United States without congressional authority. Nonetheless, it is in place and I am not certain as to whether or not there is some legal manner in which his action can be challenged in the courts. But that is not the issue before us.

The industry was not satisfied with escaping with extensions without interest, and timber companies included a provision in the original Hatfield bill to wipe out all the provisions inserted in the extension program in lieu of interest. In short, not only would companies avoid interest charges, they would avoid facing other conditions designed to compensate the United States in lieu of interest.

This amendment removes that language, which I consider to be outrageous. Instead, the amendment leaves the President's extension program intact. So there may be no question where this Senator is coming from, that does not mean that I believe that the President's extension program is good or legal, but I am not attempting in this legislation to change it because, frankly, I do not believe I could be successful with such an amendment.

The only parts of the President's program that would be modified by this amendment are the provisions that increase the default penalty.

Mr. HATFIELD. Mr. President, the Senator from Ohio has stated the agreement precisely that we have as part of our compromise package. I support the amendment the Senator from Ohio has offered and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4840) was agreed to.

Mr. METZENBAUM. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4841

(Purpose: Stretch-Out Payments)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 4841.

Mr. METZENBAUM. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 8, line 21, strike all through page 9, line 2 and insert the following:

"(E) Where a purchaser is not able to obtain sufficient credit elsewhere to finance the buy-out charge at reasonable rates and terms, purchaser may, upon payment of 5 per centum of the buy-out charge, pay the remainder of the buy-out charge in equal quarterly payments over a period not to exceed 5 years at an interest rate adjusted with each payment equal to the average market yield of outstanding Treasury obligations with remaining years to maturity of five years. Payment must be secured by bond, deposited securities or other forms of security acceptable to the appropriate Secretary in an amount sufficient to cover the entire buy-out payment.

Mr. METZENBAUM. Mr. President, this amendment would permit companies to finance their buyout penalties by borrowing from the United States over a 5-year period. Interest on the loan on that buyout obligation would be at market rates and will be readjusted with each quarterly payment to reflect the cost of borrowing to the United States.

Mr. President, I am frank to admit that I think there are a number of companies that would not be able to come up with the money for the buyout, so this amendment makes it possible for them to finance that buyout, but they have to pay interest, and the Government is not to suffer because it is to be at interest rates that reflect the cost that the United States is paying for money.

Most companies would be required to come up with a 5-percent downpayment, and they would be required to post bond equal to the total amount of the buyout penalty to protect the Treasury against default on the loan.

The advantages of this amendment are limited to only those companies who cannot obtain a loan through normal sources. It might be called the loan of last resort, which would be made available by the Government if they cannot get it through standard banking arrangements.

Mr. HATFIELD. Mr. President, the Senator from Ohio has stated accurately the agreement that we have reached, and I support the amendment that he has offered.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4841) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4842

(Purpose: Disposition of buyout revenue)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 4842.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, beginning on line 13, strike the words "available for appropriation to the appropriate secretary for further management of timber" and insert in lieu thereof "deposited in and paid from the treasury in the same manner as moneys received from timber sales from such lands".

Mr. METZENBAUM. Mr. President, this amendment simply provides that the revenue generated by this bill will be deposited into the Treasury and will be handled in the same manner as receipts generated by the normal timber sales program. Under the original bill, the buyout revenue, which could be as high as $450 million, would have gone to the Forest Service and the Bureau of Land Management. This amendment assures that some of this revenue will help reduce our budget deficits.

Mr. HATFIELD. Mr. President, this fourth and I believe final amendment to be offered by the Senator from Ohio rounds out the compromise that we reached, and I thank the Senator again for his efforts in reaching this resolution of a difficult problem. I urge adoption of the amendment.

Mr. JOHNSTON. Mr. President, this amendment, as was the previous one, is suitable with the minority.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4842) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay the motion on the table was agreed to.

Mr. METZENBAUM. Mr. President, I have noting further to add, but I believe, in order that all may be aware of the attitude of this body on this subject, we should have the yeas and nays. Therefore, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4843

(Purpose: To allow small, independent timber companies in Alaska to apply for emergency stumpage rate redeterminations)

Mr. HATFIELD. Mr. President, I do have one more amendment, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. STEVENS and Mr. MURKOWSKI, proposes an amendment numbered 4843.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill, add the following new section:

SEC. . (a) Emergency stumpage rate redetermination shall be made upon the written application of the purchaser of National Forest timber in Alaska, bid after January 1, 1974, and rates established as a result thereof shall be effective for timber scaled during a period between January 1, 1981 and five years from the effective date of this legislation.

(b) In making the emergency rate redeterminations the Secretary may modify existing contract terms, including the amount of the bid premium, in order to provide rates which will permit the holders of contracts bid after January 1, 1974 to be competitive with other purchasers of National Forest timber.

(c) The provisions of this section shall not apply to contracts held by the holders of 50-year timber sale contracts in Alaska.

Mr. HATFIELD. Mr. President, I ask unanimous consent that Tom Imeson be permitted to remain on the floor during the vote that will later proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, this amendment, which I offer on behalf of the Senators from Alaska, was incorporated earlier in the previous Metzenbaum-Hatfield proposal, but that proposal was not adopted and so I am offering it now again on behalf of Senators STEVENS and MURKOWSKI.

Mr. President, in Alaska there is a unique circumstance revolving around the timber bidding practices. There are what we call long-term contracts, which can run up as high as 50 years, and in those long-term contracts the contractee may ask for a redetermination of the stumpage rate every 5 years; then there are the short-term contracts usually related to the smaller parts of the industry. This amendment provides them with some rede-

termination because the market fluctuates so violently.

The buy-out provision of the bill reported by the Energy Committee would not help the competitive situation in Alaska because the stumpage differential between the two types of contracts would still exist.

I believe the amendment has been cleared by both the minority side and the Senator from Ohio.

Mr. JOHNSTON. Mr. President, this amendment has been cleared. It is acceptable and supported by the minority.

Mr. METZENBAUM. Mr. President, I have no objection to the amendment.

Mr. HATFIELD. I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4843) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS. Mr. President, I do not want to interrupt the chairman. Does he have another amendment?

Mr. HATFIELD. Mr. President, I have no other amendments to offer or know of any intended to be offered. I ask the manager on the other side if he knows of any amendments?

Mr. JOHNSTON. Mr. President, I know of no further amendments. We have no further amendments, and so the minority is ready for third reading.

Mr. HATFIELD. Mr. President, I wonder if we could go to third reading and then recognize the Senator for a statement. Will that be all right with the Senator?

Mr. SYMMS. Yes.

The PRESIDING OFFICER. The question is on agreeing to the committee substitute, as amended.

Mr. METZENBAUM. Mr. President, the Senator from Oregon assures me that all understandings that we have reached are a part of this package?

Mr. HATFIELD. They are part of the committee amendments which now reconstitute the original bill as agreed to by the Senator from Ohio.

The PRESIDING OFFICER. The question is on agreeing to the committee substitute.

The committee substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. JOHNSTON. Mr. President, I congratulate the distinguished Senator from Oregon [Mr. HATFIELD] and the distinguished Senator from Ohio [Mr. METZENBAUM] for their exemplary work in reaching a compromise in these closing hours of the session under very difficult circumstances. Not everyone is going to agree with every jot and tittle of this bill, but it will offer enough relief to the timber industry to save that industry. The Senator from Ohio may be entirely correct about individual companies having made misjudgments for which they should not be allowed to profit. But it is also, Mr. President, not too much to say that but for this legislation virtually an entire industry would be put at risk, and that is not only those segments in the industry in the Northwest but also parts of the industry in the South which would also suffer by virtue of a bankrupt Northwest industry with millions of board-feet of timber flushed on the market without buyers, with prices tumbling, and with the whole industry built up over many, many years being hurt in the process.

Mr. President, I think the distinguished Senators from Oregon and Ohio deserve the thanks of the Senate and of the country, and certainly of the timber industry, for having saved them in a very difficult situation.

Mr. HATFIELD. Mr. President, I wish to acknowledge the comments made by the Senator from Louisiana. He has helped throughout the whole process. Passage of the bill today has been made possible by the input of many people from areas outside of our region, from areas that are interested in the economy, of course, and the Nation, of which this is a vital part.

I thank the Senator from Louisiana and again restate my appreciation to the Senator from Ohio.

Mr. SYMMS. Mr. President, I will be very brief in my remarks. I, too, wish to encourage Senators to support the efforts of the distinguished chairman of the Appropriations Committee [Mr. HATFIELD] to work out with his colleagues—Senator METZENBAUM and others—a solution to a problem that exists in the Pacific Northwest which really is the symptom of a much bigger problem. This will not solve the problem, only alleviate a part of it to some operators.

For the long pull we need to look at the Government monopoly of sawtimber—that, Mr. President is the problem—not so much the monopoly as the ownership by the Federal Government of the timber and land.

Mr. President, I believe there are a couple of points which we as Senators should bear in mind as to what created this problem. If one looks at this great land of ours, he will see that the State of Oregon, for example, has more timber than the entire South.

The State of Washington has as much timber as is in the entire South. If you take the States of Idaho, Oregon, and Washington and combine them, they have 60 percent of all the mature softwood timber supply in the entire United States. The problem that exists is that 75 percent of that supply of timber is owned by the Federal Government. That is why the timber industry is moving South—to escape the problem of being captive to Government supply of raw material.

What has been happening is that you have a private enterprise—capitalist, if you will—wood processing industry out there which is a captive of the state-owned socialist, if you will—timber supply.

I hear the comments of my colleagues who are concerned about voting for this bill, I share their concerns—after all this bill does nothing for the inland region—what we should do is look down the road. This bill may well be a poor solution and only partial at best. What do we need to do to correct an erroneous timber supply situation in which the Government is the primary supplier of this free-enterprise wood processing industry, in which the companies are held captive to a government which can create a shortage by its land management plans such as excessive wilderness and excessive regulations and other problems that come up within this bureaucracy so that timber is not put on the market. As a result the over-abundance of sawmill capacity helped create the situation that encouraged the timber operators to bid too much for what timber was made available.

There are billions of board feet of timber in the Northwest that needs to be harvested. Otherwise, it will rot on the stump, it will become diseased, and will be of no value to the people. That may continue to be the case, but I think what has happened here is that the industry is forced, by its very nature, and particularly the smaller operators are forced, to cooperate with the USDA whether they like it or not. There is coercion without it being intended. I do not say this to be critical of the good people who work for the Forest Service, but it is a matter of fact that the companies have to cooperate with the Forest Service or they have difficulty in operating the sales on which they have entered into agreements because there are many bureaucratic regulations they are faced with, and one USDA person who has nothing at risk can stop an entire operation by an excessive application of the regulations.

Senator HATFIELD and Senator MCCLURE have spoken of the excessive cost of road construction. Senator METZENBAUM has spoken to the issue of renegotiating contracts. This land in the Northwest, with all this Gov-

ernment-owned timber on it, was privately held, and the same situation existed, where people purchased contracts for timber at a higher price than they could pay, due to changed conditions. The sales would be renegotiated. That would be my first preference, but that is not the case.

Companies have come to me in the past year or two with these problems, and I have encouraged them to default on the sales. But people have advised me that it is not practical or possible because of the way the laws are written and the way the Government would treat default, and there would be massive bankruptcies, loss of jobs and the trauma that accompany that.

Senator HATFIELD has done the best job he can. He has worked with the congressional delegation from the House. I have talked to Representative DENNIS SMITH about this. He makes the point that although this solves only part of the problem, it will not be the end of it.

What is happening in the Pacific Northwest is that the big companies are moving to the South. If the small timber companies go out of business—the small sawmill companies—the Pacific Northwest will use Canadian timber, as it now is already doing a lot. The Canadians seem to have a much better system of how they sell their timber. It is also Government-owned, but it is a little more realistic. Their mills can operate in the black as a more realistic system is being used by the Provinces that own the timber.

I hope that out of this debate today, and the ongoing debate that the Senator from Oregon has been involved in during the last 3 or 4 years, Congress can take a good look at all the timber that is held in the hands of the Federal Government and that we can work out a more practical way to sell that timber, so that these problems will not arise again, or return more of that land back to the States in the West and let them handle the problem, so that we do not get large numbers of people in this untenable situation. As I see it with Canadian imports, private ownership in the U.S. Southern States, lack of demand for timber, the situation looks grim for the timber producer.

It can be said that people made a mistake, that you have people in the timber industry bidding too high for the timber. I think the fact is that as long as we have the State-owned socialistic system of raw products supply, it is never going to work efficiently so far as the free enterprise wood processors are concerned, my collegues, this is an incompatible situation that won't end.

I do not like a lot about this proposition, but it is a bigger problem, and we should be addressing the big problem as to what we are going to do with all this Government-owned land in the West, keep it chained up in perpetuity or use it?

In summary, what we have in the Pacific Northwest is this: A Government-caused inflation coupled with a Government-created shortage encouraged bids for the timber that were unrealistic and way higher than their value.

A changed Government policy which slowed down inflation plus slow demand for timber and massive Canadian imports have killed the timber market.

This is a poor substitute for a system which would restore the principles of private ownership to the Western States so these matters could be handled in private or at least State by State instead of the unholy alliance of Government and business.

Mr. HATFIELD. Mr. President, I thank the Senator from Idaho for his observations and for his support of this bill. As he points out, it is a typical compromise. It is not everything that any one of us would like to have in the bill, but we have reached a consensus; and, after all, that is the character of this body and the whole process.

Mr. METZENBAUM. Mr. President, I thank my colleague and friend the ranking minority member for his kind comments. In putting all this together, it has been a privilege to work with him and the staff of the Energy Committee, and certainly with the staff of Senator HATFIELD. We spent many hours together.

Parenthetically, I also thank Senator HATFIELD for the several lunches he bought me while we negotiated this matter. [Laughter.]

Mr. HATFIELD. Mr. President, I should like to make one final comment, because the Senator from Ohio has raised another mention of this matter which we will finally resolve—at least on the Senate side.

If the Senator from Ohio ever mistreats Doug Lowenstein of his staff, Mr. Lowenstein has a job on my staff. I think we really should pay tribute to these key people, such as Tom Imeson and Tom Winn on my staff, Doug Lowenstein on Senator METZENBAUM's staff, along with the committee staff. I know of no three people who put in more effort at the staff level than Lowenstein, Imeson, and Winn.

I just want Doug Lowenstein to know that he has job security on the Hill, so far as I am concerned. I want to make that of public record at this point.

Mr. METZENBAUM. Mr. President, I thank the Senator from Oregon for being so kind in his remarks about Doug Lowenstein.

I want to say publicly that Doug need not anticipate any wage increase by reason of those comments. [Laughter.] He has done a great job, and he continues to do a good job. Despite the comments of the Senator from Oregon and the offer of a job to my very able assistant, he is not going to get a salary increase, because we have to balance the budget.

Mr. STEVENS. Mr. President, I commend the efforts of the Senator from Oregon and the Senator from Ohio in working out a compromise on the Federal Timber Contract Payment Modification Act bill. It is an important measure for the Pacific Northwest and for the State of Alaska.

It is no secret that the economic recovery of the Pacific Northwest has lagged behind the rest of the Nation in large part because of the difficulties the timber industry has been experiencing. The problem is one which faces large corporations. It is a problem which impacts directly on people. I urge my colleagues, if they haven't traveled through the Pacific Northwest lately to go see what conditions are like. You will understand why the Oregon, Washington, and Alaska delegations are united on this issue.

The economic stagnation has extended to southeast Alaska as well. While the timber contracting system in Alaska is somewhat different than it is in the lower 48 States, Alaskan loggers still ran into the same problem. Some bids on Alaska short-term timber contracts also turned out to be too high given the subsequent economic conditions.

Unlike long-term timber sale contracts in Alaska, where emergency rate redeterminations can be made, none can be made for Alaska's short-term contracts. This places the short-term contract holders at an economic disadvantage when the timber market is soft—like it is today.

We appreciate the willingness of the Senator from Oregon and the Senator from Ohio to accept an amendment extending contract relief to purchasers of short-term timber contracts in Alaska. Under the amendment holders of short-term contracts can apply for emergency rate redeterminations. The amendment is restricted to the holders of short-term contracts. Holders of long-term contracts which also hold short-term contracts cannot use the provision.

This relief will put all bidders for timber in Alaska's national forests on a more equal footing. It will help maintain a diversity of companies operating in the national forests today and ensure that there will be small companies capable of bidding in the future, when short-term sales are let and a market exists for the timber.

Again, Mr. President, I wish to commend the Senators from Oregon and Ohio in working this bill out. I urge its adoption.

Mr. HELMS. Mr. President, the bill being offered here today by the distinguished Senator from Oregon is not a

popular measure. Some may call it necessary. Others may call it expedient. I would call it unfortunate.

When this proposal was first offered, it was offered as a bailout. Initially, the bill would have allowed companies to simply walk away from Federal timber contracts, without paying any penalties or even fees to help the Forest Service recover administrative costs. At that time, I objected to the bill for two reasons. The bill contained a number of provisions that would have proved harmful to the already beleaguered timber industry in North Carolina and in other States. Second, the enactment of the bill would have penalized those companies that had exercised better business judgment and did not need relief from their Federal timber contracts.

Since that initial proposal was put forward, holders of Federal timber contracts seeking relief in this legislation have made some significant concessions and have worked with the Senator from Oregon to eliminate my concerns as well as those of other Senators over provisions in the bill that could be adverse to timber companies in other areas of the country other than the Pacific Northwest.

As a result, this bill can now be termed as a "buyout" instead of a "bailout." The bill has been amended to address specifically the concern of southern forestry interests that a flood of Federal timber not be allowed on the market as a result of any termination agreement. As this and other provisions have already been explained by others, I will not take the Senate's time to reiterate those matters. However, I would like to point out that no amount of legislative compromise can address the objection to the current measure for those who have a philosophical problem with allowing a specified group of companies to back out of contracts just because those contracts happen to be with the Federal Government.

Companies petitioning Congress for this relief have told us that unless such relief is granted, many of them will go under. Thus far, this has not happened. It has been the policy of the Reagan administration to extend as much relief as possible to companies and individuals involved with the Federal Government in contractural matters. The administration has done this with thousands of farmers without allowing farmers to go into bankruptcy. The administration has worked out solutions in other areas of the economy where individuals and firms have contracts with the Federal Government. In the matter of Federal timber contracts, the administration has already twice extended the timber contracts of the very companies who are petitioning Congress for relief today.

Since the administration has granted such extensions, it remains to be seen whether or not these contracts can be operated profitably in the future. The administration recognizes this fact and opposes the enactment of this legislation. They have argued that their extension program should be given an opportunity to work, and that Congress should not grant relief to a particular segment of the timber industry at this time.

With all due respect to my friend and colleague, the Senator from Oregon, I must agree with the administration on this matter. However, because the Senator has worked diligently to solve the substantive problems with the bill that I mentioned previously, I can support this measure. I am willing to let the Senate work its will in this matter even though I still have reservations.

Mr. President, this bill is an acceptable compromise that protects the timber industry in the South and provides an equitable approach to resolving these problems.

The PRESIDING OFFICER. The bill having been read a third time, the question is: Shall it pass? On this question the yeas and nays have been ordered, and the Clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee [Mr. BAKER], the Senator from Wisconsin [Mr. KASTEN] and the Senator from Illinois [Mr. PERCY] are necessarily absent.

I further announce that, if present and voting, the Senator from Wisconsin [Mr. KASTEN] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

The PRESIDING OFFICER (Mr. EAST). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—94

Abdnor	East	Lugar
Andrews	Evans	Mathias
Armstrong	Exon	Matsunaga
Baucus	Ford	Mattingly
Bentsen	Garn	McClure
Biden	Glenn	Melcher
Bingaman	Goldwater	Metzenbaum
Boren	Gorton	Mitchell
Boschwitz	Grassley	Moynihan
Bradley	Hart	Murkowski
Bumpers	Hatch	Nickles
Burdick	Hatfield	Nunn
Byrd	Hawkins	Packwood
Chafee	Hecht	Pell
Chiles	Heflin	Pressler
Cochran	Heinz	Pryor
Cohen	Helms	Quayle
Cranston	Hollings	Randolph
D'Amato	Huddleston	Riegle
Danforth	Inouye	Roth
DeConcini	Jepsen	Rudman
Denton	Johnston	Sarbanes
Dixon	Kassebaum	Sasser
Dodd	Lautenberg	Simpson
Dole	Laxalt	Specter
Domenici	Leahy	Stafford
Durenberger	Levin	Stennis
Eagleton	Long	Stevens
Symms	Tsongas	Wilson
Thurmond	Wallop	Zorinsky
Tower	Warner	
Trible	Weicker	

NAYS—2

Humphrey	Proxmire

NOT VOTING—4

Baker	Kennedy
Kasten	Percy

So the bill (H.R. 2838), as amended, was passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read: "An Act entitled the 'Federal Timber Contract Payment Modification Act'."

REMOVAL OF CONFEREE—H.R. 6028

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from West Virginia [Mr. BYRD] be removed as a conferee on H.R. 6028, the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, at the request of the distinguished minority leader, I will request that the Senate recess for a brief period. I will like Senators to be on notice that it will be for a 30-minute period. They should be aware that we have the conference report on the Defense authorization bill and we also have the first concurrent resolution under the Budget Act to proceed with as soon as this recess is over.

Mr. JOHNSTON. Mr. President, would the distinguished acting majority leader yield for a question?

Mr. STEVENS. Yes.

Mr. JOHNSTON. Could he tell me what the plans are for the Interior appropriations bill?

Mr. STEVENS. It is ordered that we go to that bill. We will go to that bill, but the conference report on the Defense bill is privileged. Following that, we would like to get to the vote on the concurrent resolution, which should get to the House today before the 6 p.m. cutoff for voting. Again, I would remind Senators we have committed ourselves not to have any votes after 6 o'clock.

RECESS

Mr. STEVENS. Mr. President, I ask unanimous consent, pursuant to the request of the distinguished minority leader, that the Senate stand in recess until the hour of 2:40 p.m. for the purpose of a Democratic caucus.

There being no objection, the Senate, at 2:08 p.m., recessed until 2:38 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. EAST].

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3 p.m.

There being no objection, the Senate, at 2:38 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. NICKLES].

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 280

Mr. BAKER. Mr. President, the request I am about to put bears a notation of approval by the minority leader. I will now put the request.

Mr. President, I ask unanimous consent that when the Senate turns to the consideration of the conference report on House Concurrent Resolution 280, the first concurrent resolution on the budget for fiscal year 1985, the 10 hours of debate provided for the conference report under the Budget Act be transferred to an amendment to be offered by the chairman of the Budget Committee, that no amendments to that amendment be in order, and that it be in order to consider a motion to recede from the Senate amendment to the House resolution and concur therein with a further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, I want to thank the distinguished majority leader and the distinguished assistant majority leader for giving those of us on this side of the aisle time to discuss this request. We did that. We have no objection.

Mr. BAKER. Mr. President, I thank the minority leader. As I explained yesterday, this procedure will materially expedite our consideration of the budget resolution in advance of that budget resolution by the House, which is the request of the House which we are having to comply with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the distinguished leader.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, am I correct that nothing is pending before the Senate?

The PRESIDING OFFICER. The Senator is correct.

FIRST CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

Mr. BAKER. Mr. President, even though the chairman and the ranking member of the Budget Committee are not here, I am advised that they are on the way. In order that something be pending, I submit a report of the committee on conference on House Concurrent Resolution 280 and ask for its immediate consideration. That is the conference report on the budget resolution.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 280) revising the congressional budget for the U.S. Government for the fiscal year 1984, and setting further the congressional budget for the United States Government for the fiscal years 1985, 1986, and 1987, having met, after full and free conference, have been unable to agree on a conference report because the conference decisions have changed certain budget figures outside the scope of the conference. As set forth in the accompanying joint explanatory statement, the conferees do propose a congressional budget incorporated in a further amendment for the consideration of the two Houses, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The conference report is pending on House Concurrent Resolution 280.

Mr. DOMENICI. I thank the Chair.

Mr. President, the conference report which is now before us represents months of work, a great deal of time, and very difficult negotiations by many Senators, Representatives, administration officials, the President himself, and respective staffs. The decisions it embodies have not been easy, and some have been especially painful. But should we have expected anything different? The Federal budget is, indeed, the blueprint for how we choose to address some very complex issues of the day.

The process which we are concluding today began back on February 1 of this year, nearly 9 months ago, when the President submitted his fiscal year 1985 budget to the Congress and the Senate Budget Committee began its hearings. The fact that this measure is still alive after all this time, and that we will get a budget resolution for fiscal year 1985, testifies, I believe, to the strength and vitality of the budget process. It is a process that evokes very strong emotions at times. It is a process that sometimes is very difficult; however, clearly one that accomplishes a great deal and we cannot live without.

I thank the majority leader, the minority leader, and my colleagues for the support they have given to this process and to me over these past months. I am particularly thankful to Senator CHILES, who has persisted in wanting to see the process work and to whom we all owe a great deal of gratitude for making this resolution possible. Obviously, he understood the problem we were confronted with, and because he understood that we did make the necessary accommodations with the White House and the House of Representatives on the defense authorization and defense appropriation number, which broke the logjam and permits us to be here today and in a very real sense permits a number of appropriations committee bills to reach fruition—if not individually, many of them will be found in the continuing resolution.

The majority of the conferees on this measure are of the opinion that this agreement is a realistic budget plan for the upcoming fiscal year. As is commonly the case with conference agreements, none of us got everything we wanted. We all took some changes and some modifications we did not like. But the end result is a budget plan encompassing spending restraint, a reasonable tax burden, and significantly reduced deficits over that which we passed in the Senate and which the House passed. This budget plan will assure that the improvement in the economy which has taken place

will have a chance to continue, economic stability in the country will continue, and we will do that without sacrificing our national defense or, as I see it, penalizing those who can least afford it.

This resolution embodies the major tax and spending legislation and all of the changes that have been adopted by Congress, those that were adopted in July in the Deficit Reduction Act of 1984, all of which are in this resolution. Some of those changes were mandated by last year's reconciliation which was still pending at that time. It also reflects the House and Senate leadership agreement on defense that has made possible the completion of the resolution.

I ask unanimous consent that a table showing the conference agreement policy changes for the major categories of the budget be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POLICY CHANGES IN FIRST BUDGET RESOLUTION CONFERENCE AGREEMENT—CHANGE FROM BASELINE [1]

[Dollars in billions]

	Fiscal year—				Total 1984–87
	1984	1985	1986	1987	
Revenues [2]	−$0.9	−$10.4	−$16.8	−$22.7	−$50.8
Outlays:					
National defense		−9.1	−21.9	−27.3	−58.3
Entitlements and other mandatory programs	−0.2	−2.8	−3.0	−6.2	−12.2
Nondefense discretionary programs	+0.7	+1.4	−1.0	−5.0	−3.9
Net interest		−1.4	−5.3	−11.6	−18.3
Offsetting receipts	−0.1	−1.6	−1.8	−2.2	−5.7
Total outlay reduction	+0.4	−13.5	−33.0	−52.3	−98.4
Total deficit reduction	−0.5	−23.9	−49.8	−75.0	−149.2

[1] This baseline is the one used in connection with the Senate-passed First Budget Resolution. It assumes the CBO February baseline for revenues and for nondefense spending and the President's budget request—not reestimated by CBO—for defense spending, plus an interest adjustment to take account of the defense change.
[2] Revenue increases show as negatives because they reduce the deficit.

Mr. DOMENICI. Mr. President, this table shows most importantly that the conference agreement reflects a reduction in the deficit by $149.2 billion over the period fiscal years, 1984–87. When we began deliberations on this budget last spring, while it might be called different things by different people, a downpayment on the deficit of $150 billion was the leadership's target figure. Over the course of time, committee and floor deliberations reduced that figure to the point that when we completed action on the Senate floor last May 18, the deficit downpayment was $140 billion. I am extremely gratified that the conference agreement before us today effectively achieves the $150 billion downpayment target as originally desired.

In an election year, as difficult as that may be, collectively we have delivered what we started out to do. In a sense, we have delivered on what we promised.

Certainly this conference agreement downpayment is constituted differently than what we had originally envisioned, but I would remind my colleagues that the House-passed resolution that we conferenced on was significantly different in its defense spending and nondefense spending assumptions. The differences in the two resolutions account for the inordinate time required to resolve our differences. Indeed, I dare say most of my colleagues had probably concluded that our differences would never be resolved, but we have succeeded and the process remains intact.

The conference agreement will have a beneficial effect, as I see it. I do not think I am alone. As Dr. Rudy Penner, Director of the Congressional Budget Office, observed yesterday in testimony before the House Committee on Ways and Means, the legislative actions adopted this summer have stabilized the deficit relative to the size of the economy. Based on the current CBO projections, the deficits reflected in this conference agreement will decline to 4.5 percent of GNP in fiscal year 1987. Contrast this 4.5 percent ratio with CBO's February projections that showed it increasing to 5.4 percent in fiscal year 1987.

No one should suggest that our work is done. After all, this was only a downpayment. We have, however, accomplished far more in reducing the deficit than anyone ever expected in this very political year.

I believe we have also accomplished something more difficult to quantify. In the course of these budget deliberations we have aired many issues fundamental to our economic and political system. Given the political divisions that exist in this vast country, no quick or simple solutions are readily available for something as complex as reducing the deficit. But as our majority leader has said on prior occasions, "the public discourse has been significantly advanced by what we have done here."

Mr. President, I ask unanimous consent that a table summarizing the conference agreement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1985

[Dollars in billions]

	Fiscal year—							
	1984		1985		1986		1987	
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay
050: National Defense	$264.15	$230.40	$292.90	$262.90	$324.70	$288.70	$359.80	$321.30
150: International Affairs	22.00	12.30	20.80	16.50	18.75	16.00	19.50	16.00
250: Science and Space	8.55	8.30	8.75	8.60	8.80	8.70	8.95	8.85
270: Energy	1.10	2.45	4.20	4.05	4.00	4.05	4.00	3.85
300: Natural Resources	12.25	12.30	11.85	12.00	12.10	12.05	12.35	11.95
350: Agriculture	5.10	11.80	17.10	16.40	14.75	16.50	14.10	15.85
370: Commerce and Housing	5.50	4.40	6.45	2.00	6.30	2.20	7.70	3.40
400: Transportation	29.55	24.90	30.05	27.10	30.10	28.55	31.15	30.05
450: Comm. and Reg. Develop	7.25	7.25	6.90	8.20	7.50	8.05	7.80	8.15
500: Education, Employment, and Social Services	31.60	28.00	30.80	29.90	30.70	30.60	32.10	31.10
550: Health	31.70	30.75	33.15	34.15	36.35	36.15	39.30	38.80
570: Medical Insurance	62.80	58.60	70.30	65.35	81.90	72.65	96.60	81.60
600: Income Security	121.80	95.90	143.60	111.70	154.30	119.15	161.30	124.45

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1985—Continued

[Dollars in billions]

	Fiscal year—							
	1984		1985		1986		1987	
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay
650: Social Security	175.65	178.90	199.45	188.75	213.75	200.85	227.05	215.30
700: Veterans Benefits	26.35	25.90	26.85	26.35	27.15	26.75	27.60	26.95
750: Admin of Justice	6.00	5.90	6.15	6.10	6.25	6.15	6.35	6.35
800: General Government	5.10	5.05	5.70	5.60	5.80	5.65	5.90	5.80
850: General Fiscal Asst	6.80	6.80	6.45	6.45	6.45	6.45	6.80	6.75
900: Net Interest	111.10	111.10	133.80	133.80	149.75	149.75	167.95	167.95
920: Allowances	0.50	0.55	−0.75	−0.70	1.85	2.05	3.15	3.35
950: Offsetting Receipts	−15.95	−159.95	−33.15	−33.15	−37.45	−37.45	−39.20	−39.20
Total spending	918.90	845.60	1,021.35	932.05	1,103.80	1,003.55	1.200.25	1,088.60
Revenues		672.90		750.90		810.80		881.00
Deficit		172.70		181.15		192.75		207.60
Public Debt		1,575.70		1,823.80		2,090.00		2,377.60

Mr. PELL. Mr. President, I am opposed to the conference report on the budget resolution for fiscal year 1985. I oppose this budget resolution because it does not go far enough in reducing the enormous Federal Government budget deficits in 1985 and in the following years.

The budget resolution provides for Federal deficits of $180 billion in 1985, increasing to $191 billion in 1986 and $205 billion in 1987. These deficits will be the largest in the history of our Nation, and instead of decreasing in the coming years, continue to increase year after year.

The deficits pose a serious threat to the continuation of the current economic recovery and continued economic growth without a renewal of runaway inflation.

The deficits simply must be reduced, and I am disappointed that the Congress has not been able to take effective action this year to bring the deficits under control.

When the Senate considered this budget resolution in May of this year, I voted repeatedly for measures that would have provided larger and more significant cuts in the deficit. I voted for the Democratic budget alternative plan that would have reduced the deficit by $204 billion over the next 3 years—$50 billion more than the deficit reduction finally approved by the Senate. I voted against the budget resolution in May because it did not reduce the deficit enough, and I oppose it today for the same reason.

Mr. MOYNIHAN. Mr. President, the conference report before us, on the first budget resolution for the next fiscal years, provides for rising Federal budget deficits for 3 more fiscal years. It promises the largest increase in the Federal debt ever recommended by the Congress. By fiscal year 1986, the national debt will reach $2.1 trillion—more than double the debt when the current administration took office in 1981. By fiscal year 1987, the debt will exceed $2.6 trillion. The interest burden to service this rising unconscionable debt will reach $134 billion by fiscal year 1985, of a total deficit of $178 billion. This finance charge on the debt will cost American taxpayers $367 million a day next year; by fiscal year 1987, the interest costs will reach $460 million per day. This will amount to 41 cents of each dollar paid by the American people in individual income taxes.

This is what the Federal deficit is about. Not spending: interest.

There is no equivalent to this situation in American history. It is a wholly new situation—and to understand it, it helps to separate the problem into two parts. First, there is the primary, or program deficit: The amount spent on Federal programs, less Federal revenues. Second, the interest deficit: The amount paid in interest on outstanding debt.

Until recently, primary deficits have been relatively rare. There were two in the 1950's, two in the 1960's. They were relatively small—1962's was $300 million. There were six in the 1970's, but still not large ones, except for the $40 billion primary deficit in the post-recession year 1976.

This pattern continued until the walloping $105 billion primary deficit in the depression year 1982. But of late, the primary deficit has slacked off. The primary deficit this fiscal year is some $61 billion, of a total deficit of $172 billion. The Congressional Budget Office projects that the primary deficit will average about $46 billion a year for the remainder of the decade.

But the interest deficit has begun to go out of control. In 1980, the Treasury spent $52 billion in interest payments. This year, the bill will reach $111 billion. By 1989, $214 billion.

Program deficits are simple arithmetic. The amount spent on farm programs does not affect the amount spent on the defense program. But the interest deficit is algebraic. Change one part, and you change the whole.

What Lord Keynes called the "magic of compound interest" works with debt as well as with savings. It starts slowly, then explodes.

The deficits and the debt are exploding, then, but largely from the rapidly growing interest deficit, not from the growth in the primary deficit.

The basic compound interest equation demonstrates what's happening $D_n = D_o(1+r)^n$. If the debt today (D_o) is $1 trillion, and the interest rate paid on this debt is 10 percent (r), in 5 years (n)—with no new primary deficits—the debt (D_n would be more than $1.6) trillion. Today, the debt is more than $1 trillion, and the interest rate on the debt is far more than 10 percent.

Under this conference agreement, the national debt will be fueled in part by modest primary deficits, running close to the primary deficits calculated by the Congressional Budget Office's baseline estimate of about $46 billion a year. The interest deficit is the unstable element, rising to $214 billion a year to 1989, and on from there. This means we will be borrowing money to pay interest. This always happens when the growth in interest payments in greater than the growth in the primary deficit.

Technically, this has happened before, but infrequently and at such low levels as to be of no real significance. It is wholly different now. We will be borrowing hundreds of billions of dollars to pay interest alone. The result is an exploding deficit: the interest deficit, not the program deficit, going out of control.

We have been thinking arithmetic. We have to begin thinking algebra. In 1982 and again this year, Congress cut domestic spending and raised taxes. Still the deficit climbed. The problem is the algebra of compound interest that has superseded the arithmetic of spending cuts and tax increases.

This is new. We have never experienced anything like it. If we go on using the old terms, it is likely we will shortly face a crisis unlike any we have ever known.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

AMENDMENT NO. 4845

Mr. DOMENICI. Mr. President, I move that the Senate recede from the Senate amendment to House Concurrent Resolution 280 and concur in the

House resolution with a further amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 4845.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1984 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1985 is hereby established, and the appropriate budgetary levels for fiscal years 1986 and 1987 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years begining on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986:

Fiscal year 1984: $672,900,000,000.
Fiscal year 1985: $750,900,000,000.
Fiscal year 1986: $810,800,000,000.
Fiscal year 1987: $881,000,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1984: $0.
Fiscal year 1985: $300,000,000.
Fiscal year 1986: $100,000,000.
Fiscal year 1987: $100,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $45,000,000,000.
Fiscal year 1986: $52,000,000,000.
Fiscal year 1987: $57,200,000,000.

and the amounts for Federal Insurance Contributions Act revenues for old-age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1984: $166,200,000,000.
Fiscal year 1985: $188,700,000,000.
Fiscal year 1986: $204,500,000,000.
Fiscal year 1987: $221,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1984: $918,900,000,000.
Fiscal year 1985: $1,021,350,000,000.
Fiscal year 1986: $1,103,800,000,000.
Fiscal year 1987: $1,200,250,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1984: $845,600,000,000.
Fiscal year 1985: $932,050,000,000.
Fiscal year 1986: $1,003,550,000,000.
Fiscal year 1987: $1,088,600,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1984: $172,700,000,000.
Fiscal year 1985: $181,150,000,000.
Fiscal year 1986: $192,750,000,000.
Fiscal year 1987: $207,600,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1984: $1,575,700,000,000.
Fiscal year 1985: $1,823,800,000,000.
Fiscal year 1986: $2,090,000,000,000.
Fiscal year 1987: $2,377,600,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1984: $2,700,000,000.
Fiscal year 1985: $248,100,000,000.
Fiscal year 1986: $266,200,000,000.
Fiscal year 1987: $287,600,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986, are as follows:

Fiscal year 1984:
(A) New direct loan obligations, $37,600,000,000.
(B) New primary loan guarantee commitments, $105,550,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:
(A) New direct loan obligations, $38,100,000,000.
(B) New primary loan guarantee commitments, $112,100,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:
(A) New direct loan obligations, $40,900,000,000.
(B) New primary loan guarantee commitments, $117,150,000,000.
(C) New secondary loan guarantee commitments, $69,950,000,000.

Fiscal year 1987:
(A) New direct loan obligations, $42,600,000,000.
(B) New primary loan guarantee commitments, $123,300,000,000.
(C) New secondary loan guarantee commitments, $71,700,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1984 through 1987 for each major functional category are:

(1) National Defense (050):

Fiscal year 1984:
(A) New budget authority, $264,150,000,000.
(B) Outlays, $230,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $292,900,000,000.
(B) Outlays, $262,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $324,700,000,000.
(B) Outlays, $288,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $359,800,000,000.
(B) Outlays, $321,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1984:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $9,100,000,000.
(D) New primary loan guarantee commitments, $8,650,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $9,500,000,000.
(D) New primary loan guarantee commitments, $9,300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $18,750,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $11,800,000,000.
(D) New primary loan guarantee commitments, $10,000,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $19,500,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $12,800,000,000.
(D) New primary loan guarantee commitments, $10,400,000,000.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1984:
(A) New budget authority, $8,550,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $150,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $8,750,000,000.
(B) Outlays, $8,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $8,950,000,000.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1984:
(A) New budget authority, $1,100,000,000.
(B) Outlays, $2,450,000,000.
(C) New direct loan obligations, $4,700,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $4,200,000,000.

(B) Outlays, $4,050,000,000.
(C) New direct loan obligations, $4,700,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $4,050,000,000.
(C) New direct loan obligations, $4,800,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $3,850,000,000.
(C) New direct loan obligations, $5,000,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantees commitments, $0.
(5) Natural Resources and Environment (300);
Fiscal year 1984:
(A) New budget authority, $12,250,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan oblibations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $11,850,000,000.
(B) Outlays, $12,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $12,050,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $12,350,000,000.
(B) Outlays, $11,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Agriculture (350):
Fiscal year 1984:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $11,800,000,000.
(C) New direct loan obligations, $11,450,000,000.
(D) New primary loan guarantee commitments, $5,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $16,400,000,000.
(C) New direct loan obligations, $13,500,000,000.
(D) New primary loan guarantee commitments, $4,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $14,750,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $14,000,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New primary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $14,100,000,000.
(B) Outlays, $15,850,000,000.
(C) New direct loan obligations, $14,500,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1984:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $4,400,000,000.
(C) New direct loan obligations, $6,150,000,000.
(D) New primary loan guarantee commitments, $50,000,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $6,350,000,000.
(D) New primary loan guarantee commitments, $52,250,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $2,200,000,000.
(C) New direct loan obligations, $6,450,000,000.
(D) New primary loan guarantee commitments, $54,700,000,000.
(E) New secondary loan guarantee commitments, $69,950,000,000.
Fiscal year 1987:
(A) New budget authority, $7,700,000,000.
(B) Outlays, $3,400,000,000.
(C) New direct loan obligations, $6,650,000,000.
(D) New primary loan guarantee commitments, $56,900,000,000.
(E) New secondary loan guarantee commitments, $71,700,000,000.
(8) Transportation (400):
Fiscal year 1984:
(A) New budget authority, $29,550,000,000.
(B) Outlays, $24,900,000,000.
(C) New direct loan obligations, $1,150,000,000.
(D) New primary loan guarantee commitments, $450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $30,050,000,000.
(B) Outlays, $27,100,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $30,100,000,000.
(B) Outlays, $28,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $31,150,000,000.
(B) Outlays, $30,050,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1984:
(A) New budget authority, $7,250,000,000.
(B) Outlays, $7,250,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,500,000,000.
(B) Outlays, $8,050,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $7,800,000,000.
(B) Outlays, $8,150,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1984:
(A) New budget authority, $31,609,000,000.
(B) Outlays, $28,000,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $30,800,000,000.
(B) Outlays, $29,900,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New Budget authority, $30,700,000,000.
(B) Outlays, $30,600,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New Budget authority, $32,100,000,000.
(B) Outlays, $31,100,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,200,000,000.
(E) New secondary loan guarantee commitments, $0.

(11) Health (550):
Fiscal year 1984:
(A) New Budget authority, $31,700,000,000.
(B) Outlays, $30,750,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New Budget authority, $33,150,000,000.
(B) Outlays, $34,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New Budget authority, $36,350,000,000.
(B) Outlays, $36,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $39,300,000,000.
(B) Outlays, $38,800,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1984:
(A) New budget authority, $62,800,000,000.
(B) Outlays, $58,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $70,300,000,000.
(B) Outlays, $65,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $81,900,000,000.
(B) Outlays, $72,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $96,600,000,000.
(B) Outlays, $81,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1984:
(A) New budget authority, $121,800,000,000.
(B) Outlays, $95,900,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $143,600,000,000.
(B) Outlays, $111,700,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $154,300,000,000.
(B) Outlays, $119,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $161,300,000,000.
(B) Outlays, $124,450,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1984:
(A) New budget authority, $175,650,000,000.
(B) Outlays, $178,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $199,450,000,000.
(B) Outlays, $188,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $213,750,000,000.
(B) Outlays, $200,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $227,050,000,000.
(B) Outlays, $215,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1984:
(A) New budget authority, $26,350,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $1,350,000,000.
(D) New primary loan guarantee commitments, $18,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,850,000,000.
(B) Outlays, $26,350,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $22,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,150,000,000.
(B) Outlays, $26,750,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $25,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $27,600,000,000.
(B) Outlays, $26,950,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $28,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,150,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $6,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,350,000,000.
(B) Outlays, $6,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800);
Fiscal year 1984:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $5,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1984:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $6,450,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $6,450,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,750,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1984:
(A) New budget authority, $111,100,000,000.
(B) Outlays, $111,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $133,800,000,000.
(B) Outlays, $133,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $149,750,000,000.
(B) Outlays, $149,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $167,950,000,000.
(B) Outlays, $167,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1984:
(A) New budget authority, $500,000,000.
(B) Outlays, $550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $750,000,000.
(B) Outlays, $700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $1,850,000,000.
(B) Outlays, $2,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $3,150,000,000.
(B) Outlays, $3,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1984:
(A) New budget authority, $15,950,000,000.
(B) Outlays, −$15,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$33,150,000,000.
(B) Outlays, −$33,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$37,450,000,000.
(B) Outlays, −$37,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, −$39,200,000,000.
(B) Outlays, −$39,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

GENERAL PROVISIONS

SEC. 2. (a) For fiscal years 1985, 1986, and 1987, any revenues raised by legislation enacted on or after March 15, 1984, shall only be used to reduce the Federal budget deficits for such fiscal years except to the extent that such legislation earmarks all or any part of such revenues for specific spending programs.

(b) For fiscal years 1985, 1986, and 1987, increased funding would be appropriate if authorizations are enacted for education programs, environmental protection, health research activities, and such specific low-income programs as employment initiatives for disadvantaged youth, public works jobs for community renewal, increased funding for Aid to Families with Dependent Children and the State component of the Supplemental Security Income program in order to ensure that the purchasing power of recipients is maintained, increased funding for Title XX of the Social Security Act, and an increase in the earned income tax credit, pursuant to subsection (a) above, if sufficient outlay reductions or new revenues are also enacted to ensure that the legislation is deficit neutral.

ADMINISTRATIVE SAVINGS

SEC. 3. It is the sense of the Congress that the executive branch shall achieve as much of the $153.2 billion in savings as is feasible, but in no case less than $2.0 billion over fiscal year 1985 through 1987 which have been recommended by the President's Private Sector Survey on Cost Control and which can be achieved through administrative action within that branch of Government. It is further the sense of the Congress that the President should report to Congress each year, in conjunction with the annual budget submission, on the progress made in achieving the savings required by this section, and that the budget submission for fiscal year 1986 should contain information regarding such administrative savings as have already been achieved.

AUTOMATIC SECOND BUDGET RESOLUTION

SEC. 4. (a) Effective October 1, 1984, this concurrent resolution shall be deemed to be the concurrent resolution on the budget for fiscal year 1985 required to be reported under section 310(a) of the Congressional Budget Act of 1974, for the purposes of the prohibitions contained in section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1985 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1985 pursuant to section 304 or 310 of the Congressional Budget Act of 1974

SECTION 302(b) FILING REQUIREMENT

SEC. 5. (a) It shall not be in order in the House of Representatives to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1985;

(2) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in fiscal year 1985; or

(3) direct loan authority, primary loan guarantee authority, or secondary loan guarantee authority for fiscal year 1985;

within the jurisdiction of any committee which has received an allocation pursuant to section 302(a) of the Congressional Budget Act of discretionary budget authority or new spending authority, as described above, for such fiscal year, unless and until

such committee makes the allocation or subdivisions required by section 302(b) of the Congressional Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

(b) The prohibition contained in subsection (a) shall not apply until twenty-one days of continuous session, as defined in section 1011(5) of the Impoundment Control Act of 1974, after Congress completes action on this concurrent resolution.

Mr. DOMENICI. Mr. President, I yield the floor.

Mr. CHILES. Mr. President, I thank my distinguished chairman and colleague, the Senator from New Mexico, for his kind words. I also compliment him for his ever-enduring dedication to the budget process and for his work this year in trying to see that we did get a budget and maintained a budget. Without that, I believe we would not be here today.

This has been the longest year for the budget process. Yet, by accepting this conference report and adopting a budget resolution, we still have the chance to turn the corner toward real budget discipline.

It has been 10 years since we passed the original budget statute. Congress put the Budget Act in place because we understood we had to change our ways. I am not sure we understood at the time just how difficult the change would be.

For decades prior to 1974, we spent money and collected revenues virtually on the basis of a gentelmen's agreement and a handshake. We never really knew from year to year how much a program would cost or how many new ones we would enact.

We simply had a sort of unspoken confidence that no matter what we did, the economy would just keep growing enough to accommodate our expensive habits.

It turned out our ideas were bigger than our wallets. Instead of an ever-growing economy, we began to accumulate an ever-growing debt.

So, in 1974, we agreed to lay out an annual economic blueprint. And by including an enforcement mechanism called reconciliation, we tried to put some teeth in our good intentions.

After 10 years of tests and questions and arguments and griping, I think this Congress now has the chance to prove a crucial point. And the point is that the budget process is the best thing we have going to get our affairs in order.

Just look back with me for a minute over the past year.

It has never taken us longer to approve a budget than it has this year. In all previous calendar years, we had a budget in place by June at the latest. Not this year. It is nearly the end of September, and we have yet to take the final step. Ordinarily, that would make some people think the budget process was in trouble.

But think again. Think about all the chances we had this year to walk away from the process.

We could have done it in February, when the White House issued its own budget that had scarcely any new revenues and included further big increases in military spending. But on this side of the aisle we said the President's deficits were too large, and we asked for $200 billion more in deficit cuts.

The White House reacted to that by proposing the rose garden deficit reduction plan. The budget process served as a fulcrum in those events to push us toward doing better.

A little later in the year, we had another chance to bypass the Budget Act when a parliamentary end-run was proposed to bring the rose garden plan directly to the floor rather than taking it through committee. But we insisted that a Budget Committee markup be held so the Nation could get a look at the bottom line of the rose garden plan.

When the budget finally made its way to the Senate floor, we haggled over it for a month. We voted on several plans before a deficit-reducing budget resolution was adopted. Once again, the forms prescribed by the Budget Act forced us to face facts many would have preferred to avoid in an election year.

Once the Senate passed a budget resolution, however, the entire process almost stalled out in conference over legitimate differences on military spending.

But after some extended debate, weeks of disagreement and delay, we came to a key point. In fact, we got down to the very essence of the Budget Act itself.

When the leadership tried to bring up appropriations bills even though we had not given final approval to the budget resolution, the issue was joined.

The Budget Act is very clear. It says you do not spend money until, first, you approve a budget. That is the core of the matter. Would we honor the law we passed, and accept the discipline we imposed on ourselves?

We worked our way out of that dilemma by agreeing to some two-house, two-party summitry to break the logjam on the issue that divided us: Military spending. Some Senators preferred to accept ranges of spending—high and low figures—in which military spending could float and seek its own level.

It turned out they took that position because they were concerned military spending would sink too low. I argued for a specific number on spending because I was concerned that, without it, military spending would climb higher than a debt-ridden economy could support.

We are at a point now where the differences have been resolved in conference, and we have the chance to approve a budget.

What all this tells me is that Congress is serious about the budget process. We had many chances to lay it aside. And with Congress headed toward adjournment, we could have turned our backs on it altogether.

But we have kept at it; worked and bargained right on to the 11th hour because—with all its faults and shortcomings—I think the budget process has finally earned its stripes as a discipline that can work if we are willing to make it work.

This conference report is the evidence that we believe the process is worthwhile. But the conference report is also evidence that we have to convert the budget process into a genuinely effective tool for reducing deficits.

The 3-year difference in the deficits between the President's February budget and the conference agreement is a net reduction of $54.5 billion. Measured against the Senate's version of the budget resolution and using comparable economic assumptions, the conference agreement reduces the deficit even further, by an additional $21.2 billion.

That is the good news.

The bad news is that even with these changes that make the deficits smaller than they might have been, they still grow to levels higher than they have ever been. In fact, the deficit will climb to over $200 billion in 1987.

So we have to make the budget process work harder. But at least this year we brought military spending within the process. The President, early on, had suggested $313 billion in military spending for fiscal 1985. The conference agreement is for $292.9 billion.

Mr. President, I do not plan to fine-comb the agreement in my talk today, and I ask unanimous consent that explanatory tables be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHILES. Mr. President, I think one of the best evidences of the need for a Budget Act is when we did not have a Budget Act we could not resolve a conference on the defense authorizing committee, we could not resolve a bill for defense spending on the Appropriations Committee, and when we came to agreement in the budget conference and when we arrived at a figure that we could agree on in the budget conference, we see the House of Representatives has already passed the conference report on the defense authorizing bill, and I assume we will be taking that up shortly and the Appropriations Committee in the Senate has not voted out a defense appropria-

tions bill. I assume the House of Representatives has done this as well. And that has now broken the logjam, too.

So I think the proof of it is the fact that once we get an agreement on the budget, then agreements followed on these others and hopefully we will learn a lesson that next year we will work on the budget first and we will get that agreement and recognize that is the thing that must be first.

So what we have in this conference agreement is a compromise. It is certainly not an ideal for many, and for some it may not even be satisfactory. I know that I do not give it unbridled endorsement. But it does have my support. I think it is essential that we approve it, knowing that we have to do better next year, but I think that we will not be able to do better unless we stick with the budget process.

Mr. President, I am, therefore, going to recommend the adoption of the conference report.

EXHIBIT 1

CONFERENCE OUTCOME: DEFICITS

(Prepared by minority staff of the Senate Committee on the Budget)

The conference agreement provides lower deficits than the Senate-passed First Concurrent Budget Resolution, if comparable economic assumptions are used in both estimates (see table 1). Under the conference agreement, the deficit would be reduced relative to the Senate-passed resolution by $1.3 billion in FY 85, by $5.3 billion in FY 86, by $14.5 billion in FY 87, and by $21.1 billion over the three-year period. Of this total, $18.1 billion would result from reduced defense outlays and an additional $1.2 billion from lower interest costs. These reductions would be somewhat offset by non-defense spending increases of about $6.0 billion. Technical changes in CBO's estimate of spending and revenues reduce the assumed deficits by an additional $9.9 billion. Changes in the final contents of legislation enacted since the Senate passed its Budget Resolution will result in $2.1 billion of added deficits.

Use of CBO's updated economic assumptions further lowers the FY 1985 deficits which are estimated to result from the Budget Conference agreement but the updated assumptions will raise the estimated deficits for FY 86 and FY 87. In fiscal year 1985, higher estimated growth in the economy is expected to yield an additional $5.1 billion in revenues, but higher estimated interest rates and other changes will result in $4.4 billion of additional spending (including spending on net interest). Deficits, therefore, are estimated to be $.7 billion lower when the complete updated economic forecast is taken into account. In both FY 86 and FY 87, however, the revised economic forecast suggests both lower revenues and higher interest rates, resulting in added deficits of $8.8 billion and $15.0 billion in these two years respectively. Finally, a decision by the conferees to move elements of the foreign military sales account on-budget will result in additional deficits in all three years, totalling $6.1 billion over the period.

TABLE I.—CONFERENCE OUTCOME: DEFICITS [1]

[Dollars in billions]

	Fiscal year—		
	1985	1986	1987
Senate-passed deficit	181.7	187.2	204.0
Changes:			
A. Policy changes:			
Nondefense spending	+.8	+3.0	+2.2
Defense spending	−3.1	−5.9	−9.1
Interest		−.3	−.9
Subtotal	−2.3	−3.2	−7.8
B. Legislative:			
Spending	+2.7	+1.9	+1.9
Revenue effects	+.3	−.8	−3.9
Subtotal	+3.0	+1.1	−2.0
C. Technical:			
Spending	+.3	+1.5	−1.6
Revenue effects	−2.3	−1.7	−3.1
Subtotal	−2.0	−3.2	−4.7
Subtotal: Spending changes	+0.7	−2.8	−7.5
Subtotal: Revenue effects	−2.0	−2.5	−7.0
Total changes	−1.3	−5.3	−14.4
Conference deficit: Comparable assumptions to those used to calculate Senate-passed deficit	180.4	181.9	189.5
Effect of revised economic assumptions on deficits:			
Revenue effects	−5.1	+2.5	+8.3
Spending effects (including interest)	+4.4	+6.3	+6.7
Moving foreign military sales on-budget	+1.2	+2.0	+2.9
Conference agreement (actual) deficits	181.2	192.8	207.6

[1] Totals may not add due to rounding.

TABLE 2.—COMPARISON OF DEFICITS UNDER CONFERENCE AGREEMENT AND CBO AUGUST BASELINE

[Dollars in billions]

	Fiscal year—			3-yr total
	1985	1986	1987	
Deficits:				
CBO August baseline	178	195	216	589
Conference agreement [1]	180	191	205	576
Deficit reduction	+2	−4	−11	−13
Deficit Reduction Act and other legislation—included in baseline	−15	−25	−37	−77
Total deficit reduction	−13	−29	−48	−90

[1] Adjusted to make treatment of foreign military sales account comparable to its treatment in CBO baseline.

REVENUES

The Conference agreement sets a revenue floor of $672.90 billion in FY1980, $750.90 billion in FY1985, $810.80 billion in FY1986 and $881.00 billion in FY1987. These levels represent revenue collections above current law estimated at time of passage of House and Senate budget resolutions of $9.90 billion in FY1984, $17.90 billion in FY1985, $15.90 billion in FY1986 and $17.50 billion in FY1987.

The Conference revenue figures reflect the Deficit Reduction Act of 1984, as well as other revenue raising legislation enacted since passage of the Senate and House budget resolutions, economic and technical re-estimates based on revised Congressional Budget Office projections and some allowance for miscellaneous revenue legislation that may be enacted.

[Dollars in billions]

	Fiscal year—			
	1984	1985	1986	1987
Current law revenues at time of passage of House and Senate budget resolutions	663.0	733.0	794.9	863.5
Technical and economic adjustments	+8.9	+7.4	−0.8	−5.2
Enacted legislation (primarily Deficit Reduction (Act)	+1.0	+10.8	+16.8	+22.8
Subtotal, enacted to date	672.9	751.2	810.9	881.1
Allowance for miscellaneous revenue legislation not yet enacted		−0.3	−0.1	−0.1
Conference agreement	672.9	750.9	810.8	881.0

CREDIT BUDGET

The credit budget reflects nonbinding targets for new direct loan obligations and primary and secondary loan guarantee commitments. The table below displays Senate and House passed aggregate credit levels for each of the four fiscal years 1984–1987, as well as agreed upon conference credit budget targets.

The credit budget contained in the conference agreement reflects the decisions of the conferees on Budget authority and outlay amounts in the various functions. The credit budget amounts in the conference agreement also include adjustments to reflect enacted legislation affecting credit program activity, e.g., the Deficit Reduction Act of 1984 and the Agricultural Programs Adjustment Act of 1984; and to reflect economic and technical re-estimates by the Congressional Budget Office contained in its August 1984 budget update.

[Dollars in billions]

	1984	1985	1986	1987
Senate passed resolution:				
New direct loan obligations	37.60	36.70	40.80	41.80
New primary loan guarantee commitments	105.20	110.80	116.70	123.30
New secondary loan guarantee commitments	68.30	68.30	71.60	75.10
House passed resolution:				
New direct loan obligations	37.60	37.50	39.95	40.45
New primary loan guarantee commitments	105.15	111.15	117.40	123.15
New secondary loan guarantee commitments	68.25	68.25	68.25	68.25
Conference agreement:				
New direct loan obligations	37.60	38.10	40.90	42.60
New primary loan guarantee commitments	105.55	112.10	117.15	123.30
New secondary loan guarantee commitments	68.25	68.25	69.95	71.70

FUNCTION 050: NATIONAL DEFENSE

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	264.2	299.0	333.7	372.0	1268.9
Outlay	230.4	266.0	294.6	330.4	1121.4

FUNCTION 050: NATIONAL DEFENSE—Continued

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
House-passed resolution (adjusted):					
Budget authority	264.2	285.7	310.0	336.1	1196.0
Outlay	230.4	255.9	275.8	303.9	1066.0
Senate-passed compared to House-passed:					
Budget authority		+13.3	+23.7	+35.9	72.9
Outlay		+10.1	+18.8	+26.5	55.4
Conference outcome:					
Budget authority	264.2	292.9	324.7	359.8	1241.6
Outlay	230.4	262.9	288.7	321.3	1103.3
Compared to Senate-passed:					
Budget authority	–0–	−6.1	−9.0	−12.2	−27.3
Outlay	–0–	−3.1	−5.9	−9.1	−18.1

DISCUSSION

The effect of this resolution is to reduce the President's initial FY1985 request for Defense by $20.5 billion in budget authority and by $9.1 billion in outlays. Over the three years FY85–87 savings of $84.1 billion in budget authority are achieved as well as $46.2 billion in outlays. Furthermore, the ratio of budget authority to outlay reductions discourages further significant cuts in the faster outlaying operations and readiness accounts.

FUNCTION 150: INTERNATIONAL AFFAIRS

[In billions of dollars]

	Fiscal year—				4-year (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	22.00	15.25	16.35	17.15	70.75
Outlay	12.30	14.10	12.70	12.75	51.85
House-passed resolution (adjusted):					
Budget authority	22.00	18.00	16.65	17.30	73.95
Outlay	12.30	14.55	13.70	13.60	54.15
Senate-passed compared to House-passed:					
Budget authority		−2.75	−0.30	−0.15	−3.20
Outlay		−0.45	−1.00	−0.85	−2.30
Conference outcome:					
Budget authority	22.00	20.80	18.75	19.50	81.05
Outlay	12.30	16.50	16.00	16.00	60.80
Compared to Senate-passed:					
Budget authority		+5.55	+2.40	+2.35	+10.30
Outlay		+2.40	+3.30	+3.25	+8.95

DISCUSSION

Accommodates complete shift of Foreign Military Sales program on-budget.

1985 levels are less then the levels reported by the Senate Appropriations Committee (−$0.3 billion in B.A.; −$1.0 billion in outlays); 1985 levels are higher than the levels marked up by the House Appropriations Committee (+$0.33 billion in B.A.; no change in outlays).

Outyears provide for an increasingly constrained international affairs budget.

FUNCTION 250: GENERAL SCIENCE, SPACE AND TECHNOLOGY

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	8.55	8.50	8.60	8.90	34.55
Outlay	8.30	8.45	8.50	8.70	33.95
House-passed resolution (adjusted):					
Budget authority	8.55	8.75	8.80	8.95	35.05
Outlay	8.30	8.60	8.70	8.85	34.45
Senate-passed compared to House-passed:					
Budget authority		−0.25	−0.20	−0.05	−0.50
Outlay		−0.15	−0.20	−0.15	−0.50
Conference outcome:					
Budget authority	8.55	8.75	8.80	8.95	35.05
Outlay	8.30	8.60	8.70	8.85	34.45
Compared to Senate-passed:					
Budget authority		+0.25	+0.20	+0.05	+0.50
Outlay		+0.15	+0.20	+0.15	+0.50

DISCUSSION

Senate receded to the House to provide more than a freeze level of funding.

FUNCTION 270: ENERGY

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	1.10	4.20	4.00	4.00	13.30
Outlay	2.45	4.05	4.05	3.85	14.40

FUNCTION 270: ENERGY—Continued

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
House-passed resolution (adjusted):					
Budget authority	1.10	4.45	4.20	4.05	13.80
Outlay	2.45	4.20	4.30	3.95	14.90
Senate-passed compared to House-passed:					
Budget authority		−0.25	−0.20	−0.05	−0.50
Outlay		−0.15	−0.25	−0.10	−0.50
Conference outcome:					
Budget authority	1.10	4.20	4.00	4.00	13.30
Outlay	2.45	4.05	4.05	3.85	14.40
Compared to Senate-passed:					
Budget authority					
Outlay					

DISCUSSION

House receded to Senate on Function 270.

Conference agreement assumes the $2.0 billion rescission in budget authority for the Synthetic Fuels Corporation, Energy Security Reserve, in FY 85.

FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	11.95	12.10	12.00	12.30	48.35
Outlay	12.25	12.15	12.00	11.90	48.30
House-passed resolution (adjusted):					
Budget authority	12.25	11.85	12.10	12.35	48.55
Outlay	12.30	12.00	12.05	11.95	48.30
Senate-passed compared to House-passed:					
Budget authority	−0.30	+0.25	−0.10	−0.05	−0.20
Outlay	−0.05	+0.15	−0.05	−0.05	0.00
Conference outcome:					
Budget authority	12.25	11.85	12.10	12.35	48.55
Outlay	12.30	12.00	12.05	11.95	48.30
Compared to Senate-passed:					
Budget authority	+0.30	−0.25	+0.10	+0.05	+0.20
Outlay	+0.05	−0.15	+0.05	+0.05	+0.00

DISCUSSION

Senate receded to House on Function 300. This includes a House resolution assumption which permits increases above the freeze level for spending from the Superfund Trust Fund.

FUNCTION 350: AGRICULTURE

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	5.10	17.10	14.75	14.10	51.05
Outlay	11.80	16.40	16.50	15.85	60.55
House-passed resolution (adjusted):					
Budget authority	5.10	17.15	14.85	14.10	51.20
Outlay	11.80	16.50	16.50	15.90	60.70
Senate-passed compared to House-passed:					
Budget authority		−0.05	−0.10		−0.15
Outlay		−0.10			−0.10
Conference outcome:					
Budget authority	5.10	17.10	14.75	14.10	51.05
Outlay	11.80	16.40	16.50	15.85	60.55
Compared to Senate-passed:					
Budget authority					
Outlay					

DISCUSSION

House receded to the Senate.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	5.50	6.40	6.30	7.70	25.90
Outlay	4.40	2.00	2.20	3.40	12.00
House-passed resolution (adjusted):					
Budget authority	5.50	6.50	6.30	7.75	26.05
Outlay	4.40	2.00	2.20	3.45	12.05

FUNCTION 370: COMMERCE AND HOUSING CREDIT—Continued

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed compared to House-passed:					
Budget authority		−0.10		−0.05	−0.15
Outlay				−0.05	−0.05
Conference outcome:					
Budget authority	5.50	6.45	6.30	7.70	25.95
Outlay	4.40	2.00	2.20	3.40	12.00
Compared to Senate-passed:					
Budget authority		0.05			0.05
Outlay					

DISCUSSION

Senate and House split the difference in adjusted Resolution levels.

FUNCTION 400: TRANSPORTATION

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	29.55	28.85	30.05	31.10	119.55
Outlay	24.90	27.00	28.50	30.00	110.40
House-passed resolution (adjusted):					
Budget authority	29.55	29.10	30.20	31.20	120.05
Outlay	24.90	27.10	28.65	30.10	110.75
Senate-passed compared to House-passed:					
Budget authority		−0.25	−0.15	−0.10	−0.50
Outlay		−0.10	−0.15	−0.10	−0.35
Conference outcome:					
Budget authority	29.55	30.05	30.10	31.15	120.85
Outlay	24.90	27.10	28.55	30.05	110.60
Compared to Senate-passed:					
Budget authority		1.20	0.05	0.05	1.30
Outlay		0.10	0.05	0.05	0.20

DISCUSSION

House recedes to Senate on "pay-as-you-go" language by striking language which exempts from spending control trust funds that support portions of Federal highway, mass transit and aviation programs. Senate, in turn, increases budget authority by $1.2 billion and raises outlays by $0.1 billion above the adjusted Senate level.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	7.25	6.90	7.50	7.80	29.45
Outlay	7.25	8.20	8.05	8.15	31.65
House-passed resolution (adjusted):					
Budget authority	7.25	7.00	7.50	7.75	29.50
Outlay	7.25	8.20	8.10	8.15	31.70
Senate-passed compared to House-passed:					
Budget authority		−0.10		0.05	−0.05
Outlay			−0.05		−0.05
Conference outcome:					
Budget authority	7.25	6.90	7.50	7.80	29.45
Outlay	7.25	8.20	8.05	8.15	31.65
Compared to Senate-passed:					
Budget authority					
Outlay					

DISCUSSION

Senate and House split the difference in adjusted Resolution levels.

FUNCTION 500

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	31.60	30.80	30.70	32.10	
Outlay	28.00	29.90	30.60	31.10	
House-passed resolution (adjusted):					
Budget authority	31.60	30.50	31.45	32.75	
Outlay	28.00	29.85	30.60	31.75	
Senate-passed compared to House-passed:					
Budget authority		+.30	−.75	−.065	−1.10
Outlay		+.05		−.65	−.60
Conference outcome:					
Budget authority	31.60	30.80	30.70	32.10	
Outlay	28.00	29.90	30.60	31.10	

FUNCTION 500—Continued

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Compared to Senate-passed:					
Budget authority					
Outlay					

DISCUSSION

The House receded to the Senate on F. 500. The conference report does not contain language detailing program assumptions.

For FY 85, the Senate resolution assumed an additional $1.3 billion for programs within the Department of Education and the freeze level for other F. 500 programs. Subsequent actions by the Appropriations Committee has allocated portions of the $1.3 billion for some job training and social service programs—such as Job Corps and the Administration on Aging.

Inflation adjustments are assumed in the outlying years. Since these are based on the 1984 appropriations level, there is a slight leveling off in growth between FY 85 and FY 86.

Grace Commission savings are contained in the outlying years for the Guaranteed Student Loan Program ($160 million); this reflects the passage of the deficit Reduction Act which authorized the IRS to offset debts owed the federal government against federal income tax returns.

FUNCTION 550: HEALTH

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	31.70	33.35	36.25	39.20	
Outlays	30.75	34.20	36.20	38.70	
House-passed resolution (adjusted):					
Budget authority	31.70	33.00	36.45	39.40	
Outlay	30.75	34.15	36.15	38.90	
Senate-passed compared to House-passed:					
Budget authority		+0.35	−0.20	−0.20	−0.05
Outlays		+0.05	+0.50	−0.20	−0.10
Conference outcome:					
Budget authority	31.70	33.15	36.35	39.30	
Outlays	30.75	34.15	36.15	38.80	
Compared to Senate-passed:					
Budget authority		−0.20	+0.10	+0.10	
Outlays		−0.05	−0.05	+0.10	

DISCUSSION

Both Senate-passed and House-passed levels assumed the effects of already-passed Medicaid and other health legislation in the Deficit Reduction Act of 1984. The difference between the Senate-passed and House-passed resolutions reflect differences in assumptions for discretionary appropriated health programs. The conferees agreed to split the difference between the two resolutions.

MEDICAID

The resolution reflects already-enacted increased Medicaid spending for mandatory expanded coverage for pregnant women and children a new "CHAP" program (+$0.3 billion over four years), and an additional increase (+$0.6 billion over four years) as a result of several changes made to the Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI) programs. Other already-enacted Medicaid provisions (income verification procedures and other small items) would save $0.7 billion over four years. The net four-year effect of the Deficit Reduction Act of 1984 on Medicaid, reflected in the First Concurrent Budget Resolution conference agreement, is +$0.3 billion in budget authority and +$0.2 billion in outlays over four years.

FUNCTION 570: MEDICARE

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	62.80	70.30	81.90	96.60	
Outlay	58.60	65.35	72.65	81.60	
House-passed resolution (adjusted):					
Budget authority	62.80	70.30	81.95	96.60	
Outlay	58.60	65.35	72.65	81.70	
Senate-passed compared to House-passed:					
Budget authority			−0.05		−0.05
Outlay				−0.10	−0.10
Conference outcome:					
Budget authority	62.80	70.30	81.90	96.60	
Outlay	58.60	65.35	72.65	81.60	
Compared to Senate-passed:					
Budget authority					
Outlay					

DISCUSSION

The conference outcome reflects the Medicare provisions in the already-passed Deficit Reduction Act of 1984, with four-year outlay savings of $6.0 billion. Included in the new law are provisions to freeze Medicare payments to physicians for 15 months, including establishment of new program procedures to protect Medicare beneficiaries from high medical charges; additional constraints on Medicare payments to hospitals; making permanent a previously-enacted provision setting beneficiary-paid premiums at 25 percent of the costs of Medicare Part B program; and other smaller provisions. (The small difference between the original Senate and House-passed resolutions reflects a Senate freeze on some administrative accounts in the out-years.)

DISCRETIONARY HEALTH PROGRAMS

The Senate-passed plan assumed an $0.7 billion increase in BA above a freeze level for FY 1985, with inflationary increases from the prior base in the out years. The House-passed plan assumed an aggregate increase of 3.5 percent nominal growth (below baseline inflation) for all discretionary programs, with additional unspecified amounts set aside within function 920 to allow for 3.5 percent real growth (above baseline) for priority health programs.

The conferees agreed to split the difference between the two resolutions, enough to accommodate baseline spending levels as well as modest growth in priority health programs.

FUNCTION 600: INCOME SECURITY

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	121.80	144.60	152.35	159.35	
Outlay	95.90	110.95	117.80	123.30	
House-passed resolution (adjusted):					
Budget authority	121.80	146.15	153.30	160.40	
Outlay	95.90	111.15	118.15	123.55	
Senate-passed compared to House-passed:					
Budget authority		−1.55	−0.95	−1.05	−3.55
Outlay		−0.20	−0.35	−0.25	−0.80
Conference outcome:					
Budget authority	121.80	143.60	154.30	161.30	
Outlay	95.90	111.70	119.15	124.45	
Compared to Senate-passed:					
Budget authority		−1.00	+1.95	+1.95	+2.90
Outlay		+0.75	+1.35	+1.15	+3.25

DISCUSSION

Conference agreement provides room over 3 years for $.6 billion in BA above the baseline for Child Nutrition and $1.0 billion for Food Stamps.

Conference agreement provides room over 3 years for $.5 billion in BA above the baseline for the Women, Infants and Children Supplemental Feeding Program (WIC).

Conference agreement provides room for an increase in the baseline for Low-Income Energy Assistance of $.2 billion in BA each year in order to set the baseline at the legislatively revised (higher) FY84 level. The agreement also provides room over 3 years for $.6 billion in BA above the baseline for this program.

$2.7 billion in BA over 3 years for the programs mentioned above had been assumed in Function 920 in the original House-passed resolution. The conference agreement assumes these funds in function 600 instead.

Agreement assumes a reduction in Budget Authority for subsidized housing in FY85 by $2.7 billion from House-passed level and $3.3 billion from Senate-passed level, reflecting the enacted HUD-Independent Agencies Appropriations law for FY85.

FUNCTION 650: SOCIAL SECURITY

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	175.65	199.40	213.75	227.05	
Outlay	178.90	188.40	200.50	214.95	
House-passed resolution (adjusted):					
Budget authority	175.65	199.40	213.75	227.05	
Outlay	178.90	188.40	200.50	214.95	
Senate-passed compared to House-passed:					
Budget authority					
Outlay					
Conference outcome:					
Budget authority	175.65	199.45	213.75	227.05	
Outlay	178.90	188.75	200.85	215.30	
Compared to Senate-passed:					
Budget authority		+0.05			+.0.05
Outlay		+0.35	+0.35	+0.35	+1.05

DISCUSSION

Conference agreement assumes a shift of $1.1 billion of outlays from House-passed resolution for function 920, to function 650 to allow room for the recently-passed disability bill.

FUNCTION 700: VETERANS

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	26.35	26.85	27.15	27.60	
Outlay	25.90	26.35	26.75	26.95	
House-passed resolution (adjusted):					
Budget authority	26.35	26.85	27.05	27.45	
Outlay	25.90	26.30	26.60	26.90	
Senate-passed compared to House-passed:					
Budget authority			+0.10	+0.15	+0.25
Outlay		+0.05	+0.15	+0.05	+0.25
Conference outcome:					
Budget authority	26.35	26.85	27.15	27.60	
Outlay	25.90	26.35	26.75	26.95	

FUNCTION 700: VETERANS—Continued

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Compared to Senate-passed:					
Budget authority					
Outlay					

DISCUSSION

Numbers for both Senate-passed and House-passed resolutions shown include approximately $0.7 billion in savings over four years from already-enacted legislation contained in the Deficit Reduction Act of 1984. These savings were generated from modification to allowable time periods for retroactive awards of non-service-connected disability pensions and death pensions to survivors of war veterans as well as changes in the home loan guaranty program. The remaining differences were primarily due to differing assumptions for discretionary programs (hospital and medical care). The Senate-passed resolution assumed a freeze in FY1985 with baseline funding levels in FY1986 and FY1987. The House-passed resolution assumed discretionary program growth of 3.5 percent above the freeze level.

The conferees adopted the Senate-passed resolution. The conference agreement makes room for a 10 percent GI Bill COLA increase effective October 1, 1984 and assumes a full compensation COLA in January.

FUNCTION 750: JUSTICE

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	6.00	6.10	6.20	6.30	24.60
Outlay	5.90	6.00	6.20	6.30	24.40
House-passed resolution (adjusted):					
Budget authority	6.00	6.15	6.25	6.35	24.75
Outlay	5.90	6.10	6.15	6.35	24.50
Senate-passed compared to House-passed:					
Budget authority		−0.05	−0.05	−0.05	−0.15
Outlay		−0.10	+0.05	−0.05	−0.10
Conference outcome:					
Budget authority	6.00	6.15	6.25	6.35	24.75
Outlay	5.90	6.10	6.15	6.35	24.50
Compared to Senate-passed:					
Budget authority		+0.05	+0.05	+0.05	+0.15
Outlay		+0.10	−0.05	+0.05	−0.10

DISCUSSION

Senate conferees agreed to recede to House-passed resolution numbers for Function 750/Administration of Justice. Conference agreement provides $50 million more than Senate-passed resolution in FY85 Budget Authority and $150 million more than Senate version over three year period from FY 85–87 in Budget Authority.

Conference agreement assumes annual nominal growth of 3.5% for the function. Programs in Function 750 include federal law enforcement agencies, legal services, juvenile justice and delinquency prevention, federal prison system and criminal justice assistance funding.

Conference agreement assumes enactment of 1984 supplemental appropriations requested by the Administration for the federal prison system and other law enforcement activities.

FUNCTION 800: GENERAL GOVERNMENT

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	5.10	5.65	5.80	5.90	22.45
Outlay	5.05	5.50	5.60	5.80	21.95
House-passed resolution (adjusted):					
Budget authority	5.10	5.70	5.85	5.95	22.60
Outlay	5.05	5.65	5.70	5.80	22.20
Senate-passed compared to House-passed:					
Budget authority		−0.05	−0.05	−0.05	−0.15
Outlay		−0.15	−0.10		−0.25
Conference outcome:					
Budget authority	5.10	5.70	5.80	5.90	22.50
Outlay	5.05	5.60	5.65	5.80	22.10
Compared to Senate-passed:					
Budget authority		+0.05			+0.05
Outlay		+0.10	+0.05		+0.15

DISCUSSION

Conferees agreed to split the difference between Senate-passed and House-passed totals for Function 800/General Government.

Conference agreement assumes enactment of 1984 supplemental appropriations for Library of Congress and other general government programs.

FUNCTION 850:

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	6.80	6.45	6.50	6.80	26.55
Outlay	6.80	6.45	6.50	6.70	26.45
House-passed resolution (adjusted):					
Budget authority	6.80	6.45	6.45	6.80	26.50
Outlay	6.80	6.45	6.45	6.75	26.45
Senate-passed compared to House-passed:					
Budget authority			+0.05		+0.05
Outlay			+0.05	−0.05	
Conference outcome:					
Budget authority	6.80	6.45	6.45	6.80	26.50
Outlay	6.80	6.45	6.45	6.70	26.45
Compared to Senate-passed:					
Budget authority			−0.05		−0.05
Outlay			−0.05	+0.05	

DISCUSSION

Senate conferees agreed to recede to the House figures for Function 850. Differences in FY86 and FY87 due primarily to differences in rounding.

FUNCTION 900:

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	111.10	133.80	150.05	168.85	
Outlay	111.10	133.80	150.05	168.85	
House-passed resolution (adjusted):					
Budget authority	111.10	133.25	148.10	164.85	
Outlay	111.10	133.25	148.10	164.85	
Senate-passed compared to House-passed:					
Budget authority		+0.55	+1.95	+4.00	+6.50
Outlay		+0.55	+1.95	+4.00	+6.50
Conference outcome:					
Budget authority	111.10	133.80	149.75	167.95	
Outlay	111.10	133.80	149.75	167.95	
Compared to Senate-passed:					
Budget authority			−0.30	−0.90	−1.20
Outlay			−0.30	−0.90	−1.20

DISCUSSION

Conference agreement for net interest reflects effects from other conference agreement budgetary changes.

FUNCTION 920:

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted):					
Budget authority	0.50	0.95	2.05	3.25	
Outlay	0.55	1.00	2.25	3.45	
House-passed resolution (adjusted):					
Budget authority	0.50	0.75	4.40	6.75	
Outlay	0.55	0.40	3.80	5.85	
Senate-passed compared to House-passed:					
Budget authority		+0.20	−2.35	−3.50	−5.65
Outlay		+0.60	−1.55	−2.40	−3.35
Conference outcome:					
Budget authority	0.50	−0.75	−1.85	−3.15	
Outlay	0.55	−0.70	2.05	3.35	
Compared to Senate-passed:					
Budget authority		−1.70	−0.20	−0.10	−2.00
Outlay		−1.70	−0.20	−0.10	−2.00

DISCUSSION

Conference agreement assumes that unspecified savings from the Grace Commission recommendations equal to $2.0 billion over 3 years can be achieved administratively.

Conference agreement assumes a funding amount for federal pay increases which is consistent with the assumptions in the Senate-passed resolution of a 3.5% pay increase each January. Conference report will state explicitly, however, that "the managers made no assumption concerning the rate or effective date of such pay raises."

Conference agreement assumes that the additional funds assumed in the House-passed resolution for entitlement programs would be switched to the functions in which the accounts for those entitlement programs are found. The same assumption is made for part of the additional funding for discretionary programs which was also originally assumed in the House-passed resolution in Function 920. The remainder of the additional funding for discretionary programs is not assumed in the conference agreement.

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

[In billions of dollars]

	Fiscal year—				4-yr (1984–87)
	1984	1985	1986	1987	
Senate-passed resolution (adjusted)					
Budget authority	−15.95	−33.15	−37.45	−39.20	−125.75
Outlay	−15.95	−33.10	−37.45	−39.20	−125.75
House-passed resolution (adjusted):					
Budget authority	−15.95	−33.10	−36.70	−37.90	−123.65
Outlay	−15.95	−33.10	−36.70	−37.90	−123.65
Senate-passed compared to House-passed:					
Budget authority		−0.05	−0.75	−1.30	−125.75
Outlay		−0.05	−0.75	−1.30	−2.10
Conference outcome:					
Budget authority	−15.95	−33.15	−37.45	−39.20	−125.75
Outlay	−15.95	−33.15	−37.45	−39.20	−125.75
Compared to Senate-passed:					
Budget authority					
Outlay					

DISCUSSION

House receded to the Senate on Function 950.

Mr. DOMENICI. Mr. President, I yield myself 3 minutes.

I again thank the distinguished Senator from Florida [Mr. CHILES] for what he had done this year to permit us to be here today. I think he has given a pretty good analysis of how this process had worked. I only wish we could have done it sooner. Even, if we could have reached agreement 3 or 4 weeks ago and gotten the budget resolution in place, had all the appropriations bills on time this year. They were ready on both sides. But because of the defense debate, we are not going to be able to get all the individual bills passed.

I do wish to thank a couple of other people and remind the Senate of what is going on in other committees.

I would be remiss if I did not thank the Appropriations Committee and, in particular, Chairman HATFIELD and the ranking member on the minority side, Senator STENNIS, because essentially, what they have done in the appropriations process is to take the amounts for nondefense discretionary programs that were assumed in the Rose Garden strategy and agreed to be bound by them, and it is my understanding that to this point the Senate has adhered to these limits on the nondefense discretionary programs.

And this budget resolution, while it includes some compromises with the House of Representatives, will not alter in any way the position of the Appropriations Committee with reference to the amounts it has assigned to each of its subcommittees for their budget authority ceilings on nondefense discretionary programs.

So I think the Congress has done a very good job. The tax increases that are in this resolution have been enacted. The entitlement program levels that are in this resolution have been enacted. And if our success thus far on the appropriations holds, as I have just described, then we are very close to the $150 billion deficit reduction over the next 3 years, as I described it to the Senate some 15 minutes ago.

I think that is reasonably good work, considering all the diverse views and the nature of this particular year. I wish we could do better. I think there is much more to do. But I truly believe we will do in the next 5 or 6 months that which has to be done to get these deficits on a trend line moving downward significantly and credibly and with that I think we can look forward to a decade of significant growth in the economy with low inflation. I hope that will occur.

I yield the floor.

Mr. GORTON. Mr. President, will the Senator yield 5 or 6 minutes to me?

Mr. DOMENICI. I yield such time as the Senator desires.

Mr. GORTON. Mr. President, I thank my friend and colleague from the State of New Mexico whose diligence and courage have not only preserved a process but have resulted in a substance far more favorable than most expected in January of this year.

Mr. President, in confronting the budget resolution before us we face a glass that is either half full or half empty, depending upon whether one looks backward or forward in time.

I do think that we have some right to regard reaching this point—consideration of the conference report on the second concurrent resolution on the budget for fiscal year 1985—as a real accomplishment. In the first place, we have made real, albeit incomplete, movement toward addressing the problem of large and growing budget deficits. Over the next 3 fiscal years, the Federal Government's deficits will at least be $100 to $150 billion smaller than they otherwise would be. This means that we will have $100 to $150 billion more in savings available for investment than would otherwise be the case; interest costs in the future will be correspondingly smaller, and our current interest rates and need for foreign capital are correspondingly less. In each of these areas, there is still much to be done. But in acknowledging the seriousness of the task before us, we should also acknowledge that what has been done is a real and genuine accomplishment.

Furthermore, this accomplishment is the more remarkable for its having come during a Presidential election year, and—candidly—one in which the political agendas of the two leading candidates for that position differ fairly substantially. Certainly, the election year made the task more difficult, and perhaps it limited what we were able to accomplish. But I believe we have demonstrated convincingly that election year politics do not necessarily paralyze Congress in this important area.

We are particularly indebted to the leadership for the work that they have put into this effort, and I am speaking of Members in both Houses, and on both sides of the aisle. In the last many days, Majority Leader BAKER and House Speaker O'NEILL have been personally involved in the negotiations. Certainly, also, the efforts of the distinguished chairmen of the Appropriations, Armed Services, Budget, and Finance Committees deserve special commendation, as do those of their counterparts in the minority party.

There is another reason why passage of this measure is important. We have preserved the integrity of the budget-making process and prevented an unwarranted and dangerous weakening of that process. It has been a close thing, I will not pretend that the victory is entirely untarnished. We in the Senate waived the Budget Act in order to consider four appropriations bills, and the House of Representatives took the unprecedented and, in my view, unwise step of waiving the Budget Act on all appropriations bills, prior even to consideration of a single one of those measures.

For forcing the Senate to confront the budget process we are indebted to the senior Senator from Florida, the distinguished ranking minority member of the Budget Committee.

Now, some have suggested that the distinguished Senator from Florida might have had some other motives in mind when he opposed consideration of spending bills prior to agreement on a budget. Perhaps he did. But I respect his defense of this process, and I think that in the future we will be grateful that this measure of discipline has been imposed upon us.

For these reasons, Mr. President, the glass is half full, and we should be pleased that this resolution is before us now.

A candid appraisal of the situation we now face, however, requires us to admit that our actions to date leave the glass half empty. Indeed, it would perhaps be more accurate to characterize this particular glass as mostly empty. For, unfortunately, the budget deficits which confront us over the next 3 years are five to six times as large as the size of the downpayment that this resolution represents. Even with this downpayment, the deficit is not on a downward course. Instead, it is projected to increase in each of the next 3 fiscal years, although at a rate less than would have been the case had we not made this downpayment.

It is incumbent upon us now to follow up this downpayment with a budget resolution next year that shows deficit reduction which is both larger than this year's and which puts the deficit on a clearly and significantly declining path.

We will have time enough for that debate next year. I have no desire to burden my colleagues at this time with debate on the fiscal 1986 budget. Certainly, however, this will be the No. 1 item on our agenda when we return in January.

In closing, then, I wish to commend again the diligent work of those Senators who made this agreement possible and to urge my colleagues to support this resolution.

Mr. DOMENICI. Mr. President, I thank the distinguished senior Senator from Washington for his remarks.

His speech to the Senate reminded me once again to try to put into perspective the efforts of the distinguished senior Senator from Florida (Mr. CHILES).

I heard him say that some wondered about the motives of the Senator from Florida when he began to hold up appropriation bills rather than grant the necessary Budget Act waivers permitting them to be considered. Frankly, I have concluded that Senator CHILES understood, and for that I am most grateful, the dilemma that we were in on this side.

Having negotiated with the President, he understood that we might have to go through three sets of negotiations because we did not have all the players, that is, all the participants, and the ultimate solution to the defense number. Hence, since he saw that——

Mr. CHILES. I understood your fear; I never particularly understood it was real.

Mr. DOMENICI. In fact, you said it might not be real, but you kind of understood they might think it was real.

The reason I mention this is because the distinguished senior Senator from Washington who just spoke had occasion to speak to me and to the distinguished Senator from Florida about the very issue we are discussing and the fact that maybe it was not too farfetched to see if we could get the leadership to sit down and talk to the respective committees.

Senator Chiles, as I indicated, did that. Some listened to him one day when he suggested it as the conference broke up, and, as we are prone to do around here, we thought it was a pipedream; it could not be done. "Are you serious, to get the leaders to sit down and talk about the defense and ultimately get the President and the appropriate committees to agree?"

It took a long time, but it got done. We are here. I think defense is adequately taken care of. It is resolved. We will probably get a defense appropriations bill. That is rather historic but, as I see it, rather necessary. Wherever one is on the defense issues, for less money or more money, clearly in a budget of its size we ought to get an appropriation bill and we probably will.

Having said that, I know of no one else that desires time on our side. I am not sure if the distinguished Senator from Florida needs any additional time on his side. If the Senator does not, we can put in a quorum call and inquire.

Mr. CHILES. I think it would be a good idea to put in a quorum call and let me check.

Mr. DOMENICI. I suggest the absence of a quorum.

Mr. CHILES. If the Senator would withhold on that, I want to join with the Senator from New Mexico in saying that the Senator from Washington has always played a valuable role in the Budget Committee process and certainly did in this instance. Because I think he did help bring to my attention this fear that was out there. And the fear was very real. Whether it was based on something more than a fear, I do not know. But it was certainly real.

I will have to say that I did not appreciate it at the time because I had said over and over on this floor that I could not understand why we could not come to an agreement on the number if we were looking at a difference of how to resolve a $13 billion difference. But when I began to appreciate that that was a feeling that that would only be a ceiling and not a floor, then we had something which we could work on.

So I thank the Senator from Washington for helping to educate the Senator from Florida on that fear that was out there.

Mr. DOMENICI. Before I renew my request for a quorum call, let me say that I was thankful when the Senator from Florida finally arrived at a point when he understood that this side had some genuine concerns. Because prior to that, it was pretty difficult, in the conferences, for me to just sit there and get beat about the head. Once he realized that we had this problem, we proceeded to resolve the problem and ended up yesterday finding a solution. It was a lot easier once he understood the problems that I had and the dilemma that I was confronted with. For that, I thank you both.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

Mr. NICKLES. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments by our colleagues. I also appreciate the diligence, patience, and persistence that they have had in bringing this issue to the floor and especially the trouble, long hours, and difficulties that have arisen during the budget conference.

I wish to ask a couple of questions. I did not see the table that the Senator placed into the RECORD, but I am concerned about what it contains. The Senator mentioned that this would reduce the deficits by, I believe, $149 billion over the next 3 years. Is that correct?

Mr. DOMENICI. The Senator is correct. The table that I placed in the RECORD is a total deficit reduction over the years 1984, 1985, 1986, and 1987 of $149.2 billion a reduction from the current law in effect at the beginning of the year.

Mr. NICKLES. Out of that $149 billion, how much of that is savings in 1985, 1986, and 1987?

Mr. DOMENICI. Does the Senator mean outlay reductions on the expenditure side for the 4 years?

Mr. NICKLES. I now have a copy of the table. The total deficit reduction—correct me if I am wrong—would be almost $24 billion in 1985, $49 billion in 1986, and $75 billion in 1987.

Mr. DOMENICI. The Senator is correct.

Mr. NICKLES. So most of the savings is in the outyears and not very much for next year?

Mr. DOMENICI. The Senator is correct; $23.9 billion, $49.8 billion, and $75 billion.

Mr. NICKLES. If the Senator might refresh my memory, we already passed a tax increase. That was about $49 billion or $50 billion of that deficit reduction.

Mr. DOMENICI. If the Senator will refer to the table, the very first line, over the 4 years, it is $50.8 billion.

Mr. NICKLES. So out of the total reduction, one-third of it was a tax increase?

Mr. DOMENICI. The Senator is correct.

Mr. NICKLES. And the remaining two-thirds would be the spending reductions. But those spending reductions are not spending reductions from fiscal year 1984 only, they are spending reductions over what we anticipate spending would be from 1984 through 1987?

Mr. DOMENICI. The Senator is correct.

Mr. NICKLES. I am looking at the other table now. When we talk about deficit reductions, we are talking about what we anticipate the expenditures would be had we done nothing. I would like to point out that the total amount of spending would increase from $845 billion in outlays in 1984, to $932 billion in 1985, an increase of almost $90 billion, and then from 1985 to 1986 an increase of about $70 billion. Outlays increase again in 1987 about $85 billion.

Mr. DOMENICI. The Senator is correct.

Mr. NICKLES. A lot of times when we talk about deficit reductions and spending reductions, we find that Federal spending continues to escalate at an average of over $80 billion a year, which we have happened for some time.

I have one additional question. In the Senate package that we passed, if this Senator's memory is correct, we had $50 billion in tax increases and about $45 billion in defense and $45 billion in nondefense savings. Out of these total outlays that we will save over the next 3 years, is more of that in defense or nondefense, or is it fairly equal?

Mr. DOMENICI. It is about 60–40 defense-nondefense. The defense reduction has gone up because the three bodies, the House, Senate, and the President, have agreed to a lower defense number than was originally passed by the Senate.

Mr. NICKLES. I am looking at the Senator's table. Correct me if I am wrong, but I see out of this $145 billion that we will save over the next 3 years, $50 billion is a tax increase, so we will have spending reductions of $100 billion; $58 billion of that $100 billion is in defense.

Mr. DOMENICI. That is correct.

Mr. NICKLES. $58 billion is the reduction in defense spending; entitlements, $12 billion; nondefense discretionary, $3.9 billion. So we are looking at a total of $16 billion in nondefense savings and $58 billion in defense savings.

Mr. DOMENICI. There is also $5.7 billion in offsetting receipts.

Mr. NICKLES. Offsetting receipts? Those are tax increases.

Mr. DOMENICI. No; these are primarily savings recommended by the Grace Commission which Congress has adopted.

Mr. NICKLES. So I will modify my figures. We have $58 billion in defense cuts and $12.2 billion for entitlements and $4 billion for nondefense discretionary and another $6 billion in offsetting receipts. That is a total of $22 billion in nondefense.

Mr. DOMENICI. The Senator is correct.

Mr. NICKLES. So out of the $100 billion in spending cuts, we cut $58 billion out of defense and $22 billion from nondefense.

Again, I understand the Senator had a very difficult time.

Mr. President, if the Senator will further yield, I would like to make a statement.

Mr. DOMENICI. I yield such time to the Senator as he desires.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, a lot of us have been wrestling with this budget resolution. I have heard a lot of Senators say this is great, we are seeing the budget process work. We talk about going all the way back to 1974, since the Budget Act was enacted. Mr. President, I would say as a Senator who has been here only 4 years, that the progress we have seen on the Budget Act leaves a lot to be desired. A lot of us have been talking in the Senate, particularly in the last several months, about the need for congressional reform of the Senate rules and maybe the House rules as well, but I submit to you that this is living proof of the fact that we have a lot of work yet to do. A lot of people say this is better than doing nothing, but if you look at the process, it is not working very well. It is estimated we will have a budget deficit this year of $172 billion. That is not quite as much as last year. It was $195 billion last year. They say we are making progress, but if you look at it and look through the figures, you will see in 1985 we will have a budget deficit of $181 billion. If you look at 1986, we are looking at $192 billion. In 1987, we are looking at $207 billion. So deficits are not declining but they are increasing.

We still have a lot of work to do. There is a lot of reform that needs to be done and a lot of it will have to be done in Congress.

A lot of people wave the flag and say, "These are Ronald Reagan's deficits," but I think most people in the Senate know better.

Our office counted up over 74 programs that increase automatically without any new congressional authorizations. It is not a very fiscally sound policy to operate in that manner.

I think we have substantial problems. I think we have had them ever since 1974 and before that time. The Budget Act itself has not solved those problems.

I do expect the budget resolution to be adopted today.

Maybe the Senator will answer this question: I have a little suspicion that maybe the House was interested in moving the budget resolution because coupled with the budget resolution they would not have to vote for the debt limit increase, which is politically very sensitive. Would the Senator care to respond to that?

Mr. DOMENICI. I do not know about that. Actually, I think the House had about given up on the prospect of a budget resolution this year, so I do not think they were counting on it. They thought we were in the ditch, to borrow an expression from the distinguished Senator from South Carolina, the former chairman and ranking minority member of the committee. I think they are probably pleased that the Gephardt rule exists. But I really do not know anything about their motives.

Mr. NICKLES. Is the Senator correct that if they did not pass the budget resolution, then the Senate would be forced and they would be forced to deal with the difficult political issue of whether or not to raise the debt limit? They would have to have an up-or-down vote.

Mr. DOMENICI. The answer to that is yes, the House would be forced into an up-or-down vote. In the Senate we will have to vote on debt limit regardless of what we do on the budget resolution.

Mr. NICKLES. I thank the Senator.

Mr. President, in summation, I am going to vote against this budget resolution. I do not know that it makes a lot of difference whether it passes or not. Supposedly, it is going to reduce the deficit by $149 billion, but as I said earlier, those deficits will continue to increase.

What will it do? It raises taxes $50 billion and we have already done that. It has offsetting receipts of $5.7 billion for the Grace Commission proposals and they have already been done.

What else does it do? It cuts defense $58 billion. What does it do in nondefense? Maybe $22 billion in reductions.

So over the next 3 years, when you are looking at total expenditures of

$932 billion in 1985, then over $1 trillion in 1986, and almost $1.1 trillion in 1987, the savings that we make in nondefense of $22 billion are very minuscule, I do not think we have accomplished very much so far as saying that we are helping our country toward economic recovery. We may be doing the opposite. We may be trying in escalations through open-end Federal programs.

People are saying, "Yes, we can pass this appropriations bill because it is within the budget."

Well, the budget is not very good if you have deficits of $180 billion. We have passed only 4 appropriations bills out of 13 and we will run several through in the next few days. Again, it is not a very sound way to run a country or these agencies.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I know the distinguished junior Senator from Oklahoma is very concerned about the deficit, and I think he knows that I share that concern.

I would just suggest to my good friend I do not believe that one can conclude that large deficits are the result of any process. Clearly, you cannot do better than the collective will of Member of the House and Senate coupled with the President regarding what they want to do, with or without a process.

The appropriations bills are going to pass this year, separately or as part of the continuing resolution. If you want some kind of check on them before they are finally finished, you ought to have a budget resolution. The four that have passed were passed by overwhelming margins. I believe the remaining ones will pass with overwhelming margins. Frankly, I think they will pass because of the prudence of the Congress.

I do not think there is a simple way to reduce deficits. Deficits will not go down until the House and Senate join with the President and agree on what must be done. All we can do in the budget process is to reflect the collective wisdom and will of the Congress.

We tried our best, I say to the Senator. In 4 years, we will have reduced what the budget deficits would have been by somewhere between $400 billion and $470 billion. That does not mean we cut from year to year. But without the budget process and the discipline of the annual budget resolutions, the deficits would be much worse. Earlier I indicated that Rudy Penner, Director of CBO, indicates that with this year's work, which is reflected in this budget resolution, we have reduced the deficit as a percent of GNP from 5.4 percent to 4.5 percent in 1987. That may not seem like a lot, but 1 percent of GNP is a significant amount.

I respect the Senator's judgment and what he is going to do on this resolution with the same kind of respect I have for the Senator's decisions on anything here. But not to pass this resolution after all that has gone into it in the hope that we will get something better, is not realistic. This may not be the best of all possible worlds, but clearly we will be better off if we pass this resolution and try to get something better next year.

I really hope that the Senator will reconsider and that we can pass this forthwith and get on with other business. But clearly, we will accommodate whatever the Senator desires.

Does the Senator from New Hampshire desire time?

(Mr. GORTON assumed the chair.)

Mr. RUDMAN. Will the Senator from New Mexico yield for a question?

Mr. DOMENICI. Yes.

Mr. RUDMAN. Just a question.

Mr. DOMENICI. Of course.

Mr. RUDMAN. Mr. President, I would like to address the question to both the chairman and the ranking member. It is a question asked in utter good faith. I intend to support the position of the committee, but I am really troubled by something here. Someplace in the record, there ought to be some comment. I see the distinguished Democratic leader on the floor and knowing his comments about the Constitution, which I have paid great attention to over the past 4 years, I have a question I shall put in the record. Somebody may answer it, but at some point, I believe somebody else is going to answer it and it may not be the answer.

I am looking at a document entitled "Rule XLIX. Establishment of Statutory Limit on the Public Debt." That is a rule of the House of Representatives. A rule of the House of Representatives obviously need not be approved by the Senate and need not be signed by the President. In a very unique way that must have been thought up by a battery of Philadelphia lawyers—and I say that in no disrespect to the State of Pennsylvania—there is incorporation by reference of an extension of the debt limit. If I read the record correctly, what has happened here is that the House of Representatives has first adopted this rule, then has adopted the budget resolution, which in no way incorporates the debt limit extension, but refers by indirection, if you will, to the rule. That now comes before this body. We assume we will pass it. It is my understanding that upon passing the Senate, it will go to the President. Or will it go back to the House?

Mr. DOMENICI. What is the Senator referring to, the debt limit bill or this?

Mr. RUDMAN. This.

Mr. DOMENICI. This goes to the House, and the President does not sign it.

Mr. RUDMAN. No signature whatsoever is needed?

Mr. DOMENICI. But they have to pass it.

Mr. RUDMAN. They have to pass it?

Mr. DOMENICI. That is correct.

Mr. RUDMAN. Mr. President, my question is, if it is going to have the power of law, is it now possible to incorporate by reference a rule which is not acted on by the other body and have it considered constitutionally as part of the Budget Act?

Mr. DOMENICI. Let me say that in 1979, the House adopted something called the Gephardt rule, which is what the Senator is referring to. I cannot give an answer to the question the Senator just asked, but let me tell him what they do.

It is their process, not ours. But because of that rule, the House is deemed to have passed a debt limit bill when Congress completes action on the budget resolution. It comes to the Senate, where we pass it or not. We frequently amend it and sent it back to them and they are then forced to vote on the amended bill. We have done that a couple of times. Eventually, the debt limit bill gets adopted and goes to the President for signature. So that is a bill that is signed by the President.

The Senate has not chosen to do it that way. When the bill comes over from the House, it goes to the Finance Committee, which has jurisdiction. It is reported out and passed like any other bill in the Senate.

Mr. RUDMAN. Am I correct in assuming, then, that although a debt limit bill will go to the President for signature—a debt limit extension will go to the President and that will have been affirmatively acted on by the U.S. Senate in a record vote, the only House action in relation to that extension will be the incorporation by reference of that debt limit contained in this budget resolution?

Mr. DOMENICI. It will be affirmatively acted upon by the Senate, by record vote on voice vote. The Senate has no procedure to incorporate by reference.

Mr. RUDMAN. Mr. President, I just want to say for the record to my friend from New Mexico, who is not the author of this, nor is the Senator from Florida, that I would be willing to stake a little bet with somebody that if somebody who wanted to cause a little havoc with the affairs of the country and wanted to go to the U.S. district court and contest the validity of this kind of measure, in my view, they would succeed for a whole number of reasons which I shall not bore this body with. I think we ought to be very careful about letting this scheme be used in the future on a whole number of pieces of legislation or we are going to end up in a political

advantage or disadvantage, however you look at it, where one House or another is not going to act on a matter which the Constitution requires them to act on; yet that matter will be signed into law by the President. That ought to be looked at by somebody, and I simply raise it for that purpose.

Mr. DOMENICI. I thank my good friend. I will say that during the past year the House has had to act several times on a regular debt limit bill because last year we adopted a debt level that did not extend over the full year. They ultimately passed a bill each time. I am not sure how. That is their business, not mine. But I do not know that that has anything to do with this resolution. The Senator raises a good point and I assume some people will be looking at it.

I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. RUDMAN). The clerk will call the roll.

Mr. HOLLINGS addressed the Chair.

Mr. DOMENICI. I withhold that request.

Mr. HOLLINGS. I thank the Senator.

Mr. President, I wish to make clear my position on House Concurrent Resolution 280, the first concurrent budget resolution for fiscal year 1985. I oppose the budget conference report and am unalterably opposed to any budget resolution that increases, rather than decreases the budget deficit.

This budget agreement provides for a deficit of $181 billion in fiscal year 1985, $193 billion in fiscal year 1986, and $208 billion in fiscal year 1987. These deficits are damaging to all elements of our economy and indeed threaten our economic future. They must be reduced and wiped out.

In contrast to the budget agreement, I have offered for the past 3 years a budget freeze plan that would eliminate the Federal deficit. I continue to strongly believe that my freeze plan is the best way to wipe out the staggering deficits.

As a Budget Committee conferee, I signed the conference report since it was the only way the report could be filed. In no way should this be construed as my endorsement of the conference agreement. I remain firmly opposed to deficit Federal spending and I am committed to balancing the budget as soon as possible. I intend to offer my budget freeze plan at the first opportunity in order to give the Senate a chance to act responsibly and restore fiscal integrity to the budget process.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from New York?

Mr. MOYNIHAN. Mr. President, will the distinguished Senator from Florida yield me time?

Mr. CHILES. I wonder if the distinguished Senator would allow us to take care of this matter and then give him time? If we could dispose of this matter, then I suggest he may have the floor after that.

Mr. MOYNIHAN. Mr. President, may I expect to be recognized after the vote is taken?

The PRESIDING OFFICER. The Chair will certainly observe the normal rules of procedure, including recognizing the Senator from New York.

Mr. MOYNIHAN. I thank the Chair.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senator from New York be recognized immediately following the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I yield back the remainder of my time.

Mr. CHILES. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York is recognized.

PRESIDENT REAGAN MISREPRESENTS FACTS ON U.S. INTELLIGENCE IN CARTER ADMINISTRATION

Mr. MOYNIHAN. Mr. President, Helen Thomas of the UPI reports that in Bowling Green, OH, today, President Reagan "blamed the 'near destruction of our intelligence agency' during the Carter years for what he said was a breakdown in intelligence against terrorists."

This statement is not only false, it is reckless. The President has all but invited further terrorist attacks on American lives by telling the world we are unprepared to thwart such attacks. The statement undermines, I am prepared to say betrays, almost a decade of sustained bipartisan efforts in the Congress to reconstruct an intelligence community whose budgets had run down steadily through the first half of the 1970's and only began to rise sharply in the second half. Former Deputy Director of Central Intelligence Admiral Bobby Inman spoke of the extent of this decline—which occurred during Republican as well as Democratic administrations—to the American Newspaper Publishers Association on April 27, 1982:

> The intelligence establishment was cut back sharply in the 1960s and 1970s after a major buildup in the 1950s, losing 40 percent of its personnel from 1964 to the mid-1970s.

Intelligence budgets are classified. But their direction is not. Or is not now that the President has utterly misrepresented the facts. The intelligence community budget declined during each of the early years of the 1970's. With the first full year of the Carter administration, fiscal year 1978, this decline stopped. In fiscal year 1979, which began October 1, 1978, the budget of the intelligence community, including that of the Central Intelligence Agency, rose for the first time in that decade. It rose again in fiscal year 1980, which began October 1, 1979. It rose again in fiscal year 1981, which began October 1, 1980. And finally it rose again in the budget for fiscal year 1982, which President Carter submitted to Congress in January 1981.

This comes to four consecutive Carter budgets in which more funds were requested for intelligence. May I add that the Intelligence Committees fully agreed with these requests and they were granted.

The most important development of the Carter years was the replacement of our technical means of collection—the foundation for nuclear defense and the indispensable element of nuclear arms control. These changes set in motion under the previous administration are now just becoming operational and with great and important consequences. Or those of us hope who continue to hope for arms control agreements and in the meantime insist on adequate defense measures.

I will not characterize to the Senate my view either of the reasons for the President's statement or the way in which it should be viewed. But I must tell you that the administration has done this before. I am telling you through clinched teeth that in the aftermath of the massacre of our marines in Beirut, this same charge was made. I read you the headline from the New York Times: "White House Contends Carter Crippled CIA." A similar story appeared in the Wall Street Journal on January 31, 1984.

One such story may be an accident. Two is a campaign.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 29, 1983]

WHITE HOUSE CONTENDS CARTER CRIPPLED CIA

LOS ANGELES, Dec. 27 (AP). A White House spokesman said today that failures in intelligence-gathering in connection with the Beirut bombing could be attributed to decisions of the Carter Administration that crippled the Central Intelligence Agency.

The spokesman, Larry Speakes, was commenting on the intelligence section of the Long Commission report.

The report, without mentioning the Administration of President Carter, said the intelligence failure was "in large part due to policy decisions which have resulted in a United States human intelligence capability commensurate with the resources and time that have been spent on it."

Mr. Speakes said:

"We don't quarrel with the fact that the C.I.A. and other intelligence-gathering agencies have been crippled by decisions of the previous Administration; and we are in the process of rebuilding capabilities. But it takes time to re-establish our intelligence-gathering methods."

[From The Wall Street Journal, Jan. 31, 1984]

CIA Is Expanding Anti-Terrorism Effort But Lacks Data From Inside the Groups

(By David Ignattus)

Washington. The Central Intelligence Agency is working with friendly countries to create a new anti-terrorism network, but the effort may be hampered by a lack of inside information about the growing array of terrorist groups.

The anti-terrorism effort was described yesterday by an authoritative government source in an upbeat summary of CIA expansion during the first three years of the Reagan administration. The source's message likely to be repeated during President Reagan's reelection campaign, is that a revived CIA is back in business around the world.

But despite the source's claims of improved CIA performance during Mr. Reagan's administration, terrorism has been a black eye for the agency. The CIA's failure to warn about bomb attacks against the U.S. Embassy and Marine headquarters in Beirut had many causes, including the loss of agents in Iran and in the Palestine Liberation Organization in the past, several years. The U.S., for the moment, is dependent largely on other intelligence services, such as those of Israel, Jordan and Lebanon, which often lack detailed information from inside the terrorist groups.

The CIA has received additional funding and staffing recently. The Reagan administration has increased the agency's staff including a restoration of 800 positions in the clandestine service that were cut during the Carter administration the source said. He added the agency has more stations overseas, more case officers, more agents, more analytical reports and better relations with foreign intelligence services.

The new anti-terrorism network appears to be based largely on a greater exchange of information with friendly intelligence services in the Middle East and Europe. The U.S. also has developed its own counterterrorism strike force of 100 to 150 people, based in the Defense Department, as well as smaller CIA teams to deal with terrorist incidents.

To coordinate the increasing flow of information about terrorism, the CIA also has established a new evaluation center that can handle human electronic and other intelligence data. Establishment of such a terrorism-information center was recommended strongly by a Pentagon commission that investigated last October's bomb attack against U.S. Marines in Beirut. The source said the CIA's station in Beirut is now in contact with the Marines there as often as several times a day about potential threats.

The authoritative government official, who spoke on the condition he wouldn't be identified, discussed a range of intelligence issues facing the U.S. The highlights:

—The CIA believes the Soviet Union is developing the capability for a nationwide missile-defense system. The source said evidence of Soviet preparation for such a system includes laser research, the construction of six large radar complexes, the development of an anti-aircraft missile system that also could help shoot down U.S. balistic missiles and the establishment of new military production lines.

—The CIA is supporting actively 12,000 to 15,000 Nicaraguan rebels in their war against the Sandinista government. But the number of CIA officers involved in this covert war program is slightly more than 20 people, rather than the 500 estimated in some newspaper reports, the source said. The CIA believes the anti-Sandinista campaign has been effective, but it doubts the rebels will overthrow the Nicaraguan government, he said. While CIA involvement in Nicaragua long has been known, the source's comments are the most detailed information provided by the government.

—The U.S. also appears to be helping at least indirectly, anti-government forces in Afghanistan and Kampuchea, the source indicated. He said in these two countries, and in Angola, pro-Soviet regimes are facing growing resistance.

—The CIA plans to leave to Italian authorities the issue of Bulgaria's alleged role in the 1981 assassination attempt against Pope John Paul II. The source said the trial of Mehmet Ali Agea will show a high degree of Bulgarian involvement, leading to a strong suspicion that Soviet intelligence also was involved. But he said the Soviet link probably never will be proved, and that U.S. efforts to publicize the issue might be counterproductive.

—The CIA has increased sharply its analytical staff and output, the source said. After losing about half its analysts between 1978 and 1980, largely through budget cuts and retirement, the agency has added 400 to 450 analysts in the past three years. Moreover, the agency currently produces about 50 "national intelligence estimates" on foreign developments each year, compared with 12 annually during the Carter administration.

—To guard against political surprises abroad, the CIA is producing a new quarterly report on political instability in 30 important countries, the source said. The quarterly reports, studying long-term political trends, supplement the CIA's weekly "watch reports" on current intelligence.

—The Soviet intelligence service KGB, is on the defensive because of careful U.S. counterintelligence operations source asserted. Last year, 147 KGB agents were expelled, were arrested or detained in Western countries, he said. As a national source said, the KGB's own counterintelligence department appears to be supervising KGB operations more closely to protect more agents from being recognized.

Mr. MOYNIHAN. Accordingly, I wrote Mr. Casey on February 2, 1984, stating that this was wholly unacceptable and that the Senate Select Committee on Intelligence took the charge with the utmost seriousness. My letter read as follows:

Hon. William J. Casey,
Director of Central Intelligence, Central Intelligence Agency, Washington, DC.

Dear Bill: I am sure you were appalled, as I was, by the hemorrhage of classified information concerning the CIA which appeared in The Wall Street Journal on Tuesday. All ascribed to an "authoritative government source."

I assume you are investigating the matter. Would it be useful for our Committee to hold a hearing? I cannot believe that a loyal officer would release such sensitive information. This kind of thing must be stopped.

Another disquieting element is the seeming effort to politicize the Agency. According to the Wall Street Journal, the "authoritative government source" gave an "upbeat summary of the CIA's expansion during the first 3 years of the Reagan administration." The report continued:

The source's message, likely to be repeated during President Reagan's reelection campaign, is that a revived CIA is back in business around the world.

May I interject, Mr. President, to say the campaign has a slightly different version. The CIA evidently is not revived because of something that was not done in the previous administration.

This is unacceptable. It comes on the heels of a statement by White House spokesman Larry Speakes, commenting on the intelligence section of the Long Commission Report, that the Carter administration had crippled the Central Intelligence Agency. The New York Times put it thus:

White House Contends Carter Crippled CIA

. . . Mr. Speakes said: "We don't quarrel with the fact that the CIA and other intelligence-gathering agencies have been crippled by decisions of the previous Administration, and we are in the process of rebuilding capabilities. But it takes time to reestablish our intelligence-gathering methods."

Now, you know and I know that this is not true. The decline of American human intelligence began in the mid-1960's with the advent and cost associated with the Vietnam War. The trend accelerated in the early 1970's as the decision was made to pay for new technologies by reducing manpower. If there was any crippling done, it was done by a succession of administrations. Democratic and Republic alike.

These sorts of denunciations pose a genuine danger to the bipartisan spirit of the Senate Select Committee on Intelligence that has contributed so much to the growth of congressional support for the Agency over the past 8 years.

In that space of time, the number of persons at the Agency has only grown a little bit by the calculations of our budget officer. You went from [deleted] persons in fiscal 1977 to [deleted] in fiscal 1983. A modest increase. But the overall budget during that period has more than doubled. The budget has in fact gone up every year since fiscal 1977. In his nomination hearing, John McMahon stated that the real increase began in 1979, although it seems to me to have begun earlier.

Might I ask you to let me know what the Agency is doing to investigate the source of this leak, or hemorrhage, as I choose to put it?

I cannot overstate the seriousness with which I take this issue and how important it

is to me, and other members of the committee, to find out what is going on.

Now, Mr. President, that letter was written February 2. The Director of the Agency was out of the country for a bit. He replied to me on March 8 as follows:

THE DIRECTOR OF
CENTRAL INTELLIGENCE,
Washington, DC, March 8, 1984.

Hon. DANIEL PATRICK MOYNIHAN,
Vice Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR PAT: Thanks for your letter of February 2nd which I found upon my return from a long trip. As I told you over the telephone, I was very unhappy about the article in The Wall Street Journal. I am particularly pained about the suggestion that one "Agency's revival" will be a partisan political theme in the reelection campaign. Of course, the closest reading of The Wall Street Journal story establishes that the only authority for that is the author's speculation. I can assure you that neither I nor the Agency will be a part of any such thing. I've checked and have been assured that there is no intention to go out to make any such issue.

All of us know that the increase in the personnel and budgetary strength of the Agency began in 1979, that it was planned and proposed earlier, and that it cannot be completed without strong bi-partisan support. I fully share your conviction that the vital functioning of this Agency cannot be risked or impaired through any use of CIA for partisan political purposes. The protection of our national security, to which both this Agency and your committee are so firmly committed, is too important a mission to subject to the vagaries of the political process or the partisan purposes of either party.

As the Agency noted last year in transmitting its 1984 Intelligence Authorization Act, we must "capitalize on the significant steps which the executive and legislative branches have taken together toward revitalization of our nation's Intelligence Community, [and] we must insure sufficient resources in fiscal year 1984 to continue building the intelligence capabilities needed to meet the challenges of the late 1980's and beyond." As this letter further notes, it is only through the bi-partisan support of Congress that the Agency can continue to stay "firmly on the path of progress which we have charted together." You have my assurance that I will not tolerate any attempt to politicize the Agency or its work, or use the fact of its revitalization for partisan political purposes. Any such use of the Agency would be damaging to the trust and confidence that must exist between your committee and this Agency, and must be avoided in the interest of maintaining an effective Congressional relationship which will serve as the continuing basis for maintaining and building the intelligence capabilities required for both today and the future.

Sincerely,

WILLIAM J. CASEY.

Mr. President, this is not a classified letter. I repeat the Director's statement: "You have my assurance that I will not tolerate any attempt to politicize the Agency or its work, or use the fact of its revitalization for partisan political purposes."

Finally, Mr. President, on Friday, September 20, the day of the most recent bombing of an American installation in Beirut, I was interviewed on WNBC News, the New York NBC station, on its news program, "Live at Five," by the distinguished correspondent Gabe Pressman. After I answered his questions as to what was known about the most recent horror, Mr. Pressman asked me, "Do you think this is going to be a political issue?" This was 6 days ago. This was my reply:

I hope not. This is not something any American could divide on. I was in Beirut in January. If you see what our people go through over there, you've just got to be for them, regardless of what's going on here. But I would wish that maybe some time Americans who hear about people who serve in the diplomatic or foreign service would remember what, in fact, that life is like, and maybe say hello to one of them the next time they see one.

Mr. President, I believe an apology is in order and that if none is forthcoming, a motion of censure is in order.

I repeat, in summary: Today, the President, in Bowling Green, OH, blamed what he called the "near destruction of our intelligence agency" during the Carter years for the breakdown in intelligence against terrorists leading to the recent bombing in Beirut.

As it happened, it was 1 year ago, in October, that the massacre at the marine barracks took place, and exactly the same charge was made on December 29. I read the New York Times headline: "White House Contends Carter Crippled CIA."

I wrote Mr. Casey. He replied that, of course, this was unwarranted and unjustified and, "You have my assurance that I will not tolerate any attempt to politicize the Agency or its work."

He said that in no sense would he allow this to become part of, nor will it be, a partisan political scene in the reelection campaign.

Mr. President, not only do I think this body is entitled to an apology; I think the Director of the CIA is entitled to an apology. He did not say these things. They were said twice now from the White House—Mr. Speakes in one case and the President in another.

I ask if this is acceptable conduct, if this is what America is about. I ask if this does not put in jeopardy exactly the kind of bipartisan support that has brought about the rebuilding of the intelligence community and to which we have devoted ourselves—perhaps that is a self-serving word—to which we have applied ourselves in silence in this building, under that dome, day after day, week after week, year after year. I have served on this committee 8 years and as provided by the Senate's rules, will be going off in the next Congress.

When that charge was made, it was my responsibility to ask Mr. Casey if it were so. He said it was not so. Now it is ghastly, it is ghoulish, in the aftermath of another American tragedy, to blame it on the previous administration.

Mr. BYRD. Mr. President, will the Senator Yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York for bringing this to the attention of the Senate. I hope that the Senator has already asked to put into the RECORD the wire story in this regard.

Mr. MOYNIHAN. I have not done that.

Mr. BYRD. For the President to suggest that the most recent terrorist disaster in Lebanon is Jimmy Carter's fault is the ultimate disappearing act. Where has the President been for the last 4 years; and if Mr. Reagan has not been President for the last 4 years, then who has been?

It is one thing to be able to stage manage walking away from these disasters. But it is quite another thing to try to leave an impression that it did not even happen on your watch.

I thank the distinguished Senator from New York.

Mr. MOYNIHAN. I thank the minority leader.

Mr. President, I ask unanimous consent to have printed in the RECORD the wire story to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By Helen Thomas)

BOWLING GREEN, OH. (UPI).—President Reagan said Wednesday he hopes to open a dialogue with Soviet Foreign Minister Andrei Gromyko to "clear the air" of the mutual suspicions of aggression that poison U.S.-Soviet relations. The president made the remark at Bowling Green State University after he discarded a portion of his prepared address on foreign policy to take some questions from the students.

Earlier, thousands of cheering, sign-waving welcomers gave Reagan one of the most rousing receptions since he kicked off his re-election campaign.

"It's an understatement for me to say at this moment that it's great to be here," Reagan said to cheers at the pep-rally type gathering.

There were a few discordant notes. One protester hurled a tomato, well off the mark, at Reagan's helicopter after it landed on campus. And a group of protesters carried signs describing the President's policies as "inhumane," but failed to gain entrance to the crowded gymnasium where Reagan spoke.

Reagan took nine questions from the crowd and said that when he meets with Gromyko at the White House on Friday:

"It is my hope that maybe we can open up a dialogue about the suspicions that exist in both our countries—they charging that we intend war against them. We feel, I think with better reason, that they really do have aggressive intent against us."

The President said that his meeting with the Kremlin leader may "open up a dialogue and may clear the air of those suspicions."

"It's time for us to sit down together in a joint discussion," Reagan said.

Taking questions from students that authorities said were chosen at randown, Reagan also said he plans to step up security at the U.S. Embassy in Beirut but added, "an embassy is not a bunker and you can't fortify it."

The President blamed the "near destruction of our intelligence agency" during the Carter years for what he said was a breakdown in intelligence against terrorists.

Reagan also said the United States has no intention of quitting its diplomatic posts in Beirut. "The alternative would be to close down and to come back (to) Fortress America," Reagan said. "and that we will not do."

In his Bowling Green speech, Reagan referred to the difficulties the United States and Soviet Union have had in their efforts to reach agreement on weapons.

"The truth of the nuclear age is that there are no cheap solutions, no easy answers," he said. "The only path to progress on this is the open door; the honest proposal; the eagerness to talk—and hopeful waiting."

Reagan said his administration has pursued a policy of "firmness and steadiness" that he believes has had "a stabilizing effect on the world."

"But the world is a dangerous place," Reagan said. "We must be strong enough and confident enough to be patient when provoked. But we must be equally clear that past a certain point, our adversaries push us at their peril. Uncle Sam is a friendly old man. But he has a spine of steel."

Reagan noted that the United States has reached economic agreements with the Soviets and that a more sophisticated "hot line" has been set up between Moscow and Washington.

Of the effort to reach substantial agreements with the Soviets, Reagan said, "We are trying—and we are confident, eventually, of success. We must keep the door open, hope it will be entered and wait in an attitude of hopeful composure."

Noting that the United States in recent years has developed much friendlier relations with China, he said, "it shows our willingness to improve relations with countries that are ideologically very different from our own."

Later in Canton, Ohio, Reagan toured the Timken Co. Faircrest steel plant and denounced Mondale's proposed tax increases and quotas on steel imports.

In his remarks to workers, Reagan said that "a blunderbuss approach of quotas and trade barriers—encouraging stagnation by stifling competition is not the way to a better future—it's a giant step back into the misery of a failed past."

The President promised "aggressive enforcement" of his decision to ensure that the United States retaliates against countries that make use of "unfair and illegal subsidies" to dump their industrial products on U.S. markets.

"My opponent made raising taxes his No. 1 issue, the option he would use first in solving our country's problems," Reagan said.

"My first option is expanding economic growth and increasing opportunity. I say let's not focus on dividing the pie. Let's pull together and make a bigger pie, so everybody can have a bigger slice."

"We're leaving the pessimists and the doom-and-gloomers behind," Reagan said, "the old idea that spawned inflation, stagnation and national self-doubt, only a few years ago have given way to a new philosophy. Americans are rejecting the policy of something for nothing, rejecting politicians who try to divide us by exploiting envy, and who offer programs with the claim: we'll tax somebody else to pay for it."

Mr. HOLLINGS. Mr. President, I have some brief comments, but I ask unanimous consent that they be included in another part of the RECORD. I do not want to associate these comments with the comments of the distinguished Senator from New York. I agree with his comments generally.

THE BEIRUT BOMBING

Mr. HOLLINGS. Mr. President, I allude now to the incident of the Beirut bombing and would like to throw a little light on that, as to what has really occurred and has been occurring.

The distinguished former Senator from Nevada, my good friend Howard Cannon, is seated here. I remember that in January 1979, Senator Cannon and I and others followed President Carter's visit to Tehran, the capital of Iran.

We called on the Shah at that time, and visited with him for hours. We had quite a group of Senators in our entourage: Senator Jackson and Senator Javits, Senator STEVENS, the Senator from Nevada, Senator Cannon myself, and others. We talked to Ambassador Sullivan, who was our Ambassador at that time. We asked numerous questions relative to the continued stability of the country of Iran, particularly since the Shah had been known to be quite ill. And he said: "Don't worry about Iran. There are a few little dissident things, but there is not anything to really think about or worry about."

It was then about 4 to 5 weeks later that Ambassador Sullivan himself was seized, along with the Embassy, and it was an embarrassing moment for all Americans.

As the chairman of the State, Justice, Commerce Subcommittee on Appropriations, charged with the security of our Embassy facilities overseas, I was mindful of the fact that not only did this occur in Tehran but that there was a seizure and burning in Pakistan and, of course, the one in Libya, all at about the same time.

That caused quite an alarm, and we brought the State Department before us, and we told them, "You cannot have Fortress America built in every land around the world. You must depend upon the local security forces but there must be sufficient security to withstand any kind of demonstration—under the normal circumstances of 2 to 3 hours by any terrorist group or others—that would want to seize your Embassy facilities. You need such time so you can destroy your classified papers, correspondence, what cryptography there may be, and other vital material of a security nature. Give all our Embassies around the world a 2-to-3-hour breathing period, and then of course if you are overwhelmed and you are not helped by the local security forces then we are in tough circumstances but that is understandable."

But this casual "you cannot defend yourselves against terrorism" kind of situation that occurred in Beirut last week in absolutely unforgiveable.

Along that line, there is one thing to understand. When we had former Secretary of State Vance before us in hearings, he was awfully careful to state that we should not look provocative and destabilizing. That is the mentality that persists in our Department of State. They think that if they look lovable and friendly that everybody is going to be lovable and friendly to them. That is not the real world in which we live. When our Embassy in Iran was seized again that same year by a high school group in a 15-minute period in September, then we really read the riot act to them. We had them before us, and sure enough, the State Department said: "Well, we did certain things.

We appropriated an extra $35 million to make sure that we made these facilities secure in these awfully sensitive or subject-to-terrorism kind of spots.

In reading that riot act, you guessed it, they said it would be provocative and destabilizing to really make us appear secure. They do not understand that in situations like Beirut we are in a war zone. Our distinguished Commander in Chief, President Reagan, does not understand. He is big on religion. Well, he should understand the religion of Islam, whereby if you die for your country, you go immediately to heaven. We have a President who is keen on religion but not keen on understanding the several religions. His lack of understanding shows most clearly when he states that a person who would drive in a truck of that kind and blow up the so-called enemy's facility is not worthwhile of humanity or living in the human race. I am rather embarrassed by the President's statement and his lack of understanding. War is war.

Now I read that the State Department wants $372 million for securing facilities around the world. The request is too late. The problem with the State Department's inability to provide security is not a problem of money, it's a problem of mentality. Our people can't even recognize the problem nor the enemy.

I remember in World War II that if we had a soldier who could blow up the enemy's headquarters or his whole command center into kingdom come—

and there are many of them who went on such missions and who did not come back—that they were the best of frontline soldiers.

In talking about soldiers, having been in command, you never allow your troops to get into this kind of security situation. In the heat of a hot war you do not put them in a position of exposure where they would give their lives in a totally defenseless situation.

I wish, Mr. President, that everyone could read the article this morning of George F. Will in the Washington Post entitled, "The Beirut Bombing: Someone Should Resign."

I ask unanimous consent that this article be printed in the RECORD, as it expresses in the most eloquent way my feelings on this particular score.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 26, 1984]

THE BEIRUT BOMBING: SOMEONE SHOULD RESIGN

(By George F. Will)

Humor me. Consider a naive theory and a utopian proposal. The theory is: there is so much failure in government because there are insufficient penalties for failure. The proposal is: when there is serious failure, someone serious should resign.

These heresies are provoked by the third truck bombing in Beirut, and by statements of U.S. officials who seem to relish making irrelevant remarks. The Secretary of State, for example, has said: Well, embassies must be open, transacting business so . . .

So what? So there cannot be perfect safety? True, but with due respect, Mr. Secretary, quit changing the subject, which is trucks. The subject is not whether embassies should be open, but whether they should be approachable by trucks loaded with enough explosives to level the buildings. There are more interesting subjects, but this one keeps coming up, so let's stick with it.

You, too, Secretary of Defense, no more of this: "People can acquire and have acquired helicopters and you can get a couple of people that can learn to fly one just far enough to get there and kill themselves, then all your barriers and tank traps are not going to prevent that."

What does Caspar Weinberger want to be, the Mary Lou Retton of irrelevancy—the Olympic record setter? He is changing the subject, which is not helicopters, but trucks.

It is, of course, un-American to cross on foot any distance that a vehicle can carry you across, but it is not unreasonable to say that moving vehicles shall not approach within 200 yards of certain U.S. facilities. War is hell, and Beirut is a war zone, so some people are going to have to walk. And even if that is unthinkable, it is not beyond the wit of the Pentagon, which we entrust with interesting sums of money, to swiftly devise and erect barriers that at least would have forced the last truck, which evidently carried 3,000 pounds of explosives, to move so slowly that gunfire would have stopped it sooner.

Weinberger's thoughts on helicopters are intensely uninteresting, other than as an example of how misplaced loyalties can cause an intelligent man to be at once vigorous and vapid. Weinberger is protecting subordinates, colleagues and himself, whereas what needs looking after is the national interest. That certainly is not served by statements about the foreordained futility of any attempts to defeat persons bent on suicide. The Secret Service does not accept that premise when planning protection of the president.

Speaking of the president, consider his contribution to the discussion of why proper security provisions (we are not talking about high technology, we are talking about steel and concrete) were not completed. "Anyone that's ever had their kitchen done over knows that it never gets done as soon as you wish it would."

"Wish"? My admittedly imperfect understanding of our system is that if you carry 44 states you get to be president for four years, there will be things you can only wish for, but some things you can demand, and you can raise hell and spread misery among subordinates who do not deliver.

The president's laconic, complacent comparison to home improvements misses a few points, two of which are: the commander in chief has more leverage over his forces than the rest of us have over carpenters. And if carpenters are dilatory, the kitchen is inconvenient; if the commander in chief's employees are dilatory, people die.

What Walter Mondale is working himself up to say, in his murky way, is that the president does not have the energy level or interest to monitor even the important details of government. That is not true, and saying it will not appreciably help Mondale, but the following is true:

The administration's sloth (Jerry Falwell, call the Oval Office and report that sloth is one of the deadly sins) regarding security in Beirut is evidence of the president's failure to perform his first duty. That duty is to instill a healthy level of fear—fear of him—among his subordinates.

Herbert Hoover reportedly once mused that a president ought to be allowed to hang two persons a year without giving any reason or explanation. When Hoover was asked if two would suffice, he said perhaps not, but a president could spread the word to 20 or 30 others that they are being considered for the honor. Reagan needs such an honors list. He has an enchanting smile, but also needs an energizing scowl.

Mr. HOLLINGS. I yield to the distinguished Senator from Vermont, and I thank the Presiding Officer.

Mr. LEAHY. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from South Carolina.

Like so many of us here, I find myself constantly indebted to him not only for his knowledge, past experiences in the military, as a Governor, and as a Senator, but the sense of history that he brings to bear on these matters.

I also wish to compliment and praise the distinguished senior Senator from New York for his comments and for the way he put this issue into perspective.

Mr. President, we have, I suspect—as probably happened with other Presidents during an election—the problem that the occupants of the White House, maybe because of its geographical location, are susceptible to White House amnesia. This President has shown that he is incapable of ever fending it off.

But the comments made today go way beyond any case of White House amnesia. They are not only outrageous, beneath the dignity of the Office of the President of the United States, they are an irresponsible distortion, an irresponsible slur on the members of our intelligence service, a slur on the people who have died.

This is, after all, the President who likened the lack of security at the Beirut Embassy to someone fixing a kitchen.

I remind the President of the United States that he is not selling kitchen appliances for General Electric anymore. He is the Commander in Chief of this country, representing all of us, all Americans, with a responsibility to all Americans under his control and under his command abroad.

To try to laugh the bombing off as though these deaths were something akin to a kitchen remodeling job is no credit to him nor to the high and significant office he holds.

I remind those who are suffering from amnesia at 1600 Pennsylvania Avenue that the U.S. Embassy in Beirut in April 1983 was subjected to a truck bomb and over 60 people died; subsequently the U.S. Marine headquarters in Beirut was subjected to a truck bomb in October and 241 died; the U.S. Embassy in Kuwait was subjected to a car bomb with 5 dead in December 1983, and now at the U.S. Embassy in Beirut, there was a car bomb that left at least 9 dead, including 2 Americans, in September 1984.

These events did not happen during the term of Jimmy Carter, or Gerald Ford, or Richard Nixon, or Lyndon Johnson, or John Kennedy. They happened during the administration of Ronald Reagan.

The marines in Beirut, last October, were put in a building that could not be defended. There is no military person anywhere in the world who would claim that the building could have been defended.

They were sent in without being given a clear mission. The description of their mission changed from Presidential press conference to Presidential press conference. They faced an enemy that could not be identified or defined. They were not allowed to fight back. And then, under orders of the administration, on the directions of the Commander in Chief, the sentries were not even allowed to have bullets in their guns. The sentries who were out there to defend against the car bomb that killed over 240 of our bravest fighting men were not even allowed to have bullets in their guns.

Now can you imagine the outcry there would have been from candidate Reagan if President Carter had done

that? There would have been calls for his impeachment.

But what do we hear instead? Somewhere we have a failure of the Carter administration. It was not the Carter administration, the Ford administration, or the Nixon administration that did not even allow the sentries to have bullets in their guns.

Now that is irresponsible. That is negligence.

Now what do we have? We have an embassy bombed one more time. And what do we find? Marines having been withdrawn as guards. We have contract guards out there. We have mechanical devices to stop them. So where are they? Piled up alongside the wall. They might as well be out in the lobby of the U.S. Senate for all the good they do there.

And what do we hear from the President after he finds that maybe people are not too excited by his analogy that the bombing is something like rebuilding a kitchen? He says, down in Bowling Green, that the failure is that of the intelligence service. And somehow, maybe because he is outside of Washington, he thinks that Jimmy Carter is running that intelligence service. He forgets that it is his.

Mr. President, I have served in the U.S. Senate for 10 years. Throughout that time I have been on committees that have handled the budget of the CIA, first as a member of the Armed Services Committee, as a member of the Appropriations Committee, and now as a member of the Intelligence Committee. I have watched the budget of the CIA, and the NSA, and the DIA, and all our other intelligence agencies. As the Presiding Officer and other Members of the Senate know, these budgets are classified, so I will not go into the specific amounts. But I will state this: That in the 10 years that I have been here, the first, biggest, and most significant jump in that intelligence service budget came under the Presidency of Jimmy Carter. The trend set by Jimmy Carter has been continued by Ronald Reagan.

And in the Appropriations Committee, the authorizing committee for the Intelligence Committee, there has been bipartisan support for the improvements throughout our intelligence service. There was bipartisan support given by our committee to Jimmy Carter. There has been bipartisan support given by our committee to Ronald Reagan. I find that virtually every cent of the budget for our intelligence agencies has been passed unanimously by our committee, by Republicans and Democrats, from across the political spectrum. And every time that budget comes up we hear from the Director of the CIA, who says how improved things are because we have done as they have asked since—as Senator MOYNIHAN's letter from the Director of the CIA points out—the administration of Jimmy Carter.

Deaths of brave Americans on duty in defense of their country, deaths caused by terrorists abroad should not be a partisan matter. They should not be trivialized. Their deaths should not be the fodder for quips and distortions.

Mr. President, I have spent 10 years in the U.S. Senate. I have given a number of speeches and I have been involved in a number of debates during that 10 years. I cannot think of a time during that 10 years when I have been as angry, Mr. President, as I am at this moment.

How dare the President of the United States make a statement like that? How dare he slur our intelligence services? And how dare he try to gloss over the deaths of brave Americans by trying to escape the responsibilities that are inherent here?

It was, after all, as the administration now admits, those same intelligence agencies that warned of these car bombs. It was, after all, those same organizations that all of us in this body have voted to fund, it was those same organizations that pointed out the lack of security at our Embassy in Beirut and urged that that security problem be taken care of.

Now certainly it is justifiable for the President of the United States, in a reelection campaign, to say what things he has done to improve over past Presidents. And certainly it is justifiable for the President of the United States to point to his record in contrast to any other President's record. That is not only justifiable, but I think should be done in a political arena.

But it is not justifiable to distort the truth of what happened. Because nobody knows the truth better than the President of the United States. Nobody knows better than the President of the United States the improvements in the intelligence arena that have been made both by his predecessor and by himself. And nobody knows better than the President of the United States where the negligence occurred in this matter.

This is no different than the situation we had when the marines were massacred. Who is to blame? Sentries without bullets in their guns facing enemies that cannot be defined, unable to fight back, put in what has to be an almost classical target for a car bomb in a country in which this kind of terrorist attack is endemic.

Mr. President, all Members of this body should say to the President of the United States, if he does not immediately retract what he said and make his grievous mistake clear to the people of the United States, "For shame, Mr. President. For shame. You shame your office. You shame the political process, and you shame the memories of brave Americans who have died abroad."

There has been in no area that I know of in the 10 years that I have been here with more bipartisan support for President Reagan and President Carter than in improving and enhancing our intelligence services. And to now toss that aside helps neither him, his campaign, nor our country. And certainly it is not the kind of precedent any President should leave behind.

Mr. President, I have talked longer on the subject than I had intended. I must admit that I have felt emotion that I have not felt before in my 10 years on the floor of the Senate. But this is something that is not a matter that should be the subject of a 30-second quip or for a cut for the evening TV news.

This affects the worldwide responsibilities of the United States. It affects very much the responsibility of our Government to the people who serve all of us. It affects the question of peace within the Middle East.

In the nuclear age, we cannot afford to make such quips that only distort our intelligence capability, and will lead our adversaries and potential adversaries around the world to misunderstand our intelligence capabilities.

So I hope that the President will realize his grievous mistake, and that he will retract his irresponsible remark.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1985

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

A bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. McCLURE. Mr. President, the fiscal year 1985 Department of the Interior and related agencies appropriations bill as reported by the Appro-

priations Committee proposes new budget authority totaling $8,141,830,000. When the House's $5 billion Synfuels Corporation rescission is discounted, this is an increase of some $107.9 million above the House-passed program level, and an increase of nearly $515 million above the adjusted budget request of $7.627 billion.

As in the past, Mr. President, this bill impacts every State in the Union, whether through acquisition of lands for public purposes; continuation of energy, geologic, hydrologic, or wildlife-related research; operation of various programs created for American Indians; or maintaining Federal support for arts, humanities, and museums. Virtually every Member of Congress has a stake in the passage of this bill, and I am hopeful we can complete the bill quickly on the floor, conference with the House, and bring back a conference report before the beginning of fiscal year 1985 which both the Congress and the President can support.

This latter point is extremely important to note, because the bill at $8.142 billion is nearly $515 million over the President's adjusted request and $317 million over the Rose Garden agreement, and is frankly already more than I believe the President will accept. I must warn you now that we will be hard pressed to add much more to this bill on the Senate floor and, perhaps more important, the House and Senate conferees will have to trim at least $317 million off the bill before we bring it back for passage and send it to the President.

Another important issue which bears mentioning is that the Interior bill as passed by the House contains provisions which again unnecessarily prohibit the leasing of Outer Continental Shelf lands through fiscal year 1985. Should these provisions be included in the bill the conferees send to the President, we very possibly will see it returned with a veto. The President has over the past 2 years gritted his teeth and signed each of the Interior appropriation bills that have contained 1 year OCS prohibitions. I do not believe he will be so kind to us in the future.

As I indicated a moment ago, this bill does indeed have something for everyone, and I would like to take just a moment to outline what the committee has recommended for some of the more popular programs:

For Land and Water Conservation Fund, the committee has recommended $240,013,000, an increase of $65,378,000 over the budget request. This includes $75 million for State grants under LWCF.

For Fish and Wildlife Service, the committee has recommended an increase of $49,143,000 over the budget, including full funding for the cooperative unit program and for FWS law enforcement and protection, an additional $1,988,000 for hatcheries operations and maintenance, and an additional $6,831,000 for wildlife refuge operations and maintenance.

For historic preservation, the committee has recommended a funding level of $26,000,000 while the administration has requested no funds.

For the U.S. Geological Survey, Bureau of Mines, and Surface Mining, the committee has recommended additional funds totaling over $55 million, including increased funds for volcano hazard reduction research, energy geologic and water resource studies, mapping, State reclamation grants, and full funding for the Mineral Institute and State Water Research Institute Programs.

For Fossil Energy Research and Development, the committee has recommended $275,633,000, an increase of $75,752,000 over the budget request. This level includes $35,900,000 for continued work on fuel cells and $29,800,000 for ongoing magnetohydrodynamics research.

For Energy Conservation, the committee has recommended $449,844,000. This represents an increase of $59,767,000 over the budget request and includes additional funding for building systems; waste energy reduction; industrial conservation; vehicle propulsion research and development; electric and hybrid vehicle research; EPCA, EES, schools and hospitals and weatherization research, and the energy related inventors program.

For Indian Health, the committee has proposel $839,778,000, an increase of $97,828,000 over the budget request of $741,950,000.

For the National Endowments for the Arts and Humanities, a total funding level of $301,975,000 has been recommended by the committee. This level is essentially the same as that provided in fiscal year 1984 and represents an increase of $32,625,000 above the budget request.

At this point Mr. President, I ask unanimous consent to have printed in the RECORD a table comparing the committee reported bill with the President's budget request and the House-passed bill for fiscal year 1985, and with the appropriated levels for fiscal years 1980 through 1984.

Mr. President, I also ask unanimous consent to have printed in the RECORD the President's statement of administration policy and the Office of Management and Budget's analysis of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. McCLURE. Mr. President, I emphasize once again the extreme importance of approving this bill without increasing the funding levels to the point where we have no hope of getting a signed bill. I emphasize once again the extreme importance of approving this bill without adding restrictions on Outer Continental Shelf leasing, which would also make it difficult, if not impossible, to get a bill. Please don't lose sight of the fact that the lack of an Interior Appropriations bill will impact each and every one of us.

Mr. President, I would be happy to yield to the distinguished Senator from Louisiana, the floor manager for the minority, to make whatever statement he may wish to make at this time.

EXHIBIT 1

H.R. 5973, INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1985 (McCLURE, (R) IDAHO)

The Administration is seriously concerned by the aggregate spending levels for discretionary programs provided in the FY 1985 Interior Appropriations Bill. In its present form, the bill exceeds the deficit down payment cap by $317 million and would therefore be unacceptable. However, the Administration believes that the Senate bill could serve as the basis for an acceptable conference agreement that would meet the deficit reduction goals established by the down payment cap.

The overall increase in spending provided in the bill is in part masked by the rescission of $226 million in timber purchaser road construction credits. This rescission is at best a technical bookkeeping correction that will have no effect on spending or program operating levels and should accordingly not be considered when determining whether the bill in the aggregate meets the cap.

In addition to its concern with the overall totals for spending under the bill, the Administration has several objections to specific program funding levels and language provisions:

Increases of $180 million in Interior and the Forest Service for recreational land acquisition and development by both the Federal Government and by the Senate.

Add-ons of $336 million over and above the increases for land purchases. These increases are primarily for low priority construction activities and unnecessary increases in operating programs for the Department of Interior discretionary programs.

Increases of $106 million for the Forest Service over and above the increases for land purchases for such non-essential activities as pest control, firefighting on non-Federal lands and low priority local research projects.

Appropriations for Indian health services that exceed the President's request by $54 million and unrequested funding for Indian health facilities construction of $44 million.

Additional funding of $76 million for Fossil energy and $28 million for Energy conservation research and development programs.

Funding a new Institute of Museum Services grant program for cultural organizations in the Washington, D.C., area. Such a program would be inconsistent with this agency's mission to provide grants exclusively to museums.

Bill language that infringes upon the Executive Branch's ability to manage activities included in this bill, such as;

A requirement that the Department of Energy solicit clean coal technology demonstration proposals.

A prohibition against the use of personnel ceilings, making allocations and management of limited personnel resources very difficult.

Failure to provide transfer authority as requested for the Department of Energy.

Maintenance of personnel floors for Fossil energy, Energy conservation and Indian health programs.

Although the off-budget spending of the Strategic Petroleum Reserve is not covered by the deficit down payment cap, the Committee provided an additional $462 million to increase the fill rate from 145,000 B/D to 186,000 B/D.

As noted above, the Administration believes that the Senate bill could provide the basis for a conference agreement that is acceptable. We urge the Senate to reject all amendments that would further increase spending in order to permit the conference committee to produce a bill that is under the deficit down payment cap and to seek to have the objectionable language provisions deleted.

EXECUTIVE OFFICE OF
THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 7, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate prepares to consider H.R. 5973, the 1985 Interior and Related Agencies Appropriations bill, I would like to convey the Administration's position on the bill as recommended by the Senate Committee. In its present form, the discretionary portion of this bill exceeds the deficit down payment cap by $317 million, and therefore is unacceptable. However, the Administration believes that the Senate bill could serve as the basis for an acceptable conference agreement that would meet established deficit reduction goals.

The overall increase in spending provided in the bill is in part masked by the rescission of $226 million in timber purchaser road construction credits. This rescission is at best a technical bookkeeping correction that will have no effect on spending or program operating levels and should accordingly not be considered when determining whether the bill in the aggregate meets the cap.

Other objections to the bill include:

Increases of $180 million in Interior and Forest Service for recreational land acquisition and development by both the Federal Government and by the States.

Additions of $336 million for the Department of the Interior discretionary programs over and above the increases for land purchases. Of this amount, $68 million is for low priority construction activity in several Bureaus and the remainder is for unnecessary increases in operating programs.

Increases of $106 million in Forest Service appropriations over and above the increases for land purchases for such nonessential activities as support for pest management and firefighting on non-Federal lands, unnecessary increases for reforestation and timber stand improvement, and funding of relatively low priority local research projects.

Appropriations for the Indian Health Service which exceed the President's request by $98 million, of which $44 million represents unnecessary funding for Indian health facilities construction. In addition, the bill funds two programs proposed for elimination—Community Health Representatives, which is only remotely related to the provision of primary care services; and Urban Health, which duplicates existing Federal, State, and local health programs.

Additional funding of $76 million for Fossil energy and $28 million for Energy conservation research and development programs. This unnecessary funding is largely for continuation of near-term projects that have already achieved proof-of-concept and should become the responsibility of the private sector.

Funding a new Institute of Museum Services (IMS) grant program to serve cultural organizations in the Washington, D.C., area. Any such program is highly inappropriate since Washington-based organizations are already eligible to compete for grants from IMS and the National Endowments for the Arts and the Humanities. Not only is this an issue of special treatment, but such a program would be highly inconsistent with this small agency's mission to provide grants exclusively to museums.

Funding for the Energy Extension Service and the Grants to State Energy Offices that are proposed for termination. In addition, the Administration's request for funding for the Low-Income Weatherization and Schools and Hospitals Conservation Program was contingent upon enactment of proposed legislation to finance these programs with petroleum overcharge funds, which the Congress has failed to enact.

While the items outlined above remain impediments to the successful enactment of this bill, the Administration is pleased by the Subcommittee's actions to strike many of the restrictive language provisions in the House version of H.R. 5973. These laudable changes include removal of:

Leasing restrictions on the Outer Continental Shelf.

An A-76 implementation restriction.

A provision transferring all Indian-related activities from the Secretary's Office of the Solicitor to the Bureau of Indian Affairs.

A prohibition that restricts the Secretary of the Interior's discretion to offer on-shore oil and gas leases.

Detailed itemization of appropriations in the Office of the Secretary of the Interior.

A 14 day nonreimbursable detail limitation in Interior.

However, there remain several objectionable provisions that have the combined affect of constraining the discretion of various executive branch agencies in carrying out their responsibilities. They are:

A requirement that the Department of Energy solicit private sector proposals for new Federally-funded clean coal technology demonstration projects. The Administration believes that the private sector should undertake such projects with private financing. This provision is unacceptable because it could lead to the establishment of a new Federal demonstration program costing as much as $1 billion or more. Previous experience has shown that Federally financed technology demonstration programs have been fraught with technical and political problems and have been generally unsuccessful. It was this recognition that led Congress to cancel the previous DOE demonstration program in 1981.

A prohibition against the use of personnel ceilings, making allocation and management of limited personnel resources very difficult. No manager of a complex institution can be expected to operate effectively under this handicap.

Failure to provide transfer authority as requested for the Department of Energy.

Continuation of personnel floors for Fossil energy, Energy conservation and Indian health programs.

Although the off-budget spending of the Strategic Petroleum Reserve is not covered by the deficit down payment cap, the Committee provides an additional $462 million (24 percent) above the Administration request for crude oil acquisitions. The end of year 1985 fill level would increase from 482 to 499 million barrels, an increase of only 3 percent. This increase in the fill rate from 145,000 B/D to 186,000 B/D adds nearly half a billion dollars to Federal borrowing requirements, but would only marginally increase our level of energy emergency preparedness.

As noted above, the Administration believes that the Senate bill could provide the basis for a conference agreement that is acceptable. Meeting fiscally responsible spending goals will permit the conference committee to produce a bill that is under the deficit down payment cap. I urge you to use your influence and leadership in the Senate to reject all amendments that would further increase spending and to seek to have the objectionable language provisions deleted.

Sincerely,

DAVID A. STOCKMAN,
Director.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
TITLE I - DEPARTMENT OF THE INTERIOR										
BUREAU OF LAND MANAGEMENT										
Management of Lands and Resources										
Onshore Energy and Minerals Management										
Energy Resources										
Coal Leasing	17,400	24,414	17,947	20,259	18,598	17,808	18,808	17,808	---	-1,000
Oil & Gas Leasing	7,475	14,444	17,859	28,666	37,267	43,228	42,728	43,228	---	+500
Geothermal leasing	1,480	2,091	2,305	2,760	3,197	3,293	3,293	3,293	---	---
Oil Shale and Tar Sands leasing	420	4,452	3,675	4,118	2,148	2,654	2,354	2,654	---	+300
Subtotal, Energy onshore	26,775	45,401	41,786	55,803	61,210	66,983	67,183	66,983	---	-200
Non-Energy Minerals										
Mineral Material Sales	1,585	1,884	1,818	2,072	2,353	2,374	2,374	2,374	---	---
Mining Law Administration	3,274	4,244	6,365	6,559	7,302	8,081	8,081	8,081	---	---
Mineral Leasing	1,366	1,497	1,588	3,324	3,838	4,226	4,226	4,226	---	---
Uranium operations	---	---	---	---	622	630	630	630	---	---
Subtotal, Non-Energy Minerals	6,225	7,625	9,771	11,955	14,115	15,311	15,311	15,311	---	---
Subtotal, Energy and Minerals Management	33,000	53,026	51,557	67,758	75,325	82,294	82,494	82,294	---	-200
Lands and Realty Management										
Realty Operations										
Energy Realty	8,771	5,894	5,712	7,316	6,678	4,352	4,352	6,852	+2,500	+2,500
Non-Energy Realty	13,819	19,617	21,304	13,337	18,530	16,671	16,671	18,778	+2,107	+2,107
Alaska Lands program	---	---	---	11,900	12,183	12,241	12,241	13,541	+1,300	+1,300
Subtotal, Realty operations	22,590	25,511	27,016	32,553	37,391	33,264	33,264	39,171	+5,907	+5,907
Withdrawal Processing and Review	1,993	2,731	4,088	4,079	3,529	4,116	4,116	4,116	---	---
Subtotal, Lands and Realty Management	24,583	28,242	31,104	36,632	40,920	37,380	37,380	43,287	+5,907	+5,907
Renewable Resources Management										
Forest Management										
Public Domain	5,672	6,601	6,100	4,770	5,173	5,347	5,347	8,347	+3,000	+3,000
Western Oregon	1,141	792	2,163	936	939	939	939	939	---	---
Subtotal, Forest Management	6,813	7,393	8,263	5,706	6,112	6,286	6,286	9,286	+3,000	+3,000
Range Management										
Wild Horse & Burro Management	4,582	5,704	5,418	4,876	4,974	5,081	5,581	25,081	+20,000	+19,500
Grazing Management	28,663	36,110	36,138	34,754	31,360	28,438	28,438	32,238	+3,800	+3,800
Subtotal, Range Management	33,245	41,814	41,556	39,630	36,334	33,519	34,019	57,319	+23,800	+23,300
Soil, Water, & Air Management	13,816	18,037	17,042	16,946	16,595	12,882	16,882	16,882	+4,000	---
Wildlife Habitat Management	12,554	16,017	14,918	15,150	13,515	11,705	12,705	16,105	+4,400	+3,400
Recreation Management										
Cultural Resources Management	2,192	3,402	4,510	4,566	4,605	4,187	5,187	5,187	+1,000	---
Wilderness Management	7,677	10,317	13,970	12,180	7,239	6,152	6,652	6,152	---	-500
Recreation Resources Management	6,101	6,011	5,688	6,489	6,516	5,738	7,738	5,738	---	-2,000
Subtotal, Recreation Management	15,970	19,730	24,168	23,235	18,360	16,077	19,577	17,077	+1,000	-2,500
Fire Management	6,797	7,519	7,231	9,334	7,446	7,490	7,490	7,490	---	---
Subtotal, Renewable Resources Management	89,195	110,510	113,178	110,001	98,362	87,959	96,959	124,159	+36,200	+27,200
Planning and Data Management										
Planning	9,665	12,289	8,661	8,704	8,891	8,471	9,471	8,471	---	-1,000
Data Management	12,103	15,767	12,012	12,932	13,914	13,738	13,738	13,738	---	---
Subtotal, Planning and Data Management	21,768	28,056	20,673	21,636	22,805	22,209	23,209	22,209	---	-1,000
Cadastral Survey										
Alaska	9,135	9,291	9,606	9,992	12,140	10,058	10,058	15,058	+5,000	+5,000
Other States	9,319	9,902	10,031	11,602	11,407	10,223	11,423	10,223	---	-1,200
Subtotal, Cadastral Survey	18,454	19,193	19,637	21,594	23,547	20,281	21,481	25,281	+5,000	+3,800

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Fire control										
Firefighting & Presuppression	49,150	49,150	57,437	40,310	48,291	4,150	3,585	3,585	-565	---
Rehabilitation	600	600	2,123	2,600	600	600	600	600	---	---
Subtotal, Firefighting and Rehabilitation	49,750	49,750	59,560	42,910	48,891	4,750	4,185	4,185	-565	---
Technical Services										
Resource Protection	695	1,033	1,553	2,022	2,036	2,376	2,376	2,376	---	---
Maintenance and engineering service										
Buildings	2,596	2,631	2,782	3,291	2,848	3,163	3,163	3,163	---	---
Recreation	3,345	3,599	3,298	3,644	3,547	3,632	4,132	3,632	---	-500
Transportation	2,337	2,550	2,568	3,007	3,223	2,525	3,025	3,525	+1,000	+500
Engineering services	2,503	2,306	936	989	936	1,161	1,011	1,161	---	+150
Subtotal, Maintenance and engineering services	10,781	11,086	9,584	10,931	10,554	10,481	11,331	11,481	+1,000	+150
Subtotal, Technical Services	11,476	12,119	11,137	12,953	12,590	12,857	13,707	13,857	+1,000	+150
General Administration										
Executive and managerial direction	8,879	8,800	5,210	5,781	5,781	5,903	5,503	5,903	---	+400
Equal employment opportunity	2,714	---	2,100	1,991	2,040	2,132	2,132	2,132	---	---
Administrative services support	26,446	25,404	35,889	33,265	33,266	34,593	34,593	33,537	-1,056	-1,056
Bureauwide fixed costs	31,830	36,820	33,981	34,828	40,215	42,801	42,801	42,801	---	---
Subtotal, General Administration	69,869	71,024	77,180	75,865	81,302	85,429	85,029	84,373	-1,056	-656
Pay supplemental	---	---	---	---	6,023	---	---	---	---	---
Total, Management of Lands and Resources	318,095	371,920	384,026	389,349	409,765	353,159	364,444	399,645	+46,486	+35,201
Construction and Access										
Construction										
Building construction	1,929	641	392	258	1,370	---	---	---	---	---
Recreation construction	879	379	502	460	---	---	---	---	---	---
Transportation	353	860	---	---	---	---	---	---	---	---
Access	2,123	1,802	1,733	1,525	1,200	1,228	1,228	1,228	---	---
Total, Construction and Access	5,284	3,682	2,627	2,243	2,570	1,228	1,228	1,228	---	---
Payments in Lieu of Taxes										
Payments to Local Governments	108,000	103,000	95,520	96,320	105,000	105,000	105,000	105,000	---	---
Land Acquisition										
Bureau of Land Management:										
Acquisitions	---	1,495	3,417	161	5,761	---	4,000	---	---	-4,000
Acquisition Management	---	307	295	150	130	---	500	---	---	-500
Total	---	1,802	3,712	311	5,891	---	4,500	---	---	-4,500
Oregon & California Grant Lands										
Construction and Acquisition	6,876	6,104	2,354	1,104	1,011	525	525	525	---	---
Maintenance	6,269	5,032	6,221	5,105	4,203	4,087	4,087	4,087	---	---
Renewable Resource Management	29,720	31,431	41,590	50,952	46,011	44,870	50,270	50,770	+5,900	+500
Planning and Data Management	822	794	556	459	311	265	265	265	---	---
Total, Oregon & California Grant Lands	43,687	43,361	50,721	57,620	51,536	49,747	55,147	55,647	+5,900	+500
Special Acquisition of Lands and Minerals										
Cranberry wilderness area	---	---	---	---	---	10,000	---	15,000	+5,000	+15,000
Range Improvement Fund										
Improvement to Public Lands	9,620	11,107	11,601	9,390	8,000	8,000	5,864	8,000	---	+2,136
Farm Tenant Act Lands	1,000	1,335	950	1,209	1,400	1,400	1,026	1,400	---	+374
Administrative expenses	---	675	675	600	600	600	440	600	---	+160
Total, Range Improvements	10,620	13,117	13,226	11,199	10,000	10,000	7,330	10,000	---	+2,670

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

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Service Charges, Deposits, and Forfeitures										
Rights-of-way Processing	5,518	7,135	4,807	3,016	6,500	6,500	6,500	2,893	-3,607	-3,607
Adopt-a-horse program	444	414	320	486	1,200	1,575	1,575	1,575	---	---
Repair of Damaged Lands	140	747	1,200	1,808	850	850	850	850	---	---
Cost recoverable realty cases	---	---	14	47	150	150	150	150	---	---
Total, Service Charges, Deposits, and Forfeitures	6,102	8,296	6,341	5,357	8,700	9,075	9,075	5,468	-3,607	-3,607
Miscellaneous Trust Funds										
Base Program	100	100	-19	100	100	100	100	100	---	---
Total, Bureau of Land Management	491,888	545,278	556,154	562,499	593,562	538,309	546,824	592,088	+53,779	+45,264
U.S. FISH AND WILDLIFE SERVICE										
Resource Management										
Habitat Resources										
Field Operations	17,742	20,827	17,714	17,043	17,952	24,716	23,716	22,216	-2,500	-1,500
National Wetlands Inventory	2,120	2,425	2,487	3,638	3,716	6,053	6,053	5,503	-550	-550
Research and Development	16,009	16,265	13,550	13,045	13,810	15,523	15,723	15,523	---	-200
Cooperative units	4,216	4,249	4,616	4,609	4,774	3,655	4,774	4,774	+1,119	---
Subtotal	40,087	43,766	38,367	38,335	40,252	49,947	50,266	48,016	-1,931	-2,250
Wildlife Resources										
Refuge operations and maintenance	52,488	56,990	64,793	85,921	90,275	93,066	98,012	99,897	+6,831	+1,885
Law enforcement and protection	8,164	8,674	9,150	9,253	11,515	10,250	10,250	10,250	---	---
Payment of rewards	---	---	---	---	---	250	---	---	-250	---
Population management	18,608	19,860	10,896	18,052	18,714	19,337	22,987	26,157	+6,820	+3,170
Research and Development	11,666	13,114	17,752	12,038	11,930	11,822	12,217	11,822	---	-395
Youth Conservation Corps	---	---	---	2,145	---	---	---	---	---	---
Alaska subsistance	---	---	---	---	---	1,000	1,000	1,000	---	---
Subtotal	90,926	98,638	102,591	127,409	132,434	135,725	144,466	149,126	+13,401	+4,660
Fishery Resources										
Hatcheries operations and maintenance	18,222	20,348	22,983	32,220	22,916	22,799	25,253	24,787	+1,988	-466
Lower Snake River Compensation Fund	---	---	---	---	3,729	4,591	4,591	4,591	---	---
Refuge operations and maintenance	300	850	1,151	1,590	2,175	2,217	2,217	2,217	---	---
Law enforcement and protection	149	157	225	225	327	2,187	2,187	2,187	---	---
Population management	3,326	4,461	2,399	1,567	1,686	1,758	1,758	1,758	---	---
Research and Development	10,391	10,558	10,504	11,031	10,624	10,596	11,096	10,596	---	-500
Youth Conservation Corps	---	---	---	1,155	---	---	---	---	---	---
Subtotal	32,388	36,374	37,262	47,788	41,457	44,148	47,102	46,136	+1,988	-966
Endangered Species										
Listing	2,486	4,101	1,987	2,012	2,577	3,028	3,028	3,028	---	---
Law enforcement and protection	4,757	5,470	5,672	5,707	6,133	6,263	7,763	6,263	---	-1,500
Consultation	2,561	2,578	2,459	2,466	2,570	2,646	2,646	2,646	---	---
Recovery	4,091	4,629	5,217	4,962	4,577	4,982	5,582	5,657	+675	+75
Research and Development	1,292	2,084	2,434	2,942	4,090	4,323	4,323	4,323	---	---
Cooperation with states	4,900	3,920	---	2,000	2,000	4,000	4,000	4,000	---	---
Subtotal	20,087	22,782	17,769	20,089	21,947	25,242	27,342	25,917	+675	-1,425
General Administration										
Executive Direction	6,497	6,697	6,656	6,636	7,067	7,361	7,361	7,361	---	---
Administrative services	11,486	12,835	12,025	10,689	11,571	12,002	12,002	12,002	---	---
Related support services	9,878	12,338	12,052	11,041	16,575	17,425	17,425	17,425	---	---
Subtotal	27,861	31,870	30,733	28,366	35,213	36,788	36,788	36,788	---	---
Pay Supplemental	---	---	---	4,030	6,231	---	---	---	---	---
Total, Resource Management 1/2/	211,349	233,430	226,722	266,017	277,534	291,850	305,964	305,983	+14,133	+19

1/ FY83 includes $3,300,000 for YCC.
2/ FY83 includes $20,000,000 from Jobs Bill.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

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Construction and Anadromous Fish										
Construction and rehabilitation										
Refuges	43,024	25,498	8,903	7,982	19,970	1,023	1,968	13,675	+12,652	+11,707
Hatcheries	5,303	2,939	503	3,498	2,547	---	6,170	---	---	-6,170
Research facilities	5,718	3,460	655	5,049	4,351	---	500	950	+950	+450
Dam safety	---	---	622	636	1,160	3,604	3,604	3,604	---	---
Anadromous fish grants	4,712	3,500	---	3,500	4,000	3,500	4,100	4,100	+600	---
Capital development & maintenance management	---	---	---	---	1,903	1,000	1,000	1,000	---	---
Total, Construction and Anadromous Fish	58,757	35,397	10,683	20,665	33,931	9,127	17,342	23,329	+14,202	+5,987
Migratory Bird Conservation Account										
Advance Appropriation	15,000	1,250	1,200	2,000	7,000	---	9,000	20,000	+20,000	+11,000
Land Acquisition and State Assistance										
Fish and Wildlife Service:										
Acquisitions - Federal refuge lands	---	8,164	15,494	34,200	50,797	29,000	59,158	56,808	+27,808	-2,350
Acquisition Management	---	1,139	997	1,000	1,500	1,000	1,500	1,500	+500	---
Acquisitions - Federal refuge wetlands	---	---	---	---	---	20,000	---	(20,000)	-20,000	---
State grants - wetlands	---	---	---	---	---	7,500	---	---	-7,500	---
Total, Land Acquisition and State Assistance	---	9,303	16,491	35,200	52,297	57,500	60,658	58,308	+808	-2,350
National Wildlife Refuge Fund										
Payments in Lieu of Taxes	1,950	8,500	5,760	5,760	5,760	5,760	5,760	5,760	---	---
Total, Fish and Wildlife Service	287,056	287,880	260,856	329,642	376,522	364,237	398,724	413,380	+49,143	+14,656
NATIONAL PARK SERVICE										
Operation of the National Park System										
Park Management										
Management of park areas	61,019	70,615	62,173	59,410	61,953	63,745	63,745	63,745	---	---
Concessions management	2,093	2,619	2,459	2,736	3,484	3,560	3,560	3,560	---	---
Interpretation and Visitor Services	44,334	58,142	58,428	62,887	61,561	61,751	64,122	64,683	+2,932	+561
Visitor protection and safety	56,189	61,338	59,839	70,117	76,000	80,173	81,323	77,966	-2,207	-3,357
Maintenance	159,166	192,078	211,827	250,059	231,819	239,661	239,861	239,661	---	-200
Resources management	48,538	52,729	75,460	90,225	92,987	97,665	97,665	97,665	---	---
Information publications	2,950	3,155	2,832	3,026	2,925	2,945	2,945	2,945	---	---
International Park Affairs	---	563	477	628	395	404	509	529	+125	+20
Volunteers-in-parks	240	240	250	479	500	500	500	500	---	---
Youth Conservation Corps (transfer)	---	---	---	3,156	---	---	---	---	---	---
Subtotal	374,529	441,479	473,745	542,723	531,624	550,404	554,230	551,254	+850	-2,976
Forest Fire Suppression and Rehabilitation	2,288	2,000	3,352	1,200	1,200	1,200	1,200	1,200	---	---
Park Recreation and Wilderness Planning										
Water resources	624	992	1,451	1,566	1,936	1,947	1,947	1,947	---	---
Rivers and trails	821	981	967	---	---	---	---	---	---	---
General management plans	2,877	3,782	2,213	2,221	2,883	2,336	2,406	2,336	---	-70
New area studies	10	43	---	---	---	---	---	---	---	---
Land cost studies	9	---	---	---	---	---	---	---	---	---
Subtotal	4,341	5,798	4,631	3,787	4,819	4,283	4,353	4,283	---	-70

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Cooperative activities	1,418	---	---	---	---	---	---	---	---	---
Statutory or Contractual Aid for Other Activities										
Roosevelt Campobello International Park Commission	319	341	357	394	418	418	418	418	---	---
Ice Age National Scientific Reserve	405	440	564	588	588	588	588	588	---	---
Lowell Historic Preservation Canal Commission	399	405	384	425	525	537	537	537	---	---
Folger Theater	300	300	288	300	350	350	350	350	---	---
Corcoran Gallery	300	300	288	300	350	350	350	350	---	---
Mary McLeod Bethune NHS	---	---	---	---	200	---	100	---	---	-100
Garfield Memorial - Lakeview Cemetery	---	---	---	500	---	---	---	---	---	---
Falls of Clyde	---	100	48	---	---	---	350	---	---	-350
Phillips Gallery	---	---	---	---	---	---	350	---	---	-350
Arena Stage	---	---	---	---	---	---	1,500	---	---	-1,500
National Building Museum	---	---	---	---	---	---	---	---	---	---
Ozette Village Archeological Site	---	20	19	---	---	---	---	---	---	---
Garfield gravesite - Lakeview cemetery	---	---	---	---	---	---	---	---	---	---
Washington Opera - Matching grants	---	---	---	---	---	---	---	---	---	---
Hampton NHS	100	---	---	---	---	---	---	---	---	---
Grand Canyon school dist	250	---	---	---	---	---	---	---	---	---
National Symphony	---	1,000	---	---	---	---	---	---	---	---
Martin Luther King, Jr. NHS	---	---	---	---	100	100	100	100	---	---
Subtotal	2,073	2,906	1,948	2,507	2,531	2,343	4,643	2,343	---	-2,300
General administration:										
Central office	---	---	4,710	6,685	6,388	6,557	6,557	6,557	---	---
Regional office	---	---	13,333	15,837	16,143	16,723	16,723	16,723	---	---
Automatic data processing	---	---	3,296	4,317	4,830	9,387	4,887	4,887	-4,500	---
Employee compensation payment	---	---	---	2,849	3,435	3,950	3,950	3,950	---	---
Service wide administrative support	---	---	4,072	5,139	7,732	6,736	6,736	6,736	---	---
General services	---	---	---	400	400	400	400	400	---	---
GSA space rental	---	---	---	10,266	10,833	11,328	11,328	11,328	---	---
Executive direction	6,195	6,245	5,995	6,569	6,441	6,580	6,580	6,580	---	---
Unemployment compensation for federal employees	---	---	---	3,000	3,000	3,000	6,000	3,000	---	-3,000
Public Affairs	---	---	---	---	1,719	1,757	1,757	1,757	---	---
Subtotal, General Administration	6,195	6,245	31,406	55,062	60,921	66,418	64,918	61,918	-4,500	-3,000
Pay supplemental	---	---	6,446	---	15,295	---	---	---	---	---
Total, Operation of the National Park System	390,844	458,428	521,528	605,279	616,390	624,648	629,344	620,998	-3,650	-8,346
NATIONAL RECREATION AND PRESERVATION										
Recreation Programs	---	6,462	2,552	1,335	682	238	638	238	---	-400
Natural Programs	---	2,756	1,110	1,591	1,694	825	1,849	1,325	+500	-524
National Register	---	---	---	4,510	5,611	6,903	6,803	6,803	-100	---
Maintenance of the National Register	---	---	1,833	---	---	---	---	---	---	---
Technical Preservation Services	---	---	1,102	---	---	---	---	---	---	---
National Architectural and Engineering Record	---	---	925	---	---	---	---	---	---	---
Interagency Archeological Services	---	---	1,968	---	---	---	---	---	---	-
Undistributed	6,523	---	---	---	---	---	---	---	---	---
Environmental and Compliance Review	---	624	578	383	390	400	400	400	---	---
Grant administration	---	---	2,304	2,003	2,000	1,177	2,000	1,510	+333	-490
(By transfer)	---	---	---	---	---	---	---	---	---	---
Pay supplemental	---	---	235	---	---	---	---	---	---	---
Unobligated balance lapsing	---	---	---	233	---	---	---	---	---	---
Total, National Recreation and Preservation	6,523	9,842	12,607	10,055	10,377	9,543	11,690	10,276	+733	-1,414
Urban Park and Recreation Fund										
Grants to Cities	---	700	7,680	40,000	6,700	---	---	---	---	---
Administrative expenses	---	300	---	---	---	---	---	---	---	---
Historic Preservation Fund										
Grants-in-aid	---	24,460	21,024	46,500	21,500	---	22,500	21,500	+21,500	-1,000
National Trust for Historic Preservation	---	---	4,416	4,500	5,000	---	4,500	4,500	+4,500	---
Administrative expenses	---	1,540	---	---	---	---	---	---	---	---
Total, Historic Preservation Fund	---	26,000	25,440	51,000	26,500	---	27,000	26,000	+26,000	-1,000
Planning, Development and Operation										
Recreation facilities	16,217	---	---	---	---	---	---	---	---	---
Visitor Facilities Fund										
Visitor facilities fund	---	---	---	---	5,800	6,000	6,400	6,000	---	-400

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Construction										
Buildings and Utilities										
Advance Planning	---	5,000	4,800	5,000	7,700	5,500	5,500	5,500	---	---
Lump Sum Projects	---	3,000	2,880	3,000	3,000	3,000	3,000	3,000	---	---
Project Planning	---	6,937	8,666	8,214	8,162	8,122	8,122	9,137	+1,015	+1,015
Line Item Construction Projects	74,304	28,430	79,506	143,882	111,428	61,653	92,753	81,271	+19,618	-11,482
Use of deferred funds	---	---	---	---	-63,600	---	---	---	---	---
Total, Construction	74,304	43,367	95,852	160,096	66,690	78,275	109,375	98,908	+20,633	-10,467
Federal Highway Administration										
Federal-aid highways (liquidation of contract authorization) (trust fund)	---	---	---	---	(14,000)	---	---	(28,000)	(+28,000)	(+28,000)
Land Acquisition and State Assistance										
Assistance to States										
Matching grants	---	173,745	---	110,619	72,919	---	73,319	73,319	+73,319	---
Administrative expenses	---	6,566	4,381	4,381	2,081	---	1,681	1,681	+1,681	---
National Park Service										
Acquisitions	---	107,282	115,040	109,005	114,700	92,940	92,940	69,350	-23,590	-23,590
Acquisition management	---	1,000	8,160	7,500	7,800	7,060	7,060	7,060	---	---
Pinelands National Reserve	---	---	5,881	5,000	6,150	---	---	---	---	---
Recission of contract authority	---	---	---	---	-30,000	---	---	---	---	---
Total, Land acquisition and state assistance	---	288,593	133,462	236,505	173,650	100,000	175,000	151,410	+51,410	-23,590
Land and Water Conservation Fund										
Contract authority (Rescission)	---	---	---	-30,000	---	---	---	---	---	---
John F. Kennedy Center for the Performing Arts										
Base program	4,333	4,752	4,212	4,336	4,542	4,621	4,621	4,621	---	---
Pay supplemental	---	---	---	---	---	---	---	---	---	---
Illinois and Michigan Canal National Heritage Corridor	---	---	---	---	---	---	250	---	---	-250
Jefferson National Expansion Memorial Commission	---	---	---	---	---	---	75	---	---	-75
Total, National Park Service	492,221	831,982	800,781	1,077,271	910,649	823,087	963,755	918,213	+95,126	-45,542
GEOLOGICAL SURVEY										
Surveys, Investigations, and Research										
National Mapping, Geography and Surveys										
Primary mapping and revision	32,312	34,378	33,512	---	---	38,362	38,362	38,362	---	---
Primary quadrangle mapping	---	---	---	35,106	32,654	---	---	---	---	---
Modernization of mapping technology	6,029	6,010	3,976	3,854	---	4,796	5,496	4,796	---	-700
Digital cartography	2,027	2,010	3,873	3,970	8,028	11,328	11,328	11,328	---	---
Revision and orthophotoquads	9,542	10,107	9,841	17,012	12,330	---	---	---	---	---
Orthophotoquads	4,746	5,992	6,189	---	---	---	---	---	---	---
Receipts for printing and distribution	---	---	---	---	8,500	9,500	9,500	9,000	-500	-500
Small intermediate and special mapping	15,053	15,596	15,200	14,367	13,559	14,761	16,561	16,561	+1,800	---
Earth resources observation system	11,775	12,295	11,904	9,563	9,623	9,145	9,732	9,145	---	-587
Cartographic and geographic information	3,058	3,356	3,756	3,829	3,930	2,504	4,089	2,504	---	-1,585
Side looking airborne radar	---	---	---	3,000	1,500	---	4,000	---	---	-4,000
Subtotal	84,542	89,744	88,251	90,701	90,124	90,396	99,068	91,696	+1,300	-7,372
Geologic and Mineral Resource Surveys and Mapping										
Earthquake hazards reduction	32,042	32,934	32,652	34,952	35,325	33,138	37,300	33,138	---	-4,162
Volcano Hazards	4,387	12,656	9,578	10,840	10,874	9,528	12,807	11,628	+2,100	-1,179
Ground failure & construction hazards	2,044	1,833	2,741	2,729	2,053	2,132	2,132	3,132	+1,000	+1,000
Reactor hazards research	3,590	3,122	3,037	3,090	---	---	---	---	---	---
Geologic framework	11,690	12,482	13,086	13,735	17,241	17,458	18,901	17,458	---	-1,443
Geomagnetism	2,109	2,183	2,114	2,115	2,157	1,977	2,217	2,217	+240	---
Climate change	1,010	1,037	1,004	995	1,007	532	1,024	1,024	+492	---
Land resource data applications	2,460	2,550	833	626	---	---	---	---	---	---
Mineral resource surveys	34,347	37,704	38,749	41,072	44,924	46,343	46,343	46,343	---	---
Energy geologic surveys	35,689	37,188	37,582	34,176	30,098	26,037	31,387	30,637	+4,600	-750
Offshore geologic surveys	20,159	21,617	20,953	15,486	18,553	19,060	19,060	22,560	+3,500	+3,500
Subtotal	149,527	165,306	162,329	159,816	162,232	156,205	171,171	168,137	+11,932	-3,034

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Water Resources Investigations										
Federal Program	53,186	54,054	47,357	55,144	60,250	58,523	65,521	62,709	+4,186	-2,812
Water resources research institutes	---	---	---	---	6,350	---	---	10,000	+10,000	+10,000
Federal-State program	40,604	42,756	44,220	45,782	49,113	50,066	52,066	52,066	+2,000	---
Energy hydrology	19,658	22,652	15,341	15,113	11,922	7,935	10,435	7,935	---	-2,500
Subtotal	113,448	119,462	106,918	116,039	127,635	116,524	128,022	132,710	+16,186	+4,688
Conservation of Lands and Minerals										
Outer Continental Shelf lands	64,527	68,958	65,159	---	---	---	---	---	---	---
Federal and Indian lands	35,255	42,511	41,603	---	---	---	-	---	---	---
Royalty management	6,460	14,270	21,723	---	---	---	---	---	---	---
Subtotal	106,242	125,739	128,485	---	---	---	---	---	---	---
General Administration	3,776	3,896	3,309	14,931	19,736	15,397	15,397	15,397	---	---
Facilities	12,327	11,909	10,074	9,022	10,445	13,290	13,290	13,290	---	---
Pay supplemental	---	---	7,042	---	---	---	---	---	---	---
Map sales receipts	---	---	---	---	-8,500	-9,500	-9,500	-9,000	+500	+500
Use of deferred funds	---	---	---	---	-24,000	---	---	---	---	---
Transfer from NPRA	---	---	---	-2,252	---	---	---	---	---	---
Transfer from Bureau of Reclamation	---	---	---	-273	---	---	---	---	---	---
Total, Surveys, Investigations & Research	469,862	516,056	506,408	387,984	377,672	382,312	417,448	412,230	+29,918	-5,218
(Transfer (deferral))	---	---	---	(24,000)	---	---	---	---	---	---
Exploration of National Petroleum Reserve in Alaska										
Exploratory drilling	129,500	94,000	---	---	---	---	---	---	---	---
Geophysical exploration	9,000	10,500	---	---	---	---	---	---	---	---
Geologic investigations and evaluation	3,000	1,000	---	---	---	---	---	---	---	---
Barrow Area Gas Operation, Exploration and Development Operation and maintenance	1,427	1,501	2,196	---	---	---	---	---	---	---
Explorations and development	29,700	---	---	---	---	---	---	---	---	---
Environmental restoration	3,000	---	---	---	---	---	---	---	---	---
Total, Reserve in Alaska	175,627	107,001	2,196	---	---	---	---	---	---	---
Barrow Area Gas Operations, Exploration and Operation										
Operations, exploration and development	---	---	---	6,400	13,000	---	---	---	---	---
(By transfer)	---	---	---	---	(17,000)	---	---	---	---	---
National Petroleum Reserve in Alaska										
(Transfer to Surveys, Investigations and Research)	---	---	---	(-24,000)	---	---	---	---	---	---
Total, Geological Survey	645,489	623,057	508,604	394,384	390,672	382,312	417,448	412,230	+29,918	-5,218
MINERALS MANAGEMENT SERVICE										
Minerals and Royalty Management										
Outer Continental Shelf Lands										
Leasing and environmental program	---	---	---	43,485	43,975	44,472	44,472	44,472	---	---
Resource evaluation	---	---	---	30,724	32,014	27,551	27,551	27,551	---	---
Regulatory program	---	---	---	30,667	32,135	31,142	31,142	31,142	---	---
Subtotal, Outer Continental Shelf Lands	---	---	---	104,876	108,124	103,165	103,165	103,165	---	---
Federal and Indian program	---	---	---	17,067	---	---	---	---	---	---
Royalty Management										
Mineral Revenue Collections (onshore royalty)	---	---	---	10,347	13,896	12,545	12,545	12,545	---	---
Mineral Revenue Compliance (offshore royalty)	---	---	---	7,249	7,032	10,255	10,255	10,255	---	---
Systems development and operation	---	---	---	18,968	13,941	17,090	17,090	17,090	---	---
Subtotal, royalty management	---	---	---	36,564	34,869	39,890	39,890	39,890	---	---

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General Administration										
Executive direction	---	---	---	3,125	4,276	3,498	3,324	3,498	---	+174
Administration operations	---	---	---	10,532	9,557	9,892	9,892	9,892	---	---
General support services	---	---	---	9,963	7,799	10,936	10,936	10,547	-389	-389
Subtotal, general administration	---	---	---	23,620	21,632	24,326	24,152	23,937	-389	-215
Total, Minerals and royalty management	---	---	---	182,127	164,625	167,381	167,207	166,992	-389	-215
BUREAU OF MINES										
Mines and Minerals										
Minerals Research:										
Health and Safety Technology	51,929	50,564	46,014	38,765	36,835	32,115	34,615	32,115	---	-2,500
Conservation and Development:										
Mining Technology	20,471	21,392	10,418	9,391	10,647	4,285	8,000	11,785	+7,500	+3,785
Resource Conservation Technology	---	---	---	6,171	2,922	1,614	1,614	1,614	---	---
Subtotal, Conservation and Development	20,471	21,392	10,418	15,562	13,569	5,899	9,614	13,399	+7,500	+3,785
Minerals and Materials Research	20,165	22,217	31,261	32,764	30,013	30,922	30,922	33,922	+3,000	+3,000
Subtotal, Minerals Research	92,565	94,173	87,693	87,091	80,417	68,936	75,151	79,436	+10,500	+4,285
Minerals Information and Analysis:										
Minerals Information	5,378	9,362	19,597	10,576	10,735	11,075	11,075	11,075	---	---
Mineral Data Analysis	20,173	20,528	9,412	16,235	17,753	18,224	17,724	19,624	+1,400	+1,900
Subtotal	25,551	29,890	29,009	26,811	28,488	29,299	28,799	30,699	+1,400	+1,900
Mineral Institutes	---	---	9,244	9,600	9,350	---	---	9,650	+9,650	+9,650
General Administration	15,917	18,256	20,247	21,066	20,734	21,066	20,766	20,066	-1,000	-700
Construction and rehabilitation	---	---	336	---	---	---	---	---	---	---
Bruceton facility/Construction and rehabilitation	---	---	4,073	---	-2,564	-1,667	-1,667	-1,667	---	---
(By transfer)	---	---	(991)	---	---	---	---	---	---	---
Pay supplemental	---	---	---	---	---	---	---	---	---	---
Transfer	---	---	---	---	---	---	---	---	---	---
Standard level user charges	---	---	---	---	---	---	---	---	---	---
Total, Bureau of Mines 1/	134,033	142,319	150,602	144,568	136,425	117,634	123,049	138,184	+20,550	+15,135
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT										
Regulation and Technology										
State Regulatory Program Grants	21,680	35,000	24,432	32,150	38,100	37,484	38,893	37,484	---	-1,409
(Effect of fiscal year 1981 deferral)	---	---	(5,800)	---	---	---	---	---	---	---
Federal Regulatory Programs										
Program operations and inspections	16,305	16,943	20,658	10,493	13,776	21,106	18,411	21,106	---	+2,695
Technical services and research	13,978	17,843	4,919	10,903	12,551	10,550	10,850	10,550	---	-300
Subtotal	30,283	34,786	25,577	21,396	26,327	31,656	29,261	31,656	---	+2,395
Mineral Institutes	9,904	9,545	---	---	---	---	---	---	---	---
Small Operator Assistance	15,000	---	---	---	---	---	---	---	---	---
General Administration	7,820	10,348	8,506	7,332	6,268	6,885	6,885	6,885	---	---
Standard Level User Charges	---	---	---	---	---	---	---	---	---	---
Pay supplemental	---	---	---	(522)	---	---	---	---	---	---
Total, Regulation and Technology	84,687	89,679	58,515	60,878	70,695	76,025	75,039	76,025	---	+986
Abandoned Mine Reclamation Fund										
State Reclamation Program Grants	25,000	29,000	59,136	173,528	235,900	263,000	263,000	263,000	---	---

1/ In FY 1983 the Department of Interior transferred $105,000 to Office of Surface Mining Reclamation and Enforcement.

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Federal Reclamation Programs										
Fund management	7,768	3,951	4,724	4,901	6,298	6,734	6,734	6,734	---	---
Interior reclamation projects	35,574	28,770	28,040	23,354	13,152	12,581	17,911	17,581	+5,000	-330
(By transfer)	---	---	---	---	(5,000)	---	---	---	---	---
Rural lands reclamation program	10,106	10,280	18,339	6,115	10,582	3,700	13,700	3,700	---	-10,000
Technical support	988	1,247	1,134	1,221	1,221	1,221	1,221	1,221	---	---
Subtotal	54,436	44,248	52,237	35,591	31,253	24,236	39,566	29,236	+5,000	-10,330
Small Operator Assistance	10,000	5,000	---	---	---	---	---	---	---	---
General Administration	5,480	4,237	3,960	3,960	4,075	4,465	4,465	4,465	---	---
Standard Level User Charges	---	---	---	---	---	---	---	---	---	---
Total, Abandoned Mine Reclamation Fund	94,916	82,485	115,333	213,079	271,228	291,701	307,031	296,701	+5,000	-10,330
Total, Office of Surface Minins Reclamation and Enforcement 1/	179,603	172,164	173,848	273,957	341,923	367,726	382,070	372,726	+5,000	-9,344
BUREAU OF INDIAN AFFAIRS										
Operation of Indian Programs										
Education										
School Operations	193,598	189,660	176,106	179,556	176,933	180,683	181,839	178,983	-1,700	-2,856
Johnson O'Malley Educational Assistance	29,388	29,469	25,954	26,229	26,000	26,185	26,185	26,211	+26	+26
Continuing Education	47,074	51,054	52,446	51,658	52,821	53,243	54,643	54,243	+1,000	-400
Alaska schools	---	---	11,100	40,700	---	---	---	---	---	---
Contract support	---	---	---	---	---	13,340	13,340	13,340	---	---
Subtotal, Education	270,060	270,183	265,606	298,143	255,754	273,451	276,007	272,777	-674	-3,230
Indian Services										
Tribal Government Services	16,903	22,067	23,789	25,609	23,694	26,115	27,115	26,115	---	-1,000
Social Services	87,264	93,951	90,351	100,187	107,874	105,752	111,052	109,752	+4,000	-1,300
Law Enforcement	27,577	30,824	32,515	35,972	34,944	36,409	38,409	45,409	+9,000	+7,000
Housing	19,380	22,693	29,810	53,298	---	---	---	---	---	---
Self-Determination Services	44,460	52,203	49,222	58,876	58,779	25,255	25,255	24,453	-802	-802
Navajo-Hopi Settlement Program	5,544	5,498	4,178	3,923	3,951	3,830	3,830	---	-3,830	-3,830
Contract support	---	---	---	---	---	15,240	15,240	15,240	---	---
ADP transfer	---	---	---	---	---	---	---	-2,398	-2,398	-2,398
Subtotal, Indian Services	201,128	227,236	229,865	277,865	229,242	212,601	220,901	218,571	+5,970	-2,330
Economic Development and Employment Programs										
Employment Development	51,638	45,436	27,120	27,554	26,341	25,787	26,079	25,787	---	-292
Business Enterprise Development	8,647	8,416	8,136	10,966	10,521	16,220	16,220	15,935	-285	-285
Road Maintenance	17,686	19,485	17,628	21,301	22,081	22,337	22,337	22,337	---	---
Contract support	---	---	---	---	---	2,730	2,730	2,730	---	---
ADP transfer	---	---	---	---	---	---	---	-61	-61	-61
Subtotal, Economic Development and Employment Programs	77,971	73,377	52,884	59,821	58,943	67,074	67,366	66,728	-346	-638
Natural Resources Development										
Natural Resources, General	770	883	891	992	787	805	805	1,890	+1,085	+1,085
Agriculture	22,648	22,170	21,143	35,341	22,881	22,449	22,449	23,996	+1,547	+1,547
Forestry	23,418	24,687	21,805	30,662	27,092	27,492	34,525	31,652	+4,160	-2,873
Water Resources	3,304	5,100	6,663	6,982	7,222	7,426	7,426	7,426	---	---
Wildlife & Parks	3,512	11,667	12,895	15,459	17,750	17,949	22,068	18,526	+577	-3,542
Fire Suppression	7,800	7,800	7,768	14,800	6,950	431	431	431	---	---
Minerals and Minins	7,972	8,093	7,570	8,252	7,397	7,700	13,112	13,112	+5,412	---
Irrisation and Power	4,813	5,312	6,008	6,753	9,009	8,119	8,119	8,119	---	---
Contract support	---	---	---	---	---	4,551	4,551	4,551	---	---
ADP transfer	---	---	---	---	---	---	---	-688	-688	-688
Subtotal, Natural Resources Development	74,237	85,712	84,743	119,241	99,088	96,922	113,486	109,015	+12,093	-4,471
Trust Responsibilities										
Environmental Quality Services	412	1,242	1,189	1,146	---	---	---	---	---	---
Rights Protection	25,466	16,037	17,327	18,377	17,823	17,951	22,099	19,371	+1,420	-2,728
Real Estate and Financial Trust Services	24,920	26,162	27,350	28,877	27,531	28,979	29,079	28,979	---	-100
Contract support	---	---	---	---	---	813	813	813	---	---
ADP transfer	---	---	---	---	---	---	---	-908	-908	-908
Subtotal, Trust Responsibilities	50,798	43,441	45,866	48,400	45,354	47,743	51,991	48,255	+512	-3,736

1/ FY 1983 total includes $105,000 transferred from Bureau of Mines.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	---- Senate Allowance -- compared to F.Y. 85 Est.	House Bill
Facilities Management	77,076	84,509	83,380	89,872	91,113	90,196	91,180	88,002	-2,194	-3,178
General Administration										
Management and Administration	50,274	50,248	49,465	48,826	58,999	54,568	62,855	59,868	+5,300	-2,987
Program management	---	---	4,350	7,377	5,970	5,819	4,903	4,903	-916	---
Employee compensation payments	2,940	3,434	4,161	4,582	6,829	6,998	6,998	6,998	---	---
Subtotal, General Administration	53,214	53,682	57,976	60,785	71,798	67,385	74,756	71,769	+4,384	-2,987
Pay supplemental	---	---	8,252	---	---	---	---	---	---	---
ADP user charges	---	---	---	---	(3,000)	---	---	---	---	---
Restore overhead reduction	---	---	---	---	(5,243)	---	---	---	---	---
Pay supplemental	---	---	---	---	5,871	---	---	---	---	---
Total, Operation of Indian Programs	804,484	838,140	820,320	954,127	851,292	855,372	895,687	875,117	+19,745	-20,570
Construction										
Buildings and Utilities	44,725	73,117	48,436	82,800	50,220	40,540	58,597	52,662	+12,122	-5,935
Irrigation Systems	43,449	27,065	46,192	49,140	22,700	11,981	23,281	25,381	+13,400	+2,100
Land acquisition	1,200	---	---	---	---	---	443	2,000	+2,000	+1,557
Salt River Pima-Maricopa Settlement	3,917	---	---	---	---	---	---	---	---	---
Housing	(19,380)	(22,693)	(29,810)	(53,298)	23,000	20,803	20,803	23,200	+2,397	+2,397
Total, Construction	93,291	100,182	94,628	131,940	95,920	73,324	103,124	103,243	+29,919	+119
Road Construction										
Base Program	66,479	48,625	47,160	43,585	4,000	---	1,000	5,000	+5,000	+4,000
Utah Paiute Trust Fund										
Utah Paiute Trust Fund	---	---	---	---	---	---	2,500	2,500	+2,500	---
Payments to Papago Trust & Cooperative Fund										
Papago Trust Fund	---	---	---	15,000	---	---	---	---	---	---
Cooperative Fund (Papago)	---	---	---	5,250	---	---	---	---	---	---
Total, Papago Trust & Cooperative Fund	---	---	---	20,250	---	---	---	---	---	---
Alaska Native Claims	30,000	30,000	-	---	---	---	---	---	---	---
Eastern Indian Land Claims Fund										
Maine Indian Claims Settlement funds	---	81,500	---	---	---	---	---	---	---	---
Mashantucket Pequot Claims Settlement fund	---	---	---	---	900	---	---	---	---	---
Trust Funds										
Definite	---	---	---	2,027	4,000	4,000	4,000	4,000	---	---
Indefinite	---	---	---	58,122	60,000	60,000	60,000	60,000	---	---
Total	---	---	---	60,149	64,000	64,000	64,000	64,000	---	---
Revolving Fund for Loans										
Limitation on direct loans	---	(12,680)	(14,770)	(19,970)	(13,075)	(16,100)	(16,100)	(16,100)	---	---
Indian Loan Guaranty and Insurance Fund										
Limitation on guaranteed loans	---	(2,250)	(27,630)	(15,800)	(19,000)	---	---	---	---	---
Total, Bureau of Indian Affairs	994,254	1,098,447	962,108	1,210,051	1,016,112	992,696	1,066,311	1,049,860	+57,164	-16,451
TERRITORIAL AFFAIRS										
Administration of Territories										
Guam										
Economic Development Fund	500	---	240	500	---	---	---	---	---	---
Construction grants	9,675	11,970	11,246	8,028	11,350	---	7,725	5,725	+5,725	-2,000
Subtotal, Guam	10,175	11,970	11,486	8,528	11,350	---	7,725	5,725	+5,725	-2,000

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
American Samoa										
Operations grants	17,308	17,600	17,664	28,741	20,400	20,400	21,200	21,216	+816	+16
Construction grants	---	9,150	7,099	1,777	5,000	1,672	6,672	5,672	+4,000	-1,000
Economic Development Fund	---	500	240	500	---	---	-	---	---	---
Special program grants	---	---	144	---	---	---	---	---	---	---
Subtotal, American Samoa	17,308	27,250	25,147	31,018	25,400	22,072	27,872	26,888	+4,816	-984
Northern Mariana										
Covenant grants	18,806	20,465	22,442	27,331	25,742	26,729	26,729	26,729	---	---
Covenant inflation adjustment	3,318	3,954	3,402	---	1,984	---	---	---	---	---
Construction grants, other	---	---	1,296	10,750	10,000	---	8,500	9,000	+9,000	+500
Northern Marianas Federal Laws Commission	---	---	---	192	---	---	---	---	---	---
Subtotal, Northern Marianas	22,124	24,419	27,140	38,273	37,726	26,729	35,229	35,729	+9,000	+500
Northern Mariana Federal Laws Commission	310	15	192	---	192	---	---	---	---	---
Federal Comptrollers										
Virgin Islands	1,157	830	836	---	---	---	---	---	---	---
Trust Territory and Northern Marianas	653	918	898	---	-	---	---	---	---	---
American Samoa	454	576	546	---	---	---	---	---	---	---
Guam	788	810	807	---	---	---	---	---	---	---
Subtotal, Federal Comptrollers	3,052	3,134	3,087	---	---	---	---	---	---	---
Virgin Islands deficit grant	10,000	---	---	---	---	---	---	1,500	+1,500	+1,500
Virgin Islands construction grant	21,000	9,800	21,505	2,500	2,500	---	---	---	---	---
Territorial Administration										
Office of Territorial Affairs	1,110	1,077	1,835	1,920	2,638	2,828	2,628	2,828	---	+200
Technical Assistance	-	250	2,500	3,750	2,200	2,200	3,500	4,000	+1,800	+500
Subtotal, Territorial Administration	1,110	1,327	4,335	5,670	4,838	5,028	6,128	6,828	+1,800	+700
Total, Administration of Territories	85,079	77,915	92,892	85,989	82,006	53,829	76,954	76,670	+22,841	-284
(Limitation on guaranteed loans)	---	---	(30,000)	---	---	---	---	---	---	---
Trust Territory of the Pacific Islands										
Trust Territory operations	28,299	18,651	15,131	18,660	14,669	10,132	12,982	12,132	+2,000	-850
Federated States of Micronesia	24,015	30,415	34,075	37,842	41,200	40,400	41,165	42,848	+2,448	+1,683
Republic of the Marshall Islands	7,021	8,994	9,707	10,484	11,135	11,500	11,635	11,580	+80	-55
Republic of Palau Operations	7,377	8,053	8,939	9,654	12,453	10,600	10,715	10,871	+271	+156
Prior service benefit trust fund	---	---	---	---	---	---	---	2,500	+2,500	+2,500
Subtotal, Operations	66,712	66,113	67,852	76,640	79,457	72,632	76,497	79,931	+7,299	+3,434
Construction										
Capital Improvements	51,840	27,764	5,664	18,400	33,588	4,400	23,050	16,780	+12,380	-6,270
Capital Relocations	---	---	2,880	---	---	18,200	15,600	---	-18,200	-15,600
Subtotal, Construction	51,840	27,764	8,544	18,400	33,588	22,600	38,650	16,780	-5,820	-21,870
Enewetak support	1,450	645	818	800	800	900	900	900	---	---
Bikini support	--	---	21,400	---	264	---	264	---	---	-264
Bikini resettlement	---	---	---	---	---	---	1,914	---	---	-1,914
Total, Trust Territory of the Pacific Islands	120,002	94,522	98,614	95,840	114,109	96,132	118,225	97,611	+1,479	-20,614
Total, Territorial Affairs	205,081	172,437	191,506	181,829	196,115	149,961	195,179	174,281	+24,320	-20,898
DEPARTMENTAL OFFICES										
OFFICE OF THE SECRETARY										
Departmental Direction										
Secretary's immediate Office	1,786	1,897	1,142	1,601	1,809	1,868	1,468	1,868	---	+400
Executive Secretariat	209	226	166	180	189	207	207	207	---	---
Cons. & Legis. Affairs	969	1,054	966	981	1,040	1,179	1,000	1,179	---	+179
Equal Opportunity	1,800	1,700	1,193	1,294	1,443	1,443	1,443	1,443	---	---
Field Coordination	---	---	120	100	---	---	---	---	---	---
Public Affairs	838	898	624	700	671	723	700	723	---	+23
Small & Disadvantaged Business Utilization	375	437	427	374	392	440	440	440	---	---
Historically Black College & University programs	---	---	---	---	---	309	309	---	-309	-309
Subtotal, Departmental Direction	5,977	6,212	4,638	5,230	5,544	6,169	5,567	5,860	-309	+293

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	---- Senate Allowance -- compared to F.Y. 85 Est.	House Bill
Program Direction and Coordination										
A/S Water and Science	892	892	726	725	750	782	725	782	---	+57
A/S Land and Minerals Management	1,008	1,234	759	750	790	824	665	824	---	+159
A/S Fish and Wildlife and Parks	805	852	715	744	771	805	795	805	---	+10
A/S Indian Affairs	1,642	911	697	710	738	769	760	769	---	+9
A/S Territorial and International Affairs	---	---	384	400	429	593	445	593	---	+148
A/S Policy, Budget & Administration	724	788	---	755	787	827	810	827	---	+17
Annualization of 1982 pay increase	---	---	---	---	---	---	---	---	---	---
Subtotal, Program Direction and Coordination	5,071	4,677	3,281	4,084	4,265	4,600	4,200	4,600	---	+400
Administration										
A/S Policy, Budget & Administration	---	---	691	---	---	---	---	---	---	---
Environmental Project Review	1,083	960	945	1,242	1,519	1,565	1,565	1,565	---	---
Acquisition & Property Management	754	891	1,158	1,300	1,391	1,430	1,380	1,430	---	+50
Office of personnel	1,217	1,478	1,360	1,490	1,636	1,657	1,657	1,657	---	---
Administrative Services	2,561	2,563	2,856	2,956	3,192	4,144	3,398	4,104	-40	+706
Information Resources Management	3,336	3,912	4,110	4,424	4,714	4,996	4,496	4,884	-112	+388
Policy Analysis	1,855	1,594	1,440	1,609	2,387	2,413	2,000	2,413	---	+413
Office of Budget	1,465	1,525	1,192	1,344	1,520	1,578	1,578	1,578	---	---
Outer Continental Shelf Program	493	495	483	---	---	---	---	---	---	---
Financial management	---	---	703	782	919	1,053	1,053	1,053	---	---
Subtotal, Administration	12,764	13,418	14,938	15,147	17,278	18,836	17,127	18,684	-152	+1,557
Office of Water Policy	---	---	1,768	---	---	---	---	---	---	---
Hearings and Appeals	5,129	5,504	5,659	6,146	6,478	6,304	5,995	6,304	---	+309
Minerals Policy and Research Analysis	1,413	1,111	---	---	---	---	---	---	---	---
Office of Aircraft Services	1,324	1,421	---	---	---	2,022	2,022	2,022	---	---
Central Services	5,000	6,812	8,969	9,982	9,503	9,440	9,220	9,440	---	+220
Alaska Subsistence Grant	---	---	960	1,000	1,000	---	---	---	---	---
Pay supplemental	---	---	---	998	---	---	---	---	---	---
Pay supplemental	---	---	775	---	---	---	---	---	---	---
EIS Conflicts Task Force	---	---	---	---	---	---	---	450	+450	+450
Total, Office of the Secretary	36,678	39,155	40,988	42,587	44,068	47,371	44,131	47,360	-11	+3,229
Construction Management										
Construction management	9,014	8,789	3,840	896	800	---	750	916	+916	+166
Special Foreign Currency Program										
Salaries and Expenses	1,000	---	---	---	420	---	---	5,500	+5,500	+5,500
Office of Water Policy										
Office of Water Policy										
Department policy	---	---	---	1,768	---	---	---	---	---	---
Water research	---	---	---	5,000	---	---	---	---	---	---
Project administration	---	---	---	1,000	---	---	---	---	---	---
State water resource research institutes	---	---	---	6,350	6,350	---	---	---	---	---
Transfer	---	---	---	-6,000	-6,350	---	---	---	---	---
Total, Office of Water Policy	---	---	---	8,118	---	---	---	---	---	---
Youth Conservation Corps										
Youth Conservation Corps	---	26,000	285	---	---	---	---	---	---	---
Rural Water Treatment and Distribution System										
Planning and Construction (WEB Pipeline)	---	1,900	---	---	---	---	---	---	---	---
Office of the Solicitor										
Legal Services	13,975	15,177	14,890	16,535	16,835	17,441	16,835	18,526	+1,085	+1,691
General Administration	2,491	2,791	2,860	3,016	2,628	2,716	2,628	2,716	---	+88
Pay supplemental	500	1,032	150	---	---	---	---	---	---	---
Total, Office of the Solicitor	16,466	17,968	17,750	19,551	19,463	20,157	19,463	21,242	+1,085	+1,779

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Office of the Inspector General										
Audit	---	---	---	---	13,437	14,433	13,753	13,753	-680	---
Investigations	---	---	---	---	2,508	2,708	2,588	2,588	-120	---
Administration	---	---	---	---	869	912	912	912	---	---
Total, Inspector General	---	---	---	---	16,814	18,053	17,253	17,253	-800	---
Grand Total, Department of the Interior	3,492,783	3,967,376	3,667,322	4,427,480	4,208,170	3,988,924	4,342,164	4,330,225	+341,301	-11,939
TITLE II - RELATED AGENCIES										
DEPARTMENT OF AGRICULTURE										
FOREST SERVICE										
Forest Research										
Fire and atmospheric science	9,764	10,343	9,014	8,134	7,725	7,588	8,438	7,588	---	-850
Forest insect and disease	21,780	24,480	20,942	21,577	21,983	20,586	22,786	22,319	+1,733	-467
Forest inventory and analysis	13,933	15,547	13,332	12,337	12,031	11,528	19,628	15,528	+4,000	-4,100
Renewable resource economics	5,167	6,004	4,841	4,979	4,711	4,573	4,973	4,573	---	-400
Trees and timber management	20,620	24,537	20,710	20,585	21,951	20,162	23,412	22,387	+2,225	-1,025
Forest watershed and rehabilitation management	11,611	12,679	11,400	10,961	11,148	10,000	13,100	11,367	+1,367	-1,733
Wildlife, range and fish habitat	8,735	9,905	9,334	8,706	9,093	8,367	10,257	9,367	+1,000	-890
Forest recreation	2,179	2,556	2,150	2,146	2,068	2,013	2,363	2,013	---	-350
Forest products utilization	17,742	21,761	20,422	17,897	17,845	18,253	18,753	19,253	+1,000	+500
Subtotal	111,531	127,812	112,145	107,672	108,555	103,070	123,710	114,395	+11,325	-9,315
Competitive grants	---	---	---	---	---	---	---	10,000	+10,000	+10,000
Pay Supplemental (by transfer)	---	---	---	---	(848)	---	---	---	---	---
Total, Forest Research	111,531	127,812	112,145	107,672	108,555	103,070	123,710	124,395	+21,325	+685
Program level	111,531	127,812	112,145	107,672	109,403	103,070	123,710	124,395	+21,325	+685
State and Private Forestry										
Forest Pest Management:										
Federal lands	17,107	16,665	17,227	20,064	20,163	14,875	20,535	20,440	+5,565	-95
Cooperative lands	3,671	6,037	6,533	7,780	8,899	675	9,015	8,925	+8,250	-90
Subtotal	20,778	22,702	23,760	27,844	29,062	15,550	29,550	29,365	+13,815	-185
Rural fire control	22,464	19,984	14,076	14,411	14,000	3,065	14,065	14,000	+10,935	-65
Forest Management and Utilization:										
Forest resource management	6,909	8,349	8,526	7,759	5,177	2,235	5,235	5,235	+3,000	-
Wood utilization	4,580	5,640	4,790	2,582	1,165	970	1,500	970	---	-530
Seedlings, Nursery and Tree Improvement	2,011	3,784	3,022	2,514	1,745	165	1,765	1,765	+1,600	---
Urban forestry	3,621	1,800	1,696	1,523	1,600	---	3,600	---	---	-3,600
Management improvement	3,768	4,930	4,488	2,702	990	520	1,020	1,000	+480	-20
Subtotal	20,889	24,503	22,522	17,080	10,677	3,890	13,120	8,970	+5,080	-4,150
Special projects	9,423	6,995	5,080	3,500	6,840	3,000	5,075	4,500	+1,500	-575
Pay Supplemental (by transfer)	---	---	---	---	(174)	---	---	---	---	---
Total, State and Private Forestry	73,554	74,184	65,438	62,835	60,579	25,505	61,810	56,835	+31,330	-4,975
Program level	73,554	74,184	65,438	62,835	60,753	25,505	61,810	56,835	+31,330	-4,975
National Forest System										
Minerals and General Land Activities										
Minerals	15,892	19,561	18,691	22,598	25,405	29,085	28,085	28,085	-1,000	---
Real Estate Management	23,515	24,536	20,636	19,935	18,524	21,263	21,263	21,263	---	---
Land Line Location	22,069	31,129	25,011	25,034	29,193	28,595	29,595	29,595	+1,000	---
Maintenance of Facilities	13,001	14,867	11,833	21,710	13,982	16,091	16,091	14,177	-1,914	-1,914
Subtotal	74,477	90,093	76,171	89,277	87,104	95,034	95,034	93,120	-1,914	-1,914

1/ Includes new titles Forest Resource Management; Wood Utilization; Seedlings, Nursery and Tree Improvement; and Management Improvement.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Resource Protection and Maintenance										
Fire protection	160,719	174,321	142,235	153,889	154,938	159,875	159,875	159,875	---	---
Fire Control	92,275	104,275	69,004	1,000	35,301	1,000	1,000	1,000	-	---
Cooperative law enforcement	4,606	5,184	3,734	5,174	---	5,307	5,307	7,307	+2,000	+2,000
(By transfer)	---	---	---	---	(5,171)	---	- -	---	---	---
Road maintenance	72,705	77,729	65,286	73,666	---	66,267	66,267	66,767	+500	+500
(By transfer)	---	---	---	-	(64,164)	---	---	---	---	---
Trail maintenance	11,733	14,152	11,312	13,988	1,000	8,377	9,377	8,377	---	-1,000
(By transfer)	---	---	---	---	(8,162)	---	---	---	---	---
Subtotal	342,038	375,961	291,571	247,717	191,239	240,826	241,826	243,326	+2,500	+1,500
Timber Sales										
Timber resource planning	10,375	11,075	9,026	10,572	10,146	10,926	10,926	10,926	---	---
Silvicultural examination	22,909	25,171	20,515	24,198	21,635	24,047	24,047	24,047	---	---
Sales preparation and harvest administration	145,544	161,591	130,295	127,355	153,608	164,883	154,783	163,283	-1,600	+8,500
Subtotal 1/	178,828	197,837	159,836	162,125	185,389	199,856	189,756	198,256	-1,600	+8,500
Reforestation and Stand improvement										
Reforestation	54,831	58,585	58,510	27,958	6,000	21,456	21,456	31,456	+10,000	+10,000
(Program level)	---	---	---	(89,086)	(43,714)	(44,219)	(44,219)	(54,219)	(+10,000)	(+10,000)
Stand improvement	37,005	32,735	22,635	26,942	4,000	17,873	17,873	22,873	+5,000	+5,000
(Program level)	---	---	---	(53,774)	(26,062)	(26,725)	(26,725)	(31,725)	(+5,000)	(+5,000)
Nurseries	9,686	13,538	14,466	3,063	---	11,015	13,815	13,015	+2,000	-800
(Program level)	---	---	---	(19,103)	(15,671)	(11,015)	(13,815)	(13,015)	(+2,000)	(-800)
Subtotal	101,522	104,858	95,611	57,963	10,000	50,344	53,144	67,344	+17,000	+14,200
(Program level)	---	---	---	(161,963)	(85,447)	(81,959)	(84,759)	(98,959)	(+17,000)	(+14,200)
Recreation management										
Recreation use	95,387	101,714	78,804	85,905	83,798	80,435	88,435	82,035	+1,600	-6,400
Wilderness	5,526	7,170	6,093	6,703	6,722	7,875	8,375	7,875	---	-500
Cultural resources	5,511	7,747	6,283	7,166	9,269	9,230	9,730	9,230	---	-500
Subtotal	106,424	116,631	91,180	99,774	99,789	97,540	106,540	99,140	+1,600	-7,400
Wildlife and fish habitat management										
Wildlife and fisheries support	19,302	19,703	18,369	18,487	21,835	22,861	27,861	23,261	+400	+400
Habitat improvement	20,471	21,998	14,767	14,862	13,173	11,102	14,402	15,602	+4,500	+1,200
Subtotal	39,773	41,701	33,136	33,349	35,008	33,963	37,263	38,863	+4,900	+1,600
Range activities										
Range management	32,159	30,232	23,458	23,787	23,987	25,182	25,182	25,182	---	---
Range improvements	3,528	3,690	2,761	2,250	2,300	359	359	2,359	+2,000	+2,000
Wild horse and burro management	540	400	315	584	290	179	179	179	---	---
Noxious Farm Weed Control	(1,625)	1,703	753	410	415	404	404	404	---	---
Subtotal	36,227	36,025	27,287	27,031	26,992	26,124	26,124	28,124	+2,000	+2,000
Soil, water and air management										
Soil, water and air administration	19,264	19,682	19,550	18,708	20,686	21,485	21,985	21,885	+400	-100
Soil and water resource improvements	10,783	6,372	1,890	2,355	2,386	2,087	3,287	3,087	+1,000	-200
Soil and water resource inventories	18,388	12,736	10,665	7,650	6,604	5,318	6,618	5,318	---	-1,300
Subtotal	48,435	38,790	32,015	28,713	29,676	28,890	31,890	30,290	+1,400	-1,600
General Administration		---	242,290	260,915	257,610	264,382	259,882	263,747	-635	+3,865
Youth Conservation Corps	---	---	---	3,400	---	---	---	---	---	---
Pay Supplemental (by transfer)	---	---	---	---	(9,769)	---	---	---	---	---
Total, National Forest System 1/	927,724	1,001,896	1,049,097	1,010,264	922,807	1,036,959	1,041,459	1,062,210	+25,251	+20,751
Program level	927,724	1,001,896	1,049,097	1,010,264	932,576	1,036,959	1,041,459	1,062,210	+25,251	+20,751

1/ Includes 1983 reprogramms of $1,407,000 from Timber Sales to Forest Pest Management.

2/ FY83 includes $8,000,000 for Maintenance of Facilities, $13,000,000 for Road maintenance, $4,000,000 for Trail Maintenance, $15,000,000 for Reforestation & $20,000,000 for TSI in PL 98-8.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Construction										
Facilities	33,765	22,030	17,853	51,461	23,867	16,750	26,750	27,187	+10,437	+437
Unallocated	---	---	---	---	---	---	3,000	---	---	-3,000
Roads and trails										
Direct road construction	163,342	183,441	236,204	245,169	222,675	231,884	223,784	248,784	+16,900	+25,000
Trail construction	8,269	4,068	4,038	4,936	5,182	5,264	7,264	5,264	---	-2,000
Chusach payment	---	---	3,000	9,000	---	---	---	---	---	---
Total, Construction 1/	205,376	209,539	261,095	310,566	251,724	253,898	260,798	281,235	+27,337	+20,437
Land Acquisition										
Forest Service:										
Acquisitions	---	30,509	22,433	59,077	36,052	6,070	56,000	26,730	+20,660	-29,270
Acquisition Management	---	3,989	3,829	4,000	4,000	3,565	6,000	3,565	---	-2,435
Weeks Act	---	---	---	---	---	-	2,000	---	---	-2,000
Pay Supplemental (by transfer)	---	---	---	---	(23)	---	---	---	---	---
Total	---	34,498	26,262	63,077	40,052	9,635	64,000	30,295	+20,660	-33,705
Program level	---	34,498	26,262	63,077	40,075	9,635	64,000	30,295	+20,660	-33,705
Timber Receipts Transfer										
Transfer to General Fund, 1982	---	---	(-78,700)	---	---	---	---	---	---	---
Transfer to General Fund	---	---	---	(-29,399)	(-44,455)	(-95,615)	(-90,059)	(-95,615)	---	(-5,556)
Timber Purchaser Credits										
Timber Purchaser Credits	---	---	(242,542)	(240,000)	(240,000)	(286,226)	(196,226)	(298,800)	(+12,574)	(+102,574)
(Rescission)	---	---	---	---	---	---	-226,290	-226,348	-226,348	-58
Youth Conservation Corps										
Base Program 2/	---	---	---	(10,000)	---	---	10,000	---	---	-10,000
Acquisition of Lands for National Forests, Special Acts										
Base Program	325	754	724	753	780	782	782	782	---	---
Acquisition of Lands to Complete Land Exchans										
Base Program	284	446	151	109	20	20	20	20	---	---
Range Betterment										
Base program	5,633	6,940	6,583	5,378	4,028	3,665	3,665	5,000	+1,335	+1,335
Miscellaneous Trust Funds										
Miscellaneous trust fund	---	---	84	90	90	90	90	90	---	---
Total, Forest Service	1,324,427	1,456,069	1,521,579	1,560,744	1,388,635	1,433,624	1,340,044	1,334,514	-99,110	-5,530
DEPARTMENT OF THE TREASURY										
Energy Security Reserve	---	---	---	-	---	---	-5,000,000	---	---	+5,000,000

1/ FY83 includes $25,000,000 in Facilities from PL 98-8.

2/ A total of $10,000,000 was appropriated and transfered: $3,400,000 to the USDA—Forest Service; $3,300,000 to the USDI—Fish & Wildlife Service and; $3,300,000 to the USDI—National Park Service.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
DEPARTMENT OF ENERGY										
Fossil Energy Research and Development										
Coal										
Control technology and coal preparation										
Coal preparation and analysis	10,890	7,000	2,880	8,000	8,000	11,150	11,150	11,150	---	---
Flue gas cleanup	20,050	15,000	6,240	7,000	8,100	14,025	15,050	15,025	+1,000	-25
Gas stream cleanup	10,040	11,500	9,984	10,000	7,000	4,975	6,475	7,475	+2,500	+1,000
Technology support	7,000	6,087	5,280	2,900	2,900	2,000	2,000	2,000	---	---
Subtotal	47,980	39,587	24,384	27,900	26,000	32,150	34,675	35,650	+3,500	+975
Mines R&D										
Underground coal mining	35,709	28,169	10,512	---	---	---	---	---	---	---
Advanced Research & Technology Development	42,500	46,483	46,752	31,650	39,250	40,267	40,687	39,187	-1,080	-1,500
Coal Liquefaction										
Demonstration plants	36,000	57,000	11,808	---	---	---	---	---	---	---
Direct hydrogenation	64,500	57,000	22,080	---	---	---	---	---	---	---
Solvent extraction	30,000	32,000	28,800	---	---	---	---	---	---	---
Advanced process development	24,300	17,200	27,456	18,000	15,500	5,600	12,150	13,650	+8,050	+1,500
Indirect liquefaction	---	12,000	11,520	12,600	7,900	2,500	7,300	4,650	+2,150	-2,650
Support studies and engineering evaluations	13,806	9,297	8,256	5,000	5,500	5,800	5,800	5,800	---	---
Feasibility study	---	---	---	2,000	---	---	---	---	---	---
Subtotal	168,606	184,497	109,920	37,600	28,900	13,900	25,250	24,100	+10,200	-1,150
Combustion systems										
Atmospheric fluidized beds	25,900	11,418	11,904	4,200	1,400	17,500	19,000	17,500	---	-1,500
Pressurized fluidized beds	15,000	21,400	24,960	13,000	7,500	5,000	2,500	3,500	-1,500	+1,000
Advanced combustion technology	4,950	---	1,056	3,000	1,700	2,000	2,000	2,000	---	---
Alternate fuel utilization	2,500	4,550	4,224	4,000	7,600	7,175	8,675	7,175	---	-1,500
Demonstration plants	2,500	---	---	---	---	---	---	---	---	---
Subtotal	50,850	37,368	42,144	24,200	18,200	31,675	32,175	30,175	-1,500	-2,000
Fuel Cells										
Phosphoric acid systems	---	---	---	---	---	7,200	27,800	23,800	+16,600	-4,000
Molten Carbonate systems	---	---	---	---	---	4,100	9,000	9,000	+4,900	---
Advanced concepts	---	---	---	---	---	2,400	3,100	3,100	+700	---
Subtotal, Fuel Cells	26,000	32,012	34,464	30,050	42,600	13,700	39,900	35,900	+22,200	-4,000
Heat engines & heat recovery										
Central power systems	24,800	22,268	8,736	3,750	4,500	7,650	11,650	12,150	+4,500	+500
Dispersed power systems	13,000	6,900	6,240	1,250	2,000	---	---	---	---	---
Heat recovery component technology	12,500	2,300	---	---	---	---	---	---	---	---
Subtotal	50,300	31,468	14,976	5,000	6,500	7,650	11,650	12,150	+4,500	+500
Underground coal gasification	9,900	9,960	7,968	6,000	6,000	5,850	5,850	6,850	+1,000	+1,000
Magnetohydrodynamics	79,000	66,533	27,840	29,000	30,000	17,800	33,000	29,800	+12,000	-3,200
Surface Coal Gasification										
High Btu gasification	13,500	10,000	8,640	---	---	---	---	---	---	---
Low Btu gasification	14,900	19,000	14,592	---	---	---	---	---	---	---
Gasification demonstration plants	37,000	1,000	---	---	---	---	---	---	---	---
Technical support	8,350	14,814	9,600	---	---	---	---	---	---	---
Peat Gasification	3,000	13,000	3,840	---	---	---	---	---	---	---
Third generation processes	20,000	11,804	15,888	---	---	---	---	---	---	---
Special projects and support studies	1,000	---	---	---	---	---	---	---	---	---
Advanced Process Development	---	---	---	4,250	6,950	4,450	4,450	4,450	---	---
Systems engineering concepts	---	---	---	27,250	17,400	3,975	11,225	22,475	+18,500	+11,250
Environmental and engineering analyses	---	---	---	7,500	4,400	3,575	3,575	4,425	+850	+850
Great Plains gasification project	---	---	---	---	---	3,000	3,000	3,000	---	---
Subtotal	97,750	69,618	52,560	39,000	28,750	15,000	22,250	34,350	+19,350	+12,100
Equipment not related to construction	3,000	4,600	3,648	1,500	1,500	4,500	4,500	4,500	---	---
University coal research	5,000	5,000	5,184	---	---	---	---	---	---	---
Subtotal, Coal	616,595	555,295	380,352	231,900	227,700	182,492	249,937	252,662	+70,170	+2,725

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Petroleum										
Advance Process Technology										
Advanced exploratory research	---	---	---	---	---	4,500	4,500	4,500	---	---
Artic and offshore research	---	---	---	---	---	1,700	1,000	1,700	---	+700
Subtotal, Advanced Process Technology	5,500	3,528	3,552	5,000	5,000	6,200	5,500	6,200	---	+700
Enhanced Oil Recovery										
Heavy oil	---	---	---	---	---	3,000	2,600	2,600	-400	---
Light oil	---	---	---	---	---	9,200	8,200	8,200	-1,000	---
Tar Sands	---	---	---	---	---	1,200	1,200	1,200	---	---
Subtotal, Enhanced Oil Recovery	22,600	16,158	15,456	6,500	9,150	13,400	12,000	12,000	-1,400	---
Oil shale	27,000	32,151	18,192	12,250	16,150	12,000	14,000	15,000	+3,000	+1,000
Drilling & offshore technology	3,000	2,009	---	---	---	---	---	---	---	---
Equipment not related to construction	2,200	2,470	2,160	---	---	---	---	---	---	---
Subtotal, Petroleum	60,300	56,316	39,360	23,750	30,300	31,600	31,500	33,200	+1,600	+1,700
Gas										
Unconventional gas recovery	29,910	30,098	11,520	13,900	15,500	8,550	9,550	13,200	+4,650	+3,650
Equipment not related to construction	400	500	192	---	---	---	---	---	---	---
Subtotal, Gas	30,310	30,598	11,712	13,900	15,500	8,550	9,550	13,200	+4,650	+3,650
Fossil Energy Construction										
Wastewater treatment facility, Morgantown, W. Va.	---	---	---	800	2,000	2,500	2,500	2,500	---	---
Surface water containment facility, Pittsburgh ETC.	---	---	960	1,000	1,040	---	---	---	---	---
General plant projects	4,800	3,000	2,880	1,000	2,000	2,500	2,500	2,500	---	---
Subtotal, Fossil Energy Construction	4,800	3,000	3,840	2,800	5,040	5,000	5,000	5,000	---	---
Headquarters program direction	124,444	12,708	14,016	9,000	9,000	7,913	8,413	8,413	+500	---
Energy Technology Center program direction	---	---	---	30,000	36,948	37,315	38,547	38,547	+1,232	---
Use of prior year deferrals - OE	---	---	-19,500	-93,836	-5,000	-9,493	-9,493	-9,493	---	---
FY 1985 appropriation made in FY 1984	---	---	---	---	---	-15,000	-15,000	-15,000	---	---
General reduction	---	---	---	-20,136	-17,326	---	---	---	---	---
By transfer	---	---	---	---	-39,000	-45,496	-47,496	-47,496	-2,000	---
Transfer from Energy Security Reserve	---	---	---	---	---	-3,000	-3,000	-3,000	---	---
Program offset	---	---	---	---	---	---	-400	-400	-400	---
Savings from management initiatives	---	---	---	---	---	(-12,000)	---	(-12,150)	(-150)	(-12,150)
Total, Fossil Energy Research and Development	836,449	657,917	429,780	197,378	263,162	199,881	267,558	275,633	+75,752	+8,075
Fossil Energy Construction										
Solvent refined coal I demo plant (78-2-d)	40,000	157,500	129,600	---	---	---	---	---	---	---
ETC (80-FE-3)	---	2,200	---	---	---	---	---	---	---	---
Effect of FY 1981 deferral	---	---	-129,600	---	---	---	---	---	---	---
Total, Fossil Energy construction	40,000	159,700	---	---	---	---	---	---	---	---
Naval Petroleum and Oil Shale Reserves										
Naval petroleum reserve Nos. 1 & 2										
Operations and maintenance	---	---	---	---	---	110,012	110,012	110,012	---	---
Development drilling	---	---	---	---	---	20,000	20,000	20,000	---	---
Exploration drilling	---	---	---	---	---	10,000	10,000	10,000	---	---
Development facilities	---	---	---	---	---	33,973	33,973	33,973	---	---
Subtotal	55,251	183,940	187,773	196,917	212,946	173,985	173,985	173,985	---	---
Naval petroleum reserve No. 3										
Operations and maintenance	---	---	---	---	---	19,166	14,666	19,166	---	+4,500
Development drilling	---	---	---	---	---	2,245	2,245	2,245	---	---
Development facilities	---	---	---	---	---	1,250	1,250	1,250	---	---
Subtotal	16,518	13,413	21,954	19,855	37,633	22,661	18,161	22,661	---	+4,500
Naval Oil Shale Reserve										
NOSR-1	---	---	---	---	---	990	990	990	---	---
NOSR-3	---	---	---	---	---	2,189	---	---	-2,189	---
Subtotal	4,000	3,900	2,458	90	100	3,179	990	990	-2,189	---

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Oil shale commercialization	3,000	2,076	---	---	---	---	---	---	---	---
Oil & Gas development projects	9,305	5,467	---	---	---	---	---	---	---	---
Federal building solar program	11,750	1,800	---	---	---	---	---	---	---	---
Market Analysis	6,000	500	---	---	---	---	---	---	---	---
Program Direction	736	795	---	---	---	---	---	---	---	---
Federal leasing	2,150	2,775	---	---	---	---	---	---	---	---
Program direction										
Headquarters	---	---	---	---	---	1,741	1,741	1,698	-43	-43
NPR 1 & 2	---	---	---	---	---	3,222	3,222	3,222	---	---
NPR 3	---	---	---	---	---	806	806	710	-96	-96
Subtotal	741	893	957	5,138	5,921	5,769	5,769	5,630	-139	-139
Use of prior year balances	---	---	---	---	---	-39,000	-39,000	-39,000	---	---
Savings from management initiatives	---	---	---	---	---	-50	-50	-50	---	---
Total, Naval Petroleum and Oil Shale Reserves	109,451	215,559	213,142	222,000	256,600	166,544	159,855	164,216	-2,328	+4,361
Energy Conservation										
Buildings & community systems										
Building systems	17,350	22,475	18,622	13,400	13,900	12,200	15,200	15,200	+3,000	---
Community systems	16,550	13,625	3,840	3,700	4,200	2,000	9,000	2,000	---	-7,000
Urban waste	13,000	5,590	4,800	3,000	1,500	---	1,000	1,000	+1,000	---
Technology and consumer products	700	20,100	---	10,600	10,000	4,900	10,800	9,900	+5,000	-900
(Effect of fiscal year 1981 deferral/transfer)	---	---	(10,560)	---	---	---	---	---	---	---
Analysis & technology transfer	5,400	3,800	960	1,000	200	4,510	1,000	1,000	-3,510	---
Appliance standards	6,000	6,000	1,632	1,000	1,700	2,500	2,500	2,500	---	---
Small business	---	100	---	---	---	---	---	---	---	---
Federal energy management program	400	530	480	500	1,000	2,300	1,300	1,300	-1,000	---
Residential conservation service	4,600	11,200	---	3,400	500	1,300	1,300	1,300	---	---
(Effect of fiscal year 1981 deferral/transfer)	---	---	(3,360)	---	---	---	---	---	---	---
Emergency building temperature restrictions	3,675	500	---	---	---	---	---	---	---	---
Capital equipment	1,000	1,275	435	---	1,500	2,500	1,250	2,500	---	+1,250
Program direction	5,137	6,778	2,976	2,500	2,908	3,104	2,954	2,954	-150	---
Subtotal, Buildings & community systems	73,812	91,973	33,745	39,100	37,408	35,314	46,304	39,654	+4,340	-6,650
(Effect of fiscal year 1981 deferral/transfer)	---	---	(13,920)	---	---	---	---	---	---	---
Industrial										
Waste energy reduction	16,450	24,800	1,904	12,000	12,000	12,350	12,100	13,000	+650	+900
(Effect of fiscal year 1981 deferral/transfer)	---	---	(10,000)	---	---	---	---	---	---	---
Industrial process efficiency	20,675	20,750	2,580	7,700	14,200	8,000	8,750	8,750	+750	---
(Effect of fiscal year 1981 deferral/transfer)	---	---	(5,100)	---	---	---	---	---	---	---
Industrial cogeneration	10,750	16,500	---	5,000	4,000	3,200	5,000	4,200	+1,000	-800
(Effect of fiscal year 1981 deferral/transfer)	---	---	(4,800)	---	---	---	---	---	---	---
Implementation & commercialization	9,800	7,500	2,304	1,700	1,900	3,500	2,500	2,500	-1,000	---
Capital equipment	500	232	---	---	---	4,400	---	4,400	---	+4,400
Program direction	2,067	2,600	2,160	1,500	1,612	1,844	1,844	1,844	---	---
Subtotal	60,242	72,382	8,948	27,900	33,712	33,294	30,194	34,694	+1,400	+4,500
(Effect of fiscal year 1981 deferral/transfer)	---	---	(19,900)	---	---	---	---	---	---	---
Transportation										
Vehicle Propulsion R&D	60,500	55,400	12,504	35,000	38,100	18,500	32,500	32,500	+14,000	---
(Effect of fiscal year 1981 deferral/transfer)	---	---	(21,000)	---	---	---	---	---	---	---
Alternative fuels utilization	5,200	3,875	3,984	1,500	2,600	1,500	4,000	1,500	---	-2,500
Electric/hybrid vehicle program	37,000	36,820	18,816	13,900	11,700	6,800	7,100	9,300	+2,500	+2,200
Transportation utilization programs	6,700	4,900	960	---	500	1,700	1,700	1,700	---	---
Advanced materials development	---	---	---	2,000	1,500	7,000	6,200	6,200	-800	---
High temperature materials lab	---	---	---	---	9,000	10,600	6,600	6,600	-4,000	---
Capital equipment	1,100	1,125	240	---	---	3,000	3,000	3,000	---	---
Program direction	2,923	2,930	1,440	1,500	1,638	1,952	1,952	1,952	---	---
Subtotal	113,423	105,050	37,944	53,900	65,038	51,052	63,052	62,752	+11,700	-300

1/ FY83 Enacted amount includes $2,000,000, funded in PL 97-377.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance -- compared to F.Y. 85 Est.	Senate Allowance -- compared to House Bill
State/Local programs										
Emergency energy conservation program	1,500	2,000	1,920	---	---	---	---	---	---	---
Energy policy and conservation grants (EPCA)	37,800	37,800	15,000	24,000	24,000	---	24,000	24,000	+24,000	---
(Effect of fiscal year 1981 deferral/transfer)	---	---	(9,000)	---	---	---	---	---	---	---
Energy conservation and production grants (ECPA)	10,000	10,000	---	---	---	---	---	---	---	---
Energy extension service	25,000	20,000	---	10,000	10,000	---	10,000	10,000	+10,000	---
Energy extension service										
(Effect of fiscal year 1981 deferral/transfer)	---	---	(9,600)	---	---	---	---	---	---	---
Schools & hospitals	161,450	150,000	---	98,000	48,000	48,000	50,000	48,000	---	-2,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(48,000)	---	---	---	---	---	---	---
Weatherization	198,950	175,000	32,893	245,000	190,000	190,000	200,000	190,000	---	-10,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(111,107)	---	---	---	---	---	---	---
Evaluation of state / local energy savings	---	---	---	---	---	---	2,000	2,000	+2,000	---
Program Direction	6,836	9,862	6,720	6,660	8,166	14,163	10,163	10,163	-4,000	---
Subtotal	441,536	404,662	56,533	383,660	280,166	252,163	296,163	284,163	+32,000	-12,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(177,707)	---	---	---	---	---	---	---
Multi Sector										
Energy Conversion Technology	---	8,000	---	9,000	9,000	17,850	14,000	17,850	---	+3,850
(Effect of fiscal year 1981 deferral/transfer)	---	---	(7,843)	---	---	---	---	---	---	---
Inventors program	6,420	5,800	4,784	2,000	3,000	5,000	5,000	5,000	---	---
(Effect of fiscal year 1981 deferral/transfer)	---	---	(400)	---	---	---	---	---	---	---
Energy impact assistance	43,000	10,000	---	---	---	---	---	---	---	---
Appropriate technology	12,000	12,000	2,880	---	---	---	---	---	---	---
Capital equipment	---	---	384	---	---	3,400	1,700	3,400	---	+1,700
Program direction	635	700	182	230	277	298	298	298	---	---
National Appropriate Technology Assistance Service	---	---	---	1,500	500	---	1,500	1,500	+1,500	---
Subtotal, Multi Sector	62,055	36,500	8,230	12,730	12,777	26,548	22,498	28,048	+1,500	+5,550
(Effect of fiscal year 1981 deferral/transfer)	---	---	(8,243)	---	---	---	---	---	---	---
Policy and Management Program Direction	---	---	---	---	1,280	1,783	1,533	1,783	---	+250
Policy analysis	---	---	---	---	750	---	250	250	+250	---
Fellowship program	---	---	---	---	---	---	1,000	---	---	-1,000
Facilities	---	---	---	---	---	---	26,000	---	---	-26,000
Feasibility studies	---	4,590	---	---	---	---	---	---	---	---
(General Reduction)	---	---	---	-24,000	---	---	---	---	---	---
Transfer from HHS	---	---	---	---	---	(-238,000)	---	---	(+238,000)	---
Use of prior year balances	---	---	---	-64,000	---	-10,077	-1,500	-1,500	+8,577	---
Savings from management initiatives	---	---	---	---	---	(-8,000)	---	(-8,000)	---	(-8,000)
Total, Energy Conservation	751,068	715,157	145,400	429,290	431,131	390,077	485,494	449,844	+59,767	-35,650
(Effect of fiscal year 1981 deferrals)	---	---	(67,762)	---	---	---	---	---	---	---
(Effect of transfer and redirection)	---	---	(173,008)	---	---	---	---	---	---	---
Economic Resulation										
Utility Programs & Regulatory Intervention										
Utility regulatory assistance	29,129	17,844	---	---	---	---	---	---	---	---
Power supply & reliability	---	---	4,800	---	---	---	---	---	---	---
Compliance	70,340	70,919	5,200	19,800	17,500	11,116	15,316	14,116	+3,000	-1,200
Fuels Conversion	25,938	24,383	---	2,750	1,731	1,335	1,335	1,335	---	---
(Effect of fiscal year 1981 deferral)	---	---	(4,800)	---	---	---	---	---	---	---
Petroleum operations	13,063	14,017	3,456	2,316	2,038	1,433	2,083	1,433	---	-650
Emergency preparedness	3,910	1,159	1,920	5,925	5,064	6,220	5,770	---	-6,220	-5,770
Program administration	2,633	3,623	1,240	2,375	867	1,484	1,164	1,164	-320	---
Gasoline rationing	---	25,500	---	---	---	---	---	---	---	---
Office of Hearings and Appeals	5,942	8,267	4,800	5,200	5,100	5,569	5,369	5,349	-220	-20
(Effect of FY 1981 deferral in 1982)	---	---	(5,000)	(2,700)	---	---	---	---	---	---
Total, Economic Resulation	150,955	165,712	21,416	38,366	32,300	27,157	31,037	23,397	-3,760	-7,640
Strategic Petroleum Reserve and Emergency Preparedness										
Petroleum acquisition & transportation	---	2,688,282	---	---	---	---	---	---	---	---
Planning	---	8,000	8,640	8,000	11,850	5,600	(5,600)	(5,600)	-5,600	---
(Effect of 1983 continuing resolution)	---	---	(8,000)	---	---	---	---	---	---	---
Storage facilities development	---	82,834	171,356	222,528	583,657	441,300	(441,300)	(441,300)	-441,300	---
Program Administration	190	11,391	11,436	11,590	22,453	12,290	(12,290)	(12,290)	-12,290	---
(Proposed deferral)	---	---	---	---	---	---	---	---	---	---
Savings from management initiatives	---	---	---	---	---	-12,000	---	(-12,000)	+12,000	---
Emergency Preparedness	---	---	---	---	---	---	---	6,220	+6,220	+6,220
Subtotal, SPR advance funding 1/	---	---	---	---	---	---	(459,190)	(447,190)	(+447,190)	(-12,000)
Total, Strategic Petroleum Reserve and Emergency Preparedness	190	2,790,507	191,432	242,118	617,960	447,190	---	6,220	-440,970	+6,220

1/ Funded in the FY 1984 General Supplemental.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
SPR Petroleum Account										
Petroleum acquisition and transportation	---	---	(3,684,000)	(2,074,060)	(650,000)	(1,889,550)	(2,351,400)	(2,349,550)	(+460,000)	(-1,850)
Energy Information Administration										
Energy applied analysis	10,328	9,656	7,680	---	---	---	---	---	---	---
Collection, production & dissemination	38,346	40,618	38,969	36,633	37,452	37,852	41,046	41,552	+3,700	+506
Data validation	13,915	-55	2,880	---	---	---	---	---	---	---
Data information services	28,184	40,198	29,390	---	---	---	---	---	---	---
Program services	---	---	---	13,524	11,839	11,013	12,013	11,013	---	-1,000
Policy and management	---	---	---	8,425	7,100	8,998	8,998	8,998	---	---
Total, Energy Information Administration 1/	90,773	90,417	78,919	58,582	56,391	57,863	62,057	61,563	+3,700	-494
Total, Department of Energy	1,978,886	4,794,969	1,080,089	1,187,734	1,657,544	1,288,712	1,006,001	980,873	-307,839	-25,128
DEPARTMENT OF HEALTH AND HUMAN SERVICES										
HEALTH SERVICES ADMINISTRATION										
Indian Health Services										
Clinical services										
IHS and tribal health delivery										
Hospital and health clinic programs	323,475	302,568	305,339	358,054	397,700	411,787	434,216	416,787	+5,000	-17,429
Dental health program	15,364	16,563	17,884	21,054	23,940	25,167	25,490	25,432	+265	-58
Mental health program	7,598	7,080	7,488	8,721	10,891	11,297	11,408	11,407	+110	-1
Alcoholism program	11,934	15,237	16,290	21,207	23,469	24,607	25,062	24,857	+250	-205
Maintenance and repair	8,732	8,611	8,267	8,267	18,267	8,745	8,745	8,745	---	---
Contract care	95,418	107,465	110,427	139,972	157,977	165,602	167,802	165,602	---	-2,200
Subtotal, Clinical services	462,521	457,524	465,695	557,275	632,194	647,205	672,723	652,830	+5,625	-19,893
Preventive health										
Sanitation	14,416	14,340	14,090	16,530	19,317	17,659	20,843	20,159	+2,500	-684
Public health nursing	7,441	7,592	7,969	9,009	11,145	10,244	12,568	11,944	+1,700	-624
Health education	1,938	2,009	2,194	2,566	3,494	2,717	3,690	3,617	+900	-73
Community health representative program	33,452	36,295	28,800	25,000	26,000	---	27,000	26,000	+26,000	-1,000
Immunization	---	---	---	500	1,000	1,000	1,000	3,700	+2,700	+2,700
Subtotal, Preventative health	57,247	60,236	53,053	53,605	60,956	31,620	65,101	65,420	+33,800	+319
Urban health projects	8,000	8,900	8,160	6,000	9,000	---	10,000	10,000	+10,000	---
Indian health manpower	6,688	5,688	5,760	5,760	6,000	4,632	6,632	6,000	+1,368	-632
Tribal management	2,968	3,029	2,634	2,634	2,634	---	2,634	2,500	+2,500	-134
Program management	51,274	50,886	48,851	53,942	59,624	58,493	60,902	59,493	+1,000	-1,409
Equity health care fund	---	7,856	15,492	22,492	---	---	---	---	---	---
Reduction offset by collections	---	---	-4,800	-5,000	---	---	---	---	---	---
Medicare/Medicaid Reimbursements										
Hospital and clinic accreditation	(20,000)	---	(25,000)	(25,000)	(40,000)	(40,000)	(45,000)	(55,400)	(+15,400)	(+10,400)
Indian health services	---	---	(5,000)	(5,000)	---	(15,400)	---	---	(-15,400)	---
Subtotal	(20,000)	---	(30,000)	(30,000)	(40,000)	(55,400)	(45,000)	(55,400)	---	(+10,400)
Pay supplemental	---	12,556	18,160	---	1,500	---	---	---	---	---
(By transfer)	---	---	---	---	(6,904)	---	---	---	---	---
Total, Indian Health Services	588,698	606,675	613,005	696,708	771,908	741,950	817,992	796,243	+54,293	-21,749
Indian Health Facilities										
Hospitals										
New and Replacement	8,000	25,693	9,531	6,700	28,965	---	32,151	19,221	+19,221	-12,930
Modernization and repair	1,600	3,300	192	3,000	200	---	7,946	2,129	+2,129	-5,817
Subtotal, Hospitals	9,600	28,993	9,723	9,700	29,165	---	40,097	21,350	+21,350	-18,747

1/ FY83 includes $6,000,000 comparative transfer to FERC.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Outpatient Care Facilities	7,595	4,456	9,613	---	960	---	14,421	---	---	-14,421
Sanitation Facilities	50,240	50,240	38,680	50,000	21,000	---	30,000	20,000	+20,000	-10,000
Hospital and health clinic programs										
Personnel Quarters	6,867	780	336	14,000	2,470	---	11,619	2,185	+2,185	-9,434
Total, Indian Health Facilities 1/	74,302	84,469	58,352	73,700	53,595	---	96,137	43,535	+43,535	-52,602
Total, Indian Health	663,000	691,144	671,357	770,408	825,503	741,950	914,129	839,778	+97,828	-74,351
DEPARTMENT OF EDUCATION										
Indian Education										
Part A-Payments to School Districts	52,000	58,250	54,960	48,465	50,900	51,350	51,350	51,350	---	---
Part B-Special Projects for Indian Students	15,600	14,500	14,880	12,600	12,000	12,000	12,000	12,000	---	---
Part C-Special Projects for Indian Adults	5,830	5,430	5,213	3,593	3,000	3,000	3,000	3,000	---	---
Administration	2,470	3,500	2,799	2,589	2,880	2,430	2,430	2,430	---	---
Total, Indian Education	75,900	81,680	77,852	67,247	68,780	68,780	68,780	68,780	---	---
OTHER RELATED AGENCIES										
NAVAJO/HOPI INDIAN RELOCATION COMMISSION										
Salaries and Expenses										
Operation of the Commission	985	2,737	10,062	7,665	18,783	20,736	16,986	20,736	---	+3,750
Pay supplemental	---	---	---	---	22	---	---	---	---	---
Total, Salaries and expenses	985	2,737	10,062	7,665	18,805	20,736	16,986	20,736	---	+3,750
SMITHSONIAN INSTITUTION										
Salaries and Expenses										
Science										
Assistant Secretary for Science	301	328	326	372	537	567	567	567	---	---
National Museum of Natural History	14,462	15,677	15,738	18,148	18,697	20,270	20,620	20,110	-160	-510
Astrophysical Observatory	5,028	5,370	5,563	6,649	7,607	8,708	7,758	8,283	-425	+525
Tropical Research Institute	2,257	2,773	2,733	3,155	3,319	3,574	3,724	3,574	---	-150
Environmental Research Center	---	---	---	3,170	3,142	3,439	3,439	3,439	---	---
Radiation Biology Laboratory	1,837	1,999	1,938	---	---	---	---	---	---	---
National Air and Space Museum	5,597	6,152	6,514	7,184	---	8,049	8,299	8,049	---	-250
Chesapeake Bay Center	744	869	906	---	---	---	---	---	---	---
National Zoological Park	8,521	9,221	9,158	10,042	10,527	11,074	11,299	11,174	+100	-125
Center for the Study of Man	575	603	713	---	---	---	---	---	---	---
Subtotal, Science	39,322	42,992	43,589	48,720	43,829	55,681	55,706	55,196	-485	-510
History and Art										
Assistant Secretary for History and Art	317	351	346	374	606	429	429	429	---	---
National Museum of American History	7,177	8,072	7,977	9,530	9,659	10,887	11,210	10,887	---	-323
National Museum of American Art	3,371	3,557	3,805	4,186	4,390	4,648	4,728	4,648	---	-80
National Portrait Gallery	2,442	2,613	2,712	3,085	3,185	3,367	3,454	3,367	---	-87
Hirshhorn Museum and Sculpture Garden	2,200	2,431	2,421	2,705	2,960	3,109	3,159	2,960	-149	-199
Center for Asian Art	---	---	---	---	---	---	551	---	---	-551
Freer Gallery of Art	656	727	826	913	1,081	1,136	1,136	1,136	---	---
Archives of American Art	521	542	632	679	705	741	741	741	---	---
Cooper-Hewitt Museum	629	702	738	805	843	1,092	892	892	-200	---
Museum of African Art	543	621	768	934	975	1,031	1,241	1,031	---	-210
Anacostia Neighborhood Museum	567	529	726	700	820	863	900	863	---	-37
Division of Performing Arts	331	387	444	---	---	---	---	---	---	---
Subtotal, History and Art	18,754	20,532	21,395	23,911	25,224	27,303	28,441	26,954	-349	-1,487
Public Service										
Assistant Secretary for Public Service	262	259	317	656	586	622	622	622	---	---
International Exchange Service	323	346	230	---	---	---	---	---	---	---
Smithsonian Institution Press	819	847	913	970	1,032	1,085	1,085	1,085	---	---
Subtotal, Public Service	1,404	1,452	1,460	1,626	1,618	1,707	1,707	1,707	---	---

1/ FY83 includes $3,000,000 in modernization and repair and $36,000,000 in Sanitation Facilities from PL 98-8.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Museum Programs										
Assistant Secretary for Museum Programs	2,316	747	714	808	852	904	904	904	---	---
Office of the Registrar	115	126	132	87	93	99	99	99	---	---
Conservation-Analytical Laboratory	654	788	826	892	951	998	998	998	---	---
Smithsonian Institution Libraries	2,730	2,976	3,130	3,692	3,633	4,030	4,282	4,030	---	-252
Office of Exhibits Central	1,259	1,312	1,350	1,367	1,451	1,521	1,521	1,521	---	---
Traveling Exhibition Service	161	192	250	313	292	310	310	310	---	---
Smithsonian Archives	367	430	407	442	495	523	523	523	---	---
National Museum Act	794	795	779	777	786	789	1,000	---	-789	-1,000
Subtotal, Museum Programs	8,396	7,366	7,588	8,378	8,553	9,174	9,637	8,385	-789	-1,252
Special Programs										
American and Folklife Studies	447	534	567	603	650	689	689	689	---	---
International Environmental Science Program	408	468	601	629	678	712	712	712	---	---
Academic and Educational Programs	478	562	599	634	704	745	745	745	---	---
Major Exhibition Program	---	739	840	789	885	---	---	---	---	---
Collections Management Inventory	543	587	760	825	827	857	857	857	---	---
Museum Support Center	195	2,767	4,496	6,758	7,956	13,172	13,172	5,861	-7,311	-7,311
JFK Center Trustee Grant	---	---	---	1,000	1,000	---	700	---	---	-700
Quadrangle operations	---	---	---	---	---	1,109	---	836	-273	+836
Subtotal, Special Programs	2,071	5,657	7,863	11,238	12,700	17,284	16,875	9,700	-7,584	-7,175
Administration	7,781	8,718	9,123	10,970	11,614	12,064	11,789	11,789	-275	---
Support Activities										
Office of Design and construction	948	1,096	1,427	1,557	1,798	2,036	2,036	2,036	---	---
Office of Protection Services	10,471	11,603	11,610	14,588	15,369	16,367	16,617	16,213	-154	-404
Office of Plant Services	18,315	22,813	24,415	26,206	26,930	29,066	28,891	28,291	-775	-600
Subtotal, Support Activities	29,734	35,512	37,452	42,351	44,097	47,469	47,544	46,540	-929	-1,004
SLUC Reduction	---	---	---	-140	---	---	---	---	---	---
Pay supplemental	---	---	2,700	---	1,420	---	---	---	---	---
Total, Salaries and Expenses	107,462	122,229	128,470	147,054	147,635	170,682	171,699	160,271	-10,411	-11,428
Museum Programs and Related Research (SFCP)										
Grant Program	4,200	3,650	4,320	2,000	7,040	9,000	9,000	9,000	---	---
Construction and Improvements National Zoological Park										
Base Program	6,250	3,290	1,104	1,550	3,500	3,500	4,150	4,950	+1,450	+800
Restoration and Renovation of Buildings										
Base Program	5,250	7,539	7,680	8,450	9,000	13,750	13,750	13,750	---	---
Construction										
Museum support center	20,600	5,000	---	---	---	---	---	---	---	---
South Quadrangle Development 1/	---	---	960	(36,500)	-8,000	---	---	---	---	---
Total, Construction and Improvements	32,100	15,829	9,744	10,000	4,500	17,250	17,900	18,700	+1,450	+800
Total, Smithsonian	143,762	141,708	142,534	159,054	159,175	196,932	198,599	187,971	-8,961	-10,628
NATIONAL GALLERY OF ART										
Salaries and Expenses										
Care and Utilization of Art Collections	6,847	7,683	8,428	8,523	10,074	10,922	10,922	12,922	+2,000	+2,000
Operation and Maintenance of Buildings and Grounds	8,420	9,825	14,207	15,850	15,745	15,373	14,855	14,073	-1,300	-782
Protection of Buildings, Grounds, and Contents	4,168	4,522	4,539	5,658	5,829	6,104	6,104	6,104	---	---
General Administration	2,156	2,284	2,641	2,847	3,041	3,722	3,722	3,722	---	---
Total, National Gallery of Art	21,591	24,314	29,815	32,878	34,639	36,121	35,603	36,821	+700	+1,218

1/ Includes amounts which were funded in PL 97-276.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Woodrow Wilson International Center for Scholars										
Salaries and Expenses										
Fellowship Program	875	962	968	1,176	1,176	1,223	1,223	1,223	---	---
Scholar Support	150	155	171	217	228	239	239	239	---	---
Public Services	192	192	218	367	569	612	612	612	---	---
General Administration	374	396	467	511	538	563	563	563	---	---
Building Requirements	30	90	48	50	75	75	75	75	---	---
Subtotal, Salaries and expenses	1,621	1,795	1,872	2,321	2,586	2,712	2,712	2,712	---	---
Endowment challenge fund	---	---	---	---	---	---	---	3,000	+3,000	+3,000
Total, Woodrow Wilson Center	1,621	1,795	1,872	2,321	2,586	2,712	2,712	5,712	+3,000	+3,000
Memorial to Hale Boggs	---	7	---	---	---	---	---	---	---	---
NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES										
National Endowment for the Arts										
Grants and Administration										
Artists-in-Schools	5,220	5,302	4,872	4,800	5,200	4,700	5,971	6,200	+1,500	+229
Dance	7,338	8,309	7,652	8,739	8,750	7,500	9,368	8,100	+600	-1,268
Design Arts	3,594	5,147	4,595	4,200	4,500	4,000	4,735	4,200	+200	-535
Education	---	---	---	---	---	100	103	100	---	-3
Expansion Arts	7,921	8,297	7,063	8,000	7,000	5,150	7,154	6,050	+900	-1,104
Fellows	134	175	97	100	---	---	---	---	---	---
Folk Arts	2,260	3,005	2,716	2,800	3,000	2,800	3,397	3,000	+200	-397
Inter Arts	3,334	4,781	4,757	3,700	3,950	3,300	4,529	3,700	+400	-829
International	272	214	121	50	---	---	---	---	---	---
Literature	4,727	4,837	4,317	4,300	4,500	4,500	6,176	4,600	+100	-1,576
Media Arts	7,207	10,564	9,339	8,300	8,800	8,500	9,779	10,500	+2,000	+721
Museums	9,844	11,522	10,371	9,339	11,900	8,800	11,941	11,200	+2,400	-741
Music	6,572	9,125	9,404	9,439	12,600	9,950	12,920	11,550	+1,600	-1,370
Opera / Musical Theatre	2,097	2,545	2,801	2,940	4,600	3,100	4,324	3,800	+700	-524
Special Constituencies	219	176	242	50	---	---	---	---	---	---
State Programs	22,970	23,721	21,286	21,039	24,300	20,800	26,147	24,000	+3,200	-2,147
Locals Test	---	---	---	---	2,000	2,300	2,368	2,300	---	-68
Theatre	5,264	7,829	6,651	7,139	9,000	9,300	11,426	10,400	+1,100	-1,026
Visual Arts	7,143	7,262	6,561	6,000	6,400	5,700	6,691	6,000	+300	-691
Policy Planning & Research	884	1,049	485	740	1,000	875	1,029	1,000	+125	-29
Regional Representatives	---	---	---	---	700	800	721	800	---	+79
Advancement	---	---	---	---	700	500	721	800	+300	+79
Arts and Artifacts Indemnity Act	---	---	---	---	100	---	---	---	---	---
Total, Regular Program	97,000	113,860	103,330	101,675	119,000	102,675	129,500	118,300	+15,625	-11,200
Administration	12,210	12,135	11,326	12,600	13,100	13,700	14,618	13,700	---	-918
Pay supplemental	---	---	---	---	123	---	---	---	---	---
Total, Grants and Administration	109,210	125,995	114,656	114,275	132,223	116,375	144,118	132,000	+15,625	-12,118
Matching Grants										
Matching Grants	18,500	19,250	14,400	11,200	9,000	9,000	9,265	9,000	---	-265
Challenge Grants	26,900	13,450	14,400	18,400	21,000	18,500	21,617	21,000	+2,500	-617
Total, Matching Grants	45,400	32,700	28,800	29,600	30,000	27,500	30,882	30,000	+2,500	-882
Total, Arts	154,610	158,695	143,456	143,875	162,223	143,875	175,000	162,000	+18,125	-13,000
National Endowment for the Humanities										
Grants and Administration										
State Programs	22,500	23,947	20,329	20,329	21,850	16,000	22,786	18,900	+2,900	-3,886
General Programs										
General Programs	---	---	---	---	---	---	---	19,300	+19,300	+19,300
Media Grants	9,832	9,500	8,447	8,447	9,100	7,710	9,529	---	-7,710	-9,529
Museums and Historical Organizations	8,025	8,500	6,912	6,912	9,000	5,250	9,321	---	-5,250	-9,321
Public Libraries 1/	3,443	3,450	2,650	2,650	3,000	---	3,107	---	---	-3,107
Special Projects	10,025	9,700	7,953	7,103	2,200	3,740	3,133	---	-3,740	-3,133
Subtotal	31,325	31,150	25,962	25,112	23,300	16,700	25,090	19,300	+2,600	-5,790

1/ Included in Program Development in FY 1984.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	Senate Allowance compared to F.Y. 85 Est.	Senate Allowance compared to House Bill
Education Programs										
Education programs	---	---	---	---	19,000	16,085	18,928	20,500	+4,415	+1,572
Institutional Grants 2/	6,759	7,170	5,795	5,795	---	---	---	---	---	---
Higher Education / Regional and National 3/	5,225	5,100	3,802	3,802	---	---	---	---	---	---
Elementary and Secondary	4,499	4,500	4,704	4,704	---	---	---	---	---	---
Subtotal	16,483	16,770	14,301	14,301	19,000	16,085	18,928	20,500	+4,415	+1,572
Fellowships										
Fellowships and Seminars	---	---	---	---	14,500	13,965	15,017	16,000	+2,035	+983
Endowment Fellowships	6,997	7,200	6,279	6,279	---	---	---	---	---	---
Other Study Programs	7,803	8,605	7,126	7,126	---	---	---	---	---	---
National Humanities fellowships	---	---	---	---	---	---	---	---	---	---
Subtotal	14,800	15,805	13,405	13,405	14,500	13,965	15,017	16,000	+2,035	+983
Research Grants	14,717	18,000	15,705	16,555	18,400	16,500	19,161	19,000	+2,500	-161
Planning and Analysis	475	850	730	730	700	750	518	800	+50	+282
Subtotal, Program funds	100,300	106,522	90,432	90,432	97,750	80,000	101,500	94,500	+14,500	-7,000
Administration	11,400	11,277	11,328	11,887	12,750	13,475	13,464	13,475	---	+11
Pay supplemental	---	---	---	---	118	---	---	---	---	---
Total, Grants and Administration	111,700	117,799	101,760	102,319	110,618	93,475	114,964	107,975	+14,500	-6,989
Matching Grants										
Matching Grants	11,400	9,500	8,064	11,064	11,500	11,000	11,393	11,000	---	-393
Challenge Grants	27,000	24,000	20,736	16,864	18,000	21,000	18,643	21,000	---	+2,357
Total, Matching Grants	38,400	33,500	28,800	27,928	29,500	32,000	30,036	32,000	---	+1,964
Total, Humanities	150,100	151,299	130,560	130,247	140,118	125,475	145,000	139,975	+14,500	-5,025
Institute of Museum Services										
Grants to Museums:										
Operating Support Grants	9,500	11,300	10,157	10,154	15,700	10,726	21,654	13,426	+2,700	-8,228
Conservation Grants	---	---	---	---	3,000	---	4,320	---	---	-4,320
Special Project Grants	900	967	720	669	720	---	---	---	---	---
Museum Services Board	16	70	67	70	79	76	86	76	---	-10
Subtotal	10,416	12,337	10,944	10,893	19,499	10,802	26,060	13,502	+2,700	-12,558
Program Administration	440	520	576	627	651	810	940	885	+75	-55
Use of prior year deferral	---	---	---	-720	---	---	---	---	---	---
National Capital Region Arts and Cultural Affairs Program:										
Grants	---	---	---	---	---	---	---	5,000	+5,000	+5,000
Total, Institute of Museum Services	10,856	12,857	11,520	10,800	20,150	11,612	27,000	19,387	+7,775	-7,613
COMMISSION OF FINE ARTS										
Salaries and Expenses										
Base Programs	268	298	303	319	340	380	379	380	---	+1
ADVISORY COUNCIL ON HISTORIC PRESERVATION										
Salaries and Expenses										
Advisory Services	---	1,590	1,567	1,500	1,561	1,168	1,578	1,611	+443	+33
NATIONAL CAPITAL PLANNING COMMISSION										
Salaries and Expenses										
Base Program	2,150	2,400	2,267	2,279	2,475	2,765	2,725	2,735	-30	+10

1/ Now titled 'Central disciplines in undergraduate education.'

2/ Now titled 'Exemplary projects, nontraditional program and teaching materials.'

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	---- Senate Allowance -- compared to F.Y. 85 Est.	House Bill
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION										
Salaries and Expenses										
Base Program	40	30	29	---	20	21	21	21	---	---
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION										
Salaries and Expenses										
Salaries and Expenses	1,906	2,443	2,294	2,350	2,275	2,330	2,229	2,330	---	+101
Land Acquisition and Development (Borrowing Authority)										
Property Acquisition	8,470	15,000	2,400	---	---	---	---	---	---	---
Public Development										
Relocation assistance	703	800	---	---	---	---	---	---	---	---
Public Improvements	11,214	7,900	12,282	6,800	9,600	4,500	4,500	4,500	---	---
Historic Preservation	7	2,048	---	---	---	---	---	---	---	---
Program Support Costs	6,686	3,421	1,350	1,950	---	---	---	---	---	---
Total, Public Development	18,610	14,169	13,632	8,750	9,600	4,500	4,500	4,500	---	---
Total, Pennsylvania Avenue Development Corporation	28,986	31,612	18,326	11,100	11,875	6,830	6,729	6,830	---	+101
FEDERAL INSPECTOR FOR ALASKA GAS PIPELINE										
Permitting and Enforcement										
Base Program	7,900	21,483	19,425	6,125	2,963	1,430	1,430	1,430	---	---
UNITED STATES HOLOCAUST MEMORIAL COUNCIL										
Holocaust Memorial Council	---	722	785	820	1,853	2,051	1,976	2,051	---	+75
Pay Supplemental	---	---	---	---	11	---	---	---	---	---
Total, U.S. Holocaust Memorial Council	---	722	785	820	1,864	2,051	1,976	2,051	---	+75
NATIVE HAWAIIAN STUDY COMMISSION										
Salaries and expenses 1/	---	---	---	(190)	---	---	---	---	---	---
Total, Title II, Related Agencies	4,565,082	7,575,409	3,863,398	4,095,116	4,499,256	4,085,174	-1,055,308	3,811,605	-273,569	+4,866,913
TITLE III										
General Reduction	---	---	---	---	---	---	-252,991	---	---	+252,991
Grand total	8,057,865	11,542,785	7,530,720	8,522,596	8,707,426	8,074,098	3,033,865	8,141,830	+67,732	+5,107,965
TITLE I - DEPARTMENT OF THE INTERIOR										
Bureau of Land Management	491,888	545,278	556,154	562,499	593,562	538,309	546,824	592,088	+53,779	+45,264
Fish and Wildlife Service	287,056	287,880	260,856	329,642	376,522	364,237	398,724	413,380	+49,143	+14,656
National Park Service	492,221	831,982	800,781	1,077,271	910,649	823,087	963,755	918,213	+95,126	-45,542
Geological Survey	645,489	623,057	508,604	394,384	390,672	382,312	417,448	412,230	+29,918	-5,218
Minerals Management Service	---	---	---	182,127	164,625	167,381	167,207	166,992	-389	-215
Bureau of Mines	134,033	142,319	150,602	144,568	136,425	117,634	123,049	138,184	+20,550	+15,135
Office of Surface Mining Reclamation and Enforcement	179,603	172,164	173,848	273,957	341,923	367,726	382,070	372,726	+5,000	-9,344
Bureau of Indian Affairs	994,254	1,098,447	962,108	1,210,051	1,016,112	992,696	1,066,311	1,049,860	+57,164	-16,451
Territorial Affairs	205,081	172,437	191,506	181,829	196,115	149,961	195,179	174,281	+24,320	-20,898
Departmental Offices	63,158	93,812	62,863	71,152	81,565	85,581	81,597	92,271	+6,690	+10,674
Total, Title I - Department of the Interior	3,492,783	3,967,376	3,667,322	4,427,480	4,208,170	3,988,924	4,342,164	4,330,225	+341,301	-11,939

1/ Includes amounts which were funded in PL 97-276.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 84	New BA Estimates F.Y. 85	House Allowance	Senate Allowance	---- Senate Allowance -- compared to F.Y. 85 Est.	House Bill
TITLE II - RELATED AGENCIES										
Forest Service	1,324,427	1,456,069	1,521,579	1,560,744	1,388,635	1,433,624	1,340,044	1,334,514	-99,110	-5,530
Department of the Treasury	---	---	---	---	---	---	-5,000,000	---	---	+5,000,000
Department of Energy	(1,978,886)	(4,794,969)	(1,080,089)	(1,187,734)	(1,657,544)	(1,288,712)	(1,006,001)	(980,873)	(-307,839)	(-25,128)
Fossil Energy	836,449	657,917	429,780	197,378	263,162	199,881	267,558	275,633	+75,752	+8,075
Naval Petroleum and Oil Shale Reserves	109,451	215,559	213,142	222,000	256,600	166,544	159,855	164,216	-2,328	+4,361
Energy Conservation	751,048	715,157	145,400	429,290	431,131	390,077	485,494	449,844	+59,767	-35,650
Economic Regulatory Administration	150,955	165,712	21,416	38,366	32,300	27,157	31,037	23,397	-3,760	-7,640
Strategic Petroleum Reserve and Emergency Preparedness	190	2,790,507	191,432	242,118	617,960	447,190	---	6,220	-440,970	+6,220
SPR Petroleum Account	---	---	(3,684,000)	(2,074,060)	(650,000)	(1,889,550)	(2,351,400)	(2,349,550)	(+460,000)	(-1,850)
Energy Information Administration	90,773	90,417	78,919	58,582	56,391	57,863	62,057	61,563	+3,700	-494
Indian Health	663,000	691,144	671,357	770,408	825,503	741,950	914,129	839,778	+97,828	-74,351
Indian Education	75,900	81,680	77,852	67,247	68,780	68,780	68,780	68,780	---	---
Navajo and Hopi Indian Relocation Commission	985	2,737	10,062	7,665	18,805	20,736	16,986	20,736	---	+3,750
Smithsonian	143,762	141,708	142,534	159,054	159,175	196,932	198,599	187,971	-8,961	-10,628
National Gallery of Art	21,591	24,314	29,815	32,878	34,639	36,121	35,603	36,821	+700	+1,218
Woodrow Wilson International Center for Scholars	1,621	1,795	1,872	2,321	2,586	2,712	2,712	5,712	+3,000	+3,000
Memorial to Hale Boggs	---	7	---	---	---	---	---	---	---	---
National Endowment for the Arts	154,610	158,695	143,456	143,875	162,223	143,875	175,000	162,000	+18,125	-13,000
National Endowment for the Humanities	150,100	151,299	130,560	130,247	140,118	125,475	145,000	139,975	+14,500	-5,025
Institute of Museum Services	10,856	12,857	11,520	10,800	20,150	11,612	27,000	19,387	+7,775	-7,613
Commission of Fine Arts	268	298	303	319	340	380	379	380	---	+1
Advisory Council on Historic Preservation	---	1,590	1,567	1,500	1,561	1,168	1,578	1,611	+443	+33
National Capital Planning Commission	2,150	2,400	2,267	2,279	2,475	2,765	2,725	2,735	-30	+10
Franklin Delano Roosevelt Memorial Commission	40	30	29	---	20	21	21	21	---	---
Pennsylvania Avenue Development Corporation	28,986	31,612	18,326	11,100	11,875	6,830	6,729	6,830	---	+101
Federal Inspector for the Alaska Pipeline	7,900	21,483	19,425	6,125	2,963	1,430	1,430	1,430	---	---
Holocaust Memorial Council	---	722	785	820	1,864	2,051	1,976	2,051	---	+75
Native Hawaiian Study Commission	---	---	---	(190)	---	---	---	---	---	---
Total, Title II - Related Agencies	4,565,082	7,575,409	3,863,398	4,095,116	4,499,256	4,085,174	-1,055,308	3,811,605	-273,569	+4,866,913
Total, Title III - General Reduction	---	---	---	---	---	---	-252,991	---	---	+252,991
Grand total	8,057,865	11,542,785	7,530,720	8,522,596	8,707,426	8,074,098	3,033,865	8,141,830	+67,732	+5,107,965

Mr. JOHNSTON. Mr. President, I am pleased that we now have an opportunity to consider fiscal year 1985 funding for the Department of the Interior and Related Agencies. The bill, as reported by the Appropriations Committee, totals $8,141,830,000, which is $259 million below the subcommittee allocation under section 302(b) of the Budget Act.

Most notably, perhaps, this bill would return approximately $4.5 billion to the Treasury from the Synthetic Fuels Corporation funds. This rescission and the ancillary agreements have been worked out after many months of tedious negotiations with the White House. It is my understanding that the administration supports this compromise in its entirety. I think the agreement is very fair and will now permit the nomination of five new members for the Board of the Corporation and the resumption, albiet on a limited basis, of this Nation's Synthetic Fuels Development Program.

This Interior bill continues to have the same broad interest of past bills recommended by the subcommittee. There is something for just about everybody. Land acquisition for the national parks, forests, and wildlife refuges totals $165 million; and there is an additional $75 million for State assistance which is appropriated from the Land and Water Conservation Fund.

In the area of energy, the bill contains funding adequate to support a fill rate of 186,000 barrels per day for the Strategic Petroleum Reserve. This rate would accomplish a total reserve of approximately half a billion barrels by the end of 1985, roughly equivalent to 4 months of reserves at our present rate of imports. Also, the low-income energy assistance program is funded at $190 million and the schools and hospitals program at $48 million, both of which are the same as the fiscal year 1984 levels.

And, to wrap up this brief summary, Mr. President, the Senate Interior bill strikes the moratoria on off-shore leasing which was included in the House-passed bill. We have discussed these moratoria at great length in this Chamber in the past, but really it makes no sense to impose any moratoria this year when none of the areas at issue last year have prospective lease sales in fiscal year 1985.

In closing, I commend Chairman McCLURE for his thorough knowledge of the subject matter in this Interior bill, for his diligence in conducting 19 days of hearings related to this year's bill, and for the fairness which he has shown in his recommendations to the committee.

Mr. McCLURE. Mr. President, I ask unanimous consent that the committee amendments, with the exception of that striking the language on page 62, lines 14 to 22, and with the exception of section 308, be agreed to en bloc and that the bill as thus amended be regarded as original text for the purpose of further amendment.

Mr. JOHNSTON. Mr. President, I shall not be able to agree until such time as I check with a Member or two on this request. I hope we shall be able to agree shortly.

Mr. McCLURE. Mr. President, I have propounded a unanimous-consent request, and a reservation was pending as to an objection. Let me rephrase that request, because I understand that there are two other requests for exceptions to the committee amendments.

I ask unanimous consent that the committee amendments with the exception of that striking the language on page 62, lines 14 and 22, with the exception of section 308, and section

315, and on page 26, line 18, through line 5 on page 27, and the language appearing on page 29, line 4, be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text.

Mr. BYRD. Mr. President, reserving the right to object, will the distinguished manager of the bill include verbiage to the effect that no points of order are hereby waived?

Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY and Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I ask the distinguished manager of the bill if he included in the unanimous-consent request the section on page 62, lines 14 to 22.

Mr. McCLURE. That would be excepted from the unanimous-consent request.

Mr. BRADLEY. I thank the Senator.

Mr. MELCHER. Mr. President, reserving the right to object, do I correctly understand from what the chairman has said that section 318, which is a committee amendment, is exempted from this request also?

Mr. McCLURE. Section 315 is exempted from the request. I understood that to be the request of the Senator from Montana.

Mr. MELCHER. I informed the chairman that I am not in 315. Section 318, which is legislation on an appropriation bill, dealing with geothermal resources——

Mr. McCLURE. Does the Senator want that added to the exception?

Mr. MELCHER. I believe so. I should like to amend that section and to be in the position that no points of order will lie against it. By exempting it, I will be in that position.

Mr. McCLURE. The Senator will be in that situation if it is adopted as original text under the unanimous consent request. If it is exempted, he would be in a worse position, I say to the Senator.

Mr. MELCHER. I inquire of the Chair: Since section 318 is legislation on an appropriation bill, if I amend that section with further legislation on an appropriation bill, will a point of order lie against it on that basis?

The PRESIDING OFFICER. The Senator's amendment would be subject to a point of order.

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Section 318, as the Senator indicates, is legislation on an appropriation bill. An amendment to it that is no more legislation than the amendment that is already there would not then be subject to the point of order, if no point of order would lie against the original text. Is that correct?

The PRESIDING OFFICER. No, that is not correct. The unanimous-consent request is going to protect section 318 as written, but not amendments thereto.

Mr. McCLURE. If the Senator from Montana wished to amend that section of the bill, he would be in precisely the same position, regardless of whether the unanimous consent is granted or not.

The PRESIDING OFFICER. That is correct.

Mr. MELCHER. Mr. President, I just do not want section 318 as it is written to be ahead of me. For that reason, I request that section 318 be——

Mr. McCLURE. I will add section 318 to the exception, and I so modify my unanimous-consent request.

Mr. MELCHER. I thank the chairman.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments agreed to are as follows:

(The parts intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, **[**$364,444,000**]** *$399,645,000.*

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $1,228,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses.

[LAND ACQUISITION

[For expenses necessary to carry out the provisions of sections 205 and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, $4,500,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.**]**

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[**$55,147,000**]** *$55,647,000,* to remain available until expended: *Provided,* That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further,* That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

SPECIAL ACQUISITION OF LANDS AND MINERALS

For the purchase of non-Federal coal deposits and other mineral interests and rights pursuant to Public Law 97-466, $15,000,000, to remain available until expended.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to fifty per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), but not less than **[**$7,330,000**]** *$10,000,000* (43 U.S.C. 1901), and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses: *Provided further,* That the dollar equivalent of value, in excess of the grazing fee established under law and paid to the United States Government, received by any permittee or lessee as compensation for an assignment or other conveyance of a grazing permit or lease, or any grazing privileges or rights thereunder, *and in excess of the installation and maintenance cost of grazing improvements provided for in the allotment management plan or amendments or otherwise approved by the Bureau of Land Management,* shall be paid to the Bureau of Land Management and disposed of as provided for by section 401(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701): *Provided further,* That if the dollar value **[**received in excess of the grazing fee for such a conveyance**]** *prescribed above* is not paid to the Bureau of Land Management, the grazing permit or lease shall be cancelled.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of

damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended[: *Provided,* That pursuant to this Act and hereafter, and except with respect to those applications for which costs are recovered on the basis of a schedule of fees or charges fixed by regulation, the amounts collected under section 304 of the Act of October 21, 1976, and sections 101 and 203 of Public Law 93-153 and appropriated under this heading shall be sufficient to meet the reasonable costs, as defined under section 304(b) of the Act of October 21, 1976, of the application processing and other activities, including the reasonable cost of preparation of environmental impact statements, required in connection with the application for which such charges are made: *Provided further,* That pursuant to this Act and hereafter, and except with respect to those applications for which costs are recovered on the basis of a schedule of fees or charges fixed by regulation, no funds other than those appropriated under this heading, or otherwise available under the provisions of subsection 307(c), may be used to meet the costs determined by the Secretary, in his discretion, to be reasonable under section 304(b) of the Act of October 21, 1976].

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $10,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended for surveys of Federal lands of the United States and on a reimbursable basis for protection of lands for the State of Alaska: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further,* That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Bureau to protect, improve, develop, or manage the public lands; and that within appropriations herein provided, Bureau officials may authorize either direct procurement of or reimbursement for expenses incidental to the effective use of volunteers such as, but not limited to, training, transportation, lodging, subsistence, equipment, and supplies: *Provided further,* That provision for such expenses or services is in accord with volunteer or cooperative agreements made with such individuals, private organizations, educational institutions, or State or local governments*: Provided further, That no later than six months after the date of enactment of this act, and not withstanding any other provision of law, the Secretary of the Interior shall conclude a land exchange between the Oregon International Port of Coos Bay and the United States. Lands to be offered by the United States are described in Federal Register Notice, May 10, 1984. Lands to be offered by the Port are described as lots 4 through 16 inclusive, block 30, Nasburg's Addition to Marshfield, Coos County, Oregon. The Secretary is authorized to execute such instruments as may be necessary to permit the grantee to use permanently and develop for public roadway purposes, a tract of land described in Department of the Army Easement Number DACW 57-2-84-4 on Coos Bay North Jetty Road. As otherwise provided pursuant to the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, Public Law 94-579), the Secretary shall conclude the above mentioned land exchange.*

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the Fish and Wildlife Service; for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, [$305,964,000] *$305,983,000* of which $4,000,000, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and, of which $4,591,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, which will remain available until expended [and not less than $98,012,000 shall be available for operation and maintenance of national wildlife refuges none of which is for Headquarters or Regional office activities]*: Provided, That the only critical habitat hereafter to be designated under section 4(b)(2) of the Endangered Species Act of 1973 (Public Law 93-205), as amended, for the Northern Rocky Mountain Wolf in Idaho shall be coterminous with the boundaries of the Central Idaho Wilderness Areas, as established by Public Law 96-312.*

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; [$17,342,000] *$23,329,000,* to remain available until expended, of which $4,100,000 shall be available for expenses necessary to carry out the Anadromous Fish Conservation Act [(16 U.S.C. 757a-757f)] *(16 U.S.C. 757a-757g).*

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5), [$9,000,000] *$20,000,000,* to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, [$60,658,000] *$58,308,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended[: *Provided,* That $2,500,000 for the Chimon National Wildlife Refuge shall become available for obligation only upon enactment of authorizing legislation].

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $5,760,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 206 passenger motor vehicles of which 172 are for replacement only (including 64 for police-type use); purchase of 2 new aircraft for replacement only*; acceptance of one donated aircraft as an addition*; not to exceed $200,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources[: *Provided,* That no funds may be used to plan for, conduct, or supervise hunting on the Bosque del Apache National Wildlife Refuge when whooping cranes are on the refuge].

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $418,000 for the Roosevelt Campobello International Park Commission, $500,000 for the Volunteers-in-the-Park program, [and $350,000 for the Arena Stage as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e)), $629,344,000] *$620,998,000* without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451): *Provided,* That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further,* That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: *Provided further, That $85,000 shall be available to assist the town of Harpers Ferry, West Virginia, for police force use.*

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, [$11,690,000] *$10,276,000.*

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), [$27,000,000] *$26,000,000* to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1986.

VISITOR FACILITIES FUND

For grants to the National Park Foundation for reconstruction, rehabilitation, replacement, improvement, relocation, or removal of visitor facilities within the National Park System, and related expenses, as authorized by Public Law 97-433, [$6,400,000] *$6,000,000* to remain available for obligation until September 30, 1989, to be derived from the National Park System Visitor Facilities Fund.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), [$109,375,000] *$98,908,000,* to remain available until expended, [including $1,500,000 to carry out the provisions of sections 303 and 304 of Public Law 95-290 and $38,000 for a grant to the French Camp Academy,] *of which not to exceed $8,500,000 shall be available until expended for engineering and construction of the Boulder-Bullfrog Scenic Road in and adjacent to the Capitol Reef National Park and the Glen Canyon National Recreation Area, such funds to be transferred to the State of Utah for accomplishment of these activities in accordance with provisions of a cooperative agreement between the National Park Service and the State of Utah: Provided, That appropriations for maintenance and improvement of roads within Capitol Reef National Park and the Glen Canyon National Recreation Area shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: Provided further, That for payment of obligations incurred for engineering services, road and bridge access, and twin main tunnel bore work for the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, $28,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended.*

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [$175,000,000] *$151,410,000, including $40,000,000 for land acquisition in Channel Islands National Park, without regard to the land acquisition priorities established in Public Law 96-199,* to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $75,000,000 is for the State Assistance program including $1,681,000 to administer the program: *Provided,* That State administrative expenses associated with the State grant portion of the State Assistance program shall not exceed 15 percent: *Provided further,* That none of the State Assistance funds may be used as a contingency fund: *Provided further,* That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, $318,000 shall be available in 1985 for administrative expenses of the State grant program.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $4,621,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 1 aircraft for replacement only, [207] *202* passenger motor vehicles of which 163 shall be for replacement only, including not to exceed [111] *106* for police-type use and 4 buses; and to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided,* That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further,* That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further, That notwithstanding the requirements of section 6(e)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(e)), the properties which were the subject of grant assistance from the Land and Water Conservation Fund and transferred by the City of Boise, Idaho, to the Bureau of Land Management for subsequent transfer to the Peregrine Fund shall be replaced, at no cost, with land administered by the Bureau of Land Management: Provided further, That such replacement land shall be provided in accordance with the existing statewide comprehensive outdoor recreation plan, be of at least equal fair market value and of reasonably equivalent usefulness and location.*

[ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

[For the establishment and operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.]

[JEFFERSON NATIONAL EXPANSION MEMORIAL COMMISSION

[For the establishment and operation of the Jefferson National Expansion Memorial Commission, $75,000.]

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; [$417,448,000] *$412,230,000: Provided,* That $52,066,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further,* That the Geological Survey is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 12 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the United States National Committee on Geology; and

payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed 8 passenger motor vehicles for replacement only; [$167,207,000] *$166,992,000* of which not less than $39,890,000 shall be available for royalty management activities including general administration[: *Provided*, That notwithstanding any other provisions of law, the amount expended in the collection of Federal onshore mineral leasing receipts shall be deducted prior to the division and distribution of such receipts between the States and the Treasury, and shall be credited to miscellaneous receipts of the Treasury].

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, [$123,049,000] *$138,184,000*, of which [$75,151,000] *$79,436,000* shall remain available until expended, together with $1,667,000 to be derived from the amount appropriated in Public Law 97-257 to carry out the purposes of section 2(b) of Public Law 96-543.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, [$75,039,000] *$76,025,000*, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed $400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, to remain available until expended, [$307,031,000] *$296,701,000* to be derived from receipts of the Abandoned Mine Reclamation Fund: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 percent: *Provided further*, That none of these funds shall be used to increase over the fiscal year 1984 level a reclamation grant to any State which has no active program to review regulatory permits for those individuals who have outstanding fines or penalties related to past coal mining violations.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment [(in advance or from date of admission)] of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order [and payment of rewards for information or evidence concerning violations of law on Indian reservation lands or treaty fishing rights tribal use areas;] management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, [$895,687,000] *$875,117,000*, of which not to exceed [$55,693,000] *$55,719,000* for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1986, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1986: *Provided*, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs [; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640(d)-18(a)), $3,830,000, to remain available until expended]: *Provided further*, That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B) (iii)): *Provided further, That hereafter, funds appropriated under this or any other act for the Bureau of Indian Affairs may be used for the payment in advance or from date or admission of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; and the payment of rewards for information or evidence concerning violations of law on Indian reservation lands or treaty fishing rights use areas: Provided further*, That [in addition,] *hereafter* moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into [this] *the appropriation* account *available for the operation of Bureau schools during the period covered by the grant* and *shall* remain available as otherwise provided by law: *Provided further*, That *hereafter* any cost of providing lunches to nonboarding students in public schools from funds appropriated [herein] *under this or any other act for the Bureau of Indian Affairs* shall be paid from the amount of such funds otherwise allocated for the schools involved without regard to the cost of providing lunches for such students: [*Provided further*, That for fiscal year 1985, no more than $20,000,000 in total may be obligated or expended for any activities related to automatic data processing operations: *Provided further*, That no part of any appropriations to the Bureau of Indian Affairs shall be available to provide general assistance payments for Alaska Natives in the State of Alaska unless and until otherwise specifically provided for by Congress:] *Provided further, That after September 30, 1984, no part of any appropriation (except trust funds) to the Bureau of Indian Affairs may be used directly or by contract for general or other welfare assistance (except child welfare assistance) payments (1) for other than essential needs (specifically identified in regulations of the Secretary or in regulations of the State public welfare agency pursuant to the Social Security Act adopted by reference in the Secretary's regulations) which could not be reasonably expected to be met from income or resources (including funds held in trust) available to the recipient individual which are not exempted under law from consideration in determining eligibility for or the amount of Federal financial assistance or (2) for individuals who are eligible for comparable assistance available from a State or political subdivision thereof except to the extent the Secretary of the Interior determines that such payments are required under sections 6(b)(2), 6(i), and 9(b) of the Maine Indian Claims Settlement Act of 1980 (94 Stat. 1793, 1794, 1796; 25 U.S.C. 1725(b)(2), 1725(i), 1728(b)):*

Provided further, That the act making Supplemental Appropriations for fiscal year 1983 (Public Law 98-63: 97 Stat. at 326 and 327) is amended under the heading "Bureau of Indian Affairs" and the subheading "Operation of Indian Programs" as follows:

(1) delete the words "no more than 15.25 acres, excluding roads" and insert in lieu thereof: "30 acres, excluding roads as described in the Memorandum of Understanding dated June, 1984 between the Alaska Area Native Health Service and the Department of Education of the State of Alaska. Such description shall be published in the Federal Register by the Secretary of the Interior".

(2) delete the first sentence in the second undesignated paragraph and insert in lieu thereof:

"No final conveyance of any title, interest, or right shall be made unless the State of Alaska has executed an agreement by October 1, 1984 to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985, and does in fact open such a facility for school operations by September 30, 1985. To assist the State of Alaska in opening such a facility, and notwithstanding the provisions of title 31 U.S.C. 6308, the $22,000,000 appropriated under this heading for use by the State of Alaska in renovating the Mount Edgecumbe school shall be made immediately available, in full, to the State of Alaska upon the execution of the aforementioned agreement, but such funds shall only be expended for facilities to be located within the lands conveyed by this statute. A failure on the part of the State of Alaska to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985 shall cause the interim conveyance made under this heading to terminate.".

(3) insert before the period at the end of the third sentence of the third undesignated paragraph the following: "if the State of Alaska opens a Mount Edgecumbe boarding school facility for school operations by September 30, 1985; if the State of Alaska does not open such a facility for school operations by September 30, 1985, then the interim conveyance terminates as of October 1, 1985, and all interest in the lands covered by the interim conveyance, together with all improvements thereon, revert to the United States".

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; and construction, repair, and improvement of Indian housing, **[**$103,124,000,**]** to remain available until expended: *Provided,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation.

ROAD CONSTRUCTION

For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), and the Act of May 26, 1928 (45 Stat. 750; 25 U.S.C. 318a), **[**$1,000,000**]** *$5,000,000,* to remain available until expended: *Provided,* That not to exceed five percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover roads program management costs and construction supervision costs of the Bureau of Indian Affairs.

UTAH PAIUTE TRUST FUND

For deposit into the Economic Development and Tribal Government Fund established pursuant to Public Law 98-219, to be held in trust for the benefit of the Utah Paiute Tribe pursuant to that law, $2,500,000.

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed $4,000,000 from tribal funds not otherwise available for expenditure *and in addition hereafter tribal funds may be advanced to Indian tribes during each fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary including: expenditures* for the benefit of Indians and Indian tribes,**[** including pay and travel expenses of employees;**]** care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, **[**and**]** committees, *and employees* thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; *and* relief of Indians, including cash grants **[**: *Provided,* That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary**]**.

REVOLVING FUND FOR LOANS

During fiscal year 1985, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed $16,100,000.

INDIAN LOAN GUARANTY AND INSURANCE FUND

During fiscal year 1985, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits; purchase of not to exceed 275 passenger carrying motor vehicles of which 225 shall be for replacement only, **[**which**]** *and hereafter such appropriations under this or any other act shall be available for: the expenses of exhibits; advance payments for services (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), the Act of August 3, 1956 (70 Stat. 896), as amended (25 U.S.C. 309 et seq.), and legislation terminating Federal supervision over certain tribes; and expenses required by continuing or permanent treaty provision: Provided, That hereafter passenger carrying motor vehicles of the Bureau may be used for the transportation of Indians* **[**advance payments for services (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), the Act of August 3, 1956 (70 Stat. 896), as amended (25 U.S.C. 309 et seq.), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions**]**: *Provided,* That *hereafter* no part of any appropriations to the Bureau of Indian Affairs *under this or any other act* shall be available to continue academic and residential programs of the Chilocco, Seneca, Concho, and Fort Sill boarding schools, Oklahoma; Mount Edgecumbe boarding school, Alaska; Intermountain boarding school, Utah; and Stewart boarding school, Nevada: *Provided further,* That *hereafter* no part of any appropriation to the Bureau of Indian Affairs *under this or any other act* shall be used to subject the transportation of school children to any limitation on travel or transportation expenditures for Federal employees: **[***Provided further,* That the Bureau of Indian Affairs budget request for fiscal year 1986 shall include funds for the education programs for fiscal years 1986 and 1987:**]** *Provided further, That hereafter, no funds appropriated under this or any other Act may be used to pay the salary of an employee of other than the Bureau of Indian Affairs or the Office of the Assistant Secretary for Indian Affairs who is not eligible for an employment preference under an Indian preference law (as defined in section 2(2) of the Act of December 5, 1979, 93 Stat. 1057; 25 U.S.C. 472a(f)(2)), if the employee (1) is assigned after June 14, 1984 to a position (including a senior executive service position) in that Bureau or Office unless there is no qualified Indian available for the position; or (2) is acting in or detailed or temporarily assigned to a permanent position (including a senior executive service position) in that Bureau or Office if the employee has so acted in or been so detailed or assigned to such a position or positions for an aggregate of over six months: Provided further, That notwithstanding Title 5 of the United States Code or any other provision of law, after September 30, 1984 rents and charges collected by payroll deduction or otherwise for the use or occupancy of quarters of the Bureau of Indian Affairs shall be placed in a special fund from which appropriations are authorized to be made for use by the Secretary of the Interior for the maintenance and operation of the Bureau quarters only: Provided further, That for the fiscal year ending September 30, 1985 the Secretary may expend from such fund such amounts as may be collected.*

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories under the jurisdiction of the Department of the Interior, **[**$76,954,000**]** *$76,670,000,* of which (1) not to exceed **[**$74,326,000**]** *$73,842,000* shall be available until expended for technical assistance; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; grants to the Government of the Virgin Islands as authorized by law (Public Law 98-213); construction grants to Guam of **[**$7,725,000**]** *$5,725,000*; direct grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241, 90 Stat. 272, and Public Law 96-205, 94 Stat. 86); and (2) not to exceed **[**$2,628,000**]** *$2,828,000* for fiscal year 1985 salaries and expenses of the Office of Territorial and International Affairs: *Provided,* That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further,* That all financial transactions of the Territorial and local governments herein provided for, including such transactions of all agencies or

instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further, That moneys heretofore appropriated by Public Law 97-394 and Public Law 98-146, or hereinafter appropriated for a direct grant or grants to the Northern Mariana Islands for the purpose of building health care facilities, as authorized by section 202 of Public Law 96-205, were and shall be transferred directly to the Northern Mariana Islands without regard to, limitation of, or restriction under laws, regulations, OMB circulars, or policy directives, except in the discretion of the Secretary of the Interior.*

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), grants for the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; [$118,225,000] *$97,611,000*, of which [$79,575,000] *$80,831,000* is for operations, and [$38,650,000] *$16,780,000* is for construction, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration.

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of the Interior, [$44,131,000] *$46,910,000* [of which $1,468,000 is for the "Secretary's immediate office" including], *of which not less than $400,000 is for reimbursement to the United States Park Police and* not to exceed $10,000 for official reception and representation expenses: *Provided, That an additional $450,000 is appropriated to the Secretary of the Interior (in addition to other sums under 16 U.S.C. 1535(c)) for participation in a working group with the Governors, or their designees, of the states of the Upper Colorado River Basin; Colorado, Utah, and Wyoming: Provided further, That such funds shall be available for carrying out the following provisions:*

(a) The Secretary, through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation, shall participate in such working groups which shall—

(1) cooperate in discussions seeking ways to prevent jeopardy to, and provide for the conservation of, endangered and threatened species in such river basins, while fully maintaining the beneficial uses of water pursuant to state water rights systems, and the use of water apportioned to each state pursuant to interstate compacts or equitable apportionment decrees of the Supreme Court; and

(2) attempt to draft a plan which satisfies the goals of subparagraph (1) and is consistent with the Endangered Species Act.

(b) If such a plan is unanimously developed by a working group, the Secretary shall implement it if it is consistent with the requirements of Federal law, meets the goals of paragraph (a)(1) of this section, and does not abrogate or supplant the requirements of the Endangered Species Act, State water rights, interstate compacts and equitable apportionment decrees of the Supreme Court.

(c) Working group discussions and plan development shall not be construed to delay or alter in any way consultations or Federal actions or approvals in such river basins.

(d) The provisions of the Federal Advisory Committee Act shall not apply to the working group: Provided, That all meetings of the group shall be open to members of the public, that reasonable notice of the meetings shall be published in papers of general circulation, that the general public shall be given the opportunity to participate at such meetings through oral or written comment in the development of the study and plan, and that minutes of each meeting shall be prepared, including public comments.

(e) The Secretary shall report to Congress on the progress of working groups on or before September 30, 1985, with an interim report no later than June 1, 1985.

(f) The development of a plan, if any, by a working group and reports to Congress required under paragraph (d) of this section shall not be considered major Federal actions within the meaning of section 102 of the National Environmental Policy Act (42 U.S.C. 4332) [, $207,000 is for the "Executive Secretariat", $1,000,000 is for "Congressional and Legislative affairs", $1,443,000 is for the "Equal Opportunity" office, $700,000 is for the "Public Affairs" office, $440,000 is for the "Small and Disadvantaged Business Utilization" office, $309,000 is for the "Historically Black College and University programs" office, $725,000 is for the office of "the Assistant Secretary for Water and Science", $665,000 is for the office of "the Assistant Secretary for Lands and Minerals Management", $795,000 is for the office of "the Assistant Secretary for Fish and Wildlife and Parks", $760,000 is for the office of "the Assistant Secretary for Indian Affairs", $445,000 is for the office of "the Assistant Secretary for Territorial and International Affairs", $810,000 is for the office of "the Assistant Secretary for Policy, Budget, and Administration", $17,127,000 is for "Administration", $5,995,000 is for the "Office of Hearings and Appeals", $2,022,000 is for the "Office of Aircraft Services", and $9,220,000 is for "Central Services"].

OFFICE OF THE SOLICITOR

For necessary expenses of the Office of the Solicitor, [$19,463,000] *$21,242,000* [: *Provided*, That all staff, funds, equipment, and documents pertaining to the Office of the Associate Solicitor for Indian Affairs, including those in field offices, are hereby transferred to the Bureau of Indian Affairs to constitute the Office of the General Counsel of the Bureau of Indian Affairs and staff of the General Counsel of the Bureau of Indian Affairs].

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $17,253,000.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, [$750,000] *$916,000*.

OFFICE OF THE SECRETARY

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payment in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Office of the Secretary as authorized by law, $5,500,000, to remain available until expended: Provided, That this appropriation shall be available, in addition to other appropriations, to such office for payments in the foregoing currencies (7 U.S.C. 1704).

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 10 additional aircraft, 4 of which [may be from surplus] *shall be for replacement only* [: *Provided*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund].

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 102. [The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes or volcanoes; for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, [That funds transferred pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.] *The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the*

suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior and for the emergency rehabilitation of burned-over lands under its jurisdiction and for emergency actions related to potential or actual earthquakes or volcanoes, and for emergency reclamation projects under section 410 of Public Law 95-87, and shall transfer, from any no year funds available, to the Office of Surface Mining such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act, such funds to be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members[: *Provided,* That no funds available to the Department of the Interior are available for any expenses of the Great Hall of Commerce].

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

[SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the procurement, leasing, bidding, exploration, or development of lands within the Department of the Interior Central and Northern California Planning Area which lie north of the line between the row of blocks numbered N816 and the row of blocks numbered N817 of the Universal Transverse Mercator Grid System.]

[SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands within:

[(a) An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the line which passes between blocks 598 and 642 on Outer Continental Shelf protraction diagram NK 19-10; then along that line in an easterly direction to its intersection with the line between blocks 600 and 601 of protraction diagram NK 19-11; then in a northerly direction along that line to the intersection with the 60 meter isobath between blocks 204 and 205 of protraction diagram NK 19-11; then along the 60 meter isobath, starting in a roughly southeasterly direction; then turning roughly northeast, north, and west until such isobath intersects with the northern boundary of block 974 of protraction diagram NK 19-6; then along the line that lies between blocks 930 and 974 of protraction diagram NK 19-6 in a westerly direction to the first point of intersection with the seaward limit of the Commonwealth of Massachusetts territorial sea; then southwesterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degrees west longitude line.

[(b) The following blocks are excluded from the described area: In protraction diagram NK 19-10, blocks numbered 474 through 478, 516 through 524, 560 through 568, and 604 through 612; in protraction diagram NK 19-6, blocks numbered 969 through 971; in protraction diagram NK 19-5, blocks numbered 1005 through 1008; and in protraction diagram NK 19-8, blocks numbered 37 through 40, 80 through 84, 124 through 127, and 168 through 169.

[(c) The following blocks are included in the described area: In protraction diagram NK 19-11, blocks numbered 633 through 644, 677 through 686, 721 through 724, 765 through 767, 809 through 810, and 853; in protraction diagram NK 19-9, blocks numbered 106, 150, 194, 238, 239, and 283; and in protraction diagram NK 19-6, blocks numbered 854, 899, 929, 943, 944, and 987.

[(d) Blocks in and at the head of submarine canyons: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (45 U.S.C. 1331(a)), located in the Atlantic Ocean off the coastline of the Commonwealth of Massachusetts, lying at the head of, or within the submarine canyons known as Atlantis Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Alvin Canyon, Powell Canyon, Munson Canyon, and Corsair Canyon, and consisting of the following blocks, respectively:

[(1) On Outer Continental Shelf protraction diagram NJ 19-1; blocks 36, 37, 38, 42-44, 80-82, 86-88, 124, 125, 130-132, 168, 169, 174-176, 212, 213.

[(2) On Outer Continental Shelf protraction diagram NJ 19-2; blocks 8, 9, 17-19, 51-52, 53, 54, 61-63, 95-98, 139, 140.

[(3) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 960, 961, 965, 966, 1003-1005, 1009-1011.

[(4) On Outer Continental Shelf protraction diagram NK 19-11; blocks 521, 522, 565, 566, 609, 610, 653-655, 697-700, 734, 735, 741-744, 769, 778-781, 785-788, 813, 814, 822-826, 829-831, 857, 858, 866-869, 873-875, 901, 902, 910-913, 917, 945-947, 955, 956, 979, 980, 989-991, 999.

[(5) On Outer Continental Shelf protraction diagram NK 19-12; blocks 155, 156, 198, 199, 280-282, 324-326, 369-371, 401, 413-416, 442-446, 450, 451, 489-490, 494, 495, 530, 531, 533-540, 574, 575, 577-583, 618, 619, 621-623, 626, 627, 662, 663, 665-667, 671, 672, 706, 707, 710, 711, 750, 751, 754, 755, 794, 795, 798, 799.

[(6) On Outer Continental Shelf protraction diagram NK 19-9; blocks 559-561, 603-607, 647-651, 693-695, 737-739.

[(7) On Outer Continental Shelf protraction diagram NK 20-7; blocks 706, 750, 662, 618, 574.

[(e) Nothing in this section shall prohibit the lease of that portion of any blocks described in subsection (d) above which lies outside the geographical boundaries of the submarine canyons and submarine canyon heads described in subsection (d) above: *Provided,* That for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanographic and Atmospheric Administration, Department of Commerce on the date of enactment of this Act.

[(f) Nothing in this section shall prohibit the Secretary of the Interior from granting contracts for scientific study, the results of which could be used in making future leasing decisions in the planning area and in preparing environmental impact statements as required by the National Environmental Policy Act.

[(g) References made to blocks, protraction diagrams, and isobaths are to such blocks, protraction diagrams, and isobaths as they appear on the map entitled Outer Continental Shelf of the North Atlantic from 39° to 45° North Latitude, (Map No. MMS-10), prepared by the United States Department of the Interior, Minerals Management Service, Atlantic OCS Region.

[SEC. 109. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.]

SEC. [110] *107.* Notwithstanding any other provision of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

[SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the lease sale of tracts in Lease Sale numbered 80 within the following areas:

[(1) an area of the Department of the Interior Southern California Planning Area bounded by the following line on the California (Lambert) Plane Coordinate System: From the point of intersection of the international boundary line between the United States and Mexico and the seaward boundary of the California State Tidelands west along said international boundary line to the point of intersection with the line between the row of blocks numbered 28 west and the row of blocks numbered 27 west; thence north to the northeast corner of

block 20 north, 28 west; thence northwest to the southwest corner of block 29 north, 35 west; thence north along the line between the row of blocks numbered 36 west and the row of blocks numbered 35 west to its intersection with the seaward boundary of the California State Tidelands; thence easterly along the seaward boundary of the California State Tidelands to the point of beginning;

[(2) a portion of the Department of the Interior Southern California Planning Area which lies both: (a) east of the line between the row of blocks numbered 53 west and the row of blocks numbered 52 west, and (b) north of the line between the row of blocks numbered 34 north and the row of blocks numbered 35 north, on the California (Lambert) Plane Coordinate System;

[(3) the boundaries of the Channel Island National Marine Sanctuary, as defined by title 15, part 935.3 of the Code of Federal Regulations; and

[(4) the boundaries of the Santa Barbara Channel Ecological Preserve and Buffer Zone, as defined by the Department of the Interior, Bureau of Land Management Public Land Order numbered 4587 (vol. 34, page 5655 Federal Register March 26, 1969).

This section shall not affect the authority of the Secretary of the Interior to approve any plan, or to grant any license or permit, which is restricted to scientific exploration or other scientific activities, or other preleasing activities necessary up to the point of sale.]

[SEC. 112. None of the funds provided in this Act shall be obligated or expended for any land exchanges or other actions which lead to the alteration, deletion or diminution of land, resources thereon, or rights and interests therein, within any conservation system unit, National Recreation Area or National Conservation Area as defined or designated by the Alaska National Interest Lands Conservation Act (Public Law 96-487): *Provided,* That funds provided by this Act may be spent for the preparation of environmental assessment or environmental impact statements, pursuant to the National Environmental Policy Act (Public Law 91-190 as amended), regarding lands being considered for such exchanges or other actions: *Provided further,* That nothing herein shall be construed to prohibit or impair the ability of the State of Alaska or any Native Corporation to make land selections or receive land conveyances pursuant to the Alaska Statehood Act (Public Law 85-508) or the Alaska Native Claims Settlement Act (Public Law 92-203 as amended): *Provided further,* That funds provided by this Act may be spent for land exchanges or conveyances specifically mandated by the Alaska National Interest Lands Conservation Act.

[SEC. 113. No funds provided in this title may be used to sell or exchange, or to propose to sell or exchange, lands owned by the United States within a unit of the United States National Wildlife Refuge System or the National Park System.

[SEC. 114. No funds provided in this title may be used to detail any employee to an organization for longer than two weeks except on a reimbursable basis unless in connection with an Office of Personnel Management approved training program.]

SEC. 108. Notwithstanding the provisions of Public Law 98-8, the deadline for outlaying Federal funds provided in that Act under the headings "Repairing and Restoring Parks and Recreational Facilities," "Historic Preservation Fund," and "Land and Water Conservation Fund" is extended to March 1, 1985.

SEC. 109. Effective one year after date of enactment of this Act, an electric service contract shall be substituted for the Guam Power Authority—United States Navy Public Works Center Pool Agreement, which contract shall be negotiated by the Guam Power Authority and the United States Navy for supplying electric service needs of United States military agencies located on Guam: Provided, That such agreement shall (1) provide for reliable electric service for both the military and civilian communities on Guam, (2) transfer to the Guam Power Authority United States Navy owned transmission lines, distribution lines, substations, and easements in those areas where that is a preponderance of civilian electric load, and (3) transfer ownership of the Tanguisson power generation facility: Provided further, That the Secretary of the Interior shall take such action as is necessary to implement the requirements of this section if the Guam power Authority and United States Navy cannot reach agreement, or if the Government of Guam interferes with the negotiations or the authority of the Guam Power Authority to conduct such negotiations.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [$123,710,000] *$124,395,000, of which $10,000,000 shall remain available until expended for competitive research grants, as authorized by section 5 of Public Law 95-307.*

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, [$61,810,000] *$56,835,000,* to remain available for obligation until expended, to carry out activities authorized in Public Law 95-313: *Provided,* That a grant of $3,000,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495: [*Provided further,* That not less than $35,000 in pest suppression funds shall be provided for suppression of oak wilt in the State of Texas: *Provided further,* That $325,000 shall be made available to the Disabled Veterans Recreation, Inc. for construction of and other improvements to the Disabled Veterans Wilderness Retreat in Ely, Minnesota, for purposes authorized by section 18(d) of Public Law 95-495.]

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for liquidation of obligations incurred in the preceding fiscal year for forest fire protection and emergency rehabilitation, including administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", [$1,041,459,000] *$1,062,210,000* of which [$134,095,000] *$149,795,000,* for reforestation and timber stand improvement, cooperative law enforcement, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1986*: Provided, That $900,000 shall be available for the specific purpose of removing slash and cull logs from the Bull Run, Oregon, watershed, to preserve water quality and reduce fire hazards: Provided further, That the Forest Service shall complete the development of water quality standards for the Bull Run, Oregon, watershed by October 1, 1984.*

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for construction, [$260,798,000] *$281,235,000,* to remain available until expended, of which [$26,750,000] *$27,187,000* is for construction and acquisition of buildings and other facilities; and [$231,048,000] *$254,048,000* is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided,* That funds becoming available in fiscal year 1985 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further,* That no more than [$196,226,000] *$298,800,000* to remain available without fiscal year limitation, shall be obligated for the construction of forest roads by timber purchasers: *Provided further,* That of the unused funds for timber purchaser road credits previously appropriated under the heading "Forest Roads" in Public Law 94-373, Public Law 95-74, and Public Law 95-465 and under the heading "Construction and Land Acquisition" in Public Law 96-196 and Public Law 96-514, [$226,290,000] *$226,348,000* is hereby rescinded.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [$62,000,000] *$30,295,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended[: *Provided,* That in addition, $2,000,000 is appropriated for acquisition of land and interests therein, required for management, protection, utilization, and research for the National Forest System, and other Forest Service resources].

[YOUTH CONSERVATION CORPS

[There is appropriated $10,000,000, of which $3,300,000 is hereby transferred to "National Forest System", $3,400,000 is hereby transferred to "Operation of the National Park System", National Park Service, and $3,300,000 is hereby transferred to "Resource Management", United States Fish and Wildlife Service, for high priority projects which shall be carried out as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.]

ACQUISITION OF LANDS FOR NATIONAL FORESTS, SPECIAL ACTS

For acquisition of land within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, and Cleveland National Forests, California, as authorized by law, $782,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 4, 1967 (16 U.S.C. 484a), all funds deposited by public school

authorities pursuant to that Act, to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement in accordance with section 401(b)(1), of the Act of October 21, 1976, Public Law 94-579, as amended, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, *but not less than $5,000,000,* to remain available until expended.

MISCELLANEOUS TRUST FUNDS

For expenses authorized by 16 U.S.C. 1643(b), $90,000, to remain available until expended, to be derived from the fund established pursuant to 16 U.S.C. 1643(b).

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 179 passenger motor vehicles of which 8 will be used primarily for law enforcement purposes and of which 163 shall be for replacement only, acquisition of 184 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 4 for replacement only, and acquisition of 45 aircraft from excess sources; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the United States Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); and (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note).

None of the funds made available under this Act shall be obligated or expended to adjust annual recreational residence fees to an amount greater than that annual fee in effect at the time of the next to last fee adjustment. In those cases where the currently applicable annual recreational residence fee exceeds that adjusted amount, the Forest Service shall credit to the permittee that excess amount, times the number of years that that fee has been in effect, to offset future fees owed to the Forest Service.

Current permit holders who acquired their recreational residence permit after the next to last fee adjustment shall have their annual permit fee computed as if they had their permit prior to the next to last fee adjustment, except that no permittee shall receive an unearned credit.

[None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.]

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

The appropriation structure for the Forest Service may not be altered [except as provided in Appropriation Acts] *without advance approval of the House and Senate Committees on Appropriations.*

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research and technical information and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest.

Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with the reprograming procedures contained in House Report 97-942.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any delegations of authority provided for in the Forest Service manual, the Chief of the Forest Service shall personally, not aided by mechanical devices, or persons acting on his behalf, approve any and all land use or land classification adjustment instruments. Included among the instruments to be personally accounted for by the Chief of the Forest Service shall be any relating to deed transfers, restrictions, or changes; permits of any type relating to use or occupancy of lands; rights-of-ways, easements, withdrawals, exchanges, purchases, donations, partial interest or fee simple actions, condemnations, reservations, and encroachments. Among the types of lands subject to this provision are: national forest system land; recreation composites; wilderness areas; any other congressionally designated or classified areas; national grasslands; administratively classified lands; and any other lands owned in fee or part by the United States for which appropriated funds are expended. Any type of instrument used to authorize or regulate ownership, occupancy or use of land under jurisdiction of the Forest Service shall be subject to this provision. This requirement is to be in addition to other statutory requirements affecting approval authorities retained by the Secretary of Agriculture.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, [$267,558,000] *$275,633,000,* to remain available until expended, and $39,196,000 to be derived by transfer from unobligated balances in the "fossil energy construction" account, $5,800,000 to be derived by transfer from the account in Public Law 96-126 (93 Stat. 970 (1979)) entitled "Alternative Fuels Production", $2,500,000 to be derived by transfer from unobligated prior year balances in the energy production, demonstration, and distribution account, and $3,000,000 is to be derived by transfer from amounts derived from fees for guarantees of obligations collected pursuant to section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5919), and deposited in the Energy Security Reserve established by Public Law 96-126: *Provided,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further, That $7,500,000 of the sum provided under this heading shall be available for demonstration of the Kilngas coal gasification process, with the provision that the United States Treasury shall be repaid up to double the total Federal expenditure for such process from proceeds to the participants from the commercial sale, lease, manufacture, or use of such process.*

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserves activities, including the purchase of not to exceed 2 passenger motor vehicles, [$159,855,000] *$164,216,000* to remain available until expended.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [$485,494,000] *$449,844,000* to remain available until expended: *Provided,* That for the base State Energy Conservation Program (part D of the Energy Policy and Conservation Act, sections 361 through 366), each State will match in cash or in kind not less than 20 percent of the Federal contribution: *Provided further, That these funds may be used for grants to the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau under part D of title II of the Energy Policy and Conservation Act (relating to primary and supplemental State energy conservation programs, 42 U.S.C. 6321-6327) and under the National Energy Extension Service Act (42 U.S.C. 7001-7011)* [: *Provided further,* That pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended 42 U.S.C. 5821(b)(1)(B), of the amount appropriated under this head, $26,000,000 shall be available for a grant for basic industry research facilities located at Northwestern University without section 111(b)(2) of such Act being applicable].

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory [Administration,] *Administration and* the Office of Hearings and Appeals [and emergency preparedness activities, $31,037,000] *$23,397,000.*

STRATEGIC PETROLEUM RESERVE AND EMERGENCY PREPAREDNESS

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), and for necessary expenses in carrying out emergency preparedness activities, $6,220,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

The aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), for the acquisition and transportation of petroleum, and for other necessary expenses, is [$2,351,400,000] *$2,349,550,000*, in addition to authority provided in fiscal years 1982, 1983, and 1984, to remain available until expended: *Provided*, That the minimum required fill rate during fiscal year 1985 shall be not less than 186,000 barrels per day.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, [$62,057,000] *$61,563,000*.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From this appropriation, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That (1) revenues received from the sale of any products produced in facilities other than demonstration plants operated as part of Department of Energy programs appropriated under this Act shall be covered into the Treasury as miscellaneous receipts; and (2) revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with demonstration plant projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement or provision thereof entered into by the Secretary pursuant to this authority shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period.

Where the Secretary has the legal authority under other provisions of law, including other provisions of this Act, to undertake projects for the design, construction, or operation of Government-owned facilities for developing or demonstrating the conversion of coal into gaseous, liquid, or solid hydrocarbon products, the Secretary may use the authority contained in Public Law 85-804 (50 U.S.C. 1431-1435), with respect to such contracts or agreements for or related to such projects: *Provided*, That any contract, agreement, or provision thereof entered into by the Secretary using the authority of Public Law 85-804 shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period. The notification required herein shall be in lieu of the notification requirements of Public Law 85-804.

None of the funds made available by this or any other Act may be used to implement section 303 of the Supplemental Appropriations Act, 1982 (Public Law 97-257) as it relates to the Economic Regulatory Administration and the Energy Information Administration.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and V and section 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, [$817,992,000] *$796,243,000*: *Provided*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1986. Funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1986, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Act, for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 757 of the Public Health Service Act shall remain available for expenditure until September 30, 1986.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, purchases of trailers and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, [$96,137,000] *$43,535,000*, to remain available until expended.

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES ADMINISTRATION

Appropriations in this Act to the Health Services Administration, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further*, That non-Indian patients may be extended health care at all Indian Health Service facilities, if such care can be extended without impairing the ability of the Indian Health Service to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the IHS to implement such a policy[: *Provided further*, That for fiscal year 1985 full-time equivalent staff years for the Indian Health Service shall be not less than 10,426 for full-time permanent and 11,381 in total, and no agency allocation should be reduced as a result of this provision]*: Provided further, That hereafter with the exception of services for which payment may not be made under title XVIII of the Social Security Act, the Secretary of Health and Human Services, under any contract entered into after June 30, 1985, for health services to be furnished to beneficiaries of the Indian Health Service by any hospital, may agree to pay only at or below the rates at which payment would be made under title XVIII of the Social Securi-*

ty Act for those services for individuals entitled to benefits under that title (but may include any deductibles or coinsurance under that title and payment for hospital days beyond those covered under that title): Provided further, That hereafter the Indian Health Service may seek subrogation of claims including but not limited to auto accident claims, including no-fault claims, personal injury, disease, or disability claims, and workman's compensation claims: Provided further, That hereafter notwithstanding any other law, an Indian tribe may acquire and expend funds, other than funds appropriated to the Service, for major renovation and modernization, including planning and design for such renovation and modernization of Service facilities, including facilities operated pursuant to contract under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) subject to the following conditions:

(1) the implementation of such project shall not require or obligate the Service to provide any additional staff or equipment;

(2) the project shall be subject to the approval of the Area Director of the Service area office involved;

(3) the tribe shall have full authority to administer the project, but shall do so in accordance with applicable rules and regulations of the Secretary governing construction or renovation of Service health facilities; and

(4) no project of renovation or modernization shall be authorized herein if it would require the diversion of Service funds from meeting the needs of projects having a higher priority on the current health facilities priority system.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For carrying out, to the extent not otherwise provided, Part A ($51,350,000) and Parts B and C ($15,000,000) of the Indian Education Act, and the General Education Provisions Act, $68,780,000.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, [$16,986,000] *$20,736,000*, to remain available until expended, for operating expenses of the Commission*: Provided, That June 30, 1985 is hereby established as the deadline for receipt of applications for voluntary relocation.*

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [$171,699,000] *$160,271,000* [including not less than $1,000,000 to carry out the provisions of the National Museum Act, $350,000 to be made available to the trustees of the John F. Kennedy Center for the Performing Arts for payment to the National Symphony Orchestra and $350,000 for payment to the Washington Opera Society for activities related to their responsibilities as resident entities of the Center, and $7,500,000, to remain available for obligation until expended, for the purchase and installation of equipment at the Museum Support Center]: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That none of these funds shall be available to a Smithsonian Research Foundation.

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, $9,000,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies: *Provided further*, That none of these funds shall be available to a Smithsonian Research Foundation: *Provided further*, That not to exceed $500,000 may be used to make grant awards to employees of the Smithsonian Institution.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, [$4,150,000] *$4,950,000* to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $13,750,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price*: Provided further, That notwithstanding any other provisions of law, the Secretary of the Smithsonian Institution is authorized to transfer to the county of Santa Cruz, Arizona, a sum not to exceed $100,000 within available funds for the sole purpose of assisting in the funding of the construction of a permanent access to Multiple Mirror Telescope near Amado, Arizona.*

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, [$35,603,000] *$36,821,000*, of which not to exceed [$4,200,000] *$3,200,000* for the repair, renovation, and restoration program of the original West Building shall remain available until expended and of which not to exceed [$1,992,000] *$3,992,000* for the special exhibition program *(of which $2,000,000 is for the Treasure Houses of Britain exhibition)* shall remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

[SALARIES AND EXPENSES,] WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $2,712,000.

ENDOWMENT CHALLENGE FUND

For the purpose of an endowment challenge fund for the Woodrow Wilson International Center for Scholars, $3,000,000, to remain available until September 30, 1987: Provided, That such funds shall become available only to the extent matched on a three-to-one basis by private funds obtained by the Center through new or increased donations: Provided further, That these funds may be invested in securities approved by the Board of Trustees and the income from such investments may be used to support programs of the Center deemed appropriate by the Trustees and by the Director of the Center.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, [$144,118,000] *$132,000,000* of which [$127,750,000] *$118,300,000* shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to section 5(g) of the Act, and [$16,368,000] *$13,700,000* shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$30,882,000] *$30,000,000* to remain available until September 30, 1986, to the National Endowment for the Arts, of which [$21,617,000] *$21,000,000* shall be available for purposes of section 5(1): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal year for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$114,964,000] *$107,975,000* of which [$100,982,000] *$94,500,000* shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and [$13,982,000] *$13,475,000* shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$30,036,000] *$32,000,000,* to remain available until September 30, 1986, of which [$18,643,000] *$21,000,000* shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years, for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, [$27,000,000] *$14,387,000*: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions[: *Provided further,* That hereafter regulations of the Institute shall require (1) an appeal process for applications rejected because of technical deficiency, (2) reconsideration of applications upon receipt of materials in a timely manner if the application was rejected because material did not accompany the application, and (3) waivers of certain records under circumstances which would require such waivers: *Provided further,* That hereafter no regulations may be established that prohibit grants to any institution which is a recipient of a challenge grant from either the National Endowment for the Arts or the National Endowment for the Humanities].

NATIONAL CAPITAL REGION ARTS AND CULTURAL AFFAIRS PROGRAM

For a program of grants to support artistic and cultural programs in the National Capital region, $5,000,000, to remain available until expended: Provided, That there is hereby established under the direction of the Director of the Institute of Museum Services a program to support and enhance artistic and cultural activities in the National Capital Region. Eligibility for grants shall be limited to organizations of demonstrated national significance which meet at least two of the additional following criteria:

(1) an annual operating budget in excess of $1,000,000;

(2) an annual audience or visitation of at least two hundred thousand people; or

(3) a paid staff of at least one hundred persons.

Public or private colleges and universities are not eligible for grants under this program.

Grants awarded under this section may be used to support general operations and maintenance, security, or special projects. No organization may receive a grant in excess of $1,000,000 in a single year.

The Director of the Institute of Museum Services shall establish an application process, appoint a review panel of five qualified persons, at least a majority of whom reside in the National Capital region, and develop other program guidelines and definitions as required.

The first grants provided under this authority shall be made no later than March 31, 1985.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), [$379,000] *$380,000.*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, [$1,578,000] *$1,611,000*: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), [$2,725,000] *$2,735,000.*

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $21,000 to remain available for obligation until September 30, 1986.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, [$2,229,000] *$2,330,000* for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $4,500,000 to remain available for obligation until expended.

FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE

PERMITTING AND ENFORCEMENT

For necessary expenses of the Federal Inspector for the Alaska Gas Pipeline, $1,430,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, [$1,976,000] *$2,051,000.*

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided,* That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

[SEC. 305. None of the funds provided in this Act may be used to enter into additional contracts pursuant to OMB Circular A-76 until the studies required by Circular A-76 are completed: *Provided,* That such studies may be conducted only with funds specifically justified for such purpose in an agency budget justification and subsequently approved in a report accompanying an appropriation bill making appropriations for that agency.]

SEC. 305. No funds appropriated by this Act shall be available for the implementa-

tion or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation and enforcement.

SEC. 306. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 307. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 308. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter [enacted, and BLM wilderness study areas released by Congress to management for any use the Secretary of the Interior deems appropriate through the land management planning process] *enacted,* and except to carry out the obligations and responsibilities of the Secretary of the Interior under section 17(k)(1) (A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226), none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: *Provided,* That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further,* That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: *Provided further,* That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting, in conjunction with the Secretary of Energy, the national laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and X-ray diffraction analysis; land satellites; or any other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualified to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: *Provided further,* That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of any lands designated by Congress as wilderness study areas, that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness study area or other nonsurface disturbing methods.

SEC. 309. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 310. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act *unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.*

SEC. 311. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 312. Funds provided for land acquisition in this Act may not be used to acquire lands for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, without the written approval of the Committees on Appropriations.

SEC. 313. Notwithstanding any other provisions of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution, are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction. In addition, any contracts or agreements with the jurisdiction for fire management services listed above which are previously executed shall remain valid.

[SEC. 314. None of the funds provided by this Act to the Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

[SEC. 315. Each amount of budget authority provided in this Act, for payments not required by law, is hereby reduced by 3 per centum.

[SEC. 316. No project or activity funded by that budget authority may be reduced by more than 3 per centum because of section 315.]

SEC. 314. Funds available to the Department of the Interior and the Forest Service in fiscal year 1985 for the purpose of contracting for services that require the utilization of privately owned aircraft for the carriage of cargo or freight shall be used only to contract for aircraft that are certified as air-worthy by the Administrator of the Federal Aviation Administration as standard category aircraft under 14 CFR 21.183 unless the Secretary of the contracting department determines that such aircraft are not reasonably available to conduct such services.

SEC. 316. The Administrator of the General Services Administration shall transfer to the Secretary of the Interior, without reimbursement, for inclusion in the War in the Pacific National Historical Park the following parcels of land:

(1) Agat Bay, parcel 2, United States Naval Station, Guam (GSA control number 9-N-GU-426); and

(2) GLUP: Nimitz Hill, parcel 3, Nimitz Hill Annex Area "C", Municipality of Asan, Guam (GSA control number 9-N-GU-415).

SEC. 317. The Secretary of the Interior shall quantify, in cooperation with the Secretary of Agriculture and the Governor of North Dakota, the number of wetland acres, including a description by quarter section, subject to waterfowl production area easements in each county; and the Secretary and the Governor shall develop a plan for the purchase of additional easement acres previously authorized by the Governor. The quantification and the plan shall be provided to the Committee no later than July 1, 1986.

SEC. 319. Section 306(b)(2) of the Indian Elementary and Secondary School Assistance Act, Public Law 92-318, (20 U.S.C. 241ee(b)(2)) is amended to read as follows:

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Secretary of Education) of that agency and the State with respect to the provision of free public education by that

agency for the preceding fiscal year was not less than 90 per centum of such combined fiscal effort for that purpose for the second preceding fiscal year. In addition, the Secretary may waive this requirement for exceptional circumstances for one year only.".

SEC. 320. The Secretary of Energy pursuant to the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577), shall—

(1) no later than sixty days after the date of the enactment of this Act, publish in the Federal Register a notice soliciting statements of interest in, and proposals for projects employing emerging clean coal technologies, which statements and proposals are to be submitted to the Secretary within ninety days after the publication of such notice; and

(2) no later than April 15, 1985, submit to Congress a report that analyzes the information contained in such statements of interest and proposals, assesses the potential usefulness of each emerging clean coal technology for which a statement of interest or proposal has been received, and identifies the extent to which Federal incentives, including financial assistance, will accelerate the commercial availability of these technologies.

AMENDMENT NO. 4847

Mr. McCLURE. Mr. President, on behalf of the Committee on Appropriations, I send an additional committee amendment to the desk and ask unanimous consent that it be agreed to, and that the bill as thus amended be regarded for the purpose of amendment as original text.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Mr. President, reserving the right to object, will the chairman specify what the amendment is?

Mr. McCLURE. This amendment deals with mineral leasing on a tract of land in Payne County, OK, totaling 960 acres. It was adopted in the continuing resolution yesterday, in committee.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 4847.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in Title III add the following new section:

"None of the funds provided for in this Continuing Resolution or hereafter provided shall be used to lease the mineral interest of the United States with respect to a tract of land in Payne County, Oklahoma, totalling 960 acres located on the Indian Base Meridian; Township 19 North; Range 1 East, Section 22 W ½; Section 26 NW ¼; Section 27 N ½, SE ¼; unless such lease prohibits the surface occupancy of the land for development of those interests."

Mr. McCLURE. Mr. President, I move the adoption of the amendment.

Mr. JOHNSTON. Mr. President, we have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 4847) was agreed to.

MODIFICATION OF EXCEPTED COMMITTEE AMENDMENT NUMBERED SECTION 308

Mr. McCLURE. Mr. President, on behalf of the Committee on Appropriations I modify the committee amendment numbered section 308 beginning on page 88, line 15, and send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment is as follows:

On page 88, line 15, strike out of all section 308 and insert new section 308 as follows:

SEC. 308. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, and except to carry out the obligations and responsibilities of the Secretary of the Interior under section 17(k)(1)(A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226), none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: *Provided*, That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further*, That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: *Provided further*, That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further*, That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting, in conjunction with the Secretary of Energy, the national laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and X-ray diffraction analysis; land satellites; or any other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualifed to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: *Provided further*, That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: *Provided further*, That funds provided in this Act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of any lands designated by Congress as wilderness study areas, that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness study area or other nonsurface disturbing methods.

MODIFICATION OF EXCEPTED COMMITTEE AMENDMENTS BEGINNING ON PAGE 62

Mr. McCLURE. Mr. President, on behalf of the Committee on Appropriations, I modify the committee amendment on page 62, lines 14 to 22, and I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment is as follows:

On page 62, lines 14 to 22, strike the text and insert in lieu thereof the following:

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

(Rescission)

Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126) and subsequently made available to carry out Title

I, part B of the Energy Security Act (Public Law 96-294) by Public Laws 96-304 and 96-514, $5,200,000,000 are rescinded:

Provided, That of the remaining funds in the Energy Security Reserve for carrying out Title I, Part B of the Energy Security Act, the amount of $5,700,000,000 shall be initially available only for obligation to projects with Letters of Intent authorized by the Board of Directors of the United States Synthetic Fuels Corporation on or before June 1, 1984; and, if by reason of Board determinations that the Corporation will not enter into financial assistance contracts with projects for which such Letters were authorized, or that lesser amounts of financial assistance than those specified in such authorizations shall be awarded, there remains a balance of such amount which is unobligated and uncommitted, 50 percent of said balance shall cease to be available for obligation and the remaining 50 percent of said balance shall thereafter be available for commitment or obligation by the Corporation pursuant to the Energy Security Act:

Provided further, That until such time as the comprehensive strategy is approved pursuant to section 126(c) of the Energy Security Act, the Board of Directors shall solicit proposals and award financial assistance pursuant to applicable sections of the Energy Security Act without regard to the national synthetic fuel production goal established under section 125 of the Act:

Provided further, That of the $5,200,000,000 rescinded from the Energy Security Reserve, $750,000,000 shall be deposited and retained in a separate account hereby established in the Treasury of the United States, entitled the "Clean Coal Technology Reserve," which account and the appropriations therefor, shall be available for the purpose of conducting clean coal technology demonstration activities, including those identified in Sec. 320 of the Fiscal Year 1985 Department of the Interior and Related Agencies Appropriations Act, as reported by the Senate Committee on Appropriations (H.R. 5973, Senate Report 98-578), without fiscal year limitation, subject to subsequent annual appropriation in the Department of the Interior and Related Agencies Appropriations Act.

Mr. McCLURE. Mr. President, as I understand our parliamentary situation at this time, the bill as modified is before us with the committee amendments adopted as part of the bill to be treated as original text with the exception of those noted in the unanimous-consent request.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. The pending business would be on the committee amendments thus not yet agreed to. Am I correct?

The PRESIDING OFFICER. The pending question is on the first committee amendment not agreed to.

Mr. McCLURE. Senator BRADLEY has an amendment to the section with respect to the Synthetic Fuels Corporation and in order to reach that first matter of business, it would require unanimous consent to set aside the other pending committee amendments; Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Mr. President, I ask unanimous consent that we set aside the pending committee amendments so that we may move to the Synthetic Fuels Corporation section of the bill in order that the Senator from New Jersey may offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, pending the offering of the amendment to this section by the Senator from New Jersey, I ask unanimous consent that it be in order to offer an amendment on behalf of the Senator from Ohio [Mr. METZENBAUM] to the same section.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4848

Mr. McCLURE. Mr. President, I send an amendment to the desk on behalf of the Senator from Ohio [Mr. METZENBAUM], and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] for Senator METZENBAUM proposes an amendment numbered 4848.

Mr. McCLURE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amendment to P. 62, line 22 add the following new section at the end:

SEC. . (a) Section 117 of the United States Synthetic Fuels Corporation Act of 1980 is amended by adding at the end thereof the following new subsection:

"(f) Subject to section 118, Directors, officers, and employees of the Corporation shall be subject to the same standards of ethical conduct and financial reporting as are set forth in Executive Order 11222. The Chairman shall promptly implement such standards.".

(b) Section 168 of the United States Synthetic Fuels Corporation Act of 1980 is amended by—

(1) Redesignating section 168 as subsection 168 (a); and

(2) Inserting at the end thereof the following new subsection:

"(b) An aggrieved person may bring action in the district courts of the United States to enforce, and secure compliance with, the policies and guidelines of the Corporation implementing the requirements of subsection 116(f) for public disclosure of information and the requirements of subsections 121(a) and (b) for meetings of the Board of Directors to be open to the public and preceded by reasonable public notice.".

● Mr. METZENBAUM. Mr. President, I support a strong, well-funded SFC—but a strong, well-funded SFC is still impotent unless the integrity of its decisions are unassailable.

The fact is that the history of the SFC is of an agency crippled by conflicts of interest and mismanagement.

Two presidents resigned amid charges of conflict of interest and mismanagement; five Board members have resigned; seven top corporation officers have resigned; awards were made to projects after a Board member with a conflict delayed his resignation to approve them.

When Congress created the SFC in 1980, it went overboard to insulate the agency from public scrutiny. The scandals and outrages that have subsequently bedeviled the SFC are the direct result of this lack of oversight and accountability.

If we are to avoid the shenanigans of the last 3 years, if we are to finally develop sound synfuels projects, we must make the SFC more accountable to the American people.

Currently, the SFC must issue guidelines regarding disclosure and open meetings. But it is the judge and jury when it comes to determining whether it has lived up to the guidelines. The usual appeals available to persons or groups victimized by arbitrary and capricious Government action are unilaterally denied to those dealing with the SFC.

This amendment gives aggrieved persons a right to sue the SFC in U.S. district court to seek enforcement of and compliance with its freedom of information and Government-in-the-sunshine guidelines. In making decisions on actions brought under this provision, courts should be governed by the Energy Security Act conference report language on sections 116(f) and 121 regarding the application of the body of law developed in litigation construing the exemptions in subsection (c) of section 552b of title 5 and the exemptions in 5 U.S.C. 552(b).

The second part of the amendment would subject SFC directors—both full time and part time—and other SFC employees to the same conflict of interest rules governing other Federal employees. Nothing has been more damaging to the agency's credibility than the evidence and suggestion of impropriety on the part of directors. This amendment will help restore the SFC's tarnished image and guard against future scandals.

A synfuels program crippled by conflicts of interest and mismanagement is no synfuels program. My goal is not to weaken the SFC, but to strengthen it. These amendments will move us toward a synfuels program whose hallmark is openness and integrity. That

is the only kind of program that will make a contribution to our energy future.●

Mr. McCLURE. Mr. President, this amendment applies to certain provisions of other statutes to the operations of the Synthetic Fuels Corporation. It has been carefully checked by the majority staff, and I believe the minority staff as well.

We have no objection to the amendment and urge its adoption.

Mr. JOHNSTON. Mr. President, the minority, in the spirit of compromise, will also accept this amendment, not because we think it is absolutely necessary but because it makes a good compromise and makes a viable piece of legislation and we therefore accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 4848) was agreed to.

AMENDMENT NO. 4849

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] for himself and Mr. PROXMIRE, Mr. HUMPHREY, and Mr. NICKLES proposes an amendment numbered 4849.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126) and subsequently made available to carry out Title I, part B of the energy Security Act (Public Law 96-294) by Public Laws 96-304 and 96-514, $9,000,000,000 are rescinded;

Provided, that none of the funds made available to carry out Title I, part B of the Energy Security Act shall be obligated to projects whose products will cost significantly more than projected market prices of competing fuels over the lifetime of the project;

Provided further, that of the Energy Security Reserve funds remaining available to carry out Title I of the Energy Security Act, funds shall be obligated only to projects whose primary conversion technologies comply with and promote the diversity objectives set forth in Title I of the energy Security Act;

Provided further, that Sections 116(f) and 121 of Title I, part B of the Energy Security Act are repealed and that Section 175 of the United States Synthetic Fuels Corporation Act of 1980 (42 USC 8775) is amended by adding the following new subsections:

"(l) Chapters 5 and 7 of title 5, United States Code (containing provisions popularly known as the Administrative Procedure Act, the Freedom of Information Act, and the Government in the Sunshine Act) shall apply to the Corporation as if it were an agency of the United States.

"(m) Section 1905 of title 18, United States Code (relating to disclosure of confidential information), shall apply—

"(1) To Directors, officers, and employees of the Corporation as if they were officers or employees of the United States; and

"(2) to the Corporation as if it were an agency of the United States."

Section 118(a) of the Energy Security Act of 1980 (Public Law 96-294) is amended by striking out "the Directors and officers of the Corporation and to" and inserting in lieu thereof "all the Directors and to the officers and".

Section 118(c)(3) of the Energy Security Act of 1980 (Public Law 96-294) is repealed.

Provided further, that Section 117(b)(2) of the Energy Security Act of 1980 (Public Law 96-294) is amended—

(1) by striking out "taking into consideration" and inserting in lieu thereof "in accordance with"; and

(2) by striking out ". If the Board of Directors:" and all that follows through "Board of Directors to such effect".

The amendments made by subsection (a) of this section shall take effect 30 days after the date of enactment of this Act.

Mr. BRADLEY. Mr. President, this amendment would rescind $9 billion from the Synthetic Fuels Corporation and would provide necessary reforms in project selection and public accountability.

I ask the distinguished chairman of the committee what is his intention with regard to the amendment given the time frame within which we are working.

Mr. McCLURE. Mr. President, I know that earlier the Senator from New Jersey had indicated that we could get, with a very brief debate, to a rollcall vote on it.

My understanding is that the majority leader has indicated that we will commence no rollcall votes past the hour of 6 p.m. this evening.

I do not know if the Senator from New Jersey feels that this is unduly restrictive on his debate time and if so, I am certain we have no intention to shortchange the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I do understand there will be no vote after 6 p.m. tonight and there will be no vote before 6 p.m. tomorrow night.

Mr. JOHNSTON. The Senator is correct.

Mr. McCLURE. The Senator is correct.

Mr. BRADLEY. I will make a decision.

The current Synfuels Program places a priority on rapid, large-scale commercialization even though the technologies are plagued with environmental, technical, and economic problems. In addition, the track record of the synfuels industry confirms that maintaining this approach will only generate enormous Federal deficits and yield little, if any, energy security.

Sound energy and fiscal policy dictate that we reevaluate the SFC and fashion a more manageable and effective synfuels effort.

Only a comprehensive reform package achieves this goal. Our amendment leaves the SFC with $4.3 billion to fund additional, qualified projects. Establishing a lower, more reasonable level of funding will encourage the agency to be more discriminating in its awards, and reduce the emphasis on enormously expensive, large-scale projects. The case for a lower funding level is presented in more detail in the attachment to this letter.

In addition, our amendment contains the following elements:

DIVERSITY STANDARD

This provision directs that the SFC award all future assistance to projects which further the technological diversity goals of the Energy Security Act. Redundant projects add little to our energy security goal.

ACCOUNTABILITY PROVISIONS

The SFC currently enjoys a multiyear authorization and appropriation with little program oversight and review. Therefore, it is important that the usual laws governing agency procedure and protecting congressional oversight be applied to the SFC. Our accountability provisions would apply the Freedom of Information Act, the Administrative Procedures Act, financial disclosure, conflict of interest laws and Federal pay scale standards to the SFC and its employees.

By reducing SFC funding to a more reasonable level and emphasizing the moderately scaled development of diverse technologies, this reform package establishes a more responsible and effective Synfuels Program.

REASONS FOR SUPPORTING A $9 BILLION RECISSION

First, our amendment recognizes that world oil prices render impossible any reasonable Federal effort to rapidly commercialize the synthetic fuels industry. The proponents of the Energy Security Act of 1980 argued that its budgetary impact would be minimal because aid was in the form of loan and price guarantees and real world oil prices would continue to increase. But the world price of oil has fallen to $29 per barrel whereas the price of synfuels has increased to as much as $60 to $90 per barrel. It is now clear that near-term commercialization of synthetic fuels is impossible without very large budgetary impacts. SFC Chairman Ed Noble has admitted that the SFC would have to make good on most of the contingent liabilities it plans to commit. That is certain to occur unless the world price of oil doubles or triples within the next few years.

Second, our amendment recognizes the transformation of the Synthetic Fuels Program from a strategy of rapid commercialization into a program to demonstrate diverse synthetic fuels technologies on a smaller scale. The SFC no longer plans to meet the

original goals of 500,000 barrels daily by 1987 and 2,000,000 barrels daily by 1992. Most of the projects which the SFC is currently considering have an initial production capability of 2,000 to 10,000 barrels per day. Larger scale projects are very expensive—Great Plains, $2.02 billion plus proposed additional assistance of $790 million; Union II, $2.7 billion; Cathedral Bluffs, $2.2 billion. The SFC's basic business plan estimates a total production capability in all of the facilities that the SFC might underwrite of only 136,000 barrels per day. Former SFC Vice President Bowden estimated that $150 billion in Federal expenditures would be necessary to meet the original goal of 2 million barrels daily. It is now time to recognize that the original strategy of near term commercialization will not work and that we should make adjustments in funding levels which are appropriate to a technology demonstration program.

Third, the McClure-Byrd-Reagan compromise is unrealistic in light of the shift away from rapid commercialization of synthetic fuels. The proposed compromise rescinds $5.2 billion, leaving $5.7 billion in an "Energy Security Reserve" for obligation to the projects with letters of intent or proposed letters of intent. If the Board decides not to commit all of the $5.7 billion in the reserve, half of these funds would revert to the Treasury while the other half would be available for obligation to new projects. This compromise would allow the SFC to support all of the projects with letters of intent—including the Union II project $2.7 billion and perhaps the Cathedral Bluffs project $2.2 billion—while still leaving either $1.3 or $2.4 billion—available for new projects—depending on whether Cathedral Bluffs is supported.

But there is a strong case against assistance to the Union II and the Cathedral Bluffs projects once the goal of rapid commercialization is abandoned. Both projects are very expensive, totaling $4.9 billion of the present $6.8 billion in projects with letters of intent or proposed letters of intent. And both projects rely heavily on the technology which is already employed in the SFC supported Union I project. While a program based on near-term commercialization might well support large scale projects with similar technology, there is a weak case for doing so in a program based on technology demonstration. Nor is there good reason to reserve SFC funds for the other six projects with letters of intent. It is well understood that a letter of intent does not represent any commitment on the part of either the SFC of the sponsors to sign a final contract. Either the SFC or the sponsors may change their minds about whether to proceed, as has indeed happened in three of the other five instances in which the SFC has issued a letter of intent.

Fourth, our amendment to rescind $9 billion will leave the SFC with ample moneys for a sound, diverse technology demonstration program. Our amendment would leave the SFC with $4.3 billion for further commitments. It is important to recall, however, that the Federal Government has already made commitments for $3.1 billion in support of synfuels development. If larger scale projects such as Union II or Cathedral Bluffs are not judged timely for SFC support, $4.3 billion is more than sufficient to support all or most of the remaining $1.9 billion in projects with letters of intent and leave at least $2.4 billion for new projects. Most new projects now being reviewed by the SFC are on a much smaller scale than had been originally envisaged by the Energy Security Act and do not require multibillion-dollar forms of assistance. We have an easy time understanding why our amendment might leave too much funding available to the SFC, but we have a hard time understanding how it leaves too little. We believe that once the goal of rapid commercialization is abandoned, the smaller scale technology demonstration program allowed by our amendment is the only realistic way for the Federal Government to further synthetic fuels development.

Congress must make sure that our Nation's Synfuels Program is adjusted to economic reality. We believe that ample funds would remain under our amendment for a strong synthetic fuels program which could include many of the pending projects plus new projects from different parts of the Nation employing diverse technologies. The problems at the SFC go beyond funding levels, but depriving the Corporation of the funds that might tempt it to adopt an unrealistic near term commercialization strategy is an essential first step toward the fundamental reforms which our present Federal Synfuels Program so urgently requires.

Mr. President, the $9 billion rescission is the rescission proposed by President Reagan exactly 4 months ago. Has he changed his mind? On what grounds? In addition to the administration's support 4 months ago, this amendment is supported by the following organizations: Sierra Club, Congress Watch, National Resources Defense Council, Wilderness Society, Environmental Action, Environmental Defense Fund, National Audubon Society, Environmental Policy Institute.

I urge my colleagues to support this amendment.

Mr. President, in summary, our amendment recognizes that world oil prices render impossible any reasonable Federal effort to rapidly commercialize the synthetic fuel industry and recognize the transformation of the Synthetic Fuels Program from the strategy of rapid commercialization into a program to demonstrate diverse synthetic fuel technology on a minor scale, and I argue the compromise before the Senate at this time is unrealistic in light of the shift away from rapid commercialization of synthetic fuels.

Finally, the amendment to rescind $9 billion will leave the SSFC with ample money for a sound, diverse technology demonstration program.

Mr. CHAFEE. Mr. President, I am pleased to join with my colleagues, Senators BRADLEY, NICKLES, PROXMIRE, and HUMPHREY, in support of this amendment to rescind $9 billion in Synthetic Fuels Corporation [SFC] funds and reform the Synfuels Program.

In addition to the cut in funds, this amendment provides necessary reforms in project selection and public accountability.

The current Synfuels Program places a priority on rapid, large-scale commercialization rather than needed research and development. The result is to waste billions of taxpayer dollars on technologies which are both economically and environmentally unsound.

The assumptions on which the Synfuels Program were based have proven to be at odds with the realities of today's marketplace. Congress now has both the opportunity and responsibility to reevaluate it. Sound energy and fiscal policy dictate that we fashion a more responsible, effective, and economical Synthetic Fuels Program.

This amendment would effect a comprehensive reform. It leaves the SFC with $4.3 billion to fund additional qualified projects; enough for a sound and diverse demonstration program. Such a funding level will encourage the agency to be more discriminating in its awards and reduce the emphasis on enormously expensive, large-scale projects.

Mr. President, the amendment being introduced today is a needed response to the shortcomings in the current Synthetic Fuels Program. I wholeheartedly urge its adoption.

Mr. BRADLEY. Mr. President, in the interest of time, if the chairman would like to move to a vote on this amendment prior to 6 p.m., I am prepared to do that and ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. (Mr. TRIBLE). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BRADLEY. Mr. President, I see in the Chamber one of the cosponsors of the amendment, the distinguished Senator from Oklahoma, and I wonder if he would mind if we move to a vote at this time.

Mr. NICKLES. Mr. President, if the Senator will yield, I understand the time is right on 6 p.m. I have some comments and also I wish to discuss the McClure proposal. I do not see how we can get there at 6 p.m. I do not wish to hold anything up in any way whatsoever, but I still think we have basically two proposals and are talking about several billions of dollars, and again I am more than willing to vote on it as quickly as possible but we will probably decide we should discuss both proposals.

Mr. BRADLEY. Mr. President, in that case, I think the magic hour has passed. What is the distinguished chairman's disposition?

Mr. McCLURE. Mr. President, my understanding of the usual arrangement and the one which the majority leader has already announced is that there would be no votes past the hour of 6 o'clock this evening. That hour having arrived, there would be no votes tonight on this measure or upon this amendment. However, it is possible for us to go ahead with a discussion of the amendment and it would be my expectation that we would do so.

If the Senator wishes to yield the floor at this moment on the amendment, I will give my remarks with respect to the amendment. We can then turn to the Senator from Oklahoma who has indicated he would like to discuss the proposal and ask some questions, which I am perfectly prepared to do.

When the Appropriations Committee adopted the Synfuels Corporation compromise as an amendment to the continuing resolution yesterday, it was cosponsored by myself, Senator JOHNSTON, Senator BYRD, Senator WARNER, Senator ARMSTRONG, Senator FORD, Senator ANDREWS, Senator GARN, and Senator BURDICK. Also supporting the amendment at that time were: Senator DOMENICI, Senator COHEN, Senator HUDDLESTON, Senator HATCH, Senator STEVENS, Senator METZENBAUM, Senator HEINZ, and Senator PERCY.

Mr. President, I rise today to speak on the future of the Synthetic Fuels Corporation Program. There is a continuing need for completion of the principal objective of statutory phase I, namely, the accelerated development of a selective number of commercial scale plants located in the United States.

Events in the Middle East continue to argue for increased efforts toward ensuring energy security for the United States. We have made commendable progress in the area of energy conservation. We have also made considerable progress in filling the Strategic Petroleum Reserve. But the specter of supply disruptions, accompanied by precipitous price increases, and foreign policy blackmail is always on the horizon.

The need still exists to ensure a long-term national capability for the domestic production of synthetic fuels. Such a capability for replication is needed as an insurance policy against an ever-widening gap between domestic consumption and production. And such a capability is needed if our abundant reserves of coal, oil shale, and tar sands are to fill this developing domestic supply gap in an environmentally compatible way.

But there is a complacency in the United States regarding the seriousness of our long-term energy vulnerability. The current ready availability of petroleum supplies at reduced prices is misleading. The suggested abundance of supplies has diverted our attention from the fact that over the longer term these supplies are politically and economically insecure. And the lack of secure energy supplies is, indeed, a grave national security problem.

Our complacency, while unwarranted, is understandable. As a Nation, today we are far better prepared to cope with disruptions in the world supply of petroleum than in the recent past. The Strategic Petroleum Reserve now has over 100 days of imports. We also are importing approximately 28 percent of our oil needs.

As consequence there is an ongoing annual trade deficit of $60 billion annually from crude oil alone. In addition, there is the cost to fill the Strategic Petroleum Reserve as well as $40 billion for a Rapid Development Force to ensure supplies from the Persian Gulf.

But this situation will change dramatically over the next decade, as it has over the last decade. By the turn of the century, we could be importing more than 50 percent of our petroleum unless we develop alternative sources of domestic supply. And synthetic fuels is one of those alternatives. If we are to reduce our strategic vulnerability we must develop such alternatives.

Recent events in the Persian Gulf only serve to dramatize the vulnerability of our present situation. They accentuate the importance of developing, in advance, a synthetic fuels option for the United States. The eyes of OPEC, the free world, and the Eastern Bloc all remain focused on the SFC and whether we are capable of keeping our nationa! commitment to the objectives of the Energy Security Act. If we falter in our commitment to establishment of a viable synthetic fuels capability in the United States, we would send the wrong signals to our allies and OPEC.

For several months the Synthetic Fuels Corporation has been handicapped by the lack of the legally required quorum for the conduct of business. Since the SFC was declared operational by President Reagan, a series of solicitations have been issued in order to achieve the objectives of statutory phase I. The proposals that have responded have effectively defined the universe of potential candidates.

The SFC has developed a basic business plan. The projects already included in the plan will have a production capability by 1989 of 135,800 barrels of oil equivalent a day. But, more importantly, these same projects will be expandable on the same sites to a production capability of almost 400,000 barrels of oil equivalent a day. Even without expansion, the total production from the 11 projects for which the SFC has awarded contracts of authorized letters of intent is estimated at over 1 billion barrels of oil equivalent over their useful lives.

Each and every one of these private sector initiatives were advanced in good faith in response to a national imperative. Current private sector commitments to the SFC's Basic Business Plan are an estimated $11.4 billion. An additional $3.78 billion is being projected for contingencies and other projects. When all these nongovernment-owned projects have proceeded to completion approximately $14.77 billion in private sector funds will have been invested in America's energy future.

When the SFC had an operating quorum it is reported that the project sponsors were expending approximately $13.4 million per week. In the absense of a working board quorum these private sector monies are now at risk.

Beginning in December 1982 (H. Rept. 97-978), the Congress, in the conference report on the Interior Appropriations Act for fiscal year 1983, expressed concern with respect to the slow progress of the SFC in awarding financial assistance.

Subsequently in November 1983, during consideration of the Further Continuing Appropriations Act for 1984, the Congress reiterated its concern and reasserted its intent and commitment to the "goals and objectives of the Synthetic Fuels Corporation as expressed in the Energy Security Act."

In addition, it was the judgment of the conferees that, "the Synthetic Fuels Corporation is the appropriate Federal entity to assist and facilitate early production of synthetic fuels." That is still the judgment of the Congress.

The private sector approach intended by the Congress in enacting the Energy Security Act has been achieved and maintained by the SFC. Currently there are billions of dollars of private capital on the table. This equity was raised by the private sector in response to the national security imperative that underlies the SFC's pro-

gram. And this equity may well be lost if the program does not proceed.

In addition to the national security benefits, there are the social and economic benefits to be realized from creation of a synthetic fuels infrastructure in the United States.

There is considerable environmental protection experience that is to be gained from the permitting and operation of these initial projects. The SFC's environmental program offers great potential for mitigation any adverse environmental consequences from deployment of such technologies.

Synthetic fuels are in fact an integral part of any solution to our present or future environmental problems. But sound environmental management can best be achieved under a deliberate program, unhastened by the crisis atmosphere that would occur if there were a major disruption of oil imports.

There are three important environmental reasons to develop synthetic fuels technologies:

First, no proposals will receive assistance from the SFC unless it can demonstrate that it can obtain all required environmental permits as dictated by Federal and State law. If such permits cannot be obtained, the SFC's policy dictates that such projects not receive any assistance from the Corporation.

Second, before a binding commitment for financial assistance can be made there must be established a sound environmental monitoring program, with the assistance of the EPA, the DOE, and State regulatory agencies.

Third, synthetic fuels are an integral part of the solution to our present and future environmental problems. For example, synthetic fuels technologies, such as those employed by the cool water project in California, offer the potential for substantially reduced atmospheric emissions of sulfur oxides and nitrogen oxides compared to conventional means for the generation of electricity from coal. This technology also can be readily replicated by many of our Nation's utilities in smaller units in rural as well as urban areas.

There also is the engineering and economic experience that is to be obtained from the operation of these initial synthetic fuels projects.

And there are the jobs that will be created: First, in the States where the projects will be sited; and, second, in those States where project components will be fabricated. As much as 70 percent of the capital costs of a synthetic fuels plant will be spent on equipment and materials such as steel, cement, pipe, and instrumentation. These requirements will both maintain existing jobs and create new jobs. According to the Bureau of Labor Statistics for every $1 billion spent on heavy construction projects, such as synthetic fuels, approximately 30,000 full-time and part-time jobs are created. Thus the current projects pending before the Synthetic Fuels Corporation could generate over 400,000 jobs.

Synthetic fuels plants also will consume large amounts of domestically produced equipment and materials. As much as 70 percent of the capital costs of a synthetic fuels plant will be spent on equipment and materials such as steel, cement, pipe, and instrumentation.

Presently, some 25 States are affected by companies or corporations involved in synthetic fuels projects currently pending before the SFC. Those States are: Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin.

From this perspective it is easy to understand why the Energy and Environment Committee of the National Governors Association approved a resolution on June 30, 1984, expressing support for this important program. I ask unanimous consent that the text of the NGA resolution appear at this point in my remarks.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION SYNFUELS RESOLUTION

The governors continue to support a federal role in financing the development of diverse synthetic fuels technologies, including those technologies which utilize Eastern coal resources. Agreements which have been the result of long negotiations and significant expenditures by industry applicants and the SFC should not be threatened by management problems or congressional attempts to cut back on our commitment to synthetic fuels. The governors believe that all letters of intent which have been authorized or signed by the SFC should be honored and that the Administration should act immediately to reconstitute the Board of Directors and to solve any outstanding management problems.

Project applications which have been submitted to date to the SFC in response to solicitations should also be given expedited consideration since these project sponsors have invested extensive time, work and funding in the preparation of their application. Congress should fund the SFC at a level adequate to allow a meaningful review of these good faith applications and development of the most meritorious projects.

Mr. McCLURE. Mr. President, if the benefits I have mentioned are to be realized the SFC must be permitted to complete statutory Phase I.

For these reasons, and others, I have been working for months with my colleagues, the distinguished minority leader [Mr. BYRD], the ranking minority member of Committee on Energy and Natural Resources [Mr. JOHNSTON], the Senator from Kentucky [Mr. FORD], and others, to achieve a compromise with the administration on a funding proposal that would permit the Synthetic Fuels Corporation to proceed with its program. That agreement with the administration has been reached. And it is reflected in the subject Appropriations Committee amendment. In addition, the compromise is reflected in fiscal year 1985 continuing resolution as reported yesterday by the Appropriations Committee, and the Senate report related thereto (S. Rept. 98-634).

Yesterday, when I offered the amendment in the Appropriations Committee, it also was sponsored by Senator JOHNSTON, Senator BYRD, Senator WARNER, Senator ARMSTRONG, Senator FORD, Senator ANDREWS, Senator GARN, and Senator BURDICK. At this point in time, the supporters of the compromise also include Senator DOMENICI, Senator PERCY, Senator COHEN, Senator HUDDLESTON, Senator HATCH, Senator METZENBAUM, and Senator HEINZ.

Briefly the amendment provides for a rescission of $5.2 billion of the obligational authority available to the Synthetic Fuels Corporation. Combined with the earlier rescission of $2 billion, this makes a total rescission of $7.2 billion. Of the $5.2 billion rescinded, $750 million is set aside in a Clean Coal Technology Reserve for clean coal technology demonstration activities, including those identified in section 320 of this measure.

Of the $8.2 billion in the Energy Security Reserve, $5.7 billion would be set aside for commitment or obligation to those projects which already have authorized or signed letters of intent. If any of these funds remain after the Corporation has completed action on the projects with letters of intent, by either the commitment or obligation of financial assistance or by otherwise completing action on the letters of intent, then 50 percent of the remaining balance shall thereafter be available for commitment or obligation by the SFC, and 50 percent shall cease to be available for obligation by the SFC. An additional $2.5 billion is available to the SFC for new projects and other authorized activities. Once a contract or commitment is executed, it, and the funds associated with such commitment or contract, would be treated like any other contract or commitment of funds. There no longer would be any distinction between that or any other contract.

This compromise recognizes that the letters of intent currently authorized or signed are not final agreements for financial assistance; it recognizes that the parties need flexibility in arriving at the final contracts, and changes are going to occur in the terms and conditions, and project structure, during negotiations. However, as long as the projects assisted are substantially the

same as those for which the Board previously authorized letters of intent, funding would be from the $5.7 billion. This recognizes that the form of financial assistance, size and project sponsorship may change, and that the project's technological processes may be substituted for substantially the same processes.

The compromise also provides that until the comprehensive strategy pursuant to section 126 of the Energy Security Act is approved pursuant to that act, the SFC may issue new solicitation and shall make additional awards of financial assistance without regard to the national synthetic fuels production goal in section 125 of the Energy Security Act.

Mr. President, I ask unanimous consent that a summary of that compromise and the accompanying committee report language (S. Rept. 98-634, pages 26 to 29) be printed in the RECORD at this point in my remarks, along with the September 25 letter of administration support from the Director of Office of Management and Budget, David A. Stockman.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SYNFUELS AMENDMENT

1. Rescind $5.2 billion of the funds appropriated to the Energy Security Reserve.

2. Of the $5.2 billion rescinded from the Energy Security Reserve, $750 million shall be deposited and retained in a separate account in the Treasury, entitled the "Clean Coal Technology Reserve", to be available for the purpose of conducting coal technology development activities, including sec. 320 of the Interior Bill subject to subsequent appropriation in the Department of the Interior and Related Agencies Appropriations Act.

3. $5.7 billion of the remaining funds in the Energy Security Reserve shall be initially available only for obligation to projects with Letters of Intent authorized by the S.F.C Board of Directors on or before June 1, 1984. There may be a remaining balance of the $5.7 billion, by reason of Board determinations that the Corporation will not enter into financial assistance contracts with projects for which Letters of Intent were authorized or that lesser amounts of financial assistance than those specified in such authorizations shall be awarded. If there is such a remaining balance, 50% of the balance shall no longer be available for obligation and the remaining 50% shall thereafter be available for commitment or obligation by the S.F.C. pursuant to the Energy Security Act.

4. Until such time as the comprehensive strategy is approved pursuant to the Energy Security Act, S.F.C. shall solicit proposals and award financial assistance under the Energy Security Act without regard to the national synthetic fuel production goal in section 125 of the Act.

REPORT 98-634—CONTINUING APPROPRIATIONS, 1985

RESCISSION

The United States Synthetic Fuels Corporation has been the subject of continued congressional review over the past fiscal year. Since April 1984, the Board of Directors of the Corporation has not had the quorum legally required by the Energy Security Act to make awards of financial assistance, adopt a comprehensive strategy or take other major actions, because of resignations of several directors this year. The administration has not acted thus far to fill any of the five vacant Director positions and restore a working quorum to the Board. Consequently, the SFC currently is not legally capable of further action to implement the national synthetic fuels program of the Energy Security Act.

The President on May 14, 1984, announced a new administration synthetic fuels policy and subsequently transmitted to the Congress the implementing legislation on May 25, 1984. The proposed legislation would rescind $9,000,000,000 from the energy security reserve and also would require that projects supported by use of the remaining funds be limited to those that produce fuels whose prices will not be significantly above projected market prices of competing fuels. Administration officials have indicated that there would be administration action to fill the vacant Director positions and restore a working quorum to the Board of Directors, only after Congress resolved the funding and policy issues related to the SFC.

The Deficit Reduction Act of 1984, Public Law 98-369, was passed by the Congress in late June. The act includes in section 2103 a rescission of $2,000,000,000 from the energy security reserve, of which $1,155,000,000 was derived from the unused portion of the SFC commitment of financial assistance previously awarded to the Old Shale Co., for the Colony Shale Oil project. The Comptroller General has ruled previously that pursuant to the Energy Security Act the $1,155,000,000 remained available to the SFC, since the Colony project has been abandoned prior to use of those funds. The conference report (House Report 98-861, H.R. 4170) at page 1286 stated, "The rescission is agreed to with the understanding that the five vacancies on the Board of the Synthetic Fuels Corporation will be filled with qualified individuals and that the Board will submit to the appropriate committee of the Congress a plan for the future operations of the Corporation." As noted above, the administration has not acted yet to fill those vacancies.

The House of Representatives on June 29, 1984, passed H.R. 5973, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes. H.R. 5973 includes in title II—related agencies, under the heading Department of the Treasury, a further rescission of $5,000,000,000 from the energy security reserve. Additionally, the rescission is accompanied by a proviso that none of the remaining funds in the energy security reserve shall be available to the SFC for the Union II or Cathedral Bluffs oil shale project.

COMMITTEE RECOMMENDATION

The Committee recommendation contains a compromise proposal developed with the administration, which is intended to resolve the issues-related to the SFC. The amendment was adopted on the basis of an expressed commitment by the administration that prompt executive action would be taken to fill the vacancies on the SFC Board of Directors and restore a working quorum by nomination or recess appointment, when a conference report that embodies the compromise is filed. The provision also was adopted on the basis of an administration commitment that the compromise proposal satisfies the administration's objectives in synthetic fuels policy and substantially implements the President's proposal of May 14. Thus, the Committee intends that the provision will resolve the SFC issues for Congress and the administration, including funding, policy, and executive action on Director vacancies. Such a resolution will restore much needed stability and confidence in the national synthetic fuels program and the SFC.

The Committee recommendation includes the following elements.

1. $5,200,000,000 of the funds appropriated to the energy security reserve is rescinded.

2. Of the $5,200,000,000 rescinded from the energy security reserve, $750,000,000 shall be deposited and retained in a separate account in the Treasury, entitled the "Clean coal technology reserve," to be available for the purpose of conducting clean coal technology demonstration activities, including those identified in section 320 of H.R. 5973 reported by the Senate Committee on Appropriations, subject to subsequent annual appropriation in the Department of the Interior and Related Agencies Appropriation Act.

3. $5,700,000,000 of the remaining funds in the energy security reserve shall be initially available only for obligation to projects with letters of intent authorized by the SFC Board of Directors on or before June 1, 1984. There may be a remaining balance of the $5,700,000,000, by reason of Board determinations that the Corporation will not enter into financial assistance contracts with projects for which letters of intent were authorized or that lesser amounts of financial assistance than those specified in such authorizations shall be awarded. If there is such a remaining balance, 50 percent of the balance shall cease to be available for obligation and the remaining 50 percent shall thereafter be available for commitment or obligation by the SFC pursuant to the Energy Security Act.

4. Uncommitted authority totaling approximately $2,500,000,000 in the energy security reserve would remain available for obligation by SFC under the Energy Security Act for new projects, to supplement the $5,700,000,000 for projects with authorized letters of intent, and other authorized activities to the act.

5. Until such time as the comprehensive strategy is approved pursuant to the Energy Security Act, SFC shall solicit proposals and award financial assistance under the Energy Security Act without regard to the national synthetic fuels production goal in section 125 of the act.

In limiting the initial availability of $5,700,000,000 of the remaining SFC funds for obligation to projects for the Corporation's Board of Directors has authorized letter of intent, the Committee recognizes that project sponsors have expended significant sums and time in the development of their projects to the Corporation's letter of intent stage, on the basis of the original appropriations available under the Energy Security Act. The recommendation accordingly sets aside the $5,700,000,000 so that these projects can be funded, once the projects have satisfied the statutory criteria in the Energy Security Act for an SFC contract, including an affirmative vote of the SFC Board of Directors to award financial assistance. These earmarked appropriations would be reduced if there is a remaining bal-

ance which is not used for all such projects. Any remaining balance would be calculated after the Board had made determinations with regard to all of the projects which have authorized letters of intent as of June 1, 1984, as to whether the Corporation will enter into financial contracts. The Committee recognizes, moreover, that during the delay and uncertainty created by the absense of a quorum of the Corporation's Board, projects for which letters of intent have been authorized may have experienced or may experience changes in size, in sponsorship, and in the amounts, forms, and terms of assistance needed from the Corporation. Notwithstanding such changes, the Committee intends that the fund so earmarked for those projects for which letters of intent have been authorized will be available for funding such projects, without the necessity of reopening competition, should the Corporation's Board determine that assistance should otherwise be awarded to such projects.

The Committee recognizes that economic and technological developments since passage of the Energy Security Act in 1980, together with the reduction in the funds available for obligational authority by the Corporation, cast doubt on the feasibility of achieving the statutory production goals of section 125 within the time period specified in that section. Accordingly, until the Corporation reports to Congress on a comprehensive strategy related to the production goals of the act, and the Congress and the President approve such a strategy or act on whatever alternative recommendations the Corporation may propose, the amendment provides that the attainment of the production goals is not required to be a factor in making solicitations or further awards of financial assistance in phase I of the Corporation's program under the act. As a result, from enactment of the amendment until approval of the comprehensive strategy, the Board would not be required by paragraph 131(b)(2) of the act to select proposals which, in the judgment of the Board, are most advantageous in meeting the national synthetic fuels production goal. The Board, however, would retain discretion, under paragraph 131(b)(3) and other applicable sections of the act, to consider the amount of synthetic fuel production by a proposed project as a relevant factor in the award of financial assistance. Also, consistent with other specified factors under the act, the Board would still have the discretion to utilize the funds available to the SFC to obtain an optimum amount of aggregate synthetic fuels production from all projects awarded financial assistance, as necessary to achieve the purposes of title I of the Energy Security Act apart from the production goal of section 125.

Section 131(b)(2)(A) of the Energy Security Act specifies that performance in the selection of proposals for financial assistance be given to the proposal which represents the least commitment of financial assistance by the Corporation and the lowest unit production cost within a given technological process, taking into account the amount and value of the anticipated synthetic fuel products. Section 131(b)(3) requires that the Corporation shall also consider, in awarding financial assistance, among other relevant factors—(b)(i) the potential cost per barrel or unit production of synthetic fuel from the proposed synthetic fuel project and (B)(ii) the overall production potential of the technology, considering the potential for replication, the extent of the resource and its geographic distribution and the potential end use. In satisfying these and other applicable requirements of the Energy Security Act, it is intended that the Corporation consider whether projects supported by the Corporation will be likely to continue to operate after SFC financial assistance ends. As part of that consideration, the Corporation would complete an analysis of the projected economic viability of the project over the life of the project, taking into account the projected project operating and maintenance costs and the projected market price of competing fuels.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 25, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to respond to your request for a statement of the Administration's views on the synthetic fuels proposal presented in your letter of September 21, 1984.

As described in your letter, the amendment would:

Rescind an additional $5.2 billion from the Energy Security Reserve for a total rescission of $7.2 billion including the provisions of the Deficit Reduction Act of 1984;

establish within the remaining balance a reserve of $5.7 billion for projects with approved Letters of Intent; one-half of the unused balance of this reserve will lapse, while the other half will be available for obligation in the discretion of the Board of the Synthetic Fuels Corporation;

establish a new appropriations reserve of $750 million to be available upon subsequent appropriation for coal research;

suspend the production goals of the Energy Security Act.

The President's synthetic fuels policy statement of May 14, 1984, had two fundamental objectives. The first was to achieve a major budget savings by curtailing the total obligations of the Synthetic Fuels Corporation. The second was to provide a focus for congressional debate over the appropriate scope of the federal synthetic fuels program so that the nation can move forward in developing the capability to produce synthetic fuels.

We remain convinced that the President's original proposal would leave in place a strong synthetic fuels program and represents the soundest policy. By avoiding the earmarking of funds for specific projects, the simple rescission would leave the Board of the SFC free to design a new plan for the use of its funds that reflects the reduced total funding.

Nevertheless, given the constructive movement to date in resolving legitimate differences over the revision of national synfuels policy, the time has come for a final resolution of the remaining issues. Your proposal represents very substantial progress toward the goals established by the President's statement. The proposed rescission of $5.2 billion, in conjunction with prior congressional action and future amounts that will lapse as a result of the disposition of the Letter of Intent projects, will result in a total synfuels funding adjustment approximately consistent with the President's request.

We continue to have concerns about the need for the $750 million reserve. This provision would be acceptable, however, in order to achieve enactment of a satisfactory compromise and on the basis of your assurance that it is designed to provide a reliable source of budget authority in FY 1986 and future years for our on-going efforts in the area of coal and fossil research and development.

You also inquired about the present status of the nominations to fill the five current vacancies on the Board of Directors of the Corporation. Because of the concerns expressed repeatedly by a number of Senators, I believe it was apparent to most observers that a resolution of the questions surrounding the future policy direction of the SFC was an important precondition to the confirmation of new Board members. The adoption of your compromise proposal by the Senate and its incorporation in a conference Report would provide the policy debate that your colleagues have stated must precede action on filling the vacancies. We would thus be able to announce nominations to the Board within a few days of final action on the rescission. Because of the importance of restoring a quorum to the SFC Board, we plan to monitor closely the confirmation process. Should the Senate schedule force an unacceptably long delay in confirmation, we would consult you and your colleagues on the jurisdictional committee on the appropriateness of using the President's authority to make recess appointments.

We sincerely appreciate your efforts to forge a consensus on issues relating to the Synthetic Fuels Corporation. I hope that I have responded fully to your request for a clarification of the Administration's views. Please let me know if there are any further questions.

With all best wishes,

Yours very truly,

DAVID A. STOCKMAN, *Director.*

Mr. McCLURE. Mr. President, in addition to the committee amendment it is the intention of the floor managers to accept an amendment by Senator METZENBAUM which contains a statutory clarification of the application to the SFC of the standards of ethical conduct and financial reporting as set forth in Executive Order 11222. In addition, the amendment would clarify the application of judicial review of SFC actions relating to public access to information and public meetings. These clarifications reflect concerns raised by Senators METZENBAUM and COHEN, and others.

Mr. President, as I mentioned, this overall compromise has been accepted by the administration. In addition, administration officials have indicated that actions would be taken to fill the vacant Board of Director positions once the compromise has been passed by the Senate and accepted in conference with the House.

These actions by the Congress and the administration will restore the much needed stability and confidence in the National Synthetic Fuels Program.

This compromise has bipartisan support, Mr. President. That support is reflected in the Dear Colleague letter that has been distributed. The signators are Senators BYRD, FORD, DOMENICI, PERCY, ARMSTRONG, BURDICK,

GARN, HUDDLESTON, HATCH, WARNER, and myself. I ask unanimous consent that it be included in the RECORD at the end of my remarks.

Mr. President, I urge the support of my colleagues for this compromise, which is in the best interest of our Nation. The compromise will assure continued progress in our national synthetic fuels program, while avoiding potentially unnecessary expenditures.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, September 25, 1984.

DEAR COLLEAGUE: In May of this year President Reagan transmitted legislation to the Congress limiting the funds and authorities of the U.S. Synthetic Fuels Corporation (SFC) by rescinding $9 billion of its authority and modifying its procedures. After lengthy discussions with representatives of the Administration a compromise proposal has been fashioned, which has been accepted by the Administration, and we would like to provide you with the legislative specifications for the proposal (attached). This compromise will be placed before the Senate for its consideration as an Appropriations Committee amendment to either the Fiscal Year 1985 Continuing Resolution or the Department of the Interior and Related Agencies Appropriations Act, Fiscal Year 1985, which ever occurs first.

This compromise preserves the original intent of the SFC to put in place a limited but diverse set of technologies, demonstrating at a commercial scale that this country can utilize its oil, shale, coal, tar sands, and heavy oil resources. The results promise to resolve outstanding environmental and financial uncertainties, thus permitting future development to be more fully in control of the private sector.

As announced in May, the President is committed to fill the vacancies on the Board of Directors of the SFC once a legislative resolution of the program issues, impeding the progress of the SFC, has been reached. Failure to restore the Board to a working quorum in the near future risks destroying nearly $2 billion in private investments already in place for those projects pending at the SFC. The Administration is committed, in letter of September 25, 1984, from the Director of the Office of Management and Budget, David A. Stockman, to nominate Directors to the SFC once the compromise has been passed by the Senate and accepted in Conference with the House.

Briefly, the amendment provides for a rescission of $5.2 billion of the funds available to the Synthetic Fuels Corporation. Combined with the rescission of $2 billion earlier this year, this makes a total rescission of $7.2 billion. Of the $5.2 billion rescinded, $750 million would be set aside for clean coal technology demonstration activities, including those identified in section 320 of the Fiscal Year 1985 Department of the Interior and Related Agencies Appropriations Act.

With the remaining $8.2 billion in the Energy Security Reserve, $5.7 billion would be set aside for those projects which already have authorized or signed Letters of Intent (LOI's), as a preliminary step towards signing a contract. If any of these funds remain after the Corporation has completed action on the projects with LOI's (by entering into contracts or by otherwise completing action on the LOI's) 50 percent would remain available for use by the SFC. The balance of $2.5 billion in the Energy Security Reserve would be available for new projects and other authorized activities.

In addition, the floor managers intend to accept an amendment by Senator Metzenbaum to the compromise with a statutory clarification of the application of (1) the standards of ethical conduct and financial reporting as set forth in Executive Order 11222 and (2) judicial review of SFC actions relating to public access to information and public meetings. These clarifications reflect concerns raised by Senator Metzenbaum and Senator Cohen, and others.

We urge you to join with us in supporting this compromise which will assure continued progress in our national synthetic fuels program, while avoiding potentially unnecessary expenditures.

Sincerely,

Pete Domenici, Wendell Ford, Charles H. Percy, Quentin Burdick, Walter D. Huddleston, Jim McClure, Robert C. Byrd, Bill Armstrong, Jake Garn, Orrin Hatch, and John Warner.

SYNTHETIC FUELS CORPORATION COMPROMISE AGREEMENT

Mr. BYRD. Mr. President, I support the bipartisan compromise on the Synthetic Fuels Corporation contained in the committee amendment to the fiscal year 1985 Interior Appropriations bill. Let me first commend the distinguished chairman of the Committee on Energy and Natural Resources for his efforts to work out this compromise agreement, and for his perseverance in working to secure the administration's support. Let me also express my appreciation for the substantial contributions of Senators JOHNSTON, METZENBAUM, FORD, HUDDLESTON, and HART in the development of some of the key elements of this compromise agreement.

I have long been an advocate of the development of synthetic fuels from the vast reserves of coal in West Virginia and other States. Thus, I am a strong supporter of the synthetic fuels program and the Synthetic Fuels Corporation. The development of synthetic fuels technology is, I believe, an important component of an insurance policy against oil disruptions that would threaten the Nation's energy security.

It is unfortunate that, almost from its first days, the SFC has been embroiled in controversy, largely involving the propriety of the activities of particular members of the Synthetic Fuels Corporation Board of Directors. Indeed, several months ago controversy ultimately reached such levels that resignations from the Board left the agency without a quorum to conduct business. As a result, the Synthetic Fuels Corporation has been crippled since last spring.

I believe that the compromise being offered here represents the best opportunity for getting America's synthetic fuels development program back on track. The compromise would rescind $5.2 billion from the Energy Security Reserve, and still leave enough for the Synthetic Fuels Corporation to conduct a balanced program. Of equal importance, the administration has indicated its support for this package, and its intention to nominate individuals to fill the vacant positions on the Synthetic Fuels Corporation's Board of Directors.

I would also point out that this compromise addresses two important opportunities with respect to the use of this country's vast coal resources. First, after the rescission of $5.2 billion, there are sufficient funds remaining in the Energy Security Reserve to support synthetic fuels projects using eastern bituminous coals. Second, the package provides for the establishment of a $750 million Clean Coal Technology Reserve to support, on a multi-year basis, clean coal technology demonstration activities, including those identified in section 320 of the fiscal year 1985 Department of the Interior Appropriations Act. That section of the Interior bill is a modified version of "The Coal Science, Technology and Engineering Act" (S. 1925), which I introduced almost 1 year ago on October 6, 1983, and which had a hearing before the Energy Research and Development Subcommittee on April 9, 1984.

As in my coal technology bill, the $750 million Clean Coal Technology Reserve will provide a basis for joint efforts, involving the private sector and the Department of Energy, to accelerate the development of advanced technologies which will contribute to the combustion and use of coal in an environmentally acceptable manner. The commercial application of advanced coal technologies, such as fluidized bed combustion, and limestone injection multistage burners—that is, the LIMB technology—offer efficient and cost-effective approaches to the reduction of sulfur dioxide and nitrogen oxide emissions from coal combustion. Sulfur dioxide and nitrogen oxides from coal combustion are often mentioned in connection with the problem of acid rain. The demonstration and eventual widespread commercial application of such technologies represent an important opportunity for achieving emissions reductions over the long term in a cost-effective and efficient manner.

Mr. President, this compromise will enable the Nation to move forward once again with its synthetic fuels program and will help promote the development of clean coal technologies which will enable us to use America's vast coal resources in an environmentally acceptable manner.

I urge my colleagues to support this compromise.

Mr. RANDOLPH. Mr. President, in four decades of congressional service I have learned because energy is critical to every sector of our society, there is no way to design one policy to solve all energy problems simultaneously. There is no perfect solution. This by and large is good because a policy in constant transition is better in many ways than a rigid inflexible policy. If we accept the premise there will always be some uncertainty in our energy future, we retain the positive ability to shift our direction as a result of technological discoveries or presently unknown reserves which could supply clean, secure, and abundant energy alternatives. This amendment totally neutralizes these positive technological results.

I introduced the Synthetic Liquid Fuels Act (H.R. 3209) in the fall of 1943. It allowed Government to give incentives and encourage a new and necessary industry over the threshold by nurturing uneconomic private industry for noneconomic benefits to the general public—including security of supply and foreign policy leverage. We would have also gained experience in this type of industrial endeavor and information on which to base further public policy.

Unfortunately, this new industry never materialized. Why? Because, in 1955 the decision was made to eliminate all Government involvement in coal gasification and other alternative energy projects. President Eisenhower ordered the program ended on the assumption if needed, private industry would anticipate and correctly respond to assure the Nation had adequate fuel supplies. After spending $82 million on synfuels pilot projects over 10 years, $3 million was returned—or rescinded—to the Federal Treasury, and the whole program was shut down.

It took 25 years before. In 1980, the Energy Security Act was approved as a second phase of our new national energy plan to reinstitute a viable synthetic fuels industry. The new act provided authorization for a beginning phase of $20 billion, and a second phase allowing for $68 billion to be used to create a synthetic fuels industry. Thus, we had again created the potential to recapture the initiative provided initially on April 5, 1944. I am convinced if the Carter administration had continued we would now be breaking ground for a number of plants to provide alternative fuels for the Nation. But it is now clear we will not continue this innovating, exciting, and crucial energy course. We are now seeing history repeat itself in negative fashion. On May 14, 1984, President Reagan, much like President Eisenhower before him, recommended a $9 billion rescission of funds for synthetic fuels projects. This amounts to about three-quarters of obligational authority remaining in the beginning phase of the program. Allegedly, the main reason for such action was because of mismanagement by those people the sitting President hand picked to administer the organization.

In the Deficit Reduction Act of 1984, Congress has already agreed to a $2 billion rescission, of which $1.15 billion was from uncommitted funds under a Tosco loan guarantee. This action left Synthetic Fuels Corporation with a base program of $13.25 billion of remaining obligational authority, and serves as sufficient warning that Congress expects more effective management of the Synfuels Program by Corporation staff.

Many Members of the 99th Congress will want to rework the Energy Security Act, when the Synthetic Fuels Corporation submits its comprehensive strategy to Congress, and many in the administration want to see it abolished entirely. Until the world energy situation begins to deteriorate again, I believe we will continue to allow promotion of a national synfuels policy that is less supportive than the policy established in the Energy Security Act. In the absence of 3-hour gasoline lines and constituents' complaints, most believe they can afford to neglect or to reduce Federal support for synfuels commercialization.

No doubt, a large national synfuels effort will evolve. World events and political realities will once again push the pendulum toward a positive synfuel development policy. When the energy situation becomes critical again we will ask ourselves: "Wouldn't it be better to maintain a consistent national synfuels policy rather than being left unprepared to deal with long-term shortages?"

We will look with envy at the Republic of South Africa, with its three operating commercial synfuels plants, supplying more than 40 percent of their liquid energy needs, because that nation maintained a consistent national synfuels policy.

Mr. NICKLES. Will the chairman of the Energy Committee yield?

Mr. McCLURE. I yield the floor.

Mr. NICKLES. Will the chairman yield for a question?

Mr. McCLURE. I am happy to yield to the Senator from Oklahoma for a question.

Mr. NICKLES. I apologize for coming just a couple minutes beyond the time that you were possibly trying to get a vote. I did not know we were going to try to get a vote in right before 6 o'clock.

I have a couple of questions. Is the amendment of the Senator from Idaho pending or the amendment of the Senator from New Jersey?

Mr. McCLURE. The amendment which I and others offered at the committee markup of the continuing resolution meeting yesterday and which was adopted by the Appropriations Committee as part of the continuing resolution has been offered and modified into the bill. It is part of the bill before us today. The Senator from New Jersey has offered an amendment, which I understand the Senator from Oklahoma has cosponsored, and it is that substitute to the committee amendment which is now the pending business.

Mr. NICKLES. So the pending business would be the Bradley-Nickles amendment, which is a substitute for the McClure amendment?

Mr. McCLURE. The Senator is correct.

Mr. NICKLES. Basically, we are looking at two proposals. The most significant difference, at least as far as this Senator is concerned, pertains to the rescission amounts. The Bradley-Nickles amendment would rescind $9 billion from the Synfuels Corporation and the McClure amendment, the underlying amendment, would rescind $5.2 billion.

Mr. McCLURE. If the Senator would yield, the committee amendment would rescind $5.2 billion of the money previously appropriated to the energy security reserve account in addition to the $2 billion that was earlier rescinded, making a total rescission of $7.2 billion.

It also provides that, of the money which was made available for expenditure for the projects which were identified in the Board action in their April meeting, if any of those projects lapsed, 50 percent of the money that would otherwise be expended for the total of those projects would no longer be available for commitment by action of the Synthetic Fuels Corporation. So the ultimate amount of money that would be left available would depend upon the success of the projects' sponsors and the Synthetic Fuel Corporation Board being able to move forward those projects which were identified in their April meeting.

Mr. NICKLES. If the Senator would yield further, under the chairman's amendment, how much money would Synfuels have remaining in their account for future projects, either with letters of intent or additional projects?

Mr. McCLURE. The answer would be $8.2 billion.

Mr. NICKLES. $8.2 billion?

Mr. McCLURE. The Senator is correct.

Mr. NICKLES. Is it also correct that in the amendment proposed by the Senator from New Jersey and myself there would be approximately $4.2 billion?

Mr. McCLURE. I think that is approximately correct.

Mr. NICKLES. The Senator mentioned the fact that we have already rescinded $2 billion and that has become law. Is it not also a fact that because of the Tosco project, cancella-

tion of that project, that that was about $1.155 billion which they basically applied, so the real net rescission, the amount of money the Treasury saved, was only $850 million and not $2 billion?

Mr. McCLURE. It was our view at the time the earlier action was taken that the $2 billion was the total amount rescinded and the amount of money available from Tosco remained available to the Corporation. The Comptroller General had made that ruling. That was reflected in the debate that was had at the time the $2 billion was rescinded.

Mr. NICKLES. I just want to make that clear because I think there has been some confusion between people talking about rescinding.

Mr. President, a parliamentary inquiry. Has the Senator from New Jersey laid the amendment down?

Mr. BRADLEY. Yes, the amendment has been laid down.

The PRESIDING OFFICER. The amendment has been laid down.

Mr. NICKLES. So it is now the pending business before the Senate?

The PRESIDING OFFICER. That is correct.

Mr. NICKLES. Mr. President, I am pleased to join with my colleague and good friend, the Senator from New Jersey, in supporting this amendment. I think it is important that we do so.

The essence of this amendment, the meat of the amendment that we have, is a rescission of $9 billion. Earlier today we passed by a voice vote—this Senator dissented—a budget resolution that provides for budget deficits of $180 billion, $190 billion, over $200 billion in the next 3 years. The budget deficits are escalating, not declining.

Several of us feel as though we need to make some reductions, we need to save some money. This is one area where we can save money. We can rescind several billion dollars.

I compliment Senator McCLURE. He says, "Let's rescind $5.2 billion." I think that is a step in the right direction. Most of us should know that the House of Representatives has already passed in this same bill a rescission of $5 billion. The amendment that Senator BRADLEY and I have introduced would rescind $9 billion. So we are talking about how much money we can save. Everybody, or it seems like most everybody, has agreed that we can save some money. Mr. President, the amendment that we have introduced is an amendment that is supported, or certainly was at one time supported, by the President.

We introduced the amendment on behalf of the administration. I ask unanimous consent that the statement by the President to the Congress of the United States supporting this rescission be included in the RECORD at this time.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

Today I am pleased to transmit to the Congress the "Energy Security Reserve Amendments of 1984," legislation to implement the new synthetic fuels policy that I announced on May 14, 1984.

This legislation reaffirms the Nation's commitment to a long-range program of developing a private-sector synthetic fuels industry while recognizing that improvements in the energy outlook can permit us to achieve a major reduction in Federal spending through prudent realignments in the program.

When the Congress established the Synthetic Fuels Corporation in 1980, making available a total of $19 billion for related activities, oil prices were projected to reach $75 to $125 per barrel by 1990; America was dependent on imported oil for 18 percent of its energy supply; and the memories of gas lines lingered.

Synthetic fuels held promise as an economically competitive alternative to traditional fuel sources. Proponents of the current law argued that the Federal program would have little or no impact on the deficit and established an extremely rapid and ambitious schedule for developing a commercial synthetic fuels industry.

In the intervening years, the energy outlook has improved dramatically. The price of imported crude oil has declined more than 25 percent since I took office, and our oil imports are down 33 percent compared to 1980 levels. The Strategic Petroleum Reserve, at nearly 400 million barrels, provides more than 80 days protection against a total disruption of our imports and over 200 days if OPEC halted supplies—in 1980, it provided less than 17 days protection. The energy conservation efforts of the American people have far exceeded expectations, further enhancing our energy situation.

As a consequence of these major changes, the presumptions that underlie the current synthetic fuels program have proven at variance with the realities of the market place. It is now apparent that developing a commercial synthetic fuels industry at the pace envisioned by the Energy Security Act of 1980 would require enormous direct budget outlays that would not be offset by any economic benefits.

Proceeding down the path set by current law would thus result in the inefficient use of billions of dollars. It would also grossly distort the market place for synthetic fuels, possibly creating an industry that would be permanently dependent on government subsidies, not the commercially viable industry envisioned by Congress in 1980.

The "Energy Security Reserve Amendments of 1984" reflect an effort to strike a balance between avoiding wasteful expenditures and preserving an appropriate national synthetic fuels program. The legislation would rescind $9 billion of the $19 billion originally appropriated. It would also require that projects supported by use of the remaining funds be limited to those that produce fuels whose prices will not be significantly above projected market prices of competing fuels.

At the same time, the legislation leaves completely intact the administrative structure for the synthetic fuels program. By continuing to use the Synthetic Fuels Corporation, we can avoid unnecessary delay and disruption in the national's effort of ensuring synthetic fuels commercialization.

Swift passage of this legislation will make a major contribution to reducing the Federal deficit in the years ahead while putting the synthetic fuels program on a sounder footing.

I urge the Congress to act expeditiously in its consideration of this legislation.

RONALD REAGAN.

THE WHITE HOUSE, *May 25, 1984.*

Mr. NICKLES. I appreciate the Chair's cooperation.

The PRESIDING OFFICER. The Senator from Oklahoma is further recognized.

Mr. NICKLES. I appreciate again the Chair.

Mr. President, I ask unanimous consent that a letter coming from the Director of the Office of Management and Budget, Mr. Stockman, dated September 25, to Senator JIM McCLURE, be entered in the RECORD in full.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 25, 1984.

Hon. JAMES A. McCLURE,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to respond to your request for a statement of the Administration's views on the synthetic fuels proposal presented in your letter of September 21, 1984.

As described in your letter, the amendment would:

Rescind and additional $5.2 billion from the Energy Security Reserve for a total rescission of $7.2 billion including the provisions of the Deficit Reduction Act of 1984;

Establish within the remaining balance a reserve of $5.7 billion for projects with approved Letters of Intent; one-half of the unused balance of this reserve will lapse, while the other half will be available for obligation in the discretion of the Board of the Synthetic Fuels Corporation;

Establish a new appropriations reserve of $750 million to be available upon subsequent appropriation for coal research;

Suspend the production goals of the Energy Security Act.

The President's synthetic fuels policy statement of May 14, 1984, had two fundamental objectives. The first was to achieve a major budget savings by curtailing the total obligations of the Synthetic Fuels Corporation. The second was to provide a focus for congressional debate over the appropriate scope of the federal synthetic fuels program so that the nation can move forward in developing the capability to produce synthetic fuels.

We remain convinced that the President's original proposal would leave in place a strong synthetic fuels program and represents the soundest policy. By avoiding the earmarking of funds for specific projects, the simple rescission would leave the Board of the SFC free to design a new plan for the use of its funds that reflects the reduced total funding.

Nevertheless, given the constructive movement to date in resolving legitimate differences over the revision of national synfuels policy, the time has come for a final resolution of the remaining issues. Your proposal

represents very substantial progress toward the goals established by the President's statement. The proposed rescission of $5.2 billion, in conjunction with prior congressional action and future amounts that will lapse as a result of the disposition of the Letter of Intent projects, will result in a total synfuels funding adjustment approximately consistent with the President's request.

We continue to have concerns about the need for the $750 million reserve. This provision would be acceptable, however, in order to achieve enactment of a satisfactory compromise and on the basis of your assurance that it is designed to provide a reliable source of budget authority in FY 1986 and future years for our on-going efforts in the area of coal and fossil research and development.

You also inquired about the present status of the nominations to fill the five current vacancies on the Board of Directors of the Corporation. Because of the concerns expressed repeatedly by a number of Senators, I believe it was apparent to most observers that a resolution of the questions surrounding the future policy direction of the SFC was an important precondition to the confirmation of new Board members. The adoption of your compromise proposal by the Senate and its incorporation in a conference Report would provide the policy debate that your colleagues have stated must precede action on filling the vacancies. We would thus be able to announce nominations to the Board within a few days of final action on the rescission. Because of the importance of restoring a quorum to the SFC Board, we plan to monitor closely the confirmation process. Should the Senate schedule force an unacceptably long delay in confirmation, we would consult you and your colleagues on the jurisdictional committee on the appropriateness of using the President's authority to make recess appointments.

We sincerely appreciate your efforts to forge a consensus on issues relating to the Synthetic Fuels Corporation. I hope that I have responded fully to your request for a clarification of the Administration's views. Please let me know if there are any further questions.

With all best wishes,

Yours very truly,

DAVID A. STOCKMAN,
Director.

Mr. NICKLES. Mr. President, to give the essence of it, I will read from one paragraph of it:

> We remain convinced that the President's original proposal would leave in place a strong synthetic fuels program and represents the soundest policy.

Mr. President, the President's original proposal was to rescind $9 billion.

Mr. President, we get into the question of how much are we going to rescind? Senator BRADLEY, myself, Senator HUMPHREY, and others say, "Let us rescind $9 billion." Several of my colleagues have asked, would that leave a Synfuels Program? Yes. It would. It would leave in Synfuels an additional $4.262 billion for additional remaining contracts. They could fund contracts that they have already signed letters of intent for. There are some uncommitted funds that are scheduled for new projects. There are some unsigned letters of intent. They would have $4.262 billion that they could commit toward those projects.

Mr. President, already available and transferred from the Department of Energy is $4.249 billion. So as you see, we have been spending substantial billions for synthetic fuels development already. This Senator is not opposed to the Synfuels Program. I am opposed to massive Federal Government subsidies and price guarantees for projects that are not economically feasible, may well not be economically feasible, and will cost taxpayers billions and billions of dollars.

Several of these projects have price guarantees that are staggering, that are astounding when you consider what the normal price of energy is today. I will mention a couple, Mr. President, to familiarize my colleagues with the cost of some of the projects that are pending. The Dow Syngas project is one of the projects that now has awarded contracts. This is one that is already in line and has a guaranteed price of initially $12.50 per million Btu's; then at a later time, after a certain amount of production, $11 per million Btu's. Mr. President, the market price for gas right now is right around $3. So you see, this is a price guarantee that is over four times what the market price is for maximum cost or price guarantees of $620 million.

The Cathedral Bluffs project has a maximum synthetic fuels obligation of $2.19 billion and has a guaranteed price of $60 per barrel. Mr. President, on the spot market today, oil is selling for about $28. The duration of the price guarantee is for 10 years. Companies participate, such as Occidental Oil Co. They have a presence in my State as well as Tenneco. Those are big oil companies. Mr. President, the Great Plains Coal Gasification Project, another project that is a DOE project that was transferred under Synfuels, has a maximum price guarantee of $790 million. The guaranteed price is $10 per million per Btu.

Mr. ANDREWS. Mr. President, will my colleague yield?

Mr. NICKLES. I will be happy to yield.

Mr. ANDREWS. You mentioned the Great Plains coal gasification plant. That was constructed under a loan guarantee program. From the time that was built, of course, the anticipated cost of energy has gone down sharply. The people who participate in that plant have a choice. They can shut it down, in which case the Federal Government, the taxpayers of this country, Mr. President, are obligated for $1.8 million. If it is shifted over to a price guarantee where they make up the difference between the present price, which is lower than they anticipated of what they get for production, the cost to the Government—I think the chairman of the committee just pointed out, Mr. President—is in the neighborhood of $500 million for 10 years. That is a bargain—$500 million versus $1.8 billion. It is still a subsidy, I might point out, but the plant has been constructed. It would be my hope, Mr. President, that when we do things in the future in Synfuels, we do them with price guarantees and let them bid in so much per barrel equivalent of energy production. I think in a sense that is what my colleague, the Senator from Oklahoma, is making as a point. He does make some sense. But in the case of the plant which he was illustrating, to continue and switch over to a price guarantee actually saves us almost two-thirds of the exposure that the Federal Government has, the way it stands under the present loan guarantee. I just wanted to make that clear.

Mr. NICKLES. I appreciate the Senator's comments. Again, we are talking about lots of money and how these contracts are written. We are talking about substantial amounts of money, and substantial prices for energy. Here again when you talk about billions, sometimes Congressmen, Senators, and consumers lose the impact. But when you start telling them that you are talking about $60 per barrel, or $70 per barrel, or $10 for gas when gas sells for $3, I think maybe it helps bring the project home.

The Northern Peat Energy Project, which is in Maine, has a letter of intent that is executed. The amount of loan guarantee in this case is $160 million. The guaranteed price again is $10.50 per million Btu. The price guarantee period is for 10 years. That means taxpayers are going to be guaranteeing that price for 10 years, again a price that presently is three or four times the market price for natural gas.

The Union Oil Parachute Creek Program, phase No. 2.

Mr. President, most people or those who have worked in this are aware that we have already a Union phase 1, and the amount of Federal liability in this case goes up to $400 million. Union phase 2, if it is enacted, has total liability of $2.7 billion. The price guarantee called for in Union phase 2 is a price of $60 per barrel which can be increased up to $67 per barrel should Union successfully utilize its seed technology. These prices are tied to an escalator. So again we are looking at the Federal Government guaranteeing these prices, $60-some per barrel, escalating and increasing when the cost of oil today produced in the market, domestically or imported, is around $28 to $30.

The Seek Ridge Project in Utah has an authorized letter of intent. The terms of the price guarantee would run for 10 years with a guaranteed price of $42.50 per barrel, again 1983 prices escalating with the producers price index. Seek Ridge is a smaller

project, a $45 million project, and certainly with the amendment that the Senators from New Jersey and Mississippi are sponsoring, there is $4.262 billion remaining. So there would be ample funds to fund several programs.

There may not be enough funds to fund every program that every oil company or every company wishes to fund, because when you start doling out Federal dollars and giving price guarantees and loan guarantees, there are a lot of companies that like to be at the trough.

Quite frankly, our country cannot afford these billions and billions of dollars. Most people should be aware that phase 2 of the Synfuels Program if enacted will cost another $68 billion to meet some goals and objectives that certainly are not attainable but yet they are still in the law today.

I just call to the attention of my colleagues that some of these projects are enormously expensive. I hope that we can go into some development. I hope that we can go in and convert shale oil to oil, or that we can convert coal to gas. We have some projects already in line to test that technology.

Mr. BRADLEY. Will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. BRADLEY. Is it true that the Synthetic Fuels Corporation guaranteed the price for a barrel of oil produced for synthetic fuels as high as $92 per barrel?

I have a Washington Post article, dated July 24, 1984, which I would like to submit for the RECORD.

Mr. President, I ask unanimous consent that this article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SYNFUELS GUARANTEE PUT AT $92 A BARREL

(By Michael Isikoff)

The Union Oil Co. would be guaranteed a $92-per-barrel price of oil for a massive oil shale project it is building in Colorado under a contract tentatively approved by the U.S. Synthetic Fuels Corp., according to a new federal study.

The $92 per barrel price is about three times the current market price for oil and nearly twice the $48 per barrel market price that the agency projects for 1989, when the huge plant in Parachute, Colo., is scheduled to begin production of oil from shale.

The General Accounting Office, in a new study to be released today, says that the Synthetic Fuels Corp. initially could be required to make payments to Union of up to $44 per barrel on each of the 42.152 barrels of oil produced at the plant.

Rep. Michael Synar (D-Okla.), chairman of the House Government Operations subcommittee on the environment, said yesterday that this would result in payments to Union of nearly $1 million per day over a six-year period between 1989 and 1995. The agency previously has announced that it would provide up to $2.7 billion in price guarantees for the project.

Decrying the synthetic fuels tentative contracts as "corporate welfare," Synar said, "It is inconceivable that, while we are holding the line on lunches for schoolchildren, assistance to the needy and health care for the elderly, we are guaranteeing Union Oil Co. federal handouts of roughly $1 million a day."

Karen Hutchison, spokeswoman for the synthetic fuels agency, said yesterday that the tentative contract with Union reflects the agency's "whole philosophy" of encouraging corporate investment in synthetic fuels by guaranteeing to cover the huge start-up costs plus a reasonable profit in the initial years in the expectation that the plants will become economically viable later.

She also noted that the Union Oil contract includes a profit sharing plan that could be enough to recoup the government's entire $2.7 billion investment in the plant over its 15-year life. "Sure, we're paying out a lot," said Hutchison. But you're talking about unlocking a resource that has enormous energy potential for the country."

But the GAO report notes a number of aspects of the Union Oil project that raise questions about the agency's program, according to Synar. The report says that, on top of the subsidies, Union Oil could receive as much as $3.4 billion in tax breaks for building the project. It also says the plant uses technology similar to that of another federally subsidized project at the Parachute site, known as Union Oil Phase I.

That plant was completed last fall, but there have been "about 20 unsuccessful attempts to operate the plant," the GAO said. A Union Oil spokesman acknowledged that there have been some "start-up" difficulties with the project, but said they did not indicate "any fundamental problems." He added, however, that he could not estimate when Union Phase I will begin full production.

Synfuels opponents are expected to use the GAO report this week when they attempt to knock about $10 billion out of the agency's budget during House debate on an Interior appropriations bill. The Synthetic Fuels Corp. is currently unable to spend any more money because it does not have enough board members for a quorum, and the Reagan administration has refused to nominate any more board members until major cuts in its budget are enacted by Congress.

Mr. BRADLEY. Will the Senator yield further?

Mr. NICKLES. I will be happy to yield the floor. I just wanted to make a few comments and allow Senators to consider the various proposals we have. I yield the floor.

Mr. BRADLEY. Mr. President, I thank the distinguished Senator from Oklahoma for his comments on this outrageous boondoggling program. We are now trying to cut $9 billion out of this program and we have people defending it as if it was medicare, $9 billion. I look around the floor and see the distinguished Senator from Massachusetts, the distinguished Senator from Idaho, and the distinguished Senator from Virginia in the chair. I can assure the Senate that if this amendment is not adopted, we will come back and revisit this with maybe $8 billion or $7 billion, until we get to the level which the distinguished chairman said he can absorb, which is $5 billion. We have a $200 billion budget deficit out there. It does not make sense to take the dollars from the taxpayers and send them to companies to guarantee $67 a barrel oil. It does not make any sense at all.

The Interior appropriations bill is before us and this amendment is before us. We will have a chance to vote on this amendment tomorrow but the Interior appropriations bill will be before us for a period longer.

I know the distinguished Senator from Oklahoma feels as I do, that to spend this kind of money is absolutely outrageous at this time. I know that each of our statements has clearly made that point.

In the article in the Washington Post which I submitted for the RECORD it clearly shows that of these subsidies of $13 billion, $4.9 billion in subsidies go to the promotion and development of the Union oil shale technology.

The Union oil shale technology is about $67 a barrel oil.

Mr. President, this just does not make sense. I hope the Senate will see its way clear to reducing it by a larger margin than the $5 billion that is before the Senate at this time.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I think perhaps we are about at the point where it would be useful to set aside the pending matter. I will do that in just a moment. I will ask unanimous consent to set aside the pending matter so that we may consider an amendment to be offered by Senator TSONGAS, who I understand cannot be here tomorrow. I wish to accommodate him on an amendment that we are prepared to accept.

Before doing that, however, let me respond to just three points which have been made.

First, is the administration in support of the Bradley-Nickles amendment or in support of the committee amendment? I can say unequivocally, by the letter that was entered into the RECORD in the Appropriations Committee yesterday, that the administration is in support of the compromise which is now in the pending committee bill, not the pending Bradley-Nickles amendment.

Mr. NICKLES. Will the Senator yield for a question?

Mr. McCLURE. Yes.

Mr. NICKLES. Was that the letter by Mr. Stockman dated September 25?

Mr. McCLURE. The Senator is correct.

Mr. NICKLES. Am I also correct, if you read the first line in the last paragraph, it says:

We remain convinced that the President's original proposal would leave in place a strong synthetic fuels program and represents sound policy.

Mr. McCLURE. Let me answer this way: I consulted with OMB on every sentence in that letter. I know what every sentence in that letter means and what it does not mean. I think a fair way to characterize it is that the administration is saying in that letter that while they still would have preferred to go the other way, that in order to resolve the controversy they have accepted the compromise as the best alternative.

What Mr. Stockman, the Director of OMB, is saying, in effect, is that, Yes, we have not abandoned our original position. That is what we would have preferred to do. However, in view of all of the circumstances and all of the debate and all of the discussion that has come up since that time, we are willing to accept a compromise as the best achievable measure at this time.

That is the administration's position in support of the compromise. I recommend that Senators look at the first paragraph on page 2, which very clearly states that fact.

The second thing that I wish to address myself to is a comment made earlier that somehow the Bradley-Nickles amendment is even the administration's first position. It is not because the Bradley-Nickles amendment is a $9 billion rescission, and the administration's first proposal was a total $9 billion rescission. Including the $2 billion that was rescinded earlier, we would need a $7 billion rescission at this time to meet the administration's original proposal.

The Senator from New Jersey and the Senator from Oklahoma would add $9 billion to the $2 billion making a total of $11 billion, which is $2 billion more than even the administration asked.

Mr. NICKLES. Will the Senator yield for a question?

Mr. McCLURE. Please let me make one other point.

The Senator a moment ago made reference to the Tosco proposal which failed, and whether or not that money was still available and whether or not there was still the $2 billion.

Let the record be clear. The Comptroller General said that the Tosco money was still available for obligation and/or expenditure by the Corporation. It was following that that the $2 billion was rescinded. That is real rescission. That is not funny money. I think the record should be unambiguous and clear that that $2 billion rescission was a $2 billion rescission. We should not get confused by talking about whether or not the Tosco money was there or not. It was there.

Now, I shall be happy to yield to the Senator from Oklahoma if he has a question that I can respond to.

Mr. NICKLES. I shall be happy to. With regard to the Tosco money, on what date did we pass the $2 billion rescission? Does the Senator remember when we passed the $2 billion rescission?

Mr. McCLURE. I have forgotten the exact date. Let me ask what it is the Senator is trying to get at so that I can make my answer clear.

Mr. NICKLES. Mr. President, what I am trying to get at is there was a difference of opinion between GAO and Treasury whether or not that $1.155 billion for Tosco could be reobligated by Synfuels or whether the Treasury no longer had to make good on those promises.

Mr. McCLURE. The Secretary of the Treasury never agreed with the Comptroller. He could have tried to block it, perhaps, or he could have taken action to remove the money and go to jail. I guess that is what the Secretary of the Treasury might have done, but he did not.

Mr. NICKLES. The point I am trying to make is there was some dispute over whether or not that money could be reobligated and whether or not the actual impact of it was the Tosco project was canceled, therefore freeing up this $1.155 billion. So they got some money back that they thought they had obligated and so the net effect of the rescission was about $850 million.

Mr. McCLURE. The Senator can argue if he wishes to that if Tosco had not been available, we would have not rescinded the $2 billion. I cannot answer what Congress might have done if Tosco money had not been available, but the Comptroller General had ruled that the money was available for expenditure. That was merged into the discussion and the decision by Congress at the time the $2 billion was rescinded. So Congress had spoken on that question and did speak very clearly on that question at that time. It was not offset against Tosco. That money was there.

I will admit that the Secretary of the Treasury did not agree with the Comptroller General, but the Secretary of the Treasury is not the final authority in that particular instance; the Comptroller General is.

Mr. NICKLES. Mr. President, will the Senator yield for an additional question?

Mr. McCLURE. Yes, Mr. President.

Mr. NICKLES. On the administration question, when the House of Representatives took up this bill and there were basically two debates, should we rescind $5 billion or should we rescind $10 billion, am I not correct in saying that the administration was supporting a rescission of $10 billion?

Mr. McCLURE. I cannot respond to that, Mr. President, because my only knowledge of the administration's position at that time was expressed in the request for the $9 billion rescission, of which the original rescission of $2 billion was a part. I cannot tell the Senator how it was playing with respect to certain arguments that may have occurred in the other body. I simply cannot relate to that.

Mr. NICKLES. It is my recollection that those were the two amendments that were being debated on the House side, and the administration was supporting the rescission of $10 billion.

Mr. McCLURE. Without quibbling over the figures, I believe that the administration may have, at the time of the debate in the House, supported a larger rescission than they now support. The Senator is correct in that regard.

As I stated earlier, however, in view of all the conversations and the exceptions and the agreements in the balancing of this compromise, the administration has said that they support the compromise at this time.

Mr. NICKLES. I compliment my distinguished friend, the fine Senator from Idaho, because he has negotiated—and certainly, anyone who reads the letter from the President knows he did support the $9 billion rescission—the Senator from Idaho has negotiated at length and maybe has convinced OMB that some concessions are in order to get some rescission. If we do not pass some rescission, they do not get anything, is that correct?

Am I not correct in saying that Congress needs to take affirmative action to rescind some money that was already authorized?

Mr. McCLURE. The administration has said, as the Senator stated, in a letter to which he made reference—I think he made a copy of that letter a part of the RECORD—that in view of all of the circumstances, all the concessions and the balances that are available, we will, if this amendment is adopted and this compromise agreed to by the Congress, go forward with this program. They have not said what would happen if the Congress fails to do this, because certainly, then, they have to look at how they salvage things like the Great Plains project, the various letters-of-intent projects, and the various other ones that are in various stages of completion. The administration would have a very hard choice to make as to how they go about getting a Board in place to make decisions to carry out whatever affirmative agreements or decisions they made at that time. But they have stated that if this compromise is adopted in final action by the Congress which can be signed by the President of the United States, they will go forward with this program as outlined.

Mr. NICKLES. It would be better to get half a loaf than no loaf at all.

May I ask the Senator a couple more questions?

Under the Bradley-Nickles proposal, there would be $4.6 billion available for contracts that have letters of intent pending for other commit-

ments, for new contracts, unsigned letters of intent. Under the Senator's proposal, how much money would be available? I think he mentioned it earlier. I wanted to find out again.

Under the Senator's proposal, how much money would be available?

Mr. McCLURE. For the letters-of-intent programs, $5.7 billion; of unobligated, a little less than $2.5 billion.

Mr. NICKLES. And for that $2.5 billion, are there projects lined up? In other words, there is no letter of intent, there is no obligation by Synfuels Corporation or anything to fund a project. Are there other projects that maybe we should be aware of?

Mr. McCLURE. Mr. President, let us go back to the original Energy Security Act which set up the Corporation. We required at that time that a program be developed which would demonstrate a range of technologies, and have a diversity of media and geographic diversity. Looking at the program as it has developed to this point, most observers believe that the area that is not covered, either in technology or media to be applied or the geographic diversity, would be Eastern or Appalachian coal.

The Corporation has before it now some 18 proposals that total $17 billion competing for the approval of the Corporation for the commitment of the remaining $2.5 billion.

Mr. NICKLES. So the Senator was indicating that maybe something needs to be done in the East in Appalachian coal. In other words, we could fund every letter of intent that has already been signed—and my records indicate that that is about $6 billion—

Mr. McCLURE. Mr. President, may I make just one clarification in that regard, because the $5.7 billion that is earmarked for the letters-of-intent projects—that is all of those that were identified in the April meeting of the board—those total outside obligations could be as much as $6.8 billion. Of that, $5.7 billion is earmarked for those programs.

Mr. NICKLES. So if you add up all the signed letters of intent, Mr. President, that is $6.7 billion, the unsigned letters of intent are another $700 million. So you come up with your $6.8 billion. So you could fund every single one of those projects, even though the only commitment that the Federal Government maybe has given is a letter of intent, and we would still have $2.5 billion that we could come up with an Appalachian coal project or some other type of different technology or different geographical area?

Mr. McCLURE. The Senator is correct, but let me add this much: That every one of the proposals must meet the statutory criteria, and must meet all the criteria laid down by the Corporation before they could even go to contract. They must also have the affirmative approval at each stage of a majority vote of a quorum of the Board of Directors.

Mr. NICKLES. When and if they are able to get a quorum.

Mr. McCLURE. When and if.

Mr. NICKLES. Assuming this new project may be coming up with technology that would cost us just like all those other—I mentioned every one of the major projects that has a signed letter of intent, and every one is looking at $60 oil, or I think I mentioned $48 oil, or $10 gas, or $15 gas, so they are very expensive projects, concerning Btu. Then there would be $2.5 billion for that—

Mr. McCLURE. Let me correct one part of that statement lest there be any misapprehension.

These projects have a variety of financial arrangements merged into the proposals and approved in the contract with the Board. You have to look at the totality of the expenditures under the contract and the stream of revenues that might come back to calculate what the total cost would be. I think what the Senator has outlined is what the maximum cost might be but does not necessarily mean what the total cost would be under a given proposal because there are some contingencies involved.

Mr. NICKLES. Contingencies concerning the maximum liability, not contingencies concerning the price guarantee. If the market price exceeded the guaranteed price, there would be no cost.

Mr. McCLURE. It would depend on the individual contract as to what that might be. It also depends upon what your assumption of future prices will be in the energy field, because you cannot compare the cost of product guarantee to today's market. You have to compare it to the market at the time the product is actually marketed.

Mr. NICKLES. Does the Senator not think that the private sector would be better, using their dollars, at making the guesstimates on what the price of energy would be 10 years from now than the Government guaranteeing what they guess the price will be?

Mr. McCLURE. Certainly it does not determine what the product price in the market will be at that given date. Those are matters of conjecture and estimate. I say to my friend from Oklahoma—and he knows better than I—it was about 3 years ago everybody in the industry was confident of predicting $90-a-barrel oil by the end of this century. Now, the estimates today are somewhat different than that, and that is why we have some financial distress among financial institutions and producer organizations in the energy field.

Mr. NICKLES. I understand. One final question. In the Senator's proposal, he mentioned a $5.2 billion rescission. I did not hear any comments concerning the $750 million for coal R&D, so we are going to rescind some money but we are also going to set aside some money for coal R&D?

Mr. McCLURE. Part of the compromise proposal is that of the $5.2 billion to be rescinded, $750 million would be put into a clean coal R&D reserve, subject to appropriations by the Congress in the future. So that that money would be available for that kind of research and development but subject to whatever action the Congress takes in the future. It is tied rather specifically but not exclusively to the project purposes in section 320 of this bill.

Mr. NICKLES. The money would have to be appropriated, is that what the Senator is saying?

Mr. McCLURE. The money would have to be appropriated.

Mr. NICKLES. The $750 million. I am looking at Mr. Stockman's letter that we have talked about, and to quote the second paragraph on page 2, he says:

> We continue to have concerns about the need for the $750 million reserve.

So there must be some reservations on the compromise that the Senator has worked out.

Mr. McCLURE. I am certain they will make recommendations as to what kind of research and development programs ought to be funded from this reserve account. The authorizing and appropriating committees will exercise judgment with respect to those, and that judgment may vary from year to year. I do not know that I or anyone else can predict what a future Congress might do. But it is plain that the money is placed into this reserve account to be available for those purposes when, as, and if the Congress appropriates the money for those purposes.

Mr. NICKLES. I appreciate the Senator's comments. Just one final thought on that section. In doing a little research, we find that in coal liquefaction, synthetic fuels R&D, from 1980 to 1984 Congress appropriated $711 million, and that in surface coal gasification, Congress appropriated, from 1980 to 1984, $409 million. So there has already been a substantial Federal contribution in coal R&D. I think the Senator has answered my question.

Mr. McCLURE. I think it would be fair to note for the record that those are the initial actions taken, but a lot of this money was rescinded later. But the comment that a great deal of money has been appropriated to those areas simply underscores the commitment of the Congress to find ways to use its energy resource in an environmentally acceptable way. I think that commitment on the part of the Congress is a continuing commitment. I think it will continue into the future. But that is conjecture on my part. Re-

member that we are the OPEC of coal. We have more coal reserves than almost anyone else in the world, and abundant oil shale as well. The way in which we develop the technologies to make it available to the consumers of this country has a tremendous impact upon the security and the economic viability and competitive position of this Nation in the future. Having those resources available to us is certainly a great asset to our country in terms of our security and our economic strength. Making it available, however, depends upon the development of technologies. That is the reason we have put both research and development money in the regular appropriations act and the reason why the Congress in the past created the Synthetic Fuels Corporation and the demonstration program for this kind of technology.

Mrs. KASSEBAUM. Mr. President, an independent energy supply does enhance national security. So does a healthy economy. I believe we can further both of these vital goals if we rescind $9 billion of the Synthetic Fuels Corporation's budget and turn our attention and resources toward other energy technologies that promise less waste and greater results.

In 1980, long gasoline lines, rising energy prices, and increasing energy consumption spawned the Synthetic Fuels Corporation. I opposed the SFC then, because I have always believed that the commercialization of new technologies is more appropriately and effectively accomplished by private industry, not the Government. I still think the SFC is based on bad philosophy. Today, however, it is clear that the Corporation is also based on bad assumptions. Energy prices are no longer escalating, and consumption is no longer on the rise.

The SFC promised to replace expensive imported oil with domestically produced fuel at competitive prices. Yet synfuels now being produced cost two to three times more than oil. The industry's yield will be little more than one-tenth of what was promised in 1980. In fact, under the most optimistic projections, synfuels production will be 200,000 barrels a day by 1988. This is hardly energy independence. In fact, it is less than 2 percent of our current oil consumption; $15 billion is a high price for the taxpayer to pay for such a small energy return.

There has been yet another change since the SFC was first considered. Our deficit has more than tripled since that time. Surely we have the courage to reassess the SFC in the light of today's vastly different realities. What we have today is a corporation lacking in a proven product, beset by management difficulties, and costing the American taxpayer far more than it can deliver. The responsible action for us to take is a reduction of the synfuels budget—and a meaningful one. By accepting the Bradley proposal to rescind $9 billion, we can ensure that the Government's efforts are concentrated on small research and development projects. When the technologies and the market are ready, we may well find private industry willing to take the risk on its own.

AMENDMENT NO. 4850

Mr. McCLURE. Mr. President, I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 4850.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amendment to the pending committee amendment. At the end of the committee amendment insert—

"It is the sense of the Congress that the United States Synthetic Fuels Corporation should proceed expeditiously to complete action on the comprehensive strategy required by the Energy Security Act and otherwise implement promptly the national synthetic fuels program of Title I of the Energy Security Act."

AMENDMENT NO. 4851

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 4851.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

First degree amendment to House provision, page 62, line 22, after the period, insert "It is the sense of the Congress that the United States Synthetic Fuels Corporation should proceed expeditiously to complete action on the comprehensive strategy required by the Energy Security Act.".

AMENDMENT NO. 4852

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 4852.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Second degree amendment to first degree amendment to House provision, page 62, line 22.

Strike the period and insert in lieu thereof, "and otherwise promptly implement the National Synthetic Fuels Program of Title I of the Energy Security Act."

Mr. STEVENS. Mr. President, we do have Members in the Senate who are involved in a Jewish holiday. We would like very much to wind this down to accommodate those Members. I know there are other Senators on their feet, but I would urge that we, as soon as possible, be permitted to get to the normal evening wrapup.

Mr. McCLURE. Will the Senator from Alaska yield?

Mr. STEVENS. Yes.

Mr. McCLURE. I had indicated earlier that it was my hope, after a brief response, we would be able to temporarily set this matter aside so that we could consider an amendment to be offered by Senator TSONGAS which we are prepared to accept.

Mr. STEVENS. Very well. I thank the Senator.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order that the Senator from Massachusetts [Mr. TSONGAS] may offer an amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 4853

Mr. TSONGAS. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. TSONGAS] proposes an amendment numbered 4853.

Mr. TSONGAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, Line 20, strike the number "$98,908,000" and insert the following: "$111,783,000, of which $1,500,000 is available to carry out the provisions of Section 303 and 304 of P.L. 95-290".

Mr. TSONGAS. Mr. President, the amendment I am offering today would provide funds for construction and development of the Lowell National Historic Park of the Lowell Preservation Commission. This was a park set up a number of years ago but has been inadequately funded in terms of development. This amendment corresponds exactly to an amendment that has passed on the House side, and I believe

that the chairman of the committee and the chairman of the full committee will acquiesce to the amendment.

Mr. McCLURE. Mr. President, the Senator from Massachusetts is correct in stating that this matter has always been supported by Congress. As a matter of practice, we have withheld this appropriation in the Senate in the past. The House has had it in their bill. We have gone to conference and agreed to it in conference.

I think it is entirely appropriate that the Senator who has offered the amendment this evening, having been the original author of the statute by which this area was created, should be given the opportunity, in this, his last year in the Senate, to have the amendment offered and the money added in the Senate. I am happy to accede to the request. I have no objection to the amendment.

Mr. TSONGAS. I appreciate the statement by the Senator from Idaho.

I also have been asked to state that the chairman of the committee, Senator HATFIELD, strongly supports the amendment and wishes to be quoted in that regard.

Mr. President, I thank the distinguished chairman of the Appropriations Subcommittee on Interior and Related Agencies for his support of the Lowell National Park. There is an additional aspect of park funding that I would like to discuss.

The Lowell National Park has substantially expanded responsibilities under the program as it presently exists. Specifically, there is a need for an additional $108,000 in operating funds for the park staff to provide interpretation, maintenance, and utilities for the new Suffolk Mill turbine exhibit. This exhibit will be completed in fiscal year 1985 and serves as the central location for water power displays which is a main theme of the park.

Mr. McCLURE. Mr. President, if the Senator will yield, it is the intention of the committee to address this issue in our conference with the House on the Interior appropriations bill. I expect that we will be able to provide an appropriate level of funding to meet the needs of the Lowell National Historical Park operations budget, and I am pleased to support the Senator's efforts on behalf of this successful model for urban heritage parks.

Mr. HATFIELD. Mr. President, I am also aware of the great success of the Lowell National Historic Park and appreciate the enormous personal commitment to the project exhibited by my colleague from Massachusetts. Clearly, the national historic treasures of our New England States serve a national constituency and are worthy of Federal financial support. I am pleased to join my distinguished subcommittee chairman in this effort.

Mr. TSONGAS. Mr. President, I thank the distinguished chairman and the subcommittee chairman for their support on this matter.

Mr. McCLURE. Mr. President, I cannot escape the opportunity at this time to thank the Senator personally as well as publicly for having been so cooperative in this matter in the past. I am happy to be able to extend that cooperation this evening.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4853) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TSONGAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending matters be set aside and that an amendment by the Senator from Virginia [Mr. TRIBLE] may be in order at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4854

Mr. McCLURE. Mr. President, on behalf of the distinguished Senator from Virginia [Mr. TRIBLE], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for Mr. TRIBLE, proposes an amendment numbered 4854:

On page 9, line 20, strike "305,983,000" and insert in lieu thereof "306,383,000"

Mr. TRIBLE. Mr. President, my amendment adds $400,000 to the U.S. Fish and Wildlife Service budget for fiscal year 1985 to provide startup money for the new Cape Charles National Wildlife Refuge at the tip end of the Eastern Shore of Virginia.

The nucleus of the new refuge is the former Cape Charles Air Force Base, which was a radar tracking base until its deactivation about 5 years ago. The U.S. Fish and Wildlife Service has been working on acquisition of the base for about 3 years through General Services Administration surplus property disposal procedures, but had not anticipated the actual transfer until 1985. Because of the unexpected speed of the transfer, the Cape Charles Refuge was not included in the service's budget request for fiscal year 1985.

I visited Cape Charles last month to attend the transfer ceremony, and can attest that it is a beautiful tract of land on the Eastern Shore of Virginia. Primarily tidal marshland, it includes some upland areas in both timber and field crops.

The Fish and Wildlife Service has been presented with a rare opportunity. This area is among the most important habitat on the east coast for migratory waterfowl, raptors, and songbirds, and is home to endangered and threatened species such as the peregrine falcon, bald eagle, brown pelican, and five species of marine turtle. In addition, the Delmarva Peninsula is a primary flight corridor during the annual southern migration. The peninsula narrows in the south, creating a funneling effect on the birds which culminates at Cape Charles. Because of the variety of habitat, the area provides excellent cover and forage for the large variety and high concentration of migratory species.

In addition to the excellent wildfowl habitat, the former Air Force Base has a variety of buildings in relatively good condition. These can be converted to refuge use. The Fish and Wildlife Service is also examining the possibility of establishing a national training center for Service personnel and a refuge law enforcement refresher cause training center utilizing some of the existing buildings. Colleges and universities have indicated interest in using the facilities for environmental studies under contract or cooperative use agreements with Fish and Wildlife.

My amendment permits the Fish and Wildlife Service to maintain these new properties and existing facilities and plan the future uses of the area. I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4854) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that moton on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond 7:15 p.m., in which Senators may speak for not to exceed 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in

which it requests the concurrence of the Senate:

H.J. Res. 648. Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes.

At 12:48 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 6013) to amend the Small Business Act and the Small Business Investment Act of 1958; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. MITCHELL, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. MCDADE, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 2819) to make essential technical corrections to the Housing and Urban-Rural Recovery Act of 1983, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ST GERMAIN, Mr. GONZALEZ, Mr. FAUNTROY, Mr. PATTERSON, Mr. LUNDINE, Mr. WYLIE, and Mr. MCKINNEY as managers of the conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 2688) to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1985 and 1986, and for other purposes.

The message also announced that pursuant to the provisions of section 203(b), Public Law 98-361, the Speaker appoints as advisory members of the National Commission on Space, the following Members on the part of the House: Mr. FUQUA and Mr. LUJAN.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 960. An act to confer citizenship posthumously on Cpl. Wladyslaw Staniszewski;

H.R. 2300. An act to provide retirement equity for former spouses of civil service retirees, and for other purposes;

H.R. 3601. An act to modify the boundary of the Pike National Forest in the State of Colorado, and for other purposes;

H.R. 4932. An act to withdraw certain public lands in Lincoln County, NV, and for other purposes; and

H.R. 5646. An act to provide for a 3-year extension in the authority to pay cash awards to Federal employees for certain cost-savings disclosures, to clarify the authority to provide cash awards to members of the Armed Forces for such disclosures, to require a cost-benefit analysis of a Government program of furnishing workday care for dependents of Federal employees, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1770. An act to extend the lease terms of Federal oil and gas lease numbered U-39711;

S. 2614. An act to reauthorize and amend the Indian Financing Act;

S. 2732. An act to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, MI, as a component of the National Wild and Scenic Rivers System;

H.R. 3755. An act to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process; and

H.J. Res. 554. Joint resolution to designate the week of November 11, through November 17, 1984, as "Women in Agriculture Week."

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills were read the first and second times and referred as indicated:

H.R. 3601. An act to modify the boundary of the Pike National Forest in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times and placed on the calendar:

H.J. Res. 648. Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes.

The Select Committee on Indian Affairs was discharged from the further consideration of the following bill; which was placed on the calendar:

H.R. 5540. An act to provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, to institute for such tribe those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes.

The Committee on Labor and Human Resources was discharged from the further consideration of the following bill; which was placed on the calendar:

H.R. 4477. An act to amend the Higher Education Act of 1965 to provide grants to the States to establish postsecondary education scholarship programs to encourage outstanding high school graduates to enter the teaching profession and to establish a national fellowship program for talented teachers.

MEASURES HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent:

H.R. 960. An act to confer citizenship posthumously on Cpl. Wladyslaw Staniszewski.

ENROLLED BILLS PRESENTED

The Secretary reported that on today, he had presented to the President of the United States the following enrolled bills:

S. 32. An act to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings;

S. 38. An act entitled the "Longshore and Harbor Workers' Compensation Act Amendments of 1984";

S. 1770. An act to extend the lease terms of Federal oil and gas lease numbered U-39711;

S. 1989. An act for the relief of Vladimir Victorovich Yakimetz;

S. 2000. An act to allow variable interest rates for Indian funds held in trust by the United States;

S. 2614. An act to reauthorize and amend the Indian Financing Act; and

S. 2732. An act to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, MI, as a component of the National Wild and Scenic Rivers System.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 3026. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-636).

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

H.R. 3401. A bill to designate that hereafter the U.S. Post Office and Courthouse at 245 East Capital Street in Jackson, MS, will be known as the James O. Eastland Federal Court Building.

H.R. 3402. A bill to designate that thereafter the Federal building at 100 West Capital Street in Jackson, MS, will be known as the Dr. A.H. McCoy Federal Building.

H.R. 4354. A bill to designate the Federal Building in Ocala, FL, as the "Golden-Collum Memorial Federal Building."

H.R. 4700. A bill to designate the Federal Building and United States Courthouse at 1961 Stout Street, Denver, CO, as the "Byron G. Rogers Federal Building and U.S. Courthouse."

H.R. 4717. A bill to designate the U.S. Federal Building in Las Vegas, NV, as the "Foley Federal Building."

H.R. 5323. A bill to designate the U.S. Courthouse Building in Hato Rey, PR, as the "Clemente Ruiz Nazario Courthouse."

H.R. 5402. A bill to designate the U.S. Federal Building in Utica, NY, as the "Alexander Pirnie Federal Building."

H.R. 5747. A bill to designate the Federal building in Oak Ridge, TN, as the "Joe L. Evins Federal Building."

H.R. 6000. A bill to designate the Table Rock Lake Visitors Center building in the vicinity of Branson, MO, as the "Dewey J. Short Table Rock Lake Visitors Center."

H.R. 6255. A bill to designate the Federal Building and U.S. Courthouse in Ashland, KY, as the "Carl D. Perkins Federal Building and U.S. Courthouse."

By Mr. SYMMS, from the Committee on Environment and Public Works, without amendment:

S. Res. 452. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3024.

S. Res. 453. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 for consideration of S. 3024.

S. 3024. An original bill to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

P. A. Mack, Jr., of the District of Columbia, to be a member of the National Credit Union Administration Board for the term of 6 years expiring August 2, 1989.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. DOLE, from the Committee on Finance:

Lawrence A. Wright, of Vermont, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated.

By Mr. EAGLETON:

S. 3023. A bill for the relief of Mary Patricia McLaughlin; to the Committee on the Judiciary.

By Mr. SYMMS, from the Committee on Environment and Public Works:

S. 3024. An original bill to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes; placed on the calendar.

By Mr. STAFFORD (by request):

S. 3025. A bill to amend sections 15, 19, and 20 of the act of March 3, 1899 (33 U.S.C. 409, 414, and 415) to authorize recovery by the United States of costs incurred in removal of wrecks from navigable waters; to the Committee on Environment and Public Works.

By Mr. STEVENS, from the Committee on Appropriations:

S. 3026. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes; placed on the calendar.

By Mr. HATCH (for himself and Mr. DENTON):

S. 3027. A bill to extend programs under the Head Start Act; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself, Mrs. HAWKINS, Mr. CRANSTON, and Mr. SPECTER):

S. 3028. A bill to establish Federal matching grants to encourage State trust funds or appropriations for child abuse and neglect prevention activities; to the Committee on Labor and Human Resources.

By Mrs. HAWKINS:

S. 3029. A bill to provide for the Mary McLeod Bethune Memorial Fine Arts Center to be established by the Bethune-Cookman College in Volusia County, FL; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SYMMS, from the Committee on Environment and Public Works:

S. Res.452. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3024; to the Committee on the Budget.

S. Res. 453. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 for consideration of S. 3024; to the Committee on the Budget.

By Mr. BAUCUS (for himself and Mr. PACKWOOD):

S. Con. Res. 145. Concurrent resolution to express the sense of the Congress concerning the reduction of tariffs by Japan; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SYMMS, from the Committee on Environment and Public Works:

S. 3024. An original bill to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States code, and for other purposes; placed on the calendar.

SURFACE TRANSPORTATION AMENDMENTS

● Mr. SYMMS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Transportation Amendments of 1984".

INTERSTATE COST ESTIMATE APPROVAL

SEC. 102. The Secretary of Transportation shall apportion for the fiscal years ending September 30, 1985 and September 30, 1986 the remaining sums to be apportioned for such years under section 104(b)(5)(A) of title 23, United States Code, and shall adjust and reapportion for the fiscal year ending September 30, 1985 the apportionment made on March 9, 1984 under section 104(b)(5)(A) of title 23, United States Code, using the apportionment factors in table 5 of the committee print numberes 98-202 of the Committee on Environment and Public Works of the Senate.

INTERSTATE SUBSTITUTE COST ESTIMATE APPROVAL

SEC. 103. The Secretary of Transportation shall apportion for the fiscal years ending September 30, 1984 and September 30, 1985 the remaining sums to be apportioned for such years under section 103(e)(4) of title 23, United States Code, and shall adjust and reapportion for the fiscal year ending September 30, 1984 the apportionment made on March 9, 1984 under section 103(e)(4) of title 23, United States Code, using the apportionment factors contained in the committee print numbered 98-203 of the Committee on Environment and Public Works and the Committee on Banking, Housing, and Urban Affairs of the Senate.

85 PER CENTUM MINIMUM ALLOCATION

SEC. 104. The Secretary of Transportation shall adjust and reallocate the allocation made on March 9, 1984 under section 157 of title 23, United States Code, to reflect the full apportionment of Interstate funds for the fiscal year ending September 30, 1985, and the full apportionment of Interstate highway substitute funds for the fiscal year ending September 30, 1984 made as a result of this Act.

RELEASE OF INTERSTATE CONSTRUCTION FUNDS

SEC. 105. Section 104(b)(5)(A) of title 23, United States Code, is amended by striking the five sentences that follow "January 2, 1983." and inserting in lieu thereof: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year ending September 30, 1985. The Secretary shall make revised estimates of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985 and January 2, 1987. In September of each year, the Secretary shall adjust the last estimate submitted to reflect (1) all previous apportionments and lapses of previous apportionments, (2) previous withdrawals of Interstate segments under section 103(e)(4) of this title, (3) previous allocations of Interstate discretionary funds under section 118(b)(2) of this title, and (4) Interstate transfers of funds under section 119(b) of this title. The Secretary shall use the Federal share of such adjusted and submitted estimates in making apportionments for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989 and September 30, 1990.".

RELEASE OF INTERSTATE SUBSTITUTE FUNDS

SEC. 106. (a) The eighth sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out the word "approved".

(b) Section 103(e)(4) of title 23, United States Code, is further amended by striking the sixteenth sentence and inserting in lieu thereof the following: "The Secretary shall

make an estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984. The Secretary shall adjust such cost estimate in September of 1984 and 1985 to reflect (1) changes in the amounts available to the Secretary under this paragraph, (2) changes in State estimates of the division of funds between substitute highway and transit projects, (3) approvals of substitute projects, and (4) the allocation and apportionment of substitute highway funds in prior fiscal years and shall use the Federal share of such adjusted and submitted estimate in making apportionments for substitute highway projects for the fiscal years ending September 30, 1985 and September 30, 1986.".

(c) Section 103(e)(4) of title 23, United States Code, is further amended by striking the existing twenty-second sentence and inserting in lieu thereof the following: "The Secretary shall make an estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984. The Secretary shall adjust such cost estimate in September of 1984 and 1985 to reflect (1) changes in the amounts available to the Secretary under this paragraph (2) changes in State estimates of the division of funds between substitute highway and transit projects, (3) approvals of substitute projects, and (4) the allocation and appointment of substitute transit funds in prior fiscal years and shall use the Federal share of such adjusted and submitted estimate in making apportionments for substitute transit projects for the fiscal years ending September 30, 1985 and September 30, 1986.".

EMERGENCY RELIEF STATE MATCH

SEC. 107. (a) Subsection (f) of section 120 of title 23, United States Code, is amended by striking "shall not exceed 100 per centum of the cost thereof: *Provided*" and inserting in lieu thereof "on account of any project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable of a project on a system as provided in subsections (a) and (c) of this section: *Provided*, That the Federal share payable for eligible emergency repairs to minimize damage, protect facilities or restore essential traffic accomplished within thirty days after the actual occurrence may amount to 100 per centum of the cost thereof: *And provided further*".

(b) Section 120(f) of title 23, United States Code, as amended by this section is effective for all natural disasters or catastrophic failures which occur subsequent to enactment of this Act.

PRIORITY FOR INTERSTATE DISCRETIONARY FUNDS

SEC. 108. Section 118(b)(2) of title 23, United States Code, is amended by inserting after "which is not open to traffic" the following: "and high cost projects which are eligible for federal assistance with funds apportioned under section 104(b)(5)(A) of this title and are on an Interstate segment which is on a common alignment of more than 7.9 miles with any other Interstate segment and on which actual construction with funds apportioned under such section is underway on the date of enactment of this Act;"

HIGHWAY PLANNING AND RESEARCH

SEC. 109. Section 307(c)(1) of title 23, United States Code, is amended by inserting after "section 104 of this title", the following: "and for highway projects, section 103(e)(4) of this title.".

OFF-SYSTEM BRIDGE PROGRAM

SEC. 110. Section 144, title 23, United States Code, is amended by adding a new subsection as follows:

"(n) Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway system for the replacement of a bridge or rehabilitation of a bridge which is wholly funded from State and local sources, is eligible for Federal funds under section 144 of title 23, United States Code, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under such section 144, and is determined by the Secretary upon completion to be no longer a deficient bridge, any amount expended after the effective date of this section, from such State and local sources for such project in excess of 20 per centum of the cost of construction thereof may be credited to the non-Federal share of the cost of other projects in such State which are eligible for Federal funds under section 144, in accordance with procedures established by the Secretary.".

WOMEN BUSINESS ENTERPRISES

SEC. 111. Section 105(f) of the Surface Transportation Assistance Act of 1982 is amended as follows:

(1) after "small business concerns" insert ". Such small business concerns may be either".

(2) strike the period after "thereto" and insert "or owned and controlled by women.".

TOLL FACILITY DEREGULATION

SEC. 112. (a) Section 4 of the General Bridge Act of 1906 (34 Stat. 85, 33 U.S.C. 494), as amended, is amended by deleting the last sentence thereof.

(b) Section 17 of the Act of June 10, 1930 (46 Stat. 552, 33 U.S.C. 498a), as amended, is repealed.

(c) Section 1 of the Act of June 27, 1930 (46 Stat. 821, 33 U.S.C. 498b), as amended, is repealed.

(d) Sections 1-5 of the Act of August 21, 1935 (49 Stat. 670, 33 U.S.C. 503-507), as amended, are repealed.

(e) Sections 530 and 506 of the General Bridge Act of 1946 (60 Stat. 847, 848, 33 U.S.C. 52, 529), as amended, are repealed.

(f) Section 133 of Public Law 93-87 (87 Stat. 267, 33 U.S.C. 526a) is repealed.

(g) Section 6 of the International Bridge Act of 1972 (86 Stat. 732, 33 U.S.C. 535(d)) is repealed.

(h) Section 6(g)(4) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(g)(4)) is repealed.

(i) Tolls for passage or transit over any bridge constructed under the authority of the Bridge Act of 1906, as amended, the General Bridge Act of 1946, as amended, and the International Bridge Act of 1972, shall be just and reasonable.

RAIL-HIGHWAY CROSSINGS

SEC. 113. Notwithstanding any other provision of law, no report, list, schedule or survey compiled by or for a State for the purposes of complying with any requirement of title 23, United States Code, or the Highway Safety Act of 1973 concerning the evaluation of hazardous roadway conditions or rail-highway crossings in order to plan and prioritize projects to enhance safety, shall be required to be admitted into evidence or used for any other purpose in any suit or action in any Federal or State court.

TOLL REVENUES

SEC. 114. Section 129 of title 23, United States Code, is amended by adding the following new subsection:

"(i)(1) Each operator of toll roads, toll tunnels, toll ferries, and toll bridges, other than an international toll facility or toll facility subject to an agreement under this section or section 105 of the Surface Transportation Assistance Act of 1978 on a Federal-aid system in a State shall biennially certify to the Governor of the State that such facilities are adequately maintained and that the operator of such toll facility has the ability to fund the replacement or repair of any such facilities that are not adequately maintained without using Federal-aid highway funds. Failure to certify shall preclude Federal funding out of the Highway Trust Fund of any facilities owned or operated by the operator of such toll facility.

"(2) The Governor shall report biennially to the Secretary the toll facilities subject to paragraph (1) of this subsection, that have so certified and those which have not certified in accordance with paragraph (1) of this subsection. If funds from the Highway Trust Fund are used to repair or replace such toll facilities, the States' apportionments for the following fiscal year under section 104 of this title shall be reduced by the amount of Highway Trust moneys expended: *Provided*, That such reduction shall not be made if the State has executed an agreement covering such toll facilities under this section or section 105 of the Surface Transportation Assistance Act of 1978.".

RIGHT-OF-WAY DONATION

SEC. 115. (a) Notwithstanding any other provision of this title, the State matching share for a project under this title may be credited by the fair market value of land incorporated into the project and lawfully donated to the State after the effective date of this subsection. For purposes of this subsection the fair market value of donated land shall be established after the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier. This subsection shall not apply to donations made by an agency of a Federal, State, or local government. The credit received by a State pursuant to this subsection may not exceed the State's matching share for the project to which the donation is applied.

(b) Section 323 of title 23, United States code, is amended by—

(1) inserting after "Donations." an "(a)"; and

(2) inserting the following new subsection:

"(b)(1) A gift or donation in accordance with subsection (a) may be made at any time during the development of a project: Provided, That any document executed as part of such donation clearly indicates that—

"(i) all alternatives to a proposed alignment will be studies and considered pursuant to the National Environmental Policy Act;

"(ii) acquisition of property under this subsection shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location; and

"(iii) any property acquired by gift or donation shall be revested in its grantor or his successors in interest if such property is not requried for the alignment chosen after public hearings and completion of the environmental document.".

(c) Section 4651 of title 42, United States Code, is amended as follows:

(1) insert after "programs" in the first sentence the following "to promote joint projects between States and landowners and other entities in order to maximize Federal and State dollars";

(2) insert new paragraph (10) as follows:

"(10) Promotion of joint projects wherein private citizens and other governmental entities participate in the cost through land donations and/or financial contributions is consistent with Federal policy and should be encouraged by all Federal agencies. To this end donations of right-of-way and/or financial contributions by a State or other political subdivision, or any person is permissible.".

RIGHT-OF-WAY PAYBACK

SEC. 116. Section 103(e)(4) of title 23, United States Code, is amended by adding at the end thereof the following sentences: "Of sums made available to the Secretary under this paragraph for a State, an amount equal to the amount expended in Federal funds to purchase right-of-way for the withdrawn route or portion thereof in every case where right-of-way has not been disposed of by the State as of the date of enactment of this sentence shall not be available for release by the Secretary until the right-of-way disposition decision has been made in accordance with 103(e) (5)(B), (6)(B), or (e)(7) of this title. The amount apportioned to each eligible State pursuant to the thirteenth and nineteenth sentences of this paragraph shall be based on the full remaining value of the sums made available under this paragraph as determined by the Secretary but the total of such apportionments shall not exceed the remaining value of such sums less the amount unavailable for release by the Secretary. Sums retained by the Secretary shall be made available for apportionment upon partial or full repayment of funds in accordance with section 103(e)(7) of this title or upon determination by the Secretary that, under section 103(e) (5)(B) or (6)(B), repayment is not required.".

BRIDGE STUDY

SEC. 117. (a) The Secretary of Transportation shall conduct a study of the Bridge Replacement and Rehabilitation Program. This study shall include, but is not limited to—

(1) an analysis of the progress made toward replacing and rehabilitating inadequate bridges both on the Federal-aid system and off the system; a projection of future needs of the bridge program; and an evaluation of the States' prioritization in addressing bridge repair and replacement;

(2) a review of the bridge inspection program including the adequacy of the AASHTO "Manual for Maintenance Inspection of Bridges 1983"; the adequacy of qualification requirements for bridge inspectors; the status of the bridge inventory; and the adequacy of State bridge inspections;

(3) an analysis of the effectiveness of the bridge discretionary program;

(4) a reviwew of the bridge program's effect on the rehabilitation of historic bridges including the development of specific standards which would aply only to the rehabilitation of historic bridges, and an analysis of any other factors which would serve to enhance the rehabilitation of historic bridges.

(b) The Secretary of Transportation shall report to the Congress the results of the study under subsection (a) not later than one year after the date of enactment of this Act.

(c)(1) The Secretary of Transportation shall make appropriate arrangments with the Transportation Research Board of the National Research Council to carry out a study of the bridge formula as it affects the configuration and gross vehicle weight of large vehicles; the effect of certain large vehicles on the average life of a bridge; and the current status of and effect of grandfather rights applicable to this formula. The study shall be done in consultation with the Federal Highway Adminisration and the American Association of State Highway and Transportation Officials.

(2) The Transportation Research Board shall report to the Congress the results of this study not later than eighteen months after the appropriate arrangements have been made.

TECHNICAL AMENDMENTS

SEC. 118. (a)(1) Section 103(e)(4) of title 23, United States Code, is further amended by striking out the sixth, seventh, and eighth sentences and inserting in lieu thereof the following: "The sums apportioned and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. The sums apportioned and the sums allocated under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for succeeding fiscal year. Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such fiscal year. Such reapportionments shall be in accordance with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.".

(2) The last sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "designed" and inserting in lieu thereof "designated".

(b)(1) The second section 126 of the Surface Transportation Assistance Act of 1982, relating to bicycle transportation, is amended by striking out "SEC. 126." and inserting in lieu thereof "SEC. 126A.".

(2) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

(3) Section 163 of such Act is amended by striking out "appropriated" and inserting in lieu thereof "apportioned".

(4) Section 415 of such Act is hereby repealed.

(5) The third sentence of section 108(d) of such Act is amended by striking "this title," and inserting in lieu thereof "title 23, United States Code,".

(c)(1) The analysis of chapter 1 of title 23, United States Code, is amended (1) in the item relating to section 127 by striking out "and width", and (2) by striking out the item relating to section 146 and inserting in lieu thereof:

"146. Carpool and vanpool projects.".

(2) Section 120 of such title is amended by redesignating the second subsection "(i)", and subsections "(j)" and "(k)" as subsections "(j)", "(k)", and "(l)", respectively.

(3) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(4)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(5) Subsection (e) of section 144 of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(6) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(7) The last sentence of section 402(j) of such title is amended by striking out "chapter" and inserting in lieu thereof "section".

(d) Section 111 of title 23, United States Code, is amended by inserting "(a)" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(e)(1) Section 145(c) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"(c) The total amount which may be obligated for qualifying projects in any State under subsection (a) for each of the fiscal years 1983 and 1984 shall not be greater than the excess of—

"(1) the sum of the amount of obligation authority distributed to such State for such fiscal year under section 104(b) of this Act, plus the amounts, if any available to such State for such fiscal year under section 157

of title 23, United States Code, pertaining to minimum allocation, over

"(2) the amount of obligational authority distributed to such State for fiscal year 1982 under section 3(b) of the Federal-Aid Highway Act of 1981.".

(2) Section 145(e) of such Act is amended by inserting "section 108 of this Act and" after "such State under", and by striking out "104(b)(1) of title 23, United States Code," and inserting in lieu thereof "108 of this Act".

(f) Section 154(e) of title 23, United States Code, is amended—

(1) by striking out "criteria which takes" and inserting in lieu thereof "criteria which take";

(2) by inserting after "posted" the following: "on January 1, 1983,"; and

(3) by inserting before "in accordance with" the following: ", and on highways built after such date with speed limits posted as fifty-five miles per hour,".

HISTORIC BRIDGES

SEC. 119. (a) Section 144, title 23, United States Code, is amended by adding a new subsection as follows:

"(o) Notwithstanding any other provision of law:

"(1) any reasonable costs incurred due to actions taken to mitigate harm to bridges listed on or eligible for listing on the National Register of Historic Places as a result of Federal-aid projects funded under this section, shall be eligible for funds under this section.

"(2) Any State which is eligible to receive demolition funds for a replacement project under this section may receive amounts for preservation of an historic bridge not to exceed the estimated cost of demolition: Provided, That the State, locality or private entity enters into an agreement to assume all future legal and financial responsibility for the bridge which shall no longer be eligible for funds under this section.".

(b) Section 144(c)(2) is amended by striking "may, at the request of a State," and inserting in lieu thereof "shall require each State to".

WILDFLOWERS

SEC. 120. Section 319 of title 23, United States Code is amended by inserting an "(a)" after section 319 and inserting the following new subsection.

"(b) The Secretary shall approve the planting of native wildflower seeds and/or seedlings as part of any landscaping contract under this title. Not to exceed one-quarter of one per centum of the funds expended for landscaping shall be used for such plantings. The requirements of this subsection may be waived by the Secretary if the State certifies that such native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited.".

ELIGIBILITY FOR EMERGENCY RELIEF

SEC. 121. A project to repair or reconstruct any portion of a Federal-aid primary route in the vicinity of Horseshoe Bend, Idaho, which has experienced slide damage as a result of excessive snow and rainfall shall be eligible for assistance under section 125 of title 23, United States Code.

MINIMUM ALLOCATION

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

(b) The amendment made by subsection (a) shall become effective on October 1, 1984.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, in the fiscal year ending September 30, 1985 the Secretary of Transportation shall allocate to each State, as defined in section 101 of this title, the larger of:

"(1) The amount sufficient to insure that the State's percentage of the total apportionments in such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(2) The amount sufficient to insure that the State's percentage of the total apportionments in such fiscal year of Interstate highway substitute, primary, secondary, Interstate, urban, bridge replacement and rehabilitation, hazard elimination, and rail-highway crossings funds under sections 103(e)(4), 104(b), 144, and 152 of this title and section 203 of the Highway Safety Act of 1973, as amended, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.".

(d) For the fiscal year ending September 30, 1986, the Secretary of Transportation shall, notwithstanding the provisons of subsection (a) and (b) of this section, not preclude any State from receiving any additional funds as authorized by subsection (c) if the Congress approves such extension by law.

MARYLAND TRANSFER

SEC. 123. (a) The first sentence of section 7 of Public Law 98-229 is amended by inserting "amounts requested by the State of Maryland not to exceed" after the phrase "the Secretary shall transfer".

(b) The second sentence of section 7 of Public Law 98-229 is amended by striking out "$100,000,000" and inserting in lieu thereof "such amounts transferred".

(c) The third sentence of section 7 of Public Law 98-229 is amended by striking out "$100,000,000" and inserting in lieu thereof "an amount equal to the amount transferred from section 103(e)(4)"; and add at the end of the third sentence "in Baltimore, Maryland".

I-395 DEMONSTRATION CORRECTION

SEC. 124. Public Law 98-205 is amended by striking section 3 and inserting in lieu thereof the following:

"SEC. 3. Notwithstanding any other provision of law, the Secretary of Transportation shall assist the Commonwealth of Virginia and the District of Columbia, in carrying out a demonstration project on Interstate Highways 95 and 395 in Virginia and the District of Columbia for a period of not less than twelve months commencing within thirty days after the District of Columbia completes reconstruction of George Mason Bridge. The use of the express lanes on such highways shall be restricted under the experiment to buses, emergency vehicles, and other vehicles carrying four or more persons during the hours of 6 a.m. to 9:30 a.m. on Monday through Friday, exclusive of holidays, on northbound lanes and during the hours of 3:30 p.m. to 6 p.m. on Monday through Friday, exclusive of holidays, on southbound lanes during the demonstration period provided, that the Commonwealth of Virginia and the District of Columbia in consultation with the Secretary of Transportation may adjust such hours and refine the demonstration to enhance safety, minimize congestion, and maximize the use of the facility. During the demonstration period, the Commonwealth of Virginia and the District of Columbia in consultation with the Secretary of Transportation shall carry out an environmental assessment of the effects of the high occupancy vehicle restrictions including, but not limited to, capacity of the facility, congestion on the facility and its approaches, modal choice in the corridor and air quality, and shall, upon completion of such assessment, report to the Congress the results of the assessment and the demonstration project.".

DEMONSTRATION PROJECTS

SEC. 125. (a) Section 120 of title 23, United States Code, is amended by adding the following new subsection:

"(m) Notwithstanding any other provision of this section, the Federal share payable for any individual project which is authorized by statute after September 30, 1983, for construction at a particular location and for which authorizations are provided out of the Highway Trust Fund, shall not exceed 50 per centum of the total cost of such project or $12,500,000, whichever is less".

(b)(1)(A) The Secretary of Transportation is authorized to provide funding for a demonstration project in Cattaraugus County, New York, for the purpose of demonstrating the extent to which the economy of an Indian reservation can be improved by completion of key elements of a modern, grade-separated access controlled highway which serves the reservation.

(B) There is authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for fiscal year ending September 30, 1986.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned in accordance with section 104(b)(1) of title 23, United States Code.

(2)(A) The Secretary of Transportation is authorized to carry out a demonstration project in the vicinity of Buckhannon, West Virginia, for the purpose of demonstrating the efficient movement of traffic around an area of active coal mining and light industrial development.

(B) There are hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for fiscal year ending September 30, 1985.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(D) The Secretary of Transportation shall submit to the Congress a report on the results of such project within one hundred and eighty days after completion.

(3)(A) The Secretary of Transportation is authorized to provide funding for 69.2 miles of reconstruction work in the State of Montana to demonstrate the improved serviceability of rural roads when provided with overlap and other such reconstruction.

(B) There is authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, (other than the Mass Transit Account), not to exceed $10,000,000 for the fiscal year ending September 30, 1984 and shall remain available until expended.

(C) Sums authorized by this paragraph shall be available to the same extent and in the same manner as if such funds were apportioned in accordance with chapter 1 of title 23, United States Code.

(4)(A) The Secretary of Transportation is authorized to carry out a demonstration project in the vicinity of Cleveland, Texas, for the purpose of demonstrating the reduction in congestion by providing a four-lane divided highway with interchanges in an area with at-grade crossings.

(B) There are hereby authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for the fiscal year ending September 30, 1984, to carry out the project authorized by paragraph (4)(A).

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(D) The Secretary of Transportation shall submit to the Congress a report on the results of such project within 180 days after completion.

(5)(A) The Secretary of Transportation shall carry out a high-technology developmental highway project to demonstrate the economic and social benefits of providing adequate transportation facilities for promoting the use and development of existing human, natural, and educational resources of an area for high-technology industry and to demonstrate new approaches to State and national economic development goals. In addition to the above benefits, the construction will demonstrate the use of latest technology in addressing sensitive environmental concerns in a mixed rural and urban environment. The highway will be located and designed to link existing air, water, rail, and transportation facilities with educational and research facilities in a manner that will make accessible land areas suitable for high-technology industrial development. The project shall be carried out in the vicinity of Knoxville, Tennessee in cooperation with the State. The project shall demonstrate the contribution adequate transportation can make in improving the quality of life in a region when the other human and natural resources for high-technology development are present. The Secretary shall provide the necessary technical assistance to the Department of Transportation in the planning, design, and construction of the project and upon completion, the project shall be added to the Federal-Aid Primary System.

(B) Not later that one year, six years, and eleven years after the completion of the high-technology development highway demonstration project, the Secretary of Transportation shall submit reports to the Congress, including but not limited to the social, economic, and other environmental impacts of such project, with recommendations relative to applying the developmental concept to highway projects in other areas of the Nation.

(C) There is authorized to be appropriated to carry out the demonstration project out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for the fiscal year ending September 30, 1985. Such funds shall be available until expended, shall be available for obligation in the same manner and to the same extent as if apportioned under chapter 1 of title 23, United States Code, and shall not be subject to any obligation limitation.

(6)(A) The Secretary of Transportation, in cooperation with the State of Idaho, shall conduct a demonstration project within a transportation corridor to determine the economic and social impact of controlled-access highway services—including conversion of railroad rights-of-way to highway and other transportation uses—on a redeveloping central business district of a metropolitan area of two hundred and fifty thousand population.

(B) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this paragraph not to exceed $7,500,000.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(D) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than one year after completion of the project.

(7)(A) The Secretary of Transportation shall carry out a project to demonstrate the feasibility of replacing a functionally obsolete and structurally deficient bridge in Manchester, New Hampshire, located in part in an historic district, with a modern structure while preserving the integrity of the district.

(B) There is authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), $12,500,000 for the fiscal year ending September 30, 1985.

(C) Such funds shall be available until expended, shall be available for obligation in the same manner and to the same extent as if apportioned under chapter 1 of title 23, United States Code.

(8)(A) The Secretary of Transportation, in cooperation with the State of Washington, shall conduct a demonstration project within a transportation corridor to determine the economic and social impact of utilizing the air space above a controlled-access highway to mitigate the impact on a major urban area of construction of the highway and for other transportation uses.

(B) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this paragraph not to exceed $12,500,000.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(D) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than one year after completion of the project.

(9)(A) The Secretary of Transportation is authorized to carry out a highway project to demonstrate the benefits of a causeway to Ford Island in Pearl Harbor, connecting with the highway system of Honolulu; the anticipated benefits to include the development of this underused federal property on Ford Island and a substantial savings in ferry and small boat operating and maintenance costs.

(B) There is authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for fiscal year ending September 30, 1985, and shall remain available until expended.

(C) Sums authorized by this paragraph shall be available to the same extent and in the same manner as if such funds were apportioned in accordance with Chapter 1 of title 23, United States Code.

(D) The Secretary of Transportation shall submit to Congress a Report on the results of demonstration project not later than one year after completion of the project.

(10)(A) The Secretary of Transportation, in cooperation with the State of Georgia, shall carry out a project to demonstrate the best method for replacing an existing functionally obsolete bridge across the Savannah River in Savannah, Georgia with a modern, high-level structure in order to improve safety and the free flow of both vehicular and waterborne traffic including that related to national defense.

(B) There is authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), $12,500,000 for the fiscal year ending September 30, 1985.

(C) Such fund shall be available until expended and shall be available for obligation in the same manner and to the same extent as if appropriated under Chapter I title 23, United States Code.

(D) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than one year after completion of the project.

(11)(A) The Secretary of Transportation, in consultation with the Secretary of the Interior, is authorized to carry out a project on the Turquoise Trail to demonstrate transportation efficiencies gained by upgrading the highway connecting two Indian reservations.

(B) To carry out this paragraph, there is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000.

Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were appropriated under chapter 1 of title 23, United States Code. Such sums shall remain available until expended and shall not be subject to any obligational limitation.

(12)(A) The Secretary of Transportation is authorized to carry out a demonstration project in and around Dubuque, Iowa, to demonstrate the benefits of constructing a section of the Federal-Aid Primary System connecting to the Interstate Highway System an organization area with no multilane highway connection to the Interstate Highway System and with a high proportion of unemployment.

"(B) There are hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,000,000 for fiscal year ending September 30, 1985.

"(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

"(D) The Secretary of Transportation shall submit to the Congress a report on the results of such project within one hundred and eighty days after completion."

(13)(A) The Secretary of Transportation, in cooperation with the State of Nevada, shall carry out a demonstration project to construct Sparks Boulevard in Sparks, Nevada, from Greg Street to Lincoln Way and an interchange with Interstate 80 to demonstrate the economic and social impact of such construction.

(B) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this subsection not to exceed $10,100,000.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(D) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than one year after completion of the project.

(c) Notwithstanding any other provision of law, the projects authorized by subsection (b) shall not be subject to any obligation limitation.

(d)(1) The Secretary of Transportation is authorized to carry out a demonstration project in the Brunswick-Topsham area, Maine, for the purpose of demonstrating increased access to defense related facilities by the construction of a limited access highway connecting a major interstate highway corridor with a naval air station and a shipyard engaged in defense production activities.

(2) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $12,500,000 for the fiscal year ending September 30, 1984. Sums authorized by this subsection shall be available to the same extent and in the same manner as if such funds were apportioned in accordance with chapter 1 of title 23, United States Code, shall remain available until expended, and shall not be subject to any obligation limitation.

(3) Notwithstanding the provision of section 120(m) of title 23, United States Code, the non-Federal share required for this project shall be satisfied by provision of 25 per centum of such share from State funds and 25 per centum from funds which are apportioned to the State under section 104(b)(1) and (2) of title 23, United States Code, and which would not otherwise be obligated. Funds provided from such apportionments shall not be subject to any obligation limitation.

(4) In carrying out this subsection, the Secretary shall consult with the Secretary of the Navy concerning defense activities related to the project.

(5) The Secretary shall report to Congress, upon completion of this project, the result of this demonstration project together with any recommendations the Secretary deems necessary.

"(e)(1) In addition to funds authorized by section 131(g)(3) of the Surface Transportation Act of 1982, not to exceed $1,500,000 is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), for continued work on the demonstration project in and around Devils Lake, North Dakota.

(2) Sums authorized by this subsection shall be available to the same extent and in the same manner as if such funds were apportioned in accordance with chapter 1 of title 23, United States Code, except that the Federal share shall be 100 per centum, shall remain available until expended, and shall not be subject to any obligation limitation.

BUY AMERICA

SEC. 126. Section 165(a) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, the Urban Mass Transportation Act of 1964, or the Surface Transportation Assistance Act of 1978 and administered by the Department of Transportation, whose total cost exceeds $500,000, unless steel and manufactured products used in such project are produced in the United States.".

WASTE ISOLATION PILOT PROJECT

SEC. 127. For the fiscal year ending September 30, 1985, and thereafter, there is authorized to be appropriated $58,000,000 for the upgrading of certain highways in the State of New Mexico for the transportation of nuclear waste generated during defense-related activities.

OBLIGATION LIMITATION

SEC. 128. (a) Nothwithstanding any other provisions of law, the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed $13,550,000,000 for fiscal year 1985. These limitations shall apply to obligations for emergency relief under section 125 of title 23, United States Code, or projects covered under section 147 of the Surface Transportation Assistance Act of 1978, or section 9 of the Federal-Aid Highway Act of 1981, or section 118 of the National Visitor Center Facilities Act of 1968. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

(b) For the fiscal year 1985, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1984, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b) for fiscal year 1985, and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection for such fiscal year.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1985, revise a distribution of the funds made available under subsection (b) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by this Act and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses and Federal lands highways.

RICHMOND-PETERSBURG TURNPIKE TOLL PAYMENT

SEC. 129. (a) Upon the repayment by the Commonwealth of Virginia to the Treasurer of the United States of an amount equal to all Federal-aid highway funds heretofore paid on account of the immediate connectors and approaches to the Richmond-Petersburg Turnpike, said turnpike shall be free of all restrictions with respect to the imposition and collection of tolls or other charges on or for the use thereof which are contained in title 23, United States Code, or section 1 of the Federal Highway Act, or any regulation or agreement thereunder.

(b) The amount to be repaid shall be deposited to the credit of the appropriations for the Federal-Aid Highway Trust Fund. Such a repayment shall be credited to the unprogrammed balance of the Federal-Aid interstate funds last apportioned to the Commonwealth of Virginia. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

FOREST HIGHWAYS

SEC. 130. (a) Notwithstanding section 202(a) of title 23, United States Code, the Secretary of Transportation shall, after making the transfer provided by section 204(g) of title 23, United States Code, on Oc-

tober 1, 1984, allocate $33,000,000 from the authorization for forest highways provided for the fiscal year ending September 30, 1985, by section 105(a)(6) of the Surface Transportation Act of 1982 and, on October 1, 1985, allocate $33,000,000 from the authorization for forest highways provided for the fiscal year ending September 30, 1986, by section 105(a)(6) of the Surface Transportation Assistance Act of 1982, in the same percentage as the amounts apportioned for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted to (1) eliminate the 0.003,243,547 per centum for the State of Iowa, because of the conveyance of all national forest lands in Iowa to the State by deed executed May 26, 1964, and (2) redistribute the above percentage formerly apportioned to the State of Iowa for the other participating States on a proportional basis. The remaining funds authorized to be appropriated for forest highways for the fiscal years ending September 30, 1985, and September 30, 1986, shall be allocated pursuant to section 202(a) of title 23, United States Code.

(b) Not later than January 1, 1985, the Secretary shall report to the Congress on the criteria developed for the allocation of forest highway funds.

BICYCLE PROJECTS ELIGIBILITY

SEC. 131. The second sentence of section 217(b)(1) of title 23, United States Code, is amended by inserting "and sums apportioned or allocated for highway substitute projects in accordance with paragraph (e)(4) of section 103 of this title" after the word "title".

INTERSTATE TRANSFER CONCEPT PLAN

SEC. 132. The third sentence of section 103(e)(4) of title 23, United States Code, is amended by striking the period at the end and inserting in lieu thereof "Provided, That the States may adjust their Interstate substitution programs which were approved in concept by the Secretary on or before September 30, 1983, to drop and add projects until September 30, 1985, without altering the existing entitlement.".

FEASIBILITY STUDY

SEC. 133. (a). The Secretary of Transportation shall carry out a project to study the feasibility of constructing a new East-West Highway linking the Delaware Memorial Bridge with Atlantic City Expressway and other northsouth arteries in southern New Jersey.

(b) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this subsection not to exceed $100,000 for the fiscal year ending September 30, 1985. The Federal share payable shall not exceed 50 per centum of such project cost.

139 (a) AND (b) ROUTE DESIGNATION

SEC. 134 (a) The last sentence of section 139(a) and the fourth sentence of section 139(b) of title 23, United States Code, are each amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation Amendments of 1984."

(b) Subsection (a) of section 119 of title 23, United States Code, is amended by striking out "this sentence" and inserting in lieu therof "the Surface Transportation Amendments of 1984."

RELEASE OF CONDITION RELATING TO CONVEYANCE OF CERTAIN HIGHWAY

SEC. 135. Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 (84 Stat. 1739) and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

HAMPTON ROADS

SEC. 136. The project for navigation, Newport News Creek, Virginia, authorized by the River and Harbor Act of 1946, is hereby modified to authorize the relocation and reconstruction by the State of Virginia of the project upon approval of plans for such relocation and reconstruction by the Secretary of the Army.

PRISON INDUSTRY IMPACT STUDY

SEC. 137. Within nine months after the date of enactment of this section, the Secretary of Transportation after consultation with the transportation officials and governors of the 50 States and the District of Columbia, shall submit to Congress a comprehensive study of the involvement of State prison industries which furnish convict-produced materials for use on Federal-aid highways and the impact on private industries which produce products similar to those of prison industries. The study shall also examine the socio-economic effects of prison industry programs in the rehabilitation and job training of convicts participating in such programs.

DISCRETIONARY PRIORITY

SEC. 138. (a) The Secretary of Transportation in allocating discretionary Interstate Substitute Highway funds shall give priority consideration to any State which has its overall allocation of such funds, including both formula and discretionary, reduced by an amount in excess of 45 per centum from the fiscal year ending September 30, 1983 to the fiscal year ending September 30, 1984, and where such reduction exceeded $100,000,000.00.

(b) The amendment made by subsection (a) shall terminate on September 30, 1989.

ALTERNATE DESIGN EXEMPTION

SEC. 139. The Secretary shall waive the alternate design requirements, specified in "Alternate Design for Bridges Policy Statement" (48-FR93 #21409), allowing construction of a steel deck tied arch option only, (including approach spans) for the Smith Avenue High Bridge, St. Paul, Minnesota.

TITLE II—UNIFORM RELOCATION ACT AMENDMENTS

PART A—GENERAL PROVISIONS

DEFINITIONS

SEC. 201. (a) Section 101(1) (42 U.S.C. 4601(1)) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereafter in this title referred to as the "Uniform Act") is amended by striking out "(except the District of Columbia Redevelopment Land Agency)".

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(b) Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any entity which has eminent domain authority under State law.".

(c) Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting "or mortgage interest subsidy to a person" after "insurance".

(d) Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) except as provided under subparagraph (E) (with respect to a utility on real property under the control or ownership of a State or local agency), any person who moves from real property, moves personal property, or moves a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance;

"(B) solely for the purpose of subsections (a) and (b) of section 202 and section 205, any person who moves from real property or moves personal property from real property—

"(i) as a direct result of the written notice of intent to acquire or the acquisition of other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; and

"(ii) as a direct result of rehabilitation or demolition for a program or project undertaken by a Federal agency or with Federal financial assistance, where the person is a residential tenant, farm operation, or a small business and where the head of the displacing agency determines that such displacement is permanent;

"(C) solely for the purpose of subsections (a) and (b) of section 202 and of any assistance which under this Act the head of the displacing agency may prescribe, any other person who is a residential tenant, farm operation, or small business and who the head of the displacing agency determines will be permanently displaced as a direct result of a program or project undertaken by a Federal agency or with Federal financial assistance;

"(D) any person who is eligible for relocation assistance under subparagraphs (A), (B), or (C) of this paragraph, unless such person has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act; or

"(E) solely for the purpose of subsections (d) and (e) of section 202, any utility company which moves its facilities from real property under the ownership or control of a State or local agency.".

(e) Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new paragraphs:

"(10) The term 'suitable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (p) functionally similar; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency, State or State agency

utilizing Federal financial assistance or, for the purposes of subparagraphs (B) and (C) of paragraph (6), any person furnished Federal financial assistance which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Federal department, agency, or other entity designated by the President under section 213 to coordinate implementation of this Act.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

PART B—UNIFORM RELOCATION ASSISTANCE

FINDINGS AND POLICY

SEC. 211. Section 201 of the Uniform Act (42 U.S.C. 4621) is amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) displacement occurs in a variety of social, economic, geographic, and legal circumstances;

"(3) relocation assistance policies must provide for sufficient flexibility to assure fair, uniform, and equitable treatment of all affected persons;

"(4) the displacement of businesses often results in their closure; and

"(5) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance, in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"(c) It is the intent of Congress that—

"(1) the primary purpose of this title is to minimize the hardship of displacement on persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance;

"(2) Federal agencies shall carry out this Act in a manner which minimizes waste, fraud, and mismanagement;

"(3) the administration of this Act shall, to the maximum extent feasible, minimize unnecessary administrative and program costs borne by States and State agencies through the promulgation of economical regulatory requirements and the delegation of substantial administrative discretion to State and local governments;

"(4) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(5) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals.".

MOVING AND RELATED EXPENSES

SEC. 212. (a) Section 202(a) of the Uniform Act (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced nonprofit organization or small business at its new site, but not to exceed $10,000.".

(b) Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) Section 202(c) of the Uniform Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 and not more than $20,000. A person whose sole business at a displacement dwelling is renting displacement property to others shall not qualify for payment under this subsection.".

(d) Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsections:

"(d)(1) For the purposes of this section and section 101(6)—

"(A) The term 'cost of relocation' shall include the entire amount paid by the utility company properly attributable to relocation after deducting any betterment in the relocated utility and any salvage from the old utility.

"(B) The term 'utility' means any electric, gas, water, steam power or materials transmission or distribution system, and transportation system, or any communications system (including cable television), and any fixtures, equipment, or other property appropriate to the operation, maintenance, or repair of the foregoing. A utility may be publicly, privately, or cooperatively owned.

"(2) Except when provided otherwise by Federal law, whenever a federally assisted program or project undertaken by a displacing agency other than a Federal agency will result in the displacement of a utility from property under the ownership or control of a State or local agency, the head of the displacing agency shall provide a payment to the utility company pursuant to State or local law or a written contract, if any, between the utility company and the State or local agency, but in no event shall such payment exceed the actual reasonable cost of relocation of such utility.

"(3) Nothing in this subsection shall supercede a State or local law or a written contract between a utility company and a State or local government, or require a payment to be made where none is required under State or local law or a written contract.

"(4) Nothing in this subsection shall deprive a utility company of its rights under State or local law.

"(5) Nothing in this subsection shall require a Federal agency to increase its payment if the increased payment is attributable to a contract or contract amendment that is made in anticipation of the Federal payment.

"(6) Nothing in this subsection shall require a Federal payment in excess of the payment that a State or local agency would pay if no Federal funds were involved.

"(7) Nothing in this subsection confers jurisdiction on a court of the United States (as defined in section 451 of title 28, United States Code) to review any action of a displacing agency in carrying out this subsection or to review the right of a utility company to be compensated under State or local law.

"(e) Whenever a program or project directly undertaken by a Federal agency will result in the displacement of a utility as the result of Federal acquisition of real property under the ownership or control of a State or local agency, the head of the Federal agency shall either relocate the utility with the utility company's consent, or provide a payment to the utility equal to the actual reasonable cost of relocation of such utility. Such relocation or such payment shall not be required when it is provided otherwise by a Federal law, or a Federal regulation promulgated prior to March 17, 1983, or a contract or agreement with a Federal agency.".

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 213. Section 203(a) of the Uniform Act (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in paragraph (1) and inserting in lieu thereof "displacing";

(2) by striking out "$15,000" in such paragraph and inserting in lieu thereof "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in subparagraph (A) of such paragraph and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a suitable replacement dwelling";

(4) by striking out subparagraph (B) of such paragraph and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such suitable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement

dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a suitable replacement dwelling within one year of such date.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 214. Section 204 of the Uniform Act (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling unit not eligible to receive a payment under section 203 which was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to the initiation of negotiations for acquisition of such dwelling, or, where displacement is not caused by acquisition, any other event which the head of the lead agency may prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed three years, a suitable replacement dwelling. For a person whose income exceeds 50 per centum of the median income of the area, as determined by the Secretary of Housing and Urban Development, the amount referred to shall equal the lesser of (i) $4,500 or (ii) 36 times the amount obtained by subtracting the monthly housing costs for the displacement dwelling from the monthly housing costs for a suitable replacement dwelling. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments.

"(b) Any displaced person eligible for payments under subsection (a) of this section may elect to receive in lieu thereof either Federal low income housing assistance or similar State or local governmental assistance if such assistance is available at the time of displacement and such person is otherwise eligible for such assistance. The failure of any such person to make such an election shall be considered when evaluating the eligibility of such person for any Federal or federally assisted low income housing assistance program during the three years following the date on which such person received the payment authorized under subsection (a) of this section.

"(c) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a downpayment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. A displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling may, at the discretion of the head of the displacing agency, be eligible for the maximum payment allowed under subsection (a): *Provided*, That such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

SEC. 215. Section 205 of the Uniform Act (42 U.S.C. 4625) is amended to read as follows:

"RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

"SEC. 205. (a) The head of any displacing agency shall assure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(b) The Secretary of Housing and Urban Development shall assign a high priority for assistance under the programs referred to in sections 204(b) and 206(b) of this Act to persons eligible under such sections. to the extent practicable, the Secretary shall require that federally assisted State and local governmental low income housing assistance programs assign priority for assistance to such persons. To the extent practicable, the Administrator of the Small Business Administration and the heads of other Federal agencies administering programs which may be of assistance to displaced persons shall make available technical assistance under subsection (c)(5) of this section and expedite the applications for such assistance by such persons.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information about sales prices and rental charges on suitable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a suitable replacement dwelling;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning other Federal programs which may be of assistance to displaced persons, and technical assistance to such persons in applying for assistance under such programs;

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation; and

"(7) assure that a one hundred and eighty day homeowner-occupant is given a reasonable opportunity to remain in such occupancy status.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may by agreement designate one such agency as the cognizant Federal agency whose procedures shall be utilized to implement the activities. If such agreement cannot be reached, then the head of the lead agency shall designate one such agency as the cognizant agency. Such related activities constitute a single program or project for purposes of this Act.".

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 216. Section 206 of the Uniform Act (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because suitable replacement dwellings are not available, and the need of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the lead agency shall require that this section may be used to exceed the payment ceilings established in sections 203 and 204 only on a case-by-case basis, for good cause.

"(b) Whenever housing replacement as a last resort will result in the provision of housing for persons who are otherwise eligible for low income housing assistance, the requirement that the displacing agency provide suitable replacement housing may be met through such assistance as the provision of a certificate of family participation under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437(f).".

CERTIFICATION

SEC. 217. (a) Section 210 of the Uniform Act (42 U.S.C. 4630) is amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 210. (a) Except as provided in subsection (b) of this section, the head of a Federal agency shall not approve any grant to or contract or agreement with a displacing agency which is not a Federal agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of title II of the Federal-Aid Highway Act of 1984 unless such Federal agency head receives satisfactory assurances from such displacing agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a displacing agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 of this title shall be provided to such displaced person; and

"(3) within a reasonable period of time prior to a displacement, suitable replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a displaying agency may discharge his responsibilities under this title and title I of this

Act, with the exception of sections 208 and 211 of this Act by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title and title I, except that such agency head may not accept such a certification unless the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title and title I, particularly with respect to the definition of a displaced person, the categories of assistance required, and the levels of assistance provided to such persons in such categories.

"(2) The head of the lead agency, in coordination with other Federal agencies, shall monitor from time to time, and report biennially to the Congress on, State agency implementation of such certification, and a State agency shall make available any information required for such purpose. The head of a Federal agency, after consultation with the head of the lead agency, may withdraw his acceptance of the certification for good cause: *Provided*, That the State government is given due notice prior to taking any such action and is given a reasonable opportunity to demonstrate why such action should not be taken.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under the Act.

"(d) The head of a Federal agency may withhold his approval of any grant, contract, or cooperative agreement with any displacing agency which is not a Federal agency found to have intentionally circumvented a State law adopted under subsection (b) of this section.".

FEDERAL SHARE OF COSTS

SEC. 218. (a) Section 211(a) of the Uniform Act (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency other than a Federal agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program costs.".

(b) Section 210(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended by striking out and all that follows "required by" and inserting in lieu thereof "State law which is determined by the head of the lead agency to have substantially the same purpose and effect of such payment under this section.".

REGULATION

SEC. 219. Section 213 of the Uniform Act (42 U.S.C. 4633) is amended to read as follows:

"REGULATION

"SEC. 213. (a) The President shall designate a lead agency.

"(b) The head of the lead agency shall—

"(1) develop, publish, and promulgate, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in full coordination with State and local governments, such rules as may be necessary to carry out this Act;

"(2) assure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency, or a State or State agency with Federal financal assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform other duties as may be provided by law as relate to the purposes of this Act.

"(c) The rules promulgated pursuant to subsection (b) shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I.".

TRANSFER OF SURPLUS PROPERTY

SEC. 220. Section 218 of the Uniform Act (42 U.S.C. 4638) is amended by inserting "net" after "all" in the second sentence.

REPEALS

SEC. 221. Sections 214, 215, 217, and 219 of the Uniform Act (42 U.S.C. 4634, 4635, 4637, and 4639) are repealed.

PART C—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 231. (a) Section 301(2) of the Uniform Act (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure which forgoes the appraisal".

(b) Section 301(9) of the Uniform Act (42 U.S.C. 4651(9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the acquiring agency shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the acquiring agency has determined has little or no value or utility to the owner.".

(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following new paragraph:

"(10) A person whose real property is being acquired in connection with a project under this title may, after the person has been fully informed of his right to receive just compensation of such property, donate such property, any part thereof, any interest therein, or any compensation paid therefor to an acquiring agency, as said person shall determine.".

CERTIFICATION

SEC. 232. Section 305 of the Uniform Act (42 U.S.C. 4655) is amended to read as follows:

AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 305. (a) Except as provided in subsection (b) of this section, the head of a federal agency shall not approve any program or project or any grant to, or contract or agreement with, an acquiring agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of this title, unless he receives satisfactory assurances that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies under section 301 of this title and the provisions of section 302 of this title; and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title, except that such agency head may not accept such a certification unless the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title.

"(2) The head of the lead agency, in coordination with other Federal agencies, shall from time to time monitor State agency implementation of such certification and the State agency shall make available any information required for such purpose. The head of the lead agency shall be regulation develop criteria for withdrawal of acceptance of a certification.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsbilities under this Act.".

PART D—EFFECTIVE DATE

SEC. 241. (a) Except as provided in subsection (b), this title and the amendments made by this title shall take effect either twenty-four months after the date of enactment of this Act or on the date on which a State agency makes the provisions of the Uniform Act, as amended by this Act, applicable under State laws, whichever is earlier.

(b) The amendment made by section 219 of this Act shall take effect on the date of enactment of this Act.●

By Mr. STAFFORD (by request):

S. 3025. A bill to amend sections 15, 19, and 20 of the act of March 3, 1899 (33 U.S.C. 409, 414, and 415), to authorize recovery by the United States of costs incurred in removal of wrecks from navigable waters; to the Committee on Environment and Public Works.

RECOVERY OF COSTS BY THE UNITED STATES IN REMOVING WRECKS FROM NAVIAGABLE WATERS

● Mr. STAFFORD. Mr. President, earlier this month, the administration submitted to Congress proposed legislation to authorize the recovery by the United States of costs incurred when removing wrecks from navigable waters.

I am pleased to submit that bill, by request, and I request unanimous consent that a copy of the bill, as well as the transmittal letter, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Act of March 3, 1899 (33 U.S.C. 409) is amended as follows:

(1) by deleting the words "voluntary or carelessly";

(2) by deleting the words "accidentally or otherwise,"; and

(3) by inserting the words ", lessee, or operator" immediately after the word "owner" in each place where it appears.

Sec. 2. Sections 19 and 20 of the Act of March 3, 1899 (33 U.S.C. 414 and 415) are amended by inserting the word "(a)" in front of the first word of each section and adding the following new subsection at the end of each section:

"(b) the owner, lessee, or operator of such vessel, boat, watercraft, raft, or other obstruction as described in this section shall be jointly and severally liable to the United States for the cost of removal or destruction and disposal as described which exceeds the costs recovered under subsection (a). Any amount recovered from the owner, lessee, or operator of such vessel pursuant to this subsection to recover costs in excess of the proceeds from the sale or disposition of said vessel shall be deposited in the Treasury of the United States."

DEPARTMENT OF THE ARMY,
Washington, DC, September 10, 1984.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To amend sections 15, 19 and 20 of the Act of March 3, 1899 (33 U.S.C. 409, 414 and 415) to authorize recovery by the United States of costs incurred in removal of wrecks from navigable waters."

This proposal is part of the Department of the Army Civil Works legislative program for the 98th Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of the proposal for the consideration of Congress. The Department of the Army recommends that Congress enact the proposed legislation.

PURPOSE OF THE LEGISLATION

The proposed legislation would amend the Act of March 3, 1899 to allow the Federal Government to recover costs incurred in removing wrecks from navigable waters. If a wrecked vessel has a significant salvage value, the owner will generally salvage it. In cases where salvage of a vessel is uneconomical, the owner will usually abandon it. Existing authorities allow the Secretary of Army to remove wrecks from navigable waters if the owner does not do so. The Secretary is authorized to dispose of the vessel and to deposit the proceeds from the sale into the Treasury. However, in most cases where the owner does not remove the wreck, the receipts from the salvage are less than the cost incurred by the Federal Government in removal. The proposed legislation would require the owner, lessee, or operator of any wrecked vessel to repay to the United States the cost incurred in removal of the obstruction from navigable channels.

COST AND BUDGET DATA

The enactment of this proposal will decrease the budgetary requirements of the Department of the Army Civil Works program, although we are unable to estimate the extent to which we will be able to realize such reductions.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACT CONSIDERATIONS

This proposal has no environmental or civil rights impact.

Sincerely,

ROBERT K. DAWSON,
Acting Assistant Secretary of the Army (Civil Works).●

By Mr. DODD (for himself, Mrs. HAWKINS, Mr. CRANSTON, and Mr. SPECTER):

S. 3028. A bill to establish Federal matching grants to encourage State trust funds or appropriations for child abuse and neglect prevention activities; to the Committee on Labor and Human Resources.

CHILD ABUSE AND NEGLECT PREVENTION FEDERAL CHALLENGE GRANTS ACT

Mr. DODD. Mr. President, the legislation I am introducing today would provide Federal challenge grants for States establishing significant funds to support child abuse and neglect prevention activities. I am pleased to have Senators HAWKINS, CRANSTON, and SPECTER join me in sponsoring the Child Abuse and Neglect Prevention Federal Challenge Grants Act.

Millions of children in this country are growing up at risk of abuse and neglect. From Maine to California, child abuse has reached epidemic proportions. Between 1976 and 1982, for example, reports of child abuse and neglect across the country soared by 123 percent. In my State of Connecticut, three times as many children died as a result of physical abuse in 1982 than in 1980. In other States, such tragic statistics are even higher.

As cochairman of the Senate children's caucus, I can verify that reported cases of child sexual abuse are also increasing at very alarming rates. This past April, the caucus heard from expert witnesses on childhood sexual victimization. We were told that reported cases of child sexual abuse in the State of Maine jumped over 100 percent in 1 year alone. And, we heard the compelling stories of the children involved in the recent tragic events in Los Angeles.

The Senate will act tomorrow to restore critical funds to the Child Abuse and Neglect Prevention and Treatment Act of 1978. I have been a principal sponsor of efforts to restore this funding. However, given the greatly increased demand for crisis intervention in child abuse cases, Federal funds distributed to States under the 1978 act are most often used for treatment. Little funding is left for prevention efforts.

Starting in 1980, some States began to recognize the need to focus directly on widespread community-based prevention efforts. To date, 20 States have set up special trust funds for child abuse prevention activities. These funds are generated in a variety of ways, including surcharges on marriage licenses, divorce actions, and birth certificates or by special checkoffs on income tax returns. Other States have set up significant funds for child abuse prevention activities through direct appropriations.

The kinds of community prevention programs supported by these special funding mechanisms range from classes on parenting and coping with family stress to sexual abuse prevention training for children. As I learned from the five children who testified before the children's caucus last April, plays and puppet shows can be extremely effective in teaching youngsters that if someone uses "bad touches" on them, they should tell a parent, a teacher, or a friend. Children who are not taught about the risks of sexual abuse at school will be more likely to learn about it first from an offender.

Mr. President, the legislation I am introducing today would challenge all States to establish significant funds supporting child abuse prevention projects. For every $3 that States make available for child abuse and neglect prevention activities, the Federal Government will provide $1 in matching funds. These 25-percent Federal challenge grants would be available to the States for the next 5 years. Such grants will encourage those States who have not yet acted to establish trust funds or other funding mechanisms. It will also encourage States that have already acted to increase the amount of their special funds. By 1990, States should be well on the way to generating enough money to support significant child abuse prevention efforts throughout their communities.

At no time will a Federal challenge grant to any State exceed an amount equal to 50 cents times the number of children residing in that State. Mr. President, if this Nation cannot afford to spend 50 cents a child over the next 5 years to prevent possible abuse or neglect, then our priorities are sorely misplaced.

The truth is that prevention is the most effective method we have of combating child abuse. We know just how serious the long-term repercussions of child abuse can be. Witnesses at the April children's caucus hearing emphasized that close to three-quarters of all runaways have been the victims of abuse, often sexual abuse. Prior sexual victimization is also closely linked to teenage prostitution. Research has shown that two-thirds or more of all juvenile offenders have had histories of physical or sexual victimization. And, adult survivors will verify that the effects of such victimization can include alcohol and drug abuse, severe depression, and an inability to form close relationships.

Mr. President, the time to encourage the States to wage all-out child abuse prevention campaigns is now. I urge my colleagues to join me in sponsoring the Child Abuse and Neglect Prevention Federal Challenge Grants Act.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse and Neglect Prevention Federal Challenge Grants Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) disturbing increases have occurred in recent years in the numbers of younger Americans who are abused;

(2) many children who run away from home, who fall prey to pornography and prostitution, who suffer from a dependency on alcohol and drugs, and who become juvenile offenders, have been victims of child abuse;

(3) research has shown that abuse tends to repeat itself, and many times parents who abuse their children were once victims themselves;

(4) given the increased demand for treatment and crisis intervention in child abuse and neglect cases, Federal funds distributed to States are most often used for treatment and little is left or prevention efforts;

(5) since 1980 some States have begun to recognize the critical need for prevention efforts, and trust funds (generated by surcharges on marriage licenses, birth certificates or divorce actions, or by special checkoffs on income tax returns) are being established to allow such States to pay for child abuse and neglect prevention activities despite depressed State economies and budget cutbacks;

(6) in recognition of the increased cases of child abuse and neglect, other States have established significant funds for child abuse and neglect prevention activities through direct appropriations; and

(7) the Nation cannot afford to ignore the importance of preventing child abuse.

(b) It is the purpose of this Act, by providing for Federal challenge grants, to encourage States to establish and maintain trust funds or other funding mechanisms, including appropriations to support child abuse and neglect prevention activities.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Secretary" means the Secretary of Health and Human Services; and

(2) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

GRANTS AUTHORIZED

SEC. 4. (a) The Secretary is authorized, in accordance with the provisions of this Act, to make grants to eligible States.

(b) Payments under this act may be made in any fiscal year following the fiscal year in which any State has collected funds for child abuse and neglect prevention activities through a trust fund or other funding mechanism.

(c) There is authorized to be appropriated such sums as are necessary to carry out the provisions of this Act for the fiscal year 1985 and for each of the four succeeding fiscal years.

STATE ELIGIBILITY

SEC. 5. Any State is eligible for a grant under this Act for any fiscal year if such State has established or maintained in the previous fiscal year a trust fund or other funding mechanism, including appropriations, which is available only for child abuse and neglect prevention activities, including activities which—

(1) provide statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect;

(2) encourage professional persons and groups to recognize and deal with problems of child abuse and neglect;

(3) make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and

(4) encourage the development of community prevention programs, including—

(A) community-based educational programs on parenting, prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, coping with family stress, personal safety and sexual abuse prevention training for children, and self-care training for latchkey children; and

(B) community-based programs relating to crisis care, aid to parents, child-abuse counseling, peer support groups for abusive or potentially abusive parents and their children, lay health visitors, respite or crisis child care, and early identification of families where the potential for child abuse and neglect exists.

LIMITATIONS

SEC. 6. (a)(1) Any grant made to any eligible State under this Act in any fiscal year shall be equal to the lesser of—

(A) 25 percent of the total amount made available by such State for child abuse and neglect prevention activities and collected in the previous fiscal year in a trust fund (excluding any interest income from the principal of such fund) or through any other funding mechanism, including appropriations; or

(B) an amount equal to 50 cents times the number of children residing in such State according to the most current data available to the Secretary.

(2) For purposes of clause (B) of paragraph (1), the term "children" means individuals who have not attained the age of majority, as defined by such State.

(b)(1) No grant may be made to any eligible State unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this Act. Each application shall—

(A) specify that the trust fund advisory board, or in States without a trust fund mechanism, the State liaison agency to the National Center on Child Abuse and Neglect, established by section 2 of the Child Abuse Prevention and Treatment Act, will be responsible for administering and awarding of the Federal grants to eligible recipients carrying out activities described in section 5;

(B) provide assurances that any assistance received under this Act shall not be used as a source for non-Federal funds for the matching requirements of any other provision of Federal law; and

(C) provide for keeping records and making such reasonable reports as the Secretary deems essential to carry out the purposes and provisions of this Act.

(2) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and opportunity for a hearing with respect to the disapproval.

WITHHOLDING

SEC. 7. Whenever the Secretary, after reasonable notice to any State and opportunity for hearing within the State, finds that there has been a failure to comply with any provision of this Act, the Secretary shall notify the State that further payments will not be made under this Act until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made under this Act.

AUDIT

SEC. 8. The Comptroller General of the United States, and any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any applicant and any other entity receiving assistance under this Act that are pertinent to the sums received and disbursed under this Act.

REPORT

SEC. 9. The Secretary shall prepare and submit to the Congress at the end of each year a compilation and analysis of any reports submitted by eligible States under section 6(b)(1)(C).

Mrs. HAWKINS. Mr. President, I wish to join Senator DODD in sponsoring this legislation to provide Federal challenge grants to States to encourage them to provide funding for programs to treat and prevent sexual child abuse.

Last April, I joined Senators DODD, CHAFEE, and SPECTER at a Senate Children's Caucus policy forum that was held in conjunction with the Third Annual Conference on the Sexual Exploitation of Children. This conference, sponsored by the National Children's Hospital in the District of Columbia, served to bring together experts and individuals involved in the treatment and prevention of child abuse, especially sexual child abuse. Although these experts may differ on the types of approaches to combating this heinous crime, they all agree that educating children about sexual child abuse is a vital component of any prevention effort.

Our first panel was composed of children, not children who have been abused, but children who have viewed or participated in programs designed to teach them about inappropriate sexual touching and the fact that they have the right to say no to any touching that makes them uncomfortable. Fortunately, a variety of different programs and teaching tools have been developed by individuals and organiza-

tions dedicated to preventing further abuse. They include theatrical presentations such as "Touch," by the Illusion theater of Minneapolis, video presentations like "It's OK to say No!," by the Council on Domestic Violence and Sexual Assault, "Cat and Mouse: A self protection program for children," by the Girls Club of Omaha, NE; "Once I was a Little Bit Frightened," an illustrated booklet for children intended to help children talk about possible sexual child abuse.

Unfortunately, many of these excellent programs and teaching guides are not being utilized because of lack of financial resources to take advantage of these prevention programs. One of my former staff members, Connie Winter is now working in behalf of CAP, the Child Assault Prevention Project headquartered in Columbus, OH. She wrote to me that:

While I appreciated working on the Labor & Human Resources Committee, I am now enjoying working in a grass roots organization. There is so much more contact with people and with those who are victims of sexual assault. I clearly remember people constantly asking for federal funds while at the Committee and now I realize how they felt. In the past sexual assault has not been a popular topic and was deluged with myths. Fortunately, this subject has been getting more media coverage, although we realize it is an uphill battle.

Mr. President, it is a national shame how little money is allocated to programs like CAP. Programs that are designed to prevent the abuse of our Nation's children. I feel that the Federal Government has a responsibility to provide Federal funds for this purpose.

This legislation is a very modest proposal. It provides Federal funds to match funding appropriated at the State level for child abuse prevention and education efforts. My own State of Florida, is considering expanding its intensive crisis counseling program, its parent education training services and implementing a $2 million health instruction program which will emphasize mental health, drug and alcohol abuse and child abuse and neglect. But it is difficult to allocate funds for prevention programs, when the immediate need to care for and treat these abused children and imprison child abusers is also growing. I strongly believe that the Federal Government should demonstrate its interest in these prevention programs by providing financial encouragement to States who have shown their commitment to funding child abuse prevention programs through trust funds or other funding mechanisms.

The National Committee for the Prevention of Child Abuse has compiled an excellent summary of the child sexual abuse prevention resources that are currently available. The bibliography, "Prevention Focus," was submitted by one of the witnesses at our children's caucus forum, Bill Beyers, the Youth Ambassador for the National Committee for Prevention of Child Abuse. I ask unanimous consent that this bibliography be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From National Committee for Prevention of Child Abuse]

CHILD SEXUAL ABUSE PREVENTION RESOURCES—WORKING PAPER 022

The National Committee for Prevention of Child Abuse (NCPCA) wishes to thank all those organizations and individuals who provided information and materials for this presentation. The purpose of this presentation is to show the wide range of sexual child abuse resources that deals explicitly with the prevention of child sexual abuse. This listing is not comprehensive. NCPCA apologizes for any omissions or errors in this listing. NCPCA invites you to forward any information on prevention materials or programs to the Publishing Department for possible inclusion in updated versions of this paper.

AUDIOVISUAL MATERIALS

For further information on the materials in this section, contact the sources given in the listing.

"Aware and Not Afraid" (1983).—Council on Domestic Violence and Sexual Assault. In this 20-minute video, five teenagers discuss frightening situations and how they successfully escaped them. Available in ¾" and ½" formats. Migima Designs, P.O. Box 70064, Eugene, OR 97401, (503) 726-5442.

"Better Safe Than Sorry" (1978).—For children age nine to fourteen, this 14½-minute film presents potential dangers, including sexual abuse, and ways to avoid them. Spanish version also available. Captioned version available in videocassette only, any format. FilmFair Communications, 10900 Ventura Blvd., Studio City, CA 91604, (213) 985-0244.

"Better Safe Than Sorry II" (1982).—This 14½-minute film presents the kindergartner or primary student with three simple rules to follow in preventing or dealing with sexual abuse. Captioned version available in videocassette only, any format. FilmFair Communications, 10900 Ventura Blvd., Studio City, CA 91604, (213) 985-0244.

"Boys Beware" (1980).—This 14-minute film presents three vignettes depicting typical approaches used by child molesters who abuse boys. AIMS Media, Inc., 626 Justin Ave., Glendale, CA 91201, (213) 240-9300.

"Child Molestation—When to Say No" (1978).—AIMS Instructional Media, Inc., Glendale, CA. This 13-minute film presents four vignettes showing typical encounters. In each case molestation is avoided because the child has learned to say no. 16mm film. AIMS, 626 Justin Ave., Glendale, CA 91201, (213) 240-9300.

"For Pete's Sake, Tell!".—Elaine Krause, Krause House, Oregon City, OR. Through the characters Pete and Penelope Mouse, children in grades three through six learn how to avoid sexual abuse. Available as filmstrip or video; comes with teaching guide. Spanish version also available. 10 minutes. Krause House, P.O. Box 880, Oregon City, OR 97045, (no telephone number available).

"Girls Beware".—This 12-minute film presents four vignettes depicting typical approaches used by child molesters who abuse girls. AIMS Media, 626 Justin Ave., Glendale, CA 91201, (213) 240-9300.

"Interact: Street Theatre for Parents".—This hour-long videotape presents eight skits designed to assist parents in developing stress management techniques and parenting skills. Interact: Street Theatre for Parents, c/o Center for Child Abuse Prevention Services, 949 Market St., Suite 376, Tacoma, WA 98402, Marjorie Hellman, Director, (206) 572-5541.

"It's OK To Say No!" (1983).—Council on Domestic Violence and Sexual Assault. In this 14½-minute video, four children discuss situations that involved inappropriate touching. Available in ¾" and ½" formats. Migima Designs, P.O. Box 70064, Eugene, OR 97401, (503) 726-5442.

"My Very Own Book about Me" (1983).—Rape Crisis Network, Spokane, WA. This 20-minute training video is intended to help the teacher use the activity book My Very Own Book about Me (see Printed Materials for Children) and also help detect and prevent sexual abuse. Available in ½" video. Migima Designs, P.O. Box 70064, Eugene, OR 97401, (503) 726-5442.

"No Easy Answers" (1983).— Illusion Theater of Minneapolis. Films adaptation of the theatrical presentation No Easy Answers, which addresses teenagers' questions about sexuality and sexual abuse prevention. ¾" videotape, 50 minutes. Indiana University Audio Visual Center, Bloomington, IN 47405, (812) 335-8087.

"No More Secrets" (1982).—This film teaches children to trust their own reactions to good and bad touching. Available in 16mm and all video formats; 13 minutes. O.D.N. Productions, 74 Varick St., New York, NY 10013, (212) 431-8923.

"Not in My Family: Parents Speak Out on Sexual Abuse of Children".—Five mothers talk about their experiences with child sexual abuse in their families. Available in video and 16mm film formats; 34 minutes. Lawren Productions, Inc., P.O. Box 666, Mendocino, CA 95460, (737) 937-0536.

Public Service Announcements (1981).—"No," Bill Russell; "I Would Run," Bill Russell; "Six Nine," Bill Russell; "Good & Bad," Jennifer James; "Loving Touches," Jennifer James. Five 30- and 60-second TV spots directed at children telling them about sexual abuse and how to get help. Steve Lawson Productions, Sixty and Battery Bldg., 2326 6th Ave., Seattle WA 98121, (206) 625-9153.

Public Service TV Spots.—These two 60-second public service announcements are based on the scripts for "Speak Up, Say No! "For Pete's Sake, Tell! Available as ¾" video. Krause House, P.O. Box 880, Oregon City, OR 97045, (no telephone number available).

"Safety Kids" (1983).—Janeen Brady. Multimedia musical program directed at preventing child sexual assault, Kidnap, and abuse; includes cassette, coloring book, membership card, certificate. Brite Music Enterprises, P.O. Box 9191, Salt Lake City, UT 84109, (801) 487-5891.

"The Sixth Sense/Child Molestation: What Can We Do?" (1982).—The first part of this film/video speaks to children age five through nine, urging them to use common sense to protect themselves from sexual assault; the second part defines child molestation and what can be done about it. Available in ¾" and ½" video super 8mm film, and other formats, 30 minutes. Walter J. Klein Company, Ltd., 6311 Carmel Rd., P.O. Box 2087, Charlotte, NC 28211, (704) 642-4401.

"Sometimes I Need to Say No".—Rape Crisis Center of Syracuse, Inc. This 35-minute film, originally a play, deals with a child's right to privacy, touching, and the right to say "no," Appropriate for elementary school students. Rape Crisis Center of Syracuse, Inc., 423 West Onandaga St., Syracuse, NY (315) 422-7273.

"Speak Up, Say No".—Krause House, Oregon City, OR. Through the character of Penelope Peabody Mouse, this 6-minute filmstrip-audiocassette teaches children in preschool through grade three to avoid sexual abuse. Comes with teaching guide; also available in Spanish. Character puppets that can be used to extend the lesson may be purchased separately. Krause House, P.O. Box 880, Oregon City, OR 97045, (no telephone number available).

"Talking to a Child about Preventing Sexual Molestation" (1982).—This 20-minute slide-tape presentation includes techniques for talking to a child about good and bad touches and private parts of the body. Migima Designs, P.O. Box 70064, Eugene, OR 97401, (503) 726-5442.

"There Is Someone to Talk to".—(See Live Performances and Theater Groups.)

"Touch" (1984).—Illusion Theater of Minneapolis. Film adaptation of the theatrical presentation Touch for children kindergarten through sixth grade. The film presents a balanced approach to touch and sexual abuse while helping viewers think of appropriate actions to take if touch becomes abusive or exploitive. 16mm; 32 minutes. Illusion Theater, 528 Hennepin Ave., Suite 205, Minneapolis, MN 55403, (612) 339-4944.

"The Touching Problem" (1981).—Presents an overview of child sexual abuse and provides skills for the prevention of such abuse. Available in 16mm film and video formats; 18 minutes. Coalition for Child Advocacy, P.O. Box 159, Bellingham, WA 98227, (206) 734-5121, or, MTI Teleprogram, Inc., 3710 Commercial Ave., Northbrook, IL 60062, (800) 323-5343.

"Who Do You Tell?" (1980).—Through animation and live footage; this 11-minute videocassette presents suitable responses to problems children may be confronted with. MTI Teleprograms, Inc., 3710 Commercial Ave., Northbrook, IL 60062, (800) 323-5343.

LIVE PERFORMANCES AND THEATER GROUPS

For further information on the materials in this section, contact the sources given in the listing.

Bubbylonian Encounter: A Play for Children About the Sense of Touch.—Bubbylonian Productions, Overland Park, Kansas. Kansas Committee for the prevention of Child Abuse, Topeka; Johnson County Mental Health Center, Topeka, Kansas, 1980. A play about touching for elementary school children. Available as ¾" videotape (30 min.); or live performances by the touring troupe of Bubbylonian Productions; or live performance under professional supervision of Bubbylonian Productions. Kansas Committee for the Prevention of Child Abuse, 435 S. Kansas, Second Floor, Topeka, KS 66603, (913) 354-7738.

Little Bear.—This live play with accompanying guidebook educates elementary school children about sexual and physical abuse and their prevention. Don Yost, The Bridgework Theater, Inc., 113½ East Lincoln Ave., Suite 3, Goshen, IN 46526, (219) 534-1085.

My Body, My Friend.—For children in kindergarten through sixth grade, this 35-minute puppet program encourages the abused child to seek help and also talks about various kinds of touching. John Buskirk, Director, Friends Puppets, Inc., Vancouver, WA 98661, (206) 693-5174.

No Easy Answers.—Illusion Theater of Minneapolis. For junior and senior high school students, this 60-minute live theatrical presentation addresses teenagers' questions about sexuality and sexual abuse prevention. Nancy Riestenberg, Outreach Director, Illusion Theater, 528 Hennepin Ave., Suite 205, Minneapolis, MN 55403, (612) 339-4944.

Out of the Trap.—For junior and senior high school students, this 45-minute play demonstrates situations of potential sexual abuse. Available as a live performance or on videotape; accompanying guidebook. Don Yost, The Bridgework Theater, Inc., 113½ East Lincoln Ave., Suite 3, Goshen, IN 46526, (219) 534-1085.

Secret in the Toy Room.—This musical production tells the story of two dolls who learn that their new family's "secret" is physical and sexual abuse. Lon Newman, Project Director, Cooperative Educational Service Agency 7, 801 Highway 10 West, Stevens Point, WI 54481, (715) 346-4580.

"Sometimes I Need to Say No!".—Lisa W. Strick. Compilation of brief skits to be performed for children to inform them about sexual abuse. The Rape Crisis Center, 423 Onandaga St., Syracuse, NY 13203, (315) 422-7273.

Touch.—Illusion Theater of Minneapolis. For children kindergarten through sixth grade, this 60-minute live theatrical presentation presents a balanced approach to touch and sexual abuse while helping viewers think of appropriate actions to take if touch becomes abusive or exploitive. Nancy Riestenberg, Outreach Director, Illusion Theater, 528 Hennepin Ave., Suite 205, Minneapolis, MN 55403, (612) 339-4944.

There Is Someone to Talk To.—Regional Institute of Social Welfare Research, Athens, GA; Clayton County Dept. of Family and Children Services, Jonesboro, GA, 1981. Puppet show designed to inform elementary school children about child abuse and neglect. Includes program manual to assist communities in putting on the puppet show. Available as ¾" videocassette or live puppet show; 60 minutes. Clayton County Dept. of Family and Children Services, Attn: Kathryn Flanagan, 129 King St., Jonesboro, GA 30236, (404) 478-0295.

The Touching Problem.—S.L. Kleven and J. Krebill. S.O.A.P. (Serious Overtures About People) Box Productions, Coalition for Child Advocacy, Bellingham, WA, 1981. A 2-hour play performed by actors demonstrates to parents and teachers how to talk to children about sexual abuse. The coalition for Children Advocacy, P.O. Box 159, Bellingham, WA 98227, (206) 734-5121.

SCHOOL CURRICULA

For further information on the materials in this section, contact the sources given in the listing.

C.A.R.E. Kit.—Child Abuse Research & Education Productions Association of British Columbia. This educational kit for children ages five to nine for prevention of child sexual abuse includes puppets; a book for children, parents, and teachers; a teacher's guide; a training manual; posters; cassette, and an instructional flip chart. (Still in development at the time of this conference.) Russ Angus, C.A.R.E. (Child Abuse Research and Education), Productions Association of British Columbia, 15670 104th Ave., Surrey, B.C. Canada, (604) 581-5116.

Children's Self-Help Project (CSHP).—San Francisco Child Abuse Council. Using skits and small-group exercises, this San Francisco program educates teachers, principals, parents, and children age five to eighteen about the problem of sexual child abuse. Paula Tobin, Coordinator, Children's Self-Help Project, 170 Fell St., Room 34, San Francisco, CA 94102, (415) 552-8304.

Child Sexual Abuse Prevention Project: An Educational Program for Children.—Cordelia Kent, Hennepin County Attorney's Office, Minneapolis, MN, 1979. This curriculum for teaching children about sexual abuse focuses on a touch continuum. Hennepin County Attorney's Office, Child Sexual Abuse Prevention Project, C-2100 Government Center, Minneapolis, MN 55487, (612) 348-5544.

Child Sexual Abuse Project, Ithaca, NY.—This curriculum series for grades K-1, 2-3, 4-5, and 6-7 has been used in the Ithaca County School District. Child Sexual Abuse Project, P.O. Box 164, Ithaca, NY 14851, (607) 227-3203, or Ithaca City School District, 400 Lake St., Ithaca, NY 14850, 607 274-2101.

Incest Prevention Program.—Ravenswood Hospital Medical Center, Chicago, IL. Program for private and public schools, kindergarten through twelfth grade, directed at preventing incest. Pat Janowiak, Consultation and Education, Ravenswood Community Mental Health Center, 4550 N. Winchester, Chicago, IL 50640, (312) 878-4300.

Personal Safety Curriculum: Prevention of Child Sexual Abuse.—Geraldine A. Crisci. Geraldine A. Crisci and Franklin/Hampshire Community Mental Health Center, 1983. This curriculum for preschool through grade six teaches personal safety skills for the prevention of child sexual abuse. Spanish version also available. Franklin/Hampshire Community Mental Health Center, 50 Pleasant St., Northampton, MA 01060 (413) 586-8680.

Preventing Sexual Abuse.—Curricula for kindergarten through twelfth grades, including a major section on how educators and youth workers can develop community prevention programs. Bridgework Theater, 113½ E. Lincoln Ave., Suite 3, Goshen, IN 46526, (219) 534-1085.

Preventing Sexual Abuse: Activities and Strategies for Those Working with Children and Adolescents.—(See listing under Printed Materials for Adults.)

Protective Behaviors: Anti-Victim Training for Children.—Implemented in the Madison, Wisconsin schools, this program presents strategies children can use to protect themselves from danger and abuse, including sexual abuse. Peg Flandreau West, Protective Behaviors, Anti-Victim Training for Children, 1005 Rutledge St., Madison, WI 53703, (608) 244-6258 or (608) 257-4855.

Red Flag Green Flag Program.—(See listing under Programs.)

Talking about Touching.—This elementary classroom curriculum teaches about touching, safety, and assertiveness. The Committee for Children also has curricula for preschools and junior and senior high schools. Committee for Children, P.O. Box 15190, Seattle WA 98115, (206) 522-5834.

Talking about Touching with Preschoolers.—Person safety curriculum adapted from the elementary curriculum also developed by the Committee for Children. Committee for Children, P.O. Box 15190, Seattle WA 98115, (206) 522-5834.

You're In Charge.—School curriculum focusing on prevention of sexual abuse. Program materials include videotape, information packets, workbooks and coloring books, and supporting literature; training consultants also available. You're In Charge, Inc.,

1618 Yale Ave., Salt Lake City, UT 84105, (801) 582-2398 or (801) 582-1898.

DOLLS, PUPPETS, CARDS, POSTERS

For further information on the materials in this section, contact the sources given in the listing.

Ana Family.—Anatomically correct dolls for use in prevention programs or in interviewing victims of sexual abuse. Available are adult and child male and female figures. Also available is an instructional booklet telling how to use the dolls. West River Sexual Abuse Treatment Center, Child and Family Guidance Services, P.O. Box 1572, Rapid City, SD 57709, (605) 342-4303.

Natural Dolls.—Anatomically correct dolls for use in prevention programs or in interviewing victims of sexual abuse. Available are adult and child male and female figures; all are available in two skin colors. Migima Designs, P.O. Box 70064, Eugene, OR 97401, (503) 726-5442.

Puppets.—From the program "Speak Up, Say No!" (see Programs), the characters of Penelope Peabody Mouse and Mother Mouse, 18" tall. Can be used to extend the lessons taught in the filmstrip/video and book. Krause House, P.O. Box 880, Oregon City, OR 97045, (no telephone number available).

Study Cards—Touch Continuum.—This set of thirteen 14" x 22" cards shows examples of kinds of appropriate and inappropriate touch. Illusion Theater, 528 Hennepin Ave., South, Suite 205, Minneapolis, MN 55403, (612) 339-7651.

Posters.—"Sometimes Families Hurt". Cleveland Rape Crisis Center. Child-directed full-color posters about sexual abuse. Cleveland Rape Crisis Center, 3201 Euclid Ave., Cleveland, OH 44115, (216) 391-3914 or (216) 696-KIDS.

PROGRAMS

For further information on the materials in this section, contact the sources given in the listing.

Cat and Mouse: A Self-Protection Program for Children.—Girls Club of Omaha, Nebraska. Used in clubs, schools, and other organizations, this prevention program for children comes with a curriculum guide. Training also available. Girls Club of Omaha, Nebraska, 3706 Lake St., Omaha, NE 68111, (402) 457-5517.

Child Assault Prevention Project.—Monterey Rape Crisis Center. To be used with elementary school children as well as adults, this program teaches simple strategies to reduce children's vulnerability. Monterey Rape Crisis Center, 651 Van Buren St., Monterey, CA 93940, (408) 375-HELP.

Children Need to Know.—Health Education Systems. This program, offered in public and private schools, is directed at preventing sexual assault. Sherryll Kerns Kraizer, Health Education Systems, 171 Bear Dr., Evergreen, CO 80439, (303) 575-8593.

Family TALKS.—This program teaches parents ways to talk and listen to their children about sexuality. Ellen Peach, David Reese, Family Talks, Community Health Clinics, Inc., 1503 Third St., North, Nampa, ID 83651, (208) 467-7654.

Project SAFE (Sexual Abuse Awareness For Everyone).—Jackson Mental Health Center, Jackson, Mississippi. Through schools, churches, and other local organizations, this program teachers second and third-grade children about sexual child abuse. The Jackson Mental Health Center, Attn: Project Safe Coordinator, 969 Lakeland Dr., Jackson, MS 39216, (601) 982-8811.

Red Flag Green Flag Program.—To be used by professionals working with abused children, elementary teachers, and parents, this program teaches awareness and understanding of child sexual abuse. The program includes a coloring book (see also Printed Materials for Children: Red Flag Green Flag People), a program guide, and videotape (can be ordered separately). Rape and Abuse Crisis Center, P.O. Box 1655, Fargo, ND 58107, (701) 293-7273.

SAFE (Safety and Fitness Exchange).—SAFE offers workshops and seminars on the prevention and treatment of childhood sexual assault. SAFE, 541 Avenue of the Americas, New York, NY 10011, (212) 242-4874.

WHO (We Help Ourselves).—This program helps children learn how to protect themselves against a variety of possible abuses. WHO, Mental Health Assn. of Dallas, 2500 Maple Ave., Dallas, TX 75201, (214) 748-7825.

ORGANIZATIONS

For further information on the organizations in this section, contact the sources given in the listing.

Adults Molested as Children United (AMACU).—P.O. Box 952, San Jose, CA 95108, (408) 280-5055. Self-help group for adults who were sexually abused as children.

Formerly Abused Children Emerging in Society (FACES).—Manchester Memorial Hospital, Child Life Dept., 71 Haynes St., Manchester, CT 06040, (203) 646-1222. Self-help group for young adults who were sexually abused as children.

Parents Anonymous (P.A.).—22330 Hawthorne Blvd., Suite 208, Torrance, CA 90505, California residents: (800) 352-0386; outside of California: (800) 421-0353. An international self-help organization for parents under stress.

Parents United/Daughters and Sons United.—P.O. Box 952, San Jose, CA 95108, (408) 280-5055. A self-help group for families involved in sexual child abuse; also groups for adults who were sexually abused as children. Daughters and Sons United also provides help to child victims of sexual abuse whose parents are in the Parents United program.

VOICE, Inc. (Victims of Incest Can Emerge, Inc.).—Zela Lancaster, 5101 Blackpool Rd., Westminster, CA 92683, (714) 895-6029. VOICE is a self-help group for incest survivors.

PRINTED MATERIALS FOR CHILDREN

For further information on the materials in this section, contact the sources given in the listing.

Dear Elizabeth.—Gene Mackey and Helen Swan. This fictional diary of an adolescent victim of sexual abuse can be used in a therapeutic environment or as a self-help tool for adolescents. It would also be of interest to the general reader to help gain insight into the problem of incest. Children's Institute of Kansas City, 9412 High Dr., Leawood, KS 66206, (913) 341-7006.

Hi! My Name is Sissy.—Ruth Amerson. Coloring book for children in kindergarten through third grade tells the story of Sissy, who is sexually abused by her uncle, and how she gets help for herself and her uncle. Ruth Amerson, Social Worker II, Lee County Dept. of Social Services, P.O. Box 1066, Sanford, NC 27330, (919) 774-4955.

It's My Body.—This booklet is written to help adults and preschool children talk about sexual child abuse. Hatpin, P.O. Box 6144, Santa Fe, NM 87502, (no telephone number available).

My Very Own Book about Me.—Jo Stowell and Mary Dietzel. Lutheran Social Services of Washington, Spokane, WA, 1980. This workbook for children uses a positive approach to build confidence and self-esteem while talking about good and bad touching. Comes with a parent's guide; guides for teachers and therapists also available. (See also Audiovisual Materials: My Very Own Book about Me.) Rape Crisis Resource Library, Lutheran Social Services of Washington, N. 1226 Howard, Spokane, WA 99201, (509) 327-7761.

No More Secrets for Me.—Oralee Wachter. Little, Brown and Co., Boston, 1983. This book includes four stories about children facing situations involving sexual abuse. Little, Brown and Co., Trade Sales Dept., 34 Beacon St., Boston, MA 02106, (617) 227-0730.

Once I Was a Little Bit Frightened.—J. Williams. Rape and Abuse Crisis Center, Fargo, ND, 1980. This illustrated booklet for children in kindergarten through fifth grade is intended to help parents, teachers, and professionals elicit information from children about possible sexual abuse. Rape and Abuse Crisis Center, P.O. Box 1655, Fargo, ND 58107, (701) 293-7273.

Red Flag Green Flag People.—J. Williams. Rape and Abuse Crisis Center of Fargo-Moorhead, Fargo, ND, 1980. A coloring book to help children identify and understand sexual abuse. (See also Programs: Red Flag Green Flag Program.) Rape and Abuse Crisis Center, P.O. Box 1655, Fargo, ND 58107, (701) 293-7273.

Sexual Abuse: Information for Preteens and Tennagers.—Austin Child Guidance and Evaluation Center, Texas Abuse Services Div., Austin, TX. This booklet provides an overview of sexual abuse of preteens and teeenagers discusses means for preventing abuse and treating victims. Austin Child Guidance and Evaluation Center, 612 W. 6th St., Austin, TX 78701, (512) 476-6015.

Top Secret: Sexual Assault Information for Teenagers Only.—King County Rape Relief, Renton, WA, 1982. Booklet for adolescents age twelve to seventeen giving information on sexual assault and emphasizing self-protection. King County Rape Relief, 305 S. 43rd St., Renton, WA 98055, (206) 226-5062.

"The Touch Continuum".—C. Kent. Hennepin County Attorney's Office, Mound, MN, Sexual Assault Services. In Child Care Resources 4 (2):1-5, Feb. 1980. The touch continuum illustrates the range of touching, from lack of touch to exploitive touch. Hennepin County Attorneys Office, Child Sexual Abuse Prevention Project, C-2100 Government Center, Minneapolis, MN 55487, (612) 348-3091.

Touch Me Not!.—Precious Resources, Parkville, MO. This illustrated book directs children to be aware of child molesters. Beverly Amstutz, Publisher, Precious Resources, Box 14463, Parkville, MO 64152. (816) 587-0765.

A Very Touching Book.—Jan Hindman. McClure-Hindman Books, Durkee, OR. This book for children of all ages teaches children to recognize appropriate and inapproprate touching. McClure-Hindman Books, P.O. Box 208, Durkee, OR 97905, (503) 877-2430.

PRINTED MATERIALS FOR ADULTS—BOOKS, BOOKLETS, BROCHURES

For further information on the materials in this section, contact the sources given in the listing or your local library or book stores.

Assisting Child Victims of Sexual Abuse: The Sexual Assault Center, Seattle, WA; the Child Protection Center—Special Unit, Washington, D.C.— Dept. of Justice, Washington, D.C. National Inst. of Justice, 1981. This book discusses the two centers named in the title and describes their services, including preventive services. Dept. of Justice, National Institute of Justice, Room 846, 633 Indiana Ave., N.W., Washington, DC 20531, (202) 633-2000.

Basic Facts about Sexual Child Abuse.—National Committee for Prevention of Child Abuse, Chicago, 1982. Using a question-and-answer format, this brochere presents facts about child abuse. NCPCA Publishing Dept., 332 S. Michigan Ave., Suite 1250, Chicago, IL 60604-4357, (312) 663-3520.

The Broken Taboo: Sex in the Family.—Justice Blair and Riat Blair. Human Sciences Press, New York, 1979. In light of the authors' study of 100 cases of incest, the book examines the problem and discusses prevention.

Child Abuse and Neglect: A Guidebook for Educators and Community Leaders (2nd ed).—Edsel L. Erickson, Alan W. McEvoy, Nicholas D. Colucci, Jr. Learning Publications, Inc. This book outlines strategies and programs for preventing and combating child abuse, including sexual abuse. Learning Publications, Inc., Book Marketing Services, Aspen Bldg., 3030 S. 9th St., Kalamazoo, MI 49009, (616) 372-1045.

Child Abuse and Neglect: How You Can Help.—Milwaukee County Dept. of Social Services, Milwaukee, WI. This booklet explains the dynamics of child abuse and neglect and suggests ways to work toward solving the problem. Milwaukee County Dept. of Social Services, 1220 W. Vliet St., Milwaukee, WI 53205, (414) 289-6897.

Children Need To Know: Prevention of Sexual Assault and Personal Safety Training.—Sheryll Kerns Kraizer. This booklet, excerpted from a forthcoming book, presents facts about sexual child abuse and suggests strategies for preventing it. Sherryll Kerns Kraizer, Health Education Systems, 171 Bear Dr., Evergreen, CO 80439, (303) 575-8593.

Child Sexual Abuse: Incest, Assault and Sexual Exploitation.—U.S. Dept. of Health and Human Services; Office of Human Development Services. Administration for Children, Youth and Families, Children's Bureau, National Center on Child Abuse and Neglect. DHHS Pub. No. (OHDS) 81-30166; Issued 1979, Rev. 1981. This publication provides an overview of child sexual abuse, including promising preventive and treatment techniques. Includes references and bibliography. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Come Tell Me Right Away: A Positive Approach.—Linda T. Sanford. New Victoria Printing Collective, Lebanon, NH, 1982. This booklet presents guidelines for parents and concerned adults for preventing child sexual abuse. (Adapted from Sanfords's book The Silent Children: A Parent's Guide to the Prevention of Child Abuse.) L.T. Sanford, 123 Sutherland Rd., Apt. F, Brookline, MA 02146, (617) 566-0532.

Dealing With Sexual Child Abuse.—J. Bulkley, J. Ensminger, V.J. Fontana, R. Summit. National Committee for Prevention of Child Abuse, 1982. This booklet discusses legal, medical, and social aspects of sexual child abuse. NCPCA Publishing Dept., 322 S. Michigan Ave., Suite 1250, Chicago, IL 60604-4357, (312) 663-3520.

Father-Daughter Incest.—Judith L. Human. Harvard University Press, Cambridge, MA, 1981. Based on clinical experience with incest victims, this book analyzes the problem from a feminist perspective; final chapter suggests prevention measures.

For Pete's Sake, Tell!.—Elaine Krause. Krause House, Oregon City, OR. A book designed to help parents teach their children how to avoid sexual child abuse. (Second in a series; the first title is Speak Up, Say No!) Krause House, P.O. Box 880, Oregon City, OR 97045, (no telephone number available).

He Told Me Not to Tell.—King County Rape Relief, Renton, WA, 1979. This booklet presents guidelines for parents on how to talk to their children about sexual assault. King County Rape Relief, 305 S. 43rd St., Renton, WA 98055, (206) 226-5062.

The Hidden Tragedy: Incest. A Report on the Santa Clara County Child Sexual Abuse Demonstration and Training Project, August 1980.—California Dept. of Social Services, Sacramento, CA, 1980. A progress report on the CSATP program, which provides treatment and prevention services to sexually abused children and their families. California Dept. of Social Services, 744 P St., Sacramento, CA 95814, (916) 920-6827.

Incest: A Psychological Study of Causes and Effects With Treatment Recommendations.—Karin C. Meiselman, Ph.D., Jossey-Bass, San Francisco, 1978. This book discusses the family circumstances that may lead to incest and the effects of incest on the victims.

Incest: Confronting the Silent Crime.—Minnesota Program for Victims of Sexual Assault, MN. A manual to assist professionals in dealing with victims of incest. Includes a chapter on prevention. State Documents Center, 117 University Ave., 1st Floor, St. Paul, MN 55155, (612) 297-3000.

It Happens to Children.—Women Organized Against Rape, Philadelphia, PA, 1980. This handbook for adults tells what child sexual abuse is, how to prevent it, and what to do when it occurs. Women Organized Against Rape, 1220 Sansom St., 11th Floor, Philadelphia, PA 19107, (215) 922-7400.

A Message to Parents About: Child Sexual Abuse.—Child Sexual Abuse Victim Assistance Project, Children's Hospital National Medical Center, Washington, DC. This booklet includes advice for parents of children who have been sexually abused and suggests preventive measures. Child Sexual Abuse Victim Assistance Project, Children's Hospital National Medical Center, 111 Michigan Ave., N.W., Washington, DC 20010, (202) 745-5682.

No More Secrets: Protecting Your Child from Sexual Assault.—Caren Adams, Jennifer Fay. Impact Publishers, San Luis Obispo, CA, 1981. This book focuses on helping children understand they have the right to control who touches them and on teaching parents how to talk about sexual assault with children.

Outgrowing the Pain.—Eliana Gil. Launch Press, San Francisco, 1983. Book for and about adults who were abused as children.

Preventing Sexual Abuse: Activities and Strategies for Those Working with Children and Adolescents.—Carol A. Plummer. Learning Publications, Inc., MI. A resource book that provides activities to be used in child sexual abuse prevention programs. Includes curriculum guides for grades kindergarten through sixth and seventh through twelfth, and for special populations. Learning Publications, Inc., Book Marketing Services, Aspen Bldg., 3030 S. 9th St., Kalamazoo, MI 49009, (616) 372-1045.

Public Concern and Personal Action: Child Sexual Abuse.—Child Protection Center—Special Unit, Children's Hospital National Medical Center, Washington, DC, 1980. This public education brochure gives an overview of child sexual abuse and suggests preventive measures. Children's Hospital, National Medical Center, 111 Michigan Ave., N.W., Washington, DC 20010, (202) 745-5000.

Sexual Abuse: A Guide for Your Child's Safety.—This handbook for parents gives guidelines for preventing child sexual abuse. The Sexual Abuse Prevention Project, Children and Youth Services, 601 Rosenwald St., Burlington, NC 27215, (919) 229-6474.

Sexual Abuse of Children: Selected Readings.—National Center on Child Abuse and Neglect, Children's Bureau, Administration for Children, Youth and Families, Office of Human Development Services, U.S. Dept. of Health and Human Services. DHHS Pub. No. (OHDS) 78-30161, 1980. This publication contains nineteen articles on the subject of child sexual abuse as well as a state-by-state listing of treatment programs. Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The Silent Children: A Book for Parents About the Prevention of Child Sexual Abuse.—Linda T. Sanford. Anchor Press/Doubleday, Garden City, NY, 1980. This book emphasizes family dynamics and presents prevention techniques.

Speak Up, Say No!.—Elaine Krause. Krause House, Oregon City, OR. A book to help parents teach their children how to avoid sexual child abuse. Krause House, P.O. Box 880, Oregon City, OR 97045, (no telephone number available).

Strategies for Free Children: A Leader's Guide To Child Assault Prevention Child Assault Prevention Project, Columbus, OH. This how-to manual for professionals who work with children presents prevention strategies. Child Assault Prevention Project, P.O. Box 02084, Columbus, OH 43202, (614) 291-2540.

A Tele-Tape Model with Special Application to Sexual Abuse.—D. G. Boserup. Regional Inst. of Social Welfare Research, Inc., Athens, GA, July 1978. This manual describes how a telephone system can be combined with tape recordings to make topical and referral information available to children. Regional Inst. of Social Welfare Research, Inc., P.O. Box 152, Athens, GA 30603, (404) 542-7614.

The Voice of the Nightingale.—Cleveland Rape Crisis Center, Cleveland, OH. Bimonthly newsletter on sexual assault, including child sexual abuse. Cleveland Rape Crisis Center, 3201 Euclid Ave., Cleveland, OH 44115, (216) 391-3912.

Understanding Sexual Child Abuse.—Gary May. National Committee for Prevention of Child Abuse, Chicago, IL, 1982. Describes types of sexual abuse and profiles the offender and victim. NCPCA Publishing Dept., 332 S. Michigan Ave., Suite 1250, Chicago, IL 60604-4357, (312) 663-3520.

What Everyone Should Know about the Sexual Abuse of Children.—Channing L. Bete Co., Inc., South Deerfield, MA, 1981. This booklet describes child sexual abuse and its effects and suggests ways to prevent it.

Your Children Should Know.—Flora Colao, Tamer Hosansky. Bobbs-Merrill, New York, NY, 1983. Focusing on children and their point of view, this book details a children's self-protection program and discusses how to help children be cautious without becoming fearful.

PRINTED MATERIALS FOR ADULTS—ARTICLES

For further information on the materials in this section, contact the sources given in the listing or your local library.

"Conclusion: Aspects of Prevention and Protection".—Kee MacFarlane, Linda Jenstrom, and B. McComb Jones. In U.S. Dept. of Health and Human Services, Sexual Abuse of Children: Selected Readings. Washington, DC: National Center on Child Abuse and Neglect, Nov. 1980, pp. 123-126. This article includes a description of programs with primary prevention as their goal. National Center on Child Abuse and Neglect, P.O. Box 1182, Washington, DC 20013, (202) 245-2856.

"Don't Be Afraid To Say 'No'!".—Sherry Angel, Redbook (July 1978), p. 40. In a message to her infant son, a young woman tells about her sexual abuse as a child and gives advice on how he can avoid such abuse.

"Introduction: A National Needs Assessment for Protecting Child Victims of Sexual Assault.".—S.M. Sgroi. In Burgess, A. W. (ed.), Sexual Assault of Children and Adolescents. D.C. Health and Co., Lexington, MA, 1978, pp. xv-xxii. This article discusses problem areas for intervention and prevention efforts in child sexual abuse.

"The Prevention of Sexual Child Abuse: Focus on the Perpetrator".—C. Swift. In Journal of Clinical Child Psychology 8(2), 1979, pp. 133-136. This article suggests two approaches to preventing sexual child abuse based on two hypotheses regarding the causes of sexual child abuse in males.

"Sexual Abuse of Children: Enduring Issues for Social Work".—Jon R. Conte. Journal of Social Work and Human Sexuality, 1982 (1/2), pp. 1-19. This article reviews a number of persistent, unresolved concerns surrounding sexual child abuse and recommends actions for the future.

"Ways to Protect Children from Molestation".—Good Housekeeping, 176:165, Feb. 1973. Suggests what to tell children to do to avoid sexual abuse.

"What Should Parents Tell Children Regarding Possible Sexual Molestation?".—Gene C. Hassenger, et al. In Medical Aspects of Human sexuality, Oct. 1969, pp. 51-56. This article presents a wide range of divergent opinions on controversial issues relating to sexuality.

FURTHER RESOURCES

For further information on the materials in this section, contact the sources given in the listing.

Annotated Directory of Exemplary Family Based Programs.—National Resource Center on Family Based Services, University of Iowa. National directory that includes one to two-page descriptions of public and private programs that use a family-based service approach. National Resource Center on Family Based Services, Oakdale Hall, N118, University of Iowa, Iowa City, IA 52242, (319) 353-5076.

Incest Annotated Bibliography.—Melodye L.F. Dabney, author and publisher. University Press, University of Oregon, 1984. Current through 1982, this annotated bibliography lists 300 sources. Melodye L.F. Dabney, 2000 Hawkins Ln., Eugene, OR 97405, (503) 485-5847.

Free Literature Search.—NCCAN Child Abuse Clearinghouse. Will provide an annotated bibliography of documents about a specific aspect of child abuse or neglect; for example, an annotated bibliography of materials relating to child sexual abuse. The clearinghouse is funded by NCCAN (National Center on Child Abuse and Neglect), NCCAN Child Abuse Clearinghouse, Aspen Systems, 1600 Research Blvd., Rockville, MD 20850, (301) 251-5130.

By Mrs. HAWKINS:

S. 3029. A bill to provide for the Mary McLeod Bethune Memorial Fine Arts Center to be established by the Bethune-Cookman College in Volusia County, FL; to the Committee on Labor and Human Resources.

MARY MC LEOD BETHUNE MEMORIAL FINE ARTS CENTER

Mrs. HAWKINS. Mr. President, today I am introducing a bill that provides for the construction of a living memorial to one of our Nation's most outstanding and revered citizens. This measure directs the Secretary of Education to make the necessary funds available to construct a memorial fine arts center on the campus of Bethune-Cookman College in Volusia County, FL. This fine arts center will serve as the Nation's tribute to Dr. Mary McLeod Bethune—teacher, author, doctor, lawyer, as well as friend and adviser of Presidents.

Mr. President, Bethune-Cookman College is one of the Nation's leading historically black colleges. It was founded by Dr. Mary McLeod Bethune in 1904. Originally charted as the Daytona Normal and Industrial School for Negro Girls, Bethune-Cookman's existence provided southern black girls and women one of their first opportunities to climb up and out of servitude and toward a life of promise. The school held its first classes, under the direction of Dr. Bethune, with five young girls as students. Beginning in 1904, with $9 and fruit crates for the students to sit on, by 1907, Dr. Bethune had raised from private sources sufficient funds to erect the school's first building—Faith Hall.

Today, Bethune-Cookman College has a 60-acre campus and an enrollment of 1,200 male and female students. The college itself stands as a monument to Dr. Bethune's hard work and dedication to the ideal of educational opportunity for all. Were the establishment of this college Dr. Bethune's only accomplishment, its continued existence today might serve as an adequate memorial. Bethune-Cookman College, however, is only a small piece in the life's work of Mary McLeod Bethune.

Dr. Bethune was also a skillful leader and advocate for equality of opportunity for all Americans. On the long road toward this goal, Dr. Bethune made an extra effort to open the door to a better life for black women. As a member of President Franklin Delano Roosevelt's "black cabinet," she served as head of the Division of Negro Affairs within the National Youth Administration.

The "black cabinet" served in an unofficial capacity to ensure that black Americans received a fair deal from the New Deal. As the leader of this group, Mary McLeod Bethune, with the help of her friendship with Eleanor Roosevelt, reached the inner sanctum of F.D.R.'s White House. From this vantage point, she worked to affect national policy from the top down.

Clearly, children were Dr. Bethune's special interest. She served our Nation's youth not only in F.D.R.'s administration, but she also served Presidents Coolidge and Hoover as a member of the National Commision on Child Welfare. This is one Commission, Mr. President that could very well be reconstituted today—and still have a full agenda.

There is more, much more that I could recite here today. In closing I will mention only one of Dr. Bethune's many other achievements. She was the founder of the National Council of Negro Women, the black woman's first national political voice, a voice that still calls out for an equal opportunity society. This is a society that will be achieved when all Americans realize that the most valuable resources in our society are the perserverance, integrity, and dignity of the individual.

It is in this spirit, Mr. President, that I introduce legislation to memorialize Dr. Mary McLeod Bethune. This functioning fine arts center will provide the students of Bethune-Cookman College and all the residents of Volusia County, FL, in place to pursue a greater opportunity for all our citizens.

ADDITIONAL COSPONSORS

S. 1069

At the request of Mr. CHAFEE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1069, a bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

S. 2720

At the request of Mrs. HAWKINS, the names of the Senator from Arizona [Mr. GOLDWATER], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Mr. PERCY], the Senator from Georgia [Mr. NUNN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Carolina [Mr. THURMOND] and the Senator from Florida [Mr. CHILES] were added as cosponsors of S. 2720, a bill to recognize the organization known as the Women's Army Corps Veterans' Association.

S. 2753

At the request of Mr. HATFIELD, the names of the Senator from Utah [Mr. GARN], and the Senator from Alabama [Mr. DENTON] were added as cosponsors of S. 2753, a bill to provide for the

buy-out of certain contracts for Federal timber.

S. 2815

At the request of Mr. SYMMS, the name of the Senator from Oklahoma [Mr. NICKLES], was added as a cosponsor of S. 2815, a bill to repeal the changes made to section 483 of the Internal Revenue Code of 1954 by the Tax Reform Act of 1984.

S. 2917

At the request of Mr. TSONGAS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2917, a bill to confer citizenship posthumously on Corporal Wladyslaw Staniszewski.

S. 2927

At the request of Mr. GRASSLEY, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 2927, a bill to amend title 5 of the United States Code regarding the authority of the Special Counsel.

S. 2930

At the request of Mr. SYMMS, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Connecticut [Mr. DODD], the Senator from California [Mr. WILSON], and the Senator from Wyoming [Mr. SIMPSON] were added as a cosponsors of S. 2930, a bill to repeal the changes made by the Tax Reform Act of 1984 with respect to the tax treatment of debt instruments issued for property.

S. 3000

At the request of Mr. PERCY, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 3000, a bill to authorize the provision of foreign assistance for agricultural activities in Poland.

S. 3006

At the request of Mr. EVANS, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 3006, a bill to amend the Federal Power Act.

S. 3008

At the request of Mr. ARMSTRONG, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 3008, a bill to recognize the organization known as The Retired Enlisted Association, Inc.

S. 3021

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 3021, a bill to name the Federal Building in Elkins, WV, the "Jennings Randolph Federal Center."

SENATE JOINT RESOLUTION 346

At the request of Mr. LEVIN, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 346, a joint resolution to designate the year 1985 as the "Year of the Teacher."

SENATE JOINT RESOLUTION 351

At the request of Mr. SASSER, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 351, a joint resolution designating the week beginning February 17, 1985, as a time to recognize volunteers who give their time to become Big Brothers and Big Sisters to youth in need of adult companionship.

SENATE JOINT RESOLUTION 354

At the request of Mr. NUNN, the names of the Senator from Arizona [Mr. GOLDWATER], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 354, a joint resolution designating the week of January 7 through January 13, 1985, as "National Productivity Improvement Week."

SENATE RESOLUTION 283

At the request of Mr. COHEN, the name of the Senator from Iowa [Mr. JEPSEN] was added as a cosponsor of Senate Resolution 283, a resolution relating to chemical weapons.

AMENDMENT NO. 4277

At the request of Mr. PACKWOOD, the name of the Senator from Texas [Mr. TOWER] was added as a cosponsor of amendment No. 4277 intended to be proposed to H.R. 5505, a bill to amend title XII of the Merchant Marine Act, 1936.

AMENDMENT NO. 4394

At the request of Mrs. HAWKINS, the names of the Senator from Illinois [Mr. PERCY], the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Missouri [Mr. DANFORTH], and the Senator from California [Mr. WILSON] were added as cosponsors of amendment No. 4394 intended to be proposed to House Joint Resolution 648, a joint resolution making continuing appropirations for the fiscal year 1985, and for other purposes.

SENATE CONCURRENT RESOLUTION 145—CONCERNING REDUCTION OF TARIFFS BY JAPAN

Mr. BAUCUS (for himself and Mr. PACKWOOD) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 145

Whereas, the United States and Japan are generally committed to principles of international free trade;

Whereas, in keeping with these principles, the United States has provided Japan broad access to our domestic markets;

Whereas, Japan has benefitted from this access by becoming a major United States supplier and now has a projected $31 billion annual merchandise trade surplus with the Unites States;

Whereas, Japan uses a system of prohibitively high tariffs to limit imports of American processed wood products such as plywood, particleboard, veneer, and lumber; and

Whereas, these tariffs force Japanese consumers to pay unnecessarily high prices for processed wood products, deny American wood products producers a fair opportunity to compete in Japan, reduce potential American processed wood products sales by about $500 million a year, and obstruct the development of better trade relations between the United States and Japan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) Japan should substantially reduce the tariffs imposed by Japan on processed wood products, including plywood, particleboard, veneer, and lumber, and

(2) any refusal by Japan to substantially reduce such tariffs will seriously impede the development of better trade relations between the United States and Japan.

● Mr. BAUCUS. Mr. President, Honda Rimei, a philosopher of Japan's Tokugowa era, said that "Foreign trade is a war in which each party seeks to extract wealth from the other." America is in the middle of such a war today, and we are losing it. More and more of our wealth is shifting overseas. As evidence, this year our trade deficit is expected to reach $140 billion, signifying a loss of more than 3 million jobs.

There are many reasons for this huge trade deficit. The primary one probably is our huge budget deficit, which inflates the international value of the dollar so that imports are cheaper and exports more expensive. But another important reason is that foreign governments have outnegotiated us, using the international trade laws to their own advantage.

This has been especially true in the case of Japan. This year, Japan will sell us about $31 billion more worth of manufactured goods than we sell them. The Japanese have attained this huge surplus, in part, by successfully employing a value-added strategy, by which Japan encourages imports of raw materials and discourages imports of finished products produced from those raw materials. As a result, most of the lucrative value-added processing occurs in Japan.

This value-added strategy has been especially effective regarding wood products. Japan imposes few barriers against imports of logs, but imposes many formidable barriers against imports of processed wood products. As a result, many jobs that might be in Missoula, MT, or Bend, OR, are carefully protected in Sapporo or Osaka, Japan.

Let me explain the problem more fully:

The United States is the world's leading producer of wood products. We have abundant resources, skilled workers, and advanced technology. That's why the Office of Technology Assessment recently concluded that "the United States is well positioned to sat-

isfy * * * a major share of future world forest products requirements."

The U.S. wood products industry is very conscious of the potential value of foreign markets, and is exporting aggressively to them. For example, U.S. exports of processed wood products increased from about 3.5 percent of total U.S. production in 1970 to more than 9 percent of total U.S. production in the early 1980's.

Many of our wood products exports are produced from softwoods like Douglas-fir, ponderosa pine, lodgepole pine, and spruce, which are cut, milled and processed throughout the Northwest. For example, western Montana is a competitive producer of softwood lumber, plywood, and particleboard, all of which have significant existing or potential export markets.

Because it has so few harvestable forests, Japan depends heavily on wood products imports. The United States is Japan's main import supplier, and Japan is our main export customer. Last year, we exported $1.1 billion worth of wood products to Japan; in recent years, we have exported almost 2 billion dollars' worth.

The Japanese market is especially attractive because of Japan's active homebuilding industry. In fact, in some recent years, the number of housing starts in Japan has actually exceeded the number here. What's more, Japanese construction methods are changing in ways that make the Japanese market more attractive to U.S. producers. American standards have been adopted for certain products, and the U.S. platform-frame construction method has been copied. Although this type of construction now accounts for less than 2 percent of home construction, it is expected to account for as much as 20 percent by 1990.

But, so far, Japan's high tariffs on processed wood products have prevented U.S. producers from fully participating in this substantial market. The following chart illustrates the effect Japan's tariffs have in protecting the Japanese domestic industry:

Product	Tariff	Imports as a percent of total Japanese consumption (1980)
Softwood logs	0	50
Softwood lumber (pine and spruce/fir only)	6–9	14
Particleboard	12	7
Plywood	15	1
Veneer	15	2
Laminated lumber	20	[1]

[1] Less than 1 percent.

Japan's high tariffs on processed wood products contrast starkly with other developed countries' tariffs. For example, America's tariffs on veneer, particle board, and the type of plywood used in Japan range from 0 to 8 percent; the European Community's range from 0 to 10 percent. Even some less-developed Asian countries, like Taiwan, have lower tariffs on processed wood products than Japan does.

Mr. President, Japan's protectionist value-added strategy, embodied in these high tariffs on processed wood products, is inconsistent with Japan's commitment to free trade. What's more, it denies the American wood products industry about $500 million a year in potential sales.

For years, the U.S. Government has been pointing this out and urging Japan to reduce its tariffs on processed wood products.

For example, during the Tokyo Round of Multilateral Trade Negotiations, U.S. negotiators repeatedly requested reductions in Japan's processed wood products tariffs. But Japan refused to make any significant reductions.

Since then, U.S. negotiators have continued to request significant reductions. The United States has even offered to make corresponding concessions by reducing its tariffs on plywood produced in Japan—Japan now sells us 15 times more plywood than we sell them.

Last year, the Japanese led us to believe that their processed wood products tariffs finally would be reduced, after the sometimes acrimonious United States-Japan beef dispute was resolved.

But the Japanese let us down. Earlier this year, shortly after the beef issue was resolved, Japan announced a package of tariff reductions for 1985; but there was nothing in this package for the U.S. wood products industry.

Many Americans were deeply concerned about Japan's failure to make the processed wood products tariff cuts that we thought were forthcoming. I and several other Senators and Congressmen wrote to Ambassador Okawara and to Prime Minister Nakasone to express our concern. Ambassador Brock said that "the absence of any mention whatsoever of forest products among the tariff reductions is particularly disappointing." Vice President BUSH said that "the failure of the Japanese to act in this area was the biggest disappointment in their trade package." And the National Forest Products Association adopted a resolution urging Japan to "truly open its markets by sharply reducing the prohibitive tariffs on processed wood products."

Japan's repeated refusals to reduce its tariffs are especially baffling given the benefits Japan would gain from reductions. For example, lower tariffs would mean, for Japan:

Potentially lower housing, construction, and other product costs and a strengthened competitive position for Japanese wood users and consumers.

Greater stability of raw material supply for Japanese wood products manufacturers, because more open markets for processed products will tend to ensure that the United States continue to keep its raw materials flowing to Japan; and

A closer alliance, for Japan's exporters of other products, with a major American industry which has been one of the strongest supporters of open markets.

Even so, the Japanese have remained intransigent. Recently, Japan's Ambassador to the United States, Mr. Okawara, responded to requests for tariff reductions by writing that Japan would try to increase housing demand "so that we may have a better climate in which we can study the tariff reduction more positively."

To me, this sounds like classic stonewalling. Recent events confirm this interpretation. Just last week, our top trade negotiator, Ambassador Mike Smith, again raised the issue with a Japanese trade delegation he met with here in Washington. But the Japanese refused to commit to any reductions in their processed wood products tariffs.

An old Japanese proverb says that "the sack of a man's patience is tied with a slip knot."

Mr. President, our patience is running out. Japan's value-added strategy embodied in its prohibitively high tariffs on processed wood products, is inconsistent with the basic principles of free trade, and hurts a U.S. industry that has been one of the leading defenders of those principles.

If Japan's tariffs are not reduced substantially, and soon, I am concerned that this issue could have a serious effect on our overall bilateral trade relationship.

I know that many of my colleagues, on both sides of the aisle, share my concern. Therefore, Senator PACKWOOD and I are introducing a resolution that conveys the sense of the Congress that Japan should substantially reduce its tariffs on processed wood products, including plywood, particle board, veneer, and lumber. Furthermore, the resolution conveys the sense of the Congress that, if Japan refuses to take such action, its refusal will seriously impede the development of better relations between our countries.

Since there is little time left until we adjourn, we do not intend to press for a vote on the resolution during this Congress. However, we are introducing it now to put the Japanese Government on notice that, if its processed wood products tariffs are not substantially reduced by the time the 99th Congress convenes in late January, we intend to reintroduce the resolution, request Finance Committee hearings

on it, and press hard for its early adoption.

Mr. President, as a friend of the Japanese Government and Japanese people, I sincerely hope that it will not be necessary to reintroduce this resolution, or to consider further legislative action, in January. Instead I hope that, by then, Japan's tariffs will have substantially reduced and our countries will have taken another step to make free trade a two-way street.●

● Mr. PACKWOOD. Mr. President, I am pleased to join my colleague from Montana in introducing this resolution on Japanese tariffs for forest products. This resolution would declare that it is the sense of the Congress that Japan should substantially reduce its tariffs on processed wood products, including plywood, particle board, veneer, and lumber. It acknowledges that Japan's refusal to reduce these tariffs is a serious impediment to the development of better trade relations between the United States and Japan.

We are introducing this resolution today to put the Japanese Government on notice of our deep concern and hope that this issue will be resolved favorably in the near future. Clearly, there is not enough time left in this session of Congress to hold hearings on this resolution and push for adoption by Congress. Nevertheless, this issue is of such great importance to forest products producers in the Pacific Northwest, and the United States as a whole, that we feel it warrants review by our colleagues here in the Senate, as well as our trading partners abroad.

Mr. President, trade in forest products is of prime importance to my State of Oregon and to the Pacific Northwest. Trade between Japan and the United States in wood products has been historically strong. It could be stronger still but for one serious problem—the high Japanese tariffs on imports of U.S. forest products.

Japan allows unprocessed wood products to enter its markets duty free. But processed wood products—specifically plywood, veneer, and particle board—face tariffs of 12 to 15 percent. These rates are extremely high when compared with Japan's average tariff of 3 percent on all products. Reduction of these tariffs on forest products is one of the most important actions Japan can take to open its markets to U.S. producers, and improve trade relations between our countries.

Mr. President, as a Senator from a State with a timber-based economy I am painfully aware of the need to expand export opportunities for processed wood products. The timber and home building industries across the Nation, and especially in Oregon, have been sluggish in recovering from the recent recession. It is imperative that these industries gain a strong foothold in our Nation's economic recovery.

A healthy housing industry, of which forest products are a key component, is an integral part of a healthy economy. I am convinced that increased export opportunities for our forest products industry will provide a much needed boost to the overall health of our Nation's economy. This can be accomplished best through reductions in Japanese tariffs on U.S. forest products.

Mr. President, because of the concern of this issue to my State of Oregon I have tried for several years to convince the Japanese Government to lower its tariffs on plywood, veneer, and particleboard. I had hoped that the trade package announced by the Japanese Government last April would include tariff reductions for processed wood products. As you know, in April, Japan announced a wide variety of trade measures designed to promote economic relations between Japan and the United States. These measures included relaxations of import restrictions on beef, citrus, and other agricultural products; internationalization of the Yen; and investment promotion. Regrettably, this package did not include tariff reductions for U.S. forest products, despite their being identified by our Government as a top priority.

Mr. President, our efforts, so far, to reduce Japanese wood products tariffs have been unsuccessful. The time has come for the U.S. Congress to call on Japan to eliminate this stumbling block to better economic relations.

Our producers simply want an equal opportunity to compete in Japan's processed wood products markets. I am convinced that reducing the tariffs blocking access to these markets poses no threat to Japan's wood products industries. Our forest products producers are the primary suppliers of raw materials for Japan's wood products industry. The tariff reductions we seek would benefit Japanese consumers by lowering housing and furniture costs, and lead to greater supply assurances for Japan's wood products producers. Reduced tariffs on U.S. forest products would also benefit Japan's export industries by reducing trade friction and easing protectionist pressures here in the United States.

Mr. President, it is my deep hope that Japan will take action in the near future to reduce their tariffs on plywood, veneer, and particleboard. In the long run, I am convinced that both the United States and Japan will benefit greatly through lowering barriers to trade.

Our U.S. trade negotiators involved in talks with the Japanese Government aimed at reducing tariffs on processed wood products. I urge my colleagues to join in supporting reduced Japanese tariffs for this important U.S. industry.●

SENATE RESOLUTION 452—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. SYMMS, from the Committee on Environment and Public Works, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 452

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 3024, a bill to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes.

Such waiver is necessary because section 402(a) of the Congressional Budget Act of 1972 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceeding the beginning of such fiscal year.

The Committee on Environment and Public Works met and made a good faith effort to report S. 3024 prior to the May 25, 1984, reporting deadline for fiscal year 1985 authorizations. However, due to circumstances beyond their control, the Committee was unable to report this bill prior to May 25, 1984.

Pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of Section 402(a) of Such Act are waived with respect to S. 3024 as reported by the Committee on Environment and Public Works.

AMENDMENTS SUBMITTED

FEDERAL-AID HIGHWAY ACT

SPECTER AMENDMENTS NOS. 4407 THROUGH 4410

(Ordered to lie on the table.)

Mr. SPECTER submitted four amendments intended to be proposed by him to the bill (S. 2527) to approve the interstate and intrastate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes; as follows:

AMENDMENT No. 4407

On page 41, after line 8, add the following new section:

COST EFFECTIVENESS STUDY

SEC. 134. (a) The Secretary of Transportation shall conduct a study (1) to determine the cost-effectiveness of carrying out a project to upgrade route 219 between its intersection with Interstate route I-80 near Dubois, Pennsylvania, and its intersection with the boundary between New York and Pennsylvania near Bradford, Pennsylvania, to the geometric and construction standards adopted for the National System of Interstate and Defense Highways, (2) to determine the feasibility of partially financing such project with toll revenues, of using reclaimed strip mining lands for right-of-way

for such project, and of avoiding encroachment upon national and State forests and State game lands in carrying out such project, and (3) to determine the alignment on which such project should be carried out.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

(c) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section not to exceed $1,000,000 for the fiscal year ending September 30, 1985.

(d) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the study under this section shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

AMENDMENT NO. 4408

On page 33, between lines 21 and 22, insert the following:

(9)(A) The Secretary of Transportation is authorized to carry out a highway project in the city of Allentown, Pennsylvania, for the purpose of demonstrating methods of accelerating construction to eliminate a major rail-highway crossing at grade, reducing traffic delays for both rail and motor vehicle traffic, and minimizing the impact on the surrounding urban environment.

(B) There is authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $1,000,000 for the fiscal year ending September 30, 1985, not to exceed $2,000,000 for the fiscal year ending September 30, 1986, and not to exceed $3,000,000 for the fiscal year ending September 30, 1987.

(C) Funds authorized by this paragraph shall be available until expended, shall be available for obligation in the same manner and to the same extent as if apportioned under chapter 1 of title 23, United States Code, and shall not be subject to any obligation limitation.

(D) The Secretary of Transportation shall report to Congress not later than 180 days after completion of this demonstration project the results of such project.

AMENDMENT NO. 4409

On page 41, after line 8, add the following new section:

PRIORITY FOR INTERSTATE DISCRETIONARY FUNDS

SEC. 134. (a) Subparagraph (B) of section 104(b)(5) of title 23, United States Code, is amended by inserting "(i)" after "(B)', and by adding at the end thereof the following new clause:

"(ii) From all sums apportioned under this subparagraph, for any fiscal year beginning after September 30, 1984, the Secretary shall deduct a sum of $250,000,000 before allocation to any State. Such sum shall be made available by the Secretary in accordance with the provisions of the second and third sentences of paragraph (3) of section 118(b).".

(b) Section 118(b)(3) of title 23, United States Code, is amended—

(1) in the first sentence by striking out "for a period of two years after the close" and inserting in lieu thereof "until the end"; and

(2) in the second sentence by inserting "(including sums made available pursuant to clause (ii) of subparagraph (B) of section 104(b)(5))" after "sentence".

AMENDMENT NO. 4410

On page 41, after line 8, add the following new section:

INTERSTATE RESURFACING FORMULA

SEC. 134. (a) Subparagraph (B) of section 104(b)(5) of title 23, United States Code, is amended to read as follows:

"(B)(i) Subject to the provisions of clause (iii), for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

"One-third in the ratio that diesel fuel used by motor vehicles on highways in each State bears to the total of diesel fuel used by motor vehicles on highways in all States; one-third in the ratio that lane miles on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and one-third in the ratio (not to exceed 10 per centum) that the total cost to improve deficient bridges on the Interstate System in each State bears to the total cost to improve deficient bridges on the Interstate System in all States. Notwithstanding the preceding sentence, no State shall receive less than 1 per centum of the total apportionment made by this subparagraph for any fiscal year.

"(ii) For purposes of clause (1), the total cost to improve deficient bridges shall be determined by the square footage of bridges on the Interstate System, including bridges on toll Interstate highways, eligible for replacement and rehabilitation multiplied by the respective unit price on a State-by-State basis, as determined by the Secretary under section 144 of this title.

"(iii) Any State which will have amounts allocated pursuant to the 85 per centum minimum allocation provision of section 157(a) as a result of clause (i) shall have its apportionment for purposes of this subparagraph based upon the provisions of clauses (i) and (iv), whichever is greater.

"(iv) Pursuant to clause (iii) of this subparagraph, if applicable, for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

"55 per centum in the ratio that lane miles on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and 45 per centum in the ratio that vehicle miles traveled on lanes on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States. Notwithstanding the preceding sentence, no State excluding any State that has no interstate lane miles shall receive less than one-half of 1 per centum of the total apportionment made by this subparagraph for any fiscal year.".

(b) The amendments made by subsection (a) shall apply to fiscal years beginning on or after October 1, 1984.

CIGARETTE LABELING ACT

HATCH (AND OTHERS) AMENDMENT NO. 4411

Mr. STEVENS (for Mr. HATCH, for himself, Mr. PACKWOOD, and Mr. FORD) proposed an amendment to the bill (H.R. 3979) to establish a national program to increase the availability of information on the health consequences of smoking, to amend the Federal Cigarette Labeling and Advertising Act to change the label requirements for cigarettes, and for other purposes; as follows:

On page 2, line 1, strike "FINDING AND".

On page 2, strike all from "(a)" on line 2 through "(b)" on line 1 of page 3.

On page 4, lines 10–11, strike "sale, distribution, use," and insert in lieu thereof "use".

On page 10, line 22, strike "time.'." and insert in lieu thereof the following: "time.

"(d) Subsection (a) does not apply to a distributor or a retailer of cigarettes who does not manufacture, package, or import cigarettes for sale or distribution within the United States.".

FEDERAL-AID HIGHWAY ACT

BUMPERS AMENDMENTS NOS. 4412 THROUGH 4414

(Ordered to lie on the table.)

Mr. BUMPERS submitted three amendments intended to be proposed by him to the bill S. 2527, supra; as follows:

AMENDMENT NO. 4412

At the end of Section 125, subsection (b), add the following new paragraph:

(A) The Secretary of Transportation is authorized to carry out a highway project to demonstrate the economic growth and development benefits of widening a segment of the federal-aid urban system connecting a community college and a large commercial center in the vicinity of Fort Smith, Arkansas, and of improving traffic signalization on such segment.

(B) There are hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $4,250,000 for the fiscal year ending September 30, 1985.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

AMENDMENT NO. 4413

At the end of Section 125, subsection (b), add the following new paragraph:

(A) The Secretary of Transportation is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demon-

strating methods of improving highway safety and of accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(B) There are authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $5,000,000 for the fiscal year ending September 30, 1985, and $7,500,000 for the fiscal year ending September 30, 1986.

(C) Funds authorized by this paragraph shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

AMENDMENT No. 4414

At the appropriate place in the bill add the following new section:

Sec. —. (a) Subsection (g) of Section 144 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) Notwithstanding any other provision of Section 144 of title 23, United States Code, and any other provision of law, any State or States may, at their option, utilize any of the funds provided them to carry out this section for the construction of bridges to replace ferries, which ferries were in existence on January 1, 1984. The Federal share payable on account of any such highway bridge construction pursuant to this subsection shall be the same as provided for highway bridge replacement or rehabilitation."

This paragraph shall be applicable with respect to funds apportioned each State for the fiscal year ending September 30, 1985, and for subsequent years.

HATCH AMENDMENTS NOS. 4415 THROUGH 4799

(Ordered to lie on the table.)

Mr. HATCH submitted 385 amendments intended to be proposed by him to the bill S. 2527, supra; as follows:

AMENDMENT No. 4415

On page 7, delete the number "20" and add the number "30."

AMENDMENT No. 4416

On page 18, line 16, insert "90 percent of" before "the".

AMENDMENT No. 4417

On page 8, line 13, strike "last" and insert "first".

AMENDMENT No. 4418

On page 18, line 24, insert "not" before "amended".

AMENDMENT No. 4419

On page 8, delete lines 23 and 24.

AMENDMENT No. 4420

On page 8, delete lines 20, 21, and 22.

AMENDMENT No. 4421

On page 18, line 19, strike "last" and insert "last two".

AMENDMENT No. 4422

On page 8, delete lines 18 and 19.

AMENDMENT No. 4423

On page 18, line 20, after "is" insert "not".

AMENDMENT No. 4424

On page 8, delete lines 18 and 19.

AMENDMENT No. 4425

On page 4, line 17, delete the word "ten" and insert in lieu thereof the word "five".

AMENDMENT No. 4426

On page 18, line 16, insert "90 percent of" before "substitute".

AMENDMENT No. 4427

On page 18, line 16, insert "60 percent of" before "substitute".

AMENDMENT No. 4428

On page 18, line 16, insert "95 percent of" before "the".

AMENDMENT No. 4429

On page 8, line 5, after "trolled" add the word "exclusively".

AMENDMENT No. 4430

On page 4, line 6, change "1987" to "2011".

AMENDMENT No. 4431

On page 18, line 12, after "among" insert "three-fourths".

AMENDMENT No. 4432

On page 18, line 12, after "among" insert "two-thirds".

AMENDMENT No. 4433

On page 18, line 12, after "among" insert "one-tenth".

AMENDMENT No. 4434

On page 4, line 6, change the first "30" to "1".

AMENDMENT No. 4435

On page 3, line 15, between the words "fix" and "the," insert the following "the first six months of".

AMENDMENT No. 4436

On page 3, line 2: insert the word "not" between the words "shall" and "adjust."

AMENDMENT No. 4437

On page 3 strike lines 2 through 38.

AMENDMENT No. 4438

On page 2: Strike lines 14 through 24.

AMENDMENT No. 4439

On page 19, line 17, delete the word "highway".

AMENDMENT No. 4440

On page 19, line 15, delete, ", respectively." and insert a period "." in lieu thereof.

AMENDMENT No. 4441

On page 19, line 22, delete the word "any".

AMENDMENT No. 4442

On page 19, line 22, insert between the words "routes" and "functionally" the words "that are".

AMENDMENT No. 4443

On page 7, line 8, strike the words "fifty-one" and add the words "forty-nine".

AMENDMENT No. 4444

On page 7, line 8, strike the words "fifty-one" and add the words "forty-eight".

AMENDMENT No. 4445

On page 7, line 8, strike the words "fifty-one" and add the words "forty-seven".

AMENDMENT No. 4446

On page 7, line 8, strike the words "fifty-one" and insert the words "forty-six".

AMENDMENT No. 4447

On page 18, line 17 after "shall" insert "not".

AMENDMENT No. 4448

On page 4, line 13, delete the word "sixteenth" and insert in lieu thereof "fifteenth".

AMENDMENT No. 4449

On page 2, line 19, between "1984" and "the", insert the following: "one-third of".

AMENDMENT No. 4450

On page 18, line 16, insert "80 percent of" before "substitute".

AMENDMENT No. 4451

On page 20, line 11, after the word "Secretary" insert "or acting Secretary".

AMENDMENT No. 4452

On page 20, line 10 delete the word "obligated" and insert the word "appropriated" thereof.

AMENDMENT No. 4453

On page 18, line 24, before "inserting" insert "not".

AMENDMENT No. 4454

On page 18, line 16 insert "65 percent of" before "substitute".

AMENDMENT No. 4455

On page 18, line 16, insert "75 percent of" before "substitute".

AMENDMENT No. 4456

On page 18, line 16, insert "70 percent of" before "substitute".

AMENDMENT No. 4457

On page 19, line 16, between the words "of" and "is", delete the word "such" and insert in lieu thereof the word "this".

AMENDMENT No. 4458

On page 21, line 4, delete the words "by the State" between the words "operated" and "In".

AMENDMENT No. 4459

On page 21, lines 9 and 10 delete the word "operation" between the words "installation" and "and".

AMENDMENT No. 4460

On page 21, line 11 delete the words "under this title" following the word "assistance".

AMENDMENT No. 4461

On page 21, line 10 delete the word "not" between the words "shall" and "be".

AMENDMENT No. 4462

On page 21, line 14 delete the word "total" which is between "the" and "amount".

AMENDMENT No. 4463

On page 21, line 16 delete the word "not" between the words "shall" and "be".

AMENDMENT No. 4464

On page 21, line 2 delete the words "other articles" before the word "as".

AMENDMENT No. 4465

On page 2, line 19, between "1984" and "the," insert the following: "one-eighth of".

AMENDMENT No. 4466

On page 2, line 19, between "1984" and "the," insert the following: "one-tenth of".

AMENDMENT No. 4467

On page 18, line 11, insert "the first six months of" before "Sec. A".

AMENDMENT No. 4468

On page 2, line 19, between "1984" and "the," insert the following: "one-ninth of".

AMENDMENT No. 4469

On page 7, line 8, strike the word "fifty-one" and insert the word "fifty".

AMENDMENT No. 4470

On page 21, line 16 delete the year "1984" and add the year "1985".

AMENDMENT No. 4471

On page 18, line 12, strike "all" and insert in lieu thereof "one-tenth".

AMENDMENT No. 4472

On page 18, line 12, strike "all" and insert in lieu thereof "one-eighth".

AMENDMENT No. 4473

On page 7 delete lines 3 through 22.

AMENDMENT No. 4474

On page 2, line 19, between "1984" and "the", insert the following: "one-sixth of".

AMENDMENT No. 4475

On page 2, line 19, between "1984" and "the", insert the following: "one-fourth of".

AMENDMENT No. 4476

On page 2, line 19, between "1984" and "the", insert the following: "one-fifth of".

AMENDMENT No. 4477

On page 2, line 19, between "1984" and "the", insert the following: "one-seventh of".

AMENDMENT No. 4478

On page 18, line 12, strike "all" and insert in lieu thereof "one-ninth".

AMENDMENT No. 4479

On page 18, line 12, strike "all" and insert in lieu thereof "one-seventh".

AMENDMENT No. 4480

On page 3, line 9, between the words "reflect" and "the," insert the following: "one-half".

AMENDMENT No. 4481

On page 7, line 14, delete the words from "and" through the word "bridge" on line 15.

AMENDMENT No. 4482

On page 8, delete lines 14 and 15.

AMENDMENT No. 4483

On page 7, lines 21 and 22 delete the words "in accordance with procedures established by the Secretary."

AMENDMENT No. 4484

On page 9, line 24, strike the words "January 1" and insert in lieu thereof "January 28".

AMENDMENT No. 4485

On page 10, line 1, strike the words "located on a Federal aid system."

AMENDMENT No. 4486

On page 9, line 25, strike the words "or operated".

AMENDMENT No. 4487

On page 9, line 25, strike the words "owned or".

AMENDMENT No. 4488

On page 9, lines 23 and 24 strike the words "before January 1 of each year".

AMENDMENT No. 4489

On page 9, on line 24 delete the words "of each year" and insert in lieu thereof ", 1985".

AMENDMENT No. 4490

On page 3, line 6, between the words "and" and "the," insert the following: "one-half".

AMENDMENT No. 4491

On page 7, line 17, delete the number "20" and add the number "80".

AMENDMENT No. 4492

On page 21, line 9 strike the word "installation" between the words "of" and "operation".

AMENDMENT No. 4493

On page 18, line 14, insert "the first six months of" before "such".

AMENDMENT No. 4494

On page 8, line 5, delete the word "women" and substitute in lieu thereof "minorities".

AMENDMENT No. 4495

On page 18, line 16, insert "85 percent of" before "the".

AMENDMENT No. 4496

On page 19 delete lines 20 through 25.

AMENDMENT No. 4497

On page 20 delete lines 1 through 4.

AMENDMENT No. 4498

On page 20 delete lines 5 through 12.

AMENDMENT No. 4499

On page 20 delete lines 13 through 15.

AMENDMENT No. 4500

On page 20 delete lines 16 through 18.

AMENDMENT No. 4501

On page 19 delete lines 13 through 15.

AMENDMENT No. 4502

On page 19 delete lines 16 through 19.

AMENDMENT No. 4503

On page 19 delete lines 9 through 12.

AMENDMENT No. 4504

On page 19 delete lines 6, 7 and 8.

AMENDMENT No. 4505

On page 19, delete line 5.

AMENDMENT No. 4506

On page 7, line 17, delete the number "20" and add the number "40".

AMENDMENT No. 4507

On page 7, line 17, delete the number "20" and add the number "50".

AMENDMENT No. 4508

On page 7, line 17, delete the number "20" and add the number "60".

AMENDMENT No. 4509

On page 7, line 17, delete the number "20" and add the number "70".

AMENDMENT No. 4510

On page 18, line 12, strike "all" and insert in lieu thereof "one-sixth".

AMENDMENT No. 4511

On page 18, line 9, insert "all" after "has".

AMENDMENT No. 4512

On page 7, line 9, delete the word "wholly" and add the word "substantially".

AMENDMENT No. 4513

On page 9, line 24, delete "January 1" and insert in lieu thereof "March 17".

AMENDMENT No. 4514

On page 19, delete lines 3 and 4.

AMENDMENT No. 4515

On page 7, lines 20 and 21, delete the words "which are eligible for Federal funds under Section 144".

AMENDMENT No. 4516

On page 16, line 13, delete everything between "(3) an analysis" and "program;" on line 14.

AMENDMENT No. 4517

On page 18, line 9 strike "a substitute" and insert "any".

AMENDMENT No. 4518

On page 9, line 12, add the words "reports, lists, schedules or surveys" after the word "no".

AMENDMENT No. 4519

On page 7, line 7, delete the word "not".

AMENDMENT No. 4520

Page 16, line 19, insert "not" between "would" and "serve".

AMENDMENT No. 4521

On page 8, line 14, change "17" to "16".

AMENDMENT No. 4522

On page 7, line 18, strike the word "may" and insert the word "shall".

AMENDMENT No. 4523

On page 8, line 13 delete "last sentence" and substitute "last two sentences".

AMENDMENT No. 4524

On page 7, delete the number "20" and insert the number "90".

AMENDMENT No. 4525

On page 19, delete lines 1 and 2.

AMENDMENT No. 4526

On page 19, line 25, insert between the word system and the quotation mark, the words "and routes that are functionally classified as arterials of major collectors".

AMENDMENT No. 4527

On Page 18, line 8, insert "one half" before "the".

AMENDMENT No. 4528

On page 9, line 12, delete the words "or for" after the word "by".

AMENDMENT No. 4529

On page 26, line 11, remove the word "6 p.m." and insert instead "4 p.m.".

AMENDMENT No. 4530

On page 16, line 9, delete eveything from "the adequacy" through line 11, "bridge inventory;".

AMENDMENT No. 4531

Page 22, line 13, change the number "1983" to "1984".

AMENDMENT No. 4532

Page 22, line 11, add the words "does not" between the words "criteria" and "which".

AMENDMENT No. 4533

On page 22, line 16, strike the words "fifty-five" and add "thirty-five" between the words "as" and "miles".

AMENDMENT No. 4534

On page 8, delete lines 16 and 17.

AMENDMENT No. 4535

On page 16, line 7, replace the word "including" with the word "excluding".

AMENDMENT No. 4536

On page 16, line 2, replace the word "both" with the word "only".

AMENDMENT No. 4537

On page 18, line 10, after "end" insert "the first half".

AMENDMENT No. 4538

On page 21, lines 9 through 11, strike the words "The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

AMENDMENT No. 4539

On page 26, line 10, remove the word "Friday," and insert instead, "Wednesday,".

AMENDMENT No. 4540

On page 21, line 14, add the word "not" between the words "may" and "be".

AMENDMENT No. 4541

On page 18, line 7, insert "not" after "are".

AMENDMENT No. 4542

On page 16, line 11, delete everything between the words "and the adequacy" and "inspections," on line 12.

AMENDMENT No. 4543

On page 7, line 9, delete the words "or rehabilitation of a bridge".

AMENDMENT No. 4544

On page 18 line 6, insert "Fifty percent of" before "Any".

AMENDMENT No. 4545

On page 18, line 5, insert "the first six months of the" before "the fiscal year".

AMENDMENT No. 4546

Page 15, line 23, change "conduct" to "institute".

AMENDMENT No. 4547

On page 22, line 14, add the word "not" between the words "by" and "inserting".

AMENDMENT No. 4548

On page 18, line 4, insert "the first six months of" before "the fiscal year".

AMENDMENT No. 4549

On page 9, line 2, add the word "not" after the word "is".

AMENDMENT No. 4550

On page 9, line 4, add the word "not" after the word "is".

AMENDMENT No. 4551

Page 15, line 23, change "include" to "exclude".

AMENDMENT No. 4552

On page 8, line 14, delete "17" and substitute "12".

AMENDMENT No. 4553

On page 14, line 15, delete "not".

AMENDMENT No. 4554

Page 14, line 11, insert "not" between "is" and "amended".

AMENDMENT No. 4555

Page 14, line 12, insert "not" between "shall" and "be reduced".

AMENDMENT No. 4556

On page 10, line 15, strike the words "5 per centum" and insert in lieu thereof the words "15 per centum".

AMENDMENT No. 4557

On page 10, line 15, strike the words "5 per centum" and insert in lieu thereof the words "10 per centum".

AMENDMENT No. 4558

On page 9, line 24 delete the words "January 1 of each year and insert in lieu thereof "January 15 of each".

AMENDMENT No. 4559

On page 20, line 22, delete "any State" and insert the word "States".

AMENDMENT No. 4560

On page 20, line 22 delete the word "may" and insert the word "shall".

AMENDMENT No. 4561

On page 2, line 3, between the words "for" and "the", insert the following; "the first three months of".

AMENDMENT No. 4562

On page 2, line 3, between the words "for" and "the", insert the following; "the first two months of".

AMENDMENT No. 4563

On page 2, line 3, between the words "for" and "the", insert the following; "the first month of".

AMENDMENT No. 4564

On page 2, line 3, between the words "for" and "the", insert the following; "the first four months of".

AMENDMENT No. 4565

On page 2, line 3, between the words "for" and "the", insert the following; "the first five months of".

AMENDMENT No. 4566

On page 2, line 3, between the words "for" and "the", insert the following; "the first six months of".

AMENDMENT No. 4567

On page 2, line 3, between the words "for" and "the", insert the following; "the first seven months of".

AMENDMENT No. 4568

On page 2, line 3, between the words "for" and "the", insert the following; "the first eight months of".

AMENDMENT No. 4569

On page 2, line 3, between the words "for" and "the", insert the following; "the first nine months of".

AMENDMENT No. 4570

On page 2, line 3, between the words "for" and "the", insert the following; "the first ten months of".

AMENDMENT No. 4571

On page 2, line 3, between the words "for" and "the", insert the following; "the first eleven months of".

AMENDMENT No. 4572

On page 10, line 15, strike the words "5 per centum" and insert in lieu thereof the words "25 per centum".

AMENDMENT No. 4573

On page 10, line 15, strike the words "5 per centum" and insert in lieu thereof the words "20 per centum".

AMENDMENT No. 4574

On page 35, strike lines 4 through 7.

AMENDMENT No. 4575

On page 20, line 7, between the words "shall be" insert the word "not".

AMENDMENT No. 4576

On page 2, line 6, between the words "for" and "the", insert the following: "the first month of".

AMENDMENT No. 4577

On page 2, line 6, between the words "for" and "the", insert the following: "the first two months of".

AMENDMENT No. 4578

On page 2, line 6, between the words "for" and "the", insert the following: "the first three months of".

AMENDMENT No. 4579

On page 2, line 6, between the words "for" and "the", insert the following: "the first four months of".

AMENDMENT No. 4580

On page 2, line 6, between the words "for" and "the", insert the following: "the first five months of".

AMENDMENT No. 4581

On page 2, line 6, between the words "for" and "the", insert the following: "the first six months of".

AMENDMENT No. 4582

On page 2, line 6, between the words "for" and "the", insert the following: "the first seven months of".

AMENDMENT No. 4583

On page 2, line 6, between the words "for" and "the", insert the following: "the first six months of".

AMENDMENT No. 4584

On page 2, line 6, between the words "for" and "the", insert the following: "the first eight months of".

AMENDMENT No. 4585

On page 2, line 6, between the words "for" and "the", insert the following: "the first nine months of".

AMENDMENT No. 4586

On page 2, line 6, between the words "for" and "the", insert the following: "the first eleven months of".

AMENDMENT No. 4587

On page 2, line 6, between the words "for" and "the", insert the following: "the first ten months of".

AMENDMENT No. 4588

On page 2: strike lines 2 through 12.

AMENDMENT No. 4589

On page 36, line 35, strike all words after "Mexico" through "activities." on line 36, page 36.

AMENDMENT No. 4590

On page 10, lines 7 and 8, strike the words "or any other highway related purpose."

AMENDMENT No. 4591

On page 10, strike lines 17 through 21.

AMENDMENT No. 4592

On page 10, line 15, strike the words "5 per centum" and insert in lieu thereof the words "30 per centum".

AMENDMENT No. 4593

On page 35, strike lines 1 through 3.

AMENDMENT No. 4594

Page 22, line 16 delete the words "fifty-five" and add the words "thirty-nine" between the words "as" and "miles".

AMENDMENT No. 4595

Page 22, line 16 delete the words "fifty-five" and add the words "thirty-eight" between the words "as" and "miles".

AMENDMENT No. 4596

Page 22, line 16 delete the words "fifty-five" and add the words "thirty-seven" between the words "as" and "miles".

AMENDMENT No. 4597

Page 22, line 16 delete the words "fifty-five and add the words "thirty-six" between the words "as" and "miles".

AMENDMENT No. 4598

On page 16, line 4, change the word "future" to "present".

AMENDMENT No. 4599

Page 16, line 12, change "inspections" to "codes".

AMENDMENT No. 4600

On page 8, line 1, strike "(1)" and insert "(2)".

AMENDMENT No. 4601

On page 16, line 4, change "evaluation" to "estimation".

AMENDMENT No. 4602

On page 4, line 6, change "1986" to "1999".

AMENDMENT No. 4603

On page 16, line 14, change "discretionary" to "non-discretionary".

AMENDMENT No. 4604

On line 23, page 7, after the word "women" add the word "small".

AMENDMENT No. 4605

On page 4, line 6, change the first "30" to "1".

AMENDMENT No. 4606

On page 4, line 6, change the first "30" to "2".

AMENDMENT No. 4607

On page 4, line 6, change the first "30" to "3".

AMENDMENT No. 4608

On page 4, line 6, change the first "30" to "4".

AMENDMENT No. 4609

On page 4, line 6, change the first "30" to "5".

AMENDMENT No. 4610

On page 16, line 4, change the word "future" to "present".

AMENDMENT No. 4611

On page 16, line 1, insert the words "lack of" between "analysis of the" and "progress".

AMENDMENT No. 4612

On page 16, line 25, change "applicable" to "inapplicable".

AMENDMENT No. 4613

On page 16, line 24, change the word "current" to "past".

AMENDMENT No. 4614

On page 16, line 23, change "certain large vehicles" to "a certain large vehicle".

AMENDMENT No. 4615

On page 16, line 23, change the word "average" to "mean".

AMENDMENT No. 4616

On page 16, line 23, replace the word "large" with "small".

AMENDMENT No. 4617

On page 16, line 22, change the word "large" to "small".

AMENDMENT No. 4618

On page 16, line 7, change the word "review" to "preview".

AMENDMENT No. 4619

On page 20, line 8, between the words "period as" insert the words, "or any subsequent periods".

AMENDMENT No. 4620

On page 20, line 10, delete the word "Any" and insert the word "All".

AMENDMENT No. 4621

On page 8, line 14, change "17" to "7".

AMENDMENT No. 4622

On page 7, line 16, add the words "120 days" between the words "expended" and "after".

AMENDMENT No. 4623

On page 7, line 16, add the words "30 days" between the words "expended" and "after".

AMENDMENT No. 4624

On page 18, line 14, insert "the tenth month of" before "such".

AMENDMENT No. 4625

On page 18, line 14, insert "the ninth month of" before "such".

AMENDMENT No. 4226

On page 18, line 14, insert "the eighth month of" before "such".

AMENDMENT No. 4627

On page 4, line 6, change "1987" to "1998".

AMENDMENT No. 4628

On page 4, line 6, change "1986" to "2010".

AMENDMENT No. 4629

On page 5, line 10, delete "January 2, 1984," and insert "January 19, 1984".

AMENDMENT No. 4630

On page 18, line 12, insert "not" after "have".

AMENDMENT No. 4631

Page 5, line 2, remove the words, "September 30," and insert instead "October 1".

AMENDMENT No. 4632

On page 17, line 25 delete "for public mass transit".

AMENDMENT No. 4633

On page 17, line 25, insert "not" after "shall".

AMENDMENT No. 4634

On page 17, line 17, change "the fiscal years" to "the first six months of the fiscal year".

AMENDMENT No. 4635

Page 21, line 1 delete the word "food" between the words "such" and "drink".

AMENDMENT No. 4636

Page 21, line 3 add the word "not" between "and" and "desirable".

AMENDMENT No. 4637

On page 16, line 22, delete the words "and gross vehicle weight".

AMENDMENT No. 4638

On page 16, line 24, delete everything between "and" the current and "formula" on line 25.

AMENDMENT No. 4639

On page 18, line 1, insert "the first six months of" after "for".

AMENDMENT No. 4640

On page 22, line 2, strike "1982" and insert in lieu thereof "1983".

AMENDMENT No. 4641

On page 15, line 21, insert "not" between "shall" and "conduct".

AMENDMENT No. 4642

On page 15, line 22, strike the words "and Rehabilitation".

AMENDMENT No. 4643

On page 18, line 12, after "among" insert "one-half".

AMENDMENT No. 4644

On page 4, line 2, change "118" to "120".

AMENDMENT No. 4645

On page 16, line 2, replace the word "inadequate" with "substandard".

AMENDMENT No. 4646

On page 15, line 23, delete the word "include" and replace with the words "if feasible include".

AMENDMENT No. 4647

On page 4, line 4, add the word "not" between the words "shall" and "use".

AMENDMENT No. 4648

On page 16, lines 2 and 3, strike the words "on the Federal-aid system and".

AMENDMENT No. 4649

On page 16, line 3, strike the words "and off the system".

On page 16, line 2, strike "both".

AMENDMENT No. 4650

On page 16, line 5, add the word "affected" between the words "the" and "States".

AMENDMENT No. 4651

On page 2, lines 2 and 3, insert the word "not" between the words "shall" and "apportion".

AMENDMENT No. 4652

On page 2, line, 6, insert the word "not" between "shall" and "adjust."

AMENDMENT No. 4653

On page 2, line 18, insert the word "not" between the words "shall" and "adjust".

AMENDMENT No. 4654

On page 2, lines 15 and 16, strike "years ending September 30, 1984 and September 30, 1985" and insert in lieu thereof "year, ending September 30, 1984".

AMENDMENT No. 4655

On page 16, line 5, insert "25" in lieu of "the".

AMENDMENT No. 4656

On page 5, line 10, delete "January 2, 1984" and insert "January 18, 1984."

AMENDMENT No. 4657

On page 5, line 10, delete "January 2, 1984," and insert "January 18, 1984."

AMENDMENT No. 4658

On page 5, line 10, delete "January 2, 1984" and insert "January 17, 1984."

AMENDMENT No. 4659

On page 4, line 18, change "1984" to "1999."

AMENDMENT No. 4660

On page 5, line 10, delete "January 2, 1984" and insert "January 16, 1984."

AMENDMENT No. 4661

Page 5, line 10, delete "January 2, 1984" and insert "January 15, 1984."

AMENDMENT No. 4662

Page 5, line 10, delete "January 2, 1984," and insert "January 14, 1984."

AMENDMENT No. 4663

Page 5, line 10, delete "January 2, 1984," and insert "January 13, 1984."

AMENDMENT No. 4664

Page 5, line 10, delete "January 2, 1984," and insert "January 12, 1984."

AMENDMENT No. 4665

Page 5, line 10, delete "January 2, 1984" and insert "January 11, 1984."

AMENDMENT No. 4666

Page 5, line 10, delete "January 2, 1984" and insert "January 10, 1984."

AMENDMENT No. 4667

Page 5, line 10, delete "January 2, 1984," and insert "January 9, 1984."

AMENDMENT No. 4668

Page 5, line 10, delete "January 2, 1984," and insert "January 8, 1984."

AMENDMENT No. 4669

Page 5, line 10, delete "January 2, 1984," and insert "January 7, 1984."

AMENDMENT No. 4670

Page 5, line 10, delete "January 2, 1984," and insert "January 6, 1984."

AMENDMENT No. 4671

Page 5, line 10, delete "January 2, 1984," and insert "January 5, 1984."

AMENDMENT No. 4672

Page 5, line 10, delete "January 2, 1984," and insert "January 3, 1984."

AMENDMENT No. 4673

On page 5, line 10, delete "January 2, 1984," and insert "January 4, 1984."

AMENDMENT No. 4674

On page 8, lines 3 and 4, strike the words "and insert 'and with (2) small business concerns owned and controlled by women.' "

AMENDMENT No. 4675

On page 18, line 14, insert "the first five months of" before "such".

AMENDMENT No. 4676

On page 18, line 14, insert "the first five months of" before "such".

AMENDMENT No. 4677

On line 3, page 8, delete the words "strike the period after 'thereto' and."

AMENDMENT No. 4678

On page 16, line 6, delete the words "repair and".

AMENDMENT No. 4679

On page 16, line 6, strike the words "and replacement".

AMENDMENT No. 4680

On page 18, line 12, after "among" insert "one-third".

AMENDMENT No. 4681

On page 18, line 12, after "among" insert "one-fourth".

AMENDMENT No. 4682

On page 18, line 14, insert "the first four months of" before "such".

AMENDMENT No. 4683

On page 18, line 14, insert the first three months of" before "such".

AMENDMENT No. 4684

On page 18, line 14, insert "the first two months of" before "such".

AMENDMENT No. 4685

On page 18, line 14, insert "the twelfth month of" before "such".

AMENDMENT No. 4686

On page 18, line 14, insert "the eleventh month of" before "such".

AMENDMENT No. 4687

On page 7, lines 8 and 9, delete the words "replacement of a bridge or".

AMENDMENT No. 4688

On page 19, line 12, between the words "Carpool" and "Vanpool", delete the word "and" and insert the word "or".

AMENDMENT No. 4689

On page 7, line 12, add the words "and the county where the bridge is located" between the words "State" and "to".

AMENDMENT No. 4690

On page 2, line 15, between the words "for" and "the," insert the following: "the first eleven months of".

AMENDMENT No. 4691

On page 2, line 15, between the words "for" and "the," insert the following: "the first ten months of".

AMENDMENT No. 4692

On page 2, line 15, between the words "for" and "the," insert the following: "the first nine months of".

AMENDMENT No. 4693

On page 2, line 15, between the words "for" and "the", insert the following: "the first eight months of".

AMENDMENT No. 4694

On page 2, line 15, between the words "for" and "the", insert the following: "the first seven months of".

AMENDMENT No. 4695

On page 2, line 15, between the words "for" and "the", insert the following: "the first six months of".

AMENDMENT No. 4696

On page 2, line 15, between the words "for" and "the", insert the following: "the first five months of".

AMENDMENT No. 4697

On page 2, line 15, between the words "for" and "the", insert the following: "the first four months of".

AMENDMENT No. 4698

On page 2, line 15, between the words "for" and "the", insert the following: "the first three months of".

AMENDMENT No. 4699

On page 2, line 15, between the words "for" and "the", insert the following: "the first two months of".

AMENDMENT No. 4700

On page 2, line 15, between the words "for" and "the", insert the following: "the first month of".

AMENDMENT No. 4701

On page 18, line 14, insert "the seventh monthly" before "such".

AMENDMENT No. 4702

On page 18, line 14, insert "the sixth monthly" before "such".

AMENDMENT No. 4703

On page 21, line 23, delete the word "over" and add the word "under" following the word "allocation".

AMENDMENT No. 4704

On page 21, line 20, delete the word "plus" and add the word "minus" between the words "act" and "the".

AMENDMENT No. 4705

On page 21, line 3, delete the word "desirable" and add the word "undersirable" between the words "and" and "such".

AMENDMENT No. 4706

On page 18, line 14, insert "the fifth month of" before "such".

AMENDMENT No. 4707

On page 18, line 14, insert "the fourth month of" before "such".

AMENDMENT No. 4708

On page 22, line 16, delete the words "fifty-five" and add the words "forty" between the words "as" and "miles".

AMENDMENT No. 4709

On page 7, line 17, delete the words "and local sources".

AMENDMENT No. 4710

On page 18, line 14, insert "the third month of" before "such".

AMENDMENT No. 4711

On page 18, line 14, insert "the second instead of" before "such".

AMENDMENT No. 4712

On page 5, line 10, strike "January 2, 1984" and insert instead, "January 3, 1984.".

AMENDMENT No. 4713

On page 18, line 14, insert "the first instead of" before "such.".

AMENDMENT No. 4714

On page 7, line 16, add the words "90 days" between the words "expended" and "after.".

AMENDMENT No. 4715

On page 18, line 13, after "than" insert "one-half.".

AMENDMENT No. 4716

On page 5, line 10, delete the words "January 2, 1984" and insert instead, "January 1, 1984".

AMENDMENT No. 4717

On page 18, line 13, after "than" insert "one-third".

AMENDMENT No. 4718

On page 18, line 13, after "than" insert "one-fourth".

AMENDMENT No. 4719

On page 18, line 13, after "than" insert "one-fifth".

AMENDMENT No. 4720

On page 12, line 5, strike the word "donations" and add in lieu thereof "donated land".

AMENDMENT No. 4721

On page 5, line 10, delete the words "ten days" and insert instead "four days".

AMENDMENT No. 4722

On page 5, line 10, delete the words "ten days" and insert instead "five days".

AMENDMENT No. 4723

On page 5, line 10, delete the words "ten days" and insert instead "six days".

AMENDMENT No. 4724

On page 5, line 10, delete the words "ten days" and insert instead "seven days".

AMENDMENT No. 4725

On page 5, line 10, delete the words "ten days" and insert instead the words "eight days".

AMENDMENT No. 4726

On page 5, line 10, delete the words "ten days" and insert instead "nine days".

AMENDMENT No. 4727

On page 1, line 3, strike the word "may" and insert thereof the word "shall".

AMENDMENT No. 4728

On page 2, line 5, after the words "fair market value of", add the word "lawful".

AMENDMENT No. 4729

On page 5, line seven, after the word "shall," insert the word "not".

AMENDMENT No. 4730

On page 16, line 17, delete the word "specific."

AMENDMENT No. 4731

On page 15, line 11, delete "and the adequacy of State bridge inspections".

AMENDMENT No. 4732

On page 16, line 19, insert "not" between would and serve.

AMENDMENT No. 4733

On page 5, line 10, delete the words "ten days" and insert instead "one day".

AMENDMENT No. 4734

On page 5, line 10, delete the words "ten days" and insert instead "two days".

AMENDMENT No. 4735

On page 18, line 13, after "than" insert "one-sixth".

AMENDMENT No. 4736

On page 7, delete the words from "is" at line 10 through "Code" at line 11.

AMENDMENT No. 4737

On page 18, line 13, after "than" insert "one-ninth".

AMENDMENT No. 4738

On page 18, line 13, after "than" insert "one-seventh".

AMENDMENT No. 4739

On page 18, line 13, after "than" insert "one-eighth".

AMENDMENT No. 4740

On page 5, line 10, delete the words "ten days" and insert instead "four days".

AMENDMENT No. 4741

On page 18, line 13, after "than" insert "one-tenth".

AMENDMENT No. 4742

On page 7, delete the words from "is" at line 12, through "Section 144" at line 14.

AMENDMENT No. 4743

On page 7, lines 11 and 12, delete the words "is noncontroversial".

AMENDMENT No. 4744

On page 5, line 10, delete the words "ten days" and insert instead "three days".

AMENDMENT No. 4745

On page 22, line 16, delete the words "fifty-five" and add the words "twenty-nine" between the words "as" and "miles".

AMENDMENT No. 4746

On page 22, line 16, delete the words "fifty-five" and add the words "twenty-eight" between the words "as" and "miles".

AMENDMENT No. 4747

On page 22, line 16, delete the words "fifty-five" and add the words "twenty-seven" between the words "as" and "miles".

AMENDMENT No. 4748

On page 22, line 16 delete the words "fifty-five" and add the words "twenty-six" between the words "as" and "miles".

AMENDMENT No. 4749

On page 22, line 16 delete the words "fifty-five" and add the words "twenty-five" between the words "as" and "miles".

AMENDMENT No. 4750

On page 22, line 16 delete the words "fifty-five" and add the words "twenty-four" between the words "as" and "miles".

AMENDMENT No. 4751

On page 22, line 16 delete the words "fifty-five" and add the words "twenty-three" between the words "as" and "miles".

AMENDMENT No. 4752

On page 22, line 16 delete the words "fifty-five" and add the words "twenty-two" between the words "as" and "miles".

AMENDMENT No. 4753

On page 22, line 16 delete the words "fifty-five" and add the words "twenty-one" between the words "as" and "miles".

AMENDMENT No. 4754

On page 22, line 16, delete the word "fifty-five" and add the word "two" between the words "as" and "miles".

AMENDMENT No. 4755

On page 21, line 10, delete the word "vending" after the word "of".

AMENDMENT No. 4756

On page 35, strike lines 8 through 11.

AMENDMENT No. 4757

On page 35, strike lines 12 through 25.

AMENDMENT No. 4758

On page 36, strike lines 7 through 20.

AMENDMENT No. 4759

On page 18, line 12, strike "all" and insert in lieu thereof "one-fifth".

AMENDMENT No. 4760

On page 16, line 16, change the word "including" to "excluding".

AMENDMENT No. 4761

On page 22, line 13, delete the word "January" and add the word "April" before the number "1".

AMENDMENT No. 4762

On page 22, line 13, delete the word "January" and add the word "March" before the number "1".

AMENDMENT No. 4763

On page 22, line 13, delete "January" and add "February" before the number "1".

AMENDMENT No. 4764

On page 22, line 13, delete the word "January" and add the word "May" before the number "1".

AMENDMENT No. 4765

On page 22, line 13, delete the word "January" and add the word "June" before the number "1".

AMENDMENT No. 4766

On page 22, line 13, delete the word "Junuary" and add the word "July" before the number "1".

AMENDMENT No. 4767

On page 22, line 13, delete the word "January" and add the word "August" before the number "1".

AMENDMENT No. 4768

On page 22, line 13, delete the word "January" and add the word "September" before the number "1".

AMENDMENT No. 4769

On page 22, line 13, delete the word "January" and add the word "October" before the number "1".

AMENDMENT No. 4770

On page 22, line 13, delete the word "January" and add the word "November" before the number "1".

AMENDMENT No. 4771

On page 22, line 13, delete the word "January" and add the word "December" before the number "1".

AMENDMENT No. 4772

On page 22, line 13, delete the number "1" and add the number "2" between the words "January" and "1983".

AMENDMENT No. 4773

On page 22, line 13, delete the number "1" and add the number "15" between the words "January" and "1983".

AMENDMENT No. 4774

On page 22, line 13, delete the number "1" and add the number "30" between the words "January" and "1983".

AMENDMENT No. 4775

On page 22, line 16, delete the words "fifty-five" and add the word "three" between the words "as" and "miles".

AMENDMENT No. 4776

On page 22, line 16, delete the words "fifty-five" and add the word "four" between the words "as" and "miles".

AMENDMENT No. 4777

On page 22, line 16, delete the words "fifty-five" and add the word "six" between the words "as" and "miles".

AMENDMENT No. 4778

On page 22, line 16, delete the words "fifty-five" and add the word "five" between the words "as" and "miles".

AMENDMENT No. 4779

On page 22, line 16, delete the words "fifty-five" and add the word "eight" between the words "as" and "miles".

AMENDMENT No. 4780

On page 22, line 16, delete the words "fifty-five" and add the word "thirteen" between the words "as" and "miles".

AMENDMENT No. 4781

On page 22, line 16, delete the words "fifty-five" and add the word "six" between the words "as" and "miles".

AMENDMENT No. 4782

On page 22, line 16, delete the words "fifty-five" and add the word "ten" between the words "as" and "miles".

AMENDMENT No. 4783

On page 22, line 16, delete the words "fifty-five" and add the word "fifteen" between the words "as" and "miles".

AMENDMENT No. 4784

On page 22, line 16, delete the words "fifty-five" and add the word "twenty" between the words "as" and "miles".

AMENDMENT No. 4785

On page 12, line 5, after the word "donations", add the words "or gifts.".

AMENDMENT No. 4786

On page 17, line 23, strike "seventh".

AMENDMENT No. 4787

On page 21, line 11, strike the word "Federal".

AMENDMENT No. 4788

On page 21, line 10, strike the word "maintenance".

AMENDMENT No. 4789

On page 17, line 22, strike "sixth".

AMENDMENT No. 4790

On page 7, line 6, delete from the word "notwithstanding" through the word "law".

AMENDMENT No. 4791

On page 7, line 17, strike the number "20" and in lieu thereof add the number "10".

AMENDMENT No. 4792

On page 21, line 5, add "not" after the word "shall".

AMENDMENT No. 4793

On page 21, line 3, add "not" after the word "are", and before the word "appropriate".

AMENDMENT No. 4794

On page 21, line 1, strike the word "drink".

AMENDMENT No. 4795

On page 21, line 3, add the word "not" after the word "may".

AMENDMENT No. 4796

On page 15, lines 21-22, add the word "not" between the words "shall" and "conduct".

AMENDMENT No. 4797

On page 15, line 23, delete the word "not".

AMENDMENT No. 4798

On page 21, line 6, add the word "not" between the words "are" and "operated".

AMENDMENT No. 4799

On page 7, line 1, beginning with the word "and" delete through the word "title" on line 2.

HELMS AMENDMENTS NOS. 4800 THROUGH 4802

(Ordered to lie on the table.)

Mr. HELMS submitted three amendments intended to be proposed by him to the bill S. 2527, supra; as follows:

AMENDMENT No. 4800

At the end of the bill, add the following: That this Act may be cited as the "Cable-Porn and Dial-Porn Control Act".

SEC. . (a) Section 1464 of title 18, United States Code, is amended to read as follows:

"§ 1464. Broadcasting, telecasting, or cablecasting of obscene, indecent, or profane language; distributing obscene or indecent material by means of radio, television, or cable television.

"(a) Whoever knowingly utters any obscene language, or distributes any obscene material, by means of radio, television, or cable television communication shall be fined not more than $20,000, or imprisoned not more than two years, or both.

"(b) Whoever knowingly utters any indecent or profane language, or distributes any indecent or profane material, by means of radio, television, or cable television communication shall be fined not more than $10,000, or imprisoned not more than two years, or both.

"(c) As used in this section, the term—

"(1) 'obscene language' or 'obscene material' means any language or material respectively which—

"(A) the average person, applying contemporary community standards for radio or television, would find, taken as a whole, appeals to the prurient interest;

"(B) depicts or describes, in a patently offensive way (i) an ultimate sexual act, normal or perverted, actual or simulated, (ii) masturbation, (iii) an excretory function, (iv) a lewd exhibition of a human genital organ, or (v) flagellation, torture, or other violence, indicating a sado-masochistic sexual relationship; and

"(C) taken as a whole, lacks serious literary, artistic, political, or scientific value;

"(2) 'indecent language' or 'indecent material' means a depiction or description of (A) a human sexual or excretory organ or function, (B) nudity, (C) an ultimate sexual act, normal or perverted, actual or simulated, (D) masturbation, (E) flagellation, torture, or other violence, indicating a sado-masochistic sexual relationship, which under contemporary community standards for radio or television is presented in a patently offensive way; and

"(3) 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire or satellite, or produce or provide such language or material for distribution.

"(d) Nothing in this section is intended to interfere with or preempt the power and right of the several States, including political subdivisions thereof, over franchises or to regulate in this area as to obscenity, indecency, or profanity, within their respective jurisdictions, in a manner which is not inconsistent with this section.".

(b) The analysis of chapter 71 of title 18, United States Code, is amended by deleting "1464. Broadcasting obscene language." and inserting in lieu thereof "1464. Broadcasting, telecasting, or cablecasting of obscene, indecent, or profane language; distributing obscene or indecent material by means of radio, television, or cable television.".

SEC. . (a) Subsection (b) of section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended to read as follows:

"(b)(1) whoever—

"(A) in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent, regardless of whether the maker of such comments placed the call, or

"(B) knowingly permits any telephone facility under such person's control to be used for any purpose prohibited by subparagraph (A),

shall be fined not more than $50,000 or imprisoned not more than six months, or both.

"(2)(A) In addition to the criminal penalties under paragraph (1), whoever, in the District of Columbia or in interstate or foreign communication, violates paragraph (1)(A) or (1)(B) for commercial purposes shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(B) A fine under this paragraph may be assessed either—

"(i) by a court, pursuant to a civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purpose, or

"(ii) by the Commission, after appropriate administrative proceedings.

"(3)(A) Either the Attorney General, or the Commission or any attorney employed by the Commission who is designated by the Commission for such purpose, may bring suit in a district court of the United States to enjoin any act or practice which allegedly violates paragraph (1)(A) or (1)(B).

"(B) Upon a proper showing that, weighing the equities and considering the likelihood of ultimate success, a preliminary injunction would be in the public interest, and after notice to the defendant, such preliminary injunction may be granted. If a full trial on the merits is not scheduled within such period, not exceeding 20 days, as may be specified by the court after issuance of the preliminary injunction, the injunction shall be dissolved by the court.".

(b) Subparagraph (A) of paragraph (1) of subsection (a) of section 223 of the Communications Act of 1934 is repealed.

(c) Subsection (c) of section 8 of the Federal Communications Commission Authorization Act of 1983 is repealed.

AMENDMENT No. 4801

At the end of the bill, add the following:

SEC. . (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1259. Appellate jurisdiction; limitation

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, practice, or any part thereof, or arising out of any Act interpreting, applying, enforcing, or effecting any State statute, ordinance, rule, regulation, or practice which relates to voluntary prayer, Bible reading, or religious meetings in public schools or public buildings.

"(b) As used herein, 'voluntary' means an activity in which a student is not required to participate by school authorities.".

(b) The section analysis of chapter 81 of title 28 is amended by adding at the end thereof the following new item:

"1259. Appellate jurisdiction; limitations.".

SEC. . (a) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 136 Limitations on jurisdiction

"Notwithstanding any other provision of law, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1259 of this title.".

(b) The section analysis at the beginning of chapter 85 of title 28 is amended by adding at the end thereof the following new item:

"1365. Limitations on jurisdiction.".

SEC. . The amendments made by the preceding two sections shall take effect on the date of enactment, except that such amendments shall not apply to any case which, on such date of enactment, was pending in any court of the United States.

AMENDMENT No. 4802

At the end of the bill, add the following:

SEC. . (a) This section may be cited as the "Neighborhood School Act of 1984".

(b) The Congress finds that—

(1) court orders requiring transportation of students to or attendance at public schools other than the one closest to their residences for the purpose of achieving racial balance or racial desegregation have proven to be ineffective remedies to achieve unitary school systems;

(2) such orders frequently result in the exodus from public school systems of children causing even greater racial imbalance and diminished public support for public school systems;

(3) assignment and transportation of students to public schools other than the one closest to their residence is expensive and wasteful of scarce petroleum fuels;

(4) there is an absence of social science evidence to suggest that the costs of school busing outweigh the disruptiveness of busing; and

(5) assignment of students to public schools closest to their residence (neighborhood public schools) is the preferred method of public school attendance.

(c) The Congress is hereby exercising its power under article III, section 1, and under section 5 of the fourteenth amendment of the U.S. Constitution.

(d) Section 1651 of title 28, United States Code, is amended by adding the following new subsection (c):

"(c)(1) No court of the United States may order or issue any writ directly or indirectly ordering any student to be assigned or to be transported to a public school other than

that which is closest to the student's residence unless—

"(i) such assignment of transportation is provided incident to the voluntary attendance of a student at a public school, including a magnet, vocational, technical, or other school of specialized or individualized instruction; or

"(ii) the requirement of such transportation is reasonable.

"(2) The assignment or transportation of students shall not be reasonable if—

"(i) there are reasonable alternatives available which involve less time in travel, distance, danger, or inconvenience;

"(ii) such assignment or transportation requires a student to cross a school district having the same grade level as that of the student;

"(iii) such transportation plan or order or part thereof is likely to result in a greater degree of racial imbalance in the public school system than was in existence on the date of the order for such assignment or transportation plan or is likely to have a net harmful effect on the quality of education in the public school district;

"(iv) the total actual daily time consumed in travel by schoolbus for any student exceeds thirty minutes unless such transportation is to and from a public school closest to the student's residence with a grade level identical to that of the student; or

"(v) the total actual round trip distance traveled by schoolbus for any student exceeds 10 miles unless the actual round trip distance traveled by schoolbus is to and from the public school closest to the student's residence with a grade level identical to that of the student.".

(e) The school closest to the student's residence with a grade level identical to that of the student shall, for purpose of calculating the time and distance limitations of this Act, be deemed to be that school containing the appropriate grade level which existed immediately prior to any court order or writ resulting in the reassignment by whatever means, direct or indirect including rezoning, reassignment, pairing, clustering, school closings, magnet schools or other methods of school assignment and whether or not such court order or writ predated the effective date of this legislation.

(f) Section 407(a) of title IV of the Civil Rights Act of 1964 (Public Law 88-352, section 407(a); 78 Stat. 241, section 407(a); 42 U.S.C. 2000c-6(a)), is amended by inserting after the last sentence the following:

Whenever the Attorney General receives a complaint in writing signed by an individual, or his parent, to the effect that he has been required directly or indirectly to attend or to be transported to a public school in violation of the Neighborhood School Act and the Attorney General believes that the complaint is meritorious and certifies that the signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief, the Attorney General is authorized to insitute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.".

(g) For the purpose of this Act, "transportation to a public school in violation of the Neighborhood School Act" shall be deemed to have occurred whether or not the order requiring directly or indirectly such transportation or assignment was entered prior to or subsequent to the effective date of this Act.

(h) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

FEDERAL TIMBER CONTRACT PAYMENT MODIFICATION ACT

HATFIELD AMENDMENTS NOS. 4803 AND 4804

Mr. HATFIELD proposed two amendments to the bill (H.R. 2838) to authorize the Secretaries of the Interior and Agriculture to provide assistance to groups and organizations volunteering to plant tree seedlings on public lands, and for other purposes; as follows:

AMENDMENT No. 4803

On page 6, line 3, after the period add the following: "The Government does not hereby surrender any other claim against a purchaser which arose under a contract prior to effectuation of this release and not in connection with this release from obligation to cut, harvest and pay for timber."

On page 6, line 6, strike ", and be held at the date of enactment of this Act." and insert in lieu thereof of the following: "for an original contract period of 10 years or less, and be held as of June 1, 1984."

On page 9, between lines 2 and 3 insert the following:

"(F) For purposes of this paragraph, the term 'contract overbid' is the difference between the advertised contract rate and the rate the purchaser bid."

On page 9, line 7, insert the following after "conditionally": "and shall not be considered as part of the outstanding volume of timber under contract for the purposes of this Act".

On page 10, line 19, after the period add: "The sale of timber within region 6 shall be made in such a manner as not to result in discriminatory treatment as between different forests in the region."

On page 9, line 11, strike "in" and insert in lieu thereof "after".

On page 11, line 8, strike the words "if they were".

On page 11, lines 10 and 11, strike: "they are primarily engaged in the logging or forest products industry and".

AMENDMENT No. 4804

On page 12, between lines 14 and 15 insert the following:

"(c) The Secretary of Agriculture and the Secretary of the Interior shall monitor bidding patterns on timber sale contracts and take action to discourage bidding at such a rate as would indicate that the bidder, if awarded the contract, would be unable to perform the obligations as required, or that the bid is otherwise for the purpose of speculation. Each Secretary shall include in the annual report to Congress information concerning actions taken under this paragraph.

"(d) Effective January 1, 1985, in any contract for the sale of timber from the National Forests, the Secretary of Agriculture shall require a cash down-payment at the time the contract is executed and periodic payments to be made over the remaining period of the contract."

FEDERAL-AID HIGHWAY ACT

METZENBAUM AMENDMENT NO. 4805

(Ordered to lie on the table.)

Mr. METZENBAUM submitted an amendment intended to be proposed by him to the bill S. 2527, supra; as follows:

AMENDMENT No. 4805

On page 35, strike out lines 12 through 25.

FEDERAL TIMBER CONTRACT PAYMENT MODIFICATION ACT

EVANS (AND GORTON) AMENDMENT NO. 4806

Mr. EVANS (for himself and Mr. GORTON) proposed an amendment to the bill H.R. 2838, supra; as follows:

On section 2(a)(2)(A), on page 6 line 6, after "enactment of this Act.", insert: "*Provided*, that any such contract that was defaulted after January 1, 1981 may qualify for buy-out under this section so long as (i) settlement for damages has not been reached between the purchaser and the United States; and (ii) the purchaser's loss on all of its qualifying timber sales contracts, as determined in section 2(a)(3)(A) of this Act, is in excess of 50 per centum of the net book worth of the purchaser.".

FEDERAL-AID HIGHWAY ACT

HATCH AMENDMENTS NOS. 4807 THROUGH 4811

(Ordered to lie on the table.)

Mr. HATCH submitted five amendments intended to be proposed by him to the bill S. 2527, supra; as follows:

AMENDMENT No. 4807

At the end of the bill, insert the following:

That the Congress finds that the rights of citizens to keep and bear arms under the second amendment to the United States Constitution; their rights to security against illegal and unreasonable searches and seizures under the fourth amendment; their protections against uncompensated taking of property, double jeopardy, and assurance of due process of law under the fifth amendment; and their rights against unconstitutional exercise of authority under the ninth and tenth amendments; require additional legislation to correct existing firearms statutes and enforcement policies. The Congress further finds that additional legislation is required to reaffirm its intent, as expressed in section 101 of title I of the Gun Control Act of 1968, that "it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, . . ." or

"to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes.".

TITLE I—AMENDMENTS TO TITLE 18, UNITED STATES CODE (18 U.S.C. 921-928)

AMENDMENTS TO SECTION 921

SEC. 101. Section 921 of title 18, United States Code, is amended—

(1) in subsection (a)(10) by deleting the words "manufacture of" and inserting in lieu thereof the words "business of manufacturing";

(2) in subsection (a)(11)(A) by deleting the words "or ammunition";

(3) in subsection (a)(12) by deleting the words "or ammunition";

(4) in subsection (a)(13) by deleting the words "or ammunition";

(5) by amending subsection (a)(20) to read as follows:

"(20) The term 'crime punishable by imprisonment for a term exceeding one year' shall not include (A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or (B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less: *Provided, however,* That what constitutes a conviction shall be determined in accordance with the law to the jurisdiction in which the proceedings were held: *Provided further,* That any conviction which has been expunged, or set aside or for which a person has been pardoned or has had his or her civil rights restored shall not be considered a conviction under the provisions of this Act, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms."; and

(6) in subsection (a) by inserting new paragraphs (21) and (22) after paragraph (20), to read as follows: "(21) The term 'engaged in the business' means—

"(A) As applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured.

"(B) As applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition manufactured.

"(C) As applied to a deal in firearms, as defined in section 921(a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. The term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or hobby, or who sells all or part of his personal collection of firearms.

"(D) As applied to a dealer in firearms, as definded in section 921(a)(11)(B), a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit. The term shall not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"(E) As applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported.

"(F) As applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

"(22) The term 'with the principal objective of livelihood and profit' means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection.

AMENDMENTS TO SECTION 922

SEC. 102. Section 922 of title 18, United States Code, is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) for any person (A) except a licensed importer, licensed manufacturer, or licensed dealer to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearms in interstate or foreign commerce; and (B) except a licensed importer or licensed manufacturer to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce";

(2) in subsection (a)(2)—

(A) by deleting the words, "or ammunition"; and

(B) by deleting the words "or licensed dealer for the sole purpose of repair or customizing," and inserting in lieu thereof the words, "licensed dealer, or licensed collector;";

(3) by amending clause (B) of subsection (a)(3) to read as follows: "(B) shall not apply to the transportation or receipt of a firearm obtained in conformity with the provisions of subsection (b)(3) of this section,";

(4) in subsection (b)—

(A) by deleting in paragraph (2) "or ammunition" each place it appears;

(B) by deleting clause (A) in paragraph (3) and inserting in lieu thereof the following: "(A) shall not apply to the sale or delivery of any firearm to a resident of a State other than a State in which the licensee's place of business is located if the sale, delivery and receipt fully comply with the legal conditions of sale in both such Senate: *Provided, however,* That any licensed manufacturer, importer or dealer shall be presumed, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States,";

(C) by inserting "and" before "(b)" in paragraph (3);

(D) by striking out ", and" clause (B) of paragraph (3) and inserting in lieu thereof a semicolon;

(E) by repealing clause (C) of paragraph (3); and

(F) by deleting from paragraph (5) "or ammunition except .22 rimfire ammunition";

(5) in subsection (d)—

(A) by deleting "licensed importer, licensed manufacturer, licensed dealer, or licensed collector" the first time they appear and inserting in lieu thereof "person";

(B) by deleting in paragraph (3) the word "or" following the semicolon;

(C) by replacing the period in paragraph (4) with a semicolon; and

(D) by inserting after paragraph (4) the following:

"(5) who, being an alien, is illegally or unlawful in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who, having been a citizen of the United States, has renounced his citizenship.";

(6) in subsection (g)—

(A) by deleting the words "is under indictment for, or who" in paragraph (1);

(B) by deleting in paragraph (3) the word "or" following the semicolon;

(C) by inserting after paragraph (4) the following:

"(5) who, being an alien, is illegally or unlawful in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who, having been a citizen of the United States, has renounced his citizenship;"; and

(D) by deleting the words to ship or transport any firearm or ammunition in interstate or foreign commerce" and inserting in lieu thereof the words "to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.";

(7) in subsection (h)—

(A) by inserting after the word "any" and before the word "person" the words "individual who to his knowledge and while being employed by any";

(B) by deleting the words "is under indictment for, or who" in paragraph (1);

(C) by deleting in paragraph (3) the word "or" following the semicolon;

(D) by inserting after paragraph (4) the following:

"(5) who, being an alien, is illegally or unlawful in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who having been a citizen of the United States, has renounced his citizenship;"; and

(E) by deleting the words "to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce" and inserting in lieu thereof the words "in the course of such employment to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."; and

(8) by inserting after subsection (m) a new subsection to read as follows:

"(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.".

AMENDMENTS TO SECTION 923

SEC. 103. Section 923 of title 18, United States Code, is amended—

(1)(A) in subsection (a)—

(i) by deleting the words "No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from the Secretary." and inserting in lieu thereof the words "No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Secretary."; and

(ii) by deleting the words "and contain such information", and inserting in lieu thereof the words "and contain only that information necessary to determine eligibility for licensing.";

(B) in subsection (a)(3)(B) by deleting the words "or ammunition for firearms other than destructive devices";

(2) in subsection (b) by striking out "and contain such information", and inserting in lieu thereof "and contain only that information necessary to determine eligibility for licensing";

(3) in subsection (c) by adding at the end thereof the following: "*Provided, however,* That nothing in this chapter shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter to dispositions by a person other than a licensed manufacturer, importer, or dealer: *Provided further,* That if any firearm is so disposed of by a licensee within one year of its transfer from his business inventory into his personal collection or if such disposition or any acquisition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such firearm shall be deemed part of his business inventory.";

(4) in subsection (e) by inserting before the word "violated" the word "willfully";

(5) in subsection (f)—

(A) by inserting the words "de novo" before the word "judicial" in paragraph (3);

(B) by adding the words ", whether or not such evidence was considered at the hearing held under paragraph (2)." after the words "to the proceeding" in paragraph (3); and

(C) by inserting at the end thereof the following new paragraph:

"(4) If criminal proceedings are instituted against a licensee alleging violations of this chapter or regulations promulgated thereunder, and the licensee is acquitted of such charges, or such proceedings are terminated, other than upon motion of the Government prior to trail upon such charges, the Secretary shall be absolutely barred from denying or revoking any license granted under the provisions of this chapter where such denial or revocation is based in whole or in part on the facts which form the basis of such criminal charges. No proceedings for the revocation of a license shall be instituted by the Secretary more than one year after the filing of the indictment or information.";

(6) by amending subsection (g) to read as follows:

"(g)(1) Each licensed importer, licensed manufacturer, and licensed dealer, shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms at his place of business for such period, and in such form, as the Secretary may by regulations prescribe. Such importers, manufacturers and dealers shall not be required to submit to the Secretary reports and information with respect to such records and the contents thereof, except as explicity required by the Act entitled 'An Act to protect firearms owners' constitutional rights, civil liberties and rights to privacy'. The Secretary, when he has reasonable cause to believe a violation of this law has occurred, and that evidence thereof may be found on such premises may, upon demonstrating such cause before a Federal magistrate, and securing from him a warrant authorizing entry, enter during business hours the premises (including places of storage) of any licensed firearms importer, licensed manufacturer, licensed dealer, licensed collector or any licensed importer or manufacturer of ammunition, for the purposes of inspecting or examining (1) any records or documents required to be kept by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector under the provisions of this chapter or regulations issued under this chapter, and (2) any firearms or ammunition kept or stored by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector, at such premises. The Secretary may inspect the inventory and records of a licensed importer, licensed manufacturer, or licensed dealer without such cause or warrant, (A) for a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee; or (B) no more than once in any twelve consecutive months, upon reasonable notice, but no criminal charges shall be brought against the licensee based upon such inspection except for willful violations of the record-keeping requirements of this chapter or sales or other dispositions of firearms to prohibited persons; or (C) when such inspections or inquiries may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation. The Secretary may inspect the inventory and records of a licensed collector without such reasonable cause or warrant (A) no more than once in any twelve consecutive month period, upon reasonable notice, but no criminal charges shall be brought against such licensee based upon such inspection except for willful violations of the recordkeeping requirements of this chapter or sales or other dispositions of firearms to prohibited persons; or (B) when such inspections or inquiries may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation. At the election of a licensed collector, the annual inspection of records and inventory permitted under this paragraph shall be performed at the office of the Secretary designated for such inspections which is located in closest proximity to the premises where the inventory and records of such licensed collector are maintained. Such procedure shall not be construed as authorizing the Secretary to seize any records or other documents other than those records or documents constituting material evidence of a violation of law. If the Secretary seizes such records or documents, copies shall be provided the licensee within a reasonable time. The Secretary may make available to any Federal, State, or local law enforcement agency any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons prohibited from purchasing or receiving firearms or ammunition who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition and he may provide information to the extent such information may be contained in the records required to be maintained by the provisions of this chapter, when so requested by any Federal, State, or local law enforcement agency.

"(2) Each licensed collector shall maintain in a bound volume the nature of which the Secretary may by regulations prescribe, records of the receipt, sale, or other disposition, of firearm. Such records shall include the name and addresses of a firearm. Such collector shall not be required to submit to the Secretary reports and information with respect to such records and the contents thereof, except as explicitly required by the Act entitled 'An Act to protect firearms owners' constitutional rights, civil liberties and rights to privacy'.

"(3)(A) Within thirty days of the absolute discontinuance of the business of a licensee, any records maintained by such licensee under this chapter shall be delivered to the joint custody of the Administrator of General Services and the Secretary to be stored in a records center maintained and operated by the Administrator of General Services, unless state law or local ordinance requires delivery to another authority, in which even the Administrator of General Services and the Secretary may arrange for delivery to such authority.

"(B) The Secretary shall have access to records stored under this paragraph solely for the purposes of tracing firearms, organizing and preserving such records, and certifying to facts on the basis of such records in any court or any administrative proceeding of the United States or of any state. The Secretary may remove such records from the record center maintained by the Administrator of General Services only in connection with proceedings in any court or any administrative proceeding of the United States or of any state.

"(C) The Administrator of General Services may promulgate regulations governing the storage, processing and servicing of records stored under this paragraph: Provided, That no such regulations may restrict the authority of the Secretary under this paragraph to have access to or to remove such records.

"(D) Notwithstanding any other provision of law, the Administrator of General Services shall dispose of records kept by licensed dealers and licensed collectors, and records relating to the disposition of firearms kept by manufacturers and importers, and stored under this paragraph twenty years after such records are received by the Administrator of General Services and the Secretary.

"(4)(A) each licensee shall, when required by letter issued by the Secretary, and until notified to the contrary in writing by the Secretary, submit on a form specified by the Secretary, for the periods and at the times specified in such letter, all record information required by this chapter or such lesser record information as the Secretary in his letter may specify.

"(B) The Secretary may authorize the information to be submitted in a manner other than that prescribed in subparagraph (A) of this paragraph when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this chapter.

"(C) No warrant shall issue nor shall any criminal charges be brought against the licensee based solely upon information pro-

vided pursuant to the provisions of this paragraph.

"(5)(A) Each licensee shall prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person. The report shall be prepared on a form specified by the Secretary and forwarded to the office specified thereon not later than the close of business on the day that the multiple sale or other disposition occurs.

"(B) Ten years after receiving any report submitted under subparagraph (A) of this paragraph, the Secretary shall deliver such report to the joint custody of the Administrator of General Services and the Secretary to be stored in a records center maintained and operated by the Administrator of General Services, subject to the provisions of sections 923(g)(3) (B) and (C) of this title. Notwithstanding any other provision of law, the Administrator of General Services shall dispose of records stored under this subparagraph ten years after such records are received by the Administrator of General Services and the Secretary."

"(C) No record, form, or information delivered, submitted, or forwarded pursuant to this paragraph or paragraph (3) or (4) of this subsection may be kept by the Secretary at a centralized location, nor shall it be entered into a computer for storage or retrieval."; and

(7) by amending subsection (j) to read as follows:

"(j) A licensed importer, licensed manufacturer, or licensed dealer may, under regulations prescribed by the Secretary, conduct business temporarily at a location other than the location specified on the license if such other location is in the State which is specified on the license. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the licensee and retained on the location specified on the license. Nothing in this subsection shall authorize any licensee to conduct business in or from any motorized or towed vehicle. Notwithstanding the provisions of subsection (a) of this section, a separate fee shall not be required of a licensee with respect to business conducted under this subsection. Except for records directly related to receipts, sales, or other dispositions of firearms made at the temporary premises within the period of time the licensed importer, licensed manufacturer, or licensed dealer conducted the business of which such receipts, sales, or other dispositions were a part, nothing in this subsection shall be construed to authorize the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license. Nothing in this subsection shall be construed to diminish in any manner any right to display, sell or otherwise dispose of firearms or ammunition which is in effect prior to the date of enactment of the Act entitled 'An Act to protect firearms owners' constitutional rights, civil liberties and rights to privacy'.".

AMENDMENTS TO SECTION 924

SEC. 104. Section 924 of title 18, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) Whoever—

"(1) knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter;

"(2) knowingly violates subsections (a)(4), (d)(6), (f), (g), (h), (i), (j), or (k) of section 922;

"(3) knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922(l);

"(4) knowingly violates any provision of this section; or

"(5) willfully violates any other provision of this chapter,

shall be fined not more than $5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine: Provided, That no person shall be prosecuted under this subsection where the conduct of such person involves simple carelessness."

(2) by amending subsection (c) to read as follows:

"(c)(1) Whoever, during and in relation to any crime of violence, including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, for which he may be prosecuted in a court of the United States, uses a firearm, or carries a firearm in furtherance of any such crime of violence, shall, in addition to the punishment provided for such crime of violence, be sentenced to imprisonment for a term of five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for a term of ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the

* * *

(1) in subsection (c)—

(A) by deleting the words "has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act)" and inserting in lieu thereof the words "is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition";

(B) by inserting the word "transportation," after the word "shipment";

(C) by deleting the words "and incurred by reason of such conviction, "; and

(D) by adding after the words "the public interest." the words "Any person whose application for relief from disabilities is denied by the Secretary may file a petition with the United States district court for the district in which he resides for a judicial review of such denial. In a proceeding conducted under this subsection, the scope of judicial review shall be governed by section 706 of title 5, United States Code. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice."; and

* * * * *

words: *"Provided,* That no such rule or regulation promulgated after the effective date of this Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established: *Provided further,* That nothing in this section shall be deemed to expand or restrict the Secretary's authority to inquire into the disposition of one or more firearms pursuant to a criminal investigation."; and

(5) inserting at the end thereof the following:

"(b) The Secretary shall give not less than ninety days public notice, and shall afford interested parties opportunity for hearing, prior to prescribing such rules and regulations.

"(c) The Secretary shall not prescribe regulations that require purchasers of black powder under the exemption provided in section 845(a)(5) of title 18, United States Code, to complete affidavits or forms attesting to that exemption.".

AMENDMENTS TO SECTION 927

SEC. 107. Section 927 of title 18, United States Code, is amended by inserting before the period at the end thereof the following: ": *Provided however,* That any provision of any legislation enacted, or of any rule or regulation promulgated, by any State or a political subdivision which prohibits or has the effect of prohibiting the transportation of a firearm or ammunition in interstate commerce through such State, when such firearm is unloaded and not readily accessible, shall be null and void.".

EFFECTIVE DATE

SEC. 108. (1) All amendments (including any repeals) made by this Act shall become effective one hundred and eighty days after the date of enactment of this Act. At that time the Secretary shall publish and provide to all licensees a compilation of the State laws and published ordinances of which licensees are presumed to have knowledge pursuant to chapter 44 of title 18, United States Code, as amended by this Act. All amendments to such State laws and published ordinances as contained in the aforementioned compilation shall be published in the Federal Register, revised annually, and furnished to each person licensed under chapter 44 of title 18, United States Code, as amended by this Act.

(2) The provisions of sections 103(5)(C), 104(2), 105, and 107 of this Act shall be applicable to any action, petition, or appellate proceeding pending on the effective date of this Act. In considering any petitions for Presidential pardons submitted by persons convicted of violations of chapter 44 of title, 18, United States Code, prior to the effective date of this Act, the Congress recommends that consideration be given to whether the violation would have been punishable under this Act, and to the purposes and findings contained in the preamble thereto.

AMENDMENT NO. 4808

At the end of the bill insert the following:

This amendment may be referred to as the "Labor Management Racketeering Act of 1983".

SEC. 2. (a) Subsection (d) of section 302 of the Labor Management Relations Act, 1947 (29 U.S.C. 186) is amended to read as follows:

"(d)(1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor-management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant area, or industry-wide

labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c)(4) through (c)(9) of this section, and willfully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c)(4) through (c)(9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years or both, but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such persons shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.".

(b) Subsection (e) of such section is amended to read as follows:

"(e) The district courts of the United States and the United States courts of the territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of Rule 65 of the Federal Rules of Civil Procedure (relating to notice to opposite party), over—

"(1) suits alleging a violation of this section brought by any person directly affected by the alleged violation, and

"(2) suits brought by the United States alleging that a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or a joint labor-management trust fund as provided for in clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant area, or industry-wide labor-management committee violates this section.

to restrain such violations without regard to the provisions of section 6 of the Clayton Act (15 U.S.C. 17), section 20 of such Act (29 U.S.C. 52), and section 1 through 15 of the Act entitled "An Act to amend the Judicial Code to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101-115).

SEC. 3. (a) So much of subsection (a) of section 411 of title 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111) as follows "the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401)," is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes or attempt of commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in whole or substantial part devoted to providing goods or services to any employee benefit plan, or

"(3) in any capacity that involves decisionmaking authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in paragraphs (1) through (3) would not be contrary to the purposes of this title. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice to such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection. Notwithstanding the preceeding provisions of this subsection, no corporation or partnership will be precluded from acting in any position proscribed in clauses (1) through (3) of this subsection without a notice, hearing, and determination by such Parole Commission that such service would be inconsistent with the intention of this section.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who intentionally violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under this disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in an employee benefit plan as a result of a conviction, and

"(2) has filed an appeal of that conviction, any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.

SEC. 4. (a) So much of subsection (a) of section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) as follows "or a violation of title II or III of this Act" is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes, shall serve or be permitted to serve—

"(1) as a consultant or adviser to any labor organization,

"(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employees of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce.

"(4) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activites are in whole or substantial part devoted to providing goods or service to any labor organization, or

"(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decisionmaking authority over, or custody of, or control of the money, funds, assets, or property of any labor organization,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this Act. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place or permit any

other person to serve in any capacity in violation of this subsection.".

"(b) Any person who willfully violates this section shall follows:

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

"(c) Subsection (c) of such section is amended to read as follows:

"(c) for the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section 504 is amended by adding at the end thereof the following:

"(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

"(2) has filed an appeal of that conviction, any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such persons conviction or appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of these amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 5. (a) the first paragraph of section 506 of title 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "in order" and inserting in lieu thereof the following:

"(a) Coordination With Other Agencies and Department.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) Responsibility for Detecting and Investigating Civil and Criminal Violations of Employee Retirement Income Security Act and Related Federal Laws.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows: "Coordination and responsibility of agencies enforcing Employee Retirement Income Security Act and related Federal laws".

SEC. 6. (a) The amendments made by section 3 and section 4 of this Act shall take effect with respect to any judgment of conviction entered by the trial court after the date of enactment of this Act, except that that portion of such amendments relating to the commencement of the period of disability shall apply to any judgment of conviction entered prior to the date of enactment of this Act if a right of appeal or an appeal from such judgment is pending on the date of enactment of this Act.

(b) Subject to subsection (a) the amendments made by sections 3 and 4 shall not affect any disability under section 411 of the Employee Retirement Income Security Act of 1974 or under section 504 of the Labor-Management Reporting and Disclosure Act of 1959 in effect on the date of enactment of this Act.

AMENDMENT NO. 4809

At the end of the bill insert the following:

SECTION 1. This Title may be cited as the "Equal Employment Opportunity Enforcement Reorganization Act".

TRANSFER OF EQUAL PAY ENFORCEMENT FUNCTIONS

SEC. 2. All functions related to enforcing or administering section 6(d) of the Fair Labor Standards Act, as amended (29 U.S.C. 206(d)), are hereby transferred to the Equal Employment Opportunity Commission. Such functions include, but shall not be limited to, the functions relating to equal pay administration and enforcement now vested in the Secretary of Labor, the Administrator of the Wage and Hour Division of the Department of Labor, and the Office of Personnel Management (formerly the Civil Service Commission) pursuant to sections 4(d)(1); 4(f); 9; 11 (a), (b), and (c); 16 (b) and (c); and 17 of the Fair Labor Standards Act, as amended (29 U.S.C. 204(d)(1); 204(f); 209; 211 (a), (b), and (c); 216 (b) and (c); and 217)) and section 10(b)(1) of the Portal-to-Portal Act of 1947, as amended (29 U.S.C. 259).

TRANSFER OF AGE DISCRIMINATION ENFORCEMENT FUNCTIONS

SEC. 3. All functions vested in the Secretary of Labor or in the Office of Personnel Management (formerly the Civil Service Commission) pursuant to sections 2, 4, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 621, 623, 626, 627, 628, 629, 630, 631, 632, 633, and 633a), are hereby transferred to the Equal Employment Opportunity Commission. All functions related to age discrimination administration and enforcement pursuant to sections 6 and 16 of the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 625 and 634), are hereby transferred to the Equal Employment Opportunity Commission.

TRANSFER OF EQUAL OPPORTUNITY IN FEDERAL EMPLOYMENT ENFORCEMENT FUNCTIONS

SEC. 4. (a) All equal opportunity in Federal employment enforcement and related functions vested in the Office of Personnel Management pursuant to section 717(b) and (c) of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000c-16 (b) and (c)), are hereby transferred to the Equal Employment Opportunity Commission.

(b) The Equal Employment Opportunity Commission may delegate to the Merit Systems Protection Board (formerly the Civil Service Commission) or its successor the function of making a preliminary determination on the issue of discrimination whenever, as a part of a complaint or appeal before the Office of Personnel Management (formerly the Civil Service Commission) on other grounds, a Federal employee alleges a violation of section 717 of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000c-16), provided that the Equal Employment Opportunity Commission retains the function of making the final determination concerning such issue of discrimination.

TRANSFER OF FEDERAL EMPLOYMENT OF HANDICAPPED INDIVIDUALS ENFORCEMENT FUNCTIONS

SEC. 5. All Federal employment of handicapped individuals enforcement functions and related functions vested in the Office of Personnel Management (formerly the Civil Service Commission) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), are hereby transferred to the Equal Employment Opportunity Commission. The function of being cochairman of the Interagency Committee on Handicapped Employees now vested in the Chairman of the Office of Personnel Management pursuant to section 501 is hereby transferred to the Chairman of the Equal Employment Opportunity Commission.

TRANSFER OF PUBLIC SECTOR 707 FUNCTIONS

SEC. 6. Any function of the Equal Employment Opportunity Commission concerning initiation of litigation with respect to State or local government, or political subdivisions under section 707 of title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000c-6), and all necessary functions related thereto, including investigation, findings, notice, and an opportunity to resolve the matter without contested litigation, are hereby transferred to the Attorney General, to be exercised by him in accordance with procedures consistent with said title VII. The Attorney General is authorized to delegate any function under section 707 of said title VII to any officer or employee of the Department of Justice.

TRANSFER OF FUNCTIONS AND ABOLITION OF THE EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

SEC. 7. All functions of the Equal Employment Opportunity Coordinating Council, which was established pursuant to section 715 of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e-14), are hereby transferred to the Equal Employment Opportunity Commission. The Equal Employment Opportunity Coordinating Council is hereby abolished.

SAVINGS PROVISION

SEC. 8. Administrative proceedings including administrative appeals from the acts of an executive agency (as defined by section 105 of title 5 of the United States Code) commenced or being conducted by or against such executive agency will not abate by reason of the taking effect of this Act. Consistent with the provisions of this Act, all such proceedings shall continue before the Equal Employment Opportunity Commission otherwise unaffected by the transfers provided by this Act. Consistent with the provisions of this Act, the Equal Employment Opportunity Commission shall accept appeals from those executive agency actions which occurred prior to the effective date of this Act in accordance with law and regulations in effect on such effective date. Nothing herein shall affect any right of any person to judicial review under applicable law.

INCIDENTAL TRANSFERS

SEC. 9. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred under this Act, as the Director of the Office of Management and

Budget shall determine, shall be transferred to the appropriate department, agency, or component at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall, as necessary, provide for terminating the affairs of the Council abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this Act.

EFFECTIVE DATE

SEC. 10. Sections 2 through 5 of this Act shall take effect on July 1, 1979, and sections 6 and 7 of this Act shall take effect on July 1, 1978.

AMENDMENT NO. 4810

At the end of the bill, add the following new title:

"TITLE —FREEDOM OF WORKPLACE

That section 11(d) of the Fair Labor Standards Act of 1938 is amended—

(1) by striking out the word "The" and inserting in lieu thereof "(1) Subject to the provisions of paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Nothing in paragraph (1) of this subsection shall be construed to prohibit an individual from engaging in industrial homework (including sewing, knitting, jewelry or craftmaking) or performing any service in or about the individual's place of residence as an employee of any employer covered by the provisions of this Act if the employer pays the minimum wage rate prescribed by this Act and complies with the maximum hours provision of this Act.".

AMENDMENT NO. 4811

At the end of the bill insert the following:

This amendment may be cited as the "Public School Civil Rights Act of 1983".

SEC. 2. The Congress finds that—

(1) the assignment of students to public schools on the basis of or with regard to race, color, or national origin by inferior Federal courts—

(A) violates constitutional and legal guarantees that individuals shall not be denied equal protection of the law;

(B) violates constitutional and legal guarantees that individual rights shall not be abridged on the basis of race, color, or national origin;

(C) has failed to demonstrate educational benefits commensurate with the disruption caused by such assignment;

(D) has failed to demonstrate social benefits commensurate with the disruption caused by such assignment;

(E) has contributed to a significant deterioration of public schools in the districts subject to such orders regarding assignment by inducing large numbers of families to migrate away from such districts;

(F) has contributed to the deterioration of public education by removing the neighborhood school as the focus of such education;

(G) has disrupted the education of countless schoolchildren who must endure lengthy transportation to and from school each day, and, as a result, must often forego participation in extra-curricular activities occurring after school;

(H) has eroded community commitment to public schools and public education;

(I) interferes with the right of parents to make decisions regarding the education of their children;

(J) disrupts racial harmony by characterizing and classifying students on the basis of race or color and assigning them to schools on such basis;

(K) diverts significant amounts of financial resources away from direct improvement of the quality of education;

(L) usurps the responsibilities and traditional functions of State and local authorities to provide an educational system meeting the distinct needs of the community; and

(M) undermines public respect for the Government and its system of administering law and justice;

(2) past unconstitutional segregation, such as racial segregation enforced by law, is not a significant cause of existing racial imbalances in public schools,

(3) since assignment of students to public schools on the basis of or with regard to race cannot be justified as a means of preventing or undoing racial discrimination by school authorities, such assignment is itself an unjustifiable practice of racial discrimination by the Government in violation of the fourteenth amendment; and

(4) whatever the basic cause of racial imbalance in the public schools, assignment of students to public schools on the basis of or with regard to race, color, or national origin results in more segregation of the races by inducing large numbers of families to migrate away from school systems subject to such assignment or by inducing large number of families to seek alternatives to public school education.

SEC. 3. (a) The Congress finds the remedies listed in subsection (b) are available for unconstitutional segregation exclusive of court orders which assign students to public schools on the basis of or with regard to race, color, or national origin, finding that such orders themselves have the effect of excluding students from public schools on the basis of or with regard to race, color, or national origin.

(b) The remedies which the Congress finds are available are—

(1) legal injunctions suspending all implementation of a segregative law or other racially discriminatory Government action;

(2) contempt of court proceedings where such injunctions are not scrupulously obeyed;

(3) programs without coercion or numerical quotas or specific goals based on racial balance that permit students to voluntarily transfer to other schools within the school district where they reside; and

(4) other local initiatives and plans to improve education for all students without regard to race, color, or national origin.

SEC. 4. The Congress, pursuant to its authority and powers granted under article III of the Constitution, and under section 5 of the fourteenth amendment to the Constitution, enacts the provisions of this Act in order to protect public school students against discrimination on the basis of or with regard to race, color, or national origin.

SEC. 5. Section 1343 of title 28, United States Code, is amended by designating the current language as section (a) and adding at the end thereof the following:

"(b)(1) Notwithstanding any other provision of law, no inferior court established by Congress shall have jurisdiction to issue any order requiring the assignment or transportation of any student to public elementary or secondary schools on the basis of or with regard to race, color, or national origin or to issue any order which excludes any student from any public school on the basis of or with regard to race, color, or national origin.

"(2) In the case of court orders entered prior to the date of this Act that require the assignment or transportation of any student to a public elementary or secondary school on the basis of or with regard to race, color, or national origin or which excludes any student from any school on the basis of or with regard to race, color, or national origin, any individual or school board or other school authority subject to such an order shall be entitled to seek relief from such order in any court and unless that court can make conclusive findings based on clear and convincing evidence that—

"(1) the acts that gave rise to the existing court order intentionally and specifically caused, and in the absence of the order would continue intentionally and specifically to cause, students to be assigned to or excluded from public schools on the basis of or with regard to race, color, or national origin; for purposes of this finding, these 'acts that gave rise to the existing court order and intentionally and specifically caused, and in the absence of the order would continue intentionally and specifically to cause, students to be assigned to or excluded from public schools on the basis of race, color, or national origin' (including but not limited to school district reorganization, school boundary line changes, school construction, and school closings) shall not include legitimate efforts to employ public education resources to meet public education needs without regard to race, creed, or national origin,

"(2) the totality of circumstances have not changed since issuance of the order to warrant reconsideration of the order.

"(3) no other remedy, including those mentioned herein, would preclude the intentional and specific segregation, and

"(4) the economic, social, and educational benefits of the order have clearly outweighed the economic, social, and educational costs of the order,

then such plaintiffs shall be entitled to relief which is consistent with the provisions of this subsection and the Public School Civil Rights Act of 1981 from such order.".

SEC. 5. Chapter 89 of title 28 of the United States Code (relating to district courts' removal of cases from State courts) is amended by adding after section 1455(c) the following new subsection:

"(d) A civil action in any State court seeking a judgment for any relief described in this Act may not be removed to any district court of the United States.".

BRADLEY AMENDMENTS NOS. 4812 THROUGH 4814

(Ordered to lie on the table.)

Mr. BRADLEY submitted three amendments intended to be proposed by him to the bill S. 2527, supra; as follows:

AMENDMENT NO. 4812

At the appropriate place add the following:

TITLE —CIVIL RIGHTS ACT OF 1984

SHORT TITLE

SEC. . This title may be cited as the "Civil Rights Act of 1984".

PROHIBITION OF SEX DISCRIMINATION

SEC. . (a)(1) The matter preceding clause (1) of section 901(a) of the Education Amendments of 1972 (hereafter in this section referred to as the "Act") is amended—

(A) by striking out "in" the second time it appears;

(B) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(C) by striking out "under any education program or activity receiving" and inserting in lieu thereof "by any education recipient of".

(2) Section 901(a)(3) of the Act is amended by inserting "or recipient" after "institution".

(b) Section 901(c) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following:

"(2) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(3)(A) For the purpose of this title, except as provided in subparagraph (B), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(i) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(ii) is not extended such assistance,

shall not be deemed a recipient.

"(B) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(4)(A) For the purposes of this title, except as provided in subparagraphs (B) and (C), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(B) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(C) To the extent the provisions of subparagraph (A) constitute a limitation on coverage, subparagraph (A) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c)(1) The first sentence of section 902 of the Act is amended—

(A) by striking out "to any education program or activity" and inserting in lieu thereof "for education"; and

(B) by striking out "such program or activity" and inserting in lieu thereof "recipients".

(2) The third sentence of section 902 of the Act is amended—

(A) by striking out "under such program or activity";

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" and inserting in lieu thereof "so found".

(3) Section 902 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(4) Section 903 is amended by striking out "1002" and inserting in lieu thereof "902".

NONDISCRIMINATION ON THE BASIS OF HANDICAPPING CONDITION

SEC. . (a) Section 504 of the Rehabilitation Act of 1973 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "his" and inserting in lieu thereof "such individual's";

(2) by striking out "in" the third time it appears;

(3) by striking out "the benefits of" and inserting in lieu thereof "benefits";

(4) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of"; and

(5) by striking out "under any program or activity conducted".

(b) Section 504 of the Act is further amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) For the purpose of this section, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this section in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this section in effect on February 27, 1984.

"(c)(1) For the purpose of this section, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance, shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this section, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c) Section 505 (a) (2) of the Act is amended by inserting ", as amended," after "1964".

PROHIBITION OF AGE DISCRIMINATION

SEC. . (a) Section 302 of the Age Discrimination Act of 1975 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in programs or activities receiving" and inserting in lieu thereof "by recipients of"; and

(2) by striking out "programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.)" and inserting in lieu thereof "recipients of funds under chapter 67 of title 31, United States Code". (b) Section 303 of the Act is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under, any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(c)(1) Section 304(a)(4) of the Act is amended by striking out "to any program or activity".

(2) Section 304(b)(1) of the Act is amended—

(A) by striking out ", in the program or activity involved";

(B) by striking out "operation" in clause (A) and inserting in lieu thereof "operations of the recipient"; and

(C) by striking out "of such program or activity" in clause (A) and inserting in lieu thereof "in furtherance of which the Federal financial assistance is used".

(3) Section 304(c)(1) of the Act is amended by striking out "any program or activity receiving".

(d) (1) Section 305(a)(1) of the Act is amended by striking out "under the program or activity involved".

(2) (A) The second sentence of section 305(b) of the Act is amended by striking out "the particular program or activity, or part of such program or activity, with respect to which such finding has been made" and inserting in lieu thereof "assistance which supports the noncompliance so found".

(B) The third sentence of such section is amended to read as follows: "No such termination or refusal shall be based in whole or in part on any finding with respect to any noncompliance which is not supported by such assistance.".

(C) Section 305(b) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the third sentence of this subsection, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(3) Section 305(e)(1) of the Act is amended by striking out "Act by any program or activity receiving Federal financial assistance" and inserting in lieu thereof "title".

(e) Section 309 of the Act is amended by—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following:

"(b) The term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(c)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance, shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d) (1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

NONDISCRIMINATION BY RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

SEC. . (a) Section 601 of the Civil Rights Act of 1964 (thereafter in this section referred to as the "Act") is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(b)(1) The first sentence of section 602 of the Act is amended by striking out "program or activity" each time it appears and inserting in lieu thereof "recipient" each such time.

(2) The third sentence of section 602 of the Act is amended—

(A) by striking out "under such program or activity" in clause (1);

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" in clause (1) and inserting in lieu thereof "assistance which suports"; and

(D) by striking out "has been so found" in clause (1) and inserting in lieu thereof "so found".

(3) Section 602 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to such part.".

(C) Title VI of the Act is amended by adding at the end thereof the following new section:

"SEC. 606. (a) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(b)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance, shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(c)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporation and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

PROVISION WITH RESPECT TO REVENUE SHARING

SEC. . Nothing in this Act or in the amendments made by this Act shall be construed to supersede the provisions of chapter 67 of title 31, United States Code, relating to revenue sharing.

AMENDMENT NO. 4813

At the end of the bill add the following:

TITLE —CIVIL RIGHTS ACT OF 1984

SHORT TITLE

SEC. . This title may be cited as the "Civil Rights Act of 1984".

PROHIBITION OF SEX DISCRIMINATION

SEC. . (a)(1) The matter preceding clause (1) of section 901(a) of the Education Amendments of 1972 (hereafter in this section referred to as the "Act") is amended—

(A) by striking out "in" the second time it appears;

(B) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(C) by striking out "under any education program or activity receiving" and inserting in lieu thereof "by any education recipient of".

(2) Section 901(a)(3) of the Act is amended by inserting "or recipient" after "institution".

(b) Section 901(c) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following:

"(2) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(3)(A) For the purpose of this title, except as provided in subparagraph (B), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(i) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(ii) is not extended such assistance, shall not be deemed a recipient.

"(B) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(4)(A) For the purposes of this title, except as provided in subparagraphs (B) and (C), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(B) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(C) To the extent the provisions of subparagraph (A) constitute a limitation on coverage, subparagraph (A) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c)(1) The first sentence of section 902 of the Act is amended—

(A) by striking out "to any education program or activity" and inserting in lieu thereof "for education"; and

(B) by striking out "such program or activity" and inserting in lieu thereof "recipients".

(2) The third sentence of section 902 of the Act is amended—

(A) by striking out "under such program or activity";

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" and inserting in lieu thereof "so found".

(3) Section 902 of the Act is amended by adding at the end thereof the following new

sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(4) Section 903 is amended by striking out "1002" and inserting in lieu thereof "902".

NONDISCRIMINATION ON THE BASIS OF HANDICAPPING CONDITION

SEC. . (a) Section 504 of the Rehabilitation Act of 1973 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "his" and inserting in lieu thereof "such individual's";

(2) by striking out "in" the third time it appears;

(3) by striking out "the benefits of" and inserting in lieu thereof "benefits";

(4) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of"; and

(5) by striking out "under any program or activity conducted".

(b) Section 504 of the Act is further amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) For the purpose of this section, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this section in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this section in effect on February 27, 1984.

"(c)(1) For the purpose of this section, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance, shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this section, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c) Section 505(a)(2) of the Act is amended by inserting ", as amended," after "1964".

PROHIBITION OF AGE DISCRIMINATION

SEC. . (a) Section 302 of the Age Discrimination Act of 1975 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in programs or activities receiving" and inserting in lieu thereof "by recipients of"; and

(2) by striking out "programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.)" and inserting in lieu thereof "recipients of funds under chapter 67 of title 31, United States Code".

(b) Section 303 of the Act is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under, any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(c)(1) Section 304(a)(4) of the Act is amended by striking out "to any program or activity".

(2) Section 304(b)(1) of the Act is amended—

(A) by striking out ", in the program or activity involved";

(B) by striking out "operation" in clause (A) and inserting in lieu thereof "operations of the recipient"; and

(C) by striking out "of such program or activity" in clause (A) and inserting in lieu thereof "in furtherance of which the Federal financial assistance is used".

(3) Section 304(C)(1) of the Act is amended by striking out "any program or activity receiving".

(d)(1) Section 305(a)(1) of the Act is amended by striking out "under the program or activity involved".

(2)(A) The second sentence of section 305(b) of the Act is amended by striking out "the particular program or activity, or part of such program or activity, with respect to which such finding has been made" and inserting in lieu thereof "assistance which supports the noncompliance so found".

(B) The third sentence of such section is amended to read as follows: "No such termination or refusal shall be based in whole or in part on any finding with respect to any noncompliance which is not supported by such assistance.".

(C) Section 305(b) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the third sentence of this subsection, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(3) Section 305(e)(1) of the Act is amended by striking out "Act by any program or activity receiving Federal financial assistance" and inserting in lieu thereof "title".

(e) Section 309 of the Act is amended by—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following:

"(b) The term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(c)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extending; and

"(B) is not extended such assistance, shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be present to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrators, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

NONDISCRIMINATION BY RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

SEC. . (a) Section 601 of the Civil Rights Act of 1964 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(b)(1) The first sentence of section 602 of the Act is amended by striking out "program or activity" each time it appears and inserting in lieu thereof "recipient" each such time.

(2) The third sentence of section 602 of the Act is amended—

(A) by striking out "under such program or activity" in clause (1);

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" in clause (1) and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" in clause (1) and inserting in lieu thereof "so found".

(3) Section 602 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to such part.".

(c) Title VI of the Act is amended by adding at the end thereof the following new section:

"SEC. 606. (a) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(b)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance, shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(c)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

PROVISION WITH RESPECT TO REVENUE SHARING

SEC. . Nothing in this Act or in the amendments made by this Act shall be construed to supersede the provisions of chapter 67 of title 31, United States Code, relating to revenue sharing.

AMENDMENT NO. 4814

At the end of the amendment add the following:

TITLE —CIVIL RIGHTS ACT OF 1984

SHORT TITLE

SEC. . This title may be cited as the "Civil Rights Act of 1984".

PROHIBITION OF SEX DISCRIMINATION

SEC. . (a)(1) The matter preceding clause (1) of section 901(a) of the Education Amendments of 1972 (hereafter in this section referred to as the "Act") is amended—

(A) by striking out "in" the second time it appears;

(B) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(C) by striking out "under any education program or activity receiving" and inserting in lieu thereof "by any education recipient of".

(2) Section 901(a)(3) of the Act is amended by inserting "or recipient" after "institution".

(b) Section 901(c) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following:

"(2) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(3)(A) For the purpose of this title, except as provided in subparagraph (B), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(i) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(ii) is not extended such assistance, shall not be deemed a recipient.

"(B) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(4)(A) For the purposes of this title, except as provided in subparagraphs (B) and (C), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(B) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(C) To the extent the provisions of subparagraph (A) constitute a limitation on coverage, subparagraph (A) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c)(1) The first sentence of section 902 of the Act is amended—

(A) by striking out "to any education program or activity" and inserting in lieu thereof "for education"; and

(B) by striking out "such program or activity" and inserting in lieu thereof "recipients".

(2) The third sentence of section 902 of the Act is amended—

(A) by striking out "under such program or activity";

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" and inserting in lieu thereof "so found".

(3) Section 902 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(4) Section 903 is amended by striking out "1002" and inserting in lieu thereof "902".

NONDISCRIMINATION ON THE BASIS OF HANDICAPPING CONDITION

SEC. . (a) Section 504 of the Rehabilitation Act of 1973 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "his" and inserting in lieu thereof "such individual's";

(2) by striking out "in" the third time it appears;

(3) by striking out "the benefits of" and inserting in lieu thereof "benefits";

(4) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of"; and

(5) by striking out "under any program or activity conducted".

(b) Section 504 of the Act is further amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) For the purpose of this section, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this section in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this section in effect on February 27, 1984.

"(c)(1) For the purpose of this section, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this section, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c) Section 505(a)(2) of the Act is amended by inserting ", as amended," after "1964".

PROHIBITION OF AGE DISCRIMINATION

SEC. . (a) Section 302 of the Age Discrimination Act of 1975 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in programs or activities receiving" and inserting in lieu thereof "by recipients of"; and

(2) by striking out "programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.)" and inserting in lieu thereof "recipients of funds under chapter 67 of title 31, United States Code".

(b) Section 303 of the Act is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under, any program or activity receiving" in inserting in lieu thereof "by any recipient of".

(c)(1) Section 304(a)(4) of the Act is amended by striking out "to any program or activity".

(2) Section 304(b)(1) of the Act is amended—

(A) by striking out ", in the program or activity involved";

(B) by striking out "operation" in clause (A) and inserting in lieu thereof "operations of the recipient"; and

(C) by striking out "of such program or activity" in clause (A) and inserting in lieu thereof "in furtherance of which the Federal financial assistance is used".

(3) Section 304(c)(1) of the Act is amended by striking out "any program or activity receiving".

(d)(1) Section 305(a)(1) of the Act is amended by striking out "under the program or activity involved".

(2)(a) The second sentence of section 305 (b) of the Act is amended by striking out "the particular program or activity, or part of such program or activity, with respect to which such finding has been made" and inserting in lieu thereof "assistance which supports the noncompliance so found".

(B) The third sentence of such section is amended to read as follows: "No such termination or refusal shall be based in whole or in part on any finding with respect to any noncompliance which is not supported by such assistance.".

(C) Section 305 (b) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the third sentence of this subsection, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(3) Section 305(e)(1) of the Act is amended by striking out "Act by any program or activity receiving Federal financial assistance" and inserting in lieu thereof "title".

(e) Section 309 of the Act is amended by—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following:

"(b) The term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(c)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(3) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire state or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

NONDISCRIMINATION BY RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

SEC. . (a) Section 601 of the Civil Rights Act of 1964 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in" the second time it appears;

(2) by strikng out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(b)(1) The first sentence of section 602 of the Act is amended by striking out "program or activity" each time it appears and inserting in lieu thereof "recipient" each such time.

(2) The third sentence of section 602 of the Act is amended—

(A) by striking out "under such program or activity" in clause (1);

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" in clause (1) and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" in clause (1) and inserting in lieu thereof "so found".

(3) Section 602 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to such part.".

(c) Title VI of the Act is amended by adding at the end thereof the following new section:

"SEC. 606. (a) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(b)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State of political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance, shall not be deemed a recipient.

"(2) If all or portion of Federal financial assistance is extended to a State or to political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(c)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

PROVISION WITH RESPECT TO REVENUE SHARING

SEC. . Nothing in this Act or in the amendments made by this Act shall be construed to supersede the provisions of chapter 67 of title 31, United States Codes, relating to revenue sharing.

BENTSEN AMENDMENTS NOS. 4815 THROUGH 4834

(Ordered to lie on the table.)

Mr. BENTSEN submitted 20 amendments intended to be proposed by him to the bill, S. 2527, supra; as follows:

AMENDMENT NO. 4815

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except alloca-

tions for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 99 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4816

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 99 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4817

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 97 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4818

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 96 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4819

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by section 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 95 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4820

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October, 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by section 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 94 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4821

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 93 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4822

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October

1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 93 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4823

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 91 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4824

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 90 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984."

AMENDMENT No. 4825

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal Act Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 89 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4826

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal Act Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 88 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4827

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 87 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4828

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 86 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4829

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Indian reservations roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4830

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4831

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4832

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Fedral-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4833

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

AMENDMENT No. 4834

SEC. 122. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of Federal-Aid Highway Act of 1984, and in each of the fiscal years ending September 30 thereafter, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year and allocation for the prior fiscal year of authorized Federal-aid highway programs and Federal-aid highway projects, except allocations for Forest highways, Indian reservation roads, and parkways and park highways in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, non-construction safety grants authorized by sections 402, 408, 406, and 206 of this title, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

"(b) The amendment made by subsection (a) shall become effective on October 1, 1984.".

KENNEDY AMENDMENT NO. 4835

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2527, supra; as follows:

AMENDMENT No. 4835

At the appropriate place in the bill add the following:

TITLE —CIVIL RIGHTS ACT OF 1984

SHORT TITLE

SEC. . This title may be cited as the "Civil Rights Act of 1984".

PROHIBITION OF SEX DISCRIMINATION

SEC. . (a) (1) The matter preceding clause (1) of section 901(a) of the Education Amendments of 1972 (hereafter in this section referred to as the "Act") is amended—

(A) by striking out "in" the second time it appears;

(B) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(C) by striking out "under any education program or activity receiving" and inserting in lieu thereof "by any education recipient of".

(2) Section 901(a)(3) of the Act is amended by inserting "or recipient" after "institution".

(b) Section 901(c) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following:

"(2) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations imple-

menting this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(3)(A) For the purpose of this title, except as provided in subparagraph (B), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(i) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(ii) is not extended such assistance, shall not be deemed a recipient.

"(B) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(4)(A) For the purposes of this title, except as provided in subparagraphs (B) and (C), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(B) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(C) To the extent the provisions of subparagraph (A) constitute a limitation on coverage, subparagraph (A) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c)(1) The first sentence of section 902 of the Act is amended—

(A) by striking out "to any education program or activity" and inserting in lieu thereof "for education"; and

(B) by striking out "such program or activity" and inserting in lieu thereof "recipients".

(2) The third sentence of section 902 of the Act is amended—

(A) by striking out "under such program or activity";

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" and inserting in lieu thereof "so found".

(3) Section 902 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(4) Section 903 is amended by striking out "1002" and inserting in lieu thereof "902".

NONDISCRIMINATION ON THE BASIS OF HANDICAPPING CONDITION

SEC. . (a) Section 504 of the Rehabilitation Act of 1973 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "his" and inserting in lieu thereof "such individual's";

(2) by striking out "in" the third time it appears;

(3) by striking out "the benefits of" and inserting in lieu thereof "benefits";

(4) by striking out "under any program or activity receiving" and inserting in lieu thereof by any recipient of"; and

(5) by striking out "under any program or activity conducted".

(b) Section 504 of the Act is further amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) For the purpose of this section, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this section in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this section in effect on February 27, 1984.

"(c)(1) For the purpose of this section, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance.

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this section, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirely.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c) Section 505(a)(2) of the Act is amended by inserting ", as amended," after "1964".

PROHIBITION OF AGE DISCRIMINATION

SEC. . (a) Section 302 of the Age Discrimination Act of 1975 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in programs of activities receiving" and inserting in lieu thereof "by recipients of"; and

(2) by striking out "programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.)" and inserting in lieu thereof "recipients of funds under chapter 67 of title 31, United States Code".

(b) Section 303 of the Act is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under, any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(c)(1) Section 304(a)(4) of the Act is amended by striking out "to any program of activity".

(2) Section 304(b)(1) of the Act is amended—

(A) by striking out ", in the program or activity involved";

(B) by striking out "operation" in clause (A) and inserting in lieu thereof "operations of the recipient"; and

(C) by striking out "of such program or activity" in clause (A) and inserting in lieu thereof "in furtherance of which the Federal financial assistance is used".

(3) Section 304(c)(1) of the Act is amended by striking out "any program or activity receiving".

(d)(1) Section 305(a)(1) of the Act is amended by striking out "under the program of activity involved".

(2)(A) The second sentence of section 305(b) of the Act is amended by striking out "the particular program or activity, or part of such program or activity, with respect to which such finding has been made" and inserting in lieu thereof "assistance which supports the noncompliance so found".

(B) The third sentence of such section is amended to read as follows: "No such termination or refusal shall be based in whole or in part on any finding with respect to any noncompliance which is not supported by such assistance.".

(C) Section 305(b) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the third sentence of this subsection, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(3) Section 305(e)(1) of the Act is amended by striking out "Act by any program or activity receiving Federal financial assistance" and inserting in lieu thereof "title".

(e) Section 309 of the Act is amended by—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following:

"(b) The term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(c)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State of political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or

other such component part where discrimination is alleged, the State of political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this title, expect as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more the establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

NONDISCRIMINATION BY RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

SEC. . (a) Section 601 of the Civil Rights Act of 1964 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(b)(1) The first sentence of section 602 of the Act is amended by striking out "program or activity" each time it appears and inserting in lieu thereof "recipient" each such time.

(2) The third sentence of section 602 of the Act is amended—

(A) by striking out "under such program or activity" in clause (1);

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" in clause (1) and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" in clause (1) and inserting in lieu thereof "so found".

(3) Section 602 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to such part.".

(c) Title VI of the act is amended by adding at the end thereof the following new section:

"SEC. 606. (a) For purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(b)(1) For purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a state or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(c)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

PROVISION WITH RESPECT TO REVENUE SHARING

SEC. . Nothing in this Act or in the amendments made by this Act shall be construed to supersede the provisions of chapter 67 of title 31, United States Code, relating to revenue sharing.

MOYNIHAN AMENDMENT NO. 4836

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the bill S. 2527, supra; as follows:

AMENDMENT No. 4836

At the end of the bill, add the following:

SEC. 134. (a). Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311) is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

"(2) before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that

"(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragrapah, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules."

SEC. 134. (b) Section 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment.

"(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section;

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safety accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary intiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

SEC. 134(c) Section 411(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(a)) is amended—

(1) by striking "No" and inserting in lieu thereof "Except as provided in subsection (i) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (i) of this section)" immediately after "Highways"; and

(3) by striking "Secretary," and inserting in lieu thereof "Secretary of Transportation (hereinafter in this part referred to as the 'Secretary'),".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(c)) is amended by inserting "(other than a segment exempted under subsection (i) of this section)" immediately after "Highways".

(c) Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2312) is amended by inserting "(other than any segment thereof which is exempted under section 411(i) or 416(e) of this title)" immediately after "Highways System".

(d) Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316(a)) is amended—

(1) by striking "No" and inserting in lieu thereof "Except as provided in subsection (e) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (e) of this section)" immediately after "Highways"; and

(3) by inserting immediately after "more" the second time it appears the following: "or any other qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety and the other purposes of this title".

(e) Section 416(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316(d)) is amended—

(1) by inserting "(other than a segment exempted under subsection (e) of this section)" immediately after "Highways"; and

(2) by striking ". with traffic lanes designed to be a width of twelve feet or more".

SEC. 134. (d) Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2312) is amended by inserting "or for truck tractor single-trailer units of those combination vehicles described in section 411(c) of this title" immediately before the period at the end thereof.

MOYNIHAN (AND OTHERS) AMENDMENTS NOS. 4837 AND 4838

(Ordered to lie on the table.)

Mr. MOYNIHAN (for himself, Mr. DANFORTH, and Mr. PACKWOOD) submitted two amendments intended to be proposed by them to the bill S. 2527, supra; as follows:

AMENDMENT No. 4837

At the end of the bill, add the following:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Tandem Truck Safety Act of 1984."

EXEMPTION FROM LENGTH REQUIREMENTS

SEC. 102. Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311) is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

"(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safety accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

EXEMPTION FROM WIDTH REQUIREMENTS

SEC. 103. Section 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment.

"(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section;

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiatives, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating

motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

TITLE II

MISCELLANEOUS AMENDMENTS

SEC. 201. (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(a)) is amended—

(1) by striking "No" and inserting in lieu thereof "Except as provided in subsection (i) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (i) of this section)" immediately after "Highways"; and

(3) by striking "Secretary," and inserting in lieu thereof "Secretary of Transportation (hereinafter in this part referred to as the 'Secretary'),".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(c)) is amended by inserting "(other than a segment exempted under subsection (i) of this section)" immediately after "Highways".

(c) Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2312) is amended by inserting "(other than any segment thereof which is exempted under section 411(i) or 416(e) of this title)" immediately after "Highways System".

(d) Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316(a)) is amended—

(1) by striking "No" and inserting in lieu thereof "Except as provided in subsection (e) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (e) of this section)" immediately after "Highways"; and

(3) by inserting immediately after "more" the second time it appears the following: "or any other qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety and the other purposes of this title".

(e) Section 416(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316(d)) is amended—

(1) by inserting "(other than a segment exempted under subsection (e) of this section)" immediately after "Highways"; and

(2) by striking ", with traffic lanes designed to be a width of twelve feet or more".

REASONABLE ACCESS

SEC. 202. Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2312) is amended by inserting "or for truck tractor single-trailer units of those combination vehicles described in section 411(c) of this title" immediately before the period at the end thereof.

POST OFFICE AND COURTHOUSE DESIGNATION

SEC. 203. The United States Post Office and Courthouse located at 104 South West Dorion Avenue in Pendleton, Oregon, shall be known and designated as the "John F. Kilkenny United States Post Office and Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to such center shall be held to be a reference to the "John F. Kilkenny United States Post Office and Courthouse".

TITLE III

SHORT TITLE

SEC. 301. This title may be cited as the "Motor Carrier Safety Act of 1984".

PURPOSES

SEC. 302. The purposes of this title are to promote the safe operation of commercial motor vehicles in or affecting interstate commerce, to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety, and to assure increased compliance with traffic laws and with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this title.

FINDINGS

SEC. 303. The Congress finds that—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

DEFINITIONS

SEC. 304. For purposes of this title, the term—

(1) "commerce" means (A) trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, or (B) in the case of a commercial motor vehicle transporting passengers, which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

(2) "commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and are transported in quantities requiring placarding under regulations issued by the Secretary;

(3) "employee" means—

(A) driver of a commercial motor vehicle (including, for purposes of this title only, an independent contractor while in the course of personally operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; or

(D) any individual other than an employer: who is employed by a commercial motor carrier and who in the course of this employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States or any State who is acting within the course of such employment;

(4) "employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States or any State;

(5) "passenger automobile" means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying 10 persons or less;

(6) "person" means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals;

(7) "Secretary" means the Secretary of Transportation; and

(8) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas, or a political subdivision thereof.

DUTIES

SEC. 305. Each employer and employee shall comply with the safety and health rules, regulations, standards, and orders issued pursuant to this title which are applicable to his own actions and conduct.

REGULATORY AUTHORITY AND STANDARDS

SEC. 306. (a) The Secretary shall establish and revise such rules, regulations, standards, and orders as may be necessary in order to further the purposes of this title. The Secretary shall, where practicable, consider costs and benefits before establishing or revising rules, regulations, standards, or orders under this title. The Secretary shall not eliminate or modify any existing motor carrier safety rule pertaining to the maintenance, equipment, loading or operation (including routing regulations) of vehicles carrying materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) unless and until an equivalent or more stringent regulation has been promulgated under the Hazardous Materials Transportation Act. Such rules, regulations, standards, and orders shall be directed toward assuring that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon drivers of commercial motor vehicles do not impair a driver's ability to operate safely;

(3) the physical condition of drivers of commercial motor vehicles is adequate to enable them to drive safely; and

(4) the operation of commercial motor vehicles does not create deleterious effects on the physical condition of such drivers.

(b)(1) The Secretary shall promulgate any such rule or regulation within a period of 18 months after the date of commencement of any proceeding respecting such rule or regulation. If the Secretary determines that any such promulgation will not be completed within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such proceeding. If such rule or regulation has not been promulgated within 18 months after the date of the commencement of any proceeding with respect to such rule or regulation, the Secretary shall supply the Congress with current data regarding the information specified in the preceding sentence, and shall provide the Congress with such information at the end of every 60-day period thereafter during which the proceeding remains incomplete.

(2) All rules, regulations, standards, and orders issued under this section shall be promulgated in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title), except that the time periods specified in paragraph (1) of this subsection shall apply to such promulgation.

(c) The Secretary may waive in whole or in part application of any rule, regulation, standard, or order established under this section with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles. Any waiver permitted under this subsection shall be published in the Federal Register, together with the reasons for such waiver. Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5, United States Code.

(d) The Secretary, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary of Labor, shall undertake a study of health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include findings regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. The findings of such study shall be submitted to the Congress within 1 year after the date of enactment of this Act.

(e) The Secretary shall coordinate the activities of Federal agencies to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to assure maximum coordination, and to avoid overlap or the imposition of undue burdens on persons subject to such rules, regulations, standards, and orders.

(f) Section 3102 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall, before prescribing or revising any requirement under this section, consider the costs and benefits of such requirement.".

GENERAL POWERS

SEC. 307. (a) The Secretary may conduct, directly or indirectly, such research, development, demonstrations, and training activities as the Secretary considers appropriate to develop rules, regulations, standards, and orders authorized to be promulgated under section 306 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such rules, regulations, standards, and orders.

(b) In carrying out the Secretary's functions under this title, the Secretary is authorized to perform such acts (including conducting investigations and inspections; compiling statistics; making reports; issuing subpenas; requiring production of documents, records, and property; taking depositions; holding hearings; prescribing recordkeeping and reporting requirements; and carrying out and contracting for such research, development, testing, evaluation, and training) as the Secretary determines necessary to carry out the provisions of this title, or rules, regulations, standards, or orders issued pursuant to section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2302). The Secretary may delegate to a State such functions respecting the enforcement (including investigations) of the provisions of this title or rules, regulations, standards, or orders issued pursuant to this title as the Secretary determines appropriate to carry out such provisions.

(c) To carry out the Secretary's inspection and investigation functions under subsection (b) of this section, the Secretary or the Secretary's agent shall, as appropriate, consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment.

DUTY TO INVESTIGATE COMPLAINTS; PROTECTION OF COMPLAINANTS

SEC. 308. (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a material violation of any rule, regulation, standard, or order issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within the Secretary's authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

PENALTIES

SEC 309. (a) Section 507 of title 49 United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e) respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or an order or regulation issued under such section or Act. Such district court shall have jurisdiction to determine any such action and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.".

(b) Section 521(b) of title 49, United States Code, is amended to read as follows:

"(b)(1) If the Secretary finds that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a violation of a regulation issued under such section or such Act, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

"(2) Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of recordkeeping requirements issued by the Secretary pursuant to section 3102 of this title or the Motor Carrier Safety Act of 1984 shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation of recordkeeping requirements shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for such violations shall not exceed $2,500. If the Secretary determines that a serious pattern of safety violations, other than recordkeeping requirements exists or has occurred, the Secretary may assess a civil penalty not to exceed $1,000 for each offense: *Provided, however,* That the maximum fine for each such pattern of safety violations shall not exceed $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, the Secretary may assess a civil penalty not to exceed $10,000 for each offense: *Provided, however,* That, except for recordkeeping violations, no civil penalty provided under this section shall be assessed against an employee for a violation of this section unless the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violation, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

"(3) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement of such notice in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of section 3102 of this title or the Motor Carrier Safety Act of 1984.

"(4) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, before referral to the Attorney General, such civil penalty may be compromised by the Secretary.

"(5)(A) If, upon inspection or investigation, the Secretary determines that a violation, or combination of violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of the employer's commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of the order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

"(B) In this paragraph, 'imminent hazard' means any condition of vehicle, employee, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

"(6) Any person who knowingly and willfully violates any provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a regulation issued under this title or such Act, shall, upon conviction, be subject for each offense for a fine not to exceed $25,000 or imprisonment for a term not to exceed 1 year, or both, except that, if such violator is an employee, the violator shall only be subject to penalty if, while operating a commercial motor vehicle, the violator's activities have led or could have lead to death or serious injury, in which case the violator shall be liable, upon conviction, for a fine not to exceed $2,500.

"(7) The Secretary shall promulgate regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in any notices and orders under this subsection.

"(8) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States court of appeals in the circuit wherein the violation is alleged to have occurred or where the violator has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceeding under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

"(9) All penalties and fines collected under this section shall be deposited into the Highway Trust Fund.

"(10) In any action brought under this section, process may be served without regard to the territorial limits of the district of the State in which the action is brought.

"(11) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(12) As used in this subsection, the term—

"(A) 'commerce' means (i) trade traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, or (ii) in the case of a commercial motor vehicle transporting passengers, which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

"(B) 'commercial motor vehicle' means any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

"(i) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

"(ii) if such vehicle is designed to transport more than 15 passengers, including the driver; or

"(iii) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and are transported in quantities requiring placarding under regulations issued by the Secretary;

"(C) 'employee' means—

"(i) a driver of a commercial motor vehicle (including, for purposes of this subsection only, an independent contractor while in the course of personally operating a commercial motor vehicle);

"(ii) a mechanic;

"(iii) a freight handler; or

"(iv) any individual other than an employer; who is employed by a commercial motor carrier and who in the course of this employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States or any State who is acting within the course of such employment;

"(D) 'employer' means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States or any State;

"(E) 'person' means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals; and

"(F) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas, or a political subdivision thereof.

"(13) The provisions of this subsection shall not affect in any way any provision of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) or any regulation promulgated by the Secretary under such Act.".

(c) The Secretary shall conduct a study of the effectiveness of the civil and criminal penalties established under this title in deterring violations of the commercial motor vehicle safety regulations issued under this title and in effectively prosecuting such violations when they occur. Such study shall examine the effectiveness of penalties in effect before the date of enactment of this Act in comparison to the penalties established by this title. Such study shall also investigate the need for, and make recommendations concerning, increased fine levels for civil and criminal penalties, and the need for additional categories of civil and criminal penalties to deter further and prosecute effectively violations of such commercial motor vehicle safety regulations. The Secretary shall submit to Congress a report on the findings of this study, together with legislative recommendations, not later than 2 years after the date of enactment of this Act.

LITIGATION AUTHORITY

SEC. 310. Section 413 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2313) is amended by striking "The Secretary, or, on" and inserting in lieu thereof "On".

STATE REGULATIONS

SEC. 311. (a) Except as may otherwise be provided in this title or any other Act, all laws, rules, regulations, standards, and orders relating to commercial motor vehicle safety shall be nationally uniform, to the extent practicable. A State may adopt or continue in effect any law, rule, regulation, standard, or order relating to commercial motor vehicle safety, other than hours-of-service regulations applicable to intrastate commerce, until the Secretary has adopted a new rule, regulation, standard, or order, or has continued in effect an existing Federal regulation, regarding the subject matter of such State requirements, pursuant to the provisions of this section.

(b) Within 1 month after the date of enactment of this Act, the Secretary shall issue initial guidelines to assist the States in compiling and submitting materials related to commercial motor vehicle safety laws, rules, regulations, standards, or orders. Within nine months after the date of enactment of this Act, each State shall submit to the Secretary each law, rule, regulation, standard, and order for commercial motor vehicle safety which the State has adopted and has in effect.

(c)(1) A study of the laws, rules regulations, standards and orders submitted under subsection (b) of this section shall be undertaken by a panel established by the Secretary for that purpose. The Secretary shall be the Chairman of the panel. In addition to the Secretary, the panel shall consist of not more than 15 individuals selected by the Secretary on the basis of their knowledge, expertise or experience regarding commercial motor vehicle safety. The Secretary shall, to the maximum extent possible, ensure that the members of the panel reflect diverse business, consumer and safety interests regarding commercial motor vehicles, as well as State and regional interests. Members of the panel shall receive no compensation, but shall, in accordance with section 5703 of title 5, United States Code, be entitled to reimbursement for travel or transportation expenses incurred in the performance of responsibilities as a member of the panel.

(2) The study required by paragraph (1) of this subsection shall consider the material submitted by States under subsectin (b) of this section, and shall identify those laws, rules, regulations, standards and orders for commercial motor vehicle saftey which are inconsistent with the objective of national uniformity. In addition, the study shall consider those instances where inconsistency of such laws, rules, regulations, standards and orders is necessary of desirable. The study

shall also evaluate the need, if any, for Federal assistance to States to enable States to comply with laws, rules, regulations, standards and orders for commercial motor vehicle safety that are nationally uniform.

(3) Not later than eighteeen months after the date of enactment of this Act, the Secretary shall submit the results of such study to the Congress, and shall make such results available for public inspection.

(d)(1) Within six months after the completion of the study required by subsection (c) of this section, the Secretary shall commence a rulemaking proceeding to promulgate rules regarding commercial motor vehicle safety. If the Secretary finds on the basis of such study that an existing Federal commercial motor vehicle safety regulation better serves the purposes of this title than would a new regulation, the Secretary shall continue such existing regulation in effect. Any rules promulgated under this paragraph shall be based upon such study, and any such rule shall only be promulgated if the Secretary finds that it does not adversely affect any State law, rule, regulation, standard, or order—

(A) for which there is a compelling local safety need;

(B) which is not incompatible with any Federal law, rule, regulation, standard, or order; and

(C) which does not unduly burden interstate commerce.

(2) Any such rule shall be promulgated in accordance with section 553 of title 5, United States Code, except that the Secretary shall afford interested persons an opportunity for a hearing on the record.

(e)(1) After the promulgation of any rule under subsection (d) of this section, any State may petition the Secretary for a waiver from application to the State of such rule. The Secretary shall grant such waiver as expeditiously as possible, unless the Secretary finds that—

(A) there is no compelling safety need within such State for such safety rules; or

(B) the grant of such waiver will unduly burden interstate commerce.

(2) The decision to grant or deny a petition for a waiver submitted under this section shall only be made after the Secretary has afforded the relevant State an opportunity for a hearing on the record.

(f)(1) Not later than 60 days after a rule is promulgated under subsection (d) or action is taken regarding a waiver under subsection (e) of this section, any person adversely affected by such rule or action may file with the United States court of appeals for the District of Columbia or for the circuit in which such person resides or has his principal place of business a petition for judicial review of such rule or action.

(2) Upon the filing of a petition under paragraph (1) of this subsection, the court shall have jurisdiction to review such rule or action in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter. Such rule or action shall be affirmed unless the Secretary's finding under subsections (d) and (e) of this section are supported by substantial evidence on the record taken as a whole.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule or action shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

(g) Nothing in this title shall affect existing hour-of-service regulations of any State applying to commercial motor vehicle operations occurring wholly within that State, unless the Secretary affirmatively finds upon review of a State's hour-of-service regulations that such regulations—

(1) materially diminish commercial motor vehicle safety or the health and safety of employees;

(2) are not required by compelling local conditions; or

(3) unduly burden interstate commerce.

If the Secretary makes such an affirmative determination, the Secretary may require such State to adopt Federal hour-of-service regulations.

(h) The Secretary shall conduct a study of the safety performance of commercial motor vehicles operating in intrastate commerce. This study shall examine the effectiveness of individual State regulations governing such transportation in promoting safety in commercial motor vehicle safety operations. Such study shall also investigate the need to subject such transportation to the Federal commercial motor vehicle safety regulations, either in whole or in part. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than two years after the date of enactment of this Act.

INSPECTION

SEC. 312. (a) Upon the instruction of a duly authorized State or Federal enforcement official, each commercial motor vehicle shall be required to pass an inspection of all safety equipment required under part 393 of subchapter B of chapter 3 of title 49, Code of Federal Regulations.

(b) The Secretary shall, by rule, establish Federal standards for inspections of commercial motor vehicles no less often than annually, and retention by employers of records of such inspections. Such standards are to be considered minimum Federal standards.

(c) Nothing in this title shall be construed as preventing any State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking to afford interested parties an opportunity to comment on such part 393 and the inspection or retention procedure established pursuant to subsection (b) of this section. Amendments to the regulations shall be issued and published in the Federal Register no later than 1 year after such rulemaking is initiated. The amended regulations shall become effective on the date on which they are published in the Federal Register.

(e) A periodic inspection of a commercial motor vehicle in accordance with Federal standards established pursuant to subsection (b) of this section shall be recognized as adequate in every State for the period of such inspection. The provisions of this subsection shall not be deemed to prohibit a State from making random inspections of commercial motor vehicles.

CERTIFICATIONS OF SAFETY FITNESS

SEC. 313. (a) The Secretary, in cooperation with the Interstate Commerce Commission, shall by rule, after notice and opportunity for comment. Establish a procedure to determine the safety fitness of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers of property or passengers under sections 10922 and 10923 of title 49, United States Code. Such procedure shall include—

(1) specific initial and continuing requirements to be met by such persons to prove safety fitness:

(2) a means of determining whether such persons meet the safety fitness requirements specified under paragraph (1); and

(3) specific time deadlines for action by the Department of Transportation and the Interstate Commerce Commission in making fitness determinations.

(b) Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the procedure established under subsection (a) of this section.

(c) The rules adopted under this section shall supersede all rules in effect on the date of enactment of this Act regarding safety fitness and safety rating of motor carriers.

(d) Notwithstanding any other provision of law, the Interstate Commerce Commission shall find any applicant for authority to operate as a motor common or contract carrier to be unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section, and shall deny such application.

HEAVY TRUCK RESEARCH

SEC. 314. (a) The Secretary shall undertake a comprehensive study of safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven. Such study shall include an examination of the handling, braking, stability, and crashworthiness of heavy trucks, and an examination of the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers. Not later than September 30, 1985, the Secretary shall submit to the Congress a report on the findings of such study.

(b) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to conduct the research required under subsection (a) of this section.

TRUCK OCCUPANT PROTECTION

SEC. 315. (a) The Secretary shall make a full investigation and study of crash protection for truck occupants. Such study shall examine potential and known hazards to truck occupants and means of improving truck-occupant safety. This study shall also include potential performance standards to be met by truck manufacturers. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than 1 year after the date of enactment of this Act.

(b) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to undertake the study required by subsection (a) of this section.

STUDY OF SAFETY-RELATED DEVICES

SEC. 316. (a) The Secretary shall conduct a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors, and motor-driven vehicles which are involved in emergency situations. Such study shall also investigate the potential costs and benefits of requiring passenger automobile operators to carry emergen-

cy warning devices, and shall examine the relative benefits of various types of warning devices in enhancing highway safety. The Secretary shall submit to the Congress a report containing the findings of this study not later than 6 months after the date of enactment of this Act.

(b) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to undertake the study required by this section.

OVERSIGHT

SEC. 317. The appropriate authorizing Committees of the Congress shall conduct periodic oversight hearings on the effects of this title no less often than annually for the first 3 years following the date of enactment of this Act, to insure that this title is being implemented according to congresssional intent and the purposes of this title.

RELATIONSHIP TO OTHER LAW

SEC. 318. The provisions of this title shall not affect in any way any provision of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) or any regulation promulgated by the Secretary under such Act.

AMENDMENT TO MOTOR CARRIER ACT OF 1980

SEC. 319. Section 30(b)(3) of the Motor Carrier Act of 1980 (Public Law 96-296; 94 Stat. 821) is amended—

(1) by striking "and" immediately before "(B)"; and

(2) by inserting immediately before the period at the end thereof the following: ", and (C) in the case of any agricultural vehicle transporting any such material or substance in interstate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety".

(b) Section 30(g) of such Act is amended—

(1) by redesignating paragraphs (1), (2) and (3) as paragraphs (2), (3) and (4), respectively; and

(2) by inserting immediately before paragraph (1), as so redesignated, the following new paragraph:

"(1) agricultural vehicle" means any vehicle which (A) is designed or adapted and used exclusively for agricultural purposes, (B) is operated by a motor private carrier (as such term is defined in section 10102(15) of title 49, United States Code), and (C) is only incidentally operated on the highways;".

AMENDMENT NO. 4838

At the appropriate place in the bill, insert the following and make necessary section number redesignations and cross-references, as appropriate:

TITLE

SHORT TITLE

SEC. . This title may be cited as the "Tandem Truck Safety Act of 1984."

EXEMPTION FROM LENGTH REQUIREMENTS

SEC. . Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311) is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

"(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

EXEMPTION FROM WIDTH REQUIREMENTS

SEC. . Section 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment.

"(2) Before making such notification, the governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section;

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportuity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

TITLE

MISCELLANEOUS AMENDMENTS

SEC. . (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(a)) is amended—

(1) by striking "No" and inserting in lieu thereof "Except as provided in subsection (i) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (i) of this section)" immediately after "Highways"; and

(3) by striking "Secretary," and inserting in lieu thereof "Secretary of Transportation (hereinafter in this part referred to as the 'Secretary'),".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(c)) is amended by inserting "(other than a segment exempted under subsection

(i) of this section)" immediately after "Highways".

(c) Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2312) is amended by inserting "(other than any segment thereof which is exempted under section 411(i) or 416(e) of this title)" immediately after "Highways System".

(d) Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316(a)) is amended—

(1) by striking "No" and inserting in lieu thereof "Except as provided in subsection (e) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (e) of this section)" immediately after "Highways"; and

(3) by inserting immediately after "more" the second time it appears the following: "or any other qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety and the other purposes of this title".

(e) Section 416(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316(d)) is amended—

(1) by inserting "(other than a segment exempted under subsection (e) of this section)" immediately after "Highways"; and

(2) by striking ", with traffic lanes designed to be a width of twelve feet or more".

REASONABLE ACCESS

SEC. . Section. 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2312) is amended by inserting "or for truck tractor single-trailer units of those combination vehicles described in section 411(c) of this title" immediately before the period at the end thereof.

POST OFFICE AND COURTHOUSE DESIGNATION

SEC. . The United States Post Office and Courthouse located at 104 South West Dorion Avenue in Pendleton, Oregon, shall be known and designated as the "John F. Kilkenny United States Post Office and Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to such center shall be held to be a reference to the "John F. Kilkenny United States Post Office and Courthouse".

TITLE

SHORT TITLE

SEC. 01. This title may be cited as the "Motor Carrier Safety Act of 1984".

PURPOSES

SEC. 02. The purposes of this title are to promote the safe operation of commercial motor vehicles in or affecting interstate commerce, to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety, and to assure increased compliance with traffic laws and with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this title.

FINDINGS

SEC. 03. The Congress finds that—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

DEFINITIONS

SEC. 04. For purposes of this title, the term—

(1) "commerce" means (A) trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, or (B) in the case of a commercial motor vehicle transporting passengers, which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

(2) "commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and are transported in quantities requiring placarding under regulations issued by the Secretary;

(3) "employee" means—

(A) driver of a commercial motor vehicle (including, for purposes of this title only, an independent contractor while in the course of personally operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; or

(D) any individual other than an employer;

who is employed by a commercial motor carrier and who in the course of this employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States or any State who is acting within the course of such employment;

(4) "employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States or any State;

(5) "passenger automobile" means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying 10 persons or less;

(6) "person" means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals;

(7) "Secretary" means the Secretary of Transportation; and

(8) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas, or a political subdivision thereof.

DUTIES

SEC. 05. Each employer and employee shall comply with the safety and health rules, regulations, standards, and orders issued pursuant to this title which are applicable to his own actions and conduct.

REGULATORY AUTHORITY AND STANDARDS

SEC. 06. (a) The Secretary shall establish and revise such rules, regulations, standards, and orders as may be necessary in order to further the purposes of this title. The Secretary shall, where practicable, consider costs and benefits before establishing or revising rules, regulations, standards, or orders under this title. The Secretary shall not eliminate or modify any existing motor carrier safety rule pertaining to the maintenance, equipment, loading or operation (including routing regulations) of vehicles carrying materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) unless and until an equivalent or more stringent regulation has been promulgated under the Hazardous Materials Transportation Act. Such rules, regulations, standards, and orders shall be directed toward assuring that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon drivers of commercial motor vehicles do not impair a driver's ability to operate safely;

(3) the physical condition of drivers of commercial motor vehicles is adequate to enable them to drive safely; and

(4) the operation of commercial motor vehicles does not create deleterious effects on the physical condition of such drivers.

(b)(1) The Secretary shall promulgate any such rule or regulation within a period of 18 months after the date of commencement of any proceeding respecting such rule or regulation. If the Secretary determines that any such promulgation will not be completed within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such proceeding. If such rule or regulation has not been promulgated within 18 months after the date of the commencement of any proceeding with respect to such rule or regulation, the Secretary shall supply the Congress with current data regarding the information specified in the preceding sentence, and shall provide the Congress with such information at the end of every 60-day period thereafter during which the proceeding remains incomplete.

(2) All rules, regulations, standards, and orders issued under this section shall be promulgated in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title), except that the time periods specified in paragraph (1) of this subsection shall apply to such promulgation.

(c) The Secretary may waive in whole or in part application of any rule, regulation, standard, or order established under this section with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles. Any waiver permitted under this subsection shall be published in the Federal Register, together with the reasons for such waiver. Any final agency action taken under this section is subject to judicial review, as provided in chapter 7 of title 5, United States Code.

(d) The Secretary, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary of Labor, shall undertake a study of health hazards to which employees en-

gaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include findings regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. The findings of such study shall be submitted to the Congress within 1 year after the date of enactment of this Act.

(e) The Secretary shall coordinate the activities of Federal agencies to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to assure maximum coordination, and to avoid overlap or the imposition of undue burdens on persons subject to such rules, regulations, standards, and orders.

(f) Section 3102 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall, before prescribing or revising any requirement under this section, consider the costs and benefits of such requirement.".

GENERAL POWERS

SEC. 07. (a) The Secretary may conduct, directly or indirectly, such research, development, demonstrations, and training activities as the Secretary considers appropriate to develop rules, regulations, standards, and orders authorized to be promulgated under section 06 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such rules, regulations, standards, and orders.

(b) In carrying out the Secretary's functions under this title, the Secretary is authorized to perform such acts (including conducting investigations and inspections; compiling statistics; making reports; issuing subpenas; requiring production of documents, records, and property; taking depositions; holding hearings; prescribing recordkeeping and reporting requirements; and carrying out and contracting for such research, development, testing, evaluation, and training) as the Secretary determines necessary to carry out the provisions of this title, regulations, standards, or orders issued pursuant to section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2302). The Secretary may delegate to a State such functions respecting the enforcement (including investigations) of the provisions of this title or rules, regulations, standards, or orders issued pursuant to this title as the Secretary determines appropriate to carry out such provisions.

(c) To carry out the Secretary's inspection and investigation functions under subsection (b) of this section, the Secretary or the Secretary's agent shall, as appropriate, consult with employers and employees and their duly authorized representatives, and shall offer them a right to accompaniment.

DUTY OF INVESTIGATE COMPLAINTS; PROTECTION OF COMPLAINANTS

SEC. 08. (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a material violation of any rule, regulation, standard, or order issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicate complaints.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within the Secretary's authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

PENALTIES

SEC. 09. (a) Section 507 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or an order or regulaton issued under such section or Act. Such district court shall have jurisdiction to determine any such action and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.".

(b) Section 521(b) of title 49, United States Code, is amended to read as follows:

"(b)(1) If the Secretary finds that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a violation of a regulation issued under such section or such Act, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

"(2) Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of recordkeeping requirements issued by the Secretary pursuant to section 3102 of this title or the Motor Carrier Safety Act of 1984 shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation of recordkeeping requirements shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for such violations shall not exceed $2,500. If the Secretary determines that a serious pattern of safety violations, other than recordkeeping requirements, exists or has occurred, the Secretary may assess a civil penalty not to exceed $1,000 for each offense: *Provided, however,* That the maximum fine for each such pattern of safety violations shall not exceed $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, the Secretary may assess a civil penalty not to exceed $10,000 for each offense: *Provided, however,* That, except for recordkeeping violations, no civil penalty provided under this section shall be assessed against an employee for a violation of this section unless the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violation, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

"(3) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement of such notice in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of section 3102 of this title or the Motor Carrier Safety Act of 1984.

"(4) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, before referral to the Attorney General, such civil penalty may be compromised by the Secretary.

"(5)(A) If, upon inspection or investigation, the Secretary determines that a violation, or combination of violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of the employer's commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of the order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

"(B) In this paragraph, 'imminent hazard' means any condition of vehicle, employee, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

"(6) Any person who knowingly and willfully violates any provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a regulation issued under this title or such Act, shall, upon conviction, be subject for each offense for a fine not to exceed $25,000 or imprisonment for a term not to exceed 1 year, or both, except that, if such violator is an employee, the violator shall only be subject to penalty if, while operating a commercial motor vehicle, the violator's activities have led or could lead to death or serious injury, in which case the violator shall be liable, upon conviction, for a fine not to exceed $2,500.

"(7) The Secretary shall promulgate regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the re-

quirements set forth in any notices and orders under this subsection.

"(8) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States court of appeals in the circuit wherein the violation is alleged to have occurred or where the violator has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

"(9) All penalties and fines collected under this section shall be deposited into the Highway Trust Fund.

"(10) In any action brought under this section, process may be served without regard to the territorial limits of the district of the State in which the action is brought.

"(11) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(12) As used in this subsection, the term—

"(A) 'commerce' means (i) trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, or

"(ii) in the case of a commercial motor vehicle transporting passengers, which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

"(B) 'commercial motor vehicle' means any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

"(i) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

"(ii) if such vehicle is designed to transport more than 15 passengers, including the driver; or

"(iii) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and are transported in quantities requiring placarding under regulations issued by the Secretary;

"(C) 'employee' means—

"(i) a driver of a commercial motor vehicle (including, for purposes of this subsection only, an independent contractor while in the course of personally operating a commercial motor vehicle);

"(ii) a mechanic;

"(iii) a freight handler; or

"(iv) any individual other than an employer;

who is employed by a commercial motor carrier and who in the course of this employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States or any State who is acting within the course of such employment;

"(D) 'employer' means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States or any State;

"(E) 'person' means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals; and

"(F) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas, or a political subdivision thereof.

"(13) The provisions of this subsection shall not affect in any way any provision of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) or any regulation promulgated by the Secretary under such Act.".

(c) The Secretary shall conduct a study of the effectiveness of the civil and criminal penalties established under this title in deterring violations of the commercial motor vehicle safety regulations issued under this title and in effectively prosecuting such violations when they occur. Such study shall examine the effectiveness of penalties in effect before the date of enactment of this Act in comparison to the penalties established by this title. Such study shall also investigate the need for, and make recommendations concerning, increased fine levels for civil and criminal penalties, and the need for additional categories of civil and criminal penalties to deter further and prosecute effectively violations of such commercial motor vehicle safety regulations. The Secretary shall submit to Congress a report on the findings of this study, together with legislative recommendations, not later than 2 years after the date of enactment of this Act.

LITIGATION AUTHORITY

SEC. 10. Section 413 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2313) is amended by striking "The Secretary, or, on" and inserting in lieu thereof "On".

STATE REGULATIONS

SEC. 11. (a) Except as may otherwise be provided in this title or any other Act, all laws, rules, regulations, standards, and orders relating to commercial motor vehicle safety shall be nationally uniform, to the extent practicable. A State may adopt or continue in effect any law, rule, regulation, standard, or order relating to commercial motor vehicle safety, other than hours-of-service regulations applicable to intrastate commerce, until the Secretary has adopted a new rule, regulation, standard, or order, or has continued in effect an existing Federal regulation, regarding the subject matter of such State requirements, pursuant to the provisions of this section.

(b) Within 1 month after the date of enactment of this Act, the Secretary shall issue initial guidelines to assist the States in compiling and submitting materials related to commercial motor vehicle safety laws, rules, regulations, standards, or orders. Within nine months after the date of enactment of this Act, each State shall submit to the Secretary each law, rule, regulation, standard, and order for commercial motor vehicle safety which the State has adopted and has in effect.

(c)(1) A study of the laws, rules, regulations, standards and orders submitted under subsection (b) of this section shall be undertaken by a panel established by the Secretary for that purpose. The Secretary shall be the Chairman of the panel. In addition to the Secretary, the panel shall consist of not more than 15 individuals selected by the Secretary on the basis of their knowledge, expertise or experience regarding commercial motor vehicle safety. The Secretary shall, to the maximum extent possible, ensure that the members of the panel reflect diverse business, consumer and safety interests regarding commercial motor vehicles, as well as State and regional interests. Members of the panel shall receive no compensation, but shall, in accordance with section 5703 of title 5, United States Code, be entitled to reimbursement for travel or transportation expenses incurred in the performance of responsibilities as a member of the panel.

(2) The study required by paragraph (1) of this subsection shall consider the material submitted by States under subsection (b) of this section, and shall identify those laws, rules, regulations, standards and orders for commercial motor vehicle safety which are inconsistent with the objective of national uniformity. In addition, the study shall consider those instances where inconsistency of such laws, rules, regulations, standards and orders is necessary or desirable. The study shall also evaluate the need, if any, for Federal assistance to States to enable States to comply with laws, rules, regulations, standards and orders for commercial motor vehicle safety that are nationally uniform.

(3) Not later than eighteen months after the date of enactment of this Act, the Secretary shall submit the results of such study to the Congress, and shall make such results available for public inspection.

(d)(1) Within six months after the completion of the study required by subsection (c) of this section, the Secretary shall commence a rulemaking proceeding to promulgate rules regarding commercial motor vehicle safety. If the Secretary finds on the basis of such study that an existing Federal commercial motor vehicle safety regulation better serves the purposes of this title than would a new regulation, the Secretary shall continue such existing regulation in effect. Any rules promulgated under this paragraph shall be based upon such study, and any such rule shall only be promulgated if the Secretary finds that it does not adversely affect any State law, rule, regulation, standard, or order—

(A) for which there is a compelling local safety need;

(B) which is not incompatible with any Federal law, rule, regulation, standard, or order; and

(C) which does not unduly burden interstate commerce.

(2) Any such rule shall be promulgated in accordance with section 553 of title 5, United States Code, except that the Secretary shall afford interested persons an opportunity for a hearing on the record.

(e)(1) After the promulgation of any rule under subsection (d) of this section, any State may petition the Secretary for a waiver from application to the State of such rule. The Secretary shall grant such waiver as expeditiously as possible, unless the Secretary finds that—

(A) there is no compelling safety need within such State for such safety rule; or

(B) the grant of such waiver will unduly burden interstate commerce.

(2) The decision to grant or deny a petition for a waiver submitted under this section shall only be made after the Secretary

has afforded the relevant State an opportunity for a hearing on the record.

(f)(1) Not later than 60 days after a rule is promulgated under subsection (d) or action is taken regarding a waiver under subsection (e) of this section, any person adversely affected by such rule or action may file with the United States court of appeals for the District of Columbia or for the circuit in which such person resides or has his principal place of business a petition for judicial review of such rule or action.

(2) Upon the filing of a petition under paragraph (1) of this subsection, the court shall have jurisdiction to review such rule or action in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter. Such rule or action shall be affirmed unless the Secretary's findings under subsections (d) and (e) of this section are supported by substantial evidence on the record taken as a whole.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule or action shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

(g) Nothing in this title shall affect existing hour-of-service regulations of any State applying to commercial motor vehicle operations occurring wholly within that State, unless the Secretary affirmatively finds upon review of a State's hour-of-service regulations that such regulations—

(1) materially diminish commercial motor vehicle safety or the health and safety of employees;

(2) are not required by compelling local conditions; or

(3) unduly burden interstate commerce.

If the Secretary makes such an affirmative determination, the Secretary may require such State to adopt Federal hour-of-service regulations.

(h) The Secretary shall conduct a study of the safety performance of commercial motor vehicles operating in intrastate commerce. This study shall examine the effectiveness of individual State regulations governing such transportation in promoting safety in commercial motor vehicle safety operations. Such study shall also investigate the need to subject such transportation to the Federal commercial motor vehicle safety regulations, either in whole or in part. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than two years after the date of enactment of this Act.

INSPECTION

SEC. 12. (a) Upon the instruction of a duly authorized State or Federal enforcement official, each commercial motor vehicle shall be required to pass an inspection of all safety equipment required under part 393 of subchapter B of chapter 3 of title 49, Code of Federal Regulations.

(b) The Secretary shall, by rule, establish Federal standards for inspections of commercial motor vehicles no less often than annually, and retention by employers of records of such inspections. Such standards are to be considered minimum Federal standards.

(c) Nothing in this title shall be construed as preventing any State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking to afford interested parties an opportunity to comment on such part 393 and the inspection or retention procedure established pursuant to subsection (b) of this section. Amendments to the regulations shall be issued and published in the Federal Register not later than 1 year after such rulemaking is initiated. The amended regulations shall become effective on the date on which they are published in the Federal Register.

(e) A periodic inspection of a commercial motor vehicle in accordance with Federal standards established pursuant to subsection (b) of this section shall be recognized as adequate in every State for the period of such inspection. The provisions of this subsection shall not be deemed to prohibit a State from making random inspections of commercial motor vehicles.

CERTIFICATION OF SAFETY FITNESS

SEC. 13. (a) The Secretary, in cooperation with the Interstate Commerce Commission, shall by rule, after notice and opportunity for comment, establish a procedure to determine the safety fitness of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers of property or passengers under sections 10922 and 10923 of title 49. United States Code such procedure shall include—

(1) specific initial and continuing requirements to be met by such persons to prove safety fitness;

(2) a means of determining whether such persons meet the safety fitness requirements specified under paragraph (1); and

(3) specific time deadlines for action by the Department of Transportation and the Interstate Commerce Commission in making fitness determinations.

(b) Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the procedure established under subsection (a) of this section.

(c) The rules adopted under this section shall supersede all rules in effect on the date of enactment of this Act regarding safety fitness and safety rating of motor carriers.

(d) Notwithstanding any other provision of law, the Interstate Commerce Commission shall find any applicant for authority to operate as a motor common or contract carrier to be unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section, and shall deny such application.

HEAVY TRUCK RESEARCH

SEC. 14. (a) The Secretary shall undertake a comprehensive study of safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven. Such study shall include an examination of the handling, braking, stability, and crashworthiness of heavy trucks, and an examination of the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers. Not later than September 30, 1985, the Secretary shall submit to the Congress a report on the findings of such study.

(b) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to conduct the research required under subsection (a) of this section.

TRUCK OCCUPANT PROTECTION

SEC. 15. (a) The Secretary shall make a full investigation and study of crash protection for truck occupants. Such study shall examine potential and known hazards to truck occupants and means of improving truck-occupant safety. This study shall also include potential performance standards to be met by truck manufacturers. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than 1 year after the date of enactment of this Act.

(b) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to undertake the study required by subsection (a) of this section.

STUDY OF SAFETY-RELATED DEVICES

SEC. 16. (a) The Secretary shall conduct a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors, and motor-driven vehicles which are involved in emergency situations. Such study shall also investigate the potential costs and benefits of requiring passenger automobile operators to carry emergency warning devices, and shall examine the relative benefits of various types of warning devices in enhancing highway safety. The Secretary shall submit to the Congress a report containing the findings of this study not later than 6 months after the date of enactment of this Act.

(h) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to undertake the study required by this section.

OVERSIGHT

SEC. 17. The appropriate authorizing Committees of the Congress shall conduct periodic oversight hearings on the effects of this title no less often than annually for the first 3 years following the date of enactment of this Act, to insure that this title is being implemented according to congressional intent and the purposes of this title.

RELATIONSHIP TO OTHER LAW

SEC. 18. The provisions of this title shall not affect in any way any provision of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) or any regulation promulgated by the Secretary under such Act.

AMENDMENT TO MOTOR CARRIER ACT OF 1980

SEC. 19. Section 30(b)(3) of the Motor Carrier Act 1980 (Public Law 96-296; 94 Stat. 821) is amended—

(1) by striking "and" immediately before "(B)"; and

(2) by inserting immediately before the period at the end thereof the following:", and (C) in the case of any agricultural vehicle transporting any such material or substance in interstate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety".

(b) Section 30(g) of such Act is amended—

(1) by redesignating paragraphs (1), (2) and (3) as paragraphs (2), (3) and (4) respectively; and

(2) by inserting immediately before paragraph (1) as so redesignated, the following new paragraph:

(1) "agriculture vehicle" means any vehicle which (A) is designed or adapted and used exclusively for agriculture purposes, (B) is operated by a motor private carrier (as such term is defined in section 10102(15)

of title 49, United States Code), and (C) is only incidentally operated on the highways;".

FEDERAL TIMBER CONTRACT PAYMENT MODIFICATION ACT

METZENBAUM AMENDMENTS NOS. 4839 THROUGH 4842

Mr. METZENBAUM proposed four amendments to the bill H.R. 2838, supra; as follows:

AMENDMENT No. 4839

On page 8, line 8, insert after "15 per centum": "for the purchaser's first 125 million board feet, 20 per centum for additional board feet above 125 million up to 150 million, 25 per centum for additional board feet above 150 million up to 175 million, and 30 per centum for additional board feet above 175 million up to 200 million,".

AMENDMENT No. 4840

On page 12, line 10, strike the words "to reappraisal,"; on line 11 change the comma following "default" to a period, and strike the remainder of the sentence.

AMENDMENT No. 4841

Beginning on page 8, line 21, strike all through page 9, line 2 and insert the following:

"(E) Where a purchaser is not able to obtain sufficient credit elsewhere to finance the buy-out charge at reasonable rates and terms, purchaser may, upon payment of 5 per centum of the buy-out charge, pay the remainder of the buy-out charge in equal quarterly payments over a period not to exceed 5 years at an interest rate adjusted with each payment equal to the average market yield of outstanding Treasury obligations with remaining years to maturity of five years. Payment must be secured by bond, deposited securities or other forms of security acceptable to the appropriate Secretary in an amount sufficient to cover the entire buy-out payment.

AMENDMENT No. 4842

On page 7, beginning on line 13, strike the words "available for appropriation to the appropriate secretary for further management of timber" and insert in lieu thereof "deposited in and paid from the treasury in the same manner as moneys received from timber sales from such lands".

MURKOWSKI (AND STEVENS) AMENDMENT NO. 4843

Mr. HATFIELD (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to the bill H.R. 2838, supra; as follows:

At an appropriate place in the bill, add the following new section:

SEC. . (a) Emergency stumpage rate redetermination shall be made upon the written application of the purchaser of National Forest timber in Alaska, bid after January 1, 1974, and rates established as a result thereof shall be effective for timber scaled during a period between January 1, 1981 and five years from the effective date of this legislation.

(b) In making the emergency rate redeterminations the Secretary may modify existing contract terms, including the amount of the bid premium, in order to provide rates which will permit the holders of contracts bid after January 1, 1974 to be competitive with other purchasers of National Forest timber.

(c) The provisions of this section shall not apply to contracts held by the holders of 50 year timber sale contracts in Alaska.

FEDERAL-AID HIGHWAY ACT

MOYNIHAN (AND OTHERS) AMENDMENT NO. 4844

(Ordered to lie on the table.)

Mr. MOYNIHAN (for himself, Mr. DANFORTH, and Mr. PACKWOOD) submitted an amendment intended to be proposed by them to the bill S. 2527, supra; as follows:

AMENDMENT No. 4844

At the appropriate place in the bill, insert the following and make necessary section number redesignations and cross-references, as appropriate:

TITLE

SHORT TITLE

SEC. . This title may be cited as the "Tandem Truck Safety Act of 1984."

EXEMPTION FROM LENGTH REQUIREMENTS

SEC. . Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311) is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safety accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

"(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lenghts set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources as signed, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

EXEMPTION FROM WIDTH REQUIREMENTS

SEC. . Section 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment.

"(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section;

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment. Before making such determination, the Secretary shall consider any possible alterna-

tive route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

TITLE

MISCELLANEOUS AMENDMENTS

SEC. . (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(a)) is amended—

(1) by striking "No" and inserting in lieu thereof "Except as provided in subsection (i) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (i) of this section)" immediately after "Highways"; and

(3) by striking "Secretary," and inserting in lieu thereof "Secretary of Transportation (hereinafter in this part referred to as the 'Secretary'),".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(c)) is amended by inserting "(other than a segment exempted under subsection (i) of this section)" immediately after "Highways".

(c) Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2312) is amended by inserting "(other than any segment thereof which is exempted under section 411(i) or 416(e) of this title)" immediately after "Highways Systems".

(d) Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316(a)) is amended—

(1) by striking "No" and inserting in lieu thereof "Except as provided in subsection (e) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (e) of this section)" immediately after "Highways"; and

(3) by inserting immediately after "move" the second time it appears the following: "or any other qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety and the other purposes of this title."

(e) Section 416(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316(d)) is amended—

(1) by inserting "(other than a segment exempted under subsection (e) of this section)" immediately after "Highways"; and

(2) by striking ", with traffic lanes designed to be a width of twelve feet or more".

REASONABLE ACCESS

SEC. . Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2312) is amended by inserting "or for truck tractor single-trailer units of those combination vehicles described in section 411(c) of this title" immediately before the period at the end thereof.

TITLE

SHORT TITLE

SEC. 01. This title may be cited as the "Motor Carrier Safety Act of 1984".

PURPOSES

SEC. 02. The purposes of this title are to promote the safe operation of commercial motor vehicles in or affecting interstate commerce, to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety, and to assure increased compliance with traffic laws and with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this title.

FINDINGS

SEC. 03. The Congress finds that—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

DEFINITIONS

SEC. 04. For purposes of this title, the term—

(1) "commerce" means (A) trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, or (B) in the case of a commercial motor vehicle transporting passengers, which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

(2) "commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and are transported in quantities requiring placarding under regulations issued by the Secretary;

(3) "employee" means—

(A) driver of a commercial motor vehicle (including, for purposes of this title only, an independent contractor while in the course of personally operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; or

(D) any individual other than an employer;

who is employed by a commercial motor carrier and who in the course of this employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States or any State who is acting within the course of such employment;

(4) "employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States or any State;

(5) "passenger automobile" means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying 10 persons or less;

(6) "person" means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals;

(7) "Secretary" means the Secretary of Transportation; and

(8) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas, or a political subdivision thereof.

DUTIES

SEC. 05. Each employer and employee shall comply with the safety and health rules, regulations, standards, and orders issued pursuant to this title which are applicable to his own actions and conduct.

REGULATORY AUTHORITY AND STANDARDS

SEC. 06. (a) The Secretary shall establish and revise such rules, regulations, standards, and orders as may be necessary in order to further the purposes of this title. The Secretary shall, where practicable, consider costs and benefits before establishing or revising rules, regulations, standards, or orders under this title. The Secretary shall not eliminate or modify any existing motor carrier safety rule pertaining to the maintenance, equipment, loading or operation (including routing regulations) of vehicles carrying materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) unless and until an equivalent or more stringent regulation has been promulgated under the Hazardous Materials Transportation Act. Such rules, regulations, standards, and orders shall be directed toward assuring that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon drivers of commercial motor vehicles do not impair a driver's ability to operate safely;

(3) the physical condition of drivers of commercial motor vehicles is adequate to enable them to drive safely; and

(4) the operation of commercial motor vehicles does not create deleterious effects on the physical condition of such drivers.

(b)(1) The Secretary shall promulgate any such rule or regulation within a period of 18 months after the date of commencement of any proceeding respecting such rule or regulation. If the Secretary determines that any such promulgation will not be completed within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such proceeding. If such rule or regulation has not been promulgated within 18 months after the date of the commencement of any proceeding with respect to such rule or regulation, the Secretary shall supply the Con-

gress with current data regarding the information specified in the preceding sentence, and shall provide the Congress with such information at the end of every 60-day period thereafter during which the proceeding remains incomplete.

(2) All rules, regulations, standards, and orders issued under this section shall be promulgated in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title), except that the time periods specified in paragraph (1) of this subsection shall apply to such promulgation.

(c) The Secretary may waive in whole or in part application of any rule, regulation, standard, or order established under this section with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles. Any waiver permitted under this subsection shall be published in the Federal Register, together with the reasons for such waiver. Any final agency action taken under this section is subject to judicial review, as provided in chapter 7 of title 5, United States Code.

(d) The Secretary, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary of Labor, shall undertake a study of health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include findings regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. The findings of such study shall be submitted to the Congress within 1 year after the date of enactment of this Act.

(e) The Secretary shall coordinate the activities of Federal agencies to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to assure maximum coordination, and to avoid overlap or the imposition of undue burdens on persons subject to such rules, regulations, standards, and orders.

(f) Section 3102 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall, before prescribing or revising any requirement under this section, consider the costs and benefits of such requirement.".

GENERAL POWERS

Sec. 07. (a) The Secretary may conduct, directly or indirectly, such research, development, demonstrations, and training activities as the Secretary considers appropriate to develop rules, regulations, standards, and orders authorized to be promulgated under section 06 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such rules, regulations, standards, and orders.

(h) In carrying out the Secretary's functions under this title, the Secretary is authorized to perform such acts (including conducting investigations and inspections; compiling statistics; making reports; issuing subpenas; requiring production of documents, records, and property; taking depositions; holding hearings; prescribing recordkeeping and reporting requirements; and carrying out and contracting for such research, development, testing, evaluation, and training) as the Secretary determines necessary to carry out the provisions of this title, or rules, regulations, standards, or orders issued pursuant to section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2302). The Secretary may delegate to a State such functions respecting the enforcement (including investigations) of the provisions of this title or rules, regulations, standards, or orders issued pursuant to this title as the Secretary determines appropriate to carry out such provisions.

(c) To carry out the Secretary's inspection and investigation functions under subsection (b) of this section, the Secretary or the Secretary's agent shall, as appropriate, consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment

DUTY TO INVESTIGATE COMPLAINTS; PROTECTION OF COMPLAINANTS

Sec. 08. (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a material violation of any rule, regulation, standard, or order issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within the Secretary's authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or finanical loss as a result of such disclosure.

PENALTIES

Sec. 09. (a) Section 507 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or an order or regulation issued under such section or Act. Such district court shall have jurisdiction to determine any such action and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.".

(b) Section 521(b) of title 49, United States Code, is amended to read as follows:

"(b)(1) If the Secretary finds that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a violation of a regulation issued under such section or such Act, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

"(2) Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have commited an act which is a violation of recordkeeping requirements issued by the Secretary pursuant to section 3102 of this title or the Motor Carrier Safety Act of 1984 shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation of recordkeeping requirements shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for such violations shall not exceed $2,500. If the Secretary determines that a serious pattern of safety violations, other than recordkeeping requirements, exists or has occurred, the Secretary may assess a civil penalty not to exceed $1,000 for each offense: *Provided, however,* That the maximum fine for each such pattern of safety violations shall not exceed $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, the Secretary may assess a civil penalty not to exceed $10,000 for each offense: *Provided, however,* That, except for recordkeeping violations, no civil penalty provided under this section shall be assessed against an employee for a violation of this section unless the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order to be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violation, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

"(3) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement of such notice in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of section 3102 of this title or the Motor Carrier Safety Act of 1984.

"(4) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, before referral to the Attorney General, such civil penalty may be compromised by the Secretary.

"(5)(A) If, upon inspection or investigation, the Secretary determines that a violation, or combination of violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an em-

ployer to cease all or part of the employer's commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of the order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

"(B) In this paragraph, 'imminent hazard' means any condition of vehicle, employee, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

"(6) Any person who knowingly and willfully violates any provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a regulation issued under this title or such Act, shall, upon conviction, be subject for each offense for a fine not to exceed $25,000 or imprisonment for a term not to exceed 1 year, or both, except that, if such violator is an employee, the violator shall only be subject to penalty if, while operating a commercial motor vehicle, the violator's activities have led or could lead to death or serious injury, in which case the violator shall be liable, upon conviction, for a fine not to exceed $2,500.

"(7) The Secretary shall promulgate regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in any notices and orders under this subsection.

"(8) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States court of appeals in the circuit wherein the violation is alleged to have occurred or where the violator has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

"(9) All penalties and fines collected under this section shall be deposited into the Highway Trust Fund.

"(10) In any action brought under this section, process may be served without regard to the territorial limits of the district of the State in which the action is brought.

"(11) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(12) As used in this subsection, the term—

"(A) 'commerce' means (i) trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, or (ii) in the case of a commercial motor vehicle transporting passengers, which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

"(B) 'commercial motor vehicle' means any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

"(i) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

"(ii) if such vehicle is designed to transport more than 15 passengers, including the driver; or

"(iii) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and are transported in quantities requiring placarding under regulations issued by the Secretary;

"(C) 'employee' means—

"(i) a driver of a commercial motor vehicle (including, for purposes of this subsection only, an independent contractor while in the course of personally operating a commercial motor vehicle);

"(ii) a mechanic;

"(iii) a freight handler; or

"(iv) any individual other than an employer; who is employed by a commercial motor carrier and who in the course of this employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States or any State who is acting within the course of such employment;

"(D) 'employer' means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States or any State;

"(E) 'person' means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals; and

"(F) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas, or a political subdivision thereof.

"(13) The provisions of this subsection shall not affect in any way any provision of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) or any regulation promulgated by the Secretary under such Act.".

(c) The Secretary shall conduct a study of the effectiveness of the civil and criminal penalties established under this title in deterring violations of the commercial motor vehicle safety regulations issued under this title and in effectively prosecuting such violations when they occur. Such study shall examine the effectiveness of penalties in effect before the date of enactment of this Act in comparison to the penalties established by this title. Such study shall also investigate the need for, and make recommendations concerning, increased fine levels for civil and criminal penalties, and the need for additional categories of civil and criminal penalties to deter further and prosecute effectively violations of such commercial motor vehicle safety regulations. The Secretary shall submit to Congress a report on the findings of this study, together with legislative recommendations, not later than 2 years after the date of enactment of this Act.

LITIGATION AUTHORITY

SEC. Section 413 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2313) is amended by striking "The Secretary, or, on" and inserting in lieu thereof "On".

STATE REGULATIONS

SEC. (a) Except as may otherwise be provided in this title or any other Act, all laws, rules, regulations, standards, and orders relating to commercial motor vehicle safety shall be nationally uniform, to the extent practicable. A State may adopt or continue in effect any law, rule, regulation, standard, or order relating to commercial motor vehicle safety, other than hours-of-service regulations applicable to intrastate commerce, until the Secretary has adopted a new rule, regulation, standard, or order, or has continued in effect an existing Federal regulation, regarding the subject matter of such State requirements, pursuant to the provisions of this section.

(b) Within 1 month after the date of enactment of this Act, the Secretary shall issue initial guidelines to assist the State in compiling and submitting materials related to commercial motor vehicle safety laws, rules, regulations, standards, or orders. Within nine months after the date of enactment of this Act, each State shall submit to the Secretary each law, rule, regulation, standard, and order for commercial motor vehicle safety which the State has adopted and has in effect.

(c)(1) A study of the laws, rules, regulations, standards and orders submitted under subsection (b) of this section shall be undertaken by a panel established by the Secretary for that purpose. The Secretary shall be the Chairman of the panel. In addition to the Secretary, the panel shall consist of not more than 15 individuals selected by the Secretary on the basis of their knowledge, expertise or experience regarding commercial motor vehicle safety. The Secretary shall, to the maximum extent possible, ensure that the members of the panel reflect diverse business, consumer and safety interests regarding commercial motor vehicles, as well as State and regional interests. Members of the panel shall receive no compensation, but shall, in accordance with section 5703 of title 5, United States Code, be entitled to reimbursement for travel or transportation expenses incurred in the performance of responsibilities as a member of the panel.

(2) The study required by paragraph (1) of this subsection shall consider the material submitted by States under subsection (b) of this section, and shall identify those laws, rules, regulations, standards and orders for commercial motor vehicle safety which are inconsistent with the objective of national uniformity. In addition, the study shall consider those instances where inconsistency of such laws, rules, regulations, standards and orders is necessary or desirable. The study shall also evaluate the need, if any, for Federal assistance to States to enable States to comply with laws, rules, regulations, standards and orders for commercial motor vehicle safety that are nationally uniform.

(3) Not later than eighteen months after the date of enactment of this Act, the Secretary shall submit the results of such study to the Congress, and shall make such results available for public inspection.

(d)(1) Within six months after the completion of the study required by subsection (c) of this section, the Secretary shall commence a rulemaking proceeding to promulgate rules regarding commercial motor vehicle safety. If the Secretary finds on the basis of such study that an existing Federal commercial motor vehicle safety regulation better serves the purposes of this title than would a new regulation, the Secretary shall

continue such existing regulation in effect. Any rules promulgated under this paragraph shall be based upon such study, and any such rule shall only be promulgated if the Secretary finds that it does not adversely affect any State law, rule, regulation, standards, or order—

(A) for which there is a compelling local safety need;

(B) which is not incompatible with any Federal law, rule, regulation, standard, or order; and

(C) which does not unduly burden interstate commerce.

(2) Any such rule shall be promulgated in accordance with section 553 of title 5, United States Code, except that the Secretary shall afford interested persons an opportunity for a hearing on the record.

(e)(1) After the promulgation of any rule under subsection (d) of this section, any State may petition the Secretary for a waiver from application to the State of such rule. The Secretary shall grant such waiver as expeditiously as possible, unless the Secretary finds that—

(A) There is no compelling safety need within such State for such safety rule; or

(B) the grant of such waiver will unduly burden interstate commerce.

(2) The decision to grant or deny a petition for a waiver submitted under this section shall only be made after the Secretary has afforded the relevant State an opportunity for a hearing on the record.

(f)(1) Not later than 60 days after a rule is promulgated under subsection (d) or action is taken regarding a waiver under subsection (e) of this section, any person adversely affected by such rule or action may file with the United States court of appeals for the District of Columbia or for the circuit in which such person resides or has his principal place of business a petition for judicial review of such rule or action.

(2) Upon the filing of a petition under paragraph (1) of this subsection, the court shall have jurisdiction to review such rule or action in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter. Such rule or action shall be affirmed unless the Secretary's findings under subsections (d) and (e) of this section are supported by substantial evidence on the record taken as a whole.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule or action shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

(g) Nothing in this title shall affect existing hour-of-service regulations of any State applying to commercial motor vehicle operations occurring wholly within that State, unless the Secretary affirmatively finds upon review of a State's hour-of-service regulations that such regulations—

(1) materially diminish commercial motor vehicle safety or the health and safety of employees;

(2) are not required by compelling local conditions; or

(3) unduly burden interstate commerce.

If the Secretary makes such an affirmative determination, the Secretary may require such State to adopt Federal hour-of-service regulations.

(h) The Secretary shall conduct a study of the safety performance of commercial motor vehicles operating in intrastate commerce. This study shall examine the effectiveness of individual State regulations governing such transportation in promoting safety in commercial motor vehicle safety operations. Such study shall also investigate the need to subject such transportation to the Federal commercial motor vehicle safety regulations, either in whole or in part. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than two years after the date of enactment of this Act.

INSPECTION

SEC. (a) Upon the instruction of a duly authorized State or Federal enforcement official, each commercial motor vehicle shall be required to pass an inspection of all safety equipment required under part 393 of subchapter B of chapter 3 of title 49. Code of Federal Regulations.

(b) The Secretary shall by ruled establish Federal standards for inspections of commercial motor vehicles no less often than annually, and retention by employers of records of such inspections. Such standards are to be considered minimum Federal standards.

(c) Nothing in this title shall be construed as preventing any State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking to afford interested parties an opportunity to comment on such part 393 and the inspection or retention procedure established pursuant to subsection (b) of this section. Amendments to the regulations shall be issued and published in the Federal Register not later than 1 year after such rulemaking is initiated. The amended regulations shall become effective on the date on which they are published in the Federal Register.

(e) A periodic inspection of a commercial motor vehicle in accordance with Federal standards established pursuant to subsection (b) of this section shall be recognized as adequate in every State for the period of such inspection. The provisions of this subsection shall not be deemed to prohibit a State from making random inspections of commercial motor vehicles.

CERTIFICATION OF SAFETY FITNESS

SEC. 13. (a) The Secretary, in cooperation with the Interstate Commerce Commission, shall by rule, after notice and opportunity for comment, establish a procedure to determine the safety fitness of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers of property or passengers under sections 10922 and 10923 of title 49. United States Code. Such procedure shall include—

(1) specific initial and continuing requirements to be met by such persons to prove safety fitness;

(2) a means of determining whether such persons meet the safety fitness requirements specified under paragraph (1); and

(3) specific time deadlines for action by the Department of Transportation and the Interstate Commerce Commission in making fitness determinations.

(b) Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the procedure established under subsection (a) of this section.

(c) The rules adopted under this section shall supersede all rules in effect on the date of enactment of this Act regarding safety fitness and safety rating of motor carriers.

(d) Notwithstanding any other provision of law, the Interstate Commerce Commission shall find any applicant for authority to operate as a motor common or contract carrier to be unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section, and shall deny such application.

HEAVY TRUCK RESEARCH

SEC. 14. (a) The Secretary shall undertake a comprehensive study of safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven. Such study shall include an examination of the handling, braking, stability, and crash-worthiness of heavy trucks, and an examination of the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers. Not later than September 30, 1985, the Secretary shall submit to the Congress a report on the findings of such study.

(b) There are authorized to be appropriated for fiscal year 1985 and 1986 such sums as may be necessary to conduct the research required under subsection (a) of this section.

TRUCK OCCUPANT PROTECTION

SEC. 15. The Secretary shall make a full investigation and study of crash protection for truck occupants. Such study shall examine potential and known hazards to truck occupants and means of improving truck-occupant safety. This study shall also include potential performance standards to be met by truck manufacturers. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than 1 year after the date of enactment of this Act.

(h) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to undertake the study required by subsection (a) of this section.

STUDY OF SAFETY-RELATED DEVICES

SEC. 16. (a) The Secretary shall conduct a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors, and motor-driven vehicles which are involved in emergency situations. Such study shall also investigate the potential costs and benefits of requiring passenger automobile operators to carry emergency warning devices, and shall examine the relative benefits of various types of warning devices in enhancing highway safety. The Secretary shall submit to the Congress a report containing the findings of this study not later than 6 months after the date of enactment of this Act.

(b) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to undertake the study required by this section.

OVERSIGHT

SEC. 17. The appropriate authorizing Committees of the Congress shall conduct periodic oversight hearings on the effects of this title no less often than annually for the first 3 years following the date of enactment of this Act, to insure that this title is being implemented according to congressional intent and the purposes of this title.

RELATIONSHIP TO OTHER LAW

SEC. 18. The provisions of this title shall not affect in any way any provision of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) or any regulation promulgated by the Secretary under such Act.

AMENDMENT TO MOTOR CARRIER ACT OF 1980

SEC. 19. Section 30(b)(3) of the Motor Carrier Act of 1980 (Public Law 96-296; 94 Stat. 821) is amended—

(1) by striking "and" immediately before "(B)"; and

(2) by inserting immediately before the period at the end thereof the following: ", and (C) in the case of any agricultural vehicle transporting any such material or substance in interstate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety".

(b) Section 30(g) of such Act is amended—

(1) by redesignating paragraphs (1), (2) and (3) as paragraphs (2), (3) and (4), respectively; and

(2) by inserting immediately before paragraph (1), as so redesignated, the following new paragraph:

"(1) agricultural vehicle" means any vehicle which (A) is designed or adapted and used exclusively for agricultural purposes, (B) is operated by a motor private carrier (as such term is defined in section 10102(15) of title 49, United States Code), and (C) is only incidentally operated on the highways;".

FIRST CONCURRENT RESOLUTION ON THE BUDGET

DOMENICI AMENDMENT NO. 4845

Mr. DOMENICI proposed an amendment to the concurrent resolution (H. Con. Res. 280) revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987; as follows:

Strike all after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1984 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1985 is hereby established, and the appropriate budgetary levels for fiscal years 1986 and 1987 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1984: $672,900,000,000.
Fiscal year 1985: $750,900,000,000.
Fiscal year 1986: $810,800,000,000.
Fiscal year 1987: $881,000,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1984: $0.
Fiscal year 1985: $300,000,000.
Fiscal year 1986: $100,000,000.
Fiscal year 1987: $100,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $45,400,000,000.
Fiscal year 1986: $52,000,000,000.
Fiscal year 1987: $57,200,000,000.

and the amounts for Federal Insurance Contributions Act revenues for old-age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1984: $116,200,000,000.
Fiscal year 1985: $188,700,000,000.
Fiscal year 1986: $204,500,000,000.
Fiscal year 1987: $221,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1984: $918,900,000,000.
Fiscal year 1985: $1,021,350,000,000.
Fiscal year 1986: $1,103,800,000,000
Fiscal year 1987: $1,200,250,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1984: $845,600,000,000.
Fiscal year 1985: $932,050,000,000.
Fiscal year 1986: $1,003,550,000,000.
Fiscal year 1987: $1,088,600,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1984: $172,700,000,000.
Fiscal year 1985: $181,150,000,000.
Fiscal year 1986: $192,750,000,000.
Fiscal year 1987: $207,600,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1984: $1,575,700,000,000.
Fiscal year 1985: $1,823,800,000,000.
Fiscal year 1986: $2,090,000,000,000.
Fiscal year 1987: $2,377,600,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1984: $2,700,000,000.
Fiscal year 1985: $248,100,000,000.
Fiscal year 1986: $266,200,000,000.
Fiscal year 1987: $287,600,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal year beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986, are as follows:

Fiscal year 1984:
(A) New direct loan obligations, $37,600,000,000.
(B) New primary loan guarantee commitments, $105,550,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:
(A) New direct loan obligations, $38,100,000,000.
(B) New primary loan guarantee commitments, $112,100,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:
(A) New direct loan obligations, $40,900,000,000.
(B) New primary loan guarantee commitments, $117,150,000,000.
(C) New secondary loan guarantee commitments, $69,950,000,000.

Fiscal year 1987:
(A) New direct loan obligations, $42,600,000,000.
(B) New primary loan guarantee commitments, $123,300,000,000.
(C) New secondary loan guarantee commitments, $71,700,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1984 through 1987 for each major functional category are:

(1) National Defense (050):

Fiscal year 1984:
(A) New budget authority, $264,150,000,000.
(B) Outlays, $230,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $292,900,000,000.
(B) Outlays, $262,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $324,700,000,000.
(B) Outlays, $288,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $359,800,000,000.
(B) Outlays, $321,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1984:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $9,100,000,000.
(D) New primary loan guarantee commitments, $8,650,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $9,500,000,000.
(D) New primary loan guarantee commitments, $9,300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $18,750,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $11,800,000,000.
(D) New primary loan guarantee commitments, $10,000,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $19,500,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $12,800,000,000.
(D) New primary loan guarantee commitments, $10,400,000,000.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1984:
(A) New budget authority, $8,550,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $150,000,000.

(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,750,000,000.
(B) Outlays, $8,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $8,950,000,000.
(B) Outlays, $8,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1984:
(A) New budget authority, $1,100,000,000.
(B) Outlays, $2,459,000,000.
(C) New direct loan obligations, $4,700,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $4,050,000,000.
(C) New direct loan obligations, $4,700,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $4,050,000,000.
(C) New direct loan obligations, $4,800,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $3,850,000,000.
(C) New direct loan obligations, $5,000,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1984:
(A) New budget authority, $12,250,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $11,850,000,000.
(B) Outlays, $12,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $12,050,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $12,350,000,000.
(B) Outlays, $11,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Agriculture (350):
Fiscal year 1984:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $11,800,000,000.
(C) New direct loan obligations, $11,450,000,000.
(D) New primary loand guarantee commitments, $5,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $16,400,000,000.
(C) New direct loan obligations, $13,500,000,000.
(D) New primary loan guarantee commitments, $4,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $14,750,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $14,000,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $14,100,000,000.
(B) Outlays, $15,850,000,000.
(C) New direct loan obligations, $14,500,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1984:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $4,400,000,000.
(C) New direct loan obligations, $6,150,000,000.
(D) New primary loan guarantee commitments, $50,000,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $6,350,000,000.
(D) New primary loan guarantee commitments, $52,250,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $2,200,000,000.
(C) New direct loan obligations, $6,450,000,000.
(D) New primary loan guarantee commitments, $54,700,000.
(E) New secondary loan guarantee commitments, $69,950,000,000.
Fiscal year 1987:
(A) New budget authority, $7,700,000,000.
(B) Outlays, $3,400,000,000.
(C) New direct loan obligations, $6,650,000,000.
(D) New primary loan, guarantee commitments, $56,900,000,000.
(E) New secondary loan guarantee commitments, $71,700,000,000.
(8) Transportation (400):
Fiscal year 1984:
(A) New budget authority, $29,550,000,000.
(B) Outlays, $24,900,000,000.
(C) New direct loan obligations, $1,150,000,000.
(D) New primary loan guarantee commitments, $450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $30,050,000,000.
(B) Outlays, $27,100,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $30,100,000,000.
(B) Outlays, $28,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $31,150,000,000.
(B) Outlays, $30,050,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1984:
(A) New budget authority, $7,250,000,000.
(B) Outlays, $7,250,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,500,000,000.
(B) Outlays, $8,050,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $7,800,000,000.
(B) Outlays, $8,150,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1984:
(A) New budget authority, $31,600,000,000.
(B) Outlays, $28,000,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $30,800,000,000.
(B) Outlays, $29,900,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $30,700,000,000.
(B) Outlays, $30,600,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $32,100,000,000.
(B) Outlays, $31,100,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1984:
(A) New budget authority, $31,700,000,000.
(B) Outlays, $30,750,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $33,150,000,000.
(B) Outlays, $34,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $36,350,000,000.
(B) Outlays, $36,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $39,300,000,000.
(B) Outlays, $38,800,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1984:
(A) New budget authority, $62,800,000,000.
(B) Outlays, $58,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $70,300,000,000.
(B) Outlays, $65,350,000,000.
(C) New direct loan obligations, $0.
(D) New Primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $81,900,000,000.
(B) Outlays, 72,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, 0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $96,600,000,000.
(B) Outlays, $81,600,000,000.
(C) New direct loan obligations, $0.
(D) New Primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1984:
(A) New budget authority, $121,800,000,000.
(B) Outlays, $95,900,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New Primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $143,600,000,000.
(B) Outlays, $111,700,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New Primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $154,300,000,000.
(B) Outlays, $119,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New Primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $161,300,000,000.
(B) Outlays, $124,450,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1984:
(A) New budget authority, $175,650,000,000.
(B) Outlays, $178,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $199,450,000,000.
(B) Outlays, $188,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $213,750,000,000.
(B) Outlays, $200,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $227,050,000,000.
(B) Outlays, $215,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1984:
(A) New budget authority, $26,350,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $1,350,000,000.
(D) New primary loan guarantee commitments, $18,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,850,000,000.
(B) Outlays, $26,350,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $22,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,150,000,000.
(B) Outlays, $26,750,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $25,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $27,600,000,000.
(B) Outlays, $26,950,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $28,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,150,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $6,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,350,000,000.
(B) Outlays, $6,350,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1984:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $5,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1984:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $6,450,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $6,450,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,750,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1984:
(A) New budget authority, $111,100,000,000.
(B) Outlays, $111,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $133,800,000,000.
(B) Outlays, $133,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $149,750,000,000.
(B) Outlays, $149,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $167,950,000,000.
(B) Outlays, $167,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1984:
(A) New budget authority, $500,000,000.
(B) Outlays, $550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $−750,000,000.
(B) Outlays, $−700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $1,850,000,000.
(B) Outlays, $2,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $3,150,000,000.
(B) Outlays, $3,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1984:
(A) New budget authority, $15,950,000,000.
(B) Outlays, $15,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $33,150,000,000.
(B) Outlays, $33,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $37,450,000,000.
(B) Outlays, $37,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $39,200,000,000.
(B) Outlays, −$39,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

GENERAL PROVISIONS

SEC. 2. (a) For fiscal years 1985, 1986, and 1987, any revenues raised by legislation enacted on or after March 15, 1984, shall only be used to reduce the Federal budget deficits for such fiscal years except to the extent that such legislation earmarks all or any part of such revenues for specific spending programs.

(b) For fiscal years, 1985, 1986, and 1987, increased funding would be appropriate if authorizations are enacted for education programs, environmental protection, health research activities, and such specific low-income programs as employment initiatives for disadvantaged youth, public works, jobs for community renewal, increased funding for Aid to Families with Dependent Children and the state component of the Supplemental Security Income program in order to ensure that the purchasing power of recipients is maintained, increased funding for Title XX of the Social Security Act, and an increase in the earned income tax credit, pursuant to subsection (a) above, if sufficient outlay reductions or new revenues are also enacted to ensure that the legislation is deficit neutral.

ADMINISTRATIVE SAVINGS

SEC. 3. It is the sense of the Congress that the executive branch shall achieve as much of the $153.2 billion in savings as is feasible, but in no case less than $2.0 billion over fiscal years 1985 through 1987 which have been recommended by the President's Private Sector Survey on Cost Control and which can be achieved through administrative action within that branch of Government. It is further the sense of the Congress that the President should report to Congress each year, in conjunction with the annual budget submission, on the progress made in achieving the savings required by this section, and that the budget submission for fiscal year 1986 should contain information regarding such administrative savings as have already been achieved.

AUTOMATIC SECOND BUDGET RESOLUTION

SEC. 4. (a) Effective October 1, 1984, this concurrent resolution shall be deemed to be the concurrent resolution on the budget for fiscal year 1985 required to be reported under section 310(a) of the Congressional Budget Act of 1974, for the purposes of the prohibitions contained in section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary

budget authority or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1985 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1985 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

SECTION 302(b) FILING REQUIREMENT

SEC. 5. (a) It shall not be in order in the House of Representatives to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1985;

(2) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in fiscal year 1985; or

(3) direct loan authority, primary loan guarantee authority, or secondary loan guarantee authority for fiscal year 1985;

within the jurisdiction of any committee which has received an allocation pursuant to section 302(a) of the Congressional Budget Act of discretionary budget authority or new spending authority, as described above, for such fiscal year, unless and until such committee makes the allocation or subdivisions required by section 302(b) of the Congressional Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

(b) The prohibition contained in subsection (a) shall not apply until twenty-one days of continuous session, as defined in section 1011(5) of the Impoundment Control Act of 1974, after Congress completes action on this concurrent resolution.

CLEAN WATER ACT AUTHORIZATION

LAUTENBERG (AND BRADLEY) AMENDMENT NO. 4846

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself and Mr. BRADLEY) submitted an amendment intended to be proposed by them to the bill (S. 431) to amend the Clean Water Act, as amended, to authorize funds for fiscal years 1983, 1984, 1985, 1986, and 1987, and for other purposes; as follows:

On page 56, after line 5, insert the following new section:

LIMITATION ON DISCHARGE OF RAW SEWAGE BY NEW YORK CITY

SEC. 20. (a)(1) If the wastewater treatment plant identified in the consent decree as the North River plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1986, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1986 (as determined by the Administrator of the Environmental Protection Agency), except as provided in subsection (b).

(2) If the wastewater treatment plant identified in the consent decree as the Red Hook plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1987, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1987 (as determined by the Administrator of the Environmental Protection Agency), except as provided in subsection (b).

(b)(1) In the event of any significant interruption in the operation of the North River plant or the Red Hook plant caused by an event described in subparagraph (A), (B), or (C) of paragraph (5) occurring after the applicable deadline established under subsection (a), the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a) with respect to such plant, but only to such extent and for such limited period of time as may be reasonably necessary for the city of New York to resume operation of such plant.

(2) In the event that the volume of precipitation occurring after the applicable deadline established under subsection (a) causes the discharge of raw sewage to exceed the limitation under subsection (a), the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a) with respect to either or both such plants, but only to such extent and for such limited period of time as the Administrator determines to be necessary to take into account the increased discharged caused by such volume of precipitation.

(3) In the event that an increase in discharges from the North River drainage area constituting a violation of subsection (a)(1) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1986, is not responsible for such violation, the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a)(1), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(4) In the event that an increase in discharges from the Red Hook drainage area constituting a violation of subsection (a)(2) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1987, is not responsible for such violation, the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a)(2), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(5) The Administrator of the Environmental Protection Agency shall extend either deadline under paragraph (1) or (2) of subsection (a) to such extent and for such limited period of time as may be reasonably required to take into account any—

(A) act of war,

(B) unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight, or

(C) other circumstances beyond the control of the city of New York, such circumstances not to include (i) the unavailability of Federal funds under section 201 of the Federal Water Pollution Control Act, (ii) the unavailability of funds from the city of New York or the State of New York, or (iii) a policy decision made by the city of New York or the State of New York to delay the achievement of advanced preliminary treatment at the North River plant or Red Hook plant beyond the applicable deadline in subsection (a).

(c) Except as otherwide provided in subsection (b), any violation of subsection (a) shall be considered to be a violation of section 301 of the Federal Water Pollution Control Act, and all provisions of such Act relating to violations of such section 301 shall apply.

(d) For purposes of this section, the "consent decree" is the consent decree entered into by the Environmental Protection Agency, the city of New York, and the State of New York, on December 30, 1982, relating to construction and operation of the North River and Red Hook wastewater treatment plants.

(e) The Administrator of the Environmental Protection Agency shall work with the city of New York to eliminate the discharge of raw sewage by such city at the earliest practicable date.

(f) Nothing in this section shall be construed as modifying the terms of the consent decree.

(g) It is the sense of the Congress that the Administrator of the Environmental Protection Agency should not agree to any further modification of the consent decree with respect to the schedule for achieving advanced preliminary treatment.

(h)(1) The provisions of this section shall remain in effect with respect to the North River drainage area until such time as the North River plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(2) The provisions of this section shall remain in effect with respect to the Red Hook drainage area until such time as the Red Hook plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(i) The Administrator of the Environmental Protection Agency shall establish and carry out a program within available funds to implement the monitoring activities which may be required under subsection (a) by December 1, 1984. The Administrator of the Environmental Protection Agency shall establish the methodologies, data base, and any other information required for making determinations under subsection (b) for the North River drainage area (as defined in the consent decree) by July 31, 1986, unless the requirements of subsection (h)(1) have been satisfied, and for the Red Hook drainage area (as defined by the consent decree) by July 31, 1987, unless the requirements of subsection (h)(2) have been satisfied. In carrying out such program, if the Administrator finds that a violation of subsection (a) has occurred, the Administrator shall also determine, within 30 days after such finding, whether a provision of subsection (b) applies. If the Administrator requires information from the city of New York in order

to determine whether a provision of subsection (b) applies, the Administrator shall request such information. If the city of New York does not supply the information requested by the Administrator, the Administrator shall determine that subsection (b) does not apply. The city of New York shall be responsible only for such expenses as are necessary to provide such requested information. Enforcement action pursuant to subsection (c) shall be commenced at the end of such 30 days unless a provision of subsection (b) applies.

Mr. LAUTENBERG. Mr. President, when the Senate considers S. 431, the Clear Water Act Amendments of 1983, I intend to offer an amendment, for myself and Senator BRADLEY, to address a regional water quality problem that has plagued New Jersey for decades. I refer to the unconscionable practice, by the city of New York, of dumping hundreds of millions of gallons of raw sewage a day into the Hudson-Raritan Estuary, which washes New Jersey's shores.

Today the city of New York is dumping approximately 230 million gallons of raw sewage a day into the Hudson and East Rivers. This practice has gone on for decades, Mr. President, unabated by legal action by the Interstate Sanitary Commission, a tri-State body with environmental responsibilities for the New Jersey, New York, and Connecticut area, entreaties and enforcement actions by the Environmental Protection Agency; and two court-ordered deadlines to cease this practice which have long passed.

New York City is the only major municipality in the country which still does not provide at least preliminary treatment of its wastes. In fact, the city of New York is responsible for dumping over two-thirds of the raw sewage discharged in the entire Nation. It does so because of the absence of sewage treatment plants in two major drainage areas in New York City, encompassing parts of Manhattan and Brooklyn.

The city of New York is now building the North River and Red Hook sewage treatment plants to treat these wastes under court-ordered deadlines. By August 1, 1986, it is supposed to have the North River plant on line to treat up to 170 million gallons of sewage and wastes a day. By August 1, 1987, it is supposed to have the Red Hook treatment plant on line to treat 60 million gallons a day of waste. By those dates, the respective plants are required to achieve advanced preliminary treatment. They are not required to provide secondary treatment until 1991 and 1989 respectively.

These deadlines are dictated by a consent decree signed by the city of New York in December 1982. This decree is the third such consent decree that the city of New York has entered into with respect to these facilities. The first was signed in 1977; the second in 1979. Both of these decrees were renegotiated to extend the city's deadline for complying with the Clean Water Act. No fines or penalties were ever levied against the city for failure to comply with earlier court-ordered deadlines. In each case, EPA simply extended New York's deadlines.

Mr. President, these consent decrees have been negotiated by a small number of parties—the city, the State of New York, the EPA, and a district court judge—none of whom are accountable directly to the public. In essence, they have served as a legal cover for the city. This cozy arrangement has resulted in special treatment for the city of New York under the Clean Water Act. It has contributed to continued degradation of regional waters.

As a result of these arrangements, legal action initiated by the Interstate Sanitary Commission decades ago has not resulted in the abatement of raw sewage dumping by the city. If New York complies with the deadlines in its current consent decree, it will not even begin to provide secondary treatment for the wastes for these drainage areas until 5 years after it was required to do so by its first consent decree.

Mr. President, my amendment is guided by a simple aphorism drawn from the sports world: three strikes and you're out.

Simply stated, the amendment will impose a cap on raw sewage discharges from the drainage areas in the city of New York currently without treatment plants if the city fails to meet the deadlines for achieving advanced preliminary treatment contained in its current consent decree. These deadlines are August 1, 1986, for the North River plant in Manhattan and August 1, 1987, for the Red Hook plant in Brooklyn.

If these deadlines are met, the cap will be unnecessary because all raw sewage discharges will cease. If the city fails to meet these deadlines, a cap will be imposed in the drainage area in violation of the decree. It will stay in effect until the city brings the affected plant online and it operates successfully for 6 months.

The cap imposed by this amendment will be based on the annual average daily discharge of raw sewage between March 15, 1985, and March 15, 1986, for the North River drainage area, and March 15, 1986, and March 15, 1987, in the Red Hook drainage area, or the 12 months preceding operation of the plants, whichever, is earlier. If the city misses its consent decree deadlines, it will be in violation of this amendment if it discharges, in any 30-day period, more raw sewage than the annual daily average discharged during the applicable baseline year.

Mr. President, this amendment combines the use of the carrot and the stick.

It provides a strong incentive for the city to have both of these plants online as soon as possible. It directs the EPA to work with the city to end raw sewage discharges at the earliest possible date.

If New York City does not meet its deadlines, the amendment provides for tough penalties unless the city is prevented from complying by circumstances beyond its control.

The imposition of a cap on raw sewage discharges, upon a violation of the consent decree, in effect says to the city of New York, "You cannot continue to grow without restraint if you cannot treat your wastes."

Upon violation of the cap, the city would be subject to the enforcement provisions in section 309 of the Clean Water Act. These penalties would be in addition to those provided for for violation of the consent decree. They include tough civil and criminal penalties, and would enable EPA to seek a temporary or permanent injunction against the city, to bring civil actions against the city, and to initiate criminal prosecution in cases of negligence or falsification of records.

With the changes S. 431 makes to section 309 of the Clean Water Act, a violation of the cap imposed by this amendment could result in substantial penalties of up to $50,000 a day. A violation stemming from a criminal conviction could lead to imprisonment.

Finally, Mr. President, the amendment states that it is the sense of the Congress that EPA should not extend the deadlines in the city's existing consent decree any further.

Mr. President, this amendment has been very carefully crafted to take account of so-called acts of God, and other circumstances which are beyond the city's control. Thousands of cities around this Nation, large and small, with far fewer resources than the city of New York, have struggled to comply with the Clean Water Act. Not one other major city in the country is discharging raw sewage into waterways. Only three other States even have discharges of raw sewage exceeding 10 million gallons a day.

New Jersey has had its share of water quality problems. But not one New Jersey municipality is discharging raw sewage. Treatment plants in northern New Jersey are all achieving advanced preliminary treatment, and the major plants serving this area are achieving secondary treatment.

The New Jersey Department of Environmental Protection has imposed approximately 50 sewer hookup bans in New Jersey, currently affecting about 75 communities, to improve compliance with the Clean Water Act. Several communities may finance the upgrading of their sewage treatment plants to secondary treatment without any Federal or State aid. In some

cases, the Department of Environmental Protection in New Jersey is requiring private sector parties to contribute to local efforts to upgrade sewage treatment facilities as the price of securing a sewer hookup permit and proceeding with planned development.

Mr. President, I regret the regional tension that has arisen over this issue. New Jersey and New York do not need to grow at each other's expense. Regional growth is good for both States.

By the same token, Mr. President, this growth should be accompanied by appropriate environmental protection. It must not come at the expense of the environment. It must not come at the expense of New Jersey's tourist and commercial and recreational fishing industries.

Should New York continue past environmental practices, New Jersey would be the loser twice. It would suffer from a competitive disadvantage, by following a clean growth strategy while New York City pursued growth unlimited by environmental concerns.

It would also suffer as the continued recipient of New York's pollution.

The amendment will provide strong incentives for New York City to comply with its consent decree without unfairly penalizing the city.

Mr. President, with this dispute behind us, I hope S. 431 will be scheduled for floor action promptly. Only a handful of days remain before the Congress adjourns until next year. I was very disappointed that the majority leader did not schedule this bill for consideration last week. I hope the Senate will find time to consider it this week.

Mr. President, I ask unanimous consent that the two letters Senator BRADLEY and I have sent to the majority leader urging Senate action on S. 431, and several editorials and articles from New Jersey publications be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, DC, August 10, 1984.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader, U.S. Senate, Washington, DC.

DEAR HOWARD: We are writing to urge you to schedule action on S. 431, the Clean Water Act Amendments of 1983, as soon as possible after we reconvened on September 5.

As you know, this bill has been held up largely at the request of the Senators from New York. Over the past three weeks we have engaged in intensive negotiations with Senators Moynihan and D'Amato to facilitate consideration of this bill. Unfortunately, the Senators from New York continued to resist scheduling action on this bill before we recessed.

We are prepared to continue negotiations with all affected parties to facilitate prompt action on S. 431. The improvements to the Clean Water Act included in S. 431 and its companion House bill, H.R. 3282, are of vital importance to our state and the country. This measure is a top environmental priority before the Congress and should be considered quickly, so that a conference can be concluded, and the measure approved, before we adjourn in October.

When S. 431 is scheduled for action, we intend to offer an amendment dealing with water quality in the New York-New Jersey region. Should a time agreement be in order at that time, we request that we be consulted before any agreement is entered into so that a limited amount of time can be provided for our amendment.

Thank you for your consideration of this matter.

Sincerely,

BILL BRADLEY.
FRANK R. LAUTENBERG.

U.S. SENATE,
Washington, DC, September 19, 1984.

Hon. HOWARD H. BAKER, Jr.,
U.S. Senate,
Washington, DC.

DEAR HOWARD: We are writing to follow-up on our letter of August 10, 1984 to once again urge you to schedule timely action on S. 431, the Clean Water Act Amendments of 1983.

The Senate Environment and Public Works Committee reported S. 431 to the full Senate for consideration on September 21, 1983 by a unanimous vote of 14-0. The House of Representatives approved a companion measure, H.R. 3282, by an overwhelming vote of 405-11, on June 26, 1984. Both measures contain critical provisions which can result in an improvement in our national water quality programs and in our environment. Recently, twenty-six groups representing a broad spectrum of the business, labor and environmental communities wrote to every Member of the Senate urging prompt consideration of S. 431.

After intense discussions with officials from the City of New York and Senators D'Amato and Moynihan, we have crafted an amendment that takes into consideration all concerns raised with us by these parties. We consider our amendment an equitable solution to severe water quality problems in our region. We need only a limited amount of time for consideration of our amendment. We hope you can schedule floor action on S. 431 shortly so that a conference can be concluded, and a measure enacted, before adjournment.

The Clean Water Act Amendments of 1983 are a top environmental priority of the 98th Congress. If conferees are to have a chance to meet on this measure, it is imperative that this bill be scheduled immediately.

Sincerely,

BILL BRADLEY.
FRANK R. LAUTENBERG.

[From the Newark [NJ] Star Ledger, Sept. 26, 1984]

A REASONABLE SOLUTION

The Senate amendment to the Clean Water Act designed to prevent continued dumping of raw sewage by New York City into the Hudson and East rivers has been dubbed a compromise, but the measure is, nevertheless, strong enough to make New York stick to its promise to clean up its act.

The advantage of the amendment is that it will allow the Senate to take up the Clean Water Act the broader legislation that includes the prohibition against New York dumping Prior to the compromise New York's two Senators—Democrat Daniel Moynihan and Republican Alfonse D'Amato—threatened to seek to block the Clean Water Act through delaying filibuster tactics.

Rep. James Howard the New Jersey Democrat who led the fight against New York dumping voiced satisfaction with the compromise stating: "With this amendment New York will no longer be able to seek waivers from the Federal courts to allow continued pollution."

This is the major consideration. New York City has been the principal polluter in the metropolitan area for many years now and New Jersey has been the principal victim of the city's thoughtless and illegal action in dumping raw sewage into the waters. Marine life and beaches in New Jersey have been severely contaminated by the practice. The legislation should put a stop to this.

Under it, New York City would face criminal penalties, fines and a construction ban if it fails to get two sewage treatment plants into operation on schedule. The court-imposed deadline is Aug. 1, 1986 for one plant and a year later for the other.

The House version of the measure was even tougher but perhaps less realistic. It would have placed a cap on the amount of sewage the city could dump into the rivers on March 15, 1986, regardless of the completion of the treatment plants.

The Senate version should do the trick. It is, however, up to the Federal Government to make sure that once passed, the legislation is strictly enforced.

[From the Bergen Record, Sept. 6, 1984]

WHAT'S NEW YORK AFRAID OF

New York's congressional delegation doth protest too much. "Mean-spirited, petty, mean, nasty" that's the way Sen. Alfonse D'Amato is characterizing an amendment to the Clean Water Act that would penalize New York City for continuing to dump raw sewage into the Hudson River.

We don't agree. The amendment in question, sponsored by Rep. James Howard of New Jersey, would merely make New York City adhere to a court-ordered deadline for completion of treatment plants to end the dumping, which is fouling New Jersey's beaches and ruining its fishing industry. It is simply common-sense insurance for New Jersey. How long can the state be expected to tolerate daily waste discharges that would cover the playing field at Giants Stadium with 67 feet of sewage?

New York City's record in this area is none too savory. The city has been planning the two sewage plants—at 137th Street in Manhattan and at Red Hook in Brooklyn—since the late Sixties. Delay followed delay. When construction finally started, completion dates were pushed forward at least twice. Now, nearly 20 years later, the noxious stuff is still spewing into the Hudson. Given this record, why should New Jersey trust the city to comply with a 1986 dumping deadline?

The Howard amendment, adopted by the House in June, would place a cap on raw-sewage discharges into the Hudson after the 1986 deadline. If the city exceeded the limit, it couldn't permit construction of any new buildings with sewer hookups. The Clean Water Act awaits action in the Senate, and Senators Bill Bradley and Frank Lautenberg of New Jersey are seeking similar guarantees. Now Senator D'Amato is threaten-

ing to filibuster if the Howard amendment is incorporated into the Senate bill.

Why all the fuss? If the city truly intends to comply with court-ordered deadlines, as its spokesmen say it does, and the sewage-treatment plants go into operation late next year, as they are supposed to the Howard amendment won't stop a single building. What's New York afraid of? If the answer is that it doesn't think it can meet this long-overdue 1986 deadline, we're glad the New Jersey congressmen are standing guard to make sure that it does.

[From the Shrewsbury Register, Mar. 7, 1984]

NEW YORK PLAYS DIRTY

"Flush and forget." That apt phrase, coined by New Jersey's junior senator, Frank Lautenberg, succinctly sums up New York City's bad neighbor policy of pushing ahead with large-scale building and dumping its raw sewage on us.

The city, which has been flushing its toilets on our beaches for years, will be sending even more raw sewage our way if its new convention center opens on schedule next year. It already is pouring 220 million gallons of raw sewage into the Hudson River, the East River and New York Harbor every day, untreated human waste which washes up on our beaches. The new convention center, the $2 billion Battery Park City, every new skyscraping office building that brings New York more tax ratables brings more pollution to us.

How does New York get away with it? Where is the Federal Environmental Protection Agency, which supposedly is watchdogging the Clean Water Agency, which supposedly is watchdogging the Clean Water Act?

The EPA apparently operates on a double standard. While it forced towns on the New Jersey side of the Hudson to stop development until they provided adequate sewage treatment facilities, it has permitted New York to proceed with massive development. And, while New Jersey has struggled to conform with the Clean Water Act, New York has been granted exemptions from it.

Rep. James J. Howard, D-N.J., is scheduling public hearings this spring by the House Public Works and Transportation Committee, which he heads to determine whether the EPA has been enforcing the Clean Water Act even-handedly, or has been giving New York City favored treatment. And Lautenberg has said he will ask the Senate Environmental and Public Works Committee, on which he serves, to conduct hearings on that question, too.

Monmouth County officials at every level—our representatives in the state Legislature, freeholders, members of municipal governing bodies—have been fighting for years to stop New York's "build and pollute" policies. Four years ago, Assemblyman Anthony M. Villane Jr., R-Monmouth, a leader in that fight, charged that the EPA was advocating "deliberate destruction of New Jersey's beaches" when it approved construction of the Manhattan convention center. "It's the same old story," Villane commented at that time, "New York gets the development, the tax ratables and economic boost, while New Jersey gets the poison."

In an effort to give a new ending to that "same old story," Rep. Matthew J. Rinaldo, R-N.J., has called on the EPA to order the opening of the convention center delayed until completion of the pipeline hooking it into a new treatment plant, a hook-up scheduled to go into operation in the summer of 1986. That wouldn't do anything to stop the befouling of our beaches, but it would get the message across to city officials: New Jersey isn't New York's cesspool.

We're not trying to hamper New York's economic development. But New Jersey's economy is at stake: our $7 billion-a-year tourist industry is threatened. There is need for determined federal action to ban any further major construction in New York until the city cleans up its act.

[From the Newark Star Ledger, May 13, 1984]

NEVER TOO LATE

The time for all the fine intellectual doubletalk has passed. The time for putting your money where your mouth is will soon be arriving. That, in substance, was the message that the Environmental Protection Agency (EPA) gave to New York City about the large quantities of raw sewage that New York pumps daily into surrounding waterways.

William Ruckelshaus, the EPA administrator, said the federal agency is prepared to "hold the city's feet to the fire" to make sure it meets its deadline of completing two big wastewater plants by 1986-1987. The form the federal hotfoot will take will be fines of up to $25,000 a day for non-compliance. As a politician once said in another context: That adds up to real money after a while.

Mr. Ruckelshaus is to be commended for his rectitude in forcing New York to clean up its act. Its pollution has caused enormous problems for the entire metropolitan area for decades. What was sometimes more upsetting than the pollution it caused was the city's attitude towards its misdeeds.

This consisted for the most part of vehement denial. Such denials frequently consisted of two contradictory parts. One part was New York's contention that there wasn't any pollution on its part. The other was a claim that it was rapidly being abated. Add to this an equal part of arrogance in which it regularly lectured New Jersey on its responsibilities and you had what came close to a new high in bureaucratic obnoxiousness.

The situation should be greatly improved when the two New York treatment plants are on line. The new stern line from the top at EPA, which affirms that, barring an "act of God," the plants will run on schedule or New York will pay until it hurts, ought to do the job.

In fact, New York has changed its tune about getting the plants built on time. It is not only going to do it; it is going to like doing it. "New York City is no longer objecting to going to full secondary treatment," said Mr. Ruckelshaus. "This city has changed its position on this issue."

To this late conversion, there are only two appropriate comments. One is: "Congratulations!" The other is: "Better late than never."

[From the Newark Star Ledger, Apr. 9, 1984]

POLLUTION HAZARD

The investigation of New York City's massive discharges of raw sewage into metropolitan waterways has given an overdue needed impetus to begin resolving what has become the nation's worst sewage and sludge problem. This is a refreshing change of official attitude, further fortified by recent pledges by the U.S. Environmental Protection Agency (EPA) for "strict enforcement" of federal clean water regulations.

A ranking EPA regional official, Dr. Richard Dewling, said the federal agency is giving a priority status to funding for sewage treatment plant upgrading in crucial urban areas in New Jersey and New York. This belated governmental action is a direct response to an ongoing congressional inquiry.

Two New Jersey congressional Democrats—Sen. Frank Lautenberg, a member of the Senate Environment and Public Works Committee, and Rep. James J. Howard, chairman of the House Public Works and Transportation Committee—are scheduling hearings on New York City's blatant violations of the 1972 Clean Water Act.

The congressmen want to know why New York City has been permitted to discharge more than 220 million gallons a day of raw, untreated sewage directly into the Hudson and East Rivers since 1972 when the Clean Water Act became law.

The regional EPA director, Jacqueline Schafer, denied reports that the agency has given New York City preferential treatment by permitting the discharge. She said the EPA is "going to enforce and implement the Clean Water Act on both sides of the Hudson." That's the most encouraging development to date for New Jersey in this ongoing pollution controversy.

If that commitment is vigorously enforced, it would constitute a responsible administrative action in eliminating what Sen. Lautenberg and Rep. Howard have criticized as a "double standard" that gives New York the right to build and pollute, while New Jersey must control growth and check pollution with expensive sewage treatment plants.

There are no operating treatment plants in Manhattan, yet New Jersey's largest sewer plants are operating on a secondary treatment, the highest treatment for urban wastewater. New York City has erected billions of dollars worth of high-rises during the past dozen years, resulting in a ceaseless flow of filth into the rivers and coastal waters along the Jersey Shore and Long Island.

The congressional probe underscores a compelling sense of urgency for a broad coalition of federal, state and local governments to begin addressing this enormous pollution problem by finally completing pollution control programs that began two decades ago.

As a potent initial phase, the EPA should mandate New York, the principal source of widespread contamination of regional waterways, to complete its pollution control facilities before further significant development proceeds.

[From the Newark Star Ledger, May 15, 1984]

RAW DEAL

Strange things are happening on the other side of the Hudson River. New York's two U.S. senators have joined forces and are doing their fighting best to keep Congress from passing legislation that would limit the amount of raw sewage that New York City can dump.

At a joint press conference, Sen. Alfonse D'Amato, a Republican, and Sen. Daniel Moynihan, a Democrat, castigated Rep. James Howard of New Jersey, chairman of the House Public Works and Transportation Committee, for proposing an amendment to the Clean Water Act that would prohibit

the nation's largest city from dumping more raw sewage into the Hudson and East rivers than it is now doing.

One could reach two conclusions from the D'Amato-Moynihan opposition. First, that only a little bit of sewage is involved. Second, that New Yorkers enjoy wallowing in the filth they flush into the rivers. Neither has any validity.

What is involved is 220 million gallons of pollution each and every day. That's an awful lot of awful stuff that no one in his right mind would want to live with.

Congressman Howard points out, moreover, that his amendment will cause the city no trouble if it maintains its schedule and completes construction of its sewage treatment plants by the 1986 target date. As passed by Mr. Howard's committee, despite New York's opposition, the measure's restrictions would not become operative until March 15, 1986.

Sen. Moynihan called the legislation "absurd and destructive and vindictive." Sen. D'Amato accused Rep. Howard of publicity-seeking, saying the amendment's provisions would "read well in The Star-Ledger," indicating that he had read this newspaper's detailed series of articles on New York's wanton dumping of sewage.

Are Sens. D'Amato and Moynihan engaged in a Tweedledum-Tweedledee act to protect the right of New Yorkers to live in filth? Or are they simply reacting in their pique—with perhaps a pinch of envy—to New Jersey's successes in attracting new business and industry?

New York's senators should be reminded that raw sewage is not an asset, that pollution is a health hazard and that the rivers must be cleaned up. They should keep in mind that New York has been less than diligent in honoring court-imposed deadlines, fiddle-faddling year after year and seeking one delay after another.

Most important, both sides of the Hudson—New York City and North Jersey—form a single metropolitan region with common economic interests. United they prosper, divided they fall.

[From the Newark Star Ledger, Aug. 11, 1984]

CLEAN WATER INACTION BLAMED ON NEW YORK

(By J. Scott Orr and Stanley E. Terrell)

WASHINGTON.—New Jersey's Democratic Sens. Bill Bradley and Frank Lautenberg yesterday blamed the Senate's failure to take up the Clean Water Act on New York's senators, who are blocking floor action because of a provision in the House version that would limit the discharge of raw sewage into the Hudson and East rivers.

Bradley and Lautenberg called the Senate's failure to take up the House-passed bill a "disgrace" and expressed frustration at their inability to reach a compromise with the New York delegation.

They said three weeks of negotiations in an attempt to clear the roadblocks failed as Sens. Alfonse D'Amato (R-N.Y.) and Daniel P. Moynihan (D-N.Y.) refused to lift their hold on the bill.

Congress adjourned yesterday for a three-week recess for the Republican National Convention, and the Senate calendar already is packed for the remainder of the session.

"We made a good faith effort to work this out by addressing concerns of the City of New York," Bradley and Lautenberg said in a joint statement.

"It is incumbent upon all of the parties in the region to solve this dispute and get on with the business of protecting our national environment."

Bradley, in an interview, said the efforts to date have included a number of compromises which he refuse to discuss. He said, however, that no changes in the language of the provision are in the works.

Lautenberg and Bradley penned separate letters to Senate Majority Leader Howard Baker yesterday seeking speedy Senate consideration of the bill when Congress returns in September.

They vowed to "continue to work with the senators from New York to achieve a mutually satisfactory consensus on this critical issue."

D'Amato and Moynihan are blocking the measure because of a provision inserted in the House version of the Clean Water Act reauthorization by Rep. James Howard (D-3d Dist.)

The provision would cap the amount of raw sewage New York may dump into the Hudson and East rivers after March 1986. The city already is under court order to build two sewage treatment plants and officials estimate that the plants will be on line prior to the deadline.

D'Amato, Moynihan and other New York officials have admitted the city will have not trouble in meeting the deadline, but have argued that its existence could discourage developers from launching construction projects in the Empire City.

The bill, which passed the House by an overwhelming margin of 405-11, has the full backing of New Jersey's congressional delegation. The issue has been a thorn in the side of New Jersey legislators for decades.

In April U.S. District Court Judge Herbert J. Stern in Newark said he would order the shutdown of one of New York's largest landfill operations unless the flow of medical debris from the site was stopped immediately.

At the time, Stern said he was "outraged" that the debris—which included hospital garbage ranging from used hypodermic needles to samples of human wastes—was washing up on New Jersey's beaches, contending the situation created "an overwhelming health hazard."

Stern ordered New York to stop the dumping of hospital waste into the Fresh Kills landfill on Staten' Island, and further ordered the city to enclose the landfill by Dec. 31, 1985, to prevent waste from leaving the landfill and falling into the waters of the Arthur Kill, which empty into Raritan Bay.

The Fresh Kills landfill is the largest landfill in the New York area and takes in more than 11,000 tons of garbage a day. New York officials claim that the shutdown of the facility would leave half of the garbage in Manhattan on the streets and would create a major health crisis in the city.

Stern directed New York officials to provide him with periodic reports of the progress to enclose the landfill, asserting that if it failed to comply with the 1985 deadline, "it will show a reckless indifference" for the health of the people of New Jersey and he will order the landfill shut.

The judge said it would be impossible to entirely halt the flow of all garbage from the site without closing the facility, and stressed that the 1985 deadline is New York's last chance to bring the situation under control.

"We have been sacrificing the interest of thousands to the interest of millions, but it simply cannot go on forever," Stern declared at the time. He directed New York to continue to pay full cleanup costs for removing the pollution from the beaches.

The federal judge's ruling came on a request from Woodbridge, which is across the Arthur Kill from the Staten Island landfill. The township told Stern debris from the landfill had been washing up on the shores of the Port Reading section of Woodbridge since the end of the last decade.

Two months after Stern issued the order, however, officials said the waste was still being washed ashore on beaches in two Monmouth County communities along Raritan Bay.

[From the Trentonian, Aug. 11, 1984]

NEW JERSEY SENATORS VOW TO STOP NEW YORK DUMPING

WASHINGTON.—New Jersey senators, saying they could not resolve disagreements with New York senators, vowed yesterday to push legislation that would force New York City to stop dumping raw sewage in the Hudson River by 1986.

Sens. Frank Lautenburg and Bill Bradley, both D-NJ, said three weeks of negotiations with the New Yorkers had failed to produce satisfactory compromise over the sewage dumping issue, which has tied up Senate consideration of Clean Water Act amendments.

New Jersey lawmakers want legislation that would impose penalties on New York City if it does not follow a court-ordered timetable to stop dumping raw sewage by 1986. The New Yorkers say the city is obeying the court and thus penalties are unnecessary.

"We made a good faith effort to work this out by addressing concerns of the City of New York," said Lautenberg and Bradley in a joint statement.

"At the same time, we sought assurances that tough federal action would be taken to make sure New York City will put a timely halt to this egregious environmental practice.

"It is incumbent upon all parties in the region to solve this dispute, and get on with the business of protecting our national environment," the New Jersey senators said.

Lautenberg and Bradley said that, given the collapse of negotiations, they would pursue penalties against New York City. However, they left the door open for further negotiations with the New Yorkers.

The sewage dispute erupted in June when Rep. James Howard, D-N.J., attached a provision to the House version of clean water legislation that would prohibit New York from increasing the amount of sewage it dumps in the Hudson—currently 195 million gallons a day—after March 15, 1986.

Howard said the provision was needed to ensure New York City continued to abide by the court-ordered timetable.

But Howard's provision outraged New York lawmakers, who said the city was complying with the court's orders and that Howard's proposal to cap sewage dumping would hurt the city's economy.

The New Yorkers charge Howard's amendment could have a "chilling effect" on housing and real estate development in New York City by raising the possibility of a ban on future sewage hookups if the city failed to meet the court-ordered deadline to end dumping.

[From the Courier Post, Aug. 21, 1984]

NEW YORK SEWAGE CLOUDING TOURISM, INDUSTRY?

TOMS RIVER.—The continued dumping of treated and unprocessed sewage by New York City into waterways is preventing New Jersey's multi-million dollar tourism and fishing industries from growing, according to testimony during a legislative hearing yesterday.

"There is no question . . . the industry is stifled by pollution and adverse publicity, said Ray Bogan, head of United Boatman of New Jersey, which represents thousands of charter fishing and party boats.

"New Jersey could be one of the centers in the world for underwater diving, but because of pollution we don't have the industry," said Bogan.

New Jersey Assemblywoman Marlene Lynch Ford. D-Monmouth, told the more than 100 people at the hearing here that New York City discharges about 220 million gallons of raw sewage a day into the Hudson and East rivers.

The sewage which the city will not have to treat until at least the early 1990's, floats south to the waters off the New Jersey Shore, she said.

This summer, beaches at Seaside Park in Ocean County and at Belmar, Avon, Middletown in Monmouth County were closed for several days because of sewage from New York.

"If this kind of pollution continues, it could have a serious impact on our tourism industry—the second largest industry in the state," said Ford, the vice chairwoman of the Assembly Energy and Natural Resources Committee.

The committee scheduled the hearing after the Assembly passed a May resolution calling on the panel to study the impact of ocean dumping.

"It seems to me that the business interests of New York are given priority over those of our state." said Ford. "New Jersey cannot afford to wait on this issue and hope it takes care of itself."

Northern New Jersey counties also produce sludge—treated sewage—that is dumped off the state's shoreline, and the assemblywoman said the state should consider financing and supporting new technologies, including resource recovery, that would lead to an end of all ocean dumping.

New York and New Jersey use a sludge dumping site 12 miles offshore, and Ford and many of the 50 local officials and residents endorsed efforts to move the site to 106 miles off the coast.

Ford called on state officials to put pressure on New York City to end its dumping to untreated sewage, including during negotiations over unrelated projects by the Port Authority of New York and New Jersey.

Rep. James J. Florio, D-N.J. called for the immediate end to ocean dumping, arguing it is environmentally unnacceptable.

"The continued ocean disposal of sewage discourages both government and private industry from biting the bullet—discourages them from seriously undertaking the planning and development of newly advanced, resource recovery technologies," Florio said.

"By denying the opportunity to dump sewage in our waterways, government can virtually assure the creation of the market for both public and private investment in resource recovery," he added.

"We're missing 15 to 20 species of fish that were in the ocean 20 years ago," said Swede Lovegrer, chairman of the Commercial Fisheries Commission.

"Fish don't come here anymore because of the pollution," he said, including porpoises, blowfish, whales, porgies and other species.

[From the Shrewsburg Register, Mar. 4, 1984]

LAUTENBERG: NEW YORK "FLUSHES AND FORGETS"

NEW YORK (AP).—A U.S. Senator from New Jersey and four New Jersey mayors gathered yesterday to complain about what they called New York City's "flush and forget" policy of dumping of raw sewage into the Hudson River.

Sen. Frank Lauthenberg, D-N.J., first met with Jacqueline Schafer, regional administrator of the federal Environmental Protection Agency "to register a complaint" about unequal enforcement of clean water rules and then held a news conference at the site of the New York City Convention Center.

Lautenberg said he chose the West Side site because it is a symbol of New York City's policy of "dirty growth."

The senator explained that the EPA had approved permits for the convention center knowing that once completed, the center would dump as much as one million gallons of raw sewage a day into the Hudson River until the construction of two sewage treatment plants were completed.

"Only unanticipated construction delays may allow New Jersey and the Hudson River to escape this flush and forget pollution," Lautenberg said.

The senator further charged that while New Jersey dumps no untreated sewage into the Hudson River, New York City allows 220 million gallons a day of "you know what" to flow into the river.

"We don't want to be the only good guys, the only Boy Scouts on the block," he said.

The senator's statements were further reinforced by the mayors of four New Jersey townships—Bayonne, Hoboken, North Bergen and Weehawken—all located on the banks of the Hudson River.

Hoboken Mayor Steve Cappiello said his community took tests at different points along both sides of the river three years ago and discovered that there was 100 times more fecal matter on New York City's side.

Mayor Anthony DiVincent of North Bergen said his community had to spend $15 million of its own money to build sewage treatment plants. "If we have to do it, New York City should have to do it," he said.

James Marshall, a spokesman for the regional EPA office, confirmed that the city is dumping about 220 million gallons of raw sewage a day into the river while New Jersey's effluent is all treated.

But he said Miss Schafer explained to Lautenberg that New York City is in compliance with a 1982 consent agreement under which dumping of raw sewage into the Hudson River and East rivers would end by 1987 when the Red Hook and North River sewage treatment plants were completed.

This agreement was a renegotiated version of a pervious pact that was not met because of New York's fiscal problems, he said.

Lautenberg said that although he was satisfied that the EPA was observing the technical letter of the law, he wanted the agency to do more to make sure there are no new building permits or waivers issued that would delay an end to the flow of New York's raw sewage into the Hudson.

Asked if his effort was a ploy in the ongoing competition for new industry and business between New York City and New Jersey, Lautenberg said.

"I don't want to stop growth in New York. I want them to stop flushing in our water."

[From the Newark Star-Ledger, Mar. 3, 1984]

EPA CHIEF IS HAMSTRUNG ON NEW YORK SLUDGE DUMPING

(By J. Scott Orr)

WASHINGTON.—Environmental Protection Agency Administrator William D. Ruckelshaus testified yesterday he has witnessed the dumping of raw sewage into the Hudson River by New York City for more than a decade, but that there was little EPA could do about it.

The EPA chief also said New York was going about as fast as possible to meet cleanup deadlines, a stance sharply at variance with comments from New Jersey's junior Democratic senator, Frank Lautenberg.

In response to questions from Lautenberg, Ruckelshaus said New York City is complying with a schedule for the construction of sewage treatment plants and that, technically, the dumping is not in violation of the Clean Water Act.

Ruckelshaus said EPA believes the new treatment plants will be able to accommodate the unbridled development in recent years in Manhattan.

Ruckelshaus told the Senate Environment and Public Works Committee, which is examining EPA's budget proposals, that his agency has no power to stop development, despite apparent degradation of the environment.

Lautenberg said there remains "considerable doubt" that the clean water schedule is being met or that the new treatment plants will be able to handle the increasing load.

"It's not only a question of schedule, but also a question of effectiveness," Lautenberg said. "Not only are we not meeting, in my view, the schedule to get this stuff treated, but that which is going to be treated is not going to be treated effectively," he added.

"My constituents are expressing themselves very clearly and in greater numbers and simply put, they're asking me why they have to swim in New York City's 'you know what,'" Lautenberg said.

A number of New Jersey congressmen have voiced objections to New York's continued sewage dumping and to the EPA's apparent double standard, which allows the city to continue to develop without sufficient sewage treatment facilities while New Jersey municipalities are forced to comply with treatment limits.

Rep. James Howard (D-3d Dist.) has promised to hold hearings on the issue this spring and Reps. Robert Roe (D-8th Dist.) and Frank Guarini (D-14th Dist.) have joined in calling for action.

"When I first returned to EPA," Ruckelshaus said yesterday, "I took a helicopter tour of New York along the Hudson River and witnessed first hand what I had witnessed ten years ago when I left EPA, namely the discharge of raw sewage into the Hudson River.

"There is nothing that quite matches the impact that it has on you when you when you see that first hand," he added. Ruckelshaus left the EPA helm in 1973, but returned to the post last year.

He went on to say the city has maintained a schedule for development of sewage treatment plants to stem the flow of untreated effluent into the Hudson and other waters.

"New York was on a schedule . . . for the abatement of those discharges into the Hudson River. They are still on that schedule . . . and are technically in compliance in that they are on a schedule to complete the plants that will ultimately insure that the 230 million gallons a day (of sewage) that are being discharged . . . is treated," he said.

"We believe that the schedule they are on is about as fast as . . . those deadlines can be met. We have been monitoring what's been going on there now for several years with the state of New York. We also think that they have adequate capacity when those plants are completed to absorb the growth," Ruckelshaus added.

Lautenberg, said after the testimony that he was not satisfied with the content of Ruckelshaus's response, but added he believes the Administrator is committed to remedying the problems.

"He said that New York is in compliance with the schedule, but I felt that there should be a closer look," said Lautenberg. "We'll have to push from the committee side."

Ruckelshaus noted, "I am aware of the frustration" of New Jerseyans "who are concerned about this continued discharge and who are impatient at the construction schedule that New York is on to abate that pollution."

That schedule was set up under a court consent decree that was revised in 1982, according to Jacqueline Schafer, administrator of the EPA region that includes both New York and New Jersey.

She said the schedule calls for some treatment of all sewage by August 1987, when two new treatment plants are slated to be in place. She added conservation is running ahead of schedule.

Ruckelshaus said that even if the agency were to determine that New York's sewage treatment plants will not be adequate to accommodate new development, it could not prevent that growth.

"It's our responsibility to insure that there is adequate sewage treatment available to absorb growth, but we really are not in the position to try to stop growth or make those judgments for New York City," he said.

"On the other hand," he added, "we do have a responsibility to insure that they can adequately treat whatever discharges are the result of growth and we are monitoring that very carefully."

[From the Sunday Star-Ledger, Mar. 4, 1984]

EPA Failure on New York Pollution Spurs Call for Congress To Act

(By Gordon Bishop)

Sen. Frank Lautenberg (D-NJ) and four mayors from New Jersey Hudson River waterfront communities stood next to the sprawling New York City Convention Center yesterday and demanded an end to New York's "dirty growth development policies" that pollute metropolitan waterway and Jersey Shore beaches.

And if the U.S. Environmental Protection Agency (EPA) doesn't have the authority to see that the pollution is cleaned up, Lautenberg said Congress should take action.

Immediately before the public demonstration at 34th Street along the Hudson River, site of the "world's largest" convention center, Lautenberg—a new member of the Senate Environment and Public Works Committee—met with the regional administrator of the EPA.

Lautenberg said the EPA's regional chief, Jacqueline Schafer, was unable to tell him why New York City continues to build major projects that add to the 220 million gallons a day of raw sewage now going into the Hudson and East rivers and New York Harbor.

"There was no satisfactory explanation on the double-standards practiced by EPA," Lautenberg said, referring to how New York City is allowed to build and pollute, while on the other side of the Hudson River, New Jersey municipalities and industry must conform to stringent water pollution controls.

The EPA is required by Congress to enforce the 1972 Clean Water Act, which has set the same pollution control standards for New York, New Jersey and the rest of the nation. New York City, however, has been allowed to "technically" violate those standards, according to Lautenberg.

Schafer did not attend the convention center protest by New Jersey public officals. Lautenberg met with her in the EPA's Region 2 Office in lower Manhattan.

Attending the demonstration were, in addition to Lautenberg state Sen. Raymond Lesniak (D-Union) and four mayors of waterfront municipalities—Steven Cappiello of Hoboken. Stanley D. Iacone of Weehawken, Anthony DiVincent of North Bergen, and Dennis Collins of Bayonne.

Lautenberg said if the EPA does not have sufficient legislative mandate to control New York City's building pollution practices, then I and other members of Congress are prepared to give it."

EPA's top official, William D. Ruckelshaus, tesified before Lautenberg's environment committee Friday and advised him that his agency had no power to stop development in New York City, despite apparent degradation of the environment.

In yesterday's meeting in New York, Schafer also said EPA was "powerless" in dealing with New York's water pollution problem.

New York City has sued the EPA to continue sludge dumping off the Jersey Shore. The city won that round in the federal district court in Manhattan. For reasons never made known by the EPA, the federal agency refused to appeal the lower court ruling favoring New York City.

On the raw discharges into the East and Hudson Rivers, EPA took New York City to court and the city was put on a "timetable of compliance."

The treatment plants for the West and East Sides of Manhattan were to have been completed by 1976-77, but the city has been able to obtain one extension after another under the court order.

Yet the EPA cracked down on development in New Jersey in the mid-1970s, reducing growth by the equivalent of five Battery Park Cities.

Battery Park City is a $2 billion "minicity" being built on landfill along the lower Hudson River in Manhattan. The 3 million gallons a day of sewage from Battery Park City is going to an obsolete treatment plant in Brooklyn in need of more than $100 million worth of repairs. The Brooklyn plant sends poorly treated effluent into the East River.

In comparing the two states, Lautenberg said "New Jersey is a progressive state: We want to be able to not just work in New Jersey, but to live there as well" in a healthy environment.

The senator made his remarks at New York's convention center because, he pointed out, it is "one of the symbols of New York City's 'flush-and-forget' growth mentality."

Lautenberg said that when ground was broken for the convention center, the plans were to dump up to 1 million gallons a day of raw sewage into the Hudson River until the North River Plant at 139th Street was completed. The West Side treatment plant is expected to be in operation sometime in 1985-86.

"If New York City will not join in a clean-up program following New Jersey's 'clean growth model,' then EPA should step in," Lautenberg asserted.

"The development policy which prevails here (New York) is economic forethought with environmental afterthought."

Among the points raised by Lautenberg at the meeting with Schafer were:

New Jersey wants "equal enforcement" of rules promoting clean growth on both sides of the river.

New Jersey has been vigorous in pursuing a strategy of clean growth, which in 1972 resulted in moratoriums on development in some 100 municipalities until secondary treatment plants were in operation. At least 77 full or partial sewer bans are still in effect in New Jersey. There are no sewer bans controlling growth in New York City.

New York City has resisted compliance with the Clean Water Act and was forced to complete its sewage treatment system under court order. The city has been using the "protection of that order to pursue a policy of dirty growth."

New Jersey suffers a double penalty. It sustains a competitive disadvantage with New York by upholding the clean growth policies and the Garden State is the recipient of New York's water pollution affecting New Jersey's tourist and fishing industries.

Hoboken Mayor Cappiello said his comunity was placed under a court order three years ago to stop development until it made repairs on its primary treatment plant. (Manhattan has no operating treatment plants. All wastes are flushed right into the rivers.)

"We spent millions of dollars to improve our sewer plant, yet New York continues to pollute," Cappiello declared.

The Hoboken mayor said his health officials took samples of the Hudson River water on the New Jersey side and sampled water directly opposite Hoboken on the New York side.

"The fecal coliform count on the New York side was 100 times higher than on the New Jersey side, but we were the ones who were forced to comply with the law, or face stiff fines," Cappiello complained.

Fecal coliform is the bacteria and viruses found in raw sweage that cause eye, ear, nose and throat infections, as well as diarrhea and other internal disorders.

Bayonne Mayor Collins said "If we (New Jersey) don't clean up immediately, we're threatened with $25,000 a day penalties. We must be on secondary treatment by 1988, an effort that's costing us $50 million."

New York City has appealed to the EPA not to go to secondary treatment because of the extra expense. The EPA has, so far, declined to go along with that request. New York is scheduled to go to secondary treatment by 1991-92.

Secondary treatment is 90 percent removal of pollutants in waste water. Primary treatment is 30 percent removal.

Manhattan's first treatment plants will be at the primary level in 1985 or '86, barring any further obstacles and delays that have

set the city's sewer program back about 10 years.

North Bergen Mayor DiVincent said his community has just spent $15 million of its own money to improve its primary treatment plant.

"We had to," he added. "Violation of the Clean Water Act would have resulted in $10,000 a day fines we cannot afford."

Lautenberg, who is also a member of the Senate Banking and Commerce Committees, said he is not opposed to growth in New York City, only "dirty growth."

"We in New Jersey would like to have a clean Big Apple, not a rotten Apple," Lautenberg commented.

"A clean Hudson River is in everyone's interest: New York, New Jersey and the millions of visitors who come to our two states for recreation."

Besides Lautenberg's environment committee inquiry into the New York-EPA pollution dilemma, the House Public Works Committee has called for an investigation into the "double standard" EPA has been pursuing, one for New York, another for New Jersey.

The House probe is being spearheaded by Rep. James J. Howard (D-3d Dist.).

[From the Newark Star-Ledger, Mar. 7, 1984]

LAUTENBERG CHAMPIONS FIGHT TO STEM TIDE OF NEW YORK POLLUTION

(By Gordon Bishop)

From where Frank Lautenberg was standing, New Jersey looked like a brilliant jewel against the murky waters of the Hudson River.

New Jersey's "junior" United States Senator was standing by the "world's largest" convention center on the West Side of Manhattan, watching the filth flowing out of the bloated Big Apple right into the Hudson River, degrading the precious marine environment shared by both New York and New Jersey.

One could immediately detect the difference between the Empire State and the Garden State, New York City, from this vantage point on the Hudson River, was reeking from "dirty growth," while across the grimy tributary, "clean growth" was clearly evident along the New Jersey waterfront.

Lautenberg travelled to Manhattan Island Saturday morning to scold New York for not playing the environmental game according to the rules. He was accompanied by four mayors from waterfront communities in Hudson County. They were tired of New York dumping on New Jersey and they wanted to know why and how the Big Apple was getting away with flagrant violations of the Clean Water Act.

They chose the convention center to protect New York's reckless pollution habits because, as Lautenberg aptly pointed out, it is a disgraceful symbol of the city's "flush-and-forget growth mentality."

Manhattan's vertical growth during the past 20 years has been at the expense of our great public waterways. The Hudson and East Rivers, the New York Harbor, the Jersey Shore and Long Island surf waters.

As if the destruction of these vital marine resources was not enough, New York sued the federal government three years ago so it could continue dumping more than 3 million tons a year of sewage-sludge in a wasted area off the Jersey Shore known as the "Dead Sea."

New York sues to pollute, while New Jersey spends taxpayers' money to protect the environment.

It was fitting for a New Jersey entrepreneur to remind New York of its bad business manners. Frank Lautenberg is a successful business who long ago recognized that you cannot have a sound economy without a healthy environment.

"We want our residents not only to be able to work in New Jersey, but to live there as well." Lautenberg spoke into a battery of media microphones gathered for the first bi-state press conference on New York's continuing discharge of some 220 million gallons a day of raw sewage into the Hudson and East Rivers.

Before he showed up at the convention center construction site, Lautenberg met with the regional administrator of the U.S. Environmental Protection Agency (EPA). Sitting in her office at 26 Federal Plaza in lower Manhatten, Jacqueline Schafer informed the senator that EPA had "no power" to control New York City's unbridled "dirty growth" development.

Somehow that didn't wash with Lautenberg. He knew of EPA's actions against New Jersey in the mid-1970s to halt population growth and development in Ocean County, a sparsely inhabited region ready for some one-family homes. EPA effectively limited development in a wide-open area by equivalent of five Battery Park Cities.

Battery Park City is New York's latest contribution to the Hudson River, a $2 billion commercial-residential high-rise complex built on landfill in the river itself!

When fully occupied within three years. Battery Park City will boast a population of more than 50,000.

Manhattan Island, you see, is filled up with excessive towering development. The city is running out of space, so it is filling in the Hudson River and creating new real estate. The city wants to take another 10 percent of the river for Westway, the world's most expensive road.

On and on it goes, one megastructure after another generating sewage that New York cannot handle. Yet EPA remains quiet, pretending that the sewage, the sludge, the garbage and other ecological indigestion will be relieved in due time.

New Jersey residents are tired of waiting for New York to get its pollution control act together. Postponements, delays, promises and always more pollution result in dirty water, air and land. Among other things, New York for years has exported its garbage to the Hackensack Meadowlands because there is no place in the city to store mountains of solid waste.

Lautenberg has had enough, and so have New Jersey's waterfront mayors and the millions of people who are forced to swim in waters tainted by New York toilet wastes.

A member of the Senate Environment Committee, Lautenberg is now going to investigate the rather cozy relationship between New York City and EPA, the agency responsible for protecting the environment. EPA has unabashedly been giving New York a license to pollute. Lautenberg wants EPA to enforce the law on both sides of the Hudson River, something the agency has not been doing since it was created in 1970.

Also probing the EPA's New York conflict is the House Public Works Committee, chaired by Rep. James J. Howard, whose congressional district in the heartland of the Jersey Shore is the helpless victim of New York's flush-and-forget growth mentality.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1985

McCLURE AMENDMENT NO. 4847

Mr. McCLURE proposed an amendment to the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes; as follows:

At the appropriate place in Title III add the following new section:

"None of the funds provided for in this Continuing Resolution or hereafter provided shall be used to lease the mineral interest of the United States with respect to a tract of land in Payne County, Oklahoma, totalling 960 acres located on the Indian Base Meridian; Township 19 North; Range 1 East, Section 22 W ½; Section 26 NW ¼; Section 27 N ½, SE ¼; unless such lease prohibits the surface occupancy of the land for development of those interests."

METZENBAUM AMENDMENT NO. 4848

Mr. McCLURE [for Mr. METZENBAUM] proposed an amendment to the bill H.R. 5973, supra; as follows:

AMENDMENT No. 4848

SEC. . (a) Section 117 of the United States Synthetic Fuels Corporation Act of 1980 is amended by adding at the end thereof the following new subsection:

"(f) Subject to section 118, Directors, officers, and employees of the Corporation shall be subject to the same standards of ethical conduct and financial reporting as are set forth in Executive Order 11222. The Chairman shall promptly implement such standards.".

(b) Section 168 of the United States Synthetic Fuels Corporation Act of 1980 is amended by—

(1) Redesignating section 168 as subsection 168(a); and

(2) Inserting at the end thereof the following new subsection:

"(b) An aggrieved person may bring action in the district courts of the United States to enforce, and secure compliance with, the policies and guidelines of the Corporation implementing the requirements of subsection 116(f) for public disclosure of information and the requirements of subsections 121 (a) and (b) for meetings of the Board of Directors to be open to the public and preceded by reasonable public notice.".

BRADLEY (AND OTHERS) AMENDMENT NO. 4849

Mr. BRADLEY (for himself, Mr. PROXMIRE, Mr. HUMPHREY, and Mr. NICKLES) proposed an amendment to the bill H.R. 5973, supra; as follows:

AMENDMENT No. 4849

Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126) and subsequently made available to carry out Title I, part B of the Energy Security Act (Public Law 96-294) by Public Laws 96-304 and 96-514, $9,000,000,000 are rescinded;

Provided, That none of the funds made available to carry out Title I, part B of the Energy Security Act shall be obligated to projects whose products will cost significantly more than projected market prices of competing fuels over the lifetime of the project;

Provided further, That of the Energy Security Reserve funds remaining available to carry out Title I of the Energy Security Act, funds shall be obligated only to projects whose primary conversion technologies comply with and promote the diversity objectives set forth in Title I of the Energy Security Act;

Provided further, That Sections 116(f) and 121 of Title I, part B of the Energy Security Act are repealed and that Section 175 of the United States Synthetic Fuels Corporation Act of 1980 (42 USC 8775) is amended by adding the following new subsections:

"(1) Chapters 5 and 7 of title 5, United States Code (containing provisions popularly known as the Administrative Procedure Act, the Freedom of Information Act, and the Government in the Sunshine Act) shall apply to the Corporation as if it were an agency of the United States.

"(m) Section 1905 of title 18, United States Code (relating to disclosure of confidential information) shall apply—

"(1) to Directors, officers, and employees of the Corporation as if they were officers or employees of the United States; and

"(2) to the Corporation as if it were an agency of the United States."

Section 118(a) of the Energy Security Act of 1980 (Public Law 96-294) is amended by striking out "the Directors and officers of the Corporation and to" and inserting in lieu thereof "all the Directors and to the officers and".

Section 118(c)(3) of the Energy Security Act of 1980 (Public Law 96-294) is repealed.

Provided further, that Section 117(b)(2) of the Energy Security Act of 1980 (Public Law 96-294) is amended—

(1) by striking out "taking into consideration" and inserting in lieu thereof "in accordance with"; and

(2) by striking out ", If the Board of Directors;" and all that follows through "Board of Directors to such effect".

The amendments made by subsection (a) of this section shall take effect 30 days after the date of enactment of this Act.

McCLURE AMENDMENT NO. 4850

Mr. McCLURE proposed an amendment to amendment No. 4849 proposed by Mr. BRADLEY (and others) to the first excepted committee amendment to the bill H.R. 5973, supra; as follows:

At the end of the Committee Amendment insert—"It is the sense of the Congress that the United States Synthetic Fuels Corporation should proceed expeditiously to complete action on the comprehensive strategy required by the Energy Security Act and otherwise implement promptly the national synthetic fuels program of Title I of the Energy Security Act."

McCLURE AMENDMENT NO. 4851

Mr. McCLURE proposed an amendment to the House language prepared to be stricken on page 62 of the bill H.R. 5973, supra; as follows:

Page 62, line 22, after the period, insert "It is the sense of the Congress that the United States Synthetic Fuels Corporation should proceed expeditiously to complete action on the comprehensive strategy required by the Energy Security Act.

STEVENS AMENDMENT NO. 4852

Mr. STEVENS proposed an amendment to amendment No. 4851 proposed by Mr. McClure to the bill H.R. 5973, supra; as follows:

Page 62, line 22, strike the period and insert in lieu thereof, "and otherwise promptly implement the national synthetic fuels program of Title I of the Energy Security Act.".

TSONGAS AMENDMENT NO. 4853

Mr. TSONGAS proposed an amendment to the bill H.R. 5973, supra; as follows:

On page 14, line 20, strike the number "$98,908,000" and insert the following: "$111,783,000, of which $1,500,000 is available to carry out the provisions of Section 303 and 304 of Public Law 95-290".

TRIBLE AMENDMENT NO. 4854

Mr. McCLURE (for Mr. TRIBLE) proposed an amendment to the bill H.R. 5973, supra; as follows:

On page 9, line 20, strike "305,983,000" and insert in lieu thereof "306,383,000".

HEALTH PROFESSIONS AND SERVICES AMENDMENTS

HATCH AMENDMENT NO. 4855

Mr. STEVENS (for Mr. HATCH) proposed an amendment to the amendment of the House of Representatives to the bill (S. 2574) to revise and extend title VIII of the Public Health Service Act, related to nurse education; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House of Representatives to the text of the bill, insert the following:

That this Act may be cited as the "Health Professions Training Assistance, Nurse Education, National Health Service Corps, Health Maintenance Organizations, and Primary Health Care Amendments of 1984".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—HEALTH PROFESSIONS TRAINING ASSISTANCE

PART A—AUTHORIZATIONS OF APPROPRIATIONS

SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM

SEC. 101. (a) The first sentence of section 728(a) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$250,000,000 for the fiscal year ending September 30, 1985; $275,000,000 for the fiscal year ending September 30, 1986; $290,000,000 for the fiscal year ending September 30, 1987; and $305,000,000 for the fiscal year ending September 30, 1988".

(b) The second sentence of such section is amended by striking out "1987," and inserting in lieu thereof "1991,".

STUDENT LOANS

SEC. 102. (a) Section 742(a) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$5,500,000 for the fiscal year ending September 30, 1985, $7,000,000 for the fiscal year ending September 30, 1986, $7,500,000 for the fiscal year ending September 30, 1987, and $8,000,000 for the fiscal year ending September 30, 1988".

(b) Section 743 is amended by striking out "1987" each place it appears and inserting in lieu thereof "1991".

SCHOLARSHIPS FOR STUDENTS OF EXCEPTIONAL FINANCIAL NEED

SEC. 103. Section 758(d) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$7,000,000 for the fiscal year ending September 30, 1985, $8,000,000 for the fiscal year ending September 30, 1986, $9,000,000 for the fiscal year ending September 30, 1987, and $10,000,000 for the fiscal year ending September 30, 1988".

DEPARTMENTS OF FAMILY MEDICINE

SEC. 104. Section 780(c) is amended by striking out "and" after "1983," and by inserting a comma and "$7,500,000 for the fiscal year ending September 30, 1985, $8,000,000 for the fiscal year ending September 30, 1986, $8,500,000 for the fiscal year ending September 30, 1987, and $9,000,000 for the fiscal year ending September 30, 1988" after "1984".

AREA HEALTH EDUCATION CENTERS

SEC. 105. The first sentence of section 781(g) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$18,000,000 for the fiscal year ending September 30, 1985, $19,000,000 for the fiscal year ending September 30, 1986, $20,000,000 for the fiscal year ending September 30, 1987, and $21,000,000 for the fiscal year ending September 30, 1988".

PHYSICIAN ASSISTANTS

SEC. 106. Section 783(d) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$4,800,000 for the fiscal year ending September 30, 1985, $5,200,000 for the fiscal year ending September 30, 1986, $5,600,000 for the fiscal year ending September 30, 1987, and $6,000,000 for the fiscal year ending September 30, 1988".

GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS

SEC. 107. Section 784(b) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$18,500,000 for the fiscal year ending September 30, 1985, $19,500,000 for the fiscal year ending September 30, 1986, $21,500,000 for the fiscal year ending September 30, 1987, and $22,500,000 for the fiscal year ending September 30, 1988".

FAMILY MEDICINE AND GENERAL PRACTICE OF DENTISTRY

SEC. 108. (a) The first sentence of section 786(c) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$36,000,000 for the fiscal year ending September 30, 1985, $37,500,000 for the fiscal year ending September 30, 1986, $39,000,000 for the fiscal

year ending September 30, 1987, and $41,000,000 for the fiscal year ending September 30, 1988".

(b) The second sentence of such section is amended by striking out "and" after "1983," and by inserting "September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988," after "1984,".

EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

SEC. 109. The first sentence of section 787(b) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$24,000,000 for the fiscal year ending September 30, 1985, $25,000,000 for the fiscal year ending September 30, 1986, $26,000,000 for the fiscal year ending September 30, 1987, and $27,000,000 for the fiscal year ending September 30, 1988".

CURRICULUM DEVELOPMENT AND FACULTY TRAINING GRANTS

SEC. 110. Section 788(f) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$6,000,000 for the fiscal year ending September 30, 1985; $6,500,000 for the fiscal year ending September 30, 1986; $7,000,000 for the fiscal year ending September 30, 1987; and $7,500,000 for the fiscal year ending September 30, 1988".

ADVANCED FINANCIAL DISTRESS ASSISTANCE

SEC. 111. The first sentence of section 788B(h) is amended by inserting before the period a comma and "and $5,600,000 for the fiscal year ending September 30, 1985, and each of the three succeeding fiscal years".

GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

SEC. 112. Section 791(d) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,500,000 for the fiscal year ending September 30, 1985, $2,000,000 for the fiscal year ending September 30, 1986, $2,500,000 for the fiscal year ending September 30, 1987, and $3,000,000 for the fiscal year ending September 30, 1988".

TRAINEESHIPS FOR STUDENTS IN OTHER GRADUATE PROGRAMS

SEC. 113. Section 791A(c) is amended—

(1) by striking out "and" after "1980;";

(2) by striking out "two" and inserting in lieu thereof "three"; and

(3) by inserting before the period a semicolon and "$750,000 for the fiscal year ending September 30, 1986; $1,000,000 for the fiscal year ending September 30, 1987; and $1,500,000 for the fiscal year ending September 30, 1988".

PUBLIC HEALTH TRAINEESHIPS

SEC. 114. Section 792(c) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$3,000,000 for the fiscal year ending September 30, 1985; $3,500,000 for the fiscal year ending September 30, 1986; $4,000,000 for the fiscal year ending September 30, 1987; and $4,500,000 for the fiscal year ending September 30, 1988".

TRAINING IN PREVENTIVE MEDICINE

SEC. 115. Section 793(c) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,600,000 for the fiscal year ending September 30, 1985, $2,000,000 for the fiscal year ending September 30, 1986, $2,500,000 for the fiscal year ending September 30, 1987, and $3,000,000 for the fiscal year ending September 30, 1988".

NATIONAL CENTER FOR HEALTH SERVICES RESEARCH

SEC. 116. (a) The first sentence of section 308(i)(1) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$16,600,000 for the fiscal year ending September 30, 1985, $17,250,000 for the fiscal year ending September 30, 1986, $17,900,000 for the fiscal year ending September 30, 1987, and $18,600,000 for the fiscal year ending September 30, 1988".

(b) The last sentence of such section is amended by striking out "and" after "1983," and by inserting "September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988," after "1984,".

NATIONAL CENTER FOR HEALTH STATISTICS

SEC. 117. Section 308(i)(2) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$43,000,000 for the fiscal year ending September 30, 1985, $44,000,000 for the fiscal year ending September 30, 1986, $45,000,000 for the fiscal year ending September 30, 1987, and $46,000,000 for the fiscal year ending September 30, 1988".

PART B—PROGRAM REVISIONS

SCHOOLS OF CHIROPRACTIC

SEC. 121. (a) Section 701(4) is amended—

(1) by striking out "and" after " 'school of veterinary medicine', ";

(2) by inserting a comma and "and 'school of chiropractic'," after " 'school of public health' ";

(3) by striking out "and" after "a degree of doctor of veterinary medicine or an equivalent degree,"; and

(4) by inserting "and a degree of doctor of chiropractic or an equivalent degree," before "and including advanced training related to".

(b) Section 701(5) is amended—

(1) by striking out "or", after "pharmacy,"; and

(2) by inserting "or chiropractic," after "public health,".

(c) Section 737 is amended by striking out paragraph (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(d) Section 787(a) is amended by inserting "chiropractic," after "allied health,".

TRAINING OF PHYSICIAN ASSISTANTS

SEC. 122. Section 701(8) is amended to read as follows:

"(8)(A) The term 'program for the training of physician assistants' means an educational program which (i) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to competently provide primary health care under the supervision of a physician and (ii) meets regulations prescribed by the Secretary in accordance with subparagraph (B).

"(B) After consultation with appropriate organizations, the Secretary shall (within 180 days after the date of enactment of the Health Professions Training Assistance Amendments of 1984) prescribe regulations for programs for the training of physician assistants. Such regulations shall, as a minimum, require that such a program—

"(i) extend for at least one academic year and consist of (I) supervised clinical practice, and (II) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

"(ii) have an enrollment of not less than eight students; and

"(iii) train students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.".

SCHOOLS OF ALLIED HEALTH

SEC. 123. (a)(1) Section 701(10) is amended—

(A) by inserting "college," before "junior college,"; and

(B) by striking out "in a discipline of allied health leading to a baccalaureate or associate degree (or an equivalent of either) or to a more advanced degree" in subparagraph (A) and inserting in lieu thereof "to enable individuals to become allied health professionals or to provide additional training for allied health professionals".

(2) Section 701 is amended by adding at the end thereof the following new paragraph:

"(13) The term 'allied health professional' means an individual—

"(A) who has received a certificate, an associate's degree, a bachelor's degree, a masters' degree, a doctoral degree, or postbaccalaureate training, in a science relating to health care;

"(B) who has responsibility for the delivery of health care services or related services, including—

"(i) services relating to the identification, evaluation, and prevention of diseases and disorders;

"(ii) dietary and nutrition services;

"(iii) health promotion services;

"(iv) rehabilitation services; or

"(v) health systems management services; and

"(C) who is not a graduate of a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, pharmacy, public health, or chiropractic, or a graduate program in health administration or clinical psychology.".

(b) The last sentence of section 702(a)(1) is amended—

(1) by striking out "six" the first place it appears and inserting in lieu thereof "five";

(2) by striking out "four" and inserting in lieu thereof "five"; and

(3) by inserting "allied health," after "podiatry,".

GRADUATE PROGRAMS IN CLINICAL PSYCHOLOGY

SEC. 124. (a) Section 701 (as amended by section 123(a)(2) of this Act) is further amended by adding at the end thereof the following new paragraph:

"(14) The term 'graduate program in clinical psychology' means an accredited graduate program in a public or nonprofit private institution in a State which provides training leading to a doctoral degree in clinical psychology or an equivalent degree.".

(b) Section 701(5) (as amended by section 121(b) of this Act) is further amended—

(1) by striking out "or" after "chiropractic,"; and

(2) by inserting "or a graduate program in clinical psychology," after "health administration,".

(c) Section 737 (as amended by section 121(c) of this Act) is further amended by striking out paragraph (2) (as redesignated by section 121(c) of this Act) and by redesignating paragraphs (3) and (4) (as redesignated by section 121(c) of this Act) as paragraphs (2) and (3), respectively.

(d) Section 787(a) (as amended by section 121(d) of this Act) is further amended by inserting a comma and "graduate programs in clinical psychology," after "podiatry".

HEALTH PROFESSIONS DATA

SEC. 125. Subsection (c) of section 708 is repealed. Subsections (d), (e), and (g) of such section are redesignated as subsections (c), (d), and (e), respectively.

ACQUISITION OF EQUIPMENT AND INSTRUMENTATION FOR TEACHING FACILITIES

SEC. 126. (a) Section 720(a)(1) is amended to read as follows:

"(a)(1) The Secretary may make grants to assist in the construction of teaching facilities or the acquisition of equipment for the training of physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, and professional public health personnel.".

(b)(1) Section 721(b)(1) is amended—

(A) by inserting "or the acquisition of equipment" after "construction of any facility" in the second sentence;

(B) by striking out "Commissioner" each place it appears in such sentence and inserting in lieu thereof "Secretary"; and

(C) by inserting "or acquire equipment" after "construct a facility" in such sentence.

(2) Section 721(c)(2) is amended—

(A) by inserting "or equipment" after "the facility" in clause (A);

(B) by inserting "or acquiring the equipment" after "the facility" in clause (B); and

(C) by striking out clause (C) and inserting in lieu thereof: "(C) sufficient funds will be available, when construction of the facility or acquisition of the equipment is completed, for effective use of such facility or equipment to provide the training for which such facility is being constructed or such equipment is being acquired;".

(3) Section 721(c)(7) is amended by inserting "in the case of an application for a grant to assist in the construction of a teaching facility," before "the application".

(d) Section 721(d) is amended by inserting "to assist in the construction of teaching facilities" after "applications for grants" in the matter preceding paragraph (1).

(e)(1) Section 722(a)(1) is amended to read as follows:

"(a)(1) The amount of any grant under section 720(a)(1) for construction of a project or the acquisition of equipment shall be such amount as the Secretary determines to be appropriate after obtaining advice from the Council, except that no grant may exceed 60 percent of the necessary costs of construction of a project, as determined by the Secretary, or 80 percent of the necessary costs of acquisition of equipment, as determined by the Secretary.".

(2) The last sentence of section 722(b) is amended by inserting "or acquisition of the equipment, as the case may be" before the period.

(3) Section 722(c) is amended—

(A) by inserting "of a project or the acquisition of equipment" after "cost of construction"; and

(B) by inserting "or acquisition" before "which is to be financed".

(f) Clause (1) of section 725 is amended by inserting "or the acquisition of any equipment" after "any facility".

(g) Part B of title VII is amended by adding at the end thereof the following new section:

"DEFINITION

"SEC. 726A. For purposes of this part, the term 'equipment' means any equipment, device, tool, or other medical or scientific instrumentation to be used by students, faculty, or administrative or maintenance personnel for clinical purposes, research activities, libraries, classrooms, offices, auditoriums, or other related purposes necessary for, and appropriate to, the conduct of programs of education.".

HEALTH EDUCATION ASSISTANCE LOAN PROGRAM

SEC. 127. (a)(1) Section 731(a)(2)(B) is amended to read as follows:

"(B) provides for repayment of the principal amount of the loan in installments over a period of not less than 10 years (unless sooner repaid) nor more than 25 years beginning not earlier than 9 months nor later than 12 months after the date on which—

"(i) the borrower ceases to be a participant in an accredited internship or residency program of not more than four years in duration;

"(ii) the borrower completes the fourth year of an accredited internship or residency program of more than four years in duration; or

"(iii) a borrower who was not a participant in a program described in clause (i) or (ii) ceases to carry, at an eligible institution, the normal fulltime academic workload as determined by the institution,

except (I) as provided in subparagraph (C), (II) that the period of the loan may not exceed 33 years from the date of execution of the note or written agreement evidencing it, and (III) that the note or other written instrument may contain such provisions relating to repayment in the event of default in the payment of interest or in the payment of the costs of insurance premiums, or other default by the borrower, as may be authorized by regulations of the Secretary in effect at the time the loan is made;".

(2) Section 731(a)(2)(C) is amended—

(A) by inserting "(including any period in such a program described in clause (i) or clause (ii) of subparagraph (B))" before the comma in clause (ii); and

(B) by striking out "or the 33-year period" in clause (vi).

(3) Section 731 is further amended—

(A) by striking out subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(b) The first sentence of section 732(c) is amended by striking out "2" and inserting in lieu thereof "6".

(c) The first sentence of subsection (a) of section 734 and the first sentence of subsection (b) of such section are each amended by inserting "collection or" before "default".

(d)(1) Section 729 is amended by inserting "allied health," after "public health," each place it appears.

(2) Section 737 (as amended by sections 121(c) and 124(c) of this Act) is further amended by adding at the end thereof the following new paragraph:

"(4) The term 'school of allied health' means a program in a school of allied health (as defined in section 701(10)) which leads to a masters' degree or doctoral degree.".

HEALTH PROFESSIONS STUDENT LOAN PROGRAM

SEC. 128. (a)(1) Section 740(a) is amended by inserting "public health," after "optometry,".

(2) Section 740(b)(4) is amended—

(A) by inserting "doctor of pharmacy or an equivalent degree," before "doctor of podiatry";

(B) by striking out "or" before "doctor of veterinary medicine"; and

(C) by inserting a comma and "or a graduate degree in public health or an equivalent degree" before the semicolon.

(3) Section 741(b) is amended—

(A) by inserting "doctor of pharmacy or an equivalent degree," before "doctor of podiatry";

(B) by striking out "or" before "doctor of veterinary medicine"; and

(C) by inserting a comma and "or a graduate degree in public health or in an equivalent degree" before the period.

(4) Section 741(c) is amended by inserting "public health," after "optometry,".

(5) Subpart II of part C of title VII is amended by adding at the end thereof the following new section:

"DEFINITION

"SEC. 745. For purposes of this subpart, the term 'school of pharmacy' means a public or nonprofit private school in a State which provides training leading to a degree of bachelor of science in pharmacy or an equivalent degree or a degree of doctor of pharmacy or an equivalent degree and which is accredited in the manner described in section 701(5).".

(b) Section 741(i) is amended to read as follows:

"(1) Subject to regulations of the Secretary, a school may assess a charge with respect to loans made under this subpart to cover the costs of insuring against cancellation of liability under subsection (d).".

(c) Section 741(j) is amended—

(1) by inserting "and in accordance with this section" after "Secretary" in the first sentence;

(2) by striking out "may" in such sentence and inserting in lieu thereof "shall"; and

(3) by striking out the second sentence and inserting in lieu thereof the following: "No such charge may be made if the payment of such installment or the filing of such evidence is made within 60 days after the date on which such installment of filing is due. The amount of any such charge may not exceed an amount equal to 6 percent of the amount of such installment.".

(d) Section 741 is amended by adding at the end the following new subsection:

"(m) The Secretary is authorized to attempt to collect any loan which was made under this subpart and which is in default, referred to the Secretary by a school with which the Secretary has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incur in attempting collection), but only if the school has complied with such requirement as the Secretary may specify regulation with respect to the collection of loans under this subpart. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.".

(e) Section 742(b)(1) is amended by adding at the end thereof the following new sentence: "Except with respect to amounts described in paragraph (5), for fiscal years beginning after September 30, 1984, the Secretary may only allot amounts appropriated under subsection (a) to—

"(A) schools of public health which have established student loan funds with Federal capital contributions under this subpart; and

"(B) school of medicine, osteophathy, dentistry, pharmacy, podiatry, optometry, or

veterinary medicine which established after July 1, 1972, student loan funds with Federal capital contributions under this subpart.".

(f) Section 742(b) (as amended by subsection (e) of this section) is further amended by adding at the end thereof the following new paragraph:

"(5) Any funds from a student loan fund established under this subpart which are returned to the Secretary in any fiscal year shall be available for allotment under this subpart, in such fiscal year and the fiscal year succeeding such fiscal year, to any school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, veterinary medicine, or public health which has established a student loan fund with Federal capital contributions under this subpart.".

(g)(1) Subpart II of part C of title VII (as amended by subsection (a)(5) of this section) is further amended—

(A) by redesignating section 745 (as added by subsection (a)(5) of this section) as section 747; and

(B) by inserting after section 744 the following new sections:

"STUDENT LOAN INFORMATION BY INSTITUTIONS

"SEC. 745. (a) With respect to loans made by a school under this subpart after June 30, 1985, each school, in order to carry out the provisions of sections 740 and 741, shall, at any time such school makes such a loan to a student under this subpart, provide thorough and adequate loan information on loans made under this subpart to the student. The loan information required to be provided to the student by this subsection shall include—

"(1) the yearly and cumulative maximum amounts that may be borrowed by the student;

"(2) the terms under which repayment of the loan will begin;

"(3) the maximum number of years in which the loan must be repaid;

"(4) the interest rate that will be paid by the borrower and the minimum amount of the required monthly payment;

"(5) the amount of any other fees charged to the borrower by the lender;

"(6) any options the borrower may have for deferral, cancellation, prepayment, consolidation, or other refinancing of the loan;

"(7) a definition of default on the loan and a specification of the consequences which will result to the borrower if the borrower defaults, including a description of any arrangements which may be made with credit bureau organizations;

"(8) to the extent practicable, the effect of accepting the loan on the eligibility of the borrower for other forms of student assistance; and

"(9) a description of the actions that may be taken by the Federal Government to collect the loan, including a description of the type of information concerning the borrower that the Federal Government may disclose to officers, employees, or agents of the Department of Health and Human Services, officers, employees, or agents of schools with which the Secretary has an agreement under this subpart, or any other person involved in the collection of a loan under this subpart.

"(b) Each school shall, immediately prior to the graduation from such school of a student who received a loan under this subpart after June 30, 1985, provide such student with a statement specifying—

"(1) each amount borrowed by the student under this subpart;

"(2) the total amount borrowed by the student under this subpart; and

"(3) a schedule for the repayment of the amounts borrowed under this subpart, including the number, amount, and frequency of payments to be made.

"PROCEDURES FOR APPEAL OF TERMINATIONS

"SEC. 746. (a) In any case in which the Secretary intends to terminate an agreement with a school under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.".

(h) Section 6103(m) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "administered by the department of education" before the period in the paragraph heading of paragraph (4); and

(2) by adding at the end thereof the following new paragraph:

"(5) Individuals who have defaulted on student loans administered by the Department of Health and Human Services.—

"(A) IN GENERAL.—Upon written request by the Secretary of Health and Human Services, the Secretary may disclose the mailing address of any taxpayer who has defaulted on a loan made under part C of title VII of the Public Health Service Act or under subpart II of C of title VIII of such Act, for use only by officers, employees, or agents of the Department of Health and Human Services for purposes of locating such taxpayer for purposes of collecting such loan.

"(B) DISCLOSURE TO SCHOOLS AND ELIGIBLE LENDERS.—Any mailing address disclosed under subparagraph (A) may be disclosed by the Secretary of Health and Human Services to—

"(i) any school with which the Secretary of Health and Human Services has an agreement under subpart II of part C of title VII of the Public Health Service Act or subpart II of part C of title VIII of such Act, or

"(ii) any eligible lender (within the meaning of section 737(2) of such Act) participating under subpart I of part C of title VII of such Act,

for use only by officers, employees, or agents of such school or eligible lender whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under such subparts for the purposes of collecting such loans.".

SCHOLARSHIPS FOR FIRST-YEAR STUDENTS OF EXCEPTIONAL FINANCIAL NEED

SEC. 129. (a) Section 758(b) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) A scholarship provided to a student for a school year under a grant under subsection (a) shall consist of—

"(A) payment to, or (in accordance with paragraph (4)) on behalf of, the student of the amount (except as provided in section 710) of—

"(i) the tuition of the student in such school year; and

"(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such school year; and

"(B) payment to the student of a stipend of $400 per month (adjusted in accordance with paragraph (5)) for each of the 12 consecutive months beginning with the first month of such school year.

"(3) Notwithstanding paragraph (2), the total scholarship award to a student for each year shall not exceed the cost of attendance for that year at the educational institution attended by the student (as determined by such educational institution).

"(4) The Secretary may contract with an educational institution in which is enrolled a student who has received a scholarship with a grant under subsection (a) for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (2)(A). Payment to such an educational institution may be made without regard to section 3324 of title 31, United States Code.

"(5) The amount of the monthly stipend, specified in paragraph (2)(B) and as previously adjusted (if at all) in accordance with this paragraph, shall be increased by the Secretary for each school year ending in a fiscal year beginning after September 30, 1978, by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5, United States Code) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.".

(b) Section 338A(g)(1) is amended by striking out "or under section 758 (relating to scholarships for first-year students of exceptional financial need),".

CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

SEC. 130. (a)(1) Section 770 is amended to read as follows:

"CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

"SEC. 770. (a)(1) The Secretary shall make annual grants to schools of public health for the support of the education programs of such schools. The amount of the annual grant to each such school with an approved application shall be computed for each fiscal year in accordance with paragraphs (2) and (3).

"(2) Each school of public health shall recieve for the fiscal year ending September 30, 1985, and for each of the next three fiscal years, and amount equal to the product of—

"(A) $1,400, and

"(B) the sum of (i) The number of full-time students enrolled in such school in the school year beginning in such fiscal year, and (ii) the number of full-time equivalents of part-time students, determined pursuant to paragraph (3), for such school for such school year.

"(3) For purposes of paragraph (2), the number of full-time equivalents of part-time students for a school of public health for any school year is a number equal to—

"(A) the total number of credit hours of instruction in such year for which part-time students of such school, who are pursuing a course of study leading to a graduate degree in public health or an equivalent degree, have enrolled, divided by

"(B) the greater of (i) the number of credit hours of instruction which a full-time student of such school was required to take in such year, or (ii) 9,

rounded to the next highest whole number.

"(b) Notwithstanding subsection (a), if the aggregate of the amounts of the grants to be made in accordance with such subsection for any fiscal year to schools of public health with approved applications exceeds the total of the amounts appropriated for such grants for such schools under subsection (e), the amount of a school's grant with respect to which such excess exists shall for such fiscal year be an amount which bears the same ratio to the amount determined for the school under subsection (a) as the total of the amounts appropriated for that year under subsection (e) for grants to schools of public health bears to the amount required to make grants in accordance with subsection (a) to each of the schools of public health with approved applications.

"(c)(1) For purposes of this section, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school or in a particular year-class in a school on the basis of estimates, on the basis of the number of students who in an earlier year were enrolled in a school or in a particular year-class, or on such other basis as the Secretary deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this section, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study leading to a graduate degree in public health or equivalent degree.

"(d) In the case of a new school of public health which applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subsection (a) shall be the number of full-time students which the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.

"(e) For payments under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1985, and each of the three succeeding fiscal years.".

(2) Section 731(a)(1)(A)(ii) is amended by striking out "(as defined in section 770(c)(2))" and inserting in lieu thereof "(as defined in section 770(c)(2) (as such section was in effect on September 30, 1984))".

(b) Section 771 is amended to read as follows:

"ELIGIBILITY FOR CAPITATION GRANTS

"SEC. 771. (a) The Secretary shall not make a grant under section 770 to any school of public health in a fiscal year beginning after September 30, 1984, unless the application for the grant contains, or is supported by, assurances satisfactory to the Secretary that—

"(1) the first-year enrollment of full-time students in the school in the school year beginning in the fiscal year in which the grant applied for is to be made will not be less than the first-year enrollment of such students in the school in the school year beginning in the fiscal year ending September 30, 1976; and

"(2) the applicant will expend in carrying out its functions as a school of public health during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the fiscal year preceding the fiscal year for which such grant is sought.

"(b) The Secretary may waive (in whole or in part) application to a school of public health of the requirement of sucsection (a)(1) if the Secretary determines, after receiving the written recommendation of the appropriate accreditation body or bodies (approved for such purpose by the Commissioner of Education) that compliance by such school with such requirement will prevent it from maintaining its accreditation.".

(c)(1) Section 772(b) is amended—

(A) by striking out "or subsection (a) or (b) of section 788";

(B) by striking out "of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, or podiatry," and inserting in lieu thereof "public health,";

(C) by striking out "Secretary" each place it appears and inserting in lieu thereof "Secretary of Health and Human Services";

(D) by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education"; and

(E) by striking out "Commissoner" each place it appears and inserting in lieu thereof "Secretary of Education".

(2) The section heading for section 772 is amended to read as follows:

"APPLICATIONS FOR CAPITATION GRANTS"

(d) The heading for part E of title VII is amended to read as follows:

"PART E—GRANTS TO IMPROVE THE QUALITY OF SCHOOLS OF PUBLIC HEALTH"

AREA HEALTH EDUCATION CENTERS

SEC. 131. (a) Section 781(a)(2) is amended by inserting a comma and "and with public or private nonprofit entities which have served as regional area health education centers and which have previously received such assistance," after "this section".

(b) Section 781(c) is amended—

(1) by inserting "and" at the end of paragraph (2);

(2) by striking out paragraph (3);

(3) by redesignating paragraph (4) as paragraph (3);

(4) by striking out the second sentence; and

(5) by striking out "if another such school participating in the same program meets the requirement of that paragraph" in the last sentence.

(c) Section 781(d)(2)(F) is amended to read as follows:

"(F) conduct interdisciplinary training and practice involving physicians and other health personnel including, where practicable, physician assistants and nurse practitioners;".

TRAINING AND GENERAL DENTISTRY

SEC. 132. (a) Section 786(b) is amended—

(1) by inserting "or an approved advanced educational program in the general practice of dentistry" before the semicolon in paragraph (1); and

(2) by striking out "residents" in paragraph (2) and inserting in lieu thereof "participants".

(b) Section 786(c) (as amended by section 108 of this Act) is further amended by inserting before the period in the second sentence a comma and "and shall obligate not less than 8 percent of such amounts in each fiscal year for grants under subsection (b)".

SPECIAL PROJECTS

SEC. 133. Section 788(b) is amended to read as follows:

"(b)(1) The Secretary may make grants to and enter into contracts with any health profession, allied health profession, or nurse training institution, or any other public or nonprofit private entity for projects to provide curriculum development and faculty training in areas such as—

"(A) health promotion and disease prevention;

"(B) geriatric care and long-term care;

"(C) the promotion of economy in health professions teaching, health care practice, and health care systems management;

"(D) the development of initiatives for assuring the competence of health professionals;

"(E) curriculum development in clinical nutrition; and

"(F) large animal care and animal research.

"(2)(A) Of the amounts available for grants and contracts under this subsection from amounts appropriated under subsection (f), at least 75 percent shall be obligated for grants to and contracts with health professions institutions, allied health institutions, and nurse training institutions.

"(B) Any application for a grant or contract to institutions described in subparagraph (A) shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(C) The Secretary may not approve an application for a grant or contract to an institution described in subparagraph (A) unless the Secretary has received recommendations with respect to such application from the appropriate peer review group required under subparagraph (A) and from the National Advisory Council on Health Professions Education.

"(3) Of the amounts available for grants and contracts under this subsection from amounts appropriated under subsection (f), not more than 25 percent shall be obligated for grants to and contracts with public and nonprofit entities which are not health professions institutions, allied health institutions, or nurse training institutions.".

ADVANCED FINANCIAL DISTRESS ASSISTANCE

SEC. 134. The first sentence of section 788B(f) is amended by striking out "five" and inserting in lieu thereof "six".

GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

SEC. 135. Section 791(c)(2)(A)(i) is amended by inserting before the semicolon a comma and "except that in any case in which the number of minority students enrolled in the graduate educational programs of such entity in such school year exceeds an amount equal to 45 percent of the number of all students enrolled in such programs in such school year, such application shall only be required to contain assurances that at least 20 individuals will complete such programs in such school year".

PROGRAM ELIMINATIONS

SEC. 136. (a) Section 703 is repealed.

"(b) Section 759 is repealed.

"(c) Part D of title VII is repealed.

"(d) Section 782 is repealed.

"(e) Section 785 is repealed.

"(f) (1) Section 788A is repealed.

"(2) The second sentence of section 788B(a) is amended by inserting "(as such section was in effect prior to October 1, 1984)" after "section 788A".

"(3) Section 788B(f) (as amended by section 134 of this Act) is further amended by striking out the last sentence.

"(4) Section 788B(h) (as amended by section 111 of this Act) is further amended—

"(A) by striking out "and section 788A" in the first sentence; and

"(B) by striking out the second sentence.

(g) Section 789 is repealed.

HEALTH SERVICES RESEARCH

SEC. 137. (a) Section 305(c) is amended—

(1) by redesignating clauses (1), (2), and (3), as clauses (A), (B), and (C), respectively;

(2) by inserting "(1)" before "The"; and

(3) by adding at the end thereof the following new paragraph:

"(2) In carrying out this section, the Secretary shall assist State and local health agencies, including the establishment of a user liaison program and a technical assistance program.".

(b) Section 305 of such Act is further amended—

(1) by striking out "and" at the end of paragraph (3) in subsection (b);

(2) by striking out the period at the end of paragraph (4) of such subsection and inserting in lieu thereof a semicolon and "and";

(3) by inserting after paragraph (4) the following new paragraph:

"(5) the safety, effectiveness, cost effectiveness and economic impacts of health care technologies.";

(5) by redesignating subsection (e) as subsection (g); and

(6) by inserting after subsection (d) the following new subsections:

"(e)(1) The Center shall advise the Secretary respecting medical technology issues and make recommendations with respect to whether specific medical technologies should be reimbursable under federally financed health programs.

"(2) In making recommendations respecting medical technologies, the Center shall consider the cost effectiveness and appropriate uses of such technologies.

"(3) In carrying out its responsibilities under this section respecting medical technologies, the Center shall cooperate and consult with the National Institutes of Health, the Food and Drug Administration, and any other interested Federal departments or agencies.

"(f)(1) The Secretary, through the Center, shall undertake and support (by grant or contract) research regarding technology diffusion, methods to assess medical technology, and specific medical technologies.

"(2) Any grant or contract under paragraph (1), the direct cost of which will exceed $50,000, may be made or entered into only after appropriate peer review.".

(c) The second sentence of section 308(i)(1) is amended by striking out "and at least 5 per centum of such amount or $1,000,000, whichever is less, shall be available only for dissemination activities directly undertaken through such Center" and inserting in lieu thereof "and at least 10 per centum of such amount or $1,500,000, whichever is greater, shall be available only for the user liaison program referred to in section 305(c)(2).".

HEALTH CARE TECHNOLOGY

SEC. 138. Section 309 of the Public Health Service Act is amended to read as follows:

"COUNCIL ON HEALTH CARE TECHNOLOGY

SEC. 309. (a) In accordance with this section, the Secretary shall make grants to the National Academy of Sciences for the planning, development, establishment, and operation in such Academy of A Council on Health Care Technology. The Council shall comply with the provisions of this section.

"(b) The purposes of the Council are to—

"(1) promote the development and application of appropriate health care technologies; and

"(2) promote the review of existing health care technologies in order to identify obsolete or inappropriately used health care technologies.

"(c)(1) The Council may—

"(A) serve as a clearinghouse for information on health care technologies and health care technology assessment;

"(B) collect and analyze data concerning specific health care technologies;

"(C) identify needs in the assessment of specific health care technologies;

"(D) develop and evaluate criteria and methodologies for health care technology assessment;

"(E) provide education, training, and technical assistance in the use of health care technology assessment methodologies and results; and

"(F) conduct assessments of health care technologies.

"(2) No funds from any grant made by the Secretary to the National Academy of Sciences under this section shall be used to conduct any assessment of a health care technology.

"(d) The Council shall be composed of:

"(1) Fifteen members appointed by the National Academy of Sciences from individuals who have education, training, experience, or expertise relating to the quality and cost-effectiveness of health care technologies and who are representatives of organizations of health professionals, hospitals, health care insurers, employers, consumers, and manufacturers of products for health care.

"(2) The Secretary of Health and Human Services (or the designee of the Secretary), who shall be an ex officio member.

"(3) The Director of the Office of Technology Assessment (or the designee of the Director), who shall be an ex officio member.

"(4) The Director of the National Institutes of Health (or the designee of the Director), who shall be an ex officio member.

"(5) The Director of the National Center for Health Services Research (or the designee of the Director), who shall be an ex officio member.

"(e) Any vacancy in the Council shall not affect its power, but shall be filled in the manner in which the original appointment was made.

"(f) The President of the National Academy of Sciences shall designate one of the members appointed to the initial Council under subsection (d)(1) as Chairman of the Council for a one-year term. Thereafter, the members of the initial and succeeding Councils shall elect one of their members appointed under such subsection as Chairman for such terms as may be determined by the Council.

"(g) The Council shall have an executive director and such other employees as may be appointed by the Council at rates of compensation fixed by the Council.

(h) The Council shall not contribute to or otherwise support any political party or candidate for elective public office.

"(i) The Council shall submit an annual report for the preceding fiscal year to the Secretary of Health and Human Services. The report shall include a comprehensive and detailed report of the Council's operations, activities, financial condition, and accomplishments under this section and may include such recommendations as the Council considers appropriate.

"(j) No grant may be made under this section unless the National Academy of Sciences submits an application for such grant to the Secretary in such form and containing such information as the Secretary shall prescribe.

"(k)(1) From the amounts appropriated under subsection (m), the Secretary shall make a grant to the National Academy of Sciences in an amount not in excess of $500,000 for the planning, development, and establishment of the Council.

"(2) From the amounts appropriated under subsection (m) which remain available after a grant is made under paragraph (1), the Secretary shall make grants to the National Academy of Sciences for the operation of the Council. The Secretary may not make a grant under this paragraph unless the application submitted to the Secretary under subsection (j) for such grant contains written assurances from such Academy that such Academy will expend from non-Federal sources for the operation of the Council an amount equal to or in excess of such grant.

"(l) For purposes of this section, health care technologies mean drugs, devices, and medical and surgical procedures, and knowledge and skills necessary for their appropriate use in the delivery of health care.

"(m) To carry out this section, there are authorized to be appropriated $2,000,000 for fiscal year 1985, which shall remain available until September 30, 1987.".

ANALYSIS OF FINANCIAL DISINCENTIVES TO CAREER CHOICES IN HEALTH PROFESSIONS

SEC. 139. The Secretary of Health and Human Services shall include in the report required to be submitted on October 1, 1985, pursuant to section 708(c)(2) of the Public Health Service Act (as redesignated by section 125 of this Act)—

(1) an analysis of any financial disincentive to graduates of health professions schools which affects the specialty of practice chosen by such graduates or the decision of such graduates to practice their profession in an area which lacks an adequate number of health care professionals; and

(2) recommendations for legislation and administrative action to correct any disincentive identified pursuant to clause (1), including the appropriateness of providing financial assistance to mitigate such disincentives.

DESIGNATION OF REGIONAL PRIMATE RESEARCH CENTER

SEC. 140. (a) The Secretary of Health and Human Services, through the Division of Research Resources of the National Institutes of Health, shall designate as a Regional Primate Research Center a laboratory for experimental medicine and surgery in primates which is in existence on the date of enactment of this Act. The laboratory designated under this subsection shall be a laboratory which was initially established in 1965 and which became formally sponsored by an association of schools of medicine in 1967.

(b) The Secretary of Health and Human Services shall provide the Regional Primate Research Center designated under subsection (a) with opportunities for consideration for core support and grants to support biomedical research equal to the opportunities for consideration for such support and grants provided to all other Regional Pri-

mate Research Centers designated by the Secretary.

TITLE II—NURSE EDUCATION

SPECIAL PROJECTS

SEC. 201. (a) Section 820(a) is amended—

(1) by striking out "or" after the semicolon in paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (5) the following:

"(6) demonstrate clinical nurse education programs which combine educational curricular and clinical practice in health care delivery organizations, including acute care facilities, long-term care facilities, and ambulatory care facilities;

"(7) demonstrate methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangements in communities; or

"(8) demonstrates methods to encourage nursing graduates to practice in health manpower shortage areas (designated under section 332) in order to improve the specialty and geographical distribution of nurses in the United States.".

(b) Section 820(d) is amended—

(1) by striking out the first sentence and inserting in lieu thereof: (1) For payments under grants and contracts under paragraphs (1) through (5) of subsection (a), there are authorized to be appropriated $10,000,000 for the fiscal year ending September 30, 1985, $11,000,000 for the fiscal year ending September 30, 1986, and $12,000,000 for the fiscal year ending September 30, 1987.";

(2) by striking out "this subsection" in the second sentence and inserting in lieu thereof "this paragraph";

(3) by striking out "1981," in such sentence and inserting in lieu thereof "1984,"; and

(4) by adding at the end thereof the following new paragraph:

"(2) For payments under grants and contracts under paragraphs (6), (7), and (8) of subsection (a), there are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1985, $5,500,000 for the fiscal year ending September 30, 1986, and $6,000,000 for the fiscal year ending September 30, 1987. Not less than 25 percent of the amounts appropriated under this paragraph shall be obligated for grants and contracts under paragraph (7) of subsection (as).".

ADVANCED NURSE EDUCATION

SEC. 202. Section 821 is amended to read as follows:

"ADVANCED NURSE EDUCATION

SEC. 821. (a) The Secretary may make grants to and enter into contracts with public and private nonprofit collegiate schools of nursing to meet the costs of projects to—

"(1) plan, develop, and operate,

"(2) expand, or

"(3) maintain,

programs which lead to masters' and doctoral degrees and which prepare professional nurses to serve as nurse educators, administrators, consultants, or researchers or to serve in clinical nurse specialties determined by the Secretary.

"(b) For payments under grants and contracts under this section, there are authorized to be appropriated $17,500,000 for the fiscal year ending September 30, 1985, $18,500,000 for fiscal year the ending September 30, 1986, and $19,500,000 for the fiscal year ending September 30, 1987.".

NURSE PRACTITIONER PROGRAMS

SEC. 203. (a)(1) Paragraph (1) of section 822(a) is amended to read as follows:

"(1)()A) The Secretary may make grants to and enter into contracts with public and private nonprofit schools of nursing to meet the costs of projects to—

"(i) plan, develop, and operate,

"(ii) expand, or

"(iii) maintain,

programs for the education of nurse practitioners.

(B) The Secretary may make grants to and enter into contracts with public and private nonprofit schools of nursing and appropriate public and private nonprofit entities to meet the costs of projects to—

"(i) plan, develop, and operate,

"(ii) expand, or

"(iii) maintain,

accredited certificate programs for nurse midwives.".

(2) Paragraph (2) of such section is amended—

(A) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(2)(A) For purposes of this section, the term 'programs for the education of nurse practioners' means educational progams for registered nurses which—

"(1) meet guidelines prescribed by the Secretary in accordance with subparagraph (B);

"(ii) have as their objective the education of nurses (including pediatric nurses, geriatric nurses, and nurse midwives) who will, upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, and other health care institutions; and

"(iii) lead to a masters' degree or a doctoral degree, except that compliance with the provisions of this clause is not required for programs to education nurse midwives."; and

(B) by striking out "training" in subparagraph (B) and inserting in lieu thereof "education".

(b) Section 822 is further amended by striking out subsections (b) and (d) and by redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

(c) Section 822(b) (as redesignated by subsection (b) of this section) is amended by striking out "training" and inserting in lieu thereof "education".

(d) Section 822(c) (as redesignated by subsection (b) of this section) is amended to read as follows:

"(c) For payments under grants and contracts under this section, there are authorized to be appropriated $12,000,000 for the fiscal year ending September 30, 1985, $13,000,000 for the fiscal year ending September 30, 1986, and $14,000,000 for the fiscal year ending September 30, 1987.".

(e)(1) Notwithstanding the amendments made by subsections (a), (b), and (c) of this section, the Secretary of Health and Human Services may make one grant or enter into one contract with a school, hospital, or entity which, in fiscal year 1984, received a grant or contract under section 822 of the Public Health Service Act (as such section was in effect on September 30, 1984) in order to enable such school, hospital, or entity to maintain programs for the training of nurse practitioners which are in existence on September 30, 1984, or traineeship programs to train nurse practitioners which are existence on such date. The provisions of such section (as such section was in effect on September 30, 1984) shall apply to grants made and contracts entered into under the preceding sentence.

(2) The Secretary of Health and Human Services may use funds appropriated under subsection (c) of section 822 of the Public Health Service Act (as amended and redesignated by subsections (b) and (d) of this section) for grants and contracts under paragraph (1) of this subsection.

TRAINEESHIPS FOR ADVANCED EDUCATION OF PROFESSIONAL NURSES

SEC. 204. (a) Paragraph (1) of section 830(a) is amended to read as follows:

"(1)(A) The Secretary may make grants to public and private nonprofit schools of nursing to cover the cost of traineeships for nurses in masters' degree and doctoral degree programs in order to educate such nurses to—

"(i) serve in and prepare for practice as nurse practitioners,

"(ii) serve in and prepare for practice as nurse administrators, nurse educators, and nurse researchers, or

"(iii) serve in and prepare for practice in other professional nursing specialties determined by the Secretary to require advanced education.

"(B) The Secretary may make grants to public and private nonprofit schools of nursing and appropriate public and private nonprofit entities to cover the cost of traineeships to educate nurses to serve in and prepare for practice as nurse midwives.".

(b) Section 830 is further amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting "(1)" before "There" in such subsection;

(3) by striking out "this section" in the first sentence of such subsection and inserting in lieu thereof "subsection (a)";

(4) by striking out "and" after "1983," in such sentence;

(5) by inserting a comma and "$12,000,000 for the fiscal year ending September 30, 1985, $13,000,000 for the fiscal year ending September 30, 1986, and $14,000,000 for the fiscal year ending September 30, 1987" before the period in such sentence;

(6) by striking out the second sentence of such subsection;

(7) by adding at the end of such subsection the following new paragraph:

"(2) To carry out subsection (b), there are authorized to be appropriated $3,000,000 for the fiscal year ending September 30, 1985, $3,500,000 for the fiscal year ending September 30, 1986, and $4,000,000 for the fiscal year ending September 30, 1987.";

(8) by inserting after subsection (a) the following new subsection:

"(b) The Secretary may make grants to public or private nonprofit schools of nursing to cover the costs of post baccalaureate and post doctoral fellowships for faculty in such schools to enable such faculty to—

"(1) expand knowledge with respect to nursing by working with groups of students;

"(2) investigate cost-effective alternatives to traditional health care modalities, with special attention to the needs of at-risk populations, such as the elderly, premature infants, physically and mentally disabled individuals, and ethnic and minority groups;

"(3) examine nursing interventions that result in positive outcomes in health status, with attention to interventions which address family violence, drug and alcohol abuse, the health of women, adolescent

care, disease prevention, and ethical concerns; and

"(4) address other areas of nursing practice considered by the Secretary to require additional study."; and

(9) by striking out "training" in the section heading and inserting in lieu thereof "education".

NURSE ANESTHETISTS

SEC. 205. (a) Section 831(a)(1) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(b) Section 831 is further amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) The Secretary may make grants to public or private nonprofit institutions to cover the cost of projects to improve existing programs for the education of nurse anesthetists which are accredited by an entity or entities designated by the Secretary of Education, including grants to such institutions for the purpose of providing financial assistance and support to certified registered nurse anesthetists who are faculty members of accredited programs to enable such nurse anesthetists to obtain advanced education relevant to their teaching functions.".

(c) Section 831(c) (as redesignated by subsection (b) of this section) is amended to read as follows:

"(c) For the purpose of making grants under this section, there are authorized to be appropriated $1,000,000 for the fiscal year ending September 30, 1985, $1,300,000 for the fiscal year ending September 30, 1986, and $1,600,000 for the fiscal year ending September 30, 1987.".

(d) The section heading for such section is amended by striking out "traineeships for the training of".

STUDENT LOANS

SEC. 206. (a) The last sentence of section 836(a) is amended by striking out "and to persons who enter as first-year students after enactment of this title".

(b) Section 837 is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated for allotments under section 838 to schools of nursing for Federal capital contributions to their student loan funds established under section 835, $1,000,000 for the fiscal year ending September 30, 1985, $1,300,000 for the fiscal year ending September 30, 1986, and $1,600,000 for the fiscal year ending September 30, 1987.";

(2) by striking out "1985," in the second sentence and inserting in lieu thereof "1988,";

(3) by striking out "1985," in such sentence and inserting in lieu thereof "1987,"; and

(4) by striking out the last two sentences.

(c) Section 838 is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a)(1) The Secretary shall from time to time set dates by which schools of nursing must file applications for Federal capital contributions.

"(2) If the total of the amounts requested for any fiscal year in such applications exceeds the total amount appropriated under section 837 for that fiscal year, the allotment from such total amount to the loan fund of each school of nursing shall be reduced to whichever of the following is the smaller: (A) the amount requested in its application or (B) an amount which bears the same ratio to the total amount appropriated as the number of students estimated by the Secretary to be enrolled on a full-time basis in such school during such fiscal year bears to the estimated total number of students enrolled in all such schools on a full-time basis during such year. Amounts remaining after allotment under the preceding sentence shall be reallotted in accordance with clause (B) of such sentence among schools whose applications requested more than the amounts so allotted to their loan funds, but with such adjustments as may be necessary to prevent the total allotted to any such school's loan fund under this paragraph and paragraph (3) from exceeding the total so requested by it.

"(3) Funds which, pursuant to section 839 (c) or pursuant to a loan agreement under section 835, are returned to the Secretary in any fiscal year, shall be available for allotment in such fiscal year and in the fiscal year succeeding the fiscal year. Funds described in the preceding sentence shall be allotted among schools of nursing in such manner as the Secretary determines will best carry out the provisions of this subpart, except that in making such allotments, the Secretary shall give priority to schools of nursing which established student loan funds under this subpart after September 30, 1975.

"(b) Allotments to a loan fund of a school shall be paid to it from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in the loan fund at such school.".

(d) Section 839 is amended—

(1) by striking out "1987," each place it appears in subsections (a) and (b) and inserting in lieu thereof "1990,"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) Within 30 days after the termination of any agreement with a school under section 835 or the termination in any other manner of a school's participation in the loan program under this subpart, such school shall pay to the Secretary from the balance of the loan fund of such school established under section 835, an amount which bears the same ratio to the balance in such fund on the date of such termination as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to section 835(b)(2)(A) bears to the total amount in such fund on such date derived from such Federal capital contributions and from funds deposited in the fund pursuant to section 835(b)(2)(B). The remainder of such balance shall be paid to the school.

"(3) A school to which paragraph (1) applies shall pay to the Secretary after the date on which payment is made under such paragraph and not less than quarterly, the same proportionate share of amounts received by the school after the date of termination referred to in paragraph (1) in payment of principal or interest on loans made from the loan fund as was determined for the Secretary under such paragraph.".

SEC. 207. (a) Sections 801, 802, 803, 805, 810, 811, and 815 are repealed.

(b) Part A of title VIII is amended by striking out the headings for subparts I, II, III, and IV.

(c) Section 804 is redesignated as section 858, and is amended—

(1) by striking out "this subpart" in the matter preceding clause (1) and inserting in lieu thereof "subpart I of part A (as such subpart was in effect prior to September 30, 1984)";

(2) by inserting "under subpart I of part A (as such subpart was in effect prior to September 30, 1984)" after "Federal participation" in the matter following clause (3); and

(3) by adding "for construction assistance" at the end of the section heading.

(d) Section 851(b) is amended by striking out ", and in the review of applications for construction projects under subpart I of part A, of applications under section 805, and of applications under subpart III of part A".

(e) Section 853(1) is amended by striking out "the Canal Zone,".

(f) Section 853(6) is amended to read as follows:

"(6) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education, except that a school of nursing seeking an agreement under subpart II of part C for the establishment of a student loan fund, which is not, at the time of the application under such subpart, eligible for accreditation by such a recognized body or bodies, or State agency, shall be deemed accredited for purposes of such subpart if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the agreement with such school is made under such subpart; except that the provisions of this clause shall not apply for purposes of section 838. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.".

BUREAU OF NURSING

SEC. 208. (a) Parts B and C of title VIII are redesignated as parts C and D, respectively.

(b) Title VIII is amended by inserting before section 820 the following:

"PART B—SPECIAL PROJECTS"

(c) Part A of title VIII is amended to read as follows:

"PART A—BUREAU OF NURSING

"ESTABLISHMENT

"SEC. 801. (a) There is established in the Health Resources and Services Administration the Bureau of Nursing. The Bureau shall be composed of—

"(1) the Division for Advanced Nurse Education established by section 802;

"(2) the Division for Nurse Educational Support established by section 803; and

"(3) the Center for Nursing Studies and Research established by section 804.

"(b) The Bureau shall be headed by a Director, who shall be appointed by the Secretary. The Secretary shall carry out this title through the Director.

"(c) The Secretary shall carry out the provisions of section 951 of the Nurse Training Act of 1975 through the Director.

"DIVISION FOR ADVANCED NURSE EDUCATION

"SEC. 802. There is established in the Bureau the Division for Advanced Nurse Education. The Secretary shall carry out part B through the Director and the Division.

"DIVISION FOR NURSE EDUCATIONAL SUPPORT

"SEC. 803. There is established in the Bureau the Division of Nurse Educational Support. The Secretary shall carry out part C through the Director and the Division.

"CENTER FOR NURSING STUDIES AND RESEARCH

"SEC. 804. (a) There is established in the Bureau the Center for Nursing Studies and Research. The Secretary, through the Center, shall conduct and support programs of basic and clinical research, training, and information dissemination relating to—

"(1) the promotion of health;

"(2) the prevention of illness;

"(3) the responses of patients and their families to acute and chronic illnesses, disabilities, and the aging process; and

"(4) nursing education, nursing services, and professional nursing resources.

programs conducted under this subsection shall be in addition to the programs described in paragraphs (1) and (2) of subsection (b).

"(b) The Secretary shall carry out through the Center—

"(1) programs of research, training, and information dissemination relating to nursing conducted and supported by the Secretary under section 301; and

"(2) the program of National Research Service Awards relating to nursing under section 472.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 805 (a) To carry out section 804 (a), there are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1985, $5,500,000 for fiscal year ending September 30, 1986, and $6,000,000 for the fiscal year ending September 30, 1987. Amounts appropriated under this subsection shall be in addition to amounts appropriated under sections 301 and 472.

"(b) For the establishment and initial operation of the Bureau, there are authorized to be appropriated $2,000,000 for fiscal year ending September 30, 1985, and each of the two succeeding fiscal years.".

(d) Section 853 is amended by adding at the end thereof the following new paragraphs:

"(11) The term 'Bureau' means the Bureau of Nursing established under section 801.

"(12) The term 'Director' means the Director of the Bureau.".

(e)(1) The Division of Nursing of the Health Resources and Services Administration of the Department of Health and Human Services is terminated.

(2) Section 472 is amended—

(A) by striking out "Division of Nursing of the Health Resources Administration," in subsection (a)(1)(A)(i) and inserting in lieu thereof "Bureau of Nursing of the Health Resources and Services Administration,"; and

(B) by striking out "Division" in such subsection and inserting in lieu thereof "Bureau".

TITLE III—NATIONAL HEALTH SERVICE CORPS

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. (a) Section 338(a) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$90,000,000 for the fiscal year ending September 30, 1985; $85,000,000 for the fiscal year ending September 30, 1986; and $85,000,000 for the fiscal year ending September 30, 1987".

(b) Section 338F(A) is amended by striking out the last sentence and inserting in lieu thereof the following: "For the fiscal year ending September 30, 1985, and each of the two succeeding fiscal years, there are authorized to be appropriated such sums as may be necessary to make one hundred and fifty new scholarship awards in accordance with section 338A(d) in each such fiscal year and to continue to make scholarship awards to students who have entered into written contracts under the Scholarship Program before October 1, 1987.".

OBLIGATED SERVICE

SEC. 302. Section 338B(b)(5) is amended to read as follows:

"(5)(A) With respect to an individual receiving a degree from a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that—

"(i) at the request of such an individual with whom the Secretary has entered into a contract under section 338A prior to October 1, 1984, the Secretary shall defer such date until the end of the period of time (not to exceed the number of years specified in subparagraph (B) or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training; and

"(ii) at the request of such an individual with whom the Secretary has entered into a contract under section 338A on or after October 1, 1984, the Secretrary may defer such date in accordance with the provision of clause (i).

"(B)(i) With respect to an individual receiving a degree from a school of medicine, osteopathy, or dentistry, the number of years referred to in subparagraph (A)(i) shall be three years.

"(ii) With respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the number of years referred to in subparagraph (A)(i) shall be one year.

"(C) No period of internship, residency, or other advanced clinical training shall be counted toward satisfying a period of obligated Service under this subpart.

"(D) With respect to an individual receiving a degree from an institution other than a school referred to in subparagraph (A), the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes his academic training leading to such degree.".

SPECIAL LOANS FOR CORPS MEMBERS TO ENTER PRIVATE PRACTICE

Sec. 303. (A) subsections (a) and (b) of section 338E are amended to read as follows:

"(a) The Secretary may, out of appropriations authorized under section 338, make one loan to a Corps member who has agreed in writing—

"(1) to engage in the private full-time clinical practice of his profession in a health manpower shortage area (designated under section 332) for a period of not less than two years which—

"(A) in the case of a Corps member who is required to complete a period of obligated service under this subpart, begins not later than one year after the date of which such individual completes such period of obligated service; and

"(B) in the case of an individual who is not required to complete a period of obligated service under this subpart, begins at such time as the Secretary considers appropriate;

"(2) to conduct such practice in accordance with the provisions of section 338C(b)(1); and

"(3) to such additional conditions as the Secretary may require to carry out the purposes of this section;

to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the cost of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such loan may not be used for the purchase of construction of any building.

"(b) The amount of a loan under subsection (a) to an individual shall not exceed $25,000.".

(b) Subsection (c) of such section is amended by striking out "grant or" in the first sentence.

(c) Subsection (d)(1) of such section is amended by striking out "this section," and inserting in lieu thereof "this section (as in effect prior to October 1, 1984),".

(d) Section 338C(e) is amended by striking out paragraph (1) and by striking out "(2)" before "upon".

PERSONNEL PLAN FOR THE NATIONAL HEALTH SERVICE CORPS

SEC. 304. (a) By October 1, 1985, the Secretary of Health and Human Services shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for the recruitment, employment, and retention of personnel for the National Health Service Corps which assures that—

(1) the Corps will continue to improve the delivery of health services in health manpower shortage areas (as designated by the Secretary under section 332 of the Public Health Service Act) during fiscal years 1988 through 1990; and

(2) during each such fiscal year, the total number of Corps members shall not exceed 2,100 or such lesser number as the Secretary considers necessary to serve the demonstrated needs of health manpower shortage areas.

(b) The plan required by subsection (a) shall include alternative proposals for the recruitment, employment, and retention of personnel for the National Health Service Corps, estimates of the amounts that would be required to carry out each such proposal during each of the fiscal years with which the plan is concerned, and such recommendations for legislation and administrative action as the Secretary considers appropriate.

(c) The Secretary shall prepare the plan required by subsection (a) in consultation with State governments, voluntary organizations, and organizations representing health professionals.

TECHNICAL ASSISTANCE TO STATES

SEC. 305. (a) Section 332 is amended by adding at the end thereof the following new subsection:

"(i) In order to assist a State in carrying out data collection and public information activities to enable the State to make rec-

ommendations regarding the designation of health manpower shortage areas in the State, the Secretary may provide technical assistance of an appropriate nature to the State or, at the request of the State, to entities within the State.".

(b) Section 338 (as amended by section 301 (a) of this Act) is further amended by adding at the end thereof the following new subsection:

"(c) To carry out the purposes of section 332(i), there are authorized to be appropriated $500,000 for the fiscal year ending September 30, 1985, and for each of the two succeeding fiscal years.".

TITLE IV—HEALTH MAINTENANCE ORGANIZATIONS

ELIMINATION OF AUTHORIZATION OF SUPPORT FOR FEASIBILITY SURVEYS, PLANNING, AND INITIAL DEVELOPMENT COSTS

SEC. 401. (a) Sections 1303, 1304, and 1307(c) are repealed.

(b) Section 1306 is amended—

(1) by striking out "grant, contract, loan," each place it appears (except in subsection (b)(6)) and inserting in lieu thereof "loan",

(2) by striking out "in the case of an application for assistance under section 1303 or 1304, such application meets the application requirements of such section, and in the case of an application for a loan or loan guarantee," in subsection (b)(1),

(3) by striking out "1304," in subsection (b)(2), and

(4) by striking out "grants, contracts, loans," in subsection (c) and inserting in lieu thereof "loans".

(c) Section 1307 is amended—

(1) by striking out "grant, contract, loan," each place it appears and inserting in lieu thereof "loan",

(2) by striking out "grant, contract, or" in subsection (a)(1), and

(3) by striking out "such assistance" in subsection (a)(1) and inserting in lieu thereof "the loan".

(d) Section 1309(a) is amended—

(1) by striking out paragraph (1), and

(2) by striking out "(2)".

(e) The first sentence of section 1317(b) is amended—

(1) by striking out clause (1), and

(2) by redesignating clauses (2) and (3) as clauses (1) and (2), respectively.

(f) The amendments made by this section do not apply to any grant made or contract entered into under title XIII of the Public Health Service Act before October 1, 1984.

LIMITATION OF LOANS AND LOAN GUARANTEES FOR INITIAL COSTS OF OPERATION

SEC. 402. (a) The last sentence of section 1305(a) is amended by inserting before the period ", and unless the Secretary has made a grant or loan to, entered into a contract with, or guaranteed a loan for, the organization in fiscal year 1981, 1982, 1983, or 1984 under this section or section 1304(b) (as in effect before October 1, 1984)".

(b) The amendment made by subsection (a) does not apply to any loan or loan guarantee for the initial costs of operation of a health maintenance organization made under title XIII of the Public Health Service Act before October 1, 1984.

ELIMINATION OF LOANS AND LOAN GUARANTEES FOR ACQUISITION AND CONSTRUCTION OF AMBULATORY CARE FACILITIES

SEC. 403. (a) Section 1305A is repealed.

(b) Section 1306(b)(2) is amended by striking out "or 1305A,".

(c) The amendments made by this section do not apply to any loan or loan guarantee made under section 1305A of the Public Health Service Act before October 1, 1984.

REPEAL OF REQUIREMENT FOR HEALTH SYSTEMS AGENCY REVIEW

SEC. 404. Paragraph (5) of section 1306(b) is repealed. Paragraphs (6), (7), and (8) are redesignated as paragraphs (5), (6), and (7), respectively.

LIMITATION ON BORROWING BY LOAN GUARANTEE FUND

SEC. 405. The first sentence of section 1308(d)(2) is amended by inserting "before October 1, 1983," after "guarantees issued by him".

REPEAL OF REQUIREMENT FOR PERIODIC DEMONSTRATION OF COMPLIANCE

SEC. 406. Section 1310(d) is amended by striking out the last sentence.

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SEC. 407. The first sentence of section 1311(c) is amended by striking out "quarterly" and inserting in lieu thereof "annually".

REPEAL OF LIMITATION ON SOURCE OF FUNDING

SEC. 408. Section 1313 is repealed.

ELIMINATION OF UNNECESSARY REPORT

SEC. 3409. Section 1318(e) is repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 410. (a) Section 1309(a) (as amended by section 401(d) of this Act) is further amended by inserting before the period a comma and "and $400,000 for each of the fiscal years 1985, 1986, and 1987".

(b) Section 1309(b) is amended to read as follows:

"(b) To meet the obligations of the loan fund established under section 1308(e) resulting from defaults on loans made from the fund and to meet the other obligations of the fund, there is authorized to be appropriated to the loan fund for fiscal year 1985, 1986, and 1987, such sums as may be necessary.".

TITLE V—PRIMARY HEALTH CARE SERVICES

MEDICALLY UNDERSERVED POPULATIONS

SEC. 501. Section 330(b) is amended—

(1) by striking out the second, third, fourth, and fifth sentences of paragraph (3); and

(2) by adding at the end thereof the following:

"(4) In carrying out paragraph (3), the Secretary shall by regulation prescribed criteria for determining the specific shortages of personal health services of an area or population group. Such criteria shall—

"(A) take into account comments received by the Secretary from the chief executive officer of a State (or the designee of such chief executive officer) and local officials in a State; and

"(B) include infant mortality in an area or population group, other factors indicative of the health status of a population group of residents of an area, the ability of the residents of an area or of a population group to pay for health services and their accessibility to them, and the availability of health professionals to residents of an area or to a population group.

"(5) The Secretary may not designate a medically underserved population in a State or terminate the designation of such a population unless, prior to designation or termination, the Secretary provides reasonable notice and opportunity for comment and consults with—

"(A) the chief executive officer of such State (or the designee of such chief executive officer);

"(B) local officials in such State; and

"(C) the State organization, if any, which represents a majority of community health centers in such State.

"(6) The Secretary may designate a medically underserved population that does not meet the criteria established under paragraph (4) if the chief executive officer of the State in which such population is located (or the designee of such chief executive officer) and local officials of such State recommend the designation of such population based on unusual local conditions which are a barrier to access to or the availability of personal health services.".

MEMORANDUM OF AGREEMENT

SEC. 502. Section 330 is amended by redesignating subsection (g) as subsection (i) and by inserting after subsection (f) the following new subsection:

"(g) In carrying out this section, the Secretary may enter into a memorandum of agreement with a State. Such memorandum may include, where appropriate, provisions permitting such State to—

"(1) analyze the need for primary health services for medically underserved populations within such State;

"(2) assist in the planning and development of new community health centers;

"(3) review and comment upon annual program plans and budgets of community health centers, including comments upon allocations of health care resources in the State;

"(4) assist community health centers in the development of clinical practices and fiscal and administrative systems through a technical assistance plan which is responsive to the requests of community health centers; and

"(5) share information and data relevant to the operation of new and existing community health centers.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 503. (a) Paragraphs (1) and (2) of section 330(i) (as redesignated by section 502 of this Act) are amended to read as follows:

"(1) There are authorized to be appropriated for payments pursuant to grants under this section $360,000,000 for the fiscal year ending September 30, 1985, $380,000,000 for the fiscal year ending September 30, 1986, and $400,000,000 for the fiscal year ending September 30, 1987.

"(2) The Secretary may not in any fiscal year—

"(A) expend for grants to serve medically underserved populations designated under subsection (b)(6) an amount which exceeds 5 percent of the funds appropriated under this section for that fiscal year; and

"(B) expend for grants under subsection (d)(1)(C) an amount which exceeds 5 percent of the funds appropriated under this section for that fiscal year.".

STATE GRANTS FOR PRIMARY CARE RESEARCH, DEMONSTRATION, AND SERVICES

SEC. 504. (a) Part C of title XIX is repealed.

"(b) Title XIX is amended by adding at the end thereof the following new part:

"PART C—STATE GRANTS FOR PRIMARY CARE RESEARCH, DEMONSTRATION, AND SERVICES

"PURPOSE; AUTHORIZATION OF APPROPRIATIONS

"SEC. 1921. (a) For the purpose of—

"(1) improving access to primary health services for medically underserved populations,

"(2) improving the delivery of primary health services to medically underserved

populations, particularly the effectiveness, efficiency and quality of such services, and

"(3) improving the health status of such populations, through reductions in—

"(A) the incidence of preventable diseases and illnesses and premature death, and

"(B) the need for costly inpatient and long-term care services,

the Secretary shall make payments under allotments, in accordance with the provisions of this part, to States for the conduct of activities authorized by this part.

"(b) For allotments under this part, there are authorized to be appropriated $15,000,000 for fiscal year 1985, $20,000,000 for fiscal year 1986, and $25,000,000 for fiscal year 1987.

"ALLOTMENTS

"SEC. 1922. (a)(1) Except as provided in paragraph (2), from the amounts appropriated under section 1921 for each fiscal year, the Secretary shall allot to each State an amount equal to the product of—

"(A) the total amount appropriated for such fiscal year, multiplied by

"(B) the ratio (stated as a percentage) that the total number of low-income persons residing in the State bears to the total number of low-income persons residing in the United States.

"(2) Notwithstanding paragraph (1)—

"(A) the total amount of the allotment for each of the several States, the District of Columbia, and Puerto Rico for each of the fiscal years 1985, 1986, and 1987 shall not be less than 1 percent of the total amount appropriated under section 1921 for such fiscal year;

"(B) the total amount of the allotment for each of the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands for each such fiscal year shall not be less than one-fourth of 1 percent of the total amount appropriated under section 1921 for such fiscal year; and

"(C) the total amount of the allotment for each of American Samoa and the Commonwealth of the Northern Mariana Islands for each such fiscal year shall not be less than one-sixteenth of 1 percent of the total amount appropriated under section 1921 for such fiscal year.

"(b) To the extent that all the funds appropriated under section 1921 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1925 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1906(b)(3) (as such section applies to this part pursuant to section 1925(e));

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"(c)(1) If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this subpart be provided directly by the Secretary to such tribe or organization, and

"(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this subpart,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) for a fiscal year the amount determined under paragraph (2).

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved under subsection (a) as the total number of low-income persons in the tribe during such fiscal year bears to the total number of low-income persons residing in the State during such fiscal year.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the persons for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 1923. (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment under section 1922 from amounts appropriated for that fiscal year.

"(b)(1) Except as provided in paragraph (2), any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State if the Secretary determines that there is good cause for such funds remaining unobligated.

"(2) If the amount paid to a State under this part for a fiscal year which remains unobligated at the end of such fiscal year exceeds 20 percent of the amount allotted to such State under section 1922 for such fiscal year, the amount of such excess shall not remain available for the next fiscal year to such State under paragraph (1) and shall be returned to the Treasury and credited as miscellaneous receipts.

"USE OF ALLOTMENTS

"SEC. 1924. (a) Amounts paid to a State under section 1923 from its allotment under section 1922 may be used to—

"(1) make grants to eligible entities to provide primary health services to medically underserved populations in the State; and

"(2) conduct, or make grants for the conduct of, research, demonstrations, or the development of methods to evaluate—

"(A) alternative systems of reimbursement for primary health services;

"(B) new or innovative methods for the provision of primary health services;

"(C) methods of attracting and retaining primary health service providers (including physicians, dentists, physician assistants, nurse practitioners, and other health professionals), both individually and as teams, to train and practice among medically underserved populations;

"(D) different types of organizational models and relationships, including federations of providers of primary health services, designed to meet unique primary health and dental health service needs; and

"(E) methods of reducing long-term institutional costs by improving service connections between providers of primary health services and home and community-based services; or

"(F) such other matters which will enhance the availability or accessibility of primary health services.

"(b)(1) A State may not use funds allotted under section 1922 for the purposes of administering this part or administering an agreement under section 330(g).

"(2)(A) Of the amounts paid to a State under section 1923 for each fiscal year—

"(i) not less than 80 percent shall be used to make grants under paragraph (1) of subsection (a); and

"(ii) not more than 20 percent may be used to conduct, or to make grants for the conduct of, activities described in paragraph (2) of subsection (a).

"(B) Not more than 10 percent of the amounts paid to a State under section 1923 for each fiscal year may be used for activities described in paragraph (2) of subsection (a) which are directly conducted by the State.

"(3) If a State makes a grant under paragraph (1) of subsection (a) for the provision of primary health services to a medically underserved population which is in the service area (determined in accordance with section 332(e)(3)(I)) of an entity which is a recipient of a grant under section 330, a State shall make such grant to such entity.

"(c) The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this part.

"(d) A State may not use amounts paid to it under section 1923 to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of health services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) and building or other facility, or purchase major medical equipment;

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) provide financial assistance to any entity other than a public or nonprofit private entity.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

"SEC. 1925. (a) In order to receive an allotment for a fiscal year under section 1922 each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require. Each such application shall contain assurances that the legislature of the State has complied with the provisions of subsection (b) and that the State will meet the requirements of subsection (c).

"(b) After the expiration of the first fiscal year in which a State receives an allotment under section 1922, no funds shall be allotted to such State for any fiscal year under such section unless the legislature of the State conducts public hearings on the proposed use and distribution of funds to be provided under section 1923 for such fiscal year.

"(c) As part of the annual application required by subsection (a), the chief executive officer of each State shall certify that the State—

"(1) agrees to use the funds allotted to it under section 1922 in accordance with the requirements of this part;

"(2) has identified the populations, area, and localities in the State with a need for the primary health services for which funds may be provided by the State under this part;

"(3) has established an appropriate mechanism to administer grants to be made under section 1924, and to comply with the requirements of this part;

"(4) will participate in the coordination of activities supported under this part with the activities of other providers of primary health services within the State (including entities which are recipients of grants under sections 329 and 330), to ensure that such activities are carried out in an effective manner and without duplication of effort;

"(5) will establish, after providing reasonable notice and opportunity for the submission of comments, reporting requirements and reasonable criteria to evaluate the fiscal, managerial, and clinical performance of entities which receive grants under section 329 of grants under section 1924 and under section 329 or section 330 to comply with different reporting requirements and criteria than are required under section 329 or section 330, as the case may be; and

"(b) agrees that Federal funds made available under section 1923 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

"(d)(1) The chief executive officer of a State shall, as part of the application required by subsection (a), also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 1923 for the fiscal year for which the application is submitted, including—

"(A) a description of the populations, areas, and localities in the State which the State has identified as needing primary health services;

"(B) a statement of goals and objectives for meeting the needs identified pursuant to subparagraph (A);

"(C) information on the activities to be supported and services to be provided with payments under this part;

"(D) after the expiration of the first fiscal year in which the State received payments under section 1923, a description of the criteria and methods that will be used by the State for the distribution of payments under such section, and the relationship of such criteria and methods to the achievement of the purposes of this part; and

"(E) the information and data which the State intends to collect respecting activities supported under this part.

"(2) The description required by paragraph (1) shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to be requirements of the preceding sentence.

"(e) Except where inconsistent with the provisions of this part, the provisions of section 1903(b), section 1906(a), paragraphs (1) through (5) of section 1906(b), section 1906(c), and sections 1907, 1908, and 1909 shall apply to this part in the same manner as such provisions apply to part A of this title.

"DEFINITIONS

"SEC. 1926. As used in this part:

"(1) The term 'low income person' refers to those individuals and families whose income is determined to be below the official poverty line as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act.

"(2) The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in section 4(d) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(3) The term 'medically underserved population' has the meaning given to such term by section 330(b)(3).

"(4) The term 'primary health services' means the preventive, diagnostic, treatment, consultation, referral, and other services rendered, on an ambulatory basis, by a physician and, where feasible, by a physicians' assistant or nurse practitioner. Such term includes, as a minimum, access to routine associated laboratory services, diagnostic radiologic services, preventive health services, and emergency medical care.

"(5) The term 'eligible entity' means a public or nonprofit private entity capable of providing primary health services to medically underserved populations.".

MIGRANT HEALTH CENTERS

SEC. 505. The first sentence of section 329(h)(1) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$45,000,000 for the fiscal year ending September 30, 1985, $48,000,000 for the fiscal year ending September 30, 1986, and $51,000,000 for the fiscal year ending September 30, 1987".

REGULATIONS

SEC. 506. By the earliest possible date, but not later than June 30, 1985, the Secretary shall promulgate separate final regulations to carry out part C of title XIX of the Public Health Service Act (as added by section 504(b) of this Act) which take into account the provisions of such part which are different from the provisions of parts A and B of such title.

TECHNICAL AMENDMENT

SEC. 507. Section 329(d)(2) is amended by inserting before the semicolon "and the costs of repaying loans made by the Farmers Home Administration for buildings".

EFFECTIVE DATE

SEC. 508. This Act and the amendment and repeals made by this Act shall take effect on October 1, 1984, except that section 304 of this Act shall take effect on the date of enactment of this Act.

Amend the title so as to read: "A bill to amend provisions of the Public Health Service Act relating to health professions training assistance, nurse education, the National Health Service Corps, health maintenance organizations, and primary health care services, and for other purposes.".

NOTICES OF COMMITTEE HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold an oversight hearing on the Sergeant York Air Defense Gun and the Defense Systems Acquisition Review Council [DSARC] Process on Friday, September 28, at 9 a.m. in SD342 of the Dirksen Senate Office Building. For further information, please contact Mr. Link Hoewing at 224-4751.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a business meeting on Friday, September 28, 1984, beginning at 2 p.m., in the Capitol, S-205, on S. 2879, the Indian Coal Mining Regulatory Act of 1984, and for other purposes.

Those wishing additional information should contact Paul Alexander or Max Richtman of the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs, of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 26, at 2 p.m., to hold a hearing on U.S. policy on South Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate at 2:30 p.m., Wednesday, September 26, to conduct a meeting to consider and act on pending rules business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 26, at 9:30 a.m., to hold a hearing to consider S. 2190, a bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commit-

tee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 26, at 10 a.m., to hold a hearing on the relationship between Congress and the executive branch relating to foreign policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TACTICAL WARFARE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Tactical Warfare, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, September 26, at 9 a.m., to hold a hearing on development and use of training simulators.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PREPAREDNESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, September 26, at 2 p.m., to hold a hearing to review the Government's analysis of the sale of New Hampshire Ball Bearings, Inc., to the Japan-based Minebea Co.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CIVIL SERVICE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Civil Service Subcommittee, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, September 26, at 10 p.m., to hold a hearing entitled "Private and Public Sector Management Theories, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 26, at 10 a.m., to hold a hearing on textile and apparel imports, "Free Trade of Unfair Trade?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 26, to consider the following nominations:

Joe Rogers, of Virginia, to be Director of the Asian Development Bank, with the rank of Ambassador; and

Charles Dallara, of Virginia, to be Executive Director of the International Monetary Fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

KIM DAE JUNG'S RETURN TO KOREA

● Mr. KENNEDY. Mr. President, I was disturbed to hear of statements by South Korean officials suggesting that the respected Korean opposition leader Kim Dae Jung would be arrested and returned to prison when he returns to Korea this year because his political activity in the United States violated the "agreement" by which he was allowed to come here 2 years ago. In the past year the South Korean Government has taken a number of positive steps toward broadening the political freedom of its people. The arrest and imprisonment of Kim Dae Jung for exercising his fundamental human rights, such as freedom of speech, would be a clear reversal of this progress. I urge the South Korean Government to ensure Mr. Kim's safe return to his homeland, to grant him amnesty from the sentence that is now suspended and to lift the ban it has imposed on his political activity.

In a recent article in the New York Times, Donald L. Renard, who formerly headed the State Department's Office of Korean Affairs, explained why the U.S. Government should strongly support Kim Dae Jung's return to Korea. I request that the full article be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 26, 1984]

FULLY BACK KIM'S RETURN TO SEOUL

(By Donald L. Ranard)

WASHINGTON.—The announced intention of Kim Dae Jung, the South Korean opposition leader, to end his American exile by returning home before the end of 1984 "to struggle for the return of democracy" puts President Chun Doo Hwan on the spot and places the Reagan Administration in a dilemma by focusing attention anew on abuses by the authoritarian regime that it would prefer to ignore.

Although the Chun regime maintains that Mr. Kim's personal safety is not an issue, hanging darkly over Mr. Kim's decision is the assassination of the Filipino dissident Benigno S. Aquino Jr. at the Manila airport as he returned home last year under similar circumstances.

For two decades, Kim Dae Jung has been persecuted by South Korean governments whose undemocratic institutions he has sought to change. He was hounded by the Korean Central Intelligence Agency during his unsuccessful 1971 effort to unseat the late military ruler Gen. Park Chung Hee in elections beset by allegations of fraud. After General Park declared martial law in 1972, the K.C.I.A. followed Mr. Kim to America and harassed him here. In 1973, while in Tokyo he was kidnapped by the K.C.I.A. Succeeding years saw house arrest, conviction on a phony charge of sedition, then a death sentence commuted first to life imprisonment and then to 20 years in prison. In December 1982, after serving two and a half years of the sedition charge, he was freed and went into exile in America for medical treatment.

The Reagan Administration cannot doubt his attachment to democratic institutions. This entitles him to unqualified sympathy for his intention to try to counter "trends toward desperation and radicalization" and to strive for "peaceful democratization." Thus, the State Department should have voiced a reasonably strong statement of support. Instead, it reacted cautiously, saying limply that his return was "a matter for the Korean Government to handle, but we have expressed our hope to all concerned that his return will be trouble-free insofar as his personal situation is concerned." This barely constituted an endorsement of Mr. Kim's courageous decision and was not public encouragement that would press Seoul to readmit him. Contrast it with the department's reaction upon learning of his kidnapping: it promptly expressed high regard for his friendship, respect for his political leadership and grave concern for his safety.

Moreover, obviously unhappy with Mr. Kim's plans, some department officers are trying to dissuade him subtly by saying that the threat to him comes not from the Chun regime but from North Korea. Nonsense. As a cause célèbre in the South, Mr. Kim is worth more to the North alive than removed from the political scene.

Because of Mr. Chun's successful image-building trip to Japan and his need to demonstrate greater openness in domestic life in preparation for South Korea's role as host for the 1988 Olympics, the regime probably will readmit Mr. Kim. But its warning that it will take "necessary steps, according to the law" if he returns suggests he'll be back in prison. For Mr. Kim articulately criticizes what is wrong. Despite economic progress (accomplished partly by the breakup of the labor movement), easing of control on campuses and the release of some political prisoners, press freedom is abridged, the National Assembly mocks representative government, the Consitution still uses indirect elections to perpetuate authoritarian rule.

The State Department maintains that its handling of the Kim affair represents successful quiet diplomacy; the Administration rescued him from a death sentence in 1981 (at the exorbitant price of General Chun's state visit to Washington) and gave him refuge. But Mr. Kim will nonetheless rivet public attention on Chun abuses and make it difficult for Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, to continue ignoring them, no matter how many times he deflectively berates left-wing Nicaragua, Vietnam and Cuba.

If the Administration truly seeks a democratic South Korea, if it truly cares about human rights there, it will tell President Chun in no uncertain terms: listen to Kim Dae Jung and keep your hands off him.●

JAMES L. KENDRICKS, OUTSTANDING BUSINESSMAN

● Mr. MATTINGLY. Mr. President, I would like to bring to the attention of my colleagues an outstanding businessman, humanitarian, and citizen, James L. Kendricks. As president and chief executive officer of Augusta Blueprint & Microfilm, Inc., James Kendricks has distinguished himself

through dedication, skill, and hard-work as a successful businessman in the city of Augusta. Despite considerable adversity, James has over the last 13 years moved his business from a two-man operation to one that now employs 11 full-time personnel, and services accounts throughout the Southeast.

More than just a distinguished businessman, James Kendricks, is also deeply concerned about, and responsive to, human needs. He is vice chairman of the Richmond County Human Relations Commission, chairman of the Augusta Opportunities Industrialization Center, board chairman of the Savannah River Area Economic Development Committee, a member of the Georgia Small Business Administration advisory council, and a member of the board of trustee Williams Memorial CME Church.

On Monday, October 1, 1984, at the empire room of the Twin Towers in Atlanta, James L. Kendricks will be the recipient of the regional minority retail businessman of the year award, in recognition of his services and dedication as an entrepreneur in Augusta and throughout the Southeast. Mr. President, I respectfully request that my colleagues join me in congratulating James Kendricks on his outstanding career as a businessman, and on receiving this prestigious award.●

DOD'S SOFTWARE ENGINEERING INSTITUTE

● Mr. EAGLETON. Mr. President, recently an excellent article from Computer Graphics World entitled "DOD's Software Engineering Institute" was brought to my attention. The article offers an interesting and important perspective on an item in the 1985 Department of Defense authorization and appropriations bills that has received little attention.

The author of the article, Mr. Kenton Pattie, is highly critical of the creation of the Software Engineering Institute [SEI], whose startup costs, according to DOD's request, will be $8 million. As envisioned by the Defense Department, SEI would be a nonprofit, tax-exempt entity run by a university or consortium of universities that would help to develop DOD computer software which is currently developed primarily by private firms.

In his article Mr. Pattie charges that the creation of SEI is yet another instance in which:

First, the DOD is evading congressional intent regarding competition for Government contracts.

Second, the DOD attempts to lure non-Government organizations into lobbying for certain Defense appropriations.

Third, the DOD can, with a relatively small initial funding request, begin a long and expensive chain of multi-million dollar appropriations for a project that, whether proven effective or not, will acquire a life of its own.

In light of President Reagan's huge defense spending increases, it is all the more important that we scrutinize every new funding request from DOD. Mr. Pattie raises serious questions about one such request—the SEI—and about the methods employed by DOD to secure congressional support for the request. Accordingly, I urge my colleagues to review the article on the SEI and to turn a critical eye toward the SEI funding proposal that is now before Congress.

Mr. President, I ask that the Computer Graphics World article entitled "DOD's Software Engineering Institute" be printed in the RECORD immediately following my statement.

The article referred to follows:

[From Computer Graphics World, August 1984]

DOD'S SOFTWARE ENGINEERING INSTITUTE

(By Kenton H. Pattie)

The Department of Defense (DOD), after breaking ground for some of the early work of the computer industry and having become one of its major clients, has become dissatisfied with the very companies it helped to create.

A recent Institute for Defense Analyses (IDA) report claims that the computer software for which DOD spends between $5 and $6 billion each year is produced by an "immature, labor-intensive" private work force of 50,000 programmers of whom "only a minority have had formal exposure to recent software engineering ideas." The report goes on to charge that as long as contracts are won and deliveries accepted, computer industry management perceives little incentive for upsetting the status quo.

Disenchantment with the industry is echoed by Lt. Colonel John Leary, Office of the Undersecretary of Defense for Research and Engineering, who says: "How do I tell if I'm being smoked by the contractor? There are as many opinions as there are contractors . . . I have no way to tell if the contractor is right . . . they popularize their own methods."

The view at the Pentagon is that computer firms realize greater profits through private sector sales and, therefore, as the IDA report states, new technology development tends to be geared towards the more profitable commercial applications and markets. The report says that the private firms' performance for DOD is unsatisfactory for several reasons.

Defense requirements are larger and more complex than those considered large by commercial standards.

Private firms accept real-time response in the microsecond range, while military missions require response in the millisecond range.

Defense software has to operate in "bare and remote" environments, too far from commercially supported host environments.

Whereas computer software failure in a commercial system may have unpleasant economic or even life-threatening consequences, the failure of a military system may well imperil the defense of the nation.

If you think this is a rather morbid outlook, read on. There's even more to be glum about.

Taking the position that the problem lies in shortcomings of the computer industry, the Department has decided to create the Software Engineering Institute (SEI), a non-profit, tax-exempt entity to be run by a university or consortium of universities. While conceding that the new Institute would be offering yet another opinion, Leary feels that SEI's institutional biases will be less harmful than commercial biases. "Without going through the standard procurement procedure to solve a problem, I will be able to go to the bookshelf and pull off the latest report from the Institute."

However, many industry observers feel that SEI will never live up to the dreams of its planners since it will not necessarily cause DOD to rely less on private firms for computer software engineering. Sheer numbers indicate what SEI will be up against. By 1990, 10% of the Department's budget will be for the purchase of software. This could amount to $35.4 billion. Edith W. Martin, Deputy Under Secretary of Defense, predicts that we may well be short over a million software professionals by 1990, by which time we will have become completely dependent on software for our national defense.

Blake Smith, the Air Force procurement officer handling creation of the Institute, says that "it's important we have clear communications with industry. If the Institute comes to industry for information, industry has got to feel the information won't be abused or be used against them. The work of the Institute must be viewed as beneficial to industry too." However, on being asked whether the industry could go directly to SEI to get help or information, Smith responded negatively. SEI will be 100% dedicated to DOD, althought other government agencies like NASA may indirectly benefit.

According to Smith, SEI will be created along the same lines as Lincoln Lab, a tax-exempt research and engineering firm on Hascomb Air Force Base run by M.I.T. But when I called Lincoln Lab, with its $250 million budget and payroll of 2,000, this is how the conversation went with Mel Herlin, assistant to the director.

Question. Can a private firm come here directly to get information on the work you are doing?

Answer. No. The only way is through a government agency.

Question. Do you have a list of research and engineering projects that are currently underway?

Answer. No. We don't make our work public. It is distributed through the Defense agencies we work with.

Question. Do you mean that people in the Department of Defense receive a list of your reports and order them off the list?

Answer. No. It's not focused that way.

Question. How do people find out what you are doing?

Answer. They have to have a need to know.

Question. If I'm a defense contractor and want to find out what the lab knows about radar, could I come to you and get the information?

Answer. No. You'd have to go through the office that awarded your contract and they would establish if there is a need to know.

Question. How would they know if they don't see your reports?

Answer. If they want to find out, we give briefings here. They come up here.

Question. You mean that you regularly brief procurement officers so they know

about your work so they can clue in the contractors they are making awards to?

Answer. Oh, no. Our briefings are for people on a higher level. Certainly the Secretary of Defense knows that we do, and we brief four-star generals.

Blake Smith predicts that SEI would benefit from a wide distribution of its information, but conceded that labs like Lincoln are tightening up to squelch leaks of technical information to overseas firms and foreign governments. He also had some things to say relative to the Institute and private firms.

Question. Do you expect the new Institute to contract out much of its work to private firms?

Answer. No. Institutes of this kind are involved in labor-intensive work that wouldn't lend itself to outside contractors. Of course, they'll have to contract for the hardware they need. There are going to be very few subcontracting opportunities. If the work could be subcontracted, Defense should go directly to that source without going through the Institute.

Question. Will private firms be able to compete with the Institute for software engineering work needed by the government?

Answer. No. The work that's given to the center must be sole-source. If it could be done competitively, it would be offered to a commercial contractor in the first place. We'll only do at the research center what can't be done by commercial firms.

Question. Who will make the decision as to what work the Institute gets?

Answer. It would be up to the Defense services working through the center's joint advisory panel.

Even though Congress hasn't appropriated any funding yet, Deputy Under Secretary Martin is moving ahead to find a nonprofit contractor to operate SEI. Her formal announcement concerning plans for the Institute coincided with Congressional consideration of the Defense Authorization bill. After she asked Congress for $8 million in first-year money for SEI, Martin's announcement whetted the appetites of universities that thrive on this kind of contract work. One month later, a private briefing was given for the 14 universities and consortia that had indicated an interest in bidding. The request for proposals was published a week later.

By this time, the House had cut the $8 million to $5 million. The Senate bill had authorized $8 million, although the Institute was not mentioned in the Senate's report authorizing funds for Defense in fiscal 1985. Even if SEI survives the authorization process, it still must receive appropriations under a separate Defense Appropriations bill.

The strategy is very simple. The Defense Department dangles the multi-million dollar Institute in front of hungry universities so that they will lobby Congress to fund SEI. When I asked one Air Force officer who in Congress favors the funding of SEI, he replied that Senators and Representatives from states with universities that want the contract will quickly become supporters.

Here is what's at stake: 110 million Federal dollars over the next five years. Maybe more, depending on how many demands the Armed Forces make on SEI. By the fifth year, the Institute would have 237 people with an average salary of $65,000.

Understandably, creation of SEI has not been greeted enthusiastically by industry. It has been opposed by the International Communications Industries Association, the Professional Services Council, and the Electronics Industries Association. Even organizations that Edith Martin claims are supporting formation of the Institute are lukewarm or know little about it. Martin claims that the idea for SEI came from joint meetings of government, industry, and universities. She is quick to claim that Hughes Aircraft Corporation, Tartan A&E, IBM, Wafer Tec, NASTEC Corporation and Software A&E are in her camp. In truth, however, most SEI support is coming from Martin and her staff.

The real problem is not failure by private industry to meet defense needs, but DOD itself—its poor management of software contracts, cost overruns due to poorly devised government specifications, antiquated and complicated procurement systems, and failure to develop an overall system for handling software problems.

Martin has decided not to try knocking heads in the three services, but to kick the ball to a university instead—in the desperate hope that it can do what she and her staff have been unable to.

In fact, this will be the first time in 20 years that the government has created a Federally Funded Research and Development Center (FFRDC). Like IDA and Lincoln Lab, these are operated as exclusive servants of the government with a guaranteed existence, void of competition. They have exclusive client relations with Pentagon insiders and minimal public visibility. Since they are not "government," they get less scrutiny and pay higher salaries than a government agency would. And, other than reporting directly to their client agency, they have no responsibilities to the public.

The Software Engineering Institute will soon be sharing a $4 billion-per-year pie, along with the rest of the Nation's 35 FFRDC's. Proponents of SEI predict it will be a critical first link in the chain leading to "revolutionary" improvement and claim it will establish impressive schedules and productivities of its own through first use of the technologies it develops. The fact that it does not need to compete, pay taxes, or share information with taxpaying companies seems to bother no one except those of us in the industry.

A university will be paid to set up a new software engineering business, giving it an exclusive pipeline to the biggest spender of them all, only because the DOD bureaucrats have failed and put the blame on the computer industry. Five years from now, we will be able to say, "I told you so." But by then, the Institute will have flourished, its roots fertilized by hundreds of millions of tax-free dollars and nurtured by four-star generals who probably don't even read reports on computer engineering.●

THE RETIREMENT OF JEAN M. EVANS

● Mr. GOLDWATER. Mr. President, I rise today to recognize the contributions of Mr. Jean M. Evans, professional staff member of the Senate Select Committee on Intelligence, who will be leaving our staff this week after 37 years of dedicated public service.

Jean Evans has served the U.S. Senate in an outstanding fashion since he joined our staff. He was one of the original staff members of the Senate Intelligence Committee, joining us only a few months after the committee was established in May 1976. He has served us loyally and in an outstanding fashion ever since.

Following his graduation from the University of Vermont in 1941 where he received a bachelor of philosophy degree and was elected to Phi Beta Kappa, he joined the U.S. Army. Over a 4-year period, and after eight campaigns, he rose to the rank of lieutenant colonel. At the end of World War II, Lt. Col. Evans mustered out of the service and earned a juris doctor law degree from Columbia University. Later he joined the Central Intelligence Agency, which he served with distinction for 24 years, retiring in 1974.

Mr. President, I am constrained from discussing in a public forum some of the activities with which Mr. Evans was involved during his quarter century service with the CIA. However, it is fair to say that his career was a very successful one and he rose to the rank of GS-17 because of his excellent performance in a variety of highly sensitive and important activities both at home and abroad.

Jean Evans retired from the U.S. Army Reserve with the rank of colonel in 1972. His awards and decorations include the Bronze Star, and Army Commendation Medal, and the French Government Gratitude Medal.

Mr. President, it should be clear from this résumé that the Senate Select Committee on Intelligence was very lucky to find a man of Jean Evans' background and qualifications to serve as professional staff member to our committee. He was originally nominated to become a staff member of the committee in the spring of 1976 by Senator ROBERT T. STAFFORD of Vermont. Subsequently, he served Senator CHARLES MCC. MATHIAS, JR., of Maryland. In recent years, he has been serving as a member of the core staff of the committee with a specialty in counterintelligence.

Mr. President, on behalf of all the members of the committee, past and present, who have enjoyed their association with Jean Evans, I want to express my personal thanks to him for his support of our activities over the years. He has shown exceptional dedication, loyalty, integrity, and distinguished service to the Select Committee on Intelligence, to the Senate and to the Congress of the United States. We are grateful to him for his contributions to our Nation's defense and to our Nation's security. We wish him all the best for the future.●

CAN AMERICA MANAGE ITS SOVIET POLICY

● Mr. KENNEDY. Mr. President, Prof. Joseph S. Nye, Jr., has for many years been one of this country's lead-

ing authorities on United States-Soviet relations. Dr. Nye is professor of government at Harvard University, and served as Deputy Under Secretary of State from 1977-79. In a recent article entitled "Can America Manage Its Soviet Policy?" appearing in the spring issue of Foreign Policy, Professor Nye offers a perceptive evaluation of U.S. foreign policy toward the Soviet Union and the challenges facing the United States.

Professor Nye takes a look at the role of domestic politics in the United States and how it effects our foreign policy. He discusses the importance of a clearly defined expression of America's interests, cautious expectation of Soviet behavior, and an accurate assessment of American domestic politics. I believe that Professor Nye's article will be of great interest and value to all of my colleagues and I ask that it be printed at this time in the RECORD.

The article follows:

CAN AMERICA MANAGE ITS SOVIET POLICY?

(By Joseph S. Nye, Jr.)

American policy toward the Soviet Union has been replete with examples of incoherence and inconsistency. Responding in part to Soviet moves and in part to the political competition inherent in our democratic politics, American attitudes have alternated between overemphasis and underemphasis on the threatening nature of the Soviet Union. The result has been inconsistent policy and missed opportunities.

During the cold war, our exaggeration of Soviet capabilities prevented us from negotiating at a time when our position was strong. Subsequently, the ideological interpretation of policy and domestic political constraints prevented American policy from exploiting the diplomatic opportunities in the Sino-Soviet split for more than a decade after it occurred in the late 1950s. Conversely, the enthusiasm for détente in the 1960s and early 1970s led American officials to underestimate the Soviet military buildup, delay an appropriate response, and encourage false domestic expectations of future restraint in Soviet international behavior. Certainly, changing Soviet tactics have helped trigger American policy changes, but the exaggeration in American attitudes may develop as much from domestic political processes and reactions toward previous swings of the policy pendulum as from the actual changes in Soviet behavior.

In the early part of the 1970s, American power was limited by introspective moral and social concerns in the aftermath of Vietnam and Watergate. The United States spent less in real terms on defense, foreign aid, embassies and foreign broadcasting in 1980 than it did in 1960. Moreover, there was no political consensus on how to bring the non-military aspects of American power (such as our nearly two-to-one advantage in gross national product, our grain reserves, our advanced technology) to bear upon U.S.-Soviet relations. Different groups resisted linking issues or insisted on their preferred linkages. In these circumstances of shifting power domestic disagreement, and ambiguous rules of conduct, it was not surprising that Soviet tactics were adventuresome.

By the end of the decade, American attitudes had changed again, well before the 1980 election and even before the Soviet invasion of Afghanistan. As American policies switched from détente to renewed hostility, one could not help but wonder how such changes occur, whether a policy with fewer oscillations would be more effective in managing the relationship, and whether the United States is institutionally and politically capable of following a consistent and coherent policy toward the Soviet Union.

II

The record of American policy since 1945 is far from perfect, but it has not been disastrous. Moreover, incoherence in the process may not be the key consideration. Effectiveness is more important than efficiency, and some periods of relatively efficient management may not have been the most effective. Could one not argue that despite its messiness, U.S. policy has been relatively successful in the postwar period?

At a high level of abstraction, the United States has sought three broad goals in its relationship with the Soviet Union: avoiding nuclear war; containing the spread of Soviet power and ideology; and gradually encouraging change in the nature and behavior of the Soviet Union. It is evident that the United States has been quite successful in the first of these objectives, and that it has also been successful, to a lesser extent, with respect to the second and third.

Nuclear war has been avoided as has all direct conflict (though not limited war with Soviet allies in Korea and Vietnam). Nuclear arsenals on both sides have grown greatly, but there have also been some substantial if imperfect efforts at arms control. Most important, the nuclear arms race has not led to nuclear conflict, and both sides have learned some prudent practices of crisis management since the Berlin and Cuba crises of the cold war period. Attributing credit may be difficult: the fact remains that war has been avoided.

Our success in relation to the second general objective, the containment of Soviet power and ideology, has been subject to more debate. There is the undeniable fact of increased Soviet military capability. During the cold war period the United States enjoyed a distinct nuclear military advantage, which it saw as balancing superior Soviet conventional capabilities. This strategic advantage was at its peak after the Kennedy buildup of the early 1960s. Faced with steady Soviet military growth, American policymakers in the mid-1960s concluded that trying to maintain strategic superiority would be both infeasible and too costly to attempt. Subsequently, Vietnam and domestic turmoil diverted resources away from the strategic budget until Soviet gains in some categories, particularly land-based missiles (ICBMs), led some Americans to fear that even rough parity had been lost. While the significance of ICBM vulnerability is highly contested, and few American officials have expressed willingness to trade forces with the Soviet Union, most Americans agree that Soviet military power has greatly increased since the early 1960s. They have tended to disagree, however, over how inevitable that change was, and how significant it was for our foreign policy objectives.

American success at political containment is also debated in part because of ambiguities over whether the goal was the containment of Soviet power or of communist ideology. Some argue that communism is the threat, whether dominated by Moscow or not. From this point of view, the existence of Marxist regimes in Angola, Laos, Vietnam, Kampuchea, Mozambique, South Yemen, Ethiopia, Afghanistan and Nicaragua is a serious setback for American foreign policy. Moreover, even those who do not worry about the ideological coloration of poor countries would admit that some of these governments are more susceptible to Soviet than to American influence. This represents an extension of Soviet influence to areas far beyond its borders.

On the other hand, it can be argued that there has been a diffusion of power from both superpowers since the 1950s. In key areas such as Europe and Japan, the political appeal of Soviet ideology has greatly diminished since the 1940s and 1950s. Yugoslavia began the fracturing of Soviet ideological power, and the Soviets as well as the United States "lost" China. The Soviets as well as the Americans have seen Third World clients collapse and governments turn hostile. Moreover, marginal Third World gains are nowhere nearly as significant to the global balance of power as the fact that the key areas of Western Europe, Japan and the Middle East—while geographically closer to the Soviet Union—have remained politically closer to the United States. In addition, the Soviet empire in Eastern Europe is far from the politically secure bastion that the Soviets might hope. In short, while the United States has not prevented the Soviets from gaining some influence in the Third World, from a geopolitical point of view the Soviets have tended to win the small ones rather than the big ones.

In terms of economic power, while the Soviet economy grew impressively in the postwar period up until recently, so also did the American economy. In fact, in recent years, the Soviet Union has not closed the economic gap with the United States and still remains at little better than half the size of the American economy. Khrushchev's 1959 claims to overtake and bury the United States have turned out to be hollow boasts. Although American economic preponderance has declined in the postwar period, with the U.S. share of gross world product dropping from 33 percent to 22 percent of the total over the past 30 years, this relative decline has not been matched by a commensurate Soviet gain. On the contrary, the Soviet share of gross world product also declined in the past decade from 12.5 percent to 11.5 percent of the total.[1] Moreover, most of the American loss of relative share in world product went not to the Soviet Union but to our allies in Europe and Japan. The recovery of Europe and Japan was our deliberate foreign policy objective, in part as a means of combating communist influence, and our success in maintaining those alliances means that our loss has not represented a Soviet gain.

A third general objective of American policy in the postwar period, albeit one that has not been pursued at all times, has been to encourage change in the nature and behavior of the Soviet Union. This has varied from George Kennan's conception in the 1940s of waiting for Soviet power to mellow to the Reagan Administration's efforts to use economic pressures to accelerate change inside the Soviet Union.

There have been significant changes in the Soviet Union. While Lenin's authoritarian party structure remains, Stalin's excesses have been alleviated. Some of these changes

[1] Herbert Block, *The Planetary Production in 1980; A Creative Pause?* Department of State, Washington, 1980.

have been influenced by contacts with Western society. Awareness of Western affluence and ideas stimulates popular expectations and makes it more difficult for Soviet leaders to portray America in terms of simple "demonology." It is far less certain, however, that deliberate American government efforts have had significant results in bringing about social change inside the Soviet Union, and in some instances they have had contrary effects. From time to time, efforts to foster emigration, internal liberalization and human rights through quiet diplomacy or increased contacts have had some marginal beneficial effects. But this third objective is a difficult one to manage when dealing with a society like the Soviet Union, and it may just as well that, for the most part, this objective had tended to rank a distant third in our priorities.

Finally, one could argue that although oscillations have occurred in U.S. policy toward the Soviet Union, the behavior is not purely cyclical. Things never return to exactly where they were. And oscillations are more typical of some aspects of the relationship than of others. For example, if one looks at defense spending or public attitudes of trust in the Soviet Union, the oscillation is quite striking. But if one looks at trade and social exchanges, there has been a continuing upward trend rather than a reversion to the levels of earlier periods. The return to hostility since the late 1970s was not exactly the return to cold war which some observers had predicted. On the contrary, a residue of trade and contacts, as well as arms control negotiations and careful crisis management makes the current period of renewed hostility quite different from the 1950s trough in the cycle of attitudes.

Thus an optimist could argue that the United States has not done all that badly in pursuing its major objectives in the U.S.-Soviet relationship over the past four decades. The optimist might argue that American policy has been like a drunk coming home from a bar. He may wander from the path from time to time, and follow a circuitous and inefficient route, but the important point is that he eventually reaches home.

A pessimist would be less complacent. Maybe we have just been lucky thus far. Some of the wanderings were prolonged and painful detours, and in a nuclear age there is always the danger of a disastrous fall into an open manhole. Moreover, the metaphor can be misleading in implying that there is ever an end to the continuing need to be attentive in managing the relationship. Even if one agrees that the postwar record has not been all that bad, there are significant past and potential costs to a policy marked by incoherence and inconsistency. Certainly the recent experience of negotiating major agreements in trade and arms control and then failing to ratify them, or of applying sanctions inconsistently, makes it difficult to build a long-term framework for managing the relationship. There are several reasons why an inefficient process is likely to have costs, if only the cost of opportunities foregone. It may be that equivalent or better outcomes could be achieved at less cost to our society if we followed a more coherent and consistent policy process.

First, oscillation and incoherence can be costly in terms of encouraging Soviet intransigence, as well as wariness about cooperative U.S. positions when we turn toward them. Desired Soviet responses to our tactical moves will be delayed if Soviet leaders learn that by simply waiting they will find that the United States will drop the tactic and turn to something else. In negotiations, after the Soviets reject an American proposal, parts of the American polity often spend their time bargaining publicly with each other rather than with the Soviet Union.

Second, and more dangerous, incoherence and inconsistency can lead to Soviet misperceptions of American intentions and concerns. Stalin must certainly have been surprised by Truman's reaction in Korea so soon after the U.S. secretary of state had declared it to be outside our defense perimeter. Krushchev seems to have been surprised by Kennedy's reaction to the installation of Soviet missiles in Cuba so soon after accepting defeat in the Bay of Pigs episode. In the 1970s, the Soviets argued that the fall of Saigon and the failure to respond in Angola indicated that it was the vague Marxist notion of a historical change in the "correlation of forces" between capitalism and socialism which was compelling the United States to follow a policy of détente; they may have surprised by renewed demands for defense spending and the return of a period of hostility at the end of the decade.

Soviet intentions are opaque to us because of Soviet secrecy. Our intentions may be opaque to them because of incoherence and cacaphony. If they are a "black box" to us, we may confuse them with "white noise." Efforts to sort out our intended from unintended signals and to understand the intentions of our policy must be difficult for the Soviets. For example, even practiced observers of the American scene disagreed on how to interpret the episode of an alleged Soviet combat brigade in Cuba in 1979—a clumsily handled incident that set back the ratification of strategic arms limitation talks (SALT II). Some saw it as an accidental product of the impending presidential election campaigns, others believed it was "no accident," but a signal that Carter had turned his back on détente and arms control. Sometimes creating uncertainty in the mind of an adversary can enhance deterrence. On the other hand, misperceptions may lead to unintended confrontations in which deterrence can break down. In dealing with a stronger Soviet Union in an age of nuclear parity, the United States may not have as much leeway for incoherence, inconsistency and inefficiency as we had in earlier periods. In an age when two such disparate societies aim 50,000 nuclear weapons at each other, the costs of miscalculation could be catastrophic.

A third cost of incoherence and inconsistency lies in weakening support from our allies and other countries. This might be called the "third audience problem." Most foreign policy issues involve at least two audiences. Political leaders try to mobilize domestic support for their policies as well as to send signals to foreign governments. But an effective policy toward the Soviet Union involves more than just the U.S. public and the Soviet government.

Success in balancing Soviet power is dependent on allying major countries to the United States rather than to the Soviet Union, and the economic role of other countries is becoming increasingly important. An effective strategy for dealing with the Soviet Union cannot be considered in bilateral terms alone. With reduced American preponderance, more attention must be given to the concerns of allied and other countries. Oscillation and inconsistency confuse not only the Soviets, but also our allies, and make it more difficut to maintain a common position. Not only was it impossible to obtain allied agreement to cancel the natural gas pipeline from the Soviet Union after the United Stated had lifted its embargo against Soviet grain exports, but the effort to do so managed to turn an East-West issue into a West-West dispute and presented the Soviets with a political windfall. Of course, dividing the Western Alliance has been a longstanding Soviet foreign policy objective, and maintaining such alliances is a key to an effective U.S. policy toward the Soviet Union.

Thus, one can agree with the optimist that the overall management of the U.S.-Soviet relationship in the postwar period has not proven disastrous—but also accept the pessimist's argument that the past and potential costs of incoherence and inconsistency involved in the management of the policy are too high to allow one to feel comfortable for the future.

III

No foreign policy can be fully consistent. By its nature, foreign policy involves balancing competing objectives in a frustrating and changeable world. Every country faces a problem of relating ends and means—of defining its goals and interests so that they can be met within available levels of resources.

The inconsistency and incoherence in American foreign policy, however, are deeply rooted in our political culture and institutions. The eighteenth-century founders of the Republic deliberately chose to deal with the danger of tyrannical power by fragmenting and balancing rather than centralizing and civilizing the exercise of power. In a sense, a potential degree of incoherence and inconsistency in foreign policy is part of the price we pay for the way that was chosen to defend our freedoms.

In the constitutional "invitation to struggle" for control of foreign policy, the executive branch has certain natural advantages over the Congress. Even so, the Congress has a broad set of legitimate means to block, divert or alter foreign policy initiatives if it so chooses. The system tends to work best when two conditions are fulfilled: first, when the President has a relatively coherent strategy and a smooth policy process in the executive branch and, second, when there is a general executive-legislative compact, sometimes symbolized as "bipartisanship" in foreign policy. By and large, this was the situation during the cold war, when relative harmony between the branches of government rested on congressional deference to the President on the big things; sufficient centralization in the Congress to foster congressional leadership; and a general consensus on the Soviet threat.

But one should not idealize the cold-war policy process. The cold war era was marked by difficulty in framing and maintaining support for a strategy that established a consistent and effective relationship between ends and means in American policy. This difficulty was exacerbated by our liberal political cultural reaction to the harsh reality of Soviet expansion, and the resulting excoriation of the Soviets in our electoral competition. When liberal moralism faced the reality of amoral Soviet policy, there was a sense of shock and indignation. Analogies were drawn to the 1930s and Stalin was portrayed as similar to Hitler. In such circumstances, it was difficult to sustain Kennan's conception of selective containment by limited means since it depended on "the

ability of national leaders to make and maintain national distinctions between vital and peripheral interests, adversary capabilities and intentions, negotiations and appeasement, flexibility and direction."[2]

The exaggerated threat described in the Truman policy document, NSC-68, called for means that were far in excess of what was domestically feasible—which in turn was part of the reason for the exaggeration. A gap developed between election rhetoric and policy implementation. The Republicans spoke of "rolling back" communism in 1952, but within six months Eisenhower adopted more modest goals and his fiscal conservatism led him to reduce the demand for military means. Similarly, Kennedy came into office sounding like an echo of NSC-68, but later in 1963 he tried to adjust goals and means in a more modest direction in some aspects of policy (though not in Vietnam). In short, even in the cold war era when the parts of the political system worked relatively harmoniously with each other, that harmony had to be purchased at a considerable price.

In an effort to relate ends and means, Nixon and Kissinger developed a strategy that placed fewer demands on American resources. An opening to China was used as a means to encourage better Soviet behavior. Arms control agreements codified Soviet parity, but were also to constrain further Soviet growth as a period when our defense budget was under domestic attack. Trade and a web of cooperation agreements were tacitly lined to improved Soviet behavior in relation to Third World crises. The Nixon approach to détente was dictated not by goodwill toward the Soviet Union, but by the need to adjust to changes in Soviet military power and in American domestic conditions.

An effective foreign policy strategy must set forth a general long-run vision that combines a reasonable and persuasive assessment of Soviet intentions and capabilities, combined with a clear picture of our long-term goals and the feasibility of our means for achieving these goals. In that regard, the Nixon concept of a two-track approach combining selective containment with economic incentives made sense. Equally important, a strategy must include a third dimension, which is the domestic political acceptance of the strategy as desirable and feasible. In that area the Nixon-Kissinger strategy was not successful.

The usual explanation is that Watergate derailed the Nixon strategy. Watergate certainly had an effect in contributing to public mistrust and sapping executive strength. It may also have emboldened the Soviets to take greater risks. But the trouble with Watergate as a full explanation is that it pays insufficient heed to some of the deeper trends in the American political structure. Not only was the Nixon-Kissinger strategy overly ambitious in its broad definition of American interest, but it was difficult to implement in our political system. It relied on a degree of fine-tuning always difficult to manage. It relied on secrecy in a system in which the media is a virtual fourth branch of government. It depended upon personal control, which worked when things went well, but which left few congressional and bureaucratic allies to share the burden when things went poorly. Moreover, it provided insufficient points of access for allied countries to learn what was happening. Only when there is such access can allied leaders gradually adjust their policies without suffering public shocks that are jolting to democratic politicians.

Eventually the Nixon strategy succumbed to the typical American pressure to exaggeration as a means of building and maintaining consensus. It was not the more traditional exaggeration of the Soviet threat, but the exaggeration of the degree of change in the Soviet Union. Pressed by Vietnam and domestic turmoil, Nixon compensated by exaggerating the durability of the new structure of peace that was being created. Détente was oversold to the American public. The net effect was a sense of deception and disillusion in response to Soviet actions that, in turn, accentuated the ensuing swing of the cycle in the direction of renewed hostility.

At the same time, the domestic problems of the Nixon-Kissinger strategy were also related to the period. It might have been a more successful strategy in an earlier period, but by the late 1960s the American political constellation was undergoing profound changes that would have made any strategy difficult. A basic trend was the ideological realignment of the two major political parties that started with the Goldwater candidacy in 1964 and culminated in the Reagan election of 1980. During the two decades of realignment, party activists tended to pull the two parties away from the center. Not surprisingly, two of the casualties were the post-1941 bipartisan tradition in foreign policy and the related custom of deference to the President—two of the conditions that had helped to smooth relations between the separate branches of government in the cold war era.

In this period, American society was torn by reactions to the Vietnam War, reactions against the welfare state, the cultural changes of the 1960s, the revival of religious fundamentalism, and the economic and demographic rise of the South and West. Television played a role in forcing international news upon the noninternationalist majority of the public, and this increased the volatility in public attitudes. The corrosive effects on public trust of deceptive practices by Presidents Johnson and Nixon contributed to the development of anti-establishment attitudes.

Accompanying the rise of anti-establishment attitudes was the "democratization" of institutions. This took several forms. In the Congress, the weakening of seniority and the committee system opened opportunities for younger congressmen, but also weakened congressional leadership. The net effect was to make executive-legislative bargaining more difficult and to open the way for more enterprising congressmen (and ambitious staffs) to create surges in attention and neglect of various issues affecting U.S.-Soviet relations. In the society as a whole, the emphasis on participation and reduction in authority tended to erode deference to the President.

Thus the 1970s would have been a difficult period in which to implement any strategy of relations toward the Soviet Union, much less one that depended upon fine-tuning, linkage, secrecy and personal control. As the decade wore on and the conservative trend in the cycle of American politics strengthened, the domestic climate for detente worsened. Renewed hostility at the end of the decade was a product of the coincidence of a conservative trend in American politics interacting with a Soviet military buildup and the extension of Soviet-Cuban military influence in several Third World countries. Given the earlier American exaggeration of a benign shift in Soviet behavior at the height of detente, some increase in defense expenditures and toughening of attitudes was appropriate in 1970s, but the subsequent degree of renewed hostility was strongly affected by domestic politics.

IV

Looking ahead, there are grounds to hope for improvement in our management of relations with the Soviet Union. Public opinion at the mass level is still centrist in its demands for a policy that balances "peace and strength," though mass public opinion does not weigh international issues very intensely and events can pull the non-internationalist opinion (of those little concerned on a daily basis) back and forth between its dual concerns. More important is the fact that the process of party realignment may be nearing its completion, with the attendant effect that party activist opinion may move back toward the center as the activists focus on winning the mass vote rather than struggling for the soul of the party.

If so, the result may be a return to stronger and longer presidencies. This would alleviate the discontinuities caused by the turnover of the top of the executive branch in our system following each change of presidency. In addition, it could improve the prospects for bipartisanship in foreign policy and thus ease the struggles between the executive and legislative branches. An optimist might add the hope that economic constraints and the lessons of the 1970s may deter the new Soviet leadership from peripheral adventures of the sort that proved such irritants in American politics in the last decade.

But even if the optimists are correct, there are still problems to be faced, as we saw from our inspection of the cold war period. The problems of exaggeration will remain—though ironically, if the optimists are correct, the next exaggerations may be of a benign change in Soviet policy rather than the current exaggeration of the Soviet threat. Developing a clear strategy for the long run is not easy in American politics. Indeed, it is difficult for Americans to think of relations with the Soviet Union as a long-term process to be managed indefinitely rather than as a near-term problem to be "solved."

The first requirement for successful long-term management is a flexible strategy that combines a sensible vision of the future and definition of our interests with appropriate means in a manner that can sustain domestic support. Since 1947, there have been variants of one basic strategy—containment. The broadest choice in strategy is between containment and totally new approaches. If one assumes that options such as isolation or a U.S.-Soviet condominium are not feasible in domestic or international politics, then there are two basic alternatives to containment; one in the direction of a more active confrontation with the Soviet Union and the other in the direction of a less active American role.

Those who are deeply pessimistic about our ability ever successfully to manage Soviet relations might be tempted to urge a less active American role. From this point of view, the only sensible strategy is to encourage the development of a multipolar world in which Soviet power will be balanced and contained by others as much as by the United States. So long as nuclear bipolarity is combined with ideological rivalry, the

[2] John L. Gaddis, Strategies of Containment, New York: Oxford University Press, 1982, p. 88.

American public will remain obsessed with the Soviet Union, and election campaigns will press politicians toward exaggeration in the formulation of policy. In a truly multipolar world, one would logically have to consider the Soviet Union as a potential partner is shifting coalitions balancing Chinese, Japanese and European power. In such circumstances, our domestic politics could show less of a fixation on the Soviet Union, and policy might be easier to manage.

There are a number of problems with such a strategic vision. Our experience of multipolar balances comes from the pre-nuclear age. There may be greater dangers of miscalculation in the management of deterrence if coalitions shift quickly in the nuclear age. Moreover, even if the end result were desirable, it might be destabilizing to try to get from here to there, since the process could well involve the massive nuclear arming of Germany and Japan with uncertain effects on Soviet perceptions. In fostering such proliferation, we might be throwing wide open the lid on Pandora's nuclear box as others rush to emulation. Moroever, the benefits in terms of American politics and policies toward the Soviet Union may prove to be ephemeral. After all, there were ideological hostility and wide oscillations in our policies toward the Soviet Union in the period of multipolar balance before World War II.

There is a kernel of wisdom in the vision of the multipolar strategy. A degree of multipolarity exists at the political, if not the military, level. Containment of Soviet power is not a task for the United States alone, as Nixon's opening to China made clear. And the increased economic strength of Europe and Japan must be factored into any strategy. It is even conceivable that over the very long term, such a world may evolve. Yet a goal of creating such a world would not only be difficult to achieve: the mere setting of that goal would have the high cost of threatening the basis of the postwar alliance strategy that has worked so far, in return for uncertain domestic and international benefits in the future.

The other major alternative to containment is an active policy of confrontation designed to force change in the Soviet Union. At times the Reagan Administration has shown inclinations in this direction, though by and large the main lines of its policy have hewed to the existing path of containment. Those who urge a confrontation strategy offer a long-run vision of a Soviet empire in decline. Economic growth has slumped from six percent to roughly two percent a year. Corruption and inefficiency are rampant. Demographic trends could exacerbate the nationalities problem inside the Soviet Union, and there is restiveness in the empire in Eastern Europe. In these circumstances, it is argued, curtailment of trade and scientific exchanges and the threat of a new arms race could force the Soviets to change, or at least force the Soviets to turn from expensive external adventures to domestic economic reforms.

This strategy also raises fundamental questions. It it prudent in a world of nuclear-armed powers to try to press an opponent to the wall? The reckless performance of Austria-Hungary on the eve of World War I would indicate that declining empires can be very dangerous actors in a balance of power. Moreover, do we really know how to bring about reform in the Soviet Union? Is there good reason to believe that faced with a choice, the Soviets will choose butter rather than guns? Or that they can be prevented from producing adequate guns? A recent CIA report indicates that "the ability of the Soviet economy to remain viable in the absence of imports is much greater than that of most, possibly all, other industrialized countries. . . . Consequently the susceptibility of the Soviet Union to economic leverage tends to be limited." [3]

Nor is it clear that in a period of low economic growth we have the means to implement such a strategy, either in terms of budgetary resources or in the curtailment of trade that is profitable to significant electoral groups like farmers, or to our allies. The effort to enforce such a strategy would certainly prove costly, yet the historical record shows that Soviet resistance is likely to be far more coherent and sustained than will be American persistence or consistency in the strategy. Once again, we are faced with a strategic option which presents formidable problems of feasibility combined with high present costs in return for very uncertain future benefits.

Thus the difficulties of the alternatives, both in terms of the uncertainty of their goals and the feasibility of their means, drive us back to the historically proven center ground of containment. But there are many paths among which to choose in the center, and the slogan of containment can be misleading. If containment is thought of as balancing Soviet power by a variety of political and diplomatic means, then it is merely the traditional common sense of international politics. But if containment implies a broad definition of American interests that leads to efforts to counter every Soviet or Soviet-allied action in the Third World, it would soon surpass our means, including the critical resource of domestic political support. The lesson of Vietnam is that an overly ambitious definition of interests which creates a gap between ends and means can lead to severe oscillations in foreign policy attitudes. One might label a centrist strategy as "containment with communication" or a "managed balance-of-power" approach.

V

The important point is that conflict with the Soviet Union is endemic in the structure of the bipolar relationship. Hopes to terminate the conflict quickly by accommodation or victory are unlikely to be realized. The problem is one of long-term management. At the same time, successful management of a balance of power requires communication and negotiation among the opponents. And a successful foreign policy for managing such a balance requires reliance upon multiple sources of strength—economic, political, military—and a selectivity in goals which relates ends and means. There are three principles to guide such a strategy.

First is the importance of a moderate design to insure that policy can be durable and robust. Some aspects of our policy process can be improved, but others are deeply rooted in our political culture and institutions. Our problems are more constitutional than organizational. There are no quick fixes. A basic principle for a durable strategy is to cut the coat of foreign policy to fit the rather rare eighteenth-century domestic cloth that we have inherited. The importance of this principle cannot be overstated: fine-tuning is impossible, secrecy difficult, oversimplification likely, and pluralism of views of the Soviet Union unavoidable. Thus a successful strategy must be moderate in three ways: in its definition of American interests; in its cautious rather than optimistic expectations of Soviet behavior; and in its assessment of American politics—meaning a hardheaded appraisal of what resources the electorate will devote to what interests and for how long. This does not mean a low profile in countering Soviet power. On the contrary, it means recognizing that only a moderate strategy will be robust enough to survive our domestic climate and durable in the face of any tendency toward pendular swings in attitudes. Only a moderate strategy will allow leaders to close the gap between ends and means. The point seems obvious until one reflects on how often we have failed to achieve it.

A second principle is that the Soviet Union is also unlikely to change quickly, but it does evolve slowly and unevenly. We will continue to be faced with a closed and secretive society which is difficult to understand. On the other hand, the Soviet Union has opened up somewhat over the past 30 years. There are more contacts. There is more sophistication in the perception of outside reality. There are more pinholes letting light into the black box. Moreover, recognition of this second principle helps with our domestic politics. Specifying a broadly shared long-range goal is an important precondition for giving legitimacy to the policy choices needed to undergird a durable strategy. Avoiding nuclear war by balancing Soviet power and gradually reducing the risks associated with nuclear deterrence is such a goal. If misperception and miscalculation are the conditions most likely to foster a breakdown of nuclear deterrence, then one of the long-term security objectives in our strategy should be to encourage that process of evolving transparency and communication.

The Soviet Union remains opaque to us, as a number of legislators noted when trying to decide on how to vote on the MX missile. "When you play cards against someone," noted Congressman Dan Glickman of Kansas, "you ought to know something about them. Unfortunately, our judgments turn out to be highly subjective for the most part." Or in the words of Senator Richard Lugar of Indiana, "We try to figure out where they're coming from, but it could well be the blind leading the blind."[4] Increased contact and communication can help to poke holes in the "black box" of Soviet society and gradually increase its transparency.

Change inside the Soviet Union will be gradual and hard to gauge, and we can at best encourage, rather than hope to guide it. Nonetheless, this possibility suggests that a managed balance-of-power strategy should involve routine and regular communication. From this point of view, our tactics should include engaging the Soviets in prolonged strategic discussions; holding talks at high level on force structure and stabilization measures; and efforts to consider crisis prevention techniques, not necessarily in the expectation of signing formal agreements, but as a means of enhancing transparency. It also follows that trade, scientific and cultural exchanges, and tourism should be evaluated by the same standard and not solely by the current criteria of economic benefits and short-term security interests. A managed balance-of-power strategy does not

[3] Henry Rowen, Chairman CIA National Intelligence Committee, quoted in *The New York Times*, January 9, 1983, p. 16.

[4] "Gambling on the Russian Response to the MX Missile," The New York Times, June 4, 1983.

rest on expectations that increasing engagement will win Soviet trust or greatly constrain Soviet actions. Nor does it rest on any immediate liberalizing effects of "goulash communism." In the first instance, it rests on the importance of enhancing transparency and communication.

The third principle to guide a more consistent strategy is that indirect means of containing or balancing Soviet power are as important as our direct dealings with the Soviets. Both because the Soviets will resist efforts to change them quickly, and because our politics tend to undermine our own persistence in pursuing such efforts, our direct efforts will often face frustration. An indirect approach is more likely to succeed both at home and abroad. We may be most successful in containing Soviet power by constraining their opportunities in the rest of the world. Maintaining the Western Alliance has been the key to the success of containment thus far, and this is an area where the pluralism of American institutions can be a help rather than a hindrance by providing multiple points of access and reassurance.

The growing complexity of world politics, with more actors and issues, and the inevitability of turmoil in the Third World mean that we can never hope to completely control the milieu of world politics as an element in a strategy of containment. But a recognition of these problems and of the diffusion of economic power to our allies should reinforce our attention to the indirect dimensions of our policy in managing relations with the Soviet Union. A stong world economy with effective linking among the non-communist market economies may be a more robust economic strategy than one which tries to fine-tune East-West trade. An effective strategy rests on the comparative advantage of America's economic power and presence in the world economy as well as on the traditional political and military aspects of balancing Soviet power.

In addition to these basic principles, a managed balance-of-power strategy has important implications for dealing with the main issues in the relationship: defense, crisis management, trade and human rights. Managing the defense and nuclear issue is basic. A strong defense and clear signals are essential for an effective policy of deterrence toward the Soviet Union, and domestic and allied confidence in the strength of our deterrent is a necessary condition for all the rest of policy toward the Soviets. Uncertainty about security exacerbates the domestic debate and hinders effective steps toward arms control. The practice of exaggerating the Soviet threat as a means of generating support for the defense budget encourages inconsistency when the public eventually reacts to the exaggeration. To counter this tendency requires improving estimates, integrating arms control with defense planning, negotiating in smaller (but related) packages, and avoiding the rhetorical excesses that prove disruptive to retaining allied and domestic support for a consistent defense program over the long term.

In the area of crisis prevention and crisis management we should eschew large dramatic gestures and formal agreements such as those of 1972 and 1973, but engage the Soviets in quiet discussions of classic techniques (neutralization, buffer states, spheres of concern) for avoiding crisis escalation. Such talks could extend or be related to discussions of nonproliferation of nuclear weapons or of particularly dangerous conventional weaponry. Equally important will be efforts at home to redefine our interests in the less expansive terms of selective containment. As originally outlined by George Kennan, the most cost-effective way of containing Soviet power was through reliance on the nationalistic currents of other states. This entails learning to live with disagreeable regimes, and distinguishing those Third World situations where our interests would be deeply invoved (e.g., Saudi Arabia) from those where they are less centrally involved (e.g., Southeast Asia).

A cricital problem, of course, is maintaining domestic support for carefully graded degrees of interest in Third World conflicts, particularly since adventuresome Soviet policies such as those pursued in the 1970s may create a degree of American interest where none existed before. And such questions can become weapons in domestic political debates. Two devices can be used to prevent such debates from driving a managed balance-of-power strategy seriously off course. The first is presidential education of the public about the problem of limited ends and means. The second is a continuing quiet dialogue with the Soviet Union about the interests they should have in the process of crisis prevention, if they wish to avoid a repitition of the escalation in public hostility toward the Soviet Union in the 1970s with its concomitant effects on defense issues and trade. This is not the tactic of linkage; rather it is educating the Soviets in the inevitability of inherent linkage through a better understanding of public opinion in the United States.

As for the economic component of a managed balance-of-power strategy, we must avoid too ambitious an approach. While it is important to control a narrow set of technologies where we are sure of the direct military relevance, we know too little about the net effect on the Soviet economy and have too poor a grasp of our own or of allied political processes to engage in a policy of detailed linkage or fine-tuned leverage. The signals we would try to send would inevitably come across as too confusing to justify the costs that we would incur in trying to send them. Because interest groups will always be hard to control—witness Reagan's capitulation to the farmers—and the effects of restrictions on the Soviet Union are debatable, it is better to focus controls on those situations (such as trade in technology that shortens military lead times) where a clear and present danger is demonstrable.

Moreover, an effective policy of broad denial is simply not available at levels of cost acceptable to the Western Alliance—which remains a central factor in a balance-of-power strategy. Whatever Americans may think of the wisdom of their position, the Europeans and Japanese can be expected to weigh the economic dimensions of any policy toward the Soviet Union quite heavily. At the same time, any effective efforts at denial will increasingly require their cooperation. Since a broad denial policy is ruled out as infeasible and costly to Alliance relations, the United States should concentrate on obtaining Alliance agreement to restrict a narrow set of strategic technologies. It is critical that disputes over East-West economic ties not be allowed to disrupt an effective intra-Western trading system. In short, the American comparative advantage lies in strengthening the open international economy in which we loom large and the Soviets small, rather than squandering Western unity over futile efforts to prevent the Soviets from gaining any benefits from that economy.

Finally, we need caution and realism in our expectations of bringing about social and political change in the Soviet Union. An idealistic concern for human rights is a domestic American reality which a managed balance-of-power strategy must accept. Americans cannot live by balance of power alone. Nonetheless, a confrontational human rights policy is likely to be counterproductive in terms of the interests of Soviet citizens. Sometimes, however, minor improvements can be made through quiet diplomacy. In general, the fate of human rights in the Soviet Union is adversely affected by the worsening of the overall climate of U.S.-Soviet relations. Government actions that promote social contact and quiet diplomacy rather than public government efforts targeted at individuals or Soviet policies are more likely to serve both human rights and our long-term objective of enhancing the degree of transparency and communication in the relationship.

VI

Even if a managed balance-of-power strategy must be matched with American political reality, there are still some specific steps that might be taken to improve the quality of the fit. One device would be to establish a joint legislative-executive "Soviet assessment commission" to produce an annual assessment of the military, economic, and political aspects of the Soviet Union and its policies. Four members might be appointed by the President and four by the opposition leadership in the Congress. They might jointly select a ninth member to chair them. Their task would be to assess intelligence information and produce an annual report which would be the subject of annual hearings before the foreign affairs committees (or possibly a joint select committee). Such a report need not, indeed probably would not, be unanimous; but it could provide the focal point for debates which might well have a more central tendency than the current situation where zealous congressional staffers (usually from the wings of the two parties) work with executive-branch leakers to produce a national debate over estimates that stress extreme positions. For example, a commission could lead to a more careful discussion of the intelligence estimates on Soviet military spending that are currently often misused to support particular objectives.[5] While a Soviet assessment commission is not a panacea, presidential commissions have frequently worked to depoliticize issues in American politics, and this pattern might be adapted to an interbranch mechanism.

A variety of suggestions have also been made for organizational improvements of the executive branch's conduct of Soviet policy. For example, Marshall Brement, a State Department official with Soviet experience, has suggested the appointment of one official to oversee all aspects of the relationship; creation of a special bureau in the State Department; and improved development and use of expertise, including our Embassy in Moscow.[6] Others have suggested

[5] "CIA specialists responsible for Soviet military spending now say that their previous estimates of increases of 3 to 4 percent each year, after inflation, may be wrong and the rate of growth may have been no more than 2 percent." *The New York Times*, March 3, 1982, p. 1. The problems lie not in CIA methodology, but in political misuse of inherently uncertain estimates.

[6] Marshall Brement, "Organizing Ourselves to Deal with the Soviets," RAND Corporation Study P-6123, Santa Monica, 1978.

that centralization of control over special subjects such as technology transfer be located in the White House. Such organizational changes have their pros and cons, depending on the circumstances of particular administrations and the presidential style in foreign policy. But they are of minor importance when compared with the question of a clear executive process and the importance of having a single authoritative spokesman on foreign affairs. The Carter Administration developed a useful interagency coordinating procedure to inform the diverse arms of the executive branch of the various activities in U.S.-Soviet relations, but such a procedure was dwarfed in importance by the President's lack of clear strategy and failure to insure that only one person spoke for him on the issue.

The American system allows only one czar of U.S.-Soviet relations—the President—and he should either use his secretary of state as his sole spokeman or replace him. While the National Security Council must play a role in coordinating the efforts of many agencies, the role of the National Security Advisor should be restricted to that of facilitator of the policy process. Not only would this clarify who is in charge, but using the State Department provides more regular access for allies and a better use of our own expertise.

The issue of expertise in the executive branch is important. Although controversy over the U.S.-Soviet issue in domestic politics has always tended to tar the experts, that tendency seems to have grown worse in the past decade. Moreover, bureaucratic conflict in Washington increases the temptation to deal with the Soviet Embassy in Washington rather than go through the difficult process of clearing instructions to be sent to our embassy in Moscow. The result is to deprive ourselves of the benefit of important expertise. And the use of our embassy provides more occasions for our ambassador to make contact with top Soviet officials, as well as to insure that the messages are delivered in the terms that are intended.

Using our expertise is crucial when one is dealing with societies organized as differently as the United States and the Soviet Union. Soviet leaders are recruited by very different routes, and their frame of reference is unique to their own society. The temptation of mirror-image thinking even infects some intelligence analysts. The intelligence services have tended to share rather than counteract the assumptions common to Washington at any given time. The remedy must be a greater investment and broader institutional use and protection for people specially trained to understand the Russian language and Soviet political culture.

Greater public sophistication about the Soviet Union is also an important component of improvements that have been suggested at the attitudinal level. Educational efforts in schools and for the media can help. But most important is the President's use of what Teddy Roosevelt called the "bully pulpit." No other figure in the society commands the same attention. Presidents can help to shape public attitudes to expect less drama, fewer "solutions," and more consistent long-term management involving both conflict and cooperation in U.S.-Soviet relations. They can also stress the importance of a strategy which is more modest in defining interests, and combines balancing Soviet power (by various means) with communication and continuous engagement.

The way a president presents his programs can have a strong effect on the public attitudes that are necessary to sustain his efforts. Given that public opinion polls show sustained support for a policy of "peace and strength," a two-track policy would seem a natural one in terms of domestic as well as international politics. But the non-internationalist majority can be pulled back and forth between its two concerns by random events and electoral campaigns. Depending on which value seems more threatened at the moment, the non-internationalist majority is drawn into a coalition with those who stress peace or those who stress strength. In practice, presidential leadership and communication are essential ingredients in explaining to the public how the balance is being maintained between firmness and cooperation in the actual implementation of a two-track policy. The best hope to moderate this volatility in attitudes is for a president to elaborate a two-track approach such as the managed balance-of-power strategy.

VII

In sum, while a number of specific measures can be taken to improve the process by which we manage our relations with our principal adversary, there are strict limits to what such changes can achieve. We can alleviate the tendency to oversimplify and exaggerate which tends to amplify the oscillations in our policy. We can improve executive and legislative procedures and try to reduce the incoherence of different parts of our polity speaking with different voices or taking contradictory actions. And we can hope that the tides in our storms of political realignment will eventually ebb sufficiently to allow the return of the centrist orientation, bipartisan policy, and cooperation between the branches that reduce the excesses that otherwise grow out of our constitutional structure.

But our political culture and institutions do not change quickly, or easily. The implications of this simple-sounding proposition are very significant. It means that there will always be limits to the types of strategies that we can successfully follow. As stated earlier, our ability to manage the Soviet relationship is less a matter of organization than of choosing an appropriate strategy. The basic principle for a durable strategy is to cut the foreign policy coat to fit our domestic political cloth.

This does not mean appeasing the Soviet Union or failing to balance Soviet power. Quite the contrary. What it means is that if we pick an inappropriately ambitious strategy, we will fail in the long run, because the American domestic political process will produce oscillations and inconsistency. In a nuclear age, we ignore such reality at our peril.

An appropriate strategy must be modest enough to fit our domestic capabilities; it must focus on indirect effects through maintaining our alliances as much as on the direct bilateral relationship with the Soviet Union; and it should combine balancing Soviet power with economic engagement and continual communication. Over time, such a strategy may gradually increase the transparency in the relationship, reducing the dangers of miscalculation and increasing somewhat our understanding of what goes on within the opaque Soviet society. Our strategy should not only manage the current threat of Soviet power, but should gradually seek to improve the conditions that make it so difficult for a society organized such as ours is to manage the relationship with the Soviet Union.●

COLUMBUS-CUNEO-CABRINI MEDICAL CENTER

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD.)

● Mr. PERCY. Mr. President, on behalf of many thousands of satisfied patients and other appreciative people, I would like to take this opportunity to call attention to the outstanding record of medical service rendered for nearly 80 years by Columbus-Cuneo-Cabrini Medical Center. This institution has truly lived up to the high standards begun by its founder, Mother Cabrini. In her honor, this medical center has conferred the Mother Cabrini Award, since 1975, upon humanitarians. This year's award recipients are Mr. Irv Kupcinet and Mr. Stephen Ruff, Sr.

As we near the 10th anniversary of the Mother Cabrini Award, it is fitting that our gratitude be expressed. At a time when the medical community is under intense pressure to minimize costs, this medical center is particularly noteworthy. I ask my colleagues to extend their congratulations and good wishes to Columbus-Cuneo-Cabrini and hope that the next 80 years will be as productive.●

SCORE CELEBRATES 20 YEARS

● Mr. LEVIN. Mr. President, I would like to draw attention to the 20th anniversary of a program which has assisted countless small businesses throughout the country.

I speak of SCORE, the Service Corps of Retired Executives, sponsored by the U.S. Small Business Administration.

SCORE is comprised of retired executives and professionals who have successfully completed their own active business careers. They now offer their services, at no charge, to assist present and potential small business people. If a small business person desires advice to plan and manage a business better and more profitably, SCORE stands ready to counsel.

The volunteer counselors are all experienced and seasoned in their fields which include: retailers, wholesalers, accountants, engineers, lawyers, office managers, plant managers, sales managers, and many more. In my home State of Michigan more than 120 counselors are available for the asking.

Since being established in 1964, SCORE has counseled thousands of small businesses. Some who sought assistance were people thinking of starting or buying a business; others were established but making poor progress; and several had been operating successfully but were thinking of expanding or making substantial changes. The sizes of businesses have varied from individual proprietorships with a few thousand dollars in sales, to corpo-

rations with several hundred thousand dollars in sales.

I am pleased to have this opportunity to commend the valuable service provided by SCORE and to recognize the hundreds of volunteers who make this program a success.●

THE WATER RESOURCES BILL

● Mr. SIMPSON. Mr. President, as we enter the traditional legislative crush near the end of the legislative session, the Senate is planning to consider S. 1739, the Water Resources Development Act—either on its own or in the context of the continuing resolution. This measure represents the fine and notable efforts of many concerned legislators to properly authorize, after many years, some deserving and necessary Corps of Engineers projects. However, in our eagerness to press on with many of these projects, it is important not to forget the degree of fiscal responsibility that we owe the taxpayers of this Nation.

With a Federal deficit hovering around $175 billion, we can no longer afford to continue our full Federal spending for inland waterway projects and their upkeep. The Stafford-Abdnor-Randolph-Moynihan suggestion to use the Inland Waterway Trust Fund for the construction of new projects is a good start, but it is not nearly enough. Even under this proposal the Federal Government would continue to completely finance the existing construction, as well as the ever-increasing operations and maintenance costs.

In order to reduce the Federal cost of this measure, as well as to enhance the quality of the inland waterway system, I am planning to offer an amendment that would establish a Federal spending cap on operation and maintenance costs. In addition, my amendment would authorize the use of funds from the Inland Waterway Trust Fund to cover any operation and maintenance costs that exceed the Federal cap.

I believe this amendment is necessary for many reasons. First, and foremost, the amendment would assist in protecting the Government—in a very fair and reasonable manner. Traditionally, the Federal Government has picked up the entire tab on the inland waterway system—something we can no longer afford to do. Even by using the trust fund for new construction, the taxpayers would still be kicking in existing construction and operations and maintenance costs. In terms of actual dollars, this means approximately $600 million for fiscal year 1985. Estimates for these two categories predict a cost of over $650 million by fiscal year 1989.

Second, this amendment would greatly benefit the industry, since a cap on O&M funds would encourage careful and thoughtful consideration before needlessly expending large sums of money for border-line projects and maintenance. I have been in this business long enough to realize that when users are not financially contributing to the cost of a project, there is a rather strong and certain tendency to maintain or build a project even if it is not necessary.

Third, this is an extremely fair and reasonable cap. O&M costs for past fiscal years have been below that level as well as the projected level of O&M cost for fiscal year 1985. Since the Corps of Engineers will anticipate the yearly cap, their O&M tasks will become more streamlined and efficient. In addition, new construction will only be affected to the extent the Corps of Engineers exceeds the cap and their ever present aggressiveness to build large and costly projects. The funds from the expanding trust fund will adequately fund new and necessary projects for years to come without an increase in the fuel tax—provided there is wise and prudent planning.

In essence, Mr. President, my amendment would attempt to rein in the ever-increasing Federal costs of the inland waterway system, while also encouraging the waterway industry and the Corps of Engineers to look diligently and closely at their operations and make every attempt to become more efficient and cost-effective.

Mr. President, I now ask that the following proposed amendment be introduced into the RECORD:

SIMPSON AMENDMENT TO THE ABDNOR AMENDMENT

Add new sections, Sec. 501(c) and 501(d):

SEC. 501(c) Notwithstanding any other provision of law, the Secretary shall obligate a sum not to exceed a ceiling of $450,000,000 from general revenues for the rehabilitation, renovation, operation, and maintenance of the commercial navigation features and components of the inland waterways and harbors of the United States in the fiscal year ending September 30, 1986 and in each of the succeeding fiscal years through September 30, 1996.

SEC. 501(d) Funds from the Inland Waterways Trust Fund may be used to cover spending that exceed the annual ceiling on operation and maintenance expenditures.●

ORDER THAT HOUSE JOINT RESOLUTION 648 BE PRINTED WITH AMENDMENTS

Mr. STEVENS. Mr. President, I ask unanimous consent that House Joint Resolution 648 be printed with amendments as recommended by the Stock fund price reestimate on Appropriations and that this print be considerd to be the official version in the consideration of this bill by the Senate.

I might state parenthetically what this does is make it possible for the Senate to consider the House-passed bill without any complications. It will not jeopardize any Member of the Senate and it will put us in the mode of being able to go to conference with the House of Representatives on the House bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, reserving the right to object, and I am sure I will not object, the ordering of the request does not mean that the amendments are being adopted but merely that they are being printed.

Mr. STEVENS. The Senator is correct. They will still be printed as committee amendments but they will be printed as amendments to the House-passed bill. When the Senate Appropriations Committee was in committee it was marking up a Senate version of the bill. And we will now print House Joint Resolution 648 with the amendments as recommended by the Senate Committee on Appropriations to that bill.

Mr. BYRD. But the amendments will not ipso facto be considered as agreed to.

Mr. STEVENS. No. They will still be presented to the Senate, and I am delighted to have this colloquy with my good friend to make sure that everyone understands that no one's rights are jeopardized by our making this request. It is for the convenience of the Senate.

Mr. BYRD. I thank my friend and I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH PROFESSIONS AND SERVICES AMENDMENTS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2574.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2574) entitled "An Act to revise and extend title VIII of the Public Health Service Act, relating to nurse education" do pass with the following amendments: Strike out all after the enacting clause and insert:

That (a) this Act may be cited as the "Health Professions and Services Amendments of 1984".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—PROGRAMS UNDER TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

SEC. 101. (a) The first sentence of section 728(a) (42 U.S.C. 294a(a)) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and the following: "$275,000,000 for the fiscal year ending September 30, 1985; and

$300,000,000 for the fiscal year ending September 30, 1986".

(b) The last sentence of such section is amended by striking out "1987" and inserting in lieu thereof "1989".

SEC. 102. (a) Section 740(a) (42 U.S.C. 294m(a)) is amended by inserting before the period the following: "and with any public or other nonprofit school which is located in a State and which offers graduate programs in clinical psychology".

(b) Section 740(b) is amended—

(1) by inserting before the semicolon at the end of paragraph (4) the following: "and to students pursuing a full-time course of study at the school in a graduate program in clinical psychology"; and

(2) by adding after paragraph (6) the following:

"For purposes of this section and section 741, the term 'graduate program in clinical psychology' has the meaning prescribed by section 737(3).".

(c) Section 701(5) (42 U.S.C. 292a(5)) is amended by inserting "or in clinical psychology" after "health administration".

(d)(1) Sections 741(b) and 741(f)(1)(A) are each amended by inserting "a doctoral degree in clinical psychology or an equivalent degree," after "doctor of optometry or an equivalent degree,".

(2) Section 741(c) is amended by inserting after "veterinary medicine" the following: "or at a school in a graduate program in psychology".

(e)(1) Section 741(c) is amended by adding at the end the following: "If an individual who was a full-time student at a school described in the preceding sentence—

"(1) leaves the school to engage in an activity which is directly related to the health profession for which the individual is preparing and leaves with the intent to return to such school as a full-time student, and

"(2) engages in such activity for not more than two years,

such individual may not be required under the preceding sentence to begin loan repayments.".

(2) The amendment made by paragraph (1) shall take effect as of June 30, 1982.

SEC. 103. (a) Section 742(a) (42 U.S.C. 244(o)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$10,000,000 for the fiscal year ending September 30, 1985, and $10,700,000 for the fiscal year ending September 30, 1986".

(b) Section 740(b) (42 U.S.C. 294m(b)) is amended by adding after paragraph (6) the following: "With respect to fiscal years beginning after fiscal year 1984, each agreement shall provide that at least one-half of the Federal contribution in such fiscal years to the student loan fund of the school shall be used to make loans to individuals from disadvantaged backgrounds as determined in accordance with criteria prescribed by the Secretary.".

(c) Section 743 (42 U.S.C. 294p) is amended by striking out "1987" each place it occurs and inserting in lieu thereof "1989".

SEC. 104. Section 758(d) (42 U.S.C. 294z(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$8,000,000 for the fiscal year ending September 30, 1985, and $8,600,000 for the fiscal year ending September 30, 1986".

SEC. 105. Section 770(e)(4) (42 U.S.C. 295f(e)(4)) is amended by striking out "and" after "1983," and by inserting after "1984," the following: "$7,500,000 for the fiscal year ending September 30, 1985, and $8,000,000 for the fiscal year ending September 30, 1986,".

SEC. 106. Paragraph (1) of section 771(e) (42 U.S.C. 295f-1(e)) is amended to read as follows:

"(1) To be eligible for a grant under section 770 for a fiscal year beginning after fiscal year 1984, the product of the hours of instruction offered by a school of public health and the number of students enrolled in such hours of instruction in such school, in the school year beginning in fiscal year 1985 and in each school year thereafter beginning in a fiscal year in which a grant under section 770 is applied for, shall be at least the same as the product of the hours of instruction offered by the school and the number of students enrolled in such hours of instruction in the school year beginning in fiscal year 1984.".

SEC. 107. (a) Section 780(c) (42 U.S.C. 295g(c)) is amended by striking out "and" after "1983," and by inserting after "1984" a comma and the following: "$11,000,000 for the fiscal year ending September 30, 1985, and $11,800,000 for the fiscal year ending September 30, 1986,".

(b) Section 780 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

"(c) In making grants under subsection (a), the Secretary shall give priority to an applicant which demonstrates to the satisfaction of the Secretary a commitment to making the applicant's family medicine program a permanent component of its medical education training program.".

SEC. 108. (a) The first sentence of section 781(g) (42 U.S.C. 295g-1(g)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$18,000,000 for the fiscal year ending September 30, 1985, and $19,200,000 for the fiscal year ending September 30, 1986".

(b)(1) Section 781(a)(2) is amended by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively and by striking out all that precedes clause (i) (as so redesignated) and inserting in lieu thereof the following:

"(2)(A) The Secretary shall enter into contracts with schools of medicine and osteopathy—

"(i) which have previously received Federal financial assistance for an area health education center program under section 802 of the Health Professionals Educational Assistance Act of 1976 in fiscal year 1979 or under paragraph (1), or

"(ii) which are receiving assistance under paragraph (1),

to carry out projects described in subparagraph (B) through area health education centers for which Federal financial assistance was provided under paragraph (1) and which are no longer eligible to receive such assistance.

"(B) Projects for which assistance may be provided under subparagraph (A) are—".

(2) The last sentence of section 781(g) is amended by striking out "may" and inserting in lieu thereof "shall".

SEC. 109. Section 782 (42 U.S.C. 295g-2f is amended to read as follows:

"GRANTS FOR SCHOOLS OF PUBLIC HEALTH

"SEC. 782. (a) The Secretary may make grants to public and nonprofit private schools of public health for projects to develop new programs or expand existing programs in human nutrition, geriatrics, health promotion and disease prevention, alcoholism, and injury due to accidents.

"(b) For grants under subsection (a) there are authorized to be appropriated $3,000,000 for fiscal year 1985, and $3,200,000 for fiscal year 1986.".

SEC. 110. Section 783(d) (42 U.S.C. 295g-3(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$6,000,000 for the fiscal year ending September 30, 1985, and $6,400,000 for the fiscal year ending September 30, 1986".

SEC. 111. (a) Section 784(b) (42 U.S.C. 295g-4(b)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$24,000,000 for the fiscal year ending September 30, 1985, and $28,000,000 for the fiscal year ending September 30, 1986".

(b) Section 784 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) In making grants and entering into contracts under subsection (a), the Secretary shall give priority to an applicant which demonstrates to the satisfaction of the Secretary a commitment to making its general internal medicine and general pediatrics programs permanent components of its medical education training program.".

SEC. 112. (a)(1) The first sentence of section 786(c) (42 U.S.C. 295g-6(c)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$38,000,000 for the fiscal year ending September 30, 1985, and $40,600,000 for the fiscal year ending September 30, 1986".

(2) Section 786(c) is amended by adding at the end the following: "In any fiscal year, the Secretary shall obligate for grants under subsection (b) not less than 7 percent of the amount appropriated under this subsection for such fiscal year.".

(b) Section 786 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) In making grants under subsection (a), the Secretary shall give priority to an applicant which demonstrates to the satisfaction of the Secretary a commitment to making its family medicine program a permanent component of its medical education training program.".

(c) Section 786(b) is amended—

(1) by inserting "or an approved advanced educational program in the general practice of dentistry" before the semicolon in paragraph (1); and

(2) by striking out "residents" in paragraph (2) and inserting in lieu thereof "participants".

SEC. 113. (a) The first sentence of section 787(b) (42 U.S.C. 295g-7(b)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$24,000,000 for the fiscal year ending September 30, 1985, and $25,700,000 for the fiscal year ending September 30, 1986".

(b)(1) Section 787(a)(1) is amended—

(A) by inserting a comma after "podiatry" and the following: "public and nonprofit private schools which offer graduate programs in clinical psychology,"; and

(B) by adding at the end the following: "For purposes of this section, the term 'graduate programs in clinical psychology' has the meaning prescribed for that term by section 737(3).".

(2) Section 787(a)(2) is amended by inserting after subparagraph (E) the following: "The term 'regular course of education of such a school' as used in subparagraph (D)

includes a graduate program in clinical psychology.".

SEC. 114. (a) Section 788(f) (42 U.S.C. 295g-8(f)) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and the following: "4,000,000 for the fiscal year ending September 30, 1985; $4,300,000 for the fiscal year ending September 30, 1986".

(b)(1) Subsection (a)(1) of section 788 is amended to read as follows:

"(a)(1) The Secretary may make grants to maintain and improve schools which provide the first or last two years of education leading to the degree of doctor of medicine or osteopathy. Grants provided under this paragraph to schools which were in existence on the date of the enactment of the Health Professions and Services Amendments of 1984 may be used for construction and the purchase of equipment.".

(2) Paragraph (2) of section 788(a) is repealed and paragraph (3) of such section is redesignated as paragraph (2).

(3) Section 788(a)(2) (as so redesignated) is amended by inserting "or last" after "the first" , by inserting "or osteopathy" after "medicine" and by inserting "or be operated jointly with a school that is accredited by" after "accredited by".

(4) Section 788(b) is amended to read as follows:

"(b) The Secretary may make grants to and enter into contracts with any health profession, allied health profession, or nurse training institution for special projects and programs for—

"(1) curriculum development and training in health policy and policy analysis, the organization, delivery, and financing of health care, the determinants of health and the role of medicine in health, and the delivery of health care services to low-income and aged persons;

"(2) curriculum and program development and training in applying the social and behavioral sciences to the study of health and health care delivery issues;

"(3) training in health promotion and disease prevention; and

"(4) curriculum development and training in human nutrition.".

(c)(1) Section 788(d) is amended—

(A) by striking out "with schools of medicine or osteopathy or other appropriate public or nonprofit private entities to assist in meeting the costs of such schools or entities" and inserting in lieu thereof "with accredited heath professions schools referred to in section 701(4) or 701(10) to assist in meeting the costs of such schools"; and

(B) by amending paragraph (1) to read as follows:

"(1) improve the training of health professionals in geriatrics, develop and disseminate curriculum relating to the treatment of the health problems of the elderly, expand and strengthen instruction in such treatment, support the training and retraining of faculty to provide such instruction, and support continuing education of health professionals in such treatment; and".

(2) Section 788(f) is amended—

(A) by inserting "(1)" after "(f)",

(B) by striking out "For purposes of this section" and inserting in lieu thereof "For purposes of subsections (a), (b), (c), (e), and (f) of this section", and

(C) by adding at the end the following:

"(2) For purposes of subsection (d) there are authorized to be appropriated $2,000,000 for fiscal year 1985 and $3,000,000 for fiscal year 1986.".

(d) Section 788 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

"(f) The Secretary may make grants to schools of veterinary medicine for (1) the development of curriculum for training in the care of animals used in research, the treatment of animals while being used in research, and the development of alternatives to the use of animals in research, and (2) the provision of such training.".

(e) The heading for section 788 is amended to read as follows:

"TWO-YEAR SCHOOLS OF MEDICINE, INTERDISCIPLINARY TRAINING, AND CURRICULUM DEVELOPMENT".

SEC. 115. (a) The first sentence of section 788B(h) (42 U.S.C. 295g-8b(h)) is amended to read as follows: "For the purpose of entering into contracts to carry out this section and section 788A there are authorized to be appropriated $6,000,000 for the fiscal year ending September 30, 1985, and $6,400,000 for the fiscal year ending September 30, 1986.".

(b) Subsections (b)(1) and (f) of section 788B are each amended by striking out "five years" and inserting in lieu thereof "seven years".

SEC. 116. (a) Section 791(d) (42 U.S.C. 295h(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$2,500,000 for the fiscal year ending September 30, 1985, and $2,700,000 for the fiscal year ending September 30, 1986".

(b) Subsection (c)(2)(A)(ii) of section 791 is amended to read as follows:

"(ii) such entity shall expend or obligate from non-Federal sources to conduct such programs at least $200,000 in fiscal year 1985 and $225,000 in fiscal year 1986;".

SEC. 117. Section 791A(c) (42 U.S.C. 295h-1a(c)) is amended by striking out "and" after "1980;" and by inserting before the period a semicolon and the following: "$1,000,000 for the fiscal year ending September 30, 1985; $1,100,000 for the fiscal year ending September 30, 1986".

SEC. 118. Section 792(c) (42 U.S.C. 295h-1b(c)) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and the following: "$4,500,000 for the fiscal year ending September 30, 1985; and $4,800,000 for the fiscal year ending September 30, 1986".

SEC. 119. Section 793(c) (42 U.S.C. 295h-1(c)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$3,000,000 for the fiscal year ending September 30, 1985, and $3,200,000 for the fiscal year ending September 30, 1986".

SEC. 120. Section 702(a) (42 U.S.C. 292b(a)) is amended (1) by striking out "four representatives" and inserting in lieu thereof "three representatives", (2) by striking out "podiatry, and public health" and inserting in lieu thereof "and podiatry", and (3) by inserting after "791" the following: "and one representative of schools of public health".

SEC. 121. (a)(1) Section 701(4) (42 U.S.C. 292a(4)) is amended (A) by inserting "'school of chiropractic'," after "'school of dentistry',", and (B) by inserting "degree of doctor of chiropractic," after "doctor of dentistry or an equivalent degree,".

(2) Section 701(5) is amended by inserting "chiropractic," after "dentistry,".

(b)(1) Section 740(a) (42 U.S.C. 294m(a)) is amended by inserting "chiropractic," after "dentistry,".

(2) Sections 740(b)(4), 741(b), and 741(f)(1)(A) are each amended by inserting "degree of doctor of chiropractic," after "doctor of dentistry or an equivalent degree,".

(3) Section 741(c) is amended by inserting "chiropractic," after "dentistry,".

(4) Section 742(a) (42 U.S.C. 294o(a)) is amended by adding at the end the following: "Of the amount appropriated under this subsection for any fiscal year, not more than 4 per centum of such amount shall be made available for Federal capital contributions for student loan funds at schools of chiropractic.".

(c)(1) Section 787(a)(1) (42 U.S.C. 295g-7(a)(1)) is amended by inserting "chiropractic," after "dentistry,".

(2) Section 787(b) is amended by inserting at the end the following: "Of the amount appropriated under this subsection for any fiscal year, not more than 4 per centum of such amount shall be obligated for grants or contracts to schools of chiropractic.".

SEC. 122. Section 709(d) (42 U.S.C. 292j(d)) is amended to read as follows:

"(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

SEC. 123. (a)(1) Section 731(a)(1)(A) (42 U.S.C. 294d(a)(1)(A)) is amended by striking out "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following:

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section has presented himself and submitted to registration under such section; and".

(2) Section 731(a)(1)(B) is amended by striking out "and" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following:

"(iii) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section has presented himself and submitted to registration under such section; and".

(3) Section 741(b) (42 U.S.C. 294-n(b)) is amended by inserting "(1)" after "student" and by inserting before the period a comma and the following: "and (2) who if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section has presented himself and submitted to registration under such section".

(b) The Secretary of Health and Human Services, in cooperation with the Director of Selective Service, shall conduct a study to determine if health professions schools are engaged in a pattern or practice of failure to comply with section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) (or regulations issued under such section) or are engaged in a pattern or practice of providing loans or work assistance to persons who are required to register under section 3 of such Act (and any proclamation of the President and regulations prescribed under that section) and have not so registered. The Secretary shall complete the study and report its results to the Congress not later than one year after the date of the enactment of this Act.

SEC. 124. The Secretary of Health and Human Services shall conduct a study of the delivery of inpatient and outpatient health care services to the homeless and shall include in the study an evaluation of eligibility requirements which prevent the homeless from receiving health care services and an

evaluation of the efficiency of the delivery of health care services to the homeless. The Secretary shall complete the study and report its results to the Congress not later than September 30, 1985, together with recommendations for legislation to improve health care delivery services to the homeless.

SEC. 125. Section 731(a)(2)(D) is amended by striking the words "compounded semiannually and".

TITLE II—PROGRAMS UNDER TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT

SEC. 201. The first sentence of section 820(d) (42 U.S.C. 296k(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$12,000,000 for the fiscal year ending September 30, 1985, $13,000,000 for the fiscal year ending September 30, 1986, and $14,000,000 for the fiscal year ending September 30, 1987".

SEC. 202. (a) Section 821(b) (42 U.S.C. 296l(b)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$21,000,000 for the fiscal year ending September 30, 1985, $22,000,000 for the fiscal year ending September 30, 1986, and $23,000,000 for the fiscal year ending September 30, 1987".

(b) Section 821(a) is amended by striking out all after paragraph (3) and inserting in lieu thereof the following:

"programs which lead to masters and doctoral degrees and which prepare nurses to serve as nurse educators, administrators, and researchers or in clinical nurse specialities determined by the Secretary to require advanced training.".

SEC. 203. (a) Section 822(e) (42 U.S.C. 296m(e)) is amended to read as follows:

"(e) For grants and contracts under subsections (a) and (b), there are authorized to be appropriated $19,000,000 for the fiscal year ending September 30, 1985, $20,000,000 for the fiscal year ending September 30, 1986, and $21,000,000 for the fiscal year ending September 30, 1987.".

(b)(1) Section 822(a)(1) is amended by inserting "and nurse midwives" after "nurse practitioners" the first two times it appears in such section.

(2) Sections 822(a)(2), 822(b), and 822(c) are each amended by inserting "and nurse midwives" after "nurse practitioners" each place it occurs.

(3) Section 822(a)(2)(A) is amended by inserting after "and which" the following: "in the case of nurse practitioners".

(4) Section 822(b)(3) is amended by inserting before "for a period" the following: "or in a public health care facility".

(5) The heading for section 822 is amended to read as follows:

"NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS".

SEC. 204. Subpart IV of part A of title VIII is amended by adding after section 822 the following new section:

"DEMONSTRATION GRANTS

"SEC. 823. (a) The Secretary may make grants to public and nonprofit private entities for projects to demonstrate—

"(1) improvements in clinical nursing care in institutions,

"(2) improvements in clinical nursing care in homes, independent nursing practice arrangements, and ambulatory facilities, and

"(3) programs to encourage nurses to practice in health manpower shortage areas.

"(b) For grants under subsection (a), there are authorized to be appropriated $8,000,000 for fiscal year 1985, $9,000,000 for fiscal year 1986, and $10,000,000 for fiscal year 1987.".

SEC. 205. (a)(1) The first sentence of section 830(b) (42 U.S.C. 297(b)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$15,000,000 for the fiscal year ending September 30, 1985, $16,000,000 for the fiscal year ending September 30, 1986, and $17,000,000 for the fiscal year ending September 30, 1987".

(2) The second sentence of such section is amended by striking out "1981" and inserting in lieu thereof "1985".

(b) Paragraph (1) of section 830(a) is amended to read as follows:

"(1)(A) The Secretary may make grants to public and nonprofit private schools of nursing to cover the cost of traineeships for nurses in masters degree and doctoral degree programs in order to educate such nurses—

"(i) to teach in the various fields of nurse training (including practical nurse training),

"(ii) to serve in administrative or supervisory capacities, or

"(iii) to serve in other professional nursing specialties determined by the Secretary to require advanced training.

"(B) The Secretary may make grants to public and nonprofit private schools to cover the cost of traineeships in certificate or degree programs to educate nurses to serve in and prepare for practice as nurse practitioners and nurse midwives.".

SEC. 206. Section 831(b) (42 U.S.C. 297-1(b)) is amended to read as follows:

"(b) For grants under subsection (a), there are authorized to be appropriated $1,000,000 for fiscal year 1985, $1,200,000 for fiscal year 1986, and $1,400,000 for fiscal year 1987.".

TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

SEC. 301. (a) Section 338(a) (42 U.S.C. 254k(a)) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and the following: "$90,000,000 for the fiscal year ending September 30, 1985; $90,000,000 for the fiscal year ending September 30, 1986; $95,000,000 for the fiscal year ending September 30, 1987; and $100,000,000 for the fiscal year ending September 30, 1988".

(b) Section 338F(a) (42 U.S.C. 294y(a)) is amended—

(1) by striking out "1982, and each of the two" in the second sentence and inserting in lieu thereof "1985, and each of the three",

(2) by striking out "1984" each place it occurs and inserting in lieu thereof "1988", and

(3) by striking out "1985, and for each of the two" and inserting in lieu thereof "1989, and for each of the three".

SEC. 302. Section 338C(a)(2) (42 U.S.C. 294v(a)(2)) is amended by inserting before the period the following: "for which the Secretary has made the evaluation and determination described in section 333(a)(1)(D)".

SEC. 303. Section 338C(b) is amended by inserting at the end the following: "The Secretary shall take such action as may be appropriate to assure that the conditions of the written agreement prescribed by this subsection are adhered to.".

SEC. 304. Section 332(a)(1) (42 U.S.C. 254e(a)(1)) is amended by adding at the end the following: "The Secretary may not remove an area from the areas determined to be health manpower shortage areas under clause (A) unless the Secretary also determines that such an area does not have a population group described in clause (B) or a facility described in clause (C).".

TITLE IV—HEALTH MAINTENANCE ORGANIZATIONS AND MIGRANT AND COMMUNITY HEALTH CENTERS

SEC. 401. (a) Section 1309(b) (42 U.S.C. 300e-8(b)) is amended by striking out "1982, 1983, and 1984" and inserting in lieu thereof "1985, 1986, 1987, and 1988".

(b) Section 1305(d) (42 U.S.C. 300e-4(d)) is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1989".

SEC. 402. (a) The first sentence of section 329(h)(1) (42 U.S.C. 247d(h)(1)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: $47,000,000 for the fiscal year ending September 30, 1985, $51,000,000 for the fiscal year ending September 30, 1986, $58,000,000 for the fiscal year ending September 30, 1987, and $64,000,000 for the fiscal year ending September 30, 1988".

(b) Section 329(d)(2) is amended by inserting before the semicolon the following: "and the costs of repaying loans made by the Farmer's Home Loan Administration for buildings".

SEC. 403. Section 330(g) (42 U.S.C. 254c(g)) is amended by striking out paragraphs (1) and (2), by redesignating paragraph (3) as paragraph (2), and by inserting before that paragraph the following:

"(g)(1) For grants under subsection (d), there are authorized to be appropriated: $375,000,000 for fiscal year 1985, $410,000,000 for fiscal year 1986, $445,000,000 for fiscal year 1987, and $482,000,000 for fiscal year 1988. The Secretary may not expend for grants under subsection (d)(1)(C) in any fiscal year an amount which exceeds 5 per centum of the funds appropriated under this paragraph for that fiscal year.".

SEC. 404. No health maintenance organization may be required, as a condition for being federally qualified under title XIII of the Public Health Service Act, to include organ transplants, other than kidney transplants, in its basic health services (as defined in section 1302 of such Act) before the health maintenance organization's contract year beginning after January 1, 1986. In making any determination whether an organ transplant procedure should be included in a health maintenance organization's contract entered into after January 1, 1986, the Secretary shall provide an opportunity for public comment on the proposed determination prior to its implementation.

TITLE V—HEALTH CARE CONSUMER INFORMATION

SEC. 501. Section 304 of such Act (42 U.S.C. 242k) is amended by adding at the end the following:

"(e)(1) The Secretary shall—

"(A) study (i) criteria and methodologies for use in collecting and disseminating aggregate health care cost and utilization data and other health care consumer information, (ii) Federal laws and programs under which such information is collected and disseminated and the activities of public and private entities and individuals in the collection and dissemination of such information, and (iii) means to assist in collecting and disseminating such information through public and private entities and individuals;

"(B) develop improvements in criteria and methodologies for use in collecting and disseminating health care consumer information and develop methodologies for defining and measuring quality of health care services;

"(C) prepare a plan for having appropriate public or private entities, or both, furnish, either directly or through referral, to the public, upon request, technical assistance relating to the criteria and methodologies identified in subparagraph (A); and

"(D) not later than six months after the completion of the study and preparation of the plan required by subparagraphs (A) and (C), carry out, to the extent feasible, the plan prepared under subparagraph (C).

Not later than nine months after the date of the enactment of this subsection, the Secretary shall complete the study required by subparagraph (A), shall complete the plan required by subparagraph (C), and report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate the results of the study and the developed plan. The Secretary shall also periodically report to such committees on the actions taken under subparagraph (B) and the technical assistance provided under the plan.

"(2) In carrying out paragraph (1), the Secretary shall consult with the National Committee on Vital and Health Statistics established under section 306(k)(1), the Health Care Financing Administration, the Prospective Payment Assessment Commission, and representatives of—

"(A) physicians, hospitals, and other health care providers,

"(B) insurers,

"(C) businesses, unions, and public entities which purchase health care through insurance or self-insurance, and

"(D) health care consumers.

"(3) In carrying out paragraph (1), the Secretary shall assure that the methodology and criteria referred to in subparagraphs (A) and (B) of such paragraph shall protect the confidentiality of individually identifiable patient medical information.

"(4) This subsection does not authorize the Secretary to require the disclosure of any information.".

TITLE VI—PLAGUE

SEC. 601. Section 317 (42 U.S.C. 247b) is amended by adding at the end the following:

"(k) The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States for the control of plague. For grants under this subsection, there are authorized to be appropriated $1,000,000 for each of the fiscal years 1985, 1986, and 1987.".

TITLE VII—HEALTH CARE COSTS

SEC. 701. It is the sense of the Congress that the problem of rising health care costs can be reduced if those engaged in health care professions do everything possible to hold down the cost of delivering health care to the nation by considering options to institutionalized health services wherever appropriate.

Amend the title so as to read: "An Act to amend titles VII and VIII of the Public Health Service Act to extend the programs of assistance for the training of health professions personnel, to revise and extend the National Health Service Corps program under that Act, and to revise and extend the programs of assistance under that Act for health maintenance organizations and migrant and community health centers.".

AMENDMENT NO. 4855

Mr. STEVENS. Mr. President, I move that the Senate concur with the House amendments with a further Senate amendment which I send to the desk in behalf of Senator HATCH.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes an amendment numbered 4855.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed under amendments submitted during routine morning business.)

Mr. HATCH. Mr. President, today I am introducing an amendment in the nature of a substitute to S. 2574, a Senate-passed bill amended by the House of Representatives on September 6, 1984, to incorporate the text of H.R. 5602. H.R. 5602 is an omnibus health bill relating to certain provisions of the Public Health Service including: First, reauthorization of the Nurse Training Act (title VIII of the Public Health Service); second, reauthorization of the Health Professions Training Assistance Act (title VII of the Public Health Service Act); third, reauthorization of the National Health Service Corps; fourth, reauthorization of the primary health-care block grant; and fifth, reauthorization of the Health Maintenance Organization Act.

All of these reauthorizations were previously covered by bills which passed the Senate earlier this year. To facilitate conference with our House colleagues, the amendment I am offering in the form of a substitute text is these bills, as passed by the Senate. This will enable us to conference with our colleagues in the House of Representatives on all five pieces of legislation. These earlier bills are: S. 2574, the Nurse Education Amendments of 1984 which passed the Senate by voice vote on June 28, 1984 (Senate Rept. 98-492); S. 2559, the Health Professions Training Assistance Act reauthorization of 1984, which passed the Senate with amendments by voice vote on June 28, 1984 (Senate Rept. 98-491); S. 2308, the Primary Health Care Amendments which passed the Senate with amendments by voice vote on June 28, 1984 (Senate Rept. 98-401); and S. 2281, the National Health Service Corps Reauthorization Act, which passed the Senate with amendments by voice vote on May 10, 1984 (Senate Rept. 98-392).

No changes have been made in these bills since their Senate approval. I urge expeditious approval by the Senate in order that we may conference with our colleagues in the House and continue limited Federal support for educational assistance to help professional students and primary-care medical services where they are most critically needed. I would ask in addition, that the following conferees be appointed on behalf of the Labor and Human Resources Committee: Senators HATCH, STAFFORD, QUAYLE, KENNEDY, and RANDOLPH.

Mr. STEVENS. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. TRIBLE] appointed Mr. HATCH, Mr. STAFFORD, Mr. QUAYLE, Mr. KENNEDY, and Mr. RANDOLPH conferees on the part of the Senate.

ORDER DISCHARGING LABOR COMMITTEE FROM CONSIDERATION OF H.R. 4477

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be discharged from further consideration of H.R. 4477, to amend the Higher Education Act of 1965 to provide grants to the States to establish post-secondary education scholarship programs to encourage outstanding high school graduates to enter the teaching profession, and to establish a national fellowship program for talented teachers, and that the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. STEVENS. Mr. President, I now inquire of my good friend, the distinguished Senator from West Virginia, if the Senate could, with his understanding and approval, turn to the following calendar orders: Calendar Order No. 1180, Calendar Order No. 1181, Calendar Order No. 1203, Calendar Order No. 1205, and Calendar Order No. 1218. It would be my intention to request that the Senate turn to the consideration of these items, that they be considered en bloc, and that it be in order to make a motion to reconsider the action en bloc.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. STEVENS. Mr. President, I ask unanimous consent that the items which are Calendar Nos. 1180, 1181, 1203, 1205, and 1218 be considered en bloc, and that it be in order to reconsider them en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. PARTICIPATION IN THE INTERNATIONAL OFFICE OF THE VINE AND WINE

A bill (S. 2583) to authorize U.S. participation in the Office International de la Vigne et du Vin (the International Office of the Vine and Wine), was

considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to maintain membership of the United States in the Office International de la Vigne et du Vin (the International Office of the Vine and Wine).

U.S. PARTICIPATION IN THE INTERNATIONAL JUTE ORGANIZATION

A bill (S. 2764) to authorize U.S. participation in the International Jute Organization, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to maintain membership of the United States in the International Jute Organization.

TRANSFER OF CERTAIN LAND IN DOUGLAS COUNTY, NV

A bill (S. 1160) to authorize Douglas County of the State of Nevada to transfer certain land of a private owner, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the Act entitled "An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes", approved June 14, 1926 (43 U.S.C. 869 et seq.), or the provisions of any patent granted pursuant to such Act by the United States concerning the real property described in section 2, the United States releases any reversionary interest in such real property, and Douglas County of the State of Nevada is authorized to transfer such real property to any private person.

SEC. 2. The real property authorized to be transferred in the first section is the lot, piece or parcel of land lying along and adjoining the Virginia and Truckee Railroad right-of-way in the Town of Minden, Nevada, described as follows: Beginning at a point on the northerly side of the State Highway right-of-way line, north 63 degrees 25 minutes west, 146 feet from the southeast corner of the wool warehouse lot, said point of beginning further described as bearing north 58 degrees 58 minutes 40 seconds west, 855.32 feet from the established Town Monument of the said Town of Minden; thence north 63 degrees 25 minutes west, along the Highway right-of-way line 60 feet to a point; thence north 26 degrees 35 minutes east, 55 feet, to a point; thence south 63 degrees 25 minutes east, parallel with the railroad spur track, 60 feet to a point; thence south 26 degrees 35 minutes west, 55 feet, to the point of beginning; all within section 29, township 13 north, range 20 east, Mount Diablo Meridian, Nevada, containing 3,300 square feet.

TRANSFER OF CERTAIN FEDERAL LAND

A bill (H.R. 4968) to provide for the conveyance by the Secretary of Energy of surface rights to certain parcels of land located on Naval Petroleum Reserve Numbered 2 in the State of California on which private residences are located, was considered, ordered to a third reading, read the third time, and passed.

AMERICAN ARMORED FORCE MEMORIAL

The Senate proceeded to consider the joint resolution (S.J. Res. 277) to authorize the Armored Force Monument Committee, the U.S. Armor Association, the World Wars Tank Corps Association, the Veterans of the Battle of the Bulge, and the 1st, 4th, 8th, 9th, 11th, 14th, and 16th Armored Division Associations jointly to erect a memorial to the "American Armored Force" on U.S. Government property in Arlington, VA, and for other purposes, which has been reported from the Committee on Energy and Natural Resources, with an amendment. On page 2, line 3, strike "Armed", and insert "Armored". So as to make the joint resolution read:

S.J. RES. 277

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Armored Force Monument Committee, the United States Armor Association, the World Wars Tank Corps Association, the Veterans of the Battle of the Bulge, and 1st, 4th, 8th, 9th, 11th, 14th, and 16th Armored Division Associations are authorized jointly to erect a memorial on United States Government property in Arlington, Virginia. Any such memorial shall be erected for the purpose of honoring and commemorating the "American Armored Force", including the members of such organizations and others who have served in armored units of the Armed Forces of the United States during World War I or World War II or in and near Korea or Vietnam, and the members of the Armed Forces who continue to serve with exceptional professionalism to maintain peace worldwide.

SEC. 2. (a)(1) The Secretary of the Interior shall select, with the approval of the national Commission of Fine Arts and the National Capital Planning Commission, a suitable site on United States Government property in Arlington, Virginia, upon which may be erected the memorial authorized in the first section. The Secretary of the Interior shall, if practicable and appropriate, select a site between the Arlington Memorial Bridge and the entrance to the Arlington National Cemetery and beside Memorial Drive.

(2) If the site selected is within the boundaries of the Arlington National Cemetery, the approval of the Secretary of the Army shall be obtained.

(b) The design and plans for the memorial shall be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts, and the National Capital Planning Commission.

(c) The United States Government shall not incur any expense in connection with designing, planning, or erecting the memorial except expenses required to carry out the responsibilities set out in this section and sections 3 and 4.

SEC. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of the memorial is commenced within five years after the date of enactment of this joint resolution and (2) prior to its commencement, the Secretary of the Interior has received an appropriate certification that funds are available in an amount sufficient, in the judgment of the Secretary, to insure completion of the memorial.

SEC. 4. The maintenance and care of any memorial erected under the provisions of this joint resolution shall be the responsibility of the Secretary of the Interior.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to authorize the Armored Force Monument Committee, the United States Armor Association, the World Wars Tank Corps Association, the Veterans of the Battle of the Bulge, and the 1st, 4th, 8th, 9th, 11th, 14th, and 16th Armored Division Associations jointly to erect a memorial to the American Armored Force on U.S. Government property in Arlington, VA, and for other purposes."

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the measures were passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, if my good friend will join me in addressing the executive calendar, it would be my intention to ask the Senate to go into executive session to consider a series of items on the executive calendar.

Mr. President, it will be my request that the Senate go into executive session for the purpose of considering Calendar Nos. 977, 987, 988, and 992, 993, 994, and 995; and the nominations at the Secretary's desk.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the calendar items which I have enumerated.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. President, I ask unanimous consent that these nominations be considered en bloc, be confirmed en bloc, and the motion to reconsider the action be en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations confirmed are as follows:

DEPARTMENT OF DEFENSE

Richard E. Carver, of Illinois, to be an Assistant Secretary of the Air Force.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Edward Sulzberger, of New York, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the terms expiring October 27, 1986.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Tony E. Gallegos, of California, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1989.

DEPARTMENT OF STATE

Robert E. Barbour, of Tennessee, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

J. Stapleton Roy, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Carl Edward Dillery, of Washington, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

UNITED NATIONS

The following-named persons to be Representatives and Alternate Representatives of the United States of America to the 39th Session of the General Assembly of the United Nations:

Representatives: Jeane J. Kirkpatrick, of Maryland; Jose S. Sorzano, of Virginia; Charles McC. Mathias, Jr., U.S. Senator from the State of Maryland; John H. Glenn, Jr., U.S. Senator from the State of Ohio; and Robert D. Ray, of Iowa.

Alternate representatives: Richard Schifter, of Maryland; Alan Lee Keyes, of California; Harvey J. Feldman, of Florida; Preston H. Long, of New York; and Guadalupe Quintanilla, of Texas.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE SENIOR FOREIGN SERVICE

Senior Foreign Service nominations beginning Michael Hayden Armacost, and ending John L. Turner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 21, 1984.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I request that the President be immediately notified of the confirmations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 9:30 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS

Mr. STEVENS. Mr. President, following the time for the two leaders under the standing order, I ask unanimous consent that there be a special order not to exceed 15 minutes each for Senators PROXMIRE, BYRD, CHILES, BENTSEN, and BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, following that period of special orders, I ask unanimous consent that there then be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m. with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CLOTURE VOTE TO OCCUR AT 6 P.M.

Mr. STEVENS. Mr. President, following conclusion of routine morning business, the Senate will turn to the consideration of the defense authorization conference report, which is H.R. 5167.

Mr. President, I ask unanimous consent that the cloture vote on S. 2527, the highway bill, occur at 6 p.m. tomorrow, Thursday, September 27, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, then that will be the schedule for tomorrow. That will be the first vote that will occur. It is the announced intention of the Senate to observe Rosh Hashana and not have any votes prior to 6 p.m. tomorrow. So the Senate should be on notice there will be a vote at 6 p.m.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. STEVENS. Mr. President, I ask my good friend, the minority leader, if he has any further business to come before the Senate.

Mr. BYRD. Mr. President, I have nothing. I thank the distinguished acting majority leader.

Mr. STEVENS. I thank my good friend.

Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and the Senate, at 7:10 p.m., recessed until Thursday, September 27, 1984, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 1984:

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Edward Sulzberger, of New York, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1986.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Tony E. Gallegos, of California, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1989.

DEPARTMENT OF STATE

Robert E. Barbour, of Tennessee, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

J. Stapleton Roy, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Carl Edward Dillery, of Washington, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

UNITED NATIONS

The following-named persons to be representatives and alternate representatives of the United States of America to the 39th session of the General Assembly of the United Nations:

Representatives:

Jeane J. Kirkpatrick, of Maryland.

Jose S. Sorzano, of Virginia.

Charles McC. Mathias, Jr., U.S. Senator from the State of Maryland.

John H. Glenn, Jr., U.S., Senator from the State of Ohio.
Robert D. Ray, of Iowa.
Alternate representatives:
Richard Schifter, of Maryland.
Alan Lee Keyes, of California.
Harvey J. Feldman, of Florida.
Preston H. Long, of New York.
Guadalupe Quintanilla, of Texas.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF DEFENSE

Richard E. Carver, of Illinois, to be an Assistant Secretary of the Air Force.

SENIOR FOREIGN SERVICE

Senior Foreign Service nominations beginning Michael Hayden Armacost, and ending John L. Turner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 21, 1984.

HOUSE OF REPRESENTATIVES—*Wednesday, September 26, 1984*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Deliver us, O God, from all that would hinder from the realization of the beauty of Your world and the glory of Your promises to us. Take away the darkness of futility, and lead us in a greater awareness of the reality of the blessings available to us. May we see more clearly, the richness of Your grace and forgiveness, of Your majesty and love. As we seek our way through life, may Your providence give us confidence, Your spirit give us hope, and Your Word give us understanding. In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 718. An act for the relief of Samuel C. Willett; and

H.J. Res. 649. Joint resolution changing the date for the counting of the electoral votes in 1985.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3398. An act to change the tariff treatment with respect to certain articles, and for other purposes;

H.R. 6028. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes; and

H.R. 6206. An act relating to the water rights of the Ak-Chin Indian Community.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3398) "An act to change the tariff treatment with respect to certain articles, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOLE, Mr. PACKWOOD, Mr. ROTH, Mr. DANFORTH, Mr. LONG, Mr. BENTSEN, and Mr. MATSUNAGA to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6028) "An act making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WEICKER, Mr. HATFIELD, Mr. STEVENS, Mr. ANDREWS, Mr. RUDMAN, Mr. SPECTER, Mr. MCCLURE, Mr. DOMENICI, Mr. STENNIS, Mr. PROXMIRE, Mr. BYRD, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, Mr. BURDICK, and Mr. INOUYE, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2166) "An act to authorize appropriations to carry out the Indian Health Care Improvement Act, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ANDREWS, Mr. GOLDWATER, Mr. GORTON, Mr. MURKOWSKI, Mr. MELCHER, Mr. INOUYE, and Mr. DECONCINI to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2480. An act to declare that the mineral rights in certain lands acquired by the United States in connection with the Garrison Dam and Reservoir Project are held in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, and for other purposes.

The message also announced that Mr. FORD be a conferee, on the part of the Senate, on the bill (S. 1097) "An act to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce," in lieu of Mr. LAUTENBERG, excused.

BRADLEY-GEPHART ANTIFAMILY TAXATION

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, there have been two trends in this country in the past 40 years which affect all of us: Families have grown smaller and taxes have grown larger—a lot larger.

In 1944, the birth rate per 1,000 population was 21.2. Following the postwar "baby boom," it was still 24.5 in 1949. Then it began an inexorable decline until bottoming out in the mid-1970's. In 1975 and 1976, for example, the birth rate was only 14.8 per 1,000. Although there has been a recent upturn, the rate in 1982 was still a meager 16.0 per 1,000.

Conversely, taxes, as we all know, have increased dramatically. What we may have overlooked, however, is the negative effect tax policy has had on families. In 1945, the Federal income tax exemption for each dependent was $500. The Consumer Price Index for that year was 53.9 (1967=100). The CPI in 1983 was 298.4—a 453.6-percent increase. But the exemption for dependents had risen to only $1,000. To keep up with inflation, that exemption needed to be $2,768. Not only is it more expensive to feed, clothe, and educate our children, we also get penalized for having them by our tax laws.

It is unfortunate that the Bradley-Gephardt flat tax proposal limits the exemption for dependents to $1,000. It is hoped that the authors will raise this antifamily level of exemption to an appropriate amount.

Among other merits of the Kemp-Kasten and Siljander flat tax proposals, one of the most important is the doubling of the exemption for dependents to $2,000. This falls short of the nearly $3,000 which will be necessary to equal the 1945 exemption in 1984, but it goes a long way to correcting a sad and unjust situation.

NOISE ABATEMENT

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, I was shocked to learn that efforts are underway in the Senate to circumvent our aviation noise reduction standards so that a few foreign air carriers can continue to operate noisy jet aircraft into our airports.

In a nutshell, in 1976, the Federal Aviation Administration [FAA] required all airlines using U.S. airports to retrofit their four-engine aircraft, by January 1, 1985, or replace them with quieter aircraft. The affected air-

craft include Boeing 707's and McDonnell Douglas DC-8's.

In 1979, the Congress adopted the Aviation Safety and Noise Abatement Act which, among other things, reaffirmed this rule and the January 1, 1985 deadline.

Now, just 3 months before this January 1 compliance date, a number of South American and Caribbean airlines are looking to exempt themselves from this requirement at Miami International Airport.

As the former chairman of the Subcommittee on Aviation, and author of the 1979 Noise Abatement Act, I believe it would be totally inappropriate for the Congress to grant this exemption to these foreign carriers.

All air carriers—whether they be domestic or foreign—have been given 8 years to comply with this rule. Virtually all U.S. carriers will be able to meet the January 1 deadline. It has cost them a tremendous sum of money but they have acted responsibly and the net result will be less noise in and around impacted residential and business communities, many of which were built prior to the jet age.

It would now be a severe blow to our domestic aviation industry and many foreign carriers who have already complied with this noise standard if we were to now allow, at the last second, an exemption to a few who have, for some reason, developed the attitude that they should be exempt from this badly needed noise abatement rule.

I strongly urge the House conferees on the continuing resolution for 1985 to reject any attempt by the Senate to tamper and dilute the rules to keep noisy jets out of our airports.

ARKANSAS IS A NATURAL

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. I thank the Speaker.

Mr. Speaker, and my colleagues, in my State we are proud to say "Arkansas is a natural." We are proud to say that because of our beautiful mountains, our streams, forests, plains, and delta lands in our State have attracted people from all over the country. As the Nation is moving to the South and to the West, Arkansas is in that path of growth and people are coming our way because of the quality of life and the entrepreneurial opportunity we have. And that is why all Arkansas is pleased that we are going to have a wilderness bill which will set aside 91,000-plus acres of land in our national forests so that trees won't be cut, roads won't be built, and mines won't be dug, and it will be protected for all time's sake.

Nine out of the ten major areas that those of us are trying to conserve, our lands and the beauty of our State, will be set aside. We will not now have to say to our children why we call Arkansas a natural; they can go out and look for themselves and see the beautiful land all around them. We are very excited in Arkansas that our wilderness bill will become law.

TROUBLING QUESTIONS

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, once again, the tragic news from Beirut informs us of the deaths of two American servicemen, Army CWO Kenneth Welch and Navy POfc. Michael Wagner, who worked at the temporary site of the U.S. Embassy. A suicide truck bomber drove to within 20 feet of the Embassy annex before the detonation of the vehicle's explosives.

There is some comfort in knowing that certain security measures taken to protect the building saved the lives of many others who might otherwise have died. Concrete barriers erected to channel the flow of traffic to the Embassy and local security guards who fired and hit the truck carrying its deadly cargo prevented the driver in the vehicle from reaching the building itself. The toll could have been much higher.

Yet, once again, there are troubling questions that remain unanswered. The first concerns the delay encountered in putting in place a security barrier, a gate with a steel bar, that was designed to drop into place in front of a vehicle trying to make an unauthorized entry into the Embassy compound. What was the cause of the delay? The second concerns the identity of those responsible and on a broader level the state of our intelligence capabilities in that strife-torn country. Who or what comprises Islamic Jihad? What progress are we making in putting together a first-rate intelligence gathering network in the area? And, finally, the last concerns the response of our Government. What are the measures we plan to take now? What added measures can we take to protect our diplomats in Beirut? Can we realistically strike back at those who have hit us yet once again? The answers to these questions must be found if we are to operate in an effective manner in the Middle East or in other troubled areas of the world.

When the Reagan administration took office it expressed great concern about international terrorism. Secretary Haig said that terrorism would replace human rights as the administration's primary concern. However, it was not until after the attack on U.S. targets in Lebanon last year that the administration took concrete steps toward putting together a policy to deal with this serious problem.

I hope that those in the administration will take my next comments as a form of constructive criticism. While there has been much talk about "appropriate preventive and preemptive actions" it does this country little good for its spokesman to talk a tough game and then do nothing. They would do themselves and the Nation much better by remembering the words of another Republican President, Theodore Roosevelt, who said "Speak softly and carry a big stick."

□ 1010

DEPARTMENT OF COMMERCE SHOULD BE TAKEN TO TASK

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr Speaker, earlier this year the Department of Commerce approved export license permits that allowed the sale of bullet-proof vests to Syria. Syria was in a warlike posture toward the United States at the time.

We were able to get that stopped, Mr. Speaker, but now we find that the Department of Commerce has approved an export license permit that allows the sale of war materiel to Iran. Iran, an avowed enemy of the United States. Iran, who has been linked to the bombing of our Embassies in Kuwait and Beirut. Iran, also linked to the bombing of our Marine base in Beirut.

Mr. Speaker, this is crazy. We can no longer tolerate aiding and abetting an enemy of the United States.

If it means the Congress itself must approve future export licenses to stop this lunacy, then so be it.

The Department of Commerce must be taken to task and this practice must be stopped and stopped now.

THE PLIGHT OF THE HOMELESS

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute.)

Mr. ACKERMAN. Mr. Speaker, excuse me for 1 minute, but I want to talk to the President.

Ron, I for one appreciate your candor about the homeless, those people who had the audacity to sneakily plunge through your safety net just so that they could live in a rent-free gutter.

How dare they choose to live in the streets instead of buying a condominium, or moving into one of those thousands of apartments that I know some day you meant to provide.

Some of them are so insensitive to our national interests that they plan to display the bad form of freezing or starving to death in an election year.

You are right, Ron. The problem with the homeless is that they are too darn conspicuous.

How can you be expected to deliver those nice little homilies about equality and economic recovery with those vagrants flopping down in front of the Departments of Justice and Commerce?

Your operators from GSA were right, too, Ron, when they tried to put covers over the street grates so that these freeloaders could not sleep on them.

It is hard to get to the prosperity around the corner with all of these distractions on the sidewalks.

PROTECTIONISM, ISOLATION, AND CENTRALISM: HALLMARKS OF THE DEMOCRATIC PARTY

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, it is extremely interesting that protectionism, isolationism, and centralism, in other ages among the unfortunate tenets of the Republican Party, have now become the hallmarks of your party.

The Smoot-Hawley tariffs, the symbol of post-World War I economic folly, have become today's Mondale quotas. The Republican Party learned its lesson from history but your party apparently never has.

Isolationism, a strong Republican theme prior to World War II, when America almost failed to rescue Western civilization from Nazi barbarism, is now the battlecry of Democrats from GARY HART to GERALDINE FERRARO. See no evil, they say, even in our own hemisphere, even a few hundred miles south of our own borders. Accommodate. Pull back.

And centralism, the theme John C. Fremont carried forth from the first Republican Convention in 1856, is now standard Democratic dogma, even while the Republican Party and the American people have long since seen the wisdom of greater roles for State and local governments.

Protectionism. Isolationism. Centralism. Thomas Jefferson would never recognize you, Mr. Speaker. No wonder your party has lost its ruling coalition.

NO BANK BILL THIS YEAR

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, the House leadership has decided that we will have no bank bill this year. I am disappointed, but I understand the press of politics, of time, of differences with the Senate and all the rest.

This decision means that the House will not close the nonbank bank loophole. The House will not repair damage to the Glass-Steagall Act. The House will not demand reformation of the bank regulators, will not review interstate or regional banking, will not address the impending disaster in international lending, will not attempt to eliminate the double standards hitting big banks versus small ones, will not modernize Federal Deposit Insurance, will not—well, you get the idea. Wait until next year.

But I warn you, the issue of bank regulation will not disappear with time. It will grow larger. It is the economic issue of our time affecting interest rates, availability of credit, monopoly power, small business, agriculture, homebuilding, export trade, and jobs.

Get ready. Do your homework. Talk to your constituents. This will be a tough fight and the longer we wait, the tougher the fight.

FEARFUL RHETORIC ENTERS CAMPAIGN

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, some very fearful rhetoric has entered the Ferraro-Mondale campaign. It causes me to recall the history of armed conflict in this Nation. The resignation of Secretary of State William Jennings Bryan prior to World War I, in protestation of the missed opportunities for peace before the outbreak of hostilities. I think of the ostrich approach to national defense in the 1930's that ultimately led to the 55 million dead in World War II. I remember Secretary of State Acheson drawing the line, limiting the sphere of influence of the free world that deliberately excluded the Korean peninsula thus inviting aggression into Korea. I think of the Bay of Pigs, the missile crisis in Cuba, Vietnam, the Iranian crisis, which ultimately led to the resignation of Secretary of State Cyrus Vance.

Then I read that every day for the last 10 days the Ferraro-Mondale ticket has said such things as: "Mr. Reagan blamed the Syrians for the attacks on our marines. He promised retribution. But nothing happened. So much for standing tall."

Mr. Speaker, as I review the history of armed conflict in this country, I believe that this is not the time for such inflamatory efforts to taunt the President to pursue combat. Our world is much too volatile to define standing tall as the "capacity to level retribution on unnamed terrorists."

For the sake of peace, we should not place such reckless rhetoric in the White House.

LET'S CALL IT THE "SERGEANT BILKO"

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, in recent weeks further problems have come to light with regard to the division air defense gun named after that great American hero, Sgt. Alvin York.

To compensate for the gun's short range, the Pentagon plans to combine it with Stinger heat-seeking missiles.

The Army paid millions of dollars more than was necessary for the gun in part because the Army's negotiators failed to follow Government standards.

The Army failed to reveal key test results until after the Pentagon decided to proceed with the program.

Putting such a system into the field will endanger the lives of American soldiers. That would be a national disgrace.

We are sullying the name and reputation of a great American by calling this system the Sergeant York.

This weapon needs a name that fits its track record.

The Army should rename it the "Sergeant Bilko"—and then decommission it. All $4.2 billion of it.

THE THIRD BOMBING OF AN AMERICAN FACILITY IN LEBANON

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, early Friday morning, for the third time in the last several months, we awakened to the news of another tragic loss of life by yet another truck-bombing in Lebanon.

Many Americans are disturbed by the cavalier and insensitive attitude our national security leaders have displayed over this latest tragedy.

Secretary of State George Shultz reacted by lamely declaring that Embassies must be open to transact day-to-day business.

And Secretary of Defense Caspar Weinberger indicated that efforts to defend against such attacks were futile. He went on to offer a new suggestion that potential terrorists could "get a couple of people who could learn to fly a helicopter because all your barriers and tank traps are not going to prevent that."

But none of these comments are more telling than the response of our Commander-in-Chief, President Reagan. He compared this third breakdown in security arrangements to not being able to remodel one's kitchen as soon as one wishes.

Mr. Speaker, Lebanon is not a kitchen in need of remodeling. It is a coun-

try in the midst of a very bitter and violent civil war. The Americans who represent us there deserve much better protection than that which has so far been provided. We can only hope that these initial remarks from our national security leaders are not indicative of their determination to prevent a fourth such tragedy from occurring.

ALBERT HALPRIN TO HEAD FCC'S COMMON CARRIER DIVISION

(Mr. BRYANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT. Mr. Speaker, the Washington Post this morning revealed that the Federal Communications Commission, appointed by President Reagan and headed by Mr. Mark Fowler, has decided to hire a gentleman to head the FCC's Common Carrier Bureau named Albert Halprin, who in the last 18 months has received $270,000 in fees from persons and companies regulated by that very division, including $75,000 in fees from AT&T, the world's largest monopoly, and, of course, the one company that is most subject to regulation by that particular division of the FCC.

□ 1020

Nothing in my opinion better demonstrates the absolute inability of this administration to discern the difference between the private interest and the public interest than this appointment.

I would like to say, while mentioning this topic, that the President of the United States has repeatedly condemned this House and the Speaker of this House for not taking up some parts of his agenda. I suggest to the President that, while he is talking about the agenda of the American people, that he ask the Republican controlled other body of this Congress why it has buried over there telephone legislation designed to guarantee the public reasonable telephone rates and guarantee competition in long distance that is going to benefit the consumer as well as the free enterprise atmosphere of this United States of America.

NEXT THING TO A MIRACLE: ORAL REHYDRATION THERAPY

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I want to call my colleagues attention to what I believe is a modern health miracle—oral rehydration therapy [ORT]. Recently I met with several constituents from an organization called results, which works to focus public attention upon the problems of hunger and malnutrition. I also viewed a brief film which was recently broadcast on an episode of ABC television's program "20/20" which dealt with an amazingly successful treatment for victims of dehydration which is currently being used in Bangladesh. This treatment, known as oral rehydration therapy has been described by at least one well-known medical authority as potentially "the most important medical discovery of this century." ORT involves a simple mixture of unrefined sugar and salt, with water, and then administering this solution to the dehydration victim. This solution has been found to increase the body's ability to retain both salt and water and other essential body fluids by more than 2,500 percent.

This simple and profound discovery may save the lives of literally millions of children and adults in the world's developing nations who die from dehydration. Diarrheal diseases, such as cholera, kill 1 out of every 10 children today in the developing countries. ORT has proven to be a lifesaver in many remote rural areas where access to professional medical facilities and care is often quite limited.

Our colleague, the chairman of the Select Committee on Hunger, Congressman MICKEY LELAND, and I have arranged for this film to be shown on the House closed-circuit television system on Wednesday, Thursday, and Friday, September 26, 27, and 28, this week at 10 a.m. on channel 6. I urge all of my colleagues to view this brief but highly informative program.

BEARER BONDS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. MILLER of California. Mr. Speaker and Members of the House, for many months now we have wondered what President Reagan was going to do about this mounting deficit, a deficit that may cost the American people in excess of $100 billion in interest alone next year.

Well, the plan is finally starting to come to light. He is asking the Treasury Department to issue bearer bonds to sell around the world so that Amerian taxpayers and others can avoid paying taxes. What he is doing for the first time, is legalizing tax evasion as a means of paying off the national debt. He is hoping that those individuals who do not want their identity known for the purposes of collecting taxes will buy these bearer bonds at reduced interest rates, knowing they do not have to pay taxes; therefore, the interest rate is doubled for high-income Americans.

The Treasury Department is marching forth on this plan to legalize tax evasion. But worse than that, he is introducing U.S. Treasury bonds into the drug market, into the narcotics peddlers. People who can conduct their trade now can pay for their illicit activities with U.S. bearer bonds and know that the Government agencies will have no way of tracing their activities.

Rather than going to the money markets of the world to finance his deficit, President Reagan is determined to go to the black markets of this world.

I hope my colleagues will support the Russo bill to stop the Treasury from issuing bearer bonds.

BEARER BONDS

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, what does the United States of America, the Grand Cayman Islands, and the Netherlands Antilles have in common? What they have in common is that we will all soon become tax havens for people who want to shelter income from taxation.

As the two gentlemen who preceded me pointed out, we now have a program where the U.S. Treasury will issue bearer bonds. You remember it must have been a year and a half ago there was a hue and cry when the President wanted to withhold taxes on savings and interest and dividends. The reason he did that was for very sound tax policy reasons. He wanted to get the people who were not paying taxes to pay taxes.

In light of that initiative, it is very, very difficult to believe that now we have a bearer bond program that will fly in the face of sound tax policy. It will allow people to not pay taxes.

And who are the people who are likely to benefit? Who do you think would like to have the security of U.S. Treasury bonds with the anonymity of a bearer bond? Drug dealers and people who have made money illicitly.

We have opened the door for these people. It is a shame. We need to repeal it. Mr. RUSSO's bill will do it, and I commend my colleagues in the House to that fine piece of legislation.

BEARER BONDS

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, the Reagan deficit has run out of money. High interest rates the American public is paying on Main Street has made it impractical for Secretary Regan, directed by President Reagan, to borrow any more money. But they

have found a solution. They are going to borrow overseas from foreign bankers and collected American tax cheats who will find it attractive to buy bearer bonds.

So once again the Reagan Treasury has found a gold mine, and the average American gets the shaft while the Reagan cronies get the gold.

THE HOUSE WILL ACT IF GIVEN A CHANCE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, in view of the Speaker's statement about the President being a drifter this morning, it seems more appropriate to me to point out that the House, under the liberal Democratic leadership, is the drifter in this town. Look at today's agenda in the House: Three conference reports. And what about Friday's schedule? Will there be anything on it? Do we know? We really do not even know. The Members do not know whether to plan to go home or to stay here. And look at this year's schedule, as a matter of fact. We have been drifting all year.

Not that the House would not act if given the chance. Yesterday, after months, years, of delay and obstruction, when given a chance to vote on the omnibus crime package the House voted overwhelmingly for it.

The significant thing is not so much that it was the President's crime package as was the point that the House, when given a chance to vote when it was brought up on the floor, voted by a wide margin to pass it.

And what about enterprise zones? If the House is given a chance to vote, they will pass it.

What about spousal IRA's? If the House is given a chance to vote on it, they will pass it.

And what about the balanced budget constitutional amendment? Give the House a chance to vote, or accept the driftwood award, Mr. Speaker.

BEARER BONDS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I join my colleagues in asking every Member of this House to support the Russo initiative to end bearer bonds being sold overseas.

We all know why people want bearer paper. Some people claim they want privacy. But the real reason is that it cannot be traced by the IRS or anyone else.

In its wisdom, this Congress eliminated bearer paper inside the United States for 1982. But now the administration has come up with a scheme to allow somebody to go to London, and buy, not from an American bank, but from an English bank, bearer U.S. bonds.

We all know why. The administration ought to be ashamed of itself for trying to push this kind of scheme in the wee hours of the legislative session. And perhaps had it not been for the steadfast courage of our colleague, the gentleman from Illinois, this administrative initiative might have passed. But 110 Members have cosponsored a bill to stop bearer bonds before the regulation is implemented. We urge the President: Repeal your plan.

□ 1030

THE HOUSE HAS LET DOWN THE NATION'S POLICE OFFICERS

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I understand that the leadership just pulled from the schedule the so-called armor-piercing bullet legislation because it is somewhat controversial and under apparent pressure from some Members of Congress. I regret that because the armor piercing or so-called cop killer bullet legislation is one of the very important anticrime initiatives in this Congress. We are talking about saving lives—the lives of police officers.

It is unfortunate because the ammunition that we are talking about has no sporting value whatsoever. Because the administration and the NRA agreed upon a bill that would virtually do nothing, we developed a bill that would put teeth in it by banning the sale of this ammunition. It has created some controversy, so controversial that a month out from the election we cannot take it up on the floor of the House.

It is unfortunate because police officers out there every day are on the line facing this kind of ammunition which has no sporting value whatsoever, and because of the self-centeredness of the NRA and the shortsightedness of the administration, we will not have this major anticrime initiative.

We talk about strong law enforcement, but when push comes to shove and we have to face up to a bill that has a little controversy to it, that will do something about the armed felons, we do not face up to it. Mr. Speaker, I am sorry that we have let the police officers of this Nation down today.

A TRIBUTE TO EUGENE C. HARRINGTON

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLECZKA. Mr. Speaker, for more than two decades, Mr. Eugene C. Harrington has enlightened readers of the Milwaukee Journal with his words, wit, and excellent reporting. After 26 years with the State's largest newspaper, Gene is retiring and recuperating from an illness.

No shades of a Robert Redford or a Dustin Hoffman made in Hollywood reporter—Gene is a reporter's reporter: He would always stick to the facts and give his topics and subjects fair treatment; you could always count on him having a series of scoops just around budget time; and his pointed questioning was always a reminder for both Democrat and Republican Governors to be well prepared when they held press conferences.

To be sure, Gene's friendly face and warm personality will be missed throughout the halls of the State capitol in Madison, WI. But more important, Gene's dogged determination to be the best reporter covering State government will be truly missed by the paper's readers, his colleagues, and those who serve the public in government.

Without question, Gene set the standard for professional performance among the State capitol press corps, and his contributions to our democratic process are many.

Whatever one might think of the press, a review of the journalistic success of Gene Harrington tells the story of the best and the brightest reporter to cover Wisconsin State government since the early 1960's.

Gene is the kind of reporter and writer that young students of journalism would do well to follow as a role model. And if they did, the lot of journalism today would be much improved.

Mr. Speaker, I salute and thank Gene Harrington for his more than a quarter of a century of service to the readers of the Milwaukee Journal and recommend to my colleagues the following article on him from the September 16 edition of that newspaper.

VETERAN REPORTER HARRINGTON RETIRES

(By Ron Elving)

MADISON WI.—Only rarely does the retirement of one reporter make a difference beyond his own newpaper, a difference felt by everyone who is part of a news beat.

And only rarely is a retiring reporter truly missed, not only by his coworkers but by everyone with whom he has worked and by innumerable sources and subjects of news stories.

But such a rarity is Eugene C. Harrington, dean of the State Capitol press corps and one of the most popular reporters ever to work in the capital city.

His retirement this month follows nearly 22 years in Madison for The Journal—14 of them as the Madison Bureau Chief—and 26 years as the paper's friendliest face.

Harrington, who will be 55 on Friday, suffered a stroke a year ago and has been unable to return to writing. He still hopes to

do so, and continues in recuperative therapy.

FRUSTRATING DISABILITY

The stroke initially left him partially paralyzed and unable to speak. Doctors considered surgery for a blood clot on his brain. But his condition stabilized and he recovered his mobility. His ability to speak and write, however, is still impaired.

Perhaps, no other result of illness could have so altered his life. Writing for Harrington seemed as natural as talking, and no one ever enjoyed a more generous gift of gab.

His wit leavened countless meetings and press conferences. An inveterate punster, he is widely known for his limericks, particularly those written for presentation upon St. Patrick's Day, a holiday close to Harrington's Irish heart. This year, a limerick contest was held in his honor at Gov. Earl's St. Patrick's Day party.

Harrington's recovery has been followed closely by much of official Madison. At a media dinner last winter, Earl spotted the convalescent Harrington at the edge of the large crowd.

"We're all looking forward to the day we'll see Gene back in the Capitol," he said. The hall erupted in an ovation. Someone observed it was the first time he had heard that kind of applause for a reporter.

KNEW EVERYONE

The measure of Harrington's involvement with people could be taken any day by stepping out with him for lunch. Any noon hour with him was a hour half spent in greeting the Capitol Square passers-by—most of whom he seemed to know by name.

Besides his boundless enjoyment of other people, Harington may be best known for his enthusiasm for work. He seemed immune to the long hours that covering the Legislature often required.

"I never wanted to be anything but a reporter," he likes to say. "I always thought that was the greatest job in the world."

He often professed to be puzzled that anyone who ever had the chance to be a reporter would ever choose to be anything else.

Harrington began his newspaper career in Philadelphia, the city of his birth, where his father had been an ad salesman for the old Evening Bulletin.

He worked as a copyboy and as a reporter for the Bulletin. The Korean War intervened and he spent two years in the Army, eight months of that time in Korea.

Returning home, he enrolled at the College of Journalism at Marquette University. He took his degree there, but, more importantly, he met Rita Katharine Luderus, whom he married in 1958.

JOINED JOURNAL IN 1958

The Harringtons have seven children: Moira, 22, Timothy, 20, Sheilah, 17, Dennis, 14, Eileen, 10, Bridget, 8. Another son, Owen, died at the age of 7 in a 1972 drowning accident.

After graduation, Harrington spent a year traveling the British Isles on a survey of Catholic publications. He also wrote for the Catholic weeklies The Tablet and The Universe.

In 1958, he joined the staff of The Journal as a reporter for the Home section. After a stint as a general assignment reporter, he moved to the Madison bureau at the beginning of 1963, becoming chief of the bureau four years later.

In 1976, he and fellow Madison reporter Charles E. Friederich won the Richard Davis Award, the highest honor for a member of The Journal's staff. The citation recognized the pair for their consistently outstanding coverage of the state government.

When asked about his most rewarding experiences, Harrington, like many reporters, recalls the stories that were most trying. He mentions the takeover of the Capitol by civil rights protesters led by Father James Groppi in 1969, the campus riots that followed the Cambodian invasion in 1970 and the long fights for state university merger and government reorganization in the early 1970s.

MUSIC LOVER, SPORTS FAN

A central joy in Harrington's life has been his love for music. He wrote a column on classical records for the student newspaper at Marquette. Fond of opera and other vocal music, he would sometimes burst into an aria while working late at his desk in the bureau.

When he was first allowed hospital visitors after his stroke, the first word he clearly spoke to them—with a gesture to the radio at his bedside—was "Beethoven."

He also has been a serious follower of sports and a dogged partisan of the teams for his native Philadelphia. Among these, he has been especially true to the Phillies, a frequent source of frustration. In basketball, while he rooted for several teams, his favorite remained the Marquette Warriors.

Friends and colleagues are sponsoring a tribute to Harrington Sept. 26 in Madison. More than 200 well-wishers have already subscribed, with fresh stacks of reservations arriving in the bureau daily.

If reporters wore jerseys instead of suitcoats and ties, Harrington's number would be retired along with him. And it is hard to imagine him wearing anything but Number One.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

COMMUNICATION FROM CHAIRMAN OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER laid before the House the following communication from the Chairman of the Permanent Select Committee on Intelligence.

PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, September 24, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L(50) of the Rules of the House of Representatives that as Chairman of the Permanent Select Committee on Intelligence I have been served with a deposition subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk of the House, I will reach the determinations required by Rule L(50), and will notify you of those determinations.

With every good wish, I am,

Sincerely yours,

EDWARD P. BOLAND,
Chairman.

NATURAL GAS PIPELINE SAFETY ACT OF 1968 AND HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979 AUTHORIZATIONS, 1985 AND 1986

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 2688) to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1985 and 1986, and for other purposes, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill.

The text of the Senate amendment to the House amendment is as follows:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

That (a) section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $3,472,000, for the fiscal year ending September 30, 1985.".

(b) Section 17(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(b)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $3,728,000, for the fiscal year ending September 30, 1985.".

SEC. 2. (a) Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $900,000, for the fiscal year ending September 30, 1985.".

(b) Section 214(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(b)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $500,000, for the fiscal year ending September 30, 1985.".

SEC. 3. (a) Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended by—

(1) striking "to the President for transmittal"; and

(2) striking "June 15" and inserting in lieu thereof "April 15".

(b) Section 213(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012(a)) is amended by—

(1) striking "to the President for transmittal"; and

(2) striking "June 15" and inserting in lieu thereof "April 15".

SEC. 4. (a) The Secretary of Transportation shall study issues relating to the transportation of methanol through the interstate liquid pipeline system in the United States and shall make recommendations for the safe and efficient transportation of methanol through such pipeline system.

(b) Such study shall include an examination of—

(1) the feasibility of such transportation;

(2) the economics and engineering of such transportation; and

(3) any environmental, health and safety problems associated with such transportation.

(c) The Secretary shall submit to the Congress a report detailing the results of such study and setting forth the Secretary's recommendations no later than one hundred and eighty days after the date of enactment of this act.

SEC. 5. Section 210 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2009) is amended by adding at the end thereof the following new subsection:

"(c)(1) The Secretary shall study the feasibility of and costs connected with requiring various methods of testing and inspecting hazardous liquid pipeline facilities subject to the provisions of this title. In carrying out such study, the Secretary shall evaluate any new technologies available for monitoring, from the outside or the inside, the condition of such facilities.

"(2) The Secretary shall make recommendations, based on the study undertaken under this subsection and on consultations between the Secretary and the Technical Hazardous-Liquid Pipeline Safety Standards Committee established under section 204 of this title, as to the frequency and type of testing and inspection of pipeline facilities which should be required, taking into account—

"(A) the location of the pipeline facilities;

"(B) the type, age, manufacturer, method of construction, and condition of the pipeline facilities;

"(C) the nature of the materials transported through the pipeline facilities, the sequence in which such materials are transported, and the pressure at which they are transported;

"(D) the climatic, geologic, and seismic characteristics of, and conditions (including soil characteristics) associated with the areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas;

"(E) the frequency of leaks, if any;

"(F) the costs of the various available methods; and

"(G) any other factors the Secretary determines to be relevant to the safety of the pipeline facilities.

"(3) The Secretary shall submit to the Congress a report detailing the results of the study undertaken under this subsection and setting forth the recommendations made under paragraph (2) no later than one year after the date of enactment of this subsection.".

SEC. 6. (a) Each person who owns or operates interstate transmission facilities shall, within one hundred and eighty days after the date of enactment of this section, submit a report to the Secretary of Transportation which—

(1) identifies the location and condition of all such pipeline facilities owned or operated by such person, the construction of which was completed before January 1, 1940; and

(2) includes the most recent leak survey information compiled by such owner or operator with respect to the pipeline facilities so identified.

(b) The Secretary shall, within ninety days after the expiration of the one-hundred-and-eighty-day period referred to in subsection (a) of this section—

(1) identify, on the basis of information contained in reports submitted under subsection (a) of this section, any pipeline facilities which may be hazardous to life and property within the meaning of section 12(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679b(b)); and

(2) inspect the pipeline facilities so identified.

(c) The Secretary shall, within one hundred and twenty days after the expiration of the one-hundred-and-eighty-day period referred to in subsection (a) of this section, report to the Congress on—

(1) any actions taken under subsection (b) of this section; and

(2) the recommendations of the Secretary for any additional action the Secretary considers necessary with respect to the pipeline facilities referred to in subsection (a)(1) of this section, together with an estimate of the time and resources necessary for undertaking such actions.

(d) As used in this section, the term—

(1) "interstate transmission facilities" shall have the meaning given to such term in section 2(8) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(8));

(2) "person" shall have the meaning given to such term in section 2(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(1)); and

(3) "pipeline facilities" shall have the meaning given to such term in section 2(4) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(4)).

SEC. 7. (a) Section 14(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681(a)) is amended by adding at the end thereof the following: "In conducting training activities for State or local government personnel in the enforcement of regulations issued under this Act, the Secretary may not assess any charge or fee in the nature of tuition.".

(b) Section 211(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2010(a)) is amended by adding at the end thereof the following: "In conducting training activities for State or local government personnel in the enforcement of regulations issued under this Act, the Secretary may not assess any charge or fee in the nature of tuition.".

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. CORCORAN. Mr. Speaker, reserving the right to object, I shall not object, but on my reservation I would yield to the gentleman from Indiana to explain what he proposes to do.

Mr. SHARP. As the gentleman knows, this bill passed the House by voice vote earlier in the year with the concurrence of both the Public Works and Transportation Committee and the Energy and Commerce Committee with the majority and minority in agreement. The only differences embodied in the Senate amendment are actually a reduction in the amount of money authorized, a reduction of $110,000, and second, a clarification on the Oxley amendment that deals with inspection of some of the earliest pipelines in the country which we believe are potentially some of the most dangerous.

Mr. Speaker, the pipeline safety authorization bill before us is a compromise worked out between the two Houses. It is very similar to the bill passed by the House.

On what I believe is a significant point, the other body agreed with our position that only a 1-year authorization is warranted, rather than the 2-year authorization they had proposed. The have now agreed with us that the serious problems in program management require close congressional oversight, and that a 1-year authorization will make the Department of Transportation take our concerns more seriously.

On another matter of difference between the Houses, this bill authorizes a total of $8,610,000, a decrease of $110,000 over the bill passed by the House. I believe this figure more accurately measures the cost of carrying out the programs included in the House-passed bill.

Finally, this bill adds clarifying language while keeping the substance of the amendment added by the gentleman from Ohio [Mr. OXLEY] regarding inspection of older pipelines.

This is an important program, and I believe it is a good bill. We have had the close cooperation of our colleagues on the other side of the aisle. I urge adoption of the bill.

Mr. CORCORAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. MCEWEN].

● Mr. MCEWEN. Mr. Speaker, I rise in strong support of S. 2688, a bill to reauthorize the Pipeline Safety Act of 1968. Let me congratulate my distinguished colleague on the Energy and Commerce Committee, Mr. OXLEY, for adding an amendment which specifically addresses the safety hazards of natural gas pipelines constructed prior to 1983.

As you may recall, the House first passed H.R. 5313 on June 25. The companion bill in the Senate, however, did not include our amendment, which would require the owners of all pre-1938 interstate pipelines to report the location and condition of those lines to the Department of Transportation. If a potential safety problem was discovered, the DOT would be required to inspect the line in question and take appropriate corrective action. Fortunately, after extensive negotiation and cer-

tain clarifying changes in the original language, the Senate has agreed to this important amendment. Again, let me commend my colleague for his efforts in achieving this end.

The bill currently before us represents a compromise achieved between the House and Senate. We believe it offers a means toward solving the potentially dangerous conditions posed by some of the oldest pipelines in our country. I am sure that my colleagues in the House will recognize the importance of a sound interstate pipeline system in this country and vote for final passage of this bill.●

Mr. CORCORAN. Mr. Speaker, let me just say on my reservation that the gentleman from Indiana has correctly explained the situation involving the two Houses. The legislation before us, if his motion is adopted, would make this a 1-year authorization at fiscally responsible levels giving us an opportunity to review along with the General Accounting Office their concerns about the Pipeline Safety Act.

On June 25, 1984, the House suspended the rules and passed legislation reauthorizing the Natural Gas and Hazardous Liquid Pipeline Safety Acts. Last Friday, September 21, the other body passed the House legislation with an amendment. This amendment reconciles the Senate- and House-passed versions of this legislation.

Like the original House legislation, this legislation provides a 1-year authorization at fiscally responsible levels. The authorizing committees believe that a 1-year authorization is appropriate because we plan to review the Department of Transportation's response to criticism by the General Accounting Office of the Pipeline Safety Program. We will also have the opportunity to consider whether any or all of this program should be funded by user fees, a matter being studied by the General Accounting Office at the request of my colleague from California, Mr. DANNEMEYER.

This is worthy legislation with bipartisan support and a credit to both the Energy and Commerce Committee and the Public Works and Transportation Committee.

Mr. Speaker, I withdraw my reservation of objection.

● Mr. ANDERSON. Mr. Speaker, I urge the support of our colleagues today for S. 2688, authorizing funds to implement the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.

Generally speaking, the industries which are regulated pursuant to these acts enjoy good safety records. There are over 2,300 operators in the natural gas pipeline network which covers over 1.5 million miles; of which almost 25,000 miles are gathering lines, 280,000 are transmission lines, 800,000 miles are distribution lines and 480,000 miles are gas service lines.

Under the Hazardous Liquid Pipeline Safety Act, the Department of Transportation is charged with overseeing the safe operation of 230 operators and over 225,000 miles of pipeline.

Despite these staggering quantities of pipeline, which transport about 25 percent of the Nation's total freight tonnage and over 50 percent of our energy sources, the number of line failures is relatively modest. There are between 1,600 and 1,800 natural gas pipeline failures a year, and 200 hazardous liquid line failures.

The problem is that when these failures do occur, the potential for damage can be catastrophic. It is unquestionably a legitimate role of the Federal Government to try and assure that such accidents don't happen. Because this is a role that has been so effectively shared with the States with respect to the natural gas pipeline industry, I am pleased that this legislation extends that principle by authorizing $500,000 for a State grant program authorized in the Hazardous Liquids Pipeline Safety Act.

At our subcommittee hearing on March 21, we received testimony indicating how effective the Federal-State partnership has been at protecting the public from failures in natural gas pipelines. Spokesmen from that industry unhesitatingly testified to the effectiveness of that partnership. And spokesmen for the State agencies indicated their desire to make the approach work to protect the people of this country from failure in hazardous liquid pipelines.

I am gratified, Mr. Speaker, that our colleagues on both sides of the aisle, on the Public Works Committee and on the Energy and Commerce Committee, and in the Senate as well, recognize the importance and support the funding of the State grant-in-aid program for hazardous liquid pipeline safety. Although that is just one provision of this legislation, its inclusion is indicative of the thought and the work that has gone into S. 2688. I urge that it pass today.●

● Mr. OXLEY. Mr. Speaker, I rise in strong support of the pipeline safety authorization currently before the House. As my colleagues may recall, we passed a similar bill last June 25, including an amendment I offered in committee to require the Secretary of Transportation to take corrective actions if unsafe pipeline conditions are found.

The Senate proceeded to omit my amendment in its companion bill. But I am pleased to inform my colleagues that, after lengthy negotiations with the Senate Commerce Committee and industry, we have made certain certifications to the original language which are acceptable to all parties.

My amendment, as included in this bill, requires the owners and operators of pre-1940 pipelines to report all their lines completed prior to January 1, 1940, to the Secretary of Transportation. These reports are to include all pertinent data, including leak reports and surveys, by which the Secretary may deem each pre-1940 pipeline to be hazardous to life or property within the meaning of section 12(b) of the Natural Gas Pipeline Safety Act of 1968.

If, after data submission and physical inspection, the Secretary determines a specific pipeline to pose such hazard, he/she may take the appropriate action pursuant to the Pipeline Safety Act to correct that unsafe condition.

I know my colleagues in the House and the other body share my concerns for the continuance of safe interstate pipelines across this country. These classifications in the bill will not unduly burden pipeline owners and operators, and will give the Secretary of Transportation the means to determine whether deteriorated pipelines, such as the Harpster Line in my district, is a significant problem across the Nation. This clean version with its clarifications of the Oxley amendment language is supported by the minority and majority of both Houses, and has been accepted by most members of the pipeline industry.

I urge the bill's swift adoption today.●

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the Senate bill, S. 2688.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONFERENCE REPORT ON H.R. 5167, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

Mr. PRICE submitted the following conference report and statement on the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-1080)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes,

having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Department of Defense Authorization Act, 1985".

(b) The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROCUREMENT

Sec. 101. Authorization of appropriations, Army.
Sec. 102. Authorization of appropriations, Navy and Marine Corps.
Sec. 103. Authorization of appropriations, Air Force.
Sec. 104. Authorization of appropriations, Defense Agencies.
Sec. 105. Authorization of appropriations for certain NATO cooperative programs.
Sec. 106. Extension of authority provided Secretary of Defense in connection with the NATO Airborne Warning and Control System (AWACS) program.
Sec. 107. Limitation on waivers of cost-recovery requirements under Arms Export Control Act.
Sec. 108. Waiver of limitation on foreign military sales program.
Sec. 109. Transfer of certain military equipment or data to foreign countries.
Sec. 110. Policy concerning acquisition of additional MX missiles.
Sec. 111. Prohibition of spending funds for binary chemical munitions.
Sec. 112. Strategic weapons loader.
Sec. 113. Foreign military sales of Air National Guard OA-37 aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.
Sec. 202. Provisions relating to Army programs.
Sec. 203. Limitations on funds for the Navy.
Sec. 204. Limitations on funds for the Air Force.
Sec. 205. Policy governing the test of antisatellite warheads.
Sec. 206. Limitation on funds for the Defense Agencies.
Sec. 207. Implementation of law to establish independent Director of Operational Test and Evaluation.

TITLE III—OPERATION AND MAINTENANCE

Sec. 301. Authorization of appropriations.
Sec. 302. General authorization of appropriations for pay raises, fuel costs, and inflation adjustments.
Sec. 303. Authorization of appropriations for working-capital funds.
Sec. 304. Contingency funds for the unified and specified commands.
Sec. 305. Sale of articles manufactured by certain arsenals; asset capitalization program.
Sec. 306. Administrative transition provision for Navy Stock Fund management change.
Sec. 307. Limitation on contracting-out core logistics functions.
Sec. 308. Limitation on consulting and related services.
Sec. 309. Restriction on reduction in ports of origin for certain cargo carried on vessels of the Military Sealift Command.
Sec. 310. Sense of Congress concerning introduction of United States Armed Forces into Central America for combat.

TITLE IV—PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

Sec. 401. Authorization of end strengths.
Sec. 402. Extension of quality control on enlistments into the Army.

PART B—RESERVE FORCES

Sec. 411. Authorization of average strengths for Selected Reserve.
Sec. 412. Authorization of end strengths for members on active duty in support of the reserve components.
Sec. 413. Increase in number of certain personnel authorized to be on active duty in support of the reserve components.
Sec. 414. Clarification of status of members of the National Guard performing full-time duty.

PART C—MILITARY TRAINING

Sec. 421. Authorization of military training student loads.
Sec. 422. Reduction in number of students required to be in a unit of the Junior Reserve Officers' Training Corps for the unit to be maintained.

TITLE V—DEFENSE PERSONNEL MANAGEMENT

PART A—CIVILIAN PERSONNEL

Sec. 501. Waiver of civilian personnel ceilings for fiscal year 1985.
Sec. 502. Civilian personnel ceilings on industrially-funded activities during fiscal year 1984.

PART B—OFFICER PERSONNEL

Sec. 511. Temporary increase in the number of general and flag officers authorized to be on active duty.
Sec. 512. Authority to consider for promotion certain Army reserve brigadier generals.
Sec. 513. Authority to retain in active status until age 60 up to 10 Army reserve brigadier generals.
Sec. 514. Extension of authority for the temporary promotion of certain Navy lieutenants.
Sec. 515. Repeal of four-year limitation on period an officer may be assigned to the Army Staff or the Air Staff.

PART C—AMENDMENTS TO PROVISIONS OF LAW ENACTED BY THE DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

Sec. 521. Retention in grade of officers appointed in reserves upon separating from active duty.
Sec. 522. Increase in limitation on number of regular officers in the Navy, Air Force, and Marine Corps.
Sec. 523. Clarification of senior general and flag officers' continuation in grade during a change in status.
Sec. 524. Authority to use means other than boards to decide whether an officer should be required to show cause for retention.
Sec. 525. Removal from further consideration for promotion of officers in pay grade O-3 who have twice failed of selection for promotion.
Sec. 526. Determination of date of rank for officers whose promotions are delayed administratively.
Sec. 527. Special selection boards for warrant officers.
Sec. 528. Authority to discharge reserve second lieutenants and ensigns found not qualified for promotion.
Sec. 529. Navy limited duty officers.
Sec. 530. Appointment in permanent grade of certain limited duty officers serving in higher temporary grades.
Sec. 531. Determination of severance pay in certain cases.
Sec. 532. Consideration for promotion of certain retired officers who later serve on active duty.
Sec. 533. Technical amendments.

PART D—OFFICER TRAINING PROGRAMS

Sec. 541. Clarification of authority to order certain cadets and midshipmen to active duty.
Sec. 542. Extension of military service obligation of service academy and ROTC cadets and midshipmen.
Sec. 543. Eligibility for advanced training in senior ROTC program.

PART E—MISCELLANEOUS

Sec. 551. Women in the Armed Forces.
Sec. 552. Reserve forces readiness.
Sec. 553. Precedence of award of Purple Heart.
Sec. 554. Study of military regulations with regard to religious practices.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—BASIC PAY AND ALLOWANCES

Sec. 601. Military pay raise for fiscal year 1985.
Sec. 602. Basic allowance for quarters and variable housing allowance.
Sec. 603. Reimbursement for accommodations in place of quarters.
Sec. 604. Clarification of authority to deny certain members without dependents right to elect to receive basic allowance for quarters rather than occupy military quarters.
Sec. 605. Commutation of rations for reservists on inactive duty training who are unable to obtain rations in kind.
Sec. 606. Forfeiture of accrued leave by certain members who serve on active duty less than six months.
Sec. 607. Denial of credit for time spent in a delayed enlistment program for purposes of computation of basic pay.

PART B—TRAVEL AND TRANSPORTATION

Sec. 611. Emergency medical transportation for dependents of members stationed in Alaska or Hawaii.

Sec. 612. Transportation incident to emergency leave for members whose residences are in possessions of the United States.
Sec. 613. Travel pay for certain reserve component instructors.
Sec. 614. Transportation between residence and place of work for senior defense officials.

PART C—BONUSES AND SPECIAL PAYS

Sec. 621. Extension of enlistment and reenlistment bonus authorities for active forces.
Sec. 622. Extension of special pay for certain aviation career officers.
Sec. 623. Special pay for sea duty and special skills for enlisted members.
Sec. 624. Elimination of certain categories of incentive pay for hazardous duty.

PART D—HEALTH CARE MATTERS

Sec. 631. Extension of medical and dental care for reserves and National Guard.
Sec. 632. Enhanced benefits coverage under CHAMPUS.
Sec. 633. Authority to provide dental care to certain dependents in facilities of the uniformed services.
Sec. 634. Study of use by CHAMPUS of Medicare prospective payment system.

PART E—BENEFITS FOR SURVIVORS AND FORMER SPOUSES

Sec. 641. Elimination of certain social security offsets from the Survivor Benefit Plan.
Sec. 642. Authority to initiate payments under survivor annuity programs when the participant is missing.
Sec. 643. Clarification of authority to enforce certain court orders in connection with the payment of retired or retainer pay to former spouses.
Sec. 644. Clarification of authority to elect former spouses as beneficiaries under the Survivor Benefit Plan.
Sec. 645. Miscellaneous rights and benefits for former spouses.

PART F—MISCELLANEOUS

Sec. 651. Legal assistance programs.
Sec. 652. Limitation on transportation of motor vehicles through Guam.
Sec. 653. Personal vehicles of United States military personnel in Japan.
Sec. 654. Authority for voluntary withholding of State income taxes from retired and retainer pay.
Sec. 655. Recomputation of retired pay of certain recalled retirees.
Sec. 656. Delay of effective date for fee for veterinary services.

TITLE VII—EDUCATIONAL ASSISTANCE PROGRAMS

Sec. 701. Short title.
Sec. 702. New educational assistance program.
Sec. 703. Coordination with other veterans' education and training programs.
Sec. 704. Suspension of right to enroll in chapter 32 program.
Sec. 705. Revision of educational assistance program for the Selected Reserve.
Sec. 706. Accrual funding of Department of Defense liabilities.
Sec. 707. Educational leave of absence for members of the Armed Forces.
Sec. 708. Preseparation counseling.
Sec. 709. Extension of pilot Department of Defense educational assistance loan repayment program.

TITLE VIII—CIVIL DEFENSE

Sec. 801. Authorization of appropriations.
Sec. 802. Repeal of limitation on amounts that may be appropriated for certain purposes.

TITLE IX—NATIONAL DEFENSE STOCKPILE

Sec. 901. Termination of previous disposal authority.
Sec. 902. Authorizations for disposal.
Sec. 903. Restrictions on balance in stockpile transaction fund.
Sec. 904. Stockpile report.
Sec. 905. Deposits of funds accruing from Naval Petroleum Reserves.

TITLE X—MATTERS RELATING TO NATO AND OTHER ALLIES

Sec. 1001. Sense of Congress relating to increase in defense spending by United States allies.
Sec. 1002. Improvements to NATO conventional capability.
Sec. 1003. Report on allied contributions to the common defense.
Sec. 1004. NATO Seasparrow cooperative program.
Sec. 1005. Procurement of communications support and related supplies and services.
Sec. 1006. Policy on armaments cooperation with NATO member countries.
Sec. 1007. Authority of Secretary of Defense with respect to agreements on European Air Defense Agreements.

TITLE XI—MATTERS RELATING TO ARMS CONTROL

Sec. 1101. Report on strategic nuclear submarine force.
Sec. 1102. Annual report on strategic defense programs.
Sec. 1103. Report on theater nuclear weapons and force structure.
Sec. 1104. Report on withdrawal of tactical nuclear warheads from Europe.
Sec. 1105. Report on United States counterforce capability.
Sec. 1106. Transmittal to Congress of report on Soviet compliance with arms control agreements.
Sec. 1107. Report on nuclear winter findings and policy implications.
Sec. 1108. Sense of Congress relating to the establishment of Nuclear Risk Reduction Centers between the United States and the Soviet Union.
Sec. 1109. Sense of Congress regarding a report to Congress on certain verification programs relating to biological and chemical weapons.
Sec. 1110. Sense of Congress expressing support for United States to pursue outstanding arms control compliance.
Sec. 1111. Policy on the status of certain treaties to prevent nuclear testing.

TITLE XII—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

PART A—SHORT TITLE AND CONGRESSIONAL FINDINGS

Sec. 1201. Short title.
Sec. 1202. Congressional findings and policy.

PART B—AMENDMENTS TO CHAPTER 137 OF TITLE 10, UNITED STATES CODE

Sec. 1211. Definition.
Sec. 1212. Publication of proposed regulations.
Sec. 1213. Planning for procurement of supplies of future competition.
Sec. 1214. Delegation of certain procurement functions.
Sec. 1215. Personnel evaluations to include emphasis on competition and cost savings.
Sec. 1216. Improved procurement procedures.
Sec. 1217. Clerical amendments.

PART C—AMENDMENTS TO CHAPTER 141 OF TITLE 10, UNITED STATES CODE

Sec. 1231. Identification of sources of supplies.
Sec. 1232. Revision of long-term lease or charter authority.
Sec. 1233. Economic order quantities.
Sec. 1234. Additional miscellaneous procurement provisions.
Sec. 1235. Clerical amendments.

PART D—OTHER PROCUREMENT PROVISIONS

Sec. 1241. Cooperative agreements for procurement technical assistance.
Sec. 1242. Revision of requirements for selected acquisition reports and unit cost reports.
Sec. 1243. Duration of assignment of program managers for major programs.
Sec. 1244. Authority to waive compliance with certain requirements provided for in regulations relating to prices of spare parts and replacement equipment.
Sec. 1245. Regulations for allocating overhead to parts to which the prime contractor has added little value.

PART E—TEMPORARY PROVISIONS, REPORTS, AND EFFECTIVE DATES

Sec. 1251. Report on implementation of certain recommendations of the Grace Commission.
Sec. 1252. Plans for management of technical data and computer capability improvements.
Sec. 1253. Report on use of independent cost estimates for major defense acquisition programs.
Sec. 1254. One-year extension of test program to authorize price differentials to relieve economic dislocations.

TITLE XIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT MATTERS

Sec. 1301. Joint Chiefs of Staff reorganization.
Sec. 1302. Reduction in defense headquarters staffs.
Sec. 1303. Report on size of service Secretariats.
Sec. 1304. Implementation of certain personnel policies.
Sec. 1305. Expansion of authority for collection of debts from members of the Armed Forces.
Sec. 1306. Increased Coast Guard membership on the Reserve Forces Policy Board.
Sec. 1307. Limitation on use of funds for conducting polygraphs examinations; report.

TITLE XIV—CODIFICATION OF CERTAIN RECURRING AND PERMANENT PROVISIONS OF LAW
Sec. 1401. Amendments to title 10, United States Code.
Sec. 1402. Amendments to title 37, United States Code.
Sec. 1403. Repeal provisions.
Sec. 1404. Effective date.
Sec. 1405. Clerical amendments to title 10, United States Code.

TITLE XV—GENERAL PROVISIONS

PART A—DEFENSE FINANCIAL MATTERS

Sec. 1501. Transfer authority.

PART B—PROVISIONS RELATING TO SPECIFIC PROGRAMS

Sec. 1511. Chemical Warfare Review Commission.
Sec. 1512. Restriction on the use of funds for the B-1B bomber aircraft program.
Sec. 1513. Configuration of the FFG-7 class guided missile frigate.
Sec. 1514. Prohibition against using funds appropriated for the Advanced Technology Bomber and the advanced cruise missile programs for any other purpose.

PART C—MISCELLANEOUS DEFENSE REPORTING REQUIREMENTS

Sec. 1521. Extension of time for report of the Commission established by the Military Justice Act of 1983.
Sec. 1522. Study of foreign sales and procurement of defense articles.
Sec. 1523. Report on use of Air Force air refueling fleet.
Sec. 1524. Study by the Secretary of Defense of current and potential exploitation of foreign technology by the Department of Defense.
Sec. 1525. Report on Americans unaccounted for or missing in Indochina.
Sec. 1526. Report on safety in the Army.
Sec. 1527. Report on enhanced military career opportunities for nonphysician health-care providers.

PART D—MISCELLANEOUS DEFENSE-RELATED MATTERS

Sec. 1531. Exemption from authority to induct under the Military Selective Service Act any person whose mother was killed in line of duty.
Sec. 1532. Prohibition of unauthorized uses of Marine Corps insignia.
Sec. 1533. Improved readiness and training of the Civil Air Patrol through provision of certain additional Federal services.
Sec. 1534. Participation of members of the Armed Forces in international sports activities.
Sec. 1535. Instruction of foreign officers at the Uniformed Services University of the Health Sciences.
Sec. 1536. Commission on Merchant Marine and Defense.
Sec. 1537. Department of Defense air traffic controllers.
Sec. 1538. Sale of ammunition for avalanche-control purposes.
Sec. 1539. Supplemental information to the Environmental Impact Statement of the Navy on the proposed transfer of certain personnel.
Sec. 1540. Authorization for Secretary of Defense to transport humanitarian relief supplies to countries in Central America.

PART E—OTHER MISCELLANEOUS MATTERS

Sec. 1541. Survivors of the Glomar Java Sea.
Sec. 1542. Policy regarding the furnishing of food and medical supplies to Afghanistan.
Sec. 1543. Reaffirmation of United States policy toward Cuba.
Sec. 1544. Report on use of Cuban and Russian nickel in defense procurements.

TITLE XVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 1600. Short title.

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

Sec. 1601. Operating expenses.
Sec. 1602. Plant and capital equipment.

PART B—RECURRING GENERAL PROVISIONS

Sec. 1621. Reprograming.
Sec. 1622. Limits on general plant projects.
Sec. 1623. Limits on construction projects.
Sec. 1624. Fund transfer authority.
Sec. 1625. Authority for construction design.
Sec. 1626. Authority for emergency construction design.
Sec. 1627. Funds available for all national security programs of the Department of Energy.
Sec. 1628. Adjustments for pay increases.
Sec. 1629. Availability of funds.

PART C—PROGRAM REVISIONS

Sec. 1631. Contractor liability for injury or loss of property arising out of atomic weapons testing programs.
Sec. 1632. Cost-effective funding of nuclear weapons.
Sec. 1633. Review of the Inertial Confinement Fusion Program.
Sec. 1634. Naval Nuclear Propulsion Program.
Sec. 1635. Authorization for production of the 155-millimeter artillery-fired, atomic projectile.

TITLE XVII—UNITED STATES INSTITUTE OF PEACE

Sec. 1701. Short title.
Sec. 1702. Declaration of findings and purposes.
Sec. 1703. Definitions.
Sec. 1704. Establishment of the Institute.
Sec. 1705. Powers and duties.
Sec. 1706. Board of directors.
Sec. 1707. Officers and employees.
Sec. 1708. Procedures and records.
Sec. 1709. Independence and limitations.
Sec. 1710. Funding.
Sec. 1711. Dissolution or liquidation.
Sec. 1712. Reporting requirement and requirement to hold hearings.

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Army as follows:

For aircraft, $3,852,200,000.

For missiles, $3,260,000,000.

For weapons and tracked combat vehicles, $4,838,600,000.

For ammunition, $2,338,900,000.

For other procurement, $5,457,700,000.

For Army National Guard equipment, $50,000,000.

(2) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Army for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts—

(A) $30,000,000 for procurement of aircraft to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Army remaining available for obligation;

(B) $13,000,000 for procurement of missiles to be derived from amounts appropriated for fiscal year 1984 for procurement of missiles for the Army remaining available for obligation;

(C) $60,500,000 to be derived from amounts available for fiscal year 1983 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation resulting from the sale of M48A5 tanks under a letter of offer issued pursuant to section 21(a)(1) of the Arms Export Control Act that would otherwise be deposited in the Special Defense Acquisition Fund;

(D) $197,300,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation;

(E) $44,000,000 for procurement of ammunition to be derived from amounts appropriated for fiscal year 1984 for procurement of ammunition for the Army remaining available for obligation; and

(F) $18,000,000 for other procurement to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Army remaining available for obligation.

(b) The Secretary of the Army may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of UH-60A aircraft, EH-60A aircraft, M-1 tanks or subsystems, TOW missiles, 5-ton trucks, Bushmaster Vehicle Rapid-fire weapon systems, and shop equipment contact maintenance vehicles, and for the execution of the CH-47D aircraft modernization program. Such contracts may include an unfunded cancellation ceiling. If funds are not made available for the continuation of such a contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(c) Effective on October 1, 1984, the provisions of section 794 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), shall not apply to the procurement of EH-60A and UH-60A aircraft under a multiyear contract.

(d) None of the funds appropriated pursuant to the authorizations of appropriations in subsection (a) may be used for the purpose of entering into a contract for the production and assembly of the Division Air Defense System until—

(1) initial production testing of such system is completed;

(2) the Secretary of Defense reports the results of such testing to the appropriate committees of Congress; and

(3) a period of 30 days has elapsed after the day on which those committees receive that report.

(e) Not later than February 1, 1985, the Secretary of the Army shall select a contractor for the supply of 120-millimeter mortars necessary to meet the requirements of the Army. The selection shall be made from among companies that are existing production sources for such mortars.

(f) None of the funds appropriated pursuant to the authorizations of appropriations in subsection (a) may be used for the construction in foreign shipyards of logistics support vessels.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) AIRCRAFT.—(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft for the Navy in the amount of $11,053,200,000.

(2) There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of aircraft for the Navy for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts, $54,400,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Navy remaining available for obligation.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $4,444,800,000 for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

For missile programs, $3,493,400,000.

For the MK-48 torpedo program, $212,900,000.

For the MK-46 torpedo program, $256,000,000.

For the MK-60 torpedo program, $128,500,000.

For the MK-30 mobile target program, $21,300,000.

For the MK-38 minimobile target program, $2,500,000.

For the antisubmarine rocket (ASROC) program, $25,900,000.

For the modification of torpedoes and related equipment, $32,200,000.

For the torpedo support equipment program, $96,000,000.

For the MK-15 close-in weapon system program, $163,900,000.

For the MK-75 76-millimeter gun mount program, $10,900,000.

For other weapons, $68,300,000.

The sum of the amounts authorized for facilities and contract support under this subsection is reduced by $12,000,000 in order to meet the total amount authorized to be appropriated set forth at the beginning of this paragraph.

(c) There is hereby authorized to be transferred to, and merged with amounts appropriated for procurement of weapons for the Navy for fiscal year 1985 pursuant to the authorization of appropriations in subsection (a) to the extent provided in appropriation Acts, $20,000,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of weapons for the Navy remaining for obligation.

(d) SHIPBUILDING AND CONVERSION.—(1) Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $12,153,400,000 for shipbuilding and conversion for the Navy as follows:

For the Trident submarine program, $1,708,200,000.

For the SSN-688 nuclear attack submarine program, $2,880,000,000.

For the aircraft carrier service life extension program (SLEP), $764,500,000.

For the CG-47 Aegis cruiser program, $3,150,000,000.

For the DDG-51 guided missile destroyer program, $1,173,900,000.

For the LSD-41 landing ship dock program, $489,500,000.

For the LHD-1 amphibious assault ship program, $39,200,000.

For the LPD-4 amphibious transport dock service life extension program, $15,000,000.

For the MCM-1 mine countermeasures ship program, $349,500,000.

For the TAO-187 fleet oiler program, $562,600,000.

For the TAGOS ocean surveillance ship program, $129,900,000.

For the TAGS ocean survey ship program, $245,000,000.

For the strategic sealift ready reserve program, $31,000,000.

For the TACS auxiliary crane ship program, $44,000,000.

For the TAVB aviation logistics support ship program, $42,800,000.

For the LCAC landing craft air cushion program, $230,100,000.

For service craft and landing craft, $93,100,000.

For outfitting and post delivery, $383,600,000.

The sum of the amounts authorized for programs under this subsection is reduced by $178,500,000 in order to meet the total amount authorized to be appropriated set forth at the beginning of this paragraph.

(2) There are hereby authorized to be transferred to, and merged with, amounts appropriated for shipbuilding and conversion for the Navy for fiscal year 1985 pursuant to the authorizations of appropriations in paragraph (1), to the extent provided in appropriation Acts, amounts appropriated for fiscal years before fiscal year 1985 for shipbuilding and conversion for the Navy and remaining available for obligation in the total amount of $70,000,000 as follows:

(A) For the Trident submarine program, $40,000,000 shall be derived from funds appropriated for fiscal year 1983 for the FFG-7 guided missile frigate program and shall be available only for an x-band phased array radar.

(B) For the naval nuclear reactor training program, $30,000,000 of which—

(i) $10,000,000 shall be derived from funds appropriated for fiscal year 1982 for the CVN aircraft carrier program; and

(ii) $20,000,000 shall be derived from funds appropriated for fiscal year 1983 for the CVN aircraft carrier program.

(3) There are hereby authorized to be transferred to, and merged with, amounts appropriated for shipbuilding and conversion, Navy for fiscal year 1984, to the extent provided in appropriation acts, amounts appropriated for fiscal years before fiscal year 1985 for shipbuilding and conversion for the Navy and remaining available for obligation $336,200,000 for the battleship reactivation program, to be derived from funds appropriated for fiscal year 1983 for the CVN aircraft carrier program.

(d) OTHER PROCUREMENT, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1985 for other procurement for the Navy in the amount of $5,266,300,000, of which—

(1) $775,100,000 is available only for the ship support equipment program;

(2) $1,778,800,000 is available only for the communications and electronics equipment program; and

(3) $1,137,600,000 is available only for the ordnance support equipment program.

(e) There is hereby authorized to be transferred to, and merged with amounts appropriated for other procurement for the Navy for fiscal year 1985 pursuant to the authorization of appropriations in subsection (d) to the extent provided in appropriation Acts, $85,000,000 to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Navy remaining for obligation.

(f) PROCUREMENT, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,890,700,000.

(g) NAVY AND MARINE CORPS RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $20,000,000 for Navy Reserve equipment and $20,000,000 for Marine Corps Reserve equipment.

(h) MULTIYEAR CONTRACTS.—The Secretary of the Navy may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of CH-53E aircraft and AN/SSQ-36 sonobuoys. Such contracts may include an unfunded cancellation ceiling. If funds are not made available for the continuation of such a contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(i) DDG-51 DESTROYER PROGRAM.—None of the funds appropriated pursuant to the authorization of appropriations in subsection (c) for the DDG-51 guided missile destroyer program may be obligated or expended until the Secretary of the Navy certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives that the lead ship in that program is capable of being equipped with a Rankine-Cycle Energy Recovery (RACER) system without rearrangement of ship spaces and equipment or other major modification to the ship.

(j) COMMON AIRCRAFT EJECTION SEAT.—Notwithstanding any other provision of law, the Secretary of the Navy may establish and maintain an alternative source for the procurement of a common aircraft ejection seat for the F/A-18 aircraft, the T-45 aircraft, the F-14D aircraft, and the A-6E upgrade aircraft; and a business concern may be considered as such alternative source regardless of the country in which the business concern is based.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Air Force as follows:

For aircraft, $26,101,700,000.

For missiles, $8,605,300,000.

For other procurement, $8,724,000,000.

For Air National Guard equipment, $20,000,000.

(2)(A) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of aircraft for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts—

(i) $99,000,000 to be derived from amounts available for fiscal years 1983, 1984, and 1985 for procurement of aircraft for the Air Force remaining available for obligation resulting from the sale of aircraft under a letter of offer issued pursuant to section 21(a)(1) of the Arms Export Control Act that would otherwise be deposited in the Special Defense Acquisition Fund;

(ii) $206,700,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Air Force remaining available for obligation; and

(iii) $144,800,000 to be derived from amounts appropriated for fiscal year 1983 for procurement of aircraft for the Air Force remaining for obligation from the C-19 program;

(b)(1) There is hereby authorized to be transferred to, and merged with amounts appropriated for procurement of missiles for

the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in subsection (a)(1) to the extent provided in appropriation Acts, $15,000,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of missiles for the Air Force remaining for obligation.

(2) There is hereby authorized to be transferred to, and merged with amounts appropriated for other procurement for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in subsection (a)(1) to the extent provided in appropriation Acts, $14,500,000 to be derived from amounts appropriated for fiscal year 1984 for other procurement of the Air Force remaining for obligation.

(c) The Secretary of the Air Force may not make a contract for the procurement of aircraft engines unless the amount under the contract for any warranty required by section 797 of the Department of Defense Appropriation Act, 1983 (as contained in section 101(c) of Public Law 97-377), or section 794 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), or section 2403 of title 10, United States Code (as added by section 1234), does not exceed 10 percent of the total contract price.

(d) The Secretary of the Air Force may enter into a multiyear contract for the purchase of F-16 aircraft in accordance with section 2306(h) of title 10, United States Code. Such contract may include an unfunded cancellation ceiling. In the event funds are not made available for the continuation of such contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(e) The Secretary of the Air Force shall acquire four additional used commercial passenger aircraft to be used to augment national security airlift operations. Such aircraft shall be acquired using amounts which were appropriated for fiscal year 1983 for procurement of equipment for the Air National Guard and which remain available for obligation.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for fiscal year 1985 for the defense agencies in the amount of $1,180,200,000.

AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN NATO COOPERATIVE PROGRAMS

SEC. 105. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for activities of the Under Secretary of Defense for Research and Engineering for acquisition in connection with cooperative programs of the North Atlantic Treaty Organization as follows:

For acquisition of the Patriot missile system for the Federal Republic of Germany, $150,000,000.

For acquisition of point air defense of United States airbases in the Federal Republic of Germany, $65,000,000.

For acquisition of point air defense of United States airbases and other critical United States military facilities in Italy, $15,000,000.

For acquisition of point air defense for ground-launched cruise missile bases in Europe, $10,000,000.

For acquisition of point air defense of United States airbases in Turkey, $10,000,000.

(b) None of the amounts appropriated pursuant to the authorizations in subsection (a) may be obligated—

(1) for implementation of a cooperative program until the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a copy of each government-to-government agreement relating to that program; or

(2) for acquisitions in connection with a NATO cooperative program in which the financial obligations of the United States exceed the collective financial obligations of European countries in connection with such program.

EXTENSION OF AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 106. Effective on October 1, 1984, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1984" each place it appears and inserting in lieu thereof "fiscal year 1985".

LIMITATION ON WAIVERS OF COST-RECOVERY REQUIREMENTS UNDER ARMS EXPORT CONTROL ACT

SEC. 107. The authority of the President under section 21(e)(2) of the Arms Export Control Act may be exercised without regard to the limitation imposed by section 762A of the Department of Defense Appropriation Act, 1984 (Public Law 98-212).

WAIVER OF LIMITATION ON FOREIGN MILITARY SALES PROGRAM

SEC. 108. The Arms Export Control Act shall be administered as if section 743A of the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 96 Stat. 1858) had not been enacted into law.

TRANSFER OF CERTAIN MILITARY EQUIPMENT OR DATA TO FOREIGN COUNTRIES

SEC. 109. Section 765(c) of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby repealed.

POLICY CONCERNING ACQUISITION OF ADDITIONAL MX MISSILES

SEC. 110. (a) Subject to subsections (b) and (c), of the funds appropriated pursuant to the authorization of appropriations in section 103 for procurement of missiles for the Air Force, $2,500,000,000 may be used for the MX missile program, including acquisition of not more than 21 additional operational MX missiles.

(b) Except as provided in subsection (c), none of the $2,500,000,000 described in subsection (a) may be obligated for the procurement of additional operational MX missiles unless—

(1) after March 1, 1985, the President submits to Congress a report described in subsection (e);

(2) a joint resolution approving the obligation of those funds is enacted as provided for in this section; and

(3) a second joint resolution is enacted as provided for in the Department of Defense Appropriation Act, 1985 (or in a joint resolution providing funds for the Department of Defense for fiscal year 1985), further approving the obligation of those funds.

(c) Of the $2,500,000,000 described in subsection (a), $1,000,000,000 may be obligated only for—

(1) procurement related to the deployment of the 21 MX missiles for which funds were authorized and appropriated for fiscal year 1984;

(2) advance procurement of parts and materials for the MX missile program and for the maintenance of the MX missile program contractor base; and

(3) spare parts for the MX missile program.

(d)(1) For the purpose of subsection (b)(2), "joint resolution" means only a joint resolution introduced after the date on which the report of the President under subsection (b)(1) is received by Congress the matter after the resolving clause of which is as follows: "That subject to the enactment (after the enactment of this joint resolution) of a joint resolution further approving the obligation of such funds, the Congress approves the obligation of funds appropriated for fiscal year 1985 for the procurement of additional operational MX missiles (in addition to the funds previously authorized to be obligated).".

(2) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(3) If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a joint resolution approving the further obligation of funds for the procurement of operational MX missiles as provided for in the Department of Defense Appropriation Act, 1985 (or in a joint resolution providing funds for the Department of Defense for fiscal year 1985), whichever is earlier, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(4)(A) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate

House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(6) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supercedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of the that House.

(e) A report under subsection (b)(1) shall include—

(1) a statement that the President has determined that further acquisition of operational missiles under the MX missile program is in the national security interest of the United States and is consistent with United States arms control policy;

(2) findings of the President concerning the effect of the acquisition and deployment of such missiles on the vulnerability of the United States land-based intercontinental ballistic missile force;

(3) a discussion of the basing mode for the MX missile (and related improvements in silo-hardening technology) and of proposals for the basing mode for the small, single-warhead intercontinental ballistic missile; and

(4) to the extent not covered under paragraphs (1) through (3), the assessment of the President submitted pursuant to subsection (g)(2).

(f) Obligation for the MX missile program of funds appropriated for fiscal year 1985 is subject to section 1231 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 693).

(g)(1) Section 1231(e) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 694) is amended—

(A) by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Congress";

(B) by striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 24, 1983,";

(C) by striking out "and" at the end of clause (B);

(D) by striking out the period at the end of clause (C) and inserting in lieu thereof "; and"; and

(D) by adding at the end thereof the following new clause:

"(D) the progress of efforts to develop more survivable basing modes for the MX and other intercontinental missiles, including a new small mobile intercontinental ballistic missile.".

(2) The first assessment under section 1231(e) of the Department of Defense Authorization Act, 1985, submitted after the date of the enactment of this Act shall be submitted as part of the report described in subsection (e) (rather than coincident with any request for funds for the procurement of MX missiles submitted to Congress before the submission of that report).

PROHIBITION OF SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS

SEC. 111. None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for procurement of binary chemical munitions, including advanced procurement of long-lead components or for the establishment of a production base for such munitions.

STRATEGIC WEAPONS LOADER

SEC. 112. None of the funds appropriated to the Department of Defense may be obligated or expended for procurement of a new strategic weapons loader to meet the performance requirements for the B-1B bomber aircraft or the Advanced Technology Bomber aircraft until a contractor for such weapons loader has been determined after a competition.

FOREIGN MILITARY SALES OF AIR NATIONAL GUARD OA-37 AIRCRAFT

SEC. 113. It is the sense of Congress—

(1) that the Air Force should, at the earliest practicable date, provide modern replacement aircraft for those Air National Guard units currently using OA-37 Dragonfly aircraft in order to fulfill Forward Air Controller (FAC) mission of the Air National Guard; and

(2) that the United States should not sell or otherwise provide to any foreign country any OA-37 aircraft currently assigned to an Air National Guard unit unless the unit to which such aircraft is assigned is in the process of converting to the use of a more modern aircraft or unless the OA-37 aircraft to be sold or otherwise provided to a foreign country has been replaced with an OA-37 from the stocks of the Air Force.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $4,546,675,000.

For the Navy (including the Marine Corps), $9,408,596,000.

For the Air Force, $13,547,311,000.

For the Defense Agencies, $4,577,681,000, of which $59,000,000 is authorized for the activities of the Director of Test and Evaluation.

(b) There is hereby authorized to be transferred to, and merged with, amounts appropriated for research and development for the Navy for fiscal year 1985 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, $13,000,000 to be derived from amounts appropriated for fiscal year 1984 for research and development for the Navy remaining available for obligation.

(c) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1985 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

PROVISIONS RELATING TO ARMY PROGRAMS

SEC. 202. (a)(1) Of the amount authorized in section 201 for the Army, the sum of $1,300,000 is available only for—

(A) the purchase of new methanol cars;

(B) establishing the reliability and durability of such vehicles in laboratory and fleet tests;

(C) testing a percentage of the methanol fleet in cold weather environments; and

(D) resolving related support functions for the safe and efficient storage, distribution, and the use of neat methanol fuel for such vehicles.

(2) Not later than September 30, 1985, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the progress of the methanol fuel program referred to in paragraph (1)(B).

(b)(1) The Secretary of the Army shall proceed with the competitive development of a Joint Tactical Missile System having the following design goals:

(A) A maximum range of 200 kilometers.

(B) A payload at maximum range of 1,000 pounds.

(2) In the development of the Joint Tactical Missile System, the Secretary of the Army shall make maximum use of proven missile system technology with the objective of completing the competitive full-scale engineering development of the system by July 1, 1987.

(3) Not later than January 1 of 1985, 1986, and 1987, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the progress of the development of the system referred to in paragraph (1).

LIMITATIONS ON FUNDS FOR THE NAVY

SEC. 203. (a) Of the amount authorized in section 201 for the Navy (including the Marine Corps)—

(1) $45,000,000 is available only for continued development of the Rankine-Cycle Energy Recovery (RACER) system to ensure compatibility of the RACER system with all ships of the DDG-51 class, including the lead ship;

(2) $25,016,000 is available only for the development of a derivative of the Navy SH-60 helicopter for the aircraft carrier inner-zone anti-submarine warfare helicopter mission;

(3) $37,795,000 is available only for the Mark 92 fire control system;

(4) $30,000,000 is available only for advanced submarine technology initiatives to enhance the effectiveness of the Navy new design attack submarine designated SSN-X and subsequent submarines;

(5) $42,422,000 is available only for continued development of the low cost anti-radiation guidance and control system for the High-Speed Anti-Radiation Missile (HARM) and other delivery vehicles;

(6) $6,000,000 is available only for the development of the rotary engine for Army, Navy, and Marine Corps applications;

(7) $26,603,000 is available only for the development of the Vertical Launch Anti-Submarine Rocket system; and

(8) $2,500,000 is available only for the development of the Submarine Laser Communication System.

(b) Of the amount authorized in section 201 for the Navy, not more than $100,000,000 may be obligated or expended for research and development of the new design submarine and its associated programs and projects unless and until the Secretary of the Navy provides to the Committees on Armed Services of the Senate and House of Representatives written certification that, based on current national intelligence estimates approved by the Director of Central Intelligence, the new design attack submarine will be capable under operational conditions of engaging the known Soviet submarine threat.

LIMITATIONS ON FUNDS FOR THE AIR FORCE

SEC. 204. Of the amount authorized in section 201 for the Air Force—

(1) $129,285,000 is available only for development of the C-17 cargo transport aircraft;

(2) $2,000,000 is available only to complete test and evaluation of the C-5 cargo transport aircraft; and

(3) $4,000,000 is available only for continued development of the low cost anti-radiation guidance and control system for the High-Speed Anti-Radiation Missile (HARM) and other delivery vehicles.

POLICY GOVERNING THE TEST OF ANTI-SATELLITE WARHEADS

SEC. 205. Section 1235 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 695), is amended to read as follows:

"POLICY GOVERNING THE TEST OF ANTI-SATELLITE WARHEADS

"SEC. 1235. (a) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to test against an object in space the miniature homing vehicle (MHV) anti-satellite warhead launched from an F-15 aircraft unless the President determines and certifies to Congress—

"(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on anti-satellite weapons consistent with the national security interests of the United States;

"(2) that, pending agreement on such strict limitations, testing against objects in space of the F-15 launched miniature homing vehicle anti-satellite warhead by the United States is necessary to avert clear and irrevocable harm to the national security;

"(3) that such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on anti-satellite weapons; and

"(4) that such testing is fully consistent with the rights and obligations of the United States under the Anti-Ballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.

"(b) During fiscal year 1985, funds appropriated for the purpose of testing the F-15 launched miniature homing vehicle anti-satellite warhead may not be used to conduct more than two successful tests of that warhead against objects in space.

(c) The limitation on the expenditure of funds provided by this section shall cease to apply 15 calendar days after the date of the receipt by Congress of the certification referred to in subsection (a).".

LIMITATION ON FUNDS FOR THE DEFENSE AGENCIES

SEC. 206. Of the amount authorized in section 201 for the Defense Agencies—

(1) $35,000,000 is available only for the Strategic Laser Communication Technology program; and

(2) $10,000,000 is available only for the application of free electron laser technology for medical research.

IMPLEMENTATION OF LAW TO ESTABLISH INDEPENDENT DIRECTOR OF OPERATIONAL TEST AND EVALUATION

SEC. 207. Of the amount appropriated for the activities of the Director of Test and Evaluation of the Department of Defense pursuant to the authorization of appropriations in section 201 (including activities relating to foreign weapons evaluation), not more than $20,000,000 may be obligated or expended until—

(1) the President nominates an individual to be the Director of Operational Test and Evaluation of the Department of Defense;

(2) the Senate has given its advice and consent to the nomination of such individual; and

(3) the Secretary of Defense establishes within the Department of Defense the organizational structure for the Office of the Director of Operational Test and Evaluation, as provided for under section 136a of title 10, United States Code.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) ARMY.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $18,626,623,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army as follows:

(1) For general purpose forces, $6,531,066,000.

(2) For intelligence and communications, $1,189,739,000.

(3) For central supply and maintenance, $5,350,590,000.

(4) For training, medical, and other general personnel activities, $4,149,964,000.

(5) For administration, $1,212,090,000.

(6) For support of other nations, $193,174,000.

(b) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $25,449,923,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy and the Marine Corps as follows:

(1) For strategic forces, $2,257,821,000.

(2) For general purpose forces, $12,062,668,000.

(3) For intelligence and communications, $1,122,038,000.

(4) For airlift and sealift, $561,526,000.

(5) For central supply and maintenance, $6,397,666,000.

(6) For training, medical, and other general personnel activities, $2,356,457,000.

(7) For administration, $689,235,000.

(8) For support of other nations, $2,512,000.

(c) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $1,648,169,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps as follows:

(1) For general purpose forces, $904,152,000.

(2) For central supply and maintenance, $395,425,000.

(3) For training, medical, and other general personnel activities, $238,574,000.

(4) For administration, $110,018,000.

(d) AIR FORCE.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $19,528,869,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force as follows:

(1) For strategic forces, $3,175,540,000.

(2) For general purpose forces, $4,021,426,000.

(3) For intelligence and communications, $2,155,522,000.

(4) For airlift and sealift, $1,267,807,000.

(5) For central supply and maintenance, $6,299,250,000.

(6) For training, medical, and other general personnel activities, $2,042,959,000.

(7) For administration, $558,323,000.

(8) For support of other nations, $8,042,000.

(e) DEFENSE AGENCIES.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $7,127,752,000 for expenses, not otherwise provided for, for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments) as follows:

(1) For general purpose forces, $324,227,000.

(2) For intelligence and communications, $2,530,570,000.

(3) For central supply and maintenance, $1,644,460,000.

(4) For training, medical, and other general personnel activities, $2,163,411,000.

(5) For administration, $465,084,000.

(f) ARMY RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $724,900,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army Reserve as follows:

(1) For mission forces, $408,274,000.

(2) For depot maintenance, $8,656,000.

(3) For other support, $307,970,000.

(g) NAVAL RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $833,681,000 for expenses, not otherwise provided for, for the operation and maintenance of the Naval Reserve as follows:

(1) For mission forces, $480,651,000.

(2) For depot maintenance, $149,426,000.

(3) For other support, $203,604,000.

(h) MARINE CORPS RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $58,642,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps Reserve as follows:

(1) For mission forces, $29,106,000.

(2) For depot maintenance, $1,665,000.

(3) For other support, $27,871,000.

(i) AIR FORCE RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $872,661,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force Reserve as follows:

(1) For mission forces, $569,230,000.

(2) For depot maintenance, $154,212,000.

(3) For other support, $149,219,000.

(j) ARMY NATIONAL GUARD.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $1,437,743,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army National Guard as follows:

(1) For training operations, $228,535,000.

(2) For logistic support, $1,080,770,000.

(3) For headquarters and command support, $117,429,000.

(4) For medical support, $11,009,000.

(k) AIR NATIONAL GUARD.—Funds are hereby authorized to be appropriated for

fiscal year 1985 in the total amount of $1,814,248,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air National Guard as follows:

(1) For mission forces, $1,339,637,000.

(2) For depot maintenance, $350,793,000.

(3) For other support, $123,818,000.

(l) NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY.—There is hereby authorized to be appropriated for fiscal year 1985 the total amount of $914,000 for expenses of the Secretary of the Army, upon the recommendation of the National Board for the Promotion of Rifle Practice, under section 4308 of title 10, United States Code, and the expenses of the Secretary of the Army under sections 4309 and 4313 of such title.

(m) CLAIMS, DEFENSE.—There is hereby authorized to be appropriated for fiscal year 1985 the total amount of $157,900,000 for payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions).

(n) COURT OF MILITARY APPEALS, DEFENSE.—There is hereby authorized to be appropriated for fiscal year 1985 the amount of $3,416,000 for salaries and expenses for the United States Court of Military Appeals.

GENERAL AUTHORIZATION OF APPROPRIATIONS FOR PAY RAISES, FUEL COSTS, AND INFLATION ADJUSTMENTS

SEC. 302. There are authorized to be appropriated for fiscal year 1985, in addition to the amounts authorized to be appropriated in section 301, such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in section 301;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by section 301.

AUTHORIZATION OF APPROPRIATIONS FOR WORKING-CAPITAL FUNDS

SEC. 303. Funds are hereby authorized to be appropriated for fiscal year 1985 to provide capital for working-capital funds of the Department of Defense in amounts as follows:

For the Army Stock Fund, $366,448,000.

For the Navy Stock Fund, $473,007,000.

For the Marine Corps Stock Fund, $34,908,000.

For the Air Force Stock Fund, $631,793,000.

For the Defense Stock Fund, $130,700,000.

CONTINGENCY FUNDS FOR THE UNIFIED AND SPECIFIED COMMANDS

SEC. 304. The Secretary of Defense may make available to the Joint Chiefs of Staff, out of any funds appropriated pursuant to the authorizations contained in section 301 for the Army, Navy, Marine Corps, and Air Force, such sums as may be necessary to meet unforeseen and contingent requirements of the unified and specified commands of the Armed Forces.

SALE OF ARTICLES MANUFACTURED BY CERTAIN ARSENALS; ASSET CAPITALIZATION PROGRAM

SEC. 305. Section 2208 of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (k); and

(2) by inserting after subsection (h) the following new subsections:

"(i)(1) Regulations under subsection (h) may authorize an article manufactured by a working-capital funded Department of the Army arsenal that manufactures large caliber cannons, gun mounts, or recoil mechanisms to be sold to a person outside the Department of Defense if—

"(A) the article is sold to a United States manufacturer, assembler, or developer (i) for use in developing new products, or (ii) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States or a friendly foreign government;

"(B) the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

"(C) the article is not readily available from a commercial source in the United States; and

"(D) the sale is to be made on a basis that does not interfere with performance of work by the arsenal for the Department of Defense or for a contractor of the Department of Defense.

"(2) Services related to an article sold under this subsection may also be sold to the purchaser if the services are to be performed in the United States for the purchaser.

"(3) Nothing in this subsection shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act to items which incorporate or are produced through the use of an article sold under this subsection.

"(j) The Secretary of Defense shall provide that of the total amount of payments received in a fiscal year by funds established under this section for industrial-type activities, not less than 3 percent during fiscal year 1985, not less than 4 percent during fiscal year 1986, and not less than 5 percent during fiscal year 1987 shall be used for the acquisition of capital equipment for such activities.".

ADMINISTRATIVE TRANSITION PROVISION FOR NAVY STOCK FUND MANAGEMENT CHANGE

SEC. 306. (a) In the management of the Navy Stock Fund established under section 2208 of title 10, United States Code, the Secretary of the Navy may provide for a withdrawal credit to be made by the stock fund to the current applicable appropriation accounts of an activity of the Navy in connection with the acquisition by that activity from the stock fund of supplies described in subsection (b). The amount of any such credit shall be the amount of the charge of the stock fund to the activity for the supplies.

(b) Subsection (a) applies in the case of the acquisition by an activity of the Navy from the Navy Stock Fund of supplies—

(1) that are aircraft components (or that are used in connection with aviation activities) that are repairable only at a repair depot; and

(2) that are capitalized into the Navy Stock Fund as a result of the management change effective on April 1, 1985, relating to depot-level repairable assets and that are charged to an activity of the Navy that is a customer of the Navy Stock Fund.

(c) A withdrawal credit may be made under this section without regard to the last sentence of section 2208(g) of title 10, United States Code.

LIMITATION ON CONTRACTING-OUT CORE LOGISTICS FUNCTIONS

SEC. 307. (a)(1) It is essential for the national defense that Department of Defense activities maintain a logistics capability (including personnel, equipment, and facilities) to ensure a ready and controlled source of technical competence and resources necessary to ensure effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

(2) The Secretary of Defense shall identify those logistics activities that are necessary to maintain the logistics capability described in paragraph (1).

(b)(1) Except as provided in paragraph (2), performance of a logistics activity identified by the Secretary under subsection (a)(2) may not be contracted for performance by non-Government personnel under the procedures and requirements of Office of Management and Budget Circular A-76 or any successor administrative regulation or policy (hereinafter in this section referred to as "OMB Circular A-76").

(2) The Secretary of Defense may waive paragraph (1) in the case of any logistics activity and provide that performance of such activity shall be considered for conversion to contractor performance in accordance with OMB Circular A-76. Any such waiver shall be made under regulations prescribed by the Secretary and shall be based on a determination by the Secretary that Government performance of the activity is no longer required for national defense reasons. Such regulations shall include criteria for determining whether Government performance of a logistics activity identified under subsection (a)(2) is no longer required for national defense reasons.

(3) A waiver under paragraph (2) may not take effect until—

(A) the Secretary has submitted a report on the waiver to the Committees on Armed Services of the Senate and House of Representatives; and

(B) a period of 20 days of continuous session of Congress or 40 calendar days has passed after the receipt of the report by those committees.

(4) For purposes of paragraph (3)(B), the continuity of a session of Congress is broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 30-day period.

(c) Identification of logistics activities that are necessary to maintain the logistics capability described in subsection (a)(1) shall be completed, and a report describing those activities (including a detailed specification or listing) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives, not later than April 1, 1985.

LIMITATION ON CONSULTING AND RELATED SERVICES

SEC. 308. Of the funds appropriated to or for the use of the Department of Defense for fiscal year 1985 pursuant to an authorization contained in this Act or any other law, not more than $1,302,599,000 may be obligated or expended for consultants, studies and analyses, management support contracts, and contract systems and technical engineering.

RESTRICTION ON REDUCTION IN PORTS OF ORIGIN FOR CERTAIN CARGO CARRIED ON VESSELS OF THE MILITARY SEALIFT COMMAND

SEC. 309. (a)(1) Except as provided in subsection (b), funds appropriated to the Department of Defense pursuant to an authorization of appropriations in this Act may not be used to carry out a permanent consolidation or reduction, to a number less than the base number, in the number of ports at which cargo shipments originate that—

(A) are shipments of breakbulk cargo;

(B) are carried through the Panama Canal on vessels operated by or for the Military Sealift Command; and

(C) have a destination at a port on the Pacific Ocean outside the continental United States.

(2) For the purposes of paragraph (1), the base number is the number of ports which were being used to originate cargo shipments described in paragraph (1) as of January 1, 1984.

(b) The limitation in subsection (a) shall cease to apply with respect to a proposed consolidation or reduction 30 days after the date on which Congress receives a report from the Secretary of Defense describing the proposed consolidation or reduction, but not before February 1, 1985.

SENSE OF CONGRESS CONCERNING INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA FOR COMBAT

SEC. 310. (a) The Congress makes the following findings:

(1) The President has stated that there is no need to introduce United States Armed Forces into Central America for combat and that he has no intention of doing so.

(2) The President of El Salvador has stated that there is no need for United States Armed Forces to conduct combat operations in El Salvador and that he has no intention of asking that they do so.

(3) The possibility of the introduction of United States Armed Forces into Central America for combat raises very grave concern in the Congress and the American people.

(b) It is the sense of Congress that—

(1) United States Armed Forces should not be introduced into or over the countries of Central America for combat; and

(2) if circumstances change from those present on the date of the enactment of this Act and the President believes that those changed circumstances require the introduction of United States Armed Forces into or over a country of Central America for combat, the President should consult with Congress before any decision to so introduce United States Armed Forces and any such introduction of United States Armed Forces must comply with the War Powers Resolution.

TITLE IV—PERSONNEL

PART A—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 401. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1985, as follows:

(1) The Army, 780,000.

(2) The Navy, 571,300.

(3) The Marine Corps, 198,300.

(4) The Air Force, 602,070.

EXTENSION OF QUALITY CONTROL ON ENLISTMENTS INTO THE ARMY

SEC. 402. Effective on October 1, 1984, section 302(a) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 520 note), is amended by striking out "October 1, 1983" and "September 30, 1984" and inserting in lieu thereof "October 1, 1984" and "September 30, 1985", respectively.

PART B—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 411. (a) For fiscal year 1985 the Selected Reserve of the reserve components of the Armed Forces shall be programed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 435,117.

(2) The Army Reserve, 284,073.

(3) The Naval Reserve, 124,100.

(4) The Marine Corps Reserve, 44,300.

(5) The Air National Guard of the United States, 105,438.

(6) The Air Force Reserve, 72,900.

(7) The Coast Guard Reserve, 12,500.

(b) The average strength prescribed for subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

(c) The Secretary of the Air Force shall use the personnel strength for the Air National Guard of the United States authorized by subsection (a) to establish and maintain in the Air National Guard of the United States during fiscal year 1985 not less than 91 flying units.

AUTHORIZATION OF END STRENGTHS FOR MEMBERS ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 412. (a) Within the average strengths prescribed in section 411, the reserve components of the Armed Forces and the National Guard are authorized, as of September 30, 1985, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components or the National Guard:

(1) The Army National Guard and the Army National Guard of the United States, 20,583.

(2) The Army Reserve, 10,700.

(3) The Naval Reserve, 15,210.

(4) The Marine Corps Reserve, 1,129.

(5) The Air National Guard and the Air National Guard of the United States, 7,024.

(6) The Air Force Reserve, 623.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 413. (a) The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	517	156	87	9
E-8	2,295	381	455	74".

(b) The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	2,261	823	471	100
Lieutenant colonel or commander	1,121	520	293	50
Colonel or Navy captain	345	177	172	25".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1984.

CLARIFICATION OF STATUS OF MEMBERS OF THE NATIONAL GUARD PERFORMING FULL-TIME DUTY

SEC. 414. (a)(1) Section 101 of title 10, United States Code, is amended—

(A) by adding at the end of paragraph (22) the following new sentence: "It does not include full-time National Guard duty.";

(B) by inserting "or full-time National Guard duty" after "active duty" in paragraph (24); and

(C) by adding at the end thereof the following new paragraph:

"(42) 'Full-time National Guard duty' means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.".

(2) Section 517(b) of such title is amended—

(A) by inserting "(other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training)" after "on active duty";

(B) by striking out "of the armed forces" and inserting in lieu thereof "or the National Guard"; and

(C) by striking out "prescribed for the grade and the armed force" and inserting in lieu thereof "for that grade and armed force".

(3) Section 523(b)(1) of such title is amended—

(A) by striking out "or section 502 or 503 of title 32" in clause (C);

(B) by striking out "or" at the end of clause (D);

(C) by striking out the period at the end of clause (E) and inserting in lieu thereof "; or"; and

(D) by adding at the end thereof the following:

"(F) on full-time National Guard duty.".

(4)(A) Subsection (a) of section 524 of such title is amended—

(i) by inserting "or full-time National Guard duty" after "active duty" the first place it appears; and

(ii) by inserting "or full-time National Guard duty (other than for training) under section 502(f) of title 32" after "of this title".

(B)(i) The heading of such section is amended to read as follows:

"§ 524. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain".

(ii) The item relating to such section in the table of sections at the beginning of chapter 32 of such title to read as follows:

"524. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.".

(5) Section 641(1) of such title is amended—

(A) by striking out "or under section 502 or 503 of title 32" in clause (C);

(B) by striking out "or" at the end of clause (E);

(C) by striking out the period at the end of the clause (F) and inserting in lieu thereof "; or"; and

(D) by adding at the end thereof the following:

"(G) on full-time National Guard duty.".

(6) Section 976(a)(1) is amended by strking out "or (B)" and inserting in lieu thereof ", (B) a member of the National Guard who is serving on full-time National Guard duty, or (C)".

(7)(A) Section 3686(2) of such title is amended to read as follows:

"(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be deemed to be active duty in Federal service as a Reserve of the Army, except that for purposes of title 38 such duty shall be considered to be active duty for training; and".

(B) Section 8686(2) of such title is amended to read as follows:

"(2) full-time National Guard duty performed by a member of the Air National Guard of the United States shall be deemed to be active duty in Federal service as a Reserve of the Air Force, except that for purposes of title 38 such duty shall be considered to be active duty for training; and".

(b)(1) Section 101 of title 32, United States Code, is amended—

(A) by adding at the end of paragraph (12) the following new sentence: "It does not include full-time National Guard duty."; and

(B) by adding at the end thereof the following new paragraph:

"(19) 'Full-time National Guard duty' means training or other duty, other than inactive duty, peformed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of this title for which the member is entitled to pay from the United States or for which the member has waived pay form the United States.".

(2)(A) Section 335 of such title is repealed.

(B) The table of sections at the beginning of chapter 3 of such title is amended by striking out the item relating to section 335.

(c) Section 101(18) of title 37, United States Code, is amended by inserting "full-time National Guard duty," after "annual training duty,".

PART C—MILITARY TRAINING

AUTHORIZATION OF MILITARY TRAINING STUDENT LOADS

SEC. 421. (a) For fiscal year 1985, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 76,920.
(2) The Navy, 69,116.
(3) The Marine Corps, 21,186.
(4) The Air Force, 46,592.
(5) The Army National Guard of the United States, 18,338.
(6) The Army Reserve, 15,994.
(7) The Naval Reserve, 3,389.
(8) The Marine Corps Reserve, 3,941.
(9) The Air National Guard of the United States, 2,990.
(10) The Air Force Reserve, 2,099.

(b) The average military training student loads authorized in subsection (a) shall be adjusted consistent with the personnel strengths authorized in parts A and B of this title. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

REDUCTION IN NUMBER OF STUDENTS REQUIRED TO BE IN A UNIT OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS FOR THE UNIT TO BE MAINTAINED

SEC. 422. Section 2031(b) of title 10, United States Code, is amended—

(1) by striking out clause (1) and inserting in lieu there of the following;

"(1) the number of physically fit students in such unit who are at least 14 years of age and are citizens or nationals of the United States is not less than (A) 10 percent of the number of students enrolled in the institution who are at least 14 years of age, or (B) 100, whichever is less;";

(2) by striking out "and" at the end of clause (3);

(3) by striking out the period at the end of clause (4) and inserting in lieu thereof "; and "; and

(4) by adding at the end thereof the following new clause:

"(5) the unit meets such other requirements as may be established by the Secretary of the military department concerned.".

TITLE V—DEFENSE PERSONNEL MANAGEMENT

PART A—CIVILIAN PERSONNEL

WAIVER OF CIVILIAN PERSONNEL CEILINGS FOR FISCAL YEAR 1985

SEC. 501. (a) The provisions of section 138(c)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1985 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1985, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an 'end-strength') on the number of such personnel who may be employed on the last day of such fiscal year.

(c) Not later than March 1, 1985, the Secretary of Defense and the Director of the Office of Management and Budget shall each submit to the Committees on Armed Services of the Senate and House of Representatives a report on the experience of the Department of Defense during fiscal year 1985 (to the date of the report) concerning the management of civilian personnel of the Department without a congressionally imposed civilian end strength and with a statutory prohibition on the management during that fiscal year of such civilian personnel by end strength. Each such report shall include the views of the Secretary or Director, as appropriate, with respect to the desirability of managing such personnel in such a manner.

CIVILIAN PERSONNEL CEILINGS ON INDUSTRIALLY-FUNDED ACTIVITIES DURING FISCAL YEAR 1984

SEC. 502. In computing the authorized strength for civilian personnel prescribed in section 601(a) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 632), any increase during fiscal year 1984 in the number of civilian personnel of industrially-funded activities of the Department of Defense in excess of the number of civilian personnel employed in such activities on September 30, 1982, shall not be counted.

PART B—OFFICER PERSONNEL

TEMPORARY INCREASE IN THE NUMBER OF GENERAL AND FLAG OFFICERS AUTHORIZED TO BE ON ACTIVE DUTY

SEC. 511. (a) During fiscal year 1985, the number of officers of the Air Force authorized under section 525(b)(1) of title 10, United States Code, to be serving on active duty in the grade of general is increased by one.

(b) During fiscal year 1985, the number of officers of the Navy authorized under section 525(b)(2) of title 10, United States Code, to be serving on active duty in a grade above rear admiral is increased by three. None of the additional officers in grades above rear admiral by reason of this subsection may be in the grade of admiral.

(c) During fiscal year 1985, the number of officers of the Marine Corps authorized under section 525(b)(1) of title 10, United States Code, to be serving on active duty in grades above major general is increased by one, plus an additional one during any period of that fiscal year that an officer of the Marine Corps is serving as the Commander-in-Chief of the United States Central Command. An additional officer in a grade above major general by reason of this subsection may not be in the grade of general.

AUTHORITY TO CONSIDER FOR PROMOTION CERTAIN ARMY RESERVE BRIGADIER GENERALS

SEC. 512. Section 3364(e) of title 10, United States Code, is amended by adding at the end thereof the following new sentence: "However, the Secretary may waive the preceding sentence and any other provision of this subtitle relating to the required status of officers eligible to be considered for promotion in order to permit consideration for promotion to the reserve grade of major general of an officer in the reserve grade of brigadier general—

"(1) who is in an inactive status pursuant to a transfer to the inactive status list under section 3375(2) of this title and who has been on that list for less than one year; or

"(2) who has been in an active status for less than one year, if the officer was returned to that status from a transfer to the inactive status list under section 3375(2) of this title.".

AUTHORITY TO RETAIN IN ACTIVE STATUS UNTIL AGE 60 UP TO 10 ARMY RESERVE BRIGADIER GENERALS

SEC. 513. (a) Section 3851 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d) and by striking out "of this section" in such subsection; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of an officer in the reserve grade of brigadier general who would otherwise be removed from an active status under this section, except that not more than 10 officers may be retained under this subsection at any time.".

EXTENSION OF AUTHORITY FOR THE TEMPORARY PROMOTION OF CERTAIN NAVY LIEUTENANTS

SEC. 514. Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1986".

REPEAL OF FOUR-YEAR LIMITATION ON PERIOD AN OFFICER MAY BE ASSIGNED TO THE ARMY STAFF OR THE AIR STAFF

SEC. 515. Effective on October 1, 1984, sections 3031(d) and 8031(d) of title 10, United States Code, are repealed.

PART C—AMENDMENTS TO PROVISIONS OF LAW ENACTED BY THE DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

RETENTION IN GRADE OF OFFICERS APPOINTED IN RESERVES UPON SEPARATING FROM ACTIVE DUTY

SEC. 521. (a) Section 3359 of title 10, United States Code, is amended—

(1) by striking out "subsection (b)" in subsection (a) and inserting "subsections (b) and (c)"; and

(2) by adding at the end thereof the following new subsection:

"(c) Under regulations prescribed by the Secretary concerned, a person who is originally appointed as a reserve officer of the Army and who is a former commissioned officer may be appointed in the reserve grade equivalent to the grade held by that person when discharged or separated and may be credited with time in that grade for promotion purposes equal to the time in grade held by that person when discharged or separated.".

(b) Section 8359 of such title is amended—

(1) by striking out "subsection (b)" in subsection (a) and inserting "subsections (b) and (c)"; and

(2) by adding at the end thereof the following new subsection:

"(c) Under regulations prescribed by the Secretary concerned, a person who is originally appointed as a reserve officer of the Air Force and who is a former commissioned officer may be appointed in the reserve grade equivalent to the grade held by that person when discharged or separated and may be credited with time in that grade for promotion purposes equal to the time in grade held by that person when discharged or separated.".

(c)(1) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer of the Army or Air Force originally appointed after September 14, 1981, who at the time of that appointment was a former commissioned officer and who was appointed in a reserve grade lower than the grade held by that person when discharged may be appointed in the reserve grade equivalent to the officer's former grade.

(2) An original reserve appointment in the Army or the Air Force of a person who (at the time of the appointment) was a former commissioned officer which (A) was made during the period beginning on September 15, 1981, and ending on the day before the date of the enactment of this Act, and (B) was made in a grade formerly held by that person shall be considered to have been a valid appointment at the time made, and any officer who received such an appointment is entitled to all the rights, privileges, and benefits of the grade to which appointed as of the original date of that appointment.

INCREASE IN LIMITATION ON NUMBER OF REGULAR OFFICERS IN THE NAVY, AIR FORCE, AND MARINE CORPS

SEC. 522. Section 522 of title 10, United States Code, is amended by striking out "48,000", "69,425", and "13,000" and inserting in lieu thereof "55,000", "80,000", and "17,000", respectively.

CLARIFICATION OF SENIOR GENERAL AND FLAG OFFICERS' TO CONTINUATION IN GRADE DURING A CHANGE IN STATUS

SEC. 523. Section 601(b) of title 10, United States Code, is amended to read as follows:

"(b) An officer who is appointed to the grade of general, admiral, lieutenant general, or vice admiral for service in a position of importance and responsibility designated to carry that grade shall continue to hold that grade—

"(1) while serving in that position of importance and responsibility;

"(2) while under orders transferring him to another position designating to carry one of those grades, beginning on the day his assignment to the first position is terminated and ending on the day before the day on which he assumes the second position;

"(3) while hospitalized, beginning on the day of the hospitalization and ending on the day he is discharged from the hospital, but not for more than 180 days; and

"(4) while awaiting retirement, beginning on the day he is relieved from the position designated to carry one of those grades and ending on the day before his retirement, but not for more than 90 days.".

AUTHORITY TO USE MEANS OTHER THAN BOARDS TO DECIDE WHETHER AN OFFICER SHOULD BE REQUIRED TO SHOW CAUSE FOR RETENTION

SEC. 524. (a) Section 618(b)(2) of title 10, United States Code, is amended to read as follows:

"(2) If the report of a selection board names an officer as having a record which indicates that the officer should be required to show cause for his retention on active duty, the Secretary concerned may provide for the review of the record of that officer as provided for under regulations prescribed under section 1181 of this title.".

(b)(1) Section 1181 of such title is amended to read as follows:

"§1181. Authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons

"(a) Subject to such limitations as the Secretary of Defense may prescribe, the Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any commissioned officer (other than a commissioned warrant officer or a retired officer) of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps to determine whether such officer shall be required, because his performance of duty has fallen below standards prescribed by the Secretary of Defense, to show cause for his retention on active duty.

"(b) Subject to such limitations as the Secretary of Defense may prescribe, the Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any commissioned officer (other than a commissioned warrant officer or a retired officer) of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps to determine whether such officer should be required, because of misconduct, because of moral or professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on active duty.".

(2) The item relating to section 1181 in the table of sections at the beginning of chapter 60 of such title is amended to read as follows:

"1181. Authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons.".

(3) The amendments made by paragraphs (1) and (2) shall take effect on the first day of the first month that begins more than 60 days after the date of the enactment of this Act, but shall not apply to any case in which, before that date, a board of officers has been ordered to convene under the provisions of section 1181 of title 10, United States Code, as in effect before that date.

REMOVAL FROM FURTHER CONSIDERATION FOR PROMOTION OF OFFICERS IN PAY GRADE O-3 WHO HAVE TWICE FAILED OF SELECTION FOR PROMOTION

SEC. 525. (a) Subsection (b) of section 619 of title 10, United States Code, is amended—

(1) by striking out "An officer" and inserting in lieu thereof "(1) Except as provided in paragraph (2), an officer"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Paragraph (1) does not apply to a regular officer who is ineligible for consideration for promotion under section 631(c) of this title or to a reserve officer who has failed of selection for promotion to the grade of captain or, in the case of an officer of the Navy, lieutenant for the second time.".

(b) Subsection (c)(2) of such section is amended—

(1) by striking out "and" at the end of clause (B);

(2) by striking out the period at the end of clause (C) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(D) may, by regulation, preclude from consideration by a selection board by which he would otherwise be eligible to be considered, an officer who has an established separation date that is within 90 days after the date the board is convened.".

(4) Section 631 of such title is amended by adding at the end thereof the following new subsection:

"(c) An officer who is subject to discharge under subsection (a)(1) is not eligible for further consideration for promotion.".

DETERMINATION OF DATE OF RANK FOR OFFICERS WHOSE PROMOTIONS ARE DELAYED ADMINISTRATIVELY

SEC. 526. Paragraphs (1) and (2) of section 624(d) of title 10, United States Code, are each amended by striking out the period at the end and inserting in lieu thereof ", unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the active-duty list as the Secretary considers appropriate under the circumstances.".

SPECIAL SELECTION BOARDS FOR WARRANT OFFICERS

SEC. 527. (a) Subsections (a)(1) and (b)(1) of section 628 of title 10, United States Code, are amended by striking out "(composed in

accordance with section 612 of this title)" and inserting in lieu thereof "(composed in accordance with section 612 of this title or, in the case of a warrant officer, composed in accordance with section 558 of this title and regulations prescribed by the Secretary of the military department concerned)".

(b) Section 641 of such title is amended by striking out "(other than section 640)" and inserting in lieu thereof "(other than section 640 and, in the case of warrant officers, section 628)".

AUTHORITY TO DISCHARGE RESERVE SECOND LIEUTENANTS AND ENSIGNS FOUND NOT QUALIFIED FOR PROMOTION

SEC. 528. (a) Section 1005 of title 10, United States Code, is amended—

(1) by striking out "A reserve commissioned officer, other than a commissioned warrant officer," and inserting in lieu thereof "(a) Except as provided in subsection (b), a reserve commissioned officer";

(2) by striking out the comma after "any other provision of law"; and

(3) by adding at the end thereof the following new subsection:

"(b) Subsection (a) does not prevent the discharge or transfer from an active status of—

"(1) a commissioned warrant officer; or

"(2) an officer on the active-duty list who is found not qualified for promotion to the grade of first lieutenant, in the case of an officer of the Army, Air Force, or Marine Corps, or lieutenant (junior grade), in the case of an officer of the Navy.".

(b) Section 3819 of such title is amended—

(1) by inserting "(a)" before "Except as provided";

(2) by inserting "and not on the active-duty list" after "in an active status"; and

(3) by adding at the end thereof the following new subsection:

"(b) Except as provided by section 1006 of this title, each second lieutenant of the Army Reserve who is on the active-duty list of the Army and is found not qualified for promotion to the reserve grade of first lieutenant shall be discharged from his reserve appointment not later than the end of the 18-month period beginning on the date on which he is first found not qualified for promotion to that grade, unless he is promoted to that grade before the end of that period.".

(c) Section 6389 of such title is amended by adding at the end thereof the following new subsection:

"(g) An officer in an active status in the Naval Reserve in the permanent grade of ensign who is found not qualified for promotion to the grade of lieutenant (junior grade), and an officer in an active status in the Marine Corps Reserve in the permanent grade of second lieutenant who is found not qualified for promotion to the grade of first lieutenant, may (unless he is sooner promoted) be eliminated from an active status.".

(d) Section 8819 of such title is amended by adding at the end thereof the following new subsection:

"(c) Except as provided by section 1006 of this title, each second lieutenant of the Air Force Reserve who is on the active-duty list of the Air Force and is found not qualified for promotion to the reserve grade of first lieutenant shall be discharged from his reserve appointment not later than the end of the 18-month period beginning on the date on which he is first found not qualified for promotion to that grade, unless he is promoted to that grade before the end of that period.".

NAVY LIMITED DUTY OFFICERS

SEC. 529. (a) Section 619(d)(2) of title 10, United States Code, is amended by striking out "Navy or" and "lieutenant commander or".

(b) Section 633 of such title is amended by striking out "Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies)" and inserting in lieu thereof "Except an officer of the Navy designated for limited duty to whom section 5596(e) of this title applies and an officer of the Marine Corps designated for limited duty to whom section 5596(e) or section 6383 of this title applies".

(c)(1) Subsection (a) of section 6383 of such title is amended by striking out "each regular officer of the Navy or Marine Corps" and inserting in lieu thereof "each regular officer of the Navy who is an officer designated for limited duty and who is serving in a grade below the grade of commander and each regular officer of the Marine Corps who is an officer".

(2) Subsection (d) of such section is amended by striking out "Each" and inserting in lieu thereof "Except as provided in subsection (i), each".

(3) Subsection (i) of such section is amended—

(A) by inserting "or the discharge under subsection (d)" after "the retirement under subsection (a) or (b)"; and

(B) by striking out the second sentence and inserting in lieu thereof the following: "An officer whose retirement is deferred under this subsection and who is not subsequently promoted may not be continued on active duty beyond 20 years active commissioned service, if in the grade of lieutenant or captain, beyond 24 years active commissioned service, if in the grade of lieutenant commander or major, or beyond 28 years active commissioned service, if in the grade of lieutenant colonel, or beyond age 62, whichever is earlier.".

APPOINTMENT IN PERMANENT GRADE OF CERTAIN LIMITED DUTY OFFICERS SERVING IN HIGHER TEMPORARY GRADES

SEC. 530. Section 616 of the Defense Officer Personnel Management Act (10 U.S.C. 611 note) is amended by adding at the end thereof the following new subsection:

"(c) An officer of the Navy or Marine Corps who on September 15, 1981, was an officer designated for limited duty under section 5589 of title 10, United States Code, and who on the date of the enactment of this subsection is serving in a temporary grade above the grade of lieutenant, in the case of an officer of the Navy, or captain, in the case of an officer of the Marine Corps, may be reappointed under section 5589 of title 10, United States Code (as in effect on or after September 15, 1981), in the same permanent grade and with the same date of rank held by that officer on the active-duty list immediately before such reappointment if he is otherwise eligible for appointment under that section.".

DETERMINATION OF SEVERANCE PAY IN CERTAIN CASES

SEC. 531. Section 631 of the Defense Officer Personnel Management Act (10 U.S.C. 611 note) is amended—

(1) by striking out "the day before the effective date of this Act" each place it appears and inserting in lieu thereof "September 14, 1981";

(2) by striking out "on or" in subsection (a)(2);

(3) by striking out the period at the end of subsection (a) and inserting in lieu thereof ", unless (in the case of a member discharged or released on or after the date of the enactment of the Department of Defense Authorization Act, 1985) the Secretary concerned determines that the conditions under which the member is discharged or separated do not warrant such pay.";

(4) by striking out "to whom subsection (a) applies is" in subsection (b) and inserting in lieu thereof "who is entitled to receive a readjustment payment or severance pay under subsection (a) is also"; and

(5) by striking out "a readjustment payment or" in subsection (b) and inserting in lieu thereof "the readjustment payment and".

CONSIDERATION FOR PROMOTION OF CERTAIN RETIRED OFFICERS WHO LATER SERVE ON ACTIVE DUTY

SEC. 532. (a) Title VI of the Defense Officer Personnel Management Act (10 U.S.C. 611 note) is amended by adding at the end of part C the following new section:

"SAVINGS PROVISION FOR PROMOTION CONSIDERATION OF CERTAIN RETIRED OFFICERS

"SEC. 639. Notwithstanding sections 619, 620, and 641(4) of title 10, United States Code, a retired officer serving on active duty on the date of the enactment of this section who on September 14, 1981, was on active duty as a retired officer recalled to active duty and who—

"(1) was eligible for consideration for promotion on that date; and

"(2) has served continuously on active duty since that date,

may be considered for promotion (under regulations prescribed by the Secretary of the military department concerned) by a selection board that convenes after the date of the enactment of this section as if he had been placed on the active-duty list pursuant to section 621 of this Act.".

(b) The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 638 the following new item:

"Sec. 639. Savings provision for promotion consideration of certain retired officers."

TECHNICAL AMENDMENTS

SEC. 533. (a) Paragraph (1) of section 645 of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting "(other than after having been placed on that list after a selection from below the promotion zone)" after "to that grade" in clauses (i)(II) and (ii)(II); and

(2) in subparagraph (B)—

(A) by inserting "in the promotion zone" after "the junior officer"; and

(B) by striking out "in the promotion zone" after "higher grade".

(b) Section 680(b)(3) of such title is amended by inserting ", separation pay," after "retired pay".

(c) Sections 3964 and 8964 of such title are amended by striking out "temporary".

(d)(1) Subsections (a) and (b) of section 4336 of such title are amended by striking out "when a regular officer" in the second sentence and all that follows through "grade of colonel," and inserting in lieu thereof "on which he would have been promoted had he been selected for promotion from among officers in the promotion zone,".

(2) Subsections (a) and (b) of section 9336 of such title are amended by striking out "when a regular officer" in the second sentence and all that follows through "grade of colonel," and inserting in lieu thereof "on which he would have been promoted had he been selected for promotion from among officers in the promotion zone,".

(e) Section 5891(c) of such title is amended by striking out "a lineal list" both places it appears and inserting in lieu thereof "the active-duty list".

(f)(1) Section 6482 of such title is repealed.

(2) The table of sections at the beginning of chapter 575 of such title is amended by striking out the item relating to section 6482.

(g) Section 404(c)(1)(B) of title 37, United States Code, is amended by inserting "separation pay or" before "severance pay" and before "readjustment pay".

PART D—OFFICER TRAINING PROGRAMS

CLARIFICATION OF AUTHORITY TO ORDER CERTAIN CADETS AND MIDSHIPMEN TO ACTIVE DUTY

SEC. 541. (a) Section 4348(a) of title 10, United States Code, is amended—

(1) by striking out ", unless sooner separated," in the matter preceding clause (1);

(2) by inserting "unless sooner separated from the Academy," in clause (1) before "complete the"; and

(3) by inserting ", unless sooner separated from the service," in clause (2) before "serve" and in clause (3) before "remain".

(b) Section 6959(a) of such title is amended—

(1) by striking out ", unless sooner separated," in the matter preceding clause (1);

(2) by inserting "unless sooner separated from the Naval Academy," in clause (1) before "complete the"; and

(3) by inserting ", unless sooner separated from the naval service," in clause (2) before "serve" and in clause (3) before "remain".

(c) Section 9348(a) of title 10, United States Code, is amended—

(1) by striking out ", unless sooner separated," in the matter preceding clause (1);

(2) by inserting "unless sooner separated from the Academy," in clause (1) before "complete the"; and

(3) by inserting ", unless sooner separated from the service," in clause (2) before "serve" and in clause (3) before "remain".

(d) The amendments made by this section shall apply with respect to agreements entered into under section 4348, 6959, or 9348 of title 10, United States Code, before, on, or after the date of the enactment of this Act.

EXTENSION OF MILITARY SERVICE OBLIGATION OF SERVICE ACADEMY AND ROTC CADETS AND MIDSHIPMEN

SEC. 542. (a) Section 2107(b)(5) of title 10, United States Code, is amended—

(1) by striking out the semicolon in subclause (A)(i) and inserting in lieu thereof "or before such other date, not beyond the eighth anniversary of the midshipman's date of rank, that the Secretary of Defense may prescribe; and

(2) by striking out "the sixth anniversary" in subclause (C)(ii) and inserting in lieu thereof "at least the sixth anniversary and, at the discretion of the Secretary of Defense, up to the eighth anniversary".

(b) Section 4348(a)(3) of such title is amended by striking out "the sixth anniversary" and inserting in lieu thereof "at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary".

(c) Section 6959(a)(3) of such title is amended by striking out "the sixth anniversary" and inserting in lieu thereof "at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary".

(d) Section 9348(a)(3) of such title is amended by striking out "the sixth anniversary" and inserting in lieu thereof "at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary".

ELIGIBILITY FOR ADVANCED TRAINING IN SENIOR ROTC

SEC. 543. (a) Section 2104 of title 10, United States Code, is amended—

(1) by striking out ", who have two academic years remaining at such educational institution" in subsection (a); and

(2) by striking out subsection (b)(6) and inserting in lieu thereof the following:

"(6) either—

"(A) complete successfully—

"(i) the first two years of a four-year Senior Reserve Officers' Training Corps course; or

"(ii) field training or a practice cruise of not less than six weeks' duration which is prescribed by the Secretary concerned as a preliminary requirement for admission to the advanced course; or

"(B) at the discretion of the Secretary concerned, agree in writing to complete field training or a practice cruise, as prescribed by the Secretary concerned, within two years after admission to the advanced course.".

(b) The amendments made by subsection (a) do not constitute authority for the enactment of new budget authority for a fiscal year beginning before October 1, 1984.

PART E—MISCELLANEOUS

WOMEN IN THE ARMED FORCES

SEC. 551. (a) The Secretary of the Air Force shall provide that of all persons originally enlisting in the Regular Air Force during the period beginning on October 1, 1986, and ending on September 30, 1988—

(1) not less than 19 percent of those enlisting during fiscal year 1987 shall be women; and

(2) not less than 22 percent of those enlisting during fiscal year 1988 shall be women.

(b) The Secretary of Defense shall study the propensity of young women to serve in the military and shall submit a report to Congress with the Secretary's review and analysis of that propensity not later than six months after the date of the enactment of this Act.

RESERVE FORCES READINESS

SEC. 552. (a)(1) The Secretary of Defense shall conduct a review of the various systems used to measure the readiness of reserve units of the Armed Forces and shall implement a measurement system for the active and reserve components of the Armed Forces to provide an objective and uniform evaluation of the readiness of all units of the Armed Forces. The measurement system should be designed to produce information adequate to provide comparisons concerning the readiness of all units. The system for evaluation of the readiness of a unit of an active component should incorporate the performance of any unit of a reserve component affiliated with the active component unit, including the effect of the reserve component unit on the mobilization capability of the active component unit.

(2) Not later than March 31, 1985, the Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives describing the results of the review under paragraph (1) and the measurement system implemented in accordance with that paragraph.

(b)(1) The Secretary of Defense, acting through the Assistant Secretary of Defense for Reserve Affairs, shall conduct a study to evaluate the feasibility of allocating equipment to units of reserve components based on a measure of effectiveness of such units. The study should consider the effects of allocating equipment by comparing units with similar deployment times and similar capabilities in terms of training and equipment rather than by comparing all reserve component units with each other. The study should be integrated with an evaluation of the system for measuring unit effectiveness to be implemented in accordance with subsection (a).

(2) As part of the report under subsection (a)(2), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study carried out under paragraph (1).

(c) It is the sense of Congress that the number of members of the Army Reserve and of the Army National Guard assigned to full-time manning duty should be increased to 14 percent of the total membership of the Army Reserve and of the Army National Guard, respectively, by fiscal year 1989.

(d)(1)(A) The Secretary of Defense, acting through the Assistant Secretary of Defense for Reserve Affairs, shall conduct a study of the benefits of a longer training program for certain units of the reserve components and shall conduct a test of such a program. The test program should begin at the earliest realistic date.

(B) In developing training programs for the reserve components, the Secretary shall give increased attention to innovative training technologies, techniques, and schedules that recognize the limitations on time and the geographic dispersion of the reserve components.

(2) Not later than March 31, 1985, the Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives describing the study under paragraph (1).

(e) The Secretary of Defense shall conduct at least one major mobilization exercise each year. The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units. The Secretary shall develop a plan by June 30, 1985, to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

(f)(1) In order to encourage members of the Armed Forces whose military service obligation is expiring and who do not choose to reenlist or otherwise extend their service on active duty or in active elements of reserve components to remain in the Armed Forces as members of the Individual Ready Reserve, the Secretary of Defense shall consider making greater use of the authority provided under section 308h of title 37, United States Code, to pay bonuses to persons reenlisting for periods of not less than three years in the Individual Ready Reserve.

(2) Such section is amended by striking out the period at the end of subsection (b) and inserting in lieu thereof "and shall be paid in equal annual increments.".

(g) This section does not apply to the Coast Guard.

PRECEDENCE OF AWARD OF PURPLE HEART

SEC. 553. (a) Chapter 57 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1127. Precedence of the award of the Purple Heart

"In prescribing regulations establishing the order of precedence of awards and decorations authorized to be displayed on the

uniforms of members of the armed forces, the Secretary of the military department concerned shall accord the Purple Heart a position of precedence, in relation to other awards and decorations authorized to be displayed, not lower than that immediately following the lowest position accorded any award or decoration for valor.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1127. Precedence of the award of the Purple Heart.".

STUDY OF MILITARY REGULATIONS WITH REGARD TO RELIGIOUS PRACTICES

SEC. 554. (a) In order to promote the free expression of religion by members of the Armed Forces to the greatest extent possible consistent with the requirements of military discipline, the Secretary of Defense shall form a study group to examine ways to minimize the potential conflict between the interests of members of the Armed Forces in abiding by their religious tenets and the military interest in maintaining discipline.

(b) The study group shall consist of eight members appointed by the Secretary of Defense, of whom—

(1) one shall be appointed from members of each of the four Armed Forces under the jurisdiction of the Secretary of Defense upon the recommendation of the respective Secretaries of the military departments;

(2) three shall be appointed upon the recommendation of the Armed Forces Chaplain Board; and

(3) one shall be appointed upon the recommendation of the Assistant Secretary of Defense for Manpower, Installations, and Logistics.

The Secretary of Defense shall designate one of the members to serve as chairman of the study group.

(c) In carrying out its functions under subsection (a), the study group shall make the maximum effort to ascertain the views of the broadest spectrum of religious organizations and to use the research and intellectual resources of specialists outside the Government through receipt of written or oral presentations to the study group.

(d) Not later than February 1, 1985, the study group shall submit to the Secretary of Defense a report containing its findings and recommendations. Not later than 20 days after receiving that report, the Secretary of Defense shall submit to Congress a copy of the report, together with the Secretary's comments on the report, and shall issue appropriate implementing policy to the Secretaries of the military departments. Such implementing policy shall require that any change in regulations required by reason of that implementing policy be issued by the Secretaries of the military departments not later than 30 days after the date of the issuance of that implementing policy.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—BASIC PAY AND ALLOWANCES

MILITARY PAY RAISE FOR FISCAL YEAR 1985

SEC. 601. (a) Any adjustment required by section 1009 of title 37, United States Code, in elements of the compensation of members of the uniformed services to become effective during fiscal year 1985 shall not be made.

(b)(1) Except as provided in paragraph (2), the rates of basic pay and basic allowances for subsistence for members of the uniformed services are increased by 4 percent effective on January 1, 1985.

(2) The increase in rates of basic pay and basic allowances for subsistence provided for in paragraph (1) shall not apply to enlisted members in pay grade E-1 with less than 4 months active duty.

BASIC ALLOWANCE FOR QUARTERS AND VARIABLE HOUSING ALLOWANCE

SEC. 602. (a)(1) Effective on January 1, 1985, the rates of the basic allowance for quarters authorized by section 403(a)(1) of title 37, United States Code, are as follows:

"Pay grade	Without dependents: Full rate	Without dependents: Partial rate[1]	With dependents
Commissioned officers:			
O-10	$537.30	$50.70	$660.90
O-9	537.30	50.70	660.90
O-8	537.30	50.70	660.90
O-7	537.30	50.70	660.90
O-6	493.20	39.60	599.40
O-5	465.30	33.00	552.30
O-4	426.60	26.70	504.90
O-3	345.30	22.20	420.90
O-2	278.10	17.70	360.90
O-1	238.50	13.20	323.70
Warrant officers:			
W-4	391.20	25.20	453.90
W-3	330.30	20.70	405.90
W-2	297.00	15.90	379.50
W-1	251.40	13.80	330.90
Enlisted members:			
E-9	315.30	18.60	429.90
E-8	292.20	15.30	400.50
E-7	249.30	12.00	372.60
E-6	221.40	9.90	337.80
E-5	204.90	8.70	300.30
E-4	177.60	8.10	259.50
E-3	172.50	7.80	238.50
E-2	146.40	7.20	238.50
E-1	133.50	6.90	238.50".

[1] Payable to a member without dependents who under section 403 (b) or (c) of title 37, United States Code, is not entitled to receive a basic allowance for quarters.".

(2) During the period beginning on January 1, 1985, and ending on the date on which any change is made by law in any of the rates of basic allowance for quarters for members of the uniformed services prescribed in paragraph (1), the rate of the basic allowance for quarters authorized by section 403(a)(1) of title 37, United States Code, which is payable to a member of the uniformed services who is entitled to that allowance on or after January 1, 1985, and before the date of any such change and who was entitled to that allowance on December 31, 1984, shall not be less than the rate of the basic allowance for quarters that was in effect for that member on December 31, 1984 (unless the member holds a lower grade than he held on that date or has had a change in dependent status from a "with dependents" status to a "without dependents" status).

(b)(1) During the period beginning on October 1, 1984, and ending on January 1, 1985, the Secretary of a military department may not pay a variable housing allowance under section 403(a)(2) of title 37, United States Code, except in accordance with the limitations on such payments applicable during fiscal year 1984 under the provisions of sections 786 and 792 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212).

(2) Section 906 of the Department of Defense Authorization Act, 1984 (Public Law 98-94), is amended by striking out "fiscal year 1984" and inserting in lieu thereof "the period beginning on October 1, 1983, and ending on January 1, 1985".

(c)(1) Subsection (a) of section 403 of title 37, United States Code, is amended by striking out "(1)" after "(a)" and by striking out paragraph (2).

(2) The heading of such section is amended to read as follows:

"§ 403. Basic allowance for quarters".

(d)(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section:

"§ 403a. Variable housing allowance

"(a)(1) Except as provided in subsection (b) of this section, a member of a uniformed service entitled to basic allowance for quarters is entitled to a variable housing allowance under this section whenever assigned to duty in an area of the United States which is a high housing cost area with respect to that member. A member with dependents who is assigned to an unaccompanied tour of duty outside the United States is entitled to a variable housing allowance while serving that tour of duty for any period during which the member's dependents reside in an area of the United States where, if the member were assigned to duty in that area, the member would be entitled to receive a variable housing allowance.

"(2) In the case of a member with dependents—

"(A) who is assigned to duty inside the United States the location or the circumstances of which make it necessary that his dependents reside at another location; and

"(B) whose dependents reside in an area of the United States where, if the member were assigned to duty in that area, the member would be entitled to receive a variable housing allowance at a rate other than the rate to which the member is entitled (if at all) in the area of his duty assignment,

the member may be paid a variable housing allowance as if he were assigned to duty in the area in which his dependents reside if the Secretary concerned determines (under regulations prescribed under subsection (e) of this section) that it would be inequitable to base the member's entitlement to, and amount of, variable housing allowance on the area to which the member is assigned.

"(3) In the case of a member with dependents—

"(A) who is assigned to an unaccompanied tour of duty in Alaska or Hawaii; and

"(B) who would, if his duty station were outside the United States, be entitled to a family separation allowance under section 427(a) of this title,

the member may be paid a variable housing allowance at the rate applicable to a member without dependents serving in the same grade and at the same location. Payment of a variable housing allowance under this paragraph shall be in addition to any allowance or per diem to which the member otherwise may be entitled under this title.

"(b) A member of a uniformed service is not entitled to a variable housing allowance—

"(1) in the case of a member who makes a change in permanent duty station, for the number of days that travel is authorized between permanent duty stations (under regulations prescribed under subsection (e) of this section);

"(2) in the case of a member with dependents, if the member (A) is assigned to unaccompanied personnel housing of the United States (or an unaccompanied personnel housing facility under the jurisdiction of a uniformed service) appropriate to his grade, rank, or rating and adequate for himself, and (B) is authorized the basic allowance for quarters at the rate established for a member with dependents solely by reason of a court order requiring the member to pay support for dependents; or

"(3) in the case of a member of a reserve component, while on active duty under a call or order to active duty specifying a period of less than 140 days.

"(c)(1) The monthly amount of a variable housing allowance under this section for a member of a uniformed service with respect to an area is the difference between (A) the median monthly cost of housing in that area for members of the uniformed services serving in the same pay grade as that member, and (B) 80 percent of the median monthly cost of housing in the United States for members of the uniformed services serving in the same pay grade as that member.

"(2) The rates of variable housing allowance shall be reduced as necessary to comply with subsection (d) of this section.

"(3) The effective date of any adjustment in rates of variable housing allowance because of a redetermination of median monthly costs of housing under this subsection shall be the same as the effective date of the next increase after such redetermination in the basic allowances for quarters.

"(4) For the purposes of this section, an area shall be considered to be a high housing cost area with respect to a member of a uniformed service whenever the median monthly cost of housing in that area for members of the uniformed services serving in the same pay grade as that member exceeds 80 percent of the median monthly cost of housing in the United States for members of the uniformed services serving in the same pay grade as that member.

"(5) Any reduction required under paragraph (2) of this subsection and any determination of median monthly costs of housing under this subsection shall be made under regulations prescribed under subsection (e) of this section.

"(d)(1) The total amount that may be paid for a fiscal year for the variable housing allowance authorized members of the uniformed services by this section is the product of—

"(A) the total amount authorized to be paid for such allowance for the preceding fiscal year (as adjusted under paragraph (3) of this subsection); and

"(B) a fraction—

"(i) the numerator of which is the military housing cost index for October of the preceding fiscal year; and

"(ii) the denominator of which is the military housing cost index for October of the fiscal year before the preceding fiscal year.

"(2) The military housing cost index is the housing component of the Consumer Price Index (as determined by the Bureau of Labor Statistics of the Department of Labor), as adjusted under regulations prescribed under subsection (e) of this section. Such regulations may assign weights to the elements of that housing component other than those assigned by the Secretary of Labor in order more appropriately to reflect the distribution of elements of housing costs of members of the uniformed services.

"(3) In making a determination under paragraph (1) of this subsection for a fiscal year, the amount authorized to be paid for the preceding fiscal year for the variable housing allowance shall be adjusted to reflect changes during the year for which the determination is made in the number, grade distribution, and dependency status of members of the uniformed services entitled to variable housing allowance from the number of such members during the preceding fiscal year. Adjustments under this paragraph shall be made in accordance with regulations prescribed under subsection (e) of this section.

"(e) The President may prescribe regulations for the administration of this section.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 403 and inserting in lieu thereof the following:

"403. Basic allowance for quarters.
"403a. Variable housing allowance.".

(3) Section 7572(b)(1)(B) of title 10, United States Code, is amended by striking out "section 403" and inserting in lieu thereof "section 403a".

(e) Section 405 of title 37, United States Code, is amended—

(1) by inserting "(a)" before "Without regard to";

(2) by designating the third sentence as subsection (b) and by inserting "for a member who is on duty outside of the United States" in such sentence after "under this section";

(3) by inserting after such sentence the following new sentence: "A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska."; and

(4) by designating the last sentence as subsection (c).

(f)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on January 1, 1985.

(2) A member who on December 31, 1984, is assigned to a permanent duty station in Alaska or Hawaii and is entitled on that date to a station housing allowance under section 405 of title 37, United States Code, shall, until he departs that station as a result of a permanent change of duty station, be entitled to receive that allowance as if the amendment made by subsection (d) had not been enacted and shall not be entitled to a variable housing allowance under section 403a of this title (as added by subsection (c)).

(3)(A) For the period beginning on January 1, 1985, and ending on September 30, 1985, the limitation applicable under subsection (d)(1) of section 403a of title 37, United States Code (as added by subsection (d)), on the total amount that may be paid during a fiscal year for the variable housing allowance authorized members of the uniformed services by that section shall be 15 percent of the annualized cost of housing in the United States for members of the uniformed services as measured during fiscal year 1984.

(B) In determining for the purposes of clause (A) of such subsection the total amount authorized to be paid for such allowance for fiscal year 1985, such amount shall be determined as if the amendments made by this section took effect on October 1, 1984.

REIMBURSEMENT FOR ACCOMMODATIONS IN PLACE OF QUARTERS

SEC. 603. (a) Section 7572(b)(3) of title 10, United States Code, is amended—

(1) by striking out "and" after "fiscal year 1983,"; and

(2) by inserting ", and $1,421,000 for fiscal year 1985" after "fiscal year 1984".

(b) Section 3 of Public Law 96-357 (10 U.S.C. 7572 note) is amended by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985".

CLARIFICATION OF AUTHORITY TO DENY CERTAIN MEMBERS WITHOUT DEPENDENTS RIGHT TO ELECT TO RECEIVE BASIC ALLOWANCE FOR QUARTERS RATHER THAN OCCUPY MILITARY QUARTERS

SEC. 604. (a) Section 403(j)(2) of title 37, United States Code, is amended by striking out "military discipline" and inserting in lieu thereof "a training mission, military discipline,".

(b) The amendment made by subsection (a) shall apply only with respect to members making an election under section 403(b) of title 37, United States Code, after September 30, 1984.

COMMUTATION OF RATIONS FOR RESERVISTS ON INACTIVE DUTY TRAINING WHO ARE UNABLE TO OBTAIN RATIONS IN KIND

SEC. 605. Effective on October 1, 1984, section 402(b) of title 37, United States Code, is amended by adding at the end thereof the following new sentence: "The Secretary concerned may provide an enlisted member who could be provided rations in kind under the preceding sentence with a commutation when rations in kind are not available.".

FORFEITURE OF ACCRUED LEAVE BY CERTAIN MEMBERS WHO SERVE ON ACTIVE DUTY LESS THAN SIX MONTHS

SEC. 606. (a) Section 501(e) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary concerned may require that a member of a uniformed service who is discharged before completing six months of active duty because of a failure to serve satisfactorily (as determined by the Secretary concerned) forfeit all accrued leave to his credit at the time of his discharge.".

(b) The amendments made by subsection (a) shall apply in the case of members of the uniformed service (as defined in section 101(3) of title 37, United States Code) who enlist or are commissioned on or after the date of the enactment of this Act.

DENIAL OF CREDIT FOR TIME SPENT IN A DELAYED ENLISTMENT PROGRAM FOR PURPOSES OF COMPUTATION OF BASIC PAY

SEC. 607. (a) Section 205 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding subsection (a) of this section, a period served by a member of a uniformed service in a reserve component under an enlistment under section 511 of title 10 before the member—

"(1) begins service on active duty under subsection (b) of that section, or

"(2) begins an initial period of active duty for training under subsection (d) of that section,

may not be counted under this section.".

(b) The amendment made by subsection (a) shall apply to persons who enlist under section 511 of title 10, United States Code, on or after the first day of the third calendar month which begins after the date of the enactment of this Act.

PART B—TRAVEL AND TRANSPORTATION

EMERGENCY MEDICAL TRANSPORTATION FOR DEPENDENTS OF MEMBERS STATIONED IN ALASKA OR HAWAII

SEC. 611. Effective on October 1, 1984, section 1040(a) of title 10, United States Code, is amended by inserting "or in Alaska or Hawaii" after "outside the United States".

TRANSPORTATION INCIDENT TO EMERGENCY LEAVE FOR MEMBERS WHOSE RESIDENCES ARE IN POSSESSIONS OF THE UNITED STATES

SEC. 612. (a)(1) Section 411d of title 37, United States Code, is amended to read as follows:

"§ 411d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents

"(a) Under uniform regulations prescribed by the Secretaries concerned, transportation in accordance with subsection (b) of this section may be provided for a member of a uniformed service and for dependents of that member authorized to reside at the member's duty station (or authorized to reside at another location and receive a station allowance) incident to emergency leave granted for reasons of a personal emergency (or in the case of transportation provided only for a dependent, under circumstances involving a personal emergency similar to the circumstances for which emergency leave could be granted a member).

"(b)(1) In the case of a member stationed outside the continental United States and the dependents of such a member, transportation under this section may be provided from the international airport nearest the location of the member and dependents at the time notification of the personal emergency is received or the international airport nearest the member's permanent duty station (and if the member's dependents reside at another overseas location and receive a station allowance, from that location)—

"(A) to the international airport in the continental United States closest to the international airport from which the member and his dependents departed; or

"(B) to an airport in Alaska, Hawaii, the Commonwealth of Puerto Rico, any possession of the United States, or any other location outside the continental United States, as determined by the Secretary concerned.

"(2) In the case of a member whose domicile is outside the continental United States and who is stationed in the continental United States and the dependents of such a member, transportation under this section may be provided from the international airport in the continental United States nearest the location of the member and dependents at the time notification of the personal emergency is received or the international airport nearest the member's permanent duty station to an international airport in Alaska, Hawaii, the Commonwealth of Puerto Rico, a possession of the United States, or any other location outside the continental United States, as determined by the Secretary concerned.

"(3) In the case of a member stationed outside the continental United States whose dependents reside in the continental United States, transportation under this section may be provided for the member as described in paragraph (1) of this subsection and for the dependents as described in paragraph (2) of this subsection.

"(4) Whenever transportation is provided under this section, return transportation may be provided to the international airport from which the member or dependent departed or the international airport nearest the member's duty station.

"(c) Transportation under this section may be authorized only upon a determination that, considering the nature of the personal emergency involved, Government transportation is not reasonably available. The cost of transportation authorized under this section for a member, or the dependents of a member, may not exceed the cost of Government-procured commercial air travel between the applicable locations described in subsection (b) of this section.

"(d) In this section, 'continental United States' means the 48 contiguous States and the District of Columbia.".

(2) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"411d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.".

(b) The amendment made by subsection (a)(1) shall apply with respect to transportation begun after September 30, 1984.

TRAVEL PAY FOR CERTAIN RESERVE COMPONENT INSTUCTORS

SEC. 613. (a) Section 404(a) of title 37, United States Code, is amended—

(1) by striking out "and" at the end of clause (3);

(2) by striking out the period at the end of clause (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(5) when not on active duty, if assigned to a Reserve school, and attending a reserve training meeting for the purpose of performing duties as an instructor at such meeting, if such meeting is 100 or more miles from the site at which the member would attend paid drills of the Reserve school to which he is assigned.".

(b) The amendments made by subsection (a) shall apply with respect to travel performed after September 30, 1984.

TRANSPORTATION BETWEEN RESIDENCE AND PLACE OF WORK FOR SENIOR DEFENSE OFFICIALS

SEC. 614. (a) Chapter 157 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2637. Transportation between residence and place of work for senior defense officials

"Passenger motor vehicles of the United States may be used to provide transportation between the residences and places of work or employment of the Deputy Secretary of Defense, the Under Secretaries of Defense, and the members of the Joint Chiefs of Staff.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2637. Transportation between residence and place of work for senior defense officials.".

PART C—SPECIAL AND INCENTIVE PAYS

EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR ACTIVE FORCES

SEC. 621. (a) Sections 308(g), 308a(c), and 308f(c) of title 37, United States Code, are amended by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1987".

(b) Section 308 of such title is amended—

(1) by striking out "$20,000" in subsection (a)(1) and inserting in lieu thereof "$30,000"; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end thereof the following:

"(2) Of the bonuses paid under this section to members of a uniformed service during a fiscal year, not more than 10 percent may exceed $20,000.".

EXTENSION OF SPECIAL PAY FOR CERTAIN AVIATION CAREER OFFICERS

SEC. 622. (a) Effective on October 1, 1984, section 301b of title 37, United States Code, is amended—

(1) by striking out paragraph (2) of subsection (e) and inserting in lieu thereof the following:

"(2) During the period beginning on October 1, 1984, and ending on September 30, 1985, only agreements executed by officers of the Navy may be accepted under this section."; and

(2) by striking out "September 30, 1984" in subsections (e)(3) and (f) and inserting in lieu thereof "September 30, 1985".

(b) Not later than February 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written report on the adequacy of the incentive pay for aviation career officers provided for in section 301a of title 37, United States Code, to meet the recruiting and retention needs of each of the Armed Forces and on the relationship, if any, between that incentive pay and the special pay for certain Navy pilots provided for in section 301b of such title, as amended by subsection (a) of this section. The Secretary shall include in the report such recommendations for legislation regarding aviation career incentive and special pay as the Secretary considers appropriate.

SPECIAL PAY FOR SEA DUTY AND SPECIAL SKILLS FOR ENLISTED MEMBERS

SEC. 623. (a) The table relating to rates of special pay for enlisted members in section 305a(b) of title 37, United States Code, is amended to read as follows:

"ENLISTED MEMBERS

"Pay grade	Years of sea duty—								
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8
E-4	$50	$60	$125	$160	$175	$175	$175	$175	$175
E-5	60	70	140	175	185	190	205	220	220
E-6	125	135	170	190	210	215	225	235	245
E-7	135	145	215	235	255	260	265	265	270
E-8	165	180	225	255	265	270	280	285	290
E-9	175	195	235	265	280	290	310	310	310

Pay grade	Years of sea duty—							
	Over 9	Over 10	Over 11	Over 12	Over 13	Over 14	Over 16	Over 18
E-4	$175	$175	$175	$175	$175	$175	$175	$175
E-5	220	220	220	220	220	220	220	220
E-6	255	265	265	280	295	310	325	340
E-7	275	280	300	310	330	350	370	390
E-8	300	310	310	320	340	360	380	400
E-9	310	320	330	350	370	390	410	410".

(b)(1) Section 307 of such title is amended to read as follows:

"§ 307. Special pay: special duty assignment pay for enlisted members

"(a) An enlisted member who is entitled to basic pay and is performing duties which have been designated under subsection (b) of this section as extremely difficult or as involving an unusual degree of responsibility in a military skill may, in addition to other pay or allowances to which he is entitled, be paid special duty assignment pay at a monthly rate not to exceed $275.

"(b) The Secretary concerned shall determine which enlisted members under his jurisdiction are to be paid special duty assignment pay under subsection (a) of this section. He shall also designate those skills within each armed force under his jurisdiction for which special duty assignment pay is authorized and shall prescribe the criteria under which members of that armed force are eligible for special duty assignment pay in each skill. He may increase, decrease, or abolish such pay for any skill.

"(c) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(2) The item relating to such section 307 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"307. Special pay: special duty assignment pay for enlisted members.".

(3) A member of the uniformed services who, on September 30, 1984, was entitled to special pay under section 307 of title 37, United States Code, as in effect on such date, may continue to be paid the special pay authorized by such section as though the amendments made by this subsection had not been made. However, a member may not be paid the special pay authorized by such section as in effect on September 30, 1984, and the special pay authorized by such section as amended by this section.

(c) The amendments made by this section shall take effect on October 1, 1984.

ELIMINATION OF CERTAIN CATEGORIES OF INCENTIVE PAY FOR HAZARDOUS DUTY

SEC. 624. (a) Section 301 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out clauses (3) and (5) and redesignating clause (4) as clause (3) and clauses (6) through (13) as clauses (4) through (11), respectively;

(2) in subsection (c)(1), by striking out "(10), (11), or (12)" and inserting in lieu thereof "or (10),"; and

(3) in subsection (c)(2), by striking out "(13)" and inserting in lieu thereof "(11)".

(b) A member of the uniformed services who is entitled on the day before the date of the enactment of this Act to receive incentive pay under section 301(a)(5) (for the performance of duty involving intimate contact with persons afflicted with leprosy) shall continue to be entitled to such pay under such section as in effect on that day so long as the member continues (without a break) to be assigned to perform such duties on and after that day.

PART D—HEALTH CARE MATTERS

EXTENSION OF MEDICAL AND DENTAL CARE FOR RESERVES AND NATIONAL GUARD

SEC. 631. (a)(1) Section 1074a of title 10, United States Code, is amended to read as follows:

"§ 1074a. Medical and dental care: members on duty other than active duty; injuries, diseases and illnesses incident to duty

"(a) Under joint regulations prescribed by the Secretary of Defense, the Secretary of Transportation, and the Secretary of Health and Human Services, the following persons are entitled to the benefits described in subsection (b):

"(1) Each member of a uniformed service who contracts a disease or becomes ill in line of duty while on active duty for a period of 30 days or less, or while traveling to or from that duty.

"(2) Each member of the National Guard who contracts a disease or becomes ill in line of duty while on full-time National Guard duty, or while traveling to or from that duty.

"(3) Each member of a uniformed service who contracts a disease or becomes ill in line of duty while on inactive duty training under circumstances in which it is determined that the disease or illness was contracted or aggravated as an incident of that inactive duty training.

"(4) Each member of a uniformed service who incurs or aggravates an injury while traveling directly to or from the place at which he is to perform, or has performed, inactive duty training, unless the injury is incurred or aggravated as a result of the member's own gross negligence or misconduct.

"(b) A person described in subsection (a) is entitled to—

"(1) the medical and dental care appropriate for the treatment of his injury, disease, or illness until the resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) subsistence during hospitalization.".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1074a. Medical and dental care: members on duty other than active duty; injuries, diseases, and illnesses incident to duty.".

(b) Section 6148 of such title, relating to certain benefits of members of the Naval Reserve and Marine Corps Reserve, is amended by striking out subsection (d).

(c) The amendments made by this section shall apply only with respect to injuries incurred or aggravated and diseases or illnesses contracted or aggravated after September 30, 1984.

ENHANCED BENEFITS COVERAGE UNDER CHAMPUS

SEC. 632. (a)(1) Section 1079(a) of title 10, United States Code, is amended by striking out clause (3) and inserting in lieu thereof the following:

"(3) not more than one eye examination may be provided to a patient in any calendar year;".

(2) Section 1086(a) of such title is amended by adding at the end thereof the following new sentence: "However, eye examinations may not be provided under such plans for persons covered by subsection (c).".

(3) The amendments made by this subsection shall apply only to health care furnished after September 30, 1984.

(b) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct demonstration projects under section 1092 of title 10, United States Code, for the purpose of evaluating the cost-effectiveness of chiropractic care. In the conduct of such demonstration projects, chiropractic care (including manual manipulation of the spine and other routine chiropractic procedures authorized under joint regulations prescribed by the Secretary of Defense and the Secretary of Health and Human Services and not otherwise prohibited by law) may be provided as appropriate under chapter 55 of title 10, United States Code.

AUTHORITY TO PROVIDE DENTAL CARE TO CERTAIN DEPENDENTS IN FACILITIES OF THE UNIFORMED SERVICES

SEC. 633. (a) Section 1077(a) of title 10, United States Code, is amended—

(1) by striking out clauses (10), (11), and (12) and inserting in lieu thereof the following:

"(10) Dental care."; and

(2) by redesignating clauses (13) and (14) as clauses (11) and (12), respectively.

(b) The amendments made by subsection (a) shall take effect on July 1, 1985.

STUDY OF USE BY CHAMPUS OF MEDICARE PROSPECTIVE PAYMENT SYSTEM

SEC. 634. (a) The Congress finds that—

(1) costs of providing medical care under the program administered by the Department of Defense known as the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) have escalated rapidly in recent years;

(2) new and innovative methods for control and containment of costs under the CHAMPUS program must be explored; and

(3) the adoption for the CHAMPUS program of a prospective payment system for inpatient hospital services like that used by Department of Health and Human Services under title XVIII of the Social Security Act for the Medicare program could provide significant savings for the CHAMPUS program.

(b) The Secretary of Defense and the Secretary of Health and Human Services shall jointly study the possible effects of the adoption for the CHAMPUS program of a prospective payment system for inpatient hospital services such as that used by the Department of Health and Human Service for the Medicare program. The study shall address—

(1) the advisability and feasibility of requiring by law that a hospital participate in

the CHAMPUS program as a condition of participating in Medicare and whether such a requirement is needed in order to ensure adequate participation by hospitals in the CHAMPUS program if a prospective payment system were to be adopted for the CHAMPUS program; and

(2) the changes that might be expected if such a system were adopted in the CHAMPUS patient workload and the CHAMPUS aggregate payment levels to various segments of the provider community (including private, public, non-profit, and teaching facilities).

(c) Not later than February 28, 1985, the Secretaries shall submit a report to the Committees on Armed Services and Finance of the Senate and the Committees on Armed Services and Ways and Means of the House of Representatives of their findings under the study under subsection (b). The report shall include—

(1) such recommendations for changes in the CHAMPUS system of reimbursement as the Secretaries consider appropriate; and

(2) the recommendations of the Secretaries on the need for and appropriateness of a requirement by law relating to hospital participation in the CHAMPUS and Medicare programs such as that described in subsection (b)(1).

PART E—BENEFITS FOR SURVIVORS AND FORMER SPOUSES

ELIMINATION OF CERTAIN SOCIAL SECURITY OFFSETS FROM THE SURVIVOR BENEFIT PLAN

SEC. 641. (a) Section 1451(a)(3) of title 10, United States Code, is amended—

(1) by striking out "would be entitled" in the first sentence and inserting in lieu thereof "is entitled"; and

(2) by striking out the period at the end of the second sentence and inserting in lieu thereof the following: "or to the extent that the benefit to which the beneficiary is entitled is based on the beneficiary's own earnings or self-employment.".

(b) The amendments made by subsection (a) shall apply only in the case of payments of annuities payable for periods that begin on or after September 30, 1985.

AUTHORITY TO INITIATE PAYMENTS UNDER SURVIVOR ANNUITY PROGRAMS WHEN THE PARTICIPANT IS MISSING

SEC. 642. (a)(1) Section 1437 of title 10, United States Code, is amended—

(A) by striking out "subsection (b)" in subsection (a) and inserting in lieu thereof "subsections (b) and (c),"; and

(B) by adding at the end thereof the following new subsection:

"(c)(1) Upon application of the beneficiary of a member entitled to retired or retainer pay whose retired or retainer pay has been suspended because the member has been determined to be missing, the Secretary concerned may determine for purposes of this subchapter that the member is presumed dead. Any such determination shall be made in accordance with regulations prescribed under section 1444(a) of this title. The Secretary concerned may not make a determination for purposes of this subchapter that a member is presumed dead unless he finds—

"(A) that the member has been missing for at least 30 days; and

"(B) that the circumstances under which the member is missing would lead a reasonably prudent person to conclude that the member is dead.

"(2) Upon a determination under paragraph (1) with respect to a member, an annuity otherwise payable under this subchapter shall be paid as if the member died on the date as of which the retired or retainer pay of the member was suspended.

"(3)(A) If, after a determination under paragraph (1), the Secretary concerned determines that the member is alive, any annuity being paid under this subchapter by reason of this subsection shall be promptly terminated and the total amount of any annuity payments made by reason of this subsection shall constitute a debt to the United States which (notwithstanding secton 1441 of this title) may be collected or offset—

"(i) from any retired or retainer pay otherwise payable to the member;

"(ii) if the member is entitled to compensation under chapter 11 of title 38, from that compensation; or

"(iii) if the member is entitled to any other payment from the United States, from that payment.

"(B) If the member dies before the full recovery of the amount of annuity payments described in subparagraph (A) has been made by the United States, the remaining amount of such annuity payments may be collected from the member's beneficiary under this subchapter if that beneficiary was the recipient of the annuity payments made by reason of this subsection.".

(2) Section 1440 of such title is amended by striking out "No" and inserting in lieu thereof "Except as provided in section 1437(c)(3) of this title, no".

(b) Section 1450 of such title is amended—

(1) by striking out "An" in subsection (i) and inserting in lieu thereof "Except as provided in subsection (l), an"; and

(2) by adding at the end thereof the following new subsection:

"(l)(1) Upon application of the beneficiary of a participant in the plan whose retired or retainer pay has been suspended on the basis that the participant is missing (or of a participant in the plan who would be eligible for retired pay under chapter 67 of this title but for the fact that he is under 60 years of age and whose retired pay, if he were entitled to retired pay, would be suspended on the basis that he is missing), the Secretary concerned may determine for purposes of this subchapter that the participant is presumed dead. Any such determination shall be made in accordance with regulations prescribed under section 1455 of this title. The Secretary concerned may not make a determination for purposes of this subchapter that a participant is presumed dead unless he finds—

"(A) that the participant has been missing for at least 30 days; and

"(B) that the circumstances under which the participant is missing would lead a reasonably prudent person to conclude that the participant is dead.

"(2) Upon a determination under paragraph (1) with respect to a participant in the Plan, an annuity otherwise payable under the provision of this subchapter shall be paid as if the participant died on the date as of which the retired or retainer pay of the participant was suspended.

"(3)(A) If, after a determination under paragraph (1), the Secretary concerned determines that the participant is alive, any annuity being paid under this subchapter by reason of this subsection shall be terminated and the total amount of any annuity payments made by reason of this subsection shall constitute a debt to the United States which (notwithstanding subsection (h)) may be collected or offset—

"(i) from any retired or retainer pay otherwise payable to the participant;

"(ii) if the participant is entitled to compensation under chapter 11 of title 38, from that compensation; or

"(iii) if the participant is entitled to any other payment from the United States, from that payment.

"(B) If the participant dies before the full recovery of the amount of annuity payments described in subparagraph (A) has been made by the United States, the remaining amount of such annuity payments may be collected from his beneficiary under the Plan if that beneficiary was the recipient of the annuity payments made by reason of this subsection.".

CLARIFICATION OF AUTHORITY TO ENFORCE CERTAIN COURT ORDERS IN CONNECTION WITH THE PAYMENT OF RETIRED OR RETAINER PAY TO FORMER SPOUSES

SEC. 643. (a) Subsection (a)(2)(C) of section 1408 of title 10, United States Code, is amended by inserting "in the case of a division of property," before "specifically provides for".

(b) Subsection (b)(1)(C) of such section is amended by inserting ", if possible," after "include".

(c)(1) The first sentence of paragraph (1) of subsection (d) of such section is amended to read as follows: "After effective service on the Secretary concerned of a court order providing for the payment of child support or alimony or, with respect to a division of property, specifically providing for the payment of an amount of the disposable retired or retainer pay from a member to the spouse or a former spouse of the member, the Secretary shall make payments (subject to the limitations of this section) from the disposable retired or retainer pay of the member to the spouse or former spouse in an amount sufficient to satisfy the amount of child support and alimony set forth in the court order and, with respect to a division of property, in the amount of disposable retired or retainer pay specifically provided for in the court order.".

(2) The first sentence of paragraph (5) of such subsection is amended by striking out "disposable retired or retainer pay" the first place it appears and all that follows through "any part" and inserting in lieu thereof "child support or alimony or the payment of an amount of disposable retired or retainer pay as the result of the court's treatment of such pay under subsection (c) as property of the member and his spouse, the Secretary concerned shall pay (subject to the limitations of this section) from the disposable retired or retainer pay of the member to the spouse or former spouse of the member, any part".

(d)(1) Paragraph (2) of subsection (e) of such section is amended by striking out "from the disposable retired or retainer pay of a member, such pay" and inserting in lieu thereof ", the disposable retired or retainer pay of the member".

(2) Paragraph (3)(A) of such subsection is amended—

(A) by striking out "from the disposable retired or retainer pay";

(B) by striking out "the least amount of disposable retired or retainer pay" in clause (i) and inserting in lieu thereof "from the member's disposable retired or retainer pay the least amount"; and

(C) by striking out "of retired or retainer pay" in clause (ii)(I).

(3) The first sentence of paragraph (4)(A) of such subsection is amended—

(A) by striking out "the retired or retainer pay of"; and

(B) by striking out "such court orders and legal process shall be satisfied" and inserting in lieu thereof "satisfaction of such court orders and legal process from the retired or retainer pay of the member shall be".

(4) The first sentence of paragraph (5) of such subsection is amended—

(A) by striking out "of disposable retired or retainer pay" both places it appears; and

(B) by striking out "such pay" and inserting in lieu thereof "disposable retired or retainer pay".

(e) The amendments made by this section shall apply with respect to court orders for which effective service (as described in section 1408(b)(1) of title 10, United States Code, as amended by subsection (b) of this section) is made on or after the date of the enactment of this Act.

CLARIFICATION OF AUTHORITY TO ELECT FORMER SPOUSES AS BENEFICIARIES UNDER THE SURVIVOR BENEFIT PLAN

SEC. 644. Section 1450(f) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) If a person described in paragraph (2) or (3) of section 1448(b) of this title enters, incident to a proceeding of divorce, dissolution, or annulment, into a voluntary written agreement to elect under section 1448(b) of this title to provide an annuity to a former spouse and such agreement has been incorporated in or ratified or approved by a court order, and such person then fails or refuses to make such an election, such person shall be deemed to have made such an election if the Secretary concerned receives a written request, in such manner as the Secretary shall prescribe, from the former spouse concerned requesting that such an election be deemed to have been made and receives a copy of the court order, regular on its face, which incorporates, ratifies, or approves the voluntary written agreement of such person.

"(B) An election may not be deemed to have been made under subparagraph (A) in the case of any person unless the Secretary concerned receives a request from the former spouse of the person before October 1, 1985, or within one year of the date of the court order involved, whichever is later.

"(C) An election deemed to have been made under subparagraph (A) shall become effective on the first day of the first month which begins after the date of the court order involved.".

MISCELLANEOUS RIGHTS AND BENEFITS FOR FORMER SPOUSES

SEC. 645. (a) Section 1072(2) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (E);

(2) by striking out the period at the end of clause (F) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(G) a person who (i) is the unremarried former spouse of a member or former member who performed at least 20 years of service which is creditable in determining the member or former member's eligibility for retired or retainer pay, or equivalent pay, and on the date of the final decree of divorce, dissolution, or annulment before April 1, 1985, had been married to the member or former member for a period of at least 20 years, at least 15 of which, but less than 20 of which, were during the period the member or former member performed service creditable in determining the member or former member's eligibility for retired or retainer pay, and (ii) does not have medical coverage under an employer-sponsored health plan".

(b) Section 1006 of Public Law 97-252 is amended—

(1) by striking out "only if" and inserting in lieu thereof "whether";

(2) by striking out "dated on or after" and all that follows through the end of the sentence and inserting in lieu thereof "dated before, on, or after February 1, 1983."

(c) A person who would qualify as a dependent under section 1072(2)(G) of title 10 (as added by subsection (a)) but for the fact that the person's final decree of divorce, dissolution, or annulment is dated on or after April 1, 1985, shall be considered to be a dependent under such section during the two-year period beginning on the date of such final decree.

(d) The amendments made by subsections (a), (b), and (c) shall be effective on January 1, 1985, and shall apply with respect to health care furnished on or after that date.

PART F—MISCELLANEOUS

LEGAL ASSISTANCE PROGRAMS

SEC. 651. (a) Chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1044. Legal assistance

"(a) Subject to the availability of legal staff resources, the Secretary concerned may provide legal assistance in connection with their personal civil legal affairs to—

"(1) members of the armed forces under his jurisdiction who are on active duty;

"(2) members and former members under his jurisdiction entitled to retired or retainer pay or equivalent pay; and

"(3) dependents of members and former members described in clauses (1) and (2).

"(b) Under such regulations as may be prescribed by the Secretary concerned, the Judge Advocate General (as defined in section 801(1) of this title) under the jurisdiction of the Secretary is responsible for the establishment and supervision of legal assistance programs under this section.

"(c) This section does not authorize legal counsel to be provided to represent a member or former member of the armed forces, or the dependent of a member or former member, in a legal proceeding if the member or former member can afford legal fees for such representation without undue hardship.

"(d) The Secretary concerned shall define 'dependent' for the purposes of this section.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1044. Legal assistance.".

LIMITATION ON TRANSPORTATION OF MOTOR VEHICLES THROUGH GUAM

SEC. 652. (a) Regulations of the Department of Defense providing for transportation at Government expense of motor vehicles owned by members of the Armed Forces incident to a permanent change of duty station may not authorize the transportation at Government expense from Guam during any month of more than 100 motor vehicles that are owned by members of the Armed Forces who are making permanent changes of duty station from locations outside the United States (other than in Guam) and who are using Guam as an alternate port of shipment.

(b) Subsection (a) shall apply with respect to the transportation of motor vehicles during the period beginning with the month after the month in which this Act is enacted and ending with September 1985. After that period transportation of motor vehicles from Guam under the circumstances described in subsection (a) may be provided at Government expense only as specifically authorized by law after the date of the enactment of this Act.

(c) Not later than February 15, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with respect to the transportation through Guam of motor vehicles owned by members of the Armed Forces. The report shall include—

(1) a description of the nature and extent of the burden imposed on members of the Armed Forces by assignment to Japan because they may not (under Japanese law) take into Japan a motor vehicle not manufactured for use in Japan;

(2) a review of alternative programs that could be provided to alleviate the burden of assignment to Japan described in clause (1), including a review of the existing policy to which the limitation in subsection (a) is applicable under which a member of the Armed Forces making a permanent change of station from Japan may purchase a motor vehicle through Guam; and

(3) an analysis of the impact on Guam (including the economy of Guam) of the termination of such policy.

PERSONAL VEHICLES OF UNITED STATES MILITARY PERSONNEL IN JAPAN

SEC. 653. (a) The Congress finds that—

(1) the Government of Japan does not permit members of the Armed Forces of the United States to take their motor vehicles into Japan for their personal use while assigned to a duty station in Japan unless such vehicles are modified to satisfy certain requirements of the Government of Japan;

(2) as a result of the restriction referred to in clause (1), members of the Armed Forces typically need to sell their personal motor vehicles before departing the United States to report to a duty station in Japan, to purchase vehicles in Japan for personal use while stationed in Japan, to sell such purchased vehicles before departing Japan to return to the United States, and to purchase vehicles in the United States upon the return;

(3) members of the Armed Forces incur a substantial financial burden in connection with the repeated sale and replacement of personal vehicles;

(4) the United States permits members of the Armed Forces of foreign nations to bring unmodified vehicles into the United States for their personal use while assigned to duty stations in the United States; and

(5) the United States provides a substantial contribution to the defense of Japan and the waters surrounding Japan.

(b) Considering the findings set out in subsection (a), it is the sense of the Congress that the President, acting through the Secretary of Defense and the Secretary of State, should enter into negotiations with the Government of Japan for the purpose of obtaining the agreement of such government not to require the modification of the personal motor vehicles of members of the Armed Forces of the United States brought into Japan for their personal use while stationed in Japan.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of

Defense and the Secretary of State shall transmit to the Congress a written report relating to the matters described in subsection (a). The report shall include—

(1) a description of any negotiations carried out with the Government of Japan; and

(2) a description of the other actions the Government of the United States can reasonably take to obtain an agreement described in subsection (b).

AUTHORITY FOR VOLUNTARY WITHHOLDING OF STATE INCOME TAXES FROM RETIRED AND RETAINER PAY

SEC. 654. (a) Chapter 53 of title 10, United States Code, is amended by adding after section 1044 (as added by section 651) the following new section:

"§ 1045. Voluntary withholding of State income tax from retired or retainer pay

"(a) The Secretary concerned shall enter into an agreement under this section with any State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Secretary concerned shall withhold State income tax from the monthly retired or retainer pay of any member or former member entitled to such pay who voluntarily requests such withholding in writing. The amounts withheld during any calendar quarter shall be retained by the Secretary concerned and disbursed to the States during the month following that calendar quarter.

"(b) A member or former member may request that the State designated for withholding be changed and that the withholdings be remitted in accordance with such change. A member or former member also may revoke any request of such member or former member for withholding. Any request for a change in the State designated and any revocation is effective on the first day of the month after the month in which the request or revocation is processed by the Secretary concerned, but in no event later than on the first day of the second month beginning after the day on which the request or revocation is received by the Secretary concerned.

"(c) A member or former member may have in effect at any time only one request for withholding under this section and may not have more than two such requests in effect during any one calendar year.

"(d)(1) This section does not give the consent of the United States to the application of a statute that imposes more burdensome requirements on the United States than on employers generally or that subjects the United States or any member or former member entitled to retired or retainer pay to a penalty or liability because of this section.

"(2) The Secretary concerned may not accept pay from a State for services performed in withholding State income taxes from retired or retainer pay.

"(3) Any amount erroneously withheld from retired or retainer pay and paid to a State by the Secretary concerned shall be repaid by the State in accordance with regulations prescribed by the Secretary concerned.

"(e) In this section:

"(1) 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(2) 'Secretary concerned' includes the Secretary of Health and Human Services with respect to the commissioned corps of the Public Health Service and the Secretary of Commerce with respect to the commissioned corps of the National Oceanic and Atmospheric Administration.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1044 (as added by section 651) the following new item:

"1045. Voluntary withholding of State income tax from retired or retainer pay.".

RECOMPUTATION OF RETIRED PAY OF CERTAIN RECALLED RETIREES

SEC. 655. (a) Notwithstanding the second sentence of footnote 1 of the table contained in section 1402(a) of title 10, United States Code (relating to recomputation of retired pay to reflect later active duty), in the case of a member of the Armed Forces who—

(1) was voluntarily called or ordered to active duty during the period beginning on October 1, 1963, and ending on September 30, 1971;

(2) was at the time of such call or order entitled to retired pay or retainer pay;

(3) served on such active duty under such call or order for a continuous period of at least two years; and

(4) was released from such active duty before October 1, 1973,

the retired or retainer pay of such member shall be recomputed, as provided in subsection (b), under the rates of basic pay in effect at the time of that release from active duty.

(b) The retired or retainer pay of a member of the Armed Forces described in subsection (a) shall be the amount determined under section 1402(a) of title 10, United States Code (as modified with respect to such member by subsection (a)), and increased by the amount by which the member's retired or retainer pay would have been increased during the period beginning on the date of the member's release from active duty referred to in subsection (a)(4) and ending on the day before the day on which this section becomes effective had subsection (a) applied in the case of the member at the time of that release from active duty.

(c) This section shall apply only with respect to retired pay and retainer pay payable for months beginning after September 30, 1984, or on or after the date of the enactment of this Act, whichever is later.

DELAY OF EFFECTIVE DATE FOR FEE FOR VETERINARY SERVICES

SEC. 656. Section 1033 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 672), is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985".

TITLE VII—EDUCATIONAL ASSISTANCE PROGRAMS

SHORT TITLE

SEC. 701. This title may be cited as the "Veterans' Educational Assistance Act of 1984".

NEW EDUCATIONAL ASSISTANCE PROGRAM

SEC. 702. (a)(1) Title 38, United States Code, is amended by inserting before chapter 31 the following new chapter:

"CHAPTER 30—ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM

"SUBCHAPTER I—PURPOSES; DEFINITIONS

"Sec.
"1401. Purposes.
"1402. Definitions.

"SUBCHAPTER II—BASIC EDUCATIONAL ASSISTANCE

"1411. Basic educational assistance entitlement for service on active duty.
"1412. Basic educational assistance entitlement for service in the Selected Reserve.
"1413. Duration of basic educational assistance.
"1414. Payment of basic educational assistance.
"1415. Amount of basic educational assistance.
"1416. Inservice enrollment in a program of education.

"SUBCHAPTER III—SUPPLEMENTAL EDUCATIONAL ASSISTANCE

"1421. Supplemental educational assistance for additional service.
"1422. Amount of supplemental educational assistance.
"1423. Payment of supplemental educational assistance under this chapter.

"SUBCHAPTER IV—TIME LIMITATION FOR USE OF ELIGIBILITY AND ENTITLEMENT; GENERAL AND ADMINISTRATIVE PROVISIONS

"1431. Time limitation for use of eligibility and entitlement.
"1432. Limitation on educational assistance for certain individuals.
"1433. Bar to duplication of educational assistance benefits.
"1434. Program administration.
"1435. Allocation of administration and of program costs.
"1436. Reporting requirement.

"Subchapter I—Purposes; Definitions

"§ 1401. Purposes

"The purposes of this chapter are—

"(1) to provide a new educational assistance program to assist in the readjustment of members of the Armed Forces to civilian life after their separation from military service;

"(2) to promote and assist the All-Volunteer Force program and the Total Force Concept of the Armed Forces by establishing a new program of educational assistance based upon service on active duty or a combination of service on active duty and in the Selected Reserve (including the National Guard) to aid in the recruitment and retention of highly qualified personnel for both the active and reserve components of the Armed Forces; and

"(3) to give special emphasis to providing educational assistance benefits to aid in the retention of personnel in the Armed Forces.

"§ 1402. Definitions

"For the purposes of this chapter—

"(1) The term 'basic educational assistance' means educational assistance provided under subchapter II of this chapter.

"(2) The term 'supplemental educational assistance' means educational assistance provided under subchapter III of this chapter.

"(3) The term 'program of education' has the meaning given such term in section 1652(b) of this title.

"(4) The term 'Selected Reserve' means the Selected Reserve of the Ready Reserve of any of the reserve components (including the Army National Guard of the United States and the Air National Guard of the United States) of the Armed Forces, as required to be maintained under section 268(b) of title 10.

"(5) The term 'Secretary' means the Secretary of Defense with respect to members of the Armed Forces under the jurisdiction of the Secretary of a military department and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"(6) The term 'active duty' does not include any period during which an individual (A) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (B) served as a cadet or midshipman at one of the service academies, or (C) served under the provisions of section 511(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard, or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve.

"Subchapter II—Basic Educational Assistance

"§ 1411. Basic educational assistance entitlement for service on active duty

"(a) Except as provided in subsection (c) of this section each individual—

"(1) who—

"(A) during the period beginning on July 1, 1985, and ending on June 30, 1988, becomes a member of the Armed Forces or initially enters on active duty as a member of the Armed Forces and—

"(i) who (I) serves at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose initial period of active duty is less than three years, serves at least two years of continuous active duty in the Armed Forces; or

"(ii) who serves in the Armed Forces and is discharged or released from active duty (I) for a service-connected disability or for hardship, or (II) for the convenience of the Government, in the case of an individual who completed not less than 20 months of active duty, if the initial obligated period of active duty of the individual was less than three years, or in the case of an individual who completed not less than 30 months of active duty if the initial obligated period of active duty of the individual was at least three years; or

"(B) as of December 31, 1989, is eligible for educational assistance benefits under chapter 34 of this title and without a break in service on active duty since the completion of the service establishing such eligibility—

"(i) after June 30, 1985, serves at least three years of continuous active duty in the Armed Forces; or

"(ii) after June 30, 1985, is discharged or released from active duty (I) for a service-connected disability or for hardship, or (II) for the convenience of the Government, if the individual completed not less than 30 months of active duty after that date;

"(2) who, before completion of the service described in clause (1) of this subsection, has received a secondary school diploma (or an equivalency certificate); and

"(3) who, after completion of the service described in clause (1) of this subsection—

"(A) is discharged from service with an honorable discharge, is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list;

"(B) continues on active duty; or

"(C) is released from active duty for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service;

is entitled to basic educational assistance under this chapter.

"(b) The basic pay of any individual described in subsection (a)(1)(A) of this section who does not make an election under subsection (c) of this section shall be reduced by $100 for each of the first 12 months that such individual is entitled to such pay. Amounts withheld from basic pay under this subsection shall revert to the Treasury.

"(c)(1) An individual described in subsection (a)(1)(A) of this section may make an election not to receive educational assistance under this chapter. Any such election shall be made at the time the individual initially enters on active duty as a member of the Armed Forces. Any individual who makes such an election is not entitled to educational assistance under this chapter.

"(2) An individual who receives a commission as an officer in the Armed Forces upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy or upon completion of a program of educational assistance under section 2107 of title 10 is not eligible for educational assistance under this section.

"§ 1412. Basic educational assistance entitlement for service in the Selected Reserve

"(a) Except as provided in subsection (c) of this section, each individual—

"(1) who—

"(A) during the period beginning on July 1, 1985, and ending on June 30, 1988, becomes a member of the Armed Forces or initially enters on active duty as a member of the Armed Forces and—

"(i) serves at least two years of continuous active duty in the Armed Forces characterized by the Secretary concerned as honorable service; and

"(ii) subject to subsection (b) of this section and after completion of the service on active duty described in subclause (i) of this clause, serves at least four years of continuous duty in the Selected Reserve during which the individual participates satisfactorily in training as required by the Secretary concerned; or

"(B) as of December 31, 1989, is eligible for educational assistance under chapter 34 of this title and without a break in service on active duty since the completion of the service establishing such eligibility—

"(i) after June 30, 1985, serves at least two years of continuous active duty in the Armed Forces characterized by the Secretary concerned as honorable service; and

"(ii) after June 30, 1985, subject to subsection (b) of this section and after completion of such two years of service, serves at least four years of continuous active duty in the Selected Reserve during which the individual participates satisfactorily in training as prescribed by the Secretary concerned;

"(2) who, before completion of the service described in clause (1) of this subsection, has received a secondary school diploma (or an equivalency certificate); and

"(3) who, after completion of the service described in clause (1) of this subsection—

"(A) is discharged from service with an honorable discharge, is placed on the retired list, or is transferred to the Standby Reserve or an element of the Ready Reserve other than the Selected Reserve after service in the Selected Reserve characterized by the Secretary concerned as honorable service; or

"(B) continues on active duty or in the Selected Reserve;

is entitled to basic educational assistance under this chapter.

"(b)(1) The requirement of four years of service under clauses (1)(A)(ii) and (1)(B)(ii) of subsection (a) of this section is not applicable to an individual who is discharged or released from service in the Selected Reserve for a service-connected disability, for hardship, or (in the case of an individual discharged or released after three and one-half years of service) for the convenience of the Government.

"(2) Continuity of service of a member in the Selected Reserve for purposes of such clauses shall not be considered to be broken—

"(A) by any period of time (not to exceed a maximum period prescribed by the Secretary concerned by regulation) during which the member is not able to locate a unit of the Selected Reserve of the member's Armed Force that the member is eligible to join or that has a vacancy; or

"(B) by any other period of time (not to exceed a maximum period prescribed by the Secretary concerned by regulation) during which the member is not attached to a unit of the Selected Reserve that the Secretary concerned, pursuant to regulations, considers to be inappropriate to consider for such purpose.

"(c) An individual who receives a commission as an officer in the Armed Forces upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy or upon completion of a program of educational assistance under section 2107 of title 10 is not eligible for educational assistance under this section.

"§ 1413. Duration of basic educational assistance

"(a)(1) Subject to section 1795 of this title and except as provided in paragraph (2) of this subsection, each individual entitled to basic educational assistance under section 1411 of this title is entitled to 36 months of educational assistance benefits under this chapter (or the equivalent thereof in part-time educational assistance).

"(2) In the case of an individual described in section 1411(a)(1)(A)(ii)(I) of this title who is not also described in section 1411(a)(1)(A)(i) of this title or an individual described in section 1411(a)(1)(B)(ii)(I) of this title who is not also described in section 1411(a)(1)(B)(i) of this title, the individual is entitled to one month of educational assistance benefits under this chapter for each month of active duty served by such individual.

"(b) Subject to section 1795 of this title and subsection (c) of this section, each individual entitled to basic educational assistance under section 1412 of this title is entitled to (1) one month of educational assistance benefits under this chapter for each month of active duty served by such individual, and (2) one month of educational assistance benefits under this chapter for each four months served by such individual in the Selected Reserve (other than any month in which the individual served on active duty).

"(c) No individual may receive basic educational assistance benefits under this chapter for a period in excess of 36 months (or the equivalent thereof in part-time educational assistance).

"§ 1414. Payment of basic educational assistance

"The Administrator shall pay to each individual entitled to basic educational assistance who is pursuing an approved program of education a basic educational assistance allowance to help meet, in part, the expenses of such individual's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

"§ 1415. Amount of basic educational assistance

"(a) Subject to section 1432 of this title and except as otherwise provided in subsections (b) and (c) of this section, a basic edu-

cational assistance allowance under this subchapter shall be paid—

"(1) at the monthly rate of $300 for an approved program of education pursued on a full-time basis; or

"(2) at an appropriately reduced rate, as determined under regulations which the Administrator shall prescribe, for an approved program of education pursued on less than a full-time basis.

"(b) In the case of an individual entitled to an educational assistance allowance under section 1411 of this title and whose initial obligated period of active duty is two years, a basic educational assistance allowance under this chapter shall be paid—

"(1) at the monthly rate of $250 for an approved program of education pursued on a full-time basis; or

"(2) at an appropriately reduced rate, as determined under regulations which the Administrator shall prescribe, for an approved program of education pursued on less than a full-time basis.

"(c) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit, the Secretary concerned, pursuant to regulations to be prescribed by the Secretary, may increase the rate of the basic educational assistance allowance applicable to such individual to such rate in excess of the rate prescribed under subsections (a) and (b) of this section as the Secretary considers appropriate, but any such increase may not exceed $400 per month.

"(d) In the case of an individual who on December 31, 1989, was entitled to educational assistance under chapter 34 of this title, the rate of the basic educational assistance allowance applicable to such individual shall be increased by the amount equal to one-half of the educational assistance allowance that would be applicable to such individual under such chapter 34 (as of the time the assistance under this chapter is provided and based on the rates on effect on December 31, 1989) if such chapter were in effect.

"§ 1416. Inservice enrollment in a program of education

"(a) A member of the Armed Forces who has completed at least two years of service on active duty after June 30, 1985, has continued on active duty or in the Selected Reserve without a break in service (except as described in section 1412(b)(2) of this title), and who but for section 1411(a)(1) or 1412(a)(1) of this title would be eligible for basic educational assistance may receive educational assistance under this chapter for enrollment in an approved program of education while continuing to perform the duty described in section 1411(a)(1) or 1412(a)(1) of this title.

"Subchapter III—Supplemental Educational Assistance

"§ 1421. Supplemental educational assistance for additional service

"(a) The Secretary concerned, pursuant to regulations to be prescribed by the Secretary, may provide for the payment of supplemental educational assistance under this subchapter to any individual eligible for basic educational assistance under section 1411 of this title who—

"(1) serves five or more consecutive years of active duty in the Armed Forces in addition to the years of active duty counted under section 1411(a)(1) of this title without a break in such service; and

"(2) after completion of the service described in clause (1) of this subsection—

"(A) is discharged from service with an honorable discharge, is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list;

"(B) continues on active duty without a break in service; or

"(C) is released from active duty for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

"(b) The Secretary concerned, pursuant to regulations to be prescribed by the Secretary, may provide for the payment of supplemental educational assistance under this subchapter to any individual eligible for basic educational assistance under section 1412 of this title who—

"(1) serves two or more consecutive years of active duty in the Armed Forces in addition to the years of active duty counted under section 1412(a)(1) of this title and four or more consecutive years of duty in the Selected Reserve in addition to the years of duty in the Selected Reserve counted under such section without a break in service; and

"(2) after completion of the service described in clause (1) of this subsection—

"(A) is discharged from service with an honorable discharge, is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list; or

"(B) continues on active duty or in the Selected Reserve.

"(c) Continuity of service of a member in the Selected Reserve for purposes of subsection (b)(1) of this section shall not be considered to be broken—

"(1) by any period of time (not to exceed a maximum period prescribed by the Secretary concerned by regulation) during which the member is not able to locate a unit of the Selected Reserve of his Armed Force that the member is eligible to join or that has a vacancy; or

"(2) by any other period of time (not to exceed a maximum period prescribed by the Secretary concerned by regulation) during which the member is not attached to a unit of the Selected Reserve that the Secretary concerned, pursuant to regulations, considers to be inappropriate to consider for such purpose.

"(d) A period of active duty or duty in the Selected Reserve that occurs before the period of duty by which the individual concerned qualifies for basic educational assistance may not be counted for purposes of this section.

"§ 1422. Amount of supplemental educational assistance

"(a) Subject to section 1432 of this title and except as otherwise provided under subsection (b) of this section, supplemental educational assistance under section 1421 of this title shall be paid—

"(1) at a monthly rate of $300 for an approved program of education pursued on a full-time basis; or

"(2) at an appropriately reduced rate, as determined under regulations which the Administrator shall prescribe, for an approved program of education pursued on less than a full-time basis.

"(b) In the case of a member of the Armed Forces for whom the Secretary concerned has provided for the payment of supplemental educational assistance who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel, the Secretary concerned, pursuant to regulations to be prescribed by the Secretary, may increase the rate of the supplemental educational assistance allowance applicable to such individual to such rate in excess of the rate prescribed under subsection (a) of this section as the Secretary considers appropriate, but any such increase may not exceed $300 per month.

"§ 1423. Payment of supplemental educational assistance under this subchapter

"The Administrator shall increase the monthly basic educational assistance allowance paid to an individual who is entitled to supplemental educational assistance under this subchapter by the monthly amount of the supplemental educational assistance to which the individual is entitled.

"Subchapter IV—Time Limitation for Use of Eligibility and Entitlement; General and Administrative Provisions

"§ 1431. Time limitation for use of eligibility and entitlement

"(a) Except as provided in subsections (b) through (d) of this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 10-year period beginning on (1) the date of such individual's last discharge or release from active duty, or, (2) the last day on which such individual becomes entitled to such assistance, whichever is later.

"(b) In the case of any eligible individual who has been prevented, as determined by the Administrator, from pursuing a program of education under subchapter II or III of this chapter within the 10-year period prescribed by subsection (a) of this section because such individual had not met the nature of discharge requirement of such subchapter before (1) the nature of such individual's discharge or release was changed by appropriate authority, or (2) with respect to educational assistance under subchapter II of this chapter, the Administrator determined, under regulations prescribed by the Administrator, that such discharge or release was under conditions described in section 1411(a)(3) or 1412(a)(3) of this title, such 10-year period shall not run during the period of time that such individual was so prevented from pursuing such program of education.

"(c) In the case of an individual eligible for educational assistance under the provisions of this chapter who, after such individual's last discharge or release from active duty, was detained by a foreign government or power, the 10-year period described in subsection (a) of this section shall not run (1) while such individual is so detained, or (2) during any period immediately following such individual's release from such detention during which such individual is hospitalized at a military, civilian, or Veterans' Administration medical facility.

"(d) In the case of an individual eligible for educational assistance under this chapter—

"(1) who was prevented from pursuing such individual's chosen program of education before the expiration of the 10-year period for use of entitlement under this chapter otherwise applicable under this section because of a physical or mental disability which was not the result of the individual's own willful misconduct, and

"(2) who applies for an extension of such 10-year period within one year after (A) the

last day of such period, or (B) the last day on which such individual was so prevented from pursuing such program, whichever is later,

such 10-year period shall not run with respect to such individual during the period of time that such individual was so prevented from pursuing such program and such 10-year period will again begin running on the first day following such individual's recovery from such disability on which it is reasonably feasible, as determined under regulations which the Administrator shall prescribe, for such individual to initiate or resume pursuit of a program of education with educational assistance under this chapter.

"(e)(1) If an individual eligible for educational assistance under this chapter is enrolled under this chapter in an educational institution regularly operated on the quarter or semester system and the period of such individual's entitlement under this chapter would, under this section, expire during a quarter or semester, such period shall be extended to the end of such quarter or semester.

"(2) If an individual eligible for educational assistance under this chapter is enrolled under this chapter in an educational institution regularly operated on the quarter or semester system and the period of such individual's entitlement under this chapter would, under this section, expire after a major of the course is completed, such period shall be extended to the end of the course or for 12 weeks, whichever is the lesser period of extension.

"§ 1432. Limitation on educational assistance for certain individuals

"(a) In the case of an individual entitled to educational assistance under this chapter who is pursuing a program of education—

"(1) while on active duty; or

"(2) on less than a half-time basis,

the amount of the monthly educational assistance allowance payable to such individual under this chapter is the amount determined under subsection (b) of this section.

"(b) The amount of the educational assistance allowance payable to an individual described in subsection (a) of this section is the lesser of (1) the amount of the educational assistance allowance otherwise payable to such individual under this chapter, or (2) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay.

"§ 1433. Bar to duplication of educational assistance benefits

"(a)(1) An individual entitled to educational assistance under a program established by this chapter who is also eligible for educational assistance under a program under chapter 31, 32, 34, or 35 of this title or under chapter 106 or 107 of title 10 may not receive assistance under both programs concurrently but shall elect (in such form and manner as the Administrator may prescribe) under which program to receive educational assistance.

"(2) An individual entitled to educational assistance under chapter 34 of this title may not receive assistance under this chapter before January 1, 1990.

"(b) A period of service counted for purposes of repayment under section 902 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), of an education loan may not also be counted for purposes of entitlement to educational assistance under this chapter.

"(c) An individual who is entitled to educational assistance under chapter 106 of title 10 may not also receive educational assistance under this chapter based on entitlement under section 1412 of this title.

"§ 1434. Program administration

"(a) Except as otherwise provided in this chapter, the provisions of sections 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 1777, 1780(a)(5), 1780(b), 1786, 1787, and 1792 of such chapter) shall be applicable to the provision of educational assistance under this chapter. The term 'eligible veteran', as used in those provisions, shall be deemed to include an individual who is eligible for educational assistance under this chapter.

"(b) An educational assistance allowance for any period may not be paid to an individual enrolled in or pursuing a program of education under this chapter until the Administrator has received—

"(1) from such individual a certification as to such individual's actual attendance during such period; and

"(2) from the educational institution a certification, or an endorsement of the individual's certificate, that such individual was enrolled in and pursuing a program of education during such period.

"(c) Regulations prescribed by the Secretary of Defense under this chapter shall be uniform for the Armed Forces under the jurisdiction of the Secretary of a military department.

"§ 1435. Allocation of administration and of program costs

"(a) Except to the extent otherwise specifically provided in this chapter, the educational assistance programs established by this chapter shall be administered by the Veterans' Administration.

"(b)(1) Except to the extent provided in paragraph (2) of this subsection, payments for entitlement earned under subchapter II of this chapter shall be made from appropriations made to the Veterans' Administration for the appropriations account "Readjustment Benefits".

"(2) Payments for entitlement earned under subchapter II of this chapter that is established under section 1415(b) of this title at a rate in excess of the rate prescribed under section 1415(a) of this title shall, to the extent of that excess, be made from the Department of Defense Education Benefits Fund established under section 2006 of title 10 or from appropriations made to the Department of Transportation, as appropriate.

"(c) Payments for educational assistance provided under subchapter III of this chapter shall be made from the Department of Defense Education Benefits Fund established under section 2006 of title 10 or from appropriations made to the Department of Transportation, as appropriate.

"(d) Funds for the payment by the Administrator of benefits under this chapter that are to be paid from the Department of Defense Education Benefits Fund shall be transferred to the Veterans' Administration from such Fund as necessary and in accordance with agreements entered into under section 2006 of title 10 by the Administrator, the Secretary of Defense, and the Secretary of the Treasury. Funds for the payment by the Administrator of benefits under this chapter that are to be paid from appropriations made to the Department of Transportation shall be transferred to the Veterans' Administration as necessary. The Administrator and the Secretary of Transportation shall enter into an agreement for the manner in which such transfers are to be made.

"§ 1436. Reporting requirement

"(a) The Secretary of Defense and the Administrator shall submit to the Congress at least once every two years separate reports on the operation of the program provided for in this chapter.

"(b) The Secretary shall include in each report submitted under this section—

"(1) information indicating (A) the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education, and (B) whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service; and

"(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

"(c) The Administrator shall include in each report submitted under this section—

"(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter; and

"(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Administrator considers appropriate.

"(d)(1) The first report by the Secretary of Defense under this section shall be submitted not later than January 1, 1986.

"(2) The first report by the Administrator under this section shall be submitted not later than January 1, 1988.".

(2) The tables of chapters at the beginning of such title and at the beginning of part III of such title are each amended by inserting above the item relating to chapter 31 the following new item:

"30. All-Volunteer Force Educational Assistance Program..... 1401".

(b) Subchapter III of chapter 30 of title 38, United States Code, as added by subsection (a), shall take effect on July 1, 1986.

(c) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the desirability and the feasibility of permitting, members of the Armed Forces entitled to educational assistance under chapter 30 of title 38, United States Code (as added by subsection (a)), to transfer entitlement to such assistance to dependents of such members.

COORDINATION WITH OTHER VETERANS' EDUCATION AND TRAINING PROGRAMS

SEC. 703. (a) Section 1508(f)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "30 or" before "34" the first place it appears; and

(B) by striking out "chapter 34" the second place it appears and inserting in lieu thereof "either chapter 30 or chapter 34"; and

(2) in subparagraph (B), by inserting "30 or" before "34".

(b)(1) Section 1602(1)(A) of such title is amended by inserting "and before July 1, 1985," after "January 1, 1977," both places it appears.

(2) Section 1623 of such title is amended by adding at the end the following new subsection:

"(e) If a participant becomes entitled to educational assistance under subchapter II of chapter 30 of this title, the participant may elect to disenroll from the program under this chapter effective on the last day of the month in which the participant becomes entitled to such assistance.".

(c) The third sentence of section 1673(d)(1) of such title is amended by inserting "30," after "or chapter".

(d)(1) Section 1781 of such title is amended—

(A) by inserting "30," after "chapter" the first place it appears;

(B) by striking out "36," and inserting in lieu thereof "36 of this title or 106 or 107 of title 10,"; and

(C) by striking out the comma after "chapter 31".

(2) Section 1795(a) of such title is amended—

(A) by inserting "30," in clause (4) after "chapters"; and

(B) by striking out "Chapter 107" in clause (5) and inserting in lieu thereof "Chapters 106 and 107".

SUSPENSION OF RIGHT TO ENROLL IN CHAPTER 32 PROGRAM

SEC. 704. No individual on active duty in the Armed Forces may initially enroll in the educational assistance program provided for in chapter 32 of title 38, United States Code, during the period beginning on July 1, 1985, and ending on June 30, 1988.

REVISION OF EDUCATIONAL ASSISTANCE PROGRAM FOR THE SELECTED RESERVE

SEC. 705. (a)(1) Chapter 106 of title 10, United States Code, is amended to read as follows:

"CHAPTER 106—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

"Sec.
"2131. Educational assistance program: establishment; amount.
"2132. Eligibility for educational assistance.
"2133. Time limitation for use of entitlement.
"2134. Termination of assistance.
"2135. Failure to participate satisfactorily; penalties.
"2136. Administration of program.
"2137. Reports to Congress.
"2138. Savings provision.

"§ 2131. Educational assistance program: establishment; amount

"(a) To encourage membership in units of the Selected Reserve of the Ready Reserve, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, and the Secretary of Transportation, under regulations prescribed by the Secretary with respect to the Coast Guard when it is not operating as a service in the Navy, shall establish and maintain a program to provide educational assistance to members of the Selected Reserve of the Ready Reserve of the armed forces under the jurisdiction of the Secretary concerned who agree to remain members of the Selected Reserve for a period of not less than six years.

"(b) Each educational assistance program established under subsection (a) shall provide for payment by the Secretary concerned to each person entitled to educational assistance under this chapter who is pursuing a program of education and educational assistance allowance at the following rates:

"(1) $140 per month for each month of full-time pursuit of a program of education;

"(2) $105 per month for each month of three-quarter-time pursuit of a program of education; and

"(3) $70 per month for each month of half-time pursuit of a program of education.

"(c)(1) Educational assistance may only be provided under this chapter for pursuit of a program of education at an institution of higher learning and may not be provided to a person after the person has completed a course of instruction required for the award of a baccalaureate degree or the equivalent evidence of completion of study.

"(2) Subject to section 1795 of title 38, the maximum number of months of educational assistance that may be provided to any person under this chapter is 36.

"§ 2132. Eligibility for educational assistance

"(a) A person who—

"(1) during the period beginning on July 1, 1985, and ending on June 30, 1988—

"(A) enlists, reenlists, or extends an enlistment as a Reserve for service in the Selected Reserve for a period of not less than six years; or

"(B) is appointed as, or is serving as, a reserve officer and agrees to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject; and

"(2) before completing initial active duty for training has received a secondary school diploma (or an equivalency certificate);

is entitled to educational assistance under section 2131 of this title.

"(b) Educational assistance may not be provided to a member under this chapter until the member—

"(1) has completed the initial period of active duty for training required of the member; and

"(2) has completed 180 days of service in the Selected Reserve.

"(c) Each person who becomes entitled to educational assistance under subsection (a) shall at the time the person becomes so entitled be given a statement in writing summarizing the provisions of this chapter and stating clearly and prominently the substance of sections 2134 and 2135 of this title as such sections may apply to the person.

"(d) A person who is entitled to educational assistance under chapter 30 of title 38 based on section 1412 of that title may not also be provided educational assistance under this chapter.

"§ 2133. Time limitation for use of entitlement

"(a) Except as provided in subsection (b), the period during which a person entitled to educational assistance under this section may use such person's entitlement expires (1) at the end of the 10-year period beginning on the date on which such person becomes entitled to such assistance, or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.

"(b)(1) The provisions of section 1431(e) of title 38 shall apply to the period of entitlement prescribed by subsection (a).

"(2) The provisions of section 1431(d) of title 38 shall apply to the period of entitlement prescribed by subsection (a) in the case of a disability incurred in or aggravated by service in the Selected Reserve.

"§ 2134. Termination of assistance

" Educational assistance may not be provided under this chapter—

"(1) to a member receiving financial assistance under section 2107 of this title as a member of the Senior Reserve Officers' Training Corps program; or

"(2) to a member who fails to participate satisfactorily in required training as a member of the Selected Reserve.

"§ 2135. Failure to participate satisfactorily; penalties

"(a)(1) A member of the Selected Reserve of the Ready Reserve of an armed force who fails to participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this chapter shall, at the option of the Secretary concerned—

"(A) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 2132 of this title, whichever is less; or

"(B) be required to refund to the United States an amount determined under subsection (b).

"(2) The Secretary concerned may waive the requirements of paragraph (1), or may reduce the amount of any refund under clause (B) of such paragraph, in the case of any individual member when the Secretary determines that the failure to participate satisfactorily was due to reasons beyond the control of the member.

"(3) Any refund by a member under this section shall not affect the period of obligation of such member to serve as a Reserve in the Selected Reserve.

"(b)(1) The amount of a refund under subsection (a) shall be the amount equal to the product of—

"(A) the number of months of obligated service remaining under the agreement entered into under section 2132(a)(3) divided by the original number of months of such obligation; and

"(B) the total amount of educational assistance provided to the member under this chapter,

as increased by interest determined under paragraph (2).

"(2) The amount computed under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the refund is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the member is first notified of the amount due to the United States as a refund under this section.

"§ 2136. Administration of program

"(a) Educational assistance under this chapter shall be provided through the Veterans' Administration, under agreements to be entered into by the Secretary of Defense, and by the Secretary of Transportation, with the Administrator of Veterans' Affairs. Such agreements shall include administrative procedures to ensure the prompt and timely transfer of funds from the Secretary concerned to the Veterans' Administration for the making of payments under this chapter.

"(b) Except as otherwise provided in this chapter, the provisions of sections 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of chapter 34 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 1780(a)(5), 1780(b), 1786, 1787(b)(1), and 1792) shall be applicable to the provision of educational assistance under this chapter. The term 'eligible veteran', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this

chapter to refer to a person eligible for educational assistance under this chapter.

"§ 2137. Reports to Congress

"The Secretary of Defense shall submit to the Congress a report not later than December 15 of each year concerning the operation of the educational assistance program established by this chapter during the preceding fiscal year. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during the preceding fiscal year.

"§ 2138. Savings provision

"A member who entered into an agreement under this chapter before July 1, 1985, shall continue to be eligible for educational assistance in accordance with the terms of such agreement and of this chapter as in effect before such date.".

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A of such title, and in the table of chapters at the beginning of part III of such subtitle, are amended to read as follows:

"106. Educational Assistance for Members of the Selected Reserve .. 2131".

(b) The amendments made by this section shall take effect on July 1, 1985, and shall apply only to members of the Armed Forces who qualify for educational assistance under chapter 106 of title 10, United States Code, as amended by subsection (a), on or after such date.

ACCRUAL FUNDING OF DEPARTMENT OF DEFENSE LIABILITIES

SEC. 706. (a)(1) Chapter 101 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2006. Department of Defense Education Benefits Fund

"(a) There is established on the books of the Treasury a fund to be known as the Department of Defense Education Benefits Fund (hereinafter in this section referred to as the 'Fund'), which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance Department of Defense education liabilities on an actuarially sound basis.

"(b) In this section:

"(1) 'Department of Defense education liabilities' means liabilities of the Department of Defense for benefits under chapter 30 of title 38 and for benefits under chapter 106 of this title.

"(2) 'Normal cost', with respect to any period of time, means the total of the following:

"(A) The present value of the future benefits payable from the Fund for amounts attributable to increased amounts of educational assistance authorized under section 1415(b) of title 38 to persons who were not on active duty on July 1, 1985, and who during such period enter on active duty.

"(B) The present value of the future benefits payable from the Fund for amounts attributable to educational assistance authorized under subchapter III of chapter 30 of title 38 to persons who were not on active duty on July 1, 1985, and who during such period—

"(i) enter a fourth year of active duty, in the case of persons eligible for basic educational assistance under section 1411 of such title; or

"(ii) enter a period of service that will establish entitlement to such educational assistance under section 1421(b) of such title, in the case of persons eligible for basic educational assistance under section 1412 of such title.

"(C) The present value of the future benefits payable from the Fund for educational assistance under chapter 106 of this title to persons who during such period become entitled to such assistance.

"(c) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

"(1) Amounts paid into the Fund by the Secretary of Defense under subsection (g).

"(2) Any amount appropriated to the Fund.

"(3) Any return on investment of the assets of the Fund.

"(d) The Secretary of the Treasury shall transfer from the Fund to the Administrator of Veterans' Affairs such amounts as may be necessary to enable the Administrator to make required payments of Department of Defense education liabilities. The Secretary of the Treasury, the Secretary of Defense, and the Administrator shall enter into an agreement as to how and when, and the amounts in which, such transfers shall be made. Except for investments under subsection (h), amounts in the Fund may not be used for any purpose other than transfers as described in this subsection.

"(e)(1)(A) There is established in the Department of Defense a Department of Defense Education Benefits Board of Actuaries (hereinafter in this section referred to as the 'Board'). The Board shall consist of three members, who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

"(B)(i) Except as provided in clause (ii), the members of the Board shall serve for a term of fifteen years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall only serve until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the Secretary of Defense for misconduct or failure to perform functions vested in the Board, and for no other reason.

"(ii) Of the members of the Board who are first appointed under this paragraph, one each shall be appointed for terms ending five, ten, and fifteen years, respectively, after the date of appointment, as designated by the Secretary of Defense at the time of appointment.

"(C) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

"(2) The Board shall report to the Secretary of Defense annually on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary.

"(3) The Board shall review valuations of the Fund under subsection (g) and report periodically, not less than once every four years, to the President and Congress on the status of the Fund and shall recommend such changes as in the Board's judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

"(4) The Secretary shall keep, or cause to be kept, such records as necessary for determining the actuarial status of the Fund.

"(f)(1) The Secretary of Defense shall carry out periodic actuarial valuations of the educational programs described in subsection (b)(1).

"(2) Based on the most recent such valuation, the Secretary of Defense shall estimate the normal cost for the next fiscal year.

"(3) If at the time of any such valuation there has been a change in benefits under an education program described in subsection (b)(1) that has been made since the last such valuation and that increases or decreases the present value of benefits payable from the Fund, the Secretary of Defense shall determine an amortization methodology and schedule for the liquidation of the unfunded liability (or negative unfunded liability) thus created such that the present value of the sum of the amortization payments equals the increase or decrease in the present value of such benefits.

"(4) If at the time of any such valuation the Secretary of Defense determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the liquidation of such gain or loss through an increase or decrease in the payments that would otherwise be made to the Fund.

"(5) Based on the determinations under paragraphs (2), (3), and (4) the Secretary of Defense shall determine the amount needed to be appropriated to the Department of Defense for the next fiscal year for payments to be made to the Fund under subsection (g). The President shall include not less than the full amount so determined in the budget transmitted to Congress for the next fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

"(6) All determinations under this subsection shall be made using methods and assumptions approved by the Board of Actuaries (including assumptions of interest rates and inflation) and in accordance with generally accepted actuarial principles and practices.

"(g)(1) The Secretary of Defense shall pay into the Fund each month the amount that, based upon the most recent actuarial valuation of the education programs described in subsection (b)(1), is equal to the actual total normal cost for the preceding month.

"(2) The Secretary of Defense shall pay into the Fund at the beginning of each fiscal year (or as soon thereafter as appropriations are available for such purpose) the sum of the following:

"(A) The amount of the payment for that year, if any, for the amortization of any liability to the Fund resulting from a change in benefits, as determined by the Secretary of Defense under subsection (f)(3).

"(B) The amount of the payment for that year, if any, for the amortization of any actuarial gain or loss to the Fund, as determined by the Secretary of Defense under subsection (f)(4).

"(3) Amounts paid into the Fund under this subsection shall be paid from appropriations available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.

"(h) The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary required to

meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2006. Department of Defense Education Benefits Fund.".

(b) The first payment into the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, as added by subsection (a), shall be made not later than three months after the Board of Actuaries determines the amounts needed to be paid into the Fund for that portion of fiscal year 1985 beginning on July 1, 1985. The first payment shall be made in a lump sum equal to the total of the amounts that would have been paid to the Fund each month between July 1, 1985, and the time such first payment is made.

EDUCATIONAL LEAVE OF ABSENCE FOR MEMBERS OF THE ARMED FORCES

SEC. 707. (a)(1) Chapter 40 of title 10, United States Code, relating to leave, is amended by adding at the end thereof the following new section:

"§ 708. Educational leave of absence

"(a) Under such regulations as the Secretary of Defense may prescribe after consultation with the Secretary of Transportation and subject to subsection (b), the Secretary concerned may grant to any eligible member (as defined in subsection (e)) a leave of absence for a period of not to exceed two years for the purpose of permitting the member to pursue a program of education.

"(b)(1) A member may not be granted a leave of absence under this section unless—

"(A) in the case of an enlisted member, the member agrees in writing to extend his current enlistment after completion (or other termination) of the program of education for which the leave of absence was granted for a period of two months for each month of the period of the leave of absence; and

"(B) in the case of an officer, the member agrees to serve on active duty after completion (or other termination) of the program of education for which the leave of absence was granted for a period (in addition to any other period of obligated service on active duty) of two months for each month of the period of the leave of absence.

"(2) A member may not be granted a leave of absence under this section until he has completed any extension of enlistment or reenlistment, or any period of obligated service, incurred by reason of any previous leave of absence granted under this section.

"(c)(1) While on a leave of absence under this section, a member shall be paid basic pay but may not receive basic allowance for quarters or basic allowance for subsistence or any other pay and allowances to which he would otherwise be entitled for such period.

"(2) A period during which a member is on a leave of absence under this section shall be counted for the purposes of computing the amount of the member's basic pay, for the purpose of determining the member's eligibility for retired pay, and for the purpose of time in grade for promotion purposes, but may not be counted for the purposes of completion of the term of enlistment of the member (in the case of an enlisted member) or for purposes of section 1421 of title 38, relating to entitlement to supplemental educational assistance.

"(d)(1) In time of war, or of national emergency declared by the President or the Congress after the date of the enactment of this section, the Secretary concerned may cancel any leave of absence granted under this section.

"(2) The Secretary concerned may cancel a leave of absence granted to a member under this section if the Secretary determines that the member is not satisfactorily pursuing the program of education for which the leave was granted.

"(e) In this section, 'eligible member' means a member of the armed forces on active duty who is eligible for basic educational assistance under chapter 30 of title 38 and who—

"(1) in the case of an enlisted member, has completed at least one term of enlistment and has reenlisted; and

"(2) in the case of an officer, has completed the officer's initial period of obligated service on active duty.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"708. Educational leave of absence.".

(b) Section 708 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1985.

PRESEPARATION COUNSELING

SEC. 708. (a)(1) Chapter 53 of title 10, United States Code, is amended by adding after section 1045 (as added by section 654) the following new section:

"§ 1046. Preseparation counseling requirement

"Upon the discharge or release from active duty of a member of the armed forces, the Secretary concerned shall provide for individual counseling of that member. That counseling shall include a discussion of the educational assistance benefits to which the member is entitled because of the member's service in the armed forces and an explanation of the procedures for and advantages of affiliating with the Selected Reserve. A notation of the provision of such counseling, signed by the member, shall be placed in the service record of each member receiving such counseling.".

(2) The table of sections at the beginning of that chapter is amended by adding after the item relating to section 1045 (as added by section 654) the following new item:

"1046. Preseparation counseling requirement.".

(b) Section 1046 of title 10, United States Code, as added by subsection (a), shall take effect on July 1, 1985.

EXTENSION OF PILOT DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE LOAN REPAYMENT PROGRAM

SEC. 709. Section 902(g) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1986".

TITLE VIII—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 801. There is hereby authorized to be appropriated for fiscal year 1985 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 251 et seq.) the sum of $190,000,000.

REPEAL OF LIMITATION ON AMOUNTS THAT MAY BE APPROPRIATED FOR CERTAIN PURPOSES

SEC. 802. Section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260) is amended by striking out ": Provided further" and all that follows through "$47,000,000 per annum".

TITLE IX—NATIONAL DEFENSE STOCKPILE

TERMINATION OF PREVIOUS DISPOSAL AUTHORITY

SEC. 901. (a) Any authority provided by law before the date of the enactment of this Act to enter into contracts for the disposal of materials in the National Defense Stockpile established by section 3 of the Strategic and Critical Materials Stock Piling Act (hereinafter in this title referred to as "the Act") (50 U.S.C. 98b) shall expire on September 30, 1984.

AUTHORIZATIONS FOR DISPOSAL

SEC. 902. Effective on October 1, 1984, the President is authorized to dispose of the following quantities of materials currently held in the National Defense Stockpile in accordance with the provisions of the Act, such quantities having been determined to be excess to the current requirements of the stockpile:

(1) 3,200 short tons of antimony.

(2) 5,600 short tons of asbestos, chrysotile.

(3) 7,500,000 carats of diamond stones.

(4) 51,210 short dry tons of manganese dioxide battery natural.

(5) 292,000 short dry tons of metallurgical grade manganese.

(6) 5,000 flasks of mercury.

(7) 500,000 pounds of mercuric oxide.

(8) 1,000,000 pounds of mica, muscovite film first and second qualities.

(9) 1,000,000 pounds of mica, muscovite splittings.

(10) 50,000 pounds of mica, phlogopite splittings.

(11) 167 short tons of mica block and lump.

(12) 100,000 pounds of quartz crystals.

(13) 10,000,000 troy ounces of silver.

(14) 125,000 pounds of talc, block and lump.

(15) 50,000 pounds of thorium nitrate.

(16) 20,000 long tons of tin.

(17) 2,400,000 pounds of tungsten contained in ores.

(18) 4,200 long tons of vegetable tannin, chestnut.

(19) 20,000 long tons of vegetable tannin, quebracho.

RESTRICTIONS ON BALANCE IN STOCKPILE TRANSACTION FUND

SEC. 903. (a) Section 5(b)(2) of the Act (50 U.S.C. 98d(b)(2)) is amended—

(1) by striking out "a balance" the first place it appears and inserting in lieu thereof "an unobligated balance"; and

(2) by striking out "$1,000,000,000" and all that follows through the end and inserting in lieu thereof "$250,000,000.".

(b) Effective on October 1, 1986, section 5(b)(2) of the Act is amended by striking out "$250,000,000" and inserting in lieu thereof "$100,000,000".

STOCKPILE REPORT

SEC. 904. Not later than January 31, 1985, the President shall submit to Congress a report respecting the National Defense Stockpile. The report shall include—

(1) a plan for attaining the goals of the stockpile specified in section 3(b)(2) of the Act over a three-year period;

(2) an analysis as to the appropriateness of placing all aspects of the management and operation of the stockpile under a single authority, such as the Secretary of Defense;

(3) an analysis of the adequacy of existing legal authority to barter surplus and excess material of the Government and excess real

property of the Department of Defense for strategic and critical materials for the stockpile;

(4) an analysis of why existing barter authority has not been used more aggressively in procuring strategic and critical materials to meet stockpile goals; and

(5) a draft of such legislation as may be required to carry out any recommendations respecting such plans and analyses.

DEPOSIT OF FUNDS ACCRUING FROM NAVAL PETROLEUM RESERVES

SEC. 905. There shall be deposited into the National Defense Stockpile Transaction Fund established under section 9 of the Act (50 U.S.C. 98h) 30 percent of all money accruing to the United States during fiscal year 1985 from lands in the naval petroleum and oil shale reserves (less amounts spent for exploration, development and operation of those reserves and related expenses during that period). Moneys deposited into the Fund under this subsection shall be deemed to have been covered into the Fund under section 9(b) of the Act.

TITLE X—MATTERS RELATING TO NATO AND OTHER ALLIES

SENSE OF CONGRESS RELATING TO INCREASE IN DEFENSE SPENDING BY UNITED STATES ALLIES

SEC. 1001. It is the sense of Congress that the President—

(1) should call on the pertinent member nations of the North Atlantic Treaty Organization to meet or exceed their pledges for an annual increase in defense spending during fiscal years 1984 and 1985 of at least 3 percent real growth; and

(2) should call on Japan to further increase its defense spending during fiscal years 1984 and 1985;

in furtherance of increased unity, equitable sharing of the common defense burden, and international stability.

IMPROVEMENTS TO NATO CONVENTIONAL CAPABILITY

SEC. 1002. (a) The Congress finds—

(1) that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability so as to lengthen the period of time that Western Europe can be defended by conventional forces without the necessity of resorting to the early use of nuclear weapons in the event of a non-nuclear attack on any NATO member country;

(2) that fulfillment by NATO member nations of their goals and commitments to increase defense spending, improve conventional sustainability, and provide support facilities in Western Europe for rapid reinforcements from the United States is crucial to accomplishing that objective; and

(3) that an increase over current United States military personnel levels in European member nations of NATO can be justified only if these goals and commitments are substantially met by NATO member nations (other than the United States).

(b) The Congress urges the President and the Secretary of Defense to continue to encourage member nations of NATO (other than the United States) to work expeditiously to fulfill the following commitments they have undertaken:

(1) To achieve and maintain an annual increase in their defense spending of at least 3 percent, after inflation.

(2) To acquire a 30-day supply of air and ground munitions among those NATO members which have committed forces to the Northern, Center, and Southern Regions.

(3) To construction of the number of minimum essential and emergency operating facilities and semihardened aircraft shelters in Western Europe required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, as a minimum, the annual commitment of United States reinforcing tactical aircraft.

(c)(1) After September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this Act or any other Act enacted after the date of the enactment of this Act may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414.

(2) If the Secretary of Defense certifies to the Congress in writing during any fiscal year after fiscal year 1985 that during the previous fiscal year the member nations of NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity consistent with the goals set forth in subsection (b) which contributes to lengthening the time period between an armed attack on any NATO country and the time the Supreme Allied Commander, Europe, would have to request the release and use of nuclear weapons, the Congress would give strong consideration to authorizing an increase in the permanent ceiling prescribed in paragraph (1) for fiscal years after such fiscal year.

(d)(1) Not later than April 1, 1985, and each year thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Sencte and House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Northern, Center, and Southern Regions.

(B) The number of facilities and semihardened aircraft shelters completed or under construction as they relate to the United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(2)(A) Beginning with the budget submitted to Congress for fiscal year 1986, but not later than April 1, 1985, and each year thereafter, the Secretary of Defense shall submit to Congress a report on the status and cost of the United States commitment to NATO as reflected in the DPQ Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report entitled "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section 1107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 677). In addition to the information required by that section, each such report shall include information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements of subparagraph (A), the Secretary of Defense shall include in the report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(i) Allied contributions to the common defense.

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft.

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve materiel.

(viii) Improving NATO's ability to neutralize enemy follow-on forces, including use of emerging technologies.

(ix) Improvements in mine/counter mine capability.

(x) Improvements in offensive counter air capability.

(e)(1) The Congress finds that a viable "two-way street" of defense procurement improves NATO interoperability and therefore is important to overall improvements in conventional defense.

(2)(A) In addition to any funds appropriated pursuant to the authorization contained in section 201 for the activities of the Director of Test and Evaluation, Defense, the Director may use an additional amount, not to exceed $50,000,000, to acquire certain types of weapons, subsystems, and munitions of European NATO manufacture for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act. Items that may be acquired under this paragraph include submunitions and dispensers, anti-tank and anti-armor guided missiles, mines, runway-cratering devices, torpedoes, mortar systems, light armored vehicles, and high-velocity anti-tank guns).

(f)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefor.

REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

SEC. 1003. (a) In recognition of the increasing military threat faced by the Western World and in view of the growth, relative to the United States, in the economic strength of Japan, Canada, and a number of Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security Treaty between Japan and the United States on January 19, 1960, it is the sense of the Congress that—

(1) the burdens of mutual defense now assumed by some of the countries allied with the United States under those agreements are not commensurate with their economic resources;

(2) since May 1978, when each member nation of the North Atlantic Treaty Organization (NATO) agreed to increase real defense spending annually in the range of 3 percent, most NATO members, except for the United States, have failed to meet the 3 percent real growth commitment consistently;

(3) since May 1981, when the Government of Japan established its policy to defend the air and sea lines of communication out to 1,000 nautical miles from the coast of Japan, progress to develop the necessary self-defense capabilities to fulfill that pledge has been extremely disappointing;

(4) Japan is the ally of the United States with the greatest potential for improving its self-defense capabilities and should, therefore, rapidly increase its annual defense spending to the levels required to fulfill that pledge and to enable Japan to be capable of

an effective conventional self-defense capability by 1990, including the capability to carry out its 1,000-mile defense policy, a development that would be consonant not only with Japan's current prominent position in the family of nations but also with its unique sensibilities on the issues of war and peace, sensibilities that are recognized and respected by the people of the United States; and

(5) the continued unwillingness of such countries to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesion of the alliances between those countries and the United States.

(b) It is further the sense of the Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and an agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

(c) The Secretary of Defense shall submit to the Congress each year, not later than March 1, a classified report containing—

(1) a comparison of the fair and equitable shares of the mutual defense burdens of these alliances that should be borne by the United States, by other member nations of NATO, and by Japan, based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist and their impact on mutual defense efforts;

(2) a description of efforts by the United States and the efforts of other members of the alliances to eliminate any existing disparities;

(3) projected estimates of the real growth in defense spending for the fiscal year in which the report is submitted for each NATO member nation;

(4) a description of the defense-related initiatives undertaken by each NATO member nation within the real growth in defense spending of such nation in the fiscal year immediately preceding the fiscal year in which the report is submitted;

(5) an explanation of those instances in which the commitments to real growth in defense spending have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO commitments;

(6) a description of the activities of each NATO member and Japan to enhance the security and stability of the Southwest Asia region and to assume additional missions for their own defense as the United States allocates additional resources to the mission of protecting Western interests in world areas not covered by the system of Western Alliances; and

(7) a description of what additional actions the executive branch plans to take should the efforts by the United States referred to in clauses (2) and (5) fail, and, in those instances where such additional actions do not include consideration of the repositioning of American troops, a detailed explanation as to why such repositioning is not being so considered.

(d) The Secretary of Defense shall also submit to the Congress not more than 30 days after the submission of the report required under subsection (a) an unclassified report containing the matters set forth in clauses (1) through (7) of such subsection.

NATO SEASPARROW COOPERATIVE PROGRAM

SEC. 1004. The Secretary of the Navy is authorized to continue participation, in accordance with current operating procedures, in the North Atlantic Treaty Organization SEASPARROW Surface Missile System Cooperative Consortium, as described in the Memorandum of Understanding between the United States, Denmark, Norway, Italy, the Netherlands, Belgium, Canada, Greece, and Federal Republic of Germany, signed by the United States on June 6, 1968, and the Memorandum of Understanding between the same countries, signed by the United States on May 20, 1977.

PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES

SEC. 1005. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§2401a. Procurement of communications support and related supplies and services

"(a) As an alternative means of obtaining communications support and related supplies and services, the Secretary of Defense, subject to the approval of the Secretary of State, may enter into an arrangement with the Minister of Defense or other appropriate official of any allied country or with the North Atlantic Treaty Organization (NATO), under which, in return for being provided communications support and related supplies and services, the United States would agree to provide to such country or NATO an equivalent value of communications support and related supplies and services.

"(b) Any arrangement entered into under this section shall require that any accrued credits and liabilities resulting from an unequal exchange of communications support and related supplies and services during the term of such arrangement would be liquidated by direct payment to the party having provided the greater amount of communications support and related supplies and services. Payments received by the United States shall be credited to the appropriation from which such communications support and related supplies and services have been provided.

"(c) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives copies of all documents evidencing an arrangement entered into under subsection (a) not later than 45 days after entering into such an arrangement.

"(d) In this section, 'allied country' means—

"(1) a country that is a member of the North Atlantic Treaty Organization, or

"(2) Australia, New Zealand, Japan, or the Republic of Korea.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2401a. Procurement of communications support and related supplies and services.".

POLICY ON ARMAMENTS COOPERATION WITH NATO MEMBER COUNTRIES

SEC. 1006. Not later than May 1, 1985, the Secretary of Defense shall transmit to Congress a report setting forth a comprehensive proposal by which the United States and NATO member countries may achieve the objectives described in section 1122(b) of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 755).

AUTHORITY OF SECRETARY OF DEFENSE IN CONNECTION WITH COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE

SEC. 1007. (a) During fiscal year 1985, the Secretary of Defense may carry out the European air defense agreements. In carrying out those agreements during that year, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles and services as specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

(b) In connection with the administration of the European air defense agreements during fiscal year 1985, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A));

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units to the Federal Republic of Germany contemplated in the agreements;

(3) use, to the extent contemplated in the agreements, the NATO Maintenance and Supply Agency (A) for the supply of logistic support in Europe for the Patriot missile system, and (B) for the acquisition of such logistic support, to the extent that the Secretary determines that the procedures of that agency governing such supply and acquisition are appropriate;

(4) share, to the extent contemplated in the agreements, the costs of set-up charges of facilities for use by that agency to perform depot-level support of Patriot missile fire units in Europe; and

(5) deliver to the Federal Republic of Germany one Patriot missile fire unit configured for training, to be purchased by the Federal Republic of Germany under the Arms Export Control Act as contemplated in the agreements, without regard to the requirement in section 22 of that Act (22 U.S.C. 2762) for payment in advance of delivery for any purchase under that Act.

(c) Notwithstanding the rate required to be charged under section 21 of the Arms Export Control Act for services furnished by the United States, in the case of the 14 Patriot missile fire units which the Federal Republic of Germany purchases from the United States under that Act as contemplated in the European air defense agreements, the rate charged by the Secretary of Defense for packing, crating, handling, and transportation services associated with that purchase may not exceed the established Department of Defense rate for such services.

(d) For the purposes of this section, the term "European air defense agreements" means (1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983, and (2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Federal Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on July 12, 1984.

(e) The authority of the Secretary of Defense to enter into contracts under the European air defense agreements is available only to the extent that appropriated funds are otherwise available for that purpose.

TITLE XI—MATTERS RELATING TO ARMS CONTROL

REPORT ON STRATEGIC NUCLEAR SUBMARINE FORCE

SEC. 1101. Not later than April 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the survivability of the United States strategic nuclear ballistic missile submarine force. The report shall address whether there are grounds for adjusting, in short or long-range terms, strategic force plans of the United States based on any vulnerability or potential vulnerability of such force. The report shall also examine the feasibility and desirability of enhancing the survivability of such force through measures that would affect antisubmarine warfare, including the nature of the patrols and the rules of engagement of attack submarines and the nature of the patrols and the rules of engagement of ballistic missile submarines.

ANNUAL REPORT ON STRATEGIC DEFENSE PROGRAMS

SEC. 1102. At the time of the submission by the Secretary of Defense to the Congress of his annual budget presentation materials for each fiscal year beginning with fiscal year 1986 and ending with fiscal year 1990 (but not later than March 15 of the calendar year in which such fiscal year begins), the Secretary of Defense shall transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the programs that constitute the Strategic Defense Initiative and other programs, if any, relating to defense against strategic ballistic missiles. Each such report shall include—

(1) details of all programs and projects included in the Strategic Defense Initiative or relating to defense against strategic ballistic missiles;

(2) a clear definition of the objectives of the Strategic Defense Initiative;

(3) an explanation of the relationship between each such objective and each program and project associated with the Strategic Defense Initiative or defense against strategic ballistic missiles;

(4) the status of consultations with other member nations of the North Atlantic Treaty Organization, Japan, and other appropriate allies concerning research being conducted in the Strategic Defense Initiative program;

(5) a statement of any anticipated impact on the anti-ballistic missile treaty;

(6) consideration of a process by which Congress could review Soviet countermeasures to specific Strategic Defense Initiative programs and evaluate the adequacy of such programs to respond to such countermeasures;

(7) details on the funding of programs and projects for the Strategic Defense Initiative, including—

(A) prior and current year funding levels for all such programs, projects, and tasks in the Strategic Defense Initiative budgetary presentation materials;

(B) the amount requested to be appropriated for such programs, projects, and tasks for the fiscal year for which the budget is submitted; and

(C) the amount programmed to be requested for the following fiscal year.

REPORT ON THEATER NUCLEAR WEAPONS AND FORCE STRUCTURE

SEC. 1103. Not later than January 19, 1985, the President shall submit to Congress a report setting forth reasons why the United States should or should not initiate a long-term program for the renovation of the North Atlantic Treaty Organization (NATO) nuclear deterrent in a manner designed to reduce pressures for early first use of tactical nuclear weapons and to substantially reduce the theater nuclear arsenal to types and numbers of weapons whose characteristics make for a more stable and credible force. The report (in addition to any other matter covered) should specifically address the following issues:

(1) Whether NATO should not eliminate its reliance on short-range battlefield nuclear weapons (such as the atomic demolition bomb and 155-millimeter and 8-inch nuclear artillery rounds), the exposure of which to early loss from enemy action promotes pressures for early use.

(2) Whether NATO should not refurbish its nuclear deterrent by designing and deploying specific dedicated nuclear launchers of a range which permits the coverage of all potential targets from locations in the rear of the European NATO territory in the territory of the Warsaw Pact short of the territory of the Soviet Union, thereby reducing pressure from enemy action for early first use of nuclear weapons.

(3) Whether NATO should not, as a consequence of a change in policy described in paragraph (2), eliminate its inventory of dual-capable nuclear/conventional weapons in order to allow early use of artillery, aircraft, and surface-to-surface missiles for conventional missions rather than causing them to be withheld for possible nuclear use.

(4) Whether NATO should not place control and operation of tactical nuclear weapons in a single specialized command established for that purpose so that all other NATO force elements could be free to concentrate on pursuing conventional military missions with maximum efficiency.

REPORT ON WITHDRAWAL OF TACTICAL NUCLEAR WARHEADS FROM EUROPE

SEC. 1104. The President shall submit a report to Congress not later than 90 days after the final decision is made (based upon the recommendations of the Supreme Allied Commander, Europe) regarding the net reduction to be made by the United States in the number of tactical nuclear warheads in the territory of North Atlantic Treaty Organization European member nations pursuant to the decision of the Nuclear Planning Group of the North Atlantic Treaty Organization of October 17, 1983. The report shall—

(1) specify the types of warheads to be withdrawn in accordance with that decision, the number of each such warhead to be withdrawn, the schedule for the withdrawal, and the rationale for the selection of the particular warheads to be withdrawn; and

(2) any changes in force structure to be made resulting from the changes in the tactical nuclear warheads positioned in Europe.

REPORT ON UNITED STATES COUNTERFORCE CAPABILITY

SEC. 1105. (a) Not later than April 15, 1985, the President shall submit to Congress a report discussing the required strategic counterforce capability consistent with existing United States policy.

(b) The report under subsection (a) shall be developed taking into consideration current and proposed United States intercontinental ballistic missiles having an accuracy on the order of the MX missile (including specifically the MX missile, the D-5 Trident missile, and the small single-warhead missile) intended to be procured for United States strategic force modernization and the rationale for the overall counterforce capability that would be attained as a cumulative result of those procurements. The President shall include in the report a specific definition of what United States counterforce capability would constitute a so-called "first-strike capability" against the Soviet Union.

(c) The report shall also include an assessment of corresponding Soviet counterforce and first-strike capabilities.

TRANSMITTAL TO CONGRESS OF REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL AGREEMENTS

SEC. 1106. (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress the text of the report by the General Advisory Committee on Arms Control of the Arms Control and Disarmament Agency entitled "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983 (U)", dated November 1983. If the President determines that that report contains material the release of which to Congress would compromise United States intelligence sources, methods of intelligence gathering, or the national security of the United States, the President may furnish the text of such report after deleting or modifying such compromising material.

(b) Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress an unclassified version of the report described in subsection (a).

REPORT ON NUCLEAR WINTER FINDINGS AND POLICY IMPLICATIONS

SEC. 1107. (a) The Secretary of Defense shall participate in any comprehensive study of the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, the arms control policy, and the civil defense policy of the United States.

(b) Not later than March 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), concerning the subject described in subsection (a). The Secretary shall include in such report the following:

(1) A detailed review and assessment of the current scientific studies and findings on the atmospheric, climatic, environmental, and biological consequences of nuclear explosions and nuclear exchanges.

(2) A thorough evaluation of the implications that such studies and findings have on (A) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment, (B) the nuclear arms control policy of the United States, and (C) the civil defense policy of the United States.

(3) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(4) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

SENSE OF THE CONGRESS RELATING TO PEACEFUL NEGOTIATIONS BETWEEN THE UNITED STATES AND THE SOVIET UNION

SEC. 1108. (a) The Congress makes the following findings:

(1) An increasing number of scenarios (including misjudgment, miscalculation, misunderstanding, possession of nuclear arms by a terrorist group or a State sponsored threat) could precipitate a sudden increase in tensions and the risk of a nuclear confrontation between the United States and the Soviet Union, situations that neither side anticipates, intends, or desires.

(2) There has been a steady proliferation throughout the world of the knowledge, equipment, and materials necessary to fabricate nuclear weapons.

(3) Such proliferation of nuclear capabilities suggests an increasing potential for nuclear terrorism, the cumulative risk of which, considering potential terrorist groups and other threats over a period of years into the future, may be great.

(4) Current communications links represent equipment of the 1960's and as such are relatively outdated and limited in their capabilities.

(5) The President, responding to congressional initiatives, proposed the establishment of additional and improved communications links between the United States and the Soviet Union and other measures to reduce the risk of nuclear confrontation, and has initiated discussions at a working level with the Soviet Union pertaining to—

(A) the addition of a high speed facsimile capability to the direct communication link (hotline);

(B) the creation of a joint military communications link between the Department of Defense and the Soviet Defense Ministry; and

(C) the establishment by the Governments of the United States and Soviet Union of high-rate data communication links between each nation and its embassy in the other nation's capital.

(6) The establishment of nuclear risk reduction centers in Washington and Moscow could reduce the risk of increased tensions and nuclear confrontations, thereby enhancing the security of both the United States and the Soviet Union.

(7) These centers could serve a variety of functions, including—

(A) discussing procedures to be followed in the event of possible incidents involving the use of nuclear weapons by third parties;

(B) maintaining close contact during nuclear threats or incidents precipitated by third parties;

(C) exchanging information on a voluntary basis concerning events that might lead to the acquisition of nuclear weapons, materials, or equipment by subnational groups;

(D) exchanging information about United States-Union of Soviet Socialist Republics military activities which might be misunderstood by the other party during periods of mounting tensions; and

(E) establishing a dialog about nuclear doctrines, forces, and activities.

(8) The continuing and routine implementation of these various activities could be facilitated by the establishment within each Government of facilities, organizations, and bureaucratic relationships designated for these purposes, such as risk reduction centers, and by the appointment of individuals responsible to the respective head of state with responsibilities to manage such centers.

(b) The Congress—

(1) commends the President for his announced support for the confidence building measures described in subsection (a) and his initiation of negotiations which have occurred; and

(2) urges the President to pursue negotiations on these measures with the Government of the Soviet Union and to add to these negotiations the establishment of nuclear risk reduction centers in both nations to be operated under the direction of the appropriate diplomatic and defense authorities.

SENSE OF CONGRESS REGARDING A REPORT TO CONGRESS ON CERTAIN VERIFICATION PROGRAMS RELATING TO BIOLOGICAL AND CHEMICAL WEAPONS

SEC. 1109. (a) The Congress makes the following findings:

(1) The Iran-Iraq war has recently demonstrated a marked increase in the proliferation of technology on the production of chemical weapons and an increase in the willingness of nations to use such weapons in armed conflict.

(2) The President's Report to Congress on Soviet Arms Control Noncompliance concluded that the Soviet Union has refused to respond adequately to United States concerns about the transfer or use by the Soviet Union of lethal chemical warfare agents in Laos, Kampuchea, and Afghanistan and United States concerns about adherence by the Soviet Union to the 1972 Biological and Toxin Weapons Convention.

(3) Experts at the recent annual meeting of the American Association for the Advancement of Science and at the First World Congress on New Compounds in Biological and Chemical Warfare held at Ghent, Belgium, emphasized that better verification of the use of chemical weapons and of the development of biological and toxin weapons was essential to strengthen the 1972 Biological and Toxin Weapons Convention and the Geneva Protocol of 1925.

(4) The 1972 Biological and Toxin Weapons Convention is scheduled for review in 1985.

(5) The United States is anxious to promote and strengthen adherence to the Geneva Protocol of 1925 and the 1972 Biological and Chemical Weapons Convention and is vigorously pursuing a comprehensive, verifiable, international agreement to ban chemical weapons.

(6) Any comprehensive agreement intended to ban the production, storage, and transfer of chemical weapons must provide for effective measures of verification and enforcement and in order for the 1972 Biological and Toxin Weapons Convention to be effective, compliance with the terms of the convention must be verifiable; and

(7) The Congress must be well informed regarding existing and planned programs for verifying compliance with the 1972 Biological and Toxin Weapons Convention and with a chemical weapons ban agreement.

(b) It is the sense of Congress that the President should submit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a comprehensive report identifying and evaluating—

(1) existing and planned programs to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban; and

(2) the budget resources necessary to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban.

(c) The President is requested to submit the report referred to in subsection (b) to the committees referred to in such subsection not later than March 15, 1985.

SENSE OF CONGRESS EXPRESSING SUPPORT FOR UNITED STATES TO PURSUE OUTSTANDING ARMS CONTROL COMPLIANCE

SEC. 1110. (a) The Congress makes the following findings:

(1) It is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies.

(2) The President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint".

(3) The United States has legitimate concerns about certain Soviet actions and behavior relevant to limitations and other provisions of existing strategic arms agreements.

(4) The President has declared that "the United States will continue to press compliance issues with the Soviet Union through diplomatic channels, and to insist upon explanations, clarifications, and corrective actions".

(5) The President has also declared that "the United States is continuing to carry out its obligations under relevant agreements".

(6) It would be detrimental to the security interests of the United States and its allies and to international peace and stability for the last remaining limitations on strategic offensive nuclear weapons to break down or lapse before replacement by a new strategic arms control agreement between the United States and the Soviet Union.

(7) The continuation of existing restraints on strategic offensive nuclear arms would provide an atmosphere more conducive to achieving an agreement significantly reducing the the levels of nuclear arms.

(8) The Soviet Union has not agreed to a date for resumption of the nuclear arms talks in Geneva, and it is incumbent on the Soviet Union to return to the negotiating table.

(9) A termination of existing restraints on strategic offensive nuclear weapons could make the resumption of negotiations more difficult.

(10) Both sides have, to date, abided by important numerical and other limits contained in existing strategic offensive arms agreements, including dismantling operational missile-firing submarines and remaining within the ceilings on multiple-warhead missile launchers and other related limits.

(11) It is in the interest of the United States and its allies for the Soviet Union to continue to dismantle older missile-firing submarines as new ones are deployed and to continue to remain at or below a level of 820 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles, 1,200 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles and submarine launched ballistic missiles, and 1,320 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles and submarine launched ballistic missiles and heavy bombers

equipped with air launched cruise missiles, and other related limits in existing strategic offensive arms agreements.

(b) In view of these findings, it is the sense of Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic and other arms control agreements and should seek corrective actions, where appropriate, through the Standing Consultative Commission and other available diplomatic channels;

(2) the United States should, through December 31, 1985, continue to pursue its stated policy to refrain from undercutting the provisions of existing strategic offensive arms agreements so long as the Soviet Union refrains from undercutting the provisions of those agreements, or until a new strategic offensive arms agreement is concluded;

(3) the President should provide a report to the Congress in both classified and unclassified forms reflecting additional findings regarding Soviet adherence to such a no-undercut policy, by February 15, 1985;

(4) the President shall provide to Congress on or before June 1, 1985, a report that—

(A) describes the implications of the United States Ship Alaska's sea trials, both with and without the concurrent dismantling of older launchers of missiles with multiple independently targeted reentry vehicles, for the current United States no-undercut policy on strategic arms and United States security interests more generally;

(B) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy;

(C) reviews and assesses Soviet activities with respect to existing strategic offensive arms agreements; and

(D) makes recommendations regarding the future of United States interim restraint policy; and

(5) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long-term security interests of the United States and its allies and should consult with the Congress before making any change in current policy.

POLICY ON THE STATUS OF CERTAIN TREATIES TO PREVENT NUCLEAR TESTING

SEC. 1111. (a) The Senate makes the following findings:

(1) The United States is committed in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time.

(2) A comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons.

(3) The Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification.

(4) The entry into force of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and so make completion of a comprehensive test ban treaty more probable.

(5) A comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of underground nuclear explosions by seismological and other means.

(6) At present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty.

(7) The past five administrations have supported the achievement of a comprehensive test ban treaty.

(b) It is the sense of the Senate that at the earliest possible date, the President should—

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

(c) In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

TITLE XII—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

PART A—SHORT TITLE AND CONGRESSIONAL FINDINGS

SHORT TITLE

SEC. 1201. This title may be cited as the "Defense Procurement Reform Act of 1984".

CONGRESSIONAL FINDINGS AND POLICY

SEC. 1202. The Congress finds that recent disclosures of excessive payments by the Department of Defense for replenishment parts have undermined confidence by the public and Congress in the defense procurement system. The Secretary of Defense should make every effort to reform procurement practices relating to replenishment parts. Such efforts should, among other matters, be directed to the elimination of excessive pricing of replenishment spare parts and the recovery of unjustified payments. Specifically, the Secretary should—

(1) direct that officials in the Department of Defense refuse to enter into contracts unless the proposed prices are fair and reasonable;

(2) continue and accelerate ongoing efforts to improve defense contracting procedures in order to encourage effective competition and assure fair and reasonable prices;

(3) direct that replenishment parts be acquired in economic order quantities and on a multiyear basis whenever feasible, practicable, and cost effective;

(4) direct that standard or commercial parts be used whenever such use is technically acceptable and cost effective;

(5) vigorously continue reexamination of policies relating to acquisition, pricing, and management of replenishment parts and of technical data related to such parts; and

(6) ensure that persons that have developed products or processes offered or to be offered for sale to the public are not required, as a condition for the procurement of such products or processes by the Department of Defense, to provide to the United States technical data relating to the design, development, or manufacture of such products or processes (except for such data as may be necessary for the United States to operate and maintain the product or use the process if obtained by the United States as an element of performance under the contract).

PART B—AMENDMENTS TO CHAPTER 137 OF TITLE 10, UNITED STATES CODE

DEFINITIONS

SEC. 1211. Section 2302 of title 10, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(4) 'Technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including computer software documentation) relating to supplies procured by an agency. Such term does not include computer software or financial, administrative, cost or pricing, or management data or other information incidental to contract administration.

"(5) 'Major system' means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include hardware, equipment, software or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a major system if (A) the Department of Defense is responsible for the system and the total expenditures for research, development, test and evaluation for the system are estimated to be more than $75,000,000 (based on fiscal year 1980 constant dollars) or the eventual total expenditure for procurement of more than $300,000,000 (based on fiscal year 1980 constant dollars); (B) a civilian agency is responsible for the system and total expenditures for the system are estimated to exceed $750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a 'major system' established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled 'Major Systems Acquisitions', whichever is greater; or (C) the system is designated a 'major system' by the head of the agency responsible for the system.".

PUBLICATION OF PROPOSED REGULATIONS

SEC. 1212. (a) Chapter 137 of title 10, United States Code, is amended by inserting after section 2303 the following new section:

"§ 2303a. Publication of proposed regulations

"(a) Except as provided in subsection (d), no procurement policy, regulation, procedure, or form (including amendments or modifications thereto) that has a significant effect beyond the internal operating procedures of the agency issuing the procurement policy, regulation, procedure or form, or a significant cost or administrative impact on contractors or offerors may not take effect until 30 days after the procurement policy, regulation, procedure, or form is published for public comment in the Federal Register pursuant to subsection (b).

"(b) Subject to subsection (c), the head of the agency shall cause to be published in the Federal Register a notice of the proposed procurement policy, regulation, procedure, or form and provide for a public comment period for receiving and considering the views of all interested parties on such proposal. The length of such comment period may not be less than 30 days.

"(c) Any notice of a proposed procurement policy, regulation, procedure or form prepared for publication in the Federal Register shall include—

"(1) in a format required for publication in the Federal Register, the text of the proposal or, if it is impracticable to publish the full text of the proposal, a summary of the

proposal and a statement specifying the name and address of the officer or employee of the executive agency from whom the full text may be obtained; and

"(2) a request for interested parties to submit comments on the proposal and shall include the name and address of the officer or employee of the Government designated to receive such comments.

"(d)(1) The requirements of subsections (a) and (b) may be waived by the officer of the agency authorized to issue a procurement policy, regulation, procedure, or form if circumstances make compliance with such requirements impracticable.

"(2) A procurement policy, regulation, procedure, or form with respect to which the requirements of subsection (c) are waived under paragraph (1) shall be effective on a temporary basis if—

"(A) a notice of such procurement policy, regulation, procedure, or form is published in the Federal Register and includes a statement that the procurement policy, regulation, procedure, or form is temporary; and

"(B) provision is made for a public comment period of 30 days beginning on the date on which the notice is published.

After considering the comments received, the head of the agency waiving the requirements of subsections (a) and (b) under paragraph (1) may issue the final procurement policy, regulation, procedure, or form.".

(b) The amendment made by subsection (a) shall take effect with respect to procurement policies, regulations, procedures, or forms first proposed to be issued by an agency on or after the date which is 30 days after the date of enactment of this Act.

PLANNING FOR PROCUREMENT OF SUPPLIES AND FOR FUTURE COMPETITION

SEC. 1213. (a) Section 2305 of title 10, United States Code, is amended by adding at the end thereof the following new subsections:

"(c) The Secretary of Defense shall ensure that before a contract for the delivery of supplies to the Department of Defense is entered into—

"(1) when the appropriate officials of the Department are making an assessment of the most advantageous source for acquisition of the supplies (considering quality, price, delivery, and other factors), there is a review of the availability and cost of each item of supply—

"(A) through the supply system of the Department of Defense; and

"(B) under standard Government supply contracts, if the item is in a category of supplies defined under regulations of the Secretary of Defense as being potentially available under a standard Government supply contract; and

"(2) there is a review of both the procurement history of the item and a description of the item, including, when necessary for an adequate description of the item, a picture, drawing, diagram, or other graphic representation of the item.

"(d)(1)(A) The Secretary of Defense shall ensure that, in preparing a solicitation for the award of a development contract for a major system, the head of an agency consider requiring in the solicitation that an offeror include in its offer proposals described in subparagraph (B). In determining whether to require such proposals, the head of the agency shall give due consideration to the purposes for which the system is being procured and the technology necessary to meet the system's required capabilities. If such proposals are required, the head of the agency shall consider them in evaluating the offeror's price.

"(B) The proposals that the head of an agency is to consider requiring in a solicitation for the award of a development contract are the following:

"(i) Proposals to incorporate in the design of the major system items which are currently available within the supply system of the Federal agency responsible for the major system, available elsewhere in the national supply system, or commercially available from more than one source.

"(ii) With respect to items that are likely to be required in substantial quantities during the system's service life, proposals to incorporate in the design of the major system items which the United States will be able to acquire competitively in the future.

"(2)(A) The Secretary of Defense shall ensure that, in preparing a solicitation for the award of a production contract for a major system, the head of an agency consider requiring in the solicitation that an offeror include in its offer proposals described in subparagraph (B). In determining whether to require such proposals, the head of the agency shall give due consideration to the purposes for which the system is being procured and the technology necessary to meet the system's required capabilities. If such proposals are required, the head of the agency shall consider them in evaluating the offeror's price.

"(B) The proposals that the head of an agency is to consider requiring in a solicitation for the award of a production contract are proposals identifying opportunities to ensure that the United States will be able to obtain on a competitive basis items procured in connection with the system that are likely to be reprocured in substantial quantities during the service life of the system. Proposals submitted in response to such requirement may include the following:

"(i) Proposals to provide to the United States the right to use technical data to be provided under the contract for competitive reprocurement of the item, together with the cost to the United States, if any, of acquiring such technical data and the right to use such data.

"(ii) Proposals for the qualification of or development of multiple sources of supply for the item.

"(3) If the head of an agency is making a noncompetitive award of a development contract or a production contract for a major system, the factors specified in paragraphs (1) and (2) to be considered in evaluating an offer for a contract may be considered as objectives in negotiating the contract to be awarded.

(b) The amendment made by subsection (a) shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

DELEGATION OF CERTAIN PROCUREMENT FUNCTIONS

SEC. 1214. Section 2311 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Except as provided in"; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) The head of a procuring activity of an agency named in section 2303 of this title may delegate (subject to his direction) to any general or flag officer, to any civilian officer or employee serving in a position in grade GS-16 or above under the General Schedule (or in a comparable or higher position under another schedule), or to the head of a contracting office any authority of the head of the procuring activity to enter into a contract (or to approve the authority to enter into a contract) that is a sole-source contract or that results from an unsolicited proposal.

"(2) Any report required to be submitted by the head of an agency to Congress concerning contracts (or negotiations for contracts) above a certain dollar threshold that are sole-source contracts or that result from unsolicited proposals and that are entered into without the approval of certain officials of the procuring activity concerned need not specify a contract or negotiation above the stated amount if the head of the procuring activity, his deputy, or a person to whom authority was delegated under paragraph (1) approved the authority to enter into the contract.".

PERSONNEL EVALUATIONS TO INCLUDE EMPHASIS ON COMPETITION AND COST SAVINGS

SEC. 1215. Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§2317. Encouragement of competition and cost savings

"The Secretary of Defense shall establish procedures to ensure that personnel appraisal systems of the Department of Defense give appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to contracts covered by this chapter.".

IMPROVED PROCUREMENT PROCEDURES

SEC. 1216. (a) Chapter 137 of title 10, United States Code, is amended by adding after section 2317 (as added by section 1215 of this Act) the following new sections:

"§2318. Advocates for competition

"(a) In addition to the competition advocates established or designated pursuant to section 20(a) of the Office of Federal Procurement Policy Act, the Secretary of Defense shall designate an officer or employee of the Defense Logistics Agency to serve as the Advocate for Competition of the agency.

"(b) The advocate for competition established pursuant to subsection (a) shall carry out the responsibilities and functions provided for in sections 20(b) and 20(c) of the Office of Federal Procurement Policy Act.

"(c) Each advocate for competition of an agency shall be a general or flag officer if a member of the armed forces or a grade GS-16 or above under the General Schedule (or in a comparable or higher position under another schedule), if a civilian employee and shall be designated to serve for a minimum of two years.

"(d) Each advocate for competition of an agency shall transmit to the Secretary of Defense a report describing his activities during the preceding year. The report of each advocate for competition shall be included in the annual report of the Secretary of Defense required by section 21 of the Office of Federal Procurement Policy Act, in the form in which it was submitted to the Secretary.

"§2319. Encouragement of new competitors

"(a) In this section, 'qualification requirement' means a requirement for testing or other quality assurance demonstration that must be completed by an offeror before award of a contract.

"(b) Except as provided in subsection (c), the head of the agency shall, before establishing a qualification requirement—

"(1) prepare a written justification stating the necessity for establishing the qualification requirement and specify why the qualification requirement must be demonstrated before contract award;

"(2) specify in writing and make available to a potential offeror upon request all requirements which a prospective offeror, or its product, must satisfy in order to become qualified, such requirements to be limited to those least restrictive to meet the purposes necessitating the establishment of the qualification requirement;

"(3) specify an estimate of the costs of testing and evaluation likely to be incurred by a potential offeror in order to become qualified;

"(4) ensure that a potential offeror is provided, upon request and on a reimbursable basis, a prompt opportunity to demonstrate its ability to meet the standards specified for qualification using qualified personnel and facilities of the agency concerned or of another agency obtained through interagency agreement, or under contract, or other methods approved by the agency (including use of approved testing and evaluation services not provided under contract to the agency);

"(5) if testing and evaluation services are provided under contract to the agency for the purposes of clause (4), provide to the extent possible that such services be provided by a contractor who will not be expected to benefit from an absence of additional qualified sources and who shall be required in such contract to adhere to any restriction on technical data asserted by the potential offeror seeking qualification; and

"(6) ensure that a potential offeror seeking qualification is promptly informed as to whether qualification is attained and, in the event qualification is not attained, is promptly furnished specific information why qualification was not attained.

"(c)(1) Except as otherwise provided in this subsection, the head of an agency may not establish a new qualification requirement, or enforce an existing qualified products list qualified manufacturers list, or qualified bidders list, with respect to a potential offeror or its product unless the requirements of subsection (b) have been complied with.

"(2) Except with respect to a qualified products list, qualified manufacturers list, or qualified bidders list, if it is unreasonable to specify the standards for qualification which a prospective offeror or its product must satisfy, a determination to that effect shall be submitted to the advocate for competition of the procuring activity responsible for the purchase of the item subject to the qualification requirement. After considering any comments of the advocate for competition reviewing such determination, the head of the purchasing office may waive the requirements of clauses (2) through (6) of subsection (b) for up to two years with respect to the item subject to the qualification requirement.

"(3) A potential offeror may not be denied the opportunity to submit and have considered an offer for a contract solely because the potential offeror is not on a qualified bidders list, qualified manufacturers list, or qualified products list if the potential offeror can demonstrate to the satisfaction of the contracting officer that the potential offeror or its product meets the standards established for qualification or can meet such standards before the date specified for award of the contract.

"(4) Nothing contained in this subsection requires the referral of an offer to the Small Business Administration pursuant to section 8(b)(7) of the Small Business Act if—

"(A) such referral would not have been required in the absence of this subsection; or

"(B) the offeror is challenging either the validity of the qualification requirement being used or the offeror's compliance with such requirement.

"(5) The head of an agency need not delay a proposed procurement in order to comply with subsection (b) or in order to provide a potential offeror with an opportunity to demonstrate its ability to meet the standards specified for qualification.

"(6) The requirements of subsection (b) also apply before enforcement of any qualified products list, qualified manufacturers list, or qualified bidders list.

"(d)(1) If the number of qualified sources or qualified products available to compete actively for an anticipated future requirement is fewer than two actual manufacturers or the products of two actual manufacturers, respectively, the head of the agency concerned shall—

"(A) periodically publish notice in the Commerce Business Daily soliciting additional sources or products to seek qualification unless the contracting officer determines that such publication would compromise national security; and

"(B) bear the cost of conducting the specified testing and evaluation (excluding the costs associated with producing the item or establishing the production, quality control, or other system to be tested and evaluated) for a small business concern or a product manufactured by a small business concern which has met the standards specified for qualification and which could reasonably be expected to compete for a contract for that requirement, but such costs may be borne only if the head of the agency determines that such additional qualified sources or products are likely to result in cost savings from increased competition for future requirements sufficient to amortize the costs incurred by the agency within a reasonable period of time considering the duration and dollar value of anticipated future requirements.

"(2) The head of an agency shall require a prospective contractor requesting the United States to bear testing and evaluation costs under paragraph (1)(B) to certify as to its status as a small business concern under section 3 of the Small Business Act.

"(e) Within seven years after the establishment of a qualification requirement under subsection (b) or within seven years following an agency's enforcement of a qualified products list, qualified manufacturers list or qualified bidders list, any such qualification requirement shall be examined and revalidated in accordance with the requirements of subsection (b). The preceding sentence does not apply in the case of a qualification requirement for which a waiver is in effect under subsection (c)(2).

"(f) Except in an emergency as determined by the head of the agency, whenever the head of the agency determines not to enforce a qualification requirement for a solicitation, the agency may not thereafter enforce that qualification requirement unless the agency complies with the requirements of subsection (b).

"§ 2320. Rights in technical data

"(a) The legitimate proprietary interest of the United States and of a contractor in technical or other data shall be defined in regulations prescribed as part of the single system of Government-wide procurement regulations as defined in section 4(4) of the Office of Federal Procurement Policy Act. Such regulations may not impair any right of the United States or of any contractor with respect to patents or copyrights or any other right in technical data otherwise established by law. The following factors shall be considered in prescribing such regulations:

"(1) Whether the technical data was developed—

"(A) exclusively with Federal funds;

"(B) exclusively at private expense; or

"(C) in part with Federal funds and in part at private expense.

"(2) The statement of congressional policy and objectives in section 200 of title 35, the statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (Public Law 97-219; 15 U.S.C. 638 note), and the declaration of policy in section 2 of the Small Business Act (15 U.S.C. 631).

"(3) The interest of the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

"(4) The policy set forth in section 1202(6) of the Defense Spare Parts Procurement Reform Act.

"(b) Regulations prescribed under paragraph (1) shall require that, whenever practicable, a contract for supplies or services entered into by an agency named in section 2303 of this title contain appropriate provisions relating to technical data, including provisions—

"(1) defining the respective rights of the United States and the contractor or subcontractor (at any tier) regarding any technical data to be delivered under the contract;

"(2) specifying the technical data, if any, to be delivered under the contract and delivery schedules for such delivery;

"(3) establishing or referencing procedures for determining the acceptability of technical data to be delivered under the contract;

"(4) establishing separate contract line items for the technical data, if any, to be delivered under the contract;

"(5) to the maximum practicable extent, identifying, in advance of delivery, technical data which is to be delivered with restrictions on the right of the United States to use such data;

"(6) requiring the contractor to revise any technical data delivered under the contract to reflect engineering design changes made during the performance of the contract and affecting the form, fit, and function of the items specified in the contract and to deliver such revised technical data to an agency within a time specified in the contract;

"(7) requiring the contractor to furnish written assurance at the time the technical data is delivered or is made available that the technical data is complete and accurate and satisfies the requirements of the contract concerning technical data;

"(8) establishing remedies to be available to the United States when technical data required to be delivered or made available under the contract is found to be incomplete or inadequate or to not satisfy the requirements of the contract concerning technical data; and

"(9) authorizing the head of the agency to withhold payments under the contract (or exercise such other remedies as the head of the agency considers appropriate) during any period if the contractor does not meet the requirements of the contract pertaining to the delivery of technical data.

"(c) Nothing in this section or in section 2305(d) of this title prohibits the Secretary of Defense from prescribing standards for determining whether a contract entered into by the Department of Defense shall provide for a time to be specified in the contract

after which the United States shall have the right to use (or have used) for any purpose of the United States all technical data required to be delivered to the United States under the contract or providing for such a period of time (not to exceed 7 years) as a negotiation objective.

"(d) The Secretary of Defense shall by regulation establish programs which provide domestic business concerns an opportunity to purchase or borrow replenishment parts from the United States for the purpose of design replication or modification, to be used by such concerns in the submission of subsequent offers to sell the same or like parts to the United States. Nothing in this paragraph limits the authority of the head of an agency to impose restrictions on such a program related to national security considerations, inventory needs of the United States, the improbability of future purchases of the same or like parts, or any additional restriction otherwise required by law.

"§ 2321. Validation of proprietary data restrictions

"(a) A contract for supplies or services entered into by the Department of Defense which provides for the delivery of technical data, shall provide that—

"(1) a contractor or subcontractor at any tier shall be prepared to furnish to the contracting officer a written justification for any restriction asserted by the contractor or subcontractor on the right of the United States to use such technical data; and

"(2) the contracting officer may review the validity of any restriction asserted by the contractor or by a subcontractor under the contract on the right of the United States to use technical data furnished to the United States under the contract if the contracting officer determines that reasonable grounds exist to question the current validity of the asserted restriction and that the continued adherence to the asserted restriction by the United States would make it impracticable to procure the item competitively at a later time.

"(b) If after such review the contracting officer determines that a challenge to the asserted restriction is warranted, the contracting officer shall provide written notice to the contractor or subcontractor asserting the restriction. Such notice shall state—

"(1) the grounds for challenging the asserted restriction; and

"(2) the requirement for a response within 60 days justifying the current validity of the asserted restriction.

"(c) If a contractor or subcontractor asserting a restriction subject to this section submits to the contracting officer a written request, showing the need for additional time to comply with the requirement to justify the current validity of the asserted restriction, additional time to adequately permit the submission of such justification shall be provided by the contracting officer as appropriate. If a party asserting a restriction receives notices of challenges to restrictions on technical data from more than one contracting officer, and notifies each contracting officer of the existence of more than one challenge, the contracting officer initiating the first in time challenge, after consultation with the party asserting the restriction and the other contracting officers, shall formulate a schedule of responses to each of the challenges that will afford the party asserting the restriction with an equitable opportunity to respond to each such challenge.

"(d)(1) Upon a failure by the contractor or subcontractor to submit any response under subsection (b), the contracting officer shall issue a decision pertaining to the validity of the asserted restriction.

"(2) If after review of any justification submitted in response to the notice provided pursuant to subsection (b), the contracting officer determines that the justification for the restriction on the right of the United States to use technical data does not support adequately the asserted restriction on the technical data, a contracting officer shall within 60 days of receipt of any justification submitted, issue a decision or notify the party asserting the restriction of the time within which a decision will be issued.

"(e) If a claim pertaining to the validity of the asserted restriction is submitted in writing to a contracting officer by a contractor or subcontractor at any tier, such claim shall be considered a claim within the meaning of the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

"(f)(1) If, upon final disposition, the contracting officer's challenge to the restriction on the right of the United States to use such technical data is sustained—

"(A) the restriction on the right of the United States to use the technical data shall be cancelled; and

"(B) if the asserted restriction is found not to be substantially justified, the contractor or subcontractor, as appropriate, shall be liable to the United States for payment of the cost to the United States of reviewing the asserted restriction and the fees and other expenses (as defined in section 2412(d)(2)(A) of title 28) incurred by the United States in challenging the asserted restriction, unless special circumstances would make such payment unjust.

"(2) If, upon final disposition, the contracting officer's challenge to the restriction on the right of the United States to use such technical data is not sustained—

"(A) the United States shall continue to be bound by the restriction; and

"(B) the United States shall be liable for payment to the party asserting the restriction for fees and other expenses (as defined in section 2412(d)(2)(A) of title 28) incurred by the party asserting the restriction in defending the assertive restriction if the challenge by the United States is found not to be made in good faith.

"§ 2322. Limitation on small business set-asides

"(a) The head of an agency may not authorize a procurement to be set-aside for participation only by small business concerns in the case of a procurement under the Foreign Military Sales program, if the foreign purchaser specifies the sources qualified to meet the requirement and only one of those sources is a small business concern.

"(b) This section expires two years after the effective date of part B of the Defense Procurement Reform Act of 1984.

"§ 2323. Commercial pricing for supplies

"(a) Except in the case of an offer submitted with a written statement under subsection (b) and except as provided in subsection (c), a contract entered into using other than full and open competitive procedures by an agency named in section 2303(a) of this title for the purchase of items that are offered for sale to the public may not result in a price to the United States that exceeds the lowest price at which such items are sold by the contractor to the public.

"(b) A person who submits an offer to such an agency for the supply of items that it offers for sale to the public shall certify in the offer that the price offered is not more than its lowest commercial price for the items or shall submit with the offer a written statement specifying the amount of the difference between its lowest commercial price for the items and the price offered and providing a justification for that difference.

"(c) Subsections (a) and (b) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by subsection (a) for such contract is not appropriate because of—

"(1) national security considerations; or

"(2) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.".

(b) Within 60 days after the date the regulations required by section 2319(a) of title 10, United States Code (as added by subsection (a)), are prescribed, the Secretary of Defense, the Administrator of General Services, and the Administrator of the National Aeronautics and Space Administration shall submit to Congress a joint report describing in detail how those regulations give consideration to the factors specified for consideration in that subsection.

(c)(1) Section 2318 of title 10, United States Code (as added by subsection (a)), shall take effect on April 1, 1985.

(2) Sections 2319, 2320, and 2321 of title 10, United States Code (as added by subsection (a)), shall apply with respect to solicitations issued after the end of the one-year period beginning on the date of the enactment of this Act.

(3) Section 2322 of title 10, United States Code (as added by subsection (a)), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

(4) Section 2323 of title 10, United States Code (as added by subsection (a)), shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

CLERICAL AMENDMENTS

SEC. 1217. The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended—

(1) by inserting after the item relating to section 2303 the following new item:

"2303a. Publication of proposed regulations."; and

(2) by adding at the end thereof the following new items:

"2317. Encouragement of competition and cost savings.
"2318. Advocates for competition.
"2319. Encouragement of new competition.
"2320. Rights in technical data.
"2321. Validation of proprietary data restrictions.
"2322. Limitation on small business set-asides.
"2323. Commercial pricing for supplies.".

PART C—AMENDMENTS TO CHAPTER 141 OF TITLE 10, UNITED STATES CODE

IDENTIFICATION OF SOURCES OF SUPPLIES

SEC. 1231. (a) Section 2384 of title 10, United States Code, is amended to read as follows:

"§ 2384. Supplies: identification of supplier and sources

"(a) The Secretary of Defense shall require that the contractor under a contract with the Department of Defense for the furnishing of supplies to the United States shall mark or otherwise identify supplies furnished under the contract with the identity of the contractor, the national stock number for the supplies furnished (if there is such a number), and the contractor's identification number for the supplies.

"(b) The Secretary of Defense shall prescribe regulations requiring that, whenever practicable, each contract requiring the delivery of supplies shall require that the contractor identify—

"(1) the actual manufacturer or producer of the item or of all sources of supply of the contractor for that item;

"(2) the national stock number of the item (if there is such a number) and the identification number of the actual manufacturer or producer of the item or of each source of supply of the contractor for the item; and

"(3) the source of any technical data delivered under the contract.

"(c) Identification of supplies and technical data under this section shall be made in the manner and with respect to the supplies prescribed by the Secretary of Defense.".

(b) The amendment made by subsection (a) shall take effect at the end of the one-year period beginning on the date of the enactment of this Act.

REVISION OF LONG-TERM LEASE OR CHARTER AUTHORITY

SEC. 1232. (a)(1) Subsection (c) of section 2401 of title 10, United States Code, is amended—

(A) by inserting "(1)" after "(c)";

(B) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively; and

(C) by adding at the end thereof the following new paragraph:

"(2) Funds appropriated to the Department of Defense pursuant to an authorization contained in the Department of Defense Authorization Act, 1984 (Public Law 98-94), or in any other law enacted after September 24, 1983, may not be used to indemnify any person under the terms of a contract entered into under this section—

"(A) for any amount paid or due by any person to the United States for any liability arising under the Internal Revenue Code of 1954; or

"(B) to pay any attorneys' fees in connection with such contract.".

(2) Subsection (f) of such section is amended by striking out the second sentence. The guidelines required to be issued under that subsection shall be issued not later than October 31, 1984.

(b) Section 1202(c)(1) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 679), is amended by striking out "fiscal year 1985," and inserting in lieu thereof "each of fiscal years 1985, 1986, and 1987,".

ECONOMIC ORDER QUANTITIES

SEC. 1233. (a) Chapter 141 of title 10, United States Code, is amended by inserting after section 2384 the following new section:

"§ 2384a. Supplies: economic order quantities

"(a)(1) An agency referred to in section 2303(a) of this title shall procure supplies in such quantity as (A) will result in the total cost and unit cost most advantageous to the United States, where practicable, and (B) does not exceed the quantity reasonably expected to be required by the agency.

"(2) The Secretary of Defense shall take paragraph (1) into account in approving rates of obligation of appropriations under section 2204 of this title.

"(b) Each solicitation for a contract for supplies shall, if practicable, include a provision inviting each offeror responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend a quantity or quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.".

(b) The amendment made by subsection (a) shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

ADDITIONAL MISCELLANEOUS PROCUREMENT PROVISIONS

SEC. 1234. (a) Chapter 141 of title 10, United States Code, as amended by section 1005, is amended by adding at the end thereof the following new sections:

"§ 2402. Prohibition of contractors limiting subcontractor sales directly to the United States

"(a) Each contract for the purchase of supplies or services made by the Department of Defense shall provide that the contractor will not—

"(1) enter into any agreement with a subcontractor under the contract that has the effect of unreasonably restricting sales by the subcontractor directly to the United States of any item or process (including computer software) made or furnished by the subcontractor under the contract (or any follow-on production contract); or

"(2) otherwise act to restrict unreasonably the ability of a subcontractor to make sales to the United States described in clause (1).

"(b) This section does not prohibit a contractor from asserting rights it otherwise has under law.

"§ 2403. Major weapon systems: contractor guarantees

"(a) In this section:

"(1) 'Weapon system' means items that can be used directly by the armed forces to carry out combat missions and that cost more than $100,000 or for which the eventual total procurement cost is more than $10,000,000. Such term does not include commercial items sold in substantial quantities to the general public.

"(2) 'Prime contractor' means a party that enters into an agreement directly with the United States to furnish part or all of a weapon system.

"(3) 'Design and manufacturing requirements' means structural and engineering plans and manufacturing particulars, including precise measurements, tolerances, materials, and finished product tests for the weapon system being produced.

"(4) 'Essential performance requirements', with respect to a weapon system, means the operating capabilities or maintenance and reliability characteristics of the system that are determined by the Secretary of Defense to be necessary for the system to fulfill the military requirement for which the system is designed.

"(5) 'Component' means any constituent element of a weapon system.

"(6) 'Mature full-scale production' means the manufacture of all units of a weapon system after the manufacture of the first one-tenth of the eventual total production or the initial production quantity of such system, whichever is less.

"(7) 'Initial production quantity' means the number of units of a weapon system contracted for in the first year of full-scale production.

"(8) 'Head of an agency' has the meaning given that term in section 2302 of this title.

"(b) Except as otherwise provided in this section, the head of an agency may not after January 1, 1985, enter into a contract for the production of a weapon system unless each prime contractor for the system provides the United States with written guarantees that—

"(1) the item provided under the contract will conform to the design and manufacturing requirements specifically delineated in the production contract (or in any amendment to that contract);

"(2) the item provided under the contract, at the time it is delivered to the United States, will be free from all defects in materials and workmanship;

"(3) the item provided under the contract will conform to the essential performance requirements of the item as specifically delineated in the production contract (or in any amendment to that contract); and

"(4) if the item provided under the contract fails to meet the guarantee specified in clause (1), (2), or (3), the contractor will at the election of the Secretary of Defense or as otherwise provided in the contract—

"(A) promptly take such corrective action as may be necessary to correct the failure at no additional cost to the United States; or

"(B) pay costs reasonably incurred by the United States in taking such corrective action.

"(c) The head of the agency concerned may not require guarantees under subsection (b) from a prime contractor for a weapon system, or for a component of a weapon system, that is furnished by the United States to the contractor.

"(d) Subject to subsection (e)(1), the Secretary of Defense may waive part or all of subsection (b) in the case of a weapon system, or component of a weapon system, if the Secretary determines—

"(1) that the waiver is necessary in the interest of national defense; or

"(2) that a guarantee under that subsection would not be cost-effective.

The Secretary may not delegate authority under this subsection to any person who holds a position below the level of Assistant Secretary of Defense or Assistant Secretary of a military department.

"(e)(1) Before making a waiver under subsection (d) with respect to a weapon system that is a major defense acquisition program for the purpose of section 139a of this title, the Secretary of Defense shall notify the Committees on Armed Services and on Appropriations of the Senate and House of Representatives in writing of his intention to waive any or all of the requirements of subsection (b) with respect to that system and shall include in the notice an explanation of the reasons for the waiver.

"(2) Not later than February 1 of each year, the Secretary of Defense shall submit to the committees specified in paragraph (1) a report identifying each waiver made under subsection (d) during the preceding calendar year for a weapon system that is not a major defense acquisition program for the purpose of section 139a of this title and shall include in the report an explanation of the reasons for the waivers.

"(f) The requirement for a guarantee under subsection (b)(3) applies only in the case of a contract for a weapon system that is in mature full-scale production. However, nothing in this section prohibits the head of the agency concerned from negotiating a guarantee similar to the guarantee described in that subsection for a weapon system not yet in mature full-scale production. When a contract for a weapon system not yet in mature full-scale production is not to include the full guarantee described in subsection (b)(3), the Secretary shall comply with the notice requirements of subsection (e).

"(g) Nothing in this section prohibits the head of the agency concerned from—

"(1) negotiating the specific details of a guarantee, including reasonable exclusions, limitations and time duration, so long as the negotiated guarantee is consistent with the general requirements of this section;

"(2) requiring that components of a weapon system furnished by the United States to a contractor be properly installed so as not to invalidate any warranty or guarantee provided by the manufacturer of such component to the United States;

"(3) reducing the price of any contract for a weapon system or other defense equipment to take account of any payment due from a contractor pursuant to subclause (B) of subsection (b)(4);

"(4) in the case of a dual source procurement, exempting from the requirements of subsection (b)(3) an amount of production by the second source contractor equivalent to the first one-tenth of the eventual total production by the second source contractor; and

"(5) using written guarantees to a greater extent than required by this section, including guarantees that exceed those in clauses (1), (2), and (3) of subsection (b) and guarantees that provide more comprehensive remedies than the remedies specified under clause (4) of that subsection.

"(h)(1) The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this section.

"(2) This section does not apply to the Coast Guard or to the National Aeronautics and Space Administration.

"§ 2404. Acquisition of petroleum: authority to waive contract procedures

"(a) The Secretary of Defense may, for any purchase of petroleum, waive the application of any provision of law prescribing procedures to be followed in the formation of contracts, prescribing terms and conditions to be included in contracts, or regulating the performance of contracts if the Secretary determines—

"(1) that petroleum market conditions have adversely affected (or will in the near future adversely affect) the acquisition of petroleum by the Department of Defense; and

"(2) the waiver will expedite or facilitate the acquisition of petroleum for Government needs.

"(b) A waiver under subsection (a) may be made with respect to a particular contract or with respect to classes of contracts. Such a waiver that is applicable to a contract for the purchase of petroleum may also be made applicable to a subcontract under that contract.

"(c) The Secretary of Defense may acquire petroleum by exchange of petroleum or petroleum derivatives.

"(d) The Secretary of Defense shall notify the Congress within 10 days of the date on which any waiver is made under this section and of the reasons for the necessity of exercising such waiver.

"(e) In this section, 'petroleum' means natural or synthetic crude, blends of natural or synthetic crude, and products refined or derived from natural or synthetic crude or from such blends.

"§ 2405. Limitation on adjustment of shipbuilding contracts

"(a) The Secretary of a military department may not adjust any price under a shipbuilding contract entered into after December 7, 1983, for an amount set forth in a claim, request for equitable adjustment, or demand for payment under the contract (or incurred due to the preparation, submission, or adjudication of any such claim, request, or demand) arising out of events occurring more than 18 months before the submission of the claim, request, or demand.

"(b) For the purposes of subsection (a), a claim, request, or demand shall be considered to have been submitted only when the contractor has provided the certification required by section 6(c)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)(1)) and the supporting data for the claim, request, or demand.".

(b)(1) Effective on January 1, 1985, section 794 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 97 Stat. 1454), is repealed.

(2) Effective on the date of the enactment of this Act, section 787 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 97 Stat. 1453), is repealed.

(c) Section 2402 of title 10, United States Code (as added by subsection (a)), shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

CLERICAL AMENDMENTS

SEC. 1235. The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 2384 and inserting in lieu thereof the following:

"2384. Supplies: identification of supplier and sources.
"2384a. Supplies: economic order quantities."; and

(2) by adding at the end thereof the following new item:

"2402. Prohibition of contractors limiting subcontractor sales directly to the United States.
"2403. Major weapon systems: contractor guarantees.
"2404. Acquisition of petroleum: authority to waive contract procedures.
"2405. Limitation on adjustment of shipbuilding contracts.".

PART D—OTHER PROCUREMENT PROVISIONS

COOPERATIVE AGREEMENTS FOR PROCUREMENT TECHNICAL ASSISTANCE

SEC. 1241. (a)(1) Title 10, United States Code, is amended by inserting after chapter 141 the following new chapter:

"CHAPTER 142—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

"Sec.
"2411. Definitions.
"2412. Purposes.
"2413. Cooperative agreements.
"2414. Limitation.
"2415. Distribution.
"2416. Regulations.

"§ 2411. Definitions

"In this chapter:

"(1) 'Eligible entity' means a State (as defined in section 6302(5) of title 31), a local government (as defined in section 6302(2) of that title), or a private, nonprofit organization that enters into a cooperative agreement with the Secretary under this chapter to furnish procurement technical assistance to business entities and to defray at least one-half of the costs of furnishing such assistance.

"(2) 'Secretary' means the Secretary of Defense acting through the Director of the Defense Logistics Agency.

"§ 2412. Purposes

"The purposes of the program authorized by this chapter are—

"(1) to increase Department of Defense assistance for eligible entities furnishing procurement technical assistance to business entities; and

"(2) to assist eligible entities in the payment of the costs of establishing and carrying out new procurement technical assistance programs and maintaining existing procurement technical assistance programs.

"§ 2413. Cooperative agreements

"(a) The Secretary may, in accordance with the provisions of this chapter, enter into cooperative agreements with eligible entities to carry out the purposes of this chapter.

"(b) In entering into cooperative agreements under subsection (a), the Secretary shall assure that at least one procurement technical assistance program is carried out in each Department of Defense contract administration services region during each fiscal year.

"§ 2414. Limitation

"The value of the assistance furnished by the Department of Defense to any eligible entity to carry out a procurement technical assistance program pursuant to a cooperative agreement under this chapter during any fiscal year may not exceed $150,000.

"§ 2415. Distribution

"(a)(1) During a fiscal year specified in paragraph (2), the Secretary shall reserve the applicable percentage prescribed in paragraph (2), out of funds appropriated to carry out this chapter in such fiscal year, for the purpose of furnishing assistance pursuant to cooperative agreements entered into under section 2413 of this title with eligible entities which have carried out a procurement technical assistance program before such fiscal year. The Secretary may use the remainder of such funds during such fiscal year for the purpose of furnishing assistance pursuant to cooperative agreements entered into under such section with eligible entities which have not carried out a procurement technical assistance program before such fiscal year.

"(2) For the purposes of paragraph (1), the applicable percentage during fiscal year 1985 is 50 percent and during fiscal year 1986 is 75 percent.

"(b) During any fiscal year after fiscal year 1986, the Secretary shall allocate assistance under this chapter in accordance with such cooperative agreements as the Secretary enters into pursuant to section 2413 of this title.

"§ 2416. Regulations

"The Secretary of Defense shall prescribe regulations to carry out this chapter.".

(2) The table of chapters at the beginning of subtitle A of such title and at the beginning of part IV of such subtitle are each amended by inserting after the item relating to chapter 141 the following new item:

"142. Procurement Technical Assistance Cooperative Agreement Program ..... 2411".

(b)(1) There are authorized to be appropriated $2,000,000 for fiscal year 1985 to be available for the purpose of furnishing assistance to carry out procurement technical assistance programs pursuant to cooperative agreements under chapter 142 of title 10, United States Code (as added by subsection (a)).

(2) There are authorized to be appropriated for fiscal year 1985 such additional sums as are necessary to defray the expenses of administering the provisions of such

chapter during such fiscal year, including the expenses related to the employment of any additional personnel necessary to administer such provisions.

REVISION OF REQUIREMENTS FOR SELECTED ACQUISITION REPORTS AND UNIT COST REPORTS

SEC. 1242. (a) Section 139a of title 10, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by striking out "procurement funds appropriated" and inserting in lieu thereof "funds programed to be available for obligation for procurement"; and

(B) by striking out "of funds appropriated" and inserting in lieu thereof "of funds programed to be available for obligation";

(2) by inserting "and that is in excess of $2,000,000" after "dollar amount" in subsection (a)(4);

(3) in subsection (b)(2), by striking out "there has been no" and all that follows and inserting in lieu thereof "during the period since that report there has been—

"(A) less than a 5 percent change in total program cost; and

"(B) less than a three-month delay in any program schedule milestone shown in the Selected Acquisition Report.";

(4) in subsection (f)—

(A) by striking out "30" the first place it appears and inserting in lieu thereof "60";

(B) by striking out "30" the second place it appears and inserting in lieu thereof "45"; and

(C) by striking out the second sentence and inserting in lieu thereof the following: "A preliminary report shall be submitted for each annual Selected Acquisition Report within 30 days of the date on which the President submits the Budget to Congress."; and

(5) by adding at the end thereof the following new subsection:

"(g) The requirements of this section with respect to a major defense acquisition program shall cease to apply after 90 percent of the items to be delivered to the United States under the program (shown as the total quantity of items to be purchased under the program in the most recent Selected Acquisition Report) have been delivered or 90 percent of planned expenditures under the program have been made.".

(b)(1) Subsection (a) of section 139b of title 10, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) 'Baseline Report', with respect to a unit cost report that is submitted under this section to the Secretary concerned on a major defense acquisition program, means—

"(A) the most recent unit cost report submitted under subsection (e)(2)(B)(ii) with respect to the program, if that report was submitted for the second, third, or fourth quarter of the preceding fiscal year;

"(B) if no report was submitted under subsection (e)(2)(B)(ii) with respect to the program during that three-quarter period, the most recent unit cost report submitted under subsection (e)(1) with respect to the program, if that report was submitted during that three-quarter period; and

"(C) if no report was submitted with respect to the program under subsection (e)(1) or (e)(2)(B)(ii) during that three-quarter period, the baseline Selected Acquisition Report.".

(2) Subsection (b) of such section is amended—

(A) by striking out "not more than 7 days";

(B) by inserting after the first sentence the following new sentence: "Each report for the first quarter of a fiscal year shall be submitted not more than 7 days after the date on which the President transmits the Budget to Congress for the following fiscal year, and each report for other quarters shall be submitted not more than 7 days after the end of that quarter."; and

(C) by striking out "baseline Selected Acquisition Report" in paragraph (3) and inserting in lieu thereof "Baseline Report".

(3) Clauses (A) and (B) of subsection (c)(1) of such section are amended by striking out "baseline Selected Acquisition Report" and inserting in lieu thereof "Baseline Report".

(4)(A) Paragraphs (1) and (2) of subsection (d) of such section are amended by striking out "baseline Selected Acquisition Report" and inserting in lieu thereof "Baseline Report".

(B) Paragraph (3)(B) of such subsection is amended—

(i) by striking out "additional funds may not be obligated in connection with such program" and inserting in lieu thereof "funds appropriated for military construction, for research, development, test, and evaluation, and for procurement may not be obligated for a major contract under the program"; and

(ii) by striking out "but less than 25 percent" in subclause (i).

(5) Subsection (e) of such section is amended—

(A) in paragraph (1)—

(i) by striking out "subsection (d)(3)(B)" and inserting in lieu thereof "subsection (d)(3)(B)(i)"; and

(ii) by inserting "more than" before "15 percent";

(B) in paragraph (2)—

(i) by striking out "subsection (d)(3)(B)" and inserting in lieu thereof "subsection (d)(3)(B)(ii)";

(ii) by inserting "more than" before "25 percent";

(iii) by inserting in clause (A) "and the Secretary concerned submits to Congress, before the end of the 30-day period referred to in subsection (d)(3)(B)(i), a report containing the information described in subsection (g)" after "acquisition program"; and

(iv) by striking out "such subsection" in clause (B) and inserting in lieu thereof "subsection (d)(3)(B)(ii)"; and

(C) by striking out "in the case of" in paragraph (3) and all that follows and inserting in lieu thereof "at the end of a period of 30 days of continuous session of Congress (as determined under section 7307(b)(2) of this title) beginning on the date—

"(A) on which Congress receives the report of the Secretary concerned under paragraph (1) or (2)(B)(ii) with respect to that program, in the case of a determination of a more than 15 percent increase (as determined in subsection (d)); or

"(B) on which Congress has received both the report of the Secretary concerned under paragraph (1) or (2)(B)(ii) and the certification of the Secretary of Defense under paragraph (2)(B)(i) with respect to that program, in the case of a more than 25 percent increase (as determined under subsection (d)).".

(6) Subsection (g)(1) of such section is amended—

(A) by striking out clause (I) and inserting in lieu thereof the following:

"(I) The type of the Baseline Report (under subsection (a)(4)) and the date of the Baseline Report."; and

(B) in clause (K), by inserting "and the procurement unit cost for the succeeding fiscal year expressed in constant base-year dollars and in current year dollars" after "current dollars".

DURATION OF ASSIGNMENT OF PROGRAM MANAGERS FOR MAJOR PROGRAMS

SEC. 1243. (a) The tour of duty of an officer of the Armed Forces assigned after the date of the enactment of this Act as a program manager of a major defense acquisition program (as defined in section 139a(a) of title 10, United States Code) shall be (1) not less than four years, or (2) until completion of a major program milestone (as defined in regulations prescribed by the Secretary of Defense).

(b) The Secretary of the military department concerned may waive the length of the tour of duty prescribed in subsection (a). Such authority may not be delegated.

AUTHORITY TO WAIVE COMPLIANCE WITH CERTAIN REQUIREMENTS PROVIDED FOR IN REGULATIONS RELATING TO PRICES OF SPARE PARTS AND REPLACEMENT EQUIPMENT

SEC. 1244. Section 1215(b) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 10 U.S.C. 2452 note), is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary may provide in such regulations for the waiver of the prohibition in subsection (a)(1) and compliance with the requirements of subsection (a)(2) in the case of a purchase of any spare part or replacement equipment made or to be made through competitive procedures.".

REGULATIONS FOR ALLOCATING OVERHEAD TO PARTS TO WHICH THE PRIME CONTRACTOR HAS ADDED LITTLE VALUE

SEC. 1245. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe by regulations the manner in which the Department of Defense negotiates prices for supplies to be obtained through the use of other than competitive procedures, as defined in section 4(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(b)). Such revision shall specify the incurred overhead a contractor may appropriately allocate to such supplies and shall require the contractor to identify those supplies which it did not manufacture or to which it did not contribute significant value. Nothing in this section requires the submission of cost or pricing data not otherwise required by law.

PART E—TEMPORARY PROVISIONS, REPORTS, AND EFFECTIVE DATES

REPORT ON IMPLEMENTATION OF CERTAIN RECOMMENDATIONS OF THE GRACE COMMISSION

SEC. 1251. Not later than March 31, 1985, the Secretary of Defense shall submit to Congress a report assessing the recommendations of the President's Private Sector Survey on Cost Control (commonly referred to as the "Grace Commission") concerning—

(1) the system of making progress payments to defense contractors to offset high interest rates and inflation; and

(2) modernization of automated data processing systems in order to achieve more effective control of Department of Defense supply inventories.

PLANS FOR MANAGEMENT OF TECHNICAL DATA AND COMPUTER CAPABILITY IMPROVEMENTS

SEC. 1252. (a)(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for an improved system for the management of technical data relating to any major system of the Department of Defense. At a

minimum, the management plan shall address procedures for—

(A) indexing, storing, and updating items of technical data in a system;

(B) developing, to the maximum extent practicable, a centralized system to identify the repository within the department responsible for technical data relating to an item and the extent of the data on file in that repository with respect to that item; and

(C) assuring that those parties otherwise entitled to receive technical data will have timely access to complete and current technical data.

(2) Not later than 5 years after the date of the enactment of this Act, the Secretary shall complete implementation of the management plan required to be developed by paragraph (1).

(3) Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall transmit to Congress a report evaluating the plan developed by the Secretary of Defense under paragraph (1).

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives a plan to improve substantially the computer capability of each of the military departments and of the Defense Logistics Agency to store and access rapidly data that is needed for the efficient procurement of supplies. The plan shall provide for a computer data base that includes price and procurement history, item identification, sources of supply, and other relevant information. The plan shall specify a schedule for the implementation of the improvements, the projected cost of implementation of the improvements, and such other recommendations as the Secretary of Defense considers appropriate to accomplish the improvements.

REPORT ON USE OF INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 1253. Not later than May 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the continued use of independent cost estimates in the planning, programing, budgeting, and selection process for major defense acquisition programs in the Department of Defense. Such report shall be a follow-on to the report required by section 1203(c) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 10 U.S.C. 1039 note), and shall include an overall assessment of the extent to which such estimates were adopted by the Department of Defense in making decisions on the fiscal year 1986 budget and a general explanation of why such estimates might have been modified or rejected. The Secretary shall also include in the report a statement as to whether adequate personnel and financial resources have been allocated at all levels of the Department of Defense to those organizations or offices charged with developing or assessing independent estimates of the costs of major defense acquisition programs.

ONE-YEAR EXTENSION OF TEST PROGRAM TO AUTHORIZE PRICE DIFFERENTIALS TO RELIEVE ECONOMIC DISLOCATIONS

SEC. 1254. (a) Effective on October 1, 1984, section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note), is amended—

(1) by striking out "fiscal years 1983 and 1984" each place it appears and inserting in lieu thereof "fiscal years 1983, 1984, and 1985"; and

(2) by striking out "and April 15, 1984," in the first sentence of subsection (b) and inserting in lieu thereof ", April 15, 1984, and April 15, 1985".

(b) Effective as of October 1, 1982, such section is amended by striking out "section 2892" and inserting in lieu thereof "section 2392".

TITLE XIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT MATTERS

JOINT CHIEFS OF STAFF REORGANIZATION

SEC. 1301. (a)(1) Subsection (a) of section 124 of title 10, United States Code, is amended by striking out "shall" in clause (2).

(2) Subsection (c) of such section is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end thereof the following new paragraph:

"(2) Subject to the authority, direction, and control of the Secretary, the Chairman acts as the spokesman for the commanders of the combatant commands on operational requirements.".

(b) Section 142(b)(2) of such title is amended—

(1) by striking out "and assist" and inserting in lieu thereof "(including any subject for the agenda recommended by the Joint Chiefs of Staff), assist"; and

(2) by striking out "practicable" and inserting in lieu thereof "practicable, and determine when issues under consideration shall be decided".

(c)(1) Subsection (a) of section 143 of title 10, United States Code, is amended to read as follows:

"(a)(1) There is under the Joint Chiefs of Staff a Joint Staff consisting of not more than 400 officers selected by the Chairman of the Joint Chiefs of Staff. The Joint Staff shall be selected in approximately equal numbers from—

"(A) the Army;

"(B) the Navy and the Marine Corps; and

"(C) the Air Force.

"(2) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

"(3) The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff.".

(2) Subsection (b) of such section is amended by striking out the second and third sentences.

(3) Such section is further amended by adding at the end thereof the following new subsection:

"(e) An officer who is assigned or detailed to duty on the Joint Staff may not serve for a tour of duty of more than four years. An officer completing a tour of duty with the Joint Staff may not be assigned or detailed to duty on the Joint Staff within two years after relief from that duty except with the approval of the Secretary. This subsection does not apply in time of war declared by Congress or in time of national emergency declared by the President.".

(d)(1) Chapter 36 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 646. Consideration of performance as a member of the Joint Staff

"The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall ensure that officer personnel policies of the Army, Navy, Air Force, and Marine Corps concerning promotion, retention, and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff.".

(2) The table of sections at the beginning of subchapter V of such chapter is amended by adding at the end thereof the following new item:

"646. Consideration of performance as a member of the Joint Staff.".

REDUCTION IN HEADQUARTERS STAFFS

SEC. 1302. (a) Not later than September 30, 1985, the Secretary of Defense shall reduce the total number of military and civilian personnel assigned to duty in the agencies of the Department of Defense and the military departments to perform management headquarters activities or management headquarters support activities by a number that is at least 2 percent below the total number of personnel requested by the President for fiscal year 1985 to perform such activities.

(b) The number of military and civilian personnel assigned to the Office of the Secretary of Defense as of September 30, 1985, may not exceed 1,730. However, if the Secretary of Defense determines that such action is necessary in the national interest, the Secretary may increase the number specified in the limitation in the preceding sentence, but such number may not be increased by more than 2 percent. The Secretary shall promptly notify the Congress of any exercise of such authority.

(c) Any reduction in military or civilian personnel assigned to perform management headquarters activities or management headquarters support activities in the National Security Agency/Central Security Service, the Defense Intelligence Agency, the Organization of the Joint Chiefs of Staff, or the Naval Intelligence Command may not be included for the purposes of complying with the requirements of subsection (a).

(d) For purposes of this section, the terms "management headquarters activities" and "management headquarters support activities" have the same meanings as prescribed for such terms in Department of Defense Directive 5100.73 entitled "Department of Defense Management Headquarters and Headquarters Support", dated March 12, 1981.

REPORT ON SIZE OF SERVICE SECRETARIATS

SEC. 1303. Not later than December 15, 1984, the Secretary of Defense shall submit a report to Congress on the reasons for the disparity in size among the Offices of the Secretaries of the military departments and particularly on the reasons for the size of the Office of the Secretary of the Navy compared to the size of the Office of the Secretary of the Army and of the Secretary of the Air Force. For the purposes of this section, the Office of a Secretary of a military department includes the Secretary, the Under Secretary, the Assistant Secretaries of the military department, their staffs, and other elements of the executive parts of the military department.

IMPLEMENTATION OF CERTAIN PERSONNEL POLICIES

SEC. 1304. No funds appropriated to the Department of Defense may be used before July 1, 1985, to comply with the regulation of the Office of Personnel Management referred to as Basic Installment 311 of the

Federal Personnel Manual (issued by the Office of Personnel Management on January 6, 1984), concerning personnel suitability, personnel security, personnel investigations, and suitability disqualification actions.

EXPANSION OF AUTHORITY FOR COLLECTION OF DEBTS FROM MEMBERS OF THE ARMED FORCES

SEC. 1305. Section 1007(c) of title 37, United States Code, is amended by striking out "an enlisted member of the Army or the Air Force" and inserting in lieu thereof "a member of the armed forces".

INCREASED COAST GUARD MEMBERSHIP ON THE RESERVE FORCES POLICY BOARD

SEC. 1306. Section 175(b) of title 10, United States Code, is amended by striking out "an officer of the Regular Coast Guard or the Coast Guard Reserve" and inserting in lieu thereof "two officers of the Coast Guard, regular or reserve,".

LIMITATION ON USE OF FUNDS FOR CONDUCTING POLYGRAPH EXAMINATIONS; REPORT

SEC. 1307. (a) None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other Act may be used for the purpose of implementing any revision of Department of Defense Directive 5210.48, dated October 6, 1975, relating to polygraph examinations and examiners except for the conduct of a test program involving not more than 3,500 persons.

(b) Not later than December 31, 1985, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of polygraph examinations administered by or for the Department of Defense during the fiscal year 1985. The report shall include the number of polygraph examinations conducted, a description of the purposes and results of such examinations, and an explanation of the uses made of the results of the examinations, as well as detailed reports on those cases in which more than two examinations were needed to attempt to resolve discrepancies.

(c) This section does not apply—

(1) in the case of any individual assigned to, or detailed to, the Central Intelligence Agency or to any expert or consultant under a contract with the Central Intelligence Agency;

(2) in the case of any individual employed by, assigned to, or detailed to, the National Security Agency, any expert or consultant under a contract with the National Security Agency, or any employee of a contractor of the National Security Agency; or

(3) in the case of any individual applying for a position in the National Security Agency.

(d) The provisions of subsection (a) shall expire on September 30, 1985.

TITLE XIV—CODIFICATION OF CERTAIN RECURRING AND PERMANENT PROVISIONS OF LAW

AMENDMENTS TO TITLE 10, UNITED STATES CODE

SEC. 1401. (a)(1) Chapter 31 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 520b. Applicants for enlistment: authority to use funds for the issue of authorized articles

"Funds appropriated to the Department of Defense may be used for the issue of authorized articles to applicants for enlistments.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"520b. Applicants for enlistments: authority to use funds for the issue of authorized articles.".

(b)(1) Chapter 48 of such title is amended by adding at the end thereof the following new section:

"§ 956. Deserters, prisoners, members absent without leave: expenses and rewards

"Funds appropriated to the Department of Defense may be used for the following purposes:

"(1) Expenses for the apprehension and delivery of deserters, prisoners, and members absent without leave, including the payment of rewards, in an amount not to exceed $75, for the apprehension of any such person.

"(2) Expenses of prisoners confined in nonmilitary facilities.

"(3) Payment of a gratuity of not to exceed $25 to each prisoner upon release from confinement in a military or contract prison facility.

"(4) The issue of authorized articles to prisoners and other persons in military custody.

"(5) Under such regulations as the Secretary concerned may prescribe, expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in the custody of the Army, Navy, or Air Force whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in the custody of the Army, Navy, or Air Force pursuant to Presidential proclamation.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"956. Deserters, prisoners, members absent without leave: expenses and rewards.".

(c)(1) Chapter 49 of such title is amended by adding at the end thereof the following new sections:

"§ 979. Prohibition on loan and grant assistance to persons convicted of certain crimes

"Funds appropriated to the Department of Defense may not be used to provide a loan, a guarantee of a loan, or a grant to any person who has been convicted by a court of general jurisdiction of any crime which involves the use of (or assisting others in the use of) force, trespass, or the seizure of property under the control of an institution of higher education to prevent officials or students of the institution from engaging in their duties or pursuing their studies.

"§ 980. Limitation on use of humans as experimental subjects

"Funds appropriated to the Department of Defense may not be used for research involving a human being as an experimental subject unless—

"(1) the informed consent of the subject is obtained in advance; or

"(2) in the case of research intended to be beneficial to the subject, the informed consent of the subject or a legal representative of the subject is obtained in advance.

"§ 981. Limitation on number of enlisted aides

"(a) Subject to subsection (b), the total number of enlisted members that may be assigned or otherwise detailed to duty as enlisted aides on the personal staffs of officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard (when operating as a service of the Navy) during a fiscal year is the number equal to the sum of (1) four times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of general or admiral, and (2) two times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of lieutenant general or vice admiral.

"(b) Not more than 300 enlisted members may be assigned to duty at any time as enlisted aides for officers of the Army, Navy, Air Force, and Marine Corps.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new items:

"979. Prohibition on loan and grant assistance to persons convicted of certain crimes.

"980. Limitation on use of humans as experimental subjects.

"981. Limitation on number of enlisted aides.".

(d)(1) Chapter 53 of such title is amended by adding after section 1046 (as added by section 708) the following new sections:

"§ 1047. Allowance for civilian clothing

"The Secretary of the military department concerned may furnish civilian clothing, at a cost of not more than $40, to an enlisted member who is—

"(1) discharged for misconduct or unsuitability or under conditions other than honorable;

"(2) sentenced by a civil court to confinement in a prison;

"(3) interned or discharged as an alien enemy; or

"(4) discharged before completion of recruit training under honorable conditions for dependency, hardship, minority, or disability or for the convenience of the Government.

"§ 1048. Gratuity payment to persons discharged for fraudulent enlistment

"The Secretary concerned may pay a gratuity of not to exceed $25 to a person discharged for fraudulent enlistment.

"§ 1049. Subsistence: miscellaneous persons

"The following persons may be provided subsistence at the expense of the United States:

"(1) Enlisted members while sick in hospitals.

"(2) Applicants for enlistment and selective service registrants called for induction.

"(3) Prisoners.

"(4) Civilian employees, as authorized by law.

"(5) Supernumeraries, when necessitated by emergent military circumstances.

"§ 1050. Latin American cooperation: payment of personnel expenses

"The Secretary of a military department may pay the travel, subsistence, and special compensation of officers and students of Latin American countries and other expenses that the Secretary considers necessary for Latin American cooperation.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1046 (as added by section 708) the following new items:

"1047. Allowance for civilian clothing.

"1048. Gratuity payment to persons discharged for fraudulent enlistment.

"1049. Subsistence: miscellaneous persons.

"1050. Latin American cooperation: payment of personnel expenses.".

(3)(A) Section 7208 of such title is repealed.

(B) The table of sections at the beginning of chapter 631 is amended by striking out the item relating to section 7208.

(e)(1) Section 1074 of such title is amended by adding at the end thereof the following new subsection:

"(c) Funds appropriated to a military department may be used to provide medical

and dental care to persons entitled to such care by law or regulations, including the provision of such care (other than elective private treatment) in private facilities for members of the armed forces.".

(2)(A) Chapter 55 of such title is amended by inserting after section 1074a the following new section:

"§ 1074b. Medical care: authority to provide a wig

"A person entitled to medical care under this chapter who has alopecia resulting from the treatment of a malignant disease may be furnished a wig if the person has not previously been furnished one at the expense of the United States.".

(B) The table of sections at the beginning of such chapter is amended by inserting below the item relating to item 1074 the following new item:

"1074b. Medical care: authority to provide a wig.".

(3) Section 1077(b) of such title is amended by adding at the end thereof the following new paragraph:

"(3) The elective correction of minor dermatological blemishes and marks or minor anatomical anomalies.".

(4)(A) Section 1079(a) of such title is amended—

(i) by striking out "and" at the end of clause (5);

(ii) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon; and

(iii) by adding after clause (6) the following new clauses:

"(7) services in connection with nonemergency inpatient hospital care may not be provided if such services are available at a facility of the uniformed services located within a 40-mile radius of the residence of the patient, except that such services may be provided in any case in which another insurance plan or program pays for at least 75 percent of the services;

"(8) services of pastoral counselors, family and child counselors, or marital counselors may not be provided unless the patient has been referred to the counselor by a medical doctor for treatment of a specific problem with the results of that treatment to be communicated back to the medical doctor who made the referral;

"(9) special education may not be provided, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis;

"(10) therapy or counseling for sexual dysfunctions or sexual inadequacies may not be provided;

"(11) treatment of obesity may not be provided if obesity is the sole or major condition treated;

"(12) surgery which improves physical appearance but is not expected to significantly restore functions (including mammary augmentation, face lifts, and sex gender changes) may not be provided, except that—

"(A) breast reconstructive surgery following a mastectomy may be provided;

"(B) reconstructive surgery to correct serious deformities caused by congenital anomalies or accidental injuries may be provided; and

"(C) neoplastic surgery may be provided;

"(13) any service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, optometrist, podiatrist, certified nurse-midwife, certified nurse practitioner, or certified clinical social worker, as appropriate, may not be provided, except as authorized in clause (4); and

"(14) the prohibition contained in section 1077(b)(3) of this title shall not apply in the case of a member or former member of the uniformed services.".

(B) Paragraph (2) of section 1079(h) of such title is amended by striking out the second sentence and inserting in lieu thereof the following: "The Secretary of Defense shall adjust the base period as frequently as he considers appropriate.".

(5)(A) Chapter 55 of such title is further amended by adding at the end thereof the following new section:

"§ 1093. Restriction on use of funds for abortions

"Funds available to the Department of Defense may not be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1093. Restriction on use of funds for abortions.".

(f)(1) Chapter 81 of such title is amended by adding at the end thereof the following new section:

"§ 1589. Prohibition on payment of lodging expenses when adequate Government quarters are available

"(a) Funds available to the Department of Defense (including funds in any working-capital fund) may not be used to pay the lodging expenses of a civilian employee of the Department of Defense while such employee is on official business away from his designated post of duty or, in the case of a person referred to in section 5703 of title 5, while such person is away from his home or regular place of duty, when adequate Government quarters are available but are not occupied by such employee or person.

"(b) Subsection (a) does not apply during a fiscal year to an employee whose duties can be expected to require official travel during more than one-half of the number of the basic administrative work weeks during that fiscal year.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new items:

"1589. Prohibition on payment of lodging expenses when adequate Government quarters are available.".

(g)(1) Chapter 101 of such title is amended by adding at the end thereof the following new sections:

"§ 2006. Limitation on payment of tuition for off-duty training or education

"(a) The Secretary of a military department may not pay more than 75 percent of the charges of an educational institution for the tuition or expenses of a member of the armed forces enrolled in such institution for education or training during his off-duty periods, except that—

"(1) in the case of an enlisted member in the pay grade of E-5 or higher with less than 14 years' service, not more than 90 percent of the charges may be paid;

"(2) in the case of a member enrolled in a high school completion program, all of the charges may be paid; and

"(3) in the case of a commissioned officer, no part of the charges may be paid unless the officer agrees to remain on active duty for a period of at least two years after the completion of the training or education.

"(b) The limitation in subsection (a) does not apply to the Program for Afloat College Education.

"§ 2007. Authority to use funds for certain educational purposes

"Funds appropriated to the Department of Defense may be used to carry out section 10 of the Act of September 23, 1950 (20 U.S.C. 640), relating to impact aid authorization.

"§ 2008. Military colleges: female students

"(a) Under regulations prescribed by the Secretary of Defense, any college or university designated by the Secretary of Defense as a military college shall, as a condition of maintaining such designation, provide that qualified female undergraduate students enrolled in such college or university be eligible to participate in military training at such college or university.

"(b) Regulations prescribed under subsection (a) may not require a college or university, as a condition of maintaining its designation as a military college or for any other purpose, to require female undergraduate students enrolled in such college or university to participate in military training.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new items:

"2006. Limitation on payment of tuition for off-duty training or education.

"2007. Authority to use funds for certain educational purposes.

"2008. Military colleges: female students.".

(h) Section 2104(b) of such title is amended—

(1) by striking out "and" at the end of clause (5);

(2) by striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(3) by inserting after clause (6) the following new clause:

"(7) execute a certificate of loyalty in such form as the Secretary of Defense prescribes or take a loyalty oath as prescribed by the Secretary.".

(i)(1) Chapter 147 of such title is amended by adding at the end thereof the following new section:

"§ 2483. Commissary stores: expenses

"(a) Except to the extent authorized in regulations prescribed by the Secretary of a military department and approved by the Secretary of Defense and except as provided in subsection (b), funds available to the Department of Defense may not be used to pay, in connection with the operation of any commissary store—

"(1) the cost of purchases (including commercial transportation in the United States to the place of sale) and the cost of maintenance of operating equipment and supplies;

"(2) the actual or estimated cost of utilities furnished by the United States;

"(3) the actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of the commissary store; or

"(4) costs incurred in connection with obtaining the face value amount of manufacturer or vendor cents-off discount coupons by the commissary store (or other entity acting on behalf of the commissary store).

"(b) Appropriated funds may be used to pay any costs described in subsection (a) but only to the extent that appropriation accounts used to pay such costs are reimbursed for the payment of such costs, including, in the case of any costs incurred in connection with discount coupons referred to in subsection (a)(4), all fees or moneys received

for handling or processing such coupons. The sales prices in commissary stores shall be adjusted to the extent necessary to provide sufficient gross revenues from the sales of such stores to make such reimbursements. Such adjustments shall be made under regulations prescribed by the Secretary of the military department concerned and approved by the Secretary of Defense.

"(c) Under regulations prescribed by the Secretary of Defense, utilities may be furnished without cost to a commissary store outside the United States or in Alaska or Hawaii.

"(d) Transportation outside the United States may be furnished in connection with the operation of commissary stores outside the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2483. Commissary stores: expenses.".

(j)(1) Chapter 157 of such title is amended by adding after section 2637 (as added by section 614) the following new sections:

"§ 2638. Transportation of civilian clothing of enlisted members

"The Secretary of the military department concerned may provide for the transportation of the civilian clothing of any person entering the armed forces as an enlisted member to the member's home of record.

"§ 2639. Transportation to and from school for certain minor dependents

"Funds appropriated to the Department of Defense may be used to provide minor dependents of members of the armed forces and of civilian officers and employees of the Department of Defense with transportation to and from primary and secondary schools if the schools attended by the dependents are not accessible by regular means of transportation.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2637 (as added by section 614) the following new items:

"2638. Transportation of civilian clothing of enlisted members.

"2639. Transportation to and from school for certain minor dependents.".

(3)(A) Section 7204(a) of such title is amended—

(i) by striking out "may—" and inserting in lieu thereof "may";

(ii) by striking out "(1)";

(iii) by redesignating subclauses (A), (B), (C), and (D) as clauses (1), (2), (3), and (4), respectively;

(iv) by striking out "; and" at the end of clause (1) and inserting in lieu thereof a period; and

(v) by striking out clause (2).

(B) The heading of section 7204 of such title is amended to read as follows:

"§ 7204. Schools near naval activities: financial aid".

(B) The item relating to such section in the table of sections at the beginning of chapter 631 of such title is amended to read as follows:

"7204. Schools near naval activities: financial aid.".

AMENDMENTS TO TITLE 37, UNITED STATES CODE

SEC. 1402. (a) Section 206 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) A member of the National Guard or of a reserve component of the uniformed services may not be paid under this section for more than four periods of equivalent training, instruction, duty, or appropriate duties performed during a fiscal year instead of the member's regular period of instruction or regular period of appropriate duty during that fiscal year.".

(b)(1) Chapter 5 of such title is amended by inserting after section 306 the following new section:

"§ 306a. Special pay: members assigned to international military headquarters

"Not more than nine members of the armed forces, including members detailed to international military headquarters, may be paid pay and allowances at rates referred to in section 625(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(d)).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 306 the following new item:

"306a. Special pay: members assigned to international military headquarters.".

(c) Section 404 of such title is amended by adding at the end thereof the following new subsection:

"(g) In the case of an enlisted member who is in a travel status and not entitled to receive per diem in lieu of subsistence for any day (or portion of a day) because the member is furnished meals in a Government mess, the member may not be paid a basic allowance for subsistence for such day (or portion of such day) that the member is furnished meals in a Government mess.".

REPEAL PROVISIONS

SEC. 1403. (a)(1) Section 706 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 97 Stat. 1437), is repealed.

(2) Section 735 of such Act (97 Stat. 1444) is amended by striking out "medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment);".

(b) Section 809 of the Department of Defense Appropriation Authorization Act, 1979 (Public Law 95-485; 92 Stat. 1623), is repealed.

(c) Section 820 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 89 Stat. 544), is repealed.

EFFECTIVE DATE

SEC. 1404. The amendments made by sections 1401, 1402, and 1403 take effect on October 1, 1985.

CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

SEC. 1405. Title 10, United States Code, is amended as follows:

(1) Section 125(a) is amended by striking out "section 401 of title 50" and inserting in lieu thereof "section 2 of the National Security Act of 1947 (50 U.S.C. 401)".

(2) Section 138(g) is amended by inserting "(22 U.S.C. 2795 et seq.)" after "chapter 5 of the Arms Export Control Act".

(3) Section 139 is amended—

(A) by striking out "thirty" both places it appears and inserting in lieu thereof "30"; and

(B) by striking out "ninety" and inserting in lieu thereof "90".

(4) Section 175(c) is amended by inserting a comma after "Reserve Affairs".

(5) Section 177(a)(1) is amended by striking out "sec. 29-1001" and inserting in lieu thereof "sec. 29-501".

(6) Section 191(a) is amended by striking out "such use in" and inserting in lieu thereof "such use is".

(7)(A) Section 264 is amended by striking out "Reserve components" in subsection (b) and inserting in lieu thereof "reserve components".

(B) The heading of such section is amended to read as follows:

"§ 264. Reserve affairs: designation of general or flag officer of each armed force; personnel and logistic support for Reserves".

(C) The item relating to such section in the table of sections at the beginning of chapter 11 is amended to read as follows:

"264. Reserve affairs: designation of general or flag officer of each armed force; personnel and logistic support for Reserves.".

(8) Section 280 is amended by striking out "5597,".

(9) Section 374(a)(3) is amended by striking out "(19 U.S.C. 1202)".

(10) Section 378 is amended by striking out "prior to the enactment of this chapter" and inserting in lieu thereof "before December 1, 1981".

(11) Section 630(2) is amended by striking out "eighteen-month" and inserting in lieu thereof "18-month".

(12) Section 633 is amended by striking out "twenty-eight" and inserting in lieu thereof "28".

(13) Sections 634 and 635 are amended by striking out "thirty" and inserting in lieu thereof "30".

(14) Section 636 is amended by striking out "thirty-five" and inserting in lieu thereof "35".

(15) Section 637(a) is amended—

(A) by striking out "twenty" in paragraph (2) and inserting in lieu thereof "20"; and

(B) by striking out "twenty-four" in paragraph (3) and inserting in lieu thereof "24".

(16) Section 673c(b)(1) is amended by inserting "of this title" after "or 673b".

(17) Section 680(a)(2)(D) is amended by striking out "Reserve Officer" and inserting in lieu thereof "reserve officer".

(18) Section 701(g) is amended—

(A) by striking out "sixty-day" and inserting in lieu thereof "60-day";

(B) by striking out "ninety-day" and inserting in lieu thereof "90-day"; and

(C) by striking out "one hundred and fifty" both places it appears and inserting in lieu thereof "150".

(19)(A) Section 1034 is amended by striking out "member of Congress" and inserting in lieu thereof "Member of Congress".

(B)(i) The heading of such section is amended to read as follows:

"§ 1034. Communicating with a Member of Congress".

(ii) The item relating to such section in the table of sections at the beginning of chapter 53 is amended to read as follows:

"1034. Communicating with a Member of Congress.".

(20) Section 1035(b) is amended—

(A) by striking out "per centum" and inserting in lieu thereof "percent";

(B) by striking out "Act" and inserting in lieu thereof "subsection"; and

(C) by striking out "ninety" and inserting in lieu thereof "90".

(21) Section 1040(a) is amended by striking out "thirty" and inserting in lieu thereof "30".

(22) The heading of section 1077 is amended by striking out the semicolon and inserting in lieu thereof a colon.

(23) Section 1079(e) is amended by striking out the period at the end of the matter preceding clause (1) and inserting in lieu thereof "as follows:".

(24) Section 1087(b)(2) is amended by inserting "(42 U.S.C. 1395c et seq.)" after "the Social Security Act."

(25) Section 1216(b) is amended by striking out "of this section".

(26) Section 1401a(f) is amended by striking out "prior to the effective date of this subsection" and inserting in lieu thereof "before October 7, 1975".

(27) Section 1464(c) is amended by striking out "section 1466" and inserting in lieu thereof "section 1465(c)".

(28) Section 1465(c)(1) is amended by striking out "(A)".

(29) Section 1586 is amended—

(A) in subsection (b)—

(i) by striking out "thirty" and inserting in lieu thereof "30";

(ii) by striking out "of this section" after "subsection (c)"; and

(iii) by striking out "of this subsection";

(B) in subsection (c)—

(i) by striking out "thirty" and inserting in lieu thereof "30";

(ii) by striking out "ninety days" both places it appears and inserting in lieu thereof "90 days";

(iii) by striking out "ninety-days" in paragraph (5) and inserting in lieu thereof "90-days";

(iv) by striking out "of this subsection" each place it appears in paragraphs (3), (4), and (5);

(v) by striking out "such" in paragraph (5); and

(vi) in paragraph (6)—

(I) by striking out "of this subsection" after "paragraph (1)"; and

(II) by striking out "of this subsection," after "as applicable,";

(C) by striking out "of this section" in subsections (d), (e)(1), and (g)(1); and

(D) by striking out "of this subsection" in subsection (e)(2).

(30) Section 2002(b) is amended by striking out "For the purposes of this section, the word" and inserting in lieu thereof "In this section,".

(31) The item relating to section 2003 in the table of sections at the beginning of chapter 101 is amended by striking out the semicolon and inserting in lieu thereof a colon.

(32) Section 2031(a) is amended by striking out "the date of enactment of this section" and inserting in lieu thereof "October 13, 1964".

(33) Section 2107(b) is amended by aligning the second sentence flush with the left margin.

(34) Section 2233 is amended—

(A) by striking out "subsection (c) of this section" in subsection (a) and inserting in lieu thereof "to subsection (c)"; and

(B) by striking out "or Territory, Puerto Rico, or the District of Columbia" both places it appears in the second sentence of subsection (b).

(35) Section 2381(c) is amended—

(A) by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)"; and

(B) by striking out "section 481(a) of that title" and inserting in lieu thereof "section 201(a) of that Act (40 U.S.C. 481(a))".

(36) The heading of section 2394a is amended to read as follows:

"§ 2394a. Procurement of energy systems using renewable forms of energy".

(37) Section 2577(a)(1) is amended by striking out "puposes" and inserting in lieu thereof "purposes".

(38) Section 2668(a)(10) is amended by striking out "section 961 of title 43" and inserting in lieu thereof "the Act of March 4, 1911 (43 U.S.C. 961)".

(39) Section 2672a is amended—

(A) by designating the first sentence as subsection (a);

(B) by striking out "operation" in such sentence and inserting in lieu thereof "operational";

(C) by designating the second sentence as subsection (b); and

(D) in the fourth sentence—

(i) by striking out "provision will" and inserting in lieu thereof "section shall"; and

(ii) by striking out "Armed Services Committees" and inserting in lieu thereof "Committees on Armed Services".

(40) Section 2675(b) is amended by striking out "thirty" and inserting in lieu thereof "30".

(41) Section 2687 is amended—

(A) by striking out "one thousand" in subsection (a)(2) and inserting in lieu thereof "1,000";

(B) by inserting "(42 U.S.C. 4321 et seq.)" in subsection (b)(2) after "National Environmental Policy Act of 1969";

(C) by striking out "sixty" in subsection (b)(4) and inserting in lieu thereof "60"; and

(D) by striking out "three hundred" in subsection (d)(1)(B) and inserting in lieu thereof "300".

(42)(A) The heading of section 2734a is amended to read as follows:

"§ 2734a. Property loss; personal injury or death: incident to noncombat activities of armed forces in foreign countries; international agreements".

(B) The item relating to such section in the table of sections at the beginning of chapter 163 is amended to read as follows:

"2734a. Property loss; personal injury or death: incident to noncombat activities of armed forces in foreign countries; international agreements.".

(43) Section 2777(c) is amended by striking out "of this section".

(44) Section 2822(b)(3) is amended by striking out "section 2833" and inserting in lieu thereof "section 2832".

(45)(A) Section 2857(b)(1) is amended by striking out "use of" and all that follows through "the potential for" and inserting in lieu thereof "use of such forms of energy has the potential for".

(B) The amendment made by subparagraph (A) shall take effect as if it had been included in the amendments made by section 801 of Public Law 97-321.

(46) Section 3579(a) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)".

(47) Section 5897(b)(5) is amended by striking out the semicolon at the end and inserting in lieu thereof a period.

(48) The item relating to chapter 661 in the table of chapters at the beginning of subtitle C is amended to read as follows:

"661. Accountability and Responsibility..... 7861".

(49) Section 7227(a) is amended—

(A) by striking out "routine" both places it appears and inserting in lieu thereof "Routine";

(B) by striking out "miscellaneous" and inserting in lieu thereof "Miscellaneous";

(C) by striking out the semicolons at the end of clauses (1) and (2) and inserting in lieu thereof periods; and

(D) by striking out "; and" at the end of clause (3) and inserting in lieu thereof a period.

(50) Section 7421(b) is amended by striking out "naval petroleum reserves numbered 1 and 2" and inserting in lieu thereof "National Petroleum Reserves Numbered 1 and 2".

(51) Section 7422(b) is amended by striking out "of this section".

(52) Sections 7426(a), 7431(b)(1), and 7431(c) are amended by inserting "of this title" after "section 7422(c)".

(53) Section 7430 is amended—

(A) by striking out "of this section" in subsection (d)(4);

(B) subsection (g)(2)—

(i) by striking out "thirty days" and inserting in lieu thereof "30 days"; and

(ii) by striking out "thirty day" and inserting in lieu thereof "30-day"; and

(C) by striking out "of this section" both places it appears in subsection (1)(4).

(54) Section 7472(b)(1)(B) is amended by striking out "onboard" and inserting in lieu thereof "on board".

(55) Section 8851(c) is amended by striking out "of this section".

(56)(A) Sections 2127(b), 2388(c), and 6154 are amended by striking out "section 3324 (a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324".

(B) Section 7522(b) is amended by striking out "Section 3324 (a) and (b) of title 31 does" and inserting in lieu thereof "Subsections (a) and (b) of section 3324 of title 31 do".

(57) Section 9512(b)(1) is amended by inserting "App." after "49 U.S.C.".

TITLE XV—GENERAL PROVISIONS

PART A—DEFENSE FINANCIAL MATTERS

TRANSFER AUTHORITY

SEC. 1501. (a)(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this Act between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for higher priority items than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

(d) Transfers between paragraphs of a subsection of section 301 may be made without regard to the requirements of this section.

PART B—PROVISIONS RELATING TO SPECIFIC PROGRAMS

CHEMICAL WARFARE REVIEW COMMISSION

SEC. 1511. (a) The President shall establish a bipartisan commission to be known as the "Chemical Warfare Review Commission". The Commission shall review the overall adequacy of the chemical warfare posture of

the United States with particular emphasis on the question of whether the United States should produce binary chemical munitions, and shall report its findings and recommendations to the President not later than April 1, 1985. In developing its recommendations, the Commission shall consider—

(1) the relationship of chemical stockpile modernization by the United States with the ultimate goal of the United States of achieving a multilateral, comprehensive, and verifiable ban on chemical weapons;

(2) the adequacy of the existing United States stockpile of unitary chemical weapons in providing a credible deterrent to use by the Soviet Union of chemical weapons against United States and allied forces;

(3) whether the binary chemical modernization program proposed by the Department of Defense is adequate to support United States national security policy by posing a credible deterrent to chemical warfare; and

(4) the ability of defensive measures alone to meet the Soviet chemical warfare threat and the adequacy of funding for current and projected defensive measure programs.

(b) The President shall submit to Congress the report of the Commission, together with the President's comments on the report, not later than April 1, 1985.

RESTRICTION ON THE USE OF FUNDS FOR THE B–1B BOMBER AIRCRAFT PROGRAM

SEC. 1512. None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended for the conduct of research, design, demonstration, development, or procurement of more than 100 B–1B bomber aircraft (including any derivative or modified version of such aircraft) unless the Secretary of Defense first notifies the Committees on Armed Services of the Senate and House of Representatives of the specific purpose for which the funds are proposed to be used and the amount proposed to be expended for that purpose.

CONFIGURATION OF THE FFG–7 CLASS GUIDED MISSILE FRIGATE

SEC. 1513. The Secretary of the Navy may determine the configuration of the FFG–7 class guided missile frigate for which funds were appropriated in the Department of Defense Appropriation Act, 1984 (Public Law 98–212; 97 Stat. 1421), without regard to the provisions relating to the design of that frigate in the paragraph in title IV of that Act under the heading "SHIPBUILDING AND CONVERSION, NAVY".

PROHIBITION AGAINST USING FUNDS APPROPRIATED FOR THE ADVANCED TECHNOLOGY BOMBER AND THE ADVANCED CRUISE MISSILE PROGRAMS FOR ANY OTHER PURPOSE

SEC. 1514. (a) It is the sense of Congress that—

(1) the capabilities inherent in the technologies associated with the Advanced Technology Bomber program and the Advanced Cruise Missile program are a critical national security asset for maintaining an adequate and credible deterrent posture;

(2) such technologies and programs should be developed as rapidly as feasible in order to produce and deploy advanced systems which will complicate the military planning of the Soviet Union and as a consequence enhance the deterrent posture of the United States;

(3) such technologies and programs should be funded at the levels authorized in this Act; and

(4) all the funds appropriated for such programs should be fully used for such programs.

(b) None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program or the Advanced Cruise Missile program may be used for any other purpose.

PART C—MISCELLANEOUS DEFENSE REPORTING REQUIREMENTS

EXTENSION OF TIME FOR REPORT OF THE COMMISSION ESTABLISHED BY THE MILITARY JUSTICE ACT OF 1983

SEC. 1521. Section 9(b)(4) of the Military Justice Act of 1983 (Public Law 98-209; 97 Stat. 1404) is amended by striking out "the first day of the ninth calendar month that begins after the date of the enactment of this Act" and inserting in lieu thereof "December 15, 1984".

STUDY OF FOREIGN SALES AND PROCUREMENT OF DEFENSE ARTICLES

SEC. 1522. (a)(1) The Secretary of Defense, in consultation with the heads of other appropriate Federal agencies, shall carry out a study to assess how the adequacy of the industrial base of the United States in the event of a war or national emergency is affected—

(A) by procurement by the Department of Defense of defense articles that are produced outside the United States or that are assembled from components, or fabricated from materials, produced outside the United States; and

(B) by sales by the Department of Defense or commercial manufacturers of defense articles manufactured in the United States to purchasers outside the United States.

(2) For the purposes of this section, the term "foreign-component defense article" means a defense article—

(A) that was produced outside the United States;

(B) that was assembled from over 50 percent components, or fabricated from over 50 percent materials, produced outside the United States; or

(C) that contains a major component that was produced outside the United States.

(b) The study under subsection (a) shall assess the effects of restrictions on the procurement of foreign-component defense articles on the overall United States balance of trade, on the balance of trade in defense articles, on treaties currently in effect, on the budgetary cost of national defense, on existing memoranda of understanding, on United States military alliances, and on efforts to increase the rationalization, standardization, and interoperability of articles used by North Atlantic Treaty Organization forces.

(c) Restrictions to be considered for the purposes of subsection (b) shall include—

(1) a prohibition on procurement of foreign-component defense articles;

(2) a prohibition on procurement of a defense article (or a major component of a defense article) from a foreign source unless there is also a domestic producer of the article;

(3) a prohibition on procurement of defense articles (and major components of defense articles) from a country with which the United States has an unfavorable balance of trade in defense articles; and

(4) a prohibition on procurement of a defense article (or a major component of a defense article) from a foreign source of more than 50 percent of the total quantity of the defense article (or major component) to be procured.

(d) The study under subsection (a) shall consider circumstances and requirements under a war or national emergency of both a brief duration and a long duration.

(e) A report of the study under subsection (a) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than October 15, 1985.

REPORT ON USE OF AIR FORCE AIR REFUELING FLEET

SEC. 1523. Not later than March 1, 1985, the Secretary of the Air Force shall submit to the appropriate committees of Congress a report analyzing the planned operational use of the Air Force's air refueling fleet throughout the remainder of the 1980's. This study shall include the planned use of the air refueling fleet for the Single Integrated Operational Plan (SIOP) and shall consider the growing number of potential contingency operations throughout the global spectrum of conflict to include multiple and simultaneous global threats.

STUDY BY THE SECRETARY OF DEFENSE OF CURRENT AND POTENTIAL EXPLOITATION OF FOREIGN TECHNOLOGY BY THE DEPARTMENT OF DEFENSE

SEC. 1524. (a)(1) The Secretary of Defense shall conduct a comprehensive study on how the Department of Defense can most effectively benefit from technology obtained from both cooperative and noncooperative foreign sources. In carrying out the study, the Secretary shall specifically consider—

(A) the existing and any planned organizational changes within the Department of Defense with respect to the office or offices responsible for collecting and disseminating foreign technology;

(B) whether additional funding is needed, and could be used in a cost-effective manner, for the collection of foreign technology by the various elements of the Department of Defense responsible for collecting and disseminating that technology; and

(C) an evaluation of the effectiveness of the current programs of the Department of Defense for collecting and disseminating foreign technology.

(2) Not later than March 1, 1985, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study conducted under paragraph (1), together with such comments and recommendations as the Secretary considers appropriate. The Secretary shall also submit to such committees, at the same time as the report referred to in the preceding sentence is submitted, an unclassified report on the matters described in paragraph (1).

(b) The Secretary of the Army may not transfer any of the functions now performed by the Foreign Science and Technology Center of the Material Development and Readiness Command of the Army to any other Office or agency within the Army until after the day on which the report referred to in subsection (a)(2) is received by the Committees on Armed Services of the Senate and House of Representatives.

REPORT ON AMERICANS UNACCOUNTED FOR OR MISSING IN INDOCHINA

SEC. 1525. (a) The Congress finds that—

(1) the President has declared that the issue of the 2,483 Americans missing or otherwise unaccounted for in Indochina is an issue of the highest national priority and has initiated high level discussions with the Governments of the Lao People's Democratic Republic and the Socialist Republic of Vietnam on the issue;

(2) the Congress, on a bipartisan basis, fully supports these initiatives and realizes

that the fullest possible accounting of those Americans can only be achieved with the cooperation of those governments;

(3) the Government of the Lao People's Democratic Republic has recently taken positive actions to assist the United States Government in resolving the status of those missing Americans; and

(4) the Government of the Socialist Republic of Vietnam has pledged to cooperate with the Government of the United States in resolving this humanitarian issue, separate from other issues dividing the two countries.

(b) The Congress strongly urges the President—

(1) to ensure that officials of the United States Government conscientiously and fully carry out the pledge of the President to commit the full resources of the United States Government to resolve the issue of the 2,483 Americans still missing or otherwise unaccounted for in Indochina;

(2) to pursue vigorously all reports concerning sightings of live Americans who may be among those missing or otherwise unaccounted for in Indochina;

(3) to work to achieve the fullest possible accounting of all Americans missing or otherwise unaccounted for in Indochina;

(4) to seek the immediate return of the remains of all Americans who have died in Indochina and whose remains have not been returned; and

(5) to make every effort to secure the further cooperation of the Lao People's Democratic Republic and the Socialist Republic of Vietnam in resolving this humanitarian issue of fundamental importance.

(c) The Congress calls upon the Socialist Republic of Vietnam and the Lao People's Democratic Republic to accelerate cooperation with the United States in achieving the fullest possible accounting for Americans still missing in Indochina.

(d) Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report detailing actions being taken by the United States Government described in subsection (b).

REPORT ON SAFETY IN THE ARMY

SEC. 1526. Not later than the end of the one-year period beginning on the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing current and planned programs related to safety of personnel in the Army. The report shall include safety involving training exercises and safety in the operation of Army equipment.

REPORT ON ENHANCED MILITARY CAREER OPPORTUNITIES FOR NONPHYSICIAN HEALTH-CARE PROVIDERS

SEC. 1527. Not later than March 15, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing and evaluating a plan to enhance the military career opportunities of nonphysician providers of health care.

PART D—MISCELLANEOUS DEFENSE-RELATED MATTER

EXEMPTION FROM AUTHORITY TO INDUCT UNDER THE MILITARY SELECTIVE SERVICE ACT ANY PERSON WHOSE MOTHER WAS KILLED IN LINE OF DUTY

SEC. 1531. Section 6(o) of the Military Selective Service Act (50 U.S.C. App. 456(o)) is amended by inserting "or the mother" after "the father" in clauses (1) and (2).

PROHIBITION OF UNAUTHORIZED USES OF MARINE CORPS INSIGNIA

SEC. 1532. (a)(1) Part IV of subtitle C of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 663—NAMES AND INSIGNIA

"Sec.
"7881. Unauthorized use of Marine Corps insignia.

"§ 7881. Unauthorized use of Marine Corps insignia

"(a) The seal, emblem, and initials of the United States Marine Corps shall be deemed to be insignia of the United States.

"(b) No person may, except with the written permission of the Secretary of the Navy, use or imitate the seal, emblem, name, or initials of the United States Marine Corps in connection with any promotion, goods, services, or commercial activity in a manner reasonably tending to suggest that such use is approved, endorsed, or authorized by the Marine Corps or any other component of the Department of Defense.

"(c) Whenever it appears to the Attorney General of the United States that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (b), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.".

(2) The table of chapters at the beginning of such subtitle, and the table of chapters at the beginning of part IV of such subtitle, are amended by inserting after the item relating to chapter 661 the following new item:

"663. Names and Insignia..... 7881".

(b) The amendments made by subsection (a) shall not affect rights that vested before the date of the enactment of this Act.

IMPROVED READINESS AND TRAINING OF THE CIVIL AIR PATROL THROUGH PROVISION OF CERTAIN ADDITIONAL FEDERAL SERVICES

SEC. 1533. (a) Subsection (b) of section 9441 of title 10, United States Code, relating to support of the Civil Air Patrol by the Air Force, is amended—

(1) by striking out "and" at the end of clause (7);

(2) by striking out the period at the end of clause (8) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clauses:

"(9) authorize the payment of expenses of placing into serviceable condition a major item of equipment furnished to the Civil Air Patrol under clause (1);

"(10) authorize the purchase with funds appropriated to the Air Force of such major items of equipment as the Secretary considers needed by the Civil Air Patrol to carry out its missions; and

"(11) furnish articles of the Air Force uniform to Civil Air Patrol cadets without cost to such cadets.".

(b)(1) Chapter 909 of such title is amended by adding at the end thereof the following new section:

"§ 9442. Assistance by other agencies

"The Secretary of the Air Force may arrange for the use by the Civil Air Patrol of such facilities and services under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, or the head of any other department or agency of the United States as the Secretary of the Air Force considers to be needed by the Civil Air Patrol to carry out its mission. Any such arrangement shall be made under regulations prescribed by the Secretary of the Air Force with the approval of the Secretary of Defense and shall be subject to the agreement of the other military department or other department or agency of the United States furnishing the facilities or services.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"9442. Assistance by other agencies.".

(c) The amendments made by this section shall take effect on October 1, 1984.

PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INTERNATIONAL SPORTS ACTIVITIES

SEC. 1534. Section 717 of title 10, United States Code, relating to participation by members of the armed forces in international sports, is amended—

(1) by striking out the semicolon at the end of subsection (a)(1) and inserting in lieu thereof "and qualifying events and preparatory competition for those games;";

(2) by striking out "that competition" in subsection (a)(2) and inserting in lieu thereof "that competition, and qualifying events and preparatory competition for that competition";

(3) by striking out "(c), (d), and (e)" in subsection (b) and inserting in lieu thereof "(c) and (d)";

(4) by striking out "Not more than $800,000" in subsection (c) and inserting in lieu thereof "(1) Not more than $3,000,000";

(5) by striking out "(d)" before "Not more than $100,000" and inserting in lieu thereof "(2)";

(6) by striking out "March 14, 1955" both places it appears and inserting in lieu thereof "October 1, 1980"; and

(7) by redesignating subsection (e) as subsection (d).

INSTRUCTION OF FOREIGN OFFICERS AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

SEC. 1535. Section 2114 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) The Board, upon approval of the Secretary of Defense, may enter into agreements with foreign military medical schools for reciprocal education programs under which students at the University receive specialized military medical instruction at the foreign military medical school and military medical personnel of the country of such medical school receive specialized military medical instruction at the University. Any such agreement may be made on a reimbursable basis or a nonreimbursable basis.

"(2) Not more than 40 persons at any one time may receive instruction at the University under this subsection. Attendance of such persons at the University may not result in a decrease in the number of students enrolled in the University. Subsection (b) does not apply to students receiving instruction under this subsection.

"(3) The Dean of the University, with the approval of the Secretary of Defense, shall determine the countries from which persons may be selected to receive instruction under this subsection and the number of persons that may be selected from each country. The Dean may establish qualifications and methods of selection and shall select those persons who will be permitted to receive instruction at the University. The qualifica-

tions established shall be comparable to those required of United States citizens.

"(4) Each foreign country from which a student is permitted to receive instruction at the University under this subsection shall reimburse the United States for the cost of providing such instruction, unless such reimbursement is waived by the Secretary of Defense. The Secretary of Defense shall prescribe the rates for reimbursement under this paragraph.

"(5) Except as the Dean determines, a person receiving instruction at the University under this subsection is subject to the same regulations governing attendance, discipline, discharge, and dismissal as a student enrolled in the University. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection that differ from the regulations that apply to a student enrolled in the University.".

COMMISSION ON MERCHANT MARINE AND DEFENSE

SEC. 1536. (a) There is hereby established a commission to be known as the Commission on Merchant Marine and Defense (hereinafter in this section referred to as the "Commission").

(b) The Commission shall study problems relating to transportation of cargo and personnel for national defense purposes in time of war or national emergency, the capability of the United States merchant marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base of the United States to meet the needs of naval and merchant ship construction in time of war or national emergency. Based on the results of the study, the Commission shall make such specific recommendations, including recommendations for legislative action, action by the executive branch, and action by the private sector, as the Commission considers appropriate to foster and maintain a United States merchant marine capable of meeting national security requirements. The recommendations of the Commission shall be provided in the reports of the Commission due on September 30, 1985, and September 30, 1986, under subsection (g).

(c)(1) The Commission shall be composed of seven members, as follows:

(A) The Secretary of the Navy (or his delegate), who shall be the chairman of the Commission.

(B) The Administrator of the Maritime Administration (or his delegate).

(C) Five members appointed by the President, by and with the advice and consent of the Senate, from among individuals of recognized stature and distinction who by reason of their background, experience, and knowledge in the fields of merchant ship operations, shipbuilding and its supporting industrial base, maritime labor, and defense matters are particularly suited to serve on the Commission.

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under paragraph (1)(C) without regard to section 5311(b) of title 5, United States Code. Members appointed under such paragraph shall be appointed for the life of the Commission.

(3) Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The Commission shall meet at the call of the chairman.

(d) Members of the Commission appointed under subsection (c)(1)(C) may each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f)(1) The Secretary of the Navy and the Administrator of the Maritime Administration may detail personnel under their jurisdiction to the Commission to assist the Commission in carrying out its duties under this section.

(2) The Secretary of the Navy and the Administrator of the Maritime Administration may provide to the Commission such administrative support services as the Commission may require.

(g) Not later than June 30, 1985, and June 30, 1986, the Commission shall submit to the President and to Congress a report containing its findings of fact and its conclusions. Not later than September 30, 1985, and September 30, 1986, the Commission, based upon those findings and conclusions, shall prepare a report containing the recommendations of the Commission as specified in subsection (b) and shall submit the report to the President and Congress. Each such report shall be prepared without any prior review or approval by any official of the executive branch (other than the members and staff of the Commission).

(h) The Commission shall cease to exist 90 days after the date on which the final report of the Commission under subsection (g) is submitted to the President and the Congress.

(i) There is authorized to be appropriated for fiscal years 1985, 1986, and 1987, a total of $1,500,000 to carry out this section. Any amount appropriated under this subsection shall remain available until September 30, 1987.

DEPARTMENT OF DEFENSE AIR TRAFFIC CONTROLLERS

SEC. 1537. (a) Section 4109(c) of title 5, United States Code, is amended by inserting "and the Secretary of Defense may pay an individual training to be an air traffic controller of the Department of Defense," after "of such Administration,".

(b) Section 5532(f) of such title is amended—

(1) in paragraph (1) by inserting "or of the Secretary of Defense" after "Administrator, Federal Aviation Administration,"; and

(2) in paragraph (2)—

(A) by inserting "or the Secretary of Defense" after "Administrator, Federal Aviation Administration,"; and

(B) by inserting "or such Secretary, respectively" before the period.

(c)(1) Subsection (a) of section 5546a of such title is amended—

(A) by inserting "and the Secretary of Defense (hereafter in this section referred to as the 'Secretary')" after "referred to as the 'Administrator')";

(B) in paragraph (1) by inserting "or the Department of Defense" after "Federal Aviation Administration" and by inserting "or the Secretary" after "by the Administrator"; and

(C) in paragraph (2) by inserting "or the Department of Defense" after "Federal Aviation Administration" and by inserting "or the Secretary" after "determined by the Administrator".

(2) Subsection (c)(1) of such section is amended—

(A) by inserting "or the Secretary" after "Administrator" both places it appears; and

(B) by inserting "or the Department of Defense" after "Federal Aviation Administration";

(3) Subsection (d) of such section is amended—

(A) in paragraph (1) by inserting "or the Secretary" after "Administrator" both places it appears and inserting "or the Department of Defense" after "Federal Aviation Administration"; and

(B) in paragraph (2) by inserting "or the Department of Defense" after "Federal Aviation Administration".

(4) Subsection (e)(1) of such section is amended—

(A) by inserting "or the Secretary" after "Administrator"; and

(B) by inserting "or the Department of Defense" after "Federal Aviation Administration".

(5) Subsection (f) of such section is amended—

(A) in paragraph (1) by inserting "or the Secretary" after "Administrator" and by inserting "or the Department of Defense" after "Federal Aviation Administration"; and

(B) in paragraph (2) by inserting "and the Secretary" after "Administrator".

(6)(A) The heading of such section is amended by inserting at the end thereof "and the Department of Defense".

(B) The item relating to section 5546a in the analysis of chapter 55 of such title is amended by inserting "and the Department of Defense" before the period.

(d) Section 5547 of such title is amended by inserting "or the Department of Defense" after "Federal Aviation Administration".

(e) Section 8344(h)(1) of such title is amended by inserting "or the Secretary of Defense" after "Administrator, Federal Aviation Administration,".

(f) The amendments made by this section shall take effect on October 1, 1984.

SALE OF AMMUNITION FOR AVALANCHE-CONTROL PURPOSES

SEC. 1538. (a)(1) Chapter 441 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 4657. Sale of ammunition for avalanche-control purposes

"Subject to the needs of the Army, the Secretary of the Army may sell ammunition for military weapons which are used for avalanche-control purposes to any State (or entity of a State) or to any other non-Federal entity that has been authorized by a State to use those weapons in that State for avalanche-control purposes. Sales of ammunition under this section shall be on a reimbursable basis and shall be subject to the

condition that the ammunition be used only for avalanche-control purposes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"4657. Sale of ammunition for avalanche-control purposes.".

(b) Section 4657 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1984.

SUPPLEMENTAL INFORMATION TO THE ENVIRONMENTAL IMPACT STATEMENT OF THE NAVY ON THE PROPOSED TRANSFER OF CERTAIN PERSONNEL

SEC. 1539. In addition to any other requirement regarding an environmental impact statement prepared by the Secretary of the Navy in connection with the 1981 Navy master plan to vacate leased space by transferring military and civilian personnel of the Department of the Navy from Arlington County, Virginia, to the Washington Navy Yard in Washington, District of Columbia, the Secretary of the Navy shall also prepare as a supplement to such impact statement a detailed analysis with respect to the following matters:

(1) The socio-economic impact on the area from which the transfer is proposed to be made.

(2) The impact of the proposed transfer on the traffic capacity of bridges over the Potomac River and the Anacostia River.

(3) The impact of the proposed transfer on shuttle requirements of the Department of Defense.

(4) The overall impact of the proposed transfer on the area from which the transfer is proposed to be made and on the area to which the transfer is proposed to be made, taking into consideration all other planned moves of personnel by the Navy to the Washington Navy Yard and by all other agencies of the Government.

(5) The impact of such proposed transfer, and all other planned transfers to the Washington Navy Yard, on both present and potential parking capacity in the vicinity of such facility.

(6) The impact of the proposed transfer on communications and security requirements of the Navy.

(7) The impact of the proposed transfer on supporting and servicing contractors and the impact that the movement of such contractors will likely have on public and private facilities in the area from which they move and the area to which they move.

AUTHORIZATION FOR SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO COUNTRIES IN CENTRAL AMERICA

SEC. 1540. (a) Notwithstanding any other provision of law, during fiscal year 1985, the Secretary of Defense may transport on a space available basis, at no charge, to any country in Central America goods and supplies which have been furnished by a nongovernmental source and which are intended for humanitarian assistance.

(b)(1) The President shall institute procedures, including complete inspection prior to acceptance for transport, for determining that—

(A) the transport of any goods and supplies transported under this section is consistent with foreign policy objectives;

(B) the goods and supplies to be transported are suitable for humanitarian purposes and are in usable condition;

(C) there is a legitimate humanitarian need for such goods and supplies;

(D) the goods and supplies will in fact be used for humanitarian purposes; and

(E) there are adequate arrangements for the distribution of such goods and supplies in the country of destination.

(2) Goods and supplies determined not to meet the criteria of paragraph (1) shall not be transported under this section.

(3) It shall be the responsibility of the donor to ensure that goods or supplies to be transported under this section are suitable for transport.

(c) Goods and supplies transported under this section may be distributed by an agency of the United States Government, a foreign government, or international organization, or a private nonprofit relief organization. The Secretary of Defense shall not accept any goods or supplies for transportation under this section unless verification of adequate arrangements has been received in advance for distribution of such goods and supplies.

(d) Goods or supplies transported under this section may not be distributed, directly or indirectly, to any individual, group, or organization engaged in military or paramilitary activity.

(e) No later than 90 days after the date of the enactment of this section, and every 60 days thereafter, the Secretary of State shall report to the Congress concerning the origin, contents, destination, and disposition of all goods and supplies transported under this section.

PART E—OTHER MISCELLANEOUS MATTERS

SURVIVORS OF THE GLOMAR JAVA SEA

SEC. 1541. (a) The Congress finds that—

(1) on October 26, 1983, the United States registered oil drilling ship Glomar Java Sea was reported missing during stormy weather at its drilling site 60 miles off Hainan Island in the South China Sea and was found sunken near its drilling site on November 1, 1983;

(2) no evidence has been found of 46 of the 81 crewmen, including citizens of the United States, or of the lifeboats which, reportedly, were launched from the Glomar Java Sea, despite an intensive cooperative search involving United States military search and rescue aircraft and commercial vessels;

(3) the Chairman of the United States Coast Guard Marine Board of Investigation has concluded that it is possible that crewmembers of the Glomar Java Sea survived and drifted into waters near the coast of Vietnam; and

(4) the Government of Vietnam has refused to allow an independent search for the possible survivors to be conducted in waters within 20 miles of such coast.

(b) Considering the findings set out in subsection (a), it is the sense of the Congress that the President should, through all appropriate bilateral and multilateral channels, continue and accelerate the effort to obtain the cooperation of the Government of Vietnam in ascertaining the fate or locations of the 46 crewmen of the sunken United States registered vessel Glomar Java Sea.

POLICY REGARDING THE FURNISHING OF FOOD AND MEDICAL SUPPLIES TO AFGHANISTAN

SEC. 1542. (a) The Congress finds—

(1) that after more than four years of occupation by the military forces of the Soviet Union, the freedom-loving people of Afghanistan continue bravely to resist the oppression of the Soviet Union;

(2) that the current Soviet Union offensive has resulted in great suffering and destruction in Afghanistan and has intensified the Soviet policy which targets civilian populations; and

(3) that this "scorched earth" policy of the Soviet Union, which has resulted in the destruction of crops, food supplies, farms, hospitals, and other public buildings in Afghanistan, has been a desperate attempt on the part of the Soviet Union to subdue the population of that country or to force the depopulation of certain areas which the occupying forces of the Soviet Union are unable to control.

(b) It is, therefore, the sense of Congress that the free world should take all appropriate steps to ensure that the people of Afghanistan have the necessary food and medical supplies adequate to sustain themselves while they are being ravaged by the invading forces of the Soviet Union.

REAFFIRMATION OF UNITED STATES POLICY TOWARD CUBA

SEC. 1543. (a) It is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the joint resolution entitled "Joint resolution expressing the determination of the United States with respect to the situation in Cuba", approved by the President on October 3, 1962 (Public Law 87-733; 76 Stat. 697).

(b) Nothing in this section shall be deemed to change or otherwise affect the standards and procedures provided in the National Security Act of 1947, the Foreign Assistance Act of 1961, or the War Powers Resolution. This section does not constitute the statutory authorization for introduction of United States Armed Forces contemplated by the War Powers Resolution.

REPORT ON USE OF CUBAN AND RUSSIAN NICKEL IN DEFENSE PROCUREMENTS

SEC. 1554. Not later than April 1, 1985, the Secretary of Defense shall submit to Congress a report on the effects on the national security of the United States of procurement by the Department of Defense of products containing nickel produced in Cuba or the Soviet Union. The report shall be prepared after consultation with the Secretaries of Commerce, the Interior, and the Treasury.

TITLE XVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SHORT TITLE

SEC. 1600. This title may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985".

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

OPERATING EXPENSES

SEC. 1601. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1985 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For naval reactors development, $426,400,000.

(2) For weapons activities, $3,364,130,000, to be allocated as follows:

(A) For research and development, $805,625,000.

(B) For weapons testing, $532,000,000.

(C) For the defense inertial confinement fusion program, $154,750,000, of which—

(i) $92,700,000 shall be used for glass laser experiments;

(ii) $42,100,000 shall be used for gas laser experiments;

(iii) $19,200,000 shall be used for pulsed power experiments; and

(iv) $750,000 shall be used for supporting research.

(D) For production and surveillance, $1,810,900,000.

(E) For program direction, $60,855,000.

(3) For verification and control technology, $73,700,000, of which $3,200,000 shall be used for program direction.

(4) For defense nuclear materials production, $1,407,090,000, to be allocated as follows:

(A) For uranium enrichment, $142,800,000.

(B) For production reactor operations, $551,235,000.

(C) For processing of defense nuclear materials, $379,770,000.

(D) For special isotope separation, $60,000,000.

(E) For supporting services, $252,985,000.

(F) For program direction, $20,300,000.

(5) For defense nuclear waste and byproduct management, $358,700,000, to be allocated as follows:

(A) For interim waste management, $240,400,000.

(B) For long-term waste management technology, $90,400,000.

(C) For terminal waste storage, $25,800,000.

(D) For program direction, $2,100,000.

(6) For nuclear materials safeguards and security technology development program, $58,000,000, of which $7,600,000 shall be used for program direction.

(7) For security investigations, $34,000,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 1602. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1985 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For naval reactors development:

Project 85-N-101, general plant projects, various locations, $2,000,000.

Project 82-N-111, materials facility, Savannah River, South Carolina, $40,000,000, for a total project authorization of $165,000,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $6,000,000, for a total project authorization of $110,000,000.

(2) For weapons activities:

Project 85-D-101, general plant projects, various locations, $29,600,000.

Project 85-D-111, general plant projects, various locations, $30,200,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, phase I, various locations, $35,400,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $4,700,000.

Project 85-D-104, test devices assembly building, Los Alamos National Laboratory, Los Alamos, New Mexico, $800,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $3,000,000.

Project 85-D-106, hardened radiography facility, site 300, Lawrence Livermore National Laboratory, Livermore, California $800,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $4,500,000.

Project 85-D-113, power plant and steam distribution system, Pantex Plant, Amarillo, Texas, $4,500,000.

Project 85-D-114, safeguards vaults, Y-12 Plant, Oak Ridge, Tennessee, $3,100,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, $2,900,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 85-D-122, safeguards and site security upgrade, Mound Facility, Miamisburg, Ohio, $2,700,000.

Project 85-D-123, safeguards and site security upgrade, phase I, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 85-D-124, safeguards and site security upgrade, Rocky Flats, Golden, Colorado, $1,000,000.

Project 85-D-125, tactical bomb production facilities, various locations, $10,000,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $20,000,000, for a total project authorization of $22,000,000.

Project 84-D-103, hardened central guard force facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $5,600,000, for a total project authorization of $6,200,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,500,000, for a total project authorization of $7,200,000.

Project 84-D-105, safeguards and security upgrades, phase I, Los Alamos National Laboratory, Los Alamos, New Mexico, $10,100,000, for a total project authorization of $15,100,000.

Project 84-D-106, security system upgrade, Sandia National Laboratories, Albuquerque, New Mexico, $2,300,000, for a total project authorization of $3,800,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $21,900,000, for a total project authorization of $35,400,000.

Project 84-D-112, TRIDENT II warhead production facilities, various locations, $60,700,000, for a total project authorization of $80,000,000.

Project 84-D-114, consolidated manufacturing facility, Rocky Flats Plant, Golden, Colorado, $18,100,000, for a total project authorization of $42,200,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, $10,000,000, for a total project authorization of $11,500,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, $11,700,000, for a total project authorization of $13,200,000.

Project 84-D-119, railroad track replacement and upgrade, Pantex Plant, Amarillo, Texas, $6,800,000, for a total project authorization of $7,600,000.

Project 84-D-120, explosive component test facility, Mound Facility, Miamisburg, Ohio, $16,900,000, for a total project authorization of $20,000,000.

Project 84-D-121, safeguards and site security upgrading, Rocky Flats Plant, Golden, Colorado, $11,200,000, for a total project authorization of $21,200,000.

Project 84-D-124, environmental improvements, Y-12 Plant, Oak Ridge, Tennessee, $21,400,000, for a total project authorization of $29,000,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, $8,000,000, for a total project authorization of $15,500,000.

Project 84-D-212, safeguards and site security upgrade, Pinellas Plant, Florida, $2,700,000, for a total project authorization of $3,700,000.

Project 83-D-199, buffer land acquisition, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $7,000,000, for a total project authorization of $17,000,000.

Project 82-D-107, utilities and equipment restoration, replacement and upgrade, phase III, various locations, $165,000,000, for a total project authorization of $570,400,000.

Project 82-D-111, interactive graphics systems, various locations, $6,800,000, for a total project authorization of $20,000,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $11,500,000, for a total project authorization of $23,700,000.

Project 82-D-150, weapons materials research and development facility, Lawrence Livermore National Laboratory, Livermore, California, $16,800,000, for a total project authorization of $27,200,000.

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, Albuquerque, New Mexico, $3,500,000, for a total project authorization of $45,650,000.

Project 81-D-115, missile X warhead production facilities, various locations, $20,900,000, for a total project authorization of $125,000,000.

Project 81-D-120, control of effluents and pollutants, Y-12 Plant, Oak Ridge, Tennessee, $1,400,000, for a total project authorization of $7,800,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratories, Livermore, California, $4,900,000, for a total project authorization of $8,600,000.

Project 79-7-0, universal pilot plant, Pantex Plant, Amarillo, Texas, $3,800,000, for a total project authorization of $15,900,000.

(3) For verification and control technology:

Project 85-D-171, space science laboratory, Los Alamos, New Mexico, $1,000,000.

(4) For materials production:

Project 85-D-131, general plant projects, various locations, $30,000,000.

Project 85-D-132, plant engineering and design, various locations, $2,000,000.

Project 85-D-136, components protection system, 100-N area, Richland, Washington, $3,300,000.

Project 85-D-137, vault safety special nuclear material inventory system, Richland, Washington, $2,500,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Productions Center, Fernald, Ohio, $6,000,000.

Project 85-D-142, fuel tube facilities, fuel preparation area, Savannah River, South Carolina, $8,000,000.

Project 85-D-145, uranyl nitrate to oxide conversion facility, Savannah River, South Carolina, $1,800,000.

Project 84-D-130, modification processing facility substations, Savannah River, South Carolina, $200,000, for a total project authorization of $5,800,000.

Project 84-D-134, safeguards and security improvements, Plantwide, Savannah River, South Carolina, $14,900,000, for a total project authorization of $26,900,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, $8,000,000, for a total project authorization of $12,400,000.

Project 84-D-137, facility security systems upgrade, Idaho Fuels Processing Facility (IFPF), Idaho National Engineering Laboratory, Idaho, $8,000,000, for a total project authorization of $10,000,000.

Project 83-D-146, water pollution control, Feed Materials Production Center, Fernald, Ohio, $4,100,000, for a total project authorization of $9,500,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, $2,150,000, for a total project authorization of $8,650,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $11,500,000, for a total project authorization of $19,000,000.

Project 83-D-180, facility storage modifications, various locations, $6,500,000, for a total project authorization of $15,800,000.

Project 82-D-124, restoration of production capabilities, phases II, III, IV, and V, various locations, $68,800,000, for a total project authorization of $300,634,000.

Project 82-D-128, plant perimeter security systems upgrade, Idaho Fuels Processing Plant, Idaho National Engineering Laboratory, Idaho, $400,000, for a total project authorization of $5,400,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $1,000,000, for a total project authorization of $46,000,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, $24,400,000, for a total project authorization of $61,400,000.

(5) For defense waste and byproducts management:

Project 85-D-156, general plant projects, interim waste operations and long-term waste management technology, various locations, $23,645,000.

Project 85-D-157, seventh calcined solids storage facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $7,000,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, $700,000.

Project 85-D-159, new waste transfer facilities, H Area, Savannah River, South Carolina, $11,000,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,000,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, $3,155,000, for a total project authorization of $53,155,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $230,500,000, for a total project authorization of $432,500,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, $51,100,000, for a total project authorization of $394,200,000.

(6) For capital equipment not related to construction—

(A) for naval reactors development, $22,500,000;

(B) for weapons activities, $241,850,000;

(C) for inertial confinement fusion, $9,500,000;

(D) for verification and control technology, $2,000,000;

(E) for materials production, $117,660,000;

(F) for defense waste and byproducts management, $35,771,000; and

(G) for nuclear safeguards and security, $4,700,000.

PART B—RECURRING GENERAL PROVISIONS

REPROGRAMING

SEC. 1621. (a) Except as otherwise provided in this title—

(1) no amount appropriated pursuant to this title may be used for any program in excess of 105 percent of the amount authorized for that program by this title or $10,000,000 more than the amount authorized for that program by this title, whichever is the lesser, and

(2) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this part referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 1622. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated costs of the construction project does not exceed $1,000,000.

(b) If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this title exceed the total amount authorized to be appropriated for such projects by this title.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 1623. (a) Whenever the current estimated cost of a construction project which is authorized by section 302 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress, construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 1624. To the extent specified in appropriation Acts, funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 1625. (a)(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least thirty days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 1626. In addition to the advance planning and construction design authorized by section 302, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 1627. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 1628. Appropriations authorized by this title for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 1629. When so specified in an appropriation Act, amounts appropriated for Department of Energy defense programs may remain available until expended.

PART C—SPECIAL PROGRAM PROVISIONS

CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS

SEC. 1631. (a)(1) The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, or by the Act of March 9, 1920 (46 U.S.C. 741-752 and 781-790), as appropriate, for injury, loss of property, personal injury, or death shall apply to any civil action for injury,

loss of property, personal injury, or death due to exposure to radiation based on acts or omissions by a contractor in carrying out an atomic weapons testing program under a contract with the United States.

(2) The remedies referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining civil liability arising from any act or omission of the contractor without regard to when the act or omission occurred. The employees of a contractor referred to in paragraph (1) shall be considered to be employees of the Federal Government, as provided in section 2671 of title 28, United States Code, for the purposes of any such civil action or proceeding; and the civil action or proceeding shall proceed in the same manner as any action against the United States filed pursuant to section 1346(b) of such title and shall be subject to the limitations and exceptions applicable to those actions.

(b) A contractor against whom a civil action or proceeding described in subsection (a) is brought shall promptly deliver all processes served upon that contractor to the Attorney General of the United States. Upon certification by the Attorney General that the suit against the contractor is within the provisions of subsection (a), a civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings shall be deemed a tort action brought against the United States under the provisions of section 1346(b), 2401(b), or 2402, or sections 2671 through 2680 of title 28, United States Code. For purposes of removal, the certification by the Attorney General under this subsection establishes contractor status conclusively.

(c) The provisions of this section shall apply to any action now pending or hereafter commenced which is an action within the provisions of subsection (a) of this section. Notwithstanding section 2401(b) of title 28, United States Code, if a civil action or proceeding pending on the date of enactment of this section is dismissed because the plaintiff in such action or proceeding did not file an administrative claim as required by section 2672 of that title, the plaintiff in that action or proceeding shall have 30 days from the date of the dismissal or two years from the date upon which the claim accrued, whichever is later, to file an administrative claim, and any claim or subsequent civil action or proceeding shall thereafter be subject to the provisions of section 2401(b) of title 28, United States Code.

(d) For purposes of this section, the term "contractor" includes a contractor or cost reimbursement subcontractor of any tier participating in the conduct of the United States atomic weapons testing program for the Department of Energy (or its predecessor agencies, including the Manhattan Engineer District, the Atomic Energy Commission, and the Energy Research and Development Administration). Such term also includes facilities which conduct or have conducted research concerning health effects of ionizing radiation in connection with the testing under contract with the Department of Energy (or any of its predecessor agencies).

COST-EFFECTIVE FUNDING OF NUCLEAR WEAPONS

SEC. 1632. (a) The President shall establish a Blue Ribbon Task Group to examine the procedures used by the Department of Defense and the Department of Energy in establishing requirements for, and in providing resources for, the research, development, testing, production, surveillance, and retirement of nuclear weapons. The Task Group shall recommend any needed change in such procedures in accordance with subsection (e).

(b)(1) The Task Group shall consist of seven members, qualified for service by reasons of experience and education. The President shall appoint three members and shall designate one of those members to act as chairman of the Task Group. The Chairman and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives shall each appoint one member.

(2) None of the members may be an employee of the Department of Defense or the Department of Energy.

(c) Within 90 days of the date of the enactment of this Act, the President shall submit to the Committees on Armed Services of the Senate and House of Representatives (1) the names of the persons appointed by him to the Task Group, together with the qualifications of each such person to serve on the Task Group, and (2) a detailed plan for completing the report required by subsection (e).

(d) The President shall ensure that the Task Group has complete and timely access to employees and records of the Department of Energy and the Department of Defense pertaining to procedures referred to in subsection (a).

(e) Within 270 days of the date of the enactment of this Act, the Task Group shall submit to the President and the Committees on Armed Services of the Senate and House of Representatives a report containing its findings and recommendations. Such report shall include any additional or dissenting views that any member of the Task Group may wish to submit. The report shall (in addition to any other matters) include recommendations in the following areas:

(1) Ways to improve coordination between the Department of Energy and the Department of Defense to ensure cost-effective implementation of weapon activities and materials production.

(2) Cost-effective improvements that can be made in budgeting and management procedures that affect weapon activities and materials productions.

(3) Whether the Department of Defense should assume the responsibility for funding current Department of Energy weapon activities and materials production programs.

REVIEW OF THE INERTIAL CONFINEMENT FUSION PROGRAM

SEC. 1633. (a)(1) Within 30 days after the date of the enactment of this Act, the President shall establish a review body to be known as the Technical Review Group on Inertial Confinement Fusion (hereinafter in this section referred to as the "Technical Review Group").

(2) It shall be the function of the group to review thoroughly the accomplishments, management, goals, and anticipated contributions of the defense inertial confinement fusion program.

(3) The President shall appoint to serve on the Technical Review Group only persons who, because of recent training and experience in the scientific disciplines associated with the development and testing of nuclear weapons, are most qualified to make findings of fact and recommendations to the Congress and the President concerning that program.

(b) The Technical Review Group shall submit to the President and the Committees on Armed Services of the Senate and House of Representatives written reports containing the results of its review, together with such recommendations regarding priorities for future work in the inertial confinement fusion program as it determines appropriate, as follows:

(1) A first interim report shall be submitted before February 1, 1985.

(2) A second interim report shall be submitted before June 1, 1985.

(3) A final report shall be submitted before May 1, 1986.

(c) Upon the submission of its final report, the Technical Review Group shall cease to exist.

NAVAL NUCLEAR PROPULSION PROGRAM

SEC. 1634. The provisions of Executive Order Numbered 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program, shall remain in force until changed by law.

AUTHORIZATION FOR PRODUCTION OF THE 155-MILLIMETER ARTILLERY-FIRED, ATOMIC PROJECTILE

SEC. 1635. (a) In addition to the amounts otherwise authorized to be appropriated in this title, there is authorized to be appropriated to the Secretary of Energy for fiscal years beginning after September 30, 1984, $50,000,000 for the construction of facilities necessary to produce the 155-millimeter artillery-fired, atomic projectile (Project 82-D-109).

(b) In the case of the 155-millimeter atomic-fired artillery projectile (W-82) and the 8-inch atomic-fired artillery projectile (W-79), the following conditions shall be complied with:

(1) The total number of both such warheads produced may not exceed 925.

(2) The total amount spent for the production of both such warheads after the date of the enactment of this Act may not exceed $1,100,000,000.

(3) No such warhead produced after the date of the enactment of this Act may be produced in the enhanced radiation version.

(4) In producing such warheads, special emphasis shall be placed upon improvements in the safety, security, range, and survivability of such warheads.

(5) Replacement of obsolete atomic-fired artillery projectiles now in Europe with such improved warheads shall be carried out within the nuclear stockpile limits agreed to by NATO Defense Ministers at Montebello, Canada, in October 1983, which required the withdrawal of 1,400 tactical nuclear warheads from the European stockpile in addition to the 1,000 warheads withdrawn in 1980.

(c) No action may be taken to implement this section until the Secretary of Defense submits a plan for the implementation of this section to the Committees on Armed Services of the Senate and House of Representatives.

TITLE XVII—UNITED STATES INSTITUTE OF PEACE

SHORT TITLE

SEC. 1701. This title may be cited as the "United States Institute of Peace Act".

DECLARATION OF FINDINGS AND PURPOSES

SEC. 1702. (a) The Congress finds and declares that—

(1) a living institution embodying the heritage, ideals, and concerns of the American people for peace would be a significant response to the deep public need for the Nation to develop fully a range of effective options, in addition to armed capacity, that

can leash international violence and manage international conflict;

(2) people throughout the world are fearful of nuclear war, are divided by war and threats of war, are experiencing social and cultural hostilities from rapid international change and real and perceived conflicts over interests, and are diverted from peace by the lack of problem-solving skills for dealing with such conflicts;

(3) many potentially destructive conflicts among nations and peoples have been resolved constructively and with cost efficiency at the international, national, and community levels through proper use of such techniques as negotiation, conciliation, mediation, and arbitration;

(4) there is a national need to examine the disciplines in the social, behavioral, and physical sciences and the arts and humanities with regard to the history, nature, elements, and future of peace processes, and to bring together and develop new and tested techniques to promote peaceful economic, political, social, and cultural relations in the world;

(5) existing institutions providing programs in international affairs, diplomacy, conflict resolution, and peace studies are essential to further development of techniques to promote peaceful resolution of international conflict, and the peacemaking activities of people in such institutions, government, private enterprise, and voluntary associations can be strengthened by a national institution devoted to international peace research, education and training, and information services;

(6) there is a need for Federal leadership to expand and support the existing international peace and conflict resolution efforts of the Nation and to develop new comprehensive peace education and training programs, basic and applied research projects, and programs providing peace information;

(7) the Commission on Proposals for the National Academy of Peace and Conflict Resolution, created by the Education Amendments of 1978, recommended establishing an academy as a highly desirable investment to further the Nation's interest in promoting international peace;

(8) an institute strengthening and symbolizing the fruitful relation between the world of learning and the world of public affairs, would be the most efficient and immediate means for the Nation to enlarge its capacity to promote the peaceful resolution of international conflicts; and

(9) the establishment of such an institute is an appropriate investment by the people of this Nation to advance the history, science, art, and practice of international peace and the resolution of conflicts among nations without the use of violence.

(b) It is the purpose of this title to establish an independent, nonprofit, national institute to serve the people and the Government through the widest possible range of education and training, basic and applied research opportunities, and peace information services on the means to promote international peace and the resolution of conflicts among the nations and peoples of the world without recourse to violence.

DEFINITIONS

SEC. 1703. As used in this title, the term—

(1) "Institute" means the United States Institute of Peace established by this title; and

(2) "Board" means the Board of Directors of the Institute.

ESTABLISHMENT OF THE INSTITUTE

SEC. 1704. (a) There is hereby established the United States Institute of Peace.

(b) The Institute is an independent nonprofit corporation and an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954. The Institute does not have the power to issue any shares of stock or to declare or pay any dividends.

(c) As determined by the Board, the Institute may establish, under the laws of the District of Columbia, a legal entity which is capable of receiving, holding, and investing public funds for purposes in furtherance of the Institute under this title. The Institute may designate such legal entity as the "Endowment of the United States Institute for Peace".

(d) The Institute is liable for the acts of its directors, officers, employees, and agents when acting within the scope of their authority.

(e)(1) The Institute has the sole and exclusive right to use and to allow or refuse others the use of the terms "United States Institute of Peace", "Jennings Randolph Program for International Peace", and "Endowment of the United States Institute of Peace" and the use of any official United States Institute of Peace emblem, badge, seal, and other mark of recognition or any colorable simulation thereof. No powers or privileges hereby granted shall interfere or conflict with established or vested rights secured as of September 1, 1981.

(2) Notwithstanding any other provision of this title, the Institute may use "United States" or "U.S." or any other reference to the United States Government or Nation in its title or in its corporate seal, emblem, badge, or other mark of recognition or colorable simulation thereof in any fiscal year only if there is an authorization of appropriations for the Institute for such fiscal year provided by law.

POWERS AND DUTIES

SEC. 1705. (a) The Institute may exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act consistent with this title, except for section 5(o) of the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-1005(o)).

(b) The Institute, acting through the Board, may—

(1) establish a Jennings Randolph Program for International Peace and appoint, for periods up to two years, scholars and leaders in peace from the United States and abroad to pursue scholarly inquiry and other appropriate forms of communication on international peace and conflict resolution and, as appropriate, provide stipends, grants, fellowships, and other support to the leaders and scholars;

(2) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this title;

(3) conduct research and make studies, particularly of an interdisciplinary or of a ~~multidisciplinary~~ nature, into the causes of war and other international conflicts and the elements of peace among the nations and peoples of the world, including peace theories, methods, techniques, programs, and systems, and into the experiences of the United States and other nations in resolving conflicts with justice and dignity and without violence as they pertain to the advancement of international peace and conflict resolution, placing particular emphasis on realistic approaches to past successes and failures in the quest for peace and arms control and utilizing to the maximum extent possible United States Government documents and classified materials from the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community;

(4) develop programs to make international peace and conflict resolution research, education, and training more available and useful to persons in government, private enterprise, and voluntary associations, including the creation of handbooks and other practical materials;

(5) provide, promote, and support peace education and research programs at graduate and postgraduate levels;

(6) conduct training, symposia, and continuing education programs for practitioners, policymakers, policy implementers, and citizens and noncitizens directed to developing their skills in international peace and conflict resolution;

(7) develop, for publication or other public communication, and disseminate, the carefully selected products of the Institute;

(8) establish a clearinghouse and other means for disseminating information, including classified information that is properly safeguarded, from the field of peace learning to the public and to government personnel with appropriate security clearances;

(9) recommend to the Congress the establishment of a United States Medal of Peace to be awarded under such procedures as the Congress may determine, except that no person associated with the Institute may receive the United States Medal of Peace; and

(10) secure directly, upon request of the president of the Institute to the head of any Federal department or agency and in accordance with section 552 of title 5, United States Code (relating to freedom of information), information necessary to enable the Institute to carry out the purposes of this title if such release of the information would not unduly interfere with the proper functioning of a department or agency, including classified information if the Institute staff and members of the Board who have access to such classified information obtain appropriate security clearances from the Department of Defense and the Department of State.

(c) The Institute may undertake extension and outreach activities under this title by making grants and entering into contracts with institutions of postsecondary, community, secondary, and elementary education (including combinations of such institutions), with public and private educational, training, or research institutions (including the American Federation of Labor—the Congress of Industrial Organizations) and libraries, and with public departments and agencies (including State and territorial departments of education and of commerce). No grant may be made to an institution unless it is a nonprofit or official public institution, and at least one-fourth of the Institute's annual appropriations shall be paid to such nonprofit and official public institutions. A grant or contract may be made to—

(1) initiate, strengthen, and support basic and applied research on international peace and conflict resolution;

(2) promote and advance the study of international peace and conflict resolution by educational, training, and research institutions, departments, and agencies;

(3) educate the Nation about and educate and train individuals in peace and conflict resolution theories, methods, techniques, programs, and systems;

(4) assist the Institute in its publication, clearinghouse, and other information services programs;

(5) assist the Institute in the study of conflict resolution between free trade unions and Communist-dominated organizations in the context of the global struggle for the protection of human rights; and

(6) promote the other purposes of this title.

(d) The Institute may respond to the request of a department or agency of the United States Government to investigate, examine, study, and report on any issue within the Institute's competence, including the study of past negotiating histories and the use of classified materials.

(e) The Institute may enter into contracts for the proper operation of the Institute.

(f) The Institute may fix the duties of its officers, employees, and agents, and establish such advisory committees, councils, or other bodies, as the efficient administration of the business and purposes of the Institute may require.

(g)(1) Except as provided in paragraphs (2) and (3), the Institute may obtain grants and contracts, including contracts for classified research for the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community, and receive gifts and contributions from government at all levels.

(2) The Institute may not accept any gift, contribution, or grant from, or enter into any contract with, a foreign government, any agency or instrumentality of such government, any international organization, or any foreign national, except that the Institute may accept the payment of tuition by foreign nationals for instruction provided by the Institute. For purposes of this paragraph, the term—

(A) "foreign national" means—

(i) a natural person who is a citizen of a foreign country or who owes permanent allegiance to a foreign country; and

(ii) a corporation or other legal entity in which natural persons who are nationals of a foreign country own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(B) "person" means a natural person, partnership, association, other unincorporated body, or corporation.

(3) Notwithstanding any other provision of this title, the Institute and the legal entity described in section 1704(c) may not obtain any grant or contract or receive any gift or contribution from any private agency, organization, corporation or other legal entity, institution, or individual.

(h) The Institute may charge and collect subscription fees and develop, for publication or other public communication, and disseminate, periodicals and other materials.

(i) The Institute may charge and collect fees and other participation costs from persons and institutions participating in the Institute's direct activities authorized in subsection (b).

(j) The Institute may sue and be sued, complain, and defend in any court of competent jurisdiction.

(k) The Institute may adopt, alter, use, and display a corporate seal, emblem, badge, and other mark of recognition and colorable simulations thereof.

(l) The Institute may do any and all lawful acts and things necessary or desirable to carry out the objectives and purposes of this title.

(m) The Institute shall not itself undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, or by the United Nations, except that personnel of the Institute may testify or make other appropriate communication when formally requested to do so by a legislative body, a committee, or a member thereof.

(n) The Institute may obtain administrative support services from the Administrator of General Services on a reimbursable basis.

BOARD OF DIRECTORS

SEC. 1706. (a) The powers of the Institute shall be vested in a Board of Directors unless otherwise specified in this title.

(b) The Board shall consist of fifteen voting members as follows:

(1) The Secretary of State (or if the Secretary so designates, another officer of the Department of State who was appointed with the advice and consent of the Senate).

(2) The Secretary of Defense (or if the Secretary so designates, another officer of the Department of Defense who was appointed with the advice and consent of the Senate).

(3) The Director of the Arms Control and Disarmament Agency (or if the Director so designates, another officer of that Agency who was appointed with the advice and consent of the Senate).

(4) The president of the National Defense University (or if the president so designates, the vice president of the National Defense University).

(5) Eleven individuals appointed by the President, by and with the advice and consent of the Senate.

(c) Not more than eight voting members of the Board (including members described in paragraphs (1) through (4) of subsection (b)) may be members of the same political party.

(d)(1) Each individual appointed to the Board under subsection (b)(5) shall have appropriate practical or academic experience in peace and conflict resolution efforts of the United States.

(2) Officers and employees of the United States Government may not be appointed to the Board under subsection (b)(5).

(e)(1) Members of the Board appointed under subsection (b)(5) shall be appointed to four year terms, except that—

(A) the term of six of the members initially appointed shall be two years, as designated by the President at the time of their nomination;

(B) a member may continue to serve until his or her successor is appointed; and

(C) a member appointed to replace a member whose term has not expired shall be appointed to serve the remainder of that term.

(2) The terms of the members of the Board initially appointed under subsection (b)(5) shall begin on January 20, 1985, and subsequent terms shall begin upon the expiration of the preceding term, regardless of when a member is appointed to fill that term.

(3) The President may not nominate an individual for appointment to the Board under subsection (b)(5) prior to January 20, 1985, but shall submit the names of eleven nominees for initial Board membership under subsection (b)(5) not later than ninety days after that date. If the Senate rejects such a nomination or if such a nomination is withdrawn, the President shall submit the name of a new nominee within fifteen days.

(4) An individual appointed as a member of the Board under subsection (b)(5) may not be appointed to more than two terms on the Board.

(f) A member of the Board appointed under subsection (b)(5) may be removed by the President—

(1) in consultation with the Board, for conviction of a felony, malfeasance in office, persistent neglect of duties, or inability to discharge duties;

(2) upon the recommendation of eight voting members of the Board; or

(3) upon the recommendation of a majority of the members of the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and a majority of the members of the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate.

A recommendation made in accordance with paragraph (2) may be made only pursuant to action taken at a meeting of the Board, which may be closed pursuant to the procedures of subsection (h)(3). Only members who are present may vote. A record of the vote shall be maintained. The President shall be informed immediately by the Board of the recommendation.

(g) No member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly and financially benefits the member or pertains specifically to any public body or any private or nonprofit firm or organization with which the member is then formally associated or has been formally associated within a period of two years, except that this subsection shall not be construed to prohibit an ex officio member of the Board from participation in actions of the Board which pertain specifically to the public body of which that member is an officer.

(h) Meetings of the Board shall be conducted as follows:

(1) The President shall stipulate by name the nominee who shall be the first Chairman of the Board. The first Chairman shall serve for a term of three years. Thereafter, the Board shall elect a Chairman every three years from among the directors appointed by the President under subsection (b)(5) and may elect a Vice Chairman if so provided by the Institute's bylaws.

(2) The Board shall meet at least semiannually, at any time pursuant to the call of the Chairman or as requested in writing to the Chairman by at least five members of the Board. A majority of the members of the Board shall constitute a quorum for any Board meeting.

(3) All meetings of the Board shall be open to public observation and shall be preceded by reasonable public notice. Notice in the Federal Register shall be deemed to be reasonable public notice for purposes of the preceding sentence. In exceptional circumstances, the Board may close those portions of a meeting, upon a majority vote of its members present and with the vote taken in public session, which are likely to disclose information likely to affect adversely any ongoing peace proceeding or activity or to disclose information or matters exempted from public disclosure pursuant to subsection (c) of section 552b of title 5, United States Code.

(i) A director appointed by the President under subsection (b)(5) shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which the director is engaged in the performance of duties as a member of the Board.

(j) While away from his home or regular place of business in the performance of

duties for the Institute, a director shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703(b) of title 5, United States Code.

OFFICERS AND EMPLOYEES

SEC. 1707. (a) The Board shall appoint the president of the Institute and such other officers as the Board determines to be necessary. The president of the Institute shall be a nonvoting ex officio member of the Board. All officers shall serve at the pleasure of the Board. The president shall be appointed for an explicit term of years. Notwithstanding any other provision of law limiting the payment of compensation, the president and other officers appointed by the Board shall be compensated at rates determined by the Board, but no greater than that payable for level I of the Executive Schedule under chapter 53 of title 5, United States Code.

(b) Subject to the provisions of section 1705(g)(3), the Board shall authorize the president and any other officials or employees it designates to receive and disburse public moneys, obtain and make grants, enter into contracts, establish and collect fees, and undertake all other activities necessary for the efficient and proper functioning of the Institute.

(c) The president, subject to Institute's bylaws and general policies established by the Board, may appoint, fix the compensation of, and remove such employees of the Institute as the president determines necessary to carry out the purposes of the Institute. In determining employee rates of compensation, the president shall be governed by the provisions of title 5, United States Code, relating to classification and General Schedule pay rates.

(d)(1) The president may request the assignment of any Federal officer or employee to the Institute by an appropriate department, agency, or congressional official or Member of Congress and may enter into an agreement for such assignment, if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the department, agency, or congressional staff of such officer or employee.

(2) The Secretary of State, the Secretary of Defense, the Director of the Arms Control and Disarmament Agency, and the Director of Central Intelligence each may assign officers and employees of his respective department or agency, on a rotating basis to be determined by the Board, to the Institute if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the respective department or agency of such officer or employee.

(e) No officer or full-time employee of the Institute may receive any salary or other compensation for services from any source other than the Institute during the officer's or employee's period of employment by the Institute, except as authorized by the Board.

(f)(1) Officers and employees of the Institute shall not be considered officers and employees of the Federal Government except for purposes of the provisions of title 28, United States Code, which relate to Federal tort claims liability, and the provisions of title 5, United States Code, which relate to compensation and benefits, including the following provisions: chapter 51 (relating to classification); subchapters I and III of chapter 53 (relating to pay rates); subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Institute shall make contributions at the same rates applicable to agencies of the Federal Government under the provisions of title 5 referred to in this section.

(2) No Federal funds shall be used to pay for private fringe benefit programs. The Institute shall not make long-term commitments to employees that are inconsistent with rules and regulations applicable to Federal employees.

(g) No part of the financial resources, income, or assets of the Institute or of any legal entity created by the Institute shall inure to any agent, employee, officer, or director or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this section may be construed to prevent the payment of reasonable compensation for services or expenses to the directors, officers, employees, and agents of the Institute in amounts approved in accordance with the provisions of this title.

(h) The Institute shall not make loans to its directors, officers, employees, or agents, or to any legal entity created by the Institute. A director, officer, employee, or agent who votes for or assents to the making of a loan or who participates in the making of a loan shall be jointly and severally liable to the Institute for the amount of the loan until repayment thereof.

PROCEDURES AND RECORDS

SEC. 1708. (a) The Institute shall monitor and evaluate and provide for independent evaluation if necessary of programs supported in whole or in part under this title to ensure that the provisions of this title and the bylaws, rules, regulations, and guidelines promulgated pursuant to this title are adhered to.

(b) The Institute shall prescribe procedures to ensure that grants, contracts, and financial support under this title are not suspended unless the grantee, contractor, or person or entity receiving financial support has been given reasonable notice and opportunity to show cause why the action should not be taken.

(c) In selecting persons to participate in Institute activities, the Institute may consider a person's practical experience or equivalency in peace study and activity as well as other formal requirements.

(d) The Institute shall keep correct and complete books and records of account, including separate and distinct accounts of receipts and disbursements of Federal funds. The Institute's annual financial report shall identify the use of such funding and shall present a clear description of the full financial situation of the Institute.

(e) The Institute shall keep minutes of the proceedings of its Board and of any committees having authority under the Board.

(f) The Institute shall keep a record of the names and addresses of its Board members; copies of this title, of any other Acts relating to the Institute, and of all Institute bylaws, rules, regulations, and guidelines; required minutes of proceedings; a record of all applications and proposals and issued or received contracts and grants; and financial records of the Institute. All items required by this subsection may be inspected by any Board member or the member's agent or attorney for any proper purpose at any reasonable time.

(g) The accounts of the Institute shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970. The audit shall be conducted at the place or places where the accounts of the Institute are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Institute and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(h) The Institute shall provide a report of the audit to the President and to each House of Congress no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Institute's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Institute's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of $5,000 and any payments of compensation, salaries, or fees at a rate in excess of $5,000 per year. The report shall be produced in sufficient copies for the public.

(i) The Institute and its directors, officers, employees, and agents shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

INDEPENDENCE AND LIMITATIONS

SEC. 1709. (a) Nothing in this title may be construed as limiting the authority of the Office of Management and Budget to review and submit comments on the Institute's budget request at the time it is transmitted to the Congress.

(b) No political test or political qualification may be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, employee, agent, or recipient of Institute funds or services or in selecting or monitoring any grantee, contractor, person, or entity receiving financial assistance under this title.

FUNDING

SEC. 1710. (a) For the purpose of carrying out this title (except for paragraph (9) of section 1705(b)), there are authorized to be appropriated $6,000,000 for the fiscal year 1985 and $10,000,000 for the fiscal year 1986. Monies appropriated for the fiscal year 1985 shall remain available to the Institute through the fiscal year 1986.

(b) The Board of Directors may transfer to the legal entity authorized to be established under section 1704(c) any funds not obligated or expended from appropriations to the Institute for a fiscal year, and such funds shall remain available for obligation or expenditure for the purposes of such legal entity without regard to fiscal year limitations. Any use by such legal entity of appropriated funds shall be reported to each House of the Congress and to the President of the United States.

(c) Any authority provided by this title to enter into contracts shall be effective for a fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

DISSOLUTION OR LIQUIDATION

SEC. 1711. Upon dissolution or final liquidation of the Institute or of any legal entity created pursuant to this title, all income and assets of the Institute or other legal entity shall revert to the United States Treasury.

REPORTING REQUIREMENT AND REQUIREMENT TO HOLD HEARINGS

SEC. 1712. Beginning two years after the date of enactment of this title, and at intervals of two years thereafter, the Chairman of the Board shall prepare and transmit to the Congress and the President a report detailing the progress the Institute has made in carrying out the purposes of this title during the preceding two-year period. The President shall prepare and transmit to the Congress within a reasonable time after the receipt of such report the written comments and recommendations of the appropriate agencies of the United States with respect to the contents of such report and their recommendations with respect to any legislation which may be required concerning the Institute. After receipt of such report by the Congress, the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate shall hold hearings to review the findings and recommendations of such report and the written comments received from the President.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "An Act to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the Department of Defense for fiscal year 1985, to revise and improve defense procurement, compensation, and management programs, to establish new defense educational assistance programs, to authorize appropriations for national security programs of the Department of Energy, and for other purposes.".

And the Senate agree to the same.

From the Committee on Armed Services:

MELVIN PRICE,
CHARLES BENNETT,
SAMUEL S. STRATTON,
BILL NICHOLS,
DAN DANIEL,
G. V. MONTGOMERY,
LES ASPIN,
WILLIAM L. DICKINSON,
WILLIAM WHITEHURST,
FLOYD SPENCE,
MARJORIE HOLT,
ELWOOD H. HILLIS,
ROBERT E. BADHAM.

As additional conferees: From the Permanent Select Committee on Intelligence, solely when differences regarding intelligence-related activities are under consideration:

EDWARD P. BOLAND,
NORMAN Y. MINETA,
LEE H. HAMILTON,
DAVE MCCURDY,
J. K. ROBINSON,
BOB STUMP.

From the Committee on Education and Labor, solely for the consideration of sections 1026, 1036, and 292 of title IV of the Senate amendments and modifications committed to conference:

AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
IKE ANDREWS,
GEORGE MILLER,
PAUL SIMON.

From the Committee on Foreign Affairs, solely for the consideration of sections 1021, 1025, 1029, 1030, 1035, 1037, 1038, 1039, 1041, 1042, and 1047, and title IV of the Senate amendment and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
GUS YATRON,
STEPHEN J. SOLARZ,
DON BONKER,
DAN MICA,
WM. S. BROOMFIELD,
LARRY WINN, JR.,
JOEL PRITCHARD.

Solely for the consideration of section 207 of the House bill and section 1011 of the Senate amendment:

NICHOLAS MAVROULES.

Solely for the consideration of sections 110 and 1132 of the House bill and section 1008 of the Senate amendment:

PAT SCHROEDER,
NICHOLAS MAVROULES,
LES AUCOIN.

Solely for the consideration of section 812 of the House bill and those portions of section 199 of the Senate bill which add section 2323 to title 10 of the United States Code relating to spare parts:

BERKLEY BEDELL.

Solely for the consideration of section 1112 of the House bill and modifications committed to conference:

IKE SKELTON.

Solely for the consideration of title VII of the House bill and section 160b of the Senate amendments:

DON EDWARDS,
BOB EDGAR,
SAM B. HALL, JR.,
MARVIN LEATH,
RICHARD SHELBY,
DOUGLAS APPLEGATE,
JOHN PAUL HAMMERSCHMIDT,
CHALMERS P. WYLIE,
GERALD B. H. SOLOMON,

Managers on the Part of the House.

From the Committee on Armed Services:

JOHN TOWER,
STROM THURMOND,
BARRY GOLDWATER,
JOHN W. WARNER,
GORDON J. HUMPHREY,
BILL COHEN,
ROGER W. JEPSEN,
DAN QUAYLE,
JOHN P. EAST,
PETE WILSON,
SAM NUNN,
JOHN C. STENNIS,
GARY HART,
J. J. EXON,
CARL LEVIN,
TED KENNEDY,
JEFF BINGAMAN,
ALAN J. DIXON.

Solely for the consideration of any benefits to be paid by the Veterans' Administration:

AL SIMPSON,
ALAN CRANSTON,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees have agreed to authorizations for Department of Defense procurement, research, development, test, and evaluation, and operation and maintenance, and for civil defense that total $211.7 billion. This figure is $12.8 billion below the President's budget request, $1.8 billion below the recommendations in the Senate amendment and $4.6 billion above the comparable figures in the House bill.

The conferees have agreed to authorizations for Department of Energy National Security programs that total $7.4 billion, a figure consistent with fiscal year 1985 appropriations for those programs as contained in the Energy and Water Appropriations Act, 1985 (Public Law 98-360). This figure is $0.4 billion below the President's budget request, $0.1 billion below the comparable figure in a House reported authorization bill (H.R. 5395), and $28 million above the Senate amendment.

The Defense authorization bill provides authorizations for appropriations but does not provide budget authority. Budget authority for Department of Defense programs will be provided in appropriation bills.

The conference agreement would make a reduction of $13.2 billion in those portions of the national defense budget (function 050) authorized by dollar amounts in the bill. The conferees believe that this reduction is consistent with the agreement reached between the Speaker of the House and the Majority Leader of the Senate for a total defense authorization level of $297 billion in light of the additional reductions that have been or will be made in items under the jurisdiction of the Armed Services Committee, such as reductions in military construction and reductions in personnel matters which are not authorized by dollar amounts in the bill.

COMPARISON OF AUTHORIZATION LEVELS FOR FISCAL YEAR 1985, INCLUDING MILITARY CONSTRUCTION AS ENACTED IN PUBLIC LAW 98-407

[Amounts in millions of dollars]

Item	Fiscal year 1985 request	House	Senate	Conference	Conference change from request
DOD AUTHORIZATION BILL					
Procurement					
Army:					
Aircraft	4,008.3	3,751.1	3,800.6	3,852.2	(156.1)
Missiles	3,442.4	3,203.2	3,328.8	3,260.0	(182.4)
Weapons and tracked combat vehicles	5,092.7	4,889.5	4,738.0	4,838.6	(254.1)
Ammunition	2,494.0	2,133.9	2,514.9	2,338.9	(155.1)
Other procurement	6,022.4	5,369.5	5,476.6	5,457.7	(564.7)
Army National Guard	0.0	0.0	50.0	50.0	50.0
Total, Army	21,059.8	19,347.2	19,908.8	19,797.4	(1,262.4)
Navy:					
Aircraft	11,474.2	10,864.7	10,944.7	11,053.2	(421.0)
Weapons procurement	4,650.9	4,405.1	4,466.0	4,444.8	(206.1)
Shipbuilding and conversion	13,141.9	11,888.7	12,191.4	12,153.4	(988.5)
Other procurement	5,953.9	5,274.5	5,348.2	5,266.3	(687.6)
Navy Reserve Equipment	0.0	0.0	20.0	20.0	20.0
Procurement, Marine Corps	1,978.6	1,901.3	1,846.1	1,890.7	(87.9)
Marine Corps Reserve Equipment	0.0	0.0	20.0	20.0	20.0
Total, Navy	37,199.4	34,334.3	34,836.3	34,848.4	(2,351.0)
Air Force:					
Aircraft	28,676.5	25,285.7	26,950.1	26,101.7	(2,574.8)
Missiles	9,820.6	7,741.6	8,819.9	8,605.3	(1,215.3)
Other procurement	9,561.5	8,407.2	8,939.3	8,724.0	(837.5)
Air National Guard	0.0	0.0	20.0	20.0	20.0
Total, Air Force	48,058.6	41,434.5	44,729.3	43,451.0	(4,607.6)
DOD NATO Cooperative Programs	0.0	350.0	0.0	250.0	250.0
Defense agencies	1,243.5	1,160.0	1,207.0	1,180.2	(63.3)
Total, procurement	107,561.3	96,626.0	100,681.4	99,527.0	(8,034.3)
Research, Development, Test and Evaluation					
Army	4,987.9	4,527.3	4,621.3	4,546.7	(441.2)
Navy (and Marine Corps)	9,833.6	8,929.8	9,394.6	9,408.6	(425.0)
Air Force	14,402.0	12,569.2	13,992.5	13,547.3	(854.6)
Defense agencies	4,770.3	4,249.2	4,566.5	4,577.7	(192.6)
Total, R.D.T.&E	33,993.7	30,275.5	32,575.0	32,080.3	(1,913.4)
Operation and Maintenance					
Army	19,486.5	18,625.6	18,639.1	18,626.6	(859.9)
Navy	26,248.4	25,437.8	25,633.5	25,449.9	(798.5)
Marine Corps	1,683.1	1,639.0	1,648.2	1,648.2	(34.9)
Air Force	20,234.5	19,523.8	19,536.8	19,528.9	(705.6)
Defense agencies	7,338.4	7,095.4	7,177.5	7,127.8	(210.6)
Army Reserve	715.5	734.5	713.2	724.9	9.4
Navy Reserve	829.5	837.4	818.4	833.7	4.2
Marine Corps Reserve	58.6	58.6	58.6	58.6	0.0
Air Force Reserve	883.5	878.5	872.7	872.7	(10.8)
Army National Guard	1,404.6	1,455.1	1,393.5	1,437.7	33.1
Air Force National Guard	1,862.1	1,849.3	1,810.2	1,814.2	(47.9)
National Board for the promotion of rifle practice	0.9	0.9	0.9	0.9	0.0
Claims, Defense	177.9	177.9	157.9	157.9	(20.0)
Court of Military Appeals	3.5	3.5	3.4	3.4	(0.1)
Total, O&M	80,927.0	78,317.3	78,464.0	78,285.4	(2,641.6)
Working Capital Funds					
Army stock fund	366.4	356.4	366.4	366.4	0.0
Navy stock fund	563.9	518.9	473.0	473.0	(90.9)
Marine Corps stock fund	34.9	34.9	34.9	34.9	0.0
Air Force stock fund	666.1	626.1	631.8	631.8	(34.3)
Defense stock fund	130.7	130.7	130.7	130.7	0.0
Defense industrial fund	0.0	0.0	0.0	0.0	0.0
Total, Working Capital Funds	1,762.1	1,667.1	1,636.9	1,636.9	(125.2)
Civil Defense					
Total, Civil Defense	252.5	190.0	190.5	190.0	(62.5)
General Provisions					
Committee on Merchant Marine and Defense	0.0	1.5	1.5	1.5	1.5
Total, DOD authorization	224,496.6	207,077.4	213,549.2	211,721.1	(12,775.5)
Department of Energy National Security Programs					
Weapons activities	4,526.0	4,314.8	4,204.3	4,217.1	(308.9)
Verification and control technology	76.7	76.7	76.7	76.7	0.0
Materials production	1,946.2	1,733.9	1,718.1	1,741.2	(105.0)
Defense waste and by-products management	743.1	717.7	731.1	723.6	(19.5)
Nuclear safeguards and security	62.7	62.7	62.7	62.7	0.0
Security investigations	34.0	34.0	34.0	34.0	0.0
Naval reactors development	496.9	496.9	496.9	496.9	0.0
Total, Department of Energy National Security Programs	7,785.6	7,436.7	7,323.8	7,352.2	(433.4)
MILCON AUTHORIZATION BILL (P.L. 98-407)					
Military Construction					
Army	2,261.7	1,706.8	2,023.2	1,708.1	(553.6)
Navy/Marine Corps	1,781.2	1,586.7	1,671.3	1,569.3	(211.9)
Air Force	2,078.1	1,742.1	1,746.5	1,785.3	(292.8)
Defense agencies	459.5	343.3	338.4	337.3	(122.2)
Army National Guard	88.9	105.1	97.0	101.7	12.8
Air National Guard	102.9	121.2	110.7	71.7	(31.2)

COMPARISON OF AUTHORIZATION LEVELS FOR FISCAL YEAR 1985, INCLUDING MILITARY CONSTRUCTION AS ENACTED IN PUBLIC LAW 98-407—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1985 request	House	Senate	Conference	Conference change from request
Army Reserve	70.4	70.4	70.4	62.0	(8.4)
Naval Reserve	60.8	63.8	62.0	121.2	60.4
Air Force Reserve	67.8	67.8	67.8	67.8	0.0
NATO infrastructure	296.7	250.0	131.7	131.7	(165.0)
Total, military construction	7,268.0	6,057.2	6,319.0	5,956.1	(1,311.9)
Family Housing					
Army	1,425.5	1,432.0	1,335.6	1,432.8	7.3
Navy	727.9	727.9	687.1	719.5	(8.4)
Air Force	1,058.6	1,000.7	938.6	1,005.7	(52.9)
Defense agencies	19.8	19.8	19.8	19.8	0.0
Total, family housing	3,231.8	3,180.4	2,981.0	3,177.8	(54.0)
Total, MILCON authorization	10,499.8	9,237.6	9,300.1	9,133.9	(1,365.8)
Grand total	242,782.0	223,751.7	230,173.1	228,207.1	(14,574.9)
SUMMARY OF AUTHORIZATIONS FOR THE DEPARTMENT OF DEFENSE (EXCLUDING MILITARY CONSTRUCTION)					
Army	48,021.6	45,047.1	45,643.3	45,500.7	(2,520.9)
Navy	76,451.5	71,790.7	72,897.6	72,755.3	(3,696.2)
Air Force	86,106.8	76,881.4	81,573.3	79,845.9	(6,260.9)
Defense agencies	13,664.2	13,166.6	13,243.0	13,427.6	(236.6)
Civil Defense	252.5	190.0	190.5	190.0	(62.5)
Other	0.0	1.5	1.5	1.5	1.5
Total, DOD authorization	224,496.6	207,077.4	213,549.2	211,721.1	(12,775.5)

Notes.—Totals may not add due to rounding.

Relationship Between the Defense Authorization Act and the Intelligence Authorization Act With Respect to Activities in Nicaragua

The Intelligence Committees of the House and the Senate are responsible for legislation authorizing appropriations for the Central Intelligence Agency and the Intelligence Community. In each year since 1978, the Congress has enacted an Intelligence Authorization Act covering intelligence activities. This year, both the House and the Senate Intelligence Committees have reported Intelligence authorization bills. The House bill (H.R. 5399) deals with the Nicaragua issue in section 107. The Senate bill (S. 2713) addresses the issue in the classified annex to the committee report.

For bookkeeping and security reasons, gross amounts for intelligence activities necessarily must be factored into the Defense Authorization Act. However, the *actual authorization* for intelligence activities is contained in the *Intelligence* Authorization Act, not the Defense Authorization Act. The Intelligence Authorization Act, together with the accompanying report, including the classified annex, contains the recommendations, guidelines, directions and limitations with which the Intelligence Community must comply.

Thus, the Defense Authorization Act is simply neutral on the issue of the Nicaragua program. Amounts for intelligence activities have been factored into the Defense Authorization Act in such a fashion that the Nicaragua issue is not decided one way or the other. The issue can only be resolved in the Intelligence Authorization Act or in some other context.

FISCAL YEAR 1985 DOD AUTHORIZATION—PROCUREMENT SUMMARY, SEPTEMBER 24, 1984

[Amounts in millions of dollars]

Description	Fiscal year 1985 request	H.R. 5167	S. 2723	Conference	Change from request
Army:					
Aircraft	4,008.3	3,751.1	3,800.6	3,852.2	−156.1
Missiles	3,442.4	3,203.2	3,328.8	3,260.0	−182.4
Weapons and Tracked Combat Vehicles	5,092.7	4,889.5	4,738.0	4,838.6	−254.1
Ammunition	2,494.0	2,133.9	2,514.8	2,338.9	−155.1
Other Procurement	6,022.4	5,369.5	4,476.6	5,457.7	−564.7
Army National Guard	0.0	0.0	50.0	50.0	50.0
Total, Army	21,059.8	19,347.2	19,908.8	19,797.4	−1,262.4
Navy:					
Aircraft	11,474.2	10,864.7	10,944.7	11,053.2	−421.0
Weapons Procurement	4,650.9	4,405.1	4,466.0	4,444.8	−206.1
Shipbuilding and Conversion	13,141.9	11,888.7	12,191.4	12,153.4	−988.5
Other Procurement	5,953.9	5,274.5	5,348.2	5,266.3	−687.6
Procurement, Marine Corps	1,978.6	1,901.3	1,846.1	1,890.7	−87.9
Navy Reserve	0.0	0.0	20.0	20.0	20.0
Marine Corps Reserve	0.0	0.0	20.0	20.0	20.0
Total, Navy	37,199.5	34,334.3	34,836.4	34,848.4	−2,351.1
Air Force:					
Aircraft	28,676.5	25,285.7	26,950.1	26,101.7	−2,574.8
Missiles	9,820.6	7,741.6	8,819.9	8,605.3	−1,215.3
Other Procurement	9,561.5	8,407.2	8,939.3	8,724.0	−837.5
Air National Guard	0.0	0.0	20.0	20.0	20.0
Total, Air Force	48,058.6	41,434.5	44,729.3	43,451.0	−4,607.6
DOD NATO cooperative programs	0.0	350.0	0.0	250.0	250.0
Defense agencies	1,243.5	1,160.0	1,207.0	1,180.2	−63.3
Total procurement	107,561.4	96,626.0	100,681.5	99,527.0	−8,034.4

AIRCRAFT PROCUREMENT, ARMY

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Fixed wing:										
RC–120 (Guardrail)	9	79.3	9	79.3	6	70.7	9	79.3		0.0
C–120 (Huron)	0	0.0	12	24.0	0	0.0	12	24.0		24.0
Rotary:										
CH–47C (Chinook) (MYP)	11	110.0	0	0.0	11	110.0	11	110.0		0.0
EH–60A (Quickfix) (MYP)	18	203.2	18	195.2	18	195.2	18	195.2		8.0
Less advance procurement (PY)	−30.1		−30.1		−30.1		−30.1			
EH–60A advance procurement (CY)		27.2		27.2		27.2		27.2		
Net		200.3		192.3		192.3		192.3		
AH–64 (Apache)	144	1,260.8	144	1,260.8	144	1,260.8	144	1,260.8		
Less advance procurement (PY)		−61.6		−61.6		−61.6		−61.6		
AH–64 advance procurement (CY)		91.0		91.0		91.0		91.0		
Net		1,290.2		1,290.2		1,290.2		1,290.2		
UH–60A (Black Hawk) (MYP)	78	475.6	86	491.8	78	422.7	84	458.7		−16.9
Less advance procurement (PY)		−142.6		−142.6		−142.6		−142.6		
UH–60A advance procurement (CY)		171.8		111.6		132.7		132.7		−39.1
Net		504.8		460.8		412.8		448.8		
Modification of aircraft		(846.8)		(891.8)		(844.8)		(858.9)		
CH–47 (MYP)		446.9		431.9		431.9		431.9		−15.0
AH–1S		45.9		105.9		75.9		90.0		44.1
JSTARS		17.0		17.0		0.0		0.0		−17.0
All other items		337.0		337.0		337.0		337.0		
Spares and repair parts		(633.4)		(518.4)		(573.4)		(563.4)		
Replenishment spares		315.4		215.4		315.4		260.4		−55.0
CH–47		51.0		36.0		51.0		36.0		−15.0
Undistributed reduction		0.0		0.0		−60.0		0.0		
All other items		267.0		267.0		267.0		267.0		
Support equipment and facilities		(343.5)		(324.3)		(306.3)		(315.3)		
UH–60 simulators		71.0		71.8		53.8		62.8		−8.2
Ind facilities		72.3		52.3		52.3		52.3		−20.0
All other items		200.2		200.2		200.2		200.2		
Transfer from prior year		0.0		−30.0		0.0		−30.0		−30.0
Rounding adjustment		0.0		0.0		0.1		0.0		
Total, aircraft procurement, Army		4,008.3		3,751.1		3,800.6		3,852.2		−156.1

RC-12D reconnaissance aircraft (Guardrail)

The budget request contained $79.3 million for procurement of 9 RC-12D aircraft in fiscal year 1985. The House bill would authorize $79.3 million for procurement of 9 RC-12D aircraft in fiscal year 1985. The Senate amendment would authorize $70.7 million for procurement of 6 RC-12D aircraft in fiscal year 1985.

The conferees recommend a authorization of $79.3 million for procurement of 9 RC-12D aircraft in fiscal year 1985.

The Senate recedes.

C-12D cargo aircraft (Huron)

No authorization was requested for C-12D aircraft in fiscal year 1985. The House bill would authorize $24.0 million for procurement of 12 C-12D aircraft in fiscal year 1985. The Senate amendment contained no authorization for procurement of C-12D aircraft in fiscal year 1985.

The conferees recommend authorization of $24.0 million for procurement of 12 C-12D aircraft in fiscal year 1985.

The Senate recedes.

CH-47C helicopter (Chinook)

The budget request contained $110.0 million for procurement of 11 CH-47C aircraft in fiscal year 1985. The House bill contained no authorization for procurement of CH-47C aircraft. The Senate amendment would authorize $110.0 million for procurement of 11 aircraft in fiscal year 1985.

The conferees recommend authorization of $110.0 million for procurement of 11 CH-47D aircraft in fiscal year 1985.

The House recedes.

UH-60A utility helicopter (Black Hawk)

The budget request contained $504.8 million for procurement of 78 aircraft in fiscal year 1985, including $171.8 million for advance procurement of 78 aircraft in fiscal year 1986. The House bill would authorize $460.8 million for procurement of 86 aircraft in fiscal year 1985, including $111.6 million for advance procurement of 78 aircraft in fiscal year 1986. The Senate amendment would authorize $412.8 million for procurement of 78 aircraft in fiscal year 1985, including $132.7 million for advance procurement of 78 aircraft in fiscal year 1986.

The conferees recommend authorization of $448.8 million for procurement of 84 aircraft in fiscal year 1985, including $132.7 million for advance procurement of 78 aircraft in fiscal year 1986.

Modification of Army aircraft

The budget request contained $846.8 million for Army aircraft modifications for fiscal year 1985. The House bill would authorize $891.8 million for Army aircraft modifications. The Senate amendment would authorize $844.8 million for this purpose.

The conferees recommend authorization of $858.9 million for Army aircraft modifications. The amounts requested for specific items that were in dispute, the amounts allowed by the House bill and the Senate amendment, and the amounts allowed by the conferees are listed in the foregoing table.

Army aircraft spares and repair parts

The budget request contained $633.4 million for Army aircraft spares and repair parts for fiscal year 1985. The House bill would authorize $518.4 million for Army aircraft spares and repair parts. The Senate amendment would authorize $573.4 million for this purpose.

The conferees recommend authorization of $563.4 million for Army aircraft spares and repair parts. The amounts requested for specific items that were in dispute, the amounts allowed by the House bill and the Senate amendment, and the amounts allowed by the conferees are listed in the foregoing table.

Army aircraft support equipment and facilities

The budget request contained $343.5 million for Army aircraft support equpment and facilities in fiscal year 1985. The House bill would authorize $324.3 million for Army aircraft support equipment and facilities. The Senate amendment would authorize $306.3 million for this purpose.

The conferees recommend authorization of $315.3 million for Army aircraft support equipment and facilities.

Within this total, the budget request contained $71.0 million for procurement of UH-60 simulators. The House bill would authorize $71.8 million for procurement of UH-60 simulators. The Senate amendment would authorize $53.8 million for procurement of UH-60 simulators. The conferees recommend authorization of $62.8 million for UH-60 simulators.

Army aircraft transfer from prior year

The House bill would authorize a transfer of prior year funds in the amount of $30.0 million. the Senate amendment contained no authorization for transfer of funds from prior year.

The conferees recommend authorization of $30.0 million be transferred from prior year Army aircraft funds.

The Senate recedes.

MISSILE PROCUREMENT, ARMY

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Surface-to-air missiles:										
Patriot	585	1,096.4	440	976.4	440	976.4	440	976.4		−120.0
Stinger	2,360	209.6	2,360	209.6	2,360	209.6	2,360	209.6		
Chaparral		0.0	12	32.0	12	32.0	12	32.0		32.0
Air-to-surface missiles: Laser Hellfire	6,026	235.0	5,182	215.0	6,026	235.0	6,026	225.0		−10.0
Anti-tank/assault missiles:										
TOW (MYP)	18,000	240.3	15,000	253.5	18,000	293.5	15,000	253.5		13.2
TOW advance procurement (CY)		25.0		16.2		25.0		16.2		−8.8
Pershing II	93	456.0	70	356.0	70	387.0	70	375.0		−81.0
Multiple launch rocket system	50,472	459.2	50,472	459.2	50,472	459.2	50,472	459.2		
Less advance procurement (PY)		−55.2		−55.2		−55.2		−55.2		
MLRS advance procurement (CY)		137.4		137.4		137.4		137.4		
Net		541.4		541.4		541.4		541.4		
Field army air defense		0.0		25.0		0.0		25.0		25.00
Other missile support		17.3		17.3		17.3		17.3		
Modification of missiles		(209.2)		(198.8)		(218.8)		208.8)		
TOW		17.9		27.5		27.5		27.5		9.6
Chaparral		106.2		86.2		106.2		96.2		−10.0
All other items		85.1		85.1		85.1		85.1		
Spares and repair parts		(289.7)		(260.3)		(270.3)		(270.3)		
Patriot		106.0		85.0		85.0		85.0		−21.0
Pershing II		16.2		12.2		12.2		12.2		−4.0
TOW		3.5		9.1		9.1		9.1		5.6
Replenishment spares		120.0		110.0		120.0		120.0		
All other items		44.0		44.0		44.0		44.0		
Support equipment and facilities		(122.5)		(114.7)		(122.5)		(122.5)		
Air defense targets		20.8		13.0		20.8		20.8		
All other items		101.7		101.7		101.7		101.7		
Transfer from prior year		0.0		−13.0		0.0		−13.0		−13.0
Total, missile procurement, Army		3,442.4		3,203.2		3,328.8		3,260.0		−182.4

Laser Hellfire missile

The budget request contained $235.0 million for procurement of 6026 Laser Hellfire missiles. The House bill would authorize $215.0 million for procurement of 5182 Laser Hellfire missiles. The Senate amendment would authorize $235.0 million for procurement of 6026 Laser Hellfire missiles.

The conferees agree to authorize $225.0 million for procurement of 6026 Laser Hellfire missiles.

TOW missile

The budget request contained $240.3 million for procurement of 18,000 TOW missiles and $25 millon for advance procurement. The House bill would authorize $253.5 million for procurement of 15,000 TOW missiles and $16.2 million for advance procurement. The Senate amendment would authorize $293.5 million for procurement of 18,000 TOW missiles and $25 million for advance procurement.

The conferees agree to authorize $253.5 million for procurement of 15,000 TOW missiles and $16.2 million for advance procurement.

The Senate recedes.

Pershing II surface-to-surface missile system

The budget request contained $456.0 million for procurement of 93 Pershing II missiles and supporting equipment. The House bill would authorize $356.0 million for procurement of 70 missiles and supporting equipment. The Senate amendment would authorize $387.0 million for procurement of 70 missiles and supporting equipment.

The conferees recommend authorization of $375.0 million for procurement of 70 Pershing II missiles.

The House recedes with an amendment.

Field Army air defense

No authorization was requested for the field Army air defense initiative. The House bill would authorize $25.0 million for field Army air defense. The Senate amendment contained no authorization for field Army air defense.

The conferees agree to authorize $25.0 million for the field Army air defense initiative.

The Senate recedes.

Modification of missiles

The budget request contained $209.2 million for modification of Army missiles, including $17.9 million for the TOW II, $106.2 million for the Chaparral, and $85.1 million for all other items. The House bill would authorize $198.8 million for modification of missiles, including $27.5 million for the TOW II, $86.2 million for the Chaparral, and $85.1 million for all other items. The Senate amendment would authorize $218.8 million for modification of missiles, including $106.2 million for the Chaparral, $27.5 million for the TOW II and $85.1 million for all other items.

The conferees agree to authorize $208.8 million for modification of Army missiles, including $96.2 million for the Chaparral.

Army missile spares and repair parts

The budget request contained $289.7 million for Army missile spares, including $169.7 million for initial spares and $120.0 million for replenishment spares. The House bill would authorize $260.3 million for missile spares and repair parts, including $110.0 million for replenishment spares. The Senate amendment would authorize $270.3 million for missile spares and repair parts, including $120.0 million for replenishment spares.

The conferees agree to authorize $270.3 million for Army missile spares, including $120 million for replenishment spares.

The Senate recedes.

Army missile support equipment and facilities

The budget request contained $122.5 million for support equipment and facilities, including $20.8 million for air defense targets. The House bill would authorize $114.7 million for support equipment and facilities, including $13 million for air defense targets. The Senate amendment would authorize $122.5 million for support equipment and facilities, including $20.8 million for air defense targets.

The conferees agree to authorize $122.5 million for Army missile support equipment and facilities, including $20.8 million for air defense targets.

The House recedes.

PROCUREMENT OF WEAPONS, ARMY

WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Tracked combat vehicles:										
M577A2 command post vehicle	167	33.4	167	33.4	167	33.4	167	33.4		

PROCUREMENT OF WEAPONS, ARMY—Continued

Weapons and Tracked Combat Vehicles, Army—Continued

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
M113A2 armored personnel carrier	50	8.9	0	0.0	50	8.9	50	8.9		
M2–M3 Bradley fighting vehicle	710	1,027.0	710	1,005.0	655	981.1	680	981.1		−45.9
Less advance procurement (PY)		−29.6		−29.6		−29.6		−29.6		
M2–M3 advance procurement (CY)		59.0		59.0		24.9		40.0		−19.0
Net		1,056.4		1,034.4		976.4		991.5		
Bradley FVS training devices		56.5		52.4		56.5		56.5		
Field artillery ammunition support vehicle (FAASV)	170	84.2	170	84.2	170	84.2	170	84.2		
M109A2 155mm Howitzer	70	52.4	70	52.4	70	52.4	70	52.4		
M88A1 recovery vehicle	180	159.4	180	159.4	180	159.4	180	159.4		
M–1 Abrams tank	720	1,760.2	840	1,882.9	720	1,760.2	840	1,874.4		114.2
Less advance procurement (PY)		−290.8		−290.8		−290.8		−290.8		
Less PY authorization transfer		0.0		−173.8		−150.0		−216.1		−216.1
M–1 advance procurement (CY)		289.4		334.4		289.4		334.4		45.0
Net		1,758.8		1,752.7		1,608.8		1,701.9		
M60 tank training devices		25.7		12.9		18.7		16.0		−9.7
M–1 tank training equipment		37.1		37.1		37.1		37.1		
Modification of tracked combat vehicles		(393.5)		(378.5)		(420.5)		(413.4)		
M–60		215.1		200.1		215.1		208.0		−7.1
Improved TOW vehicle		0.0		0.0		27.0		27.0		27.0
All other items		178.4		178.4		178.4		178.4		
Spares and repair parts		(430.1)		(414.4)		(426.1)		(410.4)		
Replenishment spares		315.7		300.0		315.7		300.0		−15.7
Bradley FVS		64.4		64.4		60.4		60.4		−4.0
All other items		50.0		50.0		50.0		50.0		
Value engineering		1.0		1.0		1.0		1.0		
Production base support		58.3		58.3		58.3		58.3		
Items less than $900,000		0.9		0.9		0.9		0.9		
Total, tracked combat vehicles, Army		4,156.6		4,072.0		3,942.6		4,025.3		−131.3

XM252–81mm mortar

The budget request contained $11.3 million for procurement of 441 81 millimeter mortars. The House bill would authorize $11.3 million for procurement of 441 81 millimeter mortars. The Senate amendment contained no authorization for the 81 millimeter mortars.

The conferees agree to authorize $11.3 million for 441 81 millimeter mortars.

The Senate recedes.

9mm personal defense weapon

The budget request contained $5.0 million for procurement of 14,650 9mm personal defense weapons. The House bill would authorize $10.0 million for procurement of 30,000 9mm personal defense weapons. The Senate amendment contained no authorization for the 9mm personal defense weapons.

The conferees agree to authorize $10.0 million for procurement of 30,000 9mm personal defense weapons.

The Senate recedes.

Bushmaster weapon system

The budget request contained $48.0 million for procurement of 755 vehicle rapid fire weapons systems and $8.1 million for advance procurement. The House bill would authorize $48.0 million for procurement of 755 weapon systems and $8.1 million for advance procurement. The Senate amendment would authorize $43.8 million for procurement of 690 weapon systems and $8.1 million for advance procurement.

The conferees agree to authorize $43.8 million for Bushmaster weapon systems.

The House recedes.

Support equipment and facilities

The budget request contained $209.8 million for support equipment and facilities, including $92.8 million for DIVAD spares, $3.4 million for PIVAD spares, and $113.6 million for all other items.

The House bill would authorize $195.9 million for support equipment and facilities, including $82.3 million for DIVAD spares, no authorization for PIVAD spares, and $113.6 million for all other items. The Senate amendment would authorize $199.3 million for support equipment and facilities, including $82.3 million for DIVAD spares, $3.4 million for PIVAD spares, and $113.6 million for all other items.

The conferees agree to authorize $195.9 million with no authorization for PIVAD spares.

The Senate recedes.

AMMUNITION, ARMY

Item	Fiscal year request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ammunition		(2,191.8)		(1,974.9)		(2,194.6)		(2,130.2)		
Ctg. 5.56mm plastic		1.3		0.0		1.3		0.0		−1.3
Ctg. 5.56mm blank		13.3		14.9		14.9		14.9		1.6
Ctg. 9mm ball (hand gun)		1.4		1.4		0.0		1.4		
Ctg. Cal. 50, ball Lkd & Ctn		3.1		3.1		4.1		4.1		1.0
Ctg. Cal. 50 blk, M1A1, Lkd F/M2MG		13.9		13.9		17.3		17.3		3.4
Ctg. Cal. 50, tracer, linked		1.7		1.7		2.8		2.8		1.1
Ctg. Cal. 50 plastic trng round		6.7		3.4		6.7		3.4		−3.3
Ctg. Cal. 50, 4 ball TR w/M15 lk		15.1		12.6		15.1		15.1		
Ctg. TP–T for DIVAD gun		29.3		13.8		13.8		13.8		−15.5
Ctg. 40mm HE with prox fuze		48.0		44.5		44.5		44.5		−3.5
Ctg. 40mm practice/low velocity		6.7		4.4		4.4		4.4		−2.3
Ctg. 81mm, imp trng, full range		7.9		7.9		0.0		7.9		
Ctg. 20mm, TP–T		0.0		0.0		8.0		8.0		8.0
Ctg. 25mm, TP–T		0.0		0.0		21.0		20.0		20.0
Ctg. 4.2 smoke		10.2		0.0		0.0		0.0		−10.2
Ctg. 120mm, armor piercing		20.9		17.8		30.9		20.9		
Ctg. 105mm TPCS DS–T		48.0		0.0		48.0		33.0		−15.0
Ctg. 105mm DS–TPM724		100.6		88.6		100.6		100.6		
Ctg. 105mm TP–TM490		72.5		62.2		72.5		72.5		
155mm HE RAAMS (718)		30.2		0.0		0.0		0.0		−30.2
Copperhead		102.8		135.1		135.1		135.1		32.3
155mm, smoke, WP		12.5		25.0		24.5		25.0		12.5
8 inch, HE, ICM (DP)		146.5		103.4		146.5		146.5		
155mm, chem GB–2 adv procurement		13.0		0.0		0.0		0.0		−13.0
155mm, M4A2		44.9		27.1		39.9		27.1		−17.8
Hand grenade, all types (practice)		14.1		12.7		12.7		12.7		−1.4
Light anti-tank weapon		33.8		23.8		41.6		41.6		7.8

AMMUNITION, ARMY—Continued

Item	Fiscal year request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
War reserve stockpile		33.9		0.0		33.9		0.0		−33.9
9th ID high tech test bed		5.0		0.0		0.0		0.0		−5.0
Nitroguanidine		23.2		25.3		23.2		25.3		2.1
Barrier munition		0.0		1.0		0.0		1.0		1.0
All other items		1,331.3		1,331.3		1,331.3		1,331.3		
Ammunition product base support		(302.2)		(203.0)		(320.2)		(252.7)		
Provision of industrial facilities		203.0		203.0		203.0		192.7		−10.3
RDX/HMX Facilitization		55.0		0.0		110.0		55.0		
Fuze Hi-speed automated assembly		2.2		0.0		2.2		0.0		−2.2
Chemical production capability		42.0		0.0		0.0		0.0		−42.0
Combustible cartridge case facil		0.0		0.0		5.0		5.0		5.0
Transfer from prior year		0.0		−44.0		0.0		−44.0		−44.0
Total		2,494.0		2,133.9		2,514.8		2,338.9		−155.1

Combustible cartridge

The House bill did not include authorization for the combustible cartridge case facility. The Senate amendment would authorize $5.0 million for the facility.

The conferees agree to authorize $5.0 million for the facility. However, the Department of the Army is directed to study the requirement for establishing a second source for the program and report its findings to the Committee on Armed Services of the Senate and House of Representatives before obligating any funds for the program. In doing so, the Department of the Army should explore the feasibility of using off-shore procurement in order to strengthen the two-way street with our NATO allies.

Light anti-tank weapon

The budget request contained $33.8 million for the procurement of 29,000 Light Anti-tank Weapons (LAW). The House bill authorized $23.8 million for the program. The Senate amendment authorized $41.6 million. The House recedes.

This small increase in funding above the request for the Light Anti-tank Weapon (LAW) will nearly double the quantity that can be procured and accommodate the firm fixed price option achieved by the competition directed by the Congress in fiscal year 1982. Although the weapons now in competition, the AT-4 and the improved LAW, do not have the ability to defeat the frontal armor of a tank, they promise to be substantially more capable than the current LAW. Although development of a light-weight affordable weapon capable of defeating frontal armor may not be feasible, the capabilities of a light weapon of this type make it desirable for multi-purpose use.

RDX/HMX facilitization

The budget request contained $55.0 million to modernize and expand the manufacturing capabilities for explosives and propellents based on research department explosive (RDX) and the high melt explosive (HMX). In addition, the budget request contained $33.9 million to procure RDX/HMX for the war reserve stockpile. RDX/HMX is used in advanced munitions.

The House bill contained no authorization for the RDX/HMX program. The Senate amendment would authorize $110.0 million for the program.

The conferees agree to authorize $55.0 million for the RDX/HMX program in fiscal year 1985.

The conferees agree that the acquisition of facilities to produce RDX and HMX, which are military explosives used extensively in military munitions and as the basic ingredient for rocket propellants, is a matter that should be accorded extremely high priority. Holston Army Ammunition Plant, with facilities built in World War II, is the only plant in the free world that produces any significant quantity of RDX and HMX. The conferees believe that the Department's plans to stockpile RDX and HMX, although justified, must be deferred to permit the allocation of funds budgeted for stockpiling to be used instead to build new RDX and HMX facilities. Therefore, the conferees have denied all funds requested for RDX/HMX stockpiling and, instead, have reallocated those funds to the construction of new facilities in accordance with the following table:

RDX/HMX FUNDING PROFILE

[In millions of dollars]

Location and facility	Fiscal year—					
	1984	1985	1986	1987	1988	1989
Holston AAP, Tn., Conversion	8.0	[1] (20)	(1)			
Holston AAP, Tn., Production Equipment	5.0	14	25.0	26.0	27.0	4
Longhorn AAP, TX., Pilot Plant/HMX Line	21.0	11	11.0	70.0	100.0	91
Louisiana AAP, La., RDX Line	19.5	10	46.7	100.0	116.0	71
Joliet AAP, Il., RDX Line	19.5	9		46.7	100.0	116
Alabama AAP, Al., RDX Line	19.5	9	13.5		46.7	100
Indiana AAP, In., RDX Line		1	20.0	27.0		90
Iowa AAP, Ia., Finishing Line		1	10.0		32.0	100
Total	92.5	55	126.2	269.7	421.7	572

[1] Authorized in the fiscal year 1985 Military Construction Act.

With regard to fiscal year 1984 and prior funds, $44 million of prior year funds, identified by the Defense Department as available to be applied against fiscal year 1985 requirements, have been included and are to be applied against RDX/HMX facility requirements as shown above. In addition, a pending reprogramming request in the amount of $48.5 million would permit the Army to begin RDX/HMX construction. The impact of the reprogramming request is also reflected in the table above. The conferees expect the Secretary of Defense to act quickly to have those funds obligated and to place these projects under contract.

The allocation of the $55 million requested for fiscal year 1985 and approved by the conferees is shown above. The $20 million requested for authorization for Holston in both the Army Ammunition Account and the Military Construction Account will be approved only in the Military Construction Account.

Funding allocation for the outyears is, of course, notional, but the conferees would expect the funding requested by the Defense Department to reflect the priority accorded to this effort by the Congress. There has also been some indication that private industry might be willing to invest its own capital to build these facilities in exchange for a long-term production contract. The Department is encouraged to pursue such an option provided that it does not delay the construction of facilities at any of the sites shown above, and the Defense Department should report to the Committees on Armed Services of the Senate and the House of Representatives no later than April 1, 1985, as to the progress on this option.

PROCUREMENT OF TRACKED COMBAT VEHICLES, ARMY

WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

Item	FY 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Weapons:										
DIVAD gun	132	538.6	117	503.0	117	503.0	117	503.0		−35.6
Less advance procurement (PY)		−22.8		−22.8		−22.8		−22.8		
Less PY transfer		0.0		−41.7		−41.7		−41.7		−41.7
DIVAD advance procurement (CY)		12.9		10.5		10.5		10.5		−2.4
Net		528.7		449.0		449.0		449.0		
M240 armor machine gun	4,766	25.4	4,766	25.4	4,766	25.4	4,766	25.4		
Squad automatic weapon (SAW)	3,800	12.9	3,800	12.9	3,800	12.9	3,800	12.9		
Launcher, MK 19–3 grenade	340	4.5	340	4.5	340	4.5	340	4.5		
Launcher, smoke grenade	5,526	4.8	5,526	4.8	5,526	4.8	5,526	4.8		
XM252 (81mm mortar)	441	11.3	441	11.3	0	0.0	441	11.3		
M16A2 rifle	75,000	39.6	75,000	39.6	75,000	39.6	75,000	39.6		
9mm personal defense weapons	14,650	5.0	30,000	10.0	0	0.0	30,000	10.0		5.0
Bushmaster weapon system	755	48.0	755	48.0	690	43.8	690	43.8		−4.2
Bushmaster advance procure (CY)		8.1		8.1		8.1		8.1		
M–26 tank muzzle boresight		3.8		3.8		3.8		3.8		
Modification of other weapons		(244.0)		(200.1)		(203.5)		(200.1)		
Product improved vulcan (PIVAD)		33.2		3.2		3.2		3.2		−30.0
Modifications under $900,000		1.0		1.0		1.0		1.0		
Support equipment & facilities:										
DIVAD spares		92.8		82.3		82.3		82.3		−10.5
PIVAD spares		3.4		0.0		3.4		0.0		−3.4
All other items		113.6		113.6		113.6		113.6		
Total, weapons, Army		936.1		817.5		795.4		813.3		−122.8
Total, procurement of weapons and tracked combat vehicles, Army		5,092.7		4,889.5		4,738.0		4,838.6		−254.1

M113A2 armored personnel carrier

The budget request contained $8.9 million for procurement of 50 M113A2 armored personnel carriers. The House bill contained no authorization for the personnel carrier. The Senate amendment would authorize $8.9 million for procurement of 50 personnel carriers.

The conferees agree to authorize $8.9 million for procurement of 50 M113A2 armored personnel carriers.

The House recedes.

M2–M3 Bradley fighting vehicle

The budget request contained $1056.4 million for procurement of 710 M2–M3 Bradley fighting vehicles, including $59.0 million for advance procurement. The House bill would authorize $1034.4 million for procurement of 710 vehicles, including $59.0 million for advance procurement. The Senate amendment would authorize $976.4 million for procurement of 655 vehicles, including $24.9 million for advance procurement.

The conferees agree to authorize $951.5 million for procurement of 680 M2–M3 Bradley fighting vehicles and $40.0 million for advance procurement.

Bradley fighting vehicle system training devices

The budget request contained $56.5 million for Bradley fighting vehicle system (FVS) training devices. The House bill would authorize $52.4 million for training devices. The Senate amendment would authorize $56.5 million for training devices.

The conferees agree to authorize $56.5 million for Bradley FVS training devices.

The House recedes.

M1 Abrams tank

The budget request contained $1469.4 million for procurement of 720 M1 Abrams tanks and $289.4 million for advance procurement.

The House bill would authorize $1,418.3 million to procure 840 tanks in fiscal year 1985 and $334.4 million in advance procurement for fiscal year 1986. The House bill also would authorize $90.3 million of fiscal year 1984 contract savings to be transferred forward and specifies that $23 million of pending fiscal year 1984 reprogramming requests would be denied and transferred forward. Additionally, the House bill would authorize $60.5 million from proceeds of foreign military sales of M48 tanks in fiscal year 1983 to be transferred forward to fiscal year 1985. This resulted in a total of $173.8 million being transferred forward to fiscal year 1985 to support procurement of 840 tanks.

The Senate bill would authorize $1,319.4 million to procure 720 tanks in fiscal year 1985 and $289.4 million for advance procurement. The Senate bill also would authorize $150 million in prior year savings to be transferred forward to fiscal year 1985.

The conferees recommend authorizaton of $1,367.5 million for the procruement of 840 tanks in fiscal year 1985 and $334.4 million in advance procurement. The conferees also recommend authorizing the transfer forward of $155.6 million in prior year savings, including those funds resulting from the denial of $65.3 million from pending reprogramming requests. Further, the conferees agreed to transfer $60.5 million from proceeds of foreign military sales forward to support the procurement of 840 tanks in fiscal year 1985. This resulted in a total of $216.1 million authorized to be transferred forward.

M60 tank training devices

The budget request contained $25.7 million for M60 tank training devices. The House bill would authorize $12.9 million for M60 tank training devices. The Senate amendment would authorize $18.7 million for M60 tank training devices.

The conferees recommend authorization of $16.0 million for M60 tank training devices.

Modification of tracked combat vehicles

The budget request contained $393.5 million for modification of tracked combat vehicles, including $215.1 million for the M60 tank. No authorization was requested for the Improved TOW vehicle. The House bill would authorize $378.5 million for modification of tracked combat vehicles, including $200.1 million for the M60 tank. The House bill contained no authorization for the Improved TOW vehicle. The Senate amendment would authorize $420.5 million for modification of tracked combat vehicles, including $215.1 million for the M60 tank and $27.0 million for the Improved TOW vehicle.

The conferees agree to authorize $413.4 million for modification of tracked combat vehicles, including $208.0 million for the M60 tank and $27 million for the Improved TOW vehicle.

Spares and repair parts

The budget request contained $430.1 million for spares and repair parts, including $315.7 million for replenishment spares and $64.4 million for the Bradley fighting Vehicle System (FVS). The House bill would authorize $414.4 million for spares and repair parts, including $300.0 million for replenishment spares and $64.4 million for the Bradley Fighting Vehicle System. The Senate amendment would authorize $426.1 million for spares and repair parts, including $315.7 million for replenishment spares and $60.4 million for the Bradley Fighting Vehicle System.

The conferees agree to authorize $410.4 million for spares and repair parts, including $300.0 million for replenishment spares and $60.4 million for the Bradley Fighting Vehicle System.

OTHER PROCUREMENT, ARMY

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Tactical and support vehicles		(1,548.3)		(1,441.0)		(1,522.7)		(1,458.4)		
Semi-trailer, low bed X1000		7.0		0.0		7.0		0.0		−7.0
HiMob mul pur whld veh (HMMWV)		311.1		310.2		311.1		311.1		
5 Ton truck (MYP)		397.2		347.2		397.2		347.2		−50.0
Fast attack vehicles		12.8		5.4		0.0		0.0		−12.8
Less PY authorization transfer		0.0		−5.4		0.0		0.0		
net		12.8		0.0		0.0		0.0		
Passenger vehicles		32.3		25.0		32.3		25.0		−7.3
General purpose vehicles		40.4		32.7		40.4		40.4		
Special purpose vehicles		10.7		8.2		10.7		10.7		
Spares and repair parts		120.7		117.5		120.7		120.7		
Production base support		3.3		0.2		3.3		3.3		
All other items		600.0		600.0		600.0		600.0		
Communications & electronics equipment		(2,927.0)		(2,577.8)		(2,517.9)		(2,612.4)		
IHF radio mods		5.4		0.0		0.0		0.0		−5.4
Joint crisis mgmt capability		7.2		0.0		0.0		0.0		−7.2
C–E facilities/projects		19.7		11.7		11.7		11.7		−8.0
DSCS operations control sys (DOCS)		50.6		35.4		34.3		34.3		−16.3
EUCOM C3 (NWS)		81.3		51.0		48.0		48.0		−33.3
Base comm (EUCOM)		24.5		19.3		19.5		19.3		−5.2
TMDE modernization		26.6		20.0		26.6		20.0		−6.6
Trailblazer		105.5		63.8		0.0		63.8		−41.7
Tech Recon and Surv Sys (TECRAS)		7.1		7.1		5.5		5.5		−1.6
Items leas than $900k-GDIP		5.0		1.2		5.0		5.0		
Battery computer system		39.7		32.7		32.7		32.7		−7.0
WWMCCS		15.1		8.8		14.2		14.2		−0.9
Mod in service equip (EW)		13.1		7.4		6.6		6.6		−6.5
Night sight, AN/TAS–4		38.8		0.0		0.0		0.0		−38.8
Night sight, AN/TAS–5		24.0		0.0		24.0		24.0		
Night vision aid, AN/PVS–7		49.3		37.3		49.3		37.3		−12.0
Tactical airborne RPV drone Aquila		144.5		44.5		32.8		44.5		−100.0
Spares and repair parts (telecom)		201.4		194.2		195.1		194.2		−7.2
Spares and repair parts (other)		191.9		167.1		186.3		175.0		−16.9
Undistributed reduction		0.0		0.0		−50.0		0.0		
Allother items		1,876.3		1,876.3		1,876.3		1,876.3		
Other support equipment		(1,559.9)		(1,368.7)		(1,436.0)		(1,404.9)		
Bridge, Float-ribbon trans		28.0		14.5		14.0		14.0		−14.0
Dispenser, Mine, XM128		17.2		6.1		17.2		10.0		−7.2
Air conditioners		14.1		12.9		14.1		12.9		−1.2
Firetrucks		7.1		4.8		7.1		4.8		−2.3
Laundry unit tel/mtd		4.5		2.3		4.5		2.3		−2.2
Halon recharge service kit		5.2		0.6		5.2		3.0		−2.2
Items less than $900k (CSS–eq)		14.8		8.3		11.9		10.0		−4.8
ARAPAHO/helicopter support kits		0.0		20.0		0.0		20.0		20.0
Tank assembly fabric collapsible pol 10,006		5.8		2.2		5.8		5.8		
Pump centrifugal 4X4 ded		7.6		3.8		7.6		7.6		
Pipeline outat, pol		4.7		2.4		4.7		4.7		
ROF Pol dist		22.8		20.6		22.8		22.8		
Tanker mooring system, multi-leg		5.5		2.8		5.5		5.5		
Water pur unit rev os 150k GPD		1.6		0.8		1.6		1.6		
20,000 gal water stor & dist sys		1.0		0.5		1.0		1.0		
40,000 gal water stor & dist sys		2.0		1.0		2.0		2.0		
80,000 gal water stor & dist sys		4.4		2.2		4.4		4.4		
1,000,000 gal water storage and distribution system		1.6		0.8		1.6		1.6		
Tactical water dist system		13.1		11.0		13.1		13.1		
Fwd area water support system		8.3		4.2		8.3		8.3		
Tank, fabric. Coll, wtr. semi-trailer mtd		4.1		2.1		4.1		4.1		
Small mobile water chiller		5.2		2.6		5.2		5.2		
Drill machine well rty trl		1.5		0.8		1.5		1.5		
Deployable medical system		88.4		76.1		44.4		44.4		−44.0
CBT sop equipment medical		70.9		58.5		40.9		40.9		−30.0
Shop equipment, org repair truck		39.9		27.8		26.9		26.9		−13.0
Welding shop, trailer mtd		16.8		8.4		16.8		10.0		−6.8
Shop eq elec repair semi-trl mtd		8.9		4.5		8.9		6.0		−2.9
Calibration set support		13.9		8.1		13.9		10.0		−3.9
Landing craft, utility		28.2		14.1		28.2		28.2		
Boat, service, chl		5.0		2.5		0.0		0.0		−5.0
B-Delong pier barge		5.3		3.5		5.3		5.3		
RoRo discharge platform assembly		9.0		4.5		9.0		9.0		
Causeway system		8.2		5.5		8.2		8.2		
Railway car, flat 140 ton		16.5		11.2		16.5		13.0		−3.5
Shipping container		3.5		1.8		3.5		3.5		
Modifications of in-service equip		7.6		5.3		7.6		7.6		
Truck, forklift, ge, pt, 4,000 lb		12.4		7.6		12.4		7.6		−4.8
Truck, forklift, ge, pt 6,000 lb		5.3		3.5		5.3		3.5		−1.8
Truck, forklift, de, pt, rt, 6,000 lb		25.9		21.2		25.9		21.2		−4.7
Truck, forklift, elec, srt frt/side		2.3		1.6		2.3		1.6		−0.7
Items less than $900K		5.1		3.2		5.1		3.2		−1.9
Spares and repair parts		42.4		39.4		42.4		39.4		−3.0
Prod enhancing capital invest prg		12.7		10.6		12.7		10.6		
Prod base support		17.5		6.2		17.5		6.2		−11.3
Special equip for user testing		15.8		14.1		15.8		14.1		−1.7
Training devices, non-system		143.1		127.0		143.1		143.1		
Undistributed reduction		0.0		0.0		−15.0		0.0		
All other items		775.2		775.2		775.2		775.2		
Transfer from prior year		0.0		−18.0		0.0		−18.0		−18.0
Total, other procurement, Army		6,022.4		5,369.5		5,476.6		5,457.7		−564.7

The budget request contained $6,022.4 million for Army other procurement for fiscal year 1985. The House bill would authorize $5,369.5 million for Army other procurement. The Senate amendment would authorize $5,476.6 million for this purpose.

The conferees recommend authorization of $5,457.7 million for Army other procurement. The amounts requested for specific items that were in dispute, the amount allowed by the House bill and the Senate amendment, and the amounts allowed by the conferees are listed in the foregoing table.

Tactical and support vehicles

The budget request contained $1,548.3 million for tactical and support vehicles. The House bill would authorize $1,441.0 million for tactical and support vehicles. The Senate amendment would authorize $1,522.7 million for tactical and support vehicles. The conferees agree to authorize $1,458.4 million for tactical and support vehicles.

Communications and electronic equipment

The budget request contained $2,927.0 million for communications and electronics equipment. The House bill would authorize

$2,577.8 million for communications and electronics equipment. The Senate amendment would authorize $2,517.9 million for communications and electronics equipment. The conferees agree to authorize $2,612.4 million for communications and electronics equipment.

Other support equipment

The budget request contained $1,559.9 million for Other Support Equipment. The House bill would authorize $1,368.7 million for Other Support Equipment. The Senate amendment would authorize $1,436.0 million for Other Support Equipment. The conferees agree to authorize $1,404.9 million for other support equipment.

Army—Other procurement, communications and electronics equipment trailblazer

The budget request contained $105.5 million for five Trailblazer systems.

The House bill contained authorization of $63.8 million for two Trailblazer systems. The Senate amendment deleted all funds for the Trailblazer.

The Senate recedes.

Army—Other procurement, communications and electronics equipment tactical airborne RPV drone—Aquila

The budget request contained $144.5 million for the Aquila remotely piloted vehicle (RPV) system and $11.7 million for spares.

The House bill authorized $44.5 million for the RPV system and deleted all authorization for spares. The Senate amendment authorized $32.8 million for the RPV system and $11.7 million for spares.

The Senate recedes.

Fast Attack Vehicle (FAV)

The budget request contained $12.8 million to procure 402 fast attack vehicles. The House bill authorized the transfer of $5.4 million to Other Procurement, Army, for the Fast Attack Vehicle (FAV) program from funds appropriated for Other Procurement, Army, in fiscal year 1984. The Senate amendment did not provide authorization for the program.

The House recedes, and the conferees support the pending reprogramming request to obligate $5.4 million of fiscal year 1984 funds to procure additional FAV's for testing. Further, the committee directs that the Secretary of the Army to submit to the appropriate committees of the Congress a detailed report on Army-wide requirements, planned roles and missions for the Fast Attack Vehicle before any funds are obligated for the procurement of additional vehicles. The report should address these issues in the context of the recent decision to establish light divisions.

Prior year transfer

The House bill authorized the transfer of $18.0 million in prior year appropriations to be applied to the fiscal year 1985 Army Other Procurement program. The Senate amendment did not provide for similar authorization.

The conferees agree to authorize the transfer of $18.0 million in prior year appropriations to be applied to the fiscal year 1985 Army Other Procurement program.

The Senate recedes.

Military jacket linings

The military services are considering actions to change specifications from rayon (natural) fiber to polyester (synthetic) fiber for the linings of jackets (Army). The differences in "wearability" and comfort between rayon and polyester lining is marked, especially in the varied climate and stress situations of military service. The conferees are concerned that the specification change to polyester lining of military jackets may make a major difference in troop acceptability of those jackets.

Because this fiber is the only acceptable reinforcement for flexible brake and hydraulic lines, the conferees are also concerned that change may adversely impact domestic production and consequently adversely impact our domestic surge capacity for hydraulic hoses during mobilization.

The conferees, therefore, recommend that the services review the proposed specification change to ensure troop servicability including multi-climate testing and the strategic impact of rayon production linings upon mobilization surge capabilities. The results of this review should be provided to the Committees on Armed Services of the Senate and the House of Representatives by February 1, 1985.

National Guard, Army

No authorization was requested for procurement of miscellaneous equipment for the Army National Guard. The House bill contained no authorization; the Senate amendment would authorize $50.0 million for this purpose.

The conferees recommend authorization of $50.0 million for procurement of equipment for the Army National Guard in fiscal year 1985.

The House recedes.

AIRCRAFT PROCUREMENT, NAVY

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Combat aircraft:										
A-6E (Intruder)	6	225.6	6	210.5	6	210.6	6	210.5		−15.1
Less advance procurement (PY)		−11.0		−11.0		−11.0		−11.0		
A-6E advance procurement (CY)		0.0		15.1		0.0		15.1		15.1
Net		214.6		214.6		199.6		214.6		
EA-6B (Prowler)	6	384.6	6	384.6	6	384.6	6	384.6		
Less advance procurement (PY)		−23.6		−23.6		−23.6		−23.6		
EA-6B advance procurement (CY)		18.6		18.6		18.6		18.6		
Net		379.6		379.6		379.6		379.6		
AV-8B (Harrier)	32	840.6	32	840.5	32	840.6	32	840.5		−0.1
Less advance procurement (PY)		−98.4		−98.4		−98.4		−98.4		
AV-8B advance procurement (CY)		80.4		70.0		59.4		64.7		−15.7
Net		822.6		812.1		801.6		806.8		
F-14A (Tomcat)	24	965.7	24	965.7	24	961.7	24	961.7		−4.0
Less advance procurement (PY)		−178.8		−178.8		−178.8		−178.8		
F-14A advance procurement (CY)		190.0		190.0		170.8		185.0		−5.0
net		976.9		976.9		953.7		967.9		
F-18 (Hornet)	84	2,566.5	84	2,566.5	84	2,566.5	84	2,566.5		
Less advance procurement (PY)		−218.4		−218.4		−218.4		−218.4		
F-18 advance procurement (CY)		337.9	LL84	277.9	LL84	277.9	LL84	277.9		−60.0
Net		2,686.0		2,626.0		2,626.0		2,626.0		
CH-53E (Super Stallion) (MYP)	10	229.9	10	219.9	10	219.9	10	219.9		−10.0
Less advance procurement (PY)		−6.6		−6.6		−6.6		−6.6		
CH-53 advance procurement (CY)		69.6		36.1		36.1		36.1		−33.5
net		292.9		249.4		249.4		249.4		
AH-1T (Sea Cobra)	22	195.8	22	195.8	22	195.8	22	195.8		
Less advance procurement (PY)		−17.8		−17.8		−17.8		−17.8		
AH-1T advance procurement (CY)		15.0		15.0		15.0		15.0		
Net		193.0		193.0		193.0		193.0		
SH-60B (Seahawk)	18	392.0	24	459.4	24	459.4	24	459.4		67.4
Less advance procurement (PY)		−58.8		−58.8		−58.8		−58.8		
SH-60B advance procurement (CY)		52.4	LL24	57.9	LL24	57.9	LL24	57.9		5.5
Net		385.6		458.5		458.5		458.5		
P-3C (Orion)	9	463.3	5	288.5	9	406.0	9	406.0		−57.3
Less advance procurement (PY)		−84.4		−50.0		−84.4		−50.0		34.4
P-3C advance procurement (CY)		86.1		46.1		50.0		50.0		−36.1
Net		465.0		284.6		371.6		406.0		
E-2C (Hawkeye)	6	337.8	6	337.8	6	331.8	6	331.8		−6.0
Less advance procurement (PY)		−25.6		−25.6		−25.6		−25.6		
E-2C advance procurement (CY)		29.6		29.6		29.6		29.6		
Net		341.8		341.8		335.8		335.8		
SH-2F (Seasprite)	6	70.4	6	70.4	6	70.4	6	70.4		

AIRCRAFT PROCUREMENT, NAVY—Continued

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Less advance procurement (PY)		−4.5		−4.5		−4.5		−4.5		
SH–2F advance procurement (CY)		0.0		0.0		0.0		0.0		
Net		65.9		65.9		65.9		65.9		
Airlift aircraft:										
C–9 (Skytrain II)		33.9		33.9		33.9		33.9		
UC–12B	12	32.0	12	32.0		0.0	12	32.0		
C–2 (Greyhound)	8	184.3	8	184.3	8	184.3	8	184.3		
Less advance procurement (PY)		−40.1		−40.1		−40.1		−40.1		
C–2 advance procurement (CY)		41.2		41.2		41.2		41.2		
Net		185.4		185.4		185.4		185.4		
Other aircraft:										
HH–60		0.0	2	12.0		0.0	2	12.0		
KC–130 (Hercules)		0.0	2	60.0		0.0	2	50.0		
Trainer aircraft:										
Adversary	8	66.8	8	66.8	10	116.8	10	116.8		50.0
TH–57 (Sea Ranger)	36	24.4	36	24.4	36	24.4	36	24.4		
Modification of aircraft		(1,919.5)		(1,719.5)		(1,731.2)		(1,731.2)		
Ground proximity warning system		0.0		(7.0)		0.0		0.0		
Penguin		0.0		0.0		11.7		11.7		11.7
Undistributed reduction		0.0		−200.0		−200.0		−200.0		−200.0
All other items		1,919.5		1,919.5		1,919.5		1,919.5		
Spares and repair parts		(1,609.7)		(1,601.7)		(1,579.7)		(1,579.7)		
P–3		18.3		10.3		18.3		18.3		0.0
Undistributed reduction		0.0		0.0		−30.0		−30.0		
All other items		1,591.4		1,591.4		1,591.4		1,591.4		
Support equipment and facilities		(778.7)		(678.7)		(678.7)		(678.7)		
Common ground support		645.2		545.2		645.2		645.2		
Undistributed reduction		0.0		0.0		−100.0		−100.0		−100.0
All other items		133.5		133.5		133.5		133.5		
Less PY auth transfer		(0)		(−152.1)		(0)		−94.4		
ECX (E6A) FY 84		0.0		−97.7		0.0		0.0		0.0
P–3 PY auth transfer		0.0		−34.4		0.0		−34.4		−34.4
FY 84 Miscellaneous transfers		0.0		−20.0		0.0		−20.0		−20.0
Undistributed reduction		0.0		0.0		−40.0		−40.0		
Rounding reduction		−0.1		0.0		−0.1		0.0		0.1
Total, aircraft procurement, Navy		11,474.2		10,864.7		10,944.7		11,053.2		−421.0

A-6E attack aircraft (Intruder)

The budget request contained $214.6 million for procurement of 6 A-6E aircraft in fiscal year 1985 and no request for advance procurement for fiscal year 1986. The House bill would authorize $214.6 million for procurement of 6 A-6E aircraft in fiscal year 1985, including $15.1 million for advance procurement in fiscal year 1986. The Senate amendment would authorize $199.6 million for procurement of 6 A-6E aircraft in fiscal year 1985 which includes no funding for advance procurement of aircraft in fiscal year 1986.

The conferees recommend authorization of $214.6 million for procurement of 6 A-6E aircraft in fiscal year 1985, including $15.1 million for advance procurement in fiscal year 1986.

The Senate recedes.

AV-8B attack aircraft (Harrier)

The budget request contained $822.6 million for procurement of 32 AV-8B aircraft in fiscal year 1985, including $80.4 million for advance procurement of 46 AV-8B aircraft in fiscal year 1986. The House bill would authorize $812.1 million for procurement of 32 AV-8B aircraft in fiscal year 1985, including $70.0 million for advance procurement of 32 AV-8B aircraft in fiscal year 1986. The Senate amendment would authorize $801.6 million for procurement of 32 AV-8B aircraft in fiscal year 1985, including $59.4 million for advance procurement of 36 AV-8B aircraft.

The conferees recommend authorization of $806.8 million for procurement of 32 AV-8B aircraft in fiscal year 1985, including $64.7 million for advance procurment of 32 aircraft in fiscal year 1986.

F-14A fighter aircraft (Tomcat)

The budget request contained $976.9 million for procurement of 24 F-14A aircraft in fiscal year 1985, including $190.0 million for advance procurement of 24 F-14A aircraft in fiscal year 1986. The House bill would authorize $976.9 million for procurement of 24 F-14A aircraft in fiscal year 1985, including $190.0 million for advance procurement of 24 F-14A aircraft in fiscal year 1986. The Senate amendment would authorize $953.7 million for procurement of 24 F-14A aircraft in fiscal year 1985, including $170.8 million for advance procurement of 24 F-14A aircraft in fiscal year 1986.

The conferees recommend authorization of $967.9 million for procurement of 24 F-14A aircraft in fiscal year 1985, including $185.0 million for advance procurement of 24 F-14A aircraft in fiscal year 1986.

E-2C airborne early warning/command and control aircraft (Hawkeye)

The budget request contained $341.8 million for procurement of 6 E-2C aircraft in fiscal year 1985, including $29.6 million for advance procurement of 6 aircraft in fiscal year 1986. The House bill would authorize $341.8 million for procurement of 6 E-2C aircraft in fiscal year 1985, including $29.6 million for advance procurement of 6 aircraft in fiscal year 1986. The Senate amendment would authorize $335.8 million for procurement of 6 E-2C aircraft in fiscal year 1985, including $29.6 million for advance procurement of 6 aircraft in fiscal year 1986.

The conferees recommend authorization of $335.8 million for procurement of 6 E-2C aircraft in fiscal year 1985, including $29.6 million for advance procurement of 6 aircraft in fiscal year 1986.

The House recedes.

UC-12B airlift aircraft

The budget request contained $32.0 million for procurement of 12 UC-12B aircraft in fiscal year 1985. The House bill would authorize $32.0 million for procurement of 12 UC-12B aircraft in fiscal year 1985. The Senate amendment contained no authorization for procurement of UC-12B aircraft.

The conferees recommend authorization of $32.0 million for procurement of UC-12B aircraft in fiscal year 1985.

The Senate recedes.

HH-60 utility helicopter

No authorization was requested for HH-60 aircraft. The House bill would authorize $12.0 million for procurement of 2 aircraft in fiscal year 1985. The Senate amendment contained no authorization for procurement of HH-60 aircraft.

The conferees recommend authorization of $12.0 million for procurement of 2 HH-60 aircraft in fiscal year 1985.

The Senate recedes.

P-3C antisubmarine warfare patrol aircraft (Orion)

The budget request contained $465.0 million for procurement of 9 P-3C aircraft in fiscal year 1985, including $86.1 million for advance procurement of 9 aircraft in fiscal year 1986. The House bill would authorize $284.6 million for procurement of 5 P-3C aircraft, including $46.1 million for advance procurement. The Senate amendment would authorize $371.6 million for 9 P-3C aircraft in fiscal year 1985, including $50.0 million for advance procurement.

The conferees recommend authorization of $406.0 million for procurement of 9 P-3C aircraft in fiscal year 1985, including $50.0 million for advance procurement.

The House recedes with an amendment.

KC-130 tanker aircraft (Hercules)

No authorization was requested for KC-130 aircraft. The House bill would authorize $60.0 million for procurement of KC-130 aircraft in fiscal year 1985. The Senate

amendment contained no authorization for procurement of KC-130 aircraft.

The conferees recommend authorization of $50.0 million for procurement of 2 KC-130 aircraft in fiscal year 1985.

Adversary aircraft

This administration requested $66.8 million for the procurement of Navy Adversary aircraft. The House bill would authorize $66.8 million for the procurement of adversary aircraft. The Senate amendment would authorize an additional $50 million (a total of $116.8 million) for Adversary aircraft. The Senate also directed the Navy to combine fiscal year 1984 appropriated funds with fiscal year 1985 funds, permitting an alternative procurement strategy should the Navy determine such action would permit selection from a broader range of candidate aircraft.

The conferees agreed to the Senate funding level of $116.8 million with the understanding that, should the Navy so choose, it may combine fiscal year 1984 and fiscal 1985 Adversary procurement funds.

Modification of Navy aircraft

The budget request contained $1,919.5 million for Navy aircraft modifications for fiscal year 1985. The House bill would authorize $1,719.5 million for Navy aircraft modifications. The Senate amendment would authorize $1,731.2 million for this purpose.

The conferees recommend authorization of $1,731.2 million for Navy aircraft modifications. Within this total, no authorization was requested for Penguin modifications. The House bill contained no authorization for procurement of Penguin modifications. The Senate amendment would authorize $11.7 million for procurement of Penguin modifications in fiscal year 1985. The conferees recommend authorization of $11.7 million for procurement of Penguin modification in fiscal year 1985.

The House recedes.

Navy aircraft spares and repair parts

The budget request contained $1,609.7 million for procurement of Navy aircraft spares and repair parts for fiscal year 1985, including $18.3 million for P-3 aircraft spares. The House bill would authorize $1,601.7 million for procurement of spares and repair parts, including $10.3 million for P-3 aircraft spares. The Senate amendment would authorize $1,579.7 million for procurement of spares and repair parts, including $18.3 million for P-3 aircraft spares and making a $30.0 million undistributed reduction in the program.

The conferees recommend authorization of $1,579.7 million for procurement of Navy aircraft spares and repair parts for fiscal year 1985, including $18.3 million for P-3 aircraft spares and making a $30.0 million undistributed reduction in the spares and repair parts account.

The House recedes with an amendment.

Navy aircraft support equipment and facilities

The budget request contained $778.7 million for Navy aircraft support equipment and facilities in fiscal year 1985. The House bill would authorize $678.7 million for Navy aircraft support equipment and facilities. The Senate amendment would authorize $678.7 million for this purpose.

The conferees recommend authorization of $678.7 million for Army aircraft support equipment and facilities. The amounts requested for specific items that were in dispute, the amounts allowed by the House bill and the Senate amendment, and the amounts allowed by the conferees are listed in the foregoing table.

The House recedes.

Navy aircraft undistributed reductions

The House bill contained no authorization for undistributed reductions. The Senate amendment contained a reduction of $40.0 million.

The conferees recommend authorization of a reduction of $40.0 million of undistributed reductions from the Navy aircraft account.

The House recedes.

WEAPONS PROCUREMENT, NAVY

Item	FY 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ballistic missiles:										
UGM-73 (Poseidon)		5.5		5.5		5.5		5.5		
UGM-96A (Trident I)		183.9		173.9		178.9		173.9		−10.0
Less advance procurement (PY)		−20.1		−20.1		−20.1		−20.1		
Net		163.8		153.8		158.8		153.8		
Trident II		138.5		128.0		138.5		133.0		−5.5
Less advance procurement (PY)		0.0		0.0		0.0		0.0		
Trident II advance procure (CY)		24.4		24.4		24.4		24.4		
Net		162.9		152.4		162.9		157.4		
Modification of ballistic missiles		25.2		25.2		25.2		25.2		
Support equipment and facilities		22.4		22.4		22.4		22.4		
Total, ballistic missiles		379.8		359.3		374.8		364.3		−15.5
Other missiles:										
BGM-109 (Tomahawk)	180	547.4	180	547.4	180	547.4	180	547.4		
Less advance procurement (PY)		−15.3		−15.3		−15.3		−15.3		
Tomahawk advance procure (CY)		28.0		28.0		28.0		28.0		
Net		560.1		560.1		560.1		560.1		
AIM/RIM-7 F/M (Sparrow)	1,250	258.0	1,250	258.0	1,250	258.0	1,250	258.0		
AIM-9L/M (Sidewinder)	1,000	68.6	1,070	73.5	1,000	58.6	1,070	73.5		4.9
AIM-54A/C (Phoenix)	400	434.1	400	434.1	340	384.1	380	409.1	−20	−25.0
Less advance procurement (PY)		−27.1		−27.1		−27.1		−27.1		
Phoenix advance procure (CY)		36.8		36.8		36.8		36.8		
Net		443.8		443.8		393.0		418.8		
AGH-84A (Harpoon)	354	327.1	354	327.1	354	327.1	354	327.1		
AGM-88A (HARM)	803	309.7	603	248.2	803	309.7	700	270.2	−103	−31.5
RIM-66B Standard HR	650	206.3	600	190.3	600	190.3	600	190.3	−50	−16.0
RIM-66C Standard MR	475	313.6	475	313.6	475	313.6	475	313.6		
RIM-67D Standard ER	255	186.7	255	186.7	255	186.7	255	186.7		
AGM-65G (Laser Maverick)	600	110.6	600	110.6	600	110.6	600	110.6		
IIR Maverick	190	29.7	0	0.0	30	9.7	12	7.5		−22.2
RAM	30	18.0	30	18.0	30	18.0	30	18.0		
Hellfire	430	25.2	430	25.2	430	25.2	430	25.2		
Penguin		0.0		11.7		0.0		0.0		0.0
Aerial targets		60.5		60.5		60.5		60.5		
Other missile support		6.7		6.7		6.7		6.7		
Modification of other missiles		62.0		62.0		62.0		62.0		
Support equipment and facilities		228.8		213.8		218.8		218.8		−10.0
Ordnance support equipment		13.5		13.5		13.5		13.5		
Undistributed reduction		0.0		−5.7		0.0		0.0		
Total, other missiles		3,228.9		3,117.6		3,122.9		3,129.1		−99.8
Torpedoes and related equipment:										
MK-48 torpedo	144	127.7		33.7	108	89.0	108	89.0	−36	−38.7

WEAPONS PROCUREMENT, NAVY—Continued

Item	FY 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
MK-48 ADCAP torpedo		0.0		0.0		0.0	40	123.9	+40	+123.9
MK-46 torpedo	1,565	285.9	1,565	285.9	1,565	285.9	1,565	285.9		
Less advance procurement (PY)		−29.9		−29.9		−29.9		−29.9		
MK-46 torpedo advance proc (CY)		0.0		0.0		0.0		0.0		
Net		256.0		256.0		256.0		256.0		
MK-60 captor	300	128.5	300	128.5	300	128.5	300	128.5		
MK-30 mobile target	6	21.3	6	21.3	6	21.3	6	21.3		
MK-38 mini mobile target	1,200	2.5	1,200	2.5	1,200	2.5	1,200	2.5		
Antisubmarine rocket (ASROC)		25.9		25.9		25.9		25.9		
Modification of torpedoes:										
Torpedo MK-48		108.9		108.9		123.9		0.0		−108.9
All other items		32.2		32.2		32.2		32.2		
Support equipment		71.3		71.3		71.3		71.3		
Spares and repair parts		24.7		24.7		24.7		24.7		
Total, torpedoes and related equipment		799.0		705.0		775.3		775.3		−23.7
Other weapons:										
MK-15 close in weapons system	51	163.9	51	163.9	51	163.9	51	163.9		
MK-75 76mm gun mount	4	10.9	4	10.9	4	10.9	4	10.9		
MK-19 40mm machine gun	58	2.0	58	2.0	58	2.0	58	2.0		
25mm gun mount	17	3.1	17	3.1	17	3.1	17	3.1		
Small arms and weapons		3.5		3.5		0.3		3.5		0.0
Modification of guns and mounts		46.3		46.3		46.3		46.3		
Support equipment		0.6		0.6		0.6		0.6		
Spare and repair parts		12.8		12.8		12.8		12.8		
Facilities/contract support		0.0		0.0		−12.0		−12.0		−12.0
Total, other weapons		243.1		243.1		227.9		231.1		−12.0
Undistributed reduction		0.0		0.0		−35.0		−35.0		
Other—rounding adjustment		0.1		0.1		0.0		0.0		−0.1
Transfer from prior year		0.0		−20.0		0.0		−20.0		−20.0
Total, weapons procurement, Navy		4,650.9		4,405.1		4,465.9		4,444.8		−206.1

The President's budget request contained $4,650.9 million for Navy weapons procurement.

The House bill would authorize $4,405.1 million for Navy weapons.

The Senate amendment would provide authorizations totaling $4,465.9 million for Navy weapons.

The conferees recommend authorizations totaling $4,444.8 million for Navy weapons.

UGM-96A sea launched ballistic missile (Trident I)

The budget request contained $183.9 million for procurement of special purpose instrumentation, production support, guidance subsystems, and components for the C-4 missile reentry body. The House bill would authorize $173.9 million for that purpose. The Senate amendment would authorize $178.9 million to support the program.

The conferees recomend authorization of $173.9 million.

The Senate recedes.

Trident II (D-5) sea launched ballistic missile

The budget request contained $162.9 milion for procurement for the Trident II (D-5) sea launched ballistic missile program, including $24.4 million for advance procurement. The House bill would authorize $152.4 million, including $24.4 million for advance procurement. The Senate amendment would authorize the amount requested.

The conferees recommend authorization of $157.4 million, including $24.4 million for advance procurement.

The Senate recedes with an amendment.

AIM-9L/M (Sidewinder)

The budget request contained $68.6 million for procurement of 1000 Sidewinder missiles. The House bill would authorize $73.5 million for procurement of 1070 Sidewinder missiles. The Senate amendment would authorize $58.6 million for procurement of 1000 Sidewinder missiles.

The conferees agree to authorize $73.5 million for procurement of 1070 Sidewinder missiles.

The Senate recedes.

AIM-54A/C (Phoenix)

The budget request contained $443.8 million for procurement of 400 Phoenix missiles, including $36.8 million for advance procurement. The House bill would authorize $443.8 million for procurement of 400 missiles, including $36.8 million for advance procurement. The Senate amendment would authorize $393.8 million for procurement of 340 missiles, including $36.8 million for advance procurement.

The conferees agree to authorize $418.8 million to procure 380 missiles, including $36.8 million for advance procurement.

AGM-88A (HARM)

The budget request contained $309.7 million for procurement of 803 HARM missiles. The House bill would authorize $248.2 million for procurement of 603 missiles. The Senate amendment would authorize $309.7 million for procurement of 803 missiles.

The conferees agree to authorize $278.2 million to procure 700 HARM missiles.

IIR Maverick

The budget request contained $29.7 million for procurement of 190 IIR Maverick missiles. The House bill did not contain authorization for the missile. The Senate amendment would authorize $9.7 million for procurement of 30 IIR missiles.

The conferees agree to authorize $7.5 million for procurement of 12 IIR Maverick missiles.

Penguin missile

No authorization was requested for Penguin missiles. The House bill would authorize $11.7 million for Penguin missiles. The Senate amendment contained no authorization for Penguin missiles under missile modification, but authorized the $11.7 million in the aircraft modification program and $14.6 million in the Navy RDT&E account. (See Navy aircraft modification.)

The House recedes.

Support equipment and facilities

The budget request contained $228.8 million for support equipment and facilities. The House bill would authorize $213.8 million for support equipment and facilities. The Senate amendment would authorize $218.8 million for support equipment and facilities.

The conferees agree to authorize $218.8 million for support equipment and facilities.

The House recedes.

Undistributed reduction

The House bill would authorize an undistributed reduction to the other missile program in the Navy weapons account of $5.7 million. The Senate amendment did not contain an undistributed reduction in this account.

The House recedes.

MK-48 torpedo and MK-48 torpedo mods (ADCAP)

The budget request contained $127.7 million for procurement of 144 MK-48 Mod 4 torpedoes and $108.9 million for procurement of 23 MK-48 advanced capability (ADCAP) modification kits.

The House bill would authorize $33.7 million for procurement of those components of the MK-48 torpedo that will be used in the ADCAP version and $108.9 million for the procurement of 23 MK-48 ADCAP modification kits.

The Senate amendment would authorize $89.0 million for procurement of 108 MK-48 Mod 4 torpedoes and $123.9 million for procurement of 44 MK-48 ADCAP modification kits.

The conferees agreed to authorize $212.9 million for the MK-48 torpedo program with $89 million for procurement of 108 MK-48 Mod 4 torpedoes and $123.9 million for procurement of 40 MK-48 ADCAP tor-

pedoes (including $15 million for development of alternate sources for selected critical components). While this conference agreement zeroes the MK-48 modification budget line in fiscal year 1985, the change is without prejudice.

The House recedes with an amendment.

Small arms and weapons

The budget request contained $3.5 million for procurement of small arms and weapons. The House bill would authorize $3.5 million for procurement of small arms and weapons. The Senate amendment would authorize $0.3 million for procurement of small arms and weapons.

The Senate recedes.

Facilities, contract support

The Senate amendment would authorize a reduction of $12.0 million in facilities, contract support. The House bill contained no reduction for facilities, contract support.

The House recedes.

Weapons procurement, undistributed reductions

The Senate amendment contained a reduction of $35.0 million.

The House bill contained no similar reduction.

The House recedes.

Transfer from prior years

The House recommended authorization of the transfer for the procurement of weapons, Navy of $20 million from funds appropriated for the procurement of weapons, Navy for fiscal year 1984.

The Senate amendment contained no similar authorization.

The Senate recedes.

SHIPBUILDING AND CONVERSION, NAVY

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Trident nuclear submarine	1	1,777.4	1	1,437.4	1	1,770.6	1	1,730.6		−46.8
Less advance procurement (PY)		−287.9		−287.9		−287.9		−267.9		
Trident advance procurement (CY)		265.5		265.5		265.5		265.5		
Net		1,755.0		1,415.0		1,748.2		1,706.2		
PY authorization transfer		0.0		(340.0)		0.0		(40.0)		
TAK (Conv) cargo ship	1	92.0		0.9		0.9		0.9		−91.1
Less advance procurement (PY)		−0.9		−0.9		−0.9		−0.9		
Net		91.1		0.0		0.0		0.0		
SSN-688 nuclear attack submarine	4	2,666.5	4	2,666.5	4	2,666.5	4	2,666.5		
Less advance procurement (CY)		−404.3		−404.3		−404.3		−404.3		
SSN-688 advance procurement (CY)		617.8		617.8		617.8		617.8		
Net		2,880.0		2,880.0		2,880.0		2,880.0		
Battleship reactivation (Missouri)	1	480.3	1	57.7	1	57.7	1	57.7		−422.6
Less advance procurement (PY)		−57.7		−57.7		−57.7		−57.7		
Net		422.6		0.0		0.0		0.0		
PY authorization transfer		0.0		(336.2)		(422.6)		(336.2)		
CV SLEP	1	833.0	1	833.0	1	833.0	1	833.0		
Less advance procurement (PY)		−249.8		−249.8		−249.8		−249.8		
CV SLEP advance procurement (CY)		181.3		181.3		181.3		181.3		
Net		764.5		764.5		764.5		764.5		
CG-47 Aegis cruiser	3	3,126.8	3	3,126.8	3	3,126.8	3	3,126.8		
Less advance procurement (PY)		−1.2		−1.2		−1.2		−1.2		
CG-47 advance procurement (CY)		24.4		24.4		24.4		24.4		
Net		3,150.0		3,150.0		3,150.0		3,150.0		
DDG-51	1	1,252.4	1	1,252.9	1	1,252.4	1	1,252.9		0.5
Less advance procurement (PY)		−79.0		−79.0		−79.0		−79.0		
Net		1,173.4		1,173.9		1,173.4		1,173.9		
LSD-41 landing ship dock	2	486.0	2	486.0	2	486.0	2	486.0		
Less advance procurement (PY)		−80.0		−80.0		−80.0		−80.0		
LSD-41 advance procurement (CY)		83.5		83.5		83.5		83.5		
Net		489.5		409.5		489.5		489.5		
LHD-1 advance procurement (CY)		39.2		39.2		39.2		39.2		
LPD-4 SLEP		15.0		15.0		15.0		15.0		
MCM mine countermeasure ship	4	349.5	4	349.5	4	349.5	4	349.5		
TAO oiler	3	562.6	3	562.6	3	562.6	3	562.6		
TAGOS surtass ship	3	192.9	2	129.9	2	128.4	2	129.9		−63.0
TAGS surveying ship	2	262.0	2	262.0	2	262.0	2	262.0		
Less advance procurement (PY)		−17.0		−17.0		−17.0		−17.0		
Net		245.0		245.0		245.0		245.0		
Service craft		81.2		81.2		81.2		81.2		
Landing craft		11.9		11.9		11.9		11.9		
Strategic sealift		31.0		31.0		31.0		31.0		
LCAC landing craft	(9)	221.8	(9)	221.8	(9)	221.8	(9)	221.8		
Less advance procurement (PY)		−23.0		−23.0		−23.0		−23.0		
LCAC advance procurement (CY)		31.3		31.3		31.3		31.3		
Net		230.1		230.1		230.1		230.1		
Outfitting		204.4		204.4		204.4		204.4		
Post delivery		179.2		179.2		179.2		179.2		
TACS crane ship (conv)	2	44.0	2	44.0	2	44.0	2	44.0		
TAVB (conv)	1	37.6	1	37.6	1	37.6	1	37.6		
TAVB advance procurement (CY)		5.2		5.2		5.2		5.2		
Potential cost growth		187.0		0.0		0.0		0.0		−187.0
Reduction for improved prices		0.0		−150.0		−175.0		−175.0		−175.0
Contract support		0.0		0.0		−3.5		−3.5		−3.5
Navy reactor training (transfer)		0.0		0.0		(30.0)		(30.0)		

SHIPBUILDING AND CONVERSION, NAVY—Continued

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Total, shipbuilding and conversion, Navy	29	13,141.9	27	11,888.7	27	12,191.4	27	12,153.4		−988.5
Total transfers		0.0		(676.2)		(452.6)		(406.2)		

The President's budget request contained $13,141.9 million for the construction, conversion, reactivation, service life extension and acquisition of 29 naval vessels.

The House bill contained an authorization of $11,888.7 million for 27 naval vessels.

The Senate amendment contained authorization $12,191.4 million and the transfer of $452.6 million for 27 naval vessels.

The conferees agreed to authorizations totaling $12,153.4 million and the transfer of $406.2 million for 27 naval vessels.

Trident ballistic missile submarine

The budget request contained $1,755.0 million for the Trident submarine program, including $265.5 million for advance procurement.

The House bill would authorize $1,415.0 million for the Trident submarine program, including $265.5 million for advance procurement for the thirteenth and fourteenth submarines and the transfer to the Trident program in fiscal year 1985 of $340 million originally authorized for the FFG-7 program in fiscal year 1983 and 1984.

The Senate amendment would authorize $1,748.2 million for the Trident submarine program, including $265.5 million for advance procurement.

The conferees agreed to authorize $1,708.2 million for the Trident submarine program, including $265.5 million for advance procurement, and the transfer to the Trident program in fiscal year 1985 of $40 million originally authorized for the FFG-7 program in fiscal year 1983.

Battleship reactivation (BB)

The budget request contained $422.6 million for reactivation of 1 battleship, the *Missouri*. After submission of the budget, the Department of Defense requested authority to reprogram $73.4 million of the fiscal year 1984 funds to accelerate reactivation of the *Missouri*. The reprogramming request was subsequently approved. According to Navy testimony an additional $336.2 million was required for reactivation of the *Missouri*.

The House bill authorized the transfer to the battleship program in fiscal year 1985 of $336.2 million originally authorized for the CVN aircraft carrier program in fiscal year 1983.

The Senate amendment authorized the transfer to the battleship program in fiscal year 1985 to $422.6 million originally authorized for Navy programs in fiscal year 1981 through 1984.

Conferees agreed to authorize the transfer of $336.2 million, originally authorized for the CVN aircraft carrier program in fiscal year 1983, to the battleship program in fiscal year 1984. This action is consistent with action in the Second Supplemental Appropriations Bill, 1984 (Public Law 98-396).

Guided missile destroyer (DDG-51)

The budget request contained $1,173.4 million for procurement of 1 guided missile destroyer.

The House bill would authorize $1,173.9 million for procurement of 1 guided missile destroyer, an addition of $500,000 for changes necessary to restore speed and endurance to the levels described in testimony in 1983.

The Senate amendment would authorize $1,173.4 million for procurement of 1 guided missile destroyer.

The Senate recedes.

Competition in the TAO-187 class fleet oiler program

The Senate addressed competition in the TAO-187 class fleet oiler program in the report accompanying the Senate bill and urged that the TAO-187 class fleet oilers be subject to a competitive award process throughout the life of the program, and that the Secretary seriously consider establishing a second source for this entire class of ships.

The conferees agreed that the contract award of TAO-187 class fleet oilers should be made on the basis of a competitive award process. The conferees noted that there are many shipyards capable of building the TAO-187 class oiler that would be expected to compete for the TAO construction contract.

Further, the conferees share the concern expressed by the Secretary of the Navy about the state of the nation's shipbuilding industrial base and noted that many yards capable of building TAO-187 class oilers are threatened by the projected lack of future shipbuilding construction contracts.

Ocean surveillance ship (TAGOS)

The budget request contained $192.9 million for procurement of 3 ocean surveillance ships.

The House bill would authorize $129.9 million for procurement of 2 ocean surveillance ships.

The Senate amendment would authorize $128.4 million for procurement of 2 ocean surveillance ships.

The Senate recedes.

Reduction for improved prices

The House bill would authorize an overall reduction of $150.0 million in the Navy's fiscal year 1985 budget request to reflect recent favorable contract prices for ships.

The Senate amendment would authorize an overall reduction of $175.0 million in the Navy's fiscal year 1985 budget request to reflect recent favorable contract awards for government furnished equipment.

The House recedes.

Contract support

The Senate amendment reduced the authorization for contract support by $3.5 million.

The House bill contained no similar reduction.

The House recedes.

Navy nuclear reactor training

The Senate amendment authorized the transfer to the Navy nuclear reactor training program of $30 million originally authorized for shipbuilding in fiscal years 1982 and 1983. The budget request and the House bill contained no similar provision.

The conferees agreed to authorize the transfer to the Navy nuclear reactor training program of $30 million originally authorized for the nuclear aircraft carrier program in 1982 ($10 million) and 1983 ($20 million).

The House recedes with an amendment.

OTHER PROCUREMENT, NAVY

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ship support equipment		(857.1)		(787.1)		(772.1)		(775.1)		
Trident platform support equip		48.4		48.4		36.4		36.4		−12.0
Undistributed reduction		0.0		−70.0		−73.0		−70.0		−70.0
All other items		808.7		808.7		808.7		808.7		
Communications and electronics		(1,813.8)		(1,799.8)		(1,720.8)		(1,778.8)		
Shore Hi Frequency communications		16.7		12.7		16.7		14.7		−2.0
Undistributed reduction/shipboard		0.0		−10.0		−70.0		−10.0		−10.0
Trident platform support equip		81.3		81.3		58.3		58.3		−23.0
All other items		1,715.8		1,715.8		1,715.8		1,715.8		
Aviation support equipment		(1,081.5)		(840.9)		(996.6)		((954.6)		
AN/SSQ-53		153.0		145.8		153.0		153.0		
Skipper		14.3		7.2		14.3		10.7		−3.6
General purpose bombs		121.9		71.4		121.9		96.6		−25.3
Laser guided bomb kits		37.7		21.4		37.7		29.5		−8.2
Walleye		32.4		7.9		32.4		20.1		−12.3
Zuni rocket		39.0		9.4		39.0		24.2		−14.8
2.75 Inch rocket		25.5		17.0		25.5		21.2		−4.3
Parachute flares		11.5		1.5		11.5		6.5		−5.0
Machine gun ammunition		36.5		22.8		36.5		29.6		−6.9

OTHER PROCUREMENT, NAVY—Continued

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Practice bombs		64.1		55.9		64.1		60.0		−4.1
Airborne expendable countermeasures		50.6		49.6		50.6		50.1		−0.5
Marine location markers		7.2		3.8		7.2		5.5		−1.7
Jatos		15.0		10.6		15.0		12.8		−2.2
Gator GBU–78/8		31.6		19.5		31.6		25.5		−6.1
Weapons range support equipment		33.6		28.2		33.6		30.9		−2.7
Expeditionary air fields		15.7		6.1		15.7		10.9		−4.8
Aircraft rearming equipment		12.5		9.7		12.5		11.1		−1.4
Airborne mine countermeasures		16.1		12.7		16.1		14.4		−1.7
Spares and repair parts		23.5		20.3		23.5		21.9		−1.6
Bigeye chemical weapon		19.7		0.0		0.0		0.0		−19.7
Undistributed reduction		0.0		0.0		−65.2		0.0		
All other items		320.1		320.1		320.1		320.1		
Ordnance support equipment		(1,229.6)		(1,152.6)		(1,124.6)		(1,137.6)		
Trident platform support equip		42.3		42.3		27.3		27.3		−15.0
Undistributed reduction		0.0		−77.0		−90.0		−77.0		−77.0
All other items		1,187.3		1,187.3		1,187.3		1,187.3		
Civil engineering support equipment		(313.3)		(269.8)		(268.3)		(263.0)		
Passenger carrying vehicles		7.5		4.5		7.5		4.5		−3.0
Trucks		36.9		33.8		36.9		35.3		−1.6
Earthmoving equipment		16.8		9.8		16.8		13.3		−3.5
Weight handling equipment		13.9		7.5		13.9		10.7		−3.2
Fleet hospitals		71.9		47.9		47.9		47.9		−24.0
Amphibious equipment		87.1		87.1		72.1		72.1		−15.0
Undistributed reduction		0.0		0.0		−6.0		0.0		
All other items		79.2		79.2		79.2		79.2		
Supply support equipment		(130.1)		(122.0)		(130.1)		(128.5)		
Other material handling		6.1		3.0		6.1		6.1		
Automated material handling equip		23.1		20.7		23.1		23.1		
Special activities, navy		14.9		13.3		14.9		13.3		−1.6
Other supply support equipment		12.4		11.4		12.4		12.4		
All other items		73.6		73.6		73.6		73.6		
Personnel/command support equipment		(528.5)		(387.6)		(401.5)		(379.5)		
Surface sonar trainers		26.7		24.2		26.7		26.7		
Sub combat system trainers		14.9		9.2		14.9		14.9		
Ship support systems trainers		19.5		13.0		19.5		19.5		
Training device mod		14.4		8.0		14.4		14.4		
Command support equipment		8.4		6.2		8.4		8.4		
Med support equipment		35.9		33.8		35.9		35.9		
Intelligence support equipment		47.8		38.3		44.9		44.9		−2.9
Computer acquisition program		242.7		144.6		208.6		144.6		−98.1
Productivity investment fund		17.9		10.0		17.9		17.9		
Undistributed reduction		0.0		0.0		−90.0		−48.0		−48.0
All other items		100.3		100.3		100.3		100.3		
Undistributed reduction		0.0		−0.3		−65.8		−65.8		−65.8
Transfer from prior year		0.0		−85.0		0.0		−85.0		−85.0
Total, other procurement, Navy		5,953.9		5,274.5		5,348.2		5,266.3		−687.6

The President's budget request contained $5,953.9 million for Navy other procurement.

The House bill contained an authorization of $5,274.5 million.

The Senate amendment contained an authorization of $5,348.2 million.

The conferees agreed to an authorization of $5,266.3 million for other procurement.

Oceanographic support equipment

The report accompanying the Senate bill included language supporting the Navy's budget request for $10 million for oceanographic support equipment. This budget line item provides important funding for the Navy's total oceanography program. The House bill and committee report were silent on this matter.

The conferees agreed that the Navy oceanography program merits increased support, especially as knowledge of local environmental factors is becoming increasingly important to the effective employment of various sensors and weapons at sea. The conferees urge that the Navy not reduce the oceanographic support equipment program.

Sealift support equipment

The budget request contained $24.1 million for sealift support systems, including $18.5 million for 160 SEASHED systems to provide containerships with the capability to transport heavy or outsize cargo. The conferees support the concept of utilizing SEASHEDS to allow the use of modern containerships to carry military cargoes and Navy's decision to contract for these components with two small business firms through a small business set aside program.

PROCUREMENT, MARINE CORPS

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ammunition		(460.5)		(460.5)		(460.5)		(460.5)		
Small arms ammo, all types		12.6		12.6		12.2		12.6		
8 inch HE ICM DP		19.3		6.8		6.8		6.8		−12.5
Copperhead		0.0		12.5		12.5		12.5		12.5
All other items		428.6		428.6		428.6		428.6		
Tracked Combat Vehicles		(550.2)		(526.2)		(465.9)		(495.7)		
Ordinance/vehicle support equip		0.6		0.6		0.6		0.6		
LVT7A1 weapons system	4	3.5	4	3.5	4	3.5	4	3.5		
LVT7 (SLEP)	240	127.5	240	127.5	240	100.5	240	117.2		−10.3
Less advance procurement (PY)		−11.5		−11.5		−11.5		−11.5		
Net		116.0		116.0		97.0		105.7		
Light armored vehicle	292	274.8	292	254.8	292	242.8	292	242.8		−32.0
Spares and repair parts		17.6		13.6		11.6		15.7		−1.9
Modification kits		3.6		3.6		3.6		3.6		
M60 mine plow		5.2		5.2		5.2		5.2		
M88A1 recovery vehicle	5	4.6	5	4.6	5	4.6	5	4.6		
Armored vehicle launched bridge		8.3		8.3		0.0		8.3		
Artillery		5.9		5.9		5.6		5.6		−0.3
Weapons		(27.1)		(27.1)		(21.9)		(25.1)		
Personal defense weapon	9,430	3.2	9,430	3.2		0.0	9,430	3.2		

PROCUREMENT, MARINE CORPS—Continued

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
M249 5.56mm light machine gun	1,000	3.1	1,000	3.1	1,000	3.1	1,000	3.1		
M16A2 5.56mm rifle	29,824	14.0	29,824	14.0	25,559	12.0	25,559	12.0		−2.0
MK–19 40mm machine gun	125	1.3	125	1.3	125	1.3	125	1.3		
EOD equipment		0.3		0.3		0.3		0.3		
SMAW 83mm rocket	600	5.2	600	5.2	600	5.2	600	5.2		
Guided missiles		(283.2)		(269.2)		(282.2)		(282.2)		
MIM–23B (Hawk)	500	125.1	500	125.1	500	125.1	500	125.1		
Hawk mod		18.5		18.5		18.5		18.5		
Stinger	800	75.6	695	65.6	800	75.6	800	75.6		
BGM–71–A (Tow)	3,822	56.1	3,500	52.1	3,822	56.1	3,822	56.1		
Spares and repair parts		7.3		7.3		6.3		6.3		−1.0
Modification kits		0.6		0.6		0.6		0.6		
Communications and electronics		(295.9)		(295.9)		(277.3)		(288.0)		
Manpack radios		5.0		5.0		0.9		3.1		−1.9
Generator set AN/USM323		1.0		1.0		0.0		1.0		
Tactical facsimile set		2.3		2.3		0.0		2.3		
Meteorological data system		15.2		15.2		10.0		15.2		
Spares and repair parts (Tel)		13.5		13.5		12.4		12.4		−1.1
AN/PAQ–3 mod univ laser equip		39.6		39.6		38.0		38.0		−1.6
Spares and repair parts (Non-Tel)		15.0		15.0		14.7		14.7		−0.3
Mod kits (Non-Tel)		12.2		12.2		9.2		9.2		−3.2
All other items		192.1		192.1		192.1		192.1		
Support vehicles		(274.0)		(273.3)		(264.0)		(269.0)		
Commercial cargo vehicles		22.5		21.8		18.0		18.0		−4.5
5 ton truck retrofit		17.2		17.2		12.2		17.2		
Spares and repair parts		7.6		7.6		7.1		7.1		−0.5
All other items		226.7		226.7		226.7		226.7		
Engineer and other equipment		(197.6)		(159.2)		(173.7)		(170.3)		
Mine clearance system kit		3.5		3.5		0.0		1.7		−1.8
Bath shower unit		2.7		1.7		0.0		0.0		−2.7
Power equipment		20.3		20.3		15.3		15.3		−5.0
Electrical power distrib system		10.1		5.1		0.0		5.1		−5.0
Container handler rough terrain		6.4		3.2		6.4		6.4		
Forklifts		18.9		13.1		18.9		18.9		
Laundry unit skd ntd		2.5		2.0		2.5		2.5		
Refrigerator unit with rigid box		3.2		0.0		3.2		1.6		−1.6
Reverse Osmosis Water PU		15.7		11.2		7.9		7.9		−7.8
Field Wiring harness		2.6		1.3		2.6		2.6		
Amphibious fuel assault fuel sys		10.8		5.1		10.8		10.0		−0.8
Garrison mobile eng. equipment		9.2		7.9		7.5		7.5		−1.7
Special training devices		11.1		4.8		11.1		11.1		
Sanitation set field kitchens		1.4		0.8		1.4		1.4		
Spares and repair parts		10.6		10.6		9.7		9.7		−0.9
All other items		68.6		68.6		68.6		68.6		
Other—rounding adjustments		0.2		0.0		0.2		0.0		−0.2
Total procurement, Marines Corps		1,978.6		1,901.3		1,846.1		1,890.7		−87.9

AMMUNITION, MARINE CORPS

Small arms ammunition, all types

The budget request contained $12.6 million for small arms ammunition, including $0.4 million for 9mm personal defense weapon ammunition. The House bill would authorize $12.6 million for small arms ammunition. The Senate amendment would authorize $12.2 million for small arms ammunition, and no authorization of 9mm ammunition.

The conferees agree to authorize $12.6 million, including $0.4 million for 9mm ammunition.

The Senate recedes.

TRACKED COMBAT VEHICLES, MARINE CORPS

LVT7 (SLEP)

The budget request contained $116.0 million to extend the service life of 240 LVT7's as part of the Service Life Extension Program. The House bill would authorize $116.0 million for the SLEP. The Senate amendment would authorize $97.0 million for the SLEP.

The conferees agree to authorize $105.7 million to extend the service life of 240 LVT's.

Light armored vehicle

The budget request contained $274.8 million for procurement of 292 light armored vehicles. The House bill would authorize $254.8 million for procurement of 292 light armored vehicles. The Senate amendment would authorize $242.8 million for procurement of 292 light armored vehicles.

The conferees agree to authorize $242.8 million for procurement of 292 light armored vehicles.

The House recedes.

Spares and repair parts

The budget request contained $17.6 million for Marine Corps tracked combat vehicle spares and repair parts. The House bill would authorize $13.6 million for spares and repair parts. The Senate amendment would authorize $11.6 million for spares and repair parts.

The conferees agree to authorize $15.7 million for spares and repair parts of Marine Corps tracked combat vehicles.

Armored vehicle launched bridge (AVLB)

The budget request contained $8.3 million for procurement of the armored vehicle launched bridge (AVLB). The House bill would authorize $8.3 million for procurement of the AVLB. The Senate amendment did not contain authorization for procurement of the AVLB.

The conferees agree to authorize $8.3 million for procurement of the AVLB.

The Senate recedes.

ARTILLERY, MARINE CORPS

Artillery

The budget request contained $5.9 million for Marine Corps artillery. The House bill would authorize $5.9 million for artillery. The Senate amendment would authorize $5.6 million for artillery.

The conferees agree to authorize $5.6 million for procurement of artillery.

The House recedes.

PROCUREMENT OF WEAPONS, MARINE CORPS

Personal defense weapon

The budget request contained $3.2 million for procurement of 9430 personal defense weapons. The House bill would authorize $3.2 million for procurement of 9,430 personal defense weapons. The Senate amendment contained no authorization for the personal defense weapon.

The conferees agree to authorize $3.2 million for procurement of 9430 personal defense weapons.

The Senate recedes.

M16A2. 5.56mm rifle

The budget request contained $14.0 million for procurement of 29,824 5.56mm rifles. The House bill would authorize $14.0 million for procurement of 29,824 5.56mm rifles. The Senate amendment would authorize $12.0 million for procurement of 25,559 5.56mm rifles.

The conferees agree to authorize $12.0 million for procurement of 25,559 5.56mm rifles.

The House recedes.

GUIDED MISSILES, MARINE CORPS

Stinger

The budget request contained $75.6 million for procurement of 800 Stinger missiles. The House bill would authorize $65.6 million for procurement of 695 Stinger missiles. The Senate amendment would authorize $75.6 million for procurement of 800 Stinger missiles.

The conferees agree to authorize $75.6 million for procurement of 800 Stinger missiles.

The House recedes.

BGM–71–A (TOW)

The budget request contained $56.1 million for procurement of 3822 TOW missiles. The House bill would authorize $52.1 million for procurement of 3500 TOW missiles.

The Senate amendment would authorize $56.1 million for procurement of 3822 TOW missiles.

The conferees agree to authorize $56.1 million for procurement of 3,822 TOW missiles.

The House recedes.

Marine Corps, spares and repair parts

The budget request contained $7.3 million for Marine Corps spares and repair parts. The House bill would authorize $7.3 million for spares and repair parts. The Senate amendment would authorize $6.3 million for spares and repair parts.

The conferees agree to authorize $6.3 million for spares and repair parts.

The House recedes.

COMMUNICATIONS AND ELECTRONICS, MARINE CORPS

The budget request contained $295.9 million for communications and electronics. The House bill would authorize $295.9 million for communications and electronics. The Senate amendment would authorize $277.3 million for communications and electronics.

The conferees agree to authorize $288.0 million for communications and electronics.

SUPPORT VEHICLES, MARINE CORPS

Support vehicles

The budget request contained $274.0 million for Marine Corps support vehicles. The House bill would authorize $273.3 million for support vehicles. The Senate amendment would authorize $264.0 million for support vehicles.

The conferees agree to authorize $269.0 million for Marine Corps support vehicles.

Engineer and other equipment

The budget request contained $197.6 million for engineer and other equipment. The House bill would authorize $159.2 million for engineer and other equipment. The Senate amendment would authorize $173.7 million for engineer and other equipment.

The conferees agree to authorize $170.3 million for engineer and other equipment.

PROCUREMENT OF NAVY AND MARINE CORPS EQUIPMENT

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Navy Reserve: Miscellaneous equipment		0.0		0.0		20.0		20.0		20.0
Marine Corps Reserve: Miscellaneous equipment		0.0		0.0		20.0		20.0		20.0

Navy Reserve

No authorization was requested for procurement of miscellaneous equipment for the Navy Reserve. The House bill contained no authorization; the Senate amendment would authorize $20.0 million for this purpose.

The conferees recommend authorization of $20.0 million for procurement of miscellaneous equipment for the Navy Reserve in fiscal year 1985.

The House recedes.

Marine Corps Reserve

No authorization was requested for procurement of miscellaneous equipment for the Marine Corps Reserve. The House bill contained no authorization; the Senate amendment would authorize $20.0 million for this purpose.

The conferees recommend authorization of $20.0 million for procurement of miscellaneous equipment for the Marine Corps Reserve in fiscal year 1985.

The House recedes.

AIRCRAFT PROCUREMENT, AIR FORCE

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Combat aircraft:										
Strategic offensive:										
B–1B bomber	34	7001.6	34	7001.6	34	7001.6	34	7001.6		
Less advance procurement (PY)		−1443.4		−1443.4		−1443.4		−1443.4		
B–1B advance procurement (CY)		1544.4		1544.4		1544.4		1544.4		
Net		7102.6		7102.6		7102.6		7102.6		
Tactical forces:										
F–15 (Eagle)	48	1975.3	40	1632.9	42	1949.4	42	1890.0		−85.3
Less advance procurement (PY)		−131.9		−131.9		−131.9		−131.9		
F–15 advance procurement (CY)		209.5	LL 42	188.0		201.7		195.0		−14.5
Net		2052.9		1689.0		2019.2		1953.1		
F–16 (Falcon)	150	3422.9	150	2933.0	150	2971.5	150	2971.5		−451.4
Less advance procurement (PY)		−462.1		−462.1		−462.1		−462.1		
F–16 advance procurement (CY) (MYP)		787.2	LL 180	565.5		706.1		610.0		−177.2
Net		3748.0		3036.4		3215.5		3119.4		
Tactical fighter derivative		26.6		0.0		0.0		0.0		−26.6
KC–10A (Extender)	8	575.0	8	534.2	8	522.7	8	522.7		−52.3
Less advance procurement (PY)		−332.0		−332.0		−332.0		−332.0		
KC–10 advance procurement (CY)		404.0		363.8		375.3		375.3		−28.7
Net		647.0		566.0		566.0		566.0		
MC–130H (Combat Talon)	2	89.2	2	88.2	2	88.2	2	88.2		
Less advance procurement (PY)		−5.8		−5.8		−5.8		−5.8		
MC–130 advance procurement (CY)		10.3		10.3		10.3		10.3		
Net		92.7		92.7		92.7		92.7		
Strategic airlift:										
C–5B (Galaxy)	10	2005.6	8	1738.1	8	1711.0	8	1711.0		−294.6
Less advance procurement (PY)		−233.4		−233.4		−233.4		−233.4		
C–5 advance procurement (CY)		327.2		304.1		304.1		304.1		−23.1
Net		2099.4		1808.8		1781.7		1781.7		
Tactical airlift:										
C–130H (Hercules)		0.0	16	288.0	10	186.3	16	288.0		288.0
Other airlift:										
C–20A	3	55.1	3	55.1	3	55.1	3	55.1		
Flight inspection aircraft		0.0	1	20.0		0.0	1	20.0		20.0
Trainer aircraft:										
T–46A (NGT)	10	110.2	10	110.2	10	110.2	10	110.2		
Less advance procurement (PY)		−5.8		−5.8		−5.8		−5.8		

AIRCRAFT PROCUREMENT, AIR FORCE—Continued

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
T-46A advance procurement (CY)		22.3		22.3		22.3		22.3		
Net		126.7		126.7		126.7		126.7		
Other aircraft:										
HH-60A (Night Hawk) adv proc (CY)		22.5		6.0		6.0		6.0		−16.5
Range control aircraft	2	16.4	2	16.4	0	0.0	2	16.4		
C-12J mission support aircraft		0.0	6	12.0	0	0.0	6	12.0		12.0
TR-1/U-2	4	222.6	4	169.4	4	170.2	4	170.2		−52.4
Less advance procurement (PY)		−12.0		−12.0		−12.0		−12.0		
Net		210.6		157.4		158.2		158.2		−52.4
Modification of aircraft		(3,382.1)		(2,832.0)		(3,192.7)		(3,008.4)		
Classified projects		169.5		144.2		169.5		156.9		−12.6
B-52 CSRL		79.8		0.0		79.8		40.0		−39.8
B-52G def fire control		42.0		0.0		42.0		30.0		−12.0
B-52G pave mint		105.9		0.0		105.9		90.0		
B-52 general reduction		0.0		0.0		−27.0		−27.0		−27.0
E-3A radar mods		0.0		38.0		0.0		0.0		0.0
KC-135 reengining		933.9		750.0		747.9		747.9		−186.0
F-111 avionics modernization		161.2		10.0		161.2		161.2		0.0
Ground proximity warning system		0.0		(10.0)		0.0		0.0		
A-7D FLIR		0.0		0.0		52.0		26.0		26.0
Undistributed reduction		0.0		0.0		−44.4		−114.4		
C-131		0.0		0.0		16.0		8.0		8.0
All other items		1,889.8		1,889.8		1,889.8		1,889.8		
Spares and repair parts		(5,990.2)		(5,163.4)		(5,655.5)		(5,408.5)		
C-5B		90.4		72.3		72.3		72.3		−18.1
Flight inspection aircraft		0.0		3.0		0.0		3.0		3.0
D-130H initial spares		0.0		12.0		7.8		12.0		12.0
C-130 replenishment spares		141.3		141.3		130.4		141.3		
B-52 initial modification spares		52.6		52.6		50.6		50.6		−2.0
C-135 initial modification spares		48.4		48.4		41.2		41.2		−7.2
Common replenishment spares		916.9		916.9		849.1		879.0		−37.9
B-1 replenishment spares		127.2		0.0		127.2		110.0		−17.2
Undis reduction—other replen spare		0.0		−500.0		−70.4		−325.0		
F-15		160.6		104.2		118.6		111.4		−49.2
F-16		397.4		274.3		274.3		274.3		−123.1
PLSS spares (other prod chg spares)		49.0		32.0		49.0		32.0		−17.0
Undis reduction—initial spares		0.0		0.0		−1.0		0.0		
All other items		4,006.4		4,006.4		4,006.4		4,006.4		
Support equipment and facilities		(3,103.7)		(2,618.9)		(2,867.9)		(2,837.4)		
Common ground support equipment		703.9		629.5		647.1		629.5		−74.4
Industrial Responsiveness		78.5		78.5		78.5		78.5		
War consumables		235.4		164.4		163.4		163.4		−72.0
Other production charges:										
Lantirn		190.3		5.0		118.3		90.0		−100.3
PLSS		94.3		84.7		59.3		74.7		−19.6
Classified program				10.0		0.0		0.0		0.0
Classified program				−154.5		0.0		0.0		0.0
All other items		1,801.3		1,801.3		1,801.3		1,801.3		
PY authorization transfer		(0)		(305.7)		(−76.0)		(−450.5)		
FY 84 AWACS		0.0		−76.2		−76.0		−76.2		−76.2
FMS		0.0		−99.0		0.0		−99.0		−99.0
B-52 mods		0.0		−10.0		0.0		−10.0		−10.0
FY 84 miscellaneous		0.0		−120.5		0.0		−120.5		−120.5
C-19 FY 84 transfer		0.0		0.0		0.0		−144.8		−144.8
Total, aircraft procurement: Air Force		28,676.5		25,285.7		26,950.1		26,101.7		−2,574.8

F-15 fighter aircraft (Eagle)

The budget request contained $2,052.9 million for procurement of 48 aircraft in fiscal year 1985, including $209.5 million for advance procurement of 60 aircraft in fiscal year 1986. The House bill would authorize $1,689.0 million for procurement of 40 aircraft in fiscal year 1985, including $188.0 million for advance procurement of 42 aircraft in fiscal year 1986. The Senate amendment would authorize $2,019.2 million for procurement of 42 aircraft in fiscal year 1985, including $201.7 million for advance procurement of 48 aircraft in fiscal year 1986.

The conferees recommend authorization of $1,953.1 million for procurement of 42 aircraft in fiscal year 1985, including $195.0 million for advance procurement of aircraft in fiscal year 1986.

F-16 fighter aircraft (Falcon)

The budget request contained $3,748.0 million for procurement of 150 aircraft in fiscal year 1985, including $787.2 million for advance procurement of 216 aircraft in fiscal year 1986. The House bill would authorize $3,036.4 million for procurement of 150 aircraft in fiscal year 1985, including $565.5 million for advance procurement of 180 aircraft in fiscal year 1986. The Senate amendment would authorize $3,215.5 million for procurement of 150 aircraft in fiscal year 1985, including $706.1 million for advance procurement of 216 aircraft in fiscal year 1986.

The conferees recommend authorization of $3,119.4 million for procurement of 150 aircraft in fiscal year 1985, including $610.0 million for advance procurement of 180 aircraft in fiscal year 1986.

KC-10A advanced tanker cargo aircraft (Extender)

The budget request contained $647.0 million for procurement of 8 KC-10A aircraft for 1985, including $404.0 million for advance procurement of 20 aircraft in fiscal years 1986 and 1987. The House bill would authorize $566.0 million for procurement of 8 KC-10A aircraft for fiscal year 1985, including $363.8 million for advance procurement. The Senate amendment would authorize $566.0 million for procurement of 8 KC-10A aircraft for fiscal year 1985, including $375.3 million for advance procurement.

The conferees recommend authorization of $566.0 million for procurement of 8 KC-10A aircraft for fiscal year 1985, including $375.3 million for advance procurement.

The House recedes.

C-5B airlift aircraft (Galaxy)

The budget request contained $2,099.4 million for procurement of 10 C-5B aircraft and related support items for fiscal year 1985, including $327.2 million for advance procurement. The House bill would authorize $1,808.8 million for procurement of 8 C-5B aircraft for fiscal year 1985, including $304.1 million for advance procurement. The Senate amendment would authorize $1,781.7 million for procurement of 8 KC-10A aircraft for fiscal year 1985, including $304.1 million for advance procurement.

The conferees recommend authorization of $1,781.7 million for procurement of 8 C-5B aircraft for fiscal year 1985, including $304.1 million for advance procurement.

The House recedes.

C-130H airlift aircraft

The administration did not request authorization in fiscal year 1985 for procurement of C-130H tactical airlift aircraft.

The House bill would authorize $288.0 million for procurement of 16 C-130H's and $12.0 million for initial spares. Eight of these aircraft were to be assigned to Air Force Reserve; the remaining eight C-

130H's were to be assigned to the Air National Guard.

The Senate amendment would authorize $186.3 million for procurement of ten C-130H's and $7.8 million for initial spares. Eight of these aircraft were to be assigned to the Air National Guard and two to the active force.

The conferees agreed to authorize $288.0 million for procurement of 16 C-130H's and $12.0 million for initial spares. The conferees agreed to assign these sixteen aircraft as follows: eight to the Air Force Reserve, four to the Air National Guard, and four to the active force. The conferees anticipate that four additional C-130H's will be procured in fiscal year 1986 to complete the equipping of a full Air National Guard squadron.

The Senate recedes with an amendment.

Flight inspection aircraft

No authorization was requested for flight inspection aircraft. The House bill would authorize $20.0 million for procurement of one flight inspection aircraft. The Senate amendment contained no authorization for flight inspection aircraft.

The conferees recommend authorization of $20.0 million for procurement of one flight inspection aircraft.

The Senate recedes.

Range control aircraft

The budget request contained $16.4 million for procurement of 2 range control aircraft in fiscal year 1985. The House bill would authorize $16.4 million for procurement of 2 aircraft. The Senate amendment contained no authorization for procurement of range control aircraft.

The conferees recommend authorization of $16.4 million for procurement of 2 range control aircraft in fiscal year 1985.

The Senate recedes.

C-12J mission support aircraft

No authorization was requested for C-12J mission support aircraft in fiscal year 1985. The House bill would authorize $12.0 million for procurement of 6 aircraft. The Senate amendment contained no authorization for procurement of C-12J mission support aircraft.

The conferees recommend authorization of $12.0 million for procurement of 6 C-12J mission aircraft in fiscal year 1985.

The Senate recedes.

TR-1/U-2 standoff surveillance aircraft

The budget request contained $210.6 million for procurement of 4 TR-1/U-2 aircraft for fiscal year 1985. The House bill would authorize $157.4 million for procurement of 4 TR-1/U-2 aircraft. The Senate amendment would authorize $158.2 million for procurement of 4 aircraft.

The conferees recommend authorization of $158.2 million for procurement of 4 TR-1/U-2 aircraft.

The House recedes.

Modification of Air Force aircraft

The budget request contained $3,382.1 million for procurement for various Air Force aircraft modifications for fiscal year 1985. The House bill would authorize $2,832.0 million for Air Force aircraft modifications. The Senate amendment would authorize $3,192.7 million for Air Force aircraft modifications.

The conferees recommend authorization of $3,008.4 million for Air Force aircraft modifications including the following specific authorizations:

Classified projects, $156.9 million;

B-52 modifications: Common Strategic Rotary Launcher (CSRL), $40.0 million; B-52G ASG-15 defensive fire control system, $30.0 million; B-52G Pave Mint, $90.0 million; B-52 general reduction, −$27.0 million;

KC-135R reengining modifications, $747.9 million;

F/FB-111 avionics modernization, $161.2 million;

A-7D FLIR modification, $26.0 million;

Undistributed reduction, −$114.4 million;

C-131 mission support aircraft modifications

The administration did not request authorization of funds for modification to C-131 million support aircraft operated by the Air National Guard. The House bill would not authorize funds for C-131 modifications. The Senate amendment would authorize $16.0 for modifications for four C-131 aircraft.

The conferees agreed to authorize $8.0 million for modifications for two C-131 aircraft. The conferees agreed to this authorization as a test program to determine the desirability of modifying additional C-131's in the Air National Guard. The Department of Defense is directed to submit its evaluation of the test program to the Committees on Armed Services of the Senate and the House of Representatives before requesting additional funds for a C-131 aircraft modification program for the Air National Guard.

The House recedes with an amendment.

Air Force aircraft spares and repair parts

The budget request contained $5,990.2 million for procurement of Air Force aircraft spares and repair parts for fiscal year 1985. The House bill would authorize $5,163.4 million for Air Force aircraft spares and repair parts. The Senate amendment would authorize $5,655.5 million for spares and repair parts.

The conferees recommend authorization of $5,408.5 million for Air Force aircraft spares and repair parts including the following specific authorizations:

C-5B spares, $72.3 million;

Flight inspection aircraft, $3.0 million;

C-130H initial spares, $12.0 million;

C-130 replenishment spares, $141.3 million;

B-52 initial modification spares, $50.6 million;

C-135 initial modification spares, $41.2 million;

Common replenishment spares, $879.0 million;

B-1 replenishment spares, $110.0 million;

Undistributed reduction, other replenishment spares, −$325.0 million;

F-15 spares, $111.4 million;

F-16 spares, $274.3 million;

PLSS spares (Other Production Charges spares), $32.0 million;

The Senate recedes with an amendment.

Air Force aircraft support equipment and facilities

The budget request contained $3,103.7 million for procurement of Air Force aircraft support equipment and facilities for fiscal year 1985. The House bill would authorize $2,618.9 million. the Senate amendment would authorize $2,867.9 million.

The conferees recommend authorization of $2,837.4 million for Air Force aircraft support equipment and facilities, including the following specific authorizations:

Common ground support equipment, $629.5 million;

Industrial responsiveness, $78.5 million;

War consumables, $163.4 million;

Other Production charges: LANTIRN navigation and targeting pods, $90.0 million; PLSS, $74.7 million.

Reductions in this account will also be noted in the classified annex to this report.

The House recedes with an amendment.

Air Force aircraft prior year authorization transfer

The House bill would authorize the transfer forward of $305.7 million in unobligated fiscal year 1984 appropriations to finance an equivalent amount of the fiscal year 1985 program including: FY 1984 E-3A AWACS, $76.2 million; recovery of proceeds for Foreign Military Sales, $99.0 million; B-52 modifications (CSRL), −$10.0 million; FY 1984 miscellaneous, $120.5 million. The Senate amendment would authorize the transfer of $76.0 million from the FY 1984 E-3A AWACS program. The budget request contained no similar adjustments.

The conferees recommend the transfer forward of $450.5 million, including those items contained in the House bill and $144.8 million previously authorized and appropriated for the C-19 program in fiscal year 1983.

The Senate recedes with an amendment.

MISSILES, AIR FORCE

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Strategic ballistic missiles MX (Peacekeeper)	40	2,938.9	15	1,813.9	21	2,388.9	21	2,352.0		−586.9
Other missiles:										
Strategic missiles:										
AGM-86B (ALCM)		74.0		74.0		74.0		74.0		
Tactical missiles:										
AIM-7F/M Sparrow		0.0		0.0	600	130.0	600	130.0		130.0
AGM-65D Maverick	4,500	565.2	2,600	370.2	2,600	359.6	2,600	359.6		−205.6
AGM-65D Maverick adv proc (CY)		0.0		0.0		15.0		15.0		15.0
Harpoon	85	40.3	85	40.3	85	40.3	85	40.3		
AGM-88A HARM	871	326.3	746	287.8	871	326.3	871	326.3		0.0
Rapier		7.6		7.6		7.6		7.6		
AMRAAM	174	377.5	75	219.5	50	102.5	50	115.0		−262.5
Less advance procurement (PY)		−29.4		−29.4		−29.4		−29.4		

MISSILES, AIR FORCE—Continued

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
AMRAAM advance procurement (CY)		64.9		31.9		35.0		35.0		−29.9
Net		413.0		222.0		108.1		120.6		−292.4
BGM–109 (GLCM)	120	580.2	120	580.2	120	580.2	120	580.2		
Less advance procurement (FY)		−23.0		−23.0		−23.0		−23.0		
GLCH advance procurement (CY)		13.9		13.9		13.9		13.9		
Net		571.1		571.1		571.1		571.1		
Stinger	156	12.9	156	12.9	156	12.9	156	12.9		
Target drones		37.5		37.5		37.5		37.5		
Tactical drones		38.9		38.9		38.9		38.9		
Modification of missiles		162.3		162.3		162.3		162.3		
Spares and repair parts		(639.8)		(391.4)		(615.3)		(530.3)		
AMRAAM		20.1		11.1		0.0		0.0		−20.1
HARM		11.9		9.9		11.9		11.9		0.0
Maverick		13.2		8.8		8.8		8.8		−4.4
MX Peacekeeper		233.0		0.0		233.0		148.0		
All other items		361.6		361.6		361.6		361.6		
Other Support		(3,992.6)		(3,711.7)		(3,932.1)		(3,826.9)		
Spaceborne equipment (COMSEC)		32.7		32.7		32.7		32.7		
NAVSTAR Global Positioning System	6	223.3	6	223.3	6	223.3	6	223.3		
Less advance procurement (PY)		−74.1		−74.1		−74.1		−74.1		
NAVSTAR advance procurement (CY)		183.0		183.0		183.0		183.0		
Net		332.2		332.2		332.2		332.2		
Space launch support		116.4		116.4		116.4		116.4		
Less advance procurement (PY)		−7.5		−7.5		−7.5		−7.5		
Advance procurement (CY)		99.1		99.1		80.1		80.1		
Net		208.0		208.0		189.0		189.0		
Defense meteorological sat system	2	170.6	2	170.6	2	170.6	2	170.6		
Less advance procurement (PY)		−30.7		−30.7		−30.7		−30.7		
Net		139.9		139.9		139.9		139.9		
Defense support program		48.9		48.9		48.9		48.9		
Defense satellite cost system	2	224.2	2	238.3	2	224.2	2	222.0		
Less advance procurement (PY)		−23.2		−23.2		−23.2		−23.2		
Advance procurement (CY)		90.2		0.0		90.2		52.4		
Net		291.2		215.1		291.2		251.2		
Space boosters		25.3		25.3		25.3		25.3		
Space defense operations		84.5		84.5		84.5		84.5		
Less advance procurement (PY)		−19.3		−19.3		−19.3		−19.3		
Advance procurement (CY)		17.8		17.8		17.8		17.8		
Net		83.0		83.0		83.0		83.0		
Space shuttle		137.9		137.9		137.9		137.9		
Industrial facilities		31.4		31.4		31.4		31.4		
Special programs		2,662.1		2,472.3		2,620.4		2,620.4		
Undistributed reduction		0.0		0.0		0.0		−50.0		
Transfer from prior year		0.0		−15.0		0.0		−15.0		−15.0
Other—rounding adjustment		0.2		0.0		0.2		0.0		−0.2
Total, missiles, Air Force		9,820.6		7,741.6		8,819.9		8,605.3		−1,215.3

MX advanced intercontinental ballistic missile system

The budget request contained $3,171.9 million for 40 MX missiles, including $233.0 million for spare parts. The House bill authorized $1,813.9 million for the procurement of 15 operational MX missiles. Further, the House bill stipulated that the obligation of funds for the procurement of the 15 missiles could not occur unless a joint resolution of approval was adopted by the Congress. The Senate amendment authorized $2,621.9 million for 21 MX missiles, including $233.0 million for spare parts.

The conferees, pursuant to the agreement reached by the Administration and the congressional leadership of the Senate and House of Representatives, agree to authorize $2,500 million for 21 operational missiles, including $148.0 million for missile spare parts. Of the total amount authorized, $1,000 million may be obligated at any time in fiscal year 1985, for the basing and support of the 21 missiles procured in fiscal year 1984, for the procurement of long lead components associated with the fiscal year 1985 operational missiles, and for missile spare parts.

The remaining $1,500.0 million in fiscal year 1985 authorization for the procurement of the 21 operational missiles would not become effective until a joint resolution of approval is enacted by the Congress. The consideration of the resolution would occur under expedited procedures before the Easter district work period of the first session of the 99th Congress. A similar requirement would apply to the release of appropriations contained in the fiscal year 1985 Defense Appropriations Act for the MX. A vote would occur on the second joint resolution of approval not more than one calendar day after the vote on the first resolution.

In addition, the conferees agree to the provision in the Senate amendment (Sec. 1008) that requires the President to provide to the Congress a report, after March 1, 1985, assessing the requirement for and the anticipated impact of the procurement of such missiles. The assessment would take into account the impact of such procurement on the stability of the strategic balance, the arms control process, and the status of the development of more survivable basing modes for the MX and other such missiles, including a new small mobile intercontinental ballistic missile.

The conferees intend that the report should provide the Congress with detailed information regarding options to enhance the basing mode survivability of deployed Minuteman II and III missiles, the soon to be deployed Peacekeeper (MX) missile, as well as information about the basing options under consideration for the small ICBM. This should include an assessment of the merits of hardening existing silos, constructing new superhardened silos, multiple aim point configurations and closely spaced array basing options. Such an assessment should address the availability, possible siting, and potential cost issues for each basing option, as well as any enviromental and arms control considerations.

In addition, in order that the Congress have access to all the relevant information that bears on the U.S. ICBM modernization program, the conferees request the Administration to provide a report to the Congress by December 1, 1984, in both classified and unclassified forms, reflecting any additional findings regarding Soviet compliance with their arms control commitments. The conferees are concerned by the implications of the noncompliance issues contained in the Administration's January 1984 report to the

Congress, and therefore require that any additional findings in this regard be provided to the Congress prior to its vote in connection with the release of the fiscal year 1985 MX procurement funds.

AIM-7F/M Sparrow

No authorization was requested for Sparrow missiles. The House bill contained no authorization for Sparrow missiles. The Senate amendment would authorize $130.0 million for procurement of 600 Sparrow missiles.

The conferees agree to authorize $130.0 million for procurement of 600 Sparrow missiles.

The House recedes.

AGM-65D Maverick

The budget request contained $565.2 million for procurement of 4500 Maverick missiles and no authorization for advance procurement. The House bill would authorize $370.2 million for procurement of 2600 Maverick missiles and no authorization for advance procurement. The Senate amendment would authorize $359.6 million for procurement of 2600 Maverick missiles and $15.0 million for advance procurement.

The conferees agree to authorize $359.6 million for procurement of 2600 Maverick missiles and $15.0 million for advance procurement.

The House recedes.

AGM-88A HARM

The budget request contained $326.3 million for procurement of 871 HARM missiles. The House bill would authorize $287.8 million for procurement of 746 HARM missiles. The Senate amendment would authorize $326.3 million for procurement of 871 HARM missiles.

The conferees agree to authorize $326.3 million for procurement of 871 HARM missiles.

The House recedes.

AMRAAM

The budget request contained $348.1 million for the procurement of 174 Advanced Medium Range Air-to-Air Missiles (AMRAAM), $64.9 million for advance procurement, and $18.0 million for initial spares.

The House bill authorized $231 million for 75 missiles, $31.9 million for advance procurement and $11.1 million for initial spares. The Senate amendment authorized $102.5 million for 50 missiles, $35 million for advance procurement and deleted all funds for initial spares.

The conferees agreed to recommend authorization of $115.0 million for the procurement of 50 AMRAAM missiles, $35.0 for advance procurement and recommends deletion of funding for initial spares.

Development problems have contributed to an eight-month program delay, and poor cost estimating of missile and test equipment fabrication have reduced the credibility of previous cost estimates.

As a result, the conferees believe that the key to future cost control of the AMRAAM resides in the ability of the Air Force to develop a second source for missile production. The Air Force is, therefore, directed to fund the second source production effort at a rate that will ensure the earliest practical qualification of the second source consistent with this objective.

The conferees emphasize that the future of the AMRAAM program depends upon the abilities of the Department of Defense and the manufacturers to adequately control system cost.

Spares and repair parts

The budget request contained $639.8 million for missile spares and repair parts, including $20.1 million for the AMRAAM missile, $11.9 million for the HARM missile, $233.0 million for the MX missile, and $374.8 million for all other items. The House bill would authorize $624.4 million for missile spares and repair parts, including $11.1 million for the AMRAAM missile, $9.9 million for the HARM missile, and $594.6 million for all other items. The House bill would provide no authorization for MX missile spares. The Senate amendment would authorize $615.3 million for missile spares and repair parts, including $11.9 million for the HARM missile, $233 million for the MX missile, and $370.4 million for all other items. The Senate amendment contained no authorization for AMRAAM spares and repair parts.

The conferees agree to authorize $530.3 million, including $148.0 million for the MX missile, and $11.9 million for HARM. No authorization was included for AMRAAM.

Air Force other missile support

The budget request contained $3,992.6 million for procurement of Air Force other missile support. The House bill would authorize $3,711.7 million. The Senate amendment would authorize $3,932.1 million.

The conferees recommend authorization of $3,826.9 million for Air Force other missile support, including the following specific authorizations:

Space launch support

$189.0 million, including $80.1 million for advance procurement

Defense satellite communications system (DSCS)

The budget request contained $291.2 million to procure two defense satellite communications systems (DSCS) in fiscal year 1985, including $90.2 million for advance procurement to support a multiyear contract for the remaining satellites for the DSCS system. The House bill would authorize $215.1 million to procure two satellites in fiscal year 1985 but would provide no authorization for advance procurement. The Senate amendment would authorize the amounts requested.

The conferees recommend an authorization of $251.2 million to procure two satellites in fiscal year 1985 and $52.4 million for advance procurement to support a multiyear contract for the remaining DSCS satellites.

The House recedes with an amendment.

Special programs

The conferees recommend an authorization of $2,620.4 million. Reductions in this program will be noted in the classified annex to this report.

The House recedes with an amendment.

OTHER PROCUREMENT, AIR FORCE

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Munitions and associated equipment		(1,424.6)		(1,121.7)		(1,218.7)		(1,179.7)		
2.75 inch rocket motor		23.5		11.8		11.8		11.8		−11.7
Cart chaff rr-170		16.0		9.0		16.0		13.9		−2.1
Durandal		48.3		27.1		48.3		48.3		
BSU-49, inflatable retarder		64.8		58.5		57.1		57.1		−7.7
BSU-50, inflatable retarder		12.7		6.3		9.9		9.9		−2.8
Laser bomb guidance kit		105.5		60.5		61.5		60.5		−45.0
Bomb, practice, BDU-33		21.8		17.2		17.0		17.0		−4.8
MK-84 bomb-empty		11.0		9.1		7.9		7.9		−3.1
CBU-89 (TMD/Gator)		207.4		105.4		156.4		105.4		−102.0
CDU-87 (combined effects munition)		281.9		220.0		281.0		281.9		0.0
Flare, Ir MJU-7B		13.7		10.9		13.7		13.7		
Flare, IR MJU-2		7.0		2.3		3.5		3.5		−3.5
MJU-10B		16.8		14.0		16.8		16.8		
Spares and repair parts		11.3		8.5		11.3		11.3		
FMU-112/FMU-139		42.7		40.7		42.7		42.7		
9mm parabellum		2.0		2.0		0.0		2.0		
40mm HEI (gunship)		15.7		15.7		5.6		15.7		0.0
40mm TP grenades		8.8		8.8		1.1		1.1		−7.7
40mm HE grenades		11.9		11.9		3.9		3.9		−8.0
Items less than $900,000		9.4		9.4		7.6		7.6		−1.8
MK-82 500 lb general purpose bomb		6.0		6.0		0.0		0.0		−6.0
MK-82 Inert/BDU-50		26.1		26.1		16.0		16.0		−10.1
Practice bomb, BDU-38		13.1		13.1		7.6		7.6		−5.5
Bigeye advance procurement (CY)		19.8		0.0		0.0		0.0		−19.8
M-203 grenade launcher		0.5		0.5		0.2		0.2		−0.3
Machine gun, 7.62 MM, M-60		1.3		1.3		0.4		0.4		−0.9
40mm machine gun, MK-19		1.8		1.8		0.0		0.0		−1.8
81mm mortar		0.3		0.3		0.0		0.0		−0.3
9mm handgun		3.0		3.0		0.0		3.0		
Undistributed reduction		0.0		0.0		0.0		0.0		0.0
All other items		420.5		420.5		420.5		420.5		
Vehicular equipment		(441.6)		(372.0)		(376.3)		(373.2)		

OTHER PROCUREMENT, AIR FORCE—Continued

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Sedan		3.8		3.4		3.8		3.4		−0.4
Station wagon		2.6		1.8		2.6		1.8		−0.8
Bus, 29 passenger		8.2		5.1		8.2		5.1		−3.1
Bus, intercity		3.7		3.1		3.7		3.1		−0.6
Bus, 44 passenger		5.4		4.5		5.4		4.5		−0.9
Truck, cargo utility ¾ ton		5.5		4.5		5.5		4.5		−1.0
Truck, multistop 1 ton		16.2		9.9		16.2		11.9		−4.3
Truck, carryall		5.9		4.3		5.9		4.9		−1.0
Truck, mn 4x2		2.9		1.4		2.9		2.9		
Truck, mn, Hi		4.4		3.4		4.4		4.4		
Truck, telephone, mn		9.2		4.8		9.2		6.8		−2.4
Truck, tank, lignit, C–5		1.4		0.0		1.4		1.4		
Tractor, dozer		7.1		1.8		7.1		4.7		−2.4
Vehicle law enforcement		3.2		2.4		3.2		3.2		
Truck, demineral water		1.8		0.9		1.8		0.9		−0.9
Truck, refuse		6.6		1.4		6.6		4.2		−2.4
Truck, hydrant fuel		4.4		3.4		4.4		4.4		
Trailer, water M149		2.0		0.9		2.0		2.0		
Trailer, fuel A1B		1.7		1.2		1.7		1.7		
Dolly M270		4.1		0.7		4.1		4.1		
Armored personnel carrier		3.6		0.3		3.6		0.3		−3.3
Tractor, wheeled w dozer		1.0		0.5		1.0		0.5		−0.5
Truck, crash P–15		2.6		1.3		2.6		2.6		
Truck, pumper P–8		2.2		1.1		2.2		1.1		−1.1
Container lift truck		4.5		2.3		4.5		4.5		
Loader, scoop with backhoe		2.6		0.7		2.6		2.6		
Distributor, water, 1500 gal		4.5		1.3		4.5		3.5		−1.0
Cleaner, runway/street		6.6		5.1		6.6		6.6		
Grader, road, motarized		4.5		2.7		4.5		4.5		
Watercraft		9.6		0.5		9.6		7.5		−2.1
Spares		6.7		5.1		6.7		6.7		
Modifications		1.0		0.1		1.0		0.1		−0.9
Undistributed reduction		0.0		0.0		−65.3		−39.3		−39.3
All other items		292.1		292.1		292.1		292.1		
Electronics and telecommunication equipment		(2,692.7)		(2,305.5)		(2,473.8)		(2,396.7)		
Intelligence communication equip		30.2		13.4		30.2		15.4		−14.8
Intelligence items less than $900K		26.5		25.6		26.5		26.5		
OTH–B Radar		218.9		109.4		128.9		137.1		−81.8
Transport ground intercept facil		35.5		19.5		35.5		19.5		−16.0
TR–1 ground stations		108.2		40.2		40.0		40.0		−68.2
MX communications		2.5		0.0		0.0		0.0		−2.5
Auto data processing equipment		172.9		143.7		172.9		169.3		−3.6
Air base defense system		52.4		26.8		52.4		40.0		−12.4
PLSS		68.9		59.9		60.9		59.9		−9.0
Consolidated space oper center		165.0		134.0		145.0		134.0		−31.0
EMP hardening		11.2		0.0		0.3		0.0		−11.2
USCENTCOM		21.3		0.0		16.3		16.3		−5.0
C3 replacement program		5.0		0.0		5.0		2.0		−3.0
Elec and tele spares		371.8		335.5		371.8		348.5		−23.3
Organization items less than $900K		21.1		16.2		21.1		16.2		−4.9
Intelligence data handling system		23.6		23.6		19.3		19.3		−4.3
DEW radar		37.7		37.7		27.7		32.7		−5.0
All other items		1,320.0		1,320.0		1,320.0		1,320.0		
Other base maintenance and support equipment		(5,002.6)		(4,622.7)		(4,980.5)		(4,848.9)		
Base mechanization equipment		30.6		25.3		30.6		30.6		
Generators, mobile electric		19.2		14.0		19.2		19.2		
Base procured equipment		46.0		39.6		46.0		46.0		
Pumps/compressors		2.5		1.9		2.5		2.5		
Selected activities		3,600.4		3,438.0		3,578.3		3,496.7		−103.7
Special update program		927.9		727.9		927.9		877.9		−50.0
All other items		376.0		376.0		376.0		376.0		
Undistributed reduction		0.0		−0.2		−110.0		−60.0		−60.0
Transfer from prior year		0.0		−14.5		0.0		−14.5		−14.5
Total, other procurement, Air Force		9,561.5		8,407.2		8,939.3		8,724.0		−837.5

The budget request contained $9,561.5 million for Air Force other procurement for fiscal year 1985. The House bill would authorize $8,407.2 million for Air Force other procurement. The Senate amendment would authorize $8,939.3 million for this purpose.

The conferees recommend authorization of $8,724.0 million for Air Force other procurement. The amounts requested for specific items that were in dispute, the amounts allowed by the House bill and the Senate amendment, and the amounts allowed by the conferees are listed in the foregoing table.

Munitions and associated equipment

The budget request contained $1,424.6 million for munitions and associated equipment. The House bill would authorize $1,121.7 million for munitions and associated equipment. The Senate amendment would authorize $1,218.7 million for munitions and associated equipment. The conferees recommend authorization of $1,179.7 million for munitions and associated equipment.

Vehicular equipment

The budget request contained $441.6 million for procurement of vehicular equipment. The House bill would authorize $372.0 million for procurement of vehicular equipment. The Senate amendment would authorize $376.3 million for procurement of vehicular equipment. The conferees recommend authorization of $373.2 million for procurement of vehicular equipment.

Other base maintenance and support equipment

The budget request contained $5,002.6 million for other base maintenance and support equipment. The House bill would authorize $4,622.7 million for other base maintenance and support equipment. The Senate amendment would authorize $4,980.5 million for other base maintenance and support equipment.

The conferees recommend authorization of $4,848.9 million for base maintenance and support equipment.

Electronics and telecommunication equipment—OTH–B radar

The budget request contained $218.9 million for procurement for the Over-the-Horizon Backscatter (OTH–B) radar system. The House bill would authorize $109.4 million for OTH–B procurement and $16.5 million for spares and repair parts for a total of $125.9 million. The Senate amendment would authorize $128.9 million for procurement and $16.5 million for spares and repair parts for a total of $145.4 million.

The conferees recommend an authorization of $137.1 million for procurement and $8.3 million for spares and repair parts for a total authorization of $145.4 million.

The House recedes with an amendment.

Air Force—Other Procurement Electronics and Telecommunications Equipment—Automatic data processing equipment (ADPE)

The budget request contained $172.9 million for ADPE.

The House bill authorized $143.7 million for ADPE and the Senate amendment au-

thorized the full budget request. The conferees agreed to authorize $169.3 million, a reduction of $3.6 million for the Air Training Command time related instruction system.

Undistributed reduction

The House bill would authorize an undistributed reduction in the Other Procurement, Air Force account of $0.2 million. The Senate amendment would authorize an undistributed reduction of $110.0 million.

The conferees agree to authorize an undistributed reduction of $60.0 million to the Other Procurement, Air Force account.

Prior year transfer

The House bill authorized the transfer of $14.5 million in prior year appropriations to be applied to the fiscal year 1985 Air Force Other Procurement program. The Senate amendment did not provide for similar authorization.

The conferees agree to authorize the transfer of $14.5 million in prior year appropriations to be applied to the fiscal year 1985 Air Force Other Procurement program.

The Senate recedes.

AIR NATIONAL GUARD

Item	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Miscellaneous equipment		0.0		0.0		20.0		20.0		20.0

No authorization was requested for procurement of miscellaneous equipment for the Air National Guard. The House bill contained no authorization; the Senate amendment would authorize $20.0 million for this purpose.

The conferees recommend authorization of $20.0 million for procurement of miscellaneous equipment for the Air National Guard in fiscal year 1985.

The House recedes.

NATO COOPERATIVE PROGRAM

PROCUREMENT, DOD NATO COOPERATIVE PROGRAMS

Description	Fiscal year 1985 request		H.R. 5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
NATO Patriot		0.0		150.0		0.0		150.0		150.0
Point air defense—F.R.G.		0.0		100.0		0.0		65.0		65.0
Point air defense—Italy		0.0		50.0		0.0		15.0		15.0
Point air defense—GLCM		0.0		25.0		0.0		10.0		10.0
Point air defense—Turkey		0.0		25.0		0.0		10.0		10.0
Total, DOD NATO Cooperative Programs		0.0		350.0		0.0		250.0		250.0

NATO cooperative air defense programs

The budget request contained no authorization for the NATO cooperative air defense program. The House bill authorized $350.0 million for the program. The Senate amendment did not provide authorization for the program. The conferees agreed to authorize $250.0 million for the program.

The $250.0 million program authorization would be under the control of the Under Secretary of Defense for Research and Engineering and allocated in the following manner:

$150 million—NATO Patriot (to implement the United States-Federal Republic of Germany (FRG) air base defense agreement).

$65 million—Point air defense FRG (to begin procurement of 30 Rolands for point air defense of 5 undefended U.S. air bases in Germany).

$15 million—to begin procurement of point air defense of undefended U.S. air bases in Italy.

$10 million—to begin procurement of point air defense for undefended Ground Launched Cruise Missile (GLCM) sites in the United Kingdom and Italy.

$10 million—to complete procurement of Rapier missiles for U.S. air bases in Turkey that will begin with obligation of $50 million appropriated in fiscal year 1983.

In addition, the conferees recommend for inclusion in the conference agreement the necessary legislative authority in fiscal year 1985 for the Secretary of Defense to fully implement the December 6, 1983, United States cooperative air base defense agreement with the Federal Republic of Germany.

With the cooperation of the House Foreign Affairs Committee, the enabling legislation provides for the necessary waivers of administrative and other charges that would be required to complete the transfer of defense articles under the Arms Export Control Act.

In the future, the conferees expect the Department of Defense to comply with the request contained in the following letter from the Committee on Foreign Affairs.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 21, 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that the Secretary of Defense is seeking authority to implement the recently concluded air defense agreement between the United States and the Federal Republic of Germany. Even though this authority is not contained in either the House or the Senate version of the Defense Department authorization legislation, the Department is seeking to include this authority in the conference report.

The proposed authority involves the transfer of defense articles and services to the FRG and the waiving of administrative and other charges required for arms transfers under the Arms Export Control Act, and therefore directly involves the jurisdiction of the Committee on Foreign Affairs.

The authority being sought would be for fiscal year 1985 only. I therefore have no objection to its inclusion in the conference report, with the clear understanding that authority to continue this agreement beyond fiscal year 1985 would be sought by the Department through the annual foreign assistance authorization request. It is my understanding that the Defense Department will comply with this condition.

I appreciate the opportunity to work with your Committee on this matter and would ask that the text of this letter be included in the joint statement of managers accompanying the conference report.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL, *Chairman.*

PROCUREMENT, DEFENSE AGENCIES

Description	Fiscal year 1985 request		H.R.5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
National Security Agency				12.5		0.0		12.5		12.5
Classified				−61.0		−24.1		−45.0		−45.0

PROCUREMENT, DEFENSE AGENCIES—Continued

Description	Fiscal year 1985 request		H.R.5167		S. 2723		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Defense Audiovisual Agency		1.9		1.0		1.9		1.0		−0.9
Defense Nuclear Agency		3.4		2.5		3.4		2.5		−0.9
Defense Communications Agency		59.2		53.7		59.2		56.5		−2.7
Defense Intelligence Agency				−1.0				−1.0		−1.0
Classified				−3.8		−2.4		−2.4		−2.4
Defense Logistics Agency:										
Material handling equipment		5.4		3.9		5.4		3.9		−1.5
Automotive vehicles		1.9		1.5		1.9		1.5		−0.4
Mechanized materials hand sys		33.8		31.8		33.8		31.8		−2.0
Automatic data process equip		71.1		56.4		71.1		56.4		−14.7
Telecommunications equipment		5.5		4.0		5.5		4.0		−1.5
Other major equipment		3.3		2.3		3.3		2.3		−1.0
Undistributed reduction		0.0		0.0		−10.0		0.0		0.0
Defense Contract Audit Agency		9.0		7.2		9.0		7.2		−1.8
Items not in dispute		1049.0		1049.0		1049.0		1049.0		
Total, Procurement, Defense Agencies		1243.5		1160.0		1207.0		1180.2		−63.3

The budget request contained authorization for $1,243.5 million to procure equipment to support Defense Agencies. The House bill would authorize $1,160.0 million for Defense Agencies. The Senate amendment would authorize $1,207.0 million.

The conferees agree to authorize $1,180.2 million to procure equipment for Defense Agencies.

Defense Logistics Agency

The budget request contained authorization for $123.9 million for the Defense Logistics Agency. The House bill would authorize $102.8 million for the Defense Logistics Agency and would not contain an undistributed reduction. The Senate amendment would authorize $113.9 million for the Defense Logistics Agency and an undistributed reduction of $10.0 million.

The Senate recedes.

Need to strengthen U.S. communications and information systems security

The communications security (COMSEC) posture and practices of the U.S. government, recently identified to Congress, are poor. The security of the nation's automated information systems present a similar problem.

The conferees have consistently supported the development of COMSEC technology and the modernization of equipment in an effort to keep pace with communications advances and national security needs, and considerable progress has been made in these areas. Nevertheless, it is apparent that the process of securing essential U.S. communications is progressing too slowly. The advantages we hold in advanced technology, strategic policy and planning, nuclear weapons development and deployment, and numerous other vital areas are in danger. This is of great concern to the conferees. The reasons cited for the existing COMSEC problems are complex and involve the basic issues of organizational structure, authority and resources.

Accordingly, the conferees request the Secretary of Defense provide to the Committees on Armed Services and the Select Committees on Intelligence of the Senate and the House of Representatives by March 1, 1985, a report on the status of the measures being implemented to remedy the deficiencies in COMSEC planning and execution and an assessment of the additional funds and personnel which would be required to support a national COMSEC effort. This report should address the implications for the privacy of nongovernment communications as well as the impact of major proposals on the full range of governmental functions.

The Armed Services Committees, in concert with the Intelligence Committees, intend to examine in greater detail the subject of U.S. communications security in connection with congressional review of the fiscal year 1986 budget request.

LEGISLATION PROVISIONS ADOPTED

Multiyear contracting authorization

The House bill contained several provisions (sec. 101(c), 102(c), and 103(d)) that would provide multi-year contracting authorization for weapon systems, and subsystems and other equipment. The Senate amendment contained several provisions (sec. 101(b) and 102(c)) that would provide multi-year contracting authorization for systems, subsystems, and other equipment.

The following table summarizes the House and Senate provisions and presents conference agreements on multi-year contracting authorizations.

Service	Senate	House	Conference
Army	Sec. 101(b) authorizes UH–60A, EH–60A, CH–47D.	Sec. 101(c) authorizes UH–60A, EH–60A, CH–47D, M–1 tank, M–1 subsystems, TOW missile, 5-ton truck, Bushmaster, Maint. shop equip.	Sec. 101(b) authorizes UH–60A, EH–60A, CH–47D, M–1 tank, M–1 subsystems, TOW missile, 5-ton truck, Bushmaster weapon, Maint. shop equip.
Navy	Sec. 102(c) authorizes CH–53	Sec. 102(f) authorizes CH–53, AN/SSQ–36	Sec. 102(h) authorizes CH–53, AN/SSQ–36.
Air Force	No similar prov	Sec. 103(d) authorizes F–16	Sec. 103(d) authorizes F–16.

Transfers from prior years

The House bill contained several provisions (sec. 101(a)(2), 102(a)(2), 103(a)(2A), and 1110(a)(2), 1110(b)(2), 1110(c)(2)) that would authorize the transfer of prior year unobligated balances and the merger of those funds with amounts appropriated for procurement for fiscal year 1985. The Senate amendment contained provisions (sec. 101(a)(2) and 103(d)) that would effect similar transfers.

The following table summarizes the House and Senate authorizations and the conference recommendations pertaining to prior year unobligated balances.

SUMMARY OF CONFERENCE RECOMMENDATIONS UNOBLIGATED BALANCES—TRANSFERS FROM PRIOR YEARS

[In millions of dollars]

Service and procurement account	House bill	Senate amendment	Conference recommendation
Army:			
Aircraft	30.0	0	[1] 30.0
Missiles	13.0	0	[1] 13.0
Weapons and tracked combat vehicles	173.8	191.7	257.8
		[2] (89.5)	[2] (155.6)
		[3] (60.5)	[3] (60.5)
		[4] (41.7)	[4] (41.7)
Ammunition	44.0	0	[1] 44.0
Other	18.0	0	[1] 18.0
Navy: [10]			
Aircraft	34.4	0	[9] 34.4
	20.0	0	[1] 20.0
Weapons	20.0	0	[1] 20.0
Other	85.0	0	[1] 85.0
Air Force:			
Aircraft	76.2	76.0	[5] 76.2
	99.0	0	[7] 99.0
	10.0	0	[8] 10.0
	120.5	0	[1] 120.5
	0	0	[6] 144.8
Missiles	15.0	0	[1] 15.0
Other	14.5	0	[1] 14.5

SUMMARY OF CONFERENCE RECOMMENDATIONS UNOBLIGATED BALANCES—TRANSFERS FROM PRIOR YEARS—Continued

[In millions of dollars]

[1] Fiscal year 1984 financing adjustment.
[2] Fiscal year 1984 savings (M–1 program).
[3] Foreign military sale of M48A–5 tanks with proceeds transferred to fiscal year 1985.
[4] Fiscal year 1984 savings (DIVAD).
[5] E–3A advance procurement.
[6] C–19 (747) aircraft funds (fiscal year 1983).
[7] Foreign military sale of aircraft with proceeds transferred to fiscal year 1985.
[8] Advance procurement B–52 modifications (common strategic rotary launcher).
[9] P–3 prior year transfer.
[10] The conferees also recommend the transfer from prior year (fiscal year 1984) research and development programs for the Navy of $13 million and is reflected in the research and development funding tables.

Section 794 of the DoD Appropriations Act, 1984

The House bill contained a provision (sec. 101(d)) that would deny application of section 794 of the DoD Appropriations Act, 1984, to the procurement of EH-60A and UH-60A aircraft under multi-year contract.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on guided missile destroyer procurement (sec. 102(h))

The House bill included a provision (sec. 102(h)) that would provide that none of the funds appropriated pursuant to an authorization of appropriation for the DDG-51 guided missile destroyer program may be obligated or expended until the Secretary of the Navy certifies to the Committees on Armed Services and Appropriations of the Senate and House of Representatives that the lead ship of that program can be readily backfitted with a Rankin Cycle Energy Recovery (RACER) system.

The Senate amendment contained no similar provision.

The Senate recedes.

T-43 aircraft for national security airlift operations

The House bill contained a provision (sec. 103(e)) that would provide for the acquisition of two additional used T-43 type aircraft for national security airlift operations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the Department of Defense to procure up to four used commercial aircraft for national security airlift operations using amounts appropriated for fiscal year 1983.

Army National Guard equipment

The Senate amendment contained a provision (sec. 101(a)(1)) that would provide one sum for Army National Guard equipment.

The House bill contained no similar provision.

The House recedes.

DIVAD (Sgt. York) system

The Senate amendment contained a provision (sec. 101(c)) that would prohibit the obligation or expenditure of any procurement funds authorized by the bill for the Division Air Defense (DIVAD) system until (1) initial production testing has been completed; (2) the Secretary of Defense has reported and certified to the appropriate committees of Congress that continued production of DIVAD is in the national interest; and (3) that a period of at least 30 days has elapsed after the receipt of the Secretary's certification.

The House bill contained no similar provision.

The conferees agreed to language that would prohibit the obligation or expenditure of funds for major DIVAD subsystems or for production and final assembly of DIVAD systems until (1) initial production testing has been completed; (2) the Secretary of Defense has reported the results of the testing; and (3) a period of 30 days has elapsed after the Congress has received the report. The language would permit the obligations and expenditures of funds for long-lead components, training equipment and relative items.

Navy Reserve equipment

The Senate amendment contained a provision (sec. 102(a)(1)) that would provide authorization for Navy Reserve equipment as a separate account.

The House bill contained no similar provision.

The House recedes.

Marine Corps Reserve equipment

The Senate amendment contained a provision (sec. 102(a)(1)) that would provide $20.0 million in additional military equipment for the Marine Corps Reserve.

The House bill contained no similar provision.

The House recedes.

Alternative sources for aircraft ejection seats

The Senate amendment contained a provision (sec. 102(e)(1)(2)) that would permit the Secretary of the Navy to establish alternative sources for the procurement of a common aircraft ejection seat for the F/A-18, T-45, F-14D, and A-6E upgrade aircraft.

The House bill contained no similar provision.

The House recedes with an amendment that permits the Secretary of the Navy to utilize the authority of section 2723 of Public Law 98-369, the Deficit Reduction Act, to establish the alternative sources and also specifies that, notwithstanding any provision of law, a foreign company may be considered as an alternative source for the procurement of a common ejection seat.

Restriction on construction of military vessels in foreign shipyards

The Senate amendment contained a provision (sec. 1006) that would amend section 7309(a) of title IX, United States Code, to provide that all vessels of the military departments are to be constructed in U.S. shipyards. Under current law only naval vessels are required to be constructed in a U.S. shipyard.

The House bill contains no similar provision.

The conferees agreed to a provision that would provide that the Department of the Army acquisition of a logistic support vessel should be limited to ships constructed in the United States during fiscal year 1985.

The House recedes with an amendment.

Air National Guard equipment

The Senate amendment contained a provision (sec. 103(a)) that would provide for authorization for Air National Guard equipment as a separate account and $20.0 million would be authorized to procure 30 millimeter gun pods for the Air National Guard provided the Director of the Air National Guard determines such procurement to be of high priority.

The House bill contained no similar provision.

The House recedes with an amendment that eliminates the provision that would authorize the procurement of the 30 millimeter gun pods for the Air National Guard.

Aircraft replacement for Air National Guard (ANG) units currently equipped with OA-37 Aircraft

The Senate amendment contained a provision (sec. 126(d)) that would express the sense of Congress that the Air Force should provide modern replacement aircraft for those ANG units using OA-37 aircraft and that the United States should not sell or provide ANG DA-37 aircraft to any foreign country unless that unit's aircraft is replaced by an OA-37 or that unit is in the process of converting to a more modern aircraft.

The House bill contained no similar provision.

The House recedes.

Limitation on waivers of cost recovery requirements under the Arms Export Control Act (sec. 107)

The House bill contained a provision (sec. 107) that would provide that the President's authority under sec. 21(e)(2) of the Arms Export Control Act may be exercised without regard to limitation imposed by section 762A of the Department of Defense Appropriation Act, 1984. The provision would remove the restriction in section 762A of the 1984 Department of Defense Appropriation Act requiring that non-recurring costs for research, development, and production of major defense equipment be recovered from foreign military sales. The removal of this restriction would allow the President to waive these non-recurring and other charges in accordance with section 21(e)(2) of the Arms Export Control Act.

The Senate amendment contained no similar provision.

The Senate recedes.

Waiver of limitation on foreign military sales program (sec. 108)

The House bill contained a provision (sec. 108) that would permit the Arms Export Control Act to be administered as if section 743(a) of the fiscal year 1984 Defense Appropriations Act had not been enacted into law.

The Senate bill contained no similar provision.

The Senate recedes.

Section 743(a) of the Defense Appropriations Act provides that receipts from foreign military sales (FMS) of defense articles from Department of Defense inventory not intended to be replaced will be deposited in the Treasury as miscellaneous receipts.

Chapter 5 of the Arms Export Control Act (AECA) authorized the establishment of a Special Defense Acquisition Fund (SDAF) for the purpose of procuring defense items in anticipation of foreign requirements. One of the sources of funds for the SDAF authorized by section 51 of the AECA was receipts from FMS of defense articles from Department of Defense inventory not intended to be replaced. The Committees on Armed Services place considerable importance in the SDAF, and for fiscal year 1982 authorized a level of $900 million.

The practical effect of section 743(a) is to eliminate one source of funds for the SDAF. However, the SDAF is near its currently authorized ceiling of $900 million and, therefore, is not in need of the additional funds at this time. Although the normal procedure is to have such funds deposited in the SDAF, given that the SDAF is already approaching the authorized ceiling, the conferees made an exception and authorized the funds to be used to finance new procurement authorized for the Army and Air Force in sections 101 and 103 of this bill. The conferees expect the Department of Defense in fiscal year 1986 to request an increase in the SDAF ceiling. At that time, if receipts from FMS of defense articles from Department of Defense inventory not intended to be replaced are needed to capitalize the SDAF they will be used for that purpose, consistent with the intent of Congress when it established the SDAF.

Transfer of certain military equipment or data to foreign countries (sec. 109)

The House bill contained a provision (sec. 109) that would repeal section 765(c) of the Department of Defense Appropriation Act, 1984. Section 765(c) prohibits the use of funds for the sale of AN/SQR-19 towed array sonar to any foreign country.

The Senate amendment contained no similar provision.

The Senate recedes.

Policy concerning acquisition of additional MX missiles (sec. 110)

The Senate amendment contained a provision (sec. 1008) that would restate the requirement for the President to submit a report to the Committees on Armed Services of the Senate and House of Representatives, coincident with a budget submission for the procurement of additional MX missiles, an assessment of the need for and impact of such MX missile procurement on strategic stability, the arms control process and the development status of other types of intercontinental ballistic missiles (ICBM), including a new small mobile ICBM.

The House bill contained two provisions (secs. 110 and 1132) that would preclude funds for MX unless the Congress approved such funds by joint resolution after April 1, 1985.

The conferees agreed to a substitute described under the discussion of the MX missile earlier in this title.

Prohibition of spending funds for binary chemical munitions (sec. 111)

The House bill contained a provision (sec. 111) that would specifically prohibit the use of any of the funds appropriated pursuant to authorization for the procurement of binary chemical munitions.

The Senate amendment contained no similar provisions.

The Senate recedes.

Sole source procurement for the B-1B strategic weapons loader (sec. 112)

The Senate amendment encouraged the competition for a new Munition's Lift Trailer (MLT) and contained a provision (sec. 103(b)) prohibiting the expenditure of any funds for sole source procurement of a new trailer or for the modification of an existing trailer to meet the performance requirements for strategic bombers.

The House bill contained no similar provision. The House recedes with an amendment. The House report (H. Rept. 98-691) accompanying H.R. 5167 prohibited the use of any funds authorized by this Act for the development of a new Munition's Lift Trailer.

The conferees understand that competitive proposals for a new MLT are being evaluated and that the Air Force has also implemented a value engineering change proposal for the existing MHU-173. The conferees further understand that the winning design for the new MLT is to be evaluated against the modified MHU-173 design to determine which MLT design will best accommodate the long-term needs of the strategic bomber force in the most cost and performance effective manner. The conferees agree that this evaluation should continue without delay so that further purchase of new MLT's can be accomplished on the basis of competitive procurements. The results of this evaluation, and the rationale for the selected approach, will be reported to the Senate and House Armed Services Committees prior to the initiation of MLT procurements.

The House recedes with an amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

AH-64 helicopters for Army National Guard

The House bill contained authorization for 144 AH-64 attack helicopters. Section 101(b) of the House bill provides that not fewer than 18 of the 144 AH-64 helicopters be provided to the Army National Guard. The remaining 126 AH-64 helicopters are to be procured to meet active Army requirements. Although the Senate bill contained authorization for 144 AH-64 attack helicopters, it did not require that AH-64 helicopters be provided to the Army National Guard.

The conferees agreed to delete section 101 (b) of the House bill. The conferees further agreed that 18 AH-64 helicopters be provided to the Army National Guard if funds are appropriated to procure a total of 144 AH-64 helicopters. If, however, sufficient appropriations are not provided to procure 144 AH-64 helicopters, the Army National Guard is to be provided only those helicopters procured in excess of the 126 helicopters for active Army components.

M1 tank engine second sourcing

The Senate amendment contained a provision (sec. 101(d)) that would repeal section 107 of the 1984 Defense Department Authorization Act (Public Law 98-94). Section 107 prohibits the Secretary of the Army from entering into a contract to develop a second source for the engine for the M1 tank.

The House bill contained no similar amendment.

The Senate recedes.

Strategic sealift ready reserve force (RRF)

The House bill contained a provision (sec. 102(g)) that would provide that none of the funds appropriated pursuant to the authorization of appropriations for the strategic sealift ready reserve program may be obligated or expended for the acquisition of a specific vessel until the Secretary of the Navy has notified the Committees on Armed Services of the Senate and House of Representatives of the proposed acquisition and a period of 30 days of continuous session of Congress has passed.

The Senate amendment contained no similar provision.

Because the Navy was not able to describe the ships it plans to acquire during hearings, the conferees agreed that notification of proposed acquisitions should be provided to the Committees on Armed Services of the Senate and House of Representatives prior to obligation or expenditure of funds, and direct that the Secretary provide such notice.

The House recedes.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

GENERAL

The Administration requested a total authorization of $33,993,687,000 for fiscal year 1985 Research, Development, Test and Evaluation (RDT&E) appropriations. The conferees agreed on a total authorization of $32,080,263,000 for the RDT&E program, a reduction of $1,913,424,000 from the Administration's request. The following tables summarize the conference actions.

RDT&E SUMMARY

[In thousands of dollars]

	Request	Senate	House	Conference
Army [1]	4,987,860	4,621,310	4,527,344	4,546,675
Navy [2]	9,833,576	9,394,608	8,929,757	9,408,596
Air Force	14,401,955	13,992,507	12,569,215	13,547,311
Defense Agencies [3]	4,770,296	4,566,541	4,249,205	4,577,681
Total, RDT&E	33,993,687	32,574,966	30,275,521	32,080,263

[1] Includes 760 for special foreign currency.
[2] Includes 7,500 for special foreign currency.
[3] Includes 390 for special foreign currency.

CONFERENCE SUMMARY—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

[Dollar amounts in thousands]

Line No. and description	Request	Senate—H.R. 5167 as passed with amendment June 21, 1984	House—H.R. 5167 as passed June 4, 1984	Change from Senate	Conference action
ARMY					
39 Tactical ADP Technology	7,893	7,893	0	−7,893	0
49 Aircraft Avionics Equipment	30,259	27,259	30,259	+3,000	27,259
53 Airdrop Advancement	4,965	3,965	4,965	+1,000	4,965

CONFERENCE SUMMARY—RESEARCH, DEVELOPMENT, TEST AND EVALUATION—Continued

[Dollar amounts in thousands]

Line No. and description	Request	Senate—H.R. 5167 as passed with amendment June 21, 1984	House—H.R. 5167 as passed June 4, 1984	Change from Senate	Conference action
57 Missile/Rocket Components	30,119	20,119	25,456	+5,337	22,619
60 Army Development and Employment Activity	42,517	0	42,517	+42,517	0
66 Combat Vehicle Armor/Anti-Armor	52,385	42,385	52,385	+10,000	52,385
71 Manpower and Personnel	17,026	12,026	17,026	+5,000	17,026
73 Anti-Radiation Missile Countermeasures	(—)	(—)	−5,391	−5,391	(—)
74 Human Factors in Training	10,376	5,376	10,376	+5,000	7,876
78 Test, Measurement, And Diagnostic Equip Devel	4,767	0	4,767	+4,767	4,767
95 Greater Slope	58,252	48,252	58,252	+10,000	48,252
96 Advanced Rotorcraft Tech Integration/LHX	48,603	43,603	48,603	+5,000	48,603
97 Joint Anti-Tactical Missile	92,335	32,335	15,000	−17,335	32,335
98 Surface-to-Surface Missile Rocket System	35,384	45,384	35,384	−10,000	45,384
102 Advanced Anti-Tank Weapon System	24,901	24,901	19,000	−5,901	24,901
111 Electric Power Sources	11,874	7,000	9,000	+2,000	7,974
121 Command and Control	20,649	20,649	4,300	−16,349	20,649
123 Tactical Electronic Countermeasures System	(—)	(—)	−33,846	−33,846	−33,846
128 Soldier Support/Survivability	7,095	4,000	5,000	+1,000	4,495
141 Aircraft Propulsion System	26,518	21,518	26,518	+5,000	24,518
147 Aircraft Component Improvement Program	14,630	13,630	14,630	+1,000	13,630
148 Stinger	13,898	5,000	0	−5,000	5,000
150 Heliborne Missile	454	454	0	−454	454
153 Multiple Launch Rocket System	1,851	1,851	0	−1,851	1,851
155 Joint Tactical Fusion Program	(—)	(—)	−46,281	−46,281	−23,000
156 High Technology Light Division	58,796	0	58,796	+58,796	0
162 Fighting Vehicle System (BFVS)	16,858	16,858	12,000	−4,858	14,358
170 Field Artillery Ammunition	31,800	31,800	5,800	−26,000	19,950
181 Combat Feeding, Clothing, and Equipment	6,290	3,000	6,290	+3,290	3,000
183 General Combat Support	13,965	13,965	3,500	−10,465	10,000
185 Education and Training	7,740	7,740	10,000	+2,260	10,000
190 RPVs	103,140	96,140	103,140	+7,000	96,140
194 Division Air Defense Command and Control	129,424	49,424	15,524	−33,900	50,838
195 Automatic Test Equipment Development	15,859	0	15,859	+15,859	15,859
197 SINOGARS	11,221	11,221	6,000	−5,221	8,721
202 JSTARS	108,168	102,168	108,168	+6,000	60,100
203 Joint Interoperability of Tactical Systems	51,849	44,149	51,849	+7,700	44,149
205 Heavy Anti-Tank Assault Weapon System (TOW)	9,921	9,921	2,000	−7,921	9,921
— Dragon Warhead Upgrade	0	9,800	0	−9,800	9,800
— Arapaho	0	0	8,000	+8,000	3,000
— Ceramic valves	0	(860)	0	0	860
— Methanol fuels	0	(1,300)	0	0	1,300
235 Kwajalein Missile Range	154,765	144,765	154,765	+10,000	154,765
237 Support of Development Testing	52,060	45,500	52,060	+6,560	45,500
240 Support of Operational Testing	60,625	51,500	60,625	+9,125	51,500
241 Programwide Activities	110,059	70,000	110,059	+40,059	90,059
244 DARCOM Ranges/Test Facilities	350,988	320,000	330,988	+10,988	325,998
246 DOD High Energy Laser Systems Test Facility	39,399	39,399	19,399	−20,000	33,000
252 Industrial Preparedness	103,964	103,964	83,964	−20,000	103,964
Force Development Initiatives:					
— Armor Division	0	20,000	0	−20,000	10,000
— Mechanized Infantry Division	0	20,000	0	−20,000	10,000
— Airborne Infantry Division	0	10,000	0	−10,000	5,000
— Air Assault Division	0	10,000	0	−10,000	5,000
— Motorized Division	0	20,000	0	−20,000	15,000
— Light Infantry Division	0	10,000	0	−10,000	10,000
— Classified Programs	(—)	(—)	−458	−458	(—)
— Fuel Adjustment			−1,300	−1,300	−1,600
Items not in dispute	2,994,218	2,972,396	2,972,396		2,972,396
Total, RDT&E, Army [1]	4,987,860	4,621,310	4,527,344	−93,966	4,546,675
NAVY					
2 Defense Research Sciences	324,048	324,048	310,000	−14,048	324,048
3 Tactical Directed Energy Tech	10,431	10,431	3,500	−6,931	7,000
6 Surf/Aerospace Wpnry Tech	29,960	29,960	24,133	−5,827	27,000
9 Undersea Warfare Weaponry Tech	35,483	35,483	25,000	−10,483	35,483
10 U/S Target Surv Tech	45,690	39,690	45,690	+6,000	39,690
11 Surf/Aerospace Target Surveil	36,387	34,637	32,000	−2,637	32,000
13 Countermeasures Technology	30,829	30,829	10,000	−20,829	23,829
15 Human Factors and Simulation Tech	7,967	6,967	7,967	+1,000	6,967
21 Personnel and Training Tech	6,456	5,456	6,456	+1,000	5,456
27 Environmental Application	8,287	6,287	8,287	+2,000	6,287
30 Advance Aircraft Subsystems	6,780	5,780	6,780	+1,000	5,780
35 Ship Prop System (Adv)	47,703	43,703	65,703	+22,000	58,703
38 Conventional Munitions	14,323	10,323	4,000	−6,323	10,323
39 Joint Service DOD Development	7,979	6,979	7,979	+1,000	6,979
41 Oceanog Instrumentation	5,867	3,367	5,867	+2,500	3,367
42 Medical Development	12,785	10,785	11,070	+285	10,785
43 Manpower Control System	5,020	2,520	5,020	+2,500	2,520
44 Advanced Marine Biological	5,186	4,686	5,186	+500	4,686
45 Ocean Eng Tech Dev	18,876	16,876	18,876	+2,000	16,876
46 Education and Training	5,008	3,508	5,008	+1,500	3,508
47 Environmental Prot	10,517	8,017	10,517	+2,500	8,017
54 Manufacturing Tech	68,499	50,599	55,000	+4,401	50,599
— Lighter than Air Technology	0	5,000	0	−5,000	5,000
— Undistributed Reduction			−53,600	−53,600	−53,600
57 Trident II	2,091,113	2,086,113	2,051,113	−35,000	2,075,113
58 Strategic Technical Support	8,708	6,408	7,708	+1,300	6,408
59 FBM System	40,391	35,391	30,000	−5,391	32,500
60 SSBN Security	48,862	43,862	48,862	+5,000	46,362
61 Trident I	41,199	29,999	30,000	+1	30,000
63 Navy Strategic Communications	106,535	116,535	29,430	−87,105	99,430
66 WIS Modernization	14,867	0	14,867	+14,867	0
67 Airborne Electronic Warfare Equipment	67,335	64,335	65,335	+1,000	64,335
74 CV ASW Module	5,289	4,289	5,289	+1,000	4,289
75 Air ASW	2,384	0	2,384	+2,384	2,384
76 JVX	198,495	198,495	178,495	−20,000	188,495
77 A–6E Improvements	19,633	69,633	0	−69,633	69,633
— Navy Attack Aircraft	0	0	15,000	+15,000	0
80 Tactical Air Reconnaissance	13,277	10,177	13,277	+3,100	10,177

CONFERENCE SUMMARY—RESEARCH, DEVELOPMENT, TEST AND EVALUATION—Continued

[Dollar amounts in thousands]

	Line No. and description	Request	Senate—H.R. 5167 as passed with amendment June 21, 1984	House—H.R. 5167 as passed June 4, 1984	Change from Senate	Conference action
81	Aircraft Survivability and Vulnerability	29,493	22,493	27,993	+5,500	24,500
85	Adv Surface/Air Missile (ASAM)	9,040	4,040	0	−4,040	4,040
86	Submarine ASW SCW	61,659	41,659	61,659	+20,000	51,659
88	BGAAWC	12,991	9,991	12,991	+3,000	10,500
90	Surface MCM	30,276	29,276	29,121	−155	29,276
92	Sub Sonar Development (Adv)	31,252	21,344	21,344	0	27,252
101	Submarine Support Equipment Program (Arctic Warfare)	12,375	12,375	8,000	−4,375	10,375
105	Ship Systems Engineering Standards	4,834	4,834	11,834	+7,000	6,100
110	Link Dogwood	22,753	19,753	0	−19,753	0
114	Submarine Tactical Warfare System	21,736	21,736	17,000	−4,736	20,736
117	Amphib Assault Craft	4,571	0	4,571	+4,571	2,000
125	DDG–51	124,585	114,585	120,000	+5,415	119,585
126	Joint Advanced Systems	137,009	133,009	0	−133,009	0
127	Mine Development	0	1,000	0	−1,000	1,000
129	Marine Corps Assault Vehicle	54,553	42,553	54,553	+12,000	42,553
135	Anti-Sub Warfare Signal Proc	9,381	0	9,381	+9,381	9,381
137	Command & Control (Adv)	27,384	14,884	15,000	+116	15,000
140	Facilities Improvement	10,477	8,977	8,763	−214	8,977
150	LRAP	10,576	8,576	10,576	+2,000	10,576
152	RDSS	11,766	10,766	11,766	+1,000	10,766
153	Avionics Development	15,033	12,033	11,000	−1,033	11,500
154	IFF Systems development	15,213	15,213	10,000	−5,213	12,000
156	Helicopter Development	16,518	14,518	13,518	−1,000	13,518
157	AV–8B (Engineering)	70,447	60,047	60,000	−47	60,000
159	S–3 Wpn System Improvement	42,102	42,102	30,000	−12,102	37,102
161	Airborne ASW Development	24,346	20,346	24,346	+4,000	21,346
162	Aircraft IR Signature Suppression	9,290	6,290	5,000	−1,290	5,600
163	P–3 Modernization	37,388	22,388	37,388	+15,000	30,000
164	ABN Electronic Warfare Engineering	49,442	45,442	28,000	−17,442	42,442
168	CV ASW Helo	44,516	25,016	20,000	−5,016	25,016
169	Aircraft propulsion (Eng)	35,822	35,822	20,000	−15,822	32,000
172	Acoustic Search Sensors (Eng)	31,240	21,240	31,240	+10,000	26,240
175	Life Support equipment	13,872	13,872	9,872	−4,000	13,000
177	AWG–9 Update	7,926	0	7,926	+7,926	0
178	Aircraft Engine Component Improvement Program	90,011	89,011	90,011	+1,000	90,000
179	MK–92 FCS Upgrade	19,295	39,295	35,795	−3,500	37,795
182	CG–47 Product Improvement	55,593	49,593	40,000	−9,593	49,593
183	Link Ash	19,729	17,229	19,729	+2,500	18,700
184	AMRAAM	35,685	20,685	20,000	−685	20,000
187	Air-to-Air Missile Systems Eng	3,888	3,888	0	−3,888	3,888
192	SM–2 (N)	25,679	0	25,679	+25,679	10,000
194	Tomahawk	81,501	75,101	75,134	+33	75,101
195	5" Rolling Air Frame Missile	6,544	6,544	4,000	−2,544	5,000
198	New Threat Upgrade	51,783	48,783	51,783	+3,000	48,783
205	Communications System	7,991	6,991	5,000	−1,991	5,000
217	Ship Dev (Eng)	101,275	96,275	85,000	−11,275	96,275
218	NATO Sea Gnat	3,733	3,733	0	−3,733	1,800
219	Shipboard EW Improvement	49,819	44,819	43,148	−1,671	44,819
224	Mine Development (Eng)	18,841	13,841	18,841	+5,000	15,000
228	Semi-Active Laser Guided Projectile/EO Sensor Development	45,511	45,511	30,000	−15,511	40,000
229	Bomb Fuze Improvement	6,852	5,852	6,852	+1,000	6,300
230	Adv Lightweight Torpedo (Eng)	147,316	147,316	133,000	−14,316	147,316
233	MC Assault Vehicle	11,935	9,435	17,935	+8,500	11,935
234	MC Ground Combat/Sup Arms System	3,553	3,553	11,553	+8,000	7,553
237	Chalk Banyam	10,657	8,657	10,657	+2,000	9,657
239	Command and Control (Eng)	53,558	50,558	53,558	+3,000	50,558
242	Surface Warfare Training	31,834	26,834	31,834	+5,000	26,834
246	Command/Control/Communication System	32,771	29,771	32,771	+3,000	29,771
251	JINTACCS	16,263	11,763	0	−11,763	11,763
254	Fleet Tac D&E	16,353	14,853	16,353	+1,500	14,853
260	F/A–18 Squadrons	19,798	34,798	9,000	−25,798	30,000
261	Early Warning Aircraft Squadrons	39,149	36,149	39,149	+3,000	37,649
263	Fleet Telecomm (Tac)	75,346	70,346	75,346	+5,000	70,346
267	Underseas Surveillance	29,725	28,225	29,725	+1,500	28,225
268	SURTASS	5,751	0	5,751	+5,751	3,751
270	Navy Cover & Deception	24,923	24,923	20,000	−4,923	24,923
271	Electronic Warfare	14,254	13,254	11,000	−2,254	13,100
272	Counter C³ Development	30,189	28,189	16,000	−12,189	27,689
273	HARM Improvement	19,569	19,569	0	−19,569	19,569
274	JTIDS	141,699	136,699	120,000	−16,699	136,699
278	A/C Equipment Reliability/Maintainability Program	8,455	8,455	7,597	−858	8,000
279	Submarine Silencing	31,657	31,657	19,657	−12,000	29,657
284	F–14A	293,975	278,975	280,000	+1,025	278,975
286	Electronic Warfare Counter-Response	44,111	40,111	32,000	−8,111	40,000
—	Marine Low-cost FLIR	0	12,000	0	−12,000	12,000
—	Penguin Missile	0	14,600	16,500	+1,900	14,600
—	T–700 engine	0	17,000	0	−17,000	10,700
—	Rotary Engine	0	0	5,000	+5,000	0
—	Joint Service Rotary Engine	0	6,000	0	−6,000	6,000
—	Low Cost Anti Radiation Seeker	0	0	25,000	+25,000	14,736
—	Advanced Submarine Tech	0	0	30,000	+30,000	30,000
—	C–130 Tacamo Avionics Mod	0	0	15,000	+15,000	0
—	Submarine Laser Communication	0	0	5,000	+5,000	2,500
—	Undistributed Reduction (Marine Corps programs)		−10,700		+10,700	−5,350
—	Joint Classified Programs (including Link Dogwood and Joint Advanced Systems)					190,000
300	C³ Systems Planning	6,165	5,165	6,165	+1,000	5,165
309	Range Instrumentation and System Devel	20,273	18,273	16,000	−2,273	18,273
310	Tgt Systems Devel	84,197	82,197	84,197	+2,000	82,197
311	Trng and Pers Sys Dev	5,636	4,636	5,636	+1,000	4,636
324	RDT&E Lab and Facilities Mgmt	64,569	50,069	50,000	−69	55,069
326	RDT&E Ships & Aircraft Support	84,737	78,737	71,000	−7,737	78,737
332	Def Meteorological Satellite Program	21,482	21,482	10,000	−11,482	21,482
—	FY 1984 Carryover (RACER)			−20,000	−20,000	−15,000
—	Classified Programs	(—)	(—)	−9,845	−9,845	(—)
Undistributed Reduction			−27,248	−31,603	−4,355	−31,603
Items not in dispute		3,377,911	3,283,808	3,283,808		3,283,808

CONFERENCE SUMMARY—RESEARCH, DEVELOPMENT, TEST AND EVALUATION—Continued

[Dollar amounts in thousands]

Line No. and description	Request	Senate—H.R. 5167 as passed with amendment June 21, 1984	House—H.R. 5167 as passed June 4, 1984	Change from Senate	Conference action
Total, RDT&E,Navy [2]	9,833,576	9,394,608	8,929,757	−464,851	9,408,596
Total Transfers	(0)	(0)	(0)	(0)	(13,000)
AIR FORCE					
1 In-House Independent Research	16,826	15,026	15,000	−26	15,000
10 Rocket Propulsion	40,020	40,020	32,000	−8,020	37,000
11 Advanced Weapons	44,794	39,794	33,744	−6,050	39,794
— Undistributed Reduction		−7,200		+7,200	−3,600
17 Advanced Avionics for Aircraft	21,822	20,822	20,000	−822	20,000
18 Flight Vehicle Technology	20,917	18,917	15,617	−3,300	15,617
23 Special Power Systems	1,000	1,000	0	−1,000	0
26 Crew Systems Tech	10,726	10,726	9,726	−1,000	10,200
28 Adv Fighter Tech Integration	18,954	18,954	3,700	−15,254	18,954
29 Lincoln Laboratory	23,700	23,700	20,000	−3,700	21,500
30 Advanced Systems Integration Demonstration	33,155	31,655	27,155	−4,500	30,000
32 Space and Missile Rocket Propulsion	5,547	3,547	0	−3,547	2,000
33 Adv Missile Subsystems Demonstration	1,234	1,234	0	−1,234	600
37 Space Biotechnology	700	700	0	−700	0
38 Advanced Spacecraft Technology	30,726	12,726	6,900	−5,826	6,900
39 Advanced Military Spaceflight Technology	2,829	1,029	0	−1,029	1,029
41 Missile Surveillance Tech	6,985	6,985	0	−6,985	3,000
42 Very High Speed Integrated Circuits	119,978	119,978	150,000	+30,022	150,000
44 Advanced Radiation Technology	12,399	6,199	0	−6,199	5,000
47 Electronic Warfare Tech	22,105	22,105	38,105	+16,000	30,105
48 Civil/Environmental Engineering Tech	17,247	14,247	16,447	+2,200	15,300
56 DOD Software Engineering Institute	7,983	7,983	5,000	−2,983	7,983
— Undistributed Reduction		−9,000		+9,000	−9,000
58 Common Strategic Rotary Launcher	77,304	69,304	0	−69,304	69,304
60 Advance Strategic Missile System	108,304	118,304	98,304	−20,000	113,000
61 Advance Concepts	(—)	(—)	−350,000	−350,000	−100,000
63 Advanced Air-to-Surface Missile	58,418	28,418	20,000	−8,418	25,000
69 Special Improvement Projects	(—)	(—)	−108,000	−108,000	−30,000
70 B–1B	508,277	508,277	400,000	−108,277	465,000
71 ICBM Modernization	2,440,786	2,363,486	2,340,786	−22,700	2,345,000
72 Strategic Conventional Standoff Capability	21,619	21,619	86,619	+65,000	34,199
73 Air Launched Cruise Missile	28,039	25,039	49,039	+24,000	25,039
74 Space Defense Systems	143,278	143,278	120,000	−23,278	143,278
81 SAC Communications	1,546	3,092	1,546	−1,546	3,092
86 Surveillance Radar Stations/Sites	11,890	9,890	11,890	+2,000	9,890
87 DEW Radar Stations	63,094	62,094	30,000	−32,094	46,000
97 MEECN	116,920	111,920	116,920	+5,000	111,920
99 AFSATCOM	141,592	127,592	141,592	+14,000	127,592
113 Adv Attack Weapons	20,024	20,024	0	−20,024	12,000
120 C³ Countermeasures Adv Sys	994	994	0	−994	500
123 Aircraft Avionics Equipment Development	25,803	20,009	20,000	−9	20,000
125 Aircraft Equipment Devel	12,047	12,047	4,694	−7,353	10,000
127 Electronic Warfare Counter-Response	23,917	19,517	10,917	−8,600	17,500
129 Alternate Fighter Engine	56,943	54,943	34,943	−20,000	54,943
— C–5 Demonstration	0	2,000	0	−2,000	2,000
131 Modular Automatic Test Equipment	15,798	14,798	15,798	+1,000	14,798
133 Aircraft Engine Component Program	149,785	146,585	149,785	+3,200	148,785
134 Defense Suppression Weapons Engineering	14,795	4,795	0	−4,795	4,000
141 Armament Ordnance Development	20,764	18,764	20,764	+2,000	18,764
151 Life Support System	15,649	13,649	15,649	+2,000	13,649
153 Reconnaissance Equipment	9,631	9,631	8,780	−851	8,780
155 Tac C³ Countermeasures	28,100	25,100	21,513	−3,587	23,800
157 Surface Defense Suppression	24,533	24,533	10,000	−14,533	17,000
158 Airborne Self-Protection Jammer	29,149	29,149	18,041	−11,108	29,149
159 Protective Systems	48,565	45,565	69,500	+23,935	58,565
160 Tactical Protection Systems	86,631	82,631	20,631	−62,000	39,000
161 Computer Resources Management Technology	12,358	9,858	9,358	−500	9,358
167 JSTARS	94,966	94,966	0	−94,966	94,966
171 F–111 Squadrons	71,942	71,942	46,000	−25,942	60,000
172 F–15 Squadrons	82,867	229,767	60,000	−169,767	189,767
173 A–10 Squadrons	4,108	4,108	2,000	−2,108	3,108
174 Fighter Derivative Aircraft	146,950	0	90,000	+90,000	0
175 F–16 Squadrons	83,428	107,428	67,228	−40,200	95,000
176 F–4G Wild Weasel Squadrons	55,267	55,267	30,000	−25,267	55,267
177 Tactical Air-to-Ground Missiles	3,695	3,695	0	−3,695	3,695
181 Airborne Warning and Control System	76,595	74,595	40,000	−34,595	65,000
182 Adv Communication System	86,963	86,963	52,500	−34,463	76,000
183 Tac Air Intell System Activities	1,579	1,579	579	−1,000	579
185 Seek Axle	(—)	(—)	−45,000	−45,000	−20,000
189 Joint Tactical Communications (TRI–TAC)	11,467	11,467	8,100	−3,367	10,000
191 Have Flag	(—)	+33,000	(—)	−33,000	(—)
199 MAC Command/Control System	4,413	4,413	3,413	−1,000	3,913
201 Space Communication	44,413	44,413	40,413	−4,000	42,413
202 NAVSTAR Global Positioning System	60,970	60,970	55,000	−5,970	58,000
211 Intel Comm & Def Spec Security	(—)	−1,105	−1,105	0	−1,105
215 Electromagnetic Compatibility Analyses Center	7,764	7,764	6,900	−864	7,200
217 Special Activities	(—)	−48,000	−245,800	−197,800	−146,300
225 Weather Systems	8,283	8,283	6,283	−2,000	8,283
227 Flight Simulator Development (F–15E)	149,880	154,080	128,168	−25,912	150,000
228 Space Shuttle	345,764	345,764	329,385	−16,379	345,764
231 Range Improvement	16,771	15,771	16,771	+1,000	15,771
232 Electromagnetic Radiation Test Facility	7,811	6,911	7,811	+900	6,911
233 Improved R&D	75,054	70,754	75,054	+4,300	70,754
238 Nav/Radar/Sled Track Test Support	18,749	17,649	18,749	+1,000	17,649
239 Acquisition and Command Spt	354,130	353,330	318,281	−35,049	333,281
240 T&E Support	437,464	419,364	407,464	−11,900	413,000
241 Adv Systems Engineering/Plan	3,631	3,631	2,500	−1,131	2,500
243 Productivity Improvement	6,139	6,139	0	−6,139	3,000
247 Satellite Control Facility	99,224	99,224	87,000	−12,224	94,224
248 Space Boosters	20,356	20,356	13,000	−7,356	20,356
253 Industrial Preparedness	61,859	57,859	56,000	−1,859	56,000
255 Producibility/Reliability/Availability/Maintainability	14,865	13,865	14,865	+1,000	13,865

CONFERENCE SUMMARY—RESEARCH, DEVELOPMENT, TEST AND EVALUATION—Continued

[Dollar amounts in thousands]

Line No. and description	Request	Senate—H.R. 5167 as passed with amendment June 21, 1984	House—H.R. 5167 as passed June 4, 1984	Change from Senate	Conference action
— Undistributed Reduction		−52,000		+52,000	(—)
— High Spot Surveillance Drone	0	0	3,000	+3,000	0
— Classified Program	0	0	5,000	+5,000	4,000
— JTIDS TDMA Voice	0	0	15,000	+15,000	0
— Autonomous Terminal Homing	0	0	0	0	14,000
Fuel Adjustment			−2,000	−2,000	−2,000
Undistributed Reduction		−14,000		+14,000	0
Items not in dispute	7,173,382	7,074,243	7,074,243		7,074,243
Total, RDT&E, Air Force	14,401,955	13,992,507	12,569,215	−1,423,292	13,547,311
DEFENSE AGENCIES					
1 Intelligent Systems (DRS)	102,500	102,500	80,700	−21,800	80,700
5 Strategic Technology	150,700	150,700	160,700	+10,000	182,200
6 Tactical Technology	109,000	104,300	109,000	+4,700	109,000
11 Nuclear Monitoring	20,500	20,500	16,500	−4,000	18,500
12 Defense Nuclear Agency	347,014	347,014	342,014	−5,000	347,014
18 Joint DOD–DOE Munitions Tech	10,000	10,000	0	−10,000	10,000
19 Exp Eval of Major Innovative Tech	204,300	194,300	204,300	+10,000	194,300
— Autonomous terminal homing	0	24,200	0	−24,200	0
30 Cryptologic activities	(—)	−19,255	−55,323	−36,068	−28,659
— Classified Project (DMA)	(—)	−5,000	(—)	+5,000	−5,000
37 Emergency Preparedness	3,950	3,950	0	−3,950	0
39 Defense Reconnaissance Spt Activities	380,713	367,913	343,713	−24,200	363,713
— Defense Intelligence Agency	(—)	(—)	3,349	+3,349	+3,400
43 Special Technology Office	7,950	4,950	7,950	+3,000	7,950
44 CI and Special Technology	10,136	0	5,000	−5,000	5,000
45 Manufacturing Technology	3,100	1,236	3,100	+1,864	2,000
46 Tech Spt to USDR&E	21,421	21,421	51,421	+30,000	51,421
47 PA&E Support	3,231	2,431	2,000	−431	2,200
48 Support to Policy	7,714	6,114	4,714	−1,400	6,114
49 General Support for Net Assessment	4,801	4,801	3,801	−1,000	3,801
50 General Support MRA&L	2,939	2,439	2,939	+500	2,000
Strategic Defense Initiative		−150,000	−407,000	−257,000	−150,000
13 Surveillance Acquisition and Tracking			(−317,060)		
14 Directed Energy Wpns			(−30,000)		
15 Kinetic Energy Wpns			(−60,000)		
Undistributed reduction		−5,300	−10,000	−4,700	−5,300
Items not in dispute	3,318,327	3,318,327	3,318,327		3,318,327
Total, RDT&E, Defense Agencies [3]	4,708,296	4,507,541	4,187,205	−320,336	4,518,681
Director, Test and Evaluation:					
1 Foreign Weapons Evaluation	12,000	12,000	0	−12,000	12,000
2 Test and Evaluation	50,000	47,000	0	−47,000	47,000
— Director of Operational Test and Evaluation	0	0	62,000	+62,000	0
Total, Director Test and Evaluation	62,000	59,000	62,000	+3,000	59,000

[1] Includes 760 for special foreign currency.
[2] Includes 7,500 for special foreign currency.
[3] Includes 390 for special foreign currency.

ITEMS OF SPECIAL INTEREST

A–6E upgrade

The Administration requested $19.6 million for modernization of the Navy A–6E attack aircraft. The House bill provided no funding for the A–6E modernization but authorized $15 million for the evaluation of a modified F–14 aircraft for the Navy attack mission. The Senate authorized $69.6 million, an additional $50 million above the request for A–6E modernization.

The conferees agreed on an authorization of $69.6 million for A–6E modernization. In providing this authorization, the conferees further agreed that no funds shall be obligated or expended until the Secretary of the Navy has submitted to the Committees on Armed Services of the Senate and House of Representatives a report containing the information requested in the respective authorization committees' reports. Furthermore, to avoid unnecessary delays in the development schedule, the conferees recommend the Navy utilize partially assembled production aircraft as prototypes for the modernization program.

Advanced antitank weapon system

The Army requested authorization of $24.901 million for the Advanced Anti-Tank Weapon System.

The House bill reduced the authorization of $19.0 million; the Senate amendment provided authorization for the full request.

The conferees agreed to the Senate position to provide full authorization with the understanding that $5 million be used only for the investigation and evaluation (to include test firings) of foreign systems currently in production, to include the French developed DARD 120 millimeter close range anti-tank weapon.

Advanced communications system

The House bill reduced the Air Force request for $86.963 million for the Advanced Communications system to $52.5 million; the Senate amendment provided the full amount requested.

The conferees agreed to an authorization of $76 million for the Advanced Communications System projects.

The conferees agreed that no funds shall be obligated or expended for aircraft integration of the Enhanced JTIDS System (EJS) until the Secretary of Defense has submitted to the House and Senate Committees on Armed Services a report assessing the projected threat to Army, Navy and Air Force tactical aviation units and assuring the committees that the approach planned by the Department of Defense to achieve secure anti-jam voice communications is cost effective.

This report shall be submitted as early as possible but no later than March 1, 1985.

Antitactical missile

The House bill reduced the Army's request for $92.335 million for the Joint Anti-Tactical Missile (ATM) program to $15 million. The Senate amendment reduced this program to $32.335 million. The conferees agreed that the Department of Defense has failed to define and fully justify this program as required by the conference report on the Defense Authorization Act for fiscal year 1984.

The conferees agreed to an authorization of $32.335 million to be used only to carry out the near-term ATM program consistent with the guidance provided in the Senate report on S. 2723 (S. Rept. 98–500). The long-term ATM requirement is to be carried out in accordance with the guidance provided in the House report on H.R. 5167 (H. Rept. 98–691).

Army light division

The Army requested $101.313 million for its Advanced Development and Employment Agency (ADEA) and its High Technology Light Division (HTLD) programs.

The House bill provided full authorization for these two programs; the Senate amendment denied authorization for both programs.

The Army has indicated its intention to establish a new light division within existing end strength. The conferees endorse this decision. However, consistent with the discussion in the Senate report on S. 2723, (S. Rept. 98-500) the conferees have some concerns with respect to this decision and believe that the Army should proceed with deliberate caution before deciding to establish more of these divisions and before finally deciding how to man and equip such a division. In addition, the Army should carefully examine the impact that this decision would have on the necessary support forces. The conferees endorse the requirement in the Senate report for a report on this issue.

In consonance with this approach, the conferees agree that the Advanced Development and Employment Agency (ADEA), created to expedite the establishment of a new High Technology Light Division (HTLD), should be disestablished, because the Army has decided to organize the 9th Infantry Division as a one-of-a-kind motorized division. The conferees concur in the Senate guidance to involve division, brigade and battalion commanders in the process of developing new ideas and new equipment concepts, and authorization for appropriations included in the Senate bill for "Force Development Initiatives" has been included at a level somewhat reduced from that proposed in the Senate bill. The programs formerly included under the program elements for ADEA (PE 63324A) and HTLD (PE 64323A) are disposed of in accordance with the following table.

ADEA/HTLD DISPOSITION OF R&D PROJECTS

[In thousands of dollars]

	Requested	Conference allowance	Transferred to PE number
ADEA (PE 63324A)			
ADEA Distributed Command Post	12,663	8,000	63723A (Tactical C [3]).
Distributed C [3] Processing Tech	11,490	7,000	63723A (Tactical C [3]).
Technology Thrust Integration	4,923	0	
Concepts and Technology Evaluation	13,441	0	
Subtotal	42,517	15,000	
HTLD (PE 64323A)			
AWACS Interface	1,414	1,414	64741A (SHORAD).
Heavy Mortar	13,338	0	
Smart Munitions (GAMP)	13,750	10,000	64631A (Artillery Ammo).
Deception Devices	15,333	0	
Communications (New Start)	9,550	0	
Indirect Sight System (New Start, TOW)	5,411	3,000	23724A (TOW).
Subtotal	58,796	14,414	

The conferees expect that funding authorization under "Force Development Initiatives" for the motorized division will be used to bring on-going projects under the ADEA and HTLD programs to a prudent conclusion.

Automated test equipment

The conferees agreed to provide authorization for the Army request of $4.767 million for the Army Test Measurement and Diagnostic Equipment program and $15.859 million for its Automated Test Equipment program. The conferees expressed concern, however, that the Army remains undecided on maintenance doctrine as it applies to the generation of weapon systems now being fielded. The conferees believe that after two years of Army effort the Automated Test Equipment program remains ill-defined.

The conferees direct that before any of the funds authorized for these two programs are obligated the Secretary of the Army shall submit a report to the Committees on Armed Services of the Senate and House of Representatives providing details on:

Army doctrine for the maintenance of the equipment now being fielded.

The plan for addressing research and development requirements for testing equipment.

The conferees believe that standardization of maintenance equipment is feasible and that, by establishing common specifications for hardware and by accommodating differences through software, the standardization can be accomplished. Consequently, a major research and development program to develop universal test equipment does not appear to be justified.

C-5A aircraft demonstration

The Air Force did not request authorization to establish the full range of capability of the C-5A aircraft from unimproved or short airfields. The House bill provided $2.0 million for this purpose within the amounts authorized for the C-17 airlift program; the Senate amendment contained $2.0 million for this purpose in a separate line item.

The conferees believe that it is essential for the Air Force to realize the full operational potential of the C-5 aircraft especially in light of the substantial shortfall in airlift capabilities. The conferees require, therefore, that the Secretary of Defense complete a demonstration program to clearly establish the operational capabilities of the C-5 aircraft. Although aircraft backing and heavy weight operations appear to be the most promising aspects of such a demonstration program, the Secretary of Defense should ensure that the capabilities of the C-5A aircraft to operate routinely and safely from austere airfields are clarified during this demonstration program.

The conferees agreed to an authorization of $2.0 million for this purpose in a separate line item and to bill language specifying that these funds may be used only for this demonstration program.

Carrier variant antisubmarine warfare helicopter

The House bill would provide authorization of $20 million, a reduction of $24.516 million from the Navy request for the Carrier Variant Anti-Submarine Warfare Helicopter. The Senate amendment would provide $25.016 million.

The conferees agreed to authorization recommended by the Senate amendment with the understanding that this authorization is only for the development of a derivative of the Navy SH-60B helicopter for the carrier variant anti-submarine warfare mission.

The conferees agreed that the Navy should modify a current production SH-60B helicopter to the CV helicopter configuration for use during full-scale engineering development. This action would reduce both development time and costs.

The conferees adopted the legislative provision provided by the House bill that would require that these funds be used only for the SH-60B derivative program.

Defense research sciences

The House bill would provide an authorization level of $310.0 million, a reduction of $14.048 million from the $324.048 million requested by the Navy for its Defense Research Sciences program. The Senate amendment recommended an authorization of $324.048 million.

The conferees agreed to provide the full authorization requested by the Navy with the understanding that the amount restored—$14.483 million—would be used by the Office of Naval Research to strengthen the university research instrumentation and equipment programs, to establish a Navy Young Investigators Research program, to enhance the Graduate Fellowship Program, and to help revitalize the university mathematics program, all in support of present and future Naval interests.

Department of Defense high energy laser systems test facility (HELSTF)

The Army requested $39.399 million for Department of Defense High Energy Laser Systems Test Facility (HELSTF).

The House bill would provide authorization for $19.399 million; the Senate amendment provided the full authorization request.

The conferees agreed to an authorization of $33.0 million with the provision that full funding as planned by the Army for fiscal year 1985 be used for the multi-purpose chemical laser project.

Dragon warhead upgrade

The Army requested no authorization to enhance the performance of the Dragon anti-tank missile.

The House bill provided no authorization for this purpose; the Senate amendment provided authorization of $9.8 million.

The conferees agreed to the Senate position with the understanding that unless the Army takes action to proceed with this warhead upgrade program by April 1, 1985, the $9.8 million would be transferred to the Marine Corps for the same purpose.

Electronic warfare technology

The House bill made reductions in several Navy and Air Force electronic warfare programs. The Senate approved the majority of the Administration's request for electronic warfare programs. Additionally, the House bill recommended an increase in authorization of $16 million for electronic warfare exploratory and advanced development projects to focus attention on the electronic warfare requirements associated with advanced technology platforms. This is discussed further in the classified annex to this report.

Reductions in the Advanced Self-Protection Jamming system (ASPJ), Tactical Protective Systems, Protective Systems, and other programs recommended by the House of Representatives relate to the lack of a Department of Defense coordinated plan for electronic warfare development and production programs. There is concern that U.S. electronic warfare capabilities have not kept pace with advances in Soviet and Warsaw Pact sensor systems.

The conferees agreed that better coordination is required among all four services in identifying electronic warfare requirements and the programs required to address them. The conferees agreed that greater commonality could be achieved to reduce costs and improve capability. Current receiver processors, for example, used in jamming systems, may also function as radar warning receivers. At this time, however, numerous unrelated efforts are underway to develop discrete warning and receiver processor components with little apparent attention being paid to achieving commonality.

Accordingly, the conferees request the Secretary of Defense require the services to develop a comprehensive, coordinated electronic warfare plan that addresses the threat, requirements, potential preplanned product improvement programs, operational integration of U.S. electronic warfare systems, the prospects for commonality and joint systems, and other relevant factors. This plan should be submitted to the Committees on Armed Services of the Senate and House of Representatives as soon as possible but not later than June 15, 1985.

F-4g wild weasel squadrons

The House bill would reduce the Air Force request for $55.267 million to $30.0 million; the Senate amendment provided authorization for the full request.

The conferees agreed to an authorization of $55.267 million with the understanding that $8 million of this authorization be used to evaluate a new engine for F-4 aircraft. The conferees emphasize that this does not constitute a commitment to an F-4 re-engining program for the U.S. inventory of F-4s.

Global positioning system (GPS)

Because of the numerous implementation problems associated with the recovery of a portion of Global Positioning System costs from non-DOD users, the conferees agree that the user fee requirement established in the fiscal year 1982 Department of Defense Authorization and Appropriations Act be rescinded. In view of the expected widespread civil use of GPS, however, the conferees direct the Department of Defense to conduct a study to determine whether the Department of Defense should retain management responsibility for the Global Positioning System, or whether it should be transferred to another federal agency. The results of this study should be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than the submission date of the fiscal year 1986 budget request.

ICBM modernization

The conferees commend the Air Force for progress made over the last year on the small ICBM program. The conferees note the substantial effort made in carrying out the recommendations of the Small Missile Advisory Group on a management approach and acquisition strategy for the small missile. In particular, the conferees endorse the resulting program structure that takes maximum advantage of competition to reduce cost, enhance innovation and maintain schedule control. In this regard, the conferees urge the Air Force to maintain options for guidance systems.

While continuing to ensure the acquisition strategy of maintaining options, the Air Force is encouraged to take steps to expedite evaluation of environmental impacts so that the earliest possible initial operational capability (IOC) can be achieved. In this regard, the conferees direct that a legislative environmental impact statement on the development of the small ICBM system be prepared, submitted to the appropriate committees of Congress, and considered by the Department of Defense prior to any decisions being made on full scale development or basing area selections. The legislative environmental impact statement shall address the peacetime environmental impacts of alternate basing modes and deployment area. In addition, site specific administrative environmental impact statements shall be prepared covering the deployment and peacetime operation of the small ICBM prior to decisions being made on deploying the system at particular locations within the chosen areas.

Joint service rotary engine development

The administration did not request authorization of funds in fiscal year 1985 for research and development of the rotary engine.

Section 203(a)(6) of the House bill specifies that $5.0 million of the amount authorized for the Navy would be available only for the development of the rotary engine for Army and Marine Corps applications.

The Senate amendment would authorize $6.0 million for research and development of Joint Service Rotary Engine Development with the Navy directing this program as a joint service effort.

The conferees agreed to authorize $6.0 million for research and development of Joint Service Rotary Engine Development and to specify in bill language that these funds could be used only for the development of the rotary engine for Army, Navy, and Marine Corps applications.

Joint surveillance target attack radar system (JSTARS)

The Administration requested $108.168 million for the Army and $94.9 million for the Air Force for the development of the Joint Surveillance Target Attack Radar System (JSTARS). The House authorize $108.168 million for the Army and no funds for the Air Force for JSTARS development. The Senate authorized $102.168 million for the Army and $94.966 million for the Air Force.

Subsequent to the submission of the fiscal year 1985 Defense Authorization request, the Army and Air Force agreed that rather than developing a different aircraft for each service, a single Air Force aircraft could meet the needs of both. The conferees endorse this cooperative approach.

Combining Army and Air Force requirements into a single program reduces the fiscal year 1985 required funding by $48 million. The conferees, therefore, recommend an authorization of $60.1 million for the Army and $94.966 million for the Air Force for research and development of JSTARS. Of the funds authorized for the Army, $20 million shall be made available to the Air Force only for development of the JSTARS radar.

Joint tactical fusion

The House bill reduced the Army request for the Joint Tactical Fusion program by $46.3 million and directed that the program be restructured to reduce costly program management overhead and be reoriented to a less expensive lighter weight and more easily transported system being examined for the Army light divisions.

The Senate amendment authorized the full request.

The conferees agreed to a reduction of $23.0 million with the stipulation that the program be restructured and reoriented as directed by the House report on H.R. 5167 (H. Rept. 98-691).

Lighter than air technology

No authorization was requested by the Department of Defense for the fiscal year 1985 Lighter Than Air Technology program.

The House bill would provide an authorization of $3 million for the Air Force for the purpose of developing a high altitude surveillance vehicle system. The Senate amendment would provide $5 million for the Navy for this purpose. The conferees agreed with the Senate provision to provide $5 million in authorization to the Navy to explore the potential contribution of ligher-than-air technology for surveillance and targeting in support of naval missions.

Low-cost seeker (LCS)

The House bill provided authorization for $25 million for research and development of a low-cost seeker (LCS) for the High Speed Anti-Radiation Missile (HARM). The House bill contained a provision (sec. 203.(a)) restricting the use of this authorization for the LCS.

The House bill provided no authorization for the Navy's HARM Improvement program or for the Air Force Defense Suppression Weapons Engineering Development program; the Senate amendment provided the full authorization request of $19.569 million and $4.795 million respectively, for these two programs.

The conferees provided authorization of $46.422 million. This authorization consists of $14.686 million from the HARM Improvement program; $4.0 million from the Defense Suppression Weapons Engineering program; $14.736 million from the $25 million authorized by the House bill and $13.0 million from fiscal year 1984 Navy carry over appropriations. Sections 203(a)(5) and 204(3) requires that this authorization be used only for this purpose.

M-1 tank track

In the House report accompanying H.R. 5167 (H. Rept. 98-691), the Army was requested to test a track of West German design on the U.S. M-1 tank. The House conferees have been advised that the West German track provides longer life with simplified maintenance at a lower operating costs than the current M-1 tank track. A tank track of the same or similar design is used by every NATO nation except the United States.

The conferees concurred with the House position that early test and analysis of the applicability of the German track to the M-1 tank is essential. The conferees require, therefore, that the Secretary of the Army conduct such a comprehensive operational test and report the results to the Committees on Armed Services of the Senate and the House of Representatives by June 1, 1985.

Manufacturing technology

The Senate Armed Services Committee report included language expressing support for the Manufacturing Technology program and encouraged the Navy to continue to support improved ship manufacturing techniques and advanced composites manufacturing.

The conferees also express support for this program and urge the Navy not to reduce funding for Manufacturing Technology below the level authorized and appropriated.

Materials technology

The Senate report (S. Rept. 98-500) accompanying S. 2723 expressed support for the exploratory development of new materials, including metal matrix and carbon-carbon composites.

The conferees agreed that these advanced materials have promising near-term potential to reduce weight and cost and to enhance the survivablity of ships and aircraft. Accordingly, the conferees intend that the authorization provided to the Navy for Materials Technology not be used for any other purpose.

Navy strategic communications

The House bill would reduce the Navy request for $106.535 million to $29.430 million. The Senate amendment would provide authorization of $116.535 million. The House bill would provide no authorization for the development of a derivative of the Boeing 707 commercial airliner referred to as the E-6A, which is intended as a replacement for the current fleet of C-130 Take Charge and Move Out (TACAMO) communications aircraft. The Senate amendment provided authorization for the E-6A aircraft as well as additional authorization of $10 million to accelerate very low frequency communication improvements.

The conferees agreed to an authorization of $99.43 for Navy Strategic Communications. The conferees recognize the increased communications requirements on the TACAMO fleet resulting from the greater operating range of the Trident ballistic missile submarine, and therefore recommend an authorization of $60.0 million for research and development of either the E-6A or an upgraded C-130 aircraft. However, the conferees direct that these funds not be expended until the Secretary of Defense forward a report to the Armed Services Committees of the Senate and House of Representatives that: (1) certifies the Department's commitment to aircraft procurement in the Five Year Defense Plan; and (2) provides an update on the TACAMO Alternatives Study submitted in response to language in the Fiscal Year 1982 Department of Defense Authorization bill. This update should address the most recent information on connectivity (including completing of the Defense Nuclear Agency's study), endurance, survivability and basing, and supportability. In addition, it should address future growth options and requirements, taking into account possible future communications developments, that bear on the choice of an aircraft on into the next decade.

The conferees recommend authorization of $24.7 million, an increase of $10.0 million over the amount requested, to accelerate the very low frequency (VLF) upgrade of the TACAMO mission. This upgrade will greatly enhance the ability to TACAMO aircraft, either the C-130 or the E-6A, to downlink the Emergency Action Message to Trident SSBNs deployed in the Pacific.

New design submarine (SSN-21)

The Navy requested $687.4 million for research and development associated with the development of a new class attack submarine referred to as the SSN-21 (formerly the SSN-X).

Although both the House bill and the Senate amendment made several reductions in authorization for associated new design submarine projects, both committees support the Navy's requirement to develop a follow-on submarine system to the current SSN-688 class.

The House bill also provided additional authorization of $30.0 million for Advanced Submarine Technology and a provision restricting the obligation and expenditure of any funds unless and until the Secretary of the Navy certifies to the Committees on Armed Services of the Senate and the House of Representatives and the new attack submarine would be capable of engaging the known Soviet submarine threat under operational conditions. The basis for the threat assessment leading to this certification would be the current national intelligence estimate as approved by the Director of Central Intelligence.

The conferees agreed with the intent of the House provision as modified to allow the obligation and expenditure of not more than $100 million until submission of the certification to the Committees on Armed Services. In the event such certification is not possible, the Navy is to submit a plan to develop a submarine system that would be capable of engaging the threat together with a request to reprogram whatever funds are required to accomplish this objective.

The conferees emphasize that of any amount appropriated for the Navy's research and development program, the authorization requires that $30 million must be used for the Advanced Technology project.

P-3 modernization

The Navy requested $37.4 million for the modernization of P-3 aircraft.

The House bill provided the full request; the Senate amendment reduced the request to $22.388 million.

The conferees agreed to provide $30.0 million for P-3 modernization with the understanding the Navy will proceed with the development and, if successful, the implementation of the Inverse Synthetic Aperture Radar (ISAR). The conferees are concerned over the development costs of the ISAR and request that the Navy evaluate the cost estimate and report the justification with its submission of the fiscal year 1986 budget request.

Protective systems

The Administration requested $48.5 million for research and development of improved electronic countermeasures for F/FB-111 and B-52 aircraft, for the development of electro-optical equipment for these aircraft and for computer threat simulation for evaluation of electronic warfare equipment. The House authorized $69.5 million, $20.9 million more than requested; the Senate authorized $45.5 million, a reduction of $3 million from the request. The House recommendation included the deletion of the F/FB-111 Protective Systems project.

The conferees agreed to an authorization of $58.565 million for the development of Protective Systems with the understanding that no funds be available for the ALQ-137 development unless and until the Air Force fully evaluates this system relative to the Advanced Self Protective Jammer (ASPJ) System and other alternatives and reports the findings to the Committees on Armed Services of the House of Representatives and Senate. An additional $11.4 million for the exploration of recent technological breakthroughs identified in the classified annex is also provided.

Space boosters

The conferees recommend full funding of $20.36 million in research and development and $25.31 million for procurement for the space booster program, and support the Department of Defense plan to purchase 10 expendable launch vehicles (ELV's) to complement the Shuttle. Although the conferees find that the Shuttle has demonstrated its effectiveness as a space launch system, the conferees do not believe that total reliance on that system for the deployment of crucial military payloads is in the national security interest. The conferees note, however, that the Department of Defense will continue to rely on the Shuttle for the great majority of its space launches.

Stores ejector technology

The House bill would provide $1 million of the funds authorized for the Air Force only for the development of Stores Ejector Technology other than hydraulic technology.

The conferees adopted the House position.

Strategic defense initiative

The Department of Defense requested $1.777 billion for the Strategic Defense Initiative. The House bill would provide authorization of $1.37 billion; the Senate amendment would provide authorization of $1.62 billion.

The House recedes.

Tactical mobility study

Both the report accompanying the House bill and the report accompanying the Senate amendment request the Secretary of Defense to conduct a comprehensive tactical mobility study.

The conferees believe that a period of at least one year should be devoted to this study because of the complexity and difficulty of the effort. The conferees agreed that the final report should be submitted to the Committee on Armed Services of the Senate and House of Representatives not later than February 1, 1986.

Trident II

The conferees strongly endorse the Trident II missile, which by virtue of its survivable basing, range, throw-weight and accuracy, will constitute an important element of our deterrence posture into the next century. To hedge against Soviet ABM capabilities, including the potential for a Soviet breakout of the ABM Treaty, the conferees recommend that $17 million be authorized for sea-launched ballistic missile (SLBM) penetration research, and direct that such research be undertaken on a priority basis.

Very high-speed integrated circuits (VHSIC)

The Air Force requested $119.978 million for the Very High-Speed Integrated Circuits (VHSIC) program.

The House bill would provide authorization of $150.0 million; the Senate amend-

ment would authorize the amount requested.

The conferees agreed that the VHSIC program is essential for improved weapons system reliability and capability. The House conferees noted that because of budget constraints, the Department of Defense intended to defer the initiation of Phase II of the VHSIC program which is intended to explore the possibility of developing and producing submicron (less than one millionth of a meter) integrated circuit technology.

The conferees in recognition of the importance of VHSIC, agreed to the House recommendation. Further, the conferees agreed that of the $150 million authorized for appropriation, $3 million is available for research and development in laser pantography aimed at single day prime scale prototype of submicron size wafer scale integrated circuits for defense applications that require compact ultra high performance ditital data processing systems.

Additionally, the conferees request the Secretary of Defense to develop a plan to be submitted to the Committees on Armed Services of the Senate and the House of Representatives for a program to ensure that VHSIC technology is made available to weapon system developers as VHSIC components become available and mature.

Special legislative provisions in research, development, test and evaluation

The conferees adopted the following legislation provisions that appeared in either the House bill or the Senate amendment.

Provisions relating to Army programs (sec. 202).—The conferees adopted the following provisions contained in section 116 of the Senate amendment:

The provision allowing the Secretary of the Army to proceed with competitive development of a Joint Tactical Missile System and to complete the full scale engineering development of the system by July 1, 1987.

The provisions contained in section 116(g) (1) and (2) of the Senate amendment requiring authorization of $1.3 million for the purchase of new methanol cars for laboratory and fleet tests. The provision also requires the Secretary of the Army to submit to the Committees on Armed Services of the Senate and House of Representatives a written report on the progress of the methanol fuel program not later than September 30, 1985.

Limitation on funds for the Navy (sec. 203).—The conferees adopted the following provisions contained in section 203 of the House bill:

The provision authorizing $45 million only for the Rankine/Cycle Energy Recovery (RACER) System to ensure compatibility of the RACER system with all ships of the DDG-51 class, including the lead ship.

The provision authorizing $25.016 million only for the development of a derivative of the Navy SH-60 helicopter for the aircraft carrier inner-zone anti-submarine warfare helicopter mission.

The provision authorizing $37.795 million only for the Mark 92 Gunfire Control System.

The provision authorizing $30 million only for the Advanced Submarine Technology initiatives to enhance the effectiveness of the Navy new design attack submarine designated SSN-X and subsequent submarines.

The provision authorizing $42.422 million only for continued development of the low cost anti-radiation guidance and control system for the High-Speed Anti-Radiation Missile (HARM) and other delivery vehicles.

The provision authorizing $6 million only for the development of the rotary engine for Army, Navy, and Marine Corps applications.

The provision authorizing $26.603 million only for the development of the Vertical Launch Anti-Submarine Rocket system.

The provision authorizing $2.5 million only for the development of the Submarine Laser Communication System.

The conferees adopted a modified provision of section 203(b) of the House bill. The provision states that of the amount authorized for appropriation in section 203 not more than $100 million may be obligated or expended for research and development of the new design submarine and its associated programs and projects, unless and until the Secretary of the Navy provides to the Committees on Armed Services of the Senate and House of Representatives written certification that, based on current national intelligence estimates approved by the Director of Central Intelligence, the new design attack submarine will be capable under operational conditions of engaging the known Soviet submarine threat.

Limitations on funds for the Air Force (sec. 204).—The conferees adopted the following provisions contained in section 204 of the House bill:

The provision authorizing $129.285 million only for development of the C-17 cargo transport aircraft.

The provision authorizing $2 million only to complete test and evaluation of the C-5 cargo transport aircraft.

The provision authorizing $4 million only for continued development of the low cost anti-radiation guidance and control system for the High-Speed Anti-radiation Missile (HARM) and other delivery vehicles.

Limitation on funds for anti-satellite weapons (sec. 205).—The Air Force requested $143.7 million for anti-satellite weapons.

The House bill reduced the authorization to $120 million; the Senate amendment provided authorization for the full request.

The conferees agreed that none of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to test against an object in space the minature homing vehicle (MHV) anti-satellite warhead launched from an F-15 aircraft unless the President determines and certifies to Congress—

(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest posssible limitations on anti-satellite weapons consistent with the national security interests of the United States;

(2) that, pending agreement on such strict limitations, testing against objects in space of the F-15 launched miniature homing vehicle anti-satellite warhead by the United States is necessary to avert clear and irrevocable harm to the national security;

(3) that such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on anti-satellite weapons; and

(4) that such testing if fully consistent with the rights and obligations of the United States under the Anti-Ballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.

The prohibition on the expenditure of funds provided for in this section shall be removed only when the certifications referred to above have been received by the Congress and 15 calendar days have expired following the date on which such certifications and reports have been received.

The conferees also agreed that, during fiscal year 1985, funds appropriated for the purpose of testing the F-15 launched miniature homing vehicle anti-satellite warhead may not be used to conduct more than two successful tests against an object in space. A "successful test" is one where the ASAT miniature homing vehicle is launched, its booster and seeker work according to specifications, and it intercepts the object. The conferees used the word "successful" to prevent the testing program from being penalized should the booster and/or seeker fail. At the same time, the conferees do not want to create options for near misses of the target. In the event of any test being ruled other than successful, the Secretary of Defense must report immediately to Congress explaining precisely why the test was so ruled.

The conferees agreed to the full request of $143.7 million.

Limitation on funds for the Defense Agencies (see. 206).—The conferees adopted the following provisions contained in section 205 of the House bill:

The provision authorizing $35 million only for the Strategic Laser Communication Technology program.

The provision authorizing $10 million only for the application of free electron laser technology for medical research and material science applications.

The conferees adopted the provision contained in section 116(a) of the Senate amendment authorizing $59 million for the activities of the Director of Test and Evaluation subject to section 1303.

Implementation of law to establish independent Director of Operational Test and Evaluation (sec. 207).—The House bill contained a provision (sec. 1129) that would prohibit the obligation or expenditure of funds appropriated for the activities of the Director of Operational Test and Evaluation until certain conditions were met.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that not more than $20 million of the funds appropriated for the activities of the Director of Test and Evaluation of the Department of Defense, including Foreign Weapons Evaluation, may be obligated or expended until the President has nominated an individual to be Director of Operational Test and Evaluation of the Department of Defense, the Senate has given its advice and consent to the nomination of such individual, and the Secretary of Defense has established within the Department the organizational structure for the Office of the Director of Operational Test and Evaluation, as provided for under section 136a of title 10, United States Code.

TITLE III—OPERATION AND MAINTENANCE

ITEMS OF SPECIAL INTEREST

Stock fund fuel refund

The House bill reduced the Department of Defense operation and maintenance request by $303.1 million due to lower than expected fuel costs in fiscal year 1984. This represents a transfer forward of greater than expected profits in the stock fund to fiscal year 1985 as a refund to the operation and maintenance customer accounts instead of being factored into the fiscal year 1986 fuel rates. The Senate bill contained a reduction in authorization of $365.5 million for the same reason.

Since the time action was taken on the House bill and Senate amendment, significant additional savings in fuel costs have been identified. Therefore, the conferees agreed to a further reduction of $428.1 million.

The allocation of the stock fund fuel refund agreed to by the conferees as well as the allocation contained in the House bill and Senate amendment are shown as follows:

[Amounts in millions of dollars]

Major account	House bill	Senate amendment	Conference action
Army	−18.0	−29.6	−165.5
Navy	−100.0	−120.4	−297.5
Marine Corps	−1.5	−1.9	−1.9
Air Force	−150.0	−173.7	−271.8
Army Reserve	−1.0	−1.1	−1.1
Naval Reserve	−5.9	−7.1	−7.1
Air Force Reserve	−6.0	−6.8	−10.8
Army National Guard	−2.7	−3.3	−6.3
Air National Guard	−18.0	−21.6	−31.6
Total	−303.1	−365.5	−793.6

Foreign currency exchange rate reductions

The House bill reduced the operation and maintenance request for authorization by $282.6 million due to estimated improvements in the value of the dollar in foreign currency markets substantially above the level assumed when the fiscal year 1985 Department of Defense budget was prepared. The Senate amendment contained a total reduction of $479.9 million.

The House recedes.

The conferees agreed to allocate the reduction as follows:

[Amounts in millions of dollars]

Major account	House bill	Senate amendment	Conference action
Army	−205.0	−309.8	−309.8
Navy	−29.2	−58.4	−58.4
Marine Corps	−7.4	−14.8	−14.8
Air Force	−41.0	−94.2	−94.2
Defense Agencies	0	−2.7	−2.7
Total	−282.6	−479.9	−479.9

Support to former Public Health Service hospitals

The House bill reduced the Army and Navy operation and maintenance request by $6 million associated with estimated savings in support to former Public Health Service hospitals that have been redesignated at uniformed services treatment facilities. The Senate amendment authorized the amount requested.

Although the conferees believe near-term savings of this magnitude are uncertain, they intend that the Department of Defense and the services procure the maximum amount of quality medical care possible for each health care dollar expended and plan to monitor closely the costs of operating the uniformed services treatment facilities (as designated by Public Law 97-99 and 98-94) in comparison to both the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) and direct care system.

The conferees are concerned about possible high cost growth in the future and expect the Department of Defense to direct aggressive management attention to this program in the future.

The House recedes.

Navy ship overhauls

The House bill increased authorization by $71 million for two auxiliary ship overhauls that were not contained in the President's request. The Senate amendment reduced authorization from the request by $190.8 million and deleted the scheduled overhaul of a guided missile cruiser.

The conferees believe that the Navy's unfunded backlog of ship overhauls should be eliminated and authorized the induction of all three ships in fiscal year 1985. However, the conferees believe that the authorized Navy Ship overhaul program can be executed for $65 million below earlier estimates due to emerging contract savings and enhanced productivity. Therefore, the conferees agreed to a total increase of $6 million above President's request.

OPERATION AND MAINTENANCE

[Amounts in millions of dollars]

Item	House bill	Senate amendment	Conference action
ARMY			
Request	19,486.5	19,486.5	19,486.5
Stock fund fuel refund	−18.0	−29.6	−165.5
Foreign currency	−205.0	−309.8	−309.8
Stock fund price reestimate	−180.0	−172.8	−172.8
Former public health service hospital	−3.0	0	0
Northern Army group	−2.0	0	0
Master planning	−4.0	0	0
Other engineering support	−23.0	0	0
Ninth infantry division equipment support	−3.0	0	0
Force structure	−2.0	0	0
Combat development activities	−5.0	0	0
Development and employment agency	−4.0	−42.5	−42.5
Total package/unit material fielding	−5.0	0	0
Office of the Secretary of the Army	−.6	0	−.6
Army military personnel center	−3.0	0	0
Servicewide support	−30.0	0	−15.0
Real estate leases	−2.0	0	−2.0
Base operating support	−30.0	−12.6	−12.6
Support to other nations	−3.0	−3.0	−3.0
Force modernization	−65.0	0	−25.0
Environmental restoration	−75.0	−75.0	−75.0
Command, control and communications	−50.0	0	0
Automatic data processing, leasing	−50.0	0	−25.0
Improper use of O&M funds	−10.0	0	0
Health services command	−5.0	0	−5.0
Year-end spending	−5.0	0	0
Improved management over fast pay deliveries	−10.0	0	0
Support to small clubs	−2.0	0	−2.0
Consultants and contract support	−20.0	−2.0	−20.0
Controlling nonreadiness-related travel	−10.0	0	0
Excess material and equipment	−20.0	0	0
Improved management of telephone usage	−10.0	0	0
Administration	0	−20.0	−10.0
Minor construction	0	−18.0	0
Depot maintenance	0	−101.0	0
Maintenance and logistic support	0	−29.1	0
Civilian end strength	0	−46.8	−11.8
Recruiting	0	+8.0	+8.0
Force development	0	+34.8	+34.8
Classified programs	−6.3	0	−5.1
Supply and transportation	0	−28.0	0

OPERATION AND MAINTENANCE—Continued

[Amounts in millions of dollars]

Item	House bill	Senate amendment	Conference action
Total adjustments	−860.9	−847.4	−859.9
Amount authorized	18,625.6	18,639.1	18,626.6
NAVY			
Request	26,248.4	26,248.4	26,248.4
Stock fund fuel refund	−100.0	−120.4	−297.5
Foreign currency	−29.2	−58.4	−58.4
Military end strength	−53.0	0	−3.0
Stock fund price reestimate	−100.0	−62.0	−97.0
Former public health service hospital	−3.0	0	0
Trident	−20.0	0	0
Fleet commands and staff	−7.0	0	−7.0
Field operations	−25.0	−25.0	−25.0
Engineering and support services	−9.0	0	−9.0
Logistics support services	−7.0	−52.0	−52.0
Other base operations	−6.0	−6.0	−6.0
Antisubmarine weapons support	−20.0	0	0
Chief of Naval Operations departmental staff offices	−3.0	0	−3.0
Other communications	−8.0	0	0
Specialized skill training	−15.0	0	0
Other training support	−40.0	0	−10.0
Naval military personnel command	−12.0	0	−6.0
Depot maintenance	−55.0	0	−20.0
Ship modernization	−75.0	0	0
Environmental restoration	−8.9	−8.9	−8.9
Excess material and equipment	−45.0	0	−20.0
Automatic data processing leasing	−50.0	0	−35.0
Improper use of O&M funds	−35.0	0	−20.0
Contractor support	−30.0	−21.0	−21.0
Improved timekeeping and payroll practices	−10.0	0	−10.0
Improved pricing for foreign military sales	−10.0	0	−10.0
Improved management of telephone usage	−5.0	0	−5.0
Excessive/unjustified civilian overtime	−10.0	0	−10.0
Controlling nonreadiness-related travel	−10.0	−14.0	−14.0
Improved vehicle utilization	−8.0	0	−5.0
Improved financial management	−10.0	0	−10.0
Improved operations of public works department	−20.0	0	−10.0
Reductions in teleprocessing expenses	−5.0	0	0
Excess or underutilized audiovisual assets	−5.0	0	−5.0
Increased performance through improved standards	−15.0	0	−10.0
Improved management over fast pay deliveries	−5.0	0	−5.0
Reducing military sealift command transportation costs	−3.0	0	0

OPERATION AND MAINTENANCE—Continued

[Amounts in millions of dollars]

Item	House bill	Senate amendment	Conference action
Ship overhauls	+71.0	−190.8	+6.0
Waterside security	+8.0	+8.0	−8.0
Classified programs	−17.5	0	−13.377
Minor construction/RPMA	0	−58.1	0
Factory training	0	−20.0	−20.0
Recruiting	0	+6.0	+6.0
Sealift surge	0	+7.7	+7.7
Total adjustments	−810.6	−614.9	−798.477
Amount authorized	25,437.8	25,633.5	25,449.923
MARINE CORPS			
Request	1,683.1	1,683.1	1,683.1
Stock fund fuel refund	−1.5	−1.9	−1.9
Foreign currency	−7.4	−14.8	−14.8
Military end strength	−15.0	0	0
Camouflage screens	−8.2	−8.2	−8.2
Contract supply	0	−1.0	−1.0
Base operations	−12.0	−9.0	−9.0
Total adjustments	−44.1	−34.9	−34.9
Amount authorized	1,639.0	1,648.2	1,648.2
AIR FORCE			
Request	20,234.5	20,234.5	20,234.5
Stock fund refund	−150.0	−173.7	−271.8
Foreign currency	−41.0	−94.2	−94.2
Military end strengh	−78.2	−1.0	−1.0
Civilian pay adjustment/utilization rates	−112.1	−93.4	−93.4
Leased long-line communications	−10.0	0	0
Satellite control facility	−5.0	0	−5.0
Space boosters	−3.0	0	−3.0
Consolidated space operations center	−3.0	−5.0	−3.0
Space launch support	−20.0	0	0
Inventory control point purchased services	−5.0	0	−5.0
First destination transportation	−5.0	0	0
Second destination transportation	−14.0	−4.0	−4.0
Logistics automatic data processing	−5.0	0	0
Command readiness exercise system	−1.0	0	0
Command automatic data processing modernization program	−1.0	0	−1.0
Permanent change of station for civilian career management	−1.7	0	−1.7
B–52 logistic support	−1.0	0	0
Increased contractor interim support	−9.0	0	−9.0
Minuteman upgrade	−5.0	0	−5.0
Environmental restoration	−39.0	−39.0	−39.0
Temporary duty, training and exercise	−6.5	0	0
Base operations, space command	−1.0	0	−1.0
Utilization rate	−2.0	0	−2.0
Location strike system	−1.0	−2.3	−2.3
Special tactical unit detachments	−4.0	0	0
Survivability measures	−5.0	0	0
Classified programs	−14.1	−5.2	−19.031
Military airlift commercial augmentation	−29.0	−29.0	−29.0
Defensewide mission support	−15.0	−15.5	−15.5
Automatic data processing leasing	−25.0	0	−25.0
Improved management over fast pay deliveries	−8.0	0	−4.0
Purchasing base telephone versus leasing	−2.0	0	−2.0
Reduction in teleprocessing equipment expenses	−1.7	0	−1.7
Improved management of telephone usage	−10.0	0	−10.0
Controlling nonreadiness-related travel	−5.0	0	−5.0
Professional technical and management services	−10.0	0	0
Consultants and contract support	−10.0	−4.0	−5.0
RAND study	+.1	0	+.1
Eliminating foil pack preparation facility	−1.0	0	0
Medical war readiness	0	−.2	0
Family support centers	0	−1.2	0
Real property maintenance	0	−65.0	0
EMP rephase/EMP hardening	0	−1.6	−1.6
F–4 force structure changes	0	−14.0	−14.0
HH–60 support	0	−0.5	−0.5
CADIN Pinetree	0	−11.0	−11.0
Civilian end strength reduction	0	−109.2	0
CONUS OTH–B radar	0	−1.9	0
Air base ground defense	0	−5.8	0
Inter service automated message processing	−51.3	−21.0	−21.0
Total adjustments	−710.5	−697.7	−705.631
Amount authorized	19,524.0	19,536.8	19,528.869
DEFENSE AGENCIES			
Request	7,338.4	7,338.4	7,338.4
Joint Chiefs of Staff special fund	−50.0	−50.0	−50.0
Office of the Secretary of Defense	−10.5	−6.0	−6.0
Washington headquarters	−4.0	−1.9	−4.0
Defense investigative services	−.5	−.5	−.5
Defense mapping agency	−7.9	−10.4	−10.4
Defense nuclear agency	−.9	−1.9	−1.9
Defense communications agency	−.8	−4.8	−4.8
Defense logistics agency	−31.8	−24.2	−24.2
Armed forces information service	−.8	−1.3	−.8
Uniformed services university of the health sciences	−.2	−.5	−.2
CHAMPUS	−28.8	+2.6	−23.4
Medical information services	−.8	−1.8	−1.8
Office of dependent's education	−5.2	0	0
Organization of the Joint Chiefs of Staff	−3.7	−1.4	−1.4
Defense communications agency	−1.1	0	−1.1
Office of the Inspector General	−.7	−.5	−.5
Joint Chiefs of Staff exercise program	−9.9	−1.0	−1.0
Defense communications agency, year-end spending	−2.0	0	0
Defense logistics agency, travel	−.4	0	−.4
Defense logistics agency, excess material	−2.0	0	−2.0
Defense telephone service, improved telephone controls	−1.0	0	−1.0
Defense fuel	−.4	0	−.4
Classified programs	−79.6	−21.0	−49.3
DODDS foreign currency	0	−17.3	−17.3
Foreign currency	0	−2.7	−2.7
Defense logistic agency, currency	0	−2.8	−2.8
Defense audiovisual agency	0	−.5	−.5
Civilian end strength	0	−13.0	−3.3
Total adjustments	−243.0	−160.9	−210.6
Amount authorized	7,095.4	7,177.5	7,127.8
ARMY RESERVE			
Request	715.4	715.4	715.4
Stock fund fuel refund	−1.0	−1.1	−1.1
Medical equipment	+9.0	−9.0	+4.5
Storage leases	+2.3	0	+2.3
Communications and automation upgrades	+1.2	0	+1.2
Medical equipment	+7.5	0	+3.7
Paid drill strength	0	−1.2	−1.2
Total adjustments	+19.0	−2.3	+9.4
Amount authorized	734.4	713.1	724.8
NAVAL RESERVE			
Request	829.5	829.5	829.5
Stock fund fuel refund	−5.9	−7.1	−7.1
Reserve cargo handling battalion	+.2	0	+.2
Increased civilian support	+1.2	0	+1.2
Flying hours 4th Marine air wing	+2.8	0	+2.8
Aircraft rework	+5.1	0	+2.5
Real property maintenance	+4.5	−4.0	+4.5
Total adjustments	+7.9	−11.1	+4.1
Amount authorized	837.4	818.4	833.6
MARINE CORPS RESERVE			
Request	58.6	58.6	58.6
Total adjustments	0	0	0
Amount authorized	58.6	58.6	58.6
AIR FORCE RESERVE			
Request	883.5	883.5	883.5
Stock fund fuel refund	−6.0	−6.8	−10.8
Combat logistics support squadrons/Aircraft battle damage teams (CLSS/ABDRT)	+1.0	0	+1.0
Civilian pay adjustment	−4.0	0	0
Readiness initiatives	+4.0	0	0
Civilian end strength	0	−4.0	−1.0
Total adjustments	−5.0	−10.8	−10.8
Amount authorized	878.5	872.7	872.7
ARMY NATIONAL GUARD			
Request	1,404.6	1,404.6	1,404.6
Stock fund fuel refund	−2.7	−3.3	−6.3
Supplies and services in support of training	+3.0	0	+3.0
Medical equipment	+3.0	0	+3.0
UH–60 Blackhawk support	+15.8	0	+15.8
CHAPARRAL support	+10.2	0	+10.2
Real property maintenance	+2.0	0	+2.0
Organizational clothing and equipment	+6.0	0	+3.0
Paid drill strength	0	−7.8	−7.8
AH–64 Apache support	+7.2	0	+7.2
Repair parts	+6.0	0	+3.0
Total adjustments	+50.5	11.1	+33.1
Amount authorized	1,455.1	1,393.5	1,437.7
AIR NATIONAL GUARD			
Request	1,862.1	1,862.1	1,862.1
Stock fund fuel refund	−18.0	−21.6	−31.6
Combat logistics support squadrons/Aircraft battle damage teams (CLSS/ABDRT)	+1.2	0	+1.2
Depot maintenance	+4.0	0	+4.0
C–19 squadron	0	−30.3	−21.5
Total adjustments	12.8	−51.9	−47.9
Amount authorized	1,849.3	1,810.2	1,814.2
OTHER BUDGET ACTIVITIES			
National Board for the Promotion of Rifle Practice	0.9	0.9	0.9
Claims, Defense	177.9	157.9	157.9
Court of Military Appeals	3.5	3.4	3.4
Amount authorized	182.3	162.2	162.2
STOCK FUND			
Army Stock Fund	356.4	366.4	366.4
Navy Stock Fund	418.9	473.0	473.0
Marine Corps Stock Fund	34.9	34.9	34.9
Air Force Stock Fund	626.1	631.8	631.8
Defense Stock Fund	130.7	130.7	130.7
Total Stock Funds	1,667.0	1,636.8	1,636.8

AUTHORIZATION OF APPROPRIATIONS

Authorization of appropriations (sec. 301)

Section 301(a) of the House bill would authorize funds for operation and maintenance purposes by major account title (Army, Navy, Marine Corps, Air Force, Defense Agencies, Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, Army National Guard, Air National Guard, National Board for The Promotion of Rifle Practice—Army, Claims—Defense, and Court of Military Appeals—Defense) and specifically by budget activity (Strategic Forces, General Purpose Forces, Communications and Intelligence, Airlift and Sealift, Central Supply and Maintenance, Training, Medical, and Other General Personnel Activities, Administration, and Support to other Nations). Section 18(a) of the Senate amendment would authorize funds for operation and maintenance purposes by major account title only.

The Senate recedes.

The distribution of authorization adjustments by budget activities is shown in the following tables:

OPERATION AND MAINTENANCE

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1985 request	Conference recommendation	Net change from request
ARMY			
General purpose forces	6,971,925	6,531,066	−440,859
Force development			(+34,800)
Automatic data processing, leasing			(−7,050)
Development and employment agency			(−42,500)
Civilian personnel			(−6,634)
Consultants and contract support			(−7,800)
Force modernization			(−25,000)
Foreign currency			(−233,555)
Base operations			(−9,910)
Stock fund price reestimate			(−153,210)
Intelligence and communications	1,207,565	1,189,739	−17,826
Classified programs			(−5,095)
Foreign currency			(−9,871)
Stock fund price reestimate			(−2,860)
Central supply and maintenance	5,671,573	5,350,590	−320,983
Automatic data processing, leasing			(−13,150)
Consultants and contract support			(−6,600)
Environmental restoration			(−75,000)
Foreign currency			(−54,241)
Stock fund fuel refund			(−165,500)
Stock fund price reestimate			(−1,667)
Support to small clubs			(−2,000)
Civilian end strength			(−2,825)
Training, medical and other general personnel activities	4,188,315	4,149,964	−38,351
Automatic data processing, leasing			(−4,800)
Base operations support			(−2,690)
Consultants and contract support			(−5,600)
Foreign currency			(−10,908)
Recruiting			(−8,000)
Civilian end strength			(−2,341)
Stock fund price reestimate			(−15,012)
Health services command			(−5,000)
Administration	1,240,818	1,212,090	−28,728
Administration			(−10,000)
Foreign currency			(−1,077)
Office of the Secretary of the Army			(−600)
Real estate leases			(−2,000)
Servicewide support			(−15,000)
Stock fund price reestimate			(−51)
Support to other nations	206,322	193,174	−13,148
Foreign currency			(−10,148)
Support to other nations			(−3,000)
Total, Army	19,486,518	18,626,623	−859,895
Strategic forces	2,271,597	2,257,821	−13,776
Excess material and equipment			(−2,000)
Improper use of O&M funds			(−2,000)
Consultants and contract support			(−2,415)
Improved management of telephone usage			(−235)
Controlling non-readiness related travel			(−1,014)
Stock fund price reestimate			(−4,309)
Improved management over fast pay deliveries			(−1,000)
Improved financial management			(−507)
Improved timekeeping and payroll practices			(−200)
Improved vehicle utilization			(−96)
General purpose forces	12,208,964	12,062,668	−146,296
Military end strength			(1,000)
Stock fund price reestimate			(−52,840)
Foreign currency			(−44,407)
Excess material and equipment			(−8,000)
Automatic data processing leasing			(−6,186)
Improper use of O&M funds			(−8,000)
Consultants and contract support			(−1,932)
Improved timekeeping and payroll practices			(−700)
Improved pricing for foreign military sales			(−1,000)
Improved management of telephone usage			(−1,425)
Excessive/unjustified civilian overtime			(−1,500)
Controlling non-readiness related travel			(−5,138)
Improved vehicle utilization			(−1,807)
Improved financial management			(−2,569)
Improved operations of public works department			(−8,000)
Ship overhauls			(+6,000)
Waterside security			(+4,000)
Excess or underutilized audio-visual assets			(−1,766)
Improved management over fast pay deliveries			(−3,000)
Rounding			(−26)
Fleet commands and staff			(−7,000)
Intelligence and communications	1,147,927	1,122,038	−25,889
Stock fund price reestimate			(−1,146)
Automatic data processing leasing			(−4,303)
Foreign currency			(−4,193)
Classified programs			(−13,377)
Consultants and contract support			(−882)
Improved timekeeping and payroll practices			(−100)
Improved management of telephone usage			(−140)
Controlling non-readiness related travel			(−847)
Improved vehicle utilization			(−190)
Improved financial management			(−424)
Excess or underutilized audiovisual assets			(−287)
Airlift and sealift	553,826	561,526	7,700
Recruiting			(+7,700)
Central supply and maintenance	6,957,900	6,397,666	−560,234
Stock fund fuel refund			(−297,500)
Stock fund price reestimate			(−1,686)
Foreign currency			(−7,228)
Logistic field operations			(−25,000)
Engineering and support services			(−9,000)
Logistic support service			(−52,000)
Other base operations			(−6,000)

OPERATION AND MAINTENANCE—Continued

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1985 request	Conference recommendation	Net change from request
Depot maintenance			(−20,000)
Environmental restoration			(−8,900)
Excess material and equipment			(−8,000)
Automatic data processing leasing			(−18,655)
Improper use of O&M funds			(−8,000)
Consultants and contract support			(−13,965)
Improved timekeeping and payroll practices			(−8,500)
Foreign military sales pricing			(−8,000)
Improved management of telephone usage			(−1,610)
Excess/unjustified civilian overtime			(−8,500)
Controlling non-readiness related travel			(−4,689)
Improved vehicle utilization			(−2,342)
Improved financial management			(−5,345)
Improved operations of public works department			(−2,000)
Increased performance through improved standards			(−10,000)
Stock fund Price Reestimate			(−36,685)
Waterside security			(+4,000)
Excess or underutilized audio-visual assets			(−1,315)
Improved management over fast pay deliveries			(−1,000)
Factory training			(−20,000)
Training, medical and other general personnel activities	2,399,152	2,356,457	−42,695
Military end strength			(−2,000)
Stock fund price reestimate			(−1,979)
Foreign currency			(−2,541)
Other base operations			(−10,000)
Excess material and equipment			(−2,000)
Automatic data processing leasing			(−500)
Improper use of O&M funds			(−2,000)
Consultants and contract support			(−798)
Improved timekeeping and payroll practices			(−500)
Improved management of telephone usage			(−1,150)
Foreign military sales pricing			(−1,000)
Controlling non-readiness related travel			(−1,455)
Improved vehicle utilization			(−498)
Improved financial management			(−727)
Excess or underutilized audio-visual assets			(−1,547)
Factory training			(−20,000)
Recruiting and advertising			(+6,000)
Administration	706,548	689,235	−17,313
Stock fund price reestimate			(−41)
Foreign currency			(−31)
Chief of naval operations departmental staff offices			(−3,000)
Naval military personnel command			(−6,000)
Automatic data processing leasing			(−5,356)
Consultants and contract support			(−1,008)
Improved management of telephone usage			(−440)
Controlling non-readiness related travel			(−857)
Improved vehicle utilization			(−67)
Improved financial management			(−428)
Excess or underutilized audio-visual assets			(−85)
Support to other nations	2,512	2,512	−0
Total, Navy	26,248,426	25,449,923	−798,503
General purpose forces	932,153	904,152	−28,001
Foreign currency			(−14,706)
Camouflage screens			(−8,200)
Base operations			(−5,095)
Central supply and maintenance	398,985	395,425	−3,560
Stock fund fuel refund			(−1,900)
Foreign currency			(−94)
Contract supply			(−1,000)
Base operations			(−566)
Training, medical and other personnel activities	241,758	238,574	−3,184
Base operations			(−3,184)
Administration	110,173	110,018	−155
Base operations			(−155)
Total, Marine Corps	1,683,069	1,648,169	−34,900
AIR FORCE			
Strategic forces	3,223,340	3,175,540	−47,800
Military end strength			(−400)
Utilization rate			(−7,800)
Foreign currency			(−8,300)
Controlling non-readiness related travel			(−500)
Improved management of telephone usage			(−1,900)
Base telephone			(−400)
Automatic data processing leasing			(−6,000)
Defensewide mission support			(−1,900)
CAD IN/PINETREE			(11,000)
EMP rephase/EMP hardening			(−1,600)
Minuteman upgrade			(−5,000)
Consultants and contract support			(−1,500)
Base operations, space command			(−1,000)
Fast pay deliveries			(−500)
General purpose forces	4,138,079	4,021,426	−116,653
Military end strength			(−600)
Utilization rate			(−12,000)
Controlling non-readiness related travel			(−1,500)
Improved management of telephone usage			(−3,000)
Purchasing base telephones vs leasing			(−600)
Automatic data processing leasing			(−4,700)
Range utilization			(−2,000)
Location strike system			(−2,300)
Classified programs			(−6,753)
Consultants and contractor support			(−1,500)
F–4 force structure changes			(−14,000)
Fast pay deliveries			(−500)
Foreign currency			(−67,200)
Intelligence and communications	2,225,000	2,155,522	−69,478

OPERATION AND MAINTENANCE—Continued

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1985 request	Conference recommendation	Net change from request
Utilization rate			(−7,200)
Foreign currency			(−8,700)
Controlling non-readiness related travel			(−600)
Improved management of telephone usage			(−500)
Purchasing base telephones vs leasing			(−100)
Automatic data processing leasing			(−5,000)
Satellite control facility			(−5,000)
Space boosters			(−3,000)
Consolidated space operations center			(−3,000)
Classified programs			(−12,278)
Consultants and contract support			(−500)
Fast pay deliveries			(−500)
Permanent change of station for civilian career management			(−400)
Interservice automated message processing			(−21,000)
Reduction in teleprocessing usage			(−1,700)
Airlift and sealift	1,309,107	1,267,807	−4,300
Utilization rate			(−5,500)
Foreign currency			(−3,900)
Controlling non-readiness related travel			(−300)
Improved management of telephone usage			(−1,100)
Purchasing base telephones versus leasing			(−200)
Automatic data processing, leasing			(−1,300)
Military airlift command augmentation			(−29,000)
Central supply and maintenance	6,700,750	6,299,250	−401,500
HH–60 support			(−500)
Utilization rate			(−44,800)
Environmental restoration			(−39,000)
Foreign currency			(−2,300)
Controlling non-readiness related travel			(−400)
Impoved management of telephone usage			(−1,500)
Purchasing base telephones versus leasing			(−400)
Automatic data processing, leasing			(−4,000)
Stock fund fuel refund			(−271,800)
Inventory control point purchased services			(−5,000)
Second destination transportation			(−4,000)
Increased contractor interim support			(−9,000)
Consultants and contractor support			(−1,500)
Permanent change of station for civilian career management			(−1,300)
Fast pay deliveries			(−2,500)
Defensewide mission support			(−13,600)
RAND study			(+100)
Training, medical and other general personnel activities	2,064,259	2,042,959	−21,300
Utilization rate			(−12,300)
Foreign currency			(−3,700)
Controlling non-readiness related travel			(−1,500)
Improved management of telephone usage			(−2,000)
Purchasing base telephone usage			(−300)
Automatic data processing, leasing			(−1,500)
Administration	565,923	558,323	−7,600
Utilization rate			(−3,800)
Foreign Currency			(−100)
Controlling non-readiness related travel			(−200)
Automatic data processing, leasing			(−2,500)
Command automatic data processing modernization program			(−1,000)
Support of other nations	8,042	8,042	0
Total, Air Force	20,234,500	19,528,869	−705,631
DEFENSE AGENCIES			
General purpose forces	375,227	324,227	(−51,000)
Joint Chiefs of Staff exercise program			(−1,000)
Joint Chiefs of Staff special fund			(−50,000)
Intelligence and communications	2,602,488	2,530,570	−71,918
Defense investigative service			(−500)
Defense mapping agency			(−10,400)
Defense nuclear agency			(−1,900)
Defense communications agency			(−4,800)
Defense telephone service, improved telephone controls			(−1,000)
Classified programs			(−49,318)
Classified programs, foreign currency			(−2,700)
Civilian end strength			(−1,300)
Central supply and maintenance	1,675,560	1,644,460	−31,100
Defense logistics agency			(−24,200)
Defense logistics agency, travel			(−400)
Defense logistics agency, excess material			(−2,000)
Defense logistics agency, transportation			(−400)
Defense logistic agency, foreign currency			(−2,800)
Civilan end strength			(−1,300)
Training, medical and other personnel activities	2,207,311	2,163,411	−43,900
American forces information service			(−800)
Uniformed services university of the health sciences			(−200)
CHAMPUS			(−23,400)
Medical information services			(−1,800)
DoDDS foreign currency			(−17,300)
Civilian end strength			(−400)
Administration	477,784	465,084	−12,700
Office of the Secretary of Defense			(−6,000)
Washington headquarters			(−4,000)
Organization of the Joint Chiefs of Staff			(−1,400)
Office of the Inspector General			(−500)
Defense audiovisual agency			(−500)
Civilian end strength			(−300)
Total, Defense Agencies	7,338,370	7,127,752	(−210,618)
ARMY RESERVE			
Training and organization of mission forces	402,024	408,274	+6,250
Stock fund fuel refund			(−1,100)
Medical equipment			(+4,500)
Unit equipment			(+3,750)
Paid drill strength			(−900)

OPERATION AND MAINTENANCE—Continued

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1985 request	Conference recommendation	Net change from request
Depot maintenance	8,656	8,656	
Other Support	304,770	307,970	+3,200
Storage leases			(+2,300)
Communications and automation upgrades			(+1,200)
Paid drill strength			(−300)
Total, Army Reserve	715,450	724,900	9,450
NAVAL RESERVE			
Mission forces	477,651	480,651	+3,000
Reserve cargo handling battalion			(+200)
Flying hours 4th Marine air wing			(+2,800)
Depot maintenance	153,976	149,426	−4,550
Stock fund fuel refund			(−7,100)
A/C depot maintenance			(+2,550)
Other support	197,904	203,604	+5,700
Increased civilian support			(+1,200)
Real property maintenance			(+4,500)
Total, Naval Reserve	829,531	833,681	4,150
MARINE CORPS RESERVE			
Mission forces	29,106	29,106	0.0
Depot maintenance	1,665	1,664	0.0
Other support	27,871	27,871	0.0
Total, Marine Corps Reserve	58,642	58,642	0.0
AIR FORCE RESERVE			
Mission forces	580,030	569,230	−10,800
Stock fund fuel refund			(−10,800)
Depot maintenance	153,212	154,212	+1,000
Combat logistics support squadrons			(+1,000)
Other support	150,219	149,219	−1,000
Civilian pay adjustment			(−1,000)
Total, Air Force Reserve	883,461	872,661	−10,800
ARMY NATIONAL GUARD			
Training operations	226,535	228,535	+2,000
Real property maintenance			(+2,000)
Logistical support	1,047,770	1,080,770	+33,000
Repair parts			(+3,000)
Supplies and services in support of training			(+3,000)
Organizational clothing and equipment			(+3,000)
Medical equipment			(+3,000)
UH–60 Blackhawk support			(+15,800)
AH-64 Apache support			(+7,200)
CHAPARRAL support			(+10,200)
Stock fund fuel refund			(−6,300)
Paid drill strength			(−5,900)
Headquarters and Command support	117,429	117,429	0
Medical support	12,909	11,009	−1,900
Paid drill strength			(−1,900)
Total, Army National Guard	1,404,643	1,437,743	+33,100
AIR NATIONAL GUARD			
Mission forces	1,392,737	1,339,637	−53,100
Stock fund fuel refund			(−31,600)
C–19 Squadron			(−21,500)
Depot maintenance	345,593	350,793	5,200
Combat logistics support			(+1,200)
Squadrons			(+4,000)
Other support	123,818	123,818	0
Total, Air National Guard	1,862,148	1,814,248	−47,900

National Board for the Promotion of Rifle Practice

Section 301(1) of the House bill provides for separate authorization of operation and maintenance appropriations for the National Board for the Promotion of Rifle Practice and Expenses of the Secretary of the Army. Section 118(a) of the Senate bill provides for a one-sum authorization of operation and maintenance appropriations for the National Board for the Promotion of Rifle Practice.

The Senate recedes.

Claims, defense

Section 301(m) of the House bill provides for the authorization of operation and maintenance appropriations for Claims, Defense, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions). Section 118(a) of the Senate amendment provides for a one-sum authorization of operation and maintenance appropriations for Defense claims.

The Senate recedes.

Court of Military Appeals, defense

Section 301(n) of the House bill provides for authorization of operation and maintenance appropriations for salaries and expenses for the United States Court of Military Appeals. Section 118(a) of the Senate amendment provides for a one-sum authorization of operation and maintenance appropriations for the Court of Military Appeals.

The Senate recedes.

Contingency funds for the unified and specific commands (sec. 303)

Section 120 of the Senate bill would authorize the Secretary of Defense to make available contingency funds for the unified and specified commands to the Joint Chiefs of Staff.

The House bill had no similar provision.

The House recedes.

Authorization of appropriations for working-capital funds (sec. 304)

Section 303 of the House bill provides for the authorization of appropriations for working capital funds of the Department of Defense. Section 119 of the Senate amendment provides for the authorization of appropriations for the "use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital funds. . . ."

The Senate recedes.

LEGISLATIVE PROVISIONS ADOPTED

Amendments to section 2208 of title 10 (sec. 305)

The conferees agreed to amend section 2208 of title 10, United States Code, by adding two new subsections.

Sale of articles manufactured by certain arsenals

The House bill contained a provision (sec. 306) that would permit the sale of articles manufactured by certain arsenals for use in developing products to be sold to agencies of the United States or foreign countries.

The Senate bill contained no similar provision.

The Senate recedes.

Asset capitalization program

The House bill contained a provision (sec. 304) that would amend section 2208 of title 10, United States Code, requiring the application of at least three percent of industrial fund revenues toward the replacement of capital equipment in fiscal year 1985, at least four percent in fiscal year 1986, and at least five percent in fiscal year 1987 and thereafter.

Mindful of past neglect of capital equipment requirements and significant funding reductions the asset capitalization program has experienced in recent years, the conferees recognize the need for mandated graduated funding increases through fiscal year 1987 to allow the Department of Defense to meet its most critical capital equipment replacement needs at industrial-funded activities. However, the conferees believe that mandating that level of funding beyond fiscal year 1987 is not appropriate at this time and should be contingent upon a review of program requirements during consideration of the fiscal year 1988 budget request.

The Senate recedes with an amendment that would delete the words "and each fiscal year thereafter".

Administrative transition provisions for Navy stock fund management change (sec. 306)

The House bill contained a provision (sec. 305) that would amend section 2208(g) of title 10, United States Code, to permit the issuance of withdrawal credits to the Navy customer account from the Navy stock fund in connection with the transfer of the procurement of aviation depot level repairable parts from the aircraft procurement account to the Navy stock fund.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on contracting out core logistics functions (sec. 307)

Section 310 of the House bill would place certain limits on the contracting out of core logistics functions in accordance with procedures established by Office of Management and Budget (OMB) Circular A-76. First, it would require that each service Secretary and the Director of each Defense agency identify core logistics functions. Second, it would exempt core logistics functions from cost comparisons conducted under the provisions of OMB Circular A-76. Third, waiver of this exemption could only be exercised by the service Secretary or Director of the Defense Agency involved. Fourth, such waiver could not take effect until the Secretary or Director concerned had submitted a report on the waiver to the Committees on Armed Services of the Senate and House of Representatives and 30 days of continuous session of Congress had elapsed. Fifth, a report to the Committees on Armed Services of the Senate and House of Representatives identifying core logistics function by specific function would be required on or before April 1, 1985. Finally, during the period between the date of enactment of the Defense Authorization Act for fiscal year 1985 and the submission of the report identifying core logistics functions, no Department of Defense logistics function could be contracted out in accordance with the procedures and requirements of OMB Circular A-76.

The Senate amendment contained a similar provision (sec. 1051) with the following differences. First, it would require that the Secretary of Defense to designate core logistics function and waive the exemption from cost comparison in accordance with OMB Circular A-76. Second, it would not require a "hold and wait" period from the time the Committees on Armed Services are notified of such a waiver and its implementation. Finally, the provision contains no moratorium on the contracting out of Department of Defense logistics functions between the enactment of the Defense Authorization Act for fiscal year 1985 and the submission of the report designating core logistics functions.

The conferees agreed to the Senate provision requiring that the Secretary of Defense designate core logistics functions and waive the exemption from cost comparison in accordance with OMB Circular A-76. The conferees also agreed to a House provision requiring a "hold and wait" period from the time the Committees on Armed Services are notified that such a waiver and its implementation, but agreed to change the duration of that period from 30 days of continuous session of Congress to 20 legislative or 40 calendar days, whichever occurs first. The conferees further agreed to delete the House provision for a moratorium on the contracting out of Department of Defense logistics functions during the period between the date of enactment of the Defense Authorization Act for fiscal year 1985 and the submission of the report identifying core logistics functions.

The House recedes with an amendment.

Consulting and related services (sec. 308)

The Senate amendment contained a provision (sec. 1044) that would preclude the Department of Defense from obligating or expending more than $1,302,599,000 in fiscal year 1985 for consulting and related services.

The House bill contained no similar provision.

The House recedes.

Restriction on reduction in ports of origin for certain cargo carried on vessels of the Military Sealift Command (sec. 309)

The Senate amendment contained a provision (sec. 1049) that would prohibit the use of funds authorized to be appropriated in this act to reduce the number of Atlantic and Gulf Coast ports at which breakbulk cargo shipments originate for shipment on Military Sealift Command (MSC) vessels with a Pacific Ocean destination.

The House bill contained no similar provision.

The House recedes with an amendment. The prohibition would apply only to those MSC vessel shipments that transit the Panama Canal and have a port of destination on the Pacific Ocean outside the continental United States and the prohibition would cease to apply with respect to a proposed reduction 30 days after the date on which the Congress receives a report from the Secretary of Defense describing the proposed reduction, but in no case before February 1, 1985.

Introduction of U.S. Armed Forces into Central America (sec. 310)

Sections 312 and 313 of the House bill provided that none of the funds authorized in the bill could be used for the purpose of introducing U.S. Armed Forces into Central America for combat unless the Congress declared war or enacted specific authorization for such introduction or such introduction is necessary to meet a clear and present danger of hostile attack upon the United States or to provide protection for the U.S. embassy or to evacuate U.S. government personnel or U.S. citizens.

Section 314 provided that nothing in title III of the bill should be construed to supersede or amend the War Powers Resolution.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide that it is the sense of the Congress that the United States should not introduce U.S. Armed Forces into Central America for combat. The amendment also provides that in the event present circumstances change which the President believes requires the introduction of U.S. Armed Forces into Central America, the President should consult with Congress prior to any decision to introduce U.S. Armed Forces and such introduction must comply with the war Powers Resolution.

LEGISLATIVE PROVISIONS NOT ADOPTED

Operation and maintenance of certain T-43 aircraft

The House bill contained a provision (sec. 307) that would require that two T-43 aircraft, currently being operated by the Air National Guard Detachment 1, be permanently assigned to the detachment.

There was no similar provision in the Senate bill.

The House recedes.

Limitation on use of aircraft for certain civilian law enforcement purposes

Section 309 of the House bill would place limits on the use of Armed Forces' radar detection aircraft for support of civilian law enforcement agencies.

The Senate bill contained no similar provision.

The conferees agreed that in view of the decision taken by the Department of the Treasury to continue development and fielding of specially-modified P-3A Orion aircraft to be loaned by the Navy for Customs Air Operations that such a restriction was no longer necessary.

The House recedes.

Resolution of U.S. citizen claim against Honduras

The House bill contained a provision (sec. 311) that would require the Secretary of Defense to take appropriate action to resolve the claim of a U.S. citizen for property in Honduras, now the site of the Regional Military Training Center.

The Senate bill contained no similar provision.

It is the sense of the conferees that claims by U.S. citizens arising in connection with the establishment by Honduras of the Regional Military Training Center should be quickly and justly resolved by restitution of property or the prompt payment of just compensation, or both. These claims should be resolved through negotiation or other appropriate means agreed upon by the claimant and the Government of Honduras, as required by the Treaty of Friendship, Commerce and Consular Rights between the United States and Honduras and consistent with the commitments communicated to the Government of Honduras in connection with the designation of Honduras as a bene-

ficiary under the Caribbean Basin Economic Recovery Act.

The Secretary of State should continue to lend all appropriate assistance to settlement of such claims by the Government of Honduras or by a third party procedure.

The Secretary of Defense, in consultation with the Secretary of State, is directed to submit a report to the Congress not later than December 1, 1984, on:

(1) the status of efforts to resolve outstanding claims of U.S. citizens arising in connection with the establishment by Honduras of the Regional Military Training Center in Honduras;

(2) the status of any plans of the Government of Honduras to relocate such center; and

(3) the status of all legal proceedings with respect to such claims.

In the event that these claims have not been appropriately resolved by January 1, 1985, or the Government of Honduras has failed to agree to a binding third party procedure for resolving these claims by that date, the Secretary of State, the Secretary of the Treasury and the United States Trade Representative are to begin a review of the status of Honduras under the Caribbean Basin Economic Recovery Act and related expropriation legislation.

The Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the review no later than March 1, 1985.

The conferees agreed that this matter could represent a unique circumstance in which the property of a U.S. citizen in a foreign country may have been expropriated by the host government for military use, including the participation of U.S. military training assistance personnel. They further agreed that in view of provisions to be introduced in the Resolution of Continuing Appropriations, Fiscal Year 1985 (H.J. Res. 648) that could preclude appropriation for further operation of the Regional Military Training Center (RMTC) until this claim is settled, and that would prohibit the establishment of a permanent RMTC (including the functions of the School of the Americas) until settlement, this provision in the House bill is unnecessary.

The House recedes.

TITLE IV—PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

Active forces end strength

Active duty military strengths for the Navy, Marine Corps, and Air Force in the House bill and the Senate amendment differed by a total of 6,140. The conference agreement, 13,330 below the Administration's request, is summarized in the following table:

Active Forces	Administration request	House	Senate	Conference
Army	780,800	780,800	780,800	780,800
Navy	575,300	569,800	572,800	571,300
Marine Corps	199,500	197,600	199,000	198,300
Air Force	610,200	601,200	602,940	602,070
Total	2,165,800	2,149,400	2,155,540	2,152,470

PART B—RESERVE FORCES

Reserve Forces strength

Selected Reserve strength (sec. 411).—The House bill reduced the Administration's request for average strength for the Army National Guard and the Army Reserve by a total of 9,310. The Senate amendment reduced the Administration's request for the Army National Guard, the Army Reserve, the Naval Reserve, and the Air National Guard by a total of 8,512.

The conference agreement is summarized in the following table:

Reserve Forces	Administration request	House	Senate	Conference
Army National Guard	440,100	435,117	435,250	435,117
Army Reserve	288,400	284,073	285,600	284,073
Naval Reserve	124,200	124,200	124,100	124,100
Marine Corps Reserve	44,300	44,300	44,300	44,300
Air National Guard	106,200	106,200	105,438	105,438
Air Force Reserve	72,900	72,900	72,900	72,900
Coast Guard Reserve	12,500	12,500	12,500	12,500
Total	1,088,600	1,079,290	1,080,088	1,078,428

Number of Air National Guard flying units.—The Senate amendment also contained a provision (sec. 126(c)) requiring that, within the authorized strength prescribed for the Air National Guard, no less than 91 flying units—the current number of such units—be maintained during fiscal year 1985.

The House bill contained no similar provision.

The House recedes.

Reserves participating in independent military or paramilitary activities overseas.—The conferees note with satisfaction the outstanding improvement that reserve forces have achieved over the past several years. These forces, today, are better trained, better equipped, and better able to carry out the greater responsibility that has been thrust on them.

The conferees are concerned, however, with reports that members of the national guard and reserve have participated as private citizens in military and paramilitary activities outside of the United States. Although such activities may not be inconsistent with U.S. policy and goals in any particular instance, such activities could lead to a misinterpretation of government policy. Such activities also raise questions as to whether they are consistent with the neutrality laws (section 960, et. seq., of title 18, United States Code).

Of greater concern to the conferees is the impact that such activities could have on the mobilization capabilities of the reserve forces. Obviously, costly training is provided to ensure that the reserve forces can accomplish their mission. If reserve and national guard members were not available to respond to activities directed by the National Command Authority, the resources devoted to preparing these forces would have been wasted. Availability could be hampered if members were absent from the country for extended periods. Additionally, significant political problems could arise if members were injured, killed or captured while participating in activities that may or may not be expressly supported by the U.S. government. The fact that members were acting as private citizens could be overshadowed by the implication that their membership in the U.S. reserve components connotes U.S. government complicity.

The conferees direct the Secretary of Defense to review current laws, directives and regulations with an eye toward strengthening restrictions that would preclude members of the reserve components from participating in independent military or paramilitary activities other than those directed or authorized by the U.S. government. The Secretary of Defense is directed to provide a report on these issues to the Committees on Armed Services of the Senate and House of Representatives by March 1, 1985, together with any recommendations he may have.

Full-time support (sec. 412).—The House bill reduced the Administration's request for full-time strength levels of the Army National Guard and the Army Reserve by a total of 9,310. The Senate amendment reduced the Administration's request for the Army National Guard, the Army Reserve, the Naval Reserve, and the Air National Guard by a total of 10,000.

The conference agreement is summarized in the following table:

Full-time support	Administration request	House	Senate	Conference
Army National Guard	26,583	21,600	20,583	20,583
Army Reserve	15,027	10,700	11,427	10,700
Naval Reserve	15,410	15,410	15,210	15,210
Marine Corps Reserve	1,129	1,129	1,129	1,129
Air National Guard	7,224	7,224	7,024	7,024
Air Force Reserve	623	623	623	623
Total	65,996	56,686	55,996	55,269

The conferees intend that the reductions should be allocated to the full-time manning program of each reserve component consistent with mission priorities.

PART C—MILITARY TRAINING

Legislative provision adopted

Reduction in number of students required to be in a unit of the Junior Reserve Officers' Training Corps for the unit to be maintained (sec. 422).—The House bill contained a provision (sec. 423) that would make permanent the authority to maintain a unit of the Junior Reserve Officers' Training Corps at any high school as long as there are at least 100 students or 10 percent of the student body, whichever is less, enrolled. Existing permanent law requires a minimum of 100 students; the 10 percent alternative criterion was authorized in the annual Defense Authorization Act for the past four years.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE V—DEFENSE PERSONNEL MANAGEMENT

PART A—CIVILIAN PERSONNEL

Legislative provisions adopted

Civilian personnel end strength for fiscal year 1985 (sec. 501).—The Senate amendment contained a provision (sec. 131) that would authorize a fiscal year end strength

for Department of Defense civilian personnel of 1,078,223.

The House bill contained a provision (sec. 501) that would waive the requirement of a civilian personnel end strength authorization for fiscal year 1985.

The House bill also contained a provision (sec. 1105) that would prohibit the management of Department of Defense civilian personnel by end strength constraints.

The Senate amendment contained no similar provision.

The Senate recedes on the fiscal year 1985 civilian personnel ceiling.

With respect to managing through end strength, the Senate recedes with an amendment limiting the prohibition to fiscal year 1985. The conferees direct the Department of Defense and the Office of Management and Budget to provide the Committee on Armed Services of the Senate and House of Representatives with a report on the results of the change.

Civilian personnel ceilings on industrially-funded activities during fiscal year 1984 (sec. 502).—The Senate amendment contained a provision (sec. 132) that would exempt from the ceiling established by section 601 of the fiscal year 1984 Defense Authorization Act (Public Law 98-94) those civilian personnel employed at industrially-funded activities in excess of the levels employed in those activities on September 30, 1982.

The House bill contained no similar provision.

The House recedes.

PART B—OFFICER PERSONNEL

Legislative provisions adopted

Temporary increase in the number of general and flag officers authorized to be on active duty (sec. 511).—The Senate amendment contained a provision (sec. 171) that would authorize a ceiling of 1,100 general and flag officers through September 30, 1985, an increase of 27 over the current ceiling that took effect on October 1, 1981. These 27 additional positions would be divided among the services and among the one-, two-, three- and four-star ranks as provided by policy and statute, except that, of the total provided to the Navy, two more than would otherwise be designated as three-star positions could be so designated, and of the total provided to the Marine Corps, one more than would otherwise be designated as three-star positions could be so designated so long as the designation was for the commander-in-chief of the U.S. Central Command.

The House bill contained no similar provision.

The House recedes with an amendment that would retain the current ceiling of 1,073 general and flag officers but, within the total number authorized, would permit the Navy to designate three additional three-star positions as would be provided under the Senate amendment, the Marine Corps to designate two additional three-star positions as would be provided under the Senate amendment, and the Air Force to designate one additional four-star position as would be provided under the Senate amendment.

Authority to consider for promotion of certain Army reserve general officers (sec. 512).—The Senate amendment contained a provision (sec. 173) that would authorize the Secretary of the Army in certain cases to waive the requirement that a reserve officer be in an active status for at least one year before being considered for promotion. The provision would permit a reserve general officer who has completed a tenure in one position and has been for a period of less than one year in an inactive status while awaiting a new position commensurate with his grade to be considered for promotion.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to retain in active status until age 60 up to 10 Army reserve brigadier generals (sec. 513).—The House bill contained a provision (sec. 504) that would authorize the Army to retain in an active status up to 10 officers in the reserve grade of brigadier general until they reach age 60. Similar authority currently exists for the Air Force.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of authority for the temporary promotion of certain Navy lieutenants (sec. 514).—Under current law certain Navy lieutenants who possess skills for which there is a critical shortage and who are serving in positions designated to be held by lieutenant commanders may be promoted to the grade of lieutenant commander. Authority to make these promotions outside of the constraints of law governing the normal promotion of naval officers expires on September 30, 1984.

The Senate amendment contained a provision (sec. 176) that would extend this authority for two years until September 30, 1986.

The House bill contained no similar provision.

The House recedes.

Repeal of four-year limitation on period an officer may be assigned to the Army Staff or the Air Staff (sec. 515).—The House bill contained a provision (sec. 505) that would repeal the four-year limitation on assignments of individual officers to the headquarters branches of the Army and the Air Force.

The Senate amendment contained no similar provision.

The Senate recedes.

PART C—AMENDMENTS TO PROVISIONS OF LAW ENACTED BY THE DEFENSE PERSONNEL MANAGEMENT ACT

Legislative provisions adopted

Amendments to provisions of law enacted by the Defense Officer Personnel Management Act (sec. 521-533).—The House bill contained a provision (sec. 503) that would effect a series of 12 minor changes and refinements in the Defense Officer Personnel Management Act (Public Law 96-513). The House provision would: (1) allow officers separating from active duty to accept reserve appointments without loss of grade; (2) raise the statutory ceilings on regular officers of the Air Force, Navy, and Marine Corps; (3) clarify the law concerning the ability of general and flag officers to serve in temporary grades during changes in status; (4) permit means other than boards of officers for deciding whether officers should show cause for retention on active duty; (5) authorize the removal from further consideration for promotion of officers who twice fail of selection for promotion to major or lieutenant commander; (6) authorize service Secretaries to set the effective dates of promotion for officers whose promotions were delayed; (7) authorize special selection boards for warrant officers; (8) permit discharge of reserve officers who are not qualified for promotion to the grade of 0-2; (9) permit longer tenure and promotion above the grade of 0-5 for limited duty officers; (10) permit permanent appointment of limited duty officers without loss of grade; (11) authorize service Secretaries to determine the amount of severance pay in certain cases; and (12) allow consideration of certain recalled retired officers for promotion.

The Senate amendment contained a provision (sec. 178) that would effect 7 additional technical changes to the Defense Officer Personnel Management Act. The Senate provision would: (1) reestablish a promotion zone for officers who were selected for promotion below the zone but were later removed from the promotion list for cause; (2) clarify the limitations on separation pay for reservists; (3) clarify that the advancement on the retired list permitted after 30 years of active and retired service is to the highest grade held, whether temporary or permanent; (4) further ensure that officers who accept permanent positions at the United States Air Force Academy and the United States Military Academy receive neither penalty nor windfall with respect to promotions; (5) replace the term "lineal list" with "active duty list" with respect to the promotion of Naval and Marine Corps Reserve officers; (6) repeal a redundant provision concerning the recall of retired regular enlisted members of the Navy and Marine Corps; and (7) correct the inadvertent omission of one category of personnel (those receiving separation pay) from the law relating to selection of a home for purposes of travel and transportation allowances.

The House recedes with an amendment incorporating all 19 adjustments to the Defense Officer Personnel Management Act and clarifying the provision relating to officers assigned permanent positions at the academies.

PART D—OFFICER TRAINING PROGRAMS

Legislative provisions adopted

Clarification of authority to order certain cadets and midshipmen to active duty (sec. 541).—The Senate amendment contained a provision (sec. 174) that would clarify the meaning of the phrase "unless sooner separated" with respect to the authority granted the service Secretaries in sections 4348, 6959, and 9348 of title 10, United States Code, to order former cadets and midshipmen of the service academies to active duty. The provision would relate the phrase to separation from the service rather than to separation from the academy.

The House bill contained no similar provision.

The House recedes with an amendment clarifying that an academy cadet or midshipman is obligated, first, to complete the course of instruction at the academy unless he is prevented from doing so by his being sooner separated from the academy and, second, to accept his degree and commission and to serve the requisite period of time on active duty unless he is prevented from doing so by his sooner being separated from the service.

Extension of military service obligation of service academy and ROTC cadets and midshipmen (sec. 542).—The Senate amendment contained a provision (sec. 175) that would clarify that the authority granted the Secretary of Defense is section 1022 of the Department of Defense Authorization Act, 1984 (Public Law 98-94), to extend military service obligations from six to eight years, applies to graduates of the service academies and the ROTC scholarship program.

The House bill contained no similar provision.

The House recedes.

Eligibility for advanced training in senior ROTC program (sec. 543).—The House bill contained a provision (sec. 422) that would delete the requirement that students have two years remaining in their degree programs in order to enroll in advanced Reserve Officers' Training Corps (ROTC) training. This provision would not change the obligation to complete all the academic and field training requirements of advanced Reserve Officers' Training Corps training.

The section would also permit the service Secretaries to accept for advanced training persons who have not yet completed the first two years of the Senior Reserve Officers' Training Corps program or performed the six weeks' field training or practice cruise so long as the enrollees agree to complete such field training or practice cruise.

The Senate amendment contained no similar provision.

The Senate recedes.

PART E—MISCELLANEOUS

Legislative provisions adopted

Women in the armed forces (sec. 551).—The House bill contained a provision (sec. 502) that would require the Air Force to establish female accession goals of 19 percent for fiscal year 1986, 22 percent for fiscal year 1987, and 25 percent for fiscal year 1988. The provision also would establish a statutory basis for the Defense Advisory Committee on Women in the Service (DACOWITS). Finally, the provision would direct the Secretary of Defense to study and provide Congress with an analysis of the most current data on the propensity of women to serve in the military.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment establishing female accession goals of 19 percent in fiscal year 1987 and 22 percent in 1988, deleting a stated goal in 1986 and deleting the provision that would establish a statutory basis for DACOWITS.

Reserve forces readiness (sec. 552).—The House bill contained a provision (sec. 506) that would prescribe seven initiatives to increase the effectiveness of the reserve components: (1) direct the development of a uniform, objective system for evaluating the effectiveness of reserve units; (2) direct the testing of a program linking resource allocation to effectiveness; (3) direct an increase in full-time manning of the Army reserve components to 14 percent by fiscal year 1989; (4) direct a study of longer reserve training periods; (5) direct the development of a plan for periodic texting of all mobilization force elements and their sustainability, to include the conduct of at least one major mobilization exercise each year; (6) increase contact with the enhance retention of members of the individual ready reserve; and (7) establish separate budget line items for equipment for each reserve component.

The Senate amendment contained no similar provision.

The Senate recedes with amendments.

Section 506(b) in the House bill would require the Secretary of Defense to conduct a test to evaluate the feasibility of allocating equipment to units of reserve components based on a measure of effectiveness of such units. The conferees agreed to an amendment that would change the requirement to conduct a test to a requirement to conduct a study.

Section 506(g) in the House bill would require that the fiscal year 1986 Defense budget "shall set forth the amounts requested for equipment for each reserve component as separate specific line items." The conferees agreed to delete this provision with the understanding that the Secretary of Defense will identify in budget justification documents for the fiscal year 1986 budget the following information:

Major end items of equipment proposed to be procured with funds included in the fiscal year 1986 budget for each reserve component; and

Major end items of equipment (both new items and items transferred from the active forces) expected to be transferred to each reserve component during fiscal year 1986.

The conferees emphasize that section 506(a) of the House bill, which has been included in the conference report with minor amendments, does not require the Secretary of Defense to adopt a single readiness reporting system for both active and reserve forces, but rather one in which the readiness of active and reserve forces can be compared.

Precedence of award of Purple Heart (sec. 553).—The Senate amendment contained a provision (sec. 179) that would specify that the Purple Heart be ranked in precedence among awards immediately below the lowest decoration awarded by a service for valor.

The House bill contained no similar provision.

The House recedes.

Study of military regulations with regard to religious practices (sec. 554).—The House bill contained a provision (sec. 507) that would permit a service member to wear unobtrusive religious headgear, such as a skullcap, if that person's religious practices included the wearing of such headgear and if the headgear did not interfere with the performance of the particular military duties assigned to the individual. The section provided that this provision would expire one year after the date of enactment.

The Senate amendment contained a provision (sec. 1046) that would require a report by January 1, 1985, recommending any changes in service regulations necessary and appropriate to permit service members to abide by the tenets of their faiths while still maintaining discipline and uniformity of appearance. To perform this study, a joint service study group would be created comprised of 12 members: two from each service appointed by the chief of each military service and one non-military citizen appointed by the chief of chaplains of each of the services.

The House recedes with an amendment that would reconfigure the study group to consist of eight members appointed by the Secretary of Defense: one nominated from each of the four services by each of the service Secretaries, three nominated by the Armed Forces Chaplains Board, and one nominated by the Assistant Secretary of Defense for Manpower, Installations and Logistics. The study group would report to the Secretary of Defense on potential conflicts between religious practices and military discipline by February 1, 1985. The Secretary of Defense would then report to the Committees on Armed Services of the Senate and House of Representatives and issue implementing instructions to the service Secretaries within 20 days; the service Secretaries would be required to make any needed changes in service regulations within 30 additional days.

The conferees note that they are extending the deadline for the report by one month to give the Department of Defense additional time to conduct a thorough review of this issue. The deadline is important so that the Committees on Armed Services of the Senate and the House of Representatives will have adequate time to review the conclusions of the study group during consideration of the fiscal year 1986 Defense authorization bill. The conferees hope that the study group will be able to articulate an umbrella philosophy that can then be applied in the event of any future conflict between religious practice and military practice.

The conferees note that this issue was brought to public prominence over the narrower question of the wearing of yarmulkes and expect the study group, while addressing the broader issues, not to lose sight of the immediate issue that prompted creation of the study group.

The conferees also note that concerns have been raised about how to distinguish between practices that stem from genuine faith and practices that could be used simply as a challenge to military discipline or as an excuse for failure to comply with legitimate orders. The conferees expect the study group to address ways to resolve that issue.

TITLE VI— COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—BASIC PAY AND ALLOWANCES

Legislative provisions adopted

Military pay raise for fiscal year 1985 (sec. 601).—The House bill contained a provision (sec. 601) that would increase by 3.5 percent, effective January 1, 1985, the rates of basic pay for members of the uniformed services (other than for pay grade E-1) and the rates of monthly cadet and midshipman pay. The basic allowance for subsistence would not be increased; the basic allowance for quarters would be adjusted in conjunction with a revision of the variable housing allowance (section 602 of the House bill).

The Senate amendment contained a provision (sec. 141) that would increase by 4 percent, effective January 1, 1985, basic pay for all military personnel except those in pay grade E-1 with less than 4 months of active duty. The provision would also increase the Basic Allowance for Subsistence by 4 percent. The basic allowance for quarters would be adjusted in conjunction with a revision of the variable housing allowance (section 142 of the Senate amendment).

The House recedes.

Basic allowance for quarters and variable housing allowance (sec. 602).—The House bill contained a provision (sec. 601) that would set the rates for the basic allowance for quarters effective January 1, 1985, at 70 percent of national median housing costs with respect to each pay grade. A related provision of the House bill (sec. 602) would authorize payment of a variable housing allowance where the local median cost of housing for a pay grade exceeds 85 percent of the national median cost of housing for that pay grade. Alaska and Hawaii would be included in the variable housing allowance program, but service members stationed there on January 1, 1985, and receiving overseas housing allowance benefits would continue to be eligible for those benefits. Finally, certain housing allowance windfalls would be eliminated.

The Senate amendment (sec. 142) contained similar provisions, except the rates for the basic allowance for quarters would be set at 65 percent of national median housing costs and the threshold for the variable housing allowance would be set at 80 percent of national median housing costs. Alaska and Hawaii would not be included in

the program. The Senate provision further differed from the House provision in two technical respects.

The House recedes with an amendment that would authorize, in the future, the variable housing allowance in lieu of the overseas housing allowance for personnel assigned to Alaska and Hawaii.

Reimbursements for accommodations in place of quarters (sec. 603).—The Senate amendment contained a provision (sec. 143) that would extend for one year the authority to pay basic allowance for quarters and variable housing allowance to naval personnel deprived of shipboard quarters. The Senate amendment would limit the amount authorized for such purposes to $1.4 million during fiscal year 1985.

The House bill contained no similar provision.

The House recedes.

Clarification of authority to deny certain members without dependents right to elect to receive basic allowance for quarters rather than occupy military quarters (sec. 604).—The House bill contained a provision (sec. 606) that would clarify the authority of the Secretary of a military department to deny a service member the option of living in off-base quarters when it is determined that a training mission would be adversely affected.

The Senate amendment contained no similar provision.

The Senate recedes.

Commutation of rations for reservists on inactive duty training who are unable to obtain rations-in-kind (sec. 605).—The House bill contained a provision (sec. 607) that would commute the rations, in other words provide a cash allowance, for enlisted members of the reserve components who are unable to obtain rations-in-kind for their meals during inactive duty training.

The Senate bill contained a similar provision (sec. 145), except that the Senate provision limited the authority to the Coast Guard Reserve.

The Senate recedes.

The conferees note that only the Coast Guard has requested this authority and intend that it should be used very sparingly and only when a specific and unusual requirement can be demonstrated.

Forfeiture of accrued leave by certain members who serve on active duty less than six months (sec. 606).—The Senate amendment contained a provision (sec. 152) that would require forfeiture of a service member's unused accrued leave when that member is discharged before completing six months on active duty for failure to serve satisfactorily.

The House bill contained no similar provision.

The House recedes with an amendment to provide discretionary authority to the relevant service Secretary.

Denial of credit for time spent in a delayed enlistment program for purposes of computation of basic pay (sec. 607).—The Senate amendment contained a provision (sec. 144) that would terminate the authority to count time spent in the delayed enlistment pool in determining years of service for purposes of computing basic pay.

The House bill contained no similar provision.

The House recedes.

PART B—TRAVEL AND TRANSPORTATION

Legislative provisions adopted

Emergency medical transportation for dependents of members stationed in Alaska or Hawaii (sec. 611).—The House bill contained a provision (sec. 608) that would authorize commercial transportation at government expense for dependents who accompany service members on their tours of duty in Alaska and Hawaii and who require medical care not locally available. The House provision also would include duty stations in Alaska and Hawaii in the authority provided by the Department of Defense Authorization Act, 1984 (Public Law 98-94), for one government-funded round-trip each year for student dependents of military personnel stationed outside the 48 contiguous states to attend secondary or undergraduate school in the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment authorizing transportation for medical care but not authorizing dependent student travel.

Transportation incident to emergency leave for members whose residences are in possessions of the United States (sec. 612).—The House bill contained a provision (sec. 610) that would expand the present authority to provide transportation incident to emergency leave to include transportation for military members and their dependents from the continental United States to their residences in possessions of the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Travel pay for certain reserve component instructors (sec. 613).—The Senate amendment contained a provision (sec. 150) that would authorize reimbursement for travel expenses incurred by service members not on active duty who perform instructor duty at reserve training meetings more than 100 miles from their homes.

The House bill contained no similar provision.

The House recedes with an amendment measuring the 100 miles from the usual training location of the reserve school to which the member is assigned rather than the home of a member.

Transportation between residence and place of work for senior defense officials (sec. 614).—The Senate amendment contained a provision (sec. 151) that would authorize the use of government vehicles to transport from home to office the Deputy Secretary of Defense, the Undersecretaries of Defense, the Chairman of the Joint Chiefs of Staff, and the members of the Joint Chiefs of Staff. This provision would authorize portal-to-portal transportation for eight Department of Defense officials who have, to date, received such service but who would lose it at the end of the 98th Congress as a result of a ruling by the Comptroller General that only heads of departments are entitled to such transport.

The House bill contained no similar provision.

The House recedes.

PART C—BONUSES AND SPECIAL PAYS

Legislative provisions adopted

Extension of enlistment and reenlistment bonus authorities for active forces (sec. 621).—The House bill contained a provision (sec. 603) that would extend the authority to pay enlistment and reenlistment bonuses for five years, until September 30, 1989.

The Senate amendment contained a provision (sec. 146) that would extend the authority to pay bonuses for two years, until September 30, 1986.

The House recedes with an amendment extending the authority to pay bonuses for three years, until September 30, 1987.

The Senate amendment also contained a provision (sec. 1028) that would remove the present statutory ceiling of $20,000 on the selective reenlistment bonus. However, under the Senate provision, no more than 10 percent of the selective reenlistment bonuses paid during any fiscal year could exceed $25,000.

The House bill contained no similar provision.

The House recedes with an amendment increasing the current $20,000 ceiling for the selective reenlistment bonus to $30,000. However, no more than 10 percent of the selective reenlistment bonuses paid during any fiscal year could exceed $20,000.

The conferees direct that the higher bonus amounts be accommodated without any increase in the amounts requested for bonuses for fiscal year 1985.

Extension of special pay for certain aviation career officers (sec. 622).—The Senate amendment contained a provision (sec. 147) that would extend the authority to pay aviation officer continuation pay for one year, until September 30, 1985, but would limit the eligibility for the pay to Navy aviators. The provision also directed a report on the adequacy of current career pay for aviation specialties.

The House bill contained no similar provision.

The House recedes.

Special pay for sea duty and special skills for enlisted members (sec. 623).—The Senate amendment contained a provision (sec. 1028) that would increase the rates of career sea pay for enlisted members in pay grades E-6 through E-9 and would provide incremental increases in this pay for sea duty beyond the 12-year point. The provision would also replace the existing authority for proficiency pay with a new authority for a special pay of up to $275 per month that could be paid to enlisted members who are required to perform extremely demanding duties or duties demanding an unusual degree of responsibility. In addition, the Senate provision would remove the present statutory ceiling of $20,000 on the selective reenlistment bonus, as previously discussed in section 621, relative to enlistment and reenlistment bonuses.

The House bill contained no similar provision.

The House recedes.

The conferees direct that any use of these enhanced benefits be accommodated within the amounts requested for special pays for fiscal year 1985.

The conferees note that the increased rates of career sea pay should provide a substantial incentive for enlisted personnel to remain at sea. This, in turn, should ease sea-to-shore rotation pressures, thereby facilitating increased utilization of the reserves. The Committees on Armed Services of the Senate and the House of Representatives will continue to closely monitor the progress being made by the Navy in expanding its utilization of the Naval Reserve.

Discontinuation of certain incentive pays for hazardous duty (sec. 624).—Currently, enlisted personnel receive $83 per month and officers receive $110 per month as an incentive to perform various types of hazardous duty.

The Senate bill contained a provision (sec. 148) that would increase the rates payable to enlisted personnel to $110 per month for the following seven duty assignments: flight

deck duty, demolition duty, duty involving experimental stress, flying duty as a non-crew member, parachute duty, duty involving toxic fuels and propellants, and duty involving toxic pesticides and dangerous organisms.

The Senate provision would also increase the rate of hazardous duty incentive pay for flying duty as an enlisted crew member to a minimum of $110 per month.

Finally, the Senate provision would discontinue two hazardous duty incentive pays that are no longer necessary: glider pay and leprosy pay.

The House bill contained no similar provision.

The House recedes on the discontinuation of glider and leprosy pay; the Senate recedes on all other provisions.

PART D—HEALTH CARE MATTERS

Legislative provisions adopted

Extension of medical and dental care for reserves and national guard (sec. 631).—The House bill contained a provision (sec. 611) that would authorize medical and dental care for members of the reserve components who contract diseases or become ill during their inactive duty training. Under current law, such care is provided for those individuals who incur injuries during either inactive duty training or active duty for training and for those individuals who contract diseases or become ill during active duty for training.

The Senate amendment contained no similar provision.

The Senate recedes.

Enhanced benefits coverage under CHAMPUS (sec. 632).—The Senate amendment contained a provision (sec. 161) that would authorize payment under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for no more than one eye examination per year per person.

The Senate amendment would also direct that chiropractic care be included under CHAMPUS. Coverage would extend to manual manipulation of the spine and other routine chiropractic procedures prescribed by the Secretaries of Defense and Health and Human Services and not otherwise prohibited by law.

The House bill contained no similar provision.

The House recedes with amendments. One amendment would limit the eye examination authorization to dependents of active duty personnel. The other amendment, in lieu of the Senate provision, would direct the Department of Defense to conduct several demonstration projects on chiropractic care, utilizing the authority provided by section 1092 of title 10, United States Code. These demonstration projects should be structured to provide additional data on the benefits and cost of chiropractic care, including the extent to which chiropractic, as an alternative source of care, would replace other medical services, rather than merely adding to the program cost. The conferees intend that the scope of these demonstration projects be sufficiently broad to ensure that adequate data will be available upon which to base a future decision as to whether chiropractic should be provided in uniformed service facilities and under CHAMPUS.

Authority to provide dental care to certain dependents in facilities of the uniformed services (sec. 633).—Currently, dependents of active duty personnel are authorized dental care in facilities of the uniformed services on a limited basis. Dental care may be provided overseas or as a necessary adjunct of medical, surgical, or preventive treatment. However, routine dental care within the United States may be provided only where adequate civilian facilities are unavailable. Such care is provided on a space available basis.

The Senate amendment contained a provision (sec. 162) that would authorize dental care for dependents of active duty personnel in military facilities worldwide on a space available basis.

The House bill contained no similar provision.

The House recedes with an amendment delaying the effective date until July 1, 1985. The conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives no later than February 1, 1985, detailing the department's views on extension of dental care to dependents worldwide. That report should address the capability of dental facilities to accommodate active duty dependents; the amount of space available care projected to be available in each service; any additional projected costs of the expanded space available care; and the impact of expanded dependent dental care on the level of benefits provided to current beneficiaries.

The conferees emphasize that active duty dental needs are to be met first. The conferees further intend that extension of the space available benefit to nonactive duty beneficiaries should not be used as a basis for expanding the dental programs of the services. The conferees are particularly concerned that the services not attempt either to staff or size dental facilities based on the increased potential space available workload.

Study of use by CHAMPUS of Medicare prospective payment system (sec. 634).—The Senate amendment contained a provision (sec. 163) that would direct the Secretary of Defense and the Secretary of Health and Human Services to study jointly the possible effects of the adoption by the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) of a prospective payment system such as that utilized by Medicare. The study would also address the advisability and feasibility of statutorily linking provider participation in Medicare with provider participation in CHAMPUS.

The House bill contained no similar provision.

The House recedes.

PART E—BENEFITS FOR SURVIVORS AND FORMER SPOUSES

Legislative provisions adopted

Elimination of certain social security offsets from the Survivor Benefit Plan (sec. 641).—Under current law, when a widow or widower becomes eligible for social security at age 62, the Survivor Benefit Plan annuity is reduced by the social security benefit to which the survivor is entitled based on the late member's military service. Regardless of the amount of the social security benefit attributable to that military service, however, the Survivor Benefit Plan annuity may be reduced by no more than 40 percent.

The Senate amendment contained a provision (sec. 158) that would eliminate the social security offset against the Survivor Benefit Plan annuity in the case of a survivor who is receiving social security benefits based on his or her own earnings, rather than a widow's or widower's benefit based on the late member's earnings.

The House bill contained no similar provision.

The House recedes with an amendment delaying the effective date until September 30, 1985. In the interim, the conferees intend that a comprehensive review of the current Survivor Benefit Plan program be conducted.

Authority to initiate payments under survivor annuity programs when the participant is missing (sec. 642).—The Senate amendment contained a provision (sec. 159) that would permit the service Secretary to determine that a participant in either the Retired Serviceman's Family Protection Plan (RSFPP) or the Survivor Benefit Plan (SBP) is missing under circumstances from which it can reasonably be concluded that such person is dead, provided the person has been absent for at least 30 days. As a result of such a determination, the beneficiary designated by the participant would be eligible to receive an annuity under either the Retired Serviceman's Family Protection Plan or the the Survivor Benefit Plan.

The House bill contains no similar provision.

The House recedes with a technical amendment.

Clarification of authority to enforce certain court orders in connection with the payment of retired or retainer pay to former spouses (sec. 643).—The Senate amendment contained a provision (sec. 160) that would eliminate the current requirement of the Uniformed Services Former Spouses' Protection Act (section 1408 of title 10, United States Code), that in order for a court order to cause direct payments of child support or alimony to a former spouse, it must specify that the payments be made from retired pay. The Senate provision would retain that requirement in the case of divisions of property, however. The Senate provision would further eliminate the current restriction that the court order or other documents served with the court order must include the social security number of the retiree.

The House bill contained no similar provision; however, the House had recently passed similar legislation, H.R. 5027.

The House recedes.

Clarification of authority to elect former spouses as beneficiaries under the Survivor Benefit Plan (sec. 644).—As a result of the enactment of the Uniformed Services Former Spouses' Protection Act, a military retiree may designate a former spouse as a beneficiary under the Survivior Benefit Plan. The Act specifies that the decision to make such a designation must be voluntary on the part of the retiree and can not be ordered by the court.

The Senate amendment contained a provision (sec. 160a) that would deem a retiree to have elected a former spouse as a beneficiary under the Survivor Benefit Plan if the Secretary concerned receives a request for such action from the former spouse and receives a copy of a court order that incorporates, ratifies, or approves a voluntary written agreement on the part of the retiree to designate the former spouse as the beneficiary under the Survivior Benefit Plan.

The House bill contained no similar provision.

The House recedes.

Miscellaneous rights and benefits for former spouses (sec. 645).—The Uniformed Services Former Spouses' Protection Act (Title X of Public Law 97-252) authorized medical, exchange, and commissary benefits for a limited group of long-term former spouses. These benefits are currently authorized for an unremarried former spouse

whose marriage covered at least 20 years of military service. In addition, the coverage is not retroactive and applies only to divorces finalized on or after the effective date of the legislation—February 1, 1983. Further, the medical care benefit was limited to those former spouses who are not covered by employer-sponsored medical insurance.

The Senate amendment contained a provision (sec. 160d) that would relax the eligibility criteria for medical benefits. Although 20 years of marriage and 20 years of service would still be required, only 15-year overlap between marriage and service would be required. In addition, the benefits would be fully retroactive, rather than available only to those divorced after the effective date of the legislation.

The House bill contained no similar provision.

The House recedes with amendments. The medical, exchange and commissary benefits authorized by current law would be provided to all former spouses who have 20 years of marriage during which time the member served in the military for 20 years, regardless of the date of divorce.

In recognition of the fact that many other former spouses have also had a long-term association with the military, military medical coverage would, under certain circumstances, also be provided for those former spouses who have 15 years of overlap between the length of marriage and years of service. Those in this category with divorces finalized prior to April 1, 1985, would be entitled to full military medical care benefits subject to the same restrictions contained in current law: termination upon remarriage or in the case of employer-sponsored medical care. Those with divorces finalized after April 1, 1985, would be entitled to two years of transitional care in the military medical care system followed by the right to convert to a private health insurance plan with identical restrictions on remarriage and other medical coverage.

All other former spouses not meeting the 20/20/15 criteria would also be provided the option of electing coverage in the conversion plan. The decision as to who would be liable for the premium payments for this coverage would be determined as a part of the terms of individual divorce settlements.

The conversion of military health care coverage to a private insurance plan envisioned by the conferees is a common feature in the insurance industry in both the public and private sector. All insurance plans participating in the Federal employees' health benefit program are required to offer a conversion option to those individuals who lose their eligibility for coverage under their government health insurance plan. This could occur, for example, when the individual leaves government employment, when children reach age 22 and are no longer eligible for coverage under a family plan, or in the event of divorce. In addition, a majority of states require that insurance carriers offer conversion options under similar circumstances.

The conferees direct the Department of Defense to design a program to contract with one or more private insurance companies to provide, at a lower than individual rate and with a waiver of pre-existing conditions, a conversion policy. This conversion policy would be made available to all individuals who lose their entitlement to care in the military health care system: former spouses, military personnel leaving active duty and their dependents, and dependents of active duty personnel and retirees upon reaching majority. Such a conversion option would provide a significant benefit to all of these groups and would also provide a broader base of participants, thereby lowering the cost of the coverage and making such a program more attractive to private insurance carriers.

The conferees expect the Department of Defense to present Congress with complete plans for a coherent and workable program within 12 months. Two years of coverage are provided, however, to ensure that there is more than sufficient time to deal with any problems that may occur and to enact any enabling legislation that may be required. Should any insurmountable problem develop, however, the conferees envision extending the initial two years of transitional coverage for whatever additional period of time may be necessary to ensure that there is no disruption in the availability of medical care at a reasonable cost.

The conferees are concerned about the lack of uniformity among the services in procedures followed to implement the Former Spouses' Protection Act. An audit of the service finance center records by the General Accounting Office late last year indicated that there are significant differences in implementation among the services and also that insufficient information has often been provided in response to former spouses seeking to utilize the direct payment mechanism, thus necessitating repeated correspondence. For example, the General Accounting Office found:

that the Navy and Marine Corps have rejected certain formulas for division of retired pay that the Army and Air Force have accepted;

that the services have used different definitions of creditable service;

that the services have not been uniform in their interpretation of court orders providing for cost-of-living increases on the former spouses' portion of retired pay;

that the services have sent rejection letters to former spouses that failed to explain the options available to the former spouses or the actions needed to conform with legislative requirements; and

that the services have used substantially different procedures in issuing military identification cards to former spouses.

The conferees are concerned that these differences may impede the orderly enforcement of valid state court orders on behalf of former spouses in accordance with the terms of the Uniformed Services Former Spouses' Protection Act. Therefore, the conferees direct the Secretary of Defense to ensure uniform implementation of the Act by the services to the greatest extent possible.

Finally, the conferees are concerned that the individual service Secretaries have not sufficiently exercised their secretarial designation authority as urged in the conference report on the Former Spouses's Protection Act to provide medical care to deserving former spouses who suffer from medical conditions or disabilities attributable to or arising from the nature or location of the service performed by the service member. The conferees, therefore, direct the Secretaries to review their present eligibility criteria for secretarial designations to ensure that deserving individuals are not excluded from this needed care.

PART F—MISCELLANEOUS

Legislative provisions adopted

Legal assistance programs (sec. 651).—The Senate amendment contained a provision (sec. 157) that would create an entitlement to space available legal assistance for active duty military personnel and authorize space available legal assistance for military dependents and retirees.

The House bill contained no similar provision.

The House recedes with an amendment making the authority wholly discretionary and subject to availability of space for all beneficiaries. The conferees do not intend by adopting this provision to expand the entitlement to legal assistance beyond that afforded before the effective date of this provision. The conferees intend, simply, to clarify the existing status of the benefit. The conferees further intend that the adoption of this provision should not be interpreted to support requests for additional facilities or personnel beyond that required to accomplish the direct military mission.

Limitation on transportation of motor vehicles through Guam (sec. 652).—The House bill contained a provision (sec. 609) that would limit to 200 per month the number of privately-owned vehicles shipped at government expense from Guam by members of the armed forces assigned other than to Guam. The authority for any such shipments would expire on September 30, 1985. The section also directed a report from the Department of Defense on how to handle the problems that result because Japanese law requires such substantial modifications of American vehicles before they enter Japan that American military personnel assigned there are effectively prevented from bringing their personal vehicles with them.

The Senate amendment contained a similar provision (sec. 153) that would limit monthly shipments to 100 vehicles and would terminate the program on March 31, 1985.

The Senate recedes with an amendment limiting the number of vehicles to 100 per month, while keeping the termination date of September 30, 1985.

Personal vehicles of United States military personnel in Japan (sec. 653).—The Senate amendment contained a provision (sec. 1030) that would express the sense of the Congress that the Administration seek agreement with Japan to allow American service personnel to bring their personal vehicles into Japan without modification and would direct a report within 90 days of enactment on the progress of such negotiations.

The House bill contained no similar provision.

The House recedes.

Authority for voluntary withholding of state income taxes from retired and retainer pay (sec. 654).—The House bill contained a provision (sec. 612) that would authorize the Secretary concerned to enter into an agreement with any state to withhold income taxes from the paychecks of persons receiving military retired or retainer pay who request withholding for that state.

The Senate amendment contained no similar provision.

The Senate recedes.

Recomputation of retired pay of certain recalled retirees (sec. 655).—The Senate amendment contained a provision (sec. 149) that would authorize the recomputation of retired pay for service members recalled to active duty during the Vietnam war based on the rates of basic pay in effect at the time of their subsequent release from active duty.

The House bill contained no similar provision.

The House recedes.

Delay of effective date for fee for veterinary services (sec. 656).—The House bill contained a provision (sec. 613) that would delay for one year, until October 1, 1985, the effective date for a $10 per visit fee for pets of military personnel provided care by military veterinarians. The Department of Defense Authorization Act, 1984 (Public Law 98-94) had provided for the fee to take effect on October 1, 1984.

The Senate amendment contained no similar provision.

The Senate recedes.

Legislative provisions not adopted

Clarification of tax treatment of certain allowances.—The Senate amendment contained a provision (sec. 160c) that would provide, for purposes of the tax benefit rule of section 265(1) of the Internal Revenue Code, that military housing and subsistence allowances and ministers' parsonage allowances not be considered as exempt from the Federal income tax.

The House bill contained no similar provision.

The conferees are deeply troubled by the prospect of an Internal Revenue Service ruling that would treat military housing allowances in such a manner as to disallow military homeowners' itemized deductions of mortgage interest and real property taxes on their Federal income tax returns. The specter of such a ruling has created substantial anxiety within the armed forces.

The Congress has consistently considered the tax advantage that accrues to military allowances in defining and setting military compensation levels. (See section 101(25) of title 37, United States Code.) If the tax advantage component of military compensation were to be neutralized by a change in current tax practice, then it would be necessary to adjust the other components of military compensation accordingly. The conferees believe that the better course would be to preserve the current tax practice.

In the interest of setting the concerns of service members to rest, the conferees were sorely tempted to retain section 160c of the Senate amendment. Unfortunately, inclusion of the provision in the conference report might be ruled to violate the rules of the House of Representatives by including a tax measure in legislation not reported by the Committee on Ways and Means. Consequently, the conferees reluctantly agreed to drop the provision.

The Senate recedes.

Sense of Congress regarding restrictions on cost-of-living adjustments for certain retired persons under 62 years of age.—The Senate amendment contained a provision (sec. 1019) that would express the sense of the Congress that the provision of the Omnibus Reconciliation Act of 1982 (Public Law 97-253) restricting cost-of-living adjustments for Federal retirees under age 62 should not be extended beyond fiscal year 1985.

The House bill contained no similar provision.

The Senate recedes. The House version of the Deficit Reduction Act of 1984 (H.R. 4170) would have extended the restrictions on cost-of-living adjustments into fiscal years 1986 and 1987. That provision, however, was deleted in conference report.

TITLE VII—EDUCATIONAL ASSISTANCE PROGRAMS

NEW EDUCATIONAL ASSISTANCE PROGRAM

Title VII of the House bill would establish a new educational assistance program for members of the armed forces. The basic benefit, funded by the Veterans Administration, would accrue at the rate of $300 per month with a maximum of 36 months of entitlement for military personnel who serve for three years on active duty or for two years on active duty and four years in the selected reserve. The Secretary of Defense would have discretion to increase the basic benefit by up to an additional $400 per month for individuals in critical or difficult-to-recruit-for skills.

The House provision would authorize a supplemental benefit of $300 per month at the discretion of the Secretary of Defense for service members who complete the initial period of service required for the basic benefit and serve an additional five years on active duty or an additional two years on active duty and four years in the selected reserve. In addition, the Secretary of Defense would have discretion to increase the supplemental benefit by up to an additional $300 per month on a targeted basis.

A service member in a critical skill would be allowed, at the discretion of the Secretary of Defense, to transfer benefits to dependents after completing ten years of active duty service.

Title VII of the House bill would also establish an educational assistance program for members of the selected reserve. Selected reservists would receive an entitlement of $140 per month for up to 36 months, funded by the Department of Defense, in exchange for a six-year commitment in the selected reserve.

The House provision would require that the Department of Defense portion of the new educational assistance program be budgeted on an accrual basis. All benefits, with the exception of the basic entitlement, would be funded by the Department of Defense.

The Senate amendment contained a provision (sec. 160b) that would authorize a four-year test program of educational assistance in which a maximum of 12,500 personnel each year could participate. The new educational assistance program would be limited to non-prior service personnel who enlist after September 30, 1984, and before September 30, 1988, for active duty for two years and who agree to serve during that enlistment in a military skill designated by the Secretary concerned. During their two years of service, participants in the test program would have their basic pay reduced by $250 per month. In addition, they would receive neither basic allowance for quarters nor basic allowance for subsistence. In exchange, the individual would be eligible for educational benefits of $500 per month for a total of 36 months.

If an individual elected to reenlist, he would be eligible to retain the educational entitlement or to relinquish that entitlement and instead receive the pay and allowances foregone during the two-year enlistment period. This test program would be funded by the Department of Defense and would be administered by the Veterans Administration.

The Senate amendment also contained a provision (sec. 155) that would repeal the December 31, 1989, termination date for use of educational benefits under the Vietnam-era educational assistance program. The Department of Defense would pay the cost of all benefits used after that date.

The House bill contained no similar provision.

The Senate recedes with amendments establishing a three-year educational benefits program. In exchange for a reduction in basic pay of $100 per month for 12 months, new recruits entering military service after June 30, 1985, and before July 1, 1988, would accrue an educational benefit of $300 per month for 36 months of active duty. Those serving for two years of active duty would accrue an educational benefit of $250 per month for 36 months. New entrants would be covered by this program unless they elected not to participate at the time they entered the service. Discretionary kickers and supplemental benefits would be identical to those provided in the House bill.

The conferees agreed to eliminate transferability to dependents but direct the Secretary of Defense to provide the Committees on Armed Services of the Senate and House of Representatives with a report on the need for and feasibility of transferring benefits to a spouse or dependent children.

As provided in the House bill, selected reservists would receive an entitlement of $140 per month for up to 36 months, in exchange for a six-year enlistment.

The basic $300 per month benefit would be funded by the Veterans Administration, with Department of Defense funding for all kickers, supplemental benefits, and the reserve program. Authority for persons to elect to participate in the current Veterans' Educational Assistance Program (VEAP) would be suspended during the three-year program.

With respect to the 1989 termination date, individuals with an entitlement to benefits under the Vietnam-era educational assistance program could, if they elected to do so, accrue a new entitlement to $300 per month for 36 months after three additional years of active duty service with no reduction in basic pay. In addition to this basic benefit, they would be eligible to receive one-half of their educational entitlement under the Vietnam-era G.I. bill (Chapter 34 of Title 38).

EXISTING PROGRAMS

Legislative provision adopted

Extension of pilot Department of Defense educational assistance loan repayment program (sec. 709).—The Defense Authorization Act of fiscal year 1981 (Public Law 96-342), authorized a test program in which a portion of Higher Education Act loans would be forgiven for individuals who enlist in the armed forces. The authority for this program expires on September 30, 1984.

The House bill contained a provision (sec. 604) that would extend the authority for this program for two additional years until September 30, 1986.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE VIII—CIVIL DEFENSE

The President's budget request included $252.478 million for civil defense. The House bill (sec. 901) would authorize $190 million. The Senate amendment (sec. 181) would authorize $190.478 million.

The Senate recedes.

Both the House bill and the Senate amendment included language that would repeal the limits on appropriations for emergency management assistance contributions that may be provided to the states for personnel and administrative expenses associated with civil defense and for certain other purposes.

The Senate recedes.

TITLE IX—NATIONAL DEFENSE STOCKPILE

PROVISIONS RELATED TO NATIONAL DEFENSE STOCKPILE

Legislative provisions adopted

The House bill contained a number of provisions affecting the national defense stockpile. Current authorization to dispose of material from the stockpile would be terminated on September 30, 1984 (sec. 901). Authorization for disposal of specific quantities of 19 materials (including 10 million troy ounces of silver) currently in excess of stockpile requirements would be provided, effective October 1, 1984 (sec. 902). The limit on the unobligated balance authorized for the National Defense Stockpile Transaction Fund would be reduced from $500 million to $25 million (sec. 903). Finally, the President would be required to submit a report, not later than January 31, 1985, on a number of issues related to stockpile operation and management.

The Senate amendment contained no similar provisions.

The Senate recedes with amendments reducing the quantities authorized for disposal of two materials and increasing the quantity of one material and authorizing a limit of $250 million for the unobligated balance for the Stockpile Transaction Fund during fiscal years 1985 and 1986 and $100 million thereafter.

In establishing this limitation on Transaction Fund balances the conferees agreed that the balance limitation should be reviewed and adjusted to allow efficient stockpile management as revenues to the Fund increase or decrease. The conferees intend that no reduction in stockpile goals be implemented during fiscal year 1985.

It is the intent of the conferees that the disposal of silver authorized by this Act be deferred until the President submits the report required by section 788 of Public Law 97-114, the Department of Defense Appropriation Act for fiscal year 1982.

The Senate amendment contained a related provision (sec. 1012) that would require 30 percent of net proceeds derived from the Naval Petroleum Reserves during fiscal year 1985 to be credited to the Stockpile Transaction Fund and authorizes $223,804,000 for exploration, prospecting, conservation, development, use and operation of the Naval Petroleum Reserves.

The House bill contained no similar provision.

The House recedes with an amendment deleting the authorization for exploration, prospecting, conservation, development, use and operation of the naval petroleum reserves.

Legislative provisions not adopted

The Senate amendment contained a provision (sec. 1020) that would require that silver disposed of from the stockpile be used by the Secretary of the Treasury to mint coins.

The House bill contained no similar provision.

Legislative jurisdiction to authorize the minting of coins does not reside with the Committees on Armed Services and a provision of this nature could be ruled to be nongermane to the House bill. Therefore, the Senate recedes.

TITLE X—MATTERS RELATING TO NATO AND OTHER ALLIES

Legislative provisions adopted

Sense of Congress concerning expenditures by U.S. allies (sec. 1001).—The Senate amendment contained a provision (sec. 1021) that would express the sense of Congress that the President should insist that the NATO allies increase their defense spending by at least 3 percent in real terms and that Japan should further increase its defense spending.

The House bill contained a provision (sec. 1124) that would express the sense of Congress that the President should call on our NATO allies to increase their defense spending by at least 3 percent in real terms and should call on Japan to further increase its defense spending.

The Senate recedes.

NATO conventional capability (sec. 1002).—The Senate amendment contained a provision (sec. 1048) that would express the congressional finding that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability and urge the President and Secretary of Defense to continue to encourage NATO members to fulfill certain conventional force improvement commitments.

Also, section 1048 would impose a ceiling of 326,414 on the number of U.S. military personnel stationed ashore in NATO Europe and require 2 annual reports by the Secretary of Defense on allied progress in meeting their commitments and U.S. expenditures in support of NATO.

The House bill contained no similar provision.

The House recedes with technical amendments.

Although the House conferees share the desires of the Senate conferees to see NATO's conventional capabilities improved and greater allied support for the alliance, the House conferees are concerned about the impact of the Senate provision on NATO. Specifically, the House conferees are concerned about the effect of the Senate provision on the political cohesion of the alliance; the effect of a manpower ceiling on the Supreme Allied Commander's planning and operational flexibility and the impact of a congressionally imposed manpower ceiling on the Mutual and Balanced Force reduction negotiations in Vienna, Austria.

The House Committee on Armed Services, therefore, intends to hold hearings in the next session on the impact of the Senate provision, on NATO's capabilities.

Report on allied contributions to common defense (sec. 1003).—The Senate amendment contained a provision (sec. 10001) that would require an annual report by the Secretary of Defense on the defense contributions of our NATO allies and Japan.

The House bill contained no similar provision.

The House recedes.

NATO Seasparrow Program (sec. 1004).—The Senate amendment contained a provision (sec. 1002) that would authorize the Secretary of the Navy to continue participation in the North Atlantic Treaty Organization SEASPARROW Surface Missile System Cooperative Consortium under the terms of existing Memorandum of Understanding.

The House bill contained no similar provision.

The House recedes.

Procurement of communications support and related supplies and services (sec. 1005).—The Senate amendment contained a provision (sec. 1007) that would provide authority to the Secretary of Defense to enter into arrangements with allied countries to exchange communication support and related supplies and services.

The House bill contained no similar provision.

The House recedes.

Armaments cooperation with NATO nations (sec. 1006).—The Senate amendment contained a provision (sec. 1034) that would require the Secretary of Defense to prepare and transmit to the Congress, not later than December 1, 1984, a report setting forth a comprehensive plan by which the United States and NATO member countries may achieve the objectives of section 1122(b) of Public Law 97-252, Department of Defense Authorization Act, 1983. Section 1122(b) expresses a sense of Congress that the President should propose that the NATO allies join United States in agreeing relative to the following:

(1) to coordinate more effectively their defense efforts and resources to create, at acceptable costs, a credible, collective, conventional force for the defense of the North Atlantic Treaty area;

(2) to establish a cooperative defense-industrial effort within Western Europe and between Western Europe and North America that would increase the efficiency and effectiveness of NATO expenditures by providing a larger production base while eliminating unnecessary duplication of defense-industrial efforts; and

(3) to share more equitably and efficiently the financial burdens, as well as the economic benefits (including jobs, technology, and trade) of NATO defense.

The House bill contained no similar provision.

The conferees agreed on the need for the report required by the Senate amendment. However, in the recognition that the course of action offered in the report would be only a U.S. proposal and not a plan agreed to by NATO, the conferees direct the Secretary of Defense to submit only a proposal. The conferees also extended the date by which the report should be submitted to May 1, 1985.

The House recedes.

TITLE XI—MATTERS RELATING TO ARMS CONTROL

Legislative provisions adopted

Report on strategic nuclear submarine force (sec. 1101).—The House bill contained a provision (sec. 1108) that would direct the Secretary of Defense to submit a report on the survivability of the United States strategic nuclear ballistic missile submarine force and the supporting command, control and communications systems not later than January 19, 1985.

The Senate amendment contained no similar provision.

The conferees agreed to a provision directing the Secretary of Defense to submit a study on the survivability of the strategic ballistic missile submarine force not later than April 1, 1985.

The Senate recedes with an amendment.

Annual report on strateigc defense programs (sec. 1102).—The House bill contained a provision (sec. 1109) that would require that annually, from fiscal year 1986 through fiscal year 1990, the Department of Defense submit separate justification books covering the Strategic Defense Initiative and other strategic defense programs, detailing the funding plans for the previous fiscal year, the current fiscal year, and the following two fiscal years.

The Senate amendment contained a provision (sec. 1024) that called for annual funding reports in the same fiscal years and covering the same fiscal years as required by the House provision, but only on the Strategic Defense Initiative. It also specifically

called for the reports to detail component programs, define objectives, to link objectives to each program, and to identify technology base efforts related to the Strategic Defense Initiative.

The Senate amendment contained another provision (sec. 1042) that would express the sense of the Congress that the President consult with Japan and the NATO allies about the Strateigc Defense Initiative.

The House recedes with an amendment providing that the report address strategic ballistic missile defense programs other than just the Strategic Defense Initiative, adding a requirement that the Secretary of Defense provide a statement of any anticipated impact of strategic defense programs on the Anti-Ballistic Missile Treaty plus information that would help Congress to review the impact of Soviet countermeasures, deleting the requirement to identify technology base efforts, and amalgamating the language on consultation with the allies into a single provision on strategic missile defense.

Report on theater nuclear weapons and force structure (sec. 1103).—The House bill contained a provision (sec. 1115) requiring the President to submit a report to the Congress no later than January 19, 1985, setting forth reasons why the United States should or should not initiate a long term program for renovation of the NATO nuclear deterrent in a manner designed to reduce pressures for the early first use of tactical nuclear weapons and to substantially reduce NATO's theater nuclear arsenal. The report required by this provision of the House bill must consider the:

possible elimination of NATO's reliance on short-range nuclear weapons such as the atomic demolition munitions, and the 155-millimeter and 8-inch nuclear artillery round;

possible deployment of longer range nuclear weapon launchers capable of attacking Warsaw Pact targets but not those targets located in the Soviet Union;

elimination of NATO's inventory of dual-capable nuclear/conventional weapons; and

placement of control and operation of tactical nuclear weapons in a single NATO command.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on withdrawal of tactical nuclear warheads from Europe (sec. 1104).—The House bill contained a provision (sec. 1116) requiring the President to submit a report to the Congress no later than 90 days after a final decision is made by the NATO Alliance regarding reductions to be made by the United States in the numbers of tactical nuclear warheads located within NATO European member nations, pursuant to a decision made on October 17, 1983, by the Nuclear Planning Group of NATO. The report would be required to contain:

types and numbers of warheads to be withdrawn, the withdrawal schedule, and the rationale for warhead withdrawals; and

any changes in force structure to be made resulting from changes in tactical nuclear warheads positioned in Europe.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on U.S. counterforce capability (sec. 1105).—The House bill contained a provision (sec. 1127) requiring the President to submit a report to the Congress no later than January 19, 1985, discussing the required strategic counterforce capability consistent with existing United States policy as expressed by the President in his letter of May 11, 1983, to Members of the House of Representatives. The President's report would be required to consider current and proposed U.S. ICBM's such as the MX and Trident II (D-5) missiles and the small single-warhead missile planned for procurement for modernization of strategic forces. The President would also be required to provide the rationale for the counterforce capability that would be identified as a result of those procurements. In addition, the President would be required to include in the report a "specific definition" of what U.S. counterforce capability would constitute a so-called "first strike capability" against the Soviet Union.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment inserting a requirement for an assessment of corresponding Soviet counterforce and first strike capabilities, and deleting the descriptive language of the President's policy.

Report on policy implications of a "nuclear winter" study (sec. 1107).—The House bill contained a provision (sec. 1136) that would direct the Secretary of Defense to participate in any comprehensive study conducted on the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, arms control policy and civil defense policy of the United States. This provision would require the Secretary of Defense to submit a comprehensive report to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate amendment contained a similar provision (sec. 1013) that would direct the Secretary of Defense to conduct a comprehensive study on the consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, arms control policy, and the civil defense policy of the United States. The major difference between the two versions was that the House bill would authorize the Secretary to participate in any such study carried out by an agency of the Federal government while the Senate amendment would direct the Secretary of Defense to conduct the study.

The conferees recommend a compromise which adopts the Senate language with the exception that the Secretary of Defense would participate in any comprehensive study of these matters rather than to conduct the study.

The House recedes with an amendment.

Sense of the Congress relating to establishing nuclear risk reduction centers in the United States and the Soviet Union (sec. 1108).—The Senate amendment contained a provision (sec. 1033) wherein the Senate would commend the President for his announced support of certain confidence building measures between the United States and the Soviet Union and his initiation of negotiations on those measures. The Senate provision would also urge the President to add to those negotiations the subject of establishing nuclear risk reduction centers to be located in the United States and in the Soviet Union to be operated under the direction of appropriate diplomatic and defense authorities.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding a report to the Congress on certain verification programs (sec. 1109).—The Senate amendment contained a provision (sec. 1035) that would express the sense of the Congress that the President should submit a report to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives identifying and evaluating programs to support verification requirements to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban. In addition, the requested report would identify the budget resources necessary to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban. The President would be requested to submit this report not later than December 31, 1984.

The House bill contained no similar provision.

The House recedes with an amendment.

Sense of the Congress on interim constraints and on support for United States to pursue outstanding arms control compliance (sec. 1110).—The Senate amendment contained a provision (sec. 1039) that would express the sense of Congress that: (a) the United States should pursue with the Soviet Union the resolution of concerns over compliance with existing arms control agreements and should seek corrective actions through diplomatic channels; (b) the United States should continue its policy to refrain from undercutting the provisions of existing strategic arms agreements so long as the Soviet Union does so through December 31, 1985, or until a new strategic arms agreement is concluded; (c) the President provide a report by September 15, 1984, to the Congress reflecting additional findings regarding Soviet adherence to a "no-undercut policy"; (d) the President, on or before June 1, 1985, report to the Congress on the implications of the U.S.S. Alaska's sea trials, possible Soviet responses to the termination of the U.S. "no-undercut policy", a review of Soviet activities with respect to existing strategic arms agreements and recommendations regarding the future restraint policy of the United States; and (e) that the President should consider the impact of any changes to current policy regarding existing strategic arms agreements and consult with the Congress before making any changes in current policy.

The House bill contained no similar provision.

The House recedes with an amendment extending the date of the September 15, 1984, report to February 1, 1985.

Policy on the status of certain treaties to limit nuclear testing (sec. 1111).—The Senate amendment contained a provision (sec. 1047) that would express the sense of the Congress that the President should at the earliest possible date request the advice and consent of the Senate to the ratification of the Threshold Test Ban and peaceful Nuclear Explosions Treaties signed in 1974 and 1976, repectively. The President's request to the Senate would be accompanied by a report containing any plans the President may have to negotiate supplemental verification procedures and any understandings or reservations on the subject of verification that the President believes necessary to be attached to the Threshold Test Ban and Peaceful Nuclear Explosions Treaties. Also, the Senate provision would urge the

President to resume negotiations toward a "verifiable comprehensive test ban treaty."

In addition, Sec. 1047 of the Senate amendment would express the sense of the Congress that "in accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating."

The House bill contained no similar provision.

The House recedes with an amendment that would change the provisions to a "sense of the Senate" in lieu of a "sense of the Congress" provision.

Legislative provisions not adopted

Sea-launched cruise missiles (SLCM).—The House bill contained a provision (sec. 1130) that would prohibit deployment of nuclear sea-launched cruise missiles until the President submits a report describing a verification method that the Joint Chiefs of Staff and Director of Central Intelligence have certified would be adequate, and that would be acceptable if used by another nation, to verify whether a deployed cruise missile is armed with a conventional or nuclear warhead. The provision would be in effect until September 30, 1985, or until the President submits a report to Congress setting forth (a) findings that, after January 1, 1983, the Soviet Union has deployed a cruise missile comparable to Tomahawk and (b) findings that it is technically impossible to verify effectively numbers of deployed SLCMs through national technical means of verification. The President would be required to submit a report on nuclear-armed sea-launched cruise missile verification methods no later than January 19, 1985.

The Senate amendment contained no similar provision.

The House recedes.

The Senate amendment contained a provision (sec. 1038) citing several findings of the Congress concerning U.S. arms control efforts and the deployment of sea-launched cruise missiles by the Soviet Union. The provision further expressed the Sense of Congress that the President should, at the earliest practicable time, urge the Soviet Union to return to the START and INF negotiations and to include in the appropriate negotiations a discussion of verification means for nuclear armed sea-launched cruise missiles with a view toward achieving the complete elimination of all Soviet and U.S. nuclear weapons. The provision also urged the President to advise the government of the Soviet Union that the United States is willing to accept, and that the Soviet Union should be willing to accept, "those intrusive on-site inspection procedures necessary for effective verification as an integral part of mutual arms reductions."

The House bill contained no similar provision.

The Senate recedes.

The conferees note the existence of a sharp division in the approaches taken to the arms control problems posed by the deployment of nuclear-capable sea-launched cruise missiles on naval submarines and surface ships.

In view of the deployment of nuclear-armed sea-launched cruise missiles by the Soviet Union since 1962, and the absence of existing reliable means whereby the presence (or absence), range, warhead or capabilities of sea-launched cruise missiles can be verified, the conferees do not believe that a moratorium on the deployment of nuclear-armed Tomahawk sea-launched cruise missiles would be consistent with the national security interest of the United States.

The conferees support an early resumption of the Strategic Arms Reduction Talks (START) and the Intermediate Range Nuclear Force (INF) negotiations, and urge the Soviet Union to drop its preconditions to the resumption of these important negotiations. The conferees believe that discussions on limitations of nuclear sea-launched cruise missiles should be included in the appropriate negotiations. However, the conferees recognize that the characteristics of sea-launched cruise missiles would seriously complicate the negotiation of effective verification of such limitations. The United States is, and the conferees believe that the Soviet Union should be, willing to accept those intrusive on-site inspection procedures necessary for effective verification as an integral part of mutual and verifiable arms reductions. Therefore, the conferees urge that means whereby limitations on sea-launched cruise missiles could be effectively verified be pursued as a matter of the highest priority, and direct that the Congress be fully informed about the status of programs in this regard.

Toward this end, the conferees direct the President to submit a report to the Congress by March 15, 1985, that will:

(1) describe an arms control method by which it would be possible to determine whether a cruise missile designed to be launched from a naval vessel is conventionally armed or nuclear armed and by which it would be possible to effectively verify an arms control limitation on the number of cruise missiles that are armed with nuclear warheads and deployed on naval vessels; and

(2) state whether the Joint Chiefs of Staff and the Director of Central Intelligence have agreed that the method described would be a high-confidence method as applied by the United States to cruise missiles of another nation and would be an acceptable method for use when applied by another nation to cruise missiles of the United States.

Sense of the Senate resolution regarding a superpower summit.—The Senate amendment contained a provision (sec. 1043), that would express the sense of the Senate that the President of the United States and the President of the Soviet Union should meet at the earliest practical time following thorough preparation to discuss major issues involving U.S. and Soviet relations and to work for the realization of mutual, equitable, and verifiable reductions in nuclear arms.

The House bill contained no similar provision.

The Senate recedes.

TITLE XII—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

PART A—SHORT TITLE AND CONGRESSIONAL FINDINGS

Legislative provisions adopted

Congressional findings and policy (sec. 1202).—The House bill contained a statement (sec. 802) indicating that the Congress believes that excessive payments for spare parts by the Department of Defense has undermined the public confidence in the defense procurement process, and enunciating certain policies to ensure that spare parts are procured in an efficient and cost-effective manner. The section would direct the Secretary of Defense to take certain actions to improve contracting procedures.

The Senate bill contained no similar provision.

The Senate recedes.

The conferees discussed at length the impact that the recent examples of excessive payments for common items have had on every aspect of the congressional consideration of the defense budget, the process for acquisition of supplies by the Department of Defense, and the management of Department of Defense in general. The recurrence of seemingly inexplicable occurrences such as these mandate legislative attention. While acknowledging the recent initiatives undertaken by the Department of Defense, only legislation will ensure that the recent initiatives will result in systemic changes.

The conferees intend to continue to examine and review the Department of Defense procurement process and the department's implementation of the provisions of this act. The department is further directed to examine the findings and recommendations of the Armed Services Committees of the House of Representatives and the Senate in their respective reports accompanying the procurement provisions reported by the committees. (H. Rpt. 98-690 and S. Rpt. 98-500).

PART B—AMENDMENTS TO CHAPTER 137 OF TITLE 10, UNITED STATES CODE

Definitions (sec. 1211).—The House bill contained a provision (sec. 806) defining the terms "technical data", "unlimited rights", and "developed at private expense".

The Senate amendment contained a provision (sec. 1996) defining "component", "major procurement center", "major system", and "technical data".

The House recedes with an amendment to the Senate definition of "technical data" and deletion of the definitions for "major procurement center" and "component".

Publication of proposed regulations (sec. 1212).—The House bill contained a provision (sec. 811) that would require publication of proposed procurement regulations.

The Senate amendment contained a similar provision (sec. 198).

The Senate recedes with an amendment clarifying that the requirement to publish such regulations for public comment applies only to regulations, policies, procedures, or forms that have a significant effect beyond the internal operating procedures of the Department of Defense or that have significant cost or administrative impact on contractors.

Planning for future competition (sec. 1213).—The House bill contained a provision (sec. 807) that would require that before the Department of Defense purchases supplies, an assessment be made to determine if the item is already in the government's supply system or is available under a standard government supply contract. In addition, the provision would require that a review of the procurement history for an item be conducted and a description of the item be available so that the buyer will know what is being purchased and what price had been paid for the item previously.

The Senate amendment contained no similar provision.

The conferees agreed to retain the House provision requiring the Department of Defense to determine if supplies are available on a timely and cost-effective basis through the supply system or from standard government contracts before ordering from a contractor, and to require a review of the procurement history of an item.

The Senate recedes.

In addition, the provision in the House bill would require the Secretary of Defense to issue regulations requiring, in appropriate cases, that offerors furnish information in their proposals identifying those items for which unlimited rights to use technical data will not be provided the United states and that the Department of Defense considers such information when awarding the contract.

The Senate amendment contained a similar but more extensive provision (sec. 199a).

In evaluating the two provisions, the conferees agreed that one of the keys to solving the problem of excessively priced spare parts is to ensure that the United States will be able to reprocure such items competitively. A significant constraint on the government's ability to buy such parts competitively occurs because of restrictions on the government's right to release the technical data that would allow other companies to manufacture an item. Too often in the acquisition planning stages, because of funding constraints or other competing interests, the capability to purchase replenishment items from multiple sources is not given adequate consideration.

The conferees also agreed that the proliferation of parts in the supply system and the use of nonstandard items when a standard or commercial item is technically acceptable are not conducive to restraining government costs. Accordingly, the conferees direct that consideration should be given to requiring in solicitations for development of major systems a requirement that offerors identify in their proposals their ability to incorporate standard or commercially available items in the design of the system and to evaluate the cost impact of that proposal.

To ensure that use of such criteria does not adversely impact the government's ability to secure the best technology available, the conference provision states that these proposals only be considered in evaluating the cost to the government if the offer were accepted.

The conferees agreed to require the Secretary of Defense to ensure that in preparing a solicitation for the award of a contract for a major system, the agency consider requiring the offeror to identify a plan for obtaining items procured in connection with the system on a competitive basis. The plan may include proposals to provide the government unlimited rights to use technical data relating to the items, or any other alternative method to ensure the government is not restricted to one source for future acquisitions. The offeror's proposal would then be considered in the agency's evaluation of the offeror's price.

The House recedes with an amendment incorporating the agreement of conferees as specified above.

Delegation of certain procurement functions (sec. 1214).—The House bill contained a provision (sec. 1120) tnat would allow the head of the procuring activity to delegate the authority to approve sole source contracts to a general or flag officer or senior civilian employee in the grade GS-16 or above.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment allowing delegation of such authority to the head of the contracting office as well.

Improved procurement procedures (Sec. 1216)—Advocates for competition.—The House bill contained a provision (sec. 809) that would require the designation of a person as the "competition advocate" for an agency, as well as for each procuring activity within the agency. The House provision would specify the responsibilities and functions of the competition advocate and would also require an annual report (sec. 810) on the activities of the competition advocate.

The Senate amendment contained a provision (sec. 195) that would require the designation of a competition advocate general for each military department. The competition advocate for the military departments must be designated for a term of at least two years and would need to hold a grade of major general or rear admiral and for NASA, a grade of GS-16 or higher. In addition, the provision in the Senate amendment would require a review by the agency competition advocate of all proposed sole source contracts in excess of $100,000 and would require an annual report from the competition advocate to the Secretary of Defense and the Congress.

The conferees agreed to require the designation of an advocate for competition who holds at least a grade of GS-16, or a general or flag officer as appropriate, for each military department. In addition, each service advocate for competition would be required to submit a report to the Secretary of Defense describing his or her activities during the previous years. The report would be transmitted to Congress with the annual report of the Secretary of Defense required by section 21 of the Office of Federal Procurement Policy Act. Provisions in both the House bill and the Senate amendment that duplicate the requirements established in the Competition in Contracting Act, Public Law 98-369, were deleted.

The House recedes with an amendment.

Encouragement of new competitors.—The House bill contained a provision (sec. 812) that would preclude the Department of Defense from refusing to consider an offer for a contract because the offeror was not on a list of qualified bidders or its product was not on an approved list of sources.

The Senate amendment contained a provision (sec. 199) that would require the Department of Defense (1) to prepare a written justification for any prequalification requirement; (2) to specify in writing the standards that the prospective offeror or its product must meet; (3) to prepare an estimate of the cost of any required testing; (4) to provide a prospective offeror a prompt opportunity to meet the standards established for qualification; (5) to provide the reasons for a prospective offeror's failure to meet the standards; of a product; (6) to publish periodically a notice in the Commerce Business Daily soliciting new sources if there are fewer than two actual manufacturers of a product; (7) to pay for the testing of any subsequently approved product of a small business if it would result in future cost savings to the government; and (8) to review any qualification requirement within seven years after the establishment or enforcement of such requirement.

The conferees are concerned that qualification requirements, including source approval requirements, and particularly those that require a demonstration that the product or a prospective contractor have met the requirement prior to contract award, are used in some cases to inappropriately restrict competition. However, the conferees are equally concerned that the emphasis on securing more competition not result in a degradation of product quality, reliability or maintainability.

The House recedes with an amendment providing that the requirement for the establishment of written standards for qualification and the other requirements of subsection (b) apply only to qualified products lists, qualified manufacturers' lists or qualified bidders' lists, and to any qualification requirement established after the effective date of this provision.

The House amendment would also preclude the Department of Defense from denying an offeror the opportunity to submit and have its bid considered solely because the potential offeror was not on a qualified bidders' list, qualified manufacturers' list or qualified products list, if the potential offeror can demonstrate before the date of contract award that it meets the prescribed standards. This provision specifically states that it does not require referral to the Small Business Administration of an agency's decision that an offeror has not met the qualification requirement.

For all qualification requirements other than qualified bidders' lists, qualified manufacturers' lists and qualified products lists, the amendment would authorize the head of the purchasing office to waive the requirement that the agency specify in writing all requirements that must be satisfied by a potential offeror for a renewable two-year period if the head of the purchasing office, after review by the appropriate competition advocate, determines that it is unreasonable, because of cost, inability to acquire, or other circumstances, to specify the standards for qualification that a prospective offeror or its product must satisfy.

Rights in technical data.—The House bill contained two provisions (secs. 808, 812) addressing the issue of rights in technical data. One provision stated the situations in which the government would acquire unlimited rights in technical data, required the contractor to warrant that the data it provided was complete and accurate, would provide that the government may ignore, correct or cancel any improper restriction on the release of data if the contractor failed to satisfactorily substantiate the propriety of the restriction, and would require the Secretary of Defense to prescribe regulations for determining whether a defense contract would contain a time limit (not to exceed seven years) on a contractor's right to limit the government's use of technical data.

An additional provision in the House bill would require the Secretary of Defense to prescribe by regulation what constitutes the legitimate proprietary interest of a contractor in technical data. In prescribing such regulations, the Secretary of Defense would be directed to give consideration to the statement and objectives of numerous statutes relating to Small Business where appropriate, on the placement of a time limit on the right of a company to limit release of technical data developed at private expense, or in whole or in part with Federal funds, requiring a contractor to include in development and production contracts provisions pertaining to technical data, and directing the department to establish programs to provide domestic concerns an opportunity to purchase or borrow parts for design replication.

The Senate amendment contained similar provisions except with respect to the delineation of the situations in which the government acquired unlimited rights in technical data and the proscription of a time limit on the contractor's ability to restrict use of technical data.

The House recedes with an amendment.

The conferees aknowledge that legislation which would accommodate in every case of the government's interest in being able to use contractors' technical data to allow other potential competitors to produce the item as well as a contractor's right to protect data relating to items or processes it developed at its own expense, is virtually impossible. The conferees believe that the direction to the Department of Defense provided in the conference amendment to prescribe regulations defining the legitimate interests of the United States and of a contractor to be implemented in the system of government-wide procurement regulations will afford the best opportunity to reach a fair and reasonable balance of these competing interests. The amendment further requires that the regulations take into consideration the policies with respect to technical data enunciated by the Congress in this and other legislation. The latter provision was intended to ensure that legislative policies otherwise enunciated are not disregarded when implementing the policies of this act.

The House amendment broadens the scope of the Senate provision which would require contracts to contain appropriate provisions relating to technical data so that the provision now applies to all items, not just major systems. The Senate provision authorizing the Secretary of Defense to establish in a solicitation or as a negotiation objective a date after which the government will acquire the right to use technical data, was amended to authorize the Secretary to establish a set period of time (not to exceed seven years) as a negotiation objective.

Validation of proprietary data restrictions.—The House bill contained a provision (sec. 808(b)) that would require a contract for the acquisition of supplies (that includes a requirement for technical data) to require the contractor to possess an approved data management system before the United States accepts any data to be delivered under the contract. It would also permit the United States to ignore, cancel or correct any restriction on the release of technical data if the contractor fails to substantiate the restriction within 60 days of a request to do so. The contractor would also be required to pay the government's costs in challenging such a restriction if the contractor's asserted restriction was not substantially justified, but the government could not assert any right to challenge such restrictions beyond the three-year period after final payment under the contract.

The Senate amendment contained a similar provision (sec. 199(a)).

The House recedes with an amendment specifying a procedure for both the United States and a contractor or subcontractor at any tier to equitably resolve challenges to asserted restrictions on the government's right to use technical data. The amendment would also provide for an extension of the 60-day time period for submitting information justifying the asserted restriction if good cause is shown and require the United States to pay the costs incurred by a party defending such restriction if the challenge by the government of the contractor's asserted restriction on technical data was not in good faith.

Commercial pricing for supplies.—The House bill contained a provision (sec. 812) that would preclude the Department of Defense from entering into a contract using other than competitive procedures for the purchase of spare or replacement parts having a commercial application for a price that exceeds the lowest price at which such parts are made available to the contractor's commercial customers.

The Senate amendment contained a similar provision (sec. 199).

The House recedes with an amendment making minor clarifying changes and establishing an effective date one year after enactment of this Act.

PART C—AMENDMENTS TO CHAPTER 141 OF TITLE 10, UNITED STATES CODE

Legislative provisions adopted

Identification of sources of supply (sec. 1231).—The House bill contained a provision (sec. 804) that would require contractors to identify the actual manufacturer or producer of an item so that the Department of Defense could purchase the item directly from the manufacturer or producer and avoid the middleman where practical. In addition, the supplies would be required to be marked, in an appropriate manner, with the national stock number and the contractor's identification number.

The Senate amendment contained no similar provision.

The Senate recedes.

Long-term lease and charter of aircraft and vessels (sec. 1232).—The Senate amendment contained a provision (sec. 1027) that would:

(1) prohibit use of funds to indemnify any person under the terms of any contract entered into with the United States for a lease subject to authorization under section 2401 of title 10, United States Code—

(A) for any amount paid or due by any person to the United States for any liability arising under the Internal Revenue Code of 1954; or

(B) to pay any attorney fees in connection with such contract.

(2) require that, at the same time that the President submits the budget request for the Department of Defense to Congress for fiscal years 1986 and 1987, the Secretary of Defense submit a written report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives concerning leases.

(3) prohibit obligation of funds for a lease authorized under this section that includes a termination liability in excess of 50 percent of the original purchase value of the vessel, aircraft or vehicle unless Congress has specifically provided budget authority for the obligation of 10 percent of such termination liability.

(4) require that the guidelines for leasing of ships and aircraft be issued by the Secretary of the Treasury and the Director of the Management and Budget not later than October 31, 1984.

The House bill contained no similar provision.

The conferees agreed to items 1, 2 and 4 of the Senate amendment.

The House recedes with an amendment.

Economic order quantities (sec. 1233).—The Senate amendment contained a provision (sec. 194) that would require an agency to procure supplies in a quantity that would result in the total cost and unit cost most advantageous to the United States and to invite contractors to state an opinion as to whether the amount requested in the government's solicitation is the most economically advantageous to the United States.

The House bill contained a policy statement in favor of economic order quantities.

The House recedes with an amendment making technical and clarifying changes only.

Additional miscellaneous procurement provisions (sec. 1234)—Prohibition of contractors limiting subcontractor sales directly to the United States.—The House bill contained a provision (sec. 805) that would require a contractor to agree, in its contract with the United States, not to enter into any agreement with a subcontractor or otherwise act to restrict the subcontractor from selling items made by the subcontractor directly to the government, unless such an agreement is authorized by law.

The Senate amendment contained a similar provision (sec. 197).

The Senate recedes.

Major weapon systems: contractor guarantees.—The Senate included in its bill a provision that would require warranties on weapon systems and other defense equipment. The effect of the Senate provision was to supersede Section 794 of Public Law 98-212, Department of Defense Appropriations Act for Fiscal Year 1984.

The House bill contained no similar provision.

The House recedes with an amendment.

The House amendment contained several changes clarifying the application of the Senate amendment.

The specific changes are as follows: (1) the use of the term "other defense equipment" was deleted, though the definition of covered items was not changed; (2) the definition of "design and manufacturing requirements" was slightly modified; (3) the remedies specified in the event of a breach of warranty were modified to reflect that the choice of which remedy would be used would be elected by the Secretary of Defense or specified in the contract; (4) the second remedy was modified to indicate that the costs for which a contractor might be required to reimburse the United States would have to be reasonable; (5) the language in the Senate bill regarding negotiation of specific details of guarantees was modified to include language from the Senate committee report regarding the ability of the department to negotiate reasonable exclusions, limitations and time durations of guarantees.

The conferees discussed the matter of warranties at some length. It was the consensus of the conferees that the military departments had not implemented Section 794 of Public Law 98-212 in the manner that had been anticipated.

Specifically, the Congress anticipated that weapon system warranties would be negotiated on a case-by-case basis. Each warranty situation is unique. Different approaches will be required depending upon whether a system is expendable (such as a missile) or nonexpendable; what the logistical support capabilities of both the government and the contractor are; the extent to which the contractor has designed the system; and numerous other factors.

It has come to the attention of the conferees that the general approach of the military departments with regard to Section 794 has been to specify a warranty clause and to require that this be utilized with no adjustment in its terms. The warranty law, in the view of the conferees, was never intended to create this type of simplistic, mechanistic approach to defense contracting.

The conferees believe that Section 794 and Section 1233 of this bill provide inherent flexibility to craft appropriate guarantees on a system-by-system basis. More specifically, the conferees emphasized the importance in Subsection (g)(1), which now clearly provides DOD with the authority to negotiate reasonable exclusions, limitations and time duration on warranties.

Furthermore, the conferees discussed at length the concern that under both Section 794 and the language in the Senate bill, contractors which may have had limited responsibility in the design of a weapon system would nevertheless be called upon to guarantee the performance of that system. The House conferees believed that performance guarantees are appropriate only where a contractor had substantial design responsibility. Though this change in the statute was not agreed upon, the conferees did agree that the department should have the authority in crafting specific warranties to consider the formulation of exclusions or limitations to address situations where a contractor has not designed a system. In such situations, the conferees believe that the department could, consistent with the intent of the statute, narrow the scope of the warranty if it would be inequitable to require a warranty of all essential performance requirements because of a lack of contractor design involvement.

In addition, it has come to the attention of the conferees that virtually no waivers have been processed since Section 794 was enacted into law. The Committees on Armed Services have never intended that guarantees which are not cost-effective could be obtained. A failure to conduct cost-benefit analyses and to process waivers where cost-effective guarantees are not obtainable would defeat the legislative intent of congressional warranty initiatives. The conferees hereby direct each of the military departments to establish mechanisms for effective cost/benefit analyses of proposed weapon system guarantees.

Finally, it has come to the attention of the conferees that there is some concern about the appropriate manner of dealing with contractual changes after contract execution. It is the understanding of the conferees that if the United States takes any actions which affect the contractor's ability to comply with the terms and conditions of the contract, the contractor is entitled to an equitable adjustment of such terms and conditions to account for such act. For example, if the government would direct a change that affected the performance of a system, the conferees believe it would be necessary for the government to grant an equitable adjustment to the extent appropriate in the terms of any performance guarantee in the contract to recognize the effect of such change.

The conferees are generally concerned that there has been an inadequate effort on the part of the military departments to communicate fully with procurement personnel in the field regarding the appropriate implementation of congressional guarantee language, and its inherent flexibility.

The Department of Defense and the military departments are expected to consult with the Committees on Armed Services of the Senate and the House of Representatives prior to the adoption of new regulations on the subject of weapon system guarantees and on a continuing basis thereafter so that Congress will be fully apprised of the manner in which this law is being implemented. Such regulations should be adopted and distributed to all contracting personnel not later than January 1, 1985.

Acquisition of petroleum.—The House bill contained a provision (sec. 1111) that would authorize the Secretary of Defense, for any purchase of petroleum, to waive the application of any provision of law prescribing procedures to be followed in the formation of contracts, prescribing terms and conditions to be included in contracts, or regulating the performance of contracts if the Secretary determines (1) that petroleum market conditions have adversely affected (or will in the near future adversely affect) the acquisition of petroleum by the Department of Defense, and (2) the waiver will expedite or facilitate the acquisition of petroleum for government needs. The waiver could apply to a specific contract or to classes of contracts. Such a waiver applicable to a contract for the purpose of petroleum could also be made applicable to a subcontract under that contract. The provision would also permit the Secretary to acquire petroleum by exchange of petroleum or petroleum derivatives. For purposes of the section, "petroleum" means natural or synthetic crude, blends of natural or synthetic crude and products refined from natural or synthetic crude or from such blends.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The amendment would require the Secretary of Defense to notify the Congress within 10 days of the date of granting any waiver under this section. The Secretary would be required to inform the Congress of the reasons which required the waiver.

The conferees agreed that the Department of Defense should submit a report to the Armed Services Committee of the Senate and the House of Representatives not later than April 1, 1985. The report should contain an analysis of the potential types and quantities of petroleum which could be procured under the waiver authority of this section.

Shipbuilding claims.—The Senate amendment contained a provision (sec. 1102) that would certify an 18-month statute of limitation for the submission of shipbuilding claims.

The House bill contained no similar provision.

The House recedes with a technical amendment.

PART D—OTHER PROCUREMENT PROVISIONS

Procurement Technical Assistance Cooperative Agreement Program (sec. 1241).—The Senate amendment contained a provision (sec. 1996) that would authorize the Department of Defense to provide $2 million in grant or cooperative agreement assistance to local governments or private non-profit corporations for the operating support of outreach centers. The local procurement outreach centers would assist local businesses in securing contracts with the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Provision of requirements for selected acquisition report and unit cost reports (sec. 1242).—The House bill contained a provision (sec. 1102) that would make certain technical adjustments in SAR's and unit cost reports.

The Senate amendment contained a similar provision (sec. 199c).

The conferees agree to the House provision with a technical amendment specifying that there shall be a waiting period of 30 days of continuous legislative session after the submission of certain reports and for certifications before a prohibition or obligation of funds for certain program cases.

The Senate recedes with an amendment.

Duration of assignment for program managers for major programs (sec. 1243).—The House bill contained a provision (sec. 1135) that would provide that the normal duty assignment of persons assigned after the date of enactment as program managers of major acquisition programs be four years. In the event that the program should report cost growth of 15 percent or more in any year, the Secretary concerned would be required to convene a board to determine the factors causing the cost overrun, including errors by individuals within the military department's jurisdiction.

The Senate amendment contained a provision (sec. 199d) that would set a statutory tour of four years or completion of a major program milestone for managers of major systems, that would set a statutory tour of four years for the commanders of each of the services' major procurement commands, and that would permit the service Secretaries to waive those tour lengths in unusual or unforeseen circumstances.

The House recedes with an amendment deleting the subsection of the Senate amendment that would set a statutory tour of four years for the commanders of each of the services' major procurement commands.

Authority to waive compliance with certain requirements provided for in regulations relating to prices of spare parts and replacement equipment (sec. 1244).—The Senate amendment contained a provision (sec. 199(e)) that would authorize the Secretary of Defense to waive the requirement for approval of purchases of spare parts whose price has increased in excess of the percentage specified in the regulations issued by the Secretary of Defense, in the case of a spare part purchased through competitive procedures.

The House bill contained no similar provision.

The House recedes.

Regulations for allocating overhead to parts to which the prime contractor has added little value (sec. 1245).—The House bill contained a provision (sec. 812(e)) that would prohibit the Department of Defense from entering into a contract for the purchase of spare or replacement parts if the amount of the contract exceeds the sum of the direct costs incurred by the contractor, reasonable profit, and a share of the contractor's overhead that is directly attributable to such parts. In addition, the provision would limit the overhead that could be attributed to any spare or replacement part.

The Senate amendment contained a provision (sec. 192) that would require the Secretary of Defense to issue regulations limiting the amount of overhead that a contractor may allocate to supplies procured from a contractor who does not produce the supplies and who does not add significant value to the supplies.

The conferees found that the apparently excessive prices charged for such common items as a hammer, wrench, or diode resulted from pricing procedures that allow prices bearing no relationship to the intrinsic value of the item. Such procedures prevent government personnel from comparing prices for various items because contractor costs of providing many independent services not necessarily attributable to that item, such as engineering support, configuration control, training and quality assurance, are allocated to all the items a contractor provides, even if that contractor did not add value to the particular item.

Although the conferees do not believe legislating the manner in which parts are priced is appropriate, the conferees agree that the Department of Defense must change its pricing procedures to ensure that prices charged for spare parts reflect the

item's intrinsic value. The conferees recommend that the Department of Defense review alternate pricing methods, including (1) allocation of overhead and administrative expenses according to the value of an item and (2) separate pricing of support services provided by prime contractors.

The House recedes with an amendment.

PART E—TEMPORARY PROVISIONS, REPORTS AND EFFECTIVE DATES

Legislative provisions adopted

Report on implementation of certain recommendations of the Grace Commission (sec. 1251).—The House bill contained a provision (sec. 1119) that would require the Department of Defense to submit a report assessing the recommendations of the President's Private Sector Survey on Cost Control (Grace Commission) related to progress payment rates and the modernization of automated data processing systems.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment extending the date within which such report is due.

Plan for Management of Technical Data and Computer Capability Improvements (sec. 1252).—The House bill contained a provision (sec. 808(d) that would require the Secretary of Defense to develop a plan for an improved system for the acquisition and management of technical data to implement the plan within five years.

The Senate amendment contained a provision (sec. 199a) that would require the Secretary of Defense to establish a plan for improving the system for storing and indexing technical data. The provision would also require the Secretary of Defense to submit a plan to the Congress within 180 days of enactment of that act, detailing how he intends to improve the computer capability of the Department of Defense to store and access rapidly procurement data including, among the other items, price and procurement history.

The House recedes with an amendment to extend the 180 day period to one year.

Report on use of independent cost estimates for major defense acquisition programs (sec. 1253).—The Senate amendment contained a provision (sec. 199f) that would require the Department of Defense to submit a report to the Committees on Armed Services of the House and the Senate on the continued use of independent cost estimates in the planning, programing, budgeting and selection process for major defense acquisition programs.

The House bill contained no similar provision.

The House recedes.

Legislative provisions not adopted

Cost and pricing data.—The Senate amendment contained a provision (sec. 193) that would reduce the threshold for requiring certified cost and pricing data (the Truth in Negotiations Act threshold) from $500,000 to $100,000.

The House bill contained no similar provision.

The Senate recedes.

The Congress recently passed Public Law 98-369 which included the Competition in Contracting Act of 1984. This law reduced the threshold as provided in the Senate amendment.

Limitation on small business set asides.—The Senate amendment contained a provision (sec. 199a) that would prohibit certain Foreign Military Sales contracts and contracts with prequalification requirements from being totally or partially set aside for small business if only one small business source would be eligible to bid for the set aside.

The House bill contained no similar provision.

The House recedes with an amendment limiting the application of this provision to certain Foreign Military Sales procurements.

Restrictions on awards of sole source contracts.—The House bill contained a provision (sec. 812b) that would preclude the Department of Defense from soliciting an offer from only one source or from negotiating with only one source for the purchase of spare or replacement parts unless the head of the contracting activity certified that only one source was capable of producing the part or that, because of an emergency, a legitimate proprietary interest in the item or that for several other enunciated reasons a sole source contract was appropriate.

The Senate amendment contained no similar provision.

The House recedes. Public Law 98-369 established very limited conditions under which sole source procurements would be permissible.

Competitive procurement of reactor components for the new attack submarine design.—The House bill contained a provision (sec. 1122) that would require that the Secretary of Defense seek bids for competitive procurement of nuclear reactor components for the SSNX prototype and lead submarine from at least three vendors.

The Senate amendment contained no similar provision.

The conferees agreed that the Secretary of Defense should structure defense procurements, including the reactor components of the new design submarine, so as to ensure competition whenever cost effective.

The conferees further agreed that competitive procurement is clearly set out as the preferred method of procurement in current law.

The House recedes.

TITLE XIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT MATTERS

REORGANIZATIONS

Legislative provisions adopted

Joint Chiefs of Staff reorganization (sec. 1301).— Section 1112 of the House bill would amend chapters 3, 5, 35, and 36 of title 10, United States Code, and section 101 of the National Security Act of 1947 (section 402 of title 50, United States Code), modifying the national military chain of command, and the structure of the Joint Chiefs of Staff (JCS), the Joint Staff, and the National Security Council. Specifically, the House bill would:

(1) Provide that the national military chain of command runs from the President to the Secretary of Defense and through the Chairman of the Joint Chiefs of Staff to the combatant commands and that orders to the combatant commands shall be issued by the President or the Secretary through the Chairman of the Joint Chiefs of Staff.

(2) Provide that, subject to the authority, direction, and control of the Secretary, the Chairman supervises the commanders of the combatant commands and acts as their spokesman on operational requirements.

(3) Retain the Joint Chiefs of Staff as the principal military advisers to the President, the National Security Council, and the Secretary of Defense but make the Chairman of the Joint Chiefs of Staff responsible (a) for determining when issues under consideration by the Joint Chiefs of Staff shall be decided and (b) for providing military advice in his own right in addition to his existing responsibility to inform the Secretary of Defense and the President of those issues on which the Joint Chiefs of Staff have not agreed.

(4) Remove the existing 400-man limitation on the size of the Joint Staff.

(5) Provide that the Chairman of the Joint Chiefs of Staff would select officers to be assigned to the Joint Staff from among the most outstanding service officers.

(6) Remove the existing requirement that the tour of duty of the Director of the Joint Staff may not exceed three years and that he may not be reassigned to the Joint Staff in peacetime upon completing his tour of duty as Director.

(7) Increase the management authority of the Chairman of the Joint Chiefs of Staff by removing the restriction that he manages the Joint Staff on behalf of the Joint Chiefs of Staff.

(8) Increase the current three-year limitation on service on the Joint Staff to four years and allow reassignment to the Joint Staff after two years instead of three years; with the proviso that the Secretary of Defense would be authorized to approve exceptions to these limitations.

(9) Require that, subject to guidelines established by the Secretary of Defense, each chief of a military service and each commander of a unified or specified command be given the opportunity to provide comments on any report or recommendation of the Joint Staff before its submission to the Joint Chiefs of Staff.

(10) Require the Secretary of Defense to ensure that the Joint Staff is independently organized and operated to support the Chairman and the members of the Joint Chiefs of Staff in providing for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an effective team of land, naval, and air forces.

(11) Require the Secretary of Defense to ensure that military promotion, retention, and assignment policies give appropriate consideration to the performance of an officer as a member of the Joint Staff.

(12) Require that the Chairman of the Joint Chiefs of Staff evaluate all nominees for three- and four-star positions on the basis of their performance in joint military assignments.

(13) Add the Chairman of the Joint Chiefs of Staff to the statutory membership of the National Security Council.

A bill (H.R. 3718), introduced by Representative Bill Nichols, containing identical provisions passed the House of Representatives on October 17, 1983.

The Senate amendment contained no similar provisions.

The conferees agree with the provisions in the House bill summarized above in items 3(a), 5, 6, and 11.

In accepting item 3(a), the conferees agreed to additional legislative language that would safeguard the right of the Joint Chiefs of Staff to recommend to the Chairman subjects to be added to the JCS agenda.

The conferees also agree that the Chairman of the Joint Chiefs of Staff will be responsible, subject to the authority, direction, and control of the Secretary of Defense, for acting as the spokesman of the commanders of the combatant commands on operational requirements. The provision summarized in item 2 was modified to elimi-

nate the Chairman's supervisory role over the combatant commanders.

The conferees agree with the provision summarized in item 8 except for the proviso that would have allowed the Secretary of Defense to approve exceptions.

The conferees carefully considered all of the provisions of Nichols' bill, which was incorporated into the House version of the fiscal year 1985 Defense Department Authorization Bill. The conferees agree that the House has performed an important service in bringing JCS reform to the fore. The conferees were not able, however, to reach agreement on a comprehensive reform of the JCS. The conferees recognize and agree that the provisions to which the conference was able to agree are important, and that the issue of JCS reform and other issues, such as the restructuring of the Office of the Secretary of Defense (OSD), should remain high on the agenda of the Committees on Armed Services of the Senate and House of Representatives. The conferees agree, therefore, that both committees will make these issues high priority during the next session of Congress.

The conferees also agree that the issue of JCS reform cannot be treated in isolation from other problems that exist in the organization and functioning of the Department of Defense. They, therefore, agree that the two committees early in the following session of Congress will address not only the problem of JCS reform, but also a broader range of organizational issues pertaining to the structure and role of the Office of the Secretary of Defense, the Military Departments, and the Unified and Specified Commands.

Both committees consider themselves fully committed to studying the issues of JCS reform and of comprehensive DOD organizational reform with the intent of enacting legislation during the next legislative year. The objectives of the effort that the House and Senate Armed Services Committees agree to make during 1985 are as follows:

to ensure that the Department of Defense is organized in a manner that results in the most effective and capable unified fighting forces with the resources available;

to ensure that the senior officials in the Department, both military and civilian, can carry out their responsibilities in a logical fashion and that their relationship to one another is balanced, and does not involve unnecessary duplication;

to ensure that senior personnel in the Executive Branch and the Congress receive sound military advice that cuts across Service lines on matters of policy, planning, programming, and budgeting.

In order to assist the two committees in their ongoing consideration of DOD organizational reform, the conference requests that the following questions be answered by the indicated officials directly to the committees no later than March 1, 1985. The conferees believe that all of the issues raised in the following questions need to be carefully considered at the earliest possible time. This list of questions is representative only and is not meant to limit the scope of the committees' inquiries.

Questions for the Secretary of Defense:

1. Has the Department of Defense adequately implemented the concept of unification or can additional improvements be made?

2. In what areas would improved joint military advice be of most help to you in carrying out your responsibilities? If the Organization of the Joint Chiefs of Staff were to become more effective as the principal military agent of integration within the Department of Defense, what OSD offices could be reduced in size or eliminated?

3. Is the functional organization of OSD (i.e., manpower, research and engineering, policy) appropriate given your role as the principal integrator of the capabilities of the four Services to perform major DOD missions? Should a portion of OSD be organized along mission lines to be more supportive of your integration responsibilities? Could mission-oriented offices in OSD serve as effective spokesmen for the operational commanders on policy and resource allocation issues?

4. Is your span of control as Secretary of Defense too large and cumbersome? Are there too many assistant secretaries of defense? Are the existing responsibilities of the under and assistant secretaries of defense correctly conceived and subdivided, or would a different division of responsibilities make more sense?

5. Is the chain of command from the Commander in Chief to the United and Specified Commanders confused? Are you the commander of the Unified and Specified Commanders? Does your authority "to command" need to be clarified in statute? What is your interpretation of the role of the JCS in the chain of command based upon the provisions of DOD Directive 5100.1?

6. Is the absence of OSD review of non-nuclear contingency plans consistent with the principle of civilian control of the military? Why have you not provided for OSD review of non-nuclear contingency plans?

7. Does the Department of Defense receive sufficient guidance from the National Security Council on grand strategy, U.S. strategic interests, and U.S. worldwide commitments and their priorities?

8. Does the Department of Defense give sufficient attention to the formulation of strategy and supporting policies? If not, why not? Is there a sufficient relationship between planning and fiscal constraints?

9. Who should be responsible for developing a long-term strategy for defense research and development and procurement that capitalizes on U.S. strengths and exploits Soviet weaknesses?

10. Are planning and programming in the Department of Defense oriented too much to the unilateral perspective without sufficient attention to the coalition aspects of U.S. national security strategy? If so, why?

11. What is the proper role of OSD and its proper relationship to the Services? How can it work more effectively with the Services, while avoiding interference in specialized areas whose domain properly rests with the Services?

12. What is the proper role of the Service Secretaries and what should be their relationship to the Service Chiefs? Should consideration be given to integrating the military and civilian staffs of the respective Services? Could the staffs of the Service Secretaries be reduced substantially?

13. Does the Department of Defense suffer from inexperienced political appointees and poor continuity in its senior management positions?

14. Does the Planning, Programming, and Budgeting System give sufficient attention to execution and oversight?

Questions for the Chairman of the JCS:

1. You are the senior uniformed official of the United States and the only uniformed official in the Washington headquarters of DOD who views the problems and challenges facing the armed services from a perspective independent of Service functions and responsibilities. If you were given greater authority over the Joint Staff so that you could task it and have it report directly to you, how would this improve your capability to integrate the efforts of the four Services?

2. How can the JCS be organized so as to give the Secretary of Defense joint military advice that will reflect the full range of reasonable options available to the country?

3. If you were given a Deputy of four-star rank, second in the line of protocol, how would you make use of him to assist you in your responsibilities?

4. Is the JCS system capable of making meaningful inputs on programmatic issues? If not, why not?

5. Is the closed staff character of the JCS system justified? Why?

[The Chairman of the JCS is also requested to give answers to all of the questions asked below of the commanders of the Unified and Specified Commands and the Service Chiefs.]

Questions for the Commanders of the Unified and Specified Commands (to be answered individually):

1. Is there an imbalance between your responsibilities and accountability as an operational commander and your influence over resource decisions: If such an imbalance exists, how can the Unified and Specified Commanders have a greater input in the DOD policy, programming, and budgetary process?

2. Do you have sufficient authority during peacetime over your Service component commands to ensure that you can adequately fulfill your wartime operational responsibilities? Given that you are not in the logistical chain of command, how do you ensure that forces under your command are equipped, supplied, and trained to be capable of executing likely missions, especially those requiring joint operations?

3. Given the wide range of missions to which your command may be required to respond, is there sufficient unification of your command at subordinate levels?

4. Are provisions of JCS Publication 2, Unified Action Armed Forces (UNAAF), inconsistent with the concept of unified command? Does UNAAF overly restrict your authority over your Service component commanders? Does UNAAF create obstacles to greater and necessary unification of command?

Questions for the Service Chiefs (to be answered individually):

1. How can you as a Service Chief function effectively in your role as a member of the JCS, responsible for viewing all issues in the light of the national interest, while still being an effective leader of your Service and loyal to its particular interests?

2. Do the current procedures of the Joint Staff, which often result in prenegotiated JCS positions being forwarded to the Secretary of Defense, adequately inform him of the full range of options he should consider? Do those procedures serve the best interests of the Secretary of Defense? In what manner could the Joint Staff's operating procedures be streamlined and made less cumbersome?

3. How can the Joint Staff be made more effective? How can it be organized so as to function independently of the Services, yet still profit from the expertise and knowledge that only they can provide?

4. How can service on the Joint Staff be made more rewarding in order to attract the highest quality officers in the Services?

5. Is there unnecessary duplication of effort and layering of supervision within the headquarters of the military Departments?

Questions for the Service Secretaries (to be answered individually):

1. What is the proper role of the Service Secretaries and what should be their relationship to the Service Chiefs?

2. Should consideration be given to integrating the military and civilian staffs of the respective Services?

3. Could the staffs of the Service Secretaries be reduced substantially?

4. Concerning the roles of the Service Secretaries and the staff organization of the headquarters of the Military Departments, has there been an adherence to antedated arrangements that existed when the Military Departments were separate executive departments?

Reduction in defense headquarters staffs (sec. 1302).—The Senate amendment contained a provision (sec. 172) that would impose a ceiling equal to a 5 percent reduction from the total number of personnel requested in the fiscal year 1985 budget submission for management headquarters and management headquarters support activities. The provision would also place a ceiling of 1,696 on the total number of personnel assigned to the Office of the Secretary of Defense, which was the level requested in the fiscal year 1984 budget submission.

The House bill contained no similar provision.

The House recedes with an amendment limiting the reduction to 2 percent, placing a ceiling of 1,730 on personnel assigned to the Office of the Secretary of Defense as of September 30, 1985. The conference agreement also allows the Secretary of Defense to exceed the 1,730 ceiling by up to 2 percent upon providing prior written explanation and justification of any proposed increase to the Committees on Armed Services of the Senate and House of Representatives.

The conferees, while agreeing to these limits, do not wish to imply that they feel these are ideal staffing levels. They continue to be concerned that excessive staffing, even after these reductions, will be found in management headquarters and management headquarters support activities in the Office of the Secretary of Defense and the military services. The committees will continue to monitor these staffing levels and to seek justification for them.

Report on size of service secretariats (sec. 1303).—The House bill contained a provision (sec. 1121) that would require a report explaining the disparity in the sizes of the offices of the three service Secretariats.

The Senate amendment contained no similar provision.

The Senate recedes.

Implementation of certain personnel policies (sec. 1304).—The House bill contained a provision (sec. 1104) that would provide, in subsection (a), that no funds appropriated to the Department of Defense could be used to comply with the Office of Personnel Management regulation referred to as Basic Installment 311 of the Federal Personnel Manual, concerning personnel suitability, personnel security, personnel investigation and suitabilty disqualification action. Subsection (b) would provide that for the purposes of employees of the Department of Defense, the authorities assigned to the Office of Personnel Management (1) under section 5.2(a) of Executive Order 10577, as amended (relating to investigation of the suitability of applicants), and (2) under Executive Order 10450 (relating to security requirements for government employees) shall be exercised by the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment on subsection (a). The House recedes on subsection (b).

The amendment would limit the restriction on the use of appropriated funds to July 1, 1985. The conferees believe that by that date the National Security Decision Directive-84 study group, which is tasked with reviewing the entire Federal personnel security program, will have completed its examination and resolved the dispute between the Office of Personnel Management and the Department of Defense.

Expansion of authority for collection of debts from members of the armed forces (sec. 1305).—The Senate amendment contained a provision (sec. 154) that would expand the debt collection authority contained in section 1007 of title 37, United States Code, to apply to any member, officer or enlisted, of the armed forces. Currently, only the Army and Air Force may exercise that authority, and only with respect to enlisted members.

The House bill contained no similar provision.

The House recedes.

Increased Coast Guard membership on the Reserve Forces Policy Board (sec. 1306).—The Senate amendment contained a provision (sec. 1016) that would increase the Coast Guard membership on the Reserve Forces Policy Board from one to two.

The House bill contained no similar provision.

The House recedes.

Limitation on use of funds for conducting polygraph examinations (sec. 1307).—The Senate amendment contained a provision (sec. 1014) that would prohibit the use of funds appropriated pursuant to an authorization of appropriations for the purpose of implementating any revision of Department of Defense Directive 5210.48 relating to polygraph examination except for the conduct of a test program involving not more than 3,500 persons. That section would also require the Secretary of Defense to report to the Committees on Armed Services of the Senate and House of Representatives on the use of polygraph examinations administered by or for the Department of Defense during fiscal year 1985, including the number of examinations, a description of the purposes and results of such examination, an explanation of the uses made of the results, and detailed reports on those cases in which more than two examinations were required to resolve discrepancies.

The House bill contained no similar provision.

The House recedes.

Legislative provisions not adopted

Limitation on defense reorganizations.—Section 1125 of the House bill would amend section 125 of title 10, United States Code, placing limitations on the realignment authorities of the Secretary of Defense contained in that section. The House bill would provide that the Secretary of Defense could not undertake any realignment action or test of such realignment action under section 125 involving the transfer, reassignment, or consolidation of a function, power, or duty of a military department to a component of the Department of Defense outside the military department without specific authorization by law. The House bill would, however, exempt realignment actions or test of such realignment actions that involved fewer than 200 military and civilian personnel positions and would not result in a change of expenditures of more than $10 million in any fiscal year.

The Senate amendment contained no similar provision.

Although the Supreme Court's decision in *INS* vs. *Chadha* has placed into question congressional mechanisms for oversight over realignment of statutory functions, powers, or duties in the Department of Defense, the conferees could not agree on the stringent House provisions that would severely restrict the realignment authority of the Secretary of Defense.

The Senate agreed to hold hearings next year on the issue of realignments in the Department of Defense.

The House recedes.

Modification in requirements for the appointment to the Department of Defense Retirement Board of Actuaries.—The Senate amendment contained a provision (sec. 156) that would alter the qualifications necessary for appointment to the Board of Actuaries for the military retirement fund. Presently only members of the Society of Actuaries may be appointed to the board. The Senate provision would permit the appointment of an individual who has been designated as an enrolled actuary under the Employee Retirement Income Security Act of 1974.

The House bill contained no similar provision.

The Senate recedes.

TITLE XIV—CODIFICATION OF CERTAIN RECURRING AND PERMANENT PROVISIONS OF LAW

RECURRING PROVISIONS

Legislative provisions adopted

Codification of recurring and permanent provisions of law (sec. 1401-1404).—The Senate amendment contained provisions (sections 1101 and 1103-1106) embodying a portion of the project initiated by section 1267 of the Department of Defense Authorization Act, 1984 (Public Law 98-94), to codify certain recurring provisions of the annual defense authorization and appropriation Acts.

Section 1101 would amend title 10, United States Code, by codifying recurring provisions relating to a number of Department of Defense activities including the operation of military commissary stores. The conferees note that commissaries exist chiefly to make groceries available to military personnel at convenient locations and reasonable prices. This has historically been viewed as an institutional benefit for members of the armed forces. The conferees recognize the importance of commissaries to the quality of life of our men and women in uniform.

Section 1103 would amend title 37, United States Code, by codifying provisions relating to pay and allowances for members of the uniformed services.

Section 1104 would amend the Fair Labor Standards Act of 1938 with respect to commissary baggers. Section 1105 would repeal current laws no longer necessary as a result of codification. Finally, section 1106 would establish a general effective date for the codifications and repeals of October 1, 1984.

The House bill contained no similar provision.

The House recedes with an amendment deleting the amendments to the Fair Labor Standards Act and delaying the effective date one year until October 1, 1985, the day after the annual provisions for fiscal year 1985 will expire.

CLERICAL AMENDMENTS

Legislative provisions adopted

Clerical amendments to title 10, United States Code (sec. 1405).—The House bill contained a provision (sec. 1107) that would effect a number of technical corrections to conform title 10, United States Code, to a single coherent usage.

The Senate amendment contained a similar provision (sec. 1201) that included not only all of the House provisions but several additional technical corrections.

The House recedes.

TITLE XV—GENERAL PROVISIONS

PART A—DEFENSE FINANCIAL MATTERS

Transfer authority (sec. 1501).—The House bill contained a provision (sec. 1101) that would permit the transfer of an authorization made available in the fiscal year 1985 Defense Authorization Act to any other authorization made available in the Act only upon determination by the Secretary of Defense that such a transfer were in the national interest. The authority to transfer could only be used to provide authorization for higher priority items than the items from which authorization was transferred and could not be used to provide authorization for an item that was denied authorization by the Congress. The Secretary of Defense would be required to promptly notify the Congress of transfers. Transfer of an authorization between budget activities of a major Operation and Maintenance account could be made without regard to the above mentioned limitations. The total amount of transfers would be limited to $2 billion.

The Senate amendment contained no similar provision.

The conferees believe that transfer authority is necessary to permit efficient operations of the Department of Defense.

The obligation or expenditure of funds by the Department of Defense for procurement, research and development or operation and maintenance is prohibited by law (section 138 of title 10, United States Code) unless such funds have been previously authorized. Transfer authority would permit the Secretary of Defense to act promptly to continue the efficient conduct of activities authorized by this Act without obtaining prior legislative authorization.

Under agreements that have evolved over the years, the Secretary of Defense has consulted with the Committees on Armed Services and Appropriations of the Senate and House of Representatives about realignments of defense programs subsequent to the enactment of authorization and appropriation. This process, known as reprogramming, has worked well. The conferees direct the Secretary of Defense to use the transfer that would be authorized in this section pursuant to the procedures governing reprogramming.

The Senate recedes.

PART B—PROVISIONS RELATING TO SPECIFIC PROGRAMS

Legislative provisions adopted

Binary chemical weapons (sec. 1511).—The House bill contained a provision (sec. 1103) that would (1) prohibit funds appropriated pursuant to authorization from being obligated or expended for final assembly or production of binary chemical munitions, and (2) place a limitation on the advance procurement of components and the establishment of a production base for binary chemical munitions until the President provides a report to the Congress on the recommended actions of the chemical warfare review commission.

The Senate amendment contained no similar provision.

The conferees agree to a modified version of the House provision establishing a chemical warfare review commission but deleted all reference to production funding.

The Senate recedes.

Restriction on the use of funds for the B-1B bomber program (sec. 1512).—The Senate amendment contained a provision (sec. 1009) that would prohibit the use of any funds authorized to be appropriated for any activity having as its objective research, design, demonstration, development, or procurement of more than 100 B-1B bomber aircraft, including any derivative or modified version of such aircraft, unless the Secretary of Defense has notified the Committees on Armed Services of the Senate and House of Representatives of the specific purpose for which the funds are proposed to be used and the amount proposed to be expended for such purpose.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the application of this provision to fiscal year 1985.

Configuration of FFG-7 (sec. 1513).—The Senate amendment included a provision (sec. 1010) that would allow the Secretary of the Navy to determine the configuration of the FFG-7 for which funds were authorized and appropriated for fiscal year 1984 to be constructed without regard to provisions of the Department of Defense Appropriation Act, 1984, relating to the design of that frigate.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Prohibition against using funds appropriated for the advance technology bomber and the advanced cruise missile programs for any other purpose (sec. 1514).—The Senate amendment contained a provision (sec. 1022) that would express the sense of Congress that the technology associated with the Advanced Technology Bomber and the Advanced Cruise Missile programs are critical to national security, that such technologies should be developed as rapidly as feasible and funded at levels authorized, and that funds appropriated for those programs should be fully utilized for such programs. The Senate amendment would also prohibit the use of funds appropriated for those programs authorized in the fiscal year 1985 Defense Authorization Act for any other purpose.

The House bill contained no similar provision.

The House recedes.

PART C—MISCELLANEOUS DEFENSE REPORTING REQUIREMENTS

Legislative provisions adopted

Extension of time for report of the commission established by the Military Justice Act of 1983 (sec. 1521).—The Senate amendment contained a provision (sec. 1050) that would extend until December 15, 1984, the date by which the advisory commission established by the Military Justice Act of 1983 shall transmit its report to the Committees on Armed Services of the Senate and the House of Representatives and to the committee established by Article 67(g) of the Uniform Code of Military Justice (section 867(g) of title 10, United States Code).

The House bill contained no similar provision.

The House recedes.

Study on foreign sales and procurement of defense articles (sec. 1522).—The House bill included a provision (sec. 1114) that would direct the Secretary of Defense, in consultation with the Secretary of Commerce, to carry out a study to assess how the adequacy of the industrial base of the United States in the event of a war or national emergency is affected by procurement of foreign defense articles and foreign sales of U.S. built defense articles.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would 1) provide that the Secretary of Defense should consult with appropriate Federal agencies in the conduct of the study, and 2) describe the study in less specific terms.

Report on utilization of the Air Force's air refueling fleet (sec. 1523).—The Senate amendment contained a provision (sec. 1017) that would direct the Secretary of the Air Force to submit a report to the appropriate committees of Congress, not later than January 1985, containing an analysis of the planned operational utilization of the Air Force air refueling fleet throughout the remainder of this decade. The study would be required to include air refueling requirements for the Single Integrated Operational Plan (SIOP) and a number of potential contingency operations.

The House bill contained no similar provision.

The House recedes to an amendment that changes the reporting date to March 5, 1985.

Exploitation of foreign technology by the Department of Defense (sec. 1524).—The Senate amendment contained a provision (sec. 1023) that would require the Secretary of Defense to report to the Congress on how the Department of Defense can benefit from the exploitation of foreign technology. This provision would prohibit the Secretary of the Army from transferring related functions until after the report has been received by the Congress.

The House bill contained no similar provision.

The House recedes.

Report on Americans unaccounted for or missing in Southeast Asia (sec. 1525).—The Senate amendment contained a provision (sec. 1025) that would require a report from the President describing current efforts of the Federal government to resolve the issue of the 2,483 Americans still missing and unaccounted for in Indochina and to secure the return of the remains of any Americans who died in Indochina and whose remains have yet to be repatriated.

The House bill contained no similar provision.

The House recedes with technical amendments.

Report on safety in the Army (sec. 1526).—The House bill contained a provision (sec. 424) that would require a report from the Secretary of the Army describing current and planned programs relating to the safety of Army personnel, including safety involved in training exercises and safety in the operation of equipment.

The Senate amendment contained no similar provision.

The Senate recedes.

Study of promotion opportunities for nonphysician providers (sec. 1527).—The Senate amendment contained a provision (sec. 177) that would authorize the appointment of doctors of podiatric medicine as members of

the Medical Corps of the Army and of the Navy and authorize their designation as medical officers in the Air Force. Currently, doctors of podiatric medicine are assigned to the Medical Service Corps in the Army and Navy and to the Biomedical Science Corps in the Air Force.

The Senate provision would, however, exclude doctors of podiatric medicine from the special pays provided to medical doctors.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees recognize that the promotion opportunities for physicians are greater than the promotion opportunities for podiatrists and other non-physician providers of health care. There was concern, however, that the Senate provision would not necessarily solve this problem because it does not directly address the promotion question or the similar problems confronting other non-physician providers. The conferees, therefore, agreed to delete the provision contained in the Senate amendment and, instead, to direct the Secretary of Defense to develop a plan that will enhance the attractiveness of podiatry as a military career field and provide equitable promotion opportunities for podiatrists and other non-physician providers. In developing this plan, the department should consider the establishment of separate promotion paths for health care providers within the Medical Service Corps and Biomedical Science Corps.

A report on the plan developed by the Secretary should be submitted to the Committees on Armed Services of the Senate and the House of Representatives no later than March 15, 1985. The conferees agree that if an acceptable plan is not submitted they will seriously consider adopting a provision similar to that contained in the Senate amendment during consideration of the Defense authorization bill for fiscal year 1986.

Provisions not adopted

Reports on economic impact of defense programs and the feasibility of creating an Office of Economic Conversion.—The House bill contained two related provisions, one (sec. 1117) calling for a report on the feasibility of an annual report on the employment impact of nuclear programs and the other (sec. 1118) calling for a report on the feasibility of creating an office of economic conversion in the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

The conferees, however, direct the Secretary of Defense to provide two reports to the Committees on Armed Services of the Senate and the House of Representatives no later than April 30, 1985.

The first report should analyze the feasibility of an annual reporting requirement on employment impact and its distribution by congressional districts of the tactical and strategic nuclear programs. The report should include the name and location, disaggregated to the congressional district level, of all contracts in excess of $5,000,000 and the type and number of jobs created, and the duration of employment of these jobs, resulting from the following programs: (1) the MX missile program; (2) the B-1 bomber program; (3) the Pershing II missile program; (4) the ground-launched, sea-launched, and air-launched cruise missile programs; (5) the Trident I missile program; (6) the Trident II missile program; (7) the Trident submarine program; and (8) the Strategic Defense Initiative and other strategic missile defense programs.

The second report should indicate the feasibility of creating an Office of Economic Conversion in the Department of Defense to provide economic readjustment assistance to communities and workers affected by the subsequent elimination of strategic and tactical nuclear weapons systems. The conferees have in mind such readjustment assistance programs as would provide the means to promote orderly economic adjustment that would (1) minimize the dislocation of workers, communities, and industries, (2) encourage conversion of technologies and managerial and worker skills developed in nuclear systems production to programs that serve the civilian sector, and (3) provide economic and social service assistance to persons affected by the readjustment.

PART D—MISCELLANEOUS DEFENSE-RELATED MATTERS

Legislative provisions adopted

Exemption from authority to induct under the Military Selective Service Act any person whose mother was killed in line of duty (sec. 1531).—The Senate amendment contained a provision (sec. 1003) that would amend the Military Selective Service Act to provide that an individual would be exempt from induction if the individual's mother died in the line of duty while serving in the armed forces. The individual would also be exempt from induction while the mother was missing or held prisoner of war. Currently, such an exemption is provided where the father, brother, or sister has been killed or is missing or held prisoner.

The House bill contained no similar provision.

The House recedes.

Prohibition of unauthorized uses of Marine Corps insignia (sec. 1532).—The Senate amendment contained a provision (sec. 1004) that would prohibit unauthorized promotional or commercial use of the seal, emblem, or initials of the United States Marine Corps.

The House bill contained no similar provision.

The House recedes.

Improved readiness and training of the Civil Air Patrol (CAP) (sec. 1533).—The House bill and Senate amendment contained substantively identical provisions (sec. 1106 and sec. 1015, respectively) that would expand the authority of the Secretary of the Air Force to provide equipment and services to the Civil Air Patrol (CAP).

The conferees intend that this new authority not be used to obtain the use of government facilities such as base exchanges, commissaries, clubs, and athletic facilities of agencies other than the Air Force, except under circumstances similar to those under which such facilities of the Air Force are now used.

Participation of members of the armed forces in international sports activities (sec. 1534).—Section 308 of the House bill would amend section 717 of title 10, United States Code, authorizing up to $3 million per year from funds otherwise appropriated to pay for service members' participation in international sporting events. This is the first increase since a 1955 authorization of $800,000 per year.

The Senate bill contained no similar provision.

The Senate recedes.

Instruction of foreign officers at the Uniformed Services University of the Health Sciences (sec. 1535).—The House bill contained a provision (sec. 1113) that would allow the Uniformed Services University of the Health Sciences to enter into agreements with foreign military medical schools for exchanges of students, with a cap of 40 on the number of foreign military medical students allowed to be attending the Uniformed Services University of the Health Sciences at any one time.

The Senate amendment contained no similar provision.

The Senate recedes.

Commission on merchant marine and defense (sec. 1536).—The House bill contained a provision (sec. 1123) that would establish a Commission on Merchant Marine and Defense to study problems relating to transportation of cargo and personnel for national defense purposes in time of war or national emergency, the capability of the U.S. merchant marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base of the United States. The commission would be composed of nine members, would be directed to report on its findings in 1985 and would cease to exist 90 days thereafter.

The Senate amendment contained a provision (sec. 1032) that would create a commission with identical purposes but would provide for five members, with reports to be made in 1985, 1986 and 1987.

The conferees agreed that the commission should have seven members and that it should report in 1985 and 1986.

Department of Defense civilian air traffic controllers (sec. 1537).—The House bill contained a provision (sec. 1126) that would authorize premium pay for civilian air traffic controllers working in the Department of Defense identical to the premium pay for air traffic controllers of the Federal Aviation Administration authorized by Public Law 97-276, the Continuing Appropriation for fiscal year 1983.

The Senate amendment contained no similar provision.

The Senate recedes.

Sale of ammunition for avalanche-control purposes (sec. 1538).—The House bill contained a provision (sec. 1137) that would authorize the Secretary of the Army to sell ammunition to states and designated non-Federal entities for the purposes of avalanche control.

The Senate amendment contained no similar provision.

The Senate recedes.

Navy Environmental Impact Statement (sec. 1539).—The Senate amendment contained a provision (sec. 1031) that would require supplemental information to the Environmental Impact Statement (EIS) prepared by the Secretary of the Navy on any proposed transfer of military and civilian personnel of the Department of the Navy from Arlington County, Virginia, to the Washington Navy Yard, Washington, D.C.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the scope of the supplemental statement to the EIS prepared by the Secretary of the Navy in connection with the 1981 master plan to vacate leased space.

Authorization for Secretary of Defense to transport humanitarian relief supplies to countries in Central America (sec. 1540).—Section 1045 of the Senate bill provided authority for the Secretary of Defense to transport on a space available basis, at no charge, to any country in Central America, goods and supplies which have been provid-

ed by a non-governmental source and which are intended for humanitarian assistance.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees are aware that the President has determined that the U.S. Government should assist in supporting humanitarian relief efforts of private organizations for victims of oppression, poverty and violence, particularly the refugees and displaced persons within Central America. The conferees fully support this effort and therefore propose adoption of this provision which provides authorization for the Secretary of Defense to transport, on a non-reimbursable basis, to any country in Central America, goods and supplies which have been provided by private organizations and which are intended for humanitarian assistance. The conferees also adopted a provision prohibiting distribution of goods or supplies transported under this section to individuals, groups, or organizations engaged in military or paramilitary activity.

The conferees agreed that such transportation, utilizing Armed Services' vessels and aircraft, was a function that the Department of Defense may perform. They further agreed that all matters relating to validation of the need for transportation, collection of such relief supplies, and the coordination of the movement of such supplies to a Defense facility in the United States for shipment should remain the responsibility of the Department of State, with such assistance from other agencies as may be required.

Nothing in this section is designed to change, amend or alter the existing statutory and administrative framework established for the coordination, direction, or supervision of U.S. humanitarian assistance efforts abroad. Specifically, 22 U.S.C. Sec. 2292 authorizes the President to furnish assistance to any foreign country, or international or private voluntary organization for natural and manmade disaster relief and assistance. The relevant authority granted under this section has been delegated by Executive Order 12163 to the Director of the U.S. International Development Cooperation Agency, to be exercised in consultation with the Secretary of State. The conferees do not intend to alter the authorities and responsibilities contained in this existing framework by this section.

The House recedes with amendments.

PART E—OTHER MISCELLANEOUS MATTERS

Legislation provisions adopted

Glomar Java Sea (sec. 1541).—The Senate amendment contained a provision (sec. 1029) that would express the sense of Congress that the Administration request the Secretary General of the United Nations to seek the cooperation of the Government of Vietnam in ascertaining the fate of 46 crewmen still missing from the U.S.-registered oil drilling ship *Glomar Java Sea*, which sank in the South China Sea on November 1, 1983.

The House bill contained no similar provision.

The House recedes with an amendment simplifying the text.

Sense of Congress regarding furnishing food and medical supplies to Afghanistan (sec. 1542).—The Senate bill contained a provision in section 1037 expressing the sense of Congress that the free world should provide adequate food and medical supplies to the Afghan people in the wake of the Soviet invasion of Afghanistan.

There was no similar provision in the House bill.

The House recedes with a technical amendment that expressed the conferees position on the duration of the aid.

To reaffirm U.S. policy toward Cuba (sec. 1543).—The Senate bill contained a provision reaffirming U.S. policy toward Cuba as expressed in the resolution entitled "Joint Resolution Expressing the Determination of the United States With Respect to the Situation in Cuba" approved on October 3, 1962 [76 Stat. 697].

The House bill had no similar provision.

The conferees agreed that although the resolution remains a valid statement of such policy, it was unnecessary to repeat existing statutory language within this section.

The House recedes with an amendment to delete the restated statutory language.

Metal millform products certification (sec. 1544).—The Senate amendment contained a provision (sec. 1053) that would require the Department of Defense to certify that all metal millform products procured by the department or any of its suppliers contain no Cuban or Russian nickel.

The House bill contained no similar provision.

The conferees agreed that a study of the national security impact of Russian and Cuban nickel in defense procurements should be conducted before legislation is considered that would ban such materials.

The House recedes with an amendment.

Legislative provisions not adopted

Sealift mobility.—The House bill contained a provision (sec. 1128) that would allow up to two foreign built passenger vessels, meeting certain criteria, to operate in the coastwise trade of the United States.

The Senate amendment contained no similar provision.

The Senate conferees were adamantly opposed to a waiver of the Jones Act trade provisions in this instance.

The House recedes.

National security considerations relating to merchant shipping.—The House bill contained a provision (sec. 1134) that would prohibit a vessel constructed under the construction differential subsidy program from operating in the coastwise trade of the United States unless the Secretary of the Navy determines that such operation would not reduce the number of militarily useful liquid bulk carriers readily available to the United States in time of war or national emergency.

The Senate amendment contained no similar provision.

Senate conferees were adamantly opposed to the House provision.

The House recedes.

Impact aid.—The Senate amendment contained provisions (sec. 1026 and sec. 1036) that would revise and extend Public Law 81-874, the Impact Aid Maintenance and Operations Program. Specifically, the provision would extend the authorization of appropriations contained in Public Law 81-874 for both category "A" and "B" students through fiscal year 1989 at a level of $700 million with annual increases tied to the Consumer Price Index; increase the authorization level for section 2 to $30 million; clarify that section 3(d)(2)(B) payments should not be prorated; require that coterminous school districts would receive 100 percent of entitlement; and clarify the status of a provision affecting the state of Hawaii enacted in 1983 as a part of amendments to the Education Consolidation and Improvement Act (Public Law 98-211).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the decision to eliminate this provision was made in recognizing that, under the rules of the House of Representatives, the provision is not germane to the Department of Defense authorization bill. However, legislation containing nearly identical provisions is awaiting final resolution by the Congress.

The conferees are concerned that, without the impact aid program, many school districts would have to bear heavy, added costs in order to educate the dependents of military personnel stationed within their jurisdictions. The conferees, therefore, urge that expeditious action be completed on legislation to extend the authorization for impact aid so that no disruption in the availability of funding for this program occurs.

Permanent facility for the Olympic games.—The Senate amendment contained a provision (sec. 1040) that would declare that it is the sense of the Congress that the International Olympic Committee should establish a permanent facility for the Olympic games on a site that is suitable for insulating the games from the unwarranted and disruptive international politics that have plagued the games in recent years.

The House bill contained no similar provisions.

The Senate recedes.

Bull Shoals Lake—The Senate amendment contained a provision (sec. 1052) that would prohibit the General Services Administration or the Bureau of Land Management from disposing of lands in the vicinity of Bull Shoals Lake, Arkansas, that have been declared excess to Department of the Army needs and retain them under the administration of the Corps of Engineers.

The House bill contained no similar provision.

The Senate recedes.

TITLE XVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

The House Committee on Armed Services incorporated its action on the fiscal year 1985 budget request for Department of Energy National Security Programs into H.R. 5395 which was reported on April 26, 1984 (H. Rept. 98-724). H.R. 5395 would authorize appropriations for fiscal year 1985 in the total amount of $7,436,651,000, a reduction of $348,924,000 below the requested amount of $7,785,575,000. H.R. 5395 has not been considered by the House.

The Senate incorporated its action on the fiscal year 1985 request for Department of Energy National Security programs into S. 2723. The text of S. 2723 regarding Department of Energy National Security Programs, as amended, was included as Title III in the Senate amendments to H.R. 5167. The Senate amendments would authorize appropriations in the total amount of $7,323,775,000, a reduction of $461,800,000 from the $7,785,575,000 request.

Because an appropriations bill for Department of Energy National Security Programs for fiscal year 1985 has already been enacted, the conferees recommend the adoption of authorizing legislation that closely compares with the conference report on H.R. 5653, the Energy and Water Appropriations Act, 1985 (H. Rept. 98-866). The authorizing legislation contained in Title XVI would authorize appropriations in the total amount of $7,352,151,000, a reduction of $433,424,000 from the requested amount of $7,785,575,000. For purposes of compari-

son, the budget request, the House Committee on Armed Services report, the provisions of the Senate amendment to H.R. 5167, and the conference substitute are itemized in the following table.

Part A of Title XVI would provide authorizations for operating expenses, construction projects and capital equipment for Department of Energy National Security Programs.

Part B of Title XVI contains recurring general provisions that provide guidelines for the expenditure of authorized appropriations.

Part C of Title XVI contains five special provisions designated as sections 1631, 1632, 1633, 1634, and 1635.

FISCAL YEAR 1985 DEPARTMENT OF ENERGY DEFENSE ACTIVITIES

[In millions of dollars]

Program	Fiscal year 1985 request	H.R. 5395	S. 5167	Conference substitute	Change from request
Total DOE Operating Expenses	5,941.144	5,815.020	5,669.044	5,722.020	−219.124
Total DOE Plant Construction Expenses	1,379.450	1,176.150	1,217.750	1,194.650	−184.800
Total DOE Capital Equipment	464.981	445.481	436.981	435.481	−29.500
Total DOE activities	7,785.575	7,436.651	7,323.775	7,352.151	−433.424
SECTION 101—OPERATING EXPENSES					
Naval reactors development: Items not in dispute	426.400	426.400	426.400	426.400	
Weapons activities:					
Inertial Confinement Fusion	125.000	154.750	155.000	154.750	29.750
Glass Laser Experiments	73.945	92.700		92.700	
Gas Laser Experiments	30.505	42.100		42.100	
Pulsed Power Experiments	19.800	19.200		19.200	
Supporting Research	00.750	00.750		00.750	
Production and Surveillance	1,947.900	1,892.900	1,787.900	1,810.900	−137.000
Program Direction	60.229	60.855	60.229	60.855	0.626
Items not in dispute	1,363.625	1,337.625	1,337.625	1,337.625	−26.000
Total, Weapons Activities	3,496.754	3,446.130	3,340.754	3,364.130	−132.624
Verification and control technology: Items not in dispute	73.700	73.700	73.400	73.700	
Materials production:					
Uranium Enriching	245.300	148.800	142.800	142.800	−102.500
Processing of Nuclear Materials	412.770	439.770	409.770	439.770	27.000
Special Isotope System	30.000	60.000		60.000	
Supporting Services	257.985	257.985	253.385	252.985	−5.000
Items not in dispute	577.535	571.535	571.535	571.535	−6.000
Total, Materials Production	1,493.590	1,418.090	1,377.490	1,407.090	−86.500
Defense waste and byproduct management: Items not in dispute	358.700	358.700	358.700	358.700	
Nuclear safeguards and security: Items not in dispute	58.000	58.000	58.000	58.000	
Security investigations: Items not in dispute	34.000	34.000	34.000	34.000	
Total, DOE defense activities operating expenses	5,941.144	5,815.020	5,669.044	5,722.020	−219.124
SECTION 102—PLANT AND CAPITAL EQUIPMENT					
Naval reactors development: Items not in dispute	48.000	48.000	48.000	48.000	
Weapons activities:					
85–D–101, General plant projects, various locations	31.600	26.500	29.600	26.500	−5.100
85–D–102, Nuclear weapons research, development, and testing facilities revitalization, Phase I, various locations	56.600	56.600	35.400	35.400	−21.200
85–D–106, Hardened radiography facility, Site 300, Lawrence Livermore National Laboratory, Livermore, California	0.800	0.000	0.800	0.000	−0.800
85–D–106, Hardened Engineering Test Building, Lawrence Liversome National Laboratory, Livermore, California	0.000	0.800	0.000	0.800	0.800
85–D–111, General plant projects, various locations	32.200	27.100	30.200	27.100	−5.100
85–D–115, Renovate Pu Building utility systems, Rocky Flats Plant, Golden, CO	5.800	5.800	5.800	2.900	−2.900
85–D–125, Tactical bomb production facilities, various locations	10.000	5.000	10.000	5.000	−5.000
84–D–102, Radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, NM	20.000	14.000	20.000	20.000	
84–D–106, Security system upgrade Sandia National Labs, Albuquerque, NM	2.300	1.500	2.300	2.300	
84–D–107, Nuclear testing facilities revitalization, various locations	34.900	34.900	21.900	21.900	−13.000
84–D–108, Safeguards and site security upgrade, Nevada Test Site, Nevada	0.000	5.400	0.000	5.400	5.400
84–D–112, Trident II warhead production facilities, various locations	60.700	40.700	60.700	60.700	
84–D–113, Antisubmarine warfare/standoff weapon warhead production facilities, various locations	15.000	5.000	0.000	0.000	−15.000
84–D–115, Electrical system expansion, Pantex Plant, Amarillo, Texas	10.000	7.000	10.000	7.000	−3.000
84–D–117, Inert assembly and test facility, Pantex Plant, Amarillo, Texas	11.700	6.700	11.700	6.700	−5.000
84–D–120, Explosive component test facility, Mound facility, Miamisburg, OH	16.900	10.000	16.900	10.000	−6.900
84–D–124, Environmental improvements, V–12 Plant, Oak Ridge, Tennessee	21.400	8.400	21.400	21.400	
84–D–212, Safeguards and site security upgrade, Pinellas Plant, Florida	2.700	1.000	2.700	2.700	
83–D–199, Buffer land acquisition, Lawrence Livermore and Sandia National Laboratories, Livermore, California	17.000	17.000	7.000	17.000	
82–D–107, Utilities and equipment restoration, replacement, and upgrade, Phase III, various locations	175.100	175.100	161.600	165.000	−10.100
82–D–111, Interactive graphics systems various locations	6.800	2.900	6.800	2.900	−3.900
Items not in dispute	226.400	159.400	159.400	159.400	−67.000
Total, Weapons Activities	757.900	610.800	614.200	600.100	−157.800
Verification and control technology: Items not in dispute	1.000	1.000	1.000	1.000	
Materials production:					
85–D–131, General plant projects various locations	32.000	29.500	30.000	29.500	−2.500
85–D–139, Fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho	10.000	5.000	10.000	10.000	
85–D–140, Productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio	6.000	3.000	6.000	3.000	−3.000
85–D–142, U308 fuel tube facilities, fuel preparation area, Savannah River, South Carolina	8.000	4.000	8.000	4.000	−4.000
84–D–134, Safeguards and security improvements, Plantwide, Savannah River, South Carolina	14.900	12.000	14.900	14.900	
84–D–135, Process facility modifications Purex, Richland, Washington	0.000	10.000	0.000	10.000	10.000
84–D–136, Enriched uranium conversion facility modifications, Y–12 Plant, Oak Ridge, Tennessee	8.000	4.400	8.000	4.400	−3.600
84–D–137, Facility security systems upgrade, Idaho Fuels Processing Facility Idaho National Engineering Lab, Idaho	8.000	2.000	8.000	8.000	
83–D–148, Non-radioactive hazardous waste management, Savannah River, S.C	11.500	7.500	11.500	11.500	
82–D–124, Restoration of production capabilities, Phases II, III, IV and V, various locations	72.800	72.800	68.800	72.800	
82–D–136, Fuel processing facilities upgrade, Idaho Fuels Processing Facility Idaho National Engineering Lab, Idaho	1.000	0.000	1.000	1.000	
82–D–201, Special plutonium recovery facilities, JB-line, Savannah River, SC	28.800	20.000	28.800	24.400	−4.000
Items not in dispute	22.950	22.950	22.950	22.950	
Total, Materials Production	223.950	193.150	217.950	216.450	−7.500
Defense waste and byproducts management:					
85–D–156, General plant projects, interim waste operations and long-term waste management technology, various locations	25.645	25.645	23.645	23.645	−2.000
81–T–105, Defense waste processing facility, Savannah River, S.C	238.000	223.000	238.000	230.500	−7.500
77–13–f, Waste isolation pilot plant, Delaware Basin, Southeast, New Mexico	61.100	50.700	51.100	51.100	−10.000
Items not in dispute	23.855	23.855	23.855	23.855	
Total, Defense Waste and Byproduct Mgmt	348.600	323.200	336.600	329.100	−19.500

FISCAL YEAR 1985 DEPARTMENT OF ENERGY DEFENSE ACTIVITIES—Continued

[In millions of dollars]

Program	Fiscal year 1985 request	H.R. 5395	S. 5167	Conference substitute	Change from request
Total, DOE defense activities plant construction	1,379.450	1,176.150	1,217.750	1,194.650	−184.800
Capital equipment:					
Weapons Activities	261.850	246.850	239.850	241.850	−20.000
Inertial Confinement Fusion	9.500	11.000	9.500	11.000	1.500
Materials Production	128.660	122.660	122.660	117.660	−11.000
Items not in dispute	64.971	64.971	64.971	64.971	
Total, DOE defense activities capital equipment	464.981	445.481	436.981	435.481	−29.500

Miscellaneous report provisions

The reports by the respective Houses on the bills containing the fiscal year 1985 National Defense Programs of the Department of Energy contained details on the budget request and policy guidance and requirements with regard to many aspects of the program. Unless modifying language is included in this statement of managers, the report language, to include guidance, recommendations and requirements, included in both the report of the House of Representatives (H. Rept. 98-724) and of the Senate (S. Rept 98-500) is concurred in by the conferees.

Contractor liability for injury or loss of property arising out of atomic weapons testing program (sec. 1631)

Section 301 of the Senate amendment adopted by the conferees is identical to a provision contained in the Administration's legislative request transmitted to the Congress in support of the President's budget for Department of Energy National Security Programs for fiscal year 1985. This section would provide a remedy against the United States for injury, loss of property, personal injury, or death due to exposure to radiation on acts or omissions by a contractor carrying out atomic weapons tests under a contract with, and under the direction and control of, the United States. It would provide that the Attorney General of the United States defend civil actions brought against contractors for injury, loss of property, personal injury, or death due to exposure to radiation resulting from a contractor's activities in carrying out nuclear weapons tests on behalf of the government. The section would extend the time for filing administrative claims against the government.

The Senate provision narrowly defines the term "contractor" as a contractor or cost reimbursement subcontractor participating in the conduct of the United States atomic weapons testing program for the Department of Energy or its predecessor agencies, including those contractors who have conducted research concerning the health effects of radiation in connection with testing under contract with the Department of Energy or its predecessor agencies.

Cost effective funding of nuclear weapons (sec. 1632)

Section 331 of the Senate amendment would direct the President to establish a blue ribbon task group to examine procedures used by the Department of Defense and the Department of Energy in establishing requirements and providing resources for the United States nuclear weapons program. The task group would be required to submit within 270 days of enactment a report to the President and to the Committees on Armed Services of the Senate and the House of Representatives containing its findings and recommendations. Although section 331 would require the members of the task group to be jointly appointed by the President and the majority and minority leaders of the Senate and House of Representatives, the conferees adopted an amended version that more clearly spells out the qualifications of potential members and provides for the appointment of four members by the chairmen and ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives.

In summary, the conferees agreed to a provision that would require the establishment of a Blue Ribbon Task Group to examine the procedures used by the Department of Defense and the Department of Energy in establishing requirements for, and in providing resources for the nuclear weapons programs. The provision details areas that the conferees want the Blue Ribbon Group to examine; namely,

(1) ways to improve coordination between the Department of Defense and the Department of Energy to ensure cost effective management of nuclear weapons activities;

(2) budgeting and management procedures; and

(3) whether the Department of Defense should assure responsibility for the funding of Department of Energy weapons activities and materials production programs.

In specifying areas for study, the conferees do not intend to limit unnecessarily the scope of the study by the Group. For instance, it may prove prudent for the Group to break the weapons activities program into its major subprograms—research and development, testing and production and surveillance—and make different recommendations at the subprogram level. Similarly, it may prove prudent to expand the scope of the effort to look at weapons costs in other Department of Energy programs such as the safeguards and security program, the nuclear waste program, etc. The conferees expect the Group to look at the entire issue at whatever level of detail the Group determines is appropriate.

Review of the inertial confinement fusion program (sec. 1633)

Section 332 of the Senate amendment would require the President to establish a technical review group to review the Defense Inertial Confinement Fusion program. The technical review group, composed of persons trained and experienced in the scientific disciplines related to the design and testing of nuclear weapons, would review the accomplishments, management, goals, and anticipated contributions of the Inertial Confinement Fusion program in future years, and submit its findings to the Committees on Armed Services of the Senate and the House of Representatives and to the President in three phases. A first report would be submitted before February 1, 1985; a second report would be submitted before June 1, 1985; and a final report would be submitted before May 1, 1986. Upon the submission of its final report, the technical review group is abolished.

The conferees adopted an amended version of section 332 that more clearly delineates the duties of the review group and the qualifications of its potential members.

Naval nuclear propulsion program (sec. 1634)

Section 333 of the Senate amendment would provide that Executive Order No. 12344, dated February 1, 1982, that established the relationship and responsibilities of the Department of the Navy and the Department of Energy with respect to the Naval Nuclear Propulsion program would remain in force until changed by law. The conferees adopted this provision.

Authorization for production of the 155-millimeter artillery-fired atomic projectile (sec. 1635)

Section 334 of the Senate amendment would authorize the Secretary of Energy to obligate not more than $50.0 million for the construction of facilities necessary to produce the 155-millimeter artillery-fired atomic projectile as originally authorized as Project No. 82-D-109 as contained in the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act for fiscal year 1982. This section would also establish limitations and conditions upon the production of 155-millimeter and 8-inch artillery-fired atomic projectiles and require that the Secretary of Defense submit an implementation plan for producing and retiring existing nuclear artillery warheads prior to the further obligation of funds for such warheads. The conferees adopted this provision.

TITLE XVII—U.S. INSTITUTE OF PEACE

Title IV of the Senate amendment would establish the United States Academy of Peace.

The academy would be an independent, nonprofit corporation maintaining its principal office in the District of Columbia. Headed by a board of directors to be appointed by the President and the Congress, the academy would provide graduate level education and training for students enrolled in other institutions of learning and for private sector and governmental organizations and individuals. It would conduct research, including research for Federal departments and agencies, and it would fund research at other institutions in order to complement existing programs of peace studies and international affairs. The results of this research would be published and disseminated by the peace academy. The academy would establish a Jennings Randolph Center for International Peace at which scholars and leaders in peace from the United States and abroad would pursue scholarly inquiry and

other appropriate forms of communication on international peace for periods of up to two years.

Title IV of the Senate amendment would authorize $23.5 million for the peace academy. Of this amount, $7.5 million would be available for acquisition of the academy's headquarters facilities in the Washington, D.C. area. $6 million would be available for operations during fiscal year 1986, and $10 million would be available for operations during fiscal 1987.

The House bill contained no similar provision.

The House recedes with the following amendments:

changed the name "Academy" to "Institute;"

revised the provisions relating to the composition of the Board of Directors to provide that all voting directors would be Presidential appointees confirmed by the Senate, thus avoiding any possible constitutional questions;

dropped all references to "site," acquisition of property, establishment of schools, and offices;

dropped the capitalization fund;

provided authority for GSA to provide administrative services on a reimbursable basis;

provided for a two-year authorization of $16 million, eliminating the $7.5 million capitalization fund; and

changed the name "Jennings Randolph Center" to "Jennings Randolph Program."

TITLES NOT ADOPTED

The Senate amendment contained a provision (Title II) that would provide military construction authorization and related authority in support of the military departments for fiscal year 1985.

The House bill contained no similar provision; however, the House of Representatives passed separate legislation, H.R. 5604, for this purpose. The Senate subsequently amended H.R. 5604 by striking all after the enacting clause and inserting the language of Title II of the Senate amendment.

H.R. 5604, as amended, was subsequently passed by the Congress and signed into law by the President (Public Law 98-407).

Consequently, the conferees agreed to delete Title II of the Senate amendment.

The Senate recedes.

From the Committee on Armed Services:

MELVIN PRICE,
CHARLES BENNETT,
SAMUEL S. STRATTON,
BILL NICHOLS,
DAN DANIEL,
G. V. MONTGOMERY,
LES ASPIN,
WILLIAM L. DICKINSON,
WILLIAM WHITEHURST,
FLOYD SPENCE,
MARJORIE HOLT,
ELWOOD H. HILLIS,
ROBERT E. BADHAM.

As additional conferees: From the Permanent Select Committee on Intelligence, solely when differences regarding intelligence-related activities are under consideration:

EDWARD P. BOLAND,
NORMAN Y. MINETA,
LEE H. HAMILTON,
DAVE MCCURDY,
J.K. ROBINSON,
BOB STUMP.

From the Committee on Education and Labor, solely for the consideration of sections 1026, 1036, and 292 and title IV of the Senate amendments and modifications committed to conference:

AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
IKE ANDREWS,
GEORGE MILLER,
PAUL SIMON.

From the Committee on Foreign Affairs, solely for the consideration of sections 1021, 1025, 1029, 1030, 1035, 1037, 1038, 1039, 1041, 1042, and 1047, and title IV of the Senate amendments and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
GUS YATRON,
STEPHEN J. SOLARZ,
DON BONKER,
DAN MICA,
WM. S. BROOMFIELD,
LARRY WINN, JR.,
JOEL PRITCHARD.

Solely for the consideration of section 207 of the House bill and section 1011 of the Senate amendment:

NICHOLAS MAVROULES.

Solely for the consideration of sections 110 and 1132 of the House bill and section 1008 of the Senate amendment:

PAT SCHROEDER,
NICHOLAS MAVROULES,
LES AUCOIN.

Solely for the consideration of section 812 of the House bill and those portions of section 199 of the Senate bill which add section 2323 to title 10 of the United States Code relating to spare parts:

BERKLEY BEDELL.

Solely for the consideration of section 1112 of the House bill and modifications committed to conference:

IKE SKELTON.

Solely for the consideration of title VII of the House bill and section 160b of the Senate amendments:

DON EDWARDS,
BOB EDGAR,
SAM B. HALL, JR.,
MARVIN LEATH,
RICHARD SHELBY,
DOUGLAS APPLEGATE,
JOHN PAUL HAMMERSCHMIDT,
CHALMERS P. WYLIE,
GERALD B. H. SOLOMON,

Managers on the Part of the House.

From the Committee on Armed Services:

JOHN TOWER,
STROM THURMOND,
BARRY GOLDWATER,
JOHN W. WARNER,
GORDON J. HUMPHREY,
BILL COHEN,
ROGER W. JEPSEN,
DAN QUAYLE,
JOHN P. EAST,
PETE WILSON,
SAM NUNN,
JOHN C. STENNIS,
GARY HART,
J.J. EXON,
CARL LEVIN,
TED KENNEDY,
JEFF BINGAMAN,
ALAN J. DIXON.

Solely for the consideration of any benefits to be paid by the Veterans' Administration:

AL SIMPSON,
ALAN CRANSTON,

Managers on the Part of the Senate.

Mr. PRICE. Mr. Speaker, pursuant to the order of the House of September 25, 1984, I call up the conference report on the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the order of the House of Tuesday, September 25, 1984, the conference report is considered as having been read.

The gentleman from Illinois [Mr. PRICE] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to bring before the House today the conference report on H.R. 5167, the fiscal year 1985 Defense authorization.

The conference on this bill has been the most difficult one I have ever experienced. The conferees struggled with resolution of the two sides' position with respect to the MX missile, as well as testing of the antisatellite weapon and other important defense questions and, in addition, a large number of general provisions—most of which were not even in the committee's jurisdiction.

The conference broke up in late July when no agreement could be reached on resolution of the MX missile issue and overall funding levels. The House conferees felt they could not accept the uncompromising position offered by the Senate. The conference was in recess for almost 1½ months before negotiations between the Speaker and the majority leader of the Senate produced an agreement on these issues. When this agreement was reached, the conference was reconvened and this conference report is consistent with the agreement negotiated by the Speaker and the majority leader of the Senate with respect to MX and overall funding.

For the MX, funds are authorized at a level of $2.5 billion for fiscal year 1985. However, only $1 billion of those funds may be spent for deployment of the missiles authorized in fiscal year 1984 and for certain long-lead requirements and spare parts for the fiscal year 1985 program. The remaining $1.5 billion is fenced until the Congress approved, through a joint resolution, expenditure of the funds for the procurement of 21 MX missiles in fiscal year 1985 in a vote to occur next March. In accordance with the negotiated agreement, a subsequent agreement will also occur in the appropriations process on the release of a fence on these funds in the appropriations bill. On overall funding levels, the

Speaker and the majority leader of the Senate agreed that the authorization level would be $297 billion and this bill is consistent with that level of funding.

As many Members know, the number of tests to be permitted in the ASAT program for fiscal year 1985 was in contention and that issue was resolved at no more than two successful tests during fiscal year 1985.

The House language forbidding the introduction of combat forces into Central America is contained in this report as sense of Congress language to the same effect and a restriction on funding for the Sea-Launched Cruise Missile Program was deleted in favor of a report concerning the verification of nuclear versus conventional warheads on such missiles.

With respect to the Space Defense Initiative Program [SDI], the conferees agreed to reduce the program by $150 million—a reduction that many of the House conferees would have preferred to be higher.

In general, the authorization level provided in this conference report will go a long way toward improving the type of equipment available to the Armed Forces and the conditions of service under which they operate. There have been substantial increases in operations and maintenance funding that will improve the current, as well as the near term, readiness of our military forces. With the threat we face in the world today, expenditures at this level are needed. The level of real growth approved in this legislation is within a range that I believe this country can continue consistently for a long period of time. The military has its problems when funding levels change abruptly—either up or down—thus causing some of the inefficiencies we have all heard about. In this regard, I should mention that provisions in this bill will go a long way to solving problems in the pricing of spare parts in the Department of Defense.

I am convinced that the provisions contained in this report will eliminate the egregious examples of overpricing referred to by the news media recently and reaffirm the confidence of the taxpayer that their money is being spent wisely.

The House bill had contained reasonably broad efforts at reorganization of the Joint Chiefs of Staff. Unfortunately, the Senate was adamant and would accept only a portion of these reforms. However, I think this process of improving the organization within the Joint Chiefs of Staff and the Department of Defense as a whole is just beginning.

Finally, I should mention that this bill contains authority to commence an educational assistance program for military personnel proposed by my colleague from Mississippi [Mr. MONTGOMERY]. While he will certainly tell you that he is not completely happy with the outcome of this item in conference, the Senate conferees strongly opposed such a program at this time and the compromise that is contained in this report will permit our future service personnel the opportunity, on a test basis, to become eligible for an educational assistance program as a result of their military service.

Before I complete my statement, I would like to mention that this conference report contains funding for the advanced technology bomber and advanced cruise missile programs, the details of which are highly classified. However, I have arranged for representatives of the Air Force to be available in room H-137 of the Capitol until noon for Members who wish to be briefed on the status of this program.

Mr. Speaker, the conference report represents good legislation—even though it was very difficult to get to this point in the evolution of the bill. I urge the Members to support this conference report.

□ 1040

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from Illinois [Mr. PRICE] has consumed 8 minutes.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to appear today to urge my colleagues to accept the conference report to accompany H.R. 5167, the fiscal year 1985 defense authorization bill.

As the chairman has pointed out and as many of you know, this year the budget and authorization processes have been fraught with uncertainty and delay. Starting with the failure of the Budget Committees to agree on a conference settlement and extending to the inability of the House and Senate defense authorization conferees to agree on a conference settlement earlier this summer, there was real concern that the legislative processes were critically wounded.

However, due to the personal efforts of the Speaker and the majority leader of the other body, a framework for a conference agreement for the defense authorization bill was established within the past week.

As a result, we were able to reinitiate and complete the defense conference during a marathon session spanning about 20 hours.

The elements of the agreement between the Speaker and Senator BAKER are contained within the bill. These include the agreement on MX specifying that $2.5 billion be allocated for 21 missiles in fiscal year 1985 but that $1.5 billion of that bill total would not be available for obligation until two resolutions of approval of the MX system are enacted by the Congress. Under expedited procedures, the consideration of the first authorizing resolution would occur before the Easter district work period, and a vote on the second joint appropriating resolution would occur not more than 1 calendar day later.

The other prime element of the agreement—the overall authorization limit of $297 billion is satisfied in this report.

The level of authorization provided in this bill provides for a real growth rate over inflation of 6.9 percent. In the opinion of a majority of the members of our committee, this is a reasonable rate of growth if sustained over a period of time. I have made statements in the past supporting a reasonable and steady growth rate of our defense capability rather than harmful periods of feast and famine. I hope this year's appropriation and next year's budget and final appropriation support a more stable pattern of funding.

The conference resolved other important issues. In addressing the sea-launched cruise missile issue, the House language that placed a moratorium on SLCM deployment was replaced by a requirement for DOD to report to the Congress on means to differentiate between nuclear and conventional SLCM's. This is an important issue as it bears directly on the ability to verify any arms control agreement.

The committee restricted or otherwise reduced funds on two programs that are encountering difficulties in development. In the case of the division air defense [Divad] gun, conference action permits long lead funding of Divad components but prohibits final assembly until the Divad demonstrates it can meet its performance requirements.

Funding for the Advanced Medium Range Air-to-Air Missile Program was drastically reduced to $115 million compared to the administration request of $377 million, because the conferees are concerned about increased program cost and a development schedule that has slipped by 8 months. With respect to other efforts to contain costs, the conferees improved the methods and procedures used by the services to procure spare parts.

In the research and development area, the administration requested $34 billion for fiscal year 1985. The conferees agreed to authorize $32 billion of this request, a reduction of almost $2 billion for the Trident II Missile Program; significant funding for the Advanced Technology Bomber and Advanced Cruise Missile Program, the level being classified for both of these; and $1.6 billion for the strategic defense initiative.

The conferees were finally able to agree to the controversy on ASAT testing, allowing for two intercept tests following a certification by the President, that is similar to last year's Tsongas amendment. The conferees had extensive debate on this issue as well as the level of funding for the strategic defense initiative. I believe that we have a very solid research and development package, one that is somewhat higher than the House would prefer but one that will provide a good basis for a large number of our emerging technology programs.

In summary, I believe this is a bill that my colleagues should support—one that continues the modernization of our forces at a prudent, steady pace. I urge its adoption.

If there are any questions that any Member might have we will be glad to try to respond right now.

I will not comment on the rest of the contents of the bill because I think it is pretty well known, but I would like to make a few personal observations.

So far as I know, this conference was unique in that for the first time there were more special conferees appointed by the Speaker than there were regular conferees dealing with the bill. We had 39 special conferees for special purposes and only 14 members from the House Armed Services Committee.

I do not think that there was any ulterior motive. I am not trying to ascribe this to the Speaker or to anyone but I am saying that in one instance, we had more special conferees on, I believe it was the so-called GI bill, that could outvote the number of members of the committee; 39 special conferees; we did not even have room for them in the conference room.

□ 1050

I would hope that this would not be a precedent and we would never see again that the Speaker, due to lobbying and the pressure put on him from other special interests, would put more people on the committee to vote for special interests than there are committee members serving. This is, pure and simple, a stacking of the committee, or a possibility that a committee could be stacked to force a decision contrary to what the House has voted and to what the committee has voted by picking special conferees. This happened. I hope that never again would we see this.

I know that the House conferees from the Committee on Armed Services fought valiantly to maintain the House position. As a matter of fact, in two instances the Senate stonewalled certain issues and in order to maintain the House position. Our committee got up and terminated the conference and walked out in order to maintain the House position, to maintain and to insure the integrity of what the House had told us to do.

So we did what we were supposed to do. It is not necessary to stack the committee, to put special conferees on. When an item is put in and we pass it on the House floor, when we go to committee we will maintain that House position.

I think it is a travesty. I think if we take this as a precedent, other committees will find, in time to come, if this sets a trend and a precedent, that the work of their committee is not going to be honored and it will be undone by just a special few who could be hand selected and appointed.

I would also like to say, as long as I am making some complaints here, that we had a lack of understanding and assistance from this administration. I speak as a Republican. I think the administration was terribly shortsighted and ill informed. We could have worked out the agreement that we finally wound up with. We offered a better deal for the administration a month ago and were turned down. We offered one affirmative vote on the MX in April or March of next year. The Senate, acting on, I think, instructions from the administration, said, "No, we will not consider it." They stonewalled it. They finally wound up taking two affirmative votes. We offered them a much better deal but there was a lack of communication. The President was getting very bad advice from somewhere and he wound up getting a worse deal than we offered 6 weeks ago when we could have already concluded this long ago.

So I just want to put the monkey on the back where it belongs. I think DOD was ill informed. I think they were giving bad advice to the administration. I think the administration accepted that advice, but I think finally, between the agreement of our Speaker and the majority leader, we came up with as good a bill as we could. We considered the feelings, the instructions that the House had been given, so really the product that we are offering here in the form of a conference report, I am convinced, is the best that could be done. We stayed in conference until 2 a.m. the day before yesterday to get this and bring it to the House floor so that we could stay ahead of the Committee on Appropriations, as is the standard procedure.

I would urge the Members to accept the conference report as the best effort that we could put forth, the best product that we could turn out. We did the best we could with the instructions that we had, and I think we did a good job.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. DICKINSON] has consumed 7 minutes.

Mr. PRICE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I think this is a good bill, a good conference report, and I hope we will overwhelmingly approve it. There are a lot of problems answered in it and I am delighted that the MX problem has been settled in a way which I think is affirmative.

I would like to say just a few words about some of the things in the bill that I was very much interested in which would have been lost if we had not had the attention we gave to these. They could have been lost very readily by having no conference report, which could have happened.

One was the Merchant Marine and Defense Commission to be set up to try to find adequate shipping facilities for the United States in case of war; and to help our merchant marines generally. Then there was the Nichols bill, as amended by BEDELL, on spare parts, constraint of costs and overruns. It is much needed legislation.

Then there is the needed pay raise for the military and the former spouses measure, the GI bill, and the Peace Institute. That Institute started off in conference being a Peace Academy but now will be a program somewhat like the Fulbright program, giving grants for scholars and others seeking ways of trying to find peace. It is a proposal very similar to one I introduced over 20 years ago; and I believe it too is a very meritorious measure.

So I think overall this has been a very affirmative conference report.

Mr. Speaker, I yield now to the gentleman from South Carolina (Mr. DERRICK) who wishes to engage in a colloquy.

Mr. DERRICK. I thank the gentleman for yielding.

Mr. Speaker, at the outset, I would like to commend my friend, the distinguished chairman of the Subcommittee on Procurement and Military Nuclear Systems, for his usual outstanding work in bringing this critical legislation to the House floor for consideration.

I would like to take this opportunity to ask my colleague a question regarding the new production reactor. Mr. Speaker, I would note that the subcommittee chairman has already responded to my inquiry by letter, and my purpose today is to make our correspondence a part of the legislative history on this bill.

My question, therefore, is whether my colleague from New York can give me assurances that there has been no decision reached as of this date on the location for the new production reactor, and that the selection process will be conducted in such a manner as to fully and fairly consider the Savannah River Plant a site for the reactor?

Mr. STRATTON. Will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from New York.

Mr. STRATTON. As I indicated in my letter to my friend from South Carolina, there has been no decision as of this date regarding the siting for the new production reactor, and I intend to ensure that the process by which the ultimate site is chosen will be a fair process.

The Savannah River Plant has many attributes which will make it a strong candidate for the new production reactor, and it will be thoroughly considered as a candidate site for the new production reactor when and if the committee decides to move forward with construction of the reactor.

The letter referred to follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 1984.

Hon. BUTLER DERRICK,
U.S. House of Representatives,
Washington, DC.

DEAR BUTLER: This is in reference to our recent conversations regarding issues related to the H.R. 5395, the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985. Specifically, I appreciate your interest and concern regarding the Armed Services Committee's view towards the New Production Reactor (NPR).

At the outset, I would note that I share your concern over statements that the NPR would be constructed at the Idaho National Engineering Laboratory (INEL). Quite simply, as of this date, there has been no decision reached as to the most appropriate location for the NPR. I can assure you that the Savannah River Plant will receive thorough review and examination as a possible location for the reactor.

In fact, three principal candidate sites are presently being studied by the Department of Energy as possible locations for the NPR: the Savannah River Site (SR) in South Carolina, the Hanford Site (RL) in Washington, and the INEL in Idaho. As you may know, correspondence has recently been forwarded to Congress by Department of Energy Secretary Hodel confirming that his Department is investigating these particular sites, and to request a reprogramming of fiscal year 1984 funds to continue efforts to compile "environmental impact data to permit comparison of the candidate sites on a uniform basis, performing safety analyses including risk assessments, and preparing environmental documentation, such as the EIS."

Moreover, the Savannah River Plant has many attributes which will weigh in its favor as the decision on the location of the NPR is reached: it is the location of the majority of currently operating nuclear defense production reactors (with the work force and technical base to support such operations), and it is the site for the Defense Waste Processing Facility which will solidify and prepare for permanent disposal the waste produced by these production reactors. And as your efforts indicate, I am confident that the mission of the Savannah River Plant has the strong endorsement of the South Carolina Congressional delegation.

Again, I would stress that there has been no decision reached on the ultimate location of the NPR. The funds for preliminary studies and environmental analyses, as well as the actual construction funds, must be authorized by the Congress. Therefore, Congress will ultimately have the final word on the siting of the NPR. Please accept my assurances that the process for choosing a site for the NPR will be a fair one, and one which will fully evaluate the Savannah River Plant as a potential site.

Again, thank you for your interest and concern in this most important issue. I look forward to working with you and members of the Senate Armed Services Committee over the coming months to reach a fair and equitable decision on this matter—and one which will ensure an adequate and reliable supply of critical defense materials.

With warmest regards, I am

Respectfully,

SAMUEL S. STRATTON, *Chairman,*
Subcommittee on Procurement
and Military Nuclear Systems.

Mr. DERRICK. I thank the gentleman from New York for his comments and clarifications.

Mr. Speaker, the Congress has the final say on questions of when, where and how the new production reactor will be constructed. I am convinced that the merits of the Savannah River Plant will speak for themselves, the Glennan Commission findings will speak for themselves, and the commitment of South Carolinians to the U.S. defense program will speak for themselves. I have taken this time today only to ensure that partisan rhetoric will be kept to a minimum, and that the process for choosing the site for this new reactor will be a fair one. Quite simply, the assurance of an adequate supply of nuclear defense materials is much too important to become a subject of partisan bickering.

I greatly appreciate the indulgence of my friend from New York, and look forward to working with him and his committee on this most important issue over the coming months.

Mr. Speaker, it is my understanding that the authorization measure for Department of Energy national security programs for fiscal year 1985 is included in this conference agreement. Can the gentleman from New York indicate to me whether this is the case?

Mr. STRATTON. If the gentleman will yield further, yes, this in included in the conference report as one of the measures that was agreed to by both Houses.

Mr. DERRICK. I thank the gentleman.

Mr. PRICE. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. I thank the gentleman for yieldng this time to me.

Mr. Speaker, as chairman of the Subcommittee on Procurement and Military Nuclear Systems, I want to highlight the conference action on military procurement and the Department on Energy authorization bill that was included in the overall conference package.

In military procurement, the conferees were faced with resolving nearly 450 program differences and a significant number of bill language differences. As agreed, the conferees are recommending authorization of $99.5 billion for military procurement. Although this figure is approximately $3 billion higher than the amount approved in the House-passed bill, it is consistent with the $297 billion defense level that was agreed to by the administration and congressional leadership.

These authorizations will go for such major strategic programs as:

MX—$2.5 billion, of which $1.5 billion for 21 missiles is fenced until a joint resolution of approval is adopted by the Congress before the Easter recess next year.

B-1B—$7.1 billion is for 34 new strategic bombers.

In the conventional area, the conferees recommend authorization of $1.7 billion for 840 M-1 tanks, $991.5 for 680 Bradley fighting vehicles and $2.4 billion for the procurement and support of the Army ammunition program. These actions will continue the Army's modernization program.

In the naval aircraft line, the conferees agreed to authorize $215 million for the A-6E, $406 million for nine P-3C's and $116.8 million for the adversary combat trainer aircraft. The additional $50 million for the adversary aircraft will permit the Navy to restructure its procurement strategy should it decide to take such action.

The conferees agreed to authorize 39 C-12 aircraft, 18 C or KC-130's and 144 Apache helicopters. These actions will continue the Guard and Reserve force modernization program.

Another $250 million is recommended to continue the important NATO cooperative air defense program. The conferees also agreed to include the necessary enabling legislation to provide the Secretary of Defense to implement the recently concluded joint airbase defense agreement between the United States and the Federal Republic of Germany.

One other NATO-related item involved the so-called Nunn-Cohen amendment. The conferees agreed to include the language, although modified. It is designed to spur the allies to increase their spending commitment to NATO and increase the Alliance's conventional capability. The House conferees, however, have certain reservations about the impact of the amendment and the Armed Services Committee intends to hold hearings next session on this subject.

The conferees are recommending authorization of $7.3 billion for Department of Energy defense programs—approximately $433 million below the budget request. One significant legislative provision is included in the confer-

ence settlement: A study commission would be established to evaluate the management and the cost effectiveness of the nuclear weapons complex.

In all, Mr. Speaker, the conference agreement represents the good faith and, I might say, tireless efforts of all the House conferees who worked under incredibly difficult conditions and severe time constraints to fashion the conference report that is before the House today. I urge its adoption.

□ 1100

Mr. DICKINSON. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to congratulate the committee for looking into the serious problem of the quality of material used for the lining of jackets worn by our troops. As the gentleman from Alabama is aware, the natural fiber, rayon, has long been used for the lining in military jackets, and the lining is produced in my district. This is an important job base I want to protect for my constituents. More importantly for our troops, however, rayon is a more wearable lining because of its natural superiority in strength and "breathing" qualities.

The Army is implementing a change to synthethic polyester which, for a minimal cost difference per jacket of about 30 cents, would give our troops a much less comfortable jacket.

The committee, after reviewing this matter, has ordered a serious second look at this change by the Army. The Committee's concern is evident and I am confident a proper evaluation will reflect the need to maintain our high standards of quality as in the past. I appreciate the ranking Republican member's leadership.

Mr. DICKINSON. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Maryland [Mrs. HOLT].

Mrs. HOLT. Mr. Speaker, I rise in support of the conference report. As one of the conferees, I can truly state that it was one of the most difficult and intense conferences I have ever attended. There were 1,200 differences to be resolved by 3 a.m. yesterday morning. The conference report contains, in my judgment, the proper mix of programs to provide for a strong national defense.

Mr. Speaker, I would like to extend my sincere appreciation to all of the House conferees and especially staff who labored very long and hard to resolve the 1,200 differences between the two bills. I would like to express particular appreciation to our chairman, Mr. PRICE, and the ranking minority member, Mr. DICKINSON, for providing the lead in reaching a conference position which I feel reflects the will of the Congress.

As a conferee, I devoted a large portion of my time in working with the Senate conferees in resolving the large number of procurement differences. The conferees were able to resolve major weapon systems differences in the procurement area that included:

B-1B bomber: The House bill contained $7.1 billion for 34 B-1B bombers. The Senate bill contained $8.2 billion for 34 B-1B's, and the conferees agreed to $7.17 billion for 34 B-1B bombers.

MX: The House bill contained $3.5 billion for 15 MX missiles. The Senate bill contained $4.3 billion for 21 MX missiles, and the conferees agreed to $4.2 billion for 21 MX missiles.

F-16 Falcon: The House bill contained $3.4 billion for 150 F-16 aircraft. The Senate bill contained $3.6 billion for 150 F-16's, and the conferees agreed to $3.5 billion for 150 F-16 aircraft.

F/A-18 Hornet: The House bill contained $2.7 billion for 84 F/A-18 aircraft. The Senate bill contained $2.8 billion for 84 F/A-18's, and the conferees agreed to $2.76 billion for 84 F/A-18 aircraft.

F-15 Eagle: The House bill contained $1.9 billion for 40 F-15 aircraft. The Senate bill contained $2.4 billion for 42 F-15's, and the conferees agreed to $2.25 billion for 42 F-15 aircraft.

M-1 Abrams: The House bill contained $1.8 billion for 840 M-1 tanks. The Senate bill contained $1.7 billion for 720 tanks, and the conferees agreed to $1.8 billion for 840 tanks.

Bradley fighting vehicle: The House bill contained $1.1 billion for 710 Bradley fighting vehicles. The Senate bill contained $1.05 billion for 655 vehicles, and the conferees agreed to $1.06 billion for 680 vehicles.

HARM air-to-surface missile: The House bill contained $554.5 million for 1,349 HARM air-to-surface missiles. The Senate bill contained $676.1 million for 1,674 missiles, and the conferees agreed to $625.0 million for 1,571 HARM missiles.

Mr. Speaker, as you know, there were several major language and dollar differences, including the MX, the sea-launched cruise missile [SLCM], and ASAT that delayed the completion of the conference. While I am not personally, totally satisfied with the resolution of many of the language differences, I sincerely believe that the report before you reflects a fair compromise.

I, therefore, encourage my colleagues to support the conference report.

Mr. DICKINSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa [Mr. BEDELL], who, I might point out, was a special conferee on certain issues within the conference report.

Mr. BEDELL. Mr. Speaker, I wish to thank the gentleman for yielding this time to me.

Mr. Speaker, the reason I rise is to thank the conference committee for the work that the members have done, particularly with regard to an amendment that I offered to this bill on the floor of the House.

The amendment I offered was an amendment to change the method of procurement of spare parts by the military, and it came about because of my chairmanship of one of the subcommittees of the Committee on Small Business in which we found that the Government had paid over $10,000 for some spare parts that I was able to buy at a retail hardware store for $92.44.

The conference committee has recognized this problem, just as the House did. The House adopted my amendment by a vote of 324 to 75.

It has been estimated by the GAO that there is a potential savings of from 30 percent to 40 percent on the procurement of spare parts for the military. The military purchases some $20 billion in spare parts per year, so there is a potential savings of some $6 billion to $8 billion per year.

These amendments by themselves will not bring about all those savings, but certainly they move a long way toward doing so.

I thought that it would be important to the Members of the House of Representatives who supported my amendment to know of the success we have had in getting this in the conference report, and I also wish to thank the conferees for their cooperation in seeing that this was included in the conference report. I especially want to thank the gentleman from Alabama [Mr. NICHOLS] for the leadership and the help that he gave in this particular effort.

Mr. Speaker, I rise to express my support for the procurement reform provisions of H.R. 5167, the conference report on the Department of Defense Authorization Act for 1985. This final product is the result of months of debate and the hard work of the Small Business and Armed Services Committees of both Houses.

As the sponsor and a conferee for one of the House amendments on procurement reform, I can tell the supporters of the reforms I proposed that our concerns are accurately represented and addressed by this conference report.

Through the Small Business Oversight Subcommittee, which I chair, I studied some of the procurement practices that led the Pentagon to pay exorbitant prices for simple items such as hammers, wrenches, and bolts. In offering my amendment to the DOD bill last May, I focused on those parts of the Pentagon's procurement system

we studied in my subcommittee. At the same time, the Armed Services Investigations Subcommittee, chaired by BILL NICHOLS, presented a package of reforms it developed from its extensive study of the Pentagon's procurement problems. The House accepted my package by a vote of 324 to 75 and then adopted the Nichols package as amended by a vote of 390 to 0.

The conference committee crafted the procurement reform provisions of the House and Senate bills into a sensible and workable legislative initiative. The conference bill requires that:

First, a contractor may not charge the United States more than the lowest commercial price for commercially available items except if the terms and conditions of the contract dictate a higher price or for national security considerations;

Second, the Secretary of Defense must prescribe regulations that require a contractor to identify those items it sells to the military that it did not produce or add significant value. These regulations must also provide for the proper allocations of incurred overhead on items sold to the military;

Third, no one may be denied the opportunity to bid solely because they are not on a qualified bidders list or manufacturers list, or because their product is not on a qualified products list if they can demonstrate to the contracting officer that their product does meet or will meet the quality assurances required by the military;

Fourth, all quality assurance standards are to be made available whenever possible and potential bidders must be given a prompt opportunity to demonstrate compliance with those standards. All standards must be reviewed within 7 years of establishment or enforcement;

Fifth, the Office of Federal Procurement Policy to define by regulation the legitimate proprietary interest of the United States for products that were developed exclusively with Federal funds, exclusively at private expense, and in part with public and private funds;

Sixth, the military establish reverse engineering programs to allow potential bidders to purchase or borrow spare parts for the purpose of design replication;

Seventh, contracts for goods and services define whether the United States has rights to the data to be delivered under the terms of the contract. Payments to the contractor may be halted if any of the contract terms pertaining to technical data rights and use are not upheld;

Eight, in evaluating a bidder's price proposal on a system, the military must consider the extent to which the bidder is proposing to use supplies that are available from the national supply system and that items that are needed to service the system are available on a competitive basis. Consideration must also be given to the rights of the United States to use the technical data to be provided under the contract;

Ninth, each military agency and the Defense Logistics Agency establish an Office of Competition Advocate to review noncompetitive contracting;

Tenth, the DOD publish, for comment in the Federal Register, all regulations that have a significant impact on procurement policy, regulation, procedure or form;

Eleventh, The Secretary of Defense establish personnel appraisal systems that encourage DOD employees to achieve cost saving in contracting procedures; and

Twelfth, the military solicit from its contractors information on whether the Government is purchasing supplies in economic order quantities that are advantageous to the United States.

Mr. Speaker, there is no doubt that this bill covers a lot of ground. Basically, we have tried to legislate in areas that the Congress is best able to focus its efforts. I must point out to my colleagues that, in my opinion, many of the problems at the Department of Defense stem from the attitude within the Department. These procurement reforms we will enact today do not solve all of the Department's problems. In order to stop further procurement nightmares, everyone in the Pentagon, from the Secretary on down, must devote a full faith effort to stop the business-as-usual attitude that seems to prevail.

One thing is clear. This Congress has responded to the problem. We have also sent a message that we can and will act in this area in the future if the procurement practices of the military do not respond in a responsible and positive manner.

I want to close by thanking those members of the Small Business and Armed Services Committees who worked together on this package. I especially want to point out the contribution of BILL NICHOLS and PARREN MITCHELL to this effort.

Mr. PRICE. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, I rise in support of the conference report on H.R. 5167. As everyone in this Chamber knows, this has been a most difficult Defense authorization bill to bring to a conclusion. I want to pay my respects to my fellow conferees who have persevered throughout the summer and into the fall to reach a successful compromise. In particular, I want to commend Chairman PRICE for his leadership. His unfailing faith in the ability of the Congress to resolve divisive issues sustained us.

Mr. Speaker, I am particularly proud that the conference report contains the Defense Procurement Reform Act, a provision designed to ensure that the Department of Defense will hopefully never again pay $436 for a $17 hammer, or $110 for a $0.04 diode.

Over a year and a half ago the Armed Services Committee began an examination of spare parts procurement by the Department of Defense. I want to thank my colleagues who so diligently attended these hearings and pursued the examination which turned out to be a very complex issue. We found the principal reason why DOD activities were paying excessive prices was the lack of competition and lack of emphasis on good management.

This authorization bill encourages competition, first, by requiring that Government procurement personnel be evaluated on their efforts to increase competition and to achieve cost savings. We found that, in the past, Government buyers were graded primarily on the number of their procurements and the speed with which they were executed, rather than on their efficiency and exercise of initiative. As a result, buyers tended to take the easy route of sole source procurement, or of going back to the earlier supplier without any effort to determine whether a better price might be obtained from another supplier. This bill will encourage procurement personnel to seek suppliers who will provide the Government with better values and will ensure that they are recognized for such efficiency in their personal evaluation and ultimately in their pay.

Mr. Speaker, this bill also broadens competition by prohibiting prime contractors from unreasonably restricting their subcontractors in direct sales of their products to the Government. It will also require the identification of the actual manufacturer of an item supplied to the Government, the national stock number of the item, and any technical data related to it. This identifying information would make it easier to reprocure the item competitively.

Agency heads would be required, before contracting to purchase an item, to identify other possible sources of supply, such as the supply system of the DOD and General Services Administration, and to review the procurement history of the item. It also would preclude the Department from refusing to allow any qualified manufacturer from bidding.

The bill also provides a framework for the Government to challenge a contractor's restriction on the release of technical data and provides for the recovery of costs incurred by the Government in challenging unsubstantiated data rights claims.

The bill will authorize the Secretary of Defense to prescribe by regulation standards to require a time limit on

the duration of any restriction on the Government's use of technical data. This provision will ensure that the Government's data rights are not abused and assure that the Government will be able to buy replenishment parts at fair and reasonable prices during the lifetime of its major systems.

Mr. Speaker, this provision is very comprehensive and addresses as many of the problems we have found in the procurement of spare and replacement parts that could be addressed legislatively. It will focus the attention of the agency heads on the problem and require that all Government procurement personnel strive to obtain more cost-effective and efficient purchases, and will ensure these reforms will result in systemic changes.

I believe, Mr. Speaker, that the bill will effect a vast improvement in spare parts procurement, and I commend it to the attention of my colleagues.

Mr. Speaker, I am also pleased with the provisions of this bill relating to the organization and functioning of the Joint Chiefs of Staff. By no means were we able to gain acceptance of all of the important reforms contained in the House bill. Much remains to be done. But it is noteworthy that the conference report commits the Armed Services Committees of both bodies to a comprehensive effort to reform and modernize the organization of the entire Department of Defense.

Mr. Speaker, I am proud that this body has led the way in initiating the movement toward Department of Defense reform. And I can assure you that the Committee on Armed Services will continue to play a leading role in this effort.

□ 1110

Mr. PRICE. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, this conference agreement represents a lot of hard work on the part of many people, members of the conference, and especially the staff members. Conference agreements are always a matter of give and take. In other words, they are a compromise. This agreement is no exception. Because of the hard work and guidance on the part of our distinguished chairman, the gentleman from Illinois [Mr. PRICE], the distinguished gentleman from Alabama [Mr. DICKINSON], and other members of the conference, we were able to do in my opinion an excellent job in maintaining the House position. I commend them for that effort and thank them for a job well done.

There are many scopes of issues in this bill. I would only like to cover a few.

For the past several years Congress has placed greater and greater emphasis on the Guard and Reserve as integral parts of our country's all volunteer force. This report contains some very important provisions which continue that emphasis.

Among other benefits for reservists, medical and dental care for those who develop disease or illness during inactive duty training is provided for. The report provisions also reflect congressional efforts at ensuring that the Guard and Reserve forces continue as recipients of our most modern military equipment. A fair share of O&M funding is also provided for.

Perhaps the most important provisions in this report are those which deal, not with expensive weapons, but rather with an issue which I believe is extremely important to the men and women in the military. The issue is educational benefits, the GI Education Act.

Mr. Speaker, the last issue to be resolved in conference on the DOD authorization bill was the GI bill. Reaching agreement with the other body was not easy. The issue was finally resolved around 2 a.m. Tuesday morning.

I commend all my colleagues who were conferees for the strong support I received from each of them and for their help in supporting the House-passed GI bill.

I must inform my colleagues that when the staff met at a late hour last night to implement what we all thought has been agreed to in conference, three new issues were raised by the other body. Due to an apparent misunderstanding of the Senate staff, the other body insisted that the House recede on three provisions of the House-passed bill. The House conferees had clearly understood that under the conference agreement, the Veterans Educational Assistance Program, knows as VEAP, would be terminated June 30, 1985, with the enactment of the new GI bill program to become effective July 1, 1985. The Senate Armed Services Committee late last night insisted that the VEAP program be suspended, rather than be terminated. This was a major issue. I either had to recede or we would have to again file the conference agreement today. Knowing how hard my colleagues had worked and how many major provisions were contained in this authorization bill, and because of my high regard and respect for each conferee of the House Armed Services Committee, I reluctantly agreed. I had no choice, Mr. Speaker, the way it was presented to me from the other body.

Mr. Speaker, I want my colleagues to know how much I appreciate their strong support in conference on the new GI bill.

Mr. Speaker, this conference agreement represents a lot of hard work on the part of many people, members and staff especially. Conference agreements are always a matter of give and take—in other words, a compromise. This agreement is no exception. Because of the hard work and guidance on the part of our distinguished chairman, Mr. PRICE, and the distinguished gentleman, Mr. DICKINSON, House conferees were able to do an excellent job in maintaining the House position. I commend them for that effort and thank them for a job well done.

The scope of issues addressed in this agreement is extensive. I would like to take time to comment on but a few.

For the past several years, Congress has placed greater and greater emphasis on the Guard and Reserve as integral parts of our country's All Volunteer Force. This report contains some very important provisions which continue that emphasis.

Among other benefits for reservists, medical and dental care for those who develop disease or illness during inactive duty training is provided for. The report provisions also reflect congressional efforts at ensuring that the Guard and Reserve Forces continue as recipients of our most modern military equipment. A fair share of O&M funding is also provided for.

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my high regard and respect for each conferee of the House Armed Services Committee, I reluctantly agreed. I had no choice the way it was presented to me from the other body.

Mr. Speaker, I want my colleagues to know how much I appreciate their strong support in conference on the new GI bill. Should the President sign this agreement we will have a new GI bill program. It will work and I plan to proceed to do everything I can to make certain that it is successful.

I urge my colleagues to support the conference agreement.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Indiana, a member of this committee, who also was educated under the GI bill.

Mr. McCLOSKEY. Mr. Speaker, I thank the gentleman very much.

I first in most profuse gratitude would like to commend the gentleman from Mississippi for all the work that he has done over the years when hardly anyone was attending to this anywhere at all in this Congress. The gentleman from Mississippi [Mr. MONTGOMERY] stayed with it in the work that he has done for the servicemen and women of the United States for the benefit of our national economy and it will redound to the benefit of all for years to come.

I also want to highly commend the distinguished gentleman from El Paso, TX [Mr. COLEMAN], for all the work he has done on the GI bill and also the gentleman from Wisconsin [Mr. ASPIN]. Although there were disagreements early in the process, the gentleman from Wisconsin [Mr. ASPIN] had stuck with us all the way.

I truly think this is an historic day and we stand much in gratitude to the gentleman from Mississippi [Mr. MONTGOMERY] particularly in the hard and arduous fight with the other body.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I would be glad to yield to the gentleman from New York, who has been a strong supporter and member of the Veterans' Affairs Committee, one of our ranking members.

Mr. SOLOMON. Mr. Speaker, I just want to thank General MONTGOMERY for yielding.

I just would like every Member of this body to know, plus every member serving in the Armed Forces today, that if it had not been for SONNY MONTGOMERY, there would not be any peacetime GI bill.

We all take our hats off to SONNY. We know the diligent work the gentleman has put in and all America commends him for it. God bless you.

Mr. MONTGOMERY. Mr. Speaker, I am very glad I yielded to the gentleman.

Mr. Speaker, I urge support for the conference agreement.

Mr. DICKINSON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I appreciate the gentleman yielding.

I want to commend my friend and my chairman, the gentleman from Alabama, BILL NICHOLS, who did an absolutely superb job in holding hearings and putting forth constructive proposals designed to make changes in military procurement. I think the language that will become law is positive.

I think the section that my chairman talks about, stating the need to identify the subcontractor, is perhaps the best part of all the provisions in the conference report. It will permit the Government to deal directly with the manufacturer of parts, rather than through a prime contractor, who often acts as a middleman and in some cases, prevents us from dealing directly with the manufacturer.

I think the stress on competition advocates is also excellent.

I want to commend the conference of the House and the Senate for doing these things; but I must take issue with my chairman when he says that he hopes this will go far enough to eliminate the spare parts procurement problem. I do not think it will.

I feel this way because we failed to deal fully with the issue of proprietary rights, those rights that allow contractors to sell and deal exclusively to the Government in monopoly situations for unlimited periods of time.

My chairman mentioned the need for competition. That is what the Air Force AFMAG study and every other study talks about, the need for competition to bring down the price of spare parts. But when we continue to allow monopoly situations to exist in the area of proprietary rights and we continue to let companies be the exclusive suppliers of a particular part to the Government for an extended period of time, we have not solved the entire problem.

I have to, however, commend the conference on the action that it did take, because it was positive action. I just wish we would have gone farther. I think we will continue to see the need for reforms, and I will be around to try to author the constructive reforms in the areas where I think they are needed, particularly in the area of proprietary rights.

I thank the gentleman for yielding.

Mr. DICKINSON. Mr. Speaker, I yield 3 minutes to the very distinguished and capable gentleman from California [Mr. DELLUMS].

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, I rise in support of the conference report. As we consider the conference report on H.R. 5167, the bill providing this country with the military muscle necessary to defend its citizens and deter aggression, I want to call attention to a small, but significant provision—authorization for a U.S. Institute of Peace. Since many of us have worked toward passage of this concept for several years, let me explain the proposal as approved by the DOD conferees.

The authorization in the conference report is a compromise version of the Peace Academy bill which was adopted as an amendment to the Senate Defense authorization bill. Hammered out by the House and Senate principals, the compromise maintains the powers and duties of the Peace Institute, as outlined in both the House and Senate bills, but decentralizes the manner in which those activities will be carried out.

Specifically, the capitalization fund was dropped and all references to site, acquisition of property, and establishment of schools and offices were deleted. Instead, authority was added for the GSA to provide office and administrative services on a reimbursable basis. In line with elimination of a central campus, the name was changed from U.S. Academy of Peace to U.S. Institute of Peace, since some felt that the term Academy suggested "bricks and mortar" and a free-standing educational institution.

Despite the elimination of a central campus, however, the compromise still empowers the Institute, acting through the Board to carry out the following functions, among others:

Develop programs to make international peace and conflict resolution research, education, and training more available and useful to persons in government, private enterprise, and voluntary associations;

Provide, promote, and support peace education and research programs at graduate and postgraduate levels;

Conduct training, symposia, and continuing education programs for practitioners, policymakers and implementers, and citizens generally;

Establish a Jennings Randolph Program for International Peace to provide stipends, grants, or fellowships to scholars and leaders from the United States and abroad to pursue scholarly inquiry and other appropriate forms of communication on international peace and conflict resolution. The conference report provides a 2-year authorization of $16 million to allow the Institute to carry out these activities.

Finally, the compromise included a change in the composition of the Institute's Board of Directors to avoid any constitutional problems which were feared under the composition originally proposed in S. 564 and H.R. 1249. As amended, the board will consist of 15 members, all appointed by the Presi-

dent, with the advice and consent of the Senate. Not more than eight members of the Board may be members of the same political party.

As one who served on the Commission for Proposals for the National Academy of Peace and Conflict Resolution and who has pushed legislation to advance the recommendations of that Commission, I am very pleased with the proposal that has been approved by the DOD conferees. Although some may see it as ironic to be providing for a national effort to teach peace-promoting skills in this bill which is generally intended to procure weapons, it should not be difficult to see the logic of enhancing this country's ability to understand conflict and to reduce its reliance on military power alone as a key component of our efforts to maintain national security.

We must have an adequate defense. That does not, however, mean we should continue to depend almost exclusively on military might to respond to world tensions and conflicts. We must realize that we can no longer afford to do so—either from a dollar and cents perspective or from a strategic perspective. The U.S. Institute of Peace, as authorized in the conference report on H.R. 5167, is an important step toward application of that realization.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to my colleague, the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I rise in opposition to this conference report. Actually, the conference report is as good as could be expected considering what the original House-passed and Senate-passed versions of the Defense authorization were. On a number of issues of particular importance to me, such as benefits for former spouses of military personnel, the MX, and personnel security, the conference agreement is a major step forward.

But, we must not get lost in the trees of minor victories. We must look at the whole forest. Taken as a whole, this bill substantially increases the possibility of war. H.R. 5167 funds the first installment of 21 MX missiles and holds open the possibility of 21 more next spring. It funds 34 B-1B bombers. The bill authorizes deployment of Pershing II missiles in Europe. It funds sea-launched cruise missiles and Trident II missiles. The bill funds Tomahawk cruise missiles and includes $1.6 billion for research and development of antisatellite weapons. With this bill, we have clearly moved beyond the triad of nuclear deterrence and into a multifaceted, first-strike, hard target kill nuclear arsenal.

Whether or not this new array of delivery systems frightens the Soviet Union, it scares me. It scares me because many of the old constraints to taking the nuclear first shot are gone under this new configuration. Our nuclear arsenal appears to be moving away from discouraging first strikes, and now appears to be encouraging them. Equipped with this new arsenal, we must now hope and pray that reason and prudence can hold sway over anger and machoism long enough so that nuclear disarmament comes before nuclear armageddon.

This bill encourages the risk of conventional war as well. The military buildup of the last few years has been in complex planes, huge ships, and high technology artillery. As a consequence, our overall readiness and sustainability has declined because the bigger and more complex a system is, the more prone it is to failure and the longer it takes troops to learn to use it. Further, big systems are far harder to repair and far more expensive to replace. By buying Sergeant York air defense guns, Arleigh Burke destroyers, and F-15 fighters, we are buying ourselves less readiness.

If our adversaries perceive our lack of readiness and our inability to engage in decisive military action, they will become bolder. I am afraid this is happening. Remember the pathetic sight of the battleship *New Jersey* hurling Volkswagen-sized shells at the Lebanese countryside and achieving no military purpose whatever. That image demonstrates how unready we are to fight the conflicts which we are called upon to fight. The less ready we are to fight, the more we will have to do so.

I am pleased about language in the conference report requiring further congressional action before more MX missiles can be procured. I am delighted that the eligibility of former military spouses to survivors benefits and health benefits has been expanded. Preventing DOD from implementing the expensive and unnecessary new personnel security requirements promulgated by the Office of Personnel Management will save the taxpayers many millions of dollars. Restricting the use of polygraphs to a small pilot program is a better approach than broadly expanding the use of this unreliable machine. The conference did well to discard antiemployee language in the Senate-passed bill concerning nonappropriated fund workers.

Yet, all the good in this conference report cannot undo the basic terrifying fact that passage of this conference report will increase the likelihood of war because of its shortchanging readiness and sustainability.

Mr. DELLUMS. Mr. Speaker, I would like to thank my distinguished colleague, the ranking minority member, for yielding to this gentleman a few moments to discuss the conference report.

I would begin by again singling out my distinguished colleague from Mississippi for his diligence in bringing to this body a GI bill that I think will benefit scores of young men and women in this country to the benefit of America, many years into the future.

Second, we spend a great deal of money funding war colleges. It seems to me wholly appropriate that within the confines of this conference report we have seen fit to provide at least some resources to support the concept of a peace academy. It seems to me that if we can talk about war, we can certainly spend some resources pursuing avenues of peace.

But that notwithstanding, Mr. Speaker, I rise in opposition to the conference report. That opposition in no way reflects upon the diligence and the hard work of my colleagues who were parties to the conference and the members of the staff who facilitated this conference report; but I rise in opposition to the conference report for several reasons. Time does not permit my ability to go into any great detail, but I think to authorize $297 billion in 1984 in the military function is a gross obscenity. I think that it embraces policies and programs that fly in the face of the best interest of people in this country and throughout the world.

Third, if you read this conference report, you will find that there are a number of new starts in military weapons that I think will bring great danger to this Nation and great danger to the world.

□ 1120

Economically speaking, this is the cheap end of the deal. In the next 2 or 3 years you are going to see this military budget skyrocket astronomically as the figures start to really fall into place with respect to financing the starts that are in this budget.

I think that there is an alternative direction to pursue. I do not think that it requires that we spend nearly $300 billion per annum on a military budget, rapidly rising toward a half a trillion dollars by the end of this decade.

Again, in summary, while I applaud the effort of all of my colleagues on the conference, I think my colleagues attempted diligently to maintain the integrity of the House position on a number of these matters, it still, in my estimation, embraces a set of policies that do not bode well for America as we move through the decade of the 1980's. I believe we have to find some peace-oriented, nonviolent way to solve our problems, and to place great reliance on military capability, nuclear weapons that will bring us to the brink of disaster is inappropriate, costly, and dangerous.

I thank the gentleman for yielding.

Mr. PRICE. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding.

I am just going to take a couple of minutes here to make my own personal observation. Let me congratulate and commend all of the members of the conference committee, certainly beginning with our chairman, the gentleman from Illinois [Mr. PRICE], and our ranking member, the gentleman from Alabama [Mr. DICKINSON]. I commend you for a number of reasons, because this was my first conference as a conferee and I appreciate the efforts put in by both sides of the aisle in both Houses.

I commend you also for sticking with the position of the House, particularly on the MX-missile language. Although many of you disagree with my position and those of the gentleman from Florida [Mr. BENNETT] and others, I think it was terribly fair on your part to stick with the position taken by the House in view of the fact that the Speaker of the House of Representatives, the gentleman from Massachusetts [Mr. O'NEILL] and the majority leader in the other body, Mr. BAKER, saw fit to intervene in the conference itself. Because of their agreement we were able to move forth in the conference and today we have a pretty good authorization bill.

I support the conference report because of the responsible positions taken by my own members on the Armed Services Committee.

I also want to thank the staff members who put in enormous hours.

Mr. Chairman, my role here this morning is to give credit to you and to all of the other members and all of the subcommittee chairmen who were part of the conference.

One final statement I might make and I might take issue with the ranking member from Alabama [Mr. DICKINSON], I think it is imperative that the Speaker do indeed put conferees aside from those Members who would automatically go on, because we can at least articulate those positions that we fought for on the floor of the House. I think it is better and more meaningful.

Mr. DICKINSON. Will the gentleman yield?

Mr. MAVROULES. I am happy to yield.

Mr. DICKINSON. I do not want to be misunderstood. I do not think it is inappropriate or necessarily bad to have another voice on the conference.

My point was and my point is that when you appoint so many extraneous conferees that they outnumber the regular conference members, then you are in a position of stacking that conference to do something against the will of the committee itself or of the whole floor. So that was my point, not that someone should not be appointed that has an interest, but we had 39 special conferees and only 14 regular conferees. So that was my point and I thank the gentleman for yielding.

Mr. MAVROULES. I thank the gentleman very much for that clarification and thank the chairman for yielding me this time.

Mr. PRICE. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, among all of the various and sundry provisions that were debated and discussed fully in this conference report there is one part that actually made history. For the first time in 26 years a modernization of the organization of the military, that is the Joint Chiefs of Staff, was made.

This is very important for us to point out because beginning back in 1944 there have been 19 initiatives and attempts to reform the Joint Chiefs of Staff. That is the way the Joint Chiefs do their business within the Pentagon and within the military forces. And only on two occasions were there changes made, in 1947 and again in 1958.

This bill, thanks to the excellent leadership of our friend from Alabama, our distinguished colleague and chairman of the subcommittee that handled this, Chairman BILL NICHOLS, great strides were made in reforming the Joint Chiefs of Staff system. His determination and his devotion to duty in this area will long be remembered.

As the Joint Chiefs of Staff presently operate and as they have in the past, there are a number of flaws. It serves as a committee system. There have been problems with timely and precise advice to the Secretary of Defense and to the President. It has not attracted to the Joint Staff over a period of years, as testified to by an admiral, the very best of the men and women from the various services.

Over a period of 3 years there have been extensive hearings on this subject and now we are finally putting this into law.

I am remiss if I do not say this is not the final and the full action that should be taken. It is only partial. But it is a step forward, Mr. Speaker, and we are on second base and it is a strong, safe second base where we find ourselves in the reform of the Joint Chiefs of Staff.

There are seven items that are included in this bill that create a better working relationship within the Joint Chiefs of Staff system and make a stronger chairman and places him in the whole system in a position to give better advice to the President and to the Secretary of Defense.

First, the Joint Chiefs of Staff chairman acts as a spokesman for the CINC's throughout the world. The Joint Chiefs of Staff chairman also decides when the issues under consideration shall be decided by the Joint Chiefs of Staff. That is for the first time he can set the agenda and call an issue up and have it decided.

The Joint Chiefs of Staff chairman also for the first time now may select the Joint Staff officers. Heretofore he has been given what the services gave him.

There are others, but I wish to say this is a step in the right direction and again I thank and commend the gentleman from Alabama [Mr. NICHOLS] for his leadership in this area.

Mr. DICKINSON. Mr. Speaker, I have no more requests for time, and I reserve the balance of my time.

Mr. PRICE. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. I thank the chairman for yielding.

Mr. Speaker, the authorization bill for the Department of Defense is an absolute essential item in preparing our national defense policy. This process, authorization process, has been severely challenged this year.

I have to compliment the leaders of the House Armed Services Committee, both the majority and the minority members, for sticking to their guns and fighting to preserve this process. I only wish that the leadership in the other body would have been as cooperative and as perhaps understanding as I think the Members in this body were. The Secretary of Defense could have gone a lot further and done a great deal more to assist the process instead of trying to thwart it.

Many of the items within the authorization bill in the conference bill are good and necessary. I follow with the gentleman from Missouri in stating the need for a reorganization of the Joint Chiefs of Staff, and that basic reform.

□ 1130

I think they can go a lot further and there will be continued efforts in the next few years to allow that process to go forward.

Mr. Speaker, I believe the arms control language is a step in the right direction, for instance, the ASAT language.

I applaud the gentleman from Mississippi [Mr. MONTGOMERY] for the work on the GI bill. I would like to personally thank the leadership of the committee and the staff for working very closely with the staff and members of the House Committee on Intelligence, and for their cooperation in working with us to maintain the high priority that adequate intelligence should play and must play in our defense policy.

● Mr. APPLEGATE. Mr. Speaker, I rise to bring to the attention of my colleagues a section of the Defense authorization bill, section 1525, which strongly urges the President to seek a full accounting of the POW/MIA's from the Vietnam conflict.

Over the past 11 years, our Government has attempted to resolve the haunting issue of the still unaccounted 2,482 servicemen. Unfortunately, most of our efforts have not been successful. For the families, this has meant living in a state of limbo by not knowing what happened to their fathers, husbands, brothers, or friends.

I am pleased that we have added language in the compromise bill which reaffirms our commitment in obtaining the fullest, possible accounting. However, I regret the fact that the compromise language is not as strong as the language contained in my resolution (H.J. Res. 489) which directs rather than strongly urge the President to secure an accounting. I also regret that we, in the House of Representatives, have not had an opportunity to debate this issue in our Chambers nor take a vote on this important issue.

I have come to greatly sympathize with the families. And I have worked hard to gain approval of my resolution because I believe directing the President to secure an accounting to be in the best interests of the missing men and the families without endangering any current negotiations by our Government to resolve this issue.

For the 304 Members of the House, I want to thank them for cosponsoring my resolution. This type of support clearly shows that we are deeply concerned about the fate of our missing servicemen.

Mr. Speaker, I would also be remiss if I did not thank my colleague in the U.S. Senate, Senator JAMES EXON of Nebraska, for adding this language in the Defense authorization bill. When his amendment was offered, I am pleased to add, it was unanimously accepted.

Congress must remain involved in the POW/MIA issue. As a nation, we must stand behind our fighting men and women. We must also keep faith with them and their families. I, personally, will continue my efforts to see that an accounting is made and this issue put to rest once and for all.

Mr. Speaker, I call upon my colleagues to support section 1525 of the Defense authorization bill. The nations of Indochina must know that we want our boys back home.●

● Mr. BROWN of California. Mr. Speaker, I rise in opposition to the compromise contained in the fiscal year 1985 Defense Authorization Conference Report regarding antisatellite weapons. The compromise includes modification of the restriction on antisatellite [ASAT] weapon testing approved by the House earlier this summer. My colleagues may recall that the House approved an amendment authored by myself, and my colleague Representative LAWRENCE COUGHLIN and others prohibiting the testing of the U.S. ASAT weapon against an object in space as long as the Soviet Union did not resume testing to its ASAT weapon. The purpose of the amendment was to establish a mutual test moratorium in order to enhance the chances of initiating ASAT arms control negotiations.

Mr. Speaker, although I had the privilege of being named a special conferee to the Defense Conference Committee, I have not signed the conference report because I do not endorse the ASAT compromise. This compromise allows the Department of Defense to conduct two successful tests of the ASAT weapon. This is virtually a license for the Department of Defense to conduct as many tests as it pleases. This is absolutely contrary to the spirit of mutual restraint which I sought to establish by my amendment in order to enhance the prospects for arms control negotiations.

Finally, the Congress may not even have the opportunity to review the Presidential certification requirements provided by the amendment before testing begins. The compromise requires that only 15 calendar days elapse following certification by the President that he is endeavoring to negotiate with the Soviet Union before the first test against an object in space is allowed. The original Senate language required that 30 legislative days elapse before testing could begin.

Mr. Speaker, this summer I solicited the opinions of a number of experts on the subject of a mutual ASAT test moratorium. Although this was by no means a scientific poll, I think my colleagues will be interested in the views expressed in the responses I received. These letters confirm my view that a test moratorium is a critical ingredient to progress on ASAT negotiations.

I include excerpts from these letters for the RECORD below:

William Colby: Former Director, Central Intelligence Agency

I thorougly endorse your proposal that we refrain from testing our ASAT against objects in space so long as the Soviet Union does not resume its tests.

Hugh D. Dewitt: Staff Physicist, Lawrence Livermore National Laboratory

I am strongly in favor of a moratorium on ASAT testing and negotiations toward a treaty that will stop ASAT deployment.

Sidney Drell: Deputy Director, Stanford Linear Accelerator Center; consultant to the Senate Select Committee on Intelligence and to the National Security Council

I support a moratorium on ASAT tests as a way of starting the process and working toward more comprehensive negotiations while we still have time and before "the cat is out of the bag" on further weaponization of space.

Raymond L. Gartoff: Member, SALT I Delegation; former Deputy Director, Bureau of Politico-Military Affairs, Department of State; Senior Fellow, Brookings Institution

I strongly agree that it would be in the security interest of the United States to ban ASATs, and, as an immediate step, to refrain from testing ASATs so long as the Soviet Union does so. Such a reciprocal restraint would be unilaterally verifiable. A more formally agreed mutual verifiable moratorium could follow, as the first step in negotiation of a formal ASAT ban (preferably) or limitation. I hope the House mutual moratorium measure will be accepted by the Conference Committee and the Congress.

Richard L. Garwin: IBM Fellow, Thomas J. Watson Research Center; Member, President's Science Advisory Committee (1962-65, 1969-72); Member, Defense Science Board (1966-1969)

I thoroughly support . . . a mutual [ASAT] moratorium, which would require simply a commitment by the President to accept the ASAT moratorium offered August, 1983, by General Secretary Andropov, and restated 6/29/84 by General Secretary Chernenko. . . . I firmly support the wisdom of amending the Defense Authorization Bill to prevent our testing ASATs against objects in space, as long as the Soviet Union does not resume testing.

Carl Kaysen: Deputy Assistant for National Security Affairs, Kennedy Administration

I share your views that it is in the U.S. national interest and a positive contribution to our national security to observe such a [ASAT] mutual moratorium and to begin serious negotiations with the Soviet Union for a verifiable prohibition of such tests as soon as possible . . . even if there are political obstacles to negotiations, our capacity to monitor Soviet tests of anti-satellite weapons is such as to justify our refraining from such tests so long as the Soviets do so.

Henry W. Kendall: Professor of Physics, Massachusetts Institute of Technology; Chairman, Union of Concerned Scientists

I fully support a U.S.-Soviet moratorium on the testing of ASATs against objects in space. Having studied this issue in depth, I firmly believe that an ASAT test moratorium would serve as one of the most important initiatives that could be taken by the United States and the Soviet Union at this time to enhance the prospects of arms control and to foster an improvement in U.S.-Soviet relations.

Franklin Long: Professor of Chemistry Emeritus, Cornell University; former Associate Director, ACDA; former Member, President's Science Advisory Committee

I think that a test moratorium and similar moratoria are most useful when they are done as part of a longer range plan, in this case to try to negotiate a treaty. The fact that the Soviets did announce such a test moratorium makes it easy for the U.S. to wake up to the possibility of a moratorium quite straightforwardly, since they already know the Soviet position.

Carson Mark: former Head, Theoretical Division, Los Almos National Laboratory

Briefly, and without reservation, I strongly favor a mutual moratorium as against continued testing pending favorable outcome of "good faith" efforts to begin negotiations.

Wolfgang K.H. Panofsky: Director, Stanford Linear Accelerator Center; former member, General Advisory Committee, U.S. Arms Control and Disarmament Agency (ACDA)

I support. . . a mutually agreed, open-ended moratorium forbidding the testing

and deployment of ASAT components and systems unless the other side engages in such activities first. I believe such a measure would have merit in forestalling tests and deployments which might overtake diplomatic efforts aimed at securing an ASAT treaty.

Carl Sagan: Professor of Astronomy and Space Sciences and Director, Laboratory for Planetary Studies, Cornell University

I am very much in agreement with your view that a mutual ASAT test moratorium is important. . .

Pete Scoville: President, Arms Control Association; formerly Assistant Director ACDA; former deputy director for research CIA

Our future security and economic interest lie in a mutual halt on all ASAT tests. . . Now is the time for reciprocal national restraint and for serious negotiations to stop this new space race before the opportunity is irretrievably lost. There is no more important goal than a comprehensive ban on the testing and deployment of all space weaponry.

Jeremy J. Stone: Director, Federation of American Scientists

It seems to us [Federation of American Scientists] that an ASAT test moratorium is probably a necessary and a sufficient condition for successful ASAT negotiations . . . All in all, the case for a moratorium has, perhaps, never been stronger from the point of view of U.S. national interest.

Kosta Tsipis: Professor of Physics and Co-Director Program in Science & Technology for International Security, Massachusetts Institute of Technology; Member, Board of Directors, Council for a Livable World

I think it [An ASAT test moratorium] is a timely and measured step that will maintain open the option of negotiating a ban on testing and deployment of ASAT weapons.

Frank Von Hippel: Professor, Public Policy & International Affairs, Princeton University; Chairman, Federation of American Scientists

I am very much in favor of verifiable mutual moratoria on the testing of new destabilizing weaponry. It is my belief that ASAT weapons are destabilizing and that a moratorium on their testing against targets in space would be adquately verifiable.

Paul Warnke: Former Director, ACDA; chief U.S. negotiator, SALT II; U.S. negotiator, 1978 U.S.-Soviet ASAT talks; former Assistant Secretary of Defense for International Security Affairs

I find it impossible to understand how the development of sophisticated ASAT systems would be anything other than detrimental to our national security . . . As your letter points out, a test moratorium would both improve the negotiating climate and be, in itself, a valuable de fact agreement . . . I am convinced that a reciprocal moratorium is needed to prevent the taking of irrevocable steps to proceed with ASAT development. If such steps are not prevented, we, and our decendents, will look back bitterly at a lost opportunity.

John Steinbruner: Director, Brookings Institution

I agree with your judgment that a treaty banning further development of antisatellite weapons is in the security interests of the United States and that restraint on testing of the U.S. system is an important, even necessary condition both for negotiating such a treaty and for providing an informal substitute in the meantime.●

Mr. CONTE. Mr. Speaker, I rise in support of title 17 of the conference report on the defense authorization bill for fiscal year 1985. This title incorporates the provisions of a bill I introduced with the gentleman from Kansas [Mr. GLICKMAN] to establish a National Academy for Peace and Conflict Resolution.

The inclusion of this program in this defense authorization bill is the successful culmination of a multiyear effort to secure enactment of peace academy legislation. I want to commend the hard work of Mr. GLICKMAN and the conferees for accepting the Senate amendment. Considering recent terrorist activity and tensions throughout the world, this important program could not have come at a better time.

The provisions in this conference report presented to the House today is a compromise, hammered out by the conferees, between the House bill and the amendment added in the Senate. The compromise maintains the powers and duties of the Peace Institute, as outlined in both the House and Senate bills, but decentralizes the manner in which those activities will be carried out. It's not what we wanted in the beginning, but I am pleased with the proposal brought here for approval today.

Mr. Speaker, it's ironic, but important, that a program to study peace is finally approved in a bill that is primarily designed to procure weapons and support military efforts. However, these two seemingly contrary programs are in fact closely related. Enhancing our ability to understand conflict and to reduce its reliance on military power alone must be a key component of our efforts to maintain national security.

The concept of a Peace Academy is a pragmatic move. It recognizes that the answer to growing world tensions is not limited to military might alone. I agree—we need an adequate defense for protection and deterrence. However, this military might alone does not give us any assurances of lasting peace. Indeed, the establishment of a Peace Institute would not mean the denial of war, but rather an acknowledgment that conflict can and should be managed to minimize that risk. As the Peace Academy Commission report also noted: "Peace requires knowledge, judgment, and skill no less complex than which is required by war."

I urge my colleagues to support this important section of the conference report. When this country spends billions on war, it's crucial that we make an effort to study peace and conflict resolution.●

Mr. PRICE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 5167, the Department of Defense authorization bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will take 1-minute speeches, if any Members desire to address the House at this time.

THE PLIGHT OF THE FAMILY FARMER

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, the other evening I had requested 1 hour of special order time in order to address the House regarding the plight of agriculture in America. Since that evening, when I was joined by a number of my colleagues discussing the plight of the farmer, not only in my district in Oklahoma but throughout the country, we have been receiving numbers of letters from farmers and people interested in agriculture expressing their concern and support for the effort in the elevation of this issue to the American public.

As we approach the end of this session and look for the next term when we will be addressing the 1985 farm bill, which will be the guidance for future farm legislation, I think it is important that all Members of the House, whether they represent an urban or suburban district or rural or agricultural district, to continue to remember the importance of agriculture to the entire economy, not only just in the rural areas but in the shopping centers, the supermarkets, those stores where consumers are confronted with agriculture on a daily basis.

As I stated, Mr. Speaker, the other evening, when people are concerned about the price of bread, and they pay $1.09 for a loaf of bread, they should remember that the farmer only receives 13 cents of that price, and that the price that the farmer receives is too low under today's costs in order to allow him to make a living.

We have to continue to stress to the American public, Mr. Speaker, that when we lose, and if we lose the family farm, then we have destroyed the

most productive sector of the entire American economy.

Once they are gone, they will not return.

So, again, Mr. Speaker, I urge my colleagues to join in urging the sense of the entire Congress, that we will unify and work together to develop an adequate farm policy that allows the farmer to make an adequate profit on his commodity, for food and fiber and, at the same time, to work to reduce the deficits of the U.S. Government, in order to reduce the interest rates and those costs which have cost the farmers so very much in the last few years.

Mr. Speaker, again I appreciate the concern that my colleagues have stressed and hope that through the next few days and as we go into the next session, next year, we will try to work, on a bipartisan basis, to develop an adequate farm policy.

Mr. Speaker, I yield back the balance of my time.

WARRANTIES ON DEFENSE PRODUCTS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, last year both Houses of Congress enacted a very strong and much-needed law providing for warranties on defense products.

We have seen, ever since the enactment of that law, a full-scale assault against it by the Reagan administration. Initially, they sought to repeal the warranty law outright and, subsequently, after it became clear to that administration that it was politically unpalatable to attempt an outright repeal, they tried in every way that this administration could, to drive loopholes through that law that were so large that an MX missile could be put through one of those loopholes.

Unfortunately, the administration has had some successes in the past several days, both via the Committee on Appropriations process and the authorization process, on the warranty legislation.

A critical vote will be occurring today in the full Committee on Appropriations with regard to the warranty legislation.

The administration convinced a subcommittee of the Committee on Appropriations, by a 6 to 5 vote several days ago, to enact language that, according to the chief procurement officer of the U.S. Navy, would significantly weaken the warranty legislation.

That language, which essentially eliminates performance standards completely on all defense items, will be up today for a vote in the full Committee on Appropriations.

Mr. Speaker, this warranty law was enacted last year on a bipartisan basis with extensive support on both sides of the aisle for meaningful, tough warranties which will save the taxpayers of this country billions of dollars and, most significantly, which will insure our brave soldiers and sailors that the weapons that they are given to fight in battle work as they are supposed to work.

If the language that the subcommittee of the Committee on Appropriation approved is approved by the full Committee on Appropriations, we will see business as usual with regard to defense warranties; we will see the taxpayer, again, footing the bill with regard to significant cost overruns; and we will see soldiers and sailors receiving weapons that they have no assurance will work.

Mr. Speaker, I hope that our colleagues on the Committee on Appropriations will reverse the action of the subcommittee, and restore a tough warranty law. I hope that the people on both sides of the aisle will continue to pursue the vigilant fight fought by them successfully last year which enabled us to draft and pass a meaningful warranty law, and that we will continue to do all that we can on both sides of the aisle to insure that that law stays strong and that the loopholes that this administration has been seeking are rejected.

□ 1140

WELCOME TO GUNN McKAY

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute.)

Mr. NIELSON of Utah. Mr. Speaker, I would like to introduce my good friend, Gunn McKay, who served as a Congressman here for 10 years from 1970–1980. He then served as mission president in Glasgow, Scotland, for the Church of Jesus Christ of Latter-day Saints. He is visiting with us today. Though we are on opposite sides of the aisle politically we have always been friends. We worked together in the Utah State Legislature when he was an aide to Gov. Calvin Rampton and I was majority leader.

For my colleagues who know Gunn McKay, it would be good to renew their acquaintance and visit with him.

LEGISLATIVE PROGRAM

(Mr. MURPHY asked and was given permission to address the House for 1 minute.)

Mr. MURPHY. Mr. Speaker, we are delayed awaiting papers from the Senate on the conference report on the Child Abuse Prevention Act.

As soon as it arrives, we are prepared to submit the conference report.

A TRIBUTE TO KATHALEEN C. ARNESON

(Without objection, Mr. MURPHY was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, in July of this year the community of those who work on behalf of the rights of disabled persons lost a dedicated and hardworking advocate. Kathaleen Arneson was well known on the Hill through her work with the Office of Legislation and Congressional Relations at the Rehabilitation Services Administration for 21 years. Following her retirement in 1981, she kept active as a volunteer for disability rights. She was instrumental in the establishment of the League of Disabled Voters, and worked particularly hard for the passage of the recent handicapped voters' accessibility legislation. Kay Arneson is truly missed by the many people who knew and respected her and who worked with her on disability issues for so many years.

The following biography, which was printed for a memorial service in her honor, illustrates Kay Arneson's outstanding career in public service:

Kathaleen C. Arneson, dedicated parent and grandparent, public servant and extraordinary volunteer, died July 17, 1984, of a sudden heart attack. A graduate of the State University of South Dakota and the University of Minnesota and an intern at the National Institute of Public Affairs in 1940 and a Rockefeller Fellowship winner in 1940–41, she began her Federal Security Agency service as Assistant for Wartime Social Planning (1940–42) and the President's War Relief Control Board at State from 1943 to 1947 as Program Assistant in International Welfare Planning. From 1951 to 1960 she was a volunteer as a Foreign Service wife following, from 1947 to 1951, U.S. Children's Bureau service as Special Assistant on Legislation. Then from 1960 to 1981 she served as Director of Legislation and Congressional Relations in the Rehabilitation Services Administration with interim assignments as Executive Director of the National Commission on Architectural Barriers; Temporary Director, Architectural and Transportation Barriers Compliance Board and as Interim Director of the Federal Interagency Committee on the International Year of Disabled Persons.

Following retirement from Federal Service, she devoted her considerable energies and expertise as Legislative Liaison for the League of Disabled Voters, Chairman of the Legislative Committee on the Women's Task Force of the National Rehabilitation Association (NRA), Volunteer Task Force Member of the NRA, Executive Committee and Vice Chair of the People to People Committee for the Handicapped and as an advisor to key members of the U.S. Congress on rehabilitation affairs.

At the time of her death, she held active memberships in the American Coalition of Citizens with Disabilities, the NRA, the League of Disabled Voters, the American Foreign Service Assn., the American Foreign Service Assn., Women's Assn., the Public Members Assn. of Foreign Service, the National Women's Political Caucus and

the Women's National Democratic Club, and St. Augustine's Church.

"Her hard work and diligence in getting legislation passed by the Congress is unsurpassed in the history of Vocational Rehabilitation . . ." (From the nomination of Kay Arneson for the Meritorious Service Award of the President's Committee on Employment of the Handicapped)

CALL OF THE HOUSE

Mr. NIELSON of Utah. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 422]

Akaka	Dixon	Howard
Albosta	Donnelly	Hubbard
Anderson	Dorgan	Huckaby
Andrews (NC)	Dowdy	Hughes
Andrews (TX)	Downey	Hunter
Annunzio	Dreier	Hutto
Anthony	Duncan	Hyde
Badham	Durbin	Ireland
Barnard	Dwyer	Jacobs
Bartlett	Dymally	Jeffords
Bateman	Dyson	Johnson
Bates	Early	Jones (NC)
Bellenson	Eckart	Jones (OK)
Bennett	Edgar	Jones (TN)
Bereuter	Edwards (CA)	Kaptur
Berman	Edwards (OK)	Kasich
Bethune	Emerson	Kastenmeier
Bevill	English	Kazen
Biaggi	Erdreich	Kennelly
Bilirakis	Erlenborn	Kildee
Bliley	Evans (IA)	Kleczka
Boehlert	Evans (IL)	Kogovsek
Boland	Fascell	Kostmayer
Boner	Fazio	Kramer
Bonior	Feighan	LaFalce
Borski	Fiedler	Lagomarsino
Bosco	Fields	Lantos
Boucher	Fish	Leach
Boxer	Flippo	Leath
Britt	Florio	Lehman (CA)
Brooks	Foglietta	Lehman (FL)
Broomfield	Ford (TN)	Leland
Brown (CA)	Fowler	Lent
Brown (CO)	Frank	Levin
Broyhill	Franklin	Levine
Bryant	Frenzel	Levitas
Burton (CA)	Fuqua	Lewis (CA)
Burton (IN)	Garcia	Lewis (FL)
Byron	Gaydos	Lipinski
Campbell	Gejdenson	Livingston
Carney	Gekas	Lloyd
Carper	Gilman	Loeffler
Chandler	Glickman	Long (LA)
Chappell	Gonzalez	Lott
Chappie	Goodling	Lowery (CA)
Clarke	Gore	Lowry (WA)
Clay	Gradison	Lujan
Clinger	Green	Luken
Coats	Gregg	Lundine
Coelho	Guarini	Lungren
Coleman (MO)	Gunderson	Mack
Coleman (TX)	Hall (IN)	MacKay
Conable	Hall (OH)	Madigan
Conte	Hall, Ralph	Markey
Cooper	Hall, Sam	Marlenee
Coughlin	Hamilton	Marriott
Courter	Hance	Martin (IL)
Coyne	Hansen (ID)	Martin (NY)
Craig	Hansen (UT)	Martinez
Crane, Daniel	Harkin	Matsui
Crane, Philip	Hartnett	Mavroules
Daniel	Hawkins	Mazzoli
Dannemeyer	Hayes	McCain
Darden	Hefner	McCandless
Daschle	Heftel	McCloskey
Daub	Hertel	McCollum
Davis	Hightower	McCurdy
Dellums	Hiler	McEwen
Derrick	Hillis	McHugh
DeWine	Holt	McKernan
Dickinson	Hopkins	McNulty
Dicks	Horton	Mica
Michel	Ritter	Stokes
Miller (CA)	Roberts	Stratton
Miller (OH)	Robinson	Stump
Mineta	Rodino	Sundquist
Minish	Roe	Swift
Mitchell	Roemer	Synar
Moakley	Rogers	Tallon
Molinari	Rose	Tauke
Mollohan	Rostenkowski	Tauzin
Montgomery	Roth	Taylor
Moore	Roukema	Thomas (CA)
Moorhead	Rowland	Thomas (GA)
Morrison (CT)	Roybal	Torres
Morrison (WA)	Rudd	Torricelli
Mrazek	Russo	Traxler
Murphy	Sabo	Valentine
Murtha	Savage	Vander Jagt
Myers	Sawyer	Vandergriff
Natcher	Schaefer	Vento
Nelson	Schneider	Volkmer
Nielson	Schroeder	Vucanovich
Nowak	Schulze	Walgren
O'Brien	Schumer	Walker
Oakar	Seiberling	Watkins
Oberstar	Shannon	Waxman
Obey	Sharp	Weaver
Ortiz	Shaw	Weber
Owens	Shelby	Weiss
Packard	Shumway	Wheat
Parris	Sikorski	Whitehurst
Pashayan	Siljander	Whitley
Patman	Sisisky	Whittaker
Patterson	Skeen	Whitten
Paul	Skelton	Williams (OH)
Pease	Slattery	Winn
Penny	Smith (FL)	Wirth
Petri	Smith (IA)	Wise
Pickle	Smith (NE)	Wolf
Porter	Smith (NJ)	Wolpe
Price	Smith, Denny	Wortley
Pursell	Smith, Robert	Wyden
Quillen	Snowe	Wylie
Rahall	Snyder	Yates
Rangel	Solarz	Yatron
Ratchford	Solomon	Young (AK)
Ray	Spence	Young (FL)
Reid	St Germain	Young (MO)
Richardson	Staggers	Zschau
Ridge	Stangeland	
Rinaldo	Stenholm	

□ 1150

The SPEAKER pro tempore (Mr. KILDEE). On this rollcall, 364 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Hallen, one of its clerks, announced, that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1841) "An act to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2603) "An act to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2040) "An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2616) "An act to extend the Adolescent Family Life Demonstration program," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. DENTON, Mr. NICKLES, Mr. KENNEDY, and Mr. DODD to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3979. An act to establish a national program to increase the availability of information on the health consequences of smoking, to amend the Federal Cigarette Labeling and Advertising Act to change the label requirements for cigarettes, and for other purposes.

□ 1200

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5492, ATLANTIC STRIPED BASS CONSERVATION ACT

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 98-1081) on the resolution (H. Res. 591) providing for the consideration of the bill (H.R. 5492) to provide for the conservation and management of Atlantic striped bass, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 607, FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATIONS, 1982, 1983, 1984, AND 1985

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 98-1082) on the resolution (H. Res. 592) providing for the consideration of the Senate bill (S. 607) to amend the Communications Act of 1934, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 6013, SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958 AMENDMENTS

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 6013) to amend the Small Business Act and the Small Business Investment Act of 1958, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DELLUMS). Is there objection to the request of the gentleman from Maryland?

Mr. NIELSON of Utah. Mr. Speaker, reserving the right to object, I would inquire of the gentleman from Maryland if this has been cleared with the minority.

I yield to the gentleman from Maryland for his response.

Mr. MITCHELL. Mr. Speaker, I would say to the gentleman this has been cleared with the minority.

Mr. NEILSON of Utah. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and, without objection, appoints the following conferees: Messrs. MITCHELL, SMITH of Iowa, ADDABBO, MCDADE, and CONTE.

There was no objection.

RECOGNITION OF THE WOMEN'S ARMY CORPS VETERANS' ASSOCIATION

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 4966) to recognize the organization known as the Women's Army Corps Veterans' Association.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The Women's Army Corps Veterans' Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and is granted a Federal charter.

POWERS

SEC. 2. The Women's Army Corps Veterans' Association (hereinafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the States in which it is incorporated, and subject to the laws of such States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include:

(1) promoting the general welfare of all veterans, especially women veterans, who have served or are serving in the United States Army, the Army Reserve, and the Army National Guard;

(2) recognizing outstanding women in college ROTC units throughout the United States; and

(3) providing services and support to patients in Veterans' Administration Hospitals throughout the United States.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and in which it carries on activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the constitution and bylaws of the corporation.

BOARD OF DIRECTORS

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the States in which it is incorporated.

OFFICERS

SEC. 7. The officers of the corporation and the election of such officers shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the States in which it is incorporated.

RESTRICTIONS ON CORPORATE POWERS

SEC. 8. (a) No part of the income or assets of the corporation may inure to any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) Neither the corporation nor any officer or director thereof may contribute to, support, or otherwise participate in any political activity or attempt in any manner to influence legislation.

(d) The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(e) The corporation shall not claim the approval or authorization of the Federal Government for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60) Women's Army Corps Veterans' Association.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101). The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to amend or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2819, HOUSING AND COMMUNITY DEVELOPMENT TECHNICAL AMENDMENTS ACT OF 1984

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report to accompany the Senate bill (S. 2819) to make essential technical corrections to the Housing and Urban-Rural Recovery Act of 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5899, DISTRICT OF COLUMBIA APPROPRIATIONS, 1985

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Sep-

tember 26, 1984, to file a conference report on the bill (H.R. 5899) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REQUEST FOR CONSIDERATION OF H.R. 5538, PREVENTIVE HEALTH AMENDMENTS OF 1984

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 5538) to amend the Public Health Service Act to revise and extend the programs of assistance for preventive health programs, and that the bill be considered in the House as in the Committee of the Whole House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DANNEMEYER. Reserving the right to object, Mr. Speaker, I would like to ask my colleague from California, has this bill been to the Rules Committee for a rule?

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield, no; it has not.

Mr. DANNEMEYER. Is this bill now scheduled to come up on the suspension calendar next Monday?

Mr. WAXMAN. That is correct.

Mr. DANNEMEYER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

CONFERENCE REPORT ON H.R. 1904, CHILD ABUSE AMENDMENTS OF 1984

Mr. MURPHY. Mr. Speaker, I call up the conference report on the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 19, 1984.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MURPHY] will be recognized for 30 minutes and the gentleman from Illinois [Mr. ERLENBORN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are here to consider the adoption of the conference report regarding the reauthorization of our Nation's child abuse prevention programs.

Nineteen months ago, my colleague from Illinois, JOHN ERLENBORN, and I carefully coauthored H.R. 1904 to combat all aspects of child abuse and neglect. In a bipartisan effort, we began 3 years ago with hearings that revealed situations now commonly known as Baby Doe cases. Prior to that we heard from experts regarding institutional abuse and sexual abuse problems. Finally, last year we focused on the relationship between a family's economic problems and the risks of child abuse. We've traveled down a long road of deliberations, hearings, and compromises. I am happy to say that this conference report positively reflects the efforts of each minute we labored.

This legislation is divided into three titles. Title I addresses child abuse and neglect prevention and protections. The major provisions are threefold. First, the definition of sexual abuse has been rewritten to conform with a 1982 Supreme Court ruling. No longer will acts or simulations of a sexual nature involving minors be interpreted differently in various parts of our country because of varying local obscenity interpretations. Now all acts or simulations with minors falls under sexual abuse.

Second, out of home care—such as day care, foster home care, and institutional care—is now covered under this act. No longer will those who are not legal guardians, but care for children away from the traditional family setting, be free to abuse their authority and abuse our Nation's children. We guarantee protection for our children, regardless of where they are, regardless of who has custody of them.

Lastly, this title establishes parameters within which the care of infants is addressed. No longer will we have to second guess medical decisions and burden parents who simply want to make the best decision possible. By working with nearly all of those involved in the medical community, the disability organizations, and those who advocate the child's right of life, we have constructed a mechanism to address so-called Baby Doe cases.

The conference report contains a definition of the infants covered as being those "at risk with life-threatening conditions." It further defines what constitutes "withholding of medically indicated treatment" so that guidelines can be established within hospitals regarding the treatment of such cases. Hospitals, if they so choose, may also establish their own local review mechanism so that each case may be given the individual attention its uniqueness requires. These procedures will complement existing State reporting practices, and no direct Federal intervention is required under this act.

In an effort to assist States, the Department of Health and Human Services, through the National Center on Child Abuse and Neglect, will provide grants, technical assistance, research, and training for all aspects of child abuse and neglect. This conference report even provides for a maximum 2-year waiver of State requirements, other than the Baby Doe requirements, for those States that presently do not qualify for Federal funding. We believe that those States which are making a good-faith effort to meet minimum standards should not be penalized while State legislation is pending. We expect every State to receive Federal funding, and we intend to place an emphasis on prevention, education, and services.

Title II consists of provisions which facilitate the adoption of children with special needs, particularly disabled infants with life-threatening conditions. It establishes a national adoption and foster care data-gathering and analysis system. The HHS Secretary will coordinate efforts to improve State legislation with national, State, and local child and family services organizations, including organizations representative of minorities and adoptive families. Furthermore, corporations and small businesses are encouraged to support adoption as a postive family-strengthening option, including the establishment of adoption benefit programs for employees who adopt children. Finally, we will study the effects and success of nonlicensed entities that place children in adoptive homes. In short, our emphasis is on special needs or hard to place children.

Title III addresses the dramatic increase of family violence. I am pleased to report that this title has been agreed upon by both House and Senate conferees. It provides funding for shelters that many need, but few can use. In Pennsylvania alone, nearly 2,000 women and over 3,000 children were turned away last year from shelters which did not have the space to provide assistance. With nowhere to turn when a cooling off period is necessary, many have escaped to abandoned cars or condemned buildings with their children. Some have been forced to return to their abusive partner, thus suffering more severe abuse and even death. Sometimes, in order to save an entire family, we need to provide temporary housing for part of the family. This title does just that.

State demonstration grants will provide for abusers, victims, and their dependents a number of services such as shelter, counseling, self-help services, referrals for health care, food, clothing, emergency services, transportation, and child care. The Federal Gov-

ernment and local communities will split the cost of providing these services. At least 50 percent of the local share will be raised from private sources, thus insuring that support from organizations such as the Junior League, the United Way, and other fundraising activities continue. Moreover, funding distributions will be based on the population of each State with no entity receiving more than $50,000 in any one year. It is the intention of the conferees to provide as much service to as many victims in urban as well as rural areas. It is further the intent of the conferees to not only support and expand existing services, but to establish new shelters in areas not currently served.

The conference report recognizes that family violence victims come from all racial, ethnic, and socioeconomic backgrounds. Therefore, any individual regardless of age, sex, handicap, national origin, race, or color will be served, and that no income eligibility standards may be imposed for those who seek assistance. In conjunction with these antidiscriminatory provisions, elderly abuse is emphasized. A National Clearinghouse on Family Violence will be established to collect, disseminate, and analyze family violence statistics and information.

For all we've addressed in this legislation, for all whom we have protected or assisted, we only have a funding level of $49.5 million in fiscal year 1985. I urge my colleagues to think about the day care centers child abuse and family violence recently in the news. Sexual abuse and photographs of 3- and 5-year-olds. The two teenagers who were sentenced to prison terms because they killed an abusive father. Think of the women and children who live in fear because they have nowhere to seek help and assistance from a violent family situation. The cost in law enforcement services, judicial proceedings, and in human suffering far outweigh the modest package we have before us today.

I urge my colleagues to favorably consider this conference report and to support its adoption. In the Senate, Senators HATCH and DENTON have agreed with Senators KENNEDY and DODD.

In the House Chairman HAWKINS and I, together with all of our Democratic colleagues, have agreed with the ranking minority members, Mr. ERLENBORN and Mr. BARTLETT, together with all of our Republican colleagues, to unanimously support this measure and, together with all House and Senate conferees, have agreed on the content of this report.

I urge all of our members here today to join us in the adoption of the conference on H.R. 1904.

CONFERENCE AGREEMENT FUNDING LEVELS

TITLE I (CHILD ABUSE PREVENTION)

Fiscal year:	*Millions*
1984	$33.5
1985	40.0
1986	41.5
1987	43.1
Current:	
Child	16.2
Sex	0.0
Pre-Reagan:	
Child	23
Sex	4
Total	27

Not less than $11 million may be used for research, technical assistance, and information dissemination.

Not less than $9 million may be available for State grants.

Five million dollars may be used for Baby Doe implementation grants.

Five million dollars may be used for sexual abuse programs.

If less than $30 million is appropriated, the $11 million and $9 million shall be available first, and the rest split between the other two categories.

TITLE II (ADOPTION OPPORTUNITIES)

Fiscal year 1984 through 1987: $5 million each fiscal year.

(Current $2 adopt.—pre-Reagan $5 adopt.)

TITLE III (FAMILY VIOLENCE)

Fiscal year:	*Millions*
1985	$11
1986	26
1987	26

(No current funding.)

Of the funds appropriated, the Federal/local shares shall be:

	Percent—	
	Federal	Local
Project grant:		
First year	65	35
Second year	45	55
Third year	35	65

Not less than 60 percent of the funds are to be used for preventing family violence including providing immediate shelter and related assistance.

At least 50 percent of the local share is to be raised from private sources.

No entity may receive more than $50,000 in any year.

TOTAL FUNDING

Fiscal year 1985, $49.5 million; current, $18.2 million; pre-Reagan, $32 million.

□ 1210

Mr. Speaker, I yield 1 minute to the chairman of the Committee on Education and Labor, the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. I thank the gentleman for yielding time to me.

Mr. Speaker, it is my privilege to rise in support of the conference report on H.R. 1904, the Child Abuse Amendments of 1984.

I would like to commend my colleagues on the Committee on Education and Labor, especially Mr. MURPHY, chairman of the Subcommittee on Select Education, Mr. MILLER, the chairman of the Select Committee on Children, Youth and Families, and Mr. ERLENBORN, the ranking minority member of the Committee on Education and Labor, for their concern and unflagging diligence to bring this carefully crafted conference report to the House floor. It was a tremendous effort on their part as well as on the part of many other concerned Members of both Chambers. Many months were spent working with representatives of the medical profession, health care facilitators, child advocacy groups, parents, and many others to develop this bipartisan compromise.

Public testimony and infomation received from local and State officials who provide social service programs, have shown a major correlation between the rising incidence of family violence, child abuse and neglect, and unemployment, lack of opportunities, and depressed economic conditions which contribute to the necessity for parents to obtain outside-the-home employment. This situation is especially severe for single heads of household who face the stressful and demanding concerns of financial security, child care, and other necessities by themselves, and who, statistically, make up the majority of the poor. While we work toward enactment of programs and policies which will enable people to improve their employability and have opportunities for work, we must find ways to reduce the conditions which contribute to family violence and child abuse.

This modest legislation is but one attempt to prevent these problems and to provide services to the victims of family violence.

This bipartisan legislation contains reauthorization through fiscal year 1987 of all the major statutory child abuse and neglect and adoption opportunities authorities; $158.1 million will be provided for these title I activities for the 4-year reauthorization period—fiscal years 1984 to 1987.

The legislation strengthens current laws in several ways. A particular provision with much merit is the creation of a new program authorizing $63 million to States over a 3-year period for matching grants to establish, maintain, or expand shelters for victims of family violence and to support efforts to prevent family violence; 60 percent of these funds will provide shelters and related assistance to victims of family violence including children. The remaining money will provide for family prevention programs. The provision for a study on the causes of family violence will be a valuable tool in formulating more effective programs.

There is an urgent need for this kind of assistance, as many of these family violence programs have not been able to continue the needed services as Federal funds have been cut back in title XX and VISTA, along with the elimination of the CETA program. New York, California, and other States show sharp increases and dramatic needs for family violence programs. I think this provision of this bill is long overdue, and it shall provide a much needed resource to augment those private and public agencies which are attempting to cope with these debilitating social needs.

Last, in addition to providing prevention programs and shelters for the victims of family violence, I consider the strengthening of the provision to prohibit age discrimination in the use of family violence funds as an important step in the right direction. Elderly abuse is often overlooked as we attempt to provide services for victims of family violence.

Mr. Speaker, these problems of child abuse and neglect are of deep concern to all Americans. This conference report represents many hours of laborious study and work by many Members of Congress. I believe that these efforts have produced a means by which we can address the problems of child abuse and neglect, improve and facilitate adoption opportunities, and help to prevent and reduce family violence. I would like to point out that when this bill was before the House in February of this year, it passed by an overwhelming vote of 396 to 4. I believe we have before us a report which is thoughtful and balanced and I urge my colleagues to support the conference report on H.R. 1904.

Mr. ERLENBORN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. MCCAIN].

Mr. MCCAIN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the conference agreement on the Child Abuse Amendments of 1984. As one of the conferees on this legislation, I believe that the House-Senate conference agreement directly responds to the problem of child abuse and the overall problem of family violence.

Child abuse is a serious and extremely difficult problem with which to deal. Approximately 1.5 million children suffer from abuse each year. Of this figure, some 2,000 die as a result of direct injury. Even more alarming is that between 1976 and 1982, reports of child abuse and neglect nationwide have increased by 123 percent. The Federal Government has a role to play in combating this alarming trend. It should provide leadership, education, and training for the States, so that they may treat and prevent this problem.

My home State of Arizona is one of five States which does not currently qualify for Federal child abuse funds under the child abuse prevention and treatment grant requirements. I am currently working with State legislators and community leaders in designing a legislative package to provide protection for children, women, and the elderly in our State. I encourage all Members to work with their State and local legislators to achieve compliance with Federal guidelines. Many States, such as mine, have inadequate legislation to combat abuse and neglect. Legislation that addresses this issue is long overdue.

I would also like to inform the Members of the addition of title III to the act which establishes the Family Violence Prevention and Services Act of 1984. This act focuses attention on a new problem, that of elder abuse. Studies suggest that from 4 percent to 12 percent of the Nation's 26.8 million elderly suffer from some form of elder abuse.

Solutions to the problem of elder abuse may appear simple at first glance. The issue, however, is quite complex. Dealing with adults, the police are not likely to intervene without a personal complaint or request for help. Unlike an abused child who is seen by classmates and friends, the elderly do not attend school and are rarely seen out of the home. The chances of finding them are slim.

The legislation establishes a national clearinghouse on family violence which is directed to conduct research and disseminate information on the problems of abuse associated with the elderly. Grants will be made to the States for local community based organizations to threat and prevent family violence, including elder abuse.

Again, I urge my colleagues to support this legislation. Let's take the lead and put a stop to the rising incidence of child abuse and family violence.

□ 1220

Mr. ERLENBORN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for yielding this time to me.

Mr. Speaker, I wish to rise in support of and endorse the terms of the conference report on H.R. 1904, the Child Abuse Amendments of 1984.

Let me briefly comment on several provisions relating to the Adoption Opportunities Program that are now incorporated in the conference report.

I am very pleased to say that the language included in the House-passed version of H.R. 1904 maintaining the current emphasis, or targeting, on the adoption of "special needs" children has been retained in the conference report. Special needs children are those who are residing in foster homes or institutions, older youngsters—generally of school age, members of sibling groups, youngsters with physical, mental, or emotional handicapping conditions, as well as children from minority groups.

The conference report provides for a very limited expansion of the special needs category to include "disabled infants with life-threatening conditions" or Baby Doe infants. This change is a timely and appropriate one which I fully support.

The conference report provides for a 4-year reauthorization of the Adoption Opportunities Program at annual funding levels that should facilitate permanent adoption of more of these very deserving, but often forgotten, special needs children.

Mr. Speaker, I urge my colleagues to join me in voting to adopt this important conference report.

Mr. ERLENBORN. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the conference report accompanying H.R. 1904, the Child Abuse Amendments of 1984.

In particular, I take this time to commend the gentleman from Pennsylvania [Mr. MURPHY] the chairman of the subcommittee, who has been so diligent in pursuing these very complex issues, together with the gentleman from Illinois [Mr. ERLENBORN] the ranking member of the Committee on Education and Labor, who has also been diligent in the last 2 years in making sure that this House this late in the session finally adopts its child abuse report.

I am specifically supportive of the Baby Doe provisions in the conference agreement.

First, these provisions clarify a fundamental right: the right to live. The provisions reaffirm the rights of a disabled infant with life-threatening conditions to live—to be given treatment, food, water, and medication, unless:

The infant is chronically and irreversibly comatose;

Treatment would not ameliorate or correct the life-threatening conditions;

Treatment would simply prolong dying; or

Treatment would be futile and inhumane.

Yet, it is my understanding, that even in these tragic circumstances, such an infant would not be automatically denied food and water.

Second, these Baby Doe provisions are precedent setting. They represent the first time that we have successfully legislated in a very sensitive area—

We have indicated that we are interested in hospital policy and physician practice pertaining to treatment and care of disabled infants with life-threatening conditions;

We have accepted the central role of the attending physicians in treatment decisions;

We have recognized and endorsed the value of coordinating resources to assist families and physicians concerned and responsible for such infants; and

We have reaffirmed the role of State child protective service agencies in protecting the lives of such infants when neglect is reported.

Third, these Baby Doe provisions preserve congressional credibility. We have mandated change. States must have a reporting system in place for reporting cases of medical neglect within 1 year of enactment of these amendments. The Secretary of Health and Human Services is authorized to make grants to States: To develop and implement such reporting procedures; to provide information, education, and training programs related to such reporting procedures; and to establish and operate programs to coordinate services associated with medical, social, and financial assistance for families with infants with life-threatening conditions. Such help for States may be through technical assistance grants to public or private nonprofit organizations. The Secretary must provide this assistance within 210 days of enactment of these amendments.

In addition, within specified timelines of 60 and 180 days of enactment of these amendments, the Secretary must develop interim and final guidelines respectively to encourage within health-care facilities, the establishment of committees to educate hospital personnel and families with disabled infants with life-threatening conditions, to recommend institutional policies related to withholding of medically indicated treatment, and to offer counsel and review in cases involving disabled infants with life-threatening conditions.

A specific authorization of appropriation is provided to assist States to respond to the reporting requirements. Furthermore, the Secretary is authorized to use discretionary funds to provide for technical assistance grants and contracts.

These provisions are concrete, not symbolic. They reflect that we are committed to promoting increased attention to, awareness of, and help for disabled infants with life-threatening conditions, their families, and their physicians.

Fourth, in drafting the Baby Doe provisions, consensus among diverse groups and interests was essential. The right-to life-groups, the advocates for the disabled, and the medical community had equal roles in reacting to and recommending legislative language. They support the provisions in H.R. 1904. Their willingness to talk to each other, to negotiate with each other and to educate us is a reflection of their commitment to, and belief in, the viability of the legislative process—even if in uncharted waters.

Finally, the Baby Doe provisions in H.R. 1904 represent an appropriate balance and emphasis. As the result of this legislation, more infants will be saved because physicians will have guidelines and counsel rather than oversee, and more families will help because resources will be identified and coordinated.

I urge my colleagues to support the conference agreement on H.R. 1904 especially because of the carefully crafted and widely supported Baby Doe provisions.

Mr. MURPHY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to take this opportunity to congratulate the gentleman from Pennsylvania [Mr. MURPHY], the chairman of the subcommittee, and the ranking minority Member, the gentleman from Illinois [Mr. ERLENBORN] who has been so critical in the development of this legislation, not simply today but over the years.

Mr. Speaker, as a cosponsor of H.R. 1904 and a member of the conference committee which produced this conference report, I urge its prompt adoption by the House today. In my judgment, we are doing far more than reauthorizing the Child Abuse Prevention and Treatment Act for 4 years. We are, in fact, renewing our commitment to fight the scourge and horror of child abuse and neglect with actions rather than just with words.

Yet, in reality, the conference report to H.R. 1904 goes well beyond addressing the issue of child abuse. It in fact recognizes and responds to one of the most disturbing problems in American society today—the problem of family violence. For the first time, we have directed specific funds for family violence prevention in title III of this bill to assist its victims—who are of all ages.

I was a Member of this body in 1974 when the Child Abuse Prevention and Treatment Act was first enacted. I was a proud original sponsor of the measure. It was considered a landmark law at that time—for it was the first time the Federal Government had responded to this problem. I remember the first bill I authored as a newly elected Member of the House in 1968 was a Child Abuse Prevention Act, and I have worked on the legislation ever since.

Today as we evaluate the effectiveness of the Child Abuse Act over its 10-year history, we can only give it mixed reviews. It has been crippled by a chronic lack of adequate funding to meet the growing challenges associated with child abuse prevention. Yet despite this major shortcoming, progress has been made—we find its programs have developed an important base of supportive prevention and treatment efforts to deal with this problem. We have seen a dramatic increase in the number of cases of child abuse being reported from 10 years ago.

Yet, as we complete this reauthorization process, we see that far from abating, the child abuse problem is in fact proliferating in this Nation. In 1982 alone, more than 929,000 cases were reported nationwide. The challenge was before Congress to beef up the child abuse law and make it work. I believe we have done that and more.

Let me address myself to several key features of this bill. Under H.R. 1904, we have expanded the definition of child abuse to include acts by a person who is an employee of a residential facility or any person providing out-of-home care including day care. This responds directly to shocking reports of child abuse, including sexual abuse of children in federally funded day care centers. It is not a hypothetical problem—it is a clear and present threat to an increasing number of children. In New York City alone there have been 77 reported cases of child abuse in day care centers—just in the first 7 months of 1984. With this bill we broaden the scope of our prevention efforts and hopefully assure that we extend protective services to children outside the confines of the home.

I realize that is only one dimension—but it is an important one. Emotionally, we want to go after the abusers—but our response proves wanting unless we care for the victims. Ultimately, we must condition future Federal aid to States having programs under which all day care centers are licensed and employees screened. This approach is embodied in legislation I have sponsored, H.R. 6207, that would condition the more than $750 million we now spend in Federal funds on day care to meet these standards. I applaud the House action yesterday in approving the Miller amendment providing $50 million to States to improve training of day care personnel.

Another important feature of this conference agreement is the amendment I was proud to sponsor calling for a first-time study establishing the relationship between child abuse and the nonpayment of child support. This amendment grew out of field hearings I conducted which indicated that the nonpayment of child support represented a form of economic child abuse which claimed more than 13 million children as victims. I was proud to be in attendance earlier this year when President Reagan signed into law the Child Support Enforcement Amendments of 1984 aimed at improving our abilities to collect delinquent child

support payments. I view this amendment to be complementary to that effort and look forward to the recommendations which will eminate from the study.

I was proud to have played a lead role in the enactment of title III of this conference report—the Family Violence Prevention and Treatment Act. This provision earmarks $63 million to programs and services aimed at helping the victims of family violence. These include the victims of elder abuse. As an original member of the House Select Committee on Aging which has done extensive work in this area, it is time that we recognized that abuse is an intergenerational problem. I developed two provisions in title III which will help ensure services reach the victims of elder abuse. First in the definition of family violence, elder abuse is included. Second, there is a nondiscrimination provision to guarantee that seniors are not turned away from shelters because of their age. One other related feature—under 1904 a national incidence study on the problem of elder abuse is called for which will help us a great deal in the allocation of future resources.

Another important feature of title III is the $2 million authorized for the training of law enforcement personnel in order to assist them in responding to incidents of family violence. This technical support is critical for local agencies who too often fail to work for appropriate coordination within their communities to assure the most effective and efficient responses to these types of problems. These funds will provide law enforcement agencies with the resources to assist them in this effort and recognizes the especially important role of these officials in prevention efforts.

Let me finally express my full support for the authorization increases provided in this bill. A total of $158.1 million is provided through fiscal year 1987 of which not less than $9 million is available per year for State grants and a floor of $11 million is available each year for research demonstration and information dissemination activities.

Let me note that I would hope that this increased emphasis on information dissemination would see an effort to replace the functions of the regional resource centers that were phased out last year. These centers provided valuable technical assistance to protective service personnel and I hope that the National Center on Child Abuse and Neglect would agressively work to replace the activities of these centers.

At this point, let me pay tribute to the distinguished chairman of the subcommittee, Mr. MURPHY, whose leadership has been outstanding throughout this long and difficult process. Also full committee Chairman HAWKINS who has helped a great deal in conference and all the House and Senate conferees who like myself are proud of this legislation we put forth today.

□ 1230

Mr. MURPHY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I rise to urge my colleagues to pass the conference report on H.R. 1904, the Child Abuse Amendments of 1984.

Today we have the opportunity to vote on legislation which addresses some of the more troubling problems facing America's children and families.

It is a credit to both bodies and to our leader, Mr. MURPHY, that we've been able to take the difficult areas of child abuse, sexual abuse, family violence, and disabled infants at risk and deliver a responsible legislative response to the American people.

We've seen that if we act early, we can stop the cycle of family violence and we can help prevent the abuse and neglect of children. But help for State and local communities has been cut to the core. This legislation will bring necessary relief to State and local efforts, and will aid our research in this area.

This report, unanimously approved by the conference committee, reflects a truly bipartisan effort. Aware that child abuse reports have increased 123 percent since 1976, that child sexual abuse reports have increased 600 percent, and that shelters for abused women are turning away 8, 9, and 10 victims for every 1 they can take, conferees have recommended a significant commitment by the Federal Government to the victims of family violence.

I am pleased that the Child Abuse Amendments of 1984 will reauthorize this important program for 4 years and will provide additional assistance to States to address this deeply disturbing trend. I am also especially pleased that separate focus for the prevention and treatment of child sexual abuse, a program which I authored in the 1978 reauthorization but which was discontinued by the current administration, is reestablished and funded at $5 million for each of the 4 years. A new domestic violence program will provide modest Federal funding to help States assist family violence prevention and services projects.

THE CHILD ABUSE PROGRAM

I would like to highlight some of the areas where the conferees have strengthened the child abuse prevention programs. The definition of child abuse in the orginal act is amended to include employees of a residential facility or any staff person providing out-of-home care. Along with other efforts, this will help respond to the incidents of child sexual abuse in day care settings which have been so prevalent in recent news accounts. It will also address children who have been victimized in other institutional settings. The Select Committee on Children, Youth and Families and the Ways and Means Subcommittee on Oversight held a joint hearing on this subject last week and are working together to fashion additional responses.

We have made another effort to address abuse in institutional settings, including child care settings. The managers agreed that the Secretary of HHS should conduct a study of information sharing between child protective services and law enforcement agencies. Respecting the confidentiality of the parties involved, and the treatment versus prosecution roles of the respective agencies, has been a critical problem in various cases involving child abuse, and child sexual abuse especially. We hope this study will be helpful to States and localities in improving their information sharing.

H.R. 1904 reiterates the requirement in existing law that the Secretary of HHS collect and report statistics on the national incidence of child abuse and neglect. To date, that function has been carried out under contract with the American Humane Association [AHA]. Since 1976, AHA has provided annual incidence data on child abuse, based on State reports, that has permitted trends in this serious social problem to be identified. The very sharp increase in both child abuse reports, and actual cases, particularly sexual abuse cases, has been an important impetus for the conferees unanimous agreement to increase funding for the Federal Child Abuse Program. Not only has the AHA data forced us to acknowledge the increase in reports and actual cases, but it has added in our understanding that tragically, the severity of the cases has increased, and the age of the victimized child has lowered.

There is clear implication that the administration does not intend to continue to collect and report on child abuse statistics on an annual basis. The contract with AHA will end shortly, has not been renewed, and we have seen no indication that the adminstration plans to put it out for competitive bid. It is the intention of the conferees, however, that national incidence statistics continue to be collected and compiled. To establish the presence of critically important trends. It is imperative that statistics on the national incidence of child abuse and neglect be compiled on an annual basis. The welfare of abused and neglected children absolutely depends upon it.

THE BABY DOE PROVISIONS

H.R. 1904 includes an effort to address the highly complex problem of medical treatment for disabled infants with life-threatening conditions.

These are terribly sensitive issues which emerge at a time in parents' lives when they are experiencing grief and emotional trauma. Physicians caring for their offspring are also under enormous pressure at these times. Legislative remedies are often not able to respond adequately to these troubling situations. Nevertheless, the conferees have crafted a compromise in this ethically difficult matter which reflects the careful contribution of disability rights groups, medical and other health professionals, and deliverers of health care, and child advocates.

FOCUS ON CHILD SEXUAL ABUSE

H.R. 1904 reestablishes a special focus on the problem of child sexual abuse. No other problem that so painfully affects children has so rapidly come out of the shadows and into our awareness. The American Humane Association states there has been a 600-percent increase in sexual abuse reports since 1976. Sexual assault researchers report that anywhere from 1 in 10 to 1 in 3 adult women state they were sexually abused as children. Recent news accounts of sexual abuse in day care settings are the latest shocking development in this serious offense against our children.

To provide attention to the problem, and to encourage replication of successful family-oriented treatment models, I authored a separate sexual abuse treatment program within the Child Abuse Prevention and Treatment Act. An important feature of the program was the establishment of child sexual abuse treatment centers which offered in-service training, as well as teaching meterials, to disseminate effective treatment models. One of those centers is in San Jose, CA, and is headed by Dr. Henry Giarretto, the founder of Parents United—a self-help group for sexually abusing parents. The San Jose Child Sexual Abuse Treatment/Training [CSATP] has treated over 5,000 sexually abused children and their families, and its training workshops have resulted in the establishment of 106 additional CSATP's. It is important to note that 90 percent of abusing fathers who participated in this program were able to stop abusing their children.

Other sexual abuse training centers were located in the States of Washington, Illinois, Pennsylvania, and Tennessee.

In 1981, the administration repealed the authority to fund these highly successful child sexual abuse training centers. Consequently, the dissemination of proven, effective treatment methods was curtailed at the very time when demand for these approaches was increasing.

H.R. 1904 restores Federal resources to combat child sexual abuse. The conferees highlight the special contribution that these training centers have made to address the problem of child sexual abuse.

THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT

I am especially pleased that the conference committee has agreed that States should receive Federal assistance to provide shelters for abused women and their children. It has been an interest of mine since the matter first came to public attention in the late 1970's. My colleagues, Representatives LINDY BOGGS, BARBARA MIKULSKI, MARIO BIAGGI, and AUSTIN MURPHY, as well as many others, have labored long and hard to persuade the Congress to provide some measure of Federal assistance to local family violence projects.

With this legislation, Congress, for the first time, will be recognizing that the battering of women and children is a national problem requiring national solutions. We simply can no longer sweep the problem under the rug or pretend it is a private matter. What we are talking about here is crime—assault, battery, rape, and murder. And it is no less criminal if it is committed behind closed doors instead of out on the street.

Our legislation takes an important first step. It provides an immediate sanctuary. A safe haven for those women who flee in the middle of the night to protect their lives and the lives of their children.

As many as 6 million wives will be abused this year, with some 2,000 to 4,000 women beaten to death. We have heard testimony at our hearings before both the Select Education Subcommittee and the Select Committee on Children, Youth and Families about the terrible costs of family violence, about the fact that it affects rich and poor, young, and old, white, black, and Hispanic families.

The police understand the problem, they understand the impact of this crime. And they understand that about 40 percent of police injuries occur during responses to domestic complaints.

The Family Violence Prevention and Services Act provides $63 million, over 3 years, to assist States in developing, maintaining, and expanding family violence projects. While modest, the funding will provide critical support for grassroots family violence programs at a time when they are struggling to meet dramatic increases in demand for their services with seriously reduced resources. The Battered Women's Alternative, a program in my own community of Contra Costa County, CA, is an excellent example of a highly respected shelter program for abused women and their children, which works closely with voluntary and public agencies and law enforcement.

Let me highlight a few of the important features of our conference agreement on the Family Violence Prevention and Services Act.

Of the total funding, 85 percent will go to States, with no State receiving less than $50,000 in any single year. Of the funding received by States, 60 percent must support projects providing shelter services to family violence victims and referrals to related assistance such as family counseling, when appropriate.

Approximately $2 million each of the 3 years will be transferred to the Attorney General to train law enforcement officials in their response to instances of family violence. Remaining funds will be used by the Secretary to, among other things, conduct research into the causes, threatment, and prevention of family violence. The Secretary will also establish a national clearinghouse to collect, analyze, and report on the national incidence of family violence, and the provision of shelter services, and to disseminate information about available service models.

Local projects receiving assistance must match Federal funding with other non-Federal resources, including in-kind services, and including private support. Every consideration should be given to supporting new projects to aid communities currently without emergency shelter services for family violence victims.

Mr. Speaker, the conference report on H.R. 1904 is a bipartisan product forged in a true spirit of compromise. It has been unanimously approved by my colleagues on the conference committee. It reflects the support of child advocacy groups, sectarian and nonsectarian social service organizations, many women's groups, law enforcement organizations, medical and health associations, and other organizations such as the American Bar Association. I want to thank committee staff on both sides of the aisle, in both bodies, who have been especially diligent and cooperative in developing this legislation. I am especially appreciative of the continuing support and efforts of the organizations which worked closely with us to craft the Family Violence Prevention and Services Act. The list follows:

ORGANIZATIONS SUPPORTING THE FAMILY VIOLENCE AMENDMENT—PARTIAL LIST

Congressional Caucus on Women's Issues.
American Academy of Pediatrics.
American Association of University Women.
American Bar Association.
American Humane Association.
American Nurses Association.
AFL-CIO.
Association of Junior Leagues
Campfire, Inc.
Center for Women Policy Studies.
Family Service America.
Federally Employed Women.
Friends Committee on National Legislation.
General Federation of Women's Clubs.

Lutheran Council—USA—Office of Government Affairs.
Mississippi Federation of Business and Professional Women, Inc.
National Association of Black Law Enforcement Officials.
National Association of Women Businesses.
National Coalition Against Domestic Violence.
National Committee for the Prevention of Child Abuse.
National Conference of Catholic Charities.
National Council of Jewish Women.
National Council of Senior Citizens.
National Federation of Business and Professional Clubs.
National Institute for Women of Color.
National Organization for Victim Assistance.
National Organization of Women.
National Urban League.
National Women's Health Network.
National Women's Party.
National Women's Political Caucus.
People for the American Way.
Police Executive Research Forum.
Police Management Association.
Presbyterian Church, U.S.A. Washington Office.
Rural America.
Union of America Hebrew Congregations.
United Church of Christ, Office of Church and Society.
United Methodist Church, Women's Division, Office of Public Policy.
YMCA.
Women's Equity Action League.
Women's Legal Defense Fund.

After much deliberation concerning the Child Abuse Program, and after literally years of effort on behalf of abused women and their children, the time has come to enact this important legislation into law. I urge my colleagues to pass the conference report on H.R. 1904.

Mr. Speaker, I would like to thank the members of the committee, the minority side, and the staffs of both committees for their help in drafting this legislation.

Mr. ERLENBORN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, this was a good bill when I initially cosponsored it. Since that time, the bill has gone through many changes as a variety of interested parties have added their contributions to it, first in our House Education and Labor Committee, then on the House floor, the Senate and, finally, the conference committee. At each step, this bill has become better. We now have before us a meaningful, workable act to combat child abuse and family violence.

Best of all, this bill includes careful requirements for State child abuse plans to protect handicapped newborns from intentional neglect and abuse, coupled with a Federal effort to facilitate finding a home for handicapped children who have been put up for adoption. Every human being must be assured the maximum possible protection against physical abuse, especially handicapped babies who cannot fight for their right to receive treatment and sustenance. No one, I repeat no one, has the right to play God with the lives of these babies except God himself. Once the survival of these handicapped newborns is assured, we should then help find these children a loving home. Experience shows that there are more than enough families who will gladly adopt these children if given the chance. Let us in Congress never underestimate the love and concern that individual Americans will give to those in need.

As much as I support this bill, speaking on its behalf is only one of the reasons I rise today. At this time I wish to observe that this, I believe, may be the last major bill to come before us that has been significantly shaped by the hand of the ranking Republican Member of the House Education and Labor Committee, the gentleman from Illinois [Mr. ERLENBORN]. After two decades of service in this House, Mr. ERLENBORN is retiring. During my tenure on the committee, I have learned from his experience, benefited from his wisdom, and enjoyed his wit. His presence will be sorely missed in the 99th Congress. I wish him well and thank him for his key contributions to the measure before us.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank my colleague, the gentleman from Wisconsin [Mr. PETRI] for his kind remarks, and I would rush to yield him as much additional time as he would like if he would continue in that vein.

Mr. Speaker, I rise in support of the conference report on H.R. 1904, the Child Abuse Amendments of 1984 and to compliment the distinguished chairman of the Select Education Subcommittee, the gentleman from Pennsylvania [Mr. MURPHY] for his excellent overview of the terms of the conference agreement.

My remarks will focus on those provisions that embody a necessary and timely reaffirmation of a national policy of full and equal rights for disabled infants with life-threatening conditions. These infants are often referred to as Baby Doe infants.

The first important change involves improved procedures for reporting medical neglect cases. Cases of medical neglect include instances in which medically indicated treatment has been withheld from disabled infants with life-threatening conditions.

In order to qualify for State grant funds under the Child Abuse and Neglect Act, State child protective services systems must develop and implement procedures which will facilitate proper reporting of medical neglect cases. These procedures must be operational within 1 year and provide for:

First, coordination and consultation with designated individuals within health care facilities;

Second, prompt notification by designated health care personnel of cases of suspected medical neglect; and

Third, authority under State law for a State's child protective services system to pursue legal remedies to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

Importantly, the conference report specifically addresses the concerns of those who argued that the House version would force doctors and other health professionals to employ extreme or heroic measures to sustain a life, even if such treatment were futile. The conference report defines "withholding of medically indicated treatment" as the failure to respond to an infant's life-threatening conditions by providing treatment which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to ameliorate or correct all of the infant's life-threatening conditions.

Specific exemptions from this definition and State medical neglect reporting requirements are also established. These exceptions include: When the infant is chronically and irreversibly comatose; when treatment would merely prolong dying; when treatment would not improve or correct the infant's conditions or be futile in terms of the infant's survival, and when treatment would be virtually futile in terms of the infant's survival and the treatment itself would be inhumane.

A new State implementation program is established to assist States in developing and operating programs or procedures for the prevention of medical neglect. States may use their implementation grant funds for information and education or training programs for personnel concerned with the well-being of disabled infants and their parents. Implementation moneys also may be used for programs to help obtain or coordinate necessary services for families of these infants. Lastly, funds may be used for services needed to facilitate adoptive placement of these infants.

The authorizations for all programs under the Child Abuse and Neglect Act have been increased substantially. For fiscal year 1984, the conference agreement provdes $33.5 million; $40 million in fiscal year 1985; $41.5 million in fiscal year 1986; and $43.1 million in fiscal year 1987. The conference agreement further provides that, from the sums authorized, $5 million is earmarked annually for the new State implementation grant initiative.

The Secretary of Health and Human Services is given new authorities and responsibilities in this important cooperative effort to provide additional

protections and services to these babies. The Secretary must provide training and technical assistance to the States to assist them in developing and implementing programs and procedures to meet the new State medical reporting requirements. The Secretary is also required to establish and operate national and regional information and resource clearinghouses to provide the most current and comprehensive information regarding medical treatment procedures and resources as well as community resources for the provision of services and treatment for Baby Doe infants. Regional directories of community services and resources, including the names and telephone numbers of State and local medical organizations, must be compiled, updated, and disseminated to assist parents, families, and physicians, and to coordinate appropriate regional education resources for health-care personnel.

For these purposes, up to $1 million may be used annually from funds authorized for research and demonstration and other discretionary grant activities.

Finally, the conference agreement requires the Secretary to publish model guidelines to encourage the establishment within health care facilities of committees to educate hospital personnel and families of disabled infants with life-threatening conditions. These committees would recommend institutional policies and guidelines concerning the withholding of medically indicated treatment from such infants, offer counsel, and review cases involving Baby Doe infants.

Mr. Speaker, the disabled infants provisions incorporated in the conference report address a myriad of difficult social and ethical issues. The conference agreement is the product of months of painstaking deliberations. Members of both parties in both Houses gave generously of their time and effort, as did administration representatives and a host of experts from the medical, hospital, disability, and pro-life communities. There was an ongoing and open discussion of the issues and of alternative resolutions of these issues. No single point of view prevailed. The conference agreement represents the best efforts of many to afford additional and critical protections and services to Baby Doe infants. The disabled infants provisions of the 1984 Child Abuse and Neglect Act Amendments are a product of thoughtful and compassionate compromise.

Let me again commend by colleague from Pennsylvania [Mr. MURPHY] as well as the distinguished chairman of the Senate Labor and Human Resources Committee [Mr. HATCH] and the chairman of the Subcommittee on Families [Mr. DENTON] for their steadfast commitment to bring this landmark legislation before both Houses of this Congress. A special word of thanks also goes out to all of the interested individuals and groups who have participated in developing this important measure. I urge my colleagues on both sides of the aisle to join me in voting to adopt the conference report.

□ 1240

Mr. MURPHY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, since 1974, the National Center on Child Abuse and Neglect [NCCAN] has provided support for an annual national data collection of reported cases of child maltreatment. It provides the only nationwide, hard data on the incidence of child abuse and neglect.

I was concerned to learn that funding has been provided for this national data collection effort only until the end of the year when the collection effort for fiscal year 1982 will be completed. So far, the Department of Health and Human Services has made no effort to assure that the 1983 data be collected and disseminated.

Last week the Select Committee on Children, Youth, and Families and the Ways and Means Oversight Subcommittee held joint hearings on child sexual abuse in day care settings. During the hearing witnesses testified about the importance of the reporting statistics. The 1982 report analyzes the trends in child abuse reporting since the early 1970's until the present. Since the data is collected from State agencies, it gives us a good sense of what is being reported to public agencies, how the cases are being handled, what proportion of the cases are being substantiated, where the reports are coming from, what kind of treatment services those families are getting, how many cases go to court, and what ages the children are. It provides critical information to policymakers at the State, local, and Federal levels who are seeking to combat child abuse and neglect.

Since its beginning, the American Humane Association has collected the national data. They have worked unceasingly with States which provide child abuse and neglect data voluntarily. Experts in the field testify that AHA has successfully helped States upgrade their reporting efforts and that the data has improved markedly over the last decade. The American Humane Association has been notified that their services will no longer be needed after the end of the year when the current data collection effort is completed.

If the intent of the administration is to offer the reporting system up to competitive bids, fair and square, I would not be concerned. However, we have no assurance that HHS will continue funding the data collection effort which is crucial to our efforts to fight child abuse and neglect. In fact, I am appalled that the administration's actions may indeed jeopardize the national data collection effort for the next year and may represent a reduced Federal commitment to this vital effort.

I must say that the excellent data collected and reported by the AHA has shown the very sharp increase in both child abuse reports and actual cases, especially sexual abuse cases. It has been an important impetus for the unanimous agreement of the conferees to increase Federal funding for the Federal child abuse program.

I too am concerned that it appears that the current administration does not intend to continue to collect and report on child abuse statistics on an annual basis. The contract with AHA will end soon, will not be renewed, and no further effort has been made to offer it to another organization or for competitive bidding to assure the continuity in reporting that is so important.

It is the intention of the House conferees that national incidence of abuse statistics continue to be collected and compiled on an annual basis. The welfare of abused and neglected children absolutely depends upon it.

My fear is that the national data collection effort will be terminated or downgraded. One way to avoid spending money on child abuse is to pretend that there is no longer a problem. One way that this administration has frequently achieved this is to stop collecting data. We have seen the data collection effort in the Federal Government come to a standstill in many vital areas. It gives me pause that the same could happen with the child abuse and neglect reporting system. I think it is important for the Department of Health and Human Services to realize how important Congress thinks this system is and that they take speedy action to assure the continuity of reporting that we all want and need.

Mr. Speaker, dealing with family violence is one of the great concerns I have, and I compliment this group for the wonderful piece of legislation they have come forward with, because it is so comprehensive. Starting the week of October 8, we will be focusing on family violence, a thing that we all deplore and are concerned about how it is growing. This bill is a very important step forward, so I really salute the committee for all the hard work they have put in.

Mr. MURPHY. Mr. Speaker, I thank the gentlewoman for bringing this matter up.

We found that in our lengthy hearings during the past 2½ years that reports of child abuse and neglect have greatly increased by 123 percent in the past 3 years alone in the reporting.

child abuse under this legislation. The conference agreement expands the definition of child abuse to include withholding of medically indicated treatment of severely handicapped infants. Specifically the measure requires States receiving Federal child abuse prevention grants to incorporate programs and procedures to prevent medical neglect of handicapped infants into their existing child protection systems. Medical neglect would include withholding of medically indicated treatment from infants with life-threatening conditions.

The State procedures must include ways to ensure prompt reporting by doctors, nurses and other health care professionals of suspected medical neglect. Obviously the Child Abuse and Treatment Act to be most effective must continue to respond to the changing technological and scientific advances in our society by assuring that all children continue to receive protective services, especially when medical treatment is an appropriate intervention strategy that can be used to save a life. The right to life—for all children—is further enhanced by this legislation—which recognizing that children born with handicaps can and should be given every reasonable possibility for survival.

I also wish to note a special earmarking in this bill of $5 million each year for sex abuse prevention and treatment programs. It was the 1978 amendments to this act that expanded the definition of child abuse to include victims of sexual abuse—including those caught up in the vicious web of child pornography. H.R. 1904 continues this important emphasis. The bill also revises the definition of sexual abuse to more closely conform with recent court decisions including the important Ferber decision in New York, in order to assure all acts of exploitation are contained in this definition.

It should also be noted that no more than $1 million is authorized to be provided for training and technical assistance in order to assist in the implementation of the so-called Baby Doe provisions. When appropriations fall below $30 million, funds shall first be provided for the child abuse program through State grants and research and demonstrations. The remaining funds are to be equally divided between sexual abuse prevention and treatment programs and programs for medically neglected infants.

Let me address myself to several other key features of this bill. Under H.R. 1904, we have expanded the definition of child abuse to include acts by a person who is an employee of a residential facility or any person providing out of home care including day care. This responds directly to shocking reports of child abuse including sexual abuse of children in federally funded day care centers. It is not a hypothetical problem—it is a clear and present threat to an increasing number of children. In New York City alone there have been 77 reported cases of abuse in day care centers—just in the first 7 months of 1984. With this bill we broaden the scope of our prevention efforts and hopefully assure that we extend protective services to children outside the confines of the home.

I realize that is only one dimension—but it is an important one. Emotionally, we want to go after the abusers—but our response proves wanting unless we care for the victims. Ultimately, we must condition future Federal aid to States having programs under which all day care centers are licensed and employees screened. This approach is embodied in legislation I have sponsored, H.R. 6207, that would condition the more than $750 million we now spend in Federal funds on day care to meeting these standards. I applaud the House action yesterday in approving the Miller amendment providing $50 million to States to improve training of day care personnel.

Another important feature of this conference agreement is the amendment I was proud to sponsor calling for a first time study establishing the relationship between child abuse and the nonpayment of child support. This amendment grew out of field hearings I conducted which indicated that the nonpayment of child support represented a form of economic child abuse which claimed more than 13 million children as victims. I was proud to be in attendance earlier this year when President Reagan signed into law the Child Support Enforcement Amendments of 1984 aimed at improving our abilities to collect delinquent child support payments. I view this amendment to be complementary to that effort and look forward to the recommendations which will eminate from the study.

I was proud to have played a lead role in the enactment of title III of this conference report—the Family Violence Prevention and Treatment Act. This provision earmarks $63 million to programs and services aimed at helping the victims of family violence. These include the victims of elder abuse. As an original member of the House Select Committee on Aging which has done extensive work in this area, it is time that we recognized that abuse is an intergenerational problem. I developed two provisions in title III which will help ensure services reach the victims of elder abuse. First in the definition of family violence, elder abuse is included. Second, there is a nondiscrimination provision to guarantee that seniors are not turned away from shelters because of their age. One other related feature—under 1904 a national incidence study on the problem of elder abuse is called for which will help us a great deal in the allocation of future resources.

Another important feature of title III is the $2 million authorized for the training of law enforcement personnel in order to assist them in responding to incidents of family violence. This technical support is critical for local agencies who too often fail to work for appropriate coordination within their communities to assure the most effective and efficient responses to these types of problems. These funds will provide law enforcement agencies with the resources to assist them in this effort and recognizes the especially important role of these officials in prevention efforts.

These provisions are important in order to assure age-integrated services in communities. In response to a 1981 survey of 500 shelters nationwide, which I conducted in my capacity as Chairman of the Human Services Subcommittee of the House Aging Committee, we learned that many shelters cannot serve abused elders. First, they lack adequate resources. Second, they do not have adequately trained personnel that are able to provide services to abused elderly, whose needs are often vastly different from abused spouses.

In order to provide the benefits of funded research to the widest possible audience, the bill also establishes a National Center on Family Violence Prevention, which will collect and analyze data and disseminate the findings of research. I am pleased that two of the research mandates of the clearinghouse include provisions which I authored one, which will require a national incidence study to ascertain the extent of elder abuse in this country and two, which will examine the impact of mandatory reporting laws on adult protective services. Both these studies must be conducted in coordination with the National Institute on Aging and the Administration on Aging.

The issue of mandatory reporting has major implications for the effective prevention and treatment of elder abuse. To date, 27 States have laws which mandate the reporting of elder abuse. However, many researchers and service providers have argued that mandatory reporting has a negative impact upon individual elders and the aged as a group. In the indivdual case, according to a spring 1982 article in Family Law Review the existence of mandatory reporting will result in the invasion of traditional priviledged relationships between professionals and clients which could trigger solutions such as premature of unnecessary institutionalization or guardianship.

As a charter member of the Select Committee on Aging, I have long argued against the warehousing of

This absolutely encouraged our committee to tackle this problem with a great deal more sincerity and to devote more time to it.

It is our hope and it was the hope of the conferees that these statistics gathered by the American Humane Association would continue to be collected by the administration.

Only by focusing on the numbers and the massive amount of child abuse and particularly child sexual abuse that exists in our country have we been able to design the bill and go to conference and come out with a conference that we have. We cannot hope to combat child abuse unless we gather the statistics that give to all the law enforcement agencies and give to all the child welfare agencies nationwide the ability to cope with a problem of this magnitude.

When I visited Atlanta and discussed with the chief of police of Atlanta during the terrible incidents of the slayings they had, he told me that in the course of their investigation that they had a 500-percent increase in reported child sexual abuse, because they were trying to get to the core of solving a tremendous number of cases there and he said that he hoped that the Nation did not experience the magnitude of the reporting that he was now finding.

I thank the gentlewoman for bringing this to our attention.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for his cooperation.

Mr. MURPHY. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I want to commend the chairman. I want to commend my friend, the gentlewoman from Maryland, BARBARA MIKULSKI, and the gentlewoman from Louisiana, LINDY BOGGS, and all those who worked on this.

The whole bill is important. I want to zero in on one little vignette of the bill that I thought was important enough to ask my dear colleague to add in, and he did, and that is the fact that we have to take a look at elder abuse as well. You know, one out of six elder Americans are abused and very often these are the kinds of crimes not reported. One of the reasons they are not reported is the intimidation and the psychological stress related to it. Very often they are done by families particularly where there is high unemployment so it is very important to have the data so that we can relate to a solution to this problem.

This is why I am especially pleased that as part of family violence we look at child abuse, we look at battered women in other areas, but we also look at something that is more subtle, but just as real, and that is the problem of elder abuse.

I thank my colleague, the gentleman from Pennsylvania, for adding that section to the bill and I am very, very pleased with it and I am pleased, in fact, with the whole bill and all the hard work that I think the gentlewoman from Maryland [Ms. MIKULSKI] and others have worked on for 7 or 8 years on this bill and to see it come to fruition is very, very important. It is an historic day.

I thank the gentleman for yielding.

Mr. ERLENBORN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MURPHY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Ms. MIKULSKI].

□ 1250

Ms. MIKULSKI. Mr. Speaker, the House acts best when it acts on a bipartisan basis. I would like to thank my colleagues on the House Education and Labor Committee for the wonderful work they have done on this legislation.

As a social worker, I witnessed firsthand the tragic impact that this problem has had on families of every social class and in every neighborhood. These experiences have made the prevention of child abuse and family violence a priority with me. I have been in the homes of the battered and the shelters who gave sanctuary.

This is why I came to Congress. As a social worker I could help 60 families. But with this legislation we can help nearly 6 million wives who are abused by their husbands each year; we can help those who have been victims of physical battery, the single major cause of injury to women, exceeding even rape and mugging.

We can help over 1 million children who are abused each year. We can also help the police who spend one-third of their time responding to family violence calls. Over 30 percent of the police killed in the line of duty are killed responding to these calls.

No wonder Hill Street is so blue.

These millions of victims, particularly women, children, and the elderly, live in danger, fear, and isolation. Most shelters provide immediate safety and services 24 hours a day yet the budget cuts at the State level and in title XX, CETA, and many other programs have resulted in 76 percent of the shelters reducing their services.

Now many shelters turn away 10 victims for every 1 they serve due to the lack of space. This legislation will provide important resources.

If we have money to provide shelters for the MX missile we surely should have money to provide shelters for families who have been battered.

I yield back the balance of my time.

● Mr. BIAGGI. Mr. Speaker, as a cosponsor of H.R. 1904 and a member of the conference committee which produced this conference report, I urge its prompt adoption by the House today. In my judgment, we are doing far more than reauthorizing the Child Abuse Prevention and Treatment Act for 4 years. We are in fact renewing our commitment to fight the scourge and horror of child abuse and neglect—with actions rather than just with words.

Yet, in reality, the conference report to H.R. 1904 goes well beyond addressing the issue of child abuse. It in fact recognizes and responds to one of the most disturbing problems in American society today—the problem of family violence. For the first time, we have directed specific funds for family violence prevention in title III of this bill to assist its victims—who are of all ages.

I was a Member of this body in 1974 when the Child Abuse Prevention and Treatment Act was first enacted. I was a proud original sponsor of the measure. It was considered a landmark law at that time—for it was the first time the Federal Government had responded to this problem. I remember the first bill I authored as a newly elected Member of the House in 1968 was a Child Abuse Prevention Act, and I have worked on the legislation ever since.

Today as we evaluate the effectiveness of the Child Abuse Act over its 10 year history—we can only give it mixed reviews. It has been crippled by a chronic lack of adequate funding to meet the growing challenges associated with child abuse prevention. Yet despite this major shortcoming, progress has been made—we find its programs have developed an important base of supportive prevention and treatment efforts to deal with this problem. We have seen a dramatic increase in the number of cases of child abuse being reported from 10 years ago.

Yet as we complete this reauthorization process, we see that far from abating, the child abuse problem is in fact proliferating in this Nation. In 1982 alone, more than 929,000 were reported nationwide. The challenge was before Congress to beef up the child abuse law and make it work. I believe we have done that and more.

Specifically, this bill provides for increases in funding levels for child abuse programs as follows: a total of $158.1 million through fiscal year 1987 with $33.5 million in fiscal year 1984, $40 million in fiscal year 1985, $41.5 million in fiscal year 1986 and $43.1 million in fiscal year 1987. Not less than $9 million is available per year for State grants and a floor of $11 million is available each year for research, demonstration and information dissemination activities.

One of the more important features of this legislation is in the form of another expansion of the definition of

seniors just because they are old. I feel that in many instances, mandatory reporting laws hurt—rather than help—abused elderly family members and serve to merely reinforce the negative age-based sterotypes which continued to charaterize adult protective service programs.

It is our intent that this research will encourage more appropriate models for the prevention and treatment of the elderly. These models should be similar to those used in treating abused spouses: the establishment of support groups, temporary shelter facilities, economic assistance to promote or retain self-sufficiency and programs aimed at developing a more positive self-image.

I pledge my own resources to working with the Department in this area to assure that all family violence program and projects appropriately respond to the needs of the elderly. A recently released report by the Department of Justice's Task Force on Family Violence, as well as an April 1984 report by the Bureau of Justice Statistics, both confirmed the need for greater attention in this area.

I am pleased that the Family Violence Prevention and Service Act embodies the collective concerns of professionals and community service providers around the country. It is the culmination of the efforts of the Education and Labor Committee, as well as the Select Committee on Aging and the Select Committee on Children, Youth and Families. I also wish to note the special contributions of the distinguished former chairman of the Aging Committee, CLAUDE PEPPER, for his active role in bringing the problems associated with elder abuse to public attention.

I also wish to commend our subcommittee chairman, AUSTIN MURPHY, for his dedicated leadership in steering this bill through the legislative process. His concern for abused children and his recognition of the special problems of family violence deserve our praise. The Baby Doe provisions contained in this bill are in place primarily due to the dedicated efforts of our distinguished ranking Republican, JOHN ERLENBORN, who has led the fight to gain recognition for this special population of handicapped children. Upon his retirement at the end of this session, he can look to this legislation knowing that he has made a valuable contribution of preserving the lives of future children born with handicapping conditions.

This bill had been the subject of months of negotiations and the final product deserves bipartisan support. It combines the concerns of many concerned individuals and organziations dedicated to assisting the more vulnerable members of society in times of crisis. It seeks to prevent abuse before it occurs—and educate families, law enforcement personnel, social services providers and communities—in the most effective strategies which can prevent these problems before they occur. I am proud to have been involved in the development of this legislation and urge my colleagues to support this landmark legislative achievement.●

● Mr. OWENS. Mr. Speaker, I would like to take this opportunity to express my support for the Child Abuse Amendments of 1984. The 1984 amendments reflect an attempt to take a more active role in addressing this horrendous problem.

I believe that all who have participated in the development of the amendments are to be commended for the broad approach of the bill. Title III, which provides for State demonstration projects to prevent family violence, is particularly significant. Abuse of the vulnerable should not be tolerated just because it takes place within the home environment. Even as children should not be abused, they should not be subjected to witnessing the abuse of a parent or grandparent. Our children view us as strong, all-knowing protectors. It has got to be terrifying for a child to see the person that he or she depends upon abused or abusing. A home should be a place of nurturing shelter, not a house of horrors.

I want to also take this opportunity to commend the many care givers who have become sensitized to the problem of abuse. It is encouraging to hear stories about children being asked about how injuries occurred and adults are being offered support when injuries are intentionally inflicted on them. It is my hope that the 1984 amendments will serve to support this growing awareness and concern on the part of health care practitioners, teachers, and social workers who have contact with families.

There are those who say that abuse has always been with us. That is true, and yet, that is no reason to accept the unacceptable. Let us all take this opportunity to commit ourselves to protecting the most vulnerable amongst us.●

● Mrs. BOGGS. Mr. Speaker, I am extremely pleased to support adoption of the conference report on H.R. 1904, the Child Abuse Amendments of 1984.

This legislation represents a significant commitment by this Congress to the victims of family violence in our Nation—both abused children and abused adults. As we heard over and over again in testimony before the Select Committee on Children, Youth, and Families, in recent years incidents of child abuse, especially sexual abuse, have increased well over 100 percent. Injuries from abuse are becoming more severe, and involve younger and younger children.

We have also known, for many years, that battered women across our Nation number in the millions. We know that 2,000 to 4,000 are beaten to death each and every year.

In my own district in Louisiana, Crescent House, a shelter for battered women in New Orleans operated by Associated Catholic Charities, served 590 abused women and their children last year. The shelter had to turn away 782 people for lack of space.

This legislation says to the victims of family violence—we hear you and we are prepared to help. I commend my colleagues in the Congress for their careful deliberation and their firm and strong response.●

● Mr. RINALDO. Mr. Speaker, I rise in support of the conference report to H.R. 1904, the Child Abuse Amendments of 1984.

While all sections of this landmark legislation are equally deserving of the House's support, as ranking minority member of the Select Committee on Aging, I want to call particular attention to title III of the bill. Title III deals with family violence in general and elder abuse in particular.

I brought the Aging Committee to Union, NJ, in April 1980, for a fact-finding hearing on this subject. Testimony of sociologists, aging service providers, and senior citizens themselves all agreed that elder abuse was occurring in far greater instances than previously believed, and that only a concentrated plan of attack that reached the root causes of abuse and involved all levels of government and the private sector promised relief.

In November 1983, the New Jersey Division on Aging and Kean College helped sponsor a conference on elder abuse, and a study released by the New Jersey Divisions on Aging and Youth and Family Services at the conference found that up to 8,000 older persons statewide are victims of some form of elder abuse—financial, psychological, or physical—each year. The study revealed that in New Jersey, the victims tended to be female, over age 75, suffering from poor health, and victimized predominantly by relatives over the age of 40. Other studies conducted nationally and in other States made similar findings, and estimates are that as many as 5 percent of America's elderly are victimized annually.

In February of this year, I joined with several of my colleagues on the Aging Committee, including Chairman ROYBAL, the chairman of the Human Services Subcommittee, Mr. BIAGGI, and our distinguished colleague from Ohio, Ms. OAKAR, in urging support for the Family Violence Protection and Services Act amendment to H.R. 1904, introduced by the gentleman from California, Mr. MILLER. The House adopted the Miller amendment,

now title III of the Child Abuse Amendments of 1984.

As agreed to by the conference committee, this legislation provides up to $63 million over the next 3 years for temporary shelters for abused victims—who often have nowhere to go—transportation, temporary food, clothing, medical services and information, and referral to other community services. A National Center on Family Violence within the Department of Health and Human Services would disseminate information and conduct ongoing research into the causes of family violence—including elder abuse—and its prevention and treatment, while the Attorney General is authorized to provide up to $2 million in grants to help train local law enforcement agencies who must respond to incidences of family violence.

I am concerned that the conference report contains no language which would specifically require the Secretary of Health and Human Services to coordinate and consult with both the Administration on Aging and the National Institute on Aging in carrying out the sections of the bill dealing with elder abuse. The Administration on Aging [AOA], as the sole Federal agency charged with coordinating Federal aging policy, is in an ideal position, along with its State and area agencies on aging throughout the country, to act to bring elder abuse resources together in a cohesive, nonduplicative way. Indeed, AOA has already conducted several research and demonstration projects in the area of elder abuse through title IV of the Older Americans Act, and many State and area agencies on aging are actively involved in elder abuse research or various services to victims and potential victims. Moreover, while the National Institute on Aging has no elder abuse activities underway at the present time, elder abuse is within the purview of NIA's Behavior Sciences Research Program. I am hopeful, however, that such coordination and consultation will result as a matter of course, and plan to monitor this matter.

Other actions are necessary. Adequate funding for aging programs which enable the older citizen to get out of the house and interact with others will both lessen the opportunities for elder abuse and increase the likelihood that it will be detected. Likewise, legislation I have introduced to provide an income tax credit to those families who care for an older family member in the home would strenghten the traditional extended family while relieving financial pressures which sometimes lead to abuse.

Efforts to reduce alcohol and drug abuse, violence in the media and pornography will help reduce tensions which may foster domestic violence.

At the same time, the just-concluded year-long study by the Attorney General's Task Force on Family Violence has called for swifter action in arresting and punishing those guilty of abuse. While some may balk at increased intervention by authorities in what the report calls traditional family matters, the report, in calling for a crackdown on all forms of domestic violence, correctly observes that violence is a crime, whether it's committed inside the home or on the street; whether it's committed by a loved one or a stranger. I urge our State and local lawmakers to carefully consider the report's recommendations that individuals charged with violent family crimes be arrested regardless of the victim/alleged attacker relationship, that overnight incarceration of persons arrested for incidences of family violence be allowed in appropriate cases, and that the violation of a protection order issued in a family violence case be considered a criminal offense.

Legislation alone is not enough, of course. Attitudes about the old must change. Programs and activities which bring young and old together—schoolchildren adopting residents of a local nursing home for periodic visits, for example—will help erase myths and promote greater mutual understanding and respect across the generations.

Mr. Speaker, the groundwork for a comprehensive assault on this humiliating crime has been laid. Adoption of the conference report to H.R. 1904 is a major first step forward.

I urge my colleagues to approve this legislation.●

● Mr. ROYBAL. Mr. Speaker, I rise today in support of H.R. 1904, the Child Abuse Prevention and Treatment Act Amendments of 1984. As the chairman of the Select Committee on Aging I would like to take this opportunity to express my strong support for this most important legislation. Not only does this legislation deal with such difficult issues such as care for severely handicapped infants and adoption, but it also addresses the issue of family violence and elder abuse. It is the latter that I wish to speak about today.

Family violence is a national problem and of epidemic proportions, according to a Department of Justice report released last week. Research on family violence in the 1970's uncovered the existence of elder abuse. Since then various efforts have been undertaken to document and address this problem. The Select Committee on Aging, in 1979, held its first of four congressional hearings on the subject of elder abuse. The committee has attempted to document the incidence of such abuse and estimates that anywhere from 500,000 to 2.5 million elderly persons are abused each year. The reason for such a large discrepancy in numbers is because estimates of abuse are based only on cases reported to social service agencies, and few States have mandatory reporting laws. Also, many physicians and psychotherapists in the private sector seldom report cases of abuse to these agencies. Thus, it appears that these estimates may be but a fraction of the total number of cases.

Included in this legislation are several important and meaningful provisions. Specifically, I would like to highlight those that pertain to the issue of elder abuse. They are as follows:

Title II of the act establishes the Family Violence Prevention Services Act of 1984.

Funding is authorized for this title at $11 million for fiscal year 1985 and $26 million for fiscal years 1986 and 1987.

Funds would be provided to local organizations for the primary purpose of providing temporary shelters to abused victims and dependents. Other types of programs that could be funded include referral and information, transportation, temporary food, clothing, and medical services.

It establishes a national clearinghouse of family violence which is directed to conduct research and disseminate information on the problems associated with abuse of the elderly. The two specific research activities that the Secretary is required to conduct through the center are first, a national incidence study on the number of abused elderly and second, a study to assess the impact of mandatory reporting on the ability to assist and treat victims of elder abuse.

In order to assure that the elderly receive fair and equitable treatment in programs funded by this act, there are added provisions to assure nondiscrimination based on age.

The act defines family violence as including abuse between family members, including the elderly.

As chairman of the Select Committee on Aging, I would like to commend the conferee's on their insight to the needs of the elderly. I would especially like to commend and thank my colleague, MARIO BIAGGI, for his tremendous contribution as a conferee and as a ranking member of the Select Committee on Aging regarding the issue of elder abuse.

I support immediate approval of this conference report and urge my colleagues to join me in doing so.●

● Mr. LEVINE of California. Mr. Speaker, I rise in strong support of the conference report on the Child Abuse Amendments of 1984, which would extend the Child Abuse Prevention and Treatment and Adoption Reform Act through fiscal year 1987. This bill has received overwhelming bipartisan

support from my colleagues in both the House and the Senate.

Key elements of the bill include assurances that severely handicapped infants receive adequate appropriate medical care, the establishment of a new program to prevent family violence and to shelter family violence victims.

There is a tremendous need to combat this violence. Abuse at home continues to escalate. The single major cause of injury to women is battery. Annually, some 2,000 to 4,000 women are beaten to death. Evidence clearly indicates that family violence is getting worse, women aren't the only victims. Oftentimes children, men and elderly persons are abused.

Across the Nation, efforts are being made to prevent family violence. Many educational programs are being developed by local and State agencies. However, they cannot possibly fill the void that is left by the dramatic reductions in Federal support. To counter these reductions title III of this legislation authorizes $11 million in fiscal year 1985 and $26 million in each fiscal 1986 and 1987 for State demonstration projects designed to assist States in their efforts to prevent family violence and to provide shelter and related assistance, such as, counseling self-help services to abusers, victims, and their dependents. Also, a national clearinghouse on family violence will be established which includes elder abuse and calls for the coordination of elder abuse programs and activities.

This conference agreement also includes a House provision earmarking $2 million in each of the next 3 fiscal years for training programs to enable our law enforcement officials to better handle family violence. It is estimated that law enforcement officials spend one-third of their time responding to domestic violence calls. The FBI has reported that 25 percent of all police officers killed in the line of duty, and 40 percent of those injured, were responding to incidents of family violence.

Over the last few months, we have learned with shocking horror that a few day-care workers are child molesters. Congress has a responsibility to address this heinous problem. This conference report contains provisions which will hold accountable all persons who abuse children. This includes employees of residential facilities and staff persons providing out of home care—such as child day care facilities. The primary focus is to encourage States to establish procedures for investigating and addressing reported cases of child abuse or neglect of children of all ages. As the father of small children, I am personally committed to Congress' continued attention to these concerns.

Mr. Speaker, while I know that this legislation will not completely rid our country of child abuse, it is a step toward that goal. I urge all of my colleagues to support this urgently needed legislation.●

● Mr. CONTE. Mr. Speaker, I rise in support of the conference report on H.R. 1904, the Child Abuse Amendments of 1984.

The statistics on child abuse in this country are grim testimony on the need for this legislation. National reports of child neglect and abuse increased by 106 percent between 1976 and 1981, and that's only the tip of the proverbial iceberg. It is estimated that for each reported case of abuse, at least two more are suspected but not reported.

A survey by the National Committee for Prevention of Child Abuse indicates that in recent months, reported incidence of child abuse continued to climb in 45 States, more than 38 States reported noticeable increases in reports of sexual abuse of children, and more than one in four States reported an increase in child-abuse-related deaths in 1982, Yet, due to budget constraints, State and local services are being cut as caseloads grow. Agencies are forced to review cases based on the severity of the report, often ignoring reports of abuse to children over age 12.

In addition to the well-documented tragedy of child abuse, the broader category of family violence is addressed by this legislation. I was proud to be a cosponsor of the original House amendment that extended this legislation to include this growing problem.

It is estimated that our law enforcement officials spend one-third of their time responding to domestic violence calls, and the FBI has reported that 25 percent of all police officers killed in the line of duty, as well as 40 percent of those injured, were responding to incidents of family violence. Reports have revealed that over 6 million wives are abused by their husbands each year, and some 2,000 to 4,000 women are beaten to death annually. With respect to the elderly, the Select Committee on Aging has found that there are approximately 600,000 cases of elder abuse each year.

Private charitable organizations are to be commended for having taken the lead in providing much needed shelter and support services for family violence victims. Like child abuse programs, however, these agencies are simply unable to meet the ever-increasing need for these services. Some reports have indicated that for every person that these organizations help, 10 people must be turned away.

Mr. Speaker, this intolerable situation must be reversed. The conference report we consider today would provide a necessary measure of Federal assistance to help stem the tide of this national tragedy. On behalf of battered women, children, the elderly, and police officers who must respond to these calls, I urge my colleagues to join me in supporting this legislation.●

GENERAL LEAVE

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ERLENBORN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY. Mr. Speaker, I have no further requests for time and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 1904, CHILD ABUSE AMENDMENTS OF 1984

Mr. MURPHY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 364), to correct technical errors in the enrollment of the bill (H.R. 1904).

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Clerk of the House of Representatives shall make the following correction: Strike out the title and insert in lieu thereof the following: "An Act to extend and improve provisions of laws relating to child abuse and neglect and adoption, and for other purposes.".

Mr. MURPHY. Mr. Speaker, the concurrent resolution simply corrects a technical error by changing the title of the act to reflect the new provisions agreed to by the conferees.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1985

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes.

Mr. EDWARDS of Alabama reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE REPORT ON H.R. 6257, MOTOR THEFT LAW ENFORCEMENT ACT OF 1984

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until midnight tonight to file a report on H.R. 6257, the Motor Vehicle Theft Law Enforcement Act of 1984, which was reported unanimously by the committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMPREHENSIVE SMOKING EDUCATION ACT

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3979) to establish a national program to increase the availability of information on the health consequences of smoking, to amend the Federal Cigarette Labeling and Advertising Act to change the label requirements for cigarettes, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 1, strike out "FINDING AND".

Page 2, line 2, strike out all after "SEC. 2." over to and including "(b)" in line 1 on page 3.

Page 4, lines 10 and 11, strike out "sale, distribution, use," and insert "use".

Page 10, line 22, strike out "time."." and insert "time.".

Page 10, line 22, insert:

(d) Subsection (a) does not apply to a distributor or a retailer of cigarettes who does not manufacture, package, or import cigarettes for sale or distribution within the United States.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. WAXMAN. Mr. Speaker, reserving the right to object, and I will not object, I only seek this opportunity to commend the gentleman from Michigan for his leadership in steering this legislation which has been quite controversial through to this point and expected passage. It is a monumental effort on his part and it shows his great leadership and skill that he has as a legislator that we are now at this point in the legislative process and about to adopt very important, significant public health legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. SYNAR. Mr. Speaker, reserving the right to object, I will not object, but I take this opportunity to commend the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] and the chairman of the subcommittee, the gentleman from California [Mr. WAXMAN], the gentleman from Tennessee [Mr. GORE], and others who worked so tirelessly on this project.

This has been a long 18 months, but I think today that we are passing one of the major consumer reform pieces of legislation of this Congress, and I am proud to be associated with these two gentlemen who have worked so hard on this legislation.

Mr. DINGELL. Mr. Speaker, would my dear friend yield?

Mr. SYNAR. I yield to the chairman.

Mr. DINGELL. I want to thank the distinguished gentleman from California [Mr. WAXMAN] for his kind comments and also my good friend from Oklahoma [Mr. SYNAR].

It should be observed that many have participated in this undertaking. Certainly the distinguished gentleman from California, the chairman of the subcommittee, has provided the enormously valuable initial leadership, with the committee's distinguished member, the gentleman from Oklahoma, who was continuously interested in working toward a resolution of these problems and the issues associated with this, as was our good friend and colleague from Tennessee [Mr. GORE]. Certainly there is an abundance of credit that can be afforded to all of the members of the committee and the Members of this body and the Members of the other body for the work that they have done, including that of my good friend from Utah [Mr. NIELSON], and the senior minority member, the gentleman from North Carolina [Mr. BROYHILL].

Mr. Speaker, the Comprehensive Smoking Education Act, H.R. 3979, which the House today passed and sent to the President will make a significant contribution to reducing the shocking toll of death and disablement that smoking inflicts upon ill-informed American consumers. It is estimated that smoking makes a major contribution to more than 300,000 unnecessary and painful deaths in this Nation each year. Millions more suffer varying degrees of disability as a result of smoking and millions of pregnancies are complicated by the effects of prenatal smoking.

The health groups, Congressmen WAXMAN, GORE, and SYNAR and Senator WENDELL FORD deserve special gratitude for working out the new agreement that made enactment of this important legislation possible.

An agreement was originally hammered out after more than a year's difficult negotiations between the health groups, Congress, and the tobacco industry, represented by the Tobacco Institute. When the Tobacco Institute was unwilling or unable to carry forward its part of the agreement and win Senate approval of the House-passed bill, the agreement died and it appeared that the legislation had died with it. Senator FORD, the health groups, and the concerned Congressmen, however, were able to fashion a new agreement which resulted in today's important action.

This and future generations of Americans will benefit enormously from the enactment of H.R. 3979.

Mr. NIELSON of Utah. Will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from Utah.

Mr. NIELSON of Utah. I would like to commend Chairman DINGELL as well as the gentleman from California [Mr.WAXMAN] and the ranking minority member, the gentleman from North Carolina [Mr. BROYHILL] for coming to what I consider a very good solution to the problem.

I was opposed to what I thought was a bit of harassing on the original label warning with the apple with the dagger in it. However, I think what we have now is a very sensible approach which we can do and get the message across that smoking is bad for the health.

I certainly want to thank him and do support the bill fully.

Mr. SYNAR. Before I give back my time, Mr. Speaker, let me just finally say that a lot of times in this body there is a lot of criticism on the activities of the staff. But I want to take this opportunity to thank the staff of the Energy and Commerce Committee, my personal staff, AL GORE's personal staff and the staff in the other body for the excellent job they have done.

This is a great victory not only for consumers today but for the tobacco industry, and I am proud to put my name on it.

Mr. Speaker, I withdraw my reservation of objection.

Mr. GORE. Mr. Speaker, our actions here today end a long and arduous trek through the legislative process. As one who negotiated this bill with my colleague MIKE SYNAR I take great pride in its passage and applaud the many individuals who worked tirelessly to keep this bill alive. The distinguished chairman of the committee, JOHN DINGELL, and the subcommittee chairman, Mr. WAXMAN, must be singled out for their leadership, diligence, and their perseverance.

The amendment to H.R. 3979 adopted earlier today by the Senate is a slight modification that is reasonable and acceptable. The Senate has completed its work swiftly and in good faith and has preserved the critical elements of the bill.

It is a privilege to have played a role in bringing together representatives of the health community and the tobacco industry, to reach this historic compromise. The decision to negotiate was a dangerous but courageous one for both sides. But the result was worth the effort. It marks the beginning of a new era of discussion and cooperation.

This is a clear victory for the public health. H.R. 3979 will give Americans new and accurate information about the health risks of smoking information that will be especially critical to teenagers and pregnant women.

Mr. Speaker, today we send to the President a bill that makes a vital contribution to the public health. I urge him to lend his quick approval.

Mr. ALEXANDER. Mr. Speaker, every day we are seeing more evidence of the dangers of cigarette smoking.

The Surgeon General's reports, and scientific evidence that is being accumulated almost daily, illustrate the many health problems that are linked to smoking.

I support the compromise reached on H.R. 3979, the Federal Cigarette Labeling and Advertising Act, because I believe it strikes a sound balance and will provide consumers, in this case smokers, with a strong warning of the dangers they face.

Mr. Speaker, the articles to which I referred are as follows:

THE EFFECTS OF SMOKING ON HEALTH

A World Health Organization (WHO) Expert Committee recently reaffirmed a statement released in 1970 concerning the effects of smoking cigarettes on health. It states that "smoking-related diseases are such important causes of disability and premature death in developed countries that the control of cigarette smoking could do more to improve health and prolong life in these countries than any single action in the whole field of preventive medicine". The specific effects of smoking, as outlined by the WHO Committee are summarized below.

LUNG CANCER

The increase in lung cancer mortality in those countries where cigarette smoking has been widespread continues without interruption. In some countries, such as the United Kingdom and the United States, there is a leveling-off of mortality rates among men under 60 years of age, for whom cigarette consumption reached a plateau 20 years ago. In women, whose cigarette consumption has been rising rapidly in the past 30 years, lung cancer mortality continues to rise at an increasing rate. Mortality rates from lung cancer are 10 times greater in smokers than in persons who have never smoked. Cessation of smoking reduces this differential gradually so that after 10 years the mortality rate for these ex-smokers approaches that for persons who never smoked. This indicates that widespread cessation of smoking would rapidly reduce lung cancer mortality.

In the United States smoking was considered to be responsible for 68,000 of the estimated 84,000 lung cancer deaths in 1976. Lung cancer risks increase directly with the number of cigarettes smoked every day, total lifetime number of cigarettes smoked, and depth of inhalation. Lung cancer is also inversely related to age: the younger one starts smoking, the greater the risk of disease. The use of filter tips and low-tar content cigarettes has been shown to reduce slightly the risk of developing lung cancer; the risk is higher than that in nonsmokers, however.

Smokers with occupational exposures to asbestos and uranium have an increased risk of dying from lung cancer. Asbestos workers who smoke have 90 times the risk of developing lung cancer than nonsmoking, nonexposed persons. The risk of lung cancer among uranium miners who smoke is 4 times greater than for smokers who are not miners. The uranium and asbestos industries have only slightly increased lung cancer rates in nonsmokers.

BRONCHITIS AND EMPHYSEMA

Extensive studies in a number of nations confirm that pulmonary function of cigarette smokers is impaired in every known respect when compared to nonsmokers. The prevalence of cough and expectoration in both men and women is closely related to the number of cigarettes smoked; these symptoms usually abate once a person stops smoking. Recurrent episodes of respiratory infection, associated with this excess secretion of mucus, are more frequent in cigarette smokers than in nonsmokers. Retrospective and prospective studies demonstrate that cigarette smoking is responsible for approximately 70% of chronic bronchitis and emphysema cases. Death rates from respiratory diseases are higher in smokers than in nonsmokers, accounting for about 25,000 deaths each year. When young patients stop smoking, pulmonary function may return to normal. Even in persons with moderately severe obstructive disease, stopping smoking may result in striking improvement in dyspnea and cough, with some improvement in ventilatory function.

CORONARY HEART DISEASE

The most important specific effect that smoking cigarettes has on health is the development of premature coronary heart disease (CHD). Cigarette smokers have a significantly higher risk of CHD morbidity and mortality. Long-term epidemiologic studies of healthy populations confirm that a cigarette smoker is more likely to have a myocardial infarction and to die from CHD than a nonsmoker. Cigarette smoking is one of the major risk factors for CHD and acts in combination with elevated blood pressure, elevated serum cholesterol, and other risk factors.

Heart disease caused 648,540 deaths in the United States in 1975. Cigarette smoking is considered responsible for approximately 25% of these deaths. Stopping smoking and controlling other risk factors can reduce morbidity and mortality of CHD.

OTHER CANCER

In addition to developing lung cancer, cigarette smokers have a significantly higher rate of cancer of the larynx, pharynx, oral cavity, esophagus, pancreas, and urinary bladder. Pipe and cigar smokers have elevated risk of developing cancer of the oral cavity, pharynx, larynx, and esophagus when compared to nonsmokers.

PREGNANCY

Mothers who smoke cigarettes during the second and third trimesters of pregnancy have been found to have babies with a lower average birth weight than babies of nonsmoking mothers. This effect is probably the result of higher levels of carboxyhemoglobin in the fetal circulation. An increase in perinatal mortality has been observed in babies born to smoking mothers, particularly when other factors which affect perinatal mortality exist. Stopping smoking is recommended during pregnancy.

[From the Washington Post, May 24, 1984]

SURGEON GENERAL SAYS SECOND-HAND SMOKE ENDANGERS CHILDREN

(By Cristine Russell)

Surgeon General C. Everett Koop said yesterday that "Cigarette smoking can make a significant, measurable contribution to the level of indoor air pollution" and, citing possible health hazards to children exposed to their parents' smoke, urged parents to quit smoking.

At a news conference about the 17th report by a surgeon general on "The Health Consequences of Smoking," Koop provided the government's strongest statement on the controversial issue of second-hand cigarette smoke and its effect on nonsmokers.

In addition, health officials said the new report is the first to provide a detailed biological explanation of how cigarette smoke may damage lung cells.

Most of the reports the first of which was released 29 years ago, have focused on statistical evidence gathered from comparing death and disease in large populations of smokers with that in nonsmokers.

"It is the first time we've brought forth a mechanism that works," said Dr. Claude Lenfant, director of the National Heart, Lung and Blood Institute.

Lenfant said "it opens up new avenues," from early detection to possible therapies to help counter the damage.

Koop emphasized yesterday that scientists can say "with greater certainty than ever that cigarettes are the most important individual health risk in this country, responsible for more premature deaths and disability than any other known agent."

He said that smoking is the "major cause" of disability and death from chronic obstructive lung disease, the focus of this year's 515-page report.

It concludes that smoking causes about 50,000 deaths annually from such lung diseases as chronic bronchitis and emphysema, 130,000 from cancer and 170,000 from heart disease.

In addition, more than 10 million Americans are affected by chronic lung disease, which often causes debilitating shortness of

breath and accounts for more than 500,000 hospital admissions annually, Koop said.

"It is responsible for a greater limitation of activity than any other major disease category; 40 percent more persons with emphysema reported limitation of activity than did those with heart disease," he said.

The report describes a "clear, plausible mechanism" of how such lung damage is caused and is based on a "large body of scientific evidence," Koop said.

In brief, the evidence suggests that exposure to cigarette smoke may irritate lung tissue, triggering inflammation and an influx of infection-fighting cells that eventually attack the lungs.

This could occur, the report said, because the cells produce an enzyme called elastase that can degrade lung tissue.

At the same time, the cigarette smoke can inactivate a protein in the lungs that normally blocks the action of elastase.

The simultaneous events mean that the excess elastase slowly can degrade lung tissue and lead to emphysema.

"We hope to lay to rest finally that we don't have real understanding about the mechanism," Koop said, referring to repeated tobacco industry criticism.

Koop also said the number of scientific studies showing that nonsmokers can be affected by cigarette smoke is growing. He said there is "very solid" evidence that children of smokers appear to have "small, but, measurable, differences" in lung function and a greater susceptibility to respiratory problems, including bronchitis and pneumonia, early in life.

"In the best interests of his child," Koop said, "a smoker would stop."

Koop, who earlier this week set a nationwide health goal of a "smokefree society by the year 2000," said that this should be achieved largely by educational efforts in the private sector.

He also said he "supports the rights of nonsmokers to have the privilege of being segregated from smokers."

The Tobacco Institute, a trade group representing manufacturers of cigarettes and other tobacco products, said that Koop's report is based on "a great deal of conjecture."

It said that conclusions about the environmental effects of tobacco smoke on nonsmokers do not match findings at a National Institutes of Health workshop held last year.

That NIH workshop, it said, "concluded that the effects, if any, range from 'negligible to quite small.' "

Koop said that the workshop was based largely on a small number of community studies and that 80 studies cited in his report "would go counter to that."

● Mr. GORE. Mr. Speaker, some question has been raised as to which Federal agency has the authority to enforce the labeling requirements of sections 4(a), 4(b), and 4(c) of H.R. 3979, the Comprehensive Smoking Prevention Education Act. As one who negotiated this bill with my colleague MIKE SYNAR, I can state with certainty that the report of the Committee on Energy and Commerce (H. Rept. 805) fairly and accurately describes the legislative intent of those who were involved in the drafting and passage of this legislation. It was and is the intent of the House that H.R. 3979 transfers the authority for enforcing all of the labeling provisions of this bill from the Department of Justice to the Federal Trade Commission. This was an issue that received a great deal of discussion among the members of the Energy and Commerce Committee before this bill was adopted. The legislative intent was strong and clear and the report accurately reflects that intent. It also is important to note that the members who were involved in drafting this bill were fully aware that the Department of Justice previously had this authority to enforce the labeling sections of the Federal Cigarette Labeling and Advertising Act, and that they intended to transfer this authority to the FTC.

Some have argued that the House should had amended sections 9 and 10 of the Federal Cigarette Labeling and Advertising Act in order to more clearly specify the FTC's authority with regard to its enforcement power. I do not agree and neither do any of the other sponsors of this legislation. Section 4(c) of the act as amended by this bill clearly was intended to transfer the entire enforcement authority over compliance with sections 4(a) and 4(b) in their entirety to the FTC as well as to give the FTC authority to review and approve or disapprove plans to be submitted by the tobacco manufacturers and importers about how they intended to rotate those warnings.●

● Mr. DINGELL. Mr. Speaker, some question has been raised by the distinguished Senator from Alabama, Mr. HEFLIN, and the distinguished Senator from South Dakota, Mr. PRESSLER, as to whether the report of the Committee on Energy and Commerce on H.R. 3979, the Comprehensive Smoking Education Act contains technical errors with regard to whether the Federal Trade Commission has the authority to enforce the requirements of section 4 concerning labeling. Unfortunately, these concerns were raised by the distinguished Senators after the Senate debate on this bill had been completed and after the bill had been sent back to this body for reconsideration in light of the Senate amendments. The distinguished Senators were not involved in the drafting of the bill, nor in the debate about the bill, nor were they involved in any of the negotiations which resulted in the ultimate compromise version of the bill adopted by the House and the Senate.

I want the record to be absolutely clear. It was and is the intention of the Energy and Commerce Committee and the full House in voting for H.R. 3979 and in adopting the report of the committee on H.R. 3979 that the complete enforcement power for all of the labeling provisions of the bill and the Federal Cigarette Labeling and Advertising Act as amended be transferred from the Department of Justice to the Federal Trade Commission. The reference to the FTC in the labeling section, section 4, of the bill was intended to accomplish this purpose and was understood by all involved in the drafting of H.R. 3979 to have accomplished this purpose. Thus, the House report's discussion of the enforcement authority of the Federal Trade Commission is completely and entirely accurate and fairly represents the legislative intent as to the FTC's authority to enforce sections 4 (a), (b) and (c) of this bill. All concerned in the drafting of the bill recognized that section 10 of the FCLAA gave the Department of Justice civil enforcement authority for insuring compliance with the labeling requirement of that act. We concluded it was unnecessary to amend section 10 to provide this authority to the FTC in light of the new language in section 4(c) with regard to the FTC and the FTC's authority over deceptive acts or practices in violation of section 5 of the FTCA. It was and is the intent of the House that any violation of any portion of section 4 of H.R. 3979 will also constitute a violation of section 5 of the FTCA and will be enforceable by the FTC.

I would like to go one step further. As I indicated when the House passed H.R. 3979 and sent it to the Senate for consideration, this bill resulted from an agreement originally hammered out after more than a year's difficult negotiations between the health community, Congress, and the tobacco industry. I was deeply involved in those portions of the negotiations which focused on which Federal agency would have the authority to enforce all of the labeling provisions of the bill. There is absolutely no question about the fact that all of the Members of Congress who were involved in those negotiations and the drafting of the final language which now has been adopted by both the House and Senate intended that the full authority to enforce the labeling sections should reside with the FTC. This intention also was clearly understood by members of the health community and the tobacco industry.

The few modifications to H.R. 3979 which were made by the Senate did not in any way affect or alter our decision to transfer the enforcement authority for the labeling sections of this bill from the Department of Justice to the Federal Trade Commission. In fact, as can be seen from the statements of the chief sponsors of this legislation, the distinguished Senators from Oregon and Utah, Messrs. PACKWOOD and HATCH, the fact that this bill was transferring this enforcement authority from the Department of Justice to the Federal Trade Commission was fully understood and concurred in by the Members of the Senate responsible for H.R. 3979's passage in that body. Thus, there can be

no question about the legislative intent of the Congress on this issue.●

● Mr. SYNAR. Mr. Speaker, I want to take this opportunity to ensure that there is no confusion as to the intent of this body over which Federal agency is to be charged with the authority and responsibility to enforce all aspects of section 4 of H.R. 3979 and the Federal Cigarette Labeling and Advertising Act, as amended concerning labels on cigarettes and cigarette advertising. Before the enactment of H.R. 3979, the Comprehensive Smoking Education Act, the authority to enforce the labeling provisions of that act fell to the Department of Justice. H.R. 3979 transfers the authority which previously was held by the Department of Justice to the Federal Trade Commission. This transfer of authority is indicated by the references to the Federal Trade Commission in section 4(c) of the act, as amended. In light of this change, those who were involved in drafting H.R. 3979 and working out the final language which has been accepted by both the House and the Senate did not feel it was necessary to amend or otherwise alter sections 9 and 10 of the Federal Cigarette Labeling and Advertising Act in order to transfer authority for enforcement of the labeling provisions from the Department of Justice to the Federal Trade Commission. The decision not to amend sections 9 and 10 should not be interpreted as a decision by Congress for the Department of Justice to retain its authority. The Report of the Committee on Energy and Commerce accurately reflects the intent of Congress with regard to the FTC's enforcement authority.●

● Mr. RITTER. Mr. Speaker, at the beginning of the 98th Congress I joined with Mr. WAXMAN, Mr. WHITTAKER, and Mr. WYDEN in introducing H.R. 1824, the Comprehensive Smoking Prevention Education Act. It has taken almost 2 years but that legislation, now H.R. 3979, is about to become public law. There is no doubt that the road to enactment has been a perilous one but each time the obstacles and dangers were overcome. Many Members of both parties and in both the House and Senate had an active role to play in this legislation. I am pleased to have done my part.

Because of my strong interest in this legislation I have read the debate in both the House and Senate carefully and am anxious to set the record straight as to how the rotational warning label scheme was to be implemented and enforced. As Senator PACKWOOD, a primary sponsor of the original legislation in the Senate, noted during last week's Senate debate, "It bears emphasis that the history of this legislation makes the House committee report (Rept. No. 98-805) very important in interpreting congressional intent. Chairman DINGELL has advised me that the report was part of the negotiations conducted in his committee. In short, the House Commerce Committee report is the only real legislative history of the legislation before us today."

Senators PRESSLER and HEFLIN submitted statements for the RECORD which make the claim that the legislation gives authority to the Department of Justice for enforcement of the rotational warning scheme rather than the Federal Trade Commission. As a Member of this House who has been intricately involved in this legislation both in the 97th and the 98th Congresses, I wish to state for the RECORD that it was clearly the intent from the very beginning that enforcement of any rotational scheme should rest with the Federal Trade Commission. I think that the House report to H.R. 3979 is without dispute on this enforcement authority.●

● Mr. WAXMAN. Mr. Speaker, after the Senate had completed its debate on H.R. 3979 and, indeed, after the bill already been returned to the House for reconsideration in light of the Senate amendments, two Members of the Senate who have not been involved in the drafting of either bill or the report on the bill and who have not been involved in any of the extensive negotiations over the contexts of H.R. 3979 submitted comments on the record to the effect that in adopting the report on H.R. 3979, the Energy and Commerce Committee was unaware of the enforcement role of the Department of Justice and mistakenly assumed an enforcement role for the Federal Trade Commission with regard to section 4 of this bill. I want to set the record straight on this matter. Therefore, I insert into the RECORD of this debate excerpts of the section-by-section analysis of the full report from the Committee on Energy and Commerce on H.R. 3979, the Comprehensive Smoking Education Act.

As a sponsor of this legislation I have been intimately involved in the drafting of both the bill and the report and all of the negotiations which led to the ultimate compromise language adopted by this body and the Senate. I also carefully reviewed the House report while it was being prepared. There are no technical errors in this report concerning which agency is to enforce all of the labeling provisions of section 4. It was and is the intention of the authors of this legislation, the Energy and Commerce Committee and all of those who were involved in the negotiations which led to the ultimate statutory language adopted that section 4 should be enforced by the Federal Trade Commission. In reaching this conclusion the members of the House fully recognized that under the Federal Cigarette Labeling and Advertising Act which the House was amending, enforcement of the old warning provisions was the responsibility of the Department of Justice. H.R. 3979 transfers this enforcement authority to the Federal Trade Commission. In requiring each cigarette manufacturer and importer to submit a plan to the Federal Trade Commission to provide for the implementation of the rotational warning system required by this bill, it was the intent of the House to give the FTC the authority to enforce compliance not only with the rotational aspect of the legislation, but all other aspects of this legislation with regard to the warning statements.

There was no confusion about this issue. It is for this reason that the report of the Committee on Energy and Commerce states clearly and explicitly that the full and complete authority to enforce all of the labeling sections of this bill are to reside with the Federal Trade Commission and not the Department of Justice. As you are all aware, this bill was the result of a compromise between the Members of the House, member of the health community, and members of the tobacco industry. The issue of whether the Federal Trade Commission or the Department of Justice should enforce this legislation was carefully considered. Each of the parties involved in the negotiations was aware of the fact that the Department of Justice previously has enforced the labeling requirements on cigarette packages. It was the conclusion of those who drafted the final compromise that this enforcement authority should be transferred to the FTC and this decision was accepted by all of those involved. It also was agreed by all of those involved that the language of section 4 of H.R. 3979 was sufficient to carry out this purpose and that in light of the FCT's power to enforce sections 4(a), 4(b), and 4(c) of this act as a deceptive act or practice in violation of section 5 of the Federal Trade Commission Act, it was agreed that there was no need to amend sections 9 and 10 of the Federal Cigarette Labeling and Advertising Act to accomplish the enforcement goal.

The discussion of the FTC's enforcement authority over section 4 of this bill was unaffected by the few amendments made by the Senate. There should be no misunderstanding. It was and is the intent of the House of Representatives that the enforcement authority of all of the requirements of section 4 has been transferred to the Federal Trade Commission by this bill.

SECTION-BY-SECTION ANALYSIS

SECTION 1.—SHORT TITLE

Section 1 provides that the short title of the bill is the "Comprehensive Smoking Education Act".

SECTION 2.—FINDING AND PURPOSE

Subsection (a) describes seven findings attributed to the United States Surgeon General regarding the adverse health effects of smoking and the appropriateness of conveying information to the public on the health effects of smoking. The findings reflect conclusions based upon scientific research conducted or reviewed by the U.S. Public Health Service and are consistent with extensive scientific research conducted into the health effects of smoking.

The specific finding are as follows:

1. Cigarette smoking is the largest preventable cause of illness and premature death in the United States and is associated with the unnecessary deaths of over three hundred thousand Americans annually.

2. Cigarette smoking in the United States is a major cause of cancer of the lung, larynx, oral cavity, and esophagus and is a contributory factor in cancer of the urinary bladder, kidney and pancreas.

3. Cigarette smoking is a major cause of chronic bronchitis and emphysema in the United States.

4. Cardiovascular disease accounts for nearly one-half of the deaths in the United States and it is estimated that one-third of the deaths attributed to cardiovascular disease are associated with smoking.

5. Pregnant women who smoke have an elevated risk of miscarriages, stillbirths, and premature births, and giving birth to infants with low birth weight.

6. Quitting or never starting cigarette smoking will reduce an individual's risk of illness or premature death.

7. Federal, State and private initiatives should be encouraged to convey to the American people information on any adverse health effects of smoking.

Subsection (b) provides that the purpose of this Act is to provide a new strategy for making Americans more aware of any adverse health effects of smoking, to assure the timely and widespread dissemination of research findings, and to enable individuals to make informed decisions about smoking.

SECTION 4.—LABELS FOR CIGARETTES AND CIGARETTE ADVERTISING

Subsection (a) amends section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) to provide the Federal Trade Commission (FTC) with jurisdiction over the content and display of cigarette health warnings appearing on cigarette packages and to replace the cigarette health warning required on cigarette packages and advertising with four new warnings. The warning statements will be displayed on the packages and advertising of each cigarette brand in accordance with a system, approved by the FTC, that would require each of the four warning statements to rotate quarterly, in alternating sequence, on the package and advertising of each cigarette brand sold or distributed in the United States. The subsection also provides a series of rotating warning statements for outdoor advertising which are distinct from those required for all other forms of cigarette advertising.

The Federal Trade Commission charged with regulatory responsibility for enforcement of the requirements of Section 4.

A section-by-section analysis of 15 U.S.C. 1333, as amended by subsection 4(a) of the Committee proposal, follows.

Section 4

Subsection (a)(1) makes it unlawful for any person to manufacture, package, or import for sale or distribution within the United States any cigarettes the package of which fails to bear one of the following four labels in accordance with the requirements of this section. The four labels are described below.

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, and May Complicate Pregnancy.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

SURGEON GENERAL'S WARNING: Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

Paragraph (2) of subsection (a) makes it unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised (other than through the use of outdoor billboards) within the United States any cigarette unless the advertising bears one of the following labels in accordance with the requirements of the section.

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, and May Complicate Pregnancy.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

Paragraph (3) of subsection (a) makes it unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised within the United States through the use of outdoor billboards any cigarette unless the advertising bears, in accordance with the requirements of this section, one of the following labels:

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, and Emphysema.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Health Risks.

SURGEON GENERAL'S WARNING: Pregnant Women Who Smoke Risk Fetal Injury and Premature Birth.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

Subsection (b)(1) specifies the format requirements pertaining to the display of the required warning statements on cigarette packages. Each label statement will be located in the place label statements were placed on cigarette packages as of the date of the enactment of this subsection. It is the Committee's intent that the warning statements appear on the side panel of cigarette packages as is the current practice. The phrase "SURGEON GENERAL'S WARNING" shall appear in capital letters. The size of other letters in the warning shall be the same as the size of all such letters as of the date of enactment. The letters and warning label shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the package.

It is the Committee's intent that the Federal Trade Commission be responsible for assuring compliance and enforcement of the requirements of this section. The FTC has responsibility for assuring that the required warning statements are displayed in a conspicuous and legible fashion. It is not intended that FTC jurisdiction be extended to any printed material on the package, including the color and design of the package, beyond assuring that the type used in the warning statement be clear and conspicuous by virtue of being in contrasting color with the background of the statement and otherwise in conformity with the requirements of this paragraph.

Nothing in this paragraph is intended to eliminate the flexibility manufacturers currently have with regard to the layout of the warning on cigarette package to meet the problems posed by different cigarette package shape or sizes.

Paragraph (2) of subsection (b) specifies the format pertaining to the display of the required warning statements on all cigarette advertising except outdoor billboard advertising. The format required under this section shall, with the following exceptions, be the format required by the consent agreements entered into by the FTC and tobacco industry in 1972 and 1981; which in all other respects shall remain in effect. This legislation supplements the 1972 and 1981 consent agreements.

The warning statements appearing on cigarette advertising, other than outdoor billboard advertising, are required to display the phrase "SURGEON GENERAL'S WARNING" in capital letters. In addition, the area of the rectangle enclosing the label shall be 50 percent larger in size than that required on the date of enactment with a corresponding increase in the size of the type in the label. The width of the rule forming the border around the label shall be twice that required as on the date of enactment of this subsection. The Committee intends that by requiring an increase in the size of the type which corresponds to the 50 percent increase in the area of the rectangle in which the warning statement appears, that the area occupied by the type also increase by 50 percent.

In addition, the label may be placed at a distance from the outer edge of the advertisement which is one-half the distance permitted on such date. Each label statement shall appear in conspicuous and legible type in contrast by typography, layout or color with all other printed material in the advertisement. The Federal Trade Commission is responsible for compliance and enforcement of this paragraph and should assure that the warning statements appear in conspicuous and legible type.

The Committee recognizes that cigarette manufacturers or importers, may elect to advertise in publications, intended for distribution in the United States, which are not published in English. In such circumstances, and as is currently required, the language of the warning statements should be printed in the predominant language of the publication in which the advertisement appears. For example, if a cigarette ad appears in a publication distributed in the United States and which is printed in Spanish, the language of the warning statement should be printed in Spanish.

Paragraph (3) of subsection (b) specifies that the format and type style of each label statement required by subsection (a)(3) for outdoor billboard advertising shall be that required in outdoor billboard advertising as of the date of enactment of this subsection. In addition, each required label statement shall be printed in capital letters of the height of the tallest letter in a label statement on outdoor advertising of the same dimension on such date of enactment.

Each such label statement shall be enclosed by a black border which is located within the perimeter of the format required in outdoor billboard advertising of the same dimension on such date of enactment and the width of which is twice the width of the vertical element of any letter in the label statement within the border. In all other respects the 1972 and 1981 consent agreements that apply to outdoor advertising shall remain in effect.

Subsection 4(c) specifies the criteria for assuring that each manufacturer or importer of cigarettes will rotate the warning statements in the format required by subsections (a) and (b) every three months and in alternating sequence. The requirement that the warning statements rotate quarterly applies to the packages and advertising of each brand of cigarette, including billboards.

The warning statements will be rotated in accordance with a plan prepared by the manufacturer, importer or by a group of manufacturers. The plan will be reviewed by the Federal Trade Commission and approved by the FTC if found to be in compliance with the Act. It is the responsibility of the FTC to promptly review all plans submitted pursuant to this section to determine whether the plan complies with the requirements of the Act. The FTC shall approve any plan submitted by manufacturers or importers if those plans will reasonably assure that the rotation of the warning statements will occur quarterly in alternating sequence and which reasonably assure that all the labels required by paragraphs (1), (2), and (3) of subsection (a) will be displayed by the manufacturer or importer at the same time. It is the Committee's intent that to the extent commercially feasible and without imposing an undue burden on any manufacturer or importer, all warning statements should be rotated so that the public will see different warnings on the package and advertising of each cigarette brand every three months. The Committee does not intend that the Federal Trade Commission, in approving plans submitted under this authority, require that a manufacturer or importer utilize more than one warning label on any brand during a single three months period.

Nothing in this bill is intended to vest any jurisdiction in the FTC beyond their traditional jurisdiction except as a consequence of their authority to approve and enforce a rotational plan in conformity with the requirements of section 4 of the FCLAA. Enforcement of the plan is intended to assure compliance with sections 4(a), 4(b), and 4(c) of this Act; and violations of the plan and those sections will also constitute a deceptive act or practice in violation of section 5 of the Federal Trade Commission Act.

In preparing a rotational system for submission to the FTC for approval, the Committee recognizes that there may be more than one system which would comply with the subsection. Any such system must be necessity take into account practical constraints on the production and distribution of cigarette packages and the dissemination of cigarette advertising.

By way of example, a satisfactory rotational system could be one in which rotation of the warnings on cigarette packages will take place at the time the cigarettes are placed in the package. The Committee does not expect manufacturers to rotate labels on cigarette packages that were correctly labeled in one quarter but which remained in commerce during a subsequent quarter. With respect to advertising in print media such as newspapers, magazines, theater pamphlets, magazine and newspaper inserts, the quarter in which the cover or closing date of the particular publication falls could determine the warning that is required to be displaced. Sidewalk poster and transit placards could provide for rotation according to the actual scheduled appearance date of the advertising.

The Committee recognizes that mail circulars and point of sale advertising present special difficulties for rotation as they are often purchased on a single date but utilized for periods longer than three months. In such cases the Committee believes the warning printed on these items should be the one required for the advertising of the respective brand on the day that the item was ordered.

Outdoor billboards present similar difficulties because the useful life of such advertisements is longer than newspaper or magazine advertising. On occasion some outdoor billboard advertisements may remain in service for more than three months without having a substantial portion of their surface repapered, replaced, or repainted. Therefore, the Committee believes an acceptable rotational system for billboards would be one that provided for quarterly rotation of the health warning statement on a brand's outdoor advertisements at the time the advertisement is placed in service or at the time the advertisement on the billboard is replaced, repapered, or repainted. In such instances, the health warning should be replaced with the warning required for the quarter in which falls the date the billboard advertisement is replaced, repainted, or repapered. If the billboard advertisement is not replaced, repainted or repapered during a given quarter, it is not the intention of the Committee to require replacement of the health warning.

In the case of point of sale advertising, mail circulars and outdoor billboards, the Committee recognizes that in some cases it may not be possible to assure that the warning statements required on these forms of a brand's advertisements will, in every instance, rotate on a quarterly basis. The Committee does not believe such limited anomalies are inconsistent with a satisfactory rotational system.

Subsection 4(b) of the Committee proposal provides that the amendments made by subsection (a) shall take effect twelve months following enactment of this Act. A one-year delay in the effective date of this section is intended to allow cigarette manufacturers and importers adequate time to prepare and receive FTC approval for the rotational plans required by subsection (a). The Committee expects the FTC to allocate sufficient resources to review plans submitted to assure that all rotational systems are reviewed and, if in compliance, approved will in advance of the scheduled effective date. Any changes in any rotational system proposed by a manufacturer or importer which the FTC finds are necessary to bring into compliance with the Act should be made in advance of the scheduled effective date.

SECTION 6.—MISCELLANEOUS AMENDMENTS

Subsection (a) technically revises the first finding of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331) to reflect the requirement of multiply warning notices on the packages and advertising of cigarettes.

Subsection (b) amends section 3 of the Federal Cigarette Labeling and Advertising Act (FCLAA) to define the term "Secretary" as used in the Act to mean the Secretary of Health and Human Services.

Subsection (c) amends section 8 of the FCLAA to state that nothing in the Act, other than the requirements of section 4, shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission (FTC) with respect to unfair or deceptive acts or practices in the advertising of cigarettes.

This subsection requires the FTC to act consistent with the requirements of section 4 of the FCLAA (as amended) concerning the content of the cigarette health warning, its format, size, and location. In all other respects, the FTC retains its traditional authority over deceptive or unfair cigarette advertising. If a cigarette manufacturer or importer violated this act—e.g. for failure to rotate in accordance with an approved plan—the FTC could sue it in Federal court for failure to comply with this act's requirement pursuant to section 13(b) [15 U.S.C. 53(b)] of the Federal Trade Commission Act.

Subsection (d) revises section 9 of the FCLAA to make necessary technical amendments.●

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON S. 2603, OLDER AMERICANS ACT AMENDMENTS OF 1984

Mr. ANDREWS of North Carolina. Mr. Speaker, I call up the conference report on the Senate bill (S. 2603) to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see Proceedings of the House of September 19, 1984.)

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. ANDREWS] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. ANDREWS].

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering the conference report on S. 2603, a bill to reauthorize the Older Americans Act of 1965 for 3 additional years. I am proud of our efforts. This legislation has received broad, bipartisan support from both sides of the aisle—here in the House and also in the Senate. My colleague, Congressman TOM PETRI, the ranking Republican on the Human Resources Subcommittee, has joined me as an original cosponsor, along with Congressman MARIO BIAGGI, Congressman PAT WILLIAMS, Congressman BALTASAR CORRADA, and Congresswoman OLYMPIA SNOWE. I would, of course, be remiss if I did not remember the hard work put into this legislation by our later chairman, Carl Perkins of Kentucky. This legislation was special to him. As an original cosponsor, his influence and concern was expressed throughout this bill as it was in much of our human service legislation. I believe he would be proud of our efforts as well. In remembering the contribution of our past chairman, allow me to also pay special thanks to the current Chairman of the Committee on Education and Labor, Congressman AUGUSTUS HAWKINS of California, for providing his leadership and guidance during the House-Senate conference.

In bringing up the conference report on S. 2603, what we are considering is the reauthorization of what I believe to be one of the most effective pieces of legislation Congress has developed. In addition to providing a full range of services and programs to meet the needs of older people in their own communities, this act supports community service employment opportunities at minimum wage for unemployed low-income individuals.

The House-Senate compromise does not seek substantial changes in the basic framework of this legislation and the programs for which it provides. Some administrative fine-tuning—changes that we hope will result in some improvements in program management—are proposed.

Let me summarize briefly the terms of the conference agreement:

The conferees agreed on a 3-year authorization period at levels approximately midway between the higher House figures and the lower Senate figures. These amounts are sufficient to assure the Congress and older Americans that the programs of the Older Americans Act can be maintained at at least their current service levels.

Additionally, the conferee's agreement:

Clarifies the direct reporting relationship between the Commissioner on Aging and the Secretary of Health and Human Services;

Makes a number of administrative changes with regard to the issuance of regulations, the treatment of funds for grants and contracts, and the commingling of funds.

Provides new emphasis on assistance for Alzheimer's disease victims and their families, on the identification and prevention of elder abuse, and on assistance for meeting the needs of minority elderly;

Increases flexibility for States to transfer funds between categorical meal programs and supportive services programs; and

Makes various administrative changes in both the title III and title V programs to assure that Federal funds are used efficiently and effectively at the State and local level in providing services.

Finally, the conferees agreed to a new title VII to develop health education and training programs for older Americans. I am particularly pleased with this accomplishment.

It is our hope, in adopting this new title, that a very modest investment will provide a very substantial step forward toward reducing the cost of medical care in this country while at the same time improving the health and quality of life for our older citizens. This could also help to halt, or at least slow, the seemingly ever-escalating cost of Federal assistance for medical care.

The new title VII will, in large measure, use existing resources—the network of 3,300 senior centers as classrooms, the 9 million or so older individuals now using those centers as a student body, and the faculties and graduate students in schools of health-related disciplines as teachers. Title VII simply provides the focus for these existing resources to be combined. It is our intention that this program lead to the development of uniform and standardized health and nutrition education programs for older Americans throughout the Nation.

Mr. Speaker, I believe we have a good bill here. I have spoken throughout this discussion about my own pride in this bill, as well as that of the committee's. It is, I believe, moreover a bill of which we can all be proud—the Congress and the American people. I am pleased to recommend it for our support.

□ 1300

Mr. Speaker, I will yield to others as I go along, but at this point I yield such time as he may consume to my friend, the gentleman from Tennessee [Mr. GORE].

Mr. GORE. Mr. Speaker, I thank the gentleman from North Carolina for yielding time to me.

Mr. Speaker, I would like to express strong support for this legislation.

Mr. Speaker, I compliment my friend and colleague on his able leadership and management of this bill. It is greatly needed. Tennesseeans are strongly in support of this legislation. I am strongly in support of it.

Mr. Speaker, I ask my colleagues to pass it unanimously.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking Republican House member of the conference committee charged with resolving the differences between H.R. 4785 and S. 2603, I am pleased to bring our conference report before the House. This legislation reauthorizes the popular Older American's Act for 3 additional years. With the current law due to expire next week, it is certainly time that the House consider this legislation. At the outset, I wish to thank the new chairman of the House Education and Labor Committee, Mr. HAWKINS, for his efforts to expedite consideration of this conference report and, of course, the Human Resources Subcommittee chairman, Mr. ANDREWS, for his cooperation throughout the past months. I also wish to note that the chairman and ranking minority members of the Senate Subcommittee on Aging showed the House conferees every courtesy, as well as a deep commitment to helping senior citizens. I trust that the full House will be as pleased with the conference report as I am.

The traditional programs funded by the Older American's Act are well known to you, and are retained by this legislation. The reauthorization process found both Houses of Congress standing four-square behind all three major Older Americans Act programs—senior centers, nutrition projects, and community service jobs for needy elderly individuals. Let me assure all my colleagues that those programs are continued and enhanced by this legislation. In this and other respects, the conference report retains the key features of the House bill, while adding some good ideas from the Senate. Let me focus here on the most significant new features contained in the conference draft.

First, responsibility for overseeing the Older American's Act is retained within the current Administration on Aging. The House legislation had created a new Office on Aging, but concern about added administrative costs encouraged conferees to retain the current structure. Nevertheless, our report underscores the need for a direct line of communication from the Commissioner on Aging to the Secretary of HHS.

The House initiative for health and nutrition education is retained in the final draft. Mr. ANDREWS deserves credit for this new program, but I am pleased to note that, by my amendment, the education will include information on the elderly's legal rights to

live and to receive medical treatment. All Americans should be assured of their inalienable rights and innate worth as human beings, especially the elderly who all too often feel unwanted or unneeded. It is a measure of America's greatness that our society treasures our most vulnerable members, rather than casting them aside.

The conference report further focuses Federal programs on training, research, and services for treating Alzheimer's disease, even beyond what was provided for in the House bill. This amendment seeks to realize the new-found potential for combating this dread disease.

The Senate bill contained a series of housekeeping changes, not contained in our bill, designed to adjust administration of the act. Several of these were adopted by the conference, including greater authority for the States to transfer funds between certain Older American's Act programs, a percentage approach to State administrative funding, and a cap on title V administrative expenses. I, for one, plan to closely monitor the effect of these changes over the next 3 years to make sure they enhance senior services.

The Senate bill also contained amendments to the Age Discrimination in Employment Act. Regardless of the individual merits of the age discrimination amendments, it is unfortunate that they were included in this unrelated legislation and could not receive a hearing by the appropriate House subcommittee.

Finally, as is common with conference committees, the two Houses have split the difference on the level of funds authorized for most programs under the act.

I urge all of my colleagues to accept our Older American's Act conference report at this time so that the new legislation can be in place when the current authorization expires next week. The programs in this bill serve to maintain the independence and dignity of senior citizens through nutrition programs, senior centers, and community service jobs. Authorization for these programs will end on Sunday unless this bill passes. The elderly are a national treasure. They contributed so much to our society when they were younger. This act assists them to continue making a meaningful contribution. I urge my colleagues to vote yes for this bill—yes for these programs—yes for America's senior citizens.

Mr. Speaker, I reserve the balance of my time.

□ 1310

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. HAWKINS] the chairman of the Committee on Education and Labor.

Mr. HAWKINS. Mr. Speaker, I rise in strong support of the conference report on S. 2603, the Older Americans Act Amendments of 1984. This important act authorizes the principal programs for providing services to older Americans for fiscal year 1985 through 1987.

Since the Older Americans Act became law in 1965, the Nation has made tremendous progress toward understanding and solving many of the problems which may beset our older citizens. Although older persons may receive services under other Federal programs, this act has become the centerpiece for the organization and delivery of services to this important citizen group. This act has developed from a program of small grants in 1966 to one which now supports 662 area agencies on aging along with 57 State agencies on aging. It is anticipated that this year 213 million meals will be supported through title III of this act both in congregate settings and in the homes of the elderly. It is important to remember that a study of nutrition programs shows that these meals are going to those who need them most. Even with these impressive numbers, we are still not serving all who are in need. Almost 4 million elderly Americans live in poverty; a shocking and appalling number for a nation as rich and affluent as America. Title V of the act provides 62,080 jobs for older persons to maintain their self-worth by providing much needed and valuable services to their local communities through community service employment. It is important to remember—and we know this from the testimony received from participants in the programs; local, State, and Federal administrators; representatives of national organizations and other professionals in the field of aging—that the Older Americans Act is working and working well to serve the elderly of this Nation. I am pleased to offer and support this strengthened conference report which will authorize services for older Americans for 3 additional years.

I would like to take this opportunity to commend my colleagues on the Committee on Education and Labor, especially Mr. ANDREWS, chairman of the Subcommittee on Human Resources, Mr. PETRI, the ranking minority member on Human Resources, and the other members of the committee who spent many hours in hearings, analyzing studies and data, and working with members of the aging community to develop this bill which strengthens and extends these important services to the elderly.

I know that several of our colleagues expressed concerns about some of the provisions of the original bill when it was on the floor in early August, and I would like to take this opportunity to point out that questions of funding level, maintenance of flexibility, and several other concerns, have been addressed.

Mr. Speaker, this conference report is an example of the continuing commitment by the Federal Government to improve and continue these valuable and needed programs for the well-being of the elderly of this country. These programs are part of our investment in America. A society that promotes the elimination of inequality, also promotes a society of economic vitality. We must continue to develop effective programs and services for the fastest growing age group in the country, and I think this reauthorization of the Older Americans Act is a step in that direction. I would like to remind you that when this bill was before you in August, it passed by a vote of 406 to 12. I think we have improved the bill in conference by addressing the major concerns which were expressed by Members at that time. I hope we can pass this conference report unanimously, and I urge my colleagues to do so.

Mr. Speaker, I would like to commend the distinguished chairman of the Human Resources Subcommittee for his work on the 1984 Older Americans Act Amendments, and also, Mr. PETRI, the ranking minority member. I believe that this measure is a good bill which all of us can support enthusiastically.

However, I am concerned about one feature in the Senate-passed bill which was incorporated in modified form in the conference agreement. This, of course, relates to the reduction in the administrative cap for the title V Senior Community Service Employment Program from 15 to 13.5 percent in July 1986 and then to 12 percent in July 1987. The conference agreement does give the Department of Labor waiver authority to allow higher administrative costs. However, I am concerned that this provision may operate unfairly and work a hardship for smaller contractors, particularly minority contractors, who have administered title V projects for a relatively short period of time. The smaller contractors do not have the economies of scale that the larger sponsors have.

Additionally, I am concerned that the new administrative ceiling will force title V sponsors to consolidate projects, which in turn will cause some present enrollees to lose their jobs. Could the distinguished chairman of the Human Resources Subcommittee provide any further information about this amendment?

Mr. ANDREWS of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from North Carolina.

Mr. ANDREWS of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

I want to stress that this measure is not intended to work a hardship for any title V sponsor. This program has operated effectively and efficiently. I personally think that it's one of the best ever enacted for older Americans. The Senate wanted to reduce administrative costs because title V is operating at 11 percent on the average, primarily because the two largest sponsors have exceptionally low administrative costs.

The waiver was inserted to give the Department of Labor the necessary authority to assure that this provision does not operate inequitably for any sponsor nor create any unforeseen problems.

It will also enable the Department of Labor to handle exceptional circumstances, such as sharp increases in operating costs for the sponsors, including rents, telephone, and other expenses. Moreover, the waiver authority can assure that the lower administrative cap will not damage the program in terms of other goals, such as equitable distribution of enrollees.

Mr. HAWKINS. I thank the gentleman from North Carolina [Mr. ANDREWS].

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, I rise in support of the conference committee report on S. 2603, the Older Americans Act Amendments of 1984.

In my 6 years as a member of the Subcommittee on Human Resources, I have learned firsthand of the tremendous importance of the Older Americans Act to senior citizens in the State of Missouri. In the current fiscal year, over $22.8 million has been made available under the act for social services, community service employment programs, and nutrition programs. Because of the act, over 3.8 million congregate and 1.7 million home-delivered meals were served to elderly Missourians.

The conference agreement before us continues these valuable programs with minor change. First, the bill clarifies the relationship between the Commissioner on Aging and the Secretary of Health and Human Resources. This change is designed to assure Federal policy with regard to Older Americans Act programs is made by the Commissioner and no other subordinate official within the Department. Through this change, we are signaling to the elderly that our aging programs will remain a high priority within the Department.

The agreement also amends provisions in the act relating to area plans on aging. An increased emphasis is placed on supportive services for families of elderly victims of Alzheimer's disease, on community-based, long-term care services designed to help elderly persons remain in their homes and in identifying public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals. These three areas were identified by witnesses repeatedly during hearings on S. 2603 and its House equivalent as the areas where area agencies on aging should place additional program focus.

Finally, the conference agreement amends the administrative support structure for State agencies on aging to provide for a simpler funding mechanism for State offices and more flexibility to the States in meeting the needs of the elderly. Under the agreement, the existing authority to transfer funds for the allocation for supportive services to nutrition programs is increased to 27 percent in fiscal year 1985, to 29 percent in fiscal year 1986, and 30 percent in fiscal year 1987. This additional flexibility will encourage increased efforts on the part of the States to meet the particular needs of the elderly within the borders.

I believe that S. 2603 is a strong reauthorization bill which will enjoy the support of the President. I urge an "aye" vote on the agreement.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I am one of the 30 or so Members who voted against this bill when it first came to the floor.

I am in favor of the Older Americans Act and in favor of help for the senior citizen centers. But the reason I voted against this, and I want to mention what the reasons were. First of all, the bill as we passed it in the House called for a 50-percent increase in the authorization level over the present appropriations. I felt that a 50-percent increase was very high. It was not necessary in view of the fact there was already quite a bit of room between the appropriation level existing and the actual appropriations.

I am afraid the Education and Labor Committee in the past has made authorization levels so high as to become almost meaningless and only a small proportion of those is actually funded by the Appropriations Committee. So I think they tend to scale them down automatically.

The Senate in its wisdom asked for a 10-percent increase in the authorization level over the present appropriations.

I would tend to oppose this 30 percent as being excessive if it were not for the fact that is below the recent authorization levels, although I say they are probably meaningless anyway.

This bill, S. 2603, if passed, will assure continuation of help to the senior citizen centers.

I would like, however, to see a little more coordination between the Education and Labor Committee and Appropriations Committee so that we can come in with realistic authorizations and then the Appropriations Committee can act accordingly, rather than having the disparity we seem to have.

I have some reservations about title 7. I feel that this is a new program and maybe the compromise is all right because it takes the Senate approach, which goes slowly in this area. I am going to reserve judgment on that particular program.

I do approve of the change in administration to assure that you have the attention of the administration for senior citizen programs, and I approve that portion of the House program.

I am going to support this bill and urge my colleagues to do the same. But I did want to point out this is a much improved bill over the one we passed, even though we passed it 10 to 1, but this is a much improved bill. It is more realistic and it is one I can support. I urge my colleagues to do likewise.

Mr. PETRI. Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I rise in strong support of the conference agreement on S. 2603, the Older Americans Act Amendments of 1984. I commend Chairman HAWKINS and Chairman ANDREWS and all who worked so hard to produce this legislation.

I can testify personally to the importance of these programs to hundreds of the elderly residents of my congressional district. In many cases, the assistance they receive makes a crucial difference in their lives. Surely we can do no less for those whose lives have been lived for us and who helped make the America we know and love.

□ 1320

Mr. ANDREWS of North Carolina. I thank the gentleman for his remarks.

Mr. Speaker, I yield 3 minutes to my friend, the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. I thank the gentleman for yielding, and I would like to take this opportunity to commend him for his leadership, as well as the chairman of the full committee and the ranking minority member, the gentleman from Wisconsin [Mr. PETRI].

As a member of the conference committee, I am proud to rise in support of this conference report, which reauthorizes certainly one of the finest of all Federal programs, the Older Amer-

icans Act. With our passage of this conference report today, we reaffirm that the Older Americans Act is the cornerstone of an enlightened Federal policy of providing services to seniors, aimed at promoting independence and dignity.

We have before us not a radical reauthorization proposal but rather a carefully crafted fine tuning of the programs and services under the act. This was done as a reflection of the fact that the act is working and working well across the Nation.

The changes that we have made will provide a blueprint for the continuous successful operation of the program. These changes include a recognition that programs and services under title III(B) of the act are most in need of increased funding. The authorization levels agreed to in this bill for title III bear the largest increases of any other program in the act. Title III(B) provides such key services as transportation, legal services, and senior center services. It received its first increase in appropriations just 2 months ago under an amendment I offered to the second supplemental appropriations bill.

In addition to the pressures brought to bear in title III(B) in terms of the services it now provides, new pressures have been registered because of increased number of elderly being referred to area agencies on aging because of the DIG system in hospitals. This problem was effectively brought to our attention by my colleague from Maine, OLYMPIA SNOWE. Together we developed legislation to increase funding for title III(B). While the amounts in this conference report are less than the original proposal, they do reflect the intent of the Congress that we must provide additional funds for this section of the act.

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. WHITTEN], the distinguished chairman of the Committee on Appropriations.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed the joint resolution (H.J. Res. 648) with amendments, insisted upon its amendments and requested a conference with the House, that the House be deemed to have disagreed to the amendments of the Senate and agreed to the conference asked by the Senate, and that the Speaker be deemed to have appointed conferees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi? The Chair hears none and, without objection in this instance, the Chair appoints the following conferees: Messrs. WHITTEN, BOLAND, NATCHER, SMITH of Iowa, ADDABBO, LONG of Maryland, YATES, ROYBAL, BEVILL, LEHMAN of Florida, DIXON, FAZIO, HEFNER, CONTE, MCDADE, EDWARDS of Alabama, MYERS, ROBINSON, COUGHLIN, and KEMP.

There was no objection.

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from Connecticut [Mr. RATCHFORD], the former Commissioner on Aging.

Mr. RATCHFORD. Mr. Speaker, I rise today in support of the conference report on the Older Americans Act Amendments of 1984. While the compromise reached with the Senate is not perfect, it has a number of strong points and deserves support.

As my colleagues know, the Older Americans Act is the cornerstone of Federal efforts to provide assistance to older Americans in the areas of nutrition, transportation, health and social services generally. It complements the Social Security and Medicare Programs which are designed to provide income and medical security to our Nation's senior citizens. Created in 1965, the Older Americans Act programs were a sign of the increasing national commitment to assuring that the legitimate needs of the elderly are met.

The funds under the act go to support many specific projects. Among the more well known is Meals-on-Wheels, a nutrition project that is of enormous benefit to those who find it difficult to prepare their own meals. Also supported are the Federal Council on Aging, Senior Centers and the Community Service Employment Program, one of the most effective and efficient of all Federal programs. Grants are made under the act to hundreds of State and local agencies. These agencies in turn delivered services to over 9 million Americans in 1983. Their work included financing some 203 million meals and providing 62,500 jobs such as conservation workers and day care aid.

This legislation would reauthorize the Older Americans Act for 3 years and make some worthwhile and important changes in the programs. Under the conference agreement, the authorized funding will be $1.26 billion in fiscal 1985, $1.3 billion in fiscal 1986 and $1.37 billion in fiscal 1987. While these figures are reasonable, they are not as high as those in the original House bill and, frankly, not as high as I believe they ought to be in light of the contributions older Americans have made to this country.

The conference agreement also clarifies the reporting responsibilities of the Commissioner of the Administration on Aging to assure direct reporting to the Secretary of Health and Human Services. This action will help to ensure a higher visibility and role for the administration inside the Department of Health and Human Services. New emphasis is also placed by this measure on Alzheimer's disease by identifying it and other neurological disorders as critical areas for research and education. Assistance will also be provided under the legislation to victims of the disease and their families.

The conference report will also ensure that the administration gives new attention to the needs and concerns of older Americans who are members of minorities. In another area, the report's provisions permit the agencies to operate, under the act, programs to assist the victims of elder abuse and their families. Elder abuse is a significant problem in this country and one that deserves the additional attention it will receive as the result of this measure.

Finally, the conference report makes provision for the creation of new title VII to develop education and training programs for older Americans and authorizes $8.6 million for it in fiscal 1985. Under the title, a grant program will be established to provide funds to educational institutions with graduate programs in health and social disciplines to develop programs for older Americans.

Mr. Speaker, the Older Americans Act is of critical importance to the Nation's seniors. They both deserve and need the social programs which are provided under it. These amendments, in addition to reauthorizing the act, make a number of significant adjustments to the act's programs which will benefit older Americans. I strongly urge my colleagues to join me in voting for this conference report.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I strongly favor this conference report as I favored the legislation when it came through the House. It is my privilege and honor to work with the great Congressman from Kentucky, BILL NATCHER, on the appropriations for older Americans. We have always considered these programs very carefully and have always done our best in trying to get the top dollar for them. I want to commend the authorizing committee. It is a pleasure to work with that committee, and particularly my good friend on the minority side, the gentleman from Wisconsin, who has done such a good job here.

When compared with the overall set of Federal programs that benefit older Americans, such as Social Security and Medicare, the programs authorized by the Older Americans Act are a small part. But they are a very important part.

When I go home and visit my area agencies on aging, senior centers, hot

meal sites, and home care agencies, it is clear that the programs authorized under this Older Americans Act form an infrastructure of health and social services of great assistance to older Americans.

I am pleased that this core of services is reauthorized and extended in this conference report. The authorization figures approved herein will provide the Appropriations Committee the room we need to continue to assure adequate funding for these programs.

In addition, I am pleased to see the emphasis placed in the conference report on activities that respond to some of the most pressing needs of the elderly—health and nutrition information, services to Alzheimer's disease victims, elder abuse, and the provision of a continuum of health care in the community to assist older people live independently as long as they can.

I would, of course, not pass up this opportunity to say how pleased I am at the continuation of the title V Senior Community Services Employment Program, one of my favorite Federal programs, that provides part-time work to needy people over the age of 55, in community service projects, that seeks to assure that these jobs become converted into unsubsidized jobs, and that provides needed supplemental incomes to people who are ready, willing, and able to work if given the chance. I think the national sponsors and the States do an excellent job of administering this program.

Finally, I would just like to mention one small provision that I was pleased to see adopted in conference allowing the provision of social services to include services designed to address the mental health needs of the elderly.

I again would like to compliment the members of the authorizing committee, the Education and Labor Committee on a job well done.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. It is so good to see the gentleman from California as Speaker pro tempore. It does my heart a great deal of good.

The SPEAKER pro tempore [Mr. DELLUMS]. I thank my colleague.

Mr. COURTER. We have worked very closely on many matters, and I look forward to working next year on many matters with the gentleman.

The SPEAKER pro tempore. I hope so, and I thank the gentleman.

Mr. COURTER. Mr. Speaker, the American population is growing older, and this will continue to increase pressure on all levels of government, and the private sector, to provide more services for a mature society.

This demographic change is particularly evident in the State of New Jersey, which has the second highest medium age of any State in the Nation, and where people aged 65 and older make up 11.7 percent of the population.

We must meet the challenges of this graying society by providing adequate assistance to needy seniors and by providing opportunities for all older Americans to remain active participants in their communities.

I commend those who have contributed to the reauthorization of the Older Americans Act in its final form. In particular, I applaud my colleagues on the House Aging Committee for carrying out a series of hearings to determine what needs and priorities should be included in the reauthorization.

The amendments before us give special attention to problems, such as elder abuse, which many people didn't know existed until quite recently. The measure also gives priority to the needs of minorities and assistance to victims of Alzheimer's disease. Existing health, nutrition, education, and training programs are maintained or expanded.

It has long been recognized that a society is judged by the way it treats its older citizens. With a rapidly expanding elderly population in need of greater security, we must now have a national commitment to provide appropriate services for senior citizens in the best possible settings. I believe the Older Americans Act Amendments demonstrate our commitment, and I urge my colleagues to agree to the conference report.

□ 1330

Mr. Speaker, I think this act and the passage of this act goes some distance in showing that Americans are indeed compassionate, they are concerned about our senior population. We want to make sure that our senior citizens have many years of comfortable and productive lives.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. MCCAIN].

Mr. MCCAIN. I thank the gentleman for yielding time to me.

Mr. Speaker, I urge my colleagues to support the reauthorization of the Older Americans Act. This landmark piece of legislation authorizes activities to improve the quality of life to persons age 60 and older.

Since 1965, the act has provided a tremendous array of community-based services to the low-income elderly. The recognition of the specific needs of the elderly has enabled millions of senior citizens to receive basic nutrition and social services. This sytstem has allowed many to remain at home in a comfortable environment and supports the strategy of deinstitutionalization.

Federal, State, and local efforts are joined together in a commitment to provide services to millions of older persons through an aging network, established by the Older Americans Act. Today, there are 57 State units on aging and 600 area agencies on aging. State units have consistently used funds provided under title III to attract other local resources for developing a wide range of services to meet the needs of older persons. Examples of these are: information and referral, outreach, transportation, legal, employment, escort, counseling, adult day care, education, homemakers, nutrition, home repair, and home health care services.

This legislation is designed to develop comprehensive and coordinated community-based social services for older Americans in order to foster independent living. It is my hope that efforts will continue to work toward this goal in light of our expanding elderly population. I believe this direction was clearly maintained when the Older Americans Act was amended to focus on community based long-term care.

In my home State of Arizona, the number of older Americans has increased 215 percent between 1960 and 1980. It is rapidly becoming the No. 1 choice of residence for the elderly. Without the services provided under the Older Americans Act, we would not have adequate State resources to provide for this tremendous growth. I would like to especially thank Connie Baldwin, executive director of the area agency on aging, for the services the agency provides under the Older Americans Act in Maricopa County.

Additionally, language was added which focuses attention on service delivery rendered to those with the greatest economic or social needs, including minority individuals. A unique set of barriers has served to limit aged minority persons from utilization of and access to social and human services. The legislation now requires the administration on aging to consult with national minority organizations in conducting and evaluating training and technical assistance activities.

With the clarification of the goals outlined in the Older Americans Act, a comprehensive delivery system can be established. One which will reach and improve the lives of all our Nation's elderly and allow them to maintain their independence and dignity.

Mr. PETRI. Mr. Speaker, I have no additional requests for time, and I reserve the balance of my time.

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield 3 minutes to my very dear friend, the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this legislation and commend the gentleman from North Carolina [Mr. ANDREWS] and the gentleman from Wisconsin [Mr. PETRI] for their leadership in this vitally important program.

I also take this time to make comment on a subject which affects our elderly citizens, namely, the Social Security Program, and a group which, in my opinion, is trying to take advantage of that program. The latest fundraising solicitation put out by the National Committee to Preserve Social Security and Medicare is factually incorrect and misleading.

This solicitation attempts to deceive America's elderly by implying that Congress has denied them promised benefits, by enacting a 3-percent trigger level on the Social Security cost-of-living adjustment. This is not true, this provision has been part of the law since 1972 when the COLA law was first enacted.

This solicitation further attempts to deceive the public by implying that legislation waiving this trigger faces great resistance in the Congress. We all know that nothing could be further from the truth. We, in the House, have moved with all deliberate speed to make sure that any legislation which we enact is technically accurate, administratively feasible, and responsive to the needs of all Social Security beneficiaries. This will be done before this Congress adjourns.

To frighten the public in this manner is shameful. It is just this sort of rhetoric which makes enactment of good legislation so difficult.

This nonsense by the national committee should be stopped immediately, and should be investigated. The public should not be alarmed needlessly. Unfortunately, too many people have already been scared, and all for no reason, since according to the administration's estimates, there will be a Social Security COLA this year even without new legislation.

Mr. Speaker, I am also glad to know that the gentleman from New York [Mr. CONABLE] in a CONGRESSIONAL RECORD of September 24, put into the RECORD commentary along the same line, about the inaccuracy and the distortion that this mailing has implied. I commend that article to the Member's attention in the hope that we might look into this matter immediately.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. BOEHLERT. The gentleman knows full well and I want our colleagues in the House to know that over 10 million Americans, elderly Americans, have received this scare letter from the National Committee to Preserve Social Security and Medicare, a noble-sounding name. It sounds wonderful, and we all support that objective to preserve Social Security and Medicare.

The problem is the National Committee is nothing more than an effective means for scaring elderly and soliciting funds from them. Already over 1 million elderly Americans have sent their hard-earned $10 check to this organization.

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. PICKLE] has expired.

Mr. PETRI. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Texas.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I continue to yield to the gentleman.

Mr. BOEHLERT. I thank the gentleman for yielding further.

Mr. Speaker, I think it is absolutely essential that all of us in this Chamber on both sides of the aisle that have been working so hard to preserve Social Security and Medicare benefits for the Nation realize exactly what is happening in this country.

Petitions are going to the Nation's elderly with our names on the petition, leading the elderly to believe that we are sanctioning this fund-raising effort which I say has already, already raised probably $10 million, ostensibly for the purpose of lobbying. Yet, in checking with our distinguished colleagues on the Ways and Means Committee, I find that occasionally they receive a curt memo suggesting what all of us want: That Social Security and Medicare should be preserved and protected.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. CONABLE. I thank the gentleman for yielding.

Mr. Speaker, there also is in the most recent notice that has been sent out a box to check if they would wish to have 5 percent of the allegedly threatened COLA paid to the same committee.

In other words, the theory is they need money. They have already taken at least $10 from each of these elderly people in order to represent them. For instance, at a hearing at which the head of the committee did not show up, allegedly now they say they need additonal money to fight to preserve the 1985 COLA, and they would like people to contribute 5 percent of the supposedly endangered COLA for that purpose.

Now, the gentleman and I both know the COLA is very likely to be paid regardless of legislation this year because last month's increase in the cost-of-living probably assured the triggering at the 3-percent level or above regardless of legislation.

□ 1340

So, there is no battle and they are trying to create a strawman here they can knock down for the purposes of working our senior citizens for more money to support their fear campaign among the elderly.

Mr. PICKLE. Mr. Speaker, I agree this practice ought to be stopped, and I think the matter should be referred to our investigative committee on Ways and Means and any other appropriate committee.

● Mr. OWENS. Mr. Speaker, I rise in support of the conference report on the Older Americans Act Amendments of 1984. I believe that there are two significant points that should be mentioned.

The amendments reassert the existing provision in law which would require that that there be a direct reporting relationship between the head of the Administration on Aging and the Secretary of the Department of Health and Human Services. The rationale for this provision remains the same—the Secretary should be kept directly in touch with the concerns of older Americans. The current practice of filtering information through the Office of Human Development Services is not appropriate and must not continue. The Secretary must be able to get information directly.

The second significant feature is the now clearly stated requirement that minority people be served by the act. The economically and socially disadvantaged have previously been identified as having special needs that must be addressed in State plans. However, the 1982 report by the Civil Rights Commission pointed out that minority communities were not being served due to a failure of outreach and a failure to specifically serve these communities. State plans will now be required to address these issues and to provide ways to make it possible for all older Americans to participate in the programs under the act. This is a step forward which is to be applauded.

The 1984 amendments to the Older Americans Act deserve the support of all of my colleagues.●

● Mr. RINALDO. Mr. Speaker, I rise in strong support of the conference report to S. 2603, the Older Americans Act Amendments of 1984. As ranking minority member of the Select Committee on Aging, I have devoted considerable attention to the Older Americans Act. In my view, this legislation is perhaps the single most successful law on the books for the elderly today.

Since its inception in 1965, the act has grown from a $6.5 million demonstration project to a $1 billion-a-year network of essential social services.

In my own State of New Jersey, the State division on aging and the 21 county offices on aging received over $31 million in fiscal year 1984; 224 nu-

trition sites in every corner of the State served over 3.6 million meals last year, and 1.5 million meals were delivered to the homebound through the title III(C) nutrition program. Nearly 300,000 older New Jerseyans received transportation, legal services, home care and other supportive services funded under title III(B) of the act. Through title IV, aging service providers are better trained than ever before. Nearly 1,900 older New Jerseyans have part-time jobs through the title V Senior Community Service Employment Program.

This act is a success because of the dedication of individuals—many of them senior citizens themselves—who have combined forces in a Federal, State, and local partnership, both public and private, to work together for older Americans. Dr. Lennie-Marie Tolliver, Ph.D., the Commissioner of the Administration on Aging since 1981, deserves special praise for her innovative leadership with the Older Americans Act at a time when Federal funding has remained static. Former New Jersey State Aging Director Jacques O. Lebel and his successor, Ann Zahora, have joined with the aging directors in New Jersey's 21 counties to give that State a host of aging services of which I and our State's 1.3 million individuals over age 60 are proud.

The Older Americans Act's vision of an intergovernmental partnership with the private sector to assist the elderly in maintaining secure, independent, healthy and productive lives is being realized through a number of innovative efforts now underway in New Jersey:

Casino gambling revenues enable the New Jersey Division on Aging to fund New Jersey's congregate housing services program. The program provides an array of personal care and housekeeping needs to elderly residents of subsidized and public housing.

The New Jersey Division on Aging and the New Jersey State Bar Association have issued an informative booklet, "Law Points for New Jersey Senior Citizens," which answers common legal questions of special interest to the elderly.

New Jersey's Task Force on Older Workers was formed by the Division on Aging and over 25 business and industry representatives who meet regularly to explore ways to expand employment opportunities for older workers. The division recently received a Federal grant to train business management in aging factors, and a jobs conference brought employers and mature workers together.

In 1983, the division collaborated with the Gerontological Society of New Jersey, Rutgers University, the Older Women's League, and the State division on women to probe issues and plan strategies relating to mature women.

Gov. Tom Kean has designated the division on aging as lead agency in a major elderly health promotion effort.

Negotiations with the New Jersey Dental Association have lead to low-cost dental care for thousands of New Jersey's elderly.

The "graying" of America, however, presents us with a special challenge. In New Jersey alone, while the population grew 2.7 percent between 1970 and 1980, the population of those 60 and above leaped 21.3 percent. By the year 2000, the percentage of New Jerseyites over 60 will grow from the current 16.7 to 18.5 percent.

Nearly 1.3 million Jerseyites are over age 60, yet we are able to serve only a fraction of those eligible. Too many senior citizens are without adequate transportation. Too many of our elderly are lacking decent, affordable health care, and too many who want to work cannot find jobs.

Because of these concerns and others, I brought the Select Committee on Aging to Elizabeth, NJ, on March 19, 1984, for a hearing on "Reauthorization of the Older Americans Act: A New Jersey Perspective." The committee heard from a diverse group of witnesses, including Administration on Aging Commissioner Tolliver, then New Jersey State Division on Aging Director Jacques O. Lebel, Carl West, legislative chairman of the New Jersey Association of Area Agencies on Aging, Joann Maslin, vice president of the Gerontological Society of New Jersey and director of Union County College's gerontology program, Robert Famighetti, director of the Kean College gerontology center, Norman Ellertson, director of New Jersey Green Thumb, and a panel of older New Jerseyites, including Agatha Venezia, Floyd Tucker, Frances Fisher, and Evelyn Frank, president and director of the Senior Citizens Council of Union County. The Honorable Thomas G. Dunn, mayor of the city of Elizabeth, also spoke.

While it was clear from those testifying that Older Americans Act programs and services are run well in New Jersey, each witness made important suggestions for improvement. These views had an impact, and I am pleased to note that many of these recommendations were embodied in H.R. 4785, of which I was cosponsor, as well as the conference report.

Major amendments deal with the following issues:

1. TARGETING OF SERVICES

A major strength of the Older Americans Act is that it is not a welfare program; no income or asset tests apply, and older individuals are free to take advantage of programs and services regardless of economic circumstances. Nevertheless, current law requires that priority be given to those in greatest economic or social need.

According to the Administration on Aging, however, up to one-third of those participating in OAA programs do not fit this rather inexact standard, and minority participation in the congregate nutrition program actually declined from 1981 to 1983. A recent U.S. Civil Rights Commission report further declared that older minority persons were not being served in the same proportion as were nonminority elderly.

The conference report refines this preference by requiring that particular attention be given to low-income minority individuals, and for the first time defines "greatest economic need" and "greatest social need." The bill also requires the Secretary, in evaluating programs under the act, to consult with organizations representing older minority individuals.

Had this legislation come up on the floor under the rule which it had initially been granted as opposed to on the suspension calendar, I had intended to offer an amendment which would have required minority representation on the Federal Council on Aging. The Federal Council, a 15-member group appointed by the President to advise the administration on Federal aging policy, currently has not a single minority member. In fact, in the entire 11-year history of the Council there have been only four black appointees, two Asian-Pacific appointees, two Native American appointees, and one Hispanic member. I am pleased to note, however, that the conference report includes language which will ensure that the Council has minority appointees.

2. TRANSFERABILITY OF FUNDS

The Older Americans Act presaged the renewed emphasis on State and local decisionmaking in that it has always been structured to allow non-Federal agencies and grassroots advisory councils considerable authority to decide how to allocate aging funds within certain statutory guidelines. Witnesses before Select Committee on Aging hearings in 1983 and 1984 testified that still greater flexibility was needed, and that the transferability provision enacted in 1981, which for the first time allowed States to transfer up to 20 percent between the two allotments for nutrition programs—congregate and home delivered meals—and supportive services, should be raised. As Carl West, Legislative Chairman for the New Jersey Association of Area Agencies on Aging observed at my hearing in New Jersey, "an increase will provide greater discretion at the local level to develop comprehensive service delivery systems responsive to the multiple needs of older persons."

While I believe there is justification on the record for a higher percentage, I am pleased that the conference report raises the transferability provision from 20 percent to 30 percent over the next 3 years.

3. ELDER ABUSE

Hearings conducted by the House Aging Committee, including one which I chaired at Kean College of New Jersey in 1980, as well as a recently concluded Justice Department Task Force report and other studies, have documented the growing problem of domestic violence, including crimes against the elderly. State and area agencies, as service coordinators and providers, are in an ideal position to assist in the battle against elder abuse. Title IV funds have already financed three elder abuse demonstration projects utilizing the aging network, and many State and area agencies on aging, including New Jersey's, are actively involved in research, education, and treatment efforts.

By specifying that area agencies must assess the need for services designed to prevent elder abuse and may contract with others to provide such services, the conference report recognizes the aging network's key function in working in a coordinated fashion with other governmental and private agencies in combating this problem.

4. COMMODITIES PROVISION

I am especially pleased that the conference report leaves in place the current provision which provides either commodities or cash in lieu of commodities on a cents-per-meal reimbursement basis to area agencies on aging. Because the law allows reimbursement for each meal served under the aegis of the title III nutrition program, this section provides an incentive for nutrition providers to seek supplemental, non-Federal support for meals provision and rewards efficiency.

The chairman of the Aging Committee's Subcommittee on Human Services [Mr. BIAGGI] and I strongly opposed efforts to do away with this provision, and last year the House passed our bill (H.R. 2807) to raise authorization levels for the program when it became clear that reimbursement requests were exceeding expectations.

5. TITLE V

The Senior Employment Program, currently funded at $317 million and 63,000 jobs, is the only Older Americans Act program administered by the Department of Labor and not by the Administration on Aging within the Department of Health and Human Services. While the Department and the eight national contractors who administer the program have done an excellent job, concern was expressed at the committee's hearings that coordination of employment activities and communication among the national sponsors and the State and area agencies on aging is sometimes deficient. Moreover, while the regulations specify a transition rate goal for title V employees of 15 percent into unsubsidized employment, actual transition rates reported by contractors for the 1982-83 program year range from a high of 34 percent to a low of 8 percent. Likewise, some contractors have been more successful than others in holding their administrative costs to the Department of Labor's 15 percent goal.

I am pleased that the conference report phases in a new statutory administrative cost ceiling of 12 percent in order to maximize funds to older workers. I am also hopeful that consultation and coordination among the national contractors and aging network will improve and that goals for transition rates into unsubsidized jobs will be more uniformly met.

Mr. Chairman, the conference report provides a much-needed requirement that the Commissioner on Aging, in funding demonstration projects, give priority to proposals designed to assist individuals with Alzheimer's disease and their families. The agreement also strengthens the coordinative role of State and area agencies on aging in designing and implementing community-based long-term care systems, and funding authorizations receive a needed but realistic boost.

I want to thank the chairman [Mr. ROYBAL] and my other colleagues on the Aging Committee, particularly Mr. BIAGGI and Ms. SNOWE, as well as the Education and Labor Committee, especially the late chairman, Mr. PERKINS, and Messrs. ANDREWS, ERLENBORN, and PETRI, and other conferees for their leadership in crafting a bill which ensures that the Older Americans Act success story continues unabridged.

I urge adoption of this legislation.●

● Mr. DAUB. Mr. Speaker, I rise today in enthusiastic support of the conference agreement on the Older Americans Act reauthorization of 1984. This act is the key Federal program which provides supportive services for our older citizens.

Since becoming law in 1965, this act has spurred tremendous progress toward understanding and solving the problems of seniors. The Older Americans Act can be the means by which we reduce duplication of services and eliminate Federal redtape by identifying and delivering services from a local level and by assuring dignity and respect for our senior citizens.

I am encouraged with the provisions in this conference bill that give further discretion to States and local aging offices to determine the mix of services that will meet the area's specific needs. The conference report increases flexibility by increasing the allowed transfer of funds between categorical meal and supportive services programs from the current 20 to 27 percent in fiscal year 1985, increasing to 29 percent and 30 percent in the 2 subsequent fiscal years.

The programs administered through the Older Americans Act are working well as a result of the dedication and enthusiasm of those who coordinate and administer these programs. I am encouraged with the excellent work of the Nebraska Department of Aging under the direction of Helen Boosalis and her predecessor Heather Hong.

Our local aging offices are also doing an outstanding job tailoring services to the needs of the local community. The Eastern Nebraska Office on Aging, in Omaha, has continued this success under the direction of J. Kenton Fancolly, former director, and now under Kay Wallick.

These State and local efforts are complemented with the contribution of volunteers serving on the Department on Aging's and the ENOA's advisory boards. These councils deserve a special tribute.

As we approach the 20th year of the Older Americans Act we must continue efforts to pursue the original intent of the act which is to meet the social service needs of our older citizens in the most effective manner possible.●

● Mr. BIAGGI. Mr. Speaker, as a member of the conference committee, I am proud to rise in support of this conference report which reauthorizes certainly one of the finest of all Federal programs—the Older Americans Act. With our passage of this conference report today, we reaffirm that the Older Americans Act is the cornerstone of an enlightened Federal policy of providing services to seniors aimed at promoting independence and dignity.

We have before us not a radical reauthorization proposal but rather a carefully crafted fine tuning of the programs and services under the act. This was done as a reflection of the fact that the act is working and working well across our Nation.

The changes that we have made will provide a blueprint for the continued successful operation of the program. These changes include:

A recognition that the programs and services under title III(B) of the act are most in need of increased funding. The authorization levels agreed to in this bill for title III(B) are the largest increases of any other program in the act. Title III(B) provides such key services as transportation, legal services, and senior center services. It received its first increase in appropriations just 2 months ago under an amendment I authored to the second supplemental appropriations bill.

In addition to the pressures brought to bear on title III(B) in terms of the services it now provides—new pressures have been registered because of

increased number of elderly being referred to area agencies on aging because of the DRG system in hospitals. This problem was effectively brought to our attention by my colleague from Maine, OLYMPIA SNOWE. Together we developed legislation to increase funding for title III(B) and while the amounts in this conference report are less than the original proposal—they do reflect the intent of Congress that we must provide additional funds for this section of the act.

The conference report builds upon the successful flexibility features we adopted in the 1981 amendments by increasing the allowable transfer authority between titles III (B) and (C) from the current 20 to 27 percent in fiscal year 1985, 29 percent in fiscal year 1986, and 30 percent in fiscal year 1987. This critical feature allows State and area agencies on aging to target their funds under title III to meet their local needs. It is the expectation of the conferees that a 30-percent transfer will not be needed except in limited areas of the country—but we feel that there should be the flexibility to provide for it if needed.

The conference agreement makes a number of major improvements in the title IV research training and demonstration project program. The key need for this program was to make it more accountable and more coordinated with the other programs in the act. We have accomplished this by building in specific statements of purpose into each section of title IV and mandating more regular reporting of research and training findings.

We have at long last addressed the very real and difficult problems being faced by families of victims of Alzheimer's disease. I was proud to sponsor some of the provisions which will result in increased targeting of funds under title III for families of Alzheimer's victims. These are the funds that can provide the important supportive services which will allow families to better cope with the traumas of this disease.

New language is in this bill which collectively improves the standing of all elements of the aging network. We have for the first time set aside a specific percentage of funds under title III for State administration activities. Under the conference agreement—5 percent of funds or $300,000 would be set aside beginning in fiscal year 1985 and the minimum would be raised to $500,000 as soon as overall appropriations under title III(B) rise to $800 million. For the network of 665 area agencies on aging, the conference report has new language spelling out the rights and responsibilities of triple A's to coordinate community based long term care programs—a critically important concern. Finally with respect to nutrition providers, we have made a small but significant change in their listing under the bill. The change is from "sites" to "programs" which reflects a recognition of both their increased importance and professionalism in the community. Further the bill also gives proper recognition to the role of a provider with previous experience to continue to be awarded nutrition contracts.

The conference agreement does in fact try to guarantee that the responsibilities of the Commission on Aging are no longer eroded by the Office of Human Development Services of HHS. The conference agreement makes it perfectly clear that the Commissioner on Aging have direct reporting responsibilities to the Secretary of Health and Human Services. I like others on the House side would have preferred to maintain the House language which would have elevated the current Administration on Aging and made it into an Office for Aging within the Department of Health and Human Services. This would have allowed the Commissioner to have to report only to the Secretary of HHS not the Office of the Secretary. We did not prevail in the final analysis although the report language makes it clear that the Congress will be monitoring the activities of the Office of the Secretary in this regard. Let me quote from the statement of managers:

> Responsibility for federal aging policy is placed in the Administration on Aging and not in the Office of Human Development Services.

The Commissioner on Aging has suffered enough erosion of her responsibility in recent years and it is time to make the dedicated people in the Administration on Aging more visible.

The conference agreement mandates that regulations to implement this legislation must be promulgated within 120 days after enactment. This is done in large measure to try and avert any repetition of the situation we found ourselves in today—namely, that more than 3 years after the last reauthorization was passed by Congress—there are no implementing regulations. Regulations are important to the smooth implementation of programs and the Older Americans Act is no exception.

I, of course, strongly support the retention of separate funding for nutrition services—both congregate and home delivered which is part of this legislation.

S. 2603 makes the statement that there is very little that must be done to the nutrition program to make it work better. There is an important clarification in the understanding that contributions asked from program participants are to be voluntary and not charges as in present law. The statement of the managers emphasizes the fact that all contributions from participants are to be voluntary and no attempt to coerce should be undertaken.

I regret that we were unable to add any further increases in authorizations for the Home Delivered Meals Program under this act. Under the terms of the Biaggi amendment to the second supplemental appropriations bill, the current appropriation level for the program is not at $67 million—almost the exact level as the authorization. That is a true rarity in programs for appropriations to be so close to authorizations. However this is another program that works and that has a tremendous increase in demand for its services. A survey I commissioned of my Subcommittee on Human Services proved the point in dramatic fashion. Out of 1,200 sites surveyed more than 80 percent cited increased need, the average waiting list had grown to almost 300. This combined with the fact that the average age of participants is now 78 makes the case for both a continuation and expansion of this program.

With respect to the title V program—I am pleased that we have maintained the essence of this most important program and have provided for realistic increases in its funding levels. I cannot lend my full support to the provision which lower the level of administrative costs which might be required by national contractors and State agencies but believe that the conference agreement is far better than the Senate-passed bill especially with its waiver provision.

Also with regard to title V—I was pleased that report language was included which expresses the concern of Congress about any requirement that the Secretary of Labor issue mandating that a specific percentage of workers under title V be transitioned into the private sector. Further I was pleased that a provision I had adopted as an amendment to the House bill was retained in final report language—namely, that in the course of transitioning workers under title V all steps should be taken to exempt those workers in title III programs.

As a cosponsor of the legislation authored by the distinguished subcommittee chairman, Mr. ANDREWS—I am heartened by the conference committee's decision to maintain the new title VII program. Under this new program grants will be provided to universities and colleges, institutions of higher education, and social work, public health institutes to develop programs aimed at enhancing health through nutrition. The conference committee did call for coordination of this program with the aging network which I consider critical for its ultimate success.

I am pleased to note at this juncture that the Senate has already adopted this legislation so all we must do is pass it here and it becomes law. Time is running out on this fiscal year and

it is imperative that this program not be allowed to expire.

I am especially pleased to note the provisions contained in title IV of these amendments which seek to upgrade and underscore our continued commitment to education, training, and research programs in aging and for the aged.

These provisions embody the bulk of recommendations advanced by the title IV task force that I convened late last year to discuss programs and services provided by title IV of the act. The intent of the task force was to bring together individuals and organizations from the field, both practitioners and academics, to discuss policy matters related to the reauthorization. The task force met on a monthly basis to review ongoing programs under title IV as well as to prepare legislative recommendations.

These amendments have a threefold policy emphasis: First, to make title IV more visible; second, to make title IV more directly related to the rest of the programs supported by the act, and third, to make title IV more accountable through the upgrading of standards for funding programs and projects and to require publication and dissemination of annual reports to Congress and the aging network.

The major changes in title IV include the following:

Increased authorizations for funding at the following levels: $28.2 million in fiscal year 1985, $29.8 million in fiscal year 1986, and $31.4 million in fiscal year 1987;

Improved accountability by requiring policy impact statements by all grantees and contractors;

Improved coordination between long-term care centers, multidisciplinary centers of gerontology and the aging network by requiring coordination and consultation with State and area agencies on aging so that the products of research by these centers are applicable and useful to service providers;

Increased emphasis on the training and retraining needs of professionals and paraprofessionals to respond to the emerging needs of the field—with required emphasis on support for individuals and programs designed to assist victims of Alzheimer's disease and their families;

Continued support for national legal service support centers which will assist local legal service programs operated through State and area agencies on aging. Support for these national support efforts are critical to assuring adequate legal service programs are available to seniors in those areas of the Nation which fail to have adequately trained personnel;

Increased flexibility with education and training funds by merging State education and training activities—formerly funded at a level of $2.1 million through title IV—with State administrative activities now funded through title III. The conferees expect that the Administration on Aging will seek to assure that States are held harmless at fiscal year 1984 levels and will make title IV funds available in the event that title III appropriations are inadequate to meet this purpose; and

Continued emphasis on the special needs of the minority elderly.

I believe that the revisions in this title will substantially enhance the products of research and training so that they may be more policy oriented and of greater use to the aging network at large—and service providers in particular.

As we examine this legislation in its entirety, we see that it is the product of several years of work not only on the part of the House Education and Labor Committee but another committee I am proud to serve on—the House Select Committee on Aging. This committee and in particular the Subcommittee on Human Services which I chair has done extensive oversight work on behalf of the Older Americans Act. This included a number of hearings from which recommendations did come that became part of the bill before us. Let me again pay tribute to my ranking minority member, Ms. SNOWE, for her work but also pay tribute to my colleague, Mr. RINALDO, ranking minority member of the full committee whose interest in the Older Americans Act is substantial. Also the contributions of my colleagues: Mr. DERRICK, Mrs. BYRON, Mr. BILIRAKIS, Mr. ALBOSTA, and Mr. SHUMWAY, all of whom held hearings specifically on the Older Americans Act in their districts. Finally I wish to pay tribute to the most distinguished chairman of the full Committee on Aging, Mr. ROYBAL, who has been a true and longtime friend of the Older Americans Act and has manifested this through his important service on the Labor-HHS Subcommittee of the House Appropriations Committee.

Again I implore my colleagues to pass this important bill. It is a coordinated and comprehensive effort to ensure that the Older Americans Act remains the central Federal program serving the elderly of this Nation. It is also a most remarkable example of bipartisanship and on that note, I wish to salute the outstanding work of the ranking minority member of the Human Resources Subcommittee, Mr. PETRI, as well as the ranking minority member of the full committee, Mr. ERLENBORN of Illinois.

H.R. 4785 will ensure that the success story which has accompanied the Older Americans Act over its almost 20 years will continue and expand over the next 3 years. This legislation was carefully developed with the full and active consultation and participation by all major national aging organizations as well as others on the State and local level. I wish to especially salute those organizations who represent the very core of the "aging network," namely the National Association of State Units on Aging, the National Association of Area Agencies on Aging, the National Association of Nutrition and Aging Service Program, and the National Association on Meals programs. They have all made important contributions not only to this bill but to the successful operation of the act.●

● Mr. ROYBAL. Mr. Speaker, I rise in support of the conference report of S. 2603, the Older Americans Act Amendments of 1984. As chairman of the Select Committee on Aging, I cannot stress enough just how important this legislation is to millions of older Americans. The Older Americans Act sets out a declaration of objectives aimed at improving the lives of older Americans in the areas of income, health, housing, employment, and retirement. Since its inception in 1965, this legislation has been, and continues to be, the primary vehicle for social service delivery to all older Americans.

The conference report agreement authorizes $1.26 billion in fiscal year 1985, $1.31 billion in fiscal year 1986, and $1.37 billion in fiscal year 1987 for nine older Americans programs. Even though the authorization totals are $84.2 million less than the House bill for fiscal year 1985, $87.7 million less than the House bill for fiscal year 1986, and $88.1 million less than the House bill for fiscal year 1987, the agreements total fiscal year 1985 authorization for the eight existing programs is still $160.2 million more than the fiscal year 1984 appropriations. Also, included in this reauthorization are many important technical and strengthening provisions.

This reauthorization will:

Clarify the responsibilities of the Commissioner of the Administration on Aging to assure direct reporting to the Secretary of Health and Human Resources, instead of to the Office of the Secretary.

Require the Administration on Aging to consult with national minority organizations. Require public review and comment of each State's plan to serve those with the greatest social and economic need with special emphasis placed on the definition of "need" regarding minority persons.

Identify Alzheimer's disease as an important concern in research and training projects; including emphasis upon training of paraprofessionals to assist victims and families through title-IV-funded programs. Also services to victims and families are highlighted as priority provisions in the act.

Allow area agencies on aging to operate programs to assist victims of elder abuse and their families.

Place a prohibition against combining Older Americans Act funds with other funds in a combined discretionary grant.

Increase transfer of funds between categorical meal programs and supportive services programs from the current law of 20 to 27 percent in fiscal year 1985, 29 percent in fiscal year 1986, and 30 percent in fiscal year 1987.

Require the issuance of proposed regulations to implement the 1984 amendments within 120 days of enactment. Final regulations must be issued within 90 days.

Create a new title VII, to develop health education and training programs for seniors. This program would provide grants to universities to develop and implement health education programs for the elderly.

In H.R. 5325, the administration's proposed reauthorization of the Older Americans Act, President Reagan shamefully attempted to reduce authorization for these programs by approximately 20.5 percent—a decrease in actual dollars equivalent to almost $860,849,000. He attempted to decrease funding for title IV—research and training—by almost 77 percent, and proposed no extention of authorizations for title V—the only Federal senior employment programs. I am very proud that the conferees did not allow Reagan to once against place the burden of Federal budget cuts on the elderly.

I would like to take this opportunity to commend the conferees for their diligent efforts on behalf of the seniors of this Nation. I especially would like to commend and thank my colleague MARIO BIAGGI for his tremendous contribution as a conferee and as a ranking member of the Select Committee on Aging regarding this reauthorization. Also, I extend my thanks to all members of the Aging Committee for their involvement and commitment to ensure that this reauthorization truly addressed the needs of the seniors of this Nation.

In conclusion, let me say that the Older Americans Act is a landmark piece of legislation. It is the lifeblood to millions of older Americans throughout this Nation. And, I am certain that all my colleagues will join me in support of the conference report on S. 2603, and vote for its immediate approval.●

● Ms. SNOWE. Mr. Speaker, I am very pleased to join my colleagues today in passing the 1984 Older Americans Act [OAA] amendments. We are reaffirming our commitment to the single most successful program which assists our elderly population in their own homes and communities.

What we have before us is a bill that is the culmination of a long, thoughtful legislative process—a bill which reflects the many suggestions of our service providers and their recipients by strengthening those programs upon which many of our elderly citizens already depend and by redirecting existing programs in response to new trends and new needs.

At this time, I want to commend several of my colleagues and their able staffs who serve on the House Education and Labor Committee for their dedicated efforts in drafting this reauthorization measure as I believe this bill is the best of the compromises that were necessary to accommodate the greatest needs of our older Americans. The committee members were responsive to some of my own suggestions, although I was not a committee member, and I want to publicly recognize their receptiveness to ideas other than their own when drafting the final measure before us today.

I want to pay special tribute to our late friend and colleague, Carl Perkins, a most gracious gentleman and efficient chairman of the Education and Labor Committee. Chairman Perkins was indeed an example for all of us by his unwavering commitment to the improvement of our Nation's programs for the elderly, the young and defenseless, the hungry, and the handicapped. Just one example of his bipartisan and generous attitude was exemplified by his quick acceptance of my suggestion for even higher funding levels for the OAA title III-B programs, which were significantly above the levels recommended in the committee's bill. This is just one example of Chairman Perkins' commitment as a guardian of these services for our senior Americans. We will miss his special and responsive leadership.

In pointing out the increased title III-B authorization levels in the bill before us today, I want to also thank Congressman BIAGGI, a member of the Education and Labor Committee, who, on my behalf, suggested the increased funding targets during the markup session of H.R. 4785. Through our mutual efforts as chairman and ranking minority member of the Aging Subcommittee on Human Services, we came to recognize that hospitals were discharging patients earlier than usual in an effort to reduce costs under the newly implemented diagnostic-related groups [DRG's] reimbursement system. Older patients are depending more and more on those community services such as transportation and day care to assist them over periods of convalescence, a situation unforeseen by Congress when passing the new DRG reimbursement program. By redirecting just a small portion of the savings realized under the DRG ceilings to the OAA community-service programs, we are providing the State area agencies on aging the additional funding they need to meet these new demands. Moreover, more funding will now be needed to allow States to expand their services for Alzheimer victims and their families, services also included in the bill at my suggestion. It was important that the House bill initially reflect these increased demands upon title III-B services as the Senate funding projections did not.

I am especially gratified that Chairman ANDREWS and ranking minority member PETRI of the Subcommittee on Human Services so graciously accepted the language presently in the bill which prioritizes the care of Alzheimer victims and the training of personnel who are responsible for that care in our nursing homes, VA hospitals, home health agencies, and adult-day-care centers. These provisions are identical to legislation I earlier introduced as H.R. 4272 which requires the Commissioner on Aging to give educational grant priority to those students who indicate they will study the custodial or skilled care of victims of Alzheimer's disease and related dementias. And as I mentioned before, State area agencies on aging will now be tasked with providing services to Alzheimer victims and their care-giving families.

It should also be recognized that Senator METZENBAUM later introduced this same legislation in the Senate and Senator GRASSLEY, as chairman of the Senate Aging Subcommittee, incorporated these provisions dealing with Alzheimer's disease training and services in the Senate version of the reauthorization bill as well.

Mr. Speaker, today the Older Americans Act supports 662 area agencies on aging, over 8,600 service providers, 13,000 congregate nutrition sites, and 6,000 home-delivered providers. Older Americans also participate in 54,000 community-service jobs.

In my own home State of Maine, 17 percent of the population is 60 years of age or older. Many of these individuals look to their senior-citizen centers, nutrition programs, employment and community-service jobs funded by the Older Americans Act.

Through the foresight of the OAA, all Americans can face their golden years with increased assurance that they can live independently and productively as long as possible in their own homes and communities. This legislation is truly a legislative success story, and I am most pleased to have played a role in enlarging and enhancing these programs to the betterment of all older Americans.●

● Mr. WALGREN. Mr. Speaker, Federal funding for the Older Americans Program should be overwhelmingly supported by the Congress.

The Older Americans Act provides funds for over 3,000 centers across the country and, through these centers, provides services to over 10 million people. The range of services include nutrition programs like Meals on Wheels, which takes a hot meal into

people's homes. The program helps senior-citizens centers provide a full range of activities from counseling on life and health insurance to recreation and day-care programs. The Older Americans Act provides transportation to many elderly people who would have no way of going to the doctor or getting out of the house if this help did not exist. It also provides many part-time jobs for older people in community-service work.

This bill provides for a new program of health education for senior citizens. This is especially important because awareness of available medical programs and the importance of prevention of health problems is the major defense the elderly have to protect their lives.

None of us should have to grow old alone. The Older Americans Act reaches out to the elderly and tries to give them contact and support from others when they are less able to care for themselves. The program reaches people where they are. It is based in the community and can reach into the individual home if need be. It is one of the finest examples the good Government can do.

The Older Americans Act is preventive medicine in its best sense. By supporting senior-citizen centers and other programs that bring people together, it helps overcome the lonelinesss and isolation that we see more and more with old age in America because the next generation often lives far away. Medical professionals agree that the feeling of abandonment can be as debilitating to one's health as, for example, pneumonia. Any program that is lifesustaining has my full support.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in strong support of the conference report of the Older Americans Act Amendments of 1984.

I was an original supporter of the Older Americans Act of 1965 and have continued to support legislation which addresses the problems and concerns of this vital segment of our population. Although there are a great number of other programs under which older people may receive assistance, this act is the major vehicle for the organization and delivery of services solely to this group, tailored to meet their special needs.

This legislation was developed under the premise that the Older Americans Act is a Federal program that is working and that is a visible success story throughout our Nation. As a result, we approached this reauthorization with the prevailing sentiment that the most we needed to do was to fine tune the act. This allows for changes to be made to improve and expand the act without radically altering its basic structure and purpose. This has been accomplished in a constructive and bipartisan fashion. The most important element of the reauthorization is that we have extended all programs under the act for 3 additional years as a categorical program.

Mr. Speaker, I am delighted that programs so fundamental to the wellbeing of a growing segment of our population continue to receive the broad support they deserve.●

● Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the 3-year reauthorization of one of the most important programs considered by this body, the Older Americans Act Amendments. The support that these programs have enjoyed over the years is rarely unequaled, and is indicative of their intrinsic value to the many senior citizens who participate.

I am pleased to see that the Meals on Wheels Program has been authorized at $69 million for fiscal year 1985, with an additional $3 million for fiscal year 1986 and a third-year reauthorization of $75.6 million for fiscal year 1987. This popular and important program is frequently the only contact many homebound seniors have with the outside world, and the knowledge that these men and women are receiving nutritional meals in their own homes is of great comfort to many of us. Of all the programs reauthorized by the conference report, I can think of no more deserving program than this one.

Other provisions of the legislation include the reauthorization at higher levels of the supportive services system, the Congregate Meals Program, and the Community Service Employment Program. A new program as well has been created, that of a grant program for institutions of higher education. These schools can now compete for funding if they have graduate programs in public health, medical sciences, psychology, nursing, social work, education, nutrition, or gerontology and plan to design health education and training programs of relevance and assistance to the senior citizen community. This new grant program is authorized initially at $8.6 million for fiscal year 1985.

Mr. Speaker, the total reauthorization for the next fiscal year is now well over $1 billion. This funding is vitally important to many senior citizens and their families, and is money appropriately earmarked in the Federal budget. I acknowledge my strong support for the levels contained in this conference report, and look forward to continued implementation of the many fine programs carried out by the Administration on Aging.●

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. PICKLE] has expired and the Chair recognizes the gentleman from North Carolina.

The Chair would indicate to the gentleman from North Carolina that he has 8 minutes remaining.

Mr. ANDREWS of North Carolina. Mr. Speaker, I should not consume additional time except to say briefly to the gentleman from Wisconsin [Mr. PETRI] and to the other minority members of our staff how very much we appreciate their cooperation, the attitude that we approach not only the Older Americans Act but all of the several fine programs we have within our jurisdiction.

He does an excellent job and we appreciate the gentleman from Texas [Mr. COLEMAN] and may I also join the gentleman from Wisconsin [Mr. PETRI] in paying tribute to our friend, the gentleman from Illinois [Mr. ERLENBORN] who is retiring at the end of this session. He has meant much to our subcommittee as well as to the full committee and to all of us individually.

He is always the picture taker when we go on trips and he sends us pictures when we get back and so just in every way he is a distinguished gentleman.

Also to a very fine staff on both sides chaired on this side by Gordon Raley, who is assisted so ably by Trudy Wright, and on that side by our good friend John Dean who is the minority counsel and Ed Larson who works with Mr. PETRI. They are all great people to work with and we appreciate the opportunity to do so.

Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I would like to associate myself with the subcommittee chairman's remarks and at this time also to recognize the contributions of the ranking minority member on the Special Committee on Aging [Mr. RINALDO] and a fellow member of that committee, the gentlewoman from Maine [Ms. SNOWE].

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has now expired.

Mr. ANDREWS of North Carolina. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 393, nays 2, not voting 37, as follows:

[Roll No. 423]

YEAS—393

Addabbo	Albosta	Andrews (TX)
Akaka	Andrews (NC)	Annunzio

Anthony	Fascell	Lewis (FL)
Applegate	Fazio	Lipinski
Archer	Feighan	Livingston
Aspin	Fiedler	Lloyd
Badham	Fields	Loeffler
Barnard	Fish	Long (LA)
Barnes	Flippo	Long (MD)
Bartlett	Florio	Lowery (CA)
Bateman	Foglietta	Lowry (WA)
Bates	Foley	Lujan
Bedell	Ford (MI)	Luken
Beilenson	Ford (TN)	Lundine
Bennett	Fowler	Lungren
Bereuter	Frank	Mack
Berman	Franklin	MacKay
Bevill	Frenzel	Madigan
Biaggi	Frost	Markey
Bilirakis	Fuqua	Marlenee
Bliley	Garcia	Marriott
Boehlert	Gaydos	Martin (IL)
Boland	Gejdenson	Martin (NY)
Boner	Gekas	Martinez
Bonior	Gephardt	Matsui
Bonker	Gibbons	Mazzoli
Borski	Gilman	McCain
Bosco	Gingrich	McCandless
Boucher	Glickman	McCloskey
Boxer	Gonzalez	McCollum
Britt	Goodling	McCurdy
Brooks	Gore	McDade
Broomfield	Gradison	McEwen
Brown (CA)	Gray	McHugh
Brown (CO)	Green	McKernan
Broyhill	Gregg	McKinney
Bryant	Guarini	McNulty
Burton (CA)	Gunderson	Mica
Burton (IN)	Hall (IN)	Michel
Byron	Hall (OH)	Mikulski
Campbell	Hall, Ralph	Miller (CA)
Carney	Hall, Sam	Miller (OH)
Carper	Hamilton	Mineta
Carr	Hance	Minish
Chandler	Hansen (ID)	Mitchell
Chappell	Hansen (UT)	Moakley
Chappie	Harkin	Molinari
Clarke	Hartnett	Mollohan
Clay	Hawkins	Montgomery
Clinger	Hayes	Moody
Coats	Hefner	Moore
Coleman (MO)	Heftel	Moorhead
Coleman (TX)	Hertel	Morrison (CT)
Conable	Hightower	Morrison (WA)
Conte	Hiler	Mrazek
Conyers	Hillis	Murphy
Cooper	Holt	Myers
Corcoran	Hopkins	Natcher
Coughlin	Horton	Neal
Courter	Howard	Nelson
Coyne	Hoyer	Nichols
Craig	Hubbard	Nielson
D'Amours	Huckaby	Nowak
Daniel	Hughes	O'Brien
Dannemeyer	Hunter	Oakar
Darden	Hutto	Oberstar
Daschle	Hyde	Obey
Daub	Ireland	Olin
Davis	Jacobs	Ortiz
de la Garza	Jeffords	Ottinger
Dellums	Jenkins	Owens
Derrick	Johnson	Packard
DeWine	Jones (OK)	Parris
Dickinson	Jones (TN)	Pashayan
Dicks	Kaptur	Patman
Dingell	Kasich	Patterson
Dixon	Kastenmeier	Pease
Donnelly	Kazen	Penny
Dorgan	Kemp	Petri
Dowdy	Kennelly	Pickle
Downey	Kildee	Porter
Dreier	Kindness	Price
Durbin	Kleczka	Pritchard
Dwyer	Kogovsek	Pursell
Dymally	Kostmayer	Quillen
Dyson	Kramer	Rahall
Early	LaFalce	Rangel
Eckart	Lagomarsino	Ratchford
Edgar	Lantos	Ray
Edwards (AL)	Leach	Reid
Edwards (CA)	Leath	Richardson
Edwards (OK)	Lehman (CA)	Ridge
Emerson	Lehman (FL)	Rinaldo
English	Leland	Ritter
Erdreich	Levin	Roberts
Erlenborn	Levine	Robinson
Evans (IA)	Levitas	Rodino
Evans (IL)	Lewis (CA)	Roe
Roemer	Smith (NE)	Vandergriff
Rogers	Smith (NJ)	Vento
Rose	Smith, Denny	Volkmer
Rostenkowski	Smith, Robert	Vucanovich
Roth	Snowe	Walgren
Roukema	Snyder	Walker
Rowland	Solarz	Watkins
Roybal	Solomon	Waxman
Rudd	Spence	Weber
Russo	Spratt	Weiss
Sabo	Staggers	Wheat
Savage	Stangeland	Whitehurst
Sawyer	Stark	Whitley
Schaefer	Stenholm	Whittaker
Scheuer	Stokes	Whitten
Schneider	Stratton	Williams (MT)
Schroeder	Studds	Williams (OH)
Schulze	Stump	Wilson
Schumer	Sundquist	Winn
Seiberling	Swift	Wirth
Shannon	Synar	Wise
Sharp	Tallon	Wolf
Shaw	Tauke	Wolpe
Shelby	Tauzin	Wortley
Shumway	Taylor	Wright
Shuster	Thomas (CA)	Wyden
Sikorski	Thomas (GA)	Wylie
Siljander	Torres	Yates
Sisisky	Torricelli	Yatron
Skeen	Towns	Young (AK)
Skelton	Traxler	Young (FL)
Slattery	Valentine	Young (MO)
Smith (IA)	Vander Jagt	Zschau

NAYS—2

Crane, Philip Paul

NOT VOTING—37

Ackerman	Ferraro	Murtha
Alexander	Gramm	Oxley
Anderson	Hammerschmidt	Panetta
AuCoin	Harrison	Pepper
Bethune	Hatcher	Regula
Boggs	Jones (NC)	Sensenbrenner
Breaux	Kolter	Simon
Cheney	Latta	Smith (FL)
Coelho	Lent	St Germain
Collins	Lott	Udall
Crane, Daniel	Martin (NC)	Weaver
Crockett	Mavroules	
Duncan	McGrath	

□ 1400

Mr. LOWERY of California and Mr. FRANK changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just concluded and adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MOTION OFFERED BY MR. ANDREWS OF NORTH CAROLINA

Mr. ANDREWS of North Carolina. Mr. Speaker, I move that the House recede from its amendment to the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. ANDREWS].

The motion was agreed to.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL 12 NOON TOMORROW TO FILE REPORTS ON SUNDRY BILLS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until 12 noon Thursday, September 27, 1984, to file its reports on the following bills:

H.R. 6301, Steel Import Stabilization Act;

H.R. 3795, Wine Equity Act;

H.R. 5377, Israel Free Trade Zone Act; and

H.R. 6023, extension of generalized system of preferences.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, these four bills are being dealt with by the Committee on Ways and Means. It is the better procedure to file the reports tomorrow so that our staff does not have to stay until midnight Xeroxing them. Some of these bills will be subject to interesting debate, but the minority believes that this is the best way to bring them forward.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I have asked for this time so that we can learn the schedule for the balance of the day and, hopefully, the balance of this week and the first part of next week, if not all of it.

For that purpose, Mr. Speaker, I will be glad to yield to the distinguished majority leader so the Members will be apprised of the schedule.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we have only a few more unanimous-consent requests, after which the business for today will have been concluded. Before adjournment today, I shall, in a moment, ask unanimous consent that we adjourn to meet at 10 o'clock on Friday, tomorrow being a high holy day, Rosh Hashana.

Inasmuch as the conferees have already been appointed on the part of the House for the continuing resolution and since the other body will not take up the continuing resolution until Friday, we expect to have only a pro forma session on Friday, with no votes. There will be no legislative votes. It will be a pro forma session, however, to make it possible under the

rules for us to proceed. We would expect the other body to complete its action on the continuing resolution on Friday, and that over the weekend the conferees might meet together and hammer out their compromise.

We would expect on Monday to come in at noon. There are some 14 suspensions listed for our consideration so far, but the principal business that we might attend to on Monday and that we hope to attend to on Monday will be the passage of a conference report on the continuing resolution.

The remainder of the business for next week, once the business scheduled for Monday has been disposed of, would include the following:

Debt-limit extension;

The conference report on the budget resolution (H. Con. Res. 280);

Action on a trade bill or bills from the Committee on Ways and Means;

Action on social security cost-of-living adjustments;

Action on an amendment by the gentleman from Oklahoma [Mr. JONES], chairman of the Committee on the Budget, calling for a balanced-budget proposal; and

A Tender-Offer Reform Act, subject to the granting of a rule.

Conference reports, of course, may come up at any time.

The principal thing I think Members would want to know is that upon completion of business today we expect to have only a pro forma session on Friday, so that Members might feel free to conduct such business as they may have in their individual districts for the remainder of the week.

Mr. LOTT. Mr. Speaker, let me address a few questions to the distinguished majority leader.

First of all, are we anticipating at this point completion of the business for this session and for this Congress on Thursday?

Mr. WRIGHT. Yes.

Mr. LOTT. Or Friday? Of course, I know that all will be impacted by what we do on the continuing resolution, for instance, but can we get any indication of what the intentions of the leadership are?

Mr. WRIGHT. Mr. Speaker, if all goes well and according to plan, we will conclude business on Thursday.

Mr. SNYDER. Mr. Speaker, will the gentleman yield on that point?

Mr. LOTT. I am glad to yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, the gentleman did not announce on his program a sine die resolution. That is my question. Does he intend to program next week a sine die resolution?

I am trying to preclude the lame-duck issue.

Mr. WRIGHT. That is our expectation. There is no intention on the part of the leadership to come back. I do not think there is any such intention in the other body. I do not believe there is any such plan afoot.

Mr. SNYDER. Mr. Speaker, I thank the gentleman.

Mr. LOTT. Mr. Speaker, no more recorded votes are expected today, and no recorded votes will occur on Friday. On Monday we do have a list of 14 suspensions, and we anticipate a vote on Monday on the conference report on the continuing resolution. Now, the gentleman did not mention the possibility of a vote on Monday on the budget resolution.

Is it anticipated that that would come on Tuesday or Wednesday or Thursday instead of on Monday? I ask that because I had understood there had been some discussion about that possibility also.

Mr. WRIGHT. Mr. Speaker, we do not have any definite decision on the order in which to bring these various matters up. I think we are going to have to maintain some flexibility in order to get it all done before Thursday night.

Mr. LOTT. So the budget resolution could come up on Monday?

Mr. WRIGHT. Yes, it could. Or any of these other matters we mentioned could be brought up on Monday.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the distinguished minority leader.

Mr. MICHEL. Mr. Speaker, has the majority leader determined whether or not on Monday the votes would come on the continuing resolution before or after the suspensions? I think that might be a consideration for Members who are on their way back to town and who would feel much more strongly on a vote on that than they would taking their chances perhaps on the suspensions.

Mr. WRIGHT. Mr. Speaker, the idea would be that we would like to get the continuing resolution done as soon as we could, because it is the principal business remaining before us.

□ 1410

But I think the gentleman is fully cognizant with the rules and the fact that we probably could not get to any such vote for an hour or more at best. While I am loath to promise Members that there will not be votes in the first hour or so, at the same time I think that is a reasonable expectation.

We would expect to come back in formally at 12 o'clock noon on Monday. If it is possible for us to take up the conference report on the continuing resolution, we would go to that as soon as we could and use these others as fillers, but the probability is that we will not get to it just immediately. There would not be a legislative vote just in the first 5 or 10 minutes.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I appreciate hearing that. Most likely the Appropriations Committee will be working around the clock Saturday and Sunday. It would be convenient seeing the fact we are going to be here working if we have to go home to meet some commitments on Sunday night, if we could have a vote maybe later on in the afternoon on Monday. That would give us a chance to go home and come back in time to debate the conference report.

Mr. WRIGHT. Well, in response to the gentleman from Massachusetts, we will try to take those things into account. I am just not at liberty to make a lot of promises that there will not be any votes before a certain hour because we do have this amount of business to attend to, as the gentleman from Massachusetts is aware. All these things must be done before the close of business on Thursday, but we are glad to take that into reasonable account.

Mr. LOTT. It is anticipated and it could be changed, I know, but that we would take up the suspensions first and then have votes on suspensions at the close of the day and the continuing resolution would probably come at the end of the day, too; is that correct?

Mr. WRIGHT. Well, I would think it might be possible that the continuing resolution would be ready in the middle of the afternoon for a vote. I do not know how to guess that.

Mr. LOTT. I understand. I think the Members have the feeling that we have got to be flexible, but they do need to be here for important votes.

Mr. WRIGHT. Members should expect to be here on Monday for votes. We will try not to get to those votes just immediately, but the continuing resolution, I think everybody would agree, has priority and we are going to give it a green light whenever the conferees are ready to go.

Mr. LOTT. In this list of suspensions, is the gentleman going to put those in the record?

Mr. WRIGHT. I will happily include them in the record as an extension of this colloquy, the list of suspensions which we have readied as of this moment for consideration on Monday next.

The SPEAKER pro tempore. Without objection, it is so ordered.

The suspensions are as follows:

H.R. 2568, extension of Educational Assistance Program;

H.R. 5361, extension of Prepaid Group Legal Program;

H.R. 6266, Foster Care and SSI Amendments of 1984;

H.R. 6112, unemployment compensation technical adjustment;

H.R. 3510, Sabine River Authority land exchange;

H.R. 6248, Armed Career Criminal Act;

H.R. , Judiciary, Crime Subcommittee's suspension;

H.R. , Judiciary, Crime Subcommittee's suspension;

H.R. 5790, Amusement Park Safety Act;

H.R. 5538, Preventive Health Amendments of 1984;

H.R. 6216, Technical Corrections to the Bankruptcy Act;

H.R. 2790, Colorado River salinity;

H.R. 6101, DOD quarters allowance in Panama Canal Zone; and

S. 1132, Federal Power Act amendments re FERC.

Mr. LOTT. There is no objection, but continuing in the colloquy here, we have on that list, Nos. 7 and 8, two bills which have no identifying number. The only way they are identified for substance, it just says "Judiciary, Crime Subcommittee's suspension." Are they off the list now? It does not indicate a number or substance.

I assume that after the vote yesterday on the omnibus crime package that perhaps those suspensions would not be necessary.

Mr. WRIGHT. Well, I am sure the distinguished gentleman from Mississippi would want us to do everything humanly possible to deter, fight, and oppose crime in all its evil manifestations before we adjourn.

Mr. LOTT. I assure the gentleman that I would, but I think the Members would like to make sure that they actually are fighting crime and not abetting crime.

Mr. WRIGHT. We want to abate, not to abet—never to abet criminals in their evil pursuits, but in every way possible to us to stop them from committing their depredations upon society.

I know the distinguished gentleman from Mississippi shares my enthusiasm for that effort and we want to do everything we can before we adjourn, whatever these bills are, if they fight crime, I know the gentleman from Mississippi will be unanimous in his support for them.

Mr. LOTT. Well, it must be the exclusionary rule from the way the gentleman is talking.

Mr. WRIGHT. I do not have the faintest idea what those bills are. If they are anticrime, I am for them.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield.

Mr. LOTT. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I would like to ask the distinguished majority leader a question, if I may.

I noticed in those items that perhaps will be brought up next week one by Mr. JONES relating to an amendment in the nature of a balanced budget for the Federal Government.

Is the distinguished majority leader of a mind to give us also a vote on the proposed constitutional amendment, H.J. Res. 243, discharge petition 10 now reposing here waiting for signatures? Perhaps the gentleman is of a mind to sign that to assist us to bring that to a vote. Can we get a vote in the 98th Congress on that issue?

If we are going to talk about mandating the President, does the gentleman not think it is accountable for the Members of Congress to tell our constitutents how we stand on this very sensitive issue?

Mr. WRIGHT. I Certainly do and that is the purpose of this bill that the chairman of our Budget Committee is likely to bring forward to us. So far as a constitutional amendment is concerned, I think the gentleman might reasonably conclude that there will not be any vote on a constitutional amendment next week, but rather that this will be a vote on a statutory approach to the balanced budget.

Mr. DANNEMEYER. Mr. Speaker, if the gentleman will yield further, has this Jones bill to which the gentleman referred had any hearings in committee?

Mr. WRIGHT. I am sure it has been heard as amply and as fully as the constitutional amendment to which the gentleman from California makes reference.

Mr. DANNEMEYER. Unfortunately, I suspect that assessment is only too true, I say to the majority leader.

I thank the gentleman for the time.

Mr. LOTT. Mr. Speaker, I would like to inquire on that subject, it does not indicate that that Honorable Jones balanced budget amendment would be subject to a rule being granted. I understand it has not been reported by any committee. What committee would that be coming from, do we have any information on that?

Mr. WRIGHT. Well, it might not even have to have a rule. It might come in a form heretofore unknown.

Mr. LOTT. Well, perhaps from the Democratic Campaign Committee would be the committee that would be reporting that one.

Mr. WRIGHT. Well, the gentleman probably has some knowledge that I do not possess. I imagine the gentleman has been over there looking at those debate books and all those things and therefore he may have information to which I am not privy.

Mr. LOTT. I can see it is going to be very difficult to pin the gentleman on anything this afternoon.

Mr. WRIGHT. It surely is.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just want to inform the majority leader that in fact several years ago we had a number of hearings on a constitutional amendment to require a balanced budget. I am certain that if the Judiciary Committee wanted to go back and pull those up, there are more than ample hearings that have been held on a constitutional amendment to require a balanced budget. We on this side of the aisle I am certain would be delighted to have an opportunity next week to have both the liberal approach, as offered by the gentleman from Oklahoma [Mr. JONES] and to have a more conservative approach offered that would be real and substantive. I would hope the leadership would consider bringing up both opportunities, both the one as I said, the liberal version offered by the gentleman from Oklahoma [Mr. JONES] and also a more conservative version that we would be glad to support.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, while the distinguished majority leader is standing, I have a question which came to mind a few moments ago when the gentleman was speaking of the question of crime, and that is the conspiracy that seems to be going from one end of these halls to the other in the Capitol, called the Kennedy Center Bailout, or the forgiveness of some $50 million in indebtedness.

We have been quite curious on this side, a few of us, as to whether this is going to come before the Congress this year, and if it did, what shape it would take.

Does the gentleman from Texas know anything about any bill which this might be attached to or anywhere we might look, those of us who are curious, where it is coming from and how it is going to get here?

Mr. WRIGHT. In response to my friend, the gentleman from Florida, I deeply regret that I do not have that information.

Mr. SHAW. Mr. Speaker, I thank the gentleman.

Mr. LOTT. Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO FRIDAY, SEPTEMBER 28, 1984

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. on Friday, September 28, 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1146, AVIATION DRUG-TRAFFICKING CONTROL ACT

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the Senate bill (S. 1146) to amend the Federal Aviation Act of 1958 to provide for the revocation of certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The conference report referred to follows:

CONFERENCE REPORT (H. REPT. No. 98-1085)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1146) to amend the Federal Aviation Act of 1958 to provide for the revocation of airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Aviation Drug-Trafficking Control Act".

SEC. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1429) is amended by adding at the end thereof the following new subsection:

"TRANSPORTATION, DISTRIBUTION, AND OTHER ACTIVITIES RELATED TO CONTROLLED SUBSTANCES

"(c)(1) The Administrator shall issue an order revoking the airman certificates of any person upon conviction of such person of a crime punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than a law relating to simple possession of a controlled substance), if the Administrator determines that (A) an aircraft was used in the commission of the offense or to facilitate the commission of the offense, and (B) such person served as an airman, or was on board such aircraft, in connection with the commission of the offense or the facilitation of the commission of the offense. The Administrator shall have no authority under this paragraph to review the issue of whether an airman violated a State or Federal law relating to a controlled substance.

"(2) The Administrator shall issue an order revoking the airman certificates of any person if the Administrator determines that (A) such person knowingly engaged in an activity that is punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance), (B) an aircraft was used to carry out such activity or to facilitate such activity, and (C) such person served as an airman, or was on board such aircraft, in connection with such activity or the facilitation of such activity. The Administrator shall not revoke, and the National Transportation Safety Board on appeal under paragraph (3) shall not affirm the revocation of, a certificate under this paragraph on the basis of any activity if the holder of the certificate is acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity.

"(3) Prior to revoking an airman certificate under this subsection, the Administrator shall advise the holder thereof of the charges or any reasons relied upon by the Administrator for his proposed action and shall provide the holder of such certificate an opportunity to answer any charges and be heard as to why such certificate should not be revoked. Any person whose certificate is revoked by the Administrator under this subsection may appeal the Administrator's order to the National Transportation Safety Board and the Board shall, after notice and a hearing on the record, affirm or reverse the Administrator's order. In the conduct of its hearings, the National Transportation Safety Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the National Transportation Safety Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within 60 days after being so advised by the Administrator. The person substantially affected by the National Transportation Safety Board's order may obtain judicial review of such order under the provisions of section 1006, and the Administrator shall be made a party to such proceedings.

"(4) For purposes of this subsection, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 609. Amendment, suspension, and revocation of certificates."

is amended by adding at the end thereof

"(c) Transportation, distribution, and other activities related to controlled substances.".

SEC. 3. Section 602(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1422(b)) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2)(A) Except as provided in subparagraphs (B) and (C), the Administrator shall not issue an airman certificate to any person whose airman certificate has been revoked under subsection (c) of section 609 of this title during the five-year period beginning on the date of such revocation.

"(B) The Administrator may issue an airman certificate to any such person before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation) if, in addition to the findings required by paragraph (1), the Administrator determines (i) that revocation of the certificate for such five-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such five-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.

"(C) In any case in which the Administrator has revoked an airman certificate of a person under section 609(c)(1) or (2) as a result of any activity and—

"(i) such person is subsequently acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity; or

"(ii) in the case of a revocation under section 609(c)(1), the judgment of conviction on which the revocation is based is reversed on appeal;

the Administrator shall issue an airman certificate to such person if such person is otherwise qualified to serve as an airman under this section.".

SEC. 4. (a) Section 501(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401(e)) is amended by inserting "(1)" after "(e)" and by adding at the end thereof the following new paragraph:

"(2)(A) The Administrator shall issue an order revoking the certificate of registration issued to an owner under this section for an aircraft and each other certificate of registration held by such owner under this section, if the Administrator determines that—

"(i) such aircraft has been used to carry out an activity, or to facilitate an activity, that is punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance); and

"(ii) the use of the aircraft was permitted by such owner with the knowledge that the aircraft was intended to be used for an activity described in clause (i) of this subparagraph.

For purposes of this paragraph, an owner of an aircraft who is not an individual shall be considered to have permitted the use of an aircraft with knowledge that it was intended to be used for an activity described in clause (i) of this subparagraph only if a majority of the individuals who control such owner or who are involved in forming the major policy of such owner permitted the use of the aircraft with knowledge of such intended use. The Administrator shall not revoke, and the National Transportation Safety Board on appeal under subparagraph (B) shall not affirm the revocation of, a certificate under this paragraph on the basis of any activity if the holder of the certificate is acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity.

"(B) Prior to revoking any certificate of registration under this subsection, the Administrator shall advise the holder thereof of the charges or any reasons relied upon by the Administrator for his proposed action and shall provide the holder of the certificate of registration an opportunity to answer any charges and be heard as to why such certificate should not be revoked. Any person whose certificate of registration is revoked by the Administrator under this subsection may appeal the Administrator's order to the National Transportation Safety Board and the Board shall, after notice and a hearing on the record, affirm or reverse the Administrator's order. In the conduct of its hearings, the National Transportation

Safety Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the National Transportation Safety Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within 60 days after being so advised by the Administrator. The person substantially affected by the National Transportation Safety Board's order may obtain judicial review of such order under the provisions of section 1006, and the Administrator shall be made a party to such proceedings

"(C) For purposes of this paragraph, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(D) Except as provided in subparagraphs (E) and (F), the Administrator shall not issue a certificate of registration to any person who has had a certificate revoked under subparagraph (A) of this paragraph during the five-year period beginning on the date of such revocation.

"(E) The Administrator may issue a certificate of registration for an aircraft to any such person before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation) if the Administrator determines that such aircraft is otherwise eligible for registration under this section and (i) that revocation of the certificate for such five-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such five-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.

"(F) In any case in which the Administrator has revoked the certificate of registration as a result of any activity and such person is subsequently acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity, the Administrator shall issue a certificate of registration to such person if such person is otherwise qualified for such a certificate under this section.".

(b) Section 304(a)(9)(A) of the Independent Safety Board Act of 1974 (49 U.S.C. App. 1903(a)(9)(A)) is amended by inserting before the semicolon at the end thereof the following: "and the revocation of any certificate of registration under section 501(e)(2) of such Act".

SEC. 5. (a) Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472) is amended by adding at the end thereof the following new subsection:

"TRANSPORTING CONTROLLED SUBSTANCES WITHOUT AIRMAN CERTIFICATE

"(q) Any person who knowingly and willfully serves in any capacity as an airman without an airman certificate authorizing him to serve in such capacity, in connection with the transportation by aircraft of any controlled substance, where (1) such transportation is punishable by death or imprisonment for a term exceeding one year under a State or Federal law or is provided in connection with any act that is punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance), and (2) such person has knowledge of such transportation, shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding five years, or to both such fine and imprisonment. For purposes of this subsection, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 902. Criminal penalties."

is amended by adding at the end thereof

"(q) Transporting controlled substances without airman certificate.".

SEC. 6. Section 902(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(b)) is amended—

(1) by striking out "(b) Any person who" and inserting in lieu thereof "(b)(1) Except as provided in paragraph (2), any person who";

(2) by striking out "uses or attempts to use" and inserting in lieu thereof "sells, uses, attempts to use, or possesses with the intent to use"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) Any person who violates paragraph (1) of this subsection (other than by selling a fraudulent certificate) with the intent to commit a crime punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding 5 years, or both.

"(B) Any person who violates paragraph (1) of this subsection by selling a fraudulent certificate with the knowledge that the purchaser intends to use such certificate in connection with the commission of a crime punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to controlled substances (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding 5 years, or both.

"(C) For purposes of this paragraph, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).".

SEC. 7. This Act and the amendments made by this Act shall apply with respect to acts and violations occurring after the date of enactment of this Act.

And the House agree to the same.

NORMAN Y. MINETA,
GLENN M. ANDERSON,
ROBERT A. ROE,
GENE SNYDER,
JOHN PAUL HAMMERSCHMIDT,
Managers of the Part of the House.

BOB PACKWOOK,
BARRY GOLDWATER,
NANCY LANDON KASSEBAUM,
FRITZ HOLLINGS,
J.J. EXON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1146) to amend the Federal Aviation Act of 1958 to provide for the revocation of airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

REVOCATION OF AIRMAN'S CERTIFICATE

Senate bill

Requires the Federal Aviation Administrator to revoke a person's airman certificate when the airman has been convicted of a violation of any State or Federal felony law relating to controlled substances (other than simple possession) and it is determined that that person knowingly served as an airman in connection with such violation or was on board the aircraft in connection with the offense; or when the Administrator determines that (A) such person has engaged in an activity which he knew, or had reasonable cause to know, was intended to distribute, export, or import a controlled substance, (B) an aircraft was used in such activity, or to facilitate such activity, and (C) such distribution, exportation, or importation was not authorized by any Federal or State law.

The first avenue of appeal from the Administrator's determination would be a full evidentiary hearing before the National Transportation Safety Board. Following that, a judicial review of the Board's order could be obtained pursuant to Section 1006 of the Act.

The bill also provides that the Administrator may not revoke the airman certificate of a person who has been acquitted of charges related to the activity relied upon for the revocation. Neither the Administrator nor the Board shall have authority to review the findings of any state or federal court as to any element of proof required by the Section.

House amendment

Requires revocation of an airman's certificate if the holder is convicted for violation of any State or Federal law relating to controlled substances (other than a law prohibiting simple possession) and the FAA Administrator determines either that the certificate holder knowingly served as an airman or was on board the aircraft in connection with the violation.

Requires revocation of an airman's certificate if the Administrator determines that the holder knowingly served as an airman or was on board the aircraft in connection with transportation by aircraft of a controlled

substance if such transportation is prohibited by State or Federal law relating to controlled substances (other than a law prohibiting simple possession of a controlled substance).

Before an airman's certificate is revoked under the foregoing provision, the holder must be given notice and an opportunity for a hearing on the record as to why the certificate should not be revoked. A person whose certificate is revoked may obtain judicial review under Section 1006 of the Federal Aviation Act.

The Administrator has no authority to review the elements of the substantive criminal offense if an individual has been convicted by an appropriate State or Federal court. Conversely, the Administrator may not revoke an airman certificate if the holder thereof has been acquitted of the substantive criminal offense charged.

Conference substitute

Requires the Administrator to revoke an airman's certificate when the airman has been convicted of a felony violation of a State or Federal law relating to controlled substances (other than simple possession) if the Administrator determines that (a) an aircraft was used in the commission of the offense or to facilitate the commission of the offense, and (b) the airman served as an airman or was on board the aircraft in connection with the commission of the offense or the facilitation of the commission of the offense. The phrase "facilitate the commission of the offense" has been added to cover situations where the aircraft is not actually used to carry the drugs, but is still involved with the illegal transaction in some other way, such as by acting as a spotter plane, or by use of the aircraft to transport participants in an illegal drug transaction to a meeting. The Administrator shall have no authority to review the issue of whether the airman violated a State or Federal law relating to a controlled substance.

The Conference Substitute further provides that the Administrator shall revoke an airman's certificate if the Administrator determines that the airman knowingly engaged in an activity which would constitute a felony violation of a State or Federal law relating to a controlled substance other than simple possession; an aircraft was used to carry out such activity or to facilitate such activity; and the person served as an airman or was on board the aircraft in connection with the activity or the facilitation of the activity.

An airman whose certificate is revoked by the Administrator under this provision may appeal the Administrator's order to the National Transportation Safety Board which shall, after notice and a hearing on the record, affirm or reverse the Administrator's order. A person whose certificate is revoked may obtain judicial review under Section 1006 of the Federal Aviation Act. Neither the Administrator nor the NTSB shall have authority to revoke a certificate under this provision if the airman is acquitted of criminal charges relating to the activity involved.

This section of the Conference Substitute is not intended to take away FAA's general authority under existing law to suspend or revoke an airman's certificate (or to take other appropriate action) when an airman violates the criminal drug laws or FAA's regulations on drugs. When an airman engages in activities which come within the provisions added by the Conference Substitute, FAA should proceed under these provisions. But for other violations which do not come within the new provisions, FAA retains its existing authority to take appropriate action.

The conferees expect FAA to use all of the new authority in the conference bill. One of the provisions added by the conference permits FAA to proceed against individuals who have engaged in activities which are prohibited by state or federal drug laws, but who have not been convicted of a drug law offense. This provision would permit FAA to take action when, for example, an airman is not prosecuted because of the heavy work load of a prosecutor's office or an airman is not convicted because of technicalities which apply to criminal proceedings but not to administrative proceedings involving loss of a license.

The provision in the House bill on this issue requires FAA to find that the airman has engaged in an activity which is prohibited by a State or Federal law relating to a controlled substance. At the House hearings, FAA expressed some concern over this section of the bill on the ground that "This could require the FAA to essentially have to prove the whole criminal case against an individual." We have considered this concern, but have decided to retain the approach of the House bill of describing the activities which are prohibited by reference to state and federal criminal law. The alternative would be to describe in the aviation drug bill itself all of the elements of a violation. This would have required drafing of a bill which would approach the criminal drug law in complexity and would require FAA and NTSB to develop a line of precedents interpreting the new statutory language. In our judgment the simpler and preferable approach is to describe the prohibited activities by reference to existing criminal laws and the cases which have interpreted these laws.

It should be clearly understood that the reference to existing criminal law applies only to the elements of the violation. We do not intend to require FAA or NTSB to follow criminal law procedures or standards of proof. These matters will be determined by general principles of administrative law applicable to license revocation cases.

We are confident that FAA's enforcement attorneys and the NTSB will be able to determine the elements of a violation by reference to the criminal drug laws and their judicial precedents. We expect FAA to utilize the new provisions of law in all appropriate cases and the House and Senate authorizing committees will be closely monitoring FAA's enforcement actions.

The title in existing law which is amended by the conference bill deals not only with airman's certificates, but also with FAA's power to issue certificates and otherwise regulate airports and air agencies. The conferees are concerned about certain recent FAA actions in this area, in particular the existing FAA regulations governing aircraft fueling operations. Under Section 139.51 of the Federal Aviation Regulations, airport operators are required to ensure that those who engage in fueling operations are adequately trained and use appropriate procedures for storing, dispensing, and handling fuel. In so doing, the agency has chosen to regulate aircraft fueling operations indirectly through contracts between airport operators and tenants rather than directly as in the case with others who perform functions critical to the safety of flight.

The conferees believe that FAA's current practice of requiring certificated airports to monitor the safety of tenant fueling operations is not in the best interests of aviation safety. When it comes to an issue of aviation safety, the role of the FAA should be to solve the problem rather than past the buck. Unless they are also engaged in the storage, dispensing, or handling of fuel, local airport officials generally are not qualified to determine the safety of these operations nor should they be expected to enforce penalties against tenants whose fueling operation are unsafe. In addition, we question whether it is desirable to regulate fueling operations only at certificated airports, since this means that fueling at non-certificated airports is not addressed in any meaningful way.

Accordingly, the conferees direct the FAA to adopt an alternative approach to deal with this problem so that aircraft fueling is monitored more effectively than it is today. Although we concur in the FAA's recent legal opinion that it possesses the authority under Section 607(3) of the Federal Aviation Act to issue certificates to personnel and facilities engaged in fueling operations, we believe the agency should, to the maximum extent feasible, encourage voluntary industry efforts to address these concerns.

TERMS OF REVOCATION

Senate bill

This section provides that the Administrator shall not issue a new airman certificate to someone who has had their certificate revoked pursuant to the preceding Section for a period of five years. The Administrator may, after one year, issue a new certificate if he finds that the 5-year period would be excessive or not in the public interest. A denial of a new certificate in the 1-5 year period would not be reviewable. If an airman's certificate is revoked and he is subsequently acquitted of all pending criminal charges against him, the Administrator must reissue his certificate if he meets all appropriate FAA safety regulations.

House amendment

Similar to Senate bill.

Conference substitute

Similar to Senate bill. Further provides that if an airman's certificate is revoked upon the basis of a conviction and the conviction is reversed on apeal, the revocation based on the judgment of conviction shall not be valid.

REVOCATION OF CERTIFICATE OF AIRCRAFT REGISTRATION

Senate bill

This section would require the Administrator to revoke the registration of an aircraft and other registration certificates held by the same owner based on the following criteria:

(1) Such aircraft has been used in an activity, or to facilitate an activity that is a felony violation of any law (other than simple possession) relating to a controlled substance; and

(2) The use of the aircraft was permitted by such owner who knew, or had reasonable cause to know, that the aircraft was intended to be used in such activity.

If a person's certificate is revoked under this Section, the Administration shall not issue a new certificate to that person for five years, except that the five years may be reduced to not less than one year as provided in the Sections on revocation of airman's certificates.

The owner of an aircraft who is not an individual shall be considered to know, or to have reasonable cause to know the intended

use of an aircraft only if a majority of the individuals who control the owner or form major policy have the required knowledge.

The same procedural safeguards apply to the revocation of an aircraft registration certificate as to the revocation of an airman certificate.

House amendment

Provides that a certificate of registration, and all other certificates held by the same owner, must be revoked if the Administrator determines that the owner has knowingly permitted the aircraft to be used to transport a controlled substance, and such transportation violates State or Federal law or is in connection with any act prohibited by State or Federal law relating to controlled substances (other than simple possession). If the aircraft owner is not an individual, the test of knowledge is that a majority of the individuals who control the owner or are involved in forming the major policy of the owner must have the required knowledge. If a certificate of registration is revoked under this provision, the holder of the certificate may not apply for any other certificate of registration for five years. The five years may be reduced to not less than one year under standards similar to those described in preceding sections of on airman's certificates. The procedures required for revocation are the same as the procedures described in preceding sections on revocation of an airman's certificate.

Conference substitute

Provides that the Administrator shall revoke all certificates of registration held by an aircraft owner if the Administrator determines that the owner's aircraft has been used to carry out an activity or to facilitate an activity that is a felony violation of a state or federal law relating to a controlled substance and the use of the aircraft was permitted by the owner with knowledge that the aircraft was intended to be used for this activity. An aircraft owner who is not an individual shall be considered to have permitted the use of the aircraft with knowledge that it was intended for these purposes only if a majority of the individuals who controlled such owners or who are involved in forming the major policy of the owner permitted the use of the aircraft with the knowledge of such intended use. The procedures to be followed and the term of revocation are similar to the provisions in the section on revocation of an airman's certificate.

CRIMINAL PENALTIES FOR ACTING AS AN AIRMAN WITHOUT A CERTIFICATE IN CONNECTION WITH DRUG VIOLATION

Senate bill

No comparable provision.

House amendment

Provides that a person who knowingly acts as an airman without a certificate in connection with a violation of State or Federal controlled substance laws (other than simple possession) shall be subject to a fine of up to $25,000 and imprisonment of up to five years.

Conference substitute

Provides that any person who knowingly serves as an airman without an airman's certificate in connection with transportation which is a felony violation of a state or federal law pertaining to controlled substances (other than simple possession) shall be subject to a fine not exceeding $25,000 or imprisonment not exceeding five years.

CRIMINAL PENALTIES FOR FRAUDULENT CERTIFICATES

Senate bill

Under current law a person using fraudulent version of certificates authorized under the Federal Aviation Act or displaying false aircraft registration markings is subject to a fine of up to $1,000 and imprisonment of up to three years. This Section adds to the offenses subject to these criminal penalties the offense of selling fraudulent certificates or possessing these certificates with the intent to use them. The Section further provides that if the prohibited acts occur with intent to commit any act prohibited by State or Federal felony law relating to controlled substances (other than simple possession) the offender shall be subject to a fine of up to $25,000 and imprisonment of up to five years. The same penalty is provided for a person who sells a fraudulent certificate with the knowledge that the purchaser intends to use the certificate in connection with any act prohibited by any State or Federal felony law relating to controlled substances (other than a law relating to simple possession).

House amendment

Same, except does not include limitation to felony violation.

Conference substitute

Similar to Senate bill.

NORMAN Y. MINETA,
GLENN M. ANDERSON,
ROBERT A. ROE,
GENE SNYDER,
JOHN PAUL HAMMERSCHMIDT,
Managers on the Part of the House.

BOB PACKWOOD,
BARRY GOLDWATER,
NANCY LANDON KASSEBAUM,
FRITZ HOLLINGS,
J.J. EXON,
Managers on the Part of the Senate.

AUTHORIZING PRINTING AS HOUSE DOCUMENT OF COMMITTEE PRINT ENTITLED "FBI UNDERCOVER OPERATIONS"

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-1083) on the resolution (H. Res. 577) authorizing the printing as a House document of the committee print entitled "FBI Undercover Operations," which was referred to the House Calendar and ordered printed.

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 577, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. VUCANOVICH. Reserving the right to object, Mr. Speaker, will the gentleman please explain his request?

□ 1420

Mr. GAYDOS. Mr. Speaker, House Resolution 577 authorizes the printing as a House document of the committee print entitled "FBI Undercover Operations," this report was prepared by the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary after an intensive 4-year study. The Committee on House Administration approved this resolution on September 26, 1984. The resolution provides that the usual number of 1,500 copies shall be printed pursuant to the requirements of the applicable statute, sector 701 of title 44 of the United States Code and that 2,000 additional copies shall be printed for the use of the Committee on the Judiciary.

The estimated cost of the printing, provided by the Government Printing Office, is as follows:

Usual number of 1,500 copies (statutory requirement)	$2,686.52
Additional 2,000 copies	1,197.00
Total cost	3,883.52

This report sets forth the results of 4 years of intense scrutiny by the Subcommittee on Civil and Constitutional Rights of the policies, procedures, and practices of the FBI in authorizing and conducting criminal investigations involving undercover agents, during those years, 1980-83, the FBI budget for such programs expanded from $1 million to over $6 million; and the FBI has been appropriated $12.5 million to continue undercover activities in fiscal year 1985.

The report which was originally issued on May 1, 1984, made several recommendations on the need for legislation to govern the future conduct of undercover operations. It is expected that the bill which will be introduced will involve thorough and spirited legislative debate. It will become one of the major congressional initiatives of the 99th Congress.

It should, also, be noted that the recent DeLorean and Greylord trials with their extensive media coverage, have aroused widewpread public interest in the subject matter of this committee report.

The committee's initial allotment of 1,000 copies was exhausted by July 9 as a result of the widespread demand for this document from Members of Congress, legal scholars, lawyers presently involved in litigation, journalists, court administrators, and the general public. This printing resolution should provide for an adequate number of additional copies to meet the committee's needs as it prepares for legislation.

Mrs. VUCANOVICH. Mr. Speaker, I do not object to this request, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 577

Resolved, That the committee print of the report of the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, entitled "FBI Undercover Operations", dated April 1984, shall be printed as a House document.

SEC. 2. In addition to the usual number, there shall be printed 2,000 copies of such document for the use of the Committee on the Judiciary.

Mr. GAYDOS. Mr. Speaker, having already explained this matter, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TERRITORIAL DEVELOPMENT FUND ACT OF 1983

Mr. WON PAT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2955) to facilitate economic development in the territories of the United States through the mobilization of private capital and skills, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I rise in support of H.R. 2955 with committee amendments.

This bill is a bipartisan effort to clarify the tariff schedules as they apply to the U.S. territories. General headnote 3(a) of the U.S. tariff schedules is a principal element of the bipartisan national policy of developing territorial economies for three decades. It was intended to give our territories, which are outside the U.S. Customs zone, a statutory trade advantage over foreign jurisdictions. Such an advantage is essential if the territories, as U.S. islands with U.S. costs of doing business, are to compete with their regional neighbors.

Regulations have recently been issued by the Secretary of the Treasury, pursuant to the Agriculture Act of 1956 as amended and erroneously applied to the U.S. territories. To correct this oversight, this legislation merely restates the authority under which general headnote 3(a) applies to the territories: that is the respective organic acts of Guam and the U.S. Virgin Islands, the joint resolution confirming the cession of American Samoa and the Northern Marianas covenant. That is H.R. 2995 merely restores the status quo.

Enactment of H.R. 2955 does not necessarily mean that revision of territorial policy derived from general headnote 3(a) is entirely satisfactory. On the contrary, the practice of employing alien labor in some of the territories needs investigation. In order to stimulate the insular economies, I propose that enactment of this legislation constitutes a commitment by the U.S. House of Representatives to conduct oversight hearings on this matter in the subsequent Congress. As a goal, I would suggest that the territorial governments would strive to have at least 50 percent local hire within the first year or enactment of this legislation to qualify for headnote 3(a) advantages; 65 percent local hire within 2 years; and 80 percent local hire within 3 years.

Mr. Speaker, although H.R. 2955 is merely clarifying legislation, it is necessary to eliminate confusion which currently exists in the insular areas—confusion, which if allowed to continue, may seriously jeopardize current as well as future economic development in the territories. I, therefore, urge my colleagues to lend their unanimous support in passage of H.R. 2955.

Mr. Speaker, under my reservation I would ask the gentleman from Guam: is it the intention of the gentleman to offer the amendment in the nature of a substitute that was worked out with the minority?

Mr. WON PAT. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Guam.

Mr. WON PAT. Yes; it is. My amendment is the amendment which we worked on together to preserve an essential incentive economic activity in the smaller territories of the United States.

Mr. LAGOMARSINO. I thank the gentleman, and I withdraw my reservation of objection and urge approval.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I do so for the purposes of yielding to the distinguished gentleman from Guam so that he might tell the House what he is doing and what is this amendment that has been worked out.

Mr. WON PAT. Will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Guam.

Mr. WON PAT. The amendment is intended to do away with the application of regulations relating to the importation of manufactured textiles from foreign countries to the territories and to protect them from being affected by any similar regulations because such regulations contravene the provisions of law relating to the entry of products from the territories other than Puerto Rico.

Mr. FRENZEL. The problem is the country of origin's determination by the Department of Treasury, the recent regulations?

Mr. WON PAT. They would supercede general headnote 3(a) of the Tariff Schedules.

Mr. FRENZEL. So it would allow the territories who are doing some conversion of materials which are primarily manufactured elsewhere to continue to be able to do their additional work and then ship them to the United States?

Mr. WON PAT. Yes, the intent is to preserve the entry requirements of headnote 3(a) and prevent others from being applied, whether they deal with duties directly or country of origin.

Thus, territorial products—those wholly or partially manufactured in a territory—would still have to adhere to the prescribed limitations of headnote 3(a). Of course, there is no intent to diminish any other more beneficial provisions of law which may apply to territorial products in existing law.

As indicated in my colloquy with the distinguished ranking minority member of the Subcommittee on Insular Affairs which I chair, this amendment was worked out with your side of the aisle.

It was also developed in consultation with the Committee on Ways and Means, through the distinguished chairman of the Subcommittee on Trade; the representatives of all the territories affected; and the Executive's office responsible for the territories, the Interior Department's Office of Territorial and International Affairs.

As I am sure the distinguished gentleman from Minnesota is aware, headnote 3(a), which provides for the entry into the United States of territorial products, was applied to the territories through provisions of territorial legislation. In the case of my own territory of Guam and the Virgin Islands, this was through our organic acts. In the case of the Northern Mariana Islands, this was through the covenant which established the relationship between the territory and the United States. In the case of American Samoa, this was pursuant to the resolution accepting the treaty by which those islands became a territory.

Thus, as members of the Committee on Interior and Insular Affairs, which has jurisdiction over territorial legislation, we have a strong concern about these textile regulations or any others which might be applied to the importation of products from the territories

which contravene the intent of headnote 3(a).

This concern was evidenced in a letter that the gentleman from California and I sent along with the distinguished chairman of the full committee and the distinguished ranking minority member of the full committee to the Secretaries of Interior, Treasury, and Commerce and the Trade Representative concerning the textile regulations.

For the benefit of Members, the text of the letter to Secretary Clark, which is identical to the letters to the other Members of the President's Cabinet reads as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 5, 1984.

Hon. WILLIAM P. CLARK,
Secretary, Department of the Interior, Washington, DC.

DEAR SECRETARY CLARK: We are most concerned about the implications for the territories of the United States of interim regulations on textile imports issued pursuant to Executive Order 12475 and which are scheduled to go into effect September 7, 1984 and October 31, 1984.

An immediate concern is the impact that the regulations will have on existing territorial textile businesses and the relatively substantial employment and revenues that they generate. These companies contend that the regulations will make it impossible for them to continue to operate.

Because of the federal responsibility for the territories, such an impact could have consequences for the federal government in addition to those which would be created for the economies and governments of the territories.

Our more fundamental concern is that the regulations appear to contravene the intent, and perhaps the letter, of the General Headnote 3(a) of the Tariff Schedules. The possibility that the standards contained in these regulations will be used to guide policy in the future concerning the importation of other articles deepens this concern.

As you know, Headnote 3(a) has been a principal element of the bipartisan national policy of developing territorial economies for three decades. It was intended to give our territories, which are outside the U.S. customs zone, a statutory trade advantage over foreign jurisdictions. Such an advantage is essential if the territories, as U.S. islands with U.S. costs of doing business, are to compete with their regional neighbors.

The regulations would eliminate the Headnote 3(a) advantage on textile products which has been a primary incentive for territorial production. They would do this by substituting new rules of origin tests for those currently applied to territorial products under Headnote 3(a). They would do this irrespective of the extent to which the territories are a factor in existing textile quota abuse.

We understand the need to respond to serious concerns about the abuse of textile quota restrictions worldwide. But we do not believe that new standards on territorial imports should be imposed until the potential impact on the territories, the implications for the continued viability of Headnote 3(a), and the relationship of territorial production to quota abuse have been evaluated.

Thus, we request that these regulations not be applied to the territories until Congress and the administration have had an opportunity to consider these questions. As leaders of the committee of the House with jurisdiction over legislation affecting the territories, we will commit to an expeditious review of these questions with appropriate administration officials.

Sincerely,

Morris K. Udall, Chairman, Committee on Interior and Insular Affairs; Antonio B. Won Pat, Chairman, Subcommittee on Insular Affairs; Manual Lujan, Jr., Ranking Republican, Committee on Interior and Insular Affairs; Robert J. Lagomarsino, Ranking Republican, Subcommittee on Insular Affairs.

In response, we have received the following communications from Amabassador Brock and Assistant Interior Secretary Montoya:

THE U.S. TRADE REPRESENTATIVE,
Washington, September 24, 1984.

Hon. MORRIS K. UDALL,
House of Representatives, Washington, DC.

DEAR MO: Thank you for the letter of September 5 from you and your colleagues on the Interior and Insular Affairs Committee concerning the effect on the United States territories of the new Customs regulations on the country of origin rule. I appreciate hearing from you on this issue.

I recognize that a problem may exist in administering Headnote 3(a) of the Tariff Schedules in light of the new regulations. This is a difficult issue and one which we are currently addressing with representatives of the territories and other government agencies. Just last week my Chief Textile Negotiator, Ambassador Richard Imus, met with a delegation of officials and businessmen headed by Rex Kosak, Attorney-General of the Northern Marianas.

I want to assure you that we recognize our special commitment to the needs of the American insular areas. We are moving as expeditiously as possible to determine whether there is any solution to the problem.

Again thank you for sharing your views with me.

Very truly yours,

WILLIAM E. BROCK.

DEPARTMENT OF THE INTERIOR,
Washington, DC, September 17, 1984.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Secretary Clark has asked me to thank you and respond to the September 5, 1984 letter from you and the other members of the Committee regarding interim textile regulations and your concern over their impact on the U.S. territories. Please be assured that we have given this matter our complete attention during the past several months and will continue to work on the issue within the Administration.

As you may be aware, the regulations were issued by the Department of the Treasury based upon the policy guidance of the Committee for the Implementation of Textile Agreements (CITA) located in the Department of Commerce. Any exemption from the regulation granted to the U.S. territories would have to be provided by the Department of the Treasury.

The Department of the Interior has for several weeks been working with interested territorial parties to seek relief from the interim textile regulations. I have personally made onsite visits to textile manufacturing firms in Guam and the Northern Mariana Islands. My staff and I have held numerous meetings with territorial representatives and have arranged meetings for them with the Department of Commerce and U.S. Customs Service, in addition to our working within the Administration with the support of the Secretary.

We will continue to work along the lines of the compromise I suggested during the recent U.S. Investment Tour of the Pacific Territories. The proposal would involve a requirement of hiring local residents of the territories, as opposed to foreign workers for the textile factories, as is presently done in some cases. This ensures that real economic benefit is provided to the territories under the privilege of Headnote 3(a). The proposal also involves a ceiling on the amount of territorial textile production allowed duty-free access under the regulations. Certification would be jointly performed by Commerce and Interior, similar to the current watch quota program.

Prior to putting our final comments in writing to the Department of the Treasury, my staff will consult with territorial representatives to ensure a full and fair hearing of all concerns.

As I have stated before, however, the mainland textile industry and the U.S. Departments of the Treasury and Commerce will need to be forcefully apprised by all interested parties, of the benefits of Headnote 3(a) textile production to the United States before an exemption is made for the territories.

Secretary Clark and I fully understand the concerns expressed by your letter. You can be assured that we will continue in our effort to make the impact of the interim textile regulations on the U.S. territories fully understood by the appropriate officials.

Given the strength of the mainland textile industry, and absent additional statutory protection for Headnote (3)a industries, I am sure you appreciate the spirit in which the Department's territorial compromise on the interim textile rules is offered.

With best wishes.

Sincerely,

RICHARD T. MONTOYA,
Assistant Secretary, Territorial and International Affairs.

So, there is some recognition within the administration of the problem.

Unfortunately, that understanding has not yet led the administration to take coorective action. Territorial manufacturers, who account for a miniscule amount of textile imports but contribute significantly to territorial economies, are still faced with regulations that could put them out of business. The irony of this is that they are every bit as much domestic industries as the firms that the regulations are designed to protect. And there is the danger that the approach of these regulations would be tried with respect to other products.

All of this calls into question the viability of headnote 3(a). If regulations such as these country of origin regulations are able to prevent headnote 3(a) from functioning, what assurance is there in headnote 3(a)? What incentive is headnote 3(a) providing to es-

tablish manufacturing in the territories and thereby develop their economies?

The intent of headnote 3(a) is well described in a Senate Finance Committee report on legislation which amended that statute. It reads:

The 1954 statute not only provided uniformity of treatment among the possessions but it was calculated to, and in effect has, stimulated the development of light industry in the possessions. The development of light industry has helped the economy of the possessions, particularly the Virgin Islands, where numerous new businesses have been established to produce or assemble various articles for duty-free shipment to the United States.

It is not the sponsors' intent here to take issue with the wisdom of the textile regulations as a whole. Rather, this legislation asserts that they or similar regulations, cannot be applied to or affect products of the territories. Only regulations issued pursuant to headnote 3(a) are to be applied to or affect territorial products.

It was our expectation that the textile regulations would have made appropriate provisions for the territories; that they would not have effectively superceded headnote 3(a) requirements. But we were disappointed in this as we have been in the failure of the administration to take corrective action so far. It makes no sense because territorial production poses no threat to other American production.

If the administration desires to impose new regulations on territorial products, under this legislation they would have to be issued under and consistent with headnote 3(a). If something else is desired, the adminsitration should propose it to the Congress.

Only by law should the Federal Government be able to alter this important element of the fiscal relationship between the territories and the United States.

That law is not section 204 of the Agricultural Act of 1956 as amended under which the textile regulations were promulgated. The foreign affairs function of the Executive may be sufficient authority for applying country of origin regulations with respect to foreign products; but it is not for territorial products.

Again, there is only one law that confers authority for setting requirements on territorial products and that is headnote 3(a).

The letter from Assistant Secretary Montoya makes clear that there is some feeling within the executive that headnote 3(a) requirements need to be altered in one respect. Consistent with the intent of headnote 3(a) to stimulate local employment, Interior feels that limitations on the employment of foreign nationals in headnote 3(a) plants should be imposed.

This is particularly a concern with respect to manufacturing operations in the Northern Marianas, which control their own immigration.

Interior has raised a point worthy of exploration, as has my colleague from California. I agree that the issue ought to be examined. If a primary purpose in headnote 3(a) is to create local employment, is the use of a significant percentage of foreign nationals who may reside temporarily in a territory consistent with the purpose?

However, consideration of this should be in the context of headnote 3(a) regulations or legislation not proposals whose real target is foreign imports. Therefore, I believe that the administration is justified in looking at the question and that it should bring any recommendations it may wish to make to the next Congress but that the question should not cloud this debate. My subcommittee will work with the Subcommittee on Trade in reviewing any such recommendations.

Obviously, the textile regulations make our action today imperative. But, as I have explained, they are not the sole cause of the problem we seek to correct. It is broader than that. Our goal is to provide assurance to existing and potential headnote 3(a) investors that this element of the Federal territorial fiscal relationship cannot be compromised by regulatory actions dealing with other problems.

We became convinced of the need for some action on my subcommittee's recent visit to Guam and the Northern Marianas and some of the headnote 3(a) textile plants there. We saw how substantial the work that they perform is and learned how substantially they contribute to the local economies in terms of revenue and employment.

We are compelled to take action now because of the administration's inaction to date to protect territorial, as American, manufacturers from regulations that should only affect foreign firms. The need is for expeditious action late in the life of this Congress and that is what we propose in this amendment. We would, as I have indicated, expect to deal more comprehensively with any headnote 3(a) problems in the next Congress.

Finally, Mr. Speaker, I would like to include a letter from the distinguished Representative of the Virgin Islands who is with us here on the floor. It succinctly states our purpose.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 26, 1984.

Hon. ANTONIO WON PAT,
Chairman, Subcommittee on Insular Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I support the amendment to H.R. 2955 which you intend to offer on the floor of the House today on behalf of all of the territorial Representatives. It is imperative that businesses operating or planning to locate in the territories have the assurance that the benefits offered under Headnote 3(a) of the Tariff Schedules of the United States are not unintentionally undermined.

Headnote 3(a) is the result of a decision by Congress to provide a specific trade preference for the U.S. territories, one which is over and above any offered to foreign jurisdictions. This cannot be undermined by regulatory activity of the federal government, whether intended for the Headnote 3(a) program, or affecting it as part of a sweeping change in trade policy.

This amendment is necessary in order to clarify and underscore the extent to which Congress delegated its Constitutional jurisdiction over the territories under Headnote 3(a).

Sincerely,

RON DE LUGO,
Member of Congress.

Mr. FRENZEL. Mr. Speaker, this bill, in my judgment, will, if passed, effectively negate unwise and ill-founded regulations recently promulgated by the Treasury Department which would change traditional country of origin rules with respect to textile products, or originating abroad but shipped to the United States through our territories in which some manufacturing or conversion is done.

The Treasury regulation changes well undertsood rules on which commerce has depended. The passage of H.R. 2955 will require Treasury to bring in proposed changes in law if it insists on making major policy changes in U.S. Trade Law.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Territorial Development Fund Act of 1983".

SEC. 2. There is authorized to be appropriated $2,000,000 for fiscal year 1984 for private sector project development costs associated with a Territorial Development Fund for Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands: *Provided,* That such appropriated funds shall not be expended until enactment of legislation that establishes the administrative structure of and eligibility requirements for such a fund and that such a fund shall be limited to providing financial assistance to private sector development projects only.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WON PAT

Mr. WON PAT. Mr. Speaker, I offer an amendment in the nature of a substitute, and I ask unanimous consent that it be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. WON PAT: Strike all after the enacting clause and insert in lieu thereof the following:

That in order to protect, promote and enhance the economic development of Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands pursuant to the provisions of section 27 of the Organic Act of Guam (64 Stat. 392, as amended, 48 U.S.C. 1421e), section 28(d) of the Revised Organic Act of the Virgin Islands (68 Stat 509, as amended, 48 U.S.C. 1644), the Joint Resolution to provide for accepting, ratifying and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes (45 Stat. 1253; 48 U.S.C. 1661), and section 603(c) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (90 Stat. 263; 48 U.S.C. 1681) regulations relating to duties on manufactured articles, other than those issued under Section 401 of Public Law 83-768 as amended, (68 Stat. 1139 as amended, 19 U.S.C. 1202) that are consistent with the intent thereof, shall have no force or effect with respect to articles coming into the United States from the insular possessions.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Guam [Mr. WON PAT].

The amendment in the nature of a substitute was agreed to.

GENERAL LEAVE

Mr. WON PAT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNFILLED PROMISES OF SUPPLY SIDE ECONOMICS: THE TAX CUTS ROLL ON

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, Ronald Reagan once declared the progressive income tax in this country to be a direct descendant of Karl Marx. As an ardent anti-Communist, then, it is not surprising that upon assuming the Presidency, Mr. Reagan sought to revise that Tax Code by shifting its burden on Government to middle-income Americans—$10,000-$40,000.

The cost of that change in policy has been awesome. Mr. Reagan's new Tax Code virtually gave away the store to Americans and corporate interests. What could have been a balanced Federal budget turned into a sea of red ink to the tune of $200 billion a year.

Today I include in the RECORD part 4 of a series of eight articles by Leland DuVall of the Arkansas Gazette (Wednesday, Sept. 12, 1984, p. 15A) entitled "Unfilled Promises of Supply Side Economics." Today's article is "The Tax Cuts Roll On."

Sadly, Mr. DuVall concludes this article with a chilling reminder "One of the weaknesses of a democracy * * * is that people sometimes do not know what is happening to them—while it is happening."

[From the Arkansas Gazette, Sept. 12, 1984]

UNFILLED PROMISES OF SUPPLY SIDE ECONOMICS: THE TAX CUTS ROLL ON

(By Leland DuVall)

Reaganism, the comprehensive economic-social-political policy under which the government has operated for almost four years, confuses the pundits who seek deep and complex explanations for puzzling policies. An outside observer, trained to analyze and report on the performance of public servants, tends to start with the premise that a consistent philosophy undergirds the initiated policies.

Those who seek to rationalize Reaganism as the manifestation of a profound philosophy encounter an enigma. An administration, dedicated to a crusade against big government and seeking to shrink the scope of the federal bureaucracy by eliminating waste, is patently undisturbed by Pentagon spending and cost over-runs on projects of uncertain value.

The pundits become even more confused by the fiscal philosophy. In the beginning, the administration sought to balance the budget by cutting taxes. Now, after three-and-one-half years that added about half-a-trillion dollars to the national debt, the administration continues to proclaim that "our program is working." The confident pronouncements from the White House, as the nation heads into the 1984 campaign, seem designed to convince the country that Mr. Reagan set out to double the national debt in two terms. And if we hold to the present course, the country almost certainly will achieve that goal.

Those who are perplexed by all this may be looking for something that was not there in the first place. Perhaps there is less than meets the eye in the highly-merchandised package that became known as Reaganism. In other words, "Shoot lower, Sheriff, He's riding a Shetland."

A significant body of evidence supports the thesis that Mr. Reagan was not motivated primarily by a desire to stimulate economic growth, wipe out unemployment and balance the budget when he embraced the concept that became known as "supply-side economics." Indeed, he probably made little attempt to understand the nuances of the theory.

The fact is that since 1954. Ronald Reagan has been on a mission to save the United States from socialism. Since he perceives the graduated income tax as the greatest threat, he was prepared to work for its elimination. If progress in the appropriate direction could be achieved in the name of supply-side economics and if the Curve introduced to the world by Economist Arthur Laffer could be displayed to dramatize the concept, he was prepared to employ the strategy.

Confirmation of this can be found in the transcripts of the speeches and radio sermons Mr. Reagan delivered more than 20 years ago. In one of these, he said.

"We have received this progressive tax direct from Karl Marx, who designed it. The originator of this system said you should use this progressive taxation to tax the middle class out of existence, because you can't have socialism where you have a strong middle class."

There is, of course, no empirical evidence that the "progressive" income tax ever hampered economic growth or inhibited the middle class. The period when the upper brackets of our income tax were highest—from the World War II to the adoption of the Economic Recovery Tax Act of 1981—coincided with our most impressive expansion and with the highest level of prosperity for everyone including the middle class and the wealthy. Conversely, the period since the rates were reduced by the maximum amount considered politically feasible has been characterized by the longest and one of the deepest recessions of the post-war period.

More than that, the rolling effect of indexing and the tax cuts may prove to be devastating to the economy of the nation. Even Mr. Reagan seemed to be disturbed over the size of the deficit written into his own 1985 budget. He appealed to Congress to make a "down payment" on the shortfall, but found its proposals unacceptable and produced his own "Rose Garden" solution. Having sponsored two tax increases to try to recapture a small part of the revenue given up in the 1981 tax cut, the administration finds itself with a fiscal crisis that it hopes can be camouflaged until after the election.

Beyond that, the plans are secret. The best guess, at this point, is that Mr. Reagan will embrace something akin to the Fair and Simple Tax (FAST), currently being touted by Representative Jack Kemp (Rep., N.Y.) and others.

Just as the Economic Recovery Tax Act of 1981 was a euphemism for a massive tax reduction that placed the emphasis at the points Mr. Reagan favored, FAST is simply another name for a flat-rate tax. If he gets it, Mr. Reagan will have succeeded in wiping out the Marxist threat he perceives in the graduated income tax system.

Under the FAST concept, every citizen (presumably) would pay the same "rate" on income. The person who drew $5,000 a year would be obligated for the same percentage of the income as the one who earned $50,000 to $500,000. Well, maybe not quite the same. Those whose incomes fall into the upper brackets historically have been able to find ingenious ways to hide a little here, a little there, and more somewhere else so that the net rate probably would be lower than the percentage applied to persons with low income. FAST would quickly envolve into progressive income tax in reverse. Those who earned least would pay the highest rates.

In 1978, Mr. Reagan explained how the system worked by referring to a book written by (or ghost-written for) the late Andrew Mellon, who served as Secretary of Treasury under Presidents Harding, Coolidge and Hoover.

"History shows," Mr. Mellon wrote, "that taxes which are inherently excessive are not paid. The high tax rates inevitably put pressure upon the taxpayer to withdraw his capital from productive business and find lawful methods of avoiding the realization of taxable income."

Both Mr. Reagan and Mr. Mellon obviously were totally unfamiliar with Moreland's

Ninth Law of Human Behavior and Economics, which says: Taxes are always too high.

Those who seek loopholes work just as hard at the job when the rate is 20 per cent as when it is 50 per cent. Where the IRS is involved, all payments are deemed to be excessive. The difference is that persons with high incomes are more resourceful in finding the loopholes than those with low incomes. Since they have more at stake, the high-income taxpayer can afford to hire expert loopholers.

Mr. Reagan's long-term objective of eliminating the progressive income tax is somewhat nearer to realization than might have been expected, but the country may not be ready for FAST. Since Congressman Kemp's first idea for balancing the budget, supply-side economics, was unsuccessful, there is no reason for anyone to believe his second idea would work either.

But even if the FAST system is adopted—and, unfortunately, it seems to have generated some support—and fails to produce sufficient revenue to solve the fiscal problems, Mr. Reagan still will have achieved his long-term goal of eliminating the threat of socialism inherent in the "Marxist" graduated income tax.

There is considerable evidence to support the belief that the administration is holding still another tax plan in reserve. If the Congress won't approve the flat-rate tax, or if it does and the tax doesn't produce enough revenue to balance the budget, the new plan will be trotted out and a new campaign launched.

This reserve plan is the value added tax, a kind of a sales tax that is added to the cost of a product at every stage of its production. Some say the VAT, as it's called in Europe, is the ultimate solution because once the principle is established, the rates can be raised easily on the rationalization that the government simply must have additional revenue with which to meet its obligations and to avoid unacceptable deficits. Imagine, if a VAT were already in place, how high the rates would have to go to make up a $200 billion deficit. The difference between it an our existing federal taxes is that the burden of the VAT would fall primarily on those who spend most of their income for the simple purpose of surviving.

In 1980, a majority of the voters apparently believed they were giving Ronald Reagan a mandate to shrink the scope of government—without, it should be mentioned, tinkering with the programs favored by each individual group—and to use the savings to reduce tax obligations. Mr. Reagan obviously interpreted the victory as an authorization to rescue the country from the threat of Marxism by reducing and, ultimately, eliminating the progressive income tax.

In the early stages, Mr. Teagan's tax program is rolling inexorably in the desired direction. With the rates scaled back and collections curbed, the budget has become a disaster area, but the crisis merely sets the stage for the next turn. The deficits cn be reduced or cured with a flat-rate tax FAST) and a value added tax (VAT), neither of which would be attributed to Karl Marx. Thus will the country be saved from the threat of socialism.

The flaw in the concept, from the viewpoint of (Republican) politicians, is that it cannot simply be "sold" as a theory. In due course, it must be financed. As the burden shifts to those least able to pay, reality will replace theory. But by then it will be too late to do anything about it.

One of the weaknesses of a democracy—and all systems are imperfect—is that people sometimes do not know what is happening to them—while it is happening.

TAX AND BUDGET CUTS: THE IMPACT ON HOUSEHOLD INCOMES

[Projections for the 1984 calendar year. Numbers have been rounded]

	All households	$10,000 or less	$10,000 to $20,000	$20,000 to $40,000	$40,000 to $80,000	$80,000 or more
Gain from tax cuts	$1,090	$20	$330	$1,200	$3,080	$8,390
Loss in cash benefits	−170	−250	−210	−130	−90	−90
Loss in noncash benefits [1]	−100	−160	−90	−60	−80	−40
Net gain or loss	820	−390	30	1,010	2,900	8,270

[1] Include food stamps, medicaid, medicare and housing subsidies.
Source: Congressional Budget Office.

TAX COMPLIANCE

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, this administration has often sought to disguise its real purpose by the coining of a catchy phrase or an appealing slogan. Thus, in 1981, tax cuts for the rich became supply-side economics. And, over the last 3 years, as this administration scrambled to reduce the deficits its policies helped create, "revenue enhancement" became a substitute for the need to obtain a tax increase. Today, this Congress must say no as this administration encourages tax evasion in the name of deficit reduction.

I urge my colleagues to join me, and over 110 cosponsors in adopting legislation, H.R. 6315, that I am introducing today to stop this outrageous practice.

TAX COMPLIANCE AND TREASURY DEBT

The Tax Reform Act of 1984 repealed the 30-percent withholding tax on certain interest that foreign investors receive from the United States. The repeal of this tax allows foreigners to buy U.S. Treasury obligations, as well as obligations of U.S. corporations, free of any U.S. tax on the interest payments. Repeal of the tax makes it essential that the Treasury Department distinguish between real foreigners, who are eligible for tax-free interest, and Americans who pose as foreigners to evade U.S. tax.

The Treasury Department has issued temporary regulations that seek to distinguish between foreign and American purchasers of U.S. Treasury debt. In these regulations, Treasury says that the Internal Revenue Service will collect no tax on interest that it pays to a foreign financial institution that holds a Treasury obligation in registered form if the foreign financial institution certifies to the IRS that it is not holding the obligation for the benefit of an American. However, the foreign institution need not identify the beneficial owner. It need not tell the IRS how it determined that the owner is not an American.

In addition, Treasury has announced that it will issue further regulations to prohibit American entities from buying U.S. Government obligations and effectively reselling those obligations in bearer form by issuing their own bearer obligations that correspond in amount and term to the U.S. Government obligations. However, under stated Treasury policy, foreign banks—or other foreign persons—may repackage registered Treasury debt and resale that debt in bearer form.

Treasury's rules do prevent some flagrant forms of tax evasion. Nonetheless, the Treasury rules for preventing tax evasion by Americans are inadequate. In the Tax Equity and Fiscal Responsibility Act of 1982 [TEFRA], Congress cracked down on new issues of bearer debt. Congress imposed harsh penalties on domestic bearer debt, not only to prevent tax evasion, but also because bearer debt obligations had become the medium of exchange for the narcotics trade and for other illegal undertakings. Treasury's plans to sell debt to anonymous foreigners fly in the face of Congress' concerns in enacting the TEFRA compliance rules. Treasury's need for funds to finance the deficit should not cause it to close its eyes to the source of the funds it receives. Furthermore, Treasury should not close its eyes to the concerns of foreign countries whose citizens may hold Treasury securities anonymously to evade their home country taxes. In a world where we ask help from our foreign friends in dealing with illegal drug trafficking and the like, we cannot ignore their legitimate concerns.

The legislation that I am introducing today will require Treasury and all U.S. Government agencies to know their customers when they issue tax-exempt debt. It will codify the regulatory prohibition on the issuance of bearer debt by Treasury and other U.S. Government agencies. More significantly, it will require the identification of the ultimate beneficial owner of obligations issued by Treasury and other U.S. Government agencies, whoever the nominal registered owner may be: the legislation reimposes the 30-percent withholding tax on the interest on these obligations unless the ultimate beneficial owner gives his or her name and affirms, under penalties of perjury, that he or she is not an American. Investors will not be able to use income tax treaty exemptions to circumvent this identification requirement.

In addition, consistent with stated Treasury policy, the legislation will prevent the repackaging of U.S. Gov-

ernment debt as bearer debt by American entities. The legislation will accomplish this by denying an interest deduction to an American issuer of repackaged bearer debt, and by imposing on the issuer an excise tax equal to 3 percent of the debt times the term of the debt in years. The legislation also will prevent the repackaging of U.S. Government debt by foreigners, thus sealing off a potentially serious avenue of tax evasion left open by current Treasury policy. The legislation will do this by reimposing the 30-percent withholding tax on interest paid on U.S. Government obligations held by foreigners who repackage the U.S. Government debt for resale in bearer form. Like interest on U.S. Government obligations held by persons who refuse to identify themselves, interest on U.S. Government debt repackaged as foreign-issued bearer debt will be subject to the 30-percent tax without regard to any treaty exemption from the tax.

The purpose of this legislation is simple: to prevent tax cheating. This legislation will limit our reliance on foreign middlemen to enforce compliance with U.S. tax laws. It will impose safeguards on the sale of the safest investments in the world, obligations of the U.S. Government. The danger that the Treasury, to finance the burgeoning Federal deficit, would suddenly flood the world with tens of billions of dollars of anonymously held paper is too great a risk to take. Congress must take steps to ensure it does not happen. The legislation that I submit today will not only give us this assurance, but it will improve international tax compliance, and it will set a standard for other countries to follow.

HIGH HOLIDAYS 5745

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, for Jews all over the world, the new year will begin this evening, the first day in the autumn month of Tishri, 5745, under the Jewish calendar, with the celebration of Rosh Hashana, the Day of Judgment. This is a joyous, but solemn occasion for Jews, and the beginning of a 10-day period of penitence, the Days of Awe, ending on Yom Kippur, the Day of Atonement, the holiest day of the year.

On Rosh Hashana, God remembers all his creatures and judges humankind. Their destinies are inscribed in the Book of Life, and it is a time for prayer, self-reflection, and penitence. The highlight of the Rosh Hashana service in the synagogue is the blowing of the Shofar, or ram's horn, whose sound is meant to awaken man's conscience, to renew his faith, to return him to God, and to summon all Jews to self-examination and repentance.

During the evening celebration in the home, festival candles are lit, and a holiday meal is served, including a round loaf of bread and apples dipped in honey to symbolize the hope for a sweet new year. It is also customary to send friends and relatives cards containing special wishes for a new year of good will, peace, and happiness.

For 10 days, beginning with Rosh Hashana and ending with Yom Kippur, all Jews make a concentrated effort at introspection and reconciliation. Jews search their souls and repent for their sins, and ask forgiveness. Their deeds and fate are then weighed in the balance by God on the last day. This final day, the 10th of Tishri, Yom Kippur, is the culmination of the entire holiday period. It is marked by fasting and all other physical abstinence, in order for Jews to concentrate to the utmost on spiritual elements. The whole day is spent in the synagogue, praying and repenting for past sins, and the day ends with the loud, long Shofar blast which marks the final sealing of the heavenly gates, the renewal of the spirit, and a final cleansing of the heart.

During these most holiest of days, as the Congressman from the 11th Congressional District of Illinois, I extend my greetings and best wishes for a happy new year to my many constituents and friends of the Jewish faith, as well as to all Jews throughout the world, especially those hundreds of thousands of Jews living under Communist oppression. Hopefully the new year, 5745, will bring with it a relaxation of restrictions and an increase in the numbers of Jews who will be allowed to emigrate to Israel so that they may worship in religious freedom. "Next year in Jerusalem."●

INTRODUCTION OF LEGISLATION MAKING TECHNICAL CORRECTIONS TO THE LIFE INSURANCE PROVISIONS OF THE TAX REFORM ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, one of the most complex and highly technical areas of the Internal Revenue Code, subchapter L, was significantly revised in the 1984 Tax Reform Act. Part I of subchapter L, which provides a discrete set of rules for the taxation of life insurance companies, was completely overhauled. Many of the old notions of measuring income and expense for life insurance companies were discarded; those that survived reenactment in the 1984 act were carefully examined and amended where necessary. This was a major legislative effort, important in the sense that it established a wholly new approach to the taxation of a major financial services industry.

Now that the ink has begun to dry on the new law, and we have had an opportunity to step back and review the work, the need for the inevitable fine tuning is becoming apparent. That this revision of an entire subchapter might require technical adjustments is not surprising, for several reasons.

First, the rules for taxation of life insurance companies are one of the most technically difficult areas of an already highly complex body of corporate tax law. Second, the interrelationship of various provisions of newly amended tax law, within and without subchapter L, cannot always be anticipated during the legislative evolution of a tax bill as massive as the 1984 act. This is especially difficult when Congress struggles with establishing general policy principles and tax norms that are theoretically sound, but when taken as a whole may present planning opportunities, unintended windfalls and revenue shortfalls when applied to actual taxpayer activities. Third, the appropriate tax and accounting treatment of policyholder dividends and the objective of tax equity among stock-owned and mutual life insurance companies are issues no more easy of resolution today than they have been in the last 65 years. The 1984 act takes an innovative approach in this area, but it will require adjustment and periodic revision in order to correlate industry experience with the tax theory.

All of this is said by way of background to explain why today Congressmen CONABLE, STARK, and MOORE are joining me in introducing H.R. 6312, a bill to make technical clarifications to certain provisions of the Deficit Reduction Act of 1984, Public Law 98-369, and to ensure that the revenues estimated from enactment of the life insurance tax provisions of that act are, within reasonable tolerance, collected. The provisions of this legislation would be effective as of the effective date of the 1984 act rules; that is, taxable years beginning after December 31, 1983.

Subsection (a) of the bill would amend new section 808 of the Internal Revenue Code—relating to the policyholder dividends deduction—to prevent companies from taking undue advantage of the fresh start that was granted in consideration of a legislative change in accounting method for policyholder dividends. Any policyholder dividend amount that is accelerated and becomes paid or accrued because of a change in business practices by a company after December 31, 1983, in declaring policyholder dividends, would not be taken into account as paid or accrued for tax pur-

poses in the taxable year of change to the extent such amount does not exceed the company's 1984 fresh-start adjustment for policyholder dividends. Changes in business practices covered by the amendment would include ones that change either the date of accrual of policyholder dividends or the date of payment of policyholder dividends. Also, any adjustment made to the amount of policyholder dividends paid or accrued for any taxable year because of this amendment would be taken into account in applying the amendment in any subsequent taxable year.

Section (b) of the bill would remove a purported ambiguity in the language of new section 809(g)(1)(A) of the Code. The amendment would make it clear that for purposes of the section 809 reduction in mutual company policyholder dividend deductions, the terms "statement gain or loss from operations" is determined on the basis of the annual statement of the company without regard to Federal income taxes, and with the following adjustments for tax differences: by substituting for the annual statement amount for policyholder dividends the amount of deduction for dividends determined under section 808, by determining reserves for policyholder liabilities on the basis of tax rather than statutory rules, and by properly adjusting for realized capital gains and other relevant items. Section (b) of this bill is intended only as a clarification of the existing section 809(g)(1)(A) policy and is not intended to either increase or decrease the tax dividend adjustment to annual statement provisions for policyholder dividends. Accordingly, this technical amendment should not have any impact on overall revenues estimated under the 1984 act, nor affect the projected segment balance of industry taxes between stock and mutual companies.

As I noted earlier in my statement, the amendments made by the bill would take effect as if included in the original amendments to subchapter L made by section 211 of the Tax Reform Act of 1984.

The purpose of introducing these important amendments at this time is twofold. One is to provide taxpayers with notice as to the intent of the Congress to ensure that the revenue targets of the 1984 act are not eroded. The second is that there be as little ambiguity as possible with respect to technical interpretations of statutory language upon which taxpayers might rely in making 1984 yearend business decisions. Taxpayers should realize that the language of the introduced bill may be modified somewhat both to mitigate any unintended consequences of its provisions and to broaden the scope of the fresh-start manipulation rules in the case of other reserves where circumstances may warrant antiabuse provisions.

Mr. Speaker, I am pleased that the distinguished ranking member of the committee, BARBER CONABLE, and the two principal authors of the 1984 act life insurance tax provisions, Messrs. STARK and MOORE, are cosponsoring this legislation. I have also discussed this legislation with the Treasury Department and it is my understanding that Treasury recognizes the need for these provisions and will support enactment of the legislation.●

● Mr. STARK. Mr. Speaker, it is a pleasure to be able to join with my chairman and the distinguished ranking Republican on our committee, Mr. CONABLE in sponsoring this technical bill which seeks to assure that the revenue base of the life insurance provisions of the Tax Reform Act of 1984 are not eroded.

The provisions of the Tax Reform Act of 1984 dealing with the taxation of life insurance companies were both intricate and complex. This legislation represents a small technical change to those rules and should assure that the provisions work as intended. The chairman has ably described the workings of the legislation and I will not repeat them. I, of course, fully support this legislation and want to again thank Chairman ROSTENKOWSKI for introducing this bill.●

KENNEDY CENTER BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. MOLINARI] will be recognized for 60 minutes.

Mr. MOLINARI. I thank the Speaker.

Mr. Speaker, I take this opportunity to discuss an issue that has been raised from time to time on the floor, and that is the bill that we commonly refer to as the Kennedy Center bailout bill.

This bill has a rather jaded history. I can say with certainty that it will be attached to either the continuing resolution in the other body or perhaps the Interior appropriations bill.

We are not going to have an opportunity to debate the bill. So this is our only opportunity to reveal what has transpired on this particular piece of legislation.

For over 6 months this bill has been floating around in both Houses and whenever we make inquiry, as happened on the floor here earlier, nobody seems to know where the bill is. Everybody is denying parentage of this particular piece of legislation.

Indeed, today I spoke to Senator MCCLURE's office and to his committee and they were totally unaware of the proceedings that have transpired on the House side.

So I think it is important that we make a record today as to what has actually occurred. This bill was considered by the Committee on Public Works and Transportation and the Subcommittee on Public Buildings and Grounds, on April 11, 1984. There was a hearing held that day and officials from the Kennedy Center and the Treasury Department appeared to testify.

There were a number of questions raised about the bill which essentially attempts to resolve the Center's obligation to repay $20.4 million on its revenue bond indebtedness and approximately $30 million of accrued interest.

The bill would have provided for a waiver of the total accrued interest of $30 million; it would have provided for a wiaver in the future, forever, of any interest, and, would require the Kennedy Center to pay $200,000 annually into a sinking fund, which would accrue interest, to retire the $20.4 million in revenue bonds.

The question was raised by myself, the gentleman from Florida [Mr. SHAW] the gentleman from New York [Mr. SOLOMON] and others as to whether Kennedy Center should not be required and if it had the financial capability to pay something more on its debt to the taxpayers.

On April 25, 1984, a meeting was held with representatives of OMB, Congressman SHAW, myself, Congressman YOUNG of Missouri, and Congressman LEVITAS. OMB refused to testify in public on the bill but did agree to meet with us in private to discuss their role in drafting the legislation and explain there position.

We returned to a markup in the Subcommittee on Public Buildings and Grounds on May 8, 1984. Dissatisfied with the original bill, we advanced the following suggestion. It was apparent that at the current parking rates and what the Kennedy Center is receiving they would not be able to pay the annual interest on that indebtedness, which comes to some $1.2 million. But nobody, nobody ever suggested that Kennedy Center was unable to make some payment on behalf of the taxpayers of this Nation.

We made an offer and the offer was very simple: What we said essentially was this. First, we would waive the $30 million in past interest. Second, we would take 50 percent of the net revenues the Kennedy Center receives from the concession parking garage, and the first $200,000 would be applied to a reduction, an immediate reduction, of the bond principal indebtedness, and whatever remained would be treated as interest for that year.

Representatives of Kennedy Center sent back a message saying, "If you can up that figure to $300,000, we will accept it."

Well, we talked some more and we settled on $250,000.

I think it is significant to mention that this proposal was passed out of the subcommittee in that form.

□ 1440

The first $250,000 would be applied to a reduction of bond principle indebtedness and the balance would be treated as interest.

Now, I am not too good at mathematics, but I think if you work with a pencil and paper you would find that the interest would work out of somewhere around 1½ or 2 percent in the initial years.

The substitute was accepted. And then the bill was in limbo. We kept waiting, wondering what was happening. Suddenly, we were advised that the bill passed in its original form in the Senate, unanimously.

Now, in checking today, I learned that the Senate committee staff on Interior appropriations was never advised by the Kennedy Center or Treasury that these negotiations took place on the House side and that this offer had indeed been accepted.

Now, there has been an argument raised that the parking garage revenues are needed by Kennedy Center as an offset to the operating losses of the Center. We could take five special orders to discuss the mismanagement practices at the Kennedy Center.

It is interesting to note that in the New York Times, on September 19, 1984, Roger L. Stevens was quoted as saying that he is pushing hard for passage of the bill before Congress goes home, arguing that the Center has become a national cultural treasure and stimulus for cultural life in the Capitol and as such deserves some of the Federal subsidy money that is going to other cultural endeavors in the country.

Mr. Stevens seems to know a lot more about the status of this bill than we do.

I am very distressed that those of us serving in the House have been denied the courtesy of the opportunity to bring this bill up under the orderly procedures of the House. If, in fact, the sponsors, whoever they may be, believe that the bill in its original form is the way to go, then certainly they should have allowed the bill to come to the floor and let us debate it.

When Mr. Kendrick was told about my feelings, and he is the Center's Director of Operations, he said my statements were made because we were in the middle of a campaign and it is campaign season. That is the courtesy that we got after 6 weeks of intense negotiations with them and their representatives.

Now, there is no question that there is a lot of support for the original bill. I am told that there is a lot of support high up. I do not know what that means. I do not want to demean any Member of this House or anybody in particular.

What I am suggesting is that we have an opportunity to find out why it is that the Kennedy Center has not accepted our offer, why they changed their mind, why they did not have the courtesty to tell the Senate that they had negotiations with this body and, in fact, had acepted a compromise offer.

Yes, I was told by one of my colleagues that it will be moved before the end of next week. I was told that it would be greased and come through here so fast that we will not even know that it happened. I suspect that that might be the case, even though we have been watching every day for the past month and a half, alerting the members of the duty desk to block any unanimous-consent statement or an effort to bring up this piece of legislation while those of us who had some questions about it might be out of the room.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding.

We were talking about the management of the Kennedy Center and how it is set up. I think it is interesting to take a close look at some of the productions to see how the Kennedy Center has actually fared in this particular area.

I think it is most important that when we are talking about deficits at the Center and the problems that a theater is having that you have to go in and look at each particular production.

Now, what I am quoting from is the financial statement of the Kennedy Center for the Performing Arts for the 12 months ended October 2, 1983. I would like to share with you just for a moment some of the losses that it is experiencing. These are the plays that are produced by production companies presumably to make a profit.

We find that for the play "Monday After the Miracle," the Kennedy Center share of receipts was $856,000; the Kennedy Center share of expenses was over $1 million.

Let us take another one. The play, "Outrage," and what is happening at the Center is an outrage, the Kennedy Center took in as its share of receipts, $154,000, but its share of expenses was $569,000. Over half a million dollars.

The play, "Make and Break," Kennedy Center share of receipts, $733,000. Kennedy Center share of expenses, $882,000. They have probably come about as close to breaking even on that one as any of them and yet, it lost $149,000.

Now, the next one, "You Can't Take It With You," was an exception. The Kennedy share of those receipts was $711,000 and their share of expenses was only $694,000, which did yield a profit, and it was the only one on the list that I have that did, of $17,500.

But you go on to the next one, the play, "Room Service," $699,000; the expenses were $916,000 for a deficit to the Kennedy Center of almost a quarter of $1 million. Now, that is absolutely no way to run a theater. To make it even more disturbing, we find in looking at the situation, well, who is making these bookings. We find it is Kennedy Center Productions, Inc., who is by far the biggest user of the theater. And who is Kennedy Center Productions, Inc.? This is the private corporation which I understand is controlled by Mr. Stevens, who is also supposed to be running the Kennedy Center and has been the spokesman and the man who has been coming into this Congress and asking for this bailout. It is absolutely an outrage if I have ever seen one.

I think that it is absolutely essential that we shine the light of day on this whole matter.

Now, the gentleman from New York just said that we learned from some of our colleagues on the Democratic side that this particular bill is going to come in and it is going to come in so fast that we will never see it come in and never see it going and it might be a day or two before we find out what happened.

Well, I would say in looking at the figures and looking at the financial statement, looking at the makeup of the Kennedy Center, and considering some of the problems that we have heard about concerning the current management of the Kennedy Center that those who would want us to pass the bailout bill would not want us to take a close look at it. Why? Because it appears that what we are looking at is an absolute outrage from top to bottom.

When you talk about the franchise, you are talking about the parking and the contracts that have been made for that. In reviewing the contracts we find that the Kennedy Center has paid out millions of dollars in interest to the operator of the parking garage from whom $3 million was borrowed and has also paid interest of almost a half a million dollars on its indebtedness to a private financial institution. But then when we stop and say what has been repaid to Uncle Sam, what has the Kennedy Center repaid on the original $20 million loan and its debt which has now grown to $50 million. We find out the Kennedy Center has paid absolutely nothing.

To make it worse, now after all these years they are coming back and saying, "Forgive and forget." Forgive the $30 million in interest and "Let us pay off the $20 million obligation,"

the original bond principal, with just a little over $6 million.

This is wrong. It is wrong for the Federal Government. It certainly would be beneath, I think, the dignity of this body to consider this matter without full and open debate.

It is about time we brought some sunshine into the Federal Government. It is missing. We do not have it and I think what we are looking at here is absolutely an outrage and perhaps one of the ugliest examples of how this body operates in its closing days.

Mr. MOLINARI. I could not agree with the gentleman more.

There was an article this week in Variety magazine saying, "Master Class folds. Bad luck continues. Bad luck continues for Kennedy Center."

□ 1450

They go on in this article to say that this drama Master Class is the latest in a string of disappointments for the Kennedy Center within the past year.

Nobody has thought about looking at the management of the Kennedy Center. You know, when you talk about the Kennedy Center, it is like talking about the Statue of Liberty or talking about the American flag. It is a living memorial to a beloved President, and it is heresy for us to get up and question.

But let us go back a bit in history. Congress was repeatedly told that the Center would not cost the taxpayers a penny and the Center could be managed so that it could continually operate in the black. However, $23 million was appropriated to construct the building, taxpayers' dollars; $4.7 million was appropriated to fix the roof; $20.4 million was loaned for the parking garage; $39.5 million has been appropriated for operation and maintenance costs.

With regard to operation and maintenance costs, this exchange took place between former Representative Cramer and the Center's chairman, the same chairman, Roger Stevens, in the House Public Works Committee hearing, December 12, 1963:

Representative CRAMER. Will this legislation obligate the Government in any way for maintenance and operation in the future?

Mr. STEVENS. No, sir. We feel that in their income from rentals we will have enough money for proper maintenance and even going so far as depreciation of equipment.

Now, the gentleman from Florida has pointed out that APCOA, the concessionaire, loaned to the Center $3 million. And it is interesting to note that the Kennedy Center was able to pay, in interest alone $2,648,200, not to the Federal Government but to the concessionaire. That is a $3 million loan. American Security Bank loaned the Kennedy Center $2 million. Right now, this year, they will pay to a bank $697,000, $500,000 on account of principal and $197,000 in interest.

They are paying interest to private sources. But not a cent to the taxpayer.

Now, let us look at one other aspect that I think is very important. We are talking about a parking garage that charges $3 to park. We suggested that they consider raising it by $1 to the staggering sum of $4. The Kennedy officials shuddered with horror at that thought, and they said that we would cause a substantial decline in attendance—patrons who pay as much as $55 a ticket. Where in this country can you go to a theater and park your car for $3?

We had figures from the General Accounting Office that if they charged $4 they would net out something like $1.6 million as their share. How can we justify with any commonsense whatsoever to the taxpayers that we are going to waive in the future accrued interest regardless of what the financial position of that Center might be 5 years from now or 10 years from now? These bonds are not due until the year 2017 and 2018. And yet, here we are, taking this extraordinary step of waiving all future interest, no ifs, ands, and buts.

Forget about the $30 million that is owed to the taxpayers. That is gone. We agreed to that. We tried to come up with a compromise that we felt was minimal. It was not a good compromise from the taxpayers' standpoint, but it was better than nothing. It was better than nothing. And we walked out of the room saying, "Well, we didn't get what we believed we should have, but we got something, we got something, as modest as it may have been."

Mr. SHAW. Mr. Speaker, will the gentleman yield at this point?

Mr. MOLINARI. Yes; I will be glad to yield to the gentleman.

Mr. SHAW. I think this is a very important fact that has been misunderstood by many people. These people came to us a long time ago. I am ranking member on the Public Buildings and Grounds Subcommittee, which has jurisdiction over this particular matter, and we tried to work with them. We met with them and we met with members from the Treasury and tried to figure out what the cash needs were of the Kennedy Center.

No one speaking here today and no one I know is really against the Kennedy Center or its objectives and some of the fine things it does for the Washington community and certainly for the entire Nation. So this is not a question of this at all. It is a question of sitting down and trying to work their problem out.

I happen to have a little bit of a background in working with financial statements, being both a CPA and a lawyer. So I looked at the statements, I looked at their revenue, I looked at their franchises. And taking from that, I tired to prepare an answer to their problems. One of the things that popped up almost immediately was the revenue that they have received from the parking garage. We show—and these are figures that they have given to us themselves—that in 1984 the estimated revenue from the parking garage is $237,000. This is the income and this is the money that the Kennedy Center will make off the parking garage this year. This income will increase to an estimated $877,000 in 1988.

Now, this is assuming that the parking price stays exactly the same. So there is going to be a situation where the parking revenue of the Kennedy Center is going to increase threefold from $237,000 to $877,000.

The compromise that Mr. MOLINARI is referring to was one that was going to take effect at that particular point in time so that the added revenue to the Kennedy Center would be what was going to go to the Federal Government to pay off the indebtedness.

What in the world could be fairer? We came up with a solution that would in no way affect the cash flow going into the Kennedy Center. And even after we went all that way in trying to work out the problems with them, they chose this back door approach, which I think is despicable.

Mr. MOLINARI. I thank the gentleman.

Mr. Speaker, I think that if we consider a fair approach to this—and I think that the point should be made that we are not here to close down the Kennedy Center—we would like to see it run more efficiently, more profitably, and I think it can be. We are not trying to do anything to cut back on the program of Kennedy Center. But the gentleman from Florida has pointed out this sharp increase in revenues that has occurred, and in 1987 the projections are that it will be, at the present level, $3 a parking ticket, over $800,000. And you know what that means? It means that if they paid 50 percent of that $800,000 to the Treasury under the compromise plan, they would pay $400,000, an amount less than what they are paying today to banks.

So we questioned those who say they do not have the ability to pay it. And, for heaven's sake, the preposterous response, when we suggested, "If you have a financial problem, why not consider a modest increase in your parking revenues?" The response that we got was, "Hey, the patrons at Kennedy Center feel that they should have parking for nothing." That is the answer that we received.

Mr. Speaker, as I said initially, I am very distressed at the background of this bill. For 6 months we have been

tracking it. We spent 2 solid months in good-faith negotiations with Treasury, with the trustees of Kennedy Center, with OMB, with our colleagues. We fashioned an agreement that was more than fair. The Kennedy Center trustees were not satisfied. I am terribly disappointed in them. I think they have done a disservice to Congress and to the people of this country.

For my own part, I would like to see the whole lock, stock, and barrel leave and have some competent individuals take over, people who would be reasonable and rational, and who would not have snubbed the House as they did in this particular case. They have not had the courtesy to advise the Senate of the negotiations and the agreement that had been reached.

I hoped that we would have the opportunity to debate this on the floor so that our colleagues can share in the knowledge of what transpired for 2 solid months, but it does not appear that we will. For that reason, we have chosen to take the course today of bringing out the facts as we know them on a special order.

At this point I yield the balance of my time to the gentleman from Florida.

Mr. SHAW. I thank the gentleman.

Mr. Speaker, I have very little left to say. I believe we have covered the situation thoroughly. If there are any Members who would like to join in this special order to take the other side of this issue, we would be delighted to share our time with them because it appears, at least at this particular early date, unless there is some change in plans, that this will be the opportunity, the only opportunity that we will have to fairly and openly debate this entire issue.

□ 1500

In reviewing the situation and what we are talking about, we are talking about the Center's bond indebtedness. A contractual indebtedness to the U.S. Government which simply states, and I quote right from the bond itself:

That the funds shall be payable as to both principle and interest from the revenues of the said John F. Kennedy Center from parking fees therein.

I already advised the House as to the parking fees and the projections. I would like to correct the RECORD at one particular point. The projections that I was quoting from was prepared by the General Accounting Office serving this Congress.

I consider that the funds received from this parking garage are a sacred trust of the Kennedy Center as an obligation to the United States: That they are in effect our agent, collecting that money to pay back the indebtedness. What have they done? They have absolutely thrown off their contractual obligations and paid absolutely no attention to the term of the contract, and they certainly paid no attention to the U.S. Government, and have not paid their obligation off.

I understand that the meetings of the trustees are closed; they are not open to the public. We have asked for additional financial information. I have written to Mr. Stevens inquiring about such things as how many people are employed at the Kennedy Center. I want to know more about their cash flow. I want to know more about their financial statement. This was a recent letter that was sent to Mr. Stevens, and he has not had an opportunity to gather the information that I have requested, but hopefully it will be forthcoming, and we can look in depth into exactly what is going on in the Kennedy Center.

There is something wrong over there. When you find that there are theaters in town that are making money, that are running a profit and showing very fine plays, and that they do not remain dark, then you have to say what is wrong with the Kennedy Center? It is one of the finest theaters in the entire world. It should be booked up with profitable plays; it should be turning a profit. They have an obligation to the U.S. community as a whole to supply it with various cultural activities. I understand that, but I think they also have an obligation to the Federal Government to pay their debt and to run efficiently and effectively.

I quite frankly have very serious reservations about this real or, certainly, appearance of conflict of interest when we find that the same man who has owned and operated the production company, who is the tenant of the Kennedy Center, also is in the position of being the landlord of the Kennedy Center.

Now, there is nobody that can hear my voice that cannot understand that real, very real, or apparent conflict of interest that exists there. Particularly when you find that the productions, the plays that are going into the Kennedy Center are costing the Kennedy Center money. Then we find such things as the theater is dark for weeks at a time.

This is wrong; this is a waste of a real treasure of this country. I think that we have found a situation where those who have come to us years ago and said it is not going to cost this Government anything are now coming back and trying to work a backroom deal to undo their contractual obligation so that they would not have to fulfill their financial obligations to the United States.

I would ask all the Members to watch carefully next week when this House again convenes for business. There are going to be many bills coming through here, and we have reason to believe that this bailout or this conspiracy will be attached to one of the bills. I would ask all the Members to watch carefully and advise us or certainly make a timely objection, or at least let the Members know what they are voting on should this be attached to something which would be totally coming out of left field and something that we would not be able to catch in time.

We all know, who have served in this House at all, that some of the worst things that this House does, some of the worst items or bills that have gone through, such as pay raises for Members, that go through unnoticed, happen in the closing days of a session of the Congress.

As the 98th Congress draws to an end, I would hope that this would not happen again, at least as to this particular bill. Those whose fingerprints are on this will be made known. I kid you not; if this thing goes through, as I think it may very well get through without our being advised or being able to file a timely objection, this will not silence our voices. We will continue to make this whole thing open and exposed to the American people as well as to our other colleagues.

What the gentleman from New York and I are asking for is the cooperation of the House in serving as watchdogs to see that this bailout, this conspiracy does not happen. It is certainly beneath the dignity of this House, and I might say, beneath the dignity of the Kennedy Center and the President after whom it is named.

Mr. MOLINARI. I would like to ask the gentleman from Florida, because I know he has done some inquiry into the area, whether it is a fact that the meetings of the board of directors of the Center are closed meetings?

Mr. SHAW. That is the board of directors or the board of trustees and I understand that it is closed. It is not open to the public.

Mr. MOLINARI. It has been that way for some time.

Mr. SHAW. From my understanding it has always been that way.

Mr. MOLINARI. I think that reflects upon the entire problem, the fact that you cannot even have access to know what is going on at the board meetings. It is typical of the problem that we are facing here.

I hope that our voices are being heard by somebody out there who has concern, and that we can move ahead with the compromise that we have offered Kennedy Center, which I think is overly generous.

Mr. Speaker, I yield back the balance of my time.

A BACKROOM PARTY VERSUS A GRASSROOTS PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, today's special order is on the topic of a backroom party versus a grassroots party. I think that yesterday, September 25, will go down as one of the most remarkable days in recent American governmental and political history. I think it illustrates fully the difference between a back roomparty and a grassroots party.

For the last year or longer, a number of us have been arguing that there is an America people's agenda. The constitutional amendment to require a balanced budget; an omnibus bill to protect us from crime and drugs; a free enterprise zone process to allow people to create jobs in poor areas; welfare reform; voluntary school prayer; a number of issues represent the agenda of the American people. Every poll we could find said that the American people wanted these issues dealt with; that they were concerned with these problems.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, because I think we want to clarify where we came up with that agenda; that it was not just a creation that a few of us sat down and decided to come up with a few issues and then call it the American people's agenda.

The gentleman is absolutely correct. Where that agenda came from was out of a mass of polling data which is available from across the country which indicated that there were issues where large numbers of Americans were in fact in favor of certain kinds of things being done by Congress. Where there were issues that 70, 75, 80, 85 percent of the American people were in favor of moving in a particular direction where either the Congress was moving in the opposite direction or was not moving at all, and that that was the substance of the American people's agenda that we came forth with.

It was not our creation; it was a creation based upon the will of the American people as expressed over, and over and over again in a whole variety of polls that had taken place over the last 5 to 6 years. I think it is important to clarify that that we are not simply standing on the floor talking about things that we want to see done, we really are talking about things that the American people have indicated time and time again that they want to see done.

□ 1510

Mr. GINGRICH. Mr. Speaker, the gentleman from Pennsylvania is exactly right in that we really try to be responsive to working Americans and to the American people. We tried to use polling data. We tried to go back out and talk with people. We tried to talk with people who we felt were representative. We went back to our own districts and to other districts.

Interestingly enough as the American people have developed their agenda, a new rationale has developed on the part of liberal Democrats to avoid that agenda.

There is a new book out by one liberal Democrat in which he talks about how terrible it is to allow yourself to be directed by public opinion polling and how the best thing that could happen to a free society would be to get rid of those public opinion polls and it is a fascinating contrast that now you have Republicans and Conservatives who are responding to the American people, who are responding to the concern about crime and drugs and the concern about a balanced budget to the desire for welfare reform, to the interest in enterprise zones and it is increasingly the liberal Democrats who are saying, Oh, you should not pay any attention to the American people, and I could find that citation if any one of our Democratic friends would like to challenge it, because there is a liberal Democrat currently running for the U.S. Senate in Illinois who has in fact written a book in which he contends that it is bad to look at the American people.

Mr. WALKER. Will the gentleman yield?

Mr. GINGRICH. I will be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I think that it is understandable that that is a total rejection of the way in which Congress was meant to operate because the Forefathers in particular said that the House of Representatives was to be very conscious of what the American people were saying and that is the reason why they set it up with 2-year terms and all of that.

That we were supposed to be the place in which the American people's opinions came in. In fact, if you take a look at the Senate, the Senate probably should weigh longer term issues and should not at least respond to momentary polls, but the House of Representatives is supposed to be where the American people's opinion prevails, and to suggest that we somehow should ignore what the public is saying, what large numbers of people are telling us is in their best interest is to really ignore the representative process and I thank the gentleman again for yielding.

Mr. GINGRICH. Mr. Speaker, the gentleman is exactly right and the point we tried to drive home, of course, is that we are very committed to trying to get votes on issues that matter to the American people.

We are very committed to trying to develop an understanding among the American people of what in Washington stops them from getting their way. And what we have discovered over the past year is that there is a real difference in Washington between the backroom political party which is now the liberal Democrats, and the grassroots party which is increasingly the Republicans.

And what we have discovered is that as the liberal Democrats have gotten more and more out of touch with the American people they have resorted to killing legislation in the backroom.

We began talking, for example, over 1 year ago about how important it was that we pass the omnibus crime bill that would work to help us stop crime and help us stop drug dealing. How important it was to our children and grandchildren to protect them from cocaine dealers and from the problems of a crime-ridden country.

And what we discovered rather quickly was that the liberal Democratic leadership of this House did not want to bring up the omnibus crime bill. That while it had passed 91 to 1 in the Senate, the liberal Democratic leadership here was committed to burying it in the Judiciary Committee and using the tricks of the game, using the procedures, the calendar, the techniques that are available to the leadership on the Democratic side to stop that bill from ever coming to the floor.

What we discovered was that in fact although the American people now say that crime is their No. 1 concern that the backroom party, the liberal Democrats, were not listening.

When I talk about the liberal Democratic leadership it is important to recognize that virtually every subcommittee and committee chairman, virtually every Member of the Democratic whip system, is a part of holding up that leadership.

If they did not vote for the current Speaker to be Speaker, he would not be. If they did not vote for the current structure of committees which are inherently unfair; if they did not vote for the current staffing system, which is unfair, none of those things would be happening.

So we fought for a year to try to bring a bill to the floor on crime and drugs that we think the American people really care about. We fought because we know the American people wanted it brought to the floor and we thought a grassroots party had a commitment to bringing that bill to the floor.

A number of people around the country began helping us. Newspapers began writing editorials. Candidates began to emerge. People who were frustrated. I just talked with one; Mike Kavouklis, who is a candidate in Tampa, FL, who founded a group called FOCUS 84. That stands for Focus On Crime in the United States.

Mike came up here last week and held a press conference and said it was terrible, terrible that the crime bill has not been alotted a committee. That the liberal Democrats were squeezing it to death. That they were smothering it. That they sent it to the Committee on the Judiciary, which had been called in Congressional Quarterly, the graveyard of legislation.

Mike went back home campaigning against a Democrat who is part of the liberal Democratic leadership.

Yesterday, we had I think a perfect example of exactly how the American people are thwarted by the liberal Democratic leadership. Yesterday morning the minority whip, Republican from Mississippi [Mr. LOTT] got up and said that he wanted to bring up the crime bill. That in order to bring up the crime bill, we had to defeat the previous question; a technical procedure which every Member of the House understood.

It was a simple, straightforward vote. If you are for bringing up the crime bill, you have to vote no on the previous question. If you are against bringing up the crime bill, you have to vote yes. It is a very simple procedure every Member understood.

I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding, because I think we want to emphasize that in fact Members did understand what they were voting on. Not only did we use the time in debate to tell them what they were voting for, but in fact, the liberal Democratic leadership sent people to the floor urging them not to vote against the previous question, in order to make the crime bill in order so that their side understood it and plus, just so people understood how far we went on this, there was actually printed material available on the floor that was being handed around the floor during that period of time which told Members precisely what it was they were voting on and why they were voting that way.

So that the idea that somebody did not understand that this procedural vote dealt with the crime bill has to be a total fallacy. The Members knew precisely why they were voting on that particular measure in the way they were at that time.

Mr. GINGRICH. So as the gentleman I think will bear witness. At the key moment, at 12:58 yesterday when we attempted to bring up the crime bill, we were defeated and only 25 Democrats voted with us.

The rest voted with the liberal Democratic leadership to kill the crime bill and they knew that was the probable effect of doing that.

The afternoon went on. We managed to get out the message across the country that liberal Democrats had voted to kill the crime bill. In fact, I just talked with Mike Kavouklis. He issued a press release yesterday afternoon. He said this is terrible. How can you vote to kill the crime bill?

At 6:17 last night, led by the Republican leader [BOB MICHEL] who has insisted that we not let the liberal Democrats slide off the hook but that we come back with a straight, substantive vote head up so that they could not hide, the gentleman from California [DAN LUNGREN] got up and moved to put the crime bill in a continuing resolution. A straightforward motion where now all of a sudden they could not hide behind procedure. They could not explain away their vote. It was obvious how they were voting.

In addition, as I say people like Mike Kavouklis were out there and had done their job. They had gotten the word out that it was wrong to vote against the crime bill and they were working to alert the American public and the grassroots network to get involved.

Suddenly at 6:17 yesterday, the liberal Democrats who had been hiding, who had been able to shield themselves from the procedure, were faced with the problem of voting a way that everyone back home would understand. And at that moment we tripled the number of Democrats who voted with us and we passed, for the moment, the crime bill by adding it to the continuing resolution.

Now, there are two lessons, I think, for the American people. The first is that there are an alarming number of Democrats who every time they can hide are going to vote with the liberal Democratic leadership to kill the American people's agenda. Every time they have a procedural screen, every time they have a way of getting behind some kind of procedural vote they are going to vote with the liberal Democrats to avoid bringing up the American people's agenda.

The second message is to watch what happens now to the crime bill because while it has been added to the conference report or to the continuing resolution, I am not sure that it is going to survive because the liberal Democratic leadership will attempt to kill it in conference.

We already saw earlier this year on enterprise zones that when enterprise zones passed the Senate and was passed by Republicans and came to conference, it was the liberal Democrats in the conference who insisted on killing enterprise zones, on killing jobs in poor areas, on killing a chance to build new factories in poor areas.

□ 1520

So now we have the drama this weekend. Will the liberal Democratic leadership, having failed to kill the crime bill on the floor, now kill it in conference, and will the Members who, when they were exposed to the full view of the public had to vote for the crime bill, are they now going to passively sit to one side and allow their leadership to kill the crime bill? Because if the crime bill is killed this weekend in conference, then those Democrats who switched their votes yesterday and thought they were off the hook have a whole new question to answer because they are part of the leadership team which first tried to smother the crime bill and now is going to try to drown it, that does not want to let it live, does not want to let it pass and become law.

I think there is a basic lesson here for every American. What happens in this body is very simple. Every district in America elects a Representative. When that Representative arrives in Washington, he has to decide what team he is on. A lot Representatives, in effect, join a team, a liberal team, which does not share the views, the concerns, the dreams of people back home. That liberal team, for example, in San Francisco heard its candidate, Walter Mondale, promise a massive tax increase. That liberal team next week is going to try another procedural gimmick. They are going to bring up a so-called balanced budget proposal which is the liberal excuse this year for not balancing the budget. They are going to try to hide behind that balanced budget proposal which will have no meaning and be basically a political document.

The question for the American people has to be, and we just found out again this afternoon asking the majority leader, who said, oh, they were not going to bring up the constitutional amendment to require a balanced budget; they were not going to get involved in anything that was real. They were just going to bring up what essentially is a liberal fig leaf to hide behind.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, the gentleman is correct, because what we have coming before us next week in the guise of a balanced budget vote is a gimmick, and it is a gimmick which does not even have any substance to it because I have now reviewed the substance of the bill they propose to bring before us and it turns out that it is remarkably similar to what is now the law of the land.

There is presently a law on the books which requires the Committee on the Budget here to report a balanced budget unless they deem it inappropriate to do so. Well, that is precisely what the bill talks about that we have here. We are obeying the law now, so what we are going to do is have another new law come out here just before the election, and once again a new set of words, drafted somewhere in a back room, in a way

that is supposed to fool the American people that indeed we had a vote on a balanced budget.

That kind of thing is a travesty. It is condoned only by people who will condone politicians trying to obfuscate what is really taking place.

The only substantive vote we could have around here would be to do something on a constitutional amendment, because it is obvious that we cannot do something simply by changing the rules of the House, or we cannot do something by changing the law of the land. We have a law on the books right now that requires a balanced budget. That is the law of the land at the present time. We just do not obey the law.

We have got to go the route that State legislatures have found is necessary for discipline, and that is an amendment to the Constitution. Anything less than that is simply a gimmick, is simply an election year hoax, and with the kind of sly smile that we got earlier in the day from the majority leader, it is apparent that they recognize that to bring this to the floor is nothing but a hoax.

Mr. GINGRICH. I have to comment on that. To go back in history, the term "bunk" comes from this body. Many years ago, in the 19th century, a gentleman from North Carolina was making a speech and another gentleman began to get sort of irritated by the speech and began to grumble. He got nudged by the fellow sitting next to him, who said, "Do not pay any attention to that. That is just for the folks back in Buncombe County." That is where the word "bunk" originally came from. It is the idea that you would say things that had no meaning but that were designed to kid the people back home.

What we are going to see next week is sort of Oklahoma bunk. The fact is that it does not have any real meaning, it is not going to change anything, but it is designed to allow Liberals to hide from their failure.

Mr. WALKER. If the gentleman will yield further, maybe we ought to name it the "3-B Bill," balanced budget bunk.

Mr. GINGRICH. I think that is right. The "3-B Bill" is a great line, balanced budget bunk. What we were asking the majority leader was, could we have a chance to bring up a serious constitutional amendment that would allow for, that would require the Congress to balance the budget.

Of course, we cannot bring that up because that is real. That might pass. The Congress might have to actually balance the budget. So I think the American people have to look at yesterday's performance in which they saw a great number of Democrats who, in effect, voted one way in the morning, switched their votes 5 hours and 19 minutes later, some of whom I have to say I am absolutely amazed by.

There were 16 Members who voted against bringing up the crime bill in the morning, voted against the crime bill in the afternoon, and then, when they saw that the crime bill was going to pass, came down front after the machine had closed and changed their votes. I am not sure what those Members intend to do when they go back home, but part of the purpose of this special order and of some things we are going to do next week is to say that the American public is not dumb. We cannot bottle something up for a year, try to kill it in the morning, try to kill it in the afternoon, switch after it has already passed, and expect them to think we are for it. We ought to just 'fess up and admit we really tried to kill it and we thought we would just try to get away with a little two-step here and see if we could not get folks to believe we really were for it all along.

I think this is very, very important for the American people to understand because I sense a great deal of frustration back home. People say, "Why can you not clean up the mess in Congress? Why can you not straighten things out in Washington? Why can you not get the budget under control? Why can we not stop all the cocaine dealers?"

I think the lesson of the last 24 hours ought to be very clear to people. There is an organized, systematic, liberal Democratic leadership that runs this House. They did everything they could for a year to kill the crime bill. They had their last and successful effort to kill it at 12:58, and they killed it. Because BOB MICHEL was tenacious and because DAN LUNGREN was willing to fight, we brought it back up last night and all of a sudden, because it was a straight, clean shot where they could not hide, over 60 Democrats switched. Sixteen of them switched after the bill had passed.

I think the lesson the American people have to take is that there is a backroom political party that serves Washington lobbying interests that, in fact, is going to do everything it can to kill the things people want. There is a grassroots party that is trying to change this place, and you could tell yesterday that when they could hide, there were a number of people who were going to kill everything people want, and when we got them out in the open where they were frightened, they voted with us.

One of the questions the American people have to ask is: Do we really want a Congressman we have to scare in order to get him to vote right?

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, is the gentleman saying that that crime package is the same package that we asked the Democratic leadership of the House permission to bring up time and again, I think many times, at least dozens of times in the past session? Is that the same package?

Mr. GINGRICH. The gentleman is exactly correct.

Mr. HUNTER. And that is the same package that was met with silence. As I recall, we got absolutely no response.

Mr. GINGRICH. As I remember, did we not ask—and the gentleman may have the exact number—but was it not 56 days that we asked unanimous consent to bring up a variety of bills, one of which was the omnibus crime bill, 56 working days?

Mr. HUNTER. I think we asked unanimous consent on 56 working days to bring up a good part of the American agenda. I think the crime bill was not part of that agenda until the later part of the spring. So I do not know if it was 56 times, but I can remember personally standing up a number of times and asking the leadership.

Mr. GINGRICH. If I might ask of my friend, the gentleman from California, what reaction did the gentleman get from the liberal Democrats when he asked them to let him bring up the crime bill?

Mr. HUNTER. My question was, I would say, "We have the permission of BOB MICHEL, the leader on the Republican side of the aisle, to bring up this issue, the President's crime control package, and I will now yield to a spokesman for the Democratic leadership to give us permission," and I would be met with silence. Nobody would say "yes"; nobody would say "no." But this is exactly the same bill that, when it is forced on the House for a vote, passes overwhelmingly. It makes one wonder how many Members on that side of the aisle ever went to their leadership and said, "You know, that crime bill is important for the safety of the American people. How about bringing it up, Mr. Leader? How about bringing it up, Mr. Majority Whip?"

I wonder if they ever had a meeting with their leadership and said, "We would like to see that bill passed"?

□ 1530

Mr. GINGRICH. Well, let me ask the gentleman, because he certainly knows how our side works, if 100 or 125 Democrats had gone to their leader on their side and said, "We insist you bring it up." Does the gentleman not think they would have brought it up?

Mr. HUNTER. Well, absolutely, surely. They could have circulated a

petition. They could have gotten together in their conference.

Mr. GINGRICH. So what was happening, in other words, was lipservice back home and quiet in Washington.

Mr. HUNTER. Until we had these two votes when we had a number of Members vote one way in the morning and the other way in the afternoon.

Mr. GINGRICH. And what was the gentleman's reaction as a gentleman who has studied the Congress, what was the gentleman's reaction? Was the gentleman surprised last night to see a sudden shift of that many votes?

Mr. HUNTER. I think I would say as a person who has been here for a couple years and seen that we are about 6 weeks away from an election, I think it was entirely predictable, but I think it was tragic in a way and it was tragic because as the gentleman says, it was essentially a statement to the people of this Nation that they have to scare their Representatives, or a number of them have to scare their Representatives to get them to be responsible and I think that is a tragic situation.

Mr. GINGRICH. I want to say something further about that, because I think it is a very important thing to think about here.

I have the greatest respect for our friends who are honestly liberals of integrity, who let us say did not agree with that bill. They said all along that they did not agree with it. They went back home and said they were against it. They voted against it in the morning. They voted against it in the afternoon and there were well over 100 of them. I have absolute respect for a Member who has beliefs, fights for those beliefs and does what he says.

I have equal respect for conservative Democrats and for conservative Republicans who said all along, "I'm in favor of that bill," but I am genuinely bothered by Members of the House who for 1½ years did nothing while we fought to bring the bill up, who claim that while they are sort of for the bill and said things back home and said, "Oh, yes, we are really for the bill, but it is all complicated," who at 12:58 would vote to kill the bill and then would reverse themselves and at 5:19 would show up voting for the bill, some of whom, as I said, 16 of whom voted for the bill after the machine closed, because it makes me wonder. Now, I have had to change my vote occasionally. I maybe walked in and voted wrong or I have have been in a situation where I did not understand what was going on. I could understand two or three or four Members who just happened to have made a mistake. That happens on occasion. They change their votes to be recorded accurately, but when you look at people who you know that morning were voting to kill the bill and you watch them wait until the last second, it makes you wonder.

I guess one of the great virtues of having C-SPAN and having a chance to address the whole Nation is that we are now in a position to say to the country, "Look at what happened. Look at the difference in a period of 5 hours."

I think that the purpose of what we are going to be doing today and on Friday and next week is to drive home the message to the American people that if you have a Congressman you have to scare, you ought to ask if that is really who you want to keep in office. Do you really want someone that you can only count on, as the gentleman from California said, 6 weeks before an election.

Mr. HUNTER. Mr. Speaker, will the gentleman yield further?

Mr. GINGRICH. I would be glad to yield to the gentleman from California.

Mr. HUNTER. Just one last statement. I think what happened yesterday when we made this switch was a great reason to not change congressional terms from 2 years to 4 years, because at least during this hunting season, so to speak, when you are 6 weeks before an election, we are going to have some people who are responsive to their constituents, to the American people. It is unfortunate that we have to wait after being in session for several years, we have to wait until we are about 30 or 40 or 50 days out before we can get something of substance accomplished.

I thank the gentleman for yielding.

Mr. GINGRICH. Let me just say further that I think in this last week, you know, the gentleman's comment about 4 years versus 2 years, if you think about it, what the gentleman said was that for about 1 of 104 weeks, for about 100 weeks out of the year, out of the 2-year cycle, there are people here who basically belong to the liberal Democratic leadership and they help smother bills and they help hide them and they help stack the committees and they do all the things to make sure the liberals win. Then suddenly for about 4 weeks, at the very end of the very end of the session when they know they have got to go home and explain how they behaved, they change dramatically and they hope that the American people's memory will be short enough that they vote on the 4 weeks, not the 2 years.

I thought yesterday was such a dramatic example of the difference between 12:58 and 6:17 that we simply had to focus on.

Mr. WEBER. Mr. Speaker, will the gentleman yield

Mr. GINGRICH. I would be glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman for yielding.

I have been watching as I could from my office this special order. I had another meeting going on so I may cover a little bit of ground that these folks have covered this afternoon, but I truly think the gentleman is absolutely right in placing the votes that took place on the crime bill in the context in which the gentleman has placed them this afternoon, because as the gentleman has pointed out, we have been talking all year long about the manner in which the Democratic leadership of the House utilizes its power in the House of Representatives, not merely to obstruct the people's agenda, which they do, but then to cover up, if you will, or prevent their own membership from being held accountable by their constituents on the issues that we have talked about, things like voluntary school prayer, the balanced budget constitutional amendment, the line item veto, enterprise zones, and you go on and on.

One of those issues also includes the crime bill.

We have been saying all year long that this is really a fundamental abuse of the rules, abuse of the power of the Speaker, abuse of the power of the majority to prevent all these items from coming to the floor for a vote, and yet denying the constituents of Members of this body the opportunity to judge their Members on a vote.

The one place where we have managed to break that pattern of behavior is on that crime vote the other day; so we have one single example, one pattern of behavior that we can take out of the record and look at it and analyze it and we can show the American people how this place operates. We can show them the abuse of the rules of the House. We can show them people striving to avoid accountability for their own actions.

I just want to say that we should not permit this Congress to adjourn without discussing that specific bill very explicitly, without discussing those specific votes very explicitly.

I am glad we are talking about it here today, but it is my intention also to take out a special order next week, in all likelihood on Tuesday, in which we will discuss exactly those votes, exactly that pattern of behavior and those Members, in our judgment, that typify this pattern that both prevents action on the people's agenda and prevents Members from being held accountable by their constituents.

My staff is now preparing a letter which will be signed by several Members that we hope to distribute to Members' offices on Friday, Members who did vote in this manner, announcing to them that we will indeed be taking out a special order on Tuesday and that we will frankly be discussing

their votes on this legislation and that if they feel that they could be treated unjustly in this special order, we invite them to come to the floor and discuss this issue with us, because we think it is central. We do not think that we have snuck up on anybody by this discussion. We have been talking about this abuse of power over the last 18 months in this Congress. This is going to be our only opportunity to hold this pattern of behavior up to the light of day and we intend to do that next week.

Mr. GINGRICH. Well, I want to reemphasize what the gentleman from Minnesota just said. There may well be one or two Members who in fact read the bill for the first time, consulted with experts, listened to their constituents and changed their minds between 12:58 and 6:17 out of genuine conviction. Those Members should come to the floor and explain that, because certainly they should not be lumped in with those other Members who might just be terrified of going home to face the voters, but I think it is important for the voters, and I hope that we have the widest participation in C-SPAN that we have ever had in people watching and the news media watching next week, because I think voters really need to look at and ask the question, if you are hiring somebody and paying them and they switch their position on a major long term issue of such importance as crime and drugs in a 5-hour period, they owe you a pretty clear explanation of what happened.

I think what we are saying and are willing to assert pretty flatly for the country is that for a very significant number of those people, what happened was that they suddenly realized they were faced with a vote they were afraid of and they were more afraid of the American people than they were of their own liberal Democratic leadership, whereas earlier in the day they had joined in with their liberal Democratic leadership to kill the very bill which they helped pass at the end of the day.

I will be glad to yield to the gentleman from Minnesota.

Mr. WEBER. Well, the gentleman is precisely correct and, of course, the difficulty of explaining this to the American people is one of the protections that incumbent Members of Congress have for themselves and that is that we have to discuss procedural elements of legislation with which the average citizen is not familiar and he should not have to be familiar. He is concerned with the substance of the legislation.

The fact is the vote earlier in the day, the vote on moving the previous question, the parliamentary term that most Americans probably have heard but haven't thought about a lot, really was at that time the key vote that was going to determine whether or not we would have an opportunity to bring up the President's crime package. If we indeed moved the previous question, that meant that the legislation would not be subject to amendment and thus we could not bring up the President's crime package. Thus, those that voted yes on the previous question were in essence voting to kill the possibility of bringing up the crime package. Those that voted no wanted to open up the process so that we could talk about the crime package.

Then as the gentleman from Georgia has pointed out, there was an additional manner in which we could bring up that crime package later and we did that in what is called a motion to recommit. This is offered at the end of the legislation. So we find Members who having earlier successfully blocked an attempt to consider the crime bill found then to their dismay that it was going to come up through another parliamentary device and they had no choice but to vote yes or no on it.

□ 1540

Very frankly, those Members who have simply voted no, I do not have any particular quarrel with. I do not agree with them.

I think the crime bill deserved passage, but the Members that I have a real problem with are those that earlier in the day voted not to consider the crime bill and then when they had no choice voted in favor of the crime bill because, let us be honest about it, this is just a little more than a month before the election. Those guys are going to go home and they are going to tell their constituents that "I am for the crime bill," and their constituents will never know that less than 6 hours earlier that same Member did everything in his power to prevent that vote from having taken place. In my judgment that is an act of great hypocrisy.

Mr. GINGRICH. I think, if I can ask the gentleman, as I understand the point you are making, the liberal Democrats who switched are in fact counting on the citizens back home and the news media back home being too stupid to understand the vote. And in a sense this is an act of absolute arrogance to say that you are so dumb that I can vote against you at 12:58 and then come back and vote for you at 6:17 and you will forget 5 hours earlier.

It seems to me that they are really, the liberal Democrats who switched their votes yesterday are really banking on the idea that neither the American people nor the American news media has a 6-hour timeframe, that they literally cannot figure out over a period of 6 hours what they were doing to them.

Mr. WEBER. The gentleman is precisely correct. And the importance of that little exercise goes far beyond just the crime bill, because the vote earlier in the day, the procedural vote that was used by the Democratic majority in the House of Representatives at that time to prevent consideration of the crime bill is really reflective of the norm around the House.

The exception is the vote that took place later in the day when we actually got a vote on the crime bill. But day after day after day as this group has pointed out for the last 18 months the rules of the House and the power of the majority are, in our judgment, abused to prevent action on a balanced budget constitutional amendment, on the line item veto, on enterprise zones, on tuition tax credits, and on a whole series of other legislative initiatives which, whether you support them or not, really have a right to be debated on the floor of the House so that Members can go on and say to their constituents, "This is how I voted, and this is why I voted that way, and now you can cast judgment on my vote because you voters are my employers and you have a right to know how I am doing my job."

But that, unfortunately, is the exception to the rule.

But now we have at least one exception that shows that rule and shows exactly how the game is played around here, and that is on the crime bill. If we could conduct business the way it should be conducted in this House we would have had votes like the vote on the crime package throughout this whole last year, on the balanced budget amendment, on the line item veto, on the enterprise zones, and tuition tax credits, and a whole series of other legislative initiatives. But we would not only have the crime bill, but the American people should understand, based on that vote, how this game is being played in this House of Representatives.

Mr. GINGRICH. Somebody said earlier that at some time possibly we ought to refer to the liberal gimmicks and techniques, that we ought to call it the balanced budget bunk. It seems to me also we ought to be talking about, or somebody ought to consider talking about the backroom boys, that in a sense the backroom boys are those folks that come out here and strangle the American people's legislation when they can do it procedurally, but then give in when they cannot get away with it, and then want the public to be grateful because they were forced to vote the way the public wants.

I think there is something basically wrong with this system where the backroom boys spend a year and three-quarters killing the legislation the American people want.

Mr. WEBER. The gentleman is exactly correct. And there are two beautiful examples of that in this Congress within the last couple of weeks. One was on a fairly unpublicized bill on monetary policy that came out of the Committee on Banking, Housing, and Urban Affairs, and one of our colleagues from the Republican side of the aisle intended to amend that legislation so that the proceedings of the Federal Reserve Board would come to the light of day.

Presently the Federal Reserve Board operates under great secrecy and this colleague wanted to amend that bill so that the American people could know what decisions are being made about monetary policy.

But that issue so frightened the Democratic leadership in this House that the backroom boys, as the gentleman from Georgia puts it, got together, and what they did was they pulled that whole bill and it never came to the floor for a vote or discussion, much less for amendment.

The second example like that is a piece of legislation of which I am a cosponsor, and that is the American Defense Education Act which is an educational initiative supported by many people around the country. It is controversial and I am not suggesting all my colleagues would agree with me on that, but the point is there were a number of amendments that were going to be offered to that legislation, perhaps some amendments on tuition tax credits, perhaps amendments on school prayer. So what happened? Once again the backroom boys got together and they pulled that bill, even after it had been debated for awhile, rather than risk having that bill be amended in a way that would force Members of Congress to go on record on issues like school prayer and tuition tax credits. The backroom boys, as the gentleman from Georgia puts it, have been real busy the last few weeks.

Mr. HUNTER. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. HUNTER. I think what the gentleman says brings up another subject and that is the Enterprise Zone Act that we have been trying to get through for the last number of months. I would like to ask the gentleman from Minnesota, I have been listening to the Presidential candidate and the Vice Presidential candidate continue to criticize this President for not providing enough jobs to the minority communities.

As I understand it, that Enterprise Zone Act would do just that and yet this bill, as I understand it, has been held up by the same maneuvers that the gentleman from Minnesota was talking about.

Mr. WEBER. Will the gentleman yield?

Mr. GINGRICH. I yield briefly.

Mr. WEBER. I thank the gentleman from Georgia for yielding.

The gentleman from California is exactly right. The enterprise zone legislation, we should give some background, just a little bit, the enterprise zone legislation is an initiative which would creatively approach the problems of inner-city poverty and other blighted areas, not by further subsidization but by providing tax relief and regulatory relief to encourage economic growth in those areas.

I have some familiarity with the legislation because in the other body its chief author is my Senator from Minnesota. So I am very interested in the legislation. We have areas in Minnesota that would benefit from this legislation.

The President proposed this legislation immediately upon taking office 4 years ago. This legislation recently was endorsed by the National Conference of Black Mayors. Let me just say that is not normally thought of as a Republican front group. But they are the people that represent those blighted areas, they are the people that understand the problems of inner-city poverty, and they recognize a positive initiative that holds out some hope when they see it. And they endorsed the enterprise zone concept.

But in this House of Representatives where we hear day after day after day this rhetoric about how the Democrats care about the poor people and President Reagan does not, Speaker O'NEILL and the Democratic leadership have refused to permit enterprise zone legislation from even coming up for debate. They care more about the politics of that issue than they do about the problems of people that would benefit from the enterprise zones.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Florida.

Mr. MACK. I think I want to raise a couple of points. I am certainly not in defense of those who have changed their position in 5 hours and 19 minutes. But I think it is fair to raise here at this point, is there not just a little bit more to it than just walking out on the floor and casting a vote?

I mean are there not some procedural things that have to be taken into consideration?

We do have leadership in the committees around here for the purpose of bringing about an orderly process and an orderly flow of legislation. It seems to me that the case could be made that "Listen, I voted for the rule because there have not been any hearings about that specific legislation, or it has not been approved out of the committee."

Obviously you are not letting this process work if you just arbitrarily want to come to the floor of the House and bring legislation out here so that you can vote on it. Certainly there is some process, some procedure, some outline that we ought to follow.

So I would raise that question with the gentleman.

Mr. GINGRICH. Let me ask the gentleman from Florida, and I want to deal with that question because it is certainly a legitimate, substantive question. Let us assume that the gentleman from Florida in fact had opposed bringing the bill up at 12:58. Let us suppose the gentleman from Florida had stated all of the valid reasons that you just raised and decided in your mind those were good reasons. Did we have any hearings between 12:58 and 6:17?

Mr. MACK. Not that I know of.

Mr. GINGRICH. Did any committees meet?

Mr. MACK. Not that I am aware of.

Mr. GINGRICH. Between 12:58 and 6:17 did any leadership on the other side suddenly decide the bill made sense?

Mr. WEBER. Let me say to the gentleman he is probably slightly mistaken. There probably was one committee that met, the Democratic Congressional Campaign Committee, and they decided that this vote would hurt their members running for reelection. That is probably the committee that met.

Mr. GINGRICH. I do not think that is the committee that the gentleman from Florida was referring to.

Mr. WEBER. I am sure he was not.

Mr. MACK. The point I am trying to make, though, is there has to be some logic, and I know some people are going to think oh, no, he is just putting this thing on. I am serious now. I mean there have been situations where people walk on the floor, they have to look to their leadership to say is this something we support, do we need to have more hearings on it, is there need for more discussion.

I am for this particular type of legislation.

For example, I may have signed a discharge petition trying to get the balanced budget amendment to the floor of the House, but if someone asked me to bring it up today I would be against it because it has not been brought out of committee. I mean are those logical explanations for why one would vote one way on one issue and change to another later?

Mr. WEBER. Will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman.

Mr. WEBER. I thank the gentleman for yielding and I thank the gentleman from Florida for raising those good questions and would say the

answer to all of those questions is "no."

Those are not good reasons in this case.

□ 1550

The crime package that was considered yesterday is a piece of legislation that has not only had hearings in both Houses of Congress but has actually passed the U.S. Senate on a vote of 91 to 1. It is not a piece of legislation that just flew onto the floor out of the clear blue sky and responsible Members came to try and block its hasty consideration. It is a piece of legislation that has been locked up in the Committee on the Judiciary of the House of Representatives for this last year.

Mr. MACK. The gentleman is telling me then there really were hearings in the House but the Committee on the Judiciary refused to report it out?

Mr. WEBER. That is correct. Now, there may not have been hearings on every single aspect of it because it was not considered as a whole package in the committee, but most of the elements were subject to extensive hearings and certainly subject to hearings in the other body where it passed that body by 91 to 1.

Mr. GINGRICH. Let me make a point. The logic is circular here. Early in the session the liberal Democrats never quite get around to holding hearings. Later in the session they explain they cannot bring the bill up because they never held hearings.

Now we had the majority leader stand up here today and tell us they are going to bring the liberal phony balanced-budget proposal up next week, what one gentleman called balanced bunk, and that bunk is going to come up without any hearings, without being reported out of committee, without getting a rule except as the leadership demands it, it is being brought out as their gimmick, and I call it a liberal fig leaf that they can hide behind and claim that they are doing something.

So when they want to bring up a bill—we took up a big labor provision this year at the request of big labor, Walter Mondale's ally, with no hearings, no committee meetings, locked up in a much bigger bill so no one could vote on it directly. It was brought straight to the floor and it never went through the procedure.

The lesson is if you are the liberal Democratic leadership and you want it, you get it. The Speaker of the House, TIP O'NEILL, has said that if the President would send a balanced budget up he would get it on the floor within 48 hours.

Well, the important thing for the American people to realize is that he is serious. He has the power as the leader of the majority party to bring that bill to the floor within 48 hours. So the next time a member of the liberal Democratic leadership comes home and says, "Gosh, I would like to have brought that up but I couldn't," you should ask him why they are still supporting the guys that would not bring it up.

But let me take you a step further. We have had 2 years practically since the last election, certainly 1 year and 11 months. In that 1 year and 11 months we had plenty of time to have hearings on constitutional amendments. Yet the majority leader got up here today and said with a perfectly straight face we have had no hearings on the constitutional amendment to balance the budget. Well in fact technically he was wrong, they had hearings in the last Congress. But here is an issue which 80-some percent of the American people favor, which virtually every working American who pays taxes favors, which has the overwhelming support in the country; just the other day the three of us participated in a press conference on the Capitol steps where 3 million postcards were brought in from people around America who want a constitutional amendment to require a balanced budget.

Does the liberal Democratic leadership go "Gosh, with 3 million people sending in a postcard maybe we should hold hearings"? No. Instead they say, "What is the excuse we will use for this week?" The key, yesterday, as the gentleman from Minnesota has pointed out, we had a case study, a laboratory study on how the backroom boys operate. Because what the backroom boys did was they carefully and cleverly in the morning killed the omnibus crime bill and went off to lunch thinking, "Boy, we got out of that one, didn't we?"

And later in the day when they suddenly found they had to vote on it again and they couldn't hide behind procedure, they broke.

I yield to the gentleman from Florida.

Mr. MACK. But the gentleman missed my point. I mean, I came out here—and I am playing the role now of a person who voted not to allow a change in the rules—you asked me to come out here and allow the President's crime package to come to the floor with no method for me to bring any amendment forward to make any changes in this legislation. I felt compelled under that situation to vote against you and now then you say it is wrong for me when it was clear that I had a clear-cut vote on the thing, it was either up or down. Obviously I had to make a tough choice.

Mr. GINGRICH. Let me make the point. I would make the point if any of our good friends on the left were to come here, I would say to them quite simply, and next week if they decide to come out after we personally invite them, that I do not understand what changed between 12:58 and 6:17. At 12:58 out of great frustration, that was not the way we wanted to bring up the crime bill. We have begged for months for an open rule, a legitimate debate, plenty of opportunity for amendments, a clean, legitimate process. The back-room boys did not want to do it that way.

So now with only 1 week to go before the Congress quits this year we resorted to a much less desirable procedure. We concede up front that that is not the way it should have been done. And if they had put pressure on their leadership they might have gotten the bill up in a more responsible and more appropriate way.

But let me go on for just a second. I would say, if one of the backroom boys came out, would ask them: What changed? I have no complaint with those Members, those liberal Members who thought the bill was wrong at 12:58 and who honestly thought the bill was wrong at 6:17, who thought, "We shouldn't use this procedure" because the procedure did not change. You had one up-or-down vote in the morning, you had one in the afternoon. That is the only vote they got. In the morning at 12:58, early afternoon, they voted it down. In the late afternoon they voted it in.

I would just ask them, since nothing changed, there were no committee hearings, the procedure was not any better, the bill was not any different, but what changed was that the American people had a chance to look at the second vote and they were scared to vote with the liberal Democratic leadership.

I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

But there was a change, though, and it is illustrative of the way in which this Congress acts. The change was that we were no longer voting on just a procedural motion and the liberal Democrats that felt very confident voting to kill the crime bill through a procedural motion no longer felt so confident about voting to kill it when it was not perceived as procedure but actually as substantive.

The problem with that is that is how liberal Democrats in the House of Representatives protect themselves, not just on the crime issue but issue after issue after issue. Do you know what is really ironic? What is ironic is one of our colleagues has referred to President Reagan as the Teflon-coated Presidency. Nothing seems to stick to him, they say.

This is really the Teflon-coated Congress, or the vacuum-packed Congress, or whatever other analogy you want. Members of Congress can avoid accountability on just any issue they

want, if they are part of the liberal Democratic majority and are willing to abuse the rules to do it.

That is exactly what happened to this Congress.

Members of the House of Representatives have not been held accountable by their constituents on the crime bill, on the balanced-budget amendment, voluntary school prayers, enterprise zones, tuition tax credits, or the amendments to the ERA supported by various groups, or any other controversial pieces of legislation because the liberal Democratic majority protects itself through the procedures of the House. That is what changed between noon and 5 or 6 o'clock in the evening, that protection of procedure was stripped from the vote and the liberal Democrats felt themselves exposed to their constituents so, of course, they had to vote in favor of the crime bill.

Mr. GINGRICH. In a sense, they lost the camouflage of process and had to stand up.

I yield further to the gentleman from Florida.

Mr. MACK. What the gentleman is saying I think is that if an individual changed his vote and attempts to hide behind one which is a procedural vote and the other had substance, is that those individuals should have been doing something prior to those votes to see that the legislation got to the floor. In other words, if they were really for that particular piece of legislation and the backroom boys, as you keep referring to them, were not allowing it to take place, then it was really their responsibility to do whatever is necessary to try to get that legislation out for discussion and debate. Is that what the gentleman is saying?

Mr. GINGRICH. Sure.

I am also saying something deeper, Mr. Speaker, because I, like you, lived through yesterday. I came out in the morning, and we talked about somehow getting a vote on the crime bill. We got our vote. I looked at it and I said we did not pass it. But we had 25 folks on the Democratic side who voted with us. We gave it a good shot and it was over.

I sort of felt, "We will go back home and we will make the case." Well, here are 60, 70, 100 vulnerable Democrats who voted to kill the crime bill. That was a legitimate argument, they had their say, and they voted their way.

We tried to make a case. We came back 5 hours later, 5 hours and 19 minutes to be precise, and suddenly I saw the very Democrats who that morning had voted to kill the bill, pivoting, now that it was an open vote, now that they could not hide, and they knew what they were going to do.

□ 1600

I knew that a great number of them, not every one, and I am certainly not accusing anyone individually, but as a group they were going to go back through the Democratic Congressional Campaign Committee, they were going to go back home and suddenly, after we had worked for a year, after their leadership had bottled up the bill, after their leadership had fought us every inch of the way, after they had voted to kill it in the morning, suddenly, 5 hours later, they were going to seek to grab the harvest and convince the voters that, "Gosh, I have always been with you."

It was just wrong. It is just lain wrong for a politician to go back home, having tried in the early afternoon to kill something, to now come back, immediately after lunch they tried to kill something and before dinner they voted for it and now they want the American people to forget the lunch vote and remember the dinner vote. That is wrong.

The American people ought to know that these folks, basically, zigzagged, or flip-flopped, or whatever, but that their goal had been early on to kill in the backroom, the vote. That is why I talked about the backroom boys. When the American public wants to know why is Washington a mess, why is Congress a mess, why can we not pass a constitutional amendment to require a balanced budget, why can we not balance the budget, why can we not get Government under control, it is a very simple reason. The backroom boys promised the American people's agenda back home and vote to kill it in the backroom up here.

So, I think next week will be very exciting. For two reasons. First of all, the liberal Democratic leadership now faces a choice. They can either let the crime bill go through, and we all know that the Senate, which voted 91 to 1, is going to be very receptive to accepting the crime bill. At 91 to 1, I am not even sure the one guy is on the conference. So, the Senate is going to say, "Fine, we will be glad to accept the crime bill."

If the crime bill is killed, then like enterprise zones it will have been killed in conference by the liberal Democratic leadership.

The first thing that will be curious when we get back here on Monday is: Does the crime bill live or did they once again get it into a backroom and kill it?

The second question we have got to face, equally important, is—our good friend from Florida here has been trying to be of assistance and has been trying to role play a little bit with possible arguments of our friends on the left who voted both ways yesterday—but will they have any willingness to come down and talk. Because I am certainly going to join with my friend from Minnesota and make sure that we hand deliver an invitation on Monday to every office that flip-flopped and invite every single Member who voted both ways to come down and to share with us and with the American people their rationale. Because I think it is important that the American people and the news media and the politicians focus on responsible honest Government. I think that this discussion of whether we are going to have a grassroots Congress or we are going to have a backroom Congress, whether we are going to be responsive to the American people, or we are going to be responsive to the liberal Democratic leadership, and whether we are going to tell the truth about what we do. I think those are very important discussions. I think it is very important that we continue and the American people continue to demand not just that you get a politician, as the gentleman from California said, who is with you the last 4 weeks before the election because he is scared, but you actually get representatives who will be with you for 2 full years.

After all, it is the people who hire us for 2 years. It is not the backroom boys.

I think that yesterday's vote, yesterday's RECORD, is as classic an example of what is wrong with Washington and what is wrong with the House as anything we have ever seen.

Mr. WEBER. If the gentleman will yield, an additional point that I would like to make because the average person that I talk to often says, "Well, we get frustrated. It seems that both parties are just interested in politics." There is a tendency on the part of the average person to say, "Well, that's just politics. Both parties engage in it."

Sometimes that is true, but let us make it very clear on the question of backroom politics and the camouflage of procedure the gentleman from Georgia has been discussing, that is not true of both parties and it is not true for a very explicit reason.

Only one party controls the House of Representatives, that is the Democratic Party. Only one party has its man in the Speaker's chair, that is the Democratic Party. Only one party wrote the rules governing this session of Congress, that is the Democratic Party. Only one party has committee chairmen, that is the Democratic Party. And only one party has it within its power to use the rules and the procedures of the House to protect their Members from having to cast tough votes and that is the Democratic Party.

Republicans have no such protection. We have to cast the tough votes on whatever items the Democrats want to bring up. And that is as it should be. I am not complaining about that at all.

But I am saying that on this one particularly important area there is a fundamental difference between the two parties. It is not just politics as usual in both parties. Our party has to cast the tough votes, but the Democrats can use the rules and the power of the Speaker to prevent it from happening as they do day after day after day.

Mr. MACK. I want to try one more time. I am a pretty reasonable person. I came to Congress realizing that 435 people had to have some kind of rules and procedures to carry out business. I understood that one of the ways of doing that was that there were certain committees set up to deal with certain pieces of legislation, that somewhere along the line someone decides what committee is going to have jurisdiction over what particular piece of legislation.

In this particular case, it was decided that the Judiciary Committee should deal with questions dealing with crime. They have been dealing with that. They have been attempting to deal with that and the gentleman now says it is wrong for me to come in and support the procedure in saying that we ought to let this committee process work.

Mr. GINGRICH. Since we only have a minute left, let me explain why that argument is wrong on two levels.

First, the liberal Democratic leadership as reported by "Congressional Quarterly" deliberately turned the Judiciary Committee into the graveyard of legislation and deliberately bottles up legislation there to stop the American people from getting a vote.

Second, it is within the rules of the House to do precisely what we did. We did not break the rules of the House, we used the rules of the House. The House as a whole always has the power to take from any committee any bill it wants to, if it votes to do so.

Yesterday we used the rules to allow the entire House, reflecting the American people, to change the Judiciary Committee, which in fact did not represent the American people and to bring to the floor a bill that the Judiciary Committee had tried to kill.

So, I think we used the rules to represent the American people yesterday. We did what the American people want done. I think again I will come back and say to you, even if you were concerned at 12:58 about procedure, how could you possibly justify 5 hours later switching your vote, since the procedure had not changed. It was still an up or down case.

I think this has been a fascinating thing. I look forward next week to a further dialog.

THE URBAN HOMESTEAD ACT OF 1984: A PLAN FOR REVITALIZING OUR INNER CITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. KEMP] is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, today, I am introducing along with my colleagues the Urban Homestead Act of 1984 to help fulfill the national goal of a "decent home and a decent living environment for every American family." Under the act, the poor living in public housing will have the chance to buy their homes from the Government at a large discount and to manage their own projects.

Homeownership is nearly synonymous with the American dream. Yet today, most urban poor find it nearly impossible to own a home. Not just becasue their income is low, interest rates high, and their creditworthiness doubtful, but also because it has been our social policy to gather the poor in public housing projects.

We want to let these people know that their aspiration, their hopes, and their dreams are our own. That the American dream of homeownership is not just for the well-to-do, or the middle class, but also for poor people who live in the most blighted areas of our inner cities. They too yearn for homeownership—a home they can afford, a home in which to raise a family in security and independence, a home in which to take pride while building and improving for the future and for their children.

Under our bill, a tenant or tenant association could purchase their dwelling at no more than 25 percent of market value and no down payment. The public housing authority would take back a mortgage at reasonable rates—no more than 70 percent of market interest rates. Tenants could build equity in their homes by helping to maintain the housing project, perhaps by painting, cleaning, or making improvements. To discourage quick resale of any home, however, a portion of any windfall profits realized within 5 years of the initial sale would be recaptured.

To protect all public housing tenants, our bill provides a number of important safeguards, both for tenants, and homeowners:

First, ownership is a voluntary alternative to renting. Tenants who don't choose to buy would continue to rent as now from the public housing authority or receive a housing voucher from the Government equal to or better than their current housing assistance. In any case, no tenants could lose their home as a consequence of this act.

Second, only tenants themselves, organized in a homeowners association, would initiate and direct the conversion to private ownership. The homeownership effort always rests squarely in the hands of tenants.

Third, homeownership would be transferred to tenants only after the Department of Housing and Urban Development [HUD] certifies that they and the homeowners association can afford the cost and responsibilities of homeownership. This prevents premature or hasty transfer of ownership.

Fourth, HUD must bring the housing up to decent standards before being sold.

My legislation also would mobilize the full resources of HUD, other Government agencies, and civic groups to provide tenants with management training, education, and technical assistance. Many residents can manage their own projects better than the Government and my bill guarantees them this opportunity.

Homeownership is not a panacea. We have not changed any existing support programs designed to help the needy. We do feel, however, that homeownership should be an option for those families receiving some steady income at the lowest range of the income scale who want to own their own home. Even if only a few tenants want to buy their home, we feel that they should be given that right.

Taxpayers also gain from the Urban Homestead Act. Aside from construction costs, taxpayers now pay over $3 billion yearly in operating and modernizing subsidies for public housing, about $2,100 per unit a year. We believe that homesteading would help reduce Government housing subsidies and significantly raise property values for businesses and taxpayers in neighborhoods near public housing projects.

But the effort is really concerned with more than buildings or budgets. It deals with the overall problem of community and neighborhood development. Far too many public housing projects have become vast, gray, undifferentiated slums. Tenant managed projects, by comparison, have not only demonstrated dramatic success in modernizing and improving previously rundown projects, but they have also reduced crime, drug abuse, and even teenage pregnancies.

Homeownership also encourages stable and intact families, creates a longer outlook on life and the future, and gives the poor new reasons to work and save. It promises to enhance community spirit, create pride of ownership, and provide greater stability of neighborhoods in areas often suffering from despair, cynicism, and poverty. Homeowners need never fear being forced out of their home. Considering the greater security and peace of mind, the tremendous boost in morale and dignity, and the opportunity to rebuild our inner cities, shouldn't we be looking at ways to turn tenants into

homeowners? There is no more rewarding investment than helping some of America's urban poor realize that dream.●

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Hallen, one of its clerks, announced that Mr. BYRD be excused as a conferee, on the part of the Senate, on the bill (H.R. 6028) "An act making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes."

CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. WEBER] is recognized for 60 minutes.

Mr. WEBER. Mr. Speaker, we have been discussing here this afternoon one of the critical issues in this election campaign and I suppose that is entirely appropriate because we are now down to a matter of just a few weeks before this election. We have been discussing that issue which is the crime issue, the politics of it, which we find somewhat unfortunate, the House of Representatives notwithstanding. We did actually win a great victory in that the crime bill at long last, a bill which many of us had tried to bring to the floor literally every day of this legislative session, was at long last passed. Passed after having first been passed through the U.S. Senate on a vote of 91 to 1, now passed through the House of Representatives.

Again, as we have pointed out, a lot of Members had to stretch themselves out of shape to be on both sides of the crime issue in the course of that voting, but the fact is we nonetheless did pass it.

I just want to say at this point that we need to thank the group probably more than any other that is responsible for the passage of the crime bill yesterday. That group is the Republican candidates for Congress out there that were putting pressure on those same Democratic Members all through this year for preventing action on the crime bill to see to it that they would indeed bring it up.

Had it not been for that grassroots political pressure from citizen politicians in their home districts, in my judgment, the vote would not have taken place at all yesterday or had it taken place it certainly would not have gone in the direction which it did.

So I want to thank those people who have been putting themselves on the line out there, those Republican candidates that are running for office and suggest to them and to their supporters that their efforts are already beginning to bear some fruit.

□ 1610

Mr. Speaker, I would like to talk about a second issue which I think is probably going to be the most important single issue coming up in this particular campaign, and that is the issue of taxes. At the Democratic National Convention, the nominee of the Democratic Party probably made more headlines than anything else by what was viewed as a very courageous pledge at the time, that being that he would raise taxes. And he then said, "Of course, the President will raise taxes, too." And there ensued a great debate over whether or not the President was going to raise taxes.

At the Republican Convention in Dallas, the Republican National convention adopted a platform that specifically said we oppose tax increases. We specifically said we do not with to increase taxes next year. Republican candidates across the country have been telling the voters no, we do not want to raise taxes. Republican Members of Congress have been pledging themselves to oppose tax increases.

The Democrats, at first, said that this pledge of Mr. Mondale's was a very courageous thing and that indeed we did have to bite the bullet and enact a massive tax increase in order to reduce the deficit. Then we began to actually discuss the dimensions of what the Democratic tax increase would come to. And if you begin to look at what the Democratic Presidential candidate, the Democratic candidate for Congress and the Democratic platform say in this year, you find some things that are sort of interesting.

First of all, you find, contrary to their rhetoric on the issue of national defense, that the Democrats are not calling for reductions in national defense. I am not criticizing that. I am trying to make a very important point about where the two parties are positioned on the issue of the deficit. I say that because in my district and in many others I think people have the impression that the Democrats will eliminate the budget deficit by cutting the defense budget, and so the magnitude of the tax increase they support will be fairly minimal and not too burdensome on the average taxpayer. The Democratic Presidential candidate and the Democratic platform do not call for reducing the defense budget. I think that is a wise decision. They call for about a 3- to 4-percent increase in real terms after inflation in the defense budget. That would mean, in this particular year, we would have about a 7- or 8-percent increase in the defense budget because we have had about a 4-percent inflation rate.

What did we get last year in the defense budget in real terms? Last year the real dollar increase in the defense budget was 3.9 percent.

Now, that is not what the President originally requested, I understand that. But that is ultimately what we got after the President's requests worked their way through the Senate and worked their way through the House.

After the first 4 years of the Reagan administration we will probably have achieved an average increase in the defense budget over that period of time of 7 to 8 percent, and the Democrats are talking about 4 percent. Well, there is an important difference there. And again, I am not criticizing the Democrats for their stand. I am only saying that when the American people think about how the Democrats are going to solve the problem of the deficit, they should not delude themselves into thinking they are going to do it by gutting the defense budget. I do not want them to gut the defense budget, but it is important to know that that is not how they are going to balance the budget. They are going to increase the defense buildup more slowly than the President. Perhaps that is wise, perhaps it is not wise. But they are not going to cut the defense budget. They are going to increase it in real terms. The only Democratic Presidential candidates that talked about real cuts in the defense budget were Jesse Jackson and George McGovern. Outside of that, there is a consensus within the Democratic Party, as there is within the Republican Party, that there should be some level of real dollar increase in the defense budget, and the debate is over the magnitude of that increase. And, as I pointed out, it is a debate basically between 4 and 7 percent, not a much larger spread.

So the first thing we have to understand is that the Democrats are not going to solve the budget deficit problem by gutting the defense budget. So we have to look at what they are going with the nondefense portion of our Federal budget which, after all, is 70 to 75 percent of the Federal budget. Is it there that the Democrats are going to bite the bullet and make the tough decisions? The candidate of the Democratic Party even said in his acceptance speech that there is no laundry list of promises in the Democratic platform. With all due respect to the former Senator from my State, that is just not true. I have read the Democratic platform. I have debated Members on the other side of the aisle on the Democratic platform. It is a laundry list of promises. If you read through the Democratic platform, you find fairly specific promises on the environment, the elderly, education, poverty, hunger, foreign aid, right down the list.

Now, I am not going to suggest again that some of those expenditures are not meritorious or that the causes that they pursue are not good causes. I am only suggesting that in terms of the approach the Democrats are going to take to the budget deficit they are not going to reduce the deficit by cutting the domestic side of our budget any more than they are going to cut the defense side. Indeed, there are outside authorities who have analyzed the Democratic platform and the promises of this Presidential candidate and estimate the increased spending necessary to fulfill the promises of the Democratic platform on the domestic side of the budget at as high as $150 billion the first year.

Now, let us be realistic. I understand that every promise written into a party's platform is not enacted in its first year. A party platform is a longer term guide to the ideas that a party seeks to implement over time. Nonetheless, when the thrust of your whole platform is toward more spending on domestic programs, you probably can expect that a Democratic administration and a Democratic Congress will end up increasing domestic spending to some extent. We do not know how much, but certainly some of those promises will be kept, whether it is the promises for national health insurance, at least a $50 billion ticket, or an immediate cleanup of all hazardous waste, about a $150 billion item, or promises of radically increased funding for education, which could be in the tens of billions of dollars. We do not know which promises will be kept and to what extent.

But again, if you look at the domestic side of the budget, the Democrats are promising us more. That is as it should be. That reflects their philosophy. They believe the Government should solve problems, and so they reflect that philosophy in their platform by pledging to spend more money on the domestic side of our budget.

But what have we just said? We have said that the Democrats are pledging themselves to a rate of increase in the defense budget only slightly slower than the President's and that they are pledging themselves to a fairly substantial increase in nondefense spending.

So the Democrats, in essence, are promising to increase the whole Federal budget.

In view of that, one has to ask how they can keep their promise of reducing the Federal budget deficit by two-thirds. It is only in that context that the American people can begin to understand the full magnitude of the tax increase that Walter Mondale was promising the American people when he stood up courageously before the Democratic Convention and said, "I am going to raise your taxes." He was not talking about a small tax increase. He was not talking about increasing liquor taxes or cigarette taxes. He was talking about hundreds of billions of dollars of new taxes loaded on the working people of this country. And as that realization has begun to sink in, we have seen a strange phenomenon take place. We have seen all the Democratic Members of Congress, who initially supported Walter Mondale over his rivals for President, running away from that Mondale tax plan. And now all across this country we find Democrats, literally, who helped nominate Walter Mondale and who cheered his nomination in San Francisco, distancing themselves as quickly as they can from the tax increase that has become so unpopular with the American people.

I yield to the gentleman from Florida.

Mr. MACK. You have taken the approach of building on all of the promises and all of the positions that the Democratic platform calls for as far as spending is concerned. I want to start from the other end. The other end is the conclusion that we all saw, that is how much would taxes be increased, how much would spending be increased, and therefore how would you solve the deficit problem. When we looked at the set of numbers that came out with the Mondale tax plan, we saw, at least from my vantage point, what they were saying to the country their view of what their goals for this country were. When you look at a budget I think there is more to it than just numbers. One of the things they taught me in accounting was that when you look at a balance sheet, you just do not look at the numbers. You try to ask yourself the question: What are behind those numbers? What makes those numbers up? What is the plan or the idea or the program of the particular company that this particular balance sheet represents?

The interesting thing is that when you look at Mondale's tax plan it tells you a couple other things. It really points out where the emphasis is placed. Point in fact: Mondale says he is going to increase—and therefore reduce, in his thought, the deficit—taxes by $85 billion. The first point that I think I would raise is that today I think there is a great deal of thought that has been developed, written, discussed, debated, which clearly says that one could expect that as you raise taxes that you are actually going to reduce revenues to the Federal Government. Point No. 1.

Point No. 2 is that in that plan—and they go out to 1989—it says that we are going to reduce the deficit by $17 billion because of what he has been able to do about encouraging economic growth in the country. $17 billion. I mean the point that he made there is that he thought that he could encourage the country to grow at 3.6 percent real growth. On the other hand, you and I have both said that the key difference is that we place the emphasis on economic growth.

□ 1620

It is in fact economic growth that puts people back to work, that creates jobs.

Mr. WEBER. It creates revenue.

Mr. MACK. It creates revenue. I would argue the case that it is tax increases that really cost jobs. One might just look at the Superfund bill that was in the House just several weeks ago. On one hand, we have a group of individuals that talk about the need for the creation of jobs and economic growth, and at the same time, pass legislation that increases taxes by $10 billion, and in essence has created a bill that encourages chemical companies to produce the jobs in Canada and Mexico.

I thank the gentleman for raising the points today about Mondale's tax plan.

Mr. WEBER. I thank the gentleman for his contribution. Since the gentleman serves on the Budget Committee, he speaks with some authority on that subject.

The gentleman is exactly correct. I tried to present sort of a macrolook at what the Democrats are promising to point out very simply that they are going to increase defense spending, they are going to dramatically increase domestic spending, and if they indeed then are going to keep their promise of balancing the budget. The tax increase that we are going to get is not a little one, it is a great, big tax increase.

As the gentleman was beginning to point out, the story becomes even worse when you look at some of the specifics of the approach that Mr. Mondale would take to raising taxes. Because, first of all, as the gentleman points out, he is suggesting to us that by massively increasing taxes we will increase economic growth. That is just not true. There is no school of thought that suggests that a big tax increase is going to get the economy moving more quickly. So that part of Mr. Mondale's analysis is incorrect. If that part of his analysis is incorrect, what does it mean? It means that the deficit will be larger than he is projecting is if his tax increases pass.

In addition to that, he is saying, because it is a political thing to say, that all these taxes are going to be levied on the wealthy. You know, we are going to raise taxes on people earning more than $100,000 and surtaxes and loophole closings and all that stuff. That is good politics. The fact is, though, in order to balance the budget by taxing only the rich, you would have to confiscate the incomes, every

nickel everyone earning more than $26,999 a year.

The fact is, this is not a wealthy country, nor is it a poor country. This is a middle-class country and the average person understands that. When you are going to have a big tax increase, you are going to have to tax the middle class. But because he is promising to get those revenues from the wealthy, as some people are expected to believe that they will not have to pay any of the additional burden.

However, we find that something has happened under the Reagan tax reduction program in the last 3 years that is very interesting in that regard. Under the Reagan tax reduction program, the Democrats have been charging that the rich would get a big break. The facts are in; we do not need to debate that as a theory anymore. We now know what has happened to the contributions to revenues from the different income brackets. The fact is that since the tax cut went into effect in 1981, tax revenues contributed by wealthy Americans have increased as a percent of revenues, while those earning less than $50,000 have contributed less as a percentage of total revenues. The reason for that is nothing magical, the reason is that when you are making a whole lot of money, when you are one of the rich people that Mr. Mondale says he is going to raise taxes on, you put your money into tax shelters. Well, when you reduce tax rates, you also reduce the incentive to shelter income because all of a sudden you are saving 70 cents on $1 that you invest in a tax shelter; you are only saving 50 cents.

So we find some degree less investment in tax shelters, and some degree greater investment in productive and taxable investments. What is going to happen if now we reverse course and we decide, as Mr. Mondale suggests, we are going to raise taxes on the rich? We are not going to get the revenues; we are going to drive that income back into tax shelters where it was in 1979 and 1980.

There is a second part of the Mondale tax increase program that is not accurate. We are not going to get all those revenues. As you begin to look through his program and you find all these areas, the economic growth forecasts, the revenue pickup by taxing the rich, the revenue enhancement gain by reducing intrest rates to 7.5 percent, which he says will come about. It is interesting, the Democrats laughed at the Republicans when we suggested that. That is not going to happen any more under Mr. Mondale than it is going to happen under us.

You take all those things and put them together and you find that his program is not going to achieve even what he thinks it is. So what are you left with? Still bigger tax increases that will be necssary to balance the budget on the middle-class people. Again, that is why all across this country we find Democratic Members of Congress saying, "Oh, not me, I am not for that Mondale tax increase, that must be some other Democrat that is for that Mondale tax increase."

I yield to the gentleman from Florida.

Mr. MACK. When one really looks at it, the risk inherent in the Mondale tax plan is enormous, as the gentleman has already pointed out. They are not talking about massive cuts in defense spending, not at all. In fact, if you want to put real dollars on that, the difference between the two general thrusts of the two parties is about $12 billion annually.

Mr. WEBER. That is what we are arguing over; about $12 billion in defense spending.

Mr. MACK. That is not something that we ought to look at lightly; that is a large sum of money. But in terms of $170 billion deficits, the point I would make is do not let anybody mislead you into thinking that you are going to solve deficit problems by the difference in the attitudes between the two parties about defense spending.

Second, you have already raised the point about the emphasis on the nondefense side. In fact, Mondale has talked about he has got at least $30 billion. He admits openly that he has got $30 billion of spending increases. So what we have here, and the third element to that is a raising of taxes. So you have got increased defense spending, increased domestic spending, increased taxes, which most of us feel today would be counterproductive in a growing economy, as we have. Most likely it would bring about a huge deficit as opposed to the deficit reduction that he is talking about.

Third, let me go back to the point that you raised about the evidence that we have as far as the impact of the changes in the tax law. If you take three categories and start at $100,000 and up, those areas everybody wants to go out and make sure that we get a lot of money from those folks, those three categories, $100,000 to $500,000; $500,000 to $1 million; and $1 million and up, are the only three categories where there were increased revenues into the Federal Government. Those are the only three. Every other breakdown reduced revenues to the Federal Government.

In fact, in the category of $100,000 to $500,000 the revenues increased by 6 percent. In the next category from $500,000 to $1 million, they increased by 38 percent, and $1 million and over, the revenues to the Federal Government increased by 43 percent as a result of a reduction in the tax rate.

Mr. WEBER. The gentleman makes a very important point. Of course, what does all this lead us to? Well, as we pointed out, what we are seeing from the Democratic Members of Congress is a promise for a big tax increase. But their plan is flawed, and so it will yield not smaller deficits, but larger deficits for the reason the gentleman has just pointed out.

What then is their response? Well, we know what their response is; their response is the same it has been for the last 20 years: Still bigger tax increase. That is threatening to the whole future of the American economy.

You know, when I first ran for Congress in 1980, I remember three specific statistics that I thought were tremendously telling and were much of the reason of why I ran for Congress. That was the measurements of productivity, investment, and savings in the American economy. I compared our rates of productivity, investment and savings to the other major industrialized nations of the Western World. Not Communist bloc countries, not Third World countries, but Italy, and France, and Canada, and Great Britain, and West Germany, and Japan, and the industrialized Western nations. Of those nine nations, where did we rank? Last in savings, last in investment, last in productivity.

The reason that that was important in my judgment and that that was very central to my campaign was that if you think about it, those are the three measurements of the promise that the American economy holds for our future.

□ 1630

If you do not save and if you do not invest and if you do not remain productive, you cannot promise a better standard of living for the next generation to come.

And so, rebuilding those and the other building blocks that go into our capacity as an economy and as a country to increase people's standard of living I think was central to what we have been trying to do the last 4 years.

Now we find the Democratic candidate for President and Democratic Members of Congress committed to a program that will explicitly reverse that process, load heavy new burdens of taxation on the American economy. Once again attacking savings, attacking investment, attacking productivity, ultimately fueling inflation and moving us back to what was called the stagnation of the 1970's, both inflation and a stagnant economy.

Now, I would not suggest for a second that we Republicans have all the answers, that we have solved all the problems. We have not. But we have brought down the inflation rate. We have improved productivity. We have expanded investment. We have

reduced unemployment. We have solved a lot of those problems.

I think we have also made the tax system a little less burdensome on the average American and I think that our party and our President and our candidates for President stand better equipped to deal with the problems of the economy and the problem of the budget deficit in the next 4 years than the people who really created this whole economic mess in the first place over the 1970's.

I thank the gentleman from Florida for participating in this special order with me. I look forward to joining him throughout the remainder of this congressional session as we discuss these and the other important issues that confront the American people.

I just want to again make the point for my colleagues that next Tuesday we intend to be discussing the votes on the crime bill and Members who cast votes on both sides of that issue should be notified that their votes may well be discussed here on the floor of the House.

We intend to get written notification to all such Members and they may well want to come down and participate in that special order next Tuesday.

I thank the gentleman from Florida for his contribution and yield back the balance of my time.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, September 7, 1984.

Hon. THOMAS P. O'NEILL,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects August 8, 1984:

LEASES

31 St. James Avenue, Boston, Massachusetts.
15 New Chardon Street, Boston, Massachusetts.
Internal Revenue Service, Wilmington, Massachusetts.
470 Atlantic Avenue, Boston, Massachusetts.
U.S. Customs, JFK Airport, Queens, New York.
Secret Service Parking, New York, New York.
One Lefrak Plaza, Queens, New York.
IRS Consolidation, Nassau County, New York.
Department of Justice, Federal Bureau of Investigations, Newark, New Jersey.
HHS/SSA, College Point, Queens, New York.
JFK International Airport and Vicinity, Jamaica, New York.
Building No. 4, Friendship, Maryland.
Meadows East, 6300 Security Blvd., Woodlawn, Maryland.
Oak Meadows, 6340 Security Blvd., Woodlawn, Maryland.
Nuclear Regulatory Commission, Consolidation, Philadelphia, Pennsylvania.
Department Housing and Urban Development, Curtis Building—Relocation, Philadelphia, Pennsylvania.
Equitable Building A&Bl, Woodlawn, Maryland.
Veterans Administration, Pensacola, Florida.
I-85 IRS Annex, Chamblee, Georgia.
FDA-240 Hennepin Avenue, Minneapolis, Minnesota.
2515 Murworth Drive, Houston, Texas.
DHHS-1200 Main Street, Dallas, Texas.
Department of Interior, Minerals Management Service, Metiarie, Louisiana.
E. G. and G. Building, 933 Bradbury Street, Albuquerque, New Mexico.
664-655 Parfet Street, 755 Parfet Street, Lakewood, Colorado.
3100 Marine Street, Boulder, Colorado.
3030 N. Central Avenue, Phoenix, Arizona.
Multiple Agencies, Glendale, California.
1333 Broadway, Oakland, California.
Nuclear Regulatory Commission, Walnut Creek, California.
IRS-1221 Broadway, Oakland, California.
BLM-Consolidation, Reno, Nevada.
525 Market Street, San Francisco, California.
333 Market Street, San Francisco, California.
Health and Human Services, San Francisco, California.
1029 J Street, Sacramento, California.
Department of Energy, Idaho Falls, Idaho.
Northwestern Bank, 1405 Eye Street, NW, Washington, DC.
2025 M. Street, NW, Washington, DC.
Warner Building, 501 13th Street, NW, Washington, DC.
Chester Arthur Building, 425 Eye Street, NW, Washington, DC.
Tamol Building, 4208 Wisconsin Avenue, NW, Washington DC.
Fairchild Building, 499 S. Capitol Street, SW, Washington, DC.
Hamilton Building, 1375 K Street, NW, Washington, DC.
GHI-500 12th Street, Relocation, Washington, DC.
Premier Building, 1725 Eye Street, NW, Washington, DC.
Page 1 Building, 2001 Wisconsin Avenue, NW, Washington, DC.
Park Building, Rockville, Maryland.
Crystal Plaza 2, Arlington, Virginia.
Ballston Center Tower 2, Arlington, Virginia.
Nassif Building, Falls Church, Virginia.
Berkeley Building, Arlington, Virginia.
2000 L Street, NW, Washington, DC.
Universal South, 1825 Connecticut Avenue, NW, Washington, DC.
Pennsylvania Building, 425 13th Street, NW, Washington, DC.
Paramount Building, 1735 Eye Street, NW, Washington, DC.
Penn 17 Building, 1717 Pennsylvania Avenue, NW, Washington, DC.
Riddell Building, 1730 K Street, NW, Washington, DC.
1023 31st Street, NW, Washington, DC.
Brown Building, 1200 19th Street, NW, Washington, DC.
Fairmont Building, 7735 Old Georgetown Road, Bethesda, Maryland.
Air Rights Three, 4550 Montgomery Drive, Bethesda, Maryland.
Bethesda Building, Nicholson Lane and Rockville Pike, Bethesda, Maryland.
Crystal Plaza 6, 2221 Jefferson Davis Highway, Arlington, Virginia.
Pomponio Plaza East, 1800 North Kent Street, Arlington, Virginia.
Kimberly Building, 8600 Morrissette Drive, Springfield, Virginia.
Arlington Center, 4600 Fairfax Drive, Arlington, Virginia.
Universal North, 1875 Connecticit Avenue, NW, Washington, DC.
Lease Replacement, 521 12th Street, NW, Washington, DC.
Potomac Industrial Center, 9610 Gunston Cove Road, Lorton, Virginia.
Star Building, 1101 Pennsylvania Avenue, NW, Washington, DC.
Environmental Protection Agency, Consolidation, Washington DC.
FTC Partial Consolidation, Washington, DC.
C. Pulaski Building, 20 Massachusetts Avenue, NW, Washington, DC.
Bureau of Pulbic Debt, Washington, DC.
Miatico Building, 806 Connecticut Avenue, NW, Washington, DC.
U.S. International Trade Commission, Washington, DC.

REPAIR AND ALTERATION

Federal Building and U.S. Courthouse, Lufkin, Texas.
2306 East Bannister, Kansas City, Missouri.
1500 East Bannister, Kansas City, Missouri.
Federal Center Building #104, St. Louis, Missouri.
General Accounting Office, Washington, DC.

The original and one copy of the authorizing resolutions are enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

GENERAL LEAVE

Mr. MACK. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on the special order speech today by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 5899

Mr. DIXON submitted the following conference report and statement on the bill (H.R. 5899) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the

fiscal year ending September 30, 1985, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 98-1088)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5899) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 14, 15, 16, and 22.

That the House recede from its disagreement to the amendments of the Senate numbers 1 and 2, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$88,439,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$667,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,670,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$495,521,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$75,988,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 7, 8, 10, 17, 18, 19, 20, and 21.

JULIAN C. DIXON,
WILLIAM H. NATCHER,
LOUIS STOKES,
CHARLES WILSON,
WILLIAM LEHMAN,
MARTIN OLAV SABO,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
BILL GREEN,
HAL ROGERS,
SILVIO O. CONTE,
Managers on the Part of the House.

ARLEN SPECTER,
PETE V. DOMENICI,
MARK O. HATFIELD,
PATRICK J. LEAHY,
DALE BUMPERS,
JOHN C. STENNIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5899) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the actions agreed upon by the managers and recommended in the accompanying conference report.

CONDITION OF CITY STREETS

The conferees are concerned with the condition of the city's highways and streets and the rate of resurfacing. The conferees direct District officials to review the street resurfacing program and, when considering reprogrammings, to give first priority to street resurfacing and maintenance projects.

BUDGET JUSTIFICATIONS

The conferees are concerned that the justification material prepared by the District to support the annual budget request was not as helpful as it should have been. The conferees were relatively pleased with the justifications prepared to support the fiscal year 1984 request. However, this year's justifications seemed to undergo a radical change under the guise of "improvement." The information and format in the justifications have evolved over a number of years based on experience and need, and therefore changes should be made cautiously.

Very basic to the usefulness of this material is a logical starting point. For every Federal government agency, it is the amount approved by the Congress in the previous budget. For the District, that is not always the case, even though the House Committee stated in its report accompanying the District's fiscal year 1983 appropriation bill, "It is absolutely necessary that information submitted to justify a request start with the amount approved by the Congress for that program and item." In the case of one agency that was involved in a consolidation, the close-out showed 928 authorized positions which agreed with the number approved by the Congress, but the new agency showed 982 positions, a difference of 54, and while it could have been caused by a typographical error, the total for the series of numbers was 982. In another case, several agencies were absorbed into a new department, but nowhere in the fiscal year 1985 justifications was there a budget reflecting a transfer out to the new department nor were any transfers shown into the new department even though there was no such department in the fiscal year 1984 budget.

The forms in the fiscal year 1984 and earlier justifications had been carefully designed by professionals and the result was a design that was easy to read. That is not the case for fiscal year 1985. District officials should keep in mind that the justifications are prepared not just for budget analysts, but also for the public and others who do not use them day in and day out.

Accordingly, the conferees direct District officials to consult with the House and Senate Subcommittees on District of Columbia Appropriations prior to preparing the justification forms and material for the fiscal year 1986 budget. The conferees wish to place District officials on notice that beginning with the fiscal year 1986 budget, the Committees will not hold any hearings until the justifications meet the Committees' requirements.

The following is excerpted from the conference report on the Second Supplemental Appropriations Act for 1984:

[Excerpt from p. 44 of House Report No. 98-977 filed August 10, 1984, accompanying H.R. 6040, the Second Supplemental Appropriations Act, 1984, Public Law 98-396 approved August 22, 1984]

Budget requests and justifications.—The conferees have added language requiring that all budget requests and justifications for the District of Columbia government start with the amounts appropriated in the most recently enacted appropriation act and then explain with some clarity the changes from those amounts to the current budget request. The justifications prepared to explain the fiscal year 1984 supplemental were lacking not only because they did not include a general overview but also the "original budget" column included three appropriation accounts which started with amounts that were somewhere between the previous appropriation and the revised request with no explanation of the discrepancy. In addition, the fiscal plan had two columns, one for the original budget and one for the revised budget, but for some reason there was no column to show the change although there was plenty of space on the page for such a column. These omissions or lapses result in wasted time not only by the Committees but also by District employees who have to answer the questions which could and should have been answered very simply by including adequate information in the justifications. The conferees wish to place District officials on notice that beginning with the fiscal year 1986 budget, the Committees will not hold any hearings until the justifications meet the Committees requirements, and hearings will not be held just for the agencies whose budgets are in order. A delay by the Committees in holding hearings could result in the District being included in a stop-gap funding measure at the previous year's spending levels with no allowance for new programs. District officials are being placed on notice at this time so they will have adequate time to properly prepare their justification material.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Amendment No. 1: Appropriates $425,000,000 as proposed by the Senate instead of $386,000,000 as proposed by the House. The additional amount of $39,000,000 above the House allowance reflects the increase in the Federal payment authorized in Public Law 98-316 approved June 12, 1984.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

Amendment No. 2: Deletes paragraph authorizing and appropriating Federal loans of $155,000,000 proposed by the House and stricken by the Senate. The conferees are agreed that language inserted under section 131 will allow the District government to obtain funds for capital expenditures from the commercial bond market.

CRIMINAL JUSTICE INITIATIVE

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate

which appropriates $9,873,000 to continue various initiatives within the District's Department of Corrections, Superior Court, Board of Parole, and public school system. Included in the allowance are $6,215,000 and 396 positions for the Department of Corrections to continue the vocational and basic education programs started in fiscal year 1984; $1,821,000 and 21 positions for the Superior Court to provide salaries for seven new judges and support staff authorized pursuant to Public Law 98-235, staff for retired judges actively serving the Superior Court as well as staff to conduct timely probation revocation hearings and handle the increase in the probation supervision caseload in the Court's Social Services Division; $335,000 and 10 positions to assist the Board of Parole in implementing proposed new rules on the issuance of warrants and revocation of parole; and $1,502,000 and 24 positions for the public school system to combat truancy and to implement the teacher and school incentive programs as recommended by the Task Force on Merit Pay for Teachers which the Congress funded in last year's appropriation bill.

GOVERNMENTAL DIRECTION AND SUPPORT

Amendment No. 4: Appropriates $88,439,000 instead of $88,606,000 as proposed by the House and $87,872,000 as proposed by the Senate. The reduction of $167,000 below the House allowance will provide the District of Columbia Retirement Board with a total of $667,000 from the general fund instead of $834,000 as proposed by the House and $100,000 as proposed by the Senate. Of the Board's total FY 1985 budget of $3,337,000, the balance of $2,670,000 or 80 percent of the Board's total budget will be paid from investment earnings.

Amendment No. 5: Provides that $667,000 of the amount appropriated for the District of Columbia Retirement Board shall be derived from the general fund instead of $834,000 as proposed by the House and $100,000 as proposed by the Senate.

Amendment No. 6: Provides that $2,670,000 of the amount appropriated for the District of Columbia Retirement Board shall be derived from earnings of the applicable retirement funds instead of $2,503,000 as proposed by the House and $3,237,000 as proposed by the Senate.

PUBLIC SAFETY AND JUSTICE

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$509,917,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action appropriates $509,917,000 instead of $471,176,000 as proposed by the House and $504,897,000 as proposed by the Senate.

Metropolitan Police Department.—The conference action provides $144,220,000 as proposed by the House instead of $143,512,000 as proposed by the Senate. The increase of $708,000 above the Senate allowance includes $500,000 which will permit the department to complete the replacement of its motorcycle fleet of 327 units and purchase uniforms sufficient for warehousing so they are readily available when needed by new recruits or officers for exchange. District officials have acknowledged that there is an insufficient stock of various sizes of uniforms to clothe recruits and the inventory is insufficient to meet the replacement needs of veteran officers. The conferees direct District officials to take appropriate action and properly stock sufficient uniforms so such shortages will not occur in the future. The conferees have included $1,894,000 as proposed by the House for the operation of the police and fire clinic. This amount represents an increase of $208,000 over the budget request and should allow the clinic to operate without reducing the quality of services to police officers and firefighters.

Police and Fire Retirement System.—The conference action provides $109,007,000 instead of $107,100,000 as proposed by the House and $109,700,000 as proposed by the Senate. The increase of $1,907,000 above the House allowance reflects the District's amended budget request, which was subsequently revised by District officials, and is funded with part of the addition Federal payment of $39 million authorized in Public Law 98-316 included in Amendment No. 1.

Court of Appeals.—The conference action provides $3,213,000 as proposed by the Senate instead of $3,155,000 as proposed by the House. The increase of $58,000 above the House allowance is to cover increased fees for attorneys to prepare, grade, and review the District bar examinations and conduct investigations into the moral character of applicants for admission to the bar. This increase, which was authorized by the Court on January 23, 1984, is more than offset by the increase from $200 to $300 in the fee for admission to the District bar on motion.

Superior Court.—The conference action provides $37,416,000 and 983 positions as proposed by the Senate instead of $35,595,000 and 962 positions as proposed by the House. The increase of $1,821,000 and 21 positions above the House allowance is part of the criminal justice initiative (Amendment No. 3) and consists of (1) $1,205,000 for the salaries of seven new judges, authorized in Public Law 98-235 and presently awaiting confirmation, and their support staff; (2) $139,000 and five positions (three law clerks and two secretaries) for retired judges who actively serve the Superior Court; (3) $317,000 and eleven positions to handle the increase in the probation supervision caseload of the Social Services Division; and (4) $160,000 and five positions to permit the court to conduct timely probation revocation hearings which now may take up to two weeks for a person on probation who is rearrested on new charges.

In fiscal year 1984 the Congress provided $1,800,000 in capital authority in order to prepare space for the seven new Superior Court Judges who will soon join the court. If this amount proves inadequate the Committees would entertain a reprogramming request or other appropriate action, but in the interim the conferees intend that the work go forward without delay within currently available funds.

Settlements and judgments.—The conference action provides $5,569,000 as requested by the District government instead of $4,369,000 as proposed by the House and Senate. The increase of $1,200,000 above the House and Senate allowance reflects the amount requested in the District's budget amendment which was subsequently revised by District officials. This increase is funded with part of the additional Federal payment of $39 million authorized in Public Law 98-316 included in Amendment No. 1.

Department of Corrections.—The conference action provides a total of $122,364,000 and 2,868 positions instead of $88,944,000 and 2,349 positions as proposed by the House and $118,559,000 and 2,745 positions as proposed by the Senate. The increase of $33,420,000 above the House allowance includes $24 million to reimburse the Federal Bureau of Prisons for District of Columbia code violators held in Federal facilities. This increase reflects an upward revision of $600,000 to the District's amended budget request $23,400,000 considered by the Senate and is necessary according to District officials, because of a projected increase in the inmate population. In addition, the conference action provides $6,215,000 and 396 positions proposed by the Senate as part of the criminal justice initiative (Amendment No. 3) to continue the vocational and basic education programs started in fiscal year 1984. The conference action also provides $3,205,000 and 123 positions requested by the District government to operate Occoquan III as a medium security facility to relieve prison overcrowding. The facility is presently operated as a minimum security facility.

Board of Parole.—The conference action provides $1,228,000 as proposed by the Senate instead of $893,000 as proposed by the House. The increase of $335,000 and 10 positions above the House allowance is part of the criminal justice initiative (Amendment No. 3) to be used by the Board in implementing proposed new rules regarding the issuance of warrants and the revocation of parole in those cases where a parolee accused of other crimes has violated the conditions of his/her parole.

Amendment No. 8. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate adding a new proviso which amends Title 11 of the District of Columbia code extending for one year the authorization for the use of hearing commissioners in the Superior Court of the District of Columbia. This extension will be effective until September 30, 1985.

PUBLIC EDUCATION SYSTEM

Amendment No. 9: The conference action appropriates $495,521,000 instead of $485,331,000 as proposed by the House and $496,333,000 as proposed by the Senate.

Board of Education.—The conference action provides $340,652,000 instead of $338,850,000 as proposed by the House and $340,352,000 as proposed by the Senate. The increase of $1,802,000 above the House allowance is funded with part of the Federal funds included under Amendment No. 3 for the criminal justice initiative, and includes $1,167,000 and 19 guidance counselors and five social workers as proposed by the Senate for a truancy program in the public school system. The conference action also provides $635,000 instead of $335,000 as proposed by the Senate to implement the school improvement and teacher incentive awards recommendations of the Task Force on Merit Pay for Teachers which the Congress funded in last year's bill. The increase of $300,000 above the Senate allowance will allow the Board and Superintendent to begin development of a model recruitment and retention program for teachers, design an internship program for beginning teachers, and develop a mentor teacher program. The conferees strongly support the Board and Superintendent in their efforts to meet and address the challenges they face in pro-

viding quality public education for the children of the District of Columbia.

Teachers Retirement and Annuity Fund.—The conference action provides $75,988,000 instead of $67,600,000 as proposed by the House and $77,200,000 as proposed by the Senate. The increase of $8,388,000 above the House allowance reflects a revision to the District's amended budget request initially considered by the Senate and is funded with part of the additional Federal payment of $39 million (Amendment No. 1) authorized by Public Law 98-316. The revision was requested by District officials subsequent to Senate action on the bill and results in a reduction of $1,212,000 below the Senate allowance.

Public Library.—The conference action provides $13,945,000 as proposed by the House instead of $13,845,000 as proposed by the Senate and reflects an increase of $100,000 for the book fund as proposed by the House. With this increase, the book fund will have a total of $1,285,000 available for the purchase of books in fiscal year 1985. The conferees note that in per capita expenditures for books, the District ranked 10th out of 11 urban library systems serving populations ranging between 550,000 and 750,000.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$340,652,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action allocates $340,652,000 for the public schools of the District of Columbia instead of $338,850,000 as proposed by the House and $340,352,000 as proposed by the Senate. The increase of $1,802,000 above the House allowance will provide the school system with funds necessary to (1) establish a truancy program and (2) implement the recommendations of the Task Force on Merit Pay for Teachers described earlier under "Board of Education".

Amendment No. 11: Allocates $75,988,000 for the District of Columbia Teachers' Retirement Fund instead of $67,600,000 as proposed by the House and $77,200,000 as proposed by the Senate. The increase of $8,388,000 above the House allowance reflects a revision to the District's amended budget request and is funded with part of the additional Federal payment of $39 million (Amendment No. 1) authorized by Public Law 98-316.

Amendment No. 12: Allocates $13,945,000 for the Public Library as proposed by the House instead of $13,845,000 as proposed by the Senate. The conference allowance provides a total of $1,285,000 for the book fund allotment as proposed by the House.

PUBLIC WORKS

Amendment No. 13: Appropriates $189,377,000 as proposed by the House instead of $192,499,000 as proposed by the Senate.

Department of Public Works.—The conference action provides $84,964,000 as proposed by the House instead of $84,686,000 as proposed by the Senate and includes a total of $621,000 for maintenance of local parks, an increase of $278,000 above the Senate allowance.

The conferees note that funding for this program has been inadequate to meet the mowing and trash collection frequencies necessary to maintain these areas in proper condition and as a result, many of these parks have become eyeshores and nuisances to the surrounding neighborhoods rather the pleasant refreshing areas the planners had in mind. The conferees urge District officials to review their parks and maintenance program and to develop a plan setting forth a minimum level of maintenance services with the objective of maintaining there areas so they will be considered assets by the community and will enhance the surrounding neighborhoods.

Washington Metropolitan Area Transit Authority.—The conference action provides $100,326,000 as proposed by the House instead of $103,726,000 as proposed by the Senate. The Senate allowance reflected the city's amended budget request which was subsequently revised to the House level by District officials.

WASHINGTON CONVENTION CENTER FUND

Amendment No. 14: Appropriates $6,930,000 as proposed by the House instead of $8,830,100 as proposed by the Senate.

The conferees are agreed that should the District government, in its fiscal year 1986 budget, request funds to purchase the kitchen equipment at the Washington Convention Center, the conferees will honor the city's request.

REPAYMENT OF GENERAL FUND DEFICIT

Amendments Nos. 15 and 16: Apprpriate $20,100,000 as proposed by the House instead of $10,100,000 as proposed by the Senate and restore language proposed by the House and stricken by the Senate requiring that $10,000,000 of the $20,100,000 appropriation shall be funded and apportioned by the Mayor from appropriations or revenues otherwise available to the District government.

GENERAL PROVISIONS

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the number proposed by said amendment, insert the following: *31,546*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action provides a ceiling of 31,546 on the number of full-time permanent employees in the District government instead of 30,972 as proposed by the House and 31,413 as proposed by the Senate. The increase of 564 positions above the House allowance includes 396 positions for the Department of Corrections to continue the vocational and basic education program started in fiscal year 1984; 21 positions for the Superior Court to provide staff for retired judges and probation revoaction hearings; 24 guidance counselors and social workers to work exclusively on truancy cases in the District's public schools; 123 positions for the Department of Corrections to operate the Occoquan III as a medium security correctional facility; and 10 positions to assist the Board of Parole in implementing proposed new rules regarding the issuance of warrants and the revocation of parole.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language exempting the District of Columbia from the provisions of section 322 of the Economy Act of 1932 as recommended by the General Accounting Office. The Economy Act presently adhered to by the District limits lease expenditures to 15 percent of the property's fair market value and limits the amount spent on alterations, improvements and repairs to 25 percent of the first year's rent. These provisions prohibit the District from competing with the Federal government and the private sector in obtaining favorable leases in areas of the District of Columbia that are advantageous to the Distirct government in providing services to residents, and with high interest rates and rising real estate taxes, cause the District to settle for less desirable properties. Since the Federal government and private sector are not restricted by the Economy Act, this exemption will enable the District to compete with the Federal government and private sector in obtaining better quality facilities and better use of space in locations where citizens can be better served.

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 131. (a) Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-246) is amended by striking out "sold before October 1, 1984," and inserting in lieu thereof "sold before October 1, 1985,".

(b) Section 303(b) of the District of Columbia Self-Government and Governmental Reorganization Act is amended to read as follows:

"(b) An amendment to the charter ratified by the registered electors shall take effect upon the expiration of the 35-calendar day period (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) following the date such amendment was submitted to the Congress, or upon the date prescribed by such amendment, whichever is later, unless during such 35-day period, there has been enacted into law a joint resolution, in accordance with the procedures specified in section 604 of this Act, disapproving such amendment. In any case in which any such joint resolution disapproving such an amendment has, within such 35-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 35-day period, shall be deemed to have repealed such amendment, as of the date such resolution becomes law.".

(c)(1) The second sentence of section 412(a) of such Act is amended to read as follows: "Except as provided in the last sentence of this subsection, the Council shall use acts for all legislative purposes.".

(2) The last sentence of section 412(a) of such Act is amended to read as follows: "Resolutions shall be used (1) to express simple determinations, decisions, or directions of the Council of a special or temporary character; and (2) to approve or disapprove proposed actions of a kind historically or traditionally transmitted by the Mayor, the Board of Elections, Public Service Commission, Armory Board, Board of Education, the Board of Trustees of the University of the District of Columbia, or the Convention Center Board of Directors to the Council pursuant to an act. Such resolutions must be specifically authorized by that act and must be designed to implement that act.".

(d) The second sentence of section 602(c)(1) of such Act is amended to read as

follows: "Except as provided in paragraph (2), such act shall take effect upon the expiration of the 30-calendar day period (excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than three days, or an adjournment of more than three days) beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, or upon the date prescribed by such act, whichever is later, unless during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law, subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(e) The third sentence of section 602(c)(1) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(f) The first sentence of section 602(c)(2) of such Act is amended to read as follows: "In the case of any such Act transmitted by the Chairman with respect to any Act codified in title 22, 23, or 24 of the District of Columbia Code, such act shall take effect at the end of the 60-day period beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate unless, during such 60-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 60-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 60-day period shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(g) The second sentence of section 602(c)(2) is amended to read as follows: "The provisions of section 604, relating to an expedited procedure for consideration of joint resolutions, shall apply to a joint resolution disapproving such act as specified in this paragraph.".

(h) Section 604(b) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(i) Subsections (b) and (c) of section 740 of such Act are amended by deleting in each such subsection the words "adoption of a resolution by either the Senate or the House of Representatives" and inserting in lieu thereof "enactment into law of a joint resolution by the Congress".

(j) Section 740(d) of such Act is amended by deleting "approve a concurrent" and inserting in lieu thereof "enact into law a joint".

(k) The amendments made by the preceding subsections of this section shall not be applicable with respect to any law, which was passed by the Council of the District of Columbia prior to the date of the enactment of this Act, and such laws are hereby deemed valid, in accordance with the provisions thereof, notwithstanding such amendments.

(l) Part F of title VII of such Act is amended by adding at the end thereof the following new section:

"SEVERABILITY

"SEC. 762. If any particular provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.".

(m) Section 164(a)(3) of the District of Columbia Retirement Reform Act is amended to read as follows:

"(3)(A) The Congress may reject any filing under this section within thirty days of such filing by enacting into law a joint resolution stating that the Congress has determined—

"(i) that such filing is incomplete for purposes of this part, or

"(ii) that there is any material qualification by an accountant or actuary contained in an opinion submitted pursuant to section 162(a)(3)(A) or section 162(a)(4)(B).

"(B) If the Congress rejects a filing under subparagraph (A) and if either a revised filing is not submitted within forty-five days after the enactment under subparagraph (A) rejecting the initial filing or such revised filing is rejected by the Congress by enactment into law of a joint resolution within thirty days after submission of the revised filing, then the Congress may, if it deems it is in the best interests of the participants, take any one or more of the following actions:

"(i) Retain an independent qualified public accountant on behalf of the participants to perform an audit.

"(ii) Retain an enrolled acturary on behalf of the participants to prepare an actuarial statement.

The Board and the Mayor shall permit any accountant or actuary so retained to inspect whatever books and records of the Fund and the retirement program are necessary for performing such audit or preparing such statement.

"(C) If a revised filing is rejected under subparagraph (B) or if a filing required under this title is not made by the date specified, no funds appropriated for the Fund with respect to which such filing was required as part of the Federal payment may be paid to the Fund until such time as an acceptable filing was required as part of the Federal payment may be paid to the Fund until such time as an acceptable filing is made. For purposes of this subpargraph, a filing is unacceptable if, within thirty days of its submission, the Congress enacts into law a joint resolution disapproving such filing.".

(n) The provisions of this section shall be effective hereafter without limitation as to fiscal year.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action includes the provisions of H.R. 3932 (98th Congress) as passed the House of Representatives on October 4, 1983 and amended by the Committee on Governmental Affairs of the Senate and further amended with two changes requested by the District government. H.R. 3932, as amended, simply modifies the District of Columbia Self-Government and Governmental Reorganization Act, commonly referred to as the Home Rule Act (Public Law 93-198 approved December 24, 1974) and brings it into conformity with the June 1983 Supreme Court decision in the case *Immigration and Naturalization Service (INS)* v. *Chadha*. In that decision, the Court held unconstitutional a provision of the Immigration and Naturalization Act that authorized either House of Congress to override a determination of the Attorney General, pursuant to delegated authority, to suspend the deportation of a resident alien. The Court concluded that Article I, section 7 of the Constitution, which requires that bills be passed by both Houses of Congress and presented to the President for signature, had not been complied with when the veto mechanism was used. A dissenting opinion provided a listing of the Acts or portions of Acts which would be affected by its decision, and included in that listing three sections of the Home Rule Act and one section of the District of Columbia Retirement Reform Act (Public Law 96-122 approved November 17, 1979). Each of these Acts includes a procedure by which Congress, without the President's approval, can reject certain actions of the District of Columbia government by simple or concurrrent resolutions of disapproval or in one instance, approve by resolution the emergency use of local police by the President for a period in excess of 30 days. In using its power, the Congress has exercised its veto over Acts of the District government only twice, even though more than 400 laws have been enacted by the District since Home Rule. However, there is a cloud over all of those laws because of the *Chadha* decision, and the District is unable to enter the commercial bond market because its bond counsel will not give the District an unqualified opinion as to the legal validity of the District's contractual debt obligation, which would be entered into in a bond or note issuance under statutory authority provided by the Home Rule Charter. Thus, the courts could find the District's contractual debt obligation to be legally invalid and the District would then be legally restricted from paying the obligations that were found to be invalid, despite its desire to make such payments.

The amended version of H.R. 3932 agreed to by the conferees will bring each of the veto provisions of the Home Rule Act into conformity with the Supreme Court's *Chadha* decision by altering the form of congressional veto action to that of a joint resolution of disapproval which, like laws, must be passed by both Houses of Congress and presented to the President for signature.

The conferees have also agreed to language requested by District officils which extends for one year the authority for the District to borrow through private placements during the transition period to the commercial bond market. This authority was originally provided in Public Law 97-105, approved December 31, 1981 and applies to general obligation bonds sold before October 1, 1984. These bonds are required to be secured by a security interest created in District revenues under section 467(a) of the Home Rule Act. Since the *Chadha* decision delayed the District's entry into the commercial bond market, it is necessary to extend the date for private placements of bonds to those sold before October 1, 1985 to give the District government a better opportunity to enter the market. The conferees have also added language which makes the provisions of section 131 permanent law and effective without limitation as to fiscal year.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language proposed by the Senate requiring the Mayor to reduce authorized appropriations and expenditures for professional and related services by $3,511,000 within the various appropriation titles. The District's budget request for professional fees, consultants and related serv-

ices reflects an increase of 23 percent above the fiscal year 1984 appropriation. The allowance recommended by the conferees provides for a funding increase of six percent in fiscal year 1985 for professional and related services. The conferees are agreed that this reduction is not to be applied to contractors providing direct services to local residents such as halfway houses and attorneys for indigents. Rather, the reduction is to be applied to those providing the city with advice and so-called consulting services.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate inserting a new section 133 designating the property located on square numbered 197, lot numbered 841, at 1125 16th Street, Northwest in the District of Columbia as "Andrei Sakharov Plaza".

Amendment No. 22: Deletes language proposed by the Senate stating certain findings by the Congress concerning drug trafficking and enforcement efforts and expressing the sense of the Congress in that regard. The conferees are concerned with drug abuse and drug related crime in the District and the fact that the District has the highest evidence of emergency room mention and deaths resulting from the use of the drug PCP. The conferees direct the government of the District of Columbia to take more aggressive action to halt illegal drug trafficking. The conferees are agreed that the Committees on Appropriations of the House and the Senate in considering further budget requests from the District of Columbia will give the highest priority to those requests for drug enforcement activities.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1985 recommended by the Committee of Conference, with comparisons to the fiscal year 1984 amount, the 1985 budget estimates, and the House and Senate bills for 1985 follow:

Federal funds

New budget (obligational) authority, fiscal year 1984	$600,811,600
Budget estimates of new (obligational) authority, fiscal year 1985	503,470,000
House bill, fiscal year 1985	639,470,000
Senate bill, fiscal year 1985	533,343,000
Conference agreement, fiscal year 1985	533,343,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1984	−67,468,600
Budget estimates of new (obligational) authority, fiscal year 1985	+29,873,000
House bill, fiscal year 1985	−106,127,000
Senate bill, fiscal year 1985	

District of Columbia funds

New budget (obligational) authority, fiscal year 1984	2,192,460,300
Budget estimates of new (obligational) authority, fiscal year 1985	2,341,962,000
House bill, fiscal year 1985	2,317,875,000
Senate bill, fiscal year 1985	2,363,375,000
Conference agreement, fiscal year 1985	2,363,128,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1984	+170,667,700
Budget estimates of new (obligational) authority, fiscal year 1985	+21,166,000
House bill, fiscal year 1985	+45,253,000
Senate bill, fiscal year 1985	−247,000

JULIAN C. DIXON,
WILLIAM H. NATCHER,
LOUIS STOKES,
CHARLES WILSON,
WILLIAM LEHMAN,
MARTIN OLAV SABO,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
BILL GREEN,
HAL ROGERS,
SILVIO O. CONTE,
Managers on the Part of the House.

ARLEN SPECTER,
PETE V. DOMENICI,
MARK O. HATFIELD,
PATRICK J. LEAHY,
DALE BUMPERS,
JOHN C. STENNIS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HAMMERSCHMIDT (at the request of Mr. MICHEL), for the week of September 24, on account of attending the 72 Conference of the Inter-Parliamentary Union

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHLERT) to revise and extend their remarks and include extraneous matter:)

Mr. GINGRICH, for 60 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mr. CRAIG, for 60 minutes, October 1, 2, 3, and 4.

Mr. WEBER, for 60 minutes, today.

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Mr. PATTERSON) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous material:)

Mr. BOLAND, for 60 minutes, on October 2.

Mr. DONNELLY, for 60 minutes, on October 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GORE, on the conference report on H.R. 3979 immediately prior to the vote.

(The following Members (at the request of Mr. BOEHLERT) and to include extraneous matter:)

Mr. PHILIP M. CRANE.

Mr. DANNEMEYER in two instances.

Mr. GINGRICH.

Mr. KEMP.

Mr. COUGHLIN.

Mr. CLINGER.

Mr. COURTER.

Mr. DAUB.

Mr. LEWIS of California.

Mr. SILJANDER.

Mr. TAYLOR.

(The following Members (at the request of Mr. PATTERSON) and to include extraneous matter:)

Mr. RICHARDSON.

Mr. LEVINE of California.

Mr. YATRON.

Mr. RAHALL.

Mr. ACKERMAN.

Mr. BONIOR of Michigan.

Mr. BEILENSON.

Mr. DELLUMS.

Mr. BERMAN.

Mr. HERTEL of Michigan.

Mr. HAMILTON.

Mr. SIKORSKI.

Mr. BARNES.

Mr. DARDEN.

Mr. CLARKE.

Mr. ROE in two instances.

Mr. SOLARZ.

Mr. LIPINSKI.

Mr. LANTOS in four instances.

Mr. MINETA.

Mr. PEPPER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2480. An act to declare that the mineral rights in certain lands acquired by the United States in connection with the Garrison Dam and Reservoir Project are held in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 718. An act for the relief of Samuel C. Willett;

H.R. 3755. An act to amend titles II and XVI of the Social Security Act to provide

for reform in the disability determination process;

H.J. Res. 554. Joint resolution to designate the week of November 11 through November 17, 1984, as "Women in Agriculture Week"; and

H.J. Res. 649. Joint resolution changing the date for the counting of the electoral votes in 1985.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1770. An act to extend the lease terms of Federal oil and gas lease numbered U-39711;

S. 2614. An act to reauthorize and amend the Indian Financing Act; and

S. 2732. An act to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, MI, as a component of the National Wild and Scenic Rivers System.

ADJOURNMENT

Mr. MACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Friday, September 28, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4076. A letter from the Secretary of Defense, transmitting the required justifications for increasing the limitation on the number of military personnel stationed in Europe, pursuant to Public Law 98-94, section 1103(b)(1)(2)(3)(4) to the Committee on Armed Services.

4077. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting notification of proposed antiterrorism assistance to one further country, Singapore, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

4078. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

4079. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notification of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4080. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in Outer Continental Shelf areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

4081. A letter from the President, Jewish War Veterans, U.S.A. National Memorial, Inc., transmitting the annual audit report for the fiscal year ended March 31, 1984, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

4082. A letter from the Adjutant General, United Spanish War Veterans, transmitting the proceedings of the stated convention of the 85th national encampment, United Spanish War Veterans, Inc., held in Jacksonville Beach, FL, September 10 to 15, 1983 (H. Doc. No. 98-266); to the Committee on Veterans' Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE: Committee of conference. Conference report on H.R. 5167 (Rept. No. 98-1080). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 591. A resolution providing for the consideration of H.R. 5492, a bill to provide for the conservation and management of Atlantic striped bass, and for other purposes. (Rept. No. 98-1081). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 592. A resolution providing for the consideration of S. 607, a bill to amend the Communications Act of 1934 (Rept. No. 98-1082). Referred to the House Calendar.

Mr. GAYDOS: Committee on House Administration. House Resolution 577. A resolution authorizing the printing as a House document of the committee print entitled "FBI Undercover Operations" (Rept. No. 98-1083). Referred to the House Calendar.

Mr. ANNUNZIO: Committee on House Administration. House Joint Resolution 482. Joint resolution to authorize the Law Enforcement Officer Memorial Fund, Incorporated, to establish a National Law Enforcement Heroes Memorial; with amendments (Rept. No. 98-1084). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee of conference. Conference report on S. 1146 (Rept. No. 98-1085). Ordered to be printed.

Mr. ADDABBO: Committee on Appropration: H.R. 6329. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes. (Rept. No. 98-1086). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL. Committee on Energy and Commerce. H.R. 6257. A bill to amend the Motor Vehicle and Information Cost Savings Act to impede those motor vehicle thefts which occur for purposes of dismantling the vehicles and reselling the major parts by requiring passenger motor vehicles and major replacement parts to have identifying numbers or symbols, and for other purposes with amendments (Rept. No. 98-1087 Pt. I). Ordered to printed.

Mr. DIXON. Committee of conference. Conference Report on H.R. 5899 (Rept. No. 98-1088). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL (for himself, Mr. HAMILTON, Mr. SOLARZ, Mr. MICA, Mr. WOLPE, Mr. SMITH of Florida, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. BROOMFIELD, Mr. WINN, Mr. GILMAN, Ms. SNOWE, Mr. YOUNG of Florida, and Mr. LEACH of Iowa):

H.R. 6311. A bill to combat international terrorism; to the Committee on Foreign Affairs.

By Mr. ROSTENKOWSKI (for himself, Mr. CONABLE, Mr. STARK, and Mr. MOORE):

H.R. 6312. A bill to amend the Internal Revenue Code of 1954 to prevent any life insurance company from taking undue advantage of the fresh-start provisions of the Tax Reform Act of 1984 through changes in business practices after 1983 with respect to policyholder dividends; to the Committee on Ways and Means.

By Mr. GREEN:

H.R. 6313. A bill to amend section 376 of title 28, United States Code, to provide that certain judicial annuities for surviving spouses shall not terminate by reason of remarriage of an annuitant after age 60; to the Committee on the Judiciary.

H.R. 6314. A bill to provide for improved mail service; to the Committee on Post Office and Civil Service.

By Mr. RUSSO (for himself, Mr. MILLER of California, Mr. SCHUMER, Mr. STARK, Mr. DOWNEY of New York, Mr. GEPHARDT, Mr. DORGAN, Mr. GUARINI, Mr. RANGEL, Mrs. KENNELLY, Mr. HANCE, Mr. MATSUI, Mr. JENKINS, Mr. FLIPPO, Mr. JACOBS, Mr. ANTHONY, Mr. FORD of Tennessee, Mr. HEFTEL of Hawaii, Mr. SMITH of Florida, Mr. OBERSTAR, Mrs. WEISS, Mr. BURTON of California, Mr. SABO, Mr. DELLUMS, Mr. MINISH, Mr. ADDABBO, Mr. MURTHA, Mr. HOYER, Mr. EDGAR, Mr. LONG of Maryland, Mr. MITCHELL, Mr. DICKS, Mr. PANETTA, Mr. COELHO, Mr. FOLEY, Mr. MORRISON of Connecticut, Mrs. BOXER, Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. MRAZEK, Mr. MCCLOSKEY, Mr. ACKERMAN, Mr. LEVIN of Michigan, Mr. KLECZKA, Mr. LOWRY of Washington, Mr. HUGHES, Mr. GEJDENSON, Mr. HEFNER, Mr. STOKES, Mr. MINETA, Mr. MCHUGH, Mr. UDALL, Mr. WHITLEY, Mr. WRIGHT, Mr. STAGGERS, Mr. RATCHFORD, Mr. SWIFT, Mr. BATES, Mr. OWENS, Mr. WHEAT, Mr. FORD of Michigan, Mr. KILDEE, Mr. GARCIA, Mr. ORTIZ, Mr. GAYDOS, Mr. ANDREWS of Texas, Mr. SLATTERY, Mr. KOLTER, Mr. COLEMAN of Texas, Mr. WOLPE, Mr. LEHMAN of California, Ms. KAPTUR, Mrs. COLLINS, Mr. FLORIO, Mr. PENNY, Mr. LONG of Louisiana, Mr. BERMAN, Mr. SHARP, Mr. KOGOVSEK, Mr. SHANNON, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. TORRES, Mr. MCNULTY, Mr. HAYES, Mrs. SCHROEDER, Mr. GORE, Mr. RICHARDSON, Mr. NOWAK, Mr. BEILENSON, Mr. VENTO, Ms. OAKAR, Mr. SPRATT, Mr. GRAY, Mr. MACKAY, Mr. CARR, Mr. MOLLOHAN, Mr. FASCELL, Mr. SISISKY, Mr. WILSON, Mr.

FOGLIETTA, Mr. MAVROULES, Mr. WILLIAMS of Montana, Mr. DASCHLE, Mr. TORRICELLI, Mr. TOWNS, Mr. LANTOS, Mr. DOWDY of Mississippi, Mr. FAZIO, Mr. LUNDINE, Mr. BEDELL, Mr. MARKEY, Mr. AUCOIN, Mr. BONKER, and Mr. CROCKETT):

H.R. 6315. A bill to prohibit the issuance in bearer form of Treasury obligations or of securities which are interests in Treasury obligations, and for other purposes; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 6316. A bill to designate certain National Forest System lands in the State of Georgia to the National Wilderness Preservation System, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. KEMP (for himself, Mr. BLILEY, Mr. SILJANDER, Mr. DEWINE, and Mr. WHITEHURST):

H.R. 6317. A bill to amend the U.S. Housing Act of 1937 to provide additional homeownership and resident management opportunities for families residing in public housing projects; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KEMP:

H.R. 6318. A bill to authorize the provision of foreign assistance for agricultural activities in Poland; to the Committee on Foreign Affairs.

By Mr. PRICE (by request):

H.R. 6319. A bill to withdraw and reserve for the Department of the Air Force certain public land within the Luke Air Force Range, Maricopa, Pima, and Yuma Counties, AZ, for use as a training and weapons testing area, and for other purposes; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

H.R. 6320. A bill to withdraw and reserve for the Department of the Army certain public lands within the Fort Wainwright maneuver area, fourth judicial district, Alaska, for use as a training and weapons testing area, and for other purposes; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

H.R. 6321. A bill to withdraw and reserve for the Department of the Army certain public lands within the Fort Greely maneuver area, in the Big Delta area, Alaska, and certain public lands within the Fort Greely air drop zone, in the Granite Creek area, Alaska, for use as training and equipment development areas, and for other purposes; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

H.R. 6322. A bill to withdraw and reserve for the Department of the Navy certain public lands within the Mojave "B" Ranges, San Bernardino County, CA, for use as a training and weapons testing area, and for other purposes; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

H.R. 6323. A bill to withdraw and reserve for the Department of the Navy certain public lands for the Bravo-20 bombing range, Churchill County, NV, for use as a training and weapons testing area, and for other purposes; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

By Mr. RAHALL (for himself, Mr. STAGGERS, Mr. MOLLOHAN, and Mr. WISE):

H.R. 6324. A bill to name the Federal Building in Elkins, WV, the "Jennings Randolph Federal Center"; to the Committee on Public Works and Transportation.

By Mr. SILJANDER:

H.R. 6325. A bill to provide for coordinated management and rehabilitation of the Great Lakes, and for other purposes; jointly, to the Committees on Science and Technology and Merchant Marine and Fisheries.

By Ms. SNOWE:

H.R. 6326. A bill to provide a deduction from gross income for individual taxpayers who maintain a household which includes a dependent of the taxpayer who suffers from Alzheimer's disease; to the Committee on Ways and Means.

H.R. 6327. A bill to amend the internal Revenue Code of 1954 to allow the dependent care credit for expenses with respect to dependents incapable of self-care without regard to whether such expenses are incurred to enable the taxpayer to be gainfully employed; to the Committee on Ways and Means.

By Mr. MURPHY:

H. Con. Res. 364. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 1904; considered and agreed to.

By Mr. FUQUA (for himself, Mr. SCHEUER, Mr. BROWN of California, Mr. WIRTH, Mr. MCCURDY, Mr. ANDREWS of Texas, Mr. MACKAY, Mrs. SMITH of Nebraska, Mr. DOWNEY of New York, Mr. PEPPER, Mr. ROE, Mr. BEDELL, Mr. MURTHA, Mr. FASCELL, Mr. MILLER of California, Mr. SMITH of Florida, Mr. MCNULTY, Mr. PENNY, Mr. GREGG, Mr. AKAKA, Mr. VENTO, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mr. ECKART, Mr. ROSE, Mr. NELSON of Florida, Mr. GORE, Mr. LUNDINE, Mr. DE LUGO, and Mrs. LLOYD):

H. Con. Res. 365. Concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to organize and obtain funding for a national STORM program; to the Committee on Science and Technology.

By Mr. LIPINSKI:

H. Res. 593. Resolution honoring the Chicago Cubs—the 1984 National League eastern division baseball champions; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GEKAS introduced a bill (H.R. 6328) for the relief of Gerald L. Clarke, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1517: Mr. SPRATT and Mr. ANDERSON.

H.R. 1676: Mr. EMERSON.

H.R. 1741: Mr. TORRICELLI.

H.R. 3078: Mr. COURTER.

H.R. 3406: Mr. MCCURDY, Mr. FRANK, Mr. MCKERNAN, Mr. D'AMOURS, Mr. GREGG, and Ms. OAKAR.

H.R. 3862: Mrs. BOXER.

H.R. 4300: Mr. SPRATT, Mr. FIELDS, Mr. MARTINEZ, Mr. FLORIO, Mr. KOSTMAYER, Mrs. SCHNEIDER, Mr. LANTOS, Mr. HUTTO, Mr. BORSKI, Mr. WAXMAN, Mr. MATSUI, Mrs. LLOYD, Mr. PEASE, Mr. HOPKINS, Mr. BONIOR of Michigan, Mr. GREGG, Mr. PANETTA, Mr. GEKAS, Mr. BONER of Tennessee, and Mrs. COLLINS.

H.R. 4459: Mr. MCKINNEY.

H.R. 4786: Mr. CONYERS, Mr. BETHUNE, and Mr. CROCKETT.

H.R. 4970: Mr. WHEAT, Mr. VENTO, Mr. RICHARDSON, Mr. LEHMAN of Florida, Mrs. JOHNSON, and Mrs. BOXER.

H.R. 5081: Mr. DARDEN, Mr. SUNIA, Mr. ANDREWS of Texas, Mr. IRELAND, and Mr. CARPER.

H.R. 5307: Mr. FISH.

H.R. 5534: Mr. TOWNS.

H.R. 5627: Mr. FISH.

H.R. 5840: Mr. ACKERMAN, Mr. BERMAN, Mr. BONIOR of Michigan, Mrs. BOXER, Mr. BORSKI, Mr. CONYERS, Mr. DAVIS, Mr. DYMALLY, Mr. DE LUGO, Mr. EDWARDS of California, Mr. FASCELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FROST, Mr. GLICKMAN, Mr. JACOBS, Mr. JONES of North Carolina, Mr. KOLTER, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LOWRY of Washington, Mr. MCHUGH, Mr. MARTINEZ, Mr. MATSUI, Mr. MITCHELL, Mr. OBERSTAR, Mr. OTTINGER, Mr. RAHALL, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ST GERMAIN, Mr. SKELTON, Mr. SMITH of Florida, Mr. STAGGERS, Mr. STUDDS, Mr. TORRICELLI, Mr. VENTO, Mr. WALGREN, Mr. WEISS, Mr. WIRTH, Mr. WISE, and Mr. YOUNG of Florida.

H.R. 5887: Ms. SNOWE, Mr. SMITH of New Jersey, Mr. YOUNG of Florida, Mr. IRELAND, Mrs. VUCANOVICH, Mr. GEKAS, Mr. ZSCHAU, and Mr. DWYER of New Jersey.

H.R. 5888: Ms. SNOWE, Mr. SMITH of New Jersey, Mr. YOUNG of Florida, Mr. IRELAND, Mr. WILLIAMS of Montana, Mrs. VUCANOVICH, Mr. GEKAS, Mr. ZSCHAU, and Mr. DWYER of New Jersey.

H.R. 5948: Mr. MCNULTY, Mr. EVANS of Illinois, Mr. MATSUI, Mr. ACKERMAN, Mr. CROCKETT, Mr. SAVAGE, and Mr. FORD of Michigan.

H.R. 6019: Mr. SHAW.

H.R. 6066: Mr. LOWRY of Washington.

H.R. 6072: Mr. LEVIN of Michigan, Mr. RICHARDSON, and Mr. KOLTER.

H.R. 6230: Mrs. COLLINS.

H.R. 6257: Mr. WALGREN, Mr. SWIFT, Mr. CORCORAN, Mr. GORE, Mr. MADIGAN, Ms. MIKULSKI, Mr. SCHEUER, Mr. BRYANT, Mr. BATES, Mr. SIKORSKI, Mr. OWENS, Mr. MARKEY, and Mr. ECKART.

H.R. 6301: Mr. MITCHELL, Mr. LIPINSKI, Mr. WISE, Mr. KILDEE, and Mr. NOWAK.

H.J. Res. 71: Mr. ENGLISH.

H.J. Res. 209: Mr. WYLIE and Mr. PICKLE.

H.J. Res. 473: Mr. BADHAM, Mr. HANSEN of Utah, Mr. GREGG, Mr. SABO, Mr. VENTO, Mr. YATRON, Mr. LANTOS, Mr. CHAPPIE, and Mr. STUDDS.

H.J. Res. 541: Mr. SPRATT and Mr. MATSUI.

H.J. Res. 565: Mr. AUCOIN, Mr. EMERSON, Mr. EVANS of Iowa, Ms. FIEDLER, Mr. HYDE, Mr. KASICH, Mr. LATTA, Mr. LEACH of Iowa, Mr. LEVITAS, Mr. MATSUI, Mr. MYERS, Mr. OWENS, Mr. SOLOMON, Mr. SILJANDER, Mr. VANDERGRIFF, and Mr. WYDEN.

H.J. Res. 609: Mr. HERTEL of Michigan and Mr. MATSUI.

H.J. Res. 610: Mr. GUARINI, Mr. WYDEN, Mr. TAUKE, Mr. YOUNG of Missouri, Mr. DOWDY of Mississippi, and Mr. MATSUI.

H.J. Res. 618: Mr. LELAND, Mr. SAVAGE, Mr. MARTINEZ, Mr. WILLIAMS of Montana, Mr. DWYER of New Jersey, Mr. WON PAT, Mr. SIMON, Mr. DYMALLY, Mr. DIXON, Mr. ACKERMAN, and Mr. PANETTA.

H. Con. Res. 123: Mr. COYNE.

H. Res. 518: Mr. BETHUNE and Mr. MARTIN of New York.

H. Res. 537: Mr. BIAGGI, Mr. BLILEY, Mr. ANDERSON, Mr. ERDREICH, and Mr. KOLTER.

H. Res. 590: Mr. LOEFFLER, Mr. VOLKMER, Mr. OXLEY, and Mr. HILLIS.

EXTENSIONS OF REMARKS

CHRISTIAN VIEW OF CENTRAL AMERICA

HON. VIN WEBER
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1984

● Mr. WEBER. Mr. Speaker, I would like to call the attention of my colleagues to "The Barren Fig Tree," a book which reappraises the Sandinista revolution from a Christian viewpoint. Sister Camilla Mullay, O.P. and Father Robert Barry, O.P., were inspired to write this account because of the extensive media coverage that Christians, actively supporting the Sandinista government, were receiving. They decided to see for themselves whether the Christian values of freedom, justice, and peace, were being realized in this war-torn country. I have submitted several chapters from their book, "The Barren Fig Tree." I believe examining their view of current events is vital for our own search for the truth in this country.

The book follows:

THE BARREN FIG TREE

(By Sister Camilla Mullay, O.P., Father Robert Barry, O.P.)

This pamphlet was inspired by accounts of North American religious, clergy and lay workers about what has happened in Nicaragua since the 1979 revolution that overthrew the oppressive dictatorship of the Somozas. It represents our own effort to study the direction of the present regime of the Sandinista National Liberation Front (FSLN), and to decide what should be our personal stance toward the North American religious movement of "solidarity with the new Nicaragua."

Statements, analyses, articles, interviews, books and lectures have flooded the United States in an effort to draw people, especially church people, into supporting the Sandininsta government. The main argument of this movement is that a Christian must support this revolutionary regime in order to stand with the poor in accord with the Gospel of liberation and justice. Many North American religious and clergy have endorsed the FSLN because they view it as having implemented Christian principles and moral teachings as set forth in Latin American liberation theology. Sojourners, the National Catholic Reporter, the Center of Concern's Focus, and Maryknoll magazines are some of the many periodicals that have published interpretations of developments in Nicaragua in a way favorable to the FSLN. They have concluded that the FSLN has a deep commitment to the "option for the poor," and is effectively attacking the sinful social structures that have caused much misery and suffering.

Nicaragua's tourist industry today consists mainly of highly organized visits by delegations from foreign churches. The typical account of a North American religious worker's pilgrimage to Nicaragua ends in testimony of personal conversion through meeting with poor Nicaraguans dedicated to the revolution; a pledge to join in prayer and to work "in solidarity with" the people of Nicaragua; and a commitment to oppose any U.S. intervention in Central America.

The explanation for the sympathy these religious visitors have for revolutionary Nicaragua often follows a pattern, which can be summarized as follows:

1. There is no contradiction between Christianity and the revolution. In fact, not only does religious freedom exist in Nicaragua—a renewed and authentic Christianity flourishes there.

2. The FSLN is, by both word and deed, a genuine advocate of the poor.

3. Opposition to the regime comes essentially from those who were deprived of their power as a result of the revolution, e.g. somocistas and some church leaders who identify with "bourgeois" interests.

4. The new regime is self-critical and humble in admitting its mistakes.

5. The main source of whatever problems now exist for Nicaragua is the Reagan Administration, which works through the reactionary contras and other counterrevolutionary elements in order to topple the Sandinista government.

Some supporters of the revolution go further. The theme that Christianity flourishes under the Sandinistas often becomes a claim that the revolutionary Marxism of the Sandinistas is the true Christianity. Father Ernesto Cardenal, Minister of Culture, explained his own spiritual evolution as the result of a visit to Cuba in 1970:

It was like a second conversion. Before then, I saw myself as a revolutionary, but I had confused ideas. I was trying to find a third way, which was the revolution of the gospel, but then I saw that Cuba was the Gospel put into practice.

For those who share this view, the only problem is how to integrate the Latin American Church more fully into the revolutionary process. Some of our Dominican brothers and sisters from various countries who visited Nicaragua in July of 1983 wrote that "many of the people profoundly lament that the majority of their official pastoral agents are not united with them nor share their interests." They strongly defended "the Christian values, attitudes and commitment to faith, hope and pardon present in the revolutionary process of the Sandinistas."

But there is another side to the story of Nicaragua. When we read the reports and statements by the Nicaraguan Catholic bishops, we hear grave criticisms about what is happening to their country. A visitor to Nicaragua today finds that many clergy share the view of the bishops. A number of credible figures—former supporters of the Sandinistas—who left Nicaragua in fear have begun to speak out: Humberto Belli, Wycliffe Diego, Jose Esteban Gonzalez, Geraldine O'Leary de Macias, Adriana Guillen. They tell about such things as the forced relocation of the Miskito Indians, about deprivation of human rights, about continued press censorship, and about a steadily-advancing government intrusion into almost every aspect of daily life. There is increasing testimony of a government-sponsored campaign against the churches, characterized by efforts to foster division and to defame official church leaders, both Catholic and Protestant, who voice any criticism of a government policy. According to The Washington Post, on June 22, 1984, Archbishop Obando y Bravo of Managua even went so far as to announce that he believes that the Sandinista government "intends to eliminate the Catholic Church in order to implant the so-called Popular Church."

The Catholic Church outside Nicaragua, especially that of North America and Western Europe, appears to be confused and divided about the meaning and direction of the Nicaraguan revolution. On the occasion of his last visit to Nicaragua theologian Henri Nouwen wrote that he was beset by unanswered questions: "Whom to believe, whom to trust, whom to learn from?" He summarized the different opinions that he heard:

Some say, "What is happening in Nicaragua is nationalism: a country trying to determine its own future." Others say, "No, it's internationalism: a country becoming the victim of Cuban-Soviet domination." Some say, "What you see in Nicaragua is the best example of a revolution in which Christian values are truly integrated." Others say, "No, it is a revolution based on atheistic principles and bent on the eradication of all religious beliefs." Some say, "What Nicaragua is trying to accomplish is a socialistic society in which all the people can equally enjoy the fruits of the land and the products of human labor." Others say, "No, Nicaragua is gradually becoming the subject of a totalitarian regime in which the state will control every part of life and in which even the little bit of freedom that existed under Somoza will be taken away."

We decided to pursue these questions. Our focus is the freedom of conscience and religious expression in its fullest meaning. We believe that religious freedom is a primary and inalienable human right—the *raison d'etre* of other freedoms. We also believe that, properly understood, the Church does have a special mission to the poor.

Are people really free in Nicaragua? Is the Church truly free in Nicaragua to pursue its full mission including its mission to the poor? We do not have the final answers to these questions—but we do have more clarity than we did before we undertook our study.

1. THE REVOLUTION: EARLY HOPES

When a broad coalition of the Nicaraguan people succeeded in overthrowing the oppressive dictatorship of Anastasio Somoza in July 1979, a great hope was born. Both in Nicaragua and in the United States, particularly among religious people, expectations arose that a new society could be built on principles of justice in a country that had suffered for too long. For many, including the Catholic bishops of Nicaragua, it seemed possible that the time had come for

a new national community whose structure would embody the Christian option for the poor.

The Catholic Church in Nicaragua had disassociated itself from the Somoza dynasty well before the revolution. Archbishop Obando y Bravo had refused to attend the inauguration of Anastasio Somoza, had declined to serve on his earthquake relief committee, and had been a pivotal figure in consolidating the opposition movement. The Nicaraguan bishops condemned abuses under Somoza in a series of pastoral letters and on June 2, 1979 they proclaimed the right of the Nicaraguan people to engage in revolutionary insurrection. Somoza's memoirs have nothing but bitter criticism for the Nicaraguan bishops, particularly Archbishop Obando. After the victorious entry of the FSLN troops into Managua, Obando took the remarkable step of celebrating a Mass of Thanksgiving in the central square.

The new government moved initially in ways that reinforced the hopes of the bishops and the Nicaraguan people. A health program was begun with a massive immunization project against polio and measles. A campaign of health education was launched, and clinics were established around the country. Soon a massive literacy campaign was also underway. Housing projects were begun to provide for the thousands of persons left homeless by the destructive civil war. The extensive property—including many factories—once owned by Somoza and his followers was nationalized. Many volunteers were needed for these immense tasks and hundreds of priests and sisters worked wholeheartedly in many different ways to carry on what was called the revolutionary process. Several Catholic priests even received ministerial posts in the government. Financial assistance both from government and private sources poured in from abroad to assist in these new programs.

In November of 1979, a few months after the overthrow of Somoza, the Nicaraguan Catholic bishops issued a pastoral letter fully endorsing the revolutionary process and exhorting all to cooperate in it:

The situation in our country today offers an exceptional opportunity for announcing and bearing witness to God's kingdom. If through fear and mistrust, through the insecurity of some in the face of any radical social change, or through the desire to defend personal interests, we neglect this crucial opportunity to commit ourselves to the poor . . . we would be in serious violation of the Gospel's teachings.[6]

At the same time, the Nicaraguan bishops' letter set forward some careful guidelines which they believed the revolution had to follow. These included:

Freedom of expression and criticism,

No "creation of a new idol before which everyone must bow down unquestioningly",

Freedom of political parties,

Continuity of existing popular democratic organizations and the possibility for new organizations to arise out of national dialogue,

The individual's right to a religious motivation, and to express this motivation and religious belief publicly, regardless of one's faith,

The right of parents to educate their children according to their convictions,

The right of people and communities to decide their own destinies,

A preference for the poor.

These criteria are not exclusively Roman Catholic, but they are central to modern Church teaching. They insist on the dignity and rights of human persons, and the need for responsible democratic participation. The Nicaraguan bishops' view of the role of the Church follows Pope John Paul II's message to the Puebla Conference of Latin American Bishops, where he stressed that "complete truth about human beings is the basis of the Church's social teaching, even as it is the basis of authentic liberation. In the light of this truth we see that human beings are not the pawns of economic or political processes, that instead these processes are geared toward human beings and subject to them."

It should therefore be clear that there was nothing reactionary or "Old Church" in the outlook of these bishops. They explicitly stated that they had no objections to socialism if it meant, "as it should, that the interests of the majority of Nicaraguans are paramount and if it includes a model of an economic system planned with national interests in mind that is in solidarity with and provides for increased participation by the people." They further affirmed: "For what we, together with most Nicaraguans, seek is a process that will result in a society completely and truly Nicaraguan, one that is neither capitalistic, nor dependent, nor totalitarian." That is to say, whatever specific form the revolutionary society might take, the bishops insisted that it be based upon democratic choice.

2. SANDINISTA EDUCATION

The first test of the Nicaraguan revolutionary government came in the field of education—an area that had been cruelly neglected under the Somoza regime. About fifty-two percent of Nicaraguans were illiterate, and the new government won worldwide applause for undertaking a massive effort to teach them basic reading and writing. The economically battered country received large donations for the literacy program from many individual countries—including the U.S.—and from the United Nations and many church bodies as well. A million basic literacy textbooks were printed, and a week-long training course was given to the young people going out to teach—among them some 60,000 high schoolers. The five-month campaign began on March 25, 1980, and news accounts reported that 110,000 youths were soon teaching 700,000 people to read and write.

Some groups within Nicaragua, however, soon began to complain that the literacy campaign was being used to indoctrinate the people in a particular political ideology. Although many groups with a variety of philosophies had participated in the revolution, only one political group was being promoted by the literacy drive. Sentences in the official primer declared that "The FSLN led the people to its liberation." And again, "The Sandinista Defense Committees defend the revolution." Father Fernando Cardenal, S.J., director of the literacy program and a leading Sandinista figure, aroused further anxieties when he responded to critics by explaining that "There is no education that is not political. An apolitical education is also political because it is purposefully isolating."

A teacher's handbook for use in the literacy campaign underscored Cardenal's point:

The National Literacy Crusade does not only attempt to teach reading and writing. It attempts at the same time to make our popular masses aware of the reality in which they have lived, and helps them discover who is their friend and who are their enemies, who are their allies and who is their vanguard.

The handbook also stressed the international character of the Sandinista revolution, and explained that Nicaragua was following in the footsteps of other countries which have "liberated" themselves: "There are many peoples—such as Cuba, Angola, Viet Nam and Nicaragua—that have triumphed in the anti-imperialist struggle."

The literacy handbook also included the Sandinista hymn, which school children are made to sing every day and which is printed on their report cards. One of its verses reads: "We fight against the Yankee, enemy of humanity." Lawrence E. Harrison, director of the USAID mission in Nicaragua from 1979 to 1981, frequently expressed concern to Sandinista officials about that line in the hymn. (At the time, the Carter Administration was providing $120 million in aid to the country, including 100,000 tons of food.) Jaime Wheelock, an influential *comandante*, assured him the word "poverty" would be substituted for "the Yankee," but the change was never made. From the beginning, Harrison also worked to have American Peace Corps teachers accepted by the new government to help with the literacy educational campaign, hoping to offset what appeared to be a massive influx of Cuban teachers. But not a single Peace Corps volunteer was accepted.

Not only was the content of the literacy program political; so was the manner in which it was organized. It soon became a mass mobilization in support of the FSLN. "It was a political promotional campaign to organize the grass-roots structure of the Sandinista Party," says one of the teachers, who once also served as coordinator of the Popular Centers of Culture. All the literacy instructors were organized into groups according to age and education level. The university students had a special responsibility to promote the FSLN organizations. The *comandantes'* speeches to them were very clear about the political purpose of the crusade; it would, they explained, be the vein of gold from which young leaders would be procured to govern the new society. The literacy crusade ended in a huge rally for its young workers. Their reward was automatic induction into the FSLN Party, and the campaign's coordinator, Father Fernando Cardenal, was later named Youth Director for both the party and the government.

There were also some reports—an omen of the future—that the purposes of the literacy program went even beyond partisan politics. When the campaign was over, the independent Managua daily *La Prensa* interviewed some of the young teachers about their experiences. Asked what they had learned during their time in the mountains, some replied that they had learned to use rifles—rifles of a Soviet make.●

THE TREATMENT OF LABORATORY ANIMALS: "SAVAGERY AND SCIENCE AND CIVILIZATION'S STAKE"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1984

● Mr. LANTOS. Mr. Speaker, Henry Mitchell in a recent article in the Washington Post raised a number of significant issues with regard to the treatment of laboratory animals. The

questions he poses are major ones that go to the basis of our civilization.

His thoughtful comments are not sentimental anger against science and research altogether, but rather serious, well-considered criticism of the way in which some research with living animals is carried out by some unthinking and uncaring researchers.

There is no question that legislation to regulate humane methods of research is needed. It is unfortunate that there are many vocal opponents, who stand in the way of such necessary and important legislation.

Mr. Speaker, I urge my colleagues in the House to give careful consideration to Mr. Mitchell's article. It raises questions all of us should think about.

[From the Washington Post, Sept. 21, 1984]

SAVAGERY AND SCIENCE AND CIVILIZATION'S STAKE

(By Henry Mitchell)

Death and unalleviated suffering are perfectly acceptable in both humans and animals—even in your favorite hound—on occasion.

Not that those are desirable things, but when they are unavoidable they do not raise feelings of disgust. Thus an old bleeding heart like me has had no trouble at all being first on the scene when young men died in car accidents. It was not pleasant, but it was neither disgusting nor traumatic to pull one of them away from his truck where the gasoline was pouring down on him. He died a few minutes later, and anyone would feel a surge of grief at a life cut short, *senselessly* as we would say.

But disgust and rage are absent.

Neither is there cause for rage when kids accidentally let your favorite hound out of his yard and he is hit by a car as you watch, and you pick him up and on the way to the vet's he struggles over on the seat to rest his head on your lap. No evil attaches to the kids or to the driver that hit him or the vet that tried to save him. The emptiness remains, but it is a condition of having been born in the first place that such events will happen not once or twice but many times and it is simple wisdom to accept them.

It is entirely different, though, if the same death or the same suffering is caused deliberately, for no sane purpose. Savagery is very much part of the nature of all humans I have ever known, and that is one reason civilized nations have gone to such efforts to restrain it or redirect it.

Most of us get through the world without murdering people or pulling wings off birds because we mutually support each other in civilized ways, but it must be a naive human indeed who has not noticed unattractive things in himself.

If we somehow miss that back-and-forth exchange with the civilized world, however, or if our laws, courts, government officials and so on slide back from civilized standards, then we or any other people allow our natural savagery to come forth, and this tension between what we think we believe and what we really are has always been the main crisis of civilization.

Almost every American, I think, would object strongly to a guy who for the sake of entertainment soaked small cats, or even large ones, in turpentine and set them afire. Civilization has insinuated itself so deeply into the national life that we may be startled to notice how civilized we really are catturpentinewise.

If, however, somebody tells us that animals are routinely tortured in laboratories, we do not for a second believe it, and we suppose the messenger is some sort of nut who perhaps is anti-science, or who is so hopelessly sentimental in the worst meaning of the word that we should avoid him in the future.

Most of us believe—though we concede there are various arguments to the contrary—that it is acceptable to conduct experiments on animals when the purpose is to advance medical knowledge, to develop new techniques (burn therapy comes to mind, for surely humans are now alive who even a few years ago would have died from burns before these sophisticated therapies were developed) and to add to serious knowledge generally.

We are convinced the government has set standards for humane treatment of laboratory animals. We believe it is the law that animals may not be tortured for frivolous reasons. We believe scientists are as humane as any other group of ordinary Americans and like the rest of us have known what it is to love a dog.

So we hear with considerable annoyance the repeated and now increasing volume of protest against practices in scientific laboratories with research animals.

At hearings this week by a congressional subcommittee chaired by Rep. George Edward Brown Jr. (D-Calif.) on the subject of legislation to regulate humane methods of research, one view was frequently expressed.

While there may have been one or two widely publicized incidents of heartless treatment in laboratories, by and large the animals are treated with tremendous concern for their sufferings. Especially in laboratories accredited by groups concerned with laboratory animals, it is virtually unheard of for animals to be mistreated, or housed badly, or otherwise made to suffer. And in those researches on animals that necessarily result in pain and death, every effort is made to insure that no animal suffers needlessly, but is given anesthetics or a humane death when recovery is not possible.

This is a highly civilized view. The only trouble with it is that it may be factually wrong.

"What evidence is there, after all, that mistreatment of laboratory animals is a problem in the first place?" This question was repeatedly asked in one form or other during the daylong session in the Longworth House Office Building.

It is a reasonable question. What evidence in fact exists?

There are reports of inspectors sent by the federal government to check routinely in laboratories. What do their reports say?

Well, I have read excerpts from many of them, and I think they say there is vast room for improvement in laboratory practices.

Unfortunately, it takes time and effort to read the reports. It takes some hours even to read the arguments submitted to the Brown hearings.

It takes time to read a report submitted to the regents of the University of California at Berkeley, a damning study of laboratory animals there, a report including interoffice confidential memoranda. It even takes time, and a stronger stomach than I possess, to view the tapes stolen from a laboratory at the University of Pennsylvania, showing primates in research on head injuries.

We by and large do not have the time to explore such questions, which do not concern us in our daily rounds. Since we do not want to hear details, we do not know details, and wind up saying there is no evidence beyond the shrill and perhaps paranoid cries of the few who protest so loudly. We turn our annoyance against the messengers, an easier thing than trying to weigh the facts, which can hardly be weighed without first hearing them.

We neither know nor wish to know the amount of money involved (detailed figures are available and suffice it to say many millions of tax dollars a year go into it) in scientific research involving animals. We do not wish to think of the extent to which researchers and universities rely on such money, and wish it to continue.

We have neither the time nor the expertise to evaluate the usefulness to science of prying a helmet off a baboon with a hammer and screwdriver after the animal, still alive, has been slammed (to use a laboratory word) to simulate the blows received by boxers or car accident victims.

I find myself unwilling to write about unsavory things, when what I really want to do is relay some enchanting anecdote about the horse in London that was in a bomb explosion but recovered, etc.

If criticism is voiced about lack of anesthetics, or failures even worse, will this not be interpreted as sentimental anger against science and research altogether? And God knows nobody wants to read it anymore than a writer wants to write it, so usually the thing is unsaid and unheard and we wind up saying there is no evidence.

There is evidence and it is sickening. Legislation is needed, and those who do not wish to concern themselves with what amounts to flamboyant sadism should at least have the grace not to obstruct the long hard thankless labors of those who have not shied from the evidence and who have at last come up with reasonable and moderate legislation. Which does not restrict any laboratory experiment, however painful or fatal, beyond requiring minimally humane methodology. It is inconceivable there can be objections.

It is also worth pointing out that the University of California and the University of Pennsylvania are not two-bit institutions. If laboratory abuses can occur there, they can occur anywhere, simply because humane care of animals takes time and money and careful administration—things always in short supply.

The tapes stolen (stealing is an important crime, needless to say) from the University of Pennsylvania lab were originally to have been shown in the Longworth Building, but governmental objections prevailed and they were shown at St. Mark's Church. I sat still for about five minutes of them, noticing the rather pretty windows over the altar full of angels making music. The tapes were shown a few feet in front of the altar, though the site is irrelevant. The language of the laboratory experimenters, ("he's going to bite your . . .," etc.) is excusable on the grounds that what was being done would naturally arouse anxiety and be reflected in words appropriate for uneasy men.

All the same, I left, thinking it probably an esthetic error to vomit in a sanctuary.●

TRIBUTE TO A NATIONAL PARK PLANNER

HON. JOHN F. SEIBERLING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1984

● Mr. SEIBERLING. Mr. Speaker, there are few places in the United States that give people more pleasure than our national parks, including the urban national recreation areas that grace a number of our larger cities.

One person whose creativity and vision has helped make these parks so special is Theodore R. (Tedd) McCann, a park planner who is retiring this week from the National Park Service, after 30 years of Government service.

Tedd has actually had several careers, beginning as an artist who trained in fine arts at the Chicago and Corcoran art schools and graduated with a degree in art history and painting from the George Washington University, Washington, DC. He was a graphics designer for the U.S. Air Force during the Korean war and for the Bureau of Reclamation from 1957 to 1960.

After heading his own house restoration business in Washington, DC, and Alexandria, VA, Tedd joined the National Park Service in 1963 as a professional art director. He helped Mr. Vince Gleason put together a graphics and cartography unit in the publications office; it later received a gold medal from the First Federal Design Assembly, which hailed it as the best in Government.

URBAN PARKS

In the fall of 1967, NPS Director George Hartzog set up an Office of Urban Affairs, and Tedd worked on a number of projects, including the then-proposed Wolftrap Farm Park, the Georgetown Waterfront, Fort Lincoln, Indiana Dunes National Lakeshore, Delaware Water Gap National Recreation Area, and the Jefferson National Expansion Memorial.

In 1968, Tedd and designer Russell Wright created and developed the "Summer in the Parks" program here in Washington, DC, which became one of the most successful urban park programs in the United States and one that was used as a model for similar programs in Federal, State, and local parks throughout the country.

At the close of the first season of "Summer in the Parks," Tedd was sent on a factfinding trip to over 30 American cities to report on urban problems and urban park programs. Many of his recommendations for new programs were adopted.

In 1969, Tedd was chosen to be a member of the planning team which, in just 11 weeks time, came up with a plan and proposed legislation to establish the Gateway National Recreation Area in New York/New Jersey. The next year he was sent to San Francisco to help produce a similar study for the Golden Gate National Recreation Area. The two urban national recreation areas were subsequently established by the Congress in 1972.

CUYAHOGA VALLEY

My first encounter with Tedd was in 1971, when Tedd was chosen by Secretary of the Interior Rogers Morton to head up a team to study the feasibility and desirability of establishing a new urban national recreation area in the Cuyahoga Valley between Akron and Cleveland, OH. The preservation of the valley as a park had been recommended by planners as far back as 1926, when a study was carried out by the firm founded by Frederick Law Olmsted. In the late 1960's the State of Ohio had begun working to help create such a park but it lacked the ability to do it on the scale that was needed. In 1971 I introduced a bill to create a national park unit in the area, but the legislation was stymied without a detailed plan, and with no precise boundaries and guidelines for its future development.

Tedd and two other planners first visited the valley in July 1971. He later told me that they were not enthusiastic about the assignment, and just figured they had to go because "some politician from Ohio" wanted them to look at "what was obviously a dog." They were prepared to come out and take a quick look at it and say that it wasn't worth making it into a park. However, they came out and drove up and down the valley and were absolutely amazed. They stayed not just one day but three, and went everywhere they could and took dozens of pictures. Indeed, Tedd became so enthusiastic, at a time when his Park Service superiors at the time were not, that it probably hurt his career.

Nevertheless, Tedd and his planning team made many visits to the area, and prepared a study, printed in April 1973, that was sensitive to both the natural and cultural resources of the area. It was also beautifully written, with a clarity and lyrical quality seldom found in Government reports. The Cuyahoga Valley, located in this highly industrialized area of northeast Ohio, was described as a "green-shrouded miracle." The report further noted that growth patterns and trends revealed that the "urban noose is tightening around this already captive segment of the river," and that the area between Akron and Cleveland would soon "become as urbanized as the older central cities." The report further noted that coordinated regional planning in the area was "embryonic," that interest in collective action among Federal, State and local agencies was "high" and that a committed Federal presence was "desparately needed."

On December 27, 1974, the legislation establishing the Cuyahoga Valley National Recreation Area was enacted into law. The boundaries had been expanded to include a number of additional areas, including several State and local park units that were not slated for acquisition by the National Park Service. However, the basic concept of the recreation area has remained the same as it was over a dozen years ago. It is, indeed, a "green-shrouded miracle."

OTHER PARK PLANS AND PROJECTS

Since then, Tedd has worked on a variety of other park plans and projects, including early studies of the Lowell National Historical Park, MA; Chattahoochee River National Recreation Area GA; Santa Monica Mountains National Recreation Area, CA; and Ellis Island and Statue of Liberty National Monument, NY. His plans led to the inclusion of Glen Echo Park, MD, into the National Capital Parks. His study of President Roosevelt's summer home in Warm Springs, GA, has been used to help assist protection of that unique area by the State. He also did a feasibility study of Rockefeller estate in Pocantico Hills, NY, participated in a study of potential black historic sites throughout the country and worked on several general studies of urban parks and recreation programs. Most recently, he has been working on the management plan for the Women's Rights National Historical Park, NY.

Other accomplishments include his work in the early 1970's in helping to negotiate the first agreements with the National Park Service and the National Folk Festival Association and American Crafts Council. His concept for a Parks, Arts and Leisure Conference in 1972 was later instituted by the National Endowment for the Arts and the National Parks & Recreation Association. The same year, several of his ideas for bicentennial programs were developed and subsequently adopted by the American Revolution Bicentennial Commission.

One of his earliest achievements was in developing the first sign standards program of the National Park Service in 1966. He also conceived the idea and developed the "mini-folder" which resulted in actual savings of hundreds of thousands of dollars to the Park Service. Many of the park folders he designed are still in use.

An excellent photographer, Tedd has produced a number of outstanding audio-visual presentations over the years. He has also written several articles on park issues, particularly urban parks, and has given talks to university classes and meetings of park and planning organizations. In 1972, he represented the National Park Service in New York City at the sesquicentennial year celebration of the birth of

Frederick Law Olmsted, the father of landscape architecture in the United States. Tedd has also provided technical assistance to other Federal, State and local park agencies and organizations.

COMMUNITY LEADER

In addition to his National Park Service career, Tedd has been a community leader and activist here in Washington. A resident of Takoma, DC, he is an active member of Neighbors, Inc., an organization dedicated to fostering and maintaining integrated neighborhoods. During the mid-1970's, he volunteered his talents to help the Takoma neighborhood work with city planners to develop a comprehensive plan for the area around the Takoma Metrorail station. The plan was subsequently adopted by city agencies and many of its recommendations, such as for rezoning and historic district designation of the area, were later implemented. More recently, Tedd served on a transportation task force which prepared a comprehensive transportation plan for the area.

Tedd has also served as a member of the board of Historic Takoma, and organization encompassing both Takoma, DC, and Takoma Park, MD. For several years he was a member of the coordinating committee for the annual Takoma Park Folk Festival, and he designed and constructed the booths and displays which the festival still uses. An avid gardener, Tedd is currently treasurer of the Takoma Park Horticultural Society. He is also a member of several city-wide organizations, including the prestigeous Committee of 100 on the Federal City, the oldest citizens planning organization in Washington, DC.

For all these reasons Tedd deserves recognition. He represents the best of what a Federal employee can be—innovative, hardworking and dedicated to pursuing excellence in his career while also sharing his talents and experience with his community. I'm sure he will continue his outstanding work in his private life, and I certainly wish the best of luck to him in the future.●

SUCCESS STORY: WESTINGHOUSE AT WEST VALLEY

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1984

● Mr. LUNDINE. Mr. Speaker, as a member of the Science and Technology Committee, I just made a visit to the West Valley demonstration project. From what I saw, a recent article in The Buffalo News accurately reflects the kind of successful recovery which can happen when concerned Americans make up their minds to correct a neglected problem.

I refer to the complex task of handling nuclear waste accumulated since 1966 from abandoned nuclear fuel reprocessing at West Valley, NY.

The article entitled "West Valley To Test Conversion Process for Nuke Waste" is well worth our attention, and I compliment the News for its story. Among other things, the article reports that the West Valley project in the past 2½ years has: Attracted the attention of nuclear experts worldwide: "The West Valley demonstration project is visited frequently by Belgian, French, German, and Japanese persons involved in nuclear waste management." Made progress in decontaminating "highly radioactive key work areas," received an award from the Department of Energy for surpassing Federal safety standards, and brought to West Valley a new kind of "melter" by which "nearly 600,000 gallons of highly radioactive waste stored here will be blended, melted and poured into borosilicate, glasslike logs, for long-term storage."

The work is being done by the West Valley Nuclear Services Co., a subsidiary of Westinghouse, under contract with the Department of Energy.

The project is an example of problem solving with U.S. know-how at its best, and the eyes of the world are on us.

The news article coincidentally is evidence of the project's open information policy which helps dispel anxieties nurtured by the kind of secrecy imposed upon West Valley operations in earlier years.

I ask unanimous consent that the Buffalo News article of August 2 be placed at this point in the RECORD.

[From the Buffalo News, Aug. 2, 1984]

WEST VALLEY TO TEST CONVERSION PROCESS FOR NUKE WASTE

(By Bob Buyer)

WEST VALLEY.—Before the end of the year, technicians at the West Valley Nuclear Services Co. expect to begin testing the process by which nearly 600,000 gallons of highly radioactive nuclear waste stored here will be blended, melted and poured into borosilicate, glasslike logs, for long-term storage.

The testing will be with nonradioactive materials and the newly designed melter that has just arrived here at the federally funded West Valley Demonstration Project.

The conversion of the radioactive waste is not scheduled to start until 1988, said James E. Krauss, the service's technical director.

When it does start, the new melter is designed to fill one stainless steel storage canister every 36 hours until an estimated 300 are filled, Mr. Krauss said. Each canister will contain a glass log 10 feet long and 2 feet in diameter.

The canisters, in turn, temporarily will be stored in a still undesignated location, pending the scheduled development of a permanent storage area. Congress has set 1998 as the date for the readiness of a permanent storage area, said Troy E. Wade II, manager of the Department of Energy's Idaho Operations Office.

Specialists now are evaluating seven areas in Louisiana, Mississippi, Nevada and Washington so that the secretary of energy can designate three areas for preparation as permanent storages for the highlevel radioactive waste, Mr. Wade added.

Recommending a New York area for storing the continuing flow of New York-generated low-level wastes (gloves, clothing, hospital and laboratory materials) will be a task assigned to the state Department of Environmental Conservation if a pending state bill is approved this fall.

Commissioner William Cotter of the state Energy Office said a time problem is involved, because states will be responsible for handling their radioactive wastes after January 1986.

Conceivably, West Valley could be designated either as a temporary area for aboveground storage of these materials or as a permanent site, he said.

In fact, no one has been looking at sites because the Legislature has yet to pass the bill setting up the procedure, the commissioner said.

Mr. Wade, Mr. Cotter, Leo P. Duffy, manager of Westinghouse's Waste Technology Services, and others involved in the project were in West Valley for a project were in West Valley for a project review and a showing of the new melter.

Dr. William H. Hannum, the Energy Department resident director at West Valley, told the assemblage "that the basic technology for handling highly radioactive materials already exists. We must not be afraid to use it."

Mr. Krauss said the melter and canister-containing turntable below it will be placed in a 35-foot-deep area in a new building. The just-erected test building may or may not be the final melter building.

The radioactive liquid waste, product of a nuclear fuel cell reprocessing or cleansing process halted a decade ago, will be piped from its current underground storage about 100 yards away to the electrically heated melter.

Mr. Krauss said the West Valley method of converting liquid waste directly into the glasslike logs is new and differs from the French method that goes from liquid to powder before the glass stage.

M. Bruce Boswell, president of West Valley, said his team of scientists and engineers in 2½ years has developed "unmatched expertise" in nuclear-waste management. The West Valley Demonstration Project is visited frequently by Belgian, French, German and Japanese persons involved in nuclear-waste management.

Mr. Boswell accepted an award from the Energy Department recognizing West Valley's safety record, which surpassed federal standards.

Currently, the West Valley project employs about 400 persons. Ultimately 450 may work there.

Since October, technicians have been decontaminating working areas of the former Nuclear Fuel Services plant. Of three highly radioactive key work areas, one has been partially cleansed and work on a second is about to start.

Unprocessed and radioactive nuclear fuel cells stored in the project's "swimming pool" are being removed regularly and returned to utility owners in Illinois and Wisconsin.

When all are gone, the pool will be used in the conversion process.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 27, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 28

9:00 a.m.
Governmental Affairs
To hold oversight hearings on the Sergeant York air defense gun and the defense systems acquisition review council process.
SD-342

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2932, authorizing funds for fiscal years 1985 and 1986 for programs of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.
SR-253

Finance
Health Subcommittee
To resume hearings to examine how to ensure quality health care for low-income persons.
SD-215

Foreign Relations
To hold hearings on proposed legislation authorizing supplemental funds for fiscal year ending September 30, 1985, for security assistance programs.
SD-419

Joint Economic
Monetary and Fiscal Policy Subcommittee
To continue hearings to examine certain policies to reduce the cost of the Federal Government.
SD-628

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

10:30 a.m.
Conferees
On H.R. 2867, to authorize funds and revise certain provisions for hazardous-waste control and enforcement under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act [RCRA]
S-207, Capitol

2:00 p.m.
Select on Indian Affairs
Business meeting, to markup S. 2879, to provide for cooperation between the Federal Government and Indian tribes with respect to the regulation of coal-mining operations on Indian reservation lands and the acquisition and reclamation of abandoned mines on such land.
S-205, Capitol

OCTOBER 1

9:30 a.m.
Special on Aging
To hold oversight hearings on alleged discrimination against the poor and disabled in nursing homes.
SD-628

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to investigate certain activities of the video-gambling industry, focusing on the alleged involvement of organized crime and the potential for public corruption.
SD-342

10:30 a.m.
Judiciary
Administrative Practice and Procedure Subcommittee
To hold joint hearings with the Joint Economic Committee's Subcommittee on International Trade, Finance, and Security Economics to examine investigation management procedures by the Department of Justice of certain Navy shipbuilding claims.
SD-226

Joint Economic
International Trade, Finance, and Security Economics Subcommittee
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Administrative Practice and Procedure to examine investigation management procedures by the Department of Justice of certain Navy shipbuilding claims.
SD-226

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on air-traffic-control systems.
SR-328A

Finance
Health Subcommittee
To hold hearings to review the current method of financing medical education costs under the medicare program.
SD-215

Conferees
On S. 979, to improve the enforcement of export administration laws.
Room to be announced

OCTOBER 2

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2471 and S. 2949, bills to convey Federal land to the State of Utah.
SD-366

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on the funding of Alzheimer's research and respite care.
SD-430

10:00 a.m.
Governmental Affairs
To resume hearings on S. 1746, to allow the Federal Government to freely procure certain goods and services from the private sector.
SD-342

OCTOBER 3

9:30 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on State lotteries.
SD-342

Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine the causes and effects of teenage suicide.
SD-226

CANCELLATIONS

SEPTEMBER 27

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings on the state of the U.S. copper industry.
SD-215